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U. S. Congress

CONGRESSIONAL RECORD:

CONTAINING

THE PROCEEDINGS AND DEBATES

OF THE

SIXTY-THIRD CONGRESS, SECOND SESSION.

VOLUME LI.

WASHINGTON
1914

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VOLUME LI, PART XII.

CONGRESSIONAL RECORD,

SIXTY-THIRD CONGRESS, SECOND SESSION.

SENATE.

WEDNESDAY, *July 1, 1914.*

The Senate met at 11 o'clock a. m.

The Chaplain, Rev. Forrest J. Prettyman, D. D., offered the following prayer:

Almighty God, we make mention of Thy name as we face our daily tasks, because Thou art the strength and glory of this great Nation. We would write Thy name into the record of this Nation's life, because Thou art our dependence and our hope. Every cherished memory has been inspired by Thy touch upon human life. Every aspiration that comes into our hearts is a part of the perfect gift from Thy hand. We pray Thee to guide us this day in the discharge of the duties of the day. Give us hearts responsive to the Divine will. May the issue of every policy of government and of every law enacted be for the furtherance of Thy kingdom and the glory of Thy name. For Christ's sake. Amen.

The Journal of yesterday's proceedings was read and approved.

Mr. GALLINGER. Mr. President, I suggest the absence of a quorum.

The VICE PRESIDENT. The Secretary will call the roll.

The Secretary called the roll, and the following Senators answered to their names:

Ashurst	Hollis	Page	Stone
Bankhead	Jones	Poindexter	Swanson
Brady	Kenyon	Pomerene	Thomas
Bristow	Kern	Ransdell	Thompson
Bryan	Lane	Reed	Thornton
Burton	Lea, Tenn.	Root	Townsend
Catron	McCumber	Saulsbury	Walsh
Chamberlain	Martin, Va.	Shafroth	Warren
Chilton	Martine, N. J.	Sheppard	Weeks
Clapp	Nelson	Shields	White
Cummins	Newlands	Simmons	Williams
Dillingham	Norris	Smith, Ga.	Works
Fletcher	O'Gorman	Smith, Mich.	
Gallinger	Oliver	Smoot	
Hitchcock	Overman	Sterling	

Mr. KERN. I desire to announce the unavoidable absence of the Senator from Mississippi [Mr. VARDAMAN] on account of important business. This announcement may stand for the day.

Mr. SMITH of Georgia. I wish to announce that the Senator from Georgia [Mr. WEST] is confined to his house by sickness. He will probably be confined there for several days.

Mr. CHILTON. I wish to announce the necessary absence of the Senator from New Mexico [Mr. FALL]. He is paired with me. I will let this announcement stand for the day.

The VICE PRESIDENT. Fifty-seven Senators have answered to the roll call. There is a quorum present. The presentation of petitions and memorials is in order.

PETITIONS AND MEMORIALS.

Mr. THOMPSON. I am in receipt of a large number of telegrams and petitions from hundreds of citizens of Kansas, urging action on the so-called Sheppard-Hobson resolution for national prohibition. I have selected one from Bishop Shepard which I should like to have read at the desk.

There being no objection, the telegram was read and referred to the Committee on the Judiciary, as follows:

[Telegram.]

ABILENE, KANS., *June 30, 1914.*

Hon. W. H. THOMPSON,
Senate Chamber, Washington, D. C.:

Convention Methodist district superintendents and church workers, representing a membership of 146,876 and a constituency of a half million, petition the passage of the Sheppard-Hobson resolution, and urge Kansas representatives to support the same.

W. O. SHEPARD, *Bishop.*
EDWIN LOCKE, *Secretary.*

Mr. THOMPSON presented petitions and telegrams in the nature of petitions from sundry citizens of Kansas, praying for the adoption of an amendment to the Constitution to prohibit the manufacture, sale, and importation of intoxicating beverages, which were referred to the Committee on the Judiciary.

Mr. HITCHCOCK presented a memorial of the Nebraska State Pharmaceutical Association, remonstrating against the adoption of the so-called Pomerene amendment to the antinarcotic bill, which was ordered to lie on the table.

Mr. SMOOT. I present resolutions adopted at a regular meeting of the Manila Merchants' Association, relative to trade relations between the Philippine Islands and the United States. I ask that the resolutions may be printed in the RECORD and referred to the Committee on Pacific Islands and Porto Rico.

There being no objection, the resolutions were referred to the Committee on Pacific Islands and Porto Rico and ordered to be printed in the RECORD, as follows:

RESOLUTIONS ON TRADE RELATIONS BETWEEN THE PHILIPPINE ISLANDS AND THE UNITED STATES.

Whereas the Congress of the United States embodied in the recently enacted tariff bill a provisions which effects in the present year a reduction in the rates of duty on sugar imported into the United States and abolishes in 1916 all duty on this commodity; and

Whereas this law removes practically the last advantage possessed by the Philippine Islands in supplying its chief products to the United States and puts this country on almost the same basis as foreign countries in this respect; and

Whereas the interests and the economic future of these islands will be severely prejudiced and injured by this legislation, which provides no benefits to compensate for the loss of a protected market for our sugar, but retains for United States products and manufactures the same advantages over those of foreign countries in Philippine markets that they have heretofore possessed: It is therefore

Resolved, That this association submit a statement of facts which is as follows: In 1909 Congress enacted a tariff law containing a provision under which all articles, excepting rice, the growth or product of the Philippine Islands, and all manufactures containing not to exceed 20 per cent in value of foreign material, were to be admitted free of duty; except that the amount of sugar and tobacco that might be so admitted in any one year was limited as to quantity. At the same time as compensation the law provided that all articles the growth, product, or manufacture of the United States were to be admitted free into the Philippine Islands without restriction or limitation of any kind. Under this law Philippine sugar and cigars, together with products of household industry such as embroideries and native straw hats, received a measure of protection that stimulated production, and, especially in the case of sugar, prompted capital to investigate and develop the sugar-cane producing sections of the islands. Results have shown that American trade here has been greatly increased through the protection afforded United States goods of practically every description.

In the fiscal year 1909, before the bill went into effect, the imports into the Philippine Islands from the United States were $4,696,000 in a total of $27,794,000, or 16.9 per cent. In the fiscal year 1913 they were $25,646,000, or 42.5 per cent. Thus while total imports in 1913 were slightly more than double those of 1909, imports from the United States were five and one-half times as great. Without free access to Philippine markets the United States, after 11 years of control, sold here about $5,000,000 of merchandise per annum. After four years of advantage due to free trade its sales were increased $21,000,000. It is readily apparent that the benefits accruing to the United States from this reciprocal trade legislation were far greater, measured by direct returns, than those realized by the Philippines. Yet it was believed that Philippine sugar would have so decided an advantage by reason of this free trade over foreign countries in the vast market of the United States that the benefits soon would be equalized. In the tariff bill enacted last year the existing limitations on our sugar and tobacco were removed, but the Congress also provided for abolishment in the United States of the import duty on sugar, thus taking away the advantage this protection had given and leaving us with tobacco alone among our leading products from which to secure, through free access to that market, compensation for the protection afforded in these islands to practically all American products and manufactures.

Our principal exports are represented by four products, viz, hemp, copra, sugar, and tobacco. In the last fiscal year these comprised 93.12 per cent of the total. Hemp and copra are not subject to an import duty in the United States, and that on sugar is soon to be abolished, leaving tobacco and a few minor products, comprising last year in all but 17 per cent of exports, the only ones that will have any advantage in the United States by reason of free access to the markets there. This condition is obviously unfair to these islands and does not comport with the traditional justice of the American Nation and generous character of the American people.

In order that attention may be directed to it, an action whereby the wrong can be righted is here suggested: and it is further

Resolved, That this association petition, and it does hereby petition, the Congress to enact, and the President to approve, a law that shall modify the present tariff law of the United States by restoring the duty on sugar and imposing such duty on other articles not now subject to duty that are produced in these islands or that they are adapted successfully to produce as will serve as an incentive to the development of industry here, the growth of commerce, and the economic rejuvenation of the Filipino people.

In support of this petition we submit that it would but equalize the benefits derived from reciprocal trade relations between the two countries, and that the United States would profit in full measure with these islands from the increased commerce and the enhanced prosperity that would of certainty follow.

Under the existing tariff laws practically all products that are exported or might be exported from the United States to the Philippine Islands are subject to duty here when imported from foreign countries. But of articles such as these islands produce or are capable of producing practically all enter the United States from all sources free of duty. In its trade with the countries that supply the major portion of such products the United States suffers an unfavorable balance of nearly $400,000,000 each year, while in its trade with these islands the balance is largely in favor of the United States. Were there a moderate duty in that country on such articles as cocoa, coffee, fibers, rubber, raw silk, sugar, tea, tobacco, etc., the effect would naturally be to attract capital to those industries in the Philippine Islands, for, other things being equal, it would be more profitable to produce them here to supply the American demand than in countries not having free access to the markets there. At the same time increased production in these islands would mean an enlarged purchasing power for the Filipino people which would necessarily be reflected in a corresponding increased trade for the United States, and this would serve to reduce in equal measure the balance against the United States in its trade with other tropical or semitropical countries.

It is obvious that were the United States obtaining from its own territory the articles above enumerated there would be available to it a compensating trade subject directly to its control. It would then be in a position to effect a profitable exchange of its manufactures and Temperate Zone foodstuffs for the tropical products required by its people, thus securing at one and the same time control of a market and of a source of supply; and it is further

Resolved, That copies of these resolutions be sent to the President of the United States, to the Secretary of War, and other members of

the Cabinet; to the Senators and Representatives composing the Congress of the United States, to the Governor General of the Philippine Islands, to members of the commission, and to the speaker of the Philippine Assembly.

A true copy of resolutions passed at regular meeting of the Manila Merchants' Association, held April 21, 1914.

MANILA MERCHANTS' ASSOCIATION,
By H. M. PITT, *President*.

Attest:

P. L. BRYANT, *Secretary*.

Mr. NELSON presented petitions of sundry citizens of Minnesota, praying for the adoption of an amendment to the Constitution to prohibit the manufacture, sale, and importation of intoxicating beverages, which were referred to the Committee on the Judiciary.

He also presented memorials of sundry citizens of Minnesota, remonstrating against the adoption of an amendment to the Constitution to prohibit the manufacture, sale, and importation of intoxicating beverages, which were referred to the Committee on the Judiciary.

He also presented a petition of the State Association of Letter Carriers, of St. Paul, Minn., praying for the enactment of legislation granting pensions to civil-service employees, which was referred to the Committee on Civil Service and Retrenchment.

Mr. WEEKS presented a resolution of East Attleboro Aerie, No. 1649, Fraternal Order of Eagles, of East Attleboro, Mass., favoring the enactment of legislation to provide for the retirement of superannuated civil-service employees, which was referred to the Committee on Civil Service and Retrenchment.

Mr. SHIVELY presented petitions of sundry citizens of Gary, Waterloo, Pendleton, Richmond, Greenfield, Greencastle, Judson, Anderson, Lafayette, Connersville, Crawfordsville, Evansville, Valparaiso, Shelbyville, Logansport, and Indianapolis, all in the State of Indiana, urging Federal legislation for woman suffrage, which were ordered to lie on the table.

He also presented memorials of Nick Schwartz, Harry Brazier, Frank Nelson, and 39 other citizens, of Vanderburg, Allen, Marion, and Dearborn Counties, all in the State of Indiana, remonstrating against national prohibition, which were referred to the Committee on the Judiciary.

He also presented a petition of sundry citizens of Vallonia, Ind., praying for national prohibition, which was referred to the Committee on the Judiciary.

Mr. GALLINGER presented petitions of the Young People's Society of Christian Endeavor, of Manchester; of the congregation of the Methodist Episcopal Church of Keene; and of sundry citizens of Pittsburg, all in the State of New Hampshire, praying for national prohibition, which were referred to the Committee on the Judiciary.

Mr. NORRIS presented a petition of the congregation of the Methodist Episcopal Church of Fairmont, Nebr., praying for national prohibition, which was referred to the Committee on the Judiciary.

Mr. LANE presented a memorial of Local Branch, United National Association of Post Office Clerks, of Portland, Oreg., remonstrating against the summary dismissal of certain employees of the Post Office Department, which was referred to the Committee on Post Offices and Post Roads.

Mr. KERN presented resolutions adopted by the Chamber of Commerce of Hammond, Ind., favoring the enactment of legislation to provide for the retirement of superannuated civil-service employees, which were referred to the Committee on Civil Service and Retrenchment.

He also presented memorials of sundry citizens of Lawrenceburg and Evansville, in the State of Indiana, remonstrating against the adoption of an amendment to the Constitution to prohibit the manufacture, sale, and importation of intoxicating beverages, which were referred to the Committee on the Judiciary.

Mr. NEWLANDS presented memorials of sundry citizens of Nevada, remonstrating against the adoption of an amendment to the Constitution to prohibit the manufacture, sale, and importation of intoxicating beverages, which were referred to the Committee on the Judiciary.

He also presented petitions of sundry citizens of Fallon and Carson City, in the State of Nevada, praying for the adoption of an amendment to the Constitution granting the right of suffrage to women, which were ordered to lie on the table.

Mr. CHAMBERLAIN presented petitions of sundry citizens of Portland, Oreg., praying for the adoption of an amendment to the Constitution granting the right of suffrage to women, which were ordered to lie on the table.

He also presented a petition of sundry citizens of Dayton, Oreg., praying for the adoption of an amendment to the Constitution to prohibit the manufacture, sale, and importation of intoxicating beverages, which was referred to the Committee on the Judiciary.

Mr. OLIVER presented a petition of Flax Dressers' Local Union, No. 694, of Paterson, N. J., praying for the restoration of the duty on dressed flax, which was referred to the Committee on Finance.

Mr. LIPPITT presented a petition of the congregation of the Washington Park Methodist Episcopal Church, of Providence, R. I., favoring national prohibition, which was referred to the Committee on the Judiciary.

REPORTS OF COMMITTEES.

Mr. HITCHCOCK, from the Committee on Military Affairs, to which was referred the bill (H. R. 14925) for the retirement of H. R. Drake, reported it without amendment and submitted a report (No. 634) thereon.

Mr. SHIVELY, from the Committee on Pensions, to which was referred the bill (H. R. 15959) granting pensions and increase of pensions to certain soldiers and sailors of the Regular Army and Navy, and certain soldiers and sailors of wars other than the Civil War, and to widows of such soldiers and sailors, reported it with amendments and submitted a report (No. 635) thereon.

BILLS INTRODUCED.

Bills were introduced, read the first time, and, by unanimous consent, the second time, and referred as follows:

By Mr. WARREN:

A bill (S. 6020) to ratify, approve, and confirm an act duly enacted by the Legislature of the Territory of Hawaii, relating to the franchise of the Honolulu Rapid Transit & Land Co., extending such franchise and otherwise amending the laws relating thereto (with accompanying papers); to the Committee on Pacific Islands and Porto Rico.

By Mr. JONES:

A bill (S. 6021) to secure uniformity in the award of medals of honor and rewards for distinguished service in the Army, Navy, Marine Corps, and the Revenue-Cutter Service; to the Committee on Naval Affairs.

By Mr. GALLINGER:

A bill (S. 6022) granting a pension to Daniel F. Healy; and

A bill (S. 6023) granting a pension to Emma S. Rowe (with accompanying papers); to the Committee on Pensions.

By Mr. HUGHES:

A bill (S. 6024) fixing the compensation of inspectors of customs, and for other purposes; to the Committee on Finance.

AMENDMENTS TO THE SUNDRY CIVIL APPROPRIATION BILL.

Mr. BRADY submitted an amendment proposing to appropriate $25,000 to make field experimental demonstrations for the purpose of utilizing by-products of the several species of trees grown in the United States and of the stumps and roots of "logged-off" lands, etc., intended to be proposed by him to the sundry civil appropriation bill, which was referred to the Committee on Appropriations and ordered to be printed.

Mr. LANE submitted an amendment proposing to increase the appropriation for the protection and improvement of Crater Lake National Park, Oreg., from $7,540 to $12,540, intended to be proposed by him to the sundry civil appropriation bill, which was referred to the Committee on Appropriations and ordered to be printed.

Mr. FLETCHER submitted an amendment proposing to amend the act of March 1, 1911, providing for the establishment of a marine biological station, Florida, etc., intended to be proposed by him to the sundry civil appropriation bill, which was referred to the Committee on Appropriations and ordered to be printed.

Mr. CLAPP submitted an amendment proposing to appropriate $25,000 for the condemnation of small park areas at the intersections of streets outside the limits of the original city of Washington, etc., intended to be proposed by him to the sundry civil appropriation bill, which was referred to the Committee on Appropriations and ordered to be printed.

FEDERAL TRADE COMMISSION.

Mr. WILLIAMS submitted three amendments intended to be proposed by him to the bill (H. R. 15613) to create an interstate trade commission and to define its powers and duties, and for other purposes, which were ordered to lie on the table and be printed.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. J. C. South, its Chief Clerk, announced that the House further insists upon its amendment to the amendment of the Senate No. 1 to the bill (H. R. 15279) making appropriations for the legislative, executive, and judicial expenses of the Government for the fiscal year ending June 30, 1915, and for other purposes, further insists upon its disagreement to the amendment of

the Senate No. 30, asks a further conference with the Senate on the disagreeing votes of the two Houses thereon, and had appointed Mr. JOHNSON of South Carolina, Mr. BYRNS of Tennessee, and Mr. GOOD managers at the conference on the part of the House.

The message also announced that the House insists upon its amendment to the bill (S. 110) to regulate trading in cotton futures and provide for the standardization of "upland" and "gulf" cottons separately, disagreed to by the Senate, agrees to the conference asked for by the Senate on the disagreeing votes of the two Houses thereon, and had appointed Mr. LEE of Georgia, Mr. LEVER, and Mr. HAUGEN managers at the conference on the part of the House.

The message further announced that the House had passed a bill (H. R. 8593) amending the building regulations of the District of Columbia by providing for the better protection of persons engaged in and about the construction, repairing, alterations, or removal of buildings, bridges, viaducts, and other structures, in which it requested the concurrence of the Senate.

ENROLLED BILL SIGNED.

The message also announced that the Speaker of the House had signed the enrolled bill (S. 751) to repeal section 3480 of the Revised Statutes of the United States, and it was thereupon signed by the Vice President.

INTERNATIONAL CONGRESS ON HOME EDUCATION.

The VICE PRESIDENT. The morning is closed.

Mr. STONE. Mr. President, I beg pardon of the Chair and the Senate, before the morning business is concluded I am authorized by the Committee on Foreign Relations, to which was referred the joint resolution (S. J. Res. 157) requesting the President of the United States to invite foreign Governments to participate in the International Congress on Education to report it favorably without amendment, and I submit a report (No. 633) thereon. I call the attention of the Senator from Pennsylvania [Mr. OLIVER] to it.

Mr. OLIVER. I ask unanimous consent for the present consideration of the joint resolution.

Mr. SMOOT. What is the resolution?

Mr. OLIVER. It authorizes the President to extend an invitation to foreign governments to participate in the International Congress on Home Education to be held in Philadelphia in September.

Mr. SMOOT. I would not object to its consideration, but yesterday I gave notice that until the calendar was taken up regularly I would object to the present consideration of any bill reported to the Senate.

Mr. OLIVER. I hope the Senator will make an exception in this case. The congress is to be held in September, the joint resolution must go to the House, and if the invitation is to be extended at all it must be extended at once. The committee has reported it unanimously. I hope the Senator will not object, because in that case it would go to the foot of the calendar and it might not be reached until some time in August.

Mr. SMOOT. If the Senators will help me to-day we will take up the calendar and consider all the bills upon it.

Mr. OLIVER. The Senator knows very well that I usually help him in everything he wants to do.

Mr. SMOOT. I am going to try to have the calendar taken up at the place where we left off last evening and consider every bill on the calendar until the foot of it is reached.

Mr. STONE. We could pass the joint resolution while we are talking about the order of business.

Mr. SMOOT. It is not a question as to time; it is a question as to what policy will be agreed upon.

Mr. SMITH of Michigan. Do I understand that the Senator from Utah objects to the present consideration of the joint resolution?

Mr. SMOOT. It is not because I am opposed to the joint resolution.

Mr. SMITH of Michigan. Can we not consider it on its merits, involving nothing else? It is a very small matter. It comes from our committee practically unanimously, and it is a measure of some importance to the Senator from Pennsylvania and his immediate constituency. I hope the Senator from Utah will not object.

Mr. BRANDEGEE. I wish to suggest to the Senator from Utah that the notice he gave about objecting to the consideration of bills by unanimous consent in the future until the calendar should be entered upon was as to any bill on the calendar. Here during the morning business a committee report comes in; it is an unobjected matter that is not on the calendar. I think the distinction could be made without any detriment to the business of the Senate.

Mr. SMOOT. It was for that very reason that I objected. I thought if we would allow the immediate consideration of bills when reported we never would get to the calendar. We did consider the calendar yesterday and did clear the calendar of pension bills. The calendar has been considered, and I will not object to the consideration of the joint resolution, with an apology to the Senator from Iowa [Mr. KENYON]——

Mr. KENYON. Is the Senator going to concede the point upon just this one measure?

Mr. SMOOT. I hope the Senator will help us take up the calendar immediately.

Mr. KENYON. I understood that when the Senator yesterday made that objection, it was to be the last time any bill was to be considered out of its order.

Mr. SMOOT. Yes; but I will say that we did consider the calendar. I will say to the Senator from Iowa that I did not expect to give way this morning until t[illegible] calendar had been at least gone through once.

Mr. KENYON. I have a simple bill in charge which involves a very meritorious matter. I want to bring it up and I hope the Senator from Utah will not object.

Mr. SMOOT. I will not object to this joint resolution.

The VICE PRESIDENT. Is there objection to the consideration of the joint resolution reported by the Senator from Missouri?

Mr. SIMMONS. I shall not object to it unless it leads to debate. I reserve the right to object if it leads to any debate.

Mr. OLIVER. I think it will not lead to debate.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the joint resolution. It authorizes the President of the United States to invite foreign Governments to appoint delegates and otherwise participate in the Fourth International Congress on Home Education, to be held at Philadelphia, Pa., September 22-29, 1914, under the auspices of the International Commission on Congresses on Home Education and Parent-Teacher Unions, and that no appropriation shall be granted at any time hereafter in connection with the congress.

The joint resolution was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

AMENDMENT TO SUNDRY CIVIL APPROPRIATION BILL.

Mr. SMOOT. Is the morning business closed?

The VICE PRESIDENT. The morning business is closed.

Mr. SIMMONS. Mr. President——

The VICE PRESIDENT. The Senator from North Carolina.

Mr. SMOOT. I thought I was recognized.

The VICE PRESIDENT. The Senator from North Carolina is recognized.

Mr. POINDEXTER. I should like——

The VICE PRESIDENT. Does the Senator from North Carolina yield to the Senator from Washington?

Mr. SIMMONS. I yield to the Senator from Washington.

Mr. SMOOT. Mr. President——

Mr. POINDEXTER. I have the floor by the courtesy of the Senator from North Carolina. I do not understand this apparent stampede to close morning business.

The VICE PRESIDENT. The Chair will state to the Senator from Washington that the morning business had been closed.

Mr. POINDEXTER. The morning business had not been closed at the time I addressed the Chair.

The VICE PRESIDENT. Before that time, and the Senator from Missouri requested, out of order, to report a joint resolution. The morning business had closed, the Chair thinks, before the Senator from Washington rose.

Mr. POINDEXTER. I heard the Senator from Missouri [Mr. STONE] address the Chair, I think, probably about the same time the Chair announced that morning business was closed. All I desire to do is to submit an amendment to the sundry civil appropriation bill in order that it may be printed.

The VICE PRESIDENT. The amendment will be received, printed, and referred to the Committee on Appropriations.

Mr. SMOOT. I understood the Chair to recognize me.

Mr. SIMMONS. I think I have the floor, and the Senator from Utah has no right to interrupt me without my permission.

The VICE PRESIDENT. Does the Senator from North Carolina yield to the Senator from Utah?

Mr. SIMMONS. I do yield to the Senator from Utah.

Mr. SMOOT. I did not want the Senator from North Carolina to yield to me. I thought the Chair had recognized me. If that is not the case, I will say no more.

The VICE PRESIDENT. There are certain things that must be understood from this time forward. Senators can not stand

on the floor for 10 or 15 minutes and assume that they are holding the floor. The Chair is going to have a few rights.

Mr. SMOOT. Mr. President, just one word. I repeat I addressed the Chair, and I think the RECORD will show the Chair recognized me. I asked a question, but did not yield the floor. If that is not the case, then of course I have no right to the floor.

The VICE PRESIDENT. The Chair had recognized the Senator from North Carolina [Mr. SIMMONS], but the Chair has knowledge that the Senator from Utah has been standing ever since the question with reference to the joint resolution reported by the Senator from Missouri.

Mr. SMOOT. And so has the Senator from North Carolina.

The VICE PRESIDENT. Undoubtedly. The remark of the Chair is not intended for any Senator in particular.

LEGISLATIVE, ETC., APPROPRIATION BILL.

The VICE PRESIDENT laid before the Senate the action of the House of Representatives further insisting upon its amendment to the amendment of the Senate No. 1 to the bill (H. R. 15279) making appropriations for the legislative, executive, and judicial expenses of the Government for the fiscal year ending June 30, 1915, and for other purposes; further insisting upon its disagreement to the amendment of the Senate No. 30, and requesting a further conference with the Senate on the disagreeing votes of the two Houses thereon.

Mr. OVERMAN. I move that the Senate further insist upon its amendments, agree to the conference asked for by the House, the conferees on the part of the Senate to be appointed by the Chair.

The motion was agreed to; and the Vice President appointed Mr. MARTIN of Virginia, Mr. OVERMAN, and Mr. WARREN managers at the further conference on the part of the Senate.

HOUSE BILL REFERRED.

An act (H. R. 8593) amending the building regulations of the District of Columbia by providing for the better protection of persons engaged in and about the construction, repairing, alterations, or removal of buildings, bridges, viaducts, and other structures, was read twice by its title and referred to the Committee on the District of Columbia.

RIVER AND HARBOR APPROPRIATIONS.

Mr. SIMMONS. I ask unanimous consent for the present consideration of House bill 13811, being the river and harbor bill.

The VICE PRESIDENT. Is there objection?

Mr. KENYON. I object, Mr. President.

Mr. SIMMONS. Then I move that the Senate proceed to the consideration of House bill 13811, known as the river and harbor bill.

The VICE PRESIDENT. The question is on the motion of the Senator from North Carolina. [Putting the question.] The Chair is in doubt and will again put the question.

Mr. SIMMONS. I ask for the yeas and nays.

The yeas and nays were ordered, and the Secretary proceeded to call the roll.

Mr. CHILTON (when his name was called). I announce my pair with the Senator from New Mexico [Mr. FALL], but under the terms of the pair I consider myself at liberty to vote, and I vote "yea."

Mr. OVERMAN (when his name was called). I have a general pair with the senior Senator from California [Mr. PERKINS]. I announce that he is absent on account of sickness, but he has informed me that if present he would vote as I shall. I therefore vote. I vote "yea."

Mr. SAULSBURY (when his name was called). I transfer my general pair with the junior Senator from Rhode Island [Mr. COLT] to the junior Senator from Mississippi [Mr. VARDAMAN] and vote "yea."

Mr. STONE (when his name was called). I transfer my pair with the Senator from Wyoming [Mr. CLARK] to the Senator from Nevada [Mr. PITTMAN] and vote "yea."

Mr. WEEKS (when his name was called). I transfer my pair with the senior Senator from Kentucky [Mr. JAMES] to the junior Senator from Maine [Mr. BURLEIGH] and vote. I vote "nay."

Mr. WILLIAMS (when his name was called). I transfer my pair with the senior Senator from Pennsylvania [Mr. PENROSE] to the junior Senator from South Carolina [Mr. SMITH] and vote. I vote "yea."

The roll call was concluded.

Mr. BANKHEAD. I transfer my pair with the junior Senator from West Virgina [Mr. GOFF] to the junior Senator from Illinois [Mr. LEWIS] and vote "yea." I make this announcement for the remainder of the day.

Mr. DILLINGHAM (after having voted in the negative). I voted, not noticing the absence of the Senator from Maryland [Mr. SMITH], with whom I have a pair. I transfer that pair to the Senator from Idaho [Mr. BORAH] and will let my vote stand.

Mr. CATRON. I have a general pair with the senior Senator from Oklahoma [Mr. OWEN], but I transfer that pair to the Senator from Illinois [Mr. SHERMAN] and vote "nay."

Mr. SMITH of Georgia (after having voted in the affirmative). I have a general pair with the senior Senator from Massachusetts [Mr. LODGE]. I transfer that pair to the junior Senator from Georgia [Mr. WEST], and will let my vote stand. I shall continue that transfer for the day.

Mr. SMOOT. I desire to announce the following pairs: The Senator from North Dakota [Mr. GRONNA] with the Senator from Maine [Mr. JOHNSON]; the Senator from Connecticut [Mr. MCLEAN] with the Senator from Montana [Mr. MYERS]; the Senator from Wisconsin [Mr. STEPHENSON] with the Senator from Oklahoma [Mr. GORE]; the Senator from Utah [Mr. SUTHERLAND] with the Senator from Arkansas [Mr. CLARKE]; and the Senator from Delaware [Mr. DU PONT] with the Senator from Texas [Mr. CULBERSON].

Mr. HOLLIS. I desire to announce the unavoidable absence of the Senator from Maine [Mr. JOHNSON], and to state that he is paired with the Senator from North Dakota [Mr. GRONNA]. This announcement may stand for the day.

Mr. CAMDEN. I desire to announce the unavoidable absence of the senior Senator from Kentucky [Mr. JAMES]. He is paired with the junior Senator from Massachusetts [Mr. WEEKS]. I ask that this announcement may stand for the day.

Mr. KENYON. I desire to announce the unavoidable absence of the senior Senator from Wisconsin [Mr. LA FOLLETTE] on account of illness; and will let this announcement stand for the day.

The result was announced—yeas 38, nays 23, as follows:

YEAS—38.

Bankhead	Lane	Ransdell	Stone
Bryan	Lea, Tenn.	Reed	Swanson
Camden	Martin, Va.	Saulsbury	Thompson
Chamberlain	Martine, N. J.	Shafroth	Thornton
Chilton	Nelson	Sheppard	Walsh
Crawford	Newlands	Shields	White
Fletcher	O'Gorman	Shively	Williams
Hollis	Overman	Simmons	Works
Hughes	Poindexter	Smith, Ga.	
Kern	Pomerene	Smith, Mich.	

NAYS—23.

Ashurst	Cummins	Lippitt	Sterling
Brady	Dillingham	Norris	Thomas
Brandegee	Gallinger	Oliver	Townsend
Bristow	Hitchcock	Page	Warren
Catron	Jones	Root	Weeks
Clapp	Kenyon	Smoot	

NOT VOTING—35.

Borah	Goff	McCumber	Smith, Ariz.
Burleigh	Gore	McLean	Smith, Md.
Burton	Gronna	Myers	Smith, S. C.
Clark, Wyo.	James	Owen	Stephenson
Clarke, Ark.	Johnson	Penrose	Sutherland
Colt	La Follette	Perkins	Tillman
Culberson	Lee, Md.	Pittman	Vardaman
du Pont	Lewis	Robinson	West
Fall	Lodge	Sherman	

So the motion of Mr. SIMMONS was agreed to; and the Senate, as in Committee of the Whole, resumed the consideration of the bill (H. R. 13811) making appropriations for the construction, repair, and preservation of certain public works on rivers and harbors, and for other purposes.

Mr BURTON obtained the floor.

The VICE PRESIDENT. The question is on the motion of the Senator from North Carolina [Mr. SIMMONS] that the committee amendments be first considered.

Mr. BURTON. Mr. President, I did not understand that motion to be made. It is my desire to address the Senate on the bill in general before it is taken up in detail.

Mr. SIMMONS. Mr. President, I will say that when we laid aside the bill a few days ago the Senator from Ohio had not finished his remarks, and I do not wish to interfere with him.

Mr. GALLINGER. Mr. President, I will ask the Senator from North Carolina if it is his purpose to endeavor to have the Senate proceed to consider the Senate committee amendments before the general discussion on the bill is concluded?

Mr. SIMMONS. Certainly not.

Mr. GALLINGER. I wanted to know that fact——

Mr. SIMMONS. I simply moved to take up the bill in order that it might be before the Senate for discussion.

Mr. GALLINGER. Because I will occupy a few moments of the time of the Senate in discussing the bill.

Mr. SIMMONS. Of course I understand there will be some general discussion before we begin to vote upon the amendments.

Mr. GALLINGER. Very well.

Mr. BURTON. Mr. President, at the close of the morning hour on Monday I was addressing the Senate upon the defects in the methods and the erroneous policies of this river and harbor measure. I called attention, first, to the lack of efficiency and economy because of piecemeal appropriations. I called attention, in the second instance, to the long delay intervening between the initiation of a project and its completion, and cited instances in which that interval in the case of works now completed had been between 20 and 30 years. I called attention also to other appropriations on works not yet finished, the completion of which would require even 60 years or more, making it utterly impossible for communities, merchants, and shipowners to make their calculations as to the date when they can depend upon the improvements.

I then reached the third and, to my mind, the most serious objection to this piecemeal policy, the injudicious making of appropriations; the appropriation of, say, $100,000 in a bill when the total amount required runs well into the millions. The most glaring instance of that is the Sandy Bay appropriation, which would have required not only 60 years, but, under the old custom of biennial river and harbor bills, 120 years for its completion. Again, it was an improvement of which no utilization could be made until it was entirely finished.

I think these instances speak very loudly for reform; they demand that we should immediately take up this question and introduce into our river and harbor bills a businesslike and orderly policy. Indeed, I can converse with no one who will contradict the assertion that it is best to provide for the whole improvement when it is commenced, but by reason of some strange inertia prevailing when the last three or four river and harbor bills were passed we have been again taking up this old dribbling policy with all its disastrous and extravagant results.

The real reason for many of these partial appropriations and the consequent long delay is not altogether a lack of appreciation of the desirability of finishing the work, but a serious doubt as to the expediency of the improvement itself. I refer to the James River as an illustration. A channel is under improvement in the river from Hampton Roads to the city of Richmond. This was commenced in the year 1885, and at the present rate it will require some 15 years at least to finish it. A potent reason for the delay has been the constantly diminishing traffic on this river and a question as to the expediency of the project as first presented to Congress and appropriated for now nearly 30 years ago. In such a case as this there should be a careful reconsideration of the proposed improvement, and the Senate should determine whether it is best to go on or stop with the work which has already been done.

Now, let me give more illustrations from this document of the erroneous policy of taking up improvements by piecemeal. There is an appropriation in this bill of $1,000,000 for that portion of the Mississippi River between the mouth of the Missouri and the mouth of the Ohio, a distance of about 206 miles. The total amount required to complete that project is $17,250,000. Let us examine that project. When we see what has been accomplished by the expenditure of some $17,000,000, I ask the question of the Senate, does anyone believe that we would go on with that improvement at an expense of $17,250,000, if it were thoroughly discussed here in the Senate and we were face to face with the question of appropriating that entire amount to-day?

In the year 1880, when traffic on the Mississippi River reached its maximum, 44 per cent of all the shipments from the city of St. Louis, the main city on this stretch and the largest city on the river, was by boat and 56 per cent by rail; in the year 1909 one-half of 1 per cent of the shipments from that city were by boat and 99½ per cent by rail, so that the proportion of total shipments by river in the year 1880 was, according to the official report, 88 times as large as in 1909. Millions have been expended on the project, and the singular feature of it is that at the close of each year the end of the improvement seems just as far away as it was at the beginning. It was estimated in 1881 that it would cost less to complete this improvement than the amount named in the present estimate, ranging about $15,000,000 or thereabout 33 years ago, while now the estimate for completion is $17,250,000. In 1881 the estimate was $16,397,500.

Again, with the exception of a very few days, there has been in this section a channel 8 feet in depth the year round for nearly 10 years, a channel deeper than the average depth of the Rhine, the greatest navigable river in the world, which has a traffic not of some 250,000 tons, as here, but of 40,000,000 tons; and the amount expended on this stretch of the river is far greater than the amount expended by the General Government of Germany on the improvement of the Rhine for some 355 miles. Here we have been going on, spending at one time two or three hundred thousand dollars a year, and at other times $500,000, and now $1,000,000 a year upon that proposed improvement, and getting farther and farther away from results with every million that we expend.

Take the upper Mississippi also as another illustration. It is included in this bill for $1,500,000. The length of this stretch of the river is 658 miles. Now, let us see what the traffic results there have been.

In the year 1885 the tonnage on this portion of the river was 5,607,196 tons. In 1908 it was 2,581,857 tons. In the 23 years it has dropped off more than half, and in 1912 it had further dropped from 2,581,857 to 1,830,294 tons.

There is another feature of this traffic, showing the disappointing results of this improvement, to which I will later call attention more in detail not only as regards this river but other rivers as well.

There is a general impression that on these long rivers there are long hauls of freight, that on this stretch of the river, 653 miles in length, there is presumably some freight hauled for 600 miles or more. Until the year 1910 we had no statistics as to ton-mileage or the average haul of commerce save in isolated cases. The National Waterways Commission, in their report of 1910, made a recommendation that these statistics should be furnished; and in the river and harbor bill of that year a provision to that effect was inserted. Only meager reports of ton-mileage and average distance have been made since that time, but those which have been returned throw a flood of light upon our river traffic. On this stretch of river, 658 miles in length, the average haul of the freight carried is only 31.6 miles, and that notwithstanding there is a certain quantity of floating logs which are carried for long distances.

I wish to call attention to another improvement in this bill for which the sum of $200,000 is appropriated. It is found on page 65. This came from the House:

> Improving Sacramento and Feather Rivers, Cal., in accordance with the report submitted in Rivers and Harbors Committee Document No. 5, Sixty-third Congress, first session, and subject to the conditions set forth in said document, $200,000.

We are making appropriations for numerous rivers in amounts less than $200,000 and more than that amount, but here is one for $200,000. Let me call your attention, before I state what that improvement involves, to the document to which it refers—Rivers and Harbors Committee Document No. 5, Sixty-third Congress, first session.

I challenge any Members of the Senate to get that document in this Capitol. I sent yesterday to the document room, asking for a copy. It was not available, and at no time has it been available in the document room. It is a document published by that committee, and the only way in which to obtain it is to send over to the Rivers and Harbors Committee of the House. They have a limited number of copies printed, and I have had the good fortune to obtain one; but it is not a general public document available to Members of the Senate or the House, so that, in a measure, we are left in the dark. At least, this document does not have the same standing as the general class of documents. In saying this I do not mean to intimate that any blame attaches to the Rivers and Harbors Committee.

What does that improvement involve? It reads here very easily "$200,000." How much is to be expended on it by the United States Government before we get through with it? To how much are we committing ourselves by that innocent item of $200,000? An expenditure of $5,860,000! Just as soon as this $200,000 is appropriated, and the next bill comes along, and some one wakes up to the fact that this project is of much greater magnitude than was expected, it will be said: "Oh, but the Government has committed itself to this project by an appropriation of $200,000. Are you going to take a backward step? The bill of 1914 adopted that project in specific language, and now we must go on with our $5,860,000."

The whole tendency is, I may say, demoralizing. Items slip into this bill to which neither House nor Senate can give adequate attention, because they have no idea what is being done, because they have no conception of the magnitude of the project or the amount of the expense incurred.

I wish now to call attention to two or three other items here which are not in quite the same class.

Mr. RANSDELL. Mr. President——

The PRESIDING OFFICER (Mr. SMOOT in the chair). Does the Senator from Ohio yield to the Senator from Louisiana?

Mr. BURTON. Certainly.

Mr. RANSDELL. Do I infer from the Senator's remarks that he means to intimate that the Senate Committee on Commerce did not have this Sacramento document before it when the item was agreed to, and that it was not considered and discussed in the Committee on Commerce?

Mr. BURTON. I take it that it was discussed in the committee, but legislation is not by committee; it is by the Senate and by the House. It should be the aim of all our legislation to bring clearly, not only before both bodies of the Congress but before the country the full magnitude of what we are doing.

Mr. RANSDELL. The Senator certainly does not mean to intimate that either the House or the Senate is not fully aware that this $200,000 item commits us to a project which will cost $5,800,000, and that we are not going into it with our eyes shut?

Mr. BURTON. As far as anything that appears in this bill is concerned, our eyes are at least partly closed.

Mr. RANSDELL. Is not that the usual course followed in writing river and harbor bills? Do we not adopt them with reference to a document?

Mr. BURTON. We do adopt them with reference to a document.

Mr. RANSDELL. And we do not state the ultimate cost of it, do we?

Mr. BURTON. We ought to state the ultimate cost. A few minutes later I shall call attention to a bill which passed both Houses of Congress in 1907 in which the total amount was stated in every new project.

Mr. RANSDELL. I was going to ask the Senator if he had put that in the bills which he had framed himself. I was not aware that the amounts were stated in those bills.

Mr. BURTON. I am entirely willing and glad to answer that question.

Mr. RANSDELL. I shall be very glad to have the Senator do so.

Mr. BURTON. For nine years, up to the bill of 1907, I was chairman of that committee. There were a great many old items on the bill with which we were proceeding in this halting way. It was very difficult to drop them, for two very obvious reasons. One was that it did not seem desirable to abandon projects that we had commenced and upon which a considerable amount of money had been expended. The other reason was the local pressure. The two caused us to continue projects in the bill which I do not think the judgment of the committee approved, and which I do not believe the judgment of the Senator from Louisiana approved when he was a member of that committee. We sought to improve the situation in each successive bill, beginning in 1899, by placing a larger proportion under continuing contract and taking up no new improvement unless provision was made for its completion.

In the bill of 1907 that policy was definitely adopted. The bill was a large one. In cash appropriations and continuing contracts the amount was $86,000,000, or $87,000,000; but we turned our backs on the old custom of piecemeal appropriations, had the courage to face each of these propositions, and rejected it if it was not thought desirable to continue it; but if we did adopt it, we pushed it to completion, and the amount of the authorization was stated in the bill.

It is possible that in that measure some new projects slipped in, by Senate amendment or otherwise, or by inadvertence, in which there was not provision for completion; but I do not now recall one. We also took up a large share of the old projects and pushed them to completion, under the rule that if they could be completed within four years we would appropriate the whole amount.

Mr. RANSDELL. May I refresh the Senator's memory with regard to that bill? I think he will find by examining it that there were eight new projects adopted which we did not provide for completing. They were as follows:

New Bedford and Fair Haven Harbors, Mass., for which we gave an appropriation of $300,000. The total estimate was $527,000.

Oswego Harbor, N. Y., for which we gave an appropriation of $200,000.

Mr. BURTON. Was that a new project?

Mr. RANSDELL. Yes, sir; that is my understanding, and it is so stated.

Mr. BURTON. I do not think so.

Mr. RANSDELL. I have not had a chance to verify it. I clipped this table from a speech by Chairman ALEXANDER, of the Rivers and Harbors Committee, in 1910. I think the Senator will find that he is correct, although I have not verified the items myself by comparing them with the bill. He says it is a new project.

The next one is Oswego Harbor, N. Y., for which an appropriation of $200,000 was given. The total estimate was $500,000.

The next was Newark Bay and Passaic River, N. J., for which the appropriation in the bill of 1907 was $850,000, and the estimated cost of the project was $1,216,775.

Mr. BURTON. What does the Senator say the appropriation was?

Mr. RANSDELL. Eight hundred and fifty thousand dollars.

The next was the Mispillion River, Del., for which we gave $40,000.

Mr. BURTON. That is as old as the hills.

Mr. RANSDELL. It was a new project; and the total cost was $87,065.

Then there were Club and Plantation Creeks, Ga., for which we appropriated $20,000, and the total estimate was $40,700.

Mr. HUGHES. Mr. President——

The PRESIDING OFFICER. Does the Senator from Ohio yield to the Senator from New Jersey?

Mr. BURTON. I do.

Mr. HUGHES. The Passaic River project was not a new one.

Mr. RANSDELL. I will say to the Senator that it was new at that time. You see, whenever we make a change in a project we call it a new project. I am speaking about the act of 1910.

Mr. HUGHES. If we increase the depth of a channel, does that make a new project?

Mr. RANSDELL. Yes, sir; that is the rule that we follow.

I have these others here, and I will read them:

Tennessee River, Chattanooga to Riverton: We made an appropriation of $205,000, and the total estimated cost was $770,640.

Falls of the Ohio River at Louisville: The appropriation in the act of 1907 was $314,000, and the total estimated cost was $1,760,000.

Hilo Harbor, Hawaii: Appropriation, $400,000; total estimated cost, $1,700,000.

Mr. BURTON. Will the Senator kindly let me see that list?

Mr. RANSDELL. Certainly. I have not personally compared those items, but they were taken from a speech by Chairman ALEXANDER, and I think they are correct. They were new projects.

Mr. BURTON. It is seven years and a little more since this bill was passed, and I do not recall all of these items, but some of them I remember very well.

The Oswego Harbor, N. Y., project was a very old one, and the improvements made there were necessarily tentative.

I do not recall New Bedford and Fairhaven Harbors, Mass.

I do remember Newark Bay and Passaic River very well. The estimate of the engineers, as stated here, was $1,216,775, and the appropriation in the bill was $850,000. Let me explain that.

The estimate was for dredging, and it was calculated that the larger amount of the dredged material would have to be taken out to deep water in the bay. I myself called in the engineer, and others, and suggested to them that the cost for dredging was unduly large, and asked if in some way the work could not be done more cheaply. After full and careful consideration they came back and reported that there were some salt lands near the river on which the dredged material could be piped or otherwise deposited and the expense thus very materially diminished. So, instead of being an exception to the rule, it was rather an application of the rule and an application made after a very careful review of the original estimate.

I do not think we should be subjected to censure, because when an estimate seemed too large we made an examination and found that it could be done more cheaply, and then, instead of putting in the amount of the unnecessary estimate, we inserted an estimate which squared with actual conditions.

Mr. WORKS. Mr. President——

The PRESIDING OFFICER. Does the Senator from Ohio yield to the Senator from California?

Mr. BURTON. I do.

Mr. WORKS. The Senator from Ohio has selected for attack the proposed appropriation for the improvement of the Sacramento and Feather Rivers. That was a very unfortunate selection, for there is no more meritorious appropriation provided for in the whole bill than that one, and there is no one that has been more carefully and thoroughly investigated and reported upon by the Government authorities.

Away back, years ago, the question as to the improvement of the Sacramento River arose. Its navigability had been very largely destroyed in the upper reaches of the river by hydraulic mining on Government land, and it was thought then by Congress that the Government should contribute toward the restoration of the navigability of the river. With that end in view

an act was passed by Congress providing for a commission to investigate and look into the whole matter and report to Congress what steps should be taken and what should be done by the Government in the way of restoring the river to navigation. Under that statute a commission was appointed, known, I believe, as the débris commission, composed of Army engineers. The State of California also appointed a commission to cooperate with the commission appointed by the Government.

The matter has been most thoroughly investigated, as I think the Senator from Ohio knows, covering the whole situation, and the obligation that rested upon the National Government to restore and improve navigation upon that stream, the only navigable stream of great importance in the State of California. They reported a plan for the improvement of the river which involved the payment of one-half of the expense by the Government and one-half by the State of California. That was considered by committees of both Houses of Congress and the appropriation was not made. It was thought then that the amount required to be paid by the Government was in excess of what should justly be paid because of the fact that the improvement would result in the reclamation of a large body of land lying along the river.

The matter was taken up anew, and the State of California passed an act providing for the assessment upon the owners of the land who would be benefited by the improvement of two-thirds of the expense of the improvement. It was estimated that the expense would amount to something like $33,000,000. It was finally reported and recommended by the commission appointed by the Government, after this full and careful investigation of the whole subject, that the State of California should contribute $5,000,000 in round numbers and the Government $5,000,000, exclusively for the purpose of improving the navigation of the stream. In addition to that, and because of the fact that property owners would be benefited by the improvement, the State enacted a law providing that the balance, or two-thirds, amounting to $22,000,000, should be borne by the property owners who would be benefited by the improvement.

There is no money appropriated or to be appropriated under this scheme out of the Treasury of the National Government to pay anything for the improvement or reclamation of the land. That has been definitely determined upon. This appropriation is carried into this bill with that understanding upon a report made by the commission appointed by the Government composed, as I have said, of Government engineers who have given it most careful attention.

I agree with the Senator from Ohio that the Government should not contribute money out of its Treasury to reclaim private lands. There is no reason why that should be done; but the Government is obligated to contribute the necessary money to improve and keep in condition the navigable streams of this country, and if it results as a consequence that somebody's land is reclaimed or improved, that does not affect the obligation of the Government to make the appropriation, if it is necessary to improve the navigation of the stream.

But California has been generous about this matter. Because of the fact that its citizens and owners of land along the stream will be benefited by the improvement it has not asked the Government to pay for this whole improvement. It has taken upon itself and upon its citizens who own these lands the full obligation and burden, so far as it affects an improvement of lands that are owned by its citizens.

Not only that, Mr. President, but the State of California has assumed and taken upon itself the burden of paying one-half of the expense of improving the navigation of the stream itself, a burden that it is not or should not be called upon to bear.

Now, I am prepared, if it becomes necessary to go into this matter fully, to prove to the Senate the facts I have stated and the absolute justice and meritorious character of this appropriation; but I should not want to do that in the time of the Senator from Ohio. However, I state the general propositions with respect to it because of the fact that the Senator has singled out this particular appropriation for attack.

Mr. KENYON. Mr. President——

The PRESIDING OFFICER. Does the Senator from Ohio yield to the Senator from Iowa?

Mr. BURTON. Yes.

Mr. KENYON. In order that it may be in the RECORD, will the Senator from California kindly inform us how much land is reclaimed by this project?

Mr. WORKS. I am not able to do that at this time.

Mr. KENYON. Approximately?

Mr. WORKS. I am not able to do even that without examining data that I have.

Mr. KENYON. What is the amount of assessment levied upon these lands?

Mr. WORKS. In the aggregate it will amount to two-thirds of the cost of the improvement, about $22,000,000.

Mr. KENYON. It is assessed against the land?

Mr. WORKS. It is assessed against the land.

Mr. BURTON. Mr. President, I highly commend the Senator from California for his loyalty to his State, which has in it an element akin to patriotism; but lo, these many years we have listened to such arguments as these that a certain project was the very best in the whole bill. I fear that not all these statements can be correct, and the argument is sometimes colored by local considerations. I have no doubt the Senator from California is presenting his argument in regard to it in the utmost good faith.

Mr. WORKS. Mr. President——

The PRESIDING OFFICER. Does the Senator from Ohio yield further to the Senator from California?

Mr. BURTON. Yes.

Mr. WORKS. I should like to know whether the Senator from Ohio challenges the facts I have stated with respect to it?

Mr. BURTON. At a later time, Mr. President, when I have the executive documents before me, I intend to go into this project more fully, but for the present I want to call attention only briefly to the report made by the House committee on this project, and in the very first instance to the fact that in its essential nature this is not a navigation project at all, but one for the reclamation of land and for protection against floods. On this subject the House committee say on page 8:

> The project for the improvement of the Sacramento and Feather Rivers is also one which the committee regarded as worthy and of great importance. The whole work is to cost something above $33,000,000, but as a greater part of the work is for the purpose of preventing overflows from floods, and of protecting and reclaiming lands in the valley of the Sacramento and Feather Rivers, the State of California and local interests are to contribute all money necessary for the work except $5,800,000.

First of all, Mr. President, one of the chief vices of this bill—indeed, I do not know but it is its chief vice—is the ingrafting upon it of so many of these extraneous projects. I think the whole Senate will indorse liberal appropriations for improving rivers and harbors which are national in their scope and which benefit navigation—that is, if you can see that the benefits conferred upon the country are somewhat commensurate with the cost—but in recent years there has been a very marked tendency to include reclamation projects in these bills. At one time I remember the committee of conference were apart, and remained apart until 3 o'clock in the morning of March 4, because certain conferees desired to fasten upon this river and harbor bill a plan for reservoirs, some five or six thousand feet above the level of the sea, which had no more to do with navigation than the improvement of the domain in Cuba or in Europe. The House conferees stood out firmly, and the item was finally rejected, although the fate of the whole bill was threatened nine hours before the adjournment of Congress.

Now, I do not say that we objected because we were opposed to irrigation. Indeed, the result proved that it was much better for the cause of irrigation to exclude that item from the bill. Three years later, in 1902, the irrigation act was passed on its own merits, containing provisions relating to irrigation. That is where it belonged. So the Sacramento River project should be taken care of separately and not brought into a river and harbor bill, which should concern itself solely with fostering navigation by the improvement of rivers and harbors.

Mr. THOMAS. Mr. President——

The PRESIDING OFFICER. Will the Senator from Ohio yield to the Senator from Colorado?

Mr. BURTON. Yes.

Mr. THOMAS. I am in entire accord with the criticisms of the Senator concerning the embodiment in the river and harbor bill of enterprises which are extraneous to it, but just here I want to remind the Senator that within the past 8 or 10 years the War Department, upon the assumption that the tributaries to navigable streams, in the event their waters are interfered with, may require supervision, have asserted and are exercising jurisdiction over irrigation schemes based on appropriations of water from them, and assume the right of examining and approving them, however trivial they may be, before irrigators are permitted to divert waters from these tributaries. To my mind, the assumption—because I think it is nothing but an assumption—of such an extraordinary jurisdiction over matters of that sort in the so-called interest of navigation breeds these additions and amendments to river and harbor bills as inevitably and absolutely as that the law of gravitation draws all things toward the center of the earth. One is the fruitful and the legitimate offspring of the other.

I hope to see the time when these nonnavigable schemes and enterprises will be eliminated entirely from river and harbor

bills, and the best way in the world to effect it is to obtain, if we can, a union of Senators, like the Senator from Ohio and ourselves from the West, for the prevention of the exercise of this usurped authority of the War Department. When that is done, I believe that these so-called irrigation schemes and other schemes of improvement which are attached to river and harbor bills upon the theory that they affect navigation, or upon any other theory, will largely disappear.

Mr. WORKS. Mr. President——

Mr. BURTON. There is one question while the Senator from Colorado is on his feet that I should like to ask him. The point is suggested by my friend the Senator from Louisiana [Mr. RANSDELL]. Where are some of those tributaries where the War Department has sought to exercise this jurisdiction?

Mr. THOMAS. One of the enterprises I can recall is that of the Dolores Irrigation Land Co., which is an enterprise having for its object the reclamation of certain lands at the head of the Dolores River, in what is called the San Juan country, that is watered by the Dolores River. The Dolores River is a small tributary of the Grand, which is in turn a tributary of the Colorado River.

The theory upon which this interference has taken place is that inasmuch as the Colorado is navigable from Yuma, Ariz., down to the Gulf of California, and inasmuch as this is a tributary to that stream it is necessary that the War Department should ascertain and determine for itself whether navigation will be affected in the navigable part of the Colorado River by the diversion of waters for irrigation in the Dolores River, which is over a thousand miles from that point of navigation, if you follow the meanderings of the stream. That is one instance. There are others I could cite, a half dozen others, perhaps, but one is enough.

Mr. BURTON. In a great degree I sympathize with the contention of the Senator from Colorado, although I do not know but that I ought to give notice that at a later time I shall propose as an amendment to this bill a provision giving to the War Department larger jurisdiction over tributary streams of navigable waters. The amendment has been recommended——

Mr. THOMAS. I do not think that is necessary because the War Department has asserted and assumed that jurisdiction.

Mr. BURTON. They seem to exercise this right occasionally, but not on any large scale in the States of the East and the Central West.

Mr. THOMAS. I want to warn the Senator, if his amendment carries, the number of so-called navigation enterprises now attached to river and harbor bills will be as nothing compared to the multitude of them which will immediately follow. I think I shall have a few of them to offer myself.

Mr. BURTON. That may follow. I think the case given by the Senator from Colorado is an extreme one.

Mr. THOMAS. No, Mr. President.

Mr. BURTON. It is an extreme case in the exercise of jurisdiction——

Mr. THOMAS. No, Mr. President.

Mr. BURTON. Because everyone knows the Colorado River is not navigable to any appreciable extent. In years past, at intervals of three or four years, propositions were made to survey the Colorado, and the report was always to the effect that no navigation could be developed there.

Mr. THOMAS. It is really more navigable than the Rio Grande, yet I can mention the Rio Grande as another instance. Because of certain treaty arrangements we are not permitted to divert any water from the tributaries of the Rio Grande in Colorado without first obtaining the consent of the War Department plus the consent of the Department of State, since we might possibly interfere with the irrigation of some ranches down in Mexico. And we can not appeal to the War Department until the Interior Department shall have acted favorably upon our applications.

Mr. RANSDELL. Will the Senator from Colorado yield to me?

Mr. THOMAS. Certainly; but the Senator from Ohio has the floor.

Mr. BURTON. I yield to the Senator from Louisiana.

Mr. RANSDELL. I merely wish to ask the Senator from Colorado how much interference has been made with diverting water from this Dolores River.

Mr. THOMAS. I can not answer, but I can say that if it were all diverted, it would not affect the navigability of the Colorado River a particle—not any more than extracting a drop of water from the ocean would affect its depth.

Mr. RANSDELL. Has the Engineer Department attempted to prevent the diversion of the water of the Dolores River?

Mr. THOMAS. No; we finally, after great tribulation and many wearisome months, secured the gracious assent of the department to the diversion of a few drops of water from the Dolores.

Mr. RANSDELL. Could the Senator give us some of the other dozen instances that he spoke of?

Mr. THOMAS. I said, I think, half a dozen. I mentioned the Rio Grande. There have been one or two also on the Platte, which is a tributary of the Missouri, and one or two at the head of the Arkansas River, which is a tributary of the Mississippi.

Mr. RANSDELL. Could the Senator give us any instances where the War Department has seriously interfered with the proper diversion of water for irrigation from any of these streams?

Mr. BURTON. Kindly let me ask a question there. Was it not, after all, rather a fear on the part of those who occupied and enjoyed these irrigated lands? Was any positive step really taken to exercise jurisdiction?

Mr. THOMAS. Oh, yes. I will give the process as briefly as I can.

An enterprise seeking to divert water from one of these tributaries for purposes of irrigation must prepare a plat of a survey of reservoirs, flumes, and ditches, where they occupy any part of the public domain. This plat, with its description, must be forwarded to the Secretary of the Interior for his approval. Our contention is that the statute is mandatory and the approval must follow. But this is not conceded by the department.

Nowadays that plat goes from the Secretary of the Interior to the Geological Survey for its approbation or rejection; and then to the Reclamation Service. It is then sent to the Forestry Bureau of the Agriculture Department. From there it is required to be sent to the Department of War, and the Department of War must give its assent and appropoval, or, at least, must announce that it has no objection to the particular scheme before any further step can be taken.

In case a river like the Colorado or the Rio Grande is affected, then it must also receive the favorable supervision of the Secretary of State before the enterprise can move. It goes through four departments, in other words, and in many instances by the time the last one has exercised its jurisdiction either the applicant for the water is dead and his grandson has succeeded to the right or the scheme has been abandoned.

Mr. WORKS. Mr. President——

Mr. BURTON. I yield to the Senator from California.

Mr. WORKS. Mr. President, I am sorry to have any controversy or disagreement with the Senator from Ohio, because I am quite in sympathy with his general views on this subject. I do not take it as complimentary to me that he should commend me for my loyalty to my State in supporting this appropriation. That smacks altogether too much of the pork-barrel manner of making appropriations. If I did not conscientiously believe, however much I may be mistaken, that this is a meritorious and just appropriation, I hope I should not be here defending it, whether it is for the benefit of my State or some other. I should not, however, have taken up this matter at all, except that the Senator from Ohio has taken the appropriations for the Sacramento and Feather Rivers as the basis of his discussion of this question, at least at the present time.

I deny, Mr. President, that this appropriation is for the reclamation of land at all. As I said a while ago, I do not believe that the Government should make appropriations for any such purpose; but the matter has been very thoroughly sifted out, and the Government is only called upon to make the appropriation for the improvement of the navigation of that river and nothing else, and of that, as I have said, the State proposes to contribute one-half.

Mr. BURTON. The State and abutting property owners contribute more than half under the present plan, do they not?

Mr. WORKS. The State contributes one-half of that portion of it that goes to the improvement of the navigation of the stream, and the property owners pay all of the expense of reclamation, being two-thirds of the amount necessary to be expended to make this improvement. I think the Senator from Ohio will not dispute the fact that the Sacramento River is a very important navigable stream. The evidence upon that subject was fully taken before the House committee, and at a previous session of Congress was taken before a committee of the Senate. It discloses, I think very fully, that this is an important navigable stream that the Government of the United States should protect and preserve. So whatever comments the Senator from Ohio may make upon this matter of making such appropriations, it does not apply to this one.

Mr. BURTON. I have no doubt, Mr. President, that the Senator from California earnestly and conscientiously believes in this improvement. I have digressed somewhat from the line of argument that I had laid out; but there are two or three

points here, which, as they are fresh in the minds of Senators, I might as well bring up now.

I have no doubt of the right of the Federal Government, in its paramount control over interstate commerce—which includes, of course, the care and guardianship of navigable streams—to exercise jurisdiction over tributaries. A familiar illustration would be that of the Hudson River. Suppose the Federal Government desires to obtain a specified depth between Troy or Waterford and New York City, and by legislation declares what depth is desired. It would be impossible to maintain that depth unless the tributaries to the Hudson River furnished the necessary amount of water. Partial provision might be made for a scantiness of supply from the tributaries by dredging, but that would not be the natural way. Suppose in one place it is asked that a stream should be diverted to furnish the water supply, the question of whether that should be permitted or not would then come to Congress. The question of the relative advantage of a water supply for a great city and the maintenance of navigation would assume immediate importance, and it is inconceivable that Congress would not pursue a liberal policy in that regard, giving the right to divert; but to that there would be a limit. It would not do to allow all the tributaries to a navigable stream to be diverted. This jurisdiction exists without any doubt.

It seems to me the two cases of the Rio Grande and the Colorado Rivers are very extreme. No one claims that there is navigation to any appreciable amount on either of these rivers. I think there is none whatever on the Rio Grande. With all the great variety of streams that have been included in river and harbor bills, I have never known a request to be made for improving the Rio Grande.

Mr. THOMAS. Mr. President——

The PRESIDING OFFICER. Does the Senator from Ohio yield to the Senator from Colorado?

Mr. BURTON. Certainly.

Mr. THOMAS. Does the Senator from Ohio mean that those streams are not actually used for navigation or that they are not navigable?

Mr. BURTON. Of course they can be utilized for floating logs, and I suppose some purposes of that kind for short distances, but they have never been adopted by the Federal Government as proper objects for the appropriation of money.

Mr. THOMAS. I have always understood them, Mr. President, to fall under the commonly accepted designation of streams that were navigable at least to a considerable distance from their mouths.

Mr. BURTON. In the abstract, on general sense—that is, if you determine the navigability of a stream by the ability to float the products of commerce over some portions of it—those rivers would be regarded as navigable.

Mr. THOMAS. Our contention—and when I say "our" I mean the people of my section of the West—is that they are not navigable in the true sense at all, but we have not been able to make the department authorities agree with us so far.

Mr. BURTON. In the broadest sense in which the term "navigable" is used in the books, they are navigable, but for practical purposes they can not be so considered, and our Supreme Court, in a decision with which the Senator from Colorado no doubt is more familiar than I—the Rio Grande irrigation case—it has been held that the navigable quality of a stream is not to be determined by any particular portion, but that if, in conjunction with other portions, it can be made navigable or is navigable in part, it should be considered navigable in all.

But now, to return to the Sacramento River, my recollection—and I shall refresh my memory by looking at the executive document—is that in one of the reports on the Sacramento and Feather Rivers improvement the engineer said that this enormous expenditure was not necessary for navigation. Of course, it would facilitate navigation, but that is not the conclusive or determining point. There is no river of this type in the country on which so large an amount of money has been expended or is proposed for expenditure. We have been making the Sacramento River navigable for years, and we have appropriated for it. There is a very considerable through traffic from Sacramento down the Bay to San Francisco. There are a number of landings along the river, remote from railroads, and it is a matter of great convenience to the people to ship their produce to market by this stream; but let me just call attention to the amount that we have appropriated for it running through a period of 40 years. To speak exactly, the first appropriation was made on March 3, 1875, 39 years ago.

We have expended upon this river the sum of $740,000 down to the year 1899, and since then $280,000, making, in all, $1,020,000, which includes expenditures, sometimes as much as $25,000 a year, for maintenance. As rivers go, with a traffic of that size, that is, I think, a generous appropriation. Let me compare it with the San Joaquin, which meets it and which furnishes an avenue for traffic to another part of the State of California. The traffic on the Sacramento River in the last year amounted to approximately 500,000 tons, while the traffic on the San Joaquin River, if you take an average for the last 10 or 20 years, has been greater than that on the Sacramento. Very large quantities of wheat are brought down the San Joaquin. Now, let us see what amount of money we have expended on the San Joaquin:

The total expenditures—

I am reading from page 1302 of the report of the Chief of Engineers—

The total expenditures up to the close of the fiscal year ending June 30, 1913, amounted to $617,717.99.

That shows a sort of harmony or symmetry in the making of appropriations for rivers of this size—$1,000,000 or thereabouts and ranging down to lower figures—but here you come along with $5,800,000, and it would take more than an engineer's report, Mr. President, to convince me that that does not mean far and away more than navigation; it means the reclamation of the lands, because, as I have stated, it is all out of keeping with the size of appropriations that are made for other rivers of the same class and with something like the same amount of traffic.

Now, to recur again to the illustrations given by my friend, the Senator from Louisiana [Mr. RANSDELL]:

The Tennessee River, Chattanooga to Riverton, $205,000 appropriated out of a total estimate of $770,640.

I remember that very well also. That was not a new project. We had been at work on that for years and years preceding 1907, but we did decide to abandon the most ambitious plans for the improvement of this river and cut down the total expense to $770,640 as the remnant, I may call it, of older projects then under way, much larger and much more expensive, and toward that improvement we made an appropriation of $205,000.

Then another item given here is Hilo Harbor, Hawaii. It is stated that in that case an appropriation or authorization of only $400,000 was made, when the total estimate was $1,700,000.

I recall that very well. There was a large project, costing $1,700,000, but there was a partial project under which we could try it out and determine whether or not it was worth while, which would cost only $400,000 and which would be complete in itself, and we did what I think any judicious committee would do. Instead of recommending the whole $1,700,000 we recommended a divisible portion of it—$400,000—with the intention of going on with that.

It may be, as I stated here half an hour ago, that some new projects slipped in that bill for which appropriations were made which we did not complete, but that was not the general policy, and I think on examination it will appear that none of these were exceptions to the rule. I recall very distinctly at least three or four of them.

Mr. RANSDELL. Mr. President——

The PRESIDING OFFICER. Does the Senator from Ohio yield to the Senator from Louisiana?

Mr. BURTON. Certainly.

Mr. RANSDELL. I will ask the Senator what explanation he has to make about the item for the Falls of the Ohio at Louisville, $314,000, the total cost of which was $1,700,000?

Mr. BURTON. I do not at this moment recall that. We made a rule, which I have already stated, that if the work required more than four years we would not in that bill appropriate the entire amount. We could not make a perfect bill then. Just think of what confronted us. We were struggling along with uncompleted projects, which would cost hundreds of millions of dollars. We gradually worked our way to this policy and came just as near to it as was possible in the bill of 1907. But what did the bill of 1910 do? It threw the results of that labor and of that reform policy to the winds, and went ahead with the old plan of piecemeal appropriations.

I should state something that I did not say the other day, that in addition to the appropriations in this bill $6,000,000 is carried in the sundry civil bill, and I note that it is stated by the House committee, on page 8 of their report, that:

In addition to the items for the old or existing projects, we have added 76 new projects, requiring in all to complete $38,684,700, while only $5,786,829 have been appropriated and authorized in the bill.

A little more than one-seventh of the whole amount. The pending bill is not as bad as the bill of 1910, but it is a continuation of the old policy.

Mr. KENYON. Mr. President——

The PRESIDING OFFICER. Does the Senator from Ohio yield to the Senator from Iowa?

Mr. BURTON. Certainly.

Mr. KENYON. It would seem that in the consideration of an important appropriation bill, carrying some $53,000,000 for a large number of projects, there should be more than 13 Senators present. That is an unlucky number in any event, and I suggest the absence of a quorum.

The PRESIDING OFFICER. The Secretary will call the roll.

The Secretary called the roll, and the following Senators answered to their names:

Bankhead	Fletcher	Martine, N. J.	Simmons
Brady	Gallinger	Norris	Smith, Ariz.
Brandegee	Goff	O'Gorman	Smith, Ga.
Burleigh	Hollis	Oliver	Smoot
Burton	Hughes	Overman	Sterling
Camden	Kenyon	Page	Stone
Catron	Kern	Pomerene	Swanson
Chamberlain	Lane	Ransdell	Thomas
Clarke, Ark.	Lea, Tenn.	Saulsbury	Thornton
Crawford	Lee, Md.	Shafroth	Townsend
Cummins	McCumber	Sheppard	Weeks
Dillingham	Martin, Va.	Shields	Williams

The PRESIDING OFFICER. Forty-eight Senators having answered to the roll call, a quorum is not present. The Secretary will call the names of the absent Senators.

The Secretary called the names of absent Senators, and Mr. JONES, Mr. SHIVELY, Mr. SMITH of Michigan, Mr. WARREN, and Mr. WHITE answered to their names when called.

Mr. CHILTON entered the Chamber and answered to his name.

The PRESIDING OFFICER. Fifty-four Senators having answered to the roll call, there is a quorum present.

Mr. BURTON. Mr. President, I wish to call attention again to the policy of this bill in the adoption of certain new projects, and some of those under way.

The largest item adopted in pursuance of an Executive document, which may be said to be initiated in this bill, is for the improvement of the East River and Hell Gate, N. Y. The appropriation in this bill for that purpose is $500,000. The total amount required is $13,400,000. At this rate it would take 27 years to complete it.

It is true it is said in the engineers' report that a portion of this improvement may be made at a time. It is for the enlargement of the channel, which is now 26 feet deep, to a depth of, say, 35 feet; for the removal of rocks; and it has in view, ultimately, the moderation of certain currents in the river.

One of two things is true: If that improvement is a judicious one, it ought to be pushed immediately to completion. If it is an improvement of such a nature that 27 years can be taken for finishing it, so large a project ought not to have been adopted. That is a great stream, forming the boundary line between New York and Brooklyn. Nobody knows what changes will occur there in the next 10 or even in the next 5 years; and under this plan of a great improvement of $13,400,000, if we go on at the rate of $500,000 a year, we will be either failing to do justice to that improvement or we will be working along erroneous lines.

Why, years ago there was an illustration. It was proposed to improve the Missouri River at very great expense, by revetting the banks, and so forth. They kept on with these piecemeal appropriations until finally, in 1902, it was concluded, that it was not worth while at all. What was the result of all those piecemeal appropriations that had been made? Five miles of a stretch of river about 400 miles long had been improved up to a high grade of efficiency and the other 395 miles were left untouched. So, in any improvement of this kind, there is the danger that it will be found in after years that a different form of improvement is necessary, and only a part of it is improved as it should be, or that the improvement will not be pushed to completion as rapidly as it should be.

Mr. RANSDELL——

The PRESIDING OFFICER. Does the Senator from Ohio yield to the Senator from Louisiana?

Mr. BURTON. Certainly.

Mr. RANSDELL. I should like to know if the Congress has not usually followed the advice of the Engineer Corps of the Army in making appropriations for rivers and harbors, and if that is not, at least as a usual thing, a very wise plan for us to pursue?

Mr. BURTON. Oh, I think, generally speaking, that is the case; but Congress has not followed the judgment of the engineers in a number of cases. It has not followed it in all cases in this bill. As regards the relation of the Engineer Corps to the Congress, I desire to say something in the course of my remarks, and I would just as soon anticipate now.

The fact of the matter is that the engineers regard themselves as the servants of Congress. If Congress goes ahead with a certain policy, and pursues that policy for four or five years, whether they agree with it or not, they conform. In your own River and Harbor Congress Gen. Bixby spoke of the fact that the Engineer Corps was established along about 1810, and that in an exceptional degree the officers have regarded themselves as the servants of Congress. Now, if Congress, by a policy represented in different bills, seems disposed to adopt a plan of extravagance; if Congress seems to favor a piecemeal policy, the engineers, regarding themselves as executive officers and the servants of Congress—indeed, their motto is that they should not seek to legislate, but to execute—will subscribe to and follow that policy. My contention is, and I think I can show it, that they have departed very widely from the standards of 10 years ago, indeed, of 7 years ago, and they are not especially to blame for that, because they interpret the action of the Senate and of the House as approving certain lines of policy, and they could not obey the law without doing certain things whether their judgment approved or not. As a result, their whole course in making recommendations is shaped and determined by the policy of Congress, as they understand it.

Mr. RANSDELL. Is it not a fact that the National Waterways Commission, of which the Senator from Ohio was the very distinguished president, in advising Congress about a plan for waterway legislation, laid especial stress upon the valuable service of the Engineer Corps?

Mr. BURTON. Certainly.

Mr. RANSDELL. And recommended, in substance, that we take their advice in making our river and harbor appropriations?

Mr. BURTON. I do not recall the exact language of that recommendation. I should not favor a rule under which Congress would slavishly follow the recommendations of any executive body.

Mr. RANSDELL. I do not mean slavishly, but in substance.

Mr. BURTON. I think I remember what was the occasion of that language—that an attempt was being made to bring into the river and harbor bill many objectionable projects. In my report or memorandum of views in 1910 I set forth ten or a dozen projects contained in the bill that were expressly disapproved by, or at any rate were without the approval of, the engineers. I am happy to say that two or three of them have been abandoned since that time. Why, the Senator from Louisiana remembers, though he was not a Member of the House at the time, how the improvement of the Sabine and Natchez Rivers up to Orange and Beaumont was approved by Congress and an appropriation made; and we are appropriating money for the project now, when in the first report, at least, the engineers expressly condemned it. If there was that language in the report of the National Waterways Commission advising that the engineers' recommendations should be followed, it was largely prompted by the recognition of a disposition on the part of Congress to violate their recommendations in these measures.

Mr. GALLINGER. Mr. President——

Mr. RANSDELL. Just one question that is logical here, if the Senator will pardon me.

Mr. GALLINGER. Certainly.

Mr. RANSDELL. In the appropriation of $500,000 for East River and Hell Gate, included in the pending bill, I will ask if Congress has not religiously followed the advice of the Engineer Corps, and if the engineers, in reporting on that project, did not say that the work under any project adopted must be carried on through a long series of years, that $500,000 a year is what is needed right now, and that the next appropriation ought to be $500,000?

Mr. BURTON. I think that is in the report, but there is a question of policy there that this Congress ought to settle. This Congress ought not to accept any improvement in a locality where changes are as rapid as they are there that will take 27 years to complete. It is a mistaken policy. We can decide that as well as the engineers can decide it. We can not approve our course in doing so.

Mr. GALLINGER. Mr. President——

The PRESIDING OFFICER. Does the Senator from Ohio yield to the Senator from New Hampshire?

Mr. BURTON. Certainly.

Mr. GALLINGER. In partial answer to the interrogatory of the Senator from Louisiana as to the recommendations of the National Waterways Commission, of which the learned Senator from Ohio [Mr. BURTON] was chairman——

Mr. RANSDELL. And of which the Senator from New Hampshire was a very distinguished member.

Mr. GALLINGER. I thank the Senator. I will venture to ask the Senator if any recommendations as to improving our waterways were made by that commission that were not made after an investigation of the large European projects, and if the

suggestion that Congress should follow, as a rule, the recommendations of the Engineer Corps would not apply rather to the large projects than to the innumerable little projects that we find in this bill?

Mr. BURTON. I think so. Of course, that statement was general. The commission had visited Europe, and had noted there how carefully the preliminary work was laid out by the engineer officers in France and in Germany, and they came home with an emphasized idea of the desirability of having the work laid out very thoroughly before it was commenced.

I was saying a few minutes ago that really nobody approves this piecemeal policy; and I want to read some words from the memorandum sent in here by President Taft in the year 1910. That was the first general river and harbor bill after the act of 1907. It was the bill in which, as I say, there was an unfortunate departure from a very much better method. He says:

> The chief defect in the bill is the large number of projects appropriated for and the uneconomical method of carrying on these projects by the appropriation of sums small in comparison to the amounts required to effect completion.
>
> The figures convincingly establish the fact that this bill makes inadequate provision for too many projects. The total of the bill—$52,000,000—is not unduly large, but the policy of small appropriations with a great many different enterprises without provision for their completion is unwise. It tends to waste, because thus constructed the projects are likely to cost more than if they were left to contractors who were authorized to complete the whole work within a reasonably short time. The appropriation of a small sum lessens the sense of responsibility of those who are to adopt the project and who do not therefore give to their decision the care that they would give if the appropriation or contract involved the full amount needed for completion. Moreover, the appropriation of a comparatively small sum for a doubtful enterprise is thereafter used by its advocates to force further provision for it from Congress on the ground that the investment made is a conclusive recognition of the wisdom of the project, and its continuance becomes a necessity to save the money already spent. This has been called a "piecemeal" policy. It is proposed to remedy this defect by an annual river and harbor bill, but that hardly avoids the objections above cited, for such yearly appropriations are apt to be affected by the state of the Treasury and political exigency.
>
> If enterprises are to be useful as encouraging means of transportation, they ought to be finished within a reasonable time. The delays in completing them postpone their usefulness and increase their cost. The proper policy, it seems to me, is to determine from the many projects proposed and recommended what are the most important, and then to proceed to complete them with due dispatch, and then to take up others and do the same thing with them.

That is, instead of carrying on 100 projects for 10 years, better carry on 30 and take only three years, then take up a second division from the list, and then a third, managing our public works and making these improvements in a businesslike way.

As I recall, President Taft stated in his memorandum somewhere that at one time it was his intention to veto the bill, but he gives in the following paragraph the reasons why he did not:

> It is now three years since a river and harbor bill was passed. The projects under way are in urgent need of further appropriation for maintenance and continuance, and there is great and justified pressure for many of the new projects provided for by the bill. It has been made clear to me that the failure of the bill thus late in the session would seriously embarrass the constructing engineers. I do not think, therefore, the defects of the bill which I have pointed out will justify the postponement of all this important work; but I do think that in the preparation of the proposed future yearly bills Congress should adopt the reforms above suggested, and that a failure to do so would jusify withholding Executive approval, even though a river and harbor bill fail.

I wish now to go over somewhat briefly the report of 1907. I have already made reference to it in discussions before the Senate; but as the membership of this body changes and as there may be some Senators in attendance here to-day who were not here on the previous discussions of this report, I take the liberty of bringing it up again. Still further, I think the views expressed in that report are worthy of iteration at this time.

That was the largest river and harbor bill ever passed by Congress.

Mr. WILLIAMS. The Senator refers to the river and harbor bill of 1907?

Mr. BURTON. Of 1907. The cash appropriations were $37,108,083; the contracts authorized were $49,954,349, or a total of $87,062,432. The next bill in size, I may say in passing, was the bill of 1896, which carried $72,275,000, in which there was a much smaller proportion of cash appropriations. In that bill there were only $12,659,000 of cash appropriations as against $59,616,000 of continuing contracts.

The next bill in size was the bill of 1902, in which there were cash appropriations of $26,771,000, and contracts authorized of $38,586,000.

The PRESIDING OFFICER. The hour of 1 o'clock having arrived, the Chair lays before the Senate the unfinished business, which will be stated.

The SECRETARY. A bill (H. R. 15613) to create an interstate trade commission, to define its powers and duties, and for other purposes.

Mr. CUMMINS. Mr. President, if the Senator from Ohio desires to go on for a time with his address, I shall not interpose any objection. I leave it entirely with him.

Mr. BURTON. I have nearly reached a division in my remarks, and I should prefer to go on at a later time, although if it suits the business of the Senate I can proceed.

Mr. CUMMINS. If the Senator from Ohio wants to finish within an hour, I will yield to him.

Mr. BURTON. I could not finish in that time.

Mr. CUMMINS. Then I would prefer to write another chapter in the unfinished business.

FEDERAL TRADE COMMISSION.

The Senate, as in Committee of the Whole, resumed the consideration of the bill (H. R. 15613) to create an interstate trade commission, to define its powers and duties, and for other purposes.

Mr. CUMMINS. Yesterday, Mr. President, I called the attention of the Senate to many analogous phrases occurring in the statutes of many States. When I say analogous, I mean analogous to the phrase used in section 5 of the bill, namely, "unfair competition." I do not desire to review or to recapitulate my argument of yesterday, as I had finished that phase of its presentation.

Since the adjournment, however, there have been called to my attention two additional instances of the use of such words in statutes prescribing a rule of conduct—or, rather, one instance in a statute and another in a decree—which I think I ought to bring to the attention of the Senate.

The first instance is found in the statutes of New York in the laws of 1910, chapter 374, article 11. It reads as follows:

> Every person operating a motor vehicle on a public highway of this State shall drive the same in a careful and prudent manner, and at a rate of speed so as not to endanger the property of another or the life or limb of any person: *Provided*, That a rate of speed of 30 miles an hour for a distance of one-fourth of a mile shall be presumptive evidence of driving at a rate of speed which is not careful and prudent.

Section 290 of the laws to which I have referred prescribes a penalty for a violation of the provision I have just read. It has been sustained in the courts of New York as fixing a rule sufficiently certain to guide those who might be affected by it. It was first passed upon in People *v.* Winston (155 Appellate Division New York, 907). It was again passed upon in the court of appeals in Baker *v.* Close (204 New York, 92); and in the latter case the court said:

> Both pedestrians and drivers of motor vehicles are required to exercise that degree of prudence and care which the conditions demand. It is impossible—

Says the court—

> to formulate any more precise definition of these relative rights and duties.

Mr. President, if it is sufficient to say to the people who are to be affected by a law that they must drive a motor vehicle in a careful and prudent manner, it would seem to me to be sufficient to prescribe for those engaged in trade that they must not practice unfair competition, in view of the many applications those words have already had and the many instances in which they have been applied both by courts and commissions in the general literature of commerce.

Mr. GALLINGER. Mr. President——

Mr. CUMMINS. I yield to the Senator from New Hampshire.

Mr. GALLINGER. I was not privileged to hear the Senator's discussion yesterday, being occupied in a committee of conference. I looked in the RECORD this morning to read what the Senator said, but the speech not having being concluded did not appear.

I have been troubled over the phrase "unfair competition," and have wondered how it could be worked out. Am I correctly informed, I will ask the Senator, that there is no appeal provided for in the bill from a finding against a corporation or an individual who is charged with unfairly competing in matters of trade?

Mr. CUMMINS. I assume the Senator means an appeal to the court.

Mr. GALLINGER. To the court.

Mr. CUMMINS. The section provides that if the commission upon inquiry and hearing finds that any corporation is practicing unfair competition it shall enter an order restraining or commading the corporation to cease to practice the methods which have been condemned.

Mr. GALLINGER. So that—

Mr. CUMMINS. Just a moment; I have not fully answered.

Mr. GALLINGER. Certainly.

Mr. CUMMINS. If the corporation does not obey the order of the commission then there must be an appeal to the court, because the commission has no process and could be given no process which will enable it to compel obedience.

The section then provides that the commission in that event shall file a petition in the district court of the United States, and the court is given authority to issue an injunction to enforce the order of the commission if, it may be implied, the court believes that the order was properly made.

Mr. GALLINGER. The further question I will propound I ought to be able to answer for myself, and I would be able if I had read the bill as carefully as I ought to have done; but, as the Senator knows, we have all been very busy, and I was absent from the city two weeks.

Then, I take it, the modus is that a clerk, an inspector, or some other official from the commission created in the bill can go into any establishment. The Senator says "corporation." I take it he could go into a store, could be not, and ask that the books should be laid out before him? He would examine them, and he would come to the conclusion that there was unfair competition as between that merchant or that manufacturer and his competitors. Then the report would be made to the commission, I judge. Am I correct?

Mr. CUMMINS. In the case suggested by the Senator from New Hampshire it would be the commission making the inquiry. There is no other person given any authority to make an inquiry save the commission.

Mr. GALLINGER. The commission, then, determines whether or not the complaint is well grounded?

Mr. CUMMINS. Will the Senator from New Hampshire permit me to read the section?

Mr. GALLINGER. I will be very glad to have the Senator read it.

Mr. CUMMINS. It is as follows:

> Whenever the commission shall have reason to believe that any corporation has been or is using any unfair method of competition in commerce, it shall issue and serve upon such corporation a written order, at least 30 days in advance of the time set therein for hearing, directing it to appear before the commission and show cause why an order shall not be issued by the commission restraining and prohibiting it from using such method of competition.

Then follows the procedure that I have already indicated.

Mr. GALLINGER. That is very explicit, and to my mind it means that a merchant in the city of Seattle or San Francisco can be summoned before the commission at Washington to answer to these charges, and the commission can reach any conclusion it pleases and can impose any penalty that it pleases upon that particular individual without the right of appeal. It looks to me as though it is going to be a very troublesome thing, and that it will impose great hardships in many instances. But perhaps it is wise legislation. I was inquiring for information merely.

Mr. CUMMINS. I think the Senator from New Hampshire has rather exaggerated the power of the commission. It can not enter upon the examination of the affairs of any individual. It can not impose any penalty that it desires. All these things are provided for in the proposed law. Its power and its jurisdiction——

Mr. GALLINGER. Then I have very likely been laboring under a misapprehension. I thank the Senator for correcting me, and I will turn my attention diligently to a consideration of the bill, which, as I said in the beginning, I have not done. I had supposed that this was to be an inquisitorial commission; that it could enter any establishment and examine the books, and a finding could be reached, and that in some way, if it should be found that he was unfairly competing, would be punished. If he is not to be punished of course the law does not amount to anything.

Mr. CUMMINS. He is to be punished if he refuses to obey the order of the commission.

Mr. GALLINGER. Yes.

Mr. CUMMINS. I think the Senator from New Hampshire will agree with me that he ought to be punished.

Mr. GALLINGER. Yes; if he is violating a law. If he is engaged in a competition with his neighbor that is not very serious, I should think it very doubtful whether he ought to be subjected to all these inconveniences. The fact is we are all in favor of what is known as fair competition, but just what fair competition is I think it will be very difficult for any court or any commission to determine.

Mr. CUMMINS. Precisely; but that was the subject of my discussion yesterday, very largely. It is difficult to determine what unfair competition is. It is difficult to determine whether a man is guilty of murder, or manslaughter, or any other offense. When you come to apply the law to a particular state of facts, it is not an easy thing, and it is still more difficult when we are entering upon a comparatively new field. But the Senator from New Hampshire is opposed to unfair competition. Now, unfair competition does not mean severe competition. It means in the fight for business exactly what it means in a physical encounter. The Senator from New Hampshire would know exactly what I meant if I said that a fight was a fair fight; I mean now a physical one. He would know that I meant that neither one of the antagonists had equipped himself with brass knuckles, or a club, or any other unfair weapon that would enable him to take undue advantage over his adversary. We all understand these things. They are as definite and specific as the law can be. It is difficult to tell when we say that a man must exercise reasonable care what that reasonable care is. It differs under varying conditions, and indeed it differs with the views of different courts, but we must employ these phrases if we are to reach the result.

To the Senator from New Hampshire I think I may say further this bill does confer upon the commission the most extensive inquisitorial powers, not alone with regard to the practice of unfair competition, but with regard to all the violations of the antitrust law. It goes far in that respect. It goes further in that respect in one or two instances than I think it ought to go. But in the main there must be this right of visitation upon the corporations of the country, and we are really transferring to the Federal Government the right of visitation which has from time immemorial existed in the sovereignty which creates the corporation. Although we have put it in many words, in many different ways, it really means that as to corporations engaged in commerce which is commerce among the States or with foreign nations, the Federal Government shall have the same right to inquire into their affairs as does the Government which created them.

Mr. GALLINGER. Mr. President, just a word more. It seems to me that this will be a mighty machine that we are going to create and put in the hands of the Federal Government, to supervise all the activities of the American people. I wonder how large an army of employees will be required to do that work.

Mr. CUMMINS. I think there has been no estimate upon that, but not considerably larger than the force now employed in the Bureau of Corporations. The Bureau of Corporations ceases to exist and its powers and duties are transferred to this commission. While I think it will require more employees than are now employed by the Bureau of Corporations, my opinion is that they will not greatly exceed in number the men who are now engaged in a similar work. Added to that, of course, is the commission itself, with its immediate office employees.

Mr. SIMMONS. Mr. President——

The PRESIDING OFFICER. Will the Senator from Iowa yield to the Senator from North Carolina?

Mr. CUMMINS. I yield to the Senator from North Carolina.

Mr. SIMMONS. It seems to me the Senator from New Hampshire is laboring under a mistaken impression that these powers are given to the commission to be exercised over individuals, whereas, as I understand it, and I ask the Senator from Iowa whether I understand it correctly or not, the powers here given would only apply to unfair competition by corporations or by trade associations having capital stock paid in.

Mr. CUMMINS. The entire bill relates to corporations; that is, corporations, trade associations, and corporate combinations, and there is no power given to the commission over an individual as such, either for the purpose of ascertaining whether there has been a violation of the antitrust law or whether there has been a violation of the new substantive law which we are now proposing to enact.

However, I must be entirely candid about it. I think it does give to the commission power to investigate the relation of an individual or a person to a corporation which is engaged in commerce and whose activities are being supervised by the commission. In that way, and in that way alone, is the commission given authority to investigate the business of an individual.

Mr. SIMMONS. That is a mere incident to the investigation for the purpose of issuing their orders against the corporation.

Mr. CUMMINS. It is a mere incident. We have not attempted to deal with persons as such engaged in commerce among the States. I think we ought to do it. I made an earnest effort before the committee to include persons within the scope of this law exactly as they are included within the scope of the antitrust law. That does not reach for corporations alone. It covers all persons who may restrain trade or commerce or who may attempt to monopolize or who do in fact monopolize any trade.

Mr. GALLINGER. I will say that in the hurried reading of the bill I came to the conclusion that what the Senator

states as to individuals, in their relation to corporations, is correct, and that it does to that extent reach individuals.

Mr. CUMMINS. It does.

Mr. GALLINGER. I quite agree with the Senator in his suggestion that to be consistent and to make this a complete law it ought to apply to individuals as well as corporations.

I only want to thank the Senator for giving me the information he has done, and to say that I did not raise the question I did because I am opposed to the bill. I have not considered it sufficiently to determine what attitude I shall take concerning it when I come to vote upon it; and I want, so far as my time permits, to listen to the arguments that will be made in the Chamber covering the various phases of this very important measure, as I regard it.

Mr. WORKS. Mr President——

Mr. CUMMINS. Just a moment. I agree with the last remark. We are considering one of the most important proposals of legislation that ever came before the Senate, a proposal that will affect more phases of the business life of the United States than any other bill that has been pending in the Senate for years. I remark that simply to express my wonder that there are not more of the Senators who seem to be interested in this vital matter. It seems to be taken for granted that the bill will either be voted up or voted down without any real knowledge of its scope, purpose, or effect upon the part of the greater number of the Senators in this Chamber. Possibly that is due to the vicious practice which now obtains of determining legislation in caucus rather than in open and fair debate.

I yield to the Senator from California.

Mr. WORKS. Mr. President, I merely wanted to suggest that if the Senator is right in his construction that the bill does not apply to private individuals engaged in trade, I think it should be made a little clearer in that respect, because I have formed a different opinion about it. I think in some places in the bill partnerships are mentioned——

Mr. CUMMINS. I think not.

Mr. WORKS. Though I may be mistaken about that. I agree with the Senator from Iowa that this is a most important piece of legislation. I have been endeavoring to make a study of the whole trust legislation to satisfy my own mind about it, and it is no easy task. It involves some very vital questions affecting the business of the country and the people generally, and it seems to me to be too bad that Senators should not be here listening to what is said on the subject.

Mr. JONES. Mr. President——

Mr. CUMMINS. I do not want my response to the suggestion of the Senator from California to be misunderstood with regard to the effect of the bill upon partnerships or individuals. I think we ought to make that perfectly clear now. In the first section of the bill the term "corporation" is defined as follows:

The term "corporation" or "corporations" shall include joint-stock associations and all other associations having shares of capital or capital stock, organized to carry on business for profit.

Then, after the creation of the commission and providing for its employees, we come to that part of the bill which gives the power. The first paragraph of that section reads in this way:

(a) To investigate from time to time, and as often as the commission may deem advisable, the organization, business, financial condition, conduct, practices, and management, of any corporation engaged in commerce, and its relation—

That is, the relation of that corporation—

to other corporations and to individuals, associations, and partnerships.

Such is the language of the bill, and its scope can be easily ascertained or determined from that very clear language.

Mr. JONES. Mr. President——

The PRESIDING OFFICER. Will the Senator from Iowa yield to the Senator from Washington?

Mr. CUMMINS. I yield to the Senator from Washington.

Mr. JONES. I rise to a point of order. I agree with the Senator from Iowa as to the importance of this measure, and I think we ought to have more nearly a quorum present. I suggest the absence of a quorum.

The PRESIDING OFFICER. The Senator from Washington suggests the absence of a quorum. The Secretary will call the roll.

The Secretary called the roll, and the following Senators answered to their names:

Brady	Hitchcock	Overman	Smith, Ga.
Bristow	Hughes	Page	Smith, Mich.
Bryan	Jones	Pittman	Smoot
Burton	Kenyon	Poindexter	Swanson
Camden	Kern	Ransdell	Thomas
Clapp	Lane	Reed	Thompson
Clarke, Ark.	Lea, Tenn.	Shafroth	Thornton
Cummins	Lippitt	Sheppard	Warren
Fletcher	Martine, N. J.	Shields	White
Gallinger	Newlands	Simmons	Works
Goff	O'Gorman	Smith, Ariz.	

The PRESIDING OFFICER. Forty-three Senators having answered to the roll call, there is not a quorum present. The Secretary will call the names of absent Senators.

The Secretary called the names of absent Senators, and Mr. STERLING and Mr. STONE answered to their names.

Subsequently Mr. CHAMBERLAIN, Mr. SHIVELY, and Mr. LEE of Maryland entered the Chamber and answered to their names.

Mr. JONES. I move that the Senate adjourn.

The PRESIDING OFFICER. The Senator from Washington moves that the Senate adjourn. [Putting the question.] The noes seem to have it. The noes have it, and the Senate refuses to adjourn.

Mr. LEWIS entered the Chamber and answered to his name.

The PRESIDING OFFICER. Forty-nine Senators having answered to the roll call, there is a quorum present. The Senator from Iowa will proceed.

Mr. CUMMINS. Mr. President——

Mr. WORKS. Mr. President, will the Senator yield to me for a moment?

The PRESIDING OFFICER. Does the Senator from Iowa yield to the Senator from California?

Mr. CUMMINS. I do.

Mr. WORKS. I want to call the attention of the Senator from Iowa to subdivision (g) of section 3 of the bill, which provides:

(g) If the commission believes from its inquiries and investigations, instituted upon its own initiative or at the suggestion of the President, the Attorney General, or either House of Congress, that any corporation, individual, association, or partnership has violated any law of the United States regulating commerce, it shall report its findings and the evidence in relation thereto to the Attorney General with its recommendations.

I wish also to call the Senator's attention to the following language of section 5:

That unfair competition in commerce is hereby declared unlawful.

Does not the Senator from Iowa think that those two provisions bring individuals and partnerships under the jurisdiction of the commission for the reason that "unfair competition" is made unlawful? If it should be found that individuals are violating that provision of the bill, it seems to me that that matter would be within their jurisdiction. The commission are not only authorized but they are required to report as to the facts, with their recommendations.

Mr. CUMMINS. I am not of that opinion, Mr. President, but I think the bill ought to be as the Senator from California thinks it is. In paragraph (g), to which the Senator refers, there is no jurisdiction conferred; the jurisdiction is given in the paragraph which I before read; and I do not believe there is any power of inquiry as such save as to corporations and the relation of individuals and partnerships to corporations. In regard to section 5, the first sentence would seem to include partnerships and persons; but when we come to the jurisdiction of the commission the language is:

Whenever the commission shall have reason to believe that any corporation has been or is using any unfair method of competition in commerce, it shall—

proceed in the way suggested.

Mr. WORKS. I think the Senator from Iowa did not quite understand the point I made. I was taking together subdivision (g) and the first clause of the fifth section. I concede the Senator is right so far only as section 5 is concerned, that it is confined to corporations and associations; but this particular subdivision authorizes the commission to report, at least if investigations are made, whether an individual has violated any provision not only of this bill, but of any law of the United States. Therefore, in that way, the individual is certainly brought under their jurisdiction. I think the Senator is right in saying that under the first provision giving them express authority, it is limited to corporations and associations. That is the reason, if the Senator will allow me, why I suggested that the bill ought to be made more certain in that respect.

Mr. CUMMINS. Possibly the distinction between my statement and that of the Senator from California is not very important, but I repeat that the commission is given power to investigate corporations and trade associations and combinations; it is given power to inquire into the relation which an individual or a partnership may bear to a corporation or to a trade association or combination. It is not given the power to inquire into the affairs of an individual, partnership, or person as such, but if, in the course of the investigation that is carried on lawfully, it has reason to believe or reaches the opinion that an individual or a partnership has violated the antitrust law or any other law of the United States, it is then made its duty to report its findings upon that subject to the Attorney General.

There is no doubt that the language of this bill could be bettered in some respects. It covers a subject so complicated, instances so varying, that it is beyond the power of any one man or any committee to so guard every expression that it will include precisely what is intended and exclude everything that is intended to be excluded. It is for that reason, while the committee has bestowed upon the bill, I was about to say, infinite care and patience, while the chairman of the committee, the Senator from Nevada [Mr. NEWLANDS], has given to the subject an extent and depth of study which, I think, can not be equaled by any other Senator in this body with reference to any other subject which we may be called upon to consider, yet every Senator ought to be studying this bill and bringing to bear upon it his own observations and his own experience, in order that defects, which are undoubtedly in the bill, may be remedied and amended.

Mr. WORKS. I did not make the suggestion because I believe that individuals ought to be excluded from the provisions of the bill. I agree with the Senator from Iowa that there is no reason why an individual engaged in the same kind of trade as is a corporation shall not be treated just the same as is the individual in this respect.

Mr. CUMMINS. That has always been my opinion.

Mr. HUGHES. Mr. President——

The PRESIDING OFFICER. Does the Senator from Iowa yield to the Senator from New Jersey?

Mr. CUMMINS. I do.

Mr. HUGHES. The Senator from Iowa has just stated that if, in the investigation of the affairs of a corporation and its relation to a certain individual investigated, it is discovered that that individual had been guilty of some practices condemned by the law the commission would so report; but is the commission given any authority to punish an individual under such circumstances or can an individual violate the provisions of the existing antitrust law?

Mr. CUMMINS. An individual can violate the antitrust law.

Mr. HUGHES. Can an individual violate this proposed law?

Mr. CUMMINS. An individual can violate the law which we here propose to add to the antitrust law, namely, the prohibition against unfair competition, but the commission is not given any power to proceed for unfair competition against the individual.

Mr. HUGHES. Then what would be the purpose and what would be the effect of the report which the Senator has suggested the commission may make?

Mr. CUMMINS. In order that the Attorney General might proceed against the individual under the antitrust law, which does cover individuals. The commission is intended to be an aid to the office of the Attorney General, to enable him to administer or to enforce the antitrust law with greater efficiency than is possible under the present system.

Mr. HUGHES. That is with reference both to corporations and to individuals?

Mr. CUMMINS. Certainly.

Mr. HUGHES. But with reference to corporations, the commission acts of its own motion to a certain extent.

Mr. CUMMINS. In the bill as it is now framed it does with regard to unfair competition. I have, and will presently offer to the Senate, five or six amendments which are intended to enlarge the power of the commission so as to cover the interlocking-directorate evil and the holding-company evil to a greater degree than those evils are now covered by the antitrust law; but, as the bill is now before the Senate, the substantive work of the commission—I mean aside from its inquiries in order to develop violations of the antitrust law—is to prevent unfair competition and to aid the courts, when a finding has been in favor of the United States, in formulating the proper decree to bring the offending corporation or person into harmony with the law. Such, as I understand it, is the function of the commission as the bill now is.

Mr. SIMMONS. Mr. President——

The PRESIDING OFFICER. Does the Senator from Iowa yield to the Senator from North Carolina?

Mr. CUMMINS. I do.

Mr. SIMMONS. As I understand the Senator, then, the provision declaring that unfair competition is unlawful applies equally to everybody?

Mr. CUMMINS. It is perfectly evident that it does from the wording.

Mr. SIMMONS. Then the power of the commission to institute an investigation with a view to issuing an order against the corporation offending against the statute is full and complete?

Mr. CUMMINS. I look upon it in that way.

Mr. SIMMONS. It can call a corporation before it; it can examine the books of the corporation; it can subject the members of the corporation to the process of interrogation with reference to their business, and, having finished its investigation of a corporation, it can make an order enjoining it from further continuing the practice of that method of competition.

With reference to the individual the commission is given the power to make an inquiry, but it is not given the inquisitorial power of bringing the individual before it and subjecting the individual to an examination; it is not given the power of commanding the individual to produce his books; it is only given the power to make an investigation, and to report the result of that investigation; and then the ordinary process of the law would be applied by the Attorney General against that offending individual. Is not that the distinction?

Mr. CUMMINS. The Senator from North Carolina has stated it correctly if one very important additional suggestion is made, which is this: Section 3 gives to the commission the right to investigate the relation of any individual or partnership to a corporation, which itself is under investigation; but to just what extent the bill would give to the commission the right to enter the office of an individual or begin an inquiry into his private affairs, I do not desire to say; I do not want to commit myself upon that point. That has been one of the objections made to the bill, that it did give the right to inquire too closely into the affairs of an individual.

Mr. SIMMONS. Is the Senator referring to subsection (a) or subsection (b)?

Mr. CUMMINS. Subsection (a) of section 3, and subsection (b) relates to the same matter.

Mr. SIMMONS. I think if the Senator will examine subsection (b) very carefully, he will discover that while that subsection authorizes the commission to make an investigation into the affairs of corporations, it rather carefully refrains from authorizing a like investigation into the affairs of individuals.

Mr. CUMMINS. Except as to their relation to a corporation.

Mr. SIMMONS. Except as to the corporation's relation to the individual. The examination of the corporation's books and its records may be with a view of ascertaining its relation to the individual, but there is no authority there to make any investigation of the books of the individual to ascertain the relation of the individual to the corporation.

Mr. CUMMINS. The Senator from North Carolina may be right about that; but I do not think it is at all material to the question I am discussing, and I will not pursue it. For myself I have never been at all alarmed about an inquiry into the affairs of an individual if it were found that he bore a relation to a trade association or corporation that is charged with a violation of the law. I think we have reached a time when we must enlarge the power of the Government over its citizens in order to be sure that we can effectively enforce the law. However, that is not the point that I have now under consideration, although it is a point that ought to arouse interest here; for if the bill is not right in that respect, some Senator ought to offer an amendment to it; but, as we are now proceeding, it is not likely that a half a dozen Senators or more than that number will ever hear the point suggested by the Senator from North Carolina and enforced by him with such cogency of reasoning.

Mr. JONES. Mr. President——

Mr. CUMMINS. I yield to the Senator.

Mr. JONES. I merely want to see if I get the position of the Senator from North Carolina correctly. Does the Senator from North Carolina contend that the commission can, independently of an investigation of a corporation, inquire into the fact as to whether or not an individual is practicing unfair competition? Independent of any examination with reference to a corporation, can the commission start out to examine into the question as to whether or not some individual is guilty of unfair competition?

Mr. SIMMONS. The commission, as I understand, is authorized by the section referred to a few moments ago—subsection (b), I think; I will find it in a moment——

Mr. CUMMINS. Manifestly, Mr. President, the commission can not do that.

Mr. JONES. That is my understanding; but I understood the Senator from North Carolina to make that statement a moment ago.

Mr. SIMMONS. The Senator altogether misunderstood me.

Mr. JONES. I want to get it clear.

Mr. SIMMONS. The statement which I made was, that under the section authorizing an investigation by the commission for the purpose of ascertaining whether an individual, as well as a corporation, had violated the law it did not have the power to make an investigation of the books of the individual; it did not have the power to call the individual before it and subject him to a cross-examination as to his method of carry-

ing on business, as it does have when it is proceeding under section 5 against a corporation.

Mr. JONES. The Senator made the statement there which he made a while ago that gave me the impression that he contended that the commission could investigate the methods of a corporation and also of the individual; but that, instead of using its direct power against the individual, it had to report to the Attorney General with reference to him. Now, I want to get the position of the Senator from North Carolina as to whether or not he believes that the commission can make an independent inquiry with reference to an individual?

Mr. SIMMONS. Yes.

Mr. JONES. Under what authority does the Senator so contend?

Mr. SIMMONS. I do not find that section—I had my hand on it a moment ago.

Mr. CUMMINS. The Senator from North Carolina will look in vain for that.

Mr. JONES. That is what I wanted to find out.

Mr. SIMMONS. If I can lay my hands on the section——

Mr. CUMMINS. Possibly the Senator is referring to subsection (g).

Mr. SIMMONS. I was referring to the section which authorizes the commission to make an investigation—here it is, subsection (g):

(g) If the commission believes from its inquiries and investigations, instituted upon its own initiative or at the suggestion of the President, the Attorney General, or either House of Congress, that any corporation, individual, association, or partnership has violated any law of the United States regulating commerce, it shall report its findings and the evidence in relation thereto to the Attorney General with its recommendations.

Mr. JONES. Does the Senator contend that under that provision, independent of any suggestion from the President or the Attorney General, the commission is empowered to start an independent investigation against an individual to see whether or not he is guilty of unfair practices, or whether it can do so only when it develops in a principal inquiry against a corporation that the individual has been guilty of such practices?

Mr. SIMMONS. I think that the commission may do it upon its own initiative.

Mr. JONES. If I understand the Senator from Iowa, he contends to the contrary.

Mr. SIMMONS. The provision reads:

(g) If the commission believes from its inquiries and investigations, instituted upon its own initiative or at the suggestion of the President——

Mr. CUMMINS. But, Mr. President, may I suggest to the Senator from North Carolina that he overlooks the governing words of that paragraph?

If the commission believes from its inquiries—

What inquiries? Those that it has been authorized to initiate—

and investigations—

What investigations? Those that it may lawfully carry forward; and the bill expressly provides that such inquiries and investigations can only be made of a corporation.

Mr. SIMMONS. I think clearly that is the qualification.

Mr. CUMMINS. And the only way in which the commission can be led into an investigation of the affairs of an individual is through the relation of the individual to the corporation under investigation.

Mr. SIMMONS. Or upon the request——

Mr. CUMMINS. Oh, no. The request of the Attorney General or of the President or either House of Congress must be a request for an investigation within the powers of the commission.

Mr. SIMMONS. The Senator is right about that.

Mr. WORKS. Mr. President, I do not quite understand how the Senator from Iowa arrives at that last conclusion. There is nothing in the bill to indicate it, to my mind. There is express authority given to the commission in the beginning, as the Senator says, but there evidently is at least inferential authority given to the President to call upon this commission to make such investigations as he may desire to have made.

Mr. CUMMINS. I think not.

Mr. SIMMONS. I call the Senator's attention to the word "or" there.

(g) If the commission believes from its inquiries and investigations, instituted upon its own initiative or instituted at the suggestion of the President—

The second word, "instituted," in line 19, is not in the bill, but I read it, because I think it is implied.

Mr. CUMMINS. But all the while the powers of the commission must be invoked. They can be invoked either upon its own initiative or upon the request of the President, of the Attorney General, or of either House of Congress, but subsection (g) does not confer, as I read it and believe it to be, any independent or substantive power upon the commission.

I regard that, however, as a very unimportant point; and I now recall the Senate to the argument that I was endeavoring to make when diverted by the Senator from New Hampshire—very properly diverted, because I am sure the discussion that has been carried on since will be helpful.

Mr. GOFF. Mr. President——

The PRESIDING OFFICER (Mr. THOMAS in the chair). Does the Senator from Iowa yield to the Senator from West Virginia?

Mr. CUMMINS. I yield to the Senator from West Virginia.

Mr. GOFF. Before the Senator from Iowa proceeds to the discussion of other points, knowing as I do that he has investigated the matter carefully, and having listened as I have intently to his argument, and especially to his reply to the inquiry of the Senator from New Hampshire, I desire to ask him whether it is his contention that if a corporation should be found guilty of unfair competition and inhibited by the commission from further proceeding, and, failing to comply, is brought into the district court, that is a method of appeal, in substance?

Mr. CUMMINS. No. We reach there a very interesting and difficult question. I am not satisfied with the language of the section in that respect.

Mr. GOFF. I am glad to hear the Senator say so.

Mr. CUMMINS. Possibly, however, my dissatisfaction springs from a conclusion in which the Senator from West Virginia would not concur.

I believe the order of the commission in such an instance should be given precisely the same effect, when brought under review by a court, as is given under the interstate-commerce law to an order of the Interstate Commerce Commission fixing a railroad rate; that the court ought not to review the merits of the order entered by the commission, but that it should be able to review the jurisdiction of the commission. If it finds that the order was made without authority, if it finds that it contravenes any constitutional right of the corporation, if it finds that the action was arbitrary, and such other things as the Supreme Court has laid down as affecting the finality of an order of the Interstate Commerce Commission, then the injunction to enforce the order would not issue; but if it finds affirmatively these things which we understand to be always within the power and jurisdiction of a court, then the injunction ought to issue. That has been my opinion.

Mr. GOFF. Have we in our legislation any other instance in which that has been the practice, other than the citation which the Senator made?

Mr. CUMMINS. Not of just that kind. We have had very many instances in which courts have refused to review the discretion of an administrative officer. When the President of the United States issues his proclamation that a certain event has occurred upon which a certain tariff duty is to be levied, the courts will not review the decision of the President. They will not review the judgment of the Secretary of War when he has declared that a certain obstruction in a navigable stream is an unreasonable obstruction to commerce. Those cases, however, are simply analogous; they are not exactly parallel; and I do not know of any other instance precisely similar to that I have quoted.

Mr. GALLINGER. Mr. President, will the Senator permit me?

Mr. CUMMINS. I yield to the Senator from New Hampshire.

Mr. GALLINGER. This is a very important measure—a Democratic measure. I observe there are just two Senators present on the Democratic side—one with his back to the Presiding Officer and the other paying attention to what the Senator from Iowa is saying. I make the point of no quorum.

Mr. SIMMONS. Some of the Democratic Senators are over on the other side.

The PRESIDING OFFICER (Mr. THOMAS in the chair). The Secretary will call the roll.

The Secretary called the roll, and the folowing Senators answered to their names:

Brady	Goff	Norris	Smith, Md.
Bryan	Hughes	O'Gorman	Smith, Mich.
Burton	Jones	Oliver	Smoot
Camden	Kenyon	Page	Sterling
Catron	Kern	Pittman	Thomas
Chamberlain	Lane	Ransdell	Thompson
Chilton	Lea, Tenn.	Shafroth	Thornton
Clapp	Lee, Md.	Sheppard	Warren
Cummins	McCumber	Simmons	White
Fletcher	Martine, N. J.	Smith, Ariz.	Works
Gallinger	Newlands	Smith, Ga.	

The PRESIDING OFFICER. Forty-three Senators have answered to the roll call. There is not a quorum present. The Secretary will call the names of absent Senators.

The Secretary called the names of absent Senators, and Mr. OVERMAN and Mr. WALSH answered to their names.

Mr. BANKHEAD, Mr. HITCHCOCK, Mr. CLARKE of Arkansas, Mr. DILLINGHAM, Mr. STONE, and Mr. SHIVELY entered the Chamber and answered to their names.

The PRESIDING OFFICER. Fifty-one Senators have answered to the roll call. A quorum is present.

Mr. CUMMINS. Mr. President, again returning to the consideration of the sufficiency of the phrase "unfair competition," I desire to bring to the attention of the Senate a decree that was entered by the circuit court of the United States under the antitrust act. This decree was entered in the case of the United States against The General Electric Co.

I suppose it will be assumed that a phrase that is sufficient in a decree intended to guide the future conduct of the defendant or defendants, and to subject them to punishment for contempt if they violate the decree, might be fairly held to be sufficient if used in a law intended to guide the conduct of our citizens.

I read a single paragraph from the decree:

And provided further, That nothing in this decree—

Now, mark you, it prescribed certain specific things that might be done and certain specific things that were not to be done, and then concluded in this language:

And provided further, That nothing in this decree shall be taken in any respect to enjoin or restrain fair, free, and open competition.

What is "fair competition"? Evidently the court understood what it was, or it would not have prescribed it as a standard by which to test the future conduct of the defendants in that case. We all understand it; and if we understand what "fair competition" means, we necessarily understand what "unfair competition" means.

I have now concluded the review of the analogous phrases and words that have been used in statutes throughout the country. All these instances show, and, as it seems to me, show beyond any reasonable doubt—and there again I use a phrase of the law which is quite as uncertain as "unfair competition," but which every Senator who hears me understands perfectly—that when we put upon the business of this country the prescription that it must not indulge in "unfair competition," we have given it as safe and as certain and as complete a guide as it is possible to give it.

I now desire to look into some of the authorities that have been mentioned in the course of the debate; and, first, with regard to the case that the Senator from Missouri [Mr. REED] used a few days ago, and used as though he thought it was conclusive on this question; used it with a wealth of sarcasm and denunciation that apparently left no doubt in his mind that he had completely demolished the section which has been presented with so much care by the distinguished Senator from Nevada [Mr. NEWLANDS].

The case he brought to the attention of the Senate, and upon which he founded the argument that he believed to be so conclusive, is that of Louisville & Nashville Railroad Co. *v.* McChord, reported in One hundred and third Federal Reporter, beginning at page 216. The opinion in the case seems to have been written by Judge Evans, a judge of the district court of that State.

The first remark I desire to make with regard to this case is that within a short time thereafter the decision rendered by Judge Evans was reversed by the Supreme Court of the United States—reversed with all its reasoning; reversed in all its respects. I do not know whether the Senator from Missouri was aware when he presented the opinion to the Senate and to the country that it had been repudiated by the highest judicial tribunal in the land. I assume that he was not aware of the fact; otherwise he would have referred to it in some fashion.

Even if I were to assume that the expressions of Judge Evans's views with regard to certain phases of the law were correct, I should still be of the mind that the words "unfair competition" were sufficient in the law to prescribe a rule of conduct. Let us see, however, just what the case was; and I intend to read a few paragraphs from the opinion of the Supreme Court of the United States which set aside the opinion rendered by the district judge.

Kentucky passed a statute which declared that to charge unreasonable rates was extortion and a crime. A railroad company was indicted under that statute. The Supreme Court of Kentucky held that the statute was insufficient to sustain a criminal prosecution, because it was uncertain; that it was not tolerable to try a railroad company for a criminal offense because it charged more than a jury might find to be a reasonable rate, and to decide that therefore it was guilty of the crime of extortion. That was the law originally in Kentucky. The court of appeals, or the highest judicial tribunal of that State, so determined. Then the State passed a law conferring upon its commission—of which Mr. McChord, now a member of the Interstate Commerce Commission, became a member—the power to determine what was a reasonable rate or charge that a railway company might lawfully make, and in that way connected the work of the commission with the statute which attempted to punish extortion in the exaction of an unreasonable rate.

Such was the statute when the suit was brought by the Louisville & Nashville Railroad against Mr. McChord, a member of the commission. It was a suit in the courts of the United States to restrain the commissioners of the State of Kentucky from carrying into effect the railroad law of Kentucky, which substantially gave to the commission the right to determine what constituted a reasonable rate; and it was in that suit Judge Evans delivered the views which were read with so much emphasis and apparent satisfaction by the Senator from Missouri [Mr. REED].

I shall not reread those paragraphs of Judge Evans's opinion, but come immediately to the same case in the Supreme Court of the United States. It will be found in One hundred and eighty-three United States, at page 483. There were several railroad companies which took the same view of the law, and their cases were combined in this hearing. The opinion was delivered by Chief Justice Fuller, and the sole question was whether the railroad commissioners of Kentucky should be restrained from executing the commission law of Kentucky; and the commission law of Kentucky was precisely as recited by Judge Evans in the opinion read by the Senator from Missouri.

Mr. HUGHES. Mr. President, do I understand that the commission had a right to say what was a reasonable rate?

Mr. CUMMINS. Yes; it did.

Mr. HUGHES. And that if the railroad then charged more than that rate, a criminal action for extortion could be maintained?

Mr. CUMMINS. It constituted extortion.

Mr. HUGHES. And the railroad sought to restrain the commission from establishing a reasonable rate?

Mr. CUMMINS. From fixing a reasonable rate.

Reading the various sections of the General Statutes of Kentucky, set forth in the statement preceding this opinion, as in pari materia with the act of March 10, 1900, which should be done since they are parts of one system, having the same general objects in view, we think it apparent that the duty devolves on the commission to enforce the rates it may fix under the latter act. By section 816 extortion was defined to be charging more than a just and reasonable rate. Section 817 defined unjust discrimination and section 818 forbade undue or unreasonable preference.

Section 819 denounced the same penalties on conviction of the offense of extortion, or of unjust discrimination, or of unreasonable preference—

I pause there a moment. What is an "unreasonable preference"? If there be a man who can find in that a surer or a safer standard of action than "unfair competition" I should like to hear his reasons for believing one to be less vague than the other—

and provided for prosecution by indictment, or by action in the name of the Commonwealth, on information filed by the board of railroad commissioners—

Now, mark you, the provision of the statute of the State of Kentucky had been held unconstitutional by the supreme court, or the court of errors and appeals—I do not remember which—of Kentucky, because there had been no intervention of the finding of the commission, because at that time the commission had not been given the power to declare what constituted a reasonable rate, or an unjust preference, or an undue discrimination; but afterwards the statute was amended and the commission was given this power, and it was to enjoin the commissioners from the exercise of that power that the suit decided by Judge Evans was brought, and the decree was reviewed in the case from which I am now reading. I proceed—

that the railroad companies should be liable in damages to the party aggrieved, and also that prosecution by indictment should only be had on the recommendation or request of the railroad commission.

By section 829 the commission was empowered to hear and determine complaints under sections 816, 817, and 818, and to enforce their awards in the courts.

Just exactly as we propose here to enforce the provision. We have made no provision for enforcing it criminally, but the section as it now stands makes a provision for enforcing it in the courts just as the statute did in Kentucky.

The duty was imposed on the commission to initiate indictments under section 820 for charging greater compensation in the aggregate for a shorter than for a longer haul.

* * * * * * *

In Louisville & Nashville Railroad Co. *v.* Commonwealth (99 Ky., 132), this section was considered. The court held that the section

could not be enforced as a penal statute for want of certainty, and said:

"That this statute leaves uncertain what shall be deemed a 'just and reasonable rate of toll or compensation,' can not be denied, and that different juries might reach different conclusions on the same testimony as to whether or not an offense has been committed must also be conceded."

I need not read further from the opinion of the Kentucky Court of Appeals.

Such being the state of the law—

Says the Supreme Court—

the act of March 10, 1900, was passed.

The mischief to be cured in respect of extortion as defined by section 816 was the want of certainty, and the remedy provided was the fixing of the rates by the railroad commission.

In so providing, the act, while repeating many of the provisions of section 819, did, indeed, omit reference to an action by way of information, and to liability in damages, and it also omitted the provision that indictments should be made only on the recommendation or request of the railroad commission; but it does not, therefore, follow that it was the legislative intention, without any expression thereof in terms, to repeal so important a provision.

Then the court proceeds to consider whether those provisions of the Kentucky statute were repealed and comes to the conclusion that they were not.

In the construction of statutes the cardinal aim of the court is to arrive at the intention of the legislature. The court will presume that the legislature meant something by all the provisions of the statute and will endeavor to give them all a fair effect.

"A fair effect." Again we have the counterpart of the words we have used in this proposed statute. The court finally concludes its opinion in this language:

The result of these considerations is that the duty of enforcing its rates rests on the commission, and that none of the consequences alleged to be threatened can be set up as the basis of equity interposition before the rates are fixed at all. Whether after they are determined their enforcement can be restrained is a question not arising for decision on this record, and we are not called on to dispose of other contentions of grave importance, which were pressed in argument, as if now requiring adjudication.

Of course, if the commission in fixing the rate were to fix it so unreasonably low as to invade the constitutional rights of the railroad companies, the action of the commission would be, in the nature of things, restrained. Finally the court says:

Decrees reversed and cases remanded to the circuit court with a direction to sustain the demurrers and dismiss the bills.

And so ended, so far as I know, the case, and the only case cited here to show that the words "unfair competition" are not sufficient in the law to warrant their application by a commission.

Mr. CLARKE of Arkansas. I ask the Senator from Iowa whether or not he has in his collection of cases the case of Buttfield against Stranahan, reported in One hundred and ninety-second United States?

Mr. CUMMINS. I have it before me, and I presently intend to read from it.

Mr. CLARKE of Arkansas. If the Senator will allow me, that case served to clear up in my own mind certain doubts about the question so earnestly and so plausibly argued by Senators who take a view different from that now being presented by the Senator from Iowa. It seems to me that that case gives a rule which, further extended along the lines of its own direction, can be adapted to all kindred situations that may hereafter present themselves. The rule laid down in that case seems to me to put absolutely beyond rational controversy the validity of the term employed in this bill, and that Congress may validly legislate as far as is practicable and then remit to an executive officer or board the duty and power of supplying such details as are necessary to bring about the major result pointed out by the statute.

As I got some help from that case myself, I believe I will read a short extract from the opinion therein. Let me say of the legislation involved in that case that it was a much more vague direction than the one contained in the pending bill. It was directed against the importers of inferior tea. The language of the act was that it should be unlawful——

to import or bring into the United States any merchandise as tea which is inferior in purity, quality, and fitness for consumption to the standards provided in section 3 of this act, and the importation of all such merchandise is hereby prohibited.

Section 2 provides for the appointment by the Secretary of the Treasury, immediately after the passage of the act and on or before February 15 of each subsequent year, of the board of tea experts, "who shall prepare and submit to him standard samples of tea" which were not inferior in purity. Nothing could more depend upon the whim and mere personal opinion of the particular board than that exercised in the finding and declaration there required; yet the court realized the necessity of enforcing some such law as that, intending thereby to remedy and suppress that obvious evil. The validity of the law was challenged on the ground that it was an undue delegation of legislative power, and that it was so vague that it did not fix rational and enforceable limits, and therefore was not such statute as a court could enforce. Chief Justice White, in rendering the opinion in that case, said:

The claim that the statute commits to the arbitrary discretion of the Secretary of the Treasury the determination of what teas may be imported, and therefore, in effect, vests that official with legislative power, is without merit. We are of opinion that the statute, when properly construed, as said by the Circuit Court of Appeals, but expresses the purpose to exclude the lowest grades of tea, whether demonstrably of inferior purity or unfit for consumption or presumably so because of their inferior quality. This, in effect, was the fixing of a primary standard, and devolved upon the Secretary of the Treasury the mere executive duty to effectuate the legislative policy declared in the statute. The case is within the principle of Field *v.* Clark (143 U. S., 649), where it was decided that the third section of the tariff act of October 1, 1890, was not repugnant to the Constitution as conferring legislative and treaty-making power on the President, because it authorized him to suspend the provisions of the act relating to the free introduction of sugar, molasses, coffee, tea, and hides. We may say of the legislation in this case, as was said of the legislation considered in Field *v.* Clark, that it does not, in any real sense, invest administrative officials with the power of legislation. Congress legislated on the subject as far as was reasonably practicable, and from the necessities of the case was compelled to leave to executive officials the duty of bringing about the result pointed out by the statute. To deny the power of Congress to delegate such a duty would, in effect, amount but to declaring that the plenary power vested in Congress to regulate foreign commerce could not be efficaciously exerted.

Here is another reference to a feature that is always considered fatal to the delegation of legislative power, and that is that it may be abused. Litigants are constantly calling on the courts to review the action of these boards on the ground that their action was taking property without due process of law or otherwise denying to citizens their constitutional rights. Of the power of these boards the Chief Justice said:

Whether or not the Secretary of the Treasury failed to carry into effect the expressed purpose of Congress and established standards which operated to exclude teas which would have been entitled to admission had proper standards been adopted, is a question we are not called upon to consider. The sufficiency of the standards adopted by the Secretary of the Treasury was committed to his judgment, to be honestly exercised, and if that were important there is no assertion here of bad faith or malice on the part of that officer in fixing the standards, or on the part of the defendant in the performance of the duties resting on him.

Federal legislation and the decisions of the United States Supreme Court are full of these declarations where, as a matter of fact, furnishing a guide to conduct is remitted to the ascertainment of boards and commissions, and their findings are made conclusive and enforcible, except in those rare cases where the members of the boards are actuated by malice or by some systematic course of unfairness which shows that they did not honestly approach the discharge of the duties imposed on them.

I think the rule laid down in this case and a fair comprehension of the logic which lies behind it will sufficiently establish the validity of the provision the Senator is so ably discussing and defending.

Mr. CUMMINS. I am very much obliged to the Senator from Arkansas for bringing the case to the attention of the Senate. I intended doing that myself, and I have it on my desk, but he has accompanied the opinion of the court by observations so pertinent, persuasive, and conclusive that my gratitude to him is very much increased.

I suppose that I might well stop the investigation of this subject, but the phrase has been criticized and denounced so roundly here that I intend to adhere to its examination until, insofar as I can affect the matter, it is beyond any controversy whatsoever, and so established that we can proceed to the consideration of the bill in other respects without being disturbed with the constant suggestion that it is unconstitutional.

Resuming my general argument, I call attention to the case of Louisville & Nashville *v.* Garrett (231 U. S., 298). It is a very recent case; one of the very last cases indeed covering the powers of commissioners, and I bring it to the attention of the Senate because it involves the same statute, namely, the regulation found in the State of Kentucky controlling railroad rates and railroad practices. The Supreme Court again affirms in positive, unequivocal terms the constitutionality of that statute, and in this case it also approves the action of the commissioners of the State of Kentucky taken under the statute in fixing railroad rates.

This question about furnishing a rule of conduct in a statute and the sufficiency of phrases or words used to accomplish that purpose is a very old one. It arose in the very first years of the Republic, and the Supreme Court of the United States first passed upon it, as I remember it now, early in the last century. Its decision will be found in the case of the brig *Aurora* (7 Cranch, 382). I do not intend to read from the opinion in that case, because it is commented upon so

learnedly and so instructively in a later case in the Supreme Court that I shall use the later one rather than the earlier one. I refer now to the case of Field v. Clark (143 U. S., 649). I begin my reading at page 680. In this case the statute under examination, the sufficiency of which was disputed, provided—you all know that it was a part of the tariff law of 1890—

That with a view to secure reciprocal trade with countries producing the following articles, and for this purpose, on and after the 1st day of January, 1892, whenever and so often as the President shall be satisfied that the Government of any country producing and exporting sugars, molasses, coffee, tea, and hides, raw and uncured, or any of such articles, imposes duties or other exactions upon the agricultural or other products of the United States, which in view—

Now, mark you—

which in view of the free introduction of such sugar, molasses, coffee, tea, and hides into the United States he may deem to be reciprocally unequal and unreasonable, he shall have the power and it shall be his duty to suspend, by proclamation to that effect, the provisions of this act relating to the free introduction of such sugar, molasses, coffee, tea, and hides—

And so forth.

What was the power attempted to be given to the President? To determine whether in view of the free introduction of sugar, molasses, tea, and hides, the conduct of any country toward us with respect to our business with that country, in so far as agricultural and other products of the United States were concerned was such that he should suspend the law so that the ordinary duties imposed in the statute would become effective.

I can not imagine a wider discretion given to any executive officer than to take into consideration the relative advantages of the admission into this country of sugar, molasses, tea, and hides free and the imposition which such country importing these articles into the United States might place upon our agricultural and other products. That involved a judgment with regard to the comparative importance of their free introduction into our markets and our burden in the introduction into their markets. There never has been a case in the Supreme Court of the United States more learnedly or exhaustively argued than was the case of Field against Clark, to which I have just referred and from which I have just read.

Now, let us see what the court said. It begins with a reference to the case of the brig *Aurora*, reported in Seventh Cranch, 382, which I have already mentioned. Concerning that case the court said:

The nonintercourse act of March 1, 1809, chaper 24, sections 4, 11, forbidding the importation after May 20, 1809, of goods, wares, or merchandise from any port or place in Great Britain or France, provided that "the President of the United States be, and he hereby is, authorized, in case either France or Great Britain shall so revoke or modify her edicts as that they shall cease to violate the neutral commerce of the United States, to declare the same by proclamation."

The power given to the President was the discretion to ascertain and declare when certain edicts or laws of Great Britain or France should cease to violate the neutral commerce of the United States. But in commenting upon that the Supreme Court, in Field against Clark, had occasion to look over the congressional or legislative history of the United States, and it has grouped in the opinion certain instances that are analogous, some of them parallel, to the bill now under consideration. The court said:

Congress passed, and President Adams approved, the act of June 13, 1798, chapter 53, section 5, suspending commercial intercourse between the United States and France and its dependencies, and providing that if the Government of France, and all persons acting by or under its authority, before the then next session of Congress, "shall clearly disavow, and shall be found to refrain from the aggressions, depredations, and hostilities which have been and are by them encouraged and maintained against the vessels and other properties of the citizens of the United States, and against their national rights and sovereignty, in violation of the faith of treaties and the laws of nations, and shall thereby acknowledge the just claims of the United States to be considered as in all respects neutral and unconnected in the present European war; if the same shall be continued, then and thereupon it shall be lawful for the President of the United States, being well ascertained of the premises, to remit and discontinue the prohibitions and restraints hereby enacted and declared."

So far as I know the statute of which I have read a part was never at issue in any judicial proceeding, but it is one of the acts of Congress which illustrates its policy with regard to such things.

Then again:

By an act of Congress approved April 18, 1806, chapter 29, it was made unlawful to import, after November 15, 1806, into the United States from any point or place in Great Britain or Ireland, or in any of the colonies or dependencies of Great Britain, articles of which leather, silk, hemp—

I will not read all of them.

The operation of this act was suspended by the subsequent act of December 19, 1806, chapter 1, section 3, until July 1, 1807. But the last act contained this section: "That the President of the United States be, and he is hereby, authorized further to suspend the operation of the aforesaid act, if in his judgment the public interest should require it."

That is another rule of conduct laid down by Congress.

I do not urge Congress now, and I hope I never shall urge Congress, to vest that power in any President or administrative officer or in any administrative or legislative board, although we did just that thing in 1912. When we came to legislate with regard to the disassociation of railroads and steamship companies we practically gave the Interstate Commerce Commission the right to administer the law in any way that might be compatible with the public interest, and the Interstate Commerce Commission is now exercising or attempting to exercise that power. I did not hear upon that occasion the strong and determined protest that now appears. I doubt very much whether that is constitutional. I want no misunderstanding upon that point. I do not believe that we can or ought to commit to any officer, commission, board, or any other authority the power to declare or to test the act or conduct of citizens by the standard of the public interest. That is for Congress and Congress alone.

Mr. CLAPP. Mr. President——

Mr. CUMMINS. I yield to the Senator from Minnesota.

Mr. CLAPP. The Senator will recall that while there was no vigorous protest at the time that matter was considered, there were some very grave doubts expressed as to the power of Congress to vest that power in the commission. I quite agree with the Senator. It has always seemed to me that if that question was ever tested it would be very likely found that we had exceeded our authority in that measure.

Mr. CUMMINS. I resume the reading of the opinion:

An act of March 3, 1815, chapter 77, approved by President Madison, provided that so much of the several acts imposing duties on the tonnage of ships and vessels, and on goods, wares, and merchandise imported into the United States—

I think I may omit the remainder of the description, reading only these words:

Such repeal to take effect in favor of any foreign nation, "whenever the President of the United States shall be satisfied that the discriminating or countervailing duties of such foreign nation, so far as they operate to the disadvantage of the United States," had been abolished.

Again, by an act approved March 3, 1817, chapter 39, the test or standard given to the President was—

The President of the United States is hereby authorized to declare that fact by his proclamation, and the restrictions imposed by this act shall, from the date of such proclamation, cease and be discontinued in relation to the Nation or its dependencies, discontinuing such regulations.

I need not go further, but I say generally that the Supreme Court in this case reviews the legislative history of the country and cites many more acts than those I have mentioned in which the rule of conduct assigned for the executive officer or the administrative officer is vastly more uncertain, wider, with more discretion in it, than can possibly be alleged against the phrase that has been used in section 5 of the pending bill.

After thus quoting substantially all that we have done in that way, the court proceeded to consider the particular act of 1890. It sustained the act in the most comprehensive way, and it held that Congress has the authority to give the President that standard by which to test the continuance of a prescribed law of the United States, namely, as to whether in view of our favor to a particular nation in giving it the admission of certain of its products free the other nation failed to reciprocate fairly and justly in view of the impositions that it placed upon our exports to that country.

This doctrine has been treated in this debate as though it was something new. It has been treated as though we could not repose any discretion or judgment in an administrative or legislative board. It has been treated as though we must erect a standard so clear and so certain that there could be no differences of opinion with regard to it. Such is not the law. It has never been the law, and it never can be the law in any civilized nation that desires to enforce policies with respect to the regulation of commerce.

I pass from that case to Miller v. Mayor in One hundred and ninth United States, page 385. The defendant was the mayor of the city of New York. The case I have last cited involved the validity of an act of Congress relating to obstructions in navigable waters. I will read no more of the act than this:

A lawful structure and post road for the conveyance of the mails of the United States.

That is at the latter end of the section, which continues:

Provided, That the said bridge shall be so constructed and built as not to obstruct, impair, or injuriously modify the navigation of the river; and in order to secure a compliance with these conditions the company, previous to commencing the construction of the bridge, shall submit to the Secretary of War a plan of the bridge, with a detailed map of the river at the proposed site of the bridge, and for the distance of a mile above and below the site, exhibiting the depths and currents at all points of the same, together with all other information touching said bridge and river as may be deemed requisite by the Secre-

tary of War to determine whether the said bridge, when built, will conform to the prescribed conditions of the act not to obstruct, impair, or injuriously modify the navigation of the river.

The Supreme Court held this was a power that could be constitutionally given to the Secretary of War and was not a delegation of legislative power nor so uncertain as to be incapable of application.

I now refer to the Union Bridge Co. *v.* The United States (204 U. S. Repts., 365). I read from page 366. This case involved the construction of another act of Congress upon the same general subject as the last, namely, the obstruction of navigable waters. I may say that this was an indictment, a criminal case, and the point raised against the bill now before us was raised on the appeal. The court said:

The information was based on section 18 of the river and harbor act of March 3, 1899, which provides: "That whenever the Secretary of War shall have reason to believe that any railroad or other bridge now constructed, or which may hereafter be constructed, over any of the navigable waterways of the United States, is an unreasonable obstruction to the free navigation of such waters on account of insufficient height, width of span, or otherwise"—

And so forth.

The Supreme Court held that a rule of law described in the phrase "unreasonable obstruction to the free navigation of such waters," was a valid rule of law, not only valid and effective in the control of civil rights or property rights, but sufficiently certain to sustain a criminal action. As I said yesterday, it is well known law that the courts are much stricter in scrutinizing such a statute, when the penalty for its disobedience is by a fine or loss of liberty, than when the consequences are the subjection to civil process of the court.

The next case to which I refer is the one cited by the Senator from Arkansas [Mr. CLARKE], the case of Buttfield *v.* Stranahan (192 U. S., 470). I do not intend to read it, inasmuch as the Senator from Arkansas has read in your hearing the material parts of the opinion, but I think the Senator from Arkansas is probably right in saying that the discretion vested in the Secretary of the Treasury to determine the quality of tea that should be admitted to our ports, is as wide a discretion as has ever been bestowed upon an administrative official; and yet the Supreme Court, as has been read in your hearing, declared, without any hesitation, that it was a valid exercise of power upon the part of the United States, and that the mere fact that it could be abused was no argument against its validity.

Every power can be abused. We can abuse our power, and I fear that we often do. The court can abuse its power, and if that occurs in the court of last resort, there is no remedy for the abuse save in the reorganization of the system of government of which the court is a part. I have not any doubt that now and then this commission may find something to be unfair competition that would not meet the views of all Senators and might not meet the views of any Senator, but these occasional instances of abuse or of misuse of power do not present the least reason for not creating the power, if it be necessary for the wise and effective regulation of our commerce and to prevent the extinction of competition through the practices of unfair competition.

I refer, without reading from the decision, to the case of Reagan *v.* Farmers' Loan & Trust Co., in 154 United States, at page 262. There is probably not an opinion of the Supreme Court that is better known to lawyers than the one I have just mentioned. It is long and exhaustive; it is one of the finest examples of judicial reasoning that can be found in the annals of jurisprudence; but I do desire to read a sentence or more from the case of the Standard Oil Co. *v.* The United States in Two hundred and twenty-first United States. I read from page 42. I do this because it has been claimed that in some way or other section 5 of this bill is opposed to the antitrust law, and limits in some way or other the operation of the antitrust law; that whereas the former statute commands competition, insists upon competition, we are here trying to limit competition, and the inference—although I do not think it has been so expressly insisted—is that this proposed statute is intended to further the interests of the combinations and the monopolies and to curtail the effectiveness of the antitrust law.

If I believed that were true, nothing could induce me to either vote for it or to say a word in its behalf. I am here to prove, and I hope I have proved—and if I have not, I shall prove before I am through—that this proposed statute is intended to gather up the lesser instances which the antitrust law can not and does not reach, and to prevent the beginning of the attempt to monopolize, the beginning of the insidious efforts toward the restraint of trade and commerce. In the extract which I am about to read the Supreme Court was stating the averments of the bill on the part of the United States, which was afterwards found to be fully sustained by the proof. Says the court:

Reiterating in substance the averments that both the Standard Oil Trust from 1882 to 1899 and the Standard Oil Co. of New Jersey since 1899 had monopolized and restrained interstate commerce in petroleum and its products, the bill at great length additionally set forth various means by which during the second and third periods, in addition to the effect occasioned by the combination of alleged previously independent concerns, the monopoly and restraint complained of was continued. Without attempting to follow the elaborate averments on these subjects spread over 57 pages of the printed record, it suffices to say that such averments may properly be grouped under the following heads: Rebates, preferences, and other discriminatory practices in favor of the combination by railroad companies; restraint and monopolization by control of pipe lines, and unfair practices against competing pipe lines; contracts with competitors in restraint of trade; unfair methods of competition.

The court uses there the exact phrase of the bill before the Senate as to the things which, taken with its fellows, constitute on the whole restraint of trade and monopoly:

Unfair methods of competition, such as local price-cutting at the points where necessary to suppress competition; espionage of the business of competitors—

Why, Mr. President, the forms that unfair competition takes on are myriad. Local price-cutting is one of them, but the espionage of business is another and more vicious than price-cutting itself. I have known, and I doubt not every Senator here has known, such flagrant examples of the espionage, the spying upon business by rivals, that the continuance of trade became practically impossible.

I read from this decision to show that the Supreme Court of the United States had in view "unfair competition" and that it has used that phrase to describe these unjust and injurious practices through which real competition is finally extinguished. The same language will be found in the American Tobacco Co. case; and, without reading from it, I cite that case as very illustrative of the principle for which we contend here. It is found in Two hundred and twenty-first United States, at page 181.

Mr. President, it is frequently asked—it has been asked here—why, if unfair competition is in restraint of trade, we are attempting to add statute to statute and give a further remedy for the violation of the law of 1890? It is a confusion in terms, Mr. President, only; there is no confusion in thought, I am sure, by those who have used this argument. There may be unfair competition which does not constitute restraint of trade. Unfair competition must usually proceed to great lengths and be destructive of competition before it can be seized and denounced by the antitrust law. In other cases it must be associated with, coupled with, other vicious and unlawful practices in order to bring the person or the corporation guilty of the practice within the scope of the antitrust law. The purpose of this bill in this section and in other sections, which I hope will be added to it, is to seize the offender before his ravages have gone to the length necessary in order to bring him within the law that we already have.

We knew little of these things in 1890. The commerce of the United States has largely developed in the last 25 years. The modern methods of carrying on business have been discovered and put into execution within the last quarter of a century; and as we have gone on under the antitrust law and under the decisions of the courts in their efforts to enforce that law, we have observed certain forms of industrial activity which ought to be prohibited whether in and of themselves they restrain trade or commerce or not. We have discovered that their tendency is evil; we have discovered that the end which is inevitably reached through those methods is an end which is destructive of fair commerce among the States. It is these considerations which, in my judgment, have made it wise, if not necessary, to supplement the antitrust law by additional legislation, not in antagonism to the antitrust law, but in harmony with the antitrust law, to more effectually put into the industrial life of America the principle of the antitrust law, which is fair, reasonable competition, independence to the individual, and dissociation among the corporations.

I may say a word here with regard to "big business." I am reminded of it by some remarks that were made elsewhere last night. These proposed laws are not aimed against "big business." Everybody knows that the business of the United States must be carried on in a big way; it must be conducted so as to employ all the economies and facilities that the genius of this age has discovered and developed.

Some kinds of business must be carried on by large units. The effort we are making here does not interfere with that. It is often thrust at me, "Do you want to return to the Dark Ages? Do you want to discard all the learning, all the improvements, all the developments of modern times? Do you

want to see the shoemaker at his bench; do you want to see the blacksmith forging at his anvil; do you want to see nothing but individual enterprise and nothing greater than can be carried on by the person alone?" No, Mr. President, we want association; we recognize association in all our laws; but there is no business field in this country so small but that it ought to be occupied by at least two enterprises, whether individual or corporate.

Mr. LEWIS. Mr. President, may I beg the privilege of interrogating the able Senator from Iowa at this particular point by asking him if the pass should ever be reached in this country, fulfilling what the able Senator refers to, the remarks made elsewhere, by which business should pass in its concentration to any one large institution, would not that one large institution then have to be controlled by a single set of people, and, finally, the whole business of that particular subject matter pass by that method into the hands of a single set of people or of the Government to conduct that business solely to the exclusion of others? Would not that be the natural, final result?

Mr. CUMMINS. I think so, Mr. President. That is the tendency of monopoly. Now, let me continue the thought that I was endeavoring to express. I desire to disabuse the public mind, if I can, of the idea that those of us who stand for the regulation of commerce, its sharp and effectual regulation, are in favor of a return to the weakness of former days and are opposed to those large aggregations that introduce economy and efficiency into the public service. Whatever those economies and efficiencies may be, they must, however, stop short of one thing, that is, the power to rule that field of commerce which they attempt to occupy. Let us take an illustration. It is supposed—and I believe it to be true—that at the present time substantially $3,000,000,000 of capital are employed in what is ordinarily known as big steel, in the iron and steel business of the larger kind. One-half of that capital is in the hands of one corporation and the other half of the capital is in the hands of 25 or 30 other corporations.

If I were a czar, if I could make the law, that would never have occurred. I do not believe that it is necessary, in order to reach full efficiency and employ and utilize all the economies of this age, that there shall be a billion and a half dollars in the hands of one man or in the hands of one board of directors. I believe that competition in many respects between this great combination and its lesser rivals is unequal; it is not, so far as I know, unfair. I think it would be vastly better for this country if, instead of one corporation having a billion and a half dollars of capital, or one-half of it, and the remainder distributed among a score or more of corporations, there should be 5 or 6 or 10 corporations, each employing $300,000,000 of capital. No one could complain that "big business" was invaded if a corporation were permitted to employ $300,000,000 of capital in the conduct of its business; and, if this were so, competiton would be much more effectual than it is now, because it would be warfare between men of equal strength and power and size. The war between the giant and the pigmy may go on so long as the giant is benevolent, tender, and careful of his opponent. That is what it is alleged occurs now, and I do not desire to dispute it; but I have called these things to your attention simply to refute the often-repeated accusation that those of us who favor the strict enforcement of the law of fair competition are at the same time opposed to doing business in a big way and with big results.

Mr. WEEKS. Mr. President——

Mr. CUMMINS. I yield to the Senator from Massachusetts.

Mr. WEEKS. The Senator from Iowa has suggested the possibility of his being a czar.

Mr. CUMMINS. I hope I have not suggested it.

Mr. WEEKS. If he were, I am sure he would be a benevolent and a wise one. Will he not tell the Senate a little more explicitly how much or what proportion of the capital in any particular industry he thinks it would be safe to have under the control of one board of directors, and how he would limit it?

Mr. CUMMINS. I should have no difficulty about that if I had no associates in reaching a decision. I might have trouble if I had to submit my judgment to the review of friends like the Senator from Massachusetts; but if he desires an answer from an individual standpoint I will say that the test should be, always, the existence of competent and efficient competitors. If he will give me an illustration, if he will mention a field of industry with which I am familiar, I will tell him what capital I think any one person or corporation ought to be permitted to employ in that particular field. I am not, however, familiar with many fields.

Mr. WEEKS. Mr. President, let me suggest this inquiry to the Senator: Is it not true that the independent steel companies are increasing their business more rapidly than the United States Steel Corporation; and, if so, is not that effective competition?

Mr. CUMMINS. No, Mr. President; it is not effective competition. The Senator has now chosen a field with which I have some familiarity.

Mr. WEEKS. That is the reason I selected it.

Mr. CUMMINS. I believe the competitors of the United States Steel Corporation exist at the sufferance of the United States Steel Corporation. I am quite willing to say in this public place and in this public way that there has been some benevolence in the conduct of the United States Steel Corporation. I think that, warned by the experience of the Standard Oil Co. and other corporations which have attempted to establish monopolies, and which have come to grief or have been overtaken with disaster, the United States Steel Corporation has consciously averted the indignation of the people by a course of liberal treatment of its competitors. I believe that the United States Steel Corporation could sell its product, if it cared to do so, at a price that might still yield it some return, but that would extinguish its rivals in a very short period.

Its advantages, however, are not all legitimate. I do not believe it can do these things simply because it can manufacture iron and steel more cheaply than other companies can manufacture the same products. It can do it because it has seized the sources of supply. It owns the iron mines from which its raw material comes. It owns the railroads which transport its raw material to the lake shore. It owns the ships that carry its raw material over the Great Lakes. Of course, therefore, it stands in a position superior to and stronger than that of its rivals who are oftentimes compelled to buy their raw material of the United States Steel Corporation; or, if they do not purchase it of that company, they must procure it under circumstances and conditions that are burdensome as compared with those enjoyed by the great corporation.

I have not in my mind a single harsh feeling toward these great companies so far as they conduct themselves decently; and I think the United States Steel Corporation has conducted itself more fairly, more reasonably, than any other great aggregation of capital of which I know. It has been wiser in that respect. I challenge, however, the right of any corporation to exercise the power which this one does, or which the International Harvester Co. does, or any other association which has drawn within its grasp one-half or more of all the capital involved or engaged in the business in which it is also engaged. It is too much power to give any man or any aggregation of men. If I had my way about it—and the Senate will have an opportunity to vote upon that proposition before the consideration of this bill shall have been concluded—some function, some tribunal of the Government, would be given the authority to determine what capital could be employed in any one business, with this guide that it should not be so great as in and of itself to impair or destroy substantially competitive conditions; and until we do limit the amount of capital that can be associated under one management we shall not have arrived at a fair regulation of commerce. It is the very beginning of any efficient regulation of the power that can be exercised in the association or aggregation of wealth.

Mr. HUGHES. Mr. President——

Mr. CUMMINS. I yield to the Senator from New Jersey.

Mr. HUGHES. The Senator from Massachusetts [Mr. WEEKS] was interested in the amount of capital which the Senator would fix, if he had absolute power, as that which any one company could control in any one field; and the Senator from Iowa seems to be of the opinion that it is necessary to fix by law the maximum amount which any corporation could control.

Mr. CUMMINS. Fix it by law? I hope the Senator from New Jersey will not misunderstand me. Congress could not fix any amount, because the instances are so diverse: the amount required in one field or one business is so different from the amount required in another that Congress could not fix the amount intelligently, or, I think, at all. I would, however, give that power to a commission. I would give it to this trade commission—and I intend to ask the Senate to give it to the trade commission—with this rule: That no corporation shall employ an extent of capital which in and of itself destroys or substantially impairs competitive conditions.

Mr. HUGHES. The Senator does not think we can authorize a commission to do anything that we could not do ourselves, does he; or does the Senator mean that it would be inconvenient for Congress to do that?

Mr. CUMMINS. Of course, we could do it in any particular instance. Undoubtedly it is within the power of Congress. We could say, for example, that no corporation engaged in the

iron or steel business with a capital of more than $100,000,000 should engage in interstate commerce:

Mr. HUGHES. I see what the Senator means. That, however, is not really what I rose to interrogate the Senator about. I wanted to ask him if he did not think that if fair competitive conditions were established in every field of industrial activity, or in any particular field of industrial activity, the amount of capital that would become engaged in any particular line of activity would automatically regulate itself? If fair competitive conditions were once established, it would be unnecessary to fix by law or by the act or order of any commission the amount of capital that should engage in that business?

Mr. CUMMINS. I am not so sure of the correctness of the statement just made by the Senator from New Jersey. In 1901, the year in which the United States Steel Corporation was organized, there was competition in that field—very earnest, substantial competition.

Mr. HUGHES. Yes; but, then, everybody admits that the formation of the Steel Corporation in itself would not be possible in these days.

Mr. CUMMINS. I do not know that.

Mr. HUGHES. I did not think anybody questioned that fact.

Mr. CUMMINS. A great many people question it, and I myself question it.

Mr. HUGHES. I understand that the Steel Corporation itself is now under prosecution.

Mr. CUMMINS. Precisely; but the charge upon which the Government is proceeding, as I understand, is not that the corporation is so big that it suppresses competition by reason of its bigness, but that it suppresses competition through the methods it employs.

Mr. HUGHES. But can there be any doubt in the mind of anybody, in view of the recent decisions of the courts, that any attempt on the part of any individual or group of individuals to do now, with a group of unrelated industries, what was done with the steel industries in 1901, can not be made without violating the law? Can there be any doubt that that would be regarded now, in the light of the decisions and opinions of the courts, as a violation of law?

Mr. CUMMINS. As I say, I do not think we have advanced at all in that respect. The law applies to the corporation now just as it applied in 1901; and I have not heard of anyone who asserts that the corporation is in violation of the antitrust law simply because it has a billion and a half of capital——

Mr. HUGHES. No; I do not assert that.

Mr. CUMMINS. And simply because it has practically half of all the capital engaged in that particular business.

Mr. HUGHES. I am not at all interested in the size of the corporation.

Mr. CUMMINS. I am. Size means power; and whenever you reach the power that the United States Steel Corporation has, you have already touched monopolistic power; you have touched the power to suppress real, substantial competition.

Mr. HUGHES. That is precisely what I mean.

Mr. CUMMINS. The company does it merely because it is so big.

Mr. HUGHES. Exactly.

Mr. CUMMINS. And therefore I would not allow it to become so large.

Mr. HUGHES. I have not the slightest doubt in my mind but that any attempt to do what the Senator has so graphically described as having been done in 1901 would now, whatever it was then, be regarded as in violation of the statute.

Mr. CUMMINS. Mr. President, I have a very serious doubt about it. I wish I had not.

The other day I put to the Senate a question of a like character, in discussing the uncertainty of the antitrust law. Suppose there are 12 grocery stores in a town, and one man buys six of them, and business goes on just the same. There is the same amount of business. There is, of course, less individual competition, but there is still competition.

Mr. HUGHES. Yes; but there are other towns.

Mr. CUMMINS. Each one is endeavoring to prosper, to do as large a trade as it can. Does the Senator say that would be a violation of the antitrust law?

Mr. HUGHES. Why, that certainly would not be a violation of the antitrust law, because the antitrust law does not take jurisdiction over a situation of that kind

Mr. CUMMINS. Why not?

Mr. HUGHES. It is not a restraint—well, I will not say that. I will say that I do not know how to answer that question.

Mr. CUMMINS. No; I do not, either. I will say frankly that I do not know, and I have been asked that question. I was asked the question before I left the practice of the law, and it was put to me probably a score of times. I never was able to answer it, and I am not able to answer it now. That is exactly what the United States Steel Corporation did in 1901.

Mr. HUGHES. I will say to the Senator that that question was put to me, also, in the practice of the law. That is, I was asked to pass upon the conduct of a member of a local association which had agreed not to cut prices. In fact, the association came to me for the purpose of taking some action against an individual who had cut prices. I did not refer to the Sherman antitrust law in order to inform myself as to how to advise my clients. I advised them that of course, under the common law, they were engaged in an unlawful conspiracy, and that any attempt on their part to prevent any man from cutting the price of a necessary of life, or of any staple article, or of any article, for that matter, of ordinary use, was a violation of the law.

I do not think, however, it is important what answer is made to the hypothetical proposition propounded by the Senator. It seems to me that what is important is the conduct of the steel corporation at the time of its formation. There was more than the gathering together of groups of unrelated steel concerns. There was the gathering together of practically all of the steel concerns of the United States which could be attracted into that combination by the offer of tremendous prices in stock and money, with guaranties that the stock would afterwards go to a certain price, all of which guaranties were carried out; and coupled with that was the issuance of something like a billion dollars' worth of securities based upon the thing itself, the ability of this corporation to keep up prices throughout the country so as to make it possible for it to make that billion dollars' worth of watered stock good stock.

Now, that was done. That was the plan, the scheme, which was carried out and put into execution. The stock was delivered, the companies were taken in, and for a long time competition was practically stifled. Does the Senator think that upon a statement of those facts—which never have been denied, to my knowledge, and none of which can be denied—any reasonable tribunal would say that that was not an attempt to establish a monopoly and to restrain trade?

Mr. CUMMINS. I recognize the truth of all that the Senator from New Jersey has said; that there were a great many other things than mere bigness involved in the organization of the United States Steel Corporation. I do not express any opinion as to whether or not it is in violation of the antitrust law. It would be distinctly improper for me to do so, in view of the pendency of the action now before the court. I was simply endeavoring to make it clear that no man could say that it was in violation of the antitrust law because, and simply because, it had the power incident to the control of one-half of all the capital engaged in that particular business.

Mr. HUGHES. I wish to say that I agree with the Senator thoroughly so far as that is concerned.

Mr. CUMMINS. I think we have reached a time when we must take away from any body of men the opportunity to seize that power, for it must inevitably be used to the disadvantage of the American people.

Mr. HUGHES. If the Senator will permit me, I will trespass on his good nature and his time long enough to say that I think myself the trust period in this country has passed. I do not believe a dozen J. P. Morgans could successfully launch any one of the hundred combinations of capital which have been launched in the industrial ocean of this great country.

It seems to me the Senator must admit that that is true. What makes attractive the promotion of these great enterprises is the ability to dispose of the watered stock; and in the present state of the public mind and public knowledge, and in view of the advanced decisions of the courts and various bodies that have had to do with these things, I do not think it would be possible to get enough people to make a promotion of that sort attractive.

It seems to me that the trust period came and flourished and died and passed away. It has left a great many troublesome questions on our hands, and a great deal of watered stock in the hands of innocent bystanders and widows and orphans.

Mr. CUMMINS. I can not quite agree with the conclusions of the Senator from New Jersey. We have not yet adopted any effective law against the issuance of watered stock. There are, I believe, only a few States in the Union in which watered stock can not be issued at this moment.

Mr. HUGHES. I will say to the Senator that it can not be sold as easily as it could be.

Mr. CUMMINS. The matter of its sale is a psychological question now. These psychological periods are apt to recur. I know that these stocks could not be sold to the public at this

time; but this tempest will pass, and the confidence of the people in such securities will again return unless we take apt and proper measures against these practices at this time. I want to make it impossible ever to repeat the performances of the earlier period, because it was in that period that most of these great combinations were formed.

Mr. President, I am now about to enter upon another question relating to the bill under consideration, and I understand it is the purpose to adjourn about 4 o'clock. If it is entirely convenient to Senators, I should be glad if an adjournment could be taken at this time.

Mr. NEWLANDS. Before the motion to adjourn is put, I desire to ask whether we can not get unanimous consent for a vote upon this bill and amendments at 5 o'clock to-morrow evening.

The VICE PRESIDENT. The Secretary will call the roll.

Mr. CUMMINS. I will state to the Senator that it is quite unnecessary to propose such a unanimous-consent agreement, because there will be an objection. It can not be had.

Mr. NEWLANDS. Then, I will not make the request.

The VICE PRESIDENT. The Secretary need not call the roll.

HOUR OF MEETING TO-MORROW.

Mr. KERN. I move that when the Senate adjourns to-day it adjourn to meet to-morrow at 11 o'clock a. m.

The motion was agreed to.

EXECUTIVE SESSION.

Mr. KERN. I move that the Senate proceed to the consideration of executive business.

The motion was agreed to, and the Senate proceeded to the consideration of executive business. After four minutes spent in executive session the doors were reopened, and (at 4 o'clock p. m.) the Senate adjourned until to-morrow, Thursday, July 2, 1914, at 11 o'clock a. m.

NOMINATIONS.

Executive nominations received by the Senate July 1, 1914.

AMBASSADOR.

George T. Marye, of San Francisco, Cal., to be ambassador extraordinary and plenipotentiary of the United States of America to Russia, vice Henry M. Pindell, resigned.

PROMOTION IN THE ARMY.

CAVALRY ARM.

Second Lieut. James L. Collins, Eleventh Cavalry, to be first lieutenant from June 29, 1914, vice First Lieut. John Symington, First Cavalry, who died June 28, 1914.

CONFIRMATIONS.

Executive nominations confirmed by the Senate July 1, 1914.

COLLECTOR OF CUSTOMS.

Herbert C. Comings to be collector of customs for the district of western Vermont.

POSTMASTERS.

IOWA.

John J. McAreavy, Coggon.
J. H. Pettibone, Burlington.
Elisha D. Roberts, Reinbeck.

KANSAS.

W. C. White, Osage City.

OHIO.

Benjamin F. Reineck, Gibsonburg.
Alexander J. Shenk, Delphos.
D. C. Van Voorhis, Bowling Green.

PENNSYLVANIA.

J. F. Johnston, Strasburg.

HOUSE OF REPRESENTATIVES.

WEDNESDAY, *July 1, 1914.*

The House met at 12 o'clock noon.

The Chaplain, Rev. Henry N. Couden, D. D., offered the following prayer:

Out of the deeps, O God our Father, we cry unto Thee for a more insistent desire to live the truth as it is given us to see the truth; for a more insistent desire to deal justly with all men; to exact nothing from our fellows that we are not willing to do ourselves, and to ask nothing for ourselves that we can not freely accord to others; that truth, justice, mercy, love may have their full sway, and bring us into harmony with Thee and our fellow men; in the spirit of the Master. Amen.

The Journal of the proceedings of yesterday was read and approved.

JUDICIARY CODE.

Mr. DUPRÉ. Mr. Speaker——

The SPEAKER. For what purpose does the gentleman from Louisiana rise?

Mr. DUPRÉ. I rise to present a request for unanimous consent. Among other bills favorably reported from the Judiciary Committee is H. R. 4545, to amend an act entitled "An act to codify, revise, and amend the laws relating to the judiciary," approved March 3, 1911, now on the calendar. That is one of a series of bills indorsed and urged by the American Bar Association. In looking up the report filed by the committee I find that it contents itself with saying that the committee recommends that the bill be passed.

In order that the House may have some knowledge of the measure I requested Mr. Everett P. Wheeler, a well-known lawyer of New York, to prepare an analysis of the bill, which he has kindly done, and I ask unanimous consent that his views be printed as my own, in connection with the report heretofore made on this subject.

The SPEAKER. The gentleman from Louisiana asks unanimous consent to file his views on the bill which he mentions with the report. Is there objection?

There was no objection.

COTTON FUTURES.

Mr. LEE of Georgia. Mr. Speaker, I ask unanimous consent that the House insist on its amendments to the bill (S. 110) to regulate trading in cotton futures and provide for the standardization of "upland" and "gulf" cotton separately.

The SPEAKER. The Clerk will report the title of the bill.

The Clerk read the title of the bill.

The SPEAKER. The gentleman from Georgia asks unanimous consent that the House insist on its amendments to Senate bill 110, and agree to the conference asked by the Senate. Is there objection?

Mr. MANN. Reserving the right to object, I take it that it would be in order to move that, unless it were Calendar Wednesday.

Mr. LEE of Georgia. Does the gentleman prefer to have it put in that form?

Mr. UNDERWOOD. I do not think that motion would be in order yet, but the gentleman can probably get unanimous consent.

Mr. LEE of Georgia. Does the gentleman from Illinois object?

Mr. MANN. No; I am not going to object, because it would be in order to make the motion.

Mr. UNDERWOOD. Undoubtedly, to-morrow.

Mr. LEE of Georgia. I ask unanimous consent.

The SPEAKER. Is there objection?

There was no objection, and the Speaker announced as the conferees on the part of the House Mr. LEVER, Mr. LEE of Georgia, and Mr. HAUGEN.

CALENDAR WEDNESDAY.

Mr. FITZGERALD. Mr. Speaker, I ask unanimous consent that the business of Calendar Wednesday be postponed until to-morrow.

In connection with this request I desire to say that there is one subject still in disagreement in the legislative bill. There are two in the District bill, and it is possible that if to-day could be given to the consideration of these items these two bills may be closed and go to the President for his approval.

The SPEAKER. The gentleman from New York [Mr. FITZGERALD] asks unanimous consent to substitute to-morrow for to-day for the business of Calendar Wednesday.

There was no objection.

HOUR OF MEETING TO-MORROW.

Mr. DUPRÉ. Mr. Speaker, will the gentleman from New York yield?

The SPEAKER. The gentleman from New York has not the floor.

Mr. DUPRÉ. I should like to ask whether it is still the intention to have the House meet to-morrow at 11 o'clock?

Mr. UNDERWOOD. Unless the gentleman from Missouri desires to have the House meet at 11 o'clock to-morrow it is not necessary to meet at that time.

Mr. MANN. Let us meet at 12 o'clock.

Mr. STAFFORD. Will the gentleman yield——

Mr. UNDERWOOD. In view of the fact that Calendar Wednesday has been put over until to-morrow I ask unanimous consent to rescind the order that the House meet at 11 o'clock to-morrow, and that the House meet at 12 o'clock.

The SPEAKER. The gentleman from Alabama asks unanimous consent to rescind the unanimous-consent order fixing the hour of meeting to-morrow at 11 o'clock, and that the House meet at 12 o'clock to-morrow. Is there objection?

There was no objection.

The SPEAKER. The House will meet at 12 o'clock to-morrow, unless the hour of meeting is changed in the meantime.

LEGISLATIVE, EXECUTIVE, AND JUDICIAL APPROPRIATION BILL.

Mr. JOHNSON of South Carolina. Mr. Speaker, I call up the conference report on the legislative, executive, and judicial appropriation bill, H. R. 15279.

The SPEAKER. The gentleman from South Carolina calls up the conference report on the bill (H. R. 15279) making appropriations for the legislative, executive, and judicial expenses of the Government for the fiscal year ending June 30, 1915, and for other purposes. The Clerk will read the report.

Mr. FITZGERALD. Let the statement be read in lieu of the report.

Mr. JOHNSON of South Carolina. There is no statement. There is only a single sentence in the report.

The SPEAKER. The Clerk will read the report.

The Clerk read as follows:

CONFERENCE REPORT (NO. 915).

The committee of conference on the disagreeing votes of the two Houses on certain amendments of the Senate to the bill (H. R. 15279) making appropriations for the legislative, executive, and judicial expenses of the Government for the fiscal year ending June 30, 1915, and for other purposes, having met, after full and free conference have been unable to agree.

JOSEPH T. JOHNSON,
JOSEPH W. BYRNS,
JAMES W. GOOD,
Managers on the part of the House.

THOMAS S. MARTIN,
LEE S. OVERMAN,
F. E. WARREN,
Managers on the part of the Senate.

The SPEAKER. How many amendments does that leave in disagreement?

Mr. JOHNSON of South Carolina. Two. Amendments 1 and 30 are the only ones which are still open.

The SPEAKER. Those are the mileage amendments. What does the gentleman desire?

Mr. JOHNSON of South Carolina. I desire recognition.

The SPEAKER. The gentleman is already recognized.

Mr. JOHNSON of South Carolina. Mr. Speaker, I hope I may have the attention of the House for a few minutes.

After three long and arduous conferences with the Senate on the legislative, executive, and judicial appropriation bill, which conferences covered three or four days, we have been able to agree upon every item in the bill except amendments 1 and 30. These amendments, as the membership well knows, deal with the mileage of Senators and Representatives and Delegates in Congress. In the last conference, which was the third, the Senate absolutely refused to recede from its position upon these two amendments. It not only refuses to recede, but the Senate does not ask for a further conference. I am advised that in the Senate, upon the call for the yeas and nays on a motion to concur in the House amendments, only three hands went up.

Mr. MANN. Will the gentleman yield?

Mr. JOHNSON of South Carolina. Yes, sir.

Mr. MANN. The gentleman has not read the proceedings in the RECORD the way I have. The RECORD says that the Senator from Texas moved that the Senate concur in the House amendment; that the Senator from Arkansas made the point of order that there was no House amendment, that it was mere talk of the conferees; and that the President pro tempore of the Senate sustained the point of order and declined to let a vote be had on the matter.

Mr. JOHNSON of South Carolina. At any rate, the Senate does not desire any further conference with the House on this subject. It takes full responsibility, and I want the RECORD to show that fact, for the defeat of this legislation.

I am not an authority on parliamentary law, but I understand that it is a long-established precedent in all legislative bodies that where one house proposes legislation on an appropriation bill and the other house finally and flatly refuses to accept that legislation the house proposing it must yield. In other words, one legislative body has no authority to force legislation upon the other body.

Mr. FITZGERALD. Will the gentleman yield?

Mr. JOHNSON of South Carolina. I will.

Mr. FITZGERALD. Is not this a different situation, and has one legislative body the right to coerce another legislative body into accepting a sum for payment of its mileage that that body has repeatedly stated it does not want?

Mr. JOHNSON of South Carolina. I will come to the record later. I do not like to be diverted from the course of my argument; but, seriously, that is an established rule that obtains between coordinate legislative bodies. I want the RECORD to show that a coordinate branch of Congress refuses to accept this legislation, and accepts full responsibility for that refusal.

The conferees on the part of the House have endeavored in perfect good faith to carry out the mandates and the instructions of the House. By a yea-and-nay vote this House indicated the line of action it desired the conferees to follow, and we have followed that course and endeavored to convince the Senate conferees that it ought to be incorporated into this bill.

Mr. Speaker, we are the servants of the House. We have done all that we knew how to do to carry out its will. The other body has refused to yield, and does not even desire a further conference. We are back with the papers for an expression from the House.

Mr. GARNER. Will the gentleman yield for a question?

Mr. JOHNSON of South Carolina. I will.

Mr. GARNER. If the House should reject the report or sustain the House conferees and ask for another conference, does the gentleman believe that he could get the Senate to agree to a conference; or have they declined further to confer over this matter?

Mr. JOHNSON of South Carolina. The conferees on the part of the Senate have assured the conferees on the part of the House that they would rather kill the bill than to let this provision go in it.

Mr. GARNER. In other words, to make a concrete statement, so that the country may understand, the conferees on the part of the Senate have insisted that the mileage shall remain at 20 cents a mile or else the bill shall fail?

Mr. JOHNSON of South Carolina. That is the position. Mr. Speaker, I desire to return to the showing made in the Senate on this proposition. A point of order was made when the Senator from Texas moved that the Senate concur in the House amendment, and the point of order was sustained; whereupon the Senator from Texas moved that the conferees on the part of the Senate be instructed to agree to the House amendment, and a motion was made to lay that on the table. Upon that motion the yeas and nays were called for; and that, I presume, is the time when the three hands went up.

Mr. MANN. Will the gentleman yield?

Mr. JOHNSON of South Carolina. Yes, sir.

Mr. MANN. I understood the gentleman to say that the Senate refused a further conference.

Mr. JOHNSON of South Carolina. I said that the Senate does not ask for a further conference.

Mr. MANN. The House asked for a further conference yesterday, and the Senate agreed.

Mr. JOHNSON of South Carolina. Yes; and we have reported a disagreement on that conference.

Mr. MANN. Has the Senate acted upon it this morning?

Mr. JOHNSON of South Carolina. The Senate acted upon it yesterday afternoon and sent it here without asking for a further conference. And then we were told that the only reason the Senate did not adopt a motion to adhere was that they wanted to be polite about it. I will now yield to the gentleman from Alabama [Mr. HARRIS] five minutes.

Mr. LEVY. A parliamentary inquiry, Mr. Speaker.

The SPEAKER. The gentleman will state it.

Mr. LEVY. Would it be in order to offer instructions to recede from our position and concur with the Senate?

The SPEAKER. We have not got to that place yet.

Mr. MANN. A parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. MANN. What is now before the House?

The SPEAKER. There is nothing pending.

Mr. MANN. I will ask for the regular order.

The SPEAKER. The gentleman from South Carolina in charge of the bill rose and addressed the Chair, but he did not make any motion.

Mr. JOHNSON of South Carolina. Then, Mr. Speaker, I will make one now. I move that the House further insist on its amendment to Senate amendment No. 1 and insist on its disagreement to Senate amendment No. 30.

The SPEAKER. The gentleman from South Carolina moves that the House insist upon its amendment to Senate amendment No. 1 and insist upon its disagreement to Senate amendment No. 30.

Mr. JOHNSON of South Carolina. Mr. Speaker, I yield five minutes to the gentleman from Alabama [Mr. HARRIS].

Mr. HARRIS. Mr. Speaker, I move that the House recede from its disagreement to Senate amendments No. 1 and No. 30 and concur in the same. I am not sure that the motion should apply to both of these at one time or separately. If it is necessary that I make them separately, I shall do so.

The SPEAKER. The real motion that the gentleman makes is that the House recede from its amendment to Senate amendment No. 1 and concur in the same, and that the House recede from its disagreement to Senate amendment No. 30 and concur in the same.

Mr. HARRIS. That is correct, Mr. Speaker.

The SPEAKER. Does the gentleman desire to address the House?

Mr. HARRIS. Mr. Speaker, I simply desire to say that I think the House has dallied with this question long enough. The Members of the House and the Senate have received this mileage from a time whereof the memory of man runneth not to the contrary, and I see no reason now for dispensing with it.

Mr. JOHNSON of South Carolina. Mr. Speaker, I yield five minutes to the gentleman from Indiana [Mr. COX].

Mr. COX. Mr. Speaker, I do not know that I will use the five minutes. We are occupying, to my mind, rather a peculiar situation. When this bill was reported from the Committee on Appropriations containing a provision to put traveling expenses on an actual expense basis, on a division vote in this House it was defeated by a vote of seventy-two or three to forty-odd, and on a roll call or record vote it was carried by a vote of 235 to, I think, 88. Some criticism was urged against that provision because it contained an omnibus clause giving to Members the right to bring the dependent members of their family to Washington at public expense. In order to obviate that and to the end that every Member of this House and every Member of the Senate would know exactly what his mileage was we have now reached this position, proposing to give to the Members of the Senate 5 cents a mile and, of course, whatever the Senate gets the House will get the same. Now, here comes a threat, an absolute threat, from the grave and sedate Senators of the United States to the House of Representatives, to this effect: "We propose to let this big appropriation bill fail rather than give up our mileage."

Mr. Speaker, I wonder if the time has come in the great Senate of the United States when they propose to let a bill carrying $36,000,000 fail before they will accept an amendment which the House has proposed to them giving them 5 cents a mile when it is admitted by all persons, irrespective of where they come from or their party politics, that 5 cents a mile will more than pay any man's traveling expenses, no matter whether he comes from the Philippine Islands, from Hawaii, or Alexandria. Shall we be put in that attitude? Let no man be deceived when it comes to casting his vote to-day. Were we in good faith when we voted 5 cents a mile, or were we hoping that the Senate of the United States would serve as a back stop for us and save the mileage? It is said we can not let this bill fail. Oh, no. This whole thing can be settled in less than five minutes. The burden is not upon this House if this bill fails. The burden is upon the Senate of the United States, and if there is any odium attached to the failure of this bill, let them and them alone be responsible. Let no Member of this House undertake to take the responsibility from their shoulders. If a motion to recede and concur in this Senate amendment be made, let no man be deceived. He is voting for a straight 20 cents a mile. Then let him go back to his district and undertake to explain to his constituents and say, "Oh, I had to back out; I could not do otherwise; the Senate refused to yield upon that, and I had to yield." For one, Mr. Speaker, I refuse to swing on to the coat tails of my Senators. I propose to stand upon my own footing and upon my own merits upon this proposition and let the responsibility be theirs.

Mr. Speaker, I saw the House last October gallantly walk up and defeat an appropriation of $142,000 to pay these little employees around here an extra month's salary upon a record vote of 151 to 48. The Republican Party's position upon this has been much more consistent than ours. They gave their employees an extra month's salary to pay them their mileage expense. We took that away from them when we gained control of the Sixty-second Congress, and we will never let them have it again. Last October, on a record vote, as I said a moment ago, we prevented the little employees from getting their extra month's salary, and it was right. They have no right to it. Here are these little page boys all over this floor. They get, I think, $75 a month, and yet they get on the train and they travel here probably a thousand miles and pay their train fares, and we continue to vote ourselves 20 cents a mile! There would be no show on earth for any other employee of the Government to get 20 cents a mile except the Members of the House and the United States Senate.

The SPEAKER. The time of the gentleman from Indiana has expired.

Mr. JOHNSON of South Carolina. Mr. Speaker, I yield two minutes to the gentleman from Mississippi [Mr. CANDLER].

Mr. CANDLER of Mississippi. Mr. Speaker, I favor the motion made by the gentleman from South Carolina [Mr. JOHNSON], that we further insist upon this disagreement. I believe that we should stick to our text and insist upon our rights, rather than recognize the rights so valiantly asserted by the coordinate branch of the Congress of the United States. If they desire to see this great bill fail, which carries appropriations for the expenses of the National Government, rather than reduce the mileage which they receive from 20 cents a mile each way to 5 cents a mile each way, as proposed by the House, as was said so forcibly by the distinguished gentleman from Indiana [Mr. Cox], let them take the responsibility, and let the people of the country know where that responsibility rests. I have voted upon every occasion when I had the opportunity during all the contests that have been made in reference to this proposition for a reduction of mileage.

I do not believe at this time, when we have quick transportation at a very much reduced rate, that this amount should be continued to be paid. It was enacted and made a part of the law in the early days, away back yonder when the expense of traveling was very much larger than it is at the present time. The expense of traveling has been decreased from time to time until now it is practically at a minimum. Then why should this rate be still continued on the statute books, when the rate has been reduced which we are required to pay? I will vote for any amount that will reduce it from the amount at which it is now placed. I will vote to reduce it to 5 cents, or I will vote to take it out altogether [applause], because I do not believe the game is worth the candle; and I would rather it would be taken off the statute books and receive not a single, solitary cent in the way of mileage than to continue to hear the criticism that exists in respect to it all over the country.

Mr. MORRISON. Will the gentleman yield?

Mr. CANDLER of Mississippi. I have not the time to yield, because I have only two minutes.

The SPEAKER. The time of the gentleman has expired.

Mr. MORRISON. I ask the gentleman from South Carolina to yield a minute.

Mr. JOHNSON of South Carolina. I yield the gentleman one minute.

Mr. MORRISON. I had hoped that some gentleman would offer a motion to strike out the mileage entirely. I am following the gentlemen who are making this fight, and have been following them with misgivings. If the gentleman will introduce the motion, I will——

Mr. CANDLER of Mississippi. Follow me with misgivings?

Mr. MORRISON (continuing). I will follow you with confidence and admiration.

Mr. CANDLER of Mississippi. Will the gentleman vote for it?

Mr. MORRISON. Yes, sir; I will.

Mr. CANDLER of Mississippi. Well, I will give the gentleman the opportunity, if I can.

Mr. MORRISON. I will do it.

Mr. CANDLER of Mississippi. How did the gentleman vote the other day?

Mr. MORRISON. I voted to reduce the mileage.

The SPEAKER. The time of the gentleman has expired.

Mr. JOHNSON of South Carolina. Mr. Speaker, I yield two minutes more to the gentleman from Mississippi.

Mr. CANDLER of Mississippi. Mr. Speaker——

Mr. DONOVAN. Mr. Speaker——

The SPEAKER. For what purpose does the gentleman from Connecticut rise?

Mr. DONOVAN. To make the point that there is no quorum present.

The SPEAKER. The gentleman from Connecticut makes the point that there is no quorum present. The Chair will count. [After counting.] One hundred and sixty-six Members are present, not a quorum.

Mr. UNDERWOOD. Mr. Speaker, I move a call of the House.

The SPEAKER. The gentleman from Alabama moves a call of the House.

The question was taken, and the motion was agreed to.

The SPEAKER. The Doorkeeper will close the doors, the Sergeant at Arms will notify absentees, and the Clerk will call the roll.

The Clerk called the roll, and the following Members failed to answer to their names:

Ainey	Edwards	Lazaro	Riordan
Allen	Elder	Lee, Ga.	Roberts, Mass.
Anderson	Fields	L'Engle	Rogers
Ansberry	Gardner	Lever	Rupley
Anthony	George	Lewis, Md.	Sabath
Ashbrook	Gerry	Lewis, Pa.	Saunders
Austin	Gill	Lieb	Scully
Baker	Godwin, N. C.	Lindquist	Shackleford
Barchfeld	Goldfogle	Lobeck	Sharp
Barnhart	Gordon	Loft	Sherley
Bartholdt	Gorman	Logue	Sherwood
Bartlett	Goulden	McAndrews	Shreve
Beall, Tex.	Graham, Pa.	McClellan	Sims
Borland	Greene, Vt.	McDermott	Sisson
Brodbeck	Griest	McGillicuddy	Slayden
Browne, Wis.	Griffin	McGuire, Okla.	Slemp
Browning	Gudger	McKenzie	Smith, J. M. C.
Buckner	Guernsey	Madden	Smith, N. Y.
Buchanan, Ill.	Hamill	Maher	Smith, Tex.
Burke, Pa.	Hamilton, N. Y.	Martin	Starley
Callaway	Hammond	Merritt	Stedman
Cantor	Hardwick	Metz	Stephens, Nebr.
Cantrill	Hayes	Montague	Stevens, Minn.
Carew	Helgesen	Morgan, La.	Stevens, N. H.
Casey	Henry	Morin	Stringer
Clancy	Hill	Moss, Ind.	Summers
Clark, Fla.	Hinds	Mott	Switzer
Connolly, Iowa	Hobson	Murdock	Tavenner
Copley	Howard	Neeley, Kans.	Taylor, Ala.
Covington	Hoxworth	Nelson	Temple
Crisp	Hughes, W. Va.	Norton	Townsend
Dale	Hulings	O'Brien	Vaughan
Davenport	Humphreys, Miss.	Oglesby	Wallin
Davis	Jones	O'Shaunessy	Weaver
Decker	Kennedy, R. I.	Paige, Mass.	Webb
Deitrick	Kent	Parker	Whitacre
Dershem	Key, Ohio	Patten, N. Y.	White
Dies	Kiess, Pa.	Peters, Me.	Wilson, Fla.
Dooling	Kinkaid, Nebr.	Peterson	Wilson, N. Y.
Doremus	Knowland, J. R.	Plumley	Woods
Driscoll	Korbly	Porter	Young, N. Dak.
Dunn	Kreider	Post	Young, Tex.
Eagan	Lafferty	Powers	
Eagle	Langham	Prouty	
Edmonds	Langley	Rayburn	

The SPEAKER. On this roll call 256 Members, a quorum, have answered to their names. The Doorkeeper will open the doors.

Mr. UNDERWOOD. Mr. Speaker, I move to dispense with further proceedings under the call.

The SPEAKER. The gentleman from Alabama moves to dispense with further proceedings under the call.

The motion was agreed to.

The SPEAKER. The gentleman from Mississippi [Mr. CANDLER] is recognized for two minutes.

Mr. CANDLER of Mississippi. For three minutes. Mr. Speaker, I desire to make a motion to strike out all of the provision in reference to mileage of every kind whatsoever, so that no mileage will be allowed.

Mr. FITZGERALD. Mr. Speaker, I make the point of order that no such motion is in order at this time.

The SPEAKER. The motion is not in order now.

Mr. CANDLER of Mississippi. Will it be in order later?

The SPEAKER. It is owing to how things develop; sometimes it will be in order and sometimes it will not.

Mr. CANDLER of Mississippi. Would a motion at this time be in order to instruct the conferees?

The SPEAKER. No; there is not any motion in order at the present time. The time to instruct the conferees is just before they are appointed.

Mr. CANDLER of Mississippi. Then it is not in order?

The SPEAKER. It is not in order.

Mr. CANDLER of Mississippi. Mr. Speaker, I asked whether a motion to strike out all mileage would be in order; if so, I will make the motion.

The SPEAKER. The Chair will state to the gentleman from Mississippi, in answer to his parliamentary inquiry a while ago, that if the motion of the gentleman from Alabama should be voted down, unless the previous question is ordered on this motion, then his motion might be in order.

Mr. MANN. "Might be" is well put.

The SPEAKER. The Chair knows. That is the way the Chair was trying to put it. Of course, the Chair has got to pass upon the identical proposition when it comes, but there is no chance to get it in before that.

Mr. CANDLER of Mississippi. I will make it, then, if I have the opportunity.

Mr. JOHNSON of South Carolina. Mr. Speaker, I yield five minutes to the gentleman from Illinois [Mr. MANN].

The SPEAKER. The gentleman from Illinois [Mr. MANN] is recognized for five minutes.

Mr. MANN. Mr. Speaker, in all parliamentary bodies which consist of two parts of equal authority there come times when one body must yield to the other. Where there are differences of opinion we endeavor to reconcile those differences through the appointment of conference committees, giving and taking. But the time often comes when one body proposes something new and the other body declines to accept it. Being of equal authority, it is a natural rule of procedure that that legislative body constituting half of the whole which proposes a new matter must in the end yield unless the other body consents, because the bodies are coequal. When the Senate proposes an amendment to a House appropriation bill which inserts a new principle, unless in the end the House is willing to accept it the Senate must recede. And likewise when the House proposes a new proposition and the Senate refuses to accept it the House must recede, because unless this procedure should be followed one of the two bodies becomes superior to the other.

Legislation is effected by both the House and the Senate agreeing to a specific proposition. Mileage at the rate of 20 cents a mile has been paid for more than 50 years, if I recall correctly, by the same provision of the law. The House has now proposed to reduce that mileage in the original House bill to the actual expenses of the family, and in the amendment of the House to 5 cents a mile. If the Senate insists, as the gentleman from South Carolina [Mr. JOHNSON] has intimated it will—insists that it will not agree to the proposition—in the end the House must yield, as the Senate would have to yield if the proposition were a Senate proposition as a new matter. If the idea of the gentleman from South Carolina is correct as to what the Senate will do, the sooner we yield the less we will injure our pride. Gentlemen have bravely said, "Let this bill die." That is not sense.

Mr. GOOD. It is not bravery, either.

Mr. MANN. The Government can not run without the passage of the legislative bill. The President will not receive his salary, the courts will not receive their salaries, the officials of the Government all through will not receive their salaries, and they will be prohibited even from furnishing voluntary service.

Now, we have reached the point where we will have to put aside, it seems to me, a matter of pride and use common sense. If we are going to yield, let us yield now. If we are going to say that we will not pass the legislative bill unless we can have our way about a new proposition, we stamp ourselves as incapable legislators. I voted for the 5-cent mileage proposition. I have not gone so far as my free-seed friend from Mississippi [Mr. CANDLER], who is always in favor of free seeds and against the payment of any mileage. The payment of mileage is a matter of indifference to me. Yet we are responsible for the appropriations that carry on the Government. We have met an issue now with the Senate on this appropriation where we have proposed and they have refused, as they have the right to do, and we ought in good sense to recede from our proposition at this time, hoping that we may present it in the future to a Senate which will be willing to agree to that proposition. [Applause.]

Mr. JOHNSON of South Carolina. Mr. Speaker, I yield five minutes to the gentleman from Tennessee [Mr. BYRNS].

The SPEAKER. The gentleman from Tennessee [Mr. BYRNS] is recognized for five minutes.

Mr. BYRNS of Tennessee. Mr. Speaker, I have firm convictions on the question of mileage, and I have never failed to express my convictions both in speech on the floor and by my vote since I have been a Member of this body. I have always believed that mileage ought to be limited to the actual expenses of the individual Members. I do not believe that it is the duty of this Government to bring the families of Members and Senators to the city of Washington. That is a duty which, I believe, rests upon the Representative or Senator himself.

This House, when this bill was before it on its passage, adopted a provision providing for the actual expenses of Members and Senators and the dependent members of their families. The House did so, I presume, for the purpose of eliminating the objection of inequality that was raised by some Members who live at a great distance from the Capital city and who have large families. While personally favoring limiting the mileage to the Member's individual expenses, I heartily supported the provision as it passed the House, believing that it was the only and possibly best solution of the matter. The bill went to the Senate. The Senate struck out that provision and restored existing law. When the bill came back to the House upon the question of a conference, this House, by a record vote, instructed the conferees to stand for 5 cents a mile in so far as the Senators were concerned, intending, as we all understood, that the same provision should apply to Representatives. Your conferees have made an earnest and diligent effort to carry out the wishes of the House in that respect. The Senate conferees have

notified the House conferees that the bill will not pass the Senate with that provision in it. They contend that it is a change of existing law, and that it is the duty of the House of Representatives on that account to yield, inasmuch as the Senate is opposed to the change. For my part, since it affects both the Members of the House and Senate, I believe that the House has a right to stand upon its rights and to insist, in so far as it can, upon a reduction of this mileage, if a majority of the Members of the House feel that way about it. But Senators have said that this bill can not pass unless the House provision is eliminated from the bill. For my part, believing, as I do, that mileage ought to be reduced, I intend to vote for the motion to further insist upon the disagreement to the amendment of the Senate. I am going to vote that the House stand by the declared will of the majority; and if the bill should fail, then, so far as I am concerned, the responsibility must rest upon that body which defeats it. I do not believe either the House or the Senate can afford to stand in the way of the passage of this measure merely because a little question of mileage is involved. I would rather see mileage wiped out than to have this proposition arise year after year to plague and harass Members. It is a matter of practically little concern to the most of us. It has been held by the Court of Claims that it is in no sense compensation, that it must be construed as mileage, and mileage only, and I have never believed that Members could justify themselves voting for the present rate of mileage, when we all know it requires a much smaller sum to bring us here each session.

Mr. JOHNSON of South Carolina. Mr. Speaker, I move the previous question on the motions pending.

The SPEAKER. The gentleman from South Carolina [Mr. JOHNSON] moves the previous question on both motions.

Mr. FALCONER. Mr. Speaker——

The SPEAKER. For what purpose does the gentleman rise?

Mr. FALCONER. I rise to a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. FALCONER. Would a preferential motion be in order to recede and concur with an amendment?

The SPEAKER. No; the motion to recede and concur is the preferential motion at this stage of the proceeding.

Mr. FALCONER. After this is out of the way would a motion then be in order to recede and concur with an amendment?

The SPEAKER. It will depend entirely upon the shape in which it comes up.

Mr. BYRNES of South Carolina. Mr. Speaker——

The SPEAKER. For what purpose does the gentleman from South Carolina rise?

Mr. BYRNES of South Carolina. To make a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. BYRNES of South Carolina. I rise to ask whether that motion to concur in amendments No. 1 and No. 30 is not a divisible motion? Can not a separate vote be had upon the two amendments?

Mr. MANN. Yes.

The SPEAKER. The Chair thinks it can.

Mr. FITZGERALD. By unanimous consent the House agreed to vote on both of them together.

Mr. BYRNES of South Carolina. I have no recollection of any such agreement.

Mr. MANN. When was that agreement made?

The SPEAKER. If that agreement was made, that settles it.

Mr. MANN. There was no such agreement as that.

The SPEAKER. The memory of the Chair is no better than that of anybody else particularly, but the Chair is inclined to think that the gentleman from South Carolina did ask that both be considered together. Anyway, that is what we have been doing.

Mr. MANN. The gentleman from South Carolina asked yesterday that they be considered together.

The SPEAKER. In the first place the Chair will put the motion for the previous question.

The previous question was ordered.

Mr. UNDERWOOD. I suggest that even if the order had been made by the House that the two amendment. be considered together, yet the motion is divisible, because the question would be before the House in the same shape as though an original motion had been made in which two propositions were involved.

Mr. MANN. Mr. Speaker, there was no such request made to-day, to consider the two together.

The SPEAKER. The Chair thinks the request was made. The only question in the mind of the Chair is whether he ever put the request. At all events, the gentleman from South Carolina [Mr. JOHNSON] did not ask that they be voted on together. If he made any request, it was that they be considered together.

Mr. FITZGERALD. That is the same question.

The SPEAKER. That does not change the rule that when there are two substantive propositions in a motion, when the vote is taken the question may be divided. You might agree to consider two or three bills together, and yet they might be voted upon separately. The gentleman from South Carolina [Mr. BYRNES] asked for a separate vote on the two propositions. The first proposition is on Senate amendment No. 1.

Mr. MANN. The first vote would come on the motion of the gentleman from Alabama, would it not?

The SPEAKER. Yes.

Mr. MANN. That the House recede and concur?

The SPEAKER. It comes this way: That is a double-header, too. The gentleman from Alabama moves that the House recede——

Mr. MANN. From its disagreement to Senate amendment numbered 1, and concur in the Senate amendment.

Mr. ADAMSON. Mr. Speaker a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. ADAMSON. If the House should vote to give the Senate their mileage, would it not be in order for us economists then to change our minds and take it for the two Houses, to put ourselves on an equality? [Laughter.]

The SPEAKER. That is not a parliamentary inquiry. The gentleman from Alabama [Mr. UNDERWOOD] moves to recede from the House disagreement, and——

Mr. MANN. To recede from the House amendment to Senate amendment No. 1 and agree to the Senate amendment; also to recede from the disagreement to amendment No. 30 and agree to the same.

The SPEAKER. Now, the gentleman from South Carolina [Mr. BYRNES] demanded a severance of the question.

Mr. UNDERWOOD. Mr. Speaker, I ask for a separate vote on the question to recede and concur. I ask that the vote as to whether or not the House will recede be taken separately from the motion to concur.

The SPEAKER. The gentleman from Alabama demands a division on the question, and the first part of it to be put will be to recede from the House amendment to Senate amendment No. 1. And that is all.

Mr. BYRNES of South Carolina. Is not a motion for a separate vote a preferential motion, Mr. Speaker?

The SPEAKER. I know, but this seems to have four propositions in it. The question is on the motion to recede from the House amendment to Senate amendment No. 1.

The question was taken, and the Speaker announced that the noes seemed to have it.

Mr. KETTNER. Division, Mr. Speaker.

The House divided; and there were—ayes 103, noes 81.

Mr. JOHNSON of South Carolina. I demand the yeas and nays, Mr. Speaker.

Mr. CANDLER of Mississippi. Mr. Speaker, I demand the yeas and nays.

The SPEAKER. The gentleman from South Carolina [Mr. JOHNSON] demands the yeas and nays.

The yeas and nays were ordered.

The question was taken; and there were—yeas 125, nays 138, answered "present" 6, not voting 164, as follows:

YEAS—125.

Abercrombie	Evans	Johnson, Utah	Reed
Aiken	Fairchild	Johnson, Wash.	Roberts, Nev.
Ainey	Falconer	Kahn	Rogers
Avis	Farr	Kennedy, Conn.	Rouse
Bailey	Fergusson	Kettner	Scott
Beakes	Ferris	Key, Ohio	Seldomridge
Bell, Cal.	Floyd, Ark.	Kindel	Sinnott
Blackmon	Fordney	Kirkpatrick	Smith, Idaho
Booher	Francis	Kitchin	Sparkman
Borchers	Frear	La Follette	Steenerson
Britten	Gallagher	Lee, Ga.	Stephens, Cal.
Broussard	Gallivan	Lee, Pa.	Stevens, Minn.
Bulkley	Gard	Lenroot	Stout
Burgess	Gillett	Levy	Talbott, Md.
Burke, S. Dak.	Gilmore	McCoy	Taylor, Ark.
Campbell	Giltins	McGuire, Okla.	Taylor, Colo.
Caraway	Good	Mahan	Taylor, N. Y.
Carlin	Goodwin, Ark.	Manahan	Ten Eyck
Cary	Green, Iowa	Mann	Thomson, Ill.
Chandler, N. Y.	Greene, Mass.	Miller	Treadway
Church	Gregg	Mondell	Underhill
Clark, Fla.	Hardy	Moore	Underwood
Claypool	Harris	Murray, Mass.	Vare
Cramton	Hart	Murray, Okla.	Vollmer
Curry	Hawley	Nolan, J. I.	Volstead
Danforth	Hayden	O'Hair	Walters
Dent	Heflin	Oldfield	Wingo
Donohoe	Helgesen	Patton, Pa.	Winslow
Drukker	Hinebaugh	Payne	Witherspoon
Dupré	Howell	Platt	
Esch	Humphrey, Wash.	Ransdale	
Estopinal	Jacoway	Raker	

NAYS—138.

Adair	Dickinson	Igoe	Rainey
Adamson	Difenderfer	Johnson, Ky.	Rauch
Alexander	Dillon	Johnson, S. C.	Rayburn
Aswell	Dixon	Keating	Reilly, Conn.
Baltz	Donovan	Keister	Reilly, Wis.
Barkley	Doolittle	Kelley, Mich.	Rubey
Barton	Doremus	Kelly, Pa.	Rucker
Bathrick	Doughton	Kennedy, Iowa	Rupley
Bell, Ga.	Dunn	Kinkaid, Nebr.	Russell
Bowdle	Faison	Konop	Sharp
Brockson	Fess	Lesher	Sisson
Brodbeck	Finley	Lindbergh	Small
Brown, N. Y.	Fitzgerald	Linthicum	Smith, Minn.
Brown, W. Va.	Flood, Va.	Lloyd	Smith, Saml. W.
Brumbaugh	Foster	Lonergan	Stafford
Bryan	Fowler	McKellar	Stephens, Miss.
Buchanan, Tex.	French	McLaughlin	Stephens, Tex.
Burke, Wis.	Gardner	MacDonald	Stone
Burnett	Garner	Maguire, Nebr.	Sutherland
Byrnes, S. C.	Garrett, Tenn.	Mapes	Talcott, N. Y.
Byrns, Tenn.	Garrett, Tex.	Mitchell	Thomas
Calder	Goeke	Moon	Thompson, Okla.
Candler, Miss.	Graham, Ill.	Morgan, Okla.	Towner
Carr	Gray	Morrison	Townsend
Carter	Hamilton, Mich.	Moss, W. Va.	Tribble
Cline	Hamlin	Nelson	Walker
Coady	Harrison	O'Leary	Walsh
Collier	Haugen	Padgett	Watkins
Connelly, Kans.	Hay	Page, N. C.	Watson
Connolly, Iowa	Helm	Palmer	Whaley
Conry	Hensley	Park	Williams
Cooper	Holland	Peters, Mass.	Willis
Cox	Houston	Phelan	Woodruff
Crosser	Hughes, Ga.	Pou	
Cullop	Hull	Quin	

ANSWERED "PRESENT"—6.

Butler	Prouty	Sloan	Taylor, Ala.
Glass	Rothermel		

NOT VOTING—164.

Allen	Fields	Langley	Powers
Anderson	FitzHenry	Lazaro	Riordan
Ansberry	George	L'Engle	Roberts, Mass.
Anthony	Gerry	Lever	Sabath
Ashbrook	Gill	Lewis, Md.	Saunders
Austin	Godwin, N. C.	Lewis, Pa.	Scully
Baker	Goldfogle	Lieb	Sells
Barchfeld	Gordon	Lindquist	Shackleford
Barnhart	Gorman	Lobeck	Sherley
Bartholdt	Goulden	Loft	Sherwood
Bartlett	Graham, Pa.	Logue	Shreve
Beall, Tex.	Greene, Vt.	McAndrews	Sims
Borland	Griest	McClellan	Slayden
Browne, Wis.	Griffin	McDermott	Slemp
Browning	Gudger	McGillicuddy	Smith, J. M. C.
Bruckner	Guernsey	McKenzie	Smith, Md.
Buchanan, Ill.	Hamill	Madden	Smith, N. Y.
Burke, Pa.	Hamilton, N. Y.	Maher	Smith, Tex.
Callaway	Hammond	Martin	Stanley
Cantor	Hardwick	Merritt	Stedman
Cantrill	Hayes	Metz	Stephens, Nebr.
Carew	Helvering	Montague	Stevens, N. H.
Casey	Henry	Morgan, La.	Stringer
Clancy	Hill	Morin	Sumners
Copley	Hinds	Moss, Ind.	Switzer
Covington	Hobson	Mott	Taggart
Crisp	Howard	Murdock	Tavenner
Dale	Hoxworth	Neeley, Kans.	Temple
Davenport	Hughes, W. Va.	Neely, W. Va.	Thacher
Davis	Hulings	Norton	Tuttle
Decker	Humphreys, Miss.	O'Brien	Vaughan
Deitrick	Jones	Oglesby	Wallin
Dershem	Kennedy, R. I.	O'Shaunessy	Weaver
Dies	Kent	Paige, Mass.	Webb
Dooling	Kiess, Pa.	Parker	Whitacre
Driscoll	Kinkead, N. J.	Patten, N. Y.	White
Eagan	Knowland, J. R.	Peters, Me.	Wilson, Fla.
Eagle	Korbly	Peterson	Wilson, N. Y.
Edmonds	Kreider	Plumley	Woods
Edwards	Lafferty	Porter	Young, N. Dak.
Elder	Langham	Post	Young, Tex.

So the motion to recede from the House amendment to Senate amendment No. 1 was rejected.

The Clerk announced the following additional pairs:

For the session:

Mr. BARTLETT with Mr. BUTLER.

Mr. METZ with Mr. WALLIN.

Mr. SCULLY with Mr. BROWNING.

Until August 4:

Mr. WEAVER with Mr. SLOAN.

Until further notice:

Mr. HARDWICK with Mr. J. R. KNOWLAND.

Mr. YOUNG of Texas with Mr. AINEY.

Mr. GORMAN with Mr. KIESS of Pennsylvania.

Mr. LAZARO with Mr. PARKER.

Mr. SHERLEY with Mr. MADDEN.

Mr. ROTHERMEL with Mr. AUSTIN.

Mr. STEPHENS of Nebraska with Mr. LEWIS of Pennsylvania.

Mr. GLASS with Mr. SLEMP.

Mr. TAYLOR of Alabama with Mr. HUGHES of West Virginia.

Mr. HUMPHREYS of Mississippi with Mr. LINDQUIST.

Mr. DALE with Mr. MARTIN.

Mr. SMITH of Texas with Mr. YOUNG of North Dakota.

Mr. MCGILLICUDDY with Mr. GUERNSEY.

Mr. STEDMAN with Mr. PETERS of Maine.

Mr. DAVENPORT with Mr. J. M. C. SMITH.

Mr. CANTRILL with Mr. COPLEY.

Mr. MORGAN of Louisiana with Mr. GREENE of Vermont.

Mr. HENRY with Mr. HINDS.

Mr. FIELDS with Mr. LANGLEY.

Mr. SLAYDEN with Mr. BURKE of Pennsylvania.

Mr. CLANCY with Mr. HAMILTON of New York.

Mr. VAUGHAN with Mr. SHREVE.

Mr. HOWARD with Mr. MERRITT.

Mr. MCDERMOTT with Mr. GRIEST.

Mr. PATTEN of New York with Mr. NORTON.

Mr. EDWARDS with Mr. KENNEDY of Rhode Island.

Mr. GOLDFOGLE with Mr. LANGHAM.

Mr. SHACKLEFORD with Mr. ROBERTS of Massachusetts.

Mr. SAUNDERS with Mr. PORTER.

Mr. NEELEY of Kansas with Mr. PAIGE of Massachusetts.

Mr. ALLEN with Mr. BARCHFELD.

Mr. ASHBROOK with Mr. BARTHOLDT.

Mr. BARNHART with Mr. ANDERSON.

Mr. BUCHANAN of Illinois with Mr. DAVIS.

Mr. SIMS with Mr. BROWNE of Wisconsin.

Mr. CALLAWAY with Mr. EDMONDS.

Mr. CASEY with Mr. GRAHAM of Pennsylvania.

Mr. DEITRICK with Mr. HAYES.

Mr. DERSHEM with Mr. HULINGS.

Mr. ELDER with Mr. KREIDER.

Mr. GODWIN of North Carolina with Mr. MCKENZIE.

Mr. LEVER with Mr. MOTT.

Mr. LIEB with Mr. LAFFERTY.

Mr. MONTAGUE with Mr. PLUMLEY.

Mr. MOSS of Indiana with Mr. SELLS.

Mr. SABATH with Mr. SWITZER.

Mr. TAVENNER with Mr. MORIN.

Mr. WEBB with Mr. WOODS.

Mr. WILSON of Florida with Mr. TEMPLE.

The result of the vote was then announced as above recorded.

Mr. JOHNSON of South Carolina. Now, Mr. Speaker——

The SPEAKER. That is only one-quarter of the motion of the gentleman from Alabama.

Mr. FITZGERALD. Mr. Speaker, the question being divided and the House having refused to recede, the question recurs on the motion of the gentleman from South Carolina to further insist.

The SPEAKER. On amendment No. 1.

Mr. FITZGERALD. Yes.

Mr. UNDERWOOD. Mr. Speaker, a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. UNDERWOOD. At this stage of the proceedings, the House having refused to recede, is that not equivalent to a motion to insist, the previous question having been ordered?

Mr. FITZGERALD. No; the House can insist or adhere, and the gentleman from South Carolina has moved to insist.

Mr. COX. A parliamentary inquiry, Mr. Speaker.

The SPEAKER. The gentleman will state it.

Mr. COX. Would it be in order to move at this time to instruct the conferees to agree to 10 cents a mile?

The SPEAKER. It would not.

Mr. MANN. It would not be in order at any time, because the House has an amendment for 5 cents a mile, and you could not instruct the conferees contrary to the House amendment.

The SPEAKER. The question is on the motion of the gentleman from South Carolina to further insist on House amendment to Senate amendment No. 1.

The question was taken, and the motion was agreed to.

The SPEAKER. The question now is on the second portion of the motion of the gentleman from Alabama [Mr. HARRIS] as to amendment No. 30.

Mr. BYRNES of South Carolina. Mr. Speaker, a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. BYRNES of South Carolina. Mr. Speaker, would it be in order to amend the motion of the gentleman from Alabama—to substitute 5 cents—so that the same provision would apply to the House as the Senate?

The SPEAKER. No; the motion of the gentleman from Alabama was to recede from the House disagreement to Senate amendment 30 and concur in the same. At this stage of the proceedings, even if the previous question had not been ordered, that motion takes precedence of any other motion.

Mr. GARNER. A parliamentary inquiry, Mr. Speaker.

The SPEAKER. The gentleman will state it.

Mr. GARNER. If the question should be decided that the House would recede, would not it be in order to concur with an

amendment making the mileage 5 cents for Members of the House?

Mr. MANN. I call the gentleman's attention to the fact that the previous question has been ordered, which cuts out amendment.

The SPEAKER. The Chair was going to state that himself, if the gentleman from Illinois had not anticipated him. The question is on the motion of the gentleman from Alabama to recede from Senate amendment No. 30 and concur therein.

The question was taken; and on a division (demanded by Mr. RAKER) there were 68 ayes and 79 noes.

So the motion was lost.

The SPEAKER. The question recurs on the motion of the gentleman from South Carolina to further insist on the disagreement to Senate amendment No. 30.

The question was taken; and on a division (demanded by Mr. JOHNSON of South Carolina) there were 80 ayes and 66 noes.

So the motion was agreed to.

Mr. JOHNSON of South Carolina. Mr. Speaker, I move that the House ask for a further conference with the Senate.

The motion was agreed to.

The SPEAKER. The Clerk will announce the conferees.

Mr. CLARK of Florida. Mr. Speaker, a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. CLARK of Florida. Would a motion to instruct the conferees be in order?

The SPEAKER. It seems to the Chair that the last vote is equivalent to an instruction.

Mr. MANN. Has the Speaker named the conferees?

The SPEAKER. The Clerk was about to announce them.

Mr. CLARK of Florida. Mr. Speaker, I move that the House conferees be instructed to concur with the Senate and strike out all mileage.

Mr. MANN. I make the point of order that that motion is not in order.

The SPEAKER. The Chair thinks it is not.

Mr. FALCONER. Mr. Speaker, a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. FALCONER. Would it not be in order to instruct the conferees to give no further consideration to the Senate mileage at this time, but to insist that the House determine amendment No. 30 as the House shall see fit? In other words, why do not the House Members settle the mileage for the House and let the Senate do what it pleases in the Senate mileage? It can be done by considering the amendments separately.

The SPEAKER. Because it takes a statute to do it. One House can not pass a law by itself.

Mr. FALCONER. Of course, the Senate would have to agree. I appreciate that it takes the two Houses to enact a law, but I think the Senate would give the House the right to settle its own mileage and concur out of courtesy to the House. The House should reduce its own mileage instead of insisting on reducing the Senate mileage first.

Mr. CLARK of Florida. Mr. Speaker, what became of my motion?

The SPEAKER. The Chair recognized the gentleman from Florida, and he also recognized the gentleman from Washington to make a parliamentary inquiry.

Mr. CLARK of Florida. And the gentleman from Washington proceeded to make a motion.

Mr. MANN. The gentleman from Florida made the motion, and I made the point of order, and the Chair sustained the point of order.

Mr. CLARK of Florida. I made a motion that the conferees be instructed.

The SPEAKER. That is in the nature of an amendment. Will the gentleman state his whole motion.

Mr. CLARK of Florida. That the conferees on the part of the House be instructed, as the sense of the House, to agree with the conferees on the part of the Senate that all mileage be stricken out of the bill.

Mr. MANN. Mr. Speaker, I make the point of order that the gentleman's motion is not in order.

The SPEAKER. The Chair will hear the gentleman.

Mr. MANN. Mr. Speaker, what is in issue between the two Houses? The House can not instruct the conferees to do something which the conferees could not do without instructions. What is at issue between the two bodies is the question of the amount of mileage. The conferees can not exceed the amount named by the Senate, and they can not provide less than the amount named in the House amendment. Nor can the House itself amend its own amendment. I will refer the Speaker to Jefferson's Manual——

The SPEAKER. The gentleman need not take time to do that, because the gentleman is correct.

Mr. MANN. That would seem to settle the question.

The SPEAKER. The Chair thinks that the motion of the gentleman from Florida [Mr. CLARK] is not in order, because it is in the nature of an amendment. The Clerk will announce the conferees.

Mr. FALCONER. Mr. Speaker——

The Clerk read as follows:

Messrs. JOHNSON of South Carolina, BYRNS of Tennessee, and GOOD of Iowa.

The SPEAKER. For what purpose does the gentleman from Washington rise?

Mr. FALCONER. To submit a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. FALCONER. Mr. Speaker, I would like to ask if it would not be in order to instruct the conferees to bring in a 10-cent mileage for House Members?

The SPEAKER. That is equivalent to an amendment, and the stage for amendments and everything else is passed. The matter is concluded for this particular time. It may come up again.

Mr. BURKE of South Dakota. Mr. Speaker, a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. BURKE of South Dakota. I know the Speaker wants to be right, and he usually is, but in answering the parliamentary inquiry of the gentleman from Washington [Mr. FALCONER] I think the Speaker misunderstood the status of the proposition that the gentleman was endeavoring to submit, which was with reference to whether or not it would be in order to instruct the conferees as to the rate of mileage upon this amendment. There has been no amendment by the House to the amendment of the Senate, as there was on amendment No. 1, which refers to the mileage of the Senate. The gentleman was endeavoring to get recognition from the Speaker when he was naming the conferees, but was only able to submit his question after they were named, and the Speaker held that the motion to instruct would be equivalent to an amendment, and, therefore, it would not be in order.

The SPEAKER. There was a time when his motion might have been in order.

Mr. BURKE of South Dakota. When was that?

The SPEAKER. When the gentleman from South Carolina [Mr. JOHNSON] made his motion. If he had gotten in then, his motion might possibly have been in order.

Mr. BURKE of South Dakota. He was trying to get the floor.

The SPEAKER. Oh, that was two hours ago.

Mr. FALCONER. Mr. Speaker, when the motion of the gentleman from Florida was ruled out of order I had the recognition of the Chair.

Mr. DONOVAN. Mr. Speaker, a point of order.

The SPEAKER. Oh, the Chair has a right to listen to a parliamentary inquiry.

Mr. DONOVAN. But the gentleman has not submitted a parliamentary inquiry.

The SPEAKER. The Chair thinks he has. The gentleman from Washington will proceed.

Mr. FALCONER. Mr. Speaker, when the motion of the gentleman from Florida was ruled out of order, I had the recognition of the Chair, and presented this proposition to the Chair and was interrupted by several Members on the floor, and meanwhile the conferees were named.

Mr. DONOVAN. Mr. Speaker, I demand the regular order. There is no business before the House.

Mr. SPEAKER. Oh, the Chair recognized the gentleman to submit a parliamentary inquiry, and that was all he was ever recognized for.

Mr. FALCONER. The gentleman from Florida [Mr. CLARK] said that I had tried to make a motion, and I had the recognition of the Chair after the gentleman from Florida——

The SPEAKER. The gentleman had the recognition of the Chair to make a parliamentary inquiry. That is one thing. The recognition to make a motion is an entirely different thing. It was not offered at the proper time.

Mr. BURKE of South Dakota. Mr. Speaker, let me call the attention of the Chair to the fact that he stated that he had recognized the gentleman from Florida to make a motion, and that he had recognized the gentleman from Washington for the purpose of making a parliamentary inquiry.

The SPEAKER. That is exactly correct.

Mr. BURKE of South Dakota. And the gentleman from Washington was trying to make his motion, and the parliamentarian called the Chair's attention to the fact that he had

declared the motion of the gentleman from Florida out of order, sustaining a point of order made by the gentleman from Illinois.

The SPEAKER. That is correct.

Mr. BURKE of South Dakota. And then the gentleman from Washington continued seeking recognition as the Chair named the conferees.

The SPEAKER. The gentleman from Washington again rose for a parliamentary inquiry, and the Chair answered him, and then ordered the Clerk to announce the conferees, which he did. If the Chair had entertained the motion of the gentleman from Washington, it would have been against the practice of the House to instruct the conferees at that time, because the conferees had been named.

Mr. DONOVAN. Now, Mr. Speaker, can we have the regular order?

INDIAN APPROPRIATION BILL.

Mr. STEPHENS of Texas. Mr. Speaker, I desire to take from the Speaker's table the bill H. R. 12579, the Indian appropriation bill, and ask that the House disagree to all of the Senate amendments thereto and ask for a conference.

Mr. MANN. Mr. Speaker, a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. MANN. Is this bill on the Speaker's table? I thought it was on the Union Calendar.

The SPEAKER. It is on the Union Calendar.

Mr. MANN. Then the gentleman can not take it off the Speaker's table.

Mr. STEPHENS of Texas. Mr. Speaker, I move that the House resolve itself into the Committee of the Whole House on the state of the Union for the purpose of considering the Indian appropriation bill and the Senate amendments thereto.

The SPEAKER. The question is on the motion of the gentleman from Texas that the House resolve itself into the Committee of the Whole House on the state of the Union for the purpose of considering the Indian appropriation bill.

Mr. HARRISON. Mr. Speaker, a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. HARRISON. I desire to offer a motion to concur in one of the Senate amendments. I just want to know the status of the proposition. Is it in order now to make a motion before we go into the Committee of the Whole House on the state of the Union to concur in that Senate amendment?

The SPEAKER. The Chair thinks not. This bill is on the Union Calendar, and the proceeding is like that of any other bill on that calendar.

The motion was agreed to.

Accordingly the House resolved itself into the Committee of the Whole House on the state of the Union for the consideration of the bill H. R. 12579, the Indian appropriation bill, with Mr. UNDERWOOD in the chair.

The CHAIRMAN. The House is in Committee of the Whole House on the state of the Union for the purpose of considering the bill H. R. 12579, the title of which the Clerk will report.

The Clerk read as follows:

An act (H. R. 12579) making appropriations for the current and contingent expenses of the Bureau of Indian Affairs, for fulfilling treaty stipulations with various Indian tribes, and for other purposes, for the fiscal year ending June 30, 1915.

Mr. STEPHENS of Texas. Mr. Chairman, I ask unanimous consent that the first reading of the bill be dispensed with.

The CHAIRMAN. The gentleman from Texas asks unanimous consent that the first reading of the bill be dispensed with. The Chair does not think there is any first reading of the amendments. The Chair thinks the procedure would be to read the amendments as they come. Does the gentleman desire to ask unanimous consent that general debate be closed?

Mr. STEPHENS of Texas. Mr. Chairman, I ask unanimous consent that general debate be closed.

The CHAIRMAN. The gentleman from Texas asks unanimous consent that all general debate be now closed and the bill be considered under the five-minute rule. Is there objection?

Mr. MANN. Mr. Chairman, I object.

The CHAIRMAN. The gentleman from Illinois objects.

Mr. MANN. Mr. Chairman, the gentleman asks unanimous consent to dispense with the first reading of the Senate amendments?

Mr. STEPHENS of Texas. I have asked unanimous consent for that purpose.

The CHAIRMAN. The gentleman from Texas asks unanimous consent to dispense with the first reading of the Senate amendments. Is there objection? [After a pause.] The Chair hears none, and it is so ordered.

Mr. HARRISON. Mr. Chairman, before going into this matter, I desire to submit a parliamentary inquiry.

The CHAIRMAN. The gentleman will state it.

Mr. HARRISON. Are these Senate amendments to be considered in the order in which they are in the bill?

The CHAIRMAN. The Clerk will report the amendments after general debate is closed in the order in which they come in the bill.

Mr. STEPHENS of Texas. Mr. Chairman, the Senate received this bill from the House in February. It was returned within the last week, and has been reported and sent to the Committee on Indian Affairs and reported back with instructions to disagree to all the Senate amendments and ask for a conference upon the same. We find that the Senate have added to the bill, in round numbers, more than $3,000,000 in various items, as follows: Increase in old items, $1,253,525. They have added new items in the bill amounting to $1,394,714, making a total increase of $2,648,239. The Senate decreased $341,500, leaving a net increase of $2,306,739.

Mr. BURKE of South Dakota. Mr. Chairman, will the gentleman yield?

Mr. STEPHENS of Texas. I do.

Mr. BURKE of South Dakota. When the gentleman states the increases in the bill I do not think he takes into consideration one amendment in the bill, which proposes to send to the Court of Claims the Creek equalization item, which might result in a judgment of $4,000,000. He evidently has not taken that into consideration in his statement?

Mr. STEPHENS of Texas. I have not taken that into consideration or a further matter in controversy, the amount of money that might be paid the Choctaw and Chickasaw Indians per capita and also the per capita payment that is proposed to be paid to the Cherokee Nation, that would possibly amount to $5,000,000 in the whole if we adopt the Senate amendment, but these amendments mentioned by me are direct appropriations.

Mr. MANN. Mr. Chairman, take, for instance, amendment No. 131, in reference to the Creek tribal funds, a proposition to equalize the pay to $800.

Mr. STEPHENS of Texas. That is the first one, I believe.

Mr. MANN. That would take about $3,000,000. That is a direct appropriation, although it does not specify the amount.

Mr. STEPHENS of Texas. That is correct. That was not taken into the estimate at all.

Mr. MANN. So that the gentleman's estimate of the amount added by the Senate does not take into consideration these appropriations which are indefinite, and which we know will appropriate many millions of dollars.

Mr. STEPHENS of Texas. Yes; that is correct. And I will state to the gentleman we only take the amount taken by the Senate in dollars and cents and not that accruing from new legislation in the bill.

Mr. BURKE of South Dakota. If the gentleman will allow me to suggest, amendment No. 131 would probably pay to the Indians about $3,000,000. That is for money to their credit in the Treasury; they are entitled to that. The amendment No. 137 might result in a judgment amounting to nearly $4,000,000. The first amendment is to pay money which belongs to the Indians.

Mr. STEPHENS of Texas. The gentleman is correct.

Mr. MURRAY of Oklahoma. Which one does the gentleman refer to?

Mr. BURKE of South Dakota. The Creek equalization item. Amendment No. 131, providing for the payment to the Indians on an $800 payment, would take from the Treasury the money to the credit of the Indians, and that is about $3,000,000. The other amendment might result in a judgment of nearly $4,000,000.

Mr. MURRAY of Oklahoma. No; the gentleman knows it would not result in that.

Mr. BURKE of South Dakota. I only have the statement of the counsel for the Indians themselves, and they make the claim it will take about $4,000,000.

Mr. MURRAY of Oklahoma. You can calculate the difference between $800 and $1,041 would be $241, and there are only 18,000; and if you will multiply 18,000 by 241 you will see it will not amount to more than half a million dollars.

Mr. BURKE of South Dakota. Yes; it will.

Mr. STEPHENS of Texas. Mr. Speaker, I have not heard opposition but to two items in this bill—one the Mississippi Choctaw question and the other as to the Creek equalization question.

Mr. STAFFORD. Will the gentleman yield?

Mr. STEPHENS of Texas. Yes.

Mr. STAFFORD. I wish to direct the gentleman's attention to amendment numbered 13 of the Senate striking out that provision of the House which requires a civil-service examination of teachers connected with the Indian school service.

When that amendment was before the House it was contested by me and a number of other gentlemen, who did not believe it was right to require teachers who for years had been in the Indian school service to be ousted under the guise of a civil-service examination. I would like to know whether the House is going to have an opportunity, in case the Senate conferees should recede, to vote on this amendment striking out that provision?

Mr. STEPHENS of Texas. Mr. Chairman, in answer to the gentleman, I can state, if I am on that conference, I would be willing personally to say that I would bring back any amendment that any gentleman in good faith thought should be brought back to the House.

Mr. STAFFORD. So far as I am concerned, if the gentleman will agree to the Senate amendment striking it out, I will have no further interest in the provision. But if the Senate should recede and the gentleman should concur in that position, then I would like to have a separate vote, because when this amendment was under consideration in the House last it was just a few minutes before the House as a body went over to attend the memorial exercises in the Senate over the remains of Senator Bacon. There were Members in this House who wished to be heard, but were absent temporarily because of those exercises. I think it is owing to the House that if the Senate should recede and allow this provision to remain we be given an opportunity to contest that once more in the House, and I would like to know whether we will have that opportunity.

Mr. STEPHENS of Texas. I will state to the gentleman again that if any gentleman here desires the committee should not pass upon any amendment that they point out I would be willing to disagree to it and bring it back to the House. My object is to get this bill to conference and agree upon everything we can, and the contested items could be brought back to the House for further action.

Mr. STAFFORD. Of course the gentleman recognizes that we can move now to concur in this amendment.

Mr. STEPHENS of Texas. The gentleman from Mississippi [Mr. HARRISON] is in the same position.

Mr. BURKE of South Dakota. Mr. Chairman, I want to keep the record straight, and state as to the Creek equalization amendment, No. 137, if there should be a recovery on a $240 basis, that is the difference between $1,040 and $800, as the gentleman from Oklahoma [Mr. MURRAY] suggested——

Mr. STEPHENS of Texas. I understand.

Mr. BURKE of South Dakota. If there are only 18,000 Indians, it would be $3,320,000; but what I was figuring on was that there are about 20,000 Indians, which would make the amount something over $4,000,000. I was correct when I said it was about $4,000,000.

Mr. MANN. I hope the gentleman will get that information to our friend from Oklahoma [Mr. MURRAY].

Mr. STEPHENS of Texas. The matter of the regulation of the Choctaws is of such great importance that I am sure it will be returned to the House before any action is taken in the conference committee. And if there are any other amendments I would be glad to hear from any gentlemen present if they desire a separate vote on them. This makes three, I believe.

Mr. MANN. Mr. Speaker, I would like to ask generally with reference to the bill. The gentleman refers to having these amendments returned to the House. The Senate has inserted a large number of very unusual amendments in this bill. Does not the gentleman think that this is the best way to have the bill considered, amendment by amendment, in this committee now, instead of leaving the conferees to the tender mercies of the Senate conferees when it comes to be a mere matter of trading?

Mr. STEPHENS of Texas. Would not the gentleman think that the custom followed by the House is the better one, to send all of this appropriation bill—and there are 168 amendments here—to conference and see what can be done there first before it is taken up from the House.

Mr. MANN. I would think that would be the proper procedure if these items were increases in amount, or if they were amendments such as ordinarily occur in appropriation bills. But here is amendment after amendment inserted by the Senate in this bill, which no one in this House will claim ought ever to have been put in the bill, even if they ought to be enacted into law.

Mr. STEPHENS of Texas. I am aware of that fact, and regret very much that they are in the bill.

Mr. MANN. It places the conferees on the part of the House in a very unpleasant position if they go into conference without any previous discussion or action in the House.

Mr. STEPHENS of Texas. Will the gentleman, then, please point out some of these various amendments to which he objects?

Mr. MANN. I hope to do so as we proceed in the committee, though I would be willing to suggest some of them now. I would like to ask the gentleman a question in reference to these revolving appropriations. That is not a matter that we are wholly ignorant about, as I find we are about most of the amendments.

Mr. STEPHENS of Texas. I find they claim in the report made by the Senate committee to the Senate that they have increased that appropriation $300,000. That is not correct. This is the language they used:

For the purpose of encouraging industry and self-support among the Indians and to aid them in the culture of fruits, grains, and other crops, appropriated by the House $400,000—

That is true—

Allowed by the committee in the sum of $100,000, a decrease of $300,000.

That is not true, for the reason that I find, under the head of "Montana": For support and civilization of Indians at Fort Peck Agency, Mont., the sum of $100,000; for the Blackfeet Reservation, $100,000, and for the Flathead Reservation, $100,000.

That makes $300,000. And that puts it back to the $400,000 that they originally appropriated. And, then, for support and civilization of the confederated tribes and bands under Warm Springs Agency (Oreg.) Reservation, $100,000.

Mr. BURKE of South Dakota. I will say to the gentleman, if he will permit, that they have added about $1,000,000 and reduced the lump-sum appropriation $300,000.

Mr. STEPHENS of Texas. And the other item is Utah—for support and civilization of the Confederated Bands of Ute Indians, $250,000.

It is only a decrease upon paper; in fact, they have added about $600,000 to the appropriation.

Mr. MANN. The $400,000 item that the gentleman refers to is amendment numbered 19. No; that is $500,000.

Mr. STEPHENS of Texas. I have not that before me. I was reading from the report made by the Senate committee to the Senate. I will find it in a moment.

Mr. MANN. Well, all through this bill——

Mr. STEPHENS of Texas. Here it is; line 21, page 15:

For the purpose of encouraging industry and self-support among the Indians, and to aid them in the culture of fruits, grains, and other crops, $400,000.

The Senate cut that down to $100,000, and claimed, as they state in the report, that they have thereby saved the Government $300,000.

Mr. MANN. That brings up the very question that I wanted to bring to the attention of the gentleman. Amendment numbered 28 reads "$400,000," but is reduced to $100,000; but that does not change the status of that fund; and under the provision of the House that fund may be expended with a provision for its repayment to the United States on or before June 30, 1925, but it is not made a revolving fund.

Mr. STEPHENS of Texas. That is correct.

Mr. MANN. That was stricken out in the House. Thereupon the Senate reduces that amount in that item and puts the same thing in half a dozen or so other places in the bill, and makes each one of those a revolving fund. In other words, the department—and it is the same department that has the Reclamation Service in it—having seen how recklessly extravagant the Reclamation Service has become and how foolishly they have expended their money where Congress has not reserved the right of appropriating it from year to year, now wants to get possession of a large fund and have it repaid to them, with permission to them to pay it out without reappropriation by Congress. In other words, we would have nothing more to say about it for 10 years to come—until 1925. Now, what does the gentleman from Texas think about that proposition?

Mr. STEPHENS of Texas. I will say that the gentleman is correct in his statement. I think the other body is entirely wrong, for the further reason that this is a lump-sum appropriation that could be used for the benefit of all the Indians in all parts of the United States. In the way they have it in this amendment, only $100,000 would be used in that way, while $900,000 is specifically appropriated to certain States.

Mr. MANN. And it is a revolving fund besides?

Mr. STEPHENS of Texas. Yes; without interest.

Mr. MANN. Let us see. We have a proposition now pending in the House, shortly to come up, possibly to-morrow, because of the gross extravagance and foolish expenditures in the Irrigation Service, to have the Government advance the public money to go to those who go on the public lands in the

Irrigation Service and have them pay it back in 10 years' time without interest. We have various propositions pending before Congress to have the Government advance to the farmers and other people money, with interest. Now, here is a proposition that first comes to a vote in the House, to have the Government advance money to the Indians for stock raising and other purposes that are presumed to be profitable, without interest. I would like to know whether the gentleman thinks we ought to go into the business of advancing large amounts of money to anybody for their profit without exacting any interest whatever for the use of the money?

Mr. STEPHENS of Texas. I agree with the gentleman as to that, and will state another thing they have done. In that same item, in lines 10 to 13, they have stricken out a provision which protects the Treasury to a certain extent. That provision is amendment numbered 29, and reads as follows:

And provided also, That not to exceed $50,000 of the amount herein appropriated shall be expended on any one reservation or for the benefit of any one tribe of Indians.

Now, it appears that by striking that out, they intended to specialize, as they have done elsewhere in this bill, and give the appropriation to certain States and certain Indians. These lump-sum appropriations ought to be under the control of the Indian Bureau, and not under the direction of Congress, as is proposed by this bill. I will say to the gentleman further that I certainly shall not agree to that without referring it back to the House.

Mr. MANN. I see a number of claims inserted in this bill, contrary to the practice of the House and the rules of the Senate. Has this bill become a claims bill?

Mr. STEPHENS of Texas. The gentleman is aware that in the Senate, unless some Senator does not want the claim put in, or if it is a claim of a very popular Senator or something that they dislike to object to, the claims go through, while the others have a point of order raised against them and they are not put in the bill.

Mr. MANN. I see a number of amendments are proposed to start in and build gymnasiums for the Indians. I have always supposed that the Indians were quite athletic and capable of exercising out of doors. What is the object of further injuring their health by building gymnasiums for them? [Laughter.]

Mr. STEPHENS of Texas. I believe in one item in the district of the gentleman from Kansas [Mr. CAMPBELL] there is an appropriation of $30,000 for that purpose. It is said to be necessary to have it in the Haskell Institute.

Mr. MANN. There is that item for the Haskell Institute, and there is one for a gymnasium at $25,000 at Mount Pleasant, Mich., and there are several others of the same sort elsewhere throughout the bill.

Mr. STEPHENS of Texas. The gentleman, then, would object to gymnasiums and would desire to have items on that subject brought back to the House?

Mr. CAMPBELL. Mr. Chairman, I can not be accused of being responsible for that, because I opposed that in my own committee.

Mr. STEPHENS of Texas. That is my remembrance.

Mr. MANN. I certainly was not accusing any Member of the House of that gross extravagance.

Mr. CAMPBELL. I thought the gentleman from Texas [Mr. STEPHENS] referred the matter to me, and by that reference I was held responsible for it.

Mr. STEPHENS of Texas. I knew it was a gross abuse.

Mr. CAMPBELL. I deny that I am in any way responsible for it.

Mr. STAFFORD. Mr. Chairman, will the gentleman yield?

Mr. STEPHENS of Texas. Yes; I yield to the gentleman.

Mr. STAFFORD. I notice throughout many of the amendments introduced by the Senate a studied purpose to give control of the expenditures of these various sums to the Commissioner of Indian Affairs in place, as formerly, of the Secretary of the Interior. Now, does the gentleman believe that the Secretary of the Interior should be ignored in the disbursement of these funds? Does not the gentleman think that the Secretary of the Interior has shown his worth and integrity of purpose not only for the Indian Service, but for all services, so that he should supervise these funds and not leave it to a subordinate?

Mr. STEPHENS of Texas. I will state to the gentleman that all these amendments have been rereferred to the Committee on Indian Affairs; and, while it is not stated in the report, the committee decided that appropriations of that kind should be made only through the Secretary of the Interior—that he should have the right, as heretofore, to control this. It was a change in the law made by the Senate that we did not think ought to obtain.

Mr. STAFFORD. It does not seem to have any merit whatsoever. I am surprised that it was ever incorporated, even in a Senate amendment.

Mr. STEPHENS of Texas. I think the gentleman is correct, and I can assure him that that will either go out or come back to the House.

Does any other gentleman desire to ask any questions?

Mr. MONDELL. I should like to have some information in regard to amendment No. 155, page 83—

For a water supply for 120,000 acres, more or less, of irrigable land allotted to Indians in the so-called Wapato project on the Yakima Indian Reservation in the State of Washington, $100,000, to be covered into the reclamation fund as a first installment on account of the repayment of the cost of constructing storage works to impound the necessary flood waters of the Yakima River.

That, as I understand, appropriates $200,000, although that does not appear to be very clear. It seems that $100,000 is to be placed in the reclamation fund, and then another $100,000 is appropriated. It is not clear what is to be done with that, in all, $200,000. What is this Wapato project expected to cost?

Mr. STEPHENS of Texas. I have not the figures before me. I yield to the gentleman from South Dakota [Mr. BURKE] on that question. He has had it up very recently with the department.

Mr. BURKE of South Dakota. I will say to the gentleman that for many years there has been in the Indian appropriation bill, when it came back from the other end of the Capitol, an item proposing an appropriation of $1,800,000 for the purpose of constructing storage reservoirs and furnishing water to the Indians in the Yakima Reservation upon what is known as the Wapato project. This grew out of the fact that some years ago an appropriation of water was made by the Secretary of the Interior for these Yakima Indians of 147 second-feet, which was not sufficient for their needs, and not as much as I think they should have. The Sunnyside project, which is a project under the Reclamation Service on the other side of the river, appropriated sufficient water for their purposes from the Yakima River, and practically took all the water there was in the river except this 147 second-feet which had been appropriated for the Indians. A joint commission was appointed under a provision that was incorporated in conference last year when the $1,800,000 item went out of the Indian appropriation bill, providing for an investigation of the matter for the purpose of ascertaining all the facts and seeing if it would be possible to work out a proposition that would do justice by all parties concerned, and particularly by the Indians. That joint commission, consisting of two Senators and two Members of the House, made their report early in this session, in which it is stated in substance that the Indians were equitably at least, if not legally, entitled to one-half of the flow of the Yakima River, and that the appropriation made by the Secretary of the Interior of 147 second-feet was not equitable and was not a sufficient amount of water to irrigate the allotted lands of the Indians on the Yakima Reservation.

The commission was of the opinion that the settlers who had appropriated water under the Sunnyside project, who were under contract to pay for their land all that it was worth—I think about $50 an acre—and the Government having guaranteed them water, their charge could not and ought not to be increased. If the Government had neglected to make an appropriation sufficient to provide for the Indians what they were entitled to, the Government itself ought to pay any expense that there might be of providing sufficient water to irrigate the lands of the Indians up to what would be right and fair and equitable; in other words, provide the amount of water that the Indians ought to have had appropriated for their use originally. The commission not desiring to have this project carried on as an Indian reclamation project, finding that the Reclamation Service had sufficient water already in storage, so that they could furnish the amount of water that we think ought to be furnished to the Indians, reported in favor of an appropriation being authorized of $500,000 to the reclamation fund, to be appropriated annually, in installments, upon estimates that would be made, sufficient to pay for the water that might be used from year to year, believing that it would be better to buy the water from the Reclamation Service than to try and provide for constructing reservoirs and providing storage, as this amendment proposes. The commission found that the Indians were entitled, equitably if not legally, to one-half of the flow of the Yakima River, which would irrigate or furnish water sufficient for about one-half of the individual allotments of the Indians within the Wapato project. The Senate amendment provides for making it a reclamation project and providing that all of the lands of the Indians in the Wapato project shall be irrigated and a charge made upon the land, or to the individual Indians, for one-half of the cost.

I can say to the gentleman that it would cost about $1,800,000 to carry out the plan that the Reclamation Service have in mind, if we provide the means for them to do it. In other words, this amendment would mean ultimately the expenditure of probably $1,800,000. I am opposed and I believe the gentlemen who will be the other House conferees are opposed to this proposition proposed by the Senate. We have opposed it in every session of Congress for the last four or five years. I think originally the Senate proposed making it practically a gratuity appropriation of $1,800,000 to furnish water for the Indian allotments. One-sixth of the land is now in white ownership. White men have acquired the lands either by purchasing inherited lands of deceased Indians or from Indians who have been given patents in fee. The joint commission that I have referred to concluded, and so reported, that the purchasers of such lands purchased the water rights, and that in furnishing water for the Indians we would have also to furnish water for those who had acquired the lands from the Indians, who had bought them in some instances at prices that certainly must have included the water rights, because some of those lands sold for $100 or $150 an acre, as I recall, and gentlemen will appreciate that that must have contemplated that it included the water rights. In other words, the water right of the Indian allottee went with the land.

Mr. MONDELL. That is, some of those Indian lands sold for those prices?

Mr. BURKE of South Dakota. Yes; as high as $100 or $150 an acre. Now, if the gentleman has examined this provision——

Mr. MONDELL. If the gentleman will allow me before he goes on further, I am not very clear as to what the situation is. I suppose I ought to know more about this matter, but I do not. There is the Sunnyside project on one side of the river; that is not on an Indian reservation.

Mr. BURKE of South Dakota. That is correct.

Mr. MONDELL. On the other side is the Indian Reservation. Have any works been constructed for the irrigation of this land?

Mr. BURKE of South Dakota. Certainly.

Mr. MONDELL. The canal and distributing works have all been constructed?

Mr. BURKE of South Dakota. There are canals, but it is claimed by the Reclamation Service that to carry out the plan that it proposes and that is claimed will be necessary to furnish water for the reclamation of all the land, that some or all of these canals will have to be reconstructed. I will say to the gentleman that there is a drainage ditch that has been constructed at a cost of $250,000, and the construction of the reclamation project has been paid out of the proceeds received from the sale of the Indian lands, including that $250,000 expended for constructing the drainage ditch.

Mr. MONDELL. The gentleman says "has been paid." He means that it is to be paid out of the proceeds received hereafter.

Mr. BURKE of South Dakota. I do not think it has not been fully reimbursed, and I am not sure that any of it has been reimbursed.

Mr. MONDELL. Where are the lands which the Indians are to sell?

Mr. BURKE of South Dakota. They are dry lands scattered throughout a large area of what was formerly reservation.

Mr. MANN. Mr. Chairman, will the gentleman from Texas permit me to make a suggestion?

Mr. STEPHENS of Texas. Certainly.

Mr. MANN. There are a few Senate amendments which I think ought to be discussed in the House before they go to conference. If we should have a little extra time, and not be too strict about enforcing the five-minute rule when we reach those amendments, in order that they may receive better discussion, would it be possible to have an understanding to that effect and then an agreement that general debate shall run for the rest of the day?

Mr. STEPHENS of Texas. On all the amendments?

Mr. MANN. Yes; that to-day be devoted to general debate and then some of these amendments that require special consideration—the gentleman from Mississippi has one——

Mr. STEPHENS of Texas. It would include all the amendments?

Mr. MANN. Yes; but the most of them would take no time at all.

Mr. CARTER. As I understand, the proposition of the gentleman is that we devote the remainder of the afternoon to general debate?

Mr. MANN. Yes; and that general debate shall close at the adjournment this afternoon.

Mr. CARTER. And then take up the amendments seriatim?

Mr. MANN. They have to be taken up seriatim.

Mr. CARTER. And the gentleman couples with it the additional request that we shall not be too strict under the five-minute rule?

Mr. MANN. Yes; otherwise there would be more time used for general debate.

Mr. STEPHENS of Texas. That will be satisfactory to me.

Mr. HARRISON. Mr. Chairman——

Mr. CAMPBELL. Mr. Chairman, the gentleman from Mississippi is interested in an item which I am sure he does not want to discuss in general debate with nobody here. I want to offer some observations on the same item, and I do not want to talk to empty seats.

Mr. MANN. That was the reason I made the suggestion.

Mr. CAMPBELL. It is a matter of vital importance and should be discussed when Members are here interested in the progress of the bill. If we can have plenty of time——

Mr. MANN. A reasonable time.

Mr. CAMPBELL. A reasonable time, I am willing.

Mr. STEPHENS of Texas. Mr. Chairman, I ask unanimous consent that the rest of the day be used for general debate, and that after to-day the bill be taken up under the five-minute rule.

The CHAIRMAN. The gentleman from Texas asks unanimous consent that all general debate on this bill shall close when the House adjourns to-night. Is there objection?

Mr. HARRISON. Mr. Speaker, reserving the right to object, that is perfectly agreeable to me, except I think there ought to be some agreement on this particular item. I am willing to make whatever agreement the gentleman wishes.

Mr. MANN. We can not make an agreement now as to items.

Mr. CARTER. I think there will be no disposition to cut the gentleman off, but to give him plenty of time on that item.

Mr. MANN. The gentleman from Texas has stated that he would be lenient.

The CHAIRMAN. The gentleman from Texas asks unanimous consent that at the adjournment to-night general debate shall close. Is there objection? [After a pause.] The Chair hears none.

Mr. BURKE of South Dakota. Has there been any division of time?

Mr. CARTER. No.

Mr. STEPHENS of Texas. Mr. Chairman, I ask unanimous consent that the time be equally divided, and that the gentleman from South Dakota control one half and I control the other half.

The CHAIRMAN. The gentleman from Texas asks unanimous consent that the time be equally divided, the gentleman from South Dakota to control one half and he to control the other half. Is there objection? [After a pause.] The Chair hears none.

Mr. HARRISON. A parliamentary inquiry, Mr. Chairman.

The CHAIRMAN. The gentleman will state it.

Mr. HARRISON. May I ask whether to-morrow is to take the place of Calendar Wednesday?

The CHAIRMAN. The Chair can not make a decision as to matters that affect the House, but the Chair will state as a matter of information that to-morrow has been agreed upon to take the place of Calendar Wednesday.

Mr. HARRISON. Mr. Chairman, I ask unanimous consent that as soon as we go into consideration of this bill, either to-morrow or the next day, that this item relative to the Mississippi Choctaws, Senate amendment 139, one of the most important here, be taken up first for consideration and debate.

The CHAIRMAN. The gentleman from Mississippi asks unanimous consent that when general debate is closed on the bill the first amendment that shall be considered shall be the amendment relating to the Mississippi Choctaws. Is there objection?

Mr. FERRIS. Mr. Chairman, reserving the right to object, I do not propose to let the opportunity pass to say that this is not an amendment entitled to the consideration which it is likely to receive. It was put in the bill on the floor of the Senate and never has been considered either in the committees of the House or Senate. It proposes to undo the work of 20 years of our State. It proposes to overturn work of Federal courts, Federal commissions, and departmental actions that have been settled long ago. We do not propose to have outsiders overturn 20 years of hard work at an expenditure of millions of dollars that has been made to complete the rolls. It is amazing that such an amendment as this should be considered anywhere in anything like a serious vein. These people have refused for almost a hundred years to join their people in the

West. They long ago ate up their patrimony and are now, through a lot of snitching attorneys, trying to eat up the Indians of the West.

Mr. BURKE of South Dakota. Mr. Chairman, will the gentleman yield?

Mr. FERRIS. Yes.

Mr. BURKE of South Dakota. Does the gentleman from Oklahoma oppose the amendment of the Senate?

Mr. FERRIS. Oh, undoubtedly; every line of it.

Mr. BURKE of South Dakota. Then the gentleman from Oklahoma hopes that the conferees will secure an agreement eliminating the amendment?

Mr. FERRIS. I do, certainly; and it is their duty to do it.

The CHAIRMAN. Is there objection?

Mr. FERRIS. Mr. Chairman, in deference to my colleague [Mr. THOMPSON of Oklahoma], who desires to have this considered first, I have no objection.

Mr. STAFFORD. Mr. Chairman, reserving the right to object, as I understand the procedure, when we take up this bill under the five-minute rule, each amendment will be considered in its order, just as if we were considering the bill as an original proposition. I do not think any exception should be made to any one of them, thus postponing the consideration of the other provisions. I recognize fully that it is an important amendment, but there are other important amendments in this bill. Why should we make such an exceptional rule as to take this one up out of its order?

Mr. STEPHENS of Texas. I think this will take more time than any other amendment.

Mr. HARRISON. And it was for that reason that I make the request. The other amendments will not take so much time. There are a great many Members who are interested in this particular amendment, and we would like to debate it at a time when the Members are present. The gentleman knows very well that with a baseball game going on in the city of Washington, in the later hours of the afternoon, the membership present may be somewhat sparse.

Mr. STAFFORD. It is possible that we might meet to consider this bill on Friday at 11 o'clock, and that by 12 o'clock, when most of the Members would be present, the other amendments would be all disposed of, and that then we could consider this particular amendment.

Mr. CARTER. Mr. Chairman, there has been a great deal of misinformation about this question, more I think than I ever saw about any question in my life. Members ought to have an opportunity to hear what is going to be said on both sides of this controversy before they vote, because it is a vital proposition which may in the end involve this Government in a claim perhaps of millions of dollars. It has already been settled by the courts and by the Federal Government itself, and for that reason I think we ought to have the fullest possible membership here when the question is discussed. I hope my friend from Wisconsin will not object to having it considered first, because I understand the reason the gentleman from Mississippi wants it considered first is that we will then have a better audience.

Mr. STAFFORD. There will be no similar requests made as to any other amendment?

Mr. CARTER. I think not.

Mr. STAFFORD. Mr. Chairman, I shall not object.

Mr. FINLEY. About how much time will this Choctaw amendment require for discussion?

Mr. HARRISON. I do not know how many will desire to speak on the other side. I really think not over two hours of discussion will be needed. That would be my idea, offhand.

Mr. FINLEY. Mr. Chairman, I want to say this, that some of us have very important legislation of a general character here that we would like to wind up certainly next week, and if the consideration of this amendment at that time would interfere with that, I would not want to give my consent.

Mr. STAFFORD. Does the gentleman refer to the Moon omnibus post-office bill?

Mr. FINLEY. Yes.

Mr. STAFFORD. In my opinion it will not be possible to get that up until maybe the week following. We have at present under consideration the Adamson dam bill, which has the right of way, and under present procedure we are not likely to reach a vote on that bill until next Friday or Saturday.

Mr. FINLEY. I am familiar with that bill.

Mr. BURKE of South Dakota. Mr. Chairman, before this request is put I would like to ask the gentleman from Oklahoma [Mr. CARTER] if he also is of opinion as expressed by his colleague [Mr. FERRIS] that that amendment ought to be eliminated from the bill?

Mr. CARTER. The gentleman means the entire amendment?

Mr. BURKE of South Dakota. Yes.

Mr. CARTER. In response to that I will say this, that by the Atoka agreement and the supplementary agreement of July 1, 1902, a division of these funds was promised to the Choctaw and Chickasaw people, to begin not later than March 4, 1907. These agreements were made for the purpose of getting the Choctaws and Chickasaws to surrender their tribal rights——

Mr. MONDELL. Mr. Chairman, let me suggest that if the gentleman is going to discuss this amendment——

Mr. CARTER. Oh, I am just about through, if the gentleman will permit. And, I think, in view of the difference in time consumed by the gentleman and myself, he should certainly feel the responsibility upon himself of listening to me for just a few minutes, for I have listened to him, with very much pleasure, for a great many hours.

Mr. MONDELL. I was not criticizing my friend for taking the time, but realizing the importance of the matter it occurred to me that it would be better to have it discussed at one time.

Mr. CARTER. That is very true, but I want to answer the gentleman from South Dakota, who has asked me a question, and to give my reasons. This pledge having been made, I certainly would think the Government ought to stand by its pledge to the Indians and divide those funds. Therefore, I would be in favor of the amendment for a division of the funds, but I would not be in favor of an amendment which prohibited a division of those funds—the Williams amendment—inserted on the floor of the Senate.

Mr. BURKE of South Dakota. I thought that was the position of the gentleman, and I was rather surprised that his colleague from Oklahoma would go so far as to say that he was opposed to the amendment.

The CHAIRMAN. The gentleman from Mississippi asks unanimous consent that when general debate is closed and the bill is taken up for consideration under the five-minute rule, the amendment relating to the Mississippi Choctaws, amendment 139, be first considered. Is there objection? [After a pause.] The Chair hears none, and it is so ordered.

Mr. STEPHENS of Texas. I yield to the gentleman from Oklahoma [Mr. FERRIS].

Mr. FERRIS. Mr. Chairman, a moment ago the gentleman from South Dakota [Mr. BURKE] asked me in reference to a certain Senate amendment. The gentleman, who is aware more fully of the history of that amendment than I, knows there are two parts to that amendment, one put in by the Senate committee and one on the floor of the Senate. It is the one adopted by the Senate known as the Williams amendment to which I am opposed, and I had no reference at all to the wisdom, the justness, and correctness of the other amendment at all.

Mr. BURKE of South Dakota. Will the gentleman yield?

Mr. FERRIS. I thought the gentleman so understood.

Mr. BURKE of South Dakota. I will say to the gentleman it is only one amendment, and I was speaking of that amendment, and I understood the gentleman to say that he was opposed to it.

Mr. FERRIS. The gentleman is right about it being one amendment. I am not opposed to what the committee did in granting a payment of their own money, but what the Senate did in trying to tack on those Mississippi Choctaws who still live apart from their tribes, have always refused to come, and still refuse to come.

Mr. STEPHENS of Texas. Will the gentleman from South Dakota use some of his time?

Mr. BURKE of South Dakota. I will yield further to interrogatories of the gentleman from Wyoming.

Mr. MONDELL. I will be very brief and ask the gentleman a few more questions in regard to item 155, what is known as the Wapato project on the Yakima Indian Reservation, which is referred to. So far as the project has been constructed, I understand it has been constructed out of appropriations reimbursable and constructed by the Indian Bureau. Is that true?

Mr. BURKE of South Dakota. Yes.

Mr. MONDELL. And what the gentlemen of the joint committee recommended, as I understand, is the expenditure through the Reclamation Service of approximately half a million dollars for the purpose of upplementing the water supply for the irrigation project that is already there.

Mr. BURKE of South Dakota. That is exactly the proposition. In other words, we do not propose to appropriate any money for the construction of any reservoir or building of any reclamation work, bu. simply to pay the Reclamation Service for the water that we think those Indians are entitled to and that has been taken from them and is now being distributed on lands that have been acquired by white settlers under reclamation projects conducted under the Reclamation Service.

Mr. MONDELL. It is proposed to purchase from the Reclamation Service, for the benefit of this land, perpetual water rights in excess of the rights they already have sufficient for the complete irrigation of their lands?

Mr. BURKE of South Dakota. Yes. I will say to the gentleman we take into consideration that there would be some credit given of the return flow. We already have a drainage ditch there that cost $250,000, and there is considerable water that returns to the Yakima River that we think will be used by the Reclamation Service, and we are entitled to some credit for it, and while Mr. Newell stated that it would take something more than $600,000 to pay all the service, even with this water, we concluded that, taking everything into consideration, $500,000 was a fair amount; that the Reclamation Service, without loss, could furnish the water necessary to provide these Indians with water.

Mr. MONDELL. Now, the plan which seems to be apparent in the Senate amendment seems to me very much more. The project that the joint commission recommended, then, is a project for the increase of the water supply for the Indians, to be paid for out of the Indian funds; that is, to be paid for out of appropriations which are reimbursable?

Mr. BURKE of South Dakota. From the proceeds received from the sales of the surplus lands.

Mr. MONDELL. And that is to be paid out of the Indian funds, if those funds ever come in for the benefit of the Indians, and no provision would be made for individual repayment?

Mr. BURKE of South Dakota. Not at all.

Mr. MONDELL. Either on behalf of the Indians or on behalf of the grantees of the Indians?

Mr. BURKE of South Dakota. That is correct.

Mr. MONDELL. Now, the Senate proposition seems to be a very much more ambitious enterprise.

Mr. BURKE of South Dakota. Let me say to the gentleman what I omitted to say, that the joint commission as a part of its recommendation suggested that the Indians be permitted to sell one-half of their allotment, the money to be withheld and to be expended for their benefit, which would enable the Indians to be supplied with implements and teams and improve the other half of their allotment, for which we propose to furnish water sufficient to irrigate it. Now, this proposition involves the irrigation and the reclamation of the other 40 acres and provides that the individual Indians shall pay the cost of the reclamation, and they have gone so far as to propose a lien upon the individual allotment, which, in my judgment, is clearly unconstitutional, because the act expressly provides that the land shall be exempted from any lien for a period of 25 years and Congress certainly can not make any lien in direct contradiction to it considered in the allotment act originally.

Mr. MONDELL. But the gentleman says that a reimbursement by the Indians and their grantees is contemplated in the Senate provision. Well, it would seem that it is, and yet there is a question about that, because while at one point the paragraph states that the entire cost shall be reimbursed, there is another provision to the effect that the cost of the water right shall be $4 per acre-foot, and so forth. Those seem to conflict. Now, I do not want to interrogate the gentleman at length or take up the time of the committee in regard to these matters if the gentleman can assure us that the House conferees can stand against the Senate amendment in its present form.

Mr. BURKE of South Dakota. Mr. Chairman, I can say, speaking only for myself, that the House conferees on several occasions have not only stood against this provision but have succeeded in eliminating it from the bill; and last year, in order that we might have information and ascertain what the facts were and do justice, if injustice had been done, to the Indians, this very joint commission was appointed, and it has made a report; and I think the gentlemen on the other side of the House——

Mr. STEPHENS of Texas. A unanimous report.

Mr. BURKE of South Dakota. Are in favor of the proposition on this bill as a substitute for the Senate amendment that conforms to the recommendation of the joint commission. Now, I do not know that my coconferees feel that way about it.

Mr. STEPHENS of Texas. The gentleman's statement is correct.

Mr. MONDELL. The Senate amendment not only seems to be very questionable as to its propriety from the standpoint of the character of the project, but the details under which the project is proposed to be carried out is, it seems to me, not a wise one, not a workable one, so that, expressing the hope the Senate amendment will go out and that something more clearly along the line of the report of the joint commission be substituted in its stead, I do not care to take up the time of the committee further.

Mr. STEPHENS of Texas. Does the gentleman desire to use any time?

Mr. BURKE of South Dakota. Yes.

Mr. STEPHENS of Texas. I can use 10 minutes over here at present.

Mr. BURKE of South Dakota. All right. The gentleman may use the 10 minutes.

Mr. STEPHENS of Texas. I yield to the gentleman from California [Mr. RAKER] 10 minutes.

Mr. RAKER. Mr. Chairman, in 1912, in the Sixty-second Congress, I introduced H. R. 19557, and thereafter H. R. 22352. At the beginning of this Congress, on April 7, 1913, I introduced bill H. R. 52, which had for its object and purpose the creation of a national park out of what is known as the Peter Lassen Mountain, or Lassen Peak, in Shasta, Lassen, Tehama, and Plumas Counties, in northern California. On the 30th of May, 1914, it was evidenced that an active volcano was then in the process of eruption. Some days ago I inserted some matters in the RECORD on that subject, and now, to confirm that statement, I desire to read the following dispatch from Red Bluff, Cal., dated June 30, 1914, and published in the Washington Post:

MOUNT LASSEN AGAIN ACTIVE—CALIFORNIA VOLCANIC PEAK EXPLODES AGAIN FOR THE THIRTEENTH TIME.

RED BLUFF, CAL., *June 30.*

Lassen Peak exploded to-day in its thirteenth eruption since May 30, with a dense column of black smoke that shot up thousands of feet and drifted slowly northward. A few minutes later a smaller column of black smoke fringed with whitish steam ascended more gradually and is still rising.

The eruption has lasted longer and has the appearance of being more violent than any that preceded it.

After taking the angle of elevation with a transit the county surveyor estimated the height of the first column at 3,000 feet. At the end of an hour it had dwindled to 500 feet, and the flutings of white in its sides indicated that it was mostly steam. This dense black of the first outburst was due to a heavy freight of volcanic sand.

Counting the eruption of Sunday night, reported to-day from Mineral, this last is the thirteenth decisive outbreak of Lassen Peak since it first awoke a month ago to-day.

In 1884 Prof. Diller made a thorough geological survey of this territory. He is again and now personally upon the ground, under the direction of the Geological Survey, and has made a report to the survey, giving a history of these outbreaks, showing that it is the only active volcano in continental United States; in fact, upon any mainland. And in connection with my remarks upon this subject, I desire to insert in the RECORD a statement in regard to this matter from the Geological Survey.

The CHAIRMAN. The gentleman from California [Mr. RAKER] asks unanimous consent to extend his remarks in the RECORD. Is there objection?

There was no objection.

Mr. RAKER. The following is the statement from the Geological Survey:

[From United States Geological Survey.]

GEOLOGICAL SURVEY REPORTS ON LASSEN ERUPTION.

In a report just forwarded to Washington from the field, Geologist J. S. Diller suggests a connection between the Lassen Peak eruption and the San Francisco 1915 exposition.

Mr. Diller was ordered to visit the scene of volcanic eruption, and his detailed statement was made public by the United States Geological Survey yesterday. The geologist points out that old Vulcan may be preparing an American Vesuvius for the Panama-Pacific Exposition. The Pacific Ocean is girdled by volcanoes, and live ones are common in the Central American countries, to which Panama belongs. Mr. Diller reasons thus:

"So it is up to Vulcan to prepare a near-by exhibit for the occasion, and he evidently sees his duty and is rejuvenating the energy of Lassen Peak as a kind of volcanic moving picture.

"Mount Rainier and Mount Shasta, the beautiful cones so much in evidence to the traveler on the Pacific coast north of San Francisco, are now finding an up-to-date rival in Lassen Peak, which is plainly in view from the railroad for many miles in the Sacramento Valley, between Redding and Red Bluff. Lassen Peak is the southern end of the Cascade Range, and it stands between the Sierre Nevada on the southeast and the Klamath Mountains on the northwest. Its lavas erupted in past ages reach the Sacramento Valley on the one side and on the other form a part of the vast volcanic field, one of the greatest in the world, that stretches far across California, Oregon, Washington, and Idaho to the Yellowstone National Park.

"Of all portions of the Cascade Range, Lassen Peak still retains the largest remnant of its once vigorous volcanic energy. Morgan and Suppan Hot Springs and Bumpass Hell, on the south, as well as Hot Spring Valley and the boiling mud lake Tartarus, on the southeast, have long attracted the attention not only of Californians, but to some extent of the tourists, to whom the region is growing more accessible every year. If to these already-established attractions be added a frequent occurrence of the recent volcanic plays of Lassen Peak, the region will take high rank among nature's wonderlands.

"But what is the nature of this new activity of Lassen? Is it really volcanic? Will it soon dwindle and become wholly quiescent, or, on the other hand, is it the precursor of a more profound eruption, like that of Krakatoa? The excellent photographs that have been taken of the outburst, especially those by G. F. Milford and the series by B. F. Loomis, of Viola, taken from a point 6 miles northwest of Lassen Peak, leave little doubt in the mind of anyone familiar with volcanic phenomena that the outburst is essentially volcanic. These photographs are strikingly similar to those taken by Johnston-Lavis showing the progress of an eruption in the Lipari Islands, whose volcanic character is well known.

"The eruptions of Lassen Peak began May 30, at 5.30 p. m., with an outburst of steam which, according to Forest Supervisor W. J. Rushing, continued about 10 minutes. It formed a crater in the snow-covered summit of Lassen about 25 by 40 feet in extent and covered the encircling snow for a distance of 300 feet with a mantle of dark, wet dust. Harvey Abbey, a forest ranger, visited the scene and reported the facts.

"On the following day at 8 a. m. another eruption occurred, and on June 8, a week later, the third and much larger outbreak took place. It lasted 30 minutes, and the rolling column of dense black smoke rose to the height of 2,500 feet. Stones were hurled from the crater, and the Forest Service outlook house, a quarter of a mile away on the tiptop of Lassen Peak, was broken by some of them. Blocks and smaller fragments accumulated about the crater to a depth of several feet. The dust and sulphurous gases carried southward by the wind were observed at Mineral, the forestry station, and the dust was noted 5 miles beyond. Forest rangers who were in the neighborhood of the summit during the eruption heard the rushing steam and the falling rocks but report no rumbling or subterranean noises, earth shocks, electrical phenomena, or great heat beyond that of steam. The dust was practically cold when it fell Considerable volumes of water were ejected, probably wholly in the form of steam. The water condensing from this steam washed a gully in the snow to the adjacent lakelet which occupies what prior to this latest eruption had long been regarded as the youngest crater of the Lassen volcano. The new crater is not quite over the throat of the old but is a few hundred feet to the northwestward.

"In all there have been 11 eruptions up to the date of this report, June 21. The most violent was at 9 a. m., June 14, when several overventuresome persons were injured by falling or rolling stones. The eruption was visible from the Sacramento Valley, nearly 40 miles away, and created profound interest. The last eruption to date was Friday, June 19, and of relatively small energy. Mr. Rushing reports that eruptions are generally if not always preceded by a complete cessation of escaping steam."

Mr. Diller has been familiar with Lassen Peak for over 30 years, and his present observations are those of a geologist who had made a special study of this volcano on several previous visits. His statement continues:

"With successive eruptions the new crater is enlarging. June 20, when Mr. B. F. Loomis and I visited it, it was 400 feet long and 100 feet wide, with a depth of not over 100 feet. It appears to follow a fissure running a little north of east and south of west. The escaping steam from the southwest end of the fissure is visible in the excellent photograph obtained by Mr. Loomis.

"The other hot holes about Lassen Peak, as far as I can learn, have not increased their activity, unless it is Bumpass Hell, which is always fuming, but nothing like an eruption has been reported.

"No definite molten products have been found in connection with the recent eruptions of Lassen Peak. The ejected dust, as far as can be judged from an examination with a small pocket lens, is disintegrated or pulverized dacite, perhaps in part decomposed. The quartz, and apparently also the glassy feldspar, are bright, but the hornblende, augite, and mica are, of course, not so abundant in the dacite and are less evident. An examination with a petrographic microscope confirms the conclusion that the dust is the product of the pulverizing action of the explosive gases on the rocks through which they are escaping and not the result of the explosive expansion of gases in a liquid lava.

"That heat has recently risen in the core of Lassen Peak is evident from the fact that whereas it was once cold now it is hot and steaming. When E. E. Hayden and I were on the mountain in July, 1883, and slid down the 2,000-foot snow bank into Hat Creek on our way to Yellow Butte, there was no sign of heat in the summit of Lassen Peak. The rocky summit of the peak, struck by many thunderbolts during storms and superficially fused here and there by the lightning to fulgerite, is still as it was then, and the little lake is there, as in 1883, but the heat and the crater are new. Mr. Rushing tells me that these new features appeared with the first eruption. But the fact that the other hot places about the mountain are not yet perceptibly hotter indicates that the rise of temperature is local and does not, at least as yet, affect the mountain mass. Time alone can tell what Lassen is going to do. The volcano may subside to its former quiescence. But we must not forget that it was only the top of the old Vesuvius that was blown off to make Monte Somma and the Vesuvius of to-day. Krakatoa blew up from the very base with tremendous effect. There seems no good reason at present to fear a Krakatoan outbreak at Lassen Peak, but the part of wisdom dictates a close watch.

"Eruptions, as a rule, break out suddenly. Sightseers will generally find the viewpoint from which Loomis's photographs were taken close enough if the mountain is active; but if all is quiet and the seeker after knowledge must see the crater for himself, he should be sure to ascend on the windward side and approach with caution."

On July 1 there was another extensive eruption. I insert a later telegram from Red Bluff, Cal., of July 1, which was printed in the Evening Star of to-day, which is as follows:

CALIFORNIA'S VOLCANO IS AGAIN IN ERUPTION—GREAT COLUMN OF DENSE BLACK SMOKE STREAMS MILE HIGH IN THE AIR.

RED BLUFF, CAL., *July 1.*

After less than 24 hours of quietness, Lassen Peak burst forth early to-day in a stupendous eruption—the fourteenth in the series that began May 30.

No flames were seen, but the vast plume of blackened steam from the crater waved a mile high in the sky and volcanic ash fell at Macomber Flats, 13 miles distant.

COLUMN OF DENSE SMOKE.

For a little less than half an hour the inverted cone of soaring gases maintained sharply defined the well-known volcanic outline. First, from the mouth of the crater itself stood a vertical shaft of jet-black ash. As the shaft rose it mushroomed outward, keeping at its heart the black core of ash. So great was the force of the eruption that the height of the cloud seemed to equal the distance from the mouth of the crater to the plateau at the base of the peak proper. It was almost as if one mountain had been stood atop of the other.

TWO ERUPTIONS AT ONCE.

At this distance there was the appearance of what seemed a thin sheet of gas hissing from a crevice or a fissure on the north slope, distinct from the main crater. Two eruptions seemed to be going on at the same time.

The true volcanic nature of the eruption, as determined by J. S. Diller, of the United States Geological Survey, was further emphasized to-day by the strong stench of sulphur perceptible at Volta and at Viola, 22 miles down the wind to the north.

The following items from the Sacramento Bee, of June 27, 1914, are most interesting:

LASSEN THROWS OUT ORE CONTAINING QUICKSILVER—ASSAYER PRONOUNCES SOUVENIRS FROM VOLCANO AS CINNABAR ORE; FOUND NEAR NEW CRATER.

REDDING, SHASTA COUNTY, *June 27.*

The eruption of Mount Lassen may lead to the discovery of a quicksilver mine. That ore containing some value in quicksilver was cast up by the volcano and discovered by Charles Piftschek and Antone Herzleib, of this city.

Constable Frank Rieger, of Hat Creek, 20 miles from the crater, visited the mountain. He is a brother-in-law of Charles Piftschek. Rieger, a farmer, picked up three pieces of rock 100 feet from the crater and sent them to Piftschek as souvenirs.

ASSAYER PASSES ON THEM.

Piftschek is a well-posted mining man. He showed the specimens to his mining partner, Anton Herzleib. The latter, who has had considerable experience in quicksilver mining, declared he believed the pieces contained quicksilver. A few simple tests convinced Herzleib to his own satisfaction. He submitted the rock to A. McAfee, the assayer. McAfee pronounced the specimens cinnabar ore, but he has not yet analyzed them to fix the value. "Unquestionably cinnabar ore," says Assayer McAfee.

In this connection it is to be remembered that the greatest quicksilver mine in the State, the New Almaden, is located in basaltic formation of volcanic origin.

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TELLS PEAK DISTURBANCES RECALLED—MUD AND ROCKS THROWN OUT IN 1908.

PLACERVILLE, EL DORADO COUNTY, *June 27.*

A disturbance on Tells Peak, in this county, during the summer of 1908, discovered by a surveying party, in charge of Herman D. Jerrett, is recalled by the activity of Mount Lassen.

Tells Peak, in the Sierra Range, in the eastern part of El Dorado County, west of Lake Tahoe, reaches an elevation of 9,125 feet. Along the side of the mountain, at a height of 6,300 feet, the surveying party found a cavity 4 or 5 feet in diameter, from which a geyser had lately occurred.

MUD AND STONES THROWN OUT.

Directly in the front of the cavity, for a distance of 100 feet, the hot water, mud, and stones had been thrown with great violence, bruising bark on the trees, cutting off large branches and destroying vegetation on the ground where the water had fallen. The scars on the trees were still fresh.

Jerrett states there are no cones or other evidence of volcanic activity on Tells Peak itself, but the country thereabout abounds with lava relics of disturbances in an earlier age. Northeast of this peak, at a distance of about 5 miles, are found great lava beds.

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LASSEN'S ERUPTIONS CHRONOLOGICALLY.

REDDING, SHASTA COUNTY, *June 27.*

W. J. Rushing, forest supervisor, stationed at Mineral, at the base of Mount Lassen, makes the following tabulated report of the recent eruptions of Mount Lassen:

Date.	Hour.	Character.	Duration.	Size of crater.
May 30	5 p. m.....	Heavy.....	10 minutes.	25 by 40 feet.
June 1	8 a. m.....	Heavier.....	15 minutes.	275 by 60 feet.
June 2	9.30 a. m..	Very heavy.....	30 minutes.	60 feet deep.
June 8	4.30 p. m..	Heavier.....	40 minutes.	
June 9	10.30 a. m.	Heavy; cloud darker.....	30 minutes.	
June 12	3.45 p. m..	Heavy; cloud very dark.....	50 minutes.	400 by 100 feet.
June 13	6 a. m.....	Heavy; ashes fell at Mineral....	30 minutes.	
June 14	6 a. m.....	Unconfirmed; report from Red Bluff only.	.....	
June 14	9.45 a. m..	Heaviest yet; smoke column 2,500 feet.	30 minutes.	
June 14	6.45 p. m..	Medium.....	15 minutes.	450 by 125 feet.
June 19	8.15 p. m..	Medium; smoke 2,000 feet.....	15 minutes.	600 by 150 feet.

The following item from the Sacramento Bee of date June 17, 1914, shows many of the wonders of Mount Lassen and the surrounding country and the desire of the people of California to create a national park out of the territory adjacent to and surrounding Mount Lassen, viz:

[From the Sacramento (Cal.) Bee, June 17, 1914.]

MANY WONDERS IN PROPOSED PARK—PARTS OF NATURE'S PLAYGROUND WOULD BE IN COUNTIES OF SHASTA, TEHAMA, LASSEN, AND PLUMAS.

REDDING, SHASTA COUNTY, *June 17.*

The petition sent to Congressman RAKER last evening requesting him to introduce a bill in Congress establishing the Mount Lassen National Park describes the boundaries.

The proposed park lies in four counties—Shasta, Lassen, Plumas, and Tehama. Though the now famous volcano is wholly within Shasta County, the greater part of the park is in Plumas and Lassen, or to the eastward of the peak. That is a region rich in natural wonders.

The boundaries are thus described: Townships 30 in ranges 4, 5, 6, and 7 east, together with a 2-mile strip south of these townships; township 31 in the same ranges; townships 32, 33, and 34 in ranges 5 and 6 east. The volcano is in section 34, township 31 north, range 4 east.

LITTLE PRIVATE LAND.

The park as thus bounded includes very little privately owned land, and most of it never has been surveyed. Most of the park lies above the 6,000-foot contour and much of it above 7,000 feet.

Among the natural wonders in the park as laid out would be Mount Lassen, the only active volcano in the United States, 10,437 feet high; Cinder Cone, until the present outbreak of Mount Lassen called the most recent volcano in the country; Prospect Peak, so named for the beautiful views from its summit; North Peak, Southwest Peak, Devil's Half Acre, Bumpass's Hell Hole, Morgan Hot Springs, Manzanita Lake,

Juniper Lake, Lake Tillman, Lake Bidwell, Snag Lake, Crumbo Lake, Glass Lake, and numerous other lakes and hot springs. The park would contain Warner Creek Canyon, two-thirds of a mile deep and 6 miles long, a tributary of the Feather River, and Los Molinos Canyon, of little less scenic beauty.

To M. E. Dittmar, Shasta County's representative in the exposition commission, belongs the credit of bringing the park to the attention of local boost bodies. He himself prepared the boundaries and addressed the request to Congressman RAKER.

The following is from the Redding Courier-Free Press, of date June 16, 1914:

MOUNT LASSEN NATIONAL PARK IN FOUR COUNTIES—NEW VOLCANO ONLY ONE OF MANY NATURAL WONDERS EMBRACED IN THE BOUNDARIES AS DESCRIBED IN PETITION SENT BY M. E. DITTMAR TO CONGRESSMAN RAKER TUESDAY NIGHT.

The petition sent to Congressman RAKER by M. E. Dittmar in behalf of Redding and Shasta Counties Tuesday night, requesting him to introduce a bill in Congress establishing the Mount Lassen National Park, describes the boundaries.

The park will lie in four counties—Shasta, Lassen, Plumas, and Tehama. Though the now famous volcano is wholly within Shasta County, the greater part of the proposed park is in Plumas and Lassen Counties in a region rich in natural wonders.

The boundaries are thus described: Township 30 in ranges 4, 5, 6, and 7 east, together with a 2-mile strip south of those townships; township 31 in the same ranges; townships 32, 33, and 34 in ranges 5 and 6 east. The volcano is in section 34, township 31 north, range 4 east.

The park as thus bounded includes very little privately owned land, and most of it has never been surveyed. Most of the park lies above the 6,000-foot contour and much of it above 7,000 feet.

Among the natural wonders in the park as laid out would be Mount Lassen, the only active volcano in the United States, 10,437 feet high; Cinder Cone, until the present outbreak of Mount Lassen called the most recent volcano in the country; Prospect Peak, so named for the beautiful views from its summit; North Peak and Southwest Peak; Devils Half Acre, Bumpass's Hell Hole, Morgan Hot Springs, Manzanita Lake, Juniper Lake, Lake Tillman, Lake Bidwell, Snag Lake, Crumbo Lake, Glass Lake, and numerous other lakes and hot springs. The park would contain Warner Creek Canyon, two-thirds of a mile deep and 6 miles long, a tributary of the Feather River, and Los Molinos Canyon, of little less scenic beauty. Then there are ice caves and giant springs without number.

Once a good road was built into the park and hotels established, there would be a great flow of tourist travel to a region that is but little less interesting than the Yosemite Valley and the Big Trees.

Now that the volcano has brought the Mount Lassen region into such world-wide note, Shasta County proposes to keep it to the front.

Bill H. R. 19557 was introduced February 6, 1912, Sixty-second Congress, second session.

Bill H. R. 22352 was introduced March 26, 1912, Sixty-second Congress, second session. On account of the many matters, the bill did not become a law, and was reintroduced in the Sixty-third Congress.

Bill H. R. 52 was introduced April 7, 1913, Sixty-third Congress, first session, and is as follows:

A bill (H. R. 52) to establish the Peter Lassen National Park in the Sierra Nevada Mountains in the State of California, and for other purposes.

Be it enacted, etc., That all those certain tracts, pieces, or parcels of land lying and being situate in the State of California and within the boundaries particularly described as follows, to wit: Beginning at the northeast corner of section 3, township 31, range 6 east, Mount Diablo meridian, California; thence southerly to the southeast corner of said section; thence easterly to the northeast corner of the northwest quarter of section 11, said township; thence southerly to the southeast corner of the southwest quarter of section 14, said township; thence easterly to the northeast corner of the northwest quarter of section 24, said township; thence southerly to the southeast corner of the southwest quarter of section 25, said township; thence westerly to the southwest corner of section 26, said township; thence southerly to the southeast corner of section 34, said township; thence westerly along the sixth standard parallel north, allowing for the proper offsets, to the northeast corner of section 3, township 30 north, range 6 east; thence southerly to the southeast corner of section 27, said township; thence westerly to the southwest corner of the southeast quarter of section 28, said township; thence northerly to the northwest corner of the southeast quarter of said section; thence westerly to the southwest corner of the northwest quarter of said section; thence northerly to the northwest corner of said section; thence westerly to the southwest corner of the southeast quarter of section 20, said township; thence northerly to the northwest corner of the southeast quarter of said section; thence westerly to the range line between ranges 5 and 6 east; thence southerly along said range line to the southeast corner of township 30 north, range 5 east; thence westerly along the township line between townships 29 and 30 north to the southwest corner of section 33, township 30 north, range 5 east; thence northerly to the northwest corner of said section; thence westerly to the southwest corner of the southeast quarter of section 29, said township; thence northerly to the northwest corner of the southeast quarter of said section; thence westerly to the southwest corner of the northwest quarter of said section; thence northerly to the northwest corner of said section; thence westerly to the southwest corner of the southeast quarter of section 20, township 30 north, range 4 east; thence northerly to the northwest corner of the southeast quarter of section 8, said township; thence easterly to the northeast corner of the southwest quarter of section 9, said township; thence northerly to the township line between townships 30 and 31 north; thence easterly along the sixth standard parallel north, allowing for the proper offsets, to the southwest corner of section 33, township 31, north, range 4 east; thence northerly to the northwest corner of section 21, said township; thence easterly to the range line between ranges 4 and 5 east; thence northerly along said range line to the northwest corner of fractional section 18, township 31 north, range 5 east; thence easterly to the southwest corner of section 12, said township; thence northerly to the northwest corner of section 1, said township; thence easterly along the township line between townships 31 and 32 north to the northeast corner of section 3, township 31 north, range 6 east, the place of beginning, are hereby reserved and withdrawn from settlement, occupancy, disposal, or sale, under the laws of the United States, and dedicated and set apart as a public park or pleasuring ground for the benefit and enjoyment of the people, to be known and designated as the Peter Lassen National Park; and all persons who shall locate or settle upon or occupy the same, or any part thereof, except as hereinafter provided, shall be considered trespassers and be removed therefrom: *Provided*, That nothing herein contained shall affect any valid existing claim, location, or entry under the land laws of the United States or the rights of any such claimant, locator, or entryman to the full use and enjoyment of his land: *Provided further*, That rights of way for steam or electric railways, automobiles, or wagon roads may be acquired within said Peter Lassen National Park under filings or proceedings hereafter made or instituted under the laws applicable to the acquisition of such rights over or upon the national forest lands of the United States when the construction of such roads will not interfere with the objects of the national park, and that the United States Reclamation Service may enter upon and utilize for flowage or other purposes any area within said park which may be necessary for the development and maintenance of a Government reclamation project: *And provided further*, That no lands within the limits of said park hereby created belonging to or claimed by any railroad or other corporation now having or claiming the right of indemnity selection by virtue of any law or contract whatsoever shall be used as a basis for indemnity selection in any State or Territory whatsoever for any loss sustained by reason of the creation of said park.

SEC. 2. That said park shall be under the exclusive control of the Secretary of the Interior, whose duty it shall be, as soon as practicable, to make and publish such rules and regulations not inconsistent with the laws of the United States as he may deem necessary or proper for the care, protection, management, and improvement of the same. Such regulations shall provide for the preservation from injury or spoliation of all timber, mineral deposits, and natural curiosities or wonders within said park and their retention in their natural condition, as far as practicable, and for the preservation of the park in a state of nature, so far as is consistent with the purposes of this act. He shall provide against the wanton destruction of the fish and game found within said park and against their capture or destruction for purposes of merchandise or profit, and generally shall be authorized to take all such measures as shall be necessary to fully carry out the objects and purposes of this act. Said Secretary may, in his discretion, execute leases to parcels of ground not exceeding 10 acres in extent at any one place to any one person or persons or company for not to exceed 20 years, when such ground is necessary for the erection of buildings for the accommodation of visitors, and to parcels of ground not exceeding 1 acre in extent and for not to exceed 20 years to persons who have heretofore erected, or whom he may hereafter authorize to erect, summer homes or cottages. Such leases or privileges may be renewed or extended at the expiration of the terms thereof. No exclusive privilege, however, shall be granted within the park except upon the ground leased.

SEC. 3. That the Secretary of the Interior may also sell and permit the removal of such matured or dead or down timber as he may deem necessary or advisable for the protection or improvement of the park.

SEC. 4. That the Secretary of the Interior may exact such charges as he deems proper for leases, privileges, and so forth, granted hereunder, and all funds derived therefrom or from any source whatsoever connected with the park shall be expended, under his direction, in the management, protection, and improvement of the park.

Mr. BURKE of South Dakota. Mr. Chairman, I yield 10 minutes to the gentleman from Minnesota [Mr. MILLER].

Mr. MILLER. Mr. Chairman, there are a great many items before the committee in the way of amendments that have been made since the bill left the House, which properly should receive attention and consideration, but I propose to direct myself to only one or two at this time. The first amendment that, I think, should be specially considered is known as the Creek equalization amendment. This is not a new matter either to the Committee on Indian Affairs or to Congress. It is a matter that has been most persistently before the committees of the House and the Senate ever since I have been a Member of this body, and, I apprehend, for a good many years prior to that. It is not that the facts are complicated; it is not that the facts are difficult to understand; it is not the fact, so far as my judgment is concerned, that there is any merit in the claim; but its continuous appearance here is due to the one fact that some people want to get some money out of the United States Treasury, and there is nothing else in the claim. There were two or three enactments by Congress affecting the Creeks and their property, but the only ones that really need any particular attention in this connection begin with the first enactment of 1900, ratified in 1901 by the committee of the Creek Nation.

In order that the RECORD may show exactly the obligation, and the only obligation, which the United States Government assumed at that time in respect to the Creeks and their property, I want to read a portion of that act, which really was a treaty, as it was subsequently ratified and became a treaty.

Paragraph 3 of that act reads as follows:

All lands of said tribe, except as herein provided, shall be allotted among the citizens of the tribe by said commission so as to give each an equal share of the whole in value, as nearly as may be, in manner following: There shall be allotted to each citizen 160 acres of land—boundaries to conform to the Government survey—which may be selected by him so as to include improvements which belong to him. One hundred and sixty acres of land, valued at $6.50 per acre, shall constitute the standard value of an allotment, and shall be the measure for the equalization of values; and any allottee receiving lands of less than such standard value may, at any time, select other lands which at their appraised value are sufficient to make his allotment equal in value to the standard so fixed.

Then in the next paragraph we find the following:

If any citizen select lands, the appraised value of which for any reason is in excess of such standard value, the excess of value shall be charged against him in the future distribution of the funds of the tribe

arising from all sources whatsoever, and he shall not receive any further distribution of property or funds of the tribe until all other citizens have received lands and money equal in value to his allotment. If any citizen select lands, the appraised value of which is in excess of such standard value, he may pay the overplus in money; but if he fail to do so, the same shall be charged against him in the future distribution of the funds of the tribe arising from all sources whatsoever, and he shall not receive any further distribution of property or funds until all other citizens shall have received lands and funds equal in value to his allotment; and if there be not sufficient funds of the tribe to make the allotments of all other citizens of the tribe equal in value to his, then the surplus shall be a lien upon the rents and profits of his allotment until paid.

Clearly and definitely the United States Government as trustee or guardian over these Indians and their property undertook, and undertook alone, to distribute their property among them, and as a standard set 160 acres at an appraised value of $6.50 an acre, and agreed that if any of the allottees received land greater in value than that he should pay back into the common fund belonging to the tribe a surplus value, and if any of the allottees had not received an allotment of the standard value of $1,040 he should have a right in the surplus that should be allotted to any favored allottee. That was the agreement of 1901. That was all the obligation assumed by the United States Government. There is not a word said about the Government guaranteeing to any allottee that his allotment would be of any particular value. There is not a word said that if any allottee received an allotment less in value than $1,040, that out of the United States Treasury there should be taken funds to compensate him; but there is, in fact, provided a specific method by which one who has not received $1,040 shall not be compensated merely by taking from a more favored allottee the surplus he has received above $1,040 and that shall be given to the less-favored allottee.

Mr. STEPHENS of Texas. Will the gentleman yield?

Mr. MILLER. Certainly.

Mr. STEPHENS of Texas. I desire to ask the gentleman this question: As I understand the gentleman's statement and from the reading, the maximum price was $6.50 per acre. Was not the minimum price $1.25 per acre for the land?

Mr. MILLER. There is no minimum price stated. I do not think there was a maximum and a minimum mentioned, Mr. Chairman.

Mr. STEPHENS of Texas. It was fixed at $1,040, was it not?

Mr. MILLER. The allotment of 160 acres of the standard value of $6.50 made a standard allotment of $1,040.

Mr. STEPHENS of Texas. And no land could be appraised at less than $1.25 an acre?

Mr. MILLER. I think that is true.

Mr. STEPHENS of Texas. Is it not a fact, further, that a great many Indians lived back in the hills—they were full-blood Indians—and they got that $1.25; and the land ran up to $6.50, and the officers under the treaty and under this bill undertook to equalize the allotments by issuing certificates and due bills, stating at the head of it that the man, so-and-so, had received $1,040, and that the land was valued at so many dollars, and the balance due to the Indian was so much, and the land was halfway between the two prices; in other words, medium land?

Mr. MILLER. That is right.

Mr. STEPHENS of Texas. These Indians have those due bills to-day. Does not the gentleman think we ought to have some kind of legislation to equalize these allotments and make payments?

Mr. MILLER. I think so. I think we should have legislation to equalize these allottees, just as far as the funds of the tribe will go. But there is not the slightest obligation on the part of the United States Government to go into its own pocket and give any gratuity to any Creek allottee, no matter what he receives.

Mr. STEPHENS of Texas. As I understand, a great deal of this land is worth $6.50 an acre, but many of these lands were worth hundreds of dollars per acre?

Mr. MILLER. I was coming to that.

Mr. STEPHENS of Texas. I hope the gentleman will discuss that.

Mr. MILLER. I will discuss it at this point. While the standard value is fixed at $6.50, and the provision I have read will show that it can not be appraised at a higher value than that, yet as a matter of fact many of the lands were worth as much as $100 an acre, and therefore the allotments would be worth $16,000.

Mr. HUMPHREY of Washington. Mr. Chairman, will the gentleman yield, so that I can make an observation?

The CHAIRMAN. Does the gentleman yield?

Mr. MILLER. Yes.

Mr. HUMPHREY of Washington. I want to make the observation that there are now six Democrats in their seats. If ever there was a farce it is now.

Mr. FOSTER. Probably they all heard that the gentleman was about to make a speech. [Laughter.]

Mr. HUMPHREY of Washington. No; I am not going to make a speech.

Mr. FOSTER. They did not want to hear any more calamity howling.

Mr. MILLER. Mr. Chairman, I think I have the floor.

The CHAIRMAN. The gentleman from Minnesota [Mr. MILLER] has the floor.

Mr. HUMPHREY of Washington. Mr. Chairman, I think I will make the point of no quorum.

Mr. MILLER. I hope the gentleman will withhold it until I have finished my speech.

Mr. HUMPHREY of Washington. I will withdraw it until the gentleman has finished his remarks.

Mr. MILLER. Mr. Chairman, that was the agreement in 1901. Those familiar with the conditions in the Five Civilized Tribes no doubt have in mind the circumstances surrounding the enactment into law of the supplemental agreement of 1902. It is not necessary, therefore, to go into the consideration of the circumstances leading up to or surrounding the making of that law or the making of that treaty or the circumstances existing before that. However, referring to that supplemental agreement of 1902, I beg to invite the attention of the committee to the following language, applicable to the matter now under consideration. The section which I read a moment ago in the act of 1901 was amended by the supplemental agreement of 1902, so that the paragraph I quoted shall read as follows:

All lands belonging to the Creek Tribe of Indians in Indian Territory, except town sites and lands reserved for Creek schools and churches, railroads, and town cemeteries, in accordance with the provisions of the act of Congress approved March 1, 1901 (31 Stat. L., 861), shall be appraised at not to exceed $6.50 per acre, excluding only lawful improvements on lands in actual cultivation.

By paragraph 2 of section 3 the agreement ratified by said act of Congress approved March 1, 1901, is amended, and as so amended is reenacted to read as follows:

If any citizen select lands the appraised value of which is $6.50 per acre, he shall not receive any further distribution of property or funds of the tribe until all other citizens have received lands and moneys equal in value to his allotment.

The CHAIRMAN. The time of the gentleman from Minnesota has expired.

Mr. MILLER. Can I have a little more time?

Mr. BURKE of South Dakota. How much time does the gentleman from Minnesota desire?

Mr. MILLER. I would like to have about 10 minutes more.

Mr. BURKE of South Dakota. Mr. Chairman, I yield to the gentleman 10 minutes more.

The CHAIRMAN. The gentleman from Minnesota [Mr. MILLER] is recognized for 10 minutes.

Mr. MILLER. In other words, Mr. Chairman, the preceding agreement was amended to this extent, that no land should be appraised at higher than $6.50 an acre no matter whether it was worth a thousand dollars an acre, and the committee is no doubt aware that many of those lands were situated adjacent to the city of Muskogee, the second largest city in Oklahoma. Many of the lands were platted in town sites, and those lands adjacent thereto became and were of high value. They were allotted.

Now, these allottees that had received allotments that were of the value of $16,000 or $18,000 or $20,000, the land having, however, an appraised value of less than $6.50 an acre, now come around and want the United States Government to pay them something. The colossal nerve of the proposition is so staggering that the human mind falls down in a faint before it. I have marveled, Mr. Chairman, time and time again, at the strength and fortitude of men who stand before our committee and really ask that this legislation be passed.

There is one thing further to be noted in this change made by the supplemental agreement of 1902. It is that a man who has received land in value greater than $1,040 does not have to pay one penny of it back. Under the original agreement of 1901, if a man received an allotment worth $16,000, but appraised at $1,040, he would have to pay some back if some less-favored allottee had received less than $1,040. But not so by this. We can well understand why the Creeks were eager and willing and anxious to ratify the supplemental agreement. We actually bought them by giving to them that consideration and concession. I think the chairman of our committee is well informed when he says that many of the less-favored allottees were the full-blood Indians who lived in the hills and who now own the

less valuable lands. Those who lived in the lowlands were given a prior right under the agreement to take the land upon which they lived and had made improvements. We all know that the full bloods are inclined to live back in the country, up among the hills, and they certainly came out second best in this situation.

But, Mr. Chairman, the Creeks themselves asked that they keep in their own pockets the money that, under the agreement of 1901, they said should make up to the less-favored allottees for their deficiencies. Now, what right have they in conscience to come, after they have pocketed these untold millions of dollars, and ask that the United States Government give them an additional sum out of its own Treasury?

I stated at the outset that this proposition continued to recur at frequent intervals. It seems pretty difficult to knock it down and have it stay down. But if we make appropriate inquiry we can find why. These little slips that many of them received, which the distinguished chairman of this committee, the gentleman from Texas [Mr. STEPHENS], has just mentioned, were not retained by the Indian allottees at all. They were bought up for a few cents by speculators, and those speculators are the ones who will get any money that may be appropriated for this purpose.

But there is another group of individuals eager and anxious for the United States Treasury to be opened up again. There are numerous attorneys who have contracts with these people on a percentage basis, varying from 10 to 50 per cent, and it is a pretty big, fat fee they have in prospect. There are two classes of these attorneys. One set of them are contractors with the Creek Tribe. As a matter of fact, this claim is that of the Creek Nation, not of its individuals, against the United States. There are no obligations to individuals, and none could be spelled. If there is any obligation, it is to the nation. These attorneys have contracts with the Creek Nation for 10 per cent. This thing aggregates about $7,000,000, and $700,000 is a pretty good sum in these hard Democratic times.

They also have contracts with the individuals for another 10 per cent—$700,000 more. Many of these additional contracts with individuals run up as high as 50 per cent. If this bill should pass, I want to tell you that there would be amazing prosperity among some of the attorneys of the Southwest, including some here in Washington.

Now, there is one thing further, Mr. Chairman, that to my mind is conclusive in this matter. Even if these other features to which I have called attention are not conclusive to the minds of some gentlemen——

Mr. STEPHENS of Texas. Will the gentleman yield?

Mr. MILLER. I will be pleased to yield.

Mr. STEPHENS of Texas. I see that before the Senate finally passed this amendment they cut out all reference to attorneys' fees, except they provide that the attorney for the nation shall attend to the business in bringing this suit, and so forth, and they prescribe how the suit shall be brought.

Mr. MILLER. Yes; but the chairman of the committee well knows that the bill is silent and must be silent as to the contracts of the attorneys with the individuals, and that is where the big money is.

The other feature to which I wish to call attention is this: There was plenty of land and there were plenty of dollars belonging to the Creek people, so that every member of the tribe could get an allotment to the standard value of $1,040, until 1905, when the Creek Nation, recognizing that it had this large surplus, passed a resolution which came to the Government of the United States, and as a result thereof this Congress enacted into law their request, which was that we should allot 2,920 newborn children, born subsequent to the agreement of 1901. So by the act of March, 1905, followed by another act of April, 1906, we, in response and obedience to their request, enrolled their newborn children to the number of 2,920. We gave them allotments as they requested. Now, it is by reason of this that there do not remain sufficient surplus lands to give them all a quantity of land which on its face value has been appraised at $1,040. They go further now, and they even ask that if any of these babies did not receive an allotment equal to $1,040, we pay them out of the Treasury of the United States enough to make up the difference, although it was because of the allotment to these babies that their surplus lands were exhausted. Why, this is conscienceless begging, piled step upon step, until it is higher than the Washington Monument. I have listened to a great many rotten schemes, based on Indian laws and treaties, argued before committees of this House, but in all sincerity I can say that to my mind I have never yet heard of one so absolutely without merit, so absolutely devoid of conscience, as this Creek equalization matter.

Now, Mr. Chairman, the United States Government assumed that it would distribute the property of these Indians among their membership as equitably as it could. You can never distribute land with absolute equality among thousands of people. One piece of land here is better than another piece of land there. A piece of land to-day may be worth $1,000 and to-morrow $10,000. A piece of land to-day may look as though it was worth 50 cents an acre, and oil may be discovered upon it to-morrow and its value enormously increased. We can not get absolutely mathematical justice in the distribution of land among the people who own it in common. All we can do is to exercise our best judgment and deal justly and honestly, and we have so acted in every respect as regards the Creeks and their lands. We have allotted them as equitably as we could. When they asked that their newborn children be allotted, we responded and gave them the allotment, a natural and proper thing to do. We have not in our Treasury one penny of their property that is not in their name. We have not in our possession one foot of their land that is not in their name. We will distribute that among them equitably and fairly. They have in their treasury to-day about $3,800,000. That surplus should be used to allot as equitably as possible those who have been the least favored among them; but I would not go into the United States Treasury for one cent, and I hope this House will stand pat on one thing, if we have to stay here until doomsday, and that is never to agree to this amendment.

Mr. STEPHENS of Texas. Will the gentleman yield?

Mr. MILLER. Certainly.

Mr. STEPHENS of Texas. The gentleman is aware that a few years ago, I think in 1908, we passed a bill providing that $800 should be considered an equalization of land instead of $1,040, and it is proposed to take the money that is now in the United States Treasury to equalize these demands on a basis of $800. On the advice of the attorneys the gentleman has spoken of, the Indians rejected this offer on the part of the Government, and therefore the matter stands as it is to-day. As I have said to the gentleman, the Senate has wisely, I think, eliminated all reference to attorneys and provided that the case shall be carried out by the United States itself through the regular attorneys.

Mr. BURKE of South Dakota. Mr. Chairman, I yield one minute to the gentleman from Washington [Mr. HUMPHREY].

Mr. HUMPHREY of Washington. Mr. Chairman, a few moments ago I called attention to the fact that few Members were present on the other side of the House, and stated that when the gentleman from Minnesota had finished I would make the point of no quorum. But, Mr. Chairman, inasmuch as there are gentlemen on this side of the House who wish to speak, I shall not make the point, for I do not care to interfere with them if they want to talk.

But I want to call attention to the further fact that the distinguished Speaker has been here the most of the day and upon the floor, and the distinguished gentleman from Alabama [Mr. UNDERWOOD], as usual, is here attending to business; but if you look upon the other side of the House you will not see a single White House favorite here. These gentlemen who are clamoring for Congress to stay in session in order that they may legislate are not here, and even my distinguished friend from Illinois, Dr. FOSTER, who made some facetious remarks, left the floor. I want to emphasize the fact that the Members who do stay here and attend to business are not the Executive favorites.

Mr. STEPHENS of Texas. Mr. Chairman, I yield half a minute to the gentleman from Oklahoma [Mr. CARTER].

Mr. CARTER. Mr. Chairman, I ask unanimous consent to extend my remarks in the RECORD.

The CHAIRMAN. The gentleman from Oklahoma asks unanimous consent to extend his remarks in the RECORD. Is there objection?

There was no objection.

MESSAGE FROM THE SENATE.

The committee informally rose; and Mr. LEVY having taken the chair as Speaker pro tempore, a message from the Senate, by Mr. Tulley, one of its secretaries, announced that the Senate had passed with amendments bills of the following titles, in which the concurrence of the House of Representatives was requested:

H. R. 12914. An act granting pensions and increase of pensions to certain soldiers and sailors of the Civil War and certain widows and dependent children of soldiers and sailors of said war;

H. R. 13542. An act granting pensions and increase of pensions to certain soldiers and sailors of the Civil War and certain

widows and dependent children of soldiers and sailors of said war;

H. R. 13297. An act granting pensions and increase of pensions to certain soldiers and sailors of the Regular Army and Navy, and certain soldiers and sailors of wars other than the Civil War, and to widows of such soldiers and sailors;

H. R. 13920. An act granting pensions and increase of pensions to certain soldiers and sailors of the Regular Army and Navy, and certain soldiers and sailors of wars other than the Civil War, and to widows of such soldiers and sailors;

H. R. 14234. An act granting pensions and increase of pensions to certain soldiers and sailors of the Civil War and certain widows and dependent children of soldiers and sailors of said war;

H. R. 14546. An act granting pensions and increase of pensions to certain soldiers and sailors of the Regular Army and Navy, and certain soldiers and sailors of wars other than the Civil War, and to widows of such soldiers and sailors;

H. R. 14738. An act granting pensions and increase of pensions to certain soldiers and sailors of the Civil War and certain widows and dependent children of soldiers and sailors of said war;

H. R. 15071. An act granting pensions and increase of pensions to certain soldiers and sailors of the Regular Army and Navy, and certain soldiers and sailors of wars other than the Civil War, and to widows of such soldiers and sailors;

H. R. 15504. An act granting pensions and increase of pensions to certain soldiers and sailors of the Regular Army and Navy, and certain soldiers and sailors of wars other than the Civil War, and to widows of such soldiers and sailors; and

H. R. 15692. An act granting pensions and increase of pensions to certain soldiers and sailors of the Civil War and certain widows and dependent children of soldiers and sailors of said war.

The message also announced that the Senate had still further insisted upon its amendments to the bill (H. R. 15279) making appropriations for the legislative, executive, and judicial expenses of the Government for the fiscal year ending June 30, 1915, and for other purposes, disagreed to by the House of Representatives, had agreed to the further conference asked by the House on the disagreeing votes of the two Houses thereon, and had appointed Mr. MARTIN, Mr. OVERMAN, and Mr. WARREN as the conferees on the part of the Senate.

A message from the Senate, by Mr. Tulley, one of its clerks, announced that the Senate had passed bills of the following titles, in which the concurrence of the House of Representatives was requested:

S. 655. An act authorizing the Secretary of the Interior to survey the lands of the abandoned Fort Assiniboine Military Reservation and open the same to settlement;

S. 2651. An act providing for the purchase and disposal of certain lands containing kaolin, kaolinite, fuller's earth, and other minerals within portions of Indian reservations heretofore opened to settlement and entry;

S. 3768. An act to restore Capt. Harold L. Jackson, retired, to the active list of the Army;

S. 543. An act to correct the military record of John T. Haines;

S. 2806. An act relative to the appointment, pay, and rank of chief warrant officers in the Revenue-Cutter Service;

S. 5501. An act granting pensions and increase of pensions to certain soldiers and sailors of the Regular Army and Navy and of wars other than the Civil War, and to certain widows and dependent relatives of such soldiers and sailors;

S. 5446. An act granting pensions and increase of pensions to certain soldiers and sailors of the Civil War and certain widows and dependent relatives of such soldiers and sailors;

S. 5278. An act granting pensions and increase of pensions to certain soldiers and sailors of the Regular Army and Navy and of wars other than the Civil War, and to certain widows and dependent relatives of such soldiers and sailors;

S. 5207. An act granting pensions and increase of pensions to certain soldiers and sailors of the Civil War and certain widows and dependent relatives of such soldiers and sailors;

S. 5978. An act to refund to the American Surety Co., of New York, an amount paid by it to the United States under protest and to avoid the levy of an execution under a judgment against it, which judgment was subsequently reversed by the Supreme Court of the United States;

S. 5731. An act for the relief of William Cronley;

S. 4441. An act to extend the provisions of the act of June 23, 1910 (36 Stats. L., p. 592), authorizing assignment of reclamation homestead entries, and of the act of August 9, 1912 (37 Stats. L., p. 265), authorizing the issuance of patents on reclamation homestead entries, to lands in the Flathead irrigation project, Montana;

S. 2466. An act for the relief of Elsie McDowell Bunting;

S. 5899. An act granting pensions and increase of pensions to certain soldiers and sailors of the Regular Army and Navy and of wars other than the Civil War, and to certain widows and dependent relatives of such soldiers and sailors;

S. 5843. An act granting pensions and increase of pensions to certain soldiers and sailors of the Civil War and certain widows and dependent relatives of such soldiers and sailors;

S. 5575. An act granting pensions and increase of pensions to certain soldiers and sailors of the Civil War and certain widows and dependent relatives of such soldiers and sailors;

S. 1802. An act construing the provisions of section 8 of the act entitled "An act to improve the efficiency of the personnel of the Revenue-Cutter Service," approved April 16, 1908; and

S. 1653. An act providing against the abandonment of destitute, infirm, or aged parents.

The message also announced that the Senate had passed without amendment bills of the following titles:

H. R. 4938. An act providing for the issuance of patents to transferees of town lots purchased from the United States at public sale in certain cases; and

H. R. 16192. An act to authorize the issuance of patent to Rachel E. Dangerfield Boast for the southeast quarter of section 21 and the northeast quarter of section 28, township 1 south, range 57 west of the sixth principal meridian.

INDIAN APPROPRIATION BILL.

The committee resumed its session.

Mr. STEPHENS of Texas. Mr. Chairman, I yield 10 minutes to the gentleman from Oklahoma [Mr. MURRAY].

Mr. MURRAY of Oklahoma. Mr. Chairman, the gentleman from Minnesota [Mr. MILLER], who spoke a moment ago, has opposed the provision for the "Creek equalization." It will be necessary to recite some of the history of this tribe to understand the purpose of this provision put in by the Senate.

In 1833 the Creeks bought the land in the present State of Oklahoma, paying a valuable consideration therefor, and secured a title in fee simple. In 1866 the Government forced these Indians to adopt the negro and divide their lands with them. In later years a treaty was made whereby the community ownership should be abolished and individual ownership should be taken. The gentleman from Minnesota seems to admit there is a legal claim against the Government, but none in equity. That would be true if the Government had always been equitable. But when the Government forced these Indians to accept the negro over their protest and give him an absolute equal division, the Government should not claim in equity an offset against the legal claim.

The facts were that the Government proceeded to allot these lands, based upon several grades, as a matter of preferment. Where the Indian by reason of the grade did not get enough land to make $1,040 worth of property, the Government gave him a due bill, reciting the amount of lands in value received and the amount yet due.

Now, it is true that later they allotted to the minor children who had been born after the agreement had been made. It is a doubtful question whether the Creeks asked for it. It is true they passed a resolution, but it was not approved by the governor of the tribe, and would be invalid if he had. But even if that be true, the question of equity in the whole transaction is on the side of the Indians.

Mr. BURKE of South Dakota. Will the gentleman yield?

Mr. MURRAY of Oklahoma. Proceed.

Mr. BURKE of South Dakota. The gentleman stated that it is true the Creek Council passed a resolution, but that it was not approved by the governor. I think the gentleman ought to state to the House, in order to be fair, that the failure of the governor to veto the resolution or approve it within five days made the resolution operative.

Mr. MURRAY of Oklahoma. That may be true under the Creek constitution, but that does not apply to a law governing the ownership of land. Moreover, at that time every such resolution to be valid must be approved by the President of the United States. It only applies to those things wherein it refers to the action of the tribe, because the constitution of the Creek Nation can not apply to matters of ownership where the governor necessarily reserves under the later treaty the right of administration.

Mr. STEPHENS of Texas. Will the gentleman yield?

Mr. MURRAY of Oklahoma. Yes.

Mr. STEPHENS of Texas. Has the gentleman heard that Gen. Porter, who was chief at the time the bill was passed

modifying this act, had that bill in his possession and it was found in his desk after he died?

Mr. MURRAY of Oklahoma. I have heard that that was true. Now, we are in this attitude: That it is admitted that the Indians have a legal claim, but it is charged that they have no equitable claim.

Mr. BURKE of South Dakota. Will the gentleman state who admits that they have a legal claim?

Mr. MURRAY of Oklahoma. I think the gentleman from Minnesota [Mr. MILLER] did.

Mr. BURKE of South Dakota. I will say to the gentleman——

Mr. MURRAY of Oklahoma. I can not yield, for I have not time.

Mr. BURKE of South Dakota. I will give the gentleman additional time.

Mr. MURRAY of Oklahoma. All right.

Mr. BURKE of South Dakota. The counsel for these Indians before our committee have repeatedly said that there was no legal claim, but that it was an equitable claim.

Mr. MURRAY of Oklahoma. If that was true, it was before I became a member of the committee. However, I will take the gentleman's word for it. But let us see about this question of equity. What are you going to do with the proposition that the Government took advantage after the Civil War of declaring that these five tribes, because they joined the Confederacy, had forfeited their property and forced them to a division with their ex-slaves? How is your equity going to jibe with that? Moreover, I say that this Government occupies a very peculiar situation when it says that it is unwilling to go into the white man's court in a battle between the Indian and the white man to determine what the Indians' rights are.

I say that this Government ought not to dispute even the right of an Indian to have "his day in court," and the Government ought not to deny the right of an Indian either in equity or in law to try out that question. He claims this right, and he will continue to claim it, and we may as well settle it now, and it ought to be settled now in order to settle finally those affairs in the Creek Nation, when we understand there is more than $1,000,000 tied up in the hands of the tribe that can not be distributed until this question is settled, and then when it is settled, if anything is due by the Government, it will be paid.

I believe, Mr. Chairman, that this great Government, attempting to do equity and justice to the nations of the earth, which in its generosity gave to China and to Mexico and proposes that we will not claim indemnity for the loss of our soldiers and of great property in Mexico, ought to comply with its legal obligations when it deals with its helpless wards, the American Indians.

I do not think it lies in the mouth of any Representative upon this floor to deny that right—first, the right to be heard in a court, to have their day in court, and, second, the right to their legal rights and their equitable rights—and this is all we are pleading for. Let this question be settled, so that a final settlement can be made with those Indians and that tribal government go out of existence. I, for one, am willing to go into the court and determine that question. I believe that when a hearing is had the Supreme Court of the United States will declare in favor of all of the adult Indians. I do not think it will declare in favor of the new born. They ought not to declare in favor of the freedmen; but in any case, whatever it may be, let there be a settlement.

The CHAIRMAN. The time of the gentleman from Oklahoma has expired.

Mr. STEPHENS of Texas. Mr. Chairman, I yield one minute more to the gentleman.

Mr. MURRAY of Oklahoma. Mr. Chairman, with reference to attorneys referred to, I am willing to put in a provision here that will restrict the paying out of attorneys' fees. I am willing that the attorney of the Creek Nation, Judge R. C. Allen, shall handle that case alone, or I am willing that he may select an attorney of his choice. I care nothing for the attorneys that have worked up the case. As a matter of fact, their conduct on other Indian matters has been very reprehensible, both before Congress and the country; but, irrespective of that, these Indians are entitled to their rights; they are entitled to every legal right and equitable right, and they are entitled to their right to go into the courts of the country and have the matter determined, and I trust that Congress will not attempt to deny them those valuable rights possessed by every American citizen. [Applause.]

The CHAIRMAN. The time of the gentleman from Oklahoma has expired.

Mr. STEPHENS of Texas. Mr. Chairman, I yield one minute to the gentleman from Washington [Mr. JOHNSON].

Mr. JOHNSON of Washington. Mr. Chairman, I ask unanimous consent to extend my remarks in the RECORD.

The CHAIRMAN. Is there objection?

There was no objection.

Mr. STEPHENS of Texas. Mr. Chairman, I move that the committee do now rise.

Mr. BURKE of South Dakota. Oh, I hope the gentleman will not move to rise yet. It is early in the day. There are two gentlemen who desire to be heard on this side. I want to yield 20 minutes to the gentleman from Wyoming [Mr. MONDELL].

Mr. FORDNEY. Mr. Chairman, I would like to have 15 or 20 minutes.

Mr. BURKE of South Dakota. The agreement made in the House was that the balance of the day should be used in general debate.

Mr. FORDNEY. I would thank the gentleman if he would consent to give me 20 minutes.

Mr. STEPHENS of Texas. Mr. Chairman, I withdraw my motion.

Mr. RAGSDALE. After the 20 minutes allowed the other side, is it the gentleman's purpose to move that the committee rise?

Mr. STEPHENS of Texas. That would depend on what transpires in the meantime.

Mr. GARNER. There will be no other business conducted than general debate, I will say to the gentleman from South Carolina.

Mr. DONOVAN. Mr. Chairman, did I understand the gentleman from South Dakota to say that when general debate is closed—is that the way he phrased it, or is the general debate to be finished to-day?

Mr. BURKE of South Dakota. Mr. Chairman, I will say that the understanding was that general debate should be limited to this day and that when general debate is concluded the committee shall rise. I yield 20 minutes to the gentleman from Wyoming [Mr. MONDELL].

Mr. MONDELL. Mr. Chairman, the Indian bill is an exceedingly important measure, and it now has upon it many important amendments, which I am glad to know are to be carefully considered by the Committee of the Whole. I did not, however, rise for the purpose of discussing this important bill, but rather to respond to a challenge which was hurled at me by my genial friend, the gentleman from Alabama [Mr. UNDERWOOD], a few days since.

In the course of some remarks I made on June 6 the gentleman from New York [Mr. FITZGERALD], interrupting me, referred to some alleged happenings in the district of the gentleman from Alabama [Mr. UNDERWOOD] during the preparation of the Underwood tariff bill. In response I said, among other things, that I had happened to notice that those interested in the iron and steel industry in the Birmingham district were insisting that the foreign producer can, under the Underwood bill, lay down steel in Mobile for less than they can make it, and that the foreign steel men are invading their markets. The gentleman from Alabama arose and expressed the hope that I would print in the RECORD the information I had with regard to the industries of his district, and he challenged me to show "where a ton of pig iron has been landed at the port of Mobile from any foreign country since the Payne law was repealed." I called the gentleman's attention to the fact that I had said nothing about pig iron. He then said he would challenge me to show "that there has been a steel rail or a pound of pipe or a pound of steel that competes with the products of the Birmingham district" imported.

Let me say right here that I am reliably informed that at the present time of 45 blast furnaces in the State of Alabama all but 18 of them are idle. In other words, 60 per cent of the blast furnaces of that southern industrial coal and iron State are idle at this time. That may be—it will be claimed that these idle furnaces are not the result or the effect of the passage of the Underwood tariff bill, but at least it happens at a time when the Underwood tariff bill is on the statute books.

The statement which I made in the running debate with the gentleman from New York [Mr. FITZGERALD], which the gentleman from Alabama [Mr. UNDERWOOD] took as the basis of his challenge, was in recollection of a newspaper article which I had read to the effect that imports had been made, or threatened, at Mobile and elsewhere, which were disturbing the steel men of the Birmingham district. I do not happen to be able to put my hands on that particular paragraph, but in view of the formal challenge of the gentleman from Alabama that there had been no imports in competition with the production of the Birmingham district, I have taken the trouble to look the matter up, and I shall present a few facts with regard to

the situation which had undoubtedly escaped the notice of the gentleman from Alabama with regard to the menace to the industries of his district under the tariff bill which bears his name. The gentleman from Alabama challenged me to show that any steel rails had been imported in competition with the products of the Birmingham district. I meet the gentleman's challenge with a clipping from the Galveston (Tex.) News, which is as follows:

ANTWERP RAILS AT GALVESTON.

A shipment of 506 tons of steel rails from Antwerp, Belgium, intended for the San Antonio Traction Co., is now on the way to Galveston on board the steamship *Hornby Castle*, due to arrive the early part of May. This will mark the arrival of the first cargo of imported rails received in Galveston in 13 years, the shipment being made possible by reason of the removal of duty. The first shipment will be followed by others, approximately 1,500 tons having been contracted for. The rails are 60 feet long and are grooved, running 1,843 pounds to the rail. (Galveston (Tex.) News of Apr. 2.)

Later advices are to the effect that the entire shipment of 1,500 tons has arrived. The gentleman from Alabama [Mr. UNDERWOOD] is familiar with the industries of his district and the market which those industries supply, and he will not of course deny that Galveston is within the natural trade district of Birmingham, and that I have presented evidence of the importation of over 500 tons of steel from Antwerp in direct competition and into the local market of the Birmingham industries. I have no doubt I could find other illustrations of how Birmingham is losing its steel-rail business had I the time to investigate the matter further. The gentleman from Alabama laid particular stress upon his claim that no importations had been made of pig iron in competition with Birmingham products.

Mr. LEVY. Mr. Chairman, will the gentleman yield for a question?

Mr. MONDELL. Yes.

Mr. LEVY. Does the gentleman not think the depression is caused by the Interstate Commerce Commission withholding its decision in the rate case?

Mr. MONDELL. I doubt if this condition has anything to do with rates. I think if the rates were increased from Birmingham to Galveston, it would make it still more difficult for Birmingham to compete with the products of Antwerp and Scotland.

Mr. LEVY. But it prevents the railroads, does it not, from purchasing at the present time—holding up this rate decision for over two years?

Mr. MONDELL. Yes; perhaps so; but it does not change the fact that when people do buy they buy from foreigners under present conditions. I made no reference to pig iron in my statement; but, nevertheless, I am prepared to show that the gentleman from Alabama is as inaccurate in regard to pig iron as he is in regard to steel rails.

Along the Delaware River, in the vicinity of Philadelphia, are extensive cast-iron-pipe manufacturing industries. These cast-iron-pipe makers have heretofore bought southern pig iron to make into pipe; they are now buying their pig iron from Nova Scotia, as indicated by the following clipping fram the Daily Iron Trade, under date of April 6, as follows:

WABANA IRON HERE—DELAWARE RIVER PIPE MAKERS GET SHIPMENT FROM NEWFOUNDLAND.

[By wire.]

PHILADELPHIA, *April 6.*

The first cargo of Wabana, Newfoundland, pig iron, which has been expected for several weeks, arrived here to-day, involving about 3,500 tons, principally for Delaware River pipe makers.

This Wabana pig iron is made in Nova Scotia from iron mined in Newfoundland. This shipment was announced, as you will note, as the first shipment of this kind, but it was not the last. A cargo of about 1,000 tons arrived a few days later at Bridgeport, Conn., and a second cargo at Philadelphia, the size of which I have been unable to learn. I have, however, information with regard to a third cargo, which is certainly big enough to make the Birmingham pig-iron manufacturers sit up and take notice, and I desire to read a clipping from the Daily Iron Trade, under date of May 11, which is as follows:

WABANA IRON COMES—THIRD CARGO SINCE MOVEMENT BEGAN DOCKS AT PHILADELPHIA.

[Staff correspondence.]

PHILADELPHIA, *May 11.*

The steamer *Heathcote* has sailed from Sydney, Nova Scotia, for Philadelphia, with a cargo of about 35,000 tons of Wabana pig iron, which is to be applied against recent sales made in this district, largely to cast-iron-pipe makers. This makes the third cargo of this iron to come to this country since the movement began. A cargo which recently came in at Bridgeport, Conn., was small and contained only a little more than 1,000 tons. The other two cargoes docked at Philadelphia.

Here is a single shipment of 35,000 tons of pig iron, depriving southern furnaces of a market for that amount, and yet the gentleman from the Birmingham district [Mr. UNDERWOOD] is so little informed as to what is going on that he does not know about these inroads on the industries of his district.

So much for Birmingham's immediate market. What is the situation with regard to the market on the Pacific coast, where Birmingham has a very considerable advantage over other American producers? The Seattle (Wash.) Times of April 2 contains a notice of the arrival at Seattle of a British vessel from Antwerp and Glasgow with 8,000 pieces of rod and bar iron. This is in a market which Birmingham ought to control.

Not only are Birmingham's natural markets being invaded by Antwerp and Nova Scotia, but the Iron Trade Review, under date of May 25, makes the following announcement of the importation of rails from India:

INDIAN RAILS WILL BE IMPORTED—VERY LOW MANUFACTURING COST.

NEW YORK, *May 25.*

Indian rails will invade the western coast of the United States for the first time within the next two weeks, when the initial cargo produced for buyers in this country by the Tata Iron & Steel Co., at Sakchi, will be received.

Official announcement of this fact was made before the American Iron and Steel Institute at New York last week by Charles P. Perin, of New York City, consulting engineer of the India company, who has just returned from a trip to the works. Mr. Perin stated that the reduction of the tariff on rails has helped considerably to enable his company to ship rails to this country, but he also outlined the astoundingly low manufacturing and operating costs of the Tata Co. The 7,000 native laborers of the company receive 7 and 8 cents wages a day. Coke can be manufactured at $1 a ton, and iron ore is laid down in the stock house at a remarkably low cost per unit.

Let us recall the fact that these importations are being made at a time when steel rails and pig iron have reached, I think, almost if not the lowest point in our history. If pig iron has ever been lower than it is now, it was for a very brief period some years ago, and still these importations are coming.

Birmingham has an advantage, it is true, over the balance of the United States in its readily accessible coal and iron ore and its cheap black labor, but even Birmingham will hardly be able to compete with the Bombay product. It is not strange that Belgium is able to export steel rails in competition with American rails, for the skilled rollers who made the rails delivered at San Antonio did not receive to exceed a dollar a day, and probably less, while the average American wage for work of that kind is from $3 to $4 per day. When one begins to compare these wages with the wages paid in India it is not difficult to understand how impossible it will be for American mills, even in Alabama, to compete without a reduction in wages.

The district of the gentleman from Alabama is in the midst of a cotton-producing country. It ought to produce the bulk of the cotton ties used in the United States; in fact, they are well equipped for that work, both at Birmingham and Atlanta; but with free cotton ties, we are informed by the staff correspondence of the Daily Iron Trade that British cotton-tie makers are manufacturing for our market and are very hopeful of getting a large share of the cotton-tie business. The Daily Iron Trade, published at Cleveland, Ohio, in an editorial under date of April 28, makes the following pertinent observations with regard to the present situation, comparing them to conditions under the Democratic administration of Grover Cleveland:

The Cleveland administration was swept out of office in 1896 by an angry American people, whose eyes were opened to the emptiness of high-sounding platitudes to fill empty stomachs.

William McKinley, foremost consistent advocate all his life of a "protective tariff for American industries," was placed in the presidential chair. The Dingley law was passed and prosperity again returned, but only after long months of weary waiting until the final effects of the Cleveland disaster were wiped out.

Until this day wages have remained at the high figure established under the Dingley law, later replaced by the Payne law, until to-day puddlers are receiving the minimum of $5.85 a ton. Steel billets are quoted at $20 to $21, and Bessemer pig iron is selling at $14.90, Pittsburgh.

How, then, with the present high rate of wages paid and the present comparatively higher prices of steel products, is it possible for American manufacturers to compete with foreign makers in the various markets of the world?

It is not only impossible but it is becoming daily more certain that it will be difficult for American manufacturers to retain their hold upon their own domestic trade. A sample reason for this difficulty is found in that item telling of British mills rolling cotton ties to-day for use in American cotton fields.

Alabama and Tennessee pig iron, formerly used by cast-iron-pipe concerns at Philadelphia, is being displaced by Canadian pig iron of equal quality and of lower price.

Belgian girder rails are being imported at Galveston for use in Texan street railways.

Belgian bars and British pig iron are being unloaded at Seattle and San Francisco at a far lower price, as now figured back to Pittsburgh, than 90 cents, mill, Pittsburgh, for the bars.

In the meantime Canada, who once prayed reciprocity with us, has shut out our hardly earned tin-plate trade with a tight tariff wall, with the result that Welsh tin-plate makers will again rejoice over their return of prosperity through Canadian influence.

Is it any wonder that Mr. Redfield no longer talks about foreign imports failing to "flood the country," but instead is audibly praying on

the stump during his present tour of the West that the Interstate Commerce Commission will grant the railroads a rate advance, so that any little help like this may aid the country's business and the Wilson-Bryan administration be saved from disaster next November?

You might imagine from the easy optimism of the gentleman from Alabama [Mr. UNDERWOOD] that whatever might be happening in the balance of the country, the Birmingham district and its industries are all right. It is possible that the gentleman from Alabama has gotten the two Birminghams confused. If he was thinking of or talking about Birmingham, England, he might very truthfully assert a condition of great prosperity. But it is a prosperity, to a certain extent at least, at the cost of the prosperity of Mr. UNDERWOOD'S Birmingham and other iron and steel centers, as indicated by the following clipping from the London Iron Monger of April 4:

BIRMINGHAM'S TRADE BOOM.

Evidence of the growth of trade between this country and the United States as a result of the reduction of tariff is afforded in the statistics of declared exports from Birmingham district, issued on April 2. The total value of all shipments from Birmingham, Redditch, and Kidderminster during the first quarter of the year was £295,096, an increase of 40 per cent on the shipments for the corresponding quarter of last year. The number of invoices declared at the Birmingham consulate showed an increase of 20 per cent over the number declared last year, while the increases from Redditch and Kidderminster were 10 per cent and 15 per cent, respectively. That shows that in each town a number of additional firms have opened up accounts with the United States.

This statement of the state of Birmingham, England, iron trade indicates a marked contrast between conditions there and the iron and steel trade of the United States. Not only are foreigners securing a foothold in our markets, but they are preparing to hold them by adopting methods and making prices which will insure them an increasing trade in competition with our mills and furnaces. While Birmingham, England, increases her shipments to the United States, our exports are decreasing. While Birmingham, England, is giving steady employment to her people, American mills and furnaces are largely idle. Only recently the National Tube Co. closed its mills and furnaces at McKeesport, Pa., at Lorain, Ohio, and at Benwood, W. Va., throwing 2,500 men out of employment. There is not a line of American iron or steel industry that is not feeling the adverse effect of the Underwood tariff bill. Idle men and idle mills are the rule everywhere. As a sample of the conditions in the country I am assured that a recent very careful estimate of the number of steel and iron workers in Youngstown, Ohio, out of employment placed the number at 5,000. In the meantime the prosperity which was promised under the Underwood tariff bill seems to have developed, not within the boundary of the United States, but at Bombay, at Antwerp, and Birmingham, England, and in Nova Scotia, where the Dominion Steel Co. is lighting new furnaces to help fill American orders.

I have met the challenge of the gentleman from Alabama; I have shown him how the trade of his district is being curtailed, its markets invaded. I should like to know what the gentleman from Alabama has to say about it. [Applause.]

Mr. STAFFORD. Mr. Chairman, the gentleman from South Dakota [Mr. BURKE] left the time in my charge, and I now yield 20 minutes to the gentleman from Michigan [Mr. FORDNEY].

Mr. KENNEDY of Connecticut. Mr. Chairman, I raise the point of order that there is no quorum present.

Mr. STAFFORD. Mr. Chairman, I hope the gentleman will withhold that for 20 minutes, as the gentleman from Michigan desires to leave the city to-morrow——

Mr. FORDNEY. I will thank the gentleman if he will withhold his point.

Mr. KENNEDY of Connecticut. Mr. Chairman, I have listened to about all of this calamity howling that I want to hear.

Mr. STAFFORD. Mr. Chairman, it is hardly fair, in view of the fact that it was understood we would proceed this afternoon on general debate on this bill, for the gentleman to raise that objection, and I hope he can see his way clear to withdraw it. We certainly have the privilege of speaking on any subject pertaining to the Nation, and this point of order might have been made an hour ago, and I hope the gentleman will at least allow the gentleman to proceed with his remarks, as he is going to leave the city. After the gentleman shall have concluded his remarks, we will then have no objection to the committee rising.

Mr. KENNEDY of Connecticut. Mr. Chairman, I withdraw my point.

Mr. FORDNEY. Mr. Chairman and gentlemen, I will confine my remarks to the subject of an industry which has been materially affected by recent legislation.

President Wilson is quoted in the papers as having said that if it is shown by the report of the present investigating committee that the domestic sugar industry can not succeed without protection, it is a hothouse industry and must go.

The President either singles out the domestic sugar industry to be discriminated against, or else the same reasoning must apply to all American industries; that is, if they can not survive without tariff protection, they are hothouse industries and must go.

The President contends that conditions in America are artificial and not natural. Did he ever stop to think that wages and the standard of living for our laborers are abnormally high? As laborers in our domestic sugar industry and other American manufacturing establishments receive an average of about two and one-half times the wages paid to the same class of labor in Europe, from the President's course of reasoning it would appear that hothouse wages exist in this country—wages made possible by tariff protection from foreign cheap labor and no other cause. What makes the sugar industry, as the President calls it, a hothouse industry? Have we less farming land suitable for raising beets? Is our land less productive? The industry needs protection on account of the cost of labor, which is equally true of other American institutions. American laboring men are accustomed to a high standard of living. They would not tolerate conditions of labor existing in some foreign countries with whom we must compete. Hothouse wages have brought about hothouse industries and hothouse habits for our workingmen. I favor hothouse wages and the protective tariff policy which has made hothouse wages possible.

There is no sound argument to justify the Democratic policy in regard to the domestic sugar industry.

This Government requires the money the tariff on sugar produces. No revenue is collected with less burden on the people than the import duty on sugar.

The price of sugar to the consumers in the United States is lower than in any country in continental Europe.

The raising of sugar beets benefits the soil, and is most profitable to the farmer.

No monopoly exists in the manufacturing of domestic sugar. On the other hand, the so-called Sugar Trust is engaged in refining imported raws.

In short, the cause for the attack on the domestic sugar industry by the administration is inconceivable.

The great sugar-refining companies, the so-called Sugar Trust, for many years have been spending large sums of money in distributing literature to create a sentiment among our people for free trade on sugar, and failed to accomplish the results they desired until the Democratic Party came into power March 4, 1913. It was the golden opportunity for the Sugar Trust, and the Democratic Party was easily led on in the matter of tariff legislation. Their case was presented to Congress through one Frank C. Lowry, their hireling. The administration yielded to this lobbyist and accepted his falsified figures and statistics.

Abolishing the duty on sugar will permit the sugar refineries to more cheaply import foreign raws, but this was not the fundamental reason for their activities. The remarkable growth of the domestic industry they considered a menace to their welfare, and it was their greatest desire to curb or eliminate the strong and increasing competition caused by the domestic beet and cane sugar industry. The war between the great refineries and the domestic producers of beet and cane sugar has been fiercely waged since the inception of the beet-sugar industry, but the growth of the domestic beet-sugar industry between the years of 1895 and 1912 has been phenomenal, jumping up from an annual production of a few thousand tons to 625,000 tons in the year of 1912. This, together with the domestic cane sugar produced in the South, furnishes the American people with about 25 per cent of the sugar they consume annually. It can readily be understood that the great refining companies saw in the domestic industry a most formidable foe—one that, unless it could be conquered, would bring unquestionable destruction in the end to the great monopoly engaged in the refining of foreign imported raw sugar.

Our domestic sugar has entered the markets in every State in the Union and in all cases—without a single exception—has sold at from 20 cents to 40 cents a hundred pounds below the price obtained by the Sugar Trust for their sugar produced from foreign imported raws; and if the market for sugar is closely followed, it will be observed that during the six or seven months, from October to May, when the domestic sugar is on the market, the wholesale price, and also the price to the consumer, is lower than during the remainder of the year, when the Sugar Trusts have no competition. Yet Mr. Lowry tells us that the consumers will receive the entire benefit of a tariff reduction on sugar. I can not conceive that the Sugar Trust, with competition eliminated, will not sell its product at the highest price it can demand.

The following shows the net decline or advance in the price of raw and refined sugar, week by week, from February 19 to June 25, 1914. It is an indication of unwillingness on the part

of sugar refiners to let consumers have the benefit of the tariff reduction on sugar:

[Taken from Willett & Gray's Weekly Statistical Trade Journal.]

Date.	Raws.		Refined.	
	Declined.	Advanced.	Declined.	Advanced.
Feb. 19	$0.06		(1)	(1)
Feb. 26	.03		(1)	(1)
Mar. 5	.38		(1)	(1)
Mar. 12	.06		$0.098	
Mar. 19		$0.06	.049	
Mar. 26	.06			
Apr. 2	(1)	(1)	(1)	(1)
Apr. 8	.03		.098	
Apr. 16		.06		
Apr. 23		.03		$0.06
Apr. 30		.03	(1)	(1)
May 7		.10		.097
May 14		.06		.088
May 21		.12		.098
May 28		.07		.098
June 4	.07			
June 11	(1)	(1)	(1)	(1)
June 18		.07		.098
June 25	.07		(1)	(1)
Total	.76	.60	.245	.539

Net decline in raws 16 cents per 100 pounds. [1] No change.
Net advance in refined 29.4 cents per 100 pounds.

To further explain the above table, I call attention to the following:

Price of refined sugar on Feb. 11, 1914	$3.92
Price of raw sugar on Feb. 11, 1914	3.48
Refiners' difference	.44
Price of refined sugar on June 25, 1914	4.214
Price of raw sugar on June 25, 1914	3.32
Refiners' difference	.894

The refiners have increased their margin from $0.44 on February 11, 1914, to $0.894 on June 25, 1914, which increase amounts to $0.454. The refiners' margin has been increased 103.2 per cent.

This great change in the refiners' margin is proof that the refiners sell their sugar at the highest price they can obtain. In February domestic sugar was on the market, and competition forced the refiners to accept a small profit. I do not believe any well-informed man will contend that the domestic industry will be able to exist under free trade, and with all domestic competition wiped out the refiners can and will increase their profits and absorb the tariff reduction. The benefit to the consumers, if there is any benefit at all, will certainly be insignificant. The crippling of the domestic sugar industry is a gross mistake. The tariff reduction on sugar can not be justified.

While the seaboard refiners and their free-sugar allies among the Democrats claim that the Underwood bill has resulted in cheaper sugar, they conceal the essential facts from the people.

By cheaper sugar they expect the public to believe that the sugar found on the breakfast table of the American people is cheaper since the Underwood bill passed than it was before.

As a matter of fact, the cheaper sugar has been confined exclusively to raw sugar grown by the American farmers and to granulated sugar turned out by the beet-sugar factories and better equipped sugarhouses in Louisiana in competition with the trust.

This is strikingly shown by the movement of the sugar market during the last month that the old rates were in effect and the first month following the operation of the sugar schedule of the Underwood bill—February and March, 1914. During this period there was a net decline of 0.47 cent in raw sugar on the New York market, while granulated, the lowest grade of refined sugar, declined only 0.147 cent, the excess in the decline of raws over granulated being 0.323 cent, suffered by the American farmers. Since March, however, after the domestic crop had gone off the market, the refiners advanced their price on granulated sugar 0.441 cent, and now the price of granulated sugar is 0.224 cent higher than in February, before the tariff reduction became effective.

But this was not the worst feature. The campaign for free sugar was conducted by the refiners under the pretense that they would cheapen the higher grades of table sugars to the masses of the people, and that the grades known as dominoes and cut-loaf sugars, the grades of table sugars used for sweetening tea and coffee, would be cheaper by 2 cents a pound following the removal of the duty.

The trade reports show that while the refiners beat down the prices of raw sugar on the eve of the tariff changes, entirely "absorbing" the reduction, as they put it, and also reduced the price of granulated in order to injure the beet people and those planters who were competing with them in that grade, they made absolutely no reduction in the price of crystal dominoes or cut-loaf sugar. These are the fancy grades in which the beet factories and the Louisiana planters do not compete. The trust, through selling them at exorbitant prices, has been able to pile up millions of dollars of profit annually.

The market quotations of Willett & Gray show that crystal dominoes were quoted without a break from January 8 to April 30 at 6.75 cents to 7.25 cents a pound, according to packing. Cut-loaf sugar was quoted at 5.05 cents during the same period without a break. The depression has been in raw sugar and the low grades, and the only losses have been sustained by the American farmer and the Federal Treasury.

The trust has maintained its fancy prices for fancy grades unimpaired by the tariff. This is clearly shown by the following table:

1914	Raw.	Granulated.	Crystal dominoes (cases).	Cut loaf.
	Cents.	*Cents.*	*Cents.*	*Cents.*
Jan. 8	3.23	3.92	6.75–7.25	5.05
Jan. 15	3.29	3.92	6.75–7.25	5.05
Jan. 22	3.355	3.92	6.75–7.25	5.05
Jan. 29	3.48	3.92	6.75–7.25	5.05
Feb. 5	3.48	3.92	6.75–7.25	5.05
Feb. 11	3.48	3.92	6.75–7.25	5.05
Feb. 19	3.42	3.92	6.75–7.25	5.05
Feb. 26	3.39	3.92	6.75–7.25	5.05
Mar. 5	3.01	3.92	6.75–7.25	5.05
Mar. 12	2.95	3.822	6.75–7.25	5.05
Mar. 19	3.01	3.773	6.75–7.25	5.05
Mar. 26	2.95	3.773	6.75–7.25	5.05
Apr. 2	2.95	3.773	6.75–7.25	5.05
Apr. 8	2.92	3.675	6.75–7.25	5.05
Apr. 16	2.98	3.675	6.75–7.25	5.05
Apr. 23	3.01	3.735	6.75–7.25	5.05
Apr. 30	3.04	3.735	6.75–7.25	5.05
June 25	3.32	4.214	6.75–7.25	5.05

The loss to the Federal Treasury has been officially shown by two letters from the Department of Commerce under date of April 10 and May 18, respectively. These letters state that during the month of March, the first month the new sugar rates were in operation, the Government sustained a loss of $2,479,458.62, while during the second month, April, the Government sustained a further loss of $1,951,198.91, a total of $4,430,657.53 lost to the United States Treasury and absorbed entirely by the sugar refiners.

It will thus be seen that the refiners, through the operation of the new tariff, have within the space of two months recovered at the expense of the Federal Treasury $4,500,000, or a little more than the entire sum that the Federal Government forced them to disgorge by reason of their crooked weighing and other methods of petty thieving. These odious practices, it will be remembered, caused the Attorney General of the United States to denounce the refiners as guilty of "a long-continued system of defrauding the Government of an unparalleled depravity."

While the golden stream of import duties has thus been diverted from the Public Treasury into the coffers of the Sugar Trust, the loss to private enterprise has been no less severe.

The culture of beets, which has been the marvel of American industry and development during the past decade, has been halted. Twelve beet factories have been abandoned. The destruction in the cane-growing State of Louisiana has been appalling. Mr. Charles Godchaux, one of the leading bankers and planters of that State, in a recent telegram which was read upon the floor of the Senate, gave a few illustrations of the tariff disaster which has overtaken his people. He said:

The Miles Planting Co. abandoned their properties in Ascension and St. James Parishes, containing over 15,000 acres, fully equipped with three large factories and railroads. They have sold off their live stock and are now offering the factories at wrecking value. Part of the lands have been leased for rice, corn, and other crops, but a large portion are idle and the labor has moved away. The loss to the above company, composed of the daughter and son of Gen. Miles, is not less than half a million.

In Terrebonne Parish the Argyle property is now under seizure. The owner will sell at fifty to seventy-five thousand, while three years ago he purchased one-quarter interest from his brother for one hundred thousand. This shows a loss of over three hundred thousand.

The Bayou Sale property of Mr. Wahl and others, consisting of about 2,000 acres, has been entirely abandoned, due to the fact that they were unable to secure the money to operate. The seed cane saved to plant in January has not been touched, and the loss on this place is at least a hundred thousand.

The losses to sugar district since Underwood tariff was talked of or became effective amount to not less than $10,000,000 and will be that much more at the end of another year, when 90 per cent of the properties will be abandoned and expensive factories sold for junk. I could cite dozens more abandoned places if desired.

This is the practical side of the sugar question. But, like all great questions, it also has a sentimental side.

Let us turn to the record of the Baltimore convention in the opening days if we would understand why the American sugar growers feel so deeply on this question. In a telegram sent from Baltimore to the New Orleans Picayune before the balloting began, and published on the first page of its issue of June 26, we find the following:

The Texas delegation made common cause with the Louisianians to-day in the effort to get in the platform some expression which would act as a protection of sugar in the future.

It was those men from the sugar-growing States of the South who stood like adamant for Mr. Wilson against the assaults of most of the other Southern States in the battle for the nomination. The representatives from the other Southern States who followed Hon. OLLIE JAMES in the Senate and Mr. HARDWICK in the House in destroying the sugar industry of southern Louisiana and Texas were simply revenging themselves because the representatives of those sugar States held out for Mr. Wilson and insured his nomination at Baltimore.

This is clearly shown by the record. Take the vote of the solid South after the 41 ballots, on the last ballot taken Tuesday, the day before all of the Southern States broke to Wilson and attempted to out-Herod Herod in their devotion to the nominee. It is typical of the balloting that had been going on from the beginning and reads like poetic justice when we recall what the nominee and the solid South did to the domestic sugar industry later on when they came to revise the tariff.

Here is the forty-second ballot:

	Wilson.	Clark.	Underwood.	Foss.	Bryan.	Absent.
Alabama			24			
Arkansas		18				
Florida	2		10			
Georgia			28			
Kentucky		26				
Louisiana	12	7		1		
Maryland	5	10	½			½
Mississippi			20			
Missouri		36				
North Carolina	20		4			
South Carolina	18					
Texas	40					
Virginia	9½	12	2		½	

The sugar people know that they insured the selection of the Democratic nominees at Baltimore and feel that they were afterwards destroyed in the house of their friends for having done so.

While this prenomination assistance rendered by the sugar men would seem to have been sufficient to gain for them the assistance of the new administration, certain other events occurred during the campaign that followed which caused the sugar industry to feel that it had nothing to fear from Mr. Wilson.

These have been enumerated by Mr. Henry N. Pharr, of Olivier, La., as follows:

1. The Underwood free-sugar bill of 1912 met a cold reception at the hands of the Democratic members of the Senate Finance Committee, who recommended instead a one-third cut in existing rates.
2. The assurance given at that time by Senator JOHN SHARP WILLIAMS, of Mississippi, that "even though a Democratic President and a Democratic Senate and a Democratic House should come into power, there is not the slightest anticipation in the mind of any intelligent man that sugar would be placed on the free list."
3. What we regarded as positive assurance from Mr. Wilson in his preconvention compaign that there need be no apprehension on the part of the Louisiana sugar planters in the event of his nomination.
4. The open secret that the subcommittee which drafted the Democratic platform absolutely refused to entertain a free-sugar plank submitted by the refining interests.
5. The declaration in that platform in favor of "legislation that will not injure or destroy legitimate industry."
6. Mr. Wilson's positive refusal during his campaign to declare himself in favor of free sugar when interrogated by the collector of the port of New Orleans, as shown in attached copies of telegrams.
7. Mr. Wilson's statement at Pittsburgh, Pa., on October 17, that "The Democratic Party does not propose free trade or anything approaching free trade"; and, finally,
8. The assurance by President-elect Wilson that honest business had nothing to fear from his administration.

The telegraphic correspondence referred to by Mr. Pharr was as follows:

NEW ORLEANS, LA., *October 5, 1912.*

Hon. WOODROW WILSON,
Democratic Nominee for President of the United States
(Care of Hon. William Jennings Bryan, Lincoln, Nebr.):

The last Democratic House passed the Underwood free-sugar bill. The Democratic platform for 1912 approved the legislation of the Democratic House at its last session. The Democratic campaign book for 1912 advances extended arguments in favor of free sugar. Notwithstanding these facts, sugar men in Louisiana are being assured that you will not advocate the Underwood free-sugar bill, if elected President, but will be guided by the fourth paragraph of the Democratic platform on the tariff question, which promises downward revision that will not injure or destroy legitimate industry. The Republican campaign opens in Louisiana on the 10th instant. We do not wish to misrepresent your position. May I ask if you are in favor of the Underwood free-sugar bill or not? If not, what duty on sugar will you advocate if elected President? We will publish your answer in full with this telegram.

C. S. HEBERT,
Chairman Republican State Central Committee.

President Wilson's answer was as follows:

PHILLIPSBURG, KANS., *October 6, 1912.*

C. S. HEBERT,
Chairman Republican State Central Committee,
New Orleans, La.:

Your lettergram October 5 received. My position on the question mentioned was stated in my speech of acceptance.

WOODROW WILSON.

In the light of this correspondence, the letter of acceptance will be studied in vain for the slightest intimation of the cruel destruction that awaited the Louisiana sugar industry when Mr. Wilson and his friends came to revise the tariff.

Last year 647,606 acres were planted with sugar beets in the United States. This season 513,201 acres have been planted. This is a decrease of 134,305 acres, due to the closing down of 12 beet-sugar factories in different parts of the United States.

The contracts between the factories and the beet growers in the State of Michigan have been so changed as to reduce the price per ton paid for beets to the farmers an average of 50 cents. As the average yield of beets in Michigan is about 10 tons per acre, this means an average reduction in the farmer's income of $5 per acre. A farmer growing 15 tons per acre, of course, will lose $7.50 per acre on his beet crop this year as compared with last year.

The question may be asked, why the domestic beet and cane sugar industry can not thrive, or even exist, without tariff protection against foreign competition. A few of the facts in the case show most clearly a reason that can not be disputed. It has been shown that the beet-sugar factories in the United States in 1910 paid from $6 to $6.50 per ton for beets delivered at the factory, and in the State of Michigan the factories that year paid $6.91 per ton for beets delivered at the factories (see Hardwick hearings, p. 711), while it was developed at the Hardwick hearings that the farmers in France received an average price for their beets from 1902 to 1911, inclusive, of $4.05 per ton of 2,000 pounds; and in Germany, for the same period of time, the farmers received $4.45 per ton; and it was further developed by the investigations of that committee that the French and German beets averaged about 2½ per cent more sugar in the beets than is obtained from beets in the United States. And, again, the purity is greater in German and French beets than in the United States and yields about 30 pounds of sugar per ton of beets more than is extracted from beets in this country showing the same test or percentage of saccharine, which is caused by the superior purity of sugar in the beets. And, again, the wages of the men, women, and children in the beet fields in France and Germany were shown to be about 40 per cent of the wages paid to the same class of labor in the beet fields in the United States.

It was shown by that investigation that the cost of production of granulated sugar from beets in the United States was $3.55 per 100 pounds, while the cost of production of brown sugar from cane in the Southern States was $3.75 per 100 pounds. The cost of refining this brown sugar ranges from 40 to 50 cents per 100 pounds and makes a total cost for refined sugar produced in the Southern States of 4¼ cents per pound, while, on the other hand, Cuban raw sugar, 96°—which is a light-bown sugar—if sold f. o. b. Habana for about 2 cents per pound. The freight on this sugar to New York is 10 cents per 100 pounds, and the refining cost about 40 cents per 100 pounds, so that under free sugar the refining companies, known as the Sugar Trust, can, under free trade, produce refined granulated sugar from foreign imported raws at a cost of 2½ cents per pound. It can therefore be plainly seen that the refining companies, who have so long and earnestly clamored for free trade on foreign imported sugar, can under free trade put sugar on the market at a price far below the price at which it can be produced by the domestic sugar manufacturers and thus crush out the domestic beet and cane sugar industry.

There is more than $100,000,000 invested in our beet-sugar factories and about twice that sum in the factories and cane fields of the South. There is conclusive evidence that this industry can not survive under free trade, and, according to the President's statements, it is a hothouse industry and must go.

The reduction of duty as provided for in the Underwood tariff law, sanctioned and approved of by the administration, on Cuban sugar is a fraction over one-third of a cent per pound. This change or reduction of duty was made effective March 1, 1914. Its effect so far has been to close the following beet-sugar factories:

In Ohio, the Continental Sugar Co., with a slicing capacity of 500 tons per day, and the Altowa Sugar Co., with a capacity of 600 tons per day.

In Nevada, the Nevada Sugar Co., slicing 500 tons.

In Arizona, the Southwestern Sugar Co., 650 tons capacity.

In Wisconsin, the Rock County Sugar Co., 700 tons capacity.

In Iowa, the Iowa Sugar Co., 500 tons capacity.

In California, the Alameda Sugar Co., 800 tons capacity; the Sacramento Valley Sugar Co., 700 tons capacity.

In Colorado, the Holly Sugar Co., 600 tons capacity; the Las Animas Sugar Co., 700 tons capacity; the American Beet Sugar Co., 400 tons capacity.

In Michigan, the Western Sugar Refining Co., 600 tons capacity.

Twelve factories in all out of a total of 74 in the United States, or about 16 per cent of our beet-sugar factories, have already been driven out of business.

In the State of Louisiana since the 1st day of January, 1914, the new tariff law has, as before stated, caused 42 factories and plantations to discontinue. Following is the list:

The Bell Helene Planting Co.
The Valverda Planting & Manufacturing Co.
The Uncle Sam Plantation & Manufacturing Co.
The Miles Planting & Manufacturing Co.
The Sera and Magnolia plantations.
A plantation at Plaquemine of 10,000 acres.
The Sweet Home plantation.
The La Place sugar plantation.
The Vanfry Planting Co.
The Ivanhoe plantation.
The Alice B. plantation.
The Crawford and Richland plantations.
The Home Place.
The Glen Coe plantation.
The McManor plantation.
The Front Lawn plantation.
The L & Kay plantation.
The Sherley Planting Co.
The Cora Planting & Manufacturing Co.
The Celeste Planting Co.
The McCall, Bros. Planting & Manufacturing Co.
The Miles Co.
The Ascension Planting Co.
The Augusta plantation.
The W. W Ventress plantation.
The Leeman Co. (Ltd.).
The Milly plantation.
The Southside Planting Co.
The Oliver plantation.
The Mary plantation.
The Magnolia plantation.
The Braitwaite plantation (property of the United Railway & Trading Co.).
The Catran plantation.
Jos. Weber & Co.
The Star plantation (owned by the Klotz Manufacturing Co.).
The Cecelia Sugar Co. (Ltd.).
The Davis Planting & Manufacturing Co.
The St. Clair plantation.
The Myrtle Grove plantation.
The Fairfield plantation.
The Upper Elmer plantation.

This shows that the Underwood tariff law has been a Waterloo for our domestic sugar industry. It can not be denied. Evidently it is all for the purpose of giving the sugar refining companies, or the so-called Sugar Trusts, a wider field and more exclusive control of our markets for our sugar, and the poor unfortunate consumer will pay the penalty to these companies.

To date out of the 74 beet-sugar factories in the United States, scattered throughout 17 States of the Union, 12, or 16 per cent of the total, have been closed. The embarrassment caused by the Underwood tariff law to the sugar industry in Louisiana has forced 4 sugar plantations and companies into the hands of receivers, 20 others have discontinued operations, and 18 have been sold at sheriffs' sales, making a total of 42 sugar plantations and factories in the State of Louisiana alone that have been forced to go out of business since January 1, 1914. To no other cause can the failures be attributed than the Democratic free-trade tariff law. The destruction to this one great industry alone within six months from the time of putting into effect the administration's tariff policy must be appalling to fair-minded people. Any attempt to mislead the people into believing that any cause other than the tariff is to blame is an insult to their intelligence.

The President and his party are free traders and have put their free-trade policies into effect. No one can deny it. It has failed to bring better conditions to the people of this country, which they claimed it would. They are now putting forth all manner of excuses for their failure. Last winter when such large numbers of unemployed men in the large cities were applying for shelter and food it was a Democratic contention that the excessive cold weather was responsible for the suffering. The cold-weather argument can not now be used. The conditions are growing worse instead of better, and the administration realizing this gives voice to the carping cry that this is purely a psychological condition.

The Democratic administration has its foot on the throat of business; how long will they attempt to conceal the real cause of business depression?

Secretary Redfield not many months ago boasted of the magnificent balance of trade of the United States for the calendar year of 1913—nearly $700,000,000. A favorable balance of trade is a great asset to a country. Mr. Redfield knew it and Members of Congress know it. In April our imports exceeded our exports by $11,300,000, and in May our imports again exceeded our exports, the excess amounting to approximately $2,000,000. With free trade on sugar this country's imports will increase some $40,000,000 annually. These increased imports will come no matter what we think. It will not be psychological. The imports will come in and gold will go out to pay for the same.

Our Democratic friends have always claimed that our domestic sugar industry, especially beet sugar, is a hothouse industry, and, in fact, it has been claimed there is not sufficient soil adapted for the successful growing of beets in the United States to warrant the establishment of enough beet-sugar factories to produce a quantity of sugar equal to our consumption.

When Mr. Wilson was the Secretary of Agriculture, he made a report that his department had made thorough tests of soils in the United States and determined that there is 274,000,000 acres of land in the United States as well adapted to the growing of beets as the soil on which sugar beets are now grown in the State of Michigan, and that if a crop, such as was produced in the State of Michigan for 1911, was harvested from this 274,000,000 acres of land, that one crop of sugar would exceed in quantity all the sugar used by all the people of the world since the birth of our Savior. A crop of beets from 13,000,000 acres of land in the United States would furnish an annual supply of sugar to all the people of the world. In other words, would produce a quantity of sugar equal to the world's annual production.

Is it not a matter of significance to find the representatives of the refining industries before the Hardwick sugar investigating committee and the Committee on Ways and Means, when the tariff bill was up for consideration, advocating free sugar, and later find the paid representative of the refining institutions, Frank C. Lowry, writing a part of the Democratic Campaign Textbook for the year of 1912, the celebrated so-called "Farmers' Sugar Bowl," setting forth gross misrepresentations as to the benefit to be derived by the consumers under free trade on sugar; and also to find that two of the Spreckels family engaged in the refining of sugar, one at San Francisco and the other at New York, supporting the Democratic Party in the campaign of 1912 not only by personal efforts, but, it is reported, by contributing large sums of money for the campaign of 1912, while at the same time a suit was pending, brought by the Government in the Federal court for the southern district of New York, against the Federal Sugar Refining Co., of which one of the Spreckels is president, for a claim of $119,080.98 principal, representing unpaid duties on importations of raw sugar entered at the port of New York by the defendants, and that suit is still pending and unprosecuted? This suit was begun against the Federal Sugar Co. under a Republican administration. It was one of several suits brought against the importers of foreign raw sugar, and some of the officials of one of the refining companies, I believe, are now serving terms in the penitentiary for fraudulent underweighing and undervaluations or other frauds in connection with the importation of foreign raw sugars, for which the Arbuckles and the American Sugar Refining Cos. have paid upward of $3,000,000 in fines. All these suits, if I am correctly informed, have been prosecuted to a completion, with the single exception of the suit against the Federal Sugar Refining Co. above referred to.

We are now sending abroad about $100,000,000 annually to purchase foreign sugar to be refined by the great Sugar Trust to supply us with our consumption of sugar in addition to that produced by our domestic beet and cane factories. This money goes abroad and employs labor in foreign lands, whereas if kept at home it would furnish a very large amount of employment to laborers in the United States.

Our laborers in the United States employed in the great refineries receive in wages not to exceed 40 cents for each 100 pounds of raw sugar refined, while if that sugar was produced in the beet and cane factories of this country labor would receive eight times that sum, or, in other words, eight laborers would be employed in the sugar industry of this country if we produced at home all the sugar we consume for every one laborer employed by the Sugar Trust engaged in refining im-

ported raws. However, that is a system or policy to which our Democratic friends seem unalterably opposed. They propose to completely destroy the domestic industry and transfer the labor abroad.

During six months of the year, when there is no domestic beet sugar on the market, imported raw sugar is refined as follows:

The Federal Sugar Refining Co. produces 6.3 per cent of our consumption.

The Warner Sugar Refining Co. produces about 2.5 per cent of our consumption.

While the American Sugar Refining Co. and the Arbuckle Bros. Sugar Refining Co. produce the remaining, or 91.2 per cent. The American Sugar Refining Co. has its head office at 117 Wall Street and the other refining companies have their offices in two buildings on Front Street, New York, less than one and one-half blocks away from the American Sugar Refining Co. Is it not possible for these companies to get their heads together in fixing the price of refined sugar during one-half of the year, when there is no domestic sugar on the market? As before stated, it will be observed that during that time the price of sugar to the consumer is higher than during the six months of the year when the domestic sugar is on the market.

Our insular possessions furnish us with the following quantities of sugar:

	Tons.
The Hawaiian Islands	500,000
Porto Rico	300,000
The Philippines	200,000

Our domestic production, as before given, is 950,000 tons, and the balance of our consumption, or 1,750,000 tons, is furnished by Cuba, making a total of 3,700,000, or about 81 pounds per capita as the annual consumption in the United States.

A dollar in America will purchase more refined granulated sugar in the United States than in any country in the world.

The English Board of Trade, in a report on the comparative labor conditions in England and the United States, taking $1 paid to labor in England as a basis for comparisons, showed that the same class of labor in the same kind of employment in the United States receives $2.40; and what the Englishman is able to purchase in England for $1 can be purchased by the American laboring man here for $1.38, as shown by that report, thus leaving the American laboring man a surplus of $1.02 out of every $2.40 earned.

Again, Willett & Gray's Statistical Trade Journal quotes the net cash wholesale price for refined granulated sugar at Liverpool on June 4 at $3.80 per 100 pounds, while at the same time they quote the net wholesale cash price for refined granulated sugar in New York at $4.116 per 100 pounds. Therefore, if the consumer could purchase at the wholesale price, the English laborer could purchase with his dollar 26.2 pounds of refined granulated sugar, while the American laborer, at the American wholesale price, could purchase with his $2.40 58.2 pounds of refined granulated sugar. In other words, the American laboring man can purchase for a given unit of labor more than two and a quarter times as much sugar as the Englishman.

In the per capita consumption of sugar of the nations of the world the United States stands fifth.

New Zealand consumes 130 pounds per capita; Australia consumes 129 pounds per capita; United Kingdom consumes 91 pounds per capita; Denmark consumes 84 pounds per capita; United States consumes 81 pounds per capita.

It is of interest to know that in 1830 our consumption of sugar was but 10.2 pounds per capita and in 1870 it was 32 pounds and the wholesale price was 13½ cents per pound, while for the year of 1913 the wholesale price for domestic beet sugar was $3.82 per 100 pounds. About one-third of the per capita consumption of sugar in the United States is used by manufacturers of candies, preserves, and other foods.

The campaign for free sugar has been so diligently carried on by the importers of raw sugar that a feeling has been created that the import duty on sugar is a great burden on the consumer. Certainly this belief is unwarranted. The following is a list of import duties, excises, and internal-revenue taxes that must be paid in the principal European countries on sugar for home consumption. The United Kingdom has the lowest rate.

	Per 100 pounds.
The United Kingdom	$0.40 to $0.45
Switzerland	.79
The United States:	
Cuban sugar	1.00
Maximum	1.26
Denmark	1.22
Germany	2.03
Belgium	2.23
Norway	2.43
France	$2.89
Sweden	3.64
Austria-Hungary	4.02
Bulgaria	4.69
Netherlands	4.92
Greece	5.06
Servia	5.31
Finland	6.48
Roumania	6.56
Russia	7.00
Portugal	7.26
Spain	8.56
Italy	8.67

The average for all Europe is $4.43 per 100 pounds. If the United States would impose an internal-revenue tax on sugar consumed in this country of $4.43 per 100 pounds, that tax would bring a revenue to the Government of $370,000,000.

Mr. Chairman, I listened with considerable interest to some gentlemen on Saturday from the Democratic side of the House who gave a glowing report of the increased production in certain industries in the State of Indiana. I am in business. I am employing men in the lumber industry. I have never yet seen a time since 1896 when that industry was in such a chaotic condition as at present. And what is true of the lumber industry of this country from the Atlantic to the Pacific is true practically of every industry in the land. I am sorry this condition exists. And I hope that I am not and that the Republican Party is not responsible for that condition. I want to say to my Democratic friends that with your opinions on the question of a tariff duty to be collected on foreign imports I differ. I believe in a protective tariff and you do not. One or the other of us is wrong in judgment. I want to give you credit for being candid and honest in your opinion, but I believe you are misguided in judgment.

I have repeatedly stated, and I wish to again state, that there is not a country under God's sun in which a dollar today will buy as many pounds of granulated sugar as it will buy in the United States, England not excepted. England has a duty on sugar ranging from 40 to 45 cents per 100 pounds. Her rate of duty is 45 cents per 100 pounds on sugar of 98° or above, and lower rates of duty on lower grades. On 96° it is 40 cents.

Mr. STEPHENS of Texas. Will the gentleman yield for a question?

Mr. FORDNEY. Yes, sir.

Mr. STEPHENS of Texas. The gentleman stated that sugar is cheaper than ever before in this country. Is not that carrying out the promises of the Democratic platform to reduce the cost of living?

Mr. FORDNEY. The gentleman misunderstood me. I did not say sugar was cheaper than at any other time in this country. I say that a dollar will buy more granulated sugar in the United States than it will buy in any other country in the world.

Mr. STEPHENS of Texas. And is not the cost of living reduced to that extent?

Mr. FORDNEY. Whatever it has been reduced in price the cost of living has been reduced accordingly. Now, let me say I attended Keith's Theater one night not long ago in this city, and a funny man gave an illustration and attacked the House of Representatives for legislation that had been passed. He referred to the Democratic promise to reduce the cost of living and showed how much sugar has been reduced to the consumer—20 cents a hundred pounds—and upon investigation I found the gentleman was about correct. He went further and said that the price of sugar to the consumer had been reduced 20 cents a hundred pounds, or 2 mills a pound, rather. He said a mill is a tenth of a cent, and a person in using sugar in coffee uses a quarter of an ounce of sugar in a cup of coffee, and in order to enable the poor devil to save a nickel he must drink 1,600 cups of coffee.

Now, you have reduced that much the cost of living.

Mr. SLOAN. Will the gentleman yield?

Mr. FORDNEY. I will.

Mr. SLOAN. Was not the statement which the gentleman has made relative to how much a dollar would buy in this country true also before the duty was reduced as well as it is now?

Mr. FORDNEY. Yes, sir; that is true. England, having a less duty on her imported sugar than we have, could furnish refined sugar to her consumers at a less price than we do, for England imports all her sugar. I have here a letter written by our American consul at Liverpool, England, dated June 18, which I received day before yesterday. He writes that sugar is selling retail at Liverpool, England, for 5 cents a pound. In my home town, in the State of Michigan, anyone can purchase 22 pounds of granulated sugar for $1, 4½ cents a pound. I have another letter here from Lyon, France, stating that sugar, on the

18th day of June, this year, was selling for 7½ to 8 cents a pound granulated sugar, and to-day I received a letter from our American consul at Paris, France, saying that sugar was selling there on the 18th day of June for 6 cents a pound. Sugar is cheaper here than in any country in the world; yet, gentlemen, it is not possible to produce domestic sugars, either from cane or beets, to compete with the refining companies that import foreign raw sugars under free trade. Under free trade the domestic manufacturer must go out of business. There is no question about that.

Mr. GARRETT of Tennessee. Will the gentleman yield?

Mr. FORDNEY. I yield to the gentleman.

Mr. GARRETT of Tennessee. The gentleman has reference to the price of sugar in Germany and France. He is discussing the question of price in its relation to the tariff or the tariff in its relation to price, as the case may be. Of course, the gentleman does not wish to be understood that there is no tariff on German or French sugar.

Mr. FORDNEY. Oh, no. What I was trying to illustrate is that sugar is cheaper in this country than in any country in the world.

Mr. GARRETT of Tennessee. The tax upon it—really all the tax put together—on the German and French sugar is really higher?

Mr. FORDNEY. Oh, yes; in Germany it is $2.03 a hundred pounds, and in France about the same. But that tax is an export and internal-revenue tax combined. The point I was making was that, although we are a highly protected country, sugar is cheaper here than anywhere else in the world.

Mr. MONDELL. Mr. Chairman, will the gentleman yield there?

Mr. FORDNEY. Yes.

Mr. MONDELL. Is it not a fact that the price of sugar has not been appreciably lower since the passage of the Underwood bill? There has been no appreciable lowering of the price to the consumer, and the difference in the tariff has been almost wholly retained by the importer and the refiner?

Mr. FORDNEY. Yes. I will say, and I have the quotations here——

Mr. MONDELL. In other words, the factories have been closed and the industry has been put on the bum and the Government has lost revenue without our people getting any appreciable benefit?

Mr. FORDNEY. Yes; that is perfectly true. There was some little reduction to the consumer for a brief period, but not a reduction equal to the reduction of the duty in the Underwood tariff law.

Mr. MONDELL. I would like to ask the gentleman one other question.

Mr. FORDNEY. Very well.

Mr. MONDELL. The reduction in the wholesale price has not been sufficient to affect the retail price in most of the retail markets at all. Is not that true?

Mr. FORDNEY. Yes. In my own home town I can buy no more sugar for a dollar at retail than I could before the present tariff law went into effect——

Mr. MONDELL. And the price is the same to the consumer as before, since the reduction of duty?

Mr. FORDNEY. Yes.

Mr. ADAIR. Mr. Chairman, will the gentleman yield?

Mr. FORDNEY. Yes; but first let me answer that point. Then I will yield to you.

Mr. ADAIR. I just wanted some information.

Mr. FORDNEY. Here is the price of crystal domino and cube and powdered sugar from the date of January 8, before the reduced duty under the Underwood tariff law took effect. If you will remember, the duty on sugar in this new tariff law did not take effect until March 1 of this year. Granulated sugar is the grade of sugar that is made by the beet-sugar manufacturers, and no other grade, with the single exception of one sugar factory in California, owned by a refining company. Here are the quotations from January 8 to April 30: January 8, $3.92 per hundred pounds. This is the wholesale price at New York, on board cars, less a discount of 2 per cent in 30 days. Three dollars and ninety-two cents runs along until the 5th of March, then sugar dropped to $3.82, then to $3.77, and then down to $3.73. That is refined sugar, at wholesale, dropping from $3.92 to $3.73, or a difference of 19 cents a hundred. The reduction of duty was one-third of a cent a pound, or 34.8 cents per hundred pounds. The price, wholesale, went down 19 cents. Crystal domino is a kind of sugar produced by the refining companies, but not produced by beet-sugar or domestic manufacturers. Crystal domino sold on the 8th of January at $6.75, and the price has not changed a fraction of a penny from that day to this. And cut loaf is another kind of sugar produced by the trust, but not by the domestic producers. That sold at $5.05 a hundred pounds, and the price has been unchanged from January down to date.

Now, what is the cause of the reduction in the price of granulated sugar? It is the competition of domestic producers. Although granulated sugar from beets is made in only 17 of our States, last year it was sold in every State in the Union. In fact, the State of Michigan shipped granulated sugar last fall right into the city of New York and sold right under the eyes of the great refining companies there.

Now, what is the difference? Let me quote this one item, and then I will yield to the gentleman from Indiana [Mr. ADAIR]. When domestic sugar was on the market—and, mind you, granulated sugar made from beets is only on the market about five months in the year—the refining companies sold in New York at 44 cents per 100 pounds above what they paid for raw sugar, duty paid. What is the price to-day, when there is no competition from domestic industry? Eighty-nine and nine-tenths cents per 100 pounds above what they are paying for raw sugar. Just the minute there is no domestic competition, just that minute the consumers of this country pay the penalty, gentlemen; and the only way to furnish cheap sugar to the consumers of this country is by the encouragement of this domestic industry as a thorn in the side of the great sugar trusts. [Applause on the Republican side.]

Now, let me call your attention to another important point.

Mr. ADAIR. Before you leave that point I would like to ask you a question.

Mr. FORDNEY. Yes.

Mr. ADAIR. I agree with much that the gentleman is saying. But the gentleman from Wyoming [Mr. MONDELL] has referred to the closing down of the beet-sugar factories.

Mr. FORDNEY. Yes.

Mr. ADAIR. This tariff did not go into effect until March 1?

Mr. FORDNEY. Yes.

Mr. ADAIR. The beet-sugar factories did not make any sugar between March 1 and the present time. Is it not true that the beet-sugar factories make their sugar only in the fall, when the crop is matured, and then they only run three or four months, and then, as the gentleman says, that sugar goes on the market?

Mr. FORDNEY. Yes.

Mr. ADAIR. How, then, can the gentleman from Michigan agree with the gentleman from Wyoming [Mr. MONDELL] in saying it has closed all the factories in this country, when there is no competition now?

Mr. FORDNEY. Oh, I will tell my friend. The factories of this country began contracting for the raising of beets with the farmers in December, 1912, for the manufacture of the sugar that was to be put on the market last fall and this spring. The duty was continued under the tariff bill until the 1st of March in order to let the domestic industry get off their hands their crop they had raised the year before, and they were finishing their crop about March 1, 1914.

Now, gentlemen, here is a picture that I have had enlarged of some beet-sugar factories in the West.

We have 74 beet-sugar factories in the United States, scattered over 17 States. Twelve of those factories have closed since the 1st day of January last and are not contracting for beets for this coming fall crop.

Mr. COOPER. Will the gentleman permit an interruption?

Mr. FORDNEY. Yes.

Mr. COOPER. There is a beet-sugar factory at Janesville, Rock County, in my district.

Mr. FORDNEY. I think I have a picture of it here.

Mr. COOPER. It represents an investment of over $400,000. That factory has been closed.

Mr. ADAIR. I have a sugar-beet factory in my district representing an investment of more than twice $400,000. If I am not mistaken, it is a part of the same concern that is doing business in the gentleman's own State. The factory in my own State is still in operation, and more acreage has been planted this year than was planted last year, and the condition is prosperous.

Mr. FORDNEY. Whether they have more acres or not, I do not know; but let me answer you.

The CHAIRMAN. The time of the gentleman has expired.

Mr. STAFFORD. I yield to the gentleman from Michigan 15 minutes more.

Mr. FORDNEY. I thank the gentleman. In the State of Michigan we have 16 factories. Fifteen of them will run this coming year. Some are more favorably located than others. In other words, in some localities they have a larger yield of beets per acre and a larger percentage of sugar in the beets than in other localities. It may be true that some of these fac-

tories that have gone out of commission are least favorably situated in that respect. It is not so in the State of Michigan.

Mr. ADAIR. In Michigan?

Mr. FORDNEY. In Michigan; yes. Now, further, it is possible that the Michigan Sugar Co. may have made a profit. They have the most modern method of caring for their by-products. Whether they have made a profit has not been shown yet. That may be shown by this investigation that is going on now. I have tried to get the result of that investigation, but have not succeeded. But there are 12 factories that have gone out of business. Before you is an enlarged photograph, which is a sample of the factories that have gone out of business since the first of the year; 12 out of 74, or 16 per cent of all the beet-sugar factories in this country. Do you believe that, with an average of $1,000,000 invested in each one of these factories, the stockholders would let them go out of business if they could make money? If so, get into the business and try it and you will find out.

Mr. ADAIR. Will the gentleman yield just there?

Mr. FORDNEY. I will; yes.

Mr. ADAIR. It was stated by the representatives of the sugar factories when this matter was before this House that even at a reduction to $1 per hundred they could continue in the business and make money at it.

Mr. FORDNEY. They thought they could. Now, if the gentleman will get me more time, I should like to argue this out with him.

Mr. ADAIR. One of your own factories, in your own State, made as high as 60 per cent profit.

Mr. FORDNEY. Oh, my dear friend, there is no such statement on record that I have ever heard of, except from your lips.

Mr. ADAIR. I have heard of it.

Mr. FORDNEY. And I sat five months taking testimony on a special committee investigating sugar, and nothing of the kind was ever shown.

Mr. ADAIR. I have the statement from a gentleman in the business who is a stockholder in the concern.

Mr. FORDNEY. Point him out to me, and I will show you a white blackbird or a man trying to create psychological prosperity, one of the two. The beet-sugar manufacturers have not made any money of late. Some have made money in sugar beets, but not under existing conditions.

Mr. ADAIR. That was an unusual year, and nothing was set aside for depreciation.

Mr. FORDNEY. That might be true in some particular year, as to some particular factory, when the crop was an extraordinary one and the percentage of sugar in the beets very high. It does not cost any more to extract 17 or 18 per cent of sugar from the beets than it does to extract 12 per cent, but it makes a very great difference to the manufacturer what amount of sugar is in those beets. Now, let me call your attention to this: Mr. Wilson said in his campaign that he would injure no legitimate industry.

Mr. ANSBERRY. Will the gentleman yield for one question?

Mr. FORDNEY. Let me finish this statement.

The President stated that he would injure no legitimate industry. I judge that he meant by his remarks that through his political action he would injure no legitimate industry. I want to ask the question: Does he consider this a legitimate industry although it is a hothouse industry? If so, then the 12 factories that have been closed by his signing of the Underwood tariff law, 12 factories representing an investment of about $12,000,000 which have been closed certainly is an injury to a legitimate industry.

There is a sample, gentlemen. The factory alone is not the only benefit that comes to the masses of the people from the sugar produced in our factories. The land on which beets are raised produces more abundantly of other succeeding crops.

Mr. ANSBERRY. Will the gentleman yield?

Mr. FORDNEY. I will yield to the gentleman for a question.

Mr. ANSBERRY. Is the gentleman familiar with the fact that a beet-sugar factory has been promoted and built and is now running in Toledo, Ohio, with a capital of $2,000,000, all of which was supposed to be invested in it, and that the factory was started after the Underwood bill had been introduced into this House?

Mr. FORDNEY. I believe that is true; but the factory had gone so far before the enactment of the Underwood tariff bill that it could not stop.

Mr. ANSBERRY. Oh, no.

Mr. FORDNEY. I know that those men who built that factory could not build it and get it into operation since the adoption of the Underwood bill last October. It had been built before October 3, 1913, and was ready for the crop last fall.

Mr. ANSBERRY. When was it begun?

Mr FORDNEY. I do not know; but I know some gentlemen appeared before the committee when we were investigating the Sugar Trusts a year ago last December or January and stated they were going to build a factory in Ohio.

Mr. ANSBERRY. As a matter of fact, they did not begin the building, the actual construction, until after the Underwood bill was introduced. I know that as a matter of personal knowledge.

Mr. FORDNEY. Does the gentleman mean to say that that factory has been built since last October and ground out last October's beets?

Mr. ANSBERRY. I do not know. I know they started the factory after it was an absolute certainty that the duty on sugar would be reduced, and materially reduced.

Mr. FORDNEY. Oh, yes; and you know that all the fools are not dead yet.

Mr. ANSBERRY. Am I to understand the gentleman from Michigan to say that these men who put $2,000,000 into a beet-sugar factory are fools?

Mr. FORDNEY. They were; or else they were sadly mistaken. The gentleman would not, if he understood the situation, nor would any sensible man who has sense enough to accumulate property, put money into such an investment knowing the facts. Perhaps they placed too much faith in Democratic election promises.

Mr. ANSBERRY. Let us have facts.

Mr. FORDNEY. No sane man could be induced to put his money into a beet-sugar factory, nor into a cane-sugar factory, in Louisiana, where I have a list of 42 plantations and factories that have gone out of business since the 1st of January, 1914.

Mr. ANSBERRY. I am trying to talk about something I know about. This sugar-beet business I know something about, and the gentleman from Michigan knows a good deal about it. But the fact remains that that factory was started in Toledo, Ohio, within 30 miles of Fremont, where you say the factory is closed, and for a far different reason than the gentleman states.

Mr. FORDNEY. What was the reason that it closed?

Mr. ANSBERRY. Because they could not get the farmers to raise sugar beets in that good corn country.

Mr. FORDNEY. Yes; at a reduced price.

Mr. ANSBERRY. Oh, no.

Mr. FORDNEY. I want to say to the gentleman that the price of sugar beets is 50 cents a ton below last year's prices, and there are any number of farmers who will not raise them because that means $5 to $7.50 an acre less for a crop than they have been receiving.

Mr. ANSBERRY. The gentleman is mistaken; they could not get the farmers to raise the beets unless they paid them 50 cents a ton more than they paid two years ago, and that is the reason that the Fremont factory has closed.

Mr. FORDNEY. If that is the reason, and that factory at Toledo has been built and they are paying 50 cents more a ton for beets than was paid two years ago, you watch that concern go into bankruptcy inside of 12 months.

Mr. ANSBERRY. The reason that the factory at Toledo can expend $2,000,000 in this investment and make sugar is because they do not intend to run only 90 days in a year.

Mr. FORDNEY. That is all any of them run.

Mr. ANSBERRY. There is no manufacturing business that can make a return for the year and run only 90 days in the year unless they are hothoused by a tariff or bounty.

Mr. FORDNEY. Oh, wait a minute.

Mr. ANSBERRY. Furthermore—and here is the statement—the Toledo factory is going to grind up sugar beets and make sugar, and they are also going to grind something they get from Cuba, so that they will be in the business of making sugar not 90 days but for more than 6 months in each year.

Mr. FORDNEY. What they have done and what they are going to do are two different things. Just wait and see the outcome.

Mr. ANSBERRY. I can see that.

Mr. FORDNEY. I will tell the gentleman that there is no money in the business at the present rate of duty, and when sugar goes upon the free list they must all go out of business. There is no question about that, and I will tell you why.

Mr. ANSBERRY. But the gentleman is going into the field of speculation.

Mr. FORDNEY. Oh, I decline to yield further.

Mr. ANSBERRY. The gentleman objected to my doing that.

Mr. FORDNEY. Cuban sugar can be purchased for 2 cents a pound. The freight on Cuban sugar is 10 cents per 100 pounds to New York, and the cost of refining is three-eighths of a cent to four-tenths of a cent. That is 2¼ cents a pound for refined sugar laid down in New York City under free trade. The beet-

sugar manufacturers in this country pay that sum for the sugar in the beets at the factory, no matter in what State the factory is located. That is the testimony before the Hardwick sugar investigating committee. How can we expend a cent a pound in extraction and manufacture of sugar, making it cost 3½ cents, when Cuban sugar to-day under free trade can be produced for 2½ cents per pound? It is impossible.

There is one point about this matter to which I desire to call attention, without being sarcastic, and I do not accuse anyone of dishonesty. Either under the Roosevelt administration or the Taft administration prosecutions were begun against the refining companies of New York for fraud in underweighing and undervaluations of sugar. The American Sugar Refining Co. and the Arbuckle Bros. paid more than $3,000,000 in settlement of those suits. The Federal Sugar Co. also was indicted, and suit is pending to-day against that company, of which Mr. Spreckles is the president. Frank C. Lowry is the sales agent of that factory. He took a very prominent part in the investigations before the Hardwick committee, and he testified a short time ago before a Senate committee that he wrote the "Farmers' sugar bowl," in the Democratic Textbook. I called upon the Attorney General the other day and found that suit is still pending against the Federal Sugar Refining Co, and they were strong supporters of the present administration. Now, you can draw your own inference from that. I think it rather peculiar that all of the rest of the suits have been concluded, and that the one against the Federal Sugar Co. is not prosecuted as yet—and it is such a great friend to the administration. Frank C. Lowry appeared before the sugar investigating committee and made all sorts of statements. He was testifying under oath, but that made no difference. He argued his point, right or wrong. That is the only concern indicted for fraud in the batch of frauds that has not yet been tried in the courts. The others have been tried and convicted and have paid their fines, and some of the officers have been sent to prison.

Mr. GARRETT of Tennessee. It is true, is it not, that the Federal Sugar Refining Co. denies all guilt, and that the others, by compromise, virtually pleaded guilty?

Mr. FORDNEY. Oh, no. All of them denied their guilt in the first place, but when the goods were found on them they pleaded guilty.

Mr. GARRETT of Tennessee. But in the case of the Federal Co.——

Mr. FORDNEY. It has not yet pleaded guilty.

Mr. GARRETT of Tennessee. And it has denied absolutely that it was guilty.

Mr. FORDNEY. Yes; as did all of the others, until they were brought face to face with the facts, and were brought before the bar of justice.

Mr. GOODWIN of Arkansas. Whom did those who were convicted support in the last campaign?

Mr. FORDNEY. I do not know. I will say this, that Mr. Spreckles was a strong supporter of the Democratic administration, because he looked to your party for free trade and got it, and you will not deny it.

Mr. ADAIR. It was stated when this bill was passed that it would put out of business the cane growers in Louisiana?

Mr. FORDNEY. Yes.

Mr. ADAIR. And the reason why a rate was given them for three years was in order that they might go into some other line of business?

Mr. FORDNEY. Yes; and in the agricultural bill the House appropriated $50,000 and in the Senate that sum was raised to $100,000 to pay experts to go down to Louisiana and educate those people in some other agricultural lines.

Mr. ADAIR. It was understood and admitted that the sugar-cane people would have to go out of business.

Mr. FORDNEY. Then the gentleman agrees with me that the Democratic Party intended to put them out of business down there?

Mr. ADAIR. I do agree with the gentleman that they will go out of the sugar business, and they ought to have gone out of it years ago, because it is not right to compel a hundred million of people to pay 2 cents a pound more for their sugar than they ought to pay.

Mr. FORDNEY. Let me answer that, please. Right at that point it was brought out before the Hardwick sugar investigating committee in 1911 that as soon as the domestic sugar crop was off the market sugar went to 7½ cents a pound by the trusts in New York, upon the false statement that foreign raw sugars were selling at $6.40 a hundred pounds, duty paid, in New York; and I went to the Bureau of Statistics in the Department of Commerce and Labor and there obtained a statement showing all the importations of sugar from every country in the world into every port of entry in this country, and for 16 months prior to that time and during that time not a single pound of European raw sugar had come onto the markets at all. The highest price sugar brought in this country during the summer of 1911 was 7½ cents a pound f. o. b. New York, and 2.74 was the highest price paid for any raw sugar by any refiner in this country during that time.

The CHAIRMAN. The time of the gentleman has expired.

Mr. STEPHENS of Texas. Mr. Chairman, I desire to yield 10 minutes to the gentleman from California [Mr. KETTNER].

Mr. GARRETT of Tennessee. Mr. Chairman, will the gentleman yield me three or four minutes in order to ask the gentleman from Michigan a question?

Mr. STEPHENS of Texas. I yield the gentleman from Tennessee four minutes.

Mr. BURKE of South Dakota. The gentleman from Michigan desires five minues, and, if the gentleman will permit me, I will yield the gentleman from Michigan five minutes more.

Mr. FORDNEY. I thank the gentleman, and I will try not to take up more time.

The CHAIRMAN. The gentleman from Michigan is recognized for five minutes.

Mr. GARRETT of Tennessee. Mr. Chairman, I want to ask the gentleman this: The gentleman made a charge some time ago, an insinuation at least, touching the settlement of these cases for alleged frauds in customs duties?

Mr. FORDNEY. Yes.

Mr. GARRETT of Tennessee. Now, the Arbuckles and the American Sugar Refining Co. settled their part of it long before this administration came in.

Mr. FORDNEY. Partly so; those suits are not dismissed yet; but they at that time gave that much in part settlement. It may be they are dismissed now.

Mr. GARRETT of Tennessee. Now, under that administration all these indictments were brought about the same time, and the Federal Co. made no part of any settlement——

Mr. FORDNEY. Yes.

Mr. GARRETT of Tennessee. As a matter of fact, under that administration, and now the Federal Co. explicitly denies it was ever guilty of any fraud in any way. I would like to ask the gentleman if that is not true?

Mr. FORDNEY. That is true; yes, sir; that is my understanding, and that was Mr. Lowry's statement before our committee, that they denied the fact they committed any fraud whatever, but the grand jury, after hearing the case, returned an indictment against them.

Mr. GARRETT of Tennessee. That is, they did against the other companies.

Mr. FORDNEY. And also against the Federal Sugar Co. Of course I may be wrong, and when brought to trial they may be acquitted, and I do not want to accuse them wrongfully; but I said it is a significant fact that this case has not yet been prosecuted, when it had been instituted more than two years ago.

Mr. GARRETT of Tennessee. Why were they not prosecuted under the other administration? They were indicted at the same time.

Mr. FORDNEY. The Taft administration went out about the time these cases were to be prosecuted. I will be fair. The Attorney General recently wrote me stating the reason why these cases had not been tried heretofore, within the past year, was because it was understood it would take from 30 to 60 days to try this case, and there were more important cases that could be gotten out of the way within a much less time, and therefore they have been passed over. But be that as it may, gentlemen, I say if it is fair to one it is fair to the other. Have I answered the gentleman's question?

Mr. GARRETT of Tennessee. To a certain extent. The thing to which I objected, if the gentleman will permit, is that the gentleman should have suggested that this administration has failed in its duty in prosecuting because of the fact that this particular company supported this particular administration. Now, the other people—the Arbuckles and the American Sugar Refining Cos.—supported the prior administration.

Mr. FORDNEY. I think it was shown that they gave checks to both parties.

Mr. GARRETT of Tennessee. Oh, that was long, long ago.

Mr. FORDNEY. Oh, yes.

Mr. GARRETT of Tennessee. In 1912; and, by the way, the gentleman also remembers that the Democratic Party gave the check back which was given to them.

Mr. FORDNEY. I believe that is right; yes—but that was long, long ago.

Mr. GARRETT of Tennessee. Then why does the gentleman make the suggestion as to this administration not prosecuting these particular men?

Mr. FORDNEY. I will tell the gentleman why.

Mr. GARRETT of Tennessee. When the administration that went out of power last March a year ago had the same opportunity to prosecute them that they had to prosecute the other two.

Mr. FORDNEY. They were getting along as fast as time and conditions would permit, and they were making good time, because they collected from those two companies and a few others over $4,300,000, but this one company has not yet been brought into court.

But the point I want to make—and I do not want to be unfair about it—is that Mr. Frank C. Lowry, the sales agent of the Federal Sugar Co., and Mr. Spreckels, its president, took a prominent part in appearing before our committee. Mr. Lowry wrote that provision in the campaign textbook, he testified, called the "Farmers' sugar bowl," and obtained a reduction, just what he was asking for, on sugar, and they get free trade on sugar on the 1st day of May, 1916. A suit is pending in court against those contributors to the campaign fund, and yet they are not prosecuted. There may not be anything wrong in that, but in my opinion it looks a little suspicious. Favoritism, perhaps.

The following are letters from American consuls at Lyons, France; Paris, France; London, England; and Liverpool, England, showing fair average retail prices of food products in those four foreign cities. For comparison I also have a list of prices of food products in Washington, which has been furnished me from reliable sources and to which I will refer:

Meats.	Per pound.
Lamb	$0.16
Tongue	.12½
Beef	.18
Rack	.18
Veal	.16
Liver	.12½
Ham	.17
Kidney	.15
Sausage	.15
Round steak	.20
Porterhouse steak	.25
Bacon	.20
Pork	.17
Chicken	.20
Fish.	
Butterfish	.08
Halibut	.15
Trout	.08
Cod	.10
Shad	.40
Bluefish	.12½
Bass	.10
Salt mackerel	.10
Miscellaneous.	
Lard	.09½
Coffee	.25
Butter	.25
Cheese	.18

AMERICAN CONSULAR SERVICE,
Lyon, France, June 18, 1914.

Hon. JOSEPH W. FORDNEY, M. C.,
Washington, D. C.

SIR: I am in receipt of your favor of the 9th instant and give you below the prices prevailing at present in this city for the various foodstuffs stated:

	Per pound.
Veal	$0.14 to $0.20
Beef	.17 to .25
Pork	.20 to .25
Horseflesh	.10 to .14
Butter	.28 to .40
Flour	.05 to .06
Sugar	.07½ to .08
Coffee	.50 to .70
Tea	.80 to 2.00
Bread	.04 to .04½
Potatoes:	
Old	.01½ to .02
New	.04 to .04½

Tea is not used to any great extent, as wine is used at practically every meal. Bread and soups made with breadstuffs, such as macaroni, vermicelli, tapioca, etc., sausages and other meat preparations made with the less expensive cuts of meats, form the principal dishes in the homes of the workingmen and middle class.

Trusting that this information may be of service to you, I am, sir,

Very respectfully, yours,

F. VAN DYNE,
American Consul.

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CONSULATE GENERAL OF THE UNITED STATES OF AMERICA,
Paris, June 18, 1914.

Hon. JOSEPH W. FORDNEY, M. C.,
House of Representatives, Washington, D. C.

SIR: I have the honor to acknowledge the receipt of your letter of June 9, 1914, requesting me to furnish you with a statement as to the average retail price of certain food products in this city.

I take pleasure in giving you below a detailed list of the average prices at present prevailing for a large number of the most essential articles in daily use, but I would call your attention to the fact that in the case of meat the prices given are for the best cuts only, the inferior pieces being sold at from 20 per cent to 30 per cent cheaper.

The meat, bread, and butter prices are those quoted in one of the middle-class districts of the city, while the remaining figures are those contained in the latest price list of the well-known firm of Felix Potin.

Article.	Per kilogram.	Per pound.
	Francs.	
Beef	4.00	$0.35
Veal	4.00	.35
Mutton	3.50	.307
Pork	3.00	.25
Horseflesh	2.40	.21
Flour	.50	.044
Bread	.45	.04
Butter	[1] 4.80	.42
Do	[2] 4.00	.35
Eggs	[1] [3] 3.00	.58
Do	[1] [4] 1.20	.23
Sugar	.70	.06
Coffee	[5] 5.00	.44
Tea	6.00	.52
Chicory	.90	.08
Cocoa	6.20	.54
Salt	.30	.02½
Pepper (white)	6.60	.58
Olive oil	[6] 3.30	
Nut oil	1.90	
Meat extract	[6] 10.95	
Rice	1.20	.105
Gasoline	[7] .62	[8] .41
Dried vegetables:		
Haricot beans	1.20	.105
Peas	.80	.07
Lentils	.90	.08
Cheese:		
Camembert	[9] .80	.154
Brie	1.20	.23
Pont l'Evêque	.95	.18
Gruyère	1.40	.123
Roquefort	1.60	.14

[1] Winter. [2] Summer. [3] Dozen.
[4] Upward. [5] Kilogram equals 2.2 pounds. [6] Per American pound ($2.11).
[7] Per liter. [8] Per gallon. [9] Each.

I trust that this information will be of value to you, and I am always at your disposal for any further service which I can render you at any time. I am, sir,

Very respectfully, yours,

ELY E. PALMER,
American Vice Consul General in Charge.

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AMERICAN CONSULAR SERVICE,
45 New Broad Street, London, E. C., June 29, 1914.

Hon. JOSEPH W. FORDNEY,
House of Representatives, Washington, D. C., U. S. A.

SIR: In response to your inquiry of the 9th instant, I have pleasure in inclosing a list of average retail prices of various kinds of common foods in this country.

The figures given are those generally prevailing, and will not be taken as indicative of the prices ruling in high-class residential neighborhoods.

Horseflesh is not used for human consumption in this country.

The prices for meats show the average for the different joints or cuts. For pork the price is approximate, as this food is not at present in season.

Respectfully,

RICHARD WESTACOTT,
Vice Consul General in Charge.

RETAIL PRICES.

Veal, 1s. to 1s. 2d. per pound (24 cents to 28 cents).
Beef, 9½d. to 1s. 2d. per pound (19 cents to 28 cents).
Pork, 10d. to 11d. per pound (20 cents to 22 cents).
Butter, 1s.. 1s. 1d., 1s. 2d. to 1s. 4d. per pound (24 cents, 26 cents, 28 cents to 32 cents).
Flour, 10½d. per 5 pounds, 7d. per 3½ pounds, 2s. per 14 pounds (24 cents, 14 cents, 49 cents).
Bread, 3d. per half quartern loaf (6 cents).
Sugar, 2d. and 3d. per pound (4 cents and 6 cents).
Tea, 1s. 4d., 1s. 6d., 1s. 8d. to 2s. 6d. and upward per pound (32 cents, 36 cents, 40 cents to 61 cents, etc).
Coffee, 1s. 6d. to 1s. 10d. per pound (36 cents to 44 cents).
Eggs, 1s. 1d. to 1s. 6d. per dozen (26 cents to 36 cents).
Cheese, 8d. to 11d. per pound (16 cents to 22 cents).
Bacon, 1s. to 1s. 2d. per pound (24 cents to 28 cents).
Milk, 4d. per quart (8 cents).

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AMERICAN CONSULAR SERVICE,
Liverpool, England, June 18, 1914.

Hon. JOSEPH W. FORDNEY, M. C.,
United States House of Representatives,
Washington, D. C.

SIR: I have the honor to acknowledge receipt of your letter of the 9th instant, and the consulate has great pleasure in inclosing herewith a report on the prices in the Liverpool district of the meats and other commodities you mention.

Very respectfully, yours,

HORACE LEE WASHINGTON,
American Consul.

Inclosure: Report on prices of meats and other commodities.

RETAIL PRICES OF CERTAIN MEATS AND OTHER COMMODITIES, LIVERPOOL, ENGLAND.

Statement showing the fair average prices of certain meats and other commodities in Liverpool, England, on the 17th of June, 1914, viz:

ENGLISH VEAL, BEEF, AND PORK.

Veal (as sold in shops, retail), per carcass, 18½ cents per pound. Made up into cuts: Legs, 22 cents per pound; hind quarters, 22 cents per pound; fillets, 28 cents per pound; neck, 17 cents per pound; fore quarters, 15 cents per pound; shoulders, 17 cents per pound; breast, 12½ cents per pound; cutlets, 30 cents per pound.

Beef: English sides, 14 cents per pound; hind quarters, 16½ cents per pound; fore quarters, 12 cents per pound. Made up into hind-quarter cuts: Shoulder bone, 18 cents per pound; rumps, 16 cents per pound; sirloins, 22 cents per pound; rum steak, 30 cents per pound; shins, 5 cents per pound. Fore-quarter cuts: Ribs, 19 cents per pound; thick flat rib, 15 cents per pound; thick flat rib (cheek), 15 cents per pound; briskets, 12 cents per pound; stewing beef, 18 cents per pound.

Pork: Per carcass, 15 cents per pound; legs, 18 cents per pound; loins, 20 cents per pound; shoulders, 16 cents per pound; bellies, 18 cents per pound; hinds, 9 cents per pound.

Butter: Irish, 26 cents per pound; Danish, 28 cents per pound.
Margarine, for cooking, 12 to 20 cents per pound.
Flour, 42 to 46 cents per 14 pounds.
Bread, 3 cents per pound.
Lump sugar, 5 cents per pound.
Tea, 28 to 56 cents per pound.
Coffee, 32 to 48 cents per pound.
Milk, condensed, 12 cents per 1-pound tin; 6 cents per ½-pound tin.
Rice, 4 to 6 cents per pound.
Cheese, ordinary, 18 to 22 cents per pound.

LIVERPOOL, ENGLAND, *June 18, 1914.*

The CHAIRMAN. The time of the gentleman has expired.

Mr. STEPHENS of Texas. Mr. Chairman, I yield 10 minutes to the gentleman from California [Mr. KETTNER].

Mr. KETTNER. Mr. Chairman, I hold in my hand the Orange County Plain Dealer, a Republican paper, published in Orange County, Cal., in my district. There are six sugar factories in this county. I will send the paper up to the desk and ask the Clerk to read the editorials.

Mr. FORDNEY. Will the gentleman permit one question? I will be brief.

Mr. KETTNER. With pleasure.

Mr. FORDNEY. It is a fact that there is not a pound of duty-paid sugar brought on the Pacific coast and has not been for years. There has not been a pound of free sugar brought on the Atlantic coast for years except from our insular possessions, and yet generally sugar prevails at higher prices on the Pacific coast than on the Atlantic coast.

Mr. KETTNER. Well, I believe sugar, if I remember rightly, is selling at 22 pounds for the dollar on the Pacific coast, and I believe that is what the gentleman from Michigan stated it was selling for in his home town.

Mr. FORDNEY. It is very recently that it has sold for that, because I bought it there for that price for several years.

The CHAIRMAN. Without objection, the Clerk will read the article which the gentleman from California [Mr. KETTNER] sends to the Clerk's desk. [After a pause.] The Chair hears no objection.

The Clerk read as follows.

It is folly for good people here in California to look blue, wear crepe on their sleeves, and bemoan themselves because of adverse business conditions. The Plain Dealer would like to make believe, as a bit of permissible political jugglery, that Democratic administration has played havoc with all things mundane; but the facts all point t'other way. Our oil wells keep on gushing. We never before have had such a fruit crop or got so much money for it. Our grain crops are overfine. The Lord sent bountiful rains, and the soil has made bountiful answer. The sugar-beet crop will be the largest the State ever produced despite a somewhat lessened acreage. It will bring over $15,000,000 to the coffers of growers and refiners. To shout "hard times" in the face of such disproof is the sheerest folly. California bulges with plenty and to spare. We agree with the San Francisco Chronicle, June 15: "There are no hard times in this State. The interior is prospering, and the cities are prospering with it."

THE TARIFF AND BUSINESS.

The California orange crop for 1914 has been mainly disposed of at prices comparing favorably with sales of previous seasons. The tariff blight that was to wither the citrus industries of the State somehow or other failed to eventuate according to the political prospectus. Same way with sugar. In the first six months of the operation of the Underwood tariff, from October to March, the imports of cane sugar amounted to 1,650,000,000 pounds compared with 1,809,000,000 pounds in the corresponding six months of 1912–13, while of beet sugar the imports fell to 1,250,000 pounds in comparison with 182,000,000 pounds in the half-year period which ended March, 1913. Of course, these figures do not bear out the predictions of the opponents of tariff reduction, but they should serve to put an end to unnecessary alarm among California beet growers and beet-sugar refiners.

As illustrating the present conditions in the sugar market we quote the following informative item of news from the Philadelphia Record, June 4:

"Six thousand tons of sugar advanced $33,750 in value while lying in the hold of the Austrian steamship *Esrom* for one week while the vessel remained in the Delaware River, unable to get a wharf upon which to unload her cargo. Yesterday the owners of the sugar were jubilant over the delay, even though they had to pay the owners of the vessel $10,000 demurrage for using the steamer as a warehouse. Their profit on the delay was still more than $20,000."

There is no shortage in the cane-sugar crop to induce this sharp advance in prices. The largest yield of many years has been safely gathered in Cuba. A quick European demand is sending prices up. The eastern refineries can not get raw sugar fast enough to meet the call of purchasers for the refined product. Our sugar-beet growers may take heart. Blue ruin has been indefinitely postponed.

Mr. MONDELL. Will the gentleman yield?

Mr. KETTNER. I shall be glad to do so.

Mr. MONDELL. In view of the fact that the Government has lost a very great deal in revenue on the importation of sugar, and the statement is made that sugar has not been reduced in price, who has benefited by the reduction of the tariff on sugar?

Mr. KETTNER. The consumer, as far as——

Mr. MONDELL. Can the gentleman point to any spot or place where the consumer has bought any sugar cheaper under the Underwood tariff bill than he did before?

Mr. KETTNER. All over the United States.

Mr. MONDELL. Where over the United States?

Mr. KETTNER. In California, as I personally know.

Mr. MONDELL. The claim of the article that has just been read is that sugar has not been reduced in price.

Mr. ANSBERRY. Will the gentleman permit an interruption? I know it is true. It is cheaper here in the city of Washington and has been by reason of the reduction. Of course, I am not responsible for that article.

Mr. MONDELL. I do not want to take the time of the gentleman from California, but I happen to be a man of family——

Mr. ANSBERRY. You are not the only one in the United States.

Mr. MONDELL. And I do not buy sugar cheaper under the Underwood tariff bill than I did before.

Mr. ANSBERRY. The gentleman is mistaken about it. He is hoodwinked by the man who sells him sugar.

Mr. KETTNER. I had the Clerk read that article, because I could readily see that conditions are different in different parts of the country. After listening to the colloquy between the gentleman from Michigan [Mr. FORDNEY] and the gentleman from Indiana [Mr. ADAIR], and having read this editorial, I knew that the main difference was in the production or the soil, or in the handling of the different crops in different sections of the country. I think that has more to do with it than the tariff.

Mr. FORDNEY. If the gentleman will permit me, I will say this in fairness to him: It was shown that in the arid-land region, where beets were raised by giving them water when they wanted it, and where they always had sunshine, as compared with the territory where they depended upon the elements, the percentage of sugar in the beets ranged about 2 per cent greater in the arid country than in the country where they depended on the elements. You have on the Pacific coast, with irrigation, a larger tonnage and a larger percentage of sugar in the beets, and a consequent advantage in that way, but you have a disadvantage in freight rates.

Mr. KETTNER. Does not the gentleman think the soil has more to do with the raising of beets in the different parts of the country than the tariff?

Mr. FORDNEY. Bless you, no. The difference in the advantage with irrigation and sunshine all the time is not enough to offset the duty—the protection and the duty. Oh, no; not one-tenth part.

Mr. KETTNER. The only conclusion I could come to after reading that article and hearing the debate is that the soil and climate conditions are of very great importance in the profitable production of sugar from sugar beets.

Mr. ANSBERRY. I want to know if the gentleman knows any manufacturing business in the State of California or elsewhere in the United States that only operates its plant 90 days in each year and still does a prosperous business? Do you know of any other manufacturing business, other than sugar, under similar conditions?

Mr. KETTNER. I do not.

Mr. ANSBERRY. No one else does.

Mr. FORDNEY. There are other industries.

Mr. ANSBERRY. Oh, what are they?

Mr. FORDNEY. Artificial-ice plants, for instance.

Mr. ANSBERRY. Oh, artificial-ice plants run all the year round.

Mr. KETTNER. Mr. Chairman, I wish to correct the answer just made to the gentleman from Ohio [Mr. ANSBERRY]. There are other industries in California where the factories run only three or four months in the year, such as the fruit canneries and olive factories.

Another article from the San Diego Tribune, which is a leading Republican paper, goes to show that conditions are not

so bad as we are led to believe by the gentleman from Wyoming [Mr. MONDELL]:

CALIFORNIA'S FIELDS AND ORCHARDS ARE YIELDING A BOUNTEOUS HARVEST.

When this year's crops are harvested and marketed California will be nearly half a billion dollars richer than she was before she began plowing, pruning, spraying, feeding, and planting.

The exact estimate of "primary value" upon the leading products of the State is $474,000,000.

That is a lot of money, and it will all flow in the channels of local traffic: much of it will come from beyond our borders, and all of it will pass through our pockets before any portion of it gets away from the Commonwealth.

A good part of it will stay here in permanent improvements.

It is exhilarating to read the figures and to classify the varied output:

Our grain crop totals $31,000,000; our fruit crop, inclusive of canned, dried, green, citrus, and cantaloupes, aggregate $85,000,000, of which $35,000,000 is credited to the citrus product and $5,000,000 to cantaloupes, the bulk of which will come from the Imperial Valley; our dairies will produce $36,000,000; our poultry will be worth $2,000,000 and the eggs thereof will cost the consumer $15,000,000, which he will gladly pay, because the price will not be exorbitant this year, although it will yield a handsome profit to the owners of the industrious hens; our vegetables, including canned, beans, potatoes, sugar beets, onions, etc., will sell for $42,000,000, of which $11,000,000 must furnish a clear profit for the bean growers; hay and forage will be worth $50,000,000; oil, $50,000,000; wine and brandy, $30,000,000; gold, $20,000,000; other mineral products, $30,000,000; cotton, $4,500,000; hops, $4,000,000; nuts, $4,000,000; olives and oil, $3,000,000; and wool, $2,000,000.

And all this in despite of a Democratic tariff which contracts our eastern market.

It happens, however, that the foreign producer is somewhat short this year; neither has he had an opportunity to take his full advantage of Democratic generosity.

Next year it may be different, but this year it is a golden harvest for California.

There are only two flies in the ointment: The prune crop is not what it ought to be, and there will be an overproduction of hay.

But we could hardly expect everything to come our way, and if the price of prunes goes to famine in the cafeteria belt of Chicago, or if hay becomes a drug in the market, we must be content to stagger along under the load of prosperity that the demand for our other more bounteous crops impose on us.

Prunes have had their day—many of them—and others are to come; and the surplus hay will not be wasted.

Then, there is compensation in the barley crop which is so plenteous that the warehouses will not hold it; and it runs 60 pounds to the bushel as against the shipping requirement of 46 pounds; there is a world market for barley and there will be no danger of overstocking it.

Therefore let California begin to rejoice in this her year of jubilee.

And with the opening of the Panama Canal there will be many, many similar years.

We haven't begun to tap the resources of the richest region on the face of the earth.

California is certainly not a hospitable place for the pessimist and the knocker.

Mr. STEPHENS of Texas. Mr. Chairman, I yield two minutes to the gentleman from Indiana [Mr. ADAIR].

The CHAIRMAN. The gentleman from Indiana [Mr. ADAIR] is recognized for two minutes.

Mr. ADAIR. Mr. Chairman, out in Indiana, in my district, we have one of the largest sugar factories in the country, built at an expense of nearly $1,000,000. This sugar factory is operated by the St. Louis Holland Sugar Co. It is under the management of William H. Hubbard, an excellent gentleman, who has been connected with that concern for a great many years; a man in whom I have implicit confidence; a man whose honesty and integrity and truthfulness can not be questioned.

When the Underwood tariff bill was under consideration, a little over a year ago, I talked personally with Mr. Hubbard about the tariff on sugar. I was interested not only in that industry in my district but in every other industry there, and I did not propose to vote for the removal of any duty if I thought it would close a single factory or mill in my district or elsewhere.

Mr. FORDNEY. Mr. Chairman, will the gentleman yield there for one question?

The CHAIRMAN. Does the gentleman from Indiana yield to the gentleman from Michigan?

Mr. ADAIR. With pleasure.

Mr. FORDNEY. The thought just came to me, and I thank the gentleman for yielding. I want to say to the gentleman from Ohio that there is not a single sugar industry in the world, whether in the United States or in any other country, that runs more than from 90 to 120 days.

Mr. ADAIR. The gentleman from Michigan is right. They run only from 90 to 120 days, but they have been making money.

Now, getting back to the gentleman of whom I have just spoken, he told me himself that the present rate of duty on sugar was ample and sufficient. He said he recognized that the people of this country were demanding and were expecting a reduction of the tariff all along the line, and the only thing he objected to was the three-year limit. He said to me that if the sugar manufacturers of this country—that is, the beet-sugar manufacturers—were given the present rate for 10 years, they could put the beet-sugar business on a solid basis and in a few years make all the sugar the country could consume.

I know the beet-sugar factories run only from 90 to 120 days, and they make money at that. In my district the farmers are still raising sugar beets, and they get as much money for them as they got a year ago. I do not think this reduction of duty will close a single beet-sugar factory in this country. I know the cane-sugar manufacturers of Louisiana will have to go out of business. It has been repeatedly stated that they can not manufacture sugar from cane as cheaply as sugar is manufactured out of beets, and they ought to go out of business. It is wrong to tax 95,000,000 people 2 cents a pound on every pound of sugar they buy, simply in order to keep in business a hothouse industry down in Louisiana. But the sugar-beet factories will continue to make sugar in this country, regardless of the present rate, and when sugar goes on the free list they will still manufacture sugar, and in time will manufacture all this country consumes.

My district is a corn-raising district, and the land there is valuable; but notwithstanding the reduction of the duty on sugar, sugar beets are still bringing the same price as they brought heretofore, and the beet-sugar manufacturing business will go on.

Mr. FORDNEY. Mr. Chairman, will the gentleman yield again there?

Mr. ADAIR. Yes.

Mr. FORDNEY. You said that the people should not be taxed 2 cents a pound on the sugar they consume. There has been no time since I can remember when they were taxed 2 cents a pound. That is merely Mr. Lowry's claim.

Mr. ADAIR. It was $1.90 a hundred. It was nearly 2 cents a pound. It amounted to about $125,000,000 each year the people were compelled to pay for sugar more than they ought to have paid. It was extortion, and it ought to have been wiped out years ago.

Mr. STEPHENS of Texas. Mr. Chairman, I yield one minute to the gentleman from Ohio [Mr. ANSBERRY].

The CHAIRMAN. The gentleman from Ohio [Mr. ANSBERRY] is recognized for one minute.

Mr. ANSBERRY. Mr. Chairman, I want to say to the gentleman from Michigan [Mr. FORDNEY] that he has not yet answered the question I propounded and the question that was propounded by the gentleman from California [Mr. KETTNER]. I made the statement that there were no manufacturing businesses in the United States or elsewhere that were operated only 90 days in the year and were uniformly prosperous. The gentleman from Michigan mentioned artificial ice. The gentleman, if he knows anything about the manufacturing of artificial ice, knows that they run all the year round. It will not do for the gentleman to say that sugar mills run only 90 days in any other country. That is true; but in other countries where sugar is manufactured from beets the Government pays a bounty.

Mr. FORDNEY. Where?

Mr. ANSBERRY. In Russia.

Mr. FORDNEY. Oh, they are not paying a bounty now.

Mr. ANSBERRY. Just a moment. Do not get excited. They paid a bounty until only recently, and perhaps do yet. And as an instance of the disastrous effects of import duty on the sugar industry I want to cite the case of the sugar consumer in France, where, despite the fact that they manufacture more beet sugar than they consume and annually export millions of pounds, the poor French consumer pays more for it than do we. I mention this because the sugar-beet interests have been besieging Congress time out of mind asking for a high protective tariff, and seeking to lull the opposition of the outraged American people by the old familiar cry, "Give us yet another 10 years of protection and we will produce all the sugar consumed in America." And they continued, "Then sugar will be cheaper." Doubtless the French public was beguiled in the selfsame fashion.

Now, it will not do for the sugar-beet people to tell us, "If you will only give us 10 years more we will raise enough sugar for the entire United States." They have been saying that a long time.

Mr. FORDNEY. But you did not give them 10 years.

Mr. ANSBERRY. They have been manufacturing beet sugar for more than 10 years.

Mr. FORDNEY. Yes; but under a reduction of duty every little while.

Mr. ANSBERRY. No reduction at all.

Mr. FORDNEY. The gentleman must be fair.

Mr. ANSBERRY. Practically none for 20 years.

Mr. FORDNEY. Oh, if the gentleman will not be fair——
Mr. ANSBERRY. I have only a minute.
Mr. FORDNEY. I gave the gentleman a great deal of my time, and he ought to be fair.
Mr. ANSBERRY. I will yield to the gentleman. The gentleman was very courteous.
Mr. FORDNEY. Is it not true that Cuban reciprocity reduced the duty 20 per cent?
Mr. ANSBERRY. Yes.
Mr. FORDNEY. The gentleman said there had been no reduction.
Mr. ANSBERRY. I say substantially none.
Mr. FORDNEY. If you take off 20 per cent of a man's head, can you say that it is substantially all on?
Mr. ANSBERRY. Nevertheless, in spite of that fact, the manufacture of beet sugar has not increased in this country in proportion to the amount of sugar consumed. Proportionately to that they are making just about what they did 10 years ago, about 14 per cent. Is not that true? The increased production barely kept pace with increased consumption.
Mr. FORDNEY. Will the gentleman yield just a minute?
Mr. ANSBERRY. I have a little time left, and I will yield to the gentleman.
Mr. FORDNEY. The gentleman said there was no other industry in the United States that ran as short a time as the beet-sugar industry that made as large profits. The canning industry does not run as long as the beet-sugar industry.
Mr. ANSBERRY. What canning industry?
Mr. FORDNEY. Ask the gentleman from California.
Mr. ANSBERRY. No; I will ask the gentleman from Michigan. What canning industry?
Mr. FORDNEY. Peaches and fruit of every description, peas, beans, and salmon. Salmon canning lasts only about three months in the year, and is one of the greatest industries in the country.
Mr. ANSBERRY. These canning plants can one vegetable part of the year and another vegetable another part of the year, so that they run practically six months, and they require a very small plant investment as compared with the sugar business, and they are not asking to be given the privilege of taxing the people of the United States that they may continue in business. And so, I repeat, the sugar-beet industry, if it be a hothouse industry—that is to say, an industry dependent upon a special privilege given by the Government to permit it to exist—has not even the poor, threadbare, shelf-worn excuse that it is an infant industry. It is too old to be an infant, and if it is ever to desert its perambulator, it should do so now, taking advantage of the cane which the existing duty represents until it becomes accustomed to walk alone. I sympathize with the Louisiana sugar planter, but he likewise has made but little headway, only producing, as he produced a decade ago, 9 per cent of our sugar consumption. Of the few possessions I own are a few hundred acres of land on the edge of the sugar belt. My attitude and vote has temporarily depreciated its value, but I am comforted by the thought that I cast my vote in the interest of my district and the overburdened consumers of our country.
Mr. FORDNEY. Evidently the gentleman does not know how much money is invested in that industry.
Mr. STEPHENS of Texas. I yield five minutes to the gentleman from New York [Mr. LEVY].
Mr. LEVY. Mr. Chairman, many persons who have not fully investigated the subject entertain the opinion that the transactions on the New York and New Orleans cotton exchanges in cotton for future delivery are almost entirely for speculation and of no service to legitimate interests.
This belief is very erroneous, for, as a matter of fact, the facilities for the buying and selling of "cotton futures" on these two exchanges are absolutely essential to the successful prosecution of the business of the cotton merchants and manufacturers as conducted at the present time.
Cotton merchants throughout the country are constantly compelled to sell cotton of specified grades with the stipulation that the delivery of some or all of it will not be made until some time in the future. By buying "cotton futures" at the time of their sale of actual cotton for forward delivery the cotton dealers can protect themselves from loss should an advance in price occur before the time for them to ship the cotton. As the cotton is purchased to meet their sales, they dispose of their purchases of "futures," and if the price of spot cotton has advanced they will be reimbursed by the profit on their transaction in "futures." Should "futures" decline after their purchase, the loss will be made up by the greater profit they will make by the decline in spot cotton since their sale of it.
A large percentage of the cotton merchants—particularly those in the interior markets of the South—buy cotton daily when the receipts are liberal, though they may have no orders for it from their correspondents. They are constantly buying in anticipation of orders, and their buying supports the market and enables farmers to sell their cotton readily and at much better prices than they could obtain if the merchants would not buy without actual orders in hand for the cotton offered.
As the merchants buy spot cotton in anticipation of orders for it, they at once sell "cotton futures" in New York or New Orleans to the extent of their purchases. This is called "hedging," and protects them from loss should spot cotton decline before they dispose of their purchases, as their loss on it would be compensated for by their profit on the sales of "futures" against it.
Cotton is sold for cash in southern cities and towns, and merchants often have to obtain advances from the banks before they can draw against their shipments. It greatly facilitates the securing of such advances when "cotton futures" have been sold against the cotton on which the loans are desired, because the spot cotton is thus protected from a decline in the market.
The system of dealing in "cotton futures" gives manufacturers of small means equal advantages with those possessing large capital in selling their product far into the future. Without the aid of the "futures" system it is very evident that the manufacturers of small or moderate capital would be at a very serious disadvantage.
The dealing in "cotton futures" on the New York and New Orleans Cotton Exchanges, which the Lever cotton-futures bill would curtail and eventually abolish, is undoubtedly of great advantage to the cotton growers in preventing the great depression in price which formerly prevailed when the bulk of the crop was being marketed. Many cotton merchants of experience can without hesitancy recall many instances when an active demand for "cotton futures" has caused an advance in "spot cotton" or checked and prevented a decline.
The adoption of the Lever bill, I feel certain, will curtail the business of the cotton exchanges in this country, and the price of cotton, which is one of the chief products of the South, will eventually be dictated by the markets of Europe, and especially by Liverpool. The cotton dealers and spinners of Europe would always be in favor of low prices and just as low as they could be forced. With no resistance on the part of the producer and his friends, the contest would be one-sided and unequal, and hence the price-making power would be surrendered to foreign interests and the farmer would be compelled to dispose of his cotton at the low prices fixed by the spinners of Liverpool, Bremen, and Havre.
Should our cotton exchanges be curtailed, then all the information as to the price of cotton in all the markets of the world and all the information as to conditions which go to make up the price and the price outlook would be no longer disseminated. The buyer and the manufacturer would know what the Liverpool Exchange and other foreign exchanges were doing, but the producer and the merchant, especially in small towns, would be unable to ascertain the prices. Thus the farmer would be at the mercy of the purchaser, and all the American cotton trade would be at the mercy of the foreign cotton manufacturers, who would be intent upon buying cotton as cheaply as possible.
Mr. Chairman, at this point I would like to express my high opinion of the members of the New York Cotton Exchange. For their business integrity there is no higher class of men in the United States. Many of them are from Southern States, but they are true and loyal citizens. They handle millions and millions of dollars of business without the scratch of a pen, and never is there any doubt or question as to their word.
Of course, the so-called "cotton-futures" bill is absolutely unconstitutional and will be so declared. It is class legislation, and trying to tax out of existence contract for futures which have been declared legal by the Supreme Court of the United States and the courts of the last resort in every State in this Union. It is just as lawful for a man to sell for future delivery as it is for him to sell for immediate delivery, and both are valid contracts under the law.
Mr. Chairman, boards of trade are true evolutions of that doctrine of equality which has dominated the world—the equality and liberty of man. The poor man with small capital who goes into the great chambers of commerce and the boards of trade with all the information exposed to his view to protect himself from being gouged and destroyed needs only the light of the reason which God has given him. It is putting him on equality with the rich.

The so-called Lever cotton-futures bill, if enacted into law, will strike down all the trading which can be done at an equal advantage and stimulate the trading where the small man will be at the mercy of the big man. All over the world—in England, in Germany, in Austria, in France, in Holland, in India, in Egypt, everywhere—this system of forward-delivery sales, which is an evolution to meet the wants of modern trade, obtains and is practiced.

When a bill which would have practically prohibited buying and selling of "cotton futures" was under consideration in the United States Senate on July 21 and 22, 1892, the Hon. Edward Douglass White, then a Senator from the State of Louisiana and now Chief Justice of the Supreme Court of the United States, delivered a speech in opposition to the measure. I ask unanimous consent to insert as a portion of my remarks the speech delivered by him, in which he speaks of the perfect legality of contracts for cotton for future delivery and the unconstitutionality of Federal laws to prohibit such contracts, and which is an ex cathedra opinion that the so-called cotton-futures bill is absolutely illegal.

The CHAIRMAN. The gentleman from New York [Mr. LEVY] asks unanimous consent to extend his remarks by inserting in the RECORD the speech referred to. Is there objection?

There was no objection.

The speech referred to is as follows:

"SPEECH OF HON. EDWARD D. WHITE, OF LOUISIANA, IN THE SENATE OF THE UNITED STATES, THURSDAY, JULY 21, AND FRIDAY, JULY 22, 1892.

"The Senate having under consideration the bill (H. R. 7845) defining 'options' and 'futures,' imposing special taxes on dealers therein, and requiring such dealers and persons engaged in selling certain products to obtain license, and for other purposes—

"Mr. WHITE. Mr. President, the votes which have been hitherto had in the Senate to take up this bill and the general line on which the argument has proceeded seem to indicate that there is probably a majority sentiment on the floor in favor of the bill. I should hesitate very much with this knowledge to make any very elaborate discussion as to the constitutionality of the bill, or as to the wisdom of the legislation which it propounds, if I were not profoundly conscious that, in my judgment, there has been before the American Congress for many years no more pernicious, no more vicious, no more flagrantly unconstitutional legislation, no legislation more tending to undermine and destroy the very foundations of our Government, and none more calculated to do untold and untellable harm to the people of this great country. The interests which this proposed legislation affect are enormous. The products the price or sale of which the bill attempts to regulate run up into vast proportions. I excerpt a statement from the testimony of Mr. Bacon, the president of the Milwaukee Chamber of Commerce, in which he says:

"The cotton crop of the country, which is handled in a similar way, is estimated at $303,000,000 for the current year. For last year it was estimated at $270,000,000. The meat product of the country is estimated at from $600,000,000 to $750,000,000 annually. These, added to the cereal products, make an aggregate of $2,600,000,000 in value, a large proportion of which is disposed of during a small portion of the year, which is required for consumption during the whole year.

"These figures, of course, convey but little idea to the mind without comparison. When we consider that the silver product of the country, which has been the subject of such extensive legislation for the past 15 years, is only about $50,000,000 in value, we will see that the amount is relatively more than 50 times as much.

"The value of the annual agricultural productions of the country is nearly equal to the aggregate of the national debt at the close of the war, the amount of which we have only reduced about one-half. It is only by comparison of these figures that one can reach an approximate idea of the magnitude of the interests involved in this question.

"The theory of the Senator who presents the bill and who urges it with so much zeal on this floor is that if the bill passes, to all the great body of the consumers of this country, representing 78 per cent of the population, there is to be an enhancement in the cost of these vast products. If, then, the arguments of the proponents of the bill be true, upon nearly $3,000,000,000 of products the effect of this legislation will be to increase the price to all the consumers of the country.

"My judgment is, on the other hand, that if the bill passes the necessary effect will be to reduce the price obtained by the producers of the country in a considerable degree upon this great sum.

"With these great issues involved in this bill, issues which go home to every hearthstone in this land, issues which reach out their fingers into the pockets of every man, be he rich or poor, I think I shall be justified in an attempt to discuss its provisions deliberately, in order to point out what I conceive to be the flagrant constitutional defects which are involved in it, and the gross financial and business heresies which it contains.

"Mr. President, let me analyze the bill. What does the first section provide? It has been gone over very frequently, but I shall go over it again in order to make clear what I shall endeavor to say.

"The first section forbids options, which in the argot of the commercial gamblers are known as 'puts' and 'calls.' Now, what is a 'put' and 'call,' or an option, as defined in this bill? It is a contract by which a man gives to another a sum of money for the privilege of calling upon that man to deliver property, or for the privilege of delivering to him. It is a purely unilateral contract, by which a man gives a sum of money for the privilege of delivering or receiving property.

"So far as this contract is concerned, or this so-called contract, I have no word of defense to raise, because it is a contract which engenders no obligation per se. The courts of this land, at least the courts in my State, have declared that it is a contract without consideration, which can not be enforced; that it involves within its bosom an element of chance which makes it purely aleatory, and therefore takes it out of the domain of all those great contracts around which the law throws the shelter of its protection and the instrumentalities for its enforcement.

"The first section reads as follows:

"That for the purposes of this act the word 'options' shall be understood to mean any contract or agreement whereby a party thereto, or any party for whom or in whose behalf such contract or agreement is made, acquires the right or privilege, but is not thereby obligated, to deliver to another or others, at a future time or within a designated period, any of the articles mentioned in section 3 of this act.

"What does the second section provide? The second section defines futures. What does it define futures to be? It defines any contract to be a future where the one selling at the time of sale is not the actual owner of the property, however real may be his intention to deliver at the time stipulated, and however great may be his means of fulfillment. What else does it provide? After defining this contract it then goes on to say that neither the Government of the United States, nor any municipality, nor any State, nor any farmer, in so far as he may have made a crop or have a crop in process of being made, shall be brought within the grasp of the provision. The amendment which has been adopted on the motion of the Senator from Minnesota also takes all retail dealers out of the reach of the second section.

"Section 2 provides:

"SEC. 2. That for the purposes of this act the word 'futures' shall be understood to mean any contract or agreement whereby a party contracts or agrees to sell and deliver to another or others at a future time, or within a designated period, any of the articles mentioned in section 3 of this act, when at the time of making such contract or agreement the party so contracting or agreeing to sell and make such delivery, or the party for whom he acts as agent, broker, or employee in making such contract or agreement, is not the owner of the article or articles so contracted or agreed to be sold and delivered, or has not theretofore acquired by purchase, and is not then entitled to the right to the future possession of such article or articles under and by virtue of a contract or agreement for the sale and future delivery thereof previously made by the owner thereof: *Provided, however*, That no provision or requirement of this act shall apply to any contract or agreement for the future delivery of any of said articles made for and in behalf of the United States, or of any State, Territory, county, or municipality, with the duly authorized officers or agents thereof, nor to any contract or agreement made by any farmer or planter for the sale and delivery at a future time, or within a designated period, of any of said articles belonging to said farmer or planter at the time of making such contract or agreement, and which have been grown or produced, or at said time are in actual course of growth or production, on land owned or occupied by such farmer or planter; nor to any contract or agreement made with any farmer or planter to furnish and deliver to such farmer or planter at a future time, or within a designated period, any of said articles which are required as food, forage, or seed by such farmer or planter, his tenants, or employees.

"The third section enumerates the articles which come under this provision. This section, when I come to comment upon it hereafter, I shall show, in my judgment, represents the greatest enormity in the bill.

"SEC. 3. That the articles to which the foregoing sections relate are raw or unmanufactured cotton, hops, wheat, corn, oats, rye, barley, pork, lard, and bacon.

"That is the enumeration. The fourth section imposes taxes and licenses. It imposes a license of $1,000 and a tax of 5 cents on every pound of raw or unmanufactured cotton, hops, pork, lard, or bacon, and 20 cents per bushel upon every bushel of wheat, and so forth. Section 4 is as follows:

"SEC. 4. That special taxes are imposed as follows: Every dealer in 'options' or 'futures' as hereinbefore defined in this act, shall pay annually the sum of $1,000 as a license fee for conducting such business, and shall also pay the further sum of 5 cents per pound for each and every pound of raw or unmanufactured cotton, hops, pork, lard, bacon, or other edible product of swine, and the sum of 20 cents per bushel for each and every bushel of any of the other articles mentioned in section 3 of this act, the right or privilege of delivering which to another or others at a future time, or within a designated period, may be acquired by such dealer in his own behalf or in behalf of another or others under any 'options' contract or agreement as defined by section 1 of this act, or under any 'futures' contract or agreement as

defined in section 1 of this act, or under any transfer or assignment of any such 'options' or 'futures' contract or agreement; which said amount or amounts shall be paid to the collector of internal revenue as hereinbefore provided, and by him accounted for as required in respect to other special taxes collected by him. Every person, association, copartnership, or corporation who shall in their own behalf, or as agent, broker, or employee of another or others, deal in 'options' or make any 'options' contract or agreement as hereinbefore defined, or make any transfer or assignment of any such 'futures' contract or agreement, shall be deemed a dealer in 'options'; and every person, association, copartnership, or corporation who shall in their own behalf, or as agent, broker, or employee of another or others, deal in 'futures' or make any 'futures' contract or agreement as hereinbefore defined, or make any transfer or assignment of any such 'futures' contract or agreement, shall be deemed a dealer in 'futures.'

"The fifth, sixth, seventh, eighth, ninth, and tenth sections provide for the enforcement of these provisions. I shall not stop to read them, but I will incorporate them in my remarks. You can find nowhere in any revenue legislation provisions more inquisitorial, more far-reaching, and more destructive of the liberty of the individual citizen.

"The sections are as follows:

"SEC. 5. That every person, association, copartnership, or corporation engaged in, or proposing to engage in, the business of dealer in 'options' or of dealer in 'futures' as hereinbefore defined shall, before commencing such business or making any such 'options' or 'futures' contract or agreement, or any transfer or assignment of any such contract or agreement, make application in writing to the collector of internal revenue for the district in which he or any of them proposes to engage in such business or make such contract or agreement, or make a transfer or an assignment of any such contract or agreement, setting forth the name of such person, association, copartnership, or corporation, place of residence of the applicant, the business to be engaged in, where such business is to be carried on, and, in case of an association, copartnership, or corporation, the names and places of residence of the several persons constituting such association, copartnership, or corporation, and shall thereupon pay to such collector, as a license fee for conducting such business, the sum, aforesaid, of $1,000, and shall also execute and deliver to such collector a bond in the penal sum of $40,000, with two or more sureties satisfactory to said collector, conditioned that the obligor therein shall pay, or cause to be paid, the tax or taxes as herein provided, and for the full and faithful compliance, by such obligor, with all the requirements of this act; and thereupon the collector shall issue to such applicant a certificate, in such form as the Commissioner of Internal Revenue shall prescribe, that such applicant is authorized, for the period of one year from the date of such certificate and within such district, to be dealer in 'options' and 'futures' and to make, within such district, 'options' and 'futures' contracts or agreements, as hereinbefore defined, and transfers and assignments of such contracts and agreements, and for the period specified in such certificate the party to whom it is issued may conduct and transact the business of dealer as aforesaid. Such certificate may be renewed annually upon compliance with the provisions of this act: *Provided, however*, That so long as any tax provided in this act shall remain due and unpaid, the person, association, copartnership, or corporation from which such tax shall be due shall not, during the time such tax remains due and unpaid, conduct or transact the business of a dealer in 'options,' or conduct or transact the business of a dealer in 'futures,' and every person, association, copartnership, or corporation making, transferring, or assigning any such 'options' or 'futures' contract or agreement while any tax herein provided shall remain due from such party shall be subject to the fines and penalties hereinafter provided.

"SEC. 6. That it shall be the duty of the collector of internal revenue to keep in his office a book in which shall be registered a copy of each and every application made to him under the foregoing sections, and a statement in connection therewith as to whether a certificate has been issued thereon, and for what period, which book or register shall be a public record and be subject to the inspection of any and all persons.

"SEC. 7. That every 'options' or 'futures' contract or agreement, as hereinbefore defined, and all transfers or assignments thereof, shall be in writing and signed in duplicate by the parties thereto, and every such 'options' contract shall state in explicit terms the time when the right or privilege of delivering the article or articles therein named shall expire; and every such 'futures' contract shall state in explicit terms the day upon which or the last day of the period within which the article or articles therein contracted or agreed to be sold shall be delivered; and any such contract or agreement not including such statement, and not so made and signed, shall, as between the parties thereto and their respective assigns, be absolutely void.

"SEC. 8. That it shall be the duty of every person, association, copartnership, or corporation conducting or transacting the business of a dealer in 'options' or 'futures,' as defined by this act, and they are hereby required to keep a book in which shall be recorded, on the day of its execution, the date of each and every 'options' or 'futures' contract or agreement made or entered into, or which may be transferred or assigned, by such person, association, copartnership, or corporation in their own behalf, or in behalf of another or others, and setting forth the name and place of business of the person, association, copartnership, or corporation in whose behalf, as vendor, such contract or agreement shall have been made, the name and place of business of the party or parties, as vendee, with whom such contract or agreement shall have been made, the kind and amount of the article or articles which are the subject of, embraced in, or covered by each such contract or agreement, the time when the right or privilege of delivering such article or articles as are the subject of, embraced in, or covered by any 'options' contract or agreement shall expire, and the time when or the designated period within which delivery shall be made of the article or articles which are the subject of, embraced in, or covered by any 'futures' contract or agreement; and on making a transfer or assignment of any 'options' or 'futures' contract or agreement, shall, in addition to the facts or items above mentioned, also record in such book the names and places of residence or business of the assignor and assignee and the date of such transfer or assignment; and such book shall at all times be subject to inspection by the collector, deputy collector, and inspector of internal revenue, or any duly authorized agent of the Internal-Revenue Department, who may make memoranda or transcripts therefrom.

"SEC. 9. That it shall be the duty of every person, association, copartnership, or corporation, and they are hereby required, on the Tuesday of the week next succeeding the date of the certificate issued to them, as hereinbefore provided, and on the Tuesday of each and every week thereafter, to make to the collector of internal revenue for the district in which any 'options' or 'futures' contract or agreement shall have been made, transferred, or assigned, by such person, association, copartnership, or corporation, full and complete return and report, under oath and in such form as the Commissioner of Internal Revenue shall prescribe, of any and all such contracts or agreements made or entered into or transferred or assigned by such person, association, copartnership, or corporation during the preceding week, together with a statement of the articles embraced in or covered by each such contract or agreement, and the amounts, respectively, of each such article, and the name or names of the party or parties with whom each such contract or agreement, and any transfer or assignment of any such contract or agreement, shall have been made, and at the same time the party whose duty it shall be to make such return or report shall pay to such collector, upon and for each such contract or agreement which such party shall have so made as vendor, and upon and for each and every transfer or assignment of any such contract or agreement which such party shall have made, as transferrer or assignor, the amount of tax as specified in section 4 of this act, of 5 cents per pound on each and every pound of cotton, hops, and of pork, lard, bacon, or other edible product of swine, of 20 cents per bushel on each and every bushel of any of the other articles mentioned in section 3 of this act which are the subject of, embraced in, or covered by such contracts or agreements, or any of them, for which sums said collector shall give his receipts to the party so paying. And such collector shall, upon the making of such return or report, enter in a book to be kept for that purpose the date of each such 'options' or 'futures' contract or agreement, or transfer or assignment thereof, included in such return or report, the name, residence, and place of business of each party thereto, and whether they appear as vendor or vendee, the kind and amount of each article which is the subject of, embraced in, or covered by such contracts or agreements, the amount of tax charged and collected thereon, and the date upon which such 'options' or 'futures' contract or agreement shall by its express terms expire or mature; which book or register shall be a public record, subject to the inspection of any and all persons. That the person, association, copartnership, or corporation making or entering into any 'options' or 'futures' contract or agreement, as defined in this act, or making any transfer or assignment of any such contract or agreement, either in their own behalf or in behalf of another or others, shall, upon filing with the collector of internal revenue the return or report aforesaid, in addition to the taxes hereinbefore provided, pay to such collector the sum of $2 as a registry fee for each and every such 'options' or 'futures' contract or agreement so made, transferred, or assigned and included in such return or report, and it shall be the duty of the collector of internal revenue, on the first secular day of each calendar month, to make a report to the Commissioner of Internal Revenue, setting forth the number of 'options' and 'futures' contracts and agreements, as shown by such book, which had not expired or matured on the last day of the preceding month, the kind and the amount of the articles which are the subject of, embraced in, or covered by such contracts or agreements, and the amount of taxes levied thereon; and a copy of such report shall be kept in the office of the collector of internal revenue and be subject to the inspection of any and all persons.

"SEC. 10. That every person, association, copartnership, or corporation, who shall in their own behalf or in behalf of any other person, association, copartnership, or corporation, make or enter into, as vendor, any 'options' or 'futures' contract or agreement as defined by this act, or make any transfer or assignment of any such contract or agreement, without having a certificate of authority from the collector of internal revenue, as hereinbefore provided, and covering the time at which such contract or agreement, or such transfer or assignment shall be made, or who shall fail or refuse to keep any book or make any record, return, or report hereinbefore required, or in lieu of any record, return, or report hereinbefore required shall make a false, fraudulent, or partial record, return, or report, or shall make or enter into any 'options' or 'futures' contract or agreement, or make any transfer or assignment of such, in form or manner other than as prescribed by this act, or shall fail or refuse to pay any of the taxes required by this act to be paid, or shall in any other respect violate any of the provisions of this act, shall, besides being liable for the amount of the tax or taxes prescribed in this act, for each and every such offense pay a fine of not less than $1,000 nor more than $20,000, or be imprisoned not less than 6 months nor more than 10 years, or be subject to both such fine and imprisonment.

"SEC. 11. That neither the payment of the taxes hereinbefore provided nor the certificate issued by the collector of internal revenue under this act shall be held to exempt any person, association, copartnership, or corporation from any penalty or punishment now or hereafter provided by the laws of any State or Territory for making, transferring, or assigning contracts or agreements such as are hereinbefore defined as 'options' or 'futures' contracts or agreements, or in any manner to authorize the making, transferring, or assigning of such contracts or agreements within any State, Territory, or locality contrary to the laws of such State, Territory, or locality; nor shall the payment of the taxes imposed by this act be held to prohibit any State, Territory, or municipality from placing a tax or duty on the same trade, transaction, or business for State, Territorial, municipal, or other purposes.

"The twelfth section, which the Senator from Minnesota has moved this morning to strike out, imposed a license upon every man doing the business which the proposed statute itself declared to be lawful. In other words, it brought every citizen making a contract for future delivery not embraced in the provisions of the proposed statute under the reach and grasp of the officers of the Government. The twelfth section is as follows:

"SEC. 12. That every person, association, copartnership, or corporation who shall make any contract or agreement for the sale of any of the articles mentioned in section 3 of this act and requiring the delivery of such article subsequent to the date on which such contract or agreement is made, and who, at the time of making thereof, is the owner and entitled to the possession of the article or articles which are the subject of, embraced in, or covered by such contract or agreement, or has theretofore acquired by purchase, and, at the time of making such contract or agreement, is entitled to the right to the future possession

of such article or articles under and by virtue of a contract or agreement for the sale and future delivery thereof previously made by the owner thereof, shall, before making any such contract or agreement, or any transfer or assignment of any such contract or agreement, apply in writing to the collector of internal revenue for the district in which such person, association, copartnership, or corporation shall reside or have a place of business, setting forth the same facts as mentioned and required in the application referred to and provided for in section 5 of this act, and shall thereupon pay to such collector the sum of $2 as a license fee for making, transferring, or assigning, or for conducting the business of making, transferring, and assigning such contracts or agreements, and thereupon the collector shall issue to such applicant a certificate, in such form as the Commissioner of Internal Revenue shall prescribe, that such applicant is authorized, for the period of one year from the date of such certificate, to make, transfer, and assign contracts or agreements for the sale and subsequent delivery of any of the articles mentioned in section 3 of this act, of which such licensee at the time of making any such contract or agreement is the owner, or is then entitled to the future possession of under and by virtue of a contract or agreement for the sale and future delivery of such article or articles previously made by the owner thereof. And any person, association, copartnership, or corporation who shall make, transfer, or assign any such contract or agreement without having paid the license fee herein required, and without having a certificate from the collector of internal revenue authorizing the making, transferring, and assigning of such contracts and agreements, shall be subject to and be required to pay a fine of not less than $1,000 nor more than $5,000. Such certificate may be renewed annually on compliance with the provisions of this section. And such licensee shall keep a book in which shall be entered the date of, the names and places of residence or business of the parties to, the kind and amount of the articles the subject of, embraced in, or covered by any contracts or agreements for sale and future delivery which may be made, transferred, or assigned by such licensee under authority of the certificate provided for in this section, and the time at which delivery thereof is to be made; and in case of the transfer or assignment of contracts or agreements for sale and future delivery of any of said articles previously made by the owner thereof, or made by a party who has theretofore acquired by purchase and at the time of making such transfer or assignment is entitled to the right of the future possession of such article or articles under and by virtue of a contract or agreement for the sale and future delivery thereof, previously made by the owner thereof, the names and places of business or residence of transferer and transferee or of the assignor and assignee; which book shall at all times be subject to inspection by the collector or deputy collector of internal revenue, or by any duly authorized agent of the Internal-Revenue Department. Such licensee shall also make on Tuesday of each and every week, to the collector of internal revenue by whom the certificate herein provided for may have been issued, a weekly report of all such contracts or agreements or transfers or assignments thereof that shall have been made by such licensee during the previous week, which report shall contain all the facts and items hereinbefore required to be entered in the book to be kept by such licensee; and such report shall be entered by said collector in a book to be kept by him in his office for that purpose. And any such licensee who shall fail or refuse to keep the book and enter therein the fact and items as by this section required, or shall fail or refuse to submit such book to the inspection of the collector, deputy collector, or duly authorized agent of the Internal-Revenue Department, or who shall fail or refuse to make report to the collector of internal revenue as by this section required, shall for each and every such failure or refusal be required to pay to such collector a fine of not less than $100 nor more than $5,000. And it shall be the duty of the collector of internal revenue to keep in his office a book in which shall be registered a copy of each and every application made to him under this section, and a statement in connection therewith as to whether a certificate has been issued and for what period, which book or register shall be a public record, and be subject to the inspection of any and all persons.

"The thirteenth section provides inquisitorial means of visitation and search and examination of books. It provides that the internal-revenue collector shall have the power, whenever he suspects that a business man is violating this statute, to demand an examination of his business and an inspection of his books for the purpose of satisfying himself that the law is being carried out.

"I call the attention of Senators to the fact that the thirteenth section is as broad as any man's right to sell any property for future delivery, whether or not that property is brought within the grasp of futures and options as defined in the bill.

"Now, the distinguished Senator this morning does what? On a motion made to strike out the twelfth and thirteenth sections he says he will agree that the twelfth section shall be stricken out, but he objects to the thirteenth section being stricken out. He strikes out the only possible reason for the powers of search and visitation found in the thirteenth section. He strikes out the license provided in the twelfth section, by which alone the thirteenth section could be justified, and he keeps vested in the officers of the Government the arbitrary powers created by the thirteenth section, and which the bill itself admits are to be exercised against a man pursuing an avocation which the bill itself recognizes as legal and thus should be removed from inquisition.

"The following sections of the bill are full of other penalties. Let us stop for a moment and ask ourselves the question, what the bill does?

"Mr. President, there can not be any question that the contract which the bill strikes at in its second section is a lawful contract. That is removed beyond the domain of controversy. The question whether contracts for future delivery are valid contracts has been before every court in this land. It has been to the Supreme Court of the United States; it has been to the courts of last resort of almost every State in this Union, and it has been crystallized in a body of jurisprudence now passed beyond question that it is absolutely as lawful for a man to sell for future delivery as it is to sell for present delivery; that there is no earthly difference between the two; that they are both valid contracts protected by the law, enforced by the courts, provided only what? Provided only that either of the parties to the contract has an honest intention to deliver.

"The purpose, then, of this bill is to strike down contracts which can be validly entered into, protected by the judgments of the courts of last resort of all this Union. I challenge any Senator upon this floor to produce a single modern authority which does not recognize that the right to make these contracts under the dominion and jurisdiction of the State courts is as absolutely sacred and as well protected by the ægis of the State law as his right to hold his home, or any other right that he has within the dominion of the State.

"This, then, is a proposition that the Federal Government—and, Mr. President, I hate to reargue this question with the eloquent and able, vigorous and incisive argument and denunciation of the Senator from Missouri [Mr. Vest] on yesterday ringing in the ears—this, then, is a bill licensing the Federal Government to step over the State line and destroy any contract made within a State between citizens of the State which the Federal Government may choose to destroy. That is the power which this bill asserts. If it does not assert that power it does not assert any power.

"Is it denied that these are valid contracts? Is it denied that they are contracts made under the State law and under protection of the State courts? Is it denied that this bill strikes at contracts between citizens of the State and a *res* or a thing within that State? That being the case, I ask Senators, mindful of their great oath to support the Constitution of the United States, where within the four walls of that Constitution can they find a pretext for this great usurpation of authority? If the theory which this bill propounds is true, every vestige of State autonomy has been wiped off, and to-day, instead of having a government of limited and restrictive powers, each government moving by the force of constitutional gravity in its own orbit, we stand the most unlimited and arbitrary government on the face of God's earth.

"Now, how will Senators justify this measure? I put it to every Senator, does this power exist in the Federal Government? I challenge any Senator to say that he believes the power exists in the Federal Government to go into a State and destroy contracts made between citizens of the State protected by State laws, contracts outside of the domain of Federal jurisdiction. Can the Federal Government regulate marriage; can it regulate divorce; can it determine the title to property; can it pass upon the tenure by will; can it usurp all the functions reserved to the States as a necessary part of the existence of the State governments? If it can not do these things, by what mandate of authority can this proposed law be put upon the statute books.

"Ah, but I am told that this is a taxing law; that it is an exercise of the taxing power. It is a tax that does not tax. I call attention to this distinction. On the very face of the bill not even a pretext of taxation can be found. By the very terms of the bill no tax can result from its provisions. The only section in the bill which could possibly lead to the collection of a tax and give even a semblance of constitutionality to the bill was the twelfth section, which imposed the $2 license upon a lawful business; and the Senator from Minnesota proposes to take that out.

"Now, then, the question results and comes down to this, and we must meet it: Can the Federal Government by the abuse of the taxing power abrogate and destroy every limitation found in the Constitution and every reservation in favor of the States? That is the question. It can not be evaded.

"Ah, but it is said this is an exercise of the taxing power, and although it is an exercise of the taxing power which does not tax to produce revenue, we will declare in this bill that we propose to tax for revenue, although we do not propose to do so. If we do violate the Constitution in doing this, when it goes to the court of last resort it will not be able to decipher the false purpose of the bill and will therefore hold the bill not to be unconstitutional. Why will the court hold it not to be unconstitutional? Not because it is not unconstitutional, but because we have breathed into this law a living lie, because we have declared that our purpose is to tax for revenue, when every line and letter of the bill says the bill is not an exercise of the taxing power at all, but an attempt to destroy the very framework of the Constitution by going into the States and doing that which the Federal Government confessedly has no power to do.

"Mr. President, some question was raised yesterday as to the power of the court to reach this bill. That question does not

concern me when I exercise my right to vote upon this floor. If it be true that under the Constitution there has been lodged in the Senate a power by a declaration of purpose to prevent unconstitutional enactments from being reached by the courts, then the necessary effect of the Constitution is to have made this Senate the court of last resort, and we stand here now called upon, with the great responsibility which rests upon us, not to say what a tribunal would say if the power had been lodged with it, but to say what this great tribunal should say in the face of this patent and glaring and flagrantly unconstitutional act.

"But I do not follow and agree with the admissions on this subject made by the distinguished Senator from Missouri yesterday. I do not agree to them because I believe the premise upon which they are founded is destructive of this Government. The glory and the ornament of our system which distinguishes it from every other Government on the face of the earth is that there is a great and mighty power hovering over the Constitution of the land to which has been delegated the awful responsibility of restraining all the coordinate departments of the Government within the walls of that great fabric which our fathers builded for our protection and our immunity forever.

"It is perfectly true that in two or three cases the Supreme Court of the United States have said that where on the face of a statute there was the exercise of taxation, as the statute on its face was a taxing statute, the court would not destroy the face of the statute by wiping out the taxing provision in the statute with the sponge of the motives which may have actuated the Members who passed it. Is that the case here? Where the face of the statute shows no tax, where the face of the statute itself eliminates all human possibility of the exercise of the taxing power for revenue, then I say the mission of jurisdiction is given to the courts of this land to brush that statute away for its flagrant and open violation of the Constitution. Is this not necessarily true?

"Now, let us reason out the consequences, if it be not true. If this be not true, then the beautiful system by which, as I said just now, all the departments of the Government move in a common orbit, vanishes out of the sideral universe of government, and passes into confusion and chaos. The precedents are against it. The power which the Supreme Court of the United States exercises in the review of statutes is like unto the power exercised by the supreme courts of all the States. The books are full of cases in the State courts drawing the distinction which I have made. In the Topeka case it is drawn in plain words by the Supreme Court of the United States. There a Government appropriated a sum of money, declaring it to be for a public purpose. The case went to the Supreme Court of the United States, and it said your motive and your purpose can not be inquired into. That is removed beyond the domain of controversy or question. But where you have called the statute one thing and in the very terms of the statutes indicate another thing, and that other thing is outside of the powers of Government, then it is not a statute at all, but it is a violation of authority and we strike it from the statute books.

"That, in my opinion, is what should be the fate of this measure. The only semblance of authority within the Constitution, as I have said, was the twelfth section, which put a license of $2 upon a business admittedly lawful, which the Senator from Minnesota proposes this morning to strike out. Climbing up this lofty tree under which he thinks all the great commerce of this country is to find shade and shelter, and under which I think death and destruction, like a upas, is to come, he saws himself down by cutting off the only possibility of constitutionality which was in the bill.

"What does the Senator from Minnesota say? I wish to call attention to it. Of course, everything I say is with the greatest respect and kindness to him. I suppose, when he made the argument which I shall quote in a few moments, he thought it would rally all the Senators on the other side of the Chamber and make them feel that they could not question the constitutionality of this bill without questioning the constitutionality of that system of taxation which they have espoused almost from the foundation of the Government, and which they espouse now to an extreme degree, how extreme I will not comment upon, because I do not propose to enter into that question. What does the distinguished Senator urge? He says:

"One thing is perfectly clear to me, that if this bill is unconstitutional for the reason that we have no right to use the taxing power, except for the purpose of raising revenue, then there has never been a Republican protective tariff but that has been in violation of the Constitution. A duty may be so high, placed with a view of protecting some production for the purpose of increasing or regulating its market value, and not absolutely prohibitory, yet so long as it was not laid for the purpose of raising revenue, it would still be obnoxious to this construction of the Constitution. But there are numerous cases where this duty is absolutely prohibitory, and so intended, and so made for the express purpose of suppressing the importation of articles that come in competition with those produced in this country.

"The purpose of this argument is this: This bill, which destroys all the rights of the States and acts internally upon the people of the State and on contracts protected by State laws, must be valid, and you must hold it so or you must declare that the whole policy of the Republican Party is and has been wrong.

"Mr. President, in my judgment that is absolutely and fundamentally a fallacy. It overlooks the clear distinction between the nature of the power lodged in the Federal Government for the purpose of imposts and the nature of the taxing power lodged in the Federal Government for the purpose of internal taxation. When the Federal Government deals with imposts the Constitution has vested in it the power which would be vested in any Government in that regard.

"No power as to imposts was reserved in the States by the Federal Constitution. All the lawful powers of government which could be exercised in that particular passed into the life and being of the Federal Government by the lodgment in that Government of the power to levy imposts—imposts deal externally, beyond our borders. Beyond those borders the power of the Federal Government was restricted and restrained by no limitation resulting from a reservation in the Constitution.

"Mr. President, in my judgment, if complaint is made of impost tax by the Federal Government levied not for the purpose of revenue, but for protection or prohibition, the complaint is not that the Federal Government violates the Constitution or the limitations of the Constitution, because as to that all authority is granted by the Constitution. When I say this, I mean no limitation by the Constitution by express provision of the Constitution. The complaint of undue or prohibitory external imposts is not that the Constitution has been violated.

"No; but that there has been a violation of the great fundamental and elementary principle of all government, which underlies all constitutions, which affect this Government and every government, and which would affect the most unlimited government in the world. These principles are that government is created with limitations flowing from the nature of its being, which teach that no government shall use its power for the benefit of the few to the detriment of the many. Therefore, all the arguments which have been made on the subject of the abuse of the impost power in the Federal Government are arguments addressing themselves not to the limit of delegation under the Constitution as to imposts, but to the want of power arising from the very nature of government itself.

"In other words, I contend that where power to destroy exists the use of a wrong instrumentality to do the destruction may be the abuse of an instrumentality but not an abuse of power, because the power to destroy is vested. But where the power to destroy does not exist, the use of an instrumentality to destroy that which there is no power to destroy is not alone an abuse of the instrumentality but an usurpation of power itself. Now, the usurpation of power by Congress not vested by the Constitution in Congress is unconstitutional. This being true, it follows that if the usurpation is clear on the face of the act, if the act itself shows the usurpation, the power exists in the Supreme Court of the United States to prevent the usurpation.

"The distinguished Senator made two quotations on this subject. Both of them draw this distinction in the broadest way. One quotation is from Judge Cooley, and the other is from Judge Story. Both of them call attention to the fact that when it concerns import tax the question is as to the fairness and the rightness, if I may use the word, and not as to the question of constitutional power:

"Indeed, in some cases where impost duties are laid, revenue is no part whatever of the motive for imposing a particular duty, but it is made so high that it is expected to preclude all importation, and therefore produce no revenue. A person objecting to the duty may complain that it violates the true principles of government, but he would hardly venture to attack it as being so distinctly beyond the constitutional power of Congress that in the courts it might be assailed as wanting in legal validity. He may question its policy, but he can not well question its constitutionality.

"Says Justice Story:

"It is often applied as a virtual prohibition upon the importation of particular articles for the encouragement and protection of domestic products and industry.

"These are the doctrines, Mr. President, which have been applied by this Government, standing with its face looking beyond our borders at the millions lying beyond. But when turned inward we behold the system of States with all the great rights reserved to them by the Constitution. We see them with their police power, and their legal autonomy, and their right of contract, and their right of property, and everything that has been preserved to us by the Constitution. These rights and their recognition and preservation have given us a hundred or more years of being, and without them war and tumult and misery and suffering would come. The rudiment of all these rights is

found in the principle that every power not delegated under the Constitution to the Federal Government is reserved to the States. Yes; the distinguished Senator, in looking at this bill, puts on his marine glasses, and turning to the American people proposes to put upon the great sisterhood of States the shackles of the foreign jurisdiction. He does this, although his bill deals not with that which is foreign, but with all those great rights of local self-government which are ours, ours to-day and to-morrow and forever.

"I doubt very much whether this argument will reach the distinguished Senator from Minnesota, because in the course of his able speech he says:

"The Constitution, which at its adoption was supposed to have in view some reference, at least, to the 'general welfare' of the people, is now almost invariably invoked by constitutional pugilists to resist all reforms and all attempts directed against wrong and abuse.

"I can well imagine that the distinguished Senator must have been in the frame of mind which this language indicates, when his hand could have the strength to write or his mind the power to conceive that there exists in the Federal Government any power to go into your State, sir [pointing to the Senator from Missouri], or the State of Maine, or any other State in this Union and destroy by a surreptitious attempt to pervert the taxing power, the rights of the citizens of the States to contract among themselves.

"I know, therefore, that the frame of mind I am in and the frame of mind the distinguished Senator is in are so wide apart, that we move in such different conceptions of the respective relations of these Governments to each other, that I am afraid I will never be able to reach him by argument.

"Mr. President, I think we ought to be entitled to discuss this measure without sneer, without gibe, without reaching out the hand to stir up—I was going to say the smoldering ashes of past conflicts; but, thank God, even the ashes of that conflict have passed away; I know the American people have forgotten it, except for the lessons which it has taught us all, that within the walls of the Constitution and by adherence and respect for it, united in a common brotherhood lie alone our future hope of happiness and protection.

"The distinguished Senator says:

"It is seriously to be regretted that some of our 'constitutional friends' did not regard this sacred instrument with as much reverence and stand ready to guard it with the same pathetic solicitude in a time not very remote as they do at present.

"Thus the discussion of this antioption bill is to revive the feelings of the war, and sneer and gibe are cast at this side of the Chamber because there are those here who adhere now to those great principles of constitutional government which they think involve the very structure of the Constitution. The germs of the fierce Civil War through which we passed were sown at the birth of our institutions. Both sides in that awful conflict were true to the Constitution as they understood it.

"Mr. President, the men who took part in the war on the southern side were not like the Senator from Minnesota—careless of constitutional obligations. Whatever may be the conception as to the mistake of their opinions—and we all concede that the mighty arbitrament of war has decided they were wrong—no one in this day or any day hereafter, whatever may be the censure which he puts upon the judgment of the southern people, questions the sincerity of their convictions or their great purpose to adhere to the Constitution as they understood it. Their blood sealed their fidelity to their duty as they conceived it. I have seen somewhere a thought of the great war governor of Massachusetts, saying that whatever might be the judgment of history upon the wisdom of the southern people, history would hold that, mistaken as they were, they were heroes because of their devotion to their constitutional mistake.

"I believe now, sir that as time goes by the world will see their magnificent heroism more and more, and that the vision of the southern poet will be fulfilled:

"In seeds of laurel in the earth,
The blossom of their fame is blown;
And somewhere, waiting for its birth,
The shaft is in the stone.

"But, Mr. President, the view of the Constitution which the other side upholds is, I suggest, a reflection on that magnificent and gallant body of men who formed the Union hosts of this country. What did they fight for? What did they die for? For what was their blood poured out in priceless currents? If we believe the consequences of the argument of the distinguished Senator from Minnesota, it was poured out in order that we might have no Government, no States, no autonomy, and that our Constitution might be destroyed.

"I should rather not pass the judgment upon those gallant men which the argument of the Senator from Minnesota does. I should rather rely upon the judgment of the immortal Lincoln, who said at Gettysburg, in that speech which will carry his fame down to the uttermost end of time, 'They died in order that this Government might live.' Live how? Live, as the argument of the Senator from Minnesota would hold, without restriction and without restraint of any kind, with the States destroyed, with all rights gone, with a mighty despotism built up, and that despotism all the more flagrant and all the more outrageous because it would depend solely upon popular clamor or popular whim as to the existence or nonexistence of an evil.

"Mr. President, there can not be any doubt as to the unconstitutionality of this measure. The distinguished Senator from Oregon [Mr. Mitchell] yesterday asked upon this floor my very polished and eloquent friend, the Senator from Virginia [Mr. Daniel], whether he thought the courts would declare this bill unconstitutional. I should like to ask the Senator from Oregon a question, through the Chair, now, if he will permit me, and that question is this: Does the Senator from Oregon think this bill has for its object the lawful and legitimate exercise of the taxing power?

"Mr. MITCHELL. I am bound to take the bill for what it purports to be. I have seen no reason to inquire of those gentlemen who introduced the bill, or of the committee that reported it, whether there is anything about it that does not appear on the face of the bill; and I have no doubt the Supreme Court of the United States will hold the very same view if it should ever become a law and go before that tribunal for construction.

"Mr. WHITE. Will the Senator vote for a provision declaring that this bill has for its object the destruction and prevention within the States of the things contemplated as declared by the Senator from Minnesota?

"Mr. MITCHELL. No, sir.

"Mr. WHITE. Will the Senator's vote, "yea" or "nay," on this bill be controlled by the fact that it will accomplish that purpose?

"Mr. MITCHELL. At present, Mr. President, I do not exactly see that I am on the witness stand to be catechised.

"Mr. WHITE. I beg the Senator's pardon.

"Mr. President, I put these questions because when the Senator asked the question on yesterday, to me they indicated a depth of political degeneration—of course I do not say this with reference to the learned Senator of Oregon—but I mean of political degeneration of opinion abstractly which can be successfully defended nowhere.

"Who shall say that if this bill is not really a revenue bill and we declare it to be so we will not be concealing our purpose and expressing a fraudulent purpose?

"There has been some question raised about the case of Veazie against Fenno, as bearing upon this issue. It is said, Why, did you not impose a tax of 10 per cent upon State banks upon their circulation, and did not the Supreme Court declare that valid? That case is cited as authority now. It is always the way. It has been that way since the foundation of the Government. If ever a decision is made in any way looking toward the destruction of the lawful powers of the States, arguments have always come up to pervert, to extend, to vitiate, and to amplify in order that there may be authority for a stretch of power and thus take some further liberty from the people. Now, what was the Veazie against Fenno case?

"I know nothing which can throw more light upon a case than the brief of counsel. In the discussion of that case there was no statement by counsel that the question involved was the perversion of the taxing power. The attack made upon the statute was this: That this statute was unconstitutional because it taxed a State corporation.

"When that went to the court what did it say? The Constitution has lodged in Congress the power to regulate currency. In the exercise of that power Congress has authority to wipe out a State corporation by taxation. True the court, arguendo, said that it was either a tax or a prohibition. If a prohibition, the constitutional authority lying back of the statute was found—where? In the clause delegating to Congress the power to regulate the currency. If a tax, it was not illegal, because Congress had the power to use the taxing power to prohibit that which it had the right to prohibit under another provision of the Constitution.

"The case does not cover the question now here. It does not intimate the power to surreptitiously use the taxing power which is here presented. It is true the court, arguendo by the Chief Justice, made use of expressions which may be misconstrued and which are now used to support the contention that Congress has,

by pretending to tax, the power to destroy every limitation found in the Constitution. This case does not so decide. It seems to me that ends this contention.

"This brings me to the oleomargarine bill. This was the situation at that time, and I call attention to it: The statute as originally introduced contained a prohibitive tax. Although there was an enormous pressure for its passage, some of the gentlemen who were called upon to support it and whose constitutional stomachs were not so weakened and enfeebled could not digest it. What did they do? They reduced the tax down within a revenue-producing capacity. That statute recognized the distinction which I made just now between the power of the Government to exercise internal and external taxes, the difference between imposts and internal taxation, since, although in that act they made the impost tax absolutely prohibitive, they reduced the internal to a revenue basis on its face in order to make it constitutional.

"This, then, was a case where motive might deprive the court of the power to examine into the constitutionality of the statute because on the face of the statute it was the exercise of a revenue power. I admit that.

"Mr. MITCHELL. Does the Senator think that a reduction of the tax in this case to such a figure that it would admittedly be the means of raising revenue, and under which parties engaged in these transactions would go on, would render this bill constitutional?

"Mr. WHITE. Does the Senator mean leaving in the $2 tax?

"Mr. MITCHELL. No, sir. The point is this: Suppose the tax were reduced to a revenue basis so that the tax would be paid, in which event it would clearly be a revenue bill according to the ideas of the Senator from Louisiana.

"Mr. WHITE. Oh, I must beg the Senator's pardon. The Senator must understand the distinction. I am speaking now of the power of the court on the face of the bill. The bill might, on its face, be a revenue bill, and might to me be constitutional. But in the exercise of my function here I would not vote for any bill if it raised a fraudulent revenue, provided I thought it was intended to prohibit.

"Mr. MITCHELL. I understood the Senator to say that because the tax was reduced so that it was for revenue on its face that enabled the court to declare that it was constitutional.

"Mr. WHITE. I say that would have enabled the court, and it enabled the President to not veto it, because, Mr. President, it is perfectly self-evident when a bill which is a revenue bill comes to me for consideration as to whether I will vote for it or not, it may be to me—if I may be allowed to use the word, a philosophical word—subjectively unconstitutional, not unconstitutional per se, and I may not vote for it as constitutional, because I know that although it is a revenue bill, there is a purpose of destruction and prohibition contained in it. But when it comes to the court, the court can only look at it objectively. The court must look at its provisions, and if on its face it is a revenue bill, if on its face it be for the purpose of raising revenue, the court will say that it can not consider the motive, but must decree its enforcement.

"Yet where on its very face it is not a revenue bill, then even objectively to a court it is unconstitutional, and the court, in my judgment, doing its great duty, will stamp upon it the brand of unconstitutionality. I think the distinction is very clearly drawn in the message of Mr. Cleveland in which he announced his signature to the oleomargarine bill:

> "It has been urged as an objection to this measure that while purporting to be legislation for revenue, its real purpose is to destroy, by use of the taxing power, one industry of our people for the protection and benefit of another.
>
> "If entitled to indulge in such a suspicion as a basis of official action in this case—

"Now, here are the two cases, one 'if entitled to indulge in such a suspicion,' and what?

> and if entirely satisfied that the consequences indicated would ensue, I should doubtless feel constrained to interpose Executive dissent.

"That is the illustration. That is the object lesson, for objectively when this statute came to him within its four walls there was a revenue created, and he, in the exercise of his Executive power and Executive prerogative, did not come down and go into the hearts of men and do that thing which God alone can do, search out the understandings of men and know their wicked purposes. He took the object as it came to him and passed upon it as such, but he was careful to say in this message that if that bill had not presented that aspect to him, he would have been constrained to exercise the Executive veto.

"I hold in my hand, which I will print as a part of my remarks, the revenue collected from the oleomargarine tax.

Statement showing total receipts from all oleomargarine sources for each fiscal year from November 1, 1886, the date the oleomargarine law took effect, to June 30, 1891, inclusive.

Oleomargarine.	Eight months ended June 30, 1887.	Fiscal year ended June 30, 1888.	Fiscal year ended June 30, 1889.	Fiscal year ended June 30, 1890.	Fiscal year ended June 30, 1891.	Aggregate receipts.
Oleomargarine, domestic and imported	$435,924.04	$653,355.10	$677,302.40	$619,205.72	$871,488.44	.....
Manufacturers of oleomargarine (special tax)	31,700.00	17,150.00	12,400.00	11,700.00	6,950.00	.....
Retail dealers in oleomargarine (special tax)	154,924.00	123,258.54	130,631.51	100,068.00	146,293.70	.....
Wholesale dealers in oleomargarine (special tax)	101,400.00	70,376.24	73,914.00	55,318.00	53,192.00	.....
Total	723,948.04	864,139.88	894,247.91	786,291.72	1,077,924.14	$4,346,551.69

"The aggregate receipts have been $4,346,000, and the revenue has been increasing day by day and year by year. Will anybody say that that statute is on all fours with this? Will anybody hold that a bill which has raised more than four millions of revenue, and where the revenue has been accumulating year by year, is like unto a bill which within its necessary intendment and on the very face of the statute not only is not intended to raise revenue but, on the contrary, can not under its terms raise a dollar of revenue?

"There are gentlemen upon this floor, my peers in everything, my peers in heart, and my superiors in head, who have said to me that they could not see the distinction between those two statutes.

"Mr. MITCHELL. Will the Senator allow me?

"Mr. WHITE. Certainly; with pleasure.

"Mr. MITCHELL. I understand the Senator concedes that that bill was constitutional.

"Mr. WHITE. As regards the President, when it came to him.

"Mr. MITCHELL. Just as well as when it was before the Senate.

"Mr. WHITE. I never conceded that; on the contrary, I disclaimed it.

"Mr. MITCHELL. But as it came to the President?

"Mr. WHITE. I say that it was constitutional, objectively, when it went to the President. It was unconstitutional, subjectively, as it was passed upon by the Senate. That is what I say, and my words can not be distorted. If the difference between object and subject do not present themselves to the Senator's mind, if the darkness of night and the light of day do not penetrate his mind, I must ask for some greater power of explanation than I have.

"Mr. MITCHELL. My perceptions may be somewhat obtuse, so far as that is concerned, but I wish to understand the Senator, if it does take a long time to get at precisely what he is driving at. I confess I am a little confused, although I am very much interested in his very able and interesting argument.

"The Senator concedes that the oleomargarine bill after it came from the President was a constitutional act; that act was constitutional because not only on its face but the very purpose of it, considered from every and any standpoint, was to raise revenue, as I understand the Senator.

"Suppose the tax provided for in the pending bill was reduced to 5 cents, instead of being at $2; suppose the tax were reduced to a sum where all would admit that revenue would be raised to a point where under the law parties would go on and make these contracts and pay the tax. Now, the Senator will admit, so far as that particular aspect of the case is concerned, it would be a proper exercise of the taxing power.

"Mr. WHITE. I beg the Senator's pardon——

"Mr. MITCHELL. One moment. So far as that particular aspect of the case is concerned, I suppose the Senator will concede that that would be a proper exercise of the taxing power; but whether the object to which it is applied is a proper one is perhaps a different question. The object to which the tax was applied in the oleomargarine act was a representation of butter, but in this case it is proposed to be applied to certain contracts.

"Now, I understand the Senator's first objection to this bill is that it contemplates invoking the taxing power when the real

purpose is not to raise revenue, but to crush out certain things I understand that is the first objection of the Senator. But suppose that was avoided in the way I have suggested, then is the other and the only objection that the Senator has to this bill that it interferes with what he regards as valid contracts between parties in a State? Is that it?

"Mr. WHITE. Mr. President, I have endeavored to make myself reasonably clear. What I say is this, that if a bill actually raises revenue and is presented to my mind, in the exercise of my duty, under my oath of office here, I have two questions to ask myself: Is this a bill raising revenue? That is the first question. If I determine that question in the affirmative, the lamp of my duty might lead my mind toward supporting that bill, but it could not carry me to that point unless another question were also answered, and that conveys the entire answer to the Senator's question. Is it an honest exercise of the taxing power, or is it a dishonest scheme to raise revenue and accomplish another purpose? If my mind in the exercise of my duty here found that either of these things existed, then, although it was a bill raising revenue, I would not vote for a dishonest bill raising revenue.

"Mr. MITCHELL. But suppose there is no objection, so far as that aspect is concerned, then I want to get the other objection.

"Mr. WHITE. If I were the Executive or a judge and the bill came to me, then, having passed out of this sphere and into another sphere where motives could not enter, I should say the sole question presented to me was, Does it raise revenue on its face? And if so, I would hold it constitutional.

"Mr. HIGGINS. Will the Senator yield to me for a question?

"Mr. WHITE. Certainly.

"Mr. HIGGINS. I should like to ask the Senator from Louisiana whether he considers that the power of the President to veto a bill which has passed the two Houses of Congress is confined, in his opinion, to its unconstitutionality, or whether he has not just as much power as the House of Representatives or the Senate to consider the motives which may be behind the bill?

"Mr. WHITE. I beg the Senator's pardon. I did not quite catch his last sentence.

"Mr. HIGGINS. I will again state my question. I ask whether the Senator considers that in vetoing a bill the President has no power to do it on any other ground than that it is unconstitutional in his opinion, or whether he has not the power to go behind the motive as much as a Member of either House of Congress?

"Mr. WHITE. I hope that when the mantle of the Presidency falls upon the distinguished Senator from Delaware he will decide that question for himself. I shall not enter into that discussion now.

"Mr. HIGGINS. The Senator has assumed that such a bill as the oleomargarine bill could be signed by the President, and was signed by President Cleveland, within his power and competency, on the ground that President Cleveland could not go behind the motive of the bill or to the motive of the bill?

"Mr. WHITE. The Senator from Delaware falls into an error. I have said nothing of the kind. I read the declaration of the President, and I said whether he was right or whether he was wrong—and only God himself is always right—in the exercise of his authority and of his power, under his mission and mandate under the Constitution, within those limitations that he thought he should exercise in the discharge of the duties of his great office he signed the bill for the reasons given by him, and I am not here in the discussion of the present subterfugeous and cheating system of taxation to be led astray into a discussion of the power of the President in the exercise of his veto.

"Mr. SANDERS. Mr. President——

"The VICE PRESIDENT. Does the Senator from Louisiana yield to the Senator from Montana?

"Mr. WHITE. I would rather not yield further, if the Senator will pardon me. I am heated, and I have got an extended argument to make. If the Senator will just allow me to proceed with my argument, I shall be obliged to him. I do not intend to be discourteous to him.

"The VICE PRESIDENT. The Senator from Louisiana declines to yield.

"Mr. WASHBURN. Will the Senator allow me?

"Mr. WHITE. I will yield to the Senator in charge of the bill.

"Mr. WASHBURN. In the article of Judge Cooley in the Atlantic Monthly for April he takes the ground squarely and unqualifiedly that the taxing power of the Government could be invoked to destroy lotteries, not for the raising of revenue but for the absolute destruction of lotteries in the country, and he claims that that is the only way that it can be permanently accomplished. Now, let me ask if there is any distinction between the position taken in regard to lotteries and the suppression of a very much graver character of gambling than selling lottery tickets?

"Mr. WHITE. In the comment I made upon the excerpts from Judge Cooley, to which the distinguished Senator referred, I confined myself solely to the quotation made, and I read that quotation. That quotation refers to imposts, and therefore I discussed the particular question. I can not discuss here all the opinions of Judge Cooley in a magazine article, upon every conceivable question, but I may say to the distinguished Senator, in answer to the question which he puts me, that there has been no man in these United States more unalterably opposed to the extension of the Louisiana lottery than I. When my people were clamoring for its suppression and crowding upon me petition after petition to introduce a bill suppressing the Louisiana lottery by the exercise of the power of Federal taxation, I said to them, 'Great as is this evil, there is an evil yet greater, and that is the disruption and the destruction of all the great principles of our Government by calling upon the Federal Government to do an illegal and unconstitutional thing.'

"Mr. WASHBURN. The Senator has not answered the question which I proposed, which was whether there is any distinction, whether if we have the power to suppress the Louisiana lottery or any other lottery by invoking the taxing power, we have not the same power to invoke it to suppress gambling in food products?

"Mr. WHITE. I will discuss that question when I come to it. I have already said that I declined to introduce a bill taxing the Louisiana lottery by the Federal Government because I thought it violated the Federal Constitution. That is an answer to the Senator's question.

"Mr. President, I have reviewed the proposed statute from its constitutional point of view, but I wish to approach it from another point of view; and in looking at it in this way I entirely put by the constitutional question, I eliminate that entirely from what I have to say. I am supposing now that this proposed statute is within the walls of the Constitution. What then? Should we look only at constitutional questions? If the distinguished Senator were to introduce a bill to-morrow, taking the property of the Senator from Missouri and giving it to the Senator from Georgia, and it were within the Constitution to do so, would I vote for it because it was constitutional?

"There are great principles which underlie constitutions and which should control all legislation. There are great elementary conceptions of government, of English-speaking government, born coeval with our race, and which have made our race the dominating race of the world. We should follow them. Every elementary principle known to English-speaking legislation is violated in this bill in every line and every page of it.

"Let me see if that is true. What does the bill say? The bill defines options. The bill defines futures. Is the definition general in both cases? It is. Now, if the proposed statute stopped there and contained its penalties, then every human being and every contract for options and futures wherever our administration extended would be brought within the provisions of a general statute. Does this bill do that? No; it is discriminating from one end to the other; it is flagrantly and openly discriminating.

"After defining options and futures, then the bill goes on to say, not that all contracts of that kind within this broad land shall come within the reach of this general statute; no, but it picks out particular things and particular subjects matter to make them alone the subjects of the general law, which, if it has any foundation in public necessity or public right, should operate over a sway as broad as our jurisdiction.

"Now, to what is the bill applied? Let me read. I have it here, and I will stop a moment and read it. Just think of it! Here are these contracts, and here are these general definitions. What does it, the bill, say?

> "That the articles to which the foregoing sections relate are raw or unmanufactured cotton, hops, wheat, corn, oats, rye, barley, pork, lard, and bacon.

"And there it stops. Of all the vast objects of contract in this land it makes a general definition, and then singles these out alone to cover them by the provisions of the statute. Is there a Senator who does not admit that from the day of Magna Charta down the first and the elementary principle laid down by English-speaking people is that general laws should operate generally and that no discrimination should be exercised? The distinguished Senator from Mississippi [Mr. George] helped to frame a constitution in his State recently. I venture to say that in the exercise of the power vested in the Legislature of the State of Mississippi this discriminating

clause would be stricken with constitutional paralysis because it was not a general law.

"There is not a modern State constitution in this Union which has not put its anathema on discrimination. How then is this bill justified? I do not know. By what rule has it been written? What has been the prescience which has looked over all this land and picked out these particular objects to make them alone the subject matter of this discriminating law?

"Mr. President, be the clamor what it may, I know my people well, and I should not be afraid to go with my vote before them with this third section in my hand and invoke their ordinary sense of common American fair play and feel absolutely confident of their denunciation of this attempt to discriminate in favor of one product as against another product.

"How is this justified? I have heard some talk about agricultural products. My mail has been burdened every day for a month almost with some circular gotten up by some committee somewhere. The Senator says that this bill is in the interest of the farmers, that the farmers are scattered, that they are not organized and can not protect their rights, and therefore they must be looked after. My mail has been burdened with private letters, telegrams, circulars, newspapers, pamphlets in favor of the bill which has engendered in my mind a deep-seated alarm that there is a mighty conspiracy against the consumers of the country and in favor of certain favored persons, and I think I can demonstrate such to be the fact before I take my seat.

"Now, take food products. Does this bill embrace food products? Is cotton a food product? How does cotton get into a food-product bill? Where are butter and cheese and cattle and all the thousand other food products which are left out of this bill, which is called a food-product bill? You have in the bill things which are not food products, and you have not food products in, and yet it is said a great clamor comes up for this bill from the American people, because it is a bill to protect food products. If we are going to protect food products let us protect them; do not let us discriminate.

"Mr. WASHBURN. Cotton is an agricultural product.

"Mr. WHITE. I am coming to agriculture. The trouble is that this bill is so incongruous that I defy any Senator to take a single heading and classify under it the arbitrary selection of subjects which are brought within its provisions. I shall not forget agriculture. Here are agricultural products. Is butter in the bill? Is cheese in the bill? Is hemp in the bill? Are cattle in the bill? Are horses in the bill? Are mules in the the bill? Are sheep in the bill? Is wool in the bill? Only, Mr. President, in so far as the bill pulls the wool over our eyes on the agricultural question.

"Mr. WASHBURN. If the Senator will allow me, they are not in the bill for the reason that they are not bet on in the gambling resorts of this country. That is the reason they are not in the bill.

"Mr. WHITE. I am coming to that. That is a confession of the discrimination, of the favoritism by which the items have been arbitrarily selected. If the gambling spirit is what the Senator thinks, then this bill is going to close the exchanges to these products and open the bucket shops and gambling saloons all over the country to the products which he discriminates against. Then we must write in the title of this bill 'An act passed by the Congress of the United States to stimulate gambling in the agricultural products, and to encourage the opening of bucket shops by forbidding gambling in a few products and licensing as to all the others.'

"But, Mr. President, what a proposition, that these things are picked out for anathema and denunciation because they are dealt in on boards of trade! God of mercy, in this age of the world are we to shut our eyes to every teaching of the English-speaking race? Are we to confess that we are more ignorant than were our forefathers 200 years ago?

"Why, sir, what is the history of English commerce? What has enabled it to carry on its wings the light of civilization and religion and truth all over this world? What has done it, sir, but the organized energies of the great commercial bodies of the world, speaking through their chambers of commerce and their boards of trade? The very structure of our Government, almost the very fiber of this Government, was evolved in that country which preserved its liberties by the efforts of its great bodies of merchants assembled together for the purpose of trading. The very essence of trade is liberty itself; intercourse engenders the immortal spirit of liberty from the very fact that men gather together in the interest of commerce, which needs the wings of liberty and of peace to spread itself in enlightening and improving the world.

"Let us see what the argument of the Senator would lead us to. What are these boards of trade? They are merely the aggregation of merchants who meet in a room to collect the information necessary to enable every man to trade on an equal footing. The telegraph, the reports of all kinds, the bulletin board, everything open; so, if I may be pardoned in the use of such a slang expression, there is a fair and square deal, and the man who buys and the man who sells, all possessing the information which is garnered all over the whole world, deal on an equal footing.

"Mr. President, boards of trade are true evolutions of that doctrine of equality which has dominated the world, the equality and liberty of man. The poor man with small capital who goes into the great chambers of commerce and the boards of trade with all the information exposed to his view, needs to protect himself from being gouged and destroyed only the light of the reason which God has given him. It is putting him on an equality with the rich. The purpose of this bill, then, is to strike down all the trading which can be done at an equal advantage, and to stimulate the trading where the small man will be at the mercy of the big man. Its purpose, then, is to allow trading where all the protections which modern society and modern commerce have evolved will be destroyed.

"[At this point the honorable Senator yielded the floor.]

"Friday, July 22, 1892.

"Mr. WHITE. Mr. President, when I surrendered the floor yesterday I was discussing what I conceive to be the confusion and the discrimination in the terms of the bill as to the provisions creating or defining the acts which the bill prohibits, or virtually prohibits, so as to show that the objects embraced in those definitions were defined by no rule, followed no coherent or consistent line of thought, conflicted one with the other, and were utterly and entirely irreconcilable. If we view the bill as classifying the products as agricultural products, then a vast number of agricultural products were omitted. If we view the bill as a classification of food products, it omits many things which are food products.

"In answer to that argument the Senator from Minnesota [Mr. Washburn] yesterday said that the line of thought along which the bill proceeded was to reach the things which were traded in on boards of trade. The argument which was had yesterday I think led up directly to the conclusion that if that were the line of thought which dominated the bill, then the necessary effect of the bill was to increase instead of decreasing gambling and speculation, because as this system of gambling and speculation has its origin in the inevitable tendency of the human character to take risks, particularly under the conditions of modern life, the exclusion of a few articles which were gambled in to-day, leaving the vast sum of human products out of the inhibitions of the bill, would simply deflect the channel of gambling from the bed into which it now flows into a wider and deeper and stronger and a more pernicious stream of gambling.

"I called attention, however, I think, yesterday to the fact that there was in my judgment a philosophically fundamental mistake in attempting to forbid speculative tendencies on boards of trade where that tendency could be executed with reasonable honesty and with reasonable precautions, and encourage and foster speculation where those restraints and restrictions and precautions did not exist.

"Last night my attention was called to a discussion of this question in a work on political economy, which seems to be so apposite, so entirely to embrace the subject matter of this discussion, that I will send to the desk and have read the paragraph to which I wish to call attention. Mr. Clerk, please begin at the top of page 100 and read to the mark at the end of page 101.

"Mr. STEWART. What is the work?

"Mr. WHITE. Denslow on the Principles of Economic Philosophy.

"Mr. STEWART. That is first rate. He is the ablest man who has written on that subject.

"The Chief Clerk read as follows:

"It is a singular fact that markets have been the subject of popular prejudice and moral objection, almost in proportion to the perfection with which they economize time, transportation, and effort, and equalize prices. The proper meaning of a market is not merely the place set apart in which buyers and sellers may meet with their goods, but all that territory, with its groups of buyers and sellers, consumers and producers, of which the residents are so brought into union and contact with each other by the mutual intelligence which arises through reciprocal commerce that one price is arrived at by all with facility and promptitude.

"A market rises into its highest efficiency and value when it concentrates into one focus so large a portion of the buyers and sellers of a certain commodity as to become, in conjunction with one or two other markets of the same kind, an authoritative standard of prices of the articles in which it deals, for all buyers and sellers through the world. By aid of the quick intelligence which the telegraph supplies and of the

swift transportation which steam affords the whole world is thus converted into one market having one price, subject only to cost of transportation of the product between the point for which the price is quoted and all other points. Such markets are the Bourse of Paris for stocks and securities, the London Stock Exchange as well as the London Produce Exchange, the Liverpool and New York Cotton Exchanges, the New York Stock Exchange, Produce Exchange, and Real Estate Exchange and formerly the Gold Room and the Boards of Trade (grain and provision exchange) of Chicago, in conjunction with those of the other western cities and that of Liverpool.

"Concerning these exchanges Prof. Jevons says: 'The theoretical conception of a perfect market is more or less completely carried out in practice. It is the work of brokers in any extensive market to organize exchanges so that every purchase shall be made with the most thorough acquaintance with the conditions of the trade. Each broker strives to gain the best knowledge of the conditions of the supply and demand and the earliest intimation of any change. He is in communication with as many other traders as possible in order to have the widest range of information and the greatest chance of making suitable exchanges. It is only thus that a definite market price can be ascertained at every moment, and varied according to the frequent news capable of affecting buyers and sellers. By the mediation of a body of brokers a complete consensus is established and the stock of every seller or the demand of every buyer brought into the market. It is of the very essence of trade to have wide and constant information. A market, then, is theoretically perfect only when all traders have perfect knowledge of the conditions of supply and demand and the consequent ratio of exchange; and in such a market as we shall now see, there can only be one ratio of exchange of one uniform commodity at any moment.

"Mr. WHITE. Mr. President, the object of the bill, the very classification defined in the bill, is to exclude the products which are dealt in on this kind of a market, and leave outside of the operations of the bill the products which are dealt in in another or unrecognized market. I send up to the desk and ask to have read the description of the other market to which the things not brought into the bill are relegated. I have marked the passage on page 109 of the same work.

"The Chief Clerk read as follows:

"In the sale of carriages, pianos, jewelry, clothing, and other things which do not admit of such an authoritative contest over the price, there is great inequality in the prices at which two persons in the same city on the same day may buy two things of the same kind and of equal value. Hence there is great cheating in such trading. One may pay $200 for a watch which another buys for $100. There is no standard. In all these grades of goods long credits must be given, as the dealers must hold the goods until they reach consumers.

"But in articles dealt in by produce exchanges the price is advanced to the producer, and his crop can always be sold if he desires even before it is harvested. Hence the authoritative manufacture of prices confers somewhat the same benefit on a community as is conferred by an authoritative system of law, religion, manners, and ethics. It enables every man to know each moment how he stands relatively to the results of his past exertions, what they have cost, and how much he can get for them.

"Mr. WHITE. Such, Mr. President, is the description of the market destroyed by the provisions of this bill. The agricultural products which have the safe and the sound and the enlightened and the progressive market as defined in this book, and, as resulting from the nature of things, have the hands of palsy put upon them by this proposed statute, and dealers are relegated to the character of market as defined so clearly by this author, where cheating and lying necessarily from the nature of things obtain.

"I think that is a complete exposure therefore of the discrimination which is found in the bill as to the nature of the products embraced within it. But there is an answer yet more conclusive as to this discrimination. If the purpose and object of the bill is to strike with palsy transactions on boards of exchange, on boards of trade, why is it that the terms of the bill leave out all that vast body of property running up into the hundreds or thousands of millions, the bonds and stocks and values of every kind in this country, which form the great sum of the speculation of the country? If the vice of gambling and the tendency of gambling is what is reached by the bill on boards of trade or exchange, why is it that the bill leaves the New York Stock Exchange and all the other great stock exchanges in this country open, where values exceeding in value the things included in this bill are dealt in, by the very methods and by the very procedures which the bill condemns? By what rule will we here, legislating for a whole country, say that we will make our legislation partial; that we will select one class and leave out other and greater classes by applying the rule which the distinguished Senator has announced?

"Mr. President, this discrimination as to the things which are made the subject matter of the legislation in the bill is, in my judgment, far the least discrimination which the bill contains. The discrimination which hitherto I have demonstrated is as to the object to which it is applied. There is a broader, deeper discrimination in the bill as to classes in this country. I find in the testimony a statement by the president of the Milwaukee Chamber of Commerce as to the class distinction which is carried in this bill, which strikes me with so much force that I send it to the desk to be read.

"Mr. GEORGE. What is the name of the witness?

"The Chief Clerk read as follows:

"Mr. Bacon, of the Milwaukee Chamber of Commerce:

"Now, I wish to call attention to the fact that this legislation, if it is to have the effect which it is expected to have, and which is undoubtedly the object of the promoters of this measure, is legislation in favor of a class—in favor of the producing class; and if it produces the effect desired, it is legislation against the interest of the consuming class. It stands to reason that whatever enhancement of value may inure to the farmer falls necessarily upon the consumer.

"The census of 1880 (the figures for 1890 are not yet prepared) shows that the number of persons engaged in all gainful occupations of the country were 17,392,000, in round numbers; of those engaged in agriculture there were 7,670,000, constituting 44 per cent of the whole. Those engaged, as it is termed, in gainful occupations comprising the mercantile and manufacturing and mining interests of the country; those engaged in agriculture comprising all who are engaged in any branch of agriculture, not only in the raising of grain and live stock, but florists, tree men, and every branch of agricultural service; showing that 44 per cent of the population is directly interested in the production of agricultural products of all kinds. For the benefit of that 44 per cent the other 56 per cent of the population, if the objects of the bill be accomplished, will be taxed; or, to speak more properly, they are to be deprived of the benefit resulting from the operations of the natural and established laws of trade in their favor in order that 44 per cent of the population may receive a benefit. Now, the injustice of that is apparent on its face.

"But I wish to go a little further on that point. Of those engaged in agricultural pursuits, the number so engaged in the 10 cotton States is 2,837,000, which, deducted from the whole number engaged in agriculture, leaves 4,833,000 presumably engaged in the production of cereal and meat products, which represents a percentage of 28 of the aggregate. Instead of those who are raising cereal products, who are supposed to be benefited by this bill, being 44 per cent of the whole, it would be only 28 per cent of the whole. Those who are engaged in raising cotton are, of course, consumers of cereal products and of meats which are raised in the North, and they become sufferers in consequence of the enhanced values that are expected to result from the operation of this bill. I believe these expectations to be false, and that they will not be realized. But it is the purpose of the promoters of the bill to produce this result for the benefit of those engaged in raising cereal and meat products of the country, and if it does produce that effect it benefits 28 per cent of the people at the expense of 72 per cent of the people. Now, I submit whether this is fair legislation, to say nothing of the wisdom of it.

"Mr. WHITE. Now I send up to be read the opinion of Mr. Pillsbury as to the effect of this legislation if the purpose of its authors is successful. I desire to say before the Chief Clerk reads the excerpt that in the course of my remarks to-day I shall have occasion to refer to Mr. Pillsbury as an authority on the subject matter under discussion. At the very outset I wish to distinctly announce the fact that in referring to Mr. Pillsbury I intend by no way, directly or indirectly, in the remotest possible manner to refer to the distinguished Senator from Minnesota because of the fact that he has a business connection with Mr. Pillsbury.

"There is no Senator on this floor for whom I have a higher respect and a more profound admiration than the Senator from Minnesota; and if I make these references in the discharge of my duty I wish to enter at once a disclaimer of any possible imputation that in any way in the world I wish to indicate that I think the distinguished Senator is impelled in his course on this bill by anything but the highest sense of public duty to his country.

"The Chief Clerk read as follows:

"Senator PLATT. Then comes the other question which I was going to ask: Suppose this bill can be passed; do you think it would have any effect on the average price of wheat for the year?

"Mr. PILLSBURY. I think decidedly it would.

"Senator PLATT. Would make it higher?

"Mr. PILLSBURY. Yes, sir.

"Senator PLATT. And then the people who eat the wheat would have to give more for it?

"Mr. PILLSBURY. They would.

"Senator PLATT. Do you think that is a good thing?

"Mr. PILLSBURY. Yes, sir.

"Senator PLATT. To make every man who eats your flour pay more for it in consequence of legislation?

"Mr. PILLSBURY. Yes, sir; so long as this country is an exporter of wheat and raises one-third more wheat than it consumes. If we can keep the price of breadstuffs on a higher level, as it is well known that the little farmers have not had living prices for their wheat, I think it would be a good thing for the country, taken as a whole, and I think that Connecticut would be more prosperous if the people of that State had to pay a dollar or two more for their flour; I think that the general buying capacity of the Northwest and wheat-growing States would be that much increased. That is my doctrine of political economy.

"Mr. WHITE. Now, Mr. President, let us admit that the theory of the proponents of the bill is true, these consequences will follow. Are they just? Is there a Senator who admits that we should legislate in favor of one class and against the other?

"Mr. WASHBURN. Will the Senator allow me just a moment?

"Mr. WHITE. Certainly.

"Mr. WASHBURN. Does not the Senator think it is fair both to the producer and to the consumer to allow the law of trade and supply? My idea is that there should be no artificial change

whereby prices are made either one way or the other from the legitimate law of supply and demand.

"Mr. WHITE. I, of course, anticipated and was approaching the objection which the Senator makes. But it seems to me there is a confusion of thought in the Senator's mind; I say it with great respect. Is not the right to make a contract for future delivery as much a right as the right to make any other contract? Has not the Supreme Court of the United States recognized that a future contract was a valid contract? Is not the sum of human liberty the right of a citizen to deal as he pleases and with such freedom as belongs to everyone?

"Of course, just legislation ought to balance every man's right equally and leave every man his freedom. But when it is proposed to restrain a man of his natural liberty to make a contract, which right inheres in him, with the object and purpose of bettering one class to the detriment of the other, I submit it is vicious and wrong in legislation.

"The only answer I find in the testimony is that there is such a solidarity between all classes of a community that if you benefit one the reflex resultant of this benefiting of one will so help the one who is injured as to cure the wound which you will have inflicted by the statute. That is the argument. I shall not attempt to answer it now. Suffice to say that this is the argument put all through this testimony by those who urge this bill. I shall have occasion, I think, in a few moments to show that while they put this argument for the purpose of defending this part of the bill, when they reach another part of the bill which is subject to attack, they deny the solidarity which they affirm here for the purpose of defending this provision.

"Now, let us see if there is not another discrimination in the bill, a discrimination as to persons. The second section of the bill, after defining futures and options, says what? It excepts certain persons from every provision of the bill, and who are those persons? The Government of the United States and every town and municipality. Now, what is the theory of this bill? The theory of the bill is that these dealings are wrong, that they ought to be forbidden. It looks to me as very bad public policy to denounce a thing by a prohibitory tax and then immediately declare that the Government may do it. That looks to me indefensible. What answer does the distinguished Senator make to this objection? He says, and I quote from his speech:

"The United States or any State, Territory, county, or municipality do not come within the provisions of this section, for the United States, or any State, Territory, or municipality do not make their purchases of supplies of boards of trade, but they are usually made by receiving bids or proposals from parties who have the articles desired to be purchased.

"The Government is excepted from the operation of the bill because the Government deals with people who have the objects which they propose to offer. Is not that entirely inaccurate? Does not everybody know that nearly all the supplies which are furnished this Government are tendered to the Government by people who have not got them and who have to acquire them? The very coal which is to heat this building at the next session of Congress has been contracted for, I am told, by one who is a coal dealer, and he has a contract for future delivery with a miner who is to mine it.

"Therefore this exception is all wrong. It is a plain discrimination. The reason given for it is wrong. The reason given for it strikes me as a very confused reason. If the terms of the bill do not reach the Government, then why is the Government excepted? The very making of the exception in the bill under every elementary rule of construction is a negative pregnant with the affirmative that if the exception were not made the Government would be included; and yet the Government is excepted on the ground that the bill does not cover the Government, when if that be accurate there was no necessity for the governmental exception whatever.

"Let me show by a curious coincidence how remarkable this exception is. One of the subject matters included in the bill, and, as I hope to demonstrate later, will be ruined by it, is cotton. Where did dealing in futures in cotton arise? Such trades in cotton futures arose in dealing with the Government. This is shown by an examination of a work which is the most authoritative work on cotton, Mr. Donnell's work, the accepted authority with everybody in the cotton trade. Mr. Donnell was a broker of great merit and high character, who, having accumulated a competency, has retired from business and devoted himself to the literature of this subject. In discussing the question of the origin of the future delivery of cotton he says:

"Contracts for future delivery.—This business commenced during our Civil War.

"Speaking of cotton:

"Some of our manufacturers entered into large contracts with the Government, and covered themselves by purchasing the raw material for delivery at some future time. The price, within certain wide limits, was then of much less importance than the certainty of getting the cotton when needed.—(E. J. Donnell's History of Cotton, p. 614.)

"Now, the Government is excepted from the operation of this bill on the ground that the bill does not apply to the Government; therefore showing that the exception ought not to be here. It is excepted on the further ground that people who sell to the Government have the property, when such is not the fact. Here the development comes that the very origin of dealing in futures in cotton came from contracts with the Government made during the Civil War. It seems to me this answer is complete——

"Mr. WASHBURN. Was it made on a board of exchange?

"Mr. WHITE. I have already answered the Senator's argument about the board of exchange. I have already demonstrated, I think, that trade can be a great deal more safely made on a board of exchange, where all the dealers, all the sellers, and all the buyers are congregated, where there is an ascertained and established price, than it can be made where such a thing does not exist.

"Let us take the distinction as to persons. The farmer has been left out from the prohibition of the bill. I think hereafter, when I come to another part of the bill, I can show that this is an illusory jack-o'-lantern exception left in this bill to lure the farmer on to his destruction. But suppose I should not demonstrate that, by what theory are we to say, here is a class of contracts which we strike with moral and legal inhibition, and then immediately take out of the reach of the inhibition a certain favored class of persons?

"Mr. President, the germ of more harm to the farming class lies within that exception than words can tell. They, above all other people in the race for honest government, require no discrimination. They, above all other people, must guard themselves against the arbitrary exercise of governmental power for the purpose of favoring classes. In this proposed statute the illusory concession which is made to them is sure to become the fruitful source of untold injuries to come hereafter.

"But it may be said the farmer makes the crop; the farmer intends to get a crop. This bill only allows him to sell the crop which he has in process of fruition or which he intends to make, and it uses that expression. Does that differentiate the proposition? Is the farmer's intention to make his crop any more serious than may be the intention of the man who contracts to deliver a thousand bushels of wheat on a particular day? Is the realization of his intention any more possible? Is the certainty that the intention which is in his mind is going to take life and being by the production of that crop any more certain than would be the ability of a man of fortune, with the money in bank, to buy the product that he is going to buy in the fulfillment of a contract? Is it not absolutely certain, on the other hand, that the risk of not being able to fulfill, whatever may be the honesty of the intention, is greater in the farmer's case than it is in the other?

"There is the exception written into this bill of retail dealers, and I suppose other exceptions. I think that makes this an exceptional bill, so entirely exceptional that I think it ought to be beaten.

"But let me call attention to another thing. All through this testimony—and I want to emphasize this fact—all through this testimony there is the admission that it is absolutely essential for the successful commercial sale of the things which are stated in the bill that trade for future delivery in them should not be hampered. Even the persons who most favor this legislation in their testimony say we would be against this legislation if it hampered legitimate trade. The distinguished Senator from Minnesota in his speech on the bill said:

"I desire right here to distinctly state that it is not the purpose of this bill—neither does it—in any manner whatever to interfere with the bargain, purchase, or sale of any product or property where the party making such sale is the owner thereof or where he has a contract for the ownership or right of possession of the same.

"It neither seeks nor does it in any way interfere with the freedom of commerce, but leaves legitimate trade without restriction or hindrance.

"These words were delivered in a discussion of this bill with the twelfth section in it, with the twelfth section in it which imposed a license of $2 upon all trade in actual cotton, even the trading taken out of the operation of the definitions in the bill. It is said of this bill to-day, which, even after the motion to strike out the twelfth section has carried, leaves the thirteenth section in it—that section provides that wherever an internal-revenue collector has reason to believe or to presume that any man is doing the things forbidden by the act, although he be making the future sales which are allowed, shall have a right to call for and inspect his books and business.

"The freedom from unreasonable search arose with Magna Charta; have we come now to this state of things in the American Senate that a contract which all the courts have declared to be lawful, which the bill admits to be lawful, is submitted to the right of search upon the mere suspicion of an internal-

revenue officer? Yet the declaration is made that there is no intention in this bill to interfere with the freedom of trade. The earnestness of purpose and the zeal of the distinguished Senator, the evil which he sees and wishes to cure for a great public purpose, have so dominated his mind and clouded his vision that there lies a fog between his mind and the great and elementary principles of American Government; he sees freedom where I see slavery and oppression.

"Mr. President, let me pass away from these things. I wish to discuss the essential features of the bill now. I have discussed it hitherto on the theory that it was unconstitutional. I have taken up its contrarieties, and its confusions, and its contradictions, and its stipulations against human liberty and elementary rights. I propose now to turn my back upon all that. I propose to urge the defeat of this bill, supposing that this was a body with no restriction on it whatever, that this Senate was the most untrammeled and absolute legislative body in the world, that the Constitution was a myth, and all the restraints of English-speaking government a mere chimera which we had forgotten and which we were never to recall. I say, looking at this bill from this point, it is pernicious and vicious; that it will strike a blow at the commerce of this country the length and breadth and width and depth of which no human mind can compass until its results of disaster have worked out. Let me see if that is true.

"There is an elementary principle of legislation that in matters of commerce the wisest, safest, best, the most enlightened process is to accept the judgment of the men who by long commercial training and long commercial experience have a knowledge of the commercial subject matter in hand. That is an elementary rule. There is not a court, I think, in this land sitting to-day with a jury impaneled between man and man—I do not know how it is in the other States; I know it is so in mine, and I know it is laid down in elementary books on evidence—that if a complex commercial question were presented to that jury a commercial expert would not be allowed to testify. All the great reforms in our system, the protection of innocent holders, the rights accorded to third parties, all our system of insurance, all our system of maritime law, are not originally the creatures of statute. They were all brought forth from a mighty evolution, which treated the aggregate sense of the commercial world on a commercial question as the aggregate common sense of mankind.

"Now, what is the fact about this bill? There is a persistent, consistent, a universal declaration of all the commercial bodies in this country against this bill, and specifically pointing out the evils which will result from it.

"Mr. President, I send to the desk and desire to have read the protest of the Chamber of Commerce of the State of New York.

"The VICE PRESIDENT. The protest will be read.

"The Secretary read as follows:

"THE CHAMBER OF COMMERCE OF THE STATE OF NEW YORK.

"Meeting of Thursday, March 3, 1892.

"The committee on internal trade and improvements, to whose attention was brought a request from the New York Cotton Exchange to join in a protest against three bills which have been recently presented to Congress, viz: House bill No. 2699, by Mr. Hatch, of Missouri; Senate bill No. 685, by Mr. Washburn; and Senate bill No. 1268, by Mr. Peffer, reported as follows through Chairman Louis Windmuller:

"It appears to have been the mistaken notions of the framers that they could benefit producers as well as consumers if they throw obstacles in the way of dealers, to sell what they do not own and buy what they do not need. They evidently believe that such sales and purchases tend unnaturally to depress or advance values. They seem to forget that these so-called speculators must deliver what they have sold and pay for what they bought. The price of cotton is low, not because it was sold short, but because the production is large and consumption is small.

"When a manufacturer is anxious to secure raw material for future orders, which are offered to him at a time when cotton on the spot commands a higher price than he can pay, the middleman, who anticipates a reduction of values, comes forward and agrees to furnish it at a figure which enables the mill owner to close contracts for the fabrics demanded by his customers. Breadstuffs are high, not because they were bought for a rise, but because they are needed by nations whose crops have been a failure. An exporter receives an order to forward at certain limits, when navigation opens, to a port on the Baltic Sea, a cargo of corn. It is unobtainable and not wanted for immediate delivery. The dealer in futures steps in and agrees to furnish to the exporter what he wants at the time when he needs it.

"It is indisputable that such dealers have become useful factors in the general development of commerce ever since it has assumed large proportions. They take risks by which future wants are provided in our home market as well as in foreign countries. When they overstep the limits of prudence they are the sufferers, rather than producers and consumers. A combination of such men is not powerful enough to control prices of the great staples of this country beyond their natural level so as to cause serious injury.

"But even if the public should occasionally suffer because the markets have been forestalled, your committee does not believe that the course provided by these bills furnishes a proper remedy for the evil. Past experience shows that legislation will only do harm when it tries to interfere with the natural laws of trade.

"Your committee therefore recommend that this Chamber join the Cotton Exchange and the other commercial bodies throughout the country in a protest against the passage of these bills, as they would injure the best interests of the community.

"On motion the following resolutions were unanimously adopted:

"Whereas there has been introduced in the Senate of the United States by Senator Washburn of Minnesota bills known as S. 685 and S. 1757, and in the House of Representatives by Representative Hatch of Missouri a bill known as H. R. 2699, levying a tax on purchases and sales for future delivery of cotton and all hog products of 5 cents per pound, and on wheat, corn, oats, barley, and other grain of 20 cents per bushel; and

"Whereas should any one of these be enacted into law the result would be the suppression of trading in this country in what is known as contracts for future delivery of the articles mentioned, to the great detriment of all persons engaged in their growing, handling, or consuming:

"*Resolved*, That the Chamber of Commerce of the State of New York hereby enters its solemn protest against the enactment into law of any of the before-mentioned bills now before Congress or of any other bill or bills of similar purport.

"*Resolved*, That this Chamber hereby expresses its condemnation of any attempt on the part of Congress to enact laws for the supposed benefit of one portion of the community as against another.

"*Resolved*, That whatever the asserted evils may be incident to this method of doing business, it affords a measure of security and protection to legitimate traders as well as to the producers of the articles named that is not to be disregarded.

"*Resolved*, That it is the opinion of this Chamber that no good can result to the agricultural interest of the country by any legislation that curtails and restricts free and untrammeled trading.

"*Resolved*, That the great law of supply and demand regulates values of everything, and that no particular system of trading can ever more than temporarily, if at all, obstruct its full operation; that this inexorable law always has and always will operate whether a man sells what he does not possess in the hope of securing it at a later period at a less price or not, and that any effort having in view the abolition of 'short selling,' if enacted into law, would not only fail to secure the imaginary benefits sought, but would be productive of incalculable injury to legitimate business interests while this fact is in process of being determined.

"*Resolved*, That a copy of this protest be forwarded to each Senator and Representative in Congress.

"GEO. WILSON, *Secretary*.

"Mr. WHITE. Mr. President, I sent up and had read first the memorial of this great body, because by its constitution and organization it is not a trade body. It is not the Chamber of Commerce of New York City. It is the Chamber of Commerce of the State of New York, perhaps one of the greatest bodies of commercial advisers in the commercial world to-day, composed of men many of whom are removed from practical business, men of large fortune, dealing in vast sums, men of great ability and thoroughly versed in the movements of commerce, whose opinion and judgment expressed on any commercial question anywhere where commerce is carried on would have great weight and great responsibility.

"I now send up to the desk, Mr. President, and ask to have read the memorials of the banks and bankers of New York, the banks and bankers of Chicago, and the banks and bankers of the city of New Orleans.

"The Secretary read as follows:

"NEW YORK BANKS AND BANKERS.

"NEW YORK, *February 4, 1892.*

"*To the honorable the House of Representatives of the United States:*

"The undersigned, engaged in the banking business in the city of New York, believe that if House of Representatives bill No. 2699, now before your honorable body, taxing purchases and sales of cotton, grain, and hog products for future delivery, becomes a law it will do great damage to the business in those articles and work a serious injury to producers.

"That, as bankers, we consider our risk in advancing on such property very much less than was the case prior to the inauguration of the present method of doing business.

"We therefore earnestly protest against the passage of this measure and trust that no legislation in this direction may be approved by your honorable body.

"Jas. T. Woodward, president Hanover National Bank; J. Edward Simmons, president Fourth National Bank; Warner Van Norden, president National Bank of North America; Arthur B. Graves, president St. Nicholas Bank; James Stillman, president National City Bank; A. E. Orr, vice president Mechanics' National Bank; Forest H. Parker, president New York Produce Exchange; Charles M. Fry, president Bank of New York National Banking Association; R. M. Gallaway, president Merchants' National Bank; H. Rocholl, president German American Bank; W. W. Flannagan, president Southern National Bank; W. A. Nash, president Corn Exchange Bank; J. H. Parker, president United States National Bank; Jno. B. Woodward, president Third National Bank; W. W. Sherman, president National Bank of Commerce; W. H. Perkins, president Bank of America; R. L. Edwards, president Bank of the State of New York; E. H. Perkins, jr., president Importers and Traders' National Bank; H. W. Cannon, president Chase National Bank; J. . Cilley, president Ninth National Bank; D. C. Hays, president Manhattan Co.; George Bliss, of Morton, Bliss & Co., bankers; Ladenburg, Thalmann & Co., bankers; Knauth, Nachod & Kuhne, bankers; Lazard Freres, bankers; Baring, Magoun & Co., bankers; Brown Bros. & Co., bankers; J. & W. Seligman & Co., bankers; Heidelbach, Ickelheimer & Co., bankers; Kuhn, Loeb & Co., bankers; Blake, Brothers & Co., bankers.

"The VICE PRESIDENT. Does the Senator desire to have the names attached to these memorials read?

"Mr. WHITE. No; Mr. President; I do not.

"The Secretary continued to read as follows:

"CHICAGO BANKS AND BANKERS.

"CHICAGO, ILL., *February 4, 1892.*

"To the Congress of the United States:

"The undersigned hereby respectfully and urgently protest against the enactment of Senate bill 1757, 'defining options and futures,' and known as the Washburn bill.

"We believe that the passage of any such bill would be not only seriously detrimental to the agriculturist, but would be of incalculable injury to the manifold industries of the entire country, inasmuch as these industries depend for their profitable prosecution upon that system of buying and selling for future delivery which the Washburn bill would destroy.

"We believe the dealings in futures in grain and hog product, as regulated by the Board of Trade of the city of Chicago and similar exchanges, based on the actual delivery of the commodity traded in, are the highest development, after years of experience and labor, of the best system of handling the enormous crops of this country to the most profitable advantage of the producer.

"This system affords an open market on which the world's competition can meet in establishing values without the limitations and restrictions which an exclusively consumptive demand would impose.

"It daily declaration of values is an analysis of the world's product and requirement, and reduces to the minimum the risk of those engaged in handling the crops, thereby securing to the producer the highest bids at all times.

"By this system our merchants yearly advance millions of money for the cribbing and warehousing of grain throughout the country, which without the protection of the present market would not be done.

"To destroy this system, as contemplated by the Washburn bill, would reduce the circulation of money when most needed to move the crops, would greatly restrict credits owing to uncertainty of values, practically drive the small grain merchants from the field, and concentrate the business of handling the products herein referred to in the hands of wealthy corporations and syndicates of warehousemen and millers.

"Corn Exchange Bank, by Ernest A. Hamill, vice president; Illinois State Savings Bank, by J. J. Mitchell, president; Bank of Montreal, Chicago, Ill., by Willam Monro, manager; Union National Bank, by August Blum, cashier; the Northwestern National Bank, of Chicago, by E. Buckingham, president; the Metropolitan National Bank, by E. J. Keith, president; the Atlas National Bank, by C. B. Farwell, vice president; Merchants' National Bank, by C. J. Blair, president; the Merchants' Loan & Trust Co., by J. W. Doane, president; the Commercial National Bank, of Chicago, by H. F. Eames, president; the American Trust & Savings Bank, by G. B. Shaw, president; Fort Dearborn National Bank, by John A. King, president; American Exchange National Bank, by John B. Kirk, president; the Union Trust Co., of Chicago, by S. W. Rawson, president; the National Bank of Illinois, by George Schneider, president; Hibernian Banking Association, by J. V. Clark, president; First National Bank of Chicago, by R. J. Street, cashier; Continental National Bank, by John C. Black, president; the Columbia National Bank, by Z. Dwiggins, cashier; the Globe National Bank, by D. A. Moulton, cashier; Royal Trust Co., by J. B. Wilbur, cashier; National Bank of the Republic, Chicago, Ill., by John A. Lynch, president; the Hide and Leather National Bank, Chicago Ill., by Charles F. Grey, president; the Northern Trust Co., by Byron L. Smith, president; National Bank of America, by Morton B. Hull, vice president; Bank of Commerce, by H. Felsenthal, president; Commercial Loan & Trust Co., by James B. Hobbs, president; Chemical National Bank, Chicago, Ill., by G. E. Hopkins, cashier; Franklin MacVeagh; Marshall Field; Sprague, Warner & Co.; Lord, Owen & Co.; Markley, Alling & Co.; Pitkin & Brooks; Ried, Murdock & Co.; W. M. Hoyt & Co.; Kelley, Maus & Co.; M. D. Wells & Co.; Selz, Schwab & Co.; Phelps, Dodge & Palmer; Butler Bros.; Carson, Pirie, Scott & Co.; James H. Walker & Co.; Hy. W. King & Co.; C. M. Henderson & Co; Sweet, Dempster & Co.; Wells & Nellegar Co.; Hibbard, Spencer, Bartlett & Co.; McCormick Harvesting Machine Co.; Frazer & Chalmers; Warder, Bushnel & Glessner Co.

"NEW ORLEANS BANKS AND BANKERS.

"NEW ORLEANS, *December 30, 1891.*

"To the honorable the House of Representatives and Senate of the United States of America, Washington, D. C.:

"The undersigned, engaged in the banking business in the city of New Orleans, believe if Senate bill 685, 'the Washburn bill,' taxing purchase and sale of cotton, grain, and hog products, becomes a law, that it will do immense damage to the business in those articles, reduce stability in values, and work great injury; and that as bankers we consider our risk in advancing on such property very much less than was the case prior to the inauguration of the present mode of doing business. Therefore we most respectfully protest against the passage of the bill.

"N. B. Sligh, president, Southern National Bank; R. M. Walmsley, president, Louisiana National Bank; C. Kohn, president, Union National Bank; A. Baldwin, president, New Orleans National Bank; George R. Preston, president, Hibernia National Bank; G. W. Nott, president, Citizens' Bank of Louisiana; L. C. Fallon, president, Mutual National Bank; Chas. F. Hoffman, bankers and exchange; H. Maspero, president, Traders' Bank; James T. Hayden, president, Whitney National Bank; H. Gardes, president, American National Bank; W. P. Nicholls, president, Bank of Commerce; N. Landry, president, People's Bank of New Orleans; Pierre Lanaux, president, State National Bank; J. C. Morris, president, New Orleans Canal & Banking Co.; G. Ad. Blaffer, cashier, Germania Savings Bank; Jos. L. Bourdette; Fred. Peters, president, Metropolitan Bank; Gilbert H. Green; Germania National Bank, J. C. Denis, president; Moore, Hyams & Co.; Isidore Newman, sr.; Bertus & Durel.

"Mr. WHITE. Mr. President, I send, in addition to these, a list of commercial bodies throughout the country protesting against the passage of this bill. Along with that list I send up the memorials themselves; and I request that the list be printed as a part of my remarks, and that the memorials also be printed as an appendix.

"The VICE PRESIDENT. That order will be made if there be no objection. The Chair hears no objection. It is so ordered.

"Mr. WHITE. I ask that the list be read.

"The VICE PRESIDENT. The list will be read.

"The Secretary read as follows:

"LIST OF EXCHANGES, BOARDS OF TRADE, MERCHANTS, MILLERS, ETC., PROTESTING AGAINST ANTIOPTION BILL.

"New Orleans Cotton Exchange.
"Savannah Cotton Exchange.
"Houston Cotton Exchange and Board of Trade.
"Mobile Cotton Exchange.
"Greenville Cotton Exchange.
"Memphis Cotton Exchange.
"Milwaukee Chamber of Commerce.
"Chicago Board of Trade.
"New York Produce Exchange.
"New Orleans Board of Trade (Ltd.).
"New Orleans Clearing House Association.
"Bankers, millers, and merchants of Toledo, Ohio.
"Baltimore Corn and Flour Exchange.
"Chicago merchants and manufacturers.
"Minneapolis Clearing House Association.
"Minneapolis Business Union.
"Minneapolis Chamber of Commerce.

"Mr. WHITE. Now, Mr. President, in the face of this almost universal commercial opinion are we going to pass this bill? Will it be said, as was intimated on this floor, that perhaps some of the bankers may have objection to the bill because it would affect their deposits of margins on futures? Can that be said of this great body of bankers throughout this country?

"Why, Mr. President, but a while ago when I put the question as to the discrimination against one of the large interests of the country by this bill, the only answer made was that there was such a solidarity of interest that the benefits of one would be resultingly compensatory for the injury to the others. Solidarity of interest which is affirmed, as respects the discriminating clause of this bill, is now denied in the face of this great testimony of commercial men from one end of this country to the other, men who have been dealing in these methods of business and who know their utility to the commerce of the land.

"Why, sir, there is hardly a cotton plant blooming in the Southern States to-day, there is not a leaf of a cotton plant smiling in the wind which does not trace its way back in some way by some connection, however remote, to the capital which is represented in these petitions. That capital will suffer as much as will the producer by the passage of this bill.

"The railroads, all the great interests of the country, act and react one upon the other, and you can not strike down the producing element of this country without striking down these great interests. When you find all these enlightened interests, all these men and bodies who are inseparably connected with the interests of the country, uniting on a purely commercial question in unbroken opinion as to the commercial harm which is to come from a given commercial restriction, it seems to me it is trivial to the last degree to say that their interest is not the interest of the producer and that the producer can be stricken down without their feeling it.

"These banks and bankers are the instrumentalities by which the producer makes and moves his crops. The great bank at New York loans its money to the bank elsewhere, who in turn loans it to a factor, who loans it to a planter. The factors in New Orleans loan money throughout the Mississippi Valley to their constituents to enable them to make their crops. The ability of one of these classes to pay the other depends largely upon the making of crops. The increased ability to pay depends upon what the crop will bring in the markets of the world.

"And yet we are told now, as to all of these great interests, complex and involved, united as by the inevitable laws of nature itself, that these merchants do not belong to the producing class and have no right to a judgment on this great matter of commerce. That argument denies the only premise upon which the discrimination in the bill as to classes can possibly be justified.

"But, Mr. President, we are not left to opinions in our own country. All over the world—in England, in Germany, in Austria, in France, in Holland, in India, in Egypt, everywhere—this system of forward-delivery sales, which is an evolution to meet the wants of modern trade, obtains and is practiced.

"Yet, at this late day in this great body, representing the greatest commercial people in the world, the most active, the most enlightened, the most fertile in resources, the most advanced, are we to be called upon to listen to the contention that all the bankers of the world, not only in this country but everywhere, the great business men of the world, all the exchanges of the world, without reference to nationality, are a mere body of degraded and prostituted gamblers? That is the inevitable outcome from the arguments which have been adduced on this floor; arguments, in my judgment, in the domain of reason, as flimsy and as wanting in logical foundation as it is possible for argumentation to be.

"No, Mr. President, when we come to commercial questions and find the universal consensus of commercial mankind agreeing to one thing, all tending to one thing, all supporting an evolution which has come, which is here, and which must remain, I say against all this the opinion of any one man here or there or somewhere else should weigh as nothing. If we were dealing with a theory, if there were here a question of natural philosophy or of chemistry, perhaps one mind with one ray of light could shed over the whole universe a splendor which all the world had not discovered. But when we come to the practical things of life, things that were not born but were evolved from commerce, because commerce is not a birth but an evolution, the only safe rule is to listen to commercial opinions. Commerce is a creation of the aggregate practical common sense of mankind, and nothing ever obtains universally in commerce that has not been founded upon the rock of things practical.

"It is a mistake to say, as has been intimated here, that these bodies whose petitions I have presented are bodies not of producers. Why, the only body I am familiar with, Mr. President, is the Cotton Exchange of New Orleans. That exchange has a great many producers, agents, or factors of planters as members. It has the buyer and the seller, the planter, and the factor who represents a vast volume of planters. If you were to-day to put an exhaust pump on the cotton fields of the southern country and draw out of those fields the money which has gone from these commercial bodies and whose only hope of return is in the fruition and wise marketing of those crops, you would cause no greater destruction to sweep over those fertile and laughing fields than will, I am afraid, result from the passage of this bill.

"Now, Mr. President, having laid down these general principles, I propose to look at the origin of this system of future delivery and see whence it came.

"Where did it take its birth? If we look back 40 years and picture the conditions of things at that time, and then look at the condition of things to-day, sum up the whole mass of human acquisition existing now and compare it with the human acquisitions of those days, we shall have a résumé of the growth of this future system.

"There is not a spark of electricity encircling the world to-day like a flash of lightning which does not carry in its womb the germ of an undeveloped future contract. There is not a railroad train dashing over the land that has not written upon its locomotive headlight the necessity of future contracts. There is not a steamship plowing the vast deep with all the rapidity of ocean transit which now obtains that does not at every puff of her mighty engine repeat and repeat again to the commerce of the whole civilized world the necessity of future contracts.

"I found, Mr. President, this morning, in a paper recently published in New York on the death of an illustrious man, an estimate of the consequences which had come from the electric cable joining Europe and America. The writer of that article, with much lucidity, called attention to the fact that it was the intermingling and intercommunication between man and man which had generated this closeness of union in commercial transactions out of which had developed this system which dominates the commercial world to-day and which lies at the foundation of every human business. There is not a civilized human being who does not bear living evidence not only of the necessity but the universality of this practice.

"The very material from which the coat I wear was woven was probably bought on future delivery. The spinner who spun it, in order to save himself from loss, had sold it for future delivery in order to be guaranteed a price which would be remunerative. There is not a thing to-day which enters into the use or consumption of mankind which, under this modern and universal system of future delivery, is not covered by contract in one way or the other to save loss which would otherwise result.

"The inevitable tendency of modern business is to draw people together, to make intercommunication of man with man greater. The inevitable result is equality. The future business is the necessary result of the struggle between men for equality. Before the future business came into being the large capitalists, the mighty millionaires, of whom the Senator from Minnesota speaks, had to furnish the money with which to carry on commerce. This future system, as I have said, is the result of the struggle for equality. Before it came large fortunes were required to carry and hold the product and submit to the great expense and risk which resulted from the holding them until taken by consumers, whereas now the ingenuity and quickness of the minds of men, responding to the wants of modern trade, have engendered this system of future delivery, which has put every man upon a footing of equality with every other man, enabling one without large capital to be the equal relatively of the man with great capital.

"I can recall that in my boyhood, in the city of New Orleans, the great commercial houses, the great English houses with large sums of money, the agents of the Brown Bros. and the agents of other great bankers, the Baring Bros., did business there. When exchange was to be drawn to pay for cotton, the Baring Bros. or Brown Bros. bought it. If cotton exchange was taken to a bank, there was danger of it being refused for fear the price of cotton might go down. The banker would say, 'If I take this bill except upon the credit of the drawer, a decline in the price of cotton in the future will make a loss.' So it resulted that the business was transacted largely upon the personal credit of these great houses, or on the credit of the cotton buyer, who was required to be a man of fortune.

"But now a man with an office and without much capital is as good as the Brown Bros. He gets his cable order from the spinners he represents on the other side to buy cotton. He buys spot cotton and sells it for future delivery. He sells the very exchange which he is to draw for future delivery. He must know the rate of exchange before he can make his price, and asks the bank to agree to take his exchange at a date in the future. Every transaction connected with it is a future transaction. His possibility of dealing without capital is caused by the fact that an insurance resulting from future delivery is put upon every article that is dealt with in the course of the transactions as they go along.

"See what a revolution it has worked in the Southern States. Formerly great masses of cotton would come to the city of New Orleans and be stored. The buyer was gone. Decline was rapid. It required the actual presence of a man of means to buy this property in order to hold it, because the buyer must submit himself to the risk of loss if cotton declined.

"What is the situation now? Why, the receipts as they come in are distributed over the year under this system of future contracts. Cotton is bought for future delivery and is thus taken from the spot market. The small consumer is enabled to buy because he is not obliged to pay cash, but can take advantage of a transaction for future delivery. That is the situation. It has curtailed the profits of the millionaires. It has reduced the charge to the producer.

"Mr. President, I telegraphed the secretary of the cotton exchange of the city of New Orleans to ascertain what were the charges of the middleman now as compared with such charges formerly. I have a telegram in reply, in which the secretary says:

"NEW ORLEANS, LA., *July 22, 1892.*

"While no regular statement can be made, owing to irregularity of charges, you can safely state that under old system, including cost of advancing commission on sales of cotton, commission on purchases of supplies, insurance rebates, etc., cost on a bale of cotton averaged fully $5 per bale. To-day millions of bales are sold direct from interior, avoiding many extra charges under the free-on-board-delivery system at 25 and 50 cents a bale under the free-on-board and future-delivery systems, which have built many flourishing interior centers. Many of the old items of charge have been abolished; these will be largely restored if present trade methods are interfered with.

"HENRY G. HESTER, *Secretary.*

"Hon. E. D. WHITE,
"United States Senate.

"Now, Mr. President, I desire to have read a statement of the results of this business found in the same book which I have read from this morning, commencing on page 103 and going down to the marked paragraph on page 104. That states with such lucidity the evolution of these economic problems that I incline to agree with the distinguished Senator from Nevada [Mr. Stewart] when he said this morning that he considered the author one of the most lucid of political economical writers.

"The Secretary read as follows:

"'Three independent economies exist in the practice of buying and selling for future delivery, say one, two, or three months ahead, which could not be effected by buying grain on hand and taking present delivery.

"'First. Buyers for consumption—millers, exporters, and foreign purchasers—can, through these, convert a future unknown price into a known price, so far as is necessary to enable them to base future contracts for production thereon. Suppose a manufacturer of cotton goods or iron, feeding his own men, as indirectly he does, and obliged to esti-

mate the rate at which he can afford to take orders according to the rate at which he can buy bread and provisions, it is plain that he could 'figure' the rate at which he could take orders more closely if he could make certain his own future rate of expenditure on his supplies or food and provisions. This he could do by buying in August, deliverable in October.

"Second. Precisely as buying in a wide market equalizes prices over a wide area of country and enables millions of persons to produce the same product in close competition with each other, so buying for a considerable period of time, or 'going long' spreads and equalizes over a long period of time the changes in price which are made inevitable by natural causes, such as war, drought, flood, great or small harvests, and the like. Equalization of prices over time is as essential to steady production as equalization of prices over wide areas and numerous groups of producers and consumers. If a raise of 20 cents per bushel in wheat is made necessary by an impending war between two grain-growing countries, and if one buyer knows it three months ahead, and buys his supply at an advance of 2 cents per bushel, he not only saves his own supply but he brings the market 2 points nearer where it ought to be, and thus serves millions of producers and consumers who are interested in the raise being both early and gradual, not late and spasmodic.

"Thirdly. Such 'futures' originate with buyers, since if no one wished to buy ahead no one could sell futures. Each buyer pays a margin on his contract sufficient to secure the seller against loss in event of a fall in price and no delivery. The futures run in links from the consumer back to the producer. In such cases they cause a current of advance payments to set in from the dealers in the futures or purchasers.

"This is in effect a movement of money in advance from the consumers, or their representatives on the board of trade, to and among the producers. Farmers are thus enabled to get advances on their grain and planters on their cotton, whereby the harvesting is virtually done by the capital advanced by the consumer. This converts articles like cotton and wheat, for which prices are established by 'futures,' into 'cash' articles, or articles on which long advances are had, whereas cotton goods, furniture, and manufactured articles are sold so invariably on long credits that even 'cash' means 30 days after delivery.

"Mr. President, I also send to the desk, with a request that it be read, an excerpt from Contractual Limitations, which is a modern book, published in 1892, by an ex-chief justice of the Supreme Court of Indiana. It contains a statement of the problems involved in these modern methods of business which I think so clear that I desire to insert it in my remarks.

"The Secretary read as follows:

"Trading in cotton futures was established in New York in 1870 and in New Orleans a few years later. As I am more familiar with the cotton trade than with the other trades in which transactions in futures are made, I will confine my remarks more especially to cotton futures. Contracts in cotton futures are made for the delivery in lots of 100 bales during the month contracted for, such delivery to be at the seller's option upon five days' notice to the buyer. An order on the warehouse for the cotton is tendered for every notice of delivery by the seller to the party to whom he has sold. If the buyer has also sold the cotton for delivery during the month for which he has received notice, it is customary for him to transfer the notice of delivery and warehouse order to the party to whom he has sold, and such transfers are made until 3 p. m. of the day of issuing the notice or until its receipt before that hour by a party who has bought but has not sold, or who desires to receive the cotton, and this party receives the cotton from the one who issued the notice and warehouse order and pays for it.

"As those who have bought and sold have no interest beyond the difference in the price at which they bought and the price at which they sold, it would be a useless expense to have the cost of delivery and receipt incurred for each change of ownership, when the passing of the warehouse order accomplishes every purpose and saves unnecessary charges. All immediate parties between the party who issues the notice and warehouse order and the party who receives the cotton settle with each other the difference between the price of their respective contracts and the price at which the cotton is received and paid for. In the course of business it happens that many contracts are settled before the month of their maturity and without actual delivery of cotton. For instance, a merchant may sell for a planter a contract for October delivery, and the next day he may buy for a southern cotton buyer a contract for delivery the same month, and if these transactions are made with the same party on the exchange, a direct settlement would be made as between the two members of the exchange.

"A merchant might sell to a party, who might sell to another, and this other might have previously sold to the first party, all the transactions being for the same month's delivery. This would make a settlement of contracts between the three and is called a 'ring settlement.' These 'ring settlements' are purely matters of chance. They may be effected very soon after the transaction, or they may not occur for months, and they may not occur at all. They do not in the slightest degree enter into the matter of the original transaction, which is based upon the probability and intention of actual delivery of the cotton contracted for. In much of the legitimate business at present the transactions in futures are of great benefit to producers, manufacturers, merchants, bankers, and the general public.

"About three-fourths of the cotton crop is usually marketed during the first four months of the season. If such a large proportion of the crop was forced upon the market for immediate sale, the effect would certainly be to unduly and greatly depress prices. By the sale of futures against consignments of actual cotton relief is often given to an overstocked market and better prices are secured for the planter than would otherwise be possible. If prices are satisfactory, the planter can direct his merchant to sell futures against his crop before it is actually ready to be marketed and thus secure the benefit of a remunerative price which might not be obtained if the sale could not be made until his crop had actually reached a market.

"Mr. President, having referred to the general laws of trade from which the future system was evolved, I now propose to summarily restate some of the benefits which it confers on the cotton planter.

"It gives him a wider, safer, relatively higher, and less fluctuating market.

"It cheapens the rate at which the producer obtains the money to make his crop by enabling the factor and all who deal with the producer to sell by futures the product with which the producer is to pay them, thus diminishing their risk and enabling them to reduce their charges to the producer.

"It has diminished the charge of the middlemen by drawing the producer and consumer together, by enabling the buyer to sell for future delivery and buy the producer's crop to fill his future sale already made.

"It has multiplied buyers and brought them to the door of the consumer.

"It has multiplied investors by enabling them to buy actual cotton and sell futures against it at a small advance to cover interest and charges, thus making the investment safe. The investor, having sold for future delivery against his purchase of actual cotton, is absolutely safe, is submitted to no risk of fluctuation in the market, and therefore can afford to pay a better price to the producer,

"It has enabled the spinner to pay a better price to the consumer. He buys his cotton for consumption by means of a future contract, thus obviating the risk of a decline in the market. He sells the goods which he is to make from the cotton by a future contract, thus insuring a profit and thus enabling the spinner to do his business on a narrower because a safer margin of profit. It has brought the cotton fields of the South nearer to the great centers of American and European consumption by diminishing the risk, thus reducing the difference in price which formerly existed between cotton in the field of the producer and that cotton at the door of the consumer.

"It has relieved banking capital, thus leaving more money to assist the planter in making his crop.

"All these things, Mr. President, are the necessary resultants of the first proposition, which is that the system of selling cotton for future delivery gives the producer a wider, safer, relatively higher, and less fluctuating market. If this proposition be true all the others necessarily follow.

"Now let me show the existence of these benefits by an examination of the state of the cotton trade before and after the future period, so that by a comparison between the two periods the mind may be able to determine, not by abstract reasoning, but by the touchstone of absolute and undeniable fact, whether the benefits which I have stated have or have not resulted.

"In the domain of theory minds may differ. The moment we advance an abstraction, one mind takes one view and the other takes another, and the union of the two minds becomes impossible because of the divergent premises or the contradictory deductions which the minds make.

"But when we enter the domain of absolute and unchallengeable fact, then the only question which remains is first to ascertain the truth and then follow it. By that touchstone I hope to demonstrate that this system has been a merciful blessing to the cotton planter of the southern country and to the cotton trade, and that its destruction will entail upon that people in loss of price and incidental sacrifices a sum equal to, it may be, $100,000,000.

"I shall say nothing of the grain trade. There are Senators who are more familiar than I am with the movements and operations of grain. I may say, however, that the theory and opinions of all the grain brokers, all the elevator men, all the bankers who advance on its exchange and bills of lading, and all of the people who deal in grain. I think almost without serious exception, adhere to the promises stated in the book which has just been read.

"In Minneapolis, the very center of the grain trade, as will be seen, all the organized commercial bodies have filed their memorials here against this bill. While the distinguished Senator from Minnesota was good enough to say to me that he thought they had modified their opinion in consequence of a modification in the bill, I think when it is known what an illusory hope that modification holds out, that their protests will apply. But we are not wanting in this record indubitable evidence that the principles which I assert, and which the theoretical writers and all the practical men assert, apply to grain.

"I find in the testimony of Mr. Romer, taken before the Senate Committee on the Judiciary, the following:

"Mr. ROMER. I will say, if I am allowed, that another important miller in the country, in an interview with myself on the Produce Exchange of New York, said he was heartily in favor of this bill. 'Why,' said I, in my simplicity of heart, 'this bill will be an injury to the farmer; this bill will narrow the markets and give him no opportunity to sell to the best advantage.' He said, 'I am not legislat-

ing for the farmer, I am legislating for the miller; the farmer will take care of himself.'

"Senator WASHBURN. That man must have been from New York.

"Mr. ROMER. That was ex-Gov. Stanard, of St. Louis, Mo. He is a reputable miller.

"They want to be the buyers and without competition—the buyers at their own price.

"Mr. President, I think the testimony here makes it perfectly clear, absolutely clear—and I want to call attention to it very deliberately and have it weighed—that whilst there may be divergence among millers, as there undoubtedly is, from the earnest and zealous and disinterested attitude taken by the Senator from Minnesota on this floor, yet there are other millers who consider that the necessary effect of this bill will be to reduce the price of the product made by the farmer and put him in the hands of and at the mercy of the miller. Mr. Pillsbury, the gentleman to whom I have already referred, and whose testimony is in this record, is a part owner of a vast milling establishment. He testifies that they have, I think, 150 elevators. I may be mistaken in stating the number. Now let me read his testimony, and I invite attention to it. This testimony was taken before the Committee on Agriculture of the House of Represenatives:

"Question: Mr. LONG. Well, formerly when millers were able to carry this wheat and flour and their money invested in it they then charged a profit sufficient to cover the interest on their money and that went out to the markets of the world and paid the expenses, etc., and profits back to the mill man.

"That is the question.

"Answer: Mr. PILLSBURY. The universal rule used to be that the miller generally accumulated wheat, say, when the farmers were putting in their surplus, rapidly. The universal rule, almost, used to be that you could buy the wheat cheaper at that time than at any other time, and you could make a fairer profit on the actual holding of the wheat than you could at such times when these movements of the farmers were less.

"Let me repeat it.

"You could buy the wheat cheaper at that time than at any other time.

"Mr. President, the system of futures was introduced in order to prevent purchasers from taking advantage of the time when the farmer was shipping rapidly, buying low, and then selling it afterwards for a large profit. After the system of futures came in, when this vast surplus was accumulating, this was prevented. Not only the rich man, but the poor man, could buy for future delivery without any risk whatever. Every contract so made necessarily relieves the pressure on the market and gives the producer a better price. Mr. Pillsbury, in what I have just quoted, admits this.

"But he goes further—

"Question: Mr. LONG. Well, now, then; as it stands now the miller can not carry the wheat and flour, because there is a large risk attached to it in consequence of wind selling. Then, if this wind selling has the strength that you say it has, it is manifest that it has a prejudicial influence against the raiser of wheat.

"Mark you, the question is inconsequential. The answer to the previous question had been that it was prejudicial to the miller of wheat, and the question says 'prejudicial to the raiser.' Now, mark the answer:

"Mr. PILLSBURY. Yes, sir; against the raiser of wheat—

"Here comes the gist of the answer—

"and the miller before—

"That is, before the system of 'futures'—

"could generally use his good judgment and make money by the rise of wheat. I would state a fact, which perhaps would be a surprise to most of your committee, that I have no doubt the milling interests in this country, taken as a whole, in the last 10 years have paid the farmer more money for wheat than they have gotten out of him. That is the fact through the Northwest.

"Mr. President, this bill proceeds upon the theory that the farmer has not got his full money; that he has not been paid the value of his product. Here is a statement that under this system during the past 10 years the millers have been paying the farmer more for wheat than they, the millers, have obtained for it.

"Let me continue the citation:

"I think I can count—

"Says Mr. Pillsbury—

"on the fingers of my two hands the 150 milling firms, say 10 years ago, in our part of the world; and I think that is true all over the country, that there are only a few millers who, by using the highest triumphs of milling and the best executive ability and producing the best brand of flour, have been able to make anything. The immense competition and capacity of the mills of this country has doubled three times the amount of flour they can make, and it is got right down the last few years to the question of the survival of the fittest; but there was a time when they could always run on a profit, years ago, by buying wheat in the fall, say on an average of $1 a bushel, and we were almost sure to make a good profit by carrying it until the time when the state of the roads, etc., prevented the deliveries being so large. I look on short selling as being the greatest impediment to the profit of milling business in that way.

"That is just it, Mr. President. Here, if human language can state it, is an express admission that before the system of futures the way the millers did their business was when the surplus was coming in from the crop in large quantities, to buy it cheap, and when the roads got bad and the farmer's wheat could not come in, to sell it high. If the language does not say that, what does it say?

"Does not that exactly tally with my statement of the 'future' system? The 'future' system has destroyed that. Why? Because a man looking forward to the coming of those muddy roads and knowing that the muddy roads are to come, has said to the farmer, 'Do not sell your wheat now at a low price; I will agree to pay you a month hence, when the roads are muddy, a higher price; just let me take it.' So competition has come in; and instead of buying wheat cheap when wheat was abundant and selling it high later on, the prices have been equalized.

"I do not know whether that is a fact in wheat or not, for I have no experience and I do not propose to discuss it; but I say when, on the face of this testimony, I find the statement to be that that is the case, I have the right to assume that Mr. Pillsbury knows a great deal more about wheat than I do, and to accept his declaration of what were the consequences before the 'future' system, and to see very plainly what is the consequence now and thus to keenly appreciate the great solicitude of Mr. Pillsbury for the producers of the country and his desire that their grain should sell high.

"Now, Mr. President, let me review the facts as to cotton. But before I do that I desire to send up and have read a list of telegrams. I have compiled the telegrams all into one. The phraseology of this one telegram is not literally the phraseology of the many which I have received, but they were all substantially the same, and I have put the signatures under one in order to avoid duplication.

"The PRESIDING OFFICER (Mr. Turpie in the chair). The paper referred to will be read.

"The Secretary read as follows:

"COTTON FACTORS OF NEW ORLEANS.

"NEW ORLEANS, LA., *July 18, 1892.*

"To Hon. E. D. WHITE,

"United States Senate, Washington, D. C.:

"We ask your efforts to defeat Hatch antioption bill. Its passage will lower prices, injure planting interests, and badly affect cotton business generally.

"Stewart Bros. & Co.; Geo. W. Sentell & Co.; Hyman, Hiller & Co.; Simon E. Marx; J. Freijhan & Co., Bayou Sara, La.; Lehman, Stern & Co.; John M. Parker & Co.; R. M. Walmsley & Co.; Pugh & Co.; Phelps & Co.; Thos. L. Airey; Levy Bros.; Robert Day & Co. (Ltd.); H. Abraham & Son; J. Weis & Co.; Baldwin & Putnam; Bickham & Moore; W. B. Thompson; Chas. Chaffe.

"Mr. WHITE. Mr. President, most of the names found in that telegram are the names not of cotton buyers, but of cotton sellers. They are the names of the great body of the cotton factors of New Orleans who carry almost the entire crop of the Mississippi Valley.

"Mr. GEORGE. There is an important name missing from that list.

"Mr. WHITE. Whose name?

"Mr. GEORGE. Richardson & May.

"Mr. WHITE. I send up a telegram from Mr. May, of Richardson & May.

"Mr. GEORGE. I noticed the absence of the name.

"The PRESIDING OFFICER. The paper referred to will be read.

"The Secretary read as follows:

"[Telegram.]

"NEW ORLEANS, LA., *July 18, 1892.*

"E. D. WHITE, *United States Senate:*

"I believe the passage of the antioption Hatch bill will do incalculable damage to the cotton trade and cotton planting in the United States, and I invoke your earnest efforts to defeat it.

"A. H. MAY.

"Mr. WHITE. Mr. President, some Senators here know personally Mr. John T. Hardie, of the city of New Orleans, and his great business experience. I had a telegram to the same effect from him.

"I repeat, that these telegrams are not from cotton buyers, but they are from cotton sellers; and there does not live a body of more enlightened and honorable merchants than those whose names are found upon that list. Many of them have been in the cotton industry from its infancy, and in all its trials and tribulations. They have followed it through it all, and they are doing it to-day, as they have always done, honestly and wisely.

"I desire to say another thing. Among that body of high-minded and enlightened gentlemen and progressive merchants, who have been in this business for all these years, there are found none of these great aggregations of wealth to which the distinguished Senator from Minnesota referred. There is hon-

est competency among them, and many are large cotton planters.

"I have received, beside these, a telegram, which I desire read, from the dealers in rice and sugar and produce in the city of New Orleans.

"The PRESIDING OFFICER. The paper referred to will be read.

"The Secretary read as follows:

"NEW ORLEANS, LA., *July 19, 1892.*

"Hon. E. D. WHITE, *Washington:*

"We, the undersigned dealers in rice, sugar, and produce, consider the antioption bill as detrimental to business, and feel that its passage would work injury to our interests.

"Bloom & Son, Lefeirere & Marionneau, Miltenberger & Flower, O. Doyle & Co., John W. Coyle, B. W. Seago, J. A. Harral, Elmer & Zeebrook, G. Schwartz.

"Mr. WHITE. I will not encumber the RECORD by more telegrams. I take it for granted that if a man wanted an opinion as to the operation of this bill upon cotton he could not go to a more enlightened source for the information than to these gentlemen—information coming, as I said just now, from sellers of cotton; information coming from men who are solely interested that it should bring as high a price as possible; information coming from men who have watched these movements through all these years with a solicitude born of the keenest interest, because they are always involved in it. When that is the case, when the universal opinion of the commercial world sustains them, am I to be told that we are to take the opinion on the subject of men who have had no experience whatever?

"But let me now come to figures. I send to the reporter and desire to have incorporated in my remarks—I will not have it read—a table showing the annual crop, the exports, and United States consumption of cotton since 1841, which is brought down to 1891.

"The table referred to is as follows:

"[From Cotton Facts, by A. B. Shepperson.]

"Statement of annual crops, exports, and United States consumption of cotton since 1841.

Season.	Total crop.	Exports.			Home consumption.	
		To Great Britain.	To Continent.	Total exports.	Takings of northern mills.	Takings of southern mills and burned.
1841-1842	1,684,000	936,000	529,000	1,465,000	268,000	[1]
1842-1843	2,379,000	1,470,000	540,000	2,010,000	325,000	[1]
1843-1844	2,030,000	1,202,000	427,000	1,629,000	347,000	[1]
1844-1845	2,394,000	1,439,000	645,000	2,084,000	389,000	[1]
1845-1846	2,100,000	1,102,000	565,000	1,667,000	423,000	[1]
1846-1847	1,779,000	831,000	410,000	1,241,000	428,000	[1]
1847-1848	2,423,000	1,324,000	534,000	1,858,000	532,000	75,000
1848-1849	2,840,000	1,538,000	600,000	2,228,000	518,000	112,000
1849-1850	2,204,000	1,107,000	483,000	1,590,000	488,000	107,000
1850-1851	2,415,000	1,418,000	571,000	1,989,000	404,000	60,000
1851-1852	3,126,000	1,669,000	775,000	2,444,000	588,000	111,000
1852-1853	3,416,000	1,737,000	791,000	2,528,000	650,000	153,000
1853-1854	3,075,000	1,604,000	715,000	2,319,000	592,000	145,000
1854-1855	2,983,000	1,550,000	694,000	2,244,000	571,000	135,000
1855-1856	3,665,000	1,921,000	1,034,000	2,955,000	633,000	138,000
1856-1857	3,094,000	1,429,600	824,000	2,253,000	666,000	154,000
1857-1858	3,257,000	1,810,000	780,000	2,590,000	452,000	143,000
1858-1859	4,019,000	2,019,000	1,002,000	3,021,000	760,000	167,000
1859-1860	4,861,000	2,669,000	1,105,000	3,774,000	793,000	186,000
1860-1861	3,849,000	2,175,000	952,000	3,127,000	650,000	193,000
1861-1865 [2]						
1865-1866	2,278,000	1,262,000	293,000	1,555,000	541,000	127,000
1866-1867	2,233,000	1,216,000	341,000	1,557,000	573,000	150,000
1867-1868	2,590,000	1,228,000	428,000	1,656,000	800,000	168,000
1868-1869	2,434,000	989,000	458,000	1,447,000	822,000	173,000
1869-1870	3,114,000	1,475,000	704,000	2,179,000	777,000	80,000
1870-1871	4,347,000	2,368,000	800,000	3,168,000	1,072,000	91,000
1871-1872	2,974,000	1,474,000	483,000	1,957,000	977,000	120,000
1872-1873	3,874,000	1,920,000	756,000	2,676,000	1,063,000	138,000
1873-1874	4,130,000	1,872,000	959,000	2,811,000	1,192,000	128,000
1874-1875	3,831,000	1,833,000	841,000	2,674,000	1,071,000	130,000
1875-1876	4,632,000	2,005,000	1,227,000	3,232,000	1,220,000	134,000
1876-1877	4,474,000	1,994,000	1,034,000	3,028,000	1,302,000	127,000
1877-1878	4,774,000	2,047,000	1,309,000	3,356,000	1,345,000	151,000
1878-1879	5,074,000	2,053,000	1,413,000	3,466,000	1,375,000	198,000
1879-1880	5,761,000	2,554,000	1,310,000	3,834,000	1,574,000	223,000
1880-1881	6,606,000	2,832,000	1,733,000	4,565,000	1,713,000	230,000
1881-1882	5,456,000	2,295,000	1,256,000	3,551,000	1,677,000	287,000
1882-1883	6,950,000	2,886,000	1,838,000	4,724,000	1,750,000	313,000
1883-1884	5,713,000	2,485,000	1,432,000	3,917,000	1,537,000	346,000
1884-1885	5,706,000	2,425,000	[3] 1,495,000	3,920,000	1,437,000	318,000
1885-1886	6,575,000	2,565,000	[4] 1,771,000	4,336,000	1,781,000	385,000
1886-1887	6,499,000	2,704,000	[5] 1,741,000	4,445,000	1,687,000	422,000
1887-1888	7,047,000	2,814,000	[6] 1,813,000	4,627,000	1,805,000	459,000
1888-1889	6,939,000	2,810,000	[7] 1,926,000	4,736,000	1,790,000	485,000
1889-1890	7,297,000	2,854,000	[8] 2,052,000	4,906,000	1,780,000	550,000
1890-1891	8,674,000	3,345,000	[9] 2,446,000	5,791,000	2,027,000	620,000

[1] No estimate.
[2] Civil War—no record of cotton movement.
[3] Including 28,028 to Mexico.
[4] Including 34,125 to Mexico.
[5] Including 40,774 to Mexico.
[6] Including 33,203 to Mexico.
[7] Including 41,259 to Mexico.
[8] Including 28,414 to Mexico.
[9] Including 31,443 to Mexico.

"Mr. WHITE. Now, what is the claim which those who defend future sales advance? The claim is this: That as in a few months the whole cotton crop was precipitated upon the market, this created a glut in the market and put the producer largely at the mercy of the buyer. The crop either had to be sold or to be stored. If the buyer was not there to take that crop, then there was this vast mass of receipts, and of course there was a serious decline in the market.

"Our total spinning capacity in this country represents a little under a third of our crop—somewhere between a third and a fourth. I will not be accurate in this statement. The balance of the crop was for exportation, and the agents of the great English buyers and consumers were there; and if they did not buy, the price went down.

"Under the system of 'futures' has this evil increased or has it diminished? It should have increased largely, because before the future period the crops came in more slowly than they do now. Why? In the first place, the greater part of the cotton crops in the South in the olden times was made by slave labor, and if the price was not satisfactory the large planters were able to hold their crops for an advance. In the second place, a great part of the cotton was grown on the alluvial lands along the streams, and the only exit to the markets of the world was the rising of the water in those streams. All these things and others of less importance tended at that time to retard somewhat the incoming of the crop of cotton. Despite that fact, in the first months of the season, before future dealing came in vogue, when the cotton came in there was always, unless there was some abnormal condition, which can easily be explained, a serious depression in the market, which put the producer absolutely at the mercy of the consumer. Who was to take it but the consumer? He availed of his advantages and fixed the price.

"As this evil grew, the system of futures was devised, and devised for what purpose? Devised for the purpose of bridging over this glut, of preventing this cotton which came from being pushed upon the market, thus allowing it to be bought by a man who could not pay for it at once but who could do so two or three or four months off, thus necessarily spreading the large receipts over a longer period instead of throwing them all upon the market and causing them to be sold for the prices the consumer was then willing to give.

"Mr. GEORGE. Will the Senator allow me to ask him a question for information?

"Mr. WHITE. Certainly.

"Mr. GEORGE. I understand the position of the Senator from Louisiana with reference to the cotton trade to be, that now, owing to the increased facilities for marketing the cotton crop, railroads and all that sort of thing, contrary to the fact as it existed many years ago, when a very large amount of cotton was precipitated into the New Orleans market, much more than was needed then by the consumers—am I right that far?

"Mr. WHITE. I say the receipts are larger now than they were then. I did not enter into that question. I spoke of the price of cotton.

"Mr. GEORGE. Then I understand the Senator to say—and I want to understand him and I want him to understand me, because I know there are many difficulties about this thing—I understand the Senator to say that but for the 'future' system of dealings this cotton would be thrown upon the market then and there in its glutted state, and there would be a great fall in the price. Is that right?

"Mr. WHITE. I was not saying that when the Senator was kind enough to interrupt me. I had advanced that as a theory in my argument before, and I was proceeding to demonstrate as a fact that it was so. I am not engaged now in the statement of theoretical problems. I was endeavoring to put my theories to the touchstone of fact by showing that such was and is the case.

"Mr. GEORGE. Very well. Then I understand the Senator to change his position a little from the way I understood him, for now he states the proposition a little differently, that the records of the commercial exchanges and the cotton exchanges demonstrate the fact that when this cotton gets into New Orleans or other markets in the fall in this glutted state, the result is that there is a fall in the price?

"Mr. WHITE. Always.

"Mr. GEORGE. Let me go on. Now, I understand the Senator to say that the 'future' sales or the 'future' system will counteract that, but it does not now operate in that way owing to the 'future' system. Is that so?

"Mr. WHITE. Oh, no; I did not say that. I said not to the same extent.

"Mr. GEORGE. Very well. It lessens it, then?

"Mr. WHITE. It lessens it seriously.

"Mr. GEORGE. Let us understand this. What prevents under this bill every single bale of cotton that reaches New Orleans or any other port in these crowded months, these months of surfeit, being sold for future delivery?

"Mr. WHITE. I beg the Senator's pardon. He is now making an argument, and not asking a question.

"Mr. GEORGE. I am asking a question.

"Mr. WHITE. No; that is making an argument. I was not discussing whether it could be done under this bill. I am simply now demonstrating the fact that the system of 'futures' had prevented the consequences of overreceipts, and in the course of my argument, if the Senator will allow me, I intend to discuss the matter he is speaking of.

"Mr. GEORGE. I am very much obliged to the Senator for his courtesy; but this is a matter in which my constituents feel a great interest, and I do not want to make a mistake about it. I thought that the Senator had asserted a proposition and a theory which could not be made to fit the facts of the case. If, now, the Senator, who has been so very courteous to me as to allow me to interrupt him so far, thinks I am trespassing and that he will answer this matter further on, then I have only to say that I thank him for his courtesy so far, and that if my life and health are spared I shall try some time during this debate to answer any position which he may take which goes to show that the price of this large amount of cotton in New Orleans or in the other market places of this country is not affected by the future sales, except deleteriously.

"Mr. WHITE. Mr. President, in illustration of what I was saying, I hold in my hand a table. I will comment upon the table before asking to have it printed with my remarks. I have tabulated the receipts of cotton at the ports of this country from 1870–71 down to 1891–92. The figures are startling. From September 1 to December 31 there were received in 1870–71, 1,642,000 bales of cotton. There were received in 1871–72, 1,392,000 bales.

"Mr. GEORGE. At all the ports?

"Mr. WHITE. At all the ports. Now, I want to call attention to these figures. I shall not read the whole list, but the table will speak for itself in the RECORD as part of my remarks.

"In 1889–90 there was received before the 31st day of Decembers 4,270,000 bales. In 1870–71 the amount was 1,642,000 bales, and it is but little over 2,000,000 bales, as a rule, running down the list, until we get to 1878–79. Then it was 2,651,000 bales.

"Mr. GEORGE. Let me ask the Senator right there if he has the total for each year, so as to show the proportion?

"Mr. WHITE. I have already offered as part of my remarks such a statement.

"Mr. GEORGE. The Senator does not understand me. The subject will be more understandable if the table is inserted.

"Mr. WHITE. If the Senator will allow me, I am dealing with statistics, and if he does not let me proceed with an orderly statement he will confuse me.

"Mr. GEORGE. I do not wish to interfere with the Senator.

"Mr. WHITE. In making a statistical statement, without intending to be discourteous, I should prefer not to be interrupted.

"Mr. GEORGE. I beg pardon of the Senator. I will not interrupt him again.

"Mr. WHITE. We had not reached a higher figure than 2,600,000 in 1876–77; in 1891–92 the total receipts up to the 31st day of December were 4,783,000 bales—nearly 5,000,000 bales.

"Now, just make the comparison. In 1870–71 there were 1,642,000 bales; in 1891–92, 4,783,000—nearly 5,000,000 bales.

"The table referred to is as follows:

"Table showing the increase in the quantity of cotton marketed during the first four months of the season since 1870.

Season of—	Cotton received at the ports Sept. 1 to Dec. 31.	Receipts at the ports for entire season.	Date of arrival at the ports of one-half of the season's receipts.
	Bales.	*Bales.*	
1870–1871	1,642,000	3,958,000	Jan. 17
1871–1872	1,392,000	2,732,000	Dec. 29
1872–1873	1,684,000	3,595,000	Jan. 8
1873–1874	1,858,000	3,764,000	Jan. 1
1874–1875	2,106,000	3,509,000	Dec. 16
1875–1876	2,340,000	4,195,000	Dec. 23
1876–1877	2,601,000	4,035,000	Dec. 8
1877–1878	2,398,000	4,334,000	Dec. 22
1878–1879	2,651,000	4,451,000	Dec. 16
1879–1880	3,134,000	5,027,000	Dec. 10
1880–1881	3,417,000	5,878,000	Dec. 16
1881–1882	3,247,000	4,688,000	Dec. 3
1882–1883	3,530,000	6,010,000	Dec. 18
1883–1884	3,494,000	4,800,000	Nov. 30
1884–1885	3,642,000	4,774,000	Nov. 26
1885–1886	3,572,000	5,358,000	Dec. 4
1886–1887	3,732,000	5,301,000	Dec. 2
1887–1888	4,011,000	5,612,000	Nov. 23
1888–1889	3,714,000	5,547,000	Dec. 5
1889–1890	4,270,000	5,856,000	Nov. 26
1890–1891	4,430,000	6,979,000	Dec. 8
1891–1892	4,783,000	[1] 7,150,000	[1] Dec. 1

"Table showing the increase in the quantity of cotton marketed during the first four months of the season since 1870—Continued.

[1] Estimated on basis of receipts to July 15, 1892.

"A comparison with 20 years ago shows that the receipts at the ports for the four months ending December 31, 1891, were nearly three and a half times larger than for the corresponding period of 1871, and exceeded the receipts of 1871 by 3,391,000 bales. The cotton marketed during the first four months of the season of 1891–92 exceeded the entire crop produced in any season previous to that of 1878–79. It will also be observed that while the date of arrival at the ports of one-half of the season's receipts was in 1871 on January 17, the date of such arrival of recent years has been from November 23 to December 3, or about six or seven weeks earlier.

"Mr. WHITE. This table also shows the date of the receipt of one-half the crop. On it I find this instructive statement: One-half of the total crop in 1870–71 had arrived by January 17; in 1872–73, January 8; in 1873–74, January 1, and now and then one-half the crop arrived at various days in December. In 1888–89, by December 5 one-half of the total crop had arrived in the city of New Orleans and other ports. In the following year, 1890–91, one-half of the total crop had arrived by December 8. In 1891–92 the crop is estimated, because we can not make it complete, and it is estimated on the basis of receipts up to July 15.

"This shows the great pressure of receipts on the market; this shows how the cotton pours in now at an early day. Who is to buy this cotton? If all this cotton is precipitated upon the market and if it had required actual buyers to be then and there ready to take it up for immediate delivery, why would not the producers have been at the mercy of the consumers? How can I show that this system of futures produced the result of obviating the consequences of the glut by selling not only to those wanting for the present but also to those requiring it for the future or more remote periods? I think I can do so not only by reasoning but also by facts——

"Mr. BUTLER. May I interrupt the Senator a moment, because I want to get at the real facts, and I know he does?

"Mr. WHITE. Certainly.

"Mr. BUTLER. Is it not a fact that a great deal of the cotton which the Senator says goes into all the ports of the United States at certain dates has been already bought from the producers?

"Mr. WHITE. Yes, sir; of course.

"Mr. BUTLER. The farmer has sold it?

"Mr. WHITE. There is no doubt about that.

"Mr. BUTLER. So that when the argument is made that that has any effect upon the producer, I submit to the Senator if it were true, and if the statement which I have just made be true, his argument falls to the ground.

"Mr. WHITE. On the contrary, it confirms my argument. If the Senator understands—and I was coming to that as an entire answer to the Senator from Mississippi [Mr. George]—it is just a confirmation of my argument 'strong as proofs of Holy Writ.' I will demonstrate it if the Senator will have a little patience.

"Mr. BUTLER. I am patient.

"Mr. WHITE. I say the effect of the arrival of all this cotton was necessarily to reduce the price. What else could it do? It always has done it, and does it with every product. I have shown the vast increase of the receipts for a given time in the modern period over the old period, resulting from modern facilities. Now I propose to make a comparison showing how much cotton fell before the 'future' period, at the time of large receipts of the crop, and how much it fell after the 'future' period. If I find that after the 'future' period the decline in cotton from the pressure of receipts was less than it was before the 'future' period, although the receipts have been largely increased, do I not make a demonstration that can not be answered? The fact that there was a decline in both periods

is not gainsaid, the question is, In which period has there been the least decline?

"I hold in my hand an exhibit of the dates of the lowest prices for cotton in New York during each season from 1850–51 to 1860–61—that is, a period before futures. I do not take in the period from 1861–62 to 1870–71, because of the war and the fluctuations in gold. I stop at 1861, because the war intervened, and if I went into the subsequent period, before 1880, questions of gold value, of the rate of exchange, and the disturbance of currency resulting from the war would be factors in the problem. I desired to make an accurate compilation. The statement, as I have said, shows the lowest point to which cotton fell from 1850–51 to 1860–61, and from 1880–81 to 1890–91.

"I take these two periods, one before the system of 'futures' and one after. I want to show the fact that the incoming crop caused a glut in the market and thus produced a depression in price which was common to both periods. It does that, as I said just now, in every product, and that glut occurred at about the same time relatively. Here it is. In 1883–84 the lowest price was September 1, 1883; take 1853–54, and the lowest price was October 21, 1853; take 1884–85, and the lowest price was October 24, 1884; and the lowest price in 1854–55 was December 15, 1854; take 1885–86, and the lowest price was February 26, 1886; and the lowest price in 1855–56 was November 9, 1855.

"The depression, therefore, of both periods was as a rule coincident with largest receipts.

"Dates of lowest prices of middling Upland cotton in New York during each season from 1850–51 to 1860–61, and from 1880–81 to 1890–91.

Season of—	Date of lowest price.	Season of—	Date of lowest price.
1850–1851 [1]	Aug. 5, 1851	1880–1881 [3]	May 10, 1881
1851–1852	Dec. 26, 1851	1881–1882	Oct. 17, 1881
1852–1853	Dec. 14, 1852	1882–1883 [4]	Apr. 4, 1883
1853–1854	Oct. 21, 1853	1883–1884	Sept. 1, 1883
1854–1855	Dec. 15, 1854	1884–1885	Oct. 24, 1884
1855–1856	Nov. 9, 1855	1885–1886	Feb. 26, 1886
1856–1857	Sept. 2, 1856	1886–1887	Nov. 4, 1886
1857–1858	Jan. 5, 1858	1887–1888	Oct. 3, 1887
1858–1859 [2]	June 3, 1859	1888–1889	Oct. 7, 1888
1859–1860 [2]	July 20, 1860	1889–1890	Nov. 4, 1889
1860–1861	Dec. 5, 1860	1891–1891 [5]	Aug. 17, 1891

[1] Crop of 1851–52 proved to be the largest up to that date, and when it became apparent in August, 1851, that the new crop would be greatly in excess of any previous season prices could not be maintained.

[2] Warlike apprehensions in Europe caused serious declines in prices in June, 1859, and July, 1860.

[3] Crop of 1880–81 was largest grown up to that time. It exceeded previous crop 845,000 bales. Its vast size was not fully realized by the trade until May, 1881, when prices declined under the large stocks.

[4] Crop of 1882–83 exceeded all previous crops, and was about 1,500,000 bales greater than the preceding crop. This was not plainly seen until April, 1883, when prices declined to lowest of the season.

[5] Crop of 1890–91 exceeded the estimates made in November, 1890, by over 1,000,000 bales, and when it was seen that the crop of 1891–92 would also be large the prices gave way.

"Now, I want to call attention to another fact. I hold in my hand a statement of the total sales of futures in New York and New Orleans. Every future sale is registered in the New Orleans and New York Cotton Exchanges. The statement contains the future sales in the cities named of the cotton crop from 1880–81 to 1890–91, inclusive—the whole volume of those sales, the volume of the crop, and the average price of spot cotton for each season.

"The table referred to is as follows:

"Total sales of futures in New York and New Orleans, and cotton crops 1880–81 to 1890–91, inclusive.

Season of—	New York.	New Orleans.	Total.	Crops.	Average price middling in New York.
1880–1881	26,721,800	5,239,600	31,961,400	6,605,760	11⅜
1881–1882	32,768,000	2,124,900	34,892,900	5,456,048	12½
1882–1883	25,907,100	11,712,800	37,619,900	6,949,756	11½
1883–1884	24,828,600	8,939,400	33,768,000	5,713,200	11
1884–1885	21,462,900	8,263,000	29,725,900	5,706,165	10⅜
1885–1886	25,382,500	7,018,700	32,401,200	6,575,691	9⅜
1886–1887	28,079,800	11,642,500	39,722,300	6,505,087	10 1/16
1887–1888	28,924,400	8,709,800	37,634,200	7,045,833	10⅜
1888–1889	20,184,400	6,747,900	26,932,300	6,938,290	10½
1889–1890	21,084,100	6,917,900	28,002,000	7,311,322	11½
1890–1891	26,389,500	9,141,400	35,530,900	8,652,597	9 1/16
Total	281,733,100	86,457,900	368,191,000	73,459,479	

"Those figures absolutely demonstrate that the greater the volume of 'future' sales to the volume of the crop, the higher the average price was for spot cotton. Here they are compiled from Cotton Facts, a book of unquestioned authority in the cotton trade, its author, Mr. Shepperson, being in no way a dealer in cotton, but devoting his time and talents to the literature of the subject. I wish to print the table in the RECORD as part of my remarks, and I call every Senator's attention to it, particularly those from cotton-growing States. This table shows that taking the volume of future sales and the volume of crops, that the average price of actual spot cotton was higher when the volume of 'futures' bore the largest proportion to the volume of the crop.

"What does this illustrate? It illustrates a very simple elementary proposition of political economy, as clear as two and two make four; that is, that prices are always higher in an active market; that the more trading there is, the more you get for the thing traded in. But when I showed this table to a distinguished Senator the other day, he said to me, 'That table does not prove anything; you have taken the average price of the year.' Now, the complaint is, and I want to call your attention to the fact, that the effect of this future dealing is not that it does not give as high an average price, but that it is a snare and a delusion to the farmer, and that it is a system of 'now you see it, and now you don't'; that when the glut comes the farmer's cotton is taken at a low price and sold at a high one after the farmer has already marketed.

"In other words, the claim is that the future dealer takes the hand of the farmer and leads him down into the depths of the Slough of Despond, and when he is led down and all his products taken away from him, then up goes the price and the speculators take the advantage. That, Mr. President, is absolutely and entirely false in every particular, as shown by my figures. Although it is untrue, it seems to be an opinion entertained by some, doubtless from error of fact.

"I now send to the desk to be read the testimony of Mr. D. W. McCune, who represents the National Farmers' Alliance.

"The PRESIDING OFFICER. The paper referred to will be read.

"The Secretary read as follows:

"Now, then, if the claim be just, which is made by the other side here, that this future selling regulates and controls and keeps up the market, and if it also be true that it can be made to have a temporary effect upon the market, then it follows if the pressure brought to bear at the beginning of the season temporarily reduces prices, then by means of this system they keep it down, and, as was ably shown by the gentleman from Minnesota who testified on our side, it had the effect of frightening away would-be investors, that it frightens away legitimate capital that would otherwise be induced to hold this crop when there was a superabundance, and if they could estimate on the volume of the crop and the volume of the demand and have some reason to believe it was an investment they would go into it, but owing to the manipulation of these futures it was so unsettled an operation that it horned off and kept the legitimate investors frightened away, and they would not take hold of it at all. Now, the same is true, and the point that I am gradually intending to show is this, that by this system they keep the mills horned off. They squeeze the cotton out of the producer and they keep the consumer horned off, so that he will not buy a pound of cotton until he is compelled to have it, and they keep legitimate capital frightened away so that they will not invest in it.

"Now, this system does not result from a little buyer who buys a few hundred bales and sells against it while his cotton is going to market; it is not from legitimate business men at all, but it is done by these combinations that manipulate, that squeeze the crop out of the hands of the producer and hold it through the season, and deal it out in driblets as they need it at a high price.

* * * * * * *

"Of course that is impossible; but I do believe that there is a certain part of it—that is, the part of it that is carried on a large scale at exactly the right time, when the crop commences to move, when the money is scarce, when the big buyers who have agents all over the country want to buy, that they can turn and fairly flood the leading future market—New York—with sales and offers to sell and depress the price very materially. I do not see how anyone can deny that. Now, I am taking, Mr. Chairman, a more conservative position perhaps than I believe, but I am taking it so as to be sure and just.

"Mr. WHITE. Before I meet that argument I desire to call attention to the difference between the Senator from Minnesota and this gentleman. The idea of the Senator from Minnesota seems to be that this future system prevents the enhancement of price, drives it down always and continuously. The idea of the gentleman whose statement has just been read is not that futures affect the price continuously, but that futures make the price low while the farmer is selling and then make it high when the speculator has gotten it. The two pretensions can not be both true. The Senator from Minnesota said yesterday that the effect of futures was such that when a man bought he could never sell with profit; he could not carry it; he could not get along. If a man be a buyer, then it seems to me he would buy at the season when these speculative buyers would be in the market—that is, buy when, if McCune be right, they were closing the farmer out cheap, and sell when the speculators were

raising the price. That, it seems to me, would be the time to sell.

"If this is a system by which the cotton factors and all those representing the cotton planter put the crop down, when it is coming in buy it, and then raises the price and sell it high for themselves, it seems to me that is a kind of business that would just suit the miller. But the Senator from Minnesota says that that does not exist, although Mr. McCune says it does.

"To show that this view is not true I have made a comparison of prices of middling upland cotton in New York from 1880 to 1891 with the period from 1850 to 1861, the same standard of comparison being applied to both. I have taken the prices during both periods. Here they are during the time when the future system did not exist, from 1850 to 1861. Here they are when the future system did exist, from 1880 to 1891. I have taken those two sets of prices and made the calculation, and any man can make it.

"I will print the table as a part of my remarks. It shows the range of fluctuation in the two periods. What was it? Why, sir, the greater range of fluctuation was in the period from 1850 to 1861, before futures. In 1850–51 the fluctuation was 3 7/16 cents more than the range of fluctuation in the first year of the other period, 1880–81. In 1851–52 it was fifteen-sixteenths more than it was in 1881–82. In 1854–55 it was 2½ cents more than in 1884–85. In 1856–57 it was 2 5/16 cents more than it was in 1886–87. In 1857–58 it was 4 1/8 cents more than in 1887–88. There are but three years in the whole time in which the range of fluctuation in the period where futures obtained was greater than the range of fluctuation existing before the future period, and those three years are explained by the occurrence of disturbances which operated on the market entirely extraneous from the future question. I will annex explanations of these years by way of notes to the table.

"Comparison of prices of middling upland cotton in New York since 1880 with the period from 1850 to 1860.

Season of—	Highest price.	Lowest price.	Range of fluctuations.
1880–1881	13	10 7/16	2 9/16
1881–1882	13 1/16	11½	1 9/16
1882–1883	12 1/16	10	2 1/16
1883–1884	11 1/16	10⅛	1 1/16
1884–1885	11¼	9⅛	1⅛
1885–1886	10¼	8 11/16	1 9/16
1886–1887	11 7/16	9⅛	2 5/16
1887–1888	11⅛	9 7/16	1 11/16
1888–1889	11⅛	9⅛	1⅛
1889–1890	12⅛	10¼	2⅛
1890–1891	11	7 11/16	3 5/16

Season of—	Highest price.	Lowest price.	Range of fluctuations.	Greater range of prices in period before "futures."	Less range of prices in period before "futures."
1850–1851	14½	8½	6	3 7/16	.....
1851–1852	11	8½	2½	15/16	.....
1852–1853	11½	9⅝	1⅞	.....	[1] 1 3/16
1853–1854	11⅝	10½	1⅛	.....	[2] 1 1/16
1854–1855	13	8½	4½	2½	.....
1855–1856	11⅛	9	2⅛	1 5/16	.....
1856–1857	15½	11½	4⅛	2 5/16	.....
1857–1858	15½	8½	6¾	4 1/16	.....
1858–1859	13½	10⅜	2⅞	1	.....
1859–1860	11⅝	10½	1¼	.....	[3] 1 1/16
1860–1861 [4]	14	10	4	1 1/16	.....

[1] The crop of 1882–83 was the largest grown up to that time and exceeded the previous crop 1,300,000 bales. Prices yielded under the pressure of excessive receipts and stocks, thus causing wider fluctuation in prices.

[2] The season of 1883–84 opened under the depressing influence of the large stocks remaining in the United States and Liverpool from the crop of the previous season (an increase of about 300,000 bales), and the lowest prices were current from Sept. 1 to Jan. 1. The condition of the new crop planted in the spring of 1884 was unfavorable and this caused a sharp advance, thus widening the range of fluctuations. The crop proved to be 1,237,000 less than the previous one.

[3] In the first four months of the season of 1889–90 the receipts at the ports were the largest previously recorded reaching 4,270,000 bales, and exceeding the receipts of the corresponding period of the previous season by 556,000 bales. Under this pressure prices receded from 11⅛ cents on Sept. 1 to 10¼ cents on Nov. 4, this latter price being the lowest of the season.

[4] Prices for 1860–61 are to the end of April. The Civil War was a disturbing factor after that date and prices advanced before close of the season (Aug. 31) to 20 cents, making a range for the entire season of 10 cents.

"Reference to the seasons from 1866–67 to 1879–80 has been omitted because they covered what is known as the reconstruction period, as well as the time of suspension of specie payments. The fluctuations in cotton during these years were very great, and the fluctuations for the four years immediately preceding the establishment of the future-delivery business in New York were the largest of which there is any record. The fluctuations for middling cotton in New York in 1866–67 were 17 cents; in 1867–68, 17½ cents; in 1868–69, 10¾ cents; in 1869–70, 15¾ cents.

"But it may be said you have calculated in the range of fluctuation, and in order to arrive at the range of fluctuation you have taken the highest and lowest price during the whole year. There is no other way to do it.

"Mr. RANSOM. Will my friend allow me to interrupt him?

"Mr. WHITE. Certainly.

"Mr. RANSOM. Will the Senator give us the list of prices representing the period?

"Mr. WHITE. I have not the list of prices under my hand. The prices were higher before the future period.

"Mr. RANSOM. They were higher in the first period, were they not, the period when they had no futures, than in the period when they had the actual prices?

"Mr. WHITE. Of course, cotton was generally higher years ago than now, and so with everything else. There is no contention about that. There is no contention in this testimony here anywhere that the effect of the future system was to lower the price of cotton. I have read the statement of Mr. McCune in which he says that the effect of this system is not to affect the general price but to make cotton low when the farmer is selling and high when he is not selling.

"If the Senator will turn to the statistical abstract and make a comparison with of all our agricultural products which are not sold by future delivery he will find that shrinkage in value affects not only cotton but all other things in this country equally. To attribute general shrinkage in value (which has affected the whole country, affected things which are not covered by futures as well as things which are covered by futures), to the future system, when the record does not contain any such pretension, when the gentlemen whom they are combating for say it is simply to prevent them from being skinned by having the price put down and then put up, is asking me a question which, in my judgment, is entirely out of the record.

"Mr. RANSOM. My friend will pardon me. He invited the question, or I should not have asked it, by a remark which he just made to me in a low voice. He was speaking of the fluctuations, and I simply desired the information for myself and the Senate to show what the comparative prices were in the two representative periods he designated. I asked the Senator this simple question for information, and I hope he will not hold me responsible for what any other person has said are complaints of farmers and what are not.

"Mr. WHITE. I thought I had fully answered that question by what preceded, when I exhibited a table showing the volume of futures and the volume of crop, and the price, and showed that price depended absolutely upon the law of supply and demand and not upon the quantity of futures. I thought that question had been answered. I think now to my mind it is perfectly and absolutely and satisfactorily answered.

"Mr. RANSOM. I did not mean to be involved in this little colloquy between us, but I took the liberty of reading a part of the memorandum which the Senator had offered to show that the price of cotton was highest when the volume of futures was largest. He read the memorandum to the Senate to show that the price of cotton was highest when the volume of futures was largest. I read hastily the memorandum, and I have it now before my eye. I learned from the memorandum that the price of cotton was highest when the supply was smallest, and that the volume of futures had nothing to do with the price one way or the other, or at least it did not have the effect the Senator attributed to it. For instance——

"Mr. WHITE. I think the Senator ought not to interrupt me by making a speech at this time.

"Mr. RANSOM. All right; I will not.

"Mr. WHITE. I am engaged in a regular argument.

"Mr. RANSOM. I am very sorry——

"Mr. WHITE. I appreciate the Senator's regret at interrupting me, and I know how keenly he feels its force.

"Mr. RANSOM. While the Senator was in his seat and the Clerk was engaged in reading I asked him a little question and he said he wished I would ask him then so he could satisfy my mind. But my mind is not satisfied. I am an axious inquirer.

"Mr. WHITE. Evidently the Senator is very anxious.

"Mr. RANSOM. I am very sorry I disturbed my friend—extremely sorry. I did not mean to do so. It is a thing I am very rarely guilty of in the Senate.

"Mr. WHITE. The solicitude of the Senator from North Carolina I think would be fully answered if he had listened to what

I said when I produced this table. I never thought, and I made no such statement, that the price depended upon the volume of futures; but I said that the average price of the years since the existence of futures was largest in the proportion the quantity of futures bore to the crop. Of course that statement is a mathematical statement of the proposition that the law of supply and demand governed as the volume of futures depended upon the volume of crop. The Senator looks at the statement and says the statement demonstrates that the price depended upon supply and demand, and yet he asked me whether futures affected it. That is the answer I got.

"Mr. RANSOM. I did not understand the Senator, then.

"Mr. WHITE. In order to prevent any possible implication that this calculation of average embraced any very low period or very high period I have taken the price of middling cotton in New York from 1880–81 to 1890–91, month by month, and also during the period where no futures existed, month by month, from 1850–51 to 1860–61, and it shows, beyond a peradventure of a doubt, large and abnormal fluctuations, month by month, before futures. That is the very condition of things which is complained of here existed then, and it also shows the absence of such a condition of things during the future period.

"In other words, taking the prices month by month since the future period you find a small decline, a decline when the cotton begins to come in, but the rate of decline from that declining point throughout the year is less than was the rate of the fall in the period where no futures obtained. Taking the fluctuations, following them month by month since futures, you find the amount a fraction of a cent. Taking the fluctuations during the other period, it is not infrequent that they run up into large figures. I will take some of them as examples. Take 1884–85, December was 1.39 above September; 1854–55, December was 1 cent below September. In other words, despite the incoming of the crop in 1884–85, December prices had been driven up to 1.39 above what cotton opened at the commencement of the season, whilst in 1854–55 it had lowered in price 1 cent from the beginning of the season. Of course all these statements refer to the prices of actual cotton.

"Go to another year. Take 1885–86; October prices were 0.21 below September. In 1855–56 they were 1 cent below September. Take 1887–88; December was above November 0.35. In 1857–58 December was below November 2 cents. In other words, the very process which is complained of here occurred before the future period and not since the future period. Why was this? Because futures held the market with a steady hand; and although there was as a rule a decline, that decline has been small compared with the persistency of decline and the abnormal fluctuations which took place before futures came into existence. Now, if this is not a complete answer to the complaints, I do not know what could be. I submit this table to be printed as a part of my remarks:

Average price of middling cotton in New York for each month and for each season 1850–1851 to 1860–1861 and 1880–1881 to 1890–1891.

Months.	1850-1851	1851-1852	1852-1853	1853-1854	1854-1855	1855-1856	1856-1857	1857-1858	1858-1859	1859-1860	1860-1861	1880-1881	1881-1882	1882-1883	1883-1884	1884-1885	1885-1886	1886-1887	1887-1888	1888-1889	1889-1890	1890-1891	1891-1892
September	13 1/4	9 7/8	10 1/4	11 3/16	10	10 1/4	11 1/4	15 1/4	13 1/16	11 1/4	10 1/4	11.80	12.22	12.40	10.37	10.56	10.06	9.33	9.81	10.45	11.28	10.54	8.61
October	14 1/2	9 3/16	10 3/8	10 1/4	10 1/2	9 1/2	12 3/8	(1)	12 1/16	11 7/16	11 3/16	11.25	11.61	11.12	10.61	9.95	9.86	9.33	9.51	9.86	10.61	10.28	8.51
November	14 3/8	8 1/16	10 1/4	11 1/2	9 1/2	9 7/16	12 3/8	12 3/8	11 3/8	11 3/8	11 7/16	11.27	11.81	10.48	10.51	10.19	9.41	9.17	10.20	9.93	10.26	9.60	8.16
December	13 1/4	8 1/4	9 3/8	11 3/8	9	9 1/8	11 7/16	10 3/4	11 1/16	11 7/16	10 9/16	11.92	11.97	10.33	10.45	10.95	9.28	9.47	10.55	9.81	10.27	9.39	7.94
January	13 1/16	8 3/16	10 3/16	10 1/4	9 1/8	9 3/16	13	9 3/4	12 1/8	11 7/16	12 1/16	11.91	11.94	10.17	10.66	11.12	9.25	9.50	10.53	9.87	10.59	9.37	7.55
February	12 1/8	8 1/4	10 3/16	10 3/16	9 1/8	10	13 1/4	11 3/16	11 1/16	11 1/2	11 1/8	11.59	11.77	10.22	10.75	11.19	9.08	9.50	10.61	10.05	11.19	9.17	7.25
March	11 3/16	8 7/16	10 1/4	10 3/16	9 1/4	10	13 7/16	11 1/8	12 1/4	11 1/8	12 1/2	11.00	11.99	10.16	11.04	11.31	9.11	10.00	10.15	10.18	11.41	8.99	6.87
April	11 3/16	8 1/4	11 1/16	10 3/8	10 1/2	10 1/2	14 1/8	12 1/4	12 1/4	11 1/8	13 3/4	10.80	12.18	10.17	11.80	11.02	9.25	10.58	9.87	10.63	11.70	8.94	7.11
May	10 1/16	9 1/2	11 1/4	10 3/8	11 1/16	10 1/2	14	12 1/4	11 7/16	11 1/4	.....	10.64	12.20	10.85	11.64	10.89	9.24	11.00	10.00	11.10	12.20	8.90	7.32
June	9 1/2	10	11 3/8	10 1/4	12 1/16	11	14 1/4	12 1/16	11 7/16	11	.....	11.05	12.28	10.53	11.36	10.78	9.21	11.16	10.16	11.08	12.14	8.51	7.58
July	9	10 1/4	11 5/16	10 3/8	11 1/8	11 7/16	14 1/16	12 1/8	12 1/16	10 3/8	.....	11.45	12.78	10.09	11.03	10.33	9.50	10.58	10.55	11.23	12.11	8.25	.....
August	8 7/8	10 1/16	11 1/8	10 1/2	11 7/16	11 1/2	15 1/2	12 3/8	12	10 3/8	.....	12.25	12.97	10.14	10.88	10.41	9.40	9.85	11.02	11.39	11.81	8.10	.....
Average for season	12.14	9.50	11.02	10.97	10.39	10.30	13.51	12.23	12.08	11.00	12.00	11.75	12.25	11.50	11.00	10.62 1/2	9.50	10.31 1/4	10.37 1/2	10.62 1/2	11.50	9.43 1/2	7.69

[1] Nominal.

1884–1885, December 1.39 cents above September; 1854–1855, December 1 cent below September; 1885–1886, October 0.20 cent below September; 1855–1856, October 1 cent below September; 1887–1888, December above November 0.35 cent; 1857–1858, December below November 2 cents.

"But there is other overwhelming evidence of the advantage which has resulted from future-delivery transactions. I affirm that the certain effect of futures has been to relieve the American producer from the grasp of the British spinner; has been to decrease the shipping margin between the New York and Liverpool markets, thus to that extent assisting the producer. I hold in my hand a comparative statement as to the values of middling and upland cotton in Liverpool and New York at the times of the lowest prices in New York in 1844, 1845, 1848, and the lowest price in 1892—making allowance for the difference in freight charges and the equivalent for the delay in time. I submit the table to be published in connection with my remarks:

"Comparative values of middling upland cotton in Liverpool and New York, at the times of lowest prices in New York in the years 1844, 1845, 1848, and 1892, making allowance for difference in freight charges and an average mail date equivalent of 35 days later than Liverpool date for the New York date. Exchange, 4.85.

Date	Liverpool price.	Freight.	Liverpool price, freight paid.	Equal American money.	New York price.	Difference or shipping margin.
	Pence.	*Pence.*	*Pence.*	*Cents.*	*Cents.*	*Cents.*
Nov. 25, 1844	3 7/8	3/8	3 1/2	7 1/16	5 5/16	1 3/4
Feb. 7, 1845	3 7/8	3/8	3 1/2	7 1/16	5 5/16	1 3/4
Apr. 7, 1848	4 1/8	3/8	3 3/4	8	5 3/8	2 5/8
Mar. 3, 1892	3 3/4	3/16	3 15/16	7 1/16	7 1/16	

"This statement is remarkable in two respects:

"1. The enormous margin required in the past by the cotton merchant to protect himself against a decline, as compared with the present, when he can protect himself by selling for future delivery.

"2. The wide fluctuation in that margin, ranging from 1 3/4 cents to 2 5/8 cents, showing the lack of stability in values.

"It is also a well-known fact in the cotton trade that during the years of low prices cited cotton in the southern ports sold for less than 4 cents per pound, while now, with the same or lower range of prices current in Europe, it is bringing 6 cents per pound in the South.

"These figures show that on November 25, 1844, cotton in Liverpool was 3 7/8 pence. The freight was three-eighths pence. The Liverpool price, freight paid, was 3 1/2 pence, the equal in American money of 7 1/16 cents. The New York price was 5 5/16 cents, leaving a shipping margin of 1 3/4 cents. Now, go to February, 1848; the shipping margin is 1 3/4 cents; in April, 1848, it is 2 5/8 cents. These facts show that there existed between the Liverpool price of cotton at that time and the price of cotton here this large margin.

"What did that come from? It came from the fact that the American producer was at the mercy of the British spinner. His cotton came into the market. Our mills could not consume it. Here was this large surplus, representing at least 70 per cent of the crop, and the margin between America and Liverpool was an average of nearly 2 cents during those years.

"It may be said, 'But you have picked out years; you have selected 1844 and 1845 and 1848.' In order to meet that criticism I have had a table prepared, showing the shipping margin between Liverpool and New York in 1884–85, 1885–86, 1886–87, as the period of futures, down to 1890–91, with a comparison from 1854 to 1861—the nonfuture period.

"What does this comparison show? Let us see. The shipping margin in 1854–55 was 1.36 cents; in 1884–85 it was 1 cent; in 1855–56 it was 1.70 cents, while in 1885–86 it was 0.87 of a cent; in 1856–57 it was 1 1/4 cents against 0.81 of a cent in 1886–87; in 1857–58 it was 3.14 cents against one-half of a cent in 1887–88; in 1858–59 it was 1.92 cents against 1 1/4 cents in 1888–89; in 1859–60 it was 2.37 cents against 0.87 of a cent in 1889–90; in 1860–61 it was 1 3/4 cents against 0.93 of a cent in 1890–91. The average shipping margin of the seven years 1854 to 1861 was 1.96 cents per pound against an average of 0.89 of a cent for the seven years 1884 to 1891 of the futures period. I submit the table as a part of my remarks.

"Table showing the shipping margin between New York and Liverpool for middling cotton for each season, 1854–55 to 1860–61 (which is as far back as we have reliable data) and 1884–85 (we begin the period of comparison at 1884–85 in order to avoid the fluctuations of gold) and 1890–91.

Season of—	Liverpool average price for season.	Equivalent in United States money.	New York average price for season.	Shipping margin.
	Pence.	*Cents.*	*Cents.*	*Cents.*
1884–1885	5 1/16	11.62	10.62	1.00
1885–1886	5 1/16	10.37	9.50	.87
1886–1887	5 1/16	11.12	10.31	.81
1887–1888	5 1/16	10.87	10.37	.50
1888–1889	5 1/16	11.87	10.62	1.25
1889–1890	6 1/16	12.37	11.50	.87
1890–1891	5 1/16	10.37	9.44	.93

Season of—	Liverpool average price for season.	Equivalent in United States money.	New York average price for season.	Shipping margin.
	Pence.	*Cents.*	*Cents.*	*Cents.*
1854–1855	5 1/4	11.75	10.39	1.36
1855–1856	6	12.00	10.30	1.70
1856–1857	7 1/8	15.00	13.50	1.50
1857–1858	7 1/16	15.37	12.23	3.14
1858–1859	7	14.00	12.08	1.92
1859–1860	6 1/16	13.37	11.00	2.37
1860–1861	7 1/8	13.75	12.00	1.75

"Average shipping margin of the seven years 1884 to 1891 is 0.89 of a cent, and of the seven years 1854 to 1861, 1.96 cents per pound.

"What do these margins represent? This enormous average difference of over a cent a pound on the shipping margin during the years compared was caused by the fact that the cotton was held during the future period from pressing on the market by the effect of the future-delivery system, and therefore the glut produced nothing like the damaging effect that it did before that period. Here was a difference in shipping margin of over a cent. Whom was it made by? Of course it was made by the American producer. I resume the showing. If the average price depends upon the volume of crop without reference to futures, if the range of fluctuations during the period before futures was greater than in the periods of futures, if the fluctuations month by month before the future period were much greater than they are in the future period, if before the future period there was a large shipping margin between Liverpool and this country and that margin has diminished considerably—if these facts be true, I ask, Do not they absolutely confirm every proposition I have advanced, and do they not justify the universal consensus of the commercial world that dealings in futures helps to maintain the price, and therefore helps the producer?

"I come now to the question which my friend the distinguished Senator from Mississippi [Mr. George] put to me, and that involves the discussion of another portion of the bill. I say this bill is a delusion. I say under this bill contracts for future delivery can not be practically made until commercial men devise expedients and mechanism to frustrate the law and to overcome it, and why? The provision of the bill is that the planter may sell for future delivery either the crop he has made or the crop he proposes to make.

"Mr. GEORGE. Not proposed, but having in process.

"Mr. WHITE. Well, that does not change the logical proposition. I did not intend to state it with inaccuracy. I do not think that affects the situation. Let us see how the future business is conducted. In the first place, the question which the Senator from South Carolina [Mr. Butler] asked me is perfectly true. A large part of the cotton which came early to market had probably been already sold before it got there. Sold how? Sold under the future system. The result of the future system has been to break up great buyers, and now all over the southern country everywhere, in every county, wherever cotton can be sold there is found a cotton buyer. A buyer for whom? A buyer for himself. The telegraph goes everywhere. The buyer is communicating with spinners. The spinners do not buy average lots of cotton. They buy particular kinds of cotton.

"There is no farmer who can sell a particular kind of cotton. A crop of cotton is diversified and composed of divers grades. The spinner wants a certain kind of cotton. The buyer telegraphs him, 'I will deliver you such a grade of cotton,' say a thousand bales or 500 bales. He has not got it. There is not one planter who could give it to him. He sells it on the faith of his credit and faith in his ability to obtain the grades required. The spinner believes in him; he knows him. That man, in order to protect himself from loss, the moment the spinner says he accepts, telegraphs to a market and buys futures as a hedge against his sale to the spinner. Cotton as sold for futures does not cover a particular grade, but an average lot of cotton.

"All that is below a certain grade is not admitted, and no lot of cotton is of a uniform grade. The moment he buys actual cotton he picks out of that lot of cotton the bales which correspond to what he has sold the spinner and disposes of futures to that extent. If compelled to buy another lot in order to complete his sale to the spinner, he sells more of his futures, and so he goes on and goes on until he has made up his lot to deliver to the spinner's order, and also disposes of his futures. I ask the Senator from Mississippi [Mr. George] where is the farmer who can do that? Where is the crop of the farmer that is going to supply that want and carry out such a transaction, which is a typical representation of the contract by which the producer's cotton passes to the consumer?

"Mr. GEORGE. Do you want an answer now?

"Mr. WHITE. Certainly; I should be very glad to have an answer.

"Mr. GEORGE. My answer is that the farmer can not do it and it can not be done under the form of the future contract adopted by the Cotton Exchange of New Orleans and the Cotton Exchange of New York, in both of which, whilst a man purchased the contracts for middling cotton, the seller may deliver him any kind of 7 full grades, 14 grades of cotton, and no manufacturer can ever supply himself under the future system as regulated in New Orleans and New York.

"Mr. WHITE. Let me answer the Senator. He evidently has not understood my position. Let me state an elementary commercial transaction: A is a spinner. B is a buyer. A, the spinner, says to B, the buyer, 'I want a thousand bales of long-staple cotton.' That is not a transaction made under the rules of any exchange. B, the buyer, says, 'Very well; I will deliver to you a thousand bales of long-staple cotton.' Here a contract has been engendered between A, the buyer, and B, the seller, to deliver a thousand bales of long-staple cotton. The seller has not got the cotton. He has got to get it. What does the spinner do in order to protect himself against loss? He has sold his goods. He knows the price he is going to have to pay for his cotton. He immediately proceeds to sell his goods for future delivery predicated upon the price at which he has agreed to pay for this cotton.

"What does the seller do? It is an ordinary contract under the rules of no exchange. Then that seller buys a lot of cotton for future delivery—deliverable to him two months ahead. He knows the price at which he has bought it and at which he has sold. His whole object in doing this is to get a lot of cotton so as to make up this lot which he has agreed to deliver. Covered by his two contracts, one of sale and the other of purchase, he looks about in the country, picks up the grade he has sold to the spinner, and as fast as he does this he sells out his futures. He may make 20 or 30 future transactions before completing this entire business. He could not do this without futures. How could he do it without suffering the risk of a decline? He insures himself against a decline. The spinner insures himself against an advance. Everybody in the transaction is insured.

"Mr. GEORGE. Except the planter.

"Mr. WHITE. The planter sells and gets his money.

"Mr. GEORGE. He sells on futures.

"Mr. WHITE. And I have shown he gets a more regular and a better and less fluctuating price than he got before the future system came in. That is the answer to it.

"Mr. President, it is one of my great objections to this bill that whilst it holds out a delusive hope that the planter can personally dispose of his cotton by futures, he practically can not by the restrictions created by this bill. The whole cotton country is changing its form. Cotton used to be made in large fields, with one owner and class labor. Now it is getting subdivided, and small holdings are coming in.

"I have here a statement taken from the preceding census—I could not get it from the last—showing that two-fifths of the farms in the southern country are now small holdings, and the system is increasing. Take my own State. We have an alluvial country with large planters and we have a hill country with small planters making a small number of bales each. Anybody who is familiar with cotton coming to the New Orleans market knows that in one invoice there will be 20, 30, 40, and 50 marks of cotton, all shipped by one, but belonging to different people. Small planters ship 1 and 2 bales at a time.

"The provisions of this bill allowing the sale of futures by the planter strikes a blow at the small farmer in the hills of my State, because whilst it gives them the privilege to sell futures under the laws of trade, they will not be able to avail them-

selves of it, whilst the man who makes a large crop and has a large assortment of cotton will find himself a favored person as compared with the small cotton producer. I stand for the small cotton producer; I stand for the farmer in my State who can not avail himself of the provisions of this bill because he does not make a lot of cotton which he could sell to advantage. The effect of this bill will be to allow the man only who has a large amount of cotton to sell it under the bill.

"Mr. President, the figures are so clear to my mind that I have searched them in vain for an answer. I think they are an absolute demonstration of the truth of the proposition which I hold, and until the figures are answered discussion of the theory of the situation is without avail. I say, with these figures staring me in the face, I dare not vote for this bill. The cotton crop from the southern country is now coming in. I saw in the Financial Chronicle the other day a statement that there are nearly a million bales on the continent. There are fifteen hundred thousand bales of cotton in Liverpool, and considerable spot cotton in this country, much probably held under future contracts and thus stretched over to the next year. The same day my attention was called by a newspaper to the fact of the arrival of the first bale of the new crop in New Orleans.

"I do not desire to prophesy evil as to the future. I know that no act of any legislative body can break up a great commercial system and render it nugatory. The laws of the world, the laws of commerce, are higher and stronger than any legislative system, and they adapt themselves with marvelous rapidity to any wrong restrictions which may be put upon them. Yet the process of adaptation is one of pain and one of travail and one of labor. Pass this bill, strike down this system in the presence of a large amount of spot cotton now in stock, and, with a new crop coming, my judgment is that this bill will cause confusion. By the disarrangement and the turmoil which it will probably make in the commercial methods of the whole world, the loss to the people of the cotton States will likely not be less than fifty or sixty million dollars for the ensuing year.

"Suppose we do pass the bill and strike the present business methods down, what good is it going to do? Is there not a cotton exchange where futures are dealt in at Liverpool? Are they not on the Continent of Europe? Did not just a few days ago a gentleman send me the charter of the organization of a great exchange in the city of Hamburg for the purpose of conducting this business of futures in cotton? Did he not send me a letter from a German merchant saying that they had noticed the intention to strike down the business here, and they hoped it would come to them?

"Is there not a cotton exchange at Alexandria, in Egypt? Does not both the Egyptian and the Indian crop move under the operation of laws of future delivery? Without that system I have shown that the disparity between the American price and English prices is large. With the system I have demonstrated that the disparity diminished until there has been an average gain to the producers of this country of over a cent a pound. I am unwilling by my vote here to transfer this vast sum of money out of the pockets of the people of the cotton States into the pockets of the people of Great Britain."

Mr. STEPHENS of Texas. Mr. Chairman, I ask for the reading of amendment No. 139, the amendment relative to the Mississippi Choctaws.

The Clerk read as follows:

Amendment 139: Page 70, line 6, insert the following:

"That the Secretary of the Interior be, and he is hereby, authorized to make a per capita payment to the enrolled members of the Choctaw, Chickasaw, and Cherokee Tribes of Indians of Oklahoma entitled under existing law to share in the funds of their respective tribes, or to their lawful heirs, out of any moneys belonging to said tribes in the United States Treasury or deposited in any bank or held by any official under the jurisdiction of the Secretary of the Interior, said payment not to exceed, in the case of the Choctaws and Chickasaws, $100 per capita, and in the case of the Cherokees, not to exceed $15 per capita, and all said payments to be made under such rules and regulations as the Secretary of the Interior may prescribe: *Provided*, That in cases where such enrolled members, or their heirs, are Indians who by reason of their degree of Indian blood belong to the restricted class, the Secretary of the Interior may, in his discretion, withhold such payments and use the same for the benefit of such restricted Indians: *Provided, however*, That the provisions of this act shall not be applicable to the members of the Choctaw Nation in Oklahoma until Congress shall have determined the rights of the Mississippi Choctaws whose names do not appear upon the approved rolls of the Choctaws in Oklahoma and until such of said Mississippi Choctaws as shall be found entitled to enrollment have been placed upon the rolls of citizenship of the Choctaw Nation."

Mr. KETTNER. Mr. Chairman, I ask unanimous consent to extend my remarks in the RECORD.

The CHAIRMAN. The gentleman from California asks unanimous consent to extend his remarks in the RECORD. Is there objection?

There was no objection.

Mr. STEPHENS of Texas. Mr. Chairman, I move that the committee do now rise.

The motion was agreed to.

The committee accordingly rose; and the Speaker having resumed the chair, Mr. UNDERWOOD, Chairman of the Committee of the Whole House on the state of the Union, reported that that committee had had under consideration the bill H. R. 12579, the Indian appropriation bill, and had come to no resolution thereon.

PENSION BILLS.

Mr. KEY of Ohio. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the following pension bills, disagree to all the Senate amendments, and ask for a conference:

H. R. 13297. An act granting pensions and increase of pensions to certain soldiers and sailors of the Regular Army and Navy, and certain soldiers and sailors of wars other than the Civil War, and to widows of such soldiers and sailors.

H. R. 13920. An act granting pensions and increase of pensions to certain soldiers and sailors of the Regular Army and Navy, and certain soldiers and sailors of wars other than the Civil War, and to widows of such soldiers and sailors.

H. R. 14546. An act granting pensions and increase of pensions to certain soldiers and sailors of the Regular Army and Navy, and certain soldiers and sailors of wars other than the Civil War, and to widows of such soldiers and sailors.

H. R. 15071. An act granting pensions and increase of pensions to certain soldiers and sailors of the Regular Army and Navy, and certain soldiers and sailors of wars other than the Civil War, and to widows of such soldiers and sailors.

H. R. 15504. An act granting pensions and increase of pensions to certain soldiers and sailors of the Regular Army and Navy, and certain soldiers and sailors of wars other than the Civil War, and to widows of such soldiers and sailors.

The SPEAKER. The gentleman from Ohio asks unanimous consent to take from the Speaker's table the pension bills just mentioned, disagree to the Senate amendments, and ask for a conference. Is there objection?

There was no objection.

The SPEAKER appointed as conferees on the part of the House Mr. KEY of Ohio, Mr. MURRAY of Oklahoma, and Mr. SELLS.

CORRECTION OF THE RECORD.

Mr. COOPER. Mr. Speaker, on page 11416 of the RECORD, first column, halfway from the top, appears this:

The SPEAKER pro tempore. The gentleman from Georgia [Mr. ADAMSON] is recognized, and the gentleman from Georgia yields to the gentleman from New Jersey.

The words "Speaker pro tempore" should be stricken out and the word "Chairman" should be inserted. The Chair at that time was occupied by the gentleman from Texas [Mr. GARNER].

The SPEAKER. Without objection, the correction will be made.

There was no objection.

Mr. STAFFORD. Mr. Speaker, a parliamentary inquiry. Is there not a practice in this House, well recognized, that any small mistake in the text can be corrected by submitting it to the gentlemen at the desk?

The SPEAKER. The Chair never heard of it.

Mr. STAFFORD. I know frequently that has been done by calling it to the attention of the clerks at the desk.

The SPEAKER. The Chair never heard of it being done, and thinks it would be an unfortunate practice if it were done. If that were done, who would fix the limit on what was material and what was immaterial in a change of the RECORD?

LEAVE OF ABSENCE.

The SPEAKER laid before the House the following communication:

To the Speaker of the House of Representatives:

I respectfully request leave of absence until July 15, because of important matters, both public and private, requiring my attention.

FRANK PLUMLEY.

JULY 1, 1914.

By unanimous consent, the request was granted.

ENROLLED BILLS SIGNED.

Mr. ASHBROOK, from the Committee on Enrolled Bills, reported that they had examined and found truly enrolled bills of the following titles, when the Speaker signed the same:

H. R. 4938. An act providing for the issuance of patents to transferees of town lots purchased from the United States at public sale in certain cases; and

H. R. 16192. An act to authorize the issuance of patent to Rachel E. Dangerfield Boast for the southeast quarter of section 21 and the northeast quarter of section 28, township 1 south, range 57 west of the sixth principal meridian.

The SPEAKER announced his signature to enrolled bill of the following title:

S. 751. An act to repeal section 3480 of the Revised Statutes of the United States.

SENATE BILLS REFERRED.

Under clause 2, Rule XXIV, Senate bills of the following titles were taken from the Speaker's table and referred to their appropriate committees, as indicated below:

S. 5843. An act granting pensions and increase of pensions to certain soldiers and sailors of the Civil War and certain widows and dependent relatives of such soldiers and sailors; to the Committee on Invalid Pensions.

S. 5575. An act granting pensions and increase of pensions to certain soldiers and sailors of the Civil War and certain widows and dependent relatives of such soldiers and sailors; to the Committee on Invalid Pensions.

S. 5501. An act granting pensions and increase of pensions to certain soldiers and sailors of the Regular Army and Navy and of wars other than the Civil War, and to certain widows and dependent relatives of such soldiers and sailors; to the Committee on Pensions.

S. 5446. An act granting pensions and increase of pensions to certain soldiers and sailors of the Civil War and certain widows and dependent relatives of such soldiers and sailors; to the Committee on Invalid Pensions.

S. 4441. An act to extend the provisions of the act of June 23, 1910 (36 Stat. L., 592), authorizing assignment of reclamation homestead entries, and of the act of August 9, 1912 (37 Stat. L., 265), authorizing the issuance of patents on reclamation homestead entries to lands in the Flathead irrigation project, Montana; to the Committee on Irrigation of Arid Lands.

S. 5899. An act granting pensions and increase of pensions to certain soldiers and sailors of the Regular Army and Navy, and of wars other than the Civil War, and to certain widows and dependent relatives of such soldiers and sailors; to the Committee on Pensions.

S. 2806. An act relative to the appointment, pay, and rank of chief warrant officers in the Revenue-Cutter Service; to the Committee on Interstate and Foreign Commerce.

S. 5731. An act for the relief of William Cronley; to the Committee on Military Affairs.

S. 5978. An act to refund to the American Surety Co. of New York an amount paid by it to the United States under protest and to avoid the levy of an execution under a judgment against it, which judgment was subsequently reversed by the Supreme Court of the United States; to the Committee on Claims.

S. 5278. An act granting pensions and increase of pensions to certain soldiers and sailors of the Regular Army and Navy, and of wars other than the Civil War, and to certain widows and dependent relatives of such soldiers and sailors; to the Committee on Pensions.

S. 5207. An act granting pensions and increase of pensions to certain soldiers and sailors of the Civil War and certain widows and dependent relatives of such soldiers and sailors; to the Committee on Invalid Pensions.

S. 2651. An art providing for the purchase and disposal of certain lands containing the minerals kaolin, kaolinite, fuller's earth, china clay, and ball clay, within portions of Indian reservations heretofore opened to settlement and entry; to the Committee on the Public Lands.

S. 1653. An act providing against the abandonment of destitute, infirm, or aged parents; to the Committee on the District of Columbia.

S. 3768. An act to restore Capt. Harold L. Jackson, retired, to the active list of the Army; to the Committee on Military Affairs.

S. 2466. An act for the relief of Elsie McDowell Bunting; to the Committee on Invalid Pensions.

S. 1802. An act construing the provisions of section 8 of the act entitled "An act to improve the efficiency of the personnel of the Revenue-Cutter Service," approved April 16, 1908; to the Committee on Interstate and Foreign Commerce.

S. 655. An act authorizing the Secretary of the Interior to survey the lands of the abandoned Fort Assiniboine Military Reservation and open the same to settlement; to the Committee on Military Affairs.

S. 543. An act to correct the military record of John T. Haines; to the Committee on Military Affairs.

ADJOURNMENT.

Mr. STEPHENS of Texas. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 5 o'clock and 53 minutes p. m.) the House adjourned until to-morrow, Thursday, July 2, 1914, at 12 o'clock noon.

EXECUTIVE COMMUNICATIONS.

Under clause 2 of Rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

1. A letter from the Secretary of the Treasury, transmitting copy of communication of the Assistant Secretary of the Interior submitting estimate of appropriation for the relief of Jacob Wirth for loss of two horses while hired by Geological Survey (H. Doc. No. 1106); to the Committee on Appropriations and ordered to be printed.

2. A letter from the Secretary of the Treasury, transmitting copy of communication of the Secretary of the Navy submitting estimate of appropriation required by the Navy Department for cleaning, repair, and upkeep of grounds and roads at Naval Observatory, Washington, D. C., for fiscal year ending June 30, 1915 (H. Doc. No. 1107); to the Committee on Appropriations and ordered to be printed.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII,

Mr. DECKER, from the Committee on Interstate and Foreign Commerce, to which was referred the bill (H. R. 17511) to authorize the Great Western Land Co. of Missouri to construct a bridge across the Black River, reported the same with amendment, accompanied by a report (No. 916), which said bill and report were referred to the House Calendar.

PUBLIC BILLS, RESOLUTIONS, AND MEMORIALS.

Under clause 3 of Rule XXII, bills, resolutions, and memorials were introduced and severally referred as follows:

By Mr. KEATING: A bill (H. R. 17579) authorizing the Secretary of War to deliver to Kilpatrick Post, No. 41, of La Junta, Colo., two condemned cannon and a suitable outfit of cannon balls; to the Committee on Military Affairs.

By Mr. McGILLICUDDY: A bill (H. R. 17595) to provide for a site and public building at Farmington, Me.; to the Committee on Public Buildings and Grounds.

By Mr. BUCHANAN of Texas: A bill (H. R. 17596) to provide for the purchase of a site for a public building in the city of Lockhart, Tex.; to the Committee on Public Buildings and Grounds.

By Mr. ROBERTS of Massachusetts (by request): A bill (H. R. 17597) providing for the purchase of the suit of clothes worn by President Lincoln at the time of his assassination; to the Committee on the Library.

By Mr. KAHN: Resolution (H. Res. 561) directing the Secretary of State to transmit to the House such letters, documents, or instructions given to Hon. John Lind, special representative of the President of the United States in Mexico; to the Committee on Foreign Affairs.

By Mr. PADGETT: Joint Resolution (H. J. Res. 290) authorizing officers and enlisted men of the Army and Navy of the United States to wear badges adopted by military societies of men who served in the Nicaraguan Expedition during the year 1912; to the Committee on Naval Affairs.

By Mr. MOORE: Joint resolution (H. J. Res. 291) requesting the President of the United States to invite foreign Governments to participate in the International Congress on Education; to the Committee on Foreign Affairs.

PRIVATE BILLS AND RESOLUTIONS.

Under clause 1 of Rule XXII, private bills and resolutions were introduced and severally referred as follows:

By Mr. LESHER: A bill (H. R. 17598) granting an increase of pension to Uriah Golder; to the Committee on Invalid Pensions.

By Mr. FLOOD of Virginia: A bill (H. R. 17599) granting a pension to Marvel J. Nash; to the Committee on Pensions.

By Mr. FLOYD of Arkansas: A bill (H. R. 17600) for the relief of the legal representatives of Mary A. Youree, deceased; to the Committee on War Claims.

By Mr. GARD: A bill (H. R. 17601) granting an increase of pension to Nelson Thompson; to the Committee on Invalid Pensions.

By Mr. GOOD: A bill (H. R. 17602) granting an increase of pension to John S. Stout; to the Committee on Invalid Pensions.

By Mr. LEWIS of Maryland: A bill (H. R. 17603) for the relief of John T. Walsh; to the Committee on Claims.

By Mr. ROBERTS of Massachusetts: A bill (H. R. 17604) granting a pension to Francis Prendergast; to the Committee on Pensions.

Also, a bill (H. R. 17605) granting an increase of pension to Henry D. Moulton; to the Committee on Invalid Pensions.

By Mr. SLOAN: A bill (H. R. 17606) granting an increase of pension to David Kelley; to the Committee on Invalid Pensions.

Also, a bill (H. R. 17607) granting an increase of pension to William McKenney; to the Committee on Invalid Pensions.

By Mr. SMITH of Idaho: A bill (H. R. 17608) granting an increase of pension to Charles H. Stansbury; to the Committee on Invalid Pensions.

Mr. SAMUEL W. SMITH: A bill (H. R. 17609) granting an increase of pension to William W. Cook; to the Committee on Invalid Pensions.

PETITIONS, ETC.

Under clause 1 of Rule XXII, petitions and papers were laid on the Clerk's desk and referred as follows:

By the SPEAKER (by request): Resolution signed by the pastor of the Methodist Episcopal Church of Winfield, Iowa, protesting against the practice of polygamy in the United States; to the Committee on the Judiciary.

By Mr. AINEY: Petition of sundry citizens of New Albany, Pa., favoring national prohibition; to the Committee on Rules.

By Mr. ANSBERRY: Petition of the Sunday School of St. Paul's Methodist Episcopal Church, of Napoleon, Ohio, and sundry citizens of Scott, Ohio, favoring national prohibition; to the Committee on Rules.

Also, petitions of H. A. Dertrick and others, of Ohio, protesting against national prohibition; to the Committee on Rules.

By Mr. BAILEY (by request): Petition of 200 citizens of Altoona, Pa., and a mass meeting of citizens at Hollidays Methodist Episcopal Church, at Hollidaysburg, Pa., favoring national prohibition; to the Committee on Rules.

Also (by request), petition of sundry citizens of Roaring Spring, Pa., favoring passage of the Stevens bill (H. R. 13305); to the Committee on Interstate and Foreign Commerce.

Also (by request), petition of the Blair County (Pa.) Liquor Dealers' Association, protesting against national prohibition; to the Committee on Rules.

By Mr. BELL of California: Memorial of the Forty-seventh Annual Encampment of the California and Nevada Grand Army of the Republic, protesting against change in the American flag; to the Committee on the Judiciary.

Also, petition of W. S. Parker and 38 others, of Monrovia, Cal., favoring national prohibition; to the Committee on Rules.

By Mr. BOOHER: Petition of 400 citizens of Buchanan County, Mo., protesting against national prohibition; to the Committee on Rules.

By Mr. BRUCKNER: Petition of the Buffalo (N. Y.) Live Stock Association, favoring Senate bill 4522; to the Committee on Interstate and Foreign Commerce.

Also, petition of the Army Field Clerks' Association, favoring House bill 9687, relative to increase in pay for Army field clerks; to the Committee on Military Affairs.

Also, petition of Eleonora Youtcheff, of New York, favoring civil-service retirement bill; to the Committee on Reform in the Civil Service.

Also, petition of the North Side Board of Trade of New York, favoring Senate bill 8590, to improve the port of New York; to the Committee on Rivers and Harbors.

By Mr. DALE: Petition of the New York State Federation of Labor, favoring the passage of the seamen's bill; to the Committee on the Merchant Marine and Fisheries.

Also, petition of Claflin, Thayer & Co., of New York, protesting against the Clayton antitrust bill; to the Committee on the Judiciary.

Also, memorial of the General Post Office Letter Carriers' Mutual Benefit Association of New York City, protesting against section 6 of House bill 12928; to the Committee on the Post Office and Post Roads.

By Mr. DILLON: Petition of sundry citizens of Yankton, S. Dak., favoring national prohibition; to the Committee on Rules.

By Mr. DONOHOE: Petition of the Summerfield Methodist Episcopal Church, of Philadelphia, Pa., and the Seventh United Presbyterian Church, of Philadelphia, Pa.; mass meeting of citizens of Simpson Memorial Methodist Episcopal Church and the Fox Chase Methodist Episcopal Church, of Philadelphia, Pa., favoring national prohibition; to the Committee on Rules.

By Mr. DOOLITTLE: Petitions of 90 citizens of Olsburg, 15 citizens of Burlington, 90 citizens of Emporia, and mass meetings of citizens of Carbondale and Auline, all in the State of Kansas, favoring national prohibition; to the Committee on Rules.

By Mr. FLOOD of Virginia: Petitions of sundry citizens of Waynesboro, Staunton, Buena Vista, Amherst, and Appomattox, all in the State of Virginia, favoring House bill 5308, to tax mail-order houses; to the Committee on Ways and Means.

Also, petition of Mrs. W. W. King, Mrs. J. N. Sublett, and others, of Staunton, Va., favoring woman-suffrage legislation; to the Committee on the Judiciary.

Also, petition of the Southern Conference of Virginia Synod, representing 3,000 people, favoring national prohibition; to the Committee on Rules.

By Mr. FLOYD of Arkansas: Petition of Rev. N. M. Ragland, Dr. J. T. Hight, and others, of Fayetteville, Ark., urging Federal legislation for woman suffrage; to the Committee on the Judiciary.

Also, petition of 400 citizens of Siloam Springs, Ark., favoring national prohibition; to the Committee on Rules.

By Mr. GITTINS: Petition of Gertrude Franchot Tone, H. H. Amberg, and others, of Niagara Falls, N. Y., urging Federal legislation for woman suffrage; to the Committee on the Judiciary.

By Mr. GOEKE: Petition of the Christian Endeavor Society and Sunday School of the Church of Christ, of Lewis, Ohio, favoring national prohibition; to the Committee on Rules.

By Mr. GOOD: Petition of sundry citizens of Marion, Iowa, favoring national prohibition; to the Committee on Rules.

Also, petition of various business men of Tipton, Iowa, favoring passage of House bill 5308, relative to taxing mail-order houses; to the Committee on Ways and Means.

By Mr. HAMMOND: Petition of sundry citizens of Pipestone, Minn., favoring national prohibition; to the Committee on Rules.

Also, petition of 25 citizens of Jackson, Minn., and 19 citizens of Mountain Lake, Minn., protesting against national prohibition; to the Committee on Rules.

By Mr. HELM: Petition of 51 citizens of Kentucky, favoring national prohibition; to the Committee on Rules.

By Mr. HENSLEY: Petitions of sundry citizens of the thirteenth Missouri district, favoring national prohibition; to the Committee on Rules.

Also, petitions of sundry citizens of the thirteenth Missouri district, against national prohibition; to the Committee on Rules.

By Mr. JOHNSON of Washington: Petition of various citizens of Petersburg, Alaska, supporting prohibition in Alaska; to the Committee on the Territories.

Also, petitions of sundry citizens of Vancouver and Elms, Wash., protesting against national prohibition; to the Committee on Rules.

Also, petitions of 100 citizens of Shelton, 21 citizens of Port Angeles, 665 citizens of Hoquiam, and sundry citizens of Raymond and of Clarke County, all in the State of Washington, favoring national prohibition; to the Committee on Rules.

Also, memorial of the Rocky Mountain Association, United Mine Workers of America, favoring passage of House bill 16098; to the Committee on Patents.

By Mr. KEISTER: Petition of sundry citizens of Jeannette, Pa., in the twenty-second congressional district of Pennsylvania, favoring the passage of House joint resolution 168, providing for a prohibition amendment; to the Committee on Rules.

Also, memorial of the Christian Endeavor Society of the Presbyterian Church of Zelienople, Pa., favoring national prohibition; to the Committee on Rules.

Also, petition of Ralph Veachie, of Pricedale, Pa., protesting against national prohibition; to the Committee on Rules.

By Mr. KENNEDY of Iowa: Petitions of sundry citizens of Winfield, Mediapolis, Albia, Washington, and Yarmouth, all in the State of Iowa, favoring national prohibition; to the Committee on Rules.

By Mr. KENNEDY of Rhode Island: Petition of sundry citizens of Rhode Island, favoring national prohibition; to the Committee on Rules.

Also, petitions of Joseph J. Flynn, Joseph H. Clear, and James Flynn, all of Pawtucket, R. I., protesting against nation-wide prohibition; to the Committee on Rules.

Also, petition of the Trinity Union Methodist Episcopal Church, of Providence, R. I., favoring nation-wide prohibition; to the Committee on Rules.

By Mr. J. R. KNOWLAND: Six protests against adoption of prohibition constitutional amendment from residents of Oakland, Cal.; to the Committee on Rules.

Also, 15 petitions from residents of Pacific Grove, San Francisco, Vallejo, Greenfield, Long Beach, Pasadena, Los Angeles, all in the State of California, favoring the prohibition constitutional amendment; to the Committee on Rules.

By Mr. LANGLEY: Petition of Elizabeth Scoville, Cynthia E. Flanery, and others of Posey, Ky., favoring Federal legislation for woman suffrage; to the Committee on the Judiciary.

By Mr. LEE of Pennsylvania: Petition of sundry citizens of Pottsville, Pa., favoring woman suffrage; to the Committee on the Judiciary.

By Mr. LESHER: Petition of Alice M. Robins and others, of Bloomsburg, Pa., urging legislation for woman suffrage; to the Committee on the Judiciary.

By Mr. LEVY: Petition of 14 business men and other citizens of New York, against national prohibition; to the Committee on Rules.

Also, petition of Jacob Levit and D. E. Lynch, of New York City, favoring civil-service retirement bill; to the Committee on Reform in the Civil Service.

By Mr. LEWIS of Maryland: Petition of various members of the Locust Valley Church of God, Christian Endeavor, and missionary societies, for the passage of House joint resolution 168, to prohibit the sale of intoxicating liquors; to the Committee on Rules.

Also, petition of various members of the Young People's Society for Christian Endeavor of St. Paul's Lutheran Church, of Cumberland, Md., for the passage of House joint resolution 168, to prohibit the sale of intoxicating liquors; to the Committee on Rules.

By Mr. LONERGAN: Petition of G. A. Sauer, of Hartford, Conn., protesting against the adoption of Hobson resolution for national prohibition; to the Committee on Rules.

By Mr. MAGUIRE of Nebraska: Petitions of Anna Korendu and Amy E. Marble, of Tablerock; Mrs. P. M. Hall and 500 others, of Lancaster County; C. P. McGeri, of Falls City; Mrs. George Schwaser and others, of David City, all in the State of Nebraska, urging Federal legislation for woman suffrage; to the Committee on the Judiciary.

By Mr. MITCHELL: Petition of A. Gertrude Dudley, Margaret C. Colgate, and others, of Rockland, Mass., urging woman-suffrage legislation; to the Committee on the Judiciary.

By Mr. MOORE: Telegrams from the Enterprise Laundry Co., E. W. Fischer & Sons, the Fred Feil Brewing Co., the Oxford Silk Co., and sundry citizens, all of Philadelphia, Pa., protesting against national prohibition; to the Committee on Rules.

Also, petition of the Christian Endeavor Society of the First Church of the Covenanters of Philadelphia, Pa., favoring national prohibition; to the Committee on Rules.

By Mr. MORIN (by request): Petitions of sundry citizens of Pittsburgh, Philadelphia, and Allegheny County, all in the State of Pennsylvania, against national prohibition; to the Committee on Rules.

Also (by request), petition of the Waverly Oil Works Co., of Pittsburgh, Pa., favoring Senate bill 5550, to remove from monopoly control the transportation and storage of petroleum oil; to the Committee on Interstate and Foreign Commerce.

Also (by request), petition of sundry citizens of Pittsburgh and Philadelphia, Pa., favoring House bill 13305, to tax mail-order houses; to the Committee on Ways and Means.

Also (by request), petition of the city council of Bradford, Pa., favoring House bill 5139, for civil-service retirement; to the Committee on Reform in the Civil Service.

Also (by request), petition of the American National Retail Jewelers' Association, favoring House bill 2972, relative to time guaranties on gold-filled watches; to the Committee on Interstate and Foreign Commerce.

Also (by request), petition of sundry citizens of Pittsburgh, Pa., relative to antitrust legislation; to the Committee on the Judiciary.

Also (by request), petition of sundry citizens of Philippine Islands relative to present tariff law; to the Committee on Ways and Means.

Also (by request), petition of sundry citizens of Pittsburgh, Pa., favoring bill relative to liability for loss of live stock in shipment; to the Committee on Interstate and Foreign Commerce.

Also (by request), petition of sundry citizens of Pittsburgh, Pa., favoring House bill 14328; to the Committee on the Post Office and Post Roads.

Also (by request), petition of the Building Trades Department, American Federation of Labor, favoring House bill 8593 to protect workmen in the District of Columbia; to the Committee on the District of Columbia.

Also (by request), petitions of sundry citizens of McCrea, Pittsburgh, Allegheny County, and Allentown, all in the State of Pennsylvania, favoring national prohibition; to the Committee on Rules.

By Mr. J. I. NOLAN: Petitions of sundry citizens of the State of California, favoring the passage of the prohibition constitutional amendment now pending before Congress; to the Committee on Rules.

Also, petition of the San Francisco Chamber of Commerce, favoring House bill 15986, to prevent transmission of false statements through the mails; to the Committee on the Post Office and Post Roads.

By Mr. O'LEARY: Petitions of Jarvis, Lake & Grandville, of Far Rockaway, and William H. Hahn, the Manufacturers and Dealers' League, and the Pressler & Hassbacher Chemical Co., of New York City, protesting against national prohibition; to the Committee on Rules.

Also, petition of the East Buffalo Live Stock Association, favoring passage of Senate bill 4522; to the Committee on Interstate and Foreign Commerce.

Also, petition of G. F. Murray, of New York; G. H. Miller, Catherine G. Whitford, H. B. Belcher, and sundry citizens of Elmhurst, all of the State of New York, favoring national prohibition; to the Committee on Rules.

By Mr. O'SHAUNESSY: Petitions of 567 citizens of Providence, and delegates to conference held in Providence, the Christian Endeavor Society of the People's Church of Auburn, and the quarterly conference of the Thames Street Methodist Episcopal Church of Newport, the Christian Endeavor Societies of Elmwood Avenue of Providence, the Pearl Street Baptist Christian Endeavor Society of Providence, and of the First Baptist Church of East Providence, and Christian Endeavor Society of the Church of Christ of Providence, all in the State of Rhode Island, favoring national prohibition; to the Committee on Rules.

By Mr. PAIGE of Massachusetts: Petition of sundry citizens of Fitchburg, Mass.; the First Baptist Church and Central Congregational Church of Orange, Mass., favoring national prohibition; to the Committee on Rules.

By Mr. PAYNE: Petitions of sundry citizens of the thirty-sixth congressional district of the State of New York, favoring national prohibition; to the Committee on Rules.

Also, petitions of sundry citizens of the thirty-sixth congressional district of the State of New York, protesting against national prohibition; to the Committee on Rules.

By Mr. REED: Letters from Arthur R. Layman, of Dover; Rev. Irving J. Enslin, of Derry; D. M. Rowe, Rev. F. L. Wiley, and Arthur M. Shattuck, of Laconia; Fred H. Smith, of Meredith; Willis F. Otis, of Strafford; Rev. William G. Berkeley, of Newington; Tilton C. H. Bouton, of Hudson; Mrs. H. C. Remick, of Concord; Charles F. Ruee, of Danville; Howard L. Winslow, of Salem; Oscar Fask, of East Candia; and Natt. F. Platts, of Manchester, all in the State of New Hampshire, favoring national prohibition of the liquor traffic; to the Committee on Rules.

By Mr. REILLY of Connecticut: Petition of sundry citizens of Milford and New Haven, Conn., favoring national prohibition; to the Committee on Rules.

By Mr. SLOAN: Resolution of the Baptist Church of Wymore, Nebr., and a public meeting at Wymore, Nebr., in favor of national constitutional prohibition amendment; to the Committee on Rules.

By Mr. SAMUEL W. SMITH: Petition of 85 citizens of Detroit, Mich., favoring national prohibition; to the Committee on Rules.

By Mr. TAYLOR of New York: Petition of 264 voters of the twenty-fifth congressional district of New York, against passage of Hobson-Sheppard-Works resolutions for national prohibition; to the Committee on Rules.

By Mr. TEN EYCK (by request): Petition of John T. Birge and 110 members of the Second Presbyterian Church, of Troy, N. Y., in favor of the passage of the Hobson resolution for national prohibition; to the Committee on Rules.

By Mr. THOMSON of Illinois: Petition of 24 citizens of Chicago, Ill., favoring national prohibition; to the Committee on Rules.

By Mr. UNDERHILL: Petition of sundry citizens of Cameron, Ithaca, Addison, and Corning, the First Presbyterian Church of Canisten, the Methodist Episcopal Church of Canton, the Methodist Episcopal Church of Apalachin, the First Baptist Church of Canton, and sundry citizens of Chemung County, all in the State of New York, favoring national prohibition; to the Committee on Rules.

Also, petition of sundry citizens of Chemung County, Mecklenburg, Freeville, and Rathbone, all in the State of New York, favoring national prohibition; to the Committee on Rules.

By Mr. WHITACRE: Petition of 25 citizens of New Waterford, 60 citizens of Canton, and a mass meeting at Lakeville, all in the State of Ohio, favoring national prohibition; to the Committee on Rules.

By Mr. WILLIAMS: Petitions of sundry citizens of Astoria, Ill., favoring national prohibition; to the Committee on Rules.

Also, petitions of sundry citizens of Kewanee, Ill., and the North American Skat League, protesting against national prohibition; to the Committee on Rules.

By Mr. WILLIS: Petition of George T. Seibert, of Urbana, Ohio, protesting against the adoption of House joint resolution 168, relating to national prohibition; to the Committee on Rules.

By Mr. WOODRUFF: Petition of Rose T. Farrier, Edith M. Schmaler, and others, of Montgomery County; Olive N. Ewing, N. Kate Backus, and others, of Harbor Springs; and Harriett Jane Comstock, Mary L. Ulerflient, and others, of Alpena, all in the State of Michigan, favoring woman-suffrage legislation; to the Committee on the Judiciary.

Also, petition of sundry citizens of Hope and Onaway, Mich., favoring national prohibition; to the Committee on Rules.

SENATE.

THURSDAY, *July 2, 1914.*

The Senate met at 11 o'clock a. m.

Rev. A. J. Dickinson, D. D., of Birmingham, Ala., offered the following prayer:

Most gracious God, we thank Thee for our country and for the civilization that we hold in trust for coming ages. We pray Thee that Thy blessing may attend this great land. Guide Thou this House in its deliberations and promote peace and happiness among men. Guide, we pray Thee, the Senators in their taking of counsel one with another. Lead us to right ends. May we live to Thy glory, and may prosperity attend the land. And unto Thee Thou King Eternal, invisible, Thou only wise God, be the glory forever and ever. Amen.

The Journal of yesterday's proceedings was read and approved.

FINDINGS OF THE COURT OF CLAIMS.

The VICE PRESIDENT laid before the Senate a communication from the assistant clerk of the Court of Claims, transmitting certified copies of the findings of fact and conclusions filed by the court in the following causes:

Mrs. Vitha B. McClendon, administratrix of Joel McClendon, *v.* United States, and Jean Michael Vendenheim *v.* United States (S. Doc. No. 529).

The foregoing findings were, with the accompanying papers, referred to the Committee on Claims and ordered to be printed.

CALLING OF THE ROLL.

Mr. JONES. Mr. President, I see just two Senators on the other side of the Chamber. I raise the point of no quorum.

The VICE PRESIDENT. The Secretary will call the roll.

The Secretary called the roll, and the following Senators answered to their names.

Ashurst	Dillingham	Norris	Sterling
Brady	Fletcher	Page	Sutherland
Brandegee	Gallinger	Perkins	Thomas
Bryan	Hughes	Ransdell	Thornton
Burleigh	Jones	Sheppard	Townsend
Burton	Kern	Shively	Walsh
Catron	Lane	Simmons	Warren
Chamberlain	Martin, Va.	Smith, Ga.	White
Culberson	Martine, N. J.	Smith, Mich.	Works
Cummins	Newlands	Smoot	

Mr. SMITH of Georgia. I desire to state that my colleague, the junior Senator from Georgia [Mr. WEST], is still detained in his room on account of the injury he received a few days ago. I have a general pair with the senior Senator from Massachusetts [Mr. LODGE]. I wish to transfer that pair for the day to the junior Senator from Georgia. So I will vote during the day, in view of the transfer of my pair, and I will not announce it again.

Mr. KERN. I desire to announce the absence of the junior Senator from South Carolina [Mr. SMITH], who is unavoidably detained, and also the absence of the Senator from North Carolina [Mr. OVERMAN], the Senator from Kansas [Mr. THOMPSON], the Senator from West Virginia [Mr. CHILTON], the Senator from Iowa [Mr. KENYON], the Senator from Minnesota [Mr. CLAPP], and the Senator from Tennessee [Mr. LEA], who are absent on business of the Senate, being in attendance upon a committee. This announcement may stand for the day.

The VICE PRESIDENT. Thirty-nine Senators have answered to the roll call. There is not a quorum present. The Secretary will call the absentees.

The Secretary called the names of the absent Senators, and Mr. STONE and Mr. VARDAMAN answered to their names when called.

Mr. DU PONT entered the Chamber and answered to his name.

The VICE PRESIDENT. Forty-two Senators have answered to the roll call. There is not a quorum present.

Mr. KERN. I move that the Sergeant at Arms be directed to request the attendance of absent Senators.

The motion was agreed to.

The VICE PRESIDENT. The Sergeant at Arms is instructed to request the attendance of absent Senators. He will execute the order of the Senate.

Mr. O'GORMAN, Mr. POINDEXTER, Mr. CLARKE of Arkansas, Mr. CLAPP, Mr. KENYON, Mr. THOMPSON, Mr. CHILTON, and Mr. OVERMAN entered the Chamber and answered to their names.

Mr. SMOOT. I desire to announce the unavoidable absence of the senior Senator from Illinois [Mr. SHERMAN] on account of illness in his family. He has a general pair with the Senator from South Carolina [Mr. TILLMAN].

The VICE PRESIDENT. Fifty Senators have answered to the roll call. There is a quorum present.

Mr. KERN. I move that the order directing the Sergeant at Arms to request the attendance of absent Senators be vacated.

The motion was agreed to.

ADJOURNMENT OVER THE FOURTH OF JULY.

Mr. KERN. I move that when the Senate adjourns on Friday evening, which is to-morrow evening, it be until Monday following, at 11 o'clock a. m.

The motion was agreed to.

MONUMENT TO PRESIDENT JOHN TYLER.

The VICE PRESIDENT. Some time since the Senate of the United States and the House passed a concurrent resolution calling upon the Chair to appoint five Senators to attend the unveiling ceremonies of the monument to be erected over the grave of the late President of the United States, John Tyler. In compliance with the provisions of the concurrent resolution (S. Con. Res 22) the Chair appoints Mr. MARTIN of Virginia, Mr. SWANSON, Mr. CHILTON, Mr. GOFF, and Mr. GALLINGER members of the joint committee on the part of the Senate to represent the Congress of the United States.

PETITIONS AND MEMORIALS.

Mr. DU PONT. I present a resolution adopted at a meeting of the Delaware Bankers' Association held at Lewes, Del., on June 18, remonstrating against the enactment of legislation so far as it relates to interlocking directorates of banks. I ask that the resolution may be printed in the RECORD and referred to the Committee on the Judiciary.

There being no objection, the resolution was referred to the Committee on the Judiciary and ordered to be printed in the RECORD, as follows:

DELAWARE BANKERS' ASSOCIATION,
Wilmington, Del., June 25, 1914.

Hon. H. A. DU PONT,
United States Senate, Washington, D. C.

DEAR SENATOR DU PONT: At a meeting of the Delaware State Bankers' Association, held at Lewes on June 18 the bill (H. R. 15657) relating to interlocking directorates was fully discussed, and the following resolution unanimously adopted:

"*Resolved*, That we are strongly opposed to this bill for the reason that we believe it will deplete the numbers and impair the efficiency of our bank boards by robbing them of many of our strongest members at the very time their services are most needed—particularly is this true of smaller cities and towns—and impair confidence by tearing down and lowering the tone of bank managements, and in many ways interfere with the successful launching and operation of the Federal reserve act, which fact is of such importance as to overshadow any legislation which under other circumstances might seem advisable. We believe that the bankers and business men are more anxious even than our legislators to eliminate from the new system the abuses that have crept into the old, and that legislation is unnecessary to accomplish this end. At least, give them a chance. We believe that the welding together of a great mass of strong banks and strong men is essential to the success of the plan, and that it is unwise to legislate against the whole country for the purpose of correcting abuses existing in one locality."

Respectfully submitted.

WILLIAM WINDER LAIRD,
Wilmington Trust Co.,
JOHN RICHARDSON, Jr.,
National Bank of Delaware,
EZEKIEL COOPER,
Farmers' Bank of Wilmington,
Committee.

Mr. DU PONT presented a petition of Capital Grange, Patrons of Husbandry, of Dover, Del., favoring Government ownership of telegraph and telephone lines, which was referred to the Committee on Post Offices and Post Roads.

He also presented a memorial of sundry citizens of Delaware, remonstrating against the enactment of the so-called Clayton antitrust bill and alleging that certain provisions thereof are discriminatory in character, which was referred to the Committee on the Judiciary.

Mr. CUMMINS. I have received many petitions in the form of telegrams, letters, and resolutions, favoring the adoption of the joint resolution proposing an amendment to the Constitution of the United States prohibiting the manufacture, sale, and transportation of intoxicating liquors. I present the petitions and ask that they be referred to the Committee on the Judiciary.

The VICE PRESIDENT. The petitions will be received and referred to the Committee on the Judiciary.

Mr. BRANDEGEE. I have received a great many petitions, telegrams, and memorials in relation to the same subject, both for and against it. I have had great numbers of remonstrances signed by individuals and sent to me in packages, not exactly in the form of petitions, but I present them, together with several other petitions, and ask that they may be appropriately referred.

The VICE PRESIDENT. The petitions and memorials will be received and referred to the Committee on the Judiciary.

Mr. PERKINS presented a petition of the Medical Society of Riverside County, Cal., praying for the enactment of legislation to provide for the retirement of superannuated civil-service employees, which was referred to the Committee on Civil Service and Retrenchment.

He also presented a memorial of sundry citizens of San Francisco, Cal., remonstrating against the enactment of the so-called antitrust legislation, which was referred to the Committee on the Judiciary.

He also presented petitions of sundry citizens of San Francisco and Mountain View, in the State of California, praying for the adoption of an amendment to the Constitution to prohibit the manufacture, sale, and importation of intoxicating beverages, which were referred to the Committee on the Judiciary.

Mr. DILLINGHAM presented petitions of sundry citizens of the State of Vermont, praying for the adoption of an amendment to the Constitution to prohibit the manufacture, sale, and importation of intoxicating beverages, which were referred to the Committee on the Judiciary.

Mr. BURLEIGH presented petitions of sundry citizens of Maine, praying for the adoption of an amendment to the Constitution to prohibit the manufacture, sale, and importation of intoxicating beverages, which were referred to the Committee on the Judiciary.

He also presented resolutions adopted by the Department of Maine, Grand Army of the Republic, assembled at Lewiston, Me., June 17, 1914, favoring the appointment of a soldier to the position of surveyor of the port at Portland, Me., which was referred to the Committee on Commerce.

Mr. WORKS presented telegrams in the nature of memorials from sundry citizens of California, remonstrating against the enactment of the so-called antitrust legislation, which were referred to the Committee on the Judiciary.

He also presented telegrams in the nature of petitions from sundry citizens of California, praying for the adoption of an amendment to the Constitution to prohibit the manufacture, sale, and importation of intoxicating beverages, which were referred to the Committee on the Judiciary.

Mr. WARREN presented a petition of sundry citizens of Cheyenne, Wyo., praying for national prohibition, which was referred to the Committee on the Judiciary.

Mr. CATRON presented a memorial of Local Union No. 330, International Union of the United Brewery Workers, of Albuquerque, N. Mex., remonstrating against the adoption of an amendment to the Constitution to prohibit the manufacture, sale, and importation of intoxicating beverages, which was referred to the Committee on the Judiciary.

Mr. CHAMBERLAIN presented a memorial of sundry citizens of Oregon, remonstrating against national prohibition, which was referred to the Committee on the Judiciary.

He also presented a petition of sundry citizens of Oregon, praying for the enactment of legislation to further restrict immigration, which was ordered to lie on the table.

He also presented a memorial of Local Branch, United National Association of Post Office Clerks, of Portland, Oreg., remonstrating against the recent dismissal of certain employees of the Washington City post office, which was referred to the Committee on Post Offices and Post Roads.

Mr. GALLINGER presented a telegram in the nature of a memorial from A. D. Grant, of Keene, N. H., remonstrating against the enactment of legislation providing for national prohibition, which was referred to the Committee on the Judiciary.

Mr. ROOT presented petitions of sundry citizens of New York, praying for national prohibition, which were referred to the Committee on the Judiciary.

He also presented memorials of sundry citizens of New York, remonstrating against national prohibition, which were referred to the Committee on the Judiciary.

He also presented a petition of the Pastors' Union of Lockport, N. Y., praying for the enactment of legislation to prevent the sale of opium and cocaine except for medicinal uses, which was ordered to lie on the table.

He also presented a resolution of the Board of Aldermen of New York City, N. Y., remonstrating against the proposed appropriation for renovating and repairing the present post-office building in New York City and favoring an appropriation for a new Federal building on some other and a more suitable location, which was referred to the Committee on Public Buildings and Grounds.

He also presented a memorial of the Merchants' Association of New York City, N. Y., remonstrating against the provisions in the sundry civil appropriation bill and the pending antitrust bills exempting labor and farmers' organizations, etc., from prosecution under the antitrust laws, which was referred to the Committee on the Judiciary.

He also presented petitions of sundry citizens of Saranac Lake, Waterport, Odessa, Rochester, Buffalo, New York City, and Babylon, all in the State of New York, praying for the enactment of legislation to provide for Federal censorship of motion pictures, which were referred to the Committee on Education and Labor.

Mr. MARTIN of Virginia presented petitions of sundry citizens of Fairfax County, Newport News, and Staunton, all in the State of Virginia, urging Federal legislation for woman suffrage, which were ordered to lie on the table.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by J. C. South, its Chief Clerk, announced that the House disagrees to the amendments of the Senate to the bill (H. R. 13297) granting pensions and increase of pensions to certain soldiers and sailors of the Regular Army and Navy and certain soldiers and sailors of wars other than the Civil War and to widows of such soldiers and sailors, asks a conference with the Senate on the disagreeing votes of the two Houses thereon, and had appointed Mr. KEY of Ohio, Mr. MURRAY of Oklahoma, and Mr. SELLS managers at the conference on the part of the House.

The message also announced that the House disagrees to the amendments of the Senate to the bill (H. R. 13920) granting pensions and increase of pensions to certain soldiers and sailors of the Regular Army and Navy, and certain soldiers and sailors of wars other than the Civil War, and to widows of such soldiers and sailors, asks a conference with the Senate on the disagreeing votes of the two Houses thereon, and had appointed Mr. KEY of Ohio, Mr. MURRAY of Oklahoma, and Mr. SELLS managers at the conference on the part of the House.

The message further announced that the House disagrees to the amendments of the Senate to the bill (H. R. 14546) granting pensions and increase of pensions to certain soldiers and sailors of the Regular Army and Navy, and certain soldiers and sailors of wars other than the Civil War, and to widows of such soldiers and sailors, asks a conference with the Senate on the disagreeing votes of the two Houses thereon, and had appointed Mr. KEY of Ohio, Mr. MURRAY of Oklahoma, and Mr. SELLS managers at the conference on the part of the House.

The message also announced that the House disagrees to the amendments of the Senate to the bill (H. R. 15071) granting pensions and increase of pensions to certain soldiers and sailors of the Regular Army and Navy, and certain soldiers and sailors of wars other than the Civil War, and to widows of such soldiers and sailors, asks a conference with the Senate on the disagreeing votes of the two Houses thereon, and had appointed Mr. KEY of Ohio, Mr. MURRAY of Oklahoma, and Mr. SELLS managers at the conference on the part of the House.

The message further announced that the House disagrees to the amendments of the Senate to the bill (H. R. 15504) granting pensions and increase of pensions to certain soldiers and sailors of the Regular Army and Navy, and certain soldiers and sailors of wars other than the Civil War, and to widows of such soldiers and sailors, asks a conference with the Senate on the disagreeing votes of the two Houses thereon, and had appointed Mr. KEY of Ohio, Mr. MURRAY of Oklahoma, and Mr. SELLS managers at the conference on the part of the House.

The message also announced that the House disagrees to the amendments of the Senate to the bill (H. R. 12914) granting

pensions and increase of pensions to certain soldiers and sailors of the Civil War and certain widows and dependent children of soldiers and sailors of said war, asks a conference with the Senate on the disagreeing votes of the two Houses thereon, and had appointed Mr. RUSSELL, Mr. ADAIR, and Mr. LANGHAM managers at the conference on the part of the House.

The message further announced that the House disagrees to the amendments of the Senate to the bill (H. R. 13542) granting pensions and increase of pensions to certain soldiers and sailors of the Civil War and certain widows and dependent children of soldiers and sailors of said war, asks a conference with the Senate on the disagreeing votes of the two Houses thereon, and had appointed Mr. RUSSELL, Mr. ADAIR, and Mr. LANGHAM managers at the conference on the part of the House.

The message also announced that the House disagrees to the amendments of the Senate to the bill (H. R. 14234) granting pensions and increase of pensions to certain soldiers and sailors of the Civil War and certain widows and dependent children of soldiers and sailors of said war, asks a conference with the Senate on the disagreeing votes of the two Houses thereon, and had appointed Mr. RUSSELL, Mr. ADAIR, and Mr. LANGHAM managers at the conference on the part of the House.

The message further announced that the House disagrees to the amendments of the Senate to the bill (H. R. 14738) granting pensions and increase of pensions to certain soldiers and sailors of the Civil War and certain widows and dependent children of soldiers and sailors of said war, asks a conference with the Senate on the disagreeing votes of the two Houses thereon, and had appointed Mr. RUSSELL, Mr. ADAIR, and Mr. LANGHAM managers at the conference on the part of the House.

The message also announced that the House disagrees to the amendments of the Senate to the bill (H. R. 15692) granting pensions and increase of pensions to certain soldiers and sailors of the Civil War and certain widows and dependent children of soldiers and sailors of said war, asks a conference with the Senate on the disagreeing votes of the two Houses thereon, and had appointed Mr. RUSSELL, Mr. ADAIR, and Mr. LANGHAM managers at the conference on the part of the House.

ENROLLED BILLS SIGNED.

The message further announced that the Speaker of the House had signed the following enrolled bills, and they were thereupon signed by the Vice President:

H. R. 4938. An act providing for the issuance of patents to transferees of town lots purchased from the United States at public sale in certain cases; and

H. R. 16192. An act to authorize the issuance of patent to Rachel E. Dangerfield Boast for the southeast quarter of section 21 and the northeast quarter of section 28, township 1 south, range 57 west, of the sixth principal meridian.

REPORTS OF COMMITTEES.

Mr. SMOOT, from the Committee on Public Lands, to which was referred the bill (S. 2823) relating to the temporary filling of vacancies occurring in the offices of register and receiver of district land offices, reported it with an amendment and submitted a report (No. 636) thereon.

Mr. BRYAN, from the Committee on Claims, to which were referred the following bills, reported them each without amendment and submitted reports thereon:

A bill (H. R. 963) for the relief of Mrs. Andrew Riganopolous (Rept. No. 637); and

A bill (H. R. 9362) for the relief of R. B. Whitacre & Co. (Rept. No. 638).

Mr. SHIVELY, from the Committee on Pensions, to which were referred the following bills, reported them each with amendments and submitted reports thereon:

A bill (S. 4232) to establish in the War Department and in the Navy Department, respectively, a roll designated as "the Army and Navy medal of honor honor roll," and for other purposes (Rept. No. 639); and

A bill (H. R. 16294) granting pensions and increase of pensions to certain soldiers and sailors of the Civil War and certain widows and dependent children of soldiers and sailors of said war (Rept. No. 640).

BILLS INTRODUCED.

Bills were introduced, read the first time, and, by unanimous consent, the second time, and referred as follows:

By Mr. DU PONT:

A bill (S. 6025) for the relief of the heirs of Lewis D. Brown; to the Committee on Claims.

By Mr. THOMAS:

A bill (S. 6026) granting an increase of pension to Mary A. Selleck (with accompanying papers); to the Committee on Pensions.

By Mr. O'GORMAN:

A bill (S. 6027) granting a pension to Ella M. Decker (with accompanying papers); to the Committee on Pensions.

By Mr. PERKINS:

A bill (S. 6028) to authorize the Commissioner of Navigation to cause the rebuilt bark *Simla* to be registered as a vessel of the United States (with accompanying papers); to the Committee on Commerce.

By Mr. OVERMAN:

A bill (S. 6029) granting a pension to William M. Miller; and

A bill (S. 6030) granting a pension to Daniel W. Setzer; to the Committee on Pensions.

AMENDMENT TO SUNDRY CIVIL APPROPRIATION BILL.

Mr. O'GORMAN submitted an amendment proposing to appropriate $1,000 to pay the clerk of the Committee on Interoceanic Canals for extra services, intended to be proposed by him to the sundry civil appropriation bill, which was referred to the Committee on Appropriations and ordered to be printed.

FEDERAL TRADE COMMISSION.

Mr. SAULSBURY submitted an amendment intended to be proposed by him to the bill (H. R. 15613) to create an interstate trade commission, to define its powers and duties, and for other purposes, which was ordered to lie on the table and be printed.

INDIAN LAWS AND TREATIES.

Mr. CLAPP submitted the following concurrent resolution (S. Con. Res. 25), which was referred to the Committee on Printing:

Resolved by the Senate (the House of Representatives concurring), That there be printed and bound 3,000 copies of Senate Document No. 719, Sixty-second Congress, second session, entitled "Indian Affairs, Laws and Treaties," volume 3, 500 of which shall be for the use of the Senate, 1,500 for the use of the House of Representatives, 200 for the Commissioner of Indian Affairs, 50 for the House Committee on Indian Affairs, 50 for the Senate Committee on Indian Affairs, 100 for the Department of the Interior, 50 for the compiler, and the remaining 550 shall be sold by the superintendent of documents.

THE FORESTRY SERVICE.

Mr. CATRON. I have here an article written by Mr. M. J. Nagel on the Forestry Service, which contains about two closely written pages. It pertains to a matter which, I think, would be of interest to the committee investigating this subject, and I ask that it may be printed in the RECORD and referred to the Committee on Agriculture and Forestry.

There being no objection, the article was referred to the Committee on Agriculture and Forestry and ordered to be printed in the RECORD, as follows:

Our system of agriculture is the most theoretic and impractical system in existence. It is the ruin of foresters and forest. It is the ruin of farmers and farms, wasting labor and money, creating floods and destruction, misleading the Government and public with theoretic statistics. The most important branch of our Government, the Forestry Service, is managed by theoretic professors and college boys. They are not acquainted with practical work.

The report of the special forestry committee of the conservation congress is misleading to the Government and public. The theoretic addresses are most impractical, and not a word is mentioned about how to correct the ignorance of practical forestry. If this system of forestry was advised by a man in France or Germany, he would be considered incompetent. This report says, on page 359, "It is estimated that seven and a half million acres of denuded forest land in the national forest require reforestation. Under the present plans 30,000 acres are reforested annually." I am sure not half of it has a stand. I can advise and teach the present force of men to reforest 500,000 acres annually at a much less expense than at the present time. The report says, "It will cost $12 per acre to reforest." I can teach and will take the contract to reforest every acre of denuded land, abandoned farms and fields in the United States for less than $5 per acre, and all will grow. By this method more than $50,000,000 can be saved in reforesting seven and a half million acres.

The report says nothing of how to prevent floods, regulate the flow of waters in the rivers; nothing of the useless and misleading publications by impractical professors and employees in agricultural colleges that are ruining the farm and forest. An investigation should be made by men who are experienced and competent in practical agriculture. I can prove what I say and can advise how to change our system of agriculture so as to better conditions.

If the Government, States, counties, townships, and farmers will work in harmony, we can reforest 2,000,000 acres each year, as can be demonstrated.

Statements about German forest and forester are false, erroneous, and misleading; such publications are to draw more money from the Public Treasury.

All abandoned farms and fields should be reforested, and dams should be built in all ravines and creeks to store the water and prevent the silt from washing into the rivers. This will regulate rivers and floods. No estimation can be made at the present time as to how much water could be stored for the benefit of farm and forest.

If the money appropriated by the Smith-Lever bill would be spent judiciously by practical experienced men of agriculture, men who know the conditions of farms and farmers and do know how to teach farmers, that bill would be a blessing and would help to double the crop of agriculture; but, as proposed, to send inexperienced college boys to instruct farmers, it will do very little good and will work harm.

The most important and vital question at the present time is how to improve our farms and keep the rural population on the farm. The

Roman Empire died of excess of urbanism. The Roman Empire, so strong and well-cultured in art and literature, erred in neglecting agriculture. To satisfy the plebeian in the cities they built magnificent theaters, temples, and monuments that we admire to-day but neglected agriculture, and it was ruined. The people have pressed to the populous centers until the cities are overrun with beggars, loafers, and tramps. The newly rich families only seek to spend their money so as to show their wealth and compete with older families in luxuries, causing the poorer class to envy them and curse the situation. The cities in competing with one another advertise the schools and the pleasures they have in the cities and attract the attention of the rural population. The high cost of living is unnecessary. The present condition of the United States is very similar to the condition of the Roman Empire in the second and third centuries. Our theoretic system of agriculture will be our ruin. This impractical system is ruining farm and forest. We have to change our system of agriculture to increase the rural population, improve farms and farming, and we soon will reduce the high cost of living. Impractical education is reducing the rural population and increasing the consumers.

The rural population can keep up prosperity of the land. The farmer has to provide for all. Ruin the farm and the country is ruined. Urbanism will be our ruin. The industries of the large cities will increase luxuries and wants. The increase of production does not keep pace with the increase of population. Our theoretical professors, without practical knowledge and experience, can not remedy this lamentable situation. The impractical education in our agricultural colleges is driving the children from the farm to the cities, thereby helping to ruin farm and forest. If we would model our system of agriculture after the English, German, and Danish systems, we could double our farm products and reforest each State in the Union with less expense than we have now.

The foresters at the James Reserve planted 6 acres with 10,000 seedlings. Mr. Mahoon planted at the Zuni Reserve 1,750 seedlings on 1¾ acres. Messrs. Peck, Hayes, Philips, and Myers hired Indians to plant 5,000 seedlings on 2½ acres The supervisor in Colorado says, in his report, we planted in three years 54 acres and in one of the years 27,000 pine seedlings and 3,200 Douglas fir seedlings on 15 acres. Colorado has more than 6,000,000 acres to go over.

With such reforesting it will take 10,000 years to get over the ground and will cost twenty times as much as a practical forester would spend.

The Bureau of Forestry published how much seed was sown, how many seedlings were planted, but did not publish how many seeds or seedlings grew.

The Bureau of Forestry published how many seedlings grew in the nurseries, but did not publish how much it cost to raise these tree seedlings. It can easily be demonstrated that they can be raised for one-tenth of the present cost.

The present system is responsible for reducing many poor people almost to the point of starvation by depriving them of the privilege of collecting dead wood and seeds, the collection of which is a benefit to the individual and the forest and if not collected is a determent to the forest.

This forest system was partly responsible for the forest fires.

This forest system has directly and indirectly wasted money and forest.

This forest system had impractical college boys to start nurseries, who did not know how to start nurseries on different elevations and kinds of soil. Most of this money has been wasted if not all. This forest system sent inexperienced college boys to estimate the standing timber who had no practical knowledge whatever, so that the boys had a picnic at Government expense and made no valuable report. Publications of last year stated that 530 pounds of pine seed were sown on 45 acres. So much seed, properly planted, would plant 6,000 acres. Publications say that the foresters will sow 5,500 pounds of seed on 700 acres. Properly planted, this would plant 25,000 acres. All such seeding is now feeding rats, mice, and squirrels. The present system is not teaching forestry, but is fostering a lot of useless employees who are ignorant of the business. Three thousand foresters and rangers are worse than idle, doing very little useful work, but harassing and tyrranizing farmers, miners, small sheep and cattle owners, making false reports, depriving poor citizens from collecting dry wood, cutting grass, collecting seeds, a benefit to the citizen and grave danger for fire if left in the forest. Foresters and rangers under this present system are a detriment rather than a benefit to the forest. The few acres seeded and planted are in such a condition that a real forester would be ashamed to mention it. Many men are driven to desperation to set fire to the forest. No practical work is done for future benefit. Nine-tenths of the forestry bulletins are useless. They are of no practical use to the farmer and the average citizen can not comprehend them. The publications of the forester say we have planted 20 acres with seedlings with 15 men in 20 days, and they expect half of those seedlings to grow; one practical forester can plant more than 20 acres in 20 days and all should grow. Forest Bulletin 98 says, on page 36, the foresters sow on 1 acre 700,000 seeds of the Engleman spruce and a practical forester needs only 2,000 seeds; they sow also 360,000 seeds of the lodgepole pine and 260,000 seeds of the Douglas spruce and only 2,000 seeds are needed to the acre. This is all the work of the impractical forester. At the present rate of wasting and selling available timber and no reforesting done in 10 years we will have no available timber to sell in the West.

Foresters and rangers make reports to suit themselves. No investigations of forest are made and no man is there who can make investigation and make a correct report. If a farmer or miner complains, he will never get a just hearing and no citizen can appeal, so he has to suffer. There were reported 3,138 forest fires in 1912; 2,164 were extinguished by the rangers. Like all reports of foresters and rangers it is impossible to believe that half of that number of fires started, except the rangers themselves set fire to the forest to make a good report to headquarters. If proper care was taken of the eastern and southern forestry, it would add thousands of millions of dollars to the national wealth. Every county in the United States should have a supervisor to see that all the waste and worn-out land should be reforested. The agricultural colleges in the States should teach forestry and agriculture. Too much theory and too little practical teaching is taught.

Every farm of 160 acres has from 5 to 100 acres of land idle that should be used for reforesting The State authorities should require that all this land should be reforested. It would add to the comfort of the farmer and his cattle and be a beneficial ornament. The present forest system is inefficient; the Agricultural Department needs practical men to direct the work. A forester should live in the forest, not 50 miles to 200 miles from the base of operations. A district forester should, every morning, direct his foresters, apprentices, and rangers to do certain useful work, especially to make fire guards and reforest, and not trouble miners and farmers. The district forester should be present while planting seedlings and not leave it to inexperienced boys and laborers.

Our president said, in his address in Kansas City, September 25, 1912, Mr. Holmes of the Agriculture Department says we can raise a bushel of wheat at the expense of 3½ cents and a bushel of corn at 10½ cents. The December crop report says it cost at the average 66 cents to raise a bushel of wheat, and in Iowa 31 cents; in Maine 72 cents to raise a bushel of corn; both are agricultural reports. The president said that in England and Germany they raise twice as much grain to the acre on land cultivated for 100 years as we do on new land. If we would model our agricultural system after the English, German, and Danish agricultural systems, we would soon raise twice as much to the acre. We have to combine the best methods of the three countries in our agricultural system to improve our farm and farmers. The publications say to use commercial fertilizers is a detriment to most farmers, without knowing how to use it for the different kinds of soil or how to use it for the different kinds of crops. The different kinds of soils and crops need different fertilizers, and if the soil is not enriched with stable or green manure the soil is impoverished with commercial fertilizers. Our theoretic college professors can not teach the plain farmers practical farming he himself does not know. Only an intelligent farmer can teach the plain farmers, and each county should have a few farmers taught how to analyze the soil and how to use the different fertilizers on different crops—farmers learn from the farmers. Our president said we have spent $100,000,000 on commercial fertilizer. More than half was wasted by ignorance, not knowing how to use it. I learn a league is formed to ask $500,000 of Congress to experiment improving and fertilizing the soil. It can be demonstrated in two hours how to improve and fertilize the soil most practically. The speakers in our conservation congress are lamenting the impoverishing of the soil of the farms. That we raise every year less grain is a calamity for the Nation, but nobody gives any practical remedy. A practical agricultural system would remedy it. The forest association is lamenting the depleting of the forest. Theoretic addresses never give a remedy; only a practical forest system will be a remedy.

The agricultural college can not teach practical farming on 10 or 100 acres in one part of the State; neither forestry on 100 or 1,000 acres. It takes a forest to teach practical forestry by a practical forester. If the money uselessly spent at agricultural colleges and experiment stations was used to help assist poor families in the cities to start on a farm, great benefit and improvements would be the result, as many a farmer boy and girl, by the wrong, theoretic education, has left the farm for the city and to-day thousands would go to the farm if they had the means to start again. This top-heavy education of the college is a detriment and ruin to our children.

M. J. NAGEL.

STATE REGULATION OF PUBLIC UTILITIES.

Mr. WORKS. Mr. President, I have here an article published in the May number of the Annals of the American Academy of Political and Social Science, by Hon. John M. Eshleman, president of the Railroad Commission of the State of California, entitled "Should the public utilities commission have power to control the issuance of securities?" It is one of the strongest arguments that I have yet seen or heard in favor of the control of the issuance of securities of corporations by railroad commissions; and as that is a live issue before the Senate at the present time, I ask that the article may be printed in the RECORD.

The VICE PRESIDENT. Is there objection? The Chair hears none, and it is so ordered.

The article referred to is as follows:

SHOULD THE PUBLIC UTILITIES COMMISSION HAVE POWER TO CONTROL THE ISSUANCE OF SECURITIES?

[By John M. Eshleman, president Railroad Commission of the State of California.]

Inasmuch as this volume is devoted to a discussion of State regulation of public utilities, and as I am not informed whether the issue to be discussed is the propriety of regulation of utilities at all, or, admitting the propriety of such regulation, whether to State or to municipal authorities should be accorded the right of regulation, I am somewhat at a loss how to attack the subject upon which I have been requested to contribute a paper. I shall assume, however, that it is desired that I discuss the issue whether the control of the issuance of securities should be assumed at all by whatever regulatory authority to which the work of regulation is intrusted.

The propriety of the regulation of securities of utilities, with particular reference to railroads, was the subject of a report to the National Association of Railway Commissioners at its annual session in Washington, October 28 to 31, 1913, by the committee on railway capitalization. The report of this committee advocating regulation of securities of railroads by the Interstate Commerce Commission was adopted, but not without considerable opposition. It was not there urged, however, by anyone that there should not be some form of regulation, the principal question at issue being whether regulation should be by a method of control or a method of publicity. The report of the committee, which was adopted, recommended regulation by control as opposed to regulation by publicity. This report, with the discussion thereon, is found in the Proceedings of the Twenty-ninth Annual Convention of the National Association of Railway Commissioners, pages 114 to 223 and 238 to 257.

One of the first States which has attempted comprehensive regulation of the securities of utilities is Wisconsin. The fiscal affairs of utilities of that State, including railroads, have been under the jurisdiction of the Wisconsin Railroad Commission for several years. Regardless of that fact, the present chairman of the railroad commission of that State, a former chairman of that commission, now a member of the Interstate Commerce Commission, and the United States Senator who has heretofore most strongly urged the necessity of the regulation of securities of utilities, are now apparently inclined to the belief that the regulation there prevailing is improper. Furthermore, the Railroad Securities Commission appointed by President Taft in 1910, and consisting of Arthur T. Hadley, president of Yale University, chairman, Frederick N. Judson, Frederick Straus, Walter L. Fisher, and B. H. Meyer, transmitted a report to the President wherein, regardless of protestations on the part of members of this committee to the contrary,

in my mind, is advocated a merely passive policy with reference to railroad securities and not at all a definite positive program looking to the correction of evils found by this commission to exist or the prevention of the recurrence of such evils in the future. This demands that cogent reasons be given by one who advocates active regulation of securities of utilities. In the face of these eminent authorities and with what I believe to be a careful consideration of every argument adduced by them, I state definitely my belief, first, that regulation of the securities of utilities is necessary, and, second, that such regulation must take the form of control by the public authority and is not satisfied by publicity alone. In the limit of this paper it will be impossible, however, for me to discuss in detail the merits of regulation by control as opposed to regulation by publicity. My views on that question are fully set forth in the report above referred to.

The opponents of regulation of the securities of utilities by control present two important objections to such regulation: First, they urge that the regulation of rates and service of utilities does not require the regulation of the securities of such utilities; and, second, the regulation of the securities of utilities brings about a guaranty by the Government, if not in law at least in morals: (a) Directly of the securities approved, and (b) indirectly of the securities already outstanding and issued prior to control by governmental authority.

Some of those presenting these objections urge that they are insurmountable, and that no regulation whatsoever should be attempted. Others contend that they merely present difficulties inherent in the present scheme of regulation which is applied in Wisconsin, New York, California, and other States. Those who urge that some method other than the method of control applying in the States named should be applied generally favor a system of publicity, and some there are who suggest that we should adopt a method similar to that imposed by the English companies act.

I join issue on each one of the objections raised. I am of the opinion that not one of them is valid against the system of regulation which is growing up in the various States following the lead of Wisconsin, wherein the affirmative approval of the governmental authority is required before stocks and bonds may be issued, and I shall discuss these objections in the order named to the extent that is possible in a paper such as this.

FIRST, CAN ADEQUATE REGULATION OF RATES AND SERVICE OF UTILITIES BE BROUGHT ABOUT WITHOUT REGULATION OF STOCKS AND BONDS?

On this question Chairman Roemer, of the Wisconsin commission, in a letter to the National Civic Federation, says:

"As I view the matter, the regulation of the issues of corporate securities is and must be for the benefit of the investors. It has no bearing independent of statutory provision upon the question of rates."

Mr. B. H. Meyer, formerly of the Wisconsin commission, now of the Interstate Commerce Commission, in discussing this matter before the National Association of Railway Commissioners in October last, said:

"With power to establish the value of the public utilities on the one hand and adequate power to regulate rates and service on the other, I take it that the question of stocks and bonds is largely a question of public morals."

The Railroad Securities Commission has this to say on this point in its fifth recommendation:

"If we were compelled to assume that rates are to be materially influenced, either in their making by the railroads or in their regulation by the Government, by the amount and face value of the stocks and bonds outstanding, it seems to your commission impossible to escape the conclusion that these securities should be issued only under governmental regulation. Your commission, however, believes that the amount and face value of outstanding securities have only an indirect effect upon the actual making of rates, and that they should have little, if any, weight in their regulation."

Senator LA FOLLETTE, of Wisconsin, in the issue of La Follette's Weekly of January 31, 1914, editorially urges that regulation of the securities of railroads is not necessary to the regulation of rates. In this connection he says:

"The fair value of the property is the true basis. The public need not concern itself with all the villainies of overcapitalization which abound in the history of every railroad in the country."

It may be well at this point to state that it is generally conceded that there is no difference in principle between the regulation of securities of railroads and those of other utilities, and herein I shall make no distinction between the several classes of utilities in this regard.

Eliminating any consideration of the investor, who, according to some of these eminent gentlemen, deserves no protection, it appears that two fundamental fallacies exist in their reasoning: First, that they have forgotten apparently that the amount of the rate is not all that must be considered, but the character of the service as well. While the rate may remain the same, if the service deteriorates or the character of the commodity furnished by the utility is impaired, plainly the patron of such utility is paying a higher rate, when we have regard to what he is getting for his outlay. Second, they have neglected to inform themselves that, although legally they are correct and legally the financial condition of a utility need not be taken into consideration in fixing rates and requiring service, yet actually such financial condition can not be overlooked because it has always had and does now have a material effect on the rates and service of utilities.

That this is true in concrete cases is easily demonstrated. That it always will and must be the rule I believe is equally clear. Utilities, as other enterprises, are initiated, managed, and owned by men. Men, in the main at least, prefer their own advantage. Thus the natural inclination of those controlling the destiny of any public utility leads them, when a choice must be made between public service and private advantage, to choose private advantage. Gain has been, is now, and always will be the prime motive of those engaged in public utility as well as any other business, and the service of the public is only secondary thereto. Therefore we may naturally expect to find that procedure followed, in the absence of restraint, which is most likely to result in profits to those in control. In practice, those who initiate a public-utility enterprise attempt to get as much out of it as is possible and put as little as possible in, with the result that the enterprise starts with the maximum burden that can be imposed and not kill it in the beginning. Every dollar that is taken out, or rather withheld, by construction contracts, watered stock, or discount on bonds represents what is in effect a liability, and a liability which, if it take the form of a debt as a bond or a note, must be paid, and a liability which, if it represent water in stock, will be paid if those in charge of the property can possibly bring about such result. The design of every public-utility manager is, of course, to pay his bond interest and then to bring his stock to par or better. These results are sought regardless of the amounts which have been received by the utility for such bonds and stock. If obligations which netted the utility less than par are carried and paid off in the end, and if stock which has been sold for less than par ever goes to par, the extra funds to bring this about must come from the rates. When we view the history of utilities and see that in numerous cases the results here referred to have come about, we must conclude that, in such cases at least, capitalization has affected the rates; for such rates have been unquestionably higher by that amount than is necessary to pay the expense of doing the business and a reasonable return on the value of the property devoted to the public use. These men who have long studied this question, however, say that capitalization need not affect rates. We answer that historically it has done so, and we have no reason to believe that in the future it will not have a like effect. If we should put a certain amount of meal into a bag and go away and subsequently, on inspecting the bag, find more meal in it, we would probably be pardoned if we should conclude that the additional meal came from somewhere; and if only one person had had an opportunity to make the addition, we probably would not be far wrong in concluding that this individual was responsible. And when in the case of a utility certain funds, ascertainable in amount, go in from proceeds of stocks and bonds, and thereafter we find there are funds much in excess of these amounts in the utility and the only source from which money has been acquired in the interim has been the rates, we must here again be pardoned for believing the extra funds came from these rates. Of course, this reasoning overlooks appreciation in lands and kindred property, but the valuation theory, urged as a solution of our rate troubles by the very men who say capitalization does not affect rates, presents this same complication. As a matter of fact, however, practically the only public utility presenting the unearned-increment problem as a substantial factor is the railroad. And can anyone urge that the tremendous fortunes made from railroads by the Harrimans, the Goulds, the Hills, and others, not one of which resulted from dividends, but from sale or retention of securities with small, if any, return to the railroad corporation itself, can be accounted for on the theory that the lands owned by these railroads increased in value to such an extent? It is well known that much of the property now in use by public utilities has been purchased and is being purchased from funds realized from rates. Consequently such rates have been higher than necessary, and however able public authority is to make rates independent of and unaffected by capitalization, it has not yet done so.

Because, then, of a perfectly natural inclination of mankind, the tendency is to put the minimum into the utility at the beginning and take the maximum out in the form of stocks and bonds. The same natural inclination leads men in control to take the maximum out thereafter in rates in order to restore the margin between the minimum contributed in funds and the maximum retained in securities. It is idle to say that these inclinations working on the one hand to get the maximum out of the utility and on the other to get the maximum out of the public have no effect. Every one knows they have had an effect in the past and that, in the absence of restraint, they will have a like effect in the future.

It is very evident that corporations have but three sources from which to secure funds: Stock, borrowed money, and earnings. With stock all, or mostly all, out at the beginning, with bonds issued to an approximation of the value of the property and with consequent inability to sell more, there is left but the rates from which to secure funds. When we meet a situation such as this it always is necessary to secure more from the rates in order to get extensions or betterments, or else not have such extensions and betterments. We have to-day an exhibition of the result of impaired credit consequent upon the inability of the roads to sell more bonds under their present earning capacity, when we see the eastern roads applying to increase all of their rates in order that, with the higher earning power, additional money may be secured. When, as I have said, there is no possibility of getting money from the sale of stocks or bonds—the two main sources of revenue for the utility corporation—such corporation can not go forward unless it is enabled to do so from funds realized from its only remaining source of revenue, its rates. Thus by permitting those controlling the corporation without restraint to indulge their natural inclination and exhaust the two main sources from which revenue may be secured, as is always their tendency, we inevitably bring about a condition wherein through financial inability the utility can not accord to its patrons those rates and that service to which they are entitled.

Thus, if no regulation is afforded, we will inevitably have utilities tending toward overcapitalization. This tendency will result either in higher rates, as it has in the past, or in poorer service, for you will have utility managers by natural inclination and often of necessity, when proper rates are imposed, curtailing expenses, restricting service, and in every way possible tending toward the minimum service that can be rendered. Free to work their own will in their financial affairs and always tending, if not prevented, to overcapitalize and then held down to the minimum basis for earning through regulation of rates, utilities inevitably get into bad financial condition. This condition could be, at least, measurably prevented by putting restraint upon these natural inclinations by proper regulation of securities. I am prepared to cite examples from my own experience in regulation where needed extensions have not been made, added service denied, and exorbitant rates maintained, because of the necessity of the managers of such utilities to pay interest upon debts which too nearly approximated or were in excess of the value of the property devoted to the public use. It would seem to be clear that it is better, both in the interest of efficiency of utility operation and of economy in governmental machinery, to prevent such a condition being brought about, rather than wait until it is produced and then seek to force a utility to give the service at the rates that are justified but beyond its financial ability to give, with the result that a long contest ensues during which service is impaired, investors defrauded, and confidence shaken with no better condition after such contest than could have been brought about initially by proper regulation by the commission.

It appears, then, that failure to regulate securities permits bad financial conditions to grow up which impair the financial ability of the utility, and hence its service, until such bad financial conditions are remedied; and the remedy then unsettles conditions and defrauds investors, while less effort by way of prevention would maintain the financial ability and bring about conditions naturally that now must be forced through receivers, courts, and reorganization. In short, those who urge that the financial affairs of utilities should be let alone and that only rates should be regulated fail to see that they merely attempt to cure a condition which they admit is bad rather than try to prevent it. They further overlook the fact that, if it is right to cure it, prevention is certainly justified. If, as we contend, overcapitalization naturally occurs in the absence of restraint and that overcapitalization is the usual condition which we meet, it readily appears that its cure must always be made at the expense of some one, as the money diverted

through overcapitalization must be supplied from some source. Rarely will it be possible by human ingenuity to prevent its being supplied, partly, at least, from the rates; and what does not come from that source comes from the purchaser of securities. Prevention, on the contrary, through regulation, if effectively applied before it is too late, brings about readily the desired result, and the imposition of reasonable rates and the requirement for efficient service are secured without injustice to any innocent party and without the long period of bad service always occurring when a utility loses its financial ability to do that which it is legally obligated to do.

Therefore we conclude that the first objection, that regulation of rates and service does not require regulation of securities, is not well founded. It remains to consider the second objection, which is that—

GOVERNMENTAL CONTROL OF STOCKS AND BONDS MORALLY, AT LEAST, COMMITS GOVERNMENTAL AUTHORITY TO RECOGNIZE STOCKS AND BONDS WHEN FINDING VALUE FOR RATE-FIXING PURPOSES.

Every argument I have yet met in support of this contention indulges, indirectly at least, the presumption that the governmental authority acting is not equal to the job. Now, I quite readily admit, in the language of Dr. Milo R. Maltbie, of New York, that "I would prefer to have no regulation to that which is not effective, for a form of regulation without substance is worse than no regulation." What I have to say has reference solely to competent and effective regulation.

Those empowered to regulate should, of course, be advised as to the legal effect of their acts. They should know, as Mr. Roemer, of Wisconsin points out, that the contract between stockholders is protected against impairment by the Federal Constitution and that "each share of any class is entitled to all the privileges of every other share of the same class." Likewise bonds issued under the same trust deed stand on the same footing, regardless of when issued. And knowing these legal principles, they should avoid taking any step with reference to present issues of either stocks or bonds out of issues authorized and partly out without knowing the value behind those already issued. If, in the case of a corporation a part of whose securities have been issued before regulation was applied, it is found that overcapitalization exists, no new issue should be permitted which will be on a parity with what is already out, thereby becoming diluted by the water already in the enterprise. Under a proper stock and bond law the burden is upon the utility to satisfy the commission that the application is justified, and unless those in control of the corporation will take such corporate steps as are necessary to overcome the difficulty presented by equal participation, then no securities should be permitted. The financing by preferred stock, which is now being done in various States, is an answer made by utility corporations themselves to the argument here considered, and an answer that will always be made if utilities commissions are firm and have an understanding of their work. The California commission, for example, has laid down the rule, and adheres to it strictly, that any utility in a financial condition which the commission would not approve if presented originally to it, but, nevertheless, not actually insolvent or in such a bad way that its condition is doubtful, may take any financial step which leaves it in a better financial state. It is allowed to progress toward a satisfactory financial condition, but it must not go backward. Its option is to advance or issue no new securities of any sort. If an agency is actually, although not legally, insolvent by having debts in excess of its asssets, it must reorganize before it can issue more securities. By this rule the burden is placed, as it should be, upon the utility to present a satisfactory plan of finance; and if any of the legal difficulties suggested by Mr. Roemer are still present, the application is not approved. No utilities commission need, nor ever should, permit the issuance of stocks or bonds in any case where such permission will serve, by reason of participation, to imply a legal sanction of outstanding issues where such outstanding issues have not the proper property values behind them. In the case of doubt as to the property values behind the securities, the commission can quite properly withhold its approval until the applicant utility shall have presented satisfactory evidence upon which the commission can act. With all due respect to the opinion of the eminent Senator from Wisconsin, as voiced in his present opposition to the railroad securities bill pending before Congress, I am plainly of the opinion that he has overlooked the distinction between a rate case, where the burden is upon the public, and a securities case, where the burden is upon the utility. In the former some one wants something against the utility. In the latter the utility wants something, and to get it it must disclose and not suppress evidence. Overlooking this distinction, the Senator advises us, as regards railroads, to wait until the Interstate Commerce Commission shall have finished its labors in valuing railroad properties, and then, by rates having proper relation to such value, to get rid of the water then found to exist in the railroads by rendering them unable to pay their obligations which shall have been incurred in the meantime in excess of what should have been incurred. And it is also evident that it is thought that water now exists and that more water will go in in the future, while the valuation is being made, for plainly if it were expected that nothing but the proper financing would take place there could be no objection to, although, of course, no need for, governmental action on the ground that such action would serve to recognize improper financing. In short, the very argument that no governmental restraint should be imposed, on the ground that improper securities might thereby be validated, presupposes, of course, the fact of the issuance of such improper securities in the case. We are justified in assuming that the lack of restraint hereafter pending the final completion of the stupendous work of valuation of railroads, as required by Congress, will leave the roads open to do more of this very thing and further to impair the financial standing of these properties.

And this is the advice of those who urge that we must not regulate securities, because by so doing we incur a moral obligation with reference to such securities. Too many securities have been issued in the past under no regulation. Too many will be issued in the future we know. Yet in the face of this condition we should do nothing, because our hands may be soiled also with guilt. Having the power to prevent and not preventing a crime, it occurs to me, imposes some kind of moral obligation, which possibly may be greater than that which attaches after an unsuccessful attempt to prevent such crime. Knowing that securities are being and have been issued and sold that should not be issued and sold, nevertheless let us permit it until in our good time we get ready to contract the earning power of the utilities through rates so they may no longer pay their obligations with consequent loss to investors and impairment of financial ability of the corporations properly to serve the public, all because of our fear of incurring a moral obligation by attempting to do something. Admitting we incur no legal obligation by regulation, as I think I have shown is the case when we ought to escape such legal obligation, there is not one cogent reason advanced which leads me to believe that we are not morally more bound by failure to regulate than by regulation. The corporation is the creature of the State. Every step which may be taken in issuing stock or authorizing bonded indebtedness must be taken in compliance with some statute. The State now regulates utility corporations in this regard as it does all corporations, and by so doing empowers such corporations to take advantage of the public and empowers the officers of such corporations to take advantage of the corporations themselves to the hurt of such corporations and the public. Add to this the fact that Government knows not only that these things may be done, but also that they have been and are being and will be done, and to my mind we have a pretty large moral obligation in itself and one that is minimized rather than accentuated by taking additional steps to prevent abuses possible under the authority already conferred. To relieve ourselves of any moral obligation at all we must dispense with the corporation itself. But having created the corporation with power of oppression under present economic conditions, can we excuse ourselves, if it oppresses, by the plea that by an attempt to prevent such oppression we become particeps criminis? Being entirely responsible for every power of this fictitious person wherein it issues securities, we can not avoid responsibility for what it accomplishes by means of such powers.

As palpably erroneous is the contention that by approving securities we will mislead investors. The very able chairman of the Wisconsin commission in a letter to the National Civic Federation states that by authorizing the issuance of securities and directing their investment the governmental authority involved "is likely to cause certain investors who purchase such securities as an investment without knowing anything of the management of the corporation or the possibilities of the enterprise to rely upon the State's sanction of the issues. These are the investors who need protection and who, I am apprehensive, will often be the victims of investments in ill-advised and mismanaged public-service corporations whose securities have been authorized by State commissions. The business man who deals in such securities needs no protection."

These views of Mr. Roemer deserve respect because of his great ability and long experience; but at the risk of appearing presumptuous, I respectfully suggest that a little analysis will show them to be fallacious. Who buys the bad securities to-day? Not the business man who deals in securities, for he, with or without regulation, makes his own independent investigation. So as to him regulation effects no change. Who, then, buys securities to-day under no regulation, without making an investigation for himself? The unwary, of course. Who will buy them under regulation, according to this argument, without independent investigation? Here, again, the unwary. The whole argument, then, is "unwary investors are now misled into buying bad securities. Make your securities better by effective regulation and issue fewer of them for the same amount of property, and thereby victimize the man by protecting him and giving him more for his money."

I have attempted to deal with the more important controverted questions involved in regulation of securities. I am strongly of the opinion that not one of the arguments advanced against regulation will bear analysis. I am convinced that these arguments are adduced in contemplation of ineffective regulation and are directed more against what has been and is being done in some quarters by way of regulation than against what the State can do under proper statute carefully and intelligently administered.

In summarizing the argument on the first objection it is well to have in mind what the railroad securities commission had to say with reference thereto. In this connection I call attention to the following comment:

"They (the railroads) have therefore been less able to give the shippers or the travelers the facilities that are requisite no less for the convenience and safety of the public than for the profitable utilization of the railroad itself. To the extent that we lessen the debt we shall increase the power of the railroads to raise money when the public needs added facilities and shall at the same time reduce the chance of default and lessen the severity of commercial crises."

And to what Dr. Maltbie, of the New York Public Service Commission, first district, one of the clearest thinking men engaged in regulation work in the country, also says:

"The State owes a duty toward investors as well as it does toward shippers and passengers. Further, proper regulation of securities will ultimately affect rates and service. It may not immediately, but in the long run better service and lower rates will be given by corporations that are upon a sound financial basis than by those having a great overcapitalization and unsound finances."

In short, as pointed out at length herein, whatever ought to be the result of overcapitalization and however much men may theorize, the fact remains that it has and does now affect rates and service, and a proper regulation of rates and service can not be had without regulation of securities.

In answer to the second objection, it appears that the State, by methods easily available, can regulate and is regulating securities without directly or indirectly validating or approving existing outstanding securities that should not be approved. Besides, the State incurs an obligation from an ethical standpoint in putting a corporation, by permission, in the way of doing a thing which results in a fraud, and particularly is the State morally derelict if after having conferred power on a corporation, and having seen such power used in a way to work injustice, at having the power to step in and prevent such injustice, fails to do so. And any restraint applied which tends to prevent such improper procedure on the part of corporations, instead of morally involving the State to an extent beyond which it is now obligated, tends, on the contrary, to lessen the moral responsibility.

As regards securities that are approved by the State under the proper precautions pointed out herein, I can give myself no great concern as to the effect of such approval. If the public utility commission does its duty, the approved securities should be good; and if it sees to it that the proceeds are honestly invested in the property and takes care that securities approved are not diluted through participation with other securities not approved, then why should not these securities be recognized in the rates? But regardless of any difficulties that confront those empowered to regulate securities, the condition under regulation is so immeasurably better for utility, patron, and investor, as far as can now be determined, that I am at a loss to understand the Jeremiahlike attitude of those who some years ago indulged the same childlike faith in the efficacy of regulation that some of the rest of us now display. But I could the better understand and perhaps agree with those formerly urging regulation and now so fearful of its results if they would point out wherein it has failed where effectively applied, instead of contending that it may produce results that have not yet come upon us. The evils of overcapitalization

are familiar to us all. The logic of regulation seems to me to be irrefutable. Where properly carried on it is certainly preferable to the former condition, and until something more substantial than mere fears of results that can not be shown as yet to have materialized is urged against the propriety of regulating securities, such regulation certainly should not be rejected and a reversion to former admittedly bad conditions invited.

Mr. WORKS subsequently said: Referring to the article which I requested a moment ago to have printed in the RECORD, as it is of such importance, I think it might well be published as a public document. For that purpose I ask that it may be referred to the Committee on Printing.

The VICE PRESIDENT. Without objection, that action will be taken.

CONDITION OF THE TREASURY.

Mr. SIMMONS. I send to the desk a telegram received this morning from the Secretary of the Treasury, which I ask may be read.

The Secretary read as follows:

[Telegram.]

WASHINGTON, D. C., *July 1, 1914.*

Hon. F. M. SIMMONS,
Chairman Finance Committee,
United States Senate, Washington, D. C.:

Heartily congratulate you on the result of the operations of the new tariff and income-tax law for the fiscal year just ended. After paying all ordinary disbursements of the Government there was a surplus of $33,784,452.07, and after paying all Panama Canal expenditures for the year there was a deficit of only $1,010,058.81. These figures are subject to revision upon analysis of complete returns.

W. G. MCADOO.

Mr. GALLINGER. Mr. President, my attention was attracted in hearing read the communication from the Secretary of the Treasury, submitted by the Senator from North Carolina [Mr. SIMMONS]. I am pleased to know that the finances of the country are apparently in a satisfactory condition. Whether that be so or not, it is a fact that the industrial conditions of the country are in a very unsatisfactory condition, and I want to submit very briefly one or two items on that point.

A shoe-manufacturing concern in Nashua, N. H., had a customer in Baltimore, who formerly purchased $200,000 worth of shoes annually, who recently wrote the manager of that shoe factory that he had just made a bargain with an English house at a lower price than he was able to make with the Nashua concern, and that he would hereafter purchase his shoes from England. So that one concern has lost a customer who purchased shoes at the rate of $200,000 a year; and I may add that the shoe industry in New England is far from being in a prosperous condition.

On yesterday I received a letter from one of the leading citizens of Lebanon, N. H., an enterprising, industrial town. My correspondent says:

The two American woolen mills here in Lebanon in the past six months have run, on an average, only 48 looms out of 142, which is only one-third the capacity of the mills. At the present writing they are completely shut down, and the outlook is anything but hopeful, as no orders whatever are in sight.

The overall shops are rapidly receiving cancellations of orders for mackinaws, which they have been working on almost entirely of late, and the knitting mill has nothing in sight after the 1st of August. So that one can easily see that business in Lebanon is extremely dull.

I received through the mail two or three days ago a communication, which I doubt not other Senators have received, from the committee of Flax Dressers' Local 694, United Textile Workers of America, affiliated with the American Federation of Labor, of Paterson, N. J., in which they say:

We, the flax dressers of Paterson, N. J., beg to call your attention to the condition of our trade in this country since the duty of 3 cents per pound was taken off the dressed line, or hackled flax, at the last revision of the tariff, and appeal to you to aid us in having the flax dressed in this country. Our representative, in his evidence before the Ways and Means Committee at Washington, explained to them how any reduction in the dressed line would mean the extermination of our industry in this country. We also appealed to the Finance Committee to have the duty retained on the dressed line. Still it was placed on the free list in face of all the statements we made as to what would be the result, as the following facts will prove:

There are only 18 men working here now, whereas if our industry was protected the same as other American industries it would take 200 men instead of 18. All the other mills throughout the country are in just the same situation. But we can not expect to get the work here when they can get the flax hackled in their own mills in Europe at less than half the price than we can hackle it here, and ship it in free. It is evident that while our men are unemployed the big business men of this country and the cheap labor of Europe are enjoying the fruits of the 3-cent reduction in the dressed line. We court the fullest investigation of our statements made to the Ways and Means Committee and refer you particularly to our communications to the Finance Committee on this matter. Hoping you will give our appeal your very earnest consideration and use your influence in having the duty replaced on the dressed line. * * *

COMMITTEE OF FLAX DRESSERS' LOCAL 694,
UNITED TEXTILE WORKERS OF AMERICA,
Affiliated with the American Federation of Labor.

Mr. President, in my committee room I have numerous similar letters and appeals. I present these simply to show that, while the financial condition of the country may be satisfactory at this moment, doubtless in large part due to greatly increased importations of foreign goods, the industrial condition is almost as bad as it can be. I received a letter two or three days ago from a friend, formerly engaged in business in New Hampshire, but who has been engaged in business in San Francisco for the last five years, in which he said to me that the industrial situation on the Pacific coast is just as bad as it was during the last Cleveland administration. However that may be, I know that throughout New England there is very serious industrial disturbance, and that a great many honest and industrious men who want employment are out of work, and, hence, as a corollary to the communication submitted by the Senator from North Carolina, I wanted to put in the RECORD the facts which I have stated.

Mr. HOLLIS and Mr. MARTINE of New Jersey addressed the Chair.

The VICE PRESIDENT. The Senator from New Hampshire.

Mr. HOLLIS. Mr. President, I desire to state that I have been in New Hampshire recently, and though I made very diligent inquiries I could not learn of a single cotton mill or woolen mill or textile mill of any kind nor a pulp mill nor a paper mill that has closed. A few Republican managers of mills say they are going to close down, but they have not done so as yet. If they do, it will be merely for the ordinary repairs in the summer.

The McElwain Shoe Co. was cited to me as a plant that had closed. I have a letter from the manager of that company saying that they shall begin again immediately after the 4th of July. In my own part of New Hampshire, in the vicinity of Concord, you can not hire men at any sort of reasonable wages. Contractors are trying to get men to take care of their work; you can not get a carpenter to patch your roof, and you can not get a painter to paint a house. Labor has never been so well employed in New Hampshire as it is to-day. All these wails come from places that are farther away, based generaly on what some one says, some one writes, some one guesses, or some one predicts. I state on my authority, from actual investigation, that labor has never been better employed in New Hampshire than it is to-day.

Mr. MARTINE of New Jersey and Mr. THOMAS addressed the Chair.

Mr. HOLLIS. I yield to the Senator from Colorado.

Mr. GALLINGER. Perhaps my colleague had better go to Lebanon and look at the situation there.

The VICE PRESIDENT. The Senator from New Jersey.

Mr. THOMAS. Mr. President——

The VICE PRESIDENT. It is wholly impossible to have a chorus here.

Mr. THOMAS. Mr. President——

The VICE PRESIDENT. The Senator from New Jersey was recognized by the Chair.

Mr. THOMAS. I understood the Senator from New Hampshire had the floor and yielded to me.

The VICE PRESIDENT. The Chair thought the Senator from New Hampshire had taken his seat, and the Chair is quite sure that he did.

Mr. HOLLIS. That is true.

Mr. MARTINE of New Jersey. Mr. President, I will detain the Senate only a moment. It seems to me that the part of a statesman in times of distress and alarm is to allay apprehension, not to spread the flame and try to bring calamity to every household in the land.

Mr. President, the Senator from New Hampshire [Mr. GALLINGER] makes reference to the unsatisfactory conditions in this country. It is a notorious fact, and the Senator will not contradict it, I think, that affairs in business in a mercantile and manufacturing way are quite unsatisfactory the world over. Germany, if you please, and England as well, have been suffering more or less from this general condition of stagnation.

From the adjoining State of Connecticut I read most glowing accounts of the splendid prosperity that is there under way, and I want to bring to the notice of the Senate the fact that in the State of Pennsylvania a great tube plant, employing from eight to ten thousand workers, has started up with prospects that are most alluring and inviting.

In my own State, which is a great manufacturing community, i. the city of Elizabeth, the county seat of my own county, is a great plant, known as the Singer Sewing Machine plant, employing 10,000 hands. We put their product on the free list. We were told on all sides in Elizabeth that we were inviting calamity and were inviting our own defeat to advocate putting sewing machines on the free list; but what has been the result? It has been the annual custom at this time of the year of the

Singer Sewing Machine Co., during every year that I have had any knowledge of it—and they have been there 20 years or more—to close down for one month, as they said, for repairs and for other purposes. Within the past two or three days—I do not know whether I can put my finger on the clipping—but I learn from two papers published in the city of Elizabeth, one the Elizabeth Journal, the property and voice in days past of the distinguished and honorable John Kean, my predecessor, a protectionist and a Republican, that the situation has entirely changed, and instead of closing down the plant for four weeks this year they notified their workmen on Monday last that no such shutdown would take place; that a week would be as long as they could afford to have the plant idle this year; that they had sold out their stock of sewing machines, and that their orders were such as to keep the Singer Sewing Machine plant busy and humming for the rest of the year.

Further than that, take the Claflin disaster. Our friends have tried to make much of that. Everybody understands that the Claflin firm were a responsible and honorable firm, but that in common with the rest of our country they became inoculated with the microbe of avarice, and they have been living the life of a debauchee; they have been capitalizing and running not only their own plant in a wholesale way, but retail plants all over the country, and there must be a very favorable condition when a great firm, with ramifications spreading far and near in this country, can fail for the sum of $34,000,000, and yet have no more effect on the commercial and mercantile market than the dropping of a feather.

The fact is, Mr. President, we have been living the life of a debauchee, and we are reaping the headaches of the hereafter very largely, but a better day is in store. Take your own journals; take the conditions in Pennsylvania; in New Hampshire, as the junior Senator from New Hampshire [Mr. HOLLIS] has cited them; in Connecticut; in my own State of New Jersey, and you will find there is a picking up, a kindling up of mercantile interests. The shafts and spindles that have been silent and idle for a time past are to-day again busy, and men of business, including John Claflin himself, have said that the conditions generally are sound.

So I feel that it is falling far short of our duty when gentlemen, occupying the honorable, distinguished, and potent position of Senator, stand on the housetops crying alarm, rather than endeavoring to stay it and to promote a better feeling. That, to my mind, is the truer and better part of statesmanship.

Mr. THOMAS. Mr. President, the Senator from New Hampshire has been absent from the Chamber for some little time, on unavoidable business, of course; and during that period of time, I presume, he has been at home fixing his fences.

Mr. GALLINGER. Mr. President——

The VICE PRESIDENT. Does the Senator from Colorado yield to the Senator from New Hampshire?

Mr. THOMAS. I do.

Mr. GALLINGER. The Senator from New Hampshire was on a somewhat different mission from that. The Senator from New Hampshire has read both the CONGRESSIONAL RECORD and the newspapers during the time he was absent.

Mr. THOMAS. Mr. President, if the Senator from New Hampshire read the CONGRESSIONAL RECORD during his absence, he is entitled to, and I hereby offer him, my profound sympathy. I confess I have not read it much during that period. I presume that before long a number of others, including myself, will be absent and engaged in the same essential pursuit. Hence my reference to the absence of the Senator was not intended as a personal reflection, or as implying that he was engaged in anything that was not perfectly proper but very desirable.

In view of the lugubrious prophecies of disaster uttered last summer by the Senator and his confrères as to the inevitable results of tariff reduction, I have no doubt that the Senator is extremely delighted—mournfully so, perhaps; sadly so, perhaps; but nevertheless delighted—to ascertain that in individual instances there are conditions which seem to support his claim to the rôle of a prophet. Mr. President, I have no doubt that business is depressed in some sections in New Hampshire, just as it is depressed everywhere in the country, just as it is depressed all over the world; but that this depression is universal, that it is the consequence of revenue legislation, I utterly deny. It occurred to me while the Senator was speaking about the sorry condition of the woolen mills in New Hampshire that it might be due to the fact that wool, the raw material of those mills, is now selling for a great deal more per pound than it ever sold for during the prevalence of the high-tariff duties applying to this commodity, which always have been declared to constitute the citadel of the great American system.

I have no doubt that some reason for the depression in New England may be traced to the railway conditions there. I recall that a few years ago New York, New Haven & Hartford Railroad stock was selling for over 200 and paying a dividend of 10 per cent. You can not give it away now. The story of New Haven, Mr. President, is the most shameful episode in the shameful history of railway finance in America. The Senator knows that the Boston & Maine Railroad was dragged to its ruin through the machinations of the scoundrels who manipulated New Haven and who are to-day responsible for much of the poverty, and perhaps the suffering and the misery, resulting to the unfortunate shareholders of those unfortunate corporations, who in some instances invested all of their savings in their shares because of the faith they had in the integrity of those who controlled and directed their operations.

We have been told that the capacity of the consumer to purchase has much to do with prosperity in business. When you consider that the revenues derived from the dividends of these great railway corporations of New England have disappeared and that bankruptcy confronts them, we can easily understand, perhaps, why it is that some unfortunate manufacturers in New England are not so prosperous as they have been heretofore.

I am not going to occupy the attention of the Senate any longer upon this subject, however, beyond reading an extremely short editorial from the New York World of the day before yesterday. I think it has some bearing upon the subject matter of the discussion. It is entitled:

NAILING ANOTHER LIE.

The Journal of Commerce prints an infamous cablegram from London stating that—

"The cotton-cloth business at Manchester is the smallest for years, and the market is very irregular."

This, of course, is a deliberate and unqualified lie, circulated by English cunning to deceive credulous Americans as to the real operations of the Underwood-Simmons tariff. Our old friend Wilbur F. Wakeman, of the American Protective Tariff League, must get after it at once.

The Manchester cotton trade was never so prosperous. Every trans-Atlantic liner staggers into New York with the burden of Manchester cotton cloth, while billions of New England operatives are slowly starving to death, and some of the less prosperous New England mills are barely earning 40 per cent dividends.

But if it should really happen that the Manchester cotton-cloth trade is the worst in years, that is because President Wilson refuses to give business a rest and because Congress persists in debating the antitrust bills.

Mr. President, the Democratic Party has a program two-thirds of which it has accomplished. It is at the threshold of the remaining third, whose enactment will be effected before this Congress adjourns. For my part, I thank God that we have at the head of this administration a man who knows his duty and, knowing it, is willing to take the responsibility of performing it; and I for one am glad to follow his lead hereafter, as I have followed it heretofore, whenever I can do so with a clear conscience. He has the wisdom to perceive and the courage to pursue the pathway of public duty and has behind him the confidence of the public and the support of his party.

Mr. SIMMONS. Mr. President, I have intended for some days to present to the Senate at an opportune time some views upon the question which the Senator from New Hampshire [Mr. GALLINGER] has raised this morning; but on account of the fact that both sides of the Chamber have been so anxious that the river and harbor bill and the trade commission bill should go forward, I have not felt like trespassing upon the time of the Senate, and I shall not do so this morning; but at an opportune time I shall. However, I wish to read now—I shall consome only a minute or two—a letter I received on the 22d of June from the Secretary of Commerce, Mr. Redfield:

DEPARTMENT OF COMMERCE,
OFFICE OF THE SECRETARY,
Washington, June 22, 1914.

MY DEAR SENATOR: Some days ago gentlemen representing Leigh & Butler, importers of textile machinery and agents for Mather & Platt (Ltd.), one of the largest English manufacturers of textile machinery, called upon me. They said that although American makers of textile machinery were complaining of foreign competition, the fact was that in most cases, and in some lines in all cases, the American makers quoted prices which they (Leigh & Butler), as importers of English machinery, were quite unable to meet.

Mr. Coffin, who writes the inclosed letter of the 18th, which, I am sure, will interest you, is an experienced and intelligent man, having been in the employ of the American textile-machinery makers before he was employed by Leigh & Butler.

Now, I want to read just a few lines from the letter of this agent of this English importing house, referred to in the letter of the Secretary of Commerce:

Hon. WILLIAM C. REDFIELD,
Secretary of Commerce.

DEAR SIR: Referring to our conversation while at your office last Monday in regard to mill costs, I thought you would be interested in a report that I got from one of our largest bleacheries and finishing concerns yesterday.

That is a New England bleachery and finishing concern.

The agent told me that for a number of years they have been under contract with an English exporting house for 10,000 cases of finished white goods that were shipped direct from here to South America, China, and the Philippine Islands. He reported to me that the reason these goods were bought here by the Englishmen was because they could be bought in this country for much less money than in England, and that the goods were of better quality. My object in calling at this place was in answer to an inquiry for some finishing machinery. I found that it was impossible for me to compete with the American machine builders in price.

I called at another very large mill in New Hampshire, where a large order for card clothing is pending. I found also that after we had figured our price just as low as was possible it was impossible for us to compete with American card clothing.

Mr. President, a few days ago I had a conversation with the largest manager of cotton mills in my State. He is the manager, I think, of 13 of the largest cotton mills in my State. Right here, in passing, I want to say that we have something over 300 cotton mills in North Carolina, and if a single one of those cotton mills is under suspension, if a single one of them is not running at full time, it has not been brought to my attention. This cotton-mill manager stated to me that last year and up to this time this year he had had one of the best business years since he had been connected with the cotton-mill business, and he has been for many years connected with that business.

Mr. President, we can read letters, as the Senator from New Hampshire has, from people who take a pessimistic view of this question; and we can read letters, as has been done by many Senators here, from those who take an optimistic view of the question. The Senator from Missouri [Mr. REED] a few days ago in a very elaborate speech to the Senate upon present conditions, filled column after column and page after page of the CONGRESSIONAL RECORD with letters written from various and sundry sections of this country by men engaged in various kinds and classes of industry, taking an optimistic view of the present conditions and outlook.

I do not deny that there has been during the past year some slight halt at certain times in the business of this country. We could not expect it to be otherwise; but it is a fact, admitted by economic writers and students who have investigated the question, that if we have had a slight halt in the business of this country, growing largely out of the fact that we were reorganizing our system of tariff and our system of finance and the fact that such reorganizations are always accompanied with more or less disturbance, that as a matter of fact there has been less disturbance, less depression in business in this country during the last 12 months than in almost any other great industrial country in the world. Compared with the conditions which have existed in our neighbor just to the north, Canada, the conditions in this country during the last year could be described as boom conditions.

I shall have occasion a little later to go rather fully into this matter; but I shall not this morning trespass further on the time of the Senate. I should not have indulged in these remarks but for the fact that the discussion of the Senator from New Hampshire seemed to call for some answer.

Mr. SMOOT. Mr. President, I do not intend to take more than a very few minutes this morning; but I feel that it is only justice to the business conditions of the country to say just a few words upon the situation as it exists to-day as I see it.

The Senator from North Carolina [Mr. SIMMONS] may say there has been only a slight halt in business in this country of late. I want to call his attention to the fact that there has not been any halt whatever in the importation of goods into this country, notwithstanding there has been a halt in the consumption of goods.

Mr. THOMAS. Mr. President, will the Senator permit just one interruption?

Mr. SMOOT. Why, yes.

Mr. THOMAS. Is it not a fact that the house of Claflin was one of the greatest importing houses in the country?

Mr. SMOOT. I can not see that that makes any difference at all from what I said or to what I intend to say.

Mr. THOMAS. Perhaps not; but is it not a fact?

Mr. SMOOT. There is no question but that the Claflin house imported a great many goods; but I can not see the connection between that and what I intend to call the Senator's attention to.

Mr. THOMAS. It is merely this: I think the Senator is one who prophesied great prosperity to the importers of the country, at the expense of the manufacturers, in the event of a change in our revenue legislation.

Mr. SMOOT. Yes; but when I made the statement to which the Senator refers I had particular reference to the men who sit in offices, with not a dollar invested, who import goods as importers and sell them to the trade in this country, with not a single dollar of investment and little responsibility.

Mr. THOMAS. I do not recall that the Senator at the time limited his remarks to that class of importers.

Mr. SMOOT. I do not want to take the time this morning to go into that question.

I have here the importations of manufactured goods in 26 lines of manufacture for the month of May. In 1914 they were $35,952,822. The same identical lines of goods imported for the year 1913 amounted to $15,183,938, or an increase of $20,768,884, or an average increase of 136 per cent. On these same lines of goods I want to call attention to how steadily the importations have increased since December:

In December the increase was 54 per cent.
In January the increase was 58 per cent.
In February it was 64 per cent.
In March it was 71 per cent.
In April it was 129 per cent.
In May it was 136 per cent.

All of that great increase of importations simply means that they are not made in this country by American manufacturers.

Mr. President, that tells the story. I want to say to the Senator from North Carolina also that if I had the time now I could go into the RECORD and show him, as presented by a Congressman in the House, letters from many of the cotton mills of North Carolina that were running only three days a week. I do not know how many there were, because I did not take the time to count them at the time I was reading about them in the RECORD. But the importations of cotton cloths would show that this class of trade is interfered with. I notice that the importations of cotton cloths increased in the one month over 100 per cent. Even in the month of May cotton cloths imported into this country increased a little over 40 per cent.

It can not, Mr. President, have any other effect than to take that amount of business away from cotton manufacturers in this country; and we all must admit that the consumption is not as great as it was a year ago, and that decrease also falls upon the manufacturer.

Mr. President, I received a letter the other day from a mutual friend of the Senator from Missouri [Mr. STONE] and myself, which reads as follows:

MONSANTO CHEMICAL WORKS,
OFFICE 1800 SOUTH SECOND STREET,
St. Louis, June 22, 1914.

Hon. REED SMOOT,
United States Senate, Washington, D. C.

DEAR MR. SMOOT: I have read with much interest the newspaper report of your speech on the Treasury's statement of foreign trade showing the immense gain in imports and decrease in exports during the month of May.

Our Democratic friends who framed up the last tariff measure certainly must now realize how great were their mistakes, as now demonstrated by the Treasury's statement and the thousands now out of employment.

As an illustration of the mistaken policy of stopping American manufacture to help the American consumer, I desire to recall to your mind how hard I fought for a rate on chloral hydrate to enable my company to stay in the manufacture of that article.

We were denied the rate, and as a result we had to dismantle that department and most of the apparatus went to the junk pile, for the reason that the apparatus used for the manufacture of chloral hydrate can not be used for anything else.

The plant had not been dismantled 30 days before the German manufacturers put up their price on the article 11 cents per pound—over 50 per cent advance on the price previously ruling.

You knew what would happen just as well as I did, that as soon as the European manufacturer has no competition in this country he puts up his price to the highest limit possible, and who can blame him?

As matters now stand, the European manufacturers will supply all the chloral hydrate consumed in this country, while before that we stood between the American buyers and the foreign manufacturer.

With kind regards.

Very sincerely, yours, JNO. F. QUEENY.

Mr. KERN. Mr. President——

The VICE PRESIDENT. Will the Senator from Utah yield to the Senator from Indiana?

Mr. SMOOT. Certainly.

Mr. KERN. I simply rose to inquire whether that gentleman is still a friend of the Senator from Missouri after the efforts of the latter to ruin and destroy his business?

Mr. SMOOT. I think so, because I do not believe if the Senator from Missouri had had his way in that matter the rate would have been reduced to such an extent. I will say to the Senator I stood upon this floor and told the Senate that if the proposed rate was put into the tariff bill there would be no chloral hydrate manufactured in the United States, and it happens so. There was no question in my mind about it.

I wrote to Mr. Queeny and asked him if he had any objection to my calling this to the attention of the Senate, and he wrote back to me on June 27, 1914, and said:

MONSANTO CHEMICAL WORKS,
OFFICE 1800 SOUTH SECOND STREET,
St. Louis, June 27, 1914.

Hon. REED SMOOT,
United States Senate, Washington, D. C.

DEAR MR. SMOOT: I have your esteemed favor of the 25th instant acknowledging receipt of my letter of the 22d instant.

I have no objection whatever to your calling the attention of the Senate to the dismantling of our chloral hydrate plant. As a matter of fact, I should like to see you do it, because it confirms the statement that I made to the members of the subcommittee of the Senate Finance Committee, who had Schedule A in charge.

I stated to them that if they would not change the rate proposed, we would have to go out of business in the article, and this would give the two European manufacturers of the product a free hand to supply the world.

Senator HUGHES replied that it was a hothouse industry. If it was, they put it out of business all right; and the American buyer can now send his money over to the European manufacturer, who gets the 50 per cent advance in price, and the United States Government receives less than one-tenth of the duty previously obtained on importations of this product.

This subcommittee was, as you know, guided by the recommendations of Dr. Herstein. I went to Washington and told the truth, but I was met with the statement that Dr. Herstein was a Government expert, and his statement was taken against mine, although he had had no practical experience whatever in chemical manufacture, other than, as I understand, a few years in the manufacture of cream of tartar and tartaric acid.

I am not trying to pose as a prophet. I knew from actual experience what would happen if the rate stood. It has happened. We were put out of business on the article, and, as I have already said, the two European manufacturers now supply not only the requirements of American consumption but the requirements of the world.

Very sincerely,

JNO. F. QUEENY.

Mr. President, I could stand here for an hour and tell the Senate of just such cases as this.

I call attention to the manufacture of oxalic acid and the efforts undertaken to produce it in this country. What was the result? Almost the same as this. So instance could be added upon instance.

Mr. President, I was going to say more this morning in relation to this matter, but I will conclude by simply referring to the Singer Sewing Machine Co. The only reason I wanted a duty upon sewing machines was not for the protection of the manufacturers of sewing machines in this country, but to compel them to make the goods in this country and not make them in Scotland and France. They do not need a protection on sewing machines. The Singer Sewing Machine Co. did not claim that they did. What they wanted was free sewing machines so that if ever a time came when they had trouble with their workingmen in this country they could say to them: "We will make our goods in Scotland, in France, or in Russia, as we can ship them into this country free of duty."

Mr. MARTINE of New Jersey. They do not seem to be making them in Russia. They are making them in this country. I want to say to the Senator right here I have a statement from the Singer Sewing Machine Co. that they are supplying the market. There is a small amount of imports. There were less than 20,000 sewing machines imported into this country last year.

Mr. SMOOT. Certainly. That is just what I said.

Mr. MARTINE of New Jersey. They are made here.

Mr. SMOOT. The Singer Sewing Machine Co. is perfectly satisfied with free sewing machines.

Mr. MARTINE of New Jersey. The Senator did not think so when we were passing the tariff bill. We were told by the defenders of the tariff that if we passed the measure the mills in the city of Elizabeth and in Connecticut would rust to stagnation.

Mr. SMOOT. The Senator is wrong.

Mr. MARTINE of New Jersey. I do not think I am.

Mr. SMOOT. I want to say that I stood on the floor of the Senate and stated the only reason why I desired a duty on sewing machines was so as to compel the making of them in this country.

I called attention to the fact that it would be a splendid thing for the Singer Sewing Machine Co. to have free sewing machines. With their mammoth plants in Scotland, France, and Russia, if they ever came in conflict with their employees, they could say to them, "We will shut down and make all our machines in a foreign country."

Mr. MARTINE of New Jersey. It seems to have been a splendid thing for the 10,000 workmen who are working in this plant in Elizabeth. They have made a great addition to the plant, and the workmen have been notified that they will begin work again on Monday, with the prospect of continuous prosperity. So if that policy has been good for the sewing machine, it has been good for the workmen. God speed a policy that is good for the workmen and for capital. That is what we are defending.

Mr. SMOOT. Certainly it is good for them, and I am very pleased that it is.

Mr. MARTINE of New Jersey. What about this——

Mr. SMOOT. I want to say now that if the Singer Manufacturing Co. are prosperous they ought to be, because they have the whole world as their market. The machine is sold in every part of the world, and they are extending their plants. I am told now that they are going to start a great plant in Germany, besides the other plants they have in foreign countries. So there is nothing, as far as the tariff is concerned, that affects the Singer sewing machine, and that is all I desired to say.

Mr. MARTINE of New Jersey. We did put it on the free list.

Mr. SMOOT. Machines are on the free list.

Mr. MARTINE of New Jersey. I know; we placed them on the free list.

Mr. SMOOT. I want to say to the Senator now that if there had been a duty upon the machines there would not be a single solitary machine less exported, and the importation of all that have been received would have enriched the Treasury.

Mr. MARTINE of New Jersey. What has the Senator to say regarding the case I cited about the great tube plant at McKeesport, Pa.?

Mr. SMOOT. I have the figures in my office of the unemployed in the iron industry of the United States. If there is one plant that has been long idle and has secured orders enough to start up the plant, I am awfully pleased to hear it. I hope the men will be employed right along.

Mr. MARTINE of New Jersey. I do not know whether the Senator——

Mr. SMOOT. It would give me great pleasure to see the country boom.

Mr. MARTINE of New Jersey. I believe that.

Mr. SMOOT. It would give me great pleasure to see every workman in the land working at the highest possible wages. But I want to say to the Senate, with the rates of duties that we have upon many lines of manufactured goods, and with the wages that are paid in this country as compared with those paid in foreign lands, it will be impossible to keep people employed or to have the increase and extension and expansion of different lines of business as has been the case in the past.

Mr. STONE. I should like to ask the Senator from Utah what is the occasion, what is the motive that moves him to make these daily or almost daily lamentations?

Mr. SMOOT. I am not making a lamentation, and I do not think the Senator from Missouri has any right to so intimate.

Mr. STONE. Then why not——

Mr. SMOOT. I wish to say to the Senator from Missouri that I have made no statement here as to the importations or figures that I have not taken from the records of the Treasury Department.

Mr. STONE. I think the Senator has.

Mr. SMOOT. I do not propose at any time when I speak on this floor to try to misrepresent anything. Four or five Senators have been talking about the subject matter on which I have been speaking, and I simply have said what I have in answer to their statements.

Mr. STONE. The Senator should remember that he who excuseth himself before he is accused accuses himself. Nobody, as far as I have heard, has accused the Senator of deliberately making misrepresentations.

Mr. SMOOT. Well, the Senator has done it in the past, I am sorry to say.

Mr. STONE. No; not that the Senator deliberately made a misrepresentation.

Mr. SMOOT. It may not have been done deliberately.

Mr. STONE. The Senator made misrepresentations, but I think he did it without knowing it.

Mr. SMOOT. If the Senator can find one misrepresentation I have made, I will arise on the floor of the Senate and acknowledge it to the Senate.

Mr. STONE. The Senator will be very slow to make an acknowledgement of that character. He would prefer to undertake to defend what he said. Convince a man against his will and he remains usually of the same opinion still. The Senator gets impatient because I ask him why he surcharges the atmosphere of this Chamber with his lamentations from day to day. Everyone knows that the Senator is a veritable Jeremiah. I suppose to-morrow morning the Washington Post will have an article, editorial or otherwise, on the same line. If you could only yoke the Washington Post and the Senator from Utah together you would have a pair of Jeremiahs that would take the blue ribbon in any circus on the globe.

Mr. SMOOT. Mr. President, my name does not appear in the Washington Post very often, or other newspapers of the country, and I am not in the public service for that purpose. I have never sought at any time the headlines of the newspapers, and I never shall.

Mr. MARTINE of New Jersey. Mr. President, I want to say that I am a partisan, for I love my party. I have spent my life for it, and I am willing to spend it over again in the same direction.

Mr. GALLINGER. How could the Senator do that?

Mr. MARTINE of New Jersey. I could not, and that is a misfortune in the economy of nature. I may have failed in my efforts sometimes, but it has been a great pleasure to preach the gospel I believe in, and by the eternal I will preach it on every occasion, night, noonday, and Sunday. I respect a man who has convictions and has the courage to defend them. I believe the Senator from Utah is one of that class. I would not give a rush for a man who had not convictions, and I would give less for a man who having them did not have the courage to defend them.

I made some little desultory reference to the great tube plant and I sent over to my office and got a clipping from the Trenton Times, of New Jersey, June 26, 1914, a Republican paper. It as follows:

GREAT TUBE PLANT STARTS FULL TIME.

McKEESPORT, PA., *June 26.*

It was announced here yesterday that the National Tube Co., of this place, one of the largest plants, will resume operations in full next Saturday, and that two additional welding furnaces will resume work at once. It is stated that the entire plant, which employs many thousands of men, will be in operation by July 4.

For several weeks the mills have been working at about 75 per cent of their capacity, and but few of them were operated Saturdays. The order just issued will place the mills on day and night turns, with a full force of employees working.

I shall ask leave to print these two slips.

I want to say, Mr. President, this is not of Democratic authority. Nobody will accuse Judge Gary, of the steel plant, of that. Here is an editorial in the Journal of Commerce, and God knows nobody will accuse the Journal of Commerce as leaning very kindly toward the party of the Senator from New York [Mr. O'GORMAN] and myself. It is quite an extended article. It goes on to say:

We have been exporting iron and steel of late to the value of some $250,000,000 to $300,000,000 a year.

This editorial, which I trust the Senator will listen to, finally winds up in this way:

The trouble—

Now, mind you, this is from the gospel of the Republican press, and they do not agree with all your tariff notions—

The trouble which we are going through now, so far as it is due to tariff changes, results from the vast complication of the protective system and the necessity of adjustments in passing to a simpler one, which can not be effected in a day or without more or less of squeeze and strain.

I think no one will contradict the thought I mentioned a minute or two ago. We have been living at breakneck speed. The high tariff has overstimulated industries. It has crushed out minor ones and overstimulated others, and in railroads as well. We have been living, as I said, the life of a debauchee, and we are reaping the results of it.

Mr. GALLINGER. Mr. President——

Mr. MARTINE of New Jersey. I beg pardon. I should like that column in the Republican Journal of Commerce and Bulletin, of the city of New York, on "Iron and steel and the tariff," by Judge Gary, to be published. It is about a column long.

The VICE PRESIDENT. Is there objection?

Mr. BRANDEGEE. Mr. President, I must object to these newspaper clippings being put into the CONGRESSIONAL RECORD. We can all engage in that, and I think it is of no earthly consequence. If anybody is interested in the opinion of that journal, he can go out and buy a copy. I decline to have the Government advertise that paper or any other. If the Senator wants to read it, he can do so.

Mr. MARTINE of New Jersey. I do not want to inflict my poor elocution on the Senate.

Mr. BRANDEGEE. I enjoy the sound of the Senator's voice. I think it is always musical, and sometimes informing.

Mr. MARTINE of New Jersey. Cut that out.

Mr. BRANDEGEE. I think if Senators were compelled to undergo the physical labor of reading all the voluminous and continuous literature which pervades the press of the country, they would not perhaps inflict it upon the Government Printing Office in such a limitless quantity.

Mr. MARTINE of New Jersey. With the permission of the Senate I withdraw the request, so far as the Journal of Commerce is concerned. I would like to have the two minor clippings printed. I trust the Senator from Connecticut will not object. God knows I would not object to printing all the advertisements of wooden nutmegs in Connecticut that you might want. If the minor ones may be allowed to slip through, I will not ask that the larger one be printed.

There being no objection, the matter referred to was ordered to be printed in the RECORD, as follows:

[From the Elizabeth Journal, Republican, June 25, 1914.]

SHORT VACATION AT SINGER SHOP—TAKEN AS SIGN OF BUSY FALL SEASON—LAY OFFS CLAIMED DUE TO NEW MACHINES.

For the first time in several years, the Singer plant's midsummer vacation will last only one week, including Independence Day. Notice has been given that the factory will close Saturday at noon; will reopen Monday morning, July 6, and that Saturday and June 6 will be pay days.

The midsummer lay offs have run from two to three weeks in recent years; the three weeks' limit having been reached in 1907.

That conditions at the Singer plant have been showing a gradual improvement during the last few weeks, and that the short mid-summer vacation proves that things are on the mend, is the roseate view taken by many. Recent developments, it is, indeed, hoped everywhere, mean that a boom is in prospect.

There has been no actual closing down of the plant, but there has been an undoubted depression. This statement is proved by the number of employees put on part time, as well as the fact that a considerable number were laid off. The laying off has been due in a certain degree, it is admitted, to the installation of greater efficiency methods.

For instance, more machines in the polishing room are said to be one of the principal reasons why there are 50 employed there now, as against about 300 in 1908. In the needle department there was a greater number not so many years ago. Machines caused many of them to be laid off, and now 8 or 9 men are said to be getting out the work formerly done by 100 or more

The importation of machines since the new tariff went into effect, according to a reliable authority, has only resulted in about 20,000 machines coming into this country from abroad.

[From the Elizabeth Times, June 25, 1914.]

SINGER LOAF TO LAST ONLY ONE WEEK—SHORTEST LAY OFF IN FIVE YEARS IS JOLT TO CALAMITY HOWLERS—TUTTLE IS SUBSTANTIATED.

Announcement was made at the Singer factory yesterday afternoon that the annual "loaf" this year will last only one week. The factory will close down next Saturday afternoon and reopen Monday morning, July 6.

In view of the efforts of the calamity howlers to spread news of "hard times" in the plant because of the tariff revision, the news was received with much surprise. The short vacation shows that there is a large amount of work to be done in the factory now that the overproduction of 350,000 machines has been wiped out under the new system inaugurated by Superintendent Dosch.

This will be the shortest "loaf" in more than five years. During the past few years, and while the tariff was in its "upward" schedule, there have been two and three week vacations in the factory. The rumors spread by the alarmists caused anticipation of a four-week "loaf," or nothing less than three weeks.

The short vacation lends more credence to the statement published a few months ago by Congressman WILLIAM E. TUTTLE, who showed that any inactivity that might prevail at the plant was not due to the tariff revision. Those who know the conditions at the plant have declared that the lay offs during the past few months were caused by a new policy of Superintendent Dosch. When Mr. Dosch assumed the superintendency, he found an overproduction of 350,000 machines on his hands. He decided to eliminate the overproduction, and consequently work at the factory became slack for a time. The storage bins have been cleared of machines, and the factory is now in practically normal condition, as is indicated by the curtailed "loaf."

Mr. GALLINGER. Mr. President, I had no thought that the observations I made would result in so tumultuous a debate. The Senator from North Carolina informs us that he proposes to enlighten the Senate on the workings of the new tariff law in due time. I do not know when that will be, if we are to pass the three great bills that are now pressing upon us; but I will patiently await that day, and will, if I have an opportunity to do so, submit some observations in reply.

I simply want now to say, Mr. President, that I am fully satisfied in my own mind that there is a great deal of industrial disturbance in this country, including the State of New Hampshire. The Senator from New Jersey [Mr. MARTINE] says it is a "headache" that afflicts the industrial interests of the country; and I of my own knowledge know that a great many men are having headaches because of the fact that they are out of employment, and they are having heartaches likewise. It may be entirely "psychological," Mr. President, as has been suggested in a certain high quarter, but the people of New England, who are suffering and praying for relief, are of the opinion that it is something more serious. That is all I now care to say.

Mr. KERN. Mr. President, after these alternating wails of despair on the one side and hosannas of triumph on the other, I call for the regular order.

Mr. SIMMONS. I wish to ask the Senator from Indiana if he will not withdraw his request for a short while. The Senator from Utah [Mr. SMOOT] has promised that whenever he was shown to be in error in any of his figures he would be glad to correct them, and I thought this might be a very good time to call attention to some of his errors. I will not press it now, but at some other time I shall be very glad to call the Senator's attention to them.

Mr. KERN. I will withdraw my request for the present, to permit one more hosanna of triumph.

Mr. SMOOT. I shall be gald to have the Senator from North Carolina call my attention to the matters to which he refers.

Mr. SIMMONS. Before I proceed, Mr. President, let me say that I do not question that there has been an increase of imports into this country, and that the increase during the last two months has been larger than it before was. If you are going to reduce the tariff so as to give the people relief from the burdens of excessive tariff taxation, you necessarily have got to reduce the duties to a point where there can be importations. The Senator from Utah seems to be enamored of the old Payne-Aldrich tariff act, which, in a great many particulars, was so high that it made importations absolutely impossible. If we were to give the people any relief from the effects of those excessive duties, we had to reduce them; and, if we did not reduce them to a point that would permit and, under certain conditions, invite importations, the reduction would have been a farce.

Mr. President, when the Democratic Party came into power there was a great outcry of protest all over the country against high prices, the high cost of living, and the high cost of nearly everything. There was a demand that these prices be brought down to a reasonable level. In response to this the tariff was revised and duties were lowered.

For months after this act went into operation we were twitted by Senators on the other side of the Chamber with the suggestion that we had not carried out our promise to reduce the cost of living, to reduce the level of prices in this country through the tariff. Now, when importations begin to come in a little bit more freely, when we are approaching a condition when the reduction of the tariff will force down these prices, these same Senators rise in their seats and charge that this tariff law we have passed is flooding the country with cheap foreign products; that the industries of the country are about to be submerged under the weight of these cheap foreign importations.

In other words, these gentlemen denounce the tariff, first, because it did not reduce prices, and then, when it begins to operate so as to force reductions, they denounce it because it is about to become an effective instrument in reducing the high cost of living.

Mr. SMOOT. Will the Senator yield a moment? I want to ask the Senator a question in that connection.

Mr. SIMMONS. I fear I shall not be able to conclude before 2 o'clock; but the Senator from Utah may ask the question.

Mr. SMOOT. I simply want to ask the Senator from North California, Is it not a fact that the importations under the present tariff act are a great many million dollars more than it was estimated they would be?

Mr. SIMMONS. No; not for the first nine months of the year, but, as I said, they had been larger for the last two or three months.

Mr. SMOOT. The very statement of the Secretary of the Treasury has shown that there was an estimated shortage in the customs from importations of $52,000,000, and the actual results for the year show they were only about $25,000,000.

Mr. SIMMONS. I stated in the beginning of my remarks that the importations for the last two or three months were larger, but for the balance of the year they have not been very materially larger.

Mr. GALLINGER. How can we have more revenue under a reduced tariff unless the importations are larger?

Mr. SMOOT. Yes; $29,000,000 more revenue.

Mr. SIMMONS. There has been a considerable increase during the last two or three months over the estimates; before that the importations were below the estimates, I think.

Mr. LIPPITT. I should like to ask the Senator from North Carolina if the last two months are not really the best indication of what is going to happen under this tariff law?

Mr. SIMMONS. I do not think so. Importations are coming into this country and importations are going to come into this country in increasing quantity until the men who have raised the price of products in this country beyond a reasonable level have made up their minds that they have got to reduce those prices to a reasonable level. If importations are increasing, it is because the manufacturers, producers, and distributers of the products of this country have not yet realized the fact that they have got to give up these high trust and combination prices, and that, if they do not, they will be confronted with larger importations from abroad. For one, I hope that these importations will grow, and that they will continue to grow until the combinations controlling the prices of food products, controlling the prices of manufactured products, and stubbornly refusing to yield to the just demand for fairer prices and lower cost of living, make up their minds to reduce the prices to the bases of fair and reasonable profits. If this tariff does not succeed in forcing them to make that reduction, it will not accomplish its purpose. When they have made that reduction, when they have reduced prices to a reasonable level, then, if there is any excessive importations, they will cease.

The discussion of this phase of the tariff question, however, Mr. President, was not the purpose for which I rose. Several Senators have called the attention of the Senate to the fact that there has been an increase this year in importations into this country, especially during the last month or two, and in a speech delivered to the Senate a few days ago the Senator from Utah referred to the fact that there had been an increase in importations in April, I believe, of $29,000,000; and he said that was a wrong to the laboring people of this country; that that was taking so many jobs from the American laboring man and giving them to those of other countries.

Mr. President, I want to call the Senator's attention to the fact, taking the first 11 months of the fiscal years 1908–9, and 1909–10, and 1911–12, and 1912–13, the per cent increase of importations under the old tariff was greater than for the present fiscal year. For the first 11 months of 1908–9 the importations were $1,187,255,095.

Mr. SMOOT. Does the Senator deny——

Mr. SIMMONS. Let me finish this. The Senator does not want to interrupt me right in the middle of a statement?

Mr. SMOOT. I want to know, does the Senator deny that there was an increase of importations for the month of April this year over the importations for the month of April in 1913?

Mr. SIMMONS. Oh, no; I do not deny that.

Mr. SMOOT. Well, that is what I said.

Mr. SIMMONS. The Senator from Utah knows that I do not deny that he said that. The importations for the first 11 months of the year 1908–9 under the old law were, as I have said, $1,187,255,095.

For 11 months in the year 1909–10 the importations were $1,437,070,943, an increase of 20 per cent in one year in the importations to this country under the Payne-Aldrich law, or, in dollars, an increase in importations of something over $200,000,000. The Senator does not think there is anything wrong in that increase; he does not regard that increase as taking that many jobs out of the hands of American laborers.

For 11 months in 1910–11 the importations were $1,404,418,921, and for the first 11 months of 1911–12, $1,522,234,137, an increase of 8 per cent.

For 11 months in 1912–13 the importations were $1,681,762,357, or an increase, Mr. President, over the importations for 11 months in the year 1911–12 of 10 per cent under the Payne-Aldrich bill, depriving American labor of that many jobs.

For the first 11 months of 1912–13, as I have said, the importations were $1,681,762,357, and for the first 11 months of the year 1913–14 they were $1,735,885,740; that is, the importations for the first 11 months of the present fiscal year, compared with those of the first 11 months of the last fiscal year, show an increase of 3 per cent, taking the whole year.

Mr. President, the Senator from Utah has very frequently upon the floor of the Senate given expression to his great preference to the Payne-Aldrich law. I have no doubt that the Senator thinks that we will not have any prosperity in this country until we repeal the present act and reenact the Payne-Aldrich law in its essential features; but I think there are very few people in this country who will agree with the distinguished and able and industrious Senator from Utah with regard to that bill. I think the Senator will not live long enough, though he is a young man, to see the day when the American people will again tolerate any such system of tariff taxation as that imposed by the Payne-Aldrich law.

The Senator has boasted of his accuracy and of his disposition to be entirely fair. He says that he is always willing, if his inaccuracies are shown, to correct those inaccuracies. Mr. President, the Senator, in his statement made to the Senate on the 20th day of June, gave a table of imports ready for consumption, and from certain items that he selected in that table he showed that the increase of importations had been in that month 129 per cent. The first one of the items that I wish to call the attention of the Senator to is the item of laces given in his table. His table states that in April, 1914, the importations of laces and lace articles amounted, in round numbers, to $2,096,000.

Mr. SMOOT. I will say, Mr. President——

Mr. SIMMONS. I will ask the Senator not to interrupt me now. The importation of those articles, according to the statement of the Senator, for April, 1914, amounted to $2,096,036, while for the month of April, 1913, the value is given at $1,027,188, making an increase of 104 per cent. If the Senator will refer to page 889 of the Monthly Summary of Commerce

and Finance for April, 1914, he will find this state of facts: In the bracket, including these manufactures, embracing laces he will find that the aggregate of the importation of these various articles for April, 1914, was $2,096,036, just as the Senator gives it. That includes them all. The Senator gives that correctly, but when he goes back to the importations for April, 1913, he picks out of the seven articles—there are seven articles in that bracket—"lace and lace articles, including edgings," $1,027,000; and that amount he gives as the importations for the month of April, 1913, against a total importation of those seven articles for the month of April, 1914. If the Senator, after having given the table of importations for 1914 of those seven articles, had given the total for the same seven articles for 1913 he would have found that it amounted to $2,229,000 instead of $1,027,000, and that instead of an increase of importations, as he contends, of 104 per cent for that month, there was an actual decrease of 6 per cent.

I will ask the Senator to let me have my copy of the Monthly Summary of Commerce and Finance so that I can go on, for that is not all.

Mr. SMOOT. I have not a copy of the Monthly Summary of Commerce and Finance, to which the Senator is referring, but I will endeavor to secure one.

Mr. SIMMONS. I wish the Senator would; I am calling his attention to it in order that he may answer, for I want him to do so.

The Senator refers in his speech to silk and the manufactures of silk, and states that the importations for April, 1914, were $11,094,000 and for April, 1913, $2,212,000, and he finds that there was an excess of imports in the month of April, 1914, as compared with April, 1913, of $8,880,000.

Mr. President, if the Senator will turn to page 896 of the Monthly Summary of Commerce and Finance for April, 1914, to the bracket containing the manufactures of these cloths, he will find that in estimating the imports for April, 1914, he included "total unmanufactured silk" with "total manufactured," the total unmanufactured importations in that month being $8,254,000, making his statement that $11,094,000 of manufactured and unmanufactured silks were imported in that month correct; but when the Senator gave the importations for the month of April, 1913, he left out the total unmanufactured importations in that month, which amounted to $6,189,000, thus in that item making a mistake in favor of his contention, that the importations of April, 1914, were so much greater than those of 1913, of more than $6,000,000. I assume the Senator did that by inadvertence, and that he will correct it.

The Senator showed an increase of $8,881,000 by that improper calculation. The importations of silk for April, 1913, counted on the same basis that the Senator counted them for 1914, were $8,411,000, instead of $2,212,000, as given in the Senator's table. The increased importations were 24 per cent, therefore, instead of 401 per cent, as the Senator declared in this table, put in his speech, and circulated to the country.

Now, let us turn to page 889. The Senator selects a single item in the schedule of manufactures of cotton, "all other knit goods," of which the imports for 1913 were $41,090, in round numbers, and he concludes that the percentage of increase in that item was the enormous amount of 716 per cent. The old duty on this class of goods was from 50 to 63 per cent, and it was in large measure prohibitive, the consumption and production in this country being enormous, and only $41,000 being imported in April, 1913. The duty on these goods has been reduced to 35 per cent, so as to admit of reasonable competition, and so there have been reasonable importations. The total manufactures of cotton goods imported in April, 1913, were $4,796,000, in round numbers, while in April, 1914, they were $5,522,000, being about 15 per cent increase, while for the 10 months ending April, 1914, the imports were $61,773,000, and for the 10 months ending April, 1913, they were $58,262,000, being an increase of only 6 per cent.

In that case the Senator will find that he selected only a single item for comparison during the months of April, 1913 and 1914, while had he used the aggregate of all the items in that article during the months of April, 1913 and 1914, the per cent increase in importations would be only about 15, instead of 716, as stated by him.

The Senator takes up in addition to that, also, the subject of the "parts of automobiles." I wish to call attention to what seems to me to be a very remarkable oversight upon the part of the Senator when he was dealing with the subject of automobiles. The Senator makes a statement there from which it would appear—and that impression has gone out in the country from his speech—that there was an enormous increase in the importations in the automobile business that amounted to as much as 279 per cent. In order to reach that conclusion the Senator selected only "parts of automobiles," and he showed correctly that imports of these parts of automobiles in April, 1914, amounted to $94,000, and in April, 1913, only to $24,000. I presume his mathematics is correct; but right in the line, immediately above the line in the report from which the Senator gets the figures he gives to the country, on page 887, there appear the imports of automobiles for the month of April, 1913, and the month of April, 1914; and from those figures it appears that in April, 1913, there were imported into this country $106,000 worth of automobiles, while in April, 1914, the importations amounted to only $24,000.

In other words, the Senator gives the figures for parts of automobiles, which show over 200 per cent increase in April, 1914, and fails to give to the country the benefit of the facts that appear in the record from which he got his figures, in the very line above, that embrace the whole automobile business and that would have shown that the imports in April, 1913, were about 400 per cent greater than they were in April, 1914.

Of course that may have been an oversight on the part of the Senator; but as he was dealing with this subject, and as he expected his speech to go forth to the American people as indicating the great increase in imports with reference to the products of this great industry, I think ordinary fairness to the Senate and ordinary fairness to the country-wide audience to which he was making this appeal required that he should have given the facts in the column immediately above that, which would have shown the exact reverse of the condition which the Senator found in the importation of parts of automobiles.

There is much I should like to say this morning on this line and on other lines connected with this subject; but I do not feel that I can afford to do it, in justice to the Senate, in view of the present parliamentary situation.

Mr. SMOOT. Mr. President, I have not the monthly report from the Treasury Department with me, but I will look at the report and at the speech of the Senator when it is printed, and I will answer it hereafter.

The VICE PRESIDENT. Morning business is closed.

THE CALENDAR.

Mr. SIMMONS. Mr. President, I had supposed the Senator from Iowa [Mr. CUMMINS] would go on with his speech. He is not present, and I ask unanimous consent that the river and harbor bill may be taken up.

Mr. BURTON. The Senator from Iowa said that he would be out of the Chamber until 1 o'clock, and I think it is his intention to be here at that time.

Mr. SIMMONS. If there is any other matter to engage the attention of the Senate, I will not call up the river and harbor bill for only 10 minutes.

The VICE PRESIDENT. The calendar under Rule VIII is in order.

Mr. SIMMONS. I would suggest, then, that we might take up the calendar for 10 minutes.

The VICE PRESIDENT. Without objection, the calendar will be taken up at the point where its consideration was suspended the last time it was before the Senate.

Mr. GALLINGER. I ask unanimous consent that we may commence at the point where we left off.

The VICE PRESIDENT. The Chair has announced that, without objection, that would be done.

DOMMICK TAHENY AND JOHN W. MORTIMER.

The next business on the calendar was the bill (S. 1058) for the relief of Dommick Taheny and John W. Mortimer, and the Senate, as in Committee of the Whole, proceeded to its consideration. It proposes to pay to Dommick Taheny and John W. Mortimer the sum of $4,801.42, in full payment and satisfaction of their claim against the United States for loss sustained on account of the cancellation of contract for the erection and lease of quarters for the Frankford station of the post office in Philadelphia, Pa.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

BILL PASSED OVER.

The bill (S. 4601) to authorize the Director of the Census to enumerate the population of the city of Tulsa, State of Oklahoma, was announced as next in order.

Mr. SMOOT. Let that bill go over.

The VICE PRESIDENT. The bill will be passed over.

SETH WATSON.

The bill (S. 1149) to correct the military record of Seth Watson was considered as in Committee of the Whole.

The bill had been reported from the Committee on Military Affairs with an amendment, to strike out all after the enacting clause and insert:

That in the administration of any laws conferring rights, privileges, and benefits upon honorably discharged soldiers, Seth Watson, who was a first lieutenant of Company B, Twenty-eighth Regiment United States Colored Volunteer Infantry, shall hereafter be held and considered to have been discharged honorably from the military service of the United States as a member of said company and regiment on the 24th day of June, 1864: *Provided*, That no pay or bounty shall accrue or become payable by reason of the passage of this act.

The amendment was agreed to.

The bill was reported to the Senate as amended and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

The title was amended so as to read: "A bill for the relief of Seth Watson."

JOHN CHICK.

The bill (S. 4045) to correct the military record of John Chick was considered as in Committee of the Whole.

The bill had been reported from the Committee on Military Affairs with amendments, on page 1, line 5, after the word "of," to strike out "Battery" and insert "Company"; in line 8, after the word "said," to strike out "battery" and insert "company"; and on page 2, line 1, after the word "act," to insert "and no pay or bounty shall become due or payable by virtue thereof," so as to make the bill read:

Be it enacted, etc., That in the administration of the pension laws and the laws conferring rights and privileges upon honorably discharged soldiers, John Chick, late of Company K, Third Regiment United States Artillery, shall be held and considered to have been honorably discharged from the military service of the United States as a member of said company and regiment on the 2d day of August, 1865: *Provided*, That no pension shall accrue prior to the passage of this act, and no pay or bounty shall become due or payable by virtue thereof.

The amendments were agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

The title was amended so as to read: "A bill for the relief of John Chick."

LIGHTHOUSE AT WILLAPA HARBOR, WASH.

The bill (S. 3752) to authorize the construction of a lighthouse at Willapa Harbor, Wash., was considered as in Committee of the Whole.

The bill had been reported from the Committee on Commerce with amendments, on page 1, line 4, after the words "directed to," to strike out "construct a lighthouse" and insert "improve the aids to navigation"; in line 5, after the word "entrance," to strike out "of" and insert "to"; in the same line, after the word "Willapa," to strike out "Harbor" and insert "Bay"; in line 6, after the word "exceed," to strike out "$75,000, which amount is hereby appropriated, out of any money in the Treasury not otherwise appropriated," and insert "$50,000," so as to make the bill read:

Be it enacted, etc., That the Secretary of Commerce is hereby authorized and directed to improve the aids to navigation at the entrance to Willapa Bay, Wash., at a cost not to exceed $50,000.

The amendments were agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

The title was amended so as to read: "A bill to improve the aids to navigation at the entrance to Willapa Bay, Wash."

THE PLAZA CASES.

The joint resolution (S. J. Res. 129) relating to the awards and payments thereon in what is commonly known as the Plaza cases was considered as in Committee of the Whole.

The Secretary read the joint resolution, as follows:

Whereas awards for the payment of property taken in the condemnation proceedings for what is commonly known as the Plaza cases were made some time ago and have been subject to examination by the Department of Justice to be approved by it and other authority; and

Whereas the President has found it impracticable to separate the payments which are not in controversy from those which are, leaving those property owners whose claims are not attacked so that payments can not be made to them, involving great consequent hardship: Now therefore be it

Resolved, etc., That the awards and payments thereon to be made in such proceedings be, and are hereby, declared to be severable, so that the Department of Justice and the President may order such awards as are not in question to be paid out of any appropriation made therefor, reserving the remainder for further consideration.

The joint resolution was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

The title was amended so as to read: "Joint resolution relating to the awards and payments thereon in what are commonly known as the Plaza cases."

LANDS OF LIGHTHOUSE SERVICE.

The bill (S. 4875) to authorize the Secretary of Commerce to exchange rights of way in connection with lands pertaining to the Lighthouse Service was considered as in Committee of the Whole. It authorizes the Secretary of Commerce, whenever he shall deem it advisable, to exchange any right of way of the United States in connection with lands pertaining to the Lighthouse Service for such other right of way as may be advantageous to the service, under such terms and conditions as he may deem to be for the best interests of the Government; and in case any expenses are incurred by the United States in making such exchange, the same shall be payable from the appropriation "General expenses, Lighthouse Service," for the fiscal year during which such exchange shall be effected.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

FEDERAL TRADE COMMISSION.

The VICE PRESIDENT. The morning hour having expired, the Chair lays before the Senate the unfinished business, which is House bill 15613.

The Senate, as in Committee of the Whole, resumed the consideration of the bill (H. R. 15613) to create an interstate trade commission, to define its powers and duties, and for other purposes.

Mr. CUMMINS rose.

Mr. JONES. Mr. President, I suggest the absence of a quorum.

The VICE PRESIDENT. The Secretary will call the roll.

The Secretary called the roll, and the following Senators answered to their names:

Ashurst	Fletcher	Martine, N. J.	Smith, Ariz.
Bristow	Gallinger	Nelson	Smith, Ga.
Bryan	Goff	Newlands	Smoot
Burleigh	Hollis	Page	Sterling
Burton	Hughes	Perkins	Stone
Camden	Jones	Pittman	Sutherland
Catron	Kenyon	Poindexter	Swanson
Chamberlain	Kern	Ransdell	Thomas
Chilton	Lane	Robinson	Thompson
Clapp	Lee, Md.	Saulsbury	Thornton
Clarke, Ark.	Lippitt	Shafroth	Townsend
Crawford	McCumber	Sheppard	White
Cummins	Martin, Va.	Simmons	

Mr. CAMDEN. I wish to announce that my colleague [Mr. JAMES] is necessarily absent and that he is paired with the Senator from Massachusetts [Mr. WEEKS]. I wish this announcement to stand for the day.

Mr. MARTINE of New Jersey. I was requested to announce that the Senator from Mississippi [Mr. WILLIAMS] is unavoidably detained on official business, and that he is paired with the Senator from Pennsylvania [Mr. PENROSE]. This announcement will stand for the day.

The VICE PRESIDENT. Fifty-one Senators have answered to the roll call. There is a quorum present. The Senator from Iowa will proceed.

Mr. CUMMINS. Mr. President, during the course of the debate fears have been expressed that the prohibition contained in this bill against unfair competition and the interposition of the commission with its jurisdiction in working out and making effective that prohibition would in some way impair the strength of the antitrust law, and would permit offenders against the antitrust law to appeal to the commission for some kind of immunity for offenses committed against that statute.

This view, Mr. President, arises from a total misapprehension of the bill. The antitrust law is not touched by the bill under consideration. It is not amended in any way. The offenses under it remain the same. All the remedies for a violation of the antitrust law continue without any modification whatsoever.

In order to make this perfectly clear, although I think it is unnecessary, yet in order to quiet any possible apprehension with regard to this subject, I intend to offer an amendment to section 5. It is an amendment which I think was approved by the committee, attached, however, to another part of the bill when it was believed that the jurisdiction of the commission would be extended to other acts which tend to suppress competition. I hope the chairman of the committee will accept this amendment. I believe that he will, and I now offer it.

The PRESIDING OFFICER (Mr. CHILTON in the chair). The Senator from Iowa offers an amendment to the amendment of the committee, which will be read.

The SECRETARY. Amend section 5 by adding thereto the following proviso:

Provided, That no order or finding of the court or commission in the enforcement of this section shall have any force or effect or be admis-

sible as evidence in any suit, civil or criminal, brought under the antitrust act, nor shall anything contained in this act be construed to alter, modify, or repeal the said antitrust act, or any part or parts thereof.

Mr. CUMMINS. In order that the debate may proceed, as I hope, upon the hypothesis that the section means precisely what I have said, I ask for a vote upon the amendment to the amendment.

Mr. SAULSBURY. May I interrupt the Senator for a moment?

Mr. CUMMINS. I yield to the Senator from Delaware.

Mr. SAULSBURY. The chairman of the committee has left the Chamber for only a few minutes, and will return quite soon, having asked me to stay during his absence. It seems to me that the amendment offered by the Senator is quite in accord with what I understand to be the general view of the committee, of which we are both members, but I would much prefer that, out of courtesy to the chairman of the committee, the Senator would withhold offering the amendment, as it was not anticipated at this time, until the chairman of the committee returns.

Mr. CUMMINS. I think the suggestion of the Senator from Delaware is entirely proper. When I sent the amendment to the desk I had not noticed that the chairman of the committee is absent from the Chamber. There is so large a crowd here, the Senate Chamber is so completely filled, that I did not notice his absence among the many who are present.

Mr. SAULSBURY. May I ask, then, Mr. President, that the amendment lie on the table, with others that have been offered, until we can take up the amendments in the committee and consider them by the committee or members of the committee?

Mr. CUMMINS. I intend to offer it on the floor of the Senate; but I am quite willing that its consideration shall be postponed until the return of the chairman of the committee.

The PRESIDING OFFICER. Without objection, that course will be taken.

Mr. CUMMINS. Mr. President, I repeat that the entire argument based upon the hypothesis that we have attempted in any wise to interfere with the antitrust law is without basis. That statute, one distinguished Senator has said, needs but courage to enforce it. I agree with him. I want to see it enforced, every line and letter of it. It would be most unfortunate if the country were to lose the impetus which in 20 years we have gained through the interpretations of the statute by the Supreme Court of the United States, and courage may well be invoked. I care not how often it is invoked. The spirit of the Department of Justice can not rise too high to meet the demands of the law-abiding people of the United States.

The argument, however, falls to the ground that we ought not to go further, simply because there may have been a want of courage or of persistence in the enforcement of the antitrust law. I am not prepared to say that it has not been enforced with that diligence and zeal that might fairly be expected. The truth is, Mr. President, that the affairs of this country are so tremendous, its business interests are so vast, the complicated commerce of the mightiest country upon the face of the earth is in the hands of a department that is crowded with a vast burden of work, and it is not surprising that now and then an offender under the antitrust law escapes the attention of the Attorney General of the United States and of his assistants.

What we propose to do here is not to arrest the enforcement of the antitrust law, not to weaken its remedies, not to allow any criminal under its provisions to escape, but to add to the Department of Justice an investigating tribunal of high character, of great experience, well equipped to bring to the attention of the Attorney General those instances which may have escaped the inquiries carried on in that department, and thus secure through the Department of Justice a more efficient enforcement of that law.

But we propose to do one thing more. We propose to make it an offense. We propose to make it unlawful for any corporation, or any person, indeed, to practice unfair competition, and wherever the practice of unfair competition has not reached a point that constitutes a violation of the antitrust law, then we intend to do what we can to maintain fair, full, free competition through the intervention of the trade commission.

Mr. President, I have now concluded my review of the bill as it is reported by the Committee on Interstate Commerce.

I said in the beginning, and I repeat, that I have sometimes doubted whether a tribunal of the character described in the bill is warranted unless we add to it other powers having for their general object the maintenance of competition, other powers that will make the commission still more helpful in carrying into effect the principle of the antitrust law.

I offered in the committee certain amendments, and at one time the committee added those features to this bill. I may not be at liberty to speak with much freedom of what happened in the committee, but I can at least express my belief that had it not been for a fear that these amendments embraced subjects that might create discussion, possibly give rise to difference of opinion, and thus delay the passage of the bill, they would now be a part of the measure as reported by the committee.

I reserved when I voted to report the bill which we are now considering the right to offer these amendments on the floor of the Senate. I have proposed them; they have been printed, five of them, and are now at the disposal of the Members of the Senate. I have very serious doubt whether a half dozen of the Members of the Senate have read them. I had doubt yesterday whether that number of Senators had ever read this bill. I deplore the utter lack of interest in this great subject. We are going to pass a bill which with its companions will affect the business of the United States to a degree possibly greater than that of any other statute which has been adopted in recent years, and yet I know that there is no disposition upon the part of Senators to become familiar with the bills or to study the subject which they embrace.

I am not now speaking of the indifference or the disinclination of Senators to listen to addresses. I am an offender in that respect myself. I hold no resentment because Senators are not inclined to hear these bills debated. My regret is founded upon an entirely different reason. I am constrained to believe that we are passing these bills without the individual consideration on the part of Senators which their importance involves. We are all familiar with the general subject. We all know what we desire to accomplish, but these bills are so intricate in their composition, necessarily so, in order to meet an industrial necessity the complication of which no man can exaggerate, that every Senator should study not only the subject but he should ascertain how the evil which is generally admitted can best be overcome.

I take up, Mr. President, the first of these amendments——

Mr. KENYON. Mr. President——

The PRESIDING OFFICER. Does the Senator from Iowa yield to his colleague?

Mr. CUMMINS. I do.

Mr. KENYON. Before the Senator passes to those amendments I wish to ask him a question purely for information, as I know he has given this problem greater study than any other Member of this body has and I think knows more about it. In subdivision (g) of section 3 there is a provision that I can not find in harmonious relationhip to the bill:

(g) If the commission believes from its inquiries and investigations, instituted upon its own initiative or at the suggestion of the President, the Attorney General, or either House of Congress that any corporation, individual, association, or partnership has violated any law of the United States regulating commerce, it shall report its findings and the evidence in relation thereto to the Attorney General with its recommendations.

There is no provision, as I understand the bill, for the President to initiate any investigation or suggest any investigation. How does the phase "or at the suggeston of the President" get into the bill, what does it have to do with the bill, what does it relate to, and how does it corelate with anything in the bill?

Mr. CUMMINS. Mr. President, as I said yesterday, I do not think the commission should act upon the suggestion of the President, and I did what little I could to eliminate that provision from the bill while it was under consideration by the committee. I think the whole subsection might well be stricken out. It does not add to the strength of the bill and probably serves no useful purpose. The truth is, and I am not betraying any confidence because I am not saying anything that anyone ever told me, I am simply giving expression to my own belief, the administration desires that part of the bill. It undoubtedly thinks that this commission should be called into activity upon the suggestion of the President or the Attorney General. I do not think so, but I have not believed that the presence of that provision was sufficiently important to change my general view of the proposed legislation.

Mr. SAULSBURY. Mr. President——

The PRESIDING OFFICER. Does the Senator from Iowa yield to the Senator from Delaware?

Mr. CUMMINS. I do.

Mr. SAULSBURY. May I ask the Senator if he does not think it might add to the value of the bill if the commission could be called upon to assist the office of the Attorney General in a special inquiry at some time respecting the doings of some of the corporations which he may be desirous of prosecuting and possibly this power be used? It, of course, implies the power to investigate at the suggestion of the Attorney General, and could not this power be used with benefit to the administration of justice?

Mr. CUMMINS. Mr. President, I have not believed so. I have always thought that a trade commission, as the Interstate

Commerce Commission is, should be an independent tribunal attached to no department of the Government, owing allegiance to no officer of the Government. I think it should be clothed with adequate power of investigation. I think that it should be free to prosecute an investigation whenever it believes that it would serve the public welfare to do so, and if in the course of the investigation a violation of the antitrust law or any other law of the United States relating to this subject is developed, I think it ought to report the result of its investigation to the Attorney General, whose duty it is to prosecute offenders; but I have never thought that we should put into the law a provision that would enable either the President or the Attorney General to command its activities.

The objection to it—and I am now repeating the objection to it that I made before the committee—the objection to it is that, as the Senator from Idaho [Mr. BORAH] said the other day, there have been times when the antitrust law has been made the instrument, as is alleged, of promoting political fortunes. The President is a political officer; the Attorney General is a political officer connected with the policy of the administration and of the country. The trade commission should not be affected by those influences; and it is my judgment—and I submit it, of course, with great deference to that of the Senator from Delaware—that it will accomplish more—it will establish itself more firmly in the confidence of the people if it acts upon its own motion or acts upon a petition properly brought before it under certain provisions of the bill.

Mr. SAULSBURY. Mr. President——

The PRESIDING OFFICER. Does the Senator from Iowa yield to the Senator from Delaware?

Mr. CUMMINS. I yield.

Mr. SAULSBURY. I only desire to suggest that if we should adopt the course suggested by the Senator from Iowa probably all of the investigations that we have been conducting through resolutions of the Senate requesting the Interstate Commerce Commission to act in matters of railroad investigation would have been entirely impossible if the situation had applied to trade or to industrial organizations. While it is not my provision—and I do not profess to uphold it—yet it seems to me it might be very desirable at some time to use the powers given here in an implied fashion to the President or to the Attorney General or to either House of Congress to investigate, through this trade commission, certain violations of what Congress, for example, or the Attorney General or the President might suppose would be the laws of this country; and it might aid very greatly in the administration of justice.

If there is an objection to this commission acting on the suggestion of the President, the Attorney General, or either House of Congress, an amendment to that provision could be very readily made by striking out only two lines and leaving it as suggested by the Senator from Iowa. I have no particular objection to that, except that I think we may be called upon to insert this very provision later on if we now strike it out.

Mr. CUMMINS. Mr. President, I have not moved to strike it out. I think it ought to be stricken out, but I have not looked upon it as a sufficient objection to this bill to lead me to that course. However, when my colleague asked me what it meant and why it was there I was compelled to answer him candidly and to express my own opinion about it.

Mr. LANE. Mr. President——

The PRESIDING OFFICER. Does the Senator from Iowa yield to the Senator from Oregon?

Mr. CUMMINS. I yield.

Mr. LANE. Mr. President, I should like to say a word. It seems to me that is about the best provision in the bill, for the reason that it leaves in the hands of the President the power to enforce this law. The people have confidence in the President. There are many times when the Attorney General, the House and Senate, and the commission may be so occupied with other business that they may not be able to act in a sudden emergency which may arise, so that, having an alert and honest President with the interest of the country at heart, he should be given the power to act. People never suspect him of an ill motive unless he is really guilty of one, and if you give him the power to initiate proceedings in cases where the other bodies were slow it would be of inestimable value to give that power directly into his hands. If it should do no other good, it would notify the commission that if they fail to do their duty and fail to be alert the man whom the people look to, their Chief Executive Officer, has power to enforce this law. You can get great good out of that. If the President is not honest or sincere, great harm may be done, and yet we must assume that the President is going to do his duty. It is a valuable provision in my opinion and is about the only provision in it in which I have much confidence.

Mr. CUMMINS. Mr. President, I know that all the reasons suggested by the Senator from Oregon [Mr. LANE] naturally occur to the mind and have great weight; but I think the objection that I have attempted to state overcomes any advantage that might arise from putting the commission under the charge of the President of the United States. There will be no difficulty, Mr. President, in calling into exercise the powers of the commission when any respectable suggestion is made to it with regard to a violation of the law. I take it for granted that if any citizen brings to the commission reasonable ground to believe that a violation of the law exists the commission, in the performance of its duty, will pursue the inquiry. So it would be with the President of the United States, and so with the Attorney General; and there never would be a failure to investigate simply because these officers were not mentioned in the statute.

The objection to the phraseology found in this subsection is that it appears to put the trade commission into a subordinate position; it appears to subject the tribunal to the order of the President or that of the Attorney General. I do not believe that it ought to be thus subordinate; nor do I think, as I have said before, that the advantages that might be gained by expressly declaring that the commission must act at the suggestion of the President or of the Attorney General are great enough to overcome the disadvantages which I have attempted to state.

Mr. NORRIS. Mr. President——

The PRESIDING OFFICER. Does the Senator from Iowa yield to the Senator from Nebraska?

Mr. CUMMINS. I yield.

Mr. NORRIS. I want to call the Senator's attention to one word in the very clause which he has been discussing, which bears on another subject, and that is the word "individual," in line 21. What is the use of that word? As I understand, this act does not give to the commission authority to investigate an individual, yet in this particular clause there would seem to be an indication that it had that authority.

Mr. CUMMINS. Mr. President, I regret to say that the Senator from Nebraska is right with regard to it. The phraseology of the subsection ought to be amended. It is not the purpose, as I understand, to give this commission the authority substantively to investigate the conduct of an individual, but an individual may violate the antitrust law and, inasmuch as it is the purpose of this subsection to make it the duty of the commission to ascertain whether there had been violations of that statute and report them to the Attorney General, if it found that there had been, it was natural to include the word "individual" and the word "partnership," inasmuch as either an individual or a partnership may be a violator of the antitrust law.

Mr. NORRIS. Mr. President——

The PRESIDING OFFICER. Does the Senator from Iowa yield further?

Mr. NORRIS. I should like to pursue that just a little further, if the Senator has no objection.

Mr. CUMMINS. I yield, of course.

Mr. NORRIS. I am not arguing that the commission ought to have authority to investigate an individual, or that it ought not to have such authority; but I am only calling attention to what appears to me to be an inconsistency in the measure. I understand that the Senator from Iowa has said that it is the intention of this bill not to give authority to investigate an individual.

Mr. CUMMINS. It does not give it.

Mr. NORRIS. I understand that; yet in this very particular, to which I am calling the Senator's attention, there is rather an implication that the commission has such authority. Either this word ought to be stricken out, or in the other part of the bill where authority is conferred upon the commission, its authority ought to be extended so as to include the investigation of an individual as well as of a corporation or partnership.

Mr. CUMMINS. That might well be.

Mr. NEWLANDS. Mr. President——

The PRESIDING OFFICER. Does the Senator from Iowa yield to the Senator from Nevada?

Mr. CUMMINS. Allow me to answer the suggestion of the Senator from Nebraska [Mr. NORRIS], and then I will yield to the Senator from Nevada.

I hardly think there is the implication which the Senator from Nebraska believes to exist. There is some confusion, but if the Senator from Nebraska will note the first two lines he will observe that they read:

If the commission believes from its inquiries and investigations—

Whether those inquiries and investigations are initiated by or upon its own motion or whether they are initiated by the suggestion of the President, the Attorney General, or either

House of Congress, they must still be the inquiries, and the investigations which the act authorizes the commission to carry on, and the mere use of the phrase "That any corporation, individual, association, or partnership has violated any law of the United States regulating commerce," does not, in my opinion, enlarge the real power of the commission in conducting inquiries or in making investigations. The Senator from Nebraska can strike it out in a moment; and I think it ought to be stricken out.

Mr. KENYON. Mr. President——

The PRESIDING OFFICER (Mr. CHILTON in the chair). Does the Senator from Iowa yield to his colleague?

Mr. CUMMINS. Yes.

Mr. KENYON. Mr. President, it seems to me that this is one of the most important questions in the bill, and one about which there is a great difference of opinion. I observe that, even after the caucus of last night, there are only four Senators on the other side of the Chamber. So I suggest the absence of a quorum.

The PRESIDING OFFICER. The junior Senator from Iowa suggests the absence of a quorum. The Secretary will call the roll.

The Secretary called the roll, and the following Senators answered to their names:

Ashurst	Hitchcock	Overman	Smoot
Bankhead	Hollis	Page	Sterling
Brady	Jones	Perkins	Sutherland
Brandegee	Kenyon	Pittman	Swanson
Burton	Kern	Ransdell	Thompson
Camden	Lane	Reed	Thornton
Chamberlain	Lee, Md.	Saulsbury	Walsh
Chilton	Lippitt	Shafroth	Warren
Clapp	McCumber	Sheppard	Weeks
Cummins	Martin, Va.	Shields	White
du Pont	Martine, N. J.	Simmons	Williams
Fletcher	Newlands	Smith, Ariz.	Works
Gallinger	Norris	Smith, Ga.	
Goff	O'Gorman	Smith, Md.	

The PRESIDING OFFICER. Fifty-four Senators have answered to their names. A quorum of the Senate is present.

Mr. NEWLANDS. Mr. President——

Mr. CUMMINS. I desire to say, in response to the suggestion of the Senator from Nebraska [Mr. NORRIS] that I realize that this subsection ought to be amended, and I very earnestly hope that the Senator from Nebraska will propose an amendment to it that will render its meaning absolutely clear. I now yield to the Senator from Nevada.

Mr. NEWLANDS. Mr. President, if the Senator from Iowa will permit me, I should like to say a word with reference to the objection urged by the Senator from Nebraska. He calls attention to the fact that in subdivision (g) of section 3 the commission is authorized, if it believes "from its inquiries and investigations, * * * that any corporation, individual, association, or partnership has violated any law of the United States regulating commerce," to "report its findings and the evidence in relation thereto to the Attorney General with its recommendations." He called attention to the fact that the bill does not apply to individuals in other provisions of section 3, but simply to corporations. I wish to call the attention of the Senator to subdivision (a), which gives the commission the power "to investigate * * * the organization," and so forth, "of any corporation engaged in commerce," and also the Senator will observe, "its relation to other corporations and to individuals, associations, and partnerships."

In the course of such investigation of a corporation and its relation to individuals or to partnerships the attention of the commission may be brought to a violation of the Sherman antitrust law, and so it is given the authority, under subdivision (g), to report that to the Attorney General with its recommendations.

Mr. GALLINGER. The Senator will observe that subdivision (b) employs the same language.

Mr. NEWLANDS. Yes; the same language is used there.

Mr. CUMMINS. Mr. President, that point was very carefully gone over yesterday, and I then expressed my opinion about it quite fully.

Once more, Mr. President, I attempt to advance to the amendments which I intend to propose to this bill. The first is a prohibition against the ownership by one corporation of the stock or other means of control of another corporation, the two carrying on a business which is in its nature competitive.

Again I say, Mr. President, that this additional prohibition in nowise affects the antitrust law. Intercorporate stock holding of competitive corporations is one of the things which, taken together with circumstances which we have often seen, constitutes a violation of the antitrust law. I do not propose to in anywise limit or restrict the operation of the antitrust law; but it has been discovered that there are a great many instances in which one corporation holding the stock of another, or a part of the stock of another, will prevent that independence of action, that freedom of trade and business, which we are endeavoring to preserve. Again, it is an effort to maintain competition.

There is another reason why one corporation should not hold the stock of another, the two being competitive. I go further; I believe, as a matter of law and policy, that one corporation ought not to be permitted to own the stock of another under any circumstances. That was the common law; but that probably concerns a field which is beyond, or partially beyond, at any rate, the power of Congress to enter. When two corporations, however, are doing the same kind of business, when the public have a right to believe that they stand as competitors and rivals of each other, it is wrong from every standpoint of wise policy that one of those corporations shall be permitted to control the affairs of the other or influence the affairs of the other by holding a part or all of its capital stock.

I think there is a well-developed public sentiment upon this particular subject. There is no man of any considerable observation or experience but who himself must have seen the unwisdom of permitting two corporations engaged in the same kind of business, holding themselves out to the world as independent organizations, yet commonly managed and controlled because of the ownership of the stock of one by the other. Therefore I propose this amendment as section 6 of the bill:

It shall be unlawful for any corporation engaged in commerce to acquire, own, hold, or control, either directly or indirectly, the whole or any part of the capital stock, or other share of capital, or any other means of control or participation in the control of any other corporation also engaged in commerce if the business of such corporations is naturally and by reason of character and location competitive.

This is the substantive law proposed in the section. It prohibits entirely, without any exception, the holding by one corporation of the stock of another if the business of the two is competitive in character.

I may pause here to suggest the other plan that is now before one of the committees of the Senate. In what is known as the Clayton bill there is a somewhat similar prohibition; that is to say, it is intended to cover the same subject; but the prohibition of that bill is that one corporation shall not hold the stock of another if thereby competition is substantially lessened or impaired as between the two corporations.

In my opinion, the bill as it passed the House, while it might be a terror to honest men, would be a shield and a protection for dishonest men. It might create much apprehension on the part of men who do not want to be brought under the condemnation of the law, and who therefore stand far away from the line of danger; but it would be no protection to the public against the scheming men, the men of guile and artifice, because when we are called upon actually to prove that the holding on the part of one corporation of the stock of another has actually lessened the competition as between them, we are called upon to perform a most difficult task.

I believe we ought to take the high, defensible ground that two corporations engaged in the same kind of business must be independent, and that the one must not hold the stock of another. We all know that whether the stockholding is large or small proportionately, it must influence the motives of the managers of the corporations. The stock is not acquired usually for any other purpose than to control or influence or direct the affairs of the corporation whose stock is thus acquired. Moreover, the bill now before the Judiciary Committee as it comes from the House refers only to future transactions. It is made unlawful to acquire in the future stock in this manner, but it practically legalizes and gives immunity to all the unwise, and, I was about to say, immoral relations which exist now between the thousands of corporations which are carrying on business in this country in which there is an intercorporate holding of stock or other means of control. Such is one of the differences between the amendment I have proposed and the bill now pending before the Judiciary Committee.

I have offered the amendment here, however, not so much because there is the difference I have pointed out, but because I believe that again the power and the jurisdiction of the commission can be employed wisely and beneficially to prevent this suppression of competition, this act the tendency of which must necessarily be to destroy or impair freedom of trade. Therefore in my amendment I have conferred upon the trade commission a certain power which I will now read:

The commission is hereby empowered and directed to forbid and prevent such unlawful conditions in commerce in the manner following, to wit:

Whenever the commission shall have reason to believe that any corporation so engaged in commerce has acquired or is owning, holding, or controlling, either directly or indirectly, the whole or any part of the capital stock, or other share capital, or any other means of control or participation in the control of any other corporation also engaged in

commerce, and that the business of the two or more corporations is naturally and by reason of character and location competitive, it shall issue and serve upon such corporation a written order at least 30 days in advance of the time stated therein for hearing, directing it to appear before the commission and show why an order should not be issued by the commission restraining and prohibiting it from such unlawful acquisition, holding, or controlling, and commanding it to bring itself into conformity with the law; and if upon such hearing the commission shall find that such corporation has acquired, or is holding, owning, or controlling the capital stock, or other share capital or other means of control, or participation in the control, of any other corporation contrary to the provisions of this section, it shall thereupon issue an order in such terms as the circumstances may warrant requiring that the said corporation shall bring itself into conformity with the law by ceasing to acquire, own, hold, or control the whole or any part of the capital stock, or other share capital or any other means of control or participation in the control, of such other corporation or corporations.

The commission may at any time modify or set aside in whole or in part any order issued by it under this section.

If, after the issuance of such an order the commission shall find that such corporation has not complied therewith, it may file a petition in the district court of the United States in any district wherein such corporation is located or carrying on business, praying the court to issue an injunction to enforce its order, and the court is hereby authorized to issue such injunction and to enforce obedience according to the law and the rules applicable in suits in equity: *Provided*, That this section shall not apply to banks, banking institutions, or common carriers.

I pause a moment to explain my view of the exception I have just read. I have no doubt the principle we are attempting to employ here can be used with great profit in many instances, as among banks and banking institutions; but I do not believe it is wise to draw their regulation into this measure or into any measure that we are proposing to pass at this session. Having created a Federal Reserve Board, the general purpose of which is to supervise the banking interests of the United States, I believe whatever law we pass with regard to the intercorporate stockholding or the interlocking directorates of banking institutions should be a law committed to the Federal Reserve Board for its enforcement and administration, and therefore I have excepted banks and banking institutions from the operation of this section. I have also excepted common carriers.

I will read in a moment a section applicable to common carriers. They are excepted from this section for two reasons: First, that the administration of any law regulating common carriers ought to be intrusted to the Interstate Commerce Commission instead of to the trade commission that we are now establishing. Second, the laws of some States require the ownership of railroads within their borders to be vested in corporations organized under their sovereignty; and in any regulation that we are proposing upon this subject we must remember the entire inability of complete consolidation in a single ownership as to common carriers.

The section has another exception or proviso:

Provided further, That no order or finding of the court or commission in the enforcement of this section shall have any force or effect, nor be admissible as evidence in any suit, civil or criminal, brought under the antitrust acts.

As I have already explained with regard to an amendment which I have offered to section 5, this proviso is intended to leave the antitrust law in all its strength and vigor. It is intended to leave all its provisions untouched. It is intended to leave its administration in the hands to which it is now committed; and the section simply adds a prohibition of an act which, under some circumstances, is forbidden by the antitrust law, but under other circumstances can not be reached by the antitrust law. In other words, the intercorporate stockholding, in order to come within the provisions of the antitrust law, must have proceeded to the extent and must have the effect of an actual restraint of trade or commerce before it can be prevented; and under the interpretation given by the Supreme Court of the United States it must not only have gone to the extent of a restraint of trade or commerce, but that restraint must be undue or unreasonable. I think the American people now demand, and this Congress is ready to give to the people, this further relief against the incipient stages of the war to preserve competition, so that we may prevent in the very beginning those relations which will finally lead these corporations into conflict with the antitrust law.

The second amendment which I offer——

Mr. NORRIS. Mr. President——

The PRESIDING OFFICER. Does the Senator from Iowa yield to the Senator from Nebraska?

Mr. CUMMINS. I yield.

Mr. NORRIS. I desire to ask the Senator a question or two about the amendment he has already read; but if he prefers to go on with the other amendment first I will gladly wait.

Mr. CUMMINS. I am quite willing to yield now.

Mr. NORRIS. I wanted to ask the Senator what would be the objection to a simple prohibition against the holding by one corporation of the stock of another corporation engaged in interstate commerce? I do not know, of course, but that there may be, and perhaps are, reasons for exceptions to the rule; but why could we not simplify it by simply prohibiting corporations engaged in interstate commerce from holding the stock of any other corporations?

Mr. CUMMINS. Mr. President, I am not prepared to say that we could not do it. It is, however, a doubtful exercise of power.

Mr. NORRIS. The Senator thinks it is of doubtful constitutionality. Is that the idea?

Mr. CUMMINS. I do. I am of the opinion that we have the power to do it; but inasmuch as all we are trying to do is to keep the competitive force in operation, I have hesitated to go to the length that is suggested by the Senator from Nebraska, fearing that the attempt might be overthrown.

Mr. NORRIS. The Senator does, in this amendment, prohibit the ownership of stock in some corporations.

Mr. CUMMINS. Precisely. It must be remembered that we are acting all the while under the constitutional power to regulate commerce among the States and with foreign nations. Everything that we do, in order to be valid, must be a regulation of interstate commerce or foreign commerce. To prohibit a corporation from owning the stock of any other corporation, even though it had no effect and could have no effect upon commerce among the States, enters a doubtful field.

Mr. NORRIS. I will say to the Senator that my question does not go to that. I have confined it to corporations engaged in interstate commerce. If we should by a simple amendment provide that no corporation engaged in interstate or foreign commerce should be permitted to hold the stock of any other corporation, is there any doubt about that being constitutional?

Mr. CUMMINS. I think the court would inquire why we prohibited it. Why do we prohibit it?

Mr. NORRIS. That question could be very easily answered. It is not difficult to answer it.

Mr. CUMMINS. We are not the sovereign creating the corporation. It is not for us to say what is wise or what is unwise for the corporation to do, except as it involves its conduct in commerce among the States.

Mr. NORRIS. Of course, and we have confined it to those corporations.

Mr. CUMMINS. If we were to prohibit a corporation which was carrying on a dry-goods business from owning any stock in a corporation engaged, we will say, in buying and selling coal, we would have to point out in what injurious way the intercorporate stockholding would affect commerce. Now, when we prohibit two corporations which are doing a competitive business from owning one the stock of the other, we are able to point out at once the evident fact that the ownership of the stock by one corporation has a tendency to destroy independence of action, and therefore to impair competition. I believe Congress has the power to exclude any corporation from entering interstate commerce.

Mr. NORRIS. Yes.

Mr. CUMMINS. But there are very few who are willing to go to that extent.

Mr. NORRIS. Take the illustration the Senator has given, that of prohibiting a dry goods company from owning stock in a coal company. Of course, the theory of my suggestion is to simplify the law.

Mr. CUMMINS. Yes.

Mr. NORRIS. It would be quite easy to draft the amendment. Now, what hardship could or would ever come to a dry goods company if it could not own the stock of a coal company?

Mr. CUMMINS. Personally I do not believe in laying the hand of the law upon commerce and interrupting the freedom of individual action unless it is necessary to accomplish some purpose.

Mr. NORRIS. Of course the Senator understands the purpose. The evil that he is trying to strike at is apparent to him, of course, or he never would have offered the amendment he has offered. He recognizes by his amendment that there is a great evil where one corporation holds the stock of another.

Mr. CUMMINS. When they are competitive corporations.

Mr. NORRIS. Yes.

Mr. CUMMINS. When they are doing a competitive business there is a very great evil, and one that is recognized, I believe, by every thinking man.

Mr. NORRIS. Yes. I think everybody will concede that, and while I am not saying that there are not legitimate objections, I can not see them, and I was asking mainly for information. If we should make it the simplest amendment we could possibly get it would be to exclude such ownership entirely.

Mr. CUMMINS. There are just two objections, as they appear in my mind. The first is the inadvisability of restricting the freedom of action in cases in which it is not necessary and

in which interstate commerce can not be injuriously affected. The second—and it is the one which has been most potential with me—is the doubt that many people feel and express as to our constitutional power thus to deal with corporations created by the several States.

Mr. NORRIS. We could exclude them entirely from interstate commerce.

Mr. CUMMINS. It is so asserted.

Mr. NORRIS. And we can let them enter interstate commerce on whatever conditions we please.

Mr. CUMMINS. I am inclined to think we could attach any condition which we deemed best to their entrance upon interstate commerce; but I wanted to accomplish something; I wanted to get near the evil; and I did not want to present a statute which we must fight for over a course of years before we know whether or not it can be enforced.

Mr. NORRIS. Of course, I want to accomplish something, too. I thought perhaps we might be able to do it by a simple and very short amendment instead of all this machinery.

Now let me ask another question. Suppose we provide by amendment that it shall be unlawful for any corporation engaged in interstate commerce to own any of the capital stock of any other corporation engaged in a competitive business, and then provide a penalty for such ownership?

Mr. CUMMINS. The difficulty then is that the section would never be enforced.

Mr. NORRIS. That would not be so difficult to enforce——

Mr. CUMMINS. It would be impossible to enforce in many instances.

Mr. NORRIS. It strikes me it would be quite simple.

Mr. CUMMINS. I will tell the Senator why. When you come to ascertain what are competitive businesses you have entered a very difficult field. You might think the business of furnishing gas was competitive with that of furnishing electric light, or the business of furnishing coal was competitive with that of furnishing the same power by electricity; but it is not fair to ask the business people of this country to determine such matters for themselves and be held criminals if they determine the issue incorrectly.

I could give the Senator from Nebraska instances by the half hour, I believe, in which there would be inevitably great differences of opinion as to whether a corporation doing this business is competitive with a corporation doing that business, or whether a corporation doing business in New York is competitive with one doing the same business in Chicago.

Mr. NORRIS. The Senator has not avoided that difficulty by his amendment. The first suggestion I made, if applied, would, of course, have avoided it entirely.

Mr. CUMMINS. Yes; I have avoided the difficulty because the trade commission takes possession of the matter at that point, and it calls the corporation involved before it and it enters upon a hearing, the inquiry being, Has the corporation violated the law? If the commission finds that the corporation has violated the law, it commands the corporation to cease; and if it does not cease, the commission then applies the most effective remedy known to modern times—the injunction of a court.

Mr. NORRIS. Let me suggest right there what, it seems to me, is one difficulty, and has been all the time, with the Sherman antitrust law. The Senator says injunction is the most effective remedy; but from the time the illegality begins until it is finally determined by the Supreme Court of the United States enough time elapses for the offending corporation to make a profit out of the business while the prosecution is going on.

Mr. CUMMINS. Unfortunately, there is no way of preventing that.

Mr. NORRIS. It seems to me the weakness of this amendment is that there is no provision here by which a corporation doing an illegal business or holding illegally stock in another corporation is in any way penalized. It runs no risk whatever, and in the meantime years and years elapse while the case is going on and getting up to the Supreme Court; and the corporation may lose in the end, and yet make millions of dollars by the transaction.

Mr. CUMMINS. Mr President, I appreciate the position taken by the Senator from Nebraska. There are two schools of thought in this country. One school believes that we can regulate commerce by heading the whole business world toward the penitentiary. The other school believes that we can best regulate it by the interposition of the courts, or a tribunal created for that purpose, that will prevent by reaching out its arm in the way of an injunction. I do not believe there is a jury on earth that would ever convict a corporation for a violation of this statute or any similar one if there was fair reason to believe among honest men that the two kinds of business were not competitive. The result would be that the wrong would go unchecked; and, further, they ought not to be penalized if there is a fair chance for difference of opinion.

Mr. NORRIS. I would not penalize them. Let the jury permit those corporations to escape if anybody prosecutes them; but there is another line of people where that does not enter. The Senator, it seems to me, has taken an unfair illustration for his case.

Mr. CUMMINS. The Senator must not forget that he still has the antitrust law with all its penalties, with all its criminal provisions, under which men who do restrain trade and commerce can be convicted, can be fined, and the fines may accumulate in a very large amount. I am not trying to impair that law; I am trying to add something that will take a lesser violation of the law of competition, a condition that if permitted to exist will finally eventuate in a restraint of trade or commerce. I can not be convinced that in order to reach those instances we ought to attach a severe criminal penalty, because it always has failed, and it always will fail.

Mr. NORRIS. I understand the antitrust law still exists, and the Senator by this amendment is adding to the antitrust law. He is making something illegal that was not necessarily illegal before.

Mr. CUMMINS. That is true.

Mr. NORRIS. But he has no penalty attached. If the thing complained of is wrong and it is not right to penalize the officers of a corporation by a fine for doing it, then there should be a penalty by way of a fine against the corporation so that it would not be profitable for them to violate the law.

Mr. CUMMINS. I do not say that I would resist an amendment that would attach a criminal penalty to a violation of this section. After a great deal of thought I do not believe that that is the way in which the law can be best enforced. I believe that in nine cases out of ten a fine imposed upon a corporation is simply passed on to that great company that is sometimes designated as the ultimate consumers. My idea is to stop the wrong. I do not want it to go on and accumulate fines for the corporation to pay.

Here is a summary proceeding that can be put into execution just as rapidly as the trade commission can act, and I hoped that this additional protection, additional to the antitrust law, would furnish an instrumentality that would work well for the American people.

Mr. NORRIS. Mr. President, I hope the Senator did not get the idea that I am asking these questions in any critical sense whatever.

Mr. CUMMINS. I know the Senator is not.

Mr. NORRIS. I am in sympathy with the purpose of the Senator from Iowa.

Mr. CUMMINS. I know the Senator from Nebraska is just as much interested and as heartily in favor of anything that will open up and keep open the channels of trade in this country as I am. I do not take his interruption as hostile at all.

Mr. NORRIS. But it seems to me whatever we decide by statute is wrong we ought to make it unprofitable for any corporation to engage in. My criticism of the Senator's amendment is that so much time can elapse by a corporation paying no heed except as it has to defend in court against the order of this commission that it could continue the illegal act clear to the end, which means several years of litigation, and it may profit out of it. There ought to be a provision somewhere in the bill, it seems to me, that would make it unprofitable.

I am not one of those who believe that this kind of legislation can be extended very much. I should like to extend it if it were practicable. I agree with the Senator that it is very often impossible to get the real criminal, and that we try some stool pigeon who is put forward, who occupies some clerical position and send him to jail. Sometimes we may get the real criminal, perhaps, but not often. However, if we made by law this business unprofitable as a financial proposition corporations would not engage in it. Therefore it seemed to me that the first suggestion, to simply prohibit by law with a proper penalty, either by imprisonment or by fine, or both, the ownership by a corporation engaged in interstate commerce of the stock of another corporation, would meet it completely, unless it can be shown that it would be some hardship for a corporation engaged in legitimate business.

Mr. CUMMINS. I would not at all object; but I would not want it to take the place of the provisions that I have made here for administering the law partially through the commission. The whole end suggested by the Senator from Nebraska can be reached if he will prepare a section to be added to the bill, and, until recently, I thought it was in this bill; I know

it was at the close of the bill we originally considered in the Interstate Commerce Committee; that includes all these regulations, namely, that any violation of this act shall be punished by a fine or imprisonment, and so forth. I do not think I would object to that kind of a provision. I hope the Senator from Nebraska will reflect upon it and offer it if he believes it ought to be here, although, I repeat, the efficacy, the real efficiency of this legislation, in my opinion, will lie in the prevention of these unlawful conditions rather than in punishment, either by fine or imprisonment, for their violation.

Mr. BURTON. Mr. President——

The PRESIDENT pro tempore. Does the Senator from Iowa yield to the Senator from Ohio?

Mr. CUMMINS. I yield to the Senator from Ohio.

Mr. BURTON. I suggest the absence of a quorum.

The PRESIDENT pro tempore. The Senator from Ohio suggests the absence of a quorum. Let the Secretary call the roll.

The Secretary called the roll, and the following Senators answered to their names:

Ashurst	Cummins	Overman	Smith, Md.
Bankhead	Gallinger	Page	Smoot
Brady	Goff	Perkins	Sutherland
Brandegee	Hughes	Pittman	Swanson
Burton	Kern	Ransdell	Thomas
Camden	Lee, Md.	Saulsbury	Thornton
Chamberlain	Martin, Va.	Sheppard	White
Chilton	Newlands	Shields	
Clapp	Norris	Simmons	
Clarke, Ark.	O'Gorman	Smith, Ariz.	

The PRESIDENT pro tempore. Less than a quorum of the Senate is present. The Secretary will call the roll of absentees.

The Secretary called the names of the absent Senators, and Mr. SHAFROTH, Mr. STONE, and Mr. WEEKS answered to their names when called.

Mr. NELSON, Mr. REED, Mr. SHIVELY, Mr. HOLLIS, Mr. HITCHCOCK, Mr. JONES, and Mr. POMERENE entered the Chamber and answered to their names.

Mr. CLAPP. I think it should be stated for the RECORD that the senior Senator from Wisconsin [Mr. LA FOLLETTE] is detained from the Senate on account of illness.

The PRESIDENT pro tempore. Forty-seven Senators have answered to their names. There is not a quorum present.

Mr. KERN. I move that the Sergeant at Arms be directed to request the attendance of absent Senators.

Mr. SUTHERLAND. Pending that, I move that the Senate adjourn.

The PRESIDENT pro tempore. The Senator from Utah moves that the Senate adjourn.

Mr. KERN. I hope that the Senator from Utah will not insist on that motion at this time. We lack but two of a quorum, and if the Senator will allow——

Mr. SUTHERLAND. The motion is not debatable. I ask that the question be put.

The Senate refused to adjourn, there being, on a division—ayes 11, noes 18.

Mr. WILLIAMS, Mr. WALSH, Mr. LANE, Mr. BRISTOW, and Mr. BRYAN entered the Chamber and answered to their names.

The PRESIDING OFFICER (Mr. CHILTON in the chair). Fifty-two Senators have answered to their names. A quorum is present. The Senator from Iowa will proceed.

Mr. CUMMINS. Mr. President, I realize the embarrassment under which Senators are laboring. I think three-fourths of the Members of the Senate are now engaged in the sessions of committees. I give notice now that I intend to-morrow morning to offer a resolution that no committee of the Senate shall sit during the sessions of the Senate without a special order. It is entirely unfair to command Senators to be in two places at the same time.

Mr. BRANDEGEE. Will the Senator yield to me?

Mr. CUMMINS. I yield to the Senator from Connecticut.

Mr. BRANDEGEE. I agree entirely with what the Senator from Iowa says. I think it is a disgrace and a farce for the Senate of the United States to have its Judiciary Committee in session considering one far-reaching bill and its Interstate Commerce Committee in session considering another, and a third bill which the Interstate Commerce Committee has been considering for months, all three of the bills involving the most intricate, far-reaching, technical, obscure questions, and a corporal's guard of Senators here when the Senator who has made as exhaustive a study as anyone in this body or in the country, of all these bills, is attempting to explain one of them, to have his remarks punctured every five minutes by a declaration of one of his colleagues that he observes only four or six Senators on the floor, and therefore he suggests the absence of a quorum.

I call attention to this situation because it is a disgrace and a farce for the Senate and the Congress to attempt to foist upon the country legislation on these fundamental and grave subjects when Senators themselves will not pay any attention to them, and when Senators themselves know, with the serious differences of opinion which exist among themselves, with this method of procedure of committee hearings and Senate sessions going on at the same time, finally, under the whip and spur of party domination and White House influence, they are going to be forced uninformed to vote yes or no upon a lot of half-baked legislation, containing definitions which themselves will require years of court decisions to define, under the fake plea that the twilight zone under which business has been suffering and halting for years is going to be illuminated, when it does not take more than an alderman or a councilman who will read the bills to know that, instead of illuminating anything, they are going to hopelessly obscure every subject with which they deal, if they are passed in anything like their present form.

I am glad to hear the Senator say he will protest against committee meetings preparing more ill-considered legislation to be dumped upon this body in the heat of summer and on the eve of a country-wide political campaign until Senators can get here and consider what has been already prepared and vote upon it intelligently. It is not doing justice to the business interests of the country. If the business interests of the country realized in what a foolish, not to say contemptuous, manner their gravest affairs were being tampered with and flippantly trifled with by the highest legislative body in the country, there would be a good deal more dissatisfaction and a great deal more drooping in the business world than there is to-day.

The Senator gives notice that he will not consent that this debate shall go on when different committees shall be preparing more nuts to be cracked and more legislative problems to be solved at the same time when Senators are attempting to inform the Senate upon those already here. My suggestion to him is that these committees are already sitting under a special order of the Senate authorizing them to so sit, and those resolutions will have to be reconsidered.

Mr. CUMMINS. I do not so understand it, Mr. President. It may be that they are, but——

Mr. NEWLANDS. Mr. President——

Mr. CUMMINS. In just a moment. I do not agree with the Senator from Connecticut with regard to the character of this legislation. I am for much of it, and I know that he is against some of it. But that does not change our concurrence with regard to the manner in which the Senate of the United States is now conducting itself. It is a disgrace to the law of the country and to the civilization of which we are a part. I have known within the last few days of the Judiciary Committee sitting to consider one of the bills concerning this subject; at the same time the Interstate Commerce Committee sitting to consider another of the bills which constitute a part of the general program, and another still of the bills being before the Senate for its consideration. I believe in this legislation, but it is an insult to the intelligence of the people of this country that we shall debate and pass these bills without the most mature thought upon the part of those who are responsible for passing them.

I am not criticizing the Senators a particle. I know the embarrassment, as I said a moment ago, which they suffer. I know how imperious the demand is that Senators sit in the Judiciary Committee and that they sit in the Interstate Commerce Committee, and that they sit in the appropriation committees and that they sit in conference at the same time. I wonder that there are any Senators who feel free to deliberate upon the legislation and so prepare themselves for the performance of their final duty.

But, Mr. President, I did not——

Mr. NEWLANDS. Mr. President——

Mr. CUMMINS. I hope Senators will not think that I am objecting because I happen to be at this time discussing the bill. I am interested in the bill. I want the best legislation that can possibly come out of all this agitation, and I think it is unfair to the Senators themselves that they should be required to sit in the discharge of their duties in committees while they, at least, ought to be given an opportunity to study the bill that is about to pass.

I yield to the Senator from Nevada.

Mr. NEWLANDS. Mr. President, I regret as the Senator does, that there is not a larger attendance in the Senate upon this debate, but I suggest that a solution can be reached that will facilitate the orderly disposition of these three bills so that the Senate may not be in session engaged in the consideration of one whilst the Judiciary Committee is in session considering another; that is, that we should fix a time for a vote on this bill. If we can fix that time within this week, Friday, or on next Monday, then the Judiciary Committee will

have an opportunity, without being diverted by the consideration of a pending trust bill, to sit for two or three days upon the measure which they are now considering, and to bring it to a conclusion.

With reference to the bill that is now pending before the Interstate Commerce Committee, the securities bill, I will say that that is a very simple bill with reference to the control of stock and bond issues. The committee has had it under consideration for some time.

Mr. CUMMINS. It seems to be quite "simple" in view of the hearings we have had concerning it.

Mr. NEWLANDS. I mean it is focused now where we can easily decide the question, and it is focused by reason of the careful consideration given to it in addition to that given by the committee itself, by the Interstate Commerce Commission, and by a committee consisting of Mr. Brandeis and Mr. Rublee and by a committee of the leading railroad men of the country. The whole transaction is now being focused in such a way as to enable a very easy solution by the committee if we could only have two or three hour sessions. It seems to me the way to get such sessions is to dispose of the pending bill.

Let me say that I think that the sparse attendance here during this debate is accounted for by the fact that the Senate has made up its mind regarding the bill, that it wants to vote upon it about as unanimously as did the other House and about as unanimously as the assembled boards of trade of the country have voted upon it in the recent referendum that was made and about as unanimously as public opinion seems to be made up on the subject.

Mr. CLAPP. Mr. President, will the Senator pardon an inquiry?

Mr. NEWLANDS. If the Senator will just permit me to be consecutive and not to be diverted, I prefer not to be interrupted.

Mr. President, this is no new subject——

Mr. CUMMINS. I did not yield for a debate on this bill. I am debating the bill. If the Senator from Nevada has anything to say——

Mr. NEWLANDS. Of course I am under the control of the Senator.

Mr. CUMMINS. If the Senator from Nevada has anything to suggest with regard to the explosion which has just occurred, I will gladly yield to him for that purpose, but to an argument on the merits of the bill I do not yield.

Mr. NEWLANDS. I rose to suggest a solution as to the orderly disposition of this question, but if the Senator from Iowa proposes to take me off the floor, of course I will yield.

Mr. CLAPP. I simply wanted to remind the Senator from Nevada that the referendum to which he refers was taken before the bill was amended so as to give the commission the power to deal with competition.

Mr. NEWLANDS. I am only going to take a moment longer. I will say to the Senator from Iowa, that I have refused to indulge interruptions simply out of consideration of the fact that I was taking the Senator's time and am subject to his indulgence regarding it.

I repeat, this is no new measure. It was considered in the latter part of the Taft administration by the then Interstate Commerce Committee and amended there. If Senators will look over the bill that was introduced by me in 1911 and was tentatively amended by the Interstate Commerce Committee under the leadership of the Senator from Minnesota [Mr. CLAPP], they will find it almost identical with the bill which is now presented. So for over three years we have had this matter under consideration so far as the Senate Interstate Commerce Committee is concerned, and the House has had it under consideration for six months. The mind of the House and the mind of the Senate is made up on the subject. Why not have a time fixed for a vote, so that we can then hold the sessions of the Interstate Commerce Committee and dispose of the securities bill and so that the Judiciary Committee can report their bill to the Senate?

Mr. CUMMINS. I assume, Mr. President, that the Senator from Nevada is not at all serious in the remarks that he has made.

Mr. NEWLANDS. I will suggest that I am absolutely serious.

Mr. CUMMINS. If I thought the Senator was serious, I might be offended; but, knowing his humorous disposition, I do not take offense.

Mr. NEWLANDS. Mr. President, I hope that the Senator will have no cause for offense, for I am quite sure it would be imaginary.

Mr. CUMMINS. Certainly; I take no offense.

Mr. NEWLANDS. I wish the Senator from Iowa to understand that I have the highest appreciation of the very thorough manner in which he has been going through this bill, and I am sure that the committee is very much indebted to him for it. I have no disposition to cut short his time; but I have inquired on both sides of the Chamber as to whether there are other Senators who wish to speak. I have been able to find but a few, and they desire to speak only briefly. I think that this bill can be disposed of——

Mr. CUMMINS. If the Senator from Nevada is serious, then I am offended. I did not suppose he was serious. If he rose to say that I ought not to continue this discussion, I resent it.

Mr. NEWLANDS. I did not.

Mr. CUMMINS. But I do not yet believe that he meant what he said.

Mr. NEWLANDS. On the contrary, I rose to disclaim any such suggestion.

Mr. CUMMINS. No matter, Mr. President, what was the object in the Senator's mind, I intend to continue the discussion until I have concluded it.

Mr. NEWLANDS. I hope the Senator will.

Mr. CUMMINS. And I am just entering upon a discussion of——

Mr. SIMMONS. Mr. President——

The PRESIDING OFFICER. Does the Senator from Iowa yield to the Senator from North Carolina?

Mr. CUMMINS. I will do so in just a moment. I am just entering upon a discussion of certain amendments concerning which nothing has yet been said. It is sought to show that this is the bill which the Senator from Nevada introduced a few years ago. No one, I suppose, would debate very long the propriety of allowing investigation and inquisition; but we have added to this bill provisions which make it an effectual instrument in accomplishing some things, and those things are new, absolutely new, and were never before proposed in any bill introduced in Congress or anywhere else.

Mr. NEWLANDS. Will the Senator permit me to interrupt him?

Mr. CUMMINS. I am for those things, and I am doing my best to maintain them; and I am very sorry to see that the Senator from Nevada is so unmindful of the little service I am trying to render him and his committee. Now, I yield to the Senator from North Carolina.

Mr. SIMMONS. Mr. President, I desire to ask the Senator from Iowa if he has not offered several amendments to this bill which have been referred to the Committee on the Judiciary with the consent of the Committee on Interstate Commerce?

Mr. CUMMINS. I proposed those amendments, five in number, and they were referred to the Judiciary Committee, but in this miserable tangle in which we find ourselves, the bill to which they are offered as amendments comes on for a vote before there is any report or even consideration by the Judiciary Committee. So I am compelled to offer them now, and I am offering them now, and I want to have a vote upon them as soon as I have concluded my observations upon them.

Mr. SIMMONS. The amendments the Senator now offers have been heretofore offered and have been referred to the Judiciary Committee?

Mr. CUMMINS. They were referred to the Judiciary Committee.

Mr. SIMMONS. They were so referred by order of the Senate. I want to ask the Senator from Nevada if it is his purpose to insist upon a vote on this bill before the Judiciary Committee has time to act upon those amendments? I have been advised that the Judiciary Committee have been considering those amendments, and that it is their purpose to report those amendments one way or the other back to the Senate. Does the Senator from Nevada want to take a vote upon his bill before the committee has made its report upon those amendments?

Mr. NEWLANDS. Mr. President, I understand that the Judiciary Committee has taken action upon those amendments. Perhaps the Senator from Iowa can inform me.

Mr. CUMMINS. I do not know; unfortunately being compelled to be here during the time that the Judiciary Committee was acting upon those amendments, I could not be there even to vote in favor of my own propositions.

Mr. NEWLANDS. I will state, Mr. President, that the amendments offered by the Senator from Iowa cover matters that are in the bill that came from the other House called the Clayton bill, now pending in the Judiciary Committee. The Senator from Iowa proposes to transfer those matters from that bill to this bill.

Mr. CUMMINS. I did not propose to do any such thing. I proposed these amendments to this bill before there was any bill in the House of Representatives. I think the Senator from Nevada will remember that.

Mr. NEWLANDS. Well, what I mean to say is, that the Senator proposes to put upon this bill a subject matter that is included in the Clayton bill, which is now before the Judiciary Committee. I myself was for a long time in doubt as to the practice of the Interstate Commerce Committee when this matter was first presented to us, as to whether it might not be advisable to consider those subjects in connection with this bill; but the Interstate Commerce Committee by a vote determined it was not advisable. So I feel it my duty to press this bill, notwithstanding the Judiciary Committee has that matter under consideration.

Let me say one word to the Senator from Iowa. I regret very much that he has misapprehended anything that I have said. If the Senator will look over the RECORD I think he will find that there was no reason for misapprehension. The Senator could not have heard me distinctly. I do not feel disposed at all to limit the argument of the Senator or to attempt to limit in any way his argument or the consideration of the amendments which he proposes. I am speaking simply of action after the Senator closes, with a view to fixing a time for a vote within a short period, the bill having already been under consideration for a week.

Mr. CUMMINS. So far as I am concerned, we can have a vote this afternoon——

Mr. NEWLANDS. The Senator from Idaho [Mr. BORAH] said that he would at any time lay aside his discussion provided we could have a vote.

Mr. CUMMINS. Provided I finish what I have to say.

Mr. NEWLANDS. That was the disposition of the Senator from Idaho, and I assume the Senator from Iowa himself, interested as he is in this bill and a warm advocate of it as he is, would like an early disposition of it.

So far as the bill is concerned, the Senator says that it differs from the one that was introduced some years ago by myself. Well, it does differ from that bill, but the Senator will recollect that that bill was very materially changed in the then Committee on Interstate Commerce and that we had valuable suggestions and the aid of the Senator from Iowa. No one was more active in the shaping of that tentative measure than was he; and I am speaking of the tentative measure, the measure that was tentatively approved in the Interstate Commerce Committee, and the Senator will find it almost identical with this bill, with the exception that this bill has an additional section regarding unfair competition.

Mr. CUMMINS. That is the whole subject of debate.

Mr. SUTHERLAND. Mr. President, will the Senator from Iowa permit me to ask the Senator from Nevada a question?

Mr. CUMMINS. I yield.

Mr. SUTHERLAND. I should like to ask the Senator from Nevada whether he is opposed to the amendments which have been suggested by the Senator from Iowa?

Mr. NEWLANDS. I am not opposed to legislation on that question; on the contrary, I am in favor of it, but I think that legislation should go upon the bill that is now before the Judiciary Committee and not upon this bill.

Mr. SUTHERLAND. The bill which is pending before the Judiciary Committee proposes to treat this matter in an altogether different way. That bill simply proposes to prohibit these particular things—intercorporate stockkholding, and so on—by substantive legislation, leaving it to the courts to enforce the prohibition. The amendment proposed by the Senator from Iowa to this bill proposes that the interstate trade commission shall deal with the subject. I asked the question in entire good faith, because, I will say to the Senator from Nevada, that, as between the two propositions, if we are to have a trade commission—and I am not in favor of the trade commission proposed by the bill of the Senator from Nevada—but if we are to have such a body, I think the method proposed by the Senator from Iowa is the preferable method of dealing with these questions. The Senator from Nevada is chairman of the Interstate Commerce Committee and has given this matter very great attention. I should be very glad to learn whether the Senator is in favor of these amendments as they are proposed to this bill or opposed to them; and if opposed to them, very briefly why the Senator opposes them?

Mr. NEWLANDS. I will state to the Senator that I have amendments now pending before the Judiciary Committee that cover the ground of interlocking directorates and holding companies and which cover my views of the legislation that should be enacted upon this subject. I hope that this bill will be passed and that the Judiciary Committee will, in legislating upon that subject, submit the enforcement of the law to the interstate trade commission. That is one reason why I should like this bill to go through as early as possible, so that we could have an interstate trade commission in existence, which could be charged with certain duties under the legislation on this subject in the Clayton bill.

Mr. LIPPITT. Mr. President, will the Senator from Iowa yield to me just for a moment?

Mr. CUMMINS. I yield.

Mr. LIPPITT. Mr. President, I have felt very strongly that this bill ought not to be disposed of until there has been a report from the Judiciary Committee upon questions that have been submitted to that committee and which are closely related to the subjects that are being discussed under the bill that is now pending before the Senate. What the Senator from Nevada has just said, I think, is a very good illustration of the desirability of at least having a report before this body that will give the views of the Judiciary Committee as to what legislation the Senate ought to pass in regard to the whole subject of trade legislation before we undertake to deal with a part of it. The Senator from Nevada says he hopes that when the Judiciary Committee reports the trade commission may be in existence, so that there can then be referred to them certain duties in regard to certain questions that are not now included in the bill before the Senate; in other words, he has in his mind, almost before this bill is dry from the printer, to suggest further amendments to be made to it and to suggest further duties that shall be given to the commission. It seems to me that on a question which is one of the most fundamental questions that has ever come before this body, a question which is going to rearrange the entire relations which the Government of this country bears to the people of this country, which deals with the largest and the most important matter in which the people of this country are interested, namely, the question of how they are going to earn their living from day to day, that it should not be taken up in any partial and haphazard method, but that we should have laid before us the whole field of operations which it is proposed to cover before we attempt decisively to commit ourselves to any particular part of such a measure.

The Senator from Nevada has referred to the securities bill as being a very simple bill. I do not regard that bill as being a simple bill in any way. We have had before our committee for the last month or more some of the ablest men in the United States, discussing that bill for hours and disagreeing with each other as to its most important features. We have had representatives of the Interstate Commerce Commission; we have had representatives of the people; we have had representatives of the railroads; and they have substantially been discussing simply one section, one idea contained in that bill.

In addition to that, there is another feature of it which has been discussed to much less extent, which proposes to give the most extraordinary powers to the Interstate Commerce Commission, powers which they do not now have, powers which would enable them to go into the papers and into the houses of private individuals under certain circumstances—a most far-reaching measure.

It does not seem to me that there is any necessity for haste about these matters. The Senate sat here for two months and discussed a question in connection with the Panama Canal, in which at the outside not over $2,000,000 was involved. Here is a question in which billions of dollars are involved, and the Senator suggests that he thinks we ought not to take much time in discussing it. I really think the Senator is not looking upon this question from the right standpoint, and I think it is very important and necessary really to a proper understanding and proper disposition of these measures that we should await the report of the Judiciary Committee on the correlated subjects that have been committed to them.

Mr. SAULSBURY. Mr. President——

The VICE PRESIDENT. Does the Senator from Iowa yield to the Senator from Delaware?

Mr. CUMMINS. I yield.

Mr. SAULSBURY. Mr. President, the pathetic interest of Senators on the other side that the amendments offered by the senior Senator from Iowa [Mr. CUMMINS] to the trade commission bill shall be considered by another committee than the one which has had the trade commission bill under consideration, and that something else shall be done before anything is done, has very greatly appealed to me. I have tried to obtain the amendments to which the Senators on the other side have referred, which have been offered by the Senator from Iowa, because I wanted to convince myself if such a great exigency existed. To one of these amendments—I have only been able to obtain three—I want to call the attention of the Senator from Iowa. I refer to the one prohibiting interlocking directorates in connection with common carriers. There is not a word——

Mr. CUMMINS. If the Senator will allow me, I have not yet reached that amendment, and I prefer that there should not be a speech made against it until I have proposed it.

Mr. SAULSBURY. I do not propose to make a speech. I simply want the Senators on the other side to indicate whether they wish this amendment, which is proposed to the interstate trade commission bill, to be considered, when it has absolutely no connection with that bill, before we do anything with the trade commission bill. We are trying to get something done in the Senate on the trade commission bill, and why an amendment regarding the Interstate Commerce Commission, which is now in the hands of the Judiciary Committee, although offered in form as an amendment to the trade commission bill, should be considered or should be so pathetically alluded to I do not understand.

Mr. CUMMINS. Possibly I will be able to tell the Senator, if he will allow me to present the amendment.

Mr. SAULSBURY. I shall be delighted to hear the Senator.

Mr. CUMMINS. But the Senator's zeal ought not to outrun the orderly procedure here. I am now presenting the amendment relating to intercorporate stockholding, and I will give the Senator from Delaware abundant opportunity to interrupt me when I reach the amendment to which he has just referred.

The VICE PRESIDENT. The Senator from Iowa is entitled to the floor.

Mr. CUMMINS. Mr. President, it is always difficult to determine just how far one should comment upon his general observation of matters which do not constitute a part of the record of the Senate. I have been somewhat disappointed in the course of the preparation of this bill, and, in view of what the Senator from Nevada has said, I intend to state what I recollect with regard to it.

A subcommittee, consisting of seven Senators, took up this subject on behalf of the Interstate Commerce Committee. I happened to be one of the subcommittee. By a unanimous vote of all the Senators present—and the Senator from Nevada [Mr. NEWLANDS] was one of those Senators—it was resolved that all legislation that was to be presented to the Senate for consideration at this session should be included in a single bill; that is to say, the subject matter of the commission bill presented in the House, the subject matter of the Clayton bill presented in the House, and the subject matter of the Rayburn bill presented in the House should be included within a single measure. Thereupon we deliberated, not only as to the formation of a commission, but as to the powers of that commission with regard to interlocking directorates, trade practices, holding companies, and other things of that kind; and the subcommittee reported to the full committee a bill which contained in substance the very sections that I am now offering. The procedure before the commission provided in that bill was not just the same, but it was substantially the same, and in so far as there has been a change, that change was made to meet the views of the Senator from Nevada.

At that time the section with regard to unfair competition was not a part of the bill. When we reached that point the Senator from Nevada, and very properly—I did not object to it at all—thought that we ought to report the commission bill pure and simple, a bill simply creating a trade commission and giving it the power of investigation, and hold in the committee the other sections for future report as amendments to the commission bill, if the committee thought it proper to do so.

Just about that time there appeared what is now known as the "unfair competition" section in a bill introduced by Mr. STEVENS, a Representative from New Hampshire, in the House. There was no more reason for attaching that section to this bill than for attaching to it the sections relating to interlocking directorates and holding companies, for the relation of the commission to unfair competition is exactly the same as its relation to the other conditions which we desire to prevent. But there came an influence, as I believe, from the President of the United States, that was sufficient to insert the unfair competition section. I was glad to see it inserted; I am thoroughly in favor of it; but that same influence prevented the inclusion of the sections with regard to interlocking directorates and intercorporate stockholding, because, as I assume, the power that determined both the form and substance here concluded that the prohibition contained in the Clayton bill before the Judiciary Committee was better and more efficient upon those things than a reference to the commission, as had been provided in our original bill.

I am not proposing any new subject; I am proposing sections that have been formulated in the Interstate Commerce Committee and have received the approval from time to time of a majority of the members of that committee. I do not mean that the precise phraseology in which these amendments are now found has been approved by the members of the Interstate Commerce Committee, but the principle that these subjects should be dealt with by the commission has the approval of the Interstate Commerce Committee, and it is keeping the promise to the ear and breaking it to the hope to now refer it to the Judiciary Committee and to suggest that they may become parts of the bill which that committee has under consideration. They will come from that committee without any reference to the trade commission, for I believe—I am not disclosing any confidences—that a majority of the Judiciary Committee are opposed to a commission in any form, to the establishment of a commission, to the conferring of any power upon a commission, especially the power to deal with conditions like unfair competition, interlocking directorates, and the like. Now, that is the history, Mr. President, of these things.

Mr. NEWLANDS. Mr. President, will the Senator yield to me for a moment?

Mr. CUMMINS. I yield.

Mr. NEWLANDS. The Senator's statement is in the main correct, and I will not say it is incorrect in any particular so far as I know. I have nothing to say about the influences to which he alludes. I will simply say that as an original matter, unsuggested by anybody, when I saw the state of legislation in the House regarding the three matters to which the President's message was directed—namely, a trade commission, supplemental legislation on the trust question, and railway securities—I thought there might be a time when it would be advisable to join them all in one bill in the Senate with a view to expediting action. With that view I acquiesced, so far as I was concerned, in the consideration of all these questions by the committee, taking the view that if we did not include all this legislation in one measure at all events we would be receiving education upon most important matters that were coming before the Senate for its consideration.

While I acquiesced in the consideration of all these three questions by the subcommittee to which the Senator alludes, I stated again and again—and the Senator will bear me out in that assertion—that I reserved to myself the right at any time, according to my judgment, to move their segregation, and the confinement of our legislation, so far as our committee was concerned, to subjects strictly relating to a straight commission bill.

Subsequently the legislation took such shape in the House and here that I became satisfied that it would be better to present to this body a purely trade-commission bill, for I feared that if we connected with the bill other matters concerning which the supporters of a trade-commission bill differed, we would diminish the support given to it, and so I adhered to a trade-commission bill.

It is true, as the Senator says, that a suggestion was made with reference to including unfair competition by Mr. Stevens of the House, Mr. Rublee, and Mr. Brandeis. That matter was presented to me, as it was to other members of the committee of both parties. I thought it was eminently a matter that should be covered within the jurisdiction of the interstate trade commission. It was presented to the President, and that was his view, and the matter was presented to the committee later on and was accepted.

Mr. LIPPITT and Mr. GALLINGER addressed the Chair.

Mr. NEWLANDS. I wish to say that one reason why I was entirely satisfied that we could do without any legislation whatever with reference to interlocking directors and intercorporate stock holdings was that I believed that those conditions could be reached through this provision regarding unfair competition.

Mr. GALLINGER. Mr. President, I should like to ask the Senator just one question.

Mr. NEWLANDS. I believe those practices constitute a part of the numerous practices that relate to unfair competition.

Mr. GALLINGER. I will ask the Senator right there——

The VICE PRESIDENT. Does the Senator from Iowa yield to the Senator from New Hampshire?

Mr. CUMMINS. I do.

Mr. GALLINGER. Did I understand the Senator to say that Mr. Brandeis was the author of the suggestion concerning unfair competition?

Mr. NEWLANDS. Not the author of it. Mr. STEVENS, in the House, was the one who originally presented it.

Mr. LIPPITT. Mr. President, if the Senator from Iowa will yield to me for just one moment, I was much interested in the statement which the Senator from Nevada has just made. As I understood his statement, it was that the proviso that is now in the bill in regard to unfair competition was drawn up under the direction of Mr. Brandeis.

Mr. NEWLANDS. No; it was drawn up by Mr. STEVENS and presented in his bill in the House.

Mr. LIPPITT. I understood the Senator from Nevada to say——

Mr. NEWLANDS. It, however, had the support of Mr. Rublee and Mr. Brandeis.

Mr. LIPPITT. I understood the Senator to say that Mr. Brandeis had something to do with drawing up this proposition——

Mr. NEWLANDS. It certainly had his support.

Mr. LIPPITT. And that it was submitted to the President——

Mr. NEWLANDS. Yes.

Mr. LIPPITT. That the President then approved of it, and that it was then added to the trade commission bill. Is that the way in which the Senator meant to state the matter or is that a correct statement of the matter?

Mr. NEWLANDS. It was also presented, both before and after the President was interviewed regarding it, to members of the Interstate Commerce Committee—members of both parties—by Mr. Rublee and by Mr. STEVENS, and was in its general course also submitted to the President, and I understood that the President favored such a provision.

Mr. LIPPITT. This amendment or addition to the bill was presented to the committee and passed and accepted by the committee within a few hours of its receipt, was it not? Was more than one meeting held in regard to it?

Mr. NEWLANDS. My recollection is that it was under consideration for some time by individual members of the committee of both parties.

Mr. LIPPITT. I say this, as long as the matter has been brought up on the floor of the Senate, only because I was considerably interested to discover how that addition happened to be made to the bill. I had intended to inquire into it, and neglected to do so. We had been discussing in the committee for some time the trade-commission bill, and it had been very elaborately considered at several different meetings. There had been a subcommittee appointed to consider it, and many meetings of the subcommittee. It was then reported to the full committee, and the whole language of the bill was gone over in great detail. Many suggestions were made in regard to changing the form and the details of the bill, and it was then, as I understood, accepted by the committee and reported; but at that time it had not this provision in regard to unfair competition.

I happened to be away on important matters in Rhode Island for a week or a little over—10 days perhaps—and when I came back I found this provision in regard to unfair competition attached to the bill. It is a very vital provision. It changes the whole effect and meaning and importance of the trade commission bill. Such subjects as unfair competition and interlocking directorates, and a great variety of other subjects had been discussed with great detail and most carefully in the committee for two or three years; and while there has been a majority of the committee in favor of some things, and another majority in favor of some other things, and so on, there has been such disagreement among members of the committee, and, if I may put it so, such hesitation with regard to the real necessity of legislation of this kind, or of the kind of legislation if any is had, that it has prevented any positive action by the committee.

Mr. GALLINGER. Mr. President——

Mr. LIPPITT. I was very much surprised——

Mr. CUMMINS. Mr. President, it must be remembered that I have the floor.

Mr. LIPPITT. I beg the Senator's pardon. I will not be more than a minute.

Mr. CUMMINS. I am not taking the Senator off the floor, but I simply want other Senators to remember that and to limit their speeches within reasonable bounds.

The VICE PRESIDENT. This is just as good a time as any to announce that no Senator can take the floor and keep it and pass it around.

Mr. CUMMINS. That has been said to me once before. I am not attempting to pass it around. I yielded to the Senator from Nevada [Mr. NEWLANDS], and I had a right to yield to him, I assume, for a proper purpose.

The VICE PRESIDENT. Undoubtedly.

Mr. CUMMINS. If he abused that purpose, I am not to be criticized.

The VICE PRESIDENT. The Chair is not criticizing the Senator from Iowa; but the habit has grown up in the Senate of farming out the floor. The Senator from Iowa did take his seat. There is not any dispute about that.

Mr. CUMMINS. I supposed I had a right to rest myself for a moment.

The VICE PRESIDENT. Undoubtedly.

Mr. CUMMINS. However, if the Chair desires——

The VICE PRESIDENT. How is the Chair to know when a Senator is keeping the floor if he takes his seat?

Mr. CUMMINS. Very well; I submit myself to whatever ruling the Chair desires to make.

The VICE PRESIDENT. The Chair does not desire to make any ruling, except that the business of the Senate is not being transacted in accordance with the rules of the Senate.

Mr. LIPPITT. Mr. President, from time immemorial—if such length of time as four years may be considered as time immemorial—it has been the custom of the Senate to carry on a running debate on subjects of this kind when it was the desire to do so and when it was agreeable to the Senator who had the floor. I was not aware that I was in any way transgressing any of the rules or customs of the Senate. The Senator from Iowa, as I understand, has a perfect right to yield to me for a few minutes, or for several minutes, or for an hour, if he chooses, to enable me to discuss some subject that he is talking about.

On this particular matter, however, I had almost completed what I had to say. Perhaps I had completed it. What I rose to say was merely that, considering the great differences of opinion that had existed in the committee and the long time they had devoted to the discussion of such subjects as unfair competition and similar subjects without arriving at a definite conclusion that they were willing to report, I was rather surprised to find this particular amendment engrafted on the bill in such a very short time, and I was very much interested in the statement of the Senator from Nevada that in order to bring the minds of the committee to a focus it was apparently necessary for Mr. Brandeis, of Boston, to give his authority and permission to the particular kind of amendment that was to be drawn, and then that the President of the United States advised the committee that it should be passed; whereupon, without any further or very elaborate consideration, it becomes a part of an important bill of this kind.

Mr. CUMMINS. Mr. President, in order that I may not be again brought under the implied censure of the Chair, I will say now that I decline to yield for any interruption until I shall finish what I have to say.

I had presented and explained as best I could the proposed amendment relating to incorporate stock holdings of ordinary corporations. I propose, as section 7, an amendment relating to the same subject, but applying to common carriers. Its substantive part is as follows:

It shall be unlawful for any common-carrier corporation engaged in commerce to acquire, own, hold, or control, directly or indirectly, the whole or any part of the capital stock or other share capital, or any other means of control or participation in the control of any other common-carrier corporation, if the business of such corporations is naturally and by reason of character and location competitive.

I shall not read further from this amendment. It is not necessary to do so in order to understand it. It gives to the Interstate Commerce Commission the same authority with regard to the administration and the enforcement of the law as is given to the trade commission in respect to ordinary corporations.

The difference between this and the former amendment lies, first, in the submission of the authority to the Interstate Commerce Commission, and, second, in this proviso:

Provided, That the provisions of this section shall not apply to those cases in which one of such common-carrier corporations could acquire and hold the property of the other without a violation of the antitrust acts.

This provision is necessary for the reason that there are some States which forbid any railroad property within their borders to be owned by corporations organized under the laws of other Commonwealths. These laws make it impossible, in some instances, to consolidate the ownership of the property itself in a single corporation, although it is entirely possible, and indeed it ought to be required, that the ownership should be consolidated in ordinary industrial corporations one of which holds the stock of the other, so that with regard to common carriers wherever there could be a consolidation of the properties themselves without a violation of the antitrust law one may hold the stock of another.

The third amendment which I propose to offer as section 8 deals with the holding company. The amendment as to intercorporate holding proper covers those corporations which are themselves engaged in commerce and prohibits them from holding the stock of other corporations engaged in commerce; but there are instances—and the authorities are, I think, quite definite in regard to some of them—in which corporations which are not themselves engaged in commerce acquire and hold the stock of two or more corporations which are so engaged, and in that way prevent or stifle competition as between them. The third amendment relates to those cases. I need not read

it. The commission performs the same function in regard to them that I have attached to it respecting the other two.

The fourth amendment forbids community of directors or officers as between corporations engaged in commerce and carrying on a competitive business. The same reasons which seem to me sufficient to restrain one corporation from holding the stock of another will operate to forbid a community of directors as between competing corporations. What we are trying to do is to preserve each one as an independent unit in business, so that they will act in their affairs without any regard to the interest of the others; and in this amendment the commission is given the authority to determine just one question, namely, whether the business of the two or more corporations in which there is a community of directors or officers is competitive. If found to be competitive, the commission is given power to prevent such an unlawful condition; and if the corporations or persons involved do not obey the order of the commission, then appeal to the courts is provided for.

The fifth and last of these amendments—and they constitute parts of a whole—relates to interlocking directors among common carriers. The substantive part of the prohibition is this:

> It shall be unlawful for any person to be at the same time a member of the board of directors, or other managing board, or an officer of two or more common carrier corporations, either of which is engaged in commerce, the business of which corporations is naturally and by reason of location competitive.

It is a counterpart of the provision relating to ordinary corporations, save that it has in it the provision to which I have already referred, namely:

> That the provisions of this section shall not apply to those cases in which one of such corporations could acquire and hold the property of the other without a violation of the antitrust acts.

These, Mr. President, are amendments which, in my judgment, ought to be made to this bill. It is more essential that the commission be given power to deal with such subjects than that they be given power to deal with unfair competition. It may be that as each of them is voted upon I shall have occasion to explain it at greater length and to defend it against any assaults that may be made upon it.

I may, before we reach a final conclusion upon the bill, express my views with regard to the several theories of regulation now engaging the attention of the American people. There is one large body of philosophers and statesmen who believe that our regulations of commerce should be made effective through the criminal or civil processes of the courts alone, and that a commission or any other function of the Government can not be helpful in the enforcement of such regulations. There is another widespread view entertained by many men of eminence and distinction that we ought to administer our regulations of commerce solely through commissions; that we ought to permit combination and monopoly, and protect the people from their avarice and power through a commission authorized to fix the prices which the people shall pay for the commodities in which these combinations and monopolies deal.

I do not stand for either of these proposals. I believe the wise course is to maintain both the courts and the trade tribunals in the administration of our regulations of commerce. I believe that the antitrust law and its enforcement, however imperfect, have conferred infinite advantages and benefits upon the business of the United States. I think they have trained the thought of the people so that they now understand better than they understood before their true relations to each other. I think they understand now, as never before in the history of this country or of any other, what business may lawfully do and what it ought not to do and must not do. So far as I am concerned, I would not by any act of mine limit, restrict, or modify the antitrust law in any possible way so far as it relates to commerce in commodities. I want it to stand, as I believe it is, a monument to the wisdom and patriotism of the men who framed it and the men who have interpreted and enforced it.

There are, however, certain forms of activity, certain forms of combination, certain relations that do exist and have existed in business, which tend toward the suppression of competition, which, if allowed to grow and develop, become a menace to the welfare and freedom of trade, which are not *malum in se* but *malum prohibitum*, or ought to be *malum prohibitum;* and the law relating to the regulation of these things, in my judgment, should be submitted to a commission or other tribunal for administration and enforcement.

I close, as I began, with the assertion of a confident belief that the business men of this country are honest, faithful men. I believe that they intend to obey the law; I believe that they do not desire to encroach upon the rights and privileges of their fellow men, and, as for me, I am willing to stand for the proposal that we should erect or constitute a tribunal to which such men could repair—men who have a real desire to uphold the law, men who have a real purpose to carry on their affairs in a lawful and honest way—to which such men could come and be advised by a Government tribunal before they are branded as criminals.

I would not give immunity to any man. I shrink from any sort of immunity. When one has violated the law—consciously violated the law—he should pay the penalty for his wrongdoing. But when it becomes necessary in order to preserve competition that we shall prohibit acts which have heretofore been regarded as moral, which have heretofore prevailed in every industrial society in the world, I am unwilling that the failure to obey these regulations, which must necessarily be somewhat uncertain and vague, shall make the men who conduct our business affairs criminals, without consciousness of moral turpitude or moral dereliction.

I stand, therefore, for the commission in the sense in which I have attempted to describe. I do not stand for it as a substitute for the antitrust law, illuminated as that law is with 24 years of interpretation and learning, but I stand for it in the application of these new rules which we find it necessary to impose upon a great and growing industrial life.

The VICE PRESIDENT. The Chair hopes that the Senator from Iowa will not imagine that there was any implied rebuke in what the Chair said. The Chair simply desired to call attention to the rule of the Senate. The Chair does not believe that any Senator can suffer and permit other Senators to occupy the floor without unanimous consent. The interruption is not an interruption to take the floor and hold it; it must be an interruption for the purpose of some sort of an inquiry. It is the rule of the Senate also that no Senator shall speak more than twice in debate on the same question on the same day without unanimous leave. The Senator from Iowa had taken his seat when the Chair made his statement, and it was not intended to be personal. Beyond any doubt the rules of the Senate do not permit one Senator——

Mr. CUMMINS. Mr. President, it is true I had for the moment taken my seat, but, of course, the Vice President knew that I had not concluded my address, for it was interrupted in a way which must have necessarily left that impression. I was doing precisely what occurs here at every day's session of the Senate, and I did feel that the Chair had rather selected me as the object of the remark, for I have never heard the remark made with regard to any other Senator, and it was made twice in its application to me. I do not hold——

The VICE PRESIDENT. The Chair states that it was not personal to the Senator from Iowa, nor intended to be so.

Mr. CUMMINS. I am quite willing and shall hereafter attempt to obey the rules of the Senate so that there shall be no interruption of what I have to say that might lead to the conclusion that I had abandoned the floor.

Mr. LIPPITT. Mr. President, in the rule which the Vice President has read, interruptions are allowed unless they are objected to; in other words, they are allowed by unanimous consent. If there is no objection from the floor and there is unanimous consent. I do not think the Vice President would undertake to say that in every such instance it was necessary to ask if there was unanimous consent to the interruption being permitted. There have been times when Senators have objected to interruptions and refused unanimous consent where a single Senator has objected.

The VICE PRESIDENT. If the Senator from Rhode Island will just pardon the Chair, it is not that the thing will occur or that it has occurred, but it is the possibility of its occurrence in a time of some stress of discussion. Under the construction of the rule the Senator from Rhode Island insists upon, the Senator from Rhode Island can take the floor, and yield to whomsoever he pleases and keep the floor as long as he pleases.

Mr. LIPPITT. Only by unanimous consent. Any Senator could object at any moment. I am quite sure that not long ago, within the present year, the Senator from Connecticut [Mr. BRANDEGEE], on a certain occasion, if my memory is correct, did object to the interruption of the Senator on the floor, and thereupon the Senator who wanted to interrupt was obliged to take his seat. I think it is a matter which is clearly within the power of the Senate when any individual Senator at any time may choose to exercise it.

Mr. GALLINGER. Mr. President, I think I was unconsciously the cause of the suggestion from the Chair. I turned around and saw that the Senator from Iowa had taken his seat, and I supposed that for the time being, at least, he had completed his remarks. The Senator from Rhode Island was addressing the Senate, and I rose and asked permission to interrupt the Senator, thinking that he had the floor. I quite agree with the Chair that it is necessary to exercise care in those matters, or else we will get into interminable debates, which, of course, are not to be desired.

The VICE PRESIDENT. Just so there is an understanding that it was not personal; that is all the Chair cares for now.

Mr. LANE. Mr. President, I wish to state that I am much troubled about this section No. 5. I do not understand how it can be carried out. It looks to me as though it would not be practicable, and that it would be an impossibility for any commission or anyone else to decide between fair and unfair competition. It seems to me that it weakens the measure and puts a problem before the officials who are detailed to ascertain those facts that it will be impossible for them to solve.

On looking in Webster's Dictionary, and confirming it by a reference to the Century Dictionary, I find competition to be defined as "the act of seeking to gain the object which another is endeavoring to gain at the same time"; "common strife for a single object." There is every inducement in such a struggle to be unfair; there is no inducement for anyone to be fair in competition with another who is attempting to gain the same object. Both being intent upon acquiring the same object, the advantage lies with the person who is unfair. The man who plays fair and uses no foul means, takes no advantage, and plays an open game of simple-minded honesty in his method of doing business, is inevitably bound to lose.

I think it is going to be very difficult to define or to arbitrate between the two. I consider the provision as one that will baffle the wisest of commissions or the most scrupulously honest; to a careful individual who attempts to ascertain what the facts are, the dividing line is so slight.

In a struggle for the same object, if the fight is to a finish, the hardiest or the most cunning will win; and in such a struggle there is every inducement to use every means available to win, and fairness is not the best resource to fall back upon. To plot, to employ stratagem, to use every device that will outwit or overcome one's antagonist, becomes the keynote to success. The bill is intended to keep alive a system of competition in carrying on the business affairs of this country.

Of course, it is my personal opinion that it will not do it and that it can not do it. Competition in carrying on business affairs of great importance is practically dead in this country and all over the world, and efforts to revive competition by such galvanizing efforts are futile, and in a highly civilized community would not be undertaken. The very fact that a measure is introduced into this body, in apparent good faith, which attempts to provide means by which competition may be carried on in fairness proves that competition as an economic feature in business affairs has been a failure.

If competitive methods were followed to a logical conclusion in any line of business, they would inevitably result in the weeding out of all of the weaker competitors and everything in that line would go into the hands of the winner in the final struggle.

"Many are called, but few are chosen." There can be but one victor in a contest where all seek one object. None of the men of large means in this country will any more voluntarily invest their capital in an enterprise where they will have to engage in a life-and-death struggle to retain possession of it, and all the commissions that could be named to stand by and umpire the game would be no inducement. In fact, they know that any business which requires a commission to stand guard over and umpire it in order that it may be played fair is a hazardous one, for mayhap the commission might go to sleep at a critical time in their affairs. Men of large business affairs do not any more compete with one another. They combine and cooperate and fat upon their less fortunate brothers, who, by force of circumstances, are compelled to compete with one another. Competition, which is "common strife for the possession of a single object," develops cunning and cruelty and hardens human nature. It smothers down all kindly and generous impulses; it turns brother against brother and nation against nation. We have an example of what men will do and get others to do in order to "gain their object" in Mexico at this time and in Colorado, in the coal mines, where men killed one another in the "common strife—the competition—for a single object," which single object was an opportunity to work in a coal mine, which ever so often is liable to blow up from the ignition of its foul gases and land the miners in eternity.

In order for one man to succeed under the competitive system, another man, perhaps many men and better men, must fail. In fact, under it about 90 per cent of all business enterprises do fail in less than 20 years. Success under the fairest methods of competition is gained through the misfortune of some less alert or less heartless person.

If children are to be educated in a manner to fit them to succeed under the competitive system, they must be taught to be avaricious, to be selfish, to be without pity, to smother every generous and kindly impulse, to demand and take every advantage and benefit for themselves. No parent would be doing his duty by his offspring if he did not teach them to do these things. It is the creed and the guiding principle of the devil.

If all persons were governed by the standards that are necessary to make a success under a system of close competition, the world would not be fit to live in. All of the good and the unselfish and the kindly folk who make life worth living would perish off the earth. To buy where and when one can buy cheapest, to sell at the highest price that can be extorted, to take quick advantage of the necessities of others, to be remorseless and fatten on the miseries of the helpless are all necessary in order to be successful.

Did any of you ever see a band of coyotes competing for a jack rabbit? You never did, and you never will. The coyote has too much sense to do it. If ten coyotes got after one jack rabbit on the plains in competition for a breakfast or dinner or supper, as the case might be, there would not be one coyote that would get anything to eat that day. The jack rabbit can outrun all of them. But take two or more coyotes, and they are plenty smart enough to do this, and they do it all the time: They will get between that jack rabbit and the burrow in which he lives. One of them will start out to chase him. He will throw on the high gear and will run him around in a circle. The jack rabbit always circles around his burrow. That coyote will chase him around as fast as he can drive him, and the other coyote will cross a segment of the circle and there will lie in wait to take up the chase when it reaches him. The other coyote will lie down and rest until the jack rabbit comes back to that point again. The jack rabbit can run faster than the coyote; but when he goes up against two of them cooperating against him it is merely a matter of time until those coyotes have their dinner, and it does not take long. But there is no band of coyotes that can do it if they compete with one another.

Now, the business men of this country are as wise as coyotes, and successful business men, the men who control the affairs of this country, do not compete with one another. They have grown too wise to adopt that plan.

Mr. HUGHES. Does the Senator think the jack rabbit is entirely satisfied?

Mr. LANE. No, I do not think he is any better satisfied than are the people of this country with the present business methods. They have to compete with people who are combined and they hold to these the same relation that the jack rabbit does to the coyote. That is why I am entering my protest against this particular section.

Then, again, it creates another commission. We have enough of them now. There is too much divided responsibility in the management of the affairs of this country. If Congress would create and appoint a commission to squeeze the water out of the bogus stocks that are floating around through the country and turn some hundreds of millions of stolen money back to the people that would be a good thing to do; or if we were to create another one to furnish a reasonable supply of backbone to the officials who are already in existence, whose duty it is to stop such work and who have the power to do it without the creation of this commission, that would be another good thing to do. But to create a commission of this sort, to place espionage upon all the business affairs of this country, in an effort to revive competition, is futile. In my opinion, it is too late for us to undertake any such task. It is everlastingly too late to do any good. It would be kept busy, I have no doubt, nosing into the affairs of small business men, irritating every little business man in the country, while big business and the crooks—they who bear their heavy hands down upon the country, and say whether or not it shall be prosperous or whether or not an administration shall succeed—will escape, as they do now, by some subterfuge or other. We have laws against restraint of trade and larceny, petit and grand; yet no man can hope to compete with the large trusts, and the very Government itself is forced to pay heed to their wishes, under penalty of having a panic precipitated upon the country. This condition could not exist if they were dealt with as are smaller and lesser malefactors, and it is only through the usurpation of special privileges and a failure to enforce the law against them that they can or do occupy so anomalous a position.

The Senator from Iowa [Mr. CUMMINS], I noticed in his speech yesterday, paid a tribute to the Steel Trust and said he found a sort of rough fairness in its methods of dealing with its competitors in that having the power to do so it had not entirely squeezed them out of business. Some time ago, you may remember, I harrowed up the feelings of some worthy Members of this body by my insistent demands for an investigation of the charge that the aforesaid Steel Trust had been unfairly competing with its rivals by demanding and receiving rebates from the railways, and finally, with the aid of my

good friend the Senator from Nebraska [Mr. NORRIS], I succeeded in getting an investigation of the matter by the Interstate Commerce Commission. It may interest some of the Members of this body who took an interest in the matter at that time for me to read to them an excerpt from an article which was published in the New York American on April 27 of this year, wherein reference is made to this same investigation. I have not seen it published anywhere else. I do not know whether it is true; yet it makes a statement regarding the commission hearings. It is under a heading of a general political item aimed in an unfriendly spirit at the present administration, I think. I have not read it all, but my attention was attracted to this particular matter. It says:

The commission hearings are under the Lane resolution, which directed an investigation to determine whether facts or evidence exist justifying the Government in proceeding against the Steel Trust for the crime of rebates.

In its opinion in the Industrial Railways case the commission said the amount paid by the railroads east of the Mississippi River to industrial plants was estimated at $15,000,000 a year. It had been discovered that the Steel Trust was doing two-thirds of the business, and therefore gets $10,000,000 a year.

Commissioner Harlan ruled that the Lane resolution would be interpreted as directing the commission to ascertain the amounts and dates of all payments amounting to rebates received by the Steel Trust in the last six years.

EVIDENCE OF HUGE REBATES.

A rough estimate of the total of such rebates is $60,000,000. The interstate-commerce act provides that a corporation found guilty of receiving rebates shall pay a fine amounting to three times the amount received. This would be $180,000,000 in the case of the Steel Trust.

Evidence was also offered that the Steel Trust had received an additional $75,000,000 in unlawful rebates during the last six years. This would make the Steel Trust liable to an additional fine of $225,000,000, or a total of $405,000,000.

It goes on further to say:

The evidence tended to show that the Steel Trust had received the $75,000,000 unlawfully through its operation of the Duluth, Messaba & Northern Railway, the Duluth & Iron Range, the Union Railroad, the Elgin, Joliet & Eastern, and the Pittsburgh, Bessemer & Lake Erie.

It seems to me that the Senator from Iowa is a bit unfortunate in his reference to the magnanimous manner in which these large interests do business when they have the opportunity to squeeze down on a competitor. It is my opinion that they will go along and do likewise so long as they are allowed to do so.

I do not believe too strongly in penal sentences; I have not that idea in my mind; but I do believe in dealing out justice to all citizens alike, be the citizen the most powerful millionaire or be he the humblest tramp, and that only when we do that, and not until we do that, will this country be in a condition in which there will be universal prosperity or fairness of dealing among either the large business or smaller business classes of the country.

There are too many laws now, in my opinion. One citizen of Oregon suggested to me the other day that this Government would be some hundreds of millions of dollars ahead each year if Congress were to pass a law by which it would hold a session but once in 10 years, and that its powers be confined to the repealing of laws. I think he was pessimistic; but we have plenty of laws now and plenty of authority under the laws already in existence to put a stop to dishonest methods of carrying on business.

As to the Steel Trust, for instance, which was accepting rebates, that fact has been known for years; it has been complained of for years, and the complaints have been filed; yet they continued and they bore down with heavy hand on every honest competitor and unnaturally increased the cost of all buildings throughout the United States in which structural steel was used.

I was interested this morning in the discussion on the tariff and the statements from one side of the Chamber about idle mills and from the other side of the Chamber the statements that the mills were working overtime. I thought then, as I do now, that it might not be an unmixed evil if the people are receiving their supplies of clothing cheaper than they did before—people who need the clothing and who have none too much money to expend on the purchase of it, even though that clothing came to them by importation. It would not be an unmixed evil if some of the large cotton mills which I saw as I came here, which work little children by the hundreds, were deprived of that kind of competitive labor. Little children who were peeking out through barred windows at us and the train to see it go by, with their little faces pressed against the bars to see the choo-choo cars; little children who ought to be out in the fresh air or at school and in the sunlight gaining health and strength instead of being cooped up in stuffy cotton mills on a hot day attending to that kind of work. I would prefer that those children should be set free rather than to see "business" thrive at their expense. Let other nations sacrifice their childhood if they wish to do so, but it is worth more to this country to keep its children healthy, to grow up into healthy men and women, than it is that some men should, by exploiting their labor, grow rich by such methods of competition, or that their mills should run at full blast, manned by the labor of such tiny hands.

It is my opinion in regard to this particular provision that it is illogical; that it is unworkable. I do not think that fair competition does exist or can exist outside of heaven, and the man who believes it can is too good for this world and heaven is his home, for he will be grievously disappointed as long as he stays here.

The provision in the bill which allows the President, when there is a failure upon the part of the commission to execute the law, himself to take action is a wise one and a good one. It is the surest provision in the bill. In the President lies individual responsibility and direct action. Commissions walk slowly. Commissions are composed of a body of men; they are not all of a single mind; they can not be brought to decide upon speedy action; they are cumbersome. The President is unfettered by the views of others. He represents more nearly what the people want; they look to him as the head of the Government, and they have confidence in him. They have confidence in commissions dependent upon their worth, and not so much in Congress nor a great deal in the Senate. Give the power, then, in the last resort, at a time when it is necessary, into the hands of the President, to say to the commission, "Get busy upon this line; here is a wrong being done." That is a good provision, and if you will eliminate the ill-advised attempt to establish "fair competition," I think the bill will be improved. The provision in regard to fair competition is, in my opinion, against all the laws of nature and common sense.

Mr. SMOOT. I should like to ask the Senator from Nevada if he will not consent to have the unfinished business laid aside temporarily and allow us to go on with the calendar under Rule VIII, beginning at the point where we stopped this morning? It is now half past 4.

Mr. SIMMONS. Mr. President, I have been hoping all day that speeches might be concluded on the unfinished business, so that we might take up the river and harbor bill. The Senator from Ohio [Mr. BURTON] is in the midst of his speech. He has been making that speech for three days, and he has not yet had an opportunity to finish it. I hope the Senator from Nevada will allow the unfinished business to be laid aside, so that we may take up the river and harbor bill for the remainder of the afternoon.

Mr. NEWLANDS. Mr. President, I am exceedingly anxious to press the pending bill to a vote. I wish to know whether there is any Senator who would like to proceed with the debate? I wish to say, Mr. President, that I have been hoping that this bill would be disposed of by to-morrow night, and that we would, if necessary, hold a night session for that purpose. There are, however, two or three members of the committee who have expressed a desire to speak on this bill. I have canvassed both sides of the Senate and have not found others who seem desirous of speaking, so I should like to get a vote at as early an hour as possible.

Mr. SMOOT. Mr. President, I am not going to insist upon the request to consider the calendar under the circumstances.

Mr. NEWLANDS. I will again ask unanimous consent that we proceed to vote upon the pending bill and all amendments thereto at 4 o'clock to-morrow afternoon. I think it very desirable that we should dispose of this matter before the holiday, which will be more or less demoralizing, and then proceed to the presentation of the other trust bills. I have no doubt that if we could dispose of this bill the Interstate Commerce Committee would be able to present the securities bill by next Tuesday, and I am told that the Judiciary Committee will be likely to present its report within the next week. It does seem to me that we should dispose of this bill first and clear the way for the other bills.

Mr. CUMMINS. Mr. President, I had hoped that there would be no vote upon the pending bill until the Judiciary Committee had made its report upon the bill now before it. I believe that that course would promote intelligent consideration of the entire subject. We are sure to pass the bill or vote upon it before Congress adjourns, and there is abundant material, as I understand, for discussion in the river and harbor bill. Why would it not be well to defer a vote upon the pending bill until the Judiciary Committee has made its report? I submit that as the course that ought to be followed.

Mr. NEWLANDS. Mr. President, I certainly can not consent to that, because that is an event over which the committee that I represent has no control whatever, and it might mean the

indefinite postponement of this measure. Besides that, we realize that the members of the Judiciary Committee are desirous of being present during this debate. They have been compelled upon several occasions to give up their deliberations in order to listen to this debate, and yet they have not been able to listen to as much of it as they would wish. Doubtless the debate would be instructive to them in the consideration of their bill. If this bill shall run along in discussion and debate until their report comes in, it will not give them the opportunity for consideration and deliberation regarding that bill unless they entirely absent themselves from the debates upon this bill.

So it is with the Interstate Commerce Committee. I am unable to bring that committee together until we dispose of this bill. As soon as it is disposed of we can then take up the securities bill and settle it quickly, I think.

Mr. SMITH of Georgia. Mr. President, I should like to suggest to the Senator from Nevada that he might let the river and harbor bill go on this afternoon and to-morrow, and he might have to-morrow for his committee to take up the other bill. I do not believe we are saving any time by trying to get a vote on this bill to-morrow. There are a number of amendments to it, and as they are reached there will be short but pointed discussion on those amendments. There are several amendments, I am sure, that some of us want made before we vote upon the measure, although we are in perfect sympathy with the measure. If the Senator will arrange to devote to-morrow with his committee and take up the other bill to which he has referred and perfect it, and let the river and harbor bill be considered by the Senate this afternoon and to-morrow, I really believe that we would be advancing this bill as well as legislation generally.

Mr. KENYON. Mr. President, I wish to express the hope that the Senator will not give way to the river and harbor bill. The trust bills are surely as important as the river and harbor bill. A good many of the streams provided for in the river and harbor bill can not become any drier by reason of this weather than they are now, and so it does seem to me that we ought to proceed with the trust bills. I do not care to see them give way to something else, and I enter my protest against them giving way to the river and harbor bill.

Mr. WORKS. Mr. President, I have been giving a good deal of attention to this trust legislation. I think it is very important. I have been considering it, however, rather as a whole, covering these three bills and treating the matter as if it were really one, because I think it is intended to be one general scheme of trust legislation, if I may use that term without offense.

I expect to address the Senate in general upon the subject, covering these different bills, their objects and purposes, and their probable effect; but I should not want to take up the time of the Senate in making any extended remarks about this particular bill. I should be glad to see all these bills before the Senate in their completed form as they come from the Senate committees, so that we might consider them all together, and the effect that will likely come out of the passage of all of them, and not simply a single one of them. Indeed, I think it would have been much better if all of these bills had been included in one, as they are all intended to reach the same object. For that reason I should be sorry to see the bill pressed to a vote to-morrow.

Mr. NEWLANDS. I should be glad to hear a suggestion as to a time when we can agree upon a vote upon this bill.

Mr. CUMMINS. Mr. President, I make this suggestion: I shall make no objection to taking up the bill on Monday or Tuesday to the exclusion of everything else, and continuing its consideration until a vote is reached; but I do not believe it is wise to fix an hour for the vote, and I shall feel compelled to object to any proposed agreement fixing an hour at which the vote is to be taken. I shall not object, however, so far as I am concerned, to taking up the bill on any day of next week and continuing its consideration until we do reach a final vote. I except to-morrow from that suggestion because I understand it is the desire to adjourn over Saturday, and we might not be able to conclude to-morrow. But if the Senator from Nevada will ask that it be taken up Monday morning or Tuesday morning and continued as we did on one other bill—I think the tolls bill—we will get a vote just as soon as it can possibly be had by asking for a definite hour.

Mr. SIMMONS. Mr. President, I should like to suggest to the Senator that if he will give notice now that on Monday or Tuesday or Wednesday, just as he sees fit, he will call up the bill at 2 o'clock each day and insist upon its continuous consideration until there is a vote, that will give Senators who desire to speak upon the subject time to get ready, and give them notice that they must be ready to speak at that time or not at all. I think that is the course we pursued, as the Senator from Iowa says, with reference to the tolls-repeal bill. It certainly was the course we pursued with reference to the tariff and currency bills, and I think it is a very good method of procedure.

Mr. NEWLANDS. Would the Senator be willing to yield the exclusive right of way to this bill next week, or would he insist upon going on with the river and harbor bill?

Mr. SIMMONS. At 2 o'clock; yes. This is the unfinished business. It is in order at 2 o'clock, and after 2 o'clock each day after Tuesday, say, of course it would be entitled to the right of way.

Mr. GALLINGER. It can not lose its place if a single objection is made. It has the right of way absolutely.

Mr. SIMMONS. It can not; no.

Mr. NEWLANDS. Mr. President, it seems to be impossible, therefore, to make any arrangement with reference to the river and harbor bill.

Mr. OVERMAN. Mr. President, I desire to say that a very important bill will be in here on Monday—the sundry civil bill. It is very important that that bill should pass promptly; and I know it will be the desire of the chairman, who is not here at this moment, to take up that bill next week for consideration. I believe it ought to have the right of way.

Mr. SMITH of Georgia. We can take it up in the morning hour.

Mr. OVERMAN. We can not finish it in the morning hour, however. We will have the report in here by to-morrow or the next day; certainly by Monday, and probably by to-morrow.

Mr. NEWLANDS. Mr. President, I see no other course to pursue than to proceed with the bill to-morrow, giving notice that on Monday I shall press the bill for consideration, and with the hope that the Senate will have night sessions until the bill is disposed of. I should like to ask whether there are any Senators present who would like to address the Senate on this subject to-morrow. I believe the Senator from Missouri [Mr. REED] is desirous of addressing the Senate. I should like to ask whether or not he will be ready to-morrow.

Mr. REED. I can not be ready to-morrow. I have been engaged all day on the Banking and Currency Committee, and that has made it impossible for me to get any data together. I could not be ready until a later time.

Mr. NEWLANDS. Then I will ask the Senate to proceed with the consideration of the bill to-morrow.

Mr. SAULSBURY. Mr. President, I rise simply to say that I anticipate addressing the Senate briefly on the trade commission bill when it comes before the Senate to-morrow.

Mr. SIMMONS. Mr. President, I suppose the Senator from Nevada will now temporarily lay the bill aside?

Mr. NEWLANDS. Yes; I will ask that the bill be temporarily laid aside.

The VICE PRESIDENT. Is there any objection?

Mr. KENYON. I should like to inquire, if this bill is laid aside, whether it is intended to take up the river and harbor bill? If it is, I will object.

Mr. NEWLANDS. I ask to have the bill laid aside with a view to the Senate taking such order as it pleases regarding legislation.

Mr. KENYON. I think under those circumstances I would not be warranted in objecting.

Mr. SIMMONS. Mr. President——

Mr. REED. Before the Senator makes his motion, I just want to make an inquiry of the Senator from Nevada. I did not understand the remark of the Senator from Nevada about pressing the bill to-morrow. Did the Senator mean that anyone desiring to say anything upon it must be ready to-morrow?

Mr. NEWLANDS. I shall ask that the bill be taken up and considered to-morrow.

Mr. REED. The Senator has no desire to force it to a vote to-morrow?

Mr. NEWLANDS. I am desirous of pressing it to a vote at the earliest moment.

Mr. REED. The Senator would not be willing to let it go over even one day to give another Senator an opportunity to get his data together?

Mr. SMOOT. Mr. President, I asked the Senator from Nevada, when I was recognized by the Chair, if he would not lay aside the bill temporarily for the consideration of the calendar under Rule VIII, beginning with Order of Business No. 326.

Mr. SIMMONS. Mr. President, I had recognition from the Chair.

The VICE PRESIDENT. This is the question, and it ought to be thoroughly understood: Is the Senator from Nevada asking unanimous consent to lay the bill aside?

Mr. SIMMONS. The Senator had asked unanimous consent, and it had been granted.

The VICE PRESIDENT. The Senator asked it, but there was an objection if the request was for that purpose.

Mr. SIMMONS. I understood the Senator to withdraw his objection.

Mr. KENYON. I withdrew the objection.

The VICE PRESIDENT. The Senator did withdraw it? Then the bill is temporarily laid aside, and the Senator from North Carolina has the floor.

RIVER AND HARBOR APPROPRIATION BILL.

Mr. SIMMONS. I move that the Senate proceed to the consideration of House bill 13811, known as the river and harbor bill.

Mr. KENYON. Mr. President, I think there should be a quorum here to consider that motion. I suggest the absence of a quorum.

The VICE PRESIDENT. The Secretary will call the roll.

The Secretary called the roll, and the following Senators answered to their names:

Bankhead	Gallinger	Norris	Shively
Bristow	Hollis	Overman	Simmons
Bryan	Hughes	Page	Smith, Ga.
Burleigh	Jones	Perkins	Smith, Md.
Burton	Kenyon	Pittman	Smith, Mich.
Camden	Kern	Poindexter	Smoot
Catron	Lane	Pomerene	Sterling
Chamberlain	Lee, Md.	Ransdell	Swanson
Chilton	Martin, Va.	Reed	Thomas
Clapp	Martine, N. J.	Saulsbury	Vardaman
Clarke, Ark.	Myers	Shafroth	Works
Cummins	Nelson	Sheppard	
Fletcher	Newlands	Shields	

The VICE PRESIDENT. Fifty Senators have answered to the roll call. There is a quorum present. The Senator from North Carolina [Mr. SIMMONS] moves to take up the bill commonly known as the river and harbor bill.

Mr. NORRIS. On that I ask for the yeas and nays.

The yeas and nays were ordered, and the Secretary proceeded to call the roll.

Mr. DILLINGHAM (when his name was called). I have a pair with the senior Senator from Maryland [Mr. SMITH]. Because of his absence, I withhold my vote.

Mr. THOMAS (when his name was called). I have a general pair with the senior Senator from New York [Mr. ROOT]. In his absence I withhold my vote.

The roll call was concluded.

Mr. CATRON (after having voted in the negative). I have a general pair with the senior Senator from Oklahoma [Mr. OWEN]. In his absence I withdraw my vote.

Mr. TOWNSEND. I have a pair with the junior Senator from Arkansas [Mr. ROBINSON]. Therefore I withhold my vote.

Mr. CRAWFORD. I inquire whether the senior Senator from Tennessee [Mr. LEA] has voted?

The VICE PRESIDENT. He has not.

Mr. CRAWFORD. I withhold my vote.

Mr. CHAMBERLAIN (after having voted in the affirmative). In the absence of the Senator from Pennsylvania [Mr. OLIVER], with whom I have a general pair, I transfer my pair to the junior Senator from South Carolina [Mr. SMITH] and let my vote stand.

Mr. CLARKE of Arkansas (after having voted in the affirmative). I observe that the junior Senator from Utah [Mr. SUTHERLAND] is not present and has not voted. I transfer my pair with that Senator to the Senator from Alabama [Mr. WHITE] and let my vote stand.

Mr. SMOOT. I desire to announce the absence of the senior Senator from Illinois [Mr. SHERMAN] on account of illness in his family. He has a general pair with the senior Senator from South Carolina [Mr. TILLMAN].

I wish also to state that the junior Senator from North Dakota [Mr. GRONNA] is paired with the senior Senator from Maine [Mr. JOHNSON], the senior Senator from Pennsylvania [Mr. PENROSE] with the senior Senator from Mississippi [Mr. WILLIAMS], and the junior Senator from Wisconsin [Mr. STEPHENSON] with the junior Senator from Oklahoma [Mr. GORE].

Mr. BANKHEAD (after having voted in the affirmative). I transfer my pair with the junior Senator from West Virginia [Mr. GOFF] to the senior Senator from Louisiana [Mr. THORNTON] and permit my vote to stand.

Mr. CHILTON (after having voted in the affirmative). I have a general pair with the senior Senator from New Mexico [Mr. FALL], but under the terms of it I have a right to vote, and I will allow my vote to stand.

Mr. STONE. I transfer my pair with the Senator from Wyoming [Mr. CLARK] to the Senator from Illinois [Mr. LEWIS] and vote "yea."

Mr. SAULSBURY. I transfer my pair with the junior Senator from Rhode Island [Mr. COLT] to the senior Senator from Nebraska [Mr. HITCHCOCK] and vote "yea."

The result was announced—yeas 34, nays 12, as follows:

YEAS—34.

Bankhead	Kern	Pittman	Shively
Bryan	Lane	Poindexter	Simmons
Camden	Lee, Md.	Pomerene	Smith, Ga.
Chamberlain	Martin, Va.	Ransdell	Stone
Chilton	Martine, N. J.	Reed	Swanson
Clarke, Ark.	Nelson	Saulsbury	Thompson
Fletcher	O'Gorman	Shafroth	Vardaman
Hughes	Overman	Sheppard	
Jones	Perkins	Shields	

NAYS—12.

Brady	Burton	Gallinger	Norris
Bristow	Clapp	Kenyon	Page
Burleigh	Cummins	Myers	Smoot

NOT VOTING—50.

Ashurst	Gronna	Oliver	Thomas
Borah	Hitchcock	Owen	Thornton
Brandegee	Hollis	Penrose	Tillman
Catron	James	Robinson	Townsend
Clark, Wyo.	Johnson	Root	Walsh
Colt	La Follette	Sherman	Warren
Crawford	Lea, Tenn.	Smith, Ariz.	Weeks
Culberson	Lewis	Smith, Md.	West
Dillingham	Lippitt	Smith, Mich.	White
du Pont	Lodge	Smith, S. C.	Williams
Fall	McCumber	Stephenson	Works
Goff	McLean	Sterling	
Gore	Newlands	Sutherland	

The VICE PRESIDENT. No quorum has voted.

Mr. GALLINGER. Let the roll be called.

The VICE PRESIDENT. The Secretary will call the roll.

The Secretary called the roll, and the following Senators answered to their names:

Bankhead	Dillingham	Newlands	Simmons
Brady	Fletcher	O'Gorman	Smith, Ga.
Bryan	Gallinger	Overman	Smoot
Burton	Hitchcock	Page	Stone
Camden	Hughes	Perkins	Swanson
Catron	Jones	Poindexter	Thomas
Chamberlain	Lane	Ransdell	Thompson
Chilton	Lee, Md.	Reed	Townsend
Clapp	Martin, Va.	Shafroth	Vardaman
Clarke, Ark.	Martine, N. J.	Sheppard	
Crawford	Myers	Shields	
Cummins	Nelson	Shively	

The VICE PRESIDENT. Forty-five Senators have answered to the roll call. There is not a quorum present. The Secretary will call the roll of absentees.

The Secretary called the names of the absent Senators, and Mr. KERN, Mr. SAULSBURY, and Mr. WILLIAMS answered to their names when called.

Mr. POMERENE and Mr. HOLLIS entered the Chamber and answered to their names.

The VICE PRESIDENT. Fifty Senators have answered to the roll call. There is a quorum present.

PENSIONS AND INCREASE OF PENSIONS.

The VICE PRESIDENT laid before the Senate the action of the House of Representatives disagreeing to the amendments of the Senate to the bill (H. R. 13297) granting pensions and increase of pensions to certain soldiers and sailors of the Regular Army and Navy, and certain soldiers and sailors of wars other than the Civil War, and to widows of such soldiers and sailors, and requesting a conference with the Senate on the disagreeing votes of the two Houses thereon.

Mr. SHIVELY. I move that the Senate insist upon its amendments, agree to the conference asked for by the House, the conferees on the part of the Senate to be appointed by the Chair.

The motion was agreed to; and the Vice President appointed Mr. SHIVELY, Mr. BRYAN, and Mr. SMOOT conferees on the part of the Senate.

The VICE PRESIDENT laid before the Senate the action of the House of Representatives disagreeing to the amendments of the Senate to the bill (H. R. 13920) granting pensions and increase of pensions to certain soldiers and sailors of the Regular Army and Navy, and certain soldiers and sailors of wars other than the Civil War, and to widows of such soldiers and sailors, and requesting a conference with the Senate on the disagreeing votes of the two Houses thereon.

Mr. SHIVELY. I move that the Senate insist upon its amendments, agree to the conference asked for by the House, the conferees on the part of the Senate to be appointed by the Chair.

The motion was agreed to; and the Vice President appointed Mr. SHIVLEY, Mr. BRYAN, and Mr. SMOOT conferees on the part of the Senate.

The VICE PRESIDENT laid before the Senate the action of the House of Representatives disagreeing to the amendments of the Senate to the bill (H. R. 14546) granting pensions and in-

crease of pensions to certain soldiers and sailors of the Regular Army and Navy, and certain soldiers and sailors of wars other than the Civil War, and to widows of such soldiers and sailors, and requesting a conference with the Senate on the disagreeing votes of the two Houses thereon.

Mr. SHIVELY. I move that the Senate insist upon its amendments, agree to the conference asked for by the House, the conferees on the part of the Senate to be appointed by the Chair.

The motion was agreed to; and the Vice President appointed Mr. SHIVELY, Mr. BRYAN, and Mr. SMOOT conferees on the part of the Senate.

The VICE PRESIDENT laid before the Senate the action of the House of Representatives disagreeing to the amendments of the Senate to the bill (H. R. 15071) granting pensions and increase of pensions to certain soldiers and sailors of the Regular Army and Navy, and certain soldiers and sailors of wars other than the Civil War, and to widows of such soldiers and sailors, and requesting a conference with the Senate on the disagreeing votes of the two Houses thereon.

Mr. SHIVELY. I move that the Senate insist upon its amendments, agree to the conference asked for by the House, the conferees on the part of the Senate to be appointed by the Chair.

The motion was agreed to; and the Vice President appointed Mr. SHIVELY, Mr. BRYAN, and Mr. SMOOT conferees on the part of the Senate.

The VICE PRESIDENT laid before the Senate the action of the House of Representatives disagreeing to the amendments of the Senate to the bill (H. R. 15504) granting pensions and increase of pensions to certain soldiers and sailors of the Regular Army and Navy, and certain soldiers and sailors of wars other than the Civil War, and to widows of such soldiers and sailors, and requesting a conference with the Senate on the disagreeing votes of the two Houses thereon.

Mr. SHIVELY. I move that the Senate insist upon its amendments, agree to the conference asked for by the House, the conferees on the part of the Senate to be appointed by the Chair.

The motion was agreed to; and the Vice President appointed Mr. SHIVELY, Mr. BRYAN, and Mr. SMOOT conferees on the part of the Senate.

The VICE PRESIDENT laid before the Senate the action of the House of Representatives disagreeing to the amendments of the Senate to the bill (H. R. 12914) granting pensions and increase of pensions to certain soldiers and sailors of the Civil War and certain widows and dependent children of soldiers and sailors of said war, and requesting a conference with the Senate on the disagreeing votes of the two Houses thereon.

Mr. SHIVELY. I move that the Senate insist upon its amendments, agree to the conference asked for by the House, the conferees on the part of the Senate to be appointed by the Chair.

The motion was agreed to; and the Vice President appointed Mr. SHIVELY, Mr. HUGHES, and Mr. STERLING conferees on the part of the Senate.

The VICE PRESIDENT laid before the Senate the action of the House of Representatives disagreeing to the amendments of the Senate to the bill (H. R. 13542) granting pensions and increase of pensions to certain soldiers and sailors of the Civil War and certain widows and dependent children of soldiers and sailors of said war, and requesting a conference with the Senate on the disagreeing votes of the two Houses thereon.

Mr. SHIVELY. I move that the Senate insist upon its amendments, agree to the conference asked for by the House, the conferees on the part of the Senate to be appointed by the Chair.

The motion was agreed to; and the Vice President appointed Mr. SHIVELY, Mr. HUGHES, and Mr. STERLING conferees on the part of the Senate.

The VICE PRESIDENT laid before the Senate the action of the House of Representatives disagreeing to the amendments of the Senate to the bill (H. R. 14234) granting pensions and increase of pensions to certain soldiers and sailors of the Civil War and certain widows and dependent children of soldiers and sailors of said war, and requesting a conference with the Senate on the disagreeing votes of the two Houses thereon.

Mr. SHIVELY. I move that the Senate insist upon its amendments, agree to the conference asked for by the House, the conferees on the part of the Senate to be appointed by the Chair.

The motion was agreed to; and the Vice President appointed Mr. SHIVELY, Mr. HUGHES, and Mr. STERLING conferees on the part of the Senate.

The VICE PRESIDENT laid before the Senate the action of the House of Representatives disagreeing to the amendments of the Senate to the bill (H. R. 14738) granting pensions and increase of pensions to certain soldiers and sailors of the Civil War and certain widows and dependent children of soldiers and sailors of said war, and requesting a conference with the Senate on the disagreeing votes of the two Houses thereon.

Mr. SHIVELY. I move that the Senate insist upon its amendments, agree to the conference asked for by the House, the conferees on the part of the Senate to be appointed by the Chair.

The motion was agreed to; and the Vice President appointed Mr. SHIVELY, Mr. HUGHES, and Mr. STERLING conferees on the part of the Senate.

The VICE PRESIDENT laid before the Senate the action of the House of Representatives disagreeing to the amendments of the Senate to the bill (H. R. 15692) granting pensions and increase of pensions to certain soldiers and sailors of the Civil War and certain widows and dependent children of soldiers and sailors of said war, and requesting a conference with the Senate on the disagreeing votes of the two Houses thereon.

Mr. SHIVELY. I move that the Senate insist upon its amendments, agree to the conference asked for by the House, the conferees on the part of the Senate to be appointed by the Chair.

The motion was agreed to; and the Vice President appointed Mr. SHIVELY, Mr. HUGHES, and Mr. STERLING conferees on the part of the Senate.

EXECUTIVE SESSION.

The VICE PRESIDENT. The question is on the motion of the Senator from North Carolina [Mr. SIMMONS], on which the yeas and nays have been ordered.

Mr. STONE. I move that the Senate proceed to the consideration of executive business.

The motion was agreed to, and the Senate proceeded to the consideration of executive business. After five minutes spent in executive session the doors were reopened.

Mr. KERN. I move that the Senate adjourn until to-morrow at 11 o'clock a. m.

The motion was agreed to; and (at 5 o'clock and 17 minutes p. m.) the Senate adjourned until to-morrow, Friday, July 3, 1914, at 11 o'clock a. m.

CONFIRMATIONS.

Executive nominations confirmed by the Senate July 2, 1914.

POSTMASTERS.

ILLINOIS.

John Coveny, Elizabeth.

PENNSYLVANIA.

Henry George Schleiter, Freedom.

VERMONT.

John U. Baxter, Derby Line.

HOUSE OF REPRESENTATIVES.

THURSDAY, *July 2, 1914.*

The House met at 12 o'clock noon.

The Chaplain, Rev. Henry N. Couden, D. D., offered the following prayer:

We bless Thee, Infinite Spirit, for every sacrifice which has come down to us out of the past, leaving in its wake the world a little better, faith a little stronger, hope a little brighter, love a little warmer. May we work and faint not, strive and despair not, trust and doubt not, for though the way may be long, our path rough, each well-directed step brings us nearer the goal. Every victory brings its joy, every defeat its lesson; for Thou hast planned, and planned well. Thou art infinite and Thy love is behind all. Thus lead us on and at last give us the victory. In Christ Jesus our Lord. Amen.

The Journal of the proceedings of yesterday was read and approved.

PENSIONS.

Mr. RUSSELL. Mr. Speaker, I ask unanimous consent to call up the bills H. R. 12914, 13542, 14234, 14738, 15692, granting pensions and increase of pensions to certain soldiers and sailors of the Civil War and certain widows and dependent children of soldiers and sailors of said war, with Senate amendments thereto, disagree to the Senate amendments, and ask for a conference.

The SPEAKER. The gentleman from Missouri asks unanimous consent that he may be permitted to call up omnibus pension bills of the numbers specified, with Senate amendments thereto, disagree to the Senate amendments, and ask for a conference. Is there objection?

There was no objection.

The SPEAKER. The Clerk will report the bills.

The Clerk reported the titles to the bills.

The SPEAKER appointed the following conferees: Mr. RUSSELL, Mr. ADAIR, and Mr. LANGHAM.

CALENDAR WEDNESDAY.

The SPEAKER. Under the order previously made, although this is Thursday, the business in order to-day is business in order on Calendar Wednesday.

Mr. RUCKER. Mr. Speaker, before the House resolves itself into the Committee of the Whole House for the consideration of the unfinished business I would suggest that when the campaign-contribution bill, the unfinished business, was last under consideration unanimous consent was granted that there be two hours of general debate. I will ask the Chair how much of that time has been used?

The SPEAKER. All except 19 minutes, which belonged to the gentleman from Michigan [Mr. MAPES].

Mr. RUCKER. Mr. Speaker, during the debate I inadvertently used more time than I ought to have used, agreeing with the gentleman from Michigan [Mr. MAPES] that I would ask for an extension of time and grant that extension of time to him. I therefore ask unanimous consent that the time for general debate be extended for 15 minutes, so that I may return to the gentleman the time which he gave me last Wednesday.

The SPEAKER. The gentleman from Missouri asks unanimous consent to extend the time for general debate 15 minutes. Is there objection?

There was no objection.

PUBLICITY OF CAMPAIGN CONTRIBUTIONS.

The SPEAKER. The business in order to-day is the bill (H. R. 8428) to codify, revise, and amend the laws relating to publicity of contributions and expenditures made for the purpose of influencing the nomination and election of candidates for the offices of Representative and Senator in the Congress of the United States, limiting the amount of campaign expenses, and for other purposes, and the House will automatically resolve itself into the Committee of the Whole House for the further consideration of said bill.

Accordingly the House resolved itself into the Committee of the Whole House for the further consideration of the bill H. R. 8428, with Mr. HOUSTON in the chair.

The CHAIRMAN. The gentleman from Michigan [Mr. MAPES] is recognized for 43 minutes.

Mr. MAPES. Mr. Chairman, I yield five minutes to the gentleman from Nevada [Mr. ROBERTS].

MESSAGE FROM THE SENATE.

The committee informally rose; and Mr. BOOHER having taken the chair as Speaker pro tempore, a message from the Senate, by Mr. Tulley, one of its clerks, announced that the Senate had passed joint resolution of the following title, in which the concurrence of the House of Representatives was requested:

S. J. Res. 157. Joint resolution requesting the President of the United States to invite foreign Governments to participate in the International Congress on Education.

PUBLICITY OF CAMPAIGN CONTRIBUTIONS.

The committee resumed its session.

Mr. ROBERTS of Nevada. Mr. Chairman, with apologies to all prosaic Members of the House and the tender feelings of the renowned author of that beautiful poem entitled "When the Cows Come Home," I respectfully submit the following:

WHEN THE OLD GUARD COMES HOME.

With klingle, klangle, klingle,
Not far down the dusty dingle,
The "old guard's" coming home;
Now sweet and clear, now faint and low,
The airy tinklings come and go,
Like chimings from a near-by tower,
Or sprinklings of an election shower
That makes the voters grow;
Ko-ling, ko-lang, kolinglelingle,
Not far down the dusty dingle,
The "old guard's" coming home.

And old-time friends, and "quiet" plays,
And good old nights and good old days,
Come trooping up the misty ways
When the "old guard" comes home.
With jingle, jangle, jingle,
Love songs that sweetly mingle,
The "old guard's" coming home.

McKinley, Hartman, and Barchfeld,
Humphrey, and Greene, and Frank Mondell,
Our Dick and Dyer, and "Uncle Joe,"
Across the fields I hear him "lo-oo"
And clang his old cowbell;
Go-ling, go-lang, golinglelingle,
With good sweet sounds that mingle,
The "old guard's" coming home.

Hinds and Focht, and son-in-law "Nick,"
And Kahn and Focht will do the trick;
Austin, Lafean, and Fordney, too,
Across the woods I hear him "boo,"
And clang his wether bell.
Go-ling, go-lang, golinglelingle,
With good sweet sounds that mingle,
The "old guard's" coming home.

And campaign songs of bygone years,
And youthful joys and boyish fears,
And business hopes without the tears,
When the "old boys" come home.
With ringle, rangle, ringle,
By twos and threes and single,
The "old guard's" coming home.

Through old-time specs we see the town,
And the Democrats a-sliding down,
And the "old guard" basking in the shade,
All "dolled" up in clothes "home made,"
And the hills are growing brown.
To-ring, to-rang, toringlelingle,
By threes and fours and single,
The "old guard's" coming home.

The same old times of prayers and psalm,
The same sweet days of rest and calm,
The same sweet smell of "punk" and balm,
When the "old boys" come home.
With tinkle, tankle, tinkle,
Through fern and periwinkle,
The "old guard's" coming home.

Knee deep in the Progressive stream,
Where the sun rays glance and gleam,
Rodenberg, Payne, and J. C. Needham,
And scores of others when we need 'em,
In a happy dream.
To-link, to-lank, tolinklelinkle,
The "old guard's" coming home.

And up through memory's deep ravine
Comes the old "war whoop" in its old-time sheen
And the sad, sweet words "It might have been,"
When the "old boys" come home.
With klingle, klangle, klingle,
With loo-oo and moo-oo and jingle,
The "old guard's" coming home.

And over here on Capitol Hill
Sounds the plaintive cry of the whip-poor-will,
And Democrats lie in the tangled vines,
And over their corpses Venus shines,
And over many a silent mill.
Ko-ling, ko-lang, kolinglelingle,
With a ting-a-ling and jingle,
The "old guard's" coming home.

Let down the bars; let in the train;
Let "the boys" walk up to the crib again,
For good old times come back again
When the "old guard" comes home.

[Applause.]

Mr. MAPES. Mr. Chairman, I yield five minutes to the gentleman from Illinois [Mr. BRITTEN].

Mr. BRITTEN. Mr. Chairman, it is my intention to offer an amendment to the Rucker campaign publicity bill, designed to prohibit lecturing for pay by Members of Congress when Congress is in session. The amendment follows along the lines of a bill recently introduced by me which is intended to prohibit lecturing for pay, other than actual traveling expenses, of any Member of this House or of the Senate; also Cabinet officers and department heads.

Since the introduction of my bill I am in receipt of hundreds of letters from prominent business men in all parts of the United States, complimenting its intent and suggesting that they are ready and willing to do everything in their power to assist in its passage on the general ground that Members of Congress are paid a liberal salary to perform certain duties, and that their neglect of this work for the lecture platform while Congress is in session is a rank injustice to the country and a deception to the district or State which has honored them.

I also am in receipt of a great many newspaper editorials which, I feel, express the sentiment of the principal journals of the country, which evidence should be in the hands of every Congressman who will, sooner or later, be expected to vote upon a bill prohibiting this abuse of public office.

There can be no argument against the statement that the title "Member of Congress," "United States Senator," or "Secretary of State" conferred by the will of the people or by the President of the United States adds materially to the drawing qualities of a lecturer to whom people will flock and pay their quarters and halves because of the advertising he has received at public expense through the CONGRESSIONAL RECORD and the franking privilege.

Members of Congress and Cabinet officers, however, are not the only performers who have capitalized a gift of the people or a stroke of good fortune in lieu of real ability.

Gaby Deslys, the vaudeville actress, is quoted as receiving $2,000 a week, but anyone who has seen her $5,000 worth of clothes and $50 worth of talent will readily agree that she is

capitalizing her association with King Manuel of Portugal and not her ability to act.

Evelyn Thaw, whose theatrical ability has faded beyond recognition, is kept constantly before the public at a high salary because of the capitalization of her association with the famous Thaw case.

I merely cite these instances to show that Members of Congress and Cabinet officers are not the only imitation performers, and the sooner it is stopped the better for the dignity of the office.

Capt. Jack Crawford, "the poet scout," writes:

* * * Indeed, I believe there are hundreds of men and women possessing real talent who are to-day crowded out by these men whose services have already been paid for by Uncle Sam.

Lawson V. Moore, who signs himself ex-United States Consul under the great Grover Cleveland, writes:

As a plain American citizen, I want to congratulate you on the introducing of a bill to prevent Federal officials from going on lecture campaigns for pay.

G. Britten Lyttle, professor of Spanish, Young Men's Christian Association, at New Orleans, and a brother of Judge C. B. Lyttle, Manchester, Ky., a delegate to the last Democratic national convention, writes:

* * * I am writing just a line to express my very hearty approval, as a citizen of this great country, of your proposal to make it a penal offense for employees of the Government holding high and important positions for the proper conduct of business in which all the people are interested and upon which the thousands of lives and the millions of money sacrificed in every war may depend, to engage in any other gainful occupation that may call their attention away from their official duties during their term of office for which they are paid already at remunerative rates.

John H. Davis, banker, 10 Wall Street, New York City, writes:

* * * I have read what you said with deepest interest, and I find that practically every statement and point which you made coincide with the views which I have repeatedly expressed. I was in Europe last year when Mr. Bryan was delivering his lectures and, as I cabled home at the time, his performances not only destroyed the dignity of the American Government in the eyes of Europe, but made our Nation a laughingstock there.

The Constitution, of Atlanta, Ga., July 16, said:

* * * Members of the House and Senate, and of the Cabinet, are altogether too prone to take money from the Government and money from lecture promoters while Congress is in session or important departmental business is pending. None of them go into office unless they are familiar with its compensations, and whether or not they can afford the luxury of being a public servant. If it is beyond their means, no one is begging them to display patriotism at a sacrifice. But when the people pay a salary they are entitled to as full services as the corporation that does so. As a business principle, it is difficult to evade that fact.

The Tacoma (Wash.) News of July 9 said:

* * * The bill, of course, is directed at Bill, who, in spite of the delicate difficulties in connection with Mexico, is proposing to leave the Secretary of State's office in the hands of subordinates while he Chautauquas awhile for the edification of his growing purse. However, there is a large and growing population which feels a greater sense of security when William is away than when he is there.

The Tucson (Ariz.) Citizen of June 11 said:

It is true that tens of thousands of American citizens feel indignant and mortified when they see or read about the Secretary of State "doing his turn" at the Chautauqua gatherings and vying with yodlers and vaudeville performers in efforts to win popular applause. In the end the Secretary of State will find that he has lost more of popular favor than he has gained by those Chautauqua "stunts," and that the applause that greets them does not represent the sober judgment of the American people in reference to his conduct. All that he needs is plenty of rope—and the result is not in doubt.

The Gazette, of Reno, Nev., said in its issue of June 11:

THE BILL SHOULD PASS.

There has been many a speech delivered in Congress and printed in the CONGRESSIONAL RECORD that was prompted by the needs of the lecture syndicate and vaudeville managers much more than by the needs of the public.

If it is true that Mr. Bryan can not thrive on the $1,000-per-month salary of his office, he should either ask Congress for an increase or vacate his office for the public good. The people have come to believe that there are a good many men in the United States whose services are available, who are better equipped by temperament and training for Mr. Bryan's office than Mr. Bryan. When he insists on taking the lecture platform during times like this, he strengthens this belief.

The Tacoma (Wash.) Ledger of June 10 said:

The people elect public officials, and thus give them the prominence which they capitalize on the lecture platform.

The Virginian, of Richmond, Va., of June 10 said:

The place for Cabinet officers and Members of Congress when Congress is in session is in Washington.

The Truth Seeker, of New York City, in its issue of June 20 said:

The measure is directed at William J. Bryan, Secretary of State, whose neglect of public duty, in order to scoop in a little more money to add to his already large fortune, has become a public scandal.

The Philadelphia Evening Bulletin of June 9 said:

No one thinks it necessary or desirable to enact a law prohibiting any Government official or Member of Congress from seeking other sources of income while drawing salary from the Treasury, but when Mr. BRITTEN generalizes and says that public officials ought to stick to their jobs and leave the Chautauqua field to yodlers, tumblers, and other performers, and specifically declares that the public interests have suffered through the repeated absences of the Secretary of State, the public opinion of the Nation is in full agreement with him.

There was a distinct disappointment that Mr. Bryan last year showed so little regard for the traditions of his office—not to speak of its actual requirements—as to enter upon his lecture engagements, and that he was so heedless of public opinion as to continue that practice, apparently self-satisfied with the lame excuses which he offered for his course. But the renewal of the contract for the coming season is to be condemned even more severely. Not only is the affront to a definite and clearly indicated public opinion so deliberate as to be without excuse, but the situation in the affairs of his department ought to command not only all Mr. Bryan's time but all his ability and energy. Mr. Bryan should stick to his job or leave it. The "gentle" hint which Congressman BRITTEN drops can be taken either way, with full approval of the public.

The Galesburg (Ill.) Republican of June 11 says:

The Britten bill is good as far as it goes, but it does not go quite far enough. It ought also to provide a penalty for those Members of Congress who are in the habit of leaving the sessions for the purpose of making Chautauqua addresses, while at the same time accepting pay for being in Washington to attend to their duties there. Nor is it seemly that the President himself, while the President not of a mere party but of the whole people, should run about over the country engaged in a political warfare.

Washington is a good place for all these people while Congress is in session and while great issues are before that body.

So an air brake may do some good. The Congressmen and the administration can all get their views before the country without appearing on the lecture platform to the neglect of congressional and official duties.

The Detroit Free Press of June 12 said:

Why forcibly assist Mr. Bryan to reform and maintain an appearance of dignity when every lecture he delivers along with bell ringers and sleight-of-hand artists is but emphasizing the completeness of his misfit as Secretary of State.

The Terre Haute (Ind.) Tribune of June 13 said:

Most people would consider it an exhibition of poor taste for the head of the State Department to go off on a lecture tour while this Government was engaged in critical diplomacy with a foreign nation. Similarly the place of a Senator or Representative while Congress is in session is at Washington. The constituents of a Member who should desert his post at such a time to lecture ought to resent his action; doubtless they would.

The Zanesville (Ohio) Courier of June 10 said:

The following paragraph, taken from a Chautauqua press agent's story, shows the close relation existing between the lecture platform and modern statesmanship:

"Many reform movements which have swept the country have had their real beginning on the Chautauqua platform. At one time there were no less than 40 Members of the two Houses of Congress who were giving part or all of their time to the Chautauqua."

Forty Members of Congress giving part or all of their time to the Chautauqua. Where would the Chautauqua be without these 40 eloquent orators and where would they be without the Chautauqua?

The Savannah (Ga.) News of June 10 said:

It must be admitted that it is rather undignified for the Secretary of State to travel around the country as a part of an entertainment combination, and there is a pretty general feeling, without regard to party affiliations, that the good name of the American people suffers somewhat in the estimation of other peoples because of the exhibition, but there is no doubt that the lectures of Mr. Bryan are very much appreciated by those who hear them and that he himself gets a good deal of enjoyment as well as money out of them. * * * But it is a question whether it wouldn't be a good thing to prohibit Cabinet officers, and Members of Congress while Congress is in session, from lecturing for pay. The Government pays them a good salary for their services, and it is therefore entitled to all of their time. Instead of writing and delivering lectures they should be studying questions with which Congress has to deal.

The Springfield (Mass.) Union of June 11 said:

Representative BRITTEN, of Illinois, surely must be a man of hard heart and wholly lacking in the qualities of human sympathy and compassion. On no other ground can we explain the introduction by him of a bill to curb the Chautauqua activities of Secretary of State William Jennings Bryan. * * * According to Mr. Bryan's own statements, he has averaged to save only about $10,000 a year for the last 18 years, and the income from this, together with his meager salary of $12,000 a year as head of the State Department and his little pickings on the Chautauqua circuit, are his only means of support.

The Post-Express, Rochester, N. Y., June 11:

A somewhat curious situation leaves him free to act as he sees fit in this respect. A word of public criticism from the President would constrain him either to give up his office or his tent-show stunts; but no such criticism has been given out or allowed to leak out at the White House. It does not take a mind reader to fathom the President's motives. He can not afford to break with Mr. Bryan at this juncture. The break may come later, and probably will, when the Secretary begins to lay emphasis in his political speeches on the Baltimore convention platform plank against second terms.

The Philadelphia Inquirer, June 14:

For certain it is that Mr. Bryan drops the mantle of dignity of office when he steps out of the dignified Department of State, which deals with our relations with countries all over the world, and appears on the lecture platform, frequently under a tent, with *all sorts* of other performers. He then drops diplomacy for mere money-making.

The Age-Herald, Birmingham, Ala.:

The Secretary of State is lowering the dignity of this Government when he engages actively in platform work along with "Tyrolean" yodlers, contortionists, and sleight-of-hand artists. * * * But the most serious thing in regard to the head of the State Department engaging in the lecture business is the breach of propriety.

The Journal, Kansas City, Mo., June 9:

* * * Members of the Cabinet receive salaries sufficient to maintain themselves according to the standard befitting the office. In a majority of instances they receive more pay than they could command in their private capacities. The importance of their views is very largely increased by the official position they occupy, and for that reason it is palpably little short of downright graft for them to receive double remuneration for their "services."

The Times, Bath, Me., June 10:

* * * The shining mark at which this Republican measure is aimed is no less a person than Secretary of State Bryan, whose neglect of official duties and systematic campaign of lectures for pay have been a public scandal since the very beginning of the present administration.

The Standard, Bridgeport, Conn., June 9:

* * * Certain Government officials, as a matter of fact, are paying too little attention to their work and too much to remunerative side-lines. * * * The President can and should restrain his official family from their undignified and improper course.

The Herald Transcript, Peoria, Ill., June 9:

As for Mr. Bryan, the silver-tongued one has already explained that he is a lecturer by profession and that he can not live in Washington on $1,000 a month. If he could he wouldn't have done his own marketing at the Capital, and carried his lunch to the State Department. Against necessity there is no law.

As for Senator LA FOLLETTE, he recently read a speech of 900,000 words into the CONGRESSIONAL RECORD, at an expense to the Government of about $9,000. * * * The Chautauqua is performing both a distinguished and a timely public service in removing from Washington men who know nothing about government. However distressing it may be to the yodelers and contortionists, the public always is a gainer when its Democratic statesmen "hit the trail," and leave Washington in the hands of subordinates who remember how the Government was managed when it was prosperous.

The Trenton (N. J.) Times, June 10:

The country would be benefited, by reason of their giving their entire time to the business for which they were elected or appointed and for which they are all liberally paid.

The Times Herald, Waco, Tex., June 17, 1914, said:

"* * * Doubtless Congressman BRITTEN is a humorist, and his bill is only designed to poke fun at these unhappy souls." That's it; BRITTEN is having his little joke. At the same time he sees in this lecturing business on the part of public officials a lowering in the tone of American life. There is a cheapness about it which is bound to have a demoralizing effect.

Times, Chattanooga, Tenn., June 10, 1914, said:

* * * Mr. BRITTEN'S measure will hardly pass in its drastic form, but it would seem that if public men will not voluntarily recognize their public responsibilities, something should be done to discredit their activities directed toward private gain while in the service of the people.

The Morning Telegraph, New York, June 10, 1914, said:

* * * He has an old-fashioned idea that when a man is elected to office and accepts it, or when a man is appointed to fill an office, he should do a day's work for a day's pay. It is Mr. BRITTEN'S idea, for example, that if a man is appointed Secretary of State he should be on the job and not be doing monologues at county fairs and yodels at Chautauquas.

The Oregonian, Portland, Oreg., June 20, 1914, said:

Representative BRITTEN'S making it a penal offense for any Cabinet officer, head or clerk of a department to lecture for pay is not likely to pass, but it will drag Secretary Bryan's Chautauqua perquisites into the public eye, and will teach others to preserve the dignity of high office. He has given color of truth to the foreign jibe that the dollar is king in America, and he should be so pilloried that none will dare to imitate him.

[Applause.]

Mr. MAPES. Mr. Chairman, I now yield 10 minutes to the gentleman from Washington [Mr. HUMPHREY].

Mr. HUMPHREY of Washington. Mr. Chairman, the other day the gentleman from Alabama [Mr. HEFLIN], when I was not upon the floor—and I am not condemning him for that—submitted some remarks that could at least be said to be slightly tinged with personalities. The gentleman seemed to be considerably "peeved" because I had made some remarks about the psychological prosperity that was blessing the land. The sedate gentleman, noted for voice, vocabulary, and voluptuous verbosity, proceeded to make one of his characteristic speeches. It was riotous in adjectives, rich in redundancy, magnificent in its inflated pomposity, and unmarred by a single thought. [Laughter.]

Mr. Chairman, it is especially fitting that the textbook statesmen who now misdirect the destiny of the Nation should have come to their defense the brave and gallant Alabama warrior who has won world-wide fame for bravery fighting women. I can conceive how it is possible for a mentality that thinks that the great tide of woman suffrage can be stayed by stilted oratory to find something good in this Democratic administration. I can conceive how it is possible for one who believes that "the hand that rocks the cradle" will pollute the ballot box to find something to praise in the universal business depression that now curses this country.

Mr. Chairman, it is an inspiring sight to see this full-rigged windjammer from the suffrage seas sailing to the defense of this discredited, discouraged, and already doomed Democratic administration. [Laughter on the Republican side.] Why, we would suppose that with such a brave man at his back the President would find courage to tell the people of this Nation where he stands on the question of woman suffrage. But perhaps Great Britain and the transcontinental railroads prefer that he wait until it is written into a Democratic national platform, until it is voted for by a Democratic Congress, until it is praised by a Democratic candidate for President, and then show again the power of patronage and fear of defeat by compelling a panic-stricken Democratic majority cowardly to repudiate it.

But I do not blame the gentleman from Alabama or any other of the White House favorites for defending the administration. They do what they are told; they think as they are told; they vote as they are told; and they talk as they are told. This administration that has sent out of the country more gold in the last six months than any other administration in the same length of time, that has turned the balance of trade against us, that has increased our imports, that has decreased our exports, that has closed more mills and factories, thrown more men into idleness, destroyed more business, and made more beggars than any other administration in the same length of time, will find it takes something more than the "sound and fury" of the fierce fighter of females from Alabama to save it from the wrath of a betrayed people.

Mr. RAGSDALE. Will the gentleman permit an interruption?

Mr. HUMPHREY of Washington. No. Now, Mr. Chairman, referring to the peculiar oratorical style of the distinguished gentleman from Alabama, one of the ardent admirers of the quiet and placid gentleman has given him some advice, and I will ask the Clerk to read it. I trust that the gentleman will receive it in the kindly spirit in which it is offered.

The CHAIRMAN. The Clerk will read in the gentleman's time.

The Clerk read as follows:

"We would suggest for the consideration of the gentleman that in promulgating his esoteric cogitations or articulating superficial sentimentalities he well might beware of platitudinous preponderosity.

"That he might better let his conversation possess a classified conciseness, compact comprehensibleness, and coalescent consistency.

"He should eschew all conglomerations of flatulent garrulity.

"In all his extemporaneous discantings and unpremeditated expectations he ought to elucidate intelligibility with veracious vivacity, but without rodomontary or thrasmodical vociferation.

"He sedulously should avoid polysyllabic profundity and pompous prolixity as well as voluble vacuity, ventriloquial verbosity, and venial vapidity.

"He should remember that the enunciation of a concatenation of evolutionary, evanescent, metaphysical aphorisms does not conceal the translucent exiguity of the precipitant panjandrum.

"If he will do that, the people of the United States may really think he knows, and may be able to understand him."

Mr. MURRAY of Oklahoma. Mr. Chairman, I want to ask if it killed him?

The CHAIRMAN. If there is no more general debate, the Clerk will read the bill under the five-minute rule.

Mr. MAPES. Mr. Chairman, there is no one else who desires time on this side.

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

Be it enacted, etc., That an act entitled "An act providing for publicity of contributions made for the purpose of influencing elections at which Representatives in Congress are elected," approved June 25, 1910, as amended by an act entitled "An act to amend an act entitled 'An act providing for publicity of contributions made for the purpose of influencing elections at which Representatives in Congress are elected' and extending the same to candidates for nomination and election to the offices of Representative and Senator in the Congress of the United States and limiting the amount of campaign expenses," approved August 19, 1911, and all acts amendatory thereof, be, and they are hereby, codified, revised, and amended so as to read as follows:

"SECTION 1. That the term 'political committee' under the provisions of this act shall include the national committees of all political parties and the national congressional campaign committees of all political parties and all committees, associations, or organizations which shall in two or more States influence the result or attempt to influence the result of an election at which Representatives or Senators in Congress are to be elected."

Mr. MANN. Mr. Chairman, I move to strike out the last word. As I understand, the only change made in this section from the existing law is to put the words "or Senators" after "Representatives." Is that correct?

Mr. RUCKER. I think that is correct.

The Clerk read as follows:

SEC. 2. That every political committee as defined in this act shall have a chairman and a treasurer. It shall be the duty of the treasurer to keep a detailed and exact account of all money or its equivalent re-

ceived by or promised to such committee or any member thereof, or by or to any person acting under its authority or in its behalf, and the name of every person, firm, association, or committee from whom received, and of all expenditures, disbursements, payments, or promises of payment or disbursement made by the committee or any member thereof, or by any person acting under its authority or in its behalf, and to whom paid, distributed, disbursed, or promised. No officer or member of such committee, or other person acting under its authority or in its behalf, shall receive any money or its equivalent, or expend or promise to expend any money on behalf of such committee, until after a chairman and treasurer of such committee shall have been chosen.

Mr. BURKE of South Dakota. Mr. Chairman, I move to strike out the last word. I would like the attention of the gentleman from Missouri in charge of this bill, and call his attention to this provision and also to section 6, which provides that only the treasurer of the political committee shall make an affidavit showing the amounts collected and expended. I would like to ask the gentleman whether or not he took into consideration, or whether his committee considered, requiring a statement of the chairman of the committee or that the statement required to be made by the treasurer be verified or corroborated by the chairman and also the secretary of the committee? I want to say to the gentleman that if he wants to have the law disclose all moneys that may be received and disbursed by a political committee, he ought to require somebody besides the treasurer to make the affidavit. It is usually the custom of political committees to designate some person to act as treasurer who does not have an active connection with the committee. It may be same official of a bank or clerk of a bank, who receives the money turned over to him by the secretary or the chairman of the committee, and at the close of the campaign he makes an affidavit accounting for all moneys that he receives. There is not anything in this bill, as I understand it, that requires anybody to make a statement of moneys that may have been received and expended by the chairman or the secretary of the committee—which might be expended and the treasurer have no knowledge whatever of the receipt or expenditure of such moneys. So I again ask the gentleman from Missouri whether or not the committee considered this question and considered whether it ought to require a statement that shows the moneys received and the expenditure by requiring a sworn statement from the chairman and secretary of the committee as well as the treasurer? Now I yield to the gentleman.

Mr. RUCKER. Mr. Chairman, I will say to the gentleman I would have attempted to answer the question as first propounded, without having it repeated to me, if I could have had the opportunity. Replying to the gentleman's question, I will say the committee did consider that. The treasurer of the committee, like the treasurer of all bodies, is supposed to take care of the finances. The law provides the committee shall not through anyone collect any money until a treasurer has been appointed, and then requires the treasurer to keep an accurate account of all moneys received by himself or by others, and I assume, and the committee assumed, that a political committee which delegates the authority to a cashier of a bank or other person to collect moneys must under this law ascertain from that official, whoever he may be, at the time that his statement must be made and filed what money and from whom it has been collected and account for it in such statement.

Mr. BURKE of South Dakota. Yes; but is there really anything in this bill that requires that official to make any statement under oath, and may not the treasurer be limited in what he may know about what has been collected and expended by what the chairman or the secretary may tell him?

Mr. RUCKER. The treasurer is the custodian of the fund.

Mr. BURKE of South Dakota. Now, let me illustrate——

Mr. RUCKER. I will say to the gentleman, Mr. Chairman, I believe this is the existing law, as the gentleman well understands——

Mr. BURKE of South Dakota. I understand it is.

Mr. RUCKER. And I believe the law is as broad as we can safely make it; but I will say to the gentleman now, and to all gentlemen on the floor, if anyone can suggest concrete language which will make this law more effective than it now is, or as proposed in this bill, so far as I am concerned, I will accept it.

Mr. BURKE of South Dakota. Let me ask this question: Suppose a chairman of a political committee receives $1,000 as a campaign contribution and he takes to the treasurer $500 and hands it to him, and states that it is a contribution he has received, and the other $500 he says nothing about, but he spends that in the conduct of the campaign; what is there in this bill to prevent that being done or that requires a statement to be made showing such contribution and expenditure?

Mr. Chairman, I ask for one minute more.

The CHAIRMAN. Is there objection to the gentleman's request?

There was no objection.

Mr. MAPES. Mr. Chairman, will the gentleman yield?

Mr. BURKE of South Dakota. Yes.

Mr. MAPES. Section 5 requires everyone who receives money, whether a member of the committee or not, to make account of it to the treasurer?

Mr. BURKE of South Dakota. Yes. But suppose he does not; suppose he does not account for it?

Mr. MAPES. Then he violates the law, does he not?

Mr. BURKE of South Dakota. What is the penalty?

Mr. RUCKER. There is a penalty attached to it. There is no question about that.

Mr. BURKE of South Dakota. But why do you not require the treasurer to make the sworn statement and also have it corroborated by the chairman and secretary?

Mr. RUCKER. I thought this would be absolutely effective. If the other plan would improve it, as the gentleman thinks, I am willing that he should offer an amendment to that effect. I am ready to do anything that will carry out the idea.

Mr. BURKE of South Dakota. Mr. Chairman, I withdraw my pro forma amendment.

The CHAIRMAN. The pro forma amendment is withdrawn. The Clerk will read.

The Clerk read as follows:

SEC. 3. That no political committee as defined in this act shall distribute, disburse, contribute, loan, advance, give, or promise in any one State any sum whatever in notes, checks, drafts, or money in excess of or greater than the aggregate amount contributed, promised, loaned, given, or advanced to such committee by actual residents of such State: *Provided*, That nothing in this section shall be construed to limit the amount which such political committee may expend in good faith in employing campaign speakers, in defraying actual expenses of campaign speakers sent out by such committee, the expense of printing and distributing literature, and the cost of newspaper advertisements, plainly marked as such, ordered by such political committee.

Mr. RAKER. Mr. Chairman, I move to strike out the last word.

The CHAIRMAN. The gentleman from California [Mr. RAKER] moves to strike out the last word.

Mr. RAKER. I would like to inquire of the chairman just what his interpretation is of the "actual residents"? How far will that go? Can not a man go into a State and be there only for a day or two and be an actual resident, and thereby indirectly violate the law that you are trying to make? Why not make it "actual bona fide residents" of that State?

Mr. RUCKER. I hardly think so.

Mr. RAKER. Suppose a man went into an adjoining State and said he was going to live there and stayed only three days; he could contribute all the money he wanted to, and thereby defeat the very purpose of this section.

Mr. RUCKER. Well, I suggest to the gentleman if he knows any way by which that would be made more effective, I have no objection to his offering an amendment to that effect.

Mr. RAKER. Mr. Chairman, I offer an amendment, on page 3, line 14, after the word "actual," insert the words "and bona fide."

The CHAIRMAN. The Clerk will report the amendment offered by the gentleman from California [Mr. RAKER].

The Clerk read as follows:

Amend, page 3, line 14, after the word "actual," by inserting the words "and bona fide."

Mr. RUCKER. Mr. Chairman, I want to suggest to the gentleman that I have no objection to the insertion of this new language at all, but I can not believe it will add to the bill. This is a political committee. How could a committee determine, when the contribution is received by it, whether the party from whom it was received was a bona fide resident or not?

Mr. RAKER. So that there will be a law on the statute books that a man must be an actual bona fide resident of that State; that is, as soon as the campaign comes on a man can not go to some other State and remain there only a few days and contribute all the money he wants to. It would thwart the very purpose of the bill.

Mr. RUCKER. I have no objection to the amendment, but I do not believe it helps it a particle.

Mr. GARRETT of Tennessee. Mr. Chairman, I do not care to discuss the amendment. I do not think it is a matter of any consequence; but I do want to get the interpretation of the gentleman from Missouri [Mr. RUCKER] of this section. If I understand the section correctly, construing the proviso in connection with the other part of it, a committee may spend any amount which it chooses for the payment of speakers and for defraying expenses of speakers and for defraying the expenses of printing and distributing literature and the cost of newspaper advertisements. It can expend that amount, no matter from what source or from what State it is received.

Mr. RUCKER. That is my construction of it; yes, sir.

Mr. GARRETT of Tennessee. But under the other part of it, that part before the proviso, it can not make an expenditure exceeding the amount which may be contributed by the actual and bona fide residents if the amendment of the gentleman from California [Mr. RAKER] prevails—the actual and bona fide residents of the State. Now, what are they supposed to be able to contribute for that would be legitimate beyond that which is contained in the proviso?

Mr. RUCKER. I will say to the gentleman that common experience teaches us all, at least teaches me, that these great campaign committees, political committees, have from time to time sent money in bulk to the committees in the States—for instance, to the State committee or the congressional committee—to use as they see fit to use it; and the purpose of this section is to prevent the sending of large sums of money on the eve of election into doubtful States or close States, to be used by local authorities in a way that might be injurious to public morals.

Mr. GARRETT of Tennessee. I hope the gentleman will understand the question that rises in my mind, and that is, What is there that there can be a legitimate expenditure for, besides that which is contained in the proviso?

Mr. RUCKER. I think it is perfectly legitimate for a national committee of any party to make a donation to a State committee of any party to be used for political purposes. I think it is universally done.

Mr. RAKER. It is done quite frequently.

Mr. GARRETT of Tennessee. I am talking about the final expenditure of the money.

Mr. RUCKER. After the national committee has put the money into the control of the State committee the national committee has no further control over its use or expenditure; that is, the national committee has not.

Mr. GARRETT of Tennessee. Then, under those conditions almost every phase of this law can be avoided?

Mr. RUCKER. That is true, I take it, of practically every penal statute. Sometimes they are violated.

Mr. BURNETT. Mr. Chairman, will the gentleman yield?

Mr. RUCKER. Yes.

Mr. BURNETT. Is there no provision, then, for a report by the committee using this money after the expenditure of it?

Mr. RUCKER. I will say to the gentleman that this is intended to be national legislation, and not intended to be applied to individual States. The hope is by the friends of legislation of this sort that the States will cooperate with the National Government, as many States have already done, and require political committees acting within the States to make reports, and in that way the whole matter would dovetail together.

Mr. BURNETT. Would it not be competent for this bill to require a report by the receiving committee when the expenditure was in aid of any Federal election?

Mr. RUCKER. I think it would be. But, as the gentleman will notice, the trouble is that the committee in the State to which the money is likely to be allotted and would be allotted has no particular function so far as the election of Federal officers are concerned, Members of Congress or the Senate. They are selected for the purpose of carrying on a State campaign. The other election is incident to it because our election happens to come at the same time theirs do.

Mr. MANN. Mr. Chairman, I would like to ask the gentleman from California, in reference to his amendment, what is the difference between an actual resident of a State and an actual bona fide resident of a State?

Mr. RAKER. I think with a little time, possibly more than the House would desire to give me, for a presentation of the authorities describing what is a bona fide resident and what is an actual resident, I might make it sufficiently plain that there is a distinction and that it ought to be included in this language. A man might be an actual resident by simply going into a State, and if he is there two days and says, "I am going to live in California and I am living here; I have changed my residence from some other State," he is an actual resident.

Mr. MANN. And he is a bona fide resident.

Mr. RAKER. He may and he may not be.

Mr. MANN. Suppose I move from Chicago to California, do I not become a resident the moment I land there?

Mr. RAKER. The gentleman might move out there with that purpose and that intent, with the intent to become a bona fide resident of California, and the moment he landed there he is a resident of that State and he loses his residence in the State of Illinois.

Mr. MANN. Unless I do that I do not become a resident at all. I may be there, but not a resident.

Mr. RAKER. But if a man goes there with the mere purpose of evading this law, for the purpose of carrying a large amount of money that he may put into the State and then have it turned over to the national committee, for the purpose of avoiding this law, he is not a bona fide resident, and it seems to me the clearer the language can be made the better.

Mr. MANN. I must confess that I do not see any distinction between an "actual resident" of a State and an "actual bona fide" resident of a State. A man may be a resident of a State and not be in it for 10 years. He may be a bona fide resident and not be in it 10 minutes.

Mr. RAKER. A man may have his residence in a State and not be there at all; he may be in Europe on official business, but he has a residence in that State. He is not an actual resident unless he is actually and personally there. There is the distinction in that matter.

Mr. MANN. Take the case of an ambassador—and they have been known to make campaign contributions, either before or after appointment—would actual residence shut out a rich ambassador from making a contribution or not?

Mr. RAKER. If he is at the port of Siam, I imagine it would.

Mr. MANN. What is the difference between being at Siam or London?

Mr. RAKER. I do not know that there is any except that he may not have so much to do.

Mr. MANN. Or across the border in Canada. How long has the gentleman been away from home?

Mr. RAKER. Except for a few days, about three years and a half.

Mr. MANN. The gentleman considers himself an actual and bona fide resident of California, I suppose?

Mr. RAKER. I am a bona fide resident of California and am actually residing now in Washington, as I am here on official business.

Mr. MANN. Then, as I understand, under the gentleman's theory he could not contribute to a campaign fund in California which could be expended anywhere else.

Mr. RAKER. Oh, I will be there in time to make some contribution.

Mr. MANN. Not the way it looks now.

Mr. RAKER. I think so.

Mr. MANN. We are going to keep the gentleman here. The gentleman from California is endeavoring to make a distinction which does not exist. The gentleman is living in Washington, but he is not a resident, either an actual resident or bona fide resident of the District of Columbia.

Mr. GARRETT of Tennessee. Will the gentleman yield?

Mr. MANN. Certainly.

Mr. GARRETT of Tennessee. After all, would it not be better to use the word "citizen"? The word "citizen" has an entirely different meaning than that of "resident." A citizen means one thing and resident another.

Mr. MANN. That would prevent a man who had not applied for citizenship from making any contribution to a campaign fund. I do not say whether that is right or wrong.

Mr. GARRETT of Tennessee. There is a well-known distinction between citizen and resident.

Mr. MANN. Yes.

Mr. GARRETT of Tennessee. I believe "citizen" would come nearer to reaching what it is sought to reach in this bill than the word "resident." I think the contention of the gentleman from California is technically correct.

The CHAIRMAN. The time of the gentleman from Illinois has expired.

Mr. MANN. I ask for five minutes more.

The CHAIRMAN. The gentleman from Illinois asks that his time be extended five minutes. Is there objection?

There was no objection.

Mr. MANN. I think that all election laws in every State in the Union provide for a length of time during which a person must reside in the State, in the county, or in the voting precinct. Now, a man may reside there and not be there during that time at all. If he is in the Government service, he is still a resident of his district, and the election laws do not usually say "actual and bona fide residence." That term "reside" or "residence," meaning the same thing, has its meaning pretty well established through the election laws of the country, and if that is the purpose, why not use the ordinary well-known language?

Mr. RAKER. Will the gentleman yield?

Mr. MANN. Yes.

Mr. RAKER. I am not positive as to the exact language, but my impression is that the law of California requires a residence of 1 year in the State, 90 days in the county, and 30 days in

the precinct, and he must be a resident of the State. It does not say that he must physically reside there.

Mr. MANN. No; but that covers the case. In some places it says that he must have been a resident in either case, and he must have resided there, but that language is well construed as to its meaning. To be a resident or reside as used in election laws has been well construed. If that is the purpose, why not use language which has a well-defined meaning instead of using language which no one will know just what it does mean? A man who walks into a State without the intention of making it a permanent residence, does not acquire a residence in the State. A college student who goes to college in a State, unless he intends to make it a permanent residence, does not acquire the right of being a resident.

Mr. RAKER. The man that goes into a State and resides there, although he does not intend to make it his home, is a resident of that State, and it has been so held by the courts many times in civil as well as in criminal cases.

Mr. MANN. I do not think that is possible. Of course there is always a controversy as to where a man intends to reside. It is a question of intent, as the courts have always held, but if a man fraudulently comes into a State for the purpose of making a contribution, he does not acquire residence there.

Mr. GRAHAM of Illinois. Mr. Chairman, will the gentleman yield?

Mr. MANN. Certainly.

Mr. GRAHAM of Illinois. What is the purpose of the word "actual" there?

Mr. MANN. That is what I am trying to find out—the distinction between a residence, an actual residence, and an actual and bona fide residence.

Mr. GRAHAM of Illinois. Does not an actual residence mean the place where the person is actually staying at the time?

Mr. MANN. I do not think so.

Mr. GRAHAM of Illinois. And does not the residence mean the place where his permanent residence is?

Mr. MANN. I will ask my colleague a question. He is actually in the city of Washington, and he is likely to be here all summer.

Mr. GRAHAM of Illinois. I am very sorry to hear that.

Mr. MANN. Does the gentleman think that he is a resident of Washington or a resident of the State of Illinois?

Mr. GRAHAM of Illinois. I think that I am a resident of the State of Illinois, and, according to the gentleman's statement, an actual resident of the District of Columbia.

Mr. MANN. Oh, no; the gentleman is not a resident of the District of Columbia. He is sojourning in Washington on official business. He is a resident of the State of Illinois.

Mr. GRAHAM of Illinois. The word "actual" has no force or meaning, then, at all?

Mr. MANN. I do not think it has.

Mr. RAKER. Mr. Chairman, while, to my mind, I think it is proper, there are some technical features about it; and to avoid discussion, if I may obtain unanimous consent, I will withdraw the amendment.

The CHAIRMAN. Without objection, the amendment will be withdrawn.

There was no objection.

Mr. MANN. Mr. Chairman, I move to strike out the last word. I would like to ask the gentleman this question: Supposing the political committee has its headquarters in Chicago, where most of them go. Here is a provisio that no political committee, as defined in this act, shall distribute, disburse, contribute, loan, advance, give, or promise in any one State any sum, and so forth, greater than is contributed by the residents of that States, with certain exceptions, which are enumerated in another place in the section. Do I understand from this bill, as the language states, that a political committee with headquarters in Chicago would have to pay all or its officials, all of its employees not engaged in speaking or distributing literature or making newspaper advertisements, out of moneys received in the State of Illinois and keep an account showing that fact?

Mr. FALCONER. A national committee?

Mr. MANN. A national or a congressional committee—either one. That is what this says.

Mr. RUCKER. Mr. Chairman, I confess that is a meritorious criticism. I do not believe the language used clearly expresses the intention of the committee.

Mr. MANN. Oh, undoubtedly I think it was not intended. It had not occurred to me before.

Mr. RUCKER. I think it would be better if we would exempt the actual current expenses of the committee in carrying on its work.

Mr. MANN. Has the gentleman an idea of what the expenses of campaign speakers would consist? Suppose the Democratic national committee in the next campaign should send the Speaker of the House out in a special train. There would, of course, be various people accompanying him. Would the expenses of those people be a part of the expenses of the campaign speaker?

Mr. RUCKER. The party that accompanies a speaker?

Mr. MANN. Yes.

Mr. RUCKER. I take it so. I will say to the gentleman that this section is drawn to incorporate in the law the principle embodied in a bill introduced and passed through the Senate, and now pending before the committee of the House of which I am the chairman; and leaving out some words which I deemed unnecessary, I have gotten, as I think, the exact principle involved in the Senate bill in this provision.

Mr. MANN. I agree with the gentleman.

Mr. RUCKER. The purpose is to limit the amount of money which may be donated or allotted by great committees to the State committees, but not in anywise to cripple those committees in anything that is a campaign along educational lines, either through the press or by campaign speakers, and I say that in my opinion the language referred to would include the expense of all who might constitute the party of the gentleman engaged in the campaign.

Mr. MANN. Take the expense of printing and of distributing literature. Of course that would cover speeches which were being sent out. Would it cover the expense of the editorial writers, which I believe various committees at times employ, or always employ, to send out items for newspapers, and so forth?

Mr. RUCKER. Mr. Chairman, I will say frankly to the gentleman, speaking for myself—and I believe I am justified in speaking for the entire committee—our purpose was to put no limitation on any effort to reach the judgment of men through whatever channel it may be made.

Mr. MANN. I am asking these questions so that the gentleman will be on record upon the subject.

Mr. RUCKER. That is my construction of it.

Mr. MANN. Because the gentleman can readily see, I think, that with language of this sort, when it is to be first construed, it might be construed by one man in one way and by another man in another way, and the gentleman's own construction would have great weight.

Mr. RUCKER. I confess the suggestions the gentleman is making are meritorious, and I think the language "the expense of printing and distributing literature" means everything connected with that literature—the preparation of it, the printing of it, and the distribution of it.

Mr. MANN. The gentleman knows there is a great deal of what is called plate matter sent out for the country press.

Mr. RUCKER. Yes; I think that would be included in this.

Mr. MANN. And often the plates themselves.

Mr. RUCKER. Mr. Chairman, I want to suggest to the gentleman from Illinois that he has made one suggestion here that appeals to me so strongly that I think the section ought to be amended in that respect, and I will ask unanimous consent that we pass this section over until later, so that I may endeavor to frame an amendment which will meet the difficulty to which the gentleman has called attention.

The CHAIRMAN. The gentleman from Missouri asks unanimous consent to pass this section over, to be returned to later on. Is there objection?

Mr. RAKER. Mr. Chairman, reserving the right to object, I desire to call the attention of the chairman to another feature of the section, commencing with the proviso on line 15, page 3:

Provided, That nothing in this section shall be construed to limit the amount which such political committee may expend, in good faith, in employing campaign speakers, in defraying actual expenses of campaign speakers sent out by such committee, the expense of printing and distributing literature, and the cost of newspaper advertisements, plainly marked as such, ordered by such political committee.

Now, what is to be marked as such?

Mr. RUCKER. The newspaper advertisements.

Mr. RAKER. Does not the gentleman believe there ought to be something in there to say that this printed literature, newspaper advertisements, should be marked so as to avoid any question?

Mr. RUCKER. It says plainly "marked as such," and that has reference to newspaper advertisements.

Mr. RAKER. That runs back to the speakers as well.

Mr. RUCKER. I do not think it is necessary to label the other, because I think everybody who receives it would know it is political literature.

Mr. RAKER. I simply suggest that to the gentleman, as he is going to allow this to go over. Suppose you add after "advertising," "all of such printed matter and newspaper advertisements shall be"? I call that to the gentleman's attention.

Mr. RUCKER. I will suggest to the gentleman there will be some difficulty along that line. For instance, in sending out your speech or mine, or any gentleman's speech, would you want to mark it "political advertisement"? Suppose we send out——

Mr. BRYAN. Or a copy of the platform.

Mr. RUCKER (continuing). Public documents of Congress, would they have to be taken by some one and marked "political advertisement"?

Mr. RAKER. What I mean to get at is this: There ought to be some definite designation of this matter. If a fellow is trying to come in in the dark, undertaking to send out his literature and his stuff, or somebody else for him, without any designation, without any name or without any address, there ought to be some designation of that material as to the name and address of the sender.

Mr. RUCKER. Mr. Chairman, I know the gentleman from California [Mr. RAKER] knows there is nothing I am trying to do that will permit any man to work in the dark; it is absolutely the other way. I want to turn the light on every transaction regarding the election of any gentleman of this House or to the other House, and I will say to the gentleman I will consider that matter and if I conclude the suggestion made would be an improvement of the bill, why we may incorporate it.

Mr. WILLIS. Mr. Chairman, reserving the right to object, I understand the gentleman purposes to pass this matter temporarily for the purpose of considering amendments. I wonder if he will not consider the feasibility and advisability of placing some limitation on the amount that can be expended by way of newspaper advertisements. I notice this proviso here which says:

That nothing in this section shall be construed to limit the amount which such political committee may expend.

Does not the gentleman think there ought to be some limitation upon the amount which can be expended, even though it be marked as political advertisement? Otherwise it will put a man who does not have very extensive resources at a tremendous disadvantage, and it seems to me in the interest of the public service and fairness to men of this country of all means, whether they be rich or poor, there ought to be some reasonable limitation, and I would ask the gentleman to consider an amendment of that character.

Mr. RUCKER. I will state to the gentleman in reply that the section we are now considering has no reference to the individual candidates at all.

Mr. WILLIS. I understand that.

Mr. RUCKER. It refers simply to political committees.

Mr. WILLIS. It seems to me that a proper limitation ought to be possible——

Mr. RUCKER. I will say to the gentleman further that whether right or wrong, I am never quite sure—at least, I am not quite sure as to this—but my thought has been all the time that Congress ought not to place any limitation on the expenditure by the committees or by individuals in their effort to reach the judgment of men; that any appeal that goes to men's judgment ought to be permitted. The gentleman suggests that it gives a man who is rich an advantage over a man of poverty. Well, that is an advantage we can not equalize.

Mr. WILLIS. But we can prevent abuses growing out of it, can we not?

Mr. RUCKER. The fact that a man has money should not bar him from reaching the judgment of men if he desires to do so, and can do so in a proper way by publication of letters, circulars, or in any proper way he wants to do it. That in itself is not blamable.

Mr. WILLIS. Take the case of where a candidate or committee might buy up a whole page of a paper or the whole paper; does not the gentleman think there ought to be some reasonable limitation? It seems to me there ought to be some limitation.

Mr. RUCKER. I will say the thought involved in this section is this, that when newspaper articles are marked as advertisements, regardless of the cost, every reader who reads it will know it is a political advertisement put in by some political party or representatives of some political party, and it is not in the interest usually of one man, but generally is in the interest of some political party, and my judgment is a great deal of money is not used that way. The bulk of the money that contaminates and demoralizes is not used that way.

Mr. WILLIS. I hope the gentleman will consider such an amendment.

Mr. RUCKER. I will be glad to consider it.

Mr. FESS. Will the gentleman yield?

Mr. RUCKER. I will.

Mr. FESS. I understood a moment ago the gentleman said this pertained to the committees and not to the individual.

Mr. RUCKER. I think so.

Mr. FESS. Well, now, is there anything in the bill that would forbid an individual who is undertaking to finance a great campaign from operating through his own forces? That is not a political committee at all. Does it touch that?

Mr. RUCKER. Does the gentleman mean candidate or individual?

Mr. FESS. Individual.

Mr. RUCKER. We touch that where we require an individual who contributes more than $50 to make an accounting of it.

Mr. FESS. Suppose he does not contribute to the committee, but simply apportions it out himself?

Mr. RUCKER. If he used as much as $50 outside of his State, he would, under this act, if it becomes a law, or under existing law, be required to file a statement showing where the expense was incurred and for what purpose the money was expended.

Mr. FESS. Whether he expends it through a committee or by paying it to a committee?

Mr. RUCKER. Unless he spends it through a committee, and in that case the committee must charge itself with its receipt.

Mr. FESS. If he does not spend it through the committee, but makes the application himself, then what?

Mr. RUCKER. Then he must report under oath.

The CHAIRMAN (Mr. HOUSTON). The gentleman from Missouri [Mr. RUCKER] asks unanimous consent that this section be passed over, with the privilege of returning to it later. Is there objection?

Mr. SMITH of Minnesota. Reserving the right to object, Mr. Chairman, I will ask the gentleman if he has made any provision in this bill for the renting of halls? I notice under your limitation it provides for speakers and other things that the committee may do, but you do not provide for hall rent. I suggest that in redrafting the section you take that into consideration.

Mr. RUCKER. I think the actual expenses of campaign speakers would include the payment of hall rent for actual campaign speakers, and the reason we use that language is that no political party under pretense of employing speakers could give a sort of subsidy to individuals. They must be actual campaign speakers. I take it that that language is broad enough to cover hall rent.

I wish I could make it clear to everybody here that, so far as I am concerned, I have no purpose or desire to place any limitations on any efforts made by any political party or any individual to reach the judgment of men. The only thing I have tried to do in this bill is to curb men in those things which are in themselves censurable and which might tend to demoralization.

Mr. SMITH of Minnesota. I catch the thought of the chairman, and I think it is a worthy one; but I believe you ought to add to the language here the privilege of paying hall rent, because men may construe this differently.

Mr. RUCKER. I will say to the gentleman that if this section is passed over I will consider it.

Mr. RAKER. When you pay hall rent, what are you going to do with the band? What are you going to do with 15 or 20 men in a precinct to control the precinct, to hire this hall? Are you going to have 10 or 15 men to escort the speakers to the hall? Are you going to allow every man in the community under this bill to come in and try to corrupt the voters, instead of permitting as now, under State laws, the employment of bands and the payment of rent? Are you going to allow the employment of rounders and hundreds of men to follow the speakers to and from the hall and to absolutely thwart the wishes and interests of that community?

If you are going to give men an unlimited amount of money to hire bands and halls, and men to attend the speakers, and rigs for getting the speakers there, a man can come along with $10,000 and practically buy up the town under pretense of trying to affect the judgment of the people. That is what the people of this country are against—the men who have means enough to go out and buy every man in a community. Let the people use their judgment from what they read and from what they hear from the speakers, and make up their judgment on that. Then you will get honest elections. But if you permit a

lavish expenditure of money, you are making this bill—instead of curtailing those things—a bill to legalize and to license the corrupting of voters in the various districts.

Mr. RUCKER. I believe I have answered the gentleman's questions.

Mr. SMITH of Minnesota. A word more, Mr. Chairman, in reply to the gentleman from California [Mr. RAKER]. If the mere renting of a hall is corrupting the electorate, then, following out the same line of reasoning, all we have got to do is to go into a community and hire all the people and call them "speakers" and pay them as "speakers."

Mr. RUCKER. That is what this bill prohibits. Mr. Chairman, I would like to have my request submitted—to pass that section and return to it later.

The CHAIRMAN. Is there objection to the gentleman's request?

There was no objection.

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

SEC. 5. That whoever, acting under the authority or in behalf of such political committee, whether as a member thereof or otherwise, receives any contribution, payment, loan, gift, advance, deposit, or promise of money or its equivalent shall, on demand, and in any event within five days after the receipt of such contribution, payment, loan, gift, advance, deposit, or promise, render to the treasurer of such political committee a detailed account of the same, together with the name and address from whom received, and said treasurer shall forthwith enter the same in a ledger or record to be kept by him for that purpose, which ledger or record shall plainly show the items or sums contributed, paid, loaned, given, advanced, deposited, or promised by citizens of each State separate from other States.

Mr. RAKER. Mr. Chairman, I move to strike out the last word.

The CHAIRMAN. The gentleman from California [Mr. RAKER] moves to strike out the last word.

Mr. RAKER. I would like to call the attention of the Chairman to line 8 of page 4, to those words "on demand, and in any event." Ought it not to be mandatory, within five days after the man receives the money, to pay it over?

Mr. RUCKER. It says "on demand, and in any event within five days after the receipt of such contribution."

Mr. RAKER. Mr. Chairman, I withdraw my pro forma amendment.

Mr. WILLIS. Mr. Chairman, I move to strike out the last word.

The CHAIRMAN. The gentleman from Ohio [Mr. WILLIS] moves to strike out the last word.

Mr. WILLIS. I notice in this section 5, as compared with section 4, there is a discrepancy. I wondered what the reason was. In section 4 it is provided:

That every payment or disbursement made by a political committee exceeding $10 in amount shall be evidenced by a receipted bill stating the particulars of expense, and every such record, voucher, receipt, or account shall be preserved for 15 months after the election to which it relates.

In other words, it is not necessary that the amounts disbursed be accounted for unless they exceed $10, but in the receipt they are to be accounted for as paid to the treasurer, and so forth, without regard to the amount. What is the reason for that?

Mr. RUCKER. The gentleman will find on reading further along that in the rendering of accounts required by this act the committee is not required to go into detailed account of any item under $10; indeed, under $100.

Mr. WILLIS. What section is that?

Mr. RUCKER. I do not remember the number. When he goes to make his affidavits of receipts and expenditures he groups those amounts under $100 into one total unless the contributions from one individual in any item reaches $100. In that event, he has to give that individual's name. I believe the gentleman's question is fully answered in the next section of this bill. If not, then in the next section after that.

Mr. MANN. This is a new provision, I believe, this section. How much of this is new?

Mr. RUCKER. Beginning with the word "which," in line 14, of page 4, and continuing down to the end of line 17.

Mr. MANN. I did not catch what the gentleman said—where it commenced to be new.

Mr. RUCKER. I will repeat: Beginning with the word "which," at the end of line 14, and continuing to the end of line 17 is new language. I would say to the gentleman that the purpose of this new language is to make the bill articulate—this part of it—with section 3 that we have just been discussing.

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

SEC. 6. That the treasurer of every such political committee shall, not more than 15 days and not less than 10 days next before an election at which Representatives in Congress or Senators of the United States are to be elected in two or more States, and not more than 15 days and not less than 10 days next before any general or special election for Representative in Congress or Senator of the United States, in any one State, if such committee shall attempt to influence the result of such election or in any manner participate therein, file in the office of the Clerk of the House of Representatives, at Washington, D. C., with said Clerk, an itemized detailed statement; and on each sixth day thereafter until such election said treasurer shall file with said Clerk a supplemental itemized detailed statement. Each of said statements shall conform to the requirements of the following section of this act, except that the supplemental statements herein required need not contain any item of which publicity is given in a previous statement. Each of said statements shall be full and complete, and shall be signed and sworn to by said treasurer.

It shall also be the duty of said treasurer to file a similar statement with said Clerk within 30 days after such election, such final statement also to be signed and sworn to by said treasurer and to conform to the requirements of the following section of this act. The statements so filed with the Clerk of the House shall be preserved by him for 15 months and shall be a part of the public records of his office and shall be open to public inspection.

Mr. STAFFORD. Mr. Chairman, I move to strike out of line 22, page 4, the words "in two or more States."

The CHAIRMAN. The gentleman from Wisconsin offers an amendment which the Clerk will report.

The Clerk read as follows:

Page 4, line 22, strike out the words "in two or more States."

Mr. STAFFORD. Mr. Chairman, I think there is an inherent weakness in this bill, in that it limits its effect to the national and congressional—the national party committees. If we are going to scrutinize the expenditures of campaign committees connected with the election of Congressmen, whether Representatives or Senators, I can see no reason why we should not extend the scope of this bill to committees operating within a single State. Otherwise there can be all kinds of fraud practiced by committees which are engaged exclusively in the election of Congressmen in one State. There is no denying that we have ample authority over the subject; and yet running all through this bill there is this limitation, that it shall not apply to the returns of committees unless they are concerned in the election of Congressmen in more than one State. How few there are. Why, there are none. It is merely a guise to prevent these State committees from making any returns and conforming to this law. It is used as an excuse to enable State committees and organizations not to make any returns. It will be of no practical value. If the National Government is going to take jurisdiction, then I believe it should extend to all. Congress has the right to supervise the elections of its representatives. The country is demanding some proper supervision of these committees, no matter where they may be located. It is no hardship. Individually we are obliged to make a return. How easy it is for the interests which might be concerned in the election of Representatives and Senators to contribute any amount of money to elect some Representative or Senator. This bill will not prevent it. No State law may prevent it. You are throwing the whole burden upon the States. If you are going to throw the whole burden upon the States, then acknowledge that this law will only apply to national committees.

Mr. BUTLER. Will the gentleman answer this question: What provision is there in this bill to require an individual to file a report? That is where the mischief is done—through individuals. An individual gathers up money and spends it for a political candidate. Is there any provision in this bill by which he can be reached?

Mr. STAFFORD. He can be reached if he is associated in any way with the national committee.

Mr. BUTLER. But if he is not?

Mr. STAFFORD. But if he is not there is nothing by which you can reach him. Furthermore, this bill is severely lacking in its punitory provisions.

SEVERAL MEMBERS. Punitive.

Mr. STAFFORD. I will stand on the word "punitory."

Mr. BUTLER. It is a good word. It is big enough so we can all stand on it.

Mr. STAFFORD. This bill provides that where any person fails to comply with the provisions of this law the returns shall be sent to the United States district attorneys in the various States throughout the country. We have had in the State of Wisconsin a similar provision, but it was absolutely without any force and effect. We have put on the statute books of Wisconsin recently a live law that compels the observance of its provisions by every candidate, and disqualifies him from being a candidate or holding office unless he conforms to the corrupt-practices act.

Mr. RAKER. Will the gentleman yield?

Mr. STAFFORD. I yield to the gentleman from California.

Mr. RAKER. Section 1 already contains a provision the same as the one which the gentleman is trying to strike out—that is,

the words "in two or more States"—and to strike out those words here would not strike them out there.

Mr. STAFFORD. I was temporarily absent when section 1 was read. There were several similar provisions in the bill; and I presume if the words are stricken out here it will be the desire of the committee to make the bill harmonious, and to strike out the words wherever they occur. I am testing the sense of the committee whether they want to make this a live law or merely a law to cumber up the statute book.

Mr. RAKER. The question I should like to ask the gentleman is whether there are any national committees that conduct campaigns in one State, or have there been within the last 20 years?

Mr. STAFFORD. National committees?

Mr. RAKER. Yes.

Mr. STAFFORD. In case of a vacancy the national congressional committee would interest itself in the election.

Mr. RAKER. We have national committees of the various parties at the present time that relate to the various States. Does the gentleman know of any national organization that has been formed within the last 20 years that conducts a campaign in any one particular State?

Mr. STAFFORD. In the hearings conducted by the House lobby investigation committee it was brought out that there are business associations that take an interest in the election of Members in more than one State. But here is the point I am making: That this law can easily be evaded by the organization of committees for work exclusively within one State, thereby not requiring any account whatever under this law, though they may be directly instrumental in the election or defeat of Members of Congress by the use of large sums of money to which the candidates make no contribution whatever.

Mr. RAKER. Each State has a State committee.

Mr. STAFFORD. Yes.

Mr. RAKER. So this law can not affect them.

Mr. STAFFORD. If the National Government is taking jurisdiction over this matter, I want to reach these voluntary associations that may be formed for the secret purpose of defeating or electing men by fraudulent means, and the language of the bill does not cover that case at all.

Mr. RAKER. Is it the gentleman's idea that there should be a law to wipe out all the organizations in the several States?

The CHAIRMAN. The time of the gentleman has expired.

Mr. STAFFORD. I ask unanimous consent to proceed for five minutes.

The CHAIRMAN. Unanimous consent is asked that the time be extended five minutes. Is there objection?

Mr. RAKER. Reserving the right to object, I want to say that just as soon as the gentleman gets to a place where he will let me answer one or two of his numerous questions, I shall be glad to do so.

Mr. STAFFORD. In reply to the last inquiry of the gentleman from California, my purpose is not to wipe out these State committees. It is to bring these various State committees within the purview of this bill so far as they do anything toward the election of Members of Congress. Now, Representatives in Congress and Senators are obliged to make returns. Why should not the committees engaged in their election be under the same supervision as national committees?

Mr. RAKER. In the State of California we have purity of election laws, containing drastic provisions relating to the committees and to the publication of contributions. You would not want to wipe out those laws?

Mr. STAFFORD. No. This law as proposed to be amended would only supplement the State laws. By merely eliminating the words "in two or more States" you will make it applicable to every committee that affects in any way the election of Members of Congress.

Mr. RAKER. Can the gentleman name any State where a national committee has been organized to conduct a campaign for Congressmen in any one particular State?

Mr. STAFFORD. I am not trying to reach national committees. The bill covers them. I am trying to bring the committees in the States in anywise concerned in the election of a Member of Congress under the provisions of this bill.

Mr. SISSON. Will the gentleman yield?

Mr. STAFFORD. Yes.

Mr. SISSON. I want to make this suggestion: If the gentleman would not find by embodying in the national law the provision he has in his mind, he might get into endless confusion on account of the conflict that might exist between the national statute and the various State statutes?

Mr. STAFFORD. No; there is a provision in the bill which says it shall not in anywise conflict with the State laws. You will find there is no conflict whatever. This is merely supplementary to State legislation. Take the case existing in my district. The Socialistic Party, that has a close corporation, contributed thousands upon thousands of dollars for the election of my predecessor. When he made his return, not one cent was returned as having been expended by him, and yet Congress knows nothing, nor am I in a position to ascertain how much was expended by that organization. There was an organization concerned in the election of a Representative to Congress, and why should not Congress have some scrutiny over that transaction?

Mr. SISSON. That does not answer the question, because if you undertake to regulate the State committees, which are now under the control of the State laws, and extend this law over them, then you would come in conflict with that jurisdiction, and under this bill that would not occur, because the only effort here is to control those committees which are under the control of the functions of the various committees concerned in a national election.

Mr. STAFFORD. The bill also provides that every candidate for Congress shall make his return. Why should we not extend it so as to make it apply to committees connected with their elections? There are many States that have passed strict laws, and the National Government, if it is to take jurisdiction, should extend it as I have indicated.

The CHAIRMAN. The time of the gentleman from Wisconsin has expired.

Mr. SISSON. Mr. Chairman, I have asked for recognition for the purpose of pursuing the inquiry of the gentleman from Wisconsin a little further, so that I may get what is in my own mind before the House. If this law was broad enough to make regulations in reference to the State committees, some regulation made by Congress might be in direct conflict with the regulations made by the State. Therefore you would get into endless confusion. Now, this law, as I understand it, is not to interfere with the State election laws, and it is not for the purpose of adding to or taking from the election laws of a State, but for the purpose of reaching those evils, reaching the wrongs which might be perpetrated at an election and which could not be reached so well by State laws. It is true that in the election of Representative or Senator it does require of him certain duties which are regulated also by the State, but that individual merely complies with the regulations here and has the additional duty of complying with the regulations of the State. Therefore the two may harmonize without being in conflict. But if you extend it as the gentleman desires, I can not help but think that there would be endless confusion and trouble.

Mr. STAFFORD. Without extending it we would have no control over the election of Members of Congress, except when those transactions are participated in by a national committee.

Mr. SISSON. I will state frankly that I may be too much alarmed over Federal control of elections, because I lived as a child in a State where we had Federal control of elections, and during that time we had the most dishonest, the most corrupt, and most vicious government that ever existed in a civilized community.

Mr. STAFFORD. If the gentleman will permit me——

Mr. SISSON. Just a moment. Everybody had a chance to vote except those people who owned property and were bona fide residents and ought to have had the right to vote. The people who were disfranchised were the intelligent property owners, the patriotic people of the section; and those that were permitted to vote were people imported there, ignorant, vicious, purchasable, and corrupt. But I do not care to go into that now. I want to explain that, living where I do, where there was so much abuse of Federal control of elections, that I may be somewhat prejudiced about it. I know I am afraid of Federal control.

Mr. STAFFORD. The gentleman has no objection to the Government taking jurisdiction and supervision over national committees and making them conform to the provisions of this law, and he should have the State itself conform to the same rules as the national committee.

Mr. SISSON. I do not think that is a function or ought to be the function of the Federal Government to invade the States and regulate elections.

Mr. STAFFORD. The gentleman will admit that Congress has the authority to determine the means and method by which Members of Congress are elected. Otherwise there is no security for a popular government.

Mr. SISSON. It may be true, but I think it is unwise to exercise it. You have authority under this law, and the reason you can exercise the authority is that you are taking jurisdiction of the man who becomes a Member of this body. This law

extends that constitutional authority which has always been in the Constitution of the power of Congress to pass election laws.

The CHAIRMAN. The time of the gentleman from Mississippi has expired.

Mr. SISSON. Mr. Chairman, I ask unanimous consent to proceed for one minute more.

The CHAIRMAN. Is there objection?

There was no objection.

Mr. SISSON. Mr. Chairman, the right to control is unquestionably in Congress, so far as Congressmen are concerned, and has always been so, but the wisdom of exercising that control has been such that in the past, at least, Congress has declined to take control of the election. In this primary election law I do not believe the Federal Government ought to have any sort of jurisdiction over primary elections which are institutions organized in the various States.

The CHAIRMAN. The time of the gentleman from Mississippi has again expired.

Mr. RUCKER and Mr. MILLER rose.

Mr. RUCKER. Does the gentleman desire the floor in his own right?

Mr. MILLER. I wanted to ask a question of the gentleman from Mississippi [Mr. SISSON], who has just taken his seat, but I will defer. I would like to have five minutes in my own right later on.

Mr. RUCKER. Mr. Chairman, I am already confused, because the gentleman from Wisconsin [Mr. STAFFORD] has asked me so many questions in a 15-minute discussion that I probably can not answer them all, though I would very gladly do so if they had been put one at a time. I will say, I hope very much that the motion he made will find no support among the friends of this measure. My notion is that the most effective thing that could be done in this House to kill this legislation would be to adopt the motion made by the gentleman from Wisconsin.

Mr. STAFFORD. Mr. Chairman, will the gentleman yield?

Mr. RUCKER. Yes; if the gentleman will make his question short.

Mr. STAFFORD. Even if we did that, the law as it now stands would be on the statute books. The law as it exists on the statute books is largely the bill as stated here, as this is largely a codification of that law.

Mr. RUCKER. Oh, it is very much more.

Mr. STAFFORD. And if you adopt what I suggest, we would give life to the bill.

Mr. RUCKER. It is very much more than a codification. I regret very much the gentleman felt called upon to use some language he has used. I disclaim for myself and my colleagues on the committee, both sides of it, absolutely, unconditionally, any purpose to destroy publicity. We are trying to make publicity effective. I say to the gentleman that this bill is not existing law. There are many features in it that are an improvement over existing law. The pending motion is to strike out the words "in two or more States." That motion, if carried, defeats the bill, because I tell you it can not pass the two legislative bodies with that language out of it. It might pass here, but it can not pass elsewhere; and, besides, this applies to great committees, to committees which obviously from their very nature operate and only operate in more than one State, or never operate otherwise than in more than one State. Hence, it applies to them, and we must use the language used in this bill.

But let me call the gentleman's attention to the fact that experience, after the current law was passed, suggested to Members of this House that the law needed amendment, because it sometimes happens that a vacancy occurs in a congressional district, necessitating a special election to fill the vacancy.

It may be in only one district in the United States, and the two congressional campaign committees, or, as we have now, three, each anxious to gain a victory in that district, each contesting every inch of ground, with nothing to divide its attention, may concentrate its entire energies in that one district, or, in the case of a Senator, in one State; and under existing law it would have to make no accounting, because existing law only requires the committee to account where it participates in elections in two or more States, but this bill proposes to amend existing law so as to require the committee to make an accounting of its transactions in connection with any election for Senator in a single State or for Representative in a single district, provided the committee participates in the election. I think it is a vital improvement, a very decided benefit to the legislation, and ought to pass, and I think it will pass.

I conclude, Mr. Chairman, by expressing the hope that no friend of publicity will vote to strike out that phrase where it occurs in this bill, because I say to you it is the life of the measure and absolutely essential.

Mr. MILLER. Mr. Chairman, I move to strike out the last two words. I am certainly very friendly to the purposes of this pending measure, and do not wish to be classed in any other category, notwithstanding the fact that I do not quite agree with the distinguished gentleman from Missouri [Mr. RUCKER].

Mr. RUCKER. Mr. Chairman, I will say that I will not classify the gentleman as an enemy of the bill.

Mr. MILLER. Mr. Chairman, there has been an evolution in the laws governing campaign contributions and expenses, and properly so. As I recall, the first act passed by Congress simply provided that committees engaged in influencing the elections in two or more States should keep an accurate account of their receipts and expenditures and file that with the Clerk of this House. That was subsequently amended so that candidates themselves had to make such a statement, and I was most heartily in favor of that change. The proposed measure embodies the good provisions of the past laws and contains some additional ones that I think are good; but it seems to me that the measure, if it is going to be perfected, ought to go a step further than this bill now goes and require that campaign committees in the respective districts file a statement just the same as the candidates themselves are required to file, and I can not see the conflict which the gentleman from Mississippi [Mr. SISSON] suggested might exist between the National and the State laws. There could be in that case no greater conflict than now exists in respect to the requirement that candidates shall keep an account of their receipts and expenditures and file them with the Clerk of the House or the Secretary of the Senate, as the case may be. No one will question but that we have full authority, and properly should exercise it, to require candidates to file these accounts. It seems to me that if there is merit in that, there is equal merit in requiring that local campaign committees in the respective districts shall keep such a statement and file that, the same as the candidates are required to do. I do not believe the measure when finally enacted should contain any loophole along that line. It should be air-tight and water-tight, and I do not believe that can be secured unless we do require that the campaign committees in the respective districts make and file these statements.

If the law finally is to be such that the candidates shall make and file the statement, and that the great national campaign committees shall do the same, but that the campaign committees of the respective districts do not need to do so, it seems to me that we leave an opening that certainly ought to be closed, in order that full and complete publicity can be had, to cover all the features incident to elections.

Mr. BUTLER. Mr. Chairman, I am opposed to the amendment offered by the gentleman from Minnesota to strike out the last two words, and therefore I think I am entitled to the floor. I want to take the floor for the purpose of asking my friend from Missouri [Mr. RUCKER] some questions. I am most heartily in favor of this bill, and I only wish the committee had reported one wider in its scope. I wish the committee had reported a bill that would have included every bag holder, the men who gather from saloon keepers, agriculturists, manufacturers, and others money to expend in behalf of candidates for office. As I understand, this bill includes nothing except expenditures made by committees.

Mr. RUCKER. This section, the gentleman means.

Mr. BUTLER. The bill itself. Is the bill broad enough to catch all of these bag holders?

Mr. RUCKER. The section we are now considering is with reference to the actions of committees, not of individuals.

Mr. BUTLER. Is it not so with the whole bill?

Mr. RUCKER. I think not.

Mr. BUTLER. Is it broad enough to catch the individual?

Mr. RUCKER. The candidate?

Mr. BUTLER. It will catch the candidate, but——

Mr. RUCKER. I will say to the gentleman, I realize the necessity that has suggested itself to his mind of a great deal of legislation up in that great State he comes from, but I doubt the propriety of Congress trying to regulate all wrongs that may exist in Pennsylvania or Mississippi——

Mr. SISSON. There are none in Mississippi.

Mr. BUTLER. Or Missouri——

Mr. SISSON. None in the world in Mississippi.

Mr. RUCKER. We are attempting to leave something for the States themselves to do, and I am sure——

Mr. BUTLER. I have observed that offenders are afraid of national laws, they are afraid of United States courts——

Mr. RUCKER. The gentleman will bear in mind——

Mr. BUTLER (continuing). I would very much like to commend the gentleman and his committee, for their work is in the right direction, and a good law will come out of it, and the

work will bear fruit, and he and his colleagues will be commended for the work that they have done; but I wish that they had gone further and reported a measure so broad as to impose a penalty, and a heavy one, upon any man and upon any organization or set of men who would use money in behalf of a political candidate or a candidate for office and who did not account for the money collected and the money expended.

Mr. RUCKER. Will the gentleman yield?

Mr. BUTLER. Yes; I do.

Mr. RUCKER. Mr. Chairman, when we see a gentleman from the grand old State of Pennsylvania and a gentleman from the grand old State of Michigan so anxious to pass a publicity law, something that has teeth in it to make every wrongdoer fly to cover, I have great hopes for the future of this country and that elections will be purified.

Mr. BUTLER. I am glad the gentleman has hopes for the future but I care more for the present and for a statute that will fix a penalty upon these men. I think the future will largely take care of itself. I am very sensitive at this time and I would like to have an opportunity to vote for a law that would catch these corrupt bag holders.

Mr. RUCKER. I will say to the gentleman that the purpose is a very commendable one and I share with him the desire that certain limitations surround it, but we can not do all the things we would like to do. We want to pass a law here which we hope will impress itself upon the minds of State legislators and that State legislatures will enact such a law or laws along this general line in cooperation with this, and I believe that will be done in the near future, and such laws will do much to purify and clarify elections.

Mr. BUTLER. Let me continue the colloquy with the gentleman for a moment. We have a good statute in Pennsylvania; the corrupt-practices act of that State defines specifically (no doubt the gentleman has had the pleasure of examining that law before his bill was reported) the expenditures that may be made, makes them lawful and other expenditures it makes unlawful, and provides a penalty to be imposed upon the offender.

Mr. COX. Does it limit the amount the candidate can expend?

Mr. BUTLER. No; it does not. In answer to the gentleman from Indiana, it seems impossible to enforce a limit of the amount of money which a candidate may expend. Thousands upon thousands of dollars may be expended for him and not be accounted for, as required by law. It is the fellow who does such spending that I am after, not the candidate—the law covers him. I am after those who spend it for him, but I appreciate that the gentleman and his colleagues could not include any form of corruption in this bill. But is it as broad as it ought to be——

Mr. RUCKER. I will say to the gentleman the committee is conscious of the fact that many improprieties may be committed which we do not believe Congress can or should attempt to regulate or control, but which we would be glad to reach if we could properly do so.

Mr. MONTAGUE. May I ask the chairman of the committee a question?

Mr. RUCKER. Certainly.

Mr. MONTAGUE. Does this bill fix any limit upon the amount the committee is to expend on behalf of any candidate for Congress?

Mr. RUCKER. These committees?

Mr. MONTAGUE. Yes.

Mr. RUCKER. That may be expended for any candidate for Congress?

Mr. MONTAGUE. Of course that means Members of the House of Representatives as well as the Senate.

Mr. RUCKER. No; it does not fix any amount.

The theory upon which this bill is drawn is that the committee never spends money in behalf of the nomination of any candidate nor for the election of any particular candidate, but for all candidates in the State, and that it must account for the money it uses.

The CHAIRMAN. The time of the gentleman has expired.

Mr. TAGGART. Mr. Chairman, I ask unanimous consent that the gentleman's time be extended five minutes.

Mr. RUCKER. Mr. Chairman, I ask unanimous consent for two minutes more to answer the question propounded by the gentleman from Virginia [Mr. MONTAGUE].

The CHAIRMAN. Is there objection to the request of the gentleman from Missouri?

There was no objection.

Mr. MONTAGUE. I understand there is no limitation on the amount of money that the national committee may expend in the political campaigns contemplated in this bill?

Mr. RUCKER. There is no limit placed on the amount that the committee may expend, but a limit is placed upon the amount a candidate may expend and on the amount that is spent for him. He has to charge himself with it and show the amount of money received from the committee.

Mr. MONTAGUE. Suppose the candidate receives no sum of money from the committee?

Mr. RUCKER. If it is expended for him, with his knowledge and consent, he must account for it.

Mr. MONTAGUE. I am deeply interested in the purposes of this bill.

Mr. RUCKER. I will say to the gentleman, if he will pardon me, that the section we are now dealing with is not the one that his question refers to.

Mr. MONTAGUE. I appreciate that, but the underlying purpose of this whole bill is to have clean elections in the United States?

Mr. RUCKER. That is the purpose of it.

Mr. MONTAGUE. The great trouble that confronts us is this, that the dishonest man will subscribe to any oath for the purpose of tying the hands of his honest competitor. I do not say that we should not legislate for this reason. On the contrary, I say we should.

Mr. RUCKER. I will say this to the gentleman—and I have said it in private conversation and publicly everywhere—that if any gentleman on either side of the House can suggest a single thought that will make this bill more effective within the scope of the power that I think we have, we shall be glad to accept it.

Mr. MONTAGUE. I appreciate the gentleman's purpose. I do not intend to impugn his purpose.

Mr. TAGGART. Mr. Chairman, will the gentleman yield?

Mr. RUCKER. Yes.

Mr. TAGGART. Is it not the theory of this bill, and is it not a fact, that the object and purpose of the bill is simply to secure publicity? Is it not a fact that it does not matter what the committee has done, and it does not matter what a candidate has done, and it does not matter how much either has spent, under the limitations on a candidate for Representative of $5,000 and $10,000 for Senator, if a correct account of it is made out and filed with the Clerk of the House of Representatives? Is not that the purpose?

Mr. RUCKER. That is the purpose of the bill.

Mr. TAGGART. The bill has no penalty for anything else except filing an incorrect return of the campaign expenditures?

Mr. RUCKER. That is so; yes; and for the reason that every candidate for Congress is a citizen of some State, and every State has an election law; and if any candidate violates the election laws of his State, he is amenable to those laws; and the Federal authority ought not to invade the States and undertake the control and punishment of either the misdemeanors or felonies. Let the State take care of that.

Mr. STAFFORD. Mr. Chairman, will the gentleman yield?

The CHAIRMAN. Does the gentleman yield?

Mr. RUCKER. Yes.

Mr STAFFORD. So far as the national committees are concerned, the intention is publicity. What objection can there be to extending it to any State committee that is instrumental in promoting the election of Members of Congress?

Mr. RUCKER. I will answer the gentleman in this way: We have no control over State committees. The gentleman should remember, too, that no State committee would come in and say they expended money to elect you or me or to defeat you or me. They spend money to elect their State ticket.

Mr. STAFFORD. I know of instances where committees have been organized to defeat Members of Congress—not the regular party committees, but voluntary committees—and yet they would not be obliged under the terms of this bill to make any returns whatsoever, and the Member of Congress might be defeated by unlawful means. Yet we are not doing anything to protect Members of Congress who pursue the righteous course.

Mr. RUCKER. The gentleman is mistaken. I think we are doing all that is lawful for us to do to protect Members against the improper and corrupt use of money. What we do not do here can easily be supplemented by State laws if the States will only pass them.

Mr. STAFFORD. Congress is trying to protect its Members. I am speaking of the necessity of requiring any committee instrumental in election to make returns, so that we may have real publicity.

Mr. RUCKER. Those are purely State matters. I say that not because I am as rigid about State rights as some others are, but because I am not in favor of going so far as to jeopardize wise Federal legislation.

Mr. TAGGART. Mr. Chairman, will the gentleman yield to a question?

Mr. RUCKER. Yes.

Mr. TAGGART. Would the chairman of the committee, the gentleman from Missouri, hold that Congress would not have jurisdiction and power to fine and punish a corrupt use of money at an election in which Members of the House and Senate are elected?

Mr. RUCKER. I do not think there is any question about it. I think it has been determined that Congress has that power. But this bill does not seek to do that.

Mr. TAGGART. Would it not be competent and germane in this bill to insert a section defining and punishing the corrupt use of money at any primary election or at any general election?

Mr. RUCKER. If the gentleman will pardon me, I will say we are entering upon dangerous seas when we begin that. Whenever we undertake to pass Federal laws to punish men who violate State election laws, then we invade the rights of the States to punish their own criminals. The States all have or will enact such laws as are desired by their citizens.

Mr. TAGGART. I do not mean that Congress should take sole control of elections, but inasmuch as we expel Members from the House and declare that they are not elected when an excessive amount of money is used at an election, we should have some law whereby parties who do that can be reached. At present we have no such law.

The CHAIRMAN. The time of the gentleman has expired.

Mr. RAKER. Mr. Chairman, I ask unanimous consent that the gentleman may have three minutes' more time.

The CHAIRMAN. Is there objection to the gentleman's request?

There was no objection.

Mr. RAKER. A question was asked the chairman a moment ago, to which he responded to the effect that no national committee is selected out in the congressional districts for the purpose of spending money in those districts with a view to influencing the electors of those districts. Does the gentleman mean to state that?

Mr. RUCKER. I do not think I stated that.

Mr. RAKER. Then I misunderstood the gentleman.

Mr. RUCKER. Because I am quite sure those things are done, and if I stated that they are not done, I stated something which I did not intend to say. But I will refresh the gentleman's memory. I think I stated that these great committees primarily do not seek to control the nomination of the party candidates; but after their nomination they do seek to elect their party candidates.

Mr. RAKER. Where does the gentleman get the idea that these committees do not seek to nominate men as well as elect them?

Mr. RUCKER. I would spurn as an impertinence the action of a congressional committee which came into my district and sought to secure either my nomination or the nomination of my opponent.

Mr. RAKER. The gentleman might spurn it, but nevertheless the fact is supposed to exist.

Mr. RUCKER. If it is true, I will say to the gentleman it is something I never heard of before.

Mr. RAKER. I hold in my hand a newspaper clipping—I do not think it is necessary to read any names—in which it is stated that the Republican congressional campaign committee are offering $5,000 to secure a man for a candidate in a certain district.

Mr. WILLIS. I think, if the gentleman is making charges of that kind, he ought to read names. That is a serious charge.

Mr. RAKER. No; not at this time.

Mr. WILLIS. I think it is a serious charge. I think the gentleman owes it to himself and to the Members of the House to be specific.

Mr. RAKER. I have not read anything.

Mr. WILLIS. The gentleman said he had a clipping.

Mr. RUCKER. I want to pour oil on the troubled waters by saying that if it is necessary to offer $5,000 to secure a Republican candidate in any district, Republicans must be awfully scarce in that community.

Mr. MANN. Nobody would seriously make such a statement, and nobody but an erupting volcano would think of it.

Mr. RUCKER. In my district there are always plenty of men who are anxious to run for Congress without paying them anything at all.

Mr. GARNER. May I suggest to the gentleman from Missouri that he can pour oil on the troubled waters by declining to yield further when he gets through with his statement. That will keep these gentlemen from further disturbing these volcanoes.

Mr. RUCKER. If the gentleman will make that suggestion to his colleagues on the floor, I will be obliged to him. I would like to have the bill read.

Mr. RAKER. I move to strike out the last three words. I am in hearty accord with the purposes of this bill in every provision. The only question as to a number of these provisions is whether they are drastic enough and whether they carry out what ought to be done. There are matters that ought to be discussed and called to the attention of the committee. I was calling the attention of the chairman of the committee to the fact that this ought to apply—and I do not believe it does—to a national campaign committee in spending money for the nomination as well as for elections. I believe this covers that feature of it. I may be mistaken.

Mr. RUCKER. I think it would, if they spent any money for that, but I did not think they spent it for that purpose.

Mr. RAKER. Then any money expended by the committee for that purpose would be required to be included in the statement of the committee.

Mr. RUCKER. If it was with the knowledge and consent of the candidate. I do not think it ought to be within the power of any committee or any individual to place a blot on your title or mine by sending money into our districts against our will.

Mr. RAKER. No; I agree with the gentleman fully on that; but when money is given to a committee to be used for campaign purposes, and when the committee expends it in any State or in any district, as I understand under this bill they are required to account for it. That is correct, is it not?

Mr. RUCKER. The committee would be required in its account to show that it did use the money thus and so, and the candidate would be required in his account to show that he received money from the committee.

Mr. RAKER. Let me ask the gentleman this question: Suppose a national campaign committee sent $10,000 to a State.

Mr. BUTLER. For the whole State?

Mr. RAKER. Just a moment. And suppose that money was used in one particular congressional district. Is there anything in this bill that would require the national committee to show that this money was used for the purpose of influencing the election, for instance, in one particular district in that particular State, or could they say, generally, "to the State of Alaska," for instance?

Mr. RUCKER. I do not know that I quite understand the gentleman's question.

Mr. RAKER. I will make it plainer. In other words, there are 15 candidates to be elected to Congress from a State. The national campaign committee sends out $20,000, and all of that money is expended in one district to defeat one particular candidate. Does the law require the committee to state that this $20,000 was used in the one particular district, or can they state generally that it was used in that State?

Mr. RUCKER. The law requires the committee to state for what purpose it was used and to whom it was distributed; but the law does not in express terms say it shall show into what district it goes, although the other provision would accomplish the purpose the gentleman has in mind. It would cover that point, it seems to me.

Mr. MANN. Mr. Chairman, in considering these matters that gentlemen have talked about, I think it might be well to read the Constitution of the United States, although I am aware that some people think it ought never to be referred to. The Constitution says:

> The times, places and manner of holding elections for Senators and Representatives, shall be prescribed in each State by the legislature thereof; but the Congress may at any time by law make or alter such regulations, except as to the place of choosing Senators.

Now, it is under that provision and under that provision only that we claim to exercise any authority over elections or over campaign contributions or anything of the sort that is referred to in this bill. I myself have never been satisfied that the publicity act was constitutional, or that it could run the gantlet of a prosecution in court. I thought possibly, when it originally passed, Congress itself would refuse to admit either as a Senator or a Member of the House a man who had violated the law, because we have that power over such matters in the House, and the Senate has a corresponding power over its own Members; but we have already decided that that was not cause for refusing a Member a seat, and I do not say that that was an improper decision. I think we ought to be a little careful of this legislation about our constitutional prerogatives. I doubt very much whether Congress has the power to go into a State or a community or a city or a precinct and require a political committee, or any other committee, to report to Congress just

what money it has raised or expended, and how. I do not see where we get any such constitutional authority.

Mr. TAGGART. Will the gentleman yield?

Mr. MANN. Yes.

Mr. TAGGART. Would not the word "regulate" be construed as fully as the word "regulate" in the clause of the Constitution giving Congress power to regulate commerce between the States, which seems to be very ample?

Mr. MANN. I think that is not a parallel case at all. In the commerce between the States we regulate the commerce, and the Supreme Court held, in the Sugar case, that you could not regulate the manufacture within the State. While I do not know whether they will adhere to that opinion when it comes up again and is shown that the article manufactured is for the purpose of being transported to another State, yet that is the law as it stands. We undoubtedly have the right to regulate elections of Members of Congress.

Mr. WILLIS. Will the gentleman yield?

Mr. MANN. Yes.

Mr. WILLIS. Does the gentleman from Illinois have any doubt about the power of Congress to regulate primaries?

Mr. MANN. I have very grave doubt about it. I do not think, on the face of it, that we have any jurisdiction over primaries, but we have assumed that jurisdiction, and it is not at all unlikely that the court may hold that primaries are a part of the election of a Member of the House. It would not require the most difficult reasoning to apply it to the primary election of Members and to the nomination, although some of the Members of this House—one gentleman in particular, who is now lying on his back in the hospital recovering from the effects of an operation, the gentleman from Georgia, Mr. BARTLETT, who is a rather strict constitutionalist, and, after all, one of the ablest constitutionalist lawyers in this House and, I think, in the country—are very strongly of the opinion, frequently expressed, that we have no constitutional authority over primaries. However, I doubt very much whether we have the constitutional authority over a member of the committees in the States which have been referred to.

You can not differentiate the support of a Member of Congress from a common treasury and the candidate for State treasurer, county, or precinct officer. I doubt whether we have the jurisdiction to require everybody who has anything to do with the election of any official elected at the same time a Member of Congress is elected, to report to Congress all their contributions and expenses. They do not differentiate—they can not—the expenses that go to elect the Members of Congress and the expenses that go to elect State or county officials. It seems to me that we had better proceed along as sure lines as we can until we get some decisions from the courts.

The main purpose, of course, of this law is its moral effect on candidates for these offices, and its moral effect on the political committees. No national committee dares to openly refuse to comply with the law. They must endeavor to comply with the law because the moral sentiment of the country requires it. The candidate for Congress must endeavor to comply with the law because the moral sentiment of his district requires it.

Mr. TAGGART. Will the gentleman yield?

Mr. MANN. Yes.

Mr. TAGGART. It seems from a reading of the law, which is copied in the bill, that the candidate or committee simply makes the statement that certain sums of money were given to certain individuals, but there is no requirement of any statement as to what the money was given to the individuals for. A candidate simply says that he paid $100 to this man, $50 to another man, and so many dollars to the committee, and swears to it, and that is the sum of the information Congress gets.

Mr. MANN. I think not; they are required to file vouchers for their expenses.

Mr. TAGGART. But he does not say what he has spent it for, whether he bought votes with it or not. It all looks well on paper, as though it was a contribution to a charitable enterprise.

Mr. MANN. If you put in such a requirement, no one would say that they spent the money for buying votes.

Mr. WILLIS. Mr. Chairman, I move to strike out the last three words.

Mr. Chairman, the section of the Constitution governing this subject has just been read by the gentleman from Illinois, and it provides that—

> The times, places, and manner of holding elections for Senators and Representatives, shall be prescribed in each State by the legislature thereof; but the Congress may at any time by law make or alter such regulations, except as to the places of choosing Senators.

It seems to me a very interesting and very important question as to whether or not the Congress under that clause of that section of the Constitution has the authority to regulate or control the primaries and nominating conventions. My own opinion is that it does have such right. I notice a decision cited here in the Manual, in which it is stated that—

> Congress has in fact fixed by law the time of elections and has controlled the manner to the extent of prescribing a ballot or voting machine.

Now, surely, Mr. Chairman, if the Congress has the power, as it undoubtedly has, to prescribe the time for elections, if it has the authority to prescribe the form of the ballot, if it has the authority to say whether or not a voting machine shall be used, it has power to regulate the nomination of the candidate.

Mr. MANN. Will the gentleman yield?

Mr. WILLIS. Yes.

Mr. MANN. Where have we ever provided anything in a national law for a voting machine?

Mr. WILLIS. I do not know. I took this citation from the Manual. It cites here Hinds' Precedents, volume 2, 961. I take it from the Manual, from the very same section from which the gentleman himself read.

Mr. MANN. I think I have been here ever since the voting machine has been in existence, and I do not think there is any law on the subject.

Mr. WILLIS. I do not know anything about it except what I get in the Manual, and the gentleman is responsible for the citation.

Mr. MANN. I think it is a State law and not a Federal law.

Mr. WILLIS. No. It says here that Congress has done it; that Congress has control. Hinds' Precedents, volume 2, is cited.

At any rate, Mr. Chairman, if it does not have the power—and I am confident that it does have—it ought to have. It surely would be an amazing proposition to take the view taken a little bit ago by the gentleman from Mississippi [Mr. SISSON], when he said, as I understood him—and I regret that he is not in the Chamber at this moment—that he was in favor of a law regulating the purity of elections, but that the matter of primaries or conventions was something that belonged exclusively to the States and ought not to be subject to the Federal regulations. Think what that would mean.

Mr. RUCKER. Mr. Chairman, I want to say to the gentleman, without undertaking to cite any authority, that I believe it has been held—and if it has not, I am quite sure that it will some time be held—that political nominations, primary elections, are so conclusive in their effect as to be the real election, and therefore, under powers we have to regulate elections, we will have power to control the nomination, because it is an essential part of an election. If the gentleman will bear me out, I am sure that in my own district, not only in the South, but in the gentleman's State and mine, the nomination by a political party is equivalent to an election in many instances.

Mr. WILLIS. Certainly.

Mr. RUCKER. And I want to say to the gentleman that if I am fortunate enough to be nominated in my district——

Mr. WILLIS. And I hope the gentleman will be.

Mr. RUCKER. Though I might even after that vote with my Republican friend on some political questions, I would still be elected.

Mr. WILLIS. Mr. Chairman, I thank the gentleman for the suggestion. Without doubt the primary or the convention is an essential part of an election, and if we have the authority to regulate an election, then, because the whole includes the part—because the greater includes the less—we have authority to regulate the primary, and if we did not have it, it would be an amazing state of affairs, as the gentleman from Missouri has just pointed out. There are districts in various States where the nomination is equivalent to an election, and it would put the gentlemen in those districts in the position of being able to spend any amount of money that they pleased, if we can conceive of such a thing, even corrupting the voters, so far as the Federal law is concerned, and yet that being done at the primaries, where the real vote occurred, and not at an election, there would be no recourse whatsoever under Federal law.

The CHAIRMAN. The time of the gentleman from Ohio has expired.

Mr. WILLIS. Mr. Chairman, I ask unanimous consent to proceed for two minutes more.

The CHAIRMAN. Is there objection?

There was no objection.

Mr. WILLIS. Mr. Chairman, I am in favor of a law which will guarantee not only the purity of the election but the purity of the primary, so that the voters of the several congressional districts may have opportunity to express their untrammeled

choice in the matter of their representation in Congress. I wish, before the vote on this amendment is taken, somebody either in favor of it or opposed to it would give us some information as to what the real effect of the amendment will be. As I understand, the real amendment pending, leaving out of consideration the pro forma amendments, is that offered by the gentleman from Wisconsin, to strike out, in line 22, page 4, the words "in two or more States." I submit the adoption of that amendment at that place will not accomplish anything one way or the other. If the gentleman desired to accomplish what the gentleman from Missouri says ought not to be done, the place to offer the amendment would be in lines 13 and 14, page 2, in section 1.

Mr. STAFFORD. Mr. Chairman, will the gentleman yield?

Mr. WILLIS. Yes.

Mr. STAFFORD. I stated in my remarks that I was inadvertently absent when section 1 was considered, and I am moving this to test the sense of the committee, to see whether it is in favor of extending this law to all committees that have any connection with an election of Members of Congress.

Mr. WILLIS. Then the gentleman would contemplate, if his amendment is adopted, asking unanimous consent to go back to section 1?

Mr. STAFFORD. There are several other clauses where the phrase occurs.

Mr. WILLIS. But the important phrase is in section 1?

Mr. STAFFORD. Yes.

Mr. WILLIS. Because that defines a political committee; and then the bill in several places refers to "such political committees," referring back to the committee defined in section 1, and therefore the place to vote on this amendment is in that section, because adopting it here, it seems to me, will not have any material effect one way or the other.

Mr. TOWNER. Mr. Chairman, I rise to oppose the pro forma amendment just offered. The gentleman from Illinois [Mr. MANN] raises the constitutional question as to how far Congress has the power to legislate regarding the election of Senators and Representatives. The very reading of the clause which he cites is a sufficient answer as to whether or not we have that power. Section 4 reads that the times, places, and manner of holding elections for Senators and Representatives shall be prescribed in each State by the legislature thereof, and then follows the important and governing clause that Congress may at any time by law make or alter such regulations, except as to the places of choosing Senators. So that there is no question but that Congress can legislate as to the times and the places and the manner of holding elections for Senators and Representatives, and it is under that authority that this bill is drawn. I congratulate the chairman of the committee for his splendid work in preparing and bringing this bill here. I know that he is entirely sincere when he tells us that this bill goes as far as it is safe to go. I am quite sure he would desire, if he thought he could do so, and secure the passage of the bill, to go further and require the same publicity given to State or district congressional committees that is now given by this bill to the national committees. I desire to suggest to him and to other Members of Congress, and especially to those who are primarily responsible for this legislation, that if this bill shall pass in this incomplete form it will go out to the country not with the approval that the gentleman hopes and which it should have, but with the reservation and criticism that this bill does very little in extending the present law. In my judgment, it is our duty now while this bill is before us to make it what it ought to be. Men do not need to be told the danger that comes from thus leaving the congressional committees absolutely free from reporting the contributions that they receive and the expenditures that they make. This bill leaves it open for all these corrupting influences we deplore if we do not put into it the requisites of publicity as to district and local committees that we have with regard to national committees.

Mr. HELVERING. Will the gentleman yield?

Mr. TOWNER. Yes.

Mr. HELVERING. Does the gentleman think the very proposition that the Clerk of the House shall publish these campaign contributions and expenses is a very material improvement over the old law?

Mr. TOWNER. Why, very slight, I think. I believe, gentlemen, that we will be held responsible for negligence in the performance of our duties if we pass this bill in such incomplete form. I believe that it will leave us open to the charge of having ourselves left a loophole by which elections of Members of Congress may be corrupted. I now yield to the chairman.

Mr. RUCKER. Has the gentleman in mind any amendment which he thinks will help the bill?

Mr. TOWNER. Oh, I am supporting the amendment offered by the gentleman from Wisconsin [Mr. STAFFORD].

Mr. RUCKER. The gentleman thinks that would improve it?

Mr. TOWNER. I think we ought to add the requirement suggested. I do not believe, gentlemen, that there is any question whatever about a conflict of jurisdiction. Why, the proposition involved in this bill or the requirement in this bill required of committees of any kind is merely publicity, merely a declaration and a statement of the amount they have received and the expenditures that they make. Such provisions can in nowise raise a conflict of jurisdiction between the States and the Nation. It only requires the local committees in each congressional district to do what is required with regard to the national committee.

Mr. RUCKER. The gentleman's idea is that the bill ought to apply to State committees and to congressional committees in the various congressional districts?

Mr. TOWNER. To congressional committees, not to State committees.

Mr. BUTLER. Will the gentleman yield?

Mr. TOWNER. To congressional committees in congressional districts.

Mr. BUTLER. To local committees and whatever organizations——

Mr. TOWNER. Oh, it is not necessary to do that.

Mr. RUCKER. Does the gentleman believe if the House would assert the power to write into this bill a requirement that congressional committees in every congressional district in the United States should make publicity of its transactions that hereafter the congressional committee would be absolutely like Othello, with its occupation gone?

Mr. TOWNER. The national committee?

Mr. RUCKER. No; the congressional committee. Does not the gentleman think it would go out of business absolutely?

Mr. TOWNER. No.

Mr. RUCKER. And the money be expended through some other medium?

Mr. TOWNER. Oh, no; not to my mind; I think the exact opposite is true, and I would like to have the people of our respective districts know what has been done.

The CHAIRMAN. The time of the gentleman has expired.

Mr. TOWNER. Mr. Chairman, I ask for two minutes more.

Mr. RUCKER. Mr. Chairman, reserving the right to object, let me say to the gentleman—I am not going to object, I have no intention of objecting—but I do want to say this to all gentlemen, and I take advantage of this opportunity to say to both sides, that there are a great many other important measures which committees are very anxious to get up and I hope gentlemen will regulate themselves accordingly, and not consume any more time than can possibly be avoided.

Mr. TOWNER. I appreciate, Mr. Chairman, the position of the committee. I believe that the committee and its chairman both sympathize with this proposition, this amendment, and I am sure every man who has given the question careful study must hold, if we expect to have an adequate corrupt-practices act, we should have it include the amendment that is suggested by the gentleman from Wisconsin. I can see no harm that will come to it. I do not think any other body would dare take the responsibility of defeating this legislation upon a proposition so self-evidently just as this is.

Mr. HELVERING. Mr. Chairman, the bill now under consideration is fully in line with Democratic pledges and is an amplification of the legislation passed by the Democrats of this House in the Sixty-second Congress. The publicity bill passed at that time was in answer to a public demand for purer elections and for publicity which would show the influences behind the candidacy of every man who aspired to a seat in this House or in the one at the other end of the Capitol, and as such it was hailed as a needed and a progressive piece of legislation.

Since the time of the enactment of that legislation experience and practice have shown to us wherein it was faulty and wherein it could be amended to advantage, and it is to remedy these defects that the present legislation is proposed.

What will the enactment of this bill mean?

It will prevent any committee from sending into any State more money than has been contributed by the people of that State. The enforcement of this provision will prevent the pouring in of money for the purpose of influencing debatable States, and the importance of this can not be magnified in so far as it affects States where the population is largely urban and where there is a purchasable vote—a vote which holds allegiance to no party principles, but which is on the market and at the disposal of the highest bidder.

That is a most important provision in the proposed law, but in my judgment it is not the most important one. In the first session of this Congress we heard a demand from a cer-

tain political entity of this body for the publication of the expense statements of the candidates in the election of 1912. Personally I was in sympathy with that demand, for while the law did not require it, nevertheless I believe that the intent of that law recognized the need of publicity and paved the way for the fullest measure of publicity, and nothing was to be gained by raising technical objections to prevent the turning on of the strongest searchlight.

However, we have in this bill remedied that defect, and now, in section 12, we provide for a report from the Clerk of the House and for its publication as a public document.

This leads up to what I consider to be the strongest safeguard provided in this legislation for the purity of elections. I refer to the provision which requires every candidate to furnish each of his opponents, preceding the date of the primary and general election, a copy of the statement of receipts and disbursements as filed by him with the Clerk here.

The importance of that provision can not be overestimated. Statements published here after an election is over will do but little good. But when each candidate knows prior to election day the exact receipts and disbursements of his opponents, it is human nature to presume that he will give to each statement the most careful scrutiny. He will do so for the reason that he has a personal motive in finding something to criticize, and therefore, by this provision, we not only secure enforcers of the law without expense to State or Nation, but we also arrange that the evidence shall be placed in their hands.

Mr. Chairman, the need of all such legislation is obvious. It is often said that in this body we have a standard of individuality far above the average, and rarely is there a suspicion on this floor that any Member is acting from venal or unworthy motives. But because we have this confidence in each other it does not necessarily follow that suspicion is not to be found abroad in the land, and I believe that all legislation along the lines of the present bill is to be welcomed for the reason that the people of the country have the right to know what influences are behind every public servant, and we are but protecting ourselves and raising the reputation of this body when we court the fullest publicity.

We are legislating not in response to any demand from a new conscience, but rather to the demand of the awakened conscience, which sees the train of evils which have followed the "deeds done in the darkness" and now demands that men shall work in the full light of public knowledge and that merit rather than money shall dominate in our American public life.

Mr. RUCKER. By way of apology let me say that I did not see the gentleman at the time I asked for a vote, or I should not have made the request.

Mr. STAFFORD. Mr. Chairman, may we have the amendment reported again; it has been some time since the amendment was first reported.

The CHAIRMAN. Without objection, the amendment will be again reported.

There was no objection, and the amendment was again reported.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Wisconsin.

The question was taken, and the Chairman announced that the ayes seemed to have it.

On a division (demanded by Mr. RUCKER), there were—ayes 11, noes 34.

So the amendment was rejected.

The Clerk read as follows:

SEC. 7. That the statements required by the preceding section of this act shall state:

First. The name and address of each person, firm, association, or committee who or which has contributed, promised, loaned, given, or advanced to such political committee, or any officer, member, or agent thereof, either in one or more items, money or its equivalent of the aggregate amount or value of $100 or more, and the amount or sum contributed, promised, loaned, given, or advanced by each.

Second. The aggregate sum contributed, promised, loaned, given, or advanced to such political committee, or to any officer, member, or agent thereof, in amounts of less than $100.

Third. The aggregate amount contributed, promised, loaned, given, or advanced by citizens of each State, respectively, together with the total sum of all contributions, promises, loans, gifts, and advances received by such political committee or any officer, member, or agent thereof.

Fourth. The name and address of each person, firm, association, or committee to whom such political committee, or any officer, member, or agent thereof, has distributed, disbursed, contributed, loaned, advanced, given, or promised any sum of money or its equivalent of the amount or value of $10 or more, stating the amount or sum distributed, disbursed, contributed, loaned, advanced, given, or promised to each, and the purpose thereof, together with a true and accurate statement of the items or sums distributed, disbursed, contributed, loaned, advanced, given, or promised to persons, firms, associations, or committees in each State separate from other States.

Fifth. The aggregate sum distributed, disbursed, contributed, loaned, advanced, given, or promised by such political committee, or any officer, member, or agent thereof, where the amount or value of such distribution, disbursement, loan, advance, gift, or promise to any one person, firm, association, or committee, in one or more items, is less than $10.

Sixth. The total sum disbursed, distributed, contributed, loaned, advanced, given, or promised by such political committee, or any officer, member, or agent thereof.

Mr. RAINEY. Mr. Chairman, I move to strike out the last word, and I ask unanimous consent to proceed for 15 minutes.

The CHAIRMAN. The gentleman from Illinois asks unanimous consent to proceed for 15 minutes. Is there objection?

Mr. RAINEY. I may not need that much time, I will say to the gentleman.

Mr. STAFFORD. The gentleman certainly will not need any more than that?

Mr. RAINEY. I think not.

Mr. STAFFORD. Mr. Chairman, the chairman of the committee has just expressed a desire to finish the consideration of this bill this afternoon, and I assume, from the form of the request, that the gentleman wishes to speak on something outside of the bill.

Mr. RAINEY. Yes. I will endeavor to finish as soon as I can.

Mr. STAFFORD. Will the gentleman be willing to inform us on what subject he desires to speak?

Mr. RAINEY. I desire to answer a speech made awhile ago by the gentleman from Washington [Mr. HUMPHREY].

The CHAIRMAN. Is there objection?

Mr. STAFFORD. If it will not take any longer than 15 minutes, I will not raise any objection.

Mr. RUCKER. Mr. Chairman, reserving the right to object, I would like to state to the committee that I will have to object to any extension beyond the 15 minutes.

The CHAIRMAN. Is there objection to the request of the gentleman from Illinois? [After a pause.] The Chair hears none, and the gentleman from Illinois is recognized for 15 minutes.

Mr. RAINEY. Mr. Chairman, a short time ago, during my absence from the Chamber, the gentleman from Washington [Mr. HUMPHREY] made a characteristic speech which has now been written up by the stenographers and which I have just read.

My friend from Alabama [Mr. HEFLIN], who has been attacked by the gentleman from Washington, will be able to take care of himself when the time comes. If I were he, however, I would consider that the best sort of a reply to make to an undignified attack of that kind would be to treat it with silent contempt. At the present time the gentleman from Washington is perfectly safe. He selected an opportune time for his assault on my friend from Alabama. The gentleman from Alabama is a thousand miles from here and can not reply to-day or perhaps in the immediate future.

The gentleman from Washington continued his remarks by attacking the administration—referring to it as a discouraged, discredited, already condemned Democratic administration. By referring to the membership of this House as a panic-stricken, cowardly, Democratic majority who do what they are told to do; by saying that the present administration has thrown more men into idleness, destroyed more business, and made more beggars than any other administration in the same length of time.

Now, I could reply in kind to an attack of this kind on the Democratic majority and on this administration if I cared to descend to the level of argument used always by the gentleman from Washington on this floor in his attacks upon a successful administration, which has placed upon the statute books more remedial legislation in half a presidential term than his party ever placed upon the statute books in 50 years of time. [Applause on the Democratic side.] But the best sort of an answer to make to such an argument as the gentleman from Washington made to-day is to call attention to the evidence throughout the country—the evidence of reviving prosperity—that there is no such thing as a business depression throughout the country at the present time. We are emerging just now from the Republican panic of 1907, and this afternoon I want to call attention to conditions in the steel industry and in those other large industries throughout the country closely allied with it. In the near future I propose to take up the question of the textile trades and the revival there and in the other big business enterprises of this country that can be classified under other heads.

Now, the best evidence of conditions is not the unsupported partisan statements made by the gentleman from Washington here upon this floor. He does not prove, or attempt to prove, by evidence of value, anything. The best evidence does not consist of the statements that come from the private offices of the heads of great law-defying corporations in the United States. The best evidence should always be produced, and it is easily found in the indications throughout the entire country of reviving business conditions. It is indicated by the journals throughout the country which feel the public pulse and record the business temperature every day.

The Springfield Republican of June 18, 1914, in an editorial, said:

STEEL TRADE AND PROSPERITY.

That the orders of the United Steel Co. are steadily increasing this month is admitted in trade circles. They would increase faster if the corporation would accept long-term contracts at the present prices. * * * Assuming that the trust's unfilled orders reached the low point of the downward movement in May, it is worth while to make some comparisons for the benefit of Mr Calamity Howler. The unfilled orders were 3,998,160 tons on May 31. There was a period of more than a year not so long ago when the trust's unfilled orders ran steadily under that figure. * * * It is wicked and unpatriotic, perhaps, to mention the fact, but the Chicago correspondent of the Philadelphia Public Ledger, who is a specialist in finance, says, under date of the 16th: "This week, for the first time, there has been a splendid outburst of business confidence in the country tributary to Chicago, though for two or three weeks past there has been liberal buying of goods by country merchants in anticipation of a better tone among the people."

Now, I have other extracts here, which I am not going to read in full. I will read only sections of them, but I have them here if the fairness of the sections read are at any time questioned.

Mr. MILLER. Mr. Chairman, will the gentleman yield?

The CHAIRMAN. Does the gentleman from Illinois yield to the gentleman from Minnesota?

Mr. RAINEY. Not now. Later on I shall be glad, if I have time, to yield, but not at this time.

Under the heading of "Greater steel activity," the New York Times quotes the Iron Age as saying that the midyear buying shows marked improvement. I read:

The St. Paul has released 15,000 to 20,000 tons of rails to a Chicago district mill, and it is believed to have distributed new orders amounting to 20,000 tons. * * * The steel corporation has taken a contract for 5,000 tons of girder rails for New South Wales. * * * The Wabash has practically closed for 60 locomotives. * * * The Pittsburg, Shamut & Northern has bought 750 coal cars, and the Atlantic Coast Line 100 logging cars. The Toledo & Ohio Central is asking bids on 1,000 box and 1,000 hopper cars.

The Iron Trade Review says the moderate betterment in steel trade which appeared early in June, as contrasted with other recent months, has been maintained. The volume of new business in a number of finished steel lines has undergone some expansion, specifications are better, and there is considerable negotiating by consumers on contracts for forward deliveries. Some makers report their bookings fully 50 per cent better than in May. The Steel Corporation's tonnage is considerably ahead of last month. * * * Car builders have been placing some round tonnages of steel.

From the Philadelphia Record of June 19, 1914, under the heading of "Glass and steel pick up," I read:

SIGNS OF BETTER BUSINESS IN THE PITTSBURGH REGION.

The declaration of President Woodrow Wilson that the present business depression is purely "psychological" appears to be in a measure borne out in this territory, if signs of increasing activity in all industrial lines can be taken as a criterion.

One of the most striking examples of return of prosperity was the announcement made by the American Bottle Co., of Newark, Ohio, that its working force would be increased from 900 to 1,200 men, and that working hours, which now vary 10 to 12 on two shifts, would be reduced to 8 hours. The factories will be run in three shifts of 8 hours each.

At Greenville, Pa., the 7-inch mills of the Carnegie Steel Co., which have been closed down for some time, resumed operations yesterday, giving employment to several hundred men.

Prosperity has also struck Sharon, where mills and furnaces are now running on better time than for several months. At the Driggs-Seabury ordnance corporation's office the company's books showed orders to be 400 per cent ahead of this time last year. The pay roll has increased 20 per cent, and a large number of extra hands are being employed.

At the plant of the United States Steel Corporation in this vicinity and the big independent concerns a steady resumption of business is reported.

As evidence of reviving conditions the country over, I desire to read extracts now from a number of papers published in a great many different cities, these extracts being selected at random and all appearing within the last week or 10 days of time. I have here the New York Commercial for June 22, and I read the following headings from its columns:

Improvement is shown in the steel situation—Structural business doubled the preceding week—On car orders June should show up well in excess of May or April—Sheet mills running on better time—Tin plates close to capacity.

The column of matter which follows the above headings I have carefully read. The matter printed is fully indicated in the headings I have just read.

From the Meriden (Conn.) Record I read the following heading:

Usual summer vacation planned for employees in most factories—Some concerns so busy that factories will close only for Fourth of July.

This paper is published in the very heart of the greatest manufacturing section of this country. I read from the article which appears under the above heading:

A number of concerns are so busy with orders that the employees will have a vacation of only one day—the Fourth of July. The Meriden Firearms Co., the M. B. Schenck Co., the Curtis-Way Co., and the Connecticut Telephone & Electric Co. all report business to be exceptionally good. These concerns will not have any shutdown summer period. * * * The rosy side of business conditions is found at the Connecticut Telephone & Electric Co., where 225 operatives are employed at overtime work. The concern has never had as much work and is employing more help than ever before. * * * The Curtis-Way Co. will close only for the Fourth of July.

From the Cincinnati Enquirer of June 19 I read the following heading:

Business—Rush of steel orders.

From the New York Sun of June 22 I read the following heading from one of its columns:

Pittsburgh mills resuming—One plant on full schedule for first time since November.

And under this heading the dispatch from Pittsburgh recites that—

One of the strongest indications of a resumption of business in the steel industry occurred to-day when department No. 1 of the Allegheny Steel Co., at Brackenridge, went on full schedule. This will be the first full week the department has operated since last November.

The lower mills of the American Sheet & Tin Plate Co. at New Kensington, also resumed. Officials of the New Kensington plant said that they expect the upper mills to be operating on full time within the next two weeks.

From the Courier Journal of June 18 I read the following headings:

Baltimore & Ohio Railroad shops to run on full time—Force at Washington, Ind., will be increased from 800 to 1,000 men.

The article under the above heading goes on to state that at present the shops employ 800 men and that 200 more men are wanted at once. From the Cincinnati Enquirer I read the following heading:

Illinois Central plans extensive improvements costing almost 10 millions—Many grade crossings will be done away with—Route to New Orleans shortened—Better terminals for Memphis.

And the article under these headings goes on to recite improvements to this railroad at Memphis amounting to over $3,000,000; at Chicago nearly $3,000,000; at Kensington of $2,500,000; and at other places in varying amounts, the total improvements being $10,000,000.

I read from the New York Times of about the same date the following heading:

Railroad business better says Hill—Great Northern earnings now picking up is the news he brings—Earling also optimistic.

And the data under this heading is a particularly interesting statement of the business revival given out by these great financiers.

From the New York Commercial of June 23, 1914, I read the following heading:

Western railroads facing big jump in traffic—Officials optimistic as business all along the line continues to increase and general freight movement swells—Provision tonnage gains heavily.

Under this heading I read:

A better feeling among railroad men, combined with improved prospects for a large business and increased earnings, is the situation which exists in the West

Farther down in the same column I read:

Although the tonnage in provisions moved over western railroads last week was only 120,000 pounds larger than the previous week, it was 4,415,000 pounds or 34 per cent in excess of last year.

And this article goes on to state that the big gain was in cured meats, and also in fresh-meat shipments.

I read from a recent issue of the New York Times the following heading:

No hard times in the West says Garford—Ohio Progressive is interested in six lines of manufacturing.

Under this heading there is printed an interview with the gentleman who is running for United States Senate in Ohio on the Progressive ticket. Referring to the Wilson administration, he says:

The administration has got to have a square deal. It has accomplished some things that somebody or something had to bring about. * * * I was talking the other day on the train to a salesman for a big New York concern who had been making a five months' tour of the West. He told me he had done the biggest business he had ever done.

Printed in the very heart of the manufacturing section of this country is the Paterson Guardian. From its issue of June 18, 1914, I read the following heading:

THROUGHOUT THE COUNTRY ARE SEEN INDICATIONS OF BETTER BUSINESS.

And under that sort of a heading I read:

There are many indications of better business. Bank clearings are over $3,000,000,000 a week. * * * Dun's Review notes that the New York banking position is unusually strong. This means that one essential stimulus to business expansion is not lacking, and there are now several signs of reviving activity in commercial and industrial channels.

I have here the Chicago Daily Farmers and Drovers' Journal for June 9, 1914, and from which I read the following heading:

Exports of hog products show increase—More beef products on foreign account.

And under this heading is given the statistics showing the remarkable increase of exports of beef products and hog products over the corresponding months of last year, and the re-

markable increase for the 11 months ending in May, 1914, as compared with the 11 months ending in May, 1913.

The Indianapolis News of June 9, 1914, says:

You just can't keep unparalleled prosperity down in this season of big crops. The Oliver Plow Works at South Bend will resume full operation July 6.

From the New York Times of June 18 I read the following dispatch from Kansas City, Mo., containing an interview with a bank examiner, who had just finished his inspection of certain Kansas banks:

Do not forget to build some more money drawers to take care of the wheat money that will come in a few weeks from now. * * * The impetus to trade comes next. It is already being felt through buying for harvest needs.

From the New York Evening Post I read a dispatch from Chicago, dated June 22, printed under the following heading:

TRAFFIC PROSPECTS BRIGHT—TONNAGE MOVEMENT ENLARGED OVER LAST YEAR—MAJORITY OF WESTERN ROADS HANDLE MORE MISCELLANEOUS FREIGHT AND MERCHANDISE, DERIVING BETTER REVENUE—ACTIVE PREPARATIONS FOR MOVING LARGE NEW GRAIN CROPS.

A better feeling among railroad men, combined with improved prospects for a larger business and increased earnings, is the situation which exists in the West.

From the Baltimore Evening Sun of June 22 I read the following heading:

RAILROADS KEPT BUSY—REPORT PICKING UP OF TRAFFIC FROM THE WEST.

Railroads handling traffic from the West report a decided picking up in business in that section, with increased loadings of all commodities.

From the Cincinnati Enquirer of June 22 I read the following heading:

BUSINESS SEEMS TO BE MENDING, ACCORDING TO NEWS FROM ALL PARTS OF THE COUNTRY—STAPLE GOODS FIND THE BEST DEMAND AT THIS TIME.

Confidence is growing rapidly in all lines of trade and industry. This was the report from all over the country last week. * * * Coincident with a drop of 1 cent in sterling exchange and the apparent end of gold exports, come announcements of heavy export sales of wheat. Stocks show a tendency to regain lost ground. Bank clearings increased 3.9 per cent over the previous week, the gain being made outside of New York.

The Milwaukee Journal of June 20 contains the following Pittsburgh dispatch, which is printed under this heading:

GROWING BUSINESS GIVES THE LIE TO HARD-TIMES TALK.

One of the most striking examples of the return of prosperity was the announcement made by the American Bottle Co., Newark, Ohio, that its working force would be increased from 900 to 1,200 men, and that working hours, which now vary from 10 to 12 on two shifts, would be reduced to 8 hours. The factories will be run in three shifts of 8 hours each.

The same article also calls attention to the fact that the 7-inch mills of the Carnegie Steel Co., which have been closed down for some time, are now reopened, giving employment to several hundred men, and the article also calls attention to furnaces at Sharon, which are now running on full time after running on short time for several months. It also calls attention to the fact that the Driggs-Seabury Ordnance Co.'s books show that orders are 400 per cent ahead of last year, and that a larger number of extra hands are being employed and the pay rolls increased 20 per cent.

Newark, N. J., is one of our greatest manufacturing centers. My recollection is that in Newark there are factories manufacturing almost everything that is manufactured anywhere in the United States. In this great manufacturing city there are over 1,800 factories. We can group several States which combined do not have as many factories as the city of Newark. Great trusts, however, do not operate there. Prosperity in Newark, with its varied industries, means manufacturing prosperity throughout the United States.

I read from the Newark News of June 22 the following heading:

Steady growth of savings deposits—Six local institutions report gains over 1913.

And then the article goes on to name the savings institutions which show gains of deposits.

I read from the article:

Practically without exception these banks * * * all report larger or fully normal total increases of savings deposits during the first half of 1914, with records which will compare more than favorably in some instances with like totals for 1913. * * *

At the Fidelity Trust Co. it was explained that the savings bank department showed deposits larger than a year ago, mainly because of the natural growth of business.

I read from a great journal printed in Milwaukee—the Milwaukee Sentinel—the following heading. It gives in one of its columns on the 21st day of June:

PROSPERITY PERIOD HITS COPPER FIELD—EXPERIENCED MEN ARE IN DEMAND, WHILE LABORERS GET READY EMPLOYMENT—OUTPUT IS INCREASING.

The big copper companies are rushing their outputs, increasing their product. * * * The copper country of northern Michigan is enjoying the greatest prosperity, the greatest boom, it has ever known, now that the strike is almost forgotten. * * * The Copper Range mines are almost daily increasing their shipments. Champion sending 84 cars per day, etc.

The New York Herald in a recent issue announces that at New Britain, Conn., the factories are working overtime and are running short of stock and are increasing the hours of their employees. On the 23d day of June the great Sharpless Separator Co., of West Chester, Pa., made public its letter of May 26, which is as follows:

Our factory is now running until 10 o'clock each night in order to make quick delivery of milkers and separators.

Business with us is very good, as is true of a large number of dealers that handle our lines.

This is the company which, it was claimed on this floor during the tariff debate, would be injured on account of the fact that we put their products on the free list, and on the floor of the Senate on August 4 last Senator PENROSE declared that the tariff law would compel the Sharpless Separator people to "move out next month." From the Brooklyn Citizen of June 23 I read under the heading "Revival of the steel industry" an editorial reference to the press announcement from Pittsburgh that the steel business is improving:

With a bumper crop and a good steel trade business generally should pick up. The country has been in the doldrums long enough.

From the Baltimore Evening Sun of June 23 I read the following heading:

Fear of car shortage rouses railroads—All possible equipment going to shops to meet expected demands—Baltimore & Ohio is hustling.

From the June 24 issue of the same paper I read the following heading:

Freight traffic picking up—Number of idle cars on Pennsylvania shows marked decrease.

From a recent issue of the San Francisco Daily News I note that the county treasurer of that county does not know what to do with $5,000,000 in cash. The banks will not borrow it, although he only charges them 2 per cent. The banking institutions, he says, have all the money they want, and this city and county treasurer concludes his interview by saying:

When your banker tells you that times are hard and money tight, you can tell him where he can make a nice profit by lending it to you at 6 or 8 per cent.

I content myself with reading the following heading from the Indianapolis News of June 22:

Confidence is growing in all lines of trade—Better wholesale and retail distribution—Basic industries improved.

The New York World of June 29 contains an interesting interview with Sir G. Paish, editor of the London Statist, and an economist of European reputation. I read a portion of it:

What is happening is not peculiar to the United States, but is incidental to the business situation generally. We calculated upon this reaction for 1915, but it has come earlier, and I believe an improvement is near. As to the United States, the shortage of the corn crop last year is one of the contributing causes. Such a shortage is inevitably followed by a shrinkage of trade. * * * There is no fundamental reason for depression. The American people are enjoying a great income, which no one doubts will show enormous expansion as time goes on. * * * These reactions are good things. They result in the survival of the fittest, and in renewed and enlarged expansion along safe lines

From the Milwaukee Journal of June 28, 1914, I read these headings:

Factories run day and night—Mills in Pennsylvania run at capacity—Treasurer of American Federation of Labor says employment conditions have improved much in a few months.

The Elizabeth Evening Times is published in the heart of a great manufacturing center. I read from its issue of June 28:

For the first time in many years the great Singer Sewing Machine plant at this city will give its employees only one week of summer vacation. The rule has been two or more weeks, and the calamity howlers had led the weary ones to expect a double-time lay off this summer. The Singer plant is not a local institution. It is not merely an American monopoly. It is a world organization, with plants dotted here and there in all countries where labor and raw material conditions enable it to produce any particular part of a sewing machine at a less cost than at some other point. The cutting of the summer vacation in half is the best proof that the tariff has not in any way affected the sewing-machine industry of this giant corporation. It is also proof that machines are produced by American labor sufficiently cheap as compared with other countries to make this the real home plant and mother plant of all the others.

From the New York Evening Post I read the following heading:

June earnings larger—Most roads will show gains for month.

And under that heading I read this extract from the column which follows:

Increased loadings and earnings are expected to be shown in the returns for the month of June by western and southwestern railroads. Gains have been made the past few weeks, and the returns show better than last year on a majority of the roads.

The Baltimore Evening Sun of June 30, 1914, contains the following heading and a long prosperity column:

B. & O. takes on 1,000—Getting equipment ready to move big wheat crop—Near full force at Mount Clare—Calamity howl groundless—Smith Carpet Co. has big business—"Talk of hard times or lack of business is all poppy-cock," said a member of the Baltimore firm.

The New York Times of June 22 records the big rail order for the Pennsylvania Railroad, a total of 137,000 tons to be bought, some of them 120-pound rails.

The New York Times of June 25 also calls attention to the fact that the tube industry is reviving and that the National plant at McKeesport is to be put on full time at once.

The New York Times of June 26 contains a dispatch from Detroit to the effect that the Ford Motor Co. is preparing to double its plant before fall, making it the largest manufacturing company in this country, and perhaps in the world. Five millions of dollars additional expenditure is to be made in the erection of buildings and 40,000 men are to be employed.

The Chicago Herald of June 26 announces that the American Car & Foundry Co. shows tremendous increase in earnings this year over a corresponding period for last year. This firm earned nearly $6,000,000 in the year ending April 30. The splendid showing made by this company is referred to on that date in the newspaper items throughout the country. The New York Commercial of June 26, 1914, contains in its editorial columns a long review of steel-trade conditions, showing revival in the steel trade in Pittsburgh and throughout the country, and reviewing the rolling-stock shortages on various important railroads. The New York Times of recent date also calls attention to the fact that the Cramp & Sons Ship & Engine Building Co. are earning more and more money all the time, showing a gain in the year ending April 30 of this year of over a million dollars as against a gain of half that much in the previous year.

A recent issue of the Iron Age calls attention to the fact that the steel trade, entering the second half of this year, is looking for an increase in demand. Mr. Earling, president of the Chicago, Milwaukee & St. Paul, is giving out interviews announcing a substantial improvement in railway business throughout the country.

I have only attempted in submitting this evidence—and I have submitted only a small part of the evidence in my possession—to call attention to the business revival experienced throughout the country in the steel industry, on the railroads, and in other lines closely connected with steel and with railroad operations. In a few days I expect to take up other lines of industry. It is impossible for calamity howlers here in the House of Representatives, resorting to undignified language, unbecoming the high position they occupy, to affect the reviving business condition felt throughout the country. Managers of great corporations, anxious for the return to power of a party which protects their profits at the expense of the great masses of the country, may give out statements to the effect that there is a period of great depression here. High officials of the Steel Trust may endeavor to suppress the evidence of prosperity in their own lines, but, after all, they can not seriously interfere with the laws of trade. There is no depression throughout the country. Business is improving. I have called to the attention of the House the evidence. I have produced here the witnesses.

If you want to find the evidence of a real trade depression—a Republican trade depression—read the headings in the newspapers published throughout the country in 1907-08. I called attention in a speech I made on the floor a few days ago to some of the things that were happening in those years, and I called then the same witnesses I call now—the newspapers of the country. In my speech at that time I reviewed some of the events showing the awful depression of those years, the depression from which we are just now emerging. The national administration needs no defense at my hands from the little calamity howlers throughout the country—from the little men, prompted by little motives, who attempt to detract from the splendid, the marvelous, record we are making under the leadership of the greatest President since Lincoln. Speeches made on this floor, occasional declarations heard throughout the country, attempting to suppress the evidence—to make people throughout the land doubt the evidence of their own senses—only serve to call attention to reviving trade conditions. The proof is abundant, on the other hand, to show the complete and absolute falsity of the declarations to which I have been calling attention.

It is to be regretted that there are men in this House and throughout the country whose blind devotion to discredited principles, to a discredited party, and to discredited party leaders is so intense that they can see nothing good in the legislation we have placed upon the statute books. They are so prejudiced and partisan that they can not see throughout the land the evidence of a business revival, which comes to the surface in spite of them and in spite of the great influences of law-defying corporations. We are on a new business basis, protected and regulated by new laws enacted by the party now in power, which is the conservative party of progress throughout the Nation. [Applause on the Democratic side.]

The Clerk read as follows:

SEC. 8. That every person, firm, association, or committee, except political committees as hereinbefore defined, that shall expend or promise any sum of money or other thing of value amounting to $50 or more for the purpose of influencing or controlling, in two or more States, the result of an election at which Representatives or Senators to the Congress of the United States are elected, unless he or it shall contribute the same to a political committee as hereinbefore defined, shall file statements of the same under oath in the office of the Clerk of the House of Representatives, at Washington, D. C., as required by sections 6 and 7 of this act, which statements shall be held by said Clerk in all respects as required by section 6 of this act.

Mr. RAKER. Mr. Chairman, I move to strike out the last word. I should like to ask the chairman of the committee a question in regard to this matter.

Mr. RUCKER. I yield to the gentleman.

Mr. RAKER. This is practically the same as the old law. The only change is that it adds the Senators. Now, if a man expends money in a State for that individual State, I want to ask the gentleman, would that come under the provisions of this section?

Mr. RUCKER. I think not.

Mr. RAKER. In other words, then, all the money expended by a person or a firm or association would not be reported to the general committee at all? Or, in other words, they would not have to file their statement.

Mr. RUCKER. If it was expended wholly within the State, they would not.

Mr. RAKER. May I ask the gentleman why this ought not to be mandatory upon an individual or a person who expends money in a State for the election of either the Member of the House or the Senate? Why should he not be required to file his statement with the clerk, the same as if it was expended by the committee in two or more States?

Mr. RUCKER. The reason is the same as that which I assigned before. Whether it is a good or bad reason the gentleman will have to determine. It is this: We desire to avoid an invasion of the rights of States. The firm, association, or person here referred to, of course, is a citizen of the State solely, and we seek no jurisdiction over that citizen, unless he undertakes to expand his activities into other than the State in which he lives.

Mr. RAKER. What constitutional objection is there, if any?

Mr. RUCKER. To me?

Mr. RAKER. Yes.

Mr. RUCKER. None in the world; but I want to say to the gentleman that there are others besides myself, whose wisdom is no doubt superior to mine.

Mr. TAGGART. May I interrupt?

Mr. RUCKER. Yes.

Mr. TAGGART. There are other provisions in the bill further on and even in the law——

Mr. RUCKER. We are talking about the law now.

Mr. RAKER. In the law now.

Mr. TAGGART. There are provisions in the law now requiring the candidate to give the name of any person who has expended money in his behalf.

Mr. RAKER. That is right.

Mr. TAGGART. And the amount, and to whom he gave it; but it does not require anyone, either the candidate, the committee, or any other person, to state for what purpose any money was expended.

Mr. RUCKER. That is not the question the gentleman is now dealing with.

Mr. RAKER. No. In other words, this is more extensive than that.

Mr. TAGGART. If a man of great wealth should take a notion to elect a certain man to Congress, he could go to work, without the knowledge of the candidate, and spend all the money that he pleased for any purpose that he pleased and give no account of it whatsoever.

Mr. STAFFORD. This bill does not reach that condition at all.

Mr. RUCKER. I will answer the gentleman, if I have understood him correctly.

Mr. RAKER. I am glad to yield for that purpose.

Mr. RUCKER. The gentleman assumes a preposterous and impossible condition. A rich man can not go into a gentleman's district and debauch the people without the condidate having guilty knowledge of it, and the law requires the candidate to account for the money that is used in that way in his behalf.

Mr. STAFFORD. Will the gentleman yield?

Mr. RUCKER. Yes.

Mr. STAFFORD. I am not acquainted with conditions in Pennsylvania; but recently I read an extract from a highly reputable newspaper, the Philadelphia Public Ledger, in which that very condition was pointed out, that while their State law

called for a strict accounting of the disbursements by the candidates themselves, there was much money spent in their behalf by others for which there was no accounting whatever, and the candidates themselves were supposedly ignorant of the conditions.

Mr. RUCKER. Of course I do not know. The newspapers may condone the offenses of citizens here and there and elsewhere; but my notion is that the condition suggested by the gentleman from Kansas can not exist in any jurisdiction in this whole broad land without the guilty participation of the candidate. It is bound to be so.

Mr. RAKER. Now, I want to call the attention of the chairman to this section. While it has been passed and discussed before, it seems to me that there is a way in which this could be reached.

The CHAIRMAN. The time of the gentleman has expired.

Mr. RAKER. I ask for five minutes more. I yielded most of my time to questions.

The CHAIRMAN. The gentleman from California asks unanimous consent that his time be extended five minutes. Is there objection?

There was no objection.

Mr. RAKER. While section 8 relates to one subject, and requires every firm, association, or committee except this national committee to file statements as to expenditures within two or more States, I can readily see the propriety of leaving the words in line 22, "in two or more States"; but can there be any possible legitimate reason for a person who goes out and expends money above $50 or above $10—and I will say it ought to be $10—in behalf of any candidate for the House or the Senate, when there is no constitutional inhibition against it? Why should not the public know what money has been expended? The argument might be made that the candidate must know; but that can be passed by and slipped aside, and money may be expended, and the election is over, and the candidate legitimately might not know anything about it. We are here trying to get publicity of campaign expenses. I believe that the law now in force has done more for the purification of elections than any one thing that has been done in many years. It has made it possible that the public may know what corporations are interested in the election of a particular man, what individuals are interested in the election of a particular man, and what corporations, individuals, or set of men are in favor of defeating a particular man for office, for membership in the Senate or House. And if a man expends a certain amount of money over $50, as provided in the bill—or it might be $10—why should he not file a statement with the Clerk within the specified time before election, and another statement so many days thereafter, and then another statement after election, so that the public may know who is behind a man and what interest he represents, and also the interest that is trying to defeat any candidate? I believe it would have a wholesome effect upon the purity of elections.

I want to say that no man ought to be permitted, no man ought to request or require any more money in a campaign than enough to pay legitimate expenses in going over the country as well as sufficient newspaper expenses that the public may know him and know the things for which he stands. There is not a dollar expended for buying men outright and getting them to do certain things that have been done in the past for the purpose of corrupting elections. Money ought not to be sent in from one district to another, and if a man expends it in his behalf or in behalf of anyone he might not know of, or defeating another, it ought to be published and let the public know what that money was expended for.

Mr. CLINE. Will the gentleman yield?

Mr. RAKER. I will.

Mr. CLINE. I think the gentleman is supposing a condition and making the requirements of a candidate that it is not possible to comply with. It was disclosed in the Mulhall investigation that the Federation of Labor and the Association of Manufacturers voluntarily got behind candidates for Congress. I think I may fairly say that it was without any knowledge on the part of the candidates. They expended money, in many instances thousands of dollars, for the benefit of a candidate or to defeat him, along lines of their own selection without any knowledge on the part of the candidate. How are you going to require the candidate under those circumstances to account for the use of all the funds that were effective in electing him or defeating him?

Mr. RAKER. I want to thank my friend for that statement. This bill and the law in most of the States requires a candidate to make a full and complete statement of all money expended and contributed to him and what he expended it for. This section 8 eliminates the private individual in a State who goes in for the purpose of corrupting voters for the purpose of electing a United States Senator, lets him go in each congressional district and expend money without filing a statement as to the expenditure of the money. The same way the committee and the same way the company, and the purpose of the section is in a company that spends any money in one State or one district should be required to file a statement with the Clerk of the House of Representatives the same as when his activities are in two or more States, and the various iniquities that were brought about by the Mulhall activities, if they had complied with the law, would have demonstrated and exposed those that they were in favor of or those that they were against.

The CHAIRMAN. The time of the gentleman from California has expired.

Mr. MILLER. Mr. Chairman, I move to strike out the last word, and I ask unanimous consent that I may proceed for five minutes. I do that because I do not wish to speak upon the provisions of the bill, but make some observations in answer to the remarks of the gentleman from Illinois [Mr. RAINEY].

Mr. MONDELL. Mr. Chairman, I do not want to object, but I hope that we can finish the discussion of this bill soon, so that we can reach another measure; and I trust that this political discussion will soon end.

Mr. RUCKER. Mr. Chairman, reserving the right to object, I did not object to gentlemen on this side a few minutes ago who asked the privilege, and I can not object now to gentlemen on that side of the House; but let that be an offset to the remarks of the gentleman from Illinois.

Mr. STAFFORD. Will the gentleman yield?

Mr. RUCKER. Yes.

Mr. STAFFORD. The gentleman from Washington [Mr. HUMPHREY] would like three minutes.

Mr. RUCKER. After the gentleman from Minnesota has addressed the House I shall seek to confine the discussion to the bill. I feel compelled to do that.

The CHAIRMAN. Is there objection to the request of the gentleman from Minnesota?

Mr. STAFFORD. Reserving the right to object, I hope the gentleman from Missouri will see his way clear to allow the gentleman from Washington three minutes, as the gentleman from Illinois [Mr. RAINEY] addressed some remarks to him.

Mr. RUCKER. I suggest if we make some progress in the bill that later on we may be in better humor.

The CHAIRMAN. Is there objection to the request of the gentleman from Minnesota.

There was no objection.

Mr. MILLER. Mr. Chairman, the gentleman from Illinois [Mr. RAINEY] has submitted what to his mind is a return of vanished prosperity in business. His main witness, as I gathered from what he said, is the United States Steel Corporation. He quoted a newspaper report that the United States Steel Corporation has received orders for the manufacture of certain iron and steel goods. I have no doubt that is true. It would be amazing if that corporation of great magnitude did not receive some orders even in these distressing times.

But there is a feature of it which the statement of the gentleman from Illinois did not include. The mining offices of the United States Steel Corporation are in the city in which I live. One-half of all the iron ore mined in the United States is mined in the county in which I live. The great mines of the Steel Corporation are located in that county. Practically all of the independent iron producers have great mines in my district. I have just returned from a complete tour of every section of the mining district. I have visited every town and pretty nearly every mine, and I found the same conditions existing everywhere. Never since iron ore was first discovered at the head of the Lakes has there been such a region-wide depression as now. Within the last few weeks the United States Steel Corporation, the witness offered by the gentleman from Illinois, has discharged some 3,000 or 4,000 miners in the county in which I live. It has not only discharged them because there is no market at the present time for ore, but has absolutely closed up a large number of the mines.

What is true of the Steel Corporation is also true of independent concerns who are producing about the same quantity annually as the Steel Corporation. A great majority of their mines are closed to-day and were never closed before since they were opened. All of them are on reduced time.

Every train from the mining country is filled with men leaving that region because there is no work. Mining operators told me there is no use mining ore, because there is no market for ore. Mines are therefore closed or their output reduced;

because ore can not be sold. The general business depression throughout the United States is reflected in the stagnation over the iron-mining industry, and the opinion expressed to me by every man familiar with the business is that they have never seen such stagnation and such hopelessness for the future in the iron-producing industry.

What is true of that is also true, though in a less degree, of the lumber business. One of the lumber producers of my own State, who, by the way, is a Democrat, one who never voted anything in his life but the Democratic ticket, who has been a lumber producer in that State for 30 years, tells me that he never in his life saw such conditions, not even from 1893 to 1897; that he sold lumber months and months ago, but the people to whom he sold it will not put in enough more money to move it, preferring to leave it there rotting in the yard. He further stated if things continue as they now are and look as though they were going to, he is going to close his mill, with no prospect of opening it. I have my own opinion as to the kind of ticket that he will vote next fall, together with many more who are in that same degree of business prosperity described as psychological so often in the city of Washington. Mr. Chairman, if I have any more time, I would like to yield it to my friend from Washington [Mr. HUMPHREY].

Mr. TAGGART. Mr. Chairman, will the gentleman yield?

Mr. MILLER. Certainly.

Mr. TAGGART. What would the gentleman do for the particular relief of that lumberman—put the tariff back on lumber?

Mr. MILLER. Oh, the tariff on lumber has absolutely nothing to do with his business. I voted for free lumber every time it has come up since I have been a Member of this House. The trouble is that he can not sell his lumber for any price, because there is no market for it in the United States. The general business stagnation resulting from the Democratic tariff bill as a whole has stopped all building, and lumber can not be sold at any price.

The CHAIRMAN. The time of the gentleman from Minnesota has expired.

Mr. HUMPHREY of Washington rose.

Mr. RUCKER. Mr. Chairman, would the gentleman just as soon wait until I answer some quesitons that were asked me some time ago?

Mr. HUMPHREY of Washington. Yes.

Mr. RUCKER. Mr. Chairman, I want to say to the gentleman from Washington that I am disposed to be very courteous to him, but questions were asked me upon this side so long ago that unless I answer them now I fear I shall forget them. I want to answer them now. The gentleman from California [Mr. RAKER], who I know is in hearty accord with every wise provision of this pending legislation, suggests that in section 8, instead of the amount being $50, it ought to be $10, and that every individual or firm or every committee which uses $10 or more ought to give publicity of that fact. Let me see if he is correct. If every gentleman in a congressional district who gives $10 toward a campaign fund of a candidate for Congress files a statement in Washington in the Clerk's office, how many people in the United States would ever see a single one of them? If a great many contributions were made, then a compliance with the law itself would work a destruction of the law. The law would become top heavy and fall of its own weight. If only one contribution was made, no harm could result if it never was known.

I submit, Mr. Chairman, and I do this with the very best of good humor, as the gentleman knows, because I know he is as earnestly in favor of this measure as I am, that I would go hand in hand with him just as far as the integrity of his political nature would lead him to go, and do all that he would seek to do to purify elections, if I did not believe, if I do not now believe, that the anxiety of gentlemen to accomplish a great good sometimes destroys the opportunity we have at hand of doing some good. I believe the measure is a great measure as it is, and while gentlemen of the House on both sides justly criticize its provisions here and there, I again throw down the challenge broadgauge to all gentlemen, and ask them to suggest something that will improve it, and we will accept it. The committee which reported this bill earnestly tried to discharge its duty. The gentlemen who rendered valuable assistance in framing this bill are now present to support it, but are ready to accept any improvement that may be offered. I believe the thought we have given this measure and the precautions we have used justifies us in standing for its provisions. I hope, therefore, that my good friend from California [Mr. RAKER], who simply desires to make it a better bill, will not insist upon this proposition, and if he does insist upon it, I hope all other friends of the measure will vote down his amendment.

Mr. RAKER. Oh, I did not offer an amendment.

Mr. RUCKER. Very well.

Mr. HUMPHREY of Washington. Mr. Chairman, I ask unanimous consent to proceed for five minutes.

The CHAIRMAN. Is there objection?

There was no objection.

Mr. HUMPHREY of Washington. Mr. Chairman, I did not have the pleasure of being present when the clipping-bureau expert from Illinois, Mr. RAINEY, commenced his remarks. It is rather a peculiar incident, however, that the reason I was not upon the floor was because I was stopped in the corridor by a gentleman, who informed me that he had just been out through Pennsylvania, that he was investigating as to the condition of the steel industry in that State, and that he had just returned, and said that it was in worse condition than it was even in 1896.

Mr. RAINEY. Has the gentleman any objection to giving the name of his witness?

Mr. HUMPHREY of Washington. The gentleman is a Grand Army man; he wears a Grand Army button. I see him here about the building sometimes, but I do not know his name. If I did, I would be very glad to give it to the gentleman from Illinois. But I can say this also, for the gentleman's information, that while he talks about the steel industry, the United States Steel Corporation had less than one-half as many orders upon its books the 1st day of May of this year as it did on the 1st day of May a year ago. Another remarkable statement is, as he says from this information which he receives from his clipping bureau, that all of these mills are starting up; that business is reviving, is going to revive.

Mr. Chairman, we have been told all of these months that the mills were all running at full capacity. How can they be starting up when they never have been closed? I am losing some of my faith in some of the prosperity items that are presented on that side of the House. It will doubtless be recalled that on last Friday, I think it was, my distinguished friend from Indiana [Mr. CULLOP] was enlightening us about the wonderful prosperity in Indiana, and in his particular district, and yet the very day that the gentleman from Indiana stood up here and made his prosperity speech the largest factory in his entire district closed, the Sowers Furniture Manufacturing Co., at Bloomington, Ind., employing 800 men, a factory that has been running for many years. Merely psychological, I suppose.

And on last Saturday, while some of those gentlemen were making their prosperity speeches about the textile industry, in Martinsburg, W. Va., almost in the shadow of the Capitol, one of the great factories that has been running for 30 years closed its doors. I wondered why my clipping-bureau friend did not get that clipping. It was in all the press here.

Mr. GOOD. Will the gentleman yield?

Mr. HUMPHREY of Washington. I will.

Mr. GOOD. The gentleman certainly knows it is not necessary to go to Pennsylvania or to Indiana or to any other State to secure evidence that business is paralyzed. Coming down F Street in the city of Washington to-day I counted 10 empty store buildings between Fourteenth Street and Thirteenth Street, and the gentleman knows that that portion of F Street is the best retail section of the city of Washington.

Mr. HUMPHREY of Washington. Oh, yes; but that is all psychological.

Mr. GARRETT of Tennessee. Are they not rebuilding them?

Mr. HUMPHREY of Washington. They were all running a year ago. There are five empty stores on the block on F Street, the first one this side of the New Willard Hotel, that were all occupied a year ago, but of course that is psychological also; but still they are closed, and in a few days my distinguished friend from Illinois will be reading a clipping saying they are going to open.

Mr. RAINEY. Will the gentleman yield?

Mr. HUMPHREY of Washington. I do.

Mr. RAINEY. Does the gentleman know these store buildings which he has just mentioned as being closed are closed because they are preparing to build other buildings on that ground?

Mr. GOOD. Oh, no.

Mr. HUMPHREY of Washington. Oh, no.

Mr. RAINEY. That is true.

Mr. HUMPHREY of Washington. No; the ones I refer to are not closed on account of building operations; they are closed on account of a Democratic administration. Look all over the entire country. You can go into any village or any city in the United States and all you have to do is to walk along the streets and look at the signs "For rent" and know we are enjoying a Democratic administration.

The CHAIRMAN. The time of the gentleman has expired.

Mr. TAGGART. Mr. Chairman, I ask unanimous consent to address the committee for one minute.

The CHAIRMAN. The gentleman from Kansas asks unanimous consent to address the committee for one minute. Is there objection?

Mr. RUCKER. Mr. Chairman, reserving the right to object, I just this minute stated——

Mr. TAGGART. I beg pardon, the Chair had made a ruling, and I will withdraw the request.

Mr. RUCKER. Mr. Chairman, I make no objection to the gentleman's request; but I hope that will not be taken——

Mr. TAGGART. Mr. Chairman, out of deference to the Chairman's ruling, I withdraw the request which he has denied the other side.

Mr. WILLIS. Mr. Chairman, I desire to offer an amendment to section 8.

The CHAIRMAN. The Clerk will report the amendment.

The Clerk read as follows:

On page 7, line 15, after the word "to," strike out "$50" and insert "$10."

Mr. WILLIS. Mr. Chairman, I was not able to hear all the colloquy between the chairman of the committee and the gentleman from California; if I had, perhaps it might have convinced me that this amendment should not be offered; but not hearing it, I am of the opinion that the bill ought to be amended in the way I have indicated in the amendment which I send to the Clerk's desk. This is the section that provides:

SEC. 8. That every person, firm, association, or committee, except political committees as hereinbefore defined, that shall expend or promise any sum of money or other thing of value amounting to $50 or more for the purpose of influencing or controlling, in two or more States, the result of an election at which Representatives or Senators to the Congress of the United States are elected, unless he or it shall contribute the same to a political committee as hereinbefore defined, shall file statements of the same.

And so forth.

Now, this amendment, in my judgment, if adopted, will not work hardship or bring about the confusion in the office of the Clerk of the House which the gentleman from Missouri fears it would, because I apprehend that persons making these contributions would ordinarily make them to committees; and if the contributions are made to committees, why, then, there is no requirement to make report here to the Clerk; and it seems to me that if we leave the amount as high as $50 we open the way to a great deal of possibility of fraud. I do not think there will be any hardship or any confusion or any inconvenience if we have that amount lower, and I do believe the amendment I have offered is in the interest of purity in our elections.

Mr. RUCKER. Will the gentleman yield?

Mr. WILLIS. I do.

Mr. RUCKER. I am not guided in my conclusions by the thought of any hardship to anybody who is required to keep an account, but I would like to suggest this to the gentleman: The amount written in the law is $50. The gentleman's amendment would reduce it to $10, so that everybody who made a contribution, which was not given to a committee, of $10 or more to be used in two or more States would be required to file a statement with the Clerk of the House. Now, the point I make is this: If a great many contributions of that kind are made, obviously nobody will pay attention to them, because they become so multitudinous. If only a few are made, it is wholly immaterial whether we know about them or not, because they do no harm, and, it seems to me, if the gentleman will reflect a moment about it, in requiring publicity where the amount is $10 or more, if you would file all the papers here, it would pile up the papers here so high and become so confusing the public could derive no benefit from the requirement.

Mr. WILLIS. I do not think this amendment, if enacted into law, would effect such confusion, and I do not think there would be any delay of reports; but I think our people all over the country, who as a class are law-abiding citizens, would appreciate the spirit of this act, which undoubtedly is to turn on the light of publicity and punish everybody who ought to be punished. Men who wish to contribute to the expense account of any candidate, instead of sending that money to him, so that the matter can be kept in the dark, with all the attendant possibility of improper influence, will make a contribution directly to some committee which, under this admirable bill which the gentleman has drawn, will be required to make a report. It seems to me that the very effect of it will be to secure larger publicity. Now I yield to the gentleman.

Mr. RUCKER. Mr. Chairman, I believe that possibly the gentleman from Ohio misapprehends the bill. If, for instance, some genteman living in a different State would send to a candidate for Congress in Missouri a $25 contribution, the amendment he proposes would not require, even if the amendment should carry, publicity by the donor, because the language is "who seeks to influence the election in two or more States."

Mr. WILLIS. Yes; I understand so.

Mr. RUCKER. If the effort is to control the result of an election in only one district, it would not be in two or more States. And then, again, the gentleman will see that very little will ever result from this section as a matter of fact, except when gentlemen make princely donations, because where the amount is $50 it must be distributed between at least two States before the donor is amenable to the law.

Now, a person who is a candidate in another State who may receive the donation is obligated to account for that, but the giver would not be required to give publicity unless the election is held in more than one State.

Mr. WILLIS. The result of this amendment reducing the amount would tend to bring about a larger degree of publicity, would it not?

Mr. RUCKER. No. In all frankness I will say that I think the contrary would be the effect.

Mr. WILLIS. If the gentleman believes that, why not raise the $50 to $1,000, or at least to $100?

Mr. RUCKER. Oh, that is not reasonable. The gentleman will recollect that $50 measures the amount of the campaign contributions of many men who make contributions for patriotic motives. I hope the gentleman's amendment will not be adopted.

The CHAIRMAN. The question is on agreeing to the amendment offered by the gentleman from Ohio [Mr. WILLIS].

The question was taken, and the amendment was rejected.

The CHAIRMAN. The Clerk will read.

Mr. SISSON. Mr. Chairman, a parliamentary inquiry.

The CHAIRMAN. The gentleman will state it.

Mr. SISSON. I want to inquire whether, under the special order, amendments were to be offered to the end of the paragraph? Does the regular order apply to amendments offered at the end of a paragraph and not the end of a section?

The CHAIRMAN. There was no request made to consider the bill by paragraphs, and the regular rule of considering it by sections is adhered to.

Mr. SISSON. That is not the regular rule, as I understand it. It is not to consider it by sections, but by paragraphs.

The CHAIRMAN. We are considering this by sections.

Mr. SISSON. I want to offer some amendments to this bill.

Mr. RUCKER. Mr. Chairman, I suppose the gentleman would be content to offer them after the reading of the section.

Mr. SISSON. The same amendment would occur in several of these paragraphs.

The CHAIRMAN. The gentleman from Mississippi [Mr. SISSON] will be recognized to offer amendments to any paragraph in the section.

Mr. SISSON. I would like to know by what order or what authority we are changing the regular rule of the House, which says that the bill shall be read by paragraphs for amendment, and not by sections? I have no objection, Mr. Chairman, if it is understood that I do not lose any rights thereby.

Mr. RUCKER. That is all right.

Mr. GARRETT of Tennessee. Mr. Chairman, that would be true if there was a gentleman's agreement that no one would make a point of order that it was too late to offer an amendment.

Mr. RUCKER. I ask unanimous consent, Mr. Chairman, that in the consideration of this bill amendments may be offered, after the entire section has been read, to any part of it.

The CHAIRMAN. The gentleman from Missouri [Mr. RUCKER] asks unanimous consent that amendments may be offered, after the entire section has been read, to any part thereof. Is there objection?

There was no objection.

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

SEC. 9. That the word "candidate" as used in this section shall include every person whose name is presented with his knowledge and consent for nomination for Representative or Senator in the Congress of the United States at any primary election or nominating convention or for election at any general or special election held in connection with the nomination or election of a person to fill such office, whether or not such persons are nominated or elected.

Every person who shall be a candidate for nomination at any primary election or nominating convention, or for election at any general or special election, as Representative in the Congress of the United States, shall, not less than 10 nor more than 15 days before the day for holding such primary election or nominating convention, and not less than 10 nor more than 15 days before the day of the general or special election at which candidates for Representatives are to be elected, file with the Clerk of the House of Representatives, at Washington, D. C., a full, correct, and itemized statement of all moneys and things of value re-

ceived by him or by anyone for him with his knowledge and consent, from any source, in aid or support of his candidacy, together with the names of all those who have furnished the same, in whole or in part, and deliver a duplicate of such statement to each of his opponents for such nomination or election if such opponents and their addresses are known. Such statement shall contain a true and itemized account of all moneys and things of value given, contributed, expended, used, or promised by such candidate, or by his agent, representative, or other person for and in his behalf with his knowledge and consent, together with the names of all those to whom any and all such gifts, contributions, payments, or promises were made for the purpose of procuring his nomination or election.

Every person who shall be a candidate for nomination at any primary election or nominating convention, or for election at any general or special election, for Senator of the United States, shall, not less than 10 nor more than 15 days before the day for holding such primary election or nominating convention, and not less than 10 nor more than 15 days before the day of the general or special election to fill such office, file with the Secretary of the Senate, at Washington, D. C., a full, correct and itemized statement of all moneys and things of value received by him, or by anyone for him with his knowledge and consent, from any source, in aid or support of his candidacy, together with the names of all those who have furnished the same in whole or in part, and deliver a duplicate of such statement to each of his opponents for such nomination or election, if known. Such statement shall contain a true and itemized account of all moneys and things of value given, contributed, expended, used, or promised by such candidate, or by his agent, representative, or other person for and in his behalf with his knowledge and consent, together with the names of all those to whom any and all such gifts, contributions, payments, or promises were made for the purpose of procuring his nomination or election.

Every such candidate for nomination at any primary election or nominating convention, or election at any general or special election, shall, within 15 days after such primary election or nominating convention, and within 30 days after any such general or special election, file with the Clerk of the House of Representatives or with the Secretary of the Senate, as the case may be, a full, correct, and itemized statement of all moneys and things of value received by him, or by anyone for him with his knowledge and consent, from any source, in aid or support of his candidacy, together with the names of all those who have furnished the same in whole or in part; and such statement shall contain a true and itemized account of all moneys and things of value given, contributed, expended, used, or promised by such candidate, or by his agent, representative, or other person for and in his behalf with his knowledge and consent, up to, on, and after the day of such primary election, nominating convention, or general or special election, together with the names of all those to whom any and all such gifts, contributions, payments, or promises were made for the purpose of procuring his nomination or election.

Every such candidate shall include therein a statement of every promise or pledge made by him, or by anyone for him with his knowledge and consent or to whom he has given authority to make any such promise or pledge, before the completion of any such primary election or nominating convention or general or special election relative to the appointment or recommendation for appointment of any person to any position of trust, honor, or profit, either in the county, State, or Nation, or in any political subdivision thereof, or in any private or corporate employment, for the purpose of procuring the support of such person or of any person in his candidacy; and if any such promise or pledge shall have been made the name or names, the address or addresses, and the occupation or occupations of the person or persons to whom such promise or pledge shall have been made shall be stated, together with a description of the position relating to which such promise or pledge has been made. In the event that no such promise or pledge has been made by such candidate that fact shall be distinctly stated.

No candidate for Representative in Congress or for Senator of the United States shall promise any office or position to any person, or to use his influence or to give his support to any person for any office or position for the purpose of procuring the support of such person or of any person in his candidacy; but such candidate may, within the limitations and restrictions and subject to the requirements of this act, contribute to political committees having charge of the disbursement of campaign funds.

No candidate for Representative in Congress or for Senator of the United States shall give, contribute, expend, use, or promise, or cause to be given, contributed, expended, used, or promised, in procuring his nomination and election, any sum in the aggregate in excess of the amount which he may lawfully give, contribute, expend, or promise under the laws of the State in which he resides: *Provided*, That no candidate for Representative in Congress shall give, contribute, expend, use, or promise any sum in the aggregate exceeding $5,000 in any campaign for his nomination and election; and no candidate for Senator of the United States shall give, contribute, expend, use, or promise any sum in the aggregate exceeding $10,000 in any campaign for his nomination and election: *Provided further*, That money expended by any such candidate to meet and discharge any assessment, fee, or charge made or levied upon candidates by the laws of the State in which he resides, or for his necessary personal expenses, incurred for himself alone, for travel and subsistence, stationery, and postage, writing or printing (other than in newspapers), and distributing letters, circulars, and posters, and for telegraph and telephone service, shall not be regarded as an expenditure within the meaning of this section, and shall not be considered any part of the sum herein fixed as the limit of expense and need not be shown in the statements herein required to be filed.

No statement herein required to be made need contain the items of which publicity is given in a previous statement, but the statement required to be made and filed after a general or special election, in addition to an itemized statement of all expenses not theretofore given publicity, shall contain a summary of all preceding statements.

Mr. SISSON and Mr. STAFFORD rose.

The CHAIRMAN. The gentleman from Mississippi is recognized.

Mr. SISSON. Mr. Chairman, I desire to offer an amendment to the first paragraph. I want to state also that the same amendment, if it prevails, will be offered to all of the other paragraphs and sections of the bill wherein the same language occurs.

Mr. Chairman, I offer to amend the first paragraph in section 9 by striking out, after the word "States," in line 4, page 8, the words "at any primary election or nominating convention or for election," and striking out, after the word "special," in line 6, the words "election held in connection with the nomination or," so that the section will read "or Senator in the Congress of the United States at any general or special election."

The CHAIRMAN. The gentleman from Mississippi [Mr. SISSON] offers an amendment, which the Clerk will report.

The Clerk read as follows:

Page 8, line 4, after the word "States," strike out the words "at any primary election or nominating convention or for election," and, after the word "election," in line 6, strike out the words "election held in connection with the nomination or."

Mr. SISSON. Mr. Chairman, I intended also to include in line 3 the words "for nomination."

Mr. RUCKER. Mr. Chairman, can we have the amendment reported again?

The CHAIRMAN. The Clerk will again report the amendment.

The Clerk read as follows:

On line 3 strike out the words "for nomination."

Mr. SISSON. That does not read exactly as it should. I ask unanimous consent, Mr. Chairman, to modify my amendment so that the word "nomination" may read "election." I think it makes it clearer.

The CHAIRMAN. The gentleman from Mississippi asks unanimous consent to modify his amendment as indicated. Is there objection?

There was no objection.

Mr. RUCKER. Mr. Chairman, let the amendment be read as modified.

Mr. STAFFORD. Mr. Chairman, I would like to have the amendment reported. It has not been fully reported as yet.

The CHAIRMAN. The Clerk will report the amendment as modified.

The Clerk read as follows:

In line 3, strike out the word "nomination" and insert "election."

Mr. STAFFORD. Mr. Chairman, the amendment of the gentleman has not been reported at any time.

The CHAIRMAN. The Clerk will report the entire amendment.

The Clerk read as follows:

Strike out in line 3 "nomination" and insert "election"; in line 4, after the word "States," strike out the words "at any primary election or nominating convention or for election"; and after "election," in line 6, strike out "held in connection with the nomination or election of a person to fill such office, whether or not such persons are nominated or elected."

Mr. SISSON. We ought to strike out the word "election" after the word "special," so that the word "election" will not occur twice. Now, Mr. Chairman, if the amendment is understood, I would like to have recognition.

Mr. GARRETT of Tennessee. Mr. Chairman, I have an amendment which I will offer after the gentleman has discussed his amendment.

Mr. RUCKER. Mr. Chairman, there are several gentlemen who want to be heard on this. I believe the gentleman from Mississippi [Mr. SISSON] has some amendments to offer to other parts of the bill.

Mr. SISSON. Yes; there are some. I will state to the gentleman, so far as I am concerned, that I am perfectly willing that the debate on these may be completed at one time, instead of debating them at different times.

Mr. RUCKER. I wonder if we could not agree as to how much time gentlemen will want to debate this?

Mr. SISSON. In view of the fact that there are so many of the amendments, while I do not want to trespass on the time of the committee, I should like to be permitted to proceed for at least 10 minutes myself.

Mr. RUCKER. I should like to inquire how many other gentlemen want to speak.

Mr. STAFFORD. There will be 15 minutes wanted on this side, and I suggest to the gentleman that we go ahead.

Mr. RUCKER. I thought we might agree on it.

Mr. SISSON. There is absolutely no desire to delay consideration of the bill.

Mr. RUCKER. I know that.

Mr. SISSON. Mr. Chairman, I want to say to gentlemen that I am in favor of publicity of campaign contributions for all elections, and I am in favor of the rigid enforcement of the law, but I do not want to write into a bill something that I do not believe to be in accordance with the Federal Constitution or within the power of Congress.

I presume it is conceded by everyone that under the Constitution the right to regulate the election of a Congressman is fixed; and since the amendment to the Federal Constitution in reference to the election of Senators, the right to regulate that

election is fixed within such limitations as the Constitution makes.

But there is no line, no syllable, and no letter in the Constitution that directly or indirectly recognizes a primary election. The only election to which the Constitution refers is the general election in November and the election of United States Senators. Every other provision of this bill except that which relates to that matter is not constitutional; and I believe that when this proposition is submitted to the Supreme Court, if it is ever so submitted, upon the proposition as to whether or not a man has violated this statute in some primary election, the court will be compelled to declare this act unconstitutional.

How do you get jurisdiction of a man under the Constitution? You get jurisdiction of him by virtue of the fact that he is brought within the provisions of that Constitution when he is elected to the office of Congressman, and, at most, when he is a candidate at the November election. Anything beyond that is beyond the power of the Federal Government. You can not reach out and control the primary election, because the primary election is not held for Congress in the sense that any man there is a candidate for Congress, but he comes before a portion of his constituents who have organized themselves into a political party, and he is asking for the party nomination, asking their permission to become a candidate for Congress. He submits his name, agreeing to abide by the result of that primary election; and when he does so submit his name to that primary, he in no sense of the word puts himself within the jurisdiction of the Federal Government under that clause of the Constitution which gives him the right to an election in November. This is one of the incidents of election, they say; but it is not such an incident as will enable Congress to reach out and get hold of the machinery of the primary election which is held in a State in accordance with the demands of the people for a primary, in order that the parties in that State may select persons to become candidates who may then submit to the constitutional election laws passed by Congress. I agreed with the gentleman from Illinois [Mr. MANN] when he made the statement this afternoon that he did not believe that that much of this bill was constitutional. Nor do I believe you will find a lawyer who will give this matter serious consideration who will say that that part of it is constitutional. I do not believe any man can say so, if he believes in the written Constitution which we have made, and if he believes that Congress is limited in what it does by the plain language of that Constitution. I do not believe you can find any rhyme or reason for the contention that we can reach out and control a State primary election.

How does a man come within the reach of the Federal Constitution? It is when he submits his name to that machinery which the Federal Constitution has a right to control. And what is that machinery which the Federal Constitution has the right to regulate? The only right that Congress has under the Federal Constitution is to give to certain men the right to hold elections under election laws which Congress may pass. There has never been a Federal election law written upon the statute books of this Union in its history unless you shall call this a Federal election law. Some time ago the Lodge bill, commonly known as the force bill, sought to take control of State elections and the appointment of election officers, the appointment of the men who should hold the elections and make the returns, and the appointment of the persons who should make the registration of the voters.

The CHAIRMAN. The time of the gentleman from Mississippi has expired.

Mr. SISSON. I ask unanimous consent to proceed for five minutes.

The CHAIRMAN. The gentleman from Mississippi asks unanimous consent to proceed for five minutes. Is there objection?

There was no objection.

Mr. SISSON. Now, the Lodge bill passed the House of Representatives, but failed in the Senate. That bill was constitutional; that is the feature of the bill which would take control of the regulation of elections, but that was the limit to which it could go. The Federal Government can go no further in that. I know that in these modern times there are men who laugh at the Constitution. I know that in these modern times men make light of that instrument which is the palladium of the liberties of all the people of these States; that instrument which has blazed the way for great Governments of the world; that instrument which was said by Mr. Gladstone to be the greatest instrument ever struck off at one time by the hand of man at any one convention. I know that when political pressure comes upon men at home they are willing to hide behind the fact that the Supreme Court may declare a law unconstitutional if we have violated the Constitution. But that is not the oath which we take. That is not the oath to which we subscribe when we are admitted to this body as Members. We take a solemn oath, without any mental reservation or purpose of evasion, that we will support the Constitution of the United States. Therefore, if there is any question about the constitutionality of a law in any Member's mind, under that oath he should give his decision against the constitutionality of it and against the power of the United States.

Mr. GARRETT of Texas. Will the gentleman yield for a question?

Mr. SISSON. I will.

Mr. GARRETT of Texas. Perhaps I am laboring under a misapprehension as to the provisions of this bill, but I do not understand that this bill proposes to interfere in any way with any election laws or that it controls elections in any way. Does the gentleman understand that this bill attempts to control elections in any way?

Mr. SISSON. Oh, yes; it does.

Mr. GARRETT of Texas. If the gentleman will pardon me——

Mr. SISSON. I do not want to get off into a discussion of the extent to which this bill goes. But under this bill you may reach a party organization in a State, a party organization with which the Federal Government has nothing to do, a primary election law with which the Federal Government has nothing to do, and which has no lodgment in the Constitution. A primary election applies only to the political party, which is a voluntary association formed by agreement amongst a number of people in a State, regulated by the State law, to enable the people of that party to select a man who will become the candidate of that party and then subject himself to the rules and regulations that may be made by Congress under the constitutional provision which provides for the election of Congressmen. Until that stage arises, until the citizen shall offer himself as a candidate for Congress in the November election—the only election that can be recognized under the Constitution, because that is the election fixed, that is the election determined, that is the election and the only one that Congress has anything to do with under the Constitution—until that machinery of the people necessary to reach that stage, that machinery necessary to reach that conclusion as to who shall submit his name for this election, I contend that the Federal Government has no right to control the primary election under the Constitution.

Mr. GARRETT of Texas. Will the gentleman yield?

Mr. SISSON. Yes.

Mr. GARRETT of Texas. In a great many States, both North and South, the only contest we have is in the primary election. After that is over the nomination is equivalent to an election in both the Republican and Democratic States. How would we have publicity then?

Mr. SISSON. I am not bothering myself about that proposition. It is the right of the citizen in a rock-ribbed Republican district of Pennsylvania to bring out a nomination against any candidate in that State; but if no man offers his name for that election, Congress could not reach him. It is not a question of districts; it is a question of what is legal under the Constitution.

Mr. RAKER. Will the gentleman yield?

Mr. SISSON. Yes.

Mr. RAKER. This law was in force at the last congressional election. Has the gentleman heard of any complaints; did not it work well?

Mr. SISSON. That is no answer to the proposition. I am not talking about the wisdom or the unwisdom of it; I am not talking about determining whether it is a good law or a bad law; I am not asking you to determine whether you will or will not support a law that is unconstitutional.

The CHAIRMAN. The time of the gentleman from Mississippi has expired.

Mr. SISSON. Mr. Chairman, I ask for five minutes more, and then I will trespass no further.

The CHAIRMAN (Mr. DUPRÉ). The gentleman from Mississippi asks unanimous consent that his time be extended five minutes. Is there objection?

There was no objection.

Mr. KELLEY of Michigan. Mr. Chairman, will the gentleman yield?

Mr. SISSON. I will yield to the gentleman.

Mr. KELLEY of Michigan. The gentleman's argument goes to the matter of the presidential candidate, and I assume that the gentleman holds that Congress has no power to regulate a national convention also.

Mr. SISSON. I do not think that Congress has the right to regulate national conventions.

Mr. KELLEY of Michigan. In that respect the gentleman differs from the Chief Executive.

Mr. SISSON. That may be true, but I have never permitted the Chief Executive, however great respect I may have for him, to do my thinking. I should look with a good deal of pity on the Member of the House who represented his district who permitted any man to do his thinking for him, even though he held the great office of President of the United States and was one of the purest men on earth.

Now, I am not going into that subject, and I hope the gentleman will not ask me why, for if he did I would have to go into the constitutional provision that provides that electors shall be elected by the States in proportion to the population. I am willing to debate that, whenever it comes up, to the best of my skill and ability.

In this connection, I am not dealing with the question whether or not it may have been wise when they established the Government for them not to give full power over those matters. I am not debating the question whether it might not have been wiser for the fathers to abolish the State lines except for geographical purposes. I am here contending that they did not do so, and that every power which we have the right to exercise here to-day comes from that delegation of power to the Federal Government by the States in solemn convention assembled, ratified thereafter by State legislation.

I am afraid of the man, and for the future of the Republic, when this body shall be filled with men who are willing to scoff at that instrument and the oath that they take to support that Constitution. Therefore, whatever may be the difference between that man and me, you will find that when you ask him the question, he will always pretend to find some constitutional reason, because he is unwilling to commit the crime of perjury. Therefore you must find constitutional ground for the power exercised in Congress, and if you do not do so you have taken an oath that you ought not to have taken, and you have violated the oath when you vote for a law that does not come within the Constitution.

Therefore I hope that every man will seek to justify himself on some constitutional ground. I shall not fall out with a man if he honestly, in his own mind, exercising the best judgment, finds a right to exercise this power and casts a vote in favor of this measure. But, as I view it, I can not support this provision in this bill, which does that which I believe the Federal Government has no right to do. It would be infinitely better, if the measure is so popular in the States, if the measure is one so much demanded in the States, that you should pursue the constitutional method of obtaining a law, and that is under article 5 of this sacred instrument, which provides the means and methods of amending the Constitution, go back to the States and therefrom get the necessary power to pass the desired legislation.

We have done that in reference to many matters. I am unwilling that Congress shall assume the power that does not belong to it. The balance of the bill, as it regulates elections, as it carries regulations in reference to candidates for Congress, you have the unquestioned right, you have the unquestioned power, to pass any law you see fit, providing that it merely regulates the election. When you go beyond that I contend that you have violated the provisions of the Constitution. [Applause.]

Mr. WILLIS. Mr. Chairman, I rise in opposition to the amendment. It seems to me that the amendment which has been so eloquently defended by the gentleman from Mississippi [Mr. SISSON] ought to be entitled "An amendment to provide that candidates for Congress in districts where there are actual party contests shall be required to make reports, but that candidates from districts in which there is no contest save at the primaries shall not be required to make reports." My good friend from Mississippi is afraid of the ghost of the force bill. There is no disposition at all to raise any such question as he has suggested here. There is no disposition to interfere with the right of the people to do anything they actually have a right to do, but there is a disposition to put upon the statute books of the United States a law that will guarantee the purity not only of the merely formal election, but the purity of the primary and the nominating convention. I have not had opportunity to examine the Congressional Directory recently, but I have examined it in past years, and there are many gentlemen here, patriotic and able gentlemen, who have been elected to Congress without opposition save in their own party, and so state in their biographical notices, which they have themselves written.

I am not referring now only to gentlemen who are here from districts in the South where they have no opposition from the party to which I belong; there are some districts farther north where a nomination on the Republican ticket would be regarded as equivalent to an election, so this is not a party matter. But I say to you that where a nomination is equivalent to an election, if you adopt this amendment you have made an utterly unfair discrimination. If the gentleman lives in a district where there is no party opposition—and I am not suggesting that my friend from Mississippi would do an improper thing, and I know he would not; I am simply referring to my friend as an illustration—where there is no opposition to him he might go to the very depths of political corruption. He might openly buy votes at the primaries, he might corrupt delegates to the conventions, and he might use any of the devious methods of the crooked politician to secure the nomination; and yet there would be absolutely no relief under the law if it should pass with the amendment proposed by the gentleman from Mississippi.

Mr. SISSON. Mr. Chairman, will the gentleman yield?

Mr. WILLIS. Yes.

Mr. SISSON. Mr. Chairman, I agree thoroughly with the gentleman that this is not a partisan question; but does the gentleman not concede that if the nomination should be so corrupt as to excite public scorn there would be opposition at the general election, because the people would control it?

Mr. WILLIS. There certainly ought to be, but I am not so sure there always would be. At all events, I am unwilling to vote for an amendment when I can see right on the face of it that it will so emasculate this proposed legislation as to make it utterly inapplicable in almost half the congressional districts of the country.

Mr. SISSON. Mr. Chairman, the gentleman is a good lawyer——

Mr. WILLIS. I thank the gentleman for the admission.

Mr. SISSON. Can the gentleman find constitutional grounds sufficient to justify his position upon this matter?

Mr. WILLIS. Mr. Chairman, I will say this to my friend: I have not had opportunity to look up the authorities, as the question has come up suddenly. I am quite familiar with the constitutional provision which he read, but I notice in the Manual a citation to which I called attention earlier in the day, on page 15, to the effect that Congress has, in fact, fixed by law the time of an election and has controlled the manner to the extent of prescribing a ballot or voting machine.

Mr. SISSON. Mr. Chairman, will the gentleman yield further?

Mr. WILLIS. Certainly.

Mr. SISSON. That, of course, is at a general election?

Mr. WILLIS. Absolutely.

Mr. SISSON. And the election provided for in the Constitution. I have no sort of criticism of this bill in so far as it applies to an election.

Mr. WILLIS. I understand that; but what I was about to say is this: If the Federal Government has authority to prescribe the form of ballot to be used at a general election, has authority to prescribe even a voting machine—if it can go that much into detail, I believe that under this clause of the Constitution there is ample authority to say that when the fathers used the word "election" they meant all those processes by which persons are selected to occupy seats in Congress. In other words, I think that the election includes the nomination, so far as the power of Congress is concerned.

The CHAIRMAN. The time of the gentleman from Ohio has expired.

Mr. STAFFORD rose.

Mr. RUCKER. Mr. Chairman, can we not agree on some time for closing debate on this section?

Mr. GARRETT of Tennessee. Mr. Chairman, I suggest that the gentleman from Wisconsin be permitted to get through before we attempt any such arrangement.

Mr. STAFFORD. On this side we can readily agree on time.

Mr. SISSON. If the gentleman will permit me just one suggestion, I desire to state that so far as I am concerned, if the debate is exhausted upon this amendment, unless somebody else desires to offer the amendment, I will just generally ask that we consider one amendment, that wherever the language I ask to be stricken out in this section occurs it be stricken out. That will save the offering of amendments and having those amendments read, and that will save a good deal more time than it would to try to force an agreement at this time.

Mr. RUCKER. Would it be satisfactory if we have 10 minutes more debate upon this side in favor of the amendment?

Mr. SISSON. As far as I am individually concerned that would be entirely adequate. I do not know what will be said, but if I can have three minutes I would be satisfied.

Mr. GARRETT of Tennessee. I hope the gentleman will be willing to let the gentleman from Wisconsin conclude before

we make any agreement. I do not know that I will want any time at all.

Mr. RUCKER. Mr. Chairman, for the present I withhold my request.

Mr. STAFFORD. Mr. Chairman, although the distinguished leader of the minority took occasion this morning to express doubt about the constitutional authority of Congress so far as the provisions of this bill are concerned, I think that a reading of the decisions of the United States Supreme Court removes all question as to its constitutionality, not only of those provisions that relate only to the election, but also those which extend to the primary election, and in confirmation of that I am going to cite the leading case, as I regard it, in this respect. It is referred to in the Manual, being the case of Ex parte Yarboro (110 U. S., 651).

The syllabus that refers to this section is as follows:

Section 4 of Article I of the Constitution, which declares "the times, places, and manner of holding elections for Senators and Representatives shall be prescribed in each State by the legislature thereof, but the Congress may at any time make or alter such regulations, except as to the place of choosing Senators," adopts the State qualification as the Federal qualification for the voter; but his right to vote is based upon the Constitution and not upon the State law, and Congress has the constitutional power to pass laws for the free, pure, and safe exercise of this right.

Justice Miller delivered the decision in this case, and all of us know Justice Miller at that time was regarded as the most eminent jurist on constitutional law then occupying the bench. He uses some language to which I wish to call the attention of the committee as a warrant for the language which I have just read from the syllabus.

That a Government whose essential character is republican, whose executive head and legislative body are both elective, whose most numerous and powerful branch of the legislature is elected by the people directly, has no power by appropriate laws to secure this election from the influence of violence, of corruption, and of fraud is a proposition so startling as to arrest attention and demand the gravest consideration. If this Government is anything more than a mere aggregation of delegated agents of other States and Governments, each of which is superior to the General Government, it must have the power to protect elections, on which its existence depends, from violence and corruption. If it has not this power, it is left helpless before the two great natural and historical enemies of all the public, open violence and insidious corruption.

Further on I read:

Will it be denied that it is in the power of that body to provide laws for the proper conduct for those elections; to provide, if necessary, the officers who shall conduct them and make return of the result; and especially to provide, in an election held under its own authority, for security of life and limb to the voter while in the exercise of this function? Can it be doubted that Congress can by law protect the act of voting, the place where it is done, and the man who votes from personal violence or intimidation and the election itself from corruption and fraud?

There is the essence——

Mr. SISSON. Will the gentleman yield?

Mr. STAFFORD. Not at present, until I finish commenting on this decision.

There is the essence of the decision which is the basis for this legislation for Congress extending its supervision over primary elections——

Mr. SISSON. Now will the gentleman yield?

Mr. STAFFORD. If corruption exists at the primaries, then that fraud reaches to the election, and if Congress has no supervision over primary nominations, this body would be without authority to protect itself as the framers of the Constitution intended it to be protected when they vested authority in Congress by section 4 of Article I. But more, section 5 gives——

Mr. SISSON. Will the gentleman yield there?

Mr. STAFFORD. I will.

Mr. SISSON. I am thoroughly familiar with the case the gentleman read, but that deals solely with the general election, the machinery for that election, the books for that election, and everything necessary to hold that election. The point in that case was as to all the machinery necessary to test the will of the voter at that election; that is all there is to it.

Mr. STAFFORD. Mr. Chairman, I quite agree with the gentleman that the instant case only referred to an election, but there is language there by Justice Miller, eminent constitutionalist jurist that he was, construing that constitutional authority to remove all doubt, that there is any question that Congress had the right to protect the elections at the fountainhead and through the various proceedings of an election. It is something new, something that has grown up recently, in the last 15 years, to have elections by primaries. It had its origin in the State of Wisconsin and it has spread over all this country.

When this decision was rendered back in 1883 there was no State in the country that had any primary election; it was unknown; it was unheard of; but the language expressed in that decision is strong enough to show that the Supreme Court through Justice Miller intended that Congress had ample authority over everything that concerned the election of its Members. Furthermore, consider for a moment section 5, which says that each House shall be the judge of the elections, returns, and qualifications of its own Members. Now, every line of the Constitution is consonant with the idea that Congress must be supreme in the protection of its own membership, in the requirement, if need be, as to the qualification of the electors, and the conditions attendant on nominations and elections also. Now I will yield to the gentleman from Tennessee.

Mr. GARRETT of Tennessee. Under the section which the gentleman just read as to each House being the judge of the elections and qualifications of its own Members, would the gentleman think that now the House would have the right to inquire into the nomination of a Member?

Mr. STAFFORD. The House would have the right to inquire, in considering whether or not a Member is entitled to a seat in this House, as to the method and means of his nomination; most assuredly. If there had been corruption and fraud in his nomination, and he was elected, then that corruption would reach to the election itself.

Mr. SISSON. Mr. Chairman, will the gentleman yield for one moment?

Mr. STAFFORD. Yes.

Mr. SISSON. I have great respect for the gentleman, not only as a man but as a lawyer; but let me ask him this: Suppose that a man had been absolutely discharged from this House in a former election for fraud and corruption. If he goes back home and his constituents vote for him, they remove it all and he is admitted.

Mr. STAFFORD. Congress has the right to refuse to admit him even then if Congress decides he is not a fit person to hold a seat in this House.

Mr. DONOVAN. Mr. Chairman, has the timepiece of the House been lost? [Laughter.]

Mr. STAFFORD. I think the Chairman of the committee is wide-awake in the performance of every duty.

The CHAIRMAN. The time of the gentleman from Wisconsin [Mr. STAFFORD] has expired.

Mr. SISSON. Mr. Chairman, I ask unanimous consent that the gentleman's time be extended three minutes. He has been interrupted frequently.

The CHAIRMAN. The gentleman from Mississippi [Mr. SISSON] asks unanimous consent that the time of the gentleman from Wisconsin [Mr. STAFFORD] be extended three minutes. Is there objection?

Mr. DONOVAN. Mr. Chairman, reserving the right to object, I think the gentleman from Wisconsin [Mr. STAFFORD] ought to be considerate of some of us who are obliged to stay here. [Laughter.]

Mr. GARRETT of Tennessee. We have had time for debate on the amendment on this side, and it is only fair to let the other side have an equal amount of time.

Mr. DONOVAN. I understand the gentleman from Tennessee seems to be of the same stripe, only he is on this side. [Laughter.] Now, it is almost painful to us, at least to some of us, to hear repetitions of this sort hour after hour. [Laughter.]

Mr. STAFFORD. I wish to say to the gentleman from Connecticut that he is under no compulsion to remain.

Mr. DONOVAN. Would he not be thoughtful enough of some of us here to ask unanimous consent to extend his remarks and have what he wants to say inserted in the RECORD?

Mr. STAFFORD. Replying to the gentleman's last remark, I wish to say to the gentleman——

The CHAIRMAN. Is there objection to the request of the gentleman from Mississippi [Mr. SISSON]?

Mr. GARRETT of Tennessee. Mr. Chairman, I merely wish to say to the gentleman from Connecticut that those who were in favor of the amendment had 15 minutes, and the gentleman from Wisconsin was opposing the amendment. The gentleman from Connecticut, of course, was not here at the time and did not know what was going on. I merely suggested that, as a matter of courtesy and to be entirely fair, those who opposed the amendment should have an equal amount of time with those who were in favor of it. I thought so, but I do not suppose the gentleman from Connecticut understands the meaning of the word "courtesy."

Mr. DONOVAN. Mr. Chairman, reserving the right to object, I want to say that that ungracious insult from the gentleman from Tennessee was uncalled for. I do not know anyone who remains silent so little and takes part in irregular proceedings more than the gentleman from Tennessee, both in the Committee of the Whole and in the body of the House. Day after day we are sitting here listening to discussions that are foreign to the

subject in hand, and the gentleman from Tennessee understands that.

Mr. STAFFORD. Mr. Chairman, I was about to say that for the purpose of expedition I shall not ask for any further time.

Mr. RUCKER. Mr. Chairman, I believe nobody else desires to be heard.

Mr. GREEN of Iowa. I wish to be heard.

Mr. RUCKER. I want to close the debate.

Mr. DONOVAN. Mr. Chairman, I want to have an opportunity to say something at some period in the consideration of this bill.

The CHAIRMAN. The gentleman will be recognized.

Mr. DONOVAN. Now?

The CHAIRMAN. No; the gentleman from Iowa [Mr. GREEN] has the floor.

Mr. RUCKER. Mr. Chairman, I renew the request made a while ago for unanimous consent to close debate.

Mr. KELLEY of Michigan. On this entire section?

Mr. RUCKER. Yes; this entire section.

Mr. STAFFORD. Oh, there are many amendments to be offered to other paragraphs of this section.

Mr. RUCKER. Then, Mr. Chairman, I ask unanimous consent that debate on this particular amendment close.

Mr. STAFFORD. The gentleman from Tennessee [Mr. GARRETT] has expressed a desire to be heard on this amendment.

Mr. RUCKER. I have time and time again appealed to the gentleman that if he has a desire to take time he can have the opportunity.

Mr. STAFFORD. Three minutes' time is desired on this side by the gentleman from Iowa [Mr. GREEN] and some time by the gentleman from Tennessee [Mr. GARRETT].

Mr. GARRETT of Tennessee. I do not care to take time.

The CHAIRMAN. The gentleman from Iowa [Mr. GREEN] is recognized.

Mr. GREEN of Iowa. Mr. Chairman, I am unable to agree with the distinguished gentleman from Mississippi [Mr. SISSON], and I am unable to follow the analogy of his argument. In the first place, Mr. Chairman, I think there is nothing that ought to be clearer to our minds than the fact that the primary is a part of the election. Unless there is an election there is no occasion for a primary. The primary is merely a preliminary part of the machinery of the election.

Mr. McKELLAR. Mr. Chairman, will the gentleman yield?

Mr. GREEN of Iowa. Yes.

Mr. McKELLAR. The gentleman says it is a part of the election?

Mr. GREEN of Iowa. Yes.

Mr. McKELLAR. Does the gentleman think that if the old-fashioned conventions were still in vogue as a method of determining party candidates it would be proper for this House or this Congress to pass a law regulating how those conventions should be held and all about them?

Mr. GREEN of Iowa. Without any doubt. There can not be any question about it, as I think. The candidates that are to be voted for at the elections are determined either at the convention or at the primary. If you will consult the statute books of the various States having laws on the subject, you will find the provisions touching primaries included under the election laws and that they are a part of the election laws.

But, Mr. Chairman, we might go further than this. Every legislative body has the inherent right to protect itself against fraud and corruption in obtaining seats in that body.

As I was saying, every legislative body has the inherent right to protect itself against fraud and corruption in obtaining a seat upon its floor; and whatever steps any candidate may take in the course of the procedure anywhere along the line, I insist it is the inherent right of the legislative body to protect itself against action which would in the end destroy the usefulness of that body, if not threaten its very existence.

The gentleman from Mississippi [Mr. SISSON] has argued here that because the Constitution simply provides for the regulation of elections, therefore there is no right to go beyond that to a primary or a convention. I have already stated that I believe a primary or a convention to be a part of the machinery of the election. Even if that were not so, there would be no proper argument against it. In the one case the States have been given the power to regulate the elections. Anything further in the way of regulating the action of the States must necessarily be conferred by the Constitution. But by this provision which is under discussion we propose simply to regulate the action of the individual in obtaining a seat in this body. The proceeding which he has taken, whether for good or for evil, is something to be passed upon by this body, something which, as I have already stated, Congress has the inherent right to control.

Mr. GARRETT of Tennessee. Mr. Chairman, I offer a substitute for the amendment.

The CHAIRMAN. The gentleman from Tennessee offers a substitute, which the Clerk will report.

The Clerk read as follows:

Page 8, as a substitute for the amendment offered by Mr. SISSON, strike out the first paragraph of section 9 and insert the following paragraph:

"That the word 'candidate' as used in this section shall include every person whose name is presented with his knowledge and consent for election as a Representative or Senator in the Congress of the United States at any general or special election held for the purpose of electing such officials."

Mr. GARRETT of Tennessee. Mr. Speaker, the amendment which I have proposed is no change in what is desired by the gentleman from Mississippi, but it seems to me the language is better, to bring it in as a whole, so that the committee can understand how it would read if amended. The whole purpose of it is to strike out that part of this paragraph which refers to primary elections or methods of nomination, whether by primary election or convention.

It has been my view all along, and is now, that the Congress has nothing to do with the question of nominations. I do not concur with the gentleman from Wisconsin in the idea that this Congress would have the right, under the constitutional power which is given to each House, to judge of the election and qualifications of its own Members—I do not understand that it would have the constitutional right to investigate the method of nomination, though it might arbitrarily do so. Nominations are not binding upon either the candidate or the voter.

Mr. KELLEY of Michigan. Will the gentleman yield?

Mr. GARRETT of Tennessee. I yield to the gentleman from Michigan.

Mr. KELLEY of Michigan. In the case that came from South Carolina a while ago, was it not the manner of obtaining the nomination that was in dispute?

Mr. GARRETT of Tennessee. I believe it was, and my recollection is that the sitting Member was retained in his seat.

Mr. STAFFORD. Take this hypothetical case: Through manifest fraud in the nomination of both the successful candidates they are nominated, and they stand for election, and one of them is elected.

Does the gentleman think Congress has no right to refuse the one having the certificate because he has been nominated by fraud?

Mr. GARRETT of Tennessee. I think the election must be tinctured with fraud or else Congress has no right to go into the question. Let me suggest a hypothetical case: Suppose, as sometimes happens, and I think I heard something of this kind in a case in one of the Southern States, where there are three candidates for the nomination for Congress, two from the same county. These two candidates have agreed among themselves upon the primary election in that county to see which one of them shall run for nomination. Would the gentleman from Wisconsin say that you could go back to that primary, and if not, why not? Can we go back and require them to file expense accounts?

Mr. STAFFORD. I am only citing instances where fraud vitiates the election.

Mr. GARRETT of Tennessee. We are talking about compelling people to file expense accounts for nomination. I take the position that Congress has nothing to do with the nomination; that Congress is concerned only in the purity of the election, and the fact that some peculiar condition may exist in some particular district with reference to nomination being equivalent to election does not destroy the constitutional legal aspect which exists as a matter of fact.

Mr. TAGGART. Will the gentleman yield?

Mr. GARRETT of Tennessee. Certainly.

Mr. TAGGART. Is it not a fact that we have more drastic laws than those in nearly every State in the Union, probably in the gentleman's State, with reference to primary nomination for candidates?

Mr. GARRETT of Tennessee. I think so. The distinction between the power of the States over nomination and the power of Congress is well defined.

Mr. TAGGART. Will the gentleman yield for one more question?

Mr. GARRETT of Tennessee. To be sure.

Mr. TAGGART. In the regulation of interstate commerce I imagine that the bar of the country has been even astonished at the extent to which the Supreme Court has gone in construing the word "regulate," carrying it down even into the manufacture of articles afterwards to be put into interstate commerce, in sustaining the celebrated Danbury Hat case, where men were sued for damages and the law sustained because they had interfered in the manufacture of hats that were going into interstate commerce. I cite this only to call attention to the fact that the word "regulate" has been given a broader

significance and a more far-reaching construction than perhaps any other word that the Supreme Court has dealt with.

Mr. GARRETT of Tennessee. The word "regulate" is not involved in this. I do not care to press the argument. I know that this is existing law. I recognize that fact. I voted against it before on the same ground that I am opposed to it now. I move to strike it out because I think it is a matter over which Congress has no control.

Mr. BUTLER. Will the gentleman yield?

Mr. GARRETT of Tennessee. Yes.

Mr. BUTLER. If you take this feature out of the bill, do you not ruin the bill?

Mr. GARRETT of Tennessee. Oh, not at all.

Mr. BUTLER. Take my district. There has never been a Democratic Representative in that district; and if they can not get a better man than I am there never will be until you gentlemen abandon your ideas of free trade. If you take this feature out of it, the bill will not apply to me at all.

Mr. GARRETT of Tennessee. It is the question of the power of Congress that I am dealing with. I have a district exactly contrary to that of the gentleman from Pennsylvania. Mine is an overwhelmingly Democratic district, and no particular contest at the election, although there is always an opposition-party candidate. But this is a matter which can very well be left to my State to regulate as to whether we shall report campaign contributions for primaries.

Mr. BRYAN. The State can regulate the general election.

Mr. GARRETT of Tennessee. The State can, and the State does.

Mr. DONOVAN. Mr. Chairman, if I can have the attention of the gentleman from Washington [Mr. HUMPHREY]——

A MEMBER. He is not here.

Mr. DONOVAN. Or if I can have the attention of the gentleman from Ohio [Mr. FESS]——

A MEMBER. He is out.

Mr. DONOVAN. Well, can I have the attention of the leader of the minority?

Mr. STAFFORD. He is temporarily absent.

Mr. DONOVAN. I should like to have the attention of the gentleman from Washington [Mr. HUMPHREY], for I do not want to say in his absence that which I wish to say, or in the absence of the gentleman from Ohio [Mr. FESS], the intellectual Member.

Mr. STAFFORD. He has left the city to deliver a patriotic oration on the Fourth of July.

Mr. DONOVAN. The gentleman from Wisconsin should address the Speaker and not proceed in that disorderly way. [Laughter.] All these great commercial interests, Mr. Chairman, should be represented here on the floor in the Congress of the Nation, and yet that great lawyer whom we are told is the greatest legal gentleman in the whole United States, the gentleman from Pennsylvania, I would like to have his attention for a few moments.

Mr. TAGGART. Will the gentleman yield?

Mr. KELLEY of Michigan. Surely the gentleman does not refer to the distinguished gentleman from Pennsylvania, Mr. PALMER?

Mr. TAGGART. Mr. Chairman, will the gentleman yield?

Mr. STAFFORD. Does the gentleman refer to the distinguished gentleman from Pennsylvania, Mr. PALMER?

Mr. DONOVAN. Mr. Chairman, I refer to the distinguished gentleman from Pennsylvania, Mr. GRAHAM, the great lawyer. Can it be possible that he is only present when some special interest has something on hand? Well, Mr. Chairman, inasmuch as these gentlemen are not present, I will yield back the balance of my time. [Laughter.]

Mr. UNDERWOOD. Mr. Chairman, I move to strike out the last word. I desire to call to the attention of the House and have printed in the RECORD the official statement made by Secretary McAdoo as to the finances of the country at the close of the last fiscal year, and I will ask the Clerk to read it in my time, if there is no objection.

The Clerk read as follows:

JULY 1, 1914.

Subject to revision upon analysis of complete returns, the following is a statement of the ordinary receipts and the ordinary disbursements for the fiscal year ended June 30, 1914:

Customs		$292,128,527.63
Internal revenue, ordinary		308,613,843.73
Corporation, excise, and income	$43,079,819.44	
Individual income	28,306,336.69	
		71,386,156.13
Miscellaneous, including $3,800,000 surplus of postal revenues for the fiscal year 1913		62,215,172.71
Total ordinary receipts		734,343,700.20
Total ordinary disbursements		700,559,248.13
Surplus of ordinary receipts		33,784,452.07

The Panama Canal payments during the year amounted to $34,826,941.76. These have been paid out of current revenues, so that the surplus for the year of $33,784,452.07 has been absorbed, leaving the sum of $1,010,058.81 as a charge against the general fund of the Treasury.

The following is a comparative statement of the ordinary receipts and disbursements, including expenditures on the Panama Canal, for the last three fiscal years:

	Receipts.	Disbursements.	Surplus.	Panama Canal.	Surplus or deficit.
1912	$691,778,465	$654,553,963	$37,224,501	$35,327,370	[1] $1,897,131
1913	724,111,229	682,770,705	41,340,524	41,741,258	[2] 400,733
1914	734,343,700	700,559,248	33,784,452	34,826,941	[2] 1,010,058

[1] Surplus. [2] Deficit.

Owing to the provision in the income-tax law which gives 10 days after the close of the fiscal year before penalties attach, there was a failure to pay approximately $3,500,000 of taxes which had been assessed against corporations and individuals and which should have been paid before the close of the fiscal year 1914. Had this $3,500,000 been paid on or before June 30, 1914, there would have been a surplus for the fiscal year of approximately $2,500,000 against a surplus for 1912 of $1,897,000 and a deficit for 1913 of $400,000.

The department is exceedingly gratified with the results for the first fiscal year of the new tariff and income-tax law. Unquestionably very much better results will be obtained during the present fiscal year.

The net balance in the general fund of the Treasury is now $145,835,502.

Mr. SISSON. Mr. Chairman, I simply want to call the attention of the committee to the case which was read by the gentleman from Wisconsin [Mr. STAFFORD]. This case, which he cites, is a case where one Yarboro and several others from the State of Georgia were indicted for assaulting a colored elector who was on his way to the polling place, and the indictment alleged that he was going there for the purpose of casting his ballot, and that the assault was for the purpose of preventing his voting. The whole opinion is directed to the right of the Federal Government to make a law that would enable people to vote at that election. I thought I was familiar with the case, and after looking at it, every member of the committee, if he will read it, will find that the court was endeavoring to establish the principle that a man going to the election for the purpose of voting could not be assaulted without violating the election law, and there is not the slightest evidence in this opinion that the court ever intended to hold anything else, and there is nothing indicated to justify the conclusions of my friend in reference to it.

Mr. McKELLAR. And that was away back in 1883, was it not?

Mr. SISSON. Yes.

Mr. McKELLAR. And that was long before there was any such thing as a primary election law in this country?

Mr. SISSON. Yes.

Mr. McKELLAR. If there was no such thing as a primary election law up to that time, manifestly the court could not have had any such thing as a primary election in view.

Mr. SISSON. That is true.

Mr. McKELLAR. How could the case have any possible application to the matter that we are now considering?

Mr. SISSON. I do not think it could.

Mr. Chairman, I want to say that if this becomes a law you will find that you then can have nominating conventions to nominate candidates who will become candidates at the primary election, and if you reach back and get that then you can have another primary or another nominating convention to select candidates for that. In many States in the Union where they have provided primary-election laws they actually have nominating conventions, and they have held such conventions in one county in my State where certain citizens got together and said, "We propose to eliminate our differences in a factional fight, so that we will have one candidate only at the primary election," which is the nominating body in my State. Will you say you will go back then and cover that? In other words, when you get beyond the election provided for by the Constitution you can make it absurd to say that Congress can pass laws to chase around after all of the organizations which men as citizens in their sovereign capacity might determine upon in order to ascertain whom they would support at the primary election, and this primary election law is nothing more nor less than the machinery that has been instituted in the State by the parties for the purpose of selecting a candidate for the general election; and I can not conceive how any man who is a lawyer can hold that Congress has the right to control the primary election law of a State.

Mr. McKELLAR. And if Congress can, under this section of the Constitution, regulate the primary elections, why would it not have an equal right and authority under this same provision to regulate how party committees are to be selected in every State in the Union?

Mr. SISSON. I think there is no question if you extend the power thus far you can carry it on ad infinitum. I yield now to the gentleman from California.

Mr. McKELLAR. My proposition is that that question was not considered in this lawsuit.

Mr. RUCKER. Mr. Chairman, just a minute, and I will only take one minute. If either the amendment offered by the gentleman from Mississippi or the substitute offered by the gentleman from Tennessee is adopted, it practically destroys the existing law. It destroys the life of this bill. The provisions against which the amendment and substitute are directed are the law now, and I hope that the committee will vote down both the substitute and amendment.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Tennessee in lieu of that offered by the gentleman from Mississippi.

The question was taken, and the amendment to the amendment was rejected.

The CHAIRMAN. The question recurs upon the amendment offered by the gentleman from Mississippi.

The question was taken, and the Chairman announced the noes seemed to have it.

On a division (demanded by Mr. SISSON) there were—ayes 9, noes 24.

Mr. SISSON. Mr. Chairman, in order to have the matter perfectly clear, I stated to the chairman of the committee that I would offer this amendment wherever it occurred, but I satisfy myself with the sense of the committee on the amendment and shall not offer the amendment to the other paragraph.

Mr. RUCKER. I appreciate that.

Mr. KELLEY of Michigan. Mr. Chairman, I desire to offer an amendment.

The CHAIRMAN. The gentleman offers an amendment, which the Clerk will report.

The Clerk read as follows:

Page 8, line 12, after the words "United States," insert "and every person, firm, association, or committee that shall expend or promise any sum of money or other thing of value amounting to more than $50 for the purpose of promoting the candidacy of such candidate."

Mr. KELLEY of Michigan. Now, Mr. Chairman, on page 7 of the bill, in section 8, there is a provision requiring every person, firm, association, or committee that shall expend or promise any sum of money or other thing of value amounting to $50 or more for the purpose of influencing the election to make a report. Now, if it is advisable to have such a provision as that in the case of an election, it seems to me that it is all the more important that the same provision should apply to the primary, because at an election nearly all expenses are paid through official political organizations of some sort, through county committees or State committees or congressional committees, while in the primary it is a very common thing in many sections for a voluntary committee to handle the funds used to promote the candidacy of some individual. And it does seem to me that the expenditures of such a committee should be reported to the House. And that, Mr. Chairman, is the basis of the amendment which I have sent to the Clerk's desk—to require political committees of this sort, as well as persons, firms, or associations, if they spend more than $50 in the primary election, to make returns of such expenditures to the House.

Mr. RUCKER. Mr. Chairman, just to answer very briefly the gentleman, who is a friend of the measure, I know, let me say I think the existing provisions of the bill would require the committee to do all that he wants it to do, and my notion is that this would tend more to confusion than to elucidate and clarify.

Mr. KELLEY of Michigan. If I were sure of that——

Mr. RUCKER. I think so.

Mr. KELLEY of Michigan (continuing). Of course I would withdraw the amendment, but I can not find in this section anything which requires persons, firms or corporations, or non-official committees to make any report of expenditures on behalf of a candidate in the primaries.

Mr. RUCKER. No; but you will find where a candidate is required to account for all of these things expended in his behalf.

Mr. KELLEY of Michigan. But the gentleman will understand if a candidate were disposed——

Mr. RUCKER. But the gentleman must bear in mind, as a friend of this measure, that such a thing is possible as killing it, destroying it. If there should be 100 men or 500 men or 1,000 men or 1,500 men in a district who were zealous in their support of a gentleman, they might ruin this whole bill by these publicity statements. My opinion is, the essential thing to do is to make these reports of such a character that the individuals and the public would take cognizance of them.

Mr. KELLEY of Michigan. Does not the gentleman think the abuse aimed at will be much more likely to arise in the primary than at the election?

Mr. RUCKER. In many cases that may be.

Mr. KELLEY of Michigan. Then why exclude the remedy from the primary and apply it to the election?

Mr. RUCKER. I do not think it is excluded at all.

Mr. KELLEY of Michigan. You think what I have intended to cover is already covered?

Mr. RUCKER. I think so, but I may be in error about that.

Mr. GARDNER. Mr. Chairman, I would like to ask the gentleman from Michigan [Mr. KELLEY] a question.

The CHAIRMAN. Does the gentleman yield?

Mr. KELLEY of Michigan. Yes.

Mr. GARDNER. Under your proposed amendment would not the National Woman's Suffrage Association and the Woman's Christian Temperance Union and the Antisaloon League and every other organization that is spending money to beat particular candidates for Congress in particular places be obliged to make a return?

Mr. KELLEY of Michigan. Every person, association, corporation, firm, or committee of every character would be obliged to report under the provisions of my amendment if the amount exceeded $50.

Mr. GARDNER. And they would have to report as to the primary as well as to the election?

Mr. KELLEY of Michigan. Yes.

Mr. WATKINS. Mr. Chairman, is the amendment withdrawn?

Mr. STAFFORD. No. It is going to be adopted.

The CHAIRMAN. The question is on agreeing to the amendment offered by the gentleman from Michigan [Mr. KELLEY].

The question was taken, and the Chairman announced that the "noes" seemed to have it.

Mr. KELLEY of Michigan. Mr. Chairman, division.

The committee divided; and there were—ayes 10, noes 17.

So the amendment was rejected.

Mr. GARRETT of Tennessee. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The gentleman from Tennessee [Mr. GARRETT] offers an amendment, which the Clerk will report.

The Clerk read as follows:

Amend, page 8, by striking out of line 23 all after the word "part" down to and including the word "known," at the end of line 25.

Mr. GARRETT of Tennessee. Mr. Chairman, the bill provides, after making provision for the filing of the expenses, which is the present law, an addition to the present law by saying that the candidate shall "deliver a duplicate of such statement to each of his opponents for such nomination or election if such opponents and their addresses are known." [Laughter.]

Now, Mr. Chairman, there may be some good reason for that, but I confess I do not see what good public purpose can be served by requiring a candidate for Congress or for the Senate to go chasing around the country hunting up his opponent to file a duplicate of his election expenses with him. If he files it here under oath, files an official statement, his opponent can get it here. I do not know that it is particularly objectionable, but I do not see what good public purpose can possibly be served by it.

Mr. RUCKER. Mr. Chairman, judging from the gentleman's glance at me, he wants me to reply to him if I can. I always make an effort to reply to questions asked by the gentleman with more or less forebodings and misgivings. I think when the gentleman read the language of the bill to which his amendment relates a sort of merriment passed over the House—merriment which I know the gentleman did not intend to provoke. At least some gentlemen looked as if the language was not only unwise, but ridiculous.

Mr. SISSON. Mr. Chairman, I will say that I was probably the one who laughed; but the emphasis was placed by my friend from Tennessee on the words "opponents, if known." I have always tried to know my opponents. [Laughter.]

Mr. RUCKER. Mr. Chairman, let me say to the members of the committee present that this language was not inserted in the bill inadvertently. In my judgment there is a good reason for its insertion and its retention. The language, of which the first criticism produced a laugh, is "if his opponent is known." That language was inserted in the second publication or printing of the bill because of the fact that gentlemen from the great cities, and particularly from New York, numbers of them, said: "To require us to deliver a duplicate of our expense accounts to our

opponent might require of us something that we are wholly unable to do, because sometimes it happens that we do not know who is our opponent, nor do we know his address." They explained that—under the election laws of some of the States, at least—places on the ticket may be filled so recently before election that ever a gentleman of the social habits of my friend from Mississippi [Mr. SISSON] might not be able to become acquainted with some distinguished citizen, whom he did not happen to know, who might be chosen by a political party as his opponent. For that reason we wrote those words into the bill.

Mr. COX. I think that is one of the most important provisions in the bill. This question has occurred to me: What would the gentleman think later on or now of requiring these expense accounts to be published by each Member of Congress?

Mr. RUCKER. I will answer that in a minute, if the gentleman will bear with me. But I may say to you, gentlemen—and I crave your indulgence if I weary you—this is one of the essentially important features of this bill. What is the thought? Publicity. Oh, the gentleman from Tennessee [Mr. GARRETT] asks, "What reason is there for it?" I will tell you the reason. We do not seek to require the idle performance of merely giving to my opponent, as a compliment to him or to gratify any curiosity on his part, a copy of the sworn statement that I am required to make and file, but it is for the purpose of doing well the very purpose sought to be obtained by the bill.

Mr. McKELLAR and Mr. TAGGART rose.

The CHAIRMAN. Does the gentleman yield?

Mr. RUCKER. One at a time. I will yield to the gentleman from Tennessee [Mr. McKELLAR] first.

Mr. McKELLAR. I want to ask the gentleman a question. I notice that the bill provides——

Mr. RUCKER. I hope the gentleman will not divert me from the particular point now being discussed.

Mr. McKELLAR. No. I notice that the bill provides simply that the statement shall be given to the opponent of the candidate. Would it not be very much better and very much more to the point and very much more in favor of publicity to have it published in the local paper rather than give it to your opponent? If you have to give it to your opponent, and your opponent is a pretty smooth citizen, he may avoid service of process on him, and that would raise a number of questions.

Mr. RUCKER. The gentleman from Indiana asked me substantially that question a minute ago, and I hope I may answer both gentlemen together. I thought that out very carefully, and I realize how much easier it would be and how much better it would sound if we should say "published in a newspaper" But what paper? In the town of his residence? Suppose there is no paper in that town? Then in the one nearest to his residence? That injects the question of a mathematical calculation—how far is it to that town, or which is the nearest town? And, again, if you say it must be published in a paper, we have no power in the world over newspapers to compel them to publish it. But should we compel the candidate to put it in a paper, then at once he is at the mercy of every newspaper man who wants to prey on a candidate for Congress. These things were all considered. And I will say to the gentleman that if it could be done without inflicting a burden on the candidate, I would gladly substitute publication in the paper for delivery of a copy to the opposing candidate.

Mr. McKELLAR. If that be the case, why not provide that it be mailed to him rather than given to him?

Mr. RUCKER. Further on the bill does provide that. I knew I would have the gentleman's support of every feature of this bill in a minute. Further on we do provide that he may mail a copy, just as the gentleman from California and the gentleman from Maine mail their statements to the Clerk of this House, by registering it, addressed to the candidate at his residence, if his residence is known. So that is all covered. I will say to the gentleman from Tennessee I have tried, and the committee has tried diligently, all of us, to work out a solution of this question which would be in harmony with public sentiment and which would give real effect to the law.

Now, let me say, in answer to the question, Why deliver a copy to the opposing candidate? Obviously it is for the reason that we want to give real publicity. Mark you, a statement delivered to your opponent in the primary would be to your Democratic opponent for the nomination or your Republican opponent for the nomination, as the case might be. At the general election your candidate would be the candidate of the opposite political party or parties.

The CHAIRMAN. The time of the gentleman has expired.

Mr. RUCKER. I shall have to ask the indulgence of the committee for two or three minutes longer.

The CHAIRMAN (Mr. HOUSTON). The gentleman from Missouri asks unanimous consent to proceed for three minutes. Is there objection?

There was no objection.

Mr. RUCKER. This law would require that both in the primary for the nomination and in the general election a duplicate of the statement required by existing law to be filed with the Clerk of this House shall be served on your opponent, served in the same way that it is now filed—that is, by sending it through the mail. Now, the obvious purpose is to give publicity in the congressional district, and, hence, to the people who are directly concerned. The people of the congressional district are the only people who are concerned, except very remotely, in what occurs in that district. I know I will give no offense when I say that the people of the United States have very little concern as to the character of campaign carried on in the ninth district of the State of Missouri, so ably represented by the Speaker of this House. The people there, in his district, are the people who are most vitally concerned.

It is only in the remotest degree that frauds or wrongs perpetrated in some separate district affect the entire body politic, but they may seriously affect the well-being, the order, the morality, the integrity, the citizenship of the district in which the acts are done. Hence as a way to give publicity to every man who is directly concerned, we wrote into this bill the provision that you shall file your statement with the Clerk of the House and make a duplicate of it and mail it to your adversary, because if in that statement there appears something which is wrong, or if the statement hides and fails to reveal things which one's opponent may have knowledge of, then he can go on the stump armed and equipped with the sworn statement and show the voters how the candidate has ignored the law, violated his duty, and attempted to deceive them with reference to his expenditures; or if the statement shows the commission of wrong it can be published and shown to the people. If he wants to go into the columns of the newspapers and cause publicity in every county in the district he can do so.

Mr. Chairman, I believe that every gentleman here is in favor of publicity, in favor of honest dealings in elections, in favor of purity and honesty in the campaign, and therefore I hope that no gentleman will oppose this provision or vote to strike it out. I am convinced, after careful and thoughtful consideration, that it adds very much to the value of his measure, which is a great piece of legislation, which is ultimately designed to open up the way and blaze the pathway which will lead to corresponding legislation in the States, and will hasten the time when the ballot box of our country will be pure, when the ballots cast will represent the untrammeled will of the voter and will be counted as cast, and when men sitting on this floor will occupy seats free from stain or tarnish. [Applause.]

Mr. MILLER. Mr. Chairman, I move to strike out the last two words. I think the provision, however it got into the bill, is pernicious and can be made the vehicle of more petty annoyance, more backbiting, more misrepresentation, more miserable, contemptible conduct, than can be overcome by all the good contained in other provisions of the bill. It creates the opportunity for an evil-minded person to do positive harm.

Mr. RUCKER. Will the gentleman yield?

Mr. MILLER. Yes.

Mr. RUCKER. The statement that this calls for would require an exact duplicate of the one that is to be filed with the Clerk of the House. Can this become a more vicious vehicle for wrong and corruption than the statement filed with the Clerk?

Mr. MILLER. I am going to tell the gentleman why I think it will be. It is not the statement, but the way in which it is required that the statement shall be made and furnished to the opposing candidate, and the time when it is to be thus furnished. Let me proceed and develop what I have in mind. I think we should have in a corrupt-practice act everything that is essential for the purity of elections, both primary and general. We should safeguard the ballot, keep it clean and pure, and provide every essential to that end. But when we depart from that and impose requirements upon the candidate that are likely if not certain to be simply annoying without serving any public good, we are putting a handicap on decent conduct of elections. As a matter of fact, this provision will promote disreputable conduct on the part of some persons, because it gives them the opportunity. Often among one's opponents is some irresponsible character who would seize this statement, pervert and misrepresent its contents in street harangues just before election, and there would be no way of counteracting it.

Mr. RUCKER. Will the gentleman yield right there?

Mr. MILLER. Yes.

Mr. RUCKER. If the language in the bill remains it would put the candidate in Minnesota or Missouri on all fours with the candidate in Maryland and Virginia, who can come here in the morning and go back at night. But if they have to come way from a country like Minnesota they can not get them and do not know what is in them.

Mr. MILLER. Let me say that the statement filed by a Member from Minnesota is hardly filed here 24 hours before it is reported back in every daily paper in the State, and there is no objection to that whatever.

Mr. TAGGART. Will the gentleman yield?

Mr. MILLER. Yes.

Mr. TAGGART. Would not it be a lowering of the dignity of a candidate for this House or of the Senate, regardless of party, regardless of men, if they were obliged to go personally and place in each other's hands statements of the business that they had conducted in securing a nomination or election, and would it not be wiser to have a provision that the Clerk of the House should furnish upon request of any candidate a certified copy of another candidate's statement?

Mr. MILLER. Now, let me give one or two additional reasons which compels me to make this statement. We are obliged to file two statements in the primary contest, one 10 to 15 days prior and one 15 days after. Where is the average candidate 10 or 15 days prior to election? He is probably out in the field; it may be in a district that covers half the State. He may be remote from a post office; and while it is a simple thing, perhaps, to require him to make out one statement and send it to the Clerk of the House, yet if he has to go to the trouble of duplicating that five, six, or seven times, not having in his possession the addresses of his opponents, perhaps not knowing the names of all of them, you put on him an embarrassing duty that serves no public good.

Mr. RUCKER. I never dreamed of that before.

Mr. REED. Will the gentleman yield?

Mr. MILLER. Yes.

Mr. REED. In New Hampshire we have to file a statement with the secretary of state before and after the election, and then another with the National Government with relation to expenditures. If we are compelled to file one with each candidate—and we have on an average five candidates to work against in the campaign—for the election or the primary, it would be necessary to provide some means of taking care of the clerk hire to perform these necessary duties.

Mr. MILLER. Mr. Chairman, I was just about to advert to that. I think the laws of nearly every State require the filing of statements such as that mentioned by the gentleman from New Hampshire [Mr. REED]. In my own State we have to file one every 15 days.

The CHAIRMAN. The time of the gentleman from Minnesota has expired.

Mr. MILLER. Mr. Chairman, most of my time was taken up by other gentlemen, and I ask unanimous consent to proceed for three minutes more.

Mr. RUCKER. Mr. Chairman, I ask that the gentleman's time be extended for five minutes.

The CHAIRMAN. Is there objection?

There was no objection.

Mr. MILLER. Mr. Chairman, under the laws of the State of Minnesota, somewhat similar, no doubt, to the laws of other States, it is now necessary to file a campaign statement every 15 days. At the same time we have to file statements in conformity with the laws of the United States. I want to say that it takes a great deal of bookkeeping, because the two laws do not require the same list of expenditures and receipts. It is not possible to keep two separate books, and although I think there is no particular harm in it, it is very unfortunate, and we have to file statements covering every conceivable thing in order that we may be assured of complying with both laws. If we have to go to the additional labor of serving one of these statements on each of our opponents, that is going to add to the trouble. Opponents whose addresses are not known will surely make a great howl, and it will be a poor excuse in an exciting campaign for one to reply that he did not know his opponent's address. I am going to say to you that I have never yet gone through a general election when I have been certain of the names of all of my opponents. In elections we have candidates representing Socialists, public ownership, Prohibitionists, and other minor parties, as well as candidates of the great parties. It often happens that one never heard of the names of all his opponents until he sees them on the ballot. Give your opponents and the world an opportunity to know what you spent, how you spent it, and where you got it, but do not force a candidate to go around hunting up all his opponents, furnishing them with a list of particulars, with the humble request: Please look over and O. K.

Mr. RUCKER. But the bill expressly provides for conditions like that.

Mr. MILLER. I know, but that simply presents a weakness in the system. What possible good is it going to be to the world or the people of your district for you to hunt your opponents and give each of them an account of the work you have done and what you plan to do during the balance of the campaign? Remember in these statements you have to include every expenditure you have contracted for.

Mr. RUCKER. I will tell you the good it would do. If a law like this had been in force two years ago and had been complied with—that is, the statement had been made—I could have made a gentleman, in the language of the street urchin, look like 30 cents, because I have the habit of speaking pretty plainly. I could have shown that the statement was absolutely and unconditionally false, as I found it out afterwards to be, but the election was over, and, of course, I had no interest in giving it publicity then. But I say now that one reason I wanted him was because I know at some time, in some place, men do seek congressional office who are unworthy of it and who will falsify to facts, even though the community knows they are false.

Mr. MILLER. Even if that were true, a false statement like that very properly should be and could be reviewed by this House or by a court of justice.

Mr. RUCKER. But you will not ever get any such false statement of a man filed from Missouri, because Missourians never send such a man here.

Mr. MILLER. I am very glad to know that.

Mr. McKELLAR. Will the gentleman yield for a question?

Mr. MILLER. I yield.

Mr. McKELLAR. Does not the gentleman think, if we want to have absolute honesty in elections, it would be better to confine expenditures solely to those stated in the proviso; that is, the expense of campaign speakers, the expense of printing and distributing literature, and the cost of newspaper advertisements, and limit it to those things alone, and not spend any money in campaigns for Congress or for the Senate? In that case there would be no necessity of making any such return.

Mr. MILLER. Of course, there are very likely to be a few additional items that it might be necessary to spend if one really got elected. But there is a reason why these accounts should be filed with the Clerk of the House that makes it particularly necessary that they be filed. The House is the sole judge of the election and qualifications of its Members.

Mr. RUCKER. Mr. Chairman, I merely want to answer a question suggested a moment ago, if the gentleman will yield. I want to say in answer to the gentleman from Tennessee that I have a campaign in progress now, and that seven dollars out of every eight of my expense will be for having a letter written and putting postage stamps upon it.

Mr. MILLER. That is excepted.

Mr. RUCKER. It is excepted here, but not excepted under the laws of Missouri. I have to account for every stamp I use, and I do not expect to use one dollar of other expenses.

Mr. McKELLAR. Mr. Chairman, will the gentleman yield to me in order that I may reply?

Mr. MILLER. I should be pleased.

Mr. McKELLAR. I will say that will have no effect upon the national law.

Mr. RUCKER. But it does.

Mr. McKELLAR. If you want to have purity in elections, why limit the purity to $5,000 or $10,000, as the case may be? Is it not just as dishonest to spend $5,000 or $10,000 improperly to secure election as it is to spend a larger amount?

Mr. RUCKER. The trouble is that gentlemen sometimes discuss this bill who are not familiar fully with it. This law expressly provides that the limit fixed by the State shall be the limit. The limit in Missouri, in my district, is $600 or $625—it will vary a little, according to different years—not one cent more.

Mr. McKELLAR. This would not affect what I am talking about.

The CHAIRMAN. The time of the gentleman from Minnesota has expired.

Mr. STAFFORD. Mr. Chairman, I ask unanimous consent that the gentleman's time may be extended for three minutes.

The CHAIRMAN. The gentleman from Wisconsin asks that his colleague's time be extended for three minutes. Is there objection?

Mr. FOSTER. Mr. Chairman, reserving the right to object, I am not going to object to this, but I shall object to any further extension of time on the bill.

Mr. MILLER. Mr. Chairman, as I was stating a moment ago, there is a very exact reason why statements should be filed

with the Clerk of the House. The House is the sole judge of elections and qualifications of its Members. The proper officer of the House, therefore, should have in his possession a verified and complete statement of all the receipts and expenditures of men who have been elected or tried to be elected to membership in the House. When that statement is there open to public inspection it seems to me that every practical public service has been performed. If there is any legitimate inquiry to be made respecting the statement, it is there open for public inspection. There are telegraph lines from here to every section of the United States, and there can be as immediate transmission of the information as anybody could possibly want, but if we have to serve those statements on our opponents 10 days before the election, 15 days after the primary, and then when the general election comes, then 10 to 15 days before that, and then 30 days after that, serve them on Tom, Dick, and Harry, we will find annoyance beyond measure. There will be men filing and running in some sort of a way just to get a copy of your campaign contributions and campaign expenditures for the purpose of making you trouble. I say that kind of people ought not to have an instrumentality to use for a purpose which to me is nefarious.

Mr. TAGGART. Will the gentleman yield?

Mr. MILLER. Certainly.

Mr. TAGGART. Would not that cause the utmost embarrassment, for instance, in a case like that now presented in the State of Kansas, where there are 12 candidates for Senator? Each report has the same virtue, and it would cause such a multiplicity of reports that it would simply annoy the public, would it not?

Mr. MILLER. I think so.

Mr. TAGGART. If that is true, I will ask the gentleman if it is proper to file in Washington; would it be a great burden to file out in Kansas——

The CHAIRMAN. The time of the gentleman has expired.

Mr. RAKER. Mr. Chairman, I move to strike out the last three words. I have an amendment I am going to offer as a substitute. I am heartily in favor of any possible means that will give publicity to campaign expenditures and to show what is actually being done, but I simply want to call attention to the fact that while I am in favor of the general features of the bill I can readily see that there is a great burden imposed by this part of the bill, which is, no doubt, not thus intended. For instance, in the State of California, I have before me a statement where there are 73 who would be considered practically opponents. What do you consider an opponent? Men at the primary election—those who are nominated? No; it does not mean that. Every man who is voted for at the primary election would be an opponent. There might be 63 or 100 different men who would be opponents at the primary election, and you would have to furnish him not a copy but a duplicate of the statement. In other words, you would have to make and swear to 73 affidavits. Now, I know the chairman does not want that by this amendment if it can be avoided and legitimate publicity can be given. I think that can be done by providing for the filing of this statement with the secretary of state for each of the States in which the election is held. Now, that gives an opportunity for a man to go there and get a copy if he wants.

Mr. RUCKER. Mr. Chairman, will the gentleman yield?

Mr. RAKER. Yes; I yield.

Mr. RUCKER. That does not give publicity in some places at all, because some places are very far remote from the State capital and difficult of access.

Now, one other question. The question that would arise naturally would be this: What would be the use in filing a statement with the secretary of state, if we have no inherent power in ourselves to compel the secretary of state to receive and keep the document? And I may say we have none.

Mr. RAKER. The State of California is the longest State, north and south, of any in the Union. The papers there publish immediately such statements as these. I make that merely as a suggestion. When we write into this law the provisions of this kind that are to be a part thereof, and begin to recognize that at the primary elections there may be seven or eight or more candidates for the office who have the nominations and three or four independent candidates for the same office, and the further provision that any men or set of men can try to nominate somebody else in the primary election, and every man that gets a vote is a candidate and is therefore an opponent, you will see that your opponents, after the primary election is over, may run from 1 to 500 in number, and then you have simply got to stop your campaigning and hire a corps of assistants and spend a lot of money in sending out 500 or more copies of the statement of your expenses.

Mr. RUCKER. It may be that the suggestion of the gentleman from Kansas [Mr. TAGGART] would help the gentleman from California and have the effect of diminishing the number of his opponents. Perhaps there would not then be so many candidates against the gentleman from California or any other gentleman.

Mr. RAKER. The point I am getting at is this: The candidate is not to blame. I am talking about what happens after the primary election. Leave the first part of it out. Any number of citizens at the primary election in my State may say, "Here we are in favor of John Jones for United States Senator," and in one county 1 or possibly 100 men will write his name on the ballot, and in another county another set of men may want John Smith for United States Senator, and they will write his name on the ballot. It must be left so that they can do that. In every county there are from one to five candidates, and each one of those men who receives votes at the primary election is your opponent after the election is over, in the sense that he was voted for at the primary, and duplicate of the statement must be sent each, and you have got to furnish him with a statement. Otherwise you violate this act. You must do that. You would vastly simplify it if you were to simply send a copy to the secretary of state. Then every one of your opponents at the primary election will get it without question, if he or anyone else desires the statement. That is but fair, and at the same time gives full and ample publicity.

The CHAIRMAN. The time of the gentleman from California has expired.

Mr. MURRAY of Oklahoma. Mr. Chairman, I want to offer an amendment and have it reported.

Mr. RUCKER. I was going to move that the committee do now rise.

The CHAIRMAN. The question before the House is the amendment offered by the gentleman from Tennessee [Mr. GARRETT].

Mr. MURRAY of Oklahoma. The chairman of the committee will not object to having this amendment reported and considered pending. I do not care to discuss it.

The CHAIRMAN. Is the regular order demanded?

Mr. FOSTER. Yes, sir. I demand the regular order.

The CHAIRMAN. The Chair will recognize the gentleman from Tennessee [Mr. GARRETT].

Mr. STAFFORD. What is the gentleman's intention—to sit until 6 o'clock?

Mr. RUCKER. I want to move that the committee rise now.

Mr. STAFFORD. There is another amendment pending, of similar purport.

The CHAIRMAN. The Clerk will report the amendment offered by the gentleman from Tennessee [Mr. GARRETT].

Mr. MURRAY of Oklahoma. Mr. Chairman, I have the right to have my amendment reported.

The CHAIRMAN. The Clerk will report the amendment offered by the gentleman from Tennessee [Mr. GARRETT].

The Clerk read as follows:

Amend, page 8, by striking out of line 23 all after the word "part" down to and including the word "known," at the end of line 25.

Mr. RUCKER. Mr. Chairman, I move that the committee do now rise.

The motion was agreed to.

Accordingly the committee rose; and the Speaker having resumed the chair, Mr. HOUSTON, Chairman of the Committee of the Whole House on the state of the Union, reported that that committee had had under consideration the bill (H. R. 8428) to codify, revise, and amend the laws relating to publicity of contributions and expenditures made for the purpose of influencing the nomination and election of candidates for the offices of Representative and Senator in the Congress of the United States, limiting the amount of campaign expenses, and for other purposes, and had come to no resolution thereon.

LEAVE OF ABSENCE.

By unanimous consent, leave of absence was granted as follows:

To Mr. SELLS, for two weeks, on account of public business.

To Mr. BORCHERS, for 10 days, on account of sickness and important business.

To Mr. BYRNES of South Carolina, for five days, on account of important business.

To Mr. AVIS (on request of Mr. SUTHERLAND), for one week, on account of illness in his family.

To Mr. FRANCIS, for two weeks, on account of important business.

The SPEAKER. The Chair lays before the House the following telegram and letter, which the Clerk will read.

The Clerk read as follows:

GALLIPOLIS, OHIO, *July 2, 1914.*

Hon. CHAMP CLARK,
Speaker House of Representatives, Washington, D. C.:

I am down with typhoid fever, and respectfully request an indefinite leave of absence.

ROBERT M. SWITZER.

WASHINGTON, D. C., *July 2, 1914.*

Hon. CHAMP CLARK,
Speaker of the House of Representatives.

MY DEAR SIR: I desire to be excused until August 4, 1914, that I may return to Oklahoma and prosecute my campaign for the Democratic nomination for Congress from the fifth Oklahoma district.

Very respectfully,

J. B. THOMPSON.

The SPEAKER. Is there objection to these requests?

There was no objection.

MINORITY REPORT—STREET RAILWAYS, DISTRICT OF COLUMBIA.

Mr. JOHNSON of Kentucky. Mr. Speaker, to-day the report on the bill H. R. 15191 was filed. Those who entertain minority views have asked 30 days in which to file their views. I ask that their request be granted.

The SPEAKER. The minority of the Committee on the District of Columbia ask 30 days in which to present minority views on the bill H. R. 15191. Is there objection?

Mr. RAKER. What is the nature of the bill?

Mr. JOHNSON of Kentucky. It is the municipal ownership of street railways in the District of Columbia.

Mr. RAKER. Is not a delay of 30 days an unusual way of defeating a bill?

Mr. JOHNSON of Kentucky. The friends of the bill are willing to give more time.

Mr. RAKER. Then I am through.

The SPEAKER. Is there objection?

There was no objection.

EXTENSION OF REMARKS.

Mr. WILLIS. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD on the general subject of trade and industry in the country.

The SPEAKER. The gentleman from Ohio [Mr. WILLIS] asks unanimous consent to extend his remarks in the RECORD on the general subject of trade and industry in the country. Is there objection?

There was no objection.

Mr. WILLIS. Mr. Chairman, the discussion of the bill which has just been under consideration in the committee has taken wide range and drifted far afield. In my remarks thus far this afternoon I have confined myself closely to the merits of the bill under discussion; but since others have thought it proper to submit some general observations on the present industrial situation in the country, I avail myself of this opportunity to present some views of a political nature. It is idle to suggest that business in the United States is flourishing and that our difficulties are merely "psychological." The following statement of our foreign trade from the Steel and Metal Digest shows the hard facts. This condition is not the result of psychology; it is the disastrous effect of a mistaken economic policy which furnishes employment abroad and turns our own workmen into the street.

Foreign trade figures for April show some marked contrasts, exports declining in just about the proportion that imports increased, as compared with April a year ago, or about 18 per cent in each case. The result of ebb and flow was an excess of imports of $10,271,872 in April, the first excess of imports reported since the summer of 1910, in July and August of which imports slightly exceeded exports.

The April returns are compared in the following table with the returns of the same month last year.

	April, 1914.	April, 1913.
Exports	$162,368,852	$199,813,438
Imports	172,640,724	146,194,461
Excess imports	10,271,872	
Excess exports		53,618,977

This growing menace of an unfavorable balance of trade with its resultant exportation of gold to settle these unfavorable balances caused by our present policy of buying abroad what ought to be produced at home is attracting editorial comment all over the country. For illustration, the Cincinnati Inquirer, one of the leading Democratic journals of the Nation, recently said in its editorial columns:

[From the Cincinnati Inquirer.]

EXPORTING GOLD AND IMPORTING FOODSTUFFS.

Gold continues to depart from this country. While as yet there is no financial stringency occasioned by its leaving our shores, yet it would make affairs brighter if it remained with us.

Bankers with foreign connections say that selling of securities here by foreign investors who need cash is the principal reason for the gold going out, and they predict that this action will continue to draw from the United States.

Since January 1 the shipments of gold from this country amounted to upward of $37,000,000, and everything points to the shipment of several additional millions before the export ceases.

The large increase in value of our imports in April, accompanied as it was by large decrease in value of our exports as compared with April, 1913, marks a change in financial operations that calls for attention by the Government, as well as by the business men of the country.

One month or two or three of these results will not injure or disturb business, but a series of such increases and fallings off would result, surely, in still greater demands from Europe upon our gold supply.

It is essential to good times in this country that our trade balance abroad be heavily in our favor.

It is not pleasant reading with our productive country, embracing such a range of latitude and climatic conditions favorable for growing foodstuffs to find our exports of such products decreasing and our importations of them rising rapidly in amounts and value.

The first six months of the new tariff, as reported by the Department of Commerce, show these results, and these heavy importations of foodstuffs will undoubtedly call for the cash, the gold of the United States, to pay for them.

The largest increases reported in importations of articles that are used in the food supplies of our people were in beef, corn, wheat, macaroni, fruits, molasses, and edible oils, and it will be recognized by every business man that it would be far better for the United States if the entire supply required for our people's use would be produced on the farms of our own country.

There is no better barometer of business conditions than the activities of the railroads of the country.

The fortnightly bulletin of the American Railway Association shows that on May 15 there was a net surplus of freight cars on the lines of the United States and Canada of 238,642, compared with 228,879 on May 1, an increase of 9,763.

The fortnightly figures are given below, with the returns for other periods figures representing net surplus of idle cars, except where otherwise indicated:

1914:	
May 15 (maximum surplus for year)	238,642
May 1	228,879
Apr. 15	212,869
Apr. 1	139,518
Mar. 15 (minimum surplus for year)	124,865
Mar. 1	153,907
Feb. 15	197,052
Feb. 1	209,678
Jan. 15	214,889
Jan. 1	188,850
1913:	
Dec. 15 (maximum surplus for year)	101,545
Dec. 1	57,234
Nov. 15	22,052
Nov. 1 (net shortage)	1,842
Oct. 15 (net shortage)	6,048
Oct. 1	10,374
Sept. 15	40,150
Sept. 1	58,306
Aug. 15	54,425
Aug. 1	58,445
July 15	69,405
June 30	63,704
June 14	63,927
May 31	50,908
May 15	50,204
May 1	39,790
Apr. 15	57,498
Apr. 1	57,988
Mar. 15	37,775
Mar. 1	31,381
Feb. 15	22,183
Feb. 1	37,200
Jan. 15	28,439
Jan. 1	17,053

This table tells its own story. Idle cars mean idle men, reduced wages, lessening purchasing power, decreasing sales by merchants, and impending business disasters. We should have in this country such a policy as will fill these cars with commerce, set idle men to work, increase wages, and bring about financial prosperity. In the tariff and other fiscal legislation of the Government the country is demanding less psychology and more common sense. On this interesting subject the Steel and Metal Digest for June, 1914, makes the following lucid statement:

[From the Steel and Metal Digest.]

THE TRADE OUTLOOK.

The depression in business instead of passing away has during the past month become more acute. Closed factories, and in other cases running only half to three-quarter time, with the consequent unemployment to those dependent on their daily earnings to cope with the unchanged high cost of living, and the consequent distress, makes it difficult to-day to recognize the busy and prosperous country of a year ago. Sentiment has become less hopeful each day, enterprise dormant, business sick and despondent.

The business community seems to have lost confidence in our legislators, and in any change for the better until our promised crop brings an improvement in trade, and the adjournment of Congress brings a rest from the daily pressure and disturbance to the heart of the country, which is its business interests. These are the bright spots in the business situation. Congress can not make the rains fall from heaven, nor can it stop the sunshine, thanks to the blessings and overrulings of a merciful Providence. And we also know that Washington, while it may temporarily demoralize the energies and destroy the courage and confidence of the country, it can not do so permanently.

We did not need the profound wisdom of the President to tell us, as he did lately, that fundamentally the country is in a sound condition and that business should at this time be active and the country prosperous. That fact we all know—it is indisputable.

What then is responsible for present conditions? The verdict of our business interests is unanimous. It is the amateurish and theoretical efforts to regulate business and capital along radical lines, and to do it with a rush by those who, from a lack of experience, do not understand the first principles of business, and are therefore puzzled to find that their efforts are causing profound disturbance and depression. The President dismisses our business depression as being "imaginary" and "psychological," and his minister of commerce says it is only a case of "mental mourning." Well might one paraphrase Madam Roland's exclamation and say: "O psychology, what crimes are committed in thy name."

The country is awakening to the seriousness of the industrial situation. Idle men are demanding work and wages; business men are dazed, bewildered, and discouraged as they see their business crumbling before them through influences they are powerless to control except at the ballot box. As the Atlanta Constitution aptly says in a recent editorial:

It is unfair to business to expose it at this time to further radical operations. The patient has lost blood. Let him recuperate.

I desire to add here one letter out of the large number I have received expressing the attitude of business men on the present situation. This letter speaks for itself and is as follows:

CINCINNATI, OHIO, *June 18, 1914.*

Hon. FRANK B. WILLIS,
House of Representatives, Washington, D. C.

DEAR SIR: We ask you, as one of our Representatives in Congress from the State of Ohio, to use your utmost efforts to bring about a speedy adjournment.

All the elements of prosperity are with the country except the administration. We should now be on the high wave of prosperity as to have the glad promise of abundant crops and plenty of money to use in business enterprises.

Having a prospect of a let-up in this senseless campaign of destruction, good judgment would prompt the great wheels of commerce and constructive business to go ahead at full speed instead of having factories running short time, closing down or failing entirely, as at present, but unless speedy action is taken to adjourn Congress, which has now been in session for over a year and a half, the Nation will be in the throes of the greatest crisis in its history.

The Nation does not need further legislation, but time to recover from the awful setback given the general industries.

We hope you will realize the importance of this appeal and cooperate to obtain the necessary action.

Yours, very truly,

THE ACME MACHINE TOOL CO.
A. J. JONES.

SENATE JOINT RESOLUTION REFERRED.

Under clause 2, Rule XXIV, Senate joint resolution of the following title was taken from the Speaker's table and referred to its appropriate committee, as indicated below:

S. J. Res. 157. Joint resolution requesting the President of the United States to invite foreign Governments to participate in the International Congress on Education; to the Committee on Foreign Affairs.

ADJOURNMENT.

Mr. RUCKER. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 5 o'clock and 50 minutes p. m.) the House adjourned until to-morrow, Friday, July 3, 1914, at 12 o'clock noon.

EXECUTIVE COMMUNICATIONS.

Under clause 2 of Rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

1. A letter from the Secretary of War, transmitting, with a letter from the Chief of Engineers, reports on preliminary examination and survey of Beaufort Harbor, N. C., with a view to providing a suitable turning basin and anchorage area in front of the town of Beaufort (H. Doc. No. 1108); to the Committee on Rivers and Harbors and ordered to be printed, with illustration.

2. A letter from the Secretary of War, transmitting, with a letter from the Chief of Engineers, reports on preliminary examination and survey of Broadkill River, Del. (H. Doc. No. 1109); to the Committee on Rivers and Harbors and ordered to be printed, with illustration.

3. A letter from the Secretary of War, transmitting 64 illustrations to accompany Index to Annual Reports of the Chief of Engineers, printed in House Document No. 740, Sixty-third Congress, second session; illustrations ordered printed as part of House Document No. 740 and referred to the Committee on Rivers and Harbors.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII,

Mr. CROSSER, from the Committee on the District of Columbia, to which was referred the bill (H. R. 15191) to provide for the acquisition, ownership, and operation by the Commissioners of the District of Columbia of all the street railroads located in the District of Columbia, reported the same without amendment, accompanied by a report (No. 917), which said bill and report were referred to the Committee of the Whole House on the state of the Union.

REPORTS OF COMMITTEES ON PRIVATE BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII,

Mr. COADY, from the Committee on the District of Columbia, to which was referred the bill (S. 23) for the relief of Clara Dougherty, Ernest Kubel, and Josephine Taylor, owners of lot No. 13; of Ernest Kubel, owner of lot No. 41; and of Mary Meder, owner of the south 17.10 feet front by the full depth thereof of lot No. 14, all of said property in square No. 724, in Washington, D. C., with regard to assessment and payment for damages on account of change of grade due to the construction of Union Station, in said District, reported the same with amendment, accompanied by a report (No. 918), which said bill and report were referred to the Private Calendar.

PUBLIC BILLS, RESOLUTIONS, AND MEMORIALS.

Under clause 3 of Rule XXII, bills, resolutions, and memorials were introduced and severally referred as follows:

By Mr. GARDNER: A bill (H. R. 17610) to prohibit interstate and foreign commerce in lobster meat and in undersized or egg-bearing lobsters; to the Committee on the Merchant Marine and Fisheries.

By Mr. CARY: A bill (H. R. 17611) to regulate the interstate transportation of immature calves; to the Committee on Interstate and Foreign Commerce.

Also, a bill (H. R. 17612) to prohibit the slaughter, sale, purchase, shipment, and transportation through interstate commerce of calves and cows under certain conditions; to the Committee on Interstate and Foreign Commerce.

By Mr. CURRY: A bill (H. R. 17613) authorizing the Commissioner of Navigation to cause the bark *Simla* to be registered as a vessel of the United States; to the Committee on the Merchant Marine and Fisheries.

By Mr. TAYLOR of Colorado: A bill (H. R. 17614) to establish the Rocky Mountain National Park in the State of Colorado, and for other purposes; to the Committee on the Public Lands.

By Mr. FLOOD of Virginia: Joint resolution (H. J. Res. 292) authorizing the President to accept an invitation to participate in an exposition to be held in the city of Panama, and for other purposes; to the Committee on Foreign Affairs.

By Mr. GARDNER: Joint resolution (H. J. Res. 293) for the relief of destitute sufferers from the conflagration at Salem, Mass.; to the Committee on Appropriations.

By Mr. KEY of Ohio: Joint resolution (H. J. Res. 294) providing for payment of surgeons making examination at claimant's home in connection with claim pending in the Bureau of Pensions; to the Committee on Pensions.

PRIVATE BILLS AND RESOLUTIONS.

Under clause 1 of Rule XXII, private bills and resolutions were introduced and severally referred as follows:

By Mr. ALLEN: A bill (H. R. 17615) granting an increase of pension to Philomina Heintz; to the Committee on Invalid Pensions.

By Mr. GILMORE: A bill (H. R. 17616) granting an increase of pension to Charles W. Perkins; to the Committee on Invalid Pensions.

By Mr. GOODWIN of Arkansas: A bill (H. R. 17617) granting an increase of pension to Thomas W. Oastler; to the Committee on Pensions.

By Mr. KENNEDY of Connecticut: A bill (H. R. 17618) granting an increase of pension to Rose B. Butler; to the Committee on Invalid Pensions.

By Mr. POST: A bill (H. R. 17619) granting an increase of pension to Henry C. Plummer; to the Committee on Invalid Pensions.

By Mr. SHREVE: A bill (H. R. 17620) granting a pension to Margaret E. Hoppock; to the Committee on Pensions.

By Mr. STEPHENS of California: A bill (H. R. 17621) to authorize the sale and issuance of patent for certain land to William G. Kerckhoff; to the Committee on the Public Lands.

By Mr. TALCOTT of New York: A bill (H. R. 17622) granting a pension to James Sullivan; to the Committee on Pensions.

By Mr. VARE: A bill (H. R. 17623) for the relief of Richard Sheehan; to the Committee on Claims.

PETITIONS, ETC.

Under clause 1 of Rule XXII, petitions and papers were laid on the Clerk's desk and referred as follows:

By the SPEAKER (by request): Petition of the Berkeley (Cal.) Chamber of Commerce, favoring passage of a bill providing for the payment of railroads for handling mails; to the Committee on the Post Office and Post Roads.

Also (by request), resolution signed by the pastor of the Adams County Christian Endeavor Union, at Arendtsville, Pa., protesting against the practice of polygamy in the United States; to the Committee on the Judiciary.

Also (by request), petition of Cigar Makers' Union, No. 144, of New York City, protesting against national prohibition; to the Committee on Rules.

Also (by request), petition of 50 voting citizens of Gilroy, Cal., favoring national prohibition; to the Committee on Rules.

By Mr. BORCHERS: Petition of sundry citizens of Rantoul, Ill., favoring national prohibition; to the Committee on Rules.

By Mr. BRUCKNER: Petition of Helen A. Taylor, of Ellis Island, N. Y., favoring civil-service retirement bill; to the Committee on Reform in the Civil Service.

Also, petition of the directors of the Washington Board of Trade, the Chamber of Commerce, and the Retail Merchants Association favoring half-and-half plan of taxation for the District of Columbia; to the Committee on the District of Columbia.

Also, petition of the board of governors of the Board of Trade, of Tampa, Fla., favoring national drainage by Federal Government; to the Committee on Rivers and Harbors.

By Mr. BURKE of South Dakota: Letters from E. G. Strong, Athol; Perry Clifford, Cresbard; Ed. M. Newcomb, Woonsocket; and Olin V. Dunn, Sisseton, all in the State of South Dakota, urging passage of amendment to the Constitution providing national prohibition legislation; to the Committee on Rules.

Also, protests of sundry citizens of Aberdeen, Hoven, Revillo, Sinai, Sioux Falls, Vermilion, Warner, and Watertown, all in the State of South Dakota, against national prohibition legislation; to the Committee on Rules.

Also, petition of sundry citizens of Fall River County, S. Dak., favoring passage of enlarged homestead bill; to the Committee on the Public Lands.

By Mr. CARY: Petition of John Harth, Peter Hanel, John P. Murphy, L. Kanutz, Jacob Hammetschdoz, A. H. Sibilsky, C. S. Howard, C. Berhard, J. Loewy, A. L. Vachon, O. E. Krause, G. Bayer, William Wollingin, Henry Crasp, Nic Weiss, Albert Hunter, Robert Possett, Louis Stuller, Emil Hoeerst, Stephen Bethke, F. M. Dorrister, Oscar Rehm, Louis Sischer, Julius Rehm, Walter August, Emil E. Tiegs, Arthur Schroeder, Otto A. Kassinlke, All. J. Behnki, Thomas H. Warner, Emil Hochschid, Anton Krueger, Peter Wielipski, Charles Kassulke, Val. J. Peksa, William Bannemer, Andrew Zuntek, L. Roth, Augustus Boesse, Otta Latke, R. J. E. Skinkle, and several others, all of Milwaukee, Wis., protesting against the passage of the Hobson resolution or any other resolution which will tend to prohibit the manufacture, distribution, sale, or shipment of any kind of alcoholic beverage in or throughout the United States and its possessions as an unwarranted interference with the rights of all American citizens and a usurpation by the Federal Government of a domestic question belonging to the several States; to the Committee on Rules.

Also, a telegram, by Weis Bros. Co., of Milwaukee, Wis., in the nature of a petition protesting against the passage of the Hobson resolution which is now pending in Congress; to the Committee on Rules.

By Mr. CLARK of Florida: Petitions of various citizens of Florida, against national prohibition; to the Committee on Rules.

Also, petition of the Florida State Pharmaceutical Association, favoring House bill 13305, the Stevens price bill; to the Committee on Interstate and Foreign Commerce.

Also, petition of Rev. H. H. Bowen and others, of Daytona Beach, Fla., and Edwin Nelson, of Miami, Fla., favoring national prohibition; to the Committee on Rules.

Also, petition of Judge J. L. Billingsley, Mrs. Anna Lake Audens, and others, of Miami, Fla., favoring woman-suffrage legislation; to the Committee on the Judiciary.

By Mr. CRAMTON: Petition of Melville J. Welt, of Detroit, Mich., protesting against the Hobson resolution for national prohibition; to the Committee on Rules.

Also, petitions signed by Mr. T. J. Finkle and 62 other citizens of Clifford; A. C. M. Johnson and 73 other citizens of Memphis; E. G. Fitz, of Lamb; Joseph Potter, of Memphis; and resolutions adopted at mass meetings of citizens of Croswell, Carsonville, Memphis, Elkton, and Vassar, all in the State of Michigan, in support of the Hobson resolution proposing to submit to the legislatures of the various States the question of national prohibition; to the Committee on Rules.

By Mr. CURRY: Petition of six residents of the third California district protesting against prohibition; to the Committee on Rules.

Also, petition representing 32 people, by the Lathrop (Cal.) Woman's Christian Temperance Union, in favor of prohibition; to the Committee on Rules.

By Mr. DALE: Petition of F. C. & W. Johnson, and J. W. Lane & Co., of New York City, protesting against antitrust bills; to the Committee on the Judiciary.

Also, petition of sundry citizens of Brooklyn, N. Y., protesting against national prohibition; to the Committee on Rules.

By Mr. DONOHOE: Petition of the Frankford Methodist Episcopal Church, of Philadelphia, Pa., favoring national prohibition; to the Committee on Rules.

Also, petition of the Holmesburg Methodist Episcopal Church, of Philadelphia, Pa., favoring national prohibition; to the Committee on Rules.

By Mr. DONOVAN: Petition of sundry citizens of Danbury, Conn., relative to strike of miners in Colorado; to the Committee on the Judiciary.

By Mr. DOOLITTLE: Petition of sundry citizens of Kansas favoring national prohibition; to the Committee on Rules.

Also, petition of sundry citizens of Kansas, against national prohibition; to the Committee on Rules.

By Mr. DRUKKER: Petition of Mary Gamble Cummins, Elizabeth Sutton, and others, of Paterson, N. J., favoring woman suffrage; to the Committee on the Judiciary.

By Mr. EAGAN: Petitions signed by 132 citizens of Hudson County, N. J., protesting against national prohibition; to the Committee on Rules.

By Mr. FARR: Petition of Dr. Anna C. Clark and others, of Scranton, Pa., favoring woman-suffrage legislation; to the Committee on the Judiciary.

By Mr. FRANCIS: Petition of the Reformed Church, of Germano, Ohio, favoring national prohibition; to the Committee on Rules.

Also, petition of the Christian Temperance Association, Reformed Church Sunday School and Christian Endeavor Society, of Germano, Ohio, favoring national prohibition; to the Committee on Rules.

By Mr. GARDNER: Petition from Joe W. Bean, of Haverhill, Mass., favoring the passage of the proposed amendment to the Constitution of the United States extending equal suffrage to all its adult population, regardless of sex; to the Committee on the Judiciary.

Also, petitions of a mass meeting at East Gloucester, the Washington Street Methodist Episcopal Church, and sundry citizens of Newburyport, Bay View, and Gloucester, all in the State of Massachusetts, favoring national prohibition; to the Committee on Rules.

By Mr. GRIEST: Petition of sundry citizens of Lancaster, Pa., favoring national prohibition; to the Committee on Rules.

Also, petition of Helen H. Byerly, May H. Gerhart, and others, of Lancaster, Pa., favoring woman-suffrage legislation; to the Committee on the Judiciary.

By Mr. HAMILTON of New York: Petition of sundry citizens of Mayville, N. Y., favoring the passage of the Hobson national prohibition amendment; to the Committee on Rules.

Also, petition of Emma Harwood, Elizabeth M. Jordan, and others, of Richburg, N. Y.; Mrs. R. B. Burrows, Mrs. Mary Wanfield, and others, of Andover, N. Y., favoring woman suffrage; to the Committee on the Judiciary.

By Mr. HAWLEY: Petitions of sundry citizens of Oregon, against national prohibition; to the Committee on Rules.

By Mr. JOHNSON of Washington: Petitions of sundry citizens of Port Angeles and Raymond, Wash., protesting against national prohibition; to the Committee on Rules.

By Mr. KEISTER: Petitions of sundry citizens of Butler, Pa., protesting against House joint resolution 168 for national prohibition; to the Committee on Rules.

Also, petition of sundry citizens of Valencia and Monessen, Pa., favoring national prohibition; to the Committee on Rules.

By Mr. KENNEDY of Connecticut: Petitions of 380 citizens of Plymouth, sundry citizens of Bantam and Seymour, and various members of the Methodist Episcopal Church of Ansonia, all in the State of Connecticut, favoring national prohibition; to the Committee on Rules.

By Mr. LEE of Pennsylvania: Petition of sundry citizens of Gilberton, Pa., favoring national prohibition; to the Committee on Rules.

By Mr. LEVY: Petition of 4 citizens of New York City, against national prohibition; to the Committee on Rules.

Also, petition of 4 citizens of Sangerties, N. Y., favoring national prohibition; to the Committee on Rules.

Also, petition of the New York State Retail Jewelers' Association, favoring Owen-Goeke bill relative to elimination of time guaranties on gold-filled watchcases; to the Committee on Interstate and Foreign Commerce.

Also, petition of the General Post Office Letter Carriers' Mutual Benefit Association of New York City, against section 6 of House bill 12928 to amend the postal laws; to the Committee on the Post Office and Post Roads.

By Mr. LONERGAN: Petition of the South Manchester Methodist Episcopal Church, of South Manchester, Conn., in favor of submitting the prohibition amendment; to the Committee on Rules.

Also, petition of O. H. Green and other citizens of Glastonbury, Conn., favoring the prohibition amendment; to the Committee on Rules.

Also, petitions of the Young People's Society for Christian Endeavor of Collinsville, Conn., favoring national prohibition; to the Committee on Rules.

Also, petitions of citizens of Hartford, Conn., opposing national prohibition; to the Committee on Rules.

Also, petition of August Haertl, of Hartford, Conn., opposing national prohibition; to the Committee on Rules.

By Mr. McGILLICUDDY: Petition of sundry citizens of Union, Me., favoring national prohibition; to the Committee on Rules.

Also petitions of the Second Congregational Church, of Newcastle; the Methodist Church, of Norway; the Methodist Church, of Rumford Center; the Methodist Episcopal Church and Sunday School, of Hartford; sundry citizens of Bowdoinham; the Methodist Episcopal Church, of Rumford Center; and sundry citizens of Rumford Center, all in the State of Maine, favoring national prohibition; to the Committee on Rules.

By Mr. MERRITT: Petition of seven citizens of New York, favoring national prohibition; to the Committee on Rules.

Also, petitions of sundry citizens of Bloomingdale, N. Y., and Robert McDowell, of Clarke Mills, N. Y., favoring national prohibition; to the Committee on Rules.

Also, petitions of P. H. Sheridan and others, of St. Lawrence County, N. Y., protesting against national prohibition; to the Committee on Rules.

By Mr. METZ: Petition of various voters of the tenth congressional district of New York, protesting against national prohibition; to the Committee on Rules.

Also, petition of sundry voters of Brooklyn, N. Y., favoring national prohibition; to the Committee on Rules.

By Mr. MURRAY of Oklahoma: Petitions of sundry citizens and churches of Hanna, Waukomis, Victor, Skiatook, and Chandler, all in the State of Oklahoma, favoring national prohibition; to the Committee on Rules.

By Mr. J. I. NOLAN: Petition of Beer Drivers' Union, Local 277, of San Francisco, Cal., and the North American Skat League, protesting against national prohibition; to the Committee on Rules.

Also, petition of Capt. William S. O'Donnell and 36 other citizens of San Francisco, Cal., protesting against the passage of the Hobson nation-wide prohibition resolution; to the Committee on Rules.

Also, resolutions of the Grand Army of the Republic, Departments of California and Nevada, protesting against the passage of the resolution introduced in Congress providing for the rearrangement of the stars and bars on the American flag; to the Committee on Military Affairs.

By Mr. O'LEARY: Petitions of sundry citizens of Elmhurst, Long Island, New York City; Springfield Gardens, Long Island, N. Y., favoring national prohibition; to the Committee on Rules.

By Mr. O'SHAUNESSY: Petitions of Emily F. Child, Lillie B. Sanders, and others, of Warren; Elizabeth U. Yates, Sarah Flitz, and others, of Providence; and Maude Howe Elliott, Saida S. Wright, and others, of Newport, all in the State of Rhode Island, favoring woman-suffrage legislation; to the Committee on the Judiciary.

By Mr. PAIGE of Massachusetts: Petitions of 39 citizens of Fitchburg, Mass., and 140 citizens representing the First Methodist Episcopal Church of Clinton, Mass., favoring national prohibition; to the Committee on Rules.

By Mr. PLATT: Petition of sundry citizens and various members of the Christian Endeavor Society of the First Presbyterian Church of Matteawan, N. Y., and various members of Sylvan Lodge, No. 576, International Order of Good Templars, of Poughquag, N. Y., favoring national prohibition; to the Committee on Rules.

By Mr. PATTEN of New York: Memorial of the General Post Office Letter Carriers' Mutual Benefit Association of New York City, protesting against section 6 of House bill 12928; to the Committee on the Post Office and Post Roads.

By Mr. REED: Petitions of H. A. Lee, John F. Schricker, Jess Markee, J. D. Hayes, Joseph Just, F. J. Kearns, J. N. Judkins, E. H. Botman, J. Healy, George Boucher, Walter Emerson, Carl Harrington, Sam Wright, P. H. Webster, Emil Oetteking, T. J. Dalton, Ernest Harrington, J. J. Redden, Thomas Costello, T. Sullivan, and C. A. Shanghang, all of Manchester; also telegrams of W. E. Wiggin, of Lancaster; A. D. Grant, of Keene; G. W. Gaymond, of Lancaster, all of the State of New Hampshire, protesting against national prohibition of the liquor traffic; to the Committee on Rules.

By Mr. ROBERTS of Nevada: Petition from Bert Williams and 15 other residents of Yerington, Lyon County; John Erickson, Thomas L. Bennett, and 19 other residents of Tonopah, Nye County; H. E. Myrick and 4 other residents of Goldfield, Esmeralda County; J. A. Lawson, of Silver City; and H. C. Binns, of Rochester, all in the State of Nevada, protesting against the passage of House joint resolution 168 and Senate joint resolutions 88 and 50, for national prohibition; to the Committee on Rules.

By Mr. ROGERS: Petition of Betsey Ross Circle, No. 24, Ladies of the Grand Army of the Republic, Lowell, Mass., protesting against any change in the American flag; to the Committee on the Judiciary.

Also, petition of sundry citizens of Lowell, Mass., protesting against national prohibition; to the Committee on Rules.

By Mr. SINNOTT: Petition of 10 citizens of Ione, Oreg., favoring national prohibition; to the Committee on Rules.

Also, petition of 40 citizens of the second Oregon district, against national prohibition; to the Committee on Rules.

By Mr. SAMUEL W. SMITH: Petition of 175 citizens of Pontiac, Mich., favoring national prohibition; to the Committee on Rules.

By Mr. SPARKMAN: Petition of sundry citizens of Palma Sola, Fla., favoring national prohibition; to the Committee on Rules.

By Mr. TALCOTT of New York: Memorial of Bricklayers, Stonelayers, and Plasterers' Union No. 30, of Rome, N. Y., and O. W. Kennedy & Co., of Clinton, N. Y., protesting against national prohibition; to the Committee on Rules.

Also, petition of sundry citizens of Utica and New Hartford; B. Van Vielet Putnam, of Dolgeville; W. I. Ford and the First Baptist Church of Little Falls; the Christian Endeavor Society of the Waterbury Memorial Presbyterian Church, of Oriskany; the Liberty Street Methodist Church Quarterly Conference, of Rome; the Florence Methodist Episcopal Church, of Oneida County; the Centenary Methodist Episcopal Church, of Utica; R. E. Gifford and L. G. Smith & Son, of Westdale; Rev. W. E. Webster and the Baptist congregation of West Winfield; Rev. G. F. Shepherd and the Brotherhood Bible Class of the First Methodist Episcopal Church of Rome; the Methodist Episcopal Church of New York Mills; Grace M. Stock and the Methodist Episcopal Church of Verona; A. W. Laird, of Little Falls; the Woman's Christian Temperance Union, the Kirkland and Stone Presbyterian Churches, of Clinton; sundry citizens of Holland Patent, and Middleville; the Methodist Episcopal Church of Clarke Mills; and 244 members of the Methodist Episcopal Church of Ilion, all in the State of New York, favoring national prohibition; to the Committee on Rules.

By Mr. WALLIN: Petition of sundry citizens of the thirtieth New York congressional district, favoring national prohibition; to the Committee on Rules.

By Mr. WHITACRE: Petition of sundry citizens and churches of East Liverpool and Wellsville, Ohio, favoring national prohibition; to the Committee on Rules.

By Mr. WINGO: Petition of sundry citizens of Mena, Ark., protesting against national prohibition; to the Committee on Rules.

SENATE.

FRIDAY, *July 3, 1914.*

The Senate met at 11 o'clock a. m.

The Chaplain, Rev. Forrest J. Prettyman, D. D., offered the following prayer:

Almighty God, the Father of our Lord Jesus Christ, God of our fathers, we worship Thee. Thy name is supreme in our thought and we trust Thy name is supreme in our affection. Thou hast given to us a great Nation. Thou hast breathed into it the spirit of love for our country. That which we enjoy, that which we hold sacred in our national life, is the product of Thy hand. By Thy grace Thy servants have been enabled to erect a temple to freedom and by Thy power it has been maintained through the years.

Now we pray that Thy guidance may be with those who still direct the affairs of this great land, that Thy name may be written in every law, that Thy will may be executed by all the people. Hear us in our prayer. Bless us according to the measure of Thy grace, in Christ Jesus. We ask in His sacred name. Amen.

The Journal of yesterday's proceedings was read and approved.

PETROLEUM DIVISION, BUREAU OF MINES.

The VICE PRESIDENT laid before the Senate a communication from the Secretary of the Treasury, transmitting a letter from the Secretary of the Interior submitting an estimate of appropriation in the sum of $50,000 for inquiries and investigations of petroleum and natural gas under the Bureau of Mines for the service of the fiscal year 1915, etc., which, with the accompanying paper, was referred to the Committee on Appropriations.

CALLING OF THE ROLL.

Mr. SMOOT. Mr. President, I suggest the absence of a quorum.

The VICE PRESIDENT. The Secretary will call the roll.

The Secretary called the roll, and the following Senators answered to their names:

Ashurst	Gallinger	Perkins	Sterling
Brady	Hollis	Poindexter	Sutherland
Bristow	Jones	Pomerene	Thomas
Bryan	Kern	Ransdell	Thornton
Burton	Lane	Reed	Warren
Camden	Martin, Va.	Shafroth	White
Catron	Martine, N. J.	Sheppard	Williams
Chamberlain	Myers	Simmons	Works
Culberson	Nelson	Smith, Ga.	
Dillingham	Norris	Smith, Md.	
Fletcher	Page	Smoot	

Mr. SMITH of Georgia. I desire to state that the junior Senator from Georgia [Mr. WEST] is still detained at his room on account of sickness. During the day I will transfer my pair with the senior Senator from Massachusetts [Mr. LODGE] to the junior Senator from Georgia and will vote.

Mr. CAMDEN. The junior Senator from Kentucky [Mr. JAMES] is unavoidably absent. He is paired with the junior Senator from Massachusetts [Mr. WEEKS]. This announcement may stand for the day.

Mr. KERN. I desire to announce the unavoidable absence of the junior Senator from South Carolina [Mr. SMITH], the senior Senator from Missouri [Mr. STONE], the senior Senator from Indiana [Mr. SHIVELY], and the junior Senator from Arizona [Mr. SMITH], all of whom are out of the city on important business.

I also desire to announce the absence of the junior Senator from New Jersey [Mr. HUGHES], the junior Senator from North Carolina [Mr. OVERMAN], the senior Senator from West Virginia [Mr. CHILTON], the junior Senator from Minnesota [Mr. CLAPP], the junior Senator from Iowa [Mr. KENYON], the junior Senator from Kansas [Mr. THOMPSON], and the senior Senator from Tennessee [Mr. LEA], who are absent unavoidably on business of the Senate, being in attendance upon a committee. This announcement may stand for the day.

The VICE PRESIDENT. Forty-one Senators have answered to the roll call. There is not a quorum present. The Secretary will call the roll of the absentees.

The Secretary called the names of the absent Senators, and Mr. MCCUMBER answered to his name when called.

Mr. OVERMAN, Mr. CLAPP, Mr. THOMPSON, Mr. KENYON, and Mr. HUGHES entered the Chamber and answered to their names.

The VICE PRESIDENT. Forty-seven Senators have answered to the roll call. There is not a quorum present.

Mr. KERN. I move that the Sergeant at Arms be instructed to request the attendance of absent Senators.

The motion was agreed to.

The VICE PRESIDENT. The Sergeant at Arms will carry out the order of the Senate.

Mr. SWANSON, Mr. CHILTON, and Mr. SAULSBURY entered the Chamber and answered to their names.

The VICE PRESIDENT. Fifty Senators have answered to the roll call. There is a quorum present.

Mr. KERN. I move that the order directing the Sergeant at Arms to request the attendance of absent Senators be vacated.

The motion was agreed to.

PETITIONS AND MEMORIALS.

The VICE PRESIDENT presented a telegram in the nature of a petition from the International Sunday School Convention, held at Chicago, Ill., praying for national prohibition and also for Federal censorship of motion pictures, which was referred to the Committee on the Judiciary.

He also presented telegrams in the nature of petitions from sundry citizens of Lone Wolf, Okla.; Daytona, Fla.; and Gravity, Pa., praying for national prohibition, which were referred to the Committee on the Judiciary.

Mr. BRISTOW presented petitions of sundry citizens of Kansas, praying for the adoption of an amendment to the Constitution to prohibit the manufacture, sale, and importation of intoxicating beverages, which were referred to the Committee on the Judiciary.

Mr. CATRON presented a petition of sundry citizens of Amistad, N. Mex., praying for the adoption of an amendment to the Constitution to prohibit the manufacture, sale, and importation of intoxicating beverages, which were referred to the Committee on the Judiciary.

He also presented memorials of sundry citizens of Manzano, N. Mex., remonstrating against the adoption of an amendment to the Constitution to prohibit the manufacture, sale, and importation of intoxicating beverages, which were referred to the Committee on the Judiciary.

Mr. SHAFROTH. I present a petition signed by citizens of Denver, Colo., which I ask may be printed in the RECORD.

There being no objection, the petition was ordered to lie on the table and to be printed in the RECORD, as follows:

NATIONAL AMERICAN WOMAN SUFFRAGE ASSOCIATION.

We, the citizens of State of Colorado, have assembled to-day to voice our demands that women, as citizens of the United States, be accorded the full right of such citizenship. We congratulate the 4,000,000 women voters who have won their right to the ballot in 10 States, and confidently expect to see 5 more States under the franchise banner after the November elections.

We hereby declare that suffrage for women has become a national as well as a local issue, and we urge our Senators and Representatives in Congress to enact Federal legislation which will insure to women political equal rights with men.

We therefore ask the Congress of the United States to proceed without delay, in the most feasible and practical manner, to remove the barriers which prevent American women from the exercise of full franchise, and to make our country not a Government in which half the people are denied the right of participation, but in truth and reality a democracy.

The above and foregoing is a true and correct copy of a resolution passed at a mass meeting held at Capital Building, Denver, Colo., this 2d day of May, 1914.

HARRIET G. R. WRIGHT,
Presiding Officer, C. E. S. Association.
DORA PHELPS BUELL,
National Executive Committee, A. W. S. A.

Attest:

BESSIE THOMPSON,
Secretary.
MARY C. C. BRADFORD,
State Superintendent of Public Institutions.
MARY PATE, *Director.*
Per PISANA.

Mr. ASHURST presented a telegram in the nature of a petition from the Temperance Federation of Pima County, Ariz., and a petition of sundry citizens of Prescott, Ariz., praying for national prohibition, which were referred to the Committee on the Judiciary.

Mr. BRADY presented memorials of sundry citizens of Idaho, remonstrating against the adoption of an amendment to the Constitution to prohibit the manufacture, sale, and importation of intoxicating beverages, which were referred to the Committee on the Judiciary.

Mr. NORRIS presented a petition of sundry citizens of Nebraska, praying for the adoption of an amendment to the Constitution to prohibit the manufacture, sale, and importation of intoxicating beverages, which was referred to the Committee on the Judiciary.

Mr. SHIVELY presented petitions of sundry citizens of Houston, Rosedale, and Redkey; of the Christian Endeavor Society of Memorial United Brethren Church, of South Bend; of the Epworth Leagues of Fort Wayne; of the Men's Bible Class of the Wall Street Methodist Episcopal Church, of Jeffersonville; of Foster Cardwell, Clarence Morge, Christian Hansing, and 13 other citizens of Terre Haute, all in the State of Indiana, pray-

ing for national prohibition, which were referred to the Committee on the Judiciary.

He also presented a memorial of Local Union No. 84, International Union of United Brewery Workmen of America, of Evansville, Ind., remonstrating against national prohibition, which was referred to the Committee on the Judiciary.

He also presented a petition of the Common Council of South Bend, Ind., praying for the enactment of legislation granting pensions to civil-service employees, which was referred to the Committee on Civil Service and Retrenchment.

Mr. BURTON presented memorials of sundry citizens of Ohio, remonstrating against the adoption of an amendment to the Constitution to prohibit the manufacture, sale, and importation of intoxicating beverages, which were referred to the Committee on the Judiciary.

He also presented petitions of sundry citizens of Ohio, praying for the adoption of an amendment to the Constitution to prohibit the manufacture, sale, and importation of intoxicating beverages, which were referred to the Committee on the Judiciary.

He also presented petitions of sundry citizens of Ohio, praying for the enactment of legislation to further restrict immigration, which were ordered to lie on the table.

Mr. BURTON. I present resolutions adopted by the Chamber of Commerce and Merchants' Exchange of Cincinnati, Ohio; of the Commercial Club of Springfield, Ohio; and of the Chamber of Commerce of Columbus, Ohio, favoring the creation of a trade commission and the postponement of further trust legislation until the next session of Congress. I ask that the resolutions may be printed in the RECORD.

There being no objection, the resolutions were ordered to lie on the table and to be printed in the RECORD, as follows:

CINCINNATI CHAMBER OF COMMERCE
AND MERCHANTS' EXCHANGE,
Cincinnati, June 26, 1914.

Whereas, in the opinion of the board of directors of the Cincinnati Chamber of Commerce, the Clayton and Newlands bills, known as the antitrust measures, now pending in Congress, will seriously affect many established legitimate business customs and necessitate radical changes in methods that have been in vogue for many years; and

Whereas such changes should be made only after the most careful investigation and research in order that improper practices may be eliminated without working hardship upon those who have conducted their business along proper lines; and

Whereas, although recognizing the good intent of the administration and Congress, we believe that sufficient time has not been given to these matters to make the exhaustive survey necessary for the enactment of legislation which will eliminate said abuses without seriously affecting and disorganizing the general business interests of the country: Therefore be it

Resolved by the board of directors of the Cincinnati Chamber of Commerce, That we urge upon the President and the Members of Congress that all further action on pending antitrust legislation be deferred until the next session of Congress; and be it further

Resolved, That we recommend that these questions be referred to the trade commission about to be established or some other competent body empowered to gather data that will be instructive to the next session of Congress in preparing constructive legislation in aid to the Sherman law; and be it further

Resolved, That a copy of these resolutions be sent to the President of the United States, the Senators from Ohio, and the representatives from Hamilton County; and be it further

Resolved, That the provisions of the Clayton bill eliminating from its provisions agricultural, labor, and other organizations is an unwise feature of class legislation which will affect injuriously the interest of both capital and labor and of producers, distributors, and consumers by arraying these interests against each other, thereby emphasizing the differences which already exist.

—

Resolution adopted by the officers and directors of the Springfield Commercial Club, Springfield, Ohio, June 8, 1914.

In spite of the fact that, while crop conditions are unprecedentedly promising and money plentiful throughout the country, the general business depression of the past several months continues to exist, with no sign of abatement, in addition to there being upward of 1,000,000 workmen out of employment throughout the country; and

Furthermore, believing that the unsatisfactory conditions of industry are largely due to the resultant uncertainty and alarm caused by the prospective additional legislation by Congress, directly affecting business: Therefore be it

Resolved, That we favor the prompt creation by Congress of an interstate trade commission, to be appointed by the President, but are irrevocably opposed to any legislation that at all discriminates against any of the various elements comprising industry.

Resolved, That aside from the creation and appointment of the interstate trade commission we believe that any additional legislation affecting business should be deferred until the business men of the country have had sufficient time to make the necessary readjustments incidental to the new tariff law and the new currency measure, besides becoming fully acquainted with the character of some of the proposed business legislation, regarding which they are now ignorant.

Resolved, That we believe there should be an assurance from Congress and the administration that additional legislation affecting business should await the creation and appointment of such interstate trade commission, which commission should be empowered to make the necessary investigation, so as to submit to the President later on a definite recommendation regarding any further corrective legislation supplemental to the Sherman Act that may be necessary.

Resolved, That we believe such an assurance from Congress and the administration would at this time tend to materially stimulate business, restore prosperity, and provide employment for labor generally throughout the country.

—

To the Board of Directors of the Columbus Chamber of Commerce.

GENTLEMEN: Your committee, to which was referred referendum No. 8 of Chamber of Commerce of the United States of America, containing the report of the special committee of that body on trust legislation pending in Congress, and relative to proposals for regulating business practices, respectfully report:

We have gone over with care and in detail the report of the special committee on trust legislation of the Chamber of Commerce of the United States, set out in full in referendum No. 8. We report and recommend—

First. That this chamber of commerce vote "yes" upon the first recommendation of the special committee of the United States Chamber of Commerce, which recommendation is as follows:

"The committee recommends that there should be no attempt by statute to forbid discrimination in prices of commodities."

Second. We recommend that this chamber of commerce vote "yes" upon the second recommendation of the special committee of the United States Chamber of Commerce, which recommendation is as follows:

"The committee recommends that a proposal to compel persons controlling the product of mines to sell to all applicants 'who may be responsible' is wrong in principal and unworkable in practice."

Third. We recommend that this chamber of commerce vote "yes" upon the third recommendation of the special committee of the United States Chamber of Commerce, which recommendation is as follows:

"The committee recommends that there should not be statutory prohibition of conditions accompanying sales and leases to the effect that buyers or lessees can not handle or use the products of competitors."

Fourth. We recommend that this chamber of commerce vote "yes" upon the fourth recommendation of the special committee of the United States Chamber of Commerce, which recommendation is as follows:

"The committee recommends that the final decree in an equity suit brought by the Government, which establishes the existence or the nonexistence of a restraint of trade or of a monopoly, should be conclusive evidence as to the same general fact in private actions brought against the same defendants under the antitrust laws."

Fifth. We recommend that this chamber of commerce vote "yes" upon the fifth recommendation of the special committee of the United States Chamber of Commerce, which recommendation is as follows:

"The committee recommends that interlocking of directors among competitive business corporations, including railroad corporations, should be prohibited regardless of the size of the corporation, if elimination of competition among the corporations in question would constitute a violation of the Sherman Act."

Sixth. We recommend that this chamber of commerce vote "yes" upon the sixth recommendation of the special committee of the United States Chamber of Commerce, which recommendation is as follows:

"The committee recommends that interlocking of officers and directors between railroads and industrial businesses with which they transact a substantial volume of business—for example, in the relation of buyer and seller—should be prohibited except in such instances as the Interstate Commerce Commission may determine are not detrimental to the public interests."

Seventh. We recommend that this chamber of commerce vote "yes" upon the alternative proposal (C), recommended by the special committee of the United States Chamber of Commerce, which recommendation is as follows:

"(C) Should there be legislation in a form which would not pronounce illegal existing situations, but would authorize the Interstate Commerce Commission upon finding a detriment to the public interest in any interlocking in order, that it be terminated?"

Eighth. We recommend that this chamber of commerce vote "yes" upon the alternative proposal (A), recommended by the special committee of the United States Chamber of Commerce, which recommendation is as follows:

"(A) Should the problem involved in preventing concentration of credit be referred for investigation and recommendation to the Federal Reserve Board or some other competent body?"

Ninth. We recommend that this chamber of commerce vote "yes" upon the ninth recommendation of the special committee of the United States Chamber of Commerce, which recommendation is as follows:

"The committee recommends that corporate ownership of stock directly or indirectly of competitor corporations should be prohibited if elimination of competition among the corporations in question would constitute a violation of the Sherman Act, except in such instances as the interstate trade commission—or the interstate trade commission in the case of railroads—may determine are not detrimental to the public interest."

Tenth. We recommend that this chamber of commerce vote "yes" upon the tenth recommendation of the special committee of the United States Chamber of Commerce, which recommendation is as follows:

"The committee recommends that there should not be an attempt to regulate the shares of stock issued by corporations engaged in interstate commerce."

We feel that the special committee of the United States Chamber of Commerce, which has investigated the various trust measures now pending in Congress, has given to their consideration the best thought possible, and that their conclusions have been arrived at after a most exhaustive examination of the subject, and that their conclusions are based upon an honest desire to assist Congress in enacting such legislation, and such only, as will benefit the business interests of the country and at the same time protect and safeguard the interests of the people as a whole. The special committee in charge of the investigation, which has made the report, is composed of some of the best business men of the United States aided by able counsel.

In the recommendations of this committee so far there has appeared no effort to obstruct any legislation which is fair and which will inure to the best interests of all.

We think it not inappropriate to urge upon your board the duty of getting a full expression from the members of the chamber of commerce upon these measures, and of urging upon the members the necessity of carefully considering not only the recommendations themselves but the legislation now proposed. That legislation, if enacted in its present form will, in our judgment, injure all legitimate business enterprises, will complicate unnecessarily all methods of doing business, will result in endless litigation in order to determine what is and what is not legal under the proposed legislation, and will injure and not benefit the whole people.

We feel, further, that it is the duty of this chamber of commerce and of all other similar bodies in the United States to use all legitimate effort to impress the Representatives and Senators in Congress with the fact that legislation such as is now proposed, particularly the Clayton bill, must ultimately result in great commercial and personal loss.

Respectfully submitted.

S. P. BUSH.
T. P. LINN.
SIMON LAZARUS.

REPORTS OF COMMITTEE ON PUBLIC LANDS.

Mr. MYERS, from the Committee on Public Lands, to which were referred the following bills, reported them each without amendment and submitted reports thereon:

S. 5847. A bill to authorize the Secretary of the Treasury to convey to the city of Bozeman, Mont., certain land for alley purposes (Rept. No. 643); and

H. R. 7327. A bill for the relief of Charles L. Hill (Rept. No. 641).

Mr. MYERS, from the Committee on Public Lands, to which was referred the bill (S. 4830) authorizing Ponca City, Okla., and the board of education of said city to convey certain lands, reported it with an amendment and submitted a report (No. 642) thereon.

INVESTIGATION BY COMMITTEE ON FOREIGN RELATIONS.

Mr. WILLIAMS. By direction of the Committee to Audit and Control the Contingent Expenses of the Senate, I report favorably without amendment Senate resolution 407, and I ask for its present consideration.

The VICE PRESIDENT. The resolution will be read.

The resolution (S. Res. 407) reported by Mr. STONE from the Committee on Foreign Relations June 27, 1914, is as follows:

Resolved, That the Committee on Foreign Relations be, and hereby is, authorized and empowered to investigate and ascertain from whom information of any business transacted before said committee in executive session relating to international affairs is given out; and to prosecute said investigation said committee is hereby authorized and empowered to send for persons and papers, to issue subpœnas, to administer oaths, and to employ stenographers to take testimony at not exceeding $1 per printed page; the expenses of said investigation to be paid out of the contingent fund of the Senate on warrants signed by the chairman of said committee.

The VICE PRESIDENT. The Senator from Mississippi asks unanimous consent for the present consideration of the resolution.

Mr. NORRIS. I should like to inquire of the Senator from Mississippi—my attention was diverted, and I did not hear just what the resolution was—is that the resolution relating to an investigation by the Foreign Relations Committee?

Mr. WILLIAMS. Yes.

Mr. NORRIS. I notice the Senator from Idaho [Mr. BORAH] is not present. The other day when he was compelled to be absent he requested that, if the resolution was reported, I should ask that it go over one day, so that he could be present when it was considered. Would the Senator from Mississippi have any objection to letting the resolution go over?

Mr. WILLIAMS. No; I shall consent to that.

Mr. NORRIS. I do not wish to object to the consideration of the resolution, and I do not think the Senator from Idaho desires to do so; but he desires to be here when the resolution is taken up. He has, I think, an amendment which he desires to suggest to the resolution.

Mr. WILLIAMS. As I understand, the Senator from Idaho requested the Senator from Nebraska to ask that the resolution go over one day if it were reported?

Mr. NORRIS. The Senator from Idaho did not do so to-day, but the day before yesterday, when the Senator from Idaho was sick and expected the resolution to be reported, he asked me to make that request.

Mr. WILLIAMS. Under the circumsances I think the Senator from Idaho would desire that the Senator from Nebraska again make the same request. I will therefore withdraw the request for the immediate consideration of the resolution and let it go to the calendar.

Mr. NORRIS. I am not asking that the resolution go to the calendar. That might delay it indefinitely.

Mr. WILLIAMS. I ask unanimous consent that the resolution be considered to-morrow morning, so that we may have no trouble about getting it up—that it go over for one day and be considered to-morrow morning.

Mr. SMOOT. That would require a call of the Senate, and I think——

Mr. NORRIS. It would not require a call of the Senate to have the resolution go over for one day.

Mr. SMITH of Georgia. Let it go over without prejudice.

Mr. NORRIS. Just a minute and I will be through. I suggest to the Senator that he withhold reporting the resolution to-day and report it to-morrow. The only thing that can be done now is to consider the resolution or let it go to the calendar.

Mr. WILLIAMS. Then I withdraw the report.

AFFAIRS IN NICARAGUA.

Mr. WILLIAMS. From the Committee to Audit and Control the Contingent Expenses of the Senate I report back favorably with an amendment in the nature of a substitute Senate resolution 396, and I ask unanimous consent for its present consideration.

The VICE PRESIDENT. The amendment to the resolution reported by the Senator from Mississippi will be stated.

The SECRETARY. The amendment reported by the committee is to strike out the preamble and the resolution and in lieu thereof to insert:

Resolved, That the Committee on Foreign Relations, or any subcommittee thereof, is hereby authorized and directed to inquire into any or all transactions affecting the proposed treaty between the Governments of the United States and the Republic of Nicaragua; and it is hereby authorized to take testimony wherever necessary, send for persons and papers, issue subpœnas, and administer oaths, and the expenses incurred thereby shall be paid out of the contingent fund of the Senate, upon the approval of the chairman of said Committee on Foreign Relations.

Mr. NORRIS. Mr. President, I think that is the resolution to which the Senator from Idaho [Mr. BORAH] had reference.

Mr. WILLIAMS. I think not. I think the one to which the Senator had reference was not the resolution directing the Committee on Foreign Relations to make an investigation in connection with the Nicaraguan treaty, but in connection with the divulging of what had happened in its executive sessions. I think that is the case, unless the Senator from Nebraska knows better.

Mr. NORRIS. I am not exactly certain. There were two resolutions, and, as I stated, I did not hear the first resolution read.

Mr. WILLIAMS. The first resolution was a resolution offered by the Senator from Missouri [Mr. STONE] for an investigation to endeavor to ascertain how the secrets of the committee got out. That is the resolution, the report on which I withdrew a moment ago.

Mr. NORRIS. I think that is the resolution.

Mr. WILLIAMS. The other resolution is the resolution offered by the Senator from Michigan [Mr. SMITH] in connection with our investigation of the conditions of the Nicaraguan Republic.

The VICE PRESIDENT. Is there objection to the present consideration of the resolution?

There being no objection, the Senate proceeded to consider the resolution.

The VICE PRESIDENT. The question is on agreeing to the amendment reported by the Committee to Audit and Control the Contingent Expenses of the Senate.

The amendment was agreed to.

The resolution as amended was agreed to.

BILL AND JOINT RESOLUTION INTRODUCED.

A bill and a joint resolution were introduced, read the first time, and, by unanimous consent, the second time, and referred as follows:

By Mr. SHEPPARD:

A bill (S. 6031) authorizing the Board of Trade of Texarkana, Ark.-Tex., to construct a bridge across Sulphur River at or near Paces Ferry, between the counties of Bowie and Cass, in the State of Texas; to the Committee on Commerce.

A joint resolution (S. J. Res. 168) directing the Commissioner of Labor to employ temporary assistance to carry out a Senate resolution; to the Committee on Appropriations.

FEDERAL TRADE COMMISSION.

Mr. STERLING. I submit an amendment intended to be proposed to the pending trade commission bill, which I ask may be read.

There being no objection, the amendment was read, ordered to lie on the table and to be printed, as follows:

After line 22, on page 21, insert the following:

"And jurisdiction for the enforcement of any order so issued by said commission restraining and prohibiting the use of any such unfair method of competition is hereby conferred upon the district courts of the United States. Such district courts shall also have jurisdiction of suits to enjoin, set aside, annul, or suspend any order of said commission restraining or prohibiting the use of any method of com-

petition as unfair: *Provided*, That the pendency of such suit shall not of itself stay or suspend the operation of such order of the commission, but said court, in its discretion, may restrain or suspend in whole or in part the operation of such order pending the final hearing and determination of the suit: *Provided further*, That the procedure in said district courts shall be the same, as near as may be, as the procedure heretofore prevailing in cases in the commerce court and arising out of the orders made by the Interstate Commerce Commission, and that the venue of any suit hereafter brought to enforce, suspend, or set aside in whole or in part any order of said commission restraining or prohibiting the use of any particular method of competition as unfair shall be in the judicial district wherein is the residence of the party or any of the parties upon whose application or petition the order was made or in the district wherein the method or methods complained of as constituting unfair competition are used or employed."

MODERN SOCIAL INDUSTRIAL DISORDERS (S. DOC. NO. 531).

Mr. SMITH of Georgia. I have a copy of an address delivered at the University of Georgia a few days ago by the Senator from Colorado [Mr. THOMAS] on "Modern social industrial disorders." It is a very interesting and valuable address, and I ask that it may be printed as a public document.

The VICE PRESIDENT. Is there objection? The Chair hears none, and it is so ordered.

REVISION OF LAWS IN JUDICIAL PROCEDURE.

Mr. SUTHERLAND. Mr. President, on June 18 there came from the House the bill (H. R. 15578) to codify, revise, and amend the laws relating to the judiciary, which had passed the House on the previous day. The RECORD shows that the bill was referred to the Joint Committee on the Revision of the Laws of the United States. I understand, as a matter fact, that there is no longer such a committee. There was a committee of that kind created some years ago, and it revised the laws relating to crimes and the substantive laws relating to the judiciary. They have taken form in the criminal code and the judicial code.

The bill which has passed the House relates to the procedure. It is a very important bill. It is a bill which ought to be dealt with and disposed of during this Congress, although it is a work that ought not to be hurried. It either ought to be referred to the Judiciary Committee or there ought to be created a Committee on the Revision of the Laws. We did have such a committee years ago—that is, a Senate Committee on the Revision of the Laws—but that committee is no longer in existence. The Senate provided for its part of the Joint Committee on the Revision of the Laws, but the House never appointed their members; so that, as I understand, the joint committee is not in existence. I do not see the chairman of the Judiciary Committee present. I should have liked to have had his attention to the matter.

Mr. WARREN. The Senator from Utah is right in stating that we formerly had a Senate Committee on the Revision of the Laws, with regular employees. We also had a joint committee. We provided for quite a large amount of money to be expended from the contingent fund by the House and Senate, and that committee performed the duties to which the Senator has referred; but on the assembling, I think, of the last Congress the House refused to provide for their part of the committee, and so the matter was dropped. I am not certain whether the majority party in naming their committees made any provision for such a committee. If they did so, I have heard nothing of it.

The VICE PRESIDENT. There is a Senate committee of that kind—the Committee on the Revision of the Laws—composed of the Senator from Arkansas [Mr. ROBINSON], the Senator from Utah [Mr. SUTHERLAND], and the Senator from Rhode Island [Mr. COLT].

Mr. WARREN. That is probably a revival of the old Senate committee of which the Senator from Utah is himself a member.

Mr. SUTHERLAND. But there are no House members of the committee; so that the joint committee has not been revived.

Mr. President, I move that House bill 15578 be recalled from the Joint Committee on the Revision of the Laws and referred to the Committee on the Judiciary.

The VICE PRESIDENT. The Senator from Utah moves that the Committee on the Revision of the Laws be discharged from the further consideration of the bill to which he has referred, and that it be referred to the Committee on the Judiciary. Without objection, that will be done.

THE SALEM RELIEF FUND (S. DOC. NO. 530).

The VICE PRESIDENT laid before the Senate the following message from the President of the United States, which was read and referred to the Committee on Appropriations:

To the Senate and House of Representatives:

The governor of Massachusetts has sent me the following telegram:

"The Salem relief fund is increasing slowly. The expense of rehabilitation will be enormous, as 3,000 families are homeless and without work. If the National Government could appropriate $200,000, it would assist greatly. I am informed that the action of the National Government at the time of the San Francisco disaster furnished a precedent. Can anything in the way of substantial contribution from the National Government be obtained?"

In view of the great number of homeless and destitute in Salem, I very earnestly urge the immediate appropriation by the Congress of $200,000, as requested by the governor, to be expended under the direction of the Secretary of War.

WOODROW WILSON.

THE WHITE HOUSE, *July 3, 1914.*

IMPORTS AND EXPORTS.

The VICE PRESIDENT. Morning business is closed.

Mr. SMOOT obtained the floor.

Mr. SIMMONS. Mr. President——

The VICE PRESIDENT. Does the Senator from Utah yield to the Senator from North Carolina?

Mr. SMOOT. I yield to the Senator.

Mr. SIMMONS. The Senator has obtained recognition. I desire to take the floor in my own right.

Mr. SMOOT. Mr. President, yesterday afternoon after I had given notice that I would send for the Monthly Summary of Commerce and Finance, issued by the Department of Commerce, for the months of March and April, 1914, I did so, and I have made an examination of the figures referred to by the Senator from North Carolina.

Mr. SIMMONS. If the Senator will pardon me, to what item is he referring?

Mr. SMOOT. I have not yet referred to any particular item, but I will refer to all of them in a moment.

Mr. President, the first time that I called the importations and exportations to the attention of the Senate was in a speech delivered by me on May 20, 1914, referring particularly to importations and exportations and comparing the month of April, 1914, with the corresponding month of the year 1913. Incidentally I referred also to a line of manufactured and partly manufactured articles, showing the amount of importations for March, 1913, and their value, and also the amount and value of the importations for March, 1914. I have carefully checked those figures over, Mr. President, and I find every single one of them, of the many that were quoted, exactly as reported in the Monthly Summary of Commerce and Finance for the month of March. In my statement I said:

> The returns of the Department of Commerce show that the merchandise exports for April of this year amounted to $162,368,852, as compared with $199,813,438 for the corresponding month of last year under a protective tariff. This is, as I stated, a loss in exports of $37,434,586 in a single month.
>
> The imports in April of this year were $172,640,724, as compared with $146,194,461 in April of last year, or a gain in imports for the month of $26,446,263. Taking the imports and exports together they show a total loss in money to the commerce of the United States of $63,880,849 in one month, or at the rate of $766,570,148 annually.

I take it for granted that the Senator from North Carolina does not dispute those figures. Again, I have here the Summary of Commerce and Finance, showing that every figure I quoted on May 20 is exactly in accordance with the figures reported from the Department of Commerce by its Bureau of Foreign and Domestic Commerce.

Mr. CLARKE of Arkansas. Mr. President, from what document does the Senator read? I refer to the one he has in his hand.

Mr. SMOOT. That is a copy of the remarks I made on May 20. I could read exactly the same figures from the RECORD of that date, but I thought I could hold this copy much easier than the RECORD.

I now come to the speech that was made just one month afterwards, on June 20.

Mr. FLETCHER. Mr. President——

The VICE PRESIDENT. Does the Senator from Utah yield to the Senator from Florida?

Mr. SMOOT. I do.

Mr. FLETCHER. Under a proposition to make a correction in the RECORD the Senator from Utah is proceeding to elaborate the subject of importations and exportations and the tariff question generally; and we are going to lose two hours again this morning, just as we did yesterday, with the business of the Senate making no progress whatever. I think I shall feel obliged to call for the regular order.

Mr. SMOOT. Yesterday I gave notice that I would answer the figures referred to by the Senator from North Carolina, and I will say——

The VICE PRESIDENT. If the regular order is called for, the notice does not amount to anything.

Mr. SIMMONS. Mr. President, I hope——

Mr. SMOOT. I am perfectly aware that the notice does not amount to anything, and I am perfectly aware that the Senator from Florida can call for the regular order, and he may do so if he sees fit.

Mr. SIMMONS. I hope the Senator from Florida will permit the Senator from Utah to make the corrections he desires to make. Up to this time the Senator has been discussing a speech that I did not refer to yesterday; but I understand he is now about to begin to discuss the speech and the statements to which I referred on yesterday, with a view to making some corrections.

Mr. SMOOT. That is my only intention.

Mr. FLETCHER. Mr. President, I have no objection whatever to the Senator making corrections, and I do not want to insist upon the regular order if this matter is going to take any reasonable length of time. I do not know how long the Senator means to discuss it, but it seems to me it ought not to take half an hour to make a correction in the RECORD.

Mr. SMOOT. I will say to the Senator that it is not going to take me very long.

Mr. FLETCHER. I will withhold the point of order for the present.

Mr. SMOOT. Mr. President, in his speech of yesterday the Senator from North Carolina referred to an error that was made in my speech of June 20 under the heading of "Lace and lace articles," found on page 889 of the Monthly Summary of Commerce and Finance of the United States. According to that report, the imports of lace and lace articles for the month of April, 1913, were $1,027,188, as quoted by me. For April, 1914, the imports were $1,178,322, or an increase of $151,134; but in preparing the summary the person writing it upon the typewriter copied the wrong line, and took the total of $2,096,036, which made a difference of $917,417 as used in my speech. There was no intention whatever of using the wrong figures. It was simply an error through copying the total, including veils and veilings.

Mr. SIMMONS. The Senator will bear me out in the statement that that is all I said on yesterday.

Mr. SMOOT. The next item was "Silk and manufactures of silk," found on page 896 of the same report. This is what happended in that case: There were imported for April, 1913, manufactures of silk amounting to $2,008,567, and there were importations of artificial silk of $204,374, or a total of $2,212,941, as given in the statement made by me, while, on the other hand, in April, 1914, there were importations of silk manufactures of $2,425,989, and of artificial silk of $414,010, or a total of $2,839,999. The person summarizing the statement added the two together in 1913, and in 1914 he added the two particular items together, but he also included the item just above the total manufacture of unmanufactured silk, which was $8,254,794.

I want to say that in the case of unmanufactured silks for April, 1914, the importations were $8,254,794, and for April, 1913, they were $6,198,634, or an increase of unmanufactured silks of $2,056,164.

Taking into consideration those two errors to which the Senator called attention on yesterday, the total increase would be reduced from 129 per cent to 77 per cent on the whole of the items named. I want also to say to the Senator that in that case I particularly called attention to the imports and the exports. That was what I was discussing, and that was what I desired to call the attention of the country. If the Senator will refer to that speech, he will find that I stated as follows:

> Mr. President, a month ago to-day I called the attention of the Senate to the imports and exports for the month of April, 1914. I desire now to occupy about five minutes of the time of the Senate in calling attention to the imports and exports for the month of May, 1914.
>
> The total imports for May, 1914, were $163,637,386. For May, 1913, they were $133,723,713, or an increase of importations for the month of May, 1914, over the month of May, 1913, of $29,913,673.
>
> The total domestic exports in May, 1914, were $157,406,572, a decrease of $33,649,228 compared with the month of May, 1913.
>
> Taking the imports and exports together, they show a loss to our commerce for the month of May of this year as compared with May, 1913, of $63,562,901.

Mr. President, I call the Senator's attention——

Mr. SIMMONS. If the Senator will permit me, I do not desire to go into a general discussion of imports. I thought the Senator was confining himself to a correction.

Mr. SMOOT. I am confining it to that right now.

Mr. SIMMONS. I should like to ask the Senator a question. In his statement he gives the imports for April, 1914, of silks and manufactures of silks as $11,094,000, in round numbers. For April, 1913, he gives them as $2,212,000. I want to ask him if it is not a fact that he made a mistake in the figures for 1913 of $6,198,000?

Mr. SMOOT. Absolutely; and I stated that the error was made by including the total of the unmanufactured silk in the statement that was made by me.

Mr. SIMMONS. So that the Senator's statement here gives the imports for April, 1914, as $11,094,000——

Mr. SMOOT. Which was an error.

Mr. SIMMONS. Yes; and $2,212,000 for April, 1913, instead of $8,411,000 for April, 1913.

Mr. SMOOT. Two million two hundred and twelve thousand dollars is correct for April, 1913, and I so stated.

Mr. SIMMONS. Yes.

Mr. SMOOT. I want to say that in the case of the exports and imports for both months, which were what I was calling the attention of the Senate to, the Senator from North Carolina dare not dispute a single figure quoted; and the importations he speaks of here of silk or manufactures of silk do not make one cent's difference in the exports and imports quoted by me. They were not included in them, and the whole statement as I made it as to the imports and exports was absolutely correct, if the Monthly Summary of Commerce and Finance of the Department of Commerce is correct.

Mr. SIMMONS. I am not disputing the imports for April or May, and of course I do not dispute the official figures. In my remarks yesterday I stated that the Senator from Utah selected a number of separate items in several schedules for the purpose of showing the increase in importations in April of this year over April of last year and estimated the increase at 129 per cent, I believe, or something like that; and I showed that in three or four items that I picked out of those he selected that his calculations were incorrect because of errors in the aggregate importations quoted, and I pointed out those errors.

Mr. SMOOT. No; there were only two.

Mr. SIMMONS. Well, yes; two in which there were errors in the figures.

Mr. SMOOT. And I will refer to the other two here.

Mr. SIMMONS. Two with reference to that particular error?

Mr. SMOOT. That is all there were.

Mr. SIMMONS. In taking those items the Senator has made in one case, in a $2,000,000 item, a mistake of nearly a million dollars, and in another item of $8,000,000, a mistake of $6,000,000.

Mr. SMOOT. I will say now that I checked over carefully the figures for March, and I did not check over the figures for the following month; hence the error.

I want to say, in relation to the "parts of automobiles," one of the other items to which the Senator has referred, that the figures I quoted were exactly correct. The Senator complains because I did not quote the figures for automobiles themselves, and speaks of the great business in this country of manufacturing automobiles. I want to say to the Senator from North Carolina that in the month of April, 1914, of which he complains, there were just 15 automobiles imported into the United States. The Ford Automobile Co. was reported to be making one automobile a minute. That would be one institution in this country running 15 minutes. I do not think they are making that many right now; but all the importations amounted to was $24,609, and for the month of April, 1913, $106,068, with 44 automobiles imported.

Mr. President, the rate of duty on automobiles above $2,000 was not changed in the last tariff act; it is still 45 per cent. Why should I call attention to it? I could have continued with the summary and found other items with great increases, but I did not want to lumber up the RECORD with too many. I could have put the whole report in the RECORD, but I did not think that necessary. All that I did was to select manufactured and partly manufactured articles in about 25 lines and show the amount of increase that there had been in that class of industry in this country.

Mr. SIMMONS. Mr. President——

The VICE PRESIDENT. Does the Senator from Utah yield to the Senator from North Carolina?

Mr. SMOOT. Certainly.

Mr. SIMMONS. The Senator is entirely evading the point I made.

Mr. SMOOT. No; I am not evading the point.

Mr. SIMMONS. Yes; the Senator is, as I think.

Mr. SMOOT. I do not intend to evade it.

Mr. SIMMONS. I did not mean to say the Senator was purposely evading it, but he is in effect evading it. The Senator selected a number of articles from the whole list of importations in this country for the purpose of showing that there had been an increase in importations by showing that the increase with respect to those particular articles had been very heavy. One of the articles he selected for that purpose was parts for automobiles; and taking the parts, he showed an increase of nearly 300 per cent.

Mr. SMOOT. Which was absolutely true.

Mr. SIMMONS. Yes. Now, I call the attention of the Senator to the fact that if he had taken the item of automobiles, which was in the next line, he would have shown that there was a decrease of 400 per cent. The purpose of my criticism was to show how utterly worthless, for the purpose of argument, it was to pick out a few items here and there and show that there had been an increase in importations in those items; that the Senator could just as well have picked out a few items here and there and have shown there had been a decrease, just as these two items show. The item that the Senator selected, parts of automobiles, showed a big increase in imports; but the item above it, automobiles, showed a larger decrease. So you could go through this document and select items showing a big increase, and likewise you could select items showing a big decrease; so the argument amounts to nothing.

Mr. SMOOT. The argument amounts to this: Everybody knows that there is an increase during those months of importations——

Mr. SIMMONS. That is not denied.

Mr. SMOOT. Taking all the importations, and the Senator dare not dispute the figures that I quoted upon the floor of the Senate as to the importations or the exportations. Not only that, but the Senator also knows that the estimate that was made by the Ways and Means Committee of the House, and also reported by him in this body, was that the revenue from customs under the present tariff law for this fiscal year would be between forty-nine and fifty-two million dollars less than the revenues for the preceding fiscal year, and the Senator knows that on account of the great increase of importations that amount has been reduced to about $25,000,000. That speaks louder than any words, and that is what I called attention to; and all that I put these figures in the RECORD for was to show just a part of the manufactured goods that had been greatly increased. Why, Mr. President, I did not report one-tenth of them. I could go on and report a good many more.

Mr. SIMMONS. I want to confine the Senator, if I can, to the point at issue.

Mr. SMOOT. I decline to yield any further.

Mr. SIMMONS. I want to ask the Senator this question: Whereas taking parts of automobiles he showed a large increase in importations during the month of May, if he had taken automobiles would he not have shown a larger decrease? That is the only point we were discussing. I do not want to go into the discussion of the tariff question generally this morning, and I did not understand the Senator rose for that purpose.

Mr. SMOOT. I would have been through long ago if the Senator had not interrupted me.

Mr. President, I want to say that I have already stated those figures and given them to the Senate. The Senator knows there was no change in the rate on automobiles above $2,000, which are generally those that are imported into this country.

Mr. SIMMONS. The Senator does not dispute that there was a change in automobiles below that, and a very radical change?

Mr. SMOOT. The Senator has no right to even intimate such a thing, because I have said, every time I made the statement, "automobiles at $2,000 and above." The automobile industry was taken pretty good care of; there is no question about that; and I so stated. Not only that, but the Senator will remember that the Senator from Iowa and myself on this floor called attention to the rate placed upon parts of automobiles, and stated they would be imported and assembled in this country; and what has been the result? The importation of automobiles themselves has decreased, but the importation of parts of automobiles has increased—just what was stated would happen.

Now, as to the other questions with reference to linen thread, I say, Mr. President, the report shows just exactly what I said upon linen thread; and there is no one who dares question it, not even the Senator from North Carolina.

Therefore, Mr. President, as far as all this talk is concerned, it came about, as I said, by the person making the errors in taking the wrong line in two instances, and they were the two items the Senator called attention to. I want to say to the Senate now that, granting all the Senator said, still there is an increase of 77 per cent in the importations of the lines of goods that I called attention to.

I think, Mr. President, that is all I care to say this morning.

Mr. SIMMONS. Mr. President, I shall not take five minutes. I am not going to enter into any discussion with the Senator from Utah on the question of the tariff. I had hoped the Senator would this morning make his corrections and graciously admit his errors as pointed out by me on yesterday. He does not seem to have done that, although he admits that in two particulars to which I called attention his figures were in error—in one case an error of seven hundred and odd thousand dollars in a $2,000,000 item, and in another case an error of $6,000,000 in an $8,000,000 item, which I think very material errors.

In referring to the two other items, to automobiles and yarns, I was not attacking the figures as given by the Senator, as he knows. It was with a view of showing how unfair, if I may use that term without offense, the Senator was in picking out one item in a bracket and not referring to other items which were related to it, and commercially a part of it, and embraced in the same bracket in the table, which showed a reverse condition.

Now, with reference to yarns and linen, the Senator picked out yarns for the purpose of showing that there had been quite an increase in the importation of yarns during the month of April. But the Senator omitted to call the attention of the Senate to the decrease in the importation of linens manufactured from yarns. The table shows that in the case of linen made from yarn, instead of an increase in imports in April, 1914, there was a decrease; the figures show linens imported in April, 1913, $2,059,000, and in April, 1914, $1,129,000.

My purpose and my only purpose in calling attention to those things was to show how a calculation, based upon selecting and segregating an article here and an article there, is worthless and unreliable, because you can take other articles in the same bracket and show the exact reverse of that condition.

Mr. SMOOT. That would be absolutely true, Mr. President, if they stood by themselves alone; but the Senator must admit that the figures I gave showed the whole month's importations and the whole month's exportations.

Mr. SIMMONS. The fault I found with the Senator was this: He took parts of automobiles, and did not take automobiles made out of the parts. He took the yarns, and did not take the linens made out of the yarns.

Mr. SMOOT. I am very sorry that I did not do just exactly as the Senator from North Carolina wanted me to do.

Mr. SIMMONS. Therefore the Senator, although he did not do it intentionally, did not deal fairly with the Senate. It was inadvertence, of course.

Mr. President, I am not going into a discussion of exports and imports, but I will be glad, when I have the time, to take up especially our trade with Europe. I will be able to show the Senate that taking the whole of Europe, the country which the Republican Senators predicted would overwhelm our industries with its cheap pauper-made products, our imports for the first 10 months of the fiscal year 1914 were less than for the like period of the fiscal year 1913; and I will show him that our exports to Europe for the first 10 months in 1914 were greater than they were for the like period in 1913. That will answer the stock Republican argument of European invasion and the argument that recent gold exports to that country were for the purpose of meeting the balance of trade. I have not time to make that argument this morning.

Mr. SMOOT. Do I understand the Senator to say that the imports have been more for the months of May and June?

Mr. SIMMONS. No. I said for the first 10 months of the year.

Mr. SMOOT. Or the months of April and May?

Mr. SIMMONS. I said the imports from Europe during the first 10 months of the past fiscal year have been less than for the like period of the year before, and that the exports from this country to Europe during the same period have been greater.

Mr. SMOOT. The imports have been more and the exports have been less.

Mr. SIMMONS. We will discuss that when we get to it.

MEETING OF COMMITTEES DURING SESSIONS OF THE SENATE.

Mr. CUMMINS. Mr. President, I gave notice yesterday that I would this morning present a resolution or a rule that would forbid committees to sit during the sessions of the Senate. Upon examination I find that in all probability a rule of that kind will not be necessary to accomplish the end I have in view.

Jefferson's Manual is the common law of the Senate, and I think it is the common law of all our parliamentary bodies unless changed by specific provision. In section 11 of Jefferson's Manual, as found in the Rules and Manual of the United States Senate, I discover this paragraph—the section relates to committees:

So soon as the House sits and a committee is notified of it, the chairman is in duty bound to rise instantly and the members to attend the service of the House.

I take it that that is binding upon the Senate of the United States, and prescribes the duties of Senators in so far as the sitting of committees during a session is concerned.

I am now having an investigation or examination made, or have asked that one be made, to ascertain what orders the Senate has entered in the way of permitting committees to meet during the session. I have not yet been furnished with the result of that examination; in fact, I suggested it only a few moments ago. I rise now to explain why I do not offer the resolution to which I referred yesterday, and to state that, having given this notice, I hope in the early part of next week to call the matter again to the attention of the Senate with a view to the enforcement of the rule that I have just read.

The VICE PRESIDENT. The Secretary states that the matter concerning which the Senator inquires can be furnished now.

Mr. CUMMINS. I would be very glad if the information could be read from the desk.

The VICE PRESIDENT. The Secretary will read it.

The ACTING SECRETARY. Practically all of the important standing committees of the Senate have been authorized in formal resolutions to sit by committee or subcommittee during the sessions of the Sixty-third Congress. The Journal discloses that the Committee on Appropriations is so authorized by a resolution agreed to on April 28, 1913; Banking and Currency by resolution of April 24, 1913; Commerce, May 29, 1913; District of Columbia, April 15, 1913; Post Offices and Post Roads, May 16, 1913; Indian Affairs, May 20, 1913; Judiciary, April 28, 1913; Public Lands, April 21, 1913; Military Affairs, April 21, 1913; Naval Affairs, May 26, 1913; Privileges and Elections, August 26, 1913; Woman Suffrage, May 19, 1913; Claims, February 10, 1914; Immigration, February 7, 1914; Interstate Commerce, January 26, 1914; and the Committee on the Library, by resolution of March 27, 1914.

Mr. CUMMINS. The mere reading of this list indicates very clearly why Senators are not at liberty to attend the sessions of the Senate. It is, as it seems to me, imperative that we take measures to rescind these orders of the Senate, and I hope to move in that direction very soon.

RIVER AND HARBOR APPROPRIATIONS.

Mr. SIMMONS. Is there any matter pending before the Senate?

The VICE PRESIDENT. The calendar under Rule VIII is in order.

Mr. SIMMONS. I move that the Senate proceed to the consideration of House bill 13811, known as the river and harbor bill.

The VICE PRESIDENT. The question is on the motion of the Senator from North Carolina.

Mr. NORRIS. Mr. President, I suggest the absence of a quorum.

The VICE PRESIDENT. The Secretary will call the roll.

The Secretary called the roll, and the following Senators answered to their names:

Ashurst	Fletcher	Page	Sterling
Bankhead	Gallinger	Perkins	Sutherland
Brady	Hollis	Pittman	Swanson
Bryan	Jones	Pomerene	Thomas
Burton	Kern	Ransdell	Thornton
Camden	Lane	Saulsbury	Townsend
Catron	Lee, Md.	Shafroth	Vardaman
Chamberlain	Martin, Va.	Sheppard	Warren
Chilton	Martine, N. J.	Simmons	White
Clarke, Ark.	Nelson	Smith, Ga.	Works
Cummins	Norris	Smith, Md.	
Dillingham	Overman	Smoot	

The VICE PRESIDENT. Forty-six Senators have answered to the roll call. There is not a quorum present. The Secretary will call the names of absent Senators.

The Secretary called the names of the absentees, and Mr. KENYON answered to his name when called.

Mr. HOLLIS. I desire to announce that the senior Senator from Maine [Mr. JOHNSON] is unavoidably absent and that he is paired with the Senator from North Dakota [Mr. GRONNA].

Mr. CLAPP and Mr. HUGHES entered the Chamber and answered to their names.

The VICE PRESIDENT. Forty-nine Senators have answered to the roll call. There is a quorum present. The question is on the motion of the Senator from North Carolina.

Mr. NORRIS. On that question I ask for the yeas and nays.

The yeas and nays were ordered.

Mr. ASHURST. May the question be stated again?

The VICE PRESIDENT. The question is on the motion of the Senator from North Carolina [Mr. SIMMONS] to take up what is known as the river and harbor bill.

The Secretary proceeded to call the roll.

Mr. GALLINGER (when his name was called). I have a general pair with the junior Senator from New York [Mr. O'GORMAN]. I do not see him in his seat; therefore I withhold my vote.

Mr. SAULSBURY (when his name was called). I transfer my pair with the junior Senator from Rhode Island [Mr. COLT] to the senior Senator from Nebraska [Mr. HITCHCOCK] and vote "yea."

Mr. TOWNSEND (when his name was called). I desire to announce the unavoidable absence of the senior Senator from Michigan [Mr. SMITH], who is paired with the junior Senator from Missouri [Mr. REED].

I also wish to announce that I am paired with the junior Senator from Arkansas [Mr. ROBINSON], who is necessarily absent from the Senate. If, however, it becomes necessary for me to vote in order to make a quorum, I think the Senator from Arkansas would permit me to vote.

The roll call was concluded.

Mr. CATRON. I have a general pair with the senior Senator from Oklahoma [Mr. OWEN], who, I understand, is absent from the city. Owing to that fact I withhold my vote.

Mr. CHAMBERLAIN. I transfer my pair with the junior Senator from Pennsylvania [Mr. OLIVER] to the junior Senator from South Carolina [Mr. SMITH] and vote "yea."

Mr. CHILTON. I have a general pair with the Senator from New Mexico [Mr. FALL], which I transfer to the Senator from Illinois [Mr. LEWIS] and vote "yea."

Mr. SMOOT. I desire to announce the unavoidable absence of the senior Senator from Illinois [Mr. SHERMAN] on account of illness in his family. He has a general pair with the Senator from Arizona [Mr. SMITH]. I will allow this announcement to stand for the day.

Mr. KENYON. I desire to announce the unavoidable absence of the senior Senator from Wisconsin [Mr. LA FOLLETTE], and will allow this announcement to stand for the day.

Mr. THOMAS. I understand that my vote is necessary in order to make a quorum. I therefore transfer my pair with the Senator from New York [Mr. ROOT] to the Senator from Nevada [Mr. NEWLANDS] and vote "nay."

The result was announced—yeas 34, nays 14, as follows:

YEAS—34.

Bankhead	Jones	Poindexter	Smith, Ga.
Bryan	Kern	Pomerene	Smith, Md.
Camden	Lee, Md.	Ransdell	Swanson
Chamberlain	Martin, Va.	Reed	Thompson
Chilton	Martine, N. J.	Saulsbury	Thornton
Clarke, Ark.	Nelson	Shafroth	Vardaman
Fletcher	Overman	Sheppard	White
Hollis	Perkins	Shields	
Hughes	Pittman	Simmons	

NAYS—14.

Ashurst	Clapp	Page	Thomas
Borah	Dillingham	Smoot	Warren
Brady	Kenyon	Sterling	
Bristow	Norris	Sutherland	

NOT VOTING—48.

Brandegee	Goff	McCumber	Smith, Ariz.
Burleigh	Gore	McLean	Smith, Mich.
Burton	Gronna	Myers	Smith, S. C.
Catron	Hitchcock	Newlands	Stephenson
Clark, Wyo.	James	O'Gorman	Stone
Colt	Johnson	Oliver	Tillman
Crawford	La Follette	Owen	Townsend
Culberson	Lane	Penrose	Walsh
Cummins	Lea, Tenn.	Robinson	Weeks
du Pont	Lewis	Root	West
Fall	Lippitt	Sherman	Williams
Gallinger	Lodge	Shively	Works

Mr. GALLINGER. A quorum has not voted, Mr. President.

The VICE PRESIDENT. We might as well settle this question now as at any other time. There are three Senators in the Chamber, Senators GALLINGER, TOWNSEND, and CATRON, who have announced their pairs. Counting them would more than make a quorum. If they voted in the negative, still the motion would prevail.

Mr. GALLINGER. I announced a pair with the junior Senator from New York [Mr. O'GORMAN]. Do I understand that the Chair rules that I should be counted?

The VICE PRESIDENT. The Chair is about to make a ruling, and will let the Senate settle it definitely. On the roll call there are 34 yeas and 14 nays. There are three Senators in the Senate Chamber who have announced their pairs. With the vote and the announced pairs there is a quorum present. If those who announced their pairs should vote in the negative, the motion would still prevail. In order that the question may be definitely settled, the Chair rules that the motion does prevail, and will be glad to have an appeal from the decision of the Chair.

Mr. GALLINGER. But, Mr. President, the Chair suggests that if the Senators paired should vote in the negative it would not change the result. The fact is, however, that under our rules the Senators paired have no right to vote on either side. That has been recognized as a principle, I think, that has never before been challenged.

Mr. BORAH. Mr. President——

The VICE PRESIDENT. There is a precedent for it, the Chair will state.

Mr. GALLINGER. I presume that may be so. There is a precedent for nearly everything.

Mr. BORAH. Mr. President, I do not understand that it is necessary in order to present the question to the Senate to make any calculation about how Senators who are present and not voting would vote. The only question is whether the Chair is entitled to count those announcing their pairs as present. There does not seem to be any appeal from the decision of the Chair.

Mr. KENYON. Mr. President, while I am inclined to think that the Chair is probably right, yet, as the Chair himself says he would like to have an appeal taken, I appeal from the ruling of the Chair.

Mr. CLARKE of Arkansas. Mr. President, I think we should understand what it is we are appealing from before the appeal is taken. I understand that the vote stands 14 nays and 34 yeas, which shows one short of a quorum, and that there are other Senators present who refrained from voting because they have been paired. The Chair enumerated those Senators who are now personally present and were present upon that roll call, and adding those to the number who actually voted found a quorum present. That is in accordance with the uniform practice of the Senate under former administrations; I see no objection to it; and I am sure my friend from New Hampshire would be the very last one to take exception to that condition of affairs.

Mr. GALLINGER. Mr. President, I do not agree with the distinguished Senator from Arkansas that it is in accordance with the uniform practice of the Senate. It is simply establishing the principle of counting a quorum. If the Senate is going to commit itself to that principle, I do not know that I have any objection. While Vice President Sherman did——

Mr. CLARKE of Arkansas. And Vice President Fairbanks, as well.

Mr. GALLINGER. While Vice President Sherman did exercise that right on two or three occasions, he reversed himself during the latter part of his incumbency of the office of Vice President and refrained from acting under the previous ruling which he had made.

Mr. CLARKE of Arkansas. We may indulge the hope that the present Vice President will not reverse himself upon the very wholesome ruling he has just announced.

Mr. GALLINGER. That may be so. I am not going to discuss it at length; I have come to the conclusion that I am not going to discuss anything at great length in the Senate hereafter; but I simply want to call the attention of the Senate to the fact that we are establishing the rule of counting a quorum that was established in another body a few years ago. It may be a wholesome or an unwholesome rule, but it is contrary to the custom of the Senate during the last century I might say, except in one or two instances. The only instance that I recall during my service in the Senate was that Vice President Sherman did count a quorum on two or three occasions; but when his attention was called to it, and he gave serious consideration to the matter, he reversed himself. As an appeal has been taken, however, I shall say nothing further, and content myself with voting.

The VICE PRESIDENT. The question is, Shall the ruling of the Chair stand as the judgment of the Senate?

Mr. BORAH. Mr. President, I agree with the ruling of the Chair. I think it is not only founded upon precedent, but I think it is a wise ruling. I do not like, however, to see an appeal taken from the decision of the Chair, and the rule established on this particular measure, which might not be an indication of what we wanted to establish as a rule of the Senate, but rather as an indication of what we want to do with reference to a particular bill. I shall vote to sustain the Chair, because I think it is a wise ruling.

Mr. TOWNSEND. Mr. President, if I understood the ruling of the Chair and the statement of the Chair, it was to the effect that he had noticed that there were three Senators who had announced that they were paired. I do not understand that the Vice President announced the names of the Senators. It seems to me that it would be a most dangerous rule to establish in the Senate, if, without a record of the names which have been counted as present or announcement made at the time, a ruling should be made and established as the rule of the Senate.

I am inclined to agree with the opinion of the Chair that when Senators are present and in their seats they should be counted if it is necessary to make a quorum; but I think there should be a record so clear that there should be no chance or opportunity to abuse that right so that Senators might be counted as present who were not in fact here.

The VICE PRESIDENT. The Chair did announce the names of the Senators.

Mr. TOWNSEND. I do not think the Chair gave the names of the Senators.

The VICE PRESIDENT. The Chair announced that Senators GALLINGER, TOWNSEND, and CATRON were present.

Mr. NORRIS. There may be considerable in what the Senator from Idaho [Mr. BORAH] has said; but I think that Senators will vote on this question according to their belief in the justice or the injustice, as they may think, of the Chair's ruling. I am opposed to this bill, and it would be natural to vote against sustaining the Chair; and yet I believe the establishment of this rule would be so valuable that, even though I should like to defeat the bill which this motion seeks to bring before the Senate, I doubt whether the defeat of that bill would be more valuable than the establishment of the precedent which we will now establish if a roll call is had; and I am going to ask for a roll call, so that the Chair shall have a right to do just what the Chair has done and let it be firmly established.

Mr. BORAH. Mr. President, there is no more satisfactory way to establish a rule than to have a ruling of the Chair and have it go unchallenged.

Mr. NORRIS. I doubt that.

Mr. BORAH. We vote here, as we all know, in emergencies upon rulings with reference to a particular bill when it is up, and our views upon the bill often control the question instead of our views upon the ruling.

Mr. NORRIS. That is often true, but it is not going to control my vote; and I know of several other Senators—for instance, the Senator from Idaho, for one—who are going to sustain the Chair and yet are opposed to this bill.

Mr. BORAH. That is true; but we know, as we run back through the precedents, that we find them all shot to pieces by reason of the fact that some precedent has been established with reference to a fight upon a particular bill. The best precedent of this body is the unchallenged ruling of the Chair.

Mr. NORRIS. I do not agree with the Senator, for it seems to me that we add emphasis to the ruling of the Chair when an appeal is taken, a roll call is had, and the Chair is sustained. That shows and the debate shows that the proposition was discussed and that it was fully understood. So it seems to me that the vote of the Senate will go a good way toward establishing the authority of the Chair to count a quorum if there is a quorum actually here. That is a very important thing, as I look at it. I ask, Mr. President, for the yeas and nays.

Mr. PITTMAN. Mr. President, I am going to vote to sustain the ruling of the Chair, because I know of no other way by which we can temporarily establish the rule. I must say that I consider the word "rule" a very improper definition of what we are doing. I should like to see a rule that would govern the Chair just as well as this body. We certainly can not have a rule to govern the Chair when the Chair makes the rule on every ruling that he announces. It convinces me more than ever that the charges that have been made against us that we operate without any system or any rule, except according to the vagaries of certain Members who are present, is largely true.

I understand further that a former occupant of the chair has been sustained on a different ruling. That was considered for the time as a rule. The present occupant of the chair does not consider that a rule and makes a different ruling, and now asks this body to sustain a different ruling. This rule, I imagine, will stand until this body will be differently constituted, in which event there will be another rule, so that, I take it, there is no rule governing this body.

Mr. BORAH. Not necessarily when the body is differently constituted, but when the situation is different.

Mr. PITTMAN. I mean differently constituted as to the personnel at some hour of the day or some day in the week; but it certainly emphasizes the fact that we would escape a great deal of just criticism if we would attempt to establish a few rules for the government of this body.

Mr. THOMAS. Mr. President, I want to emphasize as strongly as I can my commendation of the ruling of the Chair. I believe it ought to go further if necessary. I think the Chair should have the power to count as present every Senator upon this floor at a roll call, whether he announces his presence or not, whether he announces a pair or not, whether he speaks or not. If he is bodily present in the Chamber he can not be spiritually absent from the Chamber. Our constituencies did not send us here for the purpose of sitting around and refusing to answer, or insisting that we should be regarded as absent when we do not vocally announce our presence.

I recall very vividly the tremendous upheaval, in Democratic ranks, particularly, which followed the practice of Speaker Reed years ago when he insisted upon his right to count a quorum; but the common sense of the people was behind him, and as a consequence that which was then declared to be revolutionary, unprecedented, and destructive of American institutions has become the commonly accepted practice, and it ought to be here. So far as our rules are concerned, if I have gained anything from the discussions of them, it is that we have decisions pro and con upon all of them, in consequence of which the most of them are in bewildering confusion.

I think that in this ruling the Chair should be sustained, because even now it is difficult to obtain a quorum, which is, to say the least, not very commendable, particularly on the part of the majority on the Democratic side of the Chamber.

I earnestly hope the ruling of the Chair will be unanimously or with practical unanimity sustained, to the end that we may do business when there are more than 48 Senators in the Chamber, whether they announce their presence or not.

Mr. SIMMONS. Mr. President, a parliamentary inquiry. Is this motion debatable?

Mr. GALLINGER. It is. There is no question about it.

The VICE PRESIDENT. The Chair is of opinion that it is debatable.

Mr. BRISTOW. Mr. President, I desire to state that I shall vote against sustaining the ruling of the Chair. I do not agree with my colleagues here. I think this ruling will enable the Senate to pass bills without a majority of a quorum voting. It is altogether probable that there might be several Senators here paired and not voting, and if the vote was close, less than a majority of a quorum would pass a bill under the rule that has been announced; and I think it would be exceedingly dangerous.

To illustrate, suppose there were 23 votes cast for a measure and 22 against it, and there were half a dozen Senators here who were paired; the result would be, under this ruling, that the bill would be passed by less than a majority of a quorum; and I will never vote to sustain any rule that will result in such a situation.

The VICE PRESIDENT. The Chair desires to state to the Senator from Kansas that that was not the ruling of the Chair. The ruling of the Chair was that it was entirely immaterial as to how the three Senators who were paired voted, and the present occupant of the chair would never make such a ruling as this if the pairs present would in any wise affect the result of the vote.

Mr. BRISTOW. I think that very materially modifies the situation.

Mr. NORRIS Mr. President, I should like to suggest to the Senator from Kansas, if he will permit me, in regard to the illustration he has given, where 23 votes would pass the bill, that he must realize that the Senators who are present and not voting, if they are opposed to the bill, have it within their power to defeat it.

Mr. BRISTOW. Yes; but they do not perform the functions which it is their duty to perform, and the country is not responsible for that. They are responsible to answer to their constituents. You might as well say, if they were not here, that you could count them here because they are Members of the body.

As to the frequent absence of a quorum, the responsibility is on the Members of this body if they will not attend, the result being that business can not be transacted. That does not justify us, however, in adopting rules that will enable less than a majority to transact business. That would be revolutionary. The modification of the ruling, as I understood it, as announced by the Chair of course takes from the objection that I make a good deal of its force; but I still think the old rule is the better. If we want to transact business, let us be here, and let us require other Senators to be here. We have the power to require them to attend. Let us not excuse them from attending by passing bills when there is not a quorum voting on them.

Mr. SHAFROTH. Mr. President——

Mr. NORRIS. If the Senator will permit me——

Mr. BRISTOW. I yield first to the Senator from Colorado. Then I will yield further to the Senator from Nebraska.

Mr. SHAFROTH. Mr. President, I want to say to the Senator from Kansas that the very illustration he has given, namely, that there might be a measure passed here without a majority of a quorum voting, is carried out every day in this body by Senators not voting. You will hear one vote in favor of a measure, and the Chair says it is carried. It seems to me that those Senators are not exercising their functions, as the Senator from Kansas has said in the other case, but no objection is made to it; and it seems to me that the Senators who are not voting but who are here and announce their presence can easily say that they want to be counted.

I believe the ruling of the Vice President is right. I believe that if we do not do that we are going to get at some time such close majorities that a quorum will not transact business, and we will not have a quorum. We can break a quorum at any time. I feel that when a Senator is here and announces that he is paired it is ridiculous to say that he is not present, so that the Vice President can count him to make a quorum; and there is no rule, as I understand, that it takes a majority of a quorum to carry a measure. If you take the declaration as to a quorum being present, it is a majority of those who vote when a quorum is present. That is what I understand is the rule.

To say that a Senator can get up here and announce that he is paired with another Senator, and it goes upon the RECORD that he is here, and then to say that there is no quorum present after the vote is taken, seems to me to be absurd, and sooner or later we must abandon this very practice that it has been claimed has been followed here. The House of Representatives did it, and it was universally commended. Now, no Speaker of the House of Representatives fails to count a quorum if the roll call does not disclose a quorum present and the Members are actually there; and I have heard of no violation of any sound discretion in the matter of counting a quorum. I have heard of no intimations of fraud being attempted.

That being the case, when we have a quorum here, to say that we have to call the roll, and then have another call, and then if that develops a quorum, take a vote, and by reason of two or three persons being paired we can not pass any legislation, seems to me to be absurd.

Mr. BRISTOW. Mr. President, that is all very well if you want to make it easy for Senators to absent themselves from the Chamber and not attend the sessions of the Senate; but I am opposed to any rule that will make it easier for Senators not to attend the sessions of the Senate. I think the Senate is not attended by Senators as much as it should be, anyway, and any letting up on the rules or changing of the rules that encourages Senators to go off and not attend to their duties here, I think is a mistake.

Mr. POMERENE. Mr. President——

The VICE PRESIDENT. Does the Senator from Kansas yield to the Senator from Ohio?

Mr. BRISTOW. I yield to the Senator.

Mr. POMERENE. In view of what the Senator has just said, what is gained in the way of legislation if a Senator is physically present in the Chamber and yet refuses to take any part in legislative action?

Mr. BRISTOW. He must assume the responsibility of that, the same as he does when he is away and not attending to his duties at all.

Mr. GALLINGER. But when a Senator is paired he is not refusing to take part. He is simply keeping a compact that he has made with another Senator.

Mr. POMERENE. If that be true, then there ought to be some rule changing this compact.

Mr. GALLINGER. That may be so.

Mr. POMERENE. I do not care to take the Senator's time further. I was going to make some other observations.

Mr. BRISTOW. I will ask the Senator from Ohio if he does not think this proposition is for the purpose of excusing Senators who are away and out of town attending to their political business or something else?

Mr. POMERENE. If that question is addressed to me, I answer "no."

Mr. BRISTOW. Some of them are in Europe now, as I understand.

Mr. POMERENE. I am not to be held responsible for the absence of any Senator. I am very much interested in this ruling of the Chair. I think he is to be congratulated. The Senator from New Hampshire has said that for more than 100 years this body has failed to count a Member present when he refused to answer. If it has taken 100 years for the United States Senate to be able to say that a man is here when he is in fact here, if the Chair has within that time not learned to count a Member present when he is in fact present, it reflects but little credit either upon the Chair or upon the Senate. If this body accomplishes nothing during this summer session other than to be able to count a quorum when a quorum is present, our session will not have been in vain, and I for one will be willing to stay here all of next summer if the Senate will adopt some reasonable cloture rule.

Mr. GALLINGER. Mr. President——

The VICE PRESIDENT. Does the Senator from Kansas yield to the Senator from Ohio?

Mr. BRISTOW. I do.

Mr. GALLINGER. The Senator from Ohio is too frank a man to put me in a false position. He did not intend to do so.

Mr. POMERENE. I surely did not.

Mr. GALLINGER. I did not say that a Senator refused to vote or that for 100 years a Senator could refrain from voting. There is a rule compelling a Senator to vote if he undertakes to refrain from voting. What I said was that pairs had been recognized, and that that excused a Senator from voting, because he had made an agreement, ordinarily with a Senator upon the other side of the Chamber, that during his absence he would not vote.

The Senator from New York [Mr. O'GORMAN] came to me on yesterday and said that he had to be absent. I said to him: "You recognized the pair while I was absent, and, of course, I will observe the pair while you are absent"; and that I will do; but I do not do it for the purpose of obstructing legislation at all.

Mr. POMERENE. I would not so charge the Senator from New Hampshire.

Mr. GALLINGER. No; the Senator did not do so.

Mr. POMERENE. As I understood the Senator, he was referring to the fact that for 100 years we had had a rule whereby a man might be present within the knowledge of the Chair——

Mr. GALLINGER. Precisely.

Mr. POMERENE. And at the same time not be counted when it came to the matter of making a quorum.

Mr. GALLINGER. Provided he was paired.

Mr. President, I shall vote against the ruling of the Chair, although I have no doubt it is going to be sustained. I recall with a great deal of interest, if the Senator from Kansas will permit me a moment, the protest that came with such earnestness and power from the late Senator from Georgia, Mr. Bacon, whenever this proposition was broached in the Senate; but I think probably we have passed beyond that stage, and I do not know that there is any other Senator who could take the place the Senator from Georgia occupied. It was a potential appeal that he made to the Senate, as a rule, and I think it was upon his appeal that Vice President Sherman reversed his ruling.

Perhaps, however, we have reached that stage in our procedure, and it may be a wise one. I am not arguing very much against it. I do not think, however, that the ruling of the Vice President that he can invoke the rule under one condition and not under another is sound. I think the ruling ought to be general, if it is going to be made at all; that if it operates in this case it ought to be made to operate in all cases, and not be determined according to what the result would be if Senators voted on the one side or the other of the question.

Mr. JONES. Mr. President——

The VICE PRESIDENT. Does the Senator from Kansas yield to the Senator from Washington?

Mr. BRISTOW. I yield to the Senator.

Mr. JONES. I merely wish to say I think the ruling of the Chair is correct, and yet I desire to call the attention of the Senator from Kansas to the rule referred to by the Senator from New Hampshire. It seems to me that if it had been applied it would have avoided all of this question and would avoid it entirely in the future, so far as that is concerned.

Part 2 of Rule XII says:

When a Senator declines to vote on call of his name he shall be required to assign his reasons therefor, and having assigned them, the Presiding Officer shall submit the question to the Senate, "Shall the Senator, for the reasons assigned by him, be excused from voting?" which shall be decided without debate; and these proceedings shall be had after the roll call and before the result is announced; and any further proceedings in reference thereto shall be after such announcement.

Of course, every pair must be taken with the understanding that if the Senate does not excuse the Senator from voting his vote shall be recorded. Therefore, in this case, if the Senate should refuse to excuse the Senators from voting they could be required to vote, and a quorum would be present; and that rule, if applied, would avoid any difficulty of this character.

Mr. BRISTOW. I think that would be very much better.

Mr. CLARKE of Arkansas. Mr. President, may I impose upon my friend from Kansas to the extent of calling the attention of the Senate at this time to some of the precedents on this very question?

Mr. BRISTOW. Certainly.

Mr. CLARKE of Arkansas. I made the assertion that the action taken by the Chair to-day was not exceptional nor without reason; that it had been what might be fairly called the uniform practice of the Senate for the last 75 years. I have such respect for the memory and judgment of the Senator from New Hampshire that when he said that was not true I thought possibly my memory was at fault, as I did not at that time have before me the recorded evidence of these rulings, and I busied myself to find them. I now have the rulings.

Mr. GALLINGER. I must have said "not correct" instead of "not true." I could not have used the other expression.

Mr. CLARKE of Arkansas. Very well; I make that modification myself.

This question arose on March 15, 1858. I now read from Gilfry's Precedents regarding the rules of the Senate, as recorded on pages 402, 403, and 404 of the volume of Precedents published by that gentleman.

On March 15, 1858, this action is recorded:

During the consideration of S. 161, for the admission of Kansas into the Union, on a motion to adjourn no quorum voted.

The Vice President (Mr. Breckinridge) stated to the Senate that the number of Senators voting did not constitute a quorum of the Senate, but that, in the opinion of the Chair, a quorum was present in the Chamber.

The question came up again on May 15, 1874. The chair was being occupied at that time by Senator Matt H. Carpenter, of Wisconsin, one of the ablest men who ever occupied a place on this floor.

The President pro tempore (Matt H. Carpenter) directed the Secretary to count the Senate to ascertain if a quorum was present.

It was found that no quorum was present.

The question came up again on June 19, 1879, when the chair was occupied by Senator Thurman, an equally distinguished Senator from the State of Ohio.

On question of laying an appeal from the decision of the Chair on the table, yeas were 32, nays 3—no quorum voting. The President pro tempore—Mr. Thurman—counted the Senate and announced a quorum present in the following language:

The Chair has usually taken the fact of there being no quorum voting as evidence that there was no quorum present, but the Chair has not decided that it is not possible to ascertain otherwise whether there is a quorum. The Chair does not think the fact that a quorum has not voted is conclusive evidence that a quorum is not present. On the contrary, in the opinion of the Chair, he has a right to count the Senate. He has counted the Senate and found that a quorum is in attendance; but a quorum has not voted.

The question came up again on March 3, 1881, when the Chair was occupied by Senator Cockrell, of Missouri, one of the most eminent men who ever occupied a seat on this floor, a Democrat who always enjoyed the confidence and respect of his party and was always in sympathy with its purposes and its principles.

This occurred:

While a motion to postpone further consideration of one bill for the purpose of considering another was pending, a motion to proceed to the consideration of executive business was made, on which no quorum voted.

The Presiding Officer [Mr. Cockrell] proceeded to count the Senate, and announced the presence of a quorum.

The matter came up again the 29th of May, 1908:

Mr. LA FOLLETTE raised a question as to the presence of a quorum.

Mr. Aldrich raised a question of order, viz, that a Senator must be in possession of the floor, and that he can not take the floor by asking a parliamentary inquiry and then make any motion.

The Vice President [Mr. Fairbanks] sustained the question of order.

An appeal having been taken from the decision of the Chair,

On motion by Mr. Aldrich to lay the appeal on the table—yeas 32, nays 14—no quorum voting,

The Vice President [Mr. Fairbanks] counted the Senate, and announced that a quorum was present; and so the motion prevailed.

After debate, the Vice President again counted, and found there was no quorum present on another motion.

On the 30th of May, 1908:

Mr. LA FOLLETTE raised a question as to the presence of a quorum.

Mr. Aldrich raised a question of order, viz, that a roll call of the Senate having disclosed the presence of a quorum, and no business having intervened, the suggestion of the absence of a quorum is not in order.

The Vice President submitted the question to the Senate, Is the point of order well taken?

It was determined in the affirmative—yeas 35, nays 8, present and not voting—

That was not a quorum of the Senate actually recorded and the Vice President counted as present Mr. Clay, Mr. Culberson, Mr. Frazier, Mr. Milton, and Mr. Overman.

Then adding the Senators present to those who actually voted, they constituted a quorum; and the affirmative vote being the larger, the motion was declared carried.

The VICE PRESIDENT. The morning hour having expired the Chair lays before the Senate the unfinished business, which will be stated.

The SECRETARY. A bill (H. R. 15613) to create an interstate trade commission, to define its powers and duties, and for other purposes.

Mr. SAULSBURY. Mr. President——

The VICE PRESIDENT. If the Senator from Delaware will just suspend——

Mr. CLARKE of Arkansas. I ask the Senator from Delaware to consent that we temporarily lay aside the unfinished business until we can dispose of this matter. We are about ready to vote on it.

Mr. SAULSBURY. That is quite agreeable to me.

The VICE PRESIDENT. Is there objection?

Mr. GALLINGER. I object.

Mr. BRISTOW. I object, Mr. President.

Mr. CLARKE of Arkansas. I am not sure but that this is a privileged question, anyway. I will look in the book here to find out.

[At this point the Vice President laid before the Senate a message from the President of the United States, which was read, and which appears elsewhere under its appropriate heading.]

Mr. CLARKE of Arkansas. Mr. President, I rise to a point of order or a parliamentary inquiry, I am not exactly clear in my mind as to which.

If the ruling of the Chair, which has been temporarily suspended by the appeal, is not sustained, there is no quorum of the Senate present; and we can not take up the unfinished business or anything else. This matter is in an attitude now that a decision is necessary to determine whether the Senate is in session for the purpose of doing business, and under the conditions I raise the point of order that it is a privileged question.

The VICE PRESIDENT. The Chair thinks the point of order of the Senator from Arkansas is well taken.

Mr. BRISTOW. May I suggest that there is but one way of ascertaining whether or not there is a quorum present, and that is by a call of the roll. I suggest the absence of a quorum.

Mr. CLARKE of Arkansas. Mr. President, I think pending the appeal that would not be in order. Certainly it would not be in order to take a Senator off the floor, while a Senator was occupying it for some other purpose, to call for a quorum, or take me off the floor for the purpose of making that suggestion, because in the rulings that I have just read it appears that several of them were upon the distinct point that the Senator having the floor could not be taken off the floor for the purpose of making the point of no quorum.

Mr. BRISTOW. I acknowledge that; but the Senator's contention is that there is a quorum present.

Mr. CLARKE of Arkansas. I contend there is a quorum present.

Mr. BRISTOW. There is but one way to ascertain that fact, and that is by calling the roll.

Mr. CLARKE of Arkansas. I maintain that it is the purpose of a roll call to disclose the presence of a quorum, and that is the very point in issue. If the ruling of the Chair is sustained, there is a quorum present. There was a quorum present when the last vote was taken.

Mr. BRISTOW. That was half an hour ago.

Mr. CLARKE of Arkansas. Nothing has intervened since; we have simply been discussing the same point. I am not real clear about the proposition whether or not the point of no quorum could be made at this time, but the result is that a vote has to be had to determine the appeal at some time, because the question involved is whether the Senate can proceed to the consideration of the river and harbor bill.

Mr. NORRIS. Will the Senator yield to me?

Mr. CLARKE of Arkansas. With pleasure.

Mr. NORRIS. I wish to ask this question of the Senator. I think he has propounded a very interesting parliamentary proposition. I submit to him that unless the Chair's ruling is overruled it must stand. The Chair has ruled that there was a quorum present. While an appeal is pending, that appeal might be postponed to some later day; it might last for several days; but it seems to me until that decision is overruled the decision of the Chair must stand, and therefore in parliamentary law there is a quorum present.

Mr. CLARKE of Arkansas. But the question pending challenges the sufficiency and legality of the Chair's ruling. If the Senator had said that, the hour of 2 o'clock having arrived, the unfinished business came up in regular order, it would be a mere moot question at this time, and I think there would be something in it; I would not be able to successfully resist it. If that point is made, I think I would have to abandon the discussion for the day.

Mr. GALLINGER. Mr. President, I raise a point of order which involves precisely what the Senator has stated, and I had it in my mind to make that very point. It is that the hour of 1 o'clock having arrived, the unfinished business under our rules has necessarily been laid before the Senate, and a request was made to lay it aside and objection was made. Can anything else be before the Senate but the unfinished business?

Mr. CLARKE of Arkansas. That is the point I concede. The decision of the question at this time would be a moot decision for the reason that if the river and harbor bill was taken up it would be immediately displaced by the regular order, which would be the unfinished business. So we shall have to wait for another occasion to take the matter up. In the meantime the decision of the Chair will stand as the rule of the Senate until reversed by some affirmative action hereafter to be taken. I concede the point of order made by the Senator from New Hampshire on that statement.

Mr. WHITE. Mr. President, it occurs to me the situation in which we are left necessitates the decision by the Senate of the appeal from the decision of the Chair, and that we can not be acting as a Senate until the question has been disposed of. That question can never be presented again because that question itself will become a moot question. Unless it is presented now, it never can be submitted until another occasion presents itself where the ruling of the Chair on the same point is brought in question. So I insist that we must decide first whether the ruling of the Chair shall be sustained. The only question that can be presented is the question presented by the appeal.

Mr. SUTHERLAND. Mr. President——

The VICE PRESIDENT. Does the Senator from Alabama yield to the Senator from Utah?

Mr. WHITE. I do.

Mr. SUTHERLAND. I suggest to the Senator from Alabama that in the very discussion which is now taking place and the discussion which took place upon the appeal from the ruling of the Chair, we were proceeding upon the theory that we had a quorum. Otherwise we could not have proceeded at all.

Mr. WHITE. Then, if that is true, if there can be no appeal because we have a quorum, that settles the question. But, as a matter of fact, the answer to the Senator's question is that the appeal suspended for the time being the question as to whether we had a quorum.

Mr. SWANSON. Will the Senator from Alabama allow me a moment?

Mr. WHITE. Certainly.

Mr. SWANSON. It seems to me that we could not lay the unfinished business before the Senate if there was no quorum present; that we could not do anything but get a quorum. Consequently the decision of the Chair that there is a quorum present seems to be a live question now, because unless a quorum was present the unfinished business could not be laid before the Senate and we could not do anything but get a quorum. It appears to me that what we have to do before we can lay the unfinished business or anything else before the Senate is to determine whether there is a quorum present, and if not to secure one.

Mr. SUTHERLAND. Mr. President——

Mr. WHITE. I believe I have the floor.

The VICE PRESIDENT. The Senator from Alabama has the floor.

Mr. WHITE. That is exactly the question I was presenting; and we can not get away from it unless we leave the ruling of the Chair in force, and when we do that that settles the question. Without an appeal the ruling of the Chair becomes final. If it becomes final, it binds the Senate; and the only hope to relieve ourselves of that situation is for the Chair to put the question to the Senate as to whether the ruling of the Chair was correct. I insist that no step can be taken by the Senate until that question has been decided, unless those taking the appeal

concede that the ruling of the Chair is correct and there is no appeal by reason of not insisting upon the appeal.

Mr. VARDAMAN. I wish to make to the Senator from Alabama just one suggestion. When the appeal from the Chair is taken, does it not suspend the decision of the Chair?

Mr. WHITE. I think so.

Mr. VARDAMAN. So if the rule under which the Senate has been acting prior to this occasion has been when the record on the vote reveals no quorum, unless the Chair's ruling is sustained there is no quorum and the appeal from the ruling of the Chair suspends the ruling.

Mr. WHITE. As long as the appeal is pending, but when the appeal is——

Mr. VARDAMAN. It has not been disposed of. Therefore it is pending.

Mr. WHITE. Whenever we take up some other business the appeal is abandoned and that leaves the ruling of the Chair in force.

Mr. SUTHERLAND. Mr. President, the ruling of the Chair that a quorum was present is binding upon the Senate until the Senate has reversed it. It is analogous to an appeal from the decision of a court to a higher court. The judgment of the lower court is not superseded by the appeal. The judgment of the court is not affected until the higher court has held it to be erroneous.

We have proceeded upon the theory, and must proceed upon the theory, that the ruling of the Vice President, whether in fact it be right or not, is binding, and it will be binding and remain binding until the Senate has reversed it. Otherwise we could not be proceeding here at all.

The VICE PRESIDENT. That must be the condition of affairs. The Chair found that a quorum was present. That stands until the Senate reverses the ruling of the Chair. Pending the appeal from the Chair and before the Senate had taken any action, without objection upon the part of the Senate the Chair laid before the Senate the unfinished business. The ruling of the Chair must therefore stand until some subsequent day by some unknown method to the Chair now the Senate reverses this ruling of the Chair.

Mr. WHITE. Then, if that is correct, and I am sure it is correct, I agree with the Chair. I insist that this appeal can never be decided. The same question may be presented when the Chair makes a similar ruling, but this appeal is gone by reason of its abandonment.

The VICE PRESIDENT. It has been the observation of the Chair here that the Chair can find trouble enough in settling questions as they arise without anticipating them.

Mr. KENYON. Mr. President, in order to relieve the situation, if it be in order, for I think this question will arise at some other time, I shall ask to withdraw the appeal, and I do so.

Mr. NORRIS. I object.

Mr. GALLINGER. I ask for the regular order.

The VICE PRESIDENT. The RECORD will show what has occurred.

FEDERAL TRADE COMMISSION.

The Senate, as in Committee of the Whole, resumed the consideration of the bill (H. R. 15613) to create an interstate trade commission, to define its powers and duties, and for other purposes.

The VICE PRESIDENT. The Senator from Delaware [Mr. SAULSBURY] is entitled to the floor.

Mr. CLARKE of Arkansas. Mr. President, I make the suggestion of the absence of a quorum.

The VICE PRESIDENT. The Senator from Arkansas suggests the absence of a quorum, and the Secretary will call the roll.

The Secretary called the roll, and the following Senators answered to their names:

Ashurst	Cummins	Norris	Smith, Mich.
Bankhead	Dillingham	Overman	Smoot
Borah	Fletcher	Page	Sutherland
Brady	Gallinger	Perkins	Swanson
Bristow	Hollis	Pittman	Thomas
Bryan	Hughes	Poindexter	Thompson
Burton	Jones	Pomerene	Thornton
Camden	Kenyon	Ransdell	Townsend
Catron	Kern	Reed	Vardaman
Chamberlain	Lane	Saulsbury	Warren
Chilton	Lee, Md.	Shafroth	White
Clapp	Martin, Va.	Sheppard	
Clarke, Ark.	Martine, N. J.	Shields	
Crawford	Newlands	Simmons	

Mr. KERN. I wish to announce that the senior Senator from Mississippi [Mr. WILLIAMS] is necessarily absent on business of the Senate.

The VICE PRESIDENT. Fifty-three Senators have answered to the roll call. There is a quorum present. The Senator from Delaware [Mr. SAULSBURY] will proceed.

Mr. SAULSBURY. Mr. President, I shall first endeavor to give a brief summary of the bill now before the Senate. It provides for a Federal trade commission composed of five members, provides machinery for its organization, and the taking over of all the records, work, and business of the Bureau of Corporations, which is abolished. Its employees, with the exception of two secretaries, one clerk for each commissioner, and attorneys and experts, are placed in the classified service. Other necessary machinery for the operation of the commission is provided.

The commission is empowered to investigate the organization, business, financial condition, conduct, practices, and management of corporations engaged in interstate commerce, other than common carriers and banks, and to require them to furnish information regarding said matters to the commission, which may prescribe a uniform system of annual reports regarding such corporations or classes of corporations as it may designate.

The information obtained is only made public so far as the commission deems it of public importance, and the business of the companies investigated is protected so far as the information obtained relates to trades processes, names of customers, and other distinctly private matters.

Where suits have been brought by the Attorney General and the court finds for the complainant, it may utilize the commission as a master in chancery to have such hearings as may be necessary to settle the forms of decrees to be entered.

The commission is to report directly to Congress, and may submit recommendations for additional legislation.

If the Attorney General desires, it may investigate the manner in which any order or decree is being carried out or violated, and if it obtains any information as to violation of the law regulating commerce, it reports its findings and the evidence to the Attorney General, with its recommendations, for such purpose having access to documents and writings of any corporation investigated.

The commission is directed to investigate expeditiously trade conditions in foreign countries where the export trade of the United States may be injuriously affected, and, like the Bureau of Corporations, its jurisdiction extends over all trade associations.

I am inclined to believe that this power to investigate foreign trade conditions affecting our export trade may prove very beneficial, both to our business men and in enabling us to efficiently regulate domestic trade through a complete understanding of foreign trade conditions.

The unfair-competition clause of the act is having such full discussion in the Senate that in the summarized statement I am now making it needs only to be mentioned.

Penalties are provided in the act for failure to file reports after 30 days' notice that a company is in default, and the willful destruction, alteration, or removal of documentary evidence, so that it is not available for proper use, is made unlawful, with appropriate penalties; and willful false entries in any book of accounts or record of any trade association, corporate combination, or corporation is made unlawful.

Heavy penalties are provided for any employee of the commission who divulges information without authority, and the commission is given all the powers possessed by the Interstate Commerce Commission to compel attendance and testimony of witnesses and production of evidence.

Power is conferred on the district courts to compel the compliance by any corporation, its officers and employees, with any order of the commission requiring the production of evidence, and other departments and bureaus of the Government are required to furnish the commission with evidence when so directed by the President.

A COMPARISON WITH THE HOUSE BILL.

Mr. President, having briefly summarized the whole bill, I think it will not be unprofitable to compare its provisions with the existing law regarding the Bureau of Cororpations and with the provisions of the House bill—the Covington bill—as it came to the Senate. Speaking generally, the only authority at present possessed by any Federal governmental agency to exercise any of the powers conferred by this bill on the Federal trade commission is lodged in the Bureau of Corporations of the Department of Commerce, with respect to industrial corporations engaged in interstate trade and in the Interstate Commerce Commission with respect to interstate carriers.

This bill has to do only with corporations engaged in interstate trade, which are not carriers or banks, and expressly so states. With respect to the corporations with which it deals it

is a distinct and somewhat far-reaching step in advance along the road to commission government.

The present Bureau of Corporations in the Department of Commerce was established by section 6 of "An act to establish the Department of Commerce and Labor," approved February 14, 1903. Therein it was provided that the Bureau of Corporations, with a commissioner of corporations as its head, should have power to make—

diligent investigation into the organization, conduct, and management of the business of any corporation, joint-stock company, or corporate combination engaged in commerce among the several States and with foreign nations, excepting common carriers * * * and to gather such information and data as will enable the President of the United States to make recommendations to Congress for legislation for the regulation of such commerce and to report such data to the President from time to time as he shall require.

The information obtained might be made public, should the President so direct, and the Commissioner of Corporations was given the same power to obtain evidence as was possessed by the Interstate Commerce Commission. The bureau was also directed to gather, compile, publish, and supply useful information concerning corporations doing interstate or foreign business, including insurance companies, under direction of the Secretary of Commerce and Labor.

A comparison of the powers provided to be exercised in the bill under consideration by the trade commission shows that all these powers, with the exception possibly of those relating to insurance companies, are included in the Newlands, or Senate, bill, in addition to others I shall hereafter refer to, and by section 3 of the Covington bill as it came from the House, are expressly vested in the trade commission bill therein provided for.

ADDITIONAL POWERS PROVIDED.

In addition to the authority given the Bureau of Corporations and the Commissioner of Corporations, both the Covington bill and the Newlands bill, following the trend of public sentiment, which has doubtless been greatly influenced by the eminently satisfactory way in which the Interstate Commerce Commission has performed its duties, propose to give additional powers to this new trade commission. The Newlands bill gives to the commission powers respecting all the corporations which were under the supervision of the Bureau of Corporations, while the Covington bill circumscribes the scope of the commission's activity by limiting its authority to obtain reports, under section 9, to those corporations which have capital of not less than $5,000,000, or, having less capital, belong to a class of corporations which the commission may designate, and by capital is meant the combined amount of stocks, bonds, and surplus of the corporation.

The Committee on Interstate Commerce of the Senate and the Interstate and Foreign Commerce Committee of the House were considering the subjects embraced in the Newlands and the Covington bills in their respective bodies at the same time, and, though not having joint meetings, kept reasonably in touch with the thought and conclusions of each other in the preparation of the two bills; and this, in some measure, accounts for the striking similarity of the Newlands bill, which the Senate committee proposes to substitute as an amendment to the Covington or House bill. The Senate committee, however, was able, after the House bill was perfected, to have full advantage of the work of the House, and in that way seems to have presented a bill in some degree an advance upon that of the House; slightly better in the phraseology and arrangement of some of its sections and somewhat broader in its scope. It is, indeed, surprising, however, that the thought and work of the two committees should without actual joint meetings have so closely followed the same lines.

I shall attempt to sketch in broad and general terms the similarities and the differences between the two bills. There are only two provisions in the Senate bill which are not in some way referred to and provided for in the House measure.

FOREIGN INQUIRIES AND INVESTIGATION.

In subhead G of section 3 of the Senate bill the commission is directed to report its findings and evidence to the Attorney General when, from its inquiries and investigations, it believes that any corporation, individual, or association has violated any law of the United States, and in subhead H of section 3 the commission is directed to expeditiously investigate trade conditions in foreign countries where the export trade of the United States may be injuriously affected. It is hardly conceivable that anyone will object to the inclusion in the bill of these two provisions, and they may be left with only this brief statement of their scope and object.

PREVENTION OF UNFAIR COMPETITION.

The prevention of unfair competition, for which extended provision is made in the Newlands bill—section 5—is barely mentioned in the Covington bill, in section 11, where the commission, if it shall obtain any information in any of its investigations of "unfair competition or practice in commerce," is directed to report the same to the President to aid him in making recommendations to Congress for legislation. The Newlands bill makes different provision concerning unfair competition, and section 5, which includes this provision, seems to have centered the attention of those Senators who have already spoken upon the bill and to have encountered the only opposition yet manifested in the Senate. I shall recur very briefly to this section hereafter.

Returning to a comparison of the House and Senate bills and pointing out their differences, the Federal trade commission bill of the Senate practically differs in no respect from the interstate trade commission of the House, except that the Senate bill provides for five members with terms of seven years each—sections 1 and 2—while the House bill provides for only three members with six-year terms—section 1. The machinery for working the commissions in both cases is practically the same, and the power of general investigation given the commissions are so similar, except as to limitation on the powers of the House commission to corporations having a capital of not less than $5,000,000, as not to require particular statement at this time.

PUBLICITY PROVISIONS.

The publicity provisions in the two bills are much alike. Both bills provide that the commission may, in its discretion, publish the information obtained by it, so far as it may be of public importance, and that the commission shall make a report to Congress, in which it may submit recommendations for additional legislation.

Both bills prohibit making public information obtained by the commission as to trade processes or secrets and the names of customers, and both bills provide for the severe punishment of any employee of the commission who divulges any fact or information received during his employment by the commission, unless the commission has authorized the same to be made public.

These provisions are intended to preserve to the business men of the country the proper possession of whatever is necessary to the privacy of their business and prevent advantage being unfairly taken of them because of information secured by the commission in the exercise of its official powers.

Both bills turn over to the new commission all property, business, appropriations, and employees of the old Bureau of Corporations, fix the office of the new commission in Washington, place the employees, with very limited exception, in the classified service, and define the terms used in the act in a similar way. All Government departments and bureaus, when directed by the President, must furnish the commission records, papers, and information in their possession—section 10.

SYSTEM OF ANNUAL REPORTS.

Subhead C, section 3, of the Newlands bill provides that the commission may prescribe a uniform system of annual reports from corporations and such classes of corporations as it may designate, which provision was made that the commission might classify the corporations under its supervision as might be found convenient, and by such reports, when called for, possibly determine what corporation, if any, required investigation under the broader powers conferred in subheads A and B of the same section. Practically the same provision is found in section 8 of the Covington bill, authorizing the commission to make rules, regulations, and classifications of corporations, although the terms seem to be rather clouded and vague, and in section 9, where power is given the commission to prescribe as near as may be a uniform system of annual reports.

The provisions of neither bill require that all corporations shall make reports, but, in effect, only such as are classified by the commission, and when directed by special order or when by its rules they shall be required to do so. Both bills provide the same penalties for failure to make such reports, the Newlands bill, however, not imposing a penalty until 30 days after notice to the corporation that it is in default, thus relieving any business concern not willfully in default from penalty to perform an act where its neglect may have been merely an oversight and not a willful default.

General powers of investigation are vested in the commission under the terms of both the acts, and by both acts a provision is made that any court acting under the antitrust acts may obtain the benefit of knowledge in possession of the commission by referring matters to the commission and requesting its report.

POWERS OF INVESTIGATION.

The Interstate Commerce Committee of the Senate believed that its provision—subhead E of section 3—is much preferable in form to that of section 12 of the Covington bill and may

avoid a claim that this provision is unconstitutional as encroaching upon the proper powers of a court. It is not intended by either bill to do this, however, as the authority to refer rests purely in the discretion of the court; and in the Senate bill a hearing as to the form of the decree to be entered is provided for wherein both parties will be heard.

Subhead F, section 3, of the Newlands bill, and section 18 of the Covington bill, provide for investigations by the proposed trade commission, after a decree has been entered in a court against anyone adjudged to have violated the antitrust acts, to ascertain if the court's decree has been or is being carried out in good faith, and the two provisions last referred to in aid of the courts are believed to be valuable as assisting the courts in such case.

Provision is made in both bills for the punishment of anyone willfully making false statements or entries, which may deceive the commission, the provision of the Senate bill being manifestly the best considered of the two, and by both bills employees of the commission improperly divulging information may be severely punished.

Under the provisions of both bills the commission is given the powers possessed by the Interstate Commerce Commission to compel the attendance and testimony of witnesses, and by both bills the commission is required to report to Congress instead of to the President, to whom the present Bureau of Corporations is required to report.

SENTIMENT PREPONDERANT FOR CREATION OF COMMISSION.

From what I have said, Mr. President, it will be seen how nearly along parallel lines the thoughts of the members of the House and Senate committees have traveled. While this course has been furthered by frequent conferences of individual members of the committees, the conclusions of the committees have undoubtedly been so similar because of the well-defined sentiment of the business men of the country in favor of the creation of a commission of the character proposed, and in a general way favoring the grant of the powers given in both bills to such commission. That such a sentiment exists can not be doubted. All over the country boards of trade and chambers of commerce have been requested by a committee representing them to express their views, and the expression in favor of such a commission has been overwhelming. The report of a referendum by the Chamber of Commerce of the United States shows that 646 boards of trade and chambers of commerce, which were members of the Chamber of Commerce of the United States of America, voted upon the question as to whether an interstate trade commission of five members, appointed by the President, of a bipartisan character, should be created by Congress.

The vote in favor of such a commission was overwhelming, 522 votes being cast in favor of creating such a commission and 124 votes only being cast against it.

Mr. THOMAS. When was that vote taken?

Mr. SAULSBURY. That vote, Mr. President, was taken somewhere about the 8th of April, I think, while these bills were under consideration, and it was reported to the Interstate Commerce Committee of the Senate by the gentlemen who represented the United States Chamber of Commerce.

I may also say, in that connection, that a number of the powers proposed by this bill to be vested in the trade commission were voted upon favorably in pretty much the same ratio by the chambers of commerce of the United States. I can designate them, if the Senator from Colorado desires me to do so, and I may do so when the particular provisions of the bill shall come up.

PUBLIC MIND TURNS TO COMMISSION GOVERNMENT FOR RELIEF.

It is true, Mr. President, that opposition to any legislation of this character is vigorously voiced by those who have opposed during this Congress any changes in our tariff or our banking laws. Such opposition bears all the earmarks of a similar origin, but for many years there has been growing up in this country a great public sentiment favoring the adoption of methods of administering justice and preventing wrong which were easily accessible to those threatened or oppressed by the unfair methods and practices of those seeking to establish monopoly on the ruins of competition. The delays and expense incident to obtaining redress for such wrongs in the courts have made adequate relief to litigants almost unattainable in these cases and, in the public mind there has been growing up a belief, which to some extent may be justified, that the courts were not efficient, because of the usual delay and expense in providing early, adequate, and inexpensive relief from oppressions of which such litigants complain.

This condition has turned men's minds favorably to the creation of commissions. I do not know, Mr. President, that I can follow as far as others may lead along the road to commission government, but it is doubtless true that expense, annoyance, and delay have been encountered in the courts, which improved methods of procedure might in a large measure avoid, and to a great extent this has caused men to turn to forms of commission government for relief. Dangerous as it is or may become, if it should become too dangerous, relief will doubtless be found for such evil, just as now we are seeking relief from the harassing and unfair practices, the oppressive expenses, delays, and annoyances which have to be met when resort is had to the courts for relief from monopoly and oppression.

CONSTITUTIONALITY OF PROPOSED PROVISIONS.

This feeling that more efficient relief should be had than the courts can afford has led to the inclusion in this bill of the provision made in section 5 that unfair competition shall be unlawful, with the direction that the commission shall prevent corporations from using unfair methods of competition in commerce. When I first considered that provision, it did not seem to me—or, rather, I was in great doubt—that the specification or definition of what the unlawful act was, was sufficiently accurate to be enforced by either a commission or by the courts. Examination of the authorities, which have been several times cited to this Senate, caused me first to become doubtful as to my opinion and afterwards to conclude that probably such a provision as now included in the bill will be upheld by the Supreme Court. It is unnecessary for me to go over those decisions, they having been frequently cited in this debate.

It first appeared to me that the provision sought to enact recognized ethical standards into statute law. I doubted whether we could do this in such general terms, but there is nothing wrong or remarkable about it if we may constitutionally do so.

Courts have always recognized the customs of merchants, and it is my impression that under this act the commission and the courts will be called upon to consider and recognize the fair and unfair customs of merchants, manufacturers, and traders, and probably prohibit many practices and methods which have not heretofore been clearly recognized as unlawful.

THE STRAIGHTFORWARD BUSINESS MAN NEED HAVE NO FEAR.

Every man in his own business knows when a competitor is pursuing unfair methods. Every professional man knows when a competitor is guilty of unfair, unprofessional, and unethical conduct. It may be that heretofore we have been satisfied to allow only the usual punishment to come upon such persons as the violation of the ethics of a profession or a business in time naturally brings; but it is undoubtedly true that sentiment in this country has come to the point where it will, if it can, by law prohibit, prevent, make unlawful, and punish unfair practices in competitive business.

This bill, Mr. President, lends itself undoubtedly to the conjuring up of hobgoblins, to the predictions of evil, to dire prophecies of business uncertainty; but if, as I incline to think it will, the Supreme Court shall determine the words "unfair competition" to be sufficiently definite, I have no fear that men engaged in business will be unable to settle for themselves what they can and what they can not do. Every business man knows what is unfair in his own branch of the business. All of us, whether in business or professional life, know what is unfair competition. The lawyers who have so eloquently addressed the Senate on this section of the bill know, as every other lawyer knows, when the lawyer on the other side is resorting to unfair practices in competition with him or violating professional ethics.

It is a fair question, then, I think, to ask, if this portion of the bill is upheld by the Supreme Court, who will desire that men engaged in business in this country shall be able to use unfair practices in trade?

I have no fear of such hobgoblins as have been conjured up. The States of the Union have been endeavoring to prevent these practices by statute, and in some cases have done so. The courts of the country have found many practices and methods in business unfair and have prohibited them. If we may use, as I think we can, the generic term for such evils, then the honest and straightforward business man will have no fear about what he may do, but will feel relieved as to what competition may do to him, and I do not believe that his fears will be aroused because of the passage of this bill.

PROPOSED AMENDMENT TO BILL.

I think the provisions of section 5 can be and will be made more clear by an amendment to be offered thereto which will settle the exact status of a finding and order of the commission under section 5. I have offered such an amendment, and shall ask a vote thereon before this bill is reported from the committee.

The amendment I shall offer follows the words, as near as may be, of the interstate-commerce act. It provides that the findings of the commission shall only be prima facie evidence

when the subject matter of the complaint shall be thereafter brought before a court upon a petition of the commission or of any person who may be interested in the commission's findings, and that in such event the case shall proceed before the court in accordance with the ordinary practice in all causes and actions of the character to which it may relate.

This morning I noticed that the distinguished Senator from South Dakota [Mr. STERLING] introduced a somewhat similar amendment, and it will be very interesting and very useful, I think, for the lawyers of the Senate to endeavor to perfect the bill so that there may be no reasonable complaint against section 5 regarding unfair practices. I think the business people of this country, if they may be led to fear anything because of the bill, can certainly be protected by some such amendment as that which I have suggested, or that which has been suggested by the distinguished Senator from South Dakota.

CARRYING OUT PARTY PLEDGES.

It seems, Mr. President, that the time has been reached in American politics when the declarations made by the great parties in their platforms have come to mean something; that they are not merely high-sounding and empty phrases, used to arouse the hopes of the voters of the country that something will be done if the party declaring in favor of measures should be successful at the next election. The electorate has come to regard the declarations of our platforms as pledges of a party policy, and now that the habit seems to have been indulged in of gratifying the expectations of the voters, of confirming these declarations as pledges and carrying them out in subsequent legislation, no step backward will soon be taken, and, for many years at least, those who are elected, after party pledges are made, will strive to carry out such pledges, and thus retain the confidence of the people.

We all remember very well when the campaign orator, after the election, used to successfully carry off charges of broken promises made to the people by saying that everyone knew that a platform was only intended for use in getting aboard the train; but we have lived to see the day when this jocular way of disappointing the just hopes and expectations of the voters has come to be rather a disreputable piece of business, and for that reason, when a party is now successful, the strongest argument which can be used in support of measures which are proposed is that pledges were made to the people before the party came to power that the legislation suggested would be enacted.

In the minds of the people of the country three pledges of the Democrats made in their platform adopted at the Baltimore convention stand out preeminent.

PROMISES ALREADY FULFILLED.

First, the promise that the tariff should be reformed, and reformed substantially, by reduction of the rates of duty, thus producing actual competition, chiefly in the necessaries of life. This pledge has been redeemed, and, as I believe, to the satisfaction of everyone. Dire predictions of disaster have proved groundless. Rosy predictions of benefits may not yet have been realized, but tendencies are good. Business has not been even sensibly disturbed, and all persons engaged in actual business in this country are looking hopefully and confidently to the future.

Closely allied to tariff reduction and reform was the promise that the control of the currency and credits would be taken out of the hands of those who had used it for private and personal ends, to the detriment of all the people, and you have seen how, by counsel and earnest effort, legislation was enacted concerning our banking interests, which now receives almost universal approbation.

TRADES COMMISSION BILL BLAZES THE WAY FOR BUSINESS FREEDOM.

Having provided for fair competition from without, having placed the ultimate control of our credits and currency in the possession of the representatives of the people, the greatest promise contained in the Baltimore platform remaining unredeemed is the declaration against the monopolization of business within the country itself and the pledge that those engaging in business here should not be strangled in their efforts by monopolies and trusts. The broad declaration of the Baltimore platform on this subject is this:

> A private monopoly is indefensible and intolerable. We therefore favor the vigorous enforcement of the criminal as well as the civil law against trusts and trust officials and demand the enactment of such additional legislation as may be necessary to make it impossible for a private monopoly to exist in the United States.

That, Mr. President, is a rather large order to be included in so few words, but it blazes the way toward the end to which we are working. It points out the path which we are to tread. It shows us the direction in which we shall move, and in obedience to this declaration of policy, in the effort in part to carry out this pledge, this trades commission bill is proposed.

NO OPEN HOSTILITY SHOWN TO BILL.

So far as I have been able to observe no trusted organ of public opinion, no leader of any party of known ability, no publicist of high repute in the whole country ventures to oppose the objects toward which we progress. Probably, as in the case of the tariff bill, probably, as in the case of the currency bill, both honest and dishonest criticisms will be made of the provisions now in this bill and those which will finally be written into law, but there will be no active, open hostility shown to the projects in the bill we now propose, nor will there be a defense openly made of the practices which have been condemned by settled opinion throughout the country and to stop which the laws proposed will be enacted.

The great success which has finally attended the efforts of the Interstate Commerce Commission to regulate and, in a large measure, control interstate carriers, the good faith and preeminent ability shown by the members of that commission in exercising the powers given them, has proved the wisdom of the institution of that commission and of the methods adopted by it in carrying out the purposes of its creation. No one would now go back to those conditions which prevailed in this country prior to the institution of the Interstate Commerce Commission and prior to the enactment of the antitrust laws.

EFFECTS OF PROPOSED TRADE COMMISSION ALTOGETHER GOOD.

The country has been educated. It has come to understand that business, and I am not speaking of it disrespectfully, must be controlled; that business men of large affairs may become grave dangers to the common weal; that ambitious, able, and unscrupulous men may use the ordinary instruments and methods of commerce, if they are unhindered by statute and criminal laws, in such a way as to deprive great numbers of their fellow men of fair opportunities of livelihood.

Like all great reforms the antitrust laws—the laws against discrimination—required many years for successful demonstration of their usefulness. It is a curious thing that in the early stages of the construction of the Sherman law its provisions were invoked successfully, I think four times out of five, against the trade-unions of the country. Human rights were less powerful and could be more successfully attacked before the courts under the Sherman Act than rights of property. Gradually, however, the provisions of that law, coming to be understood, were declared by courts, and finally by the Supreme Court, to be effective in the cases of great combinations of corporate wealth, and are now so highly esteemed that one may safely predict that act will never be repealed, and will only be most carefully amended to extend its beneficial provisions.

An instrumentality which has proved to be so useful as the Interstate Commerce Commission in relation to interstate transportation is now to be created in its proper sphere and proper limitations by means of a trade commission, which will have the power of independent investigation and report and of assisting the law officers of the Government and the courts in the determination of facts which may be material for proper conclusions when interstate trade questions are up for decision or when complete investigation of interstate trade conditions is necessary to enable intelligent action to be taken by the Government.

This bill creates that instrumentality, and in its effects I believe will be altogether good.

Mr. THOMAS. Mr. President, during the discussion of this very important subject by the Senator from Iowa [Mr. CUMMINS] attention was directed to the paucity of the senatorial attendance. I think, therefore, it is but fair to direct attention to the fact that during the discussion of this subject this morning by the junior Senator from Delaware [Mr. SAULSBURY], also a member of the Committee on Interstate Commerce, the average attendance on the other side of the Chamber was six, and frequently much less than that, and at one time consisted solely of the senior Senator from California [Mr. PERKINS].

Mr. NEWLANDS obtained the floor.

Mr. JONES. Mr. President——

The PRESIDING OFFICER (Mr. PITTMAN in the chair). Does the Senator from Nevada yield to the Senator from Washington?

Mr. JONES. I rise to a point of order. I suggest the absence of a quorum.

Mr. NEWLANDS. Mr. President, I do not understand that the Senator can take me off the floor for the purpose of suggesting anything.

Mr. JONES. I did not expect to take the Senator off the floor, but simply wanted to do business when the Senate was present.

The PRESIDING OFFICER. The Senator from Nevada refuses to yield.

Mr. JONES. I rise to a point of order.

Mr. NEWLANDS. I wish to make a few remarks.

Mr JONES. I rise to a question of order.

The PRESIDING OFFICER. The Senator from Washington will state his point of order.

Mr. NEWLANDS. I appeal to the Senator from Washington to let me address myself for just a few moments with reference to some remarks of the Senator from Delaware.

Mr. JONES. I merely wanted to have the Senate here, so that the Senator could address them; but in view of the appeal of the Senator I will not raise the point of order.

Mr. NEWLANDS. I think it would be rather a risky proceeding just now.

Mr. JONES. I will not insist on the Senate being here until the Senator gets through.

BILL THOROUGHLY CONSIDERED.

Mr. NEWLANDS. Mr. President, the Senator from Delaware [Mr. SAULSBURY] has called attention to the similarity between the House bill known as the Covington bill and the Senate bill. I wish to say with reference to that, and with a view to showing how thoroughly this whole matter has been gone over and digested, that the House and the Senate committees started with the same bill, the bill being introduced in the House by Mr. Clayton, then chairman of the Judiciary Committee of that body, and the bill in the Senate being introduced by myself.

With reference to that bill, Mr. Clayton made a statement in the House, to which he appended a press dispatch explaining its general character, as follows:

> The bill will be introduced at the same time by Representative Clayton and Senator NEWLANDS. The bill is modeled after the lines of what is commonly known as the Newlands bill, which was introduced in the Senate by Senator NEWLANDS, and involves the fundamental idea that a trade commission shall be created, consisting of five members, with full inquisitorial powers into the operation and organization of all corporations engaged in interstate commerce other than common carriers.

The question comes up that we are now considering the Covington bill and not the Clayton bill. With reference to that, I have to say that the Clayton bill, instead of being referred to the Judiciary Committee of the House, was referred to the Committee on Interstate and Foreign Commerce of the House. There it was amended in certain particulars, and was then reintroduced with the amendments by Mr. COVINGTON, a member of the Committee on Interstate and Foreign Commerce of the House, and became known as the Covington bill. That bill therefore was considered in a tentative way by the majority members of the Judiciary Committee of the House, and was afterwards fully considered by the Interstate and Foreign Commerce Committee of the House for some months before final action, which resulted in its passage in the House without even a roll call. The bill similar in character introduced by myself was also during that period considered by the Senate committee, and the differences between the House bill and the Senate bill simply represent slight differences in the contraction or expansion of the original measure.

With reference to the original measure, I wish to say—and I comment upon that simply with a view to showing what mature deliberation this bill has received—that the so-called Newlands bill was introduced by me early in 1911, over three years ago, and that its principles had been prior to that time the subject of discussion by me repeatedly upon the floor of the Senate in the consideration of the trust question. That bill was referred to the Interstate Commerce Committee of the Senate.

Shortly afterwards, in 1911, at the instance of the Senator from Minnesota [Mr. CLAPP], who was at that time the chairman of the Interstate Commerce Committee, that committee entered upon a laborious investigation of the entire trust question with reference to the necessity of further and additional legislation. The committee took 3,000 pages of testimony and, at the conclusion of an exhaustive consideration of the subject, in which publicists, economists, lawyers, and others of the country took part, almost unanimously declared in a report, whilst they recommended no particular bill, in favor of the organization of a trade commission. That report was prepared by the Senator from Iowa [Mr. CUMMINS] and was made early in 1913.

The surprising thing in this lengthy deliberation upon this measure—deliberation in both Houses—is that the measure as presented to-day differs very little from the measure as originally presented, which, it seems to me, is conclusive proof that the various provisions of these bills represent the judgment, after long deliberation, of the most experienced men in both the Senate and the House.

The original bill, which was introduced by me in January, 1911, was before the Interstate Commerce Committee under the so-called Clapp investigation. The first hearing had was with reference to that bill, and whilst the general investigation was proceeding the members of the committee busied themselves in perfecting that bill. It was the only bill which they took up for serious consideration at all. The original bill was Senate bill 2941 of the Sixty-second Congress, first session, introduced in January, 1911. As the result of their deliberations that bill was amended and perfected, and it was subsequently introduced by me as amended and became Senate bill 5585 of the Sixty-second Congress, first session. It appears on page 39 of the report of the Interstate Commerce Committee of the Senate on the pending bill.

Compare those two bills and you will find that they do not differ in essentials, but I observe two or three things in the bill as first presented that have been revived by the recommendations of the Senate at this session. The bill, as I originally introduced it, provided, in section 10:

> That said commission may at any time, upon complaint of any person, corporation, or body, or upon its own initiative, * * * revoke and cancel the registration of any corporation * * * for * * * the use of materially unfair or oppressive methods of competition.

So that in 1911 the bill which was originally introduced contained this provision with reference to unfair competition.

It is true that the Senate committee at that time, in the tentative evolution of this bill, left out that provision; but it has been revived to-day in the Senate, and is presented in this body by the almost unanimous vote, I believe, of the Interstate Commerce Committee of the Senate.

I present these considerations as reasons why we should have an early vote upon this bill. There is nothing new in it. There is nothing startling in it.

Mr. BORAH. Mr. President——

The PRESIDING OFFICER. Does the Senator from Nevada yield to the Senator from Idaho?

Mr. NEWLANDS. Certainly.

Mr. BORAH. Are we not ready to vote this afternoon?

Mr. NEWLANDS. I am afraid we would find difficulty in getting a quorum, but that will be tested. I know the Senator from Idaho is ready to proceed to a vote at any time, but I think some of the Members have absented themselves for the holiday, and it would be impossible to get a quorum this afternoon. I present this matter at this time simply with a view to urging an early vote upon this bill, and it seems to me the logical thing to do, for the bill will be the basis of further legislation. It is quite probable that the Judiciary Committee, when it makes its report, will call for the enforcement through the interstate trade commission of certain provisions of that bill, particularly with reference to interlocking directors and holding companies, and it is well to have the commission in existence.

Mr. THOMAS. Mr. President——

The PRESIDING OFFICER. Does the Senator from Nevada yield to the Senator from Colorado?

Mr. NEWLANDS. Certainly.

Mr. THOMAS. It may be true that this bill is theoretically perfect and that it has been given ample consideration by those who are familiar with its terms and charged with the duty of investigating it; but many things which are theoretically desirable are practically difficult of operation.

This commission, if I correctly understand the scope of the bill, is one which can and probably will assume jurisdiction of the commercial affairs and operation of every corporation engaged in interstate traffic. It is within our experience that every man or company engaged in competitive business unsuccessfully is very apt to attribute his failure or his partial success not to any failings or defects of his own, but to the unfair competition of his adversaries; and I assume that such will be the practical operation of this bill. That means that this commission of five members will be charged with the duty of investigating or, in fact, of trying all of the complaints that are brought to its attention or filed before it and all of the public complaints which are directed to the operations of this, that, or the other concern.

I wish to inquire of the Senator whether the committee has taken into consideration the fact that this commission in all probability will be swamped almost from its inception with controversies about which it is expected to act, and that its limitations will be such that, instead of expediting, it may prove a very serious obstacle to the removal of those practices which are here condemned, because of the multitude of controversies brought to its attention and its inability to proceed except with one case at a time.

It seems to me that is one of the most formidable practical considerations for us to determine before we ultimately commit ourselves to this bill.

Mr. NEWLANDS. I will say to the Senator that all those matters were seriously considered by the committee. They were considered by the committee two years ago in making its report and by the committee in making its recent report.

Mr. THOMAS. That being the case, I want to ask the Senator if he has come to the conclusion that it is humanly possible for a commission of five members to begin to transact the overwhelming amount of business that is going to be launched upon it immediately after its organization?

WORK OF COMMISSION.

Mr. NEWLANDS. I think it is. I do not admit that the work will be overwhelming. I assume that we will have appointed upon this commission very high-class men, very able men—lawyers, economists, and men of prominence—who are familiar with the industries of the country. I assume that as they proceed they will gain knowledge, information, and experience. I assume that they will make such rules for the consideration of complaints that come before them as will not permit the tribunal itself to be overwhelmed. I assume that they will have so many skilled employees and experts and examiners that the matters will be presented to the commission only after the most thorough and exhaustive inquiry and after the points of difference have been focused. I assume that they will take heed of the maxim of the law, "*de minimis lex non curat*," and that they will not allow this tribunal to be diverted into an organization for the consideration of petty squabbles, but that they will realize that the important thing for them to do is to lay down great principles of business and standards of conduct that will be accepted by the business world; and I believe that the decision of a few important cases will adjust those matters.

Mr. THOMAS. Mr. President, it makes no difference how capable a man may be, how earnest, intelligent, or conscientious he may be, there is a physical limit to his possibilities. He can do only so much. The Supreme Court of the United States is composed of a class of men conceded to be as this commission, I trust, will be, and as the Senator says it will be. It became swamped with business some time ago, in consequence of which other tribunals had to be created in order that the business of the country might go on.

The Senator says this commission will have so many skilled experts and assistants that it can transact its business through their agency. That raises the question as to the extent to which this multitude of assistants will go. Are we going to have thousands upon thousands of employees to whom will be delegated the powers of this commission, and who will consider at second hand these enormously important matters and determine whether a given instance brought to their attention is or is not unfair competition?

The Senator calls my attention to the old maxim that the law takes no notice of small things; but, of course, his experience as a lawyer tells him that nothing is small to the man or concern interested in the thing. The term is a relative one; and I am not aware that any controversy can be so small as to justify this commission, if it is created, in setting it aside because of that reason. It may be, and generally is, of tremendous importance to the interests which call the attention of the commission to it.

I am unable to bring my mind at present to the point of voting for a commission consisting of five men which is going to have jurisdiction of the vast multitude of controversies that will arise under this bill, and practically exercise that jurisdiction over the commercial transactions of 100,000,000 people, expressed very largely through the corporate entities that come within the jurisdiction of the commission. In other words, I think it will be swamped at the start. It will be a good deal like trying to crowd 10,000 men upon a ship having a capacity of less than 100. You not only make no progress, but the ship itself is imperiled, and will be wrecked before it begins its voyage.

UNFOUNDED FEARS REGARDING THE WORK.

Mr. NEWLANDS. Mr. President, I feel assured that the Senator's forebodings will not be realized. He will find that every move upon the line of reform requiring investigation to ascertain the facts and make the decisions has been met by the same argument. When the Interstate Commerce Commission was organized the same forebodings were indulged. That commission is undoubtedly a hard-worked commission, and yet its members do not speak as if they were overloaded, and they are perfectly confident not only of their ability to deal with the matters under their present jurisdiction but also of their capacity to take hold of the difficult question of railway securities in the future. They have already taken hold of additional work in the shape of railway valuation and have organized a division of valuation for that purpose.

The same forebodings were indulged with reference to the pure-food law. It was claimed that we were about to organize a body of examiners and experts that would intrude themselves into business throughout the country.

Mr. THOMAS. Mr. President, has not that identical thing been one of the consequences of the passage of the pure-food act?

Mr. NEWLANDS. I do not think so. I think it has met with complaint from the parties whom the law was intended to reform, but I have heard no complaint from the masses of the people. There is no subject we can undertake with reference to which gloomy forebodings can not be indulged.

Complaint is made here that we give large powers. Those who make them seem to be unconscious of the fact that those large powers, capable of being applied to all, will as a matter of fact be applied only to a few. You might as well say that when we are passing laws regarding murder and robbery and larceny, which involve every man, woman, and child in the country, we are undertaking the passage of laws that will break down because of the area of their operations.

There is not a thing in human society that requires regulation and control that may not by some possibility require vast exertion upon the part of society; but that is no reason why society should not proceed with energy and courage in its work. Thus far we have found that these great reforms which have been initiated, which have involved the employment under prominent officials of numerous subemployees, have worked well and efficiently and to the advantage of the people at large. I assume that the large force given to this body will greatly aid them in their operations. It must be recollected that the Supreme Court has no such force.

Mr. NORRIS. Mr. President——

The PRESIDING OFFICER. Does the Senator from Nevada yield to the Senator from Nebraska?

Mr. NEWLANDS. I do.

Mr. NORRIS. I wanted to ask the Senator in regard to an amendment that has suggested itself to me that may possibly improve one of the provisions of the bill, and I want to get his idea in regard to it.

As I understand, it is believed that this commission, after it has worked a while and investigated and passed on a good many cases, will be able to establish or will establish by its decisions certain rules, regulations, and so forth, which, if known to the trade generally, will enable business men to shape their conduct as far as competition is concerned so as to avoid unfair competition; but there is no provision in the bill for the publication of the judgments or opinions of the commission.

PUBLICATION OF DECISIONS.

Mr. NEWLANDS. I think such a provision ought to be inserted, if it is not already covered by the provision regarding publicity.

Mr. NORRIS. That was what I wanted to ask the Senator. There is another reason, it seems to me, why that should be done. If no publicity were given and their opinions were not published, if at some time in the future a commission should be in power that wanted to favor some particular corporation or line of corporations they would be enabled to do it without being exposed; whereas if their judgments and opinions were always published and were accessible to the business world, such a thing would be almost impossible, because they would be like the opinions of the courts—they would become precedents and would be followed in future investigations.

Mr. NEWLANDS. I think, however, we should not be too insistent upon formal opinions. I think there should be a brief statement of the facts of the case and the decision.

Mr. NORRIS. Well, similar to the opinions of courts. As a rule they set forth the facts that are established.

Mr. BORAH. Mr. President——

The PRESIDING OFFICER. Does the Senator from Nevada yield to the Senator from Idaho?

Mr. NEWLANDS. Certainly.

Mr. BORAH. It seems to me that if the commission should get started off wrong in the first place it would be very unfortunate to publish those opinions.

Mr. NORRIS. It would be. There is no doubt about that. It would be a good deal like the commerce court, probably; it would be legislated out of existence.

Mr. BORAH. But another point is this: It would be something like the decisions of our Commissioners of the General Land Office. They are a precedent for no one, because they reverse them next day if they desire to do so. They are not bound by them at all.

The homesteader or the entryman upon the public land gets no comfort out of a decision of the General Land Office, because he may follow it and find himself with another decision upon his particular case. This commission might render a judgment or an opinion as to what was unfair competition upon a particular state of facts coming up from one contestant or two, but it would be no guide for the next man. If he should comply with it, they nevertheless might establish another rule. In other words, they could not rely upon it as a precedent.

Mr. NORRIS. Mr. President——

Mr. NEWLANDS. If the Senator will permit me one moment, I did not suppose the Senator from Nebraska wished a formal opinion in every case. I think it would be a mistake to exact that, because the preparation of such opinions must exhaust a good deal of time, and probably would prevent the commission from doing a great deal of practical work. I assumed he simply wished publicity with reference to the cases that were brought before them and their decisions.

Mr. NORRIS. Mr. President, with reference to the suggestion made by the Senator from Idaho, comparing this commission with the Commissioner of the General Land Office, I should like to say that it seems to me this commission can not be fairly compared with the Commissioner of the General Land Office, but could be more fairly compared with a court, where everybody acknowledges respect is paid to the precedents that are established, and the opinions rendered on findings are used as a guide in subsequent cases, and litigants, knowing what those judgments are and what those opinions are, govern their conduct accordingly.

The Commissioner of the General Land Office does, I think, just what the Senator from Idaho says. I know that men engaged as attorneys in the land business never pay any attention to what a former decision is when they commence their case, but go on the theory that by the time it winds its weary way through the different departments and gets up to the Commissioner of the General Land Office or the Secretary of the Interior the decision may be reversed. That is true; but the Commissioner of the General Land Office and the Secretary of the Interior, who is the supreme court in that department, hold political offices. The personnel of the office changes every few years, with every administration, and sometimes several times during one administration.

I take it, however, that this commission is going to be somewhat similar to a court, or to the Interstate Commerce Commission. Of course, if we should have a commission appointed which, as the Senator suggests, would start off wrong, it would be very unfortunate, and might result in such a condition of affairs that it would be necessary for Congress to repeal the law; but I do not believe it is fair to assume that. I think we ought to assume that the President will be careful in his selection of these men. He ought to be more careful in the selection of the first men than perhaps at any other time, in order to get them started right, and in order that we may have the best men that can be obtained to fill the places. Assuming that, I think it would be fair to say that they would not start off wrong.

Mr. BORAH. Mr. President——

Mr. NORRIS. If the Senator will pardon me for a moment, I wish to say to the Senator from Nevada that I do not know whether I get his idea exactly or not; but my idea was that this commission ought to render opinions and publish their opinions, in which, I take it, in every case they would set forth the facts. They would make findings. They ought to be published; and there ought to be, I think, a provision in the bill for their publication, just as we have provided for the publication of the opinions of the Interstate Commerce Commission. Every business man would follow those decisions and would know what the decisions had been, and therefore what they were likely to be in the future.

Mr. NEWLANDS. I think we could parallel the action of the Interstate Commerce Commission; but I do not understand that the action of the Interstate Commerce Commission involves findings and an opinion in every case.

Mr. THOMAS. Mr. President——

Mr. BORAH. Mr. President, I should like to ask the Senator from Nebraska a question. The Senator speaks about publishing the decisions as to what constitutes an unfair practice or unfair competition. I observed the other day that a student of this subject, in undertaking to determine what might constitute unfair competition, was unable to designate or conjure up anything which would constitute unfair competition other than that which had already been denounced by the courts of this country as unfair competition. The courts have already laid down many rules with reference to it, and they are found in the decisions and under statutes for the violation of which parties may be sent to jail or to the penitentiary. Now, those are well known to the business world, and have been for some time; and yet, notwithstanding that fact, they are constantly violated and constantly disregarded by the few who have been disregarding them from the beginning.

Can we assume that the mere publication of the decisions of a commission, without any power to punish and without any power to do anything except to have an injunction issued—and, by the way, this is the most remarkable exhibition of government by injunction we have had yet—will cause the business world to pay any more regard to it than they would to the findings or decisions of courts?

Mr. NORRIS. Probably not; but the Senator must assume, it seems to me, because opinions of courts have been published to enforce the construction of statutes, thus defining what the law is, and because people continue to violate them after such publication, that their publication has not accomplished a great deal of good. It seems to me that if the Senator's argument were carried out logically we would not publish any of the opinions of any of the courts. They will be violated, and this law will be violated, I have no doubt.

Mr. BORAH. My argument was not addressed to the proposition of the mere question of publication or nonpublication. I think it is all right to publish these decisions. It will perhaps add some information to the question that is involved. My argument was addressed to the proposition, How can we hope to stop unfair competition under the activities of a commission which has no power to do anything but go into court and ask and secure an injunction when we already have the same rules and principles announced in bodies where they have power to send men to jail or to the penitentiary? Under the Sherman Act these practices have passed in review, nor will it add anything to have another tribunal, possibly not quite of so much dignity as the Supreme Court, announcing these rules again.

Mr. NORRIS. The Senator's question involves, of course, the entire proposition contained in the bill, and whether or not it is wise to pass it. He can not expect me to answer that question, of course, without taking a great deal of time, and I should probably not be able——

Mr. BORAH. I think the Senator is fully equipped to answer it if it is answerable.

Mr. NORRIS. It seems to me the question is not absolved from all doubt. While I am one of those who favor this bill, and I am one who expects to vote for it, I am not one of those who believe that it would clear the atmosphere entirely. I may be disappointed in it. At least, I am not satisfied with the present condition. If I had my way about it, if it were left to me, I think I could devise a plan that would be better, or at least that would suit me better; but I am willing to take anything that offers a fair chance of being successful; and I think this bill will improve the situation. As I understand, this commission will assist in every way possible; and if we have the right kind of a commission, and it works diligently, it will be able to assist in enforcing the laws that exist now.

Mr. THOMAS and Mr. NEWLANDS addressed the Chair.

The PRESIDING OFFICER. Does the Senator from Nebraska yield, and to whom?

Mr. NORRIS. I was not aware that I had the floor. If I have, I will cheerfully yield.

Mr. THOMAS. Then I ask recognition.

The PRESIDING OFFICER. The Senator from Colorado.

Mr. THOMAS. Mr. President——

Mr. NEWLANDS. Mr. President, will the Senator from Colorado allow me to make a brief reply to the suggestion of the Senator from Idaho?

Mr. THOMAS. If the Senator from Idaho will be equally brief in his reply to the reply of the Senator from Nevada, I will yield.

Mr. NORRIS. My judgment is that the Senator from Nevada [Mr. NEWLANDS] has the floor. I asked him to yield to me.

Mr. NEWLANDS. I will only take a few moments.

UNFAIR TRADE PRACTICES.

The Senator from Idaho [Mr. BORAH] says we have never been able to point out any cases of unfair competition that have not already been covered by the decisions of the courts. Assuming that that is a fact, simply for the purpose of the argument, the Senator must realize that under existing law it is necessary for every individual who is injured to institute a suit, and that suit must be instituted, as a rule, against very powerful competitors—these large corporations which resort to these unfair practices for the purpose of destroying their pigmy competitors. That means the employment of counsel and a suit either at law or in equity. One of the very purposes of this bill is to make the wrong of that individual the wrong of society, and to create an organization that will take up his wrong and compel the corporation perpetrating it to desist from that practice, and that, too, practically without expense to the party injured.

Mr. BORAH. That is a sword that cuts both ways. It may be that we have arrived at a time in this country when we want to extend our paternalistic tendency to the proposition of trying people's lawsuits.

Mr. NEWLANDS. We have done that in the Interstate Commerce Commission act, the Senator will observe.

Mr. BORAH. I know we have. I am going to discuss that in a few moments; but that is quite a different proposition.

Mr. President, if we have arrived at that time, perhaps we will have to go forward and take care of responsibility; but when you bring your lawsuit in this case, it does not hurt the monopolists or the monopolistic combines anything like what it does when the individual brings his suit under the Sherman anti-trust law. While you are taking care of a small man in this fight, you are also taking care of the monopolist. He escapes without any treble damages, without any trouble of moment, and with no punishment and without any costs, or without anything commensurate with the wrong. All he gets is a reprimand from the Government; and he will go out to find other victims, and you have got to have another lawsuit.

Mr. NEWLANDS. They can be punished for contempt for refusing to obey the order of the court.

Mr. BORAH. Yes; for contempt in that particular matter; but as to the wrongs done and other wrongs the contempt does not affect them, nor the injunction, either.

Mr. NEWLANDS. I beg pardon; the action of the tribunal is that the organization discontinue that particular practice.

Mr. BORAH. Exactly.

Mr. NEWLANDS. It must discontinue it as to all.

Mr. THOMAS. Mr. President, I did not yield the floor for an extended controversy.

Mr. BORAH. I thought I had the floor.

Mr. THOMAS. No; the Senator from Idaho has not the floor; but I am willing to yield; I do not want to cut him off in the midst of his statement, but, as I say, I have the floor.

Mr. BORAH. I will speak later.

Mr. THOMAS. I am perfectly willing that the Senator from Idaho shall proceed and finish his statement.

Mr. BORAH. No, Mr. President, I will wait.

Mr. THOMAS. Mr. President, I shall occupy the attention of the Senate for just a moment. My purpose in asking recognition was that I might express my emphatic dissent concerning the suggestion of the Senator from Nebraska [Mr. NORRIS] relative to the publication of the decisions of this commission. The Senator from Nebraska is one of our most industrious and capable Members, and his views upon questions both of principle and detail generally address themselves to my own judgment, but in this suggestion I can not agree. For my part, I wish we could enact an amendment to the Constitution of the United States making it a capital offense to publish another book of reports either of the courts or of commissions.

The Senator from Nebraska has referred to the effect upon the public of law decisions as constituting a rule of action. That may have been the happy legal condition of this country at one time, but the multitude of decisions ground out by over 50 appellate courts and dumped upon an unfortunate public has resulted in bewildering and bedeviling the law to such an extent that the best attorney in the country is unable to do more than to tell his clients what the law is, but not what the courts are going to decide it to be.

A great many years ago old De Quincey wrote a treatise which he called "The Lawless Science of the Law." That treatise was devoted to the practice of issuing decision after decision, each of which, in its turn differing from its predecessors, only served to confound and to confuse. If De Quincey were living now he would not only witness a verification of his criticisms, but if he attempted to thread through the mazes of decisions in legal principles the probabilities are he would end in a lunatic asylum. I will engage to find decisions, if you will give me time enough, that will justify the proposition that cold feet are a sufficient basis for an action of divorce; I will also agree to find decisions to the contrary; and that is true of every conceivable question that can present itself. So instead of clarifying, the constant publication of authorities only muddies and confuses jurisprudence. If this commission is also going to be turned loose upon the community with its vast number of decisions, its multitude of determinations, the result will only be to further befog and bewilder.

Mr. NORRIS. Mr. President——

Mr. THOMAS. I yield to the Senator from Nebraska.

Mr. NORRIS. I want to suggest to the Senator that, while I agree to a great extent with what he has said about the multiplicity of decisions and the fact that you can get a decision on both sides of almost every disputed question, that does not apply to this particular commission, for the reason that the principal thing, as I understand, that they will be called upon to determine, so far as section 5 is concerned, is what is "unfair competition" in business. That is a very indefinite term, as everybody will have to admit. There will be various circumstances arise in various cases, and the question will then be asked of this commission, "Does this constitute unfair competition?" The business world, the men who are engaged in business that draws them into competition with their fellow men, will be particularly interested in what this commission decides under various circumstances to constitute "unfair competition." There ought to be a place where they can inform themselves in regard to it. There will not be a multiplicity of decisions on that question, because there will be only one tribunal whose decisions will interest the public.

Mr. THOMAS. Mr. President, unfair competition, like fraud, is a creature of protean shapes. It assumes one attitude to-day and another to-morrow. As with fraud, so it will be with unfair competition. In fraud there is a constant race between the rogue and the chancellor. In unfair competition there is going to be a constant race between the corporation and the commission, and, of course, opinions will have to be ground out accordingly.

Mr. BORAH. Which one does the Senator think will win the race?

Mr. THOMAS. Thus far, for centuries, it has been neck and neck between the rogue and the chancellor. My impression is that the race between the commission and the corporation will be equally inconclusive and equally interesting.

The Senator, if I understood him correctly, a few moments ago drew an analogy between the proposed reports of the commission and those of the courts as contradistinguished from the reports of the published decisions of the Commissioner of the General Land Office. I think the analogy is good, but I must confess that I can not bring my mind to the expediency of publishing them.

Mr. President, a word more upon another subject, and then I shall yield the floor. I agree that the Interstate Commerce Commission has been a great agency of good; there is no question but that as at present equipped and organized it is an effective arm for the control of the great transportation interests of the country; but that it has proven to be even a satisfactory means of solving the problems of transportation and of monopoly in this country, I deny. I think in many respects it has been a success, but in many other respects it has demonstrated the impossibility of regulation whenever the thing attempted to be regulated is so organized as that it can impede or prevent the enforcement of the regulation.

The Interstate Commerce Commission came into power in 1887, if I remember correctly, or rather it came into existence. It had but little power until long afterwards, but of course it always had the power to examine into and to decide upon a given proposition coming before it and within its jurisdiction.

The Senator from Iowa [Mr. CUMMINS] a day or two ago said all of the great combinations of the country had their origin subsequent to the organization of the commission. I do not think that that is strictly correct, my recollection being that a number of them existed prior to that time and that their existence and practices promoted very powerfully the enactment of the law creating the commission; but it is a fact that every one of the great railway combinations of the day is younger than is the Interstate Commerce Commission; it is a fact that every one of these combinations which has come to grief through mismanagement, overcapitalization, and exploitation has had its inception and its end subsequent to the creation of the commission. You can not name one of them but that that statement will apply to it, so far as I am able now to discover.

Mr. NEWLANDS. Mr. President——

Mr. THOMAS. The principal thing which the Interstate Commerce Commission has accomplished, in my mind, is that it has demonstrated that control—absolute control—or ownership by the Government of the great transportation lines of the country is necessary. Of course that means the doing away with the Interstate Commerce Commission except as an agency for the mechanical operation of the system; and there never will be—I am neither a prophet nor the son of a prophet, but it is my conviction that there never will be a satisfactory regulation of the great transportation companies of America so long as the companies themselves are in control of their respective systems, and therefore are so equipped as that they can bring to naught and to nothingness the laws of the United States and the regulations of the Interstate Commerce Commission. I yield now to the Senator from Nevada.

Mr. NEWLANDS. Mr. President, I wish to call the Senator's attention to the fact that whilst these great abuses in the way of enormous consolidations, accompanied by overcapitalization, have grown up since the organization of the Interstate Commerce Commission, yet the Interstate Commerce Commission has had no power, and has not to-day, over the subject of capitalization, and I think it is fair to assume that if they had been given that power these abuses would not have grown up. We are about to remedy that matter now.

Mr. BORAH. May I ask the Senator from Nevada a question?

Mr. NEWLANDS. Certainly.

Mr. THOMAS. I yield to the Senator from Idaho for that purpose.

Mr. BORAH. What advantage does the Senator from Nevada see in applying the antitrust law to the railroads, in view of the fact that the Interstate Commerce Commission fixes the rates? What objection is there to the unification of ownership if corporations are subject to efficient regulation and control by a commission?

Mr. NEWLANDS. Well, Mr. President, I do not think there is any objection to the proper unification of the ownership. I think that ought to be advanced. As to the overcapitalization which has accompanied that unification of ownership, I admit that it is not essential that the Interstate Commerce Commission should consider that in fixing its rates; but we do know that, as a matter of fact, the large issues of stocks and bonds finally get into the hands of innocent purchasers, and as a result of the nonaction of society in properly controlling its creations—these great corporations—that those equities do have a powerful influence upon the regulating bodies—so much so——

Mr. BORAH. Mr. President——

Mr. NEWLANDS. If the Senator will permit me one word further—so much so that the Supreme Court itself, in laying down the rule for fixing rates, has declared that capitalization is a factor among others to be considered in rate fixing.

Mr. BORAH. Mr. President, I am aware of that view; but the question which I asked was concerning a different phase of it. I agree with the Senator perfectly that the capitalization of railroads should be controlled and regulated, and undoubtedly that is one of the things which we ought to do; but the question which I asked was, assuming that the regulation of the capitalization has been satisfactory, What objection would there be to all the railroads being owned by one company or three or four companies or half a dozen companies, in view of the fact that the charges which they may make are to be fixed by a commission?

Mr. NEWLANDS. I think there is some advantage in having some degree of competition between great business. I do believe that the railroads should be organized into great systems running east and west and north and south and having connecting ocean steamships, and so forth. I have no objection to the organization of such systems on a very gigantic scale; but I do think it is important that we should keep at least 10 or 15 or, perhaps, 20 systems, so that we can have 8 or 10 systems competitive with each other, in a measure, as to service, efficiency, comfort of their passengers, and so forth, running east and west and the same number running north and south. But I think the tendency toward consolidation is a good one, provided they are not allowed to commit a fraud upon the public by overcapitalizing; and I think it is the duty of the State to see to it that they are not overcapitalized.

Mr. BORAH. Mr. President, the question which I asked might indicate that I believed in the unification of the ownership of the railroads. I do not. I am a firm believer in competition, and I believe in only such unification as is necessary to make through connecting lines of transportation across the country; but the purpose of the question which I asked was to elucidate the proposition that will become the argument in favor of tremendous units, combinations, and monopolies in the industrial world. It will be said, if you can regulate prices or regulate competition, there is no reason why one firm should not own all the oil interests of the United States; there is no reason why some distinguished friend of reform should not control all the farm-implement industry in the United States; and there is no reason why all of this and that should not be in one hand.

That is the proposition to which I am opposed. I do not care what form of regulation you have, whenever you establish that condition in this Republic you establish two classes—the class that own the property and the children who are born inside of the charmed circle of property and influence, and the class which do not own property and the children who are born outside of the charmed circle of influence and property—and you tear down the only ladder by which the child born upon the outside can ever raise himself to power upon the inside. The law of mortmain, in another form, from of old will work its hideous and hellish results, and the price of such regulation will be independent citizenship.

Mr. THOMAS. I now yield to the Senator from Nebraska, who, I understand, desires to ask a question.

Mr. NORRIS. I do not think, Mr. President, I have any question to ask. What has been said by the Senator from Nevada and the Senator from Idaho has answered the question I had in mind. I would like to say, however, if the Senator will yield to me, that I do not believe there will be anybody—at least no one who thinks as I do—who will dispute the desirability of preventing the bringing about of the condition described by the Senator from Idaho. We may disagree, and probably do, as to whether this particular bill will have a tendency in that direction or whether it will have a tendency in the other direction; but the desirability of preventing one man from owning all the oil, another man from owning all the railroads, and another man from owning all the product of some other activity in life is very great. It seems to me that we have already gone too far in that direction. My own idea is that, regardless of the legislation that is now pending, we ought to legislate along lines that would prevent the piling up of the immense fortunes and the ownership of immense quantities of land and of the natural products of the earth. I thought I was reaching that state of affairs when I offered, during the consideration of the tariff bill, an amendment imposing an inheritance tax graduated so high that when inheritances were above $50,000,000, 75 per cent would be taken for the State. I believe that such a provision of law would go a great way toward remedying that evil, which I believe all thoughtful men realize exists and against which we must legislate at some time.

We must take some steps to prevent the acquisition of different lines of activity in the hands of one man or set of men, or bring about just what the Senator from Idaho has described—one class of people who will practically own not only the earth but the people who are on it, so that the latter will become slaves rather than free, intelligent, and competitive citizens.

Mr. THOMAS. Mr. President, I think we are all agreed as to the dangers which have been so eloquently outlined by the Senator from Idaho, and also as to the necessity of such legislation as we can enact that may do away with, or, at least, minimize the existence of those threatened evils. I also realize that our differences are very largely those of procedure, and out of our deliberations I trust that much good will come.

I shall not enter into a discussion at the present time either of the evils themselves or of this proposed remedy. I wanted to emphasize what seemed to me to be the chief thing that has been accomplished by the Interstate Commerce Commission, being, of course, its failure to cope successfully with those interests which are confided to its keeping but which, at the same time, are so far independent of it as that they can minimize or bring to naught, in whole or in part, the provisions and regulations which are prescribed for their proper government and operation.

It is a remarkable fact that the president of what I believe to be the first railroad commission ever created in the United States outlined precisely this result as necessarily following from a control which is opposed, and must be opposed, to the interest, as well as to the authority, of those against whom it is directed. Charles Francis Adams was the chairman of the first Massachusetts railway commission, which, I believe, was the first organized in the country. He made the statement, I think, in the first report of that commission to the Massachusetts Legislature or to the governor, among other things, that:

> Should the legislature delegate a power in this regard (specific rate regulation) to the present or any other board of commissioners, it would simply destroy it in so doing. A responsibility would be imposed unsustained by any executive power. An authority to regulate fares and freights over roads owned, controlled, and operated by others would place those in whom such authority was reposed in an entirely false and impossible position. Those managing the roads could produce what results they saw fit; they could easily demonstrate, by apparent practical workings, the absurdity of anything which was distasteful to them; they could reduce to real failures the most correctly reasoned theories. It is useless for the legislature to look for satisfactory results from the labors of any board which can work only through reluctant agents, and the position of one who can direct but can not execute is in the last degree unfortunate. It resembles nothing so much as that of a military commander all of whose subordinates feel a direct and lively interest in his failure.

Mr. CLAPP. When was that report made, if the Senator please?

Mr. THOMAS. I can not give the Senator the exact date; I think it was in 1869; at any rate, it was some time ago.

I think, Mr. President, it can be demonstrated that the great monopolies in the country owe their power or have their genesis in an illegitimate identification with the transportation interests of the country. The tariff has had its effect, and other causes have perhaps been operative, but the fundamental proposition is that he who controls the transportation of a country controls the destinies of that country. An old poet many years ago said "I care not who writes the laws of my country so long as I can write its songs." Any man having a business requiring transportation can easily say, "I care not who else is in this line of business, so long as I have an understanding with the great lines of transportation."

I think the whole question of monopoly can be largely solved by absolute Government control of the lines of transportation of the United States, so that there can be no such thing as an affiliation between private interests needing their agencies and services and the transportation companies themselves. Of

course I do not mean to say that it is a panacea—nothing can be said to be a complete corrective—but if we would only exercise our reasoning powers, go back to the cause of these huge aggregations, and then remove the cause we would have taken the longest possible step forward toward the emancipation of the industries of this country and the restoration of individual opportunity everywhere. Hence I am becoming every day more and more, as I consider the subject, an advocate of absolute Government control; and, if that does not work, then of Government ownership, to the end that the transportation agencies of the Nation may through such ownership be completely divorced from the great business interests of the country.

Mr. BORAH. Mr. President, I have listened since my first impression to considerable argument in regard to the powers of this commission in defining "unfair competition" and enforcing fair competition. I have not been convinced that I was in error, but the more I have investigated the subject the more authority I have found for the support of my position. We passed the Sherman antitrust law in 1890, and in that we prohibited all restraint of interstate trade, and all monopoly, and all steps looking to monopoly of interstate trade. The first decisions of the Supreme Court seemed to sustain the law as it was popularly understood, that it prohibited all restraints. In the trans-Missouri freight case the point was made by the attorneys for the defense that the defendants were railroads and that it could not be that the Congress intended to prohibit restraint entirely; that a reasonable amount of restraint between public carriers was necessary and was beneficial, but the court said:

This law prohibits all contracts in restraint of trade.

The matter remained in that condition for some time; but finally, in the Standard Oil case and the American Tobacco case, a construction was given to the law which was almost universally criticized. Why? Because it was said that the court had rendered the statute unenforceable by rendering it uncertain; that instead of saying "All contracts in restraint of trade," it had practically said "all contracts in unreasonable restraint of trade"; and therefore the question arose as to whether or not this statute, which before was apparently certain, was rendered uncertain and unfavorable. The contention was made here by able Senators, and by the press very generally, that the statute had been emasculated to such an extent that it was practically worthless.

This very able committee—and I speak in all sincerity of that fact, because there are men on that committee who have devoted their lives to this subject of interstate commerce, among whom are the Senator from Nevada [Mr. NEWLANDS], the Senator from Minnesota [Mr. CLAPP], one of the pioneers in this fight, and the Senator from Iowa [Mr. CUMMINS]—after giving this matter very much attention, delivered into this body a report upon this very subject, a portion of which I want to read, because it is a late report, filed on the 26th day of February, 1913.

This report says, on page 9:

On the 15th day of May, 1911, the case of the Standard Oil Co. v. The United States was passed upon by the Supreme Court. Chief Justice White (formerly Justice White) delivered the opinion and reiterated, as the conclusion of the court, the views that he had so forcibly urged as a dissenter 15 years before. It was not necessary for the court to deal with the question at all, inasmuch as it found the defendants guilty of a restraint of trade under any and every meaning of the term, but for the very purpose, the committee assumes, of advising the country that a new rule had been adopted so that business might be guided by it, it was stated in the most emphatic way imaginable that the statute which declares that "Every contract, combination in the form of trust or otherwise, or conspiracy in restraint of trade or commerce among the several States or with foreign nations is hereby declared to be illegal" means that a contract or combination in order to be illegal must cause an undue restraint of trade.

There is not very much difference between "unfair" and "undue" and "unreasonable" when you come to execute the term, to put it into practical effect in the business world.

The following quotations from the opinion will need no comment:

"That in view of the many new forms of contracts and combinations which were being evolved from existing economic conditions it was deemed essential by an all-embracing enumeration to make sure that no form of contract or combination by which an undue restraint of interstate or foreign commerce was brought about could save such restraint from condemnation. The statute under this view evidenced the intent not to restrain the right to make and enforce contracts, whether resulting from combination or otherwise, which did not unduly restrain interstate or foreign commerce, but to protect that commerce from being restrained by methods, whether old or new, which would constitute an interference that is an undue restraint (pp. 59, 60)."

Again:

"In other words, having by the first section forbidden all means of monopolizing trade—that is, unduly restraining it by means of every contract, combination, etc.—the second section seeks, if possible, to make the prohibitions of the act all the more complete and perfect by embracing all attempts to reach the end prohibited by the first section (p. 61)."

That the chief Justice intended to announce a rule at variance with the declarations of Justice Peckham and Justice Harlan in the Trans-Missouri Freight Association and Northern Securities cases is made clear in the following extracts:

"The question is pertinent and must be fully and frankly met, for if it be now deemed that the Freight Association case was mistakenly decided or too broadly stated, the doctrine which it announced should be either expressly overruled or limited." * * *

After citing further from the court, the committee goes on to discuss this rule, which has been laid down:

The people of this country will not permit the courts to declare a policy for them with respect to this subject. If we do not promptly exercise our legislative power, the courts will suffer immeasurable injury in the loss of that respect and confidence so essential to their usefulness. It is inconceivable that in a country governed by a written Constitution and statute law the courts can be permitted to test each restraint of trade by the economic standard which the individual members of the court may happen to approve.

Is there anything more plain than the fact that we are giving this commission the power to test each restraint of trade or exhibition of unfair competition by the economic standard which individual members of the commission may happen to approve at the particular time that it is presented? Is there anything more conclusive than the fact that never until a body reaches that commission will it know the precise attitude of mind of the commission toward that particular transaction, and never after they leave will they know how long that attitude of mind in the commission will remain?

This is not a government of law; this is a government of men; because there is no wider discretion, no greater amplitude of power than to say to a commission: "You shall determine what is unfair competition, and there is no restraint upon your judgment." No one can know until they get to that commission what they may do; and, as I said—and I can not repeat it too often—no one can know after they leave the commission how long they can do it.

If we do not speedily prescribe, in so far as we can, a legislative rule by which to measure the forms of contract and combination in restraint of trade with which we are familiar or which we can anticipate, we cease to be a Government of law and become a Government of men, and, moreover, of a very few men, and they appointed by the President.

I had not read that paragraph when I made the comment which I did, which only discloses how inevitable and irresistible and remorseless is the logic as it presents itself to every mind that we are creating here a condition not for a government by law, but a government by men, and, as they say here in this report, a government by men not selected by the people of the United States, but twice and thrice removed from the people of the United States.

It may be that the Supreme Court will be so enlightened and so alert that its opinion respecting what is due and what is undue restraint of trade will be in harmony with an awakened public conscience and a disinterested public judgment, but to fashion our conduct upon that hypothesis is to repudiate the fundamental principles of representative government.

When the commercial development of the country is considered, when the forms of industrial activity are taken into account, it must be admitted by every student of affairs that the policy of the Government with respect to restraints of trade and commerce should remain a judicial question in those cases only in which Congress can not prescribe a definite rule.

In order to look at the subject in the light of illustration, it is suggested that there will presently come before the courts the combination centered in the United States Steel Corporation. In the end nine justices of the Supreme Court will be asked to say whether the restraint of trade brought about through this combination is a due or an undue restraint, and the answer which each justice makes to that question will depend upon his individual opinion as an economist or sociologist, the conclusion of the court being in substance an act of legislation passed by the judicial branch of the Government to fit a particular case.

I am not in favor of the courts legislating or conceding their power to legislate; but if there are going to be two legislative bodies in the country I prefer that the new body be one constituted as the Supreme Court is constituted rather than a body constituted as the ordinary commission is constituted. There are precedents; there are rules of evidence and rules of law with which we are familiar, which courts do not disregard, or at least seek not to disregard; but with a commission, having no circumscribed limits other than the proposition of determining whether a particular transaction is fair or unfair, it reaches out into every realm of fancy into which the mind may possibly go.

Further, it is believed by many thoughtful people that a substantial identity in the managing boards of competing corporations constitutes a restraint of trade and is harmful to the public interest. If such a case were brought before the court, what would be the "rule of reason"? What guide would the court have in determining whether such community of directors or managers was a due or an undue restraint of trade?

What guide would this commission have in determining whether boards of directors thus constituted were in fair or unfair competition? What rule would apply to this board and thereby extend its influence and its application to every other board? What universality would there be to any such order?

Again, suppose there were a dozen establishments in a given field of production competing with each other and six of them were to consolidate, employing half of all the capital and advancing the consolidated enterprise to a dominating position in the trade, where would the judge go for light in determining whether the restraint of trade was due or undue? These illustrations might be indefinitely extended, but it would serve no useful purpose to multiply them.

Mr. President, the other day I received a letter from a gentleman who is in favor of a trade commission which should have power to fix prices, and in criticism of my criticism of this trade commission, and he gave me as an illustration this situation:

Here I am engaged in a particular industry. My large competitor has lowered prices all over the country in order to get rid of us small men.

Doubtless it appeared to him as a proposition that was unfair. If the prices had been lowered in that particular locality and kept up elsewhere, nobody would dispute the proposition; but, as I drew from his letter, there had been, so far as his industry was concerned, a lowering of price beyond the point where the small man could do business, and therefore he wanted a regulation of prices which would enable him to live.

That undoubtedly would be a satisfactory proposition to the small competitor if his business was in a failing condition; but how about the consumers throughout the country? Would a commission say that that was unfair competition—that because a large business could afford, by reason of the saving in overhead charges, and so forth, to sell at a lower price it was unfair for them to sell at the lower price simply because smaller concerns could not afford to sell for that price?

I fear that my friend would not be reached at all by this commission. The people are looking for a commission, it seems, which will establish prices and fix charges, and therefore a commission which will say that "you shall charge this price, and it must be such a price as will enable you to do business successfully." That would mean, of course, the elimination of all competition and the regulation and control of prices entirely by the Government. This commission does not assume to fix prices, and, in my judgment, this commission could never reach the case referred to by my correspondent.

The Senator from Colorado [Mr. THOMAS] referred to the situation with reference to the regulation and control of rates of railroads. That is a simple proposition compared to this proposition. Tremendous as it is, it is a simple proposition compared with the one which we are now about to indorse. There are only a few railroad units, and the question of fixing their charges is an easy matter compared with the question of determining competition, fair and unfair.

Let me recall to you, however, the situation with reference to the railroad question in this country. We are now nearer public ownership by far than we have ever been in this country before, and we are nearer to it by reason of the fact that the capitalists of the country say that they do not propose to invest their money in an enterprise which somebody else manages. The result of it is that some of the leading economists and some of the leading railroad men of the country are for the first time advocating public ownership, and stand ready and willing to turn over their properties at a reasonable value to the Government. That is one of the reasons, they say, why they can not get capital into railroad enterprises at this time; it is because somebody else passes upon the affairs and controls and manages the capital which they put in. So it brings us up to the proposition of public ownership, and the next important and controlling question in this country along that line will be the question whether the Government had not better take over the railroads of this country and run them instead of trying to manage them. The railroads say: "If you do not give us a raise of 5 per cent, we can not go ahead and do business." The shippers and the people of the country generally say: "We can not afford that raise of 5 per cent." If the raise is given, the Interstate Commerce Commission must suffer criticism, and it must be disparaged to some extent in the public mind. If the raise is denied, the railroads claim that all investment, extension, building, and so forth, must cease.

I do not know that any of those things must necessarily follow from whatever the commission may do; but it is presenting the question which soon must be met, and which will be the real test of whether or not the regulation of railroads is a success. In my judgment, it is going to bring us within the next decade up against the proposition of Government ownership, which will be presented because of the breakdown of regulation, and in saying that I do not pass any criticism upon the Interstate Commerce Commission. I think it has been the best, possibly, or one of the best, commissions that ever has been created, and has met emergencies and conditions in an exceptional way; but there seems to be approaching a condition which no commission can meet. It is too early, sir, to say that regulation is a success and is the finality on the subject. The fact that public ownership grows stronger in public opinion by no means supports those who would now enter the unbounded sea of regulation of private industries.

Mr. SAULSBURY. Mr. President, if the Senator will permit me, as confirming the statement he is making regarding the near approach to public ownership of the railroads of the country, I should like to call his attention to something that occurred in the Senate Committee on Interstate Commerce when it had under consideration the railroad securities bill, when the attorney for the railroads of this country, practically—Mr. Thom, who represents particularly the Southern Railway—was under cross-examination.

In the bill, an amendment to which we were considering at that time, the word "financial" had been put before the word "guarantee," where it was stated that there was to be no guarantee on the part of the Government implied from the oversight of the bonds which were to be issued; and I should like to call the Senator's attention to the incident, because it struck me as quite peculiar at the time, or as very indicative of what we were coming to. I should like to call his attention to the reply that Mr. Thom made, if I will not interrupt him too much.

Mr. BORAH. I shall be glad to have the Senator call attention to it.

Mr. SAULSBURY. The clause was made to read as follows:

Nothing herein shall be construed to imply any financial guaranty or obligation as to such issues on the part of the United States.

I said:

Now, the question I desire to ask you, Mr. Thom, is, if you require that the Interstate Commerce Commission shall find that the proposed issue will not impair the ability of the common carrier to perform its duties as a common carrier, will it not necessarily imply that such rates will be allowed by the Interstate Commerce Commission as will enable the company to pay the interest on those issues which it approves of?

Mr. Thom said:

I do not know who introduced that word. So far as I am concerned, I do not care for it.

Then I said:

Undoubtedly the claim will be made that the Government has assumed some responsibility.

Mr. Thom replied:

I do not think the Government should try to regulate without assuming the responsibility.

Necessarily implying that the minds of railroad people at this time—as it is very natural that they should be—are drifting toward the point where they wish, just as Mr. Gary, of the Steel Trust, desired, to have the public generally assume the ownership of the enterprise in which they are concerned and guarantee the interest on their obligations and dividends on their stock.

Mr. SUTHERLAND. Mr. President, I should like to ask the Senator from Idaho, who has given this subject a great deal of attention, or the Senator from Nevada, the chairman of the committee, a question about this bill.

The provision of section 5 is:

That unfair competition in commerce is hereby declared unlawful.

I quite agree with what the Senator from Idaho has said. The bill employs a term there that does not furnish, as it seems to me, any definite standard for the enforcement of the statute; but the particular matter I want to direct his attention to is that that part of section 5 is comprehensive. It includes and makes unlawful unfair competition on the part of persons, partnerships, and corporations. In that respect it is the same as the Sherman antitrust law, which included all persons within its inhibitions; but the next paragraph is:

The commission is hereby empowered and directed to prevent corporations from using unfair methods of competition in commerce.

Does the Senator understand from that that natural persons are prohibited from exercising unfair methods of competition; that partnerships are likewise prohibited from doing unfair things in competition, but that only corporations can be held amenable to the action of the commission?

Mr. BORAH. I observed that in reading the bill. I was at a loss myself to know precisely the idea of the committee in reference to it. I am unable to make any statement which would throw any light upon the matter, although the construction which the Senator puts upon it seems to be the reasonable construction, and that is that section 5 relates to all parties but that the following provision relates only to corporations.

Mr. NEWLANDS. I think that is the correct construction.

Mr. SUTHERLAND. I call the attention of the Senator from Nevada to the fact that in the Sherman antitrust law the provision is:

Every contract, combination in the form of trust or otherwise, or conspiracy in restraint of trade or commerce among the several States or with foreign nations, is hereby declared to be illegal.

The first paragraph of section 5 of the pending bill is quite as comprehensive as that section of the antitrust act.

Mr. NEWLANDS. Yes.

Mr. SUTHERLAND. But the antitrust act further provides:

Every person who shall make any such contract or engage in any such combination or conspiracy shall be deemed guilty of a misdemeanor, and on conviction thereof shall be punished by fine—

And so forth. I shall not stop to read the entire provisions of the Sherman antitrust law; but the law applies to and reaches not only individual persons but partnerships and corporations who engage in any of these forbidden practices, while under the pending bill it would seem that nobody can be reached who is guilty of unfair competition except a corporation.

INTERSTATE TRADE CORPORATIONS ONLY AFFECTED.

Mr. NEWLANDS. Mr. President, this bill, of course, is regulatory of corporations that are engaged in interstate commerce. We considered very carefully in the committee whether we should extend it to persons, firms, and individuals, and we concluded to confine its operations to corporations engaged in interstate commerce. Now, it is true that the first part of section 5 is a general enactment of law, "that unfair competition in commerce is hereby declared unlawful," and that applies both to corporations and to individuals; but this particular method of enforcing that law through the operation of a commission is applied only to corporations.

Mr. SUTHERLAND. What is the method——

Mr. NEWLANDS. I imagine the method of enforcing that law against individuals or firms would be by an action for damages or perhaps by a suit in equity for an injunction, but there the individual having a complaint against an individual or a firm would have to institute the action himself and pay the costs of the proceeding. The purpose here was to give all who are wronged by a corporation engaged in interstate commerce through unfair competition this method of having that wrong ended through the intervention of the Government itself.

Mr. SUTHERLAND. Mr. President, the civil remedy exists now. A statute of the United States is not needed in order to enable the person who is damaged by the unfair competition of another person to maintain an action.

Mr. NEWLANDS. That civil remedy exists to-day, provided unfair competition is unlawful without the enactment of this provision.

Mr. SUTHERLAND. It is true that an individual or a partnership may be quite as guilty of unfair competition as a corporation.

Mr. NEWLANDS. Yes; that is true.

Mr. SUTHERLAND. Now, the Senator says that the committee concluded to confine it to corporations?

Mr. NEWLANDS. Yes.

Mr. SUTHERLAND. Why was that done? What particular reason was there for it?

Mr. NEWLANDS. We wished to confine the operations of this act to corporations, with the knowledge that hereafter it might be extended; but we thought in the initial organization of this commission its operations should be confined entirely to corporations. We considered various methods of limiting its jurisdiction, because we realized that the argument would be made against it that its power would cover so broad an area as to result in the breaking down of the commission itself. We considered, among others, a limitation as to capital also, so that corporations below a certain capitalization would not come within the operation of the act, and that simply with a view to lightening the duties of the commission itself; but we realized that there might be small corporations that would exercise very large powers of oppression, or that small corporations in which other large corporations were interested would be made the agency of wrong and of oppression.

So we concluded that no limitation as to capitalization should be imposed, but that we should provide that this act should apply only to those corporations that the commission might designate, and thus not compel the 350,000 corporations in the country that might be engaged in interstate trade to make the reports that are required by this act. It was simply with a view to limiting the area of the powers of this commission that we thought it wise to keep out individuals and partnerships.

Mr. SUTHERLAND. Mr. President, in spite of the answer which the Senator from Nevada makes, I am unable to see any reason for excluding from the operation of the law individuals or partnerships who may be guilty of unfair competition and confining it to corporations. Certainly, to include all classes would not very greatly broaden the field. Extending it to corporations alone covers a pretty broad field.

Mr. NEWLANDS. Mr. President, we realized that there might be an amendment presented on that line, but our judgment was that we should at present confine the area of the jurisdiction so far as we could logically. Now, the Senator from Utah thinks that even this limitation of area is illogical, because individuals and partnerships can be guilty of the same unfair competition that is practiced by corporations; but we know, as a matter of fact, that these practices are, as a rule, indulged in by powerful organizations with a view to destroying competitors, and that unfair competition is a means of creating monopoly. So we aimed this particular method of procedure against the corporations, but made the general declaration of the law apply to all.

Mr. SUTHERLAND. Mr. President, may I ask the Senator from Nevada another question about the bill?

Mr. NEWLANDS. Certainly.

Mr. SUTHERLAND. On page 17, in the beginning of section 3, the provision is:

The commission shall have power, among others—

Then follows an enumeration of certain powers. Does the Senator from Nevada understand that this commission will have powers that are not conferred upon it by this bill?

Mr. NEWLANDS. Oh, no. It will have no powers except those conferred by this bill.

Mr. SUTHERLAND. But the introductory clause is——

Mr. NEWLANDS. But there are powers which are specified in other sections.

Mr. SUTHERLAND. Then, why does not the Senator say "that the commission shall have power in addition to others conferred by the bill"? The plain implication is that——

Mr. NEWLANDS. I imagine there would be no objection by the committee to such an amendment.

Mr. SUTHERLAND. I was simply wondering whether or not the Senator understood the commission had powers entirely outside of the bill.

Mr. NEWLANDS. No.

Mr. SUTHERLAND. I wish to ask another question. Subdivision (a) gives the commission power:

(a) To investigate from time to time, and as often as the commission may deem advisable, the organization, business, financial condition, conduct, practices—

I emphasize those two words, "conduct" and "practices"—

and management of any corporation engaged in commerce, and its relation to other corporations and to individuals, associations, and partnerships.

First, it would seem under that provision that the commission would only have power to deal with a corporation that was engaged in commerce—that, of course, means interstate commerce?

Mr. NEWLANDS. Yes.

Mr. SUTHERLAND. But it is given power to investigate the conduct and practices of any such corporation, apparently, whether that conduct relates or those practices relate to interstate commerce or not. Does the Senator from Nevada understand that such power is conferred upon this commission, or does he understand that the conduct and practices which the commission is empowered to investigate must be such as relate to or affect interstate commerce?

Mr. NEWLANDS. My interpretation of that is that the corporation must be engaged in interstate commerce. While engaged in interstate commerce, its entire conduct and practices may be investigated; there is no limitation as to the inquiry.

Mr. SUTHERLAND. The commission may investigate any conduct or any practices?

Mr. NEWLANDS. Yes.

Mr. SUTHERLAND. Even though such conduct might relate wholly to intrastate business or wholly to some local business?

Mr. NEWLANDS. Yes; and I think the Supreme Court has so decided in a case of that kind which has been instituted.

Mr. SUTHERLAND. With relation to what?

Mr. NEWLANDS. My impression is that the Supreme Court has so decided in some case of a similar nature, which I can not at this moment recall, that if you are engaged in an investigation of a corporation that is engaged in interstate commerce, you have a right to inquire both into the interstate and the intrastate business, because they are so related to each other that they are almost inseparable, and that you can not make a complete inquiry with reference to interstate commerce without embracing the action of the corporation with reference to intrastate commerce.

Mr. SUTHERLAND. Of course, if we authorize a commission or anybody else to inquire into the dealings of a person or a corporation relating to interstate commerce, the investigation itself may disclose things which are not related to interstate commerce, but that would result incidentally in the exercise of the power; that is a very different thing, however, from conferring the power by an act of legislation to investigate conduct wholly unrelated to interstate commerce.

This is a legislative commission. We can confer upon a legislative commission, as I understand the rule, no power which we

ourselves do not possess. We confer certain powers upon the Interstate Commerce Commission, but they are powers which Congress could exercise directly. Congress, however, does not exercise them directly, because they involve such a multiplicity of details that it would be impossible for Congress to exercise them; but they are all powers which Congress possesses potentially. Here is an attempt to confer a power, apparently, which Congress itself has no authority to exercise.

Let me ask the Senator from Nevada does he think that Congress could ascertain that a corporation engaged in interstate commerce was guilty of certain practices or of certain conduct which did not in any manner affect interstate commerce but the effect of which was confined entirely to the borders of the State or to some city, that Congress could then pass a law making such conduct and such practices illegal and could impose a penalty against the corporation guilty of them?

Mr. NEWLANDS. I imagine not, except it could restrain such a corporation from engaging in interstate commerce for any reason satisfactory to Congress.

Mr. SUTHERLAND. I am not sure about that.

Mr. NEWLANDS. Any misconduct on purely State affairs could be made a reason for the exclusion of that corporation from interstate commerce; but as to the ability to condemn by law a transaction or a practice that purely affected State commerce and not interstate commerce I imagine the Senator is correct, that Congress would not have that power. We are, however, now testing the powers of investigation possessed by Congress. Those powers must necessarily be broader than the powers of legislation, because investigation may necessarily involve the inquiry into State conduct and State practices with a view to getting the information that is essential to the exercise of the national power. So I should say that there was a distinction between authorizing an investigation of a corporation engaged in interstate commerce as to matters relating to purely State commerce and legislating upon the subject matter of things that relate to purely State commerce.

Mr. SUTHERLAND. Mr. President, I doubt very much the power of Congress itself to investigate the conduct or practices of a corporation, although it may be engaged in interstate commerce, if that conduct and those practices have nothing whatever to do with interstate commerce, because Congress only has the power to make an investigation with a view to exercising its constitutional authority to legislate; and after making such an investigation it could not legislate on that subject; it could not forbid the practice; and while Congress very often does investigate something that it has not any business to investigate, that does not determine that it has the rightful authority to do so.

If I may further trespass on the attention of the Senator from Nevada, I want to ask him about the next subdivision—subdivision (b)—which is:

(b) To require any corporation subject to the provisions of this act which the commission may designate to furnish to the commission from time to time information, statements—

And so on.

Is there any provision in the bill, either in this section or elsewhere, which would furnish any rule or standard according to which this commission must act in designating a particular corporation or corporations which must make these reports?

Mr. NEWLANDS. I do not understand that under this provision it is necessary for the commission to make any general rule. It can specify any corporation, designate it, and call upon it to furnish statements and reports.

Mr. SUTHERLAND. That is, arbitrarily. There may be a hundred corporations which have exactly the same kind of business, all in a situation where if it is necessary to investigate one it is necessary to investigate all; but the commission may arbitrarily pick out corporation No. 1 and corporation No. 30 and corporation No. 60, compel those 3 corporations to make these returns, and permit the remaining 97 to make no returns whatever.

Mr. NEWLANDS. In such a case, where if it is necessary to investigate one it is necessary to investigate all of the hundred or more, I should, of course, expect the commission to exercise that power.

Mr. SUTHERLAND. But the proposed law does not require it.

Mr. NEWLANDS. But I should also expect it to exercise the power of determining whether, if it was necessary to examine one, it was necessary to examine all. It seems to me that is a matter that is properly left within their discretion.

As to the arbitrary exercise of power, of course, all power is arbitrary in the finality. There may be methods of hearing, and so forth, that precede the determination, but in the end all power must, I imagine, be exercised arbitrarily. So I do not see that that is an objection.

I can imagine that there would be certain corporations that would be so condemned for unfair practices, and I can understand how the commission would want to keep that corporation under supervision for some time after it had ordered it to cease and desist and why it should require it to make certain statements and reports. I can understand, with reference to a combination against which a decree of disorganization has been made, that it might be necessary for this body, which has the power vested in it to make investigations as to whether corporations against which such decrees have been made are following or are violating the law—I can understand in such instances how the commission might require statements from one and not from another, or perhaps require statements from both or discontinue the requirement as to one, being satisfied as to it, and continue it as to the other, being dissatisfied as to it. It seems to me that is a wise discretion that ought to be given to the commission.

Mr. KENYON. Mr. President——

Mr. SUTHERLAND. I yield to the Senator.

Mr. KENYON. It seems to me this is about the most interest that has been manifested in the debate, and there seem to be a number more Senators present than usual, but I had intended to call for a quorum, unless the Senator from Utah objects.

Mr. SUTHERLAND. Let me finish one statement I desire to make, and then I will have no objection.

Mr. KENYON. Very well.

Mr. SUTHERLAND. I was about to say—I may change my mind about it after reflection—but it seems to me that in the various provisions of section 3 we are conferring a good deal of arbitrary power upon this commission.

Mr. NEWLANDS. There are large visitorial powers conferred, undoubtedly; but I imagine they will be exercised in very few cases.

Mr. SUTHERLAND. I do not like to confer power of this character upon any commission, depending upon my imagination for a guaranty that it will not be abused. I think we ought to define the power that they are to exercise. This section certainly gives the commission the authority to discriminate arbitrarily among corporations occupying exactly the same status and doing precisely the same things. It is the conferring of such power that I am objecting to. Of course I think that, ordinarily, men intrusted with high official responsibility will endeavor to discharge their duty with fairness, but that does not warrant us in conferring upon any commission arbitrary power.

We did not do that with reference to the Interstate Commerce Commission. All the railroad carriers of the country are treated exactly alike; they must all file their schedules of rates; the commission must pass upon the rates of all of them. It has not been given the power to select a railroad here and regulate it, and let a dozen other railroads go without regulation; but the attempt seems to be made in this bill to give the commission the power to select here and there a corporation to be brought under the provisions of the act and to let all the others go without any sort of supervision or regulation.

The same criticism will apply to subdivision (c), which is:

(c) To prescribe as near as may be a uniform system of annual reports from such corporations—

I repeat, "from such corporations"—

or classes of corporations subject to the provisions of this act, as the commission may designate.

The requiring of the filing of annual reports may be a very burdensome thing. The commission is not even required to classify the corporations and require all corporations falling within the class to make the reports, but it may select some particular corporation and subject it to this burden, while letting all the other corporations go free. It is the conferring of such power upon the commission that is objectionable.

So it is all the way through the bill. It seems to me that if this bill shall be passed in its present form, one of two things will inevitably result: Either the act will be administered arbitrarily and with vast ineffectiveness, because it will be confined to a few corporations, or it will involve untold labor and untold expense. I do not know how many corporations there are in this country engaged in interstate commerce. I have heard the number variously estimated at from 50,000 to 100,000.

Mr. NEWLANDS. Three hundred and fifty thousand in all.

Mr. SUTHERLAND. Then, there are more than I suspected—350,000 corporations. There are not that many engaged in interstate commerce, are there?

Mr. NEWLANDS. No.

Mr. SUTHERLAND. I was speaking of the class engaged in interstate commerce. I have heard it stated that there were from fifty to a hundred thousand corporations engaged to one degree or another in interstate commerce. All of those corporations are brought under the jurisdiction of this commission. It is within the power of the commission to investigate all of them or any number of them that it may see fit. If it concludes to investigate only a few, then there is danger of an arbitrary execution of the law; there is danger of unfairness and injustice to those few who may be selected; while if all are investigated, or at least a very considerable proportion of all are investigated, I would undertake to say that we would have an army of employees that would be astounding to the Senate when it comes to making an appropriation for paying them.

Mr. NEWLANDS. Well, Mr. President, I wish to say regarding that that the committee was exceedingly desirous of making this law bear with as little harshness as possible upon the vast mass of corporations engaged in business in conformity with the law, and, with a view to preventing thousands of corporations against which no complaint could possibly be made from being investigated, we gave to the commission full discretion as to the designation of the corporations from which it would require reports or as to which its powers of investigation would be applied.

Mr. SUTHERLAND. But the bill is not so limited. The commission is not given the authority to require these reports from and to make these investigations only of corporations which it may be suspected are guilty of unlawful practices, but all corporations engaged in interstate commerce are brought within its jurisdiction, and the commission may select any number of those, whether they are suspected of unlawful practices or not, and bring them under the burdensome provisions of this law.

Mr. KENYON. Mr. President, I suggest the absence of a quorum.

The VICE PRESIDENT. The Secretary will call the roll.

The Secretary called the roll, and the following Senators answered to their names:

Bankhead	Hughes	Nelson	Sheppard
Brady	Kenyon	Newlands	Sutherland
Burton	Kern	Norris	Thomas
Chilton	Lane	Page	Thornton
Clapp	Lee, Md.	Pittman	Vardaman
Clarke, Ark.	Martine, N. J.	Pomerene	White

The VICE PRESIDENT. Twenty-four Senators have answered to the roll call. There is not a quorum present.

Mr. HUGHES. I move that the Senate adjourn.

The motion was agreed to; and (at 3 o'clock and 55 minutes p. m.) the Senate adjourned, the adjournment being, in pursuance of the previous order of the Senate, until Monday, July 6, 1914, at 11 o'clock a. m.

HOUSE OF REPRESENTATIVES.

FRIDAY, *July 3, 1914.*

The House met at 12 o'clock noon.

The Chaplain, Rev. Henry N. Cotden, D. D., offered the following prayer:

Father in heaven, the heart of the true patriot turns with gratitude at this season of the year to the splendid sacrifices and deeds of valor wrought by our fathers, who, under Thy guidance, gave to us a government "of the people, by the people, for the people," whose history and achievements have justified its existence. May it be ours to keep sacred the trust reposed in us that it may continue to live and grow in all that makes for peace and prosperity, that liberty may have its perfect work, to the good of mankind; and glory and honor and praise shall be Thine forever. In the Christ spirit. Amen.

The Journal of the proceedings of yesterday was read and approved.

STATUE OF GEORGE WASHINGTON GLICK.

Mr. TAGGART. Mr. Speaker, I ask unanimous consent for the present consideration of the resolution which I send to the Clerk's desk.

The SPEAKER. The Clerk will report it.

The Clerk read as follows:

House resolution 558.

Resolved, That exercises appropriate to the reception and acceptance from the State of Kansas of the statue of George Washington Glick, erected in Statuary Hall in the Capitol, be made the special order for Saturday, July 18, 1914, at 3 o'clock p. m.

The SPEAKER. Is there objection to the present consideration of the resolution?

There was no objection.

The SPEAKER. Is there not a Senate resolution like this?

Mr. TAGGART. The Senate resolution relates to the acceptance by the Senate.

The SPEAKER. And this is the corresponding House resolution?

Mr. TAGGART. Yes.

The resolution was agreed to.

EVENING SESSION ON TUESDAY, JULY 7, 1914.

Mr. POU. Mr. Speaker, I ask unanimous consent for the present consideration of the order of business which I ask the Clerk to report.

The SPEAKER. The Clerk will report it.

The Clerk read as follows:

Ordered, That on Tuesday, July 7, the House stand in recess from 5 p. m. until 8 p. m.; that a session be held from 8 p. m. to 11 p. m. for the consideration in the House as in Committee of the Whole of bills on the Private Calendar which are not objected to, commencing with No. 232 on said calendar.

The SPEAKER. Is there objection?

There was no objection.

The order was agreed to.

Subsequently—

Mr. POU. Mr. Speaker, I ask unanimous consent to change the calendar number in the order just agreed to from 232 to 242. We got down to the number 242 the last time.

The SPEAKER. The gentleman from North Carolina asks unanimous consent to make the change stated by him. Is there objection?

There was no objection.

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. Tulley, one of its clerks, announced that the Senate had insisted upon its amendments to bills of the following titles, had agreed to the conference asked by the House of Representatives, and had appointed Mr. SHIVELY, Mr. BRYAN, and Mr. SMOOT as the conferees on the part of the Senate:

H. R. 13207. An act granting pensions and increase of pensions to certain soldiers and sailors of the Regular Army and Navy, and certain soldiers and sailors of wars other than the Civil War, and to widows of such soldiers and sailors;

H. R. 13920. An act granting pensions and increase of pensions to certain soldiers and sailors of the Regular Army and Navy, and certain soldiers and sailors of wars other than the Civil War, and to widows of such soldiers and sailors;

H. R. 14546. An act granting pensions and increase of pensions to certain soldiers and sailors of the Regular Army and Navy, and certain soldiers and sailors of wars other than the Civil War, and to widows of such soldiers and sailors;

H. R. 15071. An act granting pensions and increase of pensions to certain soldiers and sailors of the Regular Army and Navy, and certain soldiers and sailors of wars other than the Civil War, and to widows of such soldiers and sailors; and

H. R. 15504. An act granting pensions and increase of pensions to certain soldiers and sailors of the Regular Army and Navy, and certain soldiers and sailors of wars other than the Civil War, and to widows of such soldiers and sailors.

The message also announced that the Senate had insisted upon its amendments to bills of the following titles, had agreed to the conference asked by the House of Representatives, and had appointed Mr. SHIVELY, Mr. HUGHES, and Mr. STERLING as the conferees on the part of the Senate:

H. R. 12914. An act granting pensions and increase of pensions to certain soldiers and sailors of the Civil War and certain widows and dependent children of soldiers and sailors of said war;

H. R. 13542. An act granting pensions and increase of pensions to certain soldiers and sailors of the Civil War and certain widows and dependent children of soldiers and sailors of said war;

H. R. 14234. An act granting pensions and increase of pensions to certain soldiers and sailors of the Civil War and certain widows and dependent children of soldiers and sailors of said war;

H. R. 14738. An act granting pensions and increase of pensions to certain soldiers and sailors of the Civil War and certain widows and dependent children of soldiers and sailors of said war; and

H. R. 15692. An act granting pensions and increase of pensions to certain soldiers and sailors of the Civil War and certain widows and dependent children of soldiers and sailors of said war.

The message also announced that the Senate had passed bills and joint resolution of the following titles, in which the concurrence of the House of Representatives was requested:

S. 1058. An act for the relief of Dommick Taheny and John W. Mortimer;

S. 1149. An act to correct the military record of Seth Watson;
S. 4045. An act to correct the military record of John Chick;
S. 3752. An act to authorize the construction of a lighthouse at Willapa Harbor, Wash.;
S. 4875. An act to authorize the Secretary of Commerce to exchange rights of way in connection with lands pertaining to the Lighthouse Service; and
S. J. Res. 129. Joint resolution relating to the awards and payment thereon in what is commonly known as the Plaza cases.

MESSAGE FROM THE PRESIDENT OF THE UNITED STATES.

A message, in writing, from the President of the United States was communicated to the House of Representatives by Mr. Latta, one of his secretaries, who also informed the House of Representatives that the President had approved and signed bills and resolutions of the following titles:

On May 26, 1914:
H. R. 12806. An act authorizing the Secretary of War to grant the use of the Fort McHenry Military Reservation, in the State of Maryland, to the mayor and City Council of Baltimore, a municipal corporation of the State of Maryland, making certain provisions in connection therewith, providing access to and from the site of the new immigration station heretofore set aside.
On May 28, 1914:
H. J. Res. 264. Joint resolution authorizing the President to accept an invitation to participate in the Sixth International Congress of Chambers of Commerce and Commercial and Industrial Associations.
On June 6, 1914:
H. R. 15190. An act to amend section 103 of the act entitled "An act to codify, revise, and amend the laws relating to the judiciary," approved March 3, 1911, as amended by the act of Congress approved March 3, 1913.
On June 10, 1914:
H. R. 3334. An act authorizing the quitclaiming of the interest of the United States in certain land situated in Hampden County, Mass.
On June 15, 1914:
H. R. 14385. An act to amend section 5 of "An act to provide for the opening, maintenance, protection, and operation of the Panama Canal and the sanitation and government of the Canal Zone," approved August 24, 1912; and
H. R. 14242. An act to increase the limit of cost for the erection and completion of the United States Federal building at Harrisburg, Pa.
On June 17, 1914:
H. R. 14189. An act to authorize the construction of a bridge across the Missouri River near Kansas City.
On June 18, 1914:
H. R. 11040. An act to carry out the findings of the Court of Claims in the case of James Harvey Dennis.
On June 20, 1914:
H. R. 15280. An act making appropriations for the payment of invalid and other pensions of the United States for the fiscal year ending June 30, 1915, and for other purposes.
On June 24, 1914:
H. R. 12826. An act to reinstate Francis Graves Bonham as a cadet at the United States Military Academy.
On June 27, 1914:
H. R. 12235. An act making appropriations for fortifications and other works of defense, for the armament thereof, for the procurement of heavy ordnance for trial and service, and for other purposes.
On June 30, 1914:
H. R. 14034. An act making appropriations for the naval service for the fiscal year ending June 30, 1915, and for other purposes;
H. R. 15762. An act making appropriations for the Diplomatic and Consular Service for the fiscal year ending June 30, 1915;
H. R. 13679. An act making appropriations for the Department of Agriculture for the fiscal year ending June 30, 1915;
H. R. 12792. An act for the relief of Mrs. Thomas G. Prioleau, widow of Thomas G. Prioleau; and
H. J. Res. 286. Joint resolution extending appropriations for the necessary operations of the Government and of the District of Columbia under certain contingencies.
On July 1, 1914:
H. R. 12045. An act granting pensions and increase of pensions to certain soldiers and sailors of the Civil War and certain widows and dependent children of soldiers and sailors of said war; and
H. R. 11245. An act extending to the port of Providence, R. I., the privileges of section 1 of the act approved June 10, 1880, governing the immediate transportation of dutiable merchandise without appraisement.

HATTIE MILLER.

Mr. LLOYD. I present the following privileged resolution from the Committee on Accounts.
The SPEAKER. The Clerk will report it.
The Clerk read as follows:

House resolution 523 (H. Rept. 921).

Resolved, That the Clerk of the House be, and he is hereby, authorized and directed to pay out of the contingent fund of the House to Hattie Miller, widow of John Miller, late a laborer of the House, an amount equal to six months of his compensation as such laborer, and a sum not exceeding $250 to Joseph Gawler Sons, to defray the funeral expenses of said John Miller.

Mr. LLOYD. Mr. Speaker, I move to amend the resolution by striking out, in line 6, the words "to Joseph Gawler Sons." With that amendment adopted, the resolution will be in the usual form.
The SPEAKER. The Clerk will report the amendment.
The Clerk read as follows:

In line 6, strike out the words "to Joseph Gawler Sons."

The SPEAKER. If this amendment is agreed to, who will get the money?
Mr. LLOYD. The widow.
The SPEAKER. The question is on the amendment.
The amendment was agreed to.
Mr. MILLER. Mr. Speaker, will the gentleman from Missouri yield for a question?
Mr. LLOYD. Yes.
Mr. MILLER. An employee of the House by the name of Capt. De Costa died some time ago. He had been in the employ of the House, as I understand, 16 or 17 years. I wish to inquire whether the committee have under consideration the question of a payment of this kind in this case.
Mr. LLOYD. Yes; we have.
Mr. MILLER. You have not yet considered it.
Mr. LLOYD. I think it will be reported at the next meeting of the committee.
The resolution as amended was agreed to.

ASSISTANT TO COMMITTEE ON REVISION OF THE LAWS.

Mr. LLOYD. Mr. Speaker, I present the following privileged resolution from the Committee on Accounts.
The SPEAKER. The Clerk will report it.
The Clerk read as follows:

House resolution 555 (H. Rept. 922).

Resolved, That the Committee on Revision of the Laws of the House of Representatives is hereby authorized to employ a competent person to assist the committee in codifying, revising, and compiling the statutes of the United States under the direction and supervision of the committee.

SEC. 2. That the person so employed shall be known as the Reviser of the United States Statutes for the Committee on Revision of the Laws, and shall receive as full compensation for his services the sum of $4,000 per annum, to be paid monthly by the Clerk of the House of Representatives in 12 equal installments out of the contingent fund of the House of Representatives until otherwise provided.

Mr. LLOYD. Mr. Speaker, this resolution provides for an assistant to the Committee on the Revision of the Laws. Heretofore we have had commissions at different times to perform this work. At the present time the committee charged with the responsible duty of preparing these revised statutes has one clerk, and the work is more than one clerk can do. It requires an expert. We have the expert, and the Committee on Accounts and the Committee on Revision of the Laws think it proper that there should be a person employed to take charge of this important work.
Mr. STAFFORD. Will the gentleman yield?
Mr. LLOYD. Yes.
Mr. STAFFORD. The gentleman has stated that the committee has the expert in mind. Is he the same one who performed this character of service when the revision of the laws was undertaken under a former committee, when Judge Moon, of Pennsylvania, was chairman.
Mr. LLOYD. No; he is the man who has had charge of the work for the last two years—one of the most competent young men I ever met.
Mr. STAFFORD. Is the gentleman aware that the former assistant was Mr. Lott, who was connected with the Department of Justice, which assigned him to this work?
Mr. LLOYD. Yes.
Mr. STAFFORD. I believe he received some salary additional to that which was allowed him by the Department of Justice. Is this person in anywise connected with the department?
Mr. LLOYD. Not at all.

Mr. MANN. Mr. Speaker, the salary of this assistant is $4,000.

Mr. LLOYD. Yes. The view of the committee is that the only trouble about this salary is that it is not high enough for the service actually rendered.

Mr. MANN. Well, I suppose that is the view the chairman of every committee may have concerning one of its employees.

Mr. LLOYD. The chairman of the Committee on Revision of the Laws never made any suggestion at all with reference to the salary.

Mr. MANN. I think we pay but one clerk of any committee as high as $4,000 in salary. While this employee is called an expert in some ways, and probably the services may be worth $4,000, I do not see how you are going to differentiate between the Committee on the Revision of the Laws and the employee of the Committee on the Judiciary, with the employee of the Committee on Revision of the Laws getting $4,000 and the employee of the Judiciary Committee getting $2,500.

Mr. LLOYD. The commissioners that have been employed heretofore have received $5,000 each for similar services.

Mr. MANN. I understand, but this is really a clerk to the committee.

Mr. LLOYD. I beg the gentleman's pardon; this is not expected to be a clerk of the committee.

Mr. MANN. The committee has nothing to do except this work. The present clerk is a very efficient young man I know, and he will probably get the place.

Mr. LLOYD. He will be assisted by the clerk of the committee.

Mr. GARNER. Will the gentleman yield?

Mr. LLOYD. Yes.

Mr. GARNER. Did I understand the gentleman to say that the contemplated employee is the present clerk of the committee?

Mr. LLOYD. Yes.

Mr. GARNER. And you propose to give him $4,000, and, in addition to that, under the general law, pay a clerk whatever salary he is now receiving. So you will then have a commissioner at $4,000 a year and the clerk of the committee at $2,000 a year.

Mr. LLOYD. Mr. Chairman, I yield five minutes to the gentleman from Louisiana [Mr. WATKINS].

Mr. WATKINS. Mr. Speaker, the Committee on Revision of the Laws have deferred for three years making this request. Finally we ascertained that it was impossible to keep up with the revision work unless we did ask for additional help, an expert compiler and reviser, for the purpose of codifying and revising the laws.

In the Sixty-second Congress the compilers were dispensed with. Previous to that time there had been two compilers with a salary of $5,000 each, making $10,000. Then there was the salary of the clerk of the committee and the pay of the extra help, which amounted in all to about $15,000. All told, the annual expense approximated $20,000 a year up to that time. When these two compilers were dispensed with and the joint committee was abolished, the work fell upon the individual members of the Committee on Revision of the Laws. It was found impossible for the members of the committee to spare the time to give their personal attention to the work to such an extent as to enable them to keep up with the compilation work. It had not been expected up to that time, nor has it ever been expected, that the clerk of the committee, whose duties are of a clerical nature, would do anything toward codifying or compiling or revising. He was only expected to check up the work in a clerical way. It is true the clerk of the committee was a stenographer and a typewriter, and he studied law, and it so happened that he was able after two years' diligent effort to begin compiling and codifying

But I wish to state to the membership of this House that not only did the clerk of the committee spend two years studying in trying to equip himself for the work which he undertook on his own initiative, not at the request of the committee, because they did not expect him to do that class of work, but I also had in my employ a secretary, a licensed lawyer with several years' practice, and I permitted him to cooperate and assist the clerk of the committee in compiling the work. These two young men at times sat up night after night all night and did all in their power to get the work in such shape that it would be presentable to the House of Representatives. Finally they succeeded in getting up the compilation which, after several meritorious amendments, went through the House after 10 weeks, every Wednesday.

But while the work was being done, and while this $20,000 expense was saved by the joint committee being dispensed with, the work was lagging and getting further and further behind all the time.

The Commission on Revision of the Laws expired, or the employment expired, in 1906, and from that time until 1914, for eight years, there has been none of this compilation done except through the joint committee. Since that time there has only been one entire title and a half of another title compiled and presented to the House and enacted into law. One was a criminal code and the other was not quite half the judicial code. You can well see that if during the eight years only the criminal code and half of the judicial code has been revised, as far as the House is concerned, making only two chapters, or two subject matters, you can readily see that this work can never be completed within a reasonable time, but that it is getting further and further behind as to codification all the time.

Neither the chairman of the committee nor the committee would ask of the House of Representatives this help if they did not think it was absolutely necessary for the purpose of properly prosecuting the work. This is not a clerk of the committee. It is expected that the clerk of the committee will devote his entire time to checking up the work, transcribing it, putting it in type, and sending it to the printer, arranging the index, which it is necessary for a clerical man to do. It is a reviser which this resolution calls for.

Mr. BURNETT. Will the gentleman yield?

Mr. WATKINS. Yes.

Mr. BURNETT. How much work remains to be performed?

Mr. WATKINS. There are only two subject matters that have been disposed of, and all the other parts of the Revised Statutes ought to be codified and compiled.

Mr. BURNETT. How many subjects remain?

Mr. WATKINS. I have not estimated them.

Mr. Speaker, I wish to make a succinct statement, that the RECORD may show the nature of the work.

The Committee on Revision of the Laws is charged by Congress with the revision and codification of the statutes of the United States. The committee was created July 25, 1868, and took the place of the old standing committee of the House on Revisal and Unfinished Business.

The work of revision and codification accumulated to such an extent that on June 4, 1897, Congress enacted legislation creating a commission to codify and revise the laws. The commission, as provided by statute (U. S. Stat. L., vol. 30, p. 58), consisted of three commissioners at an annual salary of $5,000 and expenses. The commission was also provided with all necessary clerical assistance, and it is estimated that the Government of the United States expended annually an amount aggregating and often exceeding $20,000 for the purpose of procuring a general codification and revision of the laws.

By the act approved June 30, 1906, entitled "An act making appropriations for the sundry civil expenses of the Government for the fiscal year ending June 30, 1907, and for other purposes" (U. S. Stat. L., vol. 34, p. 754), the commission to codify and revise the laws was ordered discontinued and required to make its final report to the Congress. Upon this report, submitted to Congress in December, 1906, the general revision and codification of the laws are based.

By joint resolution approved March 2, 1907, entitled "Joint resolution to create a joint committee to consider the revision and codification of the laws of the United States," the Committee on Revision of the Laws of the House of Representatives and a like committee on the part of the Senate were enabled to proceed with the duties imposed by Congress. The joint resolution (H. J. Res. 240) creating the Joint Committee on Revision of the Laws authorized "the said joint committee to sit during the recess of Congress and to employ necessary assistants and to order such printing and binding done as may be required in the transaction of its business, and to incur such expense as may be deemed necessary." As assistants to serve on this joint committee there were at first appointed two most able and efficient men, one on the part of the Senate and one on the part of the House of Representatives. They acted in the capacity of advisers to the Joint Committee on Revision of the Laws as well as revisers for the committee. They each received a salary of $5,000 per annum, and were provided with necessary clerical assistants at salaries ranging from $6 per diem up. It is estimated that the Joint Committee on Revision of the Laws cost the Government nearly $20,000 per annum. It has not been definitely ascertained just what coterie of assistants were borne on the rolls of the Senate and House in connection with the revision and codification work, but it has been stated by a member of the clerical force that the salaries of the assistants to the joint committee never fell below $15,000 per annum from

the time of the creation of the joint committee in March, 1907, to the time of its abolition, March 4, 1911.

It will appear, from the best information at hand, that the amount paid in salaries alone for the services of these men who composed the commission and joint committee in the capacity of commissioners, assistants, revisers, advisers, and so forth, during the 13 years of existence of both combined aggregated, on a minimum estimate at $15,000 per annum, $195,000. This does not include any of the vast amount expended by this Government for the printing which the commission and joint committee incurred. A rough estimate of the entire expense incurred for bringing the work up to where it was left off in 1911 would certainly appear to exceed $250,000.

During the existence of the commission, from 1897 to 1906, the Alaskan Code was adopted by Congress. During the existence of the Joint Committee on Revision of the Laws the Criminal Code and the Judicial Code were passed by Congress. The enactment into law of the Alaskan Code in 1901 was accomplished mainly by the efforts of such able men serving on the committee at that time as the gentleman from Missouri, Hon. JAMES T. LLOYD.

Taking into consideration the contents of the Revised Statutes, second edition of 1878, upon which the commission based its entire report, there was only one and part of one title disposed of by the joint committee during its entire existence, and with the able coterie it had at its command. This was the title "Crimes" and part of the judiciary title which is embraced within the Judicial Code of 1911.

Since March, 1911, the Committee on Revision of the Laws of the House of Representatives has been provided with a clerk and a messenger. Its duties, as charged by Congress, remain the same. The clerk of the committee has duties as clerk to perform. It has never been the duty of the clerk of this committee to execute the duties of revising and codifying the laws under the direction and supervision of the membership of the committee, as for one to properly and accurately execute such duties must devote his entire time to that work alone. The Committee on Revision of the Laws has had no one to aid them since 1911, and the valuable work done by the commission and the joint committee, for which thousands of dollars had been expended, seemed almost lost; but during this session of Congress the committee, as best it could under the most unfavorable conditions, labored to have prepared and presented the remainder of the judiciary title and another title brought within the judiciary—extradition—making one and one-half titles, the same, when considered by titles, as the joint committee had accomplished.

To accomplish this in the bill H. R. 15578, which passed the House of Representatives on Wednesday, June 17, without a dissenting vote, the chairman of the committee was forced to get in arrears, and badly so, with his correspondence and other official work in his individual capacity in order to allow his private secretary to aid the clerk of the committee in his work. In revising and codifying the laws there is a voluminous manuscript of typewriting and printing which must be prepared and reprepared from time to time, and it is the hardest kind of work, day and night, throughout the entire preparation of the codification. The Supreme Court decisions, which we find on nearly every section of the law being codified, must be noted and included in the report of the committee to the House. Legislation must be digested daily and inserted in its proper place, and to do this each act must be procured the day it becomes a law and be studied and, if necessary, separated properly and put in its place. The reasons assigned by the commission on the various new sections of law submitted by them to Congress in their final report must be studied and thoroughly understood, and where laws have been enacted to cover certain recommendations of the commission, as we often find is the case, this recommendation must be dropped entirely and the new law brought in to take its place. All these things, simply as an enumerated few, go to show what the work of revision and codification is and what it requires. There are few persons who have the patience and accuracy to properly accomplish it. It is readily seen that the individual Members of Congress serving on a committee of this kind can not personally consult every law passed, copy that law, and put it in its proper place. They do not have the time, even if Congress expected them to execute this work. It requires more time than a Member of the House of Representatives really has at his disposal to view and review that which one man has done and to pass upon it and determine whether or not it is such as he thinks correctly done.

The work of revising and codifying the laws is of vast importance not only to the Congress to have its laws up to date in codified form, but to the country. As the laws are now on the statute books it is a most difficult proposition in many instances to find the law on various subjects and determine whether or not it is the only law or even the last law on those subjects or that subject, whichever the case may be.

The House resolution introduced by Hon. W. B. FRANCIS, from the Committee on Revision of the Laws, makes provision for a reviser to serve the committee, devoting his entire time to the work of codification and revision. It authorizes a compensation, annually, of $4,000 per annum, which is a most reasonable amount for the duties to be performed, other men acting in the same capacity having heretofore received $5,000 for the same work, with the exception that they had clerical assistance at their beck and call. They really had not the work, clerical and otherwise, to perform which the reviser provided for by this resolution will have.

The Committee on Revision of the Laws will be enabled by the passage of this resolution to immediately begin the preparation of another title of the Revised Statutes for presentation at the next session of Congress, and with the services of the reviser provided for by this resolution and the services of the clerk of the Committee on Revision of the Laws the committee will soon be able to rapidly overcome the vast accumulation of work which is to its credit, and present to the Congress from time to time separate codes of law embracing the various titles of the Revised Statutes, which work is sadly needed and has been for a number of years. This can be accomplished by an additional expenditure of $4,000 per annum.

Mr. LLOYD. I yield five minutes to the gentleman from Illinois [Mr. MANN].

Mr. MANN. Mr. Speaker, there was a commission established for the purpose of codifying the laws a good many years ago, as stated by the distinguished gentleman from Louisiana, which commission we finally got out of existence.

Then we had another joint committee of the House and the Senate, which did considerable work, and we passed two codification laws. I think the gentleman from Louisiana [Mr. WATKINS], chairman of the Committee on Revision of the Laws, has done very good service in the House as chairman of the committee and in connection with the codification bill which the House passed only a few days ago; but most of the work has been done. The codification expert, the gentleman says, is not to be the clerk of the committee; that the clerk of the committee does clerical work. I think the distinguished gentleman has not been chairman of any other committee in the House except the Committee on Revision of the Laws, and I am very sure that the clerk of that committee does not have very much clerical work to perform. The clerk of any committee that is a live committee has a great deal of work to do outside of clerical work.

Mr. LLOYD. The clerk is expected to assist this reviser. There is a vast amount of work that he must do. He does stenographic and other work.

Mr. MANN. Oh, well, there is practically no stenographic work in connection with it.

Mr. LLOYD. Oh, yes, there is.

Mr. MANN. The clerk of the Committee on the Judiciary ought to, and I have no doubt does, do a great deal of work in connection with the bills which are referred to that committee. We pay the clerk of the Committee on the Judiciary, I think, $2,500 a year. We pay Mr. Courts, the clerk of the Committee on Appropriations, a regular salary of $4,000 a year, and $1,000 additional while he holds the place; but that is the only place where we pay over $2,500 for any employee in connection with a committee. I have a clerk who, I believe, does twice as much work as this expert will ever do, and I think more valuable work, who gets $2,000 a year. Most of the clerks of committees get $2,000 a year.

Mr. LLOYD. I certainly will concede the fact that the gentleman has a clerk who does more work than any person I know of about this Capitol.

Mr. MANN. If I had had the nerve at different times I should have asked for an increase to $2,500 a year, because my clerk formerly was paid $2,500 a year and was reduced to $2,000 a year; but if we start to provide committees with employees at $4,000, I do not see how you are going to make any distinction between the clerk of the Committee on the Judiciary, the clerk of the Committee on Interstate and Foreign Commerce, the clerk of the Committee on the Public Lands, and somebody employed by the Committee on Revisions of the Laws. They have more difficult work to perform, and more of it to perform than this person will have.

Mr. LLOYD. Oh, I beg the gentleman's pardon. The gentleman is entirely mistaken about that, because the gentleman evidently is not very well posted on what the person in charge of that work has to do.

Mr. MANN. Mr. Speaker, I have followed very closely, as my friend from Missouri has followed the last bill, all of the codification bills, from the codification of the Alaskan Code down to date, and I think I am fairly familiar with the work that these people have to do.

Mr. LLOYD. With the Alaskan Code I have some familiarity myself, because I used to work upon it night and day. The chairman of that committee and myself performed the work that this reviser is expected to do, and you can hardly expect any chairman or the members of the committee to do the detail work.

Mr. MANN. Then what on earth are they on a committee for?

Mr. LLOYD. There is plenty of work to do after that work is submitted by the reviser.

Mr. MANN. I supposed that was one of the purposes of gentlemen going on committees. I supposed it was to do the work of the committee. Is it intended to have the Members who are on the committee not posted about the codification, but to have an outside employee do all of the work of codification? It is the duty of the committee to do a large share of this work, although I am not complaining about the employment of the expert. I hope the gentleman will understand that. I assume that this expert, if that is what he is properly called, is the gentleman who has been the clerk of the committee, and I think he has done very efficient work. I have no criticism, but I have much praise for the work that he has done. I am talking about the pay. If we start to raise the pay of these committee employees, I do not think that you can stop with the Committee on the Revision of the Laws. The Committee on Rivers and Harbors has a clerk who has more work to perform than this gentleman will ever have to do in the same length of time. Perhaps we ought to increase the pay of all of them, but I doubt whether it should be increased to $4,000.

Mr. WATKINS. Mr. Speaker, will the gentleman yield?

Mr. MANN. Certainly.

Mr. WATKINS. Does the gentleman make a distinction between a clerk who has only clerical work to do and a man who has to go into the decisions of the Supreme Court, the statutes enacted by Congress, and blend them and modify them and select out those that are repealed and those that are decided by the Supreme Court to be inoperative? Does the gentleman make a distinction between that class of work and the work of merely a clerk?

Mr. MANN. Yes; but the gentleman is not informed as to the work done by the clerk of the committee. The clerk of a committee does not perform merely clerical work, by any means. The clerk of the Committee on the Public Lands ought to be, and I doubt not he is, posted on the public-land laws, and when bills are introduced he must investigate not only the bills that are pending, but the laws that have been enacted and the decisions of the courts in reference to them.

Mr. WATKINS. The gentleman has referred to the public-land laws, and only last week this Congress passed an appropriation for $25,000 to codify the land laws. That work could readily have been done if we had this expert help that we are now asking. It takes a lawyer of experience, a lawyer who understands what he is doing, to do this kind of work.

Mr. MANN. The gentleman again confuses the matter. Not one of the large committees gets along with a committee clerk who does merely clerical work. The committee clerk is an adviser to the committee, an adviser to the chairman of the committee. He keeps posted on the work of the committee. I was chairman of a committee here, and my clerk went through every bill that was introduced and referred to the committee and wrote many of the reports, and the clerks now write most of the reports that are presented to the House on the bills that are reported to the House. It is not merely clerical work. It requires more skill and more knowledge than it does to take up one of these old codification revisions which have already been reported by the original commission and revise it down to date, although I think the allowance for an expert, if it amounts to anything, if we get a good codification at all, will be a good thing.

But I do not believe you can pay a salary of $4,000 to this employee and properly stop there. The other clerks are just as important and must be just as good-posted individuals.

Mr. BRYAN. Mr. Speaker, will the gentleman yield for a question.

Mr. LLOYD. I will.

Mr. BRYAN. Do we have a compiler of the laws for the House and another compiler for the Senate? Will the Senate have another compiler at $4,000?

Mr. LLOYD. We have nothing to do with the Senate in this resolution.

Mr. BRYAN. This $4,000 is to be paid exclusively by the House?

Mr. LLOYD. Yes, sir.

Mr. BRYAN. In other words, the House has a compiler to compile the laws of Congress, and then if the Senate wants to compile the laws of Congress they will have their arrangement?

Mr. LLOYD. Yes.

Mr. BRYAN. If the Judiciary Department wants to compile the laws of Congress they will have their arrangement?

Mr. LLOYD. They are not charged with the duty of compiling the laws.

Mr. BRYAN. Does not the gentleman think it would be a better arrangement to have the compiler of laws of Congress a clerk or some one under the Attorney General rather than to have a compiler in each branch of the Congress to do the same work over and over again?

Mr. LLOYD. That system might be a good system, but it has never been adopted. The Committee on Revision of the Laws is charged with that duty.

The SPEAKER. The question is on agreeing to the resolution.

The question was taken, and the Speaker announced the ayes seemed to have it.

Mr. MANN. Mr. Speaker, I ask for a division.

The SPEAKER. The gentleman from Illinois asks for a division.

The question was taken; and there were—ayes 43, noes 39.

So the resolution was agreed to.

SENATE BILLS REFERRED.

Under clause 2 of Rule XXIV, Senate bills and joint resolution of the following titles were taken from the Speaker's table and referred to their appropriate committees, as indicated below:

S. 1058. An act for the relief of Dommick Taheny and John W. Mortimer; to the Committee on Claims.

S. 1149. An act for the relief of Seth Watson; to the Committee on Military Affairs.

S. 3752. An act to improve the aids to navigation at the entrance to Willapa Bay, Wash.; to the Committee on Interstate and Foreign Commerce.

S. 4045. An act for the relief of John Chick; to the Committee on Military Affairs.

S. 4875. An act to authorize the Secretary of Commerce to exchange rights of way in connection with lands pertaining to the Lighthouse Service; to the Committee on Interstate and Foreign Commerce.

S. J. Res. 129. Joint resolution relating to the awards and payments thereon in what are commonly known as the Plaza cases; to the Committee on the District of Columbia.

EXTENSION OF REMARKS.

Mr. MANN. Mr. Speaker, I ask unanimous consent that the gentleman from Tennessee [Mr. AUSTIN], who is detained on account of illness, be permitted to extend his remarks in the RECORD on the subject of the tariff.

The SPEAKER. The gentleman from Illinois asks unanimous consent that Mr. AUSTIN, of Tennessee, who is detained on account of sickness, and whom we all hope will soon return to the House, be permitted to extend his remarks on the subject of the tariff. Is there objection? [After a pause.] The Chair hears none.

SALEM RELIEF FUND (S. DOC. NO. 530).

The SPEAKER. The Chair lays before the House a message from the President of the United States.

The Clerk read the message, as follows:

To the Senate and House of Representatives:

The governor of Massachusetts has sent me the following telegram:

"The Salem relief fund is increasing slowly. The expense of rehabilitation will be enormous, as 3,000 families are homeless and without work. If the National Government could appropriate $200,000, it would assist greatly. I am informed that the action of the National Government at the time of the San Francisco disaster furnished a precedent. Can anything in the way of substantial contribution from the National Government be obtained?"

In view of the great number of homeless and destitute in Salem I very earnestly urge the immediate appropriation by the Congress of $200,000, as requested by the governor, to be expended under the direction of the Secretary of War.

WOODROW WILSON.

THE WHITE HOUSE, *July 3, 1914.*

The SPEAKER. Ordered printed and referred to the Committee on Appropriations.

Mr. STEPHENS of Texas. Mr. Speaker, I move that the House resolve itself into the Committee of the Whole House on the state of the Union for the further consideration of the bill H. R. 12579.

The SPEAKER. The Chair promised to recognize the gentleman from New York [Mr. LEVY] for a privileged resolution.

DATE OF FINAL ADJOURNMENT.

Mr. LEVY. Mr. Speaker, I present the following privileged resolution.

The SPEAKER. The Clerk will report it.

The Clerk read as follows:

Concurrent resolution to adjourn the present session.

Resolved by the House of Representatives (the Senate concurring), That the Speaker of the House of Representatives and the President of the Senate be authorized to close the present session by adjourning their respective Houses on the 15th day of July, 1914.

[Applause.]

Mr. LEVY. Mr. Speaker, I have no doubt by July 15 the appropriation bills will be passed. I have ascertained it will be about impossible for the so-called trust bills to be reported and passed by the Senate for some months. It is perfectly useless to hold us here in session any longer. The country is anxious for us to adjourn at the present time and the Members of both Houses desire to return to their homes. We have been here for more than a year, and it is really in the interest of the people of the United States for us to adjourn on July 15. This country is in a situation like this: We are very prosperous, and have a great crop of wheat, with prospects of over a billion bushels, the largest in the history of the United States. We have passed the reserve-bank bill, which will be of great benefit to the country and help prosperity. The question is whether we shall return to our homes at the present time and give the people time to think over the trust bills, to consider how serious and important they are, and give the Senate time to consider them. They prefer to abide by the Sherman law than to have any further trust legislation.

Mr. GARNER. Mr. Speaker, a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. GARNER. Is a resolution of this kind debatable, a resolution to adjourn?

The SPEAKER. The Chair thinks it is. A simple resolution to adjourn is not debatable.

Mr. GARNER. But a resolution of this character is not debatable.

Mr. FITZGERALD. Oh, yes.

The SPEAKER. The Chair will find out.

Mr. DONOVAN. Mr. Speaker, would a motion for unanimous consent allow the gentleman from New York to proceed?

The SPEAKER. Why, of course, you can do anything by unanimous consent.

Mr. DONOVAN. I so move, Mr. Speaker.

Mr. CAMPBELL. This is not a resolution for simple adjournment, but a resolution to adjourn at a fixed time.

The SPEAKER. The Chair knows that; and the Chair was hunting it up. The Chair thinks it is debatable; but he would not want to establish any new ruling about it.

Mr. CAMPBELL. This is a resolution to fix a time for final adjournment of the Congress and——

The SPEAKER. Anyway the gentleman from Connecticut cuts a Gordian knot by asking unanimous consent that the gentleman from New York may have five minutes. Is there objection? [After a pause.] The Chair hears none.

Mr. LEVY. Mr. Speaker, I do not want to take up the time of the House, as I think the question is so plain. I objected to the trust bills because they were, in my opinion, illegal and unconstitutional, and so far they have in a great part been so decided by the Senate committee. It will take some time for the Senate to consider them. I want my colleagues here to understand my position. I have always been opposed to what were called trust combinations. The impression is prevalent here that I represent Wall Street interests. I desire to say that I represent no interest; I represent no one but my constituents and the people of the United States. I want prosperity for all our country. [Applause.] That is my sole hope and desire. I have no interest whatsoever beyond that. Every prediction I have made in this House has turned out to be a correct interpretation in the end.

Mr. ADAIR. Mr. Speaker, will the gentleman yield for a question?

Mr. LEVY. Yes.

Mr. ADAIR. I believe I understood the gentleman to say that the country now is prosperous?

Mr. LEVY. What does the gentleman say?

Mr. ADAIR. I understood the gentleman to say that the country is prosperous at the present time, and you want this prosperity to continue?

Mr. LEVY. Yes. The country is on the verge of great prosperity.

Mr. ADAIR. The gentleman does not want merely prosperity in New York City?

Mr. LEVY. I say we are on the verge of great prosperity in New York City and the whole country.

Mr. PAYNE. "Verge" is good. [Laughter on the Republican side.]

Mr. LEVY. And we should continue so. We have enormous crops, and the reserve banks, if put into practice, will give us great prosperity. The only trouble with us at the present time is that the people are uncertain about the consideration of these trust bills. They want no drastic propositions to interfere with business. We have the Sherman law now, and it has taken 20 years to interpret the same. It will take 10 years to decide the proposition as to what these trust bills provide, if they are carried through. Of course, it will take time. The Senate will have to take time to consider them. Give the people time to consider them. The whole trouble is that the people are uncertain about the legislation that we are passing here so hastily. That is the fact of it. I hope the House will agree with me. [Applause.]

The SPEAKER. The gentleman from Texas [Mr. GARNER] is right. The motion is not debatable.

Mr. UNDERWOOD. Mr. Speaker, I desire to move to lay this resolution on the table; but I ask unanimous consent that, as the gentleman has had five minutes, I may have five minutes.

The SPEAKER. The gentleman from Alabama [Mr. UNDERWOOD] asks unanimous consent to address the House for five minutes. Is there objection?

Mr. MANN. How about this side of the House?

The SPEAKER. The Chair will recognize some one on that side.

Mr. UNDERWOOD. Mr. Speaker, I move to lay the resolution on the table.

The SPEAKER. The gentleman from Alabama moves to lay the resolution on the table. The question is on agreeing to that motion.

The question was taken, and the Speaker announced that the ayes seemed to have it.

Mr. MANN. Mr. Speaker, I make the point of order that there is no quorum present.

ADJOURNMENT.

Mr. UNDERWOOD. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 12 o'clock and 42 minutes p. m.) the House adjourned, under the order previously made, until Monday, July 6, 1914, at 12 o'clock noon.

REPORTS OF COMMMITTEES ON PRIVATE BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII, private bills and resolutions were severally reported from committees, delivered to the Clerk, and referred to the Committee of the Whole House, as follows:

Mr. SHERWOOD, from the Committee on Invalid Pensions, to which was referred the bill (S. 4845) granting pensions and increase of pensions to certain soldiers and sailors of the Civil War and certain widows and dependent relatives of such soldiers and sailors, reported the same with amendment, accompanied by a report (No. 919), which said bill and report were referred to the Private Calendar.

He also, from the same committee, to which was referred the bill (S. 4261) granting pensions and increase of pensions to certain soldiers and sailors of the Civil War and certain widows and dependent relatives of such soldiers and sailors, reported the same with amendment, accompanied by a report (No. 920), which said bill and report were referred to the Private Calendar.

PUBLIC BILLS, RESOLUTIONS, AND MEMORIALS.

Under clause 3 of Rule XXII, bills, resolutions, and memorials were introduced and severally referred as follows:

By Mr. ROBERTS of Nevada: A bill (H. R. 17624) to authorize the Secretary of the Treasury to establish a summer White House at Reno, Nev.; to the Committee on Appropriations.

By Mr. CANTRILL: A bill (H. R. 17625) to amend the act establishing the eastern district of Kentucky; to the Committee on the Judiciary.

PRIVATE BILLS AND RESOLUTIONS.

Under clause 1 of Rule XXII, private bills and resolutions were introduced and severally referred as follows:

By Mr. CANTRILL: A bill (H. R. 17626) granting an increase of pension to Susan Lanckart; to the Committee on Pensions.

By Mr. LOBECK: A bill (H. R. 17627) granting an increase of pension to Malona J. Jones; to the Committee on Invalid Pensions.

By Mr. O'SHAUNESSY: A bill (H. R. 17628) granting an increase of pension to Ellen Gray; to the Committee on Invalid Pensions.

By Mr. QUIN: A bill (H. R. 17629) granting an increase of pension to Elizabeth N. Hubert; to the Committee on Pensions.

By Mr. TAGGART: A bill (H. R. 17630) granting a pension to Mary A. Haines; to the Committee on Invalid Pensions.

By Mr. THOMAS: A bill (H. R. 17631) granting a pension to William Eldmond; to the Committee on Pensions.

Also, a bill (H. R. 17632) granting a pension to Sallie F. Oates; to the Committee on Invalid Pensions.

PETITIONS, ETC.

Under clause 1 of Rule XXII, petitions and papers were laid on the Clerk's desk and referred as follows:

By the SPEAKER (by request): Petition signed by J. E. France and others, of the District of Columbia, urging the passage of the Hobson prohibition amendment; to the Committee on Rules.

Also (by request), resolution of the board of direction of the Western Society of Engineers, of Chicago, Ill., protesting against the passage of House bill 13457, to provide for a more equitable means of distribution of topographic and hydrographic surveys, etc.; to the Committee on Expenditures in the Interior Department.

Also (by request), resolution of the Select and Common Councils of Philadelphia, Pa., urging the provision of the retirement of employees in the classified civil service; to the Committee on Reform in the Civil Service.

By Mr. AIKEN: Petition of A. R. P. Church, of Newberry, S. C., favoring national prohibition; to the Committee on Rules.

By Mr. BAILEY (by request): Petitions of M. G. Popovich, of Johnstown, Pa., and M. J. Holland, of Altoona, Pa., protesting against national prohibition; to the Committee on Rules.

Also (by request), petition of the Christian Endeavor Society of the Lutheran Church of Johnstown, Pa., favoring national prohibition; to the Committee on Rules.

By Mr. BATHRICK: Petition of Mrs. Martha B. Roberts and Political Equality Club, of Farmdale, Ohio, favoring woman-suffrage resolution; to the Committee on the Judiciary.

Also, petition of sundry citizens of the nineteenth Ohio district, against national prohibition; to the Committee on Rules.

Also, petitions of sundry citizens and churches of Conneaut, Akron, East Homer, and of the nineteenth district, all in the State of Ohio, favoring national prohibition; to the Committee on Rules.

By Mr. BOOHER: Petitions of 36 citizens of the fourth Missouri district, favoring national prohibition; to the Committee on Rules.

Also, petition of 50 citizens of the fourth Missouri district, against national prohibition; to the Committee on Rules.

Also, petition of R. C. Annan and 20 others, of St. Joseph, Mo., favoring national prohibition; to the Committee on Rules.

By Mr. DALE: Petition of the Roessler & Hasslacher Chemical Co., New York, against national prohibition; to the Committee on Rules.

Also, petition of the board of directors of the Western Society of Engineers against House bill 13457, relative to distributing topographic surveys, etc.; to the Committee on Expenditures in the Interior Department.

By Mr. EAGAN: Petitions signed by 117 citizens of Hudson County, eleventh district of New Jersey, protesting against national prohibition; to the Committee on Rules.

By Mr. ESCH: Petition of the board of directors of the Western Society of Engineers against House bill 13457, relative to distribution of topographic surveys, etc.; to the Committee on Expenditures in the Interior Department.

By Mr. GILMORE: Petition of the Hatherly Methodist Episcopal Church, of Rockland, and the St. John's Methodist Episcopal Church, Dedham, Mass.; favoring national prohibition; to the Committee on Rules.

Also, petition of the board of aldermen of Medford, Mass., favoring Hamill civil-service retirement bill; to the Committee on Reform in the Civil Service.

Also, petition of the board of directors of the Western Society of Engineers, of Chicago, Ill., against House bill 13457, to provide for a more equitable means of distribution of topographic and hydrographic surveys, etc.; to the Committee on Expenditures in the Interior Department.

By Mr. KENNEDY of Rhode Island: Petition of two citizens of Pawtucket, R. I., against national prohibition; to the Committee on Rules.

By Mr. LEVY: Petition of the board of direction of the Western Society of Engineers, of Chicago, Ill., favoring House bill 13457, to provide for a more equitable means of distribution of topographic and hydrographic surveys, etc.; to the Committee on Expenditures in the Interior Department.

Also, petition of Edward Ermold & Co., of New York City, protesting against national prohibition; to the Committee on Rules.

By Mr. LOBECK: Petition of Mary B. Newton, Anna Peterson and others, Grace C. Richardson, Katherine Sumner, Mrs. E. M. Fairfield, and others, of Omaha, Nebr.; the Omaha Central Committee and Mrs. Oella Kirkpatrick, Mrs. Sophia Fleshman and others, of Nehawka, Nebr., favoring woman-suffrage legislation; to the Committee on the Judiciary.

Also, petitions of 52 citizens of Omaha, Nebr., protesting against the adoption of the prohibition amendment to the Constitution of the United States; to the Committee on Rules.

By Mr. LONERGAN: Petition of Mr. John Redding, of Hartford, Conn., opposing adoption of prohibition measures; to the Committee on Rules.

Also, petition of the Woman's Christian Temperance Union of New Haven County, New Haven, Conn., opposing the importation, manufacture, and sale of intoxicating liquors; to the Committee on Rules.

By Mr. NEELY of West Virginia: Petition of Rev. F. M. Gardner and 13 others, of Bridgeport, W. Va., for passage of House joint resolution 168, for national prohibition; to the Committee on Rules.

Also, petition of sundry citizens of West Virginia, protesting against national prohibition; to the Committee on Rules.

By Mr. O'SHAUNESSY: Petition of Henry Frasier, of Pawtucket, and James B. Osborne, of Cumberland, R. I., against national prohibition; to the Committee on Rules.

Also, petition of the Trinity Union Methodist Episcopal Church, of Providence; the First Methodist Episcopal Church of Newport; and 19 citizens of Providence, all in the State of Rhode Island, favoring national prohibition; to the Committee on Rules.

By Mr. PAYNE: Petitions of sundry citizens of the thirty-sixth congressional district of New York, favoring national prohibition; to the Committee on Rules.

Also, petitions of Agnes B. Lewis, W. I. Rourke, and others, of Geneva, N. Y., and Mabel Howland, Zobedia Allerman, and others, of Auburn, N. Y., favoring woman-suffrage legislation; to the Committee on the Judiciary.

By Mr. PLUMLEY: Petition of 440 citizens of Norwich, 45 citizens of Westfield, 228 citizens of Hartland, 100 citizens of Braintree, and 28 citizens of Windham County, all in the State of Vermont, favoring national prohibition; to the Committee on Rules.

By Mr. ROBERTS of Nevada: Petition signed by Philip Paroni, Dave Morris, and 24 other citizens of Eureka, Eureka County, Nev., protesting against the passage of House joint resolution 168 and Senate joint resolutions 88 and 50, for national prohibition; to the Committee on Rules.

By Mr. SMITH of Idaho: Papers to accompany H. R. 17608, granting relief to Charles H. Stansbury; to the Committee on Invalid Pensions.

By Mr. J. M. C. SMITH: Protest of the Trades and Labor Council, Kalamazoo, Mich., against national constitutional prohibition (Hobson-Sheppard bill); to the Committee on Rules.

By Mr. THOMAS: Petitions of sundry citizens of Pleasureville; of George W. McPherson, of Bowling Green; and of James Frogge and others, of Edmonton, all in the State of Kentucky, against national prohibition; to the Committee on Rules.

Also, petition of sundry citizens of Oakland, Ky., favoring national prohibition; to the Committee on Rules.

Also, petition of Mrs. N. D. Terry, Miss Selma McComas, and others, of Glasgow, Ky., favoring woman-suffrage legislation; to the Committee on the Judiciary.

By Mr. TUTTLE: Petition of sundry citizens of Port Morris, Westfield, Elizabeth, and Chatham, all in the State of New Jersey, favoring national prohibition; to the Committee on Rules.

Also, petition of the Christian Endeavor Society of the First Baptist Church of the borough of Rochelle; sundry citizens of Denville; the Summit Methodist Episcopal Church, of Rahway;

and the Christian Endeavor Society of the First Baptist Church of Roselle Park, all in the State of New Jersey, favoring national prohibition; to the Committee on Rules.

Also, petition of sundry citizens of the fifth congressional district of New Jersey, protesting against national prohibition; to the Committee on Rules.

By Mr. WALLIN: Petition from various residents of the thirtieth New York district, favoring national prohibition; to the Committee on Rules.

Also, petition of sundry citizens of Schenectady, N. Y., favoring national prohibition; to the Committee on Rules.

By Mr. WILLIS: Petition of Loverna Kenyon, of Delaware, Ohio, representing 35 members of the Christian Endeavor Society, in favor of House joint resolution 168, relative to national prohibition; to the Committee on Rules.

Also, petition of Anna Ream and Helen Crafts, representing the Christian Endeavor Society of the Presbyterian Church of Ada, Ohio, in favor of the adoption of House joint resolution 168, relating to national prohibition; to the Committee on Rules.

SENATE.

MONDAY, *July 6, 1914.*

The Senate met at 11 o'clock a. m.

Rev. J. L. Kibler, D. D., of the city of Washington, offered the following prayer:

Our heavenly Father, we look up to Thee for Thy blessing in meeting the tasks of this day. May we think Thy thoughts, acknowledge Thy ways, and be controlled by those lofty principles that emanate from Thy throne. Give us the consciousness of Thy favor in the consideration of Thy laws. Give us the inspiration of Thy grace in the call of every duty. May Thy kind providence mark out the way and give direction to all our plans, and may we enjoy the blessing of Thy continued favor. We ask it in Jesus' name. Amen.

The Journal of the proceedings of Friday last was read and approved.

PETITIONS AND MEMORIALS.

Mr. KERN presented petitions of sundry citizens and organizations of Winchester, Shipshewana, Mishawaka, Anoka, Delphi, Indianapolis, West Indianapolis, Anderson, Windfall, Jeffersonville, Red Key, Fort Wayne, Urbana, and Spiceland, all in the State of Indiana, praying for the adoption of an amendment to the Constitution to prohibit the manufacture, sale, and importation of intoxicating beverages, which were referred to the Committee on the Judiciary.

Mr. SHEPPARD presented petitions of sundry citizens of Texas, praying for the adoption of an amendment to the Constitution to prohibit the manufacture, sale, and importation of intoxicating beverages, which were referred to the Committee on the Judiciary.

He also presented memorials of sundry citizens of Texas, remonstrating against the adoption of an amendment to the Constitution to prohibit the manufacture, sale, and importation of intoxicating beverages, which were referred to the Committee on the Judiciary.

Mr. GALLINGER presented petitions of the Woman's Christian Temperance Union of Lancaster; of J. B. Hall and Roy N. Atwood, of Keene; of sundry citizens of Lancaster; of the congregations of the Methodist Church of Marlboro and of the Methodist Episcopal Church of Peterboro, all in the State of New Hampshire, praying for national prohibition, which were referred to the Committee on the Judiciary.

He also presented a memorial of sundry citizens of Manchester, N. H., remonstrating against national prohibition, which was referred to the Committee on the Judiciary.

He also presented a petition of the Board of Fire Underwriters of Nashua, N. H., favoring the prevention of fire insurance companies soliciting business by mail in territories where not legally admitted, which was referred to the Committee on Post Offices and Post Roads.

He also presented a petition of the Woman's Christian Temperance Union of Epping, N. H., praying for the enactment of legislation providing for Federal censorship of motion pictures, which was referred to the Committee on Education and Labor.

He also presented a petition of Local Branch, National Letter Carriers' Association, of Concord, N. H., praying for the enactment of legislation to provide pensions for civil-service employees, which was referred to the Committee on Civil Service and Retrenchment.

He also presented petitions of White Mountain Lodge, No. 301, Brotherhood of Railroad Trainmen, of Woodsville; of Local Branch, Granite Cutters' International Association of America, of Concord; and of Mount Monadnock Lodge, No. 513, Brotherhood of Locomotive Firemen and Enginemen, of Nashua, all in the State of New Hampshire, praying for the passage of the so-called Clayton antitrust bill, which were referred to the Committee on the Judiciary.

Mr. KENYON. I have a petition forwarded to me by the National Good Citizenship Movement, numerously signed by citizens of the State of Iowa, praying for the adoption of an amendment to the Federal Constitution to prohibit the manufacture, sale, and importation of intoxicating beverages. I ask that the petition may be received and referred to the Committee on the Judiciary.

The VICE PRESIDENT. The petition will be received and referred to the Committee on the Judiciary.

Mr. KENYON presented petitions of sundry citizens of Hawarden and Rinard, in the State of Iowa, praying for the adoption of an amendment to the Constitution to prohibit the manufacture, sale, and importation of intoxicating beverages, which were referred to the Committee on the Judiciary.

He also presented memorials of sundry citizens of Sioux City, Iowa, remonstrating against the adoption of an amendment to the Constitution to prohibit the manufacture, sale, and importation of intoxicating beverages, which were referred to the Committee on the Judiciary.

Mr. MARTINE of New Jersey presented telegrams in the nature of petitions from sundry citizens of Milford, Port Monmouth, and of the congregations of the Methodist Episcopal Church of Clinton and the Grace Methodist Church of Red Bank, all in the State of New Jersey, praying for national prohibition, which were referred to the Committee on the Judiciary.

Mr. STERLING presented a petition of sundry citizens of South Dakota, praying for the adoption of an amendment to the Constitution to prohibit the manufacture, sale, and importation of intoxicating beverages, which was referred to the Committee on the Judiciary.

He also presented a memorial of sundry citizens of South Dakota, remonstrating against the adoption of an amendment to the Constitution to prohibit the manufacture, sale, and importation of intoxicating beverages, which was referred to the Committee on the Judiciary.

Mr. PITTMAN presented memorials of sundry citizens of Washoe County, Nev., remonstrating againt national prohibition, which were referred to the Committee on the Judiciary.

Mr. OVERMAN presented petitions of sundry citizens of North Carolina, praying for national prohibition, which were referred to the Committee on the Judiciary.

Mr. STONE presented petitions of sundry citizens of Mexico, Columbia, Carthage, Joplin, St. Joseph, Fulton, Bowling Green, and Clayton, all in the State of Missouri, praying for the adoption of an amendment to the Constitution granting the right of suffrage to women, which were ordered to lie on the table.

Mr. BRANDEGEE presented a petition of the Tailors' Industrial Local Union, No. 95, of Stamford, Conn., praying for the enactment of the so-called antitrust legislation, which was referred to the Committee on the Judiciary.

He also presented petitions of the Woman's Christian Temperance Unions of New Haven, Georgetown, and Branchville; of the Goshen Young People's Society of Christian Endeavor, of Lebanon; and of sundry citizens of Black Hall, Rowayton, Waterbury, New London, and Bridgeport, all in the State of Connecticut, praying for national prohibition, which were referred to the Committee on the Judiciary.

Mr. POMERENE presented petitions of the Epworth League of Aberdeen, representing 50 members; of Federated Church Brotherhoods of Piqua, representing 1,000 members; of 113 citizens of East Liverpool; of Business Men's Bible Class of Third Avenue Methodist Episcopal Church, of Columbus, representing 230 members; of 58 citizens of Logan; of the Sunday school of North Liberty, representing 150 members; of 50 citizens of Degraff; of 25 citizens of Shelby; of a mass meeting at Youngstown, representing 12,000 dry voters of Mahoning County; of 6 citizens of Barnesville; of the Epworth Methodist Episcopal Church, of Toledo, representing 630 members; of the Sunday School of the Hildreth Baptist Church, of Columbus, representing 200 members; of 26 citizens of Bucyrus; of the Methodist Episcopal Sunday School of Lewisburg, representing 200 members; of the Baptist Sunday School of Mount Vernon, representing 285 members; of 20 citizens of Kenmore; of the Sunday School of the First Presbyterian Church of Bryan, representing 236 members; of the Christian Sunday School of Versailles and the Christian Church of Versailles, representing 350 and 381 members, respectively; of the Ministerial Association of Akron; of

the Methodist Episcopal Church of Lisbon, representing 527 members; of the First Methodist Congregation of Warren, representing 600 members; of the New Jasper, White Chapel, and the Mount Tabor Methodist Episcopal Churches, representing 475 members; of the Fairview Friends Church and the Vienna Friends Church, representing 48 and 36 members; respectively; of the Lordstown Local, Woman's Christian Temperance Union, representing 80 members; of the First Presbyterian Church of Lisbon, representing 510 members; of the First Congregational Church of Toledo; of the Summit County Christian Endeavor, with headquarters in Akron, representing 1,200 members; of 21 citizens of Ada; of the Woman's Christian Temperance Union, Pataskala; of 17 citizens of Amherst; of the Methodist Church of Amherst, representing 175 members; of 22 citizens of East Palestine; of the Methodist Church of Lytle, representing 50 members; of the West Park Avenue Methodist Church, of Columbus, representing 1,400 members; of 25 citizens of Aberdeen; of 25 citizens of Cincinnati; of 28 citizens of Tedrow and Wauseon; of 20 citizens of Warren; of 40 citizens of New Concord; of the Woman's Christian Temperance Union of Columbus Grove, representing 500 women; of the Young People's Branch and the Loyal Temperance Legion, representing 160 members, of Columbus Grove; of the Methodist Episcopal Church of Junction City, representing 388 members and a constituency of 1,500; of 14 citizens of Lagrange; of 13 citizens of Cartsville; of the United Brethren Circuit of Junction City, representing 450 members; of the Christian Endeavor Society of Mount Gilead, representing 32 members; of the United Brethren Young People's Society of Christian Endeavor of Old Fort, representing 70 members; of 65 citizens of Westerville; of the Christian Endeavor Society of the Westminster Church of Steubenville, representing 36 members; of the Young People's Alliance of the Wayne Avenue Evangelical Church, of Dayton, representing 40 voters; of the Presbyterian Christian Endeavor Society of Ada, representing 50 members; of the Christian Endeavor Society of Ashland, representing 54 members; of the Presbyterian Christian Endeavor Society of Sandusky, representing 45 members; of the Christian Endeavor Society of St. Bernard, representing 38 members; of 11 citizens of Sylvania; of a mass meeting of the churches of Lagrange; of 19 citizens of Dayton; of the Bible School and congregation of the Christian Church of Hicksville; of the Central Christian Church, of Toledo; of the Clark Street Methodist Episcopal Church, of Toledo; of the Reformed Christian Endeavor Society of Akron, representing 35 members; of the United Presbyterian Christian Union of Wellsville, representing 51 members; of the United Brethren Christian Endeavor Society of Bucyrus, representing 75 members; of the Sunday School of the Reformed Church of Germano, representing 110 members; of the Christian Endeavor Society of Germano, representing 44 members; of the Reformed Church of Germano, representing 129 members; of a mass meeting of citizens at Chilo; of the Cooperative Temperance Association of Germano, representing the combined membership of its four churches; of the Methodist Episcopal Church of Arcanum; of the Congregational Christian Endeavor Society of Sandusky, representing 25 members; of the Christian Endeavor Society of New Waterford, representing 25 members; of a mass meeting of citizens of East Cleveland, held in the Windemere Methodist Episcopal Church; of the Methodist Episcopal Church of Cleves, representing 220 members; of a mass meeting held in the Methodist Episcopal Church of Cambridge (600 present); of 14 citizens of Uhrichsville; of the Christian Endeavor Society of Powhatan Point, representing 50 members; of the United Brethren Christian Endeavor Society of Middlebranch, representing 23 members; of the Christian Endeavor Society of Sulphur Springs, representing 28 members; of a mass meeting of citizens held in the St. Paul Methodist Episcopal Church, of Springfield; and of the official board of the Methodist Episcopal Church of Berea, all in the State of Ohio, praying for national prohibition; which were referred to the Committee on the Judiciary.

Mr. BRISTOW presented petitions of sundry citizens of McPherson, White City, Lawrence, Independence, Le Roy, Wichita, Canton, McLouth, Blue Mound, Coffeyville, Navarre, Neal, Hoyt, Salina, Belleville, Whitman Community of Sumner County, Mound Valley, Luray, Topeka, Hutchinson, Minneapolis, Pleasant Hill, Harris, Nickerson, Atlanta, St. John, Douglass, Morrowville, Colony, Axtell, Mankato, Clare, West Mineral, Garden City, Udall, Oakley, Abilene, Narka, and Winfield, all in the State of Kansas, praying for the adoption of an amendment to the Constitution to prohibit the manufacture, sale, and importation of intoxicating beverages, which were referred to the Committee on the Judiciary.

Mr. PERKINS presented petitions of sundry citizens of Alhambra, Riverside, El Centro, and Stockton, all in the State of California, praying for the adoption of an amendment to the Constitution to prohibit the manufacture, sale, and importation of intoxicating beverages, which were referred to the Committee on the Judiciary.

Mr. CRAWFORD presented petitions of sundry citizens of Spencer, Seneca, Howard, Cresbard, Woonsocket, Lake Preston, Canton, Garden City, Onida, Artesian, and Yankton, all in the State of South Dakota, praying for the adoption of an amendment to the Constitution to prohibit the manufacture, sale, and importation of intoxicating beverages, which were referred to the Committee on the Judiciary.

He also presented memorials of sundry citizens of Watertown and Lemmon, in the State of South Dakota, remonstrating against the adoption of an amendment to the Constitution to prohibit the manufacture, sale, and importation of intoxicating beverages, which were referred to the Committee on the Judiciary.

He also presented a telegram in the nature of a petition from the State chairman of the Order of Railway Conductors of South Dakota and a petition from the recording secretary of Prairie Pioneer Lodge, No. 408, International Association of Machinists, of Huron, S. Dak., praying for the enactment of the so-called antitrust legislation, which were referred to the Committee on the Judiciary.

Mr. OLIVER presented petitions of sundry citizens of Pennsylvania, praying for the adoption of an amendment to the Constitution to prohibit the manufacture, sale, and importation of intoxicating beverages, which were referred to the Committee on the Judiciary.

He also presented memorials of sundry citizens of Pennsylvania, remonstrating against the adoption of an amendment to the Constitution to prohibit the manufacture, sale, and importation of intoxicating beverages, which were referred to the Committee on the Judiciary.

Mr. OVERMAN presented resolutions adopted by the North Carolina Cotton Seed Crushers' Association, in convention at Ocean View, Va., favoring the enactment of legislation providing for the proper regulation of the tax on oleomargarine, which were referred to the Committee on Finance.

Mr. McLEAN presented memorials of sundry citizens of Meriden, Bridgeport, Hartford, West Hartford, Collinsville, New Haven, and Winsted; of Local Union No. 40, International Union of the United Brewery Workmen, of Bridgeport; and of the Central Labor Union of Bridgeport, all in the State of Connecticut, remonstrating against national prohibition, which were referred to the Committee on the Judiciary.

He also presented a petition of Local Union No. 101, International Hod Carriers, of Stamford, Conn., praying for the enactment of the so-called Clayton antitrust bill, which was referred to the Committee on the Judiciary.

He also presented petitions of the congregations of the Trinity Methodist Episcopal Church, of Bridgeport; of the First Congregational Church of South Norwalk; Trinity Methodist Episcopal Church, of Meriden; of the Methodist Church of Bethel; of the Methodist Church of Ansonia; of the Methodist Churches of Tolland and Crystal Lake; of the Methodist Church of Milford; and of the North Methodist Episcopal Church, of Hartford; of sundry citizens of Bridgeport, Seymour, Farmington, and Mansfield; of the Woman's Christian Temperance Union of Georgetown and Branchville; and of the Egbert Club, of Norwalk, all in the State of Connecticut, praying for national prohibition, which were referred to the Committee on the Judiciary.

He also presented a petition of the Board of Trade of Thompsonville, Conn., praying for the enactment of legislation to regulate the construction of dams across navigable waters, which was referred to the Committee on Commerce.

He also presented a petition of Charles L. Burdett Camp, No. 4, United Spanish War Veterans, of Hartford, Conn., praying for the enactment of legislation granting pensions to widows and orphans of Spanish War veterans, which was referred to the Committee on Pensions.

He also presented a petition of sundry citizens of Danbury, Conn., praying for the Government operation of the mines in Colorado, which was referred to the Committee on Education and Labor.

He also presented a memorial of Local Branch No. 86, National Association of Letter Carriers, of Hartford, Conn., remonstrating against the repeal of the law granting compensatory time to postal employees on one of the six days following the Sunday on which they perform service, which was referred to the Committee on Post Offices and Post Roads.

He also presented a petition of 5,000 members of the Federation of Women's Clubs of Norwalk, Conn., praying for the enactment of the so-called Foster radium bill, which was referred to the Committee on Mines and Mining.

Mr. WORKS presented telegrams in the nature of petitions from sundry citizens of Moorpark, Riverside, and Pasadena, all in the State of California, praying for national prohibition, which were referred to the Committee on the Judiciary.

Mr. WARREN presented petitions of sundry citizens of Gillette, Wyo., praying for national prohibition, which were referred to the Committee on the Judiciary.

He also presented memorials of 111 citizens of the State of Wyoming, remonstrating against national prohibition, which were referred to the Committee on the Judiciary.

Mr. SHIVELY presented petitions of Local Union No. 122, Ice Wagon Drivers and Helpers, of Fort Wayne, and of Henry Meyer, David West, August Cline, and 24 other citizens of Allen, Vanderburg, Floyd, and Madison Counties, all in the State of Indiana, remonstrating against national prohibition, which were referred to the Committee on the Judiciary.

He also presented petitions of the congregations of the Baptist, Presbyterian, Grace Methodist Episcopal, and Christian Churches of Franklin; of the Blaine Avenue Methodist Episcopal Church, of Indianapolis; of the First Presbyterian Church of Mishawaka; of the Epworth League of the Wall Street Methodist Episcopal Church, of Jeffersonville; of the Methodist Episcopal Church of Middlebury; of sundry citizens of Anoka, Winamac, West Indianapolis, Prairie Grove, Crawfordsville, and Winchester; of sundry Woman's Christian Temperance Unions of Fort Wayne; of S. John Harris, Clarence Harris, Sherman Morris, and 47 other citizens of Summitville; of Henry Vogel, Lewis Wright, W. F. Vogel, and 28 other citizens of Terre Haute; and of Mrs. William Yard, Mrs. B. E. Wright, Mrs. Ira D. Bolt, and 6 other citizens of Peru, all in the State of Indiana, praying for national prohibition, which were referred to the Committee on the Judiciary.

He also presented petitions of Local Lodge No. 16, Brotherhood of Locomotive Firemen and Enginemen, of Vigo; of Huntington Division, No. 221, Brotherhood of Locomotive Engineers, of Huntington; of Barker Division, No. 213, Order of Railway Conductors, of Michigan City; of Seymour Division, No. 301, Order of Railway Conductors, of Seymour; of Local Branch No. 8, Indiana Bottle Blowers' Association, of Dunkirk; of Local Division No. 121, Brotherhood of Locomotive Engineers, of Indianapolis; and of Harbor City Lodge, No. 300, Brotherhood of Locomotive Firemen and Enginemen, of Michigan City, all in the State of Indiana, praying for the enactment of the so-called Clayton antitrust bill, which were referred to the Committee on the Judiciary.

Mr. TOWNSEND presented petitions of sundry citizens of Michigan, praying for national prohibition, which were referred to the Committee on the Judiciary.

He also presented memorials of sundry citizens of Michigan, remonstrating against national prohibition, which were referred to the Committee on the Judiciary.

He also presented a petition of the Tailors' Industrial Union of Ann Arbor, Mich., praying for the passage of the so-called Clayton antitrust bill, which was referred to the Committee on the Judiciary.

Mr. WILLIAMS presented a petition of sundry citizens of Vicksburg, Miss., praying for the adoption of an amendment to the Constitution to prohibit the manufacture, sale, and exportation for sale of intoxicating liquors, which was referred to the Committee on the Judiciary.

SUNDRY CIVIL APPROPRIATIONS.

Mr. MARTIN of Virginia. From the Committee on Appropriations I report back favorably with amendments the bill (H. R. 17041) making appropriations for the sundry civil expenses of the Government for the fiscal year ending June 30, 1915, and for other purposes, and I submit a report (No. 644) thereon.

I will say, Mr. President, that on the 15th of this month, unless this bill is passed before that time, the Government will be embarrassed for the want of the money carried in it. The current appropriations have been extended until the 15th instant only. In view of that situation, I give notice that tomorrow morning, immediately after the conclusion of the routine morning business, I shall ask the Senate to take up and consider the bill.

The VICE PRESIDENT. The bill will be placed on the calendar.

BILLS INTRODUCED.

Bills were introduced, read the first time, and, by unanimous consent, the second time, and referred as follows:

By Mr. McLEAN:

A bill (S. 6032) for the relief of the heir or heirs of John Howard Payne; to the Committee on Claims.

A bill (S. 6033) granting an increase of pension to Samuel Morris (with accompanying papers);

A bill (S. 6034) granting an increase of pension to Sarah H. Pidge (with accompanying papers); and

A bill (S. 6035) granting an increase of pension to Mary L. De Mars (with accompanying papers); to the Committee on Pensions.

By Mr. CATRON:

A bill (S. 6036) granting an increase of pension to Juan B. Gutierrez; to the Committee on Pensions.

By Mr. JAMES:

A bill (S. 6037) granting an increase of pension to Osco L. Robinson (with accompanying papers); and

A bill (S. 6038) granting an increase of pension to Martha J. Bretney (with accompanying papers); to the Committee on Pensions.

By Mr. MARTINE of New Jersey:

A bill (S. 6039) for the coinage of certain gold and silver coins in commemoration of the Panama-Pacific International Exposition, and for other purposes; to the Committee on Industrial Expositions.

By Mr. NEWLANDS:

A bill (S. 6040) granting a pension to Lelia F. Devine (with accompanying papers); to the Committee on Pensions.

FEDERAL TRADE COMMISSION.

Mr. SHIELDS. I submit an amendment intended to be proposed by me to the pending interstate trade commission bill, which I ask may lie on the table and be printed in the RECORD.

There being no objection, the amendment was ordered to lie on the table and be printed in the RECORD, as follows:

Amendment intended to be proposed by Mr. SHIELDS to the bill (H. R. 15613) to create an interstate trade commission, to define its powers and duties, and for other purposes, viz: On page 20 strike out all of section 5 and insert in lieu thereof the following:

"SEC. 5. That whenever complaint shall be made to the commission, by petition duly verified, that any corporation has violated or is violating any of the provisions of the antitrust acts, it shall issue to such corporation a notice, accompanied with a copy of the petition, fixing therein the time for the hearing of the complaint, which shall be served upon the defendant 30 days before such hearing, within which time it may make its defense by answer. If upon the hearing the commission shall find that the corporation has violated or is violating the antitrust acts as alleged in the petition, it shall make an order prohibiting the continuance of such unlawful acts, agreements, or practices, which orders may be enforced at the suit of the United States, to be brought by the district attorney of the district by direction of the Attorney General, or by any person or persons prejudiced and parties to the complaint.

"The district court of the United States where the said corporation has its domicile, chief office, or may be found, or where the unlawful act was committed, is vested with jurisdiction to enforce all such orders made by the commission where the corporation fails, neglects, or refuses to comply with the same, provided the court, after a hearing upon the merits, shall be of the opinion that the order was properly made. The petition for this purpose shall concisely state the contract, agreement, acts, or practices constituting the alleged violation of the antitrust acts, the order of the commission made in the premises, and the failure or refusal of the corporation to comply with or perform the same, and contain a prayer for process and appropriate relief. The proceedings shall conform to those in equity cases, and the court may enforce its decrees in the premises by injunction, as provided in such cases.

"The evidence introduced before the commission, subject to exceptions for competency, may be used as if originally taken and filed in the district court, a transcript of the same being sufficient for this purpose; and a duly certified copy of the order of the commission, filed with the petition, shall be prima facie evidence of the alleged violation of the antitrust acts.

"When any person files a petition he shall give security for costs of the proceeding, and if successful will recover all costs of the defendant, including a reasonable attorney's fee, for services in the proceeding in the district court."

AMENDMENT TO ANTITRUST LAW.

Mr. SHIELDS. I submit an amendment intended to be proposed by me to the bill (H. R. 15657) to supplement existing laws against unlawful restraints and monopolies, and for other purposes, which I ask may be printed in the RECORD and referred to the Committee on the Judiciary.

There being no objection, the amendment was referred to the Committee on the Judiciary and ordered to be printed in the RECORD, as follows:

On page 2, line 22, insert as section 2, changing the numbers of the other sections so as to conform, the following:

"That all contracts, agreements, arrangements, acts, and practices which tend, separately or with one or more other transactions for like purposes, to lessen competition in commerce, or restrain or monopolize commerce, or which may form a material part of a conspiracy or com-

bination to restrain or monopolize commerce contrary to the provisions of the antitrust acts, and made or carried on with that intent, are hereby declared unlawful and are prohibited."

PRESIDENTIAL APPROVAL.

A message from the President of the United States, by Mr. Latta, executive clerk, announced that the President had, on July 6, 1914, approved and signed the following act:

S. 751. An act to repeal section 3480 of the Revised Statutes of the United States.

CALLING OF THE ROLL.

The VICE PRESIDENT. Morning business is closed.

Mr. GALLINGER. Mr. President, I suggest the absence of a quorum.

The VICE PRESIDENT. The Secretary will call the roll.

The Secretary called the roll, and the following Senators answered to their names:

Borah	Goff	Page	Sutherland
Brady	Hughes	Perkins	Swanson
Burton	Jones	Pittman	Thomas
Camden	Kenyon	Sheppard	Thornton
Catron	Kern	Shields	Townsend
Chilton	Lane	Shively	Vardaman
Culberson	Lewis	Smith, Ariz.	Walsh
Cummins	McCumber	Smith, Ga.	White
Dillingham	Martine, N. J.	Smoot	Williams
Fletcher	Norris	Sterling	Works
Gallinger	Overman	Stone	

Mr. MARTINE of New Jersey. I was requested to announce the absence of the Senator from Oregon [Mr. CHAMBERLAIN] on official business. He is paired with the Senator from Pennsylvania [Mr. OLIVER].

The VICE PRESIDENT. Forty-three Senators have answered to the roll call. There is not a quorum present. The Secretary will call the names of the absentees.

The Secretary called the names of the absent Senators, and Mr. BRANDEGEE, Mr. JAMES, Mr. RANSDELL, and Mr. WEST answered to their names when called.

Mr. MCLEAN, Mr. POMERENE, Mr. HOLLIS, Mr. MARTIN of Virginia, Mr. REED, Mr. HITCHCOCK, Mr. SHAFROTH, and Mr. LEE of Maryland entered the Chamber and answered to their names.

Mr. KERN. I desire to announce the unavoidable absence of the senior Senator from South Carolina [Mr. TILLMAN] and the junior Senator from South Carolina [Mr. SMITH]. This announcement will stand for the day.

The VICE PRESIDENT. Fifty-five Senators have answered to the roll call. There is a quorum present.

NICARAGUAN AND COLOMBIAN TREATIES.

Mr. BORAH. Mr. President, out of order I wish to introduce a resolution.

The VICE PRESIDENT. The Secretary will read the resolution.

The resolution (S. Res. 411) was read, as follows:

Resolved, That the seal of secrecy is hereby removed from all of the hearings heretofore had which have been printed, except such testimony as may have been received under a pledge of confidence, and that hereafter all hearings be given to the public as soon as the same are corrected by the parties and printed, touching the proposed treaties with Nicaragua and Colombia, and that the consideration of both the treaties with Nicaragua and Colombia be in the open session of the Senate.

Mr. BORAH. Mr. President, I wish to say just a word in explanation of the resolution. So far as the Colombian treaty is concerned, it has been public for several weeks. It was first printed in the European papers and was recopied from European papers into American papers, and the matter has been in the possession of the public, even as to the details of the treaty, for some time.

Not only that, Mr. President, but it is being discussed by the public press, and all the details of the transaction which gave rise to the treaty are being brought forward. I can see no reason why that matter should not be considered in public upon the part of the Senate. Indeed, it is in the possession of the public, except such matters as may be deemed to be private by reason of the fact that the transactions are being had in the Committee on Foreign Relations. The nature of the discussion which is going on before the public necessarily demands, it seems to me, that the entire proceedings be in the open. The questions which are related to this treaty are such as the public are interested in. They are quite different in a large measure from questions which ordinarily accompany treaties, and the situation and the relationship of the matter are different from those which usually appertain to treaties.

The idea of having treaties considered in executive session is for the purpose of enabling you to transact that business with a foreign Government without exposing the details of the treaty upon the part of the foreign Government until the final arrangement is made; but all the details are now at hand, and the different views are being expressed by different parties, and every conceivable phase of the controversy is before the public. Why should the evidence be kept from our colleagues not members of the committee and the public?

So far as the Nicaraguan treaty is concerned, Mr. President, I feel that that is essentially a matter of public concern. It is essentially a matter of legislation and may determine a national policy.

Mr. NORRIS. Mr. President——

Mr. BORAH. I yield.

Mr. NORRIS. That is the treaty which the Committee on Foreign Relations have been holding hearings on?

Mr. BORAH. Yes.

Mr. NORRIS. I understand they are printed privately for the use of the committee?

Mr. BORAH. That is correct.

Mr. NORRIS. And Members of the Senate generally are not allowed to receive copies?

Mr. BORAH. That is correct.

Mr. NORRIS. I should like to ask the Senator what action, if any, the committee has taken upon the resolution that I introduced a few days ago to the effect that copies of the evidence which has been taken and which shall be taken on that treaty shall be sent to all Members of the Senate as well as to the members of the Foreign Relations Committee?

Mr. BORAH. I do not think that any action has been taken. I am in sympathy with the suggestion of the Senator, only I would go further; I would make the matter completely open to the public.

Mr. NORRIS. I would be very glad to go further and to express myself in that way. I can see no reason why at least Members of the Senate should not have the evidence that is being taken for the purpose of enlightening Members who will have eventually to vote one way or the other on the treaty.

Mr. BORAH. Mr. President, I do not desire to discuss in public, until this matter is passed upon, anything which it is not proper to discuss here; but I think, in view of the discussion which is going on in the public press and the facts which are now in possession of the public, I can properly say that the Nicaraguan treaty is essentially a subject for public discussion. It is fundamental in its effects; it establishes a precedent which ought not to be established until the public is fully informed with reference to all the details which led up to the transaction. Those who are in favor of the Colombian treaty ought, of all people, to be in favor of a public discussion of the Nicaraguan treaty, because, as I view it, we are doing that in Nicaragua which will lay the basis for the precise kind of a claim which Colombia is now making against this Government for what it is urged and claimed by some that we did in Panama.

I do not believe, Mr. President, that we are dealing with Nicaragua at all; we are not dealing with the Nicaraguan people, nor with the public officers whom the Nicaraguan people have set up or elected; we are dealing with ourselves; we are dealing with the puppets which we put in power; we are making a treaty with those who do not represent the Nicaraguan people at all. Therefore, Mr. President, before we venture upon any such transaction we ought to discuss it, and to discuss it before those who will be finally affected by the transactions—that is, the American people as a whole.

Mr. President, I do not say anything about this investigation—I do not care to stand in the way of that—as to how things have crept out before we have authorized them to be given out, but I sincerely hope that this resolution will be either passed to-day or immediately considered by the committee and reported for passage. In view of the situation in which the public is now placed the Committee on Foreign Relations should not have anything in a confidential way concerning this transaction.

Mr. WILLIAMS. Mr. President, as I understand, this resolution is to print all the hearings which have been had before the Committee on Foreign Relations in connection with the Nicaraguan treaty. That committee invited, and there appeared before it, the minister of that country and the financial agent of that country. Each of them was assured that he could speak with utter frankness, because he was speaking to us in executive session. I can not imagine a worse piece of bad faith than after that to publish what these gentlemen in thorough frankness and freedom, being thereto invited, said before that committee.

But, Mr. President, I rose for a different purpose. Upon the last meeting of the Senate I reported from the Committee to Audit and Control the Contingent Expenses of the Senate by its direction a resolution which had been introduced by the Senator from Missouri [Mr. STONE]. Upon request of the Senator from Nebraska [Mr. NORRIS] I withheld the report

then, and also the request for its immediate consideration until to-day, because the Senator from Nebraska thought that the Senator from Idaho [Mr. BORAH] desired to be present when the report was made. I now make the report and ask unanimous consent for the consideration of the resolution.

The VICE PRESIDENT. What will become of the pending resolution?

Mr. BORAH. Mr. President, just a moment before the other matter is presented by the Senator from Mississippi.

Of course, if anyone has appeared before the Foreign Relations Committee who has received the pledge of the committee that whatever he said there would be kept secret, that might necessitate a change of this resolution of mine. I was not aware of any personal pledge having been made to anyone who appeared before the committee. I would not, of course, be in favor of breaking that pledge made upon the part of the committee, without more consideration, at least, than I have given to it. Therefore it might be as to some of these things which have been said that we ought not to divulge them because of that promise, but I invite the Senator's attention to the fact that some one else is interested in this transaction besides the finance minister from Nicaragua. If they have said anything that they would not want in print, I would be willing for that to be kept secret; but I am not willing for them to again come before the committee, or for anybody else to come before that committee, upon these two particular treaties, which are being discussed in public and by the public from every conceivable standpoint, without their understanding that the public is going to have all that comes before the committee.

Mr. WILLIAMS. Mr. President, in reply to the Senator from Idaho I will say that during the entire history of this Republic it has been considered of the very highest importance to get at the very truth of matters when treaties are up for consideration, and that it has been thought always that we were very much more apt to get at the very truth if men could speak with entire freedom and with entire secrecy until such time as, in the interest of the public generally and of both countries, that seal might be removed.

We have had before us not only a minister of one of these countries and the other officer of whom I have spoken, but one of them began by saying that, understanding that he was speaking in absolute freedom and secrecy, he wanted to be interrogated, and he would answer with absolute frankness every question put to him. There was not anybody really that appeared before the committee who did not appear with the understanding that he could speak as in executive session.

Nothing, I think, emphasizes the truth of what I have just said more than the difference between the character of debate carried on in this body in open session and the character of debate carried on in the same body in executive session of the Senate. Men speak much more frankly, very much more fully, and go very much more to the real heart of things in executive session. Of course, where business is of a purely public character, concerning the United States alone, the people of the United States have the right to hear what it is; but where it concerns other parties who have their rights as well as we ours, and where it might possibly interfere with the further conduct of negotiations by the State Department with those other parties, it seems to me it is wiser to adhere to the practice of the forefathers and to consider business of that sort in secrecy until the result has been arrived at which is proposed to be sent to the Senate and the Senate has acted upon that result so reported.

I do not care to discuss the matter, and I did not rise for that purpose; but the Senator having made his remarks and this resolution having been withheld until he could return, I thought I would take advantage of the moment while he was in the Chamber to present it.

Mr. STONE and Mr. NORRIS addressed the Chair.

The VICE PRESIDENT. Does the Senator from Idaho yield to the Senator from Missouri?

Mr. BORAH. I yield to the Senator from Missouri.

Mr. STONE. I did not know that the Senator from Idaho had the floor.

Mr. BORAH. Yes; I have the floor.

Mr. STONE. I will wait until the Senator has concluded, though I have been endeavoring to obtain the floor for some time.

Mr. NORRIS. Will the Senator from Idaho yield to me?

Mr. BORAH. I yield.

Mr. NORRIS. I should like, with the permission of the Senator from Idaho, to ask the Senator from Mississippi a question. Is it the intention of the committee to permit this testimony to be read by Members of the Senate?

Mr. WILLIAMS. I should say, in answer to the Senator—I can not speak, of course, of the intention of the committee, for I have no way of arriving at that—but if the Senator wants to know what my opinion of practical results will be, I should say that, if there were a favorable report from the committee upon the treaty and the treaty in that way came before the Senate, Senators in executive session would be, of course, furnished with the information which the committee had.

Mr. NORRIS. I suppose the taking of the testimony is for the purpose of enlightening the Members of the Senate as well as the members of the Foreign Relations Committee?

Mr. WILLIAMS. Of course——

Mr. NORRIS. Suppose the committee should report adversely; and that the Senate desired to approve the treaty, how would Senators not members of the committee be able to get information unless they were permitted to read the evidence that was taken before the committee?

Mr. WILLIAMS. I am giving the Senator merely my idea. When the matter comes before the Senate, then each individual Senator will be entitled to all the information there is; but until it is reported it is not before the Senate. It is always, I suppose, in order to move that a committee be discharged from the further consideration of a certain subject matter, and that it be reported to the Senate. If it be a treaty, then it is reported to the Senate in executive session. I have no reason to believe that the usual motion to discharge a committee from the consideration of a matter and report it to the Senate at a certain time or on a day certain does not apply to treaties as well as to other business before standing committees of the Senate. So that the answer to the second part of the Senator's query would be that, if we reported the treaty to the Senate adversely and the Senate wanted it reported favorably, a motion might be made discharging us and instructing us to bring the matter into the Senate.

Mr. BORAH. Mr. President, the Senator from Mississippi would not have any objection to the Colombian treaty being considered in open session, would he?

Mr. WILLIAMS. I have objections to all treaties being considered in open session. I do not think it is the right way to consider treaties, just as I do not think it is the right way to consider appointments. The Senator and I both know that in considering appointments, for example, we state what we absolutely believe, and we state things that we have heard, but which we do not know. We can meet together and go to the very heart of the matter. Discussions occur in executive session concerning the private character of appointees, and all that sort of thing, that no man would want to give to the public, if he could help it. So it is with regard to treaties. There frequently is in connection with a treaty reasons that are diplomatic in their character that ought to be confided to the State Department, to the President, and to the Senate of the United States in executive session alone. I may be old-fashioned, and that may be somewhat out of date, but that is, at any rate, my notion. I am not arguing it; I am merely stating my idea.

Mr. BORAH. Mr. President, I agree with the Senator from Mississippi that ordinarily that is true; but both of these treaties and the discussion of the facts in regard to them have been lifted out of the confidence of the committee; they are now in the possession of the public, and they are being discussed in the public press. All kinds of charges with reference to misconduct upon the part of public officers, Presidents and ex-Presidents, Secretaries of State, and everybody else are being made. There is only one way to answer charges of that kind, and that is by pitiless publicity of the facts and by discussion in the open upon the part of all parties concerned. It is better for the people of Colombia, better for the people of Nicaragua, and infinitely better for our people that these treaties be discussed in the open, in view of the charges which have been made.

Mr. WILLIAMS. Mr. President, it is always competent for any Senator to ask that the State Department forward to the Senate certain papers or all the papers concerning a certain transaction; and it is competent always in executive session to move that the seal of secrecy be removed from certain papers; but the question would be determined in executive session of the Senate as to whether the seal of secrecy should or should not be removed. Senators in talking to one another in executive session can talk much more freely as to the pros and contras of the motion. I ask the Senator now, however, to let us have unanimous consent to read the resolution reported by me and consider it now. I refer to the resolution which I withheld on Friday last because of the Senator's temporary absence at that time.

Mr. STONE. Mr. President, as I understand, there is a resolution pending that will have to be disposed of in some way, and

I should like a few moments in which to express some views respecting that resolution, if I can have the favor of the floor.

Mr. BORAH. Mr. President, I desire to perfect the resolution which I offered, in view of the suggestion of the Senator from Mississippi, by adding, after the word "printed," in line 2, the words "except such testimony as may have been received under a pledge of confidence." Now, Mr. President, I yield the floor to the Senator from Missouri.

Mr. STONE. Mr. President, I will speak first, briefly, to the inquiry made by the Senator from Nebraska [Mr. NORRIS]. The Senator from Nebraska desired to know what action the Committee on Foreign Relations has taken or is likely to take on the resolution he submitted some days ago calling upon that committee to supply all Members of the Senate with printed copies of the hearings being had with respect to the so-called Nicaraguan treaty. The committee has taken no action on the resolution. What action it may take when we shall have the good fortune to secure a quorum of the committee I am not prepared to say. Personally I do not think there is any good reason for having these hearings supplied at this time to all Senators both on and off the committee.

In fact, there is no treaty with Nicaragua pending before the Committee on Foreign Relations. The Secretary of State, on behalf of the President, is carrying on some negotiations with the Government of Nicaragua with a view to making a treaty between the two countries, but no such treaty has yet been consummated. The Secretary of State has outlined to the Committee on Foreign Relations the general plan of a treaty tentatively agreed upon between the representatives of the two Governments and has asked a conference with the Committee on Foreign Relations. In advance of concluding any treaty he desires the judgment of the membership of the Senate as to the wisdom or propriety of incorporating certain tentative provisions in the proposed convention. So what is being done by the Committee on Foreign Relations with respect to the so-called Nicaraguan treaty is merely to hold a conference with the Secretary of State. In connection with that, some members of the committee have asked that certain gentlemen, more or less familiar with Nicaraguan affairs, should be heard by the committee before it shall express in confidence its opinion to the Secretary of State.

Mr. President, even if the treaty were completed and were pending before the Committee on Foreign Relations, and hearings were being had on a completed treaty pending before the committee, I can see no more reason for having those hearings printed for general distribution among the Members of the Senate than there would be for a member of that committee to come out of an executive session and detail to his fellow Senators, not members of the committee, what was said before the committee orally, and not taken down. To do that would be such a radical departure from the uniform course of procedure in executive sessions of committees as to amount to a complete revolution. It may be that it would be a wise and timely revolution to make it the rule to bring matters that are heard before committees in executive sessions out into the open Senate; but if you do that you will put an end to executive sessions. If we do that the doors of the committee rooms should be opened wide to whomsoever might desire to enter and hear what is said and see what is done. I should oppose a course of that kind with respect to committees generally. I think it would be the height of unwisdom. I think it is of the highest importance that there should be executive sessions of committees, and that the proceedings had in executive sessions should be kept and guarded by the membership with scrupulous fidelity. I think any Senator who goes out of an executive session and details or exploits what occurred in secret session scarcely deserves the honor of membership on any committee. Especially is that true when we deal with foreign affairs. Our foreign relations involve the most delicate things with which the Nation has to deal, and I think it would be destructive if we abolished the policy of private and confidential communications between Governments. Why, Mr. President, I do not believe diplomatic negotiations could be successfully conducted if they were conducted in the open. There is just as much reason for observing secrecy and confidence on the part of the Foreign Relations Committee as there is on the part of the Secretary of State or the President himself. It ought to occur to any Senator after a moment's reflection that without such confidence the nations of the world, through their representatives, would be slow to communicate with our Department of State, and certainly slow to communicate with the freedom of consultation that must obtain when negotiations of the character we are discussing are being considered. If it did not end all diplomatic negotiations, it would at least desperately embarrass them.

These hearings referred to by the Senator from Nebraska, and which are printed from day to day, are printed for the information of the members of the committee. Of course, they need not be printed. The proceedings could be heard orally without printing; but some of the members of the committee are often unable to attend some of the hearings, and naturally they desire to know what was said at the hearings when they were absent. They are printed for the use and convenience of the committee. As the Senator from Mississippi said, after the treaty has been reported favorably or unfavorably to the Senate, all information in the possession of the Committee on Foreign Relations will, of course, be laid before the Senate in executive session in order that Senators may be advised as fully as members of the committee when they come to discuss and vote upon the ratification of the treaty.

My friend from Idaho [Mr. BORAH] says that in the case of this Nicaraguan treaty and this Colombian treaty an exception ought to be made. The Senator says he was not aware that certain things had been said before the Committee on Foreign Relations at some of the hearings. I know that is true. I think the Senator's information as to what occurred before the committee is for the most part gathered from the newspapers. The Senator is a member of the committee, but I think I am safe in saying that he has not attended a single session of the committee since the hearings began, and therefore, of course, he does not know what was said or done; but he reads the newspapers, and, yielding to the pressure from the outside, he becomes the champion of the policy of putting aside the old rule and the old custom approved by the wisdom of years and of decades, and of dragging these international negotiations into the open for public exploitation. I do not agree with the honorable Senator. I think his premise and his whole argument are utterly and fatally defective.

Mr. President, there are few important treaties ever brought into the Senate, few ever even considered by the Foreign Relations Committee, with respect to which the newspapers have not, by one means or another, gotten hold of some information, no matter how firmly set the seal of secrecy may be; and this information, or alleged information, which is sometimes approximately correct, sometimes incorrect, and sometimes little more than guesswork, is printed. But I hope we shall not in future be led, as we have not been in the past, by publications of this character into a course of procedure that would seriously embarrass the Government in carrying on and consummating negotiations respecting great international agreements.

Mr. President, I move that the resolution offered by the Senator from Idaho be referred to the Committee on Foreign Relations.

Mr. TOWNSEND. Mr. President, will the Senator yield for a question?

Mr. STONE. I will.

Mr. TOWNSEND. As I understood the Senator's statement, it presents a different situation from the one I supposed existed in the Senate and before the Foreign Relations Committee. If I understood him correctly, he stated that these hearings had been instigated by the Secretary of State; that he had asked the Foreign Relations Committee to collaborate or consult with him in reference to a treaty. My understanding has been that this matter originated in a resolution of inquiry which was presented to the Senate, asking the Committee on Foreign Relations to investigate for the Senate certain things that were reported to exist in reference to our relations involved in a treaty with Nicaragua, and that the Committee on Foreign Relations was about that business; that it was acting under the instructions of the Senate through a resolution to investigate and report to the Senate such conditions as it might find.

Mr. STONE. What is the question the Senator wishes to propound?

Mr. TOWNSEND. My question is whether or not I am correct in my understanding.

Mr. STONE. The Senator is not correct. I have stated the case as it is. If the Senator heard what I said——

Mr. TOWNSEND. I did.

Mr. STONE. Then it is not necessary for me to repeat it at any length. I will say, in a word, however, that there is no treaty with Nicaragua before the committee. The Secretary of State has laid before the committee a tentative treaty which he has been negotiating with the representatives of the Government of Nicaragua.

Mr. TOWNSEND. Yes; I understood that.

Mr. STONE. But before concluding the treaty or going further with it he has come to the Committee on Foreign Relations and with perfect frankness laid the whole business be-

fore that committee, to ask the judgment and opinion of the committee in advance as to what should be done with respect to the proposed treaty, and whether the committee itself had objections to any particular features of it or to it as a whole.

Mr. TOWNSEND. Then, as I understand, the Senate Committee on Foreign Relations is not acting and has not been acting under a resolution adopted by the Senate to investigate those conditions?

Mr. STONE. No resolution has been adopted by the Senate. The Senator's colleague [Mr. SMITH of Michigan] introduced a resolution authorizing or seeking to authorize the Committee on Foreign Relations to send for persons and papers, to administer oaths, and so forth, in the usual form, which was referred in due course to the Committee to Audit and Control the Contingent Expenses of the Senate. Subsequently, in the course of the conference with the Secretary, certain gentlemen volunteered to appear before the committee and detail what they knew of conditions in Nicaragua. The minister from Nicaragua and the financial agent of Nicaragua, who, before he began to act in that capacity, was the minister of finance of Nicaragua, appeared before the committee and made a statement. They appeared on invitation. The Senator from Mississippi [Mr. WILLIAMS] has very accurately stated all that is necessary to be stated about the hearing of those Nicaraguan officials.

The newspapers printed some matter respecting those hearings that most of the committee, at least, if not all of them, thought was improper to come from any member of the committee; and, on the authority of the committee, I offered a resolution authorizing the committee to take such action as it saw fit to take to discover the source of these committee leaks. That resolution was likewise referred to the Committee to Audit and Control the Contingent Expenses of the Senate; but neither of the resolutions to which I have referred has up to this time been reported to the Senate or acted upon.

Mr. BORAH. Mr. President, a parliamentary inquiry. I understand that the Senator from Missouri has moved that the resolution be referred to the Committee on Foreign Relations. Is that motion not debatable?

Mr. GALLINGER and Mr. STONE. It is debatable.

The VICE PRESIDENT. The Chair thinks it is debatable.

Mr. BORAH. Very well. Then I want to say just a word in answer to the Senator from Missouri.

Mr. President, it is true that ordinarily all negotiations and all hearings and all debate on all pending treaties should be considered in executive session, and I would not be in favor, ordinarily, of opening to the public the discussion of these matters until such time as the committee had determined what it should do. In other words, I agree with what the Senator has said in reference to the virtues of confidential communications and executive sessions, ordinarily. But all the virtues of confidential communication of an executive session have already been forfeited. These matters are in the possession of the public. Both treaties have been published. The matters are being discussed in detail. Documents—I would not say from the Secretary of State, but documents from the State Department—have been printed and are being printed, and every feature and form of the transaction is now before the public.

The only question is whether or not this committee should go on and proceed with the executive sessions, leaving the inference that something is in the possession of the committee which the public has not. Furthermore, these treaties, as I have said, are essentially matters of legislation, necessitating at some time time an appropriation of $28,000,000.

Mr. President, it is true, as the Senator has said—and I presume he thought he had good reason for saying so—that I have not been in attendance upon the Committee on Foreign Relations since the Nicaragua treaty has been up the last time. I might say truthfully, if I desired to, that business elsewhere has engaged me; but I do not desire to place it upon that ground at all. Two years ago this same treaty, in substance, was before the Committee on Foreign Relations, as everyone knows. It was thoroughly discussed and considered, and since the Senator has gone into the matter as to who was in attendance upon the committee, I will state that every Democrat upon the committee voted against the treaty at that time, and my vote, voting with them, killed the treaty.

I made up my mind as to the unfortunate terms of that treaty, and since that treaty was before the committee two years ago I have spent a great deal of time upon my own initiative in ascertaining the exact facts with reference to conditions in Nicaragua and the facts which have brought forward that treaty.

I was not willing to submit the investigation which I have made and the facts which I have in my possession to the clamp of a confidential or executive session. I regard this treaty as so fundamental, so important to the people of this country, that if I can not get the consent of the Senate to place before the Senate the facts which I have in my possession I shall feel constrained myself to disregard some of the rules of the Senate. I desire to proceed in an orderly way and to get the consent of my colleagues upon this proposition, but I have remained away from the Foreign Relations Committee because I felt that I was in possession of facts which I was not willing to have stated that I secured at the hands of the Foreign Relations Committee and was therefore violating the rules of the committee. I felt that I should likely at some time feel compelled to discuss this question in the open.

Mr. President, I should like to see these matters discussed in the open and by consent of the entire Senate. I prefer very much to proceed in that way. I have no desire to unnecessarily disregard a rule of the Senate, but there are conditions which would compel me to do so.

Mr. STONE. Mr. President, just a word. I regret that my distinguished friend assigns the reasons he gave for not attending the sessions of the committee, especially when we are so often harassed by the lack of a quorum, and that he has not attended the sessions of the committee for the reason that he has in his possession certain information gathered through his own industry respecting this treaty, and that he did not care to be tied up by the rules of executive confidence.

Of course I am surprised to hear the Senator from Idaho declare what course he will pursue if he can not get the consent of the Senate to discuss what is going on in our negotiations with foreign countries. I am surprised to hear him say that if he can not lay before the public with the consent of the Senate what is contained in a treaty even before it is finally acted upon, and give publicly the reasons for his opposition to a treaty, he will do it anyhow; that he will violate the rules of decorum and what have hitherto been recognized as rules of propriety, and, taking the bit in his own mouth, will ride over all rules and customs and expose whatever he thinks he would like to expose.

Mr. SMITH of Arizona. Without even taking the members of the committee into his confidence.

Mr. STONE. My colleague on the committee has suggested that the Senator threatens to do this without even taking the members of the committee into his confidence. I do not know what information the Senator from Idaho has concealed in his breast. He does not honor the committee, of which he is a member, with his confidence.

Mr. BORAH. If the Senate will adopt this resolution, I will take the committee into my confidence. Otherwise I feel constrained to pursue my own course.

Mr. STONE. But unless the Senate does adopt it, then the Senator has something up his sleeve, some secret information that he is husbanding to exploit before the newspaper gallery, that it may go forth to the country as an act of his, destructive of the procedure of this body, a procedure that has had the approval of the Senate from time immemorial.

Mr. BORAH. Mr. President, I believe firmly if this matter is discussed in public the Nicaragua treaty will die as it should die. I believe it is based upon deception, misrepresentation, fraud, and corruption, and I believe I can show it.

Mr. STONE. Does the Senator believe if that is true that his colleagues in executive session would ratify a treaty which for the reasons the Senator has given should be rejected, whether heard in the open or in executive session?

Mr. BORAH. No; I do not believe my colleagues would do so for a moment, but so long as there are called before that committee the mere puppets whom we have set up in that Government, who ask for the concealment of their statements and the secrecy of their testimony, you will not get the true facts; and that is what is happening. If you will take the lid off and invite all interested parties to come before the committee, there will be a different story told from what is being told now.

Mr. STONE. The Senator from Idaho is a distinguished member of the committee, and if he has any confidence in the membership of the committee it seems to me he could come and bring to us what he says are the true facts and lay them before the committee, and if they see any such condition of affairs as he has indicated I venture to say there is not a Senator on the committee who would vote to report the treaty favorably.

Mr. WILLIAMS. Mr. President, before the Senator from Missouri takes his seat, if he will permit the interruption, I would ask him the question whether as chairman of that committee he would not immediately summon before the committee anybody whose name might be given to him by the Senator from Idaho, so that we might judge of the reliability of the witness as well as have in our possession the facts or the alleged facts stated by him?

Mr. STONE. Oh, the Senator can have the full power of the committee and of the Senate to bring before the committee anyone he wishes, leaving it wholly to him to say whom he wishes to be summoned and whose testimony he thinks would throw the flood of light he says it would throw on the whole situation. There would be no trouble about that.

Mr. President, the Senator from Arkansas [Mr. CLARKE] suggests to me that the motion to refer can not be acted upon this morning under the rule.

The VICE PRESIDENT. There was a request for present consideration, and the Chair understands if there is objection it must go over until to-morrow.

Mr. STONE. I ask unanimous consent that the resolution be referred to the Committee on Foreign Relations.

Mr. BORAH. Mr. President, I do not care to have the resolution referred to the committee at this time. If it can not be voted upon here, I will ask the leave of the Chair to withdraw it.

Mr. CLARKE of Arkansas. Mr. President, I hope the Senator from Idaho will not take that course. A single objection will carry it over until to-morrow, and it will then come up as a resolution coming over from a former day and have a status on the calendar as a part of the morning business. It relates to an important matter. Possibly this is not an opportune time to discuss it in all its details, but it is a proper time to have it understood that the subject matter of it shall be inquired of very thoroughly here before an attitude adverse to the request contained in it is reached and announced by the Senate.

For myself, I believe that the proposed Nicaragua treaty and the Colombia treaty ought to be considered in open executive session, just as the treaty with Panama and the treaty with Colombia were in former Congresses considered on this floor. The proposed treaties are no ordinary conventions entered into by Governments of something like an equal dignity, power, and standing in relation to grave and important matters of differences which occasionally require adjustment by some form of convention. They are somewhat governmental in character, and the treatment of them here will present legislative questions rather than the determination of the mere terms of a contract which will be the end of a given dispute. They pertain to the present and the future relationship of this country to the lesser Governments to the south of us. The relationship that we establish by the ratification of either of these treaties will be fundamental and permanent in character, and will inevitably establish a closer relationship between this Government and those with whom we deal now in this preliminary and indirect way. What this relationship will be when its ultimate extent is defined by the logic of actualities is a matter concerning which I do not find it necessary to express an opinion on this occasion. The first step in a great scheme like that is the vital one, and before we enter upon it we ought to have an opportunity in open session to take the public into our confidence and to discuss it in the light of what the rational public opinion of this country will permit to be done.

Whilst I would not have presented the resolution just at this time, I think now that it has been presented it might create an erroneous idea of what is the real sentiment of the Senate if it should be summarily withdrawn or should be disposed of in some technical way.

Mr. BORAH. I withdraw the request for the withdrawal in order that the resolution may go over.

Mr. CLARKE of Arkansas. It will be printed by that time, and we will have an opportunity of knowing just exactly what there is in it, even if we shall not be fully prepared at that time to finally dispose of it.

The VICE PRESIDENT. The resolution will go over under the rule.

INVESTIGATION BY COMMITTEE ON FOREIGN RELATIONS.

Mr. WILLIAMS. I ask for the reading and for the present consideration of the resolution which I send to the desk.

The VICE PRESIDENT. The resolution will be read.

The SECRETARY. The senior Senator from Mississippi [Mr. WILLIAMS] reports favorably from the Committee to Audit and Control the Contingent Expenses of the Senate Senate resolution 407, which is as follows:

Resolved, That the Committee on Foreign Relations be, and hereby is, authorized and empowered to investigate and ascertain from whom information of any business transacted before said committee in executive session relating to international affairs is given out; and to prosecute said investigation said committee is hereby authorized and empowered to send for persons and papers, to issue subpœnas, to administer oaths, and to employ stenographers to take testimony at not exceeding $1 per printed page; the expenses of said investigation to be paid out of the contingent fund of the Senate on warrants signed by the chairman of said committee.

Mr. WILLIAMS. It ought to read at the end, "the chairman of said Committee on Foreign Relations."

Mr. GALLINGER. Does the Senator suggest that the report be referred to the Committee on Foreign Relations?

Mr. WILLIAMS. No; this is for an investigation to be conducted by the Committee on Foreign Relations. It was referred to the Committee to Audit and Control the Contingent Expenses of the Senate, and we have reported it favorably, and I ask for its present consideration.

Mr. GALLINGER. Mr. President, I am going to venture to ask the learned Senator from Mississippi if he has the expectation that anything valuable will result from another investigation trying to ascertain how the secrets of executive sessions reach the public through the newspapers.

Mr. WILLIAMS. Mr. President, that would be one of the hardest nuts to crack that has been passed up to me in a long time. I do not believe that I can answer it either yes or no. I have a glimmering hope that we may be able to find out something, but I do not know.

Mr. GALLINGER. I was looking over my desk a few days ago and I came across a bit of parchment—possibly it is some high quality of paper—upon which was recorded the fact that five Senators had been appointed to make an investigation of this kind, at the head of which was the Senator from Texas who recently left the Senate, Mr. Bailey. I chanced to be, I think, possibly second on that distinguished list. I do not at this moment recall what gave rise to the demand for an investigation, but it was a situation similar to this. I believe that committee never was called together, at least I have no recollection of it, and it died, I apprehend, for the reason that the chairman of the committee, perhaps, or the members of the committee looking back over the history of the Senate and ascertaining that we had spent a good deal of money and a great many printed pages in investigations of this kind, with no results, concluded that there was not any use of having another investigation.

I apprehend that this will share the same fate. It will amuse the country a little; the newspapers will have some new text to exploit the futility of the Senate in discovering leaks that happen somewhere and in some way and that must come from this Chamber; they can not come from any other source; and after spending a little money in these days of economy no result will be reached.

Now, I do not object to it, of course. I hope the committee will have a pleasant time in making the investigation; but the newspapers of this country will never be caught when they exploit—getting information from some source not very far from this Chamber—the doings of the Senate in executive session. That is my judgment.

Mr. WILLIAMS. Mr. President, there is this much, that all must acknowledge the truthfulness of what the Senator from New Hampshire has just said. It is a sad commentary upon the membership of this body, and it is a sad commentary also upon the membership of committees now and then, that gentlemen whose honor is at stake should not regard their honor and that, then, afterwards we can not find out which particular gentlemen had not regarded their honor; but, none the less, it is our duty to try to make our rules respected, and if we can do something as a result of the investigation, so much gain. I hope the resolution will pass.

Mr. GALLINGER. Mr. President, I remember sitting here and witnessing a trusted employee of the Senate driven from the position he held, going away from the Senate with a blemish on his character. The Senate believed that that particular individual, who occupied a high position in the country, who afterwards was elected to the other House, was guilty of giving away the secrets of the executive sessions. I did not believe at that time that that man was guilty. I knew him well, and was sure that he was a man of high integrity.

Now, I am not going to say that any Members of the Senate give away these secrets. I will not say that any employee of the Senate gives them away. Sometimes they are so accurate it would seem as though a first-class stenographer had taken down what was said in the Senate—better reports than I could have given, I know, as a matter of recollection; but how they have received them I confess I do not know. It has been a matter of absolute wonder to me how the newspapers do sometimes get such accurate reports. I do not know. It may be that a Senator inadvertently gives out a suggestion and some other Senator inadvertently another suggestion, and these bright men who sit in that gallery looking down on us, sometimes outrageously abusing and misrepresenting us, put those pieces together and make a story. I sometimes thought it came about in that way. It may be that I am wrong. I can not conceive any more than the Senator can that any Member of this body would deliberately and intentionally disclose the secrets of executive sessions. I can not believe that can be true.

Mr. WILLIAMS. Mr. President, I of course do not want to go into a discussion. Very frequently these bright young men, who sometimes know as much about public business as any of us, and, by the way, are just as competent to discuss it, do arrive at their results by putting two and two together and getting four, when it may be that they have neglected another two and there ought to have been six; but I recall one case where a speech of a Senator in executive session appeared verbatim et literatim. However these things come about, there is no use going into it now. I should like to have the resolution passed. We thought it better to recommend its passage.

The VICE PRESIDENT. The question is on the adoption of the resolution.

The reoslution was agreed to.

RIVER AND HARBOR APPROPRIATIONS.

Mr. SMOOT. Regular order, Mr. President.

The VICE PRESIDENT. The calendar under Rule VIII is in order.

Mr. SMOOT. As I understand, the morning business has been concluded?

The VICE PRESIDENT. The morning business was concluded about an hour ago.

Mr. SIMMONS. Then, I move that the Senate proceed to the consideration of the river and harbor bill.

The VICE PRESIDENT. The question is on the motion of the Senator from North Carolina. [Putting the question.] The ayes seem to have it.

Mr. KENYON. On that motion I ask for the yeas and nays.

The yeas and nays were ordered, and the Secretary proceeded to call the roll.

Mr. GALLINGER (when his name was called). I have a general pair with the junior Senator from New York [Mr. O'GORMAN], which I transfer to the junior Senator from Maine [Mr. BURLEIGH] and vote "nay."

Mr. THOMAS (when his name was called). I have a general pair with the senior Senator from New York [Mr. ROOT]. In his absence I withhold my vote.

Mr. TOWNSEND (when his name was called). I desire to announce that the senior Senator from Michigan [Mr. SMITH] is absent from the city on important business and that he is paired with the junior Senator from Missouri [Mr. REED]. I ask if the junior Senator from Missouri has voted?

The VICE PRESIDENT. He has voted.

Mr. TOWNSEND. I am paired with the junior Senator from Arkansas [Mr. ROBINSON], but I transfer that pair to my colleague [Mr. SMITH of Michigan] and vote "yea."

Mr. WILLIAMS (when his name was called). I wish to announce the transfer of my pair with the senior Senator from Pennsylvania [Mr. PENROSE] to the junior Senator from South Carolina [Mr. SMITH]. I vote "yea."

The roll call was concluded.

Mr. CHILTON. I have a general pair with the Senator from New Mexico [Mr. FALL]. In his absence I withhold my vote.

Mr. SIMMONS (after having voted in the affirmative). I transfer my pair with the junior Senator from Minnesota [Mr. CLAPP] to the Senator from Florida [Mr. BRYAN] and will let my vote stand.

Mr. McLEAN. Has the senior Senator from Montana [Mr. MYERS] voted. Mr. President?

The VICE PRESIDENT. He has not voted.

Mr. McLEAN. I have a pair with that Senator, and therefore withhold my vote.

Mr. CRAWFORD. Has the senior Senator from Tennessee [Mr. LEA] voted?

The VICE PRESIDENT. The Senator from Tennessee has not voted.

Mr. CRAWFORD. Then I withhold my vote, as I have a pair with that Senator.

Mr. CATRON (after having voted in the negative). I have a general pair with the senior Senator from Oklahoma [Mr. OWEN]. I transfer that pair to the Senator from Illinois [Mr. SHERMAN], who, I understand, is absent on account of illness in his family, and will let my vote stand.

Mr. GOFF. I have a general pair with the senior Senator from South Carolina [Mr. TILLMAN]. He being absent, I withhold my vote.

In justice to the Senator from South Carolina, I desire to say that I was paired with that Senator on Friday last. We had made arrangements for an announcement to that effect, but, inadvertently, the announcement was not made.

Mr. WALSH. I have a general pair with the Senator from Rhode Island [Mr. LIPPITT]. He being absent, I refrain from voting.

Mr. JAMES (after having voted in the affirmative). I transfer my general pair with the junior Senator from Massachusetts [Mr. WEEKS] to the junior Senator from Arizona [Mr. ASHURST] and will allow my vote to stand.

Mr. KENYON. I desire to announce the absence of the senior Senator from Washington [Mr. JONES] on important business, and also the absence of the Senator from Wisconsin [Mr. LA FOLLETTE].

Mr. SMOOT. I desire to announce that the Senator from North Dakota [Mr. GRONNA] is paired with the Senator from Maine [Mr. JOHNSON]; the Senator from Wyoming [Mr. WARREN] is paired with the Senator from Florida [Mr. FLETCHER]; and the Senator from Wisconsin [Mr. STEPHENSON] is paired with the Senator from Oklahoma [Mr. GORE].

The result was announced—yeas 39, nays 16, as follows:

YEAS—39.

Bankhead	Martin, Va.	Reed	Swanson
Camden	Martine, N. J.	Shafroth	Thompson
Chamberlain	Nelson	Sheppard	Thornton
Clarke, Ark.	Newlands	Shields	Townsend
Fletcher	Oliver	Shively	Vardaman
Hollis	Overman	Simmons	West
James	Perkins	Smith, Ariz.	White
Kern	Pittman	Smith, Ga.	Williams
Lane	Pomerene	Smith, Md.	Works
Lee, Md.	Ransdell	Stone	

NAYS—16.

Borah	Burton	Gallinger	Norris
Brady	Catron	Hitchcock	Page
Brandegee	Cummins	Kenyon	Smoot
Bristow	Dillingham	McCumber	Sutherland

NOT VOTING—41.

Ashurst	Goff	McLean	Smith, S. C.
Bryan	Gore	Myers	Stephenson
Burleigh	Gronna	O'Gorman	Sterling
Chilton	Hughes	Owen	Thomas
Clapp	Johnson	Penrose	Tillman
Clark, Wyo.	Jones	Poindexter	Walsh
Colt	La Follette	Robinson	Warren
Crawford	Lea, Tenn.	Root	Weeks
Culberson	Lewis	Saulsbury	
du Pont	Lippitt	Sherman	
Fall	Lodge	Smith, Mich.	

So the motion of Mr. SIMMONS was agreed to; and the Senate, as in Committee of the Whole, resumed the consideration of the bill (H. R. 13811) making appropriation for the construction, repair, and preservation of certain public works on rivers and harbors, and for other purposes.

Mr. BURTON. Mr. President, this river and harbor bill ought not to pass the Senate without very thorough consideration. I am convinced that the Members of the Senate do not understand the nature of many of the items included in this measure. I am compelled to admit that within the last week or 10 days I have discovered some items with which I myself was not familiar. I regret to notice that projects which were maturely considered 10 or 12 years ago, and excluded after careful deliberation, have at the present time, when conditions are less favorable for their development, found their way back into the bill. I do not believe that there is any way by which the extravagant and wasteful appropriations which appear in this measure year after year can be defeated, except by the defeat of a river and harbor bill, or, at least, by its very material modification.

I repeat what I said in the beginning of this discussion, that it is a time for the sincere friends of river and harbor appropriations to pause and consider. If they do, they will, I think, realize that so much that is objectionable is finding its way into this measure that before long there will be such an outcry against it, such an uprising, I may say, that the passage of river and harbor bills will be impossible. I can not think that the people will not, when this measure is thoroughly considered, visit such criticism upon it that it will not be approved, and its passage at this time will be but imposing another load on a system which is becoming very objectionable as it is now prosecuted.

When I was speaking on Wednesday last I mentioned briefly the bill of 1907, and I wish to take up that measure at this time. I do so because that bill was the result of long study and the very courageous elimination of objectionable items. It was the final development in a progress toward more salutary policies, and toward the elimination of waste in river and harbor bills. I do not say it was a perfect bill; in looking it over now after the lapse of seven years I find some items which my present judgment would not approve. I do not say that we made no mistakes; but I think it is due to the committee, which considered that bill so carefully, that it should be explained and its advantages pointed out. It was not a small bill. As I stated on Wednesday, it was the largest river and harbor bill

ever passed by Congress. We were not afraid of appropriating money liberally for the harbors and rivers of the country, but we did desire to make every appropriation count for national benefit and exclude everything which was undesirable. I am credibly informed—in fact, I know—that that bill with the report upon it was before President Taft when he filed his memorandum on the bill of 1910.

In addition to the committee, I wish to give credit to the Engineer Corps of the Army. The bill was not the mere adoption of reports which had been filed, but members of the Engineer Corps from New England to Texas and California were summoned before the committee. They explained the items; there was a pruning where unnecessary amounts had been recommended, and with equal care and equal courage additional amounts were placed in the bill where their estimates were not sufficient. I wish especially to give credit to Gen. MacKenzie, who was at that time Chief of the Engineer Corps of the Army. He spent with me, along with other members of the corps, evening after evening, not only for weeks but for more than a month. He suggested the phraseology of many of the provisions of that bill. He had held, during his membership in the corps, divers assignments on the Mississippi River and elsewhere, and had a familiarity with all the projects in the country that I have never known to be surpassed. The committee and its chairman had the benefit of his judgment in regard to every item in the bill, and it was brought before the House and passed there with little opposition. Then it came to the Senate, where additions were made, but we were able to agree without any very serious difficulty, and passed a bill that carried appropriations and authorizations of about $87,000,000. Just as they call Lord Coke's reports "the reports," so I assert with confidence that it is proper to call that measure of 1907 "the river and harbor bill"; and I would that the policies exemplified in it and the same care had been continued since.

I do not wish to visit censure upon anyone. I am very sure that the present chairman of the Committee on Rivers and Harbors of the House has given days and nights of the most careful and conscientious study to this measure. Members of the Senate also have granted hearings by days and have given very careful attention to it. Members of both committees have labored upon it, but in the face of the pressure brought to bear they have fallen far behind the ideas and policies which were exemplified in the bill of 1907. If these tendencies continue, wastefulness and extravagance will find such a foothold in the bill that very general popular condemnation will be awakened.

I read briefly from this report, found on page 3581 of the CONGRESSIONAL RECORD for Thursday, February 20, 1913. The original copies of the report have now become very scarce.

Mr. GALLINGER. Mr. President——

The VICE PRESIDENT. Does the Senator from Ohio yield to the Senator from New Hampshire?

Mr. BURTON. I do.

Mr. GALLINGER. I will ask the Senator if at that time we were reporting annual or biennial river and harbor bills? Had we gotten to the annual stage at that time?

Mr. BURTON. We then had biennial river and harbor bills. In 1900 there was a bill passed which was a sort of administrative measure, which included for the first time what is called a provision for emergencies, under which, on the approval of the local engineer and the Chief of Engineers and the Secretary of War, an amount could be given for what was called emergency work for the maintenance of a project already under way. Certain surveys were provided for. In 1901 a bill was reported, which failed at the last moment of the session. In 1902 a river and harbor bill was passed which, with one exception, was the largest in its appropriations that had ever passed up to that time. The continuing-contact system was adopted in that bill on a very large scale. In 1904 another administrative bill was passed, with divers appropriations for projects where appropriations were urgently needed and with another emergency provision. In 1905 a regular river and harbor bill was passed. Then, after two years, this bill of 1907, which, as I have twice stated already, was the largest ever passed, was enacted.

Mr. GALLINGER. I will ask the Senator if it is generally understoood that hereafter we are to have annual river and harbor bills?

Mr. BURTON. Annual river and harbor bills.

Mr. GALLINGER. That is an established principle, is it?

Mr. BURTON. I think so. At some time in the course of this discussion I may state the advantages and disadvantages of the annnual bill. I think there are both advantages and disadvantages.

Mr. RANSDELL. Mr. President——

The VICE PRESIDENT. Does the Senator from Ohio yield to the Senator from Louisiana?

Mr. BURTON. I do.

Mr. RANSDELL. I will ask the Senator if we had reached either annual or biennial bills when the bill of 1907 was passed? Was not the next river and harbor bill passed in 1910?

Mr. BURTON. There was a bill passed in 1909 which made general appropriations for maintenance, and which also provided for certain projects.

Mr. RANSDELL. It was a very small bill, was it not, carrying about $9,000,000?

Mr. BURTON. No; it carried $10,071,625.

Mr. RANSDELL. May it not be fairly said that we did not reach the annual principle of river and harbor bills until the bill of 1910?

Mr. BURTON. I think that statement may be correctly made, because that was the first bill after 1907 that may be called a general river and harbor bill in which there was provision not only for the maintenance of existing projects, but also for the further improvement of projects under way and for new projects.

Mr. RANSDELL. So that practically the bill of 1907 provided for three years?

Mr. BURTON. Yes. Indeed, as to many projects, it provided, as I shall point out, for four years.

Mr. KENYON. Mr. President——

The VICE PRESIDENT. Does the Senator from Ohio yield to the Senator from Iowa?

Mr. BURTON. I do.

Mr. KENYON. I should like to ask the Senator, in addition to that, what has been the custom as to carrying appropriations for rivers and harbors, especially for maintenance, in the sundry civil appropriation bill?

Mr. BURTON. It is not the custom to carry appropriations for maintenance in the sundry civil bill.

Mr. KENYON. There are appropriations which relate to rivers and harbors carried in the sundry civil appropriation bill.

Mr. BURTON. Yes; amounting to $6,990,000 in the bill which has just come over from the House.

Mr. KENYON. Yes; it is here now. I want to ask the Senator whether the custom of carrying those appropriations in that bill is one that has existed for some time?

Mr. BURTON. The first projects of that nature were initiated in 1890. There were then a comparatively small number of them. It may be said that the custom of providing for continuing contracts commenced in 1890 and reached its maximum in 1907. I have not examined these specific items in the sundry civil bill, but I should fancy there were some of them for the completion of projects begun as long ago as 1907, and possibly even earlier than that.

Mr. KENYON. Mr. President, the point I am getting at is that the river and harbor bill does not show the real facts as to the money that is being appropriated for rivers and harbors and creeks throughout the country. We must take into consideration the sundry civil bill, also, to get at the amount.

Mr. BURTON. To get at the total amount expended. I think, however, there is rather a worse objection than that to the present bill, and that is that the bill leaves us in such doubt as to what the project is going to cost, while under the continuing contract system the total expense would be clearly set forth. There are numerous items of that nature in this bill, and I shall call attention to some of them later. I have already called attention to some.

Mr. HUGHES. Mr. President——

The VICE PRESIDENT. Does the Senator from Ohio yield to the Senator from New Jersey?

Mr. BURTON. Yes.

Mr. HUGHES. Are there any items in this bill which were put in over the protest or without the recommendation of the Board of Engineers?

Mr. BURTON. I think there is no new project in this bill—possibly there is one, however, and that added in the Senate—which was placed in the bill contrary to the recommendation of the engineers; but there are very large appropriations here for projects that the engineers never recommended that have been carried from year to year. I shall wish to take up all of those in their order.

Mr. HUGHES. That means, then, that while there are no new projects in the bill which have not been recommended by the engineers, yet the bill carries appropriations which the engineers would not now recommend?

Mr. BURTON. Yes. There is another feature. That question can not be answered without making this explanation: There are projects in this bill that at first the engineers con-

demned, and I may say condemned in decided language; but then a request was made for another survey, or a resolution was passed by the Committee on Rivers and Harbors asking for a reexamination, and the second or third time a report came in mildly commending the project.

Mr. NORRIS. Mr. President——

The VICE PRESIDENT. Does the Senator from Ohio yield to the Senator from Nebraska?

Mr. BURTON. In just a minute. There is another class of appropriations in this bill, and those, I think, are the most extravagant, where the engineers reported the facts, and, instead of recommending or condemning, wound up their report by saying: "It is a matter for Congress to determine whether this appropriation shall be made or not." I think some of the worst items have come in under that kind of a report, where it is correct to say that the engineers never recommended it.

Mr. THOMAS. Mr. President——

The VICE PRESIDENT. Does the Senator from Ohio yield to the Senator from Colorado?

Mr. BURTON. I do.

Mr. THOMAS. I should like to inquire of the Senator how many of those projects, reported upon in that way, were adversely considered by Congress?

Mr. BURTON. There are very few items that have found their way into this bill in which, at the time of the insertion of the item or the adoption of the project, there was a distinctly adverse report.

Mr. THOMAS. Perhaps I did not express the idea I had in mind. The Senator stated that in many instances these engineers would report upon projects without any recommendation of their own, leaving it to Congress to determine whether to go on with it or not.

Mr. BURTON. If I may interrupt the Senator from Colorado a minute, there are not many of those, but they are very important and large ones.

Mr. THOMAS. In how many instances did Congress refuse to act upon them favorably, and in how many did Congress act favorably by making appropriations for them?

Mr. BURTON. I think in the last four years they have acted favorably on every one.

Mr. NORRIS. I want to ask the Senator about the recommendations of the boards that have been changed. Does the Senator mean that the same board, after reporting adversely on various projects, has subsequently made favorable reports?

Mr. BURTON. The same board has done that in some instances. In some instances a special board was constituted to report on a project, and it made an unfavorable report, and then another board with different membership made a favorable report.

Mr. NORRIS. How are these special boards constituted? Who constitutes them?

Mr. BURTON. The members are chosen by the Chief of Engineers. There are sometimes three and sometimes five members.

Mr. NORRIS. What would be the occasion for a special board?

Mr. BURTON. A project of unusual difficulty or complication, or one of exceptional magnitude.

Mr. NORRIS. Would this special board report on a project that had already been examined by the regular board?

Mr. BURTON. There have been, I think, instances of that kind. I ought to add, in explaining about those special boards, that in some instances they have been appointed in pursuance of an express resolution by Congress or a provision in a river and harbor bill. Let me mention a very good illustration, the "Lakes to the Gulf deep waterway," which was examined under a provision in the act of 1907. It was directed that a special board be appointed to examine that project. They did examine it, and made a very elaborate report.

Mr. NORRIS. Had it been reported upon before by the regular board?

Mr. BURTON. No; it had not been. There is this about it: There were different sections of the route on which reports had been made. The proposed waterway to the Mississippi River had been reported by a board of which Gen. Ernst was the chairman, and then engineers had reported on other portions, including part of the Mississippi River, but there had been no general report on the whole project.

Mr. NORRIS. How many special reports had been made on the deep-waterway proposition? The first report was adverse, as I understand, was it not?

Mr. BURTON. I have the report right here before me. Yes; it was practically adverse, at any rate.

Mr. NORRIS. Was it afterwards reversed and made into a favorable report?

Mr. BURTON. No; never. The Engineer Corps have never gone back upon that report.

Mr. NORRIS. They are still standing by their adverse report?

Mr. BURTON. Yes.

Mr. NORRIS. Then that was an instance where Congress provided for something in the face of an adverse report?

Mr. BURTON. Yes; partially.

Mr. NORRIS. Has that occurred very often as to river and harbor bills?

Mr. BURTON. Not in a large number of cases; but, as I have said, they have always been of very considerable magnitude. Here is what the board reported on that proposed 14-foot waterway; this is in the final report of the Chief of Engineers:

It is not desirable to construct a navigable channel 14 feet in depth from St. Louis to the mouth of the Mississippi River, or from Chicago to the mouth of the Mississippi River.

The present demands of commerce between St. Louis and the mouth of the Mississippi River are adequately met by the existing projects, having for their object to obtain and maintain an 8-foot channel from St. Louis to the mouth of the Ohio and a channel of not less than 9 feet in depth below the mouth of the Ohio.

The board believes that an 8-foot channel from Chicago to St. Louis, corresponding to the present 8-foot project from St. Louis to Cairo, is the least that would adequately meet the demands of commerce, and believes such a waterway would be desirable, provided its cost is reasonable.

That is, they reported against a 14-foot waterway.

Mr. NORRIS. And in favor of an 8-foot waterway?

Mr. BURTON. And they favored an 8-foot waterway.

Present and prospective demands of commerce between Chicago and the Gulf will be adequately served by a through channel 9 feet in depth, which may be obtained without violent changes of existing methods of development.

Notwithstanding that recommendation, the river and harbor act of 1910, I think, provided an appropriation of $1,000,000 for an investigation with a view to beginning the work, and that was regarded as a sort of committal to the project. I give notice that before we are through with the consideration of this bill I shall move to repeal that provision, and shall offer an amendment to that effect.

Mr. NORRIS. Has not that $1,000,000 been expended?

Mr. BURTON. I do not think so.

Mr. NORRIS. Now, I should like to ask the Senator another question about these projects, where he said reports were made to the effect that "it was for Congress to decide." Does the Senator recollect any project that, in his judgment, was a desirable one where that kind of a report was made?

Mr. BURTON. I have not all of them in mind at this minute. I should be inclined to think there had been no case in which that kind of a recommendation was made where it would seem desirable to go ahead with the improvement; in other words, that we ought to make it our settled policy to depend upon a positive, affirmative recommendation before undertaking any work of this kind.

Mr. NORRIS. Now, I will ask the Senator whether, in his judgment, from his long experience with this work and his years of study, he would regard with suspicion a project recommended in that way in the first place?

Mr. BURTON. I should think so.

Mr. NORRIS. Will the Senator tell us just why? How does he account for the board making that kind of a report? I presume the Senator, in his experience, has talked over those matters with members of the board. Why do they make reports of that kind?

Mr. BURTON. The Senator from Nebraska knows that a great many men have asserted on this floor and in the House, and the argument has been made in the country, that the engineers may have very good judgment in regard to dredging channels, river and harbor work, and, comprehensively speaking, engineering problems; but that they do not have any better judgment than the average business man on commercial propositions, and hence pressure has been brought to bear in many instances to adopt a project, notwithstanding there was an adverse report from the engineers.

Mr. NORRIS. What does the Senator mean by "pressure"? What kind of pressure?

Mr. BURTON. I could spend considerable time in telling what that is.

Mr. NORRIS. I think the Senator could well afford to do so, because there are a lot of projects in this bill which are in that category.

Mr. BURTON. Boards of trade, business associations in the localities interested, associations to promote a specific project, with salaried officials sometimes running up as high as $5,000 or $6,000 a year, which associations are formed for no purpose except to induce Congress to accept some river and harbor improvement. That is reinforced by the demand of the press

over a large area that certain improvements shall be made. Those newspapers usually say in effect: "We are against improving the little creeks; we are against wasting money in river and harbor bills, but we are in favor of our project"; and the chances are at least even that their project is the worst in the whole list.

FEDERAL TRADE COMMISSION.

The VICE PRESIDENT. The morning hour having expired, the Chair lays before the Senate the unfinished business, which is House bill 15613.

The Senate, as in Committee of the Whole, resumed the consideration of the bill (H. R. 15613) to create an interstate trade commission, to define its powers and duties, and for other purposes.

Mr. NEWLANDS. I ask that the bill be temporarily laid aside in order to permit the Senator from Ohio [Mr. BURTON] to conclude his remarks.

Mr. KENYON. I object. I think we should proceed with the consideration of this important measure.

Mr. NEWLANDS. Then I move that the bill be laid aside until 1 o'clock to-morrow afternoon.

Mr. GALLINGER. It is proper to suggest to the Senator from Nevada that the bill would lose its place as the unfinished business. Perhaps that is not important.

Mr. NEWLANDS. I do not wish it to lose its place. I will go on with the bill, Mr. President.

The VICE PRESIDENT. The question is on the amendment proposed by the committee.

Mr. CUMMINS. I did not hear the motion of the Senator from Nevada.

The VICE PRESIDENT. He has withdrawn the motion.

Mr. NEWLANDS. I made none. The bill is now before the Senate.

Mr. CUMMINS. Then a parliamentary inquiry. I think the pending question is upon an amendment that I offered to section 5.

The VICE PRESIDENT. The Chair has not been here all the while.

Mr. CUMMINS. The Senator from Utah [Mr. SMOOT] was in the chair at the time.

The VICE PRESIDENT. The Secretary will state the pending amendment.

The SECRETARY. The Senator from Iowa [Mr. CUMMINS] moves to amend section 5 by adding thereto the following proviso:

Provided, That no order, or finding, of the court or commission, in the enforcement of this section, shall have any force or effect, nor be admissible as evidence in any suit, civil or criminal, brought under the antitrust acts; nor shall anything contained in this act be construed to alter, modify, or repeal the said antitrust acts, or any part or parts thereof.

Mr. SMOOT. If we are going to consider the bill, I suggest the absence of a quorum.

The VICE PRESIDENT. The Secretary will call the roll.

The Secretary called the roll, and the following Senators answered to their names:

Ashurst	Cummins	Newlands	Smith, Ariz.
Bankhead	Fletcher	Norris	Smith, Ga.
Brady	Gallinger	Overman	Smith, Md.
Brandegee	Goff	Page	Smoot
Bristow	Hollis	Perkins	Sutherland
Bryan	Hughes	Pittman	Swanson
Burton	James	Pomerene	Thomas
Camden	Kenyon	Ransdell	Thornton
Catron	Kern	Reed	Vardaman
Chamberlain	Lane	Shafroth	Walsh
Chilton	Lee, Md.	Sheppard	Warren
Clarke, Ark.	Lewis	Shields	West
Colt	Martin, Va.	Shively	White
Crawford	Nelson	Simmons	Williams

The PRESIDENT pro tempore. Fifty-six Senators having answered to their names, a quorum of the Senate is present. The Senator from Iowa is entitled to the floor.

Mr. CUMMINS. Mr. President, a single word with regard to the amendment now pending.

Mr. REED. Will the Senator from Iowa yield to me for a moment?

Mr. CUMMINS. Certainly.

Mr. REED. I understand that a request for unanimous consent to temporarily lay aside the pending measure was made, and that some Senator or Senators objected. I have been endeavoring to examine the law applicable to one or two sections of this bill, and I have pursued that inquiry with as much diligence as I was able. It has been interfered with by service upon committees, and this afternoon I am compelled to be upon attendance at the Banking and Currency Committee, where we have an important matter pending.

My investigation thus far has led me to the conclusion that unless the phraseology is changed in one section of the bill it will not at all effect the purpose its authors have in mind. I desire to speak upon this bill, but I can not under the circumstances do so to-day. It has been generally the custom in the Senate under those circumstances to allow a measure to lie over, and I ask unanimous consent that the pending measure may be temporarily laid aside.

Mr. CUMMINS. Mr. President, I am not the Senator who made the objection. I think my colleague [Mr. KENYON] made it, and he is not in the Chamber just at this moment. I think he possibly may be in the corridor. I suggest that one of the pages notify him.

The PRESIDENT pro tempore. The Senator from Missouri can not make any such request as that unless the Senator from Iowa yields the floor. He can not get the floor for the purpose of asking a question and then make a motion.

Mr. CUMMINS. I do not intend to occupy the floor more than a moment at the most, and then the Senator from Missouri can make his request.

Mr. REED. I did not understand the Senator from Iowa.

Mr. CUMMINS. I do not intend to occupy the floor more than a very few moments at most. The amendment which is now pending is an amendment that I have offered to section 5, providing that nothing in this section or the bill shall be held to interfere with or restrict in any way the operation of the antitrust law. I think the Senator from Missouri probably thought it was my amendment relating to interlocking directorates or holding companies.

Mr. REED. No. I understand the rule, and I understand, of course, that I could not rise in the Senator's time and make the request unless I did it with his full acquiescence and consent. I thought the Senator was not especially anxious to go on this afternoon. If he is, of course I would not proffer the request.

Mr. CUMMINS. As I said a moment ago, I did not make the objection, and I am not especially anxious to go on this afternoon. My colleague made the objection. He is now in his seat. I yield to the Senator from Missouri for the purpose of preferring the request.

The PRESIDENT pro tempore. The Senator from Iowa yields the floor and the Senator from Missouri is recognized.

Mr. REED. I wish to state to the Senator from Iowa who has just come in what I have already said in his absence. I have been examining the law with reference to certain phases of this bill. I have not been able to conclude that examination because I have been constantly occupied upon service on committees. I was engaged all this forenoon and will be engaged this afternoon upon the Banking and Currency Committee, where we have a matter pending demanding immediate attention. I wish to speak upon this bill. It is impossible for me to do so this afternoon. I have therefore asked that I be accorded the courtesy that is ordinarily accorded, of allowing the bill to go over, and I have requested unanimous consent that the bill might be temporarily laid aside. I hope that will be granted.

The PRESIDENT pro tempore. The Senator from Missouri asks unanimous consent that the unfinished business may be temporarily laid aside. Is there objection?

Mr. GALLINGER. Mr. President, I will offer the suggestion that perhaps some other Senator is ready to go on.

Mr. REED. I have understood not.

Mr. GALLINGER. We have had very little information from the other side of the Chamber as to why we should pass this bill. I presume the chairman of the committee knows the Senators who are to speak upon it. I apprehend that we are going to have some affirmative discussion from the other side of the Chamber. All we have heard up to the present time has been from the Senator from Iowa on this side of the Chamber.

Mr. NEWLANDS. I was under the impression that the chairman of the committee had discussed the bill somewhat at length.

Mr. GALLINGER. Is not this an opportune time? Is the chairman going to discuss it further?

Mr. NEWLANDS. Not except in running debate.

Mr. GALLINGER. I presume the chairman did discuss it in my absence, but this is said to be a bill of great importance, of mighty magnitude. It is revolutionary in one sense in its character for good or for bad, and we certainly ought to have a good deal of information given to us from the other side of the Chamber as to why we should pass it. Perhaps that information is held in reserve, but the summer is passing, the fences are out of repair, and the vegetable garden is getting ready to tempt us, and it seems to me that we ought to make a good deal of progress in considering this very important bill.

Mr. POMERENE. The Senator certainly does not mean that suggestion to apply to New Hampshire fences.

Mr. GALLINGER. Oh, yes; the vegetable gardens are coming along in New Hampshire even to the extent of having green peas. Well, Mr. President, I will not object.

Mr. NEWLANDS. I will say as to this side of the Chamber that there is thus far no indication that anyone wishes to speak at length upon the bill. I presume there will be more or less current discussion as we proceed with the amendments, but not at any length, I am informed. So far as the Senator from Missouri [Mr. REED] is concerned, I am aware that he has made a very serious study of this question of late, particularly with reference to section 5. He is desirous of presenting his views to the Senate, and I have no doubt the Senate will profit by it.

Mr. GALLINGER. Let me ask this question: We all want to accommodate the Senator from Missouri. How would it do to lay this bill aside and take up the calendar of unobjected cases this afternoon? There are a couple of hundred bills on the calendar that Senators and our friends in the other House are interested in. That would be a good way to dispose of the afternoon. I will ask the Senator from North Carolina [Mr. SIMMONS] if that course would be agreeable to him?

Mr. REED. Mr. President, just one word, with the permission of the Senator who has the floor. Of course I had no idea of the Senate stopping business. I understand there is pending a very important river and harbor bill, and there is also a calendar. I assume the Senate will go on with its regular work. Therefore, whatever the Senate does, it would seem to me that this bill might well be laid aside temporarily. However, I have said all I care to submit.

Mr. GALLINGER. I do not object to the request, of course. I would not do that under any circumstances.

The PRESIDENT pro tempore. Is there objection to the request of the Senator from Missouri?

Mr. KENYON. Mr. President——

Mr. BURTON. I may state that I should be entirely willing to go on with the discussion of the river and harbor bill for an hour or two hours, if it would in any way facilitate the business of the Senate. I had, of course, counted on occupying perhaps nearly all the morning hour. I desire to prepare my material carefully, and I am not sure that I have my facts and figures for more than two hours, possibly for not more than one hour. If it will facilitate the business of the Senate, however, I can proceed for a time.

Mr. GALLINGER. Has the bill been laid aside?

The PRESIDENT pro tempore. It has not. The question is on the request of the Senator from Missouri that the pending measure be temporarily laid aside. Is there objection?

Mr. KENYON. Mr. President, I had not thought to object to any request that the Senator from Missouri might make in this case. If it can be arranged and understood that the Senator from Ohio will go on, say, for an hour and then we will take up the calendar, it would seem to me a very fair proposition, and I would not object to something of that kind. Of course, the Senator from Ohio is not prepared to consume the entire day and to finish his argument, and he does not desire to do so. That would seem to be about as unfair as to object to accommodating the Senator from Missouri. I will ask the Senator from North Carolina if he will have any objection to the Senator from Ohio proceeding?

Mr. SIMMONS. I, of course, have no objections to the Senator from Ohio proceeding. I hope that he will proceed and be able to conclude this evening, and upon his conclusion I think the Senator from Mississippi desires to take the floor and also discuss the river and harbor bill.

Mr. KENYON. I am certain that it will be impossible for the Senator from Ohio to conclude this evening. He has not all his material here, but he is perfectly willing to go on for an hour or an hour and a half. If that can be done, I will make no objection. I think it is a fair proposition.

Mr. SIMMONS. I think the Senator from Ohio can probably go on for a longer time. The Senator from Ohio does not require very much data in making a speech.

Mr. SUTHERLAND. Mr. President, I rise to a parliamentary inquiry.

The PRESIDENT pro tempore. The Senator from Utah will state it.

Mr. SIMMONS. I think the Senator from Ohio is well prepared——

The PRESIDENT pro tempore. The Senator from Utah is recognized to submit a parliamentary inquiry. The Senator will state it.

Mr. SUTHERLAND. The inquiry I desire to submit is this: If the pending bill, which is the unfinished business, should be temporarily laid aside, could not a Senator at any time during the afternoon call for the regular order, and would not that bring the unfinished business again before the Senate?

The PRESIDENT pro tempore. If the request of the Senator from Missouri is granted, the calendar under Rule VIII is in order. It may be followed by the motion of the Senator from North Carolina that the Senate proceed to the consideration of the river and harbor bill. If that motion is adopted, of course, a single objection would not displace its further consideration.

Mr. SUTHERLAND. No; but my inquiry was this: The unfinished business, which is the regular order——

The PRESIDENT pro tempore. Being out of the way, the calendar under Rule VIII is in order.

Mr. SUTHERLAND. But if it is temporarily laid aside, is it not in order at any time to demand the regular order, and when the regular order is demanded does not that bring up the unfinished business?

The PRESIDENT pro tempore. Under our precedents it would not. It would not come up again until 1 o'clock tomorrow. A mere demand for the regular order would be a demand for the consideration of the bills on the calendar under Rule VIII.

Mr. SIMMONS. That would be the case unless the river and harbor bill was called up.

The PRESIDENT pro tempore. There is nothing in the rule on this subject. The practice has been the other way.

Mr. BRANDEGEE. Mr. President, if the unfinished business is laid aside temporarily by unanimous consent, can a Senator demand the regular order the next minute and reinstate it?

The PRESIDENT pro tempore. The Chair rules he can not. Is there objection to the request of the Senator from Missouri [Mr. REED]? The Chair hears none, and it is so ordered. The calendar under Rule VIII is in order.

RIVER AND HARBOR APPROPRIATIONS.

Mr. SIMMONS. Mr. President, I move that the Senate proceed to the consideration of House bill 13811, the river and harbor bill.

Mr. GALLINGER. I suggest the absence of a quorum.

The PRESIDENT pro tempore. The Senator from New Hampshire suggests the absence of a quorum. The Secretary will call the roll.

The Secretary called the roll, and the following Senators answered to their names:

Ashurst	Gallinger	Oliver	Smith, Ga.
Bankhead	Goff	Overman	Smith, Md.
Brady	Hollis	Page	Smoot
Brandegee	Hughes	Perkins	Sterling
Bristow	James	Pomerene	Sutherland
Burton	Kenyon	Ransdell	Thomas
Camden	Kern	Reed	Thornton
Catron	Lane	Shafroth	Vardaman
Chamberlain	Lee, Md.	Sheppard	Walsh
Chilton	Lewis	Shields	Warren
Clarke, Ark.	McCumber	Shively	West
Cummins	Martine, N. J.	Simmons	White
Fletcher	Newlands	Smith, Ariz.	Williams

The PRESIDENT pro tempore. Fifty-two Senators having answered to their names, a quorum of the Senate is present. The question is on the motion of the Senator from North Carolina [Mr. SIMMONS], that the Senate now proceed to the consideration of the river and harbor bill. [Putting the question.] The ayes seem to have it. The ayes have it, and the motion is agreed to.

Mr. KENYON. On that question I ask for the yeas and nays.

The PRESIDENT pro tempore. The Chair presumes that the Senator from Iowa was on his feet for the purpose of making that request before the announcement of the Chair. The Chair, therefore, will grant the request. Is the demand for the yeas and nays seconded?

The yeas and nays were ordered, and the Secretary proceeded to call the roll.

Mr. CATRON (when his name was called). I have a pair with the senior Senator from Oklahoma [Mr. OWEN]. I transfer that pair to the Senator from Illinois [Mr. SHERMAN], who is absent on account of sickness in his family, and I vote "nay."

Mr. GALLINGER (when his name was called). I transfer my pair with the junior Senator from New York [Mr. O'GORMAN] to the junior Senator from Maine [Mr. BURLEIGH] and vote "nay."

Mr. GOFF (when his name was called). I have a general pair with the senior Senator from South Carolina [Mr. TILLMAN], and therefore withhold my vote. I desire to let this announcement stand for the day.

Mr. THOMAS (when his name was called). I have a general pair with the senior Senator from New York [Mr. ROOT], who is absent. I therefore withhold my vote.

Mr. WALSH (when his name was called). In the absence of the Senator from Rhode Island [Mr. LIPPITT], with whom I have a pair, I withhold my vote.

Mr. WILLIAMS (when his name was called). Transferring my pair with the senior Senator from Pennsylvania [Mr. PENROSE] to the junior Senator from South Carolina [Mr. SMITH], I vote "yea."

The roll call was concluded.

Mr. TOWNSEND (after having voted in the affirmative). I voted inadvertently. I am paired with the junior Senator from Arkansas [Mr. ROBINSON], but I will transfer that pair to the senior Senator from Washington [Mr. JONES], who is necessarily absent, and will allow my vote to stand.

Mr. SIMMONS (after having voted in the affirmative). I transfer my pair with the junior Senator from Minnesota [Mr. CLAPP] to the junior Senator from Illinois [Mr. LEWIS] and will let my vote stand.

Mr. CRAWFORD. I have a pair with the senior Senator from Tennessee [Mr. LEA], who is absent. I therefore withhold my vote.

Mr. SMITH of Georgia. I have a general pair with the senior Senator from Massachusetts [Mr. LODGE]. If my vote is necessary to make a quorum, I am at liberty to vote; but I also think, in view of our understanding, that on a measure such as this I could vote to take up a bill; but if my vote is not necessary to make a quorum I shall not now vote.

Mr. STONE. I have a general pair with the Senator from Wyoming [Mr. CLARK]. I transfer that pair to the Senator from Nevada [Mr. PITTMAN] and vote "yea."

Mr. JAMES. I have a general pair with the Senator from Massachusetts [Mr. WEEKS]. In his absence I withhold my vote.

The result was announced—yeas 38, nays 15, as follows:

YEAS—38.

Bankhead	Lane	Poindexter	Swanson
Bryan	Lee, Md.	Ransdell	Thompson
Camden	McCumber	Shafroth	Thornton
Chamberlain	Martin, Va.	Sheppard	Townsend
Clarke, Ark.	Martine, N. J.	Shields	Vardaman
Dillingham	Nelson	Shively	West
Fletcher	Newlands	Simmons	White
Hollis	Oliver	Smith, Ariz.	Williams
Hughes	Overman	Smith, Md.	
Kern	Perkins	Stone	

NAYS—15.

Ashurst	Bristow	Hitchcock	Smoot
Borah	Catron	Kenyon	Sutherland
Brady	Cummins	Norris	Warren
Brandegee	Gallinger	Page	

NOT VOTING—43.

Burleigh	Gore	Myers	Smith, Ga.
Burton	Gronna	O'Gorman	Smith, Mich.
Chilton	James	Owen	Smith, S. C.
Clapp	Johnson	Pearose	Stephenson
Clark, Wyo.	Jones	Pittman	Sterling
Colt	La Follette	Pomerene	Thomas
Crawford	Lee, Tenn.	Reed	Tillman
Culberson	Lewis	Robinson	Walsh
du Pont	Lippitt	Root	Weeks
Fall	Lodge	Saulsbury	Works
Goff	McLean	Sherman	

So the motion was agreed to; and the Senate, as in Committee of the Whole, resumed the consideration of the bill (H. R. 13811) making appropriation for the construction, repair, and preservation of certain public works on rivers and harbors, and for other purposes.

Mr. BURTON. Mr. President, I have already made reference to the act of 1907. I will state briefly its distinctive features and then some of the items included in that measure. After stating the amount that I have already given, it is said:

The aggregate of appropriations and authorizations is larger than in any preceding river and harbor bill, although the act of June, 1896, contained a larger amount of authorizations. There are several distinctive features in this bill:

1. Provision is made for completion in a much larger proportion of the projects than in any preceding measure.

2. The total amount necessary to complete the unfinished improvements, which the committee regards as most important, is provided by appropriation or authorization if completion can reasonably be expected within four years from July 1, 1907. Also upon large projects, where the amount required to finish the work is necessarily indeterminate, such as in the three divisions of the Mississippi River, provision is made for an equal time.

That is for four years.

3. Now projects are not adopted unless provision is made for completion.

4. In the case of rivers and harbors of secondary importance a somewhat larger amount than in former acts is appropriated for a considerable number of the most promising improvements.

In providing for the completion of new projects a radical departure from former methods has been adopted by the committee. It has been thought best to undertake no new improvement unless the whole amount required for its completion, whether the project involves large or small expense, is appropriated or authorized. This policy has been followed with barely an exception.

At a later time I shall take up the references made by my friend the Senator from Louisiana [Mr. RANSDELL] and show that, with one or two exceptions, the eight provisions which he named were not exceptions to this rule.

It is believed that the advantages of such a method are sufficiently obvious. Assured results will be obtained at an early date by the completion of the improvement. More substantial benefit will be conferred by selecting the most deserving projects and avoiding the scattering of appropriations. The expense for each improvement will be very much diminished, because work can be more advantageously and economically prosecuted if the whole amount necessary to complete is made available. It is also true as a practical fact that when the total expense is to be provided at one time more careful consideration will be given to a proposed improvement and the question of its adoption more intelligently considered. The rule has been followed that between two projects equally deserving it is better to complete one than to make partial appropriations for both.

Sixty-eight million seven hundred and seventeen thousand three hundred and ninety-eight dollars of the amounts included in the bill are for improvements of considerable magnitude already undertaken by the Government or for further improvements in connection therewith where increased traffic requires additional facilities.

The following is a list of appropriations and authorizations of this kind, in which a division is made into two classes—first, those aggregating $1,000,000 or more; second, those aggregating $200,000 or more, but less than $1,000,000:

Before taking up these items, I should say, Mr. President, that in some instances, upon further examination, it was found that the estimates of the engineers had not been sufficient, though that fact did not usually develop for two or three years after the bill of 1907. It has been a source of honest pride to the Engineer Corps that, in making their estimates, sufficient amounts have been included, and that in very few instances, until within recent years, was it found necessary to expend more than was named in their computations. In the last five to seven years a considerable number of instances have developed in which the estimates have been found insufficient. I take it that is but a manifestation of increased prices; it is coincident with a notable increase in the cost of living; and these inadequate estimates are rather due to facts beyond the control of the engineers than to any error in their computations.

I wish now, Mr. President, to take up a list of some of these projects and ask where in any river and harbor bill a selection can be made that can compare in merit with the 1907 bill in the provision made for the whole country and every section of it?

First, harbor at Boston, 35-foot channel, to complete, cash appropriation of $500,000; authorization under continuing contract $3,894,000. This project had been adopted by the bill of 1902, and a very considerable amount of work was done upon it. It was thought necessary that the channel should have a depth of 35 feet, notwithstanding there is at that point a considerable tide, a greater tide than at New York. The tide at Boston is about 9 feet, but in view of the importance of the port—for it was then the second in the United States in its exports and imports—it was thought best to provide a channel of 35 feet depth and to press that to completion. Indeed, the wisdom of the committee has been confirmed in that respect, because there is a provision in this very bill for deepening the outer portion of the channel nearest the sea to 40 feet.

Second, harbor of New York, Ambrose Channel, to complete, $1,148,510. That was a provision for the completion of a channel, the work upon which was undertaken under the bill of 1899. Slow progress was made at first, because there was no dredging equipment in the country adequate to dredge in channels of such considerable depth; but the Government of the United States built dredges to meet this situation. By reason of this fact there was a considerable amount of delay; but in the act of 1907 provision was made for the completion of the work. That channel is now finished and probably affords the finest entrance channel to a great port in the world. It is 40 feet deep, with a tide of 5½ feet, and 2,000 feet wide. It replaces the old channel by which boats went down to Sandy Hook and then turned almost at right angles.

Third, Black Rock Harbor and channel, $1,000,000 cash; $1,000,000 continuing contract. That channel is an extension of the harbor facilities around Buffalo and affords facilities for a lake terminus for the proposed barge canal. It has been the policy of the Government to cooperate with the State of New York in the building of the barge canal. By a vote of the people of the State of New York in 1903 it was decided that this waterway should be undertaken and paid for by the issuance of bonds, I believe, under an obligation of the State of New York. The estimated cost was $103,000,000. In view of this very large undertaking of the State, and that, too, in a type of project which in many States is appropriated for by the Federal Government, it seemed to the committee best to recommend a liberal policy. As an illustration of the same policy we have in the bill now before us a provision for improving the narrows of Lake Champlain, and in earlier bills we have made provisions

for improving the Hudson River at Waterford and below, the easterly terminus of the barge canal, and also this provision for Black Rock Harbor, which served the double purpose of additional harbor facilities and providing more conveniently for the western terminus of the proposed barge canal.

Delaware River, below Philadelphia, to complete, cash $895.000; continuing contract, $500,000. This was for a channel 30 feet in depth extending to the sea, which is reinforced by a tide of about 5½ feet. It is true that since the completion of this 30-foot channel the Government has undertaken to dig a 35-foot channel from Philadelphia to the sea, and we are making appropriations for that in the pending river and harbor bill; but the policy of the committee at that time was to provide deeper channels for harbors immediately abutting or fronting on bays or portions of the sea, than for harbors which must be reached by sailing through a river for a considerable distance, as is the case at Philadelphia. So a distinction of 5 feet was made between Philadelphia and Boston.

With the growth of the traffic of the port, however, it seems desirable, though at enormous expense, to deepen the Philadelphia channel in the Delaware River to 35 feet. It will probably, when completed, be the most expensive improvement of any on our list connected with a harbor of the United States.

Next is the Patapsco River and channel to Baltimore, to complete, $500,000 cash; $1,715,000 continuing contract.

So, out of the first five items of this bill it will be observed that we have made provision—and ample provision at that—for the whole expense of improving the four harbors of Boston, New York, Philadelphia, and Baltimore; and I may say that the plans recognized in this bill raised those harbors to a standard unsurpassed anywhere in the world.

The next is a very important item: Channel from deep water in Hampton Roads to Norfolk, $282,000 cash, $850,000 continuing contract. Here is another harbor, altogether the greatest in its tonnage in the South, though not equal in the value of its shipments to Galveston or, perhaps, New Orleans. Provision was made for the completion of the improvement under way there.

The next is Savannah Harbor, $300,000 cash, $700,000 continuing contract. That is a very important harbor. In years past next to New Orleans it was the great cotton-receiving port in the United States. I think at one time the amount of cotton received there was greater than at any other port. It ranks now behind Galveston. I am uncertain whether it is behind New Orleans or not; but it is, nevertheless, a port of great importance.

Next, the Black Warrior, Warrior, and Tombigbee Rivers, $350,000 cash, $1,842,000 continuing contract. This was to complete this project for locks and dams up to and beyond the city of Tuscaloosa, and now includes 17 locks and dams—the number was somewhat less than that when this bill was passed.

I have always regarded this improvement as a somewhat doubtful one. It was well under way before I became a member of the Rivers and Harbors Committee. The committee took the ground that if there were any stream or series of streams of comparative shallow depth which could be profitably improved by canalization, the Black Warrior, the Warrior, and the Tombigbee, affording access to the Gulf from the coal fields in the neighborhood of Birmingham, constituted such streams.

I am frank to say that when this appropriation was made I do not think the committee anticipated the total cost would amount to some $10,000,000, though we did recognize that it would be very expensive. It was, as I have said, well under way when I became a member of that committee, and a very excellent showing was made on its behalf. The advantages of this route are that there is abundant coal in the headwaters of the Black Warrior and that at Mobile and all along the Gulf there is a great demand for coal, but no supply in near-by mines.

To illustrate the cost of coal on the Gulf I may say that a business acquaintance of mine having the management of a steamship line shipping products abroad some 10 years ago made a computation as to whether it was more profitable to buy coal at Galveston or to load at that point with only sufficient coal to furnish steam to Norfolk and there take on a sufficient quantity of coal to propel the ships to their destination in Europe, which, I believe, was Rotterdam. He made this computation with a great deal of care, and concluded that the expense of coal was so much more considerable at Galveston than at Norfolk that it was profitable to load only sufficient coal to propel the boat to Norfolk, and then buy coal there for the remainder of the journey.

It will be readily seen that if any coal supply can be made available to the Gulf it is very desirable to have access to it; and while I am not now oversanguine as to the success of this improvement, while I do not believe it will pay the interest on the investment, I trust that its success may yet be attained. The official statistics up to date have been extremely discouraging, but I am informed that within the last year there has been a very large increase in shipments from the Black Warrior River.

In this connection I may say that it is not correct to base our calculations on the desirability of an improvement upon transportation facilities as they were 20 or even 10 years ago. In our country, especially, and in some degree in Europe, the advantages of the railroad and other means of overland transportation have been emphasized, while the method of transportation by water has not shown the same improvement and development. There has been little improvement in the models of the boats which carry traffic on the inland rivers, while, on the other hand, the railway car has increased in its average haul, and by the improvement of tracks and construction of larger locomotives, they can haul very much larger trainloads, as well as carloads, than formerly.

There is another factor in this situation which no one can overlook and which finds its best illustration in the United States. When a railway is constructed there is a certain fixed expense whether the traffic be large or small. To begin with, a right of way must be obtained. Then a track or tracks must be laid, and also switches to warehouses and to wharves. Next, there must be a certain force of officers and men. Those expenses are practically uniform, whether the traffic be a million tons or ten million tons; and in the development of railway traffic in the last 15 years there has been no factor more marked than the carriage of a larger share of coarse freight which it was formerly thought railroads could not haul profitably. They have their right of way; they have their tracks; they have their office force; they have their locomotives; they have their cars; and all that is necessary in order to multiply their traffic by adding coarse freight is an additional number of locomotives and an added number of cars and a somewhat increased number of employees; that is, men to man the cars and locomotives. For watching the track, and so forth, nothing additional is necessary.

This has led to the hauling of coal by railroads at very much lower rates than formerly and also to their undertaking the carriage of coarse freight, where formerly it was not regarded as at all desirable.

Mr. BORAH. Mr. President——

The PRESIDING OFFICER (Mr. SMOOT in the chair). Does the Senator from Ohio yield to the Senator from Idaho?

Mr. BURTON. I do.

Mr. BORAH. This is a very important measure, and I think it ought to be discussed with more Members present. I suggest the absence of a quorum.

The PRESIDING OFFICER. The Secretary will call the roll.

The Secretary called the roll, and the following Senators answered to their names:

Bankhead	Clarke, Ark.	Page	Stone
Borah	Crawford	Perkins	Sutherland
Brady	Fletcher	Sheppard	Thomas
Brandegee	Gallinger	Shields	Warren
Bryan	Hughes	Shively	West
Burton	Kenyon	Simmons	White
Camden	Lane	Smith, Ariz.	Williams
Catron	McCumber	Smith, Ga.	
Chamberlain	Martine, N. J.	Smoot	
Chilton	Oliver	Sterling	

Mr. CHILTON. I wish to announce, for the day, that the senior Senator from New Mexico [Mr. FALL] is necessarily absent from the Senate.

The PRESIDING OFFICER. Thirty-seven Senators have answered to the roll call. There is not a quorum present. The Secretary will call the names of absent Senators.

The Secretary called the names of absent Senators, and Mr. CUMMINS, Mr. LEWIS, Mr. NEWLANDS, Mr. RANSDELL, Mr. SHAFROTH, Mr. SMITH of Maryland, Mr. SWANSON, Mr. THOMPSON, Mr. THORNTON, and Mr. VARDAMAN answered to their names when called.

Mr. SHAFROTH. I wish to announce that the members of the Banking and Currency Committee are in session upon business of the Senate. The Senators there consist of Senator HITCHCOCK, Senator POMERENE, Senator LEE of Maryland, Senator HOLLIS, Senator NELSON, and Senator CRAWFORD.

Mr. MARTIN of Virginia, Mr. OVERMAN, Mr. JAMES, and Mr. KERN entered the Chamber and answered to their names.

The PRESIDING OFFICER. Fifty-one Senators having answered to the roll call, there is a quorum present. The Senator from Ohio will proceed.

Mr. BURTON. Mr. President, as showing the great increase in the capacity of railways for carrying freight which has developed contemporaneously with a lack of corresponding improve-

ment in river boats of shallow draft, I read some specimen freight rates from the Railway Gazette.

On June 18, 1909, the Pennsylvania Railroad hauled 94 gondola cars from Altoona to Harrisburg, 124 miles, with a load of 5,042 tons, an average load of 56.3 tons per car. The total weight of the train, including locomotive and cars, was 6,992 tons. In August, 1909, the Lake Shore & Michigan Southern Railway hauled 100 steel cars, loaded with 7,433 tons of iron ore, from Ashtabula, Ohio, to Youngstown, in the same State, a distance of 65 miles. This is an average load per car of 74.3 tons.

To revert to the question of these waterways, the improvement of the Warrior and Tombigbee Rivers, as I have stated, presents hopeful features—the possible development of coal traffic, and possibly also the transportation of iron and marble from the headwaters to the sea. There is one very encouraging feature in connection with this waterway, and that is that boats of comparatively shallow draft can pass from the mouth of Mobile Bay, by way of Mississippi Sound and the Passes in that neighborhood, to a canal which leads to the Mississippi, and thereby can carry coal and other freight to New Orleans. The great problem with most of these waterways is a return cargo. Oftentimes charges have to be fixed in accordance with the rate for carriage for only one way, while the traffic the other way is so trivial that it is hardly a factor in maintaining a transportation agency of this kind. It is hoped that some traffic may develop from New Orleans to Mobile on the return trip.

We regarded this at that time as a desirable improvement. And I sincerely hope that it may justify the expenditure made upon it. Nevertheless, I regard these canalized rivers as problematical rather than otherwise. The railways in that neighborhood are now carrying coal at a very low rate to New Orleans and points on the Gulf. There will be sharp competition between them. I think it may be said that some degree of benefit, at least, has been conferred by this potential competition, which has had a tendency to lower these railroad rates. The question remains open, however, as to which organ of transportation will in the future carry that coal, that iron, and other articles of commerce. Will it be the railway or railways, or will it be these canalized rivers? If we may judge by instances in other localities, the chances are very largely that the railways will carry it.

The next item in this bill was the Southwest Pass of the Mississippi River below New Orleans. One million dollars in cash and $1,500,000 for continuing contracts were appropriated to complete the work. I think this amount, when expended, proved inadequate; but that was not the fault of the committee, nor of the estimates made by the engineers at that time. The sum reported as necessary to complete, two millions and a half, was according to the best judgment both of the engineers and of the committee in 1907.

That, again, is one of the most important channels in the United States. Formerly, under a plan devised and worked out by Mr. Eads, the means of communication between the deep water of the Mississippi River back from the Gulf and the Gulf itself, between which there is low land, was by the South Pass; but by an examination made, I believe, about the year 1900, it was concluded that the Southwest Pass would ultimately furnish the better route. Hence that was adopted in one of the river and harbor bills, perhaps in 1902, and it has been now practically completed, giving a channel 35 feet in depth from New Orleans to the sea.

The next is Galveston Harbor, for which an appropriation of $300,000 in cash was made and a continuing contract or contracts for $700,000 were authorized. This harbor, one of the most expensive in the United States to improve, ranking in cost with Philadelphia and the improvement of the Southwest and South Passes between New Orleans and the sea, has shown remarkable results in that it affords a gateway for the traffic north of the Gulf on the westerly side of the Mississippi River up as far as Nebraska, and to an extent even beyond that. I believe that at the present time the exports from this port are second only to those of New York in value; and the committee felt justified in making a generous appropriation for this harbor and pressing the improvements there rapidly, so that the facilities might be sufficient to meet the increasing demands of traffic.

The next is Cleveland Harbor, with $223,000 cash and $900,000 in continuing contracts. The aim of this was to improve this harbor to provide for the enormous traffic there, which now amounts to some 14,000,000 tons per annum, made up largely of coarse material, iron ore and coal, but also showing a very considerable traffic in timber and general merchandise. This improvement had been adopted in the year 1902, but the appropriation was not sufficient for its completion. The thought was that this would at least prosecute this improvement for four years, and perhaps complete it.

The next is Lock and Dam No. 26, Ohio River, $265,000 cash and $800,000 continuing contract. That lock and dam had been commenced and was under way. It has an important location, below the mouth of the Kanawha River, and there was this singular situation, to which I shall revert again later: While the Kanawha River had been canalized and improved with locks and dams to a depth of 6 feet, yet for long seasons of the year the depth of water in the Ohio below the mouth of that improvement was less than that in the canalized Kanawha; so that if coal barges were brought out from the coal mines, while they could readily find their way to the lower dam in the Kanawha River, they would find an insufficient depth in the Ohio River. There they were stopped. It was thought desirable to complete this dam, which is also in an important locality, below the city of Parkersburg.

The next is the St. Marys River at the Falls, "additional lock and duplicate canal, to complete." There were two locks there, but they had already become insufficient to handle the enormous traffic passing through the Soo, which, in the year 1913, reached, I believe, some 72,000,000 tons. It was foreseen that with the constant increase of traffic it would be at best but a few years before the two locks already there on the American side, joined with one on the Canadian side, would be entirely inadequate to meet the demands. Hence, the committee, noticing this great increase, and believing that this improvement ought to be finished as promptly as possible, instead of appropriating $200,000 or $500,000, as had been the custom, and as appears in some appropriations in this bill of 1914 for improvements of similar magnitude, provided for the whole sum at one time—$1,200,000 in cash, and $5,000,000 for continuing contracts.

Mr. BORAH. Mr. President——

The PRESIDING OFFICER. Does the Senator from Ohio yield to the Senator from Idaho?

Mr. BURTON. I do.

Mr. BORAH. What is the particular project to which the Senator is now referring?

Mr. BURTON. A second canal and a third lock in St. Marys River, the connecting waterway between Lake Superior and Lake Huron. That is the locality through which the great bulk of the iron ore comes from the mines of Minnesota—those furnish the principal quantity—and from the mines of northern Wisconsin, destined for the furnaces in Ohio and in Pennsylvania, and also for the furnaces around the southerly end of Lake Michigan. While there are furnaces scattered around in other places, that constitutes the great consuming field—western Pennsylvania, west of the Alleghenies; northeastern Ohio; and around Gary, Calumet, and the southerly part of Lake Michigan.

The next appropriation is for the Detroit River, an alternative channel, "to complete." Here passes the greatest traffic in the world, marvelous in its quantity, boats passing sometimes on an average of one for every minute. The figures of the total traffic in each year are so large that I hardly dare give them. For the last year the estimate is 72,871,432 tons.

There was but one channel that was adequate, and the boats in going up and down were in constant danger of collision. It was thought desirable to have an alternative channel, so this appropriation was made, not of a partial amount, but of the whole amount required—an appropriation of $2,000,000 and an authorization of $4,670,950.

The next appropriation was for the Mississippi River, from the Head of Passes to the mouth of the Ohio River, $3,000,000 cash and $6,000,000 continuing contracts. The cost of this work is indeterminate. The policy was adopted of providing for four years, $3,000,000 for the first year and $2,000,000 for each of the succeeding years. This was commensurate with the appropriations which had been made up to that time, though in later years, and especially after the great flood of a few years ago, these appropriations have been increased.

Next, the Mississippi River between the Ohio and the Missouri, $250,000 cash and $750,000 continuing contracts.

Mr. President, I have addressed the Senate again and again on that stretch of river, but before this debate is finished, at the risk of reiteration, I feel that I must talk about it again. I regard that as one of the very worst blemishes on our river and harbor appropriations.

Mr. BORAH. Mr. President, what particular portion of the work on the Mississippi River does the Senator now refer to?

Mr. BURTON. That part of the Mississippi between the mouth of the Ohio and the mouth of the Missouri, about 206 miles in length.

Mr. KENYON. Mr. President, is the Senator going to give the amount that has been spent on that portion of the river?

Mr. BURTON. I have not done so, but I think I can give it in a moment.

Mr. KENYON. It runs over $16,000,000, does it not?

Mr. BURTON. Yes.

Mr. BORAH. How much?

Mr. KENYON. Over $16,000,000.

Mr. BURTON. The appropriations to date are $16,894,999.

Mr. BORAH. How long have the appropriations been going on?

Mr. BURTON. Oh, I think since before the Senator from Idaho was born; and the worst of it is that the estimate for obtaining a suitable channel was less in 1881 than it is now. I have those figures here, and since we have paused here I will advert to them.

Mr. NORRIS. The cost of living has gone up since then.

Mr. BURTON. Yes; but the cost of this channel went up before the cost of living went up.

Mr. NORRIS. That was probably one reason why the cost of living went up.

Mr. BURTON. If all the appropriations made by the Government and by States and municipalities were on this basis, the cost of living would go up still more.

Mr. KENYON. The commerce of this river has gone down about 80 per cent, has it not?

Mr. BURTON. Yes; I gave some figures on that point a few days ago, and I will repeat them. I will say that prior to the great exposition at St. Louis it was thought desirable to increase this appropriation somewhat, and there was a boom in traffic in the years 1903 and 1904, which, however, proved to be only a temporary spurt. When we came to consider this stretch of river in 1907 we thought $250,000 a year was ample, full measure, running over; but for each of the last four years, and in this bill, too, $1,000,000 has been carried for this stretch.

Now, let us see what are some of the results accruing from what we have done. Sixteen million eight hundred and ninety-four thousand nine hundred and ninety-nine dollars is the amount appropriated to date. In 1881 the amount estimated to make an 8-foot channel was a little over $16,000,000. After this $16,894,000 had been appropriated and most all of it spent, the estimate to obtain 8 feet and complete the work is $17,250,000; and the worst of it—and that gives it a spice of humor, which no one who has been favoring this large appropriation seems to recognize—is that they are seeking 8 feet, but, barring just a few days in each year, they have had 8 feet for 8 or 10 years.

Mr. President, if I were to fail to criticize this improvement I should be lacking in my duty to the Senate. What justification is there for it? I repeat some figures given in my minority report on the pending bill. The traffic from St. Louis in 1880 was 1,038,000 tons, in 1900 but 245,800 tons, in 1911 but 191,965 tons. In the year 1871, 44 per cent of the shipments from the city of St. Louis were by river. In 1909 the proportion was one-half of 1 per cent. Thus, 43 years ago the proportion of shipments by the river was 88 times as large as it was in 1909. Yet we are going on solemnly appropriating a million dollars a year for that stretch of the river after the 8 feet has been obtained that we have been seeking for all those years.

I see they have a balance left on hand there, or did have when this memorandum was made out. June 30, 1913, they had a balance available of $1,325,574. I do not wonder that they had that balance of $1,325,000 left. Indeed, I do not see how they can spend a million a year on that stretch. Here at the end of that fiscal year, 1913, this very large amount was left as a balance in the Treasury.

Mr. THOMAS. Mr. President——

The PRESIDING OFFICER. Does the Senator from Ohio yield to the Senator from Colorado?

Mr. BURTON. Certainly.

Mr. THOMAS. I have had the impression, which the statement the Senator now makes seems to prove, that this appropriation was largely designed for the construction of levees.

Mr. BURTON. There is another appropriation for levees. Formerly the jurisdiction of the Mississippi River Commission extended only up to Cairo, but by an act passed in 1906 it was extended up to Cape Girardeau, because on the west side of the Missouri River the alluvial lands extend up to Cape Girardeau and there is every reason why the jurisdiction of the Mississippi River Commission should reach to that point.

I do not know what this is for. I fancy that to some extent it is for putting in revetment along on the banks of the river there, but it seems to me we are forcing money on them against their will at the rate of a million dollars a year before we are sure that they will need it or can even use it.

I wish to give some further statistics prepared by the Merchants' Exchange. They prepare the most careful statistics gathered in the country, showing how utterly trivial is the traffic carried.

Mr. BORAH. Mr. President——

Mr. BURTON. Excuse me for just one minute. There is just one item in which there has been something of a revival within the last two years. I do not know exactly how long ago it began, but perhaps three or four years ago. There is a kind of coal around Pittsburgh especially suitable for making gas. I do not know whether the gas works are private or whether they belong to the city of St. Louis, but the managers of it regard that coal as the best available, and so each year they have been shipping between perhaps one and two hundred thousand tons. If it were not for that coal there would be practically nothing of substantial importance left of the traffic. I yield to the Senator from Idaho.

Mr. BORAH. I wish to ask the Senator what showing was made before the committee to get that kind of an appropriation?

Mr. BURTON. I do not know. That was put in the river and harbor bill in the House. I think the engineers recommend $1,000,000.

Mr. BORAH. Who are the engineers?

Mr. BURTON. I do not know the engineer at that particular place, but I refer to the Corps of Engineers.

They can spend money protecting the banks along there, putting in revetments, and putting in hurdles, and all that sort of thing; but it seems to me they have gained all that is deserved when they have 8 feet, and that, too, with such a trivial traffic there.

Mr. RANSDELL. Mr. President——

The PRESIDING OFFICER. Does the Senator from Ohio yield to the Senator from Louisiana?

Mr. BURTON. Certainly.

Mr. RANSDELL. I think I might help the Senator by a suggestion. If I understand correctly, this project was adopted in 1910 on the recommendation of the Engineer Corps. We have been trying to carry it on the river and harbor bill since, and in accordance with the advice of the Engineer Corps of the Army.

Mr. BURTON. Mr. President, I am exceedingly loath to criticize the engineers. They have been among the best friends I have ever had. I have associated with them; I have been with them on their trips. In the old days they were ready to accept suggestions from me in regard to these improvements; but I must say I think it is time, in the most friendly spirit, to look over these river and harbor bills and see whether all their recommendations are such as the United States ought to appropriate money for carrying out.

As I said, they are not so much to blame. They have an idea that these wild schemes are approved by the country. They have sometimes reported against a project and then Congress has sent an intimation in a resolution or statute in effect saying, "We are in favor of the project; we overrule you." You can imagine what men who were the executive officers of the Government would think as to what they ought to do after a few prods of that kind.

But, with a feeling of the utmost friendliness, before I get through I must take up some of the projects they have recommended and ask the Senate to consider whether there was any rational basis for them.

Mr. BORAH. The Senator says that when the engineers have recommended that a project be discontinued, they have been corrected by Congress?

Mr. BURTON. When they have reported against a project.

Mr. BORAH. Has Congress any information on which it recommended the appropriation?

Mr. BURTON. In the old days we used to turn down a good share of those which were favorably reported. I do not know whether they do now or not, but I think that at least they do not to the same extent.

I want to say a few words on another matter, now that we are on that subject, and I do not know but what this custom of varying somewhat from the thread of my argument is not, after all, the best. Whenever there is a fault in the men we have as officials in city and State, the fault is usually with the people themselves, because their ideals are not high or they asleep. So the fault in this matter here is with Congress, and then with the force that is behind Congress demanding these river improvements. You have men who want to have lands drained, and they come here and tell us what a great benefit it would be to navigation if some canal or channel was dug through the broad acres that they possess.

Mr. KENYON. Mr. President——

Mr. BURTON. Excuse me just a moment. We have been ordering surveys by the hundred. It used to seem necessary to the House committee in the days when I belonged to it to shear out a good many of these surveys. When the proposition came in we looked to see if the proposed channel or harbor had been surveyed within six or eight years. If it had and if there had been an adverse report, we decided that it had better wait. If upon examining the map it seemed to be an unpromising project, we said, "No." But of late it has been the custom just to say, "Come on, Members of the House; come on, Members of the Senate, anybody who wants a survey may have it included in this bill." This multiplication of surveys is a fruitful source of evil.

To begin with, it is impossible to examine all this multitude of projects and do it as thoroughly as was the case when there was a smaller number of them. I think I am not mistaken when I say that when the bill was passed every two or three years instead of annually we did not have as many surveys, such as Big Muddy Creek and Little Muddy Creek, and all that sort of thing, as we have now. Then, with all those to report upon, the engineers are entangled; they are confused. How do they know just what Congress wants? Of course, when an executive officer is directed to do anything he proceeds on the theory that every force which has been at work, every statute under which he is to act, is rational. He does not stop to inquire how all this great list of surveys was inserted in the bill. It has been stated here occasionally in the four years past that in the next bill all these surveys will have been exhausted; that there will not be any more rivers or creeks to survey; but with every new bill there is a new crop that comes along with other directions for resurveys.

Mr. KENYON. Generally, is the fault the lack of water or is it lack of navigability. Is it the aim of some to carry a channel on the side of a mountain or some other place where the scheme is absurd?

Mr. BORAH. Does the Senator say there has been about sixteen or seventeen million dollars spent upon this particular part of the river?

Mr. BURTON. That amount has not been quite spent yet.

Mr. BORAH. If appropriated it will be spent.

Mr. BURTON. From the 30th of last June they have had a chance to spend it.

Mr. BORAH. The Senator is so familiar with the subject I should like to know what, in the opinion of the Senator, has been the benefit to the country or the benefit generally to commerce or to business of the expenditure of the sixteen or seventeen million dollars. How much worse off would we be if we were now making the first appropriation?

Mr. BURTON. Well, I do not know. Of course that question does not altogether square itself with the facts. That channel was at one time very much used. St. Louis was a great haven for boats. I may say, if the Senator from Idaho or anyone else is interested in reading upon the subject, he will find the very best treatment of the decadence of the Mississippi River traffic in a place where he would little expect to find it, and that is in Mark Twain's Life on the Mississippi River. Mark Twain had been a pilot on the Mississippi River, and he gives a quasi-humorous account of the declining commerce there, concluding by saying, "alas, for the woodyard man," who did not longer have a chance to sell his wood to boats. He points out how formerly the whole levee was lined with boats, but then they had almost disappeared. I sought to give some reasons for this a few days ago. The cause of it is the development of traffic routes by rail east and west and the general growth of other agencies of transportation.

Mr. RANSDELL. Mr. President——

The PRESIDING OFFICER. Does the Senator from Ohio yield to the Senator from Louisiana?

Mr. BURTON. Certainly.

Mr. RANSDELL. May I ask the Senator a question in connection with what he said about the surveys? I have before me a report showing the number of surveys in these bills. I should like to read it at this time. In the act of 1902 there were 170 surveys ordered; in the act of 1905, 176; in the act of 1906, which was not a regular river and harbor bill, there seems to have been but 1 survey ordered; in the act of 1907, which the Senator praises so highly, and I believe justly—and it was a magnificent bill—there were 200 surveys ordered; in the act of 1909—the last one, I think, prepared under the Senator's chairmanship——

Mr. BURTON. It was prepared under my chairmanship, but I did not have very much to do with it.

Mr. RANSDELL. There were 274 surveys ordered.

Mr. BURTON. But I did not have much to do with framing it. The aim certainly was to include everything and make an end of surveys.

Mr. RANSDELL. The Senator was generally pretty active when he was chairman.

Mr. BURTON. I will stand for it. That is all right.

Mr. RANSDELL. I was sure the Senator would.

In the act of 1910 there were 187 surveys; in the act of 1911, 90 surveys; in the act of 1912, 226 surveys; in the act of 1913, 122 surveys; and this bill carries 186 surveys. So you see it is not so very much worse than others. It does not carry as many as the act of 1907, which carried 200, and nothing like as many as the act of 1909, which carried 274.

Mr. BURTON. I rather think it is because those bills of 1905 and 1907 carried the accumulations, respectively, of three and two years. I am free to admit that the bill of 1909 was prepared with the same removal of the brakes and that more were put in at that time. I did not exercise that supervision that I had in bills preceding that time. I really would like to have that list.

Mr. RANSDELL. I will be very glad to give it to the Senator. I wish to ask the Senator if it is not a fact that the surveys in the period of 1907 and 1909 were really as a rule a great deal more pretentious and important than the surveys made now, and if a good many of the surveys carried in the pending bill are not for the purpose of producing some slight modification of an already existing project?

Mr. BURTON. To an extent that is true, because naturally the surveys would exhaust the larger projects—the harbors, bays, and larger rivers. But that is being made up in these bills by putting on additional appropriations for the old ones. So there is not very much gain.

It will appear that the act of 1902, which was after an interval of three years, and the act of 1905, again after an interval of three years, did not have as many surveys as the act of 1910. The act of 1902 had 170. The act of 1905, three years later, had 176. The act of 1910 had 187 and the act of 1912 had 226. I do not know how many there are in this bill. There are a good many, but I have not counted them.

Mr. BRADY. What is the book and page from which the Senator quotes?

Mr. BURTON. That is the engineer's reports for 1913, volume 1, page 1419. It will perhaps be better to take the page if the Senator desires to look at it. It is on page 1419. It may in another binding be found in the second volume. I am obliged to the Senator from Louisiana.

Mr. GALLINGER. Mr. President, if the Senator will permit me, it is safe to assume that the number of the items in this bill relating to surveys will be greatly increased after the Senators have had an opportunity to offer amendments from the floor. I think the Senator will admit that. It always happens so.

Mr. BURTON. Yes; but in the framing of a bill deliberately and carefully there ought to be no amendments adding surveys on the floor. It was found necessary by the Rivers and Harbors Committee years ago to make another rule that seemed severe, but which, however, I think might have been followed with good results. It was to consider no engineer's report that came in after, say, the 1st of January, so that if any reports came in after that we would not consider them.

Here we consider reports for new projects when the document is still almost wet off the press, when there is no map with it, when it is impossible to give to the project thorough consideration. Representatives and Senators rush up to the board of review the very week, almost the very day, before a bill is to be reported and say in red-hot haste, "Get out that report for us." Then it comes up here and it can not be carefully considered.

I do maintain that the old way, though it had some degree of severity, fixing a time beyond which reports could not be considered, say two or three months before the bill was brought into the House, was much better.

Mr. RANSDELL. Mr. President——

The PRESIDING OFFICER. Does the Senator from Ohio yield to the Senator from Louisiana?

Mr. BURTON. Certainly.

Mr. RANSDELL. I ask the Senator if that was not an arbitrary rule, which was probably founded upon the fact that we were having bills then every three years and there was a greater length of time in which the engineers could prepare and make their reports on surveys ordered three years prior to the passage of the succeeding act?

Mr. BURTON. The Members whose plans were kept back said it was an arbitrary rule, but I really think it was a pretty good one.

Mr. RANSDELL. Did not the engineers have three years in which to prepare their reports in that instance, and do they not have much less time now? For instance, the last bill was just before the 4th of March, 1913, and they had but a few months in which to get their reports ready.

Let me call your attention to one of the most meritorious projects in the present bill—that for the improvement of Boston Harbor, which I know the Senator sanctioned heartily. We got the report just a day or two, if I recall it, before we prepared that bill, but it was so meritorious there was no dissenting voice.

Mr. BURTON. It was long before that.

Mr. RANSDELL. It was a very few days before. I do not remember exactly the time. If we had adopted an arbitrary rule we could not have gotten that appropriation in.

Mr. BURTON. Nevertheless, it is well not to make exceptions. If you had a general rule there, the probability is the report would have been sooner, and, on the other hand, the insertion of that which is, I have no doubt, a desirable improvement might lead to the introduction of half a dozen others that were only insufficiently considered and were undesirable.

The next item here is the Mississippi River between the Missouri River and Minneapolis, $500,000 cash and $1,500,000 continuing contract.

Mr. President, I have been regarded as friendly to that improvement. When a Representative or Senator has responsibilities in regard to these appropriations, he ought not to be a friend to any project. His duty is to help in framing a good bill and to look out for the interests of the whole country; but I will say I have thought there were possibilities in that upper portion of the Mississippi River. There was at one time very considerable traffic there, but in the year 1907 we thought it was sufficient to appropriate $500,000 cash per year.

I think I have the figures of that traffic near at hand. The last year it was 1,830,000 tons, not more than one-third of what it was back in the eighties. The average haul on that stretch of 658 miles was 31.6 miles, and I must submit that a million and a half dollars a year for that stretch of river is too high. That has been the amount appropriated for some years, and yet the traffic has been very gradually diminishing, due in some considerable degree to the fact that formerly logs constituted the larger part of the traffic and that the supply of standing timber has diminished.

But there is another feature here to which I will later call attention in detail. The average haul is not a twentieth part of the navigable length of the river. That is a most surprising feature. Indeed, as the reports used to come to us, there would be, say, 1,830,000 tons on the Mississippi River above the mouth of the Missouri, and I suppose everyone in reading that would think that the freight, or a good share of it, was hauled from St. Paul to St. Louis, or at least from Davenport to St. Louis, or from Burlington to Winona or some other point; but, really, when they come to give ton mileage, it appears that the total ton mileage on the whole river is about 55,000,000, or 31.6 times the number of tons. What does that show? That they haul their freight on short routes, as from Keokuk to Burlington, or perhaps from some place which has no railroad facilities. They haul the freight to the first point where there is a railroad crossing the river. So far as through traffic is concerned, traffic which is distinctly national in its scope, or at least interstate, the quantity has diminished, and it is practically vanishing.

Here is the Arkansas River, with something over 400 miles of length. The average haul on that river is only 34 miles. In the old days freight used to be carried down from St. Louis to New Orleans in great quantities. Until about 10 years ago grain used to be shipped in barges from St. Louis to New Orleans. I think it is a considerable time since any grain has been shipped between those places.

Here is the city of Memphis. That is another illustration of the extent to which traffic on the Mississippi River is local. Formerly cotton used to be carried down to New Orleans by boat, but now I do not believe there is a single bale carried from Memphis to New Orleans by boat. The river is divided into two sections between the two cities, Memphis to Vicksburg and Vicksburg to New Orleans. A great deal of cotton is picked up at local landings in those two stretches and carried to some market, but there is none carried through from Memphis to New Orleans. Indeed a prominent official of the Government who has contributed as valuable statistics as anyone to the solution of this problem and who is himself friendly to the improvement of waterways to a reasonable degree, stated before the Inland Waterways Commission that in 1906 he was at Memphis and there was then a surplus cotton crop which filled all the warehouses. The bales were even crowding the streets, and it was almost impossible to take them all away; but not a bale went down by river.

In the following year, 1907, President Roosevelt visited Memphis and with a great deal of enthusiasm he with his strong arms bound a bale of cotton. Traffic was to be restored. That was the first one to be taken down the Mississippi River to New Orleans. The statistics do not show that even that bale was ever taken from Memphis to New Orleans, because in a list of commodities from Memphis carried past Vicksburg there is not a single bale, and if that did go down probably it was the only one. I suppose, of course, as an object lesson that found its way along the river by Vicksburg and Baton Rouge down to New Orleans, but no figures are furnished to show that it ever did.

Now, the next one on this list of projects of more than a million is the mouth of the Columbia River., Wash. and Oreg., to complete, $750,000 cash, $1,700,000 continuing contract.

I regret to say that this estimate, which was before us, furnished by the engineers at that time, has proven insufficient for the completion of that very important work at the mouth of the Columbia. The amount appropriated and authorized was for the south jetty. The Columbia is the second river in the volume of its waters in the United States; it drains a very fertile region, especially rich in wheat and in timber; but the treatment of the mouth, providing access from the sea to the river and vice versa, has been exceedingly difficult, so that it is now estimated, after a lapse of years and the expenditure of a great deal of money, that $5,100,000 will be required to complete. It was not, however, the fault of the committee, because we appropriated and authorized at that time all that was thought to be necessary.

Mr. KENYON. Mr. President, will the Senator from Ohio yield a moment?

The PRESIDING OFFICER. Does the Senator from Ohio yield to the Senator from Iowa?

Mr. BURTON. Certainly.

Mr. KENYON. It seems to me that during the discussion of this item the Senators from Oregon and Washington would desire to be present. So I suggest the absence of a quorum.

The PRESIDING OFFICER. The Secretary will call the roll.

The Secretary called the roll, and the following Senators answered to their names:

Ashurst	Hollis	Nelson	Smith, Md.
Borah	James	Norris	Smoot
Brady	Jones	Overman	Swanson
Bryan	Kenyon	Page	Thomas
Burton	Kern	Perkins	Thornton
Chamberlain	Lane	Pomerene	Vardaman
Chilton	Lee, Md.	Ransdell	West
Crawford	Lewis	Reed	White
Cummins	McCumber	Shafroth	Williams
Fletcher	Martin, Va.	Sheppard	Works
Gallinger	Martine, N. J.	Simmons	

The PRESIDING OFFICER. Forty-three Senators have answered to their names. A quorum is not present. The Secretary will call the names of absent Senators.

The Secretary called the names of absent Senators, and Mr. CAMDEN and Mr. SMITH of Georgia answered to their names.

Mr. STONE, Mr. HITCHCOCK, and Mr. NEWLANDS entered the Chamber and answered to their names.

The VICE PRESIDENT. Forty-eight Senators have answered to the roll call. There is not a quorum present.

Mr. KERN. I move that the Sergeant at Arms be directed to request the attendance of absent Senators.

The motion was agreed to.

Mr. JOHNSON entered the Chamber and answered to his name.

The VICE PRESIDENT. Forty-nine Senators have answered to the roll call. There is a quorum present. The order directing the Sergeant at Arms will, by unanimous consent, be vacated. The Senator from Ohio will proceed.

Mr. BURTON. Mr. President, I was dwelling upon the last item of much importance in the bill of 1907—the appropriation for the mouth of the Columbia River, Wash. and Oreg. The appropriation of $750,000 made in that bill and the appropriation of $1,700,000 it was thought would complete the improvement, for that was the engineer's estimate at that time. But later estimates have shown that the improvement could not be accomplished with those amounts. So, as I said a moment ago, though not in the hearing of the Senators from that locality, it is now estimated that $5,100,000 will be required to complete the work. It goes without saying that that is one of the most difficult channels in the United States. Our friend, whom we all so highly respect, the Senator from California [Mr. PERKINS], in his practical experience in the sailing of boats has, I believe, been twice shipwrecked or stranded at the mouth

of that river. The improvement is one of the most difficult in the world.

Mr. CHAMBERLAIN. May I interrupt the Senator from Ohio for a moment?

Mr. BURTON. Certainly.

Mr. CHAMBERLAIN. The appropriation bill for 1907, the Senator recognizes, was for the south jetty, and that has been completed.

Mr. BURTON. Yes.

Mr. CHAMBERLAIN. It has been eventually completed; but the appropriation in the present bill has reference entirely to the north jetty. I do not know that the Senator from Ohio knows that.

Mr. BURTON. I do not know but that fact had escaped my attention.

Mr. CHAMBERLAIN. It is a fact.

Mr. BURTON. This improvement of the south jetty was completed for the amount provided in the bill of 1907, was it not?

Mr. CHAMBERLAIN. It drifted along a good many years until it was put on a continuing-contract basis and then it was finally completed.

Mr. BURTON. It was in 1907 that it was put on that basis.

Mr. CHAMBERLAIN. One reason why it cost more than was contemplated was because the rule which the Senator advocates had not been adopted; that is, appropriations were then made piecemeal. When the appropriation was exhausted, the jetty works would be washed out, and until it was put on a continuing-contract basis it was almost impossible to get the work completed within any reasonable appropriation.

Mr. BURTON. But, Mr. President, not to return at any length to the subject of the policy of making partial appropriations as a business method, I wish to say there can be no justification for such an appropriation as that was. The part of a jetty or a breakwater which is made by an appropriation of a small part of the amount necessary to complete is likely to be absolutely destroyed, and then you must begin again and build it over entirely. A still further fact is that it is necessary for such a work to assemble a plant and equipment on a very large scale, and unless you have this large plant and equipment it is impossible to do work economically.

There is a second class of appropriations contained in the bill of 1907 for improvements already under way aggregating $200,000 or more, but less than a million dollars. I do not care to read these through, but as there are those who may be interested in this report I would like to have it printed in the RECORD again, and I ask leave to have it inserted in my remarks. I ascribe such value to it as a guide in river and harbor appropriations that I think it would be useful.

The VICE PRESIDENT. The Chair hears no objection, and it is so ordered.

The report referred to is as follows:

RIVER AND HARBOR APPROPRIATION BILL.

Mr. BURTON, of Ohio, from the Committee on Rivers and Harbors, submitted the following report, to accompany H. R. 24991:

The Committee on Rivers and Harbors, having had under consideration House bill 24991, files the same and respectfully reports thereon, recommending that the bill do pass.

The measure carries in cash appropriations $35,181,612 and in authorizations for expenditures under continuing contract appropriations which may hereafter be made a further sum of $48,634,526.

The following statement gives the amounts of appropriations and authorizations in recent river and harbor bills:

Year.	Cash.	Authorized.	Total.
1896	$12,659,550.00	$59,616,404.91	$72,275,954.91
1899	16,091,841.94	23,866,324.13	39,958,166.07
1902	26,771,442.00	38,336,160.00	65,107,602.00
1905	18,181,875.41	17,184,657.63	35,366,533.04
1907 (as reported by Committee on Rivers and Harbors)	35,181,612.00	48,634,526.00	83,816,138.00

The aggregate of appropriations and authorizations is larger than in any preceding river and harbor bill, although the act of June, 1896, contained a larger amount of authorizations. There are several distinctive features in this bill:

1. Provision is made for completion in a much larger proportion of the projects than in any preceding measure.

2. The total amount necessary to complete the unfinished improvements, which the committee regards as most important, is provided by appropriation or authorization if completion can reasonably be expected within four years from July 1, 1907. Also upon large projects, where the amount required to finish the work is necessarily indeterminate, such as in the three divisions of the Mississippi River, provision is made for an equal time.

3. New projects are not adopted unless provision is made for completion.

4. In the case of rivers and harbors of secondary importance a somewhat larger amount than in former acts is appropriated for a considerable number of the most promising improvements.

In providing for the completion of new projects a radical departure from former methods has been adopted by the committee. It has been thought best to undertake no new improvement unless the whole amount required for its completion, whether the project involves large or small expense, is appropriated or authorized. This policy has been followed with barely an exception. It is believed that the advantages of such a method are sufficiently obvious. Assured results will be obtained at an early date by the completion of the improvement. More substantial benefit will be conferred by selecting the most deserving projects and avoiding the scattering of appropriations. The expense for each improvement will be very much diminished, because work can be more advantageously and economically prosecuted if the whole amount necessary to complete is made available. It is also true as a practical fact that when the total expense is to be provided at one time more careful consideration will be given to a proposed improvement and the question of its adoption more intelligently considered. The rule has been followed that between two projects equally deserving it is better to complete one than to make partial appropriations for both.

Sixty-eight million seven hundred and seventeen thousand three hundred and ninety-eight dollars of the amounts included in the bill are for improvements of considerable magnitude already undertaken by the Government or for further improvements in connection therewith, where increased traffic requires additional facilities.

The following is a list of appropriations and authorizations of this kind in which a division is made into two classes: First, those aggregating $1,000,000 or more; second, those aggregating $200,000 or more, but less than $1,000,000:

First class—$1,000,000 or more.

	Cash.	Authorization continuing contract.
Harbor at Boston, 35-foot channel (to complete)	$500,000	$3,894,000
Harbor of New York, Ambrose Channel (to complete)		1,148,510
Black Rock Harbor and Channel	1,000,000	1,000,000
Delaware River below Philadelphia (to complete)	895,000	500,000
Patapsco River and channel to Baltimore (to complete)	500,000	1,715,000
Channel from deep water in Hampton Roads to Norfolk	282,000	850,000
Savannah Harbor	300,000	700,000
Black Warrior, Warrior, and Tombigbee Rivers	350,000	1,842,000
Southwest Pass, Mississippi River, below New Orleans (to complete)	1,000,000	1,500,000
Galveston Harbor	300,000	700,000
Cleveland Harbor	223,000	900,000
Lock and Dam No. 26, Ohio River (to complete)	265,000	800,000
Ohio River, general improvement and completing unfinished work on locks and dams	1,458,966	1,500,000
St. Marys River at the Falls, additional lock and duplicate canal (to complete)	1,200,000	5,000,000
Detroit River, alternative channel (to complete)	2,000,000	4,070,950
Mississippi, from Head of Passes to mouth of Ohio River	3,000,000	6,000,000
Mississippi River, between Ohio and Missouri Rivers	250,000	750,000
Mississippi River, between the Missouri River and Minneapolis	500,000	1,500,000
Mouth of Columbia River, Wash. and Oreg. (to complete)	750,244	1,700,000
Total	14,774,210	36,670,460

Total of appropriations and authorizations, $51,444,670.

Second class—Appropriations and authorizations aggregating $200,000 or more, but less than $1,000,000.

	Cash.	Authorization continuing contract.
Massachusetts:		
New Bedford	$100,000	$200,000
Sandy Bay, harbor of refuge	100,000	100,000
Rhode Island: Newport (to complete)	85,000	165,000
Connecticut:		
New Haven breakwater	100,000	150,000
Bridgeport Harbor (to complete)	113,000	350,000
New York:		
Oswego Harbor	100,000	100,000
East River and Hell Gate	250,000	
Hudson River	250,000	
Buffalo Harbor	583,436	
New Jersey: Newark Bay and Passaic River to Newark	200,000	650,000
Pennsylvania:		
Monongahela River, Dam No. 5 (to complete)	256,042	500,000
Allegheny River, dam at Springdale, repairs (to complete)	200,000	
Washington, D. C.: Potomac River at Washington	238,000	
North Carolina: Cape Fear River at and below Wilmington	165,000	250,000
Georgia: Brunswick Harbor (to complete)	146,650	350,000
Florida:		
Biscayne Bay (conditional—to complete)	100,000	146,000
Key West	200,000	
Alabama:		
Mobile	200,000	360,000
Alabama River	200,000	
Mississippi: Pascagoula River	200,000	
Louisiana: Red River, Louisiana, Arkansas, Texas, and Oklahoma	250,000	
Texas:		
Sabine Pass	160,000	200,000
Aransas Pass and Bay	200,000	290,000
Galveston ship channel and Buffalo Bayou	200,000	200,000
Brazos River, from Old Washington to Waco	75,000	150,000
Trinity River	75,000	300,000
Arkansas: Ouachita and Black Rivers, Arkansas and Louisiana	140,780	200,000
Tennessee:		
Cumberland River, Tennessee and Kentucky above Nashville (to complete part recommended)	150,000	400,000
Tennessee River, Chattanooga, Tenn., to Riverton, Ala.	467,970	212,000
Kentucky: Kentucky River	100,000	420,000

Second class—Appropriations and authorizations aggregating $200,000 or more, but less than $1,000,000—Continued.

	Cash.	Authorization continuing contract.
Michigan:		
Ludington Harbor (to complete)	$100,000	$739,087
Detroit River (old project)	150,000	150,000
Wisconsin:		
Milwaukee Harbor (to complete)	200,000	392,000
Manitowoc Harbor (to complete)	100,000	276,000
Minnesota: Duluth, Minn., and Superior, Wis.	525,000	
Illinois: Chicago Harbor (to complete)	250,000	
Missouri:		
Osage River (to complete)	78,000	160,000
Missouri River (general improvement)	300,000	
California:		
San Luis Obispo Harbor (to complete)	63,660	200,000
Oakland Harbor (to complete)	68,203	300,000
Oregon:		
Columbia River, between the foot of The Dalles Rapids and the head of Celilo Falls, Oreg. and Wash.	100,000	500,000
Columbia and Lower Willamette Rivers below Portland, Oreg.	300,000	
Washington: Grays Harbor and Bar entrance	200,000	400,000
Hawaiian Islands: Honolulu Harbor	200,000	200,000
Total	8,260,741	9,011,987

Total of appropriations and authorizations, $17,272,728.

Total of appropriations and authorizations, pending improvements, $200,000 to $1,000,000, inclusive	$17,272,728
Add total of appropriations or authorizations for pending improvements in amounts of $1,000,000 or more	51,444,670
Total	68,717,398

The following is a list of appropriations made for improvements which may be designated as new projects, although some of them are closely connected with or extensions of projects already adopted. For all of these an amount sufficient for completion has been appropriated or authorized:

Project.	Appropriations, cash.	Expenditures, authorized, continuing contracts.
Maine:		
Cape Porpoise Harbor	$46,000	
Penobscot River	130,000	
Kennebec River	75,000	$200,000
Massachusetts:		
Beverly	38,500	
Dorchester Bay and Neponset River	125,233	
Connecticut: Norwalk and East and South Norwalk	63,500	
New York: Coney Island Channel	188,300	
New Jersey:		
Cold Spring Inlet, Cape May	311,000	900,000
Perriwig Bar, Delaware River, between Trenton and Bordentown	50,000	
Salem River	29,000	
Cohansey River	55,800	
Delaware:		
Broadkill River	33,330	
Maryland: Crisfield Harbor	37,707	
North Carolina: Meherrin River from the mouth thereof to the town of Murfreesboro	6,000	
Florida:		
Fernandina	115,000	
Withlacoochee River	65,400	150,000
Alabama: Conecuh River	31,000	
Mississippi:		
Wolf and Jordan Rivers	30,000	
Big Sunflower	100,000	
Louisiana: Inland waterway	89,292	200,000
Texas:		
Intercoastal waterway	133,829	300,000
Sulphur River	36,000	
Tennessee: Caney Fork River	3,000	
Wisconsin: Two Rivers Harbor	90,000	
Alaska: St. Michael Canal	98,000	150,000
Hawaiian Islands: Hilo Harbor	200,000	200,000
Porto Rico: San Juan	157,500	600,000
Total	2,338,391	2,700,000

Total new projects, $5,038,391.

SUMMARY.

Total appropriations and authorizations for existing projects in amounts of $200,000 or more	$68,717,398
Total appropriations and authorizations for new projects	5,038,391
Total	73,755,789

The balance of $10,060,349 is made up of a variety of items, including $300,000, the usual appropriation for examinations and surveys; an emergency fund of $300,000; an appropriation of $190,000, part of which is conditional, for the survey of a deep waterway from St. Louis to the Gulf. This balance also includes appropriations for the maintenance and extension of various rivers and harbors, the amounts for which are not included in the above lists, including approximately 300 projects already under improvement, and upon which appropriations have heretofore been made.

In the discussion of the river and harbor bill of 1902 attention was called to a popular misapprehension to the effect that a very large amount of money was appropriated for rivers and creeks of trivial importance, and it was shown that the total amount appropriated in the act of that year for streams having a tonnage of less than 100,000 tons, or a traffic of a value less than $1,000,000, was $417,000.

It is impossible to make an accurate comparison of such appropriations in the act of 1902 with those recommended in this bill. Some streams on which no considerable traffic has yet developed are appropriated for, with the expectation that traffic may follow the improvement of these channels. The actual appropriations for the smaller streams already under improvement in which no considerable additions are contemplated are, however, approximately the same as in the bill of 1902, or somewhat less than half a million dollars.

In many instances a comparison shows that the traffic upon this class of streams has greatly increased since 1902, while in other cases the amount has remained stationary or even diminished.

While doubts have been expressed of the propriety of improving waterways of mere local importance at national expense, it must be conceded that if there is a comparison between appropriations and benefits the provision made for many of them is as beneficial as any appropriations in the bill. In this list may be included, with the amount or value of traffic and the amount herein appropriated, the following:

Project.	Appropriation.	Annual tonnage carried.
Thames River, Conn	$30,000	446,004
Bronx River and East Chester, consolidated	29,000	387,368
Mantua Creek, N. J.	34,450	136,105
Raccoon Creek, N. J.	15,000	263,317
Smyrna River (Duck Creek), Del.	2,000	204,731
Nanticoke River, Del. and Md.	2,000	121,769
Neuse and Trent Rivers, N. C.	30,000	731,534
Waccamaw River, N. C. and S. C.	20,000	207,630
St. Johns River, Fla., above Jacksonville	25,000	269,610
White River, Ark.	30,000	100,083
French Broad and Little Pigeon Rivers, Tenn.	2,000	188,700
Petaluma Creek and Napa River, Cal.	23,239	404,983
Okanogan and Pend Oreille Rivers, Wash.	20,000	55,917

Liberal provision is made for the prosecution or completion of improvements in a considerable number of rivers or harbors of secondary importance, and in cases where satisfactory results are anticipated substantial additions have been made to the average of prior appropriations. Among improvements of this class are:

Project.	Appropriations, cash.	Expenditures authorized, continuing contracts.
Rhode Island: Pawtucket River (conditional)	$138,584	
Connecticut: Thames River	30,000	
New York:		
Bronx River and East Chester Creek	29,000	
Ogdensburg Harbor	75,000	
Delaware: Mispillion River	40,000	
Virginia: Rappahannock River	77,729	$90,000
South Carolina: Santee, Wateree, and Congaree Rivers and Estherville-Minim Creek Canal	150,000	
Georgia:		
Oconee, Altamaha, and Ocmulgee Rivers	60,000	
Chattahoochee River, Ga. and Ala., below Columbus	150,000	
Florida:		
East Pass and Carabelle	60,000	
Apalachicola Bay	85,000	
Manatee River	70,710	
Louisiana: Bayou Teche	130,000	
Texas: Brazos River, from Velasco to Old Washington	75,000	
Tennessee: Tennessee River, above Chattanooga, and Little Tennessee River	105,000	
Michigan:		
Holland Harbor	138,452	
Grand River	88,000	
Wisconsin: Two Rivers Harbor	90,000	
Minnesota: Red River of the North, Minn. and N. Dak.	15,000	
California: Sacramento and Feather Rivers	50,000	
Washington: Columbia River and tributaries above the mouth of Snake River	120,000	

Mr. KENYON. I ask the Senator from Ohio where the matter which he is reading appears in the RECORD?

Mr. BURTON. It is in the RECORD of February 20, 1913, beginning on page 3581. The full report is there inserted. The request was then made that it be printed because the original copies had almost all disappeared, and it was thought desirable to preserve it.

These appropriations and authorizations for projects aggregating $200,000, but less than a million dollars to complete, include a great variety. There were two in Massachusetts, namely, New Bedford and Sandy Bay, harbor of refuge; one in Rhode Island, the harbor at Newport, which has been completed at an expense of about $250,000; Bridgeport Harbor, to complete which an appropriation was made amounting to $113,000 cash and $350,000 continuing contract. Generous appropriation was made for Newark Bay and the Passaic River of about $900,000. Then there was an appropriation for the Potomac River at Washington, for the Cape Fear River at and below Wilmington; an appropriation to complete the harbor at Bruns-

wick, Ga., which has been one of the most successful improvements made by the United States; an appropriation for Sabine Pass, for Aransas Pass, and for divers other projects, rivers, and harbors as well. Appropriations were made to complete Ludington Harbor, Mich., a harbor which has now the largest traffic of any harbor in the southern peninsula of Michigan; Milwaukee Harbor, Manitowoc Harbor, Chicago Harbor, Osage River; the San Luis Obispo Harbor in California, the traffic on which now has grown to very large proportions, mostly in oil; Oakland Harbor, the cost of the improvements in all these places aggregating between $200,000 and $1,000,000.

Now I come to the third class of new projects, to complete which an appropriation was made in every case. My friend, the Senator from Louisiana [Mr. RANSDELL], mentioned a few days ago some six or eight projects which it was alleged found their way into the bill of 1907, where appropriations were not made in sums sufficient to complete them. I think it is hardly worth while to take much of the time of the Senate on this, but practically everyone was in accordance with the rule to undertake no project unless it was completed. The first one cited is New Bedford and Fairhaven, for which there was appropriated $300,000, and which, it is alleged, would cost to complete $527,000. On that subject the Government engineer, Col. Willard, in a report of May 18, 1906, page 7, Document 271, Fifty-ninth Congress, second session, says:

> To get the most favorable terms funds should be available for payment as earned, which should be accomplished by three successive appropriations, say, $300,000, $350,000, and $250,000, respectively.

There was there a plain recommendation that the appropriation be made in three divisions.

The Oswego Harbor project was one which caused a great deal of perplexity between two methods, the former engineer favoring one and the latter another, and it was not thought desirable to appropriate more than $200,000 at the time.

As regards the Newark Bay and Passaic River improvement, for which an appropriation of $850,000 was made as against an estimate of $1,216,775—the fact is that the committee is entitled to credit for having cut down that amount, because, as I said here a few days ago, the estimate for the project seemed to be exceedingly large per unit or yard. The engineers were called in, and they thought that by depositing the soil or dredged material nearer to the place where the dredging was done the work could be performed much more cheaply, and an estimate was made on that basis. I think that estimate also has proven sufficient, though a still further and more extended improvement is now in contemplation.

The Mispillion River is in a way an exception to the rule. This is a stream in Delaware, which has been under improvement for many, many years, and the $40,000 appropriation in the bill of 1907 was regarded as altogether out of keeping with prior appropriations. It is technically an exception to the rule that was followed of appropriating the whole amount for a new project, although the improvement of the river itself is an old project and by no means a new one.

The item in regard to Club and Plantation Creeks is readily explained, because it was a Senate amendment, under which $20,000 was appropriated. According to the understanding which prevailed in the committees at that time, when an amendment had been made by the Senate the amount thus fixed could not be increased above that figure. In the bill of 1910, I think it was, the Senate made an exception to that rule. I still question the desirability or the correctness of fixing a figure beyond that in either bill as a matter of parliamentary law, but in the appropriation for the harbor of Bridgeport, I think in the bill of 1910, a certain amount was fixed by the House, say $30,000, and the Senate increased it to $60,000. A decision was reached to the effect that the conference committee might raise the amount above $60,000; for illustration, I will say to $90,000. It was the impression of the committee of conference in 1907 that, as a matter of parliamentary procedure, we could not raise the amount above the maximum inserted by one of the two Houses.

In the case of the Tennessee River the project was the result of a reexamination, and the amount appropriated, $205,000, was in exact accordance with the recommendation of Col. Kingman, then having charge of the Tennessee River, now brigadier general and head of the Corps of Engineers. He stated that, with separate plants in the different sections of the river, the work could be prosecuted somewhat more rapidly, but that the expense would be greatly increased, and so he thought it desirable to proceed with one plant alone, and the amount of $205,000 appropriated was in accordance with his recommendation.

As regards the falls of the Ohio at Louisville, that is made up of two appropriations. I can see no basis whatever for the statement made that the appropriation is a violation of the rule that when a project is entered upon it should be completed. The appropriation of $314,000 is made up of two items:

> Improving the Ohio River at Louisville, Ky.: By the removal of rocks in the channel of said river near to the falls, $43,000.

That was an item complete in itself. The other is:

> Improving the Ohio River at Louisville, Ky.: By raising the dam so as to give a minimum depth of 9 feet upstream to Madison, Ind., and a minimum depth of 6 feet on the lower miter sill at lock No. 1, Kentucky River, $271,000.

The appropriation in the bill was the aggregate of these two, and each is complete in itself. How the estimate of $1,700,000 is obtained I am unable to state; at any rate it does not apply to these two improvements.

Again, the improvement at Hilo, in the Hawaiian Islands, was very carefully considered by Gen. Mackenzie and myself. It was found that a separate portion of the improvement could be finished at a cost of $400,000, and it was thought that was all that was desirable to be done at that time.

Among the smaller projects are the Cape Porpoise Harbor, in Maine, which was provided for in one cash appropriation of $46,000; the Penobscot River in Maine, $130,000; the Kennebec River in Maine, $75,000 cash and $200,000 continuing contract.

In Massachusetts, the harbor at Beverly, for which a cash appropriation of $38,500 was made; Dorchester Bay and the Neponset River, for which a cash appropriation of $125,223 was made.

In Connecticut, the harbors of Norwalk and East and South Norwalk, for which an appropriation of $63,500 was made.

In New York, Coney Island Channel, for which an appropriation of $188,300 was made; in New Jersey, Cold Spring Inlet, Cape May, at a total cost of $1,211,000; Perriwig Harbor, Delaware River, between Trenton and Bordentown; Salem River, Cohansey River, for which a cash appropriation of $55,800 was provided.

In Delaware the Broadkill River—I will not read all the amounts, as they will be printed with the report—the Meherrin River, N. C., from the mouth thereof to the town of Murfreesboro; Fernandina, Fla., Withlacoochee River; Alabama, Conecuh River; Mississippi, Wolf and Jordan Rivers and the Big Sunflower; inland waterway in Louisiana; inland waterways in Texas; Caney Fork River in Tennessee; Two Rivers Harbor, Wis.; St. Michael Canal, in Alaska; Hilo Harbor, Hawaiian Islands; and San Juan, P. R.

Mr. President, beginning with the great harbors, New York, Boston, Philadelphia, Baltimore, and Norfolk on to Savannah, New Orleans, and Galveston, the mouth of the Columbia River, the bill in 1907 was representative of all portions of the country. It took up the great projects then pending and provided either for their completion or for the prosecution of the work for four years.

The bill might have been improved. As I look over that bill, my eye rests on one item that I do not feel should ever have been included there, though time may justify its insertion; but it was a bill passed upon a businesslike method; it was a measure which was framed with a view to keeping pace with the commercial progress of the country and increasing facilities for transportation. Perhaps the most urgent requirements were for the great harbors of the Atlantic coast and the connecting waterways of the Great Lakes, the waterway between Superior and Huron and the Detroit River between Lake St. Clair and Lake Erie; but appropriations were not made in large amounts unless they meant assured results. It was thought that these places where there was a dwindling traffic, though they were not to be put off the map, though they were not to be entirely abandoned, should be postponed in favor of others where the traffic was increasing, and where all the while greater facilities were required to meet the growing demands.

With the adoption of the one-year bill, however, this policy of continuing contracts has gone glimmering. The result is that Congress appropriates enough to finish a part; the engineers make a partial contract for the work at a greatly increased proportion of cost; no assurances are given as to the time when the work will be completed, and, worst of all—far worst of all, Senators—a project may be adopted which may be very objectionable and extravagant, when the bill only shows a comparatively small amount of appropriation.

In one instance in this bill the appropriation is only one-twenty-ninth of the total amount that will be required to finish. An item very innocent in its appearance, but requiring before completion a very large expenditure, and at best a measure of very doubtful desirability.

I now pass to another branch of this inquiry relating to the policies and methods of this bill, and that is the custom of improving branch streams before the main stream is finished.

That, more than anything else in our river and harbor legislation, gives to this measure the characteristic which some have termed the "pork barrel."

It is perfectly easy to see how this arises. The Nation starts out to improve a great main stream like the Ohio, or, say, the Columbia or the Mississippi. Before that improvement is completed along come the communities located on the branches, and say, "Why, you are improving the Ohio. All our branches here must be improved as well. You must not make an appropriation merely for this main stream. We must all have some participation in this plan."

What has been the result? There is not a stream emptying into the Ohio River that is improved with locks and dams but which for seasons of the year, sometimes continuing for months, has higher water in the pools of the tributary than there is in portions of the Ohio River itself. I want to read, briefly, some figures on that point.

The Kentucky River, the Big Sandy River, and others are canalized to a depth of 6 feet. That 6 feet extends upward from the lowest lock and dam in the tributary stream. The report of the chief of engineers for 1913, part 2, page 2527, shows the navigability of the Ohio River for 10 years from Pittsburgh to Cairo. This is close to a thousand miles. With the improvement and partial canalization of the river the depth has very greatly improved in recent years; but after the Kentucky River project was well under way, after the Big Sandy, the Green, the Cumberland, and the Tennessee had been improved so that a depth of 5 or 6 feet had been obtained in the canalized portion, let us see what we had in the Ohio.

In 1903 the number of days when the river, say at Cincinnati or Paducah, was under 3 feet in depth—Paducah is at the mouth of the Tennessee—was 29. The number of days when it was 3 feet and under 6 feet was 336.

Now, let us proceed. It is not worth while to read all these figures, but let us pass on to the latest year. In the year 1912 it was 3 feet deep at all the towns on the river the year around, although that is the first year when that has occurred. For 366 days it was 3 feet and over in practically every place. The number of days when it was 6 feet, or equal to the depth in these canalized tributary streams, was at Davis Island Dam, 255 days, or 111 days in which it was less than the depth in the canalized portions of the tributary streams; at Wheeling, 314 days, or 52 less; at Parkersburg, which is at the mouth of the Little Kanawha, a canalized river, 296 days. That is, there were 70 days of the year when the Ohio River at Parkersburg had not the depth of this branch stream which had been improved. At Catlettsburg, Ky., 309 days out of the 366. At Louisville, a very important point on the river, there was 6 feet and over all but 3 days; but at Evansville, Ind., there were 36 days when it was not 6 feet deep, and at Paducah, Ky., there were 46 days.

Mr. RANSDELL. Mr. President, will the Senator yield for a question?

The VICE PRESIDENT. Does the Senator from Ohio yield to the Senator from Louisiana?

Mr. BURTON. Certainly.

Mr. RANSDELL. I have listened with much interest to the remarks of the Senator indicating a criticism of the method of improving branch streams before the parent streams are improved. I will ask the Senator if the project for giving the Ohio River a minimum depth of 6 feet was not adopted in 1875?

Mr. BURTON. I think it was.

Mr. RANSDELL. I will ask the Senator when the project for giving these branch streams a depth of 6 feet or more was adopted?

Mr. BURTON. At a later time, mostly.

Mr. RANSDELL. Considerably later, was it not?

Mr. BURTON. Yes; most of them, I think. The Kentucky was improved a considerable time ago by the State of Kentucky.

Mr. RANSDELL. I will ask the Senator what headway was made in adopting a practical, businesslike method for the improvement of the Ohio during the 10 years when the Senator was chairman of the Rivers and Harbors Committee?

Mr. BURTON. There were certain dams finished or prosecuted, some below Pittsburgh, where the nonnavigable period is longest; also below Wheeling and Marietta; one below East Liverpool, below Parkersburg, below Gallipolis and the Big Kanawha, and especially one below Cincinnati. I have forgotten whether there was one below Steubenville or not. I think perhaps that was adopted at that time.

Mr. RANSDELL. I will ask the Senator if he considers that the work of improving the Ohio so as to get a minimum depth of 6 feet at all stages was carried on in what he conceives to be a systematic, businesslike manner during the time the Senator was chairman of the Rivers and Harbors Committee?

Mr. BURTON. I shall get to that matter in a minute.

The question of the Senator from Louisiana does not at all affect the point I have made. If you project an improvement and do not prosecute it on the main stream, that is no reason why you should both project and prosecute it on the branch stream.

As regards the improvement of the Ohio, I am perfectly aware that there was an attempt to make the slow progress on that river a political issue against me for years in the State. It was but an illustration of what I said a few days ago. One reason why such slow progress has been made on many projects has been that we have been so doubtful about whether any good result could be obtained. My idea about the Ohio River was to try out the problem by the construction of dams which would at the same time serve as harbors at the more important towns upon the river and extend the period of navigation in the shallower portions. Below Pittsburgh the descent is steep, and here in its unimproved condition the navigation was suspended for the longest time.

Mr. RANSDELL. But did the Senator give it a chance to be tried out by securing a depth of 6 feet?

Mr. BURTON. Oh, yes; decidedly. The depth of 9 feet was established.

Mr. RANSDELL. You did not give enough locks to make it 6 feet.

Mr. BURTON. Oh, yes; it was 9 feet.

Mr. RANSDELL. I beg pardon. We adopted the 9-foot project about 1907, I think, or 1910; I am not sure which.

Mr. BURTON. The House adopted it as early as 1905; but in the year 1900 the Senate voted it down. I myself inserted in the river and harbor bill in 1900 the provision that it should be 9 feet.

Mr. RANSDELL. I recall very well a great trip down the Ohio in the summer of 1905, which was conducted by a party of which the Senator from Ohio was the head and which was strongly advocating giving a depth of 9 feet from Pittsburgh to Cairo; and my recollection is that we practically adopted that project in the act of 1907.

Mr. BURTON. Beginning in 1900, as rapidly as the House could, the improvement was made with a view to 9 feet. I myself drew the provision that thereafter the improvements should be made—that was the substance of it—with a view to a depth of 9 feet. For some reason, which I never have been able to understand to this day, the Senate struck out the 9 feet and put in 6 feet, though the conference committee agreed on 9 feet. The Senator from Minnesota [Mr. NELSON] was one of the conferees, and brought the report here to the Senate, but the Senate refused to accept the 9 feet, and the provision for 9 feet went out of the bill and was not adopted until a later river and harbor bill. I have forgotten which one it was, but I think it was in 1905.

Mr. RANSDELL. I wish to ask the Senator, further, if it is not a fact that it was not until the act of 1910 that the Ohio River project was taken up in what may be called a really systematic and businesslike manner, with a statement in the bill that we proposed to finish it in 12 years, and an appropriation of about $5,000,000 looking to the completion within 12 years of that great project which had been under way since 1875?

Mr. BURTON. Oh, I say that it was taken up in a systematic manner. It was never taken up with a view to completing it; but I will take the full responsibility for the policy that prevailed before 1910. The seventy or eighty million dollars to be expended there staggered me, and I thought it was best for us to ascertain results by dams below Pittsburgh and below the other principal towns on the river, so that we could determine whether or not it would succeed.

Mr. SHEPPARD. Mr. President——

The VICE PRESIDENT. Does the Senator from Ohio yield to the Senator from Texas?

Mr. BURTON. I do.

Mr. SHEPPARD. What is the length of the longest nonnavigable period on the Ohio River each year?

Mr. BURTON. It depends on the place. In 1903, at Davis Island Dam, there were only 185 days when it was 6 feet and over in depth. That would be just about half of the year. In 1912, however, there were 255 days when it was navigable for 6 feet and over.

I feel that if I can not commend myself to my constituents in the State of Ohio by something better than getting appropriations for their rivers and harbors I can not commend myself to them at all. Probably it was considered that I held back this river for some time, but the policy was a good one. We were going through a tentative period of river development. It was a question whether these streams would prove of sufficient importance, when improved, to pay the cost; and so, pursuing the custom that had been in vogue for more than 20 years

before I became a member of the committee, and for nearly 25 years before I became its chairman, dams were selected here and there. Every one was complete in itself; every one improved a certain stretch of the river; every one made the navigable period of the whole river somewhat longer, so that there was some advance in the improvement of the river; but I did not see my way clear, during the time I was chairman of the Rivers and Harbors Committee, to advocate this enormous expense.

I have said, since the bill of 1910—and it is now under way—that the Ohio River and the Large Canal are the two places in this country to determine the feasibility of inland navigation on rivers or canals; that is, on shallow streams. Of those two the Barge Canal is the more promising, because it connects the Great Lakes with the Hudson River and the Atlantic Ocean.

Mr. RANSDELL. Mr. President, will the Senator yield to me for a moment?

Mr. BURTON. Certainly.

Mr. RANSDELL. I assure the Senator that I have no disposition whatsoever to criticize him or to hold him up to anything like trouble with his Ohio constituents. No man admires him more than I do; I am sure of that, and he knows it. I am just trying to give the Senator a chance to explain what seems to me an inconsistency on his part in criticizing Congress for improving branch streams and not improving the main streams.

During the 10 years the Senator was chairman of this committee a great deal of this improvement of the branch streams was made. The Ohio River project had been started long before he was chairman; and he carried on the improvement of these branch streams and finished some of them, I believe, but did not give money enough to finish the Ohio. It seems to me that is inconsistent, and I simply want to give him a chance to explain it.

While I am on my feet, I should like to say that he has complained a good deal about the dribbling policy in the present bill. Surely the term "dribbling" could be applied with justice to the great Ohio River, which has an enormous commerce and which for years got very, very small appropriations in the bill.

Mr. BURTON. I am not afraid of that issue. These branch streams were improved to an extent, but there was none of the policy of putting locks and dams into streams here, there, and elsewhere, and going ahead with such an enormous expense. On some of them locks were completed; on others there were a few locks commenced, but there was not the mad rush, as in this bill and in the bill of 1910, for providing locks and dams everywhere, like one of our humorists, who desired to put a lightning rod first on one wing of the house, then on the other, then on the barn, and finally to wind up with putting one on the mule and all the other animals around. That sort of thing is the worst waste of public money that can be found in this bill.

I say again that I favored improving the Ohio River so far as conditions promised results. While I favor the policy of completing what you have commenced, yet in the case of an indeterminate improvement, like the lower Mississippi, where estimates are made mounting up to $200,000,000 or thereabouts, it certainly would be the height of inconsistency for anyone to say that you must appropriate the whole of that $200,000,000 before you could improve any other main stream or branch stream in the country.

There is a certain amount of navigability in the Ohio, and there always was. The improvement of branch streams, I think, was pressed more rapidly. Certainly in the case of these canalized rivers it was pressed more rapidly than in the main stream. That is what I am finding fault with.

Mr. KENYON. Mr. President——

The VICE PRESIDENT. Does the Senator from Ohio yield to the Senator from Iowa?

Mr. BURTON. Certainly.

Mr. KENYON. It is true, is it not, that very many of these canals that have been constructed under the provisions of the river and harbor acts have been abandoned?

Mr. BURTON. Not a considerable number of those constructed under the provisions of the river and harbor acts. A great many State canals have been abandoned.

Mr. KENYON. I notice in the report of the Commissioner of Corporations on Transportation by Water in the United States, part 1, a letter of submittal, in which he states:

> About 4,500 miles of canals have been constructed. More than one-half—2,444 miles, costing over $80,000,000—has been abandoned. State canals, however, still operate in New York, Ohio, Illinois, and Louisiana, with a total mileage of nearly 1,360 miles, and there are also 16 private canals of some importance in operation, with a total mileage of 632.

It seems to me, however, that that refers to canals constructed by the Government—over 2,000 miles.

Mr. BURTON. I do not recall at this time any of any importance.

Mr. KENYON. I judge that from the language here. He continues with the statement that about $80,000,000 has been spent on canals that have been abandoned. He goes on then to speak of the State canals.

Mr. BURTON. It is true, however, that the Federal Government made subscriptions to some canals constructed by private corporations. For instance, it made a subscription to the Chesapeake & Ohio Canal, which extends up the Potomac from Georgetown and the Chesapeake and Delaware, which will come up in this bill; but I do not at this minute recall any canal constructed by the Federal Government which has been abandoned. I think this statement must refer, although the language is perhaps a little ambiguous, to canals constructed by private corporations or individuals, and by States. I will say here, in regard to the canals in Ohio, that now they hardly operate at all, although over large stretches there is a depth of 6 and 8 feet in those canals and to the passer-by they look like model waterways.

Mr. KENYON. Does the Senater mean State canals?

Mr. BURTON. Yes; State canals.

Mr. KENYON. Not the canalization of the Ohio River?

Mr. BURTON. Oh, no. The Federal Government, by giving land grants, and so forth, assisted in the building of those canals. While I am on that point I may say that those canals, commenced in the year 1825 by the State of Ohio, determined the location of cities and the course of business. They were of the utmost importance in the development of the State. They reached their maximum traffic in the forties. Then the traffic began to decline, and now it is practically nothing, although they connect the leading cities in the State. The Miami & Erie connects Cincinnati with Toledo. The Ohio Canal connects Zanesville with Cleveland.

Mr. RANSDELL. Mr. President, the time to which the Senator alludes was before the days of railroads, I believe, was it not?

Mr. BURTON. Yes.

Mr. RANSDELL. Canals were practically the only really good means of transportation in those days?

Mr. BURTON. Yes.

Mr. KENYON. It is true, too, is it not, that the transportation tonnage on the Ohio River has very much decreased in the last 10 years?

Mr. BURTON. It is somewhat irregular. The traffic last year was, I believe, 8,000,000 tons; between eight and nine million tons. It has run as high as 14,000,000 tons; but I should be slow to believe that that meant a permanent decline in the total traffic.

Mr. KENYON. I have seen figures which I thought were authentic, and which I have somewhere, to the effect that the commerce had decreased 25 per cent in the last 10 years; there was a constantly decreasing traffic; and this Ohio River project, as I understand, involves the Government in an expenditure of some $63,000,000 before it is completed.

Mr. GALLINGER. Mr. President, I will venture to ask the Senator from Ohio, in addition to the information the Senator from Iowa has asked for, if he has any statistics which show the relative cost of transportation between the river and the railroads, including the loading and unloading of the products and getting them to the consumer?

Mr. BURTON. I have worked on that problem a great deal. It is almost impossible to come to any definite result, as the conditions are so different in different places. Of course, the argument is made by the opponents of river transportation that if you capitalize the cost of the improvement, compute interest on it, say, at 4 per cent—that is the figure that the students of the subject in France adopt—add to that the annual cost of maintenance, and then add the cost of carriage by boat, by that time the cost of water transportation is as great as or greater than that by rail. In some places that is true, and in some places it is not.

Then, there are two further additions to be made to the cost of river transportation. The first is insurance. Sometimes, of course, river traffic is sent without insurance; but in carrying on the business on a large scale, as a shipper by railroad would do, he would wish to insure. The next item is the greater cost of loading and unloading.

I shall hope during this discussion to enumerate quite a number of cases in which I shall make comparisons between the cost of transportation by water and the cost of transportation by rail. I desire to suggest to the Senator from New Hampshire and to the other Senators who are so kind as to listen to me that there is another comparison that may be profitably made in view of the development of the automobile business, and

that is a comparison between the cost of traffic by water and the cost by autotruck That comparison assumes especial importance when we take into account the fact that the average haul on most of these streams is so short—30 or 40 miles, or something like that.

Mr. GALLINGER. Yes, Mr. President; that is a very interesting suggestion. The fact is that the autotruck is now very largely taking the place of horses. I happen to know an instance where a truck service was inaugurated in the city of Boston, and the saving to the manufacturer in delivering his goods has been enormous. In fact, his goods are delivered as far away as 90 miles from Boston at a very small cost. I hope that may be worked out.

I should like to ask the Senator another question. It will take only a moment. However it may be as to the decline in river traffic on the Ohio River, I take it that it is an undisputed and indisputable fact that the decline on the Missouri River and the Mississippi River has been very large.

Mr. BURTON. I think the traffic on the Ohio is easily 30 times what it is on the Missouri.

Mr. GALLINGER. Yet I believe we have two and a half million dollars in this bill for the Missouri River.

Mr. BURTON. Something like $2,000,000.

Mr. GALLINGER. And eleven or twelve million dollars for the Mississippi.

Mr. BURTON. I will dwell at length on the traffic upon the Mississippi River.

Mr. RANSDELL. With the consent of the Senator from Ohio, I should like to furnish a few figures I have in response to the question of the Senator from New Hampshire if I may get his attention.

Mr. GALLINGER. Certainly.

Mr. RANSDELL. I made a careful examination of this question some time ago, and I have a few figures here. I read from a speech which I made on the Panama Canal tolls question:

> A study of the rates on railroads leading out of St. Louis affords striking evidence of the effect of waterways. Havana, Ill., is 159 miles from St. Louis, and Poplar Bluff, Mo., 169 miles distant, but Havana is on the Illinois River and has a first-class rate of 36.1 cents per 100 pounds, while Poplar Bluff is an inland town and has to pay 52 cents. The distance to Poplar Bluff is only 10 miles greater; the rate is more than 44 per cent higher.
>
> Springfield, Mo., is 239 miles from St. Louis, while the distance to St. Paul is 593 miles. Springfield, Mo., being inland, pays 62 cents, while St. Paul, being on the Mississippi River, pays only 1 cent more—63 cents—for the greater distance. If the rate to Springfield, Mo., were the same per mile as the rate to St. Paul, Springfield, would pay only 25 cents per 100 pounds instead of 62 cents. Vice versa, if the rate per mile to St. Paul were the same as to Springfield, Mo., the rate would be $1.54 instead of 63 cents.
>
> Mexico, Mo., is 116 miles from St. Louis; Cincinnati, Ohio, is 339 miles. Cincinnati is on the Ohio River and boats can ply between St. Louis and that city, so the railroad rate on commodities of the first class to Cincinnati is 41 cents, while that to Mexico, Mo., is 43 cents. Cincinnati is almost three times as far away and has a rate of 2 cents per 100 pounds less than the town to which the steamboats can not run.
>
> These rates were compiled by the Interstate Commerce Commission from the railway tariffs on file, and the distances were taken from the official railway guide.

Mr. GALLINGER. Has the Senator ascertained what proportion of freight was carried on those streams and the amount carried by the railroad?

Mr. RANSDELL. I did not examine that to see just how much freight was carried; but even if the freight is not carried on the river, there is a very large volume of freight, I take it, between St. Louis and St. Paul and between St. Paul and Cincinnati, and that freight, whether carried by water or carried by rail, is actually carried, according to the report of the Interstate Commerce Commission, at rates which are very much smaller in every instance than the rates of freight to the inland points which do not have the benefit of water transportation.

Mr. GALLINGER. If that be so, why is it that these great waterways of commerce are not utilized and why does not capital engage in the building of steamboats to go into that business?

Mr. RANSDELL. The only way I can account for it is that the railroads have so reduced the freight at competitive water points that the boats have been driven out of the business. The Senator will recall that when the Panama Canal act was passed in 1912 it was found necessary to include section 11, which provides that hereafter no railroads shall own boats that compete with them, and you also remember that we have made provision for the long and the short haul, requiring railroads to charge relatively the same for a long haul as for the short haul. We have done everything we possibly can to overcome the unfair competition to which the railroads have subjected the waterways, and it is my firm belief that when the waterways can get on the basis that they were many years ago the Congress of the United States will protect them from the unfair and cutthroat competition to which they were subjected by these railroads until practically all the boats and commerce were driven from the rivers.

Mr. GALLINGER. Is it the Senator's opinion that the waterways will ever get on the same footing that they occupied some years ago?

Mr. RANSDELL. I do not think there is the smallest doubt about it. Let me cite you one case where there is an enormous carriage of freight by water. On the Great Lakes alluded to to-day by the Senator from Ohio, there were, if I recollect correctly, over 72,000,000 tons of commerce carried last year through the canal which we improved, the St. Marys River, because it is a canal, a canalized river, and just on that river alone the commerce between the Huron and Superior amounted to over 72,000,000 tons. It was carried an average distance of about 826 miles at a rate less than seven-tenths of 1 mill per ton per mile, whereas the average railroad rate in this country last year was something like 7.7 mills per ton per mile, more than eleven times the average rate actually paid on this colossal commerce through the Soo.

Mr. President, I see no reason why if this great commerce is carried through the Great Lakes from one end to the other and to various points along either shore at a rate ridiculously low compared with the railroad rate there should not be relatively the same amount of commerce on the Ohio River and the other great rivers when they are improved.

Why does not a large commerce move on the Ohio now? Because at certain times of the year there are not more than 2 feet of water in that river.

I was at Cincinnati in the summer of 1905 and was told that you could wade across the river without getting wet to your waist. There were only about 2 feet of water over one of the bars in the river. Everyone knows that a chain is no stronger than its weakest link, and that the shipper is not going to depend on the watercourse when just at the time he needs his freight the river may be out of business.

Mr. GALLINGER. Why——

Mr. RANSDELL. If the Senator will pardon me one moment, we are trying to give the Ohio a dependable depth of 9 feet at all stages from Pittsburgh to Cairo, and I am firmly convinced that when we do give it that depth, a depth at all stages except when stopped by ice, there will be a very considerable commerce on it; and what is true of the Ohio applies largely to many of these other rivers.

Mr. GALLINGER. No doubt that is possibly so. I know that commerce is carried on the Great Lakes at very low rates per ton. There is no question about that. The reasons are obvious. Has the Senator taken into account the cost of improving the Ohio and Mississippi so that they will be open waterways like the Great Lakes and give us an opportunity to test this question there? How far do the appropriations of this bill go toward solving that problem?

Mr. RANSDELL. On the Ohio River we are giving a little over $5,000,000 in this bill. We started in 1910 on what I conceive to be a businesslike method of improving the Ohio. We said we were going to finish it in 12 years and we gave $5,000,000 for it. This is the fourth appropriation since that time. We have appropriated in round numbers $25,000,000, including the Ohio item in the pending bill, on a project which the engineers said would cost $63,000,000. I have no reason to assume that the engineers are wrong in their estimate. So if they be correct this bill carries in round numbers one-twelfth of what is necessary to complete the Ohio.

We are carrying it on about as fast as good business and ordinary prudence dictate that it should be carried on. I do not believe you could spend wisely more than $5,000,000 a year on that river. I doubt if you could find contractors who could do the work more rapidly than at the rate of about $5,000,000 a year.

The Mississippi River is such a large affair that I will take it somewhat in sections. In 1910 we adopted a project to improve the Mississippi River between St. Paul, or perhaps I should say Minneapolis, and the mouth of the Missouri. As I recall the project, it was to cost about $18,000,000, and in that instance we said we were going to finish it in 12 years. Since that time we have been consistently appropriating, as I recall, about $1,500,000 a year. That is what the present bill carries for that stretch of the Mississippi River. It is a great river; it now has a considerable commerce; there is a magnificent country on both sides of it; and I believe there is going to be a very large commerce on the river when it is completed.

The stretch between the mouth of the Missouri and the mouth of the Ohio, the one to which my friend the Senator from Ohio

[Mr. BURTON] has alluded to-day, is quite a difficult stretch. There has been a project under way for many years to improve that portion of the river, but it has not been carried on in a businesslike way until within very recent years. It is now being pushed to what I believe will bring about its completion within the same 12-year period that we have applied to the Ohio and to the upper Mississippi.

As to the lower Mississippi there is a big problem of floods and caving banks there. It is very hard to state just what percentage of that work is carried in the pending bill.

Mr. GALLINGER. Mr. President, we have spent on the Mississippi River about $140,000,000, not taking into account the improvements within the limits of two or more States, which are very large. Does the Senator think that that enormous expenditure of money has brought us an adequate return in giving us water transportation and reducing the cost? Is it not a fact, I will ask the Senator in all seriousness, that a very large proportion of the money that we have spent upon the Mississippi River, especially for dikes, has been utterly thrown away, except that it has protected property along it adjacent to those levees? In other words, has it actually to any appreciable extent improved navigation?

Mr. RANSDELL. In reply to the question I will say to the Senator that in September, 1882, where I live at present, Lake Providence, La., there were a great many shallow bars in the Mississippi River. I have seen as many as three large steamboats within 3 or 4 miles of the town of Lake Providence stuck hard and fast on sand bars. Across these bars there were not more than 4 or 5 feet depth of water at that time, and the channel was greatly impeded.

Congress passed in 1879 an act creating the Mississippi River Commission, which began the systematic improvement of the river, and a part of its plan was to revet the banks and to build levees. For many years now we have had practically 9 feet of water over the shallowest bars on the river from Cairo to the Gulf. In the early eighties there were a great many places, not only at Lake Providence, but at other places, especially in the vicinity of Memphis, Hopeville Bend, and elsewhere, where there were 5 feet and less over the bars.

As I said, for years we have had 9 feet from Cairo to the Gulf. I can not say that any of the appropriations made for the river have been thrown away. Some of them perhaps have not brought just the results we expected and hoped for. Some of them may have been failures, just as all of us make failures, just as some of our appropriations for the Navy have been failures, but in the main I can say that a wonderful country in the Mississippi Valley has been developed by the building of levees. I can say that in the main we have a region there which is as rich as there is in the Union anywhere, a region which is devastated whenever we have floods, by the concentrated rainfall of 31 States, and the people there can not build levees sufficient to protect themselves. They have had considerable help, but let me say to the Senator that they have been a brave people. They have spent, according to official reports, since 1865 something like $66,000,000 on their levees, during which time the National Government has spent about $31,000,000. They have spent for every dollar expended by the Government more than $2 of their own money wrung from their hard toil, from a tax on everything in the world they possess. Every kind of crop, every acre of land, indeed, everything on earth down in that country has been taxed, and the people have struggled valiantly to save themselves from the Nation's floods. They were not the normal floods of their own valleys, but the rains of nearly two-thirds of the Union, including a part of Canada.

Mr. GALLINGER. Mr. President, I am quite familiar with those facts, and they are to the credit of the people living along the banks of the Mississippi River, but I have been unable in my investigation thus far to discover that the expenditures of the Government have very materially improved the navigation of the stream, but they have enormously increased the value of the land, in some instances 500 per cent. I think if the Senator would strike a balance and ascertain the amount of profit that has come to the people owning those alluvial lands, enormous in quantity, he would find it greatly exceeded any expenditures that have been made by those people to help protect their own homes. That is my judgment. I do not say that the Government ought not to do this, but I think we might just as well now as at any time look it squarely in the face and ascertain whether these appropriations are being made for the benefit of commerce or for the benefit of private parties.

Mr. RANSDELL. There has been——

Mr. GALLINGER. I will add that the argument the Senator has suggested finds a lodgment in my mind. I am not at all indifferent to it, and I do not want to be indifferent to it. The floods come from several States remote from the towns along the lower Mississippi, and to that extent it may well be argued that the Nation owes a debt to those people and is under obligation as far as it can to protect them from those disastrous floods that come from distant points. I think there is very great argument in that, and I am not at all indifferent to it.

Mr. RANSDELL. I thank the Senator for his kindly expression toward my people. They certainly have been very sorely tried.

In this connection, let me remind him that the awful floods which did so much damage in Ohio last year—millions and millions of dollars' worth—one scarcely knows how many million dollars of damage was done in Ohio and Indiana last year, not only to the property, but to human life. Many lives were destroyed and the floods swept on down the Ohio, thence into the Mississippi River, where they continued their work of destruction, and onward for nearly 2,000 miles before they finished their damage and rested in the Gulf.

In the district I formerly represented in Congress, in Tensas Parish, La., 70 miles below the city of Vicksburg, a magnificent levee was broken by the waters which fell in Ohio and Indiana. We had little rain there last spring, practically none anywhere in the Mississippi Valley proper; but every drop of water, Senators, that falls between the Alleghenies on the east and the Rockies on the west, even much that falls in the Dominion of Canada, has to find an outlet to the Gulf through the Mississippi River. It has been well called the Nation's sewage ditch. These waters can not get to the Gulf in any other way. Now, think of those awful flood waters, which, after drowning many good people in Ohio and Indiana, and destroying much valuable property, rushed on down through the small rivers in those States to the big Ohio and the Mississippi, and thence on down to bear terrible destruction to Missouri, Kentucky, Tennessee, Arkansas, Mississippi, and Louisiana.

Near the home of my friend from Mississippi, Senator VARDAMAN, there was a terrible break in the Mississippi River levees which did enormous damage. Does anyone say that the people of Mississippi should be required alone and unaided to hold back flood waters that fell more than 1,500 miles away from them? Surely not. I am glad to hear such noble sentiments as those just expressed by the Senator from New Hampshire [Mr. GALLINGER]. I am glad to find in the Senate a growing sentiment that it is the duty of Congress to protect the Mississippi Valley from floods which it can not control by itself. I am glad to know that all three of the great political parties of this country in their recent platforms have committed themselves to the control of that valley from floods. The local people have done their best and they intend to continue to help themselves to the very utmost. But, Senators, in the name of common sense, how can people do much when they are overflowed as they were in 1912 and again in 1913 and all their crops ruined? With no crops out of which to get any money with which to pay taxes, how can they help themselves? It is impossible. The Nation must come to their relief.

Mr. GALLINGER. Mr. President——

Mr. RANSDELL. Just one word more on the subject of navigation. I always believe in being fair about everything, and it is a fact that a considerable portion of the expenditures made on the Mississippi River have been to protect those lands from floods. I have never thought otherwise; I have never contended otherwise during the 16 years that I have been in Congress; but there has been a very large increment of navigation as well. Let me say to Senators, that when a big flood is in progress, unless you have levees there is no landing place. You can not have commerce, no matter how deep the water, unless there is a place for the boats to land, unless there is dry land on the inside of the levees for the people to haul freight out. How much commerce can there be on a river when the entire valley is overflowed? When the railroads are flooded, as well as the dirt roads, how much transportation can there be?

Is it not the duty of Congress to provide for safe carriage of the mails to all of the citizens of the country? How much mail can there be carried when there are floods 50 miles wide, as I have seen them in that valley?

The levees, let me repeat, are necessary to form landing places for the boats in time of flood, and they are also necessary to cause the river to scour out the shallow places. As I said a moment ago, before the building of those levees in 1882 there were many shallow bars, from 4 to 5 feet, and when the levees were built, when the gaps were closed, when the waters were confined to the river, those bars were scoured out and became deep, and we now have 9 feet of water in the shallowest places. That navigable depth is very largely due to the levees.

Mr. GALLINGER. Mr. President, I will ask the Senator from Louisiana if there is not a great diversity of opinion among those who have given study to this subject as to the value of the scouring process when the flood is confined?

Mr. RANSDELL. I have never heard any difference of opinion expressed among really able engineers on that subject. I have been studying it very carefully, and I will state that in connection with the preparation of this bill we had several of the ablest engineers in the country before us. I shall be glad to furnish the Senator one of the bulletins containing their report. All of them testified to the very valuable aid which the levees are to the navigation, to the scouring qualities, of the stream, as well as to the protection of the lands from overflow.

Mr. GALLINGER. Was there in the section that the Senator mentions—I do not know the facts—any dredging done?

Mr. RANSDELL. There was some dredging done there; yes, sir. The Mississippi River Commission has several dredges, and they use them as an adjunct. The building of the levees alone did not complete the scouring; but I will say to the Senator that the engineers contend that if the levees had been perfect and continuous all the way down, the scouring would have been sufficient; but, unfortunately, during every flood there would be more or less breaks in the levees, and it invariably followed that when a break occurred in the levee the water would sweep out with a tremendous rush in the gap, and the volume of water in the river would be very much diminished, a large percentage of it sometimes, probably half, escaping through the gap. That would cause a very great diminution in the rapidity of the flow, the impetus of the flood; and the sand and sediment carried in solution, naturally being affected by the decreased flow, would be deposited in large quantities, and a great sand bar would be formed below a crevasse.

Mr. GALLINGER. I wish to ask the Senator one further question in that connection. While a bar is washed out—and we will say that it is done because of controlling the water in a comparatively narrow channel—is not that silt carried to some other point and deposited, and thereby another bar formed?

Mr. RANSDELL. Well, it is scattered throughout the river to some extent, and a great deal of it is carried to the Gulf of Mexico. As the Senator knows, Louisiana is the youngest State in the Union, geologically speaking. That great jurist and wonderfully good man, Judge Robert S. Taylor, of Fort Wayne, Ind., said a few years ago in a public address which I heard him make, that Louisiana was composed of the geological cream of the American Continent; that it was formed of the washings of soil from the hillsides and valleys of the 41 States which contribute their waters to the floods of the Mississippi River; and in very recent times the peninsula has extended quite a long way into the Gulf of Mexico. Land is being made there all the while. Our area is growing annually.

Mr. GALLINGER. Mr. President, in that respect Louisiana is different from the little State which I in part represent. Some distinguished southerner once said that after the other States had been made the débris was gathered up and deposited in New England, and that was the reason we had so many rocks.

Mr. RANSDELL. They must have deposited some very good débris in New England from the character of the people who come from there.

Mr. GALLINGER. However that may be, I want to ask the Senator a really honest, practical question. We all recognize the Senator—and I do not think I will exclude the Senator from Ohio [Mr. BURTON] from that suggestion—as having perhaps given more profound study to this question of waterways than has any other Senator. I, too, have given some study to it. I came to the conclusion long ago that levees were of small account in the matter of benefiting navigation; they did something, but that their chief value was—and I am not at war with that thought—that they protected the adjacent territory from inundation and destruction. I gave some thought and investigation to the matter of the reservoirs, and I about came to the conclusion that you might as well stick a knitting needle into the Potomac River and undertake to stop the flow to the ocean as to undertake to control the Mississippi River by the construction of reservoirs.

I gave a good deal of consideration to the subject, and in my innocence was profoundly impressed with the thought that we might at least greatly mitigate the evils of floods by the outlet system; but in that respect scientists differed from my immature views, and I abandoned them.

Now, I ask the Senator if he has given—and I have no doubt he has given—consideration to the question as to whether or not this great country, with all its wealth, will ever be able probably to devise a means within the limits of human expenditure that will remedy the evil of which the Senator complains and which I very fully recognize.

Mr. RANSDELL. Does the Senator from New Hampshire refer to the floods on the lower Mississippi River?

Mr. GALLINGER. I refer to the floods on the lower Mississippi River.

Mr. RANSDELL. In answer to the Senator's question, I will state very frankly that I have studied it. I have studied it as the representative of my people, who have suffered terribly from those floods; of my entire State, which is damaged by them more than any other State in the Union, for out of about 28,000 square miles of flood area in the valley of the Mississippi River 14,000 are in the State of Louisiana. I have studied the question as one whose every dollar is invested back of the levees, for I have lived during all my business life in the little town of Lake Providence, on the banks of the Mississippi River. In front of that little town there are levees about 17 or 18 feet high.

During the 32 years I have lived there I have seen a number of overflows in the river. My plantation and property—for I am a cotton planter—have been overflowed a number of times, and my individual losses have been very heavy; so that I have had every incentive that could make a man study a subject make me study this one. As the result of practically a third of a century of earnest study and investigation I am firmly convinced that if we will build the levees along the banks of the Mississippi River from Cape Girardeau, Mo., to the Gulf on both sides of the river, where they are needed, according to the plans of the Mississippi River Commission, the valley will be fully protected from overflow. In some places the hills come down and levees are not needed. If we will build the levees strong and high, as this commission suggests, with the crown, the height, and the base they suggest, with the banquettes as adjuncts to the levees, and prevent the caving of the banks of the river by proper revetments along the plans advocated by the Mississippi River Commission, worked out by them in detail, and which to some extent they have actually carried into practice, I believe the people of the lower valley will have adequate relief.

The most recent testimony in regard to that subject was given by Judge Robert Taylor, of Indiana. Let me say that he is one of the greatest men in the United States. I compare him favorably with any man I have ever known. He was appointed——

Mr. GALLINGER. Mr. President, if the Senator will permit me, I want to indorse what he has said concerning Judge Taylor.

Mr. RANSDELL. I thank the Senator. Judge Taylor is a great man, and the people of that valley honor and love him. I wish he belonged to my political party, but unfortunately he does not.

Mr. GALLINGER. Which party is that?

Mr. RANSDELL. The Democratic Party.

Mr. GALLINGER. I supposed it was the "Louisiana" party, of which we have heard lately.

Mr. RANSDELL. No, sir; I do not belong to that branch of a political party.

When the Mississippi River Commission was created, in 1879, there were seven members, six of whom were engineers and one was a civilian. The first civilian was Benjamin Harrison, afterwards President of the United States. I presume that it will not be necessary to prove that he was an able man.

When he resigned from the commission to become United States Senator, in March, 1881, he was succeeded by Robert S. Taylor, and Judge Taylor held the position until March, 1914—33 years. If ever a great man studied a great subject carefully and understood it well, Judge Taylor studied and understood that subject. He was not an engineer, but in many respects he was better qualified to understand those problems than an engineer. He did not have the limitations which every profession, be it law, medicine, engineering, or any other, throws upon its members. He was a great lawyer, and he gave to the study of that question a wonderfully clear mind. Twice every year the Mississippi River Commission, during the 33 years when he was a member, went from St. Louis to New Orleans in their boat, called the *Mississippi*, studying those levees, studying every problem connected with the river, and time and again has Judge Taylor been summoned to Congress to testify in regard to the river. He studied, I believe, every question connected with the subject everywhere in the world. He has written a number of most instructive and entertaining articles concerning the river, and to any Senator who wishes to know about it, who wishes something really interesting, let me advise that he read these articles by Judge Taylor.

A few weeks ago this gentleman was summoned to testify before a subcommittee of the Commerce Committee in regard to the Mississippi River, and he again repeated what he had said often before, that the one, sole, and only solution of the floods of the river was to build the levees big and strong under the plans of his commission and to prevent other levees from caving into the river by the construction of bank revetments.

Mr. GALLINGER. And to build them on both sides of the river?

Mr. RANSDELL. Yes, sir; he thought they should be built on both sides of the river. The other man to whom I wish to refer and who testified before us recently was Maj. J. A. Ockerson, also a member of the Mississippi River Commission. As a young engineer he was employed by the great James B. Eads when working out that wonderful problem which resulted in the jetties at the mouth of the Mississippi River. For years and years, after being with Eads, who himself was an early member of this commission, Maj. Ockerson occupied a high position under the Mississippi River Commission. For 16 or 18 years he has been one of its members; he has attended a great many international engineering conferences in the Old World; he has visited and studied the levee systems of the Po, the Danube, the Nile, and of other rivers of the world. He is a remarkably high-grade engineer.

Recently, when the great break in the levees of the Colorado River occurred, and the Salton Sea, in southern California, with which we are all more or less familiar, was being filled with flood waters pouring out of the Colorado, Maj. Ockerson was employed and sent there, along with other great engineers, to close the break during the time of the flood, and his efforts and those of the others were successful. He testified very fully before the Senate committee recently. He repeated the same things stated by Judge Taylor, that if we will build the levees as they should be built, build them as the Mississippi River Commission advocates they be built, and at the same time protect the banks from caving so that the new levees when built will not cave into the river, we will get the desired protection; and I am firmly convinced, as the result of my own study, that the levees, and the levees alone, will give us that orotection.

Mr. THOMAS. Mr. President, will the Senator yield for a question?

Mr. RANSDELL. I will be delighted to yield to the Senator.

Mr. THOMAS. I am greatly impressed, Mr. President, by what the Senator has just said. His conclusion is based upon his own and the experience of other very able men who have studied the subject. I quite agree that if the United States Government can put a stop to these enormous overflows and the consequent destruction of life and property which they entail, it ought to be done; and, for my part, I am willing to give my vote to any appropriation within reason that would bring about that result. Now, does not the Senator think that it would be very much better to enter upon the accomplishment of that plan than to continue these river and harbor bills, with their numerous enterprises, so many of which are of a questionable character?

Mr. RANSDELL. I thank the Senator sincerely for his expression of interest in the Mississippi Valley; and, in response to his question, I will say that for years I have personally been very anxious to see a solution of the Mississippi River flood problem adopted as a great, broad, general project, similar to the Panama Canal. Beyond question, Senators, it is as big a problem from an engineering viewpoint as the Panama Canal.

Mr. THOMAS. A larger one, perhaps.

Mr. RANSDELL. Perhaps larger. It is not going to cost anything like as much money, but it is a more difficult engineering problem than even the Panama Canal. I have been exceedingly anxious to have it adopted as a specific single project, put under the continuing contract system, and the money provided just as we provided it in the case of the Panama Canal. There is no question about that being the wise thing to do. I have advocated it, but there seemed to be no chance to get it adopted.

There is now pending in the Senate a bill which I introduced, proposing to appropriate $12,000,000 a year for five years to build levees on the river, requiring the local people to contribute $3,000,000 a year for five years, making a total of $15,000,000. Now, how do I arrive at that sum? The Mississippi River Commission says it will cost $60,000,000 to complete the levees. They tell us that in order to carry on properly the work of bank revetment an appropriation of $3,000,000 per annum is advisable. So, if the commission had $15,000,000, $12,000,000 to be furnished by the National Government and $3,000,000 by the local people—and that is all they can pay to save their lives—it would give them during the next five years $75,000,000, of which $12,000,000 per annum, or a total of $60,000,000, would go into levees, while $3,000,000 per annum, or a total of $15,000,000, would go into the work of bank revetment; and at the end of that time the work would have been completed, so far as the levees were concerned.

In all candor, Senators, I must say that the work of bank revetment must go on for a number of years. Some of the engineers estimate that it will probably cost $90,000,000 to finish the work of bank revetment, but it will run on through a long period of years. If you had the whole amount now, you could not possibly spend it. Why? You would not have the plant with which to operate. Three million dollars a year is a large sum, and they would have to increase their present plant considerably to spend more than $3,000,000 a year. Moreover, there is a very large amount of willows needed in revetment work. They use the very small willows, and you would exhaust the supply of willows if you tried to expend over three or four million dollars a year.

Another thing: In order to do the work properly you must slightly precede the caving of bends. You revet one bend; the Mississippi winds around, as you know, like a great snake down through the country; caving occurs on a certain bend. You revet that bend to prevent any further caving from going on there, and you do not know where the next caving will break out. You must wait a few months, or perhaps a year or two, to see where the indications of caving are; and then, before the next high water, you put in revetments at that point, 1 or 2 or 3 miles, as the case may be. So you could not spend more than about $3,000,000 a year if you had it.

Let me say again that I believe it would be wise for us to take this great project away from the annual river and harbor bill, and no man would sanction it more than myself. My bill is pending for that purpose. I am not opposed to the Senator from Ohio in his general idea of continuing contracts. When my time comes to speak—and I thank the Senator for letting me talk so long now—I shall show that this bill is framed along the lines of continuing contracts, and along the lines of his great bill of 1907; but I should like to see some exceptions made, and this is one of them. We ought to be statesmen enough to take the Mississippi River out of the ordinary river and harbor bill and provide for it once and for all, and I hope the Senator is going to help me when my bill comes before us.

Mr. GALLINGER. Mr. President——

The VICE PRESIDENT. Does the Senator from Louisiana yield to the Senator from New Hampshire?

Mr. RANSDELL. I do.

Mr. GALLINGER. I will ask the Senator from Louisiana if he is at all certain, from the investigations he has made—and doubtless they have been very thorough—that the amount included in his bill will accomplish this great result?

Mr. RANSDELL. Mr. President, in response to that I will say that I believe it will more than do the work, and I will tell you what I base that on.

The engineers, in making their estimate of $60,000,000, thought, and so estimated, that it would cost about 30 to 35 cents per cubic yard to move the dirt. Most of the levee building is done with scrapers and mules. It is about like making the fills in railroads. The estimate was 35 cents per cubic yard to move that dirt. Very recently a great dirt-moving machine has been invented. I have some pictures of it here. It is very recent. It is not on the market, but they are building a levee with it now in the vicinity of Memphis, Tenn. It is thought that this wonderful machine will probably move that dirt at about 10 cents a yard; so that instead of our having to pay 30 to 35 cents, the estimate made by these engineers—and they have made it very carefully; they have erred, if at all, on the conservative side—we may be able to move it for 10 cents. I am sure that if we have $60,000,000, and have it systematically, at the rate of at least $12,000,000 a year, which is enough, as we could not very well spend more than that economically, and could make our contracts and our calculations in advance, we could build the levees for less than $60,000,000.

Mr. GALLINGER. Mr. President, I am interested in the statement the Senator has made that this great project includes the building of levees on both sides. It has seemed to me that we have been profligate in our expenditures in levee building, for the reason that we have constructed levees only on one side of the river at critical points. There are lodged now in the proper department of the Government perhaps thousands of claims, and certainly hundreds of claims, of citizens on the side of the river opposite where the Government has built levees, the contention being that their property has been destroyed and the Government ought to reimburse them.

I know that as far back as 1898 there were claims of nearly a million dollars filed. I at one time thought they were ridiculous; but more recently, after giving the matter more mature

consideration, it looks to me as though they have a pretty valid claim. The property holders on the one side where the levees were built have had their property increased from 50 to 300 per cent in value, while the property holders on the opposite side have had their property swept away. It does seem to me that if this great project is to be entered into—and it commends itself pretty warmly to my untutored mind—the levees ought to be built the entire stretch on both sides of the river.

Mr. THOMAS. At the same time.

Mr. GALLINGER. At the same time. I presume, however, that if we solve the problem of floods on the lower Mississippi, we shall have to back up and come to Pittsburgh and some other points farther north and engage in another great enterprise to prevent floods there. There is, or was recently, a great clamor in Pittsburgh to the effect that they were suffering from floods that might be controlled and that the Government ought to make liberal appropriations for that purpose.

I simply want to say this to the Senator from Louisiana: I may not be wise in saying it, because I do not know exactly how it will strike the people I represent, and yet I am in the habit of doing things without much regard to the popular view. I suppose the bill to which he alludes is before the Committee on Commerce?

Mr. RANSDELL. Yes, sir.

Mr. GALLINGER. And the Senator is a member of that committee?

Mr. RANSDELL. Yes, sir.

Mr. GALLINGER. If the Senator's pleasing personality can induce that committee to report the bill and it ever comes before the Senate for action, unless I change my mind I will vote for it. That would be only one vote, of course; but I think we ought in some way to take up this great question on a large scale and see if it can not be solved, because I do think our piecemeal work is not very wise.

Mr. RANSDELL. I again wish to thank the Senator for his very kind and statesmanlike remarks.

Mr. THOMAS. Mr. President——

Mr. RANSDELL. Let me answer the Senator from New Hampshire for just a few moments, and then I will yield to the Senator from Colorado.

I wish to say that the Senator is only partially correct in regard to the building of levees on both banks of the river. From the Gulf of Mexico to the city of Baton Rouge, La., there is a continuous line of levees on both banks of the river. Then, from the city of Baton Rouge, La., to a short distance above the city of Vicksburg, Miss., there is no levee on the east bank of the river. Then, from a point just above Vicksburg, for several hundred miles, to the city of Memphis there is a levee along the east bank. On the west bank of the river there is a practically continuous levee line from the Gulf to a point slightly north of the city of Cairo, except at the mouth of the Red River, the mouth of the Arkansas, the mouth of the White, and the mouth of the St. Francis. There is practically a continuous levee line on the west bank.

So, repeating what I said, on the east bank from the Gulf to Baton Rouge and from a point just above Vicksburg to Memphis there is a levee line. There are narrow strips of land in the sections between Baton Rouge and Vicksburg and between Memphis and the Ohio River, with the exception of a few miles at Reel Foot, which never have been leveed in the past because they were comparatively small and the money was so scarce, and the commission and others thought they would have to spend the money where it would do the most good.

I am delighted to hear the Senator say that this matter should be taken up in a big, broad, general, far-reaching way. Let me call your attention to section 13 of this bill, which provides:

That the President of the United States is hereby authorized to appoint a commission of three persons, two of whom shall be from civil life, and the third an engineer of the United States Army, one of whom shall be designated as chairman, to investigate the question of damage to lands on the Mississippi River below Cape Girardeau, Mo., resulting from the construction of levees and the improvement of said river in the interest of navigation since 1890. Said commission shall examine and report upon all such damages caused by floods resulting from levees and shall report the facts to Congress with suggestions of a basis of equitable adjustment of the liability, if any, for such damages, and what part the National Government, the State and local authorities shall, respectively, contribute in the settlement of such liability. Said commissioners shall have power to subpœna witnesses and to administer oaths: *Provided*, That no fee shall be paid to any witness except those subpœnaed on the part of the Government. The commissioners appointed from civil life shall receive a salary of $5,000 a year each, payable monthly, on the warrant of their chairman, and the commission shall be entitled to necessary clerical and expert assistance, stationery, etc., together with traveling expenses. The term of office of this commission shall expire when its final report is made to Congress, which shall not be later than July 1, 1916. In order to carry out the purposes of this section, the sum of $60,000 is hereby appropriated. All expenditures herein authorized shall be paid out of this appropriation upon the warrant of the chairman.

This section provides for a commission to study that question and report to Congress, so that we will have intelligently before us all matters connected with damages by floods and levees on the river, and an estimate of the cost of probable damages if the Government is to pay them. The friends of the river wanted light on the subject, and we are trying to get it under the provisions of this bill.

Mr. SMOOT. Mr. President, do I understand the Senator to say that in his opinion $60,000,000 would do all the necessary improvement on the Mississippi, including the necessary revetment work?

Mr. RANSDELL. No; I stated that $60,000,000 would finish the levees, and that the revetment work would probably cost about $90,000,000. That estimate of $90,000,000 is made by Maj. Ockerson. I have his report here, if the Senator would like to see it.

Mr. SMOOT. I am not an engineer, but——

Mr. RANSDELL. Let me say that that $90,000,000 would be expended during a period of about 30 years. They can not expend the money much more expeditiously than at the rate of $3,000,000 a year, for the reasons I have stated, owing to the scarcity of willows and many things of that kind.

Mr. SMOOT. The last trip I took down the Mississippi River from St. Louis to New Orleans I came to the conclusion that if $500,000,000 would do the necessary levee work on the Mississippi River and also provide the necessary revetments, it would be a closer estimate than the one just cited by the Senator. I do not believe $150,000,000 will begin to cover the expense. I watched the banks on both sides of the river caving in, caused by the high water at that particular time, and I noticed the immense amount of work that would have to be done for hundreds of miles on both sides of the river, which would be exceedingly costly work, particularly the revetment; and yet I thought to myself that if that river could me made navigable and secure against future floods and the great Mississippi Valley could become all that people thought it would be in case floods were prevented, even that amount of money could be justified. I would not, however, want to start in with any idea of $150,000,000 doing the work, because, in my opinion, it is absolutely impossible to accomplish that work for that amount of money.

Mr. RANSDELL. Mr. President, responding to the Senator, I thank him for his kind words, as I have the other Senators. Of course I am not an engineer, and I would not like to put up my untutored opinion against that of the doctors in a case of this kind. When I get a serious disease I go to the best doctor I can find and take his medicine, and I usually get well. We have had, I believe, the best doctor on earth on this question, the Mississippi River Commission, composed of six very able engineers and that great man, Judge Taylor, of whom I have spoken. All of the members of the commission, so far as I know—and I think I know them well—are a unit in saying that the levees can be built for $60,000,000; and I have given the reasons which make me believe and make some mighty well-posted people believe that the levees will not cost $60,000,000, because that estimate was based on 35 cents a cubic yard for moving dirt, and we believe—I stated it while the Senator was out—that a recently invented dirt-moving machine, of which I will show the Senator a picture——

Mr. SMOOT. I heard the Senator's statement. I was here.

Mr. RANSDELL. A machine has been evolved which will cheapen it very much. There was one estimate made that the revetment work would cost $158,000,000, but I do not consider that a reliable estimate.

Mr. BURTON. May I ask, first, who made that estimate of $158,000,000?

Mr. RANSDELL. It was made, as I understand, by the Mississippi River Commission, under a resolution of Congress asking them to go into some details and give an estimate of the entire cost; but Maj. Ockerson, who was a member of the commission when the estimate was made, stated before our committee the other day that he was convinced that $90,000,000 would do the work.

Mr. BURTON. What was the estimate of Col. Townsend on the revetment and on the levees?

Mr. RANSDELL. As I recall, Col. Townsend thought something like ninety to a hundred million dollars would probably do it.

Mr. BURTON. That is for the revetment?

Mr. RANSDELL. For the revetment, and $60,000,000, he said, for the levees.

Mr. BURTON. What is the average cost per mile, under present conditions, of levee construction and of revetment construction? It has changed so from year to year that I could not rely on the estimates I had in mind some years ago.

Mr. RANSDELL. The cost of levee construction depends entirely upon the yardage. I should have to give it to the Senator by yardage rather than otherwise.

Mr. BURTON. Running from levee district to levee district, what has been about the average cost per mile or per thousand feet—we can get the result by computation in either case—of those two, the levees and the revetments?

Mr. RANSDELL. Our revetment work 20 to 25 years ago, when I first became closely connected with it, and they were doing some work in the vicinity of my home, cost between $140,000 and $150,000 a mile; but the latest reports of the commission show that it costs in the neighborhood of $200,000 per mile. The cost of labor has increased considerably. Willows have diminished in quantity. They are more expensive to get than they used to be. Everything that is used in connection with the revetment seems to be more expensive. They say this revetment will cost in the neighborhood of $200,000 per mile.

I can not give you the exact figures of the cost of levees. I know that the price per yard ranges from about 18 to 35 cents. Just after a levee is breached during the overflow, when much of the materials have to be hauled a long distance and you have all the bad material that has to be moved before they can get the good, the prices sometimes run considerably over 35 cents per cubic yard. Some of the levees, at least, are small—that is, only 12 or 15 feet high. Others range 25 feet high. A levee has a crown of 8 feet, with a slope of 3 to 1 on each side. On the land side the best levees are always built with a banquette, which banquette should be in width twice the height of the levee. If the levee is 20 feet high, the crown of the banquette should be 40 feet. The crown of that banquette is practically level. It reaches within 8 feet ordinarily of the top of the levee, and slopes back very gradually. There is just enough slope to let it drain off nicely. Then the remainder of it is built at a slope of 3 to 1.

So, you see, the conditions as to the dimensions of levees are so variable that I could not state just what it would be per mile, but the engineers have all this calculation. They have figured out very carefully throughout the entire length of the levee line just how many cubic yards are needed to put these levees up to what they conceive to be the necessary grade, and, having multiplied that by 35, they arrive at the $60,000,000.

Mr. BURTON. Where are those figures published?

Mr. RANSDELL. It is the statement made by the witnesses, and I would be very glad to point it out to the Senator in the testimony given before us.

Mr. KENYON. I should like to ask the Senator the status of the bill at this time.

Mr. RANSDELL. It is pending before a subcommittee of the Commerce Committee. We have had a number of hearings on it. We actually had hearings relating to the terrible flood on the Hwai River in China. Our Government has sent Col. Sibert, formerly a member of the Panama Canal Commission, to China. I expect that he has gotten there about to-day. We saw in yesterday's paper where there have been great loss and suffering on the rivers in China. I suppose Col. Sibert is over there now and will help them to solve that problem. We had testimony in regard to that.

Mr. KENYON. The bill would provide for levees that would protect the adjacent country?

Mr. RANSDELL. Yes, sir; it will protect the entire alluvial delta along the river.

Mr. KENYON. I hope the Senator will get that bill into the Senate. For my part, I should like to vote for some protection to the people of the South. I do not think it is fair or just to dump all this water from the North down upon the people of the South. I hope the Senator will get that bill out of committee. I think it would be better to do something in that way by means of a defensive bill. It seems to me that the pending bill is composed of patchwork and some things that in the end will practically amount to nothing. The other is a substantial proposition. It is more important than the Panama Canal, and we ought to undertake it. I think the Senator will find great support for his plan in the cooperation of the States and the landowners and the Government.

Mr. RANSDELL. I appreciate very highly your encouraging words, and assure you it is my intention to press that bill. There is a valid reason why it was not done heretofore, but it is my intention to press it hereafter as rapidly as I can.

Mr. GALLINGER. In addition to the Government loaning China one of our best engineers, is it not a fact that the Red Cross has taken up that matter and is going to make a large donation of money toward the consummation of that scheme?

Mr. RANSDELL. I understand that is true—that it has already made a donation of a very large sum and that it is helping considerably. It is not going to furnish money, if I am correctly informed, for building levees on the Hwai River, but it is going to lend its moral support. It is going to encourage an engineering and constructive firm in this country to undertake the work of building those levees and is going to help in every way possible.

Mr. GALLINGER. My attention was called to that recently, and it seemed to me a philanthropic movement that was very commendable. At that time I thought, and it rather impresses me now, that if that great organization had taken up the Mississippi River first and gone to China afterwards it might have been a better scheme.

Mr. RANSDELL. I want to say to the Senator that the president of the Red Cross, Miss Mabel Boardman, testified before our committee, the particular committee which has in charge the bill of which I have been speaking, and said that their association during the last three years—that is, during the flood season of 1912 and 1913—had expended something over $3,000,000 on the floods in the Mississippi River and the Ohio. She did not differentiate between the two, but I know they have been doing a great deal of magnificent work, for which I am delighted to give them credit, during the floods there in 1912.

Mr. GALLINGER. That was for the relief of the sufferers?

Mr. RANSDELL. Yes, sir; for the relief of the sufferers.

Mr. GALLINGER. Not for construction?

Mr. RANSDELL. Not for construction. Unfortunately we have not had as much construction as we should have had.

Mr. THOMAS. Mr. President, there is no question that the duty devolves upon the Government of the United States to prevent the recurrence of these floods, or, rather, the consequences of the floods, in the Mississippi River; but I fear that one of the obstacles, and possibly it is an insuperable one, for the consummation of the project which the Senator has outlined in a bill yet to be reported is due to the fact that so much money is being and has been appropriated in so-called river and harbor bills for enterprises that are not meritorious and which smack very strongly of enterprises that are designed for personal and local benefit instead of those benefits for which river and harbor bills are supposed to be designed.

I wish the Senator could in some way substitute as an amendment to this bill his project for the improvement o the Mississippi River, that we could cut out some twelve or fifteen million dollars in appropriations, which we are going to be asked to pass, which are not necessary and some of which are indefensible; take the amount of those appropriations and give it for the great enterprise which is designed to be accomplished by the bill to which he has referred.

I am very much afraid that if these huge river and harbor bills continue to be presented to the Congress for passage every year, subject as they are to criticism, not only in but outside of Congress, the feeling against the making of appropriations will continue to grow to such an extent that the improvement of the great Mississippi River for the prevention of these floods will be so confused and confounded with the popular notion of what river and harbor bills in these modern days are designed for that we shall not be able to enact that measure into a law even if it should be reported from a committee.

Mr. RANSDELL. I would not like at this time, as I am trenching on the time of the Senator from Ohio, to go into a general defense of this bill. At the proper time I shall do so, but I am going to ask the Senator to please make me out a list of what he terms the indefensible items in this bill and I will endeavor to explain them hereafter. There are a great many items in the bill, something like 350, and I am quite sure those items are good. If there be any bad ones, I do not know it. I took part in preparing the bill, and I studied it just as well as I knew how. All humanity is liable to err. I do not pretend to claim that we have not been guilty of errors in the preparation of this bill.

There may be bad items; we may have some items in it which should not be there; but we have tried our best to get a good bill. Some of the very small items that several Senators would like to cut out are just as important relatively as the large items. I should like to have the items pointed out to which the Senator refers, and then I will try to explain them.

Mr. THOMAS. I am depending very largely upon the Senator from Ohio in the statements which he has made and those which I think he will make concerning this bill for my assertion that much of the bill is indefensible. My own personal knowledge of the various items is too indefinite to enable me to comply with the Senator's request, but I think the Senator from Ohio is doing that identical thing now. So I think that by the time he will have finished his remarks all the information, and very much more than I could possibly give the Senator, will have been furnished.

Mr. RANSDELL. From my experience on this floor I think the Senator from Colorado is one of the best lawyers I have ever come in contact with, and his experience must teach him that when one knows but one side of a case he knows very little about it. When we get through defending this bill you will know something of the other side, and we will be very glad to answer any criticism made upon the bill. All we ask is that Senators sit patiently by and listen to our defense as they have listened to the criticism of the bill by the Senator from Ohio.

Mr. THOMAS. That is what I have done and what I propose to do. I will also remind the Senator that I also sat by and listened to a great deal of the discussions of the bill which was passed a year ago.

Mr. RANSDELL. I thank the Senator from Ohio very much for yielding to me so long. I did not intend to trespass on his time.

Mr BURTON. Mr. President, I am much obliged to the Senators from New Hampshire and Louisiana, as well as to the Senator from Colorado, for their suggestions and for bringing to the attention of the Senate important subjects relating to this bill.

There are three subjects which have been treated by them which must require very careful discussion before we are through. The first one to which at a later time I intend to give considerable attention is the question of discriminatory railroad rates between cities on and off waterways, and whether the United States should improve waterways with a view to regulating freight rates. Is that a correct policy or not? Another question arises is this: Are those differences in rates between towns on and off from rivers exclusively traceable to the fact that there is potential water competition? Are the towns which have lower rates located on rivers or near to them? Must they ascribe their lower rates exclusively to water competition?

The second topic is the general subject of the improvement of the lower Mississippi from Cape Girardeau and Cairo to the Gulf. The third, which has just been suggested by the Senator from Colorado [Mr. THOMAS], is a list of objectionable items in this bill. I shall try before I am through and before the end of the general discussion to point out some of those objectionable items. It is possible that there will also be other items to which remarks can be more profitably directed when the bill is taken up in detail.

I wish to say now that I am going to submit two amendments relating to prior bills. One is for the repeal of the item of $100,000 for the Youghiogheny River, the project which contemplates the building of three locks, each to cost $350,000. As an illustration of the piecemeal policy that was pursued in the bill of 1910, $100,000 was appropriated—not enough to finish one lock or one dam; not enough to even begin a lock or a dam profitably.

The other item is an appropriation in the same bill of $1,000,000 for the 14-foot waterway from the Lakes to the Gulf. It is an extended provision, and it is a question how far, if at all, this million dollars commits Congress to proceeding with its construction. In any event I wish to introduce an amendment to repeal that provision so that there may be no doubt about it.

I wish to say just a word more in regard to the remarks of the Senator from Louisiana on the improvement of the Ohio River and its tributaries. He raises, and very naturally, the argument that the prosecution of the improvement of the Ohio was somewhat slow during the time when I was a member of the River and Harbor Committee of the House. In view of the appropriations made at that time, Mr. President, I do not think so. The fact of the matter is when I first became connected with the River and Harbor Committee or had an active part in its proceedings, about 1898, it was exceedingly difficult to reconcile the sentiment of the country to the passage of bills carrying any considerable amount.

In 1882 President Arthur vetoed the river and harbor bill. It was passed over his veto, but a vote in favor of such passage over his veto was a fatal obstacle to the reelection of many Members of the House of Representatives in the autumn of that year. In the year 1896 President Cleveland vetoed a river and harbor bill. That was passed over his veto, but I do not think it exercised any very great influence on the fortunes of those who voted for it, because in the following campaign of 1896 there was an all-absorbing issue, the so-called silver question of 16 to 1. I was one of those who voted to pass that bill over his veto, nevertheless there was a very strong feeling against river and harbor legislation.

It was the first effort of the committee during my incumbency, or, at least, during the time in which I was chairman, to relieve these river and harbor bills of excrescences, to bring forward no appropriations unless the projects for which they were to be made had had expert examination and would stand the acid test. Even so, items were included in the bills of 1899 and 1902 which I do not think commend themselves to our judgment to-day.

So a new plan was devised of a river and harbor board, which should review all projects and make recommendations. That board was expected to contain some of the ablest officers in the Engineer Corps. It had been found that in the years preceding 1902 reports came to Congress made oftentimes by a single engineer. If a man had the rank of lieutenant colonel or higher his estimates virtually came directly to Congress. It was in the power of the Chief of Engineers to review his findings, but virtually his report came directly here. If the rank was under that of lieutenant colonel, the report went to the division engineer, who expressed his opinion upon the judgment of the local engineer, and then the two were transmitted. It developed that we had as many different judgments as there were men in the corps. One man would examine a project that would cost $100,000, and being of a conservative disposition he would report against it. Another man would examine a project costing $200,000 that did not promise nearly the same benefit, and he would report enthusiastically in favor of it, and so we were including many ill-considered projects in our bills.

This board of engineers did most excellent service, and is doing it to this day; but I do not think that of recent years they have shown by any means the care—I will not say "the care"—but they certainly have not maintained the conservatism which they maintained in the first five or six years of their existence. So, I say that it is hardly just to say that the Ohio River was not improved with rapidity while I was chairman because the first effort of the committee during my membership of it was to relieve these bills from the obloquy which was so general throughout the country.

The people of the United States and the Congress would not then submit to a bill carrying the great figures which have been carried in bills in later years. Beyond that, I am perfectly free to say that I did not at that time feel sure that this improvement, costing sixty or seventy million dollars, although it borders on my own State, was justified. It would have been out of keeping with improvements that we were making at that time, and it is hardly fair to say that the Ohio River should have been improved to a high grade and hence the tributary streams. If it were not desirable to improve the Ohio River on this enormous scale, then the tributary streams should have waited as well. In any event, we should adopt a broad and comprehensive policy, the rational policy of first improving the main stream, and not, as has been done in many instances, as is being done in this bill, and in bills preceding it, provide a channel in a branch stream deeper, more ample, more thoroughly improved than in the main trunk line or stream itself.

EXECUTIVE SESSION.

Mr. KERN. I move that the Senate proceed to the consideration of executive business.

The motion was agreed to, and the Senate proceeded to the consideration of executive business. After 15 minutes spent in executive session the doors were reopened.

Mr. KERN. I move that the Senate adjourn until to-morrow, at 11 o'clock a. m.

The motion was agreed to; and (at 5 o'clock and 35 minutes p. m.) the Senate adjourned until to-morrow, Tuesday, July 7, 1914, at 11 o'clock a. m.

NOMINATIONS.

Executive nominations received by the Senate July 6, 1914.

MINISTER.

Ira Nelson Morris, of Chicago, Ill., to be envoy extraordinary and minister plenipotentiary of the United States of America to Sweden, vice Charles H. Graves, resigned.

SUPERINTENDENT OF THE MINT.

Adam M. Joyce, of Philadelphia, Pa., to be superintendent of the mint of the United States at Philadelphia, Pa., in place of John H. Landis, resigned.

COMMISSIONER OF IMMIGRATION.

Henry J. Skeffington, of Massachusetts, to be commissioner of immigration at the port of Boston.

PROMOTIONS IN THE ARMY.

INFANTRY ARM.

First Lieut. Bruno T. Scher, Twenty-eighth Infantry, to be captain from March 3, 1914, vice Capt. John F. Madden, Twenty-ninth Infantry, promoted.

First Lieut. Gustave A. Wieser, Fifteenth Infantry, to be captain from March 13, 1914, vice Capt. William Wallace, Seventh Infantry, promoted.

First Lieut. Charles R. W. Morison, Sixteenth Infantry, to be captain from April 19, 1914, vice Capt. Dwight W. Ryther, Sixth Infantry, detached from his proper command on that date.

First Lieut. Walter L. Reed, Tenth Infantry, to be captain from April 19, 1914, vice Capt. Charles M. Gordon, jr., Sixth Infantry, detached from his proper command on that date.

First Lieut. Ira F. Fravel, Nineteenth Infantry, to be captain from April 28, 1914, vice Capt. Ferdinand W. Kobbé, Twenty-second Infantry, promoted.

First Lieut. Ned M. Green, Fifteenth Infantry, to be captain from June 5, 1914, vice Capt. John McA. Palmer, Fifteenth Infantry, promoted.

First Lieut. J. Alfred Moss, Twenty-third Infantry, to be captain from June 6, 1914, vice Capt. Dana W. Kilburn, Twenty-sixth Infantry, dismissed June 5, 1914.

First Lieut. Charles F. Leonard, Twenty-eighth Infantry, to be captain from July 2, 1914, vice Capt. Frank M. Savage, Fifteenth Infantry, dismissed July 1, 1914.

Second Lieut. John W. Simons, jr., Sixth Infantry, to be first lieutenant from March 3, 1914, vice First Lieut. Bruno T. Scher, Twenty-eighth Infantry, promoted.

Second Lieut. Jubal A. Early, Twentieth Infantry, to be first lieutenant from March 13, 1914, vice First Lieut. Gustave A. Wieser, Fifteenth Infantry, promoted.

Second Lieut. Edward G. Taylor, Fourth Infantry, to be first lieutenant from April 10, 1914, vice First Lieut. Herndon Sharp, Second Infantry, resigned April 9, 1914.

Second Lieut. Alfred H. Erck, Fifth Infantry, to be first lieutenant from April 28, 1914, vice First Lieut. Ira F. Fravel, Nineteenth Infantry, promoted.

Second Lieut. Fred P. Jacobs, Twenty-ninth Infantry, to be first lieutenant from April 30, 1914, vice First Lieut. Clarence H. Farnham, Fourth Infantry, dropped for desertion April 29, 1914.

Second Lieut. Walter S. Greacen, Twelfth Infantry, to be first lieutenant from May 5, 1914, vice First Lieut. Horatio K. Bradford, Twenty-sixth Infantry, who died May 4, 1914.

Second Lieut. Cary I. Crockett, Second Infantry, to be first lieutenant from May 9, 1914, vice First Lieut. Robert B. Parker, Thirtieth Infantry, dismissed May 8, 1914.

Second Lieut. Oliver A. Dickinson, Fifth Infantry, to be first lieutenant from June 5, 1914, vice First Lieut. Ned M. Green, Fifteenth Infantry, promoted.

Second Lieut. Homer H. Slaughter, Fourteenth Infantry, to be first lieutenant from June 5, 1914, vice First Lieut. Evan E. Lewis, Second Infantry, detached from his proper command on that date.

Second Lieut. Henry C. K. Muhlenberg, Infantry (detailed first lieutenant in the Ordnance Department), to be first lieutenant of Infantry from June 6, 1914, vice First Lieut. J. Alfred Moss, Twenty-third Infantry, promoted.

Second Lieut. John F. Curry, Fifth Infantry, to be first lieutenant from June 6, 1914, vice First Lieut. Henry C. K. Muhlenberg, whose detail in the Ordnance Department was continued from that date.

Second Lieut. James E. Chaney, Ninth Infantry, to be first lieutenant from June 20, 1914, vice First Lieut. Charles S. Donavin, Twenty-third Infantry, detailed in the Ordnance Department on that date.

Second Lieut. William J. Fitzmaurice, Tenth Infantry, to be first lieutenant from June 20, 1914, vice First Lieut. Arthur D. Minick, Eleventh Infantry, detailed in the Ordnance Department on that date.

Second Lieut. Carl C. Oakes, Fourth Infantry, to be first lieutenant from July 2, 1914, vice First Lieut. Charles F. Leonard, Twenty-eighth Infantry, promoted.

APPOINTMENTS IN THE ARMY.

INFANTRY ARM.

Additional Second Lieut. Frederick Herr, Infantry, to be second lieutenant of Infantry, with rank from June 12, 1914.

Additional Second Lieut. Clifford James Mathews, Infantry, to be second lieutenant of Infantry, with rank from June 12, 1914.

NOTE.—The above-named officers were recently graduated from the United States Military Academy, nominated to the Senate on June 22, 1914, and confirmed by that body on June 29, 1914, for appointment as additional second lieutenants of Infantry. This message is submitted for the purpose of correcting the title of the office to which each of the nominees has been appointed.

PROMOTIONS IN THE NAVY.

Commander Carlo B. Brittain to be a captain in the Navy from the 1st day of July, 1914.

Commander Lloyd H. Chandler to be a captain in the Navy from the 1st day of July, 1914.

Lieut. Commander Walter R. Gherardi to be a commander in the Navy from the 1st day of July, 1914.

Lieut. George F. Neal to be a lieutenant commander in the Navy from the 28th day of April, 1914.

Lieut. (Junior Grade) John W. Lewis to be a lieutenant in the Navy from the 17th day of May, 1914.

The following-named paymasters with rank of lieutenant to be paymasters in the Navy with rank of lieutenant commander from the 1st day of July, 1914:

James A. Bull,
Frank T. Watrous,
Edwards S. Stalnaker,
Chester G. Mayo,
James F. Kutz,
Alvin Hovey-King,
John R. Hornberger,
Noel W. Grant,
David G. McRitchie,
Philip J. Willett,
Ben D. McGee,
Neal B. Farwell,
Reginald Spear,
Elijah H. Cope,
Brainerd M. Dobson,
William W. Lamar,
William L. F. Simonpietri,
Fred W. Holt,
Walter D. Sharp, and
Raymond B. Westlake.

The following-named naval constructors with rank of lieutenant to be naval constructors in the Navy with rank of lieutenant commander from the 1st day of July, 1914:

John W. Woodruff.
Clayton M. Simmers.

The following-named civil engineers with rank of lieutenant to be civil engineers in the Navy with rank of lieutenant commander from the 1st day of July, 1914:

De Witt C. Webb.
Walter H. Allen.
James V. Rockwell.
Carl A. Carlson.
Frederick H. Cooke.
Clinton D. Thurber.

Lieut. Frank McCommon to be a lieutenant commander in the Navy from the 5th day of May, 1914.

The following-named ensigns to be lieutenants (junior grade) in the Navy from the 5th day of June, 1914:

Penn L. Carroll.
Comfort B. Platt.
Frank A. Braisted.
Edgar A. Logan.
Zachary Lansdowne.
David H. Stuart.
Lucius C. Dunn.
Rush S. Fay.

Asst. Naval Constructor James Reed, jr., to be a naval constructor in the Navy from the 1st day of January, 1913.

First Lieut. William T. Hoadley to be a captain in the Marine Corps from the 9th day of June, 1914.

Second Lieut. Samuel P. Budd to be a first lieutenant in the Marine Corps from the 1st day of May, 1914.

REGISTER OF THE LAND OFFICE.

Charles D. Mackay, of Winnemucca, Nev., to be register of the land office at Carson City, Nev., vice Louis J. Cohn, term expired.

POSTMASTERS.

ALABAMA.

Daniel W. Houston to be postmaster at Bessemer, Ala., in place of H. W. Crook, deceased.

L. C. Kelley to be postmaster at Carbon Hill, Ala., in place of James M. Stovall. Incumbent's commission expired February 2, 1914.

ARKANSAS.

James M. Crider to be postmaster at Winslow, Ark. Office became presidential April 1, 1914.

John W. Puckett to be postmaster at Rogers, Ark., in place of William C. Roberts. Incumbent's commission expired April 19, 1914.

J. Lewis Ragsdale to be postmaster at Russellville, Ark., in place of George W. Burris. Incumbent's commission expired May 31, 1914.

Hugh F. Reagan to be postmaster at Fayetteville, Ark., in place of Benjamin F. Campbell. Incumbent's commission expired February 22, 1914.

Ella H. Smith to be postmaster at Wynne, Ark., in place of George E. Davis. Incumbent's commission expired February 4, 1914.

S. J. Smith to be postmaster at Beebe, Ark., in place of Earl Harrison, removed.

CALIFORNIA.

Charles H. Guy to be postmaster at Concord, Cal., in place of Emily Gavin, resigned.

W. P. Thorne to be postmaster at San Luis Obispo, Cal., in place of Warren M. John. Incumbent's commission expired January 24, 1914.

DELAWARE.

Effie M. Truitt to be postmaster at Rehoboth Beach, Del. Office became presidential July 1, 1914.

FLORIDA.

J. Y. O'Neal to be postmaster at Dade City, Fla., in place of Hettie B. Spencer. Incumbent's commission expired January 17, 1914.

GEORGIA.

Walter B. Cheatham to be postmaster at Dawson, Ga., in place of William J. Lewis. Incumbent's commission expired June 24, 1914.

Thomas Davis to be postmaster at Meigs, Ga., in place of John L. Johnson, resigned.

ILLINOIS.

Daniel C. Eylar to be postmaster at Pontiac, Ill., in place of Ralph F. Bradford. Incumbent's commission expired February 4, 1914.

INDIANA.

Francis M. Fultz to be postmaster at Akron, Ind., in place of Charles A. Daniels, resigned.

IOWA.

J. H. Baughey to be postmaster at Nora Springs, Iowa, in place of Charles A. Merrill. Incumbent's commission expired January 26, 1914.

John T. Lanigan to be postmaster at Monticello, Iowa, in place of William D. Magee. Incumbent's commission expired June 24, 1914.

William H. McClain to be postmaster at Conrad, Iowa, in place of Charles W. Wood, resigned.

H. A. Nash to be postmaster at Perry, Iowa, in place of Frank M. Hoeye. Incumbent's commission expired May 31, 1914.

J. Brady Pyatt to be postmaster at Tipton, Iowa, in place of Harry R. McNamara. Incumbent's commission expired June 24, 1914.

C. A. Sample to be postmaster at Oakland, Iowa, in place of Newton W. Wentz. Incumbent's commission expired March 15, 1914.

William C. Tambell to be postmaster at Sigourney, Iowa, in place of L. H. Hinkley, resigned.

LOUISIANA.

Andy W. Bryan to be postmaster at Murryville, La., in place of A. P. Windham, resigned.

Joseph Voegtle to be postmaster at New Orleans, La., in place of Alexander F. Leonhardt, resigned.

MASSACHUSETTS.

Edward M. Bent to be postmaster at Medfield, Mass., in place of Robert W. Baker. Incumbent's commission expired April 29, 1914.

Thomas F. Dean to be postmaster at South Attleboro, Mass. Office became presidential April 1, 1914.

James J. Gorman, to be postmaster at Bridgewater Mass., in place of Charles A. Wilbar. Incumbent's commission expired June 10, 1914.

MICHIGAN.

Charles J. Tarte to be postmaster at Marine City, Mich., in place of Charles L. Doyle, removed.

MINNESOTA.

J. D. Whaley to be postmaster at Fosston, Minn., in place of John Lohn, resigned.

MISSOURI.

Earl J. Wright to be postmaster at Tarkio, Mo., in place of Frank McKim. Incumbent's commission expired June 22, 1914.

NEBRASKA.

A. G. Corey to be postmaster at Fairfield, Nebr., in place of George M. Prentice. Incumbent's commission expired April 13, 1914.

Ralph L. Duckworth to be postmaster at Indianola, Nebr., in place of William A. McCool. Incumbent's commission expired February 2, 1914.

John Kinsella to be postmaster at Hemingford, Nebr., in place of William F. Walker. Incumbent's commission expired March 8, 1914.

Robert F. Pate to be postmaster at Minden, Nebr., in place of Levi M. Copeland. Incumbent's commission expired February 2, 1914.

Nixon H. Reed to be postmaster at Butte, Nebr., in place of Charles A. South. Incumbent's commission expired April 13, 1914.

R. F. Rowe to be postmaster at Arcadia, Nebr., in place of David C. Thompson. Incumbent's commission expired January 31, 1914.

NEW JERSEY.

M. Warner Hargrove to be postmaster at Brown Mills, N. J. Office became presidential April 1, 1914.

NEW YORK.

Albert E. Moran to be postmaster at Gardiner, N. Y., in place of John Lyons, declined.

NORTH CAROLINA.

J. T. Bynum to be postmaster at Hope Mills, N. C. Office became presidential July 1, 1914.

W. W. Jones to be postmaster at Franklin, N. C., in place of Frank B. Benbow, resigned.

Benjamin A. Summerlin to be postmaster at Mount Olive, N. C., in place of William J. Flowers, resigned.

NORTH DAKOTA.

Patrick H. Long to be postmaster at Page, N. Dak., in place of John Long, resigned.

OKLAHOMA.

J. S. Latta to be postmaster at Fargo, Okla., in place of Grant W. Bailey, removed.

PENNSYLVANIA.

Joseph Rodgers, jr., to be postmaster at Lansdale, Pa., in place of William H. D. Godshall, resigned.

James P. Van Etten to be postmaster at Milford, Pa., in place of Harry S. Angle, resigned.

TEXAS.

T. A. Boothe to be postmaster at Cleveland, Tex. Office became presidential January 1, 1914.

Maude Strain to be postmaster at Lancaster, Tex., in place of William S. Strain, deceased.

CONFIRMATIONS.

Executive nominations confirmed by the Senate July 6, 1914.

MEMBERS OF THE FEDERAL RESERVE BOARD.

Charles S. Hamlin for a term of 2 years.
W. P. G. Harding for a term of 8 years.
A. C. Miller for a term of 10 years.

PROMOTION IN THE PUBLIC HEALTH SERVICE.

Asst. Surg. David C. Turnipseed to be passed assistant surgeon.

COLLECTOR OF CUSTOMS.

Rivers McNeill to be collector of customs for the district of Chicago, Ill.

POSTMASTERS.

CONNECTICUT.

John F. Penders, Meriden.

FLORIDA.

Peter A. Dignan, Jacksonville.

MICHIGAN.

Leo C. Campeau, River Rouge.

NEBRASKA.

Fred W. Mathews, Rising City.
Mark W. Murray, Pender.
J. S. Myers, Grant.
John H. O'Kane, Gothenburg.
George D. Thomas, Seward.

NEW YORK.

James O. Murphy, Orchard Park.

VERMONT.

Edward Dunn, Castleton.
Rodger Dwyer, West Rutland.
John H. Wood, Wallingford.

HOUSE OF REPRESENTATIVES.

MONDAY, *July 6, 1914.*

The House met at 12 o'clock noon.

The Chaplain, Rev. Henry N. Couden, D. D., offered the following prayer:

Behold, O God our Father, we seek Thee with all our heart, for we realize that without Thee our work is vain; for Thy ways are fixed, Thy laws inexorable. Open Thou our eyes that we may see the way; strengthen our hearts that we may walk therein, and be profitable servants to those for whom we labor, and feel Thine approval welling up in our souls. Thus may our work live, and Thy will be done; in the spirit of the Master. Amen.

The Journal of the proceedings of Friday, July 3, was read and approved.

THE PRESIDENT'S FOURTH OF JULY SPEECH.

Mr. CULLOP. Mr. Speaker, I ask unanimous consent to have inserted in the RECORD the speech of the President of the United States made at Philadelphia on Saturday, July 4.

The SPEAKER. The gentleman from Indiana asks unanimous consent to print in the RECORD the President's Philadelphia speech of July 4. Is there objection?

There was no objection.

COMMITTEE CHANGES.

Mr. UNDERWOOD. Mr. Speaker, I desire to move the election of certain gentlemen to fill vacancies on committees.

The SPEAKER. The gentleman will send up the list.

Mr. UNDERWOOD. First I will ask the Clerk to read the letter which is at the Speaker's desk.

The Clerk read as follows:

HOUSE OF REPRESENTATIVES,
Washington, D. C., July 6, 1914.

Hon. CHAMP CLARK, *Speaker.*

DEAR SIR: I beg to herewith tender my resignation as a member of the Committee on Election of President, Vice President, and Representatives in Congress, and of the Committee on the Revision of the Laws.

Yours, respectfully,

FRANK PLUMLEY.

The SPEAKER. If there be no objection, the resignation will be accepted.

There was no objection.

Mr. UNDERWOOD. Mr. Speaker, I move the election of Hon. FRANK PLUMLEY, of Vermont, as a member of the Judiciary Committee, to fill the Republican vacancy caused by the unseating of Mr. Dyer. I make this motion at the request of the gentleman from Illinois [Mr. MANN].

The SPEAKER. The gentleman from Alabama moves the election of the gentleman from Vermont [Mr. PLUMLEY] to the Judiciary Committee in the place of Mr. Dyer. Are there any other nominations? If not, the nominations are closed. The question is on the motion of the gentleman from Alabama.

The motion was agreed to.

Mr. UNDERWOOD. Mr. Speaker, also at the request of the gentleman from Illinois [Mr. MANN] I move the election of Hon. DOW H. DRUKKER, of New Jersey, to the Committees on the Census, Election of President, Vice President, and Representatives in Congress, and Expenditures in the War Department.

The SPEAKER. Are there any other nominations? The Chair hears none, and the nominations are closed. The question is on the motion of the gentleman from Alabama.

The motion was agreed to.

LEAVE OF ABSENCE.

By unanimous consent, leave of absence was granted to Mr. WILSON of Florida, indefinitely, on account of the death of his brother.

CALENDAR FOR UNANIMOUS CONSENT.

The SPEAKER. This is unanimous-consent day. The Clerk will report the first bill on the Calendar for Unanimous Consent.

CERTAIN LAND OWNERS IN MISSISSIPPI AND LOUISIANA.

The first business on the Calendar for Unanimous Consent was the bill (H. R. 13581) for the relief of the landowners on the east bank of the Mississippi River, in the counties of Warren, Claiborne, Jefferson, Adams, and Wilkinson, in the State of Mississippi, and the parish of West Feliciana, State of Louisiana.

The bill was read.

The SPEAKER. Is there objection?

Mr. MANN. Reserving the right to object——

Mr. QUIN. Mr. Speaker, the Committee on Rivers and Harbors of the Senate have reported an amended bill, and I would like to have the bill hold its place until some time when it can be taken up under a motion to suspend the rules. If the gentleman from Illinois [Mr. MANN] wishes to object to it, I shall have it put on the calendar to come up under a suspension of the rules.

Mr. MANN. If the gentleman asks unanimous consent to pass the bill over, I will not object.

The SPEAKER. Does the gentleman from Mississippi ask to pass this bill over?

Mr. QUIN. I ask unanimous consent that it be passed without prejudice.

The SPEAKER. The gentleman from Mississippi asks unanimous consent to pass this bill without prejudice. Is there objection?

There was no objection.

POST OFFICE AT THOMASVILLE, GA.

The next business on the Calendar for Unanimous Consent was the bill (H. R. 15110) to acquire, by purchase, condemnation, or otherwise, additional land for the post office in the city of Thomasville, Ga.

The bill was read.

The SPEAKER. Is there objection?

Mr. MANN. Reserving the right to object, I do not see the gentleman from Georgia [Mr. PARK].

Mr. ADAMSON. I do not know the reason for his absence. He is usually very punctual.

Mr. MANN. He is, indeed.

Mr. ADAMSON. I ask unanimous consent in his behalf that the bill be passed without prejudice, if it is agreeable.

The SPEAKER. The gentleman asks unanimous consent to pass the bill without prejudice. Is there objection?

There was no objection.

CERTAIN LANDS IN OREGON.

The next business on the Calendar for Unanimous Consent was the bill (S. 49) to provide for the exchange with the State of Oregon of certain school lands and indemnity rights within the national forests of that State for an equal area of national forest land.

The bill was read.

Mr. SINNOTT. Mr. Speaker, I ask unanimous consent to have this bill passed without prejudice.

The SPEAKER. The gentleman from Oregon asks unanimous consent to pass this bill without prejudice. Is there objection?

There was no objection.

PUBLIC BUILDING AT MARLIN, TEX.

The next business on the Calendar for Unanimous Consent was the bill (H. R. 13815) to increase the limit of cost for the construction of a public building at Marlin, Tex.

The bill was read, as follows:

Be it enacted, etc., That the limit of cost fixed by the act of Congress approved June 25, 1910, for the erection and completion of a suitable building, including fireproof vaults, heating and ventilating apparatus, and approaches, complete, for the use and accommodation of the United States post office and other governmental offices at Marlin, Tex., be, and the same is hereby, increased from $45,000 to $65,000.

With the following committee amendment:

Page 1, line 10, strike out the figures "$65,000" and insert in lieu thereof the figures "$57,000."

The SPEAKER. Who has charge of this bill?

Mr. MANN. It is the bill of the gentleman from Texas [Mr. HENRY].

Mr. STEPHENS of Texas. My colleague, Mr. HENRY, is not present, and I ask unanimous consent that the bill be considered in the House as in Committee of the Whole.

The SPEAKER. First, is there objection to the present consideration of the bill?

Mr. HUMPHREY of Washington. Reserving the right to object, I want to ask where the gentleman from Texas [Mr. HENRY] is?

Mr. STEPHENS of Texas. He is not in the House at this time.

Mr. HUMPHREY of Washington. Is he one of the band of heroes so commended in the President's Fourth of July speech for staying here and performing his patriotic duty? Is he not here?

Mr. STEPHENS of Texas. I can not answer the gentleman's question.

Mr. HUMPHREY of Washington. Then is he present?

Mr. STEPHENS of Texas. I do not see him. I have not seen him this morning.

The SPEAKER. The gentleman does not appear to be in the Hall.

Mr. STEPHENS of Texas. I ask unanimous consent, then——

The SPEAKER. Is there objection to the present consideration of the bill?

There was no objection.

The SPEAKER. The gentleman from Texas [Mr. STEPHENS] asks unanimous consent to consider this bill in the House as in Committee of the Whole. Is there objection?

There was no objection.

The committee amendment was agreed to.

The bill as amended was ordered to be engrossed and read a third time, and was accordingly read the third time and passed.

AIDS TO NAVIGATION—LIGHTHOUSE SERVICE.

The next business on the Calendar for Unanimous Consent was the bill (S. 2876) to amend an act entitled "An act to authorize aids to navigation and for other works in the Lighthouse Service, and for other purposes," approved March 4, 1913.

The Clerk read the bill at length.

The SPEAKER. Is there objection to the consideration of the bill?

Mr. MANN. I object.

The SPEAKER. The gentleman from Illinois objects, and the bill will be stricken from the calendar.

ORDINANCE OF SECESSION—LOUISIANA.

The next business on the Calendar for Unanimous Consent was House concurrent resolution 34, authorizing the Secretary of War to return to the State of Louisiana the original ordinance of secession adopted by said State.

The Clerk read the concurrent resolution, as follows:

Resolved by the House of Representatives (the Senate concurring), That the Secretary of War be, and is hereby, authorized to return to the State of Louisiana the original ordinance of secession that was adopted by the people of said State in convention assembled and that is now in the possession of the War Department.

The SPEAKER. Is there objection?

Mr. MANN. Mr. Speaker, this is a concurrent resolution. I do not know who has charge of it.

The SPEAKER. The gentleman from Louisiana [Mr. WATKINS] introduced it.

Mr. MANN. I do not see where Congress has any authority to restore property in the hands of the War Department by a concurrent resolution.

Mr. GARRETT of Tennessee. It ought to be a joint resolution.

The SPEAKER. There is no question about that.

Mr. GARRETT of Tennessee. Mr. Speaker, would it be in order to amend it so as to make it a joint resolution?

The SPEAKER. The Chair sees no objection to it.

Mr. GARRETT of Tennessee. Then, Mr. Speaker, I ask unanimous consent that the resolution may be amended so as to make it a joint resolution.

The SPEAKER. The gentleman from Tennessee asks unanimous consent that this concurrent resolution be so amended as to make it a joint resolution.

Mr. GARRETT of Tennessee. And that it may be properly numbered as a joint resolution.

The SPEAKER. And that it may be properly numbered as a House joint resolution. Is there objection?

There was no objection.

Mr. GARRETT of Tennessee. Does the title need changing?

Mr. MANN. It has no title. I move that it be given a title when it passes.

The SPEAKER. The question is on the engrossment and third reading of the House joint resolution.

The resolution (H. J. Res. 295) was ordered to be engrossed and read a third time, was read the third time, and passed.

The SPEAKER. Without objection, it will be given a title.

There was no objection.

TERMS OF COURT AT JONESBORO, ARK.

The next business on the Calendar for Unanimous Consent was the bill (H. R. 2167) to amend an act entitled "An act to codify, revise, and amend the laws relating to the judiciary," approved March 3, 1911.

The Clerk read the bill, as follows:

Be it enacted, etc., That section 71 of chapter 5 of an act entitled "An act to codify, revise, and amend the laws relating to the judiciary," approved March 3, 1911, be, and the same is hereby, amended to read as follows:

"SEC. 71. The State of Arkansas is divided into two districts, to be known as the eastern and western district of Arkansas. The western district shall include the territory embraced on the 1st day of July, 1910, in the counties of Sevier, Howard, Little River, Pike, Hempstead, Miller, Lafayette, Columbia, Nevada, Ouachita, Union, and Calhoun, which shall constitute the Texarkana division of said district; also the territory embraced on the date last mentioned in the counties of Polk, Scott, Yell, Logan, Sebastian, Franklin, Crawford, Washington, Benton, and Johnson, which shall constitute the Fort Smith division of said district; also the territory embraced on the last date mentioned in the counties of Baxter, Boone, Carroll, Madison, Marion, Newton, and Searcy, which shall constitute the Harrison division of said district. Terms of said district court for the Texarkana division shall be held at Texarkana on the second Mondays in May and November; for the Fort Smith division, at Fort Smith, on the second Mondays in January and June; and for the Harrison division, at Harrison, on the second Mondays in April and October. The eastern district shall include the territory embraced on the 1st day of July, 1910, in the counties of Lee, Phillips, St. Francis, Cross, Monroe, and Woodruff, which shall constitute the eastern division of said district; also the territory embraced on the date last mentioned in the counties of Independence, Cleburne, Stone, Izard, Sharp, and Jackson, which shall constitute the northern division of said district; also the territory embraced on the date last mentioned in the counties of Crittenden, Clay, Craighead, Greene, Mississippi, Poinsett, Fulton, Randolph, and Lawrence, which shall constitute the Jonesboro division of said district; and also the territory embraced on the date last mentioned in the counties of Arkansas, Ashley, Bradley, Chicot, Clark, Cleveland, Conway, Dallas, Desha, Drew, Faulkner, Garland, Grant, Hot Spring, Jefferson, Lincoln, Lonoke, Montgomery, Perry, Pope, Prairie, Pulaski, Saline, Van Buren, and White, which shall constitute the western division of said district. Terms of the district court for the eastern division shall be held at Helena on the second Monday in March and the first Monday in October; for the northern division, at Batesville, on the fourth Monday in May and the second Monday in December; for the Jonesboro division, at Jonesboro, on the second Monday in May and the fourth Monday in November; and for the western division, at Little Rock, on the first Monday in April and the third Monday in October. The clerk of the court for the eastern district shall maintain an office in charge of himself or a deputy at Little Rock, at Helena, at Jonesboro, and at Batesville, which shall be kept open at all times for the transaction of the business of the court. And the clerk of the court for the western district shall maintain an office in charge of himself or a deputy at Fort Smith, at Harrison, and at Texarkana, which shall be kept open at all times for the transaction of the business of the court."

The SPEAKER. Is there objection to the consideration of the bill?

There was no objection.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed.

ORDER OF BUSINESS.

The SPEAKER. The Chair will make two suggestions in regard to this Unanimous Consent Calendar: If a Member knows in advance that he is going to ask that a bill be passed over without prejudice, it seems that it would expedite business very much if he would make the request as soon as the title is read. That saves the reading of the bill. If any Member has made up his mind resolutely that he is going to object and that he is not going to be persuaded, after debate, to yield his opinion, it seems that it would be better for him to make his objection as soon as the title is read. These are suggestions merely to expedite business.

GRANTING COAL LANDS TO CITY OF GRAND JUNCTION, COLO.

The next business on the Calendar for Unanimous Consent was the bill (H. R. 1633) granting certain coal lands to the city of Grand Junction, Colo.

The Clerk read the bill.

The SPEAKER. Is there objection to the consideration of the bill?

Mr. MANN. I object.

The SPEAKER. The gentleman from Illinois objects, and the bill will be stricken from the calendar.

Mr. RAKER. Mr. Speaker, I ask unanimous consent that the bill maintain its place on the calendar.

Mr. MANN. What is the use? This is not a bill that can pass except by discussion and consideration. No one ought to think of it.

Mr. RAKER. It has the unanimous report of the committee.

Mr. MANN. That is not in its favor; it is a little against it. [Laughter.]

The SPEAKER. The gentleman from Illinois objects.

INTERSTATE TRANSPORTATION OF IMMATURE CALVES.

The next business on the Calendar for Unanimous Consent was the bill (H. R. 1818) to regulate the interstate transportation of immature calves.

The Clerk read the bill, as follows:

Be it enacted, etc., That no person, firm, or corporation shall ship or deliver for shipment, nor shall any common carrier nor the receiver, trustee, or lessee thereof, receive for transportation or transport from one State or Territory or the District of Columbia into or through another State or Territory or the District of Columbia any live calf not accompanied by its mother unless the same is 6 weeks old or over: *Provided*, That the Secretary of Agriculture may make rules and regulations permitting, in cases of emergency only, the shipment in interstate commerce of live calves less than 6 weeks old; and the Secretary of Agriculture may also permit, under such restrictions as he may deem proper, one shipment in interstate commerce of live calves less than 6 weeks old and over 3 weeks old when the entire time consumed in such interstate shipment to final destination, including time of loading and unloading, does not exceed 12 hours.

SEC. 2. That any person, firm, or corporation, or any common carrier or the receiver, trustee, or lessee thereof, who shall violate any of the provisions of this act shall, upon conviction, be deemed guilty of a misdemeanor and shall be punished by a fine of not less than $20 nor more than $50 for each calf offered for shipment, shipped, or received for transportation or transported in violation of any of the provisions of this act.

Mr. MURRAY of Oklahoma. Mr. Speaker, I object to the bill.

The SPEAKER. The gentleman from Oklahoma objects to the bill.

Mr. HAMILTON of Michigan. Will not the gentleman reserve his objection for a moment?

Mr. MURRAY of Oklahoma. I regret very much to have to object; but if there is any sense in making the limitation for six weeks, there is for six months. Sometimes the stock grower is obliged to ship stock when it is in good condition and when they could not comply with these regulations. As a man experienced in the stock business, I object.

Mr. HAMILTON of Michigan. I ask the gentleman to hear me a moment. The very objection that the gentleman refers to was made by a committee representing the stockmen of the Southwest, who appeared before the Committee on Interstate and Foreign Commerce, and an amendment——

Mr. MURRAY of Oklahoma. I am not talking for the stockmen. I am talking about the farmer.

Mr. HAMILTON of Michigan. The farmers of the Southwest——

Mr. MURRAY of Oklahoma. Mr. Speaker, I will withdraw the objection, and vote against the bill.

The SPEAKER. Is there objection?

Mr. GARNER. Mr. Speaker, reserving the right to object, I will ask the gentleman from Michigan [Mr. HAMILTON] to let this bill go over until I can look into it. I did not know that this bill was on the calendar.

Mr. HAMILTON of Michigan. Certainly, if my friend from Texas feels that the bill ought to go over until he can have an opportunity for further consideration, I would feel in duty bound to ask that.

Mr. GARNER. I will say to the gentleman that two years ago the representative of the Cattle Raisers' Association of Texas and the National Cattle Raisers' Association did appear before his committee to oppose a bill of this nature. I am informed that that same gentleman, Mr. Cowan, has not had an opportunity or, at least, has not taken the opportunity to be heard on this bill.

Mr. HAMILTON of Michigan. He has withdrawn his objection.

Mr. GARNER. I do not know just exactly what the position of the cattlemen on this bill is.

Mr. HAMILTON of Michigan. He has withdrawn his objection. After he appeared before the committee, I personally conferred with the Bureau of Animal Industry and asked the Committee on Interstate and Foreign Commerce to insert an amendment in the bill which provided for the very matter in relation to which Mr. Cowan appeared before the committee, so that his objection is completely met in the bill as it is now presented, and he makes no objection to it in its present form.

Mr. GARNER. Has the gentleman any statement to that effect from him—that he does not object to it in its present form?

Mr. HAMILTON of Michigan. I have no statement in writing; but on the occasion when he appeared before the committee—and the chairman of the Committee on Interstate and Foreign Commerce is here, though I do not know whether he recalls the circumstances or not—he stated that at times there were peculiar conditions existing in the Southwest; that at certain times of drought it was necessary, perhaps, to slaughter cows before their calves were six weeks old, so we inserted in the bill a provision that calves might be shipped in interstate commerce under certain conditions under rules and regulations provided by the Agricultural Department in cases of emergency.

Mr. GARNER. We can refer back to this a little later on.

Mr. HAMILTON of Michigan. The only difficulty about that is that I have tried for some time to get this bill up. It is designed to reach not conditions in the Southwest, but abuses which exist in other parts of the country; and if the gentleman only appreciated the cruelties that are being perpetrated by shipping calves as young as two days old in interstate commerce, and the barbarisms that are being practiced upon humanity in offering for food the flesh of these calves shipped under those conditions, I am sure he would withdraw any objection that he has to the bill. These calves which have suffered agony for hours in transportation are slaughtered and the meat is sold for food. They are kept in shipment for three and sometimes for six days, and the testimony shows that in every carload many starve to death. The gentleman knows from his experience and observation that a calf taken from its mother at the age of 2 or 3 days has not yet learned to take any other sustenance than the milk of its mother. These calves are taken from the mothers out of warm stables and are put on cars, 50 or a hundred of them at a time, and many of them are dead when they arrive at their destination, and in many instances those calves are slaughtered when they are on the verge of death by starvation, and their carcasses are sold for food to the poor people. It is an outrage, not only from the standpoint of the kind of food that is being offered to humanity, but it is a cruelty in the extreme.

Mr. GARNER. Mr. Speaker, I ask unanimous consent that the bill be temporarily passed over.

The SPEAKER. The gentleman from Texas asks unanimous consent that the bill be passed over temporarily without prejudice. Is there objection?

There was no objection.

ARMY AND NAVY MEDAL-OF-HONOR HONOR ROLL.

The next business on the Calendar for Unanimous Consent was the bill (H. R. 12179) to establish in the War Department and in the Navy Department, respectively, a roll designated as "the Army and Navy medal-of-honor honor roll," and for other purposes.

The Clerk read the bill, as follows:

Be it enacted, etc., There is hereby established in the War Department and Navy Department, respectively, a roll designated as "the Army and Navy medal-of-honor honor roll." Upon written application made to the Secretary of the proper department, and subject to the conditions and requirements hereinafter contained, the name of each surviving person who has served in the military or naval service of the United States in any war, who has attained or shall attain the age of 65 years, and who has been awarded a medal of honor for having in action involving actual conflict with an enemy distinguished himself conspicuously by gallantry or intrepidity, at the risk of his life, above and beyond the call of duty, and who was honorably discharged from service by muster out, resignation, or otherwise, shall be, by the Secretary of the proper department, entered and recorded on said roll. Applications for entry on said roll shall be made in such form and under such regulations as shall be prescribed by the War Department and Navy Department, respectively, and proper blanks and instructions shall be, by the proper Secretary, furnished, without charge, upon request made by any person claiming the benefits of this act.

SEC. 2. That it shall be the duty of the Secretary of War and of the Secretary of the Navy to carry this act into effect and to decide whether each applicant, under this act, in his department is entitled to the benefit of this act. This act and the evidence in favor of each claimant's claim shall be liberally and favorably construed in favor of the applicant, and in cases of doubt the applicant shall be given the benefit of the doubt. If the official award of the medal of honor to the applicant, or the official notice to him thereof, shall appear to show that the medal of honor was awarded to the applicant for such an act as is required by the provisions of this act, it shall be deemed sufficient to entitle the applicant to such special pension without further investigation. Otherwise all official correspondence, orders, reports, recommendations, requests, and other evidence now on file in any public office or department shall be considered, and it shall be liberally construed and considered in favor of the applicant as aforesaid and without regard to technical requirements; but no evidence not now on file, as aforesaid, shall be admitted or considered. A certificate of service and of the act of heroism, gallantry, bravery, or intrepidity for which the medal of honor was awarded, and of enrollment under this act and of the right of the special pensioner to be entitled to and to receive the special pension herein granted, shall be furnished each person whose name shall be so entered on said roll. The Secretary of War and the Secretary of the Navy shall deliver to the Commissioner of Pensions a certified copy of each of such of said certificates as he may issue, as aforesaid, and the same shall be full and sufficient authority to the Commissioner of Pensions for the payment by him to the beneficiary named in each such certificate the special pension herein provided for.

SEC. 3. That each such surviving person whose name shall have been entered on said roll in accordance with this act shall be entitled to and shall receive and be paid by the Commissioner of Pensions in the Department of the Interior, out of any moneys in the Treasury of the United States not otherwise appropriated, a special pension of $10 per month for life, payable quarterly yearly. The Commissioner of Pensions shall make all necessary rules and regulations for making payment of such special pensions to the beneficiaries thereof.

Such special pension shall begin on the day that such person shall file his application for enrollment on said roll in the office of the Secretary of War or of the Secretary of the Navy after the passage and approval of this act, and shall continue during the life of the beneficiary.

Such special pension shall not deprive any such special pensioner of any other pension or of any benefit, right, or privilege to which he is or may hereafter be entitled under any existing or subsequent law, but shall be in addition thereto.

The special pension allowed under this act shall not be subject to any attachment, execution, levy, tax, lien, or detention under any process whatever.

SEC. 4. That in case any person has been awarded two or more medals of honor, he shall not be entitled to and shall not receive more than one such special pension.

Rank in the service shall not be considered in applications filed hereunder.

SEC. 5. That all acts and parts of acts in conflict with any of the provisions of this act are hereby modified so that they shall conform hereto.

SEC. 6. That this act shall take effect immediately.

With the following committee amendment:

Page 2, line 21, after the word "liberally," strike out the words "and favorably."

The SPEAKER. Is there objection to the present consideration of the bill?

Mr. MANN. Mr. Speaker, reserving the right to object, does not the gentleman from Ohio [Mr. SHERWOOD] think that this bill ought to be considered in the Committee of the Whole?

Mr. SHERWOOD. Mr. Speaker, if the gentleman will reserve his objection, I will ask to be heard for 12 minutes upon this bill.

Mr. MANN. I reserve the right to object.

Mr. SHERWOOD. Mr. Speaker, I ask unanimous consent that I be granted 12 minutes, so that I may be heard upon this bill.

The SPEAKER. The gentleman from Ohio asks unanimous consent to proceed for 12 minutes. Is there objection?

There was no objection.

Mr. SHERWOOD. Mr. Speaker, it seems like a remarkable statement that the United States is the only civilized country around the world that does not give a substantial recognition to its scanty array of medal of honor heroes. And this statement is still more remarkable when we consider that in our seven years' War for Independence, in our War of 1812, in our War with Mexico, and in the great Civil War it was the volunteer soldier who led the battle lines. There is still another deplorable condition in our scanty recognition of the men of blood and brawn who have done valorous deeds in war's horrid front. In all our wars from the birth of the Republic to this hour the Government of the United States has issued, all told, only 3,088 medals of honor, and given to no single medal winner any financial recognition or aid. This bill, if enacted into law, will be the most exacting in its requirements of any nation or empire around the world. This bill relates exclusively to those who have been awarded medals of honor and who have served in any war, whether in the Civil War, the Samoan disturbance, the Chinese insurrection, the Cuban insurrection, the Indian wars, the Philippine war, or the Spanish-American War.

All medals of honor heretofore awarded have been granted under a joint resolution of Congress approved July 12, 1862, and act of Congress March 3, 1863. A correct understanding of the present situation in relation to the existing medals of honor is necessary in order that the provisions of this bill may be entirely clear. It will be noticed that this bill makes no reference to those who may be hereafter awarded medals of honor. These will be adequately cared for in a bill now pending, prepared and introduced by Mr. HAY, of Virginia, the experienced and able chairman of the Military Committee—H. R. 5388. The provisions of the bill now under consideration are all medals granted and all benefits conferred must be in strict accord with basic laws, with the President's orders, with the rulings and regulations of the Secretaries of War and Navy. All heroic soldiers whose names shall be entered on the roll hereby established shall have performed deeds of valor at least equal to, if not greater than, those performed by wearers of the Iron Cross of Germany, the Cross of the Legion of Honor of France, or the Victoria Cross of England. To this end this bill requires that each person whose name shall be placed on the honor roll must have received a medal of honor for having in action involving actual conflict in battle distinguished himself conspicuously by gallantry or intrepidity, at the risk of his life, above and beyond the call of duty.

The words "in action" were requirements in both the basic laws which instituted the medal of honor. Gen. Schofield, commanding general of the Army, defined that medals of honor should be awarded for distinguished bravery "in action."

The Army Regulations of 1901 provided that medals of honor shall be awarded for most distinguished gallantry "in action." Subdivision 1 says "the service must have been performed 'in action.'" General Orders, No. 125, Headquarters of the Army, Adjutant General's Office, December 11, 1902, say "the regulations of the President are based on the act of Congress approved March 3, 1863, which authorized the President to present medals of honor to such as most distinguished themselves 'in action.'"

To the limited number of soldiers who have been awarded medals of honor under existing laws and who are not excluded by the rigid rules of this bill and who have attained the age of 65 years, it is proposed that they shall be given a special pension of $10 per month. All heroic history is crowded with instances where soldiers and sailors, for exceptionally heroic deeds, have received high promotions, and in some instances their blood has been ennobled and they have been given dukedoms and kingdoms. The very foundation of the title to all real estate in England was the feudal system, under which the lands of the nation were given to knightly soldiers for valorous deeds.

Take, for illustration, the law for the Legion of Honor in France, instituted by the great Napoleon May 19, 1802. National lands providing 200,000 francs of income were at first set apart for each of 15 cohorts of the order. Afterwards the revenues and property of King Louis Philippe, which had been restored to the State, were added to the reserves to pay the pensions of the wearers of this decoration. Each grand officer was given a pension of 5,000 francs, each commandant 2,000 francs, each officer 1,000 francs, each legionary 250 francs. The highest decorated officer was given a pension of $915 per year and the common soldier $50 per year. Please compare the vast number whom France has decorated in this and other orders and the vast amount she has paid them as pensions with the small number of medals of honor the United States has granted for all her wars up to date, with no special pensions whatever.

In 1810 the first class already exceeded by 19,000 the limits fixed by law. In 1843 the Legion of Honor counted 80 Knights of the Grand Cross, 196 grand officers, 803 commanders, 4,454 officers, and 43,884 knights. (Page 91, Burke.) On November 30, 1845, about 50,227 persons were in possession of the medal. The amount of pension then paid out was 5,975,000 francs.

CONFEDERATE STATES OF AMERICA.

The Confederate Congress authorized the bestowal of medals and badges of distinction "for courage and good conduct on the field of battle." The following is a copy of the act:

The Congress of the Confederate States of America do enact, That the President be, and he is hereby, authorized to bestow medals with proper devices upon such officers of the armies of the Confederate States as shall be conspicuous for courage and good conduct on the field of battle; and also to confer a badge of distinction upon one private or noncommissioned officer of each company after every signal victory it shall have assisted to achieve. (Approved, Oct. 13, 1862.)

This act of the Confederate Congress was published in an order from the adjutant and inspector general's office at Richmond, November 22, 1862.

Under these rules by General Order No. 31 of October 3, 1863, 12 pages of the official reports, pages 829 to 840, both inclusive, are occupied by the names of 699 Confederate soldiers who were placed on the Confederate roll of honor for gallant services in the Battle of Chickamauga. For like heroic services and gallant deeds the soldiers of the Union Army in that battle received, all told, nine medals of honor as shown by the official lists.

ENGLAND.

Among many military orders, decorations, pensions, and vast pecuniary rewards given by England to her soldier heroes the one most generally known is the Victoria Cross, which was instituted by Queen Victoria by royal warrant given at Buckingham Palace, January 29, 1856, wherein she provided that those who particularly signalized themselves should receive the decoration which should be highly prized and greatly sought after by the officers and men of her navy and military services, to be designated as the "Victoria Cross," and by the fourteenth section of her royal warrant provided that a special pension of £10 ($50) a year should be granted to the wearer of the cross from the date of the act by which the decoration was gained, and it was further ordered that an additional special pension of £5 ($25) should be granted for each extra clasp or bar which might be awarded for additional acts of bravery. It was also ordered that the special pension may be increased to £50 ($250) a year when the recipient is incapacitated by old age or ill health. The rules provide that if a man died in winning the Victoria Cross the decoration should be given to his relatives. See book of the Victoria Cross, A. L. Hayden, London, 1906. Also see Burke's Peerage, page 2589.

I will not burden the RECORD by allusion to the decorations given in England to the officers of the Royal Naval Reserve; the decorations for the Royal Naval Volunteer Reserve; for the decorations of the Order of the Bath; to other medals, annuities, and gratuities for conspicuous gallantry in action.

HOW ABOUT GERMANY?

The award of the Iron Cross carries with it an allowance of 3 to 6 marks monthly. Wearers of the Iron Cross receive a small gratuity or pension if they have not arisen above noncommissioned rank. Two other military orders in Germany are awarded pensions for conspicuous service. Their recipients, if noncommissioned, receive under different conditions 71 cents, $1.43, and $2.14 monthly, in addition to any pensions for invalidity or other causes, which they also draw.

The Franco-Prussian War lasted seven months. See "The Franco-German War, Von Moltke," page 420. The German losses in battle throughout the war, killed or died soon after, were 17,547; died of wounds eventually, 10,707. Harper's Book of Facts, article "Franco-Prussian War," in note near close of article. The total German troops in the war were 1,124,000. About 40,000 were decorated in 1870–71. The German Empire was very appreciative of her soldiers.

Compare the short duration of the war, the small number of losses even after counting in all who "died soon after" the war, the comparatively small number of troops in the army, and the large number of decorations and rewards given by Germany with the long years of war, not only the Civil War, but all the wars of the United States, the many millions of her men engaged, the terrible losses by death, not counting those who died "soon after."

Even Spain, that current writers of history regard as a decadent nation, is more generous with her soldiers than the United States.

SPAIN.

The Cruz Laureada de San Fernando, similar to the Victoria Cross of England and the Iron Cross of Germany, is granted to officers and privates of the Spanish Army and Navy for exceptional bravery in action. When granted to a private it carries 75 pesetas—peseta equals 18 cents—per month for life. Thus the special pension with this decoration for a private is $13.50 per month. If granted to an officer, the pension carried varies with the rank of the officer. The Cross of St. Ferdinand is given to reward heroic acts in the campaign and on the field of battle. There exist five classes for rewarding distinguished heroic acts in the campaign and on the field of battle for soldiers, officers from ensign up, chief officers, and generals, and to all is assigned a life pension in addition. They also give the right to special honors and promotions. The Cross of Maria Christiana is given to reward distinguished acts in a campaign, and he who receives it receives the full pay of the position immediately above that in which he serves; that is to say, if he is a lieutenant, that of captain; if captain, that of major, and so forth. See letter of Spanish ambassador, dated at Washington, D. C., December 4, 1913.

AUSTRIA.

The military medal of honor, also called medal of valor or merit, was founded by Emperor Joseph II as a reward for subofficers and privates, and is divided into gold and silver medals, according to the respective degrees of merit and distinction. To the first is attached an increase of pay of 50 per cent. The medals may be worn even after the owners have quitted the military service, in which case the holders of the golden medal enjoy the additional amount of one-half pay connected with it.

ITALY.

A decoration, a gold and silver medal, was instituted March 26, 1833. A special pension is attached of 100 lire for the gold and 50 lire for the silver. Medals for 1,000 men who landed at Marsala with Garibaldi were given, in 1865, by the law of January 22, a life pension of £1,000 to wearers of this decoration, and this pension by law of January 26, 1879, was extended to others.

RUSSIA.

Russia has several military orders and decorations with pensions. In the Order of St. George the silver cross for subofficers and men is accompanied by an additional pay of one-third. In the Imperial Order of St. George of Russia the senior knights of the four classes enjoy considerable pensions—those of the first class, 700; those of the second, 400; of the third, 200; and of the fourth, 100 rubles yearly. A ruble is valued at 77 cents. (Page 289, vol. 2, Historical Account of Orders of Knighthood—Sir Scott Hanson.)

DENMARK.

The medal is divided into two classes, each of which enjoys a pension for life of 30 and 15 thalers (90s. and 45s., English currency). (Page 80, Burke.)

GRAND DUCHY OF OLDENBURG.

There are two Knights of the Grand Cross, with annual pensions of 500 gold thalers (£75); two grand commanders, with annual pensions of 400 gold thalers (£60); four commanders, with annual pensions of 300 gold thalers (£45); eight Knights of the Small Cross, with annual pensions of 200 thalers (£40). (Page 168, Burke.)

I am not going into the Orient to find more examples to fortify my contention. We did not borrow our civilization or our laws or our religion from the Orient. Upton says China is the only country in either Europe or Asia in which the profession of arms is not honored. In China special acts of bravery are rewarded by permission to wear the yellow jacket.

THE COST.

A careful examination of the official lists of medals of honor, issued by W. H. Taft, then Secretary of War, shows that from the time the medal of honor was instituted up to September 1, 1904, there had been issued, all told, to Regulars and Volunteers of the Army—

Medals of honor totaling	2,570
Add all Army medals of honor in supplemental list Sept. 1, 1904, to Dec. 31, 1906	21
Add all Army medals of honor in supplemental list of Jan. 1, 1907, to Dec 31, 1909, last possible list	10
Total of all Army medals of honor issued to date of last report	2,601
Add all Navy medals of honor for service in battle (p. 98, Report of Navy Department, record of medals of honor, 1862 to May, 1910)	487
Grand total of all medals of honor, Army and Navy, to date of last report	3,088

On page 64 of the Report of the Board of Officers it is shown that 864 medals of honor were awarded to officers and men of the Twenty-seventh Maine Infantry under circumstances which will clearly exclude them from being entered upon the honor roll. Also, 29 medals of honor were bestowed as a reward for escorting the remains of Abraham Lincoln from Washington to Springfield, Ill.

The total number of surviving soldiers who would be available for medals of honor and pensions under this bill is only 95. Hence, if every medal winner should live to the end of the first year, the total cost of the bill would be $11,400.

CARNEGIE HERO FUND.

March 12, 1904, Andrew Carnegie, living in peace and prosperity, and having accumulated vast wealth, set aside $5,000,000 of first collateral 5 per cent bonds of the United States Steel Corporation to establish a fund to reward those who in civil life should perform deeds more or less akin to those who proudly wear the United States medal of honor. To Mark Casto, for rescuing some passengers who were stranded during a fierce gale, a gold medal and $6,500 in cash was given by the Carnegie Commission. To Edgar Littlefield (p. 35), for the rescue of eight passengers, was awarded a gold medal and $6,000 in cash. To the widow of Albert C. Zeiner, on account of his heroism, was given a silver medal and $800 in cash to pay debts with and $45 a month during her life, or until she remarries. To Rodney A. Perry, aged 13, a schoolboy, for saving another boy from drowning, was awarded a bronze medal and $2,000 in cash. To Nathaniel Duncan, colored, aged 41, for rescuing a well digger from a cave-in in a well, was given a gold medal and $2,000 in cash toward the purchase of a farm. To Miss Lena B. Hunsaker, aged 17, a schoolgirl, for attempting to save two other schoolgirls from drowning, although unsuccessful, was given a bronze medal and $2,000 in cash. These awards are a few taken at random from a record of similar acts. The Carnegie Hero Fund Commission report shows that up to January 31, 1913, the commission had awarded to heroes and their dependents—

Including pension payments	$671,041.00
To fund for relief of sufferers from disasters	174,462.06
For special purposes	200,000.00
Total	1,045,503.06

Mr. Carnegie's admiration of heroes and their heroic deeds has been so great that since the creation of the Carnegie Hero Fund of America he has established similar funds from his personal resources in Great Britain and Ireland, France, Germany, Belgium, Netherlands, Sweden, Switzerland, Italy, Norway, and Denmark.

Please compare these special pensions and awards which Mr. Carnegie has given to the doers of heroic deeds with the special pensions that the United States has not given to her heroes who wear her medals of honor for the most illustrious deeds in all history.

The SPEAKER. The time of the gentleman from Ohio has expired.

Mr. LANGLEY. Mr. Speaker, I ask unanimous consent that the time of the gentleman be extended 5 minutes. I am much interested in this bill and the gentleman's able presentation of it.

The SPEAKER. Is there objection?

There was no objection.

Mr. SHERWOOD. Patriotism is the noblest emotion of the human heart. It is that deep devotion to country that is willing to sacrifice everything, even the only life on earth, for the vindication of national honor or the safety of humane government. Heroism is the best beloved child of patriotism. And it is vital to the perpetuity of a Government by the people to maintain the highest standard of patriotic sentiment among the people. If the hereditary monarchs of the Old World, whose rule is upheld by professional soldiers trained to kill for hire, maintain an extravagant medal-of-honor class, how much more vital is it to this Republic, where all power and control is lodged in the people?

Let us place on the statute books of the Nation a permanent recognition of the heroic soldiers of the Republic, not only as an act of justice to the men of valorous deeds in the past, but as an inspiring incentive to the stalwart young men of future wars. Let us teach our young men, both by example and law, to be patriotic and unafraid. Never shall it be said of us as Thackeray said of Louis XIV of France:

To fight and to run was our fate;
Our fortune and fame had departed;
And so perished Louis the Great;
Old, lonely, and half broken hearted.
His coffin they pelted with mud,
His body they tried to lay hands on;
And so having buried King Louis,
They loyally served his great-grandson.

[Applause.]

I present herewith also a table which has been prepared showing the conditions of the presentation of medals of honor in every civilized country on the globe. The table is self-

explanatory. It will be seen that it represents the pensions paid first by France, being the largest of any country in the world, next by England, next by Germany, next by Russia, next by Spain, and then in China, where they get only the yellow shirt, and next Mexico, and down to the United States, which is represented by a cipher. Then there are the requirements for the medal of honor, commencing with the most strict ones in this country and running down to China, which is the last. This bill will cost only about $10,000 in order to accomplish its purpose.

Requirements for medals of honor of leading nations of Europe.

To gain the Congressional Medal of Honor the Congress of the United States requires that her hero must have—

"In action, in actual conflict with an enemy, distinguished himself, conspicuously, by gallantry or intrepidity, at the risk of his life, above and beyond the call of duty." (See Acts of Congress and rulings thereunder by Secretary of War and board of officers.)

The Confederate States placed on her roll of honor "such officers as shall be conspicuous for courage and good conduct on the field of battle, and one private or noncommissioned officer of each company after every signal victory it shall have assisted to achieve." (Act of Confederate Congress, October 13, 1862.)

FRANCE.

The Legion of Honor: "In times of war distinguished acts shall furnish a title for all the grades." (Title, section 5, Constitution and Document of France.)

ENGLAND.

The Victoria Cross: "To be awarded to those officers or men who have served us in the presence of the enemy and shall have then performed some signal act of valor or devotion to their country." (Section 5, Royal Warrant of Queen Victoria, January 29, 1856.)

GERMANY.

The Iron Cross: "To distinguish the merit which shall in the war be displayed either in actual fight with the enemy or also in the field or at home." (Decree of Frederick William, March 10, 1813.)

RUSSIA.

Awards the St. George medal for acts of heroism. (Naval Attaché, United States Embassy, February 18, 1914.)

SPAIN.

The Cruz Laureada de San Fernando "is granted officers and privates for exceptional bravery in action." (Letter of American Consul in Spain, December 8, 1913.)

CHINA.

China is the only country (in Europe and Asia) in which the profession of arms is not honored. (Upton, p. 21.)

MEXICO.

Mexico has no military decoration corresponding with the Congressional Medal of Honor of the United States. (Mullholland.)

The Congress of the United States requires a far higher degree of valor to gain the Congressional Medal of Honor than is required of any other nation.

Gen. Logan at the Battle of Atlanta, on the 22d of July, 1864, after the left of our army was demoralized, after McPherson was killed, when he rallied the staggering battalions and saved the left of Sherman's army, would have been entitled to a medal of honor under this bill. So would Gen. Pat Cleburn in the terrible struggle at Franklin, Tenn., November 30, 1864, when with drawn sword he led that charging line of gleaming bayonets. I thank the House for the consideration it has given me, and I hope the bill will pass. [Applause.]

Rewards offered by leading nations of Europe.

FRANCE.

National lands providing 200,000 francs of income shall be appropriated for each cohort. (Title 1, section 3, Constitution and Documents of France.) Among other pecuniary provisions for the Legion of Honor the lands and property of King Louis Philippe were set over as an endowment for the order. "There shall be appropriated for each grand officer 5,000 francs; for each commandant, 2,000 francs; for every officer a thousand francs; for each legionary, 250 francs. (Title 1, section 7, Hospitals and Dwellings established in each cohort; title 1, section 9, Constitution and Documents.) Schools and colleges were established for their children. No ignoble punishment can be inflicted on a member of the order (Burke, p. 92). November 30, 1845, the pensions then paid were 5,975,000 francs. (Burke, p. 94.)

ENGLAND.

Each person who has received the Victoria Cross shall, from the date of the act by which the decoration was gained, be entitled to a special pension of £10 a year, and each bar additional shall carry with it an additional pension of £5 per annum. (Royal Warrant of Queen Victoria, section 14, January 29, 1856.) The annuity increased to £50 a year if the holder of the cross is aged or infirm. (Royal Decree, February 2, 1899.)

GERMANY.

Recipients of Militar Ehrenzeichen and Militar Verdienst-Kreus receive under different conditions (values in United States money), 71 cents, $1.43, and $2.14 monthly, in addition to other pensions. (Letter of Consul General, December 16, 1893.)

RUSSIA.

In the Imperial Order of St. George, the Senig knights enjoy considerable pensions; those of the first class, 700; those of the second, 400; of the third, 200; and of the fourth, 100 rubles yearly. (Volume 2, Sir Scott Hanson.)

SPAIN.

The special pension for Cruz Laureada de San Fernando is (values in United States money) $13.50 per month to a private. To an officer the pension varies with the rank. (Letter of Spanish Ambassador, Washington, D. C., December 4, 1913.)

CHINA.

In China special acts of bravery are rewarded by permission to wear yellow jacket. (Upton, p. 24.)

MEXICO.

MEXICO CITY, *January 4, 1914.*

A dog named Togo, a pet of one of the federal regiments, captured a burro laden with 3,000 cartridges, in a fight at Las Bocas. The dog was promoted to the rank of sergeant major. (Special telegram to Washington (D. C.) Post.)

United States Congress gives its heroes nothing.

The SPEAKER. Is there objection to the present consideration of the bill?

Mr. MANN. Mr. Speaker, reserving the right to object, I had thought that probably this bill was one that ought to be considered at a time when it would be open to discussion and amendment, and after the very learned discussion by the gentleman from Ohio, I would like to have the opportunity to read what he has said. I suggest to him that he ask unanimous consent that the bill be passed over without prejudice.

Mr. SHERWOOD. Of course the gentleman has the power to compel me to do that.

Mr. MANN. Well, I was not able to get near all the gentleman said.

Mr. SHERWOOD. Well, if there are any questions the gentleman desires to ask me I will be very glad to answer them.

Mr. MANN. I am perfectly willing to take the chances on reading what the gentleman said.

Mr. SHERWOOD. Well, the gentleman has the power; if he is going to object, he will have to do that.

Mr. MANN. Well, when the gentleman forces me to the point of saying whether I will or whether I will not, that is the question. The gentleman can do as he pleases about having the bill passed over.

Mr. SHERWOOD. All right.

The SPEAKER. The gentleman from Ohio [Mr. SHERWOOD] asks unanimous consent that the bill be passed over without prejudice. Is there objection? [After a pause.] The Chair hears none.

Mr. SHERWOOD. Mr. Speaker, I desire to ask permission to print the map in connection with my speech. It is full of very valuable statistics.

The SPEAKER. The gentleman from Ohio asks unanimous consent to print the map which he used a while ago.

Mr. MANN. Mr. Speaker, reserving the right to object, let me suggest to the gentleman from Ohio that he make application to the Joint Committee on Printing. The House and the Senate refuse to do that; that is a matter within the control of the Joint Committee on Printing.

Mr. SHERWOOD. All right.

Mr. MANN. I believe the gentleman got permission to extend his remarks in the RECORD.

Mr. SHERWOOD. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD.

The SPEAKER. The gentleman from Ohio asks unanimous consent to extend his remarks in the RECORD. Is there objection? [After a pause.] The Chair hears none.

CONFEREE ON PENSION BILLS.

The SPEAKER. The Chair announces the appointment of Mr. LANGLEY as conferee on the five bills reported from the Committee on Invalid Pensions in lieu of Mr. LANGHAM.

MARRIAGE OF HOMESTEAD ENTRYWOMAN WITH AN ALIEN.

The next business on the Calendar for Unanimous Consent was the bill (H. R. 11745) to provide for certificate of title of homestead entry by a female American citizen who has intermarried with an alien.

The Clerk read the bill, as follows:

Be it enacted, etc., That any female citizen of the United States who has filed, or shall hereafter file, a homestead entry upon public lands, and who thereafter has complied with all the conditions as to the acquisition of title to such entry prescribed by the public-land laws of the United States, shall, notwithstanding her intermarriage with an alien, be entitled to a certificate or patent to such entry equally as though she had remained unmarried or had married an American citizen.

The committee amendments were read, as follows:

First. On page 1, lines 3 and 4, strike out the following words: "filed, or shall hereafter file, a homestead entry upon public lands" and substitute in lieu thereof "initiated a claim to a tract of public land under any of the laws applicable thereto."

Second. On page 1, line 6, strike out the word "entry" and substitute therefor the word "land"

The SPEAKER. Is there objection?

Mr. KINKAID of Nebraska. Mr. Speaker——

Mr. FOSTER. Mr. Speaker, reserving the right to object——

Mr. KINKAID of Nebraska. The bill is on the Union Calendar, and I ask unanimous consent——

The SPEAKER. We have not got to that yet. The question is whether the House wants to consider this bill at the present time. Is there objection?

Mr. FOSTER. Mr. Speaker, reserving the right to object, I would like to hear from the gentleman from Nebraska what this bill proposes.

Mr. KINKAID of Nebraska. Mr. Speaker, I am pleased to explain to the gentleman from Illinois [Mr. FOSTER] that the purpose of the bill is to relieve homesteaders from the drastic, disastrous effects of section 3 of the act of 1907, known as the expatriation act, which reads:

That any American woman who marries a foreigner shall take the nationality of her husband.

Now, I apprehend the purpose of this act and of this particular section should apply to American heiresses who would marry foreigners with titles; in other words, who would swap their wealth for the foreigner's title and move with the foreigner to his country, to his European home, and thus the wealth would be removed from the United States. It was not intended to apply to females possessed of moderate means, or no means, yet with independence, ambition, and courage enough to go through the ordeal of living up to the requirements of the homestead laws for five years, the minimum time required when the expatriation act was passed in 1907. Now, the effect of this section which I have just read, as applied by the Department of the Interior, is to make a female, an American citizen born in this country, who has taken a homestead and married a foreigner before she makes her final proof, forfeit her homestead because she has married a foreigner, notwithstanding the foreigner joins her and lives with her upon the claim and becomes a permanent citizen of the United States.

Mr. FOSTER. This bill is for the purpose of permitting those women who have taken up a homestead to marry some foreigner before the final proof is made on the homestead; is that true?

Mr. KINKAID of Nebraska. If the gentleman chooses to put it in that form; but I would express it in a form more just to the courageous female homesteaders.

Mr. FOSTER. In other words, she does not wait long enough before getting married to prove up on this homestead?

Mr. KINKAID of Nebraska. They ought not be required to wait.

Mr. MANN. This bill shortens the engagements.

Mr. FOSTER. I knew the gentleman from Nebraska may have some good reasons for it——

Mr. KAINKAID of Nebraska. There are many excellent reasons for it.

Mr. FOSTER. But can the gentleman tell about how many cases have occurrred in the past?

Mr. KINKAID of Nebraska. The Secretary of the Interior here says:

Hardships have occurred in many cases, due to this state of the law, while there is no apparent reason why the entrywomen should not be allowed to perfect their claims and receive patents, notwithstanding their marriage with the alien, especially as they generally continue to reside in the United States.

We know all of them continue to reside in the United States except the heiresses, and they go abroad and take their husbands with them; and this latter is the evil the expatriation act was intended to remedy.

Mr. MANN. They do not get homestead entries.

Mr. FOSTER. That does not indicate how many cases there are.

Mr. KINKAID of Nebraska. We asked for that. The gentleman from California [Mr. RAKER], as a member of the Public Lands Committee who was painstaking in the consideration of the bill as chairman of the subcommittee, wrote the Secretary, who had previously indorsed it, to know how many cases there were, and the Secretary replied—I have a copy of his letter here, but I will not take time to read it—in effect that they had not attempted to ascertain the number of cases, but there were a goodly number of cases.

Mr. MANN. If the gentleman will pardon me, I think that the Secretary did not say that he did not have time but that he did not have the data. That is what his letter says.

Mr. KINKAID of Nebraska. That is the substance and effect.

Mr. FOSTER. That is the substance of the report.

Mr. KINKAID of Nebraska. At any rate, the committee used diligence to ascertain the number. He says that there are a great many cases and a great many hardships occasioned by the law.

Mr. MANN. I would like to suggest to my colleague from Illinois [Mr. FOSTER] if there are not very many cases it is not very important. If there are very many, it is evidence of the need of such legislation.

Mr. FOSTER. Well, it might be just as important to a few.

Mr. MANN. I take it that if some enterprising girl makes an entry on the public domain with a view of getting a home, and then meets some man who has newly come over from abroad and falls in love with him, and wants to marry him and settle down on a homestead, we really ought to encourage that. That is the best way of making the incomer a good citizen.

Mr. FOSTER. Well, I expect the gentleman from Illinois is right. I had about come to that conclusion myself. I want to say to the gentleman from Nebraska that I will offer no objection to the bill.

The SPEAKER. Is there objection to the consideration of the bill? [After a pause.] The Chair hears none. This bill is on the Union Calendar.

Mr. KINKAID of Nebraska. Mr. Speaker, I ask unanimous consent that the bill be considered in the House as in the Committee of the Whole.

The SPEAKER. Is there objection? [After a pause.] The Chair hears none. The Clerk will report the amendments one at a time.

The Clerk read as follows:

Page 1, lines 3 and 4, strike out the following words, "filed, or shall hereafter file, a homestead entry upon public lands," and substitute in lieu thereof "initiated a claim to a tract of public land under any of the laws applicable thereto."

The SPEAKER. The question is on agreeing to the amendment.

The amendment was agreed to.

The Clerk reported the next amendment, as follows:

Page 1, line 7, strike out the word "entry" and substitute therefor the word "land."

The SPEAKER. The question is on agreeing to the amendment.

The amendment was agreed to.

The bill as amended was ordered to be engrossed and read a third time, was read the third time, and passed.

On motion of Mr. RAKER, a motion to reconsider the vote by which the bill was passed was laid on the table.

LICENSED OFFICERS IN MERCHANT MARINE.

The next business on the Calendar for Unanimous Consent was the bill (H. R. 16392) to better regulate the serving of licensed officers in the merchant marine of the United States and to promote safety at sea:

The bill was read as follows:

Be it enacted, etc., That sections 4448 and 4449 of the Revised Statutes of the United States be, and are hereby, amended to read as follows:

"SEC. 4448. That all officers licensed under the provisions of this title shall assist the inspectors in their examination of any vessels to which such licensed officers belong and shall point out all defects and imperfections known to them in the hull, equipments, boilers, or machinery of such vessel, and shall also make known to the inspectors at the earliest opportunity all accidents or occurrences producing serious injury to the vessel, her equipments, boilers, or machinery, and in default thereof the license of any such officer so neglecting or refusing shall be suspended or revoked.

"No inspector or supervising inspector receiving information from a licensed officer who is employed on any vessel as to defects in such vessel, or her equipments, boilers, or machinery, or that any provision of this title is being violated, shall impart the name of such licensed officer, or the source of his information, to any person other than his superiors in the Steamboat-Inspection Service. Any inspector or super-

vising inspector violating this provision shall be subject to dismissal from the service.

"SEC. 4449. That if any licensed officer shall, to the hindrance of commerce, wrongfully or unreasonably refuse to perform his official duties after having signed articles or while employed on any vessel as authorized by the terms of his certificate of license, or if any pilot or engineer shall refuse to admit into the pilot house or engine room any person whom the master or owner of the vessel may desire to place there for the purpose of learning the profession, his license shall be revoked or suspended upon the same proceedings as are provided in other cases of revocation or suspension of such license."

SEC. 2. That all laws or parts of laws in conflict with this act are hereby repealed.

Also the following committee amendment was read:

Page 1, line 9, after the word "which," insert the word "such."

The SPEAKER. Is there objection to the consideration of the bill?

Mr. MANN. Reserving the right to object, I notice that the report in this case gives no information. I see that the distinguished gentleman from Texas [Mr. HARDY], who made the report, is here and doubtless he has the information in his head which he did not incorporate in the report.

Mr. HARDY. The report is subject to that criticism.

Mr. MANN. I think so, or I would not have made it.

Mr. HARDY. And I will explain the purpose of the legislation if it is desired. The first section of the bill is the present law down to the end of the sixth line on page 2.

Mr. MANN. Down to the middle of the fourth line on page 2.

Mr. HARDY. Down to the seventh line on page 2.

Mr. MANN. There are some changes in the first paragraph.

Mr. HARDY. The first paragraph provides that the license may be suspended or revoked. The present law provides only that it may be revoked.

Mr. MANN. And also has the word "equipments" inserted before the word "boilers." But that is neither here nor there. What is the purpose of the legislation?

Mr. HARDY. Briefly, the purpose of the legislation is this: The law now requires certain officers licensed under the provision of this title to assist inspectors in examination of the vessels to which such licensed officers belong and to make report of any defect to the inspector, and so forth.

Mr. MANN. That is, the licensed officer belonging to the vessel is required to give this assistance and make this report under the existing law?

Mr. HARDY. Under the existing law.

Mr. MANN. Or under the existing regulation?

Mr. HARDY. It is under the existing statute. He is required to make known to the inspectors at the earliest opportunity all accidents or occurrences producing serious injury to the vessel, her equipments, boilers, or machinery, and defects, and so forth, and in default thereof the license of any such officer so neglecting or refusing shall be suspended or revoked. That is the present law. We were requested, and there seems to be very little, if any, objection to adding to that the provision that when the officer obeys his obligation and makes this report the report he makes shall not be imparted by the inspector to anybody except to his superior officer. In other words, an officer making a report of an accident or defect did not want to be discharged, possibly, for having made that report by the owner of the vessel.

Mr. MANN. That may be true; but suppose an officer reports a defect and there is a controversy as to whether the defect exists? What is the reason why the inspector may not ask the captain about it and tell him who says that there is a defect? This forbids any information given to anyone else in reference to a claimed defect.

Mr. HARDY. I take it that this provision would not at all forbid the disclosure of the complainant or party who gave the information in judicial proceedings or anything of that kind.

Mr. MANN. Well, I do not know. I am not speaking of judicial procedure. The inspector claims there is a defect, and the captain claims there is not——

Mr. HARDY. The fact is that when a complaint is made to the inspector the inspector goes and inspects the vessel.

Mr. MANN. I understand——

Mr. HARDY. But it sometimes happens that if the party gives the information and it is reported to the owner of the vessel, that the man giving information as to the defect is discharged.

Mr. MANN. I can see that that might happen; but, on the other hand, I can see it may be very onerous the other way. Here is a mate on a vessel who goes around with a Government inspector inspecting the vessel, and comes back, and there is a question of whether a defect exists or not. There may be a controversy as to that between the inspector and the captain—without quarreling, but getting at the facts. The inspector can not even say that he discussed the matter with the mate. If the mate has given him any information——

Mr. HARDY. I do not think that was the intention of the measure. It was intended that when the obligation rested upon the ship's officer, he went to the inspector to report defects in the vessel, carrying out his duty in that regard under the law, in order to protect the safety of that vessel, and that that should not be carried then to the owner of the vessel and reported to him as the report from this officer, possibly to the detriment of that officer.

To be plain about it, that was the very question that arose in some particular cases brought to our attention. The owner was anxious to find out who had reported certain defects to the inspection officers. There was no question about the report of the defects being true, but he wanted to know who had reported them. The motive of the owner was, or at least that seemed probable, that he might cause the party making the report to be dismissed. So that we consulted the Bureau of Navigation on this matter as to what they thought of the advisability of the passage of this bill, and the bill has the approval of the department. In addition to that, we consulted shipowners, and they practically conceded that it was right and in the interest of safety.

Mr. MANN. I suppose the mate might send word to the inspector that an accident has happened in some place. The captain says it has not happened. You can not tell the captain that the mate has reported that the accident has happened. What then?

Mr. HARDY. I do not know exactly, except that the inspector would inspect the vessel to determine its condition.

Mr. MANN. It is a good deal like boys in school. Sneaks are never popular, although sometimes they are serviceable. But, as a rule, if one boy were accused of doing something by another one, the other one could not hide under cover and make those charges without coming out into the open.

Mr. HARDY. In this case it is different. These officers are required by law to make their report or forfeit their license.

Mr. MANN. I understand.

Mr. HARDY. If you had a boy in school who was required——

Mr. MANN. All boys in school are required by the teacher to report anything wrong that the other boys do.

Mr. HARDY. I was not so required, I will say to the gentleman.

Mr. MANN. I have no doubt the gentleman did not do it, and I have no doubt the teacher often told him he should.

Mr. HARDY. At any rate, the department thinks it is very desirable that these persons required by law to make certain reports should be relieved as far as possible from any evil consequences to themselves.

Mr. J. I. NOLAN. Is it not a fact that licensed officers often have been discriminated against for making reports according to regulations, and not only lost their positions with their employers but were discriminated against by other steamship companies?

Mr. HARDY. I think that is true, and I have no doubt the purpose is to relieve them from that situation, to make it as safe as possible to the officer who does his duty.

Mr. MANN. There is discrimination practiced throughout the world. I do not see how you can follow up the report of the accident or anything of that kind unless you can show who made the report or the statement, if it is controverted.

Mr. ALEXANDER. Mr. Chariman, will the gentleman yield?

Mr. MANN. Certainly.

Mr. ALEXANDER. I think the answer to that statement is this: It is the duty of the inspector to inspect the vessel when she comes into port. The duty also is laid upon the officers of the vessel under section 4448, to—

assist the inspectors in their examination of any vessels to which such licensed officers belong, and shall point out all defects and imperfections known to them in the hull, equipments, boilers, or machinery of such vessel, and shall also make known to the inspectors at the earliest opportunity all accidents or occurrences producing serious injury to the vessel, her equipments, boilers, or machinery, and in default thereof the license of any such officer so neglecting or refusing shall be suspended or revoked.

Now, the testimony before the committee was to the effect that officers were reluctant to impart this information, for the reason that if they did it would lead to their dismissal; and, hence, in the interest of better inspection, of safety to the vessels and their equipment, this protection is thrown around the officer; that if he discloses to the inspector the fact that the lifeboats are defective or that any other part of the equipment is defective, or that the vessel or her machinery has received some injury by collision, he shall be protected. The inspector can then go aboard and verify the statement. Now, when he does that, the whole question is open. There is no need for further protection to the officer.

Mr. MANN. There is no way of verifying the statement by going on board.

Mr. ALEXANDER. If there is any defect, it must be verified.

Mr. MANN. Oh, no; not at all. It says, "All accidents or occurrences producing serious injury to the vessel," and so forth. That may have occurred two or three months ago, and may have been completely cured.

Mr. ALEXANDER. In that event it would be unimportant entirely.

Mr. MANN. It might or might not be unimportant.

Mr. ALEXANDER. When the vessel comes into port and she has received some serious injury that affects her seaworthiness, the officer is now reluctant to inform the inspector of the fact. It is not some past defect but some present defect of which the inspector should have knowledge, and they should be protected in disclosing that information.

Mr. MANN. I shall not object to the consideration of the bill, although I do not think much of encouraging sneaks or practically anonymous communications reflecting on somebody else where you do not dare say who gave it to you.

Mr. J. I. NOLAN. I think that can be taken care of by providing that the superiors in the inspection service shall have a right to demand the information and by providing for the taking away of a man's license for making a report that could not be proved.

Mr. MANN. It is condemning a man without a hearing. It is refusing to bring the witness before the accused, a thing which has been popular in many governments of the world, but never in a government of the people. It is making an accusation against a man and not telling him who made it. It is contrary to every sentiment of enlightened humanity.

Mr. ALEXANDER. I do not think the gentleman is leveling a fair criticism here. If there is a defect in the machinery of the vessel, and the officer discloses it to the inspector, the inspector must go aboard and ascertain if the defect exists. It does not do any harm. If the officer says there are not enough lifeboats on board, the inspector must verify that statement. No prejudice can come to the shipowners. Suppose the vessel had received some serious injury in a collision. He can say that at a certain time, under certain circumstances, the vessel received a certain injury. The inspector must go aboard and verify that information. The captain can not be prejudiced. It simply makes the officer more diligent to disclose these matters, so that the inspector may go aboard and verify whether or not the statements made are true, in the interest of safety.

Mr. MANN. I shall not object; but the more the gentleman talks about it the more I am inclined to object.

The SPEAKER. Is there objection?

There was no objection.

Mr. HARDY. Mr. Speaker, I believe I did not ask that the bill be considered in the House as in Committee of the Whole.

The SPEAKER. It is a House Calendar bill, and it does not need to be. The Clerk will report the committee amendment.

The Clerk read as follows:

Amend, page 1, line 9, after the word "which," by inserting the word "such."

Mr. HARDY. That is simply to give it proper grammatical construction.

The SPEAKER. The question is on agreeing to the amendment.

The amendment was agreed to.

The SPEAKER. The question is on the engrossment and third reading of the bill as amended.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed.

On motion of Mr. HARDY, a motion to reconsider the vote whereby the bill was passed was laid on the table.

The SPEAKER. The Clerk will report the next one.

PUBLIC BUILDING, ROSEBURG, OREG.

The next business on the Calendar for Unanimous Consent was the bill (H. R. 13180) to amend the act of March 4, 1913 (37 U. S. Stat., p. 872), so as to provide that in the construction of the public building at Roseburg, Oreg., provision shall be made for the accommodation therein of the United States post office, land office, forest service, weather bureau, and Indian agent.

The bill was read, as follows:

Be it enacted, etc., That in the construction of the public building at Roseburg, Oreg., authorized by the act approved March 4, 1913 (37 U. S. Stat., p. 872), accommodations shall be provided therein for the United States post office, land office, forest service, weather bureau, and Indian agent.

With the following committee amendment:

Page 2, lines 1 and 2, strike out "office, land office, forest service, weather bureau, and Indian agent," and insert in lieu thereof "and other governmental offices."

The SPEAKER. Is there objection to the present consideration of the bill?

There was no objection.

The SPEAKER. This bill is on the Union Calendar.

Mr. HAWLEY. I ask unanimous consent that it be considered in the House as in Committee of the Whole.

The SPEAKER. The gentleman from Oregon asks unanimous consent that the bill be considered in the House as in Committee of the Whole. Is there objection?

There was no objecton.

The SPEAKER. The Clerk says there is an error in the amendment.

Mr. MANN. Mr. Speaker, I ask that in the committee amendment to strike out certain language from the bill the word "office," where it first occurs in line 1, page 2, be stricken from the amendment, so that it will remain in the bill.

The SPEAKER. The Clerk will report the amendment to the committee amendment.

The Clerk read as follows:

Page 2, line 1, strike the word "office" from the amendment, so that the word will remain in the bill.

The amendment to the amendment was agreed to.

The amendment as amended was agreed to.

The bill as amended was ordered to be engrossed and read a third time, and was accordingly read the third time and passed.

By unanimous consent the title of the bill was amended so as to read: "A bill to amend the act of March 4, 1913 (37 U. S. Stat., p. 872), so as to provide that in the construction of the public building at Roseburg, Oreg., provision shall be made for the accommodation therein of the United States post office and other governmental offices."

RENEWAL OF LICENSES.

The next business on the Calendar for Unanimous Consent was the bill (H. R. 16346) to amend section 4131 of the Revised Statutes of the United States of America as amended by the act of Congress approved May 28, 1896, relating to the renewal of licenses.

The bill was read, as follows:

Be it enacted, etc., That section 2 of section 4131 of the Revised Statutes of the United States as amended by the act of Congress approved May 28, 1896, relating to the renewal of licenses, be, and is hereby, amended so as to read as follows:

"SEC. 2. That all licenses issued to such officers shall be for a term of five years, but the holder of a license may have the same renewed for another five years in the manner prescribed in the rules and regulations of the Board of Supervising Inspectors: *Provided, however,* That any officer holding a license, and who is engaged in a service which necessitates his continuous absence from the United States, may make application in writing for renewal and transmit the same to the board of local inspectors, with his certificate of citizenship, if naturalized, and a statement of the applicant, verified before a consul or other officer of the United States authorized to administer an oath, setting forth the reasons for not appearing in person; and upon receiving the same the board of local inspectors that originally issued such license shall renew the same and shall notify the applicant of such renewal: *Provided further,* That no license as master, mate, or pilot of any class of vessel shall be renewed without furnishing a satisfactory certificate of examination as to color blindness. And in all cases where the issue is the suspension or revocation of such licenses, whether before the local boards of inspectors (of steam vessels), as provided for in section 4450 of the Revised Statutes, or before the supervising inspector, as provided for in section 4452 of the Revised Statutes, the accused shall be allowed to appear by counsel and to testify in his own behalf. No master, mate, pilot, or engineer of steam vessels licensed under title 52 of the Revised Statutes, pages 4399–4500, shall be liable to draft in time of war, except for the performance of duties such as required by his license; and while performing such duties in the service of the United States every such master, mate, pilot, or engineer shall be entitled to the highest rate of wages paid in the merchant marine of the United States for similar services; and if killed or wounded while performing such duties under the United States, they, or their heirs, or their legal representatives, shall be entitled to all the privileges accorded to soldiers and sailors serving in the Army or Navy, under the pension laws of the United States."

The SPEAKER. Is there objection to the present consideration of the bill?

There was no objection.

Mr. MANN. Mr. Speaker, I should like to ask the gentleman from Missouri [Mr. ALEXANDER], with reference to the language on page 2, lines 6 and 7, where it requires that an officer who has been licensed and who is absent from the United States and makes application for a renewal of his license, shall transmit with his application his certificate of naturalization if naturalized. Is that necessary? In transmitting a certificate of naturalization by mail it may be lost. Mail matter is sometimes lost. Is it not to be presumed that a man will have a certificate of naturalization if he has been already licensed once?

Mr. ALEXANDER. Capt. Wescott, who is president of the Masters, Mates, and Pilots Association of the Pacific, explained to the committee that that would be a reasonable requirement, in view of the fact that in the past so many men who were not citizens had obtained licenses fraudulently. I

think he was in the employ of the Government several years ago to investigate these cases where licenses had been issued, and discovered many cases where they had been obtained fraudulently. It was at his suggestion that that provision was put in the bill to prevent fraud.

Mr. MANN. Yes; but here is a man who has obtained a license. They can make him produce his certificate of naturalization when he obtains his license. Then he goes over on the other side of the world, and while there he makes application for a renewal. By this bill you require him to transmit by mail a certificate, which, if lost, can not be replaced, and which is very easily lost in that way. The presumption certainly is that he has his naturalization papers if he has run the gantlet once.

Mr. ALEXANDER. I do not know how it has happened, but there are many cases where licenses have been issued fraudulently.

Mr. MANN. There may be a few such cases.

Mr. ALEXANDER. He said there were a great many.

Mr. MANN. There can not be a great number, and they will soon run out, but here is something that would be a permanent nuisance. I take it that a large share of these officers are naturalized citizens.

Mr. ALEXANDER. They must be before they can legally receive licenses.

Mr. MANN. I mean that they are actually naturalized citizens. Now, you propose to require them to transmit papers which are valuable to them, which are liable to get lost when they get in the department here, by the way, when they have already gone through once. It is like making a man produce his naturalization papers every time he votes. They may do that once in a while, but it is certainly a nuisance, and is not countenanced in many places, although some people who were not citizens have voted.

Mr. ALEXANDER. Of course it is quite a concession to officers abroad to permit them to have their licenses renewed without coming back to the board by which the licenses were originally issued, and is intended to avoid inconvenience to them.

Mr. MANN. It looks like a reasonable concession; and if we are going to make a reasonable concession, why not make a sensible one. It looks to me as though it was a horrible requirement to make a man send in his naturalization certificate when he gets a renewal of his license. To require him to produce it the first time is all right.

Mr. ALEXANDER. If he should lose the original, he could get a certified copy of it.

Mr. MANN. I believe it is not an easy thing to get.

Mr. ALEXANDER. Inasmuch as the masters and pilots suggested the provision, and in view of the fact that so many fraudulent licenses have been issued, the committee did not feel like striking it out.

Mr. MANN. You are going to put a great burden on innocent men because some men have committed a fraud—to require a man when he goes abroad to carry his naturalization certificate with him, whereas what he ought to do with it is to put it in a safety-deposit vault.

Mr. BRYAN. Mr. Speaker, gentlemen will notice that an oath of citizenship is required to accompany the original naturalization papers. When this came before the committee I asked the man who appeared before the committee some questions, and he suggested that this was the original law which had been followed in the past and no particular complaints had been made about it. At that time it seemed to me that it was an unreasonable requirement to make a man send his naturalization papers along with his certificate. I think the idea or suggestion of the gentleman from Illinois that there is no necessity for it is correct, and that we ought to cut the requirement out and let him send in a sworn affidavit of when he was naturalized, and that ought to be sufficient. A man who says that he is a natural-born citizen does not have to send any proof along.

Mr. ALEXANDER. As I have said, this was the suggestion by the masters, mates, and pilots themselves; and in view of the fact that there are many licenses outstanding now that they have reason to believe are fraudulently issued, and as under the law no one is entitled to a license unless he is either a natural-born citizen of the United States, or a naturalized citizen, the committee did not feel like striking it out.

Mr. MANN. Why not require him to produce the certificate of his birth? The license officers can not tell whether he is a naturalized citizen or citizen by natural birth. There is just as much reason for producng a certificate of birth as there is for producing a naturalization certificate.

Mr. HARDY. There would be a difference in the two cases, would there not, for 90 per cent of the people do not have a certificate of birth?

Mr. MANN. Most everybody can get a certificate of birth.

Mr. HARDY. I could not.

Mr. MANN. I will certify that the gentleman has been born. Mr. Speaker, I move to strike out, in lines 6 and 7, the language "with his certificate of citizenship if naturalized."

The SPEAKER. The Chair will suggest that this bill is on the Union Calendar.

Mr. ALEXANDER. Mr. Speaker, I ask unanimous consent that the bill be considered in the House as in Committee of the Whole.

The SPEAKER. The gentleman from Missouri asks unanimous consent to consider this bill in the House as in Committee of the Whole. Is there objection?

There was no objection.

Mr. MANN. Now, Mr. Speaker, I move to strike out, on page 2, in lines 6 and 7, the language "with his certificate of citizenship if naturalized."

The SPEAKER. The Clerk will report the amendment.

The Clerk read as follows:

Page 2, lines 6 and 7, strike out the words "with his certificate of citizenship if naturalized."

The SPEAKER. The question is on the amendment.

The question was taken; and on a division (demanded by Mr. MANN) there were 18 ayes and 25 noes.

So the amendment was lost.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed.

FIRE-ALARM SYSTEM, GOVERNMENT HOSPITAL FOR THE INSANE.

The next business on the Calendar for Unanimous Consent was House joint resolution 205, to enable the Secretary of the Interior to legally fix and determine the ownership of and title to the fire-alarm system and appliances, apparatus, and connections heretofore placed and installed in the Government buildings of the Government Hospital for the Insane, and to determine such other questions, as are provided for in the resolution.

The Clerk read the joint resolution.

Mr. CLARK of Florida. Mr. Speaker, I ask unanimous consent that this resolution be passed over without prejudice.

The SPEAKER. The gentleman from Florida asks unanimous consent to pass this resolution over without prejudice. Is there objection?

There was no objection.

ENLARGED HOMESTEAD.

The next business on the Calendar for Unanimous Consent was the bill (H. R. 1698) to amend an act entitled "An act to provide for an enlarged homestead."

The Clerk read the bill, as follows:

Be it enacted, etc., That where any person qualified to make entry under the provisions of the act of June 17, 1910, shall make application to enter under the provisions of sections 1 to 5 of said act, any unappropriated public land in the State of Idaho, which has not been designated as subject to entry under said act (provided said application is accompanied and supported by properly corroborated affidavit of the applicant, showing prima facie that the land applied for is of the character contemplated by the act of June 17, 1910), such application, together with the regular fees and commissions, shall be received by the register and receiver of the land district in which said land is located, and suspended until examination of said land shall have been made by the United States Geological Survey; that during such suspension the land described in said application shall be segregated by the said register and receiver and not subject to entry until the case is disposed of; and if it shall be determined upon such examination that such land is of the character contemplated by the act of June 17, 1910, then such application shall be allowed; otherwise it shall be rejected subject to appeal: *Provided*, That the provisions of this act shall apply to the application of a qualified entryman to make additional entry of unappropriated land adjoining his unperfected homestead entry, the area of which, together with his original entry, shall not exceed 320 acres: *Provided further*, That immediately after filing such application with the register and receiver the applicant, or his attorney or agent, shall notify the United States Geological Survey of the filing of such application and inclose therewith a true copy of the corroborated affidavit filed in support of such application, which notice and affidavit shall form the basis for examination of the land by the Geological Survey.

The following committee amendment was read:

Strike out all after the enacting clause and insert the following:

"That where any person qualified to make entry under the provisions of the act of February 19, 1909, and acts amendatory thereof and supplemental thereto, shall make application to enter under the provisions of said acts any unappropriated public land in any State affected thereby which has not been designated as subject to entry under the act (provided said application is accompanied and supported by properly corroborated affidavit of the applicant in duplicate, showing prima facie that the land applied for is of the character contemplated by said acts), such application, together with the regular fees and commissions, shall be received by the register and receiver of the land district in which said land is located, and suspended until it shall

have been determined by the Secretary of the Interior whether said land is actually of that character; that during such suspension the land described in said application shall be segregated by the said register and receiver and not subject to entry until the case is disposed of; and if it shall be determined that such land is of the character contemplated by the said acts, then such application shall be allowed; otherwise it shall be rejected, subject to appeal: *Provided*, That the provisions of this act shall apply to the application of a qualified entryman to make additional entry of unappropriated land adjoining his unperfected homestead entry, the area of which, together with his original entry, shall not exceed 320 acres."

The SPEAKER. Is there objection?

Mr. MANN. Reserving the right to object, Mr. Speaker, I would like to ask the gentleman from Idaho what is intended to be accomplished by this bill?

Mr. SMITH of Idaho. Under the enlarged-homestead act it is necessary that the land be first examined to determine whether or not it comes within the provisions of the law. The prospective entryman goes out, looks over the land, and if he is of the opinion that it comes within the provisions of the law he makes application to the Secretary of the Interior to have the same opened to entry. In the meantime he has no protection whatever in the event that it should come within the provisions of the law and is opened to entry. In other words, he frequently expends a good deal of time and money in going out upon the lands and examining them. An examination must be made in the meantime, and by the time the land is determined to be available for entry some other person may discover that it is open for entry and precede him to the land office and file upon it. In that way he is deprived of an opportunity of getting the land which he had previously located.

Mr. MANN. How could anyone precede him in the land office if he made application to the land office first?

Mr. SMITH of Idaho. Under the existing law the entryman or prospective entryman does not make application to the local land office; he simply sends it to the Secretary of the Interior and if, after examination, it is found to meet the requirements of the law, public notice is given that the land is to be open for entry, and the first one at the local land office will have the right to enter. It is simply intended to carry out the provisions of existing law with reference to protecting entrymen, by having a record made in the land office of the application; it simply provides that the application shall go through the local land office to the Interior Department, as do other applications for entry upon the public domain, and note shall be made on the plat books and records that this application is pending.

Mr. MANN. This amendatory bill does not purport to change the law about making the application?

Mr. SMITH of Idaho. No; excepting——

Mr. MANN. The gentleman says it does change the law?

Mr. SMITH of Idaho. Excepting it sends the application through the land office instead of direct to the Secretary of the Interior. It simply brings it to the notice of the local officers that a prospective entryman desires this land.

Mr. LENROOT. Is not the purpose of this bill to temporarily withdraw the land from other entry?

Mr. SMITH of Idaho. Yes; the land described in the particular entry is to be withdrawn in order that the prospective entrymen may get protection in the event the land is declared open to entry by the Secretary of the Interior.

Mr. LENROOT. That is the purpose of the bill—to give the applicant the preferential right to file?

Mr. SMITH of Idaho. Yes.

Mr. MANN. What expense does he go to before he files his application?

Mr. SMITH of Idaho. Very frequently, perhaps, he has to pay out thirty or forty or fifty dollars to hire a team to drive out anywhere from 10 to 30 or 40 or 50 miles from where he resides.

Mr. MANN. If a second man does that, he will be out the same expense?

Mr. SMITH of Idaho. What second man?

Mr. MANN. Let us suppose there is one man who makes an application under this bill. He is protected. There is nothing on the land to show that anybody has made that application.

Mr. SMITH of Idaho. No.

Mr. MANN. Another man comes along looking for one of these snaps, if they are snaps, or liabilities, if they are liabilitsie, and he sends in his application, having gone to considerable expense. He can not tell that anybody else is ahead of him until he has gone to the land office, so that one of the two is bound to be out some money that he spends.

Mr. SMITH of Idaho. Of course when a man goes out to select a piece of land, he takes the trouble, as far as possible, to ascertain by inquiry at the local land office whether the land is open to entry.

Mr. MANN. He can not ascertain that.

Mr. SMITH of Idaho. He can ascertain it by looking at the plat.

Mr. MANN. Yes; if the land is near the land office, which it never is, he can go then and examine it, but that is not the way they do.

Mr. SMITH of Idaho. He can write and find out.

Mr. MANN. Oh, I beg the gentleman's pardon. I have written to any number of these people, and you do not get any information from them.

Mr. SMITH of Idaho. It is their duty to give information.

Mr. MANN. Yes; but they can not give it. They can tell whether a particular piece of land has been entered on, but they can not tell you in advance and they can not know what land has been entered on and what has not. The man does not know which piece he is going to select until he goes out and spends his money, according to the gentleman's statement.

Mr. SMITH of Idaho. Of course he can not determine that unless he has information from the local land office, but a plat is filed in the local land office showing every entry that is made, and a man can go there and look at the plat or he can write a letter and find out whether a particular piece of land is taken.

Mr. MANN. Yes; but he can not do that before he goes out and looks for land.

Mr. SMITH of Idaho. Why not? They are not foolish enough to go out into a section of the country without making some inquiry as to whether or not the land is available.

Mr. MANN. Then none of these people are badly off. The gentleman said they go to great expense.

Mr. SMITH of Idaho. Some of them do.

Mr. MANN. Going out and searching for a piece of land?

Mr. SMITH of Idaho. They do.

Mr. MANN. And he finds a particular piece which he thinks he would like, and he makes his application for that. He could not ascertain from the land office in advance in reference to that piece of land, because he does not know where it is.

Mr. SMITH of Idaho. He can probably tell the township and possibly the section.

Mr. MANN. Is not the real purpose of this bill to give those people who now have homesteads the right to make prior applications for the purpose of enlarging their homesteads close to their homesteads?

Mr. SMITH of Idaho. Not at all. There are comparatively few of those, because in the localities where homesteads are already taken up there is not much of this land available. This is intended to apply to new entries away back in the hills, probably 30 to 50 miles from any habitation. It is simply intended to allow prospective entrymen to avail themselves of this law, which gives the right to go out there and get title to land that is absolutely worthless except for cultivation under the dry-farming methods.

Mr. MANN. As I understand this matter, it provides that when such a person—

shall make application to enter under the provisions of said acts, any unappropriated public land in any State affected thereby—

And so forth.

The gentleman says that is designed to permit him to make an application, to be filed with the land office. If that be the case, does it not also specifically authorize him to make application for any unappropriated public land, whether it be surveyed or unsurveyed?

Mr. SMITH of Idaho. No; it must be surveyed land under this law.

Mr. MANN. I know the present law applies only to surveyed land.

Mr. SMITH of Idaho. He can not enter unsurveyed land in the land office, for there is no way of describing it.

Mr. MANN. He can describe it by metes and bounds.

Mr. SMITH of Idaho. Oh, there is no law under which he can enter unsurveyed land in the land office.

Mr. MANN. Not unless this law would permit him to do it.

Mr. SMITH of Idaho. This is certainly not intended to do that; there is no such idea as that. No one can be injured by protecting the prospective entrymen when they incur these expenses with the hope of getting the piece of land that they desire.

The SPEAKER. Is there objection to the present consideration of the bill? [After a pause.] The Chair hears none.

Mr. SMITH of Idaho. Mr. Speaker, I ask unanimous consent that the bill be considered in the House as in Committee of the Whole House on the state of the Union.

The SPEAKER. The gentleman from Idaho asks unanimous consent that the bill be considered in the House as in Committee of the Whole House on the state of the Union. Is there objection? [After a pause.] The Chair hears none.

The question was taken, and the amendment was agreed to.

The bill as amended was ordered to be engrossed and read a third time, was read the third time, and passed.

On motion of Mr. SMITH of Idaho, a motion to reconsider the vote by which the bill was passed was laid on the table.

The title was amended so as to read "A bill to amend an act entitled 'An act to provide for an enlarged homestead and acts amendatory thereof and supplemental thereto.'"

PUBLIC BUILDING SITE AT HUNTINGDON, TENN.

The next business on the Calendar for Unanimous Consent was the bill (H. R. 15000) authorizing the Secretary of the Treasury to disregard section 33 of the public buildings act of March 4, 1913, as to site at Huntingdon, Tenn.

The Clerk read as follows:

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, authorized, in his discretion, to disregard that portion of section 33 of the public buildings act approved March 4, 1913, which requires that the Federal building site selected at Huntingdon, Tenn., shall be bounded on at least two sides by streets.

The SPEAKER. Is there objection?

Mr. MANN. Mr. Speaker, reserving the right to object, I would like to have an explanation of the bill.

Mr. SIMS. Mr. Speaker, Huntingdon, as compared with some towns, is a small town; as with others, large; but it was extremely desirable that this public building be elected in Huntingdon on the public square—that is, so as to face the public square. Only $2,500 was appropriated for the site, and it was found impossible to get the site for that small amount of money on the corner which would comply with the act of 1913—by having the building bounded upon two streets—and the site agent recommended that this site be selected, not on a corner, but facing on the public square, 120 feet wide, with a 20-foot alley. Everything is satisfactory, and this has the unanimous report of the committee.

The SPEAKER. Is there objection? [After a pause.] The Chair hears none.

Mr. SIMS. Mr. Speaker, I ask unanimous consent that the bill be considered in the House as in the Committee of the Whole House on the state of the Union.

The SPEAKER. Is there objection to the request of the gentleman from Tennessee? [After a pause.] The Chair hears none.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed.

On motion of Mr. SIMS, a motion to reconsider the vote by which the bill was passed was laid on the table.

AMENDING SECTIONS 4888 AND 4889, REVISED STATUTES, RELATING TO PATENTS.

The next business on the Calendar for Unanimous Consent was the bill (H. R. 15220) to amend sections 4888 and 4889 of the Revised Statutes, relating to patents.

The Clerk read as follows:

Be it enacted, etc., That section 4888 of the Revised Statutes of the United States be, and the same is hereby, amended by striking out from the last clause thereof the words "and attested by two witnesses," so that the section so amended will read as follows:

"SEC. 4888. Before any inventor or discoverer shall receive a patent for his invention or discovery, he shall make application therefor, in writing, to the Commissioner of Patents, and shall file in the Patent Office a written description of the same, and of the manner and process of making, constructing, compounding, and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art or science to which it appertains, or with which it is most nearly connected, to make, construct, compound, and use the same; and in case of a machine, he shall explain the principle thereof, and the best mode in which he has contemplated applying that principle, so as to distinguish it from other inventions; and he shall particularly point out and distinctly claim the part, improvement, or combination which he claims as his invention or discovery. The specification and claim shall be signed by the inventor."

SEC. 2. That section 4889 of the Revised Statutes of the United States be, and the same is hereby, amended by striking out the words "and attested by two witnesses," so that the section so amended will read as follows:

"SEC. 4889. When the nature of the case admits of drawings, the applicant shall furnish one copy signed by the inventor or his attorney in fact, which shall be filed in the Patent Office; and a copy of the drawing to be furnished by the Patent Office, shall be attached to the patent as a part of the specification."

The SPEAKER. Is there objection?

Mr. JOHNSON of Kentucky. Mr. Speaker, reserving the right to object, I would like to have an explanation of the bill. The bill has come up suddenly, and I desire some explanation of it.

Mr. ALEXANDER. I think the gentleman's objection comes too late, but I will be glad to explain the bill to the gentleman.

Mr. JOHNSON of Kentucky. I had reserved the right to object, and I would like to have an explanation of it.

Mr. ALEXANDER. The only amendment to the law is that it strikes out the provision which requires the application to be attested by two witnesses. The Committee on Patents considered the bill and advised with the Commissioner of Patents, and he said that it was an unnecessary burden on the applicant for the patent. Mr. OLDFIELD is present, who is chairman of the Committee on Patents, and may wish to make a statement.

Mr. JOHNSON of Kentucky. I do not make any objection.

The SPEAKER. Is there objection? [After a pause.] The Chair hears none.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed.

EXCHANGE OF PRINTED COPIES OF PATENTS OF THE UNITED STATES AND CANADA.

The next business on the Calendar for Unanimous Consent was House joint resolution 257, authorizing the Commission of Patents to exchange printed copies of United States patents with the Dominion of Canada.

The Clerk read as follows:

Resolved, etc., That the Commissioner of Patents of the United States be, and he is hereby, authorized to exchange with the Dominion of Canada under such terms of contract as may by him be deemed practicable, printed copies of patents now in the United States Patent Office and hereafter issued by the United States.

The SPEAKER. Is there objection?

Mr. MANN. Mr. Speaker, reserving the right to object, as far as I can gather from the report, the main reason given for this proposed exchange is that the danger of destruction to our Patent Office at this time by fire is "eminent." The reason I say "eminent" instead of "imminent" is because I am quoting from the report.

Mr. OLDFIELD. That is a misprint.

Mr. MANN. I have no doubt that is an error in proof reading in the Government Printing Office, which probably followed copy by mistake, or maybe that was the stenographer. However, the main reason given is that there is danger of destruction by fire of our records here.

Mr. OLDFIELD. Yes.

Mr. MANN. Does the gentleman think that is a very good reason for sending our Patent Office copies of the records abroad?

Mr. OLDFIELD. Well, we think that a very good reason.

Mr. MANN. That we have no safe place to store them?

Mr. OLDFIELD. The Patent Office is not safe and has not been for a great many years.

Mr. MANN. The Capitol Building is not safe; no place is safe——

Mr. OLDFIELD. I see no reason why we should not have copies go to Canada, and then if there should be any destruction by fire we can get those copies; but I will state to the gentleman that this policy was pursued for a good many years until about 10 or 12 years ago, when for some reason or other it was discontinued.

Mr. MANN. Well, do I understand that this will cost the Government about $50,000 or not?

Mr. OLDFIELD. It will not cost the Government anything out of the current appropriation. We have 50 copies of each patent in the Patent Office, and all it would cost would be to have boys pull these copies out and send them to Canada.

Mr. MANN. I notice that the report says that while the request was made for copies covering 12 or 13 years—

While it involves no expense of money, it involves taking out our group of patents, about $50,000 worth of patents.

Mr. OLDFIELD. Yes, sir.

Mr. MANN. The department says $50,000 worth of patents; that means they are worth $50,000.

Mr. OLDFIELD. That means they cost that.

Mr. MANN. What do we get out of this in return?

Mr. OLDFIELD. We get the copies of the Canadian patents. That enables our Patent Office to make more complete searches than they can make now and at the same time preserve copies of our patents. It is very important for the Patent Office to be able to make the thorough searches, and we have copies of the Canadian patents.

Mr. MANN. That is, of the Canadian patents?

Mr. OLDFIELD. Yes.

Mr. MANN. Now, how about the English, the German patents, the French patents, and the Japanese patents? Do we get copies of patents of all these other nations?

Mr. OLDFIELD. We have not so far.

Mr. MANN. Then it would not appreciably advance us in making searches simply because we had these few that are in Canada.

Mr. OLDFIELD. I think we have most of the copies of patents of other countries.

Mr. MANN. How do we get them?

Mr. OLDFIELD. I think there is an arrangement by which we get them.

Mr. MANN. If we have the authority to make such an arrangement, why do not we make it with Canada?

Mr. OLDFIELD. They were made in some sort of a patent conference; not exactly a treaty, but on that order.

Mr. MANN. It looked to me as if the main purpose of the commissioner was to advertise the fact that he wanted a new Patent Office, although I do not see that that has any close relationship with this proposition.

Mr. OLDFIELD. I am perfectly frank to say that I think they do need a new Patent Office. I agree with the commissioner in that.

Mr. MANN. I do not think much of the joint resolution.

The SPEAKER. Is there objection to the consideration of the joint resolution?

There was no objection.

The joint resolution was ordered to be engrossed and read a third time, was read the third time, and passed.

LOCATORS OF OIL AND GAS ON PUBLIC DOMAIN.

The next business on the Calendar for Unanimous Consent was the bill (H. R. 15469) to amend an act entitled "An act to protect the locators in good faith of oil and gas lands who shall have effected an actual discovery of oil or gas on the public lands of the United States, or their successors in interest," approved March 2, 1911.

Mr. FERRIS. Mr. Speaker, I ask unanimous consent that the bill be passed over without prejudice and that it retain its place on the calendar.

The SPEAKER pro tempore (Mr. UNDERWOOD). The gentleman from Oklahoma [Mr. FERRIS] asks that the bill be passed over without prejudice.

Mr. MANN. Reserving the right to object, Mr. Speaker, I do not see any object in leaving this bill on the calendar. The gentleman has a Senate bill on the calendar covering the same purpose. It cumbers the calendar.

Mr. FERRIS. Precisely. But the gentleman knows the bill is identical, but I would like to have this bill retain its place so that we can substitute the Senate bill.

Mr. MANN. You can not do so.

Mr. FERRIS. Why not?

Mr. MANN. Because you have the Senate bill on the calendar and you can not substitute the Senate bill for this.

Mr. FERRIS. We can call up the Senate bill instead and ask that this be substituted, then?

Mr. MANN. The gentleman does not want to substitute this by the Senate bill. Now, the Senate bill will be reached. We leave everything on the calendar until the calendar is so long that it takes a lot of time whenever it is considered here.

Mr. FERRIS. The gentleman is right about this. The gentleman knows what is detaining this bill. There are some negotiations between the Secretary of the Interior and the Department of Justice, and I rather hope the gentleman will not disturb the present status at all until they get through negotiating.

Mr. MANN. I think it ought to come up under the Senate bill and not leave this bill on the calendar. The same matter is covered in the Senate bill.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Oklahoma [Mr. FERRIS]?

Mr. FERRIS. I withdraw the objection if the gentleman from Illinois [Mr. MANN] is right about it.

Mr. MANN. It had better go off the calendar.

The SPEAKER pro tempore. The gentleman from Illinois [Mr. MANN] objects, and the bill will go off the calendar.

ADDITIONAL JUDGE, SOUTHERN DISTRICT OF CALIFORNIA.

The next business on the Calendar for Unanimous Consent was the bill (S. 485) to amend section 1 of an act entitled "An act to codify, revise, and amend the laws relating to the judiciary," approved March 3, 1911.

The SPEAKER pro tempore. Is there objection to the consideration of the bill?

Mr. MANN. Let the bill be read.

The SPEAKER pro tempore. The Clerk will read the bill.

The Clerk read as follows:

Be it enacted, etc., That section 1 of the act entitled "An act to codify, revise, and amend the laws relating to the judiciary," approved March 3, 1911, be, and is hereby, amended to read as follows:

"SECTION 1. In each of the districts described in chapter 5 there shall be a court called a district court, for which there shall be appointed one judge, to be called a district judge, except that in the northern district of California, the southern district of California, the northern district of Illinois, the district of Maryland, the district of Minnesota, the district of Nebraska, the district of New Jersey, the eastern district of New York, the northern and southern districts of Ohio, the district of Oregon, the eastern and western districts of Pennsylvania, and the western district of Washington, there shall be an additional district judge in each, and in the southern district of New York three additional district judges: *Provided*, That whenever a vacancy shall occur in the office of the district judge for the district of Maryland, senior in commission, such vacancy shall not be filled, and thereafter there shall be but one district judge in said district: *Provided further*, That there shall be one judge for the eastern and western districts of South Carolina, one judge for the eastern and middle districts of Tennessee, and one judge for the northern and southern districts of Mississippi: *Provided further*, That the district judge for the middle district of Alabama shall continue as heretofore to be a district judge for the northern district thereof. Every district judge shall reside in the district or one of the districts for which he is appointed, and for offending against this provision shall be deemed guilty of a high misdemeanor."

The SPEAKER pro tempore. Is there objection to the consideration of the bill?

Mr. FOSTER. Reserving the right to object, this is a bill, as I understand, to create a new judge for the southern district of California?

Mr. MANN. I would like to ask some gentleman a question in regard to this bill, if I may. I see the bill, which is for the reenactment of section 1 of the judiciary title, fixes the number of district judges in each of the districts, and provides, among other things, for an additional judge in the eastern and western districts of Pennsylvania. This is a Senate bill. It was referred to the Committee on the Judiciary of the House on June 17, 1913. That was before we had enacted a law providing for an additional district judge in the eastern district of Pennsylvania. Although the Committee on the Judiciary certainly knew enough about that bill for the Philadelphia judge, they did not remember it when they reported this bill out from the committee. And the enactment of this bill would cut out, if we had the power to cut him out, the new judge that we have just provided for in Philadelphia.

Mr. LOGUE. Will the gentleman yield?

Mr. MANN. Certainly, if I have the floor.

Mr. LOGUE. The necessity which called for the appointment of the additional judge in the eastern district has passed, inasmuch as the judge there died.

Mr. MANN. The judge has since died?

Mr. LOGUE. Yes, sir.

Mr. MANN. Then that would obviate this question.

Mr. FOSTER. Mr. Speaker, reserving the right to object, I would like to ask the gentleman from California to let this bill go over until the next meeting.

Mr. KETTNER. Mr. Speaker, I ask unanimous consent that the bill go over without prejudice until the next meeting.

The SPEAKER pro tempore. The gentleman from California asks unanimous consent that the bill may be passed without prejudice. Is there objection?

There was no objection.

REMOVAL OF THE BOTANIC GARDEN.

The next business on the Calendar for Unanimous Consent was the bill (H. R. 12796) to provide for the removal of the Botanic Garden to Rock Creek Park and for its transfer to the control of the Department of Agriculture.

The Clerk read the bill, as follows:

Be it enacted, etc., That for the purpose of establishing and maintaining a national arboretum and botanical garden in Rock Creek Park the Botanic Garden is hereby transferred from the direction and control of the Joint Committee on the Library to the direction and control of the Secretary of Agriculture, and he is authorized to remove to Rock Creek Park or otherwise dispose of the plants, structures, and all that pertains to the Botanic Garden in its present location as he may deem proper.

SEC. 2. That so much of Rock Creek Park, not in excess of 400 acres, as may be needed for the purposes of an arboretum and botanic garden, not including the National Zoological Park, is hereby transferred from the joint direction and control of the Commissioners of the District of Columbia and the Chief of Engineers of the United States Army to the direction and control of the Secretary of Agriculture.

SEC. 3. That the chairman of the Senate Committee on the Library and the chairman of the House Committee on the Library and the Engineer Commissioner of the District of Columbia shall select and cause to be surveyed that portion of Rock Creek Park, not in excess of 400 acres, herein set apart for a botanic garden and arboretum.

SEC. 4. That all unexpended appropriations in relation to the Botanic Garden which shall be available at the time this act takes effect shall be available for expenditure for the transfer of the Botanic Garden to the new site and for other purposes incident to its removal and maintenance.

SEC. 5. That all laws or parts of laws not consistent with or that are repugnant to this act are hereby repealed.

The SPEAKER pro tempore. Is there objection to the consideration of the bill?

Mr. HOWARD. Mr. Speaker, I object.

Mr. GARNER. I ask that the gentleman withhold his objection for a moment.

Mr. HOWARD. I will withhold my objection.

Mr. MANN. Why does the gentleman object?

Mr. HOWARD. For the simple reason, Mr. Speaker, that this involves the expenditure of a large sum of money, and the person who is in charge of this bill is not present. I think he should be present before I can consent to vote upon this question as to the removal of this Botanic Garden, which is one of the old landmarks of Washington. I would want a good and sufficient reason why this garden should be removed out here to Rock Creek Park. When our constituents come here to see the city of Washington and view its beauties, unless they can hire an automobile and ride out here to this bon ton Rock Creek Park they can never see the Botanic Garden and its beauties, and until a good and sufficient reason can be given to me for the removal of this park and a full explanation of the purpose for which they want to spend this money I shall object to it. However, I will withhold my objection for a moment, so that the gentleman can make a statement.

Mr. MANN. The gentleman from Texas [Mr. SLAYDEN] is chairman of the Committee on the Library, and the Joint Committee on the Library of the House and Senate has control of this subject. If there is objection to the consideration of the bill now, it may be passed over, but will the gentleman permit me to make a very brief statement?

Mr. HOWARD. Certainly.

Mr. MANN. It has been thought for a good many years that the Botanic Garden would have to be moved, but no one desired to move it while old Mr. Smith, the superintendent of the garden was alive. He died not very long ago. Since his death a new superintendent was appointed, and he has died recently. He also desired that the garden should not be moved.

The dedication of the Grant monument at this end of the Botanic Garden, at the foot of the Capitol, will practically and absolutely require the removal of the garden. At least it will destroy the garden as it is there now; there will not be anything left of the garden to speak of.

A lot of gentlemen interested in such matters—and I have been interested in it myself personally for several years—discussed the matter some time ago and formed the opinion that the wisest and most sensible thing to do would be to turn the Botanic Garden over to the Department of Agriculture, which could make use of the garden without extra expense, so that it would be some benefit to the people of the country by way of experimentation through the Department of Agriculture.

We have out at the north end of Rock Creek Park quite a piece of land which is not developed at all. More or less of it is open, and more or less of it is covered with timber. If it is opened it will be readily accessible to street car lines. The thought of the Department of Agriculture, including Dr. Galloway and those connected with him, was that if they could have the use of this ground out there for the Botanic Garden without interferring with the place that is there, they could use the vacant spaces in the way of planting and experimenting without any extra expense to the Government, and not only have a Botanic Garden worth many times the one that is down here for exhibition purposes, but also one that would be of great value to the Government in the way of planting trees which take many years to mature.

Now, the Botanic Garden here is practically gone, and this Grant Monument will be dedicated, I think, this fall or next summer. It seems to me it is this fall.

Mr. HOWARD. Next October.

Mr. MANN. Yes; this fall; and Mr. SLAYDEN has been very anxious, indeed, to get this bill through, in the hope that the Department of Agriculture might have an opportunity this fall to remove from the present Botanic Garden down here those trees and shrubs and plants which are of value to be kept, because otherwise they will be destroyed down here.

Mr. GARNER. Mr. Speaker, may I interrupt the gentleman sufficiently to say to my friend from Georgia [Mr. HOWARD] that it is the general concensus of opinion of those who have investigated it—I have not done so myself—that unless this bill is passed and some arrangement is made for the Botanic Garden, we will have none at all next year, comparatively speaking. I am myself very fond of the Botanic Garden and as much interested, I believe, as anybody. My good wife, who goes down there and selects plants to send down home once a year, thought it would not be well to go out to Rock Creek Park and select them. But it will be either to select them there or not at all.

Mr. MANN. I believe it is safe to say that I have been at the Botanic Garden more frequently than anybody else in Congress. Gardening is the one recreation and fad that I have. I think I know every plant in the Botanic Garden. They speak "Good morning" to me when I go down there. They know me. But this Botanic Garden, as it stands, is almost a farce, compared with what it should be and compared with botanic gardens maintained by other nations. We can make a botanic garden out here in Rock Creek Park without any greater expense than it now costs under the Department of Agriculture, and have one that is not only magnificent in many respects, but one of great value from the experimental point of view.

We have abroad a number of men—Mr. Myers is one—who are constantly engaged in obtaining new plants and new shrubs and new trees—new trees at various times, including fruit trees—which they bring over here for use in this country, but we have now no place where we can properly, under governmental control, plant trees which we officially know about, which require years to mature.

Mr. HOWARD. Do they not use a certain portion of Potomac Park for that purpose now?

Mr. MANN. No; they have an agricultural experiment station at Arlington.

Mr. HOWARD. No; on this side of the river. I see there are nurseries there, of different trees, ornamental and shade trees.

Mr. MANN. That is under the charge of the officer in control of public buildings and grounds in the District of Columbia, and that is where the trees and shrubs come from that go into the parks here. That place is of no particular value otherwise. The trees are taken up from time to time.

Mr. HOWARD. I do not desire of my own motion to oppose the passage of a good measure, but I know there is a great difference of opinion among certain Members of the House with whom I have talked about the removal of the Botanic Garden. I agree with the gentleman from Illinois [Mr. MANN] that something ought to be done relative to the unveiling of the monument to Gen. Grant. In the first place—I am saying this on my own responsibility only—I think it was poor judgment to put the monument to this great general down here in this secluded place, to start with.

Mr. MANN. If the gentleman will pardon me, I did what I could to prevent it, and at one time got a majority vote in the House against it.

Mr. HOWARD. If there was a general in the Union Army who ought to have the most prominent place vacant in the city of Washington for the placing of his monument, it was Gen. Grant; but they have picked out the most secluded spot in Washington on which to erect this magnificent monument to his memory and achievements. But that is all cut out of the garden, as I understand it. Now, this thing has been shrouded in mystery, so far as I am concerned. I can not get any information, and I am like the gentleman from Illinois [Mr. MANN] in my liking for and interest in the Botanic Garden. I go down there at every opportunity I have, and some of those plants and flowers are getting to say "Good morning" to me. I like to go down there. Mr. Speaker, I do not want to object to the consideration of this bill, but I ask that it go over.

Mr. MANN. I hope the gentleman will let it pass.

Mr. DONOVAN. Mr. Speaker, will the gentleman yield?

Mr. HOWARD. Yes.

Mr. DONOVAN. Is it not true that all the parks and public grounds of this town are made more inaccessible to the ordinary citizen than in almost any other city of this country? That is to say, the common, ordinary citizen has to go to greater expense in order to visit them.

Mr. HOWARD. I do not know. Washington is abundantly provided with parks of a certain sort.

Mr. DONOVAN. What chance has the public to take advantage of Potomac Park without the use of automobiles?

Mr. HOWARD. Very little, unless a man owns an automobile.

Mr. DONOVAN. To put the Botanic Garden several miles away will mean a considerable expense to the ordinary citizen who wants to visit it.

Mr. HOWARD. That is the very reason, while I do not want to object to the bill and have it stricken from the calendar, I do want to have it go over.

Mr. MANN. If the gentleman will pardon me——

Mr. DONOVAN. I would like to ask the gentleman from Georgia one question more. Does the gentleman from Georgia think that he ought to vote to remove this garden from the ordinary citizen?

Mr. HOWARD. I do not, and that is exactly why I am inclined to interpose this objection.

Mr. MANN. Mr. Speaker, the gentleman from Georgia [Mr. HOWARD] and the gentleman from Connecticut [Mr. DONOVAN] both know, I am sure, that the Botanic Garden can not remain down here and perform its functions. It is already proposed,

and there is already authority given, to remove the fence around it. That would have been done before this, except that they are keeping the fence there until the monument is unveiled; because if it should be removed before that time there would not be anything left of the Botanic Garden after the unveiling. There will not be much left anyhow.

There have been three propositions made in reference to the Botanic Garden. One is to buy ground for a new garden. I do not think the Government wants at this time to buy several hundred acres for the Botanic Garden.

Another proposition has been to turn the Botanic Garden over to the superintendent of public buildings and grounds of Washington. That official is now Maj. Hart, a very competent official, and it has been proposed to select a place for the garden in Potomac Park. I think that has not met with favor by very many people.

The third proposition has been to turn the Botanic Garden over to the Department of Agriculture, which has all the facilities for carrying on the garden work, and to use land at present unused, which would be beautified and made use of without much expense.

Mr. HOWARD. What is it proposed to do with this space down here after this garden is removed?

Mr. MANN. It is a part of the Mall. It will be covered with grass, just like the rest of the Mall between the Capitol and the Washington Monument. I assume that is what will be done with it. It is certain that it will not be a Botanic Garden.

The SPEAKER pro tempore. Is there objection to the present consideration of the bill?

Mr. WINGO. Reserving the right to object——

Mr. FITZGERALD. Mr. Speaker, I have just come into the Hall. Is this the Botanic Garden bill?

The SPEAKER pro tempore. It is.

Mr. FITZGERALD. I object.

Mr. MANN. I ask the gentleman to withhold his objection while I ask unanimous consent that the bill be passed over without prejudice. The gentleman from Texas [Mr. SLAYDEN], chairman of the committee which has this bill in charge, is absent——

Mr. FITZGERALD. I have no objection to it being passed over.

The SPEAKER pro tempore. The gentleman from Illinois [Mr. MANN] asks unanimous consent that the bill be passed over without prejudice. Is there objection?

Mr. FOWLER. I object.

The SPEAKER pro tempore. The gentleman from Illinois objects to passing the bill over without prejudice. Is there objection to the present consideration of the bill?

Mr. FOWLER. Mr. Speaker, I object.

The SPEAKER pro tempore. The gentleman from Illinois objects. The Clerk will report the next bill.

Mr. DONOVAN. Mr. Speaker, a parliamentary inquiry.

The SPEAKER pro tempore. The gentleman will state it.

Mr. DONOVAN. That objection removes the bill from the calendar, does it not?

The SPEAKER pro tempore. It does.

AGRICULTURAL ENTRY OF OIL LANDS.

The next business on the Calendar for Unanimous Consent was the bill (S. 60) to provide for agricultural entry of oil lands.

The bill was read as follows:

Be it enacted, etc., That from and after the passage of this act unreserved public lands of the United States in the State of Wyoming which have been withdrawn or classified as oil lands or are valuable for oil shall be subject to appropriate entry under the homestead laws by actual settlers only, the desert-land law, to selection by the State of Wyoming under grants made by Congress and under section 4 of the act approved August 18, 1894, known as the Cary Act, and to withdrawal under the act approved June 17, 1902, known as the reclamation act, and to disposition in the discretion of the Secretary of the Interior under the law providing for the sale of isolated or disconnected tracts of public lands whenever such entry, selection, or withdrawal shall be made with a view of obtaining or passing title, with a reservation to the United States of the oil and gas in such lands and of the right to prospect for, mine, and remove the same. But no desert entry made under the provisions of this act shall contain more than 160 acres: *Provided*, That those who have initiated nonmineral entries, selections, or locations in good faith prior to the passage of this act on lands withdrawn or classified as oil lands may perfect the same under the provisions of the laws under which said entries were made, but shall receive the limited patent provided for in this act.

SEC. 2. That any person desiring to make entry under the homestead laws or the desert land law, and the State of Wyoming desiring to make selection under section 4 of the act of August 18, 1894, known as the Carey Act, or under grants made by Congress, and the Secretary of the Interior in withdrawing under the reclamation act lands classified as oil lands or valuable for oil, with a view of securing or passing title to the same in accordance with the provisions of said acts, shall state in the application for entry, selection, or notice of withdrawal that the same is made in accordance with and subject to the provisions and reservations of this act.

SEC. 3. That upon satisfactory proof of full compliance with the provisions of the laws under which entry, selection, or location is made and of this act the applicant shall be entitled to a patent or certification to the lands entered or selected, with a reservation to the United States of all the oil or gas in the lands no patented or certified, together with the right in the United States or persons authorized by it to prospect for, mine, and remove the same; but before any person shall be entitled to enter upon the lands patented or certified for the purpose of prospecting, mining, or removing oil or gas therefrom he shall furnish, subject to approval by the Secretary of the Interior, a bond or undertaking as security for the payment of all damages to the crops and improvements on said lands by reason of such prospecting for and removal of oil or gas. The reserved oil and gas deposits in lands patented or certified under this act shall not be subject to exploration or entry other than by the United States, except as hereafter authorized by Congress.

With the following committee amendment:

Strike out all the above and insert the following in lieu thereof:

"That lands withdrawn or classified as phosphate, nitrate, potash, oil, gas, or asphaltic minerals, or which are valuable for those deposits, shall be subject to appropriation, location, selection, entry, or purchase, if otherwise available, under the nonmineral land laws of the United States, whenever such location, selection, entry, or purchase shall be made with a view of obtaining or passing title with a reservation to the United States of the deposits on account of which the lands were withdrawn or classified or reported as valuable, together with the right to prospect for, mine, and remove the same; but no desert entry made under the provisions of this act shall contain more than 160 acres: *Provided*, That all applications to locate, select, enter, or purchase under this section shall state that the same are made in accordance with and subject to the provisions and reservations of this act.

"SEC. 2. That upon satisfactory proof of full compliance with the provisions of the laws under which the location, selection, entry, or purchase is made, the locator, selector, entryman, or purchaser shall be entitled to a patent to the land located, selected, entered, or purchased, which patent shall contain a reservation to the United States of the deposits on account of which the lands so patented were withdrawn or classified or reported as valuable, together with the right to prospect for, mine, and remove the same, such deposits to be subject to disposal by the United States only as shall be hereafter expressly directed by law. Any person qualified to acquire the reserved deposits may enter upon said lands with a view of prospecting for the same upon the approval by the Secretary of the Interior of a bond or undertaking to be filed with him as security for the payment of all damages to the crops and improvements on such lands by reason of such prospecting, the measure of any such damage to be fixed by agreement of parties or by a court of competent jurisdiction. Any person who has acquired from the United States the title to or the right to mine and remove the reserved deposits, should the United States dispose of the mineral deposits in lands, may reenter and occupy so much of the surface thereof as may be required for all purposes reasonably incident to the mining and removal of the minerals therefrom, and mine and remove such minerals, upon payment of damages caused thereby to the owner of the land, or upon giving a good and sufficient bond or undertaking therefor in an action instituted in any competent court to ascertain and fix said damages: *Provided*, That nothing herein contained shall be held to deny or abridge the right to present and have prompt consideration of applications to locate, select, enter, or purchase, under the land laws of the United States, lands which have been withdrawn or classified as phosphate, nitrate, potash, oil, gas, or asphaltic mineral lands, with a view of disproving such classification and securing patent without reservation, nor shall persons who have located, selected, entered, or purchased lands subsequently withdrawn, or classified as valuable for said mineral deposits, be debarred from the privilege of showing, at any time before final entry, purchase, or approval of selection or location, that the lands entered, selected, or located are in fact nonmineral in character.

"SEC. 3. That any person who has, in good faith, located, selected, entered, or purchased, or any person who shall hereafter locate, select, enter, or purchase, under the nonmineral land laws of the United States, any lands which are subsequently withdrawn, classified, or reported as being valuable for phosphate, nitrate, potash, oil, gas, or asphaltic minerals, may, upon application therefor, and making satisfactory proof of compliance with the laws under which such lands are claimed, receive a patent therefor, which patent shall contain a reservation to the United States of all deposits on account of which the lands were withdrawn, classified, or reported as being valuable, together with the right to prospect for, mine, and remove the same."

The SPEAKER pro tempore. Is there objection to the present consideration of this bill?

There was no objection.

Mr. FRENCH. I ask unanimous consent that this bill be considered in the House as in Committee of the Whole. It is on the Union Calendar.

The SPEAKER. The gentleman from Idaho asks unanimous consent that the bill be considered in the House as in Committee of the Whole. Is there objection?

There was no objection.

The SPEAKER pro tempore. The question is on the adoption of the Committee amendment.

The amendment was agreed to.

The bill as amended was ordered to a third reading, and was accordingly read the third time and passed.

By unanimous consent the title was amended to read: "An act to provide for agricultural entry of lands withdrawn, classified, or reported as containing phosphate, nitrate, potash, oil, gas, or asphaltic minerals."

On motion of Mr. FRENCH, a motion to reconsider the vote by which the bill passed was laid on the table.

LEASING PRIVILEGES FOR HOTELS, YOSEMITE NATIONAL PARK.

The next business on the Calendar for Unanimous Consent was the bill (H. R. 1694) to amend an act approved October 1, 1890, entitled "An act to set apart certain tracts of land in the State of California as forest reservation."

The Clerk read the bill, as follows:

Be it enacted, etc., That the Secretary of the Interior is hereby authorized and empowered to grant leases for periods of not exceeding 20 years, at annual rentals, and under terms and conditions to be determined by him, to any person, corporation, or company he may authorize to transact business in the Yosemite National Park, for separate tracts of land, not exceeding 20 acres each, at such places, not to exceed 10 in number, to any person, corporation, or company in said park, as the comfort and convenience of visitors may require, for the construction and maintenance of substantial hotel buildings and buildings for the protection of motor cars, stages, stock and equipment, etc. Such leases may, at the option of the Secretary of the Interior, contain appropriate provisions for the appraisement, at the expiration of the lease, of the value of such hotel and other buildings (or portions thereof) as may be constructed by the lessees, respectively, and the payment of the same to the lessees in case a new lease be made to persons other than said lessees, such payments to be made by such new lessees, respectively.

That any person or corporation or company holding a lease or leases within said park for the purposes above described is hereby authorized, with the approval of the Secretary of the Interior, to execute mortgages upon his or its rights and properties, including his or its contract or contracts with the Secretary of the Interior; such mortgages shall be executed in duplicate and delivered to the Secretary of the Interior for his approval, and upon his approval thereof he shall retain one of said duplicates and file the same for record in his office.

Any mortgage, lien, or encumbrance created under the provisions hereof shall be subject to the rights of the Government to compel the enforcement of the terms of the lease or contract of the mortgagor, and any purchaser under a foreclosure of such encumbrance shall take subject to all the conditions assumed by the original lessee or contractor.

All provisions of existing law in relation to said park not in conflict herewith are hereby continued in full force and effect.

Mr. RAKER. Mr. Speaker, I ask unanimous consent that this bill be considered in the House as in Committee of the Whole.

The SPEAKER. The gentleman from California asks unanimous consent that the bill be considered in the House as in Committee of the Whole. Is there objection?

There was no objection.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed.

On motion of Mr. RAKER, a motion to reconsider the vote whereby the bill was passed was laid on the table.

LEASE OR SALE OF LIMESTONE DEPOSITS—TUSCARORA NATION OF NEW YORK INDIANS.

The next business on the Calendar for Unanimous Consent was the bill (H. R. 14196) authorizing the Tuscarora Nation of New York Indians to lease or sell the limestone deposits upon their reservation.

The Clerk read the bill, as follows:

Be it enacted, etc., That the Tuscarora Nation of New York Indians, by their chiefs in council assembled, are hereby authorized and empowered to lease or sell for the benefit of the nation all or a part of the limestone deposits upon their reservation in one or more suitable tracts: *Provided*, That before such lease or sale shall be made notice of intention to lease or sell, giving a general description of the lands upon which said limestone deposits are located, shall be published in two papers, one issued in the county of Niagara, State of New York, and one issued in the city of Buffalo, county of Erie, State of New York, once a week for three consecutive weeks; said notice shall state the time and place when sealed bids shall be received for the mentioned tracts, and such lease or sale shall be to the highest responsible bidder: *Provided further*, That before any lease or sale shall be made the terms of the proposed contract shall be fully explained to the entire nation and shall be approved by a majority of the votes of the whole people of voting age, but before any lease or sale shall become effective it shall be submitted to the Secretary of the Interior for his approval as to the sufficiency of the amount of the consideration and terms of payment, and if approved by him, the chiefs are hereby authorized and empowered to enter into such lease or sale. All moneys paid upon any lease or sale made as herein provided shall be paid to the Secretary of the Interior, who shall distribute the same among the adult persons, and thereafter to the minor persons as they attain their majority, entitled to participate in the distribution of the consideration, without any fee, expense, or charge against the nation or any of its people.

The SPEAKER. Is there objection?

Mr. FOWLER. Reserving the right to object, I will be glad to know the wish of the Indians owning the tract of land upon which this deposit is located.

Mr. STEPHENS of Texas. There are 360 Indians and about 250 acres of land. The limestone is about 6 feet thick and of excellent quality. It is near a railroad, and also within a few miles there is a demand for it in the various smelting industries. There was a delegation of these Indian chiefs came before our committee last winter and earnestly urged the passage of this bill. It was recommended by Mr. Adams during the last administration and by Mr. Jones during the present administration. We have used the exact language in the bill that was drawn by Mr. Adams, except that we have provided that the sale shall be published in two papers in the State of New York, one in the county of Niagara and one in the city of Buffalo; and we have further provided that before any sale shall be made the terms of the same shall be approved by a majority of the Indians, and further provided that the money shall be paid to the Secretary of the Interior, and that he shall see that it is distributed among the members of the tribe. Those are the safeguards of the bill, and, with that exception, we followed all the language of the Secretary of the Interior in both administrations.

Mr. FOWLER. Has the committee considered the question of the demand for the limestone sufficient to know whether there will be any competition? Will there be any competitive bids for it?

Mr. STEPHENS of Texas. We have not. That is left to the discretion of the Secretary of the Interior and the Indian chiefs. These Indians are voters in that State. They are intelligent men. They are not men that could be misled into making a bad bargain.

Mr. FOWLER. Has authority heretofore been given them to dispose of their real estate?

Mr. STEPHENS of Texas. By this act, and as I have stated.

Mr. FOWLER. I mean other than by this act. Have they been permitted to dispose of their real estate as white men or other citizens?

Mr. STEPHENS of Texas. They have treaty rights that they have heretofore exercised. This is the last property owned in common, and was reserved because of its supposed great value.

Mr. FOWLER. I have no doubt it is very valuable, because limestone will always be valuable. It is one of the best fertilizers known to the farmer.

Mr. STEPHENS of Texas. Does not the gentleman think that the country is entitled to use the material, and are not the Indians entitled to whatever it will bring?

Mr. FOWLER. I am not ready to cross that bridge yet, because I have not reached it. Yet I am trying to get to it so that I may know whether it is the proper thing to do. I am aware of the fact that limestone is a valuable deposit, and if this is the only piece of land they own in common and they have been permitted to dispose of all the rest of their lands, like other citizens of the United States, there may be some good reason for permitting them to dispose of this limestone deposit. But I would like to know whether their rights are fully protected and if they have sufficient information concerning the value of it and that it will not be sold until adequate consideration is paid.

Mr. STEPHENS of Texas. Does not the gentleman think that this reservation will amply protect the Indians:

Provided further, That before any lease or sale shall be made the terms of the proposed contract shall be fully explained to the entire nation and shall be approved by a majority of the votes of the whole people of voting age, but before any lease or sale shall become effective it shall be submitted to the Secretary of the Interior for his approval as to the sufficiency of the amount of the consideration and terms of payment, and if approved by him, the chiefs are hereby authorized and empowered to enter into such lease or sale. All moneys paid upon any lease or sale made as herein provided shall be paid to the Secretary of the Interior, who shall distribute the same among the adult persons, and thereafter to the minor persons as they attain their majority, entitled to participate in the distribution of the consideration, without any fee, expense, or charge against the nation or any of its people.

Mr. FOWLER. As I understand the gentleman, these Indians exercise the rights of citizenship.

Mr. STEPHENS of Texas. Yes. The gentleman from South Dakota [Mr. BURKE] knows about this situation.

Mr. BURKE of South Dakota. As I understand it, the only purpose of the bill is to legalize what it seems can not be done by the Indians. Not that the Indians are not competent to act for themselves, and there is some question whether legislation is necessary at all, but I notice that the Secretary of the Interior cites a number of authorities, and is of the opinion that it is necessary to have an act of Congress authorizing it. These Indians are perfectly competent; they are men of intelligence, speak English and own property, transact their own business, and have not been wards of the Government for many years.

Mr. FOWLER. Does the gentleman recollect how long?

Mr. BURKE of South Dakota. No; but a great many years. I think there is some old cloud or claim on this land that, if the Indians abandon it for tribal purposes, may be asserted, and it is owing to that fact that the land has not been divided among the Indians in severalty, as it might have been done and probably ought to have been done. It is one of the New York tribes that still maintains the land ownership in common.

Mr. FOWLER. Do they hold all their farm lands in common?

Mr. BURKE of South Dakota. I understand that they do, but I may be mistaken about that.

Mr. STEPHENS of Texas. I think they have an agreement among themselves that each one has a certain tract of land——

Mr. BURKE of South Dakota. I was not here when this bill was reported——

Mr. STEPHENS of Texas. And I will further state to the gentleman from Illinois that before this sale can be made the parties leasing the limestone quarry must be assured of

getting a title so that they can put in railroads. It takes quite a plant to handle limestone, as the gentleman is quite well aware, and they will not expend this money until they are assured they will get a good title.

Mr. FOWLER. From the statement of the gentleman from South Dakota there seems to be some question whether a title can be secured.

Mr. STEPHENS of Texas. Yes; because of some old treaty between the United States Government and the Indians years ago that if these Indians should have been removed to some other part of the United States they would forfeit their rights, but they had an absolute right given to them under the treaty, this old title.

Mr. FOWLER. I do not object, Mr. Speaker.

The SPEAKER. Is there objection?

Mr. MANN. Reserving the right to object, I would like to get some information——

Mr. STEPHENS of Texas. Certainly.

Mr. MANN. Who pays for the advertising fees if this goes through?

Mr. STEPHENS of Texas. The Indians insist that they should not pay for it, and therefore the last lines in the bill, lines 18 and 19, say, "without fee, expense, or charge against the nation or any of its people."

I will say to the gentleman I think there is a lump-sum appropriation in all of these Indian appropriation bills that can be used for such purposes as would be set forth here—that is, the sale of land and lease of land and distribution of tribal funds, and this would be a tribal fund.

Mr. MANN. I doubt whether there is such an appropriation; but why should the Government of the United States pay for advertising the Indian lands for sale up here in New York?

Mr. STEPHENS of Texas. I presume they have already the machinery with which to do that.

Mr. MANN. They have not the machinery ready to pay advertising bills. Why should we pay for the advertising?

Mr. STEPHENS of Texas. That is a very pertinent question; but the department suggested it, and we wanted to get the matter settled.

Mr. MANN. I beg the gentleman's pardon; the department has not suggested anything of this sort that I have been able to find.

Mr. STEPHENS of Texas. It was the Indians, possibly.

Mr. MANN. That would not make any difference if they had.

Mr. STEPHENS of Texas. I do not remember whether it was at the suggestion of the Indian chiefs who were before the committee or when we had the heads of the department before us.

Mr. MANN. Under the terms of this bill the whole sum realized is to be divided, I suppose, per capita—although the bill does not say that—among these 360 Indians?

Mr. STEPHENS of Texas. That is correct.

Mr. MANN. How many are minors and how many are adults?

Mr. STEPHENS of Texas. This does not state——

Mr. MANN. I see it does not.

Mr. STEPHENS of Texas. But I presume about one-third would be minors, or possibly one-half.

Mr. MANN. Well, what becomes of the money that belongs to the minors?

Mr. STEPHENS of Texas. It would be withheld. It would be under the control of the department, the same as other Indian funds. It would be subject to the same rules and regulations that control the distribution of all Indian funds. This fund would certainly be under the same rules and regulations.

Mr. MANN. For instance, here is a baby, say a year old, which is entitled to his or her share of this fund. Under the terms of the bill the Government is to hold that money without interest for such length of time as to enable that infant to grow up and become an adult?

Mr. STEPHENS of Texas. It will be held in trust.

Mr. MANN. Without interest?

Mr. STEPHENS of Texas. I presume so.

Mr. MANN. That would be grossly unfair to the minor children.

Mr. STEPHENS of Texas. This does not provide for interest——

Mr. MANN. I do not see any reason why the Government should hold the money. I do not see any reason why the Government should pay interest on the money, and I do not see any reason why, if we do not pay interest, we should hold the money from 1 to 20 years.

Mr. STEPHENS of Texas. Does not the gentleman think that the courts of New York, these people being citizens, would at once appoint guardians for these children?

Mr. MANN. Very likely that would not do any good, because under the terms of this bill it is not to be paid the minors until they attain their majority. I am speaking now of the language of the bill.

Mr. FERRIS. Will the gentleman yield?

Mr. MANN. Certainly.

Mr. FERRIS. I do not know that my suggestion would have any weight, but my thought is that in the procedure in our State with the Indian funds the Government usually pledges itself to pay 4 or 5 per cent interest and then redeposits the money, and in that case the Government does not lose anything and the Indians do get the interest.

Mr. MANN. It is perfectly patent that the Government ought not to take the money of minor children after the sale of property and keep it for 20 years and the child receive no interest on it. Such a bill ought to be considered by the proper committee and this bill is not in proper shape at all, and I shall have to object.

The SPEAKER. Is there objection?

Mr. MANN. I objected, Mr. Speaker, a moment ago.

The SPEAKER. The gentleman from Illinois objects.

SALE OF LANDS, KLAMATH RIVER INDIAN RESERVATION.

The next business on the Calendar for Unanimous Consent was the bill (H. R. 10848) to amend an act entitled "An act to provide for the disposition and sale of lands known as the Klamath River Indian Reservation," approved June 17, 1892 (27 Stat. L., pp. 52, 53).

The Clerk read as follows:

Be it enacted, etc., That the last proviso of the act entitled "An act to provide for the disposition and sale of lands known as the Klamath River Indian Reservation," approved June 17, 1892, reading: "*Provided further*, That the proceeds arising from the sale of said lands shall constitute a fund to be used under the direction of the Secretary of the Interior for the maintenance and education of the Indians now residing on said lands and their children," be, and the same is hereby, amended to read:

"*Provided further*, That the proceeds arising from the sale of said lands shall constitute a fund to be used under the direction of the Secretary of the Interior for the maintenance and education of the Indians and their children now residing on said lands, and for the construction of roads, trails, and other improvements, and for other purposes, for their benefit."

The SPEAKER. Is there objection?

Mr. MANN. Mr. Speaker, reserving the right to object, I think I objected to this bill once before.

Mr. STEPHENS of Texas. This is the second time the bill has been placed on the calendar. Under the rule we are permitted to place a bill on the calendar a second time.

Mr. MANN. If the department wants to spend this money which it has in building roads and trails, why should not the department give some information to the Congress?

Mr. STEPHENS of Texas. The information we have is this, that this river is a short river and runs into the sea, possibly 25 or 30 miles from where this reservation is. Twenty-five miles of that river is in a canyon, and it is impossible for the Indians to get from the sea where the shipping point is to their homes on the river, unless they climb over very rough mountain trails, and this is designed so that they can get wagons in there and take produce out, and get the supplies in that are given them by the Government and that they purchase on the seacoast.

Mr. MANN. I discussed this matter with the gentleman once before, and stated then that the bill did not contemplate wagon roads, and it does not.

Mr. STEPHENS of Texas. Wagon roads or trails. I have a letter here.

Mr. MANN. If it is the letter that is printed, I have that myself. I do not see why the department, which has a very wide latitude of authority, anyway, should not occasionally take Congress into its confidence, instead of asking for a blanket authority to do certain things.

Mr. STEPHENS of Texas. This seems to be a very necessary thing for the use of these Indians, and the most essential thing in a mountainous country like this is means of ingress and egress, so that they can get in their supplies and take out what they have to sell.

Mr. MANN. In rough, mountainous country a department of this Government can waste or use $25,000 more quickly than in any other way it can be disposed of, and with less results. I have no doubt they would like to do it.

Mr. STEPHENS of Texas. But the Indians are asking for this. They have to get to the sea now by boats through the canyon.

Mr. MANN. Oh, the Indians would prefer to have their money.

Mr. STEPHENS of Texas. By going down the river they can get out to the sea, but they have to climb over the mountains to get back. They can not get back because of the swift-

ness of the stream. They can get to the sea from the reservation.

Mr. MANN. Has the gentleman any more information than that contained in the report?

Mr. STEPHENS of Texas. I have not.

Mr. MANN. I object.

Mr. RAKER. Mr. Speaker, will the gentleman withhold his objection for a moment?

Mr. MANN. I reserve the objection.

Mr. RAKER. Would the gentleman consent to passing it over without prejudice, and then if we do not get a sufficient report upon the matter he can then object?

Mr. MANN. I have no objection to passing it over without prejudice.

Mr. RAKER. Mr. Speaker, I make that request.

The SPEAKER. The gentleman from California asks unanimous consent that the bill be passed over without prejudice. Is there objection?

There was no objection.

SALE OF TIMBER ON UNALLOTTED LANDS ON INDIAN RESERVATIONS.

The next business on the Calendar for Unanimous Consent was the bill (H. R. 10834) to amend an act entitled "An act to provide for determining the heirs of deceased Indians, for the disposition and sale of allotments of deceased Indians, for the leasing of allotments, and for other purposes," approved June 25, 1910 (36 Stat. L., 855).

The Clerk read the bill.

The SPEAKER. Is there objection?

Mr. MANN. Mr. Speaker, reserving the right to object, this is a bill that we discussed at some length, I think, before.

Mr. STEPHENS of Texas. Mr. Speaker, this is the bill that my friend from Minnesota, Mr. STEENERSON, is interested in.

Mr. MANN. This is the bill that the gentleman from Minnesota desired to amend, and the committee declined to accept his amendment, for a minimum price.

Mr. STEPHENS of Texas. There has been no further action taken by the committee since the matter was before the House before. What amendment is it the gentleman proposes?

Mr. MANN. I do not propose any amendment. The amendment was proposed by the gentleman from Minnesota [Mr. STEENERSON], and the committee said it did not wish to accept that amendment.

Mr. STEPHENS of Texas. Possibly the gentleman would be willing to change his amendment to some extent.

Mr. STEENERSON. Mr. Speaker, I understand the committee has not had any meeting to consider the bill since that time.

Mr. STEPHENS of Texas. We have not.

Mr. STEENERSON. The amendment I suggested at that time was embodied in a bill which I introduced, but as far as I am concerned I am not suggesting any amendment whatever and am perfectly satisfied now.

Mr. STEPHENS of Texas. The gentleman is satisfied with the state that the bill is in now?

Mr. STEENERSON. Yes; so far as it concerns my State. I understand the department regulations governing the cutting of timber provide for advertising and appraisement, which are pretty nearly the same safeguards, though not quite so strict, as those contained in the bill which I introduced.

Mr. STEPHENS of Texas. Then the gentleman is satisfied with them.

Mr. MANN. Do the department regulations fix the minimum price at which the timber in the Red Lake district can be sold?

Mr. STEENERSON. No; but it is appraised under the regulation and can not be sold for less than the appraised value. I should be very glad to have my suggestions adopted, but I understand the committee has not acted upon them.

Mr. MANN. Mr. Speaker, I wish there was some way I could think of by which I could defeat this bill entirely; but as the same proposition is in one of the numerous amendments added to the Indian appropriation bill, and as I suppose the conferees in some way will disregard my wishes, if not the wishes of the House, and get it into the law, for the present I shall object.

Mr. STEENERSON. Mr. Speaker, if the gentleman will yield for a moment, I would like to explain.

Mr. MANN. I withhold the objection for a moment.

Mr. STEENERSON. The gentleman is in error about the amendment being a part of the Indian appropriation bill. I will say that the Committee on Indian Affairs of the Senate granted a hearing on the proposition, and after hearing the case decided to insert it in the Indian appropriation bill because of the waste that is going on up there, the timber being burned up and wasted; but after the matter got onto the Senate floor some gentleman did not care to let it go through by unanimous consent, and the point of order was made, without anyone objecting to it, and so, by unanimous consent, practically, it was left out of the Indian appropriation bill. It is hoped that the department representing the Indians will be able to work out a plan that will meet the views of all Senators and Representatives taking an interest in this matter, so that it can receive consideration at the next session of Congress and be acted upon then. There is no desire on my part to press the matter now, for unless a measure satisfactory to the other House of Congress can be framed we would not be making progress by sending over the present bill; and it is not now a part of the Indian appropriation bill.

Mr. MANN. I thank the gentleman for the information. I was thinking for the moment that it was an amendment to the Indian appropriation bill.

Mr. STEPHENS of Texas. It was cut off.

Mr. MANN. I do not think this is a very good time to sell timber.

The SPEAKER. The gentleman from Illinois objects, and the bill is stricken from the calendar. The Clerk will report the next bill.

ALLOTMENTS TO INDIANS ON MORONGO RESERVATION.

The next business on the Calendar for Unanimous Consent was the bill (H. R. 10505) authorizing the Secretary of the Interior to cause allotments to be made to Indians belonging and having tribal rights on the Morongo Indian Reservation.

Mr. MANN. Mr. Speaker, I object.

The SPEAKER. The gentleman from Illinois [Mr. MANN] objects, and the bill will be stricken from the calendar.

BRANCH HYDROGRAPHIC OFFICE, LOS ANGELES, CAL.

The next business on the Calendar for Unanimous Consent was the bill (S. 494) to establish a branch hydrographic office at Los Angeles, Cal.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Navy is hereby authorized to establish a branch hydrographic office at Los Angeles, in the State of California, the same to be conducted under the provisions of the law applicable to the Hydrographic Office in the Navy Department.

SEC. 2. That the Secretary of the Navy is hereby authorized to secure sufficient accommodations in said city of Los Angeles for said hydrographic office, and to provide the same with the necessary furniture, apparatus, supplies, and services allowed existing branch hydrographic offices, at a cost not exceeding $9,000, which sum, or so much thereof as may be necessary, is hereby appropriated, out of any money in the Treasury not otherwise appropriated, for these purposes.

The SPEAKER. Is there objection to the consideration of the bill?

Mr. MANN. Mr. Speaker, reserving the right to object, I would be very glad to hear any reason why this is necessary.

Mr. STEPHENS of California. Mr. Speaker, this bill is to establish at Los Angeles, Cal., a branch hydrographic office. If there is a necessity for a branch hydrographic office anywhere, I think that necessity exists at Los Angeles to-day. Every large city on the Atlantic coast—Boston, New York, Philadelphia, Baltimore, Norfolk, and Savannah—has a branch hydrographic office. On the Pacific coast, Seattle, Portland, and San Francisco are the only cities that are favored. South of San Francisco there is no hydrographic office, although it is 600 miles to the Mexican line and 3,200 miles to Panama.

Now, the port of Los Angeles is a fast growing one in a maritime way. The increase in imports and exports and in general harbor business has been several hundredfold in the last few years. In the year 1913 alone there arrived at Los Angeles Harbor something over 2,800 vessels, and the indications are that 1914 will show a total of 3,300. All these vessels have masters who want information, and who have information to give, and if there was a branch hydrographic office there the masters could give information concerning the hindrances and obstructions to navigation which they have encountered or observed on their way to that harbor and obtain the charts and other information from the Government office that other mariners and the Government have secured from various sources.

Mr. Speaker, this is a bill altogether meritorious, because it provides Los Angeles, a city of over 500,000 people, with such aids to navigation as will assist in building up a great maritime business through its great harbor.

Mr. MANN. Is the gentleman able to say what the tonnage was last year which entered and departed from the Los Angeles port?

Mr. STEPHENS of California. Mr. Speaker, if I had a few moments I could, for I have it all tabulated and here at hand. Los Angeles Harbor is said to be the largest lumber-receiving harbor in the world. It is also a very large oil-shipping harbor, and, exclusive of both lumber and oil, the business of Los Angeles Harbor has increased 2,250 per cent in the last 10 years.

The increase has been so tremendous, the volume of commerce is now so large, and the future promises such a magnificent total as to warrant an intelligence office of this kind.

Mr. MANN. I will make a proposition to the gentleman. I represent a harbor that has entered and cleared each year more than 5,000,000 tons. It has no hydrographic office and gets along very well without one. If the gentleman could show me that his harbor enters and clears combined $5,000,000 a year, I will not make objection to his bill.

Mr. STEPHENS of California. Mr. Speaker, Los Angeles does not pretend to approach Chicago in population or business, but it has hopes.

Mr. MANN. I am not speaking of the harbor at Chicago. I am speaking of the harbor of South Chicago.

Mr. STEPHENS of California. It is all one thing.

Mr. MANN. I beg the gentleman's pardon. It is not all one thing.

Mr. STEPHENS of California. It is a part of the city of Chicago. But whether we approach that city in size or not, I believe our harbor is of sufficient size now and holds out for the future enough of promise to make the establishing of such an information bureau as this bill proposes a very proper and necessary act.

Mr. STEPHENS of Texas. Is it not a fact that the business of the harbor will be largely increased because of the Panama Canal, and that more commerce will be carried to and from that port than ever before?

Mr. STEPHENS of California. Unquestionably, if the canal amounts to anything, and we all think it will.

Mr. STEPHENS of Texas. And is it not necessary to spend a great deal of money on it on that account?

Mr. STEPHENS of California. The Government has expended about $6,000,000 on the harbor at Los Angeles, and the city of Los Angeles has expended about $6,000,000 more. The people of Los Angeles spent their own money because they believed they could build a great commercial harbor there, and they are succeeding. The opening of the Panama Canal will bring a tremendous increase of vessels and trade. I do not know that the ratio of increase will be as great as it was in the last few years, but the total tonnage entered and cleared at Los Angeles Harbor in 1920 will surprise the most optimistic. Our city keeps growing, our commerce keeps growing, and this hydrographic office is one of the aids to navigation which a great harbor and a great city really demand, if such is required anywhere in the United States. It is recommended by the Secretary of the Navy and is asked for by the people of Los Angeles. My recollection is that it was brought to the attention of Senator WORKS, of California, who introduced this bill, by the maritime and mercantile interests of Los Angeles.

Mr. MANN. How far is the city of Los Angeles from the port?

Mr. STEPHENS of California. The city reaches the port. The harbor is within the city.

Mr. MANN. How far is Los Angeles from the port?

Mr. STEPHENS of California. The center of the city is about 22 miles from the harbor. But Los Angeles, believing in the development of the harbor, reached out an arm, and with the consent of two smaller towns on the harbor, took them and the harbor into the city. It had the money, and was ready to spend it on the harbor of refuge and of commerce. It promised to spend $10,000,000 in improving the harbor. It has expended $6,000,000; the balance will be ready when called for, and millions more when needed. Los Angeles has proven its courage, and the results are greater than it claimed.

Mr. MANN. I have every regard for the city of Los Angeles. I believe it is a great city, and that this will be a great port. I helped locate the harbor up there since coming here. I do not believe they need the hydrographic office, and while the babies out there may be crying for it, they do not know what it is. The gentleman speaks of what it is going to be. I have no doubt it is very large now, but the Congress sits long enough to provide for a thing after "it is" instead of for "what it is going to be."

Mr. STEPHENS of California. If the gentleman will permit, I think that 2,800 vessels coming into a port annually, if no larger number ever came, will warrant this office.

Mr. MANN. The Government furnishes hydrographic charts to anyone who wishes to buy them. They do not furnish any of them free. There is a Hydrographic Office here in Washington. If I want a chart, do I go up there and get it? Certainly not. I send the money and get it by mail. They have a list of these charts, and there is no difficulty in any vessel getting all the charts it wants without trouble. But, of course, these offices furnish a nice place for some naval officer on shore. And he does good service, too.

Mr. STEPHENS of California. It will not take many men to fill all the places there are in an office of this kind. I think one officer and two clerks, or possibly one clerk, is all that will be required.

A hydrographic office not only provides the charts which are printed here in Washington, but it also provides a weekly publication and a daily publication, and posts on the blackboard every day certain information that comes from Washington, and comes from mariners that drop into the office from hour to hour as they arrive in port. It does seem to me that this is of sufficient importance to be permitted to pass at this time by unanimous consent. I hope the gentleman from Illinois will not object.

Mr. MANN. The gentleman knows perfectly well that I shall object, because he knows that the bill really ought not to pass, although he has had a very good chance to make a strong plea for it. I object.

Mr. STEPHENS of California. Does the gentleman object to this bill going over without prejudice?

Mr. MANN. I object.

The SPEAKER. That is another question. The gentleman from Illinois [Mr. MANN] objects, and the bill is stricken from the calendar.

Mr. MANN. This bill can be put on again.

The SPEAKER. The gentleman objects to its being passed over without prejudice. The bill is stricken from the calendar, and the Clerk will report the next one.

FRAUDULENT ENLISTMENT IN THE MILITARY SERVICE.

The next business on the Calendar for Unanimous Consent was the bill (H. R. 8479) to repeal section 3 of article 110 of section 1342 of the Revised Statutes of the United States, enacted July 27, 1892.

The Clerk read the bill, as follows:

Be it enacted, etc., That section 3 of article 110 of section 1342 of the Revised Statutes of the United States be, and the same hereby is, repealed.

SEC. 2. That this act shall take effect and be in force from and after its passage, and shall apply to all pending prosecutions and existing causes of prosecutions.

With a committee amendment, as follows:

Amend, page 1, line 3, by striking out the words "of article 110."

The SPEAKER. Is there objection?

There was no objection.

The SPEAKER. The question is on agreeing to the committee amendment.

The committee amendment was agreed to.

The SPEAKER. The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed.

The title was amended so as to read: "A bill to repeal section 3 of section 1342 of the Revised Statutes of the United States, enacted July 27, 1892."

The SPEAKER. The Clerk will report the next one.

RELIEF OF HOMESTEADERS.

The next business on the Calendar for Unanimous Consent was the bill (H. R. 16099) to amend the act of June 23, 1910, entitled "An act providing that entrymen for homesteads within the reclamation projects may assign their entries upon satisfactory proof of residence, improvement, and cultivation for five years, the same as though said entry had been made under the original homestead act."

The Clerk read the bill, as follows:

Be it enacted, etc., That the act of June 23, 1910 (Public, 243, 36 Stats., p. 592), entitled "An act providing that entrymen for homesteads within reclamation projects may assign their entries upon satisfactory proof of residence, improvement, and cultivation for five years, the same as though said entry had been made under the original homestead act," is hereby amended by adding the following proviso:

"*Provided*, That any assignments made between June 23, 1910, and December 1, 1913, of all or portions of homestead entries upon which the assignors have submitted satisfactory final proof and the assignees purchased with the belief that the assignments were valid, are hereby confirmed, notwithstanding the original entries were conformed to farm units and the portions assigned canceled or eliminated from the entries prior to the dates of assignment: *Provided further*, That all entries so assigned shall be subject to the limitations, terms, and conditions of the reclamation act and acts amendatory thereof or supplemental thereto, and all of said assignees whose entries are hereby confirmed shall, as a condition to receiving patent, make the proof heretofore required of assignees: *And provided further*, That this act shall not apply to any lands canceled and eliminated from any such entry and which have been embraced in any valid settlement or homestead entry of another."

The SPEAKER. Is there objection?

Mr. LENROOT. Mr. Speaker, reserving the right to object, I would like to ask the gentleman from California [Mr. RAKER] a question or two.

Mr. RAKER. Yes, sir.

Mr. LENROOT. This bill is identical, with the exception of the change of a date, with the bill that was heretofore reported to the House and placed upon the Unanimous Consent Calendar twice and objected to on each occasion?

Mr. RAKER. It is not.

Mr. LENROOT. Will the gentleman state what the difference is?

Mr. RAKER. The particular difference is that we changed the date, and the language to which objection was made by the gentleman from Wyoming [Mr. MONDELL] was stricken out of the bill. Mr. MONDELL was seen, and a letter was written to him, and I think it is now satisfactory to him.

Mr. LENROOT. What other change is there?

Mr. RAKER. The other change is as to the sale before final proof. This is in the identical form of the act of June 23, 1910, allowing assignments. There were a few in the various reclamation projects where the department required conformation to the farm unit, where the parties did not understand the situation and went on to make and did make final proof and then sold their claims. The assignee is the one that is now being jeopardized by not having the right to obtain his patent. The gentleman from Wisconsin [Mr. LENROOT] will notice that we strike out of the bill that part of it relating to the assignment before final proof.

Mr. LENROOT. Will the gentleman point that out?

Mr. MANN. I can give the gentleman the exact information, which ought to have been conveyed in the report, but which was not. In line 11 of page 2, after the word "assignment," the other bill carried this language, "require confirmation of final proof."

Mr. RAKER. That was stricken out. We thought it would make no difference, and it would prevent any possibility of complication.

Mr. MANN. I do not think it cuts any figure at all. The bill is open to the same objection as the other bill.

Mr. RAKER. The original homesteader has his land remaining, but it is the assignee who has paid his money and gone on the place who is now in jeopardy, because the order was made for conforming, and no conforming was had. The innocent purchaser ought to be protected. The report shows that only a few of this kind are involved, and the report favorably recommends the enactment of this bill to protect the homestead assignee.

Mr. LENROOT. I would like to ask the gentleman what the purpose was in changing the date?

Mr. RAKER. To conform to the law on that subject.

Mr. LENROOT. One date was January 1, 1914, and the other is December 1, 1913.

Mr. RAKER. Well, we thought there might be a few involved in there, and we went back to the 1st of December.

Mr. LENROOT. That was just a difference of 30 days?

Mr. RAKER. Yes.

Mr. LENROOT. What difference would that make?

Mr. RAKER. There might be some in there that were not provided for.

Mr. LENROOT. The original bill was January 1, 1914, was it not? Why did the committee make it 30 days' difference instead of the whole year?

Mr. RAKER. It begins on the 1st of December so that there will be no question as to the time.

Mr. LENROOT. Does the gentleman think that explains it?

Mr. RAKER. It is the only explanation that seems to be necessary.

Mr. MADDEN. How many people would the difference of date let in?

Mr. RAKER. It might not let in any.

Mr. LENROOT. Was not the real purpose to get the bill as different as possible from the bill that had been objected to and yet accomplish the same thing?

Mr. RAKER. No. I will answer the gentleman clearly. The gentleman from Wyoming [Mr. MONDELL] went over the matter carefully, and the only objection he made, or the reason he gave for his objection, was that it permitted an assignment before final proof.

And to avoid any possibility of an assignment before final proof the bill was reintroduced, was submitted to the department for their report and an investigation as to the number of entries affected, letters received from these projects, and the committee then reported the bill favorably.

Mr. LENROOT. Now, one or two questions upon the merits. In the last report made by the gentleman this language is used:

> The act is for the relief of purchasers and not of entrymen.

And immediately following is a letter to the gentleman from Wyoming [Mr. MONDELL], which is printed in the report, in which the position is taken that the act is for the relief not of the purchasers but of the entrymen.

Mr. RAKER. A man would be an entryman under the assignment. He has to conform with the law, and that is undoubtedly the view they took of it.

Mr. LENROOT. No; let me read the language:

> These are only a few of the cases here—

After naming some of the cases—

> These are only a few of the cases here that I could mention, and in not one of the cases in the vicinity of Fairview is the land held by speculators, and the benefit would go to the man who filed on 160 acres—

That is not the assignee.

Mr. RAKER. Yes.

Mr. LENROOT. It says:

> And is entitled to the land that he filed on in good faith.

Mr. RAKER. That is true, and I will answer that in this way: He has filed on 160 acres. After having filed, I say you ought to protect both, namely, the man who made the filing, that he might legitimately sell 80 acres of the 160, and that then the assignee might obtain a good title by complying with the law of June 23, 1910, which gives them opportunity to transfer up to that time.

Mr. LENROOT. Then the gentleman did not mean what he said earlier in the report—that it was for the relief of purchasers and not for the relief of entrymen.

Mr. RAKER. Yes; I do. Primarily and principally the bill is for the benefit of the assignee, but one could readily see that if a man did have his 160 acres there would be no question that the relief would be given to his assignee. It would give him a better opportunity to have sold or to sell a part of his claim.

Mr. LENROOT. This relates only to the past and not to the future, so this could not give him a better opportunity to sell, could it?

Mr. RAKER. No; nothing in the future, because the time is specified.

Mr. LENROOT. Then what was the force of the gentleman's remark that this would give him a better opportunity?

Mr. RAKER. A better opportunity to do what?

Mr. LENROOT. To sell.

Mr. RAKER. No; not to permit him in the future——

Mr. LENROOT. But would this bill affect the sale at all?

Mr. RAKER. Absolutely it does not affect the sale, because the sale must have been made between June 23, 1910, and December 1, 1913.

Mr. LENROOT. That is what I understood.

Mr. RAKER. That is clear from the bill.

Mr. LENROOT. That is what I understood.

Mr. RAKER. And the provisions ought to be complied with.

Mr. LENROOT. I understood the gentleman to say these conditions would give him a better opportunity to sell.

Mr. RAKER. No; I do not think so—not the original homesteaders. It would give the assignee a better chance to sell or dispose of his rights.

Mr. LENROOT. Yes; it certainly would.

Mr. MANN. May I ask the gentleman one question?

Mr. RAKER. I yield.

Mr. MANN. The gentleman from Wisconsin [Mr. LENROOT] referred to a letter addressed to the gentleman from Wyoming [Mr. MONDELL].

Mr. RAKER. Yes.

Mr. MANN. Did the gentleman from Wyoming [Mr. MONDELL] furnish a copy of this letter to be inserted in this report?

Mr. RAKER. He did not.

Mr. MANN. Where did the copy come from?

Mr. RAKER. It came from these people who are directly interested and the author of the letter.

Mr. MANN. I should think it was a discourtesy to a Member of Congress to insert a copy of a letter written to him if he did not give the authority to insert it.

Mr. RAKER. This letter here, so far as I know and am concerned, came to the members of the committee and was before the committee in the regular and usual course, and directed to a gentleman of the committee, and, as a part of that record, was inserted in this report.

Mr. MANN. This letter that appears here is not directed to the committee at all. It is directed to "Hon. Mr. MONDELL, Washington, D. C." I have not talked with him about it.

The SPEAKER pro tempore (Mr. ALEXANDER). Is there objection?

Mr. MANN. I object.

The SPEAKER pro tempore. The gentleman from Illinois objects. The bill will be stricken from the calendar, and the Clerk will report the next bill.

UNITED STATES FISH HATCHERY, JEFFERSON COUNTY, KY.

The next business on the Calendar for Unanimous Consent was the bill (H. R. 14950) to authorize the city of Louisville, Ky., to open a parkway to the United States fish station and hatchery in Jefferson County, Ky.

The Clerk read the title of the bill.

Mr. BRYAN. Mr. Speaker, as several Members know, this bill has already been enacted into law.

Mr. MANN. No; not yet. It has gone into the sundry civil bill.

Mr. BRYAN. It has been enacted, so far as the sundry civil bill has gone. I do not suppose anyone wants to take up time with it now.

Mr. MANN. All the gentleman needs to do is to object to it.

Mr. BRYAN. I object, because it has already been included in the sundry civil bill.

Mr. GARRETT of Tennessee took the chair as Speaker pro tempore.

Mr. ALEXANDER. I was about to call the attention of the House to the fact that it had been inserted in the sundry civil appropriation bill.

The SPEAKER pro tempore. The bill will be stricken from the calendar, and the Clerk will report the next bill.

TRANSPORTATION OF CRUDE PETROLEUM.

The next business on the Calendar for Unanimous Consent was the bill (H. R. 16055) to amend section 4474 of the Revised Statutes of the United States.

The bill was read, as follows:

Be it enacted, etc., That section 4474 of the Revised Statutes of the United States be, and the same is hereby, amended by adding thereto the following:

"*Provided further*, That when crude petroleum of a flash point not less than 150° F., is carried in the double-bottom fuel tanks of steamers using the same for fuel, the crude petroleum carried in such tanks in excess of the necessities of the voyage may be discharged at terminal ports when no passengers are on board the ship. Crude petroleum carried and discharged under these conditions will not be considered stores or cargo within the contemplation of section 4472, Revised Statutes of the United States."

The SPEAKER pro tempore. Is there objection to the present consideration of this bill?

Mr. MADDEN. Reserving the right to object, I should like to ask the author of the bill, or some one for him, to tell us what effect this will have on the revenues.

Mr. KAHN. I will explain to the gentleman. It will have no effect at all on the revenues. The purpose of the legislation is this: At the present time oil is being used very largely as fuel for seagoing vessels on the Pacific coast. Under section 4474 and also 4472 of the Revised Statutes oil can only be carried under certain circumstances. Vessels sailing out of the Pacific coast ports carry a large quantity of oil for ballast in excess of the amount actually required for fuel when they go to the Hawaiian Islands or when they go to Alaska, and they generally bring back a considerably heavier cargo than when they go out. That enables them to carry less ballast on the return trip. In order to get rid of some of the oil that is used for ballast they want the privilege of being allowed to store it at the terminal points. The Department of Commerce has had the matter under consideration and is thoroughly in favor of it. At the present time the shipowners do that very thing, but it is in violation of law. They have been fined for doing it, and the department has invariably remitted the fine. The revenue is not at all affected.

Mr. MADDEN. Do they carry this oil for fuel purposes?

Mr. KAHN. Oh, yes.

Mr. MADDEN. In addition to the amount required for fuel they carry some for ballast?

Mr. KAHN. Yes; but on a return voyage they never can tell what amount they may require. So that if they have an excess they want to be permitted to take it off the vessel at the terminal points.

Mr. MADDEN. If they have more than they need for fuel purposes and they are going to reload the ship on its return voyage with oil sufficient to propel the ship, what is the necessity for taking it off the ship?

Mr. KAHN. It is only when they have an excess of oil that they take it off. If they only have enough to carry the ship for the round trip, they do not want to take it off; it is only when they have an excess of fuel.

Mr. BRYAN. They may not have enough ballast. It is only when they have an excess of fuel. The real purpose of the oil they carry back and forth is freight.

Mr. KAHN. No; not as freight. It is required as fuel. It is not considered as freight. Section 4472 provides how oil shall be carried as freight, and this is carried as fuel.

Mr. MADDEN. These ships are equipped to carry oil without danger?

Mr. KAHN. Absolutely.

Mr. MADDEN. In order to dispose of the oil they have in excess of the needs of the ship, they want permission to store it in tanks at American terminals?

Mr. KAHN. Yes. As I say, they have been doing it, and in some cases they have been fined, but the fines have invariably been remitted.

Mr. MADDEN. And the gentleman can say that the carriage of this oil on the ships from which it is proposed to take it and store it on shore is not a menace to the life or limb of those who take passage on such steamers?

Mr. KAHN. The Supervising Inspector General of the Steamboat Inspection Service appeared before the committee and stated positively that there was no danger of any kind.

The SPEAKER. Is there objection to the present consideration of the bill?

There was no objection.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed.

On motion of Mr. KAHN, a motion to reconsider the vote whereby the bill was passed was laid on the table.

RECLAMATION HOMESTEAD ENTRIES—FLATHEAD PROJECT, MONTANA.

The next business on the Calendar for Unanimous Consent was the bill (H. R. 12249) to extend the provisions of the act of June 25, 1910, authorizing assignment of reclamation homestead entries, and of the act of August 9, 1912, authorizing the issuance of patents on reclamation of homestead entries to lands in Flathead project, Montana.

The Clerk read the bill, as follows:

Be it enacted, etc., That the provisions of the act of June 23, 1910 (36 Stat. L., p. 592), authorizing the assignment under certain conditions of homesteads within reclamation projects, and of the act of August 9, 1912 (37 Stat. L., p. 265), authorizing, under certain conditions, the issuance of patents on reclamation entries, and for other purposes, be, and the same hereby are, extended and made applicable to lands within the Flathead irrigation project, in the former Flathead Indian Reservation, Mont., but such lands shall otherwise be subject to the provisions of the act of Congress approved April 23, 1904 (33 Stat. L., p. 302), as amended by the act of Congress approved May 29, 1908 (35 Stat. L., p. 448): *Provided*, That the lien reserved to the United States on the land patented, as provided for in section 2 of said act of August 9, 1912, shall include all sums due or to become due to the United States on account of the Indian price of such lands.

The SPEAKER. Is there objection?

Mr. MANN. Reserving the right to object, I will confess that I have read the bill and the report, and I do not get a very clear idea of what the bill proposes to do.

Mr. RAKER. Mr. Speaker, this same bill passed the Senate June 30 and is now on the Speaker's table. May we not have unanimous consent to substitute the Senate bill for this?

Mr. MANN. You have not run the first gantlet yet. What does the bill do? I have read the bill and report, and it is a little involved.

Mr. EVANS. Mr. Speaker, Congress has provided for the assignment of homestead entries of all reclamation projects except that of the Flatheads in Montana. That was opened under a special act, and the law does not apply to that project. The department asks that the general law be extended to the Flathead project.

Mr. MANN. Well, I knew all that.

Mr. RAKER. The act of June 23, 1910, permits the assignment of entries when they are required to conform to the amount fixed by the Secretary of the Interior that will be sufficient to support a family. Second, the act of August 9, 1912, Twenty-seventh Statutes at Large, page 265, amended the act on other reclamation projects, permitting the party to make final proof upon certain conditions, reserving the right in the patent that the Government had the first lien, and they must pay all the expenses to the Government, and reserving it in that condition. That applies to all general reclamation projects, 32 in number. But the Flathead Reservation was a special bill for that particular district. Now, the only thing asked here is that the act of June 23, 1910, permitting assignments on all other reclamation projects be extended to that, and that the act of August 9, 1912, relative to the final proof, be extended to that project, so that they will be practically on the same footing.

Mr. MANN. Mr. Speaker, my friend from California [Mr. RAKER] is always very clear and lucid in his statements, and I do not question that he is now; but I still do not know what is to be accomplished by this bill, and I do not believe that anybody in the House who heard the statement does. What is the situation now on the Flathead Indian reclamation project, and what will it be if this bill becomes a law?

Mr. EVANS. The situation is this: A lot of men have made homestead entries out there. The land is being reclaimed under the reclamation project. At the end of five years they will not

be able to assign their homesteads, when they have perfected all of their titles, and will not be able to do so until they get full title from the Government, and they can not get full title from the Government until 10 or 20 years, as payments fall due, and as in all other projects they allow homesteaders to assign and in this project they do not, we ask that this be put upon the same footing as the other.

Mr. MANN. How did a provision of that sort happen to get into the law?

Mr. EVANS. It was passed by the gentleman himself and by others.

Mr. MANN. Is there such a provision in the law?

Mr. HAYDEN. That is the present law.

Mr. MANN. On the Flathead Indian reclamation project?

Mr. HAYDEN. No; on all other projects.

Mr. MANN. The gentleman has stated what was the case on the Flathead Indian Reservation, which is not true as to any other, and the gentleman from Arizona now says that that is true of all.

Mr. EVANS. The report from the Secretary of the Interior says that such conditions do exist.

Mr. MANN. Does the gentleman say that no title can be made on the Flathead reclamation for 10 years after a man enters the land?

Mr. EVANS. Exactly.

Mr. MANN. Was that provided for by law?

Mr. EVANS. That is provided under the reclamation law.

Mr. MANN. The reclamation law does not apply to the Flathead Indian project?

Mr. EVANS. It does; and the special act provided that the lands should be reclaimed as other reclamation lands; and we are reclaiming them, and have spent one million and a half dollars on it.

Mr. MANN. If the general irrigation law applies to the Flathead Indian reclamation project, what does the gentleman want to do by this bill?

Mr. EVANS. That the Secretary of the Interior holds the right to assign does not apply here, and he asks that it be made the same as other projects.

Mr. RAKER. The Flathead Indian Reservation was adopted by special act, and was opened up by a special act in relation to irrigation, cultivation, and so forth.

Mr. MANN. Was that an Indian Committee bill?

Mr. RAKER. Indian lands; and other individuals, white men, went there and filed upon it.

Mr. MANN. Was it by special act, or was it an item in an Indian appropriation act?

Mr. EVANS. It was by special act.

Mr. RAKER. I think it was special act. This bill intends to extend to this particular special tract of land the provisions of the act of June 23, 1910, relative to the assignment of homesteads. Second, it extends the provisions of the act of August 9, 1912, permitting them to make final proof within three years, to obtain a patent within three years, whereas under the law as it exists now on that particular project it is the same as generally existed before this act of 1912, which, in effect, does not permit men to obtain patents until all the payments have been completed on the lands.

Mr. MANN. Where did the money come from for this Flathead project—out of the Indian funds or out of the General Treasury, advanced for the Indians?

Mr. RAKER. Out of the General Treasury, advanced as in other cases, and it is being repaid out of the land.

Mr. MANN. After this bill passes and the reclamation project bill passes which is now pending, will that leave us, in this case, in a situation where we have advanced money for 20 years and get it back without any interest whatever?

Mr. RAKER. I want to answer that question and to answer another. First, if this bill passes, it leaves the Flathead Indian reclamation on the same footing as irrigation projects now are elsewhere in the United States. Then if the general reclamation bill passes it would apply to only the general reclamation project, unless it is made special to this project.

The SPEAKER. Is there objection? [After a pause.] The Chair hears none.

Mr. EVANS. Mr Speaker, as I understand the matter, there is on the Speaker's table this identical bill from the Senate. I therefore move that the Senate bill be taken up and substituted for the House bill.

The SPEAKER. The gentleman from Montana asks unanimous consent that the Senate bill, identical in language with this, be substituted for the House bill.

Mr. MANN. Is the Senate bill there?

The SPEAKER. It is.

Mr. ADAMSON. I do not think the gentleman means to substitute it, but to ask, unanimous consent that it be considered in lieu of the House bill.

Mr. MANN. Yes. Let the Senate bill be read.

The SPEAKER. The Clerk will report the Senate bill.

The Clerk read the Senate bill, as follows:

An act (S. 4441) to extend the provisions of the act of June 23, 1910 (36 Stat. L., p. 592), authorizing assignment of reclamation homestead entries, and of the act of August 9, 1912 (37 Stat. L., p. 265), authorizing the issuance of patents on reclamation homestead entries, to lands in the Flathead irrigation project, Montana.

Be it enacted, etc., That the provisions of the act of June 23, 1910 (36 Stat. L., p. 592), authorizing the assignment under certain conditions of homesteads within reclamation projects, and of the act of August 9, 1912 (37 Stat. L., p. 265), authorizing under certain conditions the issuance of patents on reclamation entries, and for other purposes, be, and the same are hereby, extended and made applicable to lands within the Flathead irrigation project, in the former Flathead Indian Reservation, Mont., but such lands shall otherwise be subject to the provisions of the act of Congress approved April 23, 1904 (33 Stat. L., p. 302), as amended by the act of Congress approved May 29, 1908 (35 Stat. L., p. 448): *Provided*, That the lien reserved to the United States on the land patented, as provided for in section 2 of said act of August 9, 1912, shall include all sums due or to become due to the United States on account of the Indian price of such land.

The SPEAKER. Is there objection to considering the Senate bill just read in lieu of the House bill of similar tenor? [After a pause.] The Chair hears none. The question is on the third reading of the Senate bill.

The bill was ordered to be read a third time, was read the third time, and passed.

The SPEAKER. Without objection, the House bill of similar tenor, the one just under consideration, will be laid on the table.

There was no objection, and it was so ordered.

On motion of Mr. EVANS, a motion to reconsider the vote by which the Senate bill was passed was laid on the table.

ENROLLED BILLS PRESENTED TO THE PRESIDENT FOR HIS APPROVAL.

Mr. ASHBROOK, from the Committee on Enrolled Bills, reported that this day they had presented to the President of the United States, for his approval, the following bills:

H. R. 4938. An act providing for the issuance of patents to transferees of town lots purchased from the United States at public sale in certain cases; and

H. R. 16192. An act to authorize the issuance of patent to Rachel E. Dangerfield Boast for the southeast quarter of section 21 and the northeast quarter of section 28, township 1 south, range 57 west of the sixth principal meridian.

RELIEF OF FIRE SUFFERERS IN SALEM, MASS.

Mr. PHELAN. Mr. Speaker, I move to suspend the rules, discharge the Committee on Appropriations from further consideration of House joint resolution 293, and pass the same.

The SPEAKER. The Clerk will report the resolution.

The Clerk read as follows:

Resolved, etc., That for the relief of the sufferers from the recent conflagration in Salem, Mass., there is hereby appropriated, out of any money in the Treasury not otherwise appropriated, the sum of $200,000, or so much thereof as may be necessary: *Provided*, That all expenditures under this joint resolution shall be made under the direction of the Secretary of War.

The SPEAKER. Is a second demanded?

Mr. FITZGERALD. Mr. Speaker, I demand a second.

The SPEAKER. The gentleman from New York demands a second.

Mr. PHELAN. Mr. Speaker, I ask unanimous consent that a second may be considered as ordered.

The SPEAKER. The gentleman from Massachusetts asks unanimous consent that a second be considered as ordered. Is there objection?

Mr. PAGE of North Carolina. Mr. Speaker, I make the point of order that there is no quorum present.

The SPEAKER. The gentleman from North Carolina makes the point of order that there is no quorum present. The Chair will count. [After counting.] Evidently there is not a quorum present.

Mr. UNDERWOOD. Mr. Speaker, I think it is evident there is not a quorum in the city to-day, and therefore I move that the House do now adjourn.

Mr. GARDNER. Mr. Speaker, a parliamentary inquiry before the motion is put.

The SPEAKER. The gentleman will state it.

Mr. GARDNER. If the House adjourns now after a second has been ordered, is this the continuing business on suspension day?

Mr. GARRETT of Tennessee. Mr. Speaker, I demand the regular order.

Mr. ADAMSON. Mr. Speaker, a parliamentary inquiry.

The SPEAKER. There is plenty of time to figure that out.

Mr. ADAMSON. Mr. Speaker, a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. ADAMSON. There are on the Unanimous Consent Calendar, which we are right up against now, three or four uncontested bills——

The SPEAKER. But it has been ascertained there is no quorum.

Mr. ADAMSON. Has that announcement been made authoritatively?

The SPEAKER. The announcement was made authoritatively. The gentleman from Alabama moves that the House do now adjourn.

The question was taken, and the Speaker announced the noes seemed to have it.

Mr. UNDERWOOD. Mr. Speaker, I ask for a division.

The House divided; and there were—ayes 32, noes 35.

Mr. UNDERWOOD. Mr. Speaker, I ask for tellers.

The SPEAKER. The gentleman from Alabama demands tellers. Those in favor of ordering tellers will rise and stand until they are counted. [After counting.] Thirty-seven gentlemen have risen, not a sufficient number.

So the motion to adjourn was rejected.

Mr. UNDERWOOD. Mr. Speaker, I move a call of the House.

The SPEAKER. The gentleman from Alabama moves a call of the House.

The motion was agreed to.

The SPEAKER. A call of the House is ordered, the Doorkeeper will close the doors, the Sergeant at Arms will notify absentees, and the Clerk will call the roll.

The Clerk called the roll, and the following Members failed to answer to their names:

Ainey	Edmonds	Knowland, J. R.	Platt
Anderson	Edwards	Konop	Plumley
Anthony	Elder	Korbly	Porter
Ashbrook	Estopinal	Kreider	Pou
Austin	Fairchild	Lafferty	Powers
Avis	Farr	Langham	Prouty
Barchfeld	Fess	Lazaro	Rainey
Barnhart	Fields	Lee, Ga.	Reilly, Conn.
Bartholdt	Finley	Lee, Pa.	Riordan
Bartlett	Floyd, Ark.	L'Engle	Roberts, Mass.
Beall	Fordney	Lesher	Rupley
Booher	Francis	Lever	Sabath
Borchers	Frear	Levy	Saunders
Borland	French	Lewis, Md.	Scully
Brockson	Gallagher	Lewis, Pa.	Sells
Broussard	Gard	Lieb	Shackleford
Brown, W. Va.	Garner	Lindquist	Sharp
Browne, Wis.	George	Linthicum	Sherley
Browning	Gerry	Lobeck	Shreve
Bruckner	Gill	Loft	Slayden
Buchanan, Ill.	Gittins	McAndrews	Smith, J. M. C.
Bulkley	Glass	McClellan	Smith, Md.
Burgess	Goldfogle	McCoy	Smith, N. Y.
Burke, Pa.	Goodwin, Ark.	McDermott	Smith, Tex.
Burnett	Gorman	McGillicuddy	Sparkman
Butler	Goulden	McGuire, Okla.	Stafford
Byrnes, S. C.	Graham, Ill.	McKenzie	Stanley
Calder	Graham, Pa.	McLaughlin	Stephens, Nebr.
Callaway	Griest	Mahan	Stevens, N. H.
Cantor	Griffin	Maher	Stout
Cantrill	Gudger	Manahan	Stringer
Carew	Guernsey	Martin, Va.	Sumners
Carlin	Hamill	Merritt	Sutherland
Carr	Hamilton, N. Y.	Metz	Switzer
Cary	Hammond	Mondell	Talbott, Md.
Casey	Hardwick	Montague	Talcott, N. Y.
Chandler	Harris	Moore	Taylor, Colo.
Clancy	Harrison	Morgan, La.	Taylor, N. Y.
Claypool	Hart	Morin	Ten Eyck
Collier	Hay	Moss, Ind.	Thacher
Connolly, Iowa	Hayes	Moss, W. Va.	Thomas
Conry	Heflin	Mott	Thompson, Okla.
Cooper	Henry	Murdock	Treadway
Copley	Hinds	Neeley, Kans.	Tribble
Covington	Hobson	Nelson	Underhill
Cramton	Hoxworth	Norton	Vaughan
Crisp	Hughes, W. Va.	O'Brien	Vollmer
Crosser	Hulings	Oglesby	Wallin
Dale	Hull	O'Hair	Walsh
Danforth	Humphreys, Miss.	Oldfield	Walters
Davenport	Johnson, S. C.	O'Leary	Weaver
Decker	Kelster	O'Shaunessy	Whaley
Deitrick	Kelley, Mich.	Paige, Mass.	Whitacre
Dies	Kelly, Pa.	Palmer	White
Difenderfer	Kennedy, Conn.	Parker	Willis
Donohoe	Kennedy, R. I.	Patten, N. Y.	Wilson, Fla.
Dooling	Kettner	Patton, Pa.	Wilson, N. Y.
Driscoll	Key, Ohio.	Payne	Wingo
Dunn	Kiess, Pa.	Peters, Me.	Winslow
Dupré	Kinkead, N. J.	Peters, Mass.	Young, N. Dak.
Eagan	Kitchin	Peterson	Young, Tex.

The SPEAKER. One hundred and eighty-nine Members have answered to their names, not a quorum.

Mr. UNDERWOOD. Mr. Speaker, I understand it requires 215——

The SPEAKER. It requires 218.

Mr. UNDERWOOD. Mr. Speaker, I think it evident there is not a quorum in town to-day. I do not desire to have the House adjourn if we could get a quorum, but I think it is clear we can not get one, and I therefore move that the House do now adjourn.

The SPEAKER. The gentleman from Alabama moves that the House do now adjourn.

The question was taken, and the Speaker announced that the ayes seemed to have it.

Mr. MANN. Mr. Speaker, I ask for the yeas and nays.

The SPEAKER. The gentleman from Illinois demands the yeas and nays. Those in favor of ordering the yeas and nays will rise and stand until they are counted. Forty-one gentlemen have risen, a sufficient number, and the yeas and nays are ordered. The Clerk will call the roll.

Mr. DONOVAN. Mr. Speaker, how is it that 41 is a sufficient number, when the Chair has just ruled that 218 was a quorum. Forty-one is not one-fifth——

The SPEAKER. The Speaker tried to explain that thing to the gentleman the other day.

Mr. FITZGERALD. Try it again.

The SPEAKER. It takes one-fifth of a quorum to order tellers. That is 44. But it does not take one-fifth of a quorum to order the yeas and nays. It takes one-fifth of those present. The roll was called a minute ago, and there are only 188 Members answering to their names. Forty-one is more than one-fifth of 188, and the Clerk will call the roll.

The roll was called; and there were—yeas 114, nays 71, answered "present" 1, not voting 247, as follows:

YEAS—114.

Abercrombie	Connolly, Iowa	Gregg	Ragsdale
Adair	Cox	Hamlin	Rayburn
Adamson	Cullop	Hammond	Reilly, Wis.
Aiken	Dent	Hardy	Rouse
Alexander	Dershem	Helm	Rubey
Allen	Dickinson	Hensley	Rucker
Ansberry	Dixon	Hill	Russell
Aswell	Donohoe	Holland	Seldomridge
Bailey	Donovan	Houston	Sherwood
Baker	Doolittle	Howard	Sims
Baltz	Doremus	Hughes, Ga.	Sisson
Barkley	Doughton	Hull	Small
Bathrick	Eagle	Igoe	Stedman
Beakes	Faison	Jacoway	Stephens, Miss.
Bell, Ga.	Falconer	Johnson, Ky.	Stephens, Tex.
Blackmon	Fergusson	Jones	Stone
Bowdle	Ferris	Keating	Tavenner
Brumbaugh	Fitzgerald	Kindel	Taylor, Ark.
Bryan	FitzHenry	Kirkpatrick	Tuttle
Buchanan, Tex.	Flood, Va.	Lloyd	Underwood
Burke, Wis.	Foster	McKellar	Vaughan
Byrns, Tenn.	Fowler	Moon	Walker
Candler, Miss.	Garner	Morrison	Watkins
Caraway	Garrett, Tenn.	Murray, Okla.	Watson
Carter	Garrett, Tex.	Padgett	Williams
Clark, Fla.	Glass	Page, N. C.	Wingo
Claypool	Goeke	Park	Witherspoon
Cline	Gordon	Pou	
Coady	Gray	Quin	

NAYS—71.

Barton	Greene, Vt.	Lenroot	Sinnott
Bell, Cal.	Hamilton, Mich.	Lindbergh	Smith, Idaho
Britten	Haugen	Logue	Smith, Saml. W.
Brown, N. Y.	Hawley	Lonergan	Steenerson
Burke, S. Dak.	Hayden	MacDonald	Stephens, Cal.
Campbell	Helgesen	Madden	Stevens, Minn.
Church	Helvering	Mann	Stout
Curry	Hinebaugh	Mapes	Taggart
Dillon	Howell	Miller	Taylor, Colo.
Drukker	Humphrey, Wash.	Mitchell	Temple
Esch	Johnson, Utah	Morgan, Okla.	Thomson, Ill.
Gallivan	Johnson, Wash.	Murray, Mass.	Towner
Gardner	Kahn	Nolan, J. I.	Townsend
Gillett	Kelly, Pa.	Phelan	Vare
Gilmore	Kennedy, Iowa.	Raker	Volstead
Good	Kinkaid, Nebr.	Reed	Woodruff
Green, Iowa	La Follette	Roberts, Nev.	Woods
Greene, Mass.	Langley	Scott	

ANSWERED "PRESENT"—1.

Sloan

NOT VOTING—247.

Ainey	Burgess	Crisp	Fields
Anderson	Burke, Pa.	Crosser	Finley
Anthony	Burnett	Dale	Floyd, Ark.
Ashbrook	Butler	Danforth	Fordney
Austin	Byrnes, S. C.	Davenport	Francis
Avis	Calder	Davis	Frear
Barchfeld	Callaway	Decker	French
Barnhart	Cantor	Deitrick	Gallagher
Bartholdt	Cantrill	Dies	Gard
Bartlett	Carew	Difenderfer	George
Beall, Tex.	Carlin	Dooling	Gerry
Booher	Carr	Driscoll	Gill
Borchers	Cary	Dunn	Gittins
Borland	Casey	Dupré	Godwin, N. C.
Brockson	Chandler, N. Y.	Eagan	Goldfogle
Brodbeck	Clancy	Edmonds	Goodwin, Ark.
Broussard	Collier	Edwards	Gorman
Brown, W. Va.	Connelly, Kans.	Elder	Goulden
Browne, Wis.	Conry	Estopinal	Graham, Ill.
Browning	Cooper	Evans	Graham, Pa.
Bruckner	Copley	Fairchild	Griest
Buchanan, Ill.	Covington	Farr	Griffin
Bulkley	Cramton	Fess	Gudger

Guernsey	Lever	O'Hair	Smith, Minn.
Hamill	Levy	Oldfield	Smith, N. Y.
Hamilton, N. Y.	Lewis, Md.	O'Leary	Smith, Tex.
Hardwick	Lewis, Pa.	O'Shaunessy	Sparkman
Harris	Lieb	Paige, Mass.	Stafford
Harrison	Lindquist	Palmer	Stanley
Hart	Linthicum	Parker	Stephens, Nebr.
Hay	Lobeck	Patten, N. Y.	Stevens, N. H.
Hayes	Loft	Patton, Pa.	Stringer
Heflin	McAndrews	Payne	Sumners
Henry	McClellan	Peters, Mass.	Sutherland
Hinds	McCoy	Peters, Me.	Switzer
Hobson	McDermott	Peterson	Talbott, Md.
Hoxworth	McGillicuddy	Platt	Talcott, N. Y.
Hughes, W. Va.	McGuire, Okla.	Plumley	Taylor, Ala.
Hulings	McKenzie	Porter	Taylor, N. Y.
Humphreys, Miss.	McLaughlin	Post	Ten Eyck
Johnson, S. C.	Maguire, Nebr.	Powers	Thacher
Keister	Mahan	Prouty	Thomas
Kelley, Mich.	Maher	Rainey	Thompson, Okla.
Kennedy, Conn.	Manahan	Rauch	Treadway
Kennedy, R. I.	Martin	Reilly, Conn.	Tribble
Kent	Merritt	Riordan	Underhill
Kettner	Metz	Roberts, Mass.	Vollmer
Key, Ohio	Mondell	Rogers	Wallin
Kiess, Pa.	Montague	Rothermel	Walsh
Kinkead, N. J.	Moore	Rupley	Walters
Kitchin	Morgan, La.	Sabath	Weaver
Knowland, J. R.	Morin	Saunders	Webb
Konop	Moss, Ind.	Scully	Whaley
Korbly	Moss, W. Va.	Sells	Whitacre
Kreider	Mott	Shackleford	White
Lafferty	Murdock	Sharp	Willis
Langham	Neeley, Kans.	Sherley	Wilson, Fla.
Lazaro	Neely, W. Va.	Shreve	Wilson, N. Y.
Lee, Ga.	Nelson	Slayden	Winslow
Lee, Pa.	Norton	Slemp	Young, N. Dak.
L'Engle	O'Brien	Smith, J. M. C.	Young, Tex.
Lesher	Oglesby	Smith, Md.	

So the motion was agreed to.

The Clerk announced the following pairs:

For the session:

Mr. BARTLETT with Mr. BUTLER.

Mr. METZ with Mr. WALLIN.

Mr. SCULLY with Mr. BROWNING.

Until August 4:

Mr. WEAVER with Mr. SLOAN.

Until further notice:

Mr. ROTHERMEL with Mr. AUSTIN.

Mr. DAVENPORT with Mr. J. M. C. SMITH.

Mr. MCDERMOTT with Mr. GRIEST.

Mr. SHACKLEFORD with Mr. ROBERTS of Massachusetts.

Mr. NEELEY of Kansas with Mr. PAIGE of Massachusetts.

Mr. BARNHART with Mr. ANDERSON.

Mr. SABATH with Mr. SWITZER.

Mr. LAZARO with Mr. PARKER.

Mr. GORMAN with Mr. KIESS of Pennsylvania.

Mr. STEPHENS of Nebraska with Mr. LEWIS of Pennsylvania.

Mr. VAUGHAN with Mr. SHREVE.

Mr. PATTEN of New York with Mr. NORTON.

Mr. EDWARDS with Mr. KENNEDY of Rhode Island.

Mr. GOLDFOGLE with Mr. LANGHAM.

Mr. SAUNDERS with Mr. PORTER.

Mr. ASHBROOK with Mr. BARTHOLDT.

Mr. CALLAWAY with Mr. EDMONDS.

Mr. CASEY with Mr. GRAHAM of Pennsylvania.

Mr. DEITRICK with Mr. HAYES.

Mr. ELDER with Mr. KREIDER.

Mr. GODWIN of North Carolina with Mr. MCKENZIE.

Mr. LEVER with Mr. MOTT.

Mr. LIEB with Mr. LAFFERTY.

Mr. MONTAGUE with Mr. PLUMLEY.

Mr. MOSS of Indiana with Mr. SELLS.

Mr. HARDWICK with Mr. J. R. KNOWLAND.

Mr. YOUNG of Texas with Mr. AINEY.

Mr. CLANCY with Mr. HAMILTON of New York.

Mr. SLAYDEN with Mr. BURKE of Pennsylvania.

Mr. HENRY with Mr. HINDS.

Mr. STEDMAN with Mr. PETERS of Maine.

Mr. MCGILLICUDDY with Mr. GUERNSEY.

Mr. SMITH of Texas with Mr. YOUNG of North Dakota.

Mr. DALE with Mr. MARTIN.

Mr. HUMPHREYS of Mississippi with Mr. LINDQUIST.

Mr. TAYLOR of Alabama with Mr. HUGHES of West Virginia.

Mr. CANTRILL with Mr. COPLEY.

Mr. BOOHER with Mr. ANTHONY.

Mr. BRODBECK with Mr. BARCHFELD.

Mr. BRUCKNER with Mr. BROWNE of Wisconsin.

Mr. BUCHANAN of Illinois with Mr. COOPER.

Mr. BULKLEY with Mr. CALDER.

Mr. BURGESS with Mr. DANFORTH.

Mr. BURNETT with Mr. CARY.

Mr. BYRNES of South Carolina with Mr. CHANDLER of New York.

Mr. CARLIN with Mr. DAVIS.

Mr. CARR with Mr. DUNN.

Mr. COLLIER with Mr. FAIRCHILD.

Mr. KITCHIN with Mr. FORDNEY.

Mr. CONRY with Mr. FARR.

Mr. DIES with Mr. FESS.

Mr. DUPRÉ with Mr. FREAR.

Mr. ESTOPINAL with Mr. FRENCH.

Mr. FIELDS with Mr. HULINGS.

Mr. FINLEY with Mr. KEISTER.

Mr. GRAHAM of Illinois with Mr. KELLEY of Michigan.

Mr. HARRISON with Mr. MCLAUGHLIN.

Mr. HAY with Mr. MANAHAN.

Mr. HEFLIN with Mr. MCGUIRE of Oklahoma.

Mr. JOHNSON of South Carolina with Mr. MONDELL.

Mr. KENNEDY of Connecticut with Mr. POWERS.

Mr. KONOP with Mr. PROUTY.

Mr. LEE of Georgia with Mr. ROGERS.

Mr. LEE of Pennsylvania with Mr. SLEMP.

Mr. MORGAN of Louisiana with Mr. SMITH of Minnesota.

Mr. OLDFIELD with Mr. SUTHERLAND.

Mr. PALMER with Mr. PAYNE.

Mr. RAINEY with Mr. TREADWAY.

Mr. REILLY of Connecticut with Mr. WILLIS.

Mr. RIORDAN with Mr. WALTERS.

Mr. SPARKMAN with Mr. WINSLOW.

Mr. TALBOTT of Maryland with Mr. MERRITT.

Mr. THOMAS with Mr. PLATT.

Mr. WEBB with Mr. PATTON of Pennsylvania.

Mr. WHALEY with Mr. MOSS of West Virginia.

Mr. SHERLEY with Mr. MOORE.

Mr. WILSON of Florida with Mr. MORIN.

Mr. DIFENDERFER with Mr. NELSON.

The result of the vote was announced as above recorded.

ADJOURNMENT.

Accordingly (at 5 o'clock and 3 minutes p. m.) the House adjourned until Tuesday, July 7, 1914, at 12 o'clock noon.

REPORTS OF COMMITTEES ON PRIVATE BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII,

Mr. DILLON, from the Committee on Claims, to which was referred the bill (H. R. 2312) for the relief of Rathbun, Beachy & Co., reported the same with amendment, accompanied by a report (No. 923), which said bill and report were referred to the Private Calendar.

PUBLIC BILLS, RESOLUTIONS, AND MEMORIALS.

Under clause 3 of Rule XXII, bills, resolutions, and memorials were introduced and severally referred as follows:

By Mr. CLANCY: A bill (H. R. 17633) authorizing the Secretary of the Treasury to obtain designs, plans, working drawings, and specifications for public buildings to be erected under the supervision of the Treasury Department; to the Committee on Public Buildings and Grounds.

By Mr. SMITH of Maryland: A bill (H. R. 17634) providing for the purchase of a site and the erection of a public building in the town of Laurel, Prince Georges County, State of Maryland; to the Committee on Public Buildings and Grounds.

Also, a bill (H. R. 17635) providing for the purchase of a site and the erection of a public building in the town of Ellicott City, Howard County, State of Maryland; to the Committee on Public Buildings and Grounds.

By Mr. PARK: A bill (H. R. 17636) prohibiting the direction of verdicts; to what cases applicable; to the Committee on the Judiciary.

By Mr. JACOWAY: A bill (H. R. 17637) to grant the consent of Congress for the county of Pulaski, State of Arkansas, to construct a bridge across the Arkansas River between the cities of Little Rock and Argenta, Ark.; to the Committee on Interstate and Foreign Commerce.

By Mr. GILL: A bill (H. R. 17638) to provide for the monthly payment of pensions, and for other purposes; to the Committee on Invalid Pensions.

By Mr. THOMSON of Illinois: A bill (H. R. 17639) to authorize the governor of the Panama Canal Zone to dispose of equipment no longer needed; to the Committee on Interstate and Foreign Commerce.

By Mr. ROBERTS of Nevada: Resolution (H. Res. 562) amending the rules of the House of Representatives of the Sixty-third Congress; to the Committee on Rules.

By Mr. BRUCKNER: Memorial of the House of Delegates of the State of Virginia, memorializing Congress to acquire Monticello, the home of Thomas Jefferson; to the Committee on the Library.

PRIVATE BILLS AND RESOLUTIONS.

Under clause 1 of Rule XXII, private bills and resolutions were introduced and severally referred as follows:

By Mr. BAILEY: A bill (H. R. 17640) granting an increase of pension to Abraham Barnhart; to the Committee on Invalid Pensions.

By Mr. CAMPBELL: A bill (H. R. 17641) granting an increase of pension to Fred D. Morehouse; to the Committee on Pensions.

By Mr. CLANCY: A bill (H. R. 17642) providing for the refund to the Haberle-Crystal Spring Brewing Co. of a certain special excise tax paid in excess; to the Committee on Claims.

By Mr. DIFENDERFER: A bill (H. R. 17643) for the relief of John R. Johnston; to the Committee on Military Affairs.

By Mr. GILL: A bill (H. R. 17644) granting a pension to Paul Heineman; to the Committee on Pensions.

Also, a bill (H. R. 17645) granting a pension to Daniel J. Begley; to the Committee on Pensions.

Also, a bill (H. R. 17646) granting a pension to Thomas Payne; to the Committee on Pensions.

Also, a bill (H. R. 17647) granting a pension to Melissa A. Hawley; to the Committee on Pensions.

Also, a bill (H. R. 17648) granting a pension to Benjamin L. Tubman; to the Committee on Pensions.

Also, a bill (H. R. 17649) granting a pension to George C. Emmert; to the Committee on Pensions.

Also, a bill (H. R. 17650) granting a pension to Rudolph B. Scheitlin; to the Committee on Pensions.

Also, a bill (H. R. 17651) granting a pension to Joseph E. Mitchell; to the Committee on Pensions.

Also, a bill (H. R. 17652) granting a pension to Theodore A. Melter; to the Committee on Pensions.

Also, a bill (H. R. 17653) granting a pension to Jesse H. Wade; to the Committee on Pensions.

Also, a bill (H. R. 17654) granting a pension to Joseph Glass; to the Committee on Pensions.

Also, a bill (H. R. 17655) granting a pension to Dorothea Christmann; to the Committee on Pensions.

Also, a bill (H. R. 17656) granting a pension to Parnie H. Dean; to the Committee on Pensions.

Also, a bill (H. R. 17657) granting a pension to Horace Clive Gray; to the Committee on Pensions.

Also, a bill (H. R. 17658) granting a pension to Emilie S. Buder; to the Committee on Pensions.

Also, a bill (H. R. 17659) granting a pension to Joseph Donnelly; to the Committee on Pensions.

Also, a bill (H. R. 17660) granting a pension to Mary Barlow; to the Committee on Invalid Pensions.

Also, a bill (H. R. 17661) granting a pension to Leila F. Devine; to the Committee on Invalid Pensions.

Also, a bill (H. R. 17662) granting a pension to Tony Judd; to the Committee on Invalid Pensions.

Also, a bill (H. R. 17663) granting a pension to John Kalber, alias John Koerber; to the Committee on Invalid Pensions.

Also, a bill (H. R. 17664) granting a pension to Emma Potts; to the Committee on Invalid Pensions.

Also, a bill (H. R. 17665) granting a pension to Elijah Morgan; to the Committee on Invalid Pensions.

Also, a bill (H. R. 17666) granting a pension to Frederick A. Churchill; to the Committee on Invalid Pensions.

Also, a bill (H. R. 17667) granting a pension to Charles F. Lang; to the Committee on Invalid Pensions.

Also, a bill (H. R. 17668) granting a pension to Edward Dodsworth; to the Committee on Invalid Pensions.

Also, a bill (H. R. 17669) granting a pension to John G. Hunt; to the Committee on Invalid Pensions.

Also, a bill (H. R. 17670) granting a pension to Joseph Moore; to the Committee on Invalid Pensions.

Also, a bill (H. R. 17671) granting a pension to Thomas F. Hassett; to the Committee on Invalid Pensions.

Also, a bill (H. R. 17672) granting a pension to Lincoln Mothersbaugh; to the Committee on Invalid Pensions.

Also, a bill (H. R. 17673) granting a pension to Laura Hilgeman; to the Committee on Invalid Pensions.

Also, a bill (H. R. 17674) granting a pension to Helen Mathews; to the Committee on Invalid Pensions.

Also, a bill (H. R. 17675) granting a pension to Caroline Watson; to the Committee on Invalid Pensions.

Also, a bill (H. R. 17676) granting a pension to Clarinda Pike; to the Committee on Invalid Pensions.

Also, a bill (H. R. 17677) granting a pension to William Tepe, jr.; to the Committee on Invalid Pensions.

Also, a bill (H. R. 17678) granting a pension to Margaret Cassidy; to the Committee on Invalid Pensions.

Also, a bill (H. R. 17679) granting a pension to John J. Ledford; to the Committee on Invalid Pensions.

Also, a bill (H. R. 17680) granting a pension to Freda Burow; to the Committee on Invalid Pensions.

Also, a bill (H. R. 17681) granting a pension to Palmyra Sherman; to the Committee on Invalid Pensions.

Also, a bill (H. R. 17682) granting a pension to Josephine C. Nixon; to the Committee on Invalid Pensions.

Also, a bill (H. R. 17683) granting a pension to Celsus G. Gross; to the Committee on Invalid Pensions.

Also, a bill (H. R. 17684) granting a pension to Mary A. Laurient; to the Committee on Invalid Pensions.

Also, a bill (H. R. 17685) granting a pension to Cordelia Sullivan; to the Committee on Invalid Pensions.

Also, a bill (H. R. 17686) granting a pension to Mary Gonter; to the Committee on Invalid Pensions.

Also, a bill (H. R. 17687) granting a pension to Wilbur K. Baker; to the Committee on Invalid Pensions.

Also, a bill (H. R. 17688) granting a pension to Anna Buhrman; to the Committee on Invalid Pensions.

Also, a bill (H. R. 17689) granting a pension to Oscar Grear; to the Committee on Invalid Pensions.

Also, a bill (H. R. 17690) granting a pension to Henry Briggs; to the Committee on Invalid Pensions.

Also, a bill (H. R. 17691) granting an increase of pension to Florida Kennerly; to the Committee on Pensions.

Also, a bill (H. R. 17692) granting an increase of pension to John H. Edge; to the Committee on Pensions.

Also, a bill (H. R. 17693) granting an increase of pension to Charles H. Frank; to the Committee on Invalid Pensions.

Also, a bill (H. R. 17694) granting an increase of pension to Ellen Stark; to the Committee on Invalid Pensions.

Also, a bill (H. R. 17695) granting an increase of pension to Henry Miller; to the Committee on Invalid Pensions.

Also, a bill (H. R. 17696) granting an increase of pension to Andrew Houlihan; to the Committee on Invalid Pensions.

Also, a bill (H. R. 17697) granting an increase of pension to Margaret M. Stone; to the Committee on Invalid Pensions.

Also, a bill (H. R. 17698) granting an increase of pension to John Fritz; to the Committee on Invalid Pensions.

Also, a bill (H. R. 17699) granting an increase of pension to John H. Helser; to the Committee on Invalid Pensions.

Also, a bill (H. R. 17700) granting an increase of pension to John F. Nixon; to the Committee on Invalid Pensions.

Also, a bill (H. R. 17701) granting an increase of pension to James M. Thomas; to the Committee on Invalid Pensions.

Also, a bill (H. R. 17702) granting an increase of pension to Louisa Jones; to the Committee on Invalid Pensions.

Also, a bill (H. R. 17703) granting an increase of pension to Alice W. T. Groesbeck; to the Committee on Invalid Pensions.

Also, a bill (H. R. 17704) granting an increase of pension to Oscar Messick; to the Committee on Invalid Pensions.

Also, a bill (H. R. 17705) granting an increase of pension to Julius Bonger; to the Committee on Invalid Pensions.

Also, a bill (H. R. 17706) granting an increase of pension to Adam Zimmerman; to the Committee on Invalid Pensions.

Also, a bill (H. R. 17707) granting an increase of pension to George W. Bransford; to the Committee on Invalid Pensions.

Also, a bill (H. R. 17708) granting an increase of pension to Peter R. Matthew; to the Committee on Invalid Pensions.

Also, a bill (H. R. 17709) granting an increase of pension to Augusta A. Roberts; to the Committee on Invalid Pensions.

Also, a bill (H. R. 17710) granting an increase of pension to Thomas Carten; to the Committee on Invalid Pensions.

Also, a bill (H. R. 17711) granting an increase of pension to Gideon W. Carmichael; to the Committee on Invalid Pensions.

Also, a bill (H. R. 17712) granting an increase of pension to Julia F. Wagner; to the Committee on Invalid Pensions.

Also, a bill (H. R. 17713) granting an increase of pension to John A. Wanless; to the Committee on Invalid Pensions.

Also, a bill (H. R. 17714) granting an increase of pension to Robert S. Copeland; to the Committee on Invalid Pensions.

Also, a bill (H. R. 17715) granting an increase of pension to William Martin Miller; to the Committee on Invalid Pensions.

Also, a bill (H. R. 17716) granting an increase of pension to Thomas J. Connor; to the Committee on Invalid Pensions.

Also, a bill (H. R. 17717) granting an increase of pension to John A. Spann; to the Committee on Invalid Pensions.

Also, a bill (H. R. 17718) granting an increase of pension to Martin Schubert; to the Committee on Invalid Pensions.

Also, a bill (H. R. 17719) granting an increase of pension to Lawrence Ring; to the Committee on Invalid Pensions.

Also, a bill (H. R. 17720) granting an increase of pension to Charles Bieger; to the Committee on Invalid Pensions.

Also, a bill (H. R. 17721) granting an increase of pension to Mary Westerfield; to the Committee on Invalid Pensions.

Also, a bill (H. R. 17722) granting an increase of pension to Edward P. Rice; to the Committee on Invalid Pensions.

Also, a bill (H. R. 17723) granting an increase of pension to Mary A. McDonough; to the Committee on Invalid Pensions.

Also, a bill (H. R. 17724) granting an increase of pension to James M. Patterson; to the Committee on Invalid Pensions.

Also, a bill (H. R. 17725) granting an increase of pension to C. L. Stevenson; to the Committee on Invalid Pensions.

Also, a bill (H. R. 17726) granting an increase of pension to Oscar Messick; to the Committee on Invalid Pensions.

Also, a bill (H. R. 17727) granting an increase of pension to Harvey S. Page; to the Committee on Invalid Pensions.

Also, a bill (H. R. 17728) granting an increase of pension to Bertha Herder; to the Committee on Invalid Pensions.

Also, a bill (H. R. 17729) granting an increase of pension to Pleasant F. Clutts; to the Committee on Invalid Pensions.

Also, a bill (H. R. 17730) granting an increase of pension to Wilhelmine L. Mahkorn; to the Committee on Invalid Pensions.

Also, a bill (H. R. 17731) for the relief of James Clarkson; to the Committee on Claims.

Also, a bill (H. R. 17732) for the relief of C. M. Perkins; to the Committee on Claims.

Also, a bill (H. R. 17733) for the relief of John H. Rheinlander; to the Committee on Claims.

Also, a bill (H. R. 17734) for the relief of John A. Kress; to the Committee on War Claims.

Also, a bill (H R. 17735) for the relief of John Dieter; to the Committee on War Claims.

Also, a bill (H. R. 17736) for the relief of John A. Wanless; to the Committee on Military Affairs.

Also, a bill (H. R. 17737) for the relief of Bartholomew Buckley; to the Committee on Military Affairs.

Also, a bill (H. R. 17738) for the relief of Camille Noel Dry; to the Committee on Military Affairs.

Also, a bill (H. R. 17739) for the relief of Thomas S. McKee; to the Committee on Military Affairs.

Also, a bill (H. R. 17740) for the relief of Isaac W. Harding; to the Committee on Military Affairs.

Also, a bill (H. R. 17741) for the relief of Robert O. Hilligoss; to the Committee on Military Affairs.

Also, a bill (H. R. 17742) for the relief of John H. Drosselmeier; to the Committee on Military Affairs.

Also, a bill (H. R. 17743) for the relief of Charles W. Howard; to the Committee on Military Affairs.

Also, a bill (H. R. 17744) for the relief of Joseph Sirenick; to the Committee on Military Affairs.

Also, a bill (H. R.17745) for the relief of Aaron B. Van Pelt, alias Benjamin Van Pelt; to the Committee on Military Affairs.

Also, a bill (H. R. 17746) to correct the military record of Allen Barnes; to the Committee on Military Affairs.

Also, a bill (H. R. 17747) to correct the military record of Patrick J. Carmody; to the Committee on Military Affairs.

Also, a bill (H. R. 17748) correcting the hospital record of Edward J. Wehrle; to the Committee on Military Affairs.

Also, a bill (H. R. 17749) to appropriate $15,000 out of the funds in the United States Treasury to the credit of the Cherokee Indians, to pay to Charles M. Rice, of St. Louis, and his associates for legal services; to the Committee on Indian Affairs.

Also, a bill (H. R. 17750) authorizing the Secretary of the Interior to enroll Isabell Richter, née Bell Cook, and her son, Charles H. Richter, as Cherokee Indians; to the Committee on Indian Affairs.

By Mr. GRAHAM of Pennsylvania: A bill (H. R. 17751) granting an increase of pension to Hugh McDonald; to the Committee on Pensions.

By Mr. HILL: A bill (H. R. 17752) for the relief of Caleb T. Holland; to the Committee on Military Affairs.

By Mr. O'LEARY: A bill (H. R. 17753) for the relief of the estate of Samuel C. Reid, jr.; to the Committee on Claims.

By Mr. O'SHAUNESSY: A bill (H. R. 17754) granting an increase of pension to Sarah Ann Smith; to the Committee on Invalid Pensions.

By Mr. PAIGE of Massachusetts: A bill (H. R. 17755) granting a pension to William P. La Croix; to the Committee on Pensions.

Also, a bill (H. R. 17756) granting a pension to George P. Clark; to the Committee on Invalid Pensions.

By Mr. REILLY of Connecticut: A bill (H. R. 17757) granting an increase of pension to Catharine F. Bews; to the Committee on Invalid Pensons.

By Mr. STEVENS of New Hampshire: A bill (H. R. 17758) granting a pension to Alpheus C. Richardson; to the Committee on Invalid Pensions.

Also, a bill (H. R. 17759) granting an increase of pension to George H. Porter; to the Committee on Invalid Pensions.

By Mr. TAGGART: A bill (H. R. 17760) granting a pension to Mary E. Bassett; to the Committee on Invalid Pensions.

PETITIONS, ETC.

Under clause 1 of Rule XXII, petitions and papers were laid on the Clerk's desk and referred as follows:

By the SPEAKER (by request): Petitions of certain citizens of St. Louis, Mo., protesting against the passage of the Hobson prohibition amendment; to the Committee on Rules.

Also (by request), petitions of the State Christian Endeavor Union of Oklahoma and the Christian churches at Miltonvale, Kans., urging the passage of the Hobson prohibition amendment; to the Committee on Rules.

Also (by request), resolution signed by the pastor of the German Methodist Episcopal Church of White, S. Dak., protesting against the practice of polygamy in the United States; to the Committee on the Judiciary.

Also (by request), resolution of the Southwestern Missouri Millers' Club, of Joplin, Mo., and the Electrical Contractors' Association of Kansas City, Mo., urging 1-cent postage for first-class mail; to the Committee on the Post Office and Post Roads.

Also, petition signed by Ed. R. Rufderheide and others, of Owensville, Mo., urging the passage of the Hobson prohibition amendment; to the Committee on Rules.

By Mr. ANSBERRY: Petition of the Woman's Christian Temperance Union of Putnam County, Ohio, favoring national prohibition; to the Committee on Rules.

By Mr. BRITTEN: Memorial of the Social and Mutual Advancement Association of the Blind, of Chicago, Ill., protesting against any change in the American flag; to the Committee on the Judiciary.

By Mr. BRUCKNER: Petitions of F. Coit Johnson and G. A. Barnard, of New York City, against the enactment of sections 7 and 18 of the Clayton bill; to the Committee on Appropriations.

Also, petition of Peter McIvor, of New York City, in favor of a retirement bill for superannuated employees of the Government; to the Committee on Reform in the Civil Service.

By Mr. CALDER: Petition of various voters of the sixth congressional district of New York, sundry citizens of Brooklyn and New York City, the Men's Club of New York Avenue Methodist Episcopal Church, the congregation of Second Church of Christ, the Bethany Presbyterian Church, various members of the Bedford Presbyterian Church, and the Brooklyn Christian Endeavor Union, all of Brooklyn, N. Y., favoring national prohibition; to the Committee on Rules.

By Mr. CARR: Petition of 60 citizens of Uniontown, Pa., in favor of national prohibition; to the Committee on Rules.

Also, petition of the Christian Endeavor Society of the First Presbyterian Church of Masontown, Pa., in favor of national prohibition; to the Committee on Rules.

Also, petition of the Methodist Protestant Sunday School of Connellsville, Pa., in favor of national prohibition; to the Committee on Rules.

Also, petition of the Sunday School of the First Presbyterian Church of Masontown, Pa., in favor of national prohibition; to the Committee on Rules.

Also, petition of the Young People's Christian Endeavor Society of the Presbyterian Church of Khedive, Pa., in favor of national prohibition; to the Committee on Rules.

Also, petition of 200 members of the adult department of the Third Presbyterian Sunday School of Uniontown, Pa., in favor of national prohibition; to the Committee on Rules.

By Mr. CLANCY: Petitions of E. C. Robertson, May D. Janaris, Charles C. Trump, and others, of Syracuse, N. Y., favoring woman suffrage; to the Committee on the Judiciary.

Also, petition of the First Methodist Church of Syracuse, N. Y., favoring national prohibition; to the Committee on Rules.

Also, petitions of 364 citizens of the thirty-fifth New York district, against national prohibition; to the Committee on Rules.

Also, petitions of the Bedding and Cushion Workers, the United Garment Workers, the Electrical Workers, the Syracuse Saengerbund, the Syracuse Turnverein, the Knights of Trinity, the St. Peter's Society, and the Brewery Workers' Union, all of Syracuse, N. Y., protesting against the passage of the Hobson prohibition amendment; to the Committee on Rules.

By Mr. COOPER: Petitions of sundry citizens of Allen Grove, Rev. W. J. C. Ralph and 150 members of the Congregational Church of Mackinago, the Methodist Episcopal Church of Waukesha, and the Park Avenue Methodist Episcopal Church, of Kenosha, all in the State of Wisconsin, favoring national prohibition; to the Committee on Rules.

Also, petitions of sundry citizens of Racine and Waukesha, Wis., and United Brewery Workers, Local 103, of Waukesha, Wis., protesting against national prohibition; to the Committee on Rules.

By Mr. COPLEY: Petition of Sarah Tobian, Anna M. Beard, and others, of Protorius, Ill., favoring woman suffrage; to the Committee on the Judiciary.

By Mr. DALE: Petitions of F. C. Linde; the Hamilton Co., of New York City; and the Merchants and Manufacturers' Association, of Philadelphia, Pa., protesting against Clayton antitrust bill; to the Committee on the Judiciary.

Also, petition of the Central Labor Union of Brooklyn, N. Y., favoring passage of the seamen's bill (S. 136); to the Committee on the Merchant Marine and Fisheries.

By Mr. DILLON: Petition of sundry citizens of Artesian and Seneca, S. Dak., in favor of national prohibition; to the Committee on Rules.

Also, petition of the Methodist Brotherhood of the First Methodist Episcopal Church, of Sioux Falls, S. Dak., in favor of national prohibition; to the Committee on Rules.

By Mr. DONOHOE: Petition of the Puritan Presbyterian Church, of Philadelphia, Pa., favoring the adoption of the Hobson resolution for nation-wide prohibition; to the Committee on Rules.

Also, petition of the Methodist Episcopal Church of Bustleton, Philadelphia, Pa., favoring the Hobson resolution for nation-wide prohibition; to the Committee on Rules.

Also, petition of the Trinity Presbyterian Church, of Philadelphia, Pa., favoring the adoption of the Hobson resolution for nation-wide prohibition; to the Committee on Rules.

By Mr. DONOVAN: Petitions of John M. Larkin and sundry citizens of Easton, the Men's Assembly of Bridgeport, the Woman's Christian Temperance Union of Georgetown, 58 citizens of Rowayton, and various members of Washington Lodge, No. 151, International Order of Good Templars, of Norwalk, all in the State of Connecticut, favoring national prohibition; to the Committee on Rules.

Also, petition of Rudolf Brunner and others, of Bridgeport, Conn., protesting against national prohibition; to the Committee on Rules.

Also, petition of E. A. Mallory & Sons, of Danbury, Conn., favoring House bill 15613, the Federal trade commission act; to the Committee on the Judiciary.

Also, petition of sundry citizens of Bridgeport, Conn.; the First Congregational Sunday School of Norwalk, Conn.; and William S. Taylor, of Norwalk, Conn., favoring national prohibition; to the Committee on Rules.

By Mr. DUNN: Petition of sundry citizens of Rochester, N. Y., protesting against national prohibition; to the Committee on Rules.

Also, petitions of sundry citizens of Rochester, N. Y., favoring national prohibition; to the Committee on Rules.

Also, petition of sundry citizens of Monroe County, N. Y., favoring national prohibition; to the Committee on Rules.

By Mr. EAGAN: Petitions signed by 139 citizens of Hudson County, eleventh district of New Jersey, protesting against national prohibition; to the Committee on Rules.

Also, petition of the Chicago, St. Louis & Western Railroad, protesting against cut in railway-mail pay; to the Committee on the Post Office and Post Roads.

By Mr. ESCH: Petition of the Merchants and Manufacturers' Association of Philadelphia, Pa., protesting against antitrust bills at this session of Congress; to the Committee on the Judiciary.

By Mr. FAIRCHILD: Petition of sundry citizens of Bainbridge, N. Y., favoring national prohibition; to the Committee on Rules.

By Mr. FERGUSSON: Memorials of C. E. Apodaca and 7 other citizens, Adolfo Salas and 33 other citizens, and Local Union No. 330, International Union of United Brewery Workers, John Motzenbacker, secretary, of Albuquerque; C. R. Hamilton, of Arabela; J. C. Garcia and 7 other citizens of Clayton; D. W. Colligan, of Clovis; Juan C. Candelaria and 9 other citizens of Rosa; Thomas Doran and 5 other citizens of Santa Fe; Julian Telles and 5 other citizens of Socorro; Joseph Price, Jesus Ma. Torres, and 34 other citizens of Socorro; and Albino Carillo and 10 other citizens of White Oaks, all in the State of New Mexico, protesting against national prohibition; to the Committee on Rules.

Also, petitions of E. C. Sims, Garlington Bros., W. E. Jefferies, George Magill, W. C. Simmons, Dr. J. O. Michael, M. L. Norris, E. B. Benker, S. L. Warner, and G. W. R. Smith, of East Vaughn; mass meeting of Sunday-school and church people of Springer, S. E. Turner, chairman, and Louis Garcia, secretary; Rev. D. Norman Skinner, William G. Haydon, J. H. Stearns, and Jefferson Reynolds, as officers of the First Presbyterian Church of East Las Vegas; Sunday-school and church people of Colmor, J. C. Graham, chairman, and A. L. Garl, secretary; the Ministerial Alliance of Roswell, Frank Talmage, secretary; St. John's Epworth League, of Santa Fe; J. A. Wood, Ella O. Wood, Laura W. Wood, and Owen L. Wood, of Santa Fe; the Woman's Christian Temperance Union of Albuquerque; Mr. and Mrs. G. W. Gee, Mrs. R. Cline and family, and R. M. Cline, of Raton; A. B. Calvin, George W. Lockwood, and 11 other citizens of Dedman, all in the State of New Mexico, favoring national prohibition; to the Committee on Rules.

Also, petition of 13 citizens of Colfax and Union Counties, N. Mex., in favor of national prohibition; to the Committee on Rules.

Also, petition of Gertie Patterson and 31 other citizens of Patterson, N. Mex., in favor of national prohibition; to the Committee on Rules.

Also, petition of 40 members of the Christian Endeavor Society of the United Brethren in Christ Church of Amistad, N. Mex., in favor of national prohibition; to the Committee on Rules.

Also, petition of Lizzie B. Arrison and Mrs. E. D. Sisk, of Albuquerque, N. Mex., in favor of national prohibition; to the Committee on Rules.

Also, petitions of citizens of Albuquerque, by Mrs. Abbie S. Brewer, presiding officer, and Mrs. L. B. B. Bloom, secretary, and citizens of Portales, by Mrs. W. E. Lindsey, presiding officer, and Mrs. G. W. Carr, secretary, praying for the enactment of Federal legislation insuring to women political equal rights with men; to the Committee on the Judiciary.

Also, petition of the Wholesale Grocers' Club of New Mexico, by M. W. Browne, secretary, favoring the repeal of the national bankruptcy law; to the Committee on Banking and Currency.

By Mr. FESS: Petition of the Sunday School of the Central Methodist Episcopal Church of Springfield, Ohio, and sundry citizens of Mount Sterling, Ohio, favoring national prohibition; to the Committee on Rules.

Also, petition of the Merchants and Manufacturers' Association of Philadelphia, Pa., favoring a suspension of legislation affecting business this session; to the Committee on the Judiciary.

By Mr. GALLIVAN: Petitions of 29 citizens of the twelfth district of Massachusetts, against national prohibition; to the Committee on Rules.

By Mr. GERRY: Petitions of the Apponaug Woman's Christian Temperance Union; 36 members of the Bradford Woman's Christian Temperance Union; the Westerly Woman's Christian Temperance Union; 9 residents of Cranston; the Anna Gordon Woman's Christian Temperance Union, of Providence; the Quarterly Conference Methodist Episcopal Church of Phenix; the Rhode Island Baptist Sunday School Convention, of Providence; the Christian Endeavor Society of Academy Avenue Congregational Church, of Providence; the Washington Park Methodist Episcopal Church, of Providence; the Tabernacle Methodist Episcopal Church, of Providence; the United Baptist Church, of Providence; the Trinity Union Methodist Episcopal Church, of Providence; and telegrams of James Babcock and L. G. Horton, of Westerley, all in the State of Rhode Island, urging the passage of legislation providing for national prohibition; to the Committee on Rules.

By Mr. GILMORE: Petitions of the Christian Endeavor Society of the North Baptist Church of Brockton, Mass., and yearly meeting of Friends for New England, at Vassalboro, Me., favoring national prohibition; to the Committee on Rules.

Also, memorial of the Taunton Chamber of Commerce, favoring passage of House bill 11332, for the registration of designs; to the Committee on Patents.

Also, petition of the Massachusetts Forestry Association, favoring the Newlands bill; to the Committee on Rivers and Harbors.

By Mr. GOOD: Petition of various business men of West Branch, Iowa, favoring passage of House bill 5308; to the Committee on Ways and Means.

By Mr. GOODWIN of Arkansas: Papers to accompany House bill 17617, granting an increase of pension to Thomas W. Oastler; to the Committee on Pensions.

By Mr. GRAHAM of Pennsylvania: Memorial of the board of directors of the Western Society of Engineers, protesting against the passage of House bill 13457; to the Committee on Expenditures in the Interior Department.

Also, petition of the Select and Common Council of Philadelphia, Pa., favoring passage of bill for retirement of aged civil-service employees; to the Committee on Reform in the Civil Service.

By Mr. GUERNSEY: Petition of sundry citizens of Howland and 500 citizens of Kenduskeag, Me., favoring national prohibition; to the Committee on Rules.

Also, memorials of the Methodist Episcopal Churches of Eddington and East Holden, Me., favoring national prohibition; to the Committee on Rules.

By Mr. HOXWORTH: Petitions of sundry citizens of the fifteenth congressional district of Illinois, protesting against national prohibition; to the Committee on Rules.

By Mr. JOHNSON of Washington: Petitions of sundry citizens of Tacoma, Spanaway, Centralia, and Wilkerson, all in the State of Washington, opposing national prohibition; to the Committee on Rules.

Also, petitions of various citizens of Vancouver, Wash., favoring the national prohibition amendment; to the Committee on Rules.

Also, petitions of various citizens of Eden, Wash., favoring the national prohibition amendment; to the Committee on Rules.

By Mr. KENNEDY of Iowa: Petition of Rev. L. V. Nash, representing the people of Middletown, Iowa, favoring national prohibition; to the Committee on Rules.

Also, petition of W. A. Hancock, chairman of a mass meeting of citizens of Montrose, Iowa, favoring joint resolution 168; to the Committee on Rules.

Also, resolutions adopted by the Iowa Christian Endeavor Union in convention at Ottumwa, Iowa, in favor of national prohibition; to the Committee on Rules.

Also, resolutions adopted by the conference of Seventh-Day Adventists of Iowa, in favor of national prohibition; to the Committee on Rules.

By Mr. KENNEDY of Rhode Island: Petition of a mass meeting of citizens at the First Methodist Episcopal Church of Woonsocket, R. I., and the Yearly Meeting of Friends for New England at Vassalboro, Me., favoring national prohibition; to the Committee on Rules.

Also, memorial of the Christian Endeavor Society of the Globe Congregational Church, of Woonsocket, R. I., favoring national prohibition; to the Committee on Rules.

By Mr. KONOP: Petition of the Moravian Sunday School of Door County, the First Presbyterian Church of Green Bay, and the Woman's Christian Temperance Union of Gillett, all in the State of Wisconsin, favoring national prohibition; to the Committee on Rules.

By Mr. LEWIS of Pennsylvania: Petition of Local Unions Nos. 22, 144, and 67, International Union of United Brewery Workmen of America, of Pittsburgh, Pa., protesting against national prohibition; to the Committee on Rules.

Also, memorial of the Christian Endeavor Society of the Grace Reformed Church, of Allentown, Pa., favoring national prohibition; to the Committee on Rules.

By Mr. LLOYD: Petition of various residents of Shelby County, Mo., in favor of House joint resolution 168; to the Committee on Rules.

By Mr. LONERGAN: Petition of the Manchester Christian Endeavor Union, of Manchester, Conn., favoring the passage of the Hobson bill; to the Committee on Rules.

Also, petition of sundry citizens of Wethersfield, Conn., in favor of national prohibition; to the Committee on Rules.

Also, petitions of William H. Koch and Henry Koch, of Collinsville, Conn., protesting against national prohibition; to the Committee on Rules.

Also, petitions of the First Baptist Christian Endeavor Society of New Britain; the Young People's Society of Christian Endeavor of the First Presbyterian Church of Hartford; Charles Tarbox Sanford, of Hartford; the North Methodist Episcopal Church, of Hartford; A. Stubenrauch, of Burnside; the South Glastonbury Congregational Church, of South Glastonbury; and Frank Dixon, of South Glastonbury, all in the State of Connecticut, favoring the passage of the Hobson bill; to the Committee on Rules.

Also, petition of Mr. Frank W. Johnson and 20 other citizens of Forestville, Conn., favoring national prohibition; to the Committee on Rules.

By Mr. McCLELLAN: Petition of George J. Felts and three other citizens of Columbia County, N. Y., against national prohibition; to the Committee on Rules.

Also, petitions of the Christian Endeavor Societies of Barnerville, Cairo, and Durham; the Methodist Episcopal Churches of Cairo, Cobleskill, Barryville, Philmont, Clinton Avenue, Kingston, and Eldred; the Reformed Churches of Port Ewen and Stuyvesant Falls; the Protestant churches of Cobleskill; the Bates and Broome Center Christian Churches; the Sunday School Conference of Sullivan County; the Presbyterian Church of Durham, all in the twenty-seventh district of New York, in favor of national prohibition; to the Committee on Rules.

Also, petition of Rev. Robert Knapp and 22 residents of Marlboro, Ulster County, N. Y., favoring national prohibition; to the Committee on Rules.

Also, petition of Rev. A. K. Lindsley and 21 residents of Big Hollow, J. J. Miller and 15 residents of Shady, W. D. Pettinger, E. Satterlee, and Eva May Fuller, of Kingston, all in the twenty-seventh congressional district of New York, favoring national prohibition; to the Committee on Rules.

Also, petition of F. A. Klein and 5 others of Sullivan County, twenty-seventh congressional district of New York, against national prohibition; to the Committee on Rules.

Also, petition of John W. Clapp, Edward H. Carpenter, and James J. Fox, of Hudson, N. Y., against national prohibition; to the Committee on Rules.

By Mr. McGILLICUDDY: Memorial of the Court Street Baptist Church Christian Endeavor Society, of Auburn, Me., favoring national prohibition; to the Committee on Rules.

By Mr. MAPES: Petitions of 20 citizens of Conklin, D. E. Birtchard and 39 others of Coopersville, and L. E. Ives and 15 others of Coopersville, all in the State of Michigan, favoring national prohibition; to the Committee on Rules.

By Mr. MERRITT: Petition of the Methodist Episcopal Church of Fort Covington; the Second Presbyterian Church of Waddington; the Lake George Baptist Association; Rev. J. C. Long, of Saranac; Mrs. B. Smith and others, of Brooklyn, all in the State of New York, favoring national prohibition; to the Committee on Rules.

Also, petition of Ed. McGinnis and others, protesting against national prohibition; to the Committee on Rules.

By Mr. MITCHELL: Petition of 1,000 people of Waltham, Mass., in favor of national prohibition; to the Committee on Rules.

Also, resolution adopted by the First Presbyterian Church of Waltham, Mass., protesting against the practice of polygamy in the United States; to the Committee on the Judiciary.

Also, petition of various members of the Methodist Episcopal Church of Plainville, Mass., in favor of national prohibition; to the Committee on Rules.

By Mr. MURRAY of Oklahoma: Petition of the Christian Endeavor Society of Oklahoma City, Okla., in favor of national prohibition; to the Committee on Rules.

Also, petition of the representatives of four Young People's Societies of Vanoss and the Oklahoma Antisaloon League, all of Oklahoma, favoring national prohibition; to the Committee on Rules.

By Mr. NEELY of West Virginia: Petition of H. T. Lawson and 13 others, of Weston, W. Va., for passage of House joint resolution 168; to the Committee on Rules.

Also, petition of the North Street Methodist Episcopal Church, of Wheeling, W. Va., favoring national prohibition; to the Committee on Rules.

By Mr. NELSON: Petition of sundry citizens of Sun Prairie, Wis., favoring national prohibition; to the Committee on Rules.

Also, petition of 56 citizens of Albion, Wis., praying for national prohibition; to the Committee on Rules.

By Mr. J. I. NOLAN: Petitions of sundry citizens of the State of California, favoring the passage of the resolution to provide for a prohibition constitutional amendment; to the Committee on Rules.

Also, memorial of the Boise (Idaho) Commercial Club and the Seattle (Wash.) Commercial Club, favoring passage of pending legislation relative to water power; to the Committee on the Public Lands.

By Mr. O'LEARY: Petitions of Grace B. Murray, of Corona; mass meeting of citizens at the Knickerbocker Avenue Methodist Episcopal Church, of Brooklyn; the Young People's Society of the First Reformed Church of College Point; the Springfield Presbyterian Church, of Springfield Garden; and Andrew Morrison, of Flushing, all in the State of New York, favoring national prohibition; to the Committee on Rules.

Also, petition of the Woman's Christian Temperance Union of Whitestone, N. Y., favoring passage of the Smith-Hughes bill for national motion-picture commission; to the Committee on Education.

Also, petition of the Brunswick-Balke-Collender Co., of New York City, protesting against national prohibition; to the Committee on Rules.

By Mr. O'SHAUNESSY: Petition of the official members of Trinity Union Methodist Episcopal Church, of Providence, R. I., favoring national prohibition; to the Committee on Rules.

By Mr. PAIGE of Massachusetts: Petition of 34 citizens of Fitchburg, Mass., and the First Methodist Episcopal Church of Orange, Mass., favoring national prohibition; to the Committee on Rules.

By Mr. PAYNE: Petition of sundry citizens of the thirty-sixth congressional district of New York, favoring national prohibition; to the Committee on Rules.

By Mr. PETERS of Maine: Petition of sundry citizens of Hortkina, Me., and 300 citizens of Fairfield, Me., favoring national prohibition; to the Committee on Rules.

By Mr. PLUMLEY: Petition of the Methodist Episcopal Church of Craftsbury, Vt., favoring national prohibition; to the Committee on Rules.

By Mr. REED: Petitions and letters of Ernest L. Converse, of Meredith; R. H. Barker, M. D., of Derry; the New Durham Free Baptist Churches, representing 20 churches and 100 members; resolution passed by the Free Baptist Church of Rochester, with a membership of over 200, representing a constituency of 1,000; George D. Petrie, of Center County; Edward J. Canfield, of East Rochester; Wilber B. Mudgett, of Laconia; Albert W. Bickford, of Rochester; Lucius H. Thayer, of Portsmouth; John Manter, of Lakeport; Granville F. Grant, of Gonic; Irving H. Gray, of Rochester; George B. Thomas, of Manchester; Walter S. Meader, for the Yearly Meeting of Friends for New England, of Vassalboro, Me., representing over 4,000 members; Rev. M. F. Hardy, for the Nelson Congregational Church, of Nelson; Miss Pearl M. Bishop, for the Court Street Congregational Church, of Keene; Julia A. Webster, president, for the Christian Endeavor Society of the Free Baptist Church, of Manchester, all in the State of New Hampshire, praying for an amendment to the Constitution to prohibit the manufacture, sale, and importation of intoxicating beverages; to the Committee on Rules.

By Mr. REILLY of Connecticut: Petitions of the Christian Endeavor Society of the Orange (Conn.) Congregational Church, the Christian Endeavor Society of the First Congregational Church of Meriden, sundry citizens of Westville, the Christian Endeavor Society of Branford Baptist Church, and the New Haven County Woman's Christian Temperance Union, 600 women, all in the State of Connecticut, favoring national prohibition; to the Committee on Rules.

By Mr. REILLY of Wisconsin: Petitions of sundry citizens of the sixth congressional district of Wisconsin, protesting against the passage of the Hobson prohibition resolution or any other like measures; to the Committee on Rules.

By Mr. ROBERTS of Nevada: Petitions of P. Cullo and J. J. Rogers, of Speare; Alm Berhond, of Fairview; H. J. Gallagher, F. F. Henderson, C. J. Berry, and 26 others, of Virginia City; J. W. Raymond, of Round Mountain; Le Roy Pike, R. A. Gott, C. O. Davis, C. S. Wheeler, and others, of Reno; A. J. Marsteth, Col. H. G. Richardo, and 20 others, of Austin, all in the State of Nevada, protesting against national prohibition; to the Committee on Rules.

Also, petition of the Epworth League of the Methodist Episcopal Church of Fallon Nev., favoring national prohibition; to the Committee on Rules.

By Mr. SELDOMRIDGE: Petition of sundry citizens of Manzanola, the Walk's Camp School of Lincoln County, various voters of Washington County, and the Weldona Sunday School, all in the State of Colorado, favoring national prohibition; to the Committee on Rules.

Also, petition of R. W. Henderson, of Local Union No. 3511, of Colorado, favoring passage of Kern-Foster bill; to the Committee on Interstate and Foreign Commerce.

By Mr. SINNOTT: Petitions of 40 citizens of Athena, the Young People's Campaign Club of La Grande, 74 citizens of Weston, and 41 citizens of Cove, all in the State of Oregon, favoring national prohibition; to the Committee on Rules.

By Mr. SMITH of Idaho: Petition of 37 citizens of Boise, Idaho, protesting against national prohibition; to the Committee on Rules.

By Mr. J. M. C. SMITH: Petitions of Mrs. Laura Iles, Mrs. Cora Barber, and others, of Allen; the Woman's Christian Temperance Union of Hillsdale County; Nellie Sawyer Clark and others, of Kalamazoo; and Mrs. W. L. Brownell and others, of Kalamazoo, all in the State of Michigan, favoring woman suffrage; to the Committee on the Judiciary.

Also, petitions of sundry citizens of Oshtemo, Mich., and 222 citizens of Battle Creek, Mich., favoring national prohibition; to the Committee on Rules.

Also, petition of the City Council of Grand Rapids, Mich., favoring passage of House bill 5139, the Hamill bill; to the Committee on Reform in the Civil Service.

By Mr. SPARKMAN: Petition of sundry citizens of Hillsboro County, Fla., protesting against national prohibition; to the Committee on Rules.

Also, petition of sundry citizens of Pinellas County, Fla., favoring national prohibition; to the Committee on Rules.

By Mr. TREADWAY: Petition of various residents of Holyoke, Mass., favoring national prohibition; to the Committee on Rules.

Also, resolution of the Board of Aldermen of the city of Medford, Mass., favoring the enactment of House bill 5139, for the relief of certain civil-service employees; to the Committee on Reform in the Civil Service.

Also, petition of the Vart Val Lodge, International Order of Good Templars, of Holyoke, Mass., favoring national prohibition; to the Committee on Rules.

By Mr. TUTTLE: Petition of Mrs. Katherine Middleton, of Trenton, N. J., in favor of national prohibition; to the Committee on Rules.

By Mr. UNDERHILL: Petitions of sundry citizens of Jasper, Wellsburg, Veteran, Hornell, Murphey, Elmira, Cohocton, Erin, Millport, and Elmira Heights, all in the State of New York, favoring national prohibition; to the Committee on Rules.

By Mr. WALLIN: Petitions of various residents of the thirtieth New York district, favoring national prohibition; to the Committee on Rules.

By Mr. WILLIAMS: Petition of 75 members of the Young People's Society for Christian Endeavor of the Central Church of Christ, of Decatur; the Woman's Christian Temperance Union and 26 citizens of Detroit; and the United Brethren Sunday School, of Astoria, all in the State of Illinois, favoring national prohibition; to the Committee on Rules.

SENATE.

TUESDAY, *July 7, 1914.*

The Senate met at 11 o'clock a. m.

Rev. J. L. Kibler, D. D., offered the following prayer:

Our heavenly Father, we thank Thee for Thy grace, for the multitude of Thy tender mercies, and for Thy wonderful works to the children of men. May we express our gratitude in faithful service. Grant us the spirit of loyalty to the right and of unselfish devotion to the interests of men. Give us wisdom and grace that we may act well our part, and may the commandments of the Lord enlighten our eyes. We ask it for Jesus' sake. Amen.

The Secretary proceeded to read the Journal of yesterday's proceedings, when, on request of Mr. BRADY and by unanimous consent, the further reading was dispensed with and the Journal was approved.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by J. C. South, its Chief Clerk, announced that the House had passed the bill (S. 4441) to extend the provisions of the act of June 23, 1910 (36 Stats. L., p. 592), authorizing assignment of reclamation homestead entries, and of the act of August 9, 1912 (37 Stats. L., p. 265), authorizing the issuance of patents on reclamation homestead entries, to lands in the Flathead irrigation project, Montana.

The message also announced that the House had passed the bill (S. 60) to provide for agricultural entry of oil lands, with amendments, in which it requested the concurrence of the Senate.

The message further announced that the House had passed the following bills and joint resolutions, in which it requested the concurrence of the Senate:

H. R. 1694. An act to amend an act approved October 1, 1890, entitled "An act to set apart certain tracts of land in the State of California as forest reservations";

H. R. 2167. An act to amend an act entitled "An act to codify, revise, and amend the laws relating to the judiciary," approved March 3, 1911;

H. R. 8479. An act to repeal section 3 of section 1342 of the Revised Statutes of the United States, enacted July 27, 1892;

H. R. 11745. An act to provide for certificate of title to homestead entry by a female American citizen who has intermarried with an alien;

H. R. 13180. An act to amend the act of March 4, 1913 (37 U. S. Stat., p. 872), so as to provide that in the construction of the public building at Roseburg, Oreg., provision shall be made for the accommodation therein of the United States post office and other governmental offices;

H. R. 13815. An act to increase the limit of cost for the construction of a public building at Marlin, Tex.;

H. R. 15000. An act authorizing the Secretary of the Treasury to disregard section 33 of the public-buildings act of March 4, 1913, as to site at Huntingdon, Tenn.;

H. R. 15220. An act to amend sections 4888 and 4889 of the Revised Statutes, relating to patents;

H. R. 16055. An act to amend section 4474 of the Revised Statutes of the United States;

H. R. 16346. An act to amend section 4131 of the Revised Statutes of the United States of America as amended by the act of Congress approved May 28, 1896, relating to the renewal of licenses;

H. R. 16392. An act to better regulate the serving of licensed officers in the merchant marine of the United States and to promote safety at sea;

H. J. Res. 257. Joint resolution authorizing the Commissioner of Patents to exchange printed copies of the United States patents with the Dominion of Canada; and

H. J. Res. 295. Joint resolution authorizing the Secretary of War to return to the State of Louisiana the orginal ordinance of secession adopted by said State.

AMENDMENT OF ANTITRUST LAW.

Mr. JONES. Mr. President, I have received a great many telegrams from labor organizations with reference to the Clayton bill, and I have here a sample of the telegrams, which I ask may be read.

I also have a telegram from the Employers' Association of the State of Washington with reference to the same matter. It expresses the sentiment of a great many letters and telegrams that I am receiving on the same subject. I hope it will not be considered that either side of the question is in a conspiracy with reference to this proposed legislation. I ask that these two telegrams may be read.

The VICE PRESIDENT. Is there objection? The Chair hears none, and the Secretary will read the telegrams.

The Secretary read the telegrams, as follows:

[Telegram.]

SEATTLE, WASH., *July 6, 1914.*

Hon. WESLEY L. JONES,
United States Senate, Washington, D. C.:

The Clayton bill, with its important features of class legislation, is now in the hands of the Senate Judiciary Committee. It is reasonable to assume that our years of experience in industrial relations fit us to express ourselves on the above measure. We have carefully considered its sections Nos. 7 and 18. Section 7, guaranteeing to labor unions immunity from the antitrust law, will, in our judgment, aggravate industrial strife instead of allaying it. As representatives in the Senate of the interests of our State we urge upon you to exert your efforts toward striking out the above sections.

THE EMPLOYERS' ASSOCIATION OF WASHINGTON,
G. N. SKINNER,
J. V. PATERSON,
W. J. GRAMBS.

[Telegram.]

SPOKANE, WASH., *July 6, 1914.*

Hon WESLEY JONES, *Washington, D. C.:*

Central Labor Council urges you to vote for the passage of the labor sections of the Clayton bill, H. R. 15657, as it passed the House of Representatives, and that the law be passed at this session.

J. R. MORFORD, *Secretary.*

PETITIONS AND MEMORIALS.

Mr. GALLINGER. I present a very brief telegram, which I ask to have read.

There being no objection, the telegram was read and referred to the Committee on the Judiciary, as follows:

[Telegram.]

LANCASTER, N. H., *July 5, 1914.*

Hon. J. H. GALLINGER,
United States Senate, Washington, D. C.:

Mass meeting of citizens at Lancaster, N. H., petition Congress to submit amendment prohibiting importation, manufacture, and sale of intoxicating liquors.

J. H. WARK, *Chairman.*

Mr. GALLINGER presented the petition of William H. Mix, of Santa Ana, Cal., praying for the passage of the so-called volunteer officers' retirement bill, which was referred to the Committee on Military Affairs.

Mr. SHEPPARD presented petitions and telegrams in the nature of petitions from sundry citizens of Texas, praying for the adoption of an amendment to the Constitution to prohibit the manufacture, sale, and importation of intoxicating beverages, which were referred to the Committee on the Judiciary.

Mr. MARTINE of New Jersey presented petitions of the Woman's Political Union of New Jersey and of the New Jersey Woman Suffrage Association, praying for the adoption of an amendment to the Constitution granting the right of suffrage to women, which were ordered to lie on the table.

Mr. WARREN presented a petition of sundry citizens of Lost Springs, Wyo., praying for the adoption of an amendment to the Constitution to prohibit the manufacture, sale, and importation of intoxicating beverages, which was referred to the Committee on the Judiciary.

Mr. BRANDEGEE presented petitions of the congregations of the Methodist Episcopal Church of Burnside; of the North Methodist Episcopal Church, of Hartford; of the First Congregational Church of Norwich; of the Congregational Church of Preston; of the Egbert Club, of Norwalk; and of sundry citizens of East Glastonbury, all in the State of Connecticut, praying for the adoption of an amendment to the Constitution to prohibit the manufacture, sale, and importation of intoxicating beverages, which were referred to the Committee on the Judiciary.

Mr. NORRIS presented telegrams in the nature of petitions from sundry citizens of Nebraska, praying for the adoption of an amendment to the Constitution to prohibit the manufacture, sale, and importation of intoxicating beverages, which were referred to the Committee on the Judiciary.

Mr. BRISTOW presented petitions of sundry citizens of Kansas, praying for the adoption of an amendment to the Constitution to prohibit the manufacture, sale, and importation of intoxicating beverages, which were referred to the Committee on the Judiciary.

Mr. HITCHCOCK presented petitions of sundry citizens of Nebraska, praying for the adoption of an amendment to the Constitution to prohibit the manufacture, sale, and importation of intoxicating beverages, which were referred to the Committee on the Judiciary.

He also presented a memorial of sundry citizens of Columbus, Nebr., remonstrating against the adoption of an amendment to the Constitution to prohibit the manufacture, sale, and importation of intoxicating beverages, which was referred to the Committee on the Judiciary.

He also presented petitions of sundry labor organizations in the State of Nebraska, praying for the enactment of legislation to further restrict immigration, which were ordered to lie on the table.

He also presented petitions of sundry labor organizations in the State of Nebraska, praying for the enactment of the so-called antitrust legislation, which were referred to the Committee on the Judiciary.

Mr. PERKINS presented a petition of the Tailors' Industrial Union of San Francisco, Cal., praying for the enactment of the so-called antitrust legislation, which was referred to the Committee on the Judiciary.

He also presented petitions of sundry citizens of California, praying for the adoption of an amendment to the Constitution to prohibit the manufacture, sale, and importation of intoxicating beverages, which were referred to the Committee on the Judiciary.

Mr. SHIVELY presented a petition of Stone Planermen's Union, No. 12866, of Bedford, Ind., praying for the early passage of the so-called Clayton antitrust bill, which was referred to the Committee on the Judiciary.

He also presented resolutions adopted by the Ministerial Convention of Elkhart District, Indiana Conference of the Evangelical Association, at Peru, Ind., and resolutions adopted at a mass meeting of sundry citizens of Starke County, Ind., favoring national prohibition, which were referred to the Committee on the Judiciary.

Mr. LIPPITT presented petitions of the Woman's Christian Temperance Unions of Bradford and Apponaug, R. I., praying for national prohibition, which were referred to the Committee on the Judiciary.

Mr. PAGE presented a petition of sundry citizens of Colchester, Vt., praying for national prohibition, which was referred to the Committee on the Judiciary.

Mr. BURLEIGH presented resolutions adopted by the Penobscot County Board of Fire Underwriters, at a meeting held at

Bangor, Me., favoring the enactment of legislation to prohibit the use of the mails to insurance companies transacting business in States where they are not authorized to do so, which were referred to the Committee on Post Offices and Post Roads.

He also presented petitions of sundry citizens of Maine, praying for the adoption of an amendment to the Constitution to prohibit the manufacure, sale, and importation of intoxicating beverages, which were referred to the Committee on the Judiciary.

REPORTS OF COMMITTEES.

Mr. SAULSBURY, from the Committee on Public Buildings and Grounds, to which was referred the bill (H. R. 7298) to increase the limit of cost of the public building at Smyrna, Del., reported it without amendment.

Mr. SHIVELY, from the Committee on Pensions, to which was referred the bill (H. R. 16345) granting pensions and increase of pensions to certain soldiers and sailors of the Regular Army and Navy, and certain soldiers and sailors of wars other than the Civil War, and to widows of such soldiers and sailors, reported it with amendments and submitted a report (No. 646) thereon.

JOHN K. LOWRY.

Mr. SHIVELY. From the Committee on Pensions I report back favorably without amendment the joint resolution (H. J. Res. 279) to amend an act entitled "An act granting pensions and increase of pensions to certain soldiers and sailors of the Civil War and certain widows and dependent children of soldiers and sailors of said war," approved May 2, 1914, and I submit a report (No. 645) thereon. I ask for the immediate consideration of the joint resolution.

The VICE PRESIDENT. The joint resolution will be read.

The Secretary read the joint resolution; and there being no objection, the Senate, as in Committee of the Whole, proceeded to its consideration. It proposes to correct and amend the paragraph in an act entitled "An act granting pensions and increase of pensions to certain soldiers and sailors of the Civil War and certain widows and dependent children of soldiers and sailors of said war," approved May 2, 1914 (Private, No. 22, 63d Cong.), granting an increase of pension to John K. Lowry, so as to read: "The name of John K. Lowry, late of Company F, Forty-sixth Regiment Ohio Volunteer Infantry, and to pay him a pension of $40 per month in lieu of that he is now receiving."

The joint resolution was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

The preamble was agreed to.

BILLS INTRODUCED.

Bills were introduced, read the first time, and, by unanimous consent, the second time, and referred as follows:

By Mr. GALLINGER:

A bill (S. 6041) granting a pension to Henry Dussault (with accompanying papers); to the Committee on Pensions.

By Mr. CLARKE of Arkansas:

A bill (S. 6042) to authorize the county of Pulaski, State of Arkansas, to construct a bridge across the Arkansas River between the cities of Little Rock and Argenta, Ark.; to the Committee on Commerce.

By Mr. THOMAS:

A bill (S. 6043) providing for the exercise of the right of eminent domain and the condemnation for any public purpose of lands owned or held by the United States; to the Committee on Public Lands.

By Mr. CHAMBERLAIN:

A bill (S. 6044) granting an increase of pension to Peter M. Fritts (with accompanying papers); to the Committee on Pensions.

By Mr. SHIVELY:

A bill (S. 6045) granting an increase of pension to Adam F. Wilson (with accompanying papers); to the Committee on Pensions.

By Mr. LEWIS:

A bill (S. 6046) for the relief of William H. Schriver; to the Committee on Military Affairs.

By Mr. CHAMBERLAIN (by request):

A bill (S. 6047) for the relief of the heirs of John J. and Mary S. Englebright (with accompanying papers); to the Committee on Claims.

AMENDMENTS TO APPROPRIATION BILLS.

Mr. JONES submitted an amendment intended to be proposed by him to the river and harbor appropriation bill, which was ordered to lie on the table and be printed.

Mr. BURTON. For the Senator from Massachusetts [Mr. WEEKS], who is detained from the Chamber to-day, I desire to submit an amendment to the river and harbor bill.

The VICE PRESIDENT. The amendment will lie on the table and be printed.

Mr. HOLLIS submitted an amendment proposing to appropriate $200,000 for the relief of the sufferers from the recent conflagration in Salem, Mass., etc., intended to be proposed by him to the sundry civil appropriation bill, which was ordered to lie on the table and be printed.

FEDERAL TRADE COMMISSION.

Mr. SAULSBURY submitted three amendments intended to be proposed by him to the bill (H. R. 15613) to create an interstate trade commission, to define its powers and duties, and for other purposes, which were ordered to lie on the table and be printed.

PENSIONS AND INCREASE OF PENSIONS.

Mr. OVERMAN submitted an amendment intended to be proposed by him to the bill (H. R. 17482) granting pensions and increase of pensions to certain soldiers and sailors of the Regular Army and Navy, to certain soldiers and sailors of wars other than the Civil War, and to the widows of such soldiers and sailors, which was referred to the Committee on Pensions and ordered to be printed.

HOUSE BILLS REFERRED.

The following bills were severally read twice by their titles and referred to the Committee on Public Lands:

H. R. 1694. An act to amend an act approved October 1, 1890, entitled "An act to set apart certain tracts of land in the State of California as forest reservations"; and

H. R. 11745. An act to provide for certificate of title to homestead entry by a female American citizen who has intermarried with an alien.

The following bill and joint resolution were severally read twice by their titles and referred to the Committee on Military Affairs:

H. R. 8479. An act to repeal section 3 of section 1342 of the Revised Statutes of the United States, enacted July 27, 1892; and

H. J. Res. 295. Joint resolution authorizing the Secretary of War to return to the State of Louisiana the original ordinance of secession adopted by said State.

The following bill and joint resolution were severally read twice by their titles and referred to the Committee on Patents:

H. R. 15220. An act to amend sections 4888 and 4889 of the Revised Statutes, relating to patents; and

H. J. Res. 257. Joint resolution authorizing the Commissioner of Patents to exchange printed copies of the United States patents with the Dominion of Canada.

The following bills were severally read twice by their titles and referred to the Committee on Commerce:

H. R. 16055. An act to amend section 4474 of the Revised Statutes of the United States;

H. R. 16346. An act to amend section 4131 of the Revised Statutes of the United States of America as amended by the act of Congress approved May 28, 1896, relating to the renewal of licenses; and

H. R. 16392. An act to better regulate the serving of licensed officers in the merchant marine of the United States and to promote safety at sea.

The following bills were severally read twice by their titles and referred to the Committee on Public Buildings and Grounds:

H. R. 13180. An act to amend the act of March 4, 1913 (37 U. S. Stats., p. 872), so as to provide that in the construction of the public building at Roseburg, Oreg., provision shall be made for the accommodation therein of the United States post office and other governmental offices;

H. R. 13815. An act to increase the limit of cost for the construction of a public building at Marlin, Tex.; and

H. R. 15000. An act authorizing the Secretary of the Treasury to disregard section 33 of the public buildings act of March 4, 1913, as to site at Huntingdon, Tenn.

H. R. 2167. An act to amend an act entitled "An act to codify, revise, and amend the laws relating to the judiciary," approved March 3, 1911, was read twice by its title and referred to the Committee on the Judiciary.

NEILSON FALLS.

Mr. SIMMONS submitted the following resolution (S. Res. 412), which was referred to the Committee to Audit and Control the Contingent Expenses of the Senate:

Resolved, That the Secretary of the Senate be, and is hereby, authorized and directed to pay, out of the contingent fund of the Senate, to Neilson Falls, father of Lucy F. Green, late a messenger to the Committee on Finance, a sum equal to six months' salary at the rate she was receiving by law at the time of her death, said sum to be considered as including funeral expenses and all other allowances.

TREATIES WITH NICARAGUA AND COLOMBIA.

Mr. MARTIN of Virginia. Is the morning business finished?

The VICE PRESIDENT. Not yet. The Chair lays before the Senate a resolution coming over from a preceding day, which will be read.

The Secretary read Senate resolution 411, submitted yesterday by Mr. BORAH, as follows:

Resolved, That the seal of secrecy is hereby removed from all of the hearings heretofore had which have been printed, except such testimony as may have been received under a pledge of confidence, and that hereafter all hearings be given to the public as soon as the same are corrected by the parties and printed, touching the proposed treaties with Nicaragua and Colombia, and that the consideration of both the treaties with Nicaragua and Colombia be in the open session of the Senate.

Mr. BORAH. Mr. President, if it is agreeable to the Senate, I will ask unanimous consent that this resolution may go over for a day without prejudice.

The VICE PRESIDENT. Is there objection? The Chair hears none. The resolution goes over without prejudice. The morning business is closed.

SUNDRY CIVIL APPROPRIATIONS.

Mr. MARTIN of Virginia. I ask that the Senate proceed to the consideration of House bill 17041, the sundry civil appropriation bill.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill (H. R. 17041) making appropriations for sundry civil expenses of the Government for the fiscal year ending June 30, 1915, and for other purposes, which had been reported from the Committee on Appropriations with amendments.

Mr. MARTIN of Virginia. I ask unanimous consent that the formal reading of the bill may be dispensed with and that the bill be read for amendment, the amendments of the committee to be first considered.

The VICE PRESIDENT. Is there objection? The Chair hears none, and the bill will be read, the committee amendments to be considered as they are reached in the reading of the bill.

The Secretary proceeded to read the bill.

The first amendment of the Committee on Appropriations was, under the head of "Under the Treasury Department," subhead "Public buildings, construction and sites," on page 8, after line 11, to insert:

Fort Stanton, N. Mex., sanatorium: For wire fencing materials for the construction of a wire fence about 8 miles in length along the southeastern boundary line of the reservation, $800.

The amendment was agreed to.

The next amendment was, on page 11, after line 2, to insert:

Jellico, Tenn., post office: For commencement of building under present limit, $40,000.

Mr. BURTON. I should like to ask a question about this amendment. Is it authorized in a public building bill reported by the Committee on Public Buildings and Grounds?

Mr. MARTIN of Virginia. It is authorized, and it is within the limit of cost. It is recommended regularly; it is estimated for by the department.

The amendment was agreed to.

The next amendment was, on page 14, after line 2, to insert:

New Haven, Conn., post office: The appropriations heretofore or that may hereafter be made for construction shall be available for installation of mail-handling devices in said building within the limit of cost thereof.

The amendment was agreed to.

The next amendment was, on page 14, after line 22, to insert:

Norton, Va., post office: For acquisition of site and commencement of building under present limit, $50,000.

The amendment was agreed to.

The next amendment was, on page 15, after line 19, to insert:

Philadelphia, Pa., United States mint: For placing iron grilles at windows, $10,000.

The amendment was agreed to.

The next amendment was, on page 16, after line 10, to insert:

Prescott, Ariz., post office: For acquisition of site under present limit, $7,500.

The amendment was agreed to.

The next amendment was, on page 18, after line 16, to insert:

Sylacauga, Ala., post office: For acquisition of site under present limit, $5,000.

The amendment was agreed to.

The next amendment was, on page 20, after line 9, to insert:

Washington, D. C., Treasury Building, changes and alterations: For changes and alterations in the Treasury Building, incident to the reassignment of rooms in said building to provide office accommodations for the Reserve Board, $8,000.

The amendment was agreed to.

The next amendment was, on page 20, after line 14, to insert:

Washington, D. C., Winder Building: For new roof for the Winder Building, $3,500.

The amendment was agreed to.

The next amendment was, on page 21, after line 7, to insert:

For public buildings, in pursuance to estimate submitted to Congress at its present session in House Document No. 1105, as follows.

The amendment was agreed to.

The next amendment was, on page 21, after line 10, to insert:

Albertville, Ala., post office: For acquisition of site under present limit, $5,000.

The amendment was agreed to.

The next amendment was, on page 21, after line 12, to insert:

Attalla, Ala., post office: For acquisition of site under present limit, $5,000.

The amendment was agreed to.

The next amendment was, on page 21, after line 14, to insert:

Beaufort, S. C., post office and customhouse: For acquisition of site under present limit, $5,000.

The amendment was agreed to.

The next amendment was, on page 21, after line 16, to insert:

Decatur, Ala., post office: For acquisition of site under present limit, $6,500.

The amendment was agreed to.

The next amendment was, on page 21, after line 18, to insert:

Glenwood, Iowa, post office: For acquisition of site under present limit, $5,000.

The amendment was agreed to.

The next amendment was, on page 21, after line 20, to insert:

Lancaster, Pa., post office: For acquisition of site under present limit, $138,278.78.

The amendment was agreed to.

The next amendment was, on page 21, after line 22, to insert:

Lenoir, N. C., post office: For acquisition of site under present limit, $7,000.

The amendment was agreed to.

The next amendment was, on page 21, after line 24, to insert:

Rossville, Ga., post office: For acquisition of site under present limit, $5,000.

The amendment was agreed to.

The next amendment was under the subhead "Marine hospital," on page 22, after line 3, to insert:

San Francisco, Cal., marine hospital: For extending the Fourteenth Avenue Boulevard through the grounds of the United States marine hospital at San Francisco, Cal., passing directly to the edge of Mountain Lake and making connection with the present driveway on the Presidio, $5,000.

The amendment was agreed to.

The next amendment was, under the subhead "Quarantine stations," page 22, after line 20, to insert:

For the removal of the wharf of the quarantine station at Honolulu, Hawaii, and its reerection, including all necessary new materials, at a new location within the new harbor lines established by the War Department, $22,000.

The amendment was agreed to.

The next amendment was, at the top of page 23, to insert:

San Juan, P. R., quarantine station: The provisions of the sundry civil acts approved April 28, 1904; March 4, 1909; and June 25, 1910, are hereby amended so as to authorize the construction of a lazaretto, executive building, attendants' quarters, laundry, and disinfecting building, within the total limit of cost heretofore appropriated of not to exceed $49,700.

The amendment was agreed to.

The next amendment was, on page 23, after line 8, to insert:

New Orleans, La., quarantine station: For constructing a new wharf at the New Orleans, La., quarantine station, $12,000.

The amendment was agreed to.

The next amendment was, on page 23, after line 11, to insert:

Cape Fear, N. C., quarantine station: For construction of new wharf, $25,000.

The amendment was agreed to.

The next amendment was, under the subhead "Public buildings, repairs, equipment, and general expenses," on page 24, line 3, after the word "thereto" to insert "and the Secretary of the Treasury is hereby authorized, in his discretion, to dispose of said wharf and warehouse upon such terms and conditions as may be for the best interests of the United States," so as to read:

Repairs and preservation: For repairs and preservation of all completed and occupied public buildings and the grounds thereof, under the control of the Treasury Department, and for wire partitions and fly screens therefor, Government wharves and piers under the control of the Treasury Department, together with the necessary dredging adjacent thereto, buildings and wharf at Sitka, Alaska, and the Secretary of the Treasury may, in renting said wharf, require that the lessee shall make all necessary repairs thereto, and the Secretary of the Treasury is hereby authorized, in his discretion, to dispose of said wharf and warehouse upon such terms and conditions as may be for

the best interests of the United States; for care of vacant sites under the control of the Treasury Department, such as necessary fences, filling dangerous holes, cutting grass and weeds, but not for any permanent improvements thereon; for repairs and preservation of buildings not reserved by vendors on sites under the control of the Treasury Department acquired for public buildings or the enlargement of public buildings, the expenditures on this account for the current fiscal year not to exceed 15 per cent of the annual rentals of such buildings.

The amendment was agreed to.

The next amendment was, in the item of appropriation for repairs and preservation of public buildings, on page 24, line 18, after the word "exceeding," to strike out "$14,000" and insert "$18,000," so as to make the proviso read:

Provided, That of the sum herein appropriated not exceeding $100,000 may be used for marine hospitals and quarantine stations, including wire partitions and fly screens for same, and not exceeding $18,000 for the Treasury, Butler, and Winder Buildings at Washington, D. C., including the old building of the Bureau of Engraving and Printing.

The amendment was agreed to.

The next amendment was, in the item of appropriation for repairs and preservation of public buildings, on page 25, line 1, after the word "building," to strike out "$725,000" and insert "$749,000," so as to make the additional proviso read:

Provided further, That this sum shall not be available for the payment of personal services except for work done by contract or for temporary job labor under exigency not exceeding at one time the sum of $100 at any one building, $749,000.

The amendment was agreed to.

The next amendment was, in the item of appropriation for installation and repair of mechanical equipment in all completed and occupied public buildings under the control of the Treasury Department, etc., on page 25, line 21, after the word "exceeding," to strike out "$10,000" and insert "$14,500," so as to make the proviso read:

Provided further, That of the sum herein appropriated for mechanical equipment of public buildings, not exceeding $40,000 may be used for marine hospitals and quarantine stations, and not exceeding $14,500 for the Treasury, Butler, and Winder Buildings at Washington, D. C., including the old building of the Bureau of Engraving and Printing excepting the generating plant and its maintenance, and not exceeding $10,000 for the maintenance, changes in, and repairs of peumatic-tube system between the appraisers' warehouse at Greenwich, Christopher, Washington, and Barrow Streets and the new customhouse in Bowling Green, Borough of Manhattan, in the city of New York, including repairs to the street pavement and subsurface necessarily incident to or resulting from such maintenance, changes, or repairs.

The amendment was agreed to.

The next amendment was, on page 26, line 10, after the word "building," to strike out "$440,000" and insert "$453,500," so as to make the proviso read:

Provided further, That this sum shall not be available for the payment of personal services except for work done by contract, or for temporary job labor under exigency not exceeding at one time the sum of $100 at any one building, $453,500.

The amendment was agreed to.

The next amendment was, in the item of appropriation for general expenses, public buildings, repairs, equipment, etc., on page 28, line 24, after "$563,560," to insert the following proviso:

Provided, That the unexpended balance of the appropriation for expenses of site agents contained in the deficiency appropriation act approved October 22, 1913, is hereby reappropriated and made available for the fiscal year 1915 for the expenses of site agents detailed for such service, in addition to the foregoing.

The amendment was agreed to.

The next amendment was, under the subhead "Public buildings, operating expenses," on page 30, line 12, after the word "employed," to strike out "$2,600,000" and insert "$2,700,000," so as to read:

Operating force: For such personal services as the Secretary of the Treasury may deem necessary in connection with the care, maintenance, and repair of all public buildings under the control of the Treasury Department (except as hereinafter provided), together with the grounds thereof and the equipment and furnishings therein, including assistant custodians, janitors, watchmen, laborers, and charwomen; engineers, firemen, elevator conductors, coal passers, electricians, dynamo tenders, lampists, and wiremen; and for the mechanical labor force in connection with said buildings, including carpenters, plumbers, steam fitters, machinists, and painters, but in no case shall the rates of compensation for such mechanical labor force be in excess of the rates current at the time and in the place where such services are employed, $2,700,000.

The amendment was agreed to.

The next amendment was, on page 31, line 3, after the word "building," to strike out "$825,000" and insert "$900,000," so as to make the clause read:

Furniture and repairs of furniture: For furniture, carpets, and gas and electric lighting fixtures and repairs of same, for all public buildings unde the control of the Treasury Department, whether completed and occupied or in course of construction, exclusive of marine hospitals, quarantine stations, mints, branch mints, and assay offices, exclusive of personal services, except for work done by contract or for temporary job labor under exigency not exceeding at one time the sum of $100 at any one building, $900,000. And all furniture now owned by the United States in other public buildings and in buildings rented by the United States shall be used, so far as practicable, whether it corresponds with the present regulation plan for furniture or not.

The amendment was agreed to.

The next amendment was, on page 32, line 6, after the word "building," to strike out "$1,625,000" and insert "$1,650,000," so as to read:

Operating supplies: For fuel, steam, light, water, ice, lighting supplies, electric current for lighting and power purposes, telephone service for custodian forces; removal of ashes and rubbish, snow, and ice; cutting grass and weeds, washing towels, and for miscellaneous items for the use of the custodian forces in the care and maintenance of completed and occupied public buildings and the grounds thereof under the control of the Treasury Department; and in the care and maintenance of the equipment and furnishing in such buildings; and for miscellaneous supplies, tools, and appliances required in the operation (not embracing repairs) of the mechanical equipment, including heating, plumbing, hoisting, gas piping, ventilating, vacuum cleaning and refrigerating apparatus, electric-light plants, meters, interior pneumatic-tube and intercommunicating telephone systems, conduit wiring, call-bell and signal systems in such buildings (including the customhouse at Washington, D. C., but excluding any other public building under the control of the Treasury Department within the District of Columbia, and excluding also marine hospitals and quarantine stations, mints, branch mints, and assay offices, and personal services, except for work done by contract or for temporary job labor under exigency not exceeding at one time the sum of $100 at any one building), $1,650,000.

The amendment was agreed to.

The next amendment was, on page 35, line 2, after the name "United States," to strike out "$2,025,000" and insert "$2,226,050," so as to make the clause read:

For pay of crews of surfmen employed at the life-saving and lifeboat stations, including the old Chicago station, at the rate of $70 per month each for the No. 1 surfman in each station, and at the rate of $65 per month for each of the other surfmen during the period of actual employment, and $3 per day for each occasion of service at other times; rations or commutation thereof for keepers and surfmen; compensation of volunteers at life-saving and lifeboat stations for actual and deserving service rendered upon any occasion of disaster or in any effort to save persons from drowning, at such rate, not to exceed $10 for each volunteer, as the Secretary of the Treasury may determine; pay of volunteer crews for drill and exercise; compensation of 12 clerks to district superintendents, one to each of the district superintendents, except that of the eighth district, at such rate as the Secretary of the Treasury may determine, not to exceed $900 each; fuel for stations and houses of refuge; repairs and outfits for same; rebuilding and improvement of same, including use of additional land where necessary; supplies and provisions for houses of refuge and for shipwrecked persons succored at stations; traveling expenses of officers under orders from the Treasury Department; commutation of quarters and allowance for heat and light for officers of the Revenue-Cutter Service detailed for duty in the Life-Saving Service; for carrying out the provisions of sections 7 and 8 of the act approved May 4, 1882; for draft animals and their maintenance; for telephone lines and care of same; and contingent expenses, including freight, storage, rent, repairs to apparatus, labor, medals, stationery, newspapers for statistical purposes, advertising, and all other necessary expenses not included under any other head of life-saving stations on the coasts of the United States, $2,226,050.

The amendment was agreed to.

The next amendment was, under the subhead "Revenue-Cutter Service," on page 36, after line 20, to insert:

Toward the construction of two revenue cutters authorized by the act approved June 24, 1914, entitled "An act to provide for the construction of two revenue cutters," $165,000.

The amendment was agreed to.

The next amendment was, under the subhead "Engraving and printing," on page 37, line 3, after the word "assistants," to strike out "$1,300,000" and insert "$1,371,520," so as to make the clause read:

For salaries of all necessary employees, other than plate printers and plate printers' assistants, $1,371,520, to be expended under the direction of the Secretary of the Treasury: *Provided*, That no portion of this sum shall be expended for printing United States notes or Treasury notes of larger denomination than those that may be canceled or retired, except in so far as such printing may be necessary in executing the requirements of the act to define and fix the standard of value, to maintain the parity of all forms of money issued or coined by the United States, to refund the public debt, and for other purposes, approved March 14, 1900.

The amendment was agreed to.

The next amendment was, on page 37, line 17, after the word "employed," to strike out "$1,625,000" and insert "$1,737,565," so as to make the clause read:

For wages of plate printers, at piece rates to be fixed by the Secretary of the Treasury, not to exceed the rates usually paid for such work, including the wages of printers' assistants, when employed, $1,737,565, to be expended under the direction of the Secretary of the Treasury.

The amendment was agreed to.

The next amendment was, on page 38, line 7, after the words "Secretary of the Treasury," to strike out "$470,000" and insert "$535,820," so as to make the clause read:

For engravers' and printers' materials and other materials except distinctive paper, and for miscellaneous expenses, including purchase, maintenance, and driving of necessary horses and vehicles, and of horse and vehicle for official use of the director when, in writing, ordered by the Secretary of the Treasury, $535,820, to be expended under the direction of the Secretary of the Treasury.

The amendment was agreed to.

Mr. BURTON. Mr. President, I notice in numerous instances in the bill—it may almost be said in a majority—that the amount appropriated by the other House is increased, and that, too, without the creation of additional officers or any enlarge-

ment of the public service. I should like to ask what is the explanation of that? Were the House appropriations less than the estimates? Is there danger that the public service would be crippled if the amounts specified by the other House were allowed to remain without increase, or what is the explanation?

Mr. MARTIN of Virginia. Mr. President, I will say to the Senator from Ohio that the House reduced the appropriations in this bill about $17,000,000 under the estimates made by the executive departments. After those reductions had been made in the House bill the heads of departments, seeing what had been done, appeared before the Senate Committee on Appropriations and pointed out the difficulties which would ensue if they were not treated more liberally in some respects; and the Senate committee have reported to increase the appropriations somewhat; but still I think the appropriations are about $14,000,000 under the estimates.

Mr. BURTON. So that there is an increase of about $3,000,000 in the bill as reported by the Senate committee?

Mr. MARTIN of Virginia. An increase by the Senate committee over what was allowed by the other House; but it must be borne in mind that the House had cut the estimates $17,000,000, and the increases made by the Senate committee seemed to be absolutely necessary, as pointed out by the heads of the departments. We feel that if we have erred at all, we have cut the estimates too short now. We have been as economical as possible, and have rejected many requests which have been urged upon the committee by the different departments.

Mr. BURTON. Could the Senator from Virginia state in what branches of the public service or of public expenditure these cuts of $17,000,000 were made? Is that true of all branches, or of what branches?

Mr. MARTIN of Virginia. It is true as to pretty much every branch. The cuts have been made throughout the different departments.

Mr. BURTON. Were the appropriations for the public buildings diminished below the estimates?

Mr. MARTIN of Virginia. I do not know that they were cut. Appropriations for public buildings are made under authorizations of law and for amounts which the Supervising Architect's Office or the Secretary of the Treasury reported would be absolutely necessary for present use. I am not prepared to say that any of those appropriations were cut.

Mr. BURTON. Were any of the appropriations for river and harbor improvements diminished below the estimates?

Mr. MARTIN of Virginia. I do not think they were; I do not recall an instance in which one such appropriation was diminished. This bill as to the river and harbor appropriations contains only those covering continuing contracts for that work, and I think we appropriated exactly what was estimated for.

Mr. BURTON. Are there any appropriations the amount of which is such as would decrease salaries?

Mr. MARTIN of Virginia. There are very few decreases of salaries. The clamor is for the increase of salaries, as the Senator well knows. The Secretary of the Interior, for instance, was before the Committee on Appropriations, and stated that he did not believe there was a man in the Department of the Interior who was not asking for an increase of salary. We have made very few increases, but we have not made reductions.

Mr. BURTON. Are there any cases in which no appropriations are made for existing offices?

Mr. MARTIN of Virginia. Well, I do not recall one, though there may be one or two; but there has been very little denial of appropriations that were given under existing law.

Mr. BURTON. As a general fact, as I understand it, the House of Representatives diminished the appropriations $17,000,000 below the estimates from the executive department?

Mr. MARTIN of Virginia. That is correct.

Mr. BURTON. And the Senate committee has increased the appropriations in the bill three million or three and a half million dollars?

Mr. MARTIN of Virginia. A little over $3,000,000 increase has been made. That is correct.

Mr. BORAH. I ask on what page the bill is now being read?

The VICE PRESIDENT. On page 38.

Mr. BORAH. Mr. President, I should like to ask the Senator in charge of the bill, a little in advance of reaching it in the reading, with regard to an item which is found on page 56. What was the argument which led to the reduction of the appropriation of $200,000 for the Industrial Relations Commission to $50,000?

Mr. MARTIN of Virginia. Mr. President, there was a very general feeling in committee that no good was being derived corresponding to that appropriation. I can not go into the details to justify what we did, but it was done simply to get the matter into conference, and to try to get at some better reasons than were before us for the appropriation. We were not satisfied that the public was getting a benefit equivalent to the amount appropriated. The law which created the commission is rather vague and uncertain, and the work done by the commission does not seem to have been commensurately advantageous to the public.

Mr. BORAH. Well, Mr. President, I think if the commission is a failure the law creating it ought to be repealed. It is as certain as the noonday sun that $50,000 will not be a sufficient amount to accomplish anything, and, if appropriated, it will be just that much absolutely lost.

Mr. MARTIN of Virginia. Mr. President, for myself I will say that unless I could get information that I do not now possess I should be glad to see the commission eliminated altogether. At the same time, I do not feel like going that far. I preferred, and the committee preferred, simply to make an amendment that would put the matter into conference, where it could have further consideration. I am without any information justifying the existence of the commission, so far as I am personally concerned. Fifty thousand dollars was the amount appropriated last year, and we were indisposed to increase it without more knowledge than we had.

Mr. BORAH. May I ask if the commission itself had a hearing as to the necessity of the larger appropriation?

Mr. MARTIN of Virginia. No; we had no communication from the commission.

Mr. KERN. Mr. President, I think it somewhat remarkable that the only decrease that is proposed in this bill is as to the appropriation for the Commission on Industrial Relations, which is dealing, and dealing in a very effective way, with the labor problem, in which so very many people in this country are interested. The hearings recently had at Philadelphia—my attention has been particularly called to them—have brought to light a vast fund of information that ought to be in the possession of the people of this country.

From what I have observed of the operations of this commission its work has been of the highest value to the people of this country, especially the people who work with their hands for a living, and I should regret very much to see any effort made now to cripple that commission in the work which it has so auspiciously commenced. I think this reduction is a great mistake, and I, for one, shall protest against it.

Mr. BRISTOW. Mr. President——

The VICE PRESIDENT. Does the Senator from Indiana yield to the Senator from Kansas?

Mr. KERN. Certainly.

Mr. BRISTOW. Let me inquire——

Mr. MARTIN of Virginia. Mr. President, I hope Senators will let us proceed with the amendments in regular order. We have not yet reached the amendment that is being discussed, but are very near it. It will have to be gone over when it is reached, and if Senators will wait until the item comes up it can then be discussed.

Mr. BRISTOW. Mr. President, while I am on my feet—I will not occupy very much time—I want to ask the Senator from Indiana a question, which is in line with his remarks. Why could not the work that is performed by this independent commission be assigned to the trade commission which we are proposing to establish by a bill that is pending as the unfinished business? Will not that commission have to deal with the very questions that the Commission on Iudustrial Relations are now considering?

Mr. KERN. I should think not.

Mr. BRISTOW. Why could they not be merged? It seems to me that we are getting commissions galore. We will have more commissioners of various types and kinds by and by than we will have Members of the House and Senate.

Mr. KERN. Mr. President, I should think it would be quite impossible for the proposed trade commission to engage in the extensive work that is being done by the Commission on Industrial Relations. If Senators will take the trouble to read the testimony elicited in the Philadelphia hearings alone, I think they will agree that this appropriation should rather be increased than decreased, to the end that the sort of information they are getting should be obtained and diffused throughout the country.

Mr. BRISTOW. Are they not covering the same ground that ought to be covered by the Department of Labor and the trade commission which is to take the place of a bureau in the Department of Commerce? Are they not covering the same ground that these two departmental or governmental agencies should

cover and deal with? Is it not multiplying the agencies to perform a work that is very important—we all agree as to that?

Mr. KERN. I think not. I think their work is entirely separate. In the first place——

Mr. OVERMAN. Mr. President, will the Senator yield to me right there?

Mr. KERN. Not just now. The Department of Labor ever since its organization has been constantly hampered by a lack of appropriations. There has been a disposition to cut the appropriations for that department and to build up other departments at the expense of that department; in fact, it has not been treated as a department at all, so far as the appropriations are concerned, but is still regarded as a bureau. It has been hampered at every step it has undertaken to make in its work in behalf of the laboring interests of the country. The proposed trade commission will occupy a separate field entirely. The Commission on Industrial Relations has been organized as a sort of adjunct to the Department of Labor, with a view of showing and developing the industrial conditions. It is engaged in making investigations that are of the highest value, and I can only repeat what I said a moment ago, that if the Members of the Senate will take the report, which has not yet been published, of the testimony taken at Philadelphia—take the testimony of Dr. Nehring, of the University of Pennsylvania, alone—I think they will agree that this appropriation ought to be continued.

It seems to me, at any rate, that the committee and the Senate should inform themselves as to the character and scope of the work already done, and that the members of this commission should at least have been given a hearing with a view of determining the adequacy of this appropriation. I have no personal acquaintance with any man who is a member of the commission, but my attention has been called recently to the great work that commission is doing, and I think that a few of the appropriations for post-office buildings at crossroads, which are provided for in this bill, might be cut out in order to keep this appropriation at the amount provided by the House, to the end that this work should not be crippled or stopped.

Mr. BRISTOW. Mr. President, I do not want to be understood as objecting to the work that is being done, but it seems to me that the work ought to be done through the regular agencies of the Government, which are created, as I suppose, for that purpose. If the Department of Labor has been handicapped for lack of funds, we ought to give it the funds, so that it can do the work that comes within its scope of operations.

Mr. MARTIN of Virginia. I hope Senators will let the reading of the bill proceed. We will reach this amendment in a very few moments, and it can then be discussed; but it will lead inevitably to confusion if we take up the amendments out of order. If we may proceed with the bill, as we reach the amendments, Senators can make known their wishes.

Mr. WARREN. Mr. President, if my colleague on the committee will permit me, I should like to reply to one suggestion made by the Senator from Indiana [Mr. KERN], which, I think, he himself will want to amend. I wish to say that the Department of Labor has not been scrimped nor neglected by the Committee on Appropriations. We have increased one item from $25,000 to over $169,000 in one year. The committee has provided various liberal appropriations to cover the separation of the Department of Labor from the Department of Commerce.

In this particular instance we have provided liberally for the Commission on Industrial Relations. They had $50,000 last year. In the pending bill the House appropriated the sum of $200,000 for this year, but the Committee on Appropriations in the Senate thought they wanted further information. They bring the matter before the Senate, and the Senate can acquiesce or not, and then the item can go to conference for such correction as further information may suggest. I repeat, however, that, so far as I know, there is no disposition on the part of the committee or of any member of the committee in any way to cripple the Department of Labor or any division or bureau under it.

Mr. OVERMAN. Mr. President, I want to say that the committee have dealt as liberally with the Department of Labor as with any other department of the Government. If the Senator from Indiana will look at the appropriations made in the legislative bill and in this bill, I think he will agree that that is true.

Mr. SMITH of Georgia. Mr. President, is the amendment of the committee relative to the Commission on Industrial Relations now before the Senate?

The VICE PRESIDENT. It is not.

Mr. SMITH of Georgia. I sympathize so fully with the view of the committee in cutting this appropriation that I merely wanted to say a word in support of it.

The reading of the bill was resumed.

The next amendment of the Committee on Appropriations was, under the subhead "Miscellaneous objects, Treasury Department," on page 39, line 7, after the word "violations," to strike out "$150,000" and insert "$200,000," so as to make the clause read:

Punishment for violations of internal-revenue laws: For detecting and bringing to trial and punishment persons guilty of violating the internal-revenue laws or conniving at the same, including payments for information and detection of such violations, $200,000; and the Commissioner of Internal Revenue shall make a detailed statement to Congress once in each year as to how he has expended this sum, and also a detailed statement of all miscellaneous expenditures in the Bureau of Internal Revenue.

The amendment was agreed to.

The next amendment was, on page 41, line 25, after the word "Custodians," to strike out "1, $2,000, 1, $1,800" and insert "2, at $2,000 each"; on page 42, in line 2, after "$1,600," to strike out "1, $1,400, 1, $1,200" and insert "2, at $1,400 each"; and in line 3, after the words "in all," to strike out "$8,000" and insert "$8,400," so as to make the clause read:

Custody of dies, rolls, and plates: For custody of dies, rolls, and plates used at the Bureau of Engraving and Printing for printing Government securities: Custodians, 2, at $2,000 each; distributors of stock—1, $1,600, 2, at $1,400 each; in all, $8,400.

The amendment was agreed to.

The next amendment was, under the subhead "Customs service," on page 44, after line 13, to insert:

Kansas City customs-collection district: A customs-collection district is hereby created, to be known as the district of Kansas City, with district headquarters at Kansas City, Mo., in which Kansas City and St. Joseph, Mo., shall be ports of entry, said district to comprise such territory as in the judgment of the Secretary of the Treasury should be embraced therein.

The amendment was agreed to.

The next amendment was, on page 44, after line 20, to insert:

Tampa customs-collection district: A customs-collection district is hereby created, to be known as the district of Tampa, to include all of the counties of Hillsborough, Polk, Lee, De Soto, Manatee, Pinellas, Osceola, Lake, Pasco, Hernando, Citrus, and Sumter, with district headquarters at Tampa, in which Tampa (including Port Tampa), Punta Gorda, and Boca Grande shall be ports of entry.

Mr. BURTON. I should like to ask about that item. Does that mean that a collector of customs is to be stationed at Tampa?

Mr. BRYAN. It creates an additional district.

Mr. BURTON. It means the creation of an additional district?

Mr. BRYAN. Yes.

Mr. BURTON. It is carved out of the district which now has its headquarters at Jacksonville?

Mr. BRYAN. Yes.

Mr. BURTON. What is included in the district having headquarters at Jacksonville—the whole of the State of Florida?

Mr. BRYAN. The whole of the State.

Mr. BURTON. And no part of any other State?

Mr. BRYAN. No; except a small part of Georgia. I will say to the Senator that the whole of the State is included. Tampa is the twelfth port in the United States. It collects nearly $2,000,000 of customs revenue.

Mr. BURTON. There are two ways in which this could be managed; one by transferring the general or main office from Jacksonville to Tampa, and the other by creating a new district at Tampa. I do not feel disposed to antagonize this item, but it seems to me that it is creating a district much smaller than the average districts over the United States. Is not that the case?

Mr. BRYAN. That is true, Mr. President; yet after that is done this district will be the twelfth district in the United States.

Mr. BURTON. What will be the rank of Jacksonville with Tampa detached?

Mr. BRYAN. Jacksonville does not collect much customs. It is the headquarters of the State.

Mr. BURTON. Then why should not the headquarters be transferred from Jacksonville to Tampa?

Mr. BRYAN. Because Jacksonville is the distributing point, and it is more accessible.

Mr. BURTON. There are many distributing points.

Mr. BRYAN. I will say to the Senator that Key West collects $600,000 of customs revenue. It is more accessible to Jacksonville, notwithstanding the distance is greater than it is to Tampa. The situation there is almost intolerable.

Mr. BURTON. Where?

Mr. BRYAN. In the whole State. Under this order of President Taft it was claimed that a saving of $119,000 would be effected, and yet the decrease in the collections at Key West alone has been more than that amount. Men will not do business by mail in the cigar industry. That is the whole of it. They want a collector there to whom they can go. I feel and

believe that there ought to be a collection district at Key West also; but the committee was willing to go this far, and it corrected an evil to some extent.

I will say to the Senator from Ohio that there was a committee from the Tampa Board of Trade before a subcommittee of the Committee on Finance a few days ago. The members of the subcommittee are here, and they can point out to the Senator with more impartiality than I can the injustice and the injury that is being done to that portion, and that is being done in the collection of revenue for the Government.

Mr. BURTON. But under this reorganization order—and I am slow to believe that it causes a decrease of revenue anywhere—important districts were consolidated. For instance, my own State, with its approximately 5,000,000 of population, is not the whole of a customs district. The city of Erie, in Pennsylvania, is joined. I think neither the Secretary of the Treasury nor President Taft can be accused of any partiality or discrimination, because his own city of Cincinnati was made subordinate to Cleveland, so that all their correspondence with the head office must be with Cleveland. The positions of surveyor of customs at Cincinnati and Dayton and Columbus were abolished. Now it is proposed to have two customs districts in Florida, with an agitation for a third at Key West; and I must submit that it seems to me altogether out of proportion.

Mr. BRYAN. Mr. President, I said nothing about the order of President Taft being intended to work an injury upon any port, or that it was not made with the best of intentions. However that may be, I can point out to the Senator a number of districts that are barely self-sustaining. Some of them are not self-sustaining.

The VICE PRESIDENT. The question is on agreeing to the amendment.

The amendment was agreed to.

The next amendment of the Committee on Appropriations was, under the subhead "Public Health Service," on page 45, line 5, after the word "pharmacists," to strike out "$629,858" and insert "$729,858," so as to make the clause read:

For pay, allowance, and commutation of quarters for commissioned medical officers and pharmacists, $729,858.

The amendment was agreed to.

The next amendment was, on page 45, line 9, after the words "(attendants, etc.,)," to strike out "$477,606" and insert "$527,606," so as to make the clause read:

For pay of all other employees (attendants, etc.,), $527,606.

The amendment was agreed to.

The next amendment was, on page 45, line 22, after the words "special heads," to strike out "$245,000" and insert "$256,000," so as to make the clause read:

For maintenance of marine hospitals, including subsistence, and for all other necessary miscellaneous expenses which are not included under special heads, $256,000: *Provided*, That there may be admitted into said hospitals for study persons with infectious or other diseases affecting the public health, and not to exceed 10 cases in any one hospital at one time.

The amendment was agreed to.

The next amendment was, on page 46, line 8, after the words "In all," to strike out "$1,856,964" and insert "$2,017,964," so as to make the clause read:

In all, $2,017,964, which shall include the amount necessary for the medical inspection of aliens, as required by section 17 of the act approved February 20, 1907.

The amendment was agreed to.

The next amendment was, under the head of "District of Columbia," on page 48, after line 19, to insert:

That portion of the act of Congress approved March 4, 1913, making appropriation to provide for the expenses of the government of the District of Columbia for the fiscal year ending June 30, 1914, relating to small parks, is hereby amended to read as follows:

"SMALL PARKS.

"For the condemnation of small park areas at the intersections of streets outside the limits of the original city of Washington, to be acquired from such areas shown on the map on file showing areas surrounded by streets in the office of the engineer commissioner, in the discretion of the Commissioners of the District of Columbia, $25,000: *Provided*, That such condemnation shall be under and in accordance with the provisions of subchapter 1 of chapter 15 of the Code of Law for the District of Columbia: *Provided further*, That of the amount found to be due and awarded by the jury in any such proceeding as damages for and in respect of the land to be condemned for said parks plus the costs and expenses of the proceeding thereunder, not less than one-half thereof shall be assessed by the jury as benefits, which, when collected, shall be covered into the Treasury of the United States, one-half to the credit of the United States and one-half to the credit of the District of Columbia. The public parks so acquired shall become a part of the park system of the District of Columbia and be under the control of the Chief of Engineers of the United States Army."

Mr. SUTHERLAND. Mr. President, I should like to ask the chairman of the committee what change that makes in the existing law?

Mr. MARTIN of Virginia. The only change, as I understand, is that it requires the little triangles to be surrounded by streets. The law as now on the statute books does not contain that language, in line 5, "showing areas surrounded by streets."

Mr. SUTHERLAND. Those words are inserted?

Mr. MARTIN of Virginia. They are inserted, and they constitute the only change made.

Mr. SUTHERLAND. No change is made in the manner of assessing?

Mr. MARTIN of Virginia. None at all. That is the only change.

Mr. BRISTOW. Mr. President, why is that limitation made? Why should these small parks be surrounded by streets? Then, another question: Why should we say "outside the limits of the original city of Washington"? It seems to me that the appropriations for parks could not be better made than to take these little triangles within the old city of Washington, where the congested population is and where there are no parks.

If you go outside of the city, there are large parks and large recreation grounds; but in the congested part of the city, in through here, the children have no place to play in the hot weather. These triangles are now occupied by junk piles in many instances. It seems to me they ought to be cleaned off and made into parks, instead of spending so much money on Rock Creek Park and other places outside of the original city limits.

Mr. MARTIN of Virginia. Mr. President, the Senator from New Hampshire [Mr. GALLINGER], I think, offered this amendment, and I have sent for him. He understands it better than I do.

I will say that, so far as I am concerned, if it had been an original question I think I should have been opposed to it altogether. I do not think it will be very beneficial. There is only $25,000 appropriated, and that is in existing law. This amendment that is put in the bill is in the nature of a restriction. I think those little triangles will be chiefly beneficial to the immediately adjacent property owners, and I think it is more in the interest of individuals than of the public. It did not commend itself to me at all, because I did not believe any material benefit was going to accrue to the public. Therefore anything that restricted it commended itself to me, and I was very willing to have it go in, because it was in restriction of what I considered a law not advantageous to the public.

The Senator from New Hampshire is now present, and he can give a better explanation of this amendment than I can.

Mr. BRISTOW. Do I understand the Senator to contend that these triangular parks are of no use to the public?

Mr. MARTIN of Virginia. Oh, some of them are very useful, but I suspected that behind this little $25,000 appropriation there was a tendency to get benefits for individual landowners. The one immediately in question here, I think, is right at the Kenesaw apartment house.

Mr. BRISTOW. If this $25,000 is to purchase some little tract of land somewhere to benefit an apartment house, I should like to make a point of order against it.

Mr. MARTIN of Virginia. I will not say that; but I say I entertained a suspicion of that kind because certain persons were very anxious to have it incorporated. I am without any information, except that personally I was unfavorable to the whole matter, and this amendment was restrictive, and therefore I was very glad to see it go in the bill. The Senator from New Hampshire, however, may be able to give an explanation that will put a very different light upon it.

Mr. GALLINGER. Mr. President, this amendment does not change the existing law; the $25,000 is already appropriated in another act; but it changes the procedure to this extent:

When the triangle upon which the Kenesaw apartment house now stands, being immediately in the vicinity of Rock Creek Park, was vacant I presented a bill providing that that triangle should be acquired by the Government, with a view to keeping open the entrance to the park at that point. That bill, as I remember it, passed the Senate and failed in the other body, and shortly after the Kenesaw apartment house was constructed on the triangle. There is now a little point running out south of that apartment house which it is proposed to acquire by condemnation, making the Government pay one-half the expense of acquiring it.

It is safe to say that up to this time there is not a reservation, small or large, in the city, including triangles, that is not surrounded by streets. In this case, if that triangle should be acquired, it would not be surrounded by streets. It would simply enable the Kenesaw apartment house to build out on ground they now own, some 30 or 40 feet, running south, and then have this tract of land that we would have acquired, the Government paying one-half of the expense, largely for the advantage of the apartment house. The triangle as it now stands is not surrounded by streets, and this amendment simply

changes the present law to the extent of providing that no triangle shall be acquired that is not surrounded by streets. I think it is entirely a just thing.

Mr. BRISTOW. I see the purpose of it, and I am in thorough accord with it. I do not think the property holders who have property adjacent to these little triangles ought to have the Government buy and maintain these parks for their private benefit.

Mr. GALLINGER. That is precisely what will happen unless this amendment is agreed to, and I hope it will be. It does not involve any expenditure at all on the part of anybody.

Mr. BRISTOW. What I wanted to bring to the attention of the Senate was the desirability of making parks out of these triangles, such as you will see along New Jersey Avenue, that are now a disgrace to the city because of the condition in which they are kept. I want to see them cleaned off and laid out into parks for the benefit of the children in those congested parts of the city, and I think it ought to be done.

Mr. GALLINGER. It ought to be done; and that great triangle where the Kenesaw apartment house now stands ought to have been preserved for the purposes of a park. It was a beautiful triangle, overlooking the park, and we never ought to have allowed an apartment house to be constructed on it. I did the very best I could to prevent it, but did not succeed in getting the proposed legislation enacted.

Mr. SUTHERLAND. This amendment will simply prevent making one of these little parks an annex to some private property?

Mr. GALLINGER. Largely so, although it will be open to the public; and the amendment provides that hereafter those triangles or other small pieces of property that are acquired for parks shall be surrounded by streets.

Mr. NORRIS. Mr. President, I should like to ask the Senator from New Hampshire a question. Is it the purpose of this amendment to purchase part of that triangle?

Mr. GALLINGER. Oh, not at all; just the contrary. The owner wants to retain his right in that property. He does not want to be dispossessed.

Mr. NORRIS. My attention was attracted to some other matter, and I did not follow the statement of the Senator.

Mr. GALLINGER. I will say to my friend from Nebraska that this amendment prevents the commissioners from condemning that property and causing the Government to pay one-half of the expense.

Mr. NORRIS. Was there any law under which they could have condemned it?

Mr. GALLINGER. Oh, I think so.

Mr. NORRIS. And was there an appropriation made for that purpose?

Mr. GALLINGER. I think the provision for small parks gives them the right to select such places as they may see fit to condemn for that purpose, up to the amount of $25,000.

Mr. NORRIS. In the case of the particular triangle about which the Senator is talking, is a part of it now owned by the public?

Mr. GALLINGER. It is owned by a private party or parties.

Mr. NORRIS. The private owner comes clear out to the end of the triangle?

Mr. GALLINGER. Yes; the private owner does. There is an apartment house on the other end of it.

Mr. NORRIS. I was under the impression that a part of it is already in private ownership.

Mr. GALLINGER. I wish I had the map here. I should like to show it to the Senator. But it is explainable in just this way. The apartment house owns a tract here and they have a little land that they have not occupied. Then the triangle runs out to a sharp point. The proposition is for the Government to condemn this land which is held by private parties, the Government paying one-half the cost, and making a reservation that will be largely a playground or something else for this great apartment house. It is true that children can occupy it also.

Mr. NORRIS. That is not the proposition in this particular item? This is to prevent that?

Mr. GALLINGER. Yes; it is to prevent it. I have here a map that I will show to the Senator. That in blue [indicating] is the part they want to have condemned.

The VICE PRESIDENT. The question is on agreeing to the amendment.

The amendment was agreed to.

The next amendment was, under the head of "Interstate Commerce Commission," on page 54, line 21, before the word "every," to strike out "lawful for" and insert "the duty of," so as to read:

It shall be the duty of every common carrier by railroad whose property is being valued under the act of March 1, 1913, to transport free of charge the engineers, field parties, and other employees of the United States who are actually engaged in making surveys and other examination of the physical property of said carrier necessary to execute said act, from point to point on said railroad as may be reasonably required by them in the actual discharge of their duties; and also, without charge, to move from point to point and store at such points as may be reasonably required the cars of the United States which are being used to house and maintain said employees; and also to carry free of charge the supplies necessary to maintain said employees and the other property of the United States actually used on said railroad in said work of valuation.

Mr. SUTHERLAND. Mr. President, that seems to me to be a somewhat remarkable amendment. The original provision as passed by the House was that—

It shall be lawful for every common carrier by railroad whose property is being valued under the act of March 1, 1913, to transport free of charge the engineers, field parties, and other employees of the United States who are actually engaged in making surveys and other examination of the physical property of said carrier necessary to execute said act, from point to point on said railroad as may be reasonably required by them in the actual discharge of their duties; and also—

The provision continues——

Mr. MARTIN of Virginia. I will say to the Senator that the Interstate Commerce Commissioners appeared before us in person and asked for that change. The railroad companies were perfectly willing to carry the employees and to do this hauling without charge to the Interstate Commerce Commission, but the Interstate Commerce Commissioners apparently preferred not to receive it in that way. The railroads were willing to do it, and the Interstate Commerce Commission asked that it be made obligatory. It is perfectly satisfactory to the transportation companies and it was asked for by the Interstate Commerce Commission.

Mr. SUTHERLAND. I have no doubt of that, but I object to that character of legislation. It seems to me that beyond any question Congress has not the power to compel a railroad company to carry the employees of the Government free of charge, and that is what, in terms, this proposed amendment does. It makes it the duty of every common carrier to carry these particular employees of the Government free of charge. We can exempt the carriers from the inhibition of the law so as to permit them to do it, as the House provision does, but we certainly have not any power to compel them to do it. We have no more power to compel a railroad company to carry employees of the Government free of charge than we have the right to compel them to pay money to the Government out of their treasury except as a tax to enable the Government to pay other expenses.

I think it is legislation which ought not to be passed, even though the Interstate Commerce Commission may ask for it and even though the railroad companies may assent to it. I do not like to see this sort of legislation written into the statutes.

Mr. MARTIN of Virginia. I do not think any harm will be done by it. I know a good deal might be said about the validity of a law imposing this obligation on them in connection with the public service which inures to their benefit as well as the benefit of the public; but I do not think it is necessary to go into a discussion of that question now. I think the best interests of the parties concerned will be promoted by the amendment which the committee proposes. It is agreeable to the transportation companies, and it is asked for by the Interstate Commerce Commission.

Mr. SUTHERLAND. I can not agree with the chairman of the committee. Even though the Interstate Commerce Commission may want it and the railroads be entirely willing that they should have it, that we should write into the statute books of the United States a provision that compels these common carriers to render this service to the Government free of charge, is upon its face a naked act of confiscation. It can not be anything else, and after the circumstances have passed away it will be a precedent for something else. We have not any power to do it, and we ought not to write such a provision into the statutes of the country. I do not know whether a point of order will lie against the amendment, but I will submit the question to the Chair. I make the point of order that it is general legislation.

The VICE PRESIDENT. The Chair will be compelled to sustain the point of order.

Mr. CUMMINS. Mr. President, a parliamentary inquiry. Is the point of order raised simply against the amendment proposed by the committee?

The VICE PRESIDENT. To the amendment.

Mr. CUMMINS. I do not intend to discuss it now. I am as much opposed to the House provision as to the amendment proposed by the committee. I think it is wrong even to permit the common carriers of the country to transport the officers of the Government engaged in this very important work free. I am opposed to it because it has an effect upon these officers that can not be avoided by any care upon their part. The Government of the United States ought to pay for the transportation of its servants when they are engaged in this work.

I mention this now because at the proper time I intend to move to strike out the entire paragraph.

Mr. OVERMAN. I wish to say that I agree with the Senator from Iowa, except that this is a House provision, and rather than put the employees who travel under obligation to the railroads, making it lawful, we adopted the recommendation of the commission to make it their duty to carry them, so that they would not be under obligation to the railroads.

Mr. CUMMINS. The House provision is that it shall be lawful for the railroads to do it.

Mr. OVERMAN. So we put them under obligation to do it. Our idea was to make it their duty to do it, if it is done at all. I agree with the Senator from Iowa.

Mr. CUMMINS. I would be more opposed to the House provision than to the Senate committee amendment, but I am opposed to both. I think the United States can afford to pay the reasonable fare for its employees engaged in the public service. The very spirit of our laws forbidding free transportation condemns this effort on the part of the Government to make an exception in this case. I shall move to strike out the entire paragraph when the amendments of the committee are disposed of.

Mr. BRANDEGEE. The bill is now being considered for action on the amendments of the committee?

The VICE PRESIDENT. Only for committee amendments.

The reading of the bill was continued.

The next amendment was, under the head of "Commission on Industrial Relations," on page 56, line 23, after the word "act," to strike out "$200,000" and insert "$50,000," so as to make the clause read:

For continuing the inquiries and investigations authorized by the act of August 23, 1912, entitled "An act to create a Commission on Industrial Relations," and to provide the expenses of such inquiries and investigations as are enumerated in section 2 of said act, $50,000.

Mr. SUTHERLAND. I should like to ask the chairman of the committee whether anybody appeared before the committee to show reason why this amendment should be made cutting down the appropriation to $50,000.

Mr. MARTIN of Virginia. A Senator appeared before the committee and objected to the appropriation. No member of the commission appeared before the committee, but the appropriation last year, as I recollect it, was $50,000, and we knew of no reason why it should be increased to $200,000. Objection was made to it, and the committee reduced it to the same amount which was appropriated last year.

Mr. SUTHERLAND. Does the Senator know why the provision was originally put at $200,000?

Mr. MARTIN of Virginia. That was done in the House, and I do not know why. My idea was that when the bill gets into conference, if they could give a good reason for it, the amount could be increased. We had no information and we did not take time to summon people to have a hearing about it, because, as every Senator knows, there is a great emergency now for getting these appropriations through. We hurried the bill through the committee and did not make the investigation which probably would have been wise if we had had the time to do it. We knew of no reason why an appropriation which was $50,000 last year should be increased to $200,000 this year, and we reduced it to the amount appropriated last year.

Mr. SUTHERLAND. Did the House have hearings upon this item? I presume they did.

Mr. SMITH of Georgia rose.

Mr. MARTIN of Virginia. The Senator from Georgia is more familiar with the item and can answer.

Mr. SMITH of Georgia. The chairman of the commission appeared before the House committee and asked for that sum to complete the work. I believe he asked for $250,000. I am very much opposed myself to the large appropriation of $200,000. I think the commission is really doing work that ought to be done by the departments. The commission was created before the Labor Department was established. We had then the Labor Bureau. Now we have changed the Labor Bureau into a Labor Department, where there are experts engaged in doing a good deal of this same kind of work, and I think they are doing it a great deal better than the commission can do it. There is a good deal of duplication going on. I came in contact with duplication on their part in connection with the work done by the commission directed to investigate the question of vocational education. An appropriation of $15,000 was given to that commission to study the problem of vocational education and report a bill to Congress.

Mr. VARDAMAN. Mr. President——

The VICE PRESIDENT. Does the Senator from Utah yield to the Senator from Mississippi?

Mr. SUTHERLAND. I yield to the Senator from Mississippi.

Mr. VARDAMAN. Has the commission made a report?

Mr. SMITH of Georgia. Which commission?

Mr. VARDAMAN. The Industrial Commission.

Mr. SMITH of Georgia. I do not know. I have just been inquiring for it.

Mr. VARDAMAN. I have been trying to ascertain from other sources, and I can not learn of any reports from them. I thought probably the Senator from Georgia knew.

Mr. KERN. If the Senator will allow me——

The VICE PRESIDENT. Does the Senator from Utah yield to the Senator from Indiana?

Mr. SUTHERLAND. I yield to the Senator. I should like to get some information.

Mr. KERN. I think Senators forget that this commission has just been organized.

Mr. SMITH of Georgia. No; not at all.

Mr. KERN. The commission completed its organization within the last 10 months. It has been at work systematically perhaps during the past 6 months. It has no means, I understand, for the publication of its hearings. I have procured a typewritten copy of the hearings which they had at Philadelphia.

Mr. President, this commission has just commenced work. Fifty thousand dollars was originally appropriated for its organization. It has just now fairly commenced work. As I said a while ago, it is doing good work. Now, the proposition is to cut down the appropriation, so that the work may be discontinued.

Mr. OVERMAN. What is the character of the work they are doing?

Mr. KERN. If Senators will read the hearings that have recently been held——

Mr. OVERMAN. That is what I want to know.

Mr. KERN. They are doing statistical work.

Mr. OVERMAN. I want to know the character of work they are doing.

Mr. SMITH of Georgia. And what good work they have done about anything.

Mr. KERN. They have not had time to develop an investigation of anything.

Mr. OVERMAN. What kind of work would they do? On what subject?

Mr. KERN. On all such subjects as the standards of living, the cost of living, and all subjects in which the working people of the country are vitally interested.

Mr. OVERMAN. That is being done by two or three other departments.

Mr. KERN. By whom?

Mr. OVERMAN. By both the Census Office and by the Labor Department.

Mr. SMITH of Georgia. And by the Agricultural Department.

Mr. OVERMAN. And by the Agricultural Department.

Mr. SMOOT. And the Department of Commerce.

Mr. OVERMAN. And the Department of Commerce. There are four departments doing the same work they do.

Mr. BORAH. Mr. President——

The VICE PRESIDENT. Does the Senator from Utah yield to the Senator from Idaho?

Mr. SUTHERLAND. I yield to the Senator.

Mr. BORAH. If the members of the Senate Committee on Appropriations that reported this bill feel as they seem to feel toward this commission, there is only one thing to do, and that is to repeal the act creating it. I myself think the commission is initiating splendid work, but it is apparent to my mind that with $50,000 all it can do is to hold men there upon salaries without any means by which to earn their salaries. This appropriation of $50,000 will just about pay the overhead charges.

Mr. SMITH of Georgia. Does the Senator think there ought to be $50,000 overhead charges there? The commissioners are allowed to receive only $10 a day when they are actually at work. There ought not to be any overhead charges.

Mr. BORAH. The $10 a day is an overhead charge.

Mr. KENYON. Mr. President——

Mr. SUTHERLAND. I yield to the Senator from Iowa.

Mr. KENYON. I should like to ask the Senator from Idaho if he knows whether the commission is preparing an investigation into child labor in this country?

Mr. BORAH. I do not know just exactly what kind of work in that respect it has undertaken to do, but I can imagine that it could create a good deal of opposition if it did that.

Mr. OVERMAN. We gave the Children's Bureau $100,000, and then we increased the appropriation to $168,000 to do the very same work they are doing.

Mr. SUTHERLAND. Mr. President, this Commission on Industrial Relations is doing the same class of work that was done by a similar commission many years ago. There is not

any doubt that the work of that commission was very valuable, but it was not followed up by Congress. Their completed work is now to be found in the Library, consisting of some 19 volumes. If the work of the existing Commission on Industrial Relations shall result in no more than that of the original commission did, it will not be of any great value, but if the commission does the work that we hope and expect it to do and practical use shall be made of it it will be of incalculable value to the country. They are to investigate the relations of capital to labor. They are to investigate the subject of child labor. They are to investigate many things which concern industrial relations in this country.

Now, if it will follow that up with concrete recommendations to Congress which Congress shall act upon, if it will solve or measurably solve any one of the half dozen great industrial questions that are before this country to-day, it will have justified its existence if it costs the Government of the United States a million dollars to carry on the work. If it shall help us measurably to solve the difficulties that exist between capital and labor, that alone will justify its existence.

One of two things ought to be done with reference to this commission. Either it ought to be abolished upon the theory that it is going to accomplish no good or it ought to be continued and given an adequate appropriation so that it may do its work well.

I would not like to vote for cutting this appropriation from $200,000 to $50,000 after the House has fixed it at $200,000 apparently upon a full investigation, and the Senate committee has cut it to $50,000 upon suspicion without any investigation whatever. I think it ought to be left either at the original amount of $200,000 or we should eliminate it altogether.

Mr. MARTIN of Virginia. The Senator puts that a little too strong. There was a hearing before the House committee, and it made a very unsatisfactory showing to me. We did not add to the hearing by summoning these parties before us, but the work seemed to be most latitudinarian. It is a very vague and indefinite service that they are contemplating, and it is duplicating the work that is being done by other departments. We could find nothing in the hearing that seemed to justify this appropriation.

I will say very frankly, while we made the same appropriation we did last year my individual opinion is that it would be a good thing to abolish it. But we are preparing the way for a further consideration of the commission, either to abolish it or to give it a better supply. I see no good in the work they are doing; it is a duplication of the work that other departments are now doing.

Mr. STONE. Mr. President, I do not know what the appropriation for the support of the industrial commission should be. No one has communicated with me with respect to this appropriation, and hence I am without information of a reliable nature. If $50,000 is adequate to meet the necessities of the industrial commission in the prosecution of its work, then no more should be appropriated. That goes with the saying. If more is needed, then more should be appropriated, and that goes for the mere saying.

So far as the work done up to this date by the commission itself is concerned, I am not sufficiently advised to speak with confidence. This, however, I do know, that the commission was created only about a year ago.

Mr. BORAH. Mr. President——

The VICE PRESIDENT. Does the Senator from Missouri yield to the Senator from Idaho?

Mr. STONE. I do.

Mr. BORAH. The commission was created some two years ago, but it was not organized, as the Senator says, until about a year ago. It has only had about a year or less than a year of active operation.

Mr. STONE. The Senator from Indiana said a moment ago that it was organized and began work about 10 months ago.

Mr. VARDAMAN. Mr. President, if the Senator will permit me, I will state that the act creating the commission was approved August 23, 1912.

Mr. STONE. That is when the act was passed. The commissioners were——

Mr. SUTHERLAND. Mr. President——

Mr. STONE. Just one second. The commissioners were appointed and confirmed some time in the spring or summer of 1913.

Mr. SUTHERLAND. I was going to say to the Senator that this commission was appointed by President Wilson——

Mr. STONE. They were appointed by President Wilson, and he did not come into office until March 4, 1913.

Mr. SUTHERLAND. And, of course, these commissioners could not have been confirmed until after March 4, 1913. My recollection is that they were confirmed very little over a year ago.

Mr. STONE. And I recall very well, Mr. President, that after the nominations were sent to the Senate by President Wilson and referred to the Committee on Education and Labor, of which my distinguished friend from Georgia [Mr. SMITH] is the honored chairman, they were held in his committee for a number of weeks, I had almost said for as long as two months. It was quite a long while before that committee deemed it advisable in their judgment to report the nominations to the Senate. So, as I have stated, this commission was not actually created until sometime during the summer of last year.

Mr. KERN. Will the Senator from Missouri permit me to make a suggestion?

Mr. STONE. Yes.

Mr. KERN. I am informed that the appointments of the commissioners were confirmed on September 19, 1913.

Mr. STONE. That is less than a year ago.

Mr. KERN. And it was a considerable time after that before they were organized.

Mr. STONE. It is much less than a year since the appointments were sent in and approved by the Senate; and after the Senate confirmed the appointments the commission had to meet and organize.

Mr. MARTIN of Virginia. The commission organized on the 24th of October, 1913.

Mr. STONE. The Senator from Virginia states that the commission formally organized on the 24th of October last. Here we are now in the early days of July. So the Senator from Indiana [Mr. KERN] was correct when he stated that the commission had not been organized exceeding 10 months. It has been organized, in fact, less than 10 months.

Mr. KERN. Mr. President, I desire also, with the Senator's permission, to remind him that the real work of the commission was not commenced until long after that time, because, after that, they had to organize the working force. My recollection is that they were not ready to commence work until about the first of the year. I think it was some time in February, if I recollect aright.

Mr. STONE. That must have been true. When the Senator from Virginia [Mr. MARTIN] says that the commission was organized at the end of October, that means that the formal organization of the commission itself was had at that time; but the force to be employed, the work to be laid out and undertaken, of necessity came at later dates.

Mr. President, it is hardly fair, I submit, to arraign this commission, directly or by implication, with having accomplished but little, with not having made a showing that would attract attention within a period of six or eight months after it was formally organized and prepared for work. That is both unreasonable and unfair.

Mr. President, I confess I know little of the work so far done by this commission. I have had no consultations with anybody connected with the commission with reference to its work. I am, however, informed that it is the general purpose of this body to prosecute certain inquiries along important lines, which, if wisely prosecuted, will develop facts and furnish information of great value, which may perhaps be made the basis of useful legislation. Even though no legislation comes of it, the information gathered and the report may suggest and open the way for accomplishing good results through administrative action. For example, this commission might appoint a man thoroughly qualified to take up and prosecute a given industry, an industry typical of the class in which controversies most frequently arise between employers and employees, such as the ready-made clothing industry, in which we know that a great many conflicts come—intense, desperate conflicts—between employers and employees. Such a man could thoroughly examine into all that. We have here on the floor of the Senate time and again discussed industrial conflicts connected with that very industry—that of ready-made clothing—and we have heard Senators inquire as to the cause of them; who was to blame for them, and no intelligent answer was ever given. There was lack of information respecting the causes lying at the base of these disturbances. If we could be intelligently informed as to the causes that ordinarily lead to such disturbances, if we could have a hearing from both sides in a time of industrial peace, hear candid statements from intelligent employers and intelligent employees, and the hearing conducted by a man thoroughly qualified to go into that kind of work and to make that kind of inquiry, we should get some important facts and some valuable suggestions that would be of great use to the public authorities in settling or preventing such unfortunate and costly controversies, and thus great good might be accom-

plished. It was with that idea that the law creating this commission was enacted.

Mr. President, I do not know that these beneficial results can be accomplished, but they are worth striving for. I do know that if we could, through the work of this commission or in any other way, secure information upon which we might base a general policy of composing these controversies when they arise, and more especially to prevent them when they are threatened—if we could do that, I say, it would be of inestimable value to the whole country. I do not know whether we can or not, but a few thousand dollars expended in an intelligent and earnest effort to ascertain the great basic facts underlying these periodical conflicts would be well expended, and the facts gathered might be of inestimable value to the legislative and administrative departments of the Government.

I do not know whether $50,000 is enough for this work. Nobody has told me that it was or was not. We are told here this morning that members of the Commission on Industrial Relations went before the House Committee on Appropriations and made statements there as to the needs of the commission, and that that committee, which is not overliberal in appropriations, thought it advisable to fix this appropriation at $200,000. I do not want to appropriate more than is needed. Possibly what my friend from Virginia has said is all right. He says he does not know much about it; I have not heard anyone here to-day who does. The Senator from Virginia said that he should like to have the item go to the committee of conference that that committee might discuss the subject and thrash it out. That may be all right; I do not know. Personally, I would be glad if this item could be taken up at a later date—it can, of course, be taken up again when the bill reaches the Senate—and in the meantime I shall undertake to make some inquiries with regard to the work which has been done by the commission and what it proposes to do, so that some information worth while may possibly be laid before us. I am sure $50,000 is not enough.

Mr. VARDAMAN. Mr. President, I think the Senate should know whether or not there is a conflict between the work of this commission and any other department of the Government, for I do not think the work ought to be duplicated.

I am not acquainted with the personnel of this commission; I do not know anything about the character or capacity of the men and women who are engaged in this great undertaking. I am sure they are all they should be, but I do know that if the plans shall be carried out and the work done which was designed to be done by the law creating the commission, great good will result. It is intended to make better men and better women which, after all, is the greatest asset of any country. The greatness of the Republic does not consist in its great banks, railroads, manufacturing enterprises, and other sources of material wealth, but rather in the moral qualities and intellectual acquirements of its men and women.

This commission was created less than a year ago. The law requires that it shall make a report once a year and that its labors shall be completed within three years from the enactment of the law. Let us see what it was created to do:

SEC. 4. That the commission shall inquire into the general condition of labor in the principal industries of the United States, including agriculture, and especially in those which are carried on in corporate forms; into existing relations between employers and employees; into the effect of industrial conditions on public welfare and into the rights and powers of the community to deal therewith; into the conditions of sanitation and safety of employees and the provisions for protecting the life, limb, and health of the employees; into the growth of associations of employers and of wage earners and the effect of such associations upon the relations between employers and employees; into the extent and results of methods of collective bargaining; into any methods which have been tried in any State or in foreign countries for maintaining mutually satisfactory relations between employees and employers; into methods for avoiding or adjusting labor disputes through peaceful and conciliatory mediation and negotiations; into the scope, methods, and resources of existing bureaus of labor and into possible ways of increasing their usefulness; into the question of smuggling or other illegal entry of Asiatics into the United States or its insular possessions, and of the methods by which such Asiatics have gained and are gaining such admission, and shall report to Congress as speedily as possible with such recommendation as said commission may think proper to prevent such smuggling and illegal entry. The commission shall seek to discover the underlying causes of dissatisfaction in the industrial situation and report its conclusions thereon.

Mr. President, the work to be done by this commission, as has been so well said, will be of incalculable benefit to the whole country. That it should be hampered or its good work hindered or prevented by a failure to provide sufficient funds for the investigations which are to be made I think would be a great mistake. The Senate should do one of two things—it should give them the material with which to work or it should abolish the commission outright.

I do not know of any subject that can engage the attention of man more commendable or one which addresses itself more to my heart and judgment than that which tends to ameliorate the condition of the laboring people of this country—the toilers upon whose tired backs the whole superstructure of commerce and of industry rests. I submit, Mr. President, that in the face of the confessed ignorance on the part of the Senate as to what this commission are doing it is not wise, it is not prudent, to hamper them with an insufficient appropriation.

Mr. SMITH of Georgia. Mr. President, we have not yet received a report from this commission. Officially we have not been notified as to what they are doing. If we read the bill creating the commission, and read, also, the bill subsequently providing for the Department of Labor, I think we will find that the large majority of the duties assigned to this commission in 1912 now belong to the Department of Labor.

Mr. VARDAMAN. Then does not the Senator think it is better to abolish this commission than to continue it?

Mr. SMITH of Georgia. Mr. President, I do not. The commission has done eight months of work, and I think it should be permitted to close up the work it is doing; but I do not think it should be encouraged to spread out its work into fields better covered by the departments. A considerable portion of the work that it contemplates doing falls under the work of the Department of Commerce. A large part of it belongs to the Department of Labor. My attention was attracted to the work of the commission when we were engaged in preparing the bill and having hearings upon the subject of vocational education. I found that the commission had so spread out the scope of its contemplated investigations that there was practically nothing in industrial lines, reaching even into vocational education, that it had not contemplated investigating. I think that a mistake.

The Senator from Utah mentioned child labor as a problem for the commission to investigate. I think that would be a mistake. We have our Children's Bureau. It is well organized. In it there are experts who have been engaged since its organization in doing the work, and who will continue to do it. I do not believe it is possible for a temporary commission, organized as this one is organized, to obtain the experts or to do anything like the efficient work that will be done on the same lines by a department where men are trained for the work. I am sure there are to-day in the Department of Labor men who have been there for years, first with the Commissioner of Labor and now in the Department of Labor, who have information, who have experience, who know how to investigate many of the problems that the bill creating this commission might permit it to investigate, and who would do it very much better than anybody who can be found by the commission to help it.

My view of the matter is this: We could give them $50,000 and encourage them to curtail the scope of their investigations, to specialize in something that is not already being done better in the Department of Commerce or the Agricultural Department or the Department of Labor. Their field extends over both agriculture and labor. I do not think they have undertaken to interfere with agriculture. I am sure they can make no researches in agriculture that will be comparable to the work done by the Agricultural Department; and my own observation of their hearings, and of some who have been before them, has led me to believe, after conference with experts in the Department of Labor, that they are scarcely as well provided with assistance in making examinations as they would be if they had the benefit of the trained experts in the Department of Labor.

If we feel from an examination of their first report, which must come to us by the 1st of October, that their appropriation should be increased, it can be done. We can add to it.

Mr. GALLINGER. Mr. President, does the law creating the commission require them to report by October next?

Mr. SMITH of Georgia. It requires them to report every year; and as they were confirmed in September and organized the 1st of October, they will have to make a first report by the 1st of October.

Mr. GALLINGER. So that we certainly will have the report at the beginning of the next session of Congress?

Mr. SMITH of Georgia. At the beginning of the next session. I think they ought to wind up their work without spending $200,000. I think the commission ought to cut out of their work a good deal of the breadth of investigation that the bill creating the commission would authorize.

Mr. POMERENE. Mr. President——

The VICE PRESIDENT. Does the Senator from Georgia yield to the Senator from Ohio?

Mr. SMITH of Georgia. I do.

Mr. POMERENE. The Senator seems to find fault with the breadth of the work which has been undertaken by the commission. As I read this act, it seems to me that they were given a very wide field to cover; and if they are to carry out the pur-

poses for which the commission were originally organized I can readily see that they will have need for a great deal of money.

Mr. SMITH of Georgia. Mr. President, there could be a million dollars easily spent and five years taken. There could be $2,000,000 spent. There could be almost a limitless sum spent within what is covered by the bill creating the commission. It has almost no limit.

Mr. BORAH. Mr. President, the commission have not assumed to do anything that the law did not authorize them to do, have they?

Mr. SMITH of Georgia. I have not said that they did, although I will confess that I think they almost stretched their responsibility when they took up the subject of vocational education. That was going a little further than they were required to go, although I will not say that this language is not broad enough to authorize them to take up any problem connected with agriculture, agricultural schools, farm demonstration work, and so forth. Anything in the line of fitting agricultural labor to do its work better might possibly fall within the scope of the bill creating the commission, although I can not concede that it extends to education.

What I mean is this: I think the bill is bad, to be frank about it. I think the bill tendered to this commission a breadth of work which could not be properly done by a commission. It requires the continuous work of a department, and it really belongs to existing departments; and in order to be done successfully it must be done by men who are selected for permanent employment.

Mr. GALLINGER. Mr. President, will the Senator permit an interruption there?

Mr. SMITH of Georgia. Yes, sir.

Mr. GALLINGER. I have no disposition whatever to cripple the work of this commission if it does confine its activities within proper channels. I recall the fact, and we all recall it, that a few years ago we had a so-called industrial commission. That commission spent a great deal of money, and the results of its inquiries were printed in 19 large volumes. I recall the fact that in our debates here we sometimes referred to some material that was found in volume 17, as I remember; but I think it would be a wild fancy for any Member of this body even to suppose that those volumes had all been perused by any living man or woman.

Mr. SMITH of Georgia. They would scarcely be accepted in anybody's library.

Mr. GALLINGER. No.

Mr. SMITH of Georgia. The shelf space would not be conceded to them as a gift.

Mr. GALLINGER. I know that I could not give mine away. In view of that fact—and I have frequently thought of it—I think we are a little careless in creating these commissions, in giving them so much leeway that they can enter almost any and every field of human activity, and necessarily trench upon the work of the established departments, which, as the Senator properly says, have experts in all these matters.

So, while I am loath to take any action that would seem to be hostile to the work of this commission, I feel sure that it will be wise for Congress in some way to curtail their operations if they are reaching out into all the fields that the Senator from Georgia suggests they are disposed to enter. We are spending so much money in the duplication of work even in the departments that I have often wondered that some wise man, here or elsewhere, did not take up that subject with a view of correcting it. If the Department of Commerce and the Department of Labor are charged with work similar to that of this industrial commission, it is very evident that the activities of the commission ought to be limited to a proper field.

Mr. SMITH of Georgia. What I have had in view was that we could give them an appropriation of $50,000, which might be a suggestion to them to pick out some special lines, and to seek carefully to avoid duplicating what is being done in the departments. Then, when we meet next December, if we find that the special lines toward which they are turning their attention are not being duplicated in the departments, and they need still further money to complete those lines of work, we might add a further appropriation.

Mr. SUTHERLAND. Mr. President, I have obtained a copy of the hearings of the House Committee on Appropriations on this bill, and it contains the statement of the chairman of the Commission on Industrial Relations with reference to this matter. I have not had time to read it over thoroughly, but I have had an opportunity of glancing through it, and I think a reading of it by Members of the Senate would be quite illuminating.

Mr. BORAH. Mr. President, I think the Senator ought to read it to the Senate; otherwise it will not be read.

Mr. SUTHERLAND. I intend, Mr. President, to read some parts of it.

In the first place, it appears that over $100,000 has been already appropriated for the use of this commission. It does not appear that it has been unwisely or injudiciously expended. Mr. Walsh, the chairman of the commission, in outlining the work of the commission, at page 493 of the hearings, says:

> At the first meeting the lines of the investigations were attempted to be laid out, and they included four—a division of public agencies, a division of private agencies, a division of industrial conditions, and a division of legal agencies. There were four heads of those divisions appointed to make a report to the next meeting of the commission and to outline the course that the work ought to take. You gentlemen may understand, in the formation of this commission, the difficulty that there would be in the commission getting together, as it were. It was formed with three members representing labor unions and selected by the labor organizations, three members representing employers, and three members representing the general public.

I may stop there to say that I know some of the members of this commission personally, and I know them to be men admirably fitted for the discharge of these duties. The commission is made up of three representatives of the employing class, and they are all men of broad information and broad attainments; of three members of labor organizations, who are among the best-informed men in the labor organizations of the country; and of three members, also capable and efficient, who were appointed as representing the general public.

Mr. Walsh continues:

> Each member of the commission made suggestions to these heads of division, and they came back for another meeting. Now, as you may well understand, that program involved a good deal of work. The public agencies involve those which are required under the law to inquire into the subjects of safety, sanitation, and hygiene, and the work involved a study of what had been already done and what is being done in that respect by public agencies and by private agencies, such as the National Council of Safety and others, that cooperate with public agencies.

Then he goes on and discusses at some length that phase of their study. Further on, at page 494, he says:

> It involved a study of the methods of wage payments; that is, in the organized and the unorganized industries all questions of profit sharing, etc. It also involved a study of all questions of efficiency other than that involved in efficiency systems.

I call the attention of the Senators who may be interested in the subject to the character of the work which this commission has been doing:

> It involved a study of the regularity or irregularity of employment; a study of seasonal, floating, and casual labor; a study of employment agencies, public and private, and the laws governing them in the various States. It involved a study of the public agencies and the laws governing them; and of the private agencies, and of the operation of those agencies. It required a study of the question of fluctuating employment, which involved the regularizing of employment, and of the efforts being made in the various industries throughout the United States to regularize it. It involved the question of the feasibility of the passage of minimum-wage laws, which included a study of those laws that might already be in effect, as well as those that were in process of passage, or that were in charge of committees throughout the country. It involved also a study of woman and child labor generally.

It will be seen that these men are studying questions of grave and immediate importance; questions that are engaging the attention not only of Congress but of the legislatures all through the country; questions that must be settled in some satisfactory way in the reasonably near future, or our whole industrial system will be in danger of breaking down.

> It included what might be called a diversion of industrial conflict, and a study of those conditions to ascertain the methods of industrial warfare; that is, as to how those disturbances are policed, and the operation of the militia and the operation of the police toward them.

I will not stop to read all Mr. Walsh says, but I will ask to insert in the RECORD without reading some other portions of his testimony.

The VICE PRESIDENT. Without objection, that may be done.

Mr. SUTHERLAND. Among other things, they made a study of the problem of unemployment, which is one of the most serious questions confronting this country, and particularly at the present time, under this administration, where it is taking a most acute form. They have endeavored to arrive at the causes of that condition. That, of course, in a great city like New York alone would involve a vast amount of labor and time.

The Senator from Georgia [Mr. SMITH] said that he did not see how it was possible for this commission to carry out the work outlined by this law within any reasonable time. Mr. Walsh, in answer to a question of that same character put by Mr. SHERLEY, said:

> That is the way it would strike any person of ordinary judgment engaged in trying to carry out large projects. In the first place, you will notice that we are studying relations and not conditions. We have taken, or I have taken, the report on the formation of the Royal Industrial Commission of Great Britain in 1894, and that is the very best commission on a broad subject of this kind that there is extant in the world, and we had others translated and presented to us—

The Royal Commission of Great Britain, which was appointed in 1894, is a good example of the immense good that can be accomplished by a commission of this character. It was owing to their work that the trades-dispute act was passed and various other legislation in Great Britain. That commission completed its labors in three years. It cost Great Britain $350,000, and yet people who are familiar with its work say that no money was ever better spent. Their work was over a comparatively small area as compared with the work of our own industrial commission—

If we should undertake to make an extensive investigation of any of those subjects that I have read to you there, I could expend that entire appropriation on any one of them, and it would extend beyond the life of this commission, undoubtedly.

The VICE PRESIDENT. The morning hour having expired, the Chair lays before the Senate the unfinished business, which will be stated.

The SECRETARY. A bill (H. R. 13811) making appropriations for the construction, repair, and preservation of certain public works on rivers and harbors, and for other purposes.

Mr. NEWLANDS. Mr. President, I would ask that the interstate trade commission bill be substituted for that bill as the unfinished business. The understanding between the Senator from North Carolina [Mr. SIMMONS], of the Committee on Commerce, and myself was that the trade commission bill should be only temporarily displaced, and that at the close of the consideration of the river and harbor bill last evening he would ask that that bill be temporarily laid aside. Through an inadvertence that was not done. I ask unanimous consent that the trade commission bill be restored as the unfinished business.

Mr. SIMMONS. Mr. President, I wish to say to the Senator that there has been no purpose on my part to supplant the trade commission bill, but that was the effect of the ruling of the Chair on my motion to proceed to the consideration of the river and harbor bill. However, the trade commission bill had been temporarily laid aside. I suggest to the Senator from Nevada that he consent that the Senator from Virginia may proceed with the sundry civil appropriation bill and that this matter be held in abeyance until the consideration of that bill is finished. I shall not, I assure the Senator, try to supplant his bill.

Mr. NEWLANDS. Mr. President, I was about to state that upon the trade commission bill being restored as the unfinished business it is my purpose to ask that it be temporarily laid aside in order to accommodate the Senator from Virginia who has charge of the sundry civil appropriation bill, which is now under consideration. What is it that the Senator from North Carolina suggests?

Mr. SIMMONS. I suggest that we temporarily lay the unfinished business aside and let the Senator from Virginia proceed with the sundry civil appropriation bill, and when that has been concluded the Senator from Nevada can make his motion, and I will not resist it.

Mr. REED. Mr. President, yesterday the trade commission bill after considerable difficulty was laid over until to-day. It was temporarily laid aside in order that I might have the opportunity to prepare some observations to which I intended to give expression. In view of that, although it was at some sacrifice to my personal comfort, I am prepared to discuss one phase of that bill, and I would very much prefer to do it now. It is a legal question, pure and simple. I think I can get through in a reasonable length of time. I came here expecting to go ahead. While I do not want to discommode the rest of the Senate, at the same time if I am to say anything on this phase of the bill I would prefer doing it at this time.

Mr. MARTIN of Virginia. I hope very much the Senator from Missouri will postpone his remarks and let this appropriation bill be completed. Every Senator understands that the sundry civil appropriation bill carries $111,000,000 that will be urgently needed the 15th of the month. The Government can not proceed with its business without these appropriations. If the Senator will forego the presentation of his views until we get through with the sundry civil bill I am sure it will be promotive of the general good.

Mr. REED. I would not allow my personal convenience to interfere with a matter of that kind.

Mr. MARTIN of Virginia. I appreciate that. I was sure the Senator would realize the necessity of giving the right of way to this appropriation bill.

FEDERAL TRADE COMMISSION.

Mr. NEWLANDS. I move that the Senate proceed to the consideration of House bill 15613, the trade commission bill, so that it will be the unfinished business; and after that is done I shall ask that it be laid temporarily aside for the consideration of the sundry civil appropriation bill.

The VICE PRESIDENT. The Senator from Nevada moves that the Senate proceed to the consideration of the bill (H. R. 15613) to create an interstate trade commission, to define its powers and duties, and for other purposes. [Putting the question.] The ayes have it.

Mr. BRANDEGEE. I ask for the yeas and nays on the motion.

The yeas and nays were not ordered.

The VICE PRESIDENT. The ayes have it, and the Chair lays before the Senate House bill 15613.

The Senate, as in Committee of the Whole, resumed the consideration of the bill (H. R. 15613) to create an interstate trade commission, to define its powers and duties, and for other purposes.

Mr. NEWLANDS. I ask that the bill be temporarily laid aside.

Mr. SUTHERLAND. Mr. President, I object.

The VICE PRESIDENT. There is objection.

Mr. NEWLANDS. I move, then, that the bill be temporarily laid aside.

Mr. BRANDEGEE. I make the point of order that there is no such motion.

Mr. MARTIN of Virginia. I think the matter can be easily solved. I move that the Senate proceed to the consideration of House bill 17041, the sundry civil appropriation bill.

SUNDRY CIVIL APPROPRIATIONS.

The VICE PRESIDENT. The Senator from Virginia moves that the Senate proceed with the consideration of House bill 17041.

The motion was agreed to; and the Senate, as in Committee of the Whole, resumed the consideration of the bill (H. R. 17041) making appropriations for sundry civil expenses of the Government for the fiscal year ending June 30, 1915, and for other purposes.

The VICE PRESIDENT. The Senator from Utah will proceed.

Mr. SUTHERLAND. Mr. President, I had substantially completed what I wanted to say upon this proposed amendment, but I will ask the permission of the Senate to insert in the RECORD two or three additional extracts from the testimony of Mr. Walsh before the House committee on the subject which I have been discussing.

The PRESIDING OFFICER (Mr. POMERENE in the chair). Is there objection? The Chair hears none, and it is so ordered.

The matter referred to is as follows:

We have to study the question of what is the relation of safety, sanitation, and hygiene to the industrial relations between employer and employee. A shirt factory burned down in New York and many people were burned to death. Following that there was a strike. The incidents of the strike were lost sight of altogether in the publicity given to the suggestions of the leaders of the shirt workers. A strike might be based upon the proposition, for instance, that the toilet arrangements were such in places that they were deleterious to health and anything else of that kind. It is a constant source of industrial unrest. We are supposed to find out the cause of the industrial unrest and to suggest remedies.

* * * * * * *

We are required to look into the matter of collective bargaining. I will try to illustrate it by one phase that involves whether or not men are left in a position to do collective bargaining, if it be true, for instance, that an automobile factory may put in such improvements as will throw 1,000 machinists out of work. The question of unemployment is a very significant one for us to understand when we come to study collective bargaining. Where did the unemployed come from? How did they happen to be unemployed? Is collective bargaining a good thing? If so, why are not others dealing under it? Now, that you mention, criticism, of course, was unfortunate. I want to say that you would be surprised how many minds are on this commission—the labor people, the unemployed, and the business people—and the constant question is being asked in Congress and elsewhere, "What is the commission doing?" Now, the investigators of the commission were being sent to New York prior to the time of this publication for the purpose of finding out, if possible, about that matter. We did not make that statement. It had been published, however, over and over that there were 350,000 unemployed in the city of New York, as given by the charities association. Our investigators were going down there to study the question as to where these people came from, regardless of their number, because every one on the commission agreed that the best time to make that study was in the winter, when the unemployed mass in large cities.

* * * * * * *

We have been in constant conference, Mr. FITZGERALD, since the day I met with you before. We have had Prof. McCarthy and Prof. Commons, who are on the commission, specially detailed on that work, and they have figured out that if this appropriation were made as it is asked and we did the work we have already outlined—and we have it quite definitely outlined—we could get up as good a report as could be made, constituted as we are, at the end of one year and eight months. It would not be that the work was covered, but that we would be able to say: "This is what we will have to have; this is the machinery we think the Government ought to have permanently to do this work." It might lead up to something like the conciliatory board which you already have; and unless we go into intensive investigations, which Congress did not intend and which might overlap other work, I think we will perform the work in one year and eight months. We are just approaching the work of holding our public hearings, and naturally we

are sending out investigators in advance, and that is where the largest expense is going to be.

Mr. SUTHERLAND. Mr. Walsh's statement will, I think, very clearly demonstrate the wisdom of adhering to the House appropriation of $200,000.

Mr. WARREN. Will the Senator allow me to ask for the insertion of a few lines which he does not insert, and which I wish to have follow that?

The PRESIDING OFFICER. Does the Senator from Utah yield to the Senator from Wyoming?

Mr. SUTHERLAND. I do.

Mr. WARREN. I should like to insert the following language on page 510 of the House hearings:

Mr. WALSH. We have at the present time 54 people working for us in one capacity or another. That number may be a little less or a little more.

Mr. MONDELL. How many of them are in the field?

Mr. WALSH. Fourteen, which includes those I have mentioned as advisors to our commission.

Mr. SUTHERLAND. Mr. President, I do not know the purpose the Senator has in view in reading that, unless it be to show that the commission is employing a very large number of assistants.

Mr. WARREN. The question was raised as to how many were employed, and I wished to have that statement appear.

Mr. SUTHERLAND. I have no doubt they are all well employed. I think this commission is in good hands, and that the work is being properly conducted. It is required under the law to complete its labors within three years. That is not sufficient time, because a year elapsed before it began the work at all. I think ultimately we will have to extend it another year so as to give it a full three years' period. That was the time which the royal commission of England took for similar work, a work not as extensive in character as this, but along similar lines covering the area of Great Britain, small as compared with the great area of the United States. Yet they took three years, and, as I said a moment ago, spent over $350,000.

The work of this commission is of the most important character. They are obliged to complete it within a very short time, and in that time they ought not to be crippled for want of funds.

I hope that the House appropriation of $200,000 will remain in the bill.

Mr. BRANDEGEE. Mr. President, I am glad the Senator from Utah sent for the House hearings and has given us some information about the necessity for this appropriation, even though it is not as exact as I would like to have it. Some partial excerpts from the act creating this commission have been read here on the floor, but they do not give a complete idea of the duties which are imposed on the commission. Therefore I will ask that public act No. 300, being the act approved August 23, 1912, establishing this commission, be inserted in the RECORD as a part of my remarks.

The PRESIDING OFFICER. Without objection, it is so ordered.

The act referred to is as follows:

[Public—No. 300.]

An act (H. R. 21094) to create a Commission on Industrial Relations.

Be it enacted, etc., That a commission is hereby created to be called the Commission on Industrial Relations. Said commission shall be composed of nine persons, to be appointed by the President of the United States, by and with the advice and consent of the Senate, not less than three of whom shall be employers of labor and not less than three of whom shall be representatives of organized labor. The Department of Commerce and Labor is authorized to cooperate with said commission in any manner and to whatever extent the Secretary of Commerce and Labor may approve.

SEC. 2. That the members of this commission shall be paid actual traveling and other necessary expenses and in addition a compensation of $10 per diem while actually engaged on the work of the commission and while going to or returning from such work. The commission is authorized as a whole, or by subcommittees of the commission, duly appointed, to hold sittings and public hearings anywhere in the United States, to send for persons and papers, to administer oaths, to summon and compel the attendance of witnesses and to compel testimony, and to employ such secretaries, experts, stenographers, and other assistants as shall be necessary to carry out the purposes for which such commission is created, and to rent such offices, to purchase such books, stationery, and other supplies, and to have such printing and binding done, as may be necessary to carry out the purposes for which such commission is created, and to authorize its members or its employees to travel in or outside the United States on the business of the commission.

SEC. 3. That said commission may report to the Congress its findings and recommendations and submit the testimony taken from time to time, and shall make a final report accompanied by the testimony not previously submitted not later than three years after the date of the approval of this act, at which time the term of this commission shall expire, unless it shall previously have made final report, and in the latter case the term of the commission shall expire with the making of its final report; and the commission shall make at least one report to the Congress within the first year of its appointment and a second report within the second year of its appointment.

SEC. 4. That the commission shall inquire into the general condition of labor in the principal industries of the United States, including agriculture, and especially in those which are carried on in corporate forms; into existing relations between employers and employees; into the effect of industrial conditions on public welfare and into the rights and powers of the community to deal therewith; into the conditions of sanitation and safety of employees and the provisions for protecting the life, limb, and health of the employees; into the growth of associations of employers and of wage earners and the effect of such associations upon the relations between employers and employees; into the extent and results of methods of collective bargaining; into any methods which have been tried in any State or in foreign countries for maintaining mutually satisfactory relations between employees and employers; into methods for avoiding or adjusting labor disputes through peaceful and conciliatory mediation and negotiations; into the scope, methods, and resources of existing bureaus of labor and into possible ways of increasing their usefulness; into the question of smuggling or other illegal entry of Asiatics into the United States or its insular possessions, and of the methods by which such Asiatics have gained and are gaining such admission, and shall report to Congress as speedily as possible with such recommendation as said commission may think proper to prevent such smuggling and illegal entry. The commission shall seek to discover the underlying causes of dissatisfaction in the industrial situation and report its conclusions thereon.

SEC. 5. That the sum of $100,000 is hereby appropriated, out of any money in the Treasury of the United States not otherwise appropriated, for the use of the commission for the fiscal year ending June 30, 1913: *Provided*, That no portion of this money shall be paid except upon the order of said commission, signed by the chairman thereof: *Provided*, That the commission may expend not to exceed $5,000 per annum for the employment of experts at such rate of compensation as may be fixed by the commission; but no other person employed hereunder by the commission except stenographers temporarily employed for the purpose of taking testimony shall be paid compensation at a rate in excess of $3,000 per annum.

Approved, August 23, 1912.

Mr. BRANDEGEE. The personnel of the commission I find on page 289 of the Congressional Directory. It appears that the chairman of the commission is Mr. Frank P. Walsh, of Missouri; and Mr. John R. Commons, of Wisconsin; Mrs. J. Borden Harriman, of New York; Frederic A. Delano, of Illinois; Harris Weinstock, of California; S. Thruston Ballard, of Kentucky; John B. Lennon, of Illinois; James O'Connell, of the District of Columbia; and Austin B. Garretson, of Iowa, are the other members of the commission. The managing expert is W. Jett Lauck, of Virginia. The executive secretary is R. P. Ritter, of Missouri. The office of the commission is in the Southern Building in the city of Washington.

Mr. President, I agree with the Senator from Utah that the duties imposed upon the commission by Congress will not be performed within three years, and whether they can ever be satisfactorily performed or not is a question about which I am skeptical. I do not know much about this commission, though I have seen from time to time references in the press to hearings that have been held, some in the city of New York, and the statements of parties who appeared before it.

The problems which the commission is asked to investigate and to report upon are problems which will be with the human race as long as the human race exists, and whatever may be the ability or the capacity of the individuals who compose the commission, three of whom represent the employers, three the employees, and three the public at large, if that is the proper expression and if that public at large can be differentiated from the other two kinds of people who compose the commission. They are supposed to come to a finding upon a series of questions contained in the act which I have put in the RECORD, and which will be of some service to Congress and to the country in the solution of these problems.

Mr. GALLINGER. Provided they agree.

Mr. BRANDEGEE. Yes; I say they are supposed to come to a finding. Of course, to come to a finding, I assume they must have at least a majority of the commission; and if the commission consists of nine members, it would take five out of the nine to agree upon a finding and report to Congress. If the other four should be opposed to the finding upon this class of most intricate and complicated subjects, I do not believe myself that it would have a very preponderating weight with the Congress of the United States, if that is the body which the labors of this commission is supposed to illuminate and inform upon these subjects.

I think I will just read section 4, in spite of the fact that I have put it in the RECORD, for my own information as well as that of other people. It provides:

That the commission shall inquire into the general condition of labor in the principal industries of the United States, including agriculture, and especially in those which are carried on in corporate forms; into existing relations between employers and employees; into the effect of industrial conditions on public welfare and into the rights and powers of the community to deal therewith; into the conditions of sanitation and safety of employees and the provisions for protecting the life, limb, and health of the employees; into the growth of associations of employers and of wage earners and the effect of such associations upon the relations between employers and employees; into the extent and results of methods of collective bargaining; into any methods which have been tried in any State or in foreign countries for maintaining mutually satisfactory relations between employees and employers; into methods for avoiding or adjusting labor disputes through peaceful and conciliatory mediation and negotiations; into the scope, methods, and resources of existing bureaus of labor and into possible ways of increasing their

usefulness; into the question of smuggling or other illegal entry of Asiatics into the United States or its insular possessions, and of the methods by which such Asiatics have gained and are gaining such admission, and shall report to Congress as speedily as possible with such recommendation as said commission may think proper to prevent such smuggling and illegal entry. The commission shall seek to discover the underlying causes of dissatisfaction in the industrial situation and report its conclusions thereon.

If these words happened together, without any guiding intelligence to arrange them in sentences, I can understand their being in the act. Some of these things are perfectly idle inquiries. You might just as well have imposed upon this commission the duty of defining exactly the twilight zone of the antitrust law for the members of the trade commission who are to solve what the courts and the rest of mankind have found themselves more or less unable to solve, or to demonstrate exactly where the different hues of the spectrum cease to glide imperceptibly into each other, and to accurately define where one color begins and another ends.

It is perfectly preposterous to expect any conclusion that is worth the paper it is written on as to that last and crowning function imposed upon the commission, and I say that without in the slightest degree desiring to minimize any good work the commission may be engaged in. I mean to say that nothing can be expected of them or of any other nine men who could be appointed to have hearings on this subject for three years. If Congress expects this commission to continue to inform itself and hear the statements of such parties throughout the country from whom it thinks it can get information and eventually to report to Congress, it will have to continue the commission for years.

The situation here is as to whether Congress shall appropriate $200,000 or $50,000 for the paying of the expenses of this commission for the fiscal year; $100,000 was appropriated in the act which created the commission. I have not had the opportunity to examine the House hearings as to what has become of that $100,000. I do not know whether it has been spent or not. I assume, however, that the presumption is that that $100,000 was expended.

Mr. GALLINGER. Mr. President——

The PRESIDING OFFICER. Does the Senator from Connecticut yield to the Senator from New Hampshire?

Mr. BRANDEGEE. I do.

Mr. GALLINGER. I will ask the Senator whether this money appropriated is partly used to pay the salaries of the commissioners, or is it simply for expenses?

Mr. BRANDEGEE. The commissioners themselves are limited to $10 a day and their actual expenses.

Mr. GALLINGER. So a portion of this appropriation goes probably for the payment of per diem expenses of the commission.

Mr. BRANDEGEE. Yes; section 5 of the act provides—

> That the sum of $100,000 is hereby appropriated out of any money in the Treasury of the United States not otherwise appropriated, for the use of the commission for the fiscal year ending June 30, 1913.

That is all it says, "for the use of the commission."

But the commissioners themselves in another part are limited to $10 a day and their actual expenses, which, of course, is a very small and merely nominal compensation.

I assume that the gentlemen who are on this commission are as qualified to perform the duties imposed upon them as could be selected, and what I say is not in criticism of the commission, because, if anything, they have my sympathy instead of any criticism. I hope with the Senator from Utah [Mr. SUTHERLAND] that their services will be valuable, as he says the services of the royal commission in Great Britain were valuable.

But I do say that I regret that this sort of a question comes up to us to determine without the necessary information. There is no possible way, so far as anything has been said on this floor, by which any Member of the Senate can determine whether he ought to vote $200,000 or $50,000 for the use of this commission for the next fiscal year.

What is proposed to be done with the $200,000 that the presiding officer of the commission has asked for may be revealed in the House hearings, but it has not been read on the floor.

My inclination is, of course, to be economical. I do not want to appropriate anything wastefully from the Treasury, no matter which party is in power. Neither do I want to be niggardly. But in this matter, with no particular information by the Senate committee other than a general vague guess, I should call it, that $200,000 is too much, I should be inclined to take the view of the House committee which estimated for $200,000.

I assume there must have been some testimony before them which would justify them in recommending that sum, but I will say candidly that I think if the duties imposed upon the commission in the act which I have put into the RECORD duplicate in any way the duties which are imposed upon regular continuous administrative officers of the Government, we ought not to appropriate any money for the commission without cutting out or preparing some amendment which will delimit the duties of one governmental agency from those of another.

Mr. SMITH of Georgia. Mr. President——

The PRESIDING OFFICER. Does the Senator from Connecticut yield to the Senator from Georgia?

Mr. BRANDEGEE. Certainly.

Mr. SMITH of Georgia. I wish to call the Senator's attention to the fact that they have taken up the subject of child labor and are undertaking to investigate those conditions all over the country and have had hearings on this subject, when the Children's Bureau is charged with that duty, and has experts there engaged in the same work, and, I think, much more intelligently.

I simply call attention to it as an illustration, for I have been furnished with some of the testimony taken by them which is really ludicrous. I will just read an extract from one of their witness's statements, if the Senator will allow me.

Mr. BRANDEGEE. Certainly.

Mr. SMITH of Georgia. Referring to certain mills and the children at work there, this witness says:

> The whistles blow at 3 o'clock in the morning for the operators.

The witness stated that the whistles blew for the force at 3 o'clock in the morning and they were not required to go to work until 6.

The proprietors of the factories, all the parties interested on the other side, say this is so utterly absurd that it is hardly worth while contradicting.

Mr. KENYON. Where are those men employed?

Mr. SMITH of Georgia. At Rome, Ga. It is utterly untrue. I do not mean that the witness meant to state what was not true. It is just a ludicrous statement, without foundation.

Mr. BRANDEGEE. I will say to the Senator——

Mr. SMITH of Georgia. I will read the explanation of the witness for the reason they blow the whistles three hours before the work was to begin:

> Q. Why does the whistle blow so early?—A. So as to get them up. Southerners are not very active, and they give them plenty of time.

This was brought to my attention, and I call attention to it. Of course, the proprietors of these mills were not very much pleased at that kind of statement, when it was entirely without foundation.

Mr. KENYON. I should like to inquire the name of the witness.

Mr. SMITH of Georgia. The name of the witness is Miss Watson.

Mr. GALLINGER. Mr. President——

The PRESIDING OFFICER. Does the Senator from Connecticut yield to the Senator from New Hampshire?

Mr. BRANDEGEE. Yes.

Mr. GALLINGER. The extract the Senator has read reminds me somewhat of a suggestion the witty John Allen, of Tupelo, Miss., once made, that they fired cannon very early in the morning to notify the colored men that there was to be an election that day. [Laughter.]

Mr. BRANDEGEE. Mr. President, of course I assume the instance cited by the Senator from Georgia is not an ordinary one, but it is a ridiculous one. Under the act as I read it hastily this commission has got to embalm all that testimony, and when they make their final report to Congress all this testimony has to go along with their report. It does seem to me that this act, before the Government makes some appropriation for the continuance of its work, ought to be amended so as to prevent such unfortunate occurrences.

After a three years' inquiry by a commission of this kind there must be thousands of pages of worse than useless testimony that they have taken that ought not to be printed at Government expense and bound in the Government Printing Office, with the usual number of copies for the disposition of men who try to get people to furnish shelf room to put such junk as that in their houses or offices. I think wherever this commission is duplicating any work or doing any work that any other agency of the Government under any existing law is doing this act ought to have all those duties cut out of it.

I hope that attention enough has been attracted by this little debate which we have had upon this provision to call the attention of the proper committee to the fact that before more money is appropriated they should have a bringing of the duties imposed upon this commission into line with those of other agencies of the Government; and if this work is being substantially done by the regular channels of the Government, then this temporary commission should not be allowed to exist.

Mr. SMITH of Georgia. Mr. President, will the Senator from Connecticut yield to me?

Mr. BRANDEGEE. Yes.

Mr. SMITH of Georgia. Why would it not be better to merely give $50,000 to run the commission for the next 6 months? We shall then get their report; we shall see what they have been doing, and we can then determine whether we want to curtail their powers or to stop them. The commission will end by law in 12 months.

Mr. BRANDEGEE. In three years from the date of its creation.

Mr. SMITH of Georgia. Yes. The date of the approval of the act was August 23, 1912.

Mr. BRANDEGEE. I know the Senator's question is asked sincerely, and I receive it in that spirit. I would be perfectly willing, as I say, to cut this appropriation down to $50,000, or to $10,000, if that is all that the commission needs for this work; but I say I feel confused as to what my duty is when Congress has created a commission and charged it with certain work, and the House of Representatives has said, after hearing the testimony, which the Senate does not appear to have heard, that $200,000 ought to be appropriated. I do not want to hamper this commission in its work.

Mr. SMITH of Georgia. The chairman of the commission, Mr. Walsh, wanted $250,000.

Mr. BRANDEGEE. Yes.

Mr. SMITH of Georgia. And I have no doubt he could spend $2,500,000.

Mr. BRANDEGEE. I have no doubt if he should put force enough at work to answer all these questions he could spend that amount.

Mr. SMITH of Georgia. I mean with a long investigation that much could be possibly spent on the study of these various questions, except that I think we ought to do that by the department.

Mr. BRANDEGEE. Without expressing any opinion about whether Congress was wise or was not in creating this commission, for I do not know as to that, the situation is that it is in existence and is halfway through its official life. The Senator from Utah says its official life must be extended to perform its duties. Before we go on appropriating any more money for it we ought to know what we are going to make it in the future. Of course, if we are simply to give it a dose to taper off on, $50,000 will probably wind up the work of the commission in good shape and enable it to make its report.

Mr. SMITH of Georgia. Really, that is what I desire.

Mr. BRANDEGEE. I assumed so. I do not want to give it knock-out drops if it is worthy of existence. The Senator from Utah wants to refresh it, to continue it, and to give it a future life.

Mr. SUTHERLAND. Mr. President——

Mr. BRANDEGEE. I yield to the Senator from Utah.

Mr. SUTHERLAND. I call the Senator's attention to a statement made by Mr. Walsh. He calls attention, first of all, to the work which the commission has been doing. Then he says:

> I think we will perform the work in one year and eight months.

That is, the remainder of the work.

> We are just approaching the work of holding our public hearings, and naturally we are sending out investigators in advance, and that is where the largest expense is going to be.

Of course it is necessary to have their investigators go out and ascertain from whom information of value can be obtained, to ascertain what particular sections of the country, what particular industries, ought to be specially investigated; and so on. That will in the end save money. Then, further on, I call the Senator's attention to this statement:

> The CHAIRMAN. As I understand, the commission has done the work considered essential preliminary to the public hearings?
> Mr. WALSH. Yes, sir; we have.
> The CHAIRMAN. And now you are arranging to have public hearings, so as to give persons who may have special information, or who may imagine they have, an opportunity to present their views?
> Mr. WALSH. Yes, sir; that is it.
> The CHAIRMAN. And after that you will commence to formulate your conclusions and recommendations?
> Mr. WALSH. Yes.
> The CHAIRMAN. This preliminary work that has been done, as you have already pointed out, resulted in the accumulation of a large amount of very valuable data?
> Mr. WALSH. We think so.
> The CHAIRMAN. Will that result in eliminating a large amount of material from your public hearings?
> Mr. WALSH. No, sir; except it will enable us to perform the work intelligently and mass facts that otherwise it would take us years to do.
> The CHAIRMAN. What I had in mind was whether by securing this data you have not eliminated the necessity for a great deal of investigation that otherwise would have been necessary?
> Mr. WALSH. We have, of course, eliminated the necessity for a great deal of scattered investigation. We could have jumped right into the middle of this work with a splash, and what we would have left afterwards would have been discreditable to us and of no service to the Government.

There is more to the same effect, but I call the Senator's attention to this statement further down, on page 509:

> However, we have tried to pick out the things that we think are significant as affecting the relations between employers and employees. We will try to suggest the remedies in the way of machinery that would make for better relations, and I have laid out, or attempted to lay out, the views of the commission upon that. An intensive study of any one of these subjects would take this entire appropriation.

Of course, they do not intend to make such a suggestion. Now, I ask the Senator to mark this statement:

> There is an organization in New York studying the question of unemployment with an appropriation of $200,000 per year for a period of five years. Of course we are going to scrutinize their data.

There is an organization in New York—I do not know what it is; I have only Mr. Walsh's statement for it—whose investigations of that single question of unemployment will cost a million dollars, and yet probably it will be money wisely expended.

You can not make such investigations without spending money.

Mr. BRANDEGEE. I entirely agree with what the Senator says. Of course I assume that when the chairman of the commission says that there is an organization in New York which has spent $200,000 on a particular investigation, the commission will have the advantage of the results of that investigation, which will save this Government just so much money in the investigation of the general subject for the purpose of their results.

Mr. SUTHERLAND. Certainly. They also have the advantage of the work of the British Royal Commission, and Mr. Walsh says the commission went all over that work and that it assisted them very greatly in forming the proper outlines for their own work. Of course they also have access to the work of the other commission in New York, to which I have referred.

Mr. BRANDEGEE. I understand that, and the Senator does not differ from me at all. I have no doubt these intelligent gentlemen—as I assume them to be, and who are perhaps noted in this line of work—have sense enough to know where to find the information which they want to get for the purpose of organizing their inquiry upon the proper scale. As the Senator has just read, they have up to this time been compelled to spend nearly one-third of their entire official existence in preparing themselves to reach the point of getting ready to hold public hearings, but my recollection is that they have had some such hearings. I think I have seen statements to that effect. If these men are expert and intelligent on the mass of subjects imposed upon them to be investigated, they will examine the sources of information and the results of other investigations all over the world—those in our insular possessions as to Asiatic immigration; those in foreign countries as to the relations of labor and capital; those in this country as to sanitary conditions in places of production; protection to life and health in our mills and factories; child labor and such questions, any one of which would take any body of men a considerable time to investigate both as to the facts and the existing conditions; and then as to the causes, and then as to the best remedies to be applied, and of course it is a monumental work. It is a work such that the Senator from Utah, being familiar with the work of the British Royal Commission, predicts that this commission will have to ask for an extension of time to complete, or very likely its previous efforts and the money the Government has spent upon it will be brought to no valuable or informing conclusion, and hence will be wasted.

I am not a business man, but if I were in business and had any kind of work like this to perform, and had to pay for it myself, or was acting for people, or employed by people, to expend their money for them where it would produce the best results, it seems to me I would want to know before I appropriated either $50,000 or $200,000 whether it was my intention to extend the life of this agency that I had constituted, or whether I was going to cut them off in their prime, and whether I had also some other agency that was now doing a part of the same work that I was paying this agency for doing. I would feel more or less guilty of negligence to the people who were paying me a salary to look after their affairs and adjust them economically, if I should, in deciding a question between $50,000 and $200,000 to be expended during the next year, have no better information than I now have when I am compelled to vote on this matter. I would also have a more fixed opinion as to whether or not I wanted this work done at all. If the commission recommends that the time shall be extended within which it can complete its work in the way that it ought to be completed, and in view of the experience which it has already had—and it must be more experienced than we

are—we shall be compelled probably to take its judgment about the matter. If we are going to continue its existence, then it would be a pity for Congress, having created this commission and instructed it to do this work, in which it has spent $100,000, to strangle it and to prevent its own creature from performing the duty that we have imposed upon it when it has been working largely practically without salary.

Mr. SMITH of Georgia. If the strangling stops $500,000 of waste it might be desirable, might it not?

Mr. BRANDEGEE. I will say to the Senator, if this commission could really evolve a remedy for almost any of the tremendously important subjects which they are investigating it would be worth $50,000,000.

Mr. SMITH of Georgia. Has the Senator the slightest idea that they will do so?

Mr. BRANDEGEE. The Senator must not press me too hard about that, because I am more or less of a practical turn of mind, and I see the difference sometimes between a general benevolent and sympathetic feeling for a grievance and the possibility of applying a permanent remedy, one that I am sure will remedy it.

I think I have already said that while I do not have, perhaps, an optimistic faith in the practical beneficial results that may come from these inquiries, still I think it is my duty, if I do not consider that their labors will be worth the money, to abolish the commission and to confine my effort in some other channel to get the information, if it is possible to get it; but I do not want to leave the commission instructed by Congress, when its members are acting more or less in a charitable kind of way—for the amount provided for the members of the commission of $10 a day, if they are at all qualified to investigate these subjects, is not intended to be compensatory for their services; they are giving their services to the Government, and they are simply getting their expenses out of it practically—I say, so long as Congress imposes these duties upon that commission and keeps it in existence we ought not to strangle it; we ought not to impose a task upon it and then deprive it of the tools wherewith to execute the task that we have ordered it to perform, especially when the members of the commission are giving their services. Therefore, before we can know whether to appropriate $50,000 on the winding-up theory, or $200,000 on the continuing theory, when the chairman of the commission has asked for $250,000, we ought to decide the question of policy; and we can decide now just as well as we can next December whether we are going to continue the commission or cut it down. As I have said, if I were running my own affairs or were hired to run those of a company or of a corporation, I would not allow this thing to be decided on the present information which the Senate has before it. I do not mean that the information is, perhaps, not in the House hearings or not within the reach of the Senate, but no business corporation would determine the question as between an appropriation of $50,000 and one of $200,000 in the way we are going to determine it to-day.

That is what makes this Government so expensive. I think it was Senator Aldrich, several years ago, who said that two or three hundred million dollars were wasted by this Government which would not be wasted if it were run by John D. Rockefeller and philanthropic gentlemen of his stripe. They would know how that two or three hundred million dollars could be saved. They might get "cussed out" for saving it; somebody might say they were the "criminal rich"; but they would not be spendthrifting it around. I think this is the kind of a thing that shows almost the hopelessness of administering Government funds economically and efficiently.

Mr. BORAH. Mr. President, this commission had its origin among a class of public-minded men who have devoted their entire lives to the study and consideration of such questions as this commission is supposed to investigate and consider. It did not have its origin among the Members of the Senate or among those who might be interested in filling the places with men who simply desired an office. The work of the men who gave origin to this idea speaks for itself, and whether the commission shall do what it was designed to do or not, those who designed it had a high purpose and a high motive in view. None of the men who originally conceived the idea of the commission and its work either desired or would have accepted a position on the commission, but they thought there was a certain line of investigation which had to be made and which ought to be made at the public expense; that it covered too wide a field and was too expensive to be made and would not be made with continuity or with system by individuals outside of Government employ. So they came to Congress with this idea, it was formulated into a bill, and the bill passed the Senate and the House after discussion and consideration in both bodies. The criticism which now seems to be lodged against the bill was not lodged against it at the time when we created the commission and authorized them to proceed. If all such criticisms were not made, there was an opportunity to make them.

The commission having been created and gone forth with this authority, and having been at work some eight or nine months, we are met here this morning with the criticism that they have spread out all over the earth; that they are going into fields where they ought not to go; that they are too ambitious to find out facts and to make investigations. They have gone nowhere they were not authorized to go; they have initiated no investigation that they were not commanded to make; and they are seeking to do nothing other than that which the creating body authorized them to do. In my opinion the criticisms which have been lodged against this commission are rather in disparagement of the Senate than of the commission.

If the Senate ever has a spasm of economy, it is in relation to just the kind of a proposition now before the Senate. Whenever there is a movement to investigate certain lines of industry and certain conditions in the industrial world and the relationship of capital and labor, if there is going to be a spasm of economy it will come upon us right at that time. We are rushing through here with a great deal of effort and energy a river and harbor bill, which carries at least $25,000,000 which can neither be justified in law nor in conscience, and we are getting altogether unduly excited over the fact that we are about to appropriate $200,000 to investigate the great question of the relations of labor and capital.

It may be that some uninformed and inexperienced employee who has obtained his position by virtue of the influence of some Member of Congress has made some unfortunate report which does not do any particular credit to the situation; but I call attention to the fact that this commission was not made up after it had been created until the present administration came into power. I happen to know that the President of the United States spent a great deal of time and consideration in the filling of this commission, and he filled it with men and women who he believed had the capacity, the public mind, and the public spirit to do the work imposed upon them; and, in my humble opinion, there is not justly to be lodged a single word of criticism against this commission at this time.

I know how sensitive some of us are as to the investigations of the conditions of child labor and of the sweatshops and death traps and hell holes in which the lives of the young people of our country are being ground out of existence; I know how throughly it stirs the blood of economy when we begin to "lift the lid" off of that hole into which we are pouring the young lives of this country year after year.

Mr. SMITH of Georgia. Mr. President, I desire to ask the Senator if he really thinks that has anything to do with the objection which has been urged against the Commission on Industrial Relations?

Mr. BORAH. I really think it has.

Mr. SMITH of Georgia. On whose part does the Senator think it is having an effect?

Mr. BORAH. I do not care to be personal.

Mr. SMITH of Georgia. Mr. President, if the Senator will yield to me, I only desire to say that he will remember that no Senator upon this floor supported more cordially than I did the bill to create the Children's Bureau, and I certainly can not think that he believes that I would object to any proper investigation in behalf of children or any investigation to protect children from improper treatment anywhere.

Mr. BORAH. Mr. President, I have made no reference to the Senator personally; I do not care to do so; and I would not do so if I were justified in doing so; but I do not hesitate to say that for years there has been a powerful influence asserting itself one way and another against the right treatment of the child-labor question in this country, and no one ought to know it better than the Senator from Georgia.

Mr. MARTIN of Virginia and Mr. SMITH of Georgia addressed the Chair.

The PRESIDING OFFICER. Does the Senator from Idaho yield, and to whom?

Mr. BORAH. I yield to either one of the Senators.

Mr. MARTIN of Virginia. I merely wanted, Mr. President, to call the Senator's attention to the fact, with which, I presume, he is already familiar, that his criticisms about the failure to provide for investigations into the question of child labor are not altogether justified, for we have already provided nearly $200,000 at this session of Congress for the Children's Bureau. That was done in the legislative appropriation bill, and while I do not happen to have the exact figures in my mind, I think the appropriation was $169,000.

Mr. BORAH. I am not criticizing the chairman of the Appropriations Committee.

Mr. SMITH of Georgia. Mr. President——

The PRESIDING OFFICER. Does the Senator from Idaho yield to the Senator from Georgia?

Mr. BORAH. I yield to the Senator from Georgia.

Mr. SMITH of Georgia. Mr. President, my criticism upon the Senator's remarks is that I do not think he is presenting the case fairly. I believe I have said more against the work of the Commission on Industrial Relations than any other Senator, and I called attention to its work with reference to child labor. There is no reasonable appropriation that I would not vote for to help the Children's Bureau. I believe there is the place to make investigation on the subject of child labor, and there is the place where the work should be performed. I do not believe that nine men put on a commission, with its work spread out so broadly and so thinly, can do the work comparable with a bureau organized expressly for that purpose and thoroughly equipped to do it. I do not think the Senator is justified in suggesting that the resistance to work of this kind being undertaken by a commission and the insistence that it be performed by a bureau established for that purpose, the creation of which I supported with great pleasure and about which I had the privilege of first speaking in the Senate, and to which I am thoroughly attached—I do not think the Senator is justified in the character of argument that he is making, certainly so far as the Children's Bureau is concerned. The question is, Where can we have the work done best? I believe that it will be done best by the established permanent agencies in the departments.

Mr. BORAH. Well, Mr. President, I am not criticizing the integrity of view of the Senator, but that does not modify the statement which I made. I made no reference to the Senator individually nor to the Senator's views. I simply said that I did not desire to be personal about this, whether the person was inside the Chamber or outside the Chamber; but no one doubts the influence which is constantly exerted upon these matters. No one who has been connected with the Committee on Education and Labor and this legislation for the last 10 years need to doubt it. It is exerted in manifold ways, and generally up to within the last few years has been successful in killing all legislation on that subject.

Mr. President, there are conditions in this country which ought to be investigated, studied, and considered, and about which we can not have too much information. We will leave the subject to which we have drifted in this morning's debate as to whether or not there is duplication with reference to child labor investigations and such matters. There are other matters which the commission are specifically authorized to investigate, concerning which no one seems to be doing anything effective in this country, and yet matters which every one must, upon reflection for a moment, concede to be a distinct menace to our institutions.

We have had in this country in the last eight or nine months more exhibitions of force, more exhibitions of civil war, of riot, and of disregard for authority than we have ever had, to my knowledge, in the same length of time. I am not saying that I think it has arisen by reason of this administration or these policies, but by reason of conditions which have been accumulating and growing up in this country for a number of years and by reason of the fact that we have given no consideration and no study to those industrial questions. We have confined ourselves almost entirely to the study of and to legislation upon those old political subjects, which have almost been displaced by the social and industrial questions which have arisen.

Take, for instance, the situation in which we find one of the States of the Union now—a state of armed neutrality, of civil war, in which the State authority is defied, in which the governor of the State says that the parties are simply resting in quiet, in sullenness, until such time as they can get to one another's throats. When this commission was created its author had in mind particularly just such conditions of affairs.

I read from an article in the North American Review, which says:

> For four years an industrial struggle, which only recently reached its most acute development, has been going on. The economic problem, serious enough in its beginning, has reached a tragic climax of nation-wide importance. During these four years much bitterness has been engendered, and the dispute, which originally involved an economic question between capital and labor, has finally become political—between the State on the one hand and those who deny its authority on the other. Riot has assumed the proportion of rebellion, focusing the attention of the whole American people upon the State —

Giving the name of the State.

No worse condition than that exists in Mexico—men shot down, women and children incinerated, burned alive, or smothered. If this commission, with its able corps of men and women, can find or bring to the Senate facts and suggestions which will enable us to take a single step in the solution of so tremendous a subject, we will have justified ourselves in spending not only $200,000 but a million dollars, if necessary, in the investigation of altogether the most important subject before the people to-day.

This would not be so bad if it were confined to one locality or to one situation, but at the time that condition prevailed in that State the same condition of affairs was going forward in three or four other States in the Union. A land of unbounded natural resources, of unlimited wealth; a land which ought to be blessed with indescribable prosperity, is cursed by a condition of civil war by reason of the strained relations which have grown up between capital and labor in this country.

Has anybody here a solution? Has anybody a remedy? Is there any bill pending, is there any information at hand, or are we to sit idly by and quietly permit the matter to grow until it shall pass beyond the control of law or authority?

This article further says:

> The troops of the State were able to enforce peace. But it was a sullen and unwilling peace. The mine guards were disarmed and sent away. The strikers promised to surrender their arms, but they did not do so. Similarly, a recent promise of the leaders to surrender these arms to the United States troops was unfulfilled. In the meantime, and after the military occupation had begun, I continued unceasingly my efforts to adjust or settle the strike.

Mr. WILLIAMS. Who is the author of that article?

Mr. BORAH. The governor of the State of Colorado.

Upon the next page he quotes from a statement signed by the leaders of the strike, and I want to invite the Senator's particular attention to it. It says:

> Organize the men in your community in companies of volunteers to protect the people of Colorado against the murder and cremation of men, women, and children by armed assassins employed by the coal corporations, serving under the guise of State militiamen.
>
> Gather together for defensive purposes all arms and ammunition legally available. Send name of leader of your company and actual number of men enlisted at once, by wire, phone, or mail, to W. T. Hickey, secretary of State Federation of Labor.
>
> Hold all companies subject to order.
>
> People having arms to spare for these defensive measures are requested to give them to local companies, and where no company exists send them to the State Federation of Labor.
>
> The State is furnishing us no protection, and we must protect ourselves, our wives, and children from these murderous assassins. We seek no quarrel with the State, and we expect to break no law. We intend to exercise our lawful right as citizens to defend our homes and our constitutional rights.

Mr. President, those laboring men, in their rage, in their just or unjust cause—I do not know, and do not undertake at this time to pass upon it—came conscientiously, undoubtedly, to the belief that they had no protection under this great Government of ours except that protection which they derived by organized force, by arbitrary power. Practically, sir, a great and wonderful State of this Union broke down in its power to enforce law and order; and even the great Government of the United States had no remedy to offer to those men except the remedy of force—the presence of an army—which did no more, says the governor of the State, than to enforce sullen peace. Is the use of the Army, the soldier, the only solution a proud, intelligent people offer to a condition which involves the happiness and welfare of—ultimately, sir, the happiness and welfare of all our people and permanence of our institutions? I do not state the question too broadly; it means all of that.

If this commission, sir, shall be able to throw any light upon such situations; if it shall be able to investigate these matters and bring here the real truth and the real facts, or if it shall give them over to the authorities who are there in immediate command, and, anyway, to make a single step toward the final solution, amelioration, or adjustment of this question, it will be worth all the money we put into it.

Mr. WILLIAMS. Mr. President——

The PRESIDING OFFICER (Mr. VARDAMAN in the chair). Does the Senator from Idaho yield to the Senator from Mississippi?

Mr. BORAH. I yield.

Mr. WILLIAMS. I should like to ask the Senator if he knows whether or not this commission is investigating the conditions in the locality to which he has referred?

Mr. BORAH. I do not know whether it is or not; I can not say. I will say to the Senator from Mississippi, however, that I do know, by reason of my connection with the passage of the law, the men who planned it in the first instance, that it was just that condition of affairs they had in mind—the adjusting and study of these situations as they might arise, to find out the real cause and why it was that the disturbance came on, and that possibly a remedy might be suggested.

Mr. WILLIAMS. I asked the question because it just occurred to me that about the very best place in the world for them to be sitting right now and for some months back would be right out there and see what they could get at first hand.

Mr. BORAH. I agree with the Senator perfectly. There is no place which could better engage the attention of this commission than just such places as that. In other words, they should follow the rule of Napoleon, and that is, where the fighting is thickest there they should be.

Just a closing paragraph, Mr. President, and you will see the situation:

> The State has taken no side whatever in this industrial conflict. I have used every means at my disposal to bring about a settlement and to avert civil war. A time came when I found the leaders of one side of this conflict heading an armed rebellion against the State. I can not escape the belief that Colorado's experience is but a local expression of general conditions and, in that aspect, of vast importance to the people at large. The remedy for such conditions lies with the legislative and not with the executive branch of the Government. It is a governor's duty to enforce the constitution and laws of his State. The hundreds or thousands of men lately in arms against the military forces of the State are still in Colorado, and so are their arms, hidden away, perhaps to await a future use. What the future holds, who can say?

That is the only suggestion the governor of that great State has to make.

Now, Mr. President, the people of the State of Colorado are no different from the people of any other State in this Union.

Mr. THOMAS. Mr. President——

The PRESIDING OFFICER. Does the Senator from Idaho yield to the Senator from Colorado?

Mr. BORAH. I yield.

Mr. THOMAS. I should like to inquire what document the Senator has just read from.

Mr. BORAH. I was reading from an article written by the governor of Colorado upon this subject, printed in the last issue of the North American Review.

Mr. THOMAS. I thank the Senator.

Mr. BORAH. The people of the State of Colorado, as I say, are no different from the people of the other States of the Union. They are a most intelligent and industrious people, and they have a great State. The conditions which exist there may exist in any industrial center of the United States for the same reasons and upon the same grounds that they exist in that State. I apprehend that in all probability the public officers of the State of Colorado are no different and would act no differently from the public officers of other States of the Union; and I do not wish the inference to be left here that the Colorado situation is a peculiar one, or that there is anything connected with the State itself or the people of that State which superinduces or should superinduce that condition of affairs, separate and distinct from what might come in any other State. It only vivifies and brings to our mind the fact, as the governor indicates, that this condition is practically universal. It is because labor and capital in this country are in armed neutrality; and if the Congress of the United States has made any investigation or has taken any step to investigate those conditions, other than is provided for in the act creating this commission, I do not know of it.

Mr. GALLINGER. Mr. President——

The PRESIDING OFFICER. Does the Senator from Idaho yield to the Senator from New Hampshire?

Mr. BORAH. I yield.

Mr. GALLINGER. Am I mistaken in the thought that this very body has appointed committees that have gone to these places and made investigations? The House has done so, I think, in the case of Colorado, and this body did in the case of West Virginia.

Mr. BORAH. I think that is true so far as the mere fact of investigation is concerned. I have not seen the report. I do not know whether a report has come in from the committee that went to Colorado or not. It may have. But, Mr. President, the Senator from New Hampshire knows what the functions of those committees are and what they do and all they do. To go to make an investigation and study the situation and try to resolve upon some means of ameliorating the situation and preventing it in the future belongs to experienced and trained men and experts who have nothing else to do while they are doing that other than to do that. For Members of Congress to drop out of the session for a week or two and go into these matters and investigate them is to come back with a very small smattering of information in regard to the facts. The work here makes it impossible to give the time or the investigation that is contemplated by this commission.

It was to call into the field of activity trained minds and enable them to devote their time to this subject that this commission was created. Why, Mr. President, this commission has been in active operation now for eight or nine months. When we look over the activities and the long life of the commissions which have been created in England and in Germany we find that they run through years and years. Some of those reports are so well grounded and so thoroughly gotten up that they have become authority the world over. We can afford to be liberal; we can even afford to take the chance of some of this money being wasted if we have faith in this commission, as I have. I believe the President selected its members conscientiously and effectively and with judgment, and I believe it is our duty to give enough money to it to justify its work and to continue it without the thought that to-morrow or next day or next month its existence may be terminated. Here, with the commission in existence only eight or nine months, we are discussing the question of repealing the law and ending its existence, as if its members could study these questions and pass upon them in eight or nine months and furnish us any information which would be of value to anyone.

Mr. WORKS. Mr. President, the existing conditions in this country growing out of the relations between capital and labor present one of the gravest problems that Congress and the country have to deal with to-day. Unless we can control these conditions by some peaceful means they are going to shake this Republic to its foundations before very long. The conditions do not seem to improve. On the contrary, so far as we can judge from what has happened in the last few months, they have grown worse and more dangerous to the institutions of the country.

We pass laws intended to correct these evils. We are compelled to enforce those laws, often by resorting to force; but that does not settle the question. It arouses the animosity and the rage of the men we are attempting to help and control. They resist it, and resist it by force, resulting in bloodshed. We can not reach it in that way. It must be done in some other and more effective way than that if we are going to correct these conditions at all.

If this commission that has been provided by Congress is able to help us, even in a small degree, to solve this great question, we ought not to hesitate to appropriate money sufficient to enable it to make the investigations that will enable it to do it.

Personally, I do not think much of investigations made by commissions or by committees. We do not seem to get anywhere by these investigations. I think the great trouble in this country is that the people themselves are not taking the interest in it that they should if we are going to solve these questions. It can not be done by Congress. It can not be done by a commission or any number of commissions. It is a matter of education, and the restoration of the people to right thinking about conditions of that kind.

Possibly the investigations and reports that are made by commissions and committees may help to educate the people to realize how dangerous these conditions are to the country and to the people. Unless we can do that, unless we can reach the problem by reaching the public mind, then the condition looks to me to be hopeless. I do not believe the people of this country begin to realize how serious the question is.

We have this commission now. It was brought about, as the Senator from Idaho [Mr. BORAH] has said, largely through the influence of men who have studied these questions and the difficulties growing out of them—charitable, generous men, who do realize the situation and who are anxious to do anything that can possibly be done to better conditions. I know personally one of the members of the commission. He is a man of high character, who has studied these questions faithfully and earnestly. He has traveled abroad at his own expense for the sole purpose of informing his own mind, independently of his appointment to the commission, and before the commission had been appointed or even thought of.

The trouble about it is that we are piling up volume upon volume of information that is obtained through these commissions and committees, and nobody reads them, or at least very few people read them. The knowledge that is obtained in that way is confined to a very few people. There is not sufficient interest taken in it to induce the people generally to look into it and to determine for themselves what the conditions really are or what may be done to improve them.

In my judgment no more important commission has been created by Congress for a long time than this one on industrial relations. The field that is laid out for them for the making of investigations is so broad that it is going to be impossible for them to cover the whole of it; but just this one condition of things that has resulted, what has happened in one of the States of this Union, should give them an opportunity to investigate at least one branch of the subject intelligently and with benefit to the people of this country. The commission has not

been in existence for a sufficient length of time for us to know whether or not it is going to do good work, practical work. I should like to see it continued at least for a sufficient length of time to give it the opportunity that is required to investigate conditions and help us to improve them. I think Congress ought to be liberal in the making of appropriations with that object in view; and for that reason I hope this appropriation that has passed the House will not be reduced in this body.

Mr. HOLLIS. Mr. President, the Commission on Industrial Relations was established by a solemn act of Congress in August, 1912. I have no doubt that at that time the same arguments that are used to-day were used against the passage of the bill. Nevertheless, it was then believed by Congress that other departments of the Government and other commissions were not covering the field that was sought to be covered by that legislation.

One matter in particular with which I am familiar, and which has not been discussed to-day, is that which authorizes the commission to investigate the conditions and provisions for protecting the life, the limb, and health of employees. Thousands of men are killed every year in industrial pursuits for lack of the most ordinary safeguards. Hundreds of thousands are crippled for lack of those safeguards. I have heard it stated that for every story of a skyscraper erected in the city of New York one man is killed. I believe that is an exaggeration; but it does show what a tremendous loss of life and limb there is for lack of safeguarding workmen.

When a man is killed, his wife and children have to be supported by somebody, and usually they are supported at public charge. They become paupers in many cases. Every man who is crippled so that he can not support himself must be supported by some one else, either as a result of a suit against the company or as a pauper. So that that one field presents an opportunity for a tremendous saving to the Government.

This commission has only one year further in which to act, and it should be given ample funds. I know some of the members of the commission; I know by reputation other members. I have great confidence in the commission and in the work it ought to do if it has the funds with which to do it. I have no doubt the chairman of the commission made a careful estimate of the expense for the next year. His figures were cut from $250,000 to $200,000 in the House. I think it reflects little credit upon the United States Senate that we have passed over here to-day, without question, hundreds of thousands of dollars for this project and for that; we have appropriated millions of dollars without discussion, and then, when we get to this one item, where labor and its relations to capital are to be considered, we rise and shake our heads, we discuss, we wonder, we even make it a subject for joke and humor and ridicule.

It is no joke to the wife and the children of the man who has been killed through the carelessness of his employer. It is no joke to the man who has lost his arm or his leg on account of the lack of proper safeguards. I do not think the Senators here, in the wit they have indulged in, have intended to treat this subject lightly. I have a better opinion of them than that. It is a most important subject.

The fact that one witness before this commission was mistaken militates nothing against the condition we are seeking to secure. Before the Banking and Currency Committee there were many witnesses who made foolish remarks, but that was what the committee was for—to sift out the wheat from the chaff; to take the good and to reject the bad. There is no doubt that this commission will do just that; and while I have no doubt that the Committee on Appropriations and the chairman of the committee acted according to their best judgment and with entire honesty and fairness in the matter, I do hope the Senate will restore the $200,000 that was appropriated in the lower House.

Mr. HUGHES. Mr. President, I regret very much that the Committee on Appropriations saw fit to reduce this appropriation. The act creating this commission was passed by a Democratic House and a Republican Senate and signed by a Republican President. In view of the relation of the Democratic Party to the laboring people of this country I say again that I regret the Committee on Appropriations has seen fit to make this reduction.

When the act was first introduced in the House of Representatives and passed unanimously, as I recollect, by that body, it was proposed then that the whole sum of $500,000 should be made immediately available in order that the commission might properly map out and plan its work and employ its experts, so that it should be put in a position to carry out and perform the duties imposed upon it by Congress.

The Senator from Idaho [Mr. BORAH] referred to the opposition that measures of this kind have met with in his experience in the Senate, and I can supplement everything he has said and go much further than he went from my own experience with legislation of this kind in the House.

There was considerable opposition to this proposition and the influence of some of the gentlemen who oppose all legislation of this kind is manifested by the language that is found in the last section of the act. These final touches, in my judgment, were given to the act by the National Association of Manufacturers. In the closing days of that session of Congress I rescued the bill from the hands of a gentleman who afterwards, in the lobby investigation, turned out to have been in very close touch with these people.

You will notice that limitations are thrown about the ability of the commission to spend money; that they shall not be permitted to pay more than a certain amount of money for experts; and that the salaries are limited and expenditures curtailed in various other ways. Those provisions were obnoxious to me and objectionable to the supporters of the measure, but the friends of this legislation were then, as they are now and always have been, willing to take half a loaf rather than no bread. So the bill was passed in its present form.

Then the struggle was taken up before the Committee on Appropriations and it has gone on from time to time ever since. Instead of the amount of money being appropriated which it was estimated the work would cost, to be turned over to the commission in order that it might properly map out and plan its work and put into execution the purposes and perform the duties they were called upon to carry out, $100,000 was appropriated with the understanding that whatever money was necessary for the proper expenses of the commission would be freely granted to them; now the chairman of the commission is asking for $200,000, which the House granted, and the Committee on Appropriations of the Senate of the United States proposes to cut it down to $50,000.

So far as any charge of extravagance made against the commission is concerned I simply desire to say that before the commission was appointed it was believed by the men who were favorable to this legislation, and I will say that I introduced the bill in the House of Representatives myself, that it would take at least half a million dollars to properly conduct the investigations. There has been no attempt on the part of anyone up to this time to get more than that amount of money. There has not been any attempt on the part of anyone to get that much money. That amount was wanted at once. They wanted it to be made available immediately. They thought they could do better work with the money if they had it in one sum than if it were parceled out from time to time by piecemeal. I agree with that view. I think better work could have been done if the money had been appropriated at once.

The present situation is an illustration of it. The chairman of the commission undoubtedly expected to encounter opposition in the House and in the Senate. Opposition had been encountered before. It was encountered when the original appropriation was made. A wise and conservative man, as I believe him to be, he was not likely to enter upon a program calling for an expenditure of a sum of money which he might not be able to get and which it seems now he was not able to get from at least one of the committees of Congress.

This industrial commission, in my judgment, serves an extremely useful purpose. It is differentiated from any department of the Government in that it can conduct its investigations and has conducted its investigations in such a manner as to escape any charge of partisanship.

I remember when the silk strike was on in the city of Paterson, when thousands of people were out of employment and marching on the streets daily, when they were being arrested by wholesale and the jails and police stations were crowded beyond their capacity, when there were so many cases the courts could not deal with them, the cry went up from that municipality, as it always goes up from every municipality stricken in that way, for a congressional investigation. Most people seem to have a blind faith in Congress and immediately they want a congressional investigation under such circumstances. I resisted that demand. I could not see what good it would do the city of Paterson to have a committee of Representatives and Senators go over there and call those men on the stand and allow them to make charges and countercharges against each other and stir up strife and make the situation incomparably worse than it was at that time. I said to them that there had been passed by Congress an act creating a commission of nine members and the appointments were then pending before the President of the United States. I asked them to desist in their demands for a congressional investigation and to await the appointment of this commission, which I was urging the President every day to appoint, and then the commission, having no interest in either side of the

controversy, and having no political position to sustain and no policy to espouse, could make an investigation, and if an investigation were of any service they then would receive the benefits of one that would command the respect of everybody.

Unfortunately for me and unfortunately for the people the commission was not appointed in time to be of any service in that particular instance, but months after the strike had been settled and the employees had returned to work the members of the industrial commission went to the city and conducted an investigation. They had public hearings. They called the manufacturers before them, and they stated the circumstances out of which the strike arose. They called the representatives of the organizations of labor and they called the representatives of unorganized labor and they got the side of every party to that controversy. The public had a chance to compare the extreme statements of the employers with the extreme statements of the employees, and occasionally a fair-minded statement from a public-spirited man who had no interest—except a general interest—in either party to the controversy. They have not yet made their report, but it is apparent to anyone who has kept watch upon the columns of the newspapers that they gained information that had never been made public before, because we all know that in a time of an industrial strife no statements find their way into the columns of the press except extreme statements on one side or the other.

I can refer you to the time when another strike was in progress in that city. For more than six months I represented the strikers in various suits, ranging from cases before the police court justice to the Supreme Court of the United States. Probably at one time or another 150 or 200 people were defendants in those suits. The newspapers from one end of the country to the other carried the alleged details of what went on in that city. Injunctions were issued; contempt proceedings were instituted. Men and women were sentenced to pay fines and to suffer imprisonment in default thereof, and in some cases in addition thereto.

Although to the outside world it seemed that there must be a state of absolute anarchy in that city, in all that period of six months there was not a dollar's worth of property destroyed and there was only one charge of assault made. Yet those interested in that dispute had influence enough to make it appear to the world at large that a deplorable situation existed.

I think the efforts of the industrial commission and the hearings they held in the city of Paterson have been productive of great good. The manufacturers, without any industrial strife, without any trouble or disturbed conditions, had a chance to go to those public hearings and hear the men whom they employed state their wrongs and grievances.

This commission held hearings in the city of New York, and any student of these affairs is bound to admit that they brought out facts at the hearings in New York that had never been brought out before, and they brought them out in a way in which they had never been brought out before. They have so conducted themselves that they are regarded as a fair, nonpartisan commission, that have no party to sustain and who care not where the chips fall, whose only duty is to hew to the line.

I regret very much that the Senate, a Democratic Senate, should see fit to reduce this appropriation. I fondly hoped, and I do hope and I believe, that the Democratic Party is sincerely interested in the welfare of the laboring people of this country. I believe that the welfare of the laboring people of this country is indissolubly connected with the welfare of the Democratic Party and that one needs the other.

I sincerely hope that the chairman of the committee will permit this appropriation to remain as it was left by the House. If I had had my way in the beginning, I would have appropriated $500,000 for the expenses of the commission; and if it developed then that they could not finish the work with that amount of money, on a proper showing they could have been granted more money. As the Senator from Idaho said, we can afford to waste a little money on a proposition of this sort. I do not, however, think any of it has been wasted.

I am unfamiliar with the detailed work of the commission. All I know about it is what I have seen in the public prints. The chairman of the commission I have never met, to my recollection. One or two members of the commission I do know slightly; but I know the scope and character of the work they have been carrying on. I believe they are trying to do it conscientiously, and I believe their work when finished will be productive of great good to the laboring people of this country.

For the life of me I can not see why, when we are spending money so generously in every direction, spending money recklessly, I might well say, in every direction, we are called upon to economize on a proposition of this sort in which the welfare and the well-being of practically every man, woman, and child in the United States is involved.

Mr. WILLIAMS. Mr. President, I do not think that the very particular point at issue is of such vast importance, but the discussion has taken a wide range and opens up a vista which is vast, and I do not feel willing to let what I may call a groan of pessimism go from the Senate to-day unmodified as a cloud to be spread with no sunlight to aureole it.

This world, and especially the relationship between capital and labor, as well as most other things pertaining to humanity, are growing better every year, and not worse, as Senators seem to think. A man can throw his eye backward 5, 6, 10, or 20 years and come to the conclusion that the relation between capital and labor is worse than it was once; but if he throws his eye back farther—decades and demicenturies—over this same field of history, he will not be discouraged. He will remember that in the beginning one man could not get another to work for him at all except by just capturing him, making him a slave, and forcing him from day to day to work, while the workman received nothing except enough to keep him alive so that he could work. Thus slavery was the first expression of the relationship of labor to capital.

One might come away down below that period, down to the beginning of the new enlightenment in Europe, and his imagination might be set afire reading the history of the peasants' war, culminating most acutely in 1492, when the villeins upon the great feudal estates were fighting for the right to work as free men.

We come down later after the great plague in Great Britain when labor riots were constant things for years, so graphically celebrated by William Shakespeare when he brings Jack Cade and others upon the stage.

We can come down to the very opening of our own time, Mr. President, and remember the Chartists in Great Britain, when houses, ricks, barns, machinery—everything—were being destroyed every day; a time which enlisted the giant intellect of Thomas Carlyle in some of his Latter Day Essays to explain how the situation came about and how it could be bettered.

In our own time, remember the Molly Maguires. Nothing as bad and apparently hopelessly defiant of law and order has succeeded it. These things come and go on the surface of the turbulent stream of liberty and progress. When they have gone the sky is clearer, and men can see more clearly and farther than before they came. There is something learned from each, which, taken at its value, ameliorates conditions and makes for peace in the future—for mutual understanding presaging peace.

Things are better now, Mr. President, and they are growing better, and they are growing better by the spiritual growth of men, and for the most part this spiritual growth has not come about as the act of government anywhere in this world. Where government has done any good at all, it has generally done it after the public conscience had been awakened to the fact; so that the act of Congress or of legislature was nothing but the fiat of the Government set upon the will of the people and set upon the results wrought out by an awakened conscience—set upon and catching and fixing the accomplished fact of one more stride forward.

This spiritual growth for the most part has been the work of great geniuses who felt and expressed humanity's woes and some of whom were willing to sacrifice themselves for humanity. I need not run over them. There was Jack Howard, nobleman of "the first house of England" as he was, going to all the prisons of England and Europe, subjecting himself to all the contagious diseases of the jails until finally he died a victim to his research, giving the world the benefit of what he had learned, and doing it in such a way that the world's heart as well as the world's head took it, and thereafter occurred the improvements in the conditions of the prisoners, who up to that time had been regarded as having no sort of human rights at all.

I need not dwell before the Senate upon the fact that Charles Dickens's portrayal of the conditions in England led to the abolition of imprisonment for debt and the improvement of schools and educational methods, lashing out of existence many a "Do-the-boys Hall." I need not dwell upon the facts to those who have read it of the great beneficial effect of Charles Reade's Hard Cash.

I was just reading the other day, Mr. President, a new book, "An Ancient Evil and a New Conscience," by Jane Addams, of Chicago. I will wager my head that that book alone will do more good in accelerating a spiritual growth—it will bring the men who possess things and the men who do not possess things more nearly together upon a common plane of thought and feel-

ing than all that this Congress could have done if it had been doing nothing else for the last 10 years.

The old everlasting condition of "armed neutrality between capital and labor," as the Senator from Idaho called it, has been going on since one man first worked for another. It is no recent thing. From the very first time that one man wanted another to work for him, from the very first time when there began to be a division of labor, so that a man did not do all his own work and make or catch all he needed and had, it has been a hard fact. I may say from the first time men began to do work at all, because that change in the relation of man to man took place the minute men quit fishing and hunting and settled down to steady labor.

It is not growing worse; it is growing better; and, Mr. President, there will be evils about it as long as Parson Dale's sermon in Bulwer's novel, My Novel—I believe it is taken to heart by human beings everywhere—that greatest of all sermons, I think, though written by a novelist, which begins by enjoining the poor to have charity for the rich and enjoining the rich to have respect for the dignity of the poor. It is going to go on until the human heart and not the human head alone has worked it out of existence. In the meanwhile it does no harm to "investigate" and to continue to investigate.

Duplication of work in investigation and research ought to be avoided as far as possible, of course, but even duplication of work is preferable to not doing something. Even if you get nothing as a result of the investigation it is something if you leave the true impression upon the mind of those who consider themselves hard-ridden that you are trying to help them. Unfortunately the easiest thing in the world to persuade men of is that they are having an awfully hard time. You can go out and preach hard times in times of prosperity and men believe you because there are in the audience men who have not quite gotten all they wanted to get, though they tried, and think that then they have had an awfully hard time, and others who have not tried. Of the two the latter are bitterer than the former. Tennyson says that "knowledge comes, but wisdom lingers." That is true, and yet you must have knowledge as a beginning of wisdom, and you have to get that knowledge as best you may. You must educate the head first, somebody's head, before you can educate the heart—the popular heart; the all heart; everybody's heart. That is what makes up civilization.

You are never going to have any end to the old state of armed neutrality between capital and labor as long as private property exists until you come to the condition where each man is willing to earn all that he can by honest labor and is willing to keep only what he needs, and no man is willing to keep aught of another until he has tried his best to earn it for himself and has not. It will not be communism impressed by law. It will not be a superposition of Government upon men's lives. It will not be what is put upon men by premature law, but it will be what comes out of men's hearts as just and right and is only recognized by law. That feeling is growing every day, and it never was as strong at any time in the world as it is right now. The very fact that you are carrying on this discussion to-day proves it.

This discussion would hardly have been possible in 1830 or 1840. In the meanwhile, the great danger is that Government may attempt to usurp the place of evolution—evolution of thought, evolution of feeling, evolution of ethics—may destroy that treading upon our dead selves which thereby raises ourselves to higher things, all of which constitute true civilization and true progress.

The main business of government, after all, is to keep men from hurting other men, and thereby give free room for society by development in peace and order and mutual understanding to make spiritual growth.

I have said nothing relevant to this particular provision, but after the speech made by the Senator from California [Mr. WORKS], whom I so much respect, and who is generally so optimistic and of such spiritual insight, I did not want the day to close with a pessimistic cloud spreading out from this hall over the American people so that they could not see the sun behind it.

As for myself, I think if the Government just goes a little bit behind evolution and clinches—just to use a carpenter's phrase—clinches the accomplished fact of progress just as the better thought and sentiment of mankind have created it, and tacks it into the board, is about all that can be expected of government.

In the meanwhile, this little amendment does not make so much difference whether passed or defeated, because whether this work be done by these men, whether it be done by the Department of Commerce, whether it be done by the Department of Labor, whether it be done by the Children's Bureau, or whether it be done by some one else, is of minor importance in comparison with the necessity of men seeing and knowing that somebody competent and earnest is seeking to do it, and that they are not being harder and harder driven by neglect every day; that, upon the contrary, there is more and more light every day and more and more opportunity for honest labor every day. Of course, the conditions are hard yet, and they ought to be made better and better day by day, and the organizations of labor which are effected for the purpose of making them better, for the purpose of getting shorter hours, for the purpose of getting higher pay and better sanitary and educational conditions, and for the purpose of getting for labor nearer labor's just part of the value of production, ought to be encouraged all the time and in no manner discouraged, even negatively. But the world is growing better. Men's mutual relationships are growing better, not worse; not more intimate, but more just. I wish I could add also more intimate, but it is too early as yet for that.

Mr. CHAMBERLAIN. Mr. President, just a word on behalf of the action of the Senate committee. I do not think there was a single member of the committee, in fact I know there was not a single member of the committee, who was opposed to the character of the work which is being done by this commission, but it did seem to the committee, and it seems to them now, and it seems to me after having heard most of this discussion, that the work which is being done by that commission is simply a duplication of work that is being done by other departments of the Government, and work that if it is not being done by them could be easily directed to be done by the Senate of the United States through a resolution of inquiry.

As a matter of fact, so far as the laboring people of the country are concerned, in whom the Senator from New Jersey [Mr. HUGHES] seems to be deeply interested, the Department of Labor has been created for that very purpose. It has bureaus and it has arms which can be extended out to the same field of investigation that the commission now covers, and I have not any doubt that not only the interests of labor will be protected through that bureau but the interests of the employers as well.

It was with a view to economy that the committee thought it best to grant to the industrial commission the same amount which was appropriated for their use last year. We think that the amount recommended by the committee is sufficient in addition to the money which will be expended by the other bureaus of the Government for these purposes.

Mr. GALLINGER. Mr. President, the optimistic note sounded by the learned Senator from Mississippi [Mr. WILLIAMS] will not be lost in this discussion. The world is growing better beyond a peradventure, and the relations between capital and labor are constantly improving, notwithstanding an occasional outburst, which would seem to prove the contrary.

I have taken occasion once or twice to say that the controversy between capital and labor is a serious matter, and I have felt and expressed the opinion that we ought to do all we can to make it less acute and exert ourselves to ameliorate the condition of the laboring men.

We are very apt to be misunderstood in the discussion of a question of this kind. When the bill for the creation of the Children's Bureau was under consideration I called attention to the fact that at that very moment the Department of Commerce and Labor was investigating that matter, and I ventured to suggest that it might be well for us to await the conclusion of that investigation before creating another instrumentality.

Mr. HUGHES. Mr. President——

The VICE PRESIDENT. Does the Senator from New Hampshire yield to the Senator from New Jersey?

Mr. GALLINGER. I yield to the Senator.

Mr. HUGHES. I do not know that I caught what the Senator said correctly, but I want to call his attention to the fact that at the time the new Cabinet office was provided for at the same session of Congress and by the same committee on the other side it was thought that there would not necessarily be any clash of jurisdiction between the two, and that even with the existence of the new department there was a field for this commission.

Mr. GALLINGER. I took occasion to look into that matter and I found there was an investigation going on by the department, and I merely ventured to suggest that it might be well to await the conclusion of that investigation. Immediately it was heralded over a portion of the country that I was an enemy to the establishment of a Children's Bureau and that I opposed all legislation for the amelioration of the children of the country. It was not correct, but perhaps it served a purpose.

Mr. President, I believe in the Children's Bureau absolutely. I believe in it more strongly to-day than I did when it was organized; but it will be recalled that that bureau was given, and ought to have, exclusive charge over this special matter of child labor.

The act provides that—

> The said bureau shall investigate and report to said department upon all matters pertaining to the welfare of children and child life among all classes of our people, and shall especially investigate the questions of infant mortality, the birth rate, orphanage, juvenile courts, desertion, dangerous occupations, accidents and diseases of children, employment, legislation affecting children in the several States and Territories.

And so forth.

Mr. President, I do not see any need of this industrial relations commission going into that question, because the Children's Bureau has jurisdiction over it, and we have voted a very liberal appropriation to enable that bureau to conduct its work.

Mr. LANE. I should like to ask the Senator how much there was appropriated for that purpose?

Mr. GALLINGER. One hundred and sixty-nine thousand dollars has been appropriated for the work this year.

Mr. LANE. That attracted my attention; and I notice in reading the bill which we have recently passed, providing for the Department of Agriculture, that we appropriated therein $400,000 for the necessary expenses for the eradication of cattle ticks.

Mr. GALLINGER. Mr. President, that is an old story, and it has not any bearing on this question.

Mr. LANE. It is not an old story. It happened this year.

Mr. GALLINGER. The Senator from Oregon did not move any amendment, so far as I remember, proposing to increase the appropriation for the Children's Bureau; and I apprehend that if anyone had moved to reduce the appropriation to eradicate cattle ticks, he would have risen in his might and opposed it. If $169,000 was not enough for the Children's Bureau, some of the Senators who are so distressed over the fact that we hear it every time the question is up that we are appropriating more for the brute creation than we are for the human creation, ought to have moved an amendment.

Mr. President, only a word more, for I do not want to prolong this debate at all. I called attention to the Industrial Commission which we created a few years ago, and expressed the fear that, unless the present Commission on Industrial Relations was somewhat restricted in its operations, we would have another library of 19 volumes, each one of them about as thick as, or thicker than, that book [exhibiting], which would be dumped in on us. I could not give my quota of them away; I had 50 or 60 copies, and nobody wanted them. So far as I know, there never was an allusion in the debate in this body to anything in that voluminous and unnecessary report, except to one item which was contained in volume 17.

Mr. POMERENE. Mr. President——

The VICE PRESIDENT. Does the Senator from New Hampshire yield to the Senator from Ohio?

Mr. GALLINGER. I yield.

Mr. POMERENE. I only learned a little while ago that hearings had been had in the Industrial Relations Commission from time to time, but none of them have been printed. I think they ought to be printed as they are taken.

Mr. GALLINGER. I think so, too.

Mr. POMERENE. It may be that the same rule prevailed at the time the other testimony was taken to which the Senator refers. I, for one, should like at this present moment to have the benefit of the hearings which have been thus far had by this commission, and I think other Senators, also, would like to have them.

Mr. VARDAMAN. Will the Senator from New Hampshire yield to me for a moment?

The VICE PRESIDENT. Does the Senator from New Hampshire yield to the Senator from Mississippi?

Mr. GALLINGER. I yield to the Senator from Mississippi.

Mr. VARDAMAN. The law provides that these hearings shall be printed within one year, or as soon as they are taken, and that the entire work shall be finished in three years. This commission will die by the terms of the law which created it in August, 1915, I think, which will be three years; and they really have not had time to print these volumes. That is why I have tried, industriously but unsuccessfully, to-day to get them. The commission have not had time to print them. I understand that the chairman of the commission will probably be able to furnish us with some of the hearings at an early date.

Mr. POMERENE. In all of our committee hearings the testimony is printed from day to day, and I see no reason why that course could not be followed by the commission. If they have not been furnished with sufficient funds, I should like to see them so furnished, so that we might be able to keep in touch with the commission. Had that been done, I dare say Senators would have been more familiar with the work of the commission than they now are.

Mr. GALLINGER. Mr. President, I quite agree with the Senator from Ohio.

Mr. HUGHES. Will the Senator from New Hampshire permit an interruption at this point?

Mr. GALLINGER. In just a moment. I regret that there was not a provision in the original act that the printing should be done at frequent intervals, so that we might have had the advantage of it. I have followed the hearings before the commission, so far as newspaper reports are concerned, in several instances, notably in New York City and Philadelphia, and I think they are doing a very excellent work. I would be glad, indeed, as I have no doubt all Senators would be, to have the full text of those hearings, if it were possible; but it is not possible for us to have them now, as the Senator from Mississippi [Mr. VARDAMAN] has suggested. I now yield to the Senator from New Jersey.

Mr. HUGHES. Mr. President, I have not any information on the subject, but I am inclined to be of the opinion that one of the reasons why these hearings have not been published is on account of the lack of funds. The little examination which I have been able to give the testimony before the commission leads me to the conclusion that such money as they have had has been expended in salaries and in carrying on these investigations. That is the reason why originally it was proposed that the amount of money to be spent by the commission and the time in which it should be expended was to be limited by law. It was found impossible to do that.

I think that, as I said a while ago, this piecemeal way of dealing with this whole proposition will have a bad effect. Senators are complaining because they do not get copies of the hearings, and it is quite within the point of possibility that the reason they have not received them is the lack of funds. Instead of appropriating more money we are proposing to appropriate only $50,000.

Mr. POMERENE. Mr. President, I have received a little more specific information in respect to this matter. These hearings have been taking place for six months, perhaps, or more, and the typewritten copy is in the office of the commission—stacks of it. Gentlemen who have been interested in ascertaining what was in these hearings have gone and asked for copies, and have been told that the only way they could get them would be to pay the stenographer for a copy or to sit down and write them out in longhand. Under such conditions it is impossible for Senators to inform themselves as to what is going on.

Mr. GALLINGER. There is an easy way out of that dilemma. If some Senator would offer a resolution that the testimony, so far as it has been taken, should be printed as a Senate document, it would supply us with the needed information; but that can be attended to later on.

Mr. POMERENE. It seems to me that whatever fund is appropriated here, whether it be $50,000 or $200,000, there should be some amendment to this bill requiring the commission to have these hearings printed.

Mr. GALLINGER. Mr. President, I do not believe there is a Senator within the sound of my voice who does not profoundly desire that these great questions as between labor on the one hand and capital on the other should be equitably and fairly and honorably adjusted. I can not believe that the criticisms that have been made upon some public men—and I have suffered somewhat in that direction myself—are justified by the facts. I think, however, that a commission of this kind is somewhat like a committee of the Senate. Just here I wish to say, Mr. President, that I have never believed that a committee of the Senate, going to West Virginia for a week or two or going to Denver for a week or two, would furnish us any very desirable or valuable information; but no man felt like going against the appointment of a committee, for it was demanded in the interest of labor.

Mr. KENYON. Mr. President, may I ask the Senator from New Hampshire a question?

Mr. GALLINGER. Certainly.

Mr. KENYON. I should like to ask the Senator if he has read the report of the West Virginia investigation?

Mr. GALLINGER. I have read both sides of it; and there is no agreement on any real issue that was raised.

Mr. KENYON. Does not the Senator feel that there is some very valuable information there, and that in fact the Senate investigation ended the strike in West Virginia?

Mr. GALLINGER. I did not know that before; and I am glad to know it, if the Senator vouches for it.

Mr. KENYON. I say that investigation had a great deal to do with breaking up the labor trouble in West Virginia.

Mr. GALLINGER. I am very glad to have that assurance. I voted for that investigation, because it was thought desirable that we should send a committee to West Virginia; and the House of Representatives sent one to Denver. I presume that some good came out of them, but those committees did very little to get at the fundamentals of this question, to solve the problem, so that it would remain solved for any considerable length of time.

Mr. OVERMAN. I will ask the Senator from New Hampshire if he does not agree with me that many of these commissions have made false reports, and that probably a Senate committee would be better to investigate some of these great questions than would be such commissions?

Mr. GALLINGER. I think so, if they would take the time to do it, but committees of Congress do not as a rule take the necessary time.

Mr. OVERMAN. I call the Senator's attention to the fact that one of the greatest investigations was that by the Merchant Marine Commission, of which the Senator was chairman. The Senator will also remember that there was an appropriation of $300,000 for another commission to make an investigation, whose report was filled with false statements, so that it was of no earthly use to the country, and we paid $44,000 to print the report, which nobody has ever read.

Mr. GALLINGER. The clamor for large appropriations does not always appeal to me. I was chairman of a commission, as the Senator from North Carolina suggests, consisting of five Senators and five Representatives in Congress, which made an investigation covering the entire country from Boston to Los Angeles, and also on the Gulf coast, holding hearings at every important point. An appropriation of $40,000 was voted to that commission, and there was paid back into the Treasury, as I recall, about $19,000 of that $40,000. Of course, there were no salaries, except those of the secretary and one or two experts employed, and the expenditure for the payment of witnesses. So, sometimes I think we get the notion that these commissions need more money than they really do.

I did not, however, mean to raise that question just now. What I meant to say, Mr. President, and what I will say in conclusion, is that, turning to this bill, I read on the same page a headline "United States Board of Mediation and Conciliation." That headline appealed to me as I read it a moment ago, and I sent for the law creating that Board of Mediation and Conciliation. I find that it is for the purpose of adjusting differences between railroads and their employees; and it occurs to me that after this commission, concerning which we are now talking, ends its life, we ought to have a board fashioned somewhat after the board provided for by that law, and an appropriation made that would create a permanent board for the purpose of hearing the controversies between the laboring men and their employers.

Section 2 of the act providing for a Board of Mediation, Conciliation, and Arbitration in controversies between certain employers and employees, to which I have alluded, provides:

That whenever a controversy concerning wages, hours of labor, or conditions of employment shall arise between an employer or employers and employees subject to this act—

Referring to railroad employees—

interrupting or threatening to interrupt the business of said employer or employers to the serious detriment of the public interest, either party to such controversy may apply to the Board of Mediation and Conciliation created by this act and invoke its services for the purpose of bringing about an amicable adjustment of the controversy; and upon the request of either party the said board shall, with all practical expedition, put itself in communication with the parties to such controversy and shall use its best efforts, by mediation and conciliation, to bring them to an agreement; and if such efforts to bring about an amicable adjustment through mediation and conciliation shall be unsuccessful, the said board shall at once endeavor to induce the parties to submit their controversy to arbitration in accordance with the provisions of this act.

That board, Mr. President, consists of Judge Martin A. Knapp, Judge William L. Chambers, and Mr. G. W. W. Hanger. It is composed of three very eminent men, and I apprehend it is doing most excellent work, and my suggestion is—I give it for what it is worth—that after the Industrial Relations Commission has performed its function and has expired that it would be well for the Congress seriously to consider the question whether a board fashioned after the Board of Mediation and Conciliation could not well be organized for the purpose of hearing controversies between employers and employees and endeavoring to adjust them. I think they would accomplish much more than any commission can do and much more than any committee of either House of Congress can do.

Mr. President, concerning the amount of this appropriation, I will say that I am a member of the Committee on Appropriations but was not present when this item was considered and do not know exactly how I would have felt about it at that time. As I have heard the discussion, it has occurred to me that the committee perhaps might well compromise this matter, and in place of $50,000 insert $100,000, and let it go to conference in that shape. However, Senators should remember that no matter which amount we put in the bill it will of necessity go to conference between the two Houses, and doubtless an adequate appropriation will be agreed to.

Mr. OVERMAN. Mr. President, probably the Senator did not hear what the chairman of the committee said in relation to the matter.

Mr. GALLINGER. I did not.

Mr. OVERMAN. He said that, in considering this matter, the committee concluded we would make it the same as the appropriation provided last year, and then the matter would go to conference; we would investigate it and see what testimony or what information the House had and finally give the commission a sufficient amount to carry out the purposes for which it was created. I think the chairman of the committee made that statement, but the Senator probably was not here at the time.

Mr. GALLINGER. I was not present.

Mr. OVERMAN. We concluded we would let it go to conference and determine it in that way.

Mr. LANE. Mr. President, I wish to say just a word. My attention was attracted by the fact that the Industrial Relations Commission is perhaps about the only agency in existence which is of real value in making a study of industrial conditions as they affect human beings. The investigations undertaken by that commission have in view the protection and benefit of all the people, but the appropriation has been cut down to the pitiable sum of $50,000. It may be that the commission will not do a great deal of good, and yet there is a field open wherein it might do inestimable good for the people of this country and to all classes without distinction.

In this connection I remember the appropriations we have made for the benefit of the cattle industry and for hogs and for the destruction of pests that infest cotton and other agricultural products. In the Agricultural appropriation bill recently passed there was, for instance, an appropriation of $625,000 for the detection, prevention, treatment, and care of diseases of domestic animals; the sum of $400,000 for the eradication of ticks which infest cattle and infect them with disease; and further along in the same bill there was appropriated $673,000 for the eradication of cotton pests, such as the boll weevil. Hundreds of thousands of dollars are appropriated and expended for such purposes as those I have indicated. Of course, we ought to make reasonable appropriation for such purposes, but here is a subject that comes near to the heart of the people; a subject which intimately concerns the health of the community and the welfare of all the people, and, perhaps, the health and future fate of the race in this country.

Perhaps the investigations will disclose facts and bring forth suggestions in regard to existing conditions which, if carefully considered and acted upon by Congress, may afford a remedy and save a revolution in this country and the confiscation of property, if you please. There is a state of unrest now which even the philosophy of my distinguished friend from Mississippi [Mr. WILLIAMS] will not allay. In comparison with $400,000 appropriated for the purpose of experimenting with sprays to kill ticks the small sum of $200,000 is refused for the great work of the Industrial Relations Commission. It seems to me that we are not paying sufficient attention to the needs of humanity as contrasted with the needs of the brute creation.

The Senator from New Hampshire [Mr. GALLINGER] said that the complaint which I have made is an old story, and I have an idea that it is an old story; it has been rung into the ears of this Congress for years and years; but it will not be told to you many times more, for you are going to sit up and pay attention to that complaint, or it is going to come to you with the drumming of guns, and then it will not be called an old story; it will be a new story, and you will be glad to pay heed to it.

Mr. GALLINGER. Mr. President——

The VICE PRESIDENT. Does the Senator from Oregon yield to the Senator from New Hampshire?

Mr. LANE. I am done.

Mr. GALLINGER. The Senator must not lose sight of the fact that we are making very large appropriations for the public health through the Public Health and Marine-Hospital Service, and in other directions. The Senator should not lose sight of the further fact that the appropriations which are made to preserve the purity of our food, whether it be meat or vegetables, are directly for the benefit of the human family; and unless we made such appropriations we would have a condition of things

existing in this country that would be unspeakable. Therefore it ought not to be sent out to the country that we are making large appropriations for the brute creation and neglecting our duty to the men, women, and children of the country.

Mr. WHITE. Mr. President, I have not the advantages that many of my brother Senators have in experience in such matters as this, and I am not so familiar as they are with matters connected with the particular amendment under consideration; but, as I gather from the discussion, the Industrial Relations Commission was created for the purpose of acquiring information. I do not think it was intended primarily to provide remedies; it was rather to diagnose the situation—to take the symptoms. If I am not mistaken, that was the great purpose of the institution of the commission. It was created and given life for a certain limited period of time. That time, as I understand, has not more than half expired. It is a child of our creation; it is an agency that we ourselves have employed; and is it wise now to strike down that agency before it has had time to accomplish the purpose for which it was created? It seems to me that it is not. It occurs to me that if that is to be done, we had better strike at the root of the tree than to undertake to destroy its life by lopping off its branches one at a time.

If this commission is a useless and unnecessary body, then why not repeal the law that created it and destroy its existence? That would be the sensible way; yes, that would be the manly way in which to treat this subject; but to let it live, to give it a precarious existence, and yet take from it everything that could make it useful or enable it to discharge the duties that were devolved upon it, seems to me to be unwise. Mr. President, it appears to me that if the result intended by this amendment is allowed to be accomplished, we will reflect upon our previous action in creating the commission, as we are anticipating its failure before it has had time to demonstrate its usefulness.

When this commission was created we knew we were moving in the dark; we knew that we were in the field of exploration, and we estimated then that it would take a certain length of time to make the voyage necessary to accomplish the purposes intended, and yet before that time has expired, yea, before it is well on its way, we undertake to recall the voyageurs whom we sent abroad; we are signaling them to return to the home port before they have ever reached the port of their destination. That does not seem to me to be wise; it is not treating the subject with that seriousness and giving it that consideration to which it is entitled.

Mr. President, the work intended for this commission was not for the benefit of any one class. It was not raised, as I understand, primarily to advance the interests of labor or to advance the interests of capital but was created for the purpose of acquiring information for this body and for the country as a basis upon which intelligent action could be predicated in the future, action looking to the benefit of both, action that would tend to adjust the unsettled conditions that are now presented by our industrial situation.

That situation, sir, is very different from what it has been in the past. There never was a country since man was created in which the great industrial march has been so rapid as it has been in this country. It moves on, and has moved on for half a century like a mighty torrent, sweeping the conditions of the past out of the way. Labor and capital were never before engaged in such a great, such a stupendous struggle—I do not mean a struggle between themselves, but a struggle to develop the wonderful resources of this great country of ours. They are marching forward; they have been marching, and they will continue to march forward; and it ought to be our pleasure as well as our purpose to give them all the help we can in order that they may continue in that great march hand in hand and heart with heart, carrying peace and prosperity with them instead of destruction and ruin.

I favor, Mr. President, an adequate appropriation for this work, and I hope the Senate will not only restore the $200,000 that was voted by the House, but I hope, sir, that it will appropriate the amount which the head of the commission has asked to have appropriated. I have sat here and listened with interest to the remarks of able Senators, and I have heard them often say that a certain amount was the amount estimated for by the head of a department or bureau. I have frequently heard the questions propounded, "Where did you get your figures?" "What is the department estimate?" "What has the bureau said about it?" The response would come almost invariably from the chairman of the committee who had charge of the bill in hand that the figures were in accordance with the estimate made by the department; that the amount sought to be appropriated was the amount estimated by the head of the bureau. Why not treat this commission in the same way? Why not give it the same consideration and treat it in the same way that we treat other governmental agencies? I think it is fair and right that that should be so treated.

I come, Mr. President, from a great industrial State—a State which God has blessed with more natural resources, probably, than any other State in the Union; God has blessed it, too, with a great population. He has placed there a great industrial army. I want, as far as I can, to bring industrial conditions in my State, as well as all over the Union, into the very best possible situation.

I believe the task imposed on this commission, if performed, will tend to reach this end. Therefore I shall gladly vote against the committee amendment, with the view of restoring the amount in the bill as passed by the House.

Mr. KENYON. Mr. President, I join with those who desire to see the amendment of the committee defeated. I think the commission should be thoroughly equipped for the work it ought to do and the work it was created to do; and if it does that it will subserve a great public purpose.

I rose, however, to take just a moment of time, because I do not want to delay matters, and to say a word as to the suggestion of the Senator from New Hampshire [Mr. GALLINGER] with reference to commissions in general, and the West Virginia investigating committee in particular.

I believe if the Senator from New Hampshire would read the testimony taken in that investigation he would derive very great profit, and I believe he would feel that the committee endeavored to get down to the fundamentals of that unfortunate controversy.

I call the attention of the Senator from New Hampshire to the report that was made by the committee. The committee found a most unfortunate situation in West Virginia. Armed bodies of men, mine guards, employed by the owners of the mines, and armed employees had been engaging in actual warfare. The governor of that State had appointed a commission upon which was Bishop Donahue, a Catholic bishop of very great eminence; when he was on the stand we asked him the question as to what was the fundamental trouble, as to why it was that employers were arming mine guards in their employ to go out and shoot their men, and men were arming themselves to go out and shoot their employers. I asked this question of the bishop:

> What is the fundamental trouble, Bishop?

That good old man, who had given this question a great deal of thought, said:

> The causes are deep rooted and very obscure to a man unless he thinks and thinks and thinks and traces the roots down into their primary causes. I should say, if I were asked to put it very briefly, that it is human greed on both sides.

Though in the report we suggested that it was a little difficult to realize how there could be much human greed on the side of a man who was supporting a family and working day by day in the mines at ordinary living wages; but there is greed on the part of the owners of the property, and there always will be such greed.

Mr. President, the Senator from California [Mr. WORKS] has sounded a note here that is uncomfortable, but it is true. I wish I could join in the rosy view and picture that has been painted by the Senator from Mississippi [Mr. WILLIAMS] that labor conditions are getting better and that we are all getting better. I hope that is true. Let me call attention to a few matters. Out in West Virginia there was a little village of tents where the wives and children of the strikers lived, at Holly Creek, and about 11 o'clock one night there came an armored train with a machine gun in a baggage car, and as it approached this little village of women and children somebody—the evidence did not disclose exactly whom—operated that machine gun as the train moved along very slowly, and raked that village of tents with this machine gun. We had women before us with bullets in their feet and others who had been made widows by the progress of that train.

When the Senator from California says that we must devise some means to settle this matter peacefully, and says it with the solemnity and judgment that characterize him, he is stating an eternal truth, because things like the West Virginia performance can not go on. The value of any commission, such as this Industrial Relations Commission, that may shed a little light, however small it may be, upon some plan to stop these troubles can not be measured by money in any way.

The same thing has happened in Colorado. There were three women down here a few weeks ago, and some Senators heard their story—I happened to be one of them—and they told a story there of Ludlow, the village of tents, of the tents set afire, and the village raked by machine guns. One woman before us lost

three little children, smothered to death in one of these holes of refuge.

Mr. President, we can sit calmly in our seats, or we can ride in automobiles or launches and live in fine homes, and say that everything is progressing beautifully, but conditions like that in this country will have to stop. Now, the old bishop may be right. He says, "Loosening the moorings of Christianity had something to do with it, but the fundamental is human greed."

I think the Senator from Mississippi is right in one of his observations, and it is a broad one—that it is through a spiritual growth and development of the human being that this question will finally be worked out; but at the same time the facts brought before us will enable us, possibly in a philosophy of legislation, to devise some means to help settle this great question that is staring us in the face in this country; that is, of keeping the few from becoming excessively rich while the many are becoming excessively poor.

So I do hope we will not curtail the work of this commission. I do not know the men on this commission save one, Mr. Garretson, a man of high character and great ability. They were appointed by the President, who, I am sure, must be in sympathy with their work. We ought not to economize on this particular proposition, when this bill and the river and harbor bill carry $10,000,000, practically, for a canal scheme in the Ohio River, with a constantly decreasing traffic. We might take the money off of that; and of the fifty-three millions or so in the river and harbor bill and the one hundred millions in this bill, if we want to economize, there are certainly plenty of places where we may do so.

I was only led to make these suggestions by reason of the reference of the Senator from New Hampshire [Mr. GALLINGER] to the work of the investigating committee in West Virginia.

Mr. MARTIN of Virginia. Mr. President, I regret to occupy even a few minutes of the time of the Senate on this matter, which has been before us now almost all day. I can not refrain, however, from reminding some of the Senators who have addressed the Senate that the committee is not composed of the enemies of mankind. Anybody might think from this debate that this committee owned this money; that it was theirs; that they were withholding it from humanitarian uses; and that there are a few Senators who have a monopoly of humanitarian sentiments who are here in defense of humanity and in defense of the people against the aggressions of the committee. Indeed, some of them have gotten so enthusiastic, like my friend the Senator from Alabama [Mr. WHITE], that they want to give more than the commission asked for. They did not ask for more than $200,000; but he says we must give them $50,000 more. They asked for only $200,000.

Mr. WHITE. Mr. President, I understood the commission asked for $250,000.

Mr. MARTIN of Virginia. The Senator is mistaken. I will read what the chairman of the commission said.

Mr. WHITE. I advocated that simply because I understood that was what the commission asked for.

Mr. MARTIN of Virginia. I supposed the Senator had misunderstood it; but still that is what he said.

Mr. WHITE. I understood that they asked for $250,000 and that the House had cut it down to $200,000. That was my information.

Mr. MARTIN of Virginia. No; the chairman said he had gotten $50,000 in the deficiency bill, and he wanted $200,000 more, and the House gave him $200,000.

Mr. WHITE. Of course, I do not want to give him any more than he wants.

Mr. MARTIN of Virginia. I think somebody ought to have told us what these people are doing. If anybody on the floor of the Senate knows what this commission is doing, he has not vouchsafed that information to the Senate.

Mr. HUGHES and Mr. WHITE addressed the Chair.

The VICE PRESIDENT. Does the Senator from Virginia yield to the Senator from New Jersey?

Mr. MARTIN of Virginia. I do.

Mr. WHITE. It seems to me that it devolves upon the committee to let the Senate know what they are not doing.

Mr. MARTIN of Virginia. I have tried to do that; and I will do it a little more right now.

The VICE PRESIDENT. The Chair inquired if the Senator from Virginia would yield to the Senator from New Jersey.

Mr. MARTIN of Virginia. I will.

Mr. HUGHES. The Senator says nobody has stated what this commission is doing. I stated some of the things they were doing. I stated that they held public hearings in the city of New York and invited employers and employees engaged in various industrial controversies there to appear before them, examined them, and had their testimony reported. Then they went to the city of Paterson and did the same thing, and went to various other sections of the country and held hearings.

Mr. MARTIN of Virginia. We did understand that they had held hearings; but if there is any good in them or what they heard or what they did, I have not any information about it.

Mr. HUGHES. The Senator knows that under the provisions of the bill the commission is not called upon to make a report of any kind inside of a year. It is quite apparent to anybody who is familiar with the amount of money that has been appropriated and the activity of the commission that they could not possibly have made a report up to this time with the amount of money which was appropriated.

Mr. MARTIN of Virginia. I think it was incumbent upon the commission, when it asked for $200,000 more money, to give some account of what it had done.

Mr. SUTHERLAND. Mr. President——

The VICE PRESIDENT. Does the Senator from Virginia yield to the Senator from Utah?

Mr. MARTIN of Virginia. I do.

Mr. SUTHERLAND. I call the attention of the chairman of the committee to the fact that the chairman of this commission appeared before the House committee and made a very full statement of what they were doing, part of which I read to the Senate some little time ago.

Mr. MARTIN of Virginia. He made a very full statement as to the possibilities of what he might do—glittering generalities, embracing all the activities of mankind.

Mr. SUTHERLAND. Perhaps that may be a matter of personal opinion. It seemed to me that the chairman did not indulge in glittering generalities, but that he made a very succinct statement of the facts. I thought it was a very intelligent statement.

Mr. MARTIN of Virginia. I can discover nothing of that sort in the hearing. I read every word of it, and I did not discover anything of the sort. I did discover that he talks, for example, about sanitation. We have a department devoted to that with liberal appropriations. He talks about hygiene. We have a department devoted to that, with very, very liberal appropriations in this bill and in other bills. The health of the country, instead of being neglected, is being liberally provided for. The Senator from Oregon seems to think we are doing a great deal for the cattle tick and for the boll weevil and nothing for mankind. It has never occurred to me that the appropriations we are making to exterminate the boll weevil were being made in the interest of the boll weevil. We thought we were doing it in the interest of mankind. The same thing applies to the appropriations for the extermination of the cattle tick. All these appropriations are made for the amelioration of the condition of mankind, and not for the cattle tick or for the boll weevil or for the swine. When we spend money to suppress hog cholera the object of it is to furnish pure food for mankind. Our appropriations are made exclusively for the benefit of mankind. They are not made for the cattle tick or the boll weevil.

The head of this bureau also spoke of the adjustment of difficulties between labor and capital. The very item before this appropriation, $50,000, is for a board of conciliation to adjust difficulties between labor and capital. I want it distinctly understood that this committee is not inimical to a liberal appropriation for that purpose, but I did feel that we ought to get some further information about it.

I read what the chairman of this commission said, and it did not satisfy me. He has had $150,000—$100,000 first and then again $50,000—and I, for one, do not know what he has accomplished with it.

Mr. HUGHES. Mr. President, will the Senator submit to an interruption now with reference to the amount of money that is asked for by the chairman of the commission?

Mr. MARTIN of Virginia. Certainly. I will yield for an interruption at any time the Senator desires to interrupt me.

Mr. HUGHES. The chairman of the Industrial Relations Commission wanted $250,000 appropriated in this bill. The statement was made by a member of the House committee that if $250,000 was appropriated that sum added to the amount that had been already appropriated would exceed the limitation placed by law upon the amount to be expended under the bill creating the commission. Now, there was no limitation imposed by law as to the amount to be expended under that bill, but the member of the House committee thought there was, and he says so in the testimony. He says it was his idea that there was a limit of $350,000 placed upon the amount to be expended under that law. Consequently he called the attention of Mr. Walsh to the fact that $250,000 added to what had been already appropriated would exceed that limitation. Mr. Walsh made no comment on it, I think, but it is quite apparent, I submit to the Senator, that the commission asked for $250,000.

Mr. MARTIN of Virginia. I will read what he said, and the Senator will see the mistake. I will read the language of Mr. Walsh himself. He said:

I will say this, however, that with the $50,000 in the deficiency appropriation, as I look upon the thing, I think we could cover it with $200,000.

Mr. HUGHES. I will read what he says, also, if the Senator will permit me.

Mr. MARTIN of Virginia. I shall be glad to have the Senator do so, but it is impossible to change that. I will say to the Senator that it is useless for us to quibble over that.

Mr. HUGHES. I was really interested chiefly in the fact that I thought perhaps I was responsible for the error, or supposed error, of the Senator from Alabama. I wanted to show that even if it was an error it was a justifiable one; and if the Senator will permit me I will read a line or two of this testimony.

Mr. MARTIN of Virginia. I am perfectly willing to have the Senator read it.

Mr. HUGHES. This is the chairman of the House Committee on Appropriations. Mr. Walsh, the chairman of the industrial commission, was before him. The chairman of the committee says to Mr. Walsh:

You are asking for $250,000 here for next year. That will be in excess of the amount that is authorized to be expended by that commission.

Mr. WALSH. Under those circumstances, then, you would not allow it—is that it? I am not familiar with this.

The CHAIRMAN. Was there a limit placed upon the expenditures to be made by your commission?

Mr. WALSH. Nothing, except by the application of the President——

The CHAIRMAN (interposing). Does not the act itself provide that the work shall be done for not less than $350,000?

Mr. WALSH. No, sir; it does not. The report that the committee made to Congress, recommending the creation of the commission, said that it would cost $500,000.

The CHAIRMAN. I recollect the discussion of the matter, and my impression is that the amount was limited to $350,000.

That came about in this way, if I may be permitted to trespass upon the time of the Senator: When that bill was first introduced in the House it carried an appropriation of $500,000, to be appropriated all at once, so that the commission could plan its work and carry it out, as I said a while ago. I just wanted to call the attention of the Senate, however, to the fact that it is evident here that the chairman of the commission at first, at least, wanted $250,000.

Mr. MARTIN of Virginia. If the Senator will note the language, he says "for next year." He did not say he wanted it in this appropriation bill; but he explained it later on by saying that he had gotten $50,000 in the deficiency bill, and he needed only $200,000 in this bill. He used the language "next year." He says he has gotten $50,000, and he only wants $200,000 more.

Mr. HUGHES. Well, it is very probable that that is the way the confusion arose.

Mr. MARTIN of Virginia. That is exactly what he said, in the plainest possible terms.

Mr. WHITE. Mr. President——

The VICE PRESIDENT. Does the Senator from Virginia yield to the Senator from Alabama?

Mr. MARTIN of Virginia. Certainly.

Mr. WHITE. It was on the statement made by the Senator from New Jersey that I made my statement as to the amount wanted by the commission.

Mr. MARTIN of Virginia. No doubt it was a perfectly natural and harmless error that the Senator fell into, and I simply wanted to correct it. I was not complaining at all that he had made that mistake, nor was I complaining of the Senator from New Jersey for the statement he made.

Mr. HUGHES. I wanted to take the responsibility for the statement; that was all. I did not want the Senator from Alabama to be responsible for my inaccuracy.

Mr. MARTIN of Virginia. What I want to impress upon the Senate, however, is that unless some new light can be thrown on it, there is certainly a great duplication of work. I am willing to have $200,000 appropriated, or the $250,000 which my friend from Alabama inadvertently mentioned, or half a million dollars or a million dollars. I want whatever is necessary appropriated, but I do not want a single dollar uselessly appropriated; and I wanted some further light on this matter. As they got along last year with $50,000, when criticism was made of the work of this commission, and when we were without full information about the work of the commission, we cut it down to $50,000 in order that the item might go into conference and we could see what the House based its $200,000 on, and that we might do just exactly what was just and right and would best promote the welfare of the people of this country.

We are not inimical to the appropriation. We want every dollar appropriated that is necessary. It is not our money. It is the people's money, and it ought to be appropriated for their service and for the promotion of their welfare; but it ought not to be appropriated uselessly. Work ought not to be duplicated. We are getting in this country to the point where almost every kind of work is being duplicated. Every department is reaching out, like the courts reach out for jurisdiction, for new fields of activity.

Here is the subject of child labor. That is another thing that the chairman of this commission said he was going to investigate. We have just appropriated $169,000 for a special bureau organized for the purpose of investigating child labor. Do you want to give $169,000 to that special bureau, organized for that purpose, and also appropriate money to enable this Industrial Relations Commission to investigate child labor?

Mr. WHITE. Mr. President, I should like to ask the chairman of the committee, with his permission, if he does not think the better plan, then, would be to abolish this commission?

Mr. MARTIN of Virginia. I am not prepared to go that far. I want to investigate and see exactly what the commission needs, and give it to it, as it has been started. I am not sure it was wisely started, as there is so much duplication. I do not see why we should duplicate work. The cry of humanity and philanthropy and human kindliness appeals to us all, and we are apt to be led too far in appropriating, rather than not to go far enough.

Mr. VARDAMAN. Mr. President——

The VICE PRESIDENT. Does the Senator from Virginia yield to the Senator from Mississippi?

Mr. MARTIN of Virginia. I yield.

Mr. VARDAMAN. Let me suggest to the Senator from Virginia that if this provision in the bill should go over until probably day after to-morrow, I think we can get the information he desires.

Mr. MARTIN of Virginia. I should prefer to have it disposed of now, Mr. President. I hope this bill will be out of the Senate before day after to-morrow.

Mr. VARDAMAN. I will ask the Senator to pass it over now.

Mr. MARTIN of Virginia. I have no pride of opinion; I have no sort of concern about this, except to do my duty by the Senate, and present this matter clearly to it. It will be perfectly agreeable to me for the Senate to vote the $200,000. I have no desire in this matter that is not in common with the desires of other Senators.

Mr. VARDAMAN. Mr. President, I wish to assure the Senator that there is not a Senator upon this floor who thinks he is moved by an improper motive.

Mr. MARTIN of Virginia. Oh, I am sure of that. I did not mean to intimate that.

Mr. VARDAMAN. I have not heard any suggestion of that kind; but if the amendment goes over, I think we can get information that will be of value to the Senate.

Mr. MARTIN of Virginia. I think we have all the information we are going to get. The chairman of this commission has been before the House committee, and he has given pages of information of a sort. He deals in generalities. He embraces all the activities of humanity. There is nothing that can be conceived by the wit of man that will benefit humanity that he does not contemplate investigating. He has laid out for himself the broadest sort of field. I do not know how far he has proceeded in a practical way with any of these things; but he has laid out a field of work here that would cost perhaps millions, and occupy years; and I expect it will be just about as much read as the 19 volumes of the industrial commission. It may do some good; but I think it is duplicating work so much that I am very apprehensive that it will not do much good.

I do not see, for the life of me, why we want anybody else to investigate the health of this country. That subject has received large appropriations. It is one of my weaknesses to spend money for the public health.

Mr. SMOOT. Three million dollars.

Mr. MARTIN of Virginia. As the Senator from Utah says, about $3,000,000. I have always advocated the most liberal appropriations for the benefit of the public health and for the amelioration of the condition of mankind in every possible way; but I do not want to see money uselessly appropriated and wasted.

Whatever the Senate may do is perfectly agreeable to me. I want every Senator to understand fully that I have no pride of opinion about this matter, nor has the committee any pride of opinion. It only wants to do what is right. If the Senate thinks the appropriation should be $200,000, it is perfectly agreeable to me to see it voted, and voted this evening. I do not want it put off. I want this matter disposed of. I want this bill passed, and I simply want the judgment of the Senate in respect to this proposed appropriation of $200,000.

Mr. CUMMINS. Mr. President——

The VICE PRESIDENT. Does the Senator from Virginia yield to the Senator from Iowa?

Mr. MARTIN of Virginia. I do.

Mr. CUMMINS. The Senator from Virginia has suggested that in his testimony before the House committee the chairman of the commission proposed to enter a very broad field and to inquire into a great many things. My question is, Does the chairman of the commission propose to enter any field that the commission is not authorized to enter under the terms of the act creating it?

Mr. MARTIN of Virginia. I do not think he does. It is a most comprehensive act.

Mr. CUMMINS. Therefore if Congress has directed the commission to go into a broad field of inquiry, ought we now to restrict the labor of the commission unless we desire to repeal the act?

Mr. MARTIN of Virginia. I think we might give him a reasonable amount of money and see what sort of work he is doing. I do not think he can do all those things in one year, or two years, or five years. I do not think the commission in five years can exhaust the comprehensive field that its chairman has laid out.

Mr. CUMMINS. Does not the Senator from Virginia believe we either ought to abolish the commission entirely or give it a larger appropriation than $50,000?

Mr. MARTIN of Virginia. I will say to the Senator that I am not at all sure the commission ought not to have more than $50,000, and my idea was to take the matter to conference and let us hear what the House conferees had to say. I will confess that if I had not been trying to economize time I would have sent for Mr. Walsh myself and would have given him some further examination on this matter; but I thought it might go to conference, and we could then determine whether or not we would enlarge the $50,000.

The Senator from New Hampshire [Mr. GALLINGER] suggested compromising it at $100,000. I had no desire to compromise it. I know he did not mean that in any disagreeable sense, but it is just as agreeable to me for the Senate to vote $200,000 as to vote $100,000 or $50,000.

Mr. CUMMINS. Is it not true that the work of the commission is of a character that admits of almost indefinite enlargement?

Mr. MARTIN of Virginia. It is, and therefore I would restrict it.

Mr. CUMMINS. Therefore, after all, it is a mere question of good judgment on the part of Senators with reference to the amount of work we want the commission to do. If that be true, why are we not just as well qualified to determine the matter now as at any other time, without any more information than we have at the present time?

Mr. MARTIN of Virginia. Because I should like to see us have some report. I should like to find out what the commission is doing. I do not feel like giving it carte blanche. I do not want to give it indefinite authority to expend money, especially in the duplication of work.

Mr. CUMMINS. There is no suggestion, is there, that the commission has been doing anything that we have not authorized it to do?

Mr. MARTIN of Virginia. No.

Mr. CUMMINS. I understand that is admitted.

Mr. MARTIN of Virginia. That is true, because they have been authorized to do everything.

Mr. CUMMINS. It is admitted, further, that the field is so broad that they can expend $200,000, or a great deal more than that, in covering it. Therefore it seems to me that we have all the material we need for a judgment upon the subject at this time.

Mr. SMITH of Georgia. Mr. President, I can state something they have done which they were not authorized to do. I do not think the bill creating the commission ever contemplated that they should take charge of the subject of vocational education, and I have found them starting out on that field of endeavor. I think they have broadened their investigation.

Mr. MARTIN of Virginia. I believe it is a great mistake in the commission to venture on the field of the adjustment of the differences between labor and capital.

Mr. CUMMINS. I do not intend to prolong the debate unduly, but I have not heard the fourth section of the act creating the commission read, and I desire to read it now:

SEC. 4. That the commission shall inquire into the general condition of labor in the principal industries of the United States, including agriculture, and especially in those which are carried on in corporate forms; into existing relations between employers and employees; into the effect of industrial conditions on public welfare and into the rights and powers of the community to deal therewith; into the conditions of sanitation and safety of employees and the provisions for protecting the life, limb, and health of the employees; into the growth of associations of employers and of wage earners and the effect of such associations upon the relations between employers and employees; into the extent and results of methods of collective bargaining; into any methods which have been tried in any State or in foreign countries for maintaining mutually satisfactory relations between employees and employers; into methods for avoiding or adjusting labor disputes through peaceful and conciliatory mediation and negotiations; into the scope, methods, and resources of existing bureaus of labor and into possible ways of increasing their usefulness; into the question of smuggling or other illegal entry of Asiatics into the United States or its insular possessions, and of the methods by which such Asiatics have gained and are gaining such admission, and shall report to Congress as speedily as possible with such recommendation as said commission may think proper to prevent such smuggling and illegal entry. The commission shall seek to discover the underlying causes of dissatisfaction in the industrial situation and report its conclusions thereon.

Mr. MARTIN of Virginia. Mr. President——

Mr. CUMMINS. If the Senator from Virginia will pardon me, we could have given a commission no wider authority than is here stated. Vocational education is directly connected with a half dozen of the inquiries which are authorized. We can spend $200,000 or $300,000 or $400,000 or $500,000 profitably in the examination that is here required.

The examination, I think, is not for the purpose only of collecting facts. The senior Senator from Mississippi [Mr. WILLIAMS], as it seemed to me, touched the heart of this whole subject when he said that this is an educational process. The commission is valuable not for the mere collection of information and printing it in a book. The commission is valuable because it is made up of eminent men and women, whose opinions are valuable, whose suggestions will tend to educate the people, and will tend to create a public thought that will move in the right direction and will ultimately result in the proper legislation upon these various subjects.

Now, that work can not be done by a mere department of the Government. It can not be done by the Department of Commerce or the Department of Labor, as well organized as those departments are. It can not be done by the Children's Bureau. It can not be done by any department that we may have for sanitation and hygiene. If it is done effectively, it must be done by a commission that commands the confidence of the people of the country not as a mere part of the administration of the law but as a great postgraduate school for all citizens, in order to bring about a state of mind that will demand legislation fit and appropriate for the subject.

I know how faithful the Senator from Virginia is to the duties imposed upon him; I do not criticize him or the committee in the least degree; but it seems to me—and I believe he will concur with me—that we do not need any more information to enable us to make up our minds how much money a commission of this character can effectively or wisely expend. The truth is there is no practical limit to the money which may be expended for this purpose, and spent well.

Mr. SMITH of Georgia. I wish to ask the Senator from Iowa if he does not think it is a little extreme to give to any commission such a scope of work, and does the Senator believe that any body of nine men could be found who are well enough educated on these subjects to take charge of it? Would it not be far better if you are going to have any special work of this kind to have a commission on about one-fifth of it?

Mr. CUMMINS. It might have been well when we passed the act if we had limited the scope of the work of the commission. I will not review our judgment recorded in 1912. I will assume that it was wise to do what we did. If it was not wise, let us reach it directly and take away from the commission that part of its jurisdiction which we think it ought not to continue; but to attempt to cripple the commission by limiting so narrowly the expenditures which it may make is an indirect and, I think, a very indefensible way of repealing the law under which the commission was created.

I personally believe—it is not a question of belief—I know the commission can spend $200,000 and yet be far short of the work which Congress authorized it to do—which Congress more than authorized, which it required it to do. Therefore I hope that the appropriation provided for in the bill as passed by the House may prevail.

Mr. MARTIN of Virginia. The Senator from Iowa admits that the scope of the original law is so broad that it is practically without limit; that if carried out in all its ramifications and to the full extent of its possibilities the amount of money and the amount of time would be almost undefinable. The only way to limit it under the circumstances is to limit the appropriation.

I do not want to have the work of the commission unduly crippled, but I do want to have it restrained within reasonable limits, and I do want a duplication of work prevented.

My idea and the idea of the committee was that we would give them what they had last year and take it into conference and see what further ought to be done, if anything. I will say very frankly that I think it likely something further ought to be done. I do not think they can make any headway with the broad field laid out on $50,000. I think if they carried out the plans they have laid out it would cost $5,000,000 and last almost forever, for they exhaust all the activities of mankind in their program.

I think it would be wise to limit them in the way of money at their disposal, but I repeat that neither I nor any member of the committee, so far as I know and believe, has any pride of opinion in the matter except to have the Senate dispose of it according to its judgment and its opinion. It is just as agreeable to me to see $250,000 as to see $50,000 appropriated. It is for the Senate to determine. We thought $50,000 and further consideration in conference would best protect the interests of the people, but if the Senate thinks differently they simply have to reject the committee amendment and let the matter be finally settled at $200,000.

Mr. VARDAMAN. Mr. President, I suggest the absence of a quorum.

The VICE PRESIDENT. The Secretary will call the roll.

The Secretary called the roll, and the following Senators answered to their names:

Ashurst	James	Norris	Smith, Ga.
Brady	Johnson	Overman	Smith, Md.
Brandegee	Jones	Page	Smoot
Bryan	Kenyon	Perkins	Sterling
Burton	Kern	Pittman	Stone
Catron	Lane	Poindexter	Sutherland
Chamberlain	Lee, Md.	Pomerene	Swanson
Chilton	Lewis	Ransdell	Thomas
Clapp	Lippitt	Reed	Thornton
Cummins	McLean	Shafroth	Townsend
Dillingham	Martin, Va.	Sheppard	Vardaman
Fletcher	Martine, N. J.	Shields	Walsh
Gallinger	Myers	Shively	Warren
Hollis	Nelson	Simmons	White
Hughes	Newlands	Smith, Ariz.	Williams

Mr. TOWNSEND. The senior Senator from Michigan [Mr. SMITH] is absent on important business and is paired with the junior Senator from Missouri [Mr. REED].

Mr. KENYON. I desire to announce the absence of the senior Senator from Wisconsin [Mr. LA FOLLETTE] on account of illness.

The VICE PRESIDENT. Sixty Senators have answered to their names. There is a quorum present. The question is on the amendment proposed by the committee, on page 56, line 24, to strike out "$200,000" and insert "$50,000."

Mr. VARDAMAN. On that I ask for the yeas and nays.

The yeas and nays were ordered, and the Secretary proceeded to call the roll.

Mr. CATRON (when his name was called). I am paired with the Senator from Oklahoma [Mr. OWEN]. I transfer that pair to the Senator from Illinois [Mr. SHERMAN], who is absent on account of sickness in his family. I vote "nay."

Mr. CHILTON (when his name was called). I have a general pair with the Senator from New Mexico [Mr. FALL]. In his absence I withhold my vote.

Mr. GALLINGER (when his name was called). I have a general pair with the junior Senator from New York [Mr. O'GORMAN]. If he were present, I would vote "yea."

Mr. JOHNSON (when his name was called). I have a general pair with the junior Senator from North Dakota [Mr. GRONNA]. In his absence I withhold my vote.

Mr. THOMAS (when his name was called). I have a general pair with the senior Senator from New York [Mr. ROOT]. In his absence I withhold my vote.

Mr. TOWNSEND (when his name was called). I have a pair with the junior Senator from Arkansas [Mr. ROBINSON]. My colleague [Mr. SMITH of Michigan] has a pair with the junior Senator from Missouri [Mr. REED]. I will transfer the pair of my colleague [Mr. SMITH of Michigan] to the Senator from Arkansas [Mr. ROBINSON] so that the Senator from Missouri [Mr. REED] and myself can vote. I vote "nay."

Mr. REED (after having voted in the affirmative). I voted through inadvertence. My attention was called to the fact that the Senator from Michigan [Mr. SMITH] is out of town, and I rose to make the correction, but sat down to wait until after the close of the roll call. Under the circumstances, if agreeable to the Senator from Michigan [Mr. TOWNSEND], I will allow my vote to stand.

Mr. WILLIAMS (when his name was called). I transfer my pair with the senior Senator from Pennsylvania [Mr. PENROSE] to the junior Senator from South Carolina [Mr. SMITH], and I vote "nay."

The roll call was concluded.

Mr. JAMES (after having voted in the negative). I transfer my general pair with the junior Senator from Massachusetts [Mr. WEEKS] to the senior Senator from Alabama [Mr. BANKHEAD] and allow my vote to remain.

Mr. COLT. Has the junior Senator from Delaware [Mr. SAULSBURY] voted?

The VICE PRESIDENT. He has not.

Mr. COLT. In his absence I withhold my vote.

Mr. CRAWFORD. I transfer my pair with the senior Senator from Tennessee [Mr. LEA] to the junior Senator from Maine [Mr. BURLEIGH] and vote "nay."

Mr. CHILTON. I transfer my pair just announced to the Senator from Kentucky [Mr. CAMDEN] and vote. I vote "nay."

Mr. SMITH of Georgia (after having voted in the affirmative). I have a general pair with the senior Senator from Massachusetts [Mr. LODGE]. I transfer that pair to the junior Senator from Georgia [Mr. WEST] and allow my vote to stand.

Mr. KERN. I desire to announce the unavoidable absence of the senior Senator from South Carolina [Mr. TILLMAN] and the junior Senator from South Carolina [Mr. SMITH], both Senators being absent on important business. This announcement will stand for the day.

Mr. GALLINGER. I have been requested to announce a pair between the Senator from West Virginia [Mr. GOFF] and the Senator from South Carolina [Mr. TILLMAN].

I wish also to announce a pair between the junior Senator from Wisconsin [Mr. STEPHENSON] and the Senator from Oklahoma [Mr. GORE].

Mr. RANSDELL. I desire to announce the unavoidable absence of the junior Senator from New York [Mr. O'GORMAN].

Mr. STONE (after having voted in the negative). I have voted, but I did so inadvertently. I have a standing pair with the Senator from Wyoming [Mr. CLARK], which I transfer to the Senator from Nebraska [Mr. HITCHCOCK] and allow my vote to stand.

The result was announced—yeas 18, nays 46, as follows:

YEAS—18.

Bryan	Martin, Va.	Reed	Swanson
Chamberlain	Oliver	Shafroth	Thornton
Clarke, Ark.	Overman	Shields	Warren
Dillingham	Perkins	Simmons	
Fletcher	Ransdell	Smith, Ga.	

NAYS—46.

Ashurst	Hughes	Myers	Sterling
Borah	James	Nelson	Stone
Brady	Jones	Newlands	Sutherland
Brandegee	Kenyon	Norris	Thompson
Bristow	Kern	Page	Townsend
Burton	Lane	Pittman	Vardaman
Catron	Lee, Md.	Poindexter	Walsh
Chilton	Lewis	Pomerene	White
Clapp	Lippitt	Sheppard	Williams
Crawford	McCumber	Shively	Works
Cummins	McLean	Smith, Ariz.	
Hollis	Martine, N. J.	Smoot	

NOT VOTING—32.

Bankhead	Gallinger	Lodge	Smith, Md.
Burleigh	Goff	O'Gorman	Smith, Mich.
Camden	Gore	Owen	Smith, S. C.
Clark, Wyo.	Gronna	Penrose	Stephenson
Colt	Hitchcock	Robinson	Thomas
Culberson	Johnson	Root	Tillman
du Pont	La Follette	Saulsbury	Weeks
Fall	Lea, Tenn.	Sherman	West

So the amendment of the committee was rejected.

The reading of the bill was resumed.

The next amendment of the Committee on Appropriations was, under the head of "Under the War Department," on page 57, after line 1, to insert:

OFFICE OF THE SECRETARY.

Collecting military records of Revolutionary War: To continue under the direction of the Secretary of War, as provided in the act approved March 2, 1913 (Public, No. 402), the work of collecting or copying and classifying, with a view to publication, the scattered military records of the Revolutionary War, to remain available until expended, $25,000.

The amendment was agreed to.

The next amendment was, under the subhead "Armories and arsenals," on page 58, line 1, after the words "in all," to strike out "$57,000" and insert "$88,000," so as to make the clause read:

In all, $88,000.

The amendment was agreed to.

The next amendment was, under the subhead "Under Quartermaster Corps," on page 59, after line 22, to insert:

Hereafter, at all military posts where post offices have been established, the Secretary of War shall assign proper and suitable room or rooms for post-office purposes.

The amendment was agreed to.

The next amendment was, on page 60, line 26, before the word "each," to strike out "$900" and insert "$1,200"; on page 61, line 1, after the words "in all," to strike out "$4,700"

and insert "$5,300"; and in line 2, after the name "United States," to strike out "$3,133.34" and insert "$3,533.34," so as to make the clause read:

For waste, oil, boiler repairs, sewer pipe, cement, brick, and supplies, $1,900; 2 engineers, at $1,200 each; 2 laborers, at $500 each; in all, $5,300; for two-thirds of said sum, to be supplied by the United States, $3,533.34.

The amendment was agreed to.

The next amendment was, on page 61, after line 21, to insert:

Swamp lands, Fort Washington, Md.: The appropriation of $350 for the purchase of 6.6 acres of swamp land adjoining the military reservation at Fort Washington, Md., made in the sundry civil act for the fiscal year 1914 is hereby made available for said purposes for the fiscal year 1915: *Provided*, That authority is hereby given the present owners of said land to reserve a right of way over and through the tract along the existing roadway thereon.

The amendment was agreed to.

The next amendment was, on page 64, after line 5, to insert:

For purchase of the Dunkard Church property on the Antietam battle field, Maryland, $1,500.

The amendment was agreed to.

The next amendment was, on page 66, after line 16, to insert:

Road from Highway Bridge to the Arlington National Cemetery: For completing the construction of a public road from the southern end of the new Highway Bridge, across the Potomac River, to the Arlington National Cemetery, and for completing the resurfacing of the roadway between the United States Government experimental farm and the Arlington National Cemetery, $11,000.

The amendment was agreed to.

The next amendment was, under the subhead "Under Engineer Department," on page 68, line 21, after the word "improvements," to strike out "$125,000" and insert "$150,000," so as to read:

Yellowstone National Park: For maintenance and repair of improvements, $150,000, including not to exceed $7,500 for maintenance of the road in the forest reserve leading out of the park from the east boundary, and not to exceed $2,500 for maintenance of the road in the forest reserves leading out of the park from the south boundary, to be expended by and under the direction of the Secretary of War: *Provided*, That no portion of this appropriation shall be expended for the removal of snow from any of the roads for the purpose of opening them in advance of the time when they will be cleared by seasonal changes.

The amendment was agreed to.

The next amendment was, on page 69, line 12, after the word "vehicles," to strike out "$75,000" and insert "$100,000," so as to make the clause read:

For widening to not exceeding 18 feet and improving surface of roads and for building bridges and culverts from the belt-line road to the western border; from the Thumb Station to the southern border; and from the Lake Hotel Station to the eastern border, all within Yellowstone National Park, to make such roads suitable and safe for animal-drawn and motor-propelled vehicles, $100,000.

The amendment was agreed to.

The next amendment was, on page 69, line 17, after the word "vehicles," to strike out "$20,000" and insert "$30,000," so as to make the clause read:

For widening to not exceeding 18 feet and improving the surface of roads and for building bridges and culverts in the forest reserve leading out of the park from the east boundary, to make such roads suitable and safe for animal-drawn and motor-propelled vehicles, $30,000.

The amendment was agreed to.

The next amendment was, on page 69, line 26, after the words "Secretary of War," to strike out "$75,000" and insert "$100,000," so as to make the clause read:

Crater Lake National Park, Oreg.: For continuation of the construction of a wagon road and the necessary bridges through Crater Lake National Park, Oreg., together with a system of tanks and water-supply pipes to provide for sprinkling, in accordance with the recommendations contained in the report of the War Department published as House Document No. 328, Sixty-second Congress, second session, to be expended under the direction of the Secretary of War, $100,000.

The amendment was agreed to.

The next amendment was, on page 73, after line 23, to insert:

Toward the construction of necessary retaining walls in Meridian Hill Park, $25,000.

The amendment was agreed to.

The next amendment was, on page 81, line 20, after the words "northwestern lakes," to insert "Lake of the Woods and other boundary and connecting waters between said lake and Lake Superior," so as to make the clause read:

Survey of northern and northwestern lakes: For survey of northern and northwestern lakes, Lake of the Woods, and other boundary and connecting waters between said lake and Lake Superior, Lake Champlain, and the natural navigable waters embraced in the navigation system of the New York canals, including all necessary expenses for preparing, correcting, extending, printing, binding, and issuing charts and bulletins, and of investigating lake levels with a view to their regulation, $125,000.

The amendment was agreed to.

The next amendment was, under the subhead "National Home for Disabled Volunteer Soldiers," on page 88, after line 15, to insert:

For sea wall on Johns Creek, $22,000.

The amendment was agreed to.

The next amendment was, on page 88, line 17, after the words "In all," to strike out "$365,000" and insert "$387,000," so as to make the clause read:

In all, $387,000.

The amendment was agreed to.

The next amendment was, on page 89, after line 24, to insert:

For repairs to seven barracks, $17,000.

The amendment was agreed to.

The next amendment was, on page 89, line 26, after the words "In all," to strike out "$449,000" and insert "$466,000," so as to make the clause read:

In all, $466,000.

The amendment was agreed to.

The next amendment was, on page 93, line 6, after the words "National Home for Disabled Volunteer Soldiers," to strike out "$3,821,600" and insert "$3,860,600," so as to make the clause read:

In all, National Home for Disabled Volunteer Soldiers, $3,860,600.

The amendment was agreed to.

The next amendment was, on page 94, after line 20, to insert:

UNDER THE NAVY DEPARTMENT.

OFFICE OF THE SECRETARY.

Collecting naval records of Revolutionary War: To continue, under the direction of the Secretary of the Navy, as provided in the act approved March 2, 1913 (Public, No. 402), the work of collecting or copying and classifying, with a view to publication, the scattered naval records of the Revolutionary War, to remain available until expended, $7,000.

The amendment was agreed to.

The next amendment was, under the head of "Under the Department of the Interior," subhead "Public buildings," on page 96, line 5, after the words "driving of," to insert "motor-propelled, passenger-carrying," so as to make the clause read:

Capitol Building: For work at Capitol and for general repairs thereof, including flags for the east and west fronts of the center of the Capitol and for Senate and House Office Buildings; flagstaffs, halyards, and tackle; wages of mechanics and laborers; purchase, maintenance, and driving of motor-propelled, passenger-carrying office vehicle; and not exceeding $100 for the purchase of technical and necessary reference books and city directory, $30,000.

The amendment was agreed to.

The next amendment was, on page 97, after line 19, to insert:

GENERAL LAND OFFICE.

Protection of national monuments: For the preservation, development, administration, and protection of the national monuments, in accordance with estimate submitted to Congress at its present session in House Document No. 506, to be expended under the direction of the Secretary of the Interior: *Provided*, That the salaries paid the custodians hereunder shall not exceed $900 each per annum, $5,000.

The amendment was agreed to.

The next amendment was, under the subhead "Public Lands Service," on page 98, line 11, after the word "typewriters," to strike out "$330,000" and insert "$350,000," so as to read:

Contingent expenses of land offices: For clerk hire, rent, and other incidental expenses of the district land offices, including the exchange of typewriters, $350,000.

The amendment was agreed to.

The next amendment was, under the subhead "United States Geological Survey," on page 103, line 22, after the words "Geological Survey, including," to insert "the purchase for field use only of not exceeding 4 motor-propelled vehicles at a total cost not exceeding $2,800, and not exceeding 16 horse-drawn vehicles at a total cost not exceeding $2,400, and," so as to make the clause read:

General expenses: For every expenditure requisite for and incident to the authorized work of the Geological Survey, including the purchase for field use only of not exceeding 4 motor-propelled vehicles at a total cost not exceeding $2,800, and not exceeding 16 horse-drawn vehicles at a total cost not exceeding $2,400, and personal services in the District of Columbia and in the field, to be expended under the regulations from time to time prescribed by the Secretary of the Interior, and under the following heads.

The amendment was agreed to.

The next amendment was, on page 104, line 9, after the words "geologic surveys," to strike out "of the public lands," so as to make the clause read:

For geologic surveys in the various portions of the United States, $400,000.

The amendment was agreed to.

The next amendment was, on page 104, line 21, after the words "artesian wells," to insert "boring artesian wells for investigation"; and, in line 23, after the words "water resources," to strike out "$150,000," and insert "$200,000," so as to make the clause read:

For gauging streams and determining the water supply of the United States, the investigation of underground currents and artesian wells, boring artesian wells for investigation, and the preparation of reports upon the best methods of utilizing the water resources, $200,000.

Mr. NORRIS. Mr. President, I move to amend the committee amendment in line 23, page 104, by striking out "$200,000" and inserting the amendment which I send to the desk.

Mr. MARTIN of Virginia. I understand that is an amendment to the committee amendment.

Mr. NORRIS. Yes. I want to strike out "$200,000," as proposed by the committee, and to insert the words I have sent to the Secretary's desk to be read.

The VICE PRESIDENT. The amendment to the amendment will be stated.

The SECRETARY. On page 104, line 23, it is proposed to strike out "$200,000," and to insert "$250,000: *Provided*, That $100,000 of this sum shall be used to enable the Secretary of Agriculture to investigate the existence of artesian water and other underground water supplies suitable for irrigation in the arid and semiarid regions by boring wells."

Mr. WARREN. Mr. President, I will suggest to the Senator that that amendment would cut down the amount for gauging streams. I think the Senator should either raise the amount carried by his amendment or lessen the amount for the special purpose he has in view.

Mr. NORRIS. I would be glad to make the amount still larger if it would not be objectionable to the committee. I have increased the amount which the committee has suggested by $50,000; so that there would be $150,000 left for the ordinary purposes, and $100,000 devoted for the specific purpose named in the amendment.

Mr. WARREN. But the estimate for that work was $200,000, and the department felt that it would be impossible to cover the requirements of the situation in connection with the gauging of streams with a less amount than that.

Mr. NORRIS. With that statement I will modify the amendment, and instead of "$250,000" insert "$300,000."

Mr. BRISTOW. Mr. President, I should like to have the amendment again stated, and the page and line given, so that I may follow it.

The SECRETARY. On page 104, line 23, it is proposed to amend the amendment of the committee by striking out "$200,000," and inserting "$300,000: *Provided*, That $100,000 of this sum shall be used to enable the Secretary of Agriculture to investigate the existence of artesian wells and other underground water supplies suitable for irrigation in the arid and semiarid regions by boring wells."

Mr. BRISTOW. Mr. President——

Mr. NORRIS. I yield to the Senator.

Mr. BRISTOW. May I ask the Senator if he could not further modify the amendment by including also the measurement of the run-off of the streams in the same region?

Mr. NORRIS. I think that is already included in the bill. There is an appropriation for that purpose, I think.

Mr. BRISTOW. I inquire if the Senator——

Mr. JONES. I will suggest that that is covered by the provision for gauging streams in the first part of that paragraph.

Mr. NORRIS. That is what the term "gauging streams" means.

Mr. BRISTOW. That will cover, then, the measurement of the water that runs off the ground, as well as the investigation as to artesian water?

Mr. NORRIS. Yes. My amendment increases the amount from $200,000 to $300,000, and it provides that $100,000 of that money must be used for the purpose of boring artesian wells.

Mr. SHAFROTH. Mr. President, I will state to the Senator from Kansas that the provision with respect to the measurement of the streams is very valuable for the purpose of ascertaining the amount of water that can be impounded in reservoirs.

Mr. BRISTOW. That is exactly the point I had in mind. I think the appropriation is inadequate; I want it increased. Three hundred thousand dollars is not enough; it ought to be a million dollars.

Mr. SHAFROTH. Of course there is no limit to the amount that can be expended along that and other lines; but we have got to take into consideration the state of the Treasury and many other things in order to determine what appropriation should be made for a particular item. Many of us would like to have larger appropriations than we vote for, but we do not insist upon them, because of the fact that we know that we can not have the appropriations we desire and at the same time do justice to other necessary requirements of the Government.

Mr. BRISTOW. I understand that; but there are a hundred items in this bill that could be cut out and one-tenth of the amount saved and used for this purpose would benefit the people of the United States tenfold more than if the money were expended as proposed.

Mr. SHAFROTH. I will ask the Senator to name those items? That is a broad assertion he has made. I will suggest to the Senator that when he comes to name the items he will find there are friends here of each one of those items.

Mr. BRISTOW. I do not doubt there are friends of each item.

Mr. SHAFROTH. And not only that, but they can give good reasons why those appropriations should remain in the bill.

Mr. BRISTOW. There are doubtless friends of every item of appropriation made; that goes without saying. I would not argue with the Senator on that proposition; but you can cut out all the items that relate to the harbors and rivers in this bill and take all of that money and use it for the impounding of water, and it will benefit the people of the United States a thousandfold more than they will be benefited by the money that is being poured into these streams.

Mr. SHAFROTH. I do not live in a country where there are many rivers and harbors.

Mr. BRISTOW. I should like to have the Senator from Nebraska make the amount three or four times as much as he has suggested. Two hundred thousand dollars is absolutely inadequate; it is of little consequence. When it comes to confining an appropriation of this importance to that meager sum, I think it is pitiable legislation, although it is better than nothing, of course.

Mr. MARTIN of Virginia. Mr. President——

Mr. NORRIS. Mr. President——

Mr. MARTIN of Virginia. I thought the Senator from Nebraska was through.

Mr. NORRIS. I yield to the Senator.

Mr. MARTIN of Virginia. I just want to call attention to the fact that the House gave $150,000 and the Senate increased it to $200,000, which was the maximum amount estimated for. I am so distinctly in sympathy with the amendment the Senator from Nebraska has offered that I am not making any point of order; but I want to say to him that although we will do the very best we possibly can he must realize the difficulty there is in holding an amendment like that when we get into conference.

I am in entire accord with the amendment, and make no point of order, and do not oppose it, and will do the best I can to keep it in the bill; but there are difficulties ahead, as he will readily understand. We will do the best we can to overcome them.

I will say in passing—not that it is at all necessary—that there are different points of view. The Senator from Kansas goes out of his way to make an attack on river and harbor appropriations. He has none in his State; but there are Senators who are just as much interested in those appropriations as he is interested in this. I am interested in both, however, when they are right. I think this is right, and I will do the best I can to maintain it.

Mr. NORRIS. Mr. President, I have modified the amendment by striking out "the Secretary of Agriculture" and making it read "the Secretary of the Interior," because this is his department.

Mr. MARTIN of Virginia. That is a very good change.

Mr. NORRIS. I am very glad to hear the Senator from Virginia say what he has just said; but in order to assist him I want to call his attention to the fact that this amendment, exactly as I have offered it, with the exception that it was "the Secretary of Agriculture," was put into the agricultural appropriation bill and passed the Senate and went to conference. I am informed by the Senate conferees that the House conferees on that bill objected to it most strenuously because, they said, it was not in the proper bill; that it ought to have been appropriated so as to give the Geological Survey the control of the money, instead of the Secretary of Agriculture.

I think that will probably assist the Senator somewhat when he goes to conference.

Mr. MARTIN of Virginia. I will say to the Senator that I will take care of it as far as I can.

The VICE PRESIDENT. The question is on the amendment of the Senator from Nebraska to the amendment of the committee.

Mr. WALSH. Mr. President, I should like to have the amendment stated again, with the substitution suggested by the Senator. It seemed to me to be quite inappropriate to put the work in the hands of the Secretary of Agriculture.

The VICE PRESIDENT. The Secretary will state the amendment.

The SECRETARY. It is proposed to strike out of the committee amendment "$200,000," and in lieu thereof to insert "$300,000: *Provided*, That $100,000 of this sum shall be used to enable the Secretary of the Interior to investigate the existence of artesian

water and other underground water supplies suitable for irrigation in the arid and semiarid regions by boring wells."

The VICE PRESIDENT. The question is on the amendment offered by the Senator from Nebraska to the amendment of the committee.

The amendment to the amendment was agreed to.

The amendment as amended was agreed to.

Mr. MARTIN of Virginia. I ask unanimous consent that the Secretary may alter the totals. These changes necessitate changes in the totals.

The SECREATRY. In this case the total, on page 105, line 7, will be "$1,355,520."

Mr. MARTIN of Virginia. And there will be other places of the kind. I want the Secretary to be authorized to correct the totals in accordance with the items of the bill.

The VICE PRESIDENT. Without objection, the Secretary will be instructed accordingly.

Mr. BURTON. Mr. President, I should like to ask a question in regard to an amendment just preceding the last one, in line 9, on page 104. The words "of the public lands" are stricken out. Would not the insertion of those words prohibit the making of surveys in cooperation with States?

Mr. MARTIN of Virginia. The understanding of the committee was that it would prohibit the surveys being made in any except the public-land States, either independently or in cooperation with the States.

Mr. BURTON. And it would mark the abandonment of a line of work which has been pursued heretofore by the Geological Survey?

Mr. MARTIN of Virginia. For many years.

Mr. SMOOT. The Senator is perfectly correct. I will say to the Senator that some of the most important work of the Geological Survey has been done on private lands; and if these words remain in the bill it will be impossible to continue that work.

Mr. BURTON. Is not this the first time those words have been inserted?

Mr. SMOOT. It is the first time those words have been inserted.

Mr. WARREN. They were inserted on the floor of the House.

Mr. WALSH. I should like to say to the Senator from Ohio that even in the public-land States it is found utterly impracticable to carry on the work of the Geological Survey if they are not permitted to include within the scope of their activities lands held in private ownership as well.

The reading of the bill was resumed.

The next amendment was, under the subhead "Bureau of Mines," on page 105, line 23, after "$347,000," to insert "of which sum not exceeding 5 per cent may be used for personal services in the District of Columbia," so as to make the clause read:

For investigation as to the causes of mine explosions, methods of mining, especially in relation to the safety of miners, the appliances best adapted to prevent accidents, the possible improvement of conditions under which mining operations are carried on, the use of explosives and electricity, the prevention of accidents, and other inquiries and technologic investigations pertinent to the mining industry, $347,000, of which sum not exceeding 5 per cent may be used for personal services in the District of Columbia.

Mr. MARTIN of Virginia. Mr. President, I desire to have this amendment rejected. It is a mistake, and makes an inconsistency in the bill. I ask, therefore, that it be rejected.

The VICE PRESIDENT. The question is on agreeing to the amendment of the committee.

The amendment was rejected.

The next amendment was, under the subhead "Alaska, expenses in," at the top of page 110, to insert:

Medical relief in Alaska: To enable the Secretary of the Interior, in his discretion and under his direction, with the advice and cooperation of the Public Health Service, to provide for the medical and sanitary relief of the Eskimos, Aleuts, Indians, and other natives of Alaska; for erection, purchase, repair, rental, and equipment of hospital buildings; for books and surgical apparatus; for pay and necessary traveling expenses of physicians, nurses, and other employees, and all other necessary miscellaneous expenses which are not included under the above special heads, to be immediately available, $50,000.

Mr. GALLINGER. Mr. President, I notice that the phraseology of the amendment is "Eskimos, Aleuts, Indians." I was wondering whether Eskimos and Aleuts were not Indians. How is that?

Mr. OVERMAN. They are Indians, but they are different tribes.

Mr. GALLINGER. Are they different tribes?

Mr. JONES. I think they are separate branches; yes. They are always referred to in that way.

Mr. WARREN. We wanted to cover them all.

The VICE PRESIDENT. The question is on agreeing to the amendment.

The amendment was agreed to.

Mr. JONES. Mr. President, in connection with the amendment that has just been agreed to, I have here a letter from the commissioner of education with a memorandum showing the importance and necessity of this appropriation. His suggestion was made in connection with the proposition to increase the preceding amount, $200,000, to $250,000. I ask to put the letter and memorandum in the RECORD so that the reason for this amendment will appear in the RECORD, showing its very great necessity.

The VICE PRESIDENT. Without objection, that may be done.

The matter referred to is as follows:

DEPARTMENT OF THE INTERIOR,
BUREAU OF EDUCATION,
Washington, June 29, 1914.

Hon. WESLEY L. JONES,
United States Senate, Washington, D. C.

MY DEAR SENATOR JONES: I earnestly desire to enlist your interest in securing an amendment by the Senate to the sundry civil bill increasing the appropriation for education in Alaska from $200,000 to $250,000 (H. R. 17041, p. 104).

From this appropriation the Bureau of Education must provide schools, medical relief, and relief of destitution for the native inhabitants of Alaska. The increase desired is of vital importance to the natives of Alaska.

The inclosures submitted herewith, to which I invite your attention, are (1) a 1-page memorandum regarding the increase desired, (2) a concise statement showing what the Board of Education has accomplished in Alaska, (3) a statement of the work of the Bureau of Education in Alaska and of my future policy regarding that work, which I prepared for the House Committee on Appropriations.

Assuring you that your cooperation in this matter will be appreciated, I am,

Sincerely, yours,

P. P. CLAXTON, *Commissioner.*

MEMORANDUM REGARDING THE NEED FOR INCREASING THE APPROPRIATION FOR EDUCATION IN ALASKA FROM $200,000 TO $250,000.

This appropriation is set forth on page 104 of the sundry civil bill, 1915, now under consideration by the House of Representatives.

The present appropriation of $200,000 for education in Alaska is inadequate to meet the urgent demands upon it. The amount of the appropriation has remained the same for seven years in succession; in the meantime the Bureau of Education has been forced to undertake many new and important enterprises, and it is still unable to provide schools for more than three-fourths of the children of natives in Alaska.

Realizing the absolute necessity of endeavoring to check the diseases which prevail to an alarming extent in the native villages, the Bureau of Education has been compelled to use more than $36,000 of the educational appropriation for the current year in furnishing medical relief in the Alaskan villages. To secure these funds it has been necessary to close several of the smaller schools.

From the present appropriation no reserve fund can be withheld with which to check unforeseen epidemics of measles, diphtheria, and smallpox among the natives, or with which to furnish relief to native communities suffering from flood, storm, or volcanic eruption.

—

WHAT THE BUREAU OF EDUCATION HAS ACCOMPLISHED IN ALASKA.

THE SCHOOL SERVICE.

Alaska has an area approximately equal to one-fifth of the United States. In this continental region there are about 25,000 natives in villages ranging from 30 or 40 up to 300 or 400 persons, scattered at intervals along its thousands of miles of coast line and on its great rivers.

During eight months of the year all of the villages in Alaska, with the exception of those on the southern coast, are reached only by trails over the snow-covered land or frozen rivers. Many of the native villages are remote from the main lines of travel, with no established means of access. In spite of the inherent difficulties of the problem the Bureau of Education has established a United States Public School in each of 70 villages, with 97 teachers, each of whom is a "settlement" worker, striving to elevate the natives (adults as well as children) intellectually, morally, and physically.

In many of the villages the public school is the only agency striving for the uplift of the natives. Each schoolhouse is a social center for the accomplishment of practical ends. Many of the buildings contain, in addition to the recitation room, an industrial room, kitchen, quarters of the teacher, and a laundry and baths for the use of the native community. The schoolroom is available for public meetings for discussion of affairs of the village, or occasionally for social purposes.

In the native villages the teachers and nurses endeavor to establish proper sanitary conditions by inspecting the houses, by insisting upon proper disposal of garbage, and by giving instruction in sanitary methods of living. Natives are encouraged to replace their filthy huts by neat, well-ventilated houses. In some sections the natives have been taught to raise vegetables, which are a healthful addition to their usual diet of fish and meat.

There are extensive regions in which the services of a physician are not obtainable. Accordingly, it often becomes the duty of a teacher to treat minor ailments, to render first aid to the injured, or to care for a patient through the course of a serious illness.

The Bureau of Education fosters the establishment of cooperative stores and other cooperative enterprises owned and managed by the natives themselves. By thus relieving themselves of the burden of the profit exacted by the middleman the natives are able to secure the necessities of life at the lowest prices and can at their own local stores obtain equitable value for their furs, ivory, woven baskets, and other native products.

The Bureau of Education has 76 school buildings in Alaska, the total value of which is $247,411. The value of the school equipment and furniture is, approximately, $65,000.

The appropriation, "education of natives of Alaska, 1913–14," is $200,000, of which $36,000 is used for medical relief of the natives.

The school enrollment is approximately 4,000. About 1,500 native children in remote villages are still to be provided with school facilities.

United States public schools for natives of Alaska. Established in 1884.

	1890	1895	1900	1905	1910	1914
Schools	10	14	15	41	77	[1] 70
Teachers	10	15	15	46	98	97
Enrollment	625	877	1,236	2,894	3,964	------

[1] The number of the schools has been reduced in order that additional funds may be available for medical work.

A document distributed by the officials of the Alaska-Yukon-Pacific Exposition, Seattle, 1909, written by an unprejudiced observer not connected with the Government service, contains the following statement regarding the Bureau of Education's schools in Alaska:

"In brief, the Government is doing a splendid work. The teachers are well fitted for their vocation. The management of the Alaska native schools is excellent. What the Government teachers have done for the natives of Alaska can not be measured. It is the kind of work that does not show immediate results, but the author of this publication knows that it is sincere, painstaking, zealous work, and he knows that it is intelligently and wisely conducted."

MEDICAL WORK.

There is no specific appropriation for the support of medical work among the natives of Alaska. For several years the Bureau of Education has been striving, without success, to secure funds for use in making proper and adequate provision for the checking and prevention of the diseases which beyond question prevail to an alarming extent among the native races of Alaska. It has succeeded in securing a modification of the terms of the appropriation for the education of natives of Alaska which enables it to employ physicians and nurses. It can not erect the hospitals which are so greatly needed.

Realizing the absolute necessity for action, the Bureau of Education is using $36,000 of the $200,000 appropriated for the education of natives of Alaska during the fiscal year 1913–14 in employing 9 physicians, 9 nurses, in supplying the teachers of the United States public schools for natives with medical chests for use in treating minor ailments, also in maintaining three improvised hospitals in school buildings in centers of native population where hospitals are most urgently needed, and in making contracts with four hospitals for the treatment of diseased natives.

Nearly 1,800 cases were treated in the hospitals at Juneau, Nushagak, Nulato, and Kotzebue during 1912–13. The most prevalent diseases were tuberculosis, trachoma, rheumatism, and venereal diseases; the surgical operations included excisions for tubercular diseases of the bones, the removal of tubercular glands, laparotomies, curetting of ulcers, setting broken bones, sewing up recent wounds, and excisions of hemorrhoids, cataracts, abscesses, tonsils, and adenoids. During the year epidemics of infantile paralysis at St. Michael and of diphtheria at Nulato were checked by physicians employed by the Bureau of Education.

Referring to the medical work of the Bureau of Education in Alaska, Dr. Emil Krulish, passed assistant surgeon, United States Public Health Service, detailed to investigate health conditions among the natives of Alaska, makes the following statement in his official report:

"This improvement in the Sitka village, which is an example of the improvement in other sections of Alaska, I attribute chiefly to the influence and efforts of physicians, nurses, teachers, and hospitals now under the Bureau of Education. It demonstrates the fact that the outlook for the general improvement of the native is encouraging and the task feasible."

The next amendment of the Committee on Appropriations was, on page 111, after line 9, to insert:

Hot Springs Reservation, Hot Springs, Ark.: For labor and material required in the installation of a drainage system in the city of Hot Springs to care for storm waters from the mountains of the Hot Springs Reservation, $237,840, to be expended under the direction of the Secretary of the Interior and in accordance with plans described in House Document No. 1298, Sixty-second Congress, third session.

Mr. BURTON. Mr. President, I do not think we ought to adopt that amendment without some explanation of it. As it reads here it is:

For labor and material required in the installation of a drainage system in the city of Hot Springs to care for storm waters from the mountains of the Hot Springs Reservation, $237,840—

And so forth. Why should the Federal Government pay for that?

Mr. CLARKE of Arkansas. Mr. President, that improvement is one which is shown to be necessary by an engineering examination that was made under the authority of an act of Congress. It is well known that about 1,000 acres of the area of Hot Springs is Government property. Two mountains that make a valley on which a considerable part of the town is built are the property of the United States. The Government owns a vast amount of property there. All the bathhouse sites in the town are the property of the United States. This has been evolved as an expert determination of what the right of ownership in that place devolves upon the National Government. It is all worked out in a very elaborate document by a board of engineers appointed for that purpose. The item passed the Senate at the last session, but by reason of the size of the bill or something else it was left out in conference. It is a well-recognized necessity in that locality, and it has been duly estimated for. It has run the gantlet of all the inspections to which items of this kind are usually subjected.

Mr. BURTON. I should like to have the item passed over until I can examine this document.

Mr. CLARKE of Arkansas. It depends altogether on whether or not we are likely to get through with the bill to-night.

Mr. MARTIN of Virginia. We hope to finish the bill to-night. I do not think the Senator will make any mistake in allowing the amendment to be agreed to.

Mr. CLARKE of Arkansas. It is not a new item. It is one that has passed the Senate heretofore.

Mr. BURTON. It seems to me a very singular contention that the ownership of property adjacent to a city should impose upon the Government the obligation of providing a drainage system for the city.

Mr. CLARKE of Arkansas. It is more than the mere ownership of property adjacent to it. It is the ownership of the city itself, nearly a thousand acres—900 acres and a fraction.

Mr. GALLINGER. I will ask the Senator from Arkansas whether there is any report which would show whether or not this experiment in Government ownership is profitable?

Mr. CLARKE of Arkansas. This one has not been profitable up to the present time, but it ought to be in the near future. It is one of the great institutions of this country, and I feel confident that its operations will show a net profit in favor of the Government at an early date. Heretofore it has not yielded a net profit, but it is making progress in that direction.

Mr. GALLINGER. As I understand, the hotel rights and bath rights and everything of that kind are sold to private parties; are they?

Mr. CLARKE of Arkansas. That was true 20 years ago. At that time the hotel leases were made for rather nominal prices; but the importance of the resort has become so well known now that these sites are exceedingly valuable and they bring very high rents. I think from this time forward it will be a self-sustaining proposition.

Mr. GALLINGER. I did not make the inquiry with any feeling of hostility at all.

Mr. CLARKE of Arkansas. I am sure that is true. I am sure my friend from Ohio would have no objection to it if he had heretofore availed himself of the opportunities that were presented on a former occasion to advise himself about its details. I have not any fear about what an examination of the item will disclose; and I would not want to delay the bill and put ourselves to unusual trouble about a thing that is so patent.

Mr. BURTON. Mr. President, I do not wish to take the responsibility, just for the sake of making an examination myself, of postponing the disposition of this bill beyond to-day; but I really do not believe the consideration of the bill will be concluded before adjournment. If it should be reached at a later time, I probably should have had the opportunity to examine it in the meantime. I should like to have it passed over, so that there will be an opportunity to examine it.

Mr. CLARKE of Arkansas. I have not any objection to passing the item upon the request of the Senator, provided we do not thereby delay the ultimate passage of the bill.

Mr. MARTIN of Virginia. If we should get to the end of the bill, I hope the Senator will then take it up and dispose of it this evening.

Mr. BURTON. I will send for the document right away.

Mr. MARTIN of Virginia. Very well.

The VICE PRESIDENT. Without objection, the amendment will be passed over.

The reading of the bill was resumed.

The next amendment of the Committee on Appropriations was, under the subhead "National parks," on page 112, after line 20, to insert:

For survey for a road from the national forest line near Fairfax up the Carbon River Valley to Carbon Glacier, thence to Spray Park and Moraine Park in Mount Rainier National Park, $12,500.

The amendment was agreed to.

The next amendment was, on page 113, line 4, after the word "roads," to strike out "$7,540" and insert "$8,040," so as to make the clause read:

Crater Lake National Park, Oreg.: For protection and improvement, and repairing and extension of roads, $8,040.

The amendment was agreed to.

The next amendment was, on page 113, after line 9, to insert:

Sullys Hill Park, N. Dak.: For protection and improvement, $1,500.

The amendment was agreed to.

The next amendment was, under the subhead "Howard University," on page 116, line 16, after the word "available," to strike out "$8,000" and insert "$10,000," so as to make the clause read:

For improvement of grounds and repairs of buildings, to be immediately available, $10,000.

The amendment was agreed to.

The next amendment was, on page 116, line 26, after the words "in all," to strike out "$99,000" and insert "$101,000," so as to make the clause read:

In all, $101,000.

The amendment was agreed to.

The next amendment was, under the subhead "Freedmen's Hospital," on page 117, line 10, after the word "furniture," to insert "motor-propelled ambulance," so as to make the clause read:

For subsistence, fuel and light, clothing, bedding, forage, medicine, medical and surgical supplies, surgical instruments, electric lights, repairs, furniture, motor-propelled ambulance, and other absolutely necessary expenses, $28,000.

The amendment was agreed to.

The next amendment was, on page 117, line 24, after the words "the sum of," to strike out "$41,209.73" and insert "$37,996.70," so as to make the clause read:

To reimburse the United States the amount due on account of one-half of the per capita cost of maintenance of indigent patients in Freedmen's Hospital from the District of Columbia in excess of the number charged to and paid for by said District during the fiscal years 1906 to 1913, inclusive, there shall be transferred from the revenues of the District of Columbia to the United States, beginning with the fiscal year 1915, the sum of $37,996.70, which amount so transferred shall be covered into the Treasury as miscellaneous receipts.

The amendment was agreed to.

The next amendment was, under the subhead "Miscellaneous objects, Department of Justice," on page 119, line 4, after the date "1909," to strike out "$35,000" and insert "$40,000," and in line 10, after the words "in all," to strike out "$77,500" and insert "$82,500," so as to make the clause read:

Conduct of customs cases: Assistant Attorney General, $8,000; assistant attorneys—1, $4,500; 1, $3,000; special attorneys and counselors at law in the conduct of customs cases, to be employed and their compensation fixed by the Attorney General, as authorized by section 30 of the act of August 5, 1909, $40,000; necessary clerical assistance and other employees at the seat of government and elsewhere, to be employed and their compensation fixed by the Attorney General; supplies, printing, traveling, and other miscellaneous and incidental expenses, to be expended under the direction of the Attorney General, $27,000; in all, $82,500.

The amendment was agreed to.

The next amendment was, on page 119, line 23, after the words "Attorney General," to strike out "$15,000" and insert "$20,000," so as to make the clause read:

Defending suits in claims against the United States: For defraying the necessary expenses incurred in the examination of witnesses and procuring of evidence in the matter of claims against the United States and such other expenditures as may be necessary in defending suits in the Court of Claims, including defense for the United States in the matter of French spoliation claims, not exceeding $500 of which may be expended for law books, to be expended under the direction of the Attorney General, $20,000.

The amendment was agreed to.

The next amendment was, on page 120, line 12, after the words "Attorney General," to strike out "$480,000" and insert "$500,000," so as to make the clause read:

Detection and prosecution of crimes: For the detection and prosecution of crimes against the United States; the investigation of the official acts, records, and accounts of marshals, attorneys, clerks, and referees of the United States courts and the Territorial courts, and United States commissioners, for which purpose all the official papers, records, and dockets of said officers, without exception, shall be examined by the agents of the Attorney General at any time; for the protection of the person of the President of the United States; for such other investigations regarding official matters under the control of the Department of Justice as may be directed by the Attorney General, including not to exceed $18,500 for necessary employees at the seat of government, to be expended under the direction of the Attorney General, $500,000.

The amendment was agreed to.

The next amendment was, on page 121, line 9, after the word "exceeding," to strike out "$10,000" and insert "$15,000," so as to read:

Enforcement of antitrust laws: For the enforcement of antitrust laws, including not exceeding $15,000 for salaries of necessary employees at the seat of government, $300,000.

The amendment was agreed to.

The next amendment was, on page 123, line 1, after the word "volume," to strike out "fifty-seven" and insert "fifty-eight," so as to make the clause read:

For 15 copies of volume 58 of the Lawyers' Cooperative Edition of the United States Reports, to continue sets now in the hands of certain officers, at $6 per volume, $90.

The amendment was agreed to.

The next amendment was, under the head of "Judicial," subhead "United States courts," on page 124, line 9, after the words "United States courts," to insert "except the judges of the Supreme Court of the United States, whose salaries shall be paid through the disbursing officer of the Department of Justice as hitherto provided," so as to make the clause read:

From and after October 1, 1914, it shall be the duty of the United States marshals to pay, under regulations prescribed by the Attorney General, the salaries of all judges of the United States courts, except the judges of the Supreme Court of the United States, whose salaries shall be paid through the disbursing officer of the Department of Justice as hitherto provided, United States district attorneys, their regular assistants, clerks, and messengers, and United States marshals and their deputies: *Provided*, That every United States marshal operating under a bond executed prior to the passage of this act shall give bond effective thereafter for the faithful performance of the duties of his office, including the payment of the salaries above mentioned.

The amendment was agreed to.

The next amendment was, on page 124, line 23, after the word "Alaska," to strike out "$600,000" and insert "$615,000," so as to make the clause read:

For salaries of United States district attorneys and expenses of United States district attorneys and their regular assistants, including the office expenses of United States district attorneys in Alaska, $615,000.

The amendment was agreed to.

The next amendment was, on page 125, line 7, after the word "compensation," to strike out "$325,000" and insert "$375,000," so as to make the clause read:

For payment of regular assistants to United States district attorneys who are appointed by the Attorney General at a fixed annual compensation, $375,000.

The amendment was agreed to.

The next amendment was, on page 125, line 16, after "$250,000," to insert "*Provided*, That all acts and parts of acts authorizing the clerk of the district court in Oregon to charge, receive, or collect double fees or any fees except as provided by section 828 of the Revised Statutes of the United States, are hereby repealed: *Provided further*, That the clerk of the district court in Oregon shall be allowed by the Attorney General to retain of the fees received by him for his personal compensation, over and above the necessary expenses of his office, including the salaries of deputy clerks and necessary clerk hire, to be audited by the proper accounting officers of the Treasury, the sum of $3,500 per annum, and no more, payable in the same way and manner as is now provided by law; and all acts and parts of acts fixing a salary for such clerk in excess of such sum are hereby repealed," so as to make the clause read:

For fees of clerks, $250,000: *Provided*, That all acts and parts of acts authorizing the clerk of the district court in Oregon to charge, receive, or collect double fees or any fees except as provided by section 828 of the Revised Statutes of the United States, are hereby repealed: *Provided further*, That the clerk of the district court in Oregon shall be allowed by the Attorney General to retain of the fees received by him for his personal compensation, over and above the necessary expenses of his office, including the salaries of deputy clerks and necessary clerk hire, to be audited by the proper accounting officers of the Treasury, the sum of $3,500 per annum, and no more, payable in the same way and manner as is now provided by law; and all acts and parts of acts fixing a salary for such clerk in excess of such sum are hereby repealed.

Mr. MARTIN of Virginia. Mr. President, I send to the desk some amendments to that amendment.

The VICE PRESIDENT. The amendments to the amendment will be stated.

The SECRETARY. In the committee amendment on page 125 it is proposed to amend by inserting, after the word "authorizing," in line 17, the words "the United States marshal and"; also by inserting, in line 20, on the same page, after the word "eight," the first word in the line, the words "and section 829, respectively"; also, on line 5, page 126, by striking out the period and inserting a colon and the following:

And provided further, That the portion of this act regulating the fees of the clerk and the marshal of Oregon shall be in force and effect from and after January 1, 1915.

The VICE PRESIDENT. The question is on agreeing to the amendments to the amendment.

The amendments to the amendment were agreed to.

The amendment as amended was agreed to.

Mr. SMITH of Arizona. Mr. President, I will ask the chairman of the committee whether or not that applies to any State besides Oregon?

Mr. MARTIN of Virginia. Only to Oregon.

The next amendment was, on page 127, line 14, after the word "officers," to strike out "$500,000" and insert "$550,000," so as to make the clause read:

For payment of such miscellaneous expenses as may be authorized by the Attorney General, for the United States courts and their officers, $550,000: *Provided*, That in so far as it may be deemed necessary by the Attorney General, this appropriation shall be available for such expenses in the District of Alaska.

The amendment was agreed to.

The next amendment was, in the items for the United States Penitentiary at Leavenworth, Kans., on page 132, line 2, after the word "transportation," to strike out "$900" and insert "$1,200"; and, in line 5, after the words "in all," to strike out "$74,280" and insert "$74,580," so as to make the clause read:

For salaries: Warden, $4,000; deputy warden, $2,000; chaplains—1 $1,500, 1 $1,200; chief clerk, $1,800; physician, $1,600; bookkeeper and record clerk, $1,200; stenographer, $900; 6 clerks, at $900 each; telephone operator, $480; engineer and electrician, $1,500; 2 assistants, at $1,200 each; steward and storekeeper, $1,200; superintendent

of farm and transportation, $1,200; two teamsters, at $600 each; head cook, $1,000; 3 captains of watch, at $1,000 each; guards, at $70 per month each, $43,000; in all, $74,580.

The amendment was agreed to.

The next amendment was, on page 132, line 8, after the word "Georgia," to strike out "$175,380" and insert "$175,680," so as to make the clause read:

In all, for penitentiary at Atlanta, Ga., $175,680.

The amendment was agreed to.

The next amendment was, on page 133, line 15, after the word "tailor," to strike out "$600" and insert "$720"; and, in line 20, after the words "in all," to strike out "$34,276" and insert "$34,396," so as to make the clause read:

For support of the National Training School for Boys, District of Columbia: Superintendent, $2,500; assistant superintendent, $1,500; teachers and assistant teachers, $9,120; chief clerk, $1,000; storekeeper and steward, $600; matron of school, $600; parole officer, $900; office clerk, $720; assistant office clerk, $480; 6 matrons of families, at $240 each; foremen of and skilled helpers in industries, $3,800; farmer, $600; assistant farmer, $420; teamster, $360; florist and engineer, at $540 each; shoemaker, $540; baker, $600; tailor, $720; cook, $480; assistant engineer, $420; laundress, $360; dining-room attendant, boys', $300; dining-room attendant, officers', $240; housemaid, $216; seamstress, $240; assistant cook, $300; nurse, $600; watchmen, not to exceed 8 in number, $3,360; secretary and treasurer, $900; in all, $34,396.

The amendment was agreed to.

The next amendment was, on page 134, line 12, after the words "National Training School for Boys," to strike out "$50,826" and insert "$50,946," so as to make the clause read:

In all, for National Training School for Boys, $50,946.

The amendment was agreed to.

The next amendment was, at the top of page 135, to insert:

Point Vincente, Cal., Light Station: For establishing a light and fog-signal station at Point Vincente, Cal., $80,000.

The amendment was agreed to.

The next amendment was, under the subhead "Lighthouse Service," on page 137, line 11, after the word "necessary," to strike out "$997,600" and insert "$1,038,000," so as to make the clause read:

Lighthouse vessels: For salaries and wages of officers and crews of light vessels and lighthouse tenders, including temporary employment when necessary, $1,038,000.

The amendment was agreed to.

The next amendment was, on page 137, after line 17, to insert:

Hereafter employees of the Lighthouse Service who are not now entitled to leave of absence with pay and who have served 12 consecutive months shall be given 15 days' leave of absence with pay each year: *Provided*, That pro rata leave shall be allowed those serving fractional parts of a year: *Provided further*, That heads of divisions shall have discretion as to the time when the leave shall be granted.

The amendment was agreed to.

The next amendment was, under the subhead "Coast and Geodetic Survey," on page 139, line 2, after the words "United States," to strike out "$165,000" and insert "$225,000," so as to make the clause read:

For surveys and necessary resurveys of coasts on the Pacific Ocean under the jurisdiction of the United States, $225,000.

The amendment was agreed to.

Mr. JONES. In connection with this amendment increasing the amount from $165,000 to $225,000 I wish to call the attention of the chairman, although it may be that it has been called to his attention, but so that there will appear in the RECORD the special importance of a part, at least, of this increase, to the fact that I have had inserted in the RECORD, at page 6516, a letter which the Secretary of Commerce sent to me some time ago. I will read what the Secretary says as to the necessity of a part of this increase.

Mr. MARTIN of Virginia. I suggest to the Senator that if he just wants to get it in the RECORD as explanatory of the item, it can be printed without reading.

Mr. JONES. Unless it has been called to the attention of the Senator, I want to call his attention to it, because he will recognize the importance of it.

Mr. MARTIN of Virginia. I am perfectly familiar with it.

Mr. JONES. The part of the letter to which I refer is brief, and it will take but a moment to read it. The Secretary of Commerce says:

This is a portion of the item in our estimates, "Field expenses, Pacific coast." The amount appropriated for this for the fiscal year ending June 30, 1914, was $165,000. We are asking for $225,000.

This is the part to which I especially call attention:

Included in this is $30,000 for an additional wire-drag party to be employed on the coast of Alaska during the summer and along the Pacific coast during the winter. This item appears on page 3 of House Document No. 577.

A peculiarity of the Alaskan coast is the pinnacle rocks which rise abruptly in points from the bottom. Ordinary sounding apparatus, which is all we now have, will not find these. A case in point is the *State of California*, wrecked in Gambia Bay with a loss of 32 lives. She struck a pinnacle rock. The bay had been sounded and she had been in and out many times. The only means available for soundings, however, would not discover such a pinnacle. A wire-drag apparatus is a sure means of finding such rocks. One was requested several years ago for use in the Northwest, but was not granted. If it had been granted and if it had been put in use in Gambia Bay, the *State of California* would have been saved. It ought to be supplied and the money for it and for the force necessary to use it should be made available immediately. With such an apparatus the coast can be made safe. Without it, it would only be by accident that one of these pinnacles would be discovered.

The next amendment was, on page 140, line 8, after the word "vessels," to insert "reimbursement of officers of the Coast and Geodetic Survey for food, clothing, medicines, and other supplies furnished for the temporary relief of distressed persons in remote localities and to shipwrecked persons temporarily provided for by them, not to exceed $500," so as to make the clause read:

For objects not hereinbefore named that may be deemed urgent, including the preparation or purchase of preliminary plans and specifications of vessels; reimbursement of officers of the Coast and Geodetic Survey for food, clothing, medicines, and other supplies furnished for the temporary relief of distressed persons in remote localities and to shipwrecked persons temporarily provided for by them, not to exceed $500; actual necessary expenses of officers of the field force temporarily ordered to the office at Washington for consultation with the superintendent, $3,000.

The amendment was agreed to.

Mr. MARTIN of Virginia. The total in line 16 is not correct. It should read: "In all, for field expenses, $380,400," in lieu of "$320,400." I move that amendment.

The amendment was agreed to.

The next amendment was, in the items for the Lighthouse Service, on page 140, after line 20, to insert:

For two new vessels, including their equipment, $175,000.

The amendment was agreed to.

The next amendment was, on page 141, line 10, after the words "Office force," to strike out "Disbursing agent" and insert "Chief accountant," and in line 11, after the word "clerks," to strike out "two" and insert "three," so as to make the clause read:

Office force: Chief accountant, $2,500; chief of division of library and archives, $1,800; clerks—three at $1,800 each, three at $1,650 each, four at $1,400 each, eight at $1,200 each, five at $1,000 each, ten at $900 each, six at $720 each;

The amendment was agreed to.

The next amendment was, on page 141, line 18, after the word "each," to strike out "two" and insert "three," so as to make the clause read:

Topographic and hydrographic draftsmen: Two at $2,400 each, three at $2,200 each, three at $2,000 each, three at $1,800 each, three at $1,600 each, three at $1,400 each, three at $1,200 each, three at $1,000 each;

The amendment was agreed to.

The next amendment was, on page 142, line 19, after the words "office force," to strike out "$202,620" and insert "$205,420," so as to make the clause read:

In all, pay of office force, $205,420.

The amendment was agreed to.

The next amendment was, on page 143, after line 14, to insert:

For lithographic presses, $18,600.

The amendment was agreed to.

The next amendment was, on page 143, after line 15, to strike out:

For a one-story brick building in extension of the present lithographic and aluminum plate printing room, $2,400.

And to insert:

Rebuilding lithographic and aluminum printing rooms, Coast and Geodetic Survey: For rebuilding and extending the present lithographic building, $7,500.

The amendment was agreed to.

The next amendment was, on page 143, after line 20, to strike out:

For a new one-story brick building of 3,200 square feet floor space, with suitable partitions, for the accommodation of material now stored in temporary wooden structures on the south lot of the Coast and Geodetic Survey grounds, $4,000.

And to insert:

One-story building, Coast and Geodetic Survey: For the erection of a one-story building between the Butler and Richards Buildings, $5,000.

The amendment was agreed to.

The next amendment was, under the subhead "Bureau of Fisheries," on page 144, line 17, after the word "service," to insert "fish pathologist, to be appointed by the Secretary of Commerce, $2,500," and, on page 145, line 7, after the words

"in all," to strike out "$96,680" and insert "$99,180," so as to make the clause read:

Commissioner's office: Commissioner, $6,000; deputy commissioner, $3,500; assistants in charge of divisions—fish culture, $2,700; inquiry respecting food fishes, $2,700; statistics and methods of fisheries, $2,500; assistants—1 in charge of office, $2,500; 1, $2,500; 1, $1,800 (transferred from Alaska service); fish pathologist, to be appointed by the Secretary of Commerce, $2,500; 1, $1,600; 2 at $1,200 each; 2 at $900 each; architect and engineer, $2,200; assistant architect, $1,600; draftsman, $1,200; accountant, $2,100; librarian, $1,500; superintendent of car and messenger service, $1,600; clerks—3 of class 4; 4 of class 3; 1 to commissioner, $1,600; 4 of class 2 (1 transferred from Alaska service); 5 of class 1 (1 transferred from Alaska service); 3 at $1,000 each; 15 at $900 each (1 transferred from Alaska service); statistical agents—1, $1,400; 2 at $1,000 each; local agents—1 at Boston, $300; 1 at Gloucester, $600; 1 at Seattle, $600; engineer, $1,080; 3 firemen at $720 each; 2 watchmen at $720 each; 5 janitors and messengers at $720 each; janitress, $480; messenger boy, $360; 4 charwomen at $240 each; in all, $99,180.

The amendment was agreed to.

The next amendment was, at the top of page 152, to insert:

No part of the foregoing amount shall be expended for hatching or planting fish or eggs in any State in which, in the judgment of the Secretary of Commerce, there are not adequate laws for the protection of the fishes; nor in any State in which the United States Commissioner of Fisheries and his duly authorized agents are not accorded full and free right to conduct fish-cultural operations, and all fishing and other operations necessary therefor, in such manner and at such times as is considered necessary and proper by the said commissioner or his agents.

The amendment was agreed to.

The next amendment was, on page 153, line 25, after the word "therewith," to strike out "$60,000" and insert "$110,000," so as to make the clause read:

Alaska general service: For protecting the seal fisheries of Alaska, including the furnishing of food, fuel, clothing, and other necessities of life to the natives of the Pribilof Islands of Alaska, transportation of supplies to and from the islands, expenses of travel of agents and other employees and subsistence while on said islands, hire and maintenance of vessels, and for all expenses necessary to carry out the provisions of the act approved April 21, 1910, entitled "An act to protect the seal fisheries of Alaska, and for other purposes," and for the protection of the fisheries of Alaska, including travel, hire of boats, employment of temporary labor, and all other necessary expenses connected therewith, $110,000.

The amendment was agreed to.

The next amendment was, at the top of page 154, to insert:

Alaska fishery service, vessels and boats: For construction or purchase of vessels and boats in connection with the enforcement of the laws and regulations for the protection of the fisheries and fur-bearing animals of Alaska, including one seagoing vessel, one light-draft tug, and six rapid motor boats, to be available until expended, $100,000.

The amendment was agreed to.

The next amendment was, on page 154, after line 13, to strike out:

The unexpended balance of the appropriations made for the establishment of a fish-cultural station in the State of Utah, including purchase of site, construction of buildings and ponds, and equipment, is reappropriated and continued available during the fiscal year 1915.

And to insert:

For the continuation of the appropriation for the establishment of a fish-cultural station in the State of Utah, including the purchase of land, construction of buildings and ponds, and for equipment, $25,000, to be available until expended; and the initial appropriation of $25,000 for the above-named purpose, included in the sundry civil appropriation act for the fiscal year ending June 30, 1914, is hereby continued and made available until expended.

The amendment was agreed to.

The next amendment was, on page 155, after line 22, to insert:

Marine biological station, Florida: The provision of the act to authorize the establishment of a marine biological station on the Gulf coast of the State of Florida, approved March 1, 1911, requiring the State of Florida to donate and transfer free of cost the necessary land and water rights for such station, is hereby amended and modified to read as follows: *Provided*, That the State of Florida, a corporation, a firm, or an individual donates and transfers free of cost to the Government of the United States the necessary land and water rights.

The amendment was agreed to.

The next amendment was, on page 156, after line 6, to insert:

Clackamas, Oreg., station: For construction of buildings and improvements to water supply, to be available until used, the Secretary of Commerce is authorized and directed to sell at public sale to the highest responsible bidder, after due advertising, the old fish-hatchery site belonging to the United States on the Clackamas River, near Clackamas, Oreg., consisting of 15.87 acres, the proceeds of said sale (after the payment of the expenses incidental thereto) to be covered into the Treasury as "Miscellaneous receipts, proceeds of Government property," $15,000.

Mr. BURTON. Mr. President——

Mr. THOMAS. I was going to suggest that the clause as drawn does not seem to be intelligent.

Mr. MARTIN of Virginia. I think on a careful reading of it the Senator will find it is intelligent. It is a little awkward, but——

Mr. THOMAS. I can not make head or tail of it. It may be because I am obtuse.

Mr. MARTIN of Virginia. It appropriates $15,000 for construction and authorizes the sale of the old buildings.

Mr. THOMAS. If that is what is intended to be done, it is not what it says.

Mr. MARTIN of Virginia. I admit that it is awkwardly expressed.

Mr. OVERMAN. It is what the department sent us.

Mr. MARTIN of Virginia. This language was prepared by the department, and the committee let it stand. They have to construe it.

Mr. BURTON. What does it mean, in any event, may I ask? Does it mean that the old fish-hatchery site is to be sold, and the proceeds covered into the Treasury, and independently of that an appropriation of $15,000 is to be made?

Mr. MARTIN of Virginia. That is correct. It is hardly expected that a new construction could be perfected with the sale of the old construction. We put in $15,000 in addition.

Mr. BURTON. The fish hatchery is not to be abandoned?

Mr. OVERMAN. No.

Mr. SMOOT. It is to be moved to a new place.

Mr. BURTON. How far from the present locality?

Mr. SMOOT. I do not know, but the testimony shows not very far.

Mr. OVERMAN. It had to be removed on account of the water receding. There is no water there, and they had to get to water. At the present location it is no good at all, I understand.

Mr. BURTON. The ground is to be sold and they get a new site.

Mr. OVERMAN. The location is changed.

Mr. BURTON. And this appropriation of $15,000 is for improvements to the site. Is the fish hatchery provided for in some other bill?

Mr. OVERMAN. Not at all.

Mr. SMOOT. It is for construction of the building.

Mr. BURTON. So this is regarded as sufficient to construct new buildings and provide a water supply in place of the present structure?

Mr. MARTIN of Virginia. That is my understanding.

Mr. OLIVER. I think it is very awkwardly expressed. I move to amend the amendment of the committee by striking out "$15,000" at the end of the amendment, and inserting it after the word "used," in line 9, and following it by the word "and."

Mr. MARTIN of Virginia. I do not object to that, but the amendment was prepared by the department, and it was satisfactory to the Senator from Oregon [Mr. CHAMBERLAIN].

Mr. OLIVER. If the department sends bad English to us, I do not think we ought to stand for it.

Mr. MARTIN of Virginia. Very well, the Senator can fix the English to suit himself. It suited the Senator from Oregon, and I had no objection to it.

The VICE PRESIDENT. The amendment to the amendment will be stated.

The SECRETARY. In line 9, after the word "used," insert the words "$15,000, and," and strike out "$15,000" in line 17, so as to read:

Clackamas, Oreg., station: For construction of buildings and improvements to water supply, to be available until used, $15,000, and the Secretary of Commerce is authorized and directed to sell, etc.

The amendment to the amendment was agreed to.

The amendment as amended was agreed to.

The next amendment was, on page 156, after line 17, to insert:

Beaufort, N. C., biological station: For repairs and additions to buildings and improvements to grounds, to be available until expended, $5,000.

The amendment was agreed to.

The next amendment was, on page 156, after line 20, to insert:

Edenton, N. C., station: For construction and repair of buildings, to be available until expended, $3,500.

The amendment was agreed to.

The reading of the bill was continued to line 8 on page 158.

Mr. SHEPPARD. I wish to offer an amendment at this point.

The VICE PRESIDENT. The bill is being read for action on the amendments of the committee.

Mr. MARTIN of Virginia. The committee amendments have not been completed.

Mr. SHEPPARD. Very well.

The next amendment was, under the subhead "Immigration Service," on page 159, line 7, after the words "Secretary of Labor," to strike out "$2,649,500" and insert "$2,700,000," so as to read:

For all expenses of the enforcement of the laws regulating immigration of aliens into the United States, including the contract-labor laws; cost of the reports of decisions of the Federals courts, and digests thereof, for the use of the Commissioner General of Immigration; for salaries and expenses of all officers, clerks, and employees appointed to enforce said laws; enforcement of the provisions of the act of February

20, 1907, entitled "An act to regulate the immigration of aliens into the United States," and acts amendatory thereof; necessary supplies, including exchange of typewriting machines, alterations, and repairs, and for all other expenses authorized by said act; also for preventing the unlawful entry of Chinese into the United States, by the appointment of suitable officers to enforce the laws in relation thereto, the expenses of returning to China all Chinese persons found to be unlawfully in the United States, including the cost of imprisonment and actual expense of conveyance of Chinese persons to the frontier or seaboard for deportation, and for the refunding of head tax upon presentation of evidence showing conclusively that collection was made through error of Government officers; all to be expended under the direction of the Secretary of Labor, $2,700,000: *Provided, however,* That the commissioner of immigration to discharge at New Orleans, La., the duties now required of other commissioners of immigration at the respective ports of the United States shall be appointed in the same manner and for the same term as the said other commissioners, and shall have the same official status as they; and that section 34 of the immigration act approved February 20, 1907, is hereby repealed in so far as it conflicts with the foregoing provision.

The amendment was agreed to.

The next amendment was, on page 159, in line 18, after the words "shall be," to strike out "reduced to the sum of $2,900" and insert "$3,000," so as to read:

Provided further, however, That the salary of the said commissioner of immigration at New Orleans, La., shall be $3,000 per annum.

Mr. MARTIN of Virginia. I move to strike out the additional proviso in lines 17, 18, and 19.

The amendment was agreed to.

The next amendment was, on page 161, after line 19, to insert:

Building to install the Government exhibit at the Panama-Pacific International Exposition: For the construction of a suitable building in that part of the reservation of the United States known as the Presidio of San Francisco, State of California, in which the Government Exhibit Board, created by the sundry civil appropriation act approved June 23, 1913, shall install, display, and safeguard the exhibit of the Government of the United States at the Panama-Pacific International Exposition, $500,000: *Provided,* That the said building shall be so located and planned and shall be of such a permanent character as will make it available and useful for military purposes of the United States after the close of the said exposition, and shall be on such general plan and design and in such location as shall be approved by the Secretary of War: *Provided further,* That the said building shall be erected under the authority of the Secretary of War, by contract or otherwise, as he may direct: *Provided further,* That not exceeding $50,000, or so much thereof as may be necessary, may be expended from the appropriation made herein, on the approval and authority of the Secretary of War, for entertaining the officers and representatives of foreign governments who may attend and participate in the Panama-Pacific International Exposition in consequence of the invitation of the President of the United States, extended in pursuance of the authority of Congress.

Mr. THOMAS. Mr. President, this amendment seeks to appropriate $500,000 for the purpose of constructing a building at the Panama International Exposition to house the exhibits of the Government at that exposition, and as the building is to be made available for military purposes thereafter it must be of a permanent character. When the city of San Francisco secured the location of the exposition on the Pacific coast and within its boundaries it was with the express and reiterated understanding that the Government should not be called upon for any expenditures or appropriations whatever. The exposition company was to receive its financial support from other sources, and of course those sources were the State of California and the city of San Francisco.

The city of New Orleans was at that time a competitor for the scene of the location of this exposition. Those two places played against each other, and San Francisco's representations and insistence were finally successful.

My interpretation of that situation is that whatever buildings were to be constructed, whether for governmental use or for private exhibition, were to be constructed by the company and out of funds which it was to obtain elsewhere. The exposition company up to this time has done that. I was in San Francisco within the past few months and went through the grounds and the buildings, which are very commodious, very substantial, and almost complete.

Mr. MARTIN of Virginia. If the Senator will excuse me, I am sure he understands that I do not desire to interrupt him, except to save time——

Mr. THOMAS. Certainly.

Mr. MARTIN of Virginia. I merely wish to call attention to the fact that there was a special message sent here by the President of the United States asking this appropriation. The building will be worth its cost for military purposes as a permanent acquisition for the War Department. It is to be built under the direction of the War Department.

Mr. CLARKE of Arkansas. And it is to be built upon Government land.

Mr. MARTIN of Virginia. Yes; it is to be built upon Government land, at the very place where a Government building is needed.

Mr. THOMAS. If we need a building of that kind, we should have an appropriation made for it, and there should be a special bill for that purpose. I am very loath to oppose the wishes of the President of the United States upon anything, but I do not believe, Mr. President, that we should contract with a great municipality——

Mr. MARTIN of Virginia. Would the Senator from Colorado object to my reading the letter, so that he will understand what it is?

Mr. THOMAS. Certainly not. I yield to the Senator for that purpose.

Mr. MARTIN of Virginia. I wish to say that it occurred to me that it would be well to read the President's communication.

Mr. THOMAS. I yield for that purpose.

Mr. MARTIN of Virginia. The President's communication is as follows:

To the Senate and House of Representatives:

I transmit herewith a report by the Secretary of State recommending an appropriation of $500,000 for the erection of a building within which to install, display, and safeguard at the Panama-Pacific International Exposition at San Francisco the Government exhibit authorized by the sundry civil appropriation act of June 23, 1913.

As pointed out by the Secretary of State, many of the Governments officially invited guests by the United States to participate in the exposition are erecting buildings within which to house their exhibits at the exposition. The Government of the United States should not be behind these in appropriately providing for its national exhibit.

I commend the recommendation to the favorable consideration of Congress.

WOODROW WILSON.

THE WHITE HOUSE,
Washington, March 31, 1914.

Mr. THOMAS. I was about to say, Mr. President, when interrupted by the chairman of the committee, that a contract and agreement such as was solemnly entered into between the Government of the United States and those who promoted this exhibition ought to be just as binding and just as religiously observed by the Government as though it did not have an enormous Treasury and was not the sovereignty of the country. To my mind, if it had occurred to Congress when the original selection of an exposition site was made that it would be called upon to appropriate $500,000, as is sought to be appropriated here, it might have resulted in locating the exposition somewhere else.

Mr. WARREN. Mr. President——

Mr. THOMAS. I yield to the Senator from Wyoming.

Mr. WARREN. The Senator from Colorado misapprehends the contract which he quotes. The United States is in the same position as a State. If a State makes an exhibit at the Panama Exposition, it is under an obligation to make the appropriation for that purpose.

Mr. THOMAS. There is no contract between the exposition company and any of the States; it is with the Government of the United States, which has the dispensing power, the power to determine where this exposition should be held.

Mr. WARREN. But there is nothing in that contract, as I read it, which provides that the United States may not make its own exhibit in its own building.

Mr. THOMAS. The United States may make its own exhibit.

Mr. WARREN. It may make its own exhibit of its own property in its own building on its own property, and for which there is immediate use along military lines.

Mr. THOMAS. There is nothing to prevent the United States, Mr. President, from spending all the money in its Treasury in any direction in which it sees fit; but the proposition for which I contend is that the city of San Francisco, having agreed to take all these matters off the hands of the Government of the United States, should provide this building if the Government exhibit is to go there.

Besides, Mr. President, it seems to me it comes at a very late time for the construction of this building in view of the fact that the exposition is to open next year, and practically all of the buildings of the exposition proper are nearly completed. I very much question whether this building can be put in condition in time for the exposition if this appropriation should be made; but I want to make a point of order against it.

Mr. PERKINS. Will the Senator permit me to have read a message from the President of the United States, transmitting a report from the Secretary of State, Mr. Bryan, in regard to the construction of a building by the United States at the Panama-Pacific Exposition?

Mr. THOMAS. Certainly.

The VICE PRESIDENT. Is there objection to the request of the Senator from California? The Chair hears none, and the Secretary will read as requested.

The Secretary read as follows:

To the Senate and House of Representatives:

I transmit herewith a report by the Secretary of State recommending an appropriation of $500,000 for the erection of a building within which to install, display, and safeguard at the Panama-Pacific International

Exposition at San Francisco the Government exhibit authorized by the sundry civil appropriation act of June 23, 1913.

As pointed out by the Secretary of State, many of the Governments officially invited guests by the United States to participate in the exposition are erecting buildings within which to house their exhibits at the exposition. The Government of the United States should not be behind these in appropriately providing for its national exhibit.

I commend the recommendation to the favorable consideration of Congress.

WOODROW WILSON.

THE WHITE HOUSE,
Washington, March 31, 1914.

Mr. PERKINS. I should also like to have the letter from Mr. Bryan, following the message of the President, read.

The VICE PRESIDENT. In the absence of objection, that will be done.

The Secretary read as follows:

THE PRESIDENT:

The sundry civil appropriation act approved June 23, 1913, appropriates $500,000 for the purpose of inaugurating, installing, maintaining, and returning a Government exhibit at the Panama-Pacific International Exposition, to open at San Francisco next year, of such articles and materials as illustrate the functions and administrative faculty of the Government of the United States tending to demonstrate the nature and growth of our institutions, their adaptation to the wants of the people, and the progress of the Nation in the arts of peace and war; and authorized the President to provide for the collection and exhibition of such articles and materials under the direction of a board which is created by the act, to which is imposed the duty of determining the nature and character and extent of the exhibits to be made and which is charged with the collection, purchase, preparation, safe-keeping, and exhibition and return of such articles and materials as the board may decide shall be exhibited. But no provision is made by that act or by any previous or subsequent act for the erection of a suitable building within which these exhibits may be installed, displayed, and safeguarded.

The policy of the Federal Government to support the exposition was fixed by the joint resolution of February 15, 1911, which requested the President of the United States to invite all the nations of the earth to participate therein, and the invitation extended in pursuance thereof by the President to all the nations of the earth to take part in the exposition gives to the exposition in the minds of the foreign Governments an official character.

Twenty-seven of these Governments have responded favorably to the invitation, most of which have buildings in course of construction in which to house their exhibits, while many of our States have signified their intention to take a worthy part in the exposition and have made provision for the erection of State buildings. Of the Governments which have not yet accepted the invitation few have actually declined, while others are awaiting the assembling of their legislative bodies for appropriate action.

I deem it important that the Government of the United States should make at the exposition such a display as will be commensurate with the international scope and importance of the exposition and as will comport with the dignity and standing of the United States. This can not be done, and the exhibit would be of little value if scattered through the exposition buildings, space in which I understand is already insufficient for individual exhibitors. To be imposing it should be collected together under one roof. The site set apart for the building is on the Government reservation in the Presidio. A building there erected by the Government could no doubt be utilized after the exposition for Army uses, and it should be constructed with that end in view.

The sum of $500,000 is not too large for this purpose, and I recommend that Congress be requested to appropriate that amount for the erection of the building.

Respectfully submitted.

W. J. BRYAN.

DEPARTMENT OF STATE,
Washington, March 30, 1914.

Mr. THOMAS. Well, Mr. President, I will not make the point of order against the amendment.

The VICE PRESIDENT. Without objection, the amendment is agreed to.

Mr. VARDAMAN. Mr. President, I object to the amendment. I thought the Senator from Colorado was going to make the point of order.

Mr. MARTIN of Virginia. I do not think it is subject to a point of order; it is estimated for by the President of the United States, and there is no higher department of the Government than the Chief Executive.

Mr. THOMAS. I will not make a point of order against an appropriation that is asked for by the President and Secretary of State. It does not change my opinion, however, Mr. President, concerning the character of it; and I do not think under the circumstances that any such appropriation should be made.

Mr. VARDAMAN. I make the point of order, Mr. President.

Mr. PERKINS. Mr. President, before that is passed upon——

The VICE PRESIDENT. What is the point of order suggested by the Senator from Mississippi?

Mr. VARDAMAN. Mr. President, I do not know that the point will hold, but the amendment is general legislation upon an appropriation bill.

Mr. MARTIN of Virginia. It is simply a direction how the money shall be used; it is not general legislation; and, furthermore, it is estimated for by the State Department and by the President of the United States.

Mr. SMOOT. And reported by the Appropriations Committee.

The VICE PRESIDENT. The amendment is certainly not general legislation; it is simply special legislation for a special building at a special place.

Mr. MARTIN of Virginia. It is certainly not general legislation.

The VICE PRESIDENT. The amendment seems to have been moved by the direction of a standing committee of the Senate, so that there appears to be no parliamentary objection to it.

Mr. VARDAMAN. I should like to ask the chairman of the committee, the Senator from Virginia, to what use will this building be devoted after the exposition?

Mr. MARTIN of Virginia. It will be used, as I understand, for a barracks for soldiers. It is very much needed, and it will be erected on Government property at the very place where the Government requires a building for the use of its troops.

Mr. VARDAMAN. Is it the character of building that would be constructed if the exposition were not held?

Mr. MARTIN of Virginia. It is to be constructed with a view to the needs of the War Department, and under the direction of the Secretary of War.

Mr. PERKINS. Mr. President, I will ask the chairman of the committee if he will allow to be read a letter from the Secretary of War in relation to the matter?

Mr. VARDAMAN. I agree with the Senator from Colorado [Mr. THOMAS] that when this exposition was located in the city of San Francisco it was with the distinct understanding that this Government was not to be asked for an appropriation; and while I am not going to consume the time of the Senate, I simply want to register my protest against it.

The VICE PRESIDENT. The question is on agreeing to the amendment.

The amendment was agreed to.

The reading of the bill was resumed.

The next amendment of the Committee on Appropriations was, on page 162, after line 20, to insert:

The provisions contained in the act entitled "An act making an appropriation for the sundry civil expenses of the Government for the fiscal year ending June 30, 1914," which provides for the participation of the United States in the Panama-Pacific International Exposition be amended as follows: Under the head of "To provide for the participation of the United States in the Panama-Pacific International Exposition," the paragraph on page 81, which reads as follows: "The President of the United States is authorized to detail three civilian officers or employees from the executive departments as members of a commission which is hereby constituted as the National Exposition Commission; one of said commissioners, who shall be the chairman of said commission, shall be detailed from the Department of State. Vacancies in said commission shall be filled in the same manner as original appointments. Each commissioner shall receive in addition to his original compensation his actual necessary traveling expenses and an allowance of $10 per day in lieu of subsistence. Said commissioners may appoint a secretary at $2,500 per annum, and the sum of $15,000, or so much thereof as may be necessary, may be expended for clerical, office, and other necessary and actual expenses of said commission," and insert in lieu thereof the following: "The President of the United States is authorized to detail two civilian officers or employees from the executive departments and one from civil life as members of the commission, which is hereby constituted as the National Exposition Commission; one of said commissioners, who shall be the chairman of said commission, shall be detailed from the Department of State, the civilian commissioner to receive a salary of $5,000. Vacancies in said commission shall be filled in the same manner as original appointments. Each commissioner detailed as aforesaid shall receive, in addition to his original compensation, necessary traveling expenses and an allowance of $10 per day in lieu of subsistence. Said commissioners may appoint a secretary at $2,500 per annum, and the sum of $15,000, or so much thereof as may be necessary, for clerk hire and actual expenses of said commission."

Mr. MARTIN of Virginia. There is a little error in punctuation on line 8, page 163. In that line, after the word "commission," a comma should be inserted; at the end of line 8, after the word "commissioners," a comma should be inserted; and at the end of line 8, after the word "commissioners," the semicolon should be stricken out and a comma inserted.

The VICE PRESIDENT. In the absence of objection, the amendment will be so modified.

Mr. CUMMINS. Mr. President, I desire to ask the chairman of the committee whether I am right in construing the effect of this amendment to be that the change it makes in the law is that one of the commissioners may be appointed from outside of the Government service and is to receive a salary of $5,000 a year, whereas under the law as it now is three of the commissioners were to be detailed from the executive departments at Washington and were to receive nothing, except a subsistence allowance of $10 a day?

Mr. MARTIN of Virginia. That is correct.

Mr. CUMMINS. Mr. President, I make the point of order that this amendment——

Mr. OVERMAN. I trust the Senator will not do that.

Mr. MARTIN of Virginia. The Senator from North Carolina, who is more familiar with it than I am, will state the reasons for the change.

Mr. OVERMAN. Mr. President, there is no additional appropriation in this amendment at all. As the Senator from Iowa has said, the only change is that one of the commission

is to be appointed from civil life instead of three being detailed from the departments. That is all there is to it. The one appointed from civil life is to receive $5,000 a year.

Mr. CUMMINS. May I ask, then, where will the person who is to be appointed from civil life get his $5,000?

Mr. OVERMAN. That comes out of the appropriation. If the Senator has read it, he will see that this is an amendment to the bill appropriating $500,000.

Mr. CUMMINS. Precisely; but it adds just that much to the expense. If it were proper 13 months ago to create this commission from the executive departments of the Government, why is it not proper still?

Mr. OVERMAN. I will say, Mr. President, that the reason——

Mr. CUMMINS. I will be very glad to hear the reason.

Mr. OVERMAN. The reason is that if three men were detailed from the departments, probably one from the State Department, one from the Department of Commerce, and one from some other department, they would not be able to give all their time to the duties of the office of commissioner, but would have to go back and forth. It is necessary that there should be some one on the ground in San Francisco all the time to meet objections and pass upon questions that may arise in connection with exhibits.

I will say, further, that there was a gentleman appointed to this place as commissioner. The law, as it reads, requiring details to be made from the several departments cut him out. He now has his commission and is acting as commissioner, and has been so acting for a year.

Mr. CUMMINS. Where did he get the authority?

Mr. OVERMAN. Really there was no authority for it; but he was appointed commissioner, and he had been acting under a commission given to him—without due authority it is true—but I think it would be humiliating to him if he were not continued in this office where he has been working for a year. As I have said, this amendment does not add a dollar to the appropriation.

Mr. CUMMINS. But it adds to the expense.

Mr. OVERMAN. It takes that much money, amounting to $5,000, from the appropriation, but that amount is only given to one commissioner, who will be present in San Francisco all the time, whereas the officials of the departments who are detailed probably can not leave their work in Washington and can only go back and forth between San Francisco and Washington from time to time. That is the purpose of the provision. I think the Senator will agree with me that it is a wise thing to do, because questions are constantly arising in connection with space to be allotted at the exposition, and so forth, and there ought to be some one there all the time.

Mr. CUMMINS. Mr. President, does the Senator from North Carolina say that one of the three can not be there all the time?

Mr. OVERMAN. Whoever are detailed from the departments, Mr. President, will have to be some prominent officials. If only two are officials of the Government and the third is appointed from the outside, the two can go to San Francisco occasionally and in the meantime attend to their duties here in Washington, while the third, appointed from civil life, can remain in San Francisco. If one is there all the time, he can send, if it is necessary, for the others to come from Washington to pass upon the questions that may come before the board of commissioners for their decision. I hope the Senator will not make the point of order.

Mr. CUMMINS. In view of the explanation of the Senator from North Carolina, I will not make the point of order; but it is evident to me that it is intended to give another man a job, and that is all.

Mr. OVERMAN. I am perfectly candid about it.

Mr. CUMMINS. I wanted to be sure whether I was right that this amendment is simply to give a man not now in office a position under the Government.

Mr. OVERMAN. The Senator is perfectly right, except that it is not to give anybody an office who is out of office, but it is to take care of a man who has already been appointed to this position.

Mr. CUMMINS. Who made the mistake of appointing him?

Mr. OVERMAN. I do not know how the mistake was made, but a commission was issued to him. It was a mistake.

Mr. CUMMINS. I will not make the point of order.

Mr. KENYON. Mr. President, I should like to inquire if the salary of the commissioner appointed from the outside is to be $5,000 a year or $5,000 for the exposition?

Mr. OVERMAN. I do not know whether it says $5,000 per year or not; I think it does.

Mr. CUMMINS. It says he is "to receive a salary of $5,000."

Mr. OVERMAN. Five thousand dollars a year?

Mr. CUMMINS. It does not say whether it is to be for a year or for a month.

Mr. KENYON. Or for the exposition.

Mr. OVERMAN. We might say $5,000 per annum. I suggest that we add the words "per annum, until the close of the exposition."

Mr. GALLINGER. I suggest the insertion of the words "at the rate of."

Mr. OVERMAN. Very well; "at the rate of $5,000 per annum until the exposition closes."

Mr. SHAFROTH. I should like to ask the Senator who has just taken his seat whether the provision for $10 a day in lieu of subsistence means every day, whether he is employed on the work or not? There is no limitation as to that.

Mr. OVERMAN. I suppose he would be on the job every day, and his subsistence, like that of all officers of the Government when away from home, would be paid.

Mr. SHAFROTH. That may be so, but it reads:

> Each commissioner detailed as aforesaid shall receive, in addition to his original compensation, necessary traveling expenses and an allowance of $10 per day in lieu of subsistence.

Mr. OVERMAN. That was the same as the law passed in the last Congress; that is the law now; there is no change at all.

Mr. SHAFROTH. Does that mean that the commissioner, in order to draw his "in lieu of subsistence," has got to be on the job there, or can he be on the job here in Washington, where his ordinary duties are?

Mr. OVERMAN. I do not suppose he will be at Washington; that is, instead of making it $5 and $7 a day, as the law is in the case of all other employees, inasmuch as they are going to San Francisco it is made $10 a day when they go there.

Mr. SHAFROTH. It seems to me that the words "while on duty" might be put in there to make it clear.

Mr. OVERMAN. I have no objection to that.

Mr. SHAFROTH. I move an amendment, Mr. President, after the word "subsistence," to insert "while on duty."

Mr. JONES. I suggest that it read "while on duty in San Francisco."

Mr. SHAFROTH. Yes; "while on duty in San Francisco."

Mr. OVERMAN. I accept that amendment.

Mr. CUMMINS. Mr. President, this bill allows these commissioners, their clerks, I suppose, and so on, $10 a day for subsistence. When you come to treat of such men as compose the General Board of Appraisers at New York, who have to be away from New York part of the time, you cut down their subsistence to $5 or $6 or $7 a day. Why is that? Here is a board in New York consisting of the most capable and competent men, men of very high skill. They have to hold their court at Chicago sometimes, and——

Mr. OVERMAN. Not only that, but the heads of our departments who travel do not get more than $5 a day. I am not responsible for this, however. It was put in the last sundry civil bill.

Mr. CUMMINS. It could be changed here.

Mr. OVERMAN. Surely. I do not object to an amendment.

Mr. CUMMINS. I simply want to say that I do not believe $10 a day is too much. I do not believe a man can live in San Francisco and support himself properly and reputably and do honor to his country upon much less than $10 a day; but I do think that cutting down the subsistence of these high officers under the customs service is a great mistake. I know they can not live upon the allowance that is made here, and the result is that there is a constant inroad upon their salaries. When it comes to that, I think the committee ought to be consistent and raise them or cut these, one of the two; and I leave it to the committee to do whatever it thinks best in that regard.

Mr. THOMAS. Mr. President, I would suggest to the committee that after the word "necessary," on line 8, page 164, it insert the words "to be expended." That would follow the phraseology of the subsequent section, and at the same time would make it intelligible.

Mr. MARTIN of Virginia. I agree to that amendment.

The VICE PRESIDENT. The question is on the three proposed amendments.

Mr. BURTON. What is the question?

The VICE PRESIDENT. The question is on the three proposed amendments to the amendment of the committee.

The amendments were agreed to.

The VICE PRESIDENT. The question now is on the amendment as amended.

Mr. BURTON. Mr. President, I wish to call attention to three points in the substituted paragraph which are indefinite or am-

biguous. One has already been mentioned. Beginning on line 19, page 163, the paragraph reads as follows:

The President of the United States is authorized to detail two civilian officers or employees from the executive departments and one from civil life as members of the commission—

And so forth.

The appointing power does not detail men from civil life; he appoints. The two first mentioned are detailed. They are already in the Government service.

Mr. MARTIN of Virginia. I accept the amendment. I agree to the insertion there of the words "and shall appoint."

Mr. BURTON. I would suggest this phraseology: Substitute for the word "and" in line 21 a comma and the word "also," and after the word "one" insert the words "to be appointed."

Mr. MARTIN of Virginia. I agree to the amendment.

The VICE PRESIDENT. The question is on agreeing to the amendment to the amendment.

The amendment to the amendment was agreed to.

Mr. BURTON. The next is in line 24:

One of said commissioners, who shall be the chairman of said commission, shall be detailed from the Department of State, the civilian commissioner to receive a salary of $5,000.

Reference has been made above to "two civilian officers or employees." I take it that this term "civilian commissioner" is intended to describe the status of the one appointed from civil life, is it not?

Mr. OVERMAN. Yes.

Mr. BURTON. You have spoken just above of "two civilian commissioners."

Mr. OVERMAN. "Officers or employees."

Mr. BURTON. Well, "two civilian officers or employees," who would be the civilian commissioners. I suggest there the use of the words "the commissioner appointed from civil life," instead of the words "the civilian commissioner."

Mr. MARTIN of Virginia. That is agreeable to me.

The VICE PRESIDENT. The question is on agreeing to the amendment to the amendment.

The amendment to the amendment was agreed to.

Mr. BURTON. I believe attention has been called to the other point—"to receive a salary of $5,000." It is indefinite as to whether it is per annum or for the entire service.

Mr. MARTIN of Virgina. I move to insert the words "per annum." That will make it clear.

The VICE PRESIDENT. The question is on agreeing to the amendment to the amendment.

The amendment to the amendment was agreed to.

The amendment as amended was agreed to.

Mr. GALLINGER. Mr. President, it is manifest that the consideration of this bill can not be concluded this evening.

Mr. MARTIN of Virginia. Mr. President, I hope the Senator will give us a few more minutes. I think there is very little left in the bill now. I do not see any reason why we should not complete the bill to-night.

Mr. CUMMINS. I should like to suggest that there is something in the bill that will meet with opposition. I refer especially to the proposed amendment of the committee on page 184. I know that that amendment will lead to considerable debate. That is the proposition to take $500,000 of the funds of the Panama Railroad Co. and devote it to the payment of the expenses of Members of Congress when they visit the Panama Exposition.

Mr. GALLINGER. I was about to suggest, as the bill can not be concluded this evening—I have assurances from various Senators that it will not be—that we have been here almost seven hours, but if the Senator wishes to continue until 6 o'clock I have no objection.

Mr. MARTIN of Virginia. I should be glad if we could have a few minutes more and go along as far as we can.

Mr. GALLINGER. That is all right.

The reading of the bill was resumed.

The next amendment of the Committee on Appropriations was, on page 165, after line 14, to insert:

The Government Exhibit Board, for which provision was made in the sundry civil act approved June 23, 1913, shall, after consultation by correspondence or otherwise with the heads of the executive departments and the Regents of the Smithsonian Institution, the Isthmian Canal Commission, the Interstate Commerce Commission, the Civil Service Commission, the Commissioners of the District of Columbia, the American National Red Cross, the Commission of Fine Arts, the Librarian of Congress, the Public Printer, the Governor of Porto Rico, the Governor of Alaska, the Governor of Hawaii, and the United States Geographic Board, determine the nature, character, and extent of the exhibits of the United States Government to be made at the Panama-Pacific International Exposition, to be held at San Francisco, Cal., in 1915, and shall be charged with the selection, purchase, preparation, safe-keeping, exhibition, and return of such articles and materials as said board may decide shall be exhibited; and the said board is empowered to select, purchase, and exhibit articles or materials representing the activities of any department, office, commission, or organization named in this paragraph.

The amendment was agreed to.

The next amendment was, on page 166, after line 11, to insert:

MACDONOUGH MEMORIAL.

For the erection of memorials at or near Plattsburg, N. Y., in commemoration of the victory of Commodore Thomas Macdonough on Lake Champlain, in September, 1814, $15,000 of the sum herein appropriated to be paid to a commission appointed by the State of Vermont, and the remainder to a commission appointed by the State of New York, the whole to be applied only with the approval of a commission of three to be appointed by the President of the United States, of whom one shall be chosen from the Army and one from the Navy to represent the National Government in the erection of the proposed memorial: *Provided*, That no part of the said appropriation shall be paid out of the Treasury until after the State of New York shall have appropriated a sum not less than $125,000 for the said memorial and celebration, $250,000.

Mr. THOMAS. Mr. President, I desire to make a point of order against that amendment, on the ground that it adds a new item of appropriation to the bill, that it is general legislation, and that no estimate has been made for it.

Mr. GALLINGER. Mr. President, will the Senator withhold his point of order, as this matter will probably go over, until to-morrow, and let us look into it a little more carefully?

Mr. THOMAS. Certainly.

Mr. GALLINGER. Personally I feel very anxious to have this appropriation made, and I hope a point of order will not be made against it; but let it go over.

Mr. MARTIN of Virginia. I ask that it may be passed over for the present.

Mr. THOMAS. I am willing to do that, with the understanding that I can renew the point of order.

Mr. GALLINGER. Oh, certainly.

The VICE PRESIDENT. The amendment will be passed over.

The reading of the bill was resumed.

The next amendment of the Committee on Appropriations was, on page 167, after line 3, to insert:

UNDER DEPARTMENT OF STATE.

PERMANENT INTERNATIONAL COUNCIL FOR THE EXPLORATION OF THE SEA.

For the pro rata share of the United States in the administrative expenses of the Permanent International Council for the Exploration of the Sea, in the interest of the commercial fisheries, $5,956.

The amendment was agreed to.

The next amendment was, under the head of "Under legislative," on page 167, line 26, after the word "stables," to insert "including purchase of power lawn mower," so as to make the clause read:

Botanic Garden: For general repairs to buildings, heating apparatus, painting, glazing, repairs to footwalks and roadways, general repairs to packing sheds, storerooms, and stables, including purchase of power lawn mower, under the direction of the Joint Committee on the Library, $6,000.

The amendment was agreed to.

The next amendment was, on page 168, after line 2, to insert:

The unexpended balance of the appropriation of $2,500 made in the sundry civil act for the fiscal year 1912 and subsequently made available for the fiscal years 1913 and 1914, for removing fence and wall around the Botanic Gardens and such grading, soiling, seeding, and sodding as may be incident thereto, is hereby reappropriated and made available for the same purposes for the fiscal year 1915: *Provided*, That the work herein authorized shall be completed on or before January 1, 1915.

The amendment was agreed to.

The next amendment was, on page 168, after line 13, to insert:

Senate Office Building: For maintenance, miscellaneous items and supplies, and for all necessary personal and other services for the care and operation of the Senate Office Building, under the direction and supervision of the Senate Committee on Rules, $55,000.

The amendment was agreed to.

The next amendment was, on page 168, after line 18, to insert:

For furniture for Senate Office Building and labor and material incident thereto, including carpets, window shades, awnings, etc., $5,000.

The amendment was agreed to.

The next amendment was, on page 168, after line 21, to insert:

For the Capitol: For repairs, improvements, and equipment for Senate kitchens and restaurants, Capitol Building and Senate Office Building, including personal and other services, to be expended by the Superintendent of the Capitol Building and Grounds, under the supervision of the Committee on Rules, United States Senate, $17,500.

The amendment was agreed to.

The next amendment was, on page 169, after line 2, to insert:

The unexpended balance of the appropriation made in the sundry civil act for the fiscal year 1912, to provide suitable transportation for freight and other purposes in the subway leading from the Capitol to the Senate and House Office Buildings and in the sub-basement corridors of the Senate and House Office Buildings, and for each and every purpose connected therewith, including temporary operation, is hereby reappropriated and made available for the fiscal years 1914 and 1915 for the maintenance and repair of motor-propelled vehicles used in said subway.

The amendment was agreed to.

The next amendment was, under the head of "The Panama Canal," on page 184, line 2, after the word "Isthmus," to strike out "and for expenses of the official representation of Congress attending the formal opening of the canal" and insert "*Provided*, That the Secretary of War may make use of the equipment and funds of the Panama Railroad Co. for the purpose of transportation and other necessary expenses incident to the official representation of Congress attending the formal opening of the canal," so as to make the clause read:

Seventh. For pay of officers and employees of the department of civil administration, including foremen, subforemen, skilled and unskilled labor, watchmen, messengers, and storekeepers, of the departments of civil administration and law, including those necessarily and temporarily detailed for duty away from the Isthmus: *Provided*, That the Secretary of War may make use of the equipment and funds of the Panama Railroad Co. for the purpose of transportation and other necessary expenses incident to the official representation of Congress attending the formal opening of the canal, $500,000.

Mr. CUMMINS. Mr. President, I ask that that amendment may be passed over.

Mr. MARTIN of Virginia. It can go over.

The VICE PRESIDENT. The amendment will be passed over.

The next amendment of the Committee on Appropriations was, on page 186, line 4, after the word "expended," to insert "*Provided*, That all expenditures from the appropriations heretofore, herein, and hereafter made for the construction of the Panama Canal, including any portion of such appropriations which may be used for the construction of dry docks, repair shops, yards, docks, wharves, warehouses, storehouses, and other necessary facilities and appurtenances, for the purpose of providing coal and other materials, labor, repairs, and supplies, for the construction of office buildings and quarters, and other necessary buildings, exclusive of fortifications and colliers, and exclusive of the amount used for operating and maintaining the canal, and for the permanent organization after the canal is opened for use and operation, may be paid from or reimbursed to the Treasury of the United States out of the proceeds of the sale of bonds authorized in section 8 of the said act approved June 28, 1902, and section 39 of the tariff act approved August 5, 1909," so as to make the clause read:

In all, $20,718,000, the same to be immediately available and to continue available until expended: *Provided*, That all expenditures from the appropriations heretofore, herein, and hereafter made for the construction of the Panama Canal, including any portion of such appropriations which may be used for the construction of dry docks, repair shops, yards, docks, wharves, warehouses, storehouses, and other necessary facilities and appurtenances, for the purpose of providing coal and other materials, labor, repairs, and supplies, for the construction of office buildings and quarters, and other necessary buildings, exclusive of fortifications and colliers, and exclusive of the amount used for operating and maintaining the canal, and for the permanent organization after the canal is opened for use and operation, may be paid from or reimbursed to the Treasury of the United States out of the proceeds of the sale of bonds authorized in section 8 of the said act approved June 28, 1902, and section 39 of the tariff act approved August 5, 1909.

Mr. CUMMINS. Mr. President, I do not know that I am at all opposed to this amendment, but I should like a little information with regard to it. It is this:

Is it proposed that we shall expend our money in and about the Panama Canal, so as to be able to supply foreign ships, just as we supply our own ships, with anything they may desire to buy and that may be necessary or useful in commerce? In other words, does the Committee on Appropriations put upon the Hay-Pauncefote treaty the construction, that has been sometimes contended for, that if we supply coal or food to our own ships at the canal, we must also provide the facilities that will be necessary to supply all other ships with the same things? Is that one of the conditions which must be equal and similar as respects our commerce and foreign commerce?

I think we ought to know now how we construe the Hay-Pauncefote treaty in that respect. If it is our duty to create there an immense depot in order to supply all the ships that may pass through the Panama Canal as we supply our own, then a certain appropriation is required, and a very large one, probably; but if we do not recognize that obligation, we need not appropriate nearly so much money for that purpose nor enter upon a policy of appropriating money for that purpose, as though our obligation were wider.

I should like to know what the view of the chairman of the committee is in respect to our duty in and about the Panama Canal with reference to supplying the world with whatever it may desire to buy there.

Mr. MARTIN of Virginia. Mr. President, I had not adverted to that question; but on the spur of the moment I can not conceive that there is anything in the Hay-Pauncefote treaty that would impose upon us any such obligation as furnishing coal or anything else to foreign ships if we did not choose to do it. I will say in addition to that, however, that this is a provision—and that is one reason why I have not scanned it carefully—that was in the law passed in 1914, and it was reinserted in this bill by the House committee, but it went out on a point of order. Of course it is an open question for Congress to do as it sees fit about it.

Mr. CUMMINS. I knew that it was formerly in the bill, but I think the time has come now when we must determine what this treaty means with regard to our obligations to foreign commerce.

Mr. MARTIN of Virginia. I think it would be well to pass this amendment until to-morrow morning, as it is perfectly evident that we shall not finish it to-night anyhow.

Mr. CUMMINS. I should be glad to have it passed over.

Mr. SMOOT. I should like to have the Senator pass it over, because there is another question involved in the amendment that I should like to discuss to-morrow also.

Mr. MARTIN of Virginia. It can go over until to-morrow morning.

The VICE PRESIDENT. The amendment will be passed over.

Mr. VARDAMAN. Mr. President, I wish to enter a motion to reconsider the vote by which the appropriation was made for the Panama Exposition. I shall not ask to have it settled this afternoon, but I want to enter the motion now.

Mr. MARTIN of Virginia. There are but few committee amendments left. We are near the end of the bill, and we might go through with those so as to finish the committee amendments, except those which have been passed over.

The next amendment was, in section 9, page 195, line 24, after the word "the," to insert "Attorney General and the," so as to make the section read:

SEC. 9. Appropriations herein for printing and binding shall not be used for any annual report or the accompanying documents unless the head of each executive department or other branch of the public service or the Commissioners of the District of Columbia making such a report shall furnish copy to the Public Printer in the following manner: Copies of the documents accompanying such annual reports on or before the 15th day of October of each year; copies of the annual reports on or before the 15th day of November of each year; and complete revised proofs of the accompanying documents and the annual reports on the 10th and 20th days of November of each year, respectively. The provisions of this section shall not apply to the annual reports of the Attorney General and the Smithsonian Institution.

The amendment was agreed to.

The next amendment was, in section 13, page 197, line 23, after the word "exceeding," to strike out "$4" and insert "$6," so as to read:

SEC. 13. That the heads of executive departments and other Government establishments are authorized to prescribe per diem rates of allowance not exceeding $6 in lieu of subsistence to persons engaged in field work or traveling on official business outside of the District of Columbia and away from their designated posts of duty when not otherwise fixed by law.

The amendment was agreed to.

The next amendment was, on page 198, line 4, after the word "allowances," to insert the following proviso: "*Provided*, That internal-revenue agents appointed under the act of October 3, 1913, entitled 'An act to reduce tariff duties and to provide revenue for the Government, and for other purposes,' shall receive compensation of not to exceed $7 per day, and for per diem in lieu of subsistence when absent on duty from their legal residence said agents shall receive, at a rate to be fixed by the Secretary of the Treasury, not exceeding $3 per day, and that internal-revenue inspectors appointed under said act of October 3, 1913, shall receive compensation of not to exceed $5 per day, and for per diem in lieu of subsistence not exceeding $3 when absent on duty from their legal residence, compensation and per diem in lieu of subsistence to be fixed by the Secretary of the Treasury," so as to read:

For the fiscal year 1916 and annually thereafter estimates of appropriations from which per diem allowances are to be paid shall specifically state the rates of such allowances: *Provided*, That internal-revenue agents appointed under the act of October 3, 1913, entitled, etc.

Mr. GALLINGER. Mr. President, I think I am correct in assuming that these internal-revenue agents were appointed without reference to the provisions of the civil-service laws. Am I correct?

Mr. MARTIN of Virginia. I think the Senator is correct.

Mr. GALLINGER. The provision has been used, to my knowledge, to appoint at least one man who ought never to have been appointed to any position, and who would not have been appointed through the civil service.

Mr. President, I am considerably disturbed about this question of the civil service. I think it is about time that we either stood by the law or repealed the law. I clipped from a morning paper the following:

TO PROBE TRADE CONDITIONS.

President Wilson, by Executive order published to-day, amended the civil-service rules so as to permit the appointment, without examination, of the 14 commercial experts provided for in the legislative appropriation act which became a law last week.

These experts will investigate trade conditions abroad and in the United States, including the insular possessions, with a view to determining the cost of production at home and abroad.

Mr. OVERMAN. How can that be, Mr. President? That act has not become a law. The legislative bill has not passed yet.

Mr. GALLINGER. I understand, but it is going to pass. It seems that the President, if this clipping is correct, anticipated the actual passage of the law and exempted these high-priced officials, 14 in number. In other words, 14 good Democratic workers will get these positions without any reference to the civil-service law just as these men have received their appointments and, as I believe, largely because of their political activity to these high places—$7 a day and $3 for subsistence—to look into matters connected with the internal revenue, I believe in reference to the income tax.

I call attention to this, Mr. President, for the reason that I wrote at my desk this morning, and it is in my desk now, for I did not have an opportunity to offer it, a resolution asking for a statement as to how many officials of this kind have been appointed outside of the civil-service law during the Sixty-third Congress. It is a very large number, and if we are going to ignore the civil-service law every time we come to a point where we are to select 14 or 20 or 40 or 50 men, more or less, to do work that could be done by men who are on the rolls of the Civil Service Commission, who have taken an examination and who ought to have consideration, it looks to me as though it is a bad condition of things.

Mr. OVERMAN. Will the Senator yield to me?

Mr. GALLINGER. With pleasure.

Mr. OVERMAN. The Senator knows that the statement in that clipping can not possibly be true, because there are no such officers created as special agents, and the President could not have issued that order. No such office is in existence and will not be until the bill shall have passed both Houses and been signed by both presiding officers and signed by the President. So the clipping can not be true.

Mr. GALLINGER. It is a bare possibility that it is anticipatory. That it will happen precisely as the clipping suggests I apprehend is correct; but whether that be so or not, the scores of places that have been exempted from the operation of the civil-service law during the past month or two are rather alarming to me. I am not a great stickler for the civil-service law either, but I do really think that if we are going to emasculate the law by Executive order or by exempting such employees from the terms of that law it is about time for us to have a careful inquiry made into the matter. I hope that the Senator from Iowa [Mr. CUMMINS], who has taken a great deal of interest in civil-service matters and who was the chairman of the committee when we were in the majority, will look into it and see whether we are going along correct lines or not.

Mr. CUMMINS. If that is a question, I respond that we are going, as I said the other day, as rapidly away from the civil-service system as we can go.

I rise to ask whether the amendment on page 197, line 23, was overlooked. I did not hear it referred to in the reading of the bill.

The VICE PRESIDENT. It was read and agreed to.

Mr. CUMMINS. I was sitting here and I did not hear it read. I should like to have it reconsidered. I think it covers the point I suggested a moment ago.

Mr. MARTIN of Virginia. If the Senator wishes to be heard on that amendment, I have no objection to its reconsideration, and let it go over until morning.

Mr. CUMMINS. It has come to my attention that men I had in mind who fill the office of a general board of appraisers are called to Chicago, San Francisco, and other places in which a large amount of business is done, and if I understand it aright they would be limited in this bill to $6 a day for subsistence.

Mr. MARTIN of Virginia. That is correct. The committee fixed it at $6 a day.

Mr. CUMMINS. I do not think that is sufficient. It is a maximum, at any rate, and the head of the department has authority over it. I wanted to suggest an amendment raising it to at least $8 per day.

Mr. GALLINGER. Does not this refer to the subordinates who are detailed for work in the field?

Mr. CUMMINS. No; it says:

That the heads of executive departments and other Government establishments are authorized to prescribe per diem rates of allowance not exceeding $6 in lieu of subsistence to persons engaged in field work or traveling on official business outside of the District of Columbia and away from their designated posts of duty when not otherwise fixed by law.

Mr. MARTIN of Virginia. I ask unanimous consent that the vote may be reconsidered by which the amendment was adopted.

The VICE PRESIDENT. Without objection, it is reconsidered.

Mr. MARTIN of Virginia. Now, I ask——

Mr. CUMMINS. I move to insert "$8" in lieu of "$6," and it goes over until to-morrow.

Mr. MARTIN of Virginia. It goes over until to-morrow, and also the last amendment.

Mr. GALLINGER. I ask that the last amendment may go over until to-morrow.

Mr. MARTIN of Virginia. I have just requested that it go over until to-morrow. I desire to give notice that to-morrow morning, after the completion of the routine business, I will ask the Senate to resume the consideration of this bill.

Mr. NEWLANDS. I should like to offer an amendment to come in after line 18, on page 198. It is to insert:

The commissioner, assistant commissioner, and members of the United States Board of Mediation and Conciliation while traveling on duty or engaged in the work of mediation and conciliation outside of the District of Columbia shall be allowed actual and necessary expenses for subsistence without regard to the limitation as to amount found in the second paragraph of that portion of the urgent deficiency act approved April 6, 1914, which relates to the Commission on Industrial Relations.

Mr. CUMMINS. We have not finished the committee amendments.

Mr. MARTIN of Virginia. The Senator can offer it and let it go over to be considered after we complete the committee amendments.

Mr. NEWLANDS. I should like in connection with the amendment to have a letter to the chairman of the Committee on Appropriations from Mr. Chambers, the chairman of the Board of Mediation and Conciliation, regarding this item of subsistence printed in the RECORD.

Mr. MARTIN of Virginia. The Senator wishes to have it go in the RECORD?

Mr. NEWLANDS. I should like to have it go in the RECORD. I send it to the desk so that it may be incorporated in the RECORD.

The VICE PRESIDENT. Without objection, it will be so ordered.

The letter referred to is as follows:

UNITED STATES BOARD OF MEDIATION AND CONCILIATION,
Washington, July 6, 1914.

HON. THOMAS S. MARTIN,
Chairman Committee on Appropriations,
United States Senate, Washington, D. C.

MY DEAR SENATOR: I beg to request that the item in the sundry civil appropriation bill, now before your committee, making appropriation for the expenses of the United States Board of Mediation and Conciliation, be amended to exempt the Commissioner of Mediation and Conciliation, and the assistant commissioner and members of the United States Board of Mediation and Conciliation from the provisions of the urgent deficiency act of April 6, 1914, which limits the allowance for subsistence to $5, and to provide instead that the officials above named be allowed or paid their actual and necessary expenses for subsistence while traveling on duty outside of the District of Columbia.

In explanation of the above request, I beg to state that to limit the above officials to $5 per day for subsistence would prove of serious detriment to this service. Most of the cases brought to this board require the services of either the commissioner, the assistant commissioner, or a member of this board in one of the large cities, where suitable hotel accommodations in a central location convenient to the railroad officials and to the organization officials can not be secured within the limitation.

In connection with the work of mediation, it is necessary always to have a suitable room for the conferences with the parties to the controversy; and so far such accommodations have been furnished gratis by the hotels at which the mediators have stopped. In order to come within the $5 limitation of expenses for subsistence, it would be necessary in most cases for the mediator not only to secure hotel accommodations in a less convenient location, involving loss of time in getting into touch with the parties to the case and in carrying on negotiations, but also to hire a room for conferences, which in itself would cost more than the entire expenses for subsistence at present.

Cases come to this board only after the railroads and their employees have exhausted every other means of composing their differences, and when the controversy has reached a critical point, threatening to terminate in a strike and consequent stoppage of operation and inconvenience to the public. It is imperative that the mediator act quickly and get promptly into touch with the railroad officials on the one hand and the committee of the employees on the other. It is believed that the limitation in expense of subsistence would prove a serious handicap to this work, and that in the end the cost of mediation would thereby actually be increased.

Mediation sessions are held in large cities, more frequently in New York and Chicago than elsewhere, but not infrequently in Cleveland, Ohio; St. Louis, Mo.; Denver, Colo.; Portland, Oreg.; San Francisco, Cal.; Houston, Tex.; and Atlanta, Ga. Practically all of the southeastern cases are heard in the offices at Washington. It is almost always inconvenient to get the use of a court room in the Federal buildings of these cities, as controversies are appealed to this board unexpectedly, leaving no opportunity for the appointment of dates and the arrangement for rooms in Federal buildings, which arrangements must be made through the Office of the Supervising Architect of the Treasury, and take several days to complete, and sometimes it would be impossible under any conditions to secure a court room. Mediation hearings always necessitate a room of much larger dimensions than the rooms of an ordinary hotel, and it is only at the large, first-class hotels that such audience rooms can be had, and such hotels furnish us ample rooms without charge. In most cases we have required rooms with

a seating capacity for 50 or more men, and it is a rare case that there are less than 20, as both sides to the controversy are represented by large committees. Such audience rooms as these hotels furnish us for hearings would probably cost not less than $20 per day on an average. In the case of one hotel furnishing this board a room free of charge, we learn that for other purposes it is rented at $50 per day. I do not recall an instance where it would have been practicable to secure proper sleeping accommodations and meals at any of these first-class hotels within $5 per day. The character of service rendered in these mediation sessions is, perhaps, of not less importance than that rendered by a circuit judge when absent from his home, and who is allowed $10 per day, besides travel expenses, for subsistence. Permit me to illustrate the situation: Judge Knapp, who is a member of this board, is also a circuit judge of the United States. When absent from home holding court he is allowed $10 per day for subsistence, besides travel expenses, while in holding mediation sessions, absent from home and rendering services of as equally important a character, he is limited by the urgent deficiency act of May 6, 1914, to $5 per day for subsistence. I do not suggest a per diem of $10 for subsistence, but that the commissioner, the assistant commissioner, and members of this board should be allowed their actual and necessary expenses when absent from Washington on mediation work.

I would be glad to be heard in support of this request at any time it may suit the convenience of the committee.

Very respectfully,

W. L. CHAMBERS, *Commissioner.*

Mr. NEWLANDS. I wish to say in this connection, Mr. President, that it would be exceedingly embarrassing to the Board of Mediation and Conciliation to be limited to the small amount proposed for subsistence. The board also desires to be relieved from that provision in the urgent deficiency bill immediately following the section in the bill regarding the Commission on Industrial Relations, in which the allowance for subsistence is limited to $5 per day. Does the Senator from Virginia desire to discontinue the consideration of the bill now?

Mr. MARTIN of Virginia. Yes; I agreed to yield to the Senator from Indiana [Mr. KERN] to make a motion for an executive session.

Mr. NEWLANDS. Then I will not go on further.

Mr. KERN. I move that when the Senate adjourns to-day it be until to-morrow at 11 o'clock a. m.

The motion was agreed to.

EXECUTIVE SESSION.

Mr. KERN. I move that the Senate proceed to the consideration of executive business.

The motion was agreed to, and the Senate proceeded to the consideration of executive business. After five minutes spent in executive session the doors were reopened, and (at 6 o'clock and 15 minutes p. m.) the Senate adjourned until to-morrow, Wednesday, July 8, 1914, at 11 o'clock a. m.

NOMINATIONS.

Executive nominations received by the Senate July 7, 1914.

UNITED STATES DISTRICT JUDGE.

W. H. Seward Thomson, of Pittsburgh, Pa., to be United States district judge for the western district of Pennsylvania, vice James S. Young, deceased.

APPOINTMENTS IN THE NAVY.

Charles C. Galloway, a citizen of the District of Columbia, to be an assistant dental surgeon in the Dental Reserve Corps of the Navy from the 30th day of June, 1914.

Lyle H. Miller, a citizen of Michigan, to be a second lieutenant in the Marine Corps from the 1st day of July, 1914.

CONFIRMATIONS.

Executive nominations confirmed by the Senate July 7, 1914.

POSTMASTERS.

ARKANSAS.

James M. Crider, Winslow.
John W. Puckett, Rogers.
J. Lewis Ragsdale, Russellville.
Hugh F. Reagan, Fayetteville.
Ella H. Smith, Wynne.
S. J. Smith, Beebe.

COLORADO.

William F. Ordway, Dolores.

MAINE.

John P. Coughlin, Saco.
F. A. Pitts, Damariscotta.

MARYLAND.

John H. Blades, Pocomoke City.

MISSISSIPPI.

George C. Jackson, Belzoni.

NORTH DAKOTA.

John H. Fallon, Alexander.
J. P. Shahane, Souris.
R. B. Stewart, Bottineau.
Ben H. Wilkins, Plaza.
Frank E. Winmill, Stanton.
R. R. Zirkle, Westhope.

PENNSYLVANIA.

E. E. Fricker, Glenside.
Michael J. O'Connor, Trevorton.
Thomas Rorer, North Wales.

HOUSE OF REPRESENTATIVES.

TUESDAY, *July 7, 1914.*

The House met at 12 o'clock noon.

The Chaplain, Rev. Henry N. Couden, D. D., offered the following prayer:

We thank Thee, our Father in heaven, for the beautiful world in which Thou hast placed us, with its splendid opportunities to develop all that is purest, noblest, best in us; for our homes, with their sweet and tender affections; for our Republic, with its sacred institutions, which tend to the development of good citizenship; for our religion, which inspires to nobler life, binds us indissolubly to Thee, and makes the whole world kin. May we appreciate and strive earnestly to fulfill every obligation devolving upon us willingly and cheerfully. In the spirit of the Christ. Amen.

THE JOURNAL.

The Journal of the proceedings of yesterday was read.

Mr. GARDNER. Mr. Speaker, I should like to ask the Chair as to his recollection of the accuracy of the Journal in a certain respect. Yesterday the gentleman from Massachusetts [Mr. PHELAN] moved to suspend the rules and pass a certain resolution. The Chair said, after a second was demanded:

The gentleman from Massachusetts asks unanimous consent that a second be considered as ordered. Is there objection?

Now, the context a little further on shows that I, at least, thought that the Chair declared that there was no objection. The recollection of the gentleman from Illinois [Mr. MANN] is the same as mine, to the effect that the Chair declared there was no objection. If that is correct, then a second has been ordered on Mr. PHELAN'S motion, and the resolution will have a different status two weeks from now than it will have if the Journal is allowed to stand as it is at present. I should like to have the Speaker's own recollection of the matter, as to whether or not the Chair declared that there was no objection to considering a second as ordered on Mr. PHELAN'S resolution.

The SPEAKER. The Chair's recollection about it is that the gentleman from Massachusetts [Mr. PHELAN] moved to suspend the rules, and so forth, and before the Chair could ask if a second was demanded a second was demanded. Then the gentleman from Massachusetts [Mr. PHELAN] asked that a second be considered as ordered, and before the Chair could open his mouth or the gentleman from Massachusetts could shut his the gentleman from North Carolina [Mr. PAGE], standing right down here at the right, raised the point of no quorum.

Mr. GARDNER. Of course, the Chair's recollection settles it. My own impression was a little different. I should have said that the Chair hesitated a little while before the gentleman from North Carolina spoke.

The SPEAKER. The Chair did not get a chance to continue.

Mr. FITZGERALD. My recollection is that the Chair had not made the statement that there was no objection. If the Chair will indulge me, I think I appreciate what the gentleman from Massachusetts has in mind; but——

Mr. GARDNER. I am satisfied——

Mr. FITZGERALD. But as it is a matter wholly in the discretion of the Chair, I think that should be conclusive.

Mr. GARDNER. I have no objection to the approval of the Journal.

Mr. BARTON rose.

The SPEAKER. Does the gentleman from Nebraska want to correct the Journal?

Mr. BARTON. No.

The SPEAKER. Without objection, then, the Journal as read and corrected will stand approved.

The Journal was approved.

OWNERSHIP OF RAILROAD FROM ATCHISON TO WATERVILLE, KANS.

Mr. BARTON. Mr. Speaker, I rose to make a motion to discharge the Committee on Ways and Means from the further consideration of House resolution 295. This is a privileged resolution.

Mr. UNDERWOOD. Mr. Speaker, let the resolution be read.

The SPEAKER. The gentleman from Nebraska will send it to the desk. The Clerk will report it.

The Clerk read as follows:

House resolution 295.

Resolution directing the Secretary of the Treasury to send to the House of Representatives certain information.

Resolved, That the Secretary of the Treasury be directed to send to the House of Representatives the following information so far as this information is now contained in the files of the Treasury Department:

First. What corporation now holds title to the 100 miles of railroad extending from Atchison to Waterville, Kans., formerly owned by the Central Branch of the Union Pacific.

Second. Did the United States issue subsidy bonds to this railroad company to the amount of $1,600,000.

Third. If so, has the principal and interest been paid. If not, state the amount still due.

Fourth. Has the United States made demands upon the present owners of the said railroad for reports of its business.

Mr. UNDERWOOD. Mr. Speaker, reserving a point of order, the resolution does not seem to be in the usual form. I do not know how the resolution came to go to the Committee on Ways and Means, if it has gone there, as it is not one of those matters over which the Committee on Ways and Means has jurisdiction.

The SPEAKER. It was referred to that committee because it has to do with information concerning bonds.

Mr. UNDERWOOD. I see no objection, though, to the gentleman getting the information if he will make the resolution accord with the usual form and say, "If not incompatible with the public interest."

Mr. BARTON. I shall be pleased to make the amendment.

Mr. MANN. Mr. Speaker, will the gentleman yield?

Mr. UNDERWOOD. Yes.

Mr. MANN. We had some controversy about that form of a resolution some time ago. I took the trouble to look up the precedents, which are almost unanimously in favor of the proposition that a resolution addressed to the President or the Secretary of State in regard to foreign affairs must use the language "if not incompatible with the public interest." But other resolutions omit that phrase.

Mr. UNDERWOOD. Well, as the gentleman states, there are a great many resolutions that have been passed that have omitted it, but many have not; and I think it proper to have the clause in the resolution. I am sure the gentleman would not desire to pass the resolution without it.

Mr. GARNER. Mr. Speaker, will the gentleman yield?

Mr. UNDERWOOD. Yes.

Mr. GARNER. As a matter of privilege of this House I think all resolutions that go to any of the heads of departments other than the President or the Secretary of State ought to direct the giving of such information as this House may desire.

It seems to me it is going too far to say "if not incompatible with the public interest," because it is presumed at least that this House will not call for information that is incompatible with the public interest; and if it does call for information that is incompatible with the public interest it is easy enough for the head of the department, through the President, to advise the House that it is incompatible with the public interest.

Mr. UNDERWOOD. Mr. Speaker, I do not concur at all in the views of my friend from Texas. I notice in a captious press it is very often being stated now that the legislative department of the Government is being absorbed by the executive part of the Government. I believe in that old school of philosophy that the three departments of the Government—the legislative, the executive, and the judicial—should be separate and apart; but I do not think this House has any more right to direct the executive department of the Government what to do except by law——

Mr. GARNER. This makes it law——

Mr. UNDERWOOD. A law requires the concurrence of the Senate and the President. I do not think this House has any more right to direct the Executive than the Executive has to direct the legislative department what to do.

Mr. PAYNE. But he is doing it.

Mr. LANGLEY. Compelling us to stay here, for instance. [Laughter.]

Mr. UNDERWOOD. I hope the gentleman from New York will concur in my view.

Mr. FITZGERALD. There may be a very good reason why this particular resolution should contain the expression referred to by the gentleman from Alabama, because it calls on the Secretary of the Treasury to state whether any litigation has been commenced against a corporation, and if so, what action has been taken by the Treasury Department. If litigation be pending, perhaps it might be unwise or incompatible with the public interest to have that disclosed; but outside of such a situation I think there should be no misunderstanding, not only as to the right but the duty of this House to compel executive departments to furnish information when it seems necessary for the transaction of the public business; and, moreover, the Treasury Department is one of the executive departments which by the law creating it is required to submit its reports not to the President, but to the Congress direct.

It may be sound public policy not to insist upon certain information in this particular resolution, if there be litigation pending, regardless of the effect it might have upon the public interest; but I think my friend from Alabama [Mr. UNDERWOOD] will agree that we ought to maintain and insist upon the prerogatives of the House. I recall an occasion when one of the bodies of Congress called upon the Commissioner of Corporations in a recent administration to furnish certain information, and because the law provided that certain records should be transmitted by the Commissioner of Corporations to the President, who could withhold them, as soon as the resolution was adopted that information was sent to the White House and the President declined to furnish it to the branch of the legislature requesting it—not, in my opinion, because any good public purpose was served by that action, but in order to prevent certain disclosures being made that might have been detrimental to the political welfare of the party then in power.

Mr. MANN. Mr. Speaker, if the gentleman from Alabama will yield for a moment.

Mr. UNDERWOOD. I will yield to the gentleman.

Mr. MANN. On several occasions when this matter has arisen, both in the House and in the Senate, each body has stricken out of resolutions the words "if not incompatible with the public interest," because both Houses maintained the authority to direct the head of the department to send the information. That is an old, old matter.

So far as this resolution is concerned I have no objection to the amendment, but I would not want it to be taken——

Mr. GARNER. As a precedent.

Mr. MANN. I would not want it to be understood that all the Members of the House agree that those words should be inserted in all resolutions of inquiry.

Mr. UNDERWOOD. I have no objection to that. The resolution was referred to the committee of which I am chairman, and I have not had opportunity to talk with the Secretary of the Treasury about it. I think it is subject to a point of order, which I have reserved, but I am perfectly willing that the gentleman may get the information if he is willing to amend his resolution so that if the Secretary determines it is not compatible with the public interest he will not have to send it down.

Mr. BARTON. Mr. Speaker, I ask unanimous consent that the resolution be amended by incorporating the words "if not incompatible with the public interest."

The SPEAKER. The gentleman from Nebraska asks unanimous consent that the resolution be amended by inserting the words "if not incompatible with the public interest."

Mr. GARRETT of Tennessee. Mr. Speaker, reserving the right to object, I should like to suggest to the gentleman from Nebraska that, in line 9 in the phrase "subsidy bonds," the word "subsidy" being used as an adjective, I presume it necessarily calls for an opinion on the part of the Secretary of the Treasury, and would therefore destroy the privileged character of the resolution. Now, I have no objection to the information which the gentleman seeks being furnished, but it seems to me that he ought to strike out the word "subsidy."

Mr. BARTON. The gentleman knows, and I know, that they were subsidy bonds. They were issued to railroads at that time, and generally written and conceded in that way. I have no objection to striking out the qualifying word. It was meant merely as a descriptive word. What I want is information as to the issue of bonds by the United States Government, and how many. I have no objection at all to making that change, and I ask unanimous consent to strike out the word "subsidy."

The SPEAKER. Is there objection to the request of the gentleman from Nebraska [Mr. BARTON] to insert after the word "directed," in line 1, the words "if not incompatible with the public interest"?

There was no objection.

Mr. GARRETT of Tennessee. Now the gentleman can make the other request.

Mr. BARTON. Mr. Speaker, I ask unanimous consent to strike out the word "subsidy" in line 9.

The SPEAKER. The gentleman from Nebraska asks unanimous consent to strike out the word "subsidy" in line 9. Is there objection?

There was no objection.

The SPEAKER. The gentleman moves to discharge the Committee on Ways and Means from further consideration of House resolution 295 and pass the same.

Mr. GILLETT. Mr. Speaker——

The SPEAKER. For what purpose does the gentleman rise?

Mr. GILLETT. I rise to address the House. I think the previous question has not been ordered.

Mr. UNDERWOOD. Mr. Speaker, I——

Mr. GILLETT. I just wish a moment.

Mr. UNDERWOOD. All right. I have the floor, and I will yield to the gentleman. How much time does the gentleman desire?

Mr. GILLETT. About two minutes.

Mr. UNDERWOOD. I yield to the gentleman from Massachusetts two minutes.

Mr. GILLETT. My attention was caught by what the gentleman from Alabama said, that he believed in the independence of the executive and legislative branches of the Government. I quite agree with him, and I think our independence has suffered under this administration; and it brought to my mind two instances in this Congress in which the gentleman from Alabama brought the influence of the President to bear upon this House. One was when the resolution was up which contemplated intervention in Mexico. I remember the gentleman from Alabama used as his argument for adopting that resolution that the President desired it.

I remember another instance last fall, when the gentleman from Alabama [Mr. UNDERWOOD], who disclaims the purpose of having the Executive influence legislative action as his reason for the House not adjourning, but continuing in session constantly, made the argument that the President of the United States desired it—purely a legislative action, an action which we ought to be able, it seems to me, to decide for ourselves. But the gentleman from Alabama, who now disclaims any desire or opinion that the Executive ought to influence the legislative branch of the Government in these two instances, gave the wish of the Executive as his reason for urging upon the House certain action. I cite these instances not with any purpose of reflecting upon the gentleman from Alabama, the very able and successful leader of the House, but as illustrating the encroaching influence of the Executive on the legislation in this administration.

Mr. UNDERWOOD. Mr. Speaker, I do not recall the second instance to which the gentleman refers. I do not know whether he is indulging in a real recollection of the fact or whether he is confusing me with somebody else.

Mr. GILLETT. I think the RECORD will confirm me.

Mr. UNDERWOOD. I have no recollection as to that; but as to the other instance, when the resolution was before the House authorizing the President of the United States to move troops into a foreign country, I did state that this House should uphold the hands of the Executive, and I am willing to stand by that at any time. [Applause on the Democratic side.]

Mr. GILLETT. But the gentleman went much further than that. He stated that his reason was that the President wished it.

Mr. UNDERWOOD. Oh, no.

Mr. GILLETT. I think the RECORD will bear me out in that.

Mr. UNDERWOOD. The gentleman does me an injustice.

Mr. GILLETT. I do not wish to do that.

Mr. UNDERWOOD. I did not think that after serving for 20 years in the House with the gentleman from Massachusetts he would accuse me at this late date of having to think through somebody else's intellect. I did say, however, as one of the reasons why the resolution should be adopted that the House was not informed as to the facts in Mexico; that it was impossible for the House to be informed as to the facts in Mexico; that we were in a foreign complication, where our men were being shot down in a foreign country, and there was no reason in the world, and there is not now, why we should not uphold the hands of the Executive under such circumstances.

Mr. MADDEN. Mr. Speaker, will the gentleman yield?

Mr. UNDERWOOD. Not now.

Mr. MADDEN. I would like to ask the gentleman a question.

Mr. UNDERWOOD. I can not yield. There is no reason why we should not uphold the hands of the Executive. It is one of those cases where we can not have parties, where each branch of the Government must stand up behind the Executive; but I do say that, when it comes down to merely legislative matters, I believe in respecting the authority of the Executive within the sphere fixed for it by the Constitution [applause] as much as I desire the Executive to respect the authority of the legislative branch of the Government within the scope and line fixed for it by the Constitution. [Applause.] Mr. Speaker, I move the previous question.

The previous question was ordered.

The SPEAKER. The question now is on agreeing to the resolution.

The resolution was agreed to.

EXTENSION OF REMARKS.

Mr. RAKER. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD on House bill 11745. I was under the impression that I had obtained that consent on yesterday, but I find on looking at the RECORD that I did not get in the RECORD.

The SPEAKER. The gentleman from California asks unanimous consent to extend his remarks in the RECORD. Is there objection?

Mr. MANN. Mr. Speaker, reserving the right to object, I will ask the gentleman from California upon what subject he desires to extend his remarks in the RECORD?

Mr. RAKER. On House bill 11745, the bill to provide for a certificate of title of homestead entry by a female American citizen who has intermarried with an alien, which passed the House yesterday.

Mr. MANN. That bill has passed the House. What does the gentleman want to insert in the RECORD now?

Mr. RAKER. I thought I had obtained consent yesterday, but on reading the RECORD I find that it does not appear.

Mr. MANN. The gentleman did not obtain the consent.

Mr. RAKER. I evidently did not get it as I intended.

Mr. MANN. No; the gentleman did not make the request. What does the gentleman want to insert in the RECORD on a bill that has already passed by unanimous consent—a long speech?

Mr. RAKER. No; I want to put in about 400 words on the subject.

Mr. MANN. I would like to know what the gentleman wants to put in the RECORD.

Mr. FITZGERALD. Mr. Speaker, I suggest that the gentleman submit his remarks to the gentleman from Illinois for examination in advance.

Mr. MANN. If the gentleman wants to insert some of his own remarks, he should be able to tell us what they are.

Mr. RAKER. Mr. Speaker, the report on the bill prepared by myself at the direction of the committee simply permitted those who have married foreigners to obtain title to land where they had already filed before the enactment of this bill. I have been, and am now, unalterably opposed to making it a general law that American women should marry those who are not citizens of the United States and have the right thereafter to obtain a homestead.

Mr. DONOVAN. Mr. Speaker, I demand the regular order.

The SPEAKER. The regular order is, Is there objection?

Mr. MANN. Mr. Speaker, I object.

LEAVE OF ABSENCE.

By unanimous consent, leave of absence was granted as follows:

To Mr. JOHNSON of Washington, for five days, on account of ill health.

To Mr. L'ENGLE, indefinitely, on account of illness.

INDIAN APPROPRIATION BILL.

Mr. STEPHENS of Texas. Mr. Speaker, I move that the House resolve itself into the Committee of the Whole House on the state of the Union for the further consideration of the bill H. R. 12579, the Indian appropriation bill.

The motion was agreed to.

Accordingly the House resolved itself into the Committee of the Whole House on the state of the Union for the further consideration of the Indian appropriation bill, with Mr. UNDERWOOD in the chair.

The CHAIRMAN. The first amendment was reported before the committee rose when the bill was last under consideration.

Mr. STEPHENS of Texas. Mr. Chairman, unanimous consent was obtained on the last day when this bill was under consideration that amendment 139, known as the Mississippi-Choctaw amendment, should be considered before the other amendments were considered.

The CHAIRMAN. That amendment was reported to the committee before the committee rose at the last meeting, and is now before the House.

Mr. STEPHENS of Texas. Mr. Chairman, I have moved to disagree to all of the Senate amendments and ask for a conference.

Mr. BURKE of South Dakota. Mr. Chairman, that motion is not now in order.

The CHAIRMAN. The Chair will state that it is not now time to move for a conference. The gentleman now moves to disagree to the Senate amendment.

Mr. STEPHENS of Texas. This amendment.

Mr. BURKE of South Dakota. Mr. Chairman, the Chair stated that this amendment 139 was read before the committee rose on the last day when the bill was under consideration. I think the Chair is in error. The first amendment was the amendment that was read when the committee rose, as I recall,

and under the special order amendment 139 is now in order, but has not been read.

The CHAIRMAN. The Chair will call to the attention of the gentleman from South Dakota that he is mistaken as to the fact. The Clerk stands for the statement made by the Chair that it was amendment 139 which was read.

Mr. STEPHENS of Texas. The Chair is correct; it was read.

Mr. HARRISON. Mr. Chairman——

The CHAIRMAN. The question now before the committee is the motion of the gentleman from Texas.

Mr. HARRISON. Mr. Chairman, I desire to offer a preferential motion, to move to concur in Senate amendment numbered 139.

The CHAIRMAN. The gentleman from Mississippi makes a preferential motion to concur in the Senate amendment.

Mr. CARTER. A parliamentary inquiry, Mr. Chairman.

The CHAIRMAN. The gentleman will state it.

Mr. CARTER. When the time is fixed for debate, which can be done by unanimous consent upon this amendment, I assume that the gentleman in charge of the bill will open and close debate, will he not?

The CHAIRMAN. That is the custom in the committee.

Mr. MANN. This is under the five-minute rule; nobody has time.

Mr. CARTER. I said if there was an agreement as to time.

Mr. MANN. That would depend upon what the agreement was.

Mr. STEPHENS of Texas. I desire to make an agreement with the gentleman from Mississippi as to what time should be consumed. I would like to know what time he will desire?

Mr. HARRISON. I will say we are willing to make any agreement. I should judge an hour on a side ought to be sufficient—half an hour on a side.

Mr. MANN. I suggest we want more time over here; we want more than half an hour on this side.

Mr. MILLER. Mr. Chairman, a parliamentary inquiry.

The CHAIRMAN. The gentleman will state it.

Mr. MILLER. The gentleman from Mississippi has moved to disagree to the Senate amendments.

Mr. STEPHENS of Texas. Including this one.

Mr. MANN. That motion is not in order.

Mr. HARRISON. My inquiry was, if that motion is in order.

The CHAIRMAN. The Chair understood the gentleman from Texas to make the motion to disagree to the Senate amendment. The gentleman from Mississippi made a preferential motion to concur. That is the parliamentary status before the committee at this time. Has the gentleman from Texas a request to make in regard to the disposition of time?

Mr. STEPHENS of Texas. We would want on this side, I understand, two hours.

Mr. HARRISON. The gentleman means for his motion to disagree to the Senate amendments?

Mr. STEPHENS of Texas. One hour to be used by the majority and one hour by the minority.

Mr. HARRISON. That is agreeable to me if it is agreeable to the gentleman over there.

Mr. MANN. We want about an hour on this side.

Mr. HARRISON. I want to say out of whatever time I get I will yield to gentlemen over there.

Mr. MANN. We might not want it from the gentleman from Mississippi.

Mr. STEPHENS of Texas. Then I will change my request and make it one hour to be controlled by myself, one hour by the gentleman from Mississippi, and one hour by the gentleman from South Dakota [Mr. BURKE].

Mr. HARRISON. Mr. Chairman, this is——

The CHAIRMAN. Let the Chair state the question. The gentleman from Texas asks unanimous consent that debate on this amendment be closed at the end of three hours, one hour to be controlled by himself, one hour to be controlled by the gentleman from Mississippi [Mr. HARRISON], and one hour by the gentleman from South Dakota [Mr. BURKE]. Is there objection?

Mr. HARRISON. Mr. Chairman, reserving the right to object, this is a simple proposition; it is whether or not we want to disagree to the Senate amendment or concur in the amendment. There are no three sides to the proposition, and I think the time ought to be distributed equally as to the proponents of this particular proposition and the opponents of it, and I shall have to object to the request.

The CHAIRMAN. Objection is made.

Mr. MANN. I ask for the regular order.

Mr. STEPHENS of Texas. That restores the five-minute rule.

Mr. HARRISON. May I ask unanimous consent to make a request?

The CHAIRMAN. Does the gentleman from Texas yield?

Mr. STEPHENS of Texas. I yield for that purpose only.

Mr. HARRISON. I ask unanimous consent that debate on this question be limited to two hours and a half—one hour and a quarter to be controlled by the gentleman from Texas and an hour and a quarter by myself.

Mr. CARTER. Where does the request of the gentleman from Illinois and the gentleman from South Dakota come in?

Mr. MANN. I suppose the gentleman from Mississippi thinks there is no minority side. I object.

The CHAIRMAN. Let the Chair state the request. The gentleman from Mississippi asks unanimous consent that all debate on this pending amendment be closed in two and a half hours—one half the time to be controlled by the chairman of the committee and one half by himself. Is there objection?

Mr. MANN. I will have to object to that.

The CHAIRMAN. Objection is made. The gentleman from Texas is recognized.

Mr. CARTER. Mr. Chairman——

Mr. STEPHENS of Texas. Mr. Chairman, I yield to the gentleman from Oklahoma to make a unanimous-consent request.

Mr. CARTER. Mr. Chairman, I ask unanimous consent that time for debate on this amendment be limited to 2 hours—40 minutes to be controlled by the gentleman from Mississippi, 40 minutes by the gentleman from Texas [Mr. STEPHENS], and 40 minutes by the gentleman from South Dakota [Mr. BURKE].

The CHAIRMAN. The gentleman from Oklahoma asks unanimous consent that all debate on this pending amendment be closed in 2 hours—40 minutes to be controlled by the gentleman from Texas, the chairman of the committee, 40 minutes by the gentleman from Mississippi, and 40 minutes by the gentleman from South Dakota [Mr. BURKE]. Is there objection?

Mr. HARRISON. Mr. Chairman, reserving the right to object, I want to say I do not know what side the gentleman from South Dakota [Mr. BURKE] is on. It may be——

Mr. BURKE of South Dakota. I think, in fairness to the gentleman from Mississippi, that I ought to state that I do not favor the motion to recede and concur, but I do favor the motion made by the gentleman from Texas to disagree to the amendments of the Senate. I think it is only fair to make that statement.

Mr. HARRISON. That is giving them a double amount of time, and there are some gentlemen on this side who want to argue for my motion, and therefore may I ask the gentleman if he will not amend his motion to give 40 minutes to be controlled by the gentleman from Minnesota [Mr. MILLER].

Mr. MILLER. That will be an equal amount of time all around.

Mr. CARTER. If it will satisfy the gentlemen of the minority, I will change my request to this, Mr. Chairman: That there be 2 hours debate—40 minutes to be controlled by the gentleman from Texas [Mr. STEPHENS], 40 minutes by the gentleman from Mississippi [Mr. HARRISON], 30 minutes by the gentleman from South Dakota [Mr. BURKE], and 10 minutes by the gentleman from Minnesota [Mr. MILLER].

Mr. GARNER. Mr. Chairman, a parliamentary inquiry.

Mr. CARTER. I will make it 20 minutes each.

Mr. GARNER. Mr. Chairman, a parliamentary inquiry. Under the five-minute rule applying to this amendment there would be five minutes' debate on each side. The gentlemen ought to come to some conclusion pretty soon, or else the rule will be invoked.

Mr. MANN. The gentleman from Texas may have been at the ball game the other day when we had a gentlemen's agreement on this bill.

Mr. GARNER. I may have been, but I was in the company of the gentleman from Illinois.

Mr. MANN. We made it before we went.

Mr. STEPHENS of Texas. Mr. Chairman, I make the motion that I control 30 minutes, the gentleman from Mississippi [Mr. HARRISON] control 30 minutes, and that the gentleman from South Dakota [Mr. BURKE] control 30 minutes.

Mr. HARRISON. And the gentleman from Minnesota [Mr. MILLER] also to control 30 minutes.

Mr. STEPHENS of Texas. Then I will add that the gentleman from Minnesota [Mr. MILLER] have 30 minutes.

The CHAIRMAN. The gentleman from Texas [Mr. STEPHENS] asks unanimous consent, in lieu of the other request, that debate on this amendment be limited to 2 hours—30 minutes to be controlled by himself, 30 minutes by the gentleman from Mississippi [Mr. HARRISON], 30 minutes by the gentleman from

South Dakota [Mr. BURKE], and 30 minutes by the gentleman from Minnesota [Mr. MILLER]. Is there objection?

Mr. MANN. Reserving the right to object, I make the suggestion to the gentleman from Texas that he make it 40 minutes in place of 30 minutes in each case.

Mr. STEPHENS of Texas. That will extend the time 40 minutes.

Mr. FERRIS. Mr. Chairman, reserving the right to object, this is a wild amendment that went on in the Senate without the consideration of either branch of Congress, but I am not sure that we ought to have such time as is being apportioned to it. If we are going into it extensively, it will require some time; but I do not know that this amendment should be singled out and run over every other amendment that is of more importance, and unless the chairman feels keenly about it, I will object myself.

Mr. STEPHENS of Texas. I think that it will be better to agree to 40 minutes on a side, as has been suggested, rather than to run under the five-minute rule. My experience in this House has been that when we run under the five-minute rule we run over the time that should be allowed.

The CHAIRMAN. Does the gentleman from Texas modify his request?

Mr. STEPHENS of Texas. Yes.

The CHAIRMAN. The gentleman from Texas modifies his request by asking unanimous consent that debate on this amendment be limited to 2 hours and 40 minutes—40 minutes to be controlled by himself, 40 minutes to be controlled by the gentleman from Mississippi [Mr. HARRISON], 40 minutes to be controlled by the gentleman from South Dakota [Mr. BURKE], and 40 minutes by the gentleman from Minnesota [Mr. MILLER]. Is there objection? [After a pause.] The Chair hears none, and it is so ordered.

The gentleman from Texas [Mr. STEPHENS] is recognized.

Mr. STEPHENS of Texas. Mr. Chairman, I desire to yield to the gentleman from Ohio [Mr. POST].

Mr. POST. Mr. Chairman, the Senate amendment, known as the "Williams amendment," provides that the provisions of this act shall not be applicable to members of the Choctaw Nation in Oklahoma until Congress shall have determined the rights of the Mississippi Choctaws, whose names do not appear on the approved rolls of the Choctaws of Oklahoma, and until such Mississippi Choctaws as are found entitled to enrollment have been placed upon the rolls of citizenship of the Choctaw Nation.

This proviso, if adopted, will render nugatory the provisions to pay to the Choctaws $100 per capita until another settlement of the right of the Mississippi Choctaws to be enrolled as citizens of the Choctaw Nation. This provision should be stricken from the pending measure. The question of the right of the Mississippi Choctaws to be enrolled as a member of the Choctaw Nation has been settled time and time again, not only by the Choctaw Nation itself but by repeated acts of Congress and decisions of the Supreme Court of the United States. The question involves, however, the right of what is known as Mississippi Choctaws to the privileges of a citizen of the Choctaw Nation. This right is ultimately founded upon the treaties between the United States and the Choctaw Nation, of October 18, 1820, and September 27, 1830.

In 1820 the United States entered into an agreement with the Choctaw Nation, then domiciled principally in the State of Mississippi, by which it acquired lands of that nation, some 4,000,000 acres, and ceded to the Choctaw Nation a large body of land bounded by the Arkansas and Red Rivers and the one hundredth meridian, constituting the present domain of that nation in the State of Oklahoma.

The undoubted purposes of this treaty are stated in the preamble. It was to induce that class of Choctaws who made their living by hunting, and who were not willing to work, to collect and settle together in the far West upon hunting grounds; it was also desired by the United States that the State of Mississippi should obtain a part of the lands then belonging to the Choctaw Nation. In the next decade very few of these Indians removed to their new home in the West, but elected to remain upon their old hunting grounds. Instinctively they were unwilling to give up the land they occupied for many years and abandon the graves of their ancestors, to remove to the lands west of the Mississippi, as provided by the terms of the treaty of 1820.

This reluctance on the part of the Indians resulted in further efforts on the part of the Government officials to induce the Indians to move west and culminated in the treaty of September 27, 1830. By this treaty the Indians gained nothing, but ceded to the United States about 10,000,000 acres of land in the State of Mississippi. The Indians were induced to make this concession to the Government by a provision in the treaty which allowed them to elect whether they would remain in Mississippi or remove west. Following the making of the agreement of September 27, 1830, a large number of Choctaws were transferred to the country west of the Mississippi and thereafter constituted the Choctaw Nation.

The fourteenth article of the treaty of 1830 provides:

> Each Choctaw head of a family being desirous to remain and become a citizen of the States shall be permitted to do so by signifying his intention to the agent within six months from the ratification of this treaty, and he or she shall thereupon be entitled to a reservation of one section of 640 acres of land, to be bounded by sectional lines of survey; in like manner shall be entitled to one-half that quantity for each unmarried child which is living with him over 10 years of age, and a quarter section to such child as may be under 10 years of age, to adjoin the location of the parent. If they reside upon such lands, intending to become citizens of the States, for five years after the ratification of this treaty, in that case a grant in fee simple shall issue; said reservation shall include the present improvement of the head of the family or a portion of it. Persons who claim under this article shall not lose the privilege of a Choctaw citizen, but if they ever remove are not entitled to any portion of the Choctaw annuity.

It will be noticed that to the head of each family desiring to remain and become a citizen of the States were to be allotted a section of land, a half section for each child over 10 years of age, and a quarter section to each child under 10 years of age; and that such person shall not lose the privilege of a Choctaw citizen, but if they ever remove to the Choctaw Nation west should not be entitled to any of the Choctaw annuity.

This Choctaw annuity amounted to about $20,000 a year and was insignificant. Under this section of the treaty a large number gave notice of their intention to remain and become citizens of the State of Mississippi, although a very limited number—143—ever received patents for their land.

In the case of Choctaw Nation *v.* The United States (119 U. S., 1) it is stated that 1,346 Choctaw heads of families complied with or attempted to comply with provisions of the treaty, and that as late as 1838, 5,000 Choctaws resided in the State of Mississippi. Shortly after the ratification the Office of Indian Affairs intrusted the enrollment of the Indians who might desire to take advantage of the provisions of article 14 to the local Indian agent, one Col. William Ward. His conduct was wholly unsatisfactory, both to the Government and to the Indians.

The official reports show he was oftentimes intoxicated when the Indians applied to him for reservations; that he was harsh and abusive in his treatment of them; and that after making some few registrations he bluntly refused to receive any more applications and drove the Indians from his presence. To the conduct of this officer of the Government is attributed the small number of names that appear upon the register of those who desired to take up reservations, and has been the cause of contention lasting over the period of about 84 years.

On March 3, 1837, Congress passed an act appointing a commission to determine those Mississippi Choctaws who had been omitted from the registration and had been deprived of their reservations under article 14.

By the act of August 23, 1842, scrip was issued to those persons found entitled by these commissions in lieu of the land which should have been allotted to them under article 14 of the treaty of 1830. Only one-half of this scrip was delivered at that time, but was delivered to those residing east of the Mississippi River; the other one-half was held until such time as the scripees should remove to the lands west of the Mississippi. This scrip gave the applicants the right to enter public lands in the States of Arkansas, Mississippi, Alabama, and Louisiana in equal quantity to the amount of land the holder would have been entitled to under the fourteenth article.

The idea of retaining one-half of this land until the holder should remove west of the Mississippi River must have been with a view to carrying out the intention of the Government to require these Choctaws to eventually remove west of the Mississippi to the Choctaw Nation. However, by act of Congress of March 3, 1845, it was provided that this remaining one-half should be capitalized at $1.25 per acre, and the accrued interest thereon, at the rate of 5 per cent per annum, should be paid to the Indians or their representatives. Nothing was done, however, until the act of July 21, 1852, when it was provided that the amount yet due these Indians in scrip under the original act should be paid to them in money, and the sum of $872,000 was appropriated for that purpose. The greater portion of this money was paid out through the Office of Indian Affairs to the persons entitled to it as found by the awards made by the commission appointed under the act of 1842.

During the strenuous times immediately preceding the Civil War, and until near the close of the century, the affairs of these Indians seemed to have invoked very little attention from the National Government. In the meantime, the Choctaw Na-

tion always invited their brethren from the East to become citizens of the nation, and from the Civil War there was a continuous emigration of small parties from Mississippi and Louisiana to the Indian Territory. A great many of the emigrants were admitted to full rights and privileges of citizenship by the Choctaw Nation during these years. The Choctaw Nation was always liberal in this respect, and in many instances sent emissaries east to induce the Mississippi Choctaws to remove west and become citizens of the nation, in several instances appropriating money for their removal. By the early efforts of the United States and the subsequent efforts of the Choctaw Nation the great bulk of the Choctaw Indians were induced to and did remove to their lands in Oklahoma and were finally enrolled as citizens of the Choctaw Nation. However, some fifteen hundred or two thousand yet remain east of the Mississippi, in the States of Mississippi, Alabama, and Louisiana. Some of them are well educated and highly civilized and rank among the best and most worthy citizens of those States. The great majority, however, have failed to adopt civilization, live a sort of nomadic life, have never yet learned to speak the English language, and refuse to become affiliated with those among whom they live, so that their condition is described to be poverty stricken and most deplorable. Most of those who received their reservations have been subject to the wily intrigues of the white man and deprived of their patrimony. Most of those who were paid in scrip were imposed upon by their more civilized brethren and were defrauded or cheated out of the value of their certificates. That those remaining in this deplorable situation in the States of Mississippi, Alabama, and Louisiana are in need of and deserve the protection of the United States Government, their trustee, is without question; but this does not prove that they are entitled to citizenship in the Choctaw Nation. Their rights in this respect depend entirely upon their standing before the law. That they are poor and needy proves nothing; that their rights have been infringed upon by those among whom they have chosen to live concludes nothing. We have the poor with us always; we have the inferior everywhere governed by the superior. What, then, is the standing of these Mississippi Choctaws in the eye of the law? Under the treaty of 1830 it was open to individuals of the Choctaw Nation to do one of two things—either to move west to the Choctaw lands, domicile, remain, and become a citizen of the Choctaw Nation, or remain in the State of Mississippi and become a citizen of that sovereign State.

Since 1830 what has been the status of the Indian remaining in the State of Mississippi? To what jurisdiction has he been a subject? By the very terms of the treaty of 1830, if he remained he was to become a citizen of the State of Mississippi; by his remaining in that State, designating his intention to receive his reservation, his receipt of script, and subsequently of money, certainly fixed his right as to citizenship. The mere fact of his remaining in Mississippi and the Government exercising no control over him would make him amenable to the laws of the State of Mississippi; he would be subject to the civil and criminal courts of the State; if he acquired property, that property would be the subject of taxation. In that situation he has remained to this day. Under the treaty of 1830, notwithstanding the fact that he might elect by its terms to become a citizen of the State of Mississippi, yet by the very terms of that treaty he had a right to renounce his allegiance to the State of Mississippi, remove to Oklahoma, fix his abode upon the lands of the Choctaw Nation, and become one of its members. The fact of his renunciation to no longer remain a citizen of the State of Mississippi was not sufficient to transfer his allegiance from that State to the Choctaw Nation. It required the fact of removal to lands of the nation and his intention to remain and dwell there. In no other way could he acquire the rights of a citizen and enjoy its benefits and privileges.

I call attention to the fact that no time limitation was placed upon a Choctaw Indian by the treaty limiting his right of removal to the Choctaw Nation west. His right to elect to remove west and enjoy the privileges and immunities of a Choctaw citizen in the government and property of that nation was not limited to 10, 20, or any number of years. But is such a right perpetual? Rather did not the Indian fix his own status? Could he live out of the territory of the Choctaw Nation, evade the obligations and burdens of citizenship while that nation was growing and progressing beyond the dreams of the most avaricious, and at the same time enjoy the benefits of the funds and common property of the nation by merely removing and declaring his intention to become a citizen? In 1830 the country west of the Mississippi was wholly undeveloped, and no one dreamed of the fertility and resources of that vast territory ceded by the United States to the Choctaw Nation. At the time there can be little doubt that the lands occupied by the Mississippi Choctaws in the State of Mississippi were much more desirable and valuable than those acquired by the nation in the far West. In that early day the methods of transportation were most meager, and to remove from Mississippi was most difficult and dangerous and an extremely arduous task.

Is it not reasonable to suppose that the Government intended that those Indians desiring to remove to the far West should do so within a reasonable time, and that those that did not do so within a reasonable time should be considered to have elected to renounce their allegiance to the Choctaw Nation and become citizens of the State of Mississippi?

In the third article of the treaty the Choctaws agreed to remove all their people within three years; and by article 14 those who should decide to remain and become citizens of the State of Mississippi, and in the event, because of the intolerance and persecution of the whites, which they themselves had so bitterly experienced, or for any other reason, they might become dissatisfied with their altered condition and their new citizenship, and desire to follow them to their new home, and thereafter exercise with them in their own country the privileges of citizenship, they could do so; but this right was certainly not to exist for all time. The amount and tenure of the estate conveyed by the United States to the Choctaw Nation in pursuance of the treaty of 1830 has some bearing upon this question. The tract of country west of the Mississippi was conveyed by the President March 23, 1842, and by this conveyance there was granted to the Choctaw Nation all the rights, privileges, immunities, appurtenances of whatsoever nature thereunto belonging, as intended to be conveyed to them and their descendants, to inure to them, as long as they exist as a nation and live upon it, liable to no transfer of alienations, except to the United States or with their consent. The instrument conveying in fee simple contained two conditions for its enjoyment; that is, a nation must exist as a nation, and must live upon the land as a nation. Any Choctaw Indian removing from Mississippi in 1831, 1832, or 1833, and who might live upon this land for 50 years, if he would remove from it would forfeit his rights to the immunities and privileges of the national estate. The right of alienation was limited. The nation could not transfer the land except to the United States or with the consent of the United States; notwithstanding the fact that the grant purported to be in fee simple, yet the land could not be alienated without the consent of the Government. In other words, the United States held a trusteeship over the property and estate of the Choctaw Nation which they had conveyed to it. The power then rested in the United States to determine the existence of the Choctaw Nation as a tribal government. No one would contend that after tribal relations in the tract of country west of the Mississippi had been dissolved the right of removal still exists.

In the very nature of things it was evident that in the evolution of things the Choctaw Nation would cease to exist as such. This fact no doubt led to the provision prohibiting alienation of the Choctaw land except to the United States or with their consent. It is apparent from these considerations that the right of removal, conferred by the fourteenth article of the treaty of 1830, was limited. By remaining in the State of Mississippi the Indian thereby renounced his citizenship in the Choctaw Nation and became a citizen of the State of Mississippi. If afterwards he desired to enjoy the benefits of the common property of the Choctaw Nation it was incumbent upon him to renounce his citizenship of the State of Mississippi and remove to the Choctaw country west of the Mississippi. In no other way would he be entitled to the rights and immunities of the Choctaw Nation.

By the pending measure it is intended to open up the rolls of the Choctaw Nation and permit the Indians still remaining in Mississippi and adjoining States, after the lapse of 84 years, to receive the benefits of the vast estate in lands yet unallotted and held in trust by the United States for the Choctaw Nation after the tribal relations have ceased to exist. There is no equity or justice or moral or legal right in such a contention. Congress has several times attempted to determine the rule which should be applied to the Mississippi Choctaws, claiming under the provisions of article 14 of the treaty of 1830.

By the act of June 10, 1896, a commission was authorized to hear and determine the application of all persons who might apply to them for citizenship in any of the said nations. An appeal was provided from the finding of this commission to the United States court of the Indian Territory. Growing out of the findings of this commission we have the decision of Jack Amos et al. against Choctaw Nation, in which the United States court of the Indian Territory held that the Mississippi Choctaw Indians were not entitled to citizenship in the Choctaw

Nation or to participate in the distribution of tribal property unless they moved and took up their residence in the boundaries of said nation.

By the act of June 7, 1897, a commission was appointed to negotiate with the Five Civilized Tribes and report to Congress whether the Mississippi Choctaws under their treaties are entitled to all the rights of the Choctaw citizenship. This commission submitted a report to Congress in which it is said:

It follows, therefore, from this reasoning, as well as from the historical review already recited, that the nature of the title itself, as well as all stipulations concerning it in the treaties between the United States and the Choctaw Nation, that to avail himself of the "privileges of a Choctaw citizen" any person claiming to be a descendant of those Choctaws who were provided for in the fourteenth article of the treaty of 1830 must first show the fact that he is such descendant and has in good faith joined his brethren in the Territory with the intent to become one of the citizens of the nation. Having done so, such person has a right to be enrolled as a Choctaw citizen and to claim all the privileges of such a citizen, except to a share in the annuities. And that otherwise he can not claim as a right the "privileges of a Choctaw citizen."

Under the act of June 28, 1898, commonly known as the Curtis Act, the commission was directed to determine the identity of the Mississippi Choctaws who claim rights under the treaty of 1830. This act provides also that no person should be enrolled as entitled to an allotment in any of the five tribes unless he had in good faith removed to and settled with the nation in which he claims citizenship on or before the date of the approval of the act. Under this law a list was made up of Indians residing in Mississippi, Alabama, and Louisiana of 1,923 claiming rights under the treaty of 1830. This was not a roll of citizenship, but merely a roster to show who of those remained in Mississippi claimed under the treaty of 1830.

Notwithstanding the fact that the Congress had at various times from 1830 up to the close of the century appropriated money for the purpose of removing the Mississippi Choctaws to the lands of the Choctaw Nation west of the Mississippi, and that the Choctaw Nation in the Indian Territory had from time to time provided for the transportation of these Indians to its reservation. Congress again, by act of May 31, 1900, provided that any Mississippi Choctaw duly identified as such by the United States Commission to the Five Civilized Tribes shall have the right at any time prior to the approval of the final rolls of the Chickasaws and Choctaws by the Secretary of the Interior to make settlement within the Choctaw-Chickasaw country, and upon proof of the fact of bona fide settlement may be enrolled by the United States commission and entitled to allotment. Afterwards it was found that many of these Choctaw Indians residing in Mississippi were full blood, and through ignorance and lack of information as to their family history were unable to prove that they were descendants of the persons who had complied or attempted to comply with article 14 of the treaty of 1830. A rule of evidence was then established that all full-blood Choctaw Indians should be deemed to be Mississippi Choctaws and entitled to the benefits of the article. A commission found that 2,534 under this provision were entitled to enroll, providing such persons would remove to the Indian Territory within six months after the notice of their identification. On March 3, 1903, Congress appropriated $20,000 to assist these identified full bloods in their removal who did not have the means or inclination to remove themselves.

The Choctaw government in the Indian Territory made repeated efforts to secure the removal of the Mississippi Choctaws to the Choctaw country, the last effort in this direction occurring in 1891, when it appropriated money for the purpose of paying the expenses of certain Choctaw families and removing a number of families to the Indian Territory. The work of enrolling these Indians commenced in 1896, and was to close March 25, 1903, but Congress extended the time of closing the rolls to March 4, 1907, thus giving to the Mississippi Choctaws a period of 11 years after the enrollment work commenced within which to prove their claims and make settlement within the Choctaw country. Eleven years of actual agitation and enrollment was certainly ample time in which the Mississippi Choctaw, if he desired, should have proved his claim and made his removal. Every agreement made with these Indians, every act of Congress relating to them, and every act of the Choctaw Nation made residence in the tribe a prerequisite to citizenship. The time during which the rolls were in preparation extended over a period of 11 years, and it was provided that no person whose name does not appear upon the roll as herein provided shall be entitled in any manner to participate in the common property of the Choctaw Tribe. Sentimentalists may deplore the condition of these Indians, but their condition is no more deplorable than that of many Indians in various States. These Indians have not seen proper to take advantage of the provisions that were made for them relative to the right of citizenship in the Choctaw Nation. They remained in an isolated state, huddled together in small bands, and by reason of long separation from the Indians of the West became a class by themselves. They neglected and refused, after repeated efforts on the part of the United States, exerted through many years, and on the part of the Oklahoma Choctaw Tribe, to join their brethren who breasted a wilderness and suffered untold hardships in conquering that wilderness to make rich and populous the State of Oklahoma. To compel the Choctaw Nation to share the comparatively small reward of their labor and suffering with the Mississippi Indians, who took no interest in the struggle and hardships of their brethren in conquering the wilderness and overcoming untold hardships, and who were not even willing to remove after the wilderness was subdued, and who were unwilling to share in the burdens of the tribal government, is neither morally nor legally right. There should be an end to all things.

Seventy-seven years since the time for removal and residence before the close of the rolls was certainly ample. To confer upon a Mississippi Indian the right of citizenship five years after the rolls have been closed and permit him to participate in the distribution of the lands and funds belonging to the Choctaw Nation in common and held by the Government of the United States in trust would certainly be a monstrous proposition. In view of the fact that many opportunities were afforded him for removal and his right to gain his citizenship in the Choctaw Nation, it is now proposed to confer upon him these rights without the fact of removal and residence. Such a proposition is preposterous. If there were any wrongs done the Choctaw Indians under the treaty of 1830, such wrongs were not committed by those who meekly submitted to the demands of the United States Government and braved the hardships of frontier life and carved out a national domain from the wilderness in the far West; if wrongs were committed against these eastern Choctaws, they were not done by one Indian against another, but were done by the Government of the United States through its officers, and if these Indians are entitled to relief, such relief should come from the United States.

There is another view to be taken of the fourteenth article of the treaty of 1830. The right of removal and the right of citizenship after removal was a personal right. The treaty dealt exclusively with Indians then in being, the heads of families and their children. Not one word is said in the treaty of their descendants. The identical Choctaws then in being, who desired to remain in the States and become citizens of such States, were given an allotment—to the head of each family, 640 acres; to all children over 10 years of age, 320 acres; and to all children under 10 years of age, 160 acres. This would include all Indians in being at the time of the execution of the agreement, and contemplated all that should be received by such Indians who desired to remain in the States except their right of removing and becoming citizens of the Choctaw Nation in their country in the West. It is doubtful if any of the beneficiaries of the fourteenth article of this treaty are still living, but it is proposed to confer upon their remote descendants the full rights of citizenship in the Choctaw Nation, carrying with it the right to participate in its lands and moneys. Such a proposition is unwarranted.

As a member of the subcommittee investigating this identical question and hearing only one side of the question presented—that of the proponents—I have looked in vain to find any reason or justification for what is here asked for. These Indians have refused to affiliate with those among whom they have lived; many of them can not understand the English language. Living in isolation, huddled together in the direst poverty, they have been wholly neglected in education and religion, and their pitiable condition readily appeals to our sympathy. But these are conditions for the philanthropist, and wrongs are never righted by the perpetration of other wrongs.

In view of this history, these undisputed facts and the inevitable conclusion to be drawn from them, I was for a long time at a loss to understand the urgency with which these claims are presented, but am now no longer in the dark. A very enterprising firm of attorneys located in St. Louis, Mo., has solved the mystery. This firm of attorneys, through its agents and various ramifications, has searched the country with a fine-tooth comb in every State where there are persons of Indian blood, and in many States wholly devoid of Indians, and have by some means or other discovered that there are more than 13,000 persons in the United States tainted with Choctaw blood who have not been enrolled as members of the Choctaw Nation. This energetic firm of attorneys have been very persistent in pressing the claims of the Choctaw Indians, their affiliated whites and blacks and others, too numerous to mention, in whose veins no one but themselves ever suspected that a drop of Indian blood flowed. They have persistently been

bombarding the Halls of Congress, seeking to open the rolls of the Choctaw Nation, closed March 4, 1907. They are evidently proceeding upon the theory that anything goes in this day and generation when the thought of easy money presents itself. They have proceeded so far upon their easy-money proposition as to incorporate their enterprise under the laws of the State of Texas. To give this enterprise the appearance of respectability, they fixed the capital stock at $100,000, and gave it the euphonious name of the Texas-Oklahoma Investment Co. The company was to furnish $25,000 cash for the purpose of providing a fund to carry on the business of the corporation, the firm of Crews & Cantwell to retain 40 per cent of the stock, the other stockholders paying $25,000 for the 60 per cent. Crews & Cantwell transferred to the corporation some twelve or thirteen thousand alleged contracts with Choctaw claimants which they had procured from every niche and corner of the country. These contracts are a revelation in themselves. One of the provisions of the contracts taken by the attorneys representing the so-called Mississippi Choctaws provides:

> That in consideration of the premises, the party of the first part contract and agrees to pay and assign, transfer, and convey to the parties of the second part 30 per cent of all sums of money, lands, and property that may be received of the right claimed.

This is certainly illuminating. The Indians assign, transfer, and convey to the attorneys 30 per cent not only of money that might be recovered, but convey 30 per cent of the lands that may be involved in a final distribution. One of the attorneys interested in the project estimated the value of a share of an individual Indian reduced to a cash basis to be about $3,000. Ten thousand such claims would amount to $30 000,000; a contingent fee upon this per cent would be $9,000,000, an insignificant attorney fee. The fee of $750,000 received by Mansfield, Murray & Cornish sinks into utter insignificance. What tremendous benefits are to be received by the stockholders of the Texas-Oklahoma Investment Co. for the amount invested! For Congress to lend assistance to this gigantic, nefarious scheme would be to stultify itself. [Applause.]

Mr. BUTLER. Mr. Chairman, may I have one minute in which to ask the gentleman from Ohio [Mr. POST] a question?

Mr. STEPHENS of Texas. I yield one minute to the gentleman.

Mr. BUTLER. I understand that the dispute is between the enrolled Choctaw Indians of Oklahoma and the Choctaw Indians of Mississippi?

Mr. POST. Yes, sir.

Mr. BUTLER. And is it your opinion that the Indians of Mississippi ought not to participate in this fund, because they did not remove there?

Mr. POST. I think they are undoubtedly limited to the terms of the agreement made by the Government.

Mr. BUTLER. I thank the gentleman for his answer.

Mr. HARRISON. Mr. Chairman, I have 40 minutes, and I think it will be consumed in one speech, and therefore I would like to put it off until later.

Mr. STEPHENS of Texas. Will the gentleman from Minnesota [Mr. MILLER] use some of his time now?

Mr. MILLER. Mr. Chairman, I assumed that the side over there would use some time first.

Mr. STEPHENS of Texas. We have used 10 minutes in favor of my motion.

Mr. MILLER. Is the gentleman from South Dakota [Mr. BURKE] here?

Mr. MANN. The gentleman from South Dakota does not desire to use time right now.

Mr. STEPHENS of Texas. Then I yield to the gentleman from Mississippi [Mr. HARRISON].

Mr. HARRISON. I stated to the gentleman that probably the time allotted to me would be taken up by one speech, and I would like to put it off to the last. I made the motion, and I think I should have that right.

Mr. MANN. The gentleman from Mississippi [Mr. HARRISON] has a preferential motion pending, and certainly some one on that side ought to use time. I suppose it is not intended that one gentleman will use an hour and twenty minutes.

Mr. STEPHENS of Texas. Mr. Chairman, we have used 11 minutes on my side.

The CHAIRMAN (Mr. HOWARD). The time is running.

Mr. MANN. The time is not running, Mr. Chairman.

Mr. HARRISON. Mr. Chairman, I yield five minutes to the gentleman from Mississippi [Mr. QUIN].

Mr. QUIN. Mr. Chairman, the gentleman from Ohio [Mr. POST] puts his reason for this amendment to be voted out of this bill on the proposition that the Choctaws of Mississippi remained in that State and did not go to the territory or to the reservation set aside for them. Every man who is familiar with the Dancing Rabbit treaty and with the whole transaction, and with the conduct of Mr. Ward, the Government's agent, who imposed upon the credulity of the Mississippi Choctaw Indians, knows in his heart that they have never received a square deal from the Federal Government. The Mississippi Choctaws were the Indians who stood by the white man. They marched with old Andrew Jackson down to New Orleans. They stood up in blood and fought for the American flag, and when the gentlemen from Oklahoma want to take all of this money and give it to the Indians in that territory they propose to do an inequitable and dishonorable act to the Choctaws of the State of Mississippi.

Mr. FERRIS. Mr. Chairman, will the gentleman yield?

The CHAIRMAN. Does the gentleman from Mississippi yield to the gentleman from Oklahoma?

Mr. QUIN. No; I can not yield to you, sir. You know the RECORD bears me out.

Mr. FERRIS. I want to correct the gentleman.

Mr. QUIN. You know that those Indians in the State of Mississippi have been cheated out of their rights. You know that those $3,000,000 that you Oklahomans are endeavoring to distribute now among the Indians of that territory should be held intact until the Choctaws and their descendants of the State of Mississippi have been enrolled. They are entitled to receive their part of it.

Mr. FERRIS. Mr. Chairman, will the gentleman yield?

The CHAIRMAN. Does the gentleman yield?

Mr. QUIN. I have not time to yield.

Mr. FERRIS. The gentleman ought not to make misstatements.

The CHAIRMAN. The gentleman refuses to yield.

Mr. QUIN. I want to say that the fight of these Mississippi Choctaws has just now started. You can never have that money distributed among the Oklahoma Indians until you give to the Mississippi Choctaws and the Louisiana Choctaws their rights under the law. They have never yet had one penny. Regardless of that, you stand upon technicalities and require certain writings and acknowledgments from the Mississippi Choctaws yonder, who could neither read nor write. Do you expect them to read and write just like all the readers and writers of that time? You understand the conditions that existed there. The facts have been fully set out, and still you want to hold those Choctaws off the roll.

They are all over that country. They know what is going on, and I believe that those people who live in other States ought to come to the rescue of these poor Choctaws of Mississippi and Louisiana who have not, thus far, been awarded justice by this Government. It is up to the membership of this House to stand by them in good conscience. We do not want any wrong done to the Oklahoma Indians. We simply want right and justice done to the Indians of Mississippi and Louisiana. They are, as I say, all over that country. Representatives of that country receive letters every day pleading and begging to have justice done to the Choctaws of that section, and still you find the fight carried on against us.

You understand from the records here that some attorneys from Oklahoma have been hunting around here like a regular lobby in Washington City endeavoring to fool Congress and fool the people of the United States. I ask you, gentlemen, on this proposition to give justice and right to the helpless, to those who have been held back and deprived of their rights ever since the signing of the Dancing Rabbit treaty down to this good hour.

Mr. FERRIS. Mr. Chairman, will the gentleman yield?

Mr. QUIN. I have not the time to yield. The gentleman knows I have not any time to spare. What little time I have, sir, I propose to put in for my good friends the Choctaws of Mississippi and their descendants. [Applause.] I do not believe you would try to stand up and get all this money for your own country, but I say that these poor people back yonder in Mississippi who have been deprived of their rights should receive justice at your hands, even though you, coming from the State of Oklahoma, can not give justice to those Indians in my State.

Mr. CARTER. Who got the land?

The CHAIRMAN. The time of the gentleman from Mississippi has expired.

Mr. QUIN. I want to say that your Indians got the land that belonged to my Indians, and you are trying to cheat these Mississippi and Louisiana Indians out of the money that they are entitled to. [Applause.]

The CHAIRMAN. The time of the gentleman from Mississippi has expired.

Mr. STEPHENS of Texas. Mr. Chairman, does the gentleman from Oklahoma desire to use some time?

Mr. CARTER. Not now.

Mr. STEPHENS of Texas. Does the gentleman from South Dakota desire to use some?

Mr. BURKE of South Dakota. I would prefer to have expressed the views of those who represent the Mississippi end of the controversy.

Mr. STEPHENS of Texas. We have used 11 minutes, Mr. Chairman, and if no gentleman wants to speak I think I shall ask that we proceed with the reading of the bill.

Mr. MILLER. Mr. Chairman, please notify me when I have proceeded for 10 minutes.

The CHAIRMAN. Very well.

Mr. MILLER. Mr. Chairman and gentlemen of the committee, it is not my purpose at this time to enter into any very exhaustive discussion of the Mississippi Choctaw matter. For a great many reasons I have very pronounced convictions on the subject, having given some years, I might properly say, of study and investigation to it; but personally I do not think this occasion is one where my own views should be exploited or where they would be of any particular value in the consideration of this matter. However, inasmuch as the general question of the rights of the Mississippi Choctaws in and to some property belonging to the Choctaws of the recognized nation in Oklahoma is involved, it may be well to make one or two general statements that to my mind are quite convincing and conclusive.

There is a great deal of dust raised whenever the Mississippi Choctaw matter is mentioned. A great many immaterial, collateral, and, to my mind, unimportant facts are presented, which should have no weight or bearing on the matter at all. Starting at the beginning, we find that the Mississippi Choctaws, and all the Choctaws, in fact, lived in the State of Mississippi. By two treaties, that of 1820 and that of 1830, they yielded to the constant pressure of the whites in the effort to get them out and away from the land they held and owned. For many, many months they completely resisted every importunity, every urging known to the skilled agents of the United States Government, to get them to consent to remove west of the Mississippi, until it was agreed that article 14 of the treaty should be written.

That article 14 has been the subject of all the controversy since, and it is one that we should well look to at the beginning when we start a consideration of the question. That article contemplates, plainly and squarely, that not all of the Mississippi Choctaws shall move west. Yea, more; it contemplates that the major part of them shall not remove west, but shall remain in the State of Mississippi on their reservation. Furthermore, it contemplates, whether they move west or not, that they shall still be citizens of the Choctaw Nation. It says so specifically, in pointed terms.

It was only after that paragraph was written that the Indians signed and consented to the treaty. Then the next step is without question. Those who desired to remain in Mississippi could do so by indicating their desire. To whom was that desire to be indicated? To the agent of the Government. All the world knows that the man who represented the United States Government for that work at that place was the most consummate, heartless, merciless, conscienceless scoundrel that ever acted under the Stars and Stripes. [Applause.]

Now, all the country is not to blame for what he did; but, nevertheless, he did it. This is not hearsay. It is not conjecture. His acts were investigated by the Department of War, of which he was a member. Later on they were investigated by committees of Congress, and the reports were always the same.

Whenever an Indian tried to indicate his desire to remain in Mississippi he was practically prevented and prohibited from doing it. And to tell the story in a word, mighty few of the Mississippi Choctaws within the State, who desired in every way they could to express their preference to remain, were permitted to do so. As a consequence they were thwarted from realizing the benefits of the fourteenth article of the treaty, and that was the part of the treaty the writing of which induced them to sign the whole.

A good many did move west of the Mississippi. All would have been better off if they had removed. They did not know it then. Subsequent treaties were had between the Choctaws and the United States looking to redress for the unquestioned wrongs that were perpetrated upon these Indians. For 80 years nobody has ever stood up and said anything but that mistreatment was given to the Indians at that time.

In 1855 in particular a treaty was made, the object of which was to settle these controversies and to have a proper payment made, as far as it could be made, for the wrongs that had been done.

To my mind that which should concern Congress is whether or not these various steps looking to reparation have been adequate, whether or not they have reached the purpose for which they were taken. The question is not whether a wrong was committed, but whether the reparation has been adequate and complete.

I listened with some degree of interest to the statement made by the gentleman from Ohio [Mr. POST]. I would have been vastly more interested if he could have had the time to speak fully upon the subject, because I know he has carefully thought out and presented the subject. That feature which struck me particularly was his conclusion that the Choctaws resident in Oklahoma had at various times invited their brethren in Mississippi to come there, and that is true. There is no criticism whatever upon them in that respect. Their attitude was always all right.

Further, it had been agreed that in order to enjoy citizenship in the Choctaw Nation west, and to have a right to participate in their property, it was necessary that the Indians all remove to and live in Oklahoma. But did the gentleman from Ohio or anybody else ever stop to think who made that agreement? Not a man representing the Choctaws in Mississippi made the agreement or had one word to say about it. That was an agreement entered into between the Choctaws of the West and the United States Government, by which it was agreed that the Choctaws living in Mississippi should move west in order that they might be enrolled and become citizens.

Mr. CAMPBELL. Will the gentleman yield for a question?

Mr. MURRAY of Oklahoma. Will the gentleman yield for a question?

Mr. MILLER. I will in a moment. Let me finish this.

Mr. MURRAY of Oklahoma. Will the gentleman yield now?

Mr. MILLER. I will in a moment, but not at this point. That would have been all right, too, if we had provided them with the means of removing. Now, we recognized that fact, because an appropriation of $20,000 was made by the Choctaws for the purpose, and they did remove a few hundred of them. But, of course, that sum was totally inadequate. You might just as well tell a newborn babe that he has a gold mine in Alaska if he will go there and take physical possession of it as to have told a Mississippi Choctaw during those times to go to Oklahoma, take a piece of land, and he would become a member of the tribe. They were physically and financially incapable of performing the act.

I understand that that is not true as to all individuals. I am speaking as to the general class, who are now asking for some relief. It is true that some did go. There were various associations organized for the purpose of getting them there. Such Indians have no complaint, because they were properly enrolled.

Mr. POST. I understood the gentleman to state awhile ago that the treaty of 1830 was made between the United States Government and the Choctaws of the West.

Mr. MILLER. I beg the gentleman's pardon. I did not so state.

Mr. POST. I so understood.

Mr. MILLER. I referred to the treaties subsequent to 1830—in 1855 and 1866.

The CHAIRMAN. The gentleman desired the Chair to notify him when he had occupied 10 minutes.

Mr. MILLER. I thank the Chairman. I desire to proceed for five minutes more.

There is one other thing to which I want to direct the attention of the committee, and I hope the committee will not for a moment imagine that I am trying to make a full presentation of all the intricate facts involved in this situation.

I would like to direct the thought of the membership of the House to those salient features which I think when determined will conclude this entire and eternal controversy.

The treaty of 1855 was designed to settle and end all these difficulties. The Senate had elaborate hearings. Under that treaty they were to sit as a court of arbitration. And after taking into consideration all the wrongs perpetrated upon the Mississippi Choctaws, or the Choctaws as a whole—of course, the only wrongs were upon the Mississippi Choctaws—they thought that about $8,000,000 would be a proper compensation for those wrongs, and they made an order that something over $8,000,000 should be paid to the Choctaws for these wrongs which had been perpetrated, beginning with this Indian agent back in 1830. From the sum of $8,000,000, however, there should be deducted the cost of removing the Choctaws who had gone west, and that sum amounted to about $5,000,000, leaving a net balance of $2,980,000. They actually appropriated $250,000 for this purpose in 1859, and expected to appropriate $250,000 each year thereafter; but the war then broke out,

which stopped the proceedings, and nothing further was ever appropriated.

After the war was over the matter was renewed, and away in the eighties we find it again up and active. It would not down. This time it was sent to the Court of Claims to be rehashed from one end to the other.

The conclusion of the Court of Claims was that the Choctaws, by reason of the attitude of agents of our Government, had been defrauded in Mississippi; that wrongs had been committed; but after the great lapse of time that had then occurred it was impossible to arrive at anything like a just measurement of the extent of the fraud and the amount of damage in dollars and cents; and the court said that probably the most reasonable method of settling it was to adopt the award made by the Senate of $2,980,000, and that they did.

Now, to whom was that paid? That was paid to the Mississippi Choctaws west, although it was for the injury done to the Choctaws east.

I was occupied for many weeks trying to find from the records of this Government whether any Choctaws living in Mississippi ever received a penny of this award of $2,980,000. I found that not a dollar was ever paid to a Mississippi Choctaw in Mississippi.

It all went to the Choctaws west, living in the State of Oklahoma. I think it is entirely proper to advise the House what the Choctaw Nation west did with that money. They first said, "We will give 20 per cent to a committee of our own men," and their names are mentioned, whom they thought had been instrumental in getting through legislation or getting through the measure in some way. Twenty per cent of a little more than $3,000,000—because there was interest added to the sum—amounted to $650,000. They said, "We will give 30 per cent to our attorneys." That made up 50 per cent. There remained 50 per cent, or about a million and a half, which was turned over to the fiscal agent of the Choctaws west, who was ROBERT L. OWEN. He was given $900,000 in one sum, $200,000 in another sum, and $338,000, I think is the exact sum, in another sum, as agent for the Choctaws. The Choctaw Nation west appointed a little court of their own, consisting of three men, to try and determine to whom should be paid these sums. I would not take the time of the committee on this occasion to describe the proceedings of that committee, nor the names of those to whom they paid the sums; but I will say, generally, that the method of payment and the way in which the beneficiaries were ascertained does not reflect great credit on the honesty and public spirit and character of the persons handling the fund. I do not say that to reflect on any one individual, because no person whose name I have mentioned was a member of that commission, but I am speaking of the method in handling the fund that was then turned over.

Unquestionably the United States Government at that time recognized its duty to make compensation, to make reparation, by this lump sum, and yet the sum did not go to the individuals who had been most injured. Now, those are the salient facts that you can not get around.

Mr. MURRAY of Oklahoma. Will the gentleman yield?

Mr. MILLER. Yes.

Mr. MURRAY of Oklahoma. The gentleman says "Choctaw Nation west." There was no nation in Mississippi.

Mr. MILLER. That is entirely proper in one sense.

Mr. MURRAY of Oklahoma. The Indians who lived in Mississippi after the treaty became citizens of Mississippi under the treaties of 1820 and 1830.

Mr. MILLER. It is correct to say that more and more of the Choctaws moved west until the only organized government among the Choctaws was in the nation west.

Mr. MURRAY of Oklahoma. And there has been none since the removal west in 1830.

Mr. MILLER. The gentleman is correct, but there never was any official removal of the government.

Mr. MURRAY of Oklahoma. Under the treaty of 1830, the Dancing Rabbit Creek treaty, article 14 provided that even if they ever did move west they should not share in the annuities.

Mr. MILLER. Yes.

Mr. MURRAY of Oklahoma. And the money the gentleman refers to was paid out by the Choctaw Nation, which was the government west, and would not go to the Mississippi Indians under the terms of the treaty.

Mr. MILLER. The gentleman does not call that an annuity, does he?

Mr. MURRAY of Oklahoma. Certainly it was. Does the gentleman refer to the lands sold in Mississippi?

Mr. MILLER. The gentleman would not argue that a lump sum to pay for injury done was an annuity. There was an annuity of a very small amount, but it was an entirely different sum.

Mr. MURRAY of Oklahoma. If that was the fund got from the land sold in Mississippi, why, the gentleman is right.

Mr. MILLER. The gentleman is right.

Mr. MURRAY of Oklahoma. The land in Mississippi was sold by the Government, and part of it at 2½ cents an acre; and later the Government gave more than 4,000 Indians land scrip, by which they could take up land in Mississippi or elsewhere.

Mr. MILLER. That is so; but they could not go any place where they could take up the land.

The next salient fact is that in all the later acts of Congress and the Choctaw west intended to relieve the Choctaws in Mississippi, conditions were prescribed impossible for the Mississippi Choctaws to perform.

Now, gentleman, I am fighting no one's battles, because I have no personal interest in it. All the years I have been considering Indian affairs nothing has impressed me so strongly as that there are a large number of Indians in Mississippi, Louisiana, and Texas who have not received their just deserts, and I think it should be the attitude of Congress and the attitude of the representatives of the Indian tribes in Oklahoma to meet squarely, honestly, and fairly the situation, try to arrive at a just accounting with these people, and to take care of their interests. [Applause.]

Mr. BURKE of South Dakota. Mr. Chairman, I yield to the gentleman from Oklahoma [Mr. FERRIS].

Mr. FERRIS. Mr. Chairman and gentlemen of the House, there are men in the House who know much more about the Choctaw Indians both in Oklahoma and Mississippi than I do, but I have known something of them all my life and have known intimately of them for the last dozen years.

To intelligently bring this matter to the attention of the House it necessitates going into the matter historically for almost a hundred years. At the outset I want to assert that neither in law, equity, or good morals do the Choctaw Indians residing in Mississippi have any claim against the Choctaw Indians residing in Oklahoma. My assertion standing alone would not be of great value to this House; neither would it be of great value to those who sought to look it up, for assertions standing alone are often idle, empty, and without foundation in fact. But in the time allotted me I shall deal with the matter, first, historically; second, I shall debate the legal phase of the question; third, I shall debate the equities, morals, and justice of this proposition; and fourth, I shall show that much, if not all, of this commotion is brought about by unprofessional, unworthy, scheming, degenerate attorneys, who, by means of disreputable agents, three of whom are negroes, went into the fence corners, byways, and secluded places and by fraud, deception, and fiction secured thousands of contracts providing for exorbitant attorney fees from parties who are not Indians by blood at all, from those who have no right to enrollment, the ultimate purpose of these attorneys being the enrichment of their own pocketbooks through graft, fraud, deceit, and misrepresentation.

HISTORICAL DATA.

Ninety-four years ago, in 1820, the Choctaw Tribe of Indians in toto resided in the State of Mississippi. They owned 15,000,000 acres of land in Mississippi. By the treaty of 1820 they traded 4,000,000 acres of that land for what now comprises the Choctaw and Chickasaw Nation, in the State of Oklahoma, an area in the treaty described by metes and bounds, then Indian Territory, now a part of Oklahoma.

The treaty contained a provision which provided for the removal of the Choctaws from the State of Mississippi west, leaving 10,000,000 acres of their land behind in Mississippi.

Ten years later, in 1830, the treaty of 1830 was entered into between the Choctaw Indians and the United States Government, which was a treaty intended to more effectually carry out the provisions of the treaty of 1820, and which contains the fourteenth article, which is the sole and only basis for the pretended claim of those Indians, who have for almost 100 years refused to remove from Mississippi west to the then Indian Territory. They still refuse to remove there and are still residents of Mississippi.

The total number of Choctaws in 1830 was 18,200. Of these, 15,000 removed as per the terms of the treaty; approximately 4,000 of them remained behind in Mississippi. The 4,000 Indians that remained in Mississippi from 1830 to 1842 had the right to take up residence and be allotted land on the 10,000,000 acres in Mississippi as fast as they could be identified, allotted, and so forth. Only 143 families were induced to take lands from the 10,000,000 acres in Mississippi, while 3,885 for some cause refused to take allotments during this 12-year period. These Indians were, by the Federal Government, later given land scrip, 640 acres for each and every head of a family, 320

acres for every child over 10 years of age, and 160 acres for every child under 10 years of age, one-half to be delivered to them in Mississippi by the Federal Government and the other half after they removed from Mississippi to the then Indian Territory.

The muster rolls show that land for one-half of this scrip, as provided for, was in truth and in fact delivered to the Indians, and a list of their names can be found in the files of the Indian Office, and also by consulting House Document No. 898, Sixty-second Congress, second session. The other half, or the remainder of the scrip, was capitalized at $1.25 per acre and paid to these Choctaw Indians in person by the Indian agent for the Federal Government. See muster rolls of the Indian Office and vouchers, which show precisely that the Indians first received the land, and, second, the money.

The total amount of the money paid to the Indians was $872,000 for the last half of the scrip.

So it will be observed that the Indians who remained in Mississippi really received more land, more money, and had a larger patrimony than the Indians who moved on to the frontier at the instance of the Government into what then was a wild, savage country, where they suffered the hardships of the outrages committed by the wilder tribes of Indians who then lived upon the prairie, preyed upon their peaceful neighbors, and committed all manner and sorts of offenses against them. It will be remembered that the Choctaws were always a peaceful, civilized people, and never warlike, as were other tribes.

Of those who remained in Mississippi the muster rolls show that from 1838 to 1855 of the 4,100 Choctaws who remained in Mississippi 3,400 emigrated and took up residence in the then Indian Territory, thus leaving only 700 behind at that time. See House Document No. 898, Sixty-second Congress, second session.

These 3,400, who during that time emigrated to the then Indian Territory, now the State of Oklahoma, were enrolled and became full-fledged members of the Oklahoma Choctaw Tribe of Indians. See muster rolls of Douglas Cooper in the Indian Office.

From 1830 to 1889 any Mississippi Choctaw who would come to Oklahoma was not only welcome but was urged both by the Mississippi people and by the Choctaws of the then Indian Territory and by the Federal Government to go west and join the Indian Territory Indians to be enrolled, adopted as members of the tribe, and in fact to become full-fledged members in every respect.

During this period no Choctaw who ever in good faith moved to Indian Territory and took up bona fide residence there was refused admission to the tribe or driven away, but in each and every instance was accepted in full fellowship as a part of the Indian Territory Choctaw Tribe of Indians.

On March 4, 1890, Congress sent the Dawes Commission to Oklahoma to negotiate agreements for the winding up of the affairs of the Five Civilized Tribes of Indians. By so doing Congress stepped in and by act of Congress said: "We will make your rolls; we will allot your land; we will distribute your money per capita; we will sell your town sites, surplus lands, build up cities among you, increase the values of your land, and thereby help you prosper and improve your conditions."

This Dawes Commission was composed of a board of three lawyers eminently qualified from the standpoint of intelligence, legal ability, honor, and integrity to go to Oklahoma and perform the work of determining who was entitled to enrollment on the Choctaw rolls and who should be refused enrollment, and to decide how the affairs of these Indians should be wound up, how their lands should be allotted, and, in short, Congress empowered them to do any and all things necessary, looking to the final closing up and winding up of the affairs of the Five Civilized Tribes.

From this time on it will be distinctly understood that the Choctaw Indians themselves were shorn of power to manage their rolls and the Federal Government stepped in, and whatever occurred from this time on was by act of the Federal Government, rather than by act of the Choctaw Indians, in the then Indian Territory.

The attorneys for the Mississippi Choctaws and those contending for them base their entire claim on the fourteenth article of the treaty of 1830. This treaty is now 84 years old and has been construed by Federal commissions sent there with full power to construe it, by Federal courts vested with full power and final jurisdiction to pass upon it. Numerous acts of Congress have been passed specifically construing it, always holding that no rights of citizenship should accrue unless they removed west to Indian Territory. The fourteenth section of the treaty itself provides for a section of land of 640 acres for each head of a family, a half section of 320 acres for each child over 10 years of age, and a quarter section of 160 acres for each child under 10 years of age in Mississippi, and the record shows they got the land and the money and that it was actually delivered to them.

I shall incorporate in my remarks the section 14, upon which the Mississippi Choctaws base all their claims. It is as follows:

Each Choctaw head of a family being desirous to remain and become a citizen of the States shall be permitted to do so by signifying his intention to the agent within six months from the ratification of the treaty, and he or she shall thereupon be entitled to a reservation of one section of 640 acres of land, to be bounded by sectional lines of survey; in like manner shall be entitled to one-half of that quantity for each unmarried child which is living with him over 10 years of age, and a quarter of a section to each child as may be under 10 years of age, to adjoin the location of the parent. If they reside upon said lands, intending to become citizens of the States, for five years after the ratification of this treaty, in that case a grant in fee simple shall issue. Said reservation shall include the present improvement of the head of the family, or a portion of it. Persons who claim under this article shall not lose the privilege of a Choctaw citizen, but if they ever remove are not to be entitled to any portion of the Choctaw annuity.

In July, 1896, 66 years after the treaty of 1830 was entered into, Jack Amos and 97 other Mississippi Choctaws appealed to the Dawes Commission for enrollment as Choctaw citizens of the full blood, residing in Mississippi. On December 1, 1896, the Dawes Commission rejected the claim of Jack Amos and other Mississippi Choctaws by blood on the ground that they were not residents of the Choctaw country west. This decision was appealed to the United States District Court for the Central District of Indian Territory, and the court sustained the Dawes Commission in an elaborate opinion entitled "Jack Amos *v.* The Choctaw Nation" (report of Commission to Five Civilized Tribes, 1899, p. 92), in which Judge Clayton held as follows:

Adopting these rules in the interpretation of article 14 of the treaty of 1830, I arrived at the conclusion that the "privilege of a Choctaw citizen" was the right to renounce his allegiance to the Commonwealth of Mississippi, move upon the land conveyed to him and to his people, and there, the only spot upon earth where he could do so, renew his relations with his people and enjoy all the privileges of a Choctaw citizen, except to participate in the annuities.

He held, in effect, that those who had not so removed were barred by failure to remove.

This decision of Judge Clayton was virtually affirmed by the Supreme Court of the United States, which held that the act of Congress gave final jurisdiction to the district court, and that the act itself was constitutional. See Stephens *v.* Cherokee Nation (174 U. S. Rept., p. 445). In the Supreme Court of the United States the matter was expressly argued in the case of Emma Nabors and others, appellants, against the Choctaw Nation, appellee, at the same time with the Stephens case, October term, 1898.

It will be remembered that the Dawes Commission was a Federal commission, provided for by Congress, and the members of which were appointed by the President. It will be remembered that none of the members were local men, and could therefore not be subjected to any sort of local influence. It will be remembered that they were men of great responsibility and appointed with that in view, so that their decision with reference to this enrollment matter is entitled to the greatest weight. However, it is not necessary to stop here to show that this fourteenth article of the Dancing Rabbit Creek treaty has been finally passed upon, but the Federal court in Oklahoma, by the act of June 10, 1896, was given final jurisdiction on appeal from the Dawes Commission to finally pass upon all these enrollment cases.

The decision of the Federal court, Judge Clayton as Federal judge, is clear, unequivocal, straight to the point, and deals with the precise question now at issue. The construction of this particular section is so well set forth in the year 1896 in the Jack Amos et al. case that I am going to insert the exact language at this point for the consideration of the House. It is as follows:

In the third article of the treaty the Choctaws agreed to move all of their people within three years, and the United States intended that they should go. But, by the fourteenth article of the treaty, provisions were made whereby those who should decide to remain and become citizens of the State of Mississippi, in the event that, because of the intolerance and persecutions of the whites, which they themselves had so bitterly experienced, or for any other cause, they might become dissatisfied with their altered conditions and their new citizenship and desire to follow them to their new homes and thereafter exercise with them in their own country the privileges of citizenship they could do so, except that they were not to participate with them in their annuities, the lands which they were to receive in Mississippi being deemed a compensation for that.

When the fourteenth article of the treaty was framed the negotiating parties understood that the policy of the United States was that the Choctaws were to be removed. The Choctaws, in article 3, had just agreed that they should all go. The ink was not yet dry in article 2, whereby the condition was placed in this grant to the lands that they should live upon them or they should be forfeited, and that no

privilege of citizenship could be conferred or enjoyed outside of the territorial jurisdiction of their newly acquired nation. Understanding these conditions, the latter clause of article 14 was penned:

"Persons who claim under this article shall not lose the privilege of a Choctaw citizen, but if they ever remove—that is, if they ever place themselves on the land and within the jurisdiction of the nation whereby those privileges may become operative—are not to be entitled to any portion of the Choctaw annuity."

In other words, if they ever remove, they are to enjoy all of the privileges of a Choctaw citizen except that of participating in their annuities. If this be not the meaning to be attached to the word "remove" as used in the clause of the treaty under consideration, it must be meaningless. But in the interpretation of statutes it is the duty of the court to so interpret them as to give every word a meaning, and in doing so it must take into consideration the whole statute, its objects and purposes, the rights which are intended to be enforced and the evils intended to be remedied; it may go to the history of the transaction about which the legislation is had and call to its aid all legitimate facts proven or of which the courts will take judicial notice in order to find the true meaning of the word as used in the statute. Of course, the same rule of interpretation applies to treaties. Adopting these rules in the interpretation of article 14 of the treaty of 1830, I arrive at the conclusion that the "privilege of a Choctaw citizen" therein reserved to those Choctaws who shall remain, thereby separating themselves, it may be forever, from their brethren and their nation, becoming citizens of another sovereignty and aliens of their own, situated so that it would be impossible while in Mississippi to receive or enjoy any of the rights of Choctaw citizenship, was the right to renounce his allegiance to the Commonwealth of Mississippi, move upon the lands conveyed to him and his people, and there, the only spot on earth where he could do so, renew his relations with his people and enjoy all of the privileges of a Choctaw citizen, except to participate in the annuities.

As an evidence that the Choctaw people themselves took this view of the question, attention is called to the fact that their council has passed many acts and resolutions inviting these absent Choctaws to move into their country, and on one occasion appropriated a considerable sum of money to assist them on their journey; and until the past two or three years have always promptly placed those who did return on the rolls of citizenship, but never enrolled an absent Choctaw as a citizen.

On December 24, 1889, the General Council of the Choctaw Nation passed the following resolution:

"Whereas there are large numbers of Choctaws yet in the States of Mississippi and Louisiana who are entitled to the rights and privileges of citizenship in the Choctaw Nation; and

"Whereas they are denied all rights of citizenship in said States; and

"Whereas they are too poor to immigrate themselves into the Choctaw Nation: Therefore be it

"Resolved by the General Council of the Choctaw Nation assembled, That the United States Government is hereby requested to make provisions for the emigration of said Choctaws from said States to the Choctaw Nation," etc.

The language is not that they are entitled to the rights and privileges of Choctaw citizenship in the States named, but "who are entitled to all the rights and privileges of citizenship in the Choctaw Nation," and the prayer is that because of the fact that they are denied the rights of citizenship in the States that the United States will remove them to a place—their own country—where the rights of Choctaw citizenship may be enjoyed by them.

I would also suggest that you look at the report of the Five Civilized Tribes Commission, at page 89, wherein the matter is set forth fully, carefully, and to the point. It will here be observed that the Federal commission and the Federal court both construed this article to mean that the Indians who did not remove west from Mississippi to the Indian Territory, there to take up their residence, were forever and unalterably barred.

Due notice was given to the Mississippi Choctaws, who have all these years steadfastly refused to go to Oklahoma to take up their residence there, that unless they did so their rights would be forfeited. Still the Choctaw Nation of Oklahoma, in a spirit of fairness and in strict compliance with the treaty of 1866, gave them due notice, not alone in Oklahoma, but all through Mississippi, Texas, Louisiana, Arkansas, Alabama, and wherever there was a possibility that they could have strayed or wandered.

Notice of the rights of the citizens was to be given wide publicity, and by article 13 of said treaty it is provided:

The notice required in the above article shall be given, not only in the Choctaw and Chickasaw Nations, but by publication in newspapers printed in the States of Mississippi and Tennessee, Louisiana, Texas, Arkansas, and Alabama, to the end that such Choctaws and Chickasaws as yet remain outside of the Choctaw and Chickasaw Nations may be informed and have opportunity to exercise the rights hereby given to resident Choctaws and Chickasaws: *Provided,* That before any such absent Choctaw or Chickasaw shall be permitted to select for himself or herself or others, as hereinafter provided, he or she shall satisfy the register of the land office of his or her intention, or the intention of the party for whom selection is to be made, to become bona fide resident in the said nation within five years from the time of selection; and should the said absentee fail to remove into said nation and occupy and commence an improvement on the land selected within the time aforesaid the said selection shall be canceled, and the land shall thereafter be discharged from all claim on account thereof.

It will be remembered that in 1830 all the Choctaws resided in Mississippi, and it will be remembered they traded 4,000,000 acres of their land in Mississippi for a strip of country then in Indian Territory, and on March 3, 1842, the President of the United States executed a deed or patent to the Choctaw Nation, and particularly did he make sure to incorporate in the deed the same limitation that was found in the treaty of 1830, which provided that in the event the Indians did not live upon the land and remain upon it the title should forfeit to the Government of the United States. This provision in the patent is as follows:

That the United States of America, in consideration of the premises, and in execution of the agreement and stipulation in the aforesaid treaty, have given and granted, and by these presents do give and grant unto the said Choctaw Nation the aforesaid "tract of country west of the Mississippi"; to have and to hold the same, with all the rights, privileges, immunities, and appurtenances of whatsoever nature thereunto belonging, as intended "to be conveyed" by the aforesaid article, "in fee simple to them and their descendants, to inure them, while they shall exist as a nation and live on it," liable to no transfer or alienations except to the United States or with their consent.

This constitutes a base or determinable fee, and it is inconsistent with the manner in which the title to this land was held that the Indians who renounced their Choctaw citizenship and refused to continue their identification with the nation and share the responsibilities and burdens of citizenship should be entitled to share in its benefits. No one prior to the closing of the rolls has ever objected to the absentee Choctaws reidentifying themselves with the nation and being readmitted to the benefits of citizenship; and, on the other hand, they have been requested and urged to return to the fold on every occasion.

If the Dawes Commission, created by Congress, had not held adversely to these nonresident Choctaws; if the Federal court, Judge Clayton presiding, had not held adversely to the enrollment of nonresident Mississippi Choctaws; if it were not historically true that citizenship in any tribe or in any nation, whether savage or civilized, always depends upon bona fide residence, the provision incorporated by the President of the United States in the patent which transferred the Indian Territory land to the Indians would make it no longer a question of doubt, but one of certainty that no Indian, whether he moved west in 1820 or in 1830 or any other time to take up land, he must of necessity reside upon it and continue to reside upon it; otherwise it was a defeasible estate that would revert to the Government.

To adopt the contention of the attorneys for the Mississippi Choctaws would be to hold that the Choctaw Indians who removed west and took up residence on the land and bore all the hardships incident to the frontier at that time and then moved away, would give up every vestige they had and allow the Mississippi Choctaws to have rights to the land, even though they never lived upon the land at all. Such a contention is so preposterous that no one will ever live to see the day when it will not be criticized.

The Dawes Commission held that residence on the land was essential before the Indians could be allotted, and surely no one will ever criticize the Federal court, which by the Congress of the United States was given power to pass upon the matter for holding as they did that no Mississippi Choctaw residing in Mississippi, who refused to move west and take up his residence with his brethren in the Indian Territory, could share in the estate. Any other conclusion would work a greater wrong and inflict a greater injustice upon the Oklahoma Choctaws than any just Congress, court, or citizen would care to sustain.

Again, let me present the eloquent words of Judge Clayton, who passed upon this identical fourteenth article of the treaty of 1830. In the case of Jack Amos et al. versus the Choctaw Nation, supra, the court further says:

I am disposed to the opinion, however, and will so hold that the descendants of the Mississippi Choctaws, by virtue of the fourteenth article of the treaty of 1830, are entitled to all of the rights of Choctaw citizenship, with all of the privileges and property rights incident thereto, provided they have renounced their allegiance to the sovereignty of Mississippi by moving into the Choctaw Nation in *good faith* to live upon their lands, renewing their allegiance to that nation, and putting themselves in an attitude whereby they will be able to share in the burdens of their government. The reason for this conclusion is, to my mind, made morally certain when it is remembered that ever since the treaty of 1830, now for the period of nearly 67 years, with the exception of the past two or three years, the Choctaw Nation, by its legislative enactments, and by its acts so long continued that by custom they have become crystallized into law, have universally admitted all who should remove to this country and rehabilitate them in all of the rights and privileges of citizenship enjoyed by themselves.

Mr. GARRETT of Texas. Mr. Chairman, will the gentleman yield?

Mr. FERRIS. I have a very short time, but I will yield for a question.

Mr. GARRETT of Texas. I simply want to ask a question. Could the Mississippi Choctaws now move to Oklahoma and participate in these funds?

Mr. FERRIS. No; because Congress passed an act formally closing the rolls after they had been open for nearly 100 years. But we do not have to stop with the Dawes Commission, which is a Federal commission, or with the Federal court, upon which you must rely, and you can not say that there is Oklahoma influence there, but a solemn act of Congress was passed in 1906, which took effect March 4, 1907, which forever closed these rolls.

It said in substance and effect the Oklahoma Choctaws have undergone all of the annoyance, have undergone all of the outrages and grafts that can be heaped upon them in connection with their tribal rolls, and the rolls are closed. So if this amendment be adopted, which went on in the Senate without consideration in any committee, you would, first, overturn the Dawes Commission; you would, second, overturn the Federal court; and you would, third, overturn the Congress of the United States, which said on March 4, 1907, seven years ago, that these rolls were affirmatively and forever closed.

Can any statement of facts be more clear than the language of the Federal court in the Jack Amos case, above mentioned? Can anyone say that this Federal judge, who by the Congress of the United States was given final jurisdiction to act, would misconstrue, misstate, or misinterpret the law as it stands? Can anyone respectfully and properly go behind the decision of the Federal court and overturn Indian treaties, Indian history, Indian laws, and Indian customs for almost a hundred years? To adopt such a contention as is sought by the amendment to open the rolls in Oklahoma would work a greater injustice than for one citizen to leap upon his weaker brother and take away from him the property that rightfully, lawfully, and honestly belongs to the weaker brother.

I can not believe the Congress of the United States will put in on the floor of the House an amendment of such far-reaching character that has never even been considered by any committee of either the House or the Senate, and thus ruthlessly override, upset, and destroy all that has been done in almost a hundred years for a proud, honorable, peaceful people, who in the first instance were the owners of that once grand estate. To even think of doing such a thing is so preposterous that I can not believe it will be countenanced or done.

But if it were necessary to determine what the rights of the Mississippi Choctaws were under the fourteenth article of the treaty prior to April, 1906, certainly that is not true now, for by the act of April, 1906, Congress stepped in and solemnly closed the rolls, which took effect on March 4, 1907. So to adopt the position of the gentleman from Mississippi [Mr. HARRISON] and his colleagues, it would be necessary to disregard, repeal, and overthrow this act of Congress; it would be necessary to overturn two treaties between the United States and the Oklahoma Choctaws, which specifically provide that the Government will distribute the land and property belonging to the Choctaws among the members of the Choctaw Nation in Oklahoma and to those found to be entitled to enrollment by the Federal commission and the Federal court charged with that duty. For verification of this statement, see the Atoka agreement and supplemental agreement between the United States and the Oklahoma Choctaws, which is clear, forceful, and direct to the point.

It has not been kept by this Government. It deserves to be kept. Surely what has been done should not now be overturned.

Feeling that I have shown conclusively that, first, the Dawes Commission; second, the Federal court; third, Congress itself; and, fourth, two solemn treaties, have all held that the nonresident Mississippi Choctaws who have for almost a hundred years refused to come and take up residence in Oklahoma are not entitled to participate in the funds or property of the Oklahoma Choctaws, I shall not stop at that, but I shall call your attention to the CONGRESSIONAL RECORD of June 19, 1914, at page 11651, wherein a Senator of the United States, to wit, Senator JOHN SHARP WILLIAMS, who is leading this fight in the Senate in behalf of the adoption of this amendment, admits openly, clearly, and emphatically that legally the Choctaws in Mississippi have no rights to enrollment. I will quote his language verbatim directly. You will then observe that a Senator who was contending that the Mississippi Choctaws ought to be enrolled in Oklahoma himself agrees they have no legal right. His exact language is as follows:

> I am not contending here that the Mississippi Choctaws, in the face of all that legislation and in the face of these decisions, have any right here that is enforceable in a court of law, but I am trying to get the legislative branch of this Government to change that law which was enacted against them and construed against them.

Continuing, Senator JOHN SHARP WILLIAMS says:

> So far as the construction of the court was concerned, I hardly see how the Supreme Court could have come to any other conclusion. * * * I am not talking now, however—and I can not be thrown off the right scent—about what are their rights in court to-day. I am talking about what their rights ought to be. * * *

I say, can any Member of Congress, can any man out of Congress, can any tribunal anywhere under any conditions afford to ignore all law adjudicating the rights as between two bands of Indians, both of which are wards of the United States and both of which are dependent people? Can Congress to-day afford by an undigested amendment to do so much mischief, repeal so many treaties, so many decisions of courts and tribunals, which have spent years of painstaking efforts in arriving at conclusions about them? No; I can not believe Congress will reach any such preposterous conclusion as that, and I can not believe that this amendment will, in keeping with law, justice, and good morals, ever be agreed to by the Congress of the United States.

EQUITY OF THE CASE.

Having, as I believe, shown conclusively that the Mississippi Choctaws have no rights to enrollment or participation in the funds or property of the Oklahoma Choctaws under the law, I think I can show they have no right in equity to participate in the same for the following reasons:

1. For 94 years the remnant bands of Mississippi Choctaws residing in Mississippi have refused to obey the solemn treaties made between the Choctaws and the Federal Government by moving west and taking up their residence with their people.

2. There were 10,000,000 acres of land reserved in Mississippi for the purpose of allotting and proving for such of the Mississippi Choctaws as remained there. Only 143 families accepted allotments from this area, although the right of all who remained was open continuously and uninterruptedly from 1830 to 1842, a period of 12 years.

3. Of those who refused to take allotments in Mississippi and who refused to move west under the provisions of the treaties land scrip was given them under the act of August 23, 1842, which could be attached and cause their rights to be exercised in any one of four States, to wit, Mississippi, Louisiana, Alabama, or Tennessee. One-half of this scrip was delivered to them by the Indian agent acting for the Federal Government in Mississippi, the balance was to be given them when they removed to Oklahoma or what was then the Indian Territory. There has been some intimation that this scrip never actually reached them or came into the possession of the Mississippi Choctaws; but this intimation is wholly untrue, without foundation, and the files of the Indian Office will prove to anyone who will take the trouble to go there and look it up that the scrip did reach them. See also House Document No. 898, Sixty-second Congress, third session, wherein appears a complete list of the names of those to whom this scrip was actually delivered. The last half of the scrip was finally capitalized and delivered to the Mississippi Choctaws in money, amounting to the sum of $872,000. For justification of this statement see act of March 3, 1845, Fifth Statutes at Large, page 777, also the files in the Indian Office, which show conclusively that the pro rata share of the money was actually delivered to them, so that in justice, good morals, and in good conscience they were given rights superior to the Oklahoma Indians.

4. They should not participate in the funds or the property of the Oklahoma Choctaws after the long lapse of time, even though they have squandered, first, their allotments, and second, their scrip, and third, their money which was actually delivered to them by the Government of the United States. The Oklahoma Indians certainly are not responsible for the squandering of the funds of the Mississippi Choctaws, if they were squandered, and it is assumed they were.

5. The Mississippi Choctaws who for almost a hundred years have refused to come and take up residence with their brethren in Oklahoma have become an alien people to the Oklahoma Choctaws, and there is nothing in common between them.

6. The personnel of the Indians who participated in the treaty of 1820, 94 years ago, is extinct, all of them, of course, having died since that time.

7. The succeeding generation has ceased to have anything in common whatever with the Oklahoma Choctaws; the Mississippi Choctaws of to-day know nothing of the traits of the Oklahoma Choctaws, follow none of their customs, and but for the constant intermeddling of outside attorneys and runners, who go among the Mississippi Choctaws creating excitement among them, their happiness in Mississippi would be complete.

8. The Choctaws residing in Mississippi should not now be enrolled in Oklahoma, because the Oklahoma Choctaws did not make the rolls, construe the rolls, or close the rolls, and do not have any unallotted land remaining. In view of these things, the Oklahoma Choctaws are entitled to their peace after the above acts have transpired and these things done for them by the Federal Government.

9. The Choctaws in Oklahoma every day did their full duty while the matter was in their hands; every day they urged their Mississippi brethren to come and live among them; they even passed resolutions beseeching, for years and years prior to the closing of the rolls by Congress, the Mississippi Choctaws to

come and take up residence in Oklahoma, and appropriated money out of their own funds as an inducement to get the Mississippi Choctaws to come to Oklahoma before Congress finally closed the rolls.

10. The Oklahoma Choctaws never refused to adopt any Choctaw who came to take up residence with them during the time they had control of their matters for a period of 71 years. This is good faith on their part. Will Congress now override their own acts in closing the rolls, overthrow the solemn treaties they made with the Choctaws?

11. The Mississippi Choctaws should not be enrolled and permitted to participate in the property of the Oklahoma Choctaws, for the reason that the Federal Government can not afford to break two solemn treaties made with the Oklahoma Choctaws, thereby dissipating the funds that belong to the Oklahoma Indians. For corroboration of this see Atoka agreement and supplemental agreement between the United States and the Choctaw Nation.

12. It would be an injustice to enroll the Mississippi Choctaws who have never lived upon the land at all when the very patents issued by the United States to the Oklahoma Indians prescribed that the land must be resided upon and that removal from it would constitute a forfeiture of thei. rights.

13. The injustice of having the Federal Government deed to the Choctaw Nation certain lands and to administer their affairs for almost a hundred years and then take their property from them and give it to another people, who from years of absenting themselves are as alien to the tribe as another independent race. Such a procedure would amount to a wrong so great the like of which Congress never has in the past resorted to, and which it is hoped Congress will not now or at any time in the future resort to.

14. The Mississippi Choctaws should not now be enrolled with the Oklahoma Indians or be permitted to share in the funds of the Oklahoma Choctaws, for the reason that the Federal Government can not afford to break their own treaty with the Oklahoma Choctaws, to wit, first give the land to them and then take it away.

15. The Mississippi Choctaws should not be enrolled from the very facts, that must be patent to all of us, that the Indians who participated in the treaty of 1820 and the treaty of 1830, both of which were agreed to almost a hundred years ago, are all dead, and their descendants have intermingled with other tribes of Indians and other races to such an extent that there are few, if any, now remaining who have any considerable portion of Choctaw Indian blood coursing through their veins. In addition to this, the Choctaws who remained in Mississippi, by refusing to obey the treaty stipulations, have forfeited every vestige of any right or claim to share in the property of the Oklahoma Choctaws. To permit the Mississippi Choctaws to go to Oklahoma at this late day, there to share in the property or funds of the Oklahoma Choctaws, would be a procedure identical with the case of the two brothers, one of whom remained in the East on the farm and acquired nothing in the way of possessions, and the other who pushed his way into the West, endured the hardships of the frontier, and finally accumulated a fortune, after which the brother who had remained in the East sought to share in the fortune acquired by his brother in the West, who had pressed out and braved the hardships of the frontier.

MISSISSIPPI CHOCTAW AGITATION CAUSED BY UNPROFESSIONAL SHYSTER ATTORNEYS.

It must of necessity be the desire of every Member of this House to know what has caused this continual agitation for the enrollment of an alien, foreign people upon the Oklahoma Choctaw Indian rolls.

Mr. Chairman and gentlemen of the House, there is a reason for this agitation, and the House is entitled to know it. The Commissioner of Indian Affairs has likewise had a desire to know what caused this commotion. In order to get at the real truth, in order to get at the real cause, and in order to know what brought about this constant agitation, the Indian Office took occasion to detail one of its oldest and most competent inspectors, Maj. James McLaughlin, out into the field to make a thorough and complete investigation.

Maj. McLaughlin submitted his report of the investigation on June 29, 1914, approximately only a week ago. It is the result of a long, patient, and painstaking investigation. In this most interesting report he gives the reason in such a manner that no one will longer be in doubt about it. I shall present this report to this House in toto and then take occasion to comment upon it. It is worthy of reading, and every Member of this House ought to read it, so as to ascertain for himself what is actually going on among those defenseless people, and then judge for himself what ought to be done in the premises. The report is as follows:

WASHINGTON, D. C., *June 29, 1914.*

The SECRETARY OF THE INTERIOR.

SIR: Under departmental instructions of the 13th ultimo, I have the honor to report my investigation concerning the representations made and methods adopted by certain solicitors in securing contracts from individual Indians who claim the right to enrollment as members of the Choctaw-Chickasaw Tribe of Indians, and respectfully submit the following conclusions relative to same:

In my tour of investigation I visited Columbus, Ohio; St. Louis, Mo.; Muskogee, Poteau, Wilburton, and McAlester, Okla.; San Antonio and Houston, Tex.; Lake Charles, Baton Rouge, and New Orleans, La.; and Gulfport, Miss., inquiring into the matter and interrogated numerous persons who had knowledge of the representations made and methods adopted by the soliciting agents in obtaining contracts from the class of claimants referred to.

From my investigation I ascertained that during the past four years several persons have been engaged in soliciting contracts from Choctaw and Chickasaw Indians and freedmen of those tribes, and that one Alexander P. Powell, who claims to be a Choctaw Indian and a lineal descendant of one of the parties to the Dancing Rabbit Creek treaty of September 27, 1830, has been actively engaged in canvassing a large extent of country, chiefly in the States of Alabama, Mississippi, Louisiana, and Texas, in procuring the names of unenrolled persons who claim to possess Choctaw or Chickasaw Indian blood, and obtaining contracts from them to prosecute, on a contingent fee, their right to share in the distribution of the funds and property of the Choctaw Nation of Oklahoma; and while, as above stated, there were several persons engaged in procuring contracts of similar character from unenrolled Indians of these tribes, it appears from the record that said A. P. Powell obtained more contracts from the class of claimants referred to than all of the other solicitors combined, notwithstanding the fact that he did not solicit contracts from any of the freedmen.

I failed to meet this man Powell during my tour of the localities in which he has been operating very extensively the past four years, and therefore can not speak of him from personal knowledge, but have been told by many who know him that he shows a decided strain of Negro blood, is large of stature, prepossessing in appearance, shrewd and plausible, which, with his posing in the communities he visits in soliciting contracts as a very important person, has succeeded in arousing great enthusiasm among the people of the localities canvassed by him, and has thus procured contracts with little or no difficulty from all persons who believed they possessed or were led by Powell to believe they possessed any Choctaw or Chickasaw Indian blood.

From what I was told by reputable persons at Lake Charles and Baton Rouge, La., and Gulfport, Miss., it would appear that said Powell was interested chiefly in procuring a large number of contracts, regardless of the ancestry of the applicants, as Mr. Luke W. Conerly, of Gulfport, Miss., told me that to his personal knowledge Powell obtained contracts from several families, the ancestry of whom as supplied by Powell was absurdly erroneous. It is also alleged that Powell took contracts from any persons claiming to have Indian blood, and from many who had never claimed to possess Indian blood until told by Powell that they were descendants of Indians who were parties to the Dancing Rabbit Creek treaty of 1830 and therefore entitled to certain benefits under that treaty.

Mr. C. R. Cline, an attorney of Lake Charles, La., and Hon. Isaac C. Boyd, of Leesville, La., also an attorney, a member of the present Louisiana Assembly, and who claims to possess Choctaw Indian blood, both informed me that there are about 300 persons living in the neighborhood of Kinder, Allen Parish, La., who are of mixed descent, being of French, Spanish, Portuguese, and Negro blood, with a very few of them possibly possessing some Indian blood, and the name "Red Bone" was given those of them who were supposed to have any Indian blood; that prior to Powell's visit to Kinder soliciting contracts with Indians it was regarded a great insult to be called a "Red Bone," thus classing them as of Indian blood, but a number of them were advised by Powell that they were of Choctaw descent, as shown by a book which he possessed and by which he traced their ancestry, as eligible to enrollment, and it is alleged that he thus obtained contracts from all of them, and since Powell thus recognized those people, the name "Red Bone" is no longer objectionable, but, on the contrary, all are desirous of being thus classed, and to be now called a "Red Bone" is exceedingly pleasing to each and all of them, as they believe that the cognomen fixes their status as of Indian blood, and entitles them to share in the property of the Choctaw Nation of Oklahoma.

Hon. Isaac C. Boyd, of Leesville, Vernon Parish, La., above referred to, stated to me that in 1911 he was induced by one Mrs. Ella Taylor, of Leesville, La., to enter into contract for Mississippi Choctaw rights, said Mrs. Taylor representing herself an authorized agent of A. P. Powell and Luke W. Conerly, whose headquarters were then at Gulfport, Miss., engaged in obtaining contracts from Choctaw claimants, for the prosecution of their right to participate in the funds and property of the Choctaw Nation of Oklahoma; said Mrs. Taylor stating to him that each beneficiary would be entitled to receive 320 acres of land or double the value of it in money, also anywhere from $5,000 to $10,000 in cash from the Choctaw funds, but that in order to participate in this distribution claimants must enter into contracts without delay, as the time limit would soon expire, therefore promptness in executing contracts for same was absolutely necessary.

Mr. Boyd, who is of Choctaw blood, a lawyer by profession with quite a lucrative practice, and who is also a member of the State Assembly of Louisiana, feels chagrined in having fallen to the flattering presentation of the matter by Mrs. Taylor, resulting in his entering into a contract for himself and his sister and for which he paid Mrs. Taylor $7.50 for executing each of said contracts.

Mr. Boyd stated that Mrs. Taylor procured a great many similar contracts at Leesville, La., and surrounding country, and that he has little doubt but that she thus realized in the neighborhood of $3,000 from her charge of $7.50 to applicants for each contract obtained. Mr. Boyd further stated that after realizing he had been victimized in the sum of $15, through the enthusiasm aroused by a plausible talk, he, in order to have the solicitors prosecuted, if possible, made diligent inquiry of persons who had entered into similar contracts to ascertain if any of them had represented themselves as Government officials, and was unable to find any person to whom they represented themselves as being in any way connected with the Government or an official of the Choctaw Nation, but that the impression prevailed among the claimants that A. P. Powell and his assistants were fully empowered to

procure the contracts they were engaged in soliciting from Choctaw claimants.

Mr. Boyd still further stated that having talked a great deal against these solicitors, denouncing them as frauds and fakirs, that Powell never visited Leesville, La., to solicit contracts, but established himself for a short time at De Ridder, 21 miles distant, and sent notices to Leesville applicants to proceed to De Ridder for that purpose.

I made particular inquiry as to whether or not Powell or any of the other solicitors had been ever heard to represent themselves as Government officials or officials of the Choctaw Nation, but did not meet any person who stated that they had ever heard any of those solicitors make such a statement. On the contrary, many of the persons whom I interrogated with reference thereto stated that they had frequently heard Powell say that he was fighting the Government to have the rightful claims of the Choctaw and Chickasaw Indians allowed; but notwithstanding the fact that Powell when questioned regarding the matter invariably denied that he had any connection with the Government in the work he was engaged in, the impression prevailed, as expressed by Attorneys Cline and Boyd and Mr. Luke W. Conerly, especially among the more ignorant persons, that Powell represented some high authority in the premises, he being engaged in executing contracts with claimants, using printed blank forms therefor, and this impression prevailed as to the several other solicitors engaged in obtaining similar contracts.

When assigned to this investigation, the Indian Office furnished me, for my information, a voluminous file of correspondence with reference to this matter, which file embraced report of Special United States Indian Agent W. W. McConihe, dated May 2, 1911, with accompanying exhibits, from which record, together with what I ascertained in my investigation, the facts appear to be as follows:

1. The citizenship rolls of the Choctaw Nation, embracing those Indians entitled to share in the property of the tribe, was closed March 4, 1907 (act of Apr. 26, 1906; 34 Stat. L., 137, sec. 2).

2. That there were possibly some persons omitted from the citizenship rolls who, because of the limitations imposed by the law as to time, were unable to produce the proof of their right to participate in the funds of the Choctaw Nation under article 14 of the treaty of September 27, 1830.

3. The possibility that there were some Mississippi Choctaw Indians whose right to enrollment had not been recognized induced a firm of attorneys—Messrs. Crews & Cantwell, of St. Louis, Mo.—to undertake the securing of legislation that would permit the reopening of the rolls for the purpose of establishing the rights of those who had previously failed to establish their right or had failed to take advantage of the opportunity to do so.

4. Messrs. Crews & Cantwell employed Alexander P. Powell, who asserts that he is a Choctaw Indian, to procure the names of unenrolled Mississippi Choctaw Indians and produce evidence by tracing the ancestry to establish their right to enrollment and to obtain contracts from them for the prosecution of their claims.

5. Associated with Messrs. Crews & Cantwell was one S. L. Hurlbut, a banker, residing at El Campo, Tex., who financed the project in the beginning by paying Powell $150 per month salary and his expenses.

6. Powell, while employed by Crews & Cantwell, procured the names of about 4,200 persons, who claimed or were led to believe by Powell that they were entitled to participate in the funds of the Choctaw Nation of Oklahoma, and from each of whom he obtained a contract authorizing Crews & Cantwell to act as their attorneys in all legal proceedings in presenting to the Interior Department or any court such evidence as he or she might be able to produce in establishing a right to participate in the distribution of the fund and property of the Choctaw-Chickasaw Indians of Oklahoma, which contracts provided that Crews & Cantwell were to receive 30 per cent of all sums of money, lands, and property that might be received by reason of the right claimed. Powell did not make any charge to the claimants while operating under the above stated salary, until a short time previous to severing his connection with Crews & Cantwell, when he commenced charging the claimants $1.25 for each contract executed, and while engaged in this work in the employ of Crews & Cantwell it appears from the record that Powell received $2,971.02 from them, $900 of which was for salary and remainder for expenses incurred by him as shown by letter from Mr. S. L. Hurlbut's office, dated March 8, 1911, copy herewith Exhibit A.

7. Powell's connection with Crews & Cantwell appears to have terminated in March, 1911, and he then commenced soliciting contracts for William B. Matthews, at attorney of Washington, D. C., with office in the Evans Building, and the contracts procured by Powell in the name of Mr. Matthews are similar in every respect to those he obtained for Crews & Cantwell, except as to name of the attorney.

The Crews & Cantwell contracts contain the stipulation that their appointment as attorneys is joint, and that in the event of the death of either, the survivor shall succeed to all rights and benefits, and perform all the duties imposed by the contract upon the attorneys. This same stipulation is contained in the printed form of contract taken in the name of William B. Matthews [copy herewith], and the fact that it does so appear would indicate that Mr. Matthews had nothing to do with the drafting of the form, but that the wording of the Crews & Cantwell contract was probably adopted by A. P. Powell, simply substituting the name of William B. Matthews, as attorney, for that of Crews & Cantwell, and Powell thus continued procuring contracts from any and all persons whom he met, who believed, or were led to believe, that they possessed Choctaw or Chickasaw Indian blood, and from each of whom he collected $2.50 for his services in executing the papers.

8. After Powell discontinued securing contracts for Crews & Cantwell and started soliciting for Attorney William E. Matthews and charging applicants $2.50 for each set of papers executed, it is alleged he procured contracts from a number of persons residing in and around Kinder, Allen Parish, La., who did not claim to be of Choctaw descent, but were advised by Powell that he possessed a book which enabled him to trace the ancestry of every living person who possessed any Choctaw blood, and that he had traced those people entitled to enrollment as descendants of certain persons appearing as beneficiaries under the Choctaw treaty of 1830. As to the book referred to as possessed by Powell, which is said to have been produced in evidence by him very frequently, I was informed by Mr. Luke W. Comerly, of Gulfport, Miss., who was for some months associated with Powell, that he carried with him for reference in tracing the ancestry of applicants for enrollment a copy of volume 7, American State Papers, which contains the names of 19,554 Choctaw Indians who were parties to the Dancing Rabbit Creek treaty of 1830, as per roll made by F. W. Armstrong, special agent, under date of September, 1831, which volume was published in 1860.

10. Crews & Cantwell, as attorneys for a number of these claimants, with evidence as to some of the unenrolled Mississippi Choctaws to an equitable right to share in the funds of the Choctaw Nation of Oklahoma, have sought legislation to reopen the rolls to permit them to prosecute the claims of these persons with whom they have contract.

11. The financing of the project to secure reimbursement of Crews & Cantwell and S. L. Hurlbut for previous expenditures was effected by incorporating the "Texas-Oklahoma Investment Co.," chartered under the laws of the Territory of Arizona, November 14, 1911. The articles of incorporation provide for a capital stock of $100,000, or 1,000 shares of the par value of $100 each, the directors of the company as incorporated being S. L. Hurlbut, of El Campo, Tex.; H. Masterson and W. A. Smith, of Houston, Tex.; and T. B. Crews and H. J. Cantwell, of St. Louis, Mo.; and the principal stockholders are T. B. Crews and H. J. Cantwell, of St. Louis, Mo.; Clifford Greve and S. L. Hurlbut, of El Campo, Tex.; H. Masterson, L. Bryan & Co., J. J. Sweeney, and W. H. Gill, of Houston, Tex.; and J. H. Kempner, of Galveston, Tex.

Two hundred and fifty shares of the 1,000 shares of the stock of this company were sold at par value of $100 per share, thus realizing $25,000 in cash, with which Crews & Cantwell and S. L. Hurlbut were reimbursed for previous expenditures and a contingent fund created to meet future expenses as incurred.

12. Crews & Cantwell turned over to the Texas-Oklahoma Investment Co. the contracts procured for them by Alexander P. Powell, numbering about 4,200, and received in cash from the fund realized from the 250 shares of the stock sold reimbursement for their previous expenditures in connection with their Mississippi Choctaw contracts, and leaving the 750 unsold shares in the treasury as common property of the company.

In promoting the organization of the Texas-Oklahoma Investment Co. flattering figures of prospective returns to investors therein appear to have been sent out to prominent persons throughout the country, as evidenced by letter of Mr. C. B. Moling, of Houston, Tex., under date of June 12, 1911, to Hon. W. L. Dechant, of Middletown, Ohio, which reads as follows:

HOUSTON, TEX., *June 12, 1911.*

Hon. W. L. DECHANT,
Middletown, Ohio.

DEAR SIR: In 1820 the United States Government made a treaty with the Choctaw Indians, then living in Mississippi, whereby the Government bought 5,000,000 acres of the Indians, and in return gave to the Indians all the lands lying in the Indian Territory north of Red River up to the Canadian and east of the ninety-eighth meridian, and paid for moving as many of the Indians out to this land as desired to go.

The Choctaws still had 10,000,000 acres left back in Mississippi, and in 1830 the Government made another treaty with them whereby the Government purchased the remaining lands for $8,000,000. In this treaty *it was agreed that the remaining Indians were to be protected in the community property or the original lands in Indian Territory granted them by the treaty of 1820.*

The Government still holds approximately 3,450,000 acres of these original Territory lands, as well as several millions in cash, in trust for the Choctaws who have not as yet been allotted their share.

A reputable and responsible firm of attorneys, with offices in St. Louis and Washington, D. C., have secured contracts with 4,200 Choctaw Indians to secure them their allotment of lands and money upon a percentage basis. The contracts provide that the attorneys are to receive 30 per cent of all lands and money received. These 4,200 contracts are each signed by the Indian, two witnesses to his signature, and acknowledged before a notary public.

These contracts, providing for this contingent fee, have been recognized by the Government, and Congress passed a resolution making *all* such contracts a first lien upon the property of the Indian. This insures direct payment to us of our fee.

For financing the project, such as hunting up the Indians and securing the proof of each individual Indian to his right of participation and the attorneys for working the bill through Congress, one-half of the profits to go to the attorneys and the other half to those who financed it.

It is estimated that each Indian's share of the estate is worth $8,000. The attorneys' contract calls for 30 per cent of this, or $2,400, of which we are to get one-half, or $1,200.

We are organizing a syndicate to take over 1,000 of these contracts at $25 per contract. We will not accept subscription for less than 20 contracts, or $500. The estimated value of 20 contracts, if we win, will be approximately $24,000, or a profit of $23,500 upon each $500 investment.

The proofs of these claims for these 4,200 Indians have all been secured and have been presented to the congressional Committee on Indian Affairs and reported favorably. This committee consists of 19 Members of Congress.

At this next session of Congress the bill will be introduced and voted upon, and as there are several precedents identical to this proposition, wherein the other Choctaws secured their rights, we have every reason to believe that the bill will pass.

* * * * * * *

We are unable to go into all the details of this proposition in this letter to you, but I have spent several days investigating it, and conclude that the chances for defeat are no greater than in the ordinary course of business. I believe the estimated results herein will be obtained, or substantially so.

I expect to give the matter my attention and to look after the interest of those who come into the deal at my request, and to take a proper assignment of the contracts and place them in the hands of some local trust company or bank, with authority to make the collection and disburse the receipts to the subscribers in the amounts to which each subscriber would be entitled at same; it will be safer for the subscribers.

My charges will be about 20 per cent of whatever profits you may make on the deal: if none are made, you owe me nothing. I would like to have you take a flier in this, say, for $500 or $1,000, and to notify me of your intentions promptly. Should you happen to lose, I think you will agree with me that it was, at least, a good bet, as the prospective returns justify taking the chance.

Awaiting your prompt reply, either by letter or wire, I am,

Yours, very truly,

C. B. MOLING.

To the foregoing communication of Mr. Moling, Mr. Dechant replied as follows:

MIDDLETOWN, OHIO, *July 24, 1911.*

C. B. MOLING,
432 Mason Building, Houston, Tex.

MY DEAR MR. MOLING: Your letter of June 12 was received in my absence, hence delay in answering.

I have gone over same carefully and note what you say, and it would seem to me if Congress has taken the steps enumerated by you the proposition is a good one, and on further investigation I might be induced to come in, everything appearing in good shape.

Who is the firm of attorneys representing you and located at St. Louis and Washington, and what is the name of the member of the firms looking specially after the matter?

Can you refer me to the reports wherein the Government has recognized the contracts referred to providing for a contingent fee, etc., in these specific cases; also, can you further refer me to the congressional reports, where the Congress recognized such contracts and made them a valid first lien on the Indians' property?

What Congress passed this resolution, legalizing these contracts as liens, and is it the present Committee of Congress on Indian Affairs to whom the proofs of the 4,200 claims you refer to were presented and reported favorably?

What is the name of the attorney who represented the matter to the Indian Affairs Committee of Congress and secured the passage of the favorable resolution?

On receipt of a letter from you in reply to the above I will take the matter up more fully and advise you at once what I will do. Thanking you for bringing this matter to my attention.

I am, as ever, yours,

W. L. DECHANT.

To the inquiries contained in the foregoing letter of Judge Dechant Mr. Moling replied as follows:

HOUSTON, TEX., *July 28, 1911.*

Hon. W. L. DECHANT,
Middletown, Ohio.

MY DEAR JUDGE: I have your letter of the 24th in regard to further information regarding the Choctaw Indian contracts, etc.

I sent for Mr. S. L. Hurlbut, who owns the contracts, and gave him your letter and asked him to give me the information desired, and I herewith hand you his dictated letter, as also the brief he refers to with the clippings attached.

In regard to the brief and the clippings, he requests that you take care of them, as they are all he has here in Houston.

It might be a good idea for you to write to Mr. Cantwell in Washington, as he is thoroughly familiar with all the details, and then the information would come to you first handed.

I am not personally acquainted with Mr. Cantwell or his partner, Mr. Crews, in St. Louis, but from what I learned they are very capable men in their line of business and have worked other similar contracts through Congress; but I knew Mr. Hurlbut for several years; he is all right, and I consider him straight and reliable; my dealings with him have all been in the real estate line and all very satisfactory; he stands well in this community.

It might also be a good idea to get in touch with the chairman of the present Committee on Indian Affairs; he ought to know all about it.

As stated in my letter of June 12, I think it's a good bet, for the reason I believe the Government will carry out the terms of its treaty made with them in 1820 and 1830; if they do, then these contracts will be good.

Awaiting your further advices, I am,

Very truly, yours,

C. B. MOLING.

The presentation of the matter as above set forth by Mr. Moling to Judge Dechant for financing the project was so flattering as to justify the average speculator in taking a chance, and it would appear, from the sale of one-fourth of the stock of the Texas-Oklahoma Investment Co. at its par value, that no great difficulty was experienced in promoting and consummating this financing of the project.

About a year subsequent to the organization of the Texas-Oklahoma Investment Co. for financing the project of handling Mississippi-Choctaw Indian contracts taken in the name of Crews & Cantwell, Mr. Albert J. Lee, of Ardmore, Okla., a member of the law firm of Ballinger & Lee, claiming to represent a large number of persons who claim a right in the tribal property of the Choctaw and Chickasaw Indians in Oklahoma, on a contingent fee of from 12½ to 40 per cent, and which do not conflict with the claims handled and represented by the Texas-Oklahoma Investment Co., but are in a line with them, desired, as shown by certain correspondence relative thereto, to raise a fund of $16,000 to meet indebtedness incurred in the prosecution of their Indian claims and with which to continue the fight for their clients, and to show that persons engaged in handling the claims of nonenrolled Choctaw and Chickasaw Indians have succeeded in interesting many prominent persons in such claims, I submit copy of tabulated statement of said Albert J. Lee, dated October 17, 1912, setting forth the prospective profits that he calculates upon deriving from his handling of said claims, together with an indorsement of same by Mr. Harris Masterson, an attorney of Houston, Tex., who is a prominent financier and promoter of projects of this character, which statement of Attorney Lee and indorsement of Mr. Masterson read as follows:

OCTOBER 17, 1912.

Mr. HARRIS MASTERSON, *Houston, Tex.*

DEAR SIR: Mr. Webster Ballinger and I represent some 13,000 persons who claim a right in the tribal property of the Choctaw and Chickasaw Indians in Oklahoma. Of the above number of persons represented by us, there are some 3,738 who are conclusively, as shown by the Government records, entitled to share in the distribution of the tribal property. An individual share is estimated at $3,000 cash. We represent these people under contracts providing for a contingent fee of from 12½ to 40 per cent of the value of each share. I am attaching a statement showing the value of our fees. The statement also shows the amount of said fees we have already contracted for.

You will observe that my individual share of said fee will amount to $850,911, based upon the cases I consider certain; and that if we succeed in one-third of the cases that are uncertain, or rather if we succeed in enrolling 3,000 out of the 10,000 doubtful cases, my individual share of the fee would be $2,065,911.

I am in urgent need of funds with which to meet indebtedness incurred in the prosecution of these claims, and with which I may be enabled to continue the fight for our clients, and I want to raise $16,000, which I will agree to return with interest, and will assign the people furnishing the money 40 per cent of my individual share of the fee. Estimated upon the cases considered certain, this would return about $22 for every dollar subscribed, and upon the basis of one-third of the uncertain cases going through in addition to those that I consider certain, the estimated return would be about $120 for every dollar advanced.

The following pages will give you some idea of the nature and basis of the claims.

CHOCTAW AND CHICKASAW LANDS, AND OTHER PROPERTY.

In southeastern Oklahoma, in what was formerly the Choctaw and Chickasaw Nations, are nearly 3,000,000 acres of land, which the Federal Government will offer for sale from day to day from November 12 to December 23, this year. These lands are classed as follows: 900,000 acres agricultural, 445,000 acres agricultural surface, with deposits of coal and asphalt, 1,500,000 acres pine and hardwood timber.

In addition to the above lands the coal and asphalt deposits are shortly to be sold. The United States mine inspector has estimated that the coal is worth in royalties to the Choctaw and Chickasaw people at least $70,000,000. There is now on deposit to the credit of these two tribes something like $1,000,000, derived from the sale of town sites.

VALUE OF PROPERTY.

It is reasonable to assume that the Federal Government will be able to get for the coal deposits at least one-half of the amount that said deposits are estimated to be worth in royalties, which would be, in round numbers, $35,000,000.

Should the 3,000,000 acres of land bring an average price of $10 per acre, which is a very reasonable estimate considering the fact that there is standing timber on 1,500,000 acres thereof, $30,000,000 will be derived from this source.

There is no accurate estimate of the value of the asphalt deposits, but they are worth several hundred thousand dollars. Eliminating the value of the asphalt deposits, we have the following values:

On deposit	$10,000,000
Value of the coal	35,000,000
Value of the surface and timber	30,000,000
Total value of the property	66,000,000

OWNERS OF THE PROPERTY.

The above property belongs to the citizens of the Choctaw and Chickasaw Nations of Indians under a grant made by the Federal Government under the terms of the treaty of September 27, 1830. The grant conveyed to said Indians all the lands lying between the Canadian and Red Rivers, the Arkansas line, and the one hundredth parallel west. All of said land, however, with the exception of the 3,000,000 acres above referred to, has been parceled out to the individual Indians in allotments of 320 acres of average value land.

As the property belonged to the citizens of the tribes of whom the Federal Government was the guardian, it became the duty of the Federal Government, upon the dissolution of the tribal governments, to ascertain who were the citizens entitled to share in the distribution of the property. This the Federal Government undertook to do. The tribal governments agreed to such action upon condition that each citizen be allotted 320 acres of average value land and should then share in the proceeds derived from the sale of any lands remaining undisposed of after all allotments had been made. It was also agreed that certain town sites, coal deposits, asphalt deposits, and timberlands should be withheld from the allotment scheme.

Congress passed seven different acts, under which the citizenship of the two tribes should be determined and the distribution made. The acts were act of June 10, 1896; act of June 7, 1897; act of June 28, 1898; act of May 31, 1900; act of July 1, 1902; act of March 3, 1905; and the act of April 26, 1906. The latter act provided that the question of citizenship should be finally closed upon March 4, 1907, and since that date no person has been added to the rolls of those Indians entitled to share in the property. Assistant Attorney General J. W. Howell stated to the House Committee on Indian Affairs that the above-mentioned acts were "inheritently defective" and "administered so as to prevent a full realization of their purpose." (Hearing on H. R. 19279, 61st Cong., 2d sess., p. 265.)

WHY THE CLAIMANTS WHOM WE REPRESENT WERE OMITTED FROM THE ROLLS.

1. Sufficient time was not given to do the work. The Department of the Interior was forced to act pro forma upon the claims of more than 2,000 persons during the week preceding March 4, 1907.

2. The commission created by act of Congress was incompetent and composed of laymen who conceived the idea that it was their duty to oppose the applicants and restrict the number of persons entitled to share to the fewest possible. This commission suppressed records and failed to transmit the full case of applicants to the Secretary of the Interior, who had a supervisory authority and right of review. Upon charges filed against officers of this commission, two of them were forced to resign. (S. Doc. 357, 59th Cong., 2d sess.)

3. The tribal officials who had control of tribal funds sought at all times to restrict the number of persons enrolled, in order that the share of each would be greater.

4. The attorneys, Mansfield, McMurray & Cornish, employed under Government sanction to represent the tribes, for an extra consideration of $750,000 paid out of tribal funds, and which latter employment was unknown to the Government officials, succeeded in defeating the claims of nearly 4,000 persons who had been enrolled by judgments of the United States courts rendered in cases appealed from the action of the commission to the Five Civilized Tribes under the provisions of the act of June 10, 1896. This action was investigated by the committee of Congress, and, with respect to the persons enrolled by judgments of the United States courts, this committee said: "There was no way by which persons so enrolled—locally known as court citizens—could be eliminated lawfully from participation in the tribal estate."

These tribal attorneys succeeded, however, in eliminating from the citizenship rolls the persons placed thereon by judgment of the United States courts by lobbying through a provision of law which became part of the agreement entered into by the Government and the tribes contained in the act of July 1, 1902, with reference to the distribution of the property, by having created a special court to review the judgments of the United States courts, and a committee of Congress has reported upon the manner in which this court was created, as follows:

"After the agreement had been duly signed by the representatives of the two nations and by the representatives of the Government, and after it was transmitted to Congress for ratification and approval, sections 31, 32, and 33 were inserted at the request of McMurray, which sections are predicated on the assumption that the United States courts in the Indian Territory, acting under the act of June 10, 1896, had admitted persons to citizenship in the Choctaw and Chickasaw Nations without notice to both of said nations. It was contended by the nations that in such proceedings notice to each of said nations was indispensable, and they claimed and insisted that the proceedings in the United States courts in the Indian Territory, under the act of June 10, 1896, should have been confined to a review of the action of the Commission to the Five Civilized Tribes upon the record in each case and should not have extended to a trial de novo of the question of citizenship. These sections authorized the two nations jointly, or either of said nations acting separately and making the other a party defendant, by a bill in equity filed in the citizenship court, to bring a suit for the purpose of testing the validity of all such decisions of the United States courts. It further provided that 10 persons admitted to citizenship or enrollment

by the United States courts, with notice to but one of said nations, should be made defendants to a suit as representatives of the entire class of persons similarly situated. In other words, it authorized the bringing of a test suit, and provided that in the event said citizenship judgments or decisions were annulled or vacated, any party thereto, within 90 days thereafter, by a written application, might have his case transferred to the citizenship court by the court where the judgment was entered and that the citizenship court should have jurisdiction therein as if no judgment or decision had been rendered by the United States court. It was provided that the judgment of the citizenship court should be final.

This act provided that it should not be effective until submitted to and ratified by a vote of the two nations, but exception was made as to sections 31, 32, and 33, creating the citizenship court, but which became effective upon the passage and approval of the act.

Immediately following the passage of the act ratifying the agreement of 1902, the judges authorized to be appointed to constitute the citizenship court were appointed, as follows: Spencer Adams, of North Carolina; Henry S. Foote, of California; and Walter L. Weaver, of Ohio. Judge Foote appears to have been appointed upon the recommendation of Senator Stewart, who was then chairman of the Senate Committee on Indian Affairs, and Judge Adams, on the recommendation of Senator Pritchard, of North Carolina. Judge Foote was the brother-in-law of Senator Stewart. The law creating this court is without legislative parallel; the manner of its enactment was extraordinary, and the authority which it conferred upon the court it created is without precedent in American jurisprudence.

As soon as this court was created and organized, the firm of Mansfield, McMurray & Cornish proceeded to bring before it a very large number of claims of "court citizens," and they succeeded in eliminating from the rolls between 3,500 and 4,000 persons. They then claimed a fee of 9 per cent on a basis of $4,800 per person, as provided in the contingent-fee contract made in 1901, before referred to, which had not been approved in accordance with law. (H. Rept. No. 2273, 61st Cong., 2d sess.)

It was reported, and commonly accepted as a fact, that Judges Foote and Adams received a part of the fee paid Mansfield, McMurray & Cornish, and in the case of Adams *v.* Butler, in which case Adams sued ex-United States Senator Butler, of North Carolina, for libel, it was shown that Adams received $50,000 of the fee. While the committee was considering the evidence upon which the above report was made Judge Adams cut his throat with a razor. Judge Foote died shortly after the fee was paid Foote was a confirmed drunkard.

5. There are many other reasons impossible of explanation in this short statement.

CONGRESS NOW CONSIDERING CLAIMS.

Since the closing of the rolls those whose names appear thereon and the Representatives in Congress from Oklahoma have constantly pressed for legislation directing the Secretary of the Interior to finally wind up the affairs of the tribes and to distribute the funds to those enrolled. This Congress has refused to do, and at each session has considered the enactment of legislation that would place upon the rolls all meritorious cases. The hearings upon such proposed legislation has progressed to the point where it now seems certain that action will be taken at the coming session of Congress. The Secretary of the Interior, on February 12, 1910, recommended that Congress give him authority to add to the rolls two classes of persons who had been omitted. (App. hearing on H. R. 19279, 61st Cong., 2d sess.) And during the last session of Congress the Secretary advised Congress that there were several different classes of cases which should be reheard before the estates were finally wound up, and suggested that Congress give him authority to hear the cases and to add the names to the rolls of those persons found entitled to be placed thereon.

It is our purpose to continue the fight for our clients until definite action is taken by Congress. We have been strong enough at all times to prevent a final settlement and distribution of the property. The opposition now realizes that, in order to get their own shares of the property, they must consent to legislation giving our clients their rights. I have spent a great deal of money and have given all of my time since March 4, 1907, in the work of securing justice for our clients, and I shall continue to do so until some final action is taken by Congress.

ESTIMATED VALUE OF EACH CLAIMANT'S SHARE OF PROPERTY.

As the lands have all either been allotted or ordered to be sold, the persons added to the rolls will have to take their share of the estate in cash, and it has been tentatively agreed that each person so enrolled is to receive $3,000 in cash.

Yours, very truly,

ALBERT J. LEE.

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CLAIMS IN CHOCTAW AND CHICKASAW ESTATE.

Below is the list of the number of persons claiming a share of the Choctaw and Chickasaw tribal estates, represented by Ballinger & Lee, attorneys, and the basis of their employment.

The value of an individual share in the estate is estimated at $3,000 in cash.

Number of individual claimants: 3,738, more or less.

Of the above number 2,051 persons, more or less, are represented under written contracts and powers of attorney, for a contingent fee of 40 per cent of claims recovered; 487 are represented by agreement with other attorneys who hold contracts for 25 per cent of recovery, the share of Ballinger & Lee being 12½ per cent of the amount recovered. One thousand two hundred persons, more or less, are represented by Ballinger & Lee under 50 per cent contract, of which Ballinger & Lee's share will estimate $500 per person.

Lee's proposed sale of 40 per cent of his individual shares, or fee, is figured as follows:

Persons	2,051
Value of individual share	$3,000
Total value of shares of 2,051 persons	$6,153,000
Per cent basis of fee	40
Estimated fee	$2,461,200
Persons	487
Value of share	$3,000
Total value of shares of 487 persons	$1,461,000
Per cent basis of fee of Ballinger & Lee	12½
Total estimated fee of Ballinger & Lee for 487 persons	$183,023
Persons	1,200
Ballinger & Lee's fee per person	$500
Total estimated fee for 1,200 persons	$600,000
	$2,461,200
	$183,023
	$600,000
Total of Ballinger & Lee's fee	$3,244,223
Less estimated expense of collection	$150,000
	$3,094,223
Per cent with which assistance was contracted	45
Estimated cost of assistance	$1,392,400
Net fee	$3,094,223
Less cost of assistance	$1,392,400
Net fee to Ballinger & Lee	$1,701,823
Net fee to Lee (one-half)	$850,911
Per cent proposed assignment	40
Fee which will go to owners of the 40 per cent to be sold	$340,364

In addition to the above cases, we represent about 10,000 people whose records do not conclusively show that they are entitled to share in the distribution of the property, but if Congress permits proof to be made in these cases, I estimate that at least 3,000 of them will be good. Our fee in these cases is 40 per cent, and in the event of success in the 3,000 cases indicated, my individual fee would approximate $2,065,911. My proposed assignment includes all of these cases.

ALBERT J. LEE.

—

MASTERSON & MASTERSON, ATTORNEYS AT LAW,
Houston, Tex., October 17, 1912. (Received Apr. 20, 1914.)

To whom it may concern:

I have carefully read the statement of Albert J. Lee, of the law firm of Ballinger & Lee, in his letters of the 17th instant, relating to the claims of the Choctaw and Chickasaw Indians, represented by his firm, and from my own knowledge of the facts, the manner in which the estate of these Indians was administered by officers of the Federal Government, and the steps that are now being taken to protect the interests of the claimants, I know that Mr. Lee's statement is substantially correct. The claims represented by Mr. Lee are meritorious; however, he does not by half set forth the merits of the claims, nor does his statement fully cover the injustice that has been perpetrated upon the class of Indians whom he represents. It would be impossible for him to fully deal with the merits of these claims in a brief letter.

The records in these cases are so plain and so clearly disclose fraud and incompetent administration that I am firmly convinced that Congress will restore the claimants to their rights. I therefore believe that money advanced to Mr. Lee in aid of his cases will return a big profit within the next two years, and that such profits will not be less than a return of $20 for every dollar advanced him.

On the 7th day of this month I furnished $2,000 to Mr. Lee in order to afford him temporary relief in connection with the Indian claims represented by him, and in addition thereto I am subscribing $2,000 to the fund of $16,000 which he is now endeavoring to raise, notwithstanding the fact that I am largely interested in similar claims of the Choctaw Indian descendants.

Of my own knowledge—for I have investigated many of the claims of the clients of Mr. Lee before deciding to invest $4,000 in the enterprise—I know that the claims of the Indians so investigated, whom Messrs. Ballinger & Lee represent, are full of merit. I therefore consider the $2,000 already invested and subscription of $2,000 to be in the nature of a fine speculative investment. It is hoped, and I think reasonably certain, that the Choctaw claimants will be given relief during the coming session of Congress.

These claims do not conflict with the claims handled and represented by the Texas-Oklahoma Investment Co., but are in line with them.

Yours, very truly,

H. MASTERSON.

I visited Muskogee, Okla., where I conferred with Commissioner Wright and Supt. Kelsey with reference to persons soliciting contracts from the Indians of Oklahoma, and then proceeded to Poteau, Okla., where I met T. V. Sprinkel, an attorney of that town, whom I learned had been obtaining contracts from certain Indians, and upon interrogating him relative thereto, he stated with apparent frankness that he has been engaged at intervals the past three years in procuring contracts from Choctaw Indians who are interested in what is known as the Glenn-Tucker claim, and that he has not solicited contracts in any other Indian claim; that there are about 700 Choctaw families interested in said claim; and that he has procured contracts from 75 of the leading families interested, and only from those of them with whom he has been acquainted for many years past.

He stated that to meet the expenses incurred by him in executing the contracts and preparing the case he charges each family $10 who employ him, this being the total charge he makes to each family regardless of the number in the family, and that his contracts provide for payment to him of a 25 per cent contingent fee of whatever he may recover for them. He further stated that he has been engaged in this work since 1911, during which time he has made two trips to Washington, D. C., in the interests of his clients, and that up to the present time the total received by him from the 75 families with whom he has contracts amounts to only $129.

He also stated that Webster Ballinger, Walter S. Field, and W. W. Wright, attorneys of Washington, D. C., have a large number of similar contracts with Choctaw Indians.

While at Poteau I learned that a colored man named Robert L. Fortune, of Wilburton, Okla., had been soliciting contracts for Crews & Cantwell from Choctaw freedmen residing in the vicinity of Poteau, and I obtained from Mr. Felix Bird, a notary public of Poteau, one of the contracts, which said Fortune had left with the notary for acknowledgment when the freedman represented therein appeared to execute it, and after concluding my business at Poteau I proceeded to Wilburton, where I met said Robert L. Fortune and interrogated him with reference to the matter.

Said Robert L. Fortune resides in the town of Wilburton, Okla., and bears a good reputation in the community. He stated to me that he

is 48 years of age, and was for 16 years, terminating in 1906, a deputy United States marshal for the eastern district of Indian Territory, now a part of Oklahoma, and that about three years ago he was employed by a negro lawyer, named J. Milton Turner, to canvass certain localities in eastern Oklahoma and procure contracts from Choctaw freedmen for Crews & Cantwell, of St. Louis, Mo.; that said Turner employed two other colored men as subagents in this work, whose names were J. E. Eubanks and H. A. Guess, respectively, and that Turner, in directing the work, maintained an office first at McAlester, Okla., and subsequently at Fort Smith, Ark.; that he (Fortune) procured about 700 contracts for Crews & Cantwell from Choctaw freedmen, including minors, but took no contracts from minors except when executed by legal guardians; that he delivered all of the contracts thus procured by him to J. Milton Turner, who paid him $1.25 for each duly executed contract delivered, and that the contract provided for a 35 per cent contingent fee to Crews & Cantwell.

Said Robert L. Fortune stated that in no instance while engaged in this work did he represent himself as a Government official, but invariably as a subagent of J. Milton Turner, in procuring contracts for Crews & Cantwell, of St. Louis, Mo.; that H. A. Guess, another of Turner's subagents, who was a negro attorney, then residing at McAlester, Okla., was given a much larger and better territory to operate in than that assigned to him by Turner, in consequence of which, as stated by Fortune, Subagent Guess procured about double the number of contracts that he (Fortune) obtained, and which, with the contracts procured by J. E. Eubanks, another of Turner's subagents, a colored man, and said to be a lawyer, whose field of operation was in the southeastern part of Oklahoma and adjoining territory in Arkansas, and Fortune stated, as an estimate, that about 2,300 contracts were obtained for Crews & Cantwell from Choctaw freedmen by himself and the two other subagents operating under the direction of said J. Milton Turner.

On the 23d ultimo I called upon Mr. Harris Masterson, attorney at law, at his office in the Chronicle Building, Houston, Tex., and had a very pleasant interview with him relative to his connection with certain attorneys engaged in prosecuting Mississippi Choctaw Indian claims, and he was exceedingly courteous throughout our conference.

Mr. Masterson is a very affable gentleman, and stated quite freely his interest in the claims handled by Crews & Cantwell, in which he said he became interested by having the case presented and explained to him by Mr. S. L. Hurlbut, of El Campo, Tex., and that after investigating the matter he concluded to go in on it as a speculative investment, and that he took an active part in promoting the organization of the Texas-Oklahoma Investment Co. to finance the project.

The organization of said company and financing of the project is set forth on pages 12 and 13 of this report, based upon the statements of Mr. Masterson to me with reference thereto.

Mr. Masterson further stated that he also promoted the raising of a fund for Attorney Albert J. Lee, of Ardmore, Okla., to enable him to continue the prosecution of certain Choctaw-Chickasaw Indian claims that are being handled by Ballinger & Lee, which do not conflict with those handled by Crews & Cantwell.

Luke W. Conerly, of Gulfport, Miss., being frequently referred to in the communications contained in the file of papers furnished me by the Indian Office for use in my investigation, and his name appearing in the correspondence as an active solicitor in obtaining contracts from Mississippi Choctaws, therefore I proceeded to Gulfport, Miss., to meet him.

I reached Gulfport the afternoon of the 27th ultimo, and learning that Mr. Conerly lived out in the country about 3 miles from Gulfport, I got into telephone communication with him and he immediately came in to meet me at the Great Southern Hotel, where we were over three hours in conference, and he returned about 9 o'clock the following morning, accompanied by Henry Wilson and Carl Wilson, two prominent members of the Mississippi Choctaws, and remained until near noon discussing Choctaw matters generally and A. P. Powell particularly.

The said Luke W. Conerly is 73 years of age and a lawyer by profession, but has not practiced in the courts for several years past. He is quite intelligent, bears a good name in the community, and is well spoken of by those who know him. He claims to be a lineal descendant of one of the leading Choctaw families who participated in the Dancing Rabbit Creek treaty of 1830, and stated that he is now regarded by all the Choctaws living outside of Oklahoma as their captain and recognized leader; also that it was he who first interested Congressman HARRISON, of Mississippi, in Choctaw matters and got him to introduce the bill for reopening the Choctaw rolls; that he had interested United States Senators WILLIAMS and VARDAMAN, of Mississippi, in the Choctaw claim; also Congressman MORGAN of Louisiana, in whose district many Choctaws reside.

I had a very pleasant interview with Harry Wilson, president chief council, Society of Mississippi Choctaws, together with his son, Pearl L. Wilson, secretary of said council, both of whom reside in Gulfport, Miss., and they corroborated substantially the statements of Luke W. Conerly regarding Mississippi Choctaw matters.

Mr. Conerly stated that he assisted A. P. Powell in writing up contracts with Mississippi Choctaws in 1910, when Powell was working on a salary for Crews & Cantwell, and that again in March, 1911, he commenced assisting Powell in writing up contracts for W. B. Matthews, an attorney of Washington, D. C., and for whom Powell procured 2,258 contracts and had charged the claimants $2.50 each for executing. He further stated that he was in Washington, D. C., in February, 1912, and suggested to Mr. Cantwell, who was also in Washington, the advisability of Crews & Cantwell purchasing the Matthews contracts, as Mr. Matthews had never done anything toward furthering the Choctaw case before the committees of Congress or elsewhere, and that Mr. Cantwell was so favorably impressed with the proposition that he authorized him (Conerly) to call upon Attorney Matthews and endeavor to bring about a transfer of his contracts to Crews & Cantwell, which he (Conerly) proceeded to carry out, resulting in Mr. Matthews transferring the 2,258 contracts that were procured in his name to Crews & Cantwell for a cash consideration of $1,300, together with Mr. Matthews retaining a certain per cent interest in the contingent fee provided in the contracts, and that he (Conerly) supervised the legal transfer of said contracts from Matthews to Crews & Cantwell and carried them from Mr. Matthews's office in the Bond Building to Crews & Cantwell's office, then in the Munsey Building.

Mr. Conerly further stated that A. P. Powell in his deal with W. B. Matthews was to receive a certain per cent of the contingent fee provided in the contracts, and in order to eliminate Powell, and that he would have no further interest in these 2,258 contracts, Mr. Cantwell paid Powell $300 in cash; this payment to Powell, as stated by Mr. Conerly, was that he might thus be gotten rid of in a friendly way and with the understanding that he (Powell) was not to return to Mississippi to engage in soliciting contracts with Choctaw or Chickasaw claimants.

Mr. Conerly stated that he was then engaged by Crews & Cantwell to procure contracts for them, and that arrangements were subsequently made by which Powell assisted him for a time, and that during 1912 and early part of 1913 he (assisted by Powell) procured about 1,300 contracts for Crews & Cantwell and turned the same in to them; that Powell then commenced taking contracts in his own name, and his present whereabouts are unknown to Conerly.

Mr. Conerly still further stated that since March, 1913, he has been in the employ of Mr. T. B. Crews, of the firm of Crews & Cantwell, in procuring Choctaw contracts, and had on the 28th ultimo about 1,800 executed contracts all indexed and ready to turn in, thus approximating about 9,558 of this class of contracts controlled by Crews & Cantwell, apart from any they may have obtained through parties whom he (Conerly) has no knowledge. To the above-stated total may be added the 2,300 Freedmen contracts as estimated by Robert L. Fortune, of Wilburton, Okla., who was one of the solicitors obtaining contracts from freedmen for Crews & Cantwell.

Mr. Conerly stated to me that he had obtained contracts from Mississippi Choctaws residing in 15 different States and that there are now so many influential persons interested in this claim that he has great hope of the early enactment of legislation directing the reopening of the Choctaw and Chickasaw rolls.

With reference to the representations made and methods adopted by A. P. Powell in obtaining contracts from Mississippi Choctaw applicants, Mr. Conerly stated that he had been associated with Powell at intervals, from 1910 to the early part of 1913, in writing up contracts for Choctaw claimants, and that during all that period he had never heard Powell represent himself as a Government official; on the contrary, had often heard him tell applicants that he was in no way connected with the Government, but that the impression prevailed among the people in general that Powell represented some high authority in canvassing for and executing the contracts he was obtaining; that he never heard Powell state that he was a lawyer, but knows that the impression prevailed in general that he was an attorney.

Mr. Conerly stated that he has not met Powell during the past year and did not know where he is at the present time, but had heard that he is still engaged in soliciting contracts from Choctaw claimants, taking the contracts in his own name on a 20 per cent contingent fee and charging each applicant $2.50 for executing their papers, and he (Conerly) expressed the belief that Powell has realized several thousand dollars through the $2.50 fee invariably received by him from each of the many claimants from whom he obtained contracts since severing his connection with Crews & Cantwell in 1911.

Mr. Conerly remarked with reference to A. P. Powell that he regarded him as a shrewd individual who made a good impression upon persons meeting him casually, but that from having acquired a very thorough knowledge of Powell's characteristics, he (Conerly) would not wish to be associated with him in any business transaction.

As pertinent in the premises, I transmit herewith as "Exhibit B" copy of statement of said Luke W. Conerly, made under oath to Special Indian Agent W. W. McConihe at Jackson, Miss., on April 26, 1911; the original of which I submitted to Mr. Conerly at Gulfport, Miss., on the 28th ultimo and which he verified as true and a correct statement of matters therein referred to up to the time the said statement was made and sworn to by him.

There is also transmitted herewith as "Exhibit C" letter of Luke W. Conerly, of Gulfport, Miss., addressed to me under date of 17th instant, to which is attached a printed circular of Crews & Cantwell, dated February 16, 1912, accompanied by printed copy of an affidavit of A. P. Powell, dated November 6, 1911, which has reference to the discontinuance of A. P. Powell by Crews & Cantwell and the employment by them of said Mr. Conerly to continue the work of procuring contracts from Choctaw claimants who desired to be represented by Crews & Cantwell.

I also transmit, as "Exhibit D," copy of affidavit of said A. P. Powell, asknowledged at Jackson, Miss., by W. W. McConihe, special United States Indian agent, on April 27, 1911, wherein Powell states that he took about 4,000 applications and made no charge for them, after which he charged applicants $1.25 each; that he made this charge because the money that had been advanced by Crews, Cantwell & Hurlbut was exhausted; that he sent all these claims he was making a charge for to Crews & Cantwell; that he took about 100 applications at Monticello, Miss., for Crews & Cantwell and charged $2.50 each there; that he took a few names at Biloxi, Miss., and charged $1.25 for each applicant there, and that these claims were for Crews & Cantwell; that he also visited Meridian, Miss., and took about 88 applications there for Crews & Cantwell, but for which no charge was made; and that he had taken no applications for Crews & Cantwell after his association with Matthews (meaning Attorney W. B. Matthews, of Washington, D. C.).

From the foregoing statements of Powell in his said affidavit he doubtless took contracts for Crews & Cantwell from approximately 4,200 claimants, as stated on page 13 of this report, and also as shown on page 14 hereof, by copy of Mr. C. B. Moling's letter of June 12, 1911, to Hon. W. L. Dechant, of Middletown, Ohio, which, with the 2,258 contracts taken by Powell for W. B. Matthews and subsequently transferred to Crews & Cantwell, and as stated by Luke W. Conerly (assisted by Powell), 1,300 turned into Crews & Cantwell during 1912 and early part of 1913 (see p. 37 of this report), together with about 1,800 additional contracts which Mr. Conerly has recently procured and ready to turn in to Mr. Crews (see also p. 37 of this report), approximates 9,558 of this class of contracts on a 30 per cent contingent fee, controlled by Crews & Cantwell and their associates of the Texas-Oklahoma Investment Co., and which, with about 2,300 contracts obtained for Crews & Cantwell from freedmen on a 35 per cent contingent fee, as stated by Robert L. Fortune (see pp. 30–32 of this report), brings the number of claimants represented by them up to 11,858, approximately.

I transmit herewith five forms of blanks used in executing these contracts. "Exhibit E" being the form used by A. P. Powell in procuring contracts for Crews & Cantwell while working on a salary for them. "Exhibit F" was the form used by said Powell while procuring contracts for W. B. Matthews. "Exhibit G" is the form now being used by A. P. Powell in taking contracts in his own name. "Exhibit H" is the form used by Luke W. Conerly in writing up contracts for T. B. Crews. "Exhibit I" was the form used by the three subagents of J. Milton Turner in procuring contracts from Choctaw and Chickasaw freedmen for Crews & Cantwell, and "Exhibit J" contains copies of five notices circulated by A. P. Powell in soliciting contracts; also specially prepared press dispatches for distribution, with the evident object of thus arousing enthusiasm in the Mississippi Choctaw matter.

In conclusion I desire to state that from a careful perusal of the numerous letters of claimants from whom A. P. Powell had obtained contracts seeking information with reference thereto, as contained in the file of papers furnished me by the Indian Office for reference in this investigation, together with my having interrogated numerous persons as to the representations made to claimants by Powell and other solicitors, it appears that Powell did not represent himself as an official of the Government nor of the Choctaw Nation, and thus therefore avoided violating the statutes in that respect, notwithstanding which, as stated by many persons, the impression undoubtedly prevailed, especially among the more ignorant, that he was a lawyer and represented the Government in some manner in soliciting contracts from Choctaw claimants.

Many persons whom I interrogated regarding the matter asserted that Powell had invariably denied being in any way connected with the Government and was only endeavoring to get the rolls reopened, that the unenrolled Choctaws might receive their rightful shares, which, as stated by him, would be 320 acres of land and about $2,500 in cash to each claimant, less 30 per cent contingent fee to the attorneys.

I return herewith the file of papers furnished me by the Indian Office for reference in this investigation.

Very respectfully, your obedient servant.

JAMES MCLAUGHLIN, *Inspector.*

EXHIBIT A.

[S. L. Hurlbut, president; L. H. Beal, secretary. Alfalfa, corn, oats, cotton, rice, cane, and truck lands.]

GULF COAST LAND & INVESTMENT CO.,
STATE BANK BUILDING,
El Campo, Tex., March 8, 1911.

A. P. POWELL,
Bay St. Louis, Miss.

DEAR SIR: Your letter addressed to Mr. Hurlbut, under date of March 6, has just reached us, and as Mr. Hurlbut is away from the office at this time and as you seem to have a wrong idea of the amount that has been spent for contracts, or rather for the actual expense of taking contracts up to the present time, we think it advisable to supply you with the figures, as shown on our books, for the money already paid out for field work, for the actual expense of taking the contracts, not to say anything of that used by Crews & Cantwell, in getting ready for proving up.

Powell has received, to cover expenses, to date	$2,006.02
Powell has received salary for taking contracts	900.00
Nickols has received for helping in taking Oklahoma contracts	125.00
Turner has received for helping in taking Oklahoma contracts	165.00
Hurlbut has been to an expense in going to Oklahoma and taking contracts there	327.00
Or there has been a total spent on taking contracts of	3,523.02

So you will see that, instead of as you say, when you make the statement that you have used only $1,800 yourself you have really used $2,906.02, and this does not include the $65 given you by Cantwell while you were in Washington the last time. And you will see by this that Mr. Hurlbut was exactly right when he stated that about $7,000 has already been spent.

Mr. Hurlbut will no doubt answer the part of your letter where you refer to his paying you $122 when he returns to the office, and I think this matter will be fixed up between you and him in a satisfactory manner, as he wishes to do exactly what is right by you.

Yours, very truly,

L. S. HURLBUT.
Per L. H. BEAL.

EXHIBIT B.

STATEMENT OF MR. LUKE WARD CONERLY.

Mr. Luke Ward Conerly, of Gulfport, Miss., station "A," made the following statement to Special Agent McConihe at Jackson, Miss., April 26, 1911, under oath:

"I know A. P. Powell. He is engaged in writing up Choctaw claims in Mississippi. I am working with Mr. Powell now. Have been with him at Tylertown, Pike County, Bay St. Louis, and I am now engaged at McComb City, Pike County. I was not with him all the time at Bay St. Louis. I have been present when large numbers of persons appeared before Mr. Powell, and I never heard him say he was a Government official or agent, or make any statement that could lead others to think so.

"I met Powell about July and asked him what he was doing, and he said he was getting up claims for Mississippi Choctaws under the treaty of 1830. I understood that he had been before Congress with the claims. He said that Crews & Cantwell were getting up the claims to present to Congress, the courts, or the department. Powell said he was getting the claims for that firm. I do not know what he gets out of it. I have never heard Powell say that he was representing the Government, nor have I ever heard anyone say that they heard or was told by Powell that he was a United States official, or was representing the Government. At Bay St. Louis he was making no charges at first for his work. Powell required every applicant to show up his ancestry.

"At Bay St. Louis he ran out of blanks and had some more printed, and afterwards charged them $1.25, including notary fee. Powell sent me to Tylertown to work there getting up claims, and I made a charge of $2.50 for each application written up, and paid him $1 for blanks. I wrote up about 150 applications. The charge was to cover expenses. I represented to the people that they were entitled to put in claims against the Government under the provisions of the treaty of 1830, subject to such legislation by Congress as might be determined, and that they would have to enter into a contract if they wanted to put in a claim on a 30 per cent contingent fee, as shown by the contract with Crews & Cantwell, who were the lawyers having charge of the matter, who would present the claims to Congress. I have been at McComb City working up claims since March 21, and making a charge of $2.50 for each application. I pay Powell $1 for a set of blanks of two, and keep $1.25 and pay the notary 25 cents. I am taking all these applications in the name of William B. Matthews, of Washington, D. C. Last December 19 I closed at Tylertown and went to Bay St. Louis and brought him all the applications I had left. These were the last I wrote up for Crews & Cantwell. I wrote no more after that until about March 13, when I met him at Columbia, where he was writing up claims for W. B. Matthews. He gave me to understand that he no longer represented Crews & Cantwell, but gave me no reason for the change. He gave me 100 sets of blanks to take to McComb and open an office there. Our agreement was that I should write 25 claims and send them to him with the $25. I have sent him 50 contracts and $50. I was not at Jackson with Mr. Powell. I made $1.25 on each application at McComb. I tell the people this is for my expenses."

I certify that the above statement was made to me under oath.

W. W. MCCONIHE,
Special Indian Agent.

EXHIBIT C.

GULFPORT, MISS., *June 17, 1911.*

Maj. JAMES MCLAUGHLIN,
Inspector, Indian Office, Washington, D. C.

DEAR SIR: While you were in Gulfport I promised you I would send you a circular sent out by Crews & Cantwell from Washington in reference to A. P. Powell and also my employment by them in February, 1912. You will note that during the engagement of myself by Crews & Cantwell, in which Mr. Masterson was concerned, I was forbidden to charge even a notary fee against those who appeared before me.

Mr. Masterson refusing after the 1st of February, 1913, to furnish any more money to cover my expenses, I took contracts during that month for that firm at my own expense. After February, 1913, say, 1st of March, 1913, I entered into an agreement with Thomas B. Crews to take contracts in his name, he to cover my expenses, except I reserved the right under the Mississippi laws to charge my notary fee of 50 cents each against those able to pay, and I have made it a rule not to charge a widow or a woman dependent on her own resources for a support, nor a cripple, nor anyone else not able to pay the 50 cents notary fee.

Not being allowed any traveling money in 1912 by Crews & Cantwell and Mr. Masterson, in some instances, in order to save the expense of coming to Gulfport, where there were groups of claimants, they volunteered to cover my expenses to their neighborhoods and return. In no instance whatever have I made a charge against persons putting in claims through me; neither have I appointed any subagent, nor allowed anyone, if I could help it, to charge for making out proof and contracts for others where I furnished the blanks, but I can not say this was not done in some instances without my knowledge.

I have always been careful to explain the situation of our case before the Committee on Indian Affairs, as I was present at the opening of the case before the subcommittee, February, 1912, and understood the situation, and have tried to impress upon the minds of all that the rolls could not be opened; nor could the Secretary of the Interior do anything without the enactment of a law to authorize it; and especially have I urged people not to annoy the Interior Department, nor our lawyers and Congressmen, with letters—to be patient and wait.

So anxious have our people been to get their claims in and to secure their rights that they would willingly have paid me a cash fee for the work of getting up their ancestral records and proof and preparing their papers for their attorneys, and I could have reaped thousands of dollars in the last two years; but, instead, I have expended a thousand dollars of my own earnings going to them to do the work for them free of charge, besides money furnished me by my associates and employers, Crews & Cantwell. Knowing the hard contest before us in Congress on account of powerful opposition, I was opposed to the charge of a petty fee against the claimants when their attorneys were doing their work for a contingent fee subject to modification and approval of the Secretary. By a special arrangement with Mr. Cantwell and also with Thomas B. Crews I own a number of contracts in my own right, taken in the name of Crews & Cantwell, and I am trying, and have been all the time, to conform to my instructions from them as outlined in the circular inclosed sent out by them in February, 1912.

Yours, sincerely and truly, LUKE W. CONERLY.

OFFICE OF CREWS & CANTWELL, 420 MUNSEY BUILDING,
Washington, D. C., February 16, 1912.

To the Mississippi Choctaws:

We inclose herewith a copy of an affidavit made by A. P. Powell, which explains itself. The occasion for sending this affidavit to you and for the statement which follows arises by reason of the fact that all relations between A. P. Powell and the firm of Crews & Cantwell are now severed.

A short history of our relations with him may not be improper. In the month of May, 1910, Mr. Cantwell had some business before the Committee on Indian Affairs with relation to citizenship claims in the Choctaw-Chickasaw Tribe, and made an argument before the committee on that day. At the conclusion of his argument, Powell made to the committee a statement of his claim as a Mississippi Choctaw. (A copy of the statement of Mr. Powell made at that time is herewith inclosed for your information.) Mr. Cantwell had had no occasion to investigate the claims of the Mississippi Choctaws prior to that time, but upon a casual examination of the matter he became impressed with the idea that there was much more foundation for the claim of rights of the Mississippi Choctaws than had been stated by Mr. Powell before the committee, and upon a full investigation he became convinced that the claim of rights of the Mississippi Choctaws was well founded, and thereupon our firm employed Powell upon a salary to go to Mississippi and secure contracts for us and in our name as attorneys to represent the claimants. Powell gave us to understand at that time that the number of claimants would be about 2,000, and the money was provided for all the expense of taking that number of contracts. There were many more claimants than we were led to believe existed, and after nearly 3,000 contracts had been taken the money provided for that purpose became exhausted. Mr. Cantwell requested Powell, who was then in Washington, to return to Mississippi and stop the work of taking contracts until arrangements could be provided for funds to pay the expenses of taking more contracts, and Powell was paid his expenses to return to Mississippi. Powell at that itme suggested to Mr. Cantwell that the claimants would pay the expenses themselves, but as no bill had been introduced for the relief of the Mississippi Choctaws, and as it was uncertain at that time whether any legislation would be enacted, Mr. Cantwell felt that to charge claimants for making out the papers, or to permit them to pay the cost of doing so, might cause the enemies of the Mississippi Choctaws to designate the efforts to get them together as a scheme of graft for these fees, and our firm was not willing to have the cause injured by permitting any occasion for such charges. Powell then went to Mr. W. B. Matthews, a lawyer of Washington, D. C., and represented to Mr. Matthews that there were a large number of claimants in Mississippi who were willing to pay for writing up their contracts, provided they could get a lawyer to represent them.

Mr. Matthews consented to represent them in the event that Powell could secure the contracts, and quite a number of contracts were taken by Powell in the name of W. B. Matthews under this arrangement, the claimants paying a fee for writing the contracts. The firm of Crews & Cantwell had absolutely no connection with this whatever, and during all this period Powell was not in our employ and not in anywise connected with us. During all this time, however—that is, while Powell was taking contracts for Mr. Matthews—no contracts were taken for us or in our name, although we were doing all the work of preparing the law governing the case of the Mississippi Choctaws. Powell had up to this time still retained a contingent interest in the fee which might be eventually recovered by us, and desiring to eliminate him from all connection with our contracts, he was paid the sum of $2,400 in cash and he then relinquished all interest, contingent or otherwise, in the contracts which he had secured for us. This payment was in addition to the sum of $150 per month and his expenses, which had been fully paid him during the time he was taking contracts for us. Later—that is, within the last two months—Mr. Matthews, having then investigated the matter, became convinced that we were in a better position to present the case of the Mississippi Choctaws and to handle their interests than anyone else, transferred all the contracts which had been secured in his name to us and substituted our names as attorneys in accordance with the power given him by each individual contract.

From the beginning of this work we have been entirely willing to give Powell all the credit to which he may be entitled by reason of the fact that, without knowing upon what legal ground the rights of the Mississippi Choctaws depended, he remained in Washington, almost friendless and alone (up to the time that he met Mr. Cantwell), insisting that he, as a Mississippi Choctaw, had some rights which had been disregarded. We have always regarded Powell as the instrument of Providence in keeping alive the claim of at least one Mississippi Choctaw after the closing of the rolls in 1907 up to the time when the work was commenced at our expense in Mississippi. For his energy after his return to Mississippi in keeping up the interest of the people there in their rights (although he was paid therefor a much higher salary than he had ever earned before in his life), we have always been willing to concede him full credit and honor. Unfortunately, however, Powell now seems to have the impression that he is a lawyer, that he should direct this campaign, and he has been particularly restless and sensitive about the few mild criticisms which we have indulged in regarding certain misrepresentations which he had ignorantly made to the people in Mississippi.

Some two weeks ago we engaged Powell upon a salary to go back to Mississippi to assist Mr. Luke W. Conerly, of Gulfport, Miss., in taking such contracts as might still be obtainable from claimants, with the express provision that Powell and Conerly should be paid a salary and that no charge should be made the claimants. While we do not regard it as anything improper for the claimants to pay the expenses necessarily incident to making contracts for the protection of their rights, yet, having defrayed all the expenses of taking contracts for us before and desiring to prevent any reflection upon the agitation for those rights as being a means by which a petty profit might be made, we have steadily opposed the idea of taking any contracts except at our own expense.

A telegram has just been received from Powell in Mississippi saying that "Our deal is off." Owing to his peculiar impulsive disposition, we are led to fear that he may be indulging in some misrepresentation as to what is now being done in Washington, and that he contemplates some arrangement by which he may continue to charge claimants for taking their contracts as he had heretofore done with the Matthews contracts.

We desire to say to the claimants that a bill for their full and adequate relief has been introduced in the lower House by Mr. HARRISON, of Mississippi; that all the members of the Mississippi delegation and Mr. Wickliffe, of Louisiana, are enthusiastically supporting the bill; and that Congressman HARRISON and Mr. Cantwell are now engaged in making arguments before the Subcommittee on Indian Affairs in Congress, making a full presentation of the case, and that everything is being done that can be done for the relief of these claimants.

Mr. Luke W. Conerly, of Gulfport, Miss., who is himself a Mississippi Choctaw claimant, will return to Mississippi from Washington in a few days, and any of your friends or relatives who are not now represented by us who desire attorneys to represent them may procure blank contracts and blank memoranda of evidence from Mr. Conerly. All those who apply to him at Gulfport, Miss., will have the memorandum of their evidence filled and the contracts prepared and acknowledged without charge, and upon giving him the preliminary information by mail, the papers will be prepared by him and returned to you at your home in the event that you can not get to Gulfport. In case the papers are acknowledged at your own home, however, the claimant would be expected to pay the notary fee, which, in any event, would not be more than 50 cents.

We repeat we have never had any desire to take away from Powell the credit for whatever work he has done. He is in the habit of looking upon himself as the "father" of the Mississippi Choctaws. We have been reliably informed that Powell has heretofore represented throughout Mississippi that he was the attorney who presented this matter before Congress. In order to gratify his vanity we had inserted in the first contracts a recognition of Powell's services, but the copy of the statement and the only statement which Powell has ever made before any committee of Congress is herewith inclosed, from which each claimant can easily determine for himself that if the rights of the Mississippi Choctaws had depended upon Powell's efforts alone, they would not have gotten very far toward being recognized. The statement itself shows that Powell did nothing except call attention to his own claim, and a comparison of his statement with the voluminous brief of Mr. Cantwell shows how imperfectly even his own rights were stated. Whatever Mr. Powell may do can not affect the rights of the claimants. Their rights will be fully protected in any event, and this letter is sent you only for the purpose of thoroughly acquainting you with the situation in order to prevent the possibility of any wrong impression being created in regard to your claim.

CREWS & CANTWELL.

STATE OF MISSOURI, *City of St. Louis:*

A. P. Powell, upon his oath, deposes and says that in the month of May, 1910, at the city of Washington, D. C., he was employed by the firm of Crews & Cantwell to secure contracts for them for their employment as attorneys by persons claiming rights as Mississippi Choctaws under the treaty of 1830; that his instructions from Mr. Cantwell were to write the contract of no person who was not a bona fide claimant under said treaty, and to write contracts with no person except those who had record or evidence by tradition of their pedigree as a descendant of a person entitled to lands under the treaty of 1830; that he was paid a salary of $150 per month and all of his expenses, and had a contract for a contingent interest in the fees that might be recovered by Crews & Cantwell; that all of the expenses of securing about 3,800 contracts, including the acknowledgments, were paid by the firm of Crews & Cantwell, and that no charges were made by him against any of the claimants for any of his services in writing contracts for Crews & Cantwell; that after Crews & Cantwell stopped taking contracts the affiant was besieged by other persons who had had no opportunity up to that time to have their contracts written, and that affiant, upon his own responsibility, took contracts with about 300 persons, in the name of Crews & Cantwell, charging the applicants a fee of $1.50 for each contract; that after communicating to the firm of Crews & Cantwell the fact that these last 300 had been taken, for which this charge had been made, Mr. Cantwell first declared that, as they had made no charges for the other contracts, they did not want these contracts at all, but realizing that this would put the claimants in a bad position and that their rights might be neglected, the contracts were finally accepted by Crews & Cantwell; that Mr. Cantwell instructed this affiant to return the $1.50 charge made by this affiant, and that Crews & Cantwell then paid this affiant his expenses while taking these last-mentioned contracts; that over 3,800 contracts had been taken prior to that time, for which no charges had been made; that under no circumstances and at no time did Crews & Cantwell, or any one of them, authorize or request that any contracts be taken for which a charge should be made, and that the only contracts taken in their name for which charges were made were as above detailed and under the above circumstances, which was after Crews & Cantwell had notified this affiant that they did not wish to go further on taking contracts.

That at no time and under no circumstances did Crews & Cantwell, or any one of them, ever instruct this affiant to take the contract of any person who did not claim to be a lineal descendant of an Indian entitled to lands under the treaty of 1830.

Affiant further states that he has taken no contracts with full-blood negroes; that until within the last six weeks neither Crews nor Cantwell had any knowledge of the large number of persons with negro blood in Mississippi claiming such rights, although Mr. Cantwell had stated to this affiant that he did not regard the presence of negro blood as a sufficient bar to destroy the legal right of one who had undoubted Indian blood and is an undoubted descendant of an Indian claiming rights under the treaty of 1830, although Mr. Cantwell had stated to this affiant on several occasions that the fact that one had negro blood would make it very difficult to establish the heirship. This affiant states that out of over 4,000 contracts taken there are not more than 20 per cent who have any negro blood whatever.

Affiant further states that in consideration of the sum of $2,400 paid him in cash, he has relinquished and conveyed to Crews & Cantwell all his contingent right in the fees in the contracts above referred to, and hereby cancels said contract; and that this affiant has no further financial interest in the fees or the contracts made in the name of Crews & Cantwell.

Affiant further states that he has not heretofore assigned his right to a contingent interest in the fees aforesaid to anyone.

A. P. POWELL.

Subscribed and sworn to before me this 6th day of November, 1911. (My term expires June 3, 1913.)

[SEAL.] SARAH M. HAWLEY, *Notary Public.*

EXHIBIT D.

JACKSON, MISS., *April 27, 1911.*

Alex. P. Powell, being first duly sworn by Special United States Indian Agent W. W. McConihe, deposes and says as follows:

I reside at Homer, Okla. My present occupation is getting up claims among the Choctaw and Chickasaw Indians and their descendants who remained in Mississippi after the Dancing Rabbit Creek treaty of 1830. I was first employed by Crews & Cantwell, of St. Louis, Mo. I went before the Committee of Indian Affairs in Congress at Washington, April 2, 1910, and they gave me a hearing on the claims of these Indians. Mr. Harry J. Cantwell was present at the hearing, and after I got through my talk with the committee Cantwell came to me and asked me how much money I wanted to take the claims in Mississippi. I said it would take at least $5,000. Cantwell wired S. L. Hulbert, of El Campo, Tex., to come to Washington at once. Hulbert came to Washington and arranged with Cantwell, and Hulbert guaranteed to put up $5,000 for getting the work of the applications.

I first opened an office at 315 Farish Street, Jackson, Miss., and began to take applications. I put an advertisement in the paper at Jackson inviting all persons who were descendants of the Choctaw-Chickasaws under the treaty of 1830 to appear before me and make proof of their rights and descent. I took about 700 applications at Jackson and made no charges to the applicants therefor. I next went to Bay St. Louis and opened an office there near the railroad depot and put an advertisement in the Sea Coast Echo of that city, being the same as I put in the papers at other places. I took about 4,000 applications and made no charge for them. After the 4,000 were registered more applications came in and I charged them $1.25 each. I made this charge because the money that had been advanced by Crews, Cantwell, and Hulbert was exhausted, and they refused to put up any more money for taking applications. This charge by me was to cover expenses of continuing the work of getting applications. I sent all these claims that I was making a charge for to Crews & Cantwell. I went from Bay St. Louis to Washington to see Mr. Cantwell and tried to get Hulbert to put up more money, and Hulbert notified me at Jackson, Miss., that he had put up $7,000, and that we had to take proof of the same, and he was willing to put up the $7,000 for that purpose. He has not put it up yet.

We went to Columbia, Miss., and took about 100 applications there. The contracts that we wrote there were made in the name of William D. Matthews, of Washington, D. C. I have associated myself with Matthews for the reason that Crews & Cantwell said that they had enough claims and that Hulbert would not put up any more money for claims. My agreement was made with Matthews that he was to appear before the committee of Congress with me; and our contract with the applicants was for 20 per cent of all amounts recovered, and not for 30 per cent, as was printed in the contract, which is an error and which has been corrected in the written applications. I went to Monticello and took applications for Crews & Cantwell, and charged $2.50 each there. I took about 100 names there. I took a few names at Biloxi, and charged $1.25 for each applicant there. These claims were for Crews & Cantwell. I also visited Meridian and took about 88 applications there for Crews & Cantwell, but for which no charge was made. I have taken no applications for Crews & Cantwell since my association with Matthews.

I am working at Philadelphia, Miss., now and have taken about 100 applications for Matthews, and am charging $2.50, and the applicants are very willing to pay the amount. I am making this charge because Matthews has put up no money for me and my expenses, and I have to use the money to pay for my clerk hire, office rent, and other expenses in connection with the work of taking applications.

Mr. Luke Conerly is employed by me at McComb City, Miss., to get applications. He charges each applicant $2.50. I get a dollar out of this $2.50 for my expenses and the printing of blanks which I furnish him. I have paid expenses of Conerly out of this money when he was traveling, board bill, telegraphing, and other incidental expenses he has incurred.

No one is working for me in Oklahoma or Arkansas. I do not know J. Eubanks, and he is not associated with me in any way in the work I am doing.

I have never at any time, or to any person, said that I was a Government official in any respect. I have only represented that I am acting and representing my people before Congress, and I am getting up these claims for that purpose.

When at Jackson in June, 1910, I had a circular sent out, and meant to say that I was a representative of my tribe and obtaining applicants for their rights as Choctaws and Chickasaws, but by an error my clerk said that I was a practicing attorney before the committees of Congress. That was not my intention to have it so stated, and I am not responsible for the error.

The contract forms used by me were worded and made up by Crews & Cantwell, and I am not responsible for anything in such wording.

I, Alec P. Powell, do solemnly swear that the foregoing statement was made voluntarily by me, and that it is true in every respect, to the best of my knowledge and belief.

ALEXANDER P. POWELL.

Sworn to and subscribed before me, this 27th day of April, 1911, at Jackson, Miss.

W. W. MCCONIHE,
Special United States Indian Agent.

FRANK B. LEMLY, *Jackson, Miss.*

EXHIBIT E.

MISSISSIPPI CHOCTAW CONTRACT.

This agreement, made this 5th day of September, 1910, by and between Louis Joseph Ryan, now residing at the town of Biloxi, in the county of Harrison, State of Mississippi, party of the first part, and Thomas B. Crews and Harry J. Cantwell, jointly, parties of the second part, witnesseth:

That, whereas the party of the first part is entitled, as a Mississippi Choctaw or as a descendant of a Mississippi Choctaw, under the laws of the United States, to certain rights in the distribution of the tribal property of the Choctaw-Chickasaw Indian Tribe in Oklahoma; and

Whereas the party of the first part has been heretofore denied enrollment or has had no opportunity to make application for proper enrollment in said rolls as a Mississippi Choctaw; and

Whereas it is necessary that the party of the first part shall secure the lawful professional services of attorneys for the purpose of presenting such evidence as the party of the first part may have of his status and right as a Mississippi Choctaw or a descendant of a Mississippi Choctaw, so entitled to the rights aforesaid, and for other necessary legal services in establishing and securing his rights in the premises; and

Whereas the party of the first part is without any means or funds to compensate such attorneys and counsel;

Now, therefore, the premises considered, the parties of the second part jointly agree:

First. To represent the party of the first part as attorneys and counsel in presenting to the Interior Department such lawful evidence as the party of the first part may collect to establish the facts of his pedigree and status, and such other facts as may be necessary to establish the right claimed.

Second. To represent as attorneys the party of the first part in all legal proceedings before any court, commission, or department of the Government of the United States or the State of Oklahoma, wherever and whenever such right may be properly and legally tried.

Third. To present before the committees of Congress proper legal argument in support of the right so claimed or in support of any measure tending to provide a remedy for the right so claimed.

Fourth. To furnish party of the first part necessary information for the purpose of enabling him to select to the best advantage any lands that he may be entitled to by reason of said right.

Fifth. To collect all sums of money, lands, and property that may properly be collected, selected, and received hereafter by reason of said right, and to faithfully pay over and account to said party of the first part for all such sums of money and property after deducting the compensation hereinafter provided for.

In consideration of the premises and the agreement of the parties of the second part as aforesaid, and of services heretofore rendered by them, the party of the first part contracts and agrees to pay and assign, transfer, and convey to the parties of the second part 30 per cent of all sums of money, lands, and property that may be received by reason of the right claimed, and hereby irrevocably appoints the parties of the second part his true and lawful attorneys in fact, to do any and all acts in his name, place, and stead as fully and completely as he might do in person in and about the subject matter of this agreement, and to execute such receipts, discharges, and releases as the party of the first part might lawfully do, hereby ratifying and confirming all that his said attorneys in fact and in law may do in the premises.

The party of the first part hereby revokes all powers of attorney, if any, heretofore made by him to any person or persons whomsoever, touching said rights or interests, and requests that the Interior Department of the United States recognize the parties of the second part as his exclusive agents and attorneys in the premises.

And it is hereby specifically agreed that the appointment herein of Thomas B. Crews and Harry J. Cantwell is joint, and that in the event of the death of either the survivor shall succeed to all rights and benefits of this agreement, and shall perform all of the duties hereunder.

It is further agreed that by reason of the legal services rendered prior to and at the signing of this agreement, in advising the party of the first part as to his legal rights, and in consideration of the services heretofore rendered by A. P. Powell before the committees of Congress in presenting the claims of the class of persons to which the party of the first part belongs, said parties of the second part having compensated said A. P. Powell therefor, and in further consideration of the absolute agreement herein of the parties of the second part to perform the services herein, that the powers herein granted are powers coupled with an interest; and it is agreed that the parties of the second part may jointly designate, substitute, and appoint, in writing, any competent attorney or attorneys at law to assist in the performance of the duties of the parties of the second part hereunder, and to clothe said person or persons with all the powers herein granted to the parties of the second part, the parties of the second part hereby guaranteeing the efficiency and integrity of any and all persons who may be thus appointed, it being distinctly understood that the compensation of such persons for such assistance shall not be paid by the party of the first part.

It is further understood and agreed that, in the event it becomes necessary under any law now existing or hereafter enacted, that this contract shall be approved by the Secretary of the Interior; then, in that event, the Secretary of the Interior may, in his discretion, modify the terms of this contract as to the compensation to be paid the parties of the second part, without invalidating this contract, and said contract as modified by said Secretary of the Interior shall be binding upon the parties hereto, provided always that the compensation fixed by the Secretary of the Interior shall in no event exceed the percentage above stated.

Executed in duplicate.

In witness whereof the parties hereto have hereunto set their hands the day and year first above written.

Signed and delivered in presence of:

———— ————.
———— ————.

State of ————, county of ————, ss.

Before me, ————, ————, a ————, ————, in and for said county and State, on this ———— day of ————, 191—, personally appeared ———— ———— and ———— ————, to me known to be the identical person who executed the within and foregoing instrument, and acknowledged to me that ———— executed the same as ———— free and voluntary act and deed for the uses and purposes therein set forth.

In witness whereof I have hereunto set my hand and official seal at said county the day and year last above written.

———— ————.
———— ————.

EXHIBIT J.

To whom it may concern:

This is to certify that I, Alexander P. Powell, a representative of the Choctaw Tribe of Indians now engaged in soliciting contracts with Mississippi Choctaws for services to be rendered in prosecuting their claim before the different branches of the Government, in order to secure for them a reopening of the rolls of those entitled to share in the tribal property belonging to the Choctaw Tribe in the State of Oklahoma, am acting in my individual capacity and for the benefit of myself and those associated with me in this effort to secure the right of said Indians in said property.

I further certify that I am in no manner employed or engaged by the United States Government to solicit any contract with said Indians or perform any duty in connection therein.

Respectfully,

ALEXANDER P. POWELL.

NOTICE TO INDIANS.

This is your last chance in connection with William B. Mathews, attorney at law, Evans Building, Washington, D. C. I am engaged in writing up claims of all Mississippi Choctaws and their descendants who remain in Mississippi after Dancing Rabbit Creek treaty with the United States Government in 1830.

I will remain here for a few days only; I will be glad to write up all beneficiaries; we intend to submit all claims to the Sixty-second Congress, which convenes in Washington, D. C., April 4, 1911. I am Indian and Spaniard, and my grandfather was a signer of the great treaty concluded September 27, 1830.

ALEXANDER P. POWELL.

PHILADELPHIA, MISS.

NOTICE TO INDIANS AND THEIR DESCENDANTS—IN CONNECTION WITH HON. HARRY PEYTON, ROOM 420 BOND BUILDING, WASHINGTON, D. C.

This is your last chance to secure benefits under the bill introduced by Hon. PAT HARRISON, of the sixth district of Mississippi, now pending before the Sixty-second Congress, for the relief of Mississippi Choctaws and their descendants who remained in Mississippi after the treaty of 1830.

I am an Indian and a Spaniard and my grandfather was a signer of the treaty of 1830.

I will be glad to write up all beneficiaries, and I have in my possession a record that will enable you to trace your ancestors back to 1780.

Those with negro blood need not apply.

I will be at ———— Miss., on the —— day of ————, 1912.

ALEXANDER P. POWELL,
No. 106 Fourth Avenue, Laurel, Miss.,
Office: Room 420 Bond Building, Washington, D. C.

(This paper was sent to Indian Office by Mrs. Viola Strickland, of Meridian, Miss., No. 1400 Tenth Avenue, under date of Sept. 16, 1912.)

THIS IS YOUR LAST CHANCE—NOTICE TO THE ONCE MIGHTY TRIBE OF RED MEN WHO ONCE OWNED THIS COUNTRY AND TO THEIR DESCENDANTS.

In connection with Hon. Harry Peyton, room 408, and Hon. Oliver A. Phelps, room 619, Bond Building, Washington, D. C., I am still engaged in writing up all Mississippi Choctaws and their descendants who remained in Mississippi after the Dancing Rabbit Creek treaty with the United States Government, concluded September 27, 1830.

The treaty of 1830, known as the treaty of "Perpetual friendship," provides that the Indian Territory shall go to the red man and his descendants "as long as water runs and grass grows"; the treaty furthermore provided that our descendants that did not see fit to go to the Territory then, at any time that they may take a notion to come on and join the tribe in the Territory, they shall share in this distribution as long "as water runs and grass grows." If your ancestors were born east of the Mississippi River, call on me; it is possible that some of them may have been at the treaty mentioned above.

I am an Indian and a Spaniard, and my grandfather, Nita, was a signer of the treaty of 1830.

I have in my possession a record of the old aboriginal that will permit you to trace your Indian ancestry back as far as 1780.

All Mississippi Choctaw cases are now pending before Committee on Indian Affairs, Sixty-third Congress, first session, waiting for report and decision. I will be glad to write up all beneficiaries.

Those with negro blood need not apply.

I will be at W. J. Nelson's, 802 Second Street, Lake Charles, La., on September 5.

ALEXANDER P. POWELL.

NOTICE TO MISSISSIPPI CHOCTAWS.

In connection with Harry J. Cantwell, Thomas L. Crews, and William B. Matthews, attorneys, of Washington, D. C., I am still engaged in writing up claims for the Choctaw-Chickasaw Indians and their descendants who remained in Mississippi after the Dancing Rabbit Creek treaty with the United States Government. I am a member of the Choctaw Tribe of Indians, and my grandfather was a signer of the great treaty made September 27, 1830. I will be glad to communicate with any beneficiary at my office in Bay St. Louis, Miss.

A. P. POWELL,
Seabrook Hotel, Bay St. Louis, Miss.

"INDIANS" LIVING IN OLD MISSISSIPPI.

"All Mississippi Choctaw Indians and their descendants are asked to meet at the county courthouse next Sunday afternoon at 2 o'clock. The object of the meeting is to further the rights contained in the treaty of 1830 between the United States and Choctaws. (Biloxi Herald.)"

To which is answered: Such a meeting as is scheduled as per the above would be "nuts" for some moving-picture company, provided such meeting is attended by all the people who have filed claims as descendants of the tribe of red men known as Choctaws. They are of all shades and color, running from the real Indian to the coal-black, thick-lipped, flat-nosed, kinky-headed negro, with a good sprinkling of whites, in whose veins no one but themselves ever suspected that a drop of Indian blood flowed. But anything goes in this day and generation when the thought of "easy money" presents itself. Uncle Sam's coffers will scarcely be opened for the motley crew, however just may be the claims of some of the pure-bred Choctaws. (Gulf Coast Progress.)

HOUSTON INVESTORS MAY GET MILLIONS FROM INDIAN CLAIM.

A Houston organization, in which more than $2,500,000 is at stake and the hereditary rights of the Choctaw Tribe of Mississippi is the merchandise, has received quite a boost in a telegram received by Judge Harris Masterson. Many Houstonians are interested in the enterprise. The telegram reads as follows:

"Subcommittee report of Friday last was unanimous and recommends admission of all full bloods, also all others who can prove descent from one who either received or should have received patent under fourteenth article, treaty of 1830. Meetings are executive and no arguments being heard."

To those who are not interested in the venture the telegram needs interpretation. It comes from Washington and has to do with a bill introduced by Mr. HARRISON, of Mississippi, in behalf of the admission to enrollment of the Mississippi Choctaw Indians and their descendants to participation in the money and lands belonging to the Choctaw Tribe.

Some time ago Judge Masterson was instrumental in forming an organization to urge the claim of the Choctaw Tribe in a participation of certain lands in the Territories and moneys in the United States Treasury. Many of these Indians were his clients. Going rather deeply into the matter, he banded over 4,000 of these claimants together and became their representative and legal advisor.

Money was needed to carry the enterprise through, and a company was formed. Between 50 and 60 men came into the company, and many of these are prominent Houstonians.

Judge Masterson says that the venture is one which promises tremendous returns for the amount invested by the stockholders, and that he is confident Congress will give assent to the recommendation of the subcommittee.

WOULD RESTORE CHOCTAW INDIAN PENSION BILLS.

[Associated Press.]

WASHINGTON, *December 13.*

The bill introduced in the House last session by Representative HARRISON, providing reopening of rolls of the Chickasaw-Choctaw Indian Tribes, came up for consideration in the House yesterday. A vote was not reached. In his speech in favor of the bill Mr. HARRISON said, in part:

"The Mississippi Choctaws have been woefully neglected and unmercifully treated. They acquired rights under the fourteenth article of the treaty of 1830 that the United States Government has never fairly and justly recognized. Every act of Congress passed with respect to the Mississippi Choctaws has violated the spirit and the letter of that article of the treaty.

"The Oklahoma Choctaws were permitted by act of Congress in 1881 to sue the United States Government, in which suit they recovered from the Government $8,000,000 for damages done to the Mississippi Choctaws in Mississippi. Scheming attorneys, representing the tribe, dictate agreements, suggest, lobby for, and have passed laws that not only make it impossible for the Mississippi Choctaws to be enrolled upon tribal rolls, but through their influence they have actually created courts to prevent or exclude the Mississippi Choctaws from being enrolled. One of the blackest spots in the history of the administration of the Choctaw Nation is the escapades practiced in the citizenship court.

"The Mississippi Choctaw is a part of that great Indian nation which never raised a tomahawk against an American citizen. Thousands of her warriors displayed their heroism under Jackson at New Orleans."

[Alexander P. Powell, representative Mississippi Choctaw Indians; office, room 408, Bond Building, Washington, D. C.; 331 Pine Street, Laurel, Miss.]

SHREVEPORT, LA., *October 28, 1913.*

Mr. COLUMBUS OVERMAN,
Dexter, Kans.

DEAR SIR: Yours of recent date to hand. Beg to advise that I have already written up a number of your relatives under their great-great-grandmother Delilah, who was an Indian woman, and if you wish to be written up, on receipt of $2.50, which I require for recording fee, etc., I will send you blanks to be filled out. I do not charge you any fee, but when I collect for you I get 20 per cent of collections.

I am also inclosing you a PAT HARRISON bill and other literature, and you can see for yourself how the case stands.

Yours, truly, ALEXANDER P. POWELL.

———— ————, *1913.*

Hon. ALEXANDER P. POWELL,
———— ————.

DEAR SIR: Being a Choctaw descendant and desiring to make application for compensation for the violation of my rights under the treaty of 1830 between the Choctaw Nation and the United States Government, and being unable to go to your office for that purpose, I do hereby request that you come at your earliest convenience to ————, my place of residence, for that purpose, and I agree to reimburse you the necessary expense of your trip to and from said place, provided the same shall not exceed the sum of $2.50.

———— ————.

Witness:
———— ————.

MEMORANDUM OF EVIDENCE.

In the matter of ———— ————, Mississippi Choctaws.
Full name, ———— ————.
Post-office address, ———— ————.
When and where were you born? ———— ————.
Is there any official record of your birth or baptism? If so, state where. ———— ————.
Father's name, ———— ————.
If living, state post-office address. ———— ————.
If dead, state date and place of his death. ———— ————.
Mother's maiden name. ———— ————.
If living, state post-office address. ———— ————.
If dead, state date and place of her death. ———— ————.
When and where were your parents married? ———— ————.
Is there any record of the marriage? If so, state where. ———— ————.
What was the name of your father's father? ———— ————.
When did he die, and where? ———— ————.
What was the name of your father's mother? ———— ————.
When and where did she die? ———— ————.
What was the name of your mother's father? ———— ————.
When and where did he die? ———— ————.
What was the name of your mother's mother? ———— ————.
When and where did she die? ———— ————.
What is the name of ancestors who received land or script under the treaty of 1830? ———— ————.
How can you prove your descent from him or her? ————.
Give name and address of all witnesses as to your descent from such ancestor, and refer to all church records which can give any information. ———— ——.
Did you ever go to Oklahoma to make application for enrollment on Choctaw rolls? ————.
Have you ever made settlement on any lands in Oklahoma? If so, describe same. ————.
Where were you denied enrollment? ————.
Have you any documents proving your pedigree? Where are they? If so, attach or submit them. ————.
Are any of your relatives now on the rolls of the Choctaw? ————.
Give names of friends and neighbors who can testify to any matter of interest regarding your pedigree.

NAME.	ADDRESS.

Are any of your relatives now on the rolls of the Choctaw-Chickasaw Tribe as a Mississippi Choctaw? If so, give names and address and number on roll. ————.
If you can, give a description of the land your ancestors received in Mississippi under the treaty of 1830. ————.
STATE OF MISSISSIPPI, ———— ————, *County of* ————.
———— ————, being duly sworn upon h— oath, deposes and says that the matters and things set forth in the foregoing statement are true, to the best of h— knowledge and belief.
Subscribed and sworn to before me, this —— day of ————, 191—.
———— ————, *Notary Public.*

I hold in my hand, Mr. Chairman, a document which shows that a firm of attorneys in St. Louis, known as Cantwell & Crews, employed three negroes, if you please, one named Robert Fortune, one by the name of Turner, a negro as black as your hat, out in St. Louis, and another negro down somewhere in Mississippi by the name of A. P. Powell, to go around with an alleged fictitious roll and make people believe that they were Indians, so that they could get on the rolls. These people explained to them in a casual and plausible way, "If you will sign up this contract, we will enroll you and we will go to Congress and you will get $8,000, less 40 per cent of attorney fees provided for." I can not read carefully in the few minutes allotted me the report of Maj. McLaughlin, one of the oldest Indian inspectors in the United States, but I have it here in my hand, and I state that in the history of this country no such graft was ever sought to be perpetrated on Congress. I know my good friend from Mississippi [Mr. HARRISON], who is referred to frequently all through this brief as being the man who introduced their bills, the man who helped them, does not sanction this irregular business; but whatever he may assert for himself, whatever I may assert in his behalf, the fact remains——

Mr. HARRISON. Will the gentleman yield for a question?

Mr. FERRIS. I hope the gentleman will not take up much time.

Mr. HARRISON. I will not. I was just going to say that that investigation was made at the instance of the Louisiana and Mississippi Congressmen, asking the department to make that investigation.

Mr. FERRIS. Yes; I understand who brought it about, but what it brought forth you did not ask for.

Mr. HARRISON. It is a state of fact; the statement is true.

Mr. FERRIS. Mr. Chairman, it will raise every hair on every head in this House if you will listen to this report. I often heard before I came to Congress that there lurked around these galleries and these halls crooked, scheeming, shyster attorneys who were trying to rob not only the Indians but Congress as well. I hold in my hand positive proof of that. Listen to this letter from one of the attorneys who expects to profit by this amendment. This letter shows what is going on:

OCTOBER 17, 1912.

Mr. HARRIS MASTERTON,
Houston, Tex.

DEAR SIR: Mr. Webster Ballinger and I represent some 13,000 persons who claim a right to the tribal property of the Choctaw and Chickasaw Indians in Oklahoma. Of the above number of persons represented by us there are some 3,738 who are conclusively, as shown by the Government records, entitled to share in the distribution of the tribal property. An individual share is estimated at $3,000 cash——

The CHAIRMAN. The time of the gentleman has expired.

Mr. FERRIS. Will the gentleman from South Dakota yield me five minutes more? I do not want to leave part of this letter unread and uncommented upon.

Mr. BURKE of South Dakota. I yield the gentleman five minutes additional.

Mr. FERRIS. Can I get a little more time from the gentleman from Minnesota? I feel this matter ought to be brought to the attention of the House.

Mr. MILLER. I yield the gentleman two minutes.

The CHAIRMAN. The gentleman is recognized for seven minutes additional.

Mr. FERRIS. I want the House to listen to this. Here is what you read about in story papers here in fact. Such a revelation can scarcely be fathomed or understood. Further quoting from Attorney Lee's letter:

We represent these people under contract providing for a contingent fee of from 12½ to 40 per cent.

Think of that—ranging from 12½ to 40 per cent. But just observe what else these thrifty, patriotic attorneys say in their letters of prospectus. Their hearts fairly bleed for the Choctaw. I continue to read:

From 12½ to 40 per cent of the value of each share. I am attaching a statement showing the value of our fees. The statement also shows the amount of said fees we have already contracted for. You will observe that my individual share of said fees will amount to $850,911, based upon the cases I consider certain, and that if we succeed in one-third of the cases that are uncertain, or rather if we succeed in enrolling 3,000 out of the 10,000 doubtful cases, my individual share of the fee would be $2,055,911.

Is this House going to sit here and put an amendment into this bill to override the Committee on Indian Affairs, an amendment that was put in on the floor of the Senate?

Mr. HARRISON. Will the gentleman there pause for an interruption?

Mr. FERRIS. I can not do so; the gentleman has 40 minutes of his own. This prospectus, which is a part of the Maj. McLaughlin report, says:

I am in urgent need of funds—

And this is only one of the group of attorneys representing them. I expect he is in need of funds, but if this Congress does its full duty he probably will still be in need of funds. How patriotically he is interested in the down-trodden Choctaw. I read:

I am in urgent need of funds with which to meet indebtedness incurred in the prosecution of these claims and with which I may be enabled to continue the fight for our clients.

My friends, these attorneys are going around buttonholing people and talking to them in the committee rooms with sobs in their voices for the Choctaws, all the time asserting that they are going to save and conserve the rights, and so forth, of these few Choctaws in Mississippi. What a eulogy my distinguished friend Mr. QUIN passed upon the Mississippi Choctaws, and yet they do not even allow the Choctaws in Mississippi to vote. This letter of these philanthropist attorneys who need money goes on to say:

And I want to raise $16,000.

Yes; money is nice to have. I presume he does need money. He also proceeds to get it by means fair or foul. I read further:

I want to raise $16,000, which I will agree to return with interest, and will assign the people furnishing the money 40 per cent of my individual share of the fee.

You gentlemen of the House have heard before you came here that there had been a lot of graft going on around this Capitol, but you did not believe it, and I did not believe it, and I can now scarcely believe my eyes; but this report from Maj. McLaughlin, of the Indian Service, only a few days old, is based on months of careful study. It is true. It portrays the facts. No one dares deny them. What will you do with them? It goes on:

Estimated upon the cases considered, certain this would return about $22 for every dollar subscribed, and upon the basis of one-third of the uncertain cases going through in addition to those that I consider certain, the estimated returns would be about $120 for every dollar advanced.

Is not that a nice propaganda to flaunt in the face of Congress? And if there were nothing else to convince us, that would be sufficient. Let me read the statement of the basis of estimated fees this one firm would get. This, of course, is only one set of them. Crews & Cantwell will get much more. I again read:

Lee's proposed sale of 40 per cent of his individual shares, or fee, is figured as follows:

Persons	2,051
Value of individual share	$3,000
Total value of shares of 2,051 persons	$6,153,000
Per cent basis of fee	40
Estimated fee	$2,461,200
Persons	487
Value of share	$3,000
Total value of shares of 487 persons	$1,461,000
Per cent basis of fee of Ballinger & Lee	12½
Total estimated fee of Ballinger & Lee for 487 persons	$183,023
Persons	1,200
Ballinger & Lee's fee per person	$500
Total estimated fee for 1,200 persons	$600,000
	$2,461,200
	$183,023
	$600,000
Total of Ballinger & Lee's fee	$3,244,223
Less estimated expense of collection	150,000
	$3,094,223
Per cent with which assistance was contracted	45
Estimated cost of assistance	$1,392,400
Net fee	$3,094,223
Less cost of assistance	$1,392,400
Net fee of Ballinger & Lee	$1,701,823
Net fee to Lee (one-half)	$850,911
Per cent proposed assignment	40
Fee which will go to owners of the 40 per cent to be sold	$340,364

Now, I very much dislike to call attention to these things; I dislike to say anything that will reflect upon any practicing attorney or anybody else. I would prefer to deal in eulogy with honest and good men who are engaged in the practice of law; but when Maj. McLaughlin, a man who has had many long years of efficient service in the Indian Department, brings to me a report such as this, I must read it, and when read I feel it my duty to present it. I wish these facts were not true. I am sorry to reveal them. I know the House dislikes to hear them or to know of them. However, can we sit and allow the funds of the Indian wards prostituted and devoured by a lot of scheming attorneys? It is time all this business is stopped. It has gone too far already. It is the duty of all of us to frown on this.

Mr. MILLER. Will the gentleman yield for a question?

Mr. FERRIS. Yes.

Mr. MILLER. Is the gentleman not aware that he or I, either one of us, in a moment's time can write an amendment to any measure that will give relief to the Mississippi Choctaws and that will make all these big millions vanish?

Mr. FERRIS. I know they can not. That has been tried too often, with usual failure. You can not knock out or affect the right of a preexisting contract.

Mr. MILLER. I know they can; and I would be willing to take the contract.

Mr. FERRIS. The gentleman can do it in his own time. A contract entered into and acknowledged by two witnesses that is not of itself illegal can not be changed in this Congress or in any Congress that will follow. Rights under a preexisting contract can not be changed. And the gentleman may roll that around until he is tired. Now, listen. Let me present a little more of this report:

The total fee of Ballinger & Lee is $3,244,223, from which they deduct $150,000 as an estimate for expenses of collection.

Now, down below he figures out how much net fee Lee & Ballinger will get, which is $1,701,823. I want to know what Congress is doing, and I can not believe that any Member of

this House knows what this contract is. Let me read a little further. I want to show you a little more about this.

Down in Mississippi there is one of these negroes by the name of A. P. Powell——

The CHAIRMAN. The time of the gentleman from Oklahoma has expired.

Mr. MILLER. I will yield to the gentleman three minutes more.

Mr. FERRIS. I thank the gentleman very much. I am under great obligations to him. Down in Mississippi one of these negro agents that is going around gathering up contracts is one A. P. Powell, and I want to show you what he says when he gets his contract. He came to see me several years ago when he himself was trying to be enrolled, and he said, "I'se a Portuguese and Indian." I rubbed my hand over his hair, and he was as much of a burr-headed negro as any that work in these cloakrooms. Here again is McLaughlin's report:

He said that he failed to meet this man Powell, and therefore could not speak of his personal knowledge of him, but he said he had a decided strain of negro blood. I think the ex-chairman of the Indian Affairs Committee, Mr. BURKE, knows A. P. Powell, and knows whether he is an Indian or Portuguese or negro. The McLaughlin report also says he was large of stature and prepossessing in appearance—with which I do not agree. He also says in his report that he was shrewd and plausible, and that while in the communities he visited in soliciting contracts he posed as a very important person—you know these negro persons are very important persons if intrusted with a little power—and succeeded in arousing great enthusiasm among the people of the localities canvassed by him, and had thus procured contracts with little or no difficulty from all persons who believed they possessed, or were led by Powell to believe they possessed, any Choctaw or Chickasaw Indian blood.

Maj. McLaughlin, one of the oldest inspectors in the Indian Service, further says:

From what I was told by reputable persons at Lake Charles and Baton Rouge, La., and Gulfport, Miss., it would appear that said Powell was interested chiefly in procuring a large number of contracts, regardless of the ancestry of the applicants.

Listen to that. He picked up every dirty-faced mixed breed in the country that had even heard of an Indian, secured a contract from him, got fees out of him, and then began to try to get money out of our Oklahoma Indians for him. Here is our friend HARRISON, one of the most distinguished Members of this House, who finds himself mixed up with this band of juggling attorneys, who are trying to get $6,000,000 of fees out of an Indian tribe. This is but another case of old dog Tray.

The McLaughlin report says further:

It would appear that said Powell was interested chiefly in securing a large number of contracts, regardless of the ancestry of applicants, as Mr. Luke W. Conerly, of Gulfport, Miss., told me that to his personal knowledge Powell obtained contracts from several families, the ancestry of whom, as supplied by Powell, was absurdly erroneous.

Listen to that. Maj. McLaughlin says that Powell knows that these people that Powell contracted with were people whose ancestry was absurdly erroneous. Further quoting from the report:

It is also alleged that Powell took contracts from any persons claiming to have Indian blood, and from many who had never claimed to possess Indian blood until told by Powell that they were descendants of Indians who were parties to the Dancing Rabbit Creek treaty of 1830, and therefore entitled to certain benefits under that treaty.

Mr. C. R. Cline, an attorney of Lake Charles, La., and Hon. Isaac C. Boyd, of Leesville, La.——

The CHAIRMAN. The time of the gentleman has expired.

Mr. FERRIS. Will the gentleman give me sufficient time to finish this extract from the report?

Mr. CARTER. I yield to the gentleman one minute more.

Mr. FERRIS. The report says:

They both informed me that there are about 300 persons living in the neighborhood of Kinder, Allen Parish, La., who are of mixed descent, being of French, Spanish, Portuguese, and negro blood, with a very few of them possibly possessing some Indian blood, and the name "Red Bone"—

This negro, A. P. Powell, undoubtedly got a lot of Portuguese negroes, half-breeds, and dirty-faced whelps and hitched them together and told them that they belonged to the "Red Bone" Tribe and that he could get them so many thousand dollars out of Oklahoma if they would sign up, and so forth. The report further says:

The name "Red Bone" was given those of them who were supposed to have any Indian blood; that prior to Powell's visit to Kinder soliciting contracts with Indians it was regarded a great insult to be called a "Red Bone," thus classing them as of Indian blood; but a number of them were advised by Powell that they were of Choctaw descent, as shown by a book which he possessed, and by which he traced their ancestry, as eligible to enrollment, and it is alleged that he thus obtained contracts from all of them.

In the best of good humor, I do not know whether my good friend HARRISON has joined the "Red Bones" or not.

No, gentlemen, this whole matter is wrong in law, wrong in equity, wrong in good morals, wrong in fact. A lot of unprofessional attorneys, in their mad quest for riches which do not belong to them, have employed negro agents, negro runners, and people who are without responsibility, who act without regard for truth and justice, to go among the ignorant, defenseless people who have long ago squandered their patrimony and who, from long separation from the Indians, have developed into half-breeds—and in fact and truth many of them are not Indians at all—and get them to sign contracts they could not fathom or understand. It will be observed from the preceding report read into the RECORD that these designing attorneys were even able to capitalize their contracts and to raise large sums of money upon them. One firm was able to secure at least $25,000 and another $16,000 through the sale of stock based on these contracts, and the whole proceeding is founded on irregular transactions in an effort to secure rights for a people who are barred by treaties, acts of Congress, laches, court decisions, and so forth.

Before closing my remarks I want to again recur to this man Powell, who gathered up 4,200 of these contracts, and who, as an agent of these attorneys, is the cause of bringing about most of this abnormal activity. I want you to observe the following notices, which I shall read and which were printed in the different newspapers of the communities wherein these ignorant, dependable, mixed breeds lived, so that the House may know just what is going on. They are as follows:

NOTICE TO INDIANS.

This is your last chance in connection with William B. Matthews, attorney at law, Evans Building, Washington, D. C. I am engaged in writing up claims of all Mississippi Choctaws and their descendants who remained in Mississippi after Dancing Rabbit Creek treaty with the United States Government in 1830.

I will remain here for a few days only; I will be glad to write up all beneficiaries, we intend to submit all claims to the Sixty-second Congress, which convenes in Washington, D. C., April 4, 1911. I am Indian and Spaniard, and my grandfather was a signer of the great treaty concluded September 27, 1830.

ALEXANDER P. POWELL.

PHILADELPHIA, MISS.

—

NOTICE TO INDIANS AND THEIR DESCENDANTS—IN CONNECTION WITH HON. HARRY PEYTON, ROOM 420 BOND BUILDING, WASHINGTON, D. C.

This is your last chance to secure benefits under the bill introduced by Hon. PAT HARRISON, of the sixth district of Mississippi, now pending before the Sixty-second Congress, for the relief of Mississippi Choctaws and their descendants who remained in Mississippi after the treaty of 1830.

I am an Indian and a Spaniard, and my grandfather was a signer of the treaty of 1830.

I will be glad to write up all beneficiaries, and I have in my possession a record that will enable you to trace your ancestors back to 1780.

Those with negro blood need not apply.

I will be at ———, Miss., on the —— day of ———, 1912.

ALEXANDER P. POWELL,
No. 106 Fourth Avenue, Laurel, Miss.
Office: Room 420 Bond Building, Washington, D. C.

(This paper was sent to Indian Office by Mrs. Viola Strickland, of Meridian, Miss., No. 1400 Tenth Avenue, under date of September 16, 1912.)

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THIS IS YOUR LAST CHANCE—NOTICE TO THE ONCE MIGHTY TRIBE OF RED MEN WHO ONCE OWNED THIS COUNTRY AND TO THEIR DESCENDANTS.

In connection with Hon. Harry Peyton, room 408, and Hon. Oliver A. Phelps, room 619 Bond Building, Washington, D. C., I am still engaged in writing up all Mississippi Choctaws and their descendants who remained in Mississippi after the Dancing Rabbit Creek treaty with the United States Government, concluded September 27, 1830.

The treaty of 1830, known as the treaty of "Perpetual friendship," provides that the Indian Territory shall go to the red man and his descendants "as long as water runs and grass grows"; the treaty furthermore provided that our descendants that did not see fit to go to the Territory then, at any time that they may take a notion to come on and join the tribe in the Territory, they shall share in this distribution as long "as water runs and grass grows." If your ancestors were born east of the Mississippi River, call on me; it is possible that some of them may have been at the treaty mentioned above.

I am an Indian and a Spaniard, and my grandfather, Nita, was a signer of the treaty of 1830.

I have in my possession a record of the old aboriginal that will permit you to trace your Indian ancestry back as far as 1780.

All Mississippi Choctaw cases are now pending before Committee on Indian Affairs, Sixty-third Congress, first session, waiting for report and decision. I will be glad to write up all beneficiaries.

Those with negro blood need not apply.

I will be at W. J. Nelson's, 802 Second Street, Lake Charles, La., on September 5.

ALEXANDER P. POWELL.

—

NOTICE TO MISSISSIPPI CHOCTAWS.

In connection with Harry J. Cantwell, Thos. L. Crews, and William B. Matthews, attorneys of Washington, D. C., I am still engaged in writing up claims for the Choctaw-Chickasaw Indians and their descendants who remained in Mississippi after the Dancing Rabbit Creek treaty with the United States Government. I am a member of the Choctaw Tribe of Indians and my grandfather was a signer of the great treaty made September 27, 1830. I will be glad to communicate with any beneficiary at my office in Bay St. Louis, Miss.

A. P. POWELL,
Seabrook Hotel, Bay St. Louis, Miss.

"INDIANS" LIVING IN OLD MISSISSIPPI.

"All Mississippi Choctaw Indians and their descendants are asked to meet at the county courthouse next Sunday afternoon at 2 o'clock. The object of the meeting is to further the rights contained in the treaty of 1830 between the United States and Choctaws. (Biloxi Herald.)"

To which is answered: Such a meeting as is scheduled as per the above would be "nuts" for some moving-picture company, provided such meeting is attended by all the people who have filed claims as descendants of the tribe of red men known as Choctaws. They are of all shades and color, running from the real Indian to the coal-black, thick-lipped, flat-nosed, kinky-headed negro, with a good sprinkling of whites in whose veins no one but themselves ever suspected that a drop of Indian blood flowed. But anything goes in this day and generation when the thought of "easy money" presents itself. Uncle Sam's coffers will scarcely be opened for the motley crew, however just may be the claims of some of the pure-bred Choctaws. (Gulf Coast Progress.)

HOUSTON INVESTORS MAY GET MILLIONS FROM INDIAN CLAIMS.

A Houston organization, in which more than $2,500,000 is at stake and the hereditary rights of the Choctaw Tribe of Mississippi is the merchandise, has received quite a boost in a telegram received by Judge Harris Masterson. Many Houstonians are interested in the enterprise. The telegram reads as follows:

"Subcommittee report of Friday last was unanimous and recommends admission of all full bloods; also all others who can prove descent from one who either received or should have received patent under fourteenth article treaty of 1830. Meetings are executive and no arguments being heard."

To those who are not interested in the venture the telegram needs interpretation. It comes from Washington and has to do with a bill introduced by Mr. HARRISON, of Mississippi, in behalf of the admission to enrollment of the Mississippi Choctaw Indians and their descendants to participation in the money and lands belonging to the Choctaw Tribe.

Some time ago Judge Masterson was instrumental in forming an organization to urge the claim of the Choctaw Tribe in a participation of certain lands in the territories and moneys in the United States Treasury. Many of these Indians were his clients. Going rather deeply into the matter, he banded over 4,000 of these claimants together and became their representative and legal advisor.

Money was needed to carry the enterprise through, and a company was formed. Between 50 and 60 men came into the company, and many of these are prominent Houstonians.

Judge Masterson says that the venture is one which promises tremendous returns for the amount invested by the stockholders, and that he is confident Congress will give assent to the recommendation of the subcommittee.

I think I do not say too much when I say this Alexander P. Powell ought to be apprehended by the Department of Justice for fraud upon these defenseless people. I am not at all sure but what the attorneys who employed J. Milton Turner, Robert Fortune, and A. P. Powell, all negroes, to go out and make these false and fraudulent representations ought to be investigated, looking to their disbarment from the practice of the profession in which they are engaged. I can not believe the law should be reduced to any such level, but I think any casual reader who will read the McLaughlin report and will study it and understand what is being done, and who will read of what practices are being carried on by these negro agents and these promoters, will feel the necessity that something should be done and that without much longer delay.

I want to at this point insert extracts from a letter dated at Houston, Tex., June 12, 1911, addressed to W. L. Dechant, Middletown, Ohio, and signed by C. B. Moling, a promoter, of Houston, Tex., who is trying to help these negro agents to dispose of these contracts, or rather to raise money upon them to further carry on and promote this gigantic scheme. After dealing with the matter historically, the letter read as follows:

A reputable and responsible firm of attorneys, with offices in St. Louis and Washington, D. C., have secured contracts with 4,200 Choctaw Indians to secure them their allotment of lands and money upon a percentage basis. The contracts provide that the attorneys are to receive 30 per cent of all lands and money received. These 4,200 contracts are one signed by the Indian, two witnesses to his signature, and acknowledged before a notary public.

Is not this a nice transaction to ask Congress to promote:

These contracts, providing for this contingent fee, have been recognized by the Government, and Congress passed a resolution making all such contracts a first lien upon the property of the Indian. This insures direct payment to us of our fee.

For financing the project, such as hunting up the Indians and securing the proof of each individual Indian to his right of participation and the attorneys for working the bill through Congress, one-half of the profits to go to the attorneys and the other half to those who financed it.

It is estimated that each Indian's share of the estate is worth $8,000. The attorneys' contract calls for 30 per cent of this, or $2,400, of which we are to get one-half, or $1,200.

We are organizing a syndicate to take over 1,000 of these contracts at $25 per contract. We will not accept subscription for less than 20 contracts, or $500. The estimated value of 20 contracts, if we win, will be approximately $24,000, or a profit of $23,500 upon each $500 investment.

The proofs of these claims for these 4,200 Indians has all been secured and has been presented to the congressional Committee on Indian Affairs and reported favorably. This committee consists of 19 Members of Congress.

At this next session of Congress the bill will be introduced and voted upon, and as there are several precedents identical to this proposition wherein the other Choctaws secured their rights, we have every reason to believe that the bill will pass.

What a flattering proposal this is? Is not this frenzied finance in all the term implies?

We are unable to go into all the details of this proposition in this letter to you, but I have spent several days investigating it, and concourse of business. I believe the estimated results herein will be clude that the chances for defeat are no greater than in the ordinary obtained, or substantially so.

I expect to give the matter my attention and to look after the interest of those who come into the deal at my request, and to take a proper assignment of the contracts and place them in the hands of some local trust company or bank with authority to make the collection and disburse the receipts to the subscribers in the amounts to which each subscriber would be entitled at same; it will be safer for the subscribers.

My charges will be about 20 per cent of whatever profits you may make on the deal; if none are made, you owe me nothing. I would like to have you take a flier in this, say, for $500 or $1,000, and to notify me of your intentions promptly. Should you happen to lose, I think you will agree with me that it was at least a good bet, as the prospective returns justify taking the chance.

Awaiting your prompt reply, either by letter or wire, I am,

Yours, very truly,

C. B. MOLING.

Mr. Chairman and gentlemen of this House, what is the equation here? We are asked to agree to an amendment and instruct the conferees to agree to an amendment which will turn the pages of Indian progress in Oklahoma back a hundred years. It would overrule the solemn judgment of the Indian Committees of both the House and Senate, both of which have steadfastly refused to open these rolls or to agree to any such unjust amendment. The adoption of this amendment would break two solemn treaties between the United States and the Oklahoma Indians, wherein the Government promised to give them their lands and to administer their affairs. It will overthrow and in effect repeal the act of April, 1906, which took effect on March 4, 1907, by which Congress closed the rolls; it will overthrow the judgment of the Dawes Commission, which was a commission of high-class lawyers who went West to investigate into and adjudicate these affairs; it will overthrow the decision of Judge Clayton, of the Federal court, who passed upon this matter in the Jack Amos et al. case. It would be an act of broken promises and blasted faith to the Oklahoma Choctaws; it would mean the rewarding of unfaithful, unscrupulous attorneys, who have sought to graft the Indians out of millions of dollars in attorney fees which they did not earn; it would bring reproach upon Congress and the Government; and, in short, it would work a greater wrong and greater mischief upon the Oklahoma Indians than any just man or body of men would hope to accomplish.

I ask that this item be refused and be sent to the conference, so that the committees having proper jurisdiction over it may properly deal with it.

I thank the gentlemen of the House for the attention and consideration I have received at their hands in this important matter.

Mr. HARRISON. Mr. Chairman, I yield seven minutes to the gentleman from Mississippi [Mr. SISSON].

Mr. SISSON. I thank the gentleman for seven minutes.

The treatment which the Choctaw Indian has received in Mississippi is no worse than the treatment which the Indian has generally received at the hands of the white man. But it is not the fault of the Indian that there has been an injustice forced upon him. It is the fault of the Congress of the United States, the guardian of the Indian. The diatribe that we have just listened to, by the gentleman from Oklahoma [Mr. FERRIS], is no more a reflection on the history of Congress than it would be now if Congress should pass this bill without safeguarding the funds.

Now, gentlemen, this denunciation does not answer the proposition that we assert here, that there are now 1,072 full-blood Indians in Mississippi in poverty and in ignorance.

Not only that, but the gentleman from Oklahoma says they are not permitted to vote in Mississippi. That may be true, but every Indian who applies to the registration board and can qualify under the terms of the law can vote. He must, under our constitution, either be able to read or write or to understand a clause of the constitution when it is read to him, and it is no insult to the Indian that he is in that condition and can not help himself. If Congress has left him there, and the Indian agents have imposed upon him, it is no answer to denounce this condition in my State. No Indian is denied, under the laws of the State of Mississippi, the right to vote, nor is any other man, by reason of race, color, or previous condition of servitude, denied the right to vote in my State. We did not even have, as some State constitutions do, the grandfather clause in our constitution, and the Supreme Court of the United States has twice declared that there is not a line

or a syllable in that constitution that violates one single provision either of the fourteenth amendment or the fifteenth amendment to the Federal Constitution.

All that talk about the treatment of an Indian is not a fact, except that his condition is the condition that Congress leaves him in; and if he can not vote it is because he has been neglected, when he ought not to have been neglected.

Now, the gentleman from Oklahoma speaks of this man Powell. I know nothing about Powell except that I have seen him once or twice. He looks very much like a negro to me. I have never talked to him a moment in my life. If what my friend from Oklahoma [Mr. FERRIS] says is true, these attorneys ought not to be permitted to receive anything from these Indians; and that contract that they have can be rendered void by a proviso or a law that this money shall be paid to the Indian direct, or the Commissioner of Indian Affairs can fix and determine the fees, as we have generally done in reference to all matters when men have asked for attorney's fees and the money comes out of the Treasury by act of Congress.

Mr. GOODWIN of Arkansas. Mr. Chairman, will the gentleman pardon me right there?

The CHAIRMAN. Does the gentleman from Mississippi yield to the gentleman from Arkansas?

Mr. SISSON. I do.

Mr. GOODWIN of Arkansas. I believe that the firm of Mansfield, McMurray & Cornish attempted to charge $1,200,000 for services rendered to the Indians in the State of Oklahoma. Is it not a fact that Secretary Hitchcock, Secretary of the Interior, reduced that amount to $750,000?

Mr. SISSON. I do not know about that; but if I had the time I would like to give a statement concerning the fees that certain Indians have received in Oklahoma who have since been honored with public office by the people of Oklahoma; and it would be interesting to set out the number of attorneys who have got to be enormously rich and live in Oklahoma and who now claim to be so patriotic.

The chief of these 1,072 Indians who want to be enrolled came to my office. I wish I had time to go into the details as to the whole history of the Choctaw question and then show fully the opportunities they have had to go to Oklahoma, so as to convince the House that they really had no opportunity. Heretofore the House stood, by an overwhelming vote, by the Mississippi Choctaws when this matter had been discussed here on portions of two days, with the Representatives from Oklahoma doing all on earth they could to prevent it. By an overwhelming majority this very Congress a few months ago stood with the Mississippi Choctaws and determined that they had rights and ought to have a hearing; and in the Senate this amendment was put on on the floor of the Senate because the Committee on Indians Affairs there, I presume, is largely dominated by the influence of the Oklahoma people.

I am not censuring my good friends from Oklahoma for doing what they can. I am not censuring them, because I presume it is not only to their political advantage, but also to their financial advantage, and to the advantage of people in Oklahoma. But inasmuch as my time is very brief, let me read to you from the record. They say these Indians ought to have gone to Oklahoma. That may be true; but under the Dancing Rabbit treaty they had the right to remain in Mississippi, and they lost no right under that treaty by remaining in Mississippi, except the right to that small annuity. That is the only right they lost by remaining in Mississippi under the solemn treaty made in 1832, known as the Dancing Rabbit treaty. They lost no rights under it, and I assert it is the sworn duty of every Congressman here, since we have taken over the Indians and made them our wards, as it is the duty of every guardian, to see to it that these wards of ours are not chiseled out of anything, not only by the people of Mississippi, not only by the Mississippi attorneys, not only by people who may be attorneys outside of the State, but also by the Oklahoma attorneys and the Oklahoma Congressmen who represent the Indians living there. We ought to stand by the terms of that solemn treaty which we made with the Choctaws when the old chief of the Choctaws came up here and declined under that treaty to compel the Indians to live beyond the limits of Mississippi, and the provision of that treaty which induced him to agree to it was that those of them who desired to remain in Mississippi should signify their willingness and desire to remain, and over 5,000 heads of families, according to my recollection, in a few weeks decided to remain in Mississippi.

Now, they speak of that land being sold down there cheap for the Indian wards. All that strengthens the case.

The CHAIRMAN. The time of the gentleman from Mississippi has expired.

Mr. SISSON. Mr. Chairman, will the gentleman from Minnesota [Mr. MILLER] yield me two minutes more?

Mr. MILLER. I yield to the gentleman two minutes more, Mr. Chairman.

The CHAIRMAN. The gentleman from Mississippi is recognized for two minutes.

Mr. SISSON. Ward and all that bunch of rascals have been visited on the Indians, but is there any reason why we should continue to visit injustice upon them? I have no interest, directly or indirectly, in the matter, because I do not believe half a dozen of these Indians live in my district. Some of them live in Alabama; some of them live in Louisiana; but most of them live in Mississippi, in the districts represented by friends and colleagues, Mr. HARRISON, Mr. WITHERSPOON, and Mr. QUIN.

Mr. FESS. How many are there, all told?

Mr. SISSON. There are 1,072, according to my recollection, full-blooded Indians, whose veins contain not one drop of anything except Indian blood. They are adjudged to have the right to property in Oklahoma. The agents appointed by the Government went down and allowed only six months to those poor Indians to get away. You might as well tell them that there were bags of gold waiting for them in the moon as to say that there was rich land waiting for them in Oklahoma. They could get there, and when there would not know what to do. The statement was made by the Indians, and was made here before this bill was up in the House before by the old chief of the Mississippi Choctaws, and some of the Indian boys have told me in my office that they were waiting and expecting the Government agents to come back for them when the time elapsed in which they could go to Oklahoma; and the $20,000 which, I believe, was appropriated for the purpose of identification and removal gave out and the Indians were waiting in vain for Uncle Sam, their guardian, to send them to Indian Territory. I refer to the 1,072 Indians who are full bloods.

I would like to show you what the Commissioner of Indian Affairs had to say about it. I put it into the RECORD at the time of the last debate.

The CHAIRMAN (Mr. UNDERWOOD). The time of the gentleman has expired.

Mr. HARRISON. I yield to the gentleman one minute more.

Mr. SISSON. In one minute I can not read what the Commissioner of Indian Affairs said; but the Commissioner of Indian Affairs, who made this investigation, reports that the Mississippi Choctaws were not given time to remove, and he says that it was utterly impossible for the Mississippi Choctaws to comply with that act within that time. He says it is perfectly true that they have not had a square deal in this matter. I take it that every Member of Congress will feel that the obligation rests on him, as one of the guardians of the Indian, to see that he gets a square deal.

I do not care what the acts of Congress may have been in the past. The thing rises above a mere act of Congress. If we have done a wrong, we can right the wrong by repealing the law. It is the duty of every Representative here to see to it, as one of the guardians of these unfortunate people, that they be given a fair and an honest opportunity, and it is our duty to see that they get what is their own. [Applause.]

Mr. STEPHENS of Texas. Will the gentleman from South Dakota yield some more of his time?

Mr. BURKE of South Dakota. I would rather the gentleman from Texas would use a little of his time; but if he is not ready to do so, I will yield 20 minutes to the gentleman from Kansas [Mr. CAMPBELL].

The CHAIRMAN. The gentleman from Kansas [Mr. CAMPBELL] is recognized for 20 minutes.

Mr. CAMPBELL. Mr. Chairman, my sympathies have always been with the Indians. In every matter that has arisen in the House since I have been a Member, touching the welfare of the Indian, I have always found myself naturally inclining toward him and his rights. I find myself in the same situation here to-day. But I must select between Indians to-day—between the rights of the Mississippi Choctaws and the rights of the Choctaws in Oklahoma. I am led to that conclusion because of the action taken by the Indians themselves.

Under the treaty of 1830 the Indians in Mississippi were to go west, to take up lands, to maintain their tribal organizations, and to become there an important part of the great West. They invited all the Choctaws in Mississippi to join them.

Article 14 of that treaty provided that Indians might remain in Mississippi, and that the head of every family remaining there could choose 640 acres of land, every child over 10 years of age 320 acres of land, and every child under 10 years of age 160 acres of land, making a very attractive proposition to the

Mississippi Choctaws who saw fit to remain in Mississippi. The others were to go west to the new Indian country. That same article provided that those who remained in Mississippi as Choctaws should lose no rights as Choctaws if they removed west, except the annuities. The gentleman from Mississippi [Mr. SISSON] is incorrect when he says they lose no rights at all. They must move west into the Indian Territory to have the rights of Mississippi Choctaws. It was held in the Jack Amos case and has been sustained by every commission, every committee of Congress, every court that has considered the matter—every decision of every commission, of every court, of every committee of Congress has always insisted that article 14 of the treaty of 1830 required that the Choctaws should, in order to have the rights of Choctaws in Oklahoma, go to Oklahoma and live there; that a Choctaw could not remain in Mississippi and have the rights of a Choctaw in the Indian country; a very natural and a very wise conclusion to be reached by the courts and by the committees of Congress and by the commissions that have investigated and decided upon the question.

Now, with whom shall we allow our sympathies to run? With the Mississippi Choctaws, who remained to accept the very attractive proposition made by the United States, and to have the large amount of land already referred to, or go with the Indians who went out across the swamps and rivers and through the forests on to the frontier? The trail by which the Choctaws who left Mississippi went into the Indian country is marked by the graves of 4,000 Choctaws. And yet the gentleman from Mississippi and other friends of the Mississippi Choctaws pour out their sympathies for those who remained in Mississippi with 640 acres of land for every adult, 320 acres of land for every child over 10 years of age, and 160 acres of land for every child under 10 years of age.

Mr. BOOHER. Mr. Chairman, I want to ask the gentleman a question.

Mr. CAMPBELL. Yes; if the gentleman will be brief.

Mr. BOOHER. Did those Indians who remained in Mississippi receive these allotments of 640 acres, 320 acres, and 160 acres?

Mr. CAMPBELL. The allotments were yielded to them. They had a right to receive them.

Mr. BOOHER. Was the land given to them?

Mr. CAMPBELL. Many of them received the land.

Mr. FERRIS. The first half of them did. Here is a list of all the names of those who did.

Mr. BOOHER. If they did not get it, the Government still owes it to them, does it not?

Mr. CAMPBELL. At least the Choctaws in Oklahoma do not owe them anything. That is what I am urging.

Mr. FERRIS. Here is a list of the names of those who did get land.

Mr. CAMPBELL. Therefore my sympathies in this case are with the Choctaw and his descendants who went into the Oklahoma country in the early thirties and remained there with his family and made that country the Indian country. Eighty years afterwards there can not be much sympathy or much equity for the Indian who remained in Mississippi, whose descendants now insist upon a division of the estate made by the Indians who went out upon the frontier years and years ago. It would be just as fair for a man to-day who was an original joint heir of an estate out on the frontier, in Kansas, if you please, next to Oklahoma, beside the Indian country, to have remained in Massachusetts until the prairies had been subdued and tamed, and the desert converted into productive fields, where great wealth is produced to-day, and then for the Massachusetts man to come along and say, "I want half of this, I want share and share alike with you, and I have a right to it, because I am of the same blood." There would be just as much right in that sort of claim as there is to-day in the claim of the Mississippi Choctaw to a share of the Choctaw estate in Oklahoma.

But what is the milk in the coconut? Why are we constantly hounded in Congress in behalf of the Mississippi Choctaws? Ever since I came to Congress I have been followed by attorneys for the Mississippi Choctaws urging their cause. The door was then open to them. From year to year they were given a little more time. They were finally given until the 4th day of March, 1907, in which to go west to comply with the conditions of article 14 of the treaty of 1830. The years passed on from 1830 until the 4th day of March, 1907, and still the Mississippi Choctaw remained in Mississippi and did not go into the Indian country to become a part of his old tribe, to participate with that tribe in the rights and benefits of a Choctaw in the Indian country, as Congress had given him the right to do, and as the Choctaws in Oklahoma had invited him to do out of the generosity of their hearts.

The trouble is that there are fabulous attorney's fees in this matter. I do not connect any gentleman who favors the Mississippi Choctaws upon this floor or upon the floor of any other body as being in any way concerned about the fees in this matter. All I insist upon is that the fees are so large that they make it a very attractive thing for attorneys, and these attorneys never cease their campaign for the enrollment of the Mississippi Choctaws so that they may participate in the distribution of the funds of the Choctaw Nation.

Mr. MILLER. Will the gentleman yield?

The CHAIRMAN (Mr. TOWNSEND). Does the gentleman from Kansas yield to the gentleman from Minnesota?

Mr. CAMPBELL. I will.

Mr. MILLER. Does the gentleman know of any Mississippi Choctaw who has been enrolled as a Choctaw who has not had to pay an attorney's fee?

Mr. CAMPBELL. I do not know.

Mr. MILLER. Will the gentleman advise the committee whether or not there is not now pending a case in court to determine the attorney's fees in the largest case they have ever had, and what the percentage claimed is?

Mr. CAMPBELL. I think a 50 per cent fee is claimed. But these Mississippi Choctaws are represented by attorneys whose fees run from 30 to 40 per cent. Now let me read you something about that. I have here, I think, the document.

Mr. STEPHENS of Texas. Will the gentleman yield?

Mr. CAMPBELL. Yes.

Mr. STEPHENS of Texas. One firm of these attorneys has collected $21,000 at one time.

Mr. CAMPBELL. Now, here is the milk in the coconut. Let me read:

HOUSTON, TEX., *June 12, 1911.*

Hon. W. L. DECHANT,
Middletown, Ohio.

DEAR SIR: In 1820 the United States Government made a treaty with the Choctaw Indians, then living in Mississippi, whereby the Government bought 5,000,000 acres of the Indians, and in return gave to the Indians all the lands lying in the Indian Territory north of Red River up to the Canadian and east of the ninety-eighth meridian, and paid for moving as many of the Indians out to this land as desired to go.

The Choctaws still had 10,000,000 acres left back in Mississippi, and in 1830 the Government made another treaty with them whereby the Government purchased the remaining lands for $8,000,000. In this treaty it was agreed that the remaining Indians were to be protected in the community property or the original lands in Indian Territory granted them by the treaty of 1820.

The Government still holds approximately 3,450,000 acres of these original Territory lands, as well as several millions in cash, in trust for the Choctaws who have not as yet been allotted their share.

Now listen, you who are sympathetically inclined. Now we get down to the milk:

A reputable and responsible firm of attorneys, with offices in St. Louis and Washington, D. C., have secured contracts with 4,200 Choctaw Indians to secure them their allotment of lands and money upon a percentage basis. The contracts provide that the attorneys are to receive 30 per cent of all lands and money received.

Four thousand two hundred Indians. Where are the 1,070 Indians that the gentleman talked about?

Mr. HARRISON. Does the gentleman want to know where those 1,070 Indians are?

Mr. CAMPBELL. I am talking about the 4,200 Indians.

Mr. CLINE. Will the gentleman yield?

Mr. CAMPBELL. For a very brief question.

Mr. CLINE. Does the contract made for the collection of this money go to the real merits of the controversy as to whether they are entitled to anything?

Mr. CAMPBELL. If it were not for the attorneys' fees, you would not hear of these Mississippi Choctaws who have remained in Mississippi since 1830. The only way in which these claims are kept alive is by these large prospective attorneys' fees.

Mr. CLINE. Then there is no merit in the claim?

Mr. CAMPBELL. Absolutely no merit in thousands of them.

These 4,200 contracts are one signed by the Indian, two witnesses to his signature, and acknowledged before a notary public.

These contracts, providing for this contingent fee, have been recognized by the Government, and Congress passed a resolution making all such contracts a first lien upon the property of the Indian. This insures direct payment to us of our fee.

Do you see how this fellow's heart bleeds for the Mississippi Choctaws; how he is pleading for the enrollment of the Mississippi Choctaws so that they may participate in the distribution of the estate of the Choctaws of Oklahoma, who went west in the early days and made it possible that there should be an estate to divide?

For financing the project, such as hunting up the Indians and securing the proof of each individual Indian to his right of participation and the attorneys for working the bill through Congress, one half of the

profits to go to the attorneys and the other half to those who financed it.

It is estimated that each Indian's share of the estate is worth $8,000. The attorneys' contract calls for 30 per cent of this, or $2,400, of which we are to get one-half, or $1,200.

We are organizing a syndicate to take over 1,000 of these contracts at $25 per contract. We will not accept subscription for less than 20 contracts, or $500. The estimated value of 20 contracts, if we win, will be approximately $24,000, or a profit of $23,500 upon each $500 investment.

That sounds good for the poor Indians.

The proofs of these claims for these 4,200 Indians has all been secured and has been presented to the congressional Committee on Indian Affairs and reported favorably. This committee consists of 19 Members of Congress.

I have been a member of this committee for a number of years, and I know this graft has not been reported favorably.

At this next session of Congress the bill will be introduced and voted upon, and as there are several precedents identical to this proposition wherein the other Choctaws secured their rights, we have every reason to believe that the bill will pass.

Mr. FERRIS. Will the gentleman yield right there?

Mr. CAMPBELL. Yes.

Mr. FERRIS. Is it not a fact that on these representations they sold $25,000 of contracts and got the money?

Mr. CAMPBELL. Yes; I was going to say that. I will omit the next clause in the letter, but it states that one attorney made a fee of $6,000,000.

Mr. GARDNER. Why does the gentleman omit the next paragraph?

Mr. CAMPBELL. Then I will not omit it. I will read:

Senator OWEN has but 1,500 of these contracts with another batch of Choctaw Indians, yet he secured a fee of $6,000,000; he had a contract for one-half of what he secured, while ours is but 30 per cent. Other similar contracts have been made, and all of them have been passed by Congress; and as the Government is holding the lands and money belonging to this tribe and have no interest in it either way, we see no just reason why they should not act upon these claims favorably at the next session.

Mr. STEPHENS of Texas. Will the gentleman yield?

Mr. CAMPBELL. Yes.

Mr. STEPHENS of Texas. Is it not a fact that that was shown not to be so?

Mr. CAMPBELL. Of course, as to amount it is not so, but that is on a par with a lot of other stuff in that prospectus that is not so.

Mr. GARDNER. Mr. Chairman, will the gentleman yield?

Mr. CAMPBELL. Yes.

Mr. GARDNER. The gentleman says it is not so. There is a great deal of truth in it, is there not?

Mr. CAMPBELL. Oh, yes; there is some truth in it. He did not get $6,000,000, however.

Mr. COX. How much did he get?

Mr. CAMPBELL. I do not know. He received a good fee.

Mr. FERRIS. Mr. Chairman, will the gentleman yield?

Mr. CAMPBELL. I can not yield further. The fact is, that upon the assumption that there was to be a distribution of a fabulous attorney's fee a corporation was organized under the laws of the State of Arizona, with a capital stock of $100,000, and stock was sold upon that prospectus to the amount of $25,000; and Crews & Cantrill, the attorneys, who have been prosecuting this claim for the enrollment of these alleged Mississippi Choctaws, have secured the $25,000. If they win, their fees will amount of $6,300,000.

The CHAIRMAN (Mr. PHELAN). The time of the gentleman from Kansas has expired.

Mr. STEPHENS of Texas. Mr. Chairman, I yield the gentleman four minutes more. In that time will he permit me to make the statement that Senator OWEN was the attorney for the Mississippi Choctaws, or for some band of them, before he ever came to Congress.

Mr. CAMPBELL. Oh, yes; it is only fair to Senator OWEN to say that his connection with this matter was as an attorney, before he became a Member of Congress.

Mr. FERRIS. And before Congress closed the rolls.

Mr. CAMPBELL. Yes; and before the rolls were closed.

Mr. ASWELL. Mr. Chairman, I notice the gentleman uses this crooked dealing on the part of attorneys as an argument against this bill. Is it not a fact that the same kind of work was done on the other side?

Mr. CAMPBELL. Oh, but the attorneys' fees on the other side were like 30 cents as compared with these fees.

Mr. ASWELL. Is it not a fact that there are attorneys here lobbying against this bill?

Mr. CAMPBELL. I do not know of any. I have not seen any. I have seen the attorney for the Choctaws. He is working against it, as he ought to. So with the attorney for the Chickasaws.

Mr. ASWELL. Is it not a fact that the attorneys for the tribes are here?

Mr. CAMPBELL. Oh, yes.

Mr. CARTER. On a stipulated salary?

Mr. CAMPBELL. On a stipulated salary of $5,000.

Mr. ASWELL. And they are lobbying?

Mr. CAMPBELL. No; I have not found them lobbying; but they are getting a salary of $5,000 for representing the tribes, as against this colossal fee of $6,350,000 to one firm of attorneys for taking away from the Choctaws a part of their property. About $7,000,000 or more will go to another firm of attorneys, if they win, as they say they will in writing to their friends, in trying to raise money to further prosecute these claims before the committees of Congress and in lobbying the bill through Congress.

Let me close by saying again that if there is sympathy to be extended for the Indian in this case, it should be extended to the Indian who took his life in his hands and went into the Indian country in the early thirties, as he agreed to do in a solemn treaty with the United States, who fought for the rights of the Indians on the frontier, fighting against the elements, against unfriendly Indians and unfriendly whites, preserving the integrity of his tribe, and made a great estate there which these Mississippi Choctaws, who remained in the State of Mississippi rather than go to Oklahoma, now want to divide.

Mr. FESS. Mr. Chairman, how long has this contention been before Congress?

Mr. CAMPBELL. Oh, it has been before Congress for years. In 1889 Congress passed a law giving these Indians the right to move to Oklahoma and enrolling with the tribe. The Mississippi Choctaw has slept upon his rights. He has had his day in court. He has had his right to go to Oklahoma. He has had his right to join his tribe. He has had his right to participate in the distribution of that estate. He has forfeited all these rights by refusing to go to the country where the Choctaw resided and where the estate was, although he now wants to participate in its distribution.

The CHAIRMAN. The time of the gentleman from Kansas has again expired.

Mr. MILLER. Mr. Chairman, how many minutes have I remaining?

The CHAIRMAN. Eight minutes.

Mr. MILLER. Mr. Chairman, I yield seven minutes of that to the gentleman from Illinois [Mr. MADDEN].

Mr. MADDEN. Mr. Chairman, I will ask the Chair to advise me when I have used five minutes, as I desire to yield two minutes of my time to the gentleman from Oklahoma [Mr. CARTER].

Mr. CARTER. I thank the gentleman very much, but I will use that in my own time.

Mr. MADDEN. Very well. Mr. Chairman, I am not concerned so much about what disposition is made of the estate of the Choctaw Indians in Oklahoma, but there was a time when an award was made in favor of the Mississippi Indians, amounting to $3,000,000 net, which accumulated to about $8,000,000, not one dollar of which has ever been paid to the Mississippi Indians. There is no reason on earth why these Indians living in Mississippi should not receive the money which has been awarded to them as their right. Whether they ought to be permitted to participate in all of the rights of the Choctaw Indians in Oklahoma I am not prepared to say.

I wish I could enter upon the discussion of this question with a feeling that there was no graft in the settlement of the Indian questions. The attorney proposition as involved in the settlement of Indian questions stinks; it is rotten. I know no man, either Indian or white man, who is interested in this proposition; but I do know that the Indians in Mississippi have been wronged. They are entitled to be paid the award that was made in their favor.

Mr. POST. Mr. Chairman, will the gentleman yield?

Mr. MADDEN. I have only five minutes. My interest in this question relates only to my desire to see that justice is done to them. The gentleman from Oklahoma [Mr. FERRIS] said that Judge Clayton had rendered an opinion in the Jack Amos case which forever settled the rights of the Mississippi Choctaws. But there have been other decisions rendered besides that. Judge Townsend rendered a decision in the same case directly contrary to the opinion rendered by Judge Clayton.

Mr. FERRIS. But Judge Townsend was a judge of the Chickasaw Indians and had nothing whatever to do with this.

Mr. MADDEN. He passed on the question, and I will read his opinion into the RECORD. I am going to ask unanimous consent, at the conclusion of my remarks, to insert in the RECORD exactly what Judge Townsend said.

Mr. FERRIS. Does the gentleman deny what I stated?

Mr. MADDEN. I do.

Mr. FERRIS. The gentleman is mistaken. He is touching on a matter that was not before him at all, because he never sat in a Choctaw case.

Mr. MADDEN. Well, Samuel Adams, Assistant Secretary of the Interior, whose name is signed to the paper which I hold in my hands, says to the contrary. He quotes what Judge Townsend says, and Judge Townsend said that the Mississippi Choctaws never lost any rights whether they lived in Mississippi or moved to Oklahoma. There was only $20,000 appropriated and placed at the disposal of the men who sought to remove the Mississippi Indians to Oklahoma, and $20,000 was inadequate for the purpose of removing all those Indians who wished to go from Mississippi to Oklahoma. There are nearly 1,100 full-blooded Indians in Mississippi now against whose nationality nobody raises a question of doubt. They would have moved to Oklahoma if facilities had been afforded them to enable them to move, but they were not given the facilities and they have not been afforded the opportunity except the invitation, and whether or not they have the right to participate in the division of all the money now to the credit of the Oklahoma Choctaws, they certainly have a right, an undoubted right, to the payment of $8,000,000, a verdict for which was rendered in their favor, and this question can not be settled justly until everybody agrees that this $8,000,000 be paid and until it is in fact paid. Now, I do not believe any Member of this House wishes to do an injustice to any man in the world, and I am sure that no man in the House wishes to do an injustice to these men of Indian blood living in the State of Mississippi.

The CHAIRMAN. The Chair will state to the gentleman that he has used five minutes.

Mr. MADDEN. I wish I could enter upon a discussion of this question with a feeling that there is no rottenness in the question of contracts by which the attorneys are accepting fabulous fees for exploiting the Indians. Mr. Chairman, I ask unanimous consent to extend my remarks in the RECORD by inserting the opinion of Judge Townsend.

The CHAIRMAN. The gentleman asks unanimous consent to extend his remarks in the manner indicated. Is there objection? [After a pause.] The Chair hears none.

Mr. MADDEN. The views of Judge Townsend are set forth in part as follows:

> In all these various treaties, solemnly entered into, there is not one line or one word to indicate that the Choctaws and Chickasaws who did not remove to the western country were not Choctaw or Chickasaw citizens and members of their respective tribes. On the other hand, in the treaty of 1830 between the Choctaws and the United States it is expressly provided that those who remained should "not lose the privilege of a Choctaw citizen," but if they ever remove "are not to be entitled to any portion of the Choctaw annuity."
>
> It has been said that they could not be put upon the roll as citizens and members of those tribes unless they lived upon the land within the Choctaw or Chickasaw Nations themselves when making the treaty of 1866 does not bear out the view; and if they were Choctaws and Chickasaws in 1866, what has occurred to change their relations to those tribes? I have heard of nothing whatever.
>
> It is said the land was held in common, and certainly some of the tenants in common in possession could hold the possession for all their cotenants in common. The bulk of the nation living in the territory ceded and maintaining the tribal government or nation certainly met every requirement of residence and was a compliance in all respects with the treaty stipulations of living on the land.
>
> I shall hold that nonresident Choctaws and Chickasaws who have properly filed their application and established their membership of the tribes shall be admitted to the roll as citizens.

Mr. FERRIS. Mr. Chairman, I make a similar request to extend my remarks in the RECORD.

The CHAIRMAN. Is there objection to the request of the gentleman from Oklahoma to extend his remarks in the RECORD? [After a pause.] The Chair hears none.

Mr. STEPHENS of Texas. Mr. Chairman, I desire to yield seven minutes to the gentleman from Oklahoma [Mr. MURRAY].

Mr. MURRAY of Oklahoma. Mr. Chairman, it is impossible in seven minutes to deal with the legal phase of this question. The gentleman who has just preceded me referred to an $8,000,000 transaction. The facts are that the Government of the United States received 10,000,000 acres of land to equalize the property of the Mississippi Choctaws, and the Government sold the land and kept $6,000,000 of that $8,000,000 of which the gentleman spoke. They sold some of the land for 2½ cents an acre, and charged the Indians 10 cents for selling it. Let the Government pay these Mississippi Choctaw Indians that $6,000,000 it kept. I submit to this House that if the Government of the United States is the guardian of the Mississippi Choctaws, and if the Choctaw Nation should receive certain funds and the Government should not distribute those funds, as provided by the treaty and the law, is there any equity by which the Choctaw Indians in the West who furnished it should be made to suffer for the wrong of its guardians? There is neither law nor equity nor even sympathy against the Choctaw Indians in Oklahoma.

Now, this treaty was made first in 1820, one year before brave Stephen F. Austin took his brave Missourians to Texas and settled it. In 1830, several years prior to the Texas revolution, the removal of these Indians was provided. At that time Arkansas and the entire West was a wilderness. The prairie tribes of the West swooped down upon the white settlements and upon the settlements of the Five Civilized Tribes and murdered them alike. They dreaded that trip, and then while realizing that it was wise to go west, if they could live there, a stipulation was made that those who remained should get certain lands which exceeded the allotments which the Indians of Oklahoma have. The trouble was that the Government did not throw restrictions around them and long ago the grafters in Mississippi got their land. The Indians got, in the West, 22,000,000 acres.

As a result of the Civil War the Federal Government took from those Indians nearly 11,000,000 acres, leaving only 11,000,000 for the Choctaws and Chickasaws in the West, while they left in Mississippi 10,000,000 acres for those who were left there. So they provided for them. The trouble was the Government did not take care of their property. Now, so far as sympathy goes, I say that neither law nor equity exists against the Indians of the West, because the Jack Amos case was decided by Judge Clayton and affirmed, and no decision of Judge Townsend or any other judge on this point was ever affirmed by the Supreme Court of the United States.

Mr. HARRISON. Will the gentleman yield?

Mr. MURRAY of Oklahoma. Now, as to sympathy. When these Indians in Mississippi undertook to go West and cross the uninhabited swamps of Arkansas into the wilderness, they marched. Four thousand of their dead were buried on the road. An account of that march is best told by Gen. Dale, the United States Army officer who undertook the first removal. Gen. Dale said that when they were about to leave their homes their better judgment had taught them they ought to go, but their nature revolted, and as ten to fifteen thousands of men, women, and children marched slowly each day toward the West the old Indians would steal out of camp every night to return to their former homes, to look once more upon those old cabins, to bid them good-bye. Gen. Dale said that that continued every night until they were more than 40 miles away from their former homes; that every night they would return to look once more upon those old cabins they called homes and the graves of their ancestors, once more to say good-bye. They were going into a wilderness surrounded by hostile prairie Indians whom they had to fight. Because at the invitation of the Government and out of their intuitive knowledge they have built a republic, established schools, and become strong, and because they have grown with their strength and ammassed a fortune, the Mississippi Choctaws, hampered by the Government, becoming poverty stricken, now come in and claim a part of their property.

Is it fair, is it right, since they, by their own efforts, have achieved such results? They opened their hands in 1896 to the Mississippi Choctaws and bade them come. Why did they not go? They did not have a thing in the world but a dog. They could have put out the fire and called the dog and have gone but for one thing, and that was that the peonage laws in Mississippi made them criminal if they went away and left a debt or a contract. They could not go. The result was they did not go. Why give them money now? Because even the land they had, and other moneys, long since have been taken. Why give them money now? They would not have it 12 months. It would be taken away from them. Our Indians wanted them to come west, and 1,634 went as a result of that offer, and they have land with restrictions on it, and neither a grafter in Oklahoma nor a grafter in Mississippi can take it away from them. The only aid possible is to buy them each a small home in Mississippi and put restrictions upon it. I say, gentlemen, it is unfair, because these Indians by their own efforts have a civilization to be admired, a civilization that has made them capable of self-government, and they have become an integral part of the State government of Oklahoma. Eleven of them sat in the constitutional convention of that State, and 10 in the first legislature, so great had been their advancement. But because they had amassed property, is that any reason, does judgment dictate, that they should give up what they have acquired after hardship, any more than the western homesteader who went West and settled his homestead should divide it now with the men of the East who refused to go?

Gentlemen, here is the only proposition: Will you pay out this money that the Indians ought to have and stop this Mississippi Choctaw cry, or will you tie it up and let it continue? The quicker you pay out this money the quicker this will stop. Your attorney fees will be over, because there will be nothing else to be enrolled for. We want to pay out the money. An

amendment was offered in the Senate that ties it up until some time indefinitely. That amendment gives the Mississippi Choctaws nothing. It only ties up the payment of that money with the hope that the lobbyists and grafters may yet convince Congress in some way to make a division of a property to which they are not entitled.

The CHAIRMAN. The time of the gentleman from Oklahoma has expired.

Mr. STEPHENS of Texas. Mr. Chairman, I desire to ask the gentleman from Mississippi [Mr. HARRISON] to use some of his time.

Mr. HARRISON. There will be but one argument on this side.

Mr. STEPHENS of Texas. Our time will be used in one argument.

Mr. HARRISON. I understand the gentleman has the closing argument. I prefer to wait until there is just one argument to follow.

Mr. BURKE of South Dakota. I yield five minutes to the gentleman from Illinois [Mr. MANN].

Mr. MANN. Mr. Chairman, I think I do not agree with the gentleman from Oklahoma [Mr. MURRAY], who just addressed the House, that this money should be paid out at once, because if paid out at once all claims would cease. I do not feel at all certain but that the Mississippi Choctaws may have some claim for a share in the property of the Oklahoma Choctaws. But however that may be, for myself I am very much opposed to the proposition offered by the gentleman from Mississippi that the House concur in the Senate amendment. If this provision becomes a law in the shape that it is in this bill, there will be no Member of this House or of this Congress who will escape the obloquy of scandal. You can not provide in this way for the payment of a claim involving millions of dollars, where the attorneys' fees amount to many millions of dollars, and allow those attorneys' fees without scandal. There was a great hurrah in Congress some years ago because an attorney in one of these numerous Indian matters received a fee of $700,000 or $750,000. If it had been known at the time that such a fee was to be received, the legislation would not have been enacted by Congress. I heard the payment of that fee denounced on the floor of this House by many gentlemen, and I think I never heard anyone defend it, unless it was the gentleman from Oklahoma [Mr. MURRAY] since he came into the House. But that fee would be a mere bagatelle compared with the attorneys' and agents' fees hidden behind or under this amendment, and if this proposition becomes a law, if the Mississippi Choctaw Indians are entitled to a portion of this money, they are entitled to that portion of it without paying 30 per cent of it to some attorneys or agents who have gone around and obtained the contingent contracts.

The gentleman from Kansas [Mr. CAMPBELL] a moment ago read a part of a letter of a syndicate organized for the purpose of financing this enterprise in part, wherein it was stated that the possible and probable return for the expenditure or investment of $500 would be over $2,300.

Now, I am not in favor of any legislation which would permit the attorneys or the agents to rob either the Indians or the Government. If these people have a claim, I see no reason why in some way we should not legislate to ascertain the fact. But if this amendment be concurred in, that is beyond us. The claim has gone past our control. Or if we pay the money out that is now in the Treasury and distribute the property, that, then, will be beyond us. I think the Government ought to retain the money until we work out in some way a settlement of the question as to whether in the opinion of Congress the Mississippi Choctaws are entitled to any share in this; and if it is said they are, we ought to have it paid to them under terms where they will not be robbed by the attorneys who now hold contracts for contingent fees amounting, in all, all the way from $10,000,000 to $20,000,000.

The CHAIRMAN. The time of the gentleman from Illinois has expired.

Mr. HARRISON. I yield four minutes to the gentleman from Mississippi [Mr. WITHERSPOON].

Mr. WITHERSPOON. Mr. Chairman, as I understand, this is a controversy with regard to the distribution of a fund in the hands of the Government as a trustee for the Choctaw Indians. That fund arises under section 2 of the treaty of 1830, called the Dancing Rabbit treaty. By that section the Government conveys to the Choctaw Indians a large body of lands, which are described, and that, in connection with conveyance of other lands, constitutes this fund.

Now, I want to call your attention to the fact that that was not a gift on the part of the Federal Government, but these Indians paid the Government for that fund. And you will find in the next section, which is section 3 of this treaty, that the Choctaw Indians—who all then lived in Mississippi—conveyed to the Federal Government all the lands they owned and possessed in that State. That conveyance was the price that the Indians paid for this fund, and every Indian——

Mr. POST. Will the gentleman yield?

Mr. WITHERSPOON. No; I am too busy to yield. I am not going to yield to anybody, inasmuch as I have but a few minutes.

Every Indian living in Mississippi was an owner of that land in Mississippi, and consequently when they conveyed it to the Federal Government every Indian in that State contributed to pay the price. And having paid for this fund, in equity and good conscience, every one of them and of their descendants is entitled to share in it. If you take a deed to a piece of land in your own name and you pay for that deed with my money, if the consideration of the deed comes from me, you may have a legal title, but I am the equitable and honest owner of the land; and if you go into any court of conscience and equity and submit the question to such a court, it will decide that your legal title amounts to nothing; that the man who pays the price is the real honest owner of it. I say that these Indians in Mississippi are part owners of this fund, because they paid the price for it, and it is nothing less than an outrage to take it from them.

But the question here is, Have they forfeited those rights because they did not move to Oklahoma? That is what the Federal Government wanted them to do, and they did not want to do it. The Government officials could not get the Indians to sign the treaty conveying all these Indian lands in Mississippi to the Federal Government; the Government officials could not get the Indians to pay the price for this fund until the Government put into the treaty a section that expressly provides that no Indian should forfeit any of his privileges or rights because he did not remove to Oklahoma. Read the last sentence of the fourteenth article, and you will find that it expressly declares that no Indian who decides to remain in Mississippi shall lose his rights as an Indian, as a member of the tribe, except one right, and that was the right of sharing in the annuities which were enumerated in the treaty and which have nothing to do with this question.

Now, we do not ask you to vote——

The CHAIRMAN. The time of the gentleman from Mississippi has expired.

Mr. WITHERSPOON. Will my colleague give me two minutes more?

Mr. HARRISON. Mr. Chairman, I yield two minutes to the gentleman.

The CHAIRMAN. The gentleman from Mississippi [Mr. WITHERSPOON] is recognized for two minutes.

Mr. WITHERSPOON. We do not ask you to vote that the Mississippi Choctaws are entitled to share in this fund at all. You can not do it intelligently, because the facts can not be presented to you. Every speaker who has gotten up here has said that he has not the time to present this matter to the Congress. But there is a bill pending before the committee, which for some mysterious reason has been held back an unreasonable length of time, the object of which is to determine the question whether these Mississippi Choctaws have lost their rights by not removing to Oklahoma. That bill is still pending before the committee. The matter is under investigation, and all that we ask is that you shall not distribute the fund until that bill is reported to the House, when the facts can be fully discussed, where you can understand the whole thing, and where you can decide it according to justice and right.

The claim of the other side that this fund shall be distributed before the proper bill is presented to this House, with all the facts that will enable you to determine the thing justly and rightly, is a contention that the fund shall be distributed before the parties in interest have a chance to be heard, and that is the thing that we consider unjust. Why not wait until the bill can be reported to the House? This amendment that we are fighting over does not ask you to decide that the Mississippi Choctaws have the right to share in this fund, but only that no part of the fund shall be distributed until the rights of the Mississippi Choctaws are determined.

The CHAIRMAN. The time of the gentleman from Mississippi has expired.

Mr. STEPHENS of Texas. Mr. Chairman, will the gentleman from South Dakota use some time?

Mr. BURKE of South Dakota. Mr. Chairman, in the brief time that I have I shall not attempt to go into the merits of the claim of the Choctaw Indians in Mississippi. I am against the motion of the gentleman from Mississippi [Mr. HARRISON] to concur in the Senate amendment for the reasons assigned by the

gentleman from Illinois [Mr. MANN], among others, and, furthermore, because I am opposed to every part of the amendment.

I think our friends from Oklahoma who are opposing this amendment are only concerned in the provision which begins with line 23, on page 70, and ends with "the Choctaw Nation," in line 5, on page 71. That is the provision that provides that this fund shall not be distributed in Oklahoma to the Choctaw Indians "until such of said Mississippi Choctaws as shall be found entitled to enrollment have been placed upon the rolls of citizenship of the Choctaw Nation." If this provision was eliminated those from Oklahoma would, I am sure, favor the Senate amendment.

When this bill was considered in the House before amendment No. 139, down to the word "*Provided*," in line 23, was in the bill reported by the Committee on Indian Affairs; and in the House in Committee of the Whole, after a debate of one or two days, in which the merits of the proposition were fully discussed, the House by a vote of 118 to 49 struck it out, and it went out of the bill. It was put back in the bill by the Indian Committee of the Senate, and upon the floor of the Senate there was offered an amendment relating to the Mississippi Choctaws.

I take it that our friends who, as I said before, are opposed to this amendment, are not opposed to that portion of the amendment that was stricken out by this vote in the House when the Indian appropriation bill was under consideration. I hope that the amendment will be disagreed to, and then I hope that the conferees on the part of the House will voice the sentiment of the House in conference and endeavor to defeat the entire amendment, thereby carrying out the will of the House as expressed when the Indian appropriation bill was under consideration, when this part of the amendment, from line 6 to line 23, was stricken out by a decisive vote.

Mr. Chairman, it is admitted—and no man who is familiar with the affairs of the Five Civilized Tribes of Oklahoma will deny it—that there are a few people who have been wrongfully left off the rolls and that are clearly entitled to participate in the distribution of the estate. Many of them—and possibly all of them—are in Oklahoma. It may be that there is some merit in the claim of the Mississippi Choctaws, and I am inclined to think there is. I am not going to attempt in the brief time I have to say definitely whether there is merit in their claim or not. But it is true that there are a number that have been left off the rolls—not a very great many—that ought to be enrolled, and my position has been that until these persons are placed on the rolls that are admittedly entitled thereto this fund, or no part of it, ought to be distributed; first, because it is not fair and right to the Indians who have been left off the rolls, and, secondly, we ought to protect the Treasury of the United States against claims that will be filed the moment that this fund is distributed by the persons omitted from the rolls, and attorneys who are now engaged in the nefarious work of securing contracts from negroes and others who have perhaps no Indian blood whatever in their veins will concentrate their activities upon presenting claims to the Congress of the United States, involving, perhaps, millions of dollars that will have to be paid out of the Treasury. I hope the motion of the gentleman from Mississippi will not prevail.

Mr. STEPHENS of Texas. Mr. Chairman, I desire to take a moment for the purpose of stating that I agree with the gentleman from South Dakota [Mr. BURKE], and hope that the amendment offered by the gentleman from Mississippi [Mr. HARRISON] will not prevail.

This amendment was put on in the Senate of the United States in this language:

Provided, That in cases where such enrolled members, or their heirs, are Indians who by reason of their degree of Indian blood belong to the restricted class, the Secretary of the Interior may, in his discretion, withhold such payments and use the same for the benefit of such restricted Indians: *Provided, however*, That the provisions of this act shall not be applicable to the members of the Choctaw Nation in Oklahoma until Congress shall have determined the rights of the Mississippi Choctaws whose names do not appear upon the approved rolls of the Choctaws in Oklahoma and until such of said Mississippi Choctaws as shall be found entitled to enrollment have been placed upon the rolls of citizenship of the Choctaw Nation.

Mr. Chairman, I do not think it is good legislation to permit the Senate to engraft an amendment of this vast importance upon this bill without consideration by their own committee and with scarcely any consideration on the floor of the Senate. I do not think it proper that we should approve it here without having it passed upon by the Indian Affairs Committee of the House, and passed upon on the floor of the House when it is in full session.

Mr. MANN. Will the gentleman yield for a question?

Mr. STEPHENS of Texas. Yes; I will yield to the gentleman.

Mr. MANN. The gentleman has stated his opposition to the last proviso of amendment 139. I desire to ask the gentleman whether he also opposes the balance of the amendment?

Mr. STEPHENS of Texas. That is the first part. That was rejected by the House, and I presume it will be brought back to the House again before any final action is taken by the conferees. I hope therefore that the amendment will not prevail.

Mr. ASWELL. Does not the gentleman think this provision is so simple, so plain, so self-evident, that it does not need any further discussion by the committee?

Mr. STEPHENS of Texas. I do not think so.

Mr. HARRISON. Has the gentleman from Texas only one speech left?

Mr. STEPHENS of Texas. That is all.

Mr. HARRISON. Will the Chairman state how much time remains?

The CHAIRMAN (Mr. UNDERWOOD). The gentleman from Mississippi [Mr. HARRISON] has 28 minutes.

Mr. MILLER. I yield my remaining time to the gentleman from Mississippi.

The CHAIRMAN. The gentleman from Texas has 12 minutes and the gentleman from Minnesota [Mr. MILLER] has 1 minute.

Mr. MILLER. I yield that 1 minute to the gentleman from Mississippi.

The CHAIRMAN. The gentleman from Mississippi [Mr. HARRISON] is recognized for 29 minutes.

Mr. HARRISON. Mr. Chairman, I trust that in the discussion of this matter I shall confine myself to the record and not to a misrepresentation of the facts, and that I shall not accuse men from Oklahoma, both attorneys and representatives of the people, of grafting either on the Mississippi Choctaw or on the Oklahoma Choctaw.

This is a simple proposition. There is nothing involved in it except one single question.

I have a bill before Congress the purpose of which is to reopen the rolls of the Choctaw Nation, which have been closed since March 4, 1907. In that bill there is a provision that in the event the rolls are reopened the attorneys who represent the claimants shall receive no fee except that fee which the Secretary of the Interior says is a reasonable one. I would not put my name to a bill which did not have that provision in it. Consequently all this talk about the attorneys' fees in this matter is merely for the purpose of beclouding the issue and trying to divert your minds from the real facts involved in the discussion. These gentlemen do it adroitly, because they know that the facts have stared them in the face all along, and that Congress is now beginning to open its eyes to the justice of the cause and to the injuries that have been committed against these poor unfortunate Indians in Mississippi. The eyes of Congress were not opened until in February, when the Indian Affairs Committee of the House brought in the Indian appropriation bill containing a provision to distribute $100 per capita among these Choctaw Indians who were on the rolls. You recall that for two days we discussed that proposition here in the House.

Gentlemen say that in the Senate there was little discussion of it. Three days they discussed this proposition in the Senate. And I desire to recall to your minds that after a discussion of this question before this House in February, a full discussion, when I offered an amendment similar to the Williams amendment that was adopted in the Senate, my amendment was ruled out on a point of order; and then, in order to secure a fair presentation of the case of the Mississippi Choctaws to this House I moved to strike that provision from the bill carrying this $100 per capita payment to those Indians who were on the rolls. You heard the discussion; and after the discussion this House by a vote first of 43 ayes and 17 noes voted to strike out that per capita payment. Then the point of no quorum was made. Not satisfied with that vote you brought the Members here, and then by a vote of 118 ayes to 49 noes the proposition was defeated. It went to the Senate. The Senate Indian appropriation bill contained this provision of a per capita payment of $100 each. Senator WILLIAMS offered the amendment which is now in the bill. It does not take any money out of the funds of the tribe. It does not take any money out of the Treasury of the United States, but it is a clear, simple, plain provision that reads:

Provided, however, That the provisions of this act shall not be applicable to the members of the Choctaw Nation in Oklahoma until Congress shall have determined the rights of the Mississippi Choctaws whose names do not appear upon the approved rolls of the Choctaws in Oklahoma and until such of said Mississippi Choctaws as shall be found entitled to enrollment have been placed upon the rolls of citizenship of the Choctaw Nation.

Sirs, is it asking too much at your hands when we say that the Mississippi Indian has rights, when we ask you to investigate the matter and say whether or not he has rights, and when

we say to you, pay out this money, but do not pay it out until these people shall have the privilege of appearing before Congress and presenting their cause?

And now the gentlemen who are opposing this motion attempt to becloud the issue, and I did not think my good friend the gentleman from Oklahoma [Mr. FERRIS] would try to run away from the real issue by talking about attorneys' fees. Ah, sirs, there is one fact that looms high in this discussion, and that is that if there is any set of men on God's green earth that ought to know how miserably the Indians have been treated it is the Oklahoma citizen and the Oklahoma Representatives, because your State has robbed them every time the opportunity presented itself. The blackest pages in the history of your State is the way you have treated the Indian. None of you rejoice in walking the streets of Washington or being seen on the corners in the cities of your State with McMurray, who helped to paint your record black, and who said and boasted that he wrote the act of 1902 that you erroneously say did something for the Mississippi Choctaws. Men high up in your State have received large attorneys' fees. If you say they have been robbed, I say that you have to bring the accusation not alone against those in Mississippi, but you must also include those high up in Oklahoma.

Mr. CARTER. The gentleman does not want to accuse anyone unjustly or make imputations that are unjust against anyone. Will he give us the names?

Mr. HARRISON. I do not; but I say to you that Senator OWEN for one once represented Indians in Oklahoma.

Mr. STEPHENS of Texas. Will the gentleman yield?

Mr. HARRISON. No; I can not yield.

Mr. STEPHENS of Texas. It has been stated on the floor that he was not a Member of the Senate at that time.

Mr. HARRISON. If the gentleman will wait his time in patience I will show what Senator OWEN said a few months ago about the Mississippi Choctaws. I will quote his words, and if that will not convince you, you will not be convinced. If I did not know the high character of the gentleman from Oklahoma, Mr. CARTER, and other gentlemen from Oklahoma, I might say that they might be influenced in fighting to keep the Mississippi Choctaws from the rolls, because they themselves perchance are on the rolls of some of the Indian tribes. But I hold the gentleman in too high esteem for that. I do not believe he could be deterred from doing his duty. I do not believe the reason that he is fighting these unfortunate people is because he himself is on the rolls as one of the men who will share in a per capita payment. I will not go that far.

Now let me get to the vital points at issue. These Indians in Mississippi originally did not desire to go into Oklahoma; they would not consent to the treaty of 1830 until provision was written into the treaty known as the fourteenth article, that said in effect, "You Indians who prefer to stay by the burial places of your tribe, who had rather roam the hills that you are accustomed to roam, can do so, and by doing so you will not lose any rights as Choctaw citizens." A provision was placed in there that these people should not be compelled to move to Oklahoma, but now that is what you would force them to do.

The gentleman from Kansas may smile at me, but I want to say to him that he is on the subcommittee that is now considering the bill before his committee that I have introduced for the relief of these poor people. Ofttimes I have wished for him to be present, but he did not come. I want to say in this connection that in the Sixty-second Congress the subcommittee that considered my bill reported it out unanimously, and while I am expressing myself I desire to say that I do not believe it is just and fair to the Mississippi Choctaws that in appointing a subcommittee to consider this matter the chairman of that subcommittee should be no other than the man who has led the fight against the proposition, the gentleman from Oklahoma [Mr. CARTER].

Mr. CARTER. The gentleman agreed to it, did he not?

Mr. HARRISON. No; I did not. I tried my best to keep the gentleman off the committee, because I did not want him on it.

Mr. CARTER. The gentleman made up the committee himself.

Mr. HARRISON. If I had, I never would have taken the gentleman from Oklahoma.

Mr. CARTER. The gentleman placed me on one side, and on the other side the gentleman from Minnesota [Mr. MILLER], and he knows he did.

Mr. HARRISON. No; I did not; I am not that big a dunce. Now, the gentleman has said that the Jack Amos case in 1897 settled the rights of the Mississippi Choctaws, and they rely on that case, and the gentleman from Oklahoma [Mr. FERRIS] said that the Supreme Court had affirmed the case.

Mr. FERRIS. No; the gentleman is wrong. I do not want the gentleman to misquote me.

Mr. HARRISON. Well, I will yield, if the gentleman wants to correct himself.

Mr. FERRIS. No; I want to correct the gentleman from Mississippi.

Mr. HARRISON. I decline to yield for that purpose.

Now, gentlemen, here are the facts about it. In 1896 the Dawes Commission was appointed by an act of Congress to go to Oklahoma and make a roll in Oklahoma of the tribes in that State.

There was a fellow named Jack Amos, together with others, who applied to this commission to be placed on the rolls. This commission said "You have to remove to Oklahoma if you want enrollment;" "You can not stay in Mississippi and be enrolled." From that decision an appeal was taken to all three branches of the Territorial courts of Oklahoma—one presided over by Judge Stringer, one by Judge Clayton, and the other by Judge Townsend. Clayton and Stringer held that this commission was right, that under the law they had no authority to enroll anyone outside of the State.

Mr. CARTER. What case is the gentleman talking about?

Mr. HARRISON. The Jack Amos case. I can not see why gentlemen should try to misrepresent the facts, for I have the cases here.

Mr. CARTER. Will the gentleman give me a citation of that case. I never heard of that before.

Mr. HARRISON. It is the Jack Amos case, which went up to Judge Clayton. I have all the citations here and I will insert them in my speech.

Mr. CARTER. Mr. Chairman, I would like to know the citation. Surely the gentleman can give that.

Mr. HARRISON. I will give the citation. It was decided in the spring of 1897. It is found on page 475 of the Decisions of United States Courts in Indian Territory on Citizenship Cases, and so forth. It went to the Supreme Court on an appeal from Judge Clayton's decision. Judge Townsend held differently from Judge Clayton, holding that the Mississippi Choctaw did not have to move to Oklahoma, and also that he was entitled to share in the estate of the Choctaw Nation. These cases went to the Supreme Court and was known as the Stevens case against the Cherokee Nation (174 U. S., 415), which embraced all these Mississippi Choctaw enrolled cases, and the Supreme Court expressly said that they did not go into the merits of the controversy, but only settled the constitutional question of the right of the appeal from the Dower Commission decision to the Territorial courts.

Mr. CARTER. What I want the gentleman to give me is the citation of the case that Judge Townsend tried.

Mr. HARRISON. This Jack Amos case?

Mr. CARTER. Oh, no; Judge Clayton tried that.

Mr. HARRISON. But here is the case right here. It is known as the Choctaw and Chickasaw Nation case, and is found in the decisions of the United States Supreme Court in volume 174, at page 415.

Mr. CARTER. That is not the Jack Amos case?

Mr. HARRISON. Oh, the gentlemen are not yet satisfied as to the correctness of it, when it is there. Not only that, but Judge Clayton in the Jack Amos case based his ruling on the case known as the Eastern Cherokee *v.* The Cherokee Nation (117 U. S., 288). Three years ago, at the instance of an able attorney from the gentleman's own State, Senator OWEN, in the case which conformed in Two hundred and second United States, page 101, styled Eastern Cherokees against Cherokee Nation, held that these Eastern Cherokees in North Carolina had the right to recover over $1,000,000 for injuries done to them under the treaties by the United States Government. Oh, the gentleman can smile, but if he would read and study more, he would know more about the question. I recommend these decisions to the gentlemen and hope they will read them. That is what they held three years ago. There is now pending for attorneys' fees claimed to be due to Senator OWEN, of the gentleman's State, for services rendered to the Mississippi Choctaws, a case known as Winton et al. against Jack Amos et al., in the Court of Claims. I desire to read to you from a brief which was filed by Mr. OWEN in that case. I now quote to you what Mr. OWEN, who probably knows more about this question than any man in the United States, says about it, and this is a brief that he filed one year ago for a fee he claimed was owing to him and his associates.

Mr. BURKE of South Dakota. Owing to whom?

Mr. HARRISON. Senator OWEN. Understand, though, gentlemen, I am not now discounting the services or criticizing him in this matter. I hold him in high esteem, and the services he rendered were the services of an attorney. Here is what he

says about the McLennon roll of March 10, 1899. First, I want to say to you that if Judge Clayton, in 1897, was right in holding that the Mississippi Choctaws did not have any rights, why did Congress in 1898 pass the Curtis Act, authorizing the Dawes Commission to go into Mississippi and make a roll of the Mississippi Choctaws? They went there, and 1,923 Mississippi Choctaws were identified and placed upon that roll. It is known as the roll of March 10, 1899, and I want to read to you what Senator OWEN says about it.

He says:

The report declares that the Mississippi Choctaws were poor, ignorant, and helpless. This report in behalf of the full-blood Mississippi Choctaws, signed and submitted by the Dawes Commission, was disapproved eight years later by Mr. Secretary Hitchcock, on March 4, 1907, without notice or without warrant. Against this treatment of the Mississippi Choctaws the petitioner, OWEN, from time to time vigorously protested, but in vain. It was obvious that although this report showed that at least twenty-five hundred full-blood Mississippi Choctaws, fourteenth-article claimants, were entitled to identification, they were poor, ignorant, and helpless, and the fact is also demonstrated that the Dawes Commission, which was expressly charged by law to identify these helpless, ignorant people, never did discharge their full duty in the premises.

He goes on further to say that this report was pigeonholed and disapproved eight years afterwards, thereby striking from the roll hundreds of acknowledged full-blood Mississippi Choctaws.

Ah, there is a roll with eleven hundred Mississippi Choctaws on it, and they have proven their rights, and it still remains in the Secretary of the Interior's office unapproved; and yet you would keep those poor people who have been identified from the rolls, and you would disburse and distribute this money among the people who live in Oklahoma, without allowing these unfortunates to share in the distribution. I will tell you what explains the secret about this proposition. They know that if they can distribute this money now in piecemeal there will not be anything left after a while in the event the Mississippi Choctaws ever get on the rolls. Here is a letter written by the gentleman from Oklahoma [Mr. CARTER] to one of his constituents about this per capita payment. It says:

WASHINGTON, *January 16, 1914.*

B. M. MCDANIEL, *Durant, Okla.*

MY DEAR SIR: On January 3, 1914, I proposed to the Indian appropriation bill an amendment for a per capita payment of $100 to the Choctaws and Chickasaws, which was adopted by the subcommittee and which we may be able to increase to $200 if handled properly.

You doubtless know that the only legislation necessary for a winding up of tribal affairs is a provision for a per capita distribution of our funds. This amendment is the first step on the last lap of a final settlement, and we expect to try to provide for these payments every year, so that all the funds may be distributed just as they are collected. Points of order, petitions, and every other possible opposition will be urged against this amendment, and the sentiment of our people should be made known.

You can assist materially by writing a letter to several members of the Indian Committee, whose names appear at the head of this letter, stating the long delay that has taken place in the settlement of our affairs, the necessity for bringing same to a close at the earliest possible date, and the dire need of these per capita payments.

I gave up my Christmas trip to Oklahoma because I wanted to be on hand at the proper time to get this matter started off right. Now, won't you take time to persuade your Indian friends to express their sentiments to different members of the committee? You are interested; get busy and help us.

Very truly, yours, C. D. CARTER.

There is the secret of this whole thing. They want to distribute the money, and if a poor Mississippi Choctaw ever can be permitted to come before Congress and prove his claim there will not be anything left for him to get. I tell you not to let the question of attorneys' fees get you from the real issue in this case.

If we admit that we can not write into the law the fact that no attorney shall gobble up these funds that these poor Indians are entitled to, then, indeed, we confess that we can not perform the duties that our people expect us to do. For one, I am in favor of making the limitation strong on these Indian attorneys. I went through my district last year, and I condemned the practice of this man, named in the McLaughlin report, publicly from the stump. I reported it to the Indian Office. My friend [Mr. CARTER] did also, and the gentleman from Louisiana [Mr. ASWELL] also did that, and so did others. Sirs, do not take away from the Indians in Mississippi the rights that they are entitled to, because some shystering attorneys are trying to make money out of them. Let us fix the law so that the attorneys can not get the money. If you vote for a concurrence in this Senate amendment, the attorneys will not get a cent. It only says that the money will not be distributed at all until the Mississippi Choctaw shall have the right to come here and present his case. Are we asking too much of you? Let me recall to your minds that in 1831 this nation in the West filed a suit and recovered $3,000,000 net, for injuries done to the Mississippi Choctaws. Those $3,000,000 went absolutely and wholly into the funds of the Oklahoma Choctaws. It goes to them now. I ask you as honest men, I ask you as patriots, is it right that these moneys that these Oklahomans recovered for injuries done to the Mississippi Choctaws should be so distributed that the Mississippi Choctaws shall not be permitted to share in them?

Simple justice and right is all we ask in this matter. If you will take this brief of Senator OWEN and read it from top to bottom, you will see how he says the Mississippi Choctaws have been treated, and in every instance he says they have been treated very, very badly. Let me cite you an instance. In 1901, after the 1,923 Indians in Mississippi had been identified upon this roll, and which has never formed a part of the tribal roll, Mr. OWEN says that he advised his constituents through his coattorney not to go to the Dawes Commission again. He advised them to stay away. Let me read you what he says about it:

I do not recall writing any letter to an individual Mississippi Choctaw and do not think I did so, but I did write to Charles F. Winton and advised him that in my opinion the roll made by the Dawes Commission, dated March 10, 1899, had been made by an unauthorized tribunal, not subject to review by the Secretary of the Interior; that the decision in favor of the individuals on that roll by a tribunal duly authorized by Congress was a finality and constituted a favorable judgment in behalf of the individual Mississippi Choctaws who had been so enrolled; that they would put themselves in jeopardy if they voluntarily reappeared before the Dawes Commission for a reconsideration of their claim.

The roll to which I have referred—of March 10, 1899—which I regarded then, and which I regard now, as a finality in favor of the persons in whose behalf it was rendered.

There is what Senator OWEN says, and in speaking about this act of July 1, 1902, the act that McMurray, of Oklahoma, boasted that he wrote, the same man that got $1,000,000 attorney's fees for taking off the roll many Mississippi Choctaws, and who helped to create the citizenship court for the purpose of taking 4,000 Choctaw Indians from the rolls, and he succeeded.

The CHAIRMAN. The Chair desires to notify the gentleman that he has consumed 25 minutes.

Mr. HARRISON. Let me read now what Mr. OWEN said about the act of July 1, 1902, the last act on this proposition. He says, speaking of the conditions of the Mississippi Choctaws:

These four conditions operated to bar and defeat probably a thousand Mississippi Choctaws, which I thought was grossly unjust and which I thought deprived them of a vested legal right. I therefore objected to these conditions and prayed for a liberal provision. The Choctaw authorities, acting through their attorneys and supported by the Interior Department, were sufficiently strong to force these provisions through the committees and through Congress over my earnest protest heretofore set up by the printed memorials I have submitted in Exhibit 1 of my deposition (p. 2560).

That is the way Senator OWEN says the Mississippi Choctaws have been treated, and he said that, not before he was elected to the Senate, either, but only one or two years ago, when he wrote this brief in the secrets of his counsel chamber and gave his deposition in the court. Be not deceived, sirs, you gentlemen from Oklahoma, as to the sentiment of your people in regard to these people in Mississippi who have been kept from the rolls. Mr. OWEN, who stands high in the estimation of your people and all the people, fought for their rights for a long time. His course was approved, and when you take a different course, then I say to you, watch out, do not take this money from the Mississippi Choctaws. In conclusion, simple justice is all we have asked for them. If we concur in this amendment, that settles the proposition. If we disagree and send it to conference, there my wily friend from Oklahoma [Mr. CARTER] is one of the conferees and there my good friend from Texas [Mr. STEPHENS] is one of the others, both fighting our contention. Will you send it to conference or will you ratify what the Senate said by a majority of 13? Will you ratify what this House said not three months ago by a vote of 118 to 49? Gentlemen, I submit it to you. Be not deceived by this attorney business. There is in this act, following this amendment, a provision that bars these attorneys from robbing these Indians. If this fails, we can write into the law, when we get that far, a provision that will deprive these oily attorneys of getting these fees. If we can not do that, we ought not to be here as representatives of the American people. [Loud applause.] Mr. Chairman, I withhold the balance of my time.

Mr. STEPHENS of Texas. Mr. Chairman, I yield the balance of my time to the gentleman from Oklahoma [Mr. CARTER].

The CHAIRMAN. The gentleman from Oklahoma is recognized for 12 minutes.

Mr. CARTER. Mr. Chairman, in newspaper parlance the statement of the gentleman from Mississippi [Mr. HARRISON] might very appropriately be placed under the heading of news items as "important if true."

He told you a great deal about what Senator OWEN said. Let us see what Senator OWEN did say in this brief of which the gentleman speaks:

I was the attorney of the Mississippi Choctaws who were enrolled by the Choctaw-Chickasaw agreement of 1902. I represented them from 1896 to 1906, and devoted my time to their interests for 10 years.

Senator OWEN says he was attorney for the Mississippi Choctaws from 1896 to 1906. He took his seat in the Senate in January, 1908. There was certainly nothing unethical in his representing the Mississippi Choctaws at that time under any kind of proper contract. But the Senator further says:

No Choctaw in Mississippi or elsewhere, not on the approved rolls of March 4, 1907, has any legal or equitable right to enrollment or to any further hearing.

Why did not the gentleman from Mississippi read that for the information of the committee, if he wanted to be fair and only ask for justice?

You have already been informed of the legal and equitable adjudication of the status of the Mississippi Choctaws as determined in the case of Jack Amos; that the case was sent to the Dawes Commission for adjudication under the treaty of 1830; that the case was decided adversely to the Mississippi Choctaws by the Dawes Commission, and that a like decision was rendered by the Federal courts.

In my limited time I am only going to ask you gentlemen to listen to the reading of the closing paragraph in the opinion of Federal Judge Clayton on this Mississippi Choctaw case, entitled Jack Amos and others against the Choctaw Nation:

To permit men with perchance but a strain of Choctaw blood in their veins, who, 65 years ago, broke away from their kindred and their nation, and during that time, or the most of it, have been exercising the rights of citizenship and doing homage to the sovereignty of another nation, who have borne none of the burdens of this nation, and have become strangers to the people, to reach forth their hands from their distant and alien home and lay hold of a part of the public domain, the common property of the people, and appropriate to their own use, would be unjust and unequitable.

The gentleman from Mississippi told you that Judge Townsend had also rendered a decision in the Mississippi Choctaw case. Judge Townsend did render many decisions in citizenship cases, but, as I remember, he dealt exclusively with what were called "court citizenship cases," and not Mississippi Choctaw cases. At any rate the gentleman from Mississippi was unable to cite his decision. Judge Townsend did not preside over the Choctaw Nation district. The limits of his district were confined to the Chickasaw Nation, and no part of the Choctaw Nation was included therein.

Judge Townsend lived in my home town, which was his principal court town. He was my neighbor during all the time that he presided over the Federal court there, and I was naturally more or less familiar with his decisions, but if he ever attempted any adjudication of a Mississippi Choctaw case it is beyond my memory.

What are the fundamental equities in this contention between the Indians in Oklahoma and the Indians in Mississippi? Some of the Mississippi Choctaws received lands in Mississippi, while others were given scrip for one-half the value of their lands and money for the other half, but the Western Choctaws received neither scrip, money, nor lands in Mississippi, but did get in lieu of these emoluments a reservation in the West. I hold in my hand a House document, No. 898, Sixty-first Congress, second session, containing an official letter from the Secretary of the Interior which gives the names of Mississippi Choctaws who were entitled to and did receive this scrip, and the gentleman must certainly have been familiar with these records. Why did he not call your attention to them if he only desires justice? After being forced to surrender the western half of this reservation to white settlers and other Indians, at the urgent demand of the white man's Government the Choctaws in the Indian Territory agreed to surrender to you their tribal government, the supervision of their funds, the supervision of their schools, the making of their tribal rolls, and take an allotment of part of their land in severalty. But they did not do this, mind you, until the white man's Government had made a solemn promise under two treaties that the residue of the lands would be sold and the proceeds thereof and all other funds divided per capita among them.

Now, what does the gentleman from Mississippi [Mr. HARRISON] propose to do? He says there are some indigent, helpless Indians in Mississippi; and even granting that to be true, are the Oklahoma Indians responsible for their destitute circumstances? Not in the least. The white people of Mississippi, who deprived them of their lands, are responsible for this deplorable condition. But our friend from Mississippi [Mr. HARRISON] has found some other Indians in Oklahoma who have left a small share of their former estate, so he brings forth his socialist plan to take away from those who have in Oklahoma and give to those who have not in Mississippi, the law in the case and decisions of his own courts to the contrary notwithstanding.

Our friend from Mississippi [Mr. HARRISON] told you he brought about this investigation. If he did, he should have some proof of that fact, but he did not present any. I have worked pretty hard getting this investigation brought about. I have gone over all papers thoroughly and made many calls upon bureau and department heads, but have never heard of the gentleman from Mississippi having anything to do with it before.

Let us see what story the inspector's report tells of the gentleman's activity in connection with bringing about this investigation.

Mr. ASWELL. Will the gentleman yield for a short statement?

Mr. CARTER. No; I have not the time. I have only 12 minutes.

Mr. HARRISON. I will yield a minute of my time for the gentleman to answer the question.

Mr. CARTER. I did not know the gentleman had any time.

The CHAIRMAN. The gentleman has one minute remaining.

Mr. CARTER. Then I ask that the gentleman use his minute before I proceed.

Mr. HARRISON. I was not going to use it, but I will yield it to the gentleman from Louisiana [Mr. ASWELL].

Mr. ASWELL. I want to ask the gentleman if he knows that the gentleman from Mississippi [Mr. HARRISON], the gentleman from Louisiana [Mr. LAZARO], and I started this investigation and publicity over a year ago?

Mr. CARTER. No.

Mr. ASWELL. And this crooked work of the attorney you mention was presented to the Post Office Department, to the Department of Justice, and to the Commissioner of Indian Affairs by myself, and not only that, but it was denounced in the public press, first, by the gentleman from Mississippi [Mr. HARRISON] and then by myself, and then by another Member from Louisiana [Mr. LAZARO]. And that case was presented all over the southern country over a year ago by myself, the gentleman from Mississippi, and another gentleman from Louisiana.

Mr. CARTER. Mr. Chairman, the gentleman from Louisiana knows just about as much about this investigation as he does about the Mississippi Choctaw question. If he had read this report he would know that this investigation started in the latter part of 1910, and that Inspector W. W. McConihe made a report on the matter under date of May 2, 1911. I presented this matter to the department, in 1910, and I have been urging the department ever since that time to get busy on it. About last August the files in my office had become so congested with reports of this fraud, one of them coming from no less a personage than the governor of one of the largest States in the Middle West, another from a former Representative from Louisiana, one of the ablest men that ever represented that State in this House, and from other important and reputable personages. I again took the matter up with the Indian Bureau, and at the request of Oklahoma's two Senators and myself other inspectors were put on the job. You will observe, my friend, that this investigation has been going on for about four years, at least for two years before you came to Congress. But let's see what the report discloses:

Our friend from Mississippi says he brought about this investigation. On page 25 of these hearings, which is a part of the inspector's report, is found the following statement:

The said Luke W. Conerly is 73 years of age and a lawyer by profession, but has not practiced in the courts for several years past.

Further on, also, that—

It was he [Conerly] who first interested Congressman HARRISON of Mississippi in Choctaw matters and got him to introduce the bill for reopening the Choctaw rolls.

Who was Luke W. Conerly? According to his own statement, he is one of the men who has been associated with such negro grafters as Powell in looking up these claimants and taking contracts for this proposition.

Now, when our friend from Mississippi [Mr. HARRISON] addressed this House on February 20 last he attempted to give us some information concerning some old contracts that had been disposed of 10 or 12 years ago and about which he seemed to know very little. It seems to me the gentleman might have much more appropriately given us at that time some information concerning these real live contracts.

Let us see what else this little record shows: The gentlemen behind these contracts seem to have had a very active press bureau, as is evidenced by some of their dope, collected by Inspector McLaughlin. I find the following on page 39 of this document, and I notice it has printed at the top "Associated Press" in parentheses.

While I realize that the Associated Press is not in any wise responsible for this, we all know the advantage of having the public believe such a substantial organization is responsible for news items. What does this press bureau say?

WOULD RESTORE CHOCTAW INDIAN PENSION BILLS.

[Associated Press.]

WASHINGTON, *December 13.*

The bill introduced in the House last session by Representative HARRISON, providing reopening of rolls of the Chickasaw-Choctaw Indian Tribes, came up for consideration in the House yesterday. A vote was not reached. In his speech in favor of the bill, Mr. HARRISON said in part:

"The Mississippi Choctaws have been woefully neglected and unmercifully treated"—

And so forth.

Again, we find on page 37 one of the notices sent out by this man Powell over his own signature, part of which reads as follows:

NOTICE TO INDIANS AND THEIR DESCENDANTS—IN CONNECTION WITH HON. HARRY PEYTON, ROOM 420 BOND BUILDING, WASHINGTON, D. C.

This is your last chance to secure benefits under the bill introduced by Hon. PAT HARRISON, of the sixth district of Mississippi, now pending before the Sixty-second Congress, for the relief of Mississippi Choctaws and their descendants who remained in Mississippi after the treaty of 1830.

I am an Indian and a Spaniard and my grandfather was a signer of the treaty of 1830.

I will be glad to write up all beneficiaries, and I have in my possession a record that will enable you to trace your ancestors back to 1780.

Those with negro blood need not apply.

I will be at ——— Miss., on the —— day of ———, 1912.

ALEXANDER P. POWELL,
No. 106 Fourth Avenue, Laurel, Miss.
Office: Room 420, Bond Building, Washington, D. C.

(This paper was sent to Indian Office by Mrs. Viola Strickland, of Meridian, Miss., No. 1400 Tenth Avenue, under date of September 16, 1912.)

Here is still another:

[Alexander P. Powell, representative Mississippi Choctaw Indians; office, room 408, Bond Building, Washington, D. C.; 331 Pine Street, Laurel, Miss.]

SHREVEPORT, LA., *October 28, 1913.*

MR. COLUMBUS OVERMAN, *Dexter, Kans.*

DEAR SIR: Yours of recent date to hand. Beg to advise that I have already written up a number of your relatives under their great-great-grandmother Delilah, who was an Indian woman, and if you wish to be written up, on receipt of $2.50, which I require for recording fee, etc., I will send you blanks to be filled out. I do not charge you any fee, but when I collect for you I get 20 per cent of collections.

I am also inclosing you a Pat Harrison bill and other literature, and you can see for yourself how the case stands.

Yours, truly,

ALEXANDER P. POWELL.

And so on all through this document.

Who is Alexander P. Powell? He is a negro—one of the most active agents in procuring these contracts. He is one of the men described by the gentleman from Oklahoma [Mr. FERRIS], as I remember, as a burr-headed negro, a scheming, grafting, shyster attorney.

In conclusion, Mr. Chairman, permit me to say I agree that the Missisippi Choctaw has been mistreated. This Government made a serious mistake when it sent this arrogant, drunken agent, Ward, down to Mississippi, and his actions were a disgrace to the Government he represented; but it can not be denied such action was an advantage to the settlers living in Mississippi, because it enabled them to get the land to which the Choctaws were entitled. And in that the Mississippi Choctaw was woefully mistreated by the people of Mississippi, for had it not been for the collusion of these early settlers of Mississippi with this agent, Ward, the Choctaws would still own valuable land in that State. But whatever may have been the sad fate of the Mississippi Choctaw, his mistreatment can not honestly and justly be brought to the door of his fellow tribesmen in Oklahoma, for they have ever stood with open arms, ready and willing to welcome him into full citizenship of their tribe and all its emoluments whenever he would come among them and agree to be one of them.

Once the Choctaw Nation owned a vast area of valuable land in the State of Mississippi, but he has been deprived of it by his shrewder white neighbors, worthy ancestors, perhaps, of these gentlemen who are now attempting to complete their debauchery upon those who left the State and went to Oklahoma. And now a Choctaw in many instances has come to be a penniless vagabond, a homeless wanderer, a stranger, as it were, around his own fireside.

But why theorize? Why temporize? Why even sympathize? This is just another example of the white man's "benevolent assimilation" steam roller.

The proposition of the gentleman from Mississippi presents the same old story of broken faith, repudiated promises, robbery, and debauchery of the aborigines, the same old story that caused a great woman of your own race to write a book denominating the first 100 years of this great Government as a "century of dishonor," and now these gentlemen would have you perpetuate this dishonor.

The once powerful Choctaw Tribe, erstwhile monarch of all it surveyed, was the white man's friend. The white man's history tells us that the Choctaw was the friend and ally of the paleface during all the early wars on this continent, even joining issue with the white man against other tribes of his own race, and that "the Choctaw never raised the tomahawk against the Great White Father at Washington, nor his children," though oftentimes urged so to do by other tribes of his red brethren, and as often scorned by them for his refusal.

That part of the great Choctaw Tribe—this ally of the white man against his own kith and kin—which remained in Mississippi has in the name of your Christian civilization been deprived of every vestige of his former home and property, and why? In order that the white man in Mississippi might have a home and the progress of the great State of Mississippi be not retarded.

Those comprising that more aggressive and virile band of Choctaws who moved west and set up their own government under your solemn pledge that they should be free from further intrusion by the white man "so long as grass grows and water runs" have been forced and browbeaten into accepting a reservation of only a small part of their former holdings and coerced into ceding the residue of their lands for homes for others.

And now, for no further reason than that they have absorbed from your race sufficient thrift and frugality to retain a small modicum of their former vast estate, you ask them to discharge your obligations. You call upon them to make amends for the rotten acts of an arrogant, drunken agent of your own race, of your own choice, of your own selection, and because, forsooth, they have acquired from you sufficient temerity to refuse and assume to assert their rights under your own laws, under your own court decisions, they are now to be branded as selfish, stingy misers, sordid and avaricious, because they will not surrender their last small pittance in atonement for your miserable misdeeds. And worst of all, Mr. Chairman, is the lamentable fact that such a selfish and ungenerous sentiment as this finds lodgment in the usually clear and liberal minds of those who have risen to the high rank of this the greatest legislative body in the world. [Applause.]

The CHAIRMAN. The time of the gentleman from Oklahoma has expired.

Mr. CARTER. I thank you.

The CHAIRMAN. The question is on agreeing to the motion of the gentleman from Mississippi [Mr. HARRISON] to recede and concur in the Senate amendment numbered 139.

Mr. HARRISON. The Chair says "recede and concur."

The CHAIRMAN. The Chair understood the gentleman's motion was to recede and concur.

Mr. HARRISON. No, Mr. Chairman; it is simply to concur.

The CHAIRMAN. The gentleman is correct. The bill has not yet gone to conference. It is the motion to concur. The question before the House is the motion of the gentleman from Mississippi [Mr. HARRISON] to concur in Senate amendment 139.

The question was taken, and the Chairman announced that the noes seemed to have it.

Mr. HARRISON. I ask for a division, Mr. Chairman.

The CHAIRMAN. A division is demanded.

The committee divided; and there were—ayes 46, noes 66.

Mr. HARRISON. I ask for tellers, Mr. Chairman.

The CHAIRMAN. The gentleman from Mississippi [Mr. HARRISON] asks for tellers.

Tellers were ordered; and the Chairman appointed Mr. STEPHENS of Texas and Mr. HARRISON to act as tellers.

The committee again divided; and the tellers reported—ayes 56, noes 71.

So the motion was rejected.

The CHAIRMAN. The question now recurs on the motion of the gentleman from Texas [Mr. STEPHENS] to disagree to the Senate amendment numbered 139.

The question was taken, and the Chairman announced that the ayes seemed to have it.

Mr. HARRISON. Mr. Chairman, what was the motion? I understood that it was to disagree and send the bill to conference.

The CHAIRMAN. It is not in order for the committee to send the bill to conference. The question is on agreeing to the motion of the gentleman from Texas [Mr. STEPHENS].

The motion was agreed to.

The CHAIRMAN. The Clerk will report the next amendment.

Mr. MANN. What is the matter with amendment numbered 1?

The CHAIRMAN. The gentleman from Illinois is correct. This amendment was considered out of its place. The Clerk will report amendment numbered 1.

The Clerk read as follows:

Senate amendment numbered 1, on page 2: Strike out all of lines 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, and 14.

The CHAIRMAN. The first amendment is to strke out a portion of the Senate bill, and the second amendment is to insert a substitute therefor.

Mr. STEPHENS of Texas. Mr. Chairman, I move that we nonconcur in this amendment.

The CHAIRMAN. Does the gentleman desire that the committee vote on both amendments at the same time?

Mr. STEPHENS of Texas. I desire that the committee vote on them both at the same time.

The CHAIRMAN. The gentleman from Texas [Mr. STEPHENS] asks unanimous consent that the House nonconcur in amendments numbered 1 and 2 at the same time, as the one is to strike out and the other is to insert. Is there objection?

There was no objection.

Mr. MANN. Amendment numbered 2 has not been reported. So far as I am concerned, I am perfectly willing to disagree to them.

Mr. STEPHENS of Texas. I ask unanimous consent that we disagree to the amendments 1 and 2.

The CHAIRMAN. The gentleman from Texas asks unanimous consent to disagree to amendments numbered 1 and 2. Is there objection?

There was no objection.

The CHAIRMAN. The Clerk will report Senate amendment numbered 3.

The Clerk read as follows:

Senate amendment numbered 3: Page 5, line 10, after the word "prescribe," insert:

"And annually thereafter the Secretary of the Interior shall transmit to Congress a cost account in detail of all moneys, from whatever source derived, expended on each such irrigation project for the preceding fiscal year, including a résumé of previous expenditures, which shall show the number of Indians on the reservation"——

Mr. STEPHENS of Texas. Mr. Chairman, I ask unanimous consent that this amendment be disagreed to, without further reading.

The CHAIRMAN. The gentleman from Texas asks unanimous consent that this amendment be disagreed to without further reading. Is there objection?

Mr. MANN. I object to that.

The CHAIRMAN. The Clerk will conclude the reading.

The Clerk read as follows:

where the land is irrigated, irrigable area under ditch, irrigable area under project (approximate), irrigable area cultivated by Indians, irrigable area cultivated by lessees, amount expended on construction to June 30 of the preceding fiscal year, amount necessary to complete, and cost per acre when completed (estimated); value of land when irrigated, and such other detailed information as may be requisite for a thorough understanding of the conditions on each system or project.

Mr. MANN. Mr. Chairman, will the gentleman yield?

Mr. STEPHENS of Texas. Yes; I yield to the gentleman.

Mr. MANN. Is the language of this amendment substantially the same as the language in the bill when it was reported to the House?

Mr. STEPHENS of Texas. I understand it is. We want to nonconcur for the purpose of making that examination.

Mr. MANN. For the purpose of making what examination?

Mr. STEPHENS of Texas. To see whether or not it corresponds with the law at the present time.

Mr. MANN. Why should we not concur in this amendment? Is not this proper?

Mr. STEPHENS of Texas. Mr. Chairman, I yield to the gentleman from South Dakota [Mr. BURKE].

Mr. BURKE of South Dakota. Mr. Chairman, I will say to the gentleman from Illinois [Mr. MANN] that I am in accord with the amendment. There is something in the existing law now—I think it was carried in the appropriation act of 1910 or 1911—that requires most of this information to be furnished; and I think it would be much better to disagree to the amendment in order that the conference may have an opportunity of examining it and possibly perfecting it.

Mr. MANN. This bill came over to the House some time ago with Senate amendments. It was sent to the Committee on Indian Affairs. I think it is the duty of the Committee on Indian Affairs to be prepared to give the House information about amendments of this sort.

Mr. STEPHENS of Texas. Is the gentleman aware of the fact that further information has gone to the Senate committee than was possessed by our committee?

Mr. MANN. I am aware of this, that the gentleman from Texas and his committee have had plenty of time, since the amendment was agreed to in the Senate, to know about it, and a great deal more time than they will have while this bill is in conference. Now, why should not our friends on the committee, when this bill was referred to the committee, come in here and give the House some information about the Senate amendment instead of having everything legislated secretly—in secret conference?

Mr. STEPHENS of Texas. Is the gentleman aware of the fact that this bill passed the House in February, and that it has been in the Senate for several months? They investigated it very thoroughly, and they added this amendment, which to some extent changed existing law. We did not have the opportunity to compare the two laws as we desired. On the face of it, this amendment appears to be a good one; but still I would not be satisfied to pass it without a chance to investigate it.

Mr. MANN. I am aware that this bill passed the Senate two weeks ago and has been before the House for two weeks, during which time the gentleman from Texas has had opportunity to examine this and other amendments. I am also aware of the fact that when the bill goes to conference he will not use two weeks' time to examine the amendments, but the conferees will dispose of this amendment in conference in three seconds. That is what they will do. Now, instead of adopting the old method, where the Senate has added as many amendments as it has to this Indian bill, why should not the gentleman take the House into his confidence?

Mr. STEPHENS of Texas. I will state to the gentleman that this does not carry any increased appropriation. It is only declaratory of what the law is now, as I understand it.

Mr. MANN. Then why should we not agree to it?

Mr. STEPHENS of Texas. They have some reasons, unknown to us, why they wanted it in here, and we want to consult with them.

Mr. MANN. Oh, well——

Mr. STEPHENS of Texas. We want to get the benefit of the information which has been furnished to them by the department since the bill passed the House.

Mr. MANN. If the Committee on Indian Affairs, to which this bill has been referred, come before the House on these Senate amendments, 168 in number, and plead ignorance on each one of them, as I apprehend the committee are going to do, I think it is a shame to the House and to the committee itself. They have had more time to investigate these amendments than they will have in conference, and there are more of them to investigate the amendments. The Committee on Indian Affairs took this bill, and without ever reading the amendments, without any consideration of the amendments at all, said, "We will disagree to all of them," when that is not the intention of the committee in the end. What they want to do is to send the bill to conference, where in secret conference they will determine what they will put in the bill and what they will leave out, and not take the House into their confidence.

Now, here is a simple proposition. The gentleman from Texas knows as well now as he will two weeks from now whether he is going to agree to it. Why not tell the House now whether he is in favor of it?

Mr. BURKE of South Dakota. Will the gentleman yield to me?

Mr. MANN. Yes; I will yield to the gentleman.

Mr. BURKE of South Dakota. The thing which the gentleman from Illinois [Mr. MANN] is condemning is the practice of the House upon every appropriation bill after it comes back from the Senate. If it is now going to be the policy of the House on this bill to concur in every amendment that may appear to the House to be desirable legislation, it seems to me it is going to leave the conferees in a position where they can not hope to get as good a compromise as they can get otherwise, if some of the amendments that we can yield on are left to us, in order that we may have something to offer to the other body when we get into conference. If you are going to concur in every amendment which appears to be meritorious, and then leave in conference only the amendments that the Senate has put in that the House does not seem inclined to agree to, we certainly shall be handicapped; and I will say to the House that we will not bring back as good a conference report and as good a compromise as we will if we are left to go to the Senate with all of these amendments of the Senate disagreed to.

The CHAIRMAN. The time of the gentleman from Texas has expired.

Mr. MANN. Mr. Chairman, just a word. The gentleman from South Dakota [Mr. BURKE] is mistaken, in my opinion. This bill is not in the same position that ordinary appropriation bills have been in in the past. It is customary to disagree

to all Senate amendments and ask for a conference. That action was not taken in this case. This bill was not taken from the Speaker's table and all the Senate amendments disagreed to and the bill sent to conference. On the contrary, it was sent to the committee. The committee reported it back. It is now being considered in Committee of the Whole House on the state of the Union, a very unusual thing with Senate amendments to appropriation bills. Why has that course been pursued? Because for years every old claim agent in Washington and everywhere else who could manage in some way to get hold of an Indian claim put in his time trying to get an amendment put on the Indian bill in the Senate; and sometimes, for lack of full information on the part of Senators, the claim agent succeeded. This year there are more Senate amendments of doubtful character upon the Indian bill than there have ever been before, I think, in my experience in the House. Now, the gentlemen who will be on the conference committee will tell the gentlemen here that they know nothing about these amendments. When are they going to learn about them? They have had two weeks since the bill came over from the Senate. Undoubtedly they followed the Senate amendments as they were considered in the Senate. When the bill gets to conference it will not be before the conferees two weeks. They will probably dispose of these amendments in 24 hours, or less than that, if you consider the time actually involved while the conferees are sitting. I do not ask the House to agree to some of these amendments, although the House might be favorable to them. I think we are entitled to know whether the committee knows anything about them before we send them to conference.

Mr. STEPHENS of Texas. Will the gentleman yield?

Mr. MANN. Certainly.

Mr. STEPHENS of Texas. Not being a mind reader, I can not tell what influenced the Senate or the Senate conferees.

Mr. MANN. No; but I, being a mind reader, do know.

Mr. STEPHENS of Texas. The gentleman has supernatural powers then.

Mr. MANN. It does not require any supernatural powers. All it requires is an ordinary knowledge of ordinary men's minds.

Mr. STEPHENS of Texas. Then what does the gentleman, with his supernatural powers, say about this?

Mr. MANN. I think something very similar to this amendment was in the bill when it was presented to the House. It went out. The gentleman then was strongly in favor of it. Now he is opposed to it, and in neither case has he been willing to give his reasons.

Mr. STEPHENS of Texas. Then the gentleman is not willing to submit this to a conference between the two Houses?

Mr. MANN. As far as this particular amendment is concerned, I do not care one way or the other whether it goes to conference or not. There are a lot of amendments in here, and unless the gentleman will give us some information in reference to some of them and let us know something about what he thinks of the amendments, I will tell the gentleman that this bill will not go to conference to-day.

Mr. STEPHENS of Texas. I will state to the gentleman that I do not think we ought to concur in this without further investigation with the Senate.

Mr. MANN. I suppose that is what the gentleman is prepared to state about every amendment. That is all he has stated about this. He says, "I do not know about this amendment. I do not think we ought to agree to it. I think we ought to send it to conference, where, when it gets into conference, and I get in a back room with a Senator, I will say whether it goes in the bill or not."

Mr. STEPHENS of Texas. Does the gentleman say——

Mr. MANN. I am not accusing the gentleman of anything improper at all.

Mr. STEPHENS of Texas. Does the gentleman believe conferences ought to be held in the open?

Mr. MANN. I think it would be a wise thing if they could be. I do not think it will be done right away.

Mr. STEPHENS of Texas. Mr. Chairman, I ask for a vote on this amendment.

The CHAIRMAN. The gentleman from Texas [Mr. STEPHENS] moves to disagree to Senate amendment numbered 3.

The motion was agreed to.

The CHAIRMAN. The Clerk will report the next amendment.

The Clerk read as follows:

Page 6, line 6, strike out the figures "$260,000" and insert the figures "$310,000," and the following language:

"*Provided*, That not to exceed $100,000 of the amount herein appropriated may be expended in the erection, equipment, and maintenance of camp and pavilion hospitals for the use of afflicted Indians, and especially for the treatment of Indians afflicted with tuberculosis and trachoma. No hospital shall be constructed at a cost to exceed $12,500. Said sum to be immediately available and to remain available until expended. Said hospitals to be constructed in the open market under the supervision of the Commissioner of Indian Affairs."

Mr. STEPHENS of Texas. Mr. Chairman, I move that the House disagree to the Senate amendment.

Mr. MILLER. Mr. Chairman, I desire to make one or two observations on this amendment, as I understand this is the only opportunity Members of the House will have to present their views. To my mind the appropriation for this paragraph is one of the most important contained in the bill. The purpose is to relieve the physical distress of many of the Indians of the United States. The Indians throughout the country are suffering from two distinct diseases—tuberculosis and trachoma—both infectious, communicable diseases. It is the purpose of the department and the purpose of Congress that an adequate sum shall be provided in this bill with which to carry on the warfare against these two malignant diseases in order that the health of the Indians may be enormously improved.

I do not know just what plans the Interior Department may have for carrying on this warfare against the diseases, but it appears, however, that it is desired to erect certain hospitals. There can be no criticism of that purpose. Unquestionably some hospitals will need to be erected. At most, Mr. Chairman, these hospitals are for a transient purpose. It is expected that the occasion for them will, as the work progresses, disappear. I think we all unite in the hope that that event will occur soon.

The bill as it passed the House provided that not to exceed $15,000 shall be appropriated for the erection of any one hospital. At the time it was before the committee I was of the opinion that $15,000 was a very small sum, and it seems to me wholly inadvisable for the department to erect a lot of lean-tos all through the United States to carry on this work.

Mr. FOSTER. Will the gentleman yield?

Mr. MILLER. Yes.

Mr. FOSTER. Does the gentleman think that for the treatment of the Indians we ought to have one big hospital?

Mr. MILLER. I do not.

Mr. FOSTER. I thought the gentleman was finding fault with the appropriation of $15,000—that it was not sufficient for the erection of a hospital.

Mr. MILLER. I do; but I do not take the position indicated by the gentleman's question.

Mr. FOSTER. I simply did not understand the gentleman.

Mr. MILLER. I do not believe any kind of a hospital can be erected for $12,500 that will be of any value. I think it ought to be restored to the old sum of $15,000.

Mr. FOSTER. I think in that the gentleman is mistaken. This character of a hospital for the treatment of tuberculosis and trachoma is not like the ordinary hospitals.

Mr. MILLER. The gentleman will understand that there is no duty on the Secretary of the Interior to expend $15,000 or $5,000 if the hospital does not need it. But this says that no hospital can be erected on an expenditure of over $12,500.

Mr. FOSTER. The Secretary of the Interior would erect a number of these hospitals convenient for the Indians. Unless you are going to erect a large hospital, which would cost a large sum and be expensive for maintenance, you would naturally want these small hospitals, which would be inexpensive.

Mr. MILLER. I agree with the gentleman that we want a number of small hospitals for this work, but I think the limitation that no hospital shall be contracted for to cost more than $12,500 is too small a sum, and that $15,000 should be restored.

Mr. MANN. Mr. Chairman, I move to amend the Senate amendment by striking out in next to the last line of the amendment the words "in the open market."

The CHAIRMAN. The Clerk will report the amendment.

The Clerk read as follows:

Amend the amendment, in line 14, by striking out the words "in the open market."

Mr. MANN. Mr. Chairman, I shall move to concur in the Senate amendment. This amendment increases the amount appropriated to relieve distress among the Indians and for the treatment of the diseases from $260,000 to $310,000, and provides that $100,000 of it may be used in the construction of hospitals for the use of Indians afflicted with tuberculosis and trachoma. It limits the amount that may be expended on any one hospital to $12,500, and provides that the hospital shall be constructed in the open market, under the supervision of the Commissioner of Indian Affairs. I take it the words "in the open market" mean without making contracts or receiving bids. I do not think we ought to provide that the hospitals shall be constructed without receiving bids. Therefore I have moved the amendment, and whether that prevails or not, I shall move to concur in the Senate amendment giving the Indians the hospitals and increasing the total appropriation $50,000 and diverting $100,000

of the total appropriation toward the building of the hospitals for tuberculosis and the treatment of tuberculosis and trachoma.

Mr. STEPHENS of Texas. I agree with the gentleman, that the term "in the open market" is not a definite term, and for that reason I asked to disagree to the Senate amendment No. 4.

Mr. BURKE of South Dakota. Mr. Chairman, I desire to be heard on the amendment offered by the gentleman from Illinois. The amendment offered by the gentleman from Illinois demonstrates, it seems to me and to the House, that these amendments ought all to be disagreed to and considered in conference, because before making the motion to concur the gentleman wishes to perfect this amendment; and if he is going to perfect it by striking out the words "in the open market," it ought to be perfected in other particulars. I call attention to the language "Commissioner of Indian Affairs." It is a very unusual way to provide for the expenditure of money appropriated to be expended for the benefit of the Indians. It is always provided that the Secretary of the Interior shall expend the money and I think everyone will admit that if we are to expend money for the erection of hospitals for tuberculosis and other diseases, it ought to be expended under the direction of the Secretary of the Interior, the same as other appropriations are expended.

Then there is in this language the words "such sum to be immediately available." This is unnecessary for any purpose, because when this bill becomes a law the appropriations will become immediately available. That language was put in there because it was supposed the bill would become a law before the end of the fiscal year, and it was for the purpose of making the money available so that it might be used immediately.

As to the question of $12,500 as a limitation that may be expended for the construction of one hospital, I will say to the House that I was a member of a commission that was appointed in this Congress to visit the different Indian reservations for the purpose of making some investigation of conditions with reference to trachoma and tuberculosis, and when this bill was considered in the Indian Committee of the House we considered very carefully the question of limitations, and it was the opinion that there are reservations where $12,500 would not provide such a hospital as there ought to be and that $15,000 was the smallest amount that should be named in the limitation. I think, with the gentleman from Illinois, Dr. FOSTER, that many hospitals can be built for $12,500, some for $7,000, and perhaps some for less, because they will be merely camps; but in the Northwest there are places where it will be necessary to expend more than $12,500 to get anything like such a hospital as we ought to have to meet the requirements upon some of the reservations.

There is that question to be considered, and then there is the question of increasing the appropriation, and this bill is filled with increases, and it would seem to me that the proper procedure for the House is to disagree to this amendment and let the conferees deal with it in conference, where they can perfect it better than we can perfect it here in the Committee of the Whole.

The CHAIRMAN. The question is on the amendment of the gentleman from Illinois.

The question was taken, and the amendment was rejected.

Mr. MANN. Mr. Chairman, I now move to concur in the Senate amendment.

The CHAIRMAN. The question is on the motion of the gentleman from Illinois to concur in the Senate amendment.

Mr. MANN. Mr. Chairman, the gentleman from South Dakota [Mr. BURKE], who will be one of the conferees, naturally and properly does that which all gentlemen do in the House in reference to matters of this sort where they will be conferees. They want the whole matter to go to conference. I would not have any very great respect for one of the conferees on these appropriation bills who did not wish to have the whole thing go to conference. But, after all, the assumption that three conferees named on the part of the House to consider these numerous Senate amendments know more about the amendments than the entire body of the House is a pure assumption. The experience of many years in the House has taught me that they do not. If they knew anything at all about the amendments, they might give that information to the House now; and the assumption that when the conferees go over these 168 amendments they sit down with the distinguished Senators who are conferees and spend two or three hours discussing each amendment and perfecting it is also a pure matter of assumption. The average time spent on these amendments by the conferees will not be 10 minutes to an amendment. They will not know about it; they are not in as good a shape to perfect an amendment as we are. The gentleman from South Dakota suggests several needed amendments to this amendment. Let us make them. The committee has just refused to make one which ought to be made. If this committee and this House wants to go on record that it is opposed to building hospitals for the Indians having tuberculosis, let them go on record to that effect. They will have the opportunity if they want to embrace it. They have the opportunity now. I am in favor of giving these hospitals and making this appropriation, an increase of $50,000, for the purpose of building hospitals for the benefit of the Indians who have tuberculosis and trachoma, both of which diseases are spreading rapidly among the Indians, with a great number of fatalities.

Mr. FERRIS. Mr. Chairman, will the gentleman yield?

Mr. MANN. Yes.

Mr. FERRIS. During the last administration President Taft sent what, to my mind, was a very strong and forceful special message to Congress urging it to do something about this very matter.

Mr. MANN. We have had it urged for years; but when our distinguished conferees go over to the Senate they will trade something off for this. What do they care about this?

Mr. STEPHENS of Texas. Mr. Chairman, I desire to state that we have already adopted in the bill that passed the House I think a sufficient amount of money to provide for all of these hospitals for trachoma, tuberculosis, and smallpox, and other infectious diseases, and also to correct any sanitary defects in the Indian homes, and so forth. The Senate has only changed the language, and in that change of language they have not certainly read or understood the entire provision of the amendment. They provide, in lines 14 and 15, that these hospitals shall be constructed under the supervision of the Commissioner of Indian Affairs; and on the same page, in lines 24 and 25, they provide for hospitals for the use of such Indians as the Secretary of the Interior may designate. Therefore, they have changed the law, and have in the same section one provision putting it under the Secretary of the Interior and another putting it under the Commissioner of Indian Affairs.

Mr. BUTLER. Mr. Chairman, will the gentleman yield?

Mr. STEPHENS of Texas. Yes.

Mr. BUTLER. Is the gentleman in favor of hospitals for the Indians?

Mr. STEPHENS of Texas. Yes.

Mr. BUTLER. Will the gentleman endeavor in conference to agree to some provision that will give hospitals to the Indians?

Mr. STEPHENS of Texas. We will; and we will endeavor to harmonize the amendments.

Mr. CARTER. If the gentleman from Texas will permit, I will say to the gentleman from Pennsylvania that the bill as passed by the House carries $50,000 for hospitals, the cost of none of which is to exceed $15,000.

Mr. BUTLER. I hope that the conferees will agree to the amendment for $310,000.

Mr. CARTER. Mr. Chairman, I move to strike out the last word.

The CHAIRMAN. The gentleman from Texas has the floor.

MESSAGE FROM THE SENATE.

The committee informally rose; and Mr. PAGE of North Carolina having taken the chair as Speaker pro tempore, a message from the Senate, by Mr. Tulley, one of its clerks, announced that the Senate had passed without amendment joint resolution of the following title:

H. J. Res. 279. Joint resolution to amend an act entitled "An act granting pensions and increase of pensions to certain soldiers and sailors of the Civil War and certain widows and dependent children of soldiers and sailors of said war," approved May 2, 1914.

INDIAN APPROPRIATION BILL.

The committee resumed its session.

Mr. STEPHENS of Texas. Mr. Chairman, I yield three minutes to the gentleman from Oklahoma [Mr. CARTER].

Mr. CARTER. Mr. Chairman, we found in our trip last fall that the building of a big hospital will be utterly impractical and impossible for the accommodation of Indians. You can not get the Indian to go very far away from his home to a hospital. Consequently you have to build on his reservation, and a great many of the reservations are small and sparsely settled. In some instances it is impossible to get the Indian to move from one reservation to an adjoining reservation. You always have trouble in getting a full-blood Indian in any kind of a hospital at all. Consequently it is very necessary we have small hospitals and have more of them; hence the limitation placed in this item.

Mr. GREEN of Iowa. Will the gentleman yield?

Mr. CARTER. Yes.

Mr. GREEN of Iowa. Is there any need of large hospitals for treating these particular diseases?

Mr. CARTER. As I said, we found that it would not be best to construct large central hospitals.

Mr. GREEN of Iowa. I misunderstood the gentleman; he stated it correctly.

Mr. CARTER. In our investigation last fall we found the doctor on the reservation, the superintendent, the Indians, and everyone else unanimous in their opinion that the Indian would not leave the reservation and go to a distant hospital, and you would probably have some difficulty in getting him into a hospital even on the reservation. It does not come about from the objection of the fellow who is sick alone, but it comes about from the objection of his relatives, his parents, or his children.

The Indian is very fond of his relatives, and when he is sick his relatives seek to keep him with them. You will find a great deal of difficulty if you attempt to take the Indians off into distant hospitals. The best idea is to build small hospitals on Indian reservations, and these ought not to cost very much money. They ought to be constructed very cheaply; especially those for tuberculosis ought to be open-air hospitals. The gentleman from Illinois [Mr. MANN] and I had some discussion about this matter when this item passed the House. The gentleman put some remarks in the RECORD which I thought were very pertinent to the subject, and, as usual, the gentleman knew just what he was talking about. I believe it was my friend from Oklahoma [Mr. FERRIS] who said if he wanted to know how large a crop of Kafir corn he raised on his farm last year, just how high it grew and the exact yield, he would not send back to Oklahoma to get the report, but he would only go to the gentleman from Illinois and, if it was obtainable, he would have it.

Mr. FERRIS. Will the gentleman yield?

Mr. CARTER. Certainly.

Mr. FERRIS. I want to ask my friend: In lines 11 and 12, which is a limitation on the bill, would that be workable in all cases?

Mr. CARTER. The gentleman means page 6?

Mr. FERRIS. On page 6, lines 11 and 12, and the question is this: Some of the agencies only have a small band of Indians, while another agency might have a large band, and I wondered if $12,500 was sufficient to construct a hospital large enough for the largest band of Indians?

Mr. CARTER. I think that might be placed at $15,000, and there might not be objection to going as high as $20,000.

Mr. FERRIS. Why does not the gentleman from Illinois—the sentiment seems almost unanimous—let it go to conference, and let the conference committee see if this is workable?

Mr. MANN. Does the gentleman think they know any more about it? The House passed it at $15,000 and the Senate puts it at $12,500.

Mr. FERRIS. I will try to answer the gentleman. The gentleman knows a lump-sum appropriation like this finally gets down to the Indian Office, where they work out the details, and I have no doubt the conferees might bring in the Commissioner of Indian Affairs and counsel with him as regards the workability in reference to placing these hospitals on the reservations.

Mr. MANN. The gentleman knows the people who will work out the details will be those who have to do with the construction of the hospital. We build eight hospitals the next fiscal year which this would authorize, and there are plenty of places we could put those.

In a few years we will have a great many more than eight. We can tell after we build the first one really what ought to be done and what it will cost. And all they tell us in advance will be, in the main, hot air.

Mr. BURKE of South Dakota. Will the gentleman yield?

Mr. CARTER. Yes; I yield.

Mr. BURKE of South Dakota. We did have under construction a number of hospitals, one on the Kiowa and Comanche Reservation in Oklahoma.

The CHAIRMAN. The time of the gentleman from Oklahoma has expired.

Mr. BURKE of South Dakota. Mr. Chairman, I ask to be recognized. We have one or more hospitals under erection, or already constructed, on the White Earth Reservation in Minnesota. One has been constructed for the Kiowas and Comanches in Oklahoma. We are constructing now several on the Sioux reservations in South Dakota, out of Indian funds. We also have one at Lapwai, in Idaho, and one at Phoenix, Ariz. I think there is a provision in this bill that provides for repealing the act that authorized the sale of the agency property of the Fort Spokane Reservation in Washington for the purpose of making that a hospital, and I think also there are items in the bill that contemplate hospitals in connection with some of the nonreservation Indian schools. We are making great progress with reference to preparing to deal with trachoma and tuberculosis, and when the gentleman says that we are opposed to appropriations for this purpose he certainly is unfair, because it is not in accord with the record that the committee has made in dealing with this subject.

Mr. FERRIS. Will the gentleman yield?

Mr. BURKE of South Dakota. I will.

Mr. FERRIS. I want to ask the gentleman from South Dakota if he thought it worth while to incorporate an amendment in this provision which would provide that when Indians have plenty of money they pay for their own hospitals? The gentleman knows some places where that would not apply and some where it would.

Mr. BURKE of South Dakota. I do not think it is the intention to build these hospitals on reservations where there are tribal moneys available that may be used for the construction of hospitals.

Mr. FERRIS. There is nothing in the act to preclude that.

Mr. BURKE of South Dakota. The money of the Sioux of South Dakota, under the agreement of 1889, received as proceeds from the sale of their surplus lands, goes into the Treasury and is expended for their support and civilization, and we are building at the present time some hospitals upon some of the Sioux reservations. And for the benefit of the gentleman from Illinois [Mr. FOSTER] I will state that on the Cheyenne Reservation, in my State, I think they are planning to build a hospital that is going to cost nearly $25,000, and that is because a hospital costing less than that would not be sufficient for the needs of that reservation, and it would be poor economy to establish more than one hospital upon that reservation, because the expense of upkeep and equipment and the physicians that would be necessary would cause the expense of maintenance and operation to be greater.

Mr. FOSTER. Usually in treating this class of cases it is better to have fewer in number associated together than a large number. And hospitals can be built in such a way as that they can be added to at any time it becomes necessary without changing any of the plans.

Mr. BURKE of South Dakota. I will say to the gentleman I think the best equipped hospital we saw while on our trip West was at Phoenix, Ariz. The hospital proper was comparatively a small building, constructed in a way that it was open on all sides. As I recall, there was no hall. It was built so that there were porches on the side, and screened, so that practically the patients were in the open air. And then in connection with this hospital they have built little cottages which cost only $100, I think, where the patients with tuberculosis are kept; as a rule, only one patient in a cottage.

As to trachoma, that is not so important and does not require so much of a hospital as does tuberculosis. Patients only need to be isolated for a period of a few days, so they say, although they ought to be kept from coming in contact with those not afflicted for a reasonable time. The important thing about trachoma, after the first few days, is to have the patients where they can receive proper attention daily until such time as they have recovered; and therefore, unless they are put into hospitals, they do not get anywhere with suppressing the disease. If the Indians are left to treat themselves, they will not do what they must do to be cured.

The CHAIRMAN. The time of the gentleman has expired.

Mr. STEPHENS of Texas. Mr. Chairman, I move to disagree to the Senate amendment.

Mr. CARTER. The gentleman from Illinois [Mr. MANN] has a preferential motion.

The CHAIRMAN. The parliamentary situation is, that the gentleman from Texas [Mr. STEPHENS] moved to disagree, but the gentleman from Illinois moved to concur in the Senate amendment.

Mr. BURKE of South Dakota. A parliamentary inquiry, Mr. Chairman.

The CHAIRMAN. The gentleman will state it.

Mr. BURKE of South Dakota. If the motion of the gentleman from Illinois fails, is that equivalent to a motion to disagree?

The CHAIRMAN. It is. The question is on concurring in the Senate amendment numbered 4.

The question was taken; and the Chairman announced that the noes seemed to have it.

Mr. MANN. I ask for a division, Mr. Chairman.

The committee divided; and there were—ayes 19, noes 19.

So the motion was rejected.

The Clerk read as follows:

On page 6, line 15, insert the word "further."

Mr. STEPHENS of Texas. Mr. Chairman, I move to agree to that. There is one provision here above that we have just read, and this is verbal. I think we should agree to that.

Mr. MANN. The gentleman does not want to agree to that. That ought not to go in there unless the previous amendment is agreed to.

Mr. STEPHENS of Texas. Mr. Chairman, I move to disagree to the Senate amendment.

The CHAIRMAN. The gentleman from Texas moves to disagree to the Senate amendment.

The motion was agreed to.

The CHAIRMAN. The Clerk will read the next amendment.

The Clerk read as follows:

Page 6, line 17, strike out the word "thirteen" and insert the word "eleven."

Mr. STEPHENS of Texas. I move, Mr. Chairman, that we agree to that amendment.

The CHAIRMAN. The gentleman from Texas moves to concur in the Senate amendment numbered 6.

The motion was agreed to.

The CHAIRMAN. The Clerk will report the next amendment.

The Clerk read as follows:

Amendment No. 7: Page 7, after the word "designate," strike out the remainder of line 1 down to and including the word "equipment" and the colon in line 6.

Mr. STEPHENS of Texas. Mr. Chairman, that is part of the first amendment that we have been considering. I move that we disagree to that also.

The CHAIRMAN. The gentleman from Texas moves that we disagree to Senate amendment numbered 7.

The motion was agreed to.

The CHAIRMAN. The Clerk will report the next amendment.

The Clerk read as follows:

Page 7, line 9, strike out all after the word "herein" down to and including the word "examination" and the colon.

Mr. MANN. Mr. Chairman, I ask to have reported the language that was stricken out.

The CHAIRMAN. The Clerk will report the language that is stricken out.

The Clerk read as follows:

Provided further, That the Secretary of the Interior may, in his discretion, employ physicians regularly licensed to practice to aid in carrying out the provisions of this paragraph without requiring such employed physicians to pass any civil-service examination.

Mr. STEPHENS of Texas. Mr. Chairman, I move that the House disagree to the amendment of the Senate.

The CHAIRMAN. The gentleman from Texas moves that the House disagree to Senate amendment numbered 8.

Mr. MILLER. Mr. Chairman——

Mr. STEPHENS of Texas. Mr. Chairman, I yield to the gentleman from Minnesota [Mr. MILLER].

Mr. MILLER. Mr. Chairman, I sincerely trust that this will be disagreed to—the amendment striking out the paragraph read—and that the conferees will insist upon its retention in the bill when it finally becomes a law.

Unless this feature is retained, to my mind the $310,000 appropriated in the paragraph might just about as well be taken down and thrown into the Potomac River. On one or two other occasions I made the same observation, and I desire to renew it here with emphasis.

The purpose of this exceptional expenditure of $310,000 is to fight malignant infectious diseases now ravaging among and destroying the Indians of the United States. It is not to build up a corps of governmental employees. It is not to create new jobs for additional employees who may want positions, but it is to bring the best-trained science of American genius to combat the terrible ravages of these named diseases.

Now, as the Secretary of the Interior is compelled, as he will be unless this paragraph becomes a part of the law, to spend this $310,000 by hiring civil-service employees, he is restricted to the class of employees who pass the examination and enter the service. You will never get a trained scientific physician or a recognized leading physician respecting these diseases to pass a civil-service examination. You will never get one to devote any of his time to this work. The Secretary of the Interior would be obliged to select from the men who pass the examination. Who are they? We are not a bit in doubt. We have had years of experience. Men interested in Indian affairs have traveled over the United States and brought in reports most voluminous. The men who are created physicians to enter the Indian Service by passing a civil-service examination, nearly all of them, belong to one or two classes—either the young man without experience, who has never even treated a sore eye or a sore nose or a sore thumb, fresh from college, who has the ability to pass the examination, or else some more elderly physician who has made a failure of his practice and is anxious to get a $1,000 job.

Now, we are never going to produce the results we hope for in making this extraordinary appropriation if we are to employ men of those two classes. I understand the only source that any objection comes from to this paragraph is the Civil Service Commission. Now, I have no objection to their entering a protest. I suppose very likely it is their province and their duty to try to preserve to themselves all the powers they can and to keep the service of the United States pretty largely within their own hands. But we must not lose sight of the fact that this is an extraordinary appropriation, and the hands of the Secretary of the Interior ought not to be tied by any of the rules or restrictions that will tie his hands unless this paragraph is adopted. I want to see him go out and secure the best talent that has been developed among the splendid physicians of the United States to do this humanitarian work among the Indians.

The CHAIRMAN. The time of the gentleman has expired.

Mr. FOSTER. Mr. Chairman, I move to strike out the last word. I have no desire to occupy more than a minute. My opinion about this provision of the bill is not only that it ought not to be agreed to, and that they should not be under the civil service, but there ought to be a provision that these men should be under the Public Health Service, and that these men should be assigned from that service to the Indian Service, so that they might be properly selected by a trained physician from a department of the Government that is now under thorough organization, and they then would have the proper supervision of a trained branch of the public service. But you can not build it up in the Indian Office, and you can never get a successful service in this way. The Indian Office does not give its time to this and ought not to be expected to do so. It ought to be turned over to the Health Service to be carried on in that way.

Mr. MANN. Will my colleague yield to a question?

Mr. FOSTER. Yes.

Mr. MANN. Is it not a fact that in making examinations through the Civil Service Commission for places of this sort the Civil Service Commission calls on the Public Health Service for aid?

Mr. FOSTER. I think they do; but still there is, outside of the civil-service examination, a knowledge that is not gained by that examination as to the qualifications of a physician to do that particular kind of work.

Mr. MANN. The examination may not mean merely a written mental examination. Here, for instance, we have just had a provision in reference to the valuation of railroads, and the President issued an order covering those places under the civil-service law. Of course many people thought that ought not to be done. I think it was the opinion of the Interstate Commerce Commission that it ought not to be done.

I suppose the President and everybody would concede that it is possible to select better men than you get through the Civil Service Commission; yet I have no doubt that, as a matter of fact, they will get better men in that way than they would have gotten in the other way, and that is more expert than this is.

Mr. FOSTER. If you are going to select physicians to take charge of these small hospitals over the country, I think there ought to be the greatest latitude given to the Public Health Service to select the proper class for that particular work, and you can not possibly get it under a civil-service examination.

Mr. MILLER. Will the gentleman yield for a suggestion?

Mr. FOSTER. Yes.

Mr. MILLER. Is the gentleman aware of the maximum sum that can be paid by the Interior Department for service of this kind?

Mr. FOSTER. I am not aware of the amount, but I know it is small.

Mr. MILLER. It is extremely small; infinitely less than can be paid under the Public Health Service. For that reason you can not get good men.

Mr. FOSTER. But, in my judgment, you can get better men through the Public Health Service for this work than the Commissioner of Indian Affairs can get, regardless of who he is; it is not against him that such is the case. The present gentleman who holds that place is a very competent official, but is not versed in medicine.

Mr. MILLER. I think the whole sum should be expended by the Public Health Service. There is no question about that in my mind.

Mr. WOODRUFF. I think the suggestion of the gentleman is very good, indeed, and I would like to ask him if he thinks it would be possible to get competent men for this service for the money that is paid?

Mr. FOSTER. You can not get men specially trained for this work, and yet there are a good many young physicians who have graduated from medical colleges and served as internes in hospitals who are willing to go out and take these positions.

They are bright, good young men who get the experience they want in that sort of work, and they are willing to do it though the pay is small. They are good physicians and conscientious men.

Mr. WOODRUFF. And they go for the purpose of experience only, and get the experience at the expense of the Indians.

Mr. FOSTER. Oh, no; that is not the fact. There are many young men who graduate in medicine who are poor, and it enables them to get some practice, and get money to start on possibly, for a year or two, but you can not hold those men for a great length of time as they could not afford to stay permanently for the salary. It is impossible to do it.

Mr. WOODRUFF. You can not hold the competent men.

Mr. FOSTER. Because the good men are not going to stay there a great length of time for the pay they get. A superintendent would probably be paid more.

Mr. WOODRUFF. You can not hold the competent men.

Mr. FOSTER. You can hold competent men for a while, but you can not expect to hold them for any length of time. I do not desire to be understood that these young men are not competent. Physicians do not usually make a great deal of money in practice, but it would be difficult to keep men on small salaries all their lives.

The CHAIRMAN. The Chair will call attention of gentlemen to the fact that, under the order of the House, at 5 o'clock the House will stand in recess until 8 o'clock.

Mr. STEPHENS of Texas. I would like to have a vote on this question, Mr. Chairman.

The CHAIRMAN. The question is on the motion of the gentleman from Texas to disagree to Senate amendment numbered 8.

The question was taken, and the motion was agreed to.

Mr. STEPHENS of Texas. Mr. Chairman, I move that the committee do now rise.

The motion was agreed to.

Accordingly the committee rose; and the Speaker having resumed the chair, Mr. UNDERWOOD, Chairman of the Committee of the Whole House on the state of the Union, reported that that committee had had under consideration the bill H. R. 12579, the Indian appropriation bill, and had come to no resolution thereon.

SPEAKER PRO TEMPORE FOR TO-NIGHT.

The SPEAKER. The Chair will designate the gentleman from North Carolina [Mr. PAGE] to preside as Speaker pro tempore this evening.

SIXTH INTERNATIONAL DENTAL CONGRESS.

Mr. BRUMBAUGH. Mr. Speaker, I ask unanimous consent for the present consideration of Senate joint resolution 105, authorizing the President to accept an invitation to participate in the Sixth International Dental Congress.

The Clerk reported the joint resolution, as follows:

Senate joint resolution 105.

Resolved, etc., That the President be, and is hereby, authorized to accept an invitation extended by the Government of Great Britain to that of the United States to be represented by delegates in the Sixth International Dental Congress, to be held at London, August 3 to 8, 1914, and is authorized to appoint 15 delegates to such congress: *Provided*, That no appropriation shall be granted at any time for expenses of delegates or for other expenses incurred in connection with said congress.

The SPEAKER. Is there objection?

Mr. DONOVAN. I object.

CHANGE OF REFERENCE.

The SPEAKER. By mistake, House resolution 559, authorizing the Interstate Commerce Commission to examine the affairs of the Wabash, Pittsburgh & Terminal Railway Co. with a view to ascertaining the facts, was referred to the Committee on Rules, when as a matter of fact it should go to the Committee on Interstate and Foreign Commerce. Without objection, the reference will be changed.

There was no objection.

SIXTH INTERNATIONAL DENTAL CONGRESS.

Mr. BRUMBAUGH. Mr. Speaker, I renew my request for the consideration of Senate joint resolution 105, authorizing the President to accept an invitation to participate in the Sixth International Dental Congress.

The SPEAKER. Does the gentleman from Connecticut withdraw his objection?

Mr. BRUMBAUGH. He has withdrawn from the Hall in order that I might offer it again.

Mr. MANN. The gentleman from Ohio renews his request.

The SPEAKER. Is there objection to the request of the gentleman from Ohio?

There was no objection.

The Senate joint resolution was ordered to be read a third time, was read the third time, and passed.

The SPEAKER. The hour of 5 o'clock having arrived, under the previous order the House will stand in recess until 8 o'clock this evening.

RECESS.

Accordingly, at 5 o'clock p. m., the House was in recess until 8 o'clock p. m.

EVENING SESSION.

The recess having expired, at 8 o'clock p. m. the House was called to order by the Speaker pro tempore [Mr. PAGE of North Carolina.]

The SPEAKER pro tempore. Under a special order, the session of the House this evening is for the consideration of bills on the Private Calendar, beginning with Calendar No. 242.

Mr. POU. Mr. Speaker, I desire to make the same suggestion to-night that I did on the last evening when we were in session for the consideration of bills on this calendar, and that is if any gentleman has it in mind to object to a bill whether or no, it would save a good deal of time if he would interpose his objection immediately after the reading of the title of the bill, for that would save the reading of the entire bill.

The SPEAKER pro tempore. The Clerk will report the first bill.

ROBERT T. LEGGE.

The first business in order on the Private Calendar was the bill (H. R. 1513) for the relief of Robert T. Legge.

The Clerk read the bill, as follows:

Be it enacted, etc., That the sum of $250 be, and the same is hereby, appropriated, out of any money in the Treasury not otherwise appropropriated, and the Secretary of the Treasury is hereby directed to pay Robert T. Legge, a citizen of McCloud, Shasta County, in the State of California, compensation for professional operation performed on John Moran, who was injured while an employee of the United States Forest Service.

The SPEAKER pro tempore. Is there objection?

Mr. MANN. Mr. Speaker, I object.

Mr. RAKER. Mr. Speaker, I do not like to take up the time of the House, but I will ask the gentleman to withhold his objection for a moment.

Mr. MANN. I will be very glad to reserve the objection, if I may.

Mr. RAKER. Mr. Speaker, I desire to call the attention of the House to this bill. It is to pay $250 for services performed by Dr. Legge for a laborer, John Moran, who was in the Forest Service. Dr. Legge took him under his care and provided him with a home, provided him with all of the necessary hospital treatment, and also gave him medical care and attention. He was put on his feet. He was cured, whereas otherwise he would probably have been a cripple for life. The department recommends the passage of the bill. The charge is a very modest one. The man was in the actual service of the Government. Many claims of this kind have been paid. The affidavits show the conditions surrounding the accident and the time that Mr. Moran suffered from his injury. It seems to me that the claim ought to be allowed. Knowing the conditions of that country so well and the splendid work that Dr. Legge is doing, I think it ought to be paid. Just as an example, the doctor asked the Government here a few months ago to be relieved of all other duties in order that he might take care of patients at this hospital. This man's affidavit says that he might have been crippled for life, and possibly not have come out of it at all, if it had not been for the doctor's prompt assistance. He sent out his automobile and brought in the man at his own expense and actually saved his life.

While the matter is of small amount, it is of some concern to the gentleman from California to see that his constituents receive proper care and consideration. I wonder if the gentleman from Illinois [Mr. MANN] could not see his way clear to let the bill pass to-night? I have not urged many of these matters. I trust the gentleman will permit the passage of the bill.

Mr. POU. Mr. Speaker, I demand the regular order.

The SPEAKER pro tempore. The regular order is the objection of the gentleman from Illinois.

P. J. CARLIN CONSTRUCTION CO.

The next business in order on the Private Calendar was the bill (H. R. 11772) for the relief of the P. J. Carlin Construction Co.

The SPEAKER pro tempore. Is there objection?

Mr. MANN. Mr. Speaker, I object.

SAMSON DAVIS.

The next business in order on the Private Calendar was the bill (H. R. 16713) for the relief of Samson Davis.

The Clerk read the bill, as follows:

Be it enacted, etc., That in the administration of the pension laws Samson Davis shall hereafter be held and considered to have been in the military service of the United States as a private of Company A, Ninth Regiment United States Infantry, from the 21st day of June, 1899, to the 29th day of August, 1902, and to have been discharged honorably as such on the latter date.

The SPEAKER pro tempore. Is there objection? [After a pause.] The Chair hears none. The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed.

LOUIS EDER.

The next business in order on the Private Calendar was the bill (S. 4714) to authorize Louis Eder to enter lands under the homestead laws.

The Clerk read the bill, as follows:

Be it enacted, etc., That Louis Eder, of Laramie County, Wyo., be, and he is hereby, authorized to enter, and secure title to the same under the homestead laws of the United States, 160 acres of unappropriated public lands in lieu of the north half of north half of section 28, township 14 north, range 70 west, of sixth principal meridian, relinquished by him to the Government for inclusion in the withdrawal of lands for the protection of the water supply of a military post, and no charge shall be made for making the entry of record to cover the tract selected: *Provided*, That the requirements of the laws respecting settlement, residence, improvements, etc., are complied with on the new claim, credit being allowed for the time spent on the relinquished claim.

With the following committee amendment:

Page 1, line 6, after the word "of," insert the words "surveyed unreserved and."

The SPEAKER pro tempore. Is there objection? [After a pause.] The Chair hears none. The question is on agreeing to the committee amendment.

The committee amendment was agreed to.

The SPEAKER pro tempore. The question is on the third reading of the Senate bill.

The bill was ordered to be read a third time, was read the third time, and passed.

JOSEPH ROBICHEAU.

The next business in order on the Private Calendar was the bill (H. R. 1062) granting a patent to Joseph Robicheau.

The Clerk read the bill, as follows:

Be it enacted, etc., That the Secretary of the Interior is hereby authorized and directed to issue a patent to Joseph Robicheau to the following land: Northwest quarter of the southeast quarter and south half of the southeast quarter section 27, and the northwest quarter of the northeast quarter section 34, township 47 north, range 3 east, Boise meridian, Coeur d'Alene (Idaho) land district.

With the following committee amendment:

After the word "district," in line 9, insert the following:

"*Provided*, That nothing herein contained shall be held to interfere with or defeat any sale heretofore made by the Forest Service or timber upon the land herein granted and the purchaser or purchasers of such timber shall have the right to cut and remove from the land all timber or lumber purchased, within two years from the approval of this act."

The SPEAKER pro tempore. Is there objection?

Mr. MANN. Mr. Speaker, reserving the right to object, I would ask the gentleman in charge of the bill if it would be perfectly satisfactory to add to the committee amendment the following:

And the said Joseph Robicheau shall have no claim to the timber so sold or the proceeds thereof.

Mr. FRENCH. I have no objection to that. That is the intention, and if it would make it clear I would be very glad to have the gentleman offer that amendment.

The SPEAKER pro tempore. Is there objection to the consideration of the bill?

There was no objection.

Mr. MANN. Mr. Speaker, I move to amend the amendment by striking out the word "or," after the word "service," and inserting the word "of."

The SPEAKER pro tempore. The Clerk will report the amendment.

The Clerk read as follows:

Page 1, after the word "service," strike out the word "or" and insert the word "of."

The SPEAKER pro tempore. The question is on agreeing to the amendment.

The amendment was agreed to.

Mr. MANN. I offer the following amendment, which I send to the desk.

The Clerk read as follows:

At the end of the committee amendment, after the word "act," strike out the period and insert a comma and the following words: "and the said Joseph Robicheau shall have no claim to the timber so sold or the proceeds thereof."

The SPEAKER pro tempore. The question is on agreeing to the amendment to the amendment.

The amendment to the amendment was agreed to.

The SPEAKER pro tempore. The question now is on agreeing to the committee amendment as amended.

The committee amendment was agreed to.

The SPEAKER pro tempore. The question now is on the engrossment and third reading of the bill as amended.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed.

THOMAS F. HOWELL.

The next business in order on the Private Calendar was the bill (H. R. 1516) for the relief of Thomas F. Howell.

The Clerk read as follows:

Be it enacted, etc., That the Secretary of the Interior is hereby authorized and directed to reinstate the homestead entry numbered 3944 of Thomas F. Howell, and thereupon to issue a patent to said Thomas F. Howell for the land embraced in his homestead entry numbered 3944, Redding, Cal., for the southeast quarter of northeast quarter of section 6, south half of northwest quarter and southwest quarter of northeast quarter of section 5, township 28 north, range 5 east, Mount Diablo meridian, upon submission of proof of residence upon and improvement and cultivation of said land as required by the homestead laws: *Provided*, That such final proof be submitted at any time within four years after the approval of this act.

The committee amendment was read, as follows:

On page 1, line 6, strike out the word "thereupon."

The SPEAKER pro tempore. Is there objection?

Mr. MANN. Mr. Speaker, reserving the right to object, I think there is some doubt about this—considerable, in my mind. The bill says—

That the Secretary of the Interior is hereby authorized and directed to reinstate.

Would it not be perfectly satisfactory to leave it to the Secretary of the Interior and authorize him to reinstate?

Mr. RAKER. Absolutely; yes, sir; I am perfectly willing to strike out the words "and directed."

The SPEAKER pro tempore. Is there objection to the present consideration of the bill? [After a pause.] The Chair hears none.

Mr. RAKER. Mr. Speaker, I move to amend the bill by striking out, in lines 3 and 4, page 1, the words "and directed."

The SPEAKER pro tempore. The question first is on the committee amendment.

The question was taken, and the amendment was agreed to.

The SPEAKER pro tempore. The question recurs on the amendment offered by the gentleman from California, which the Clerk will report.

The Clerk read as follows:

Page 1, lines 3 and 4, strike out the words "and directed."

The question was taken, and the amendment was agreed to.

The bill as amended was ordered to be engrossed and read a third time, was read the third time, and passed.

FRANK PAYNE SELBY.

The next business in order on the Private Calendar was the bill (H. R. 6879) for the relief of Frank Payne Selby.

The Clerk read the title of the bill.

Mr. MANN. Mr. Speaker, I object.

CLEVELAND PRESS, OF CLEVELAND, OHIO.

The next business in order on the Private Calendar was the bill (H. R. 12484) to pay the Cleveland Press, of Cleveland, Ohio, $200 for a horse shot because of injuries sustained on a defective platform scale in the post office at Cleveland, Ohio.

The Clerk read as follows:

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, to the Cleveland Press, of Cleveland, Ohio, the sum of $200, which amount is hereby appropriated in full payment for a horse that was shot because of injuries sustained on a defective platform scale in the post office at Cleveland, Ohio.

The SPEAKER pro tempore. Is there objection? [After a pause.] The Chair hears none.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed.

JOHN B. KEATING.

The next business in order on the Private Calendar was the bill (H. R. 4952) to refund to John B. Keating customs tax erroneously and illegally collected at Portland, Me., on cargo of coal March 11, 1903.

The Clerk read as follows:

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, authorized and directed to refund and pay, out of any money in the Treasury not otherwise appropriated, the sum of $318.80 for import taxes erroneously and illegally collected from him, and paid by him under protest, on a cargo of coal and patent fuel entered at the port of Portland, Me., on or about March 11, 1903.

The SPEAKER pro tempore. Is there objection? [After a pause.] The Chair hears none.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed.

THOMAS W. H. WHITE.

The next business in order on the Private Calendar was the bill (H. R. 16795) to reimburse the owners of the schooner *Thomas W. H. White.*

The Clerk read as follows:

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay to the owners of the schooner *Thomas W. H. White,* out of any money in the Treasury not otherwise appropriated, the sum of $260.02 for reimbursement for losses incurred when the lighthouse tender *Lilac* swung against the schooner *Thomas W. H. White.*

The SPEAKER pro tempore. Is there objection? [After a pause.] The Chair hears none.

The bill was ordered to be engrossed and read a third time; was read the third time and passed.

CHARLES H. RAYFIELD, ALIAS CHARLES H. CZARNOWSKY.

The next business in order on the Private Calendar was the bill (H. R. 13123) for the relief of Charles H. Rayfield, alias Charles H. Czarnowsky.

The Clerk read as follows:

Be it enacted, etc., That in the administration of the pension laws, Charles H. Rayfield, alias Charles H. Czarnowsky, shall hereafter be held and considered to have been in the military service of the United States as drummer of Company B, Fifth Regiment New York Volunteer Heavy Artillery, from the 12th day of August, 1863, to the 20th day of April, 1864, and to have been discharged honorably as such on the latter date: *Provided, however,* That this act shall not confer upon him any right to pay, annuities, pensions, or other emoluments which might otherwise accrue to him from such service.

The SPEAKER pro tempore. Is there objection? [After a pause.] The Chair hears none.

Mr. MANN. Mr. Speaker, I do not know whether the gentleman from New York is here, but this bill apparently is a bill to give a right to a pension. It says that in the administration of the pension laws this man shall be held and considered to have been in the military service, but the proviso says—

that this act shall not confer upon him any rights to pay, annuities, pensions, or other emoluments which might otherwise accrue to him from such service.

I doubt very much whether he could get a pension under that language.

Mr. KAHN. Mr. Speaker, as I recall the case the gentleman does not desire a pension. The first part of the bill which gives a pensionable status is the form that has been adopted by the Committee on Military Affairs.

Mr. MANN. I understand that.

Mr. KAHN. And it is the usual form. This man was less than 10 years of age when he was mustered into the Army as a drummer boy, and after having served some months his father took him away, with the consent of the officers, to a military school in Pennsylvania where the boy did service.

He was, of course, altogether too young to know anything about desertion; he has grown to man's estate and wants his record changed so that it will not appear that he deserted. He desires no pension whatever.

Mr. MANN. It seems queer to say, though, that he shall be considered to have been discharged but shall not draw a pension.

Mr. KAHN. It is simply following the form to correct the charge of desertion standing against him on the records of the War Department.

The SPEAKER pro tempore. The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time, was read a third time, and passed.

WILLIAM H. MILLER.

The next business in order on the Private Calendar was the bill (H. R. 16431) to validate the homestead entry of William H. Miller.

The bill was read, as follows:

Be it enacted, etc., That the homestead entry of William H. Miller, No. 010224, made October 28, 1909, for the northwest quarter of section 29, township 20 north, range 49 west of the sixth principal meridian, in the State of Nebraska, be, and the same is hereby, validated.

The SPEAKER pro tempore. Is there objection to the consideration of the bill? [After a pause.] The Chair hears none.

The question was on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time, was read a third time, and passed.

RITTENHOUSE MOORE.

The next business in order on the Private Calendar was the bill (H. R. 6196) for the relief of Rittenhouse Moore.

The bill, with committee amendments thereto, was read in full.

The SPEAKER pro tempore. Is there objection to the consideration of the bill.

Mr. MANN. I object.

UNITED STATES DRAINAGE AND IRRIGATION CO.

The next business in order on the Private Calendar was the bill (H. R. 16033) for the relief of the United States Drainage and Irrigation Co.

The bill, with a committee amendment thereto, was read in full.

The SPEAKER pro tempore. Is there objection to the consideration of the bill?

Mr. CULLOP. Mr. Speaker, reserving the right to object, I would like to have from the author of this bill, or the chairman of the committee, some explanation.

Mr. POU. I will say to the gentleman from Indiana that in the absence of the gentleman from Pennsylvania [Mr. EDMONDS], who reported the bill, I will quote from the letter of Secretary Garrison. He says:

Since, however, the work was necessary, since it would have cost much more had actual conditions been known, and since, had the contractor defaulted, such portion as he would have left undone would have completed at increased cost, and since the contractor persisted to the completion, with no hope of obtaining relief from the large loss except as an equitable claim, the claim in the amount designated in the bill is regarded as meritorious, and favorable action is recommended.

Mr. CULLOP. I would like to ask the gentleman if this company had taken a contract to do that work, or is this an allowance outside of the contract price?

Mr. POU. I will say to the gentleman that I think the claim of this company is that this was for work which was not contemplated by their contract.

Mr. CULLOP. Well, was there not a contract let to this company for the doing of this work in the first instance? They entered upon the discharge of their duties, and after they had prosecuted the work for some time they found that it would not be a profitable undertaking, and then this sum has been asked as an additional amount under that contract?

Mr. POU. I would not answer that in the affirmative. There is quite a lengthy report here, and all the matters are fully explained in the report of the committee. My understanding is that these people insist that this was of a nature extra work which was not covered by their contract. We referred the matter to the Secretary of War, and when he said he thought that the claim was meritorious and ought to be paid, we felt justified in following such recommendation.

Mr. CULLOP. Well, Mr. Speaker, is not this the fact about this bill, namely, that this company took this contract to do the work specified, and when they found it was a greater undertaking than they had calculated they came back with this claim for the overplus?

Mr. POU. Since the gentleman has been propounding these inquiries my memory has become somewhat refreshed. In the letter from the War Department I find this:

The claim, as appears from the papers, is for reimbursement of cost of removing large quantities of stone from the line of piles which the contract required to be driven. It was not known to either party to the contract that stone in quantity to seriously interfere with the driving of piles would be encountered.

Now, I will say to my friend, if he will pardon me just a minute, that the contract was predicated upon the idea that these piles would be driven down into a mud bottom. It was not believed by either the War Department or by the contractor that there was any stone to interfere with the driving of them.

Mr. CULLOP. It was their misfortune in making the contract.

Now, I desire to call the attention of the gentleman to paragraph 3 in the letter of the Secretary. It says:

The work was in no proper sense extra work ordered by the contracting officer, as the contract required the contractor to furnish all plant, appliances, material, and labor, and reinforce the jetty at the rate of $9.87 per lineal foot, and furnish and place filling stone at the rate of $4 per ton. The contracting officer could not have relieved the contractor of his undertaking when it was found to be more difficult than expected, nor was there any way by which the contractor could be paid except as stipulated in the contract.

Therefore, Mr. Speaker, I object. Let him stand by his contract.

The SPEAKER pro tempore. The gentleman from Indiana [Mr. CULLOP] objects. The Clerk will report the next bill.

ESTATE OF ROBERT B. PEARCE.

The next business in order on the Private Calendar was the bill (H. R. 13167) for the relief of the legal representatives of the estate of Robert B. Pearce.

The Clerk read the bill, as follows:

Be it enacted, etc., That there be, and hereby is, appropriated, out of any moneys in the Treasury not otherwise appropriated, the sum of $149.50 to pay the legal representatives of Robert B. Pearce, late of Sevier County, Ark., for amount due for carrying the mail from Fulton, Ark., to Rocky Comfort, in said State, in the year 1861.

The SPEAKER pro tempore. Is there objection?

There was no objection.

The SPEAKER pro tempore. The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed.

SPARROW GRAVELY TOBACCO CO.

The next business in order on the Private Calendar was the bill (H. R. 13965) to refund to the Sparrow Gravely Tobacco Co. the sum of $173.52, with penalty and interest, the same having been erroneously paid by them to the Government of the United States.

The Clerk read the bill, as follows:

Whereas heretofore, to wit, in the month of June, 1908, a tax of $173.52 was assessed against the Sparrow Gravely Tobacco Co. by the Commissioner of Internal Revenue in the western district of Virginia, the same being for a deficiency in the account of the said company for the year 1907; and

Whereas this assessment was by reason of the fact that the said company had erroneously omitted to include in their inventory for January 1, 1908, one bin of plug tobacco in process; and

Whereas this omission was an honest error on the part of the said company, which the Internal Revenue Department did not allow them to correct by means of an amended inventory; and

Whereas as the result of this error on the part of the said company, and the refusal of the department to allow the same to be corrected, the said company has been compelled to pay to the Government the above assessment, with penalty and interest, which said amount was in excess of what was actually due from the said company to the Government: Now, therefore

Be it enacted, etc., That the said sum of $176.99 is hereby directed to be refunded to the said Sparrow Gravely Tobacco Co. from the Treasury of the United States.

With a committee amendment.

The SPEAKER pro tempore. Is there objection?

There was no objection.

The SPEAKER pro tempore. The Clerk will report the committee amendment.

The Clerk read as follows:

Strike out the four preambles in said bill, and strike out all of said bill except the enacting clause and insert in lieu thereof the following:

"That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay out of any money in the Treasury not otherwise appropriated, to the Sparrow Gravely Tobacco Co. the sum of $176.99, which said amount was paid by said company to the Government in excess of what was actually due."

The SPEAKER pro tempore. The question is on agreeing to the committee amendment.

The committee amendment was agreed to.

The SPEAKER pro tempore. The question is on the engrossment and third reading of the bill as amended.

The bill as amended was ordered to be engrossed and read a third time, was read the third time, and passed.

The title was amended so as to read: "A bill to refund to the Sparrow Gravely Tobacco Co. the sum of $176.99, the same having been erroneously paid by them to the Government of the United States."

Mr. MANN. What was done with the "whereases"?

The SPEAKER pro tempore. They were taken out by the committee amendment.

Mr. POU. They were all stricken out.

DRENZY A. JONES AND JOHN G. HOPPER.

The next business in order on the Private Calendar was the bill (H. R. 2703) for the relief of Drenzy A. Jones and John G. Hopper, joint contractors, for surveying Yosemite Park boundary.

The Clerk read the bill, as follows:

Be it enacted, etc., That there be paid to Drenzy A. Jones and John G. Hopper, joint contractors, out of any money in the Treasury not otherwise appropriated, the sum of $4,840.80, for the survey and resurveys of the Yosemite Park boundary under contract 184, California, the boundaries of the park having been changed, rendering the survey unnecessary.

With a committee amendment, as follows:

In line 5 strike out the figures "$4,840.80" and insert in lieu thereof the figures "$2,649.48," and add the following words: "which is in full of all claims and demands against the United States."

The SPEAKER pro tempore. Is there objection?

Mr. CULLOP. Reserving the right to object, Mr. Speaker, I would like to ask the chairman of the committee some questions in regard to this bill and get some explanation of it. I find in the report a letter addressed to the distinguished chairman of the committee, from which I read the following extract:

Yet the Government should not for that reason increase their compensation in order to reimburse them for loss sustained, as they were expected to ascertain for themselves prior to bidding the nature of the land to be surveyed.

Now, as I understand this bill, it is a bill for additional services, is it not?

Mr. POU. No, sir; it is not.

Mr. KAHN. Mr. Speaker, will the gentleman yield to me?

The SPEAKER pro tempore. Does the gentleman yield?

Mr. CULLOP. Certainly.

Mr. KAHN. This is not for additional services. The amounts asked for additional services were stricken out entirely. This is for the survey that was made of the Yosemite National Park.

If the gentleman is familiar with that area, he will know that it is an exceedingly difficult one to survey. It is a rough, mountainous country, steep and precipitous in many places, and requires rather careful attention and work.

Mr. CULLOP. Did not the Government pay them the price it agreed to?

Mr. KAHN. No; they have never been paid the contract price except nine hundred and some odd dollars on account.

Mr. POU. Nine hundred and twenty-one dollars.

Mr. KAHN. Yes; $921 on account. After they made the survey some errors were found by the Government inspector; they subsequently went into the park to correct those errors, but the United States troops, having had no notice of the fact that they were going into the park for the purpose of making the correction, arrested them.

Now, the gentleman must understand that you can only work in the Yosemite National Park during a few months in the year, and upon the arrest of these men they were delayed for another year in performing the work of correcting the errors. In the meantime the boundaries of the park had been changed, and the department held that there was really no need to correct the errors because of the change.

Mr. HOWARD. The boundaries went beyond?

Mr. KAHN. Yes. The boundaries went beyond the part that was surveyed. But these men were never paid for this work.

Mr. CULLOP. Yes; but the gentleman will observe from the letter of the Assistant Secretary, Mr. A. A. Jones, that those gentlemen made a bid for this work.

Mr. KAHN. Yes.

Mr. CULLOP. Now, have they not been paid the amount of their bid?

Mr. KAHN. No, indeed. Their amount was something like $4,000 or $5,000 for the work. Then, when they went forward again and did additional work they put in additional claims. But those additional claims were disallowed. This is for the original work which was done and for which they have never been paid.

Mr. CULLOP. The additional work was made necessary because of a mistake these men made?

Mr. KAHN. Yes; but the department never allowed that claim, and that has been stricken out entirely. They are not getting anything for that.

Mr. CULLOP. The gentleman will not, I assume, contend for a moment that they ought to be allowed anything because of their mistake.

Mr. KAHN. They are not being allowed anything. This bill does not allow them for those mistakes.

Mr. CULLOP. I want to call the gentleman's attention to this language, and I assume the first assistant secretary of the department understood what he was saying when he said this:

However, the Commissioner of the General Land Office informs me that while it is probably true that the contractors were not aware when they made their bid for these surveys of the exceptionally difficult character of the work, yet the Government should not for that reason increase their compensation in order to reimburse them for loss sustained, as they were expected to ascertain for themselves, prior to bidding, the nature of the land to be surveyed.

Mr. KAHN. Very true; but if the gentleman will allow me——

Mr. DUPRÉ. Is not that probably one of the reasons why the committee have brought in an amendment reducing the amount of the original bill from $4,000 to $2,000?

Mr. POU. That is exactly the reason.

Mr. CULLOP. That is just what I want to know, what this $2,000 is for.

Mr. POU. If the gentleman will pardon me just one minute, the amount originally submitted was $3,570.48. Now they have received on that $921. When these men, Jones and Hopper, came before the committee they asked for nearly $5,000. To be exact, they asked for $4,840.80. The committee took the amount for which they had originally agreed to do the work, $3,570.48, and deducted therefrom $921, which left the amount of $2,649. The committee refused to pay them one single penny for any extra work.

Mr. CULLOP. Why did they not get their money from the department for the work they did? The department made the contract with them and had the money appropriated. Why did they not go there and get paid for their services according to their contract?

Mr. POU. If the work had been done promptly under the contract, they would have gotten their pay; but the Government stopped them. These men were arrested.

Mr. CULLOP. Then this is not the proper way for them to get paid. They can go to the Committee on Appropriations, and through the deficiency bill they can get their pay.

Mr. KAHN. Oh, no.

Mr. CULLOP. If the department has not the money to pay for this work, if the appropriation has reverted, they can get it through that channel and not through this, which seems to me the better way.

Mr. KAHN. Will the gentleman yield?

Mr. CULLOP. Certainly.

Mr. KAHN. That is exactly what the Committee on Appropriations will not do. They insist that this is a claim against the Government and not a deficiency, and they have repeatedly refused to put items of this character on a deficiency bill. Several years ago the deficiency bill almost failed of passage because the House conferees refused to concur in claims of various character that had been inserted by the Senate, the House having held that claims ought not to be put into a deficiency bill. These sums which are appropriated for surveys lapse back into the Treasury after two or three years, and then if a survey has not been completed to the satisfaction of the surveyor general of the State in which the survey has been made the money lapses back into the Treasury.

Mr. CULLOP. Then, I understand from the gentleman that these men took a contract to complete a piece of work within a specified time and failed to keep their contract.

Mr. KAHN. They performed their contract as far as the Government would let them.

Mr. POU. The Government would not allow them to complete it. Soldiers arrested them. They were there trying to finish the job, but there appears to have been some misunderstanding about it, and they were put under arrest and not permitted to finish the job.

The SPEAKER pro tempore. Is there objection?

Mr. MANN. Reserving the right to object, as there is a controversy about the amount, and the committee have reduced the amount, will an amendment be satisfactory to add after the amount in the bill, the words "which sum shall be accepted by said persons as full settlement for all claims against the United States growing out of said contract for surveys, or on account of the arrest of said persons, or either of them, by any officials of the United States"?

Mr. KAHN. I have no objection to that amendment.

Mr. MANN. We do not want a bill coming in later for any other claim.

Mr. POU. The committee has no objection.

Mr. CULLOP. I would like to ask another question. Did the Government make use of this work or simply refuse to accept it?

Mr. KAHN. It used a part of it until the boundaries of the park were changed.

Mr. POU. After the Government decided to change the boundaries of the park, the survey was of little value.

Mr. MANN. Here is a part of the report on this proposition.

Mr. CULLOP. On what page?

Mr. MANN. On page 2, about the middle of the page. It says:

In the meantime Congress established other boundaries of the park, of which surveys were made by the Geological Survey, rendering the surveys by Jones and Hopper unnecessary and useless except so far as beneficial in the reestablishment of the lines of the public-land surveys.

As I understand the report, the department has stated that it was worth this amount of money for that reason.

Mr. CULLOP. I see another provision in the report, where it says:

During the eight years that have elapsed since that time the deputies have made repeated attempts to correct errors found by examiners at very great expense, and while the errors have not all been corrected, it is evidently almost impossible to make these corrections after the lapse of eight years without making an almost new survey; and as the survey is of practically no benefit to the Government by reason of the act of Congress changing the boundary lines, it is considered equitable and fair that these deputies should be paid balance due them upon the survey made if the same did not contain errors. Such sum is almost equaled by the expenses the deputies have been put to in endeavoring to meet the objections of the examiners.

It seems this work was imperfect all along the line.

Mr. MANN. The trouble with the work was that they changed the lines.

Mr. CULLOP. Who changed the lines?

Mr. KAHN. Congress.

Mr. POU. These men were there at all times trying to get an opportunity to finish the job.

Mr. CULLOP. I see that the committee recommends the payment of $2,649.

Mr. POU. Yes; that is the amount the Government contracted to pay for the work, less the amount they have already paid. It allows nothing for any extra work.

Mr. CULLOP. And this bill is to pay them the balance?

Mr. POU. Yes.

The SPEAKER pro tempore. Is there objection? [After a pause.] The Chair hears none.

The committee amendment was agreed to.

Mr. MANN. Mr. Speaker, I offer the following amendment.

The Clerk read as follows:

After the word "unnecessary," in line 9, add the following: "Which sum shall be accepted by said persons as full settlement of all claims against the United States growing out of said contract or service, or on account of the arrest of said persons, or either of them, by any officials of the United States."

The SPEAKER pro tempore. The question is on the amendment offered by the gentleman from Illinois.

The amendment was agreed to.

The bill as amended was ordered to be engrossed and read a third time, was read the third time, and passed.

THEODORE BAGGE.

The next business in order on the Private Calendar was the bill (H. R. 16163) for the relief of Theodore Bagge.

The Clerk read the bill, as follows:

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay to Theodore Bagge the sum of $1,000, out of money in the Treasury not otherwise appropriated, for injury sustained on the 24th day of April, in the year 1907, while employed by the United States Government on the U. S. dredge *Ajax*.

The following committee amendment was read:

In line 5 strike out the figures "$1,000" and insert in lieu thereof the figures "$221.91."

The SPEAKER pro tempore. Is there objection to the consideration of the bill?

There was no objection.

The committee amendment was agreed to.

The bill as amended was ordered to be engrossed and read a third time, was read the third time, and passed.

GEORGE H. HAMMOND.

The next business in order on the Private Calendar was the bill (H. R. 13108) for the relief of George H. Hammond.

The Clerk read the bill, as follows:

Be it enacted, etc., That the Secretary of the Treasury be, and he hereby is, authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, to George H. Hammond, of Dekalb County, Ga., for injuries received in the performance of his duties under the postmaster and in the post-office building in the city of Atlanta, Ga., the sum of $5,000.

The following committee amendment was read:

In line 9 strike out the figures "$5,000" and insert "$1,200."

The SPEAKER pro tempore. Is there objection?

Mr. MANN. Reserving the right to object, I would like to ask the chairman of the Committee on Claims a question in reference to this bill. I notice that there is no report from the Postmaster General on the bill, but on several other bills there are reports from the Postmaster General, in which he reports against the payment of any of these claims for injuries in the Post Office Department on the ground that they are opposed to special legislation, and that it ought to be covered by a general law.

I do not know that I agree with the Postmaster General about that. We passed a general law recently. I do not quite see how we could pass a general law which would relate to cases existing before the law was passed. But what is the policy of the committee in reference to these matters? Has the matter ever been taken up by the Post Office Department outside of the reports they make?

Mr. POU. Not so far as I know. The Committee on Claims has not established any definite policy, but has been hoping that there will be some legislation which will relieve the committee of consideration of these numerous claims.

Mr. MANN. I take it that there is not likely to be legislation by general law in reference to claims already existing. Now, I ask, what will be the policy of Congress?

I had one of these cases, and introduced a bill last summer and asked to have it referred to the Post Office Department. The department reported unfavorably upon it upon the ground that there should be a general law. Since that time we have passed a general law as to cases which would arise after the law was passed, but the law did not apply to cases already existing. I thereupon wrote to the Postmaster General calling his attention to that fact, asking if the department still main-

tained its position that it would not favor any of these claims for personal injuries occurring before the general law was passed, whether it proposed to maintain its position that there ought to be a general law passed covering cases already in existence. Assistant Postmaster General Roper, whom we all know and hold in high esteem, informed me that that was the policy of the department; that the department thought there ought to be no special legislation, and I quit.

Mr. POU. Mr. Speaker, I will say to the gentleman that if the case he refers to is a case where a man was injured and would probably receive a year's pay or two years' pay under existing law, if he sees fit to reintroduce his bill——

Mr. MANN. Oh, I have had a bill pending before the committee for a year. I am not making any complaint about that. What I wanted to do was to get the Post Office Department to make a report upon the case. They will not make any investigation of the case, because they say they are not in favor of bills of that kind.

Mr. POU. As near as I can define any line of policy that the committee has adopted, it might be expressed in this way: We have not allowed the statute of limitations to stand in the way of compensating certain people who were injured before this law went into effect.

If under any given state of facts a man would be entitled to one year's pay or two years' pay under the law as it exists, the committee usually has reported a bill allowing about that amount. In the multiplicity of bills that confront us we have not been able to work out a policy, and I do not think a consistent policy could be easily worked out under the circumstances.

Mr. HOWARD. Mr. Speaker, if the gentleman from Illinois will permit me, I will say this: That before I introduced this bill I went down to the Post Office Department and saw Mr. Roper myself, and at that time I told Mr. Roper of the violent injury that this old man had received. I asked him what effect the introduction of this bill would have upon his status as an employee, whether it was against the policy of the department to allow post-office employees to seek congressional aid for personal injuries, and after I had explained the circumstances of the injury and the extent of it and told him of the long service of this gentleman he not only told me that it would not affect his status so far as he was an employee, but he added that he would be glad to see the bill introduced.

Mr. MANN. Very likely; but I notice there is not a report from the department.

Mr. HOWARD. I do not think the Post Office Department is responsible for that. I think the distinguished chairman of the Committee on Claims would probably state that the committee did not ask the Post Office Department for any report upon this bill.

Mr. MANN. If the committee did not, the reason was because they had a lot of reports from the Post Office Department upon similar bills, saying that it was opposed to their passage, and I have such a letter from Mr. Roper myself, and there are on this calendar here to-night bills with similar reports from the Post Office Department.

Mr. POU. Mr. Speaker, I will say to the gentleman from Georgia that a letter was addressed to the Post Office Department asking what that department had to say about this bill; but before the answer was received, in the haste to get these bills on the calendar, the report was made out, and the letter was not incorporated in the report.

Mr. MANN. Has the gentleman the letter there?

Mr. POU. The Post Office Department reported, as I understand, that they had no information on this subject.

Mr. MANN. Did not the Post Office Department make a report that they thought there ought not to be any special bills passed? I would like to know whether they make flesh of one and fowl of another.

Mr. POU. I would not undertake to quote what was in the letter unless I had the letter before me; but in all of these cases an inquiry was addressed to the department, and it was in this case. Exactly what the reply was I would not undertake to say.

Mr. MANN. I will read the reply later on.

The SPEAKER pro tempore. Is there objection?

Mr. MANN. Mr. Speaker, I shall not object to the consideration of the bill, but I shall ask for a division to see whether the Post Office Department has any friends on the floor in the position which they take.

The question was taken, and the committee amendment was agreed to.

The bill as amended was ordered to be read a third time; was read the third time.

The SPEAKER pro tempore. The question is on the passage of the bill.

The question was taken——

Mr. MANN. Mr. Speaker, I ask for a division.

The House divided, and there were—ayes 51, noes 0.

So the bill was passed.

COLONIAL REALTY CO.

The next business in order on the Private Calendar was the bill (H. R. 13569) providing for the refund to the Colonial Realty Co. certain corporation tax paid in excess.

The Clerk read as follows:

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, to the Colonial Realty Co., of the city of Philadelphia, State of Pennsylvania, the sum of $409.03, being the amount of excess corporation tax paid by said company.

The SPEAKER pro tempore. Is there objection?

Mr. MANN. Reserving the right to object, I notice that the Secretary of the Treasury reports on this bill—

Many claims of this character have been and are being rejected in this office under the provisions of this statute.

That being the case—and I accept, of course, as we all do the statement of the Secretary of the Treasury—why should we single out this particular case for a special bill when the Secretary states that large numbers are rejected just like it?

Mr. POU. Well, I will say to the gentleman from Illinois that the matter was discussed in the committee and a majority of the committee thought it was not good policy for the Government to keep money that did not belong to it simply because of a technicality.

Mr. MANN. Well, if that be the case, then that committee or some other committee ought to report a general law on the subject.

Mr. POU. Well, perhaps that might be true.

The SPEAKER pro tempore. Is there objection?

Mr. MANN. I object.

EXTENSION OF REMARKS.

Mr. CARTER. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD.

The SPEAKER pro tempore. The gentleman from Oklahoma asks unanimous consent to extend his remarks in the RECORD. Is there objection?

Mr. MANN. Mr. Speaker, reserving the right to object, on what subject?

Mr. CARTER. On the subject of the Mississippi Choctaws, something that has never been discussed in the House.

Mr. MANN. There is some question whether it is proper for the House to do that under the order. I would not make any objection except for that.

Mr. CARTER. I did not know anything about the order.

Mr. MANN. It is a special order only for the consideration of bills on the Private Calendar.

Mr. CARTER. Well, I suppose that would not exclude unanimous consent, if a fellow could get it. [Laughter.]

Mr. MANN. Well, I expect that is true.

The SPEAKER pro tempore. Is there objection? [After a pause.] The Chair hears none.

ESTATE OF THOMAS F. SWAFFORD.

The next business in order on the Private Calendar was the bill (H. R. 2978) for the relief of the estate of Thomas F. Swafford, deceased, late of the State of Louisiana, for carrying United States mail on route No. 8263, in the State of Louisiana, during the period from January 1, 1861, to May 31, 1861.

The Clerk read as follows:

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay, out of any moneys in the Treasury of the United States not otherwise appropriated, to the estate or succession of Thomas F. Swafford, deceased, late of the State of Louisiana, the sum of $1,021.43, shown to be due him for services rendered in carrying United States mail on route No. 8263, in the State of Louisiana, during the period from January 1, 1861, to May 31, 1861, as certified by the Treasury Department to be due in a report published as Senate Document No. 92, Fifty-seventh Congress, second session.

The SPEAKER pro tempore. Is there objection? [After a pause.] The Chair hears none.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed.

FRANCIS TOMLINSON.

The next business in order on the Private Calendar was the bill (H. R. 3586) granting an honorable discharge to Francis Tomlinson.

The Clerk read as follows:

Be it enacted, etc., That the Secretary of War be, and he hereby is, authorized and directed to remove from the rolls and records in the office of The Adjutant General of the United States Army the charge of desertion now standing against Francis Tomlinson, late of Troop L,

First Regiment United States Cavalry, and grant him an honorable discharge.

The committee amendment was read, as follows:

Strike out all of the bill except the enacting clause and in lieu thereof insert the following:

"That in the administration of the pension laws Francis Tomlinson, late of Troop L, First Regiment United States Cavalry, shall hereafter be held and considered to have been in the military service of the United States from the 12th day of October, 1861, until December 29, 1865, and honorably discharged from such service on December 29, 1865: *Provided*, That he shall not receive any back pay, pension, or allowances by reason of the passage of this act."

The SPEAKER pro tempore. Is there objection? [After a pause.] The Chair hears none.

The committee amendment was agreed to.

The bill as amended was ordered to be engrossed and read a third time, was read the third time, and passed.

The title was amended so as to read: "A bill for the relief of Francis Tomlinson."

CHARLES B. GASKILL.

The next business in order on the Private Calendar was the bill (H. R. 13329) to place the name of Charles B. Gaskill on the unlimited retired list of the Army.

The bill was read.

The SPEAKER pro tempore. Is there objection?

Mr. FOSTER. Mr. Speaker, reserving the right to object——

Mr. MANN. Mr. Speaker, I object.

JAMES GRADY.

The next business in order on the Private Calendar was the bill (H. R. 13470) to remove the charge of desertion from the record of James Grady.

The Clerk read as follows:

Be it enacted, etc., That the Secretary of War be, and he is hereby, authorized and directed to remove the charge of desertion standing against James Grady, late of Company G, Third Regiment United States Infantry, and grant him an honorable discharge.

The committee amendment was read, as follows:

Strike out all of the bill except the enacting clause and insert in lieu thereof the following:

"That in the administration of any laws conferring rights, privileges, or benefits upon honorably discharged soldiers, James Grady, who served as a private in Company G, Third Regiment United States Infantry, shall be held and considered as having been mustered in as a member of said company on October 8, 1860, and honorably discharged therefrom on October 28, 1864: *Provided*, That no back pay, pension, or other emoluments shall accrue prior to or by reason of the passage of this act."

The SPEAKER pro tempore. Is there objection? [After a pause.] The Chair hears none.

The committee amendment was agreed to.

The bill as amended was ordered to be engrossed and read a third time, was read the third time, and passed.

The title was amended to read: "A bill for the relief of James Grady."

LIEUT. COL. JOHN P. FINLEY.

The next business in order on the Private Calendar was the bill (H. R. 14128) granting permission to Lieut. Col. John P. Finley to accept and wear a decoration presented by the Sultan of Turkey.

The bill was read in full.

The SPEAKER pro tempore. Is there objection to the consideration of the bill?

Mr. MANN. I object.

GEORGE H. GRACE.

The next business in order on the Private Calendar was the bill (H. R. 1352) for the relief of George H. Grace.

The bill, with committee amendments, was read in full.

The SPEAKER pro tempore. Is there objection to the consideration of the bill?

Mr. MANN. I object.

CATHERINE GRACE.

The next business in order on the Private Calendar was the bill (H. R. 13761) for the relief of Catherine Grace.

The bill was read in full.

The SPEAKER pro tempore. Is there objection to the consideration of the bill?

Mr. MANN. I object.

MARY MACON HOWARD.

The next business in order on the Private Calendar was the bill (H. R. 7078) for the relief of Mary Macon Howard.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay to Mary Macon Howard, out of funds in the Treasury not otherwise appropriated, the sum of $25,000, as compensation to her for the loss of her husband, John Simpson Howard Howard, who, on the 10th day of February, 1913, while in the discharge of his official duties as a mounted inspector of the United States custom service in Presidio County, Tex., was assassinated by Mexican bandits.

Also, the following committee amendment was read:

In line 6, strike out the figures "$25,000" and insert in lieu thereof the figures "$1,095."

The SPEAKER pro tempore. Is there objection to the consideration of the bill? [After a pause.] The Chair hears none. The question is on agreeing to the committee amendment.

The amendment was agreed to.

The bill as amended was ordered to be engrossed and read a third time, was read the third time, and passed.

NELS A. NELSON.

The next business in order on the Private Calendar was the bill (H. R. 3088) for the relief of Nels A. Nelson.

The bill, with a committee amendment, was read in full.

The SPEAKER pro tempore. Is there objection to the consideration of the bill?

Mr. MANN. I object.

The SPEAKER pro tempore. The gentleman from Illinois objects, and the Clerk will report the next bill.

ARTHUR BROSE.

The next business in order on the Private Calendar was the bill (H. R. 14931) for the relief of Arthur Brose.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay to Arthur Brose, of Bemidji, Minn., out of any money in the Treasury not otherwise appropriated, the sum of $1,291.13 on account of injuries received while in the discharge of his duties as mail carrier in the post office at Bemidji, Minn., on the 9th day of July, 1912.

Also the following committee amendment was read:

Line 6, strike out the figures "$1,291.13" and insert the figures "$866.58."

The SPEAKER pro tempore. Is there objection to the consideration of the bill? [After a pause.] The Chair hears none.

The question is on agreeing to the committee amendment.

The amendment was agreed to.

The SPEAKER pro tempore. The question is on the engrossment and third reading of the bill.

Mr. MANN. Mr. Speaker, this bill is another one of the bills for injuries to employees in the Post Office Department, on all fours with the bill of the gentleman from Georgia [Mr. HOWARD]. Evidently the Postmaster General and his First Assistant do not entirely agree, according to the recent interpretation. Under date of April 30, of this year, which is not so very long ago, the Postmaster General states in reference to this bill:

The opinion of the department, as expressed in its letter of January 13, 1913, regarding the consideration of bills such as H. R. 14931, is unchanged, and I do not feel warranted in recommending favorably in the case of Mr. Brose.

The letter of January 13, 1913, to which that reference is made, says:

It is the opinion of the department that favorable consideration should not be given to private bills for the relief of letter carriers injured in the line of duty, but that relief should be afforded to such persons under a fixed provision of law, and to this end it was recommended in the department's annual report for 1911, page 25, that the following be enacted into law:

And they recommend a provision which we have enacted into law, and then, after it is enacted into law, they still state we ought not to give favorable consideration to cases which existed before the general law was passed and to which the general law does not apply.

Mr. HOWARD. Will the gentleman permit a question?

Mr. MANN. Certainly.

Mr. HOWARD. Does not the gentleman think that sort of position of the department is illogical, because we can not pass retroactive law here to cover these cases that occurred prior to the passage of the general law, and this is the only way these people can get relief?

Mr. MANN. Far be it from me to say that an opinion of so distinguished a gentleman as the Postmaster General is nonsensical.

Mr. HOWARD. Will the gentleman allow me to assume the responsibility?

Mr. MANN. The gentleman would be wiser if he did not do it, possibly. However, not having any postmasters at stake, it does not make any difference to me whether I make the statement or not.

Mr. HOWARD. Neither have I.

Mr. MANN. Or maybe the gentleman is not successful; I do not know. I think the position is illogical. I can see no more reason why the Post Office Department employees should not receive consideration than why other employees should not. But the House having expressed its opinion upon this subject a few moments ago, I expect to have it express it on this, so as to cinch the proposition.

Mr. POU. Mr. Speaker, I think there is a misunderstanding as to the position of the Postmaster General. My own view is that the Postmaster General merely wished to emphasize his own opinion that there ought to be a general law covering cases which should occur in the future. I do not understand the Postmaster General to oppose compensating these people who have been injured in the past.

Mr. MANN. What does the gentleman understand by this language:

It is the opinion of the department that favorable consideration should not be given to private bills for the relief of letter carriers injured in line of duty.

That was under date of January 13, 1913. Then, under date of April 30, 1914, the Postmaster General says:

The opinion of the department, as expressed in its letter of January 13, 1913, regarding the consideration of bills such as H. R. 14931, is unchanged, and I do not feel warranted in recommending favorably in the case of Mr. Brose.

That is the case now before the House. If that is not plain English, I have never read it.

Mr. POU. I may be wrong about it, and the gentleman may be right in his view; but in my judgment the Postmaster General intends to express the opinion in a general way that favorable consideration should not be given to private bills for the relief of letter carriers, having in mind the general policy. As I understand it, the view of the Postmaster General is that these cases should be taken care of by general law that would refer to all future cases.

I may be wrong in my construction of the Postmaster General's letter, but, as I understand it, the Postmaster General has expressed himself as being opposed to the policy of dealing with injury cases by special bills. But I do not believe that the Postmaster General intends to oppose the compensating of any of these people who were injured in the past, although a strict construction of his letter might lead to that conclusion.

Mr. MANN. The Postmaster General expressed this opinion after the general provision had been enacted into law. Of course the general law did not refer to all cases, and I do not know of any way of safely passing a general law which covers all cases in the past.

The SPEAKER pro tempore. The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time, and was read the third time.

The SPEAKER pro tempore. The question is, Shall the bill pass?

Mr. MANN. Mr. Speaker, I ask for a division.

The SPEAKER pro tempore. The gentleman from Illinois [Mr. MANN] asks for a division.

The House divided; and there were—ayes 32, noes 0.

So the bill was passed.

The SPEAKER pro tempore. The Clerk will report the next bill.

WILLIAM S. EAMES AND THOMAS C. YOUNG.

The next business in order on the Private Calendar was the bill (H. R. 6654) for the relief of William S. Eames and Thomas C. Young.

The Clerk read the bill, as follows:

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay to William S. Eames and Thomas C. Young, composing the firm of Eames & Young, architects, of St. Louis, Mo., who were architects of the United States, appointed by the Secretary of the Treasury under act of Congress approved February 20, 1893, to draw the plans and specifications for the United States customhouse at San Francisco, Cal., and to supervise the construction of said building, and who rendered the services incident to that employment, the sum of $21,244.86, which sum is hereby appropriated, out of any money in the Treasury not otherwise appropriated, for the reimbursement of said William S. Eames and Thomas C. Young for preparing extra plans and specifications for a power plant, and for money paid by them in salaries and office expenses and for personal services during the construction of said building, the same being an extraordinary expense occasioned by the earthquake and fire in San Francisco, Cal., in April, 1906, in that the earthquake and the additional work made necessary by it made necessary a much more protracted employment of said superintendents and office force and greater personal effort than would have been necessary if the work had proceeded to completion under normal conditions and without the intervention of the earthquake.

With the following committee amendments:

Amend, page 2, line 1, by striking out the figures "$21,244.86" and inserting in lieu thereof the figures "$2,544.86."

Amend, page 2, line 4, by inserting after the word "for" the words "actual expenses incurred by them in."

Amend, page 2, lines 6 to 16, inclusive, by striking out the words "and for money paid by them in salaries and office expenses and for personal services during the construction of said building, the same being an extraordinary expense occasioned by the earthquake and fire in San Francisco, Cal., in April, 1906, in that the earthquake and the additional work made necessary by it made necessary a much more protracted employment of said superintendents and office force and greater personal effort than would have been necessary if the work had proceeded to completion under normal conditions and without the intervention of the earthquake," and inserting in lieu thereof the words "for said building."

The SPEAKER pro tempore. Is there objection?

Mr. CULLOP. I will reserve the right to object. I would like to ask the chairman of the committee to explain how this bill was incurred against the Government. What right have these claimants to claim a payment here?

Mr. POU. I have no information about the matter except that contained in the letter of Assistant Secretary Newton.

Mr. MANN. Will the gentleman from Indiana allow me to ask the gentleman from North Carolina one question?

Mr. CULLOP. Certainly.

Mr. MANN. The committee having recommended an amendment lowering the amount from $21,244.86 to $2,544.86, would the committee now be willing further to amend that and make it $1,005?

Mr. POU. I would like to confer with the gentleman who introduced the bill.

Mr. MANN. I shall object unless that amendment is made.

Mr. CULLOP. I want to call attention to this one paragraph——

Mr. HOWARD. I want to state to the gentleman that, knowing something about the charging proclivities of the firm of Eames & Young, especially as applicable to the Atlanta penitentiary, I expect to object to this bill, and that will put an end to the discussion.

Mr. CULLOP. I reserved that right, and I am going to let them charge on. I object now, so that this can not go any further here.

The SPEAKER pro tempore. The gentleman from Indiana objects. The Clerk will report the next bill.

DAVIS SMITH.

The next business in order on the Private Calendar was the bill (H. R. 16205) for the relief of Davis Smith.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior is hereby authorized to issue a patent to Davis Smith, of Wewela, Tripp County, S. Dak., for the northeast quarter of section No. 10 in township 95 north of range 76 west of the fifth principal meridian, South Dakota, regardless of the fact that said Davis Smith had commuted a former entry under the provisions of an act entitled "An act relating to the public lands of the United States," approved June 15, 1880 (21 Stats., 237): *Provided*, That said Davis Smith make satisfactory proof of his compliance with the homestead law and pay the price per acre provided in the law under which he made homestead entry for the land described herein.

The SPEAKER pro tempore. Is there objection to the present consideration of the bill?

There was no objection.

The bill was ordered to be engrossed and read a third time, and was accordingly read the third time and passed.

WILLIAM A. WALLACE.

The next business in order on the Private Calendar was the bill (H. R. 12229) for the relief of William A. Wallace.

The bill was read, as follows:

Be it enacted, etc., That in the administration of the pension laws William A. Wallace shall be hereafter held and considered to have been mustered into the service of the United States as a private in Company E, Thirteenth Regiment New York Volunteer Militia, on April 23, 1861: *Provided*, That no pension shall accrue prior to the passage of this act.

With the following committee amendment:

Strike out the above language and insert the following:

"That in the administration of any laws conferring rights, privileges, and benefits upon honorably discharged soldiers William A. Wallace, who was a private in Company E, Thirteenth Regiment New York Volunteer Militia, shall hereafter be held and considered to have been mustered into service of the United States as a private of said company and regiment on the 23d day of April, 1861."

The SPEAKER pro tempore. Is there objection to the present consideration of the bill?

There was no objection.

The bill was ordered to be engrossed and read a third time, and it was accordingly read the third time and passed.

The SPEAKER pro tempore. If there be no objection, the title will be amended as recommended by the committee.

Mr. MANN. Mr. Speaker, I object. The committee have proposed to amend the title so as to read "A bill for the relief of the widow of William A. Wallace." The widow is not pensioned anywhere in the bill; and while possibly Mr. Wallace may have gone beyond and there may be a widow, the title of the bill should remain as it is.

The SPEAKER pro tempore. The gentleman from Illinois objects. The title will remain as it is.

Mr. KAHN. The purpose of the bill is to give the widow a pensionable status.

The SPEAKER pro tempore. The Clerk will report the next bill.

ANNA MILLER.

The next business in order on the Private Calendar was the bill (H. R. 15557) for the relief of Anna Miller.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, to Anna Miller, of Glencoe, Wyo., the sum of $130, as full reimbursement for sums paid by her for carrying the United States mail between the railroad station and the post office at Glencoe, Wyo., from December 20, 1907, to January 6, 1908.

With the following committee amendments:

In line 6 strike out the figures "$130" and insert in lieu thereof the figures "$116."

In line 10 strike out the word "seven" and insert in lieu thereof the word "six."

The SPEAKER pro tempore. Is there objection to the present consideration of the bill?

There was no objection.

The committee amendments were agreed to.

The bill as amended was ordered to be engrossed and read a third time, and was accordingly read the third time and passed.

FRANK P. SAMMONS.

The next business in order on the Private Calendar was the bill (H. R. 16578) for the relief of Frank P. Sammons.

The bill was read.

The SPEAKER pro tempore. Is there objection to the present consideration of the bill?

Mr. MANN. I object.

The SPEAKER pro tempore. The gentleman from Illinois objects. The Clerk will report the next bill.

WILLIAM E. CAMPBELL.

The next business in order on the Private Calendar was the bill (H. R. 11062) for the relief of William E. Campbell.

The bill was read.

The SPEAKER pro tempore. Is there objection to the present consideration of the bill?

Mr. MANN. Mr. Speaker, I object.

The SPEAKER pro tempore. The gentleman from Illinois objects. The Clerk will report the next bill.

GEORGE W. SOULE.

The next business in order on the Private Calendar was the bill (H. R. 10693) for the relief of the legal representatives of George W. Soule.

The Clerk read the bill.

The SPEAKER pro tempore. Is there objection?

Mr. MANN. I object.

MARY CORNICK.

The next business in order on the Private Calendar was the bill (H. R. 10460) for the relief of Mary Cornick.

The Clerk read the bill, as follows:

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay Mary Cornick, widow of Peter Cornick, out of any money in the Treasury not otherwise appropriated, the sum of $5,000, said Peter Cornick having been killed on the 2d day of December, A. D. 1901, while employed in the steam-engineering department at the navy yard at Norfolk, Va., through no negligence on his part, in the line of his duty.

The following committee amendments were read:

In line 6, strike out the figures "$5,000" and insert in lieu thereof the figures "$642.40."

In line 11, after the word "duty," strike out the period and insert a semicolon, and add the following:

"*Provided*, That no agent, attorney, firm of attorneys, or any persons engaged heretofore or hereafter in preparing, presenting, or prosecuting this claim shall directly or indirectly receive or retain for such service in preparing, presenting, or prosecuting such claim, or for any act whatsoever in connection with this claim, any fee or compensation whatsoever."

The SPEAKER pro tempore. Is there objection to the consideration of the bill?

There was no objection.

The committee amendments were agreed to.

The bill as amended was ordered to be engrossed and read a third time, was read the third time, and passed.

CLARENCE L. GEORGE.

The next business in order on the Private Calendar was the bill (H. R. 14679) for the relief of Clarence L. George.

The Clerk read the bill, as follows:

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, directed to pay to Clarence L. George, late a first-class private, Company H, of the Signal Corps of the Army, the sum of $379.20.

The following committee amendments were read:

In line 3, after the word "hereby," add the words "authorized and."

In line 4, after the word "pay," add the words "out of any money in the Treasury not otherwise appropriated."

In line 6, strike out the figures "$379.20" and insert in lieu thereof the figures "$296.03."

The SPEAKER pro tempore. Is there objection to the consideration of the bill?

There was no objection.

The committee amendments were agreed to.

The bill as amended was ordered to be engrossed and read a third time, was read the third time, and passed.

GEORGE W. TRAHEY.

The next business in order on the Private Calendar was the bill (H. R. 8554) for the relief of George W. Trahey.

The Clerk read the bill, as follows:

Be it enacted, etc., That there be paid to George W. Trahey, of Bremerton, Wash., out of any money in the Treasury not otherwise appropriated, the sum of $10,000 for damages suffered by him on account of an injury received by him while performing his duties as master shipwright at the navy yard, Puget Sound, on May 8, 1912, said injury resulting from gunshot wounds inflicted upon him by one John N. Haley, an employee of said yard, who at the time of such shooting was insane.

The following committee amendment was read:

In line 5 strike out the figures "$10,000," and insert in lieu thereof the figures "$762."

The SPEAKER pro tempore. Is there objection?

Mr. FOSTER. Reserving the right to object, Mr. Speaker, I would like to have a little explanation of the bill. Is the gentleman from Washington [Mr. HUMPHREY] here?

Mr. MANN. He is not here, and I suppose that is all the gentleman wants to know?

Mr. FOSTER. I noticed that it was his bill, and I wondered if he could not explain the bill to us.

Mr. POU. I will say to my friend from Illinois that this man was shot by a man who afterwards turned out to be insane. The fact that the insane man was acting in a peculiar way had been called to the attention of the superior officers of this man Trahey, and the committee thought that a crazy man ought to have been shut up. He shot not only this man, but, I think, one or two others. I think he killed one man.

Mr. FOSTER. This man Haley was regularly employed by the Government at the time?

Mr. POU. He was.

Mr. FOSTER. Were the other men that he shot employees of the Government?

Mr. POU. I think there were two that were injured, and I think that both were employed by the Government.

The SPEAKER pro tempore. Is there objection?

Mr. DIFENDERFER. I object.

Mr. BRYAN. Mr. Speaker, I can state the facts about this case if the gentleman from Pennsylvania would like to know them.

Mr. DIFENDERFER. Mr. Speaker, I will withhold my objection.

Mr. BRYAN. I have been asked by the gentleman from Pennsylvania [Mr. DIFENDERFER] if I know about the facts of the case, and I do not want an objection made on account of my failing to state the facts. The report sets forth the truth about the matter. I was on my way to my office in the town of Bremerton at the hour this accident occurred on the morning of May 8, 1912. This man Haley, who later turned out to be an insane man, walked into the yard just after the 8-o'clock whistle blew, and approaching from behind this man, George W. Trahey, who was one of the yard bosses, fired two shots into his shoulder and neck, and when Trahey fell he got over him and fired another shot. It was an awful, cruel, and heartless crime. Great sympathy was accorded to Trahey and his family. He was taken to the hospital. One of the bullets is still in him. After a very hard struggle for life he recovered and went back to work. There is no doubt that he suffered very much and went through a terrible ordeal, and if he is to be compensated, this is a very small compensation. He is not a man of means, and no doubt the sum would be a great help to him and his family.

Mr. POU. The amount recommended by the committee represents exactly the amount of his pay for lost time.

Mr. BRYAN. This is a case that for many special reasons belongs to my colleague, Mr. HUMPHREY, to take care of. He is not here to-night. It is now nearly 10 o'clock. I am not responsible for it, but I have no objection to the bill. I know all the facts at first hand, and will gladly answer any questions.

The SPEAKER pro tempore. Is there objection to the consideration of the bill?

Mr. DIFENDERFER. Mr. Speaker, I object.

DANIEL J. RYAN.

The next business in order on the Private Calendar was the bill (H. R. 4001) for the relief of Daniel J. Ryan.

The Clerk read the bill, as follows:

Be it enacted, etc., That Daniel J. Ryan be, and he hereby is, relieved from any penalty, forfeiture, or claim for liquidated damages under his certain contract with the United States of America, dated on or

about the 13th day of July, 1908, for the erection and completion of an ordnance barracks at the Sandy Hook Proving Grounds, N. J.

SEC. 2. That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay, out of any money in the Treasury of the United States not otherwise appropriated, to the said Daniel J. Ryan the sum of $1,504.78, the full amount due him under said contract without deduction of any penalty, forfeiture, or claim for liquidated damages or otherwise.

The Clerk read the following committee amendments:

On page 1, line 13, strike out the figures "$1,504.78" and insert in lieu thereof the figures "$770."

On page 2, lines 1 and 2, strike out the words "without deduction of any penalty, forfeiture, or claim."

In line 3, page 2, strike out the words "or otherwise."

On page 2, in line 1, after the word "contract," strike out the comma and insert a period.

The SPEAKER pro tempore. Is there objection to the consideration of the bill?

There was no objection.

The SPEAKER pro tempore. The question is on the committee amendments.

Mr. MANN. Mr. Speaker, I would like to have the last committee amendment submitted separately.

The SPEAKER pro tempore. The question is on the first two committee amendments.

The question was taken, and the amendments were agreed to.

Mr. MANN. Mr. Speaker, I wish now to be heard on the last committee amendment. I will direct the attention of the gentleman from North Carolina to the form of the bill as proposed to be amended. It reads:

The sum of $770, the full amount due him under said contract for liquidated damages.

The concluding words of the bill as originally introduced, "or otherwise," are stricken out. I think that ought to be changed so that the bill as amended will read:

Seven hundred and seventy dollars in full for the amount due him under such contract for liquidated damages or otherwise.

He has been paid everything except this amount, and we want it in full.

Mr. POU. Mr. Speaker, I have no objection to the amendment, and I think it ought to be agreed to.

The SPEAKER pro tempore. The question is on the amendment of the gentleman from Illinois, which the Clerk will report.

Mr. MANN. Mr. Speaker, I suggest that we first vote down the committee amendment.

The SPEAKER pro tempore. The question is on the last committee amendment.

The question was taken, and the committee amendment was rejected.

Mr. MANN. Mr. Speaker, I move to strike out the word "full," in line 2, page 2, and insert, after the figures "$770," the words "in full for," so that it will read "in full for the amount due him," and so forth.

The SPEAKER pro tempore. The Clerk will report the amendment.

The Clerk read as follows:

Page 2, line 2, after the figures "$770," insert the words "in full for."

The SPEAKER pro tempore. The question is on agreeing to the amendment.

The amendment was agreed to.

Mr. MANN. Mr. Speaker, I now move to strike out the word "full" before the word "amount."

The Clerk read as follows:

Page 2, line 2, strike out the word "full" before the word "amount."

The SPEAKER pro tempore. The question is on agreeing to the amendment.

The amendment was agreed to.

Mr. MANN. Mr. Speaker, I desire now to have stricken out the word "an," in line 7, page 1; and in making the motion, I will ask some of the military gentlemen who are present if it is proper to say "an ordnance barracks." Would it not be just "ordnance barracks"?

Mr. KAHN. "An" would refer to one set of barracks.

Mr. MANN. Mr. Speaker, I move to strike out the word "an."

The SPEAKER pro tempore. The Clerk will report the amendment.

The Clerk read as follows:

Page 1, line 7, strike out the word "an" at the end of the line.

The SPEAKER pro tempore. The question is on agreeing to the amendment.

The amendment was agreed to.

The SPEAKER pro tempore. The question now is on the engrossment and third reading of the bill as amended.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed.

LOTTIE RAPP.

The next business in order on the Private Calendar was the bill (H. R. 3430) for the relief of Lottie Rapp.

The Clerk read the bill, as follows:

Be it enacted, etc., That the sum of $5,000 be, and the same is hereby, appropriated for the relief of Lottie Rapp, because of the death of her husband, August R. Rapp, on the 1st day of October, A. D. 1910, caused by injuries received by him on September 30, 1910, while employed by the United States Government at Battle Mountain Sanitarium, South Dakota, while operating an electric bread mixer, in which he was caught and crushed.

With the following committee amendments:

Page 1, line 3, strike out the figures "$5,000" and insert in lieu thereof the figures "$720."

Page 1, line 11, after the word "crushed," insert:

"*Provided*, That no agent, attorney, firm of attorneys, or any persons engaged heretofore or hereafter in preparing, presenting, or prosecuting this claim shall directly or indirectly receive or retain for such service in preparing, presenting, or prosecuting such claim, or for any act whatsoever in connection with this claim, any fee or compensation whatsoever."

The SPEAKER pro tempore. Is there objection to the present consideration of the bill?

There was no objection.

The SPEAKER pro tempore. The question is on agreeing to the committee amendments.

The committee amendments were agreed to.

The SPEAKER pro tempore. The question is on the engrossment and third reading of the bill as amended.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed.

HEIRS OF BENJAMIN S. ROBERTS.

The next business in order on the Private Calendar was the bill (H. R. 16524) for the relief of the heirs of Benjamin S. Roberts.

Mr. POU. Mr. Speaker, I ask unanimous consent that the resolution which the committee agreed upon, referring this matter to the Court of Claims, be considered in lieu of the bill.

The SPEAKER pro tempore. The gentleman from North Carolina asks unanimous consent that the resolution referred to be considered in lieu of the bill. Is there objection?

Mr. MANN. Mr. Speaker, reserving the right to object, the gentleman from North Carolina is watchful, as usual, and catches one of a number of errors which have been made in bills on this calendar. Here is a bill appropriating $100,000. It never has been reported to the House favorably, and yet we have copies of a bill in our hands on the floor, and the Clerk has a copy printed June 9, 1914, "Committed to the Committee of the Whole House and ordered to be printed," as though it had been reported favorably. It never was reported favorably, and if the gentleman from North Carolina had not been watching, or if some one else had not been watching, the bill might have been passed through here appropriating $100,000. There are a half dozen such bills on the calendar. I shall object to the consideration of the bill.

The SPEAKER pro tempore. The gentleman from Illinois objects, and the Clerk will report the next bill.

JOE T. WHITE.

The next business in order on the Private Calendar was the bill (H. R. 11199) for the relief of Joe T. White.

The Clerk read the bill.

The SPEAKER pro tempore. Is there objection?

Mr. MANN. I object.

R. U. DELAPENHA & CO.

The next business in order on the Private Calendar was the bill (H. R. 13161) providing for the refund of certain additional duties collected on pineapples.

The bill was read.

The SPEAKER pro tempore. Is there objection?

Mr. MANN. Mr. Speaker, I object.

D. DALE CONDIT.

The next business in order on the Private Calendar was the bill (H. R. 11719) to reimburse D. Dale Condit, of the United States Geological Survey, of Washington, D. C., for moneys expended in the payment of a damage claim.

The bill was read.

The SPEAKER pro tempore. Is there objection?

Mr. MANN. Mr. Speaker, I object.

MYRON A. BROWNLEE.

The next business in order on the Private Calendar was the bill (H. R. 7639) for the relief of Myron A. Brownlee.

Mr. POU. Mr. Speaker, I ask unanimous consent that the resolution reported by the committee referring this matter to the Court of Claims be considered instead of the bill.

The SPEAKER pro tempore. The gentleman from North Carolina asks unanimous consent that the resolution be considered in lieu of the bill. Is there objection?

Mr. MANN. Mr. Speaker, reserving the right to object, no such bill has been reported to the House and the bill could not be considered. Although the bill shows on its face that it has been reported to the House, it never has been reported to the House, and the report so shows.

Now, I do not object to considering the resolution if the gentleman desires to do that, but not in lieu of the bill as though the bill had any standing, because it has none.

Mr. POU. It is for that reason I asked unanimous consent to have the resolution take the place of the bill, which is erroneously on the calendar.

Mr. MANN. If the gentleman wants to have the resolution considered, very well; but not in place of the bill, because the bill has no standing whatever.

Mr. POU. The Committee on Claims has never reported the bill favorably. It is simply by error on the calendar. I do not know how it got there.

Mr. MANN. I can explain to the gentleman how it happened. The error came from the supposition of the clerk of the committee that the printing clerk up here reads the reports and extracts from the reports the recommendations that the committee has made. That is not the duty of the printing clerk at all. It is the duty of the clerk of the committee, or whoever presents these reports, to present the resolution in connection with them in addition to the report, so that the printing clerk reports the resolution as having been introduced and favorably reported to the House. That is the only way it can be done. Merely filing a report with this bill and recommending the passage of the resolution is not a sufficient report, and it is unfair to endeavor to put upon the employees of the House the labor of going through the reports and extracting information from the reports.

Mr. POU. I think it is only just to the clerk of the Committee on Claims to say that he did the exact thing the gentleman has stated; he took this resolution and himself went to the Printing Office, as I understand it.

Mr. MANN. Well, he does not make a proper report. I hold the report in my hand.

The SPEAKER pro tempore. The gentleman from North Carolina asks unanimous consent for the consideration of the resolution, which the Clerk will report.

The Clerk read as follows:

House resolution 563.

Resolved, That the bill (H. R. 7639) for the relief of Myron A. Brownlee, with the accompanying papers, be, and the same is hereby, referred to the Court of Claims for the finding of facts and conclusions of law.

The SPEAKER pro tempore. The question is on the passage of the resolution.

The question was taken, and the resolution was agreed to.

WILLIAM E. HORTON.

The next business in order on the Private Calendar was the bill (H. R. 3954) for the relief of William E. Horton.

Mr. POU. Mr. Speaker, before the next bill in order, Calendar No. 291, be taken up, I ask unanimous consent that the resolution reported by the committee be considered in place of the bill, which is erroneously on the calendar.

The SPEAKER pro tempore. The gentleman from North Carolina asks unanimous consent that the resolution be considered in connection with Calendar No. 291 in place of H. R. 3954, which is erroneously on the calendar.

Mr. MANN. Mr. Speaker, will the gentleman ask unanimous consent for the reading of the resolution with the right to object——

Mr. POU. I will do that.

The SPEAKER pro tempore. Does the gentleman from North Carolina amend his request?

Mr. POU. I do.

The SPEAKER pro tempore. The gentleman from North Carolina asks unanimous consent that the resolution be read for consideration. Is there objection? [After a pause.] The Chair hears none.

The Clerk read as follows:

Resolved, That the bill (H. R. 3954) for the relief of William E. Horton, with the accompanying papers, be, and the same is hereby, referred to the Court of Claims for the finding of facts and conclusions of law.

The SPEAKER pro tempore. Is there objection to the consideration of the resolution?

Mr. MANN. Reserving the right to object, here is a bill to pay a man $100 for a horse which was lost in the Army during the War with Spain. Now, it really does not occur to me that he will make anything if he gets the resolution through. It will cost him more than $100 to prosecute his claim in the Court of Claims and get his proof. What is the object in referring a bill of that kind to the Court of Claims? It seems to me that the War Department or somebody ought to be able to furnish the information without sending a man to court on a hundred-dollar claim against the Government.

Mr. STEPHENS of Mississippi. I will say, if the gentleman will permit an interruption, that this was sent to the Court of Claims at the request of the gentleman from Kentucky [Mr. SHERLEY], who is a good lawyer and a Member of experience here. He made that request. I think the gentleman from Illinois is right in saying that the expense will be heavy, but we are following the request of the gentleman from Kentucky.

Mr. MANN. I do not think it ought to be done. I have no doubt that in a case of that sort it is not a difficult matter to make proof which would satisfy the committee without requiring a man to go and hire a lawyer and submit his proof and then take his testimony to the Court of Claims on a hundred-dollar claim. I can not say that the right would be an asset; I think the right to go to the Court of Claims on a claim like this would be a liability instead of an asset.

Mr. STEPHENS of Mississippi. I think the gentleman is correct.

Mr. MANN. I am going to object, because I think the committee can take care of it at some other time in some other way.

GUY C. PIERCE.

The next business in order on the Private Calendar was the bill (H. R. 14699) to carry out the findings of the Court of Claims in the case of Guy C. Pierce.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, to Guy C. Pierce, of Kilbourn, in the State of Wisconsin, the sum of $511.55, in accordance with the findings of the Court of Claims reported in Senate Document No. 269, Sixty-third Congress, second session, said sum to be accepted and receipted for in full of said claim against the Government.

The SPEAKER pro tempore. Is there objection to the consideration of the bill?

Mr. MANN. Reserving the right to object, here is a bill that says it is to pay money out of the Treasury "in accordance with the findings of the Court of Claims, reported in Senate Document No. 269, Sixty-third Congress, second session." That document refers to this claim, and winds up with this "conclusion":

Upon the foregoing findings of fact the court concludes, on the authority of the case of Sweet *v.* United States, that the claim herein is neither a legal nor an equitable one against the United States, they having received no benefit therefrom, and any payment thereof rests in the bounty of Congress.

I think there have been recently hundreds of findings just like this upon cases similar to it which relate to travel pay, I believe, where the court has found that there is no claim against the Government; that the Government has received no benefit; and then the bill is reported favorably in here.

Mr. COX. Have any of them been enacted into law?

Mr. MANN. Not yet; but if this goes through it will form a precedent for all the others.

Mr. COX. I think the gentleman ought to object to it, then.

Mr. CULLOP. The finding of the Court of Claims, as I understand it from the reading, is that the Government does not owe anything.

Mr. MANN. That is right. It says it does not owe anything, either legally or equitably.

Mr. CULLOP. Then there is no reason why it should be passed here and made a gratuity, I should think.

Mr. MANN. I agree with the gentleman. Still, I thought the gentleman from Wisconsin [Mr. BURKE] would throw some light on it.

Mr. BURKE of Wisconsin. Will the gentleman from Illinois permit me a minute?

Mr. MANN. Certainly.

Mr. BURKE of Wisconsin. It appears from the findings of fact that Maj. Pierce resigned from the Army about the 6th of October, 1865, after having requested through military channels that he be discharged. He went home before his resignation was accepted, and thereafter, on the 17th of March, 1866, he was by the order of the commanding officer dropped from the service for desertion; but on the 30th of July of that year that order was modified so as to give him an honorable discharge. It appears that he went home from where his regiment was stationed, down on the Rio Grande, in Texas, to Kilbourn, Wis.—the number of miles being given—and he received no travel pay or travel subsistence at that time nor at any other time. When the order was modified and he was placed in the

position of being honorably discharged, I take it that he then became entitled to receive from the Government his back travel pay and subsistence which the Government would have had to pay if his resignation had been accepted at the time he resigned. But the subsequent order of July 30, 1866, ratified, or was an acceptance of, the resignation nunc pro tunc—now as of then. So that left him in the position of one whose resignation had been accepted before he left the Army, and he would be under such circumstances, under the law in such cases, entitled to travel pay and travel subsistence.

Now, I myself was struck by the peculiar language of the Court of Claims, wherein it says:

The claim herein is neither a legal nor an equitable one against the United States.

I can easily understand it is not a legal claim, simply because the statute of limitations has run against it, but I can not myself explain why the word "equitable" is used there. By virtue of the modified order he was placed in the position of one who was honorably discharged, and as such was entitled to his travel pay and travel subsistence. I notice that this language is quite similar to that in many similar bills that have heretofore, if I am not greatly mistaken, been allowed by this House.

Mr. MANN. I think the gentleman is greatly mistaken.

Mr. BURKE of Wisconsin. I may be. I do not venture to say otherwise.

Mr. MANN. A great number of these claims have recently been reported upon by the Court of Claims with this finding in cases affecting travel pay. In this case the court finds that this man's discharge was for his own convenience, and the Government was not liable for the travel pay. There are hundreds of these cases. I look over great numbers of them every few days coming from the Court of Claims in which this same finding is made in cases similar to this. You can not allow one without allowing all the others. Now, when we refer a case to the Court of Claims and they find that there is neither a legal nor an equitable claim it seems to me that that ought to be enough.

The SPEAKER pro tempore. Is there objection?

Mr. MANN. I object.

The SPEAKER pro tempore. The gentleman from Illinois [Mr. MANN] objects. The Clerk will report the next one.

DAMAGE TO ROADS, CAMP MEADE, PA.

The next business in order on the Private Calendar was the bill (H. R. 13338) authorizing payments for damage to township roads by the United States troops while camped at Camp Meade during the War with Spain.

The Clerk read the bill, as follows:

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay to the supervisors of Lower Swatara Township, Dauphin County, Pa., the sum of $1,100 for damage to township roads by United States troops while encamped at Camp Meade during the War with Spain.

The SPEAKER pro tempore. Is there objection?

Mr. FOSTER. Reserving the right to object, Mr. Speaker, I would like to know whether this community asked for this camp in the Spanish-American War. Did this community ask for the location of these headquarters there during the Spanish-American War?

Mr. KREIDER. Did the community ask for it?

Mr. FOSTER. Did the community ask for the location of the camp at that place?

Mr. KREIDER. No. The Government rented the farm of Mr. Young and went there without invitation from anybody.

Mr. FOSTER. They rented a farm?

Mr. KREIDER. Yes; they rented the farm.

Mr. FOSTER. What kind of roads are they?

Mr. KREIDER. They are ordinary dirt roads. Those that were damaged largely were dirt roads, extending about 7 miles.

Mr. CULLOP. How were they damaged?

Mr. KREIDER. They were torn up by the heavy hauling by the Government teams, and so forth; heavy artillery moving over the roads.

Mr. CULLOP. Now, they had rented a farm, were occupying it, and had all the privileges and rights of the road, the same as any other citizen that was living there, in order to get to the farm and get away from it. Now, upon what hypothesis can the gentleman claim any liability for injury to the roads under those circumstances?

Mr. KREIDER. It was simply because these roads were not made or prepared by the townships in the county for such use as the Government put them to.

Mr. CULLOP. They were public roads, were they not?

Mr. KREIDER. Yes, sir.

Mr. CULLOP. The public road was meant for any public use. Any person anywhere had the right to use the road, and if there was much hauling or use of it, that was one of the burdens that the public had to bear. One man may use a road a great deal more than another man and yet pay no more tax than the man who used the road but little. Yet that does not create any liability against the man who uses the road much.

Mr. KREIDER. That is probably true; but this was such an extraordinary circumstance, that the entire Second Army Corps of the United States Army should be located at that particular place; and if you will read the report of the Chief Quartermaster, Guy Howard, you will notice that he says in the closing paragraph:

This claim is considered just and reasonable, and I recommend its speedy adjustment.

Now, the only reason why the War Department or the Quartermaster's Department did not pay the claim is because they have no money especially appropriated for this purpose.

Mr. CULLOP. But I will say to the gentleman from Pennsylvania that every year Congress makes an appropriation for the support of the Army, to pay its obligations, to pay any liabilities that may be incurred by it, and yet in 16 years no such item as this was carried in any Army appropriation bill. Now, why should it come in here?

Mr. MANN. If the gentleman from Indiana will yield, or permit, I will say that the Army can not pay for damages anywhere. I think we have appropriated for every encampment that has been held for special damages.

Mr. CULLOP. For encampments?

Mr. MANN. Yes; and in this case the quartermaster of the Second Corps himself recommended at once to the Quartermaster General that this claim ought to be paid. It was their own suggestion, because through the heavy teaming they had ruined the road.

Mr. CULLOP. Yes; but the gentleman from Illinois well knows that there was a road dedicated to the public——

Mr. MANN. Oh, there is no question about any legal liability. There is no legal liability.

Mr. CULLOP. If anybody violated the statute governing the use of the roads, it was the duty of the Commonwealth of Pennsylvania to invoke that statute. Now, the Government is a part of the public. The Army had a right to go over the road.

Mr. MANN. There was no violation of the statute. Of course, the Army had a right to use the road; there is no doubt about that.

Mr. CULLOP. Now, because the teaming was made more laborious, or there was a greater service than usual or than was expected, damages are claimed. But the road was created for every reasonable and necessary service that the public might use it for.

Mr. BURNETT. May I suggest to the gentleman, was not that an extraordinary use of this road, in a manner never contemplated by those who constructed the road, and would not an equitable claim arise from that?

Mr. CULLOP. I will say to the gentleman from Alabama that I do not think so. I think when the road was dedicated to the public use it was dedicated for such purposes as the public or the Government might see fit to use it for.

Mr. BURNETT. Ordinarily, but not extraordinarily.

Mr. CULLOP. They had to take into consideration the fact that armies might move, that heavy service might be required.

Mr. MANN. If the gentleman from Indiana will permit, I think the gentleman is entirely right about the legal use of the road; but here was a case where the Army used the road and ruined it, and themselves proposed that they appropriate the amount carried here—$1,100—which would not put the road back in entire repair. Now, of course, there is no question about the right to use the road, and there is no legal liability.

Mr. CULLOP. I can not see, Mr. Speaker, how you could ruin a common dirt road. That seems to me to be out of the question.

Mr. MANN. I have seen many of them ruined, and where people paid for them, too.

Mr. CULLOP. Yes; but these roads were fixed for that purpose. They expected heavy hauling on them, or had a right to expect it, and this road was dedicated to the public.

Mr. MANN. They expected farmers' wagons would use the road.

Mr. METZ. What stand does the gentleman take as to assessable improvements alongside of Government property, where the Government gets the benefit of the improvement and will not pay the assessment?

Mr. CULLOP. In what respect?

Mr. METZ. There is a case of that kind at Fort Hamilton. The city of New York has assessment claims against the Government and can not collect them. Who shall pay these assessments? Are the neighbors around there expected to pay for the improvements? They have paid their own assessments. Why should not the Government pay its share? It gets the benefit.

Mr. CULLOP. That is not a parallel case.

Mr. METZ. Absolutely. The people paid for that road.

Mr. CULLOP. I differ with the gentleman on that proposition. Here was a road dedicated to the public use. The Government had a right to use it. It was the duty of the people there to take into consideration the fact that perhaps the armed forces of the Government might travel over it. It was in existence. Now, because the Government moved its troops up there into that locality, that brought a great deal of trade there. There is no doubt about that. They bought supplies.

Mr. METZ. Does not the Government make contracts for its supplies outside?

Mr. CULLOP. Yes. But I beg the gentleman's pardon; I mean to say that the men in the Army spend money.

Mr. METZ. In the saloons, possibly, in the neighborhood.

Mr. CULLOP. Oh, no; they spend it otherwise.

Mr. METZ. Not that I am aware.

Mr. CULLOP. Well, they do, and usually it is a very desirable thing to have an Army post near a town. I notice that every city that has an Army post makes a great fight in Congress to have it retained because of the profits which come from the presence of the soldiers.

Mr. FOSTER. Mr. Speaker, I shall have to object to the consideration of the bill.

Mr. KREIDER. Will the gentleman reserve his objection for a moment?

Mr. FOSTER. I think we ought to go ahead.

Mr. KREIDER. Just a moment.

Mr. FOSTER. Certainly.

Mr. KREIDER. Mr. Speaker, I want to say to the gentleman that I believe he fails to understand the situation. This is a farming community, and our roads in the State of Pennsylvania are built and maintained by local communities, or townships. This local community had no voice in the Government bringing the troops to that particular point, and yet when they came there they did this manifest damage. I believe there can be no question in the mind of anyone that the damage was done. It is certified to by half a dozen reputable men, and the quartermaster admits the damage and recommends an adjustment, and payment. It would certainly be unjust to ask this local community to bear this expense that has come upon them. They were absolutely helpless and had no voice in the matter at all. I hope the gentleman from Illinois will withdraw his objection. If I did not believe it was a just claim I certainly would not have introduced the bill.

Mr. FOSTER. I think the Government ought to have some rights in the matter of travel over the road. I do not doubt that the roads were damaged to some extent, but this is not an individual who suffers all the damage alone. Every community ought to bear its just burden in such matters. I think in this case where the township has suffered some damage they ought not to come to the Federal Government with a small claim of this kind, and I object.

T. A. ROSEBERRY.

The next business in order on the Private Calendar was the bill (H. R. 1528) for the relief of T. A. Roseberry.

The Clerk read the bill, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed, upon payment to the Government of the United States the full sum of $1.25 per acre having first been made, to issue patent to T. A. Roseberry and his heirs for the land embraced in his timber-claim entry No. 147, being the west half of the northeast quarter, and the northeast quarter of the northwest quarter, section 20, township 39 north, range 9 east, Mount Diablo base and meridian, in the Susanville land district, in Modoc County, Cal.

The SPEAKER pro tempore. Is there objection?

There was no objection.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed.

DAVID L. BRAINARD.

The next business in order on the Private Calendar was the bill (H. R. 15705) providing for the retirement of Col. David L. Brainard, Quartermaster Corps, United States Army.

The Clerk read the bill.

The SPEAKER pro tempore. Is there objection?

Mr. MANN. I object.

GEORGE M. VAN LEUVEN.

The next business in order on the Private Calendar was the bill (H. R. 10765) granting a patent to George N. Van Leuven for the northeast quarter of section 18, township 17 north, range 19 east, Black Hills meridian, South Dakota.

The Clerk read the bill, as follows:

Be it enacted, etc., That the Secretary of the Interior be authorized and directed to issue to George N. Van Leuven patent for the northeast quarter of section 18, township 17 north, range 19 east, Black Hills meridian, South Dakota, notwithstanding that his homestead entry therefor was invalid upon the ground that he had exhausted his homestead right through purchase of 160 acres of land under the provisions of section 2 of the act of June 15, 1880 (21st vol. Stat. L., p. 237): *Provided*, That he shall first have shown compliance with the provisions of the homestead law and shall have made the required payments.

The following committee amendments were read:

First. Amend by inserting in the caption and in line 4, page 1, the initial "M" instead of "N."

Second. Add the proviso: "*Provided further*, That there exists no valid adverse claim for said tract."

The SPEAKER pro tempore. Is there objection to the consideration of the bill?

There was no objection.

The committee amendments were agreed to.

The bill as amended was ordered to be engrossed and read a third time, was read the third time, and passed.

The title was amended.

WILLIAM L. WALLIS.

The next business in order on the Private Calendar was the bill (H. R. 17045) for the relief of William L. Wallis.

The Clerk read the bill, as follows:

Be it enacted etc., That the Secretary of the Interior is hereby authorized to issue a patent to William L. Wallis, of Ardmore, Fall River County, S. Dak., for the west one-half of the southeast quarter and the east one-half of the southwest quarter of section numbered 35, in township 11 south, of range 2 east, of the Black Hills meridian, South Dakota, regardless of the fact that said William L. Wallis had commuted a former entry under the provisions of an act entitled "An act relating to the public lands of the United States," approved June 15, 1880 (21 Stat., p. 237): *Provided*, That said William L. Wallis make satisfactory proof of his compliance with the homestead law and pay the price per acre provided in the law under which he made homestead entry for the land described herein.

The SPEAKER pro tempore. Is there objection to the consideration of the bill?

There was no objection.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed.

MAY STANLEY.

The next business in order on the Private Calendar was the bill (S. 1644) for the relief of May Stanley, and for other purposes.

The Clerk read the bill, as follows:

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay, out of any moneys in the Treasury not otherwise appropriated, the sum of $5,000 to May Stanley, widow of Will H. Stanley, late superintendent of the Soboba Indian School, in California, who lost his life in the discharge of his duty; also to pay for medical and other necessary expenses, including funeral and administration expenses, incurred in connection with the death of said Will H. Stanley and the shooting of Selso Serrano, Indian policeman, $500, or so much thereof as may be necessary.

The following committee amendments were read:

First. Amend the title by striking out "and for other purposes."

Second. In line 5 strike out the figures "$5,000" and insert in lieu thereof the figures "$2,000."

Third. In line 8, after the word "duty," strike out the semicolon and place a period; after the period strike out all of said bill down to and including line 13.

The SPEAKER pro tempore. Is there objection to the consideration of the bill?

There was no objection.

The SPEAKER pro tempore. The question is on the committee amendments.

The question was taken; and on a division (demanded by Mr. MANN) there were 30 ayes and 1 no.

So the committee amendments were agreed to.

The bill as amended was ordered to be read a third time, was read the third time, and passed.

DAVID MOWEN.

The next business in order on the Private Calendar was the bill (H. R. 15414) for the relief of David Mowen.

The Clerk read the bill, as follows:

Be it enacted, etc., That in the administration of any laws conferring rights, privileges, and benefits upon honorably discharged soldiers David Mowen, who was a private in Company C, One hundred and second Regiment Pennsylvania Volunteer Infantry, shall hereafter be held and considered to have been mustered into the military service of the United States as a private of said company and regiment on the 18th day of March, 1865.

The SPEAKER pro tempore. Is there objection?

There was no objection.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed.

ERNEST C. STAHL.

The next business in order on the Private Calendar was the bill (S. 3488) for the relief of Ernest C. Stahl.

The Clerk read the bill, as follows:

Be it enacted, etc., That in the administration of the laws relating to pensions and to the National Home for Disabled Volunteer Soldiers, or any branch thereof, Ernest C. Stahl shall hereafter be held and considered to have been honorably discharged from the military service of the United States as a lieutenant serving in the Colored Infantry of the United States at Alexandria, Va., on the 12th day of January, 1866: *Provided*, That no back pay, bounty, or pension shall become due or available by virtue of the passage of this act.

The SPEAKER pro tempore. Is there objection to the consideration of the bill?

There was no objection.

The bill was ordered to be read a third time, was read the third time, and passed.

REFERRING CERTAIN CLAIMS TO COURT OF CLAIMS.

The next business in order on the Private Calendar was House resolution 532, referring certain claims to the Court of Claims for finding of facts and conclusions of law under section 151 of the act of March 3, 1911, entitled "An act to codify, revise, and amend the laws relating to the judiciary."

The SPEAKER pro tempore. Is there objection?

Mr. MANN. Mr. Speaker, reserving the right to object, this would probably take some little time. The Committee on War Claims, I think, will soon get a day in the House. It has another resolution of the same sort.

Mr. UNDERWOOD. Mr. Speaker, I will say in reference to this resolution that it is merely to refer these matters to the Court of Claims. It is a very harmless resolution.

Mr. MANN. I will say to the gentleman that there are some of these claims for destruction of property by military forces which we have not referred. One of them is for a claim something over 100 years old, I believe, which I think it is not necessary to refer to the Court of Claims. The Committee on War Claims has another resolution that covers a larger number of cases than this does, which is on the calendar, and they get the next Friday that is set apart for consideration of bills on the Private Calendar. Undoubtedly we will reach that before long, and we can then take up the war-claims resolution, and I think nobody has any objection to the passage of the resolution with a few amendments. There is no rush about this at the present time, and I object.

GEORGE W. CRAFT.

The next business in order on the Private Calendar was the bill (H. R. 17103) for the relief of the heirs of George W. Craft.

The SPEAKER pro tempore. Is there objection?

Mr. MANN. Mr. Speaker, reserving the right to object, the report in this case seems to give no information. Does anybody know anything about it?

The SPEAKER pro tempore. Is there objection?

Mr. CULLOP. Mr. Speaker, I object.

GRAND LODGE OF MASONS, ARKANSAS.

The next business in order on the Private Calendar was the bill (S. 3863) granting lands to the Grand Lodge, Ancient Free and Accepted Masons, grand jurisdiction of Arkansas.

The Clerk read the bill.

The SPEAKER pro tempore. Is there objection?

Mr. MANN. I object.

F. W. THEODORE SCHROETER.

The next business in order on the Private Calendar was the bill (H. R. 9701) for the relief of F. W. Theodore Schroeter.

The Clerk read the bill, as follows:

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay to F. W. Theodore Schroeter, out of any funds in the Treasury not otherwise appropriated, the sum of $1,397.66, to compensate him for injuries received while in the employ of the Government of the United States on the Panama Canal September 28, 1907.

The SPEAKER pro tempore. Is there objection? [After a pause.] The Chair hears none.

The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed.

GASTON R. POITEVIN.

The next business in order on the Private Calendar was the bill (H. R. 4629) to reimburse Gaston R. Poitevin for property lost by him while assistant light keeper at East Pascagoula River (Miss.) Light Station, as recommended by the Lighthouse Board.

The Clerk read the bill.

The SPEAKER pro tempore. Is there objection?

Mr. MANN. I object.

JOHN A. GAULEY.

The next business in order on the Private Calendar was the bill (H. R. 11157) for the relief of John A. Gauley.

The Clerk read the bill.

The SPEAKER pro tempore. Is there objection?

Mr. MANN. I object.

N. FERRO.

The next business in order on the Private Calendar was the bill (H. R. 4628) for the relief of N. Ferro.

The Clerk read the bill, as follows:

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, to N. Ferro, Italian consular agent, of Gulfport, Miss., the sum of $872.96, to reimburse the Italian bark *Fenice* for expense incurred in repairing damages caused by collision with the United States barge *No. 15*.

The SPEAKER pro tempore. Is there objection? [After a pause.] The Chair hears none. The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed.

REFUNDING MONEYS ILLEGALLY COLLECTED IN UTAH.

The next business in order on the Private Calendar was the bill (S. 1213) to provide for the refunding of certain moneys illegally assessed and collected in the district of Utah.

The Clerk read the bill.

The SPEAKER pro tempore. Is there objection?

Mr. DIFENDERFER. I object.

JOHN W. CUPP.

The next business in order on the Private Calendar was the bill (S. 201) an act for the relief of John W. Cupp.

The Clerk read the title of the bill.

Mr. MANN. Mr. Speaker, I object.

HEIRS OF WALDO M. POTTER.

The next business in order on the Private Calendar was the bill (H. R. 9622) for the relief of the heirs of Waldo M. Potter, deceased.

The Clerk read as follows:

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay, out of any money not otherwise appropriated, to Franklin Potter, Carrie Potter Yerxa, Kittie Potter Borland, and Grace Potter Burdick, heirs of Waldo M. Potter, deceased, of Casselton, N. Dak., $412, as a reimbursement for expenses incurred and paid by said Waldo M. Potter while register of the United States land office at Fargo, N. Dak., for the rent of the rooms used exclusively for land-office purposes.

The SPEAKER pro tempore. Is there objection? [After a pause.] The Chair hears none.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed.

MARY VAN DEVENTER.

The next business in order on the Private Calendar was the bill (H. R. 6653) for the relief of Mary Van Deventer.

The Clerk read the title of the bill.

Mr. MANN. Mr. Speaker, I object.

Mr. FRENCH. Mr. Speaker, will the gentleman withhold his objection?

Mr. MANN. I will reserve the right to object.

Mr. FRENCH. Mr. Speaker, this bill seeks merely to give status in the Court of Claims to this particular claim, which if certain evidence could have been filed at a certain time, it would have been proper for the court to consider it under the laws, and apparently through no fault of the claimant and through a misapprehension of the time within which evidence could be submitted, the matter was allowed to go beyond the period within which evidence could have been submitted according to the statements that have been furnished to the committee.

Mr. MANN. Mr. Speaker, the Court of Claims has had before it many so-called Indian depredation cases. They have hung along for years. Some time ago the court entered an order that evidence should be made within a certain time, and this last summer I think it was they dismissed a great number of those cases because they were not prosecuted.

All litigation must come to an end sometime. Now they are trying to get this bill through as a precedent. If this goes through, the claim agents will properly say, "You have waived this in one case, you must do so in all the other cases," and we will have every one of those claimants before Congress wanting to go again before the Court of Claims. They had their opportunity before the Court of Claims. They did not avail themselves of the opportunity, and I do not think the claimants have a right, after they had full opportunity before the court and

will not be diligent in the prosecution of their cases, to annoy Congress by asking for the right to go before the Court of Claims again. If there was only one case, I would not say a word, but there are a great many of them.

Mr. FRENCH. Mr. Speaker, I do not think there is any question but that there ought to be a time fixed beyond which there could not be any further presentation of a case before the court; but here is a case that was dismissed by the court for want of prosecution in 1908, with the understanding that the case could be revived when evidence was submitted. Now, for several years the case was pending, you might say, in that situation, and finally, about three years after that, the court announced that evidence in this case and several others needed to be submitted within a certain time. Now, the attorney attempted to obtain the evidence, and tried diligently to obtain the evidence, but he was unable to reach Grangeville, Idaho, where the witnesses in this particular case were living, within the time required, and failed to obtain the evidence within the time fixed by the court, and as a result the case was dismissed.

Mr MANN. The gentleman means he did not obtain the evidence, and he should have obtained the evidence before. There were 3,000 of these cases dismissed by the Court of Claims. I am not willing Congress should be annoyed by having 3,000, or anything like it, propositions coming before it to go back to the Court of Claims. They were willfully negligent, all of these people were. The order was not entered until long after they ought to have gotten all the proof, but they pottered along, and the Court of Claims finally entered an order dismissing them and giving the right to have the cases reinstated if they would apply within a certain time.

They go ahead and pay no attention to it, and then they come before Congress and want a third chance. There never was much justice in any of these claims, to begin with.

Mr. FRENCH. In this particular case there is so much justice in it that the Commissioner of Indian Affairs originally reported favorably in the case, and, more than that, there was so much justice in it that after the court issued its final order dismissing the case the Attorney General's department permitted the taking of depositions under the rules of the court, with the understanding that the evidence should not be submitted to the Court of Claims, and that that evidence had since been taken, just as though the case were pending before the court, although the evidence has never been submitted to the court itself. It is now on file with the Attorney General's department. I hope in this particular case the gentleman will not feel that he must object.

Mr. MANN. I have no doubt the attorney selected one of the best cases on which to get the precedent made.

The SPEAKER pro tempore. Is there objection to the consideration of the bill?

Mr. MANN. I object.

SCHWARZCHILD & SULZBERGER CO.

The next business in order on the Private Calendar was the bill (H. R. 16425) for the relief of Schwarzchild & Sulzberger Co.

The bill was read.

The SPEAKER pro tempore. Is there objection to the consideration of the bill?

Mr. CULLOP. I object, Mr. Speaker.

The SPEAKER pro tempore. The gentleman from Indiana [Mr. CULLOP] objects, and the Clerk will report the next bill.

AMY M. SORSBY.

The next business in order on the Private Calendar was the bill (H. R. 6895) for the relief of Amy M. Sorsby.

Mr. FOSTER. Mr. Speaker, I object.

ELLA O. RICHARDSON.

The next business in order on the Private Calendar was the bill (S. 388) for the relief of Ella O. Richardson.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to issue patent to Ella O. Richardson for the east half of the southwest quarter of section 36, township 19 north, range 10 east of the Louisiana meridian, in the State of Louisiana, containing 68.09 acres, upon payment to the United States of the sum of $1.25 per acre: *Provided*, That purchase be made within one year from the date of the approval of this act.

The SPEAKER pro tempore. Is there objection to the consideration of the bill? [After a pause.] The Chair hears none. The question is on the third reading of the Senate bill.

The bill was ordered to a third reading, was read the third time, and passed.

HEIRS OF W. F. NICHOLS.

The next business in order on the Private Calendar was the bill (H. R. 4266) granting patent to certain lands to the legal heirs of W. F. Nichols.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to issue a patent conveying title to the east half northeast quarter section 11, township 10 south, range 29 west, Arkansas, to the legal heirs of W. F. Nichols, upon the payment of $1.25 an acre therefor.

The SPEAKER pro tempore. Is there objection to the consideration of the bill?

Mr. MANN. Mr. Speaker, reserving the right to object, as this bill is apparently to make good a tax title, may I ask the gentleman from Arkansas [Mr. WINGO] who is in possession of the property, and if he knows what has become of the heirs of James Wilson, who at one time was in possession and claimed to be the owner before the tax title was issued?

Mr. WINGO. The heirs of W. F. Nichols are in possession of the property. The heirs of Wilson do not claim the land, as a matter of fact. They abandoned the land, and it was sold for the taxes under the overdue-tax laws of the State, back in 1882. Now, ever since that date those people who bought it in at that time——

Mr. MANN. The State bought it in at that time.

Mr. WINGO. I say the State, then, under its donation laws, granted it to a man named Dellenger.

Mr. MANN. That was in 1893.

Mr. WINGO. In other words, the heirs of Nichols and those under whom they have claimed have been in possession of this land for 21 years.

Mr. MANN. Of course, ordinarily we do not consider a tax title——

Mr. WINGO. Under the laws of our State the title is absolutely good if the title has ever passed from the Government. We have a statute in our State whereby if you pay taxes on land of this character for seven years uninterruptedly under the claim of title, that is a statute bar, and that is the actual possession. This is part of a tract——

Mr. MANN. I did not understand that these people are in actual possession.

Mr. WINGO. They are. But, as I say, originally it was wild land, but even under that they were in possession under the law. Constructive possession of that kind for that length of time is equal to actual possession.

Mr. MANN. I do not think that paying taxes under a tax title for seven years is worth very much under any of those statutes, and there is a statute of that sort in nearly every State. I have set aside many tax titles of that kind. If these people are in actual possession of the property, very well.

Mr. WINGO. There is no question about it. This is a part of the place that belonged to W. F. Nichols, who is not now living. It is mainly pasture land, and it is not very valuable, but it is in actual possession, being a part of the tract of which no one ever thought there was any question about the title until a few years ago.

The SPEAKER pro tempore. Is there objection to the consideration of the bill? [After a pause.] The Chair hears none.

The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed.

JUDD M'KELVEY.

The next business in order on the Private Calendar was the bill (S. 2903) for the relief of Judd McKelvey.

The Clerk read the bill, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to issue a patent to Judd McKelvey for lots 5, 6, 7, and 8, and the northwest quarter of the northeast quarter, the northeast quarter of the northwest quarter, the southeast quarter of the southwest quarter, and the southwest quarter of the southeast quarter of section 18, in township 4 south, range 44 east, Montana meridian, as shown by the plat of survey of said township approved December 16, 1908, after the said McKelvey has, by deed properly executed and recorded, reconveyed to the United States lot 4 and the northwest quarter of the northeast quarter, the east half of the northwest quarter, the east half of the southwest quarter, and the southwest quarter of the southeast quarter of said section as shown by the plat of the survey of said township approved July 25, 1887.

The SPEAKER pro tempore. Is there objection to the consideration of the bill?

There was no objection.

The SPEAKER pro tempore. The question is on the third reading of the Senate bill.

The Senate bill was ordered to be read a third time, was read the third time, and passed.

JAMES GUNNING.

The next business in order on the Private Calendar was the bill (S. 3817) authorizing the issuance of a patent to James Gunning for lot 2, section 32, township 29 north, range 39 east, Montana.

The Clerk read the bill, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized to issue patent to James Gunning for lot 2, section 32, township 29 north, range 39 east, Montana: *Provided*, That no adverse right had accrued to said tract prior to February 1, 1914.

The SPEAKER pro tempore. Is there objection to the consideration of the bill?

There was no objection.

The SPEAKER pro tempore. The question is on the third reading of the Senate bill.

The Senate bill was ordered to be read a third time, was read the third time, and passed.

F. W. SCHULTZ.

The next business in order on the Private Calendar was the bill (H. R. 15513) for the relief of F. W. Schultz.

The Clerk read the bill, as follows:

Be it enacted, etc., That the Postmaster General be, and he is hereby, authorized and directed to cause the account of F. W. Schultz, postmaster at Junius, State of South Dakota, to be credited with the sum of $244.90, and that he cause said credit to be certified to the Auditor of the Treasury for the Post Office Department, being on account of loss by robbery of said post office on the 17th of October, 1909, it appearing that said loss was without fault or negligence on the part of said F. W. Schultz, postmaster.

The SPEAKER pro tempore. Is there objection?

Mr. MANN. Reserving the right to object, Mr. Speaker, I notice there are a number of bills on this calendar constituting claims for loss by robbery of post offices where the postmasters negligently failed to comply with the regulations. In this case, the man had a safe, put the money in the safe, turned the combination for "day lock," so that he would not have to go through the manipulations of really working the combination again, and the burglar understood that as well as anybody else, and got in. I used to be a postmaster myself, and while——

Mr. FOSTER. First class or fourth class? [Laughter.]

Mr. MANN. Deputy fourth. [Laughter.] While I did not approve of all the regulations, I did assume that if I carried money around loosely, or left it around loosely, the Government would not be responsible for it.

Now, there are between 50,000 and 100,000 of these postmasters, and they know what the regulations are; and here is a regulation which expressly stated that the common practice of turning on safes by what is called a "day lock" or "day combination" affords no protection from experienced burglars, and in case of loss resulting therefrom no credit would be allowed. That is what this postmaster did.

Mr. DILLON. Mr. Speaker, I want to say to the gentleman that is the statement that the inspector made, but that is contradicted by two affidavits of the assistant postmaster.

Mr. MANN. I will read from the affidavit of the postmaster, as I recall, Mr. Caldwell. He is the assistant postmaster, and he is the one who did the business. He says:

I locked the iron safe in which the postage-stamp stock was kept; that I turned the combination once, causing the safe to be locked by one combination, the said safe having four combinations.

Now, that is turning it for what they call a "day lock."

Mr. DILLON. That comes from the report of the inspector.

Mr. MANN. This is an affidavit made by the assistant postmaster. At least, that is what this report says in this case.

Mr. DILLON. That is an error.

Mr. MANN. I am not responsible for errors in the report.

Mr. DILLON. If the gentleman will read the affidavits made by Mr. Caldwell, two of them, he will find that he directly disputes that proposition.

Mr. MANN. I was reading the affidavit that he did make.

Mr. DILLON. That is not the affidavit.

Mr. MANN. That is what the report says.

Mr. DILLON. Where are you reading from? You are reading from a letter. Now read the affidavit.

Mr. MANN. I am reading from a letter from the Postmaster General, in which he says:

In an affidavit dated October 22, 1909 (five days after the burglary), Mr. Caldwell made the following statement.

Mr. DILLON. That is a statement he made to the inspector. Now, if you will read the affidavit of Mr. Caldwell, on page 3 of the report, you will find that he directly disputes that proposition and says he never made that statement to the inspector. It is the inspector's mistake, and not his. Mr. Burleson does not quote him correctly.

Mr. MANN. Of course I am not responsible for that. It was on that ground that the Postmaster General did not allow the claim. If this safe was locked, the Post Office Department are authorized and warranted to pay the claim; and if it was not locked, they would not be authorized to pay the claim.

Mr. DILLON. I know Mr. Caldwell, and I know him to be a gentleman who is accurate in all his statements, and he makes two affidavits that that statement is not true.

The SPEAKER pro tempore. Is there objection?

Mr. MANN. What time is it, Mr. Speaker?

The SPEAKER pro tempore. Eleven o'clock, by the clock in front of the Chair. Is there objection——

Mr. MANN. I think under the order of the House——

Mr. POU. Mr. Speaker, under the regular order there should be a motion to adjourn, and therefore I move that the House adjourn.

The motion was agreed to; accordingly (at 11 o'clock and 1 minute p. m.) the House adjourned until Wednesday, July 8, 1914, at 12 o'clock noon.

EXECUTIVE COMMUNICATIONS.

Under clause 2 of Rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

1. A letter from the Secretary of War, transmitting, with a letter from the Chief of Engineers, report on preliminary examination of Empire Harbor, Mich. (H. Doc. No. 1111); to the Committee on Rivers and Harbors and ordered to be printed.

2. A letter from the Secretary of War, transmitting, with a letter from the Chief of Engineers, report on preliminary examination of Columbia River, Wash., from and through Rickey and Grand Rapids to the international boundary line, with a view to open river navigation (H. Doc. No. 1112); to the Committee on Rivers and Harbors and ordered to be printed, with illustrations.

3. A letter from the Secretary of the Treasury, transmitting copy of communication of the acting president of the Board of Commissioners of the District of Columbia submitting an estimate of appropriation for the payment of a judgment in favor of George H. Lillibridge (H. Doc. No. 1113); to the Committee on Appropriations and ordered to be printed.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII, bills and resolutions were severally reported from committees, delivered to the Clerk, and referred to the several calendars therein named, as follows:

Mr. CLARK of Florida, from the Committee on Public Buildings and Grounds, to which was referred the bill (H. R. 12665) to increase the limit of cost of public building at La Junta, Colo., reported the same without amendment, accompanied by a report (No. 927), which said bill and report were referred to the Committee of the Whole House on the state of the Union.

Mr. GRAY, from the Committee on Naval Affairs, to which was referred the bill (H. R. 13677) authorizing and directing the Secretary of the Navy, in his discretion, to deliver to the Northwestern Military and Naval Academy, situated on Lake Geneva, Wis., one discarded anchor of a United States cruiser or battleship, reported the same without amendment, accompanied by a report (No. 925), which said bill and report were referred to the House Calendar.

REPORTS OF COMMITTEES ON PRIVATE BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII, private bills and resolutions were severally reported from committees, delivered to the Clerk, and referred to the Committee of the Whole House, as follows:

Mr. BUTLER, from the Committee on Naval Affairs, to which was referred the bill (H. R. 7194) for the relief of Acting Asst. Surg. Elwin Carlton Taylor, United States Navy, reported the same with an amendment, accompanied by a report (No. 924), which said bill and report were referred to the Private Calendar.

Mr. HENSLEY, from the Committee on Naval Affairs, to which was referred the bill (H. R. 16424) for the relief of Lloyd C. Stark, reported the same with an amendment, accompanied by a report (No. 926), which said bill and report were referred to the Private Calendar.

CHANGE OF REFERENCE.

Under clause 2 of Rule XXII, the Committee on War Claims was discharged from the consideration of the bill (H. R. 17734) for the relief of John A. Kress, and the same was referred to the Committee on Claims.

PUBLIC BILLS, RESOLUTIONS, AND MEMORIALS.

Under clause 3 of Rule XXII, bills, resolutions, and memorials were introduced and severally referred as follows:

By Mr. TAYLOR of Alabama: A bill (H. R. 17761) to quiet title to northeast quarter of northwest quarter, section 20, township 8 north, range 2 west, in Washington County, Ala.; to the Committee on the Public Lands.

By Mr. LENROOT: A bill (H. R. 17762) to amend an act approved February 20, 1908, entitled "An act to authorize the Interstate Transfer Railway Co. to construct a bridge across the St. Louis River, between the States of Wisconsin and Minnesota"; to the Committee on Interstate and Foreign Commerce.

By Mr. CARR: A bill (H. R. 17763) to provide for the acquirement of about 26 acres of land adjoining the Frankford Arsenal, Philadelphia, including the right of way owned in fee simple by the railroad crossing this land, etc.; to the Committee on Appropriations.

By Mr. WEBB: A bill (H. R. 17764) to provide for sale of portion of post-office site in Gastonia, N. C.; to the Committee on Public Buildings and Grounds.

By Mr. SHERLEY: A bill (H. R. 17765) to regulate details of majors in the Ordnance Department; to the Committee on Military Affairs.

By Mr. STOUT: A bill (H. R. 17779) for the purchase of a site and the erection thereon of a public building at Glasgow, Mont.; to the Committee on Public Buildings and Grounds.

By Mr. BLACKMON: Joint resolution (H. J. Res. 296) appropriating $15,445 for the relief of the sufferers from the hail and wind storm in Cleburne County, Ala., July 20, 1913; to the Committee on Appropriations.

By Mr. DALE: Memorial of the House of Delegates of the State of Virginia, requesting Congress to use all legitimate means to acquire Monticello, the home of Thomas Jefferson, to be held in trust for all the people of the Nation; to the Committee on the Library.

PRIVATE BILLS AND RESOLUTIONS.

Under clause 1 of Rule XXII, private bills and resolutions were introduced and severally referred as follows:

By Mr. ALLEN: A bill (H. R. 17766) granting an increase of pension to Victoria Goepfert; to the Committee on Invalid Pensions.

By Mr. BAKER: A bill (H. R. 17767) granting a pension to Rose Morgan; to the Committee on Pensions.

By Mr BELL of Georgia: A bill (H. R. 17768) to carry into effect the findings of the Court of Claims in the claim of O. H. P. Wayne; to the Committee on War Claims.

By Mr. BROUSSARD: A bill (H. R. 17769) granting a pension to Alice Thompson; to the Committee on Invalid Pensions.

By Mr. BROWN of New York: A bill (H. R. 17770) granting a pension to Mary E. Kures; to the Committee on Invalid Pensions.

Also, a bill (H. R. 17771) granting an increase of pension to Burr Parsons; to the Committee on Invalid Pensions.

By Mr. DONOHOE: A bill (H. R. 17772) granting a pension to William J. Boyce; to the Committee on Invalid Pensions.

By Mr. GARD: A bill (H. R. 17773) granting a pension to James R. Phillips; to the Committee on Pensions.

By Mr. MORGAN of Oklahoma: A bill (H. R. 17774) granting an increase of pension to Ruben L. Crosno; to the Committee on Invalid Pensions.

Also, a bill (H. R. 17775) granting an increase of pension to Matilda A. Hammond; to the Committee on Invalid Pensions.

Also, a bill (H. R. 17776) granting an increase of pension to Christian H. Rice; to the Committee on Invalid Pensions.

By Mr. REED: A bill (H. R. 17777) granting an increase of pension to George Hamlet; to the Committee on Pensions.

By Mr. SMITH of New York: A bill (H. R. 17778) granting an increase of pension to Roderick O'Connor; to the Committee on Invalid Pensions.

PETITIONS, ETC.

Under clause 1 of Rule XXII, petitions and papers were laid on the Clerk's desk and referred as follows:

By the SPEAKER (by request): Resolution of mass meeting held at Salem, Ohio, urging that the Mondell resolution granting woman suffrage be submitted to a vote; to the Committee on the Judiciary.

Also (by request), petition signed by Rev. Berton L. Wiley, chairman, of Berwick, Iowa, urging Congress to submit the Hobson prohibition amendment; to the Committee on Rules.

Also (by request), petition signed by E. G. Phillips and J. H. Fox, of East Bloomfield, N. Y., urging the passage of the Hobson prohibition amendment; to the Committee on Rules.

Also (by request), petition signed by V. B. Turnburke, chairman, and T. A. Richardson, secretary, of mass meeting at Granville Avenue Methodist Episcopal Church, Chicago, urging Congress to submit the Hobson prohibition amendment; to the Committee on Rules.

By Mr. AINEY: Petitions of citizens of Rummerfield, Susquehanna, Gravity, Factoryville, Carley Brook, Springfield Township, West Lenox Baptist Church, Woman's Christian Temperance Union of West Lenox, and Woman's Christian Temperance Union of Warren Center, all in the State of Pennsylvania, favoring national prohibition; to the Committee on Rules.

By Mr. ASHBROOK: Petition of the Newark (Ohio) Local No. 412 of the Bartenders International League, protesting against the enactment of national prohibition; to the Committee on Rules.

Also, petition of the Morrow County (Ohio) Woman's Christian Temperance Union; Farley Wesleyan Sunday School, Marengo, Ohio; Roscoe J. Beard and other citizens of Orrville, Ohio; Alum Creek Friends' Sabbath School, Cardington, Ohio; John W. Jordan and other citizens of Howard, Ohio; H. A. Rossin and 12 other citizens of Coshocton, Ohio; Rev. Harvey E. Orwick and 24 other citizens of Uhrichsville, Ohio; the Christian Endeavor Society of the Presbyterian Churches at Jersey, Ashland, and Mansfield, Ohio, favoring the enactment of the Hobson national prohibition amendment; to the Committee on Rules.

By Mr. BAKER: Petition of citizens of Atlantic City, N. J., protesting against national prohibition; to the Committee on Rules.

Also, petition of citizens of Delanes and Medford, N. J., favoring national prohibition; to the Committee on Rules.

Also, petition of Mary W. Lippincott, Helen Lippincott, and others of Riverton, N. J., favoring woman suffrage; to the Committee on the Judiciary.

By Mr. BEAKES: Resolutions of mass meeting of citizens of Parma; members of First Church of Christ, Adrian; members of South Side Methodist Protestant Mission Sunday School, Adrian; members of Young People's Society of Christian Endeavor of First Methodist Protestant Church, Adrian; West Adrian Congregational Christian Endeavor Society; Marston Avenue Presbyterian Church, Detroit; H. W. Potter, Weston; First Methodist-Episcopal Church, Adrian; Epworth League of the Methodist-Episcopal Church, Adrian; members of First Methodist Protestant Church, Adrian, all in the State of Michigan, in favor of national prohibition; to the Committee on Rules.

By Mr. BROWNING: Petition of Epworth League of Evan, Pa., favoring national prohibition; to the Committee on Rules.

By Mr. BUCHANAN of Illinois: Petitions of 1 citizen of Lockport, 5 citizens of Forest Park, 2 citizens of Oak Park, 2 citizens of LaGrange, 14 citizens of Mount Morris, and 102 citizens of Chicago, all in the State of Illinois, favoring passage of House joint resolution 282; to the Committee on Naval Affairs.

Also, petitions of 106 citizens of Chicago, Ill., protesting against the passage of the Hobson resolution; to the Committee on Rules.

Also, petitions of 56 citizens of Chicago, Ill., against national prohibition; to the Committee on Rules.

Also, petitions of 41 citizens of Chicago, Ill., in favor of national prohibition; to the Committee on Rules

By Mr. BYRNES of South Carolina: Petition of Catherine Tully Kenny, Mary Penn Thompson, and others, of Nashville, Tenn., favoring woman suffrage; to the Committee on the Judiciary.

By Mr. CARY: Petition of the board of directors of the Western Society of Engineers, protesting against passage of House bill 13457, relative to surveys, etc., of United States Geological Survey; to the Committee on Expenditures in the Interior Department.

By Mr. CLARK of Florida: Petition of Council No. 27, Junior Order United American Mechanics, of Kissimmee, Fla., opposing increase of naval chaplains under certain conditions; to the Committee on Naval Affairs.

By Mr. COOPER: Petition of members of the Congregational Church, Woman's Christian Temperance Union, and Christian Endeavor Society, respectively, of Williams Bay, Wis., favoring nation-wide prohibition; to the Committee on Rules.

By Mr. DERSHEM: Petition of 122 citizens of Franklin, Pa., in favor of national prohibition; to the Committee on Rules.

Also, petition of 18 citizens of Mifflintown, Pa., in favor of national prohibition; to the Committee on Rules.

Also, petition of the Union Christian Endeavor Society of Troxelville, Pa., in favor of national prohibition; to the Committee on Rules.

Also, petition of the Church Council of the Evangelical Lutheran Church of Waynesboro, Pa., representing 1,250 members, in favor of national prohibition; to the Committee on Rules.

Also, petition of 337 citizens of Waynesboro, Pa., in favor of national prohibition; to the Committee on Rules.

By Mr. DONOHOE: Petition of 1,500 Christian Endeavorers and 500 intermediate Christian Endeavorers of Northeast Branch of Philadelphia Christian Endeavor Union, favoring national prohibition; to the Committee on Rules.

By Mr. DRUKKER: Petition of members and friends of Trinity Methodist Church, Passaic, N. J., favoring national prohibition; to the Committee on Rules.

By Mr. EAGAN: Petition of 161 citizens of Hudson County, eleventh congressional district of New Jersey, protesting against national prohibition; to the Committee on Rules.

By Mr. ESCH: Petition of congregation of First Presbyterian Church, La Crosse, Wis., favoring national prohibition; to the Committee on Rules.

By Mr. GARDNER: Resolution from the Young People's Society of Christian Endeavor, of Wenham, Mass., favoring the passage of the prohibition amendment now before Congress; to the Committee on Rules.

By Mr. GILL: Petition of Joseph H. Wilsmann and others, of St. Louis, Mo., protesting against national prohibition; to the Committee on Rules.

By Mr. GILLETT: Resolutions adopted by the Presbyterian Church of Boswell, Ind.; Chicago Church Foundation, of Chicago, Ill.; United Presbyterian Church of Jamestown, Ohio; Linwood Presbyterian Church, of Kansas City, Mo.; Memorial Presbyterian Church, of Philadelphia, Pa.; First Presbyterian Church of Rutherford, N. J.; and the Sixth Presbyterian Church of Washington, D. C., favoring the adoption of the pending resolution proposing an amendment to the Constitution of the United States to prohibit polygamy; to the Committee on the Judiciary.

Also, petition of Eliza R. Whiting, Mabel F. Merry, and others, of Springfield; Mrs. Buchanan, M. L. Brooke, and others, of Holyoke; Anne Austin, Thomas Haggerty, and others, of Westfield, Mass., favoring woman suffrage; to the Committee on the Judiciary.

Also, petition of Olivet Congregational Church, of Hampden, Mass., favoring national prohibition; to the Committee on Rules.

By Mr. GOEKE: Petition of the Christian Endeavor Society of the First Christian Church of Lima, Ohio, in favor of national prohibition; to the Committee on Rules.

By Mr. GOOD: Petitions of 159 and more citizens of Cedar Rapids, 47 citizens of Mount Vernon, 35 citizens of Kenwood Park, and the Woman's Christian Temperance Union of West Branch, Iowa, favoring national prohibition; to the Committee on Rules.

Also, petitions of business men of Lowden, Ely, Solon, and Mechanicsville, Iowa, favoring the passage of House bill 5308, relative to taxing mail-order business; to the Committee on Ways and Means.

By Mr. GREGG: Petitions of sundry citizens of Chambers and Galveston Counties, Tex., protesting against national prohibition; to the Committee on Rules.

Also, petition of Minnie Fisher Cunningham, Edith L. Warriner, and others, of Galveston, Tex., favoring woman suffrage; to the Committee on the Judiciary.

Also, petitions of sundry citizens of Galveston County and Texas City, Tex., favoring national prohibition; to the Committee on Rules.

By Mr. GRIEST: Petitions of members of the Church of God, Landisville, Pa.; the United Evangelical Church of Terre Hill, Pa.; the Lambert Y. C. T. U. of Lancaster County, Pa.; the Lambert Y. C. T. U. of Peach Bottom, Lancaster County, Pa.; Rev. C. B. Johnston, pastor, and E. W. Garber, secretary, for the Methodist Episcopal Church of Mount Joy, Pa.; Rev. James E. Keene, pastor, and others, for the Senior Society of the Young People's Society of Christian Endeavor, of Lititz, Pa.; D. O. Armstrong, for citizens of Rawlinsville, Pa.; Samuel Alexander, for the Mount Joy Methodist Episcopal Sunday School, of Mount Joy, Pa.; Rev. H. B. Yoder, of Lancaster, Pa.; and Anna M. Boyer, R. D. No. 3, of New Holland, Pa., favoring a national prohibition constitutional amendment; and from A. S. Weachter, of Rothsville, Pa.; Wayne E. Hackman, R. D. No. 5, of Lititz, Pa.; and William Hellinger and C. C. Kafroth, of Rothsville, Pa., against the adoption of prohibition measures such as House joint resolution 168; to the Committee on Rules.

By Mr. HAMILTON of Michigan: Petitions of Katharine A. Herriman, Estelle Downing, and others of South Haven, Mich.; Mrs. Kate M. Redner, Jennie R. Lyle, and others of Cass County, Mich.; May E. Rix, Nellie M. Walton, and others of St. Joseph County, Mich., urging Federal legislation for woman suffrage; to the Committee on the Judiciary.

Also, petitions of 100 citizens of Bravo, 170 citizens of Dowagiac, 39 citizens of Fennville, 80 citizens of Hopkins, 45 citizens of Plainville, and 125 citizens of Pullman, all in the State of Michigan, in favor of national prohibition; to the Committee on Rules.

Also, petition of citizens of White Pigeon, Mich., in favor of national prohibition; to the Committee on Rules.

Also, petition of Charles M. Sterling and 12 other citizens of Van Buren County, Mich., in favor of national prohibition; to the Committee on Rules.

By Mr. KELLEY of Michigan: Petition of 308 citizens, principally of Michigan, favoring Senate joint resolution 144 and House joint resolution 282, asking for an investigation of the North Pole controversy; to the Committee on Naval Affairs.

Also, petition of Arthur E. Lay and 25 other citizens of Parma, Mich., in favor of the Hobson prohibition amendment; to the Committee on Rules.

Also, petition of George Thompson and 26 other citizens, of Parma, Mich., favoring Hobson prohibition amendment; to the Committee on Rules.

By Mr. KENNEDY of Connecticut: Petition of the Bartenders' Union of Derby, Conn., against national prohibition; to the Committee on Rules.

Also, petition of sundry citizens of Goshen, Conn., and Christian Endeavor Society of Riverton, Conn., favoring national prohibition; to the Committee on Rules.

By Mr. KINDEL: Petitions of 13 citizens of Denver, Colo., against national prohibition; to the Committee on Rules.

Also, petitions of sundry citizens of Blackhawk, Gilpin County, Allison, and Grand Junction; 6 congregations of the Methodist Episcopal Church of Keota; and of the Sloate Memorial Methodist Episcopal Church, of Denver, all in the State of Colorado, in favor of national prohibition; to the Committee on Rules.

By Mr. LEE of Pennsylvania: Petition of board of directors of the Western Society of Engineers, protesting against the passage of House bill 13457; to the Committee on Expenditures in the Interior Department.

Also, memorial of Chamber of Commerce of Pittsburgh, Pa., favoring postponement of legislation affecting business; to the Committee on the Judiciary.

By Mr. LEWIS of Maryland: Petition of members of the Methodist Protestant Church of Buckeystown, Md., praying the passage of House joint resolution 168, to prohibit the sale of intoxicating liquors; to the Committee on Rules.

Also, petition of the Christian Endeavor Society of Zion Lutheran Church, of Middletown, Md., representing 60 people, for the passage of House joint resolution 168, to prohibit the sale of intoxicating liquors; to the Committee on Rules.

Also, petition of the members of Singgold Christian Endeavor Society, praying the passage of House joint resolution 168, to prohibit the sale of intoxicating liquors; to the Committee on Rules.

Also, resolutions by Rev. Frank A. Killmon, representing a mass meeting of 1,500 members and attendants of Grace Methodist Episcopal Church, of Cumberland, Md., praying the passage of the Hobson prohibitory amendment; to the Committee on Rules.

Also, petition of members of the Buckeystown (Md.) Methodist Protestant Church, praying the passage of House joint resolution 168, to prohibit the sale of intoxicating liquors; to the Committee on Rules.

By Mr. LONERGAN: Petition of Bushy Hill Christian Endeavor Society, of Simsbury, Conn., favoring the adoption of the Hobson bill; to the Committee on Rules.

Also, petition of Mr. M. L. Baldwin, in behalf of the Young People's Society of Christian Endeavor of Griswoldville, Conn., favoring the adoption of the Hobson bill; to the Committee on Rules.

Also, petition of Rev. Winfield S. Manship, of the Methodist Episcopal Church of West Suffield, Conn., favoring the adoption of the Hobson bill; to the Committee on Rules.

By Mr. MACDONALD: Petition of citizens of Waucedah, Mich., in support of House bill 11879; to the Committee on Banking and Currency.

Also, resolution of Wetmore Grange, No. 1408, of Wetmore, Mich., in support of Government ownership of telephone and telegraph systems; to the Committee on the Post Office and Post Roads.

Also, petition of residents of Iron County, Mich., in opposition to legislation providing that mail clerks shall not work on Sunday; to the Committee on the Post Office and Post Roads.

Also, resolution adopted by the Pomona Grange, No. 66, of Sault Ste. Marie, Mich., in support of Government ownership

and operation of telephone and telegraph systems; to the Committee on the Post Office and Post Roads.

Also, resolution adopted by the City Council of Grand Rapids, Mich., in support of legislation to pension aged and disabled civil-service employees; to the Committee on Reform in the Civil Service.

By Mr. MAGUIRE of Nebraska: Petitions of citizens of Nebraska, against national prohibition; to the Committee on Rules.

By Mr. MERRITT: Petition of citizens of Saranac Lake, Burke, North and West Bangor, N. Y., and sundry citizens of the State of New York, favoring national prohibition; to the Committee on Rules.

Also, petitions of John M. Reed and others, of St. Lawrence County, N. Y., protesting against national prohibition; to the Committee on Rules.

By Mr. NELSON: Petition of sundry citizens of North Clayton, Wis., favoring national prohibition; to the Committee on Rules.

By Mr. O'LEARY: Petition of citizens of second congressional district of New York, favoring national prohibition; to the Committee on Rules.

Also, petition of Claflin, Thayer & Co., of New York City, protesting against the Clayton antitrust bill; to the Committee on the Judiciary.

Also, memorial of General Post Office Letter Carriers' Mutual Benefit Association, of New York City, protesting against section 6 of House bill 12928; to the Committee on the Post Office and Post Roads.

By Mr. PAIGE of Massachusetts: Papers to accompany H. R. 17755, granting a pension to William P. La Croix; to the Committee on Pensions.

Also, papers to accompany H. R. 17756, granting a pension to George P. Clark; to the Committee on Invalid Pensions.

By Mr. PATTEN of New York: Petition of citizens of New York City, favoring national prohibition; to the Committee on Rules.

By Mr. PAYNE: Petitions of sundry citizens of the thirty-sixth congressional district of New York, favoring national prohibition; to the Committee on Rules.

By Mr. RAKER: Petition of Thomas Halls, of California, protesting against national prohibition; to the Committee on Rules.

By Mr. REILLY of Connecticut: Petition of the Brandford (Conn.) Baptist Church, favoring national prohibition; to the Committee on Rules.

By Mr. ROBERTS of Massachusetts: Papers to accompany H. R. 17604, granting a pension to Francis Prendergast; to the Committee on Pensions.

Also, papers to accompany H. R. 17605, granting an increase of pension to Henry D. Moulton; to the Committee on Invalid Pensions.

Also, petition of 55 citizens of Somerville, and Robinson Methodist Episcopal Church, of Malden, Mass., favoring national prohibition; to the Committee on Rules.

By Mr. SCULLY: Telegrams in favor of Hobson amendment: Manasquan Methodist Protestant Sunday School; 80 members of the Epworth League, Point Pleasant; 200 members Point Pleasant Methodist Church; the Grace Methodist Church, Red Bank; the Central Baptist Church, Atlantic Highlands; the Woman's Christian Temperance Union, Manasquan; 150 members of New Monmouth Baptist Church; the Bay Head Methodist Episcopal Church, 60 members; First Methodist Church, Red Bank; the Twilight Members, Ocean Grove Camp Meeting; 1,000 members of St. Luke's Methodist Episcopal Church, Long Branch; St. Luke's Sunday School, Mrs. M. Newman in charge, Long Branch; 195 members New Monmouth Baptist Church; 100 members First Reformed Church, Red Bank; the Christian Endeavor Society, Perth Amboy; W. G. Eisle Bible Class, Long Branch; 140 members First Presbyterian Church, Point Pleasant; 35 members Christian Endeavor Society, First Presbyterian Church of Point Pleasant; 125 members Sunday School First Presbyterian Church of Point Pleasant, 400 members First Methodist Episcopal Church, Bradley Beach; 1,100 members St. Luke's Methodist Episcopal Church, Asbury Park; the First Methodist Episcopal Church of Manasquan; First Methodist Episcopal Church, Atlantic Highlands; Grace Methodist Episcopal Church, Red Bank, all in the State of New Jersey; to the Committee on Rules.

Also, petition of United States Civil Service Retirement Association, relative to retirement of superannuated Government employees; to the Committee on Reform in the Civil Service.

Also, petition of Flax Dressers, Local No. 694, affiliated with American Federation of Labor, Paterson, N. J., relative to taking 3-cent duty off the dressed line of hackled flax; to the Committee on Ways and Means.

Also, petition of New Brunswick (N. J.) Political Study Club, favoring woman suffrage; to the Committee on the Judiciary.

By Mr. SMITH of Idaho: Petition of L. S. Golden and 5 other citizens of Caldwell, Idaho, protesting against enactment of resolution to amend the Constitution so as to prohibit the sale, manufacture, or importation of intoxicating liquors; to the Committee on Rules.

By Mr. STEDMAN: Petition of sundry citizens and congregation of the North Main Street Methodist Protestant Church, High Point, N. C., favoring national prohibition; to the Committee on Rules.

By Mr. STEVENS of Minnesota: Memorial of congregation of the Swedish Methodist Episcopal Church, Stillwater, Minn., favoring national prohibition; to the Committee on Rules.

SENATE.

WEDNESDAY, *July 8, 1914.*

The Senate met at 11 o'clock a. m.

Rev. J. L. Kibler, D. D., offered the following prayer:

O Lord, our Lord, how excellent is Thy name in all the earth. Thy glory is set above the heavens and Thy kingdom ruleth over all. We humble ourselves, therefore, unto Thy mighty hand. We bow in Thy presence and fall at Thy feet. We acknowledge our dependence upon Thee and look to Thee for Thy guiding hand. Leave us not to ourselves. Inspire us with lofty aims and worthy ambitions. Give us a clear conception of Thy will and supply us with grace for the accomplishment of Thy purposes and for meeting all demands upon us this day. We ask in Christ's name. Amen.

The Journal of yesterday's proceedings was read and approved.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by J. C. South, its Chief Clerk, announced that the House had passed the following bills and joint resolution:

S. 388. An act for the relief of Ella O. Richardson;

S. 2903. An act for the relief of Judd McKelvey;

S. 3488. An act for the relief of Ernest C. Stahl;

S. 3817. An act authorizing the issuance of a patent to James Gunning for lot 2, section 32, township 29 north, range 39 east, Montana; and

S. J. Res. 105. Joint resolution authorizing the President to accept an invitation to participate in the Sixth International Dental Congress.

The message also announced that the House had passed the bill (S. 1644) for the relief of May Stanley, and for other purposes, with amendments, in which it requested the concurrence of the Senate.

The message further announced that the House had passed the bill (S. 4714) to authorize Louis Eder to enter lands under the homestead laws, with an amendment, in which it requested the concurrence of the Senate.

The message also announced that the House had passed the following bills, in which it requested the concurrence of the Senate:

H. R. 1062. An act granting a patent to Joseph Robicheau;

H. R. 1516. An act for the relief of Thomas F. Howell;

H. R. 1528. An act for the relief of T. A. Roseberry;

H. R. 1698. An act to amend an act entitled "An act to provide for an enlarged homestead," and acts amendatory thereof and supplemental thereto;

H. R. 2703. An act for the relief of Drenzy A. Jones and John G. Hopper, joint contractors, for surveying Yosemite Park boundary;

H. R. 2978. An act for the relief of the estate of Thomas F. Swafford, deceased, late of the State of Louisiana, for carrying United States mail on Route No. 8263, in the State of Louisiana, during the period from January 1, 1861, to May 31, 1861;

H. R. 3430. An act for the relief of Lottie Rapp;

H. R. 3586. An act for the relief of Francis Tomlinson;

H. R. 4001. An act for the relief of Daniel J. Ryan;

H. R. 4266. An act granting patent to certain lands to the legal heirs of W. F. Nichols;

H. R. 4628. An act for the relief of N. Ferro;

H. R. 4952. An act to refund to John B. Keating customs tax erroneously and illegally collected at Portland, Me., on cargo of coal March 11, 1903;

H. R. 7078. An act for the relief of Mary Macon Howard;

H. R. 9701. An act for the relief of F. W. Theodore Schroeter;

H. R. 10460. An act for the relief of Mary Cornick;

H. R. 10765. An act granting a patent to George M. Van Leuven for the northeast quarter of section 18, township 17 north, range 19 east, Black Hills meridian, South Dakota;

H. R. 12229. An act for the relief of William A. Wallace;

H. R. 12484. An act to pay the Cleveland Press, of Cleveland, Ohio, $200 for a horse shot because of injuries sustained on a defective platform scale in the post office at Cleveland, Ohio;

H. R. 13108. An act for the relief of George H. Hammond;

H. R. 13123. An act for the relief of Charles H. Rayfield, alias Charles H. Czarnowsky;

H. R. 13167. An act for the relief of the legal representatives of the estate of Robert B. Pearce;

H. R. 13470. An act for the relief of James Grady;

H. R. 13965. An act to refund to the Sparrow Gravely Tobacco Co. the sum of $176.99, the same having been erroneously paid by them to the Government of the United States;

H. R. 14679. An act for the relief of Clarence L. George;

H. R. 14931. An act for the relief of Arthur Brose;

H. R. 15414. An act for the relief of David Mowen;

H. R. 15557. An act for the relief of Anna Miller;

H. R. 16163. An act for the relief of Theodore Bagge;

H. R. 16205. An act for the relief of Davis Smith;

H. R. 16431. An act to validate the homestead entry of William H. Miller;

H. R. 16713. An act for the relief of Samson Davis;

H. R. 16795. An act to reimburse the owners of the schooner *Thomas W. H. White;* and

H. R. 17045. An act for the relief of William L. Wallis.

ENROLLED BILL AND JOINT RESOLUTION SIGNED.

The message also announced that the Speaker of the House had signed the following enrolled bill and joint resolution, and they were thereupon signed by the Vice President:

S. 4441. An act to extend the provisions of the act of June 23, 1910 (36 Stat. L., 592), authorizing assignment of reclamation homestead entries, and of the act of August 9, 1912 (37 Stat. L., 265), authorizing the issuance of patents on reclamation homestead entries, to lands in the Flathead irrigation project, Montana; and

H. J. Res. 279. Joint resolution to amend an act entitled "An act granting pensions and increase in pensions to certain soldiers and sailors of the Civil War and certain widows and dependent children of soldiers and sailors of said war," approved May 2, 1914.

PETITIONS AND MEMORIALS.

The VICE PRESIDENT presented a petition of Daniel Webster Grange, Patrons of Husbandry, of Webster, N. H., praying for Government ownership and operation of telegraph and telephone lines in connection with the Postal Service, which was referred to the Committee on Post Offices and Post Roads.

He also presented petitions of sundry citizens of Washington, D. C.; of Creston, Nebr., and of Los Angeles, Cal., praying for national prohibition, which were referred to the Committee on the Judiciary.

He also presented a memorial of Germania Lodge, No. 507, of Chattanooga, Tenn., remonstrating against national prohibition, which was referred to the Committee on the Judiciary.

He also presented petitions of sundry citizens of Rothville, Mo.; Oklahoma City, Okla.; White, S. Dak.; Winfield, Iowa; and Birmingham, Ala., praying for the adoption of an amendment to the Constitution to prohibit polygamy, which were referred to the Committee on the Judiciary.

He also presented a memorial of the congregation of First Seventh-day Adventist Church of Coudersport, Pa., remonstrating against the enactment of legislation compelling the observance of Sunday as a day of rest in the District of Columbia, which was referred to the Committee on the District of Columbia.

Mr. SHEPPARD presented a petition of the congregation of the Presbyterian Church of Palacios, Tex., praying for the adoption of an amendment to the Constitution to prohibit the manufacture, sale, and importation of intoxicating beverages, which was referred to the Committee on the Judiciary.

He also presented memorials of sundry citizens of Texas, remonstrating against the adoption of an amendment to the Constitution to prohibit the manufacture, sale, and importation of intoxicating beverages, which were referred to the Committee on the Judiciary.

He also presented a resolution adopted by the Woman's Missionary Society of the North Alabama Conference of the Methodist Episcopal Church South, in conference at Talladega, Ala., favoring the enactment of legislation to regulate interstate commerce in the products of child labor, which was referred to the Committee on Education and Labor.

Mr. THORNTON. I present a telegram from L. D. Posey, chairman of the Vivian Citizens' Civic League, and James Galloway, mayor of the city of Vivian; a telegram from sundry citizens of Slidell; a petition of sundry citizens of Crowley; and a petition of the congregation of the Methodist Episcopal Church of Bell City in the parish of St. Landry, all in the State of Louisiana, praying for the adoption of an amendment to the Constitution to prohibit the manufacture, sale, and importation of intoxicating liquors. I ask that the telegrams and petitions be referred to the Committee on the Judiciary.

The VICE PRESIDENT. The telegrams and petitions will be received and referred to the Committee on the Judiciary.

Mr. MYERS presented resolutions adopted by the Democratic Club of Ronan, Mont., favoring the enactment of legislation providing for the opening of the unappraised, unallotted Indian lieu and power reserve lands, which were referred to the Committee on Public Lands.

He also presented petitions of sundry churches and citizens in the State of Montana, praying for the adoption of an amendment to the Constitution to prohibit the manufacture, sale, and importation of intoxicating beverages, which were referred to the Committee on the Judiciary.

Mr. HUGHES presented petitions of sundry citizens of Paterson, Ridgefield Park, Woodstown, New Brunswick, Camden, Guttenberg, Union, Jersey City, Crawford, Montclair, and Riverton, all in the State of New Jersey, praying for the adoption of an amendment to the Constitution granting the right of suffrage to women, which were ordered to lie on the table.

Mr. BRANDEGEE presented petitions of the congregations of the Methodist Episcopal Church of Milford; the Methodist Episcopal Church of Easton; the Methodist Episcopal Church of Higganum; the Methodist Episcopal Church, the Second Congregational Church, the First Baptist Church, the Second Advent Church, and the Woman's Christian Temperance Union of Waterbury; and of sundry citizens of Long Hill, all in the State of Connecticut, praying for the adoption of an amendment to the Constitution to prohibit the manufacture, sale, and importation of intoxicating beverages, which were referred to the Committee on the Judiciary.

Mr. PAGE presented a petition of sundry citizens of Westfield, Vt., praying for the adoption of an amendment to the Constitution to prohibit the manufacture, sale, and importation of intoxicating beverages, which was referred to the Committee on the Judiciary.

Mr. NORRIS presented a petition of sundry citizens of South Omaha, Nebr., praying for national recognition of the services of Dr. Frederick Cook in his polar explorations, which was referred to the Committee on the Library.

Mr. POINDEXTER presented a petition of sundry citizens of New York City, N. Y., praying for the enactment of legislation looking to the recognition of Dr. Frederick A. Cook as the discoverer of the North Pole, which was referred to the Committee on the Library.

Mr. SMITH of Arizona presented petitions of San Xavier Division, No. 313, Order of Railway Conductors of America, of Tucson; of the Brotherhood of Locomotive Engineers, of Prescott; and of the Gila Valley Lodge, Brotherhood of Locomotive Firemen and Enginemen, of Globe, all in the State of Arizona, praying for the enactment of the so-called Clayton antitrust bill, which were referred to the Committee on the Judiciary.

He also presented a telegram in the nature of a petition from sundry citizens of Tucson, Ariz., praying for national prohibition, which was referred to the Committee on the Judiciary.

He also presented a telegram in the nature of a memorial from the mayor and members of the common council, the chief of police, and the chief of the fire department, of Bisbee, Ariz., remonstrating against national prohibition, which was referred to the Committee on the Judiciary.

He also presented a petition of the Chamber of Commerce of Los Angeles, Cal., praying for an appropriation for the construction of the San Carlos Dam, in Arizona, which was referred to the Committee on Commerce.

He also presented a petition of the Warren District Trades Assembly, of Bisbee, Ariz., praying for the enactment of legislation to further restrict immigration, which was ordered to lie on the table.

He also presented a petition of the Warren District Trades Assembly, of Bisbee, Ariz., praying for the enactment of legislation to prohibit the use of armed force in the settlement of labor disputes, which was referred to the Committee on Education and Labor.

Mr. BURLEIGH presented a petition of Mount Katahdin Lodge, No. 489, Brotherhood of Locomotive Firemen and Engine-

men, of Brownville Junction, Me., praying for the enactment of legislation to further restrict immigration, which was ordered to lie on the table.

He also presented a petition of the Mount Katahdin Lodge, No. 489, Brotherhood of Locomotive Firemen and Enginemen, of Brownville Junction, Me., praying for the enactment of the so-called Clayton antitrust bill, which was referred to the Committee on the Judiciary.

He also presented a petition of the Chamber of Commerce of Bangor, Me., praying for the enactment of legislation to provide for publicity of prices to dealers and to the public, which was referred to the Committee on Interstate Commerce.

He also presented a petition of the Franklin County Board of Fire Underwriters, of Farmington, Me., praying for the enactment of legislation to prevent insurance companies from transacting business in districts in which they are not licensed, which was referred to the Committee on Post Offices and Post Roads.

He also presented petitions of sundry citizens of Livermore, Winthrop, East Readfield, Ripley, Lewiston, Rumford Center, and New Harbor, all in the State of Maine, praying for national prohibition, which were referred to the Committee on the Judiciary.

Mr. COLT presented petitions of the National American Woman Suffrage Associations of Woonsocket, Warren, and Providence, all in the State of Rhode Island, praying for the adoption of an amendment to the Constitution granting the right of suffrage to women, which were ordered to lie on the table.

He also presented petitions of 40 voters of Providence, 29 voters of Rockville, and of 9 voters of Cranston; of the Roger Williams Association of the Baptist Churches of the State of Rhode Island; of the Woman's Christian Temperance Union of Apponaug; of the Quarterly Conference of the Thames Methodist Episcopal Church, of Newport; of the congregations of the State Street Methodist Episcopal Church of Bristol; of the Trinity Union Methodist Episcopal Church of Providence; and of the Middletown Methodist Episcopal Church, of Newport, all in the State of Rhode Island, praying for the adoption of an amendment to the Constitution to prohibit the manufacture, sale, and importation of intoxicating beverages, which were referred to the Committee on the Judiciary.

Mr. JOHNSON presented a petition of sundry citizens of Portland, Me., praying for the adoption of an amendment to the Constitution granting the right of suffrage to women, which was ordered to lie on the table.

He also presented petitions of sundry citizens of Aroostook County, Penobscot County, Knox County, and Kennebec County; of the congregations of the Methodist Church of Norman; of the Methodist Episcopal Church of Eddington; of the Congregational Church of Brownfield; and of the Methodist Church of Livermore Falls; of the Young People's Society of the First Baptist Church of Rockland; of the Circuit Epworth League of Bangor; and of the Friends Society of Vassalboro, all in the State of Maine, praying for national prohibition, which were referred to the Committee on the Judiciary.

He also presented a memorial of the Central Labor Union of Millinocket, Me., remonstrating against national prohibition, which was referred to the Committee on the Judiciary.

He also presented a petition of the Joint Legislative Bureau of Information, of Washington, D. C., representing 350,000 members of the train-service organizations of the country, praying for the enactment of the so-called Clayton antitrust bill, which was referred to the Committee on the Judiciary.

REPORTS OF COMMITTEES.

Mr. SHEPPARD, from the Committee on Commerce, to which were referred the following bills, reported them each without amendment and submitted reports thereon:

A bill (S. 5555) to amend an act entitled "An act to authorize the construction and maintenance of a dike on Olalla Slough, Lincoln County, Oreg.," approved June 25, 1910 (Rept. No. 649); and

A bill (S. 5977) to authorize Bryan and Albert Henry to construct a bridge across a slough which is a part of the Tennessee River, near Guntersville, Ala. (Rept. No. 650).

Mr. SHIVELY, from the Committee on Pensions, to which was referred the bill (H. R. 17482) granting pensions and increase of pensions to certain soldiers and sailors of the Regular Army and Navy, and certain soldiers and sailors of wars other than the Civil War, and to widows of such soldiers and sailors, reported it with amendments and submitted a report (No. 651) thereon.

Mr. STONE, from the Committee on Foreign Relations, to which was referred the joint resolution (H. J. Res. 255) authorizing the President to extend invitations to other nations to send representatives to the International Dry-Farming Congress, to be held at Wichita, Kans., October 7 to 17, inclusive, 1914, reported it without amendment.

SABINE RIVER BRIDGE, LOUISIANA.

Mr. SHEPPARD. From the Committee on Commerce, I report back favorably without amendment the bill (S. 5957) to authorize the construction of a bridge across the Sabine River in the States of Louisiana and Texas, about 2 miles west of Hunter, La., and I submit a report (No. 647) thereon. I direct the attention of the Senator from Louisiana [Mr. RANSDELL] to the report.

Mr. RANSDELL. I ask unanimous consent for the immediate consideration of the bill.

Mr. SMOOT. What bill is it?

Mr. RANSDELL. It is a bill to authorize the construction of a bridge across the Sabine River, the bill about which I spoke to the Senator from Utah.

The VICE PRESIDENT. The Secretary will read the bill.

The Secretary read the bill; and there being no objection, the Senate, as in Committee of the Whole, proceeded to its consideration.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

INCOME TAX ON RAILROADS IN ALASKA.

Mr. SIMMONS. From the Committee on Finance I report back favorably without amendment the bill (H. R. 9770) to levy and collect an income tax on railroads in Alaska, and for other purposes, and I submit a report (No. 648) thereon.

Mr. JONES. Mr. President, this bill is one of very great importance to the people of Alaska. It embodies practically provisions that were put in the tariff bill and that went out in conference, except that a tax of 1 per cent is placed upon the gross earnings instead of on the net earnings as was provided in the provision referred to. All the railroads there are absolutely idle and can not run, largely because of the $100 a mile tax and the penalties imposed for failure to pay. If this bill should pass, some 200 miles will, without a doubt, start running. The passage of this bill means much for the development and progress of Alaska, and I ask unanimous consent on behalf of Alaska and its people for the present consideration of the bill. It is a short bill—not a long one.

Mr. MARTIN of Virginia. Is it likely to provoke a debate?

Mr. JONES. If it does, I will withdraw it.

Mr. MARTIN of Virginia. If it provokes no debate, I will not object.

Mr. JONES. It has passed the House.

The VICE PRESIDENT. Is there objection? The Chair hears none, and the Secretary will read the bill.

The Secretary read the bill; and there being no objection, the Senate, as in Committee of the Whole, proceeded to its consideration. It proposes that in addition to the normal income tax of 1 per cent on net income there shall be levied and collected 1 per cent on the gross annual income of all railroad corporations doing business in Alaska, on business done in Alaska, which shall be computed and collected in the manner provided in the act of Congress, approved October 3, 1913, entitled "An act to reduce tariff duties and to provide revenue for the Government, and for other purposes," the proceeds of which tax when collected shall be paid to the treasurer of Alaska and be applicable to general Territorial purposes. So much of the provisions of the act of Congress approved March 3, 1899, entitled "An act to define and punish crimes in the District of Alaska and to provide a code of criminal procedure for said District," or acts amendatory thereof as impose a license tax of $100 per mile per annum on railroads operated in Alaska is hereby repealed, and all penalties for nonpayment thereof are hereby remitted.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

BILLS INTRODUCED.

Bills were introduced, read the first time, and, by unanimous consent, the second time, and referred as follows:

By Mr. HUGHES:

A bill (S. 6048) for the relief of the Stevens Institute of Technology, of Hoboken, N. J.; to the Committee on Claims.

By Mr. KENYON:

A bill (S. 6049) granting an increase of pension to Calvin Barker; and

A bill (S. 6050) granting an increase of pension to Daniel A. Day; to the Committee on Pensions.

By Mr. KENYON (for Mr. LA FOLLETTE):

A bill (S. 6051) to establish ports of entry at Superior, Wis., and Duluth, Minn., in the customs-collection district of Duluth and Superior; to the Committee on Commerce.

A bill (S. 6052) for the relief of Antoinette Du Devoire; to the Committee on Claims.

A bill (S. 6053) granting an increase of pension to John C. McNaight;

A bill (S. 6054) granting an increase of pension to Henry F. Clement;

A bill (S. 6055) granting an increase of pension to Gustav Schoneck; and

A bill (S. 6056) granting an increase of pension to James L. Ackley; to the Committee on Pensions.

By Mr. JONES:

A bill (S. 6057) granting an increase of pension to Edwin Bates; and

A bill (S. 6058) granting a pension to J. H. Short (with accompanying papers); to the Committee on Pensions.

By Mr. SWANSON:

A bill (S. 6059) to provide for the erection, furnishing, and equipping of a building in the city of Washington, D. C., for the Department of Justice; to the Committee on Public Buildings and Grounds.

By Mr. SHIVELY:

A bill (S. 6060) granting a pension to David B. Spence; to the Committee on Pensions.

By Mr. POINDEXTER:

A bill (S. 6061) for the relief of Robert W. Thompson; to the Committee on Military Affairs.

By Mr. JOHNSON:

A bill (S. 6062) granting an increase of pension to Johnson G. Trask (with accompanying papers);

A bill (S. 6063) granting an increase of pension to David L. Cross (with accompanying papers); and

A bill (S. 6064) granting a pension to Elander R. Grant; to the Committee on Pensions.

By Mr. BURLEIGH:

A bill (S. 6065) granting a pension to John G. Berry; to the Committee on Pensions.

AMENDMENTS TO ANTITRUST LAW.

Mr. NEWLANDS submitted two amendments intended to be proposed by him to the bill (H. R. 15657) to supplement existing laws against unlawful restraints and monopolies, and for other purposes, which were referred to the Committee on the Judiciary and ordered to be printed.

SOILS OF THE UNITED STATES.

Mr. POINDEXTER submitted the following concurrent resolution (S. Con. Res. 26), which was referred to the Committee on Printing:

Resolved by the Senate (the House of Representatives concurring), That there be printed 5,000 additional copies of Bulletin No. 96, Bureau of Soils, on the "Soils of the United States," of which 2,000 copies shall be for the use of the Senate document room and 3,000 copies for the use of the House document room.

WITHDRAWAL OF PAPERS—ABBIE AVERY.

On motion of Mr. HOLLIS, it was

Ordered, That the papers accompanying the bill S. 5691, Sixty-third Congress, granting a pension to Abbie Avery, be withdrawn from the files of the Senate, no adverse report having been made thereon.

HOUSE BILLS REFERRED.

The following bills were severally read twice by their titles and referred to the Committee on Military Affairs:

H. R. 3586. An act for the relief of Francis Tomlinson;

H. R. 13470. An act for the relief of James Grady;

H. R. 12229. An act for the relief of William A. Wallace;

H. R. 13123. An act for the relief of Charles H. Rayfield, alias Charles H. Czarnowsky;

H. R. 15414. An act for the relief of David Mowen; and

H. R. 16713. An act for the relief of Samson Davis.

The following bills were severally read twice by their titles and referred to the Committee on Public Lands:

H. R. 1062. An act granting a patent to Joseph Robicheau;

H. R. 1516. An act for the relief of Thomas F. Howell;

H. R. 1528. An act for the relief of T. A. Roseberry;

H. R. 1698. An act to amend an act entitled "An act to provide for an enlarged homestead" and acts amendatory thereof and supplemental thereto;

H. R. 2703. An act for the relief of Drenzy A. Jones and John G. Hopper, joint contractors, for surveying Yosemite Park boundary;

H. R. 4266. An act granting patent to certain lands to the legal heirs of W. F. Nichols;

H. R. 10765. An act granting a patent to George M. Van Leuven for the northeast quarter of section 18, township 17 north, range 19 east, Black Hills meridian, South Dakota;

H. R. 16205. An act for the relief of Davis Smith;

H. R. 16431. An act to validate the homestead entry of William H. Miller; and

H. R. 17045. An act for the relief of William L. Wallis.

The following bills were severally read twice by their titles and referred to the Committee on Claims:

H. R. 2978. An act for the relief of the estate of Thomas F. Swafford, deceased, late of the State of Louisiana, for carrying United States mail on route No. 8263, in the State of Louisiana, during the period from January 1, 1861, to May 31, 1861;

H. R. 3430. An act for the relief of Lottie Rapp;

H. R. 4001. An act for the relief of Daniel J. Ryan;

H. R. 4628. An act for the relief of N. Ferro;

H. R. 7078. An act for the relief of Mary Macon Howard;

H. R. 9701. An act for the relief of F. W. Theodore Schroeter;

H. R. 10460. An act for the relief of Mary Cornick;

H. R. 12484. An act to pay the Cleveland Press, of Cleveland, Ohio, $200 for a horse shot because of injuries sustained on a defective platform scale in the post office at Cleveland, Ohio;

H. R. 13108. An act for the relief of George H. Hammond;

H. R. 13167. An act for the relief of the legal representatives of the estate of Robert R. Pearce;

H. R. 13965. An act to refund to the Sparrow Gravely Tobacco Co. the sum of $176.99, the same having been erroneously paid by them to the Government of the United States;

H. R. 14679. An act for the relief of Clarence L. George;

H. R. 14931. An act for the relief of Arthur Brose;

H. R. 15557. An act for the relief of Anna Miller;

H. R. 16163. An act for the relief of Theodore Bagge; and

H. R. 16795. An act to reimburse the owners of the schooner *Thomas W. H. White*.

H. R. 4952. An act to refund to John B. Keating customs tax erroneously and illegally collected at Portland, Me., on cargo of coal March 11, 1903, was read twice by its title and referred to the Committee on Finance.

TREATIES WITH NICARAGUA AND COLOMBIA.

The VICE PRESIDENT. The Chair lays before the Senate a resolution coming over from a preceding day, which will be read.

The Secretary read Senate resolution 411, submitted on the 6th instant by Mr. BORAH, as follows:

Resolved, That the seal of secrecy is hereby removed from all of the hearings heretofore had which have been printed, except such testimony as may have been received under a pledge of confidence, and that hereafter all hearings be given to the public as soon as the same are corrected by the parties and printed, touching the proposed treaties with Nicaragua and Colombia, and that the consideration of both the treaties with Nicaragua and Colombia be in the open session of the Senate.

Mr. BORAH. Mr. President, it is the desire of the chairman of the Committee on Foreign Relations that the resolution shall go over for a day without prejudice, and I therefore make that request.

The VICE PRESIDENT. Is there objection? The Chair hears none, and the resolution will go over without prejudice.

Mr. WILLIAMS. The request is simply that the resolution shall go over without prejudice.

The VICE PRESIDENT. It is.

SUNDRY CIVIL APPROPRIATIONS.

The VICE PRESIDENT. The morning business is closed.

Mr. MARTIN of Virginia. I ask that the Senate proceed to the consideration of House bill 17041, the sundry civil appropriation bill.

There being no objection, the Senate, as in Committee of the Whole, resumed the consideration of the bill (H. R. 17041) making appropriations for sundry civil expenses of the Government for the fiscal year ending June 30, 1915, and for other purposes.

Mr. VARDAMAN. Mr. President, I wish to call up the motion made by me last evening to reconsider the vote by which the appropriation was made for the Panama-Pacific International Exposition.

It seems to me that the Senate of the United States has well nigh lost its head on the question of appropriations. Every idea of economy has been thrown to the winds and the source of the Government's revenue has been forgotten. The Democratic Party came into power pledged to economy and retrenchment in public expenditures. Notwithstanding that pledge to the people I am advised that the prospects are that this is going to be the most expensive Congress in the history of the Nation. The American people are long-suffering and patient, slow to anger, and full of love and the spirit of forgiveness, but forbearance ceases to be a virtue after a while and they will not always tolerate such perfidious betrayal of promises.

When the exposition was carried to San Francisco it was distinctly understood that the Government of the United States would not be called upon to make any contribution to it. The

advocates of this measure, however, maintain that this is not an appropriation to the Panama Exposition at San Francisco, but simply an appropriation to construct a building to house the exhibits of the National Government, and the house is to be used after the exposition for military purposes. We all know that that is a mere subterfuge. A building suited to the purposes to which it will be devoted during the exposition will not be useful as barracks or as an arsenal. If the United States Government is to have an exhibit there, under the original agreement by which the exposition was carried to San Francisco it becomes the duty of the city of San Francisco to provide that building.

Mr. President, I wish it distinctly understood that I have no sort of feeling in this matter because the exposition did not go to New Orleans. That was a matter in which I had very little interest then or have now.

Not only do I object to appropriating $500,000 to build a house, but I object more strenuously to the $50,000 of the $500,000 which is to be used for entertaining purposes. Commissioners are to be appointed, clerks hired, and this vast sum of money is to be expended to entertain the representatives of other Governments who may come there by the invitation of the President of the United States. A fat job without work; a good time and plenty of fun while the dollars coined of the sweat and blood of the long-suffering, silent, toiling masses go to pay the bills.

Some people may think that necessary, and, it may be, to make the exposition a success in the sense that some people think it is necessary to make it a success, but there are more material things, there are things of more moment, of more importance, which are needed in this country. Here, on yesterday, the question was raised and opposition was made to a meritorious measure designed to ameliorate the condition and relieve the sufferings of the toiling millions of this country; to bring about a better understanding between capital and labor; to save the children of the poor from the crushing, cruel consequences of indigence and want. The Government was too poor to spend the $200,000 for that purpose. The Government was too poor to spend $500,000 or $1,000,000 in order to exterminate diseases among live stock, as cholera among the hogs of Iowa, which take heavily from the product of those upon whose tired backs the whole burden of commerce and Government rests. The Government was too poor to spend money to eradicate the boll weevil and other pests that destroy the farmers' crops, and yet it is amply able to spend $50,000 for entertaining and $450,000 for a house at the San Francisco Exposition.

Mr. President, I think the world has gone mad on this question of society. The social moth burns its gilded wings in the flame which is fed by the substance of the poor man's toil, while the children of the wealth producer are denied the necessaries of life. I wish we could go back to that dignified, glorious simplicity which characterized the official life of Thomas Jefferson. I wish we could get away "from the degrading social wants that sin against the strength of youth and the social lies that warp us from the living truth" and come back to the old democratic way of doing things.

I regret to oppose this appropriation because of the interest which my good friend the distinguished and amiable Senator from California [Mr. PERKINS] has in it, but, Mr. President, I can not be true to the people whom I represent here and permit this needless expenditure, this prodigality of public funds, to be made without making an earnest protest against it.

The Chair on yesterday ruled against my point of order. I am going to ask the Chair to review its ruling. I am going to ask the Chair to consider what this amendment is. The rules of the Senate provide that—

> No amendments shall be received to any general appropriation bill the effect of which will be to increase an appropriation already contained in the bill or to add a new item of appropriation—

That is what this is. It is a senatorial item—

> unless it be made to carry out the provisions of some existing law—

There is no provision of law authorizing the formation of this social court which is to be maintained at San Francisco during the exposition at public expense—

> or treaty stipulation, or act, or resolution previously passed by the Senate during that session; or unless the same be moved by direction of a standing or select committee of the Senate, or proposed in pursuance of an estimate of the head of some one of the departments.
>
> 2. All amendments to general appropriation bills moved by direction of a standing or select committee of the Senate, proposing to increase an appropriation already contained in the bill, or to add new items of appropriation, shall, at least one day before they are considered, be referred to the Committee on Appropriations.

This has not been done.

The VICE PRESIDENT. Does the Senator from Mississippi dispute the fact that this amendment comes from the Appropriations Committee itself?

Mr. VARDAMAN. That is true, Mr. President, but it had not been introduced and referred to that committee, as the rules prescribe, at least one day in advance; but if the Chair should differ from me as to that, I will suggest that this is an appropriation made for the maintenance of an office which this bill creates, and not an office that has been created by law heretofore.

The VICE PRESIDENT. What office is that?

Mr. VARDAMAN. I will read the provision to the Chair. It is as follows:

> *Provided further*, That the said building shall be erected under the authority of the Secretary of War, by contract or otherwise, as he may direct: *Provided further*, That not exceeding $50,000, or so much thereof as may be necessary, may be expended from the appropriation made herein, on the approval and authority of the Secretary of War, for entertaining the officers and representatives of foreign Governments who may attend and participate in the Panama-Pacific International Exposition in consequence of the invitation of the President of the United States, extended in pursuance of the authority of Congress.

Is not that creating an office?

The VICE PRESIDENT. What office does it create?

Mr. VARDAMAN. The office of general entertainer. [Laughter.]

The VICE PRESIDENT. It is not "so nominated in the bond."

Mr. VARDAMAN. That is the meaning of it; that is the language of the law; that is the wording of the bond, Mr. President.

The VICE PRESIDENT. The Chair looks upon it as a limitation upon the expenditure of the appropriation——

Mr. VARDAMAN. It is not a limitation; it is a direction. It is also the creation of a new office or function.

The VICE PRESIDENT. And the authority has already been granted by Congress to the President of the United States to extend invitations. The Chair expresses no view upon the advisability or propriety of making the appropriation, but the plain reading of the paragraph is that at some time in the past the President was authorized to invite as the guests of the Goverment of the United States certain representatives of foreign powers; and the Chair believes that this is only a limitation on the expenditure of the money, and that it is not creating an office.

Mr. VARDAMAN. Well, Mr. President, I shall submit to the ruling of the Chair, but I sincerely hope that the Senate may refuse to adopt this amendment. At the proper time I shall call for the yeas and nays on it.

Mr. WARREN. Mr. President, just a word regarding the matter. Of course there is no doubt of the accuracy of the decision of the Chair. The amendment can not be attacked on a point of order.

This expenditure, fortunately, is one that can be made without loss or any appreciable loss to the Government, because the brigade post at the Presidio in San Francisco, Cal., only has suitable buildings for little more than one regiment of men where there are over three regiments to be quartered. We are also greatly in need of room for Army officers and Army headquarters, for which we are now paying large rentals. Plans for building proper quarters for troops, similar, perhaps, to plans that are being executed in Honolulu, are of such a nature that the building will require but little alteration—simply the construction of some partitions, and so forth, to adapt it entirely to convenient and economical military use after it has served its purpose to house the Government exhibits during the exposition.

I take no stock in the averment that the agreement was that the Government should not expend any money or take any part in the Panama exhibition. The Government is not contributing money to the exhibition, as it has done to many a fair or exhibition heretofore. It does not intend to do so. It has already provided by suitable appropriations to exhibit its own property and its products from different territories and sections of the country. They must be housed. The United States is doing as the States are doing and as other countries are doing—it is providing for the housing of its own exhibits.

As to the matter of entertainment, I hardly think the Senator from Mississippi [Mr. VARDAMAN] seriously objects to that. I did not hear him objecting when in the naval appropriation bill there was over $104,000 appropriated directly for the use of the Secretary of the Navy to entertain visitors. The Secretary of War has a great deal wider scope, in my opinion, for expending money for entertainment, because he has the Panama Canal, the Philippines, and all of our other foreign possessions to look after. We have provided only $50,000, or so much thereof as may be necessary, and have restricted the appropriation so that it can only be expended for the entertainment of those who are invited by the President or in pursuance of his invitation.

The President of the United States has seen the necessity of this appropriation. He certainly is the great and leading spirit of the Democratic Party; he has been one of the leaders in this acclaim for economy and of accusation of extravagance which perhaps was properly made against the Republicans. He has asked for this appropriation, and the Secretary of War, who will have charge of its expenditure, has asked for it; and so has the honorable Secretary of State earnestly requested it. The proposition came in here in the natural way; it came to the committee in the proper way; and the committee brought it in here and submitted the amendment. It was laid over a day for everyone to study and for everyone to criticize.

I trust that the amendment will not be reconsidered and that it may be adopted as a part of this bill.

Mr. LANE. Mr. President, I wish to say for the information of the Senator from Mississippi [Mr. VARDAMAN] that the Government really needs this building, and if it will construct a building capable of housing the troops it will be no loss. It is supposed to be erected at a point that is of importance; it is an important fort, where the Government will have to keep troops as long as the Government exists. The troops there are not now properly housed. I have been through the Presidio, and if the money is expended economically and a suitable building is erected for the housing of the troops it will be in no way a loss.

Mr. VARDAMAN. Will the Senator from Oregon yield to me?

The VICE PRESIDENT. Does the Senator from Oregon yield to the Senator from Mississippi?

Mr. LANE. I yield.

Mr. VARDAMAN. Does the Senator from Oregon have the idea that the construction of this building is going to be with a view of making it a home for the troops?

Mr. LANE. I do.

Mr. VARDAMAN. Does not the Senator know that the building is going to be constructed in a very different form and after a very different architectural design from that in which it would be if originally constructed for the home of troops?

Mr. LANE. Mr. President, I will answer that question by saying that I think the Government will thereby improve on the present type of building in which we house our troops, and I hope that we shall have sense enough to do so. This building is needed. It can be made artistic and at the same time useful without any extravagant expenditure of money. I trust in its construction the Government will make a change from the old type of building, which is an eyesore. Such buildings can be improved, made to blend into the surroundings, and add beauty to that beautiful spot in San Francisco Bay near the Golden Gate. I hope the Government will do that, so long as the money is not wasted.

Mr. WORKS. Mr. President, I am sorry that the Senator from Mississippi is endeavoring to reopen this question. I think this appropriation is one that it is eminently proper the Government should make. The State of California and the city of San Francisco are not asking any appropriation to aid them to carry on this enterprise. They are living up strictly to the condition that is supposed to have been imposed when the act was passed which enabled San Francisco to hold this great exposition The Government of the United States has invited foreign nations to participate in the exposition. Their representatives are coming here as our guests, and it would be a singular thing if we should invite foreign nations to exhibit at the exposition and then not do so ourselves as a nation.

The State of California has contributed millions of dollars as a State organization toward the carrying on of this exposition; the different counties in the State have contributed and will make separate exhibits there; various foreign nations have signified their intention to make exhibits at the exposition. We passed an act here that came through the Committee on Industrial Expositions providing for a commission to take care of these guests of ours when they come to this country. I remember that when that bill was under consideration before the Committee on Industrial Expositions the senior Senator from New York [Mr. ROOT], who had had experience in dealing with such questions, insisted that we should have somebody on the ground representing the Government of the United States to take care of the foreign guests; and he instanced certain cases where they had not been properly taken care of—one instance in particular, where, as the Senator stated, the manner in which the exposition was carried on respecting the care that should have been taken and the attention which should have been given to foreign representatives had amounted to almost a national scandal. It was largely through his influence and representations that this commission was provided for. Certainly, if the commission is to act in that respect, the Government should provide the necessary funds to enable it to do so in a proper way. That is one of the items covered by this proposed appropriation.

With respect to the building that is to be constructed, I do not think it is very important whether the building is to be used subsequently by the Government or not. Under the circumstances the Government ought to provide the building; but, as a matter of fact, the building is to be constructed upon Government land. The Presidio at San Francisco, the Government military reservation, is practically in the city of San Francisco, and a part of the grounds owned by the Government are devoted to the exposition.

I do not know whether or not Senators are aware of the fact, but the Government is paying for rent of buildings in San Francisco something like $30,000 a year. I introduced a bill here nearly two years ago providing for the construction of a building for the use of the Army officers and providing for their offices in San Francisco. In one single building in San Francisco the Government is paying $20,000 a year for the offices of Army officers. The appropriation contemplated by the bill introduced by me, for some reason—I do not know why—was not made, although it was recommended by the War Department. There is an opportunity here to comply with what, I think, is an obligation on the part of the Government to provide this building for exposition purposes and at the same time provide the building that I had in contemplation. The building may be used not only for the Army, as has been suggested by the Senator from Wyoming [Mr. WARREN], but offices for the Army officers can be provided in that building, and should be provided, and thereby we will save an immense amount of money in the way of rent.

I think, Mr. President, there is no just ground for the objection to this appropriation made by the Senator from Mississippi, and I hope that the vote by which the amendment was agreed to will not be reconsidered.

Mr. BRANDEGEE. Mr. President, I should like to ask the Senator from California if he can state approximately how much has been raised or pledged by the different governmental subdivisions of California and the State itself and its citizens in aid of this exposition?

Mr. WORKS. Well, I think it will run somewhere near $30,000,000.

Mr. BRANDEGEE. That the people of the State, in one way or another, have raised?

Mr. WORKS. That the people of the State of California have contributed.

Mr. BRANDEGEE. Have they had any help from outside the State?

Mr. WORKS. None, except in the simple way of making exhibits, but nothing to the exposition itself.

Mr. BRANDEGEE. And nothing whatever from the United States Government?

Mr. WORKS. Nothing whatever.

Mr. BURTON. Mr. President, there is one further question which I should like to ask the Senator from California. Is this proposed building so located that it can be utilized by the United States Government for the headquarters of the Army in that section, and for the other purposes for which the United States desires a building?

Mr. WORKS. Certainly it is, Mr. President; it is on the Government military reservation, and just where the headquarters and offices of Army officers ought to be.

Mr. TOWNSEND. Mr. President, I sincerely hope that this provision as it has been adopted will not be changed. I am in hearty accord with many things which the Senator from Mississippi [Mr. VARDAMAN] has said, and with many things which he believes; but I have seen the situation in California, and I think I can say very truthfully that the Panama-Pacific Exposition is to be the most wonderful undertaking of its kind ever known in this country. I have never seen such enterprise as is being manifested in this project at San Francisco.

The Government has entered upon this business. At the beginning was the time to discuss the question as to whether or not we should make an exhibit there; but having authorized the exposition, having invited foreign nations there, and having invited each of the States to take part, it seems to me that it would be far beneath the dignity of our country if it failed to provide for an exhibit, and if it failed to furnish such entertainment as becomes the United States. I am positive that if Senators had investigated the whole situation, if they knew the magnitude and importance of this exposition, they would not hesitate now in making a success of what has been undertaken. Our national dignity and honor are involved, and the Senate should not hesitate to maintain them. So I sincerely trust that this amendment will not be reconsidered.

Mr. MARTINE of New Jersey. Mr. President, I shall have to differ from my friend from Mississippi on his question, though I am in accord with him generally. Heaven knows, his promptings of the desire of economy can not surpass my desire for economy. I have been brought up in a most frugal way all my life and believe in the wisdom of reasonable frugality.

The Senator says that we refused to appropriate sufficient money for the hog cholera and sundry other objects. Well, that is no reason why we should not appropriate money for other good things that may come along. Two wrongs do not make a right. I think we should have appropriated probably more money to exterminate hog cholera, the cotton-boll weevil, and to straighten the Mississippi, and a lot of other things; but I do not believe the people of the United States, these hundred millions of enterprising freemen, will hold us up to ridicule and jest or will censure us for making a reasonable and proper appropriation to entertain those who may come to see the wonders of this glorious land of ours.

We have taken steps recognizing this exposition, and, as has been stated by the Senator from Michigan [Mr. TOWNSEND], it bids fair to rival anything of the kind the world has ever seen. We have invited foreign people here. Now, I say, do not let us be shabby about it; let us treat them nicely and decently, and not niggardly. I would not want a better gauge of liberal hospitality than the gauge of the Senator from Mississippi. I know if he should invite the people of the States of this Union down to his Mississippi home they would be treated roundly, liberally, and most hospitably. I believe the people of the United States sympathize with that thought and with that idea.

Ah, Mr. President, our friends say they want to get back to the days of Jeffersonian simplicity. Why, it seems to me, if I can remember the things I have read, and the glories of Monticello that I have seen around there, that Jefferson was the most liberal entertainer of that time. Somebody has said that he bankrupted himself by entertaining; but whether that be so or not I do not know. He was, however, a liberal entertainer.

Mr. VARDAMAN. He was a liberal entertainer in the disposition of his own money, but he was a servant of the people and he bodied forth in his official life that sublime idea. That is what I should like to see the American people imitate to-day and return to that long discarded honorable custom.

Mr. MARTINE of New Jersey. I realize the fact that we are some days beyond the day in which he entertained in the simplicity to which the Senator makes reference. I think the Father of his Country, as we choose to call him, George Washington, in his Mount Vernon home, was a very liberal entertainer.

Whether they were or not, however, the fact is that we have invited the world here. The State of California has expended, so it is said, something like $30,000,000 for the purpose of making this fair the grandest and greatest the world has seen. I am a believer in expositions. I am a believer in fairs, from the county fair on to the State fair, and so on up to the fair of the Nation. I believe that it will bring direct profit to us, that it will open the eyes of myriads of people, that many people will come in contact with each other and give each other better thoughts and better ideas, and the result will be a great step in advance in the glory and welfare and well-being of this Nation of ours.

The VICE PRESIDENT. The question is on the motion to reconsider the vote by which the amendment was agreed to.

Mr. VARDAMAN. On that I ask for the yeas and nays.

The yeas and nays were ordered.

Mr. WARREN. Mr. President, I think some of the Senators who have just come in do not understand the way the question comes up. I should be glad if the Chair would announce it.

The VICE PRESIDENT. The question is on the motion to reconsider the vote whereby the amendment, commencing in line 20 of page 161 and ending at line 20 of page 162, was adopted on yesterday.

The Secretary proceeded to call the roll.

Mr. CATRON (when his name was called). I have a general pair with the senior Senator from Oklahoma [Mr. OWEN]. I transfer that pair to the senior Senator from Illinois [Mr. SHERMAN] and will vote. I vote "nay."

Mr. CLARKE of Arkansas (when his name was called). I have a pair with the junior Senator from Utah [Mr. SUTHERLAND]. As he is not present, I withhold my vote.

Mr. CRAWFORD (when his name was called). I have a pair with the senior Senator from Tennessee [Mr. LEA]. As he is not present, I withhold my vote.

Mr. GALLINGER (when his name was called). I have a general pair with the junior Senator from New York [Mr. O'GORMAN], who is absent. If privileged to vote, I should vote "nay."

Mr. HOLLIS (when his name was called). I have a general pair with the junior Senator from Maine [Mr. BURLEIGH], who is unavoidably absent from the Senate, and I therefore withhold my vote.

Mr. JOHNSON (when his name was called). I have a general pair with the junior Senator from North Dakota [Mr. GRONNA]. I transfer that pair to the senior Senator from Louisiana [Mr. THORNTON] and will vote. I vote "nay."

Mr. SAULSBURY (when his name was called). I transfer my pair with the junior Senator from Rhode Island [Mr. COLT] to the senior Senator from Alabama [Mr. BANKHEAD] and will vote. I vote "nay."

Mr. SMITH of Georgia (when his name was called). I have a general pair with the senior Senator from Massachusetts [Mr. LODGE]. I transfer that pair for the day to the junior Senator from Georgia [Mr. WEST] and will vote. I vote "nay."

Mr. STONE (when his name was called). I have a standing pair with the senior Senator from Wyoming [Mr. CLARK]. I am informed by his colleague that, if present, he would vote "nay."

Mr. WARREN. The Senator would do so, as he has expressed himself directly to the effect that he wished to vote for this amendment.

Mr. STONE. That being the case, I feel at liberty to vote. I vote "nay."

Mr. THOMAS (when his name was called). I have a general pair with the senior Senator from New York [Mr. ROOT]. In his absence I withhold my vote.

Mr. TOWNSEND (when his name was called). I have a pair with the junior Senator from Arkansas [Mr. ROBINSON], but I have been informed that if he were present he would vote the same as I will. Therefore I vote "nay."

Mr. WALSH (when his name was called). I have a general pair with the senior Senator from Rhode Island [Mr. LIPPITT]. I transfer that pair to the junior Senator from Indiana [Mr. KERN] and will vote. I vote "nay."

Mr. WILLIAMS (when his name was called). I have a general pair with the senior Senator from Pennsylvania [Mr. PENROSE]. I transfer that pair to the junior Senator from South Carolina [Mr. SMITH] and will vote. I vote "nay."

The roll call was concluded.

Mr. GALLINGER. I transfer my pair with the junior Senator from New York [Mr. O'GORMAN] to the senior Senator from North Dakota [Mr. MCCUMBER] and will vote. I vote "nay."

Mr. DILLINGHAM (after having voted in the negative). I notice that the senior Senator from Maryland [Mr. SMITH] is not present. I have a general pair with him, but I am informed that if present he would vote "nay," so I will allow my vote to stand.

Mr. BRYAN. I desire to announce that my colleague [Mr. FLETCHER] is detained from the Senate on public business, and is paired with the junior Senator from Wyoming [Mr. WARREN].

Mr. SAULSBURY. I am requested to announce that the senior Senator from West Virginia [Mr. CHILTON] is absent from the Senate on official business, and is paired with the senior Senator from New Mexico [Mr. FALL].

Mr. OLIVER. My colleague [Mr. PENROSE] is necessarily absent. If he were present he would vote "nay" on this matter.

Mr. CATRON. My colleague [Mr. FALL] is also necessarily absent. If he were present he would vote "nay."

Mr. KENYON. I desire to announce the unavoidable absence of the senior Senator from Wisconsin [Mr. LA FOLLETTE] on account of illness. This announcement may stand for the day.

Mr. GALLINGER. I have been requested to announce the following pairs:

The junior Senator from West Virginia [Mr. GOFF] with the senior Senator from South Carolina [Mr. TILLMAN].

The junior Senator from Wisconsin [Mr. STEPHENSON] with the junior Senator from Oklahoma [Mr. GORE].

The senior Senator from Delaware [Mr. DU PONT] with the senior Senator from Texas [Mr. CULBERSON].

This announcement may stand for the day.

Mr. TOWNSEND. The junior Senator from Arkansas [Mr. ROBINSON] is detained from the Senate on account of illness. This announcement may stand for the day.

Mr. JAMES. I transfer my pair with the junior Senator from Massachusetts [Mr. WEEKS] to the junior Senator from Illinois [Mr. LEWIS] and will vote. I vote "yea."

The result was announced—yeas 7, nays 51, as follows:

YEAS—7.

Clapp	James	Reed	Vardaman
Hitchcock	Kenyon	Sheppard	

NAYS—51.

Ashurst	Johnson	Page	Smoot
Brady	Jones	Perkins	Sterling
Brandegee	Lane	Pittman	Stone
Bristow	Lee, Md.	Poindexter	Sutherland
Bryan	McLean	Pomerene	Swanson
Burton	Martin, Va.	Ransdell	Thompson
Camden	Martine, N. J.	Saulsbury	Townsend
Catron	Myers	Shafroth	Walsh
Chamberlain	Nelson	Shively	Warren
Cummins	Newlands	Simmons	White
Dillingham	Norris	Smith, Ariz.	Williams
Gallinger	Oliver	Smith, Ga.	Works
Hughes	Overman	Smith, Mich.	

NOT VOTING—38.

Bankhead	Fall	Lippitt	Smith, Md.
Borah	Fletcher	Lodge	Smith, S. C.
Burleigh	Goff	McCumber	Stephenson
Chilton	Gore	O'Gorman	Thomas
Clark, Wyo.	Gronna	Owen	Thornton
Clarke, Ark.	Hollis	Penrose	Tillman
Colt	Kern	Robinson	Weeks
Crawford	La Follette	Root	West
Culberson	Lea, Tenn.	Sherman	
du Pont	Lewis	Shields	

So the motion to reconsider was rejected.

Mr. PERKINS. Mr. President, I send to the desk a letter from the Secretary of War, which I ask to have published in the RECORD without reading.

The VICE PRESIDENT. Without objection, that action will be taken.

The matter referred to is as follows:

WAR DEPARTMENT,
Washington, June 20, 1914.

Hon. THOMAS S. MARTIN,
Chairman Committee on Appropriations, United States Senate.

MY DEAR SENATOR: I have your reference of June 16 to the amendment intended to be proposed by Senator PERKINS to the bill (H. R. 17041) making appropriations for sundry civil expenses of the Government for the fiscal year ending June 30, 1915. You ask that you be furnished with any information relative to this measure in the possession of this department and an opinion as to its merits.

I favor the passage of this bill.

At the present time we are sheltering troops which it is necessary for us to keep at the Presidio in old frame buildings, many of which were built for the soldiers returning from the Philippines many years ago. The existing buildings just mentioned are of plain boards, hastily constructed, and never intended for other than temporary use. There is urgent need for barrack capacity, and if this bill is passed it will serve a doubly useful purpose—it will furnish a dignified and proper shelter for the exhibits to be made by the United States Government at the exposition and be permanently useful for the Army thereafter.

Sincerely, yours,

LINDLEY M. GARRISON,
Secretary of War.

(Incl.: Proposed amendment.)

Statement of appropriations made for expositions.

Atlanta:		
Act Aug. 18, 1894	$150,000.00	
Do	50,000.00	
		$200,000.00
Barcelona:		
Joint resolution Apr. 11, 1888	25,000.00	
Act Mar. 2, 1895	3,380.96	
		28,380.96
Bergen, joint resolution Feb. 17, 1898 (similar resolution of Jan. 25, 1898, repealed by deficiency act of July 7, 1898)		20,000.00
Berlin, joint resolution Feb. 16, 1880		20,000.00
Bordeaux, France, act Mar. 4, 1907 (deficiency), International Maritime Exposition		15,000.00
Brussels:		
Joint resolution May 11, 1888	$30,000.00	
Act June 11, 1896	5,000.00	
		35,000.00
Buffalo:		
Act Mar. 3, 1899	500,000.00	
Act Mar. 11, 1902	15,000.00	
Act July 1, 1902	500,000.00	
		1,015,000.00
Buenos Aires and Santiago, Chile, act Feb. 25, 1910 (deficiency), International Exhibition at Buenos Aires and Santiago, Chile		75,000.00
Charleston:		
Joint resolution Jan 21, 1912	$90,000.00	
Act July 1, 1902	160,000.00	
		250,000.00
Chicago:		
Act Apr. 25, 1890—		
Admission of foreign goods	20,000.00	
Government building	100,000.00	
General expenses	200,000.00	
Act Mar. 3, 1891—		
Board of lady managers	36,000.00	
Government building	300,000.00	
Government exhibit	350,000.00	
World's Columbian Commission	59,500.00	
World's Congress	2,500.00	
Admission of foreign goods	20,000.00	
Act July 13, 1892, branch post offices, extra service	63,000.00	
Act July 19, 1892, naval rendezvous and construction of caravels	50,000.00	
Act Aug. 5, 1892 (sundry civil)—		
Government exhibit	408,250.00	
World's Columbian Commission	120,000.00	
Board of lady managers	110,000.00	
Chicago—Continued.		
Act Aug. 5, 1892 (public act)—		
Transport of steamer "Blake" to Chicago	$6,000.00	
Columbian half dollars	2,500,000.00	
Loss on recoinage of same	50,000.00	
Bronze medals	60,000.00	
Diplomas	43,000.00	
Act Mar. 3, 1893 (sundry civil)—		
Government exhibit	150,750.00	
Naval battleship "Illinois"	10,000.00	
World's Columbian Commission	118,185.00	
Board of lady managers	93,190.00	
Awards, etc	470,880.00	
Awards, board of lady managers	100,000.00	
Act Mar. 3, 1893, naval review, New York Harbor	300,000.00	
Act Mar. 3, 1893 (Indian act), Indian exhibit	25,000.00	
Act Aug. 18, 1894—		
Appreciation of foreign exhibits	2,500.00	
Synopsis of departmental reports	3,500.00	
Act. Feb. 26, 1896—		
Medals and diplomas	20,600.00	
Rental of building for awards	860.00	
Compensation of Director General George R. Davis	18,006.10	
Reimbursement of president of Columbian Commission, T. W. Palmer	1,998.35	
Joint resolution Mar. 13, 1896, distribution of medals and diplomas	15,000.00	
Act June 8, 1896—		
Expenses board of control	247.00	
Claims against World's Columbian Commission	6,517.67	
Indian exhibit	27.07	
Act June 8, 1896, awards division, printers' leaves of absence	3,500.00	
Act July 19, 1897—		
Rental for division of awards	720.00	
Synopsis of departmental reports	98.45	
N. E. Dawson, services to World's Columbian Commission	500.00	
		$5,840,329.64
Chicago and New York, joint resolution Apr. 29, 1914, Forest Products Expositions		10,000.00
Cincinnati:		
1885, act July 7, 1884	$10,000.00	
1888, act May 28, 1888	147,750.00	
		157,750.00
Jamestown, Va.:		
Act Mar. 3, 1905 (Public), Tercentennial Exposition	250,000.00	
Act June 30, 1906 (sundry civil)—		
Government exhibit	200,000.00	
Buildings	350,000.00	
Aid to Jamestown Exposition	250,000.00	
Policing comfort stations, etc	10,000.00	
Aid to Negro Development & Exposition Co	100,000.00	
Piers, Hampton Roads	400,000.00	
Permanent landing pier, Jamestown Island	15,000.00	
Act Feb. 9, 1907—		
Aid to Jamestown Exposition, reimbursable	1,000,000.00	
Piers, Hampton Roads	65,000.00	
Act Mar. 4, 1907 (deficiency)—		
Expenses of United States and foreign troops, Jamestown Exposition	10,000.00	
Expenses of Senate and House committees, opening of Jamestown Exposition	7,000.00	
		2,657,000.00
Liege, Belgium, act Apr. 28, 1904		5,000.00
London:		
1862—		
Act Mar. 3, 1855	$26,000.00	
Act July 27, 1861	2,000.00	
		28,000.00
1883—		
Joint resolution July 18, 1882	50,000.00	
Act Mar. 3, 1883	10,000.00	
Act July 7, 1884	10,000.00	
		70,000.00
Louisville, act July 7, 1884		10,000.00
Madrid:		
Act May 13, 1892	$15,000.00	
Act Aug. 5, 1892	10,000.00	
		25,000.00
Melbourne, act Feb. 1, 1888		50,000.00
Nashville, act Dec. 22, 1896		130,000.00
New Orleans:		
Act May 21, 1884	$1,000,000.00	
Act July 7, 1884	300,000.00	
Act Mar. 3, 1885	350,000.00	
		1,650,000.00
Omaha:		
Act June 4, 1897	200,000.00	
Act July 1, 1898	40,000.00	
		240,000.00
Paris:		
1867—		
Joint resolution July 5, 1866	156,403.00	
Joint resolution Mar. 12, 1867	50,000.00	
		206,403.00
1878—		
Joint resolution Dec. 15, 1877	150,000.00	
Act June 20, 1878	40,000.00	
		190,000.00

Paris—Continued.		
1889—		
Joint resolution May 10, 1888	$250,000.00	
Act Aug. 23, 1894	4.66	
		$250,004.66
1900—		
Act July 19, 1897	25,000.00	
Act July 1, 1898	200,000.00	
Act Mar. 3, 1899	1,060,000.00	
Act Feb. 9 1900	169,500.00	
Act July 6, 1900	18,000.00	
Act Feb. 18, 1904	13,875.21	
		1,486,375.21
Philadelphia:		
1876—		
Act Mar. 3, 1875	535,750.00	
Act May 1, 1876	73,500.00	
Act Feb. 16, 1876	1,500,000.00	
Act Apr. 17, 1876	40,000.00	
Act Mar. 3, 1877	25,000.00	
Joint resolution June 27, 1879	8,600.00	
Act June 16, 1880	300.00	
Act Mar. 3, 1881	1.19	
Act Mar. 3, 1885	33.40	
		2,183,184.59
1899, act Dec. 21, 1898		350,000.00
Portland, Oreg.:		
Act Apr. 13, 1904—		
Buildings	$250,000.00	
Government exhibit	200,000.00	
Alaska exhibit	25,000.00	
Act Mar. 3, 1905 (deficiency)—		
Expenses Senate committee	4,000.00	
Expenses House committee	6,000.00	
Act June 25, 1910 (deficiency),		
Alaska exhibit	5.14	
		485,005.14
Quito, Ecuador, act May 27, 1908 (sundry civil), exposition at Quito		50,000.00
Rome and Turin, Italy, act May 6, 1910 (diplomatic), international expositions at Rome and Turin		130,000.00
St. Louis:		
Act June 6, 1900 (sundry civil), expenses of Louisiana Purchase Exposition Commission	$10,000.00	
Act Mar. 3, 1901 (public act)—		
Aid to exposition	5,000,000.00	
Government building	250,000.00	
Act June 28, 1902 (sundry civil)—		
Government building	200,000.00	
Government exhibit	800,000.00	
Life-saving exhibit	8,000.00	
Indian exhibit	40,000.00	
Act Mar. 3, 1903 (sundry civil)—		
Agricultural exhibit	100,000.00	
Alaska exhibit	50,000.00	
Indian Territory exhibit	25,000.00	
Amount contributed by Indian Territory and deposited in Treasury for disbursement	25,000.00	
Act Mar. 3, 1903 (deficiency), expenses of congressional committees at dedication and opening	11,000.00	
Act Feb. 18, 1904—		
Loan, reimbursable	4,600,000.00	
Testing coals and lignites	30,000.00	
Act Apr. 21, 1904, Indian exhibit	25,000.00	
Act Apr. 27, 1904 (deficiency)—		
Model of Capitol	3,500.00	
Testing coals, lignites, and timbers	40,000.00	
Act June 30, 1907 (deficiency), reimbursement to Claude Hough for service	357.50	
		11,217,857.50
San Francisco, act June 23, 1913 (sundry civil), Panama-Pacific International Exposition, Government exhibit	500,000.00	
Now pending in sundry civil bill for fiscal year 1915:		
Government building	500,000.00	
Expenses and salaries of customs service	200,000.00	
Copyright and patent branch office	30,000.00	
		1,230,000.00
Seattle, Wash., Alaska-Yukon-Pacific Exposition:		
Act May 27, 1908 (sundry civil)—		
Government exhibit	200,000.00	
Buildings	250,000.00	
Philippine exhibit	25,000.00	
Alaskan exhibit	100,000.00	
Hawaiian exhibit	25,000.00	
Act Mar. 4, 1909 (sundry civil)—		
Bureau of American Republics exhibit	3,000.00	
Live-saving exhibit	10,500.00	
Act Aug. 5, 1909 (deficiency), buildings	24,000.00	
Act Mar. 4, 1913 (deficiency), Alaskan exhibit	4.34	
		637,504.34
Sydney and Melbourne:		
Joint resolution June 10, 1879	20,000.00	
Act June 16, 1880	8,000.00	
		28,000.00
Tokyo, Japan, act May 22, 1908 (public), international exposition at Tokyo in 1912		50,000.00
Toledo, act Mar. 3, 1899 (repealed)	$500,000.00	
Vienna, joint resolution Feb. 14, 1873		200,000.00

TREASURY DEPARTMENT, *July 7, 1914.*

The VICE PRESIDENT. The Secretary will state the first amendment passed over.

The SECRETARY. The first amendment in the bill passed over is on page 111, beginning in line 10.

Mr. MARTIN of Virginia. Mr. President, before that is taken up, I ask to go back to page 29. There is a little amendment there which I should like to have made. It is in line 1 of the committee amendment.

The VICE PRESIDENT. Without objection, the vote whereby the committee amendment was agreed to will be reconsidered. The Secretary will state the amendment to the amendment.

The SECRETARY. After the word "the," where it occurs on page 29, line 1, it is proposed to insert the words "compensation and," so that it will read "for the compensation and expenses of site agents."

The amendment to the amendment was agreed to.

The amendment as amended was agreed to.

Mr. SMOOT. Mr. President, I desire to call the Senator's attention to the wording of that amendment in lines 22 and 23, page 28. I wondered whether that wording would be proper or not, in view of the amendment just offered. The proviso reads:

That the unexpended balance of the appropriation for expenses of site agents contained in the deficiency appropriation act approved October 22—

And so forth.

Does the Senator now desire that the original act shall be changed so that it shall be payable in compensation and expenses?

Mr. MARTIN of Virginia. I do. I have a communication from the department saying that it would be inoperative without it; that they are obliged to pay compensation, or else nobody will go out to incur the expenses.

Mr. SMOOT. I thought the original provision provided only for expenses of site agents.

Mr. MARTIN of Virginia. I have this morning received a communication calling attention to the fact that the original provision will be inoperative without this amendment.

Mr. SMOOT. Of course I have no objection to the amendment, only I thought it seemed a little inconsistent.

The SECRETARY. The first amendment passed over is on page 111, beginning in line 10, relative to the Hot Springs Reservation, Hot Springs, Ark.

Mr. BURTON. Mr. President, I think, at least, this amendment ought to be very thoroughly explained. The Senator from Arkansas [Mr. CLARKE] is a most excellent lawyer, and very well posted on precedents; but I do not know where a precedent can be found under which the mere fact of the ownership of a certain amount of land by the United States Government in the neighborhood justifies furnishing a drainage system for a city—a city which, according to this report, has now a permanent population of 15,000, and a prospective population in 20 years of 60,000. I quote from the report itself, on page 6.

I desire to call attention to the provision which led to this report. I read from document No. 1298, Sixty-second Congress, third session, from a report transmitted by the Department of the Interior, Mr. Walter L. Fisher, Secretary. It is as follows:

In the sundry civil act approved August 24, 1912, provision was made for preliminary survey of the sewer system of the city of Hot Springs, Ark., in the following terms:

"The Secretary of the Interior is authorized and directed, at the earliest practicable date, to make a survey of the sewer system of the city of Hot Springs, abutting the Hot Springs Reservation, Ark., to prepare plans and estimate of the cost of increasing the present storm drainage system as well as the present sanitary sewer system of the city of Hot Springs, the report of survey, including estimate of cost of the work, to be submitted to Congress as soon as practicable after the 1st day of December, 1912. The expenses incurred hereunder shall not exceed $10,000."

I call especial attention to this provision, which follows:

One half of such expenses shall be paid out of the revenues derived from privileges and otherwise on the Hot Springs Reservation, and the other half shall be paid by the city of Hot Springs, Ark.

It seems to have been contemplated at that time that the city of Hot Springs should pay at least one-half the expense.

By arrangement between the department and the United States Geological Survey this work was undertaken by Mr. Sledge Tatum, geographer in charge of the Rocky Mountain division of that bureau, and he has submitted his report, which, with accompanying report of J. W. Barnett, consulting engineer, and exhibits, is herewith transmitted for your consideration.

It will be seen therefrom that an estimate is submitted in the sum of $26,595 for labor and material in perfecting a sanitary sewer system in Hot Springs and for conducting an experimental sewer purification plant, together with alternative propositions for providing purification plants in the sum of $70,000 and $20,000, respectively, dependent upon the system adopted as a result of the experience obtained in experimental plant. Estimate is also submitted in the sum of $327,540 for drainage system to care for storm waters from the mountains on the Hot Springs Reservation, which amount includes $89,700 for extending the Hot Springs Creek Arch from its present terminus on Church Street, in the city of Hot Springs, to South Water Street, approximately the city limits. The installation of the sanitary sewer system, however, it is stated, will obviate the necessity for continuing the Hot Springs Creek Arch, with its present terminus at Church Street,

because the impurities which are now flowing into the creek under the arch will be cared for by the sanitary sewer system.

To carry into effect the recommendations embodied in the report will require appropriations by Congress as follows:

For labor and material for perfecting a sanitary sewer system in the city of Hot Springs, the installation and operation of an experimental purification plant, and providing purification tanks in connection with such system, $96,595.

For labor and material required in the installation of a drainage system in the city of Hot Springs, to care for storm waters from the mountains on the Hot Springs Reservation, $237,840.

That is the amount carried in this amendment, while on the preceding page the estimate is fixed at $327,540, including $89,700 for extending the Hot Springs Creek Arch. It is said, however, that the installation of the sanitary sewer system will obviate this portion of the expense, and thus the amount of $237,840 is arrived at for a drainage system in the city of Hot Springs.

The report of the Secretary concludes:

The sewerage system in the city of Hot Springs appears to be such as to require early measures looking to the betterment thereof, and I therefore commend your favorable consideration to the report herewith transmitted, to the end that the appropriations necessary for the completion of the work be provided by Congress.

My first impression was that this was a report made by the Engineer Corps, but it seems that such is not the case. The report is transmitted by Sledge Tatum, geographer, to Mr. George Otis Smith, Director of the Geological Survey, who transmits the report to the Secretary of the Interior. There is a lengthy report of 15 pages with numerous diagrams, transmitted by Mr. George W. Barnett, consulting engineer, of Athens, Ga.

I will not detain the Senate in order to read further quotations from this report. The question is a very clear one. It is whether the United States shall appropriate for a drainage system in a city which already has a permanent population of 15,000 inhabitants because of the ownership of a certain amount of land in the neighborhood.

Another argument may be raised in support of this appropriation, and that is that this water, which must be drained from the city, flows from lands of the United States; but what obligation does that impose upon the United States to complete a drainage system in the city? The city is evidently built in a locality over which, by reason of the topography, water drains. It is presumed that with their eyes open the founders of the city located it there.

There is still another point that I presume will be alleged in behalf of this appropriation, and that is that the United States owns a considerable quantity of land, perhaps a thousand acres, in this neighborhood on which it pays no taxes. But, Mr. President, are we to adopt the precedent that wherever the United States owns land it should pay for drainage and other improvements in the locality? As I understand the situation, the location of this Government reservation, with the expense incurred in its improvement and development by the United States, is the main cause of the prosperity of that city. So instead of considering this reservation, whatever the number of acres may be, as a reason for making the appropriation, it is rather a reason why a prosperous city, the growth of which has been promoted by the activities of the United States on the land owned by it, should itself bear the expense.

There is just one further point, Mr. President. For some reason which I can not understand the appropriation for the installation of a sewerage system, which, according to the report, seems to be the most pressing, is not included here. The amount estimated for that is $96,595. In this case the committee seem to have selected the larger appropriation and the one which is least pressing.

Mr. CLARKE of Arkansas. Mr. President, an intimate knowledge of the locality involved here would have enabled the Senator from Ohio to come nearer redeeming his reputation for accurate and definite statement than he has been able to do by reason of the fact that he is not thus acquainted with the situation.

This Hot Springs Reservation is one of the national reservations of the National Government. The city of Hot Springs is partly within the reservation and partly without.

This drainage problem is an old controversy. It is difficult of equitable adjustment by reason of the fact that the property of the National Government is not subject to taxation. If all the property in the locality was in private ownership, this difficulty would be very readily disposed of under the taxing power, under the power to create an improvement district for the purpose of remedying an obvious evil. Because the local authorities can not reach the Government's property by the process of taxation, it becomes necessary to work out an equitable adjustment through some plan of this kind.

As the city of Hot Springs grows in importance and the curative properties of the water there become known throughout the world—people resort to it for a number of ailments which can not be successfully treated elsewhere—it becomes necessary to settle this vital question of drainage. Parts of the city have become uninhabitable at times by reason of the overflows therein from storm waters flowing down from the mountain sides, the property of the General Government. This property of the United States is, of course, exempt from all forms of taxation. It has therefore become necessary to agitate this question for a number of years, with a view to the settlement by some form of joint action with the General Government; to determine just exactly how much of the cost of remedying this difficulty is to be attributed to inability to tax the national property. It was also deemed important to find out how the cost of a drainage system should be distributed—what part should be done by the Government and how much should be taken care of by the local authorities through the taxation of local property. Accordingly, a thorough survey and estimate was directed by Congress, which was paid for in part by the city of Hot Springs and in part by the National Government.

The board of engineers went down there and made a thorough examination on the ground of the entire surroundings, not only the physical surrounding, but the political condition with reference to ownership and the right of taxation, and as a result a report was made. It was found that it was proper for the National Government to spend $237,000 for building a drainage system, which will be, when completed, partly upon Government property. The demand for an improvement in the drainage is made necessary largely by the use of the Government property, for it is a fact that about 20 bathhouses are in constant operation in that city, the discharge from which constitutes no small part of the flow that must be taken care of and carried to a point of safety. The indicated adjustment was an equitable one in the judgment of the Secretary of the Interior, and he recommended this appropriation.

There will be lots of things for the city of Hot Springs to do after the United States shall do what they are required to do by the pending amendment, as there have been lots of things done by that city heretofore. It is one of the most highly taxed communities in the world. It has a multitude of obligations resting on it by reason of the presence and character of the hot springs, which attract people there as to no other city in the world. The local community has expended hundreds of thousands of dollars in their attempt to control this overflow, and as the city grows its limits encroach upon territory that was formerly the basin for this water. It has now become a matter of urgent necessity to do something toward its intelligent reclamation.

The matter was adjusted by the report made under the direction of the Secretary of the Interior, and the amount named in the pending amendment was the part of the expense that was set aside for payment by the National Government. It is a mere fraction of the entire expenditure involved in all the related improvements that are required.

The city of Hot Springs has constructed an extensive sewer system, and it spent hundreds of thousands of dollars on it, but this proposed drainage system is necessary to take care of the storm and flood waters, and the sewer system will then be enlarged in order to be made available in connection with the larger improvement made by the Government.

It is a case where, if it existed between private individuals and the local authorities, a proper adjustment could take place by direct negotiation without the necessity of doing so in the fragmentary way that inevitably happens when we discuss situations of this kind here.

The questions, which are technical in character, have heretofore been submitted to a board that had authority and capacity to investigate thoroughly and dispose of all questions involved fairly and justly. The executive officers who passed upon all the questions have said that this is the proper expenditure of money for the National Government to make in view of its attitude as coproprietor there. That board fixed the part that should be paid by the Government in dollars and cents, and made a report as detailed as it was possible to make on the subject, fixing the amount named in the amendment.

It is entirely proper that the Government, owning one part of the city, shall in some proper way voluntarily contribute to the expense of maintaining the city up to the standard of modern municipal management. Nothing is more injurious to the public health in a crowded community than an inadequate drainage system.

This is not an appeal to Congress to make a new precedent on anything. It is a case where the National Government owns

a reservation, and it is necessary that certain things shall be done on that reservation and in the vicinity of it, and in doing this involves cooperation and joint outlay of money.

The city of Hot Springs will have its burdens to look after when the drainage system is perfected, and the National Government ought now to do what was recommended by those who made a detailed and intelligent investigation of the situation.

Mr. KENYON. May I ask the Senator from Arkansas a question?

Mr. CLARKE of Arkansas. Certainly.

Mr. KENYON. I wish the Senator would explain to the Senate what is the situation there. This Government reservation is on a great mountain.

Mr. CLARKE of Arkansas. There are two mountains and they form a valley in which the principal part of the city of Hot Springs is built.

Mr. KENYON. The city of Hot Springs is built along one side and winds up through the mountain?

Mr. CLARKE of Arkansas. Yes.

Mr. KENYON. And this water pours down from the Government reservation on the streets?

Mr. CLARKE of Arkansas. That is true.

Mr. KENYON. I have been there when the town was simply flooded and the sewers could not take care of the flood waters. There are a number of leased bathhouses on the Government reservation, and there is also, as the Senator knows, a large free bathhouse there where suffering humanity can go and be treated.

Mr. CLARKE of Arkansas. And they go there by thousands.

Mr. KENYON. So the situation at Hot Springs involves something of a national aspect.

Mr. CLARKE of Arkansas. I thank the Senator for his suggestions. These occur to anyone who has ever been on the ground. On one side of the street that forms the valley the Government owns a line of bathhouse sites probably a mile in length. The United States owns several million dollars' worth of property in Hot Springs. There is not any reason why the local authorities should pay all the expenses of protecting the Government property from damage from storm waters.

Mr. GALLINGER. Mr. President, I have never investigated this matter, and hence I ask for information. How did it happen that the Government got a proprietary interest in that community?

Mr. CLARKE of Arkansas. It was reserved by act of Congress when the celebrated Hot Springs were discovered in Territorial days.

Mr. GALLINGER. A long time ago?

Mr. CLARKE of Arkansas. Oh, yes.

Mr. BURTON. May I ask the Senator just the number of acres in the Government reservation?

Mr. CLARKE of Arkansas. Something over 900 and less than a thousand. If that property were subject to taxation, there would not be any trouble about providing an adequate drainage system.

Mr. THOMAS. May I inquire of the Senator from Arkansas whether this appropriation represents the entire cost of the drainage system?

Mr. CLARKE of Arkansas. Yes; but a sewer system in addition to that must be built, and probably will be built largely at city expense, to be connected with the drainage system after its installation.

Mr. BURTON. I had anticipated that a further request would be made for that sewerage system. Why is it omitted? Why is the drainage system selected?

Mr. CLARKE of Arkansas. I do not know of any particular reason for omitting it except that it is useless to have a sewer system until we get a drainage system into which the sewer system can empty. It may turn out after the drainage system has been installed that a further appropriation will be necessary, and if it shall then appear that it is proper and equitable that the General Government should contribute, the demand will then be considered on its merits as may then appear. My impression is that the local authorities will then take care of their part, as they have attempted to take care of it for the past 50 years, until it has almost bankrupted the city in its efforts to do it.

The VICE PRESIDENT. The question is on agreeing to the amendment of the committee.

The amendment was agreed to.

The VICE PRESIDENT. The next amendment passed over will be stated.

The SECRETARY. The next amendment passed over at the instance of the Senator from Colorado [Mr. THOMAS] is on page 166. The committee report to insert, beginning in line 12:

MACDONOUGH MEMORIAL.

For the erection of memorials at or near Plattsburg, N. Y., in commemoration of the victory of Commodore Thomas Macdonough on Lake Champlain, in September, 1814, $15,000 of the sum herein appropriated to be paid to a commission appointed by the State of Vermont, and the remainder to a commission appointed by the State of New York, the whole to be applied only with the approval of a commission of three to be appointed by the President of the United States, of whom one shall be chosen from the Army and one from the Navy to represent the National Government in the erection of the proposed memorial: *Provided*, That no part of the said appropriation shall be paid out of the Treasury until after the State of New York shall have appropriated a sum not less than $125,000 for the said memorial and celebration, $250,000.

Mr. THOMAS rose.

Mr. GALLINGER. If the Senator will permit me, I wish to say a word. It is a matter of regret to those of us who feel some interest in this amendment that the two Senators from New York are absent, and hence the friends of the measure are laboring under quite a disadvantage.

The Senator from Colorado suggested that he might make a point of order against the amendment. I have an impression that the point of order will not lie if it is made, but I hope it will not be made.

A little time ago Congress appropriated a very liberal amount of money to erect in the city of Washington a beautiful monument to the memory of Admiral Barry, one of our naval heroes. Other monuments have been erected to commemorate the valor of our military and naval heroes. This battle, which occurred in the early days of the Republic—in the year 1814—was one of great consequence. Macdonough sent a message to the Secretary of the Navy under date of September 11, 1814, at which time he was in command of the U. S. S. *Saratoga*, and he said:

> The Almighty has been pleased to grant us a signal victory on Lake Champlain in the capture of one frigate, one brig, and two sloops of war of the enemy.
>
> I have the honor to be,
> Very respectfully, sir,
> Your obedient servant, T. Macdonough,
> Commander.

Of that great victory on Lake Champlain I have not read the details very particularly, and I have only an indistinct recollection of it, but it had much to do with securing a victory over the British troops and the British Navy, and permitted us to secure what sometimes has been called our second independence.

In the broad sense this is not a local affair, but a national affair. The State of New York is ready to appropriate $125,000 toward commemorating this event, and I particularly appeal to my friend the Senator from Colorado, who I know takes a broad view of public questions, not to make opposition to the amendment. It does seem to me that Congress can well afford to cooperate with the States of New York and Vermont in commemorating this great event. We contribute out of the Treasury of the United States without any help from any quarter large amounts of money to erect monuments to men who were distinguished in the naval or the military service, and sometimes when they were not in either the naval or the military service. So I make an appeal to the Senator from Colorado that this matter be considered on its merits; and if the Senate sees fit to vote it down, let the Senate do so; but if the Senate feels that this is an event that, in view of the great victory that Macdonough achieved, we can afford to make this appropriation, I hope the Senate will have an opportunity to do so.

Mr. DILLINGHAM. Mr. President, I want to add just a word to what the Senator from New Hampshire [Mr. GALLINGER] has said before the Senator from Colorado [Mr. THOMAS] proceeds.

I doubt very much whether the Battle of Plattsburg and the victory of Macdonough over the British fleet in the harbor of Plattsburg, or its effect in producing the peace which followed that event within 60 days, is fully understood. Those who have recently read the history of those times will remember that the war between Great Britain and France had then recently closed and that Great Britain had turned all of her attention to the war in America, sending 15,000 of Wellington's veterans to Montreal. The plan of campaign was to employ the Champlain Valley, that great avenue between Canada, New York, and New England, as the route through which those troops should march in their attack upon Albany and upon New York, the seat of the American supplies for all our armies in the field at that time, thus separating New England from the rest of the States, and enabling Great Britain to follow out her purpose to secure the Great Lakes of the Central West under her control. In order that her armies should successfully make that advance upon New York, it was necessary that she should

have the control of Lake Champlain, 100 miles in length, through which supplies from her base at Montreal could be carried to the invading army.

The year previous to that there had been a disaster on Lake Champlain; two vessels of the Government had been destroyed; and the situation was considered so acute by the Government that the Secretary of the Navy wrote a letter under date of June 17, 1813, to Commodore Macdonough, in which he says:

> It now only remains to regain by every possible exertion the ascendency which we have lost, for which purpose you are authorized to purchase, arm, and equip in an effective manner two of the best sloops or other vessels to be procured on the lake.

Later in the letter he uses this language:

> You are to understand that upon no account are you to suffer the enemy to gain the ascendency on Lake Champlain; and as you have now unlimited authority to procure the necessary resources of men, materials, and munitions for that purpose, I rely upon your efficient and prudent use of the authority vested in you.

It was the clear-sighted view of the Secretary of the Navy that the control of Lake Champlain was absolutely necessary to the defense of America against the invasion of Prevost. But the story is not half told without remembering how Macdonough, going into Otter Creek at the foot of the falls near Vergennes, on the Vermont side, built the fleet with which the battle was fought, and the *Saratoga*, from which he commanded the battle, was completed and launched within 40 days from the time that the trees were cut in the forest.

What was the result of that battle? I do not propose to take the time of the Senate in describing it. It is mentioned by Col. Roosevelt in his history, by Capt. Mahan, by McMaster, and by every historian who has written on the subject as being the decisive battle of the War of 1812 between the United States and Great Britain and the one which brought about an honorable peace. Prevost had invaded our country with those veterans of Wellington; he reached Plattsburg and there met the militia of New York and of Vermont, who made a stubborn and successful defense. When Macdonough came into Cumberland Bay and won a signal victory—and it was one of the most signal victories of the war—and destroyed the British fleet. Prevost was compelled to retreat to Montreal with his army, his source of supplies being cut off, and the news of the disaster reaching England within a month after that time, it changed the whole course of events. Conditions in the United States were considered so critical that Wellington was asked to come to take command of the English troops in this country. In the letter written in reply to that request, he said:

> Neither I nor anyone else can achieve success in the way of conquests unless you have naval superiority on the Lakes. That was what was needed—not a general nor general officers and troops. Till that superiority is acquired it is impossible, according to my notion, to maintain an army in such a situation as to keep the enemy out of the whole frontier, much less to make any conquest from the enemy, which, with those superior means, might, with reasonable hopes of success, be undertaken. * * * The question is whether we can obtain this naval superiority on the Lakes. If we can not, I shall do you but little good in America; and I shall go there only to prove the truth of Prevost's defense and to sign a peace which might as well be signed now.

Thus, Mr. President, in very brief form I have presented the importance of this victory. It vastly outranks the victory of Perry—I do not mean in valor, but in its effect in shaping the history of our country—and yet last year we made an appropriation of $250,000, through which the Perry memorial has been erected on Lake Erie. New York cooperated in that scheme, and New York has now come forward with an appropriation already made of $125,000 to commemorate Macdonough's victory. Vermont has made an appropriation for the same purpose, small, to be sure, but according to her means. These States have come to Congress asking that this great and signal victory of Macdonough on Lake Champlain which destroyed the British fleet, prevented the invasion of New England and of New York, and which ended the war shall be suitably commemorated, and that Congress shall make this appropriation in order that the victory may be assigned that place in history to which its importance entitles it.

Not only that, Mr. President, but the points designated for these great memorials are points where memorials should be established. Lake Champlain is the great highway between Canada and New York and New England. Tourists in large numbers are passing up and down that lake; commerce is traversing its course during the entire summer of every year; and a great memorial placed upon Cumberland Head will be one that will be gazed upon by countless thousands during the ages to come.

I trust that my friend from Colorado will let us act upon this amendment. I have made this statement merely as an appeal to him, because I recognize the danger that lies in the suggestion he has made.

Mr. THOMAS. Before the Senator takes his seat I should like to inquire whether he thinks that the results of that battle are going to be at all imperiled by the defeat of this appropriation?

Mr. DILLINGHAM. Not at all. It resulted in a treaty of peace with Great Britain in which, as has been suggested by the Senator from New Hampshire [Mr. GALLINGER], we achieved our second independence. But Macdonough's great victory was the one incident in that war which more than any other brought us an honorable peace and gave us a higher place among the nations.

Mr. GALLINGER. Mr. President, I simply want to add that the British fleet was superior to our fleet in both ships and men, and that the victory was therefore all the more to the credit of Macdonough and the men who cooperated with him.

I want to read just a line or two from what Capt. Mahan, who is recognized the world over as perhaps as good an authority on naval matters as any man living, has said regarding the Battle of Lake Champlain:

> The Battle of Lake Champlain, more nearly than any other incident of the War of 1812, merits the word "decisive"—decisive not merely in relation to immediate military results, but in relation to political questions involved in the pending negotiations for peace.

As the Senator from Vermont [Mr. DILLINGHAM] has suggested, every other writer on the history of those times has paid a similar tribute to Macdonough and to the men who cooperated with him on the water and to our forces on the land which drove Prevost back to Canada with his shattered army. The truth is, the Battle of Lake Champlain practically ended the war, the treaty of Ghent being signed on Christmas Eve, 1814.

Mr. THOMAS. Mr. President, I should like to ask the Senator before he takes his seat if he does not think that it is becoming more expensive to commemorate great victories than it is to win one?

Mr. GALLINGER. Well, Mr. President, if we had not won this victory we would not be planning to commemorate it.

Mr. SAULSBURY. Mr. President, I want to add my voice to the requests of the senior Senator from New Hampshire [Mr. GALLINGER] and the Senator from Vermont [Mr. DILLINGHAM]. I regret very much that the Senators from the State of New York, who have proposed a resolution commemorating this victory, are not here, but I feel a peculiar interest in the matter and that I should do what I can toward securing a proper memorial to one of the greatest men who ever was born in my State—Commodore Macdonough. The great bravery and the great skill shown by him as a naval officer at the Battle of Lake Champlain may have enabled us to preserve our present boundaries for this country.

I want to call the attention of the Senator from Colorado to the fact that after the victory of Lake Erie the war had gone on for upward of a year, and the victory of Lake Champlain occurred on the 11th day of September, when our envoys were negotiating and preparing the treaty of peace which was signed on Christmas Eve, 1814.

The Battle of New Orleans really had nothing, of course, to do with the termination of the War of 1812, but when the victory on Lake Champlain occurred, which was due entirely, as the Senator will find if he will examine the records, to the skill of one naval officer, and against great odds, both in men and metal, Great Britain found that she could not continue that war. The commendation given to Commodore Macdonough by the Secretary of the Navy, I think, is worth reading to the Senate. I have a copy of the letter written by the Secretary, dated the 19th of September, as follows:

> NAVY DEPARTMENT, *September 19, 1814.*
>
> THOMAS MACDONOUGH, Esq.,
> *Commanding the United States Naval Force*
> *on Lake Champlain, Plattsburg.*
>
> SIR: With the highest gratification which noble deeds can inspire, I acknowledge the receipt of your letter of the 11th instant announcing the glorious victory which your skill and valor, aided by the intrepidity and discipline of your gallant associates, had achieved over a confident, vigorous, and powerful foe. Our lakes, hitherto the objects only of natural curiosity, shall fill the page of future history with the bright annals of our country's fame and the imperishable renown of our naval heroes.
>
> 'Tis not alone the brilliancy of your victory in a naval view, but its importance and beneficial results that will fix the attention and command the gratitude of your admiring country.
>
> Accept, sir, the assurance of the high respect and warm approbation of the President of the United States, which I am commanded to present, and my sincere congratulations.
>
> Very respectfully, your obedient servant,
>
> W. JONES.

On the 3d of October, 1814, the victory of Lake Champlain was under consideration in the Senate, and the thanks of Congress were extended to Commodore Thomas Macdonough and his offi-

cers, petty officers, seamen, and marines, and medals were ordered distributed to them.

I want to remind the Senator from Colorado that on that day in the House of Representatives, due to the invasion of this portion of the country by the British forces, there was a tie vote as to the removal of the seat of Government from where it now is and where it has been since it was first established. The conditions in this country were such that a man such as Macdonough was needed to establish the fame and prowess of America.

Memorials to heroism, I think, we can everywhere afford to erect for the commemoration of great events, and there is no dispute, Mr. President, in regard to the greatness of this victory. McMaster in his History of the American People says:

> The fight in Plattsburg Bay was undoubtedly the greatest naval battle of the war, and the victory stamped Macdonough as the ablest sea captain our country produced down to the rebellion.

Capt. Mahan said regarding the effect of this battle:

> The Battle of Lake Champlain, more nearly than any other incident of the War of 1812, merits the word "decisive"—decisive not merely in relation to immediate military results, but in relation to political questions involved in the pending negotiations for peace. (Capt. A. T. Mahan, U. S. N., in his "Sea Power in its Relations to the War of 1812.")

Those political negotiations, Mr. President, I have briefly alluded to. There is little doubt that the victory of Commodore Macdonough on Lake Champlain contributed very largely to the favorable terms of peace, more favorable, I think, than this Government had expected, when they were completed on Christmas Eve in 1814.

The conclusive character of that victory has been recognized by every writer on the subject. President Roosevelt, in his "Naval War of 1812," said:

> Macdonough in this battle won a higher fame than any other commander of the war, British or American. He had a decidedly superior force to contend against, the officers and men of the two sides being about on a par in every respect; and it was solely owing to his foresight and resource that he won the victory.

I sincerely hope that the Senator from Colorado will not press his point of order in such a matter as this. It is due to the memory of this great naval officer, and it is due to the States which are taking so much interest in this matter, I think, that the Congress of the United States should act.

Mr. PAGE. Mr. President, I want to make another appeal to the Senator from Colorado. He and I have usually been able to work pretty well together in matters of appropriation. I know he feels that the annual appropriation bills are aggregating too much, and that we ought to slice off something somewhere; and he thinks perhaps there is no better place than this to begin.

Mr. THOMAS. Mr. President, does not the Senator think so, as well as the Senator from Colorado?

Mr. PAGE. I do; but I want to suggest to the Senator from Colorado that we have been appropriating large sums of money to take care of the arid and semiarid regions of his State and of the West generally; we have been appropriating large sums of money to take care of cotton in the South in the eradication of the boll weevil; and we have gone out into the Middle West, at the suggestion of the junior Senator from Iowa [Mr. KENYON], and have appropriated hundreds of thousands of dollars for the hog.

Now, I want to suggest to the Senator from Colorado that this appropriation is for the benefit of the American boy and the American girl, and while we are conserving everything else let us not entirely neglect the next generation.

A good friend of mine, a brother Senator, took me last night down to the Mall, and as we passed along he said: "There is the site of the new Lincoln memorial. They are going to raise the elevation there 40 feet over a large area, and then we are going to spend millions of dollars to erect the memorial." I do not regard that money as lost. The people of this country are coming here to Washington, and they are going to see that memorial. It is going to teach them lessons of patriotism, and we are going to have better citizens because of such memorials.

I confess that a memorial built upon Lake Champlain will not be seen by as many people as would one here in Washington; although I want to suggest, in passing, to the Senator from Colorado that the State of New York has already opened up the waterway from Albany, on the Hudson River, to Lake Champlain, and we have already made appropriations to begin the work of opening up the lower end of Lake Champlain, so that vessels drawing 10, 11, and perhaps 12 feet of water can pass through; and I have personally conversed with people from Canada who are very enthusiastic in regard to the opening up of the Richelieu River, so that when we can meet them at the border line a waterway will be open from New York City down to the St. Lawrence River. I verily believe that in the next 10 years you are going to see a traffic through Lake Champlain that will be truly surprising. If we place a memorial there, we are going to place it where a great many thousand people will see it every year. Do not for a moment believe that it will be buried in Lake Champlain.

We talk diminutively of Lake Champlain, but I want my brother Senators to remember that it is the greatest body of fresh water entirely within the United States. We have our Lake Superior and Lake Michigan, our Lake Huron and Lake Erie and Lake Ontario, but they are all on the border and in part in another country. I mention this because I do not like to have Senators speak diminutively of this lake or of the number of people who will see this memorial.

But I come to the Senator from Colorado in a more personal way. I want to speak for the Vermont boy and the Vermont girl. I know he himself appreciates them, because we have furnished to his great State a United States Senator, a governor, and only a short time ago the Senator told me of the recent death of one of Vermont's sons who had been speaker of the house of the State of Colorado, and all of them were residents of his own city—Denver.

I do not believe the Senator realizes the position that Vermont occupies with reference to her sister States. No other State in the Union begins to furnish as large a percentage of her native sons to go out and help build sister States as Vermont. Now, I appeal to the Senator from Colorado to let us have a memorial there. You have given them to other States. My colleague has explained, better than I can, what we gave to Lake Erie. Since Vermont and New York have joined together to pay a good part of the expense, let us have a small donation from the Federal Government to give us an educational memorial on Lake Champlain, on the borders of those States.

I was called to Chicago in 1891 to speak to the sons of Vermont there, and one of the things I talked about when I reached Chicago was the preponderance of Vermont strength in this honorable body in the year 1891. Upon an examination I found that we had 13 times as many Senators as we would be entitled to here were the representation based upon our population. The chair of the Vice President was occupied by Morton, born in Shoreham, Vt. On this side sat the great constitutional lawyer, Edmunds. I speak of these men because I believe that not only in numbers but in real mental strength we were perhaps very much larger than our size numerically. On the Democratic side of the Senate sat one of the ablest Senators of the West, former Postmaster General Vilas, of Wisconsin. I remember that either Matt Carpenter or Philetus Sawyer, I do not now recall which, then represented the State of Wisconsin in this body, both of them sons of Vermont. On this side was that great statesman, who longer than any other served his country in Congress—the distinguished author of the agricultural college bill—Justin S. Morrill.

Mr. WHITE. Mr. President, will the Senator from Vermont yield to me?

Mr. PAGE. With pleasure.

Mr. WHITE. I just wanted to ask the Senator if he did not think possibly the Senators from Vermont had confined themselves too closely to that side of the Chamber; that some of them ought to have come over on this side and helped us?

Mr. PAGE. Well, we did not send a great many Democrats, but those we did send were of the very highest order. We made up in quality what we lacked in quantity. As an example, I call the attention of the Senator from Alabama to Cleveland's Postmaster General, Senator Vilas.

Senator Morrill sat in the Senate not quite as long as Senator Allison, but as a Member of Congress he was in both Houses longer than any other man that ever lived, and probably longer than any other man that ever will live. For almost 44 consecutive years he occupied a seat in Congress.

I might go on and mention the many distinguished Vermonters who have sat in this Senate, but time will not permit; but I do wish to impress upon my friend from Colorado the peculiarity of these Vermont Senators. Not a single one of them came from a town having as many as 1,250 population. They were boys who had to break their own roads through the snowdrifts to the little red schoolhouse. Mr. President, our Vermont farmers and their wives are notably thrifty, and they have been compelled to lead prudent lives in order that they might rear their sons and daughters and give them an education suitable to fit them for life. The moment the Vermont boys reach manhood and are able to take a broad view of life, they start for wider fields, and the result is that Vermont supplies the rest of the country with the best of her sons and daughters.

I realize the anxiety of the Senate to conclude its deliberations on this bill, and I do not want to longer take its time. As my colleague has well said, you have given to other localities their memorials. I hope the Senate will give us this one; and I hope the Senator from Colorado will withdraw his point of order, and let us act on the merits of this amendment.

The VICE PRESIDENT. The Chair does not understand that any point of order has been made.

Mr. SHAFROTH obtained the floor.

Mr. THOMAS. Mr. President, I do not care to interrupt any Senator who desires to speak upon this subject. I understand that the point of order, if made, is not debatable.

The VICE PRESIDENT. It is not debatable.

Mr. THOMAS. Therefore I hesitate to make it as long as any Senator desires to express himself.

The VICE PRESIDENT. The Chair has no recollection that any point of order was made.

Mr. PAGE. The point of order, as I understand, was made by the Senator from Colorado [Mr. THOMAS], and then, at the request of the Senator from New Hampshire [Mr. GALLINGER], was withdrawn.

Mr. THOMAS. That is correct. I withdrew it, reserving the right to renew it this morning. If my colleague desires to speak upon the subject, I will not make it at present.

Mr. SHAFROTH. I voted against the appropriation in the Appropriations Committee, and if there is going to be discussion before the Senate, I should like to state the reasons why I did; but if a point of order is going to be made, I do not care to discuss the point of order.

As a member of the Committee on Appropriations, when this matter came before the committee I voted against the appropriation. The reason I did so was because the state of the finances is not such, in my judgment, that we should indulge in luxuries. Of course, memorials appeal to the esthetic taste, look very beautiful, and all that, but we have some serious governmental problems to solve, and they require money, and it seems to me that this is not a good time to appropriate large sums of money for that purpose.

It is true that we have appropriated, and we do every once in a while appropriate, money for the erection of a monument here in the District of Columbia. The reason for that, more particularly, is in order to beautify this city. It is territory that is within the exclusive jurisdiction of the United States, and it is more appropriate that we should erect monuments here than that we should scatter them all over the United States. If we enter upon the policy of erecting monuments all over the United States, it is going to take hundreds of millions of dollars.

There is not any question but that this was a battle of considerable moment. I suppose the forces involved in the affair were very small, but nevertheless it was of great consequence.

Mr. PAGE. It was one of the decisive battles.

Mr. SHAFROTH. That may be; it was one of the important battles of that period, and yet, of course, from the number of men that were engaged, no doubt it was very small compared to the armies that were engaged in our Civil War. Nevertheless, if that battle is to be commemorated by a monument erected within a State probably four of five hundred miles from the seat of Government of the United States, I do not see why each one of the battles that were fought during the Civil War should not have a large memorial; and if that is going to be done, where is this policy of erecting monuments to end? I do not know.

I think very few monuments have been erected by the United States in commemoration of battles. I saw one up in Gettysburg on Memorial Day. It was very appropriate that it should be there. It was not such an extraordinary one. I doubt very much whether it cost over $100,000. During the last few months I have had occasion to look at an advertisement which has appeared in the Washington Post, giving pictures of the monuments that have been erected in the city of Washington, together with the amount of the appropriations which have been made by Congress. In the case of nearly every one of those the amount which was appropriated was small. I was surprised to find that the cost of these equestrian statues, with their bases and all, scarcely ever exceeded $75,000 in any case, and yet they are beautiful memorials. They are magnificent, and they are very appropriate in the Capital of the United States.

If we are going to enter upon the policy of commemorating not only the Battle of Lake Erie, but also the Battle of Lake Champlain, where is Valley Forge going to come in? Where are all the other battles to come in—Yorktown and others—that occurred in the Revolutionary War? Are not the people of those localities as much entitled to memorials as these others?

Cornwallis's surrender at Yorktown was a very important surrender, if I remember correctly, and the same is true of a great many of the battles that occurred in the Revolutionary War. Then, if you turn to the War of 1812, you will have a score more, and when you come to the Civil War there will be hundreds and almost thousands; and if each one is appropriated for, the last must have a little more beautiful memorial than that which was appropriated for the year before.

It seems to me that inasmuch as we have not committed ourselves to the erection of memorials outside of the city of Washington, we ought to draw the line here, unless we enter upon a policy which will be well understood, and determine how much ought to be expended on this line. If, however, we are going to let the erection of a monument depend upon whether or not one Senator wants it, we out in Colorado might say: "There ought to be a great monument at Pikes Peak, and we would like to have one there, because it marked an era in the change of the flow of the population of the United States and the discovery of a great country out there."

Mr. GALLINGER. But, Mr. President, the peak itself is a pretty good monument, is it not?

Mr. SHAFROTH. It is a pretty good monument; but Zebulon Pike was a pretty good man, too, and he made the discovery and published to the world the riches that were there. One of the significant things that existed there was that everybody thought that gold was around in the vicinity of Pikes Peak, and it was not discovered until some 30 or 40 years afterwards; and yet that intuition seems to have been true, because the richest gold camp in the United States was found at the base of Pike's Peak.

But, Mr. President, where is this going to lead us? If we are going to appropriate $250,000 for a memorial at Lake Champlain to commemorate the Battle of Lake Champlain, there are any number of battles that are entitled to monuments. We ought to have some kind of a program or else we shall have to pick out the very great battles in the entire United States and appropriate for them. It seems to me, however, that to put as a rider upon an appropriation bill something that will shape itself into a policy of the United States Government with regard to the appropriation of money for luxuries is something that we ought not to do, for the reason that hundreds and perhaps thousands of these memorials will be asked for, and whether or not Congress will give them will depend to a large extent upon the popularity of the Senator making the request. That being the case, we know not where we are so far as finances are concerned if we are going to enter upon a policy of that kind.

Mr. REED. Mr. President, the Senator from Colorado asked the very pertinent question, "Are we likely to lose the results of the victory of Lake Champlain by not erecting this monument?" To that I answer unequivocally, "We are likely to lose one of the best results of that victory if we fail to keep alive its glorious story." We do not erect monuments in solace of the dead. We build them for the inspiration of the living. That nation which neglects the dust of its heroic dead and turns a deaf ear to the voice of patriotism will not long remain great.

In these piping times of peace and expurgated diplomacy we have constantly thrust upon us the philosophy that war is a thing to be abominated and that soldiers and sailors who die in defense of home and country are in need of apologists. I, in common with all others, would like to behold the sunrise of the millenium, when the lion and the lamb may lie down together and the white dove of peace hover over every land. But, sir, he is blind, indeed, who does not recognize the fact that as the world is now constituted, the life of the Republic, the liberties of its citizens, their right to walk this earth without clanking the chains of a master, depend in the last analysis upon the valor of the people.

If there be a present menace, it is found in the disposition to commercialize everything. The tenderest sentiments of life are now weighed in the traders' balances. The noblest aspirations and accomplishments of patriotism are valued as they bring in revenue. Nothing is any longer of account unless we can reduce it to dollars and pence.

I utterly abominate that doctrine. I would rather have a people living upon the very verge of poverty, yet recognizing that manhood is the standard of greatness, than to live in a temple of gold, where serfs and sycophants cringe and bow before either the masters of wealth or the masters of power. The greatness of every nation depends upon the individual citizen; and the greatness of every nation in the last analysis depends to a great extent upon the valor of the individual man.

When it is publicly declared that those who have bared their bosoms to the storms of war, who have offered their lives upon the altars of human liberty, shall sleep in unremembered graves; or when we are told that in commemorating their sac-

rifices, their greatness and their valor, we should make careful estimate in cold dollars of the value of their services and count the cost with stingy hand, we have reached the point where valor, patriotism, and sacrifice will be no longer regarded as the noblest duty of the citizen.

Mr. President, the Senator from Vermont uttered a great truth when he said this monument should be built for the boys and girls of Vermont. Aye, sir, it should be built for the boys and girls of the United States. No nation has ever kept alive the fires of patriotism unless it has been willing to honor those who have died in its defense. The peoples who have maintained their liberties and become great have erected noble monuments to their heroes, and covered them with laurels of respect and the flowers of love.

The Temple of Fame was not built as a financial investment. It was erected that the youth of the land might gaze upon it and in the story of the heroic dead gain an inspiration from their example.

I would hang upon the walls of every public building the pictures of our country's patriots and martyrs. I would hold before the youth of the land the story of Lexington and Yorktown, of New Orleans, of Chapultepec, of Lookout Mountain, the Wilderness, and all the great battles in which the sons of America have marched forth to death with cheers upon their lips. I would embalm in song and story the courage of Perry and Farragut, of Jones and Macdonough, of Dewey and Schley, and all the others, officers and men, who did their duty valorously and well.

These heroes have gone, or are fast going, into the land of dreams. Moving across the sunlit fields of life are the children of to-day. The shadowy hosts of the future are pushing forward to take their places in the endless procession that marches across this bank of time. They soon will be the citizens of the Republic. As they approach, I would their eyes might gaze upon statues of marble and of bronze, preserving the heroic figure of George Washington, the intellectual features of Thomas Jefferson, the grizzled visage of Andrew Jackson, the determined countenance of Ulysses S. Grant. I would have them look upon the sorrowful face of Abraham Lincoln and the noble features of Robert E. Lee and Stonewall Jackson. I would also point them to monuments commemorating the deathless courage of Macdonough, and tell them how this man, in a few days of time, hewed from the bosom of the forest his boats of war, and with less men and less guns than were possessed by the proud mistress of the waters wrested from her a glorious victory for our arms and preserved the integrity of the young Republic.

Sir, I count money so used as spent in the interests of humanity, patriotism, and the perpetuation of the liberties of the people of the United States of America.

Mr. THOMAS. Mr. President, I have not been a Member of this body very long, but long enough to realize that the surest road to unpopularity and opposition lies in the effort to economize in public expenditures, and that he who seeks to stay the steady march of appropriations is not only subject to reprisals, but must run counter not only to many interests but to many appeals, which, coming from personal friends and from the insistence of those whom one holds in high regard are extremely difficult to withstand.

I have also discovered, Mr. President, that the average large appropriation in its last analysis is generally defended by an appeal to patriotism. It is therefore no pleasure to me, Mr. President, to occupy an attitude of opposition either to this or to any other of the many appropriations which are swelling the total expenditures of this Government to an appalling aggregate, for I know full well that this, together with other amendments made by the Senate committee to the bill, will be enacted into law unless they can be subjected to points of order.

I regret very much that the character of this appropriation is such as to make personal appeals not to oppose it almost irresistible. I have been struck during this discussion with the fact that appropriations, local in character, in a general appropriation bill, like the removal of tariff duties upon articles of local importance, constitute the chief obstacles to all change. As in the case of a man living on the Pacific coast and there representing a community interest in a particular industry, he seeks to preserve that industry in the exercise and enjoyment of the privilege which is obtained by law, while anxious to remove those privileges in other sections of the country, so each appropriation making up the aggregate of a general appropriation bill appeals, exclusively sometimes, but always appeals to some particular locality, in consequence of which it looms more largely in its importance when it is attacked than all the rest of the bill combined. Therefore it is perfectly natural, Mr. President, that this appropriation should find its advocates almost entirely from the locality where the money is to be expended.

Mr. President, I believe I am as conscious of the importance of the Battle of Lake Champlain as any other citizen familiar with its history. I believe I am as conscious of the importance of commemorating great events of the Nation's history as can be the Senator from Missouri [Mr. REED]. But I believe, too, that there is a time for all things, and that when a great political party coming into power after an exile of many years at the outset of its campaign focused attention upon national extravagance and pledged itself to the people of the country that it would among other things effect a great reform in that direction if entrusted with power, it is as much the duty of the majority to obey that pledge as it is to conform to any other of its platform obligations.

Yet I am sorry to say that I have seen no evidences of a movement in that direction except as to matters of comparatively insignificant importance, while as to large appropriations liberality marks the occasion of all our actions, with the result that we shall probably appropriate more money in our general appropriation bills than ever before in the history of the country. We are economizing in some directions. For instance, in the senatorial barber shop and bathroom. I could not but think when the eloquent Senator from Vermont was discoursing and discoursing truly upon the virtues and the capacity and the patriotism of the sons of the Green Mountain State, who have occupied places in this Chamber, we should have thought or reflected upon the fact that they in their days of supremacy patronized the bathrooms and barber shops of the Senate, and, consequently, imparted an atmosphere of sanctity to the precincts of that place to which we all resort, and, as a consequence, should have withdrawn the hands of economy when stretched out in that direction.

Mr. President, some time ago, I think it was in one of the bills that has been considered by this Congress, an effort was made to increase the salaries of worthy occupants of official positions in some of the departments here, and particularly in the Department of the Treasury. I recall that of the chief clerk of the Customs Division, who by dint of hard work and attention to duty saved this Government last year $180,000. It was proposed to increase his somewhat meager salary some $500 a year, but that brand of economy which occasionally overtakes the Congress of the United States then came to the front and the allowance was denied.

I mention this not by way of invidious distinction, Mr. President, but merely to illustrate a number of similar instances in which we are prone to economize; and I have been unable to observe that, except in these smaller matters, which, of course, are relatively important, there is any spirit upon either side of this Chamber to administer the revenues of the country in the manner in which they should be administered and to the end of true economy.

Mr. President, I have seldom listened to a more eloquent tribute to valor and patriotism than that which has just fallen from the lips of the junior Senator from Missouri. There is much to be commended in the attitude which he has taken, but to my mind the most tremendous effect of war is the enormous burden of permanent expenditures and debt which it places upon the bent shoulders of future generations.

The Senator spoke of the generations which are to come and take our places as they successively appear upon the stage of action. They should have their minds stimulated and their hearts fortified with enduring patriotism by erecting monuments everywhere over the country to commemorate the valor and achievements of other days, and thus appeal to those sentiments and keep them alive forever more.

Mr. President, there is another side to the picture, for upon the shoulders of that shadowy multitude rest thousands of millions of debt, the heritage of war and of conflict, which these generations must forever bear, together with the constant accumulations which each successive period of strife adds to the mighty burden.

I would that war, with all its horrors and all its destruction and all its agonies, might be swept forever from the pathway of human history. To my mind the great value of monuments erected to the commemoration of these struggles is the lesson which they teach of sacrifice, of expenditure, of suffering, and of bloodshed, and that lesson, rightly learned and correctly interpreted, should warn the generations which witness these memorials of past triumphs against the repetition of conflicts when by honorable means they can be avoided.

Mr. President, I am sensible of the absence of the two Senators from the State of New York, and I would that this matter might come up at some time when one or the other of them were present; but, of course, it is not my fault nor the fault of any

Member of this body that the State of New York is at present unrepresented here. I do not know that the fact of their presence would result in any change of procedure, because, much as I want to see a change in the administration of our fiscal affairs through appropriations, I am not going to take upon myself the sole responsibility of making a motion or raising a point of order upon this measure. I know, Mr. President, that it would seem invidious. I know that misconstruction might be placed upon my purpose in the absence of these gentlemen. I know, too, that this appropriation is neither better nor worse than a great many of the other appropriations or items in this and kindred measures

I am aware that a year ago we appropriated a similar amount to commemorate the victory on Lake Erie, and it occurred to me then that we were establishing a precedent that would bear rich fruit in the early future. I make the prediction now that this is but another precedent which will bear early fruit, encouraging similar appropriations hereafter in a similar way.

I shall not, Mr. President, vote for this measure, but, because of the appeals which these gentlemen have made, I shall content myself with making a motion to strike this proposed amendment from the bill.

Mr. BRYAN rose.

Mr. THOMAS. But, Mr. President, I want again, although I am conscious that it may be futile, to register my protest against the constant disregard of what I consider to be one of the fundamental planks of the Democratic platform and to say that, in my judgment, the country expects it to be recognized, and that if we continue our present course and come to disaster the consequences will be as much due to our disregard of that plank as of any other portion of our pledge to the people who put us in power.

I yield to the Senator from Florida.

My BRYAN. I rose to suggest to the Senator from Colorado that the usual method of procedure is to vote on the committee amendment. Therefore it will not be necessary for him to move to strike it out.

Mr. THOMAS. Well, whatever the usual procedure is I shall, of course, follow. I shall content myself by voting upon it.

The VICE PRESIDENT. The same purpose will be accomplished by the rejection of the committee amendment. The question is on the adoption of the amendment of the committee. [Putting the question.] The ayes seem to have it.

Mr. SHAFROTH. I call for a division.

Mr. GALLINGER. We had better have the yeas and nays. I ask for the yeas and nays.

The yeas and nays were ordered.

Mr. TOWNSEND. I suggest the absence of a quorum.

SEVERAL SENATORS. Oh, no.

Mr. TOWNSEND. Otherwise Senators can not get here in time for the vote by yeas and nays.

The VICE PRESIDENT. The absence of a quorum is suggested, and the Secretary will call the roll.

The Secretary called the roll, and the following Senators answered to their names:

Brady.	du Pont	Norris	Smith, Md.
Brandegee	Gallinger	Oliver	Smoot
Bristow	Hughes	Page	Stone
Bryan	Johnson	Perkins	Sutherland
Burton	Jones	Poindexter	Thomas
Camden	Kenyon	Pomerene	Thompson
Catron	Kern	Ransdell	Thornton
Chamberlain	Lane	Saulsbury	Townsend
Chilton	Lippitt	Shafroth	Walsh
Clapp	Martin, Va.	Sheppard	Warren
Clarke, Ark.	Martine, N. J.	Shively	White
Colt	Myers	Simmons	
Dillingham	Newlands	Smith, Ariz.	

Mr. KERN. I desire to announce the unavoidable absence of the senior Senator from South Carolina [Mr. TILLMAN] and the junior Senator from South Carolina [Mr. SMITH], who are absent from the city on important business. This announcement will stand for the day.

Mr. CHILTON. I wish to announce the necessary absence of the Senator from New Mexico [Mr. FALL]. I will let this announcement stand for the day.

Mr. CLARKE of Arkansas. I wish to announce that my colleague [Mr. ROBINSON] is absent from the city on necessary business, and will be absent for several days.

The VICE PRESIDENT. Fifty Senators have answered to the roll call. There is a quorum present. The question is on agreeing to the amendment of the committee, on page 166, entitled "Macdonough memorial." The yeas and nays have been ordered and the Secretary will call the roll.

The Secretary proceeded to call the roll.

Mr. CATRON (when his name was called). I have a pair with the Senator from Oklahoma [Mr. OWEN]. I transfer that pair to the Senator from Illinois [Mr. SHERMAN] and vote "yea."

Mr. CHILTON (when his name was called). I transfer my pair, as formerly announced, to the Senator from Alabama [Mr. BANKHEAD] and vote "yea."

Mr. CLARKE of Arkansas (when his name was called). I have a pair with the junior Senator from Utah [Mr. SUTHERLAND], who is not present. I therefore withhold my vote. I will let this announcement stand for the day.

Mr. GALLINGER (when his name was called). I have a pair with the junior Senator from New York [Mr. O'GORMAN], but on this vote I am released by that Senator, and I vote "yea."

Mr. HOLLIS (when his name was called). I have a pair with the junior Senator from Maine [Mr. BURLEIGH]. I transfer that pair to the junior Senator from Mississippi [Mr. VARDAMAN] and vote "yea."

Mr. JAMES (when his name was called). I transfer my general pair with the junior Senator from Massachusetts [Mr. WEEKS] to the junior Senator from New York [Mr. O'GORMAN] and vote "nay."

Mr. JOHNSON (when his name was called). I have a general pair with the junior Senator from North Dakota [Mr. GRONNA], which I transfer to the Senator from Illinois [Mr. LEWIS], and vote "yea."

Mr. STONE (when his name was called). I have a pair with the Senator from Wyoming [Mr. CLARK], and therefore withhold my vote.

Mr. THOMAS (when his name was called). I transfer my pair with the senior Senator from New York [Mr. ROOT] to the junior Senator from Maryland [Mr. LEE] and vote "nay."

Mr. TOWNSEND (when his name was called). As I have before stated, I have a pair with the junior Senator from Arkansas [Mr. ROBINSON], who is necessarily absent. I transfer that pair to the senior Senator from North Dakota [Mr. MCCUMBER] and vote "yea."

The roll call was concluded.

Mr. DU PONT. I have a general pair with the senior Senator from Texas [Mr. CULBERSON]; but I transfer that pair to the Senator from Minnesota [Mr. NELSON] and vote "yea."

Mr. MYERS. I have a pair with the Senator from Connecticut [Mr. MCLEAN]. In his absence I withhold my vote, unless it becomes necessary to make a quorum.

The result was announced—yeas 43, nays 8, as follows:

YEAS—43.

Brady	Cummins	Martine, N. J.	Smith, Md.
Brandegee	Dillingham	Newlands	Smith, Mich.
Bristow	du Pont	Oliver	Smoot
Bryan	Gallinger	Page	Sterling
Burton	Hollis	Perkins	Sutherland
Camden	Hughes	Poindexter	Thornton
Catron	Johnson	Pomerene	Townsend
Chamberlain	Jones	Ransdell	Walsh
Chilton	Kern	Saulsbury	Warren
Clapp	Lippitt	Sheppard	White
Colt	Martin, Va.	Simmons	

NAYS—8.

James	Lane	Shively	Thomas
Kenyon	Shafroth	Smith, Ariz.	Thompson

NOT VOTING—45.

Ashurst	Gronna	O'Gorman	Stephenson
Bankhead	Hitchcock	Overman	Stone
Borah	La Follette	Owen	Swanson
Burleigh	Lea, Tenn.	Penrose	Tillman
Clark, Wyo.	Lee, Md.	Pittman	Vardaman
Clarke, Ark.	Lewis	Reed	Weeks
Crawford	Lodge	Robinson	West
Culberson	McCumber	Root	Williams
Fall	McLean	Sherman	Works
Fletcher	Myers	Shields	
Goff	Nelson	Smith, Ga.	
Gore	Norris	Smith, S. C.	

So the amendment was agreed to.

The VICE PRESIDENT. The next committee amendment passed over will be stated.

The SECRETARY. The next amendment of the Committee on Appropriations passed over was, on page 184, line 2, after the word "Isthmus," to strike out "and for expenses of the official representation of Congress attending the formal opening of the canal" and to insert "*Provided*, That the Secretary of War may make use of the equipment and funds of the Panama Railroad Co. for the purpose of transportation and other necessary expenses incident to the official representation of Congress attending the formal opening of the canal."

Mr. BRISTOW. Mr. President, that is a remarkable amendment.

Mr. MARTIN of Virginia. If the Senator from Kansas will permit me to interrupt him, I ask that the committee amendment may be disagreed to, so as to leave the text of the bill just as it was when it came from the House of Representatives.

Mr. BRISTOW. I shall be very glad to see that done.

The VICE PRESIDENT. The question is on agreeing to the amendment reported by the Committee on Appropriations.

The amendment was rejected.

The VICE PRESIDENT. The next committee amendment passed over will be stated.

The SECRETARY. The next amendment of the Committee on Appropriations passed over was, on page 186, in line 4, after the word "expended," to insert the following proviso:

Provided, That all expenditures from the appropriations heretofore, herein, and hereafter made for the construction of the Panama Canal, including any portion of such appropriations which may be used for the construction of dry docks, repair shops, yards, docks, wharves, warehouses, storehouses, and other necessary facilities and appurtenances, for the purpose of providing coal and other materials, labor, repairs, and supplies, for the construction of office buildings and quarters, and other necessary buildings, exclusive of fortifications and colliers, and exclusive of the amount used for operating and maintaining the canal, and for the permanent organization after the canal is opened for use and operation, may be paid from or reimbursed to the Treasury of the United States out of the proceeds of the sale of bonds authorized in section 8 of the said act approved June 28, 1902, and section 39 of the tariff act approved August 5, 1909.

Mr. SMOOT. Mr. President, I intend to make a point of order against this amendment, but I do not desire to do so until the Senator from Iowa [Mr. CUMMINS] has had an opportunity to speak upon it.

Mr. KENYON. Was this amendment passed over at the request of the senior Senator from Iowa?

Mr. SMOOT. It was passed over at the request of the senior Senator from Iowa.

Mr. KENYON. I have sent for him.

Mr. SMOOT. Mr. President, I want to call attention to the object of this amendment. The tariff act of 1909, in section 39, provides as follows:

SEC. 39. That the Secretary of the Treasury is hereby authorized to borrow on the credit of the United States from time to time, as the proceeds may be required to defray expenditures on account of the Panama Canal and to reimburse the Treasury for such expenditures already made and not covered by previous issues of bonds, the sum of $290,569,000 (which sum, together with the $84,631,900 already borrowed upon issues of 2 per cent bonds under section 8 of the act of June 28, 1902, equals the estimate of the Isthmian Canal Commission to cover the entire cost of the canal from its inception to its completion).

I wish the Senate to take particular notice of the authorization the Secretary of the Treasury had for issuing these bonds. It was "to cover the entire cost of the canal from its inception to its completion." The bonds authorized have not all been issued. There have been paid out of the general funds of the United States something more than $200,000,000 toward the construction and completion of the Panama Canal. The amendment reported provides:

That all expenditures from the appropriations heretofore, herein, and hereafter made for the construction of the Panama Canal, including any portion of such appropriations which may be used for the construction of dry docks, repair shops, yards, docks, wharves, warehouses, storehouses, and other necessary facilities and appurtenances.

Mr. President, that means that for every dollar that has been paid out in the past toward the construction of the Panama Canal from the general funds of the Government the Secretary of the Treasury can now issue bonds for that amount, and not only for that amount, Mr. President, but for the amount that will be required for the completion of the canal proper, and also "for the construction of dry docks, repair shops, yards, docks, wharves, warehouses, storehouses, and other necessary facilities and appurtenances."

Mr. THOMAS. Does the Senator from Utah mean that the Secretary of the Treasury may issue and sell bonds exclusive of the amount of bonds provided for in the tariff act to which the Senator refers?

Mr. SMOOT. No; the Secretary of the Treasury is not authorized to do that under this amendment, but he is authorized under this amendment to issue the bonds provided for in the tariff act of August 5, 1909, to pay the amount of money that has already been paid from the general fund of the Government toward the completion and construction of the Panama Canal.

Mr. THOMAS. That is, the unsold bonds of that issue?

Mr. SMOOT. The unsold bonds of that issue.

Mr. BRISTOW. Mr. President——

The PRESIDING OFFICER (Mr. HOLLIS in the chair). Does the Senator from Utah yield to the Senator from Kansas?

Mr. SMOOT. I do.

Mr. BRISTOW. As I understand, there has been up to this time approximately $340,000,000 expended in the construction of the canal.

Mr. SMOOT. Approximately $354,000,000.

Mr. BRISTOW. A part of that has been obtained by the sale of bonds and a part of it has been taken from the general fund of the Treasury. All bills up to date have been paid?

Mr. SMOOT. That is true.

Mr. BRISTOW. This bill proposes to appropriate $20,000,000 additional. It not only authorizes the Secretary of the Treasury to sell bonds to obtain the $20,000,000, but it authorizes him to sell bonds representing expenditures that have already been made out of the Public Treasury so as to obtain money to construct additional facilities that are not provided for here?

Mr. SMOOT. Certainly; and not only that, Mr. President, but it authorizes the Secretary of the Treasury to sell these bonds and return the proceeds to the general fund of the Treasury the amount that has been paid out of that general fund, or, in other words, the Secretary of the Treasury under this amendment can sell over $200,000,000 worth of those bonds. I have sent to my office to ascertain the precise amount of construction cost paid from the general fund, and if I have not given it correctly I will correct my statement; but the law authorizes the Secretary of the Treasury to sell the amount of bonds provided for in the act of August 5, 1909, to reimburse the general fund of the Government for the amount expended on the construction of the canal.

Mr. BRISTOW. If the Senator will allow me, would it not be better to put it in this way: It is proposed to authorize the Secretary of the Treasury to sell $200,000,000 of bonds to obtain money with which to pay the current running expenses of the Government?

Mr. SMOOT. Mr. President, I do not want to go that far, because the amendment does not specifically so state, but that is its ultimate object.

Mr. BRISTOW. That is the object of it. Evidently anticipating a deficit in the revenues, instead of asking for permission to issue bonds to meet it, they want to issue bonds on account of expenditures which have been made, paid for, and settled, in order to get the money to meet current expenses, the ostensible purpose being to meet expenditures incurred in building the canal, although the canal has been constructed and paid for with the exception of an expenditure of about $20,000,000.

Mr. BRYAN. Mr. President——

The PRESIDING OFFICER. Does the Senator from Utah yield to the Senator from Florida?

Mr. SMOOT. I yield.

Mr. BRYAN. I think that would hardly be a fair construction to place upon the purpose of this provision. It was in the sundry civil law of last year practically the same as it is in the bill of this year, the only difference being that the words "and colliers" "and maintaining" are added to this provision.

Mr. SMOOT. That may be true, Mr. President——

Mr. BRYAN. I do not know for how many years a similar provision has been in the sundry civil appropriation bill, but certainly it was in the bill last year.

Mr. SMOOT. I think that was the first year it was placed into an appropriation bill.

Mr. BRYAN. It seems to me it does not made a great deal of difference whether it remains in this year or not, because the same words contained in this bill are in the law now.

Mr. SMOOT. That law did not say that "hereafter"——

Mr. BRYAN. It did say "hereafter." I will read it to the Senator.

Mr. SMOOT. Very well; the Senator may read it.

Mr. BRYAN. It reads:

Provided, That all expenditures from the appropriations heretofore, herein, and hereafter made—

And so forth.

Mr. SMOOT. I do not mean "hereafter" in that sense. I mean that the provision which was put in last year's law only applied to the end of that fiscal year, and unless a similar provision is now put in this bill the provision in the law of last year ceased on June 30 last.

Mr. BRYAN. So the provision in this bill will cease on June 30 of next year.

Mr. SMOOT. Yes, Mr. President, I know that; but I want to say to the Senator that when a similar provision was put in the bill last year there was criticism made of it in the committee, but it was stated that it would make no difference; that it was not expected to use any money that might be derived from the sale of said bonds; and that therefore it would do no harm. I remember, Mr. President——

Mr. BRISTOW. Mr. President——

Mr. SMOOT. Just a moment. I remember that two years ago, I think it was, the Senator from Colorado [Mr. THOMAS], in discussing the very question of the authorization of issue of bonds for this purpose, and the fact that none had been issued under it for some time before, asked whether or not the Government of the United States could issue them, and I told the

Senator from Colorado at that time the Treasurer could issue them, but I did not believe that he ever would.

Mr. THOMAS. That was one year ago.

Mr. SMOOT. The Senator from Colorado corrects me, and says that was one year ago.

Mr. President, it has been my thought and my belief that no more of those bonds would be issued. I want to say to the Senate now that when the provision to which I have referred was put in the tariff act of 1909 it was thought then that there would be very few of the bonds ever issued; but the provision was inserted so that in case it happened in any particular year that there was not revenue enough to meet the general expenses of the Government the construction of the Panama Canal would not be interfered with. At that time, Mr. President, we did not know what the canal was going to cost; we had a general idea, but nobody knew even approximately what it would cost; and the provision was enacted at that time out of abundant caution.

Mr. BRISTOW. Mr. President, I should like the attention of the Senator from Florida. I regret that the provision was in last year's bill. I do not think it ought to have been there. I think it is altogether proper to provide for a bond issue to meet the expenditure of $20,718,000 provided in this bill, in the event the general revenues of the Government should prove inadequate, but to authorize the Secretary of the Treasury to go back and issue bonds to reimburse the Treasury for expenses that have been incurred, it seems to me, is unwise legislation and calculated to invite extravagance.

Mr. SMOOT. I will say to the Senator from Kansas that under the act of August 5, 1909, the Secretary of the Treasury has the right now to issue bonds to the amount of $20,718,000 appropriated in this bill, and there is no necessity for a provision of that kind in this bill, because, as I have said, the Secretary of the Treasury has already that authority, provided the money is used for the construction of the Panama Canal.

Mr. President, if no one else desires to speak upon this subject, I desire to state my point of order.

Mr. BRYAN. I want to say a word before the Senator does that.

Mr. SMOOT. Then, I withhold the point of order.

Mr. BRYAN. I do not intend to argue the merits of this proposition, but it seemed to me that it was not fair to say that this proviso was placed in this bill in order to enable the Treasury Department to issue bonds, because it was in last year's bill in the same language, and I think it has been in sundry civil bills for a number of years past. It seems to me that it does not make much difference whether it remains in the bill or not, because the word "hereafter" will make the provision applicable beyond the year for which the appropriation is made. That language is broad enough to continue that power, it seems to me; and if the Senator is fearful of bonds being issued, why does he not introduce a bill to repeal that provision as contained in the law for the fiscal year 1914?

Mr. SMOOT. I have been thinking of doing that very thing, and I believe it ought to be done just as soon as the canal is completed; but I have not felt up to this time that I would be justified in making an effort to repeal section 39 of the tariff act of August 5, 1909, at least not until we knew what the canal was going to actually cost and was virtually completed.

Mr. BRYAN. I merely want to read the language before the Senator raises his point of order, so as to show that it is not dependent upon the expiration of the year for which the appropriation is made, because it says:

Provided—

I am now reading from the act of last year—

Provided, That all expenditures from the appropriations heretofore, herein, and hereafter made for the construction of the Panama Canal, including any portion of such appropriations which may be used—

And so forth.

It is not limited to any year; the power to issue bonds has been there under the act of last year all the time.

Mr. SMOOT. I do not think so. That applies only to the appropriation bill of that year.

Mr. BRYAN. Then why is the Senator going to introduce a bill to repeal it?

Mr. SMOOT. I did not mean the repealing of that provision; I meant, as I stated, that section 39 of the act of August 5, 1909, ought to be repealed. Now, Mr. President——

Mr. BRYAN. Mr. President, if the Senator will permit me further, I am informed by the clerk of the committee that a similar provision has occurred in every appropriation bill since 1907; so that the fact that it remains in this bill ought not to be taken as warrant for the statement that there is some intention of issuing bonds.

Mr. SMOOT. The act of 1909 in which we provided for bonds was the tariff act. I have just read that provision of the act of 1909, Mr. President.

Mr. BRYAN. I will read to the Senator from the act of 1907:

Provided, That all expenditures from the appropriation herein made for the Isthmian Canal shall be paid from, or reimbursed to the Treasury of the United States out of, the proceeds of the sale of bonds authorized in section 8 of the said act approved June 28, 1902.

Mr. SMOOT. That refers to the Panama Canal act of 1902.

Mr. BRYAN. And a similar provision has been in all the appropriation bills covering appropriations for the Panama Canal since 1907.

Mr. TOWNSEND. That provision is not like the one in this bill.

Mr. SMOOT. That is not like this provision at all.

Mr. BRISTOW. Mr. President——

The PRESIDING OFFICER (Mr. MARTINE of New Jersey in the chair). Does the Senator from Utah yield to the Senator from Kansas?

Mr. SMOOT. In a moment. I merely want to call the attention of the Senator from Kansas, if he is going to speak upon the question, to the fact that that provision is not the same as the provision in this bill. Right here I desire to say that I have just received the information that the amount that has been paid from the general funds of the Treasury in the construction of the Panama Canal has been $217,785,130.08 instead of $200,000,000, as I stated from recollection.

Mr. BRISTOW. Mr. President——

Mr. SMOOT. I yield to the Senator.

Mr. BRISTOW. As I understood the provision read by the Senator from Florida, it provided for the sale of bonds to meet the appropriation therein made. I think that is altogether proper.

Mr. SMOOT. Certainly.

Mr. BRISTOW. I do not take issue with him that in the last appropriation bill the same provision was made; but I think it was wrong. I believe, as I said before, that we ought to give authority to sell bonds to secure money to complete the canal, and not have that project depend upon the current revenues; but I do not think it would be right for us to go back, in order to get funds to maintain the Government, to sell bonds and to reimburse the Treasury for those expenditures any more than for any other expenditures.

I desire to withdraw my criticism that this provision has never before appeared, as I now understand it has appeared heretofore, and I will direct the criticism against the method of appropriating not only in this bill but in any previous bill that may have contained the same language.

Mr. BRYAN. Mr. President, I do not think I will quarrel with the Senator on his proposition.

Mr. SMOOT. Then, if that is the case, why not have the Senate disagree to this amendment entirely?

Mr. BRYAN. Mr. President, I do not feel authorized to agree to that. The Senator can make his point of order.

Mr. SMOOT. Well, I make the point of order that the amendment changes existing law. The law to which it refers——

Mr. BRYAN. It does not change existing law, and if the Senator makes the point of order upon that ground——

Mr. SMOOT. If the Senator will wait until I get through stating the point of order, he will be better able to understand the point I make.

Mr. President, the provision changes existing law in this respect, that the act authorizing the Secretary of the Treasury to issue bonds for defraying the expenses of the construction of the Panama Canal specifically states that they may be issued to cover the entire cost of the canal from its inception to its completion. This amendment here goes further than the cost of the canal. It states that bonds may be issued—

For the construction of dry docks, repair shops, yards, docks, wharves, warehouses, storehouses, and other necessary facilities and appurtenances.

It is also general legislation upon an appropriation bill.

Mr. CLARKE of Arkansas. Mr. President——

The PRESIDING OFFICER. Does the Senator from Utah yield to the Senator from Arkansas?

Mr. CLARKE of Arkansas. I thought the Senator had yielded the floor.

Mr. SMOOT. I am through.

Mr. CLARKE of Arkansas. Mr. President, the point of order is not well taken at this time, even if it were of substance as originally presented. The rule that governs the presentation of objections in the form of points of order is well defined in the action of the Senate had on January 13, 1881. It is recorded in

the Book of Precedents prepared by Mr. Gilfry, at page 47, as follows:

The Senate having under consideration the Army appropriation bill,
On motion of Mr. Saunders to amend by inserting:
"For the erection of a building suitable for offices for headquarters of the Department of the Platte in Omaha, State of Nebraska, $30,000," etc.,
After debate,

Just as debate has taken place here now—

Mr. Beck raised a question of order, viz, that the amendment not having been moved by direction of a standing or select committee of the Senate, or proposed in pursuance of an estimate of the head of some one of the departments, was not in order under Rule XXVII of the Senate.

The Presiding Officer (Mr. Hoar in the chair) overruled the question of order, and decided that a question that an amendment was not in order could not be made after debate had proceeded upon the merits of the amendment. (See CONGRESSIONAL RECORD, Forty-sixth Congress, third session, p. 604.)

On the following day, January 14 (Journal, p. 119), when the bill was up for consideration, and the question recurring on the amendment proposed by Mr. Saunders,

Before proceeding to the consideration of the proposed amendment Mr. Withers asked, and by unanimous consent, obtained leave to have the question submitted whether the motion of Mr. Saunders to amend the bill was in order, the amendment not having been proposed in pursuance of an estimate of the head of some one of the departments, and the Presiding Officer (Mr. Rollins in the chair) submitted the question to the Senate, Is the amendment in order?

It was determined in the negative. (See CONGRESSIONAL RECORD, same as above, pp. 624–628.)

It is not in order to debate a question and then propose a point of order that is decisive of it if decided affirmatively. For that reason the Senator has waived his right to raise the point of order.

We have gone along here in disregard of that wholesome rule until it has almost become obsolete; but the more I see of its abuse the more I am satisfied that it is one of the best rules we have, and that it ought to be enforced, and I know of no better case in which to enforce it than the present.

In the first place, the proposed amendment carries out existing law. I say that because section 39 of the act of 1909, which has been read by the Senator from Utah, authorized the issue of $290,000,000 of bonds for the purpose of paying for the Panama Canal. It never was intended that the cost of constructing the Panama Canal should rest upon the general revenues of the country. It was treated as a special project, and special provision was made for the payment of the necessary expenditures. There grew up a habit of making appropriations payable out of the general-revenue fund, always with the implied condition that whenever the revenue necessities of the Government required the sum thus paid would be reimbursed to that fund by a sale of these bonds.

The Senator from Utah informs us that there have been paid out of the general fund of the Treasury $217,000,000 of the $340,000,000 that have been expended. That leaves about $125,000,000 or $130,000,000 of the canal bonds that have been sold. It is entirely competent for the Secretary of the Treasury at this time, if in his judgment it should be necessary to do so, to sell a thousand bonds and to reimburse the general fund for the outlays that have been made from time to time. He could do that with perfect propriety, not in view of any failure of revenue but simply because it was so nominated in the bond and was part of the scheme under which that great canal was constructed.

The immaterial amendments made here, including colliers and coaling stations, and a few things of that kind which the Senator read, and which I do not now accurately recall, are not so completely of the substance as to justify us in assuming that it is a wholly different provision. The language in former acts spoke in the terms of a permanent statute. In fact, it was implied in the act of 1909, section 39, that all the funds necessary to construct the canal must be raised by the sale of bonds. Simply as a matter of financial convenience to the Treasury Department or to utilize surplus revenues, without putting the Government to the expense of issuing bonds and thereby paying interest while there was idle money lying in the Treasury, the habit grew up of paying out of current revenues as far as the funds would go the expense of constructing the canal.

I therefore maintain that the point of order is bad, first, because the amendment was debated on its merits before it was presented and next because it simply carries out the provisions of existing law and is justified under our rules.

Mr. SMOOT. Mr. President, the case cited by the Senator is not this case at all. I have not offered an amendment to the committee amendment.

Mr. CLARKE of Arkansas. The Senator debated the amendment on its merits before he presented the point of order against its consideration.

Mr. SMOOT. That is true; but I stated in starting that I intended to make the point of order against the amendment.

Mr. CLARKE of Arkansas. That is just exactly what our rules do not permit a Senator to do.

Mr. SMOOT. I do not know of any rule to that effect.

Mr. CLARKE of Arkansas. This is the rule.

Mr. SMOOT. Mr. President, the case cited by the Senator from Arkansas is a case in which a Senator offered an amendment to the amendment of the committee; and, of course, if there was a point of order made against it, it would be wholly out of order to discuss it. There is no question in my mind about that. The case that the Senator cites is perfectly right and proper under our rules, but there is no amendment offered to this amendment by any Senator. It is the whole committee amendment itself, and to that committee amendment I make the point of order.

Mr. CLARKE of Arkansas. Mr. President, in order that there may be no dispute as to just exactly what the precedent cited by me establishes, I will read it, or at least the operative part of it. The ruling was made by an honored Senator from Massachusetts, Senator Hoar, who was here when I came, and who was recognized as an authority upon parliamentary procedure. The ruling made by the Chair was as follows:

The Presiding Officer (Mr. Hoar in the chair) overruled the question of order, and decided that a question that an amendment was not in order could not be made after debate had proceeded upon the merits of the amendment.

That is what I invoke here and now.

Mr. SMOOT. But I have not offered an amendment.

Mr. CLARKE of Arkansas. I am not talking about what the Senator offered, but he raised a point of order against an amendment, and he can not do that after he has debated the amendment.

Mr. SMOOT. I am perfectly aware that if I had offered an amendment that could not be done; but in the case cited Senator Hoar was perfectly right in his ruling, and so would the Senator from Arkansas, in his contention to-day, if I had offered an amendment to this amendment; but I did not do that.

Mr. CLARKE of Arkansas. I can only say that I can not make the contention I am insisting upon any clearer than I have made it by reading the rule. All the cases differ somewhat in their facts, but the general rule by which they are governed is the same, notwithstanding there may be distinctions of fact arising from time to time. In fact, it rarely ever happens that two cases exactly alike are presented, because in that case there is an instant and complete obedience to the former ruling. What the Presiding Officer decided and what the Senate on a vote affirmed was that after an amendment of any kind, offered by anybody, committee or Senator, at any time had been debated upon its merits, it was too late to raise the point of order that it could not be considered, and that is the question I submit.

Mr. BRISTOW. Mr. President, I want to take issue with the Senator from Arkansas in regard to the matter of issuing bonds upon past expenditures to meet the obligations for which this $20,000,000 is appropriated. While the Senator from Arkansas has been here much longer than I have, and I would not want to take issue with him, so far as memory goes, my impression has been that the object of providing for this bond issue was to be sure to have funds available for the construction of the canal regardless of the condition the Treasury might be in; and it has been carried on from year to year. Now, when the Treasury has an abundance of funds to meet all of its obligations, this expenditure, as well as any other, I certainly think it would be foolish to resort to issuing bonds; and since the Treasury has been able to meet the demands with a limited issue of bonds, it seems to me that when we make here an appropriation of $20,000,000 it is all right to continue to carry the provision for issuing bonds to obtain this money; but to carry a provision that will authorize the Secretary of the Treasury to sell the bonds to meet an expenditure that has already been made and settled is unwise, and I do not think it ought to be carried in the law.

Mr. CLARKE of Arkansas. Mr. President, as a matter of fact, there has not been a bond sold for the specific purpose of raising money to construct the canal. In every instance where a sale has taken place it has been to reimburse the Treasury, to supply an approaching deficiency.

Mr. BRISTOW. Is not the Senator mistaken as to that? Are not these Panama Canal bonds a distinct and specific issue that can not be used by the banks as the basis for the issuance of currency? They draw 3 per cent interest, and they are registered and known as Panama bonds, and sold as such.

Mr. CLARKE of Arkansas. That is conceded; but I say that the actual sale of the bonds was not for the specific purpose of raising funds to prosecute the work of construction of the canal, but for the purpose of supplying funds when it was indicated that a deficit was about to take place.

The PRESIDING OFFICER. The Chair is impressed that the point of order raised by the Senator from Utah [Mr. SMOOT] is not well taken. The question is upon agreeing to the amendment of the committee.

Mr. SMOOT. Upon that I ask for the yeas and nays.

The yeas and nays were ordered.

Mr. CHAMBERLAIN. I suggest the absence of a quorum.

The PRESIDING OFFICER. The Secretary will call the roll.

The Secretary called the roll, and the following Senators answered to their names:

Ashurst	Gallinger	Overman	Sterling
Brady	Hitchcock	Page	Stone
Bristow	Hollis	Perkins	Sutherland
Bryan	Johnson	Poindexter	Swanson
Burton	Jones	Ransdell	Thomas
Catron	Kenyon	Saulsbury	Thompson
Chamberlain	Kern	Shafroth	Thornton
Clapp	Lane	Sheppard	Townsend
Clarke, Ark.	Martin, Va.	Shively	White
Colt	Martine, N. J.	Smith, Ariz.	Williams
Crawford	Nelson	Smith, Ga.	
Cummins	Norris	Smith, Md.	
Dillingham	Oliver	Smoot	

The PRESIDING OFFICER. Forty-nine Senators have responded to their names. A quorum is present. The question is upon agreeing to the committee amendment on page 186, upon which the yeas and nays have been ordered.

Mr. GALLINGER. Mr. President, before the vote is taken I want to express my surprise that at the hour of 20 minutes past 2 o'clock we should have to waste some time here in getting a quorum. I speak only for myself. I am here under conditions that are not overpleasant; but I feel sure that there ought to be an admonition, particularly from the other side of the Chamber, to Senators as to their duty. The quorum will soon be absolutely broken unless greater effort is put forth to have Senators attend the sessions.

I say this in entire good nature. If I consulted my own convenience or my own comfort, I would not be in the Senate; but I am sitting here hour after hour and day after day, and I wish that we might not be put to the inconvenience and discomfort of extending the hours because of the fact that Senators are absenting themselves when they ought to be here.

The PRESIDING OFFICER. The Chair thinks the words of the Senator are very fit and apropos.

Mr. SMOOT. Mr. President, will the Chair state the question again?

The PRESIDING OFFICER. The question is on agreeing to the amendment on page 186, beginning in line 3, on which the yeas and nays have been ordered. The Secretary will call the roll.

The Secretary proceeded to call the roll.

Mr. CATRON (when his name was called). I transfer my pair with the senior Senator from Oklahoma [Mr. OWEN] to the senior Senator from Illinois [Mr. SHERMAN] and will vote. I vote "nay."

Mr. CHILTON (when his name was called). Making the same announcement as on a former ballot, as to my pair and its transfer to the senior Senator from Alabama [Mr. BANKHEAD], I vote "yea."

Mr. CRAWFORD (when his name was called). I have a general pair with the senior Senator from Tennessee [Mr. LEA], who is absent. I therefore withhold my vote for the present.

Mr. GALLINGER (when his name was called). I have a general pair with the junior Senator from New York [Mr. O'GORMAN] and withhold my vote.

Mr. HOLLIS (when his name was called). I transfer my pair with the junior Senator from Maine [Mr. BURLEIGH] to the junior Senator from Mississippi [Mr. VARDAMAN] and will vote. I vote "yea."

Mr. JAMES (when his name was called). I transfer my general pair with the junior Senator from Massachusetts [Mr. WEEKS] to the junior Senator from Nevada [Mr. PITTMAN] and will vote. I vote "yea."

Mr. JOHNSON (when his name was called). I have a general pair with the junior Senator from North Dakota [Mr. GRONNA], which I transfer to the junior Senator from Illinois [Mr. LEWIS] and will vote. I vote "yea."

Mr. STONE (when his name was called). I am advised that if the senior Senator from Wyoming [Mr. CLARK], with whom I have a pair, were present, he would vote "yea," and therefore I feel at liberty to vote. I vote "yea."

Mr. THOMAS (when his name was called). I again announce my pair and withhold my vote.

Mr. TOWNSEND (when his name was called). Again announcing my pair with the junior Senator from Arkansas [Mr. ROBINSON], I transfer that pair to the senior Senator from North Dakota [Mr. MCCUMBER] and vote "nay."

Mr. WILLIAMS (when his name was called). I transfer my general pair with the senior Senator from Pennsylvania [Mr. PENROSE] to the junior Senator from South Carolina [Mr. SMITH] and will vote. I vote "yea."

The roll call was concluded.

Mr. CRAWFORD. I transfer my pair with the senior Senator from Tennessee [Mr. LEA] to the junior Senator from California [Mr. WORKS] and vote "nay."

Mr. MYERS. I have a pair with the junior Senator from Connecticut [Mr. MCLEAN]. I transfer that pair to the junior Senator from Maryland [Mr. LEE] and will vote. I vote "yea."

The result was announced—yeas 35, nays 24, as follows:

YEAS—35.

Bryan	Johnson	Pomerene	Smith, Md.
Camden	Kern	Ransdell	Stone
Chamberlain	Martin, Va.	Saulsbury	Swanson
Chilton	Martine, N. J.	Shafroth	Thornton
Clarke, Ark.	Myers	Sheppard	Walsh
Hitchcock	Newlands	Shively	Warren
Hollis	Oliver	Simmons	White
Hughes	Overman	Smith, Ariz.	Williams
James	Perkins	Smith, Ga.	

NAYS—24.

Borah	Clapp	Kenyon	Poindexter
Brady	Colt	Lane	Smith, Mich.
Brandegee	Crawford	Lippitt	Smoot
Bristow	Cummins	Nelson	Sterling
Burton	Dillingham	Norris	Sutherland
Catron	Jones	Page	Townsend

NOT VOTING—37.

Ashurst	Gore	Owen	Thomas
Bankhead	Gronna	Penrose	Thompson
Burleigh	La Follette	Pittman	Tillman
Clark, Wyo.	Lea, Tenn.	Reed	Vardaman
Culberson	Lee, Md.	Robinson	Weeks
du Pont	Lewis	Root	West
Fall	Lodge	Sherman	Works
Fletcher	McCumber	Shields	
Gallinger	McLean	Smith, S. C.	
Goff	O'Gorman	Stephenson	

So the amendment of the committee was agreed to.

The PRESIDING OFFICER. The next amendment passed over will be stated.

The SECRETARY. The next amendment passed over is at the foot of page 197, where the committee proposed to strike out "$4" and in lieu insert "$6," so that if amended it will read:

SEC. 13. That the heads of executive departments and other Government establishments are authorized to prescribe per diem rates of allowance not exceeding $6 in lieu of subsistence to persons engaged in field work or traveling on official business outside of the District of Columbia and away from their designated posts of duty when not otherwise fixed by law.

Mr. SMOOT. I wish to ask the Senator having the bill in charge if I may present an amendment to this section, to which I called his attention, with a view to perfecting it.

Mr. MARTIN of Virginia. I would be glad to have it sent to the desk and read. It is satisfactory to me.

Mr. SMOOT. Then I send the amendment to the desk, and ask that it be inserted on page 198, line 1, after the word "law."

The PRESIDING OFFICER (Mr. HOLLIS in the chair). The Secretary will read the amendment offered by the Senator from Utah.

The SECRETARY. On page 198, after the word "law," insert:

Provided, That the heads of executive departments and other Government establishments are authorized to prescribe per diem rates of allowance not exceeding $10 in lieu of subsistence to members of the United States Board of Mediation and Conciliation and United States General Appraisers.

The PRESIDING OFFICER. The question is on the amendment offered by the Senator from Utah to the text.

Mr. NEWLANDS. Where does the amendment come in?

The PRESIDING OFFICER. At the top of page 198, after the words "by law," the first two words in the line.

Mr. SMOOT. I will say to the Senator from Nevada that this allows the members of the United States Board of Mediation and Conciliation and also the United States General Appraisers, of whom there are nine, a per diem of $10 in lieu of subsistence; that is, it is not to exceed that amount.

Mr. NEWLANDS. Will this amendment, in the judgment of the Senator, take the Board of Mediation and Conciliation out of the operation of a similar provision in the urgent deficiency act?

Mr. SMOOT. It will, in my opinion.

Mr. NEWLANDS. I am very anxious to accomplish that object, because I think it would impair very much the work of this board if they were limited to so small a sum. It is well known that the only salaries connected with the Board of Mediation and Conciliation are those of the commissioner and the assistant commissioner. The Board of Mediation and Conciliation consists, in addition to the commissioner and assistant commissioner, of two United States officials, who act without

further compensation than they now receive. One of those is Mr. Justice Knapp, of the circuit court. We all know that the judges of the circuit court on circuit duty away from home are allowed $10 per day.

It is important that the subsistence of the members of this board should not be limited as provided for in this section. The proceedings of the board require the presence of the board at a hotel. It is the custom for the hotel to give the board, without charge, some large room in which they can hold their councils with the employees and the corporation officials affected, and such a hotel, of sufficient size to furnish such a room, is always a first-class hotel, and it would be impossible to obtain room accommodations for less than four or five dollars a day.

I hope that this amendment will be accepted by the chairman of the committee.

Mr. SHAFROTH. Mr. President, I do not believe that we have ever allowed as high a rate as $10 per day, and I do not favor the amendment proposed by the Senator from Utah. It seems to me that $5 per day is a good per diem allowance. If we make the amount too high there will be a tendency on the part of the persons to take the money which is provided here in lieu of subsistence, and they may not spend the money. There ought not to be that temptation presented to anyone.

We ought either to pay the expenses, whatever they are, or limit it so that they shall not exceed a certain amount, but I do not believe that $10 a day ought to be allowed. All they ask, I understand, is their actual expenses. If they are put to an actual expense of $10 a day, let it be paid, but I do not believe in putting on the statute books something that will plague us in pretty nearly everything we do in the future in the way of allowance of hotel bills.

Mr. SMOOT. I wish to say to the Senator that the provision is not exceeding $10 per day in lieu of subsistence, and I also call attention to the fact that this affects only 12 men. There are 9 general appraisers. They are called as far West as San Francisco in deciding questions of dispute which arise as to the classification of goods entering into this country. They are called to large cities only, and they are virtually judges. They can not go to a cheap hotel. Not only that, but they generally have to go to a hotel and have rooms sufficient so that they can have people call on them for consultation.

It does seem to me that this amendment is in order and is a proper one. It does not amount to very much, as I said, because only 12 people will be affected by it.

I think it is not a precedent, because the United States judges are allowed not exceeding $10 per day, and the work of the general appraisers is of a similar character as that of a judge. They act in a judicial capacity, and when away from home they go to the same class of hotels, and they have just as much expense attached to their travel as the United States judges.

Mr. CUMMINS. Mr. President, I called this matter to the attention of the Senate yesterday while we were discussing the allowance for the commissioners to the Panama-Pacific Exposition. I believe that $10 a day is more than is required, but I could not understand the inconsistency of giving the commissioners to the Panama-Pacific Exposition, two of whom are already, or will be, in the service of the Government, and the other we provided yesterday shall be outside the service, $10 a day and reduce the allowance for the expenses of officers like the General Board of Appraisers or the members of the Board of Mediation and Conciliation. I recall to the attention of the Senator from Colorado—and he is a member of the Appropriations Committee—this provision on page 164 of the bill:

> Each commissioner detailed as aforesaid shall receive, in addition to his original compensation, necessary traveling expenses and an allowance of $10 per day in lieu of subsistence.

I do not desire to raise the amount beyond a reasonable sum. I think $10 a day is more than any man needs to expend in his living expenses. But what is the justification for giving $10 a day to the Panama-Pacific Exposition commissioners and limiting these other high officers to a lower sum? I think equality is one of the great virtues of any law. I see no reason for the discrimination here, although I would be very much opposed to raising the limit of all the officers who may travel to $10 a day. I am in favor of cutting down the allowance to the Panama-Pacific commissioners.

Mr. PAGE. I should like to interrupt the Senator from Iowa.

Mr. CUMMINS. I am glad to yield to the Senator from Vermont.

Mr. PAGE. I should like to ask the Senator if we are not establishing a precedent which will vex us later on by making an allowance of $10 for subsistence?

Mr. CUMMINS. Personally I think we are. I do not believe there ought to be any specific sum allowed. I think these people who are working for the Government should be paid a reasonable compensation and whatever reasonable expenses they incur in the prosecution of their work. That is the logical, equitable way in which to adjust these matters. We all know that a maximum fixed in the statute becomes the minimum amount paid for the object, whatever it may be.

Mr. PAGE. It seems to me, Mr. President, that rather than establish a practice of this kind I would prefer, out of my own pocket, to pay a part of it myself. We ought to be a nation of fairly decent economists, and to establish this kind of a precedent, it seems to me, would go out to the country in such a way that they will properly criticize it. I wish that the amount might be reduced or, as the Senator suggests, that it be left to actual expenses and leave it in that way.

Mr. CUMMINS. All the Government employees are not as altruistic and generous as the Senator from Vermont, nor possibly are they so able to be contributors to the public expenses as is the Senator.

Mr. SMOOT. Will the Senator yield?

Mr. CUMMINS. Yes, sir.

Mr. SMOOT. May I ask the Senator if he thinks $8 a day would be a more satisfactory amount? If so, I am perfectly willing to modify my amendment and make it $8.

Mr. CUMMINS. I think it ought not to be more than $8 per day.

Mr. SMOOT. Then, Mr. President, I will modify my amendment and make it $8 instead of $10.

The PRESIDING OFFICER. The Senator from Utah modifies his amendment by substituting "$8" for "$10."

Mr. COLT. Mr. President, for many years the Government has allowed the judges not to exceed $10 a day when they go outside of their own districts or circuits. It would depend a good deal upon where these men travel. My public duties called me to Boston almost entirely, and $10 a day living in Boston at a first-class hotel is not an excessive allowance; it is a reasonable allowance. Of course $8 would be something perhaps that one would have to think about several times before exceeding the expenditure. Of course in other parts of the country it might be different, if you went to smaller places but these men are called to the larger cities, and they are obliged to spend the night there.

From my long experience, I should say that not exceeding $10 a day would mean $10, and it is not excessive, although the rule will be perhaps $5 or $6 a day in other places. If these men are to be relieved entirely from pinching matters, $10 would not be excessive, but it would depend entirely upon the localities where they went. Perhaps under all the circumstances, taking the country over, $8 a day would be fair.

Mr. THOMAS. Mr. President, I can not forbear the temptation to express my gratification upon the announcement of the Senator from Vermont [Mr. PAGE] that he is in favor of economy now. A few moments ago I labored under the impression that he believed in only necessary expenditures, among which were $250,000 for a monument somewhere up on the shores of Lake Champlain. Of course, the Senator's conversion to economy comes after he obtained his own appropriation, and perhaps that may have something to do with it. But I recognize in the present amendment that form of economy which most Members of this and the coordinate body of Congress are indulging in. We must cut down the necessary expenses of the average servants of the Government, and by that means we can pair off here and there and yonder which those who are affected by such a measure must make up out of their meager salaries. By that means we can get enough to build a monument to commemorate a great historical occasion and contribute to the patriotic feeling of this and succeeding generations. I imagine that that is the extent to which the economy is to go during the present Congress.

Mr. NEWLANDS. Mr. President, I had inserted in the RECORD yesterday a letter to the chairman of the Committee on Appropriations from the commissioner of the Board of Mediation and Conciliation, but it was not read, and, with the indulgence of the Senate, I will read a few extracts from the letter. After stating that the two other members of the board are United States officials, without other salaries than those which they receive by reason of their office, the commissioner goes on to say:

> In connection with the work of mediation, it is necessary always to have a suitable room for the conferences with the parties to the controversy; and so far such accommodations have been furnished gratis by the hotels at which the mediators have stopped. In order to come within the $5 limitation of expenses for subsistence, it would be necessary in most cases for the mediator not only to secure hotel accommo-

dations in a less convenient location, involving loss of time in getting into touch with the parties to the case and in carrying on negotiations, but also to hire a room for conferences, which in itself would cost more than the entire expenses for subsistence at present.

Cases come to this board only after the railroads and their employees have exhausted every other means of composing their differences, and when the controversy has reached a critical point, threatening to terminate in a strike and consequent stoppage of operation and inconvenience to the public. It is imperative that the mediator act quickly and get promptly into touch with the railroad officials on the one hand and the committee of the employees on the other. It is believed that the limitation in expense of subsistence would prove a serious handicap to this work, and that in the end the cost of mediation would thereby actually be increased.

The writer goes on to state that these mediation sessions are always held in large cities, and he also states that the smaller hotels have not the large rooms or the large room that is necessary for their council, and that it is a custom of the first-class hotels to furnish that room free of charge. So he anticipates that if they are compelled to pay for their subsistence at an inferior hotel no room of the requisite size exists and they will be compelled to pay for the large room they now secure for nothing, and the worth of the room in some cases is, according to his statement, $50 a day.

Mr. WARREN. Will the Senator allow me? The amendment which is offered provides for the particular board which the Senator is speaking of $10 a day. I do not think we have provided sufficiently for the representatives of the Interstate Commerce Commission, the attorneys of that body, who are sent over the country for examinations and hearings. I presume that the Senator, like myself, is somewhat in the dark as to what they may draw. Of course I do not wish to discuss it now, but I think at some time we will have to go over the whole per diem in lieu of subsistence situation. We are now allowing or paying to some $3, to some $4, to some $5, to some $6, and to others $10. I think there ought to be some fixed scale in the matter of which the Senator is directly speaking. If this amendment carries, I think it should be so that it will cover the board of mediation and conciliation and representatives of the Interstate Commerce Commission at $10 a day.

Mr. NEWLANDS. That would cover it very satisfactorily, but I understand the Senator from Utah has consented to a reduction to $8 a day.

Mr. SMOOT. Yes. After reading the letters that I have received from a number of general appraisers and other parties I figure from what they say that they could in most cases get along with $8 per day, but nothing less. I want to say frankly that it ought to be $10 a day, but rather than have any dispute in the Senate and to have the matter finally decided without any special opposition I think it would be best to make it $8 a day, and let it remain at that rate.

The PRESIDING OFFICER. The question is on the amendment offered by the Senator from Utah.

Mr. SHAFROTH. I desire to amend the amendment offered by the Senator from Utah by making it read, instead of "in lieu of subsistence," "actual hotel expenses not exceeding $8 per day."

I think that nothing ought to be "in lieu of subsistence," because if you allow that and they stop with a friend they would be entitled to $8 a day. It ought to be actual money paid out.

Mr. SMOOT. I will say to the Senator that in a number of our laws we say "in lieu of subsistence," and I do not believe we ought to make any particular change in this one instance. We are following the exact language of almost all such provisions in all our laws.

Mr. HUGHES. Is it not also true that the departments object to the law as it would be if amended by the Senator from Colorado, on account of the expense of the accounting and the inconvenience?

Mr. SMOOT. Yes; I remember that that question was raised. I hope the Senator from Colorado will not press his amendment.

Mr. SHAFROTH. Still there is not any question about it that if a person goes and stays with a friend he still would be drawing from the Government $8, although not paying out a cent.

Mr. SMOOT. If he was a dishonorable man perhaps——

Mr. SHAFROTH. No; it allows him here in lieu of subsistence.

Mr. OLIVER. Sometimes it is more expensive to stay with a friend than it is to stay at a hotel.

Mr. GALLINGER. Let the amendment be again read.

Mr. SHAFROTH. I withdraw the amendment.

The PRESIDING OFFICER. The amendment to the amendment is withdrawn. The Secretary will read the amendment offered by the Senator from Utah.

The SECRETARY. At the top of page 198, after the word "law," in line 1, insert the following proviso:

Provided, That the heads of executive departments and other Government establishments are authorized to prescribe per diem rates of allowance not exceeding $8 in lieu of subsistence to members of the United States Board of Mediation and Conciliation and United States General Appraisers.

The PRESIDING OFFICER. The question is on agreeing to the amendment offered by the Senator from Utah.

The amendment was agreed to.

Mr. OLIVER. The committee amendment has not yet been adopted.

The PRESIDING OFFICER. Not yet. The question is on agreeing to the amendment of the committee on page 197, line 23, to strike out "$4" and insert "$6."

The amendment was agreed to.

The PRESIDING OFFICER. The next amendment passed over will be stated.

The SECRETARY. The next amendment was passed over at the instance of the Senator from New Hampshire [Mr. GALLINGER]. It is on page 198, to insert the following proviso, beginning at line 4:

Provided, That internal-revenue agents appointed under the act of October 3, 1913, entitled "An act to reduce tariff duties and to provide revenue for the Government, and for other purposes," shall receive compensation of not to exceed $7 per day, and for per diem in lieu of subsistence when absent on duty from their legal residence said agents shall receive, at a rate to be fixed by the Secretary of the Treasury, not exceeding $3 per day, and that internal-revenue inspectors appointed under said act of October 3, 1913, shall receive compensation of not to exceed $5 per day, and for per diem in lieu of subsistence not exceeding $3 when absent on duty from their legal residence, compensation and per diem in lieu of subsistence to be fixed by the Secretary of the Treasury.

Mr. GALLINGER. Mr. President, I have no desire to discuss the amendment.

Mr. CUMMINS. Mr. President——

The PRESIDING OFFICER. Does the Senator from New Hampshire yield to the Senator from Iowa?

Mr. GALLINGER. I simply rose to say that I am quite ready to have the amendment acted upon by the Senate without discussion on my part.

Mr. CUMMINS. I desire a little more information in regard to this particular amendment than I now have. It provides that internal-revenue agents appointed under the act of October 3, 1913, which is the general tariff law of last year, "shall receive compensation of not to exceed $7 per day, and for per diem in lieu of subsistence when absent on duty from their legal residence said agents shall receive, at a rate to be fixed by the Secretary of the Treasury, not exceeding $3 per day."

I think the compensation here provided for these agents is altogether too high, and unless the chairman of the committee or some member of the committee can disabuse my mind of that impression, I shall have to present an amendment to the committee amendment.

Mr. OVERMAN. I will say to the Senator from Iowa that this is exactly the provision, in words and terms, which was passed in the tariff law, except that it changes the words "legal residence" to the words "in lieu of subsistence when absent on duty." The way it read there was "official residence." Income-tax collectors are frequently assigned to New York and Chicago, and their official residence is there temporarily. They are there, say, for 30 days, whereas their legal residence might be in Iowa. While their residence is in Iowa, they do not get the compensation at all; but when they are designated to go to Chicago and remain there for 30 days, the department thinks they ought to have compensation, although they are not traveling all the time; that if they are designated to go to Chicago and stay, they ought to have $5. Making it read "absent on duty" instead of "legal residence" is about the only change in the law.

Mr. CUMMINS. I understand that; I am not objecting to subsistence; but the Senator from North Carolina will remember that the authority of the Secretary of the Treasury was very much enlarged in so far as the employment of these agents is concerned, and a great many men, I assume, have been taken into the service who were formerly not necessary. Does the Senator from North Carolina think that the work which these agents now perform is worth $7 a day and that the work of the traveling inspectors is worth but $5 a day?

Mr. OVERMAN. The $7 a day men are men who travel about examining corporations and persons where evidence has come to the department that they are dodging the law. These $7 a day men are very expert men. There are only 48 of them, I think, in all. The $5 a day men are locally situated in the cities at the collection offices, and they get exactly the same compensation that deputy collectors get; but the $7 a day men

must be thoroughly acquainted with business; they must be qualified to examine the books of the companies and all the matters relating to the income tax, and they must be very efficient men.

Mr. GALLINGER. Who determines, I will ask the Senator, their expertness or their capacity for this work?

Mr. OVERMAN. That is left to the appointing power. We have to rely on that.

Mr. GALLINGER. Is the Senator sure that the men appointed belong in that class?

Mr. OVERMAN. In my State they are of that class. I do not know how they are in the Senator's State.

Mr. GALLINGER. I think it would be well to look into it a little.

Mr. OVERMAN. That might be. That is a question for the appointing power.

Mr. CUMMINS. How many of them have been appointed since the tariff law went into effect?

Mr. OVERMAN. I understand of the $7 a day men there are about 40.

Mr. CUMMINS. They are the men who have been appointed without an examination, and we have no knowledge that they are men of skill or training. Why are they paid $7 a day?

Mr. OVERMAN. They are paid exactly the same as the other revenue agents are paid.

Mr. CUMMINS. But formerly I assume they had very few of them, because there were but few prior to the tariff act of last year.

Mr. OVERMAN. Yes; there are a great many of what are known as internal-revenue agents. They get $7 a day. Their compensation is exactly what the internal-revenue agents get.

The revenue agents gets $7 a day and $3 a day in lieu of subsistence. The income-tax inspectors get exactly the same; that is, their salary is fixed by the tariff act. The deputy collectors, doing the same work heretofore, have been getting $5 a day and $3 a day in lieu of subsistence, and the income-tax collectors locally situated are getting exactly the same salary.

Mr. CUMMINS. What is the difference between the work of one of these traveling agents and the work of a traveling inspector?

Mr. OVERMAN. A traveling inspector is an inspector in a State who goes around from point to point and acquaints people with what they have to do in making their returns, who assists them in making their returns; and some of them in the office are receiving such returns and doing the bookkeeping. They act as do the deputy collectors.

Mr. CUMMINS. Are they called deputy internal-revenue collectors?

Mr. OVERMAN. No; they are not; but they are put on the same salaries as are the deputy collectors of internal revenue, and do practically the same work in the internal-revenue business as do the collectors of internal revenue.

Mr. CUMMINS. Why are they not called "deputy revenue collectors," then?

Mr. OVERMAN. I can not answer that. The tariff law was framed in that way; but I do not know why; it has not been changed, and they were called deputy collectors; others are called inspectors. They get $5 a day, and are confined to the States. For example, the Senator might have two of them in Iowa—one of whom takes the western part of the State and the other the eastern part of the State, and looks after the income tax there. The general inspector, for instance, goes to Chicago, but to-morrow he may be called to San Francisco or to Boston to examine the books of a corporation or of a company or of an individual, if necessary.

Mr. CUMMINS. What is he called?

Mr. OVERMAN. He is called the general agent, and he gets $7 a day, the same salary as the internal-revenue agent gets. They are both called agents.

Mr. WHITE. Mr. President——

The PRESIDING OFFICER. Does the Senator from Iowa yield to the Senator from Alabama?

Mr. CUMMINS. I yield.

Mr. WHITE. I should like to inquire of the Senator from North Carolina what is the necessity for inserting the word "legal" in describing the kind of residence?

Mr. OVERMAN. If the Senator was appointed from Birmingham, that would be his legal residence, and he is not entitled to subsistence when he is in Birmingham, which is his home.

Mr. WHITE. Is that not simply his residence?

Mr. OVERMAN. That is his residence.

Mr. WHITE. Why, then, insert the word "legal"?

Mr. OVERMAN. That was done by the department. I suppose they thought that was a better word than "official." The language formerly was "official residence." The consequence was that the agents could not get any allowance when they were sent to Chicago, for instance.

Mr. WHITE. I will inquire of the Senator from North Carolina, if one of these agents should be appointed from the District of Columbia and lived here, his legal residence being in one of the States, would not he be entitled to pay all the time, he being absent from his legal residence all the time?

Mr. OVERMAN. He would be entitled to pay whenever, for example, he was called away from the District of Columbia to examine books. He is then entitled to his extra compensation, and he ought to have it.

Mr. WHITE. But his legal residence is not in the District of Columbia?

Mr. OVERMAN. He would not draw subsistence if he lived here.

Mr. WHITE. But if his legal residence is not in the District of Columbia, but in one of the States, he could get the subsistence.

Mr. OVERMAN. He would not live here. That would be supposing a case that would be impossible. If he votes in Alabama and has a legal residence there, he could not get any per diem; but if he is designated to come from his home State here for a month—they never stay at home; at least, not very long—or if he is to go and stay a month in San Francisco, he would be entitled to subsistence. That is the distinction.

Mr. WHITE. The Senator from North Carolina does not get my idea.

Mr. OVERMAN. I am sorry.

Mr. WHITE. I am sorry I have not been able to make it more intelligible; but, as I understand it, people who live in the District of Columbia have their legal residence in the States.

Mr. OVERMAN. Some do and some do not.

Mr. WHITE. I know that generally when they ask for an appointment to office they have to state that their legal residence is in the State from which they originally came, and must obtain a certificate to that effect.

Mr. OVERMAN. A great many people under the civil-service law claim that they have a legal residence in my State who never saw the State.

Mr. WHITE. What I intended to suggest was this: If I am correct, the agent would have a legal residence in the State of North Carolina, but his actual residence would, in fact, be in the District of Columbia.

Mr. OVERMAN. That would be impossible. These agents do not and can not live here.

Mr. WHITE. But they do in fact live here and are here when appointed.

Mr. OVERMAN. No; they are appointed from the States. If they are appointed from here this would be their legal residence.

Mr. WHITE. The point I am making is that while they actually live here their legal residence is in the State from which they came when they came here.

Mr. OVERMAN. That is the way the department construes it.

Mr. WHITE. Their legal residence is in the State from which they came.

Mr. OVERMAN. If they are appointed from the District of Columbia the department recognizes the fact that that is the place from which they are appointed, and it is their legal residence.

Mr. WHITE. I think the word "residence" covers everything that is necessary.

Mr. OVERMAN. Or "official residence."

Mr. WHITE. But would not the word "residence" be sufficient?

Mr. OVERMAN. "Residence" would not; and that is the very point we are talking about. His official residence would be in Chicago for a month. There is where he is officially designated to go; but we are drawing a distinction between "residence" legally and "residence" officially. That is all there is in it.

Mr. WHITE. My view is that the agent appointed from the District of Columbia would be away from his legal residence, which is in some State, all the time when he is in office, and would therefore draw this subsistence all the time, because he is not at his legal residence, the District of Columbia not being his legal but his actual residence.

Mr. HUGHES. Mr. President——

The PRESIDING OFFICER. Does the Senator from Iowa yield?

Mr. CUMMINS. I yield.

Mr. HUGHES. The Senator from Alabama is assuming now that certain of these agents are appointed from the District of Columbia. I confess that it seems to me there might be some-

thing in his point. The District of Columbia is in some internal-revenue district, is it not?

Mr. OVERMAN. Of course, Mr. President, they have the income tax here, and it is in some district. I do not think you will find a man here appointed from the District of Columbia, though there are 300 officials in the internal-revenue office here in this revenue district.

Mr. HUGHES. I am not talking about them. The District of Columbia is in some internal-revenue taxation district, and undoubtedly would have one or two of these agents appointed from its internal-revenue taxing district. The District man would be domiciled here, but he may have a legal residence, as the Senator says, in the State of Alabama, in the State of Georgia, in the State of Iowa, in the State of New Jersey, or elsewhere, and the question might arise as to whether or not you intended to pay a man while away from his legal residence.

Mr. OVERMAN. Nine-tenths of them, every one of them, I may say, are appointed from some legal residence—New Jersey, Alabama, North Carolina, or wherever it may be. This is to correct a wrong arising from the use of the term "official residence."

Mr. MARTIN of Virginia (to Mr. OVERMAN). Strike out the word "legal."

Mr. OVERMAN. No; I could not do that. What residence would it mean then? How would the Senator fix it?

Mr. HUGHES. The Senator from Alabama [Mr. WHITE] suggested the striking out of the word "legal."

Mr. OVERMAN. If you just say "residence," what do you mean—"legal residence" or "official residence"?

Mr. WHITE. That means his actual residence.

Mr. OVERMAN. That is the very thing the department asked me to correct in this proposed law, because whenever a man was designated to go to Chicago for a month they said under the law he could not get his subsistence there, although he was a thousand miles from home. That is what the comptroller ruled, and we are trying to correct that defect in the law.

Mr. HUGHES. Take the case of a man who is appointed to one of these places who is now actually residing in the District of Columbia. He has his legal residence in the State of Georgia, but he is working here in the District of Columbia.

Mr. OVERMAN. That is not a supposable case.

Mr. HUGHES. This is where his home is. Is that possible under the law? I do not know.

Mr. SMOOT. The trouble with the Senator is that the man will not be working in the District of Columbia. I want to say to the Senator that these internal-revenue inspectors and also the agents under the provisions of this amendment are on the road nearly all the time. It may be that during the holidays, under a leave of absence, they may come home for a week or so; but that is all.

Mr. HUGHES. It must be true, however, that under the law, as it appears to me, there must be a time when these gentlemen are at home and not entitled to this compensation. Otherwise you might as well pay it to them all the time.

Mr. SMOOT. They are generally home during their leaves of absence.

Mr. HUGHES. In that case would it not give a man who is in the peculiar position of actually residing in the District of Columbia and working in the internal-revenue district of which the District is a part an advantage over another man because of the fact that he has a legal residence which he never visits under any circumstances, so that he is always away from his legal residence and always entitled to receive this additional compensation or per diem?

Mr. SMOOT. I can not see how that could be so, Mr. President.

Mr. OVERMAN. I can not imagine it.

Mr. SMOOT. I can not imagine a case of that kind.

Mr. GALLINGER. Mr. President——

The PRESIDING OFFICER. The Senator from Iowa has the floor. Does he yield to the Senator from New Hampshire?

Mr. CUMMINS. Does the Senator from New Hampshire desire to address the Senate?

Mr. GALLINGER. I merely desire to make an observation.

Mr. CUMMINS. I yield to the Senator.

Mr. GALLINGER. I was about to remark, Mr. President, that Senators need not worry about these men being residents of the District of Columbia. The District of Columbia has no Senators and no Representatives in the other body, and these are political offices for Senators and Representatives from the States to take care of; and they have taken care of them outside of the civil-service law, a fact which I regret.

Mr. WHITE. Mr. President, I should like to suggest to the Senator from New Hampshire that the people who are living here make just about as many calls on Senators as any other persons can do upon the idea that they have a legal residence in some State. So that it really does not affect the situation.

Mr. GALLINGER. Some of them do, undoubtedly; they make demands; but they do not exhibit much reciprocity so far as the interests of their States are concerned at election time.

Mr. WHITE. I do not know about that.

Mr. CUMMINS. Mr. President, I am addressing myself to another point.

The PRESIDING OFFICER. The Senator from Iowa has the floor and declines to yield further.

Mr. CUMMINS. Mr. President, I hope that the objection just suggested by the Senator from Alabama will be considered, for I think there is very much weight in his suggestion respecting the construction of the committee amendment. However, I do not attack the amendment upon that ground. I was very much opposed to the provision in the income-tax law of 1913. I thought then and I think now that it represented an effort to overcrowd the Treasury Department with the political friends of the administration, and I regretted very much to see the invasion then made upon the civil service. I feel that it is my duty to do what little I can to render the places filled in that manner as unattractive as possible.

The income-tax provision of the tariff act of 1913 was rather a remarkable performance in this respect. Among other things, it said:

> The Commissioner of Internal Revenue, with the approval of the Secretary of the Treasury, is authorized to appoint and pay from this appropriation all necessary officers, agents, inspectors, deputy collectors, clerks, messengers, and janitors and to rent such quarters—

And so forth.

Without any limitation whatsoever; and I assume there is no limitation in the law at this time. The Commissioner of Internal Revenue can appoint not only whomsoever he pleases but as many as he pleases; and Congress has not attempted, save by a bulk appropriation, to restrict his liberty or power in that regard.

Then the act further provided:

> That for a period of two years from and after the passage of this act the force of agents, deputy collectors, inspectors, and other employees, not including the clerical force below the grade of chief of division employed in the Bureau of Internal Revenue in the city of Washington, D. C., authorized by this section of this act, shall be appointed by the Commissioner of Internal Revenue, with the approval of the Secretary of the Treasury, under such rules and regulations as may be fixed by the Secretary of the Treasury to insure faithful and competent service

I do not believe that employees so appointed should receive the compensation that is here provided, and this amendment of the committee relates only to the employees appointed under the act of 1913, part of which I have just read. For these reasons I move to strike out, in line 9, the numeral "7" and insert "5."

The PRESIDING OFFICER. The amendment to the amendment will be stated.

The SECRETARY. In the amendment of the committee on page 198, in line 9, it is proposed to strike out "$7" and insert "$5."

The PRESIDING OFFICER. The question is on agreeing to the amendment to the amendment.

The amendment to the amendment was rejected.

Mr. CUMMINS. I move to strike out, in line 14, page 198, the numeral "5" and insert "4."

The PRESIDING OFFICER. The amendment to the amendment will be stated.

The SECRETARY. In the committee amendment on page 198, line 14, it is proposed to strike out "$5" and insert "$4."

The PRESIDING OFFICER. The question is on agreeing to the amendment offered by the Senator from Iowa to the amendment reported by the committee.

The amendment to the amendment was rejected.

The PRESIDING OFFICER. The question now recurs on agreeing to the committee amendment on page 198.

The amendment was agreed to.

Mr. CUMMINS. Mr. President, I inquire if the committee amendments have now been disposed of?

The PRESIDING OFFICER. The committee amendments have been disposed of, so far as they are printed in the bill.

Mr. MARTIN of Virginia. Mr. President, if the Senator from Iowa will excuse me a moment, I desire to offer two amendments, neither one of which perhaps can be called a committee amendment, but I feel that the amendment which I now send to the desk ought to be presented practically as a committee amendment. I ask the Secretary to read the amendment, and then I will briefly explain it.

The PRESIDING OFFICER. The Secretary will state the amendment.

The SECRETARY. On page 100, after line 2, it is proposed to insert:

For the protection of lands involved in Oregon & California Railroad forfeiture suit: To enable the Secretary of the Interior, with the cooperation of the Secretary of Agriculture or otherwise, as in his judgment may be most advisable, to establish and maintain a patrol to prevent trespass and to guard against and check fires upon the lands involved in the case of the United States against Oregon & California Railroad Co. et al., suit No. 3340, in the district court for the district of Oregon, now pending on appeal in the circuit court of appeals for the ninth circuit, $25,000.

Mr. MARTIN of Virginia. Mr. President, the communication from the department to the Committee on Appropriations in regard to this matter was only received to-day, so that the committee has had no opportunity to consider the amendment.

It seems that the Government brought suit to forfeit some land in the State of Oregon which had been granted to a railroad corporation, and the district court decided the suit in favor of the Government. It not only decided that the lands belonged to the Government, having been forfeited to the Government by the railroad company, but that the railroad company had no longer any right to enter upon those lands or interfere with them in any way whatever. So that now there are over 2,000,000 acres of land—decided by the district court to be the land of the United States—which are entirely without protection. The department therefore recommends that $25,000 be appropriated to enable them to protect those lands from depredation and fire. It seems to me to be a matter of urgent importance. It was so represented by the department, and I ask the Senate to adopt the amendment.

Mr. WARREN. In the meantime I understand the suit has been carried to the higher court.

Mr. MARTIN of Virginia. It is now pending on appeal, but the railroad company have abandoned the lands, which are without protection. More than half of the acreage is fine timberland, which is subject to destruction by fire and is at present without any protection whatever. I think the Government can well afford to appropriate the small sum of $25,000 for the protection of this land pending this litigation.

The PRESIDING OFFICER. The question is on agreeing to the amendment offered by the Senator from Virginia.

The amendment was agreed to.

Mr. MARTIN of Virginia. There is one other small amendment which I will present. It is in no sense a committee amendment. I send it to the Secretary's desk, and ask that it be read.

The PRESIDING OFFICER. The Secretary will state the amendment.

The SECRETARY. On page 166, after line 11, it is proposed to insert:

Exposition to celebrate the fiftieth anniversary of the emancipation of the negro and his achievements since emancipation: For expenses of an exposition to be held at or near Richmond, Va., in the year 1915, to celebrate the fiftieth anniversary of the emancipation of the negro and to show the progress, advancement, and achievements of the negro race in education and in the industrial work of the country, $55,000: *Provided*, That the expenses thereunder shall be paid by the Negro Historical and Industrial Association of Richmond, Va., under the direction and supervision of the governor of the State of Virginia.

Mr. MARTIN of Virginia. Mr. President, I simply want to submit this matter to the sense of justice and the generosity of the Senate. It comes in a somewhat irregular way, but it has appealed to me very strongly. I live in the South, and have lived among the negro population all my days. I know them and I know their weaknesses and their strong points. They have many strong points, and they have accomplished a great deal. They have been struggling against the most difficult circumstances; and I think that they have made a progress that is almost astounding, considering the opportunities which they have had. They wish to celebrate their achievements during the 50 years of their freedom.

The Negro Historical and Industrial Association appeal to the Senate to give them this appropriation. The governor of Virginia writes me a most urgent letter appealing to me to ask the Senate to give this $55,000 to the negro population for the purpose of holding an exposition to celebrate their emancipation, their achievements, and the progress they have made in education, in industrial enterprise, and in the work of the world in all respects. I think it is a matter that ought to appeal to the more fortunate and stronger race. It appeals to me as a Virginian to hold out a helping hand to these people who have been struggling against disadvantages, and who have made immense forward strides which commend them to the kindliness of the white race. I sincerely hope that the Senate will, in its generosity toward these people, donate the small sum of $55,000 to aid them in the plans they have made for holding this exposition.

Mr. GALLINGER. Mr. President, I ask the Senator from Virginia if he would not be willing to strike out the words "in the South," where the amendment refers to "the progress, advancement, and achievements of the negro race in the South."

Mr. MARTIN of Virginia. I am willing to do that if it is desired; but, as I understand, the exposition is really to be in celebration of the achievements of the negroes of the South. I inserted those words with a purpose. The South is the place where the struggle has been made, where the large negro population is found, and where it is supposed they have had fewer advantages than in the North, with its much more scattered population of negroes. I want the celebration to show to the world what the negro has done in the Southern States, in Virginia particularly, for it will not be patronized very largely, I am afraid, outside of Virginia.

Mr. WHITE. Mr. President——

The PRESIDING OFFICER. Does the Senator from Virginia yield to the Senator from Alabama?

Mr. MARTIN of Virginia. Certainly.

Mr. WHITE. It is intended really, as I understand, for the benefit of the ex-slaves?

Mr. MARTIN of Virginia. Fifty years have elapsed since the close of the war, and of course there are not many ex-slaves.

Mr. WHITE. Well, the descendants of the slaves—to show what they have done?

Mr. MARTIN of Virginia. Yes. As I understand, the exposition is designed to show the advance made in the southern States, where the negro has made his struggle. I do not hesitate to say that he has accomplished wonderful results, of which his race may be proud and of which the white people ought to be proud. The white people of the South are as anxious to see the negro advance in all legitimate lines as are the people of the North or the people of any country anywhere.

Mr. GALLINGER. Mr. President, I will not offer an amendment to the amendment, and yet it occurs to me that there are a great many of these people who have gone from the South to the North, where they have also achieved great results, and for that reason I thought it might not be well to confine it to any particular section of the country.

Mr. MARTIN of Virginia. In view of the Senator's suggestion, while I do not think it is material, for, as I understand, the proposed exposition is to exemplify the progress of the negro in the South rather than any general progress, I will ask that the words "in the South" be eliminated from the amendment.

Mr. GALLINGER. I thank the Senator; I think it is desirable that that should be done.

Mr. MARTIN of Virginia. Mr. President——

Mr. LEWIS. Mr. President, if I may interrupt the Senator, I should like to express my appreciation of his acceding to the suggestion of the Senator from New Hampshire. I beg to inform the Senator that I am in receipt of a communication from Gov. Dunne, of the State of Illinois, asking that I likewise submit to this honorable body the advisability of granting this appropriation. I myself wish to speak for those particular negroes of the State of Illinois who are anxious to have a celebration of the events referred to by the Senator from Virginia, and an exposition to show what advantages they have accrued to themselves as the result of their industrious efforts. They would like to celebrate at Springfield, the home of Abraham Lincoln; and if there is anything in the amendment that would limit the appropriation so that they can not celebrate at Springfield, Ill., I should like to have it eliminated, in order that they may have an opportunity to celebrate as they desire.

Mr. MARTIN of Virginia. It has been eliminated, so that it will be open for all.

Mr. LEWIS. I appreciate the action of the Senator.

Mr. MARTIN of Virginia. Mr. President, I will say that I have a letter from a colored lawyer in the city of Richmond, a man of character and intellectual force, which I should like to have printed in the RECORD, but which I will not ask to have read. It is an excellent letter, and he presents the case in a most respectful and in a most intelligent way.

The PRESIDING OFFICER. In the absence of objection, the letter will be printed in the RECORD.

The letter referred to is as follows:

THE NEGRO HISTORICAL AND INDUSTRIAL ASSOCIATION,
Richmond, Va., July 7, 1914.

Hon. THOMAS S. MARTIN,
Senate Chamber, Washington, D. C.

DEAR SIR: Again referring to the communication of the Negro Historical and Industrial Association, bearing date on the 6th day of April last, in which they submitted that the said association was formed under the laws of Virginia for the purpose of holding an exposition and celebration of the fiftieth anniversary of the achievements of the negro since his emancipation, said exposition to be held near the city of Richmond.

Since our last communication the association has purchased 100 acres of land at Fort Lee, on the Chesapeake & Ohio Railroad, 5

miles below this city, for the purposes indicated. We have received the encouragement of the white people throughout the city, including the governor and others high in authority. We wrote asking if you would give us an appropriation of $55,000 from the Government, to be expended by the governor of Virginia upon such objects as may be agreed upon by him and our said association. The righteousness of our cause had stimulated us to feel the assurance that we would receive the appropriation through your good office by presenting our petition, as we did on the 6th day of April last, and had hoped that you would see your way clear to insert the item in the sundry civil bill reported to the Senate yesterday, or some other bill most appropriate for such an appropriation, or through such other mode as to you may have seemed best. Now, as the Congress seems to be nearing the end of its present session and our anxiety being so great to secure aid from the Government, if we would not appear too persistent we would respectfully ask whether it is possible to grant our petition at this sitting of Congress. If we appear too persistent, we beg that you charge it to the head and not to the heart; and if we appear annoying, we ask that you will pardon us, as there is no one else for us to appeal to. Then, again, we are anxious for the appropriation and anxious for you to become interested in our cause, as we have no representative other than yourself, and hope you will grant our prayer, as it is seldom that the colored man asks for anything at the hands of the Government. We do not ask for political office, neither do we expect to receive any. We content ourselves by simply asking for an appropriation to help us make an exhibition to show to the world our capacity as producers and evidence of our thrift and progress, that the world may better understand the true worth of the southern negro and that our race is not predominated by the shiftless element. Such an exposition as we propose to have will show to our white friends the solution of the negro problem and will stimulate and encourage the shiftless negro to imitate those of the race who are making progress. After the exposition we propose to maintain an experimental farm to teach the young negroes how to become good farmers, as the land we own is eminently suited for such purpose, and to maintain a permanent exhibit of the negro's industrial achievements and to maintain an industrial school, something similar to the one conducted by Booker T. Washington at Tuskegee, Ala.

Another reason why we ask that you look after our interest is because 10 days after we applied to you for the appropriation a bill was introduced, on the 16th day of April, in the House of Representatives by Mr. MADDEN, of Illinois, bearing No. 15733, a copy of which is here inclosed, asking for the appropriation of $150,000 to aid the colored people of Illinois in holding an exposition at the city of Chicago for the same purpose that our association is endeavoring to carry out. While we have nothing to say against the colored people of Illinois, we must call attention to the fact, which is admitted by them in their circular here inclosed, that nearly all the progress that has been made by the negro since the war has been made in the South. Then why should we be put to the expense of hauling our products to Chicago, when we can exhibit the same in the South, at Richmond Va.? In other words, why should "the mountain be carried to the potato hill instead of the potato hill being brought to the mountain"? The fact that the colored men played such a conspicuous part in politics in Illinois, perhaps their representatives will press their claim, and should they get their appropriation, I am afraid it will defeat us entirely. Therefore you will see why we are so persistent and urgent upon you to help us secure our appropriation. It is evident that these people never thought of asking for a Government appropriation until after we had made such application. Although we asked for nearly two-thirds less than what they asked for, we feel that we can make a creditable exhibit with that amount, as shown by our plans here inclosed.

We beg that you pardon us for such a lengthy letter, and hope it will serve the purpose for which it is written.

Hoping a favorable reply, I am,

Very respectfully, GILES B. JACKSON.

Mr. VARDAMAN. Mr. President, I should like to ask the Senator from Virginia if the State of Virginia is contributing anything to this celebration?

Mr. MARTIN of Virginia. I think not. I think no doubt there will be private contributions, but the State of Virginia has not taken the matter up.

Mr. VARDAMAN. When is the celebration to take place?

Mr. MARTIN of Virginia. It is to take place in 1915, but the exact date is not mentioned in the papers I have received.

Mr. VARDAMAN. I understand it is proposed to make it a national affair rather than a southern affair.

Mr. MARTIN of Virginia. It is proposed to make it an affair for the colored race.

Mr. VARDAMAN. I am not going to fight the amendment, because I do not think it will do any good; but I wish to say, Mr. President, that I think the conclusion which logically will be drawn from what the Senator from Virginia has said with reference to the negro's progress in the South and his fight against the odds against him there, to my mind, is not altogether correct. Really the white man has done more for the negro than the negro has done for himself. As a matter of fact, there is no race of people on earth who have received as much help from others as the negroes of the South have received from the white people of the South. They have always been helped; the white people have assisted them in every possible way, except to make citizens or voters of them, and, of course, that ought not to be done and, indeed, will never be done. I am perfectly willing to help develop the negro along certain lines. I wish him well; but I do not think any good will result from this appropriation.

Mr. MARTIN of Virginia. Mr. President, I speak for the Virginia negro only. He has made wonderful strides in morality, in education, and in industry, and I feel like holding out a helping hand to him. I ask the Senate to make this appropriation.

Mr. WHITE. Mr. President, I wish to concur in what the Senator from Virginia [Mr. MARTIN] has said; but I want to speak for the negroes of the South; not of Virginia alone. I do not know much about the negroes in other sections of the country. I suppose they have done well. If they sprang from southern negroes, they ought to have done well anywhere.

These people have accomplished more than we had any right to expect they would have accomplished. The Senator from Mississippi [Mr. VARDAMAN] is right when he says they have not been badly treated in the South. They have been treated well; and they have treated the southern people well. It has not been their treatment, Mr. President, that has burdened them; but it was a condition, and that condition was slavery. They have emerged from that condition and have made wonderful strides in progress. If they had not been interfered with after they were emancipated in 1865, if Mr. Lincoln could but have lived, there never would have been any strife between the southern white man and the southern negro; they would have continued to live together in peace, as they had done for generations past. We had shown our friendship for each other for more than a century. They were not brought there by us; they were laid at our door by others; they were brought to us as savages. We lifted them through slavery from savagery to civilization and manhood.

He has been our burden in the past; he was our burden when he was a slave; and yet, Mr. President, he contributed wonderfully to our race. We can point to as fine a race of white men as ever lived from the South, and those men received from the toil and sacrifice of the negroes the means with which they educated and accomplished. We are grateful to him for what he has done, and we are willing to show our gratitude by way of urging this appropriation for their benefit and to show the world what they have accomplished since acquiring freedom.

But, Mr. President, we are more truly grateful to them for what they did for us during the struggle in which their freedom was the issue than for what they did for us in other times. When all the colored man had to do to obtain his freedom was to cross the line and take up arms against our section, he stood by our side and fought our battles with us. He camped with us at night; he marched with us by day; he held our horses and guarded our tents while we stood in battle line and met death by thousands. He supplied our every want; he guarded our homes and protected our women and children; he was indeed our friend. He showed his friendship and his loyalty as no other race on earth had ever done by standing by us in the hours of our trouble.

The black men of the South carried their dead masters back to their wives; the sons who had fallen in battle back to their mothers' arms. They bore our sick and the wounded to them; and when they came bearing in their hands these precious burdens, they so endeared themselves to us that it has never been forgotten.

I want to say, Mr. President, in this presence, that nothing I have done, no appropriation for which I have voted, gives me more pleasure than does this one. To enable the black man of the South to show what he has achieved under the tutelage of the southern white man while he was a slave, and with his cooperation since his freedom, and by his own untiring efforts since he has had placed upon him the responsibilities of manhood, affords me genuine pleasure. Unfortunately for him and for the country he had political responsibilities thrust upon him which he was unable to carry. In this way he was made to compete in an unequal struggle with the white man, and this caused the only estrangement between the races in the South. It was a mistake; it should not have been made. Mr. President, I will with much pleasure vote for the amendment offered by the Senator from Virginia.

The VICE PRESIDENT. The question is on agreeing to the amendment.

The amendment was agreed to.

Mr. CLARKE of Arkansas. Mr. President, I move to amend the bill at page 113 by striking out lines 12 to 17, inclusive. The matter proposed to be stricken out is as follows:

Hot Springs Reservation, Ark.: Authority is granted the Secretary of the Interior to expend the sum of $20,000, or so much thereof as may be necessary, from the revenues, Hot Springs Reservation, for labor and material required in the remodeling of the Government free bathhouse on the Hot Springs Reservation and in expenses incident thereto.

If the drainage system that we have provided for to-day is installed there, it will be a waste of public money to improve the old bathhouse. It will necessitate the construction of a new one, which may be the subject of consideration at a later date. It is useless to expend this money at this time. I move to strike out that item.

Mr. MARTIN of Virginia. I have no objection to that matter being stricken out.

The VICE PRESIDENT. The question is on agreeing to the amendment.

The amendment was agreed to.

Mr. OLIVER. Mr. President, I offer the amendment which I send to the desk.

The VICE PRESIDENT. The amendment will be stated.

The SECRETARY. On page 57, after line 25, it is proposed to insert:

For the purchase of additional ground at the Frankford Arsenal, $135,000.

Mr. OLIVER. I will say that this appropriation has been requested by the Secretary of War. I believe the clerk of the Appropriations Committee has a letter from the Secretary, received since the bill was reported. It is for the purpose of acquiring a tract of land, the only land available, for the extension of Frankford Arsenal.

In this arsenal there is an immense amount of work done. The output of the arsenal amounts to about $3,000,000 a year. It has 2,000 employees. With the exception of a small space for light and air in the center of a 63-acre tract, it is all occupied by buildings; and if there is any extension of the arsenal at all it must be by the acquisition of this land.

The land belongs to an estate of which the University of Pennsylvania is the residuary legatee, and while it is valued at a higher price than the appropriation calls for, I have no doubt, as it is yielding no income now, that the Government will be able to acquire it at that price.

I understand that the chairman of the committee is willing to accept this amendment, and I hope the acting chairman will do so.

Mr. OVERMAN. Mr. President, I think the Senator is mistaken about agreeing to accept it. The committee looked into it, and it was not estimated for, and therefore the committee concluded——

Mr. OLIVER. I beg pardon; it was estimated for.

Mr. OVERMAN. Not this year.

Mr. OLIVER. It is estimated for in a letter which is in the possession of the clerk of the committee.

Mr. OVERMAN. Since our meeting?

Mr. OLIVER. Since the meeting; yes.

Mr. OVERMAN. I did not know that. It has been estimated for heretofore, and we do not propose to make any captious objection to it, but leave it to the Senate.

The VICE PRESIDENT. The question is on agreeing to the amendment.

The amendment was agreed to.

Mr. MYERS. Mr. President, I send to the desk an amendment, and with it I send up two letters from the Interior Department in support thereof, which I ask to have printed in the RECORD.

The VICE PRESIDENT. Without objection, that may be done.

The matter referred to is as follows:

DEPARTMENT OF THE INTERIOR,
GENERAL LAND OFFICE,
Washington, June 27, 1914.

Hon. H. L. MYERS,
Chairman Committee on Public Lands,
United States Senate.

MY DEAR SENATOR: For your information in connection with the sundry civil bill, now pending before the Senate, I beg to inclose herewith two letters this date sent by the First Assistant Secretary of the Interior to the Hon. THOMAS S. MARTIN, chairman of the Committee on Appropriations, relative to two items in the sundry civil bill affecting the land service, namely, the appropriation for the support of the field service of the General Land Office and the appropriation for contingent expenses of local land offices.

These letters are self-explanatory, and I think fully explain the needs of the service with respect to these particular branches of the work of this bureau.

Very respectfully,

CLAY TALLMAN.

—

Hon. THOMAS S. MARTIN,
Chairman Committee on Appropriations,
United States Senate.

MY DEAR SENATOR: Permit me to call the attention of your committee to the item "Depredations on public timber, protecting public lands," etc., in the sundry civil bill for the fiscal year ending June 30, 1915, under which the field service force of the General Land Office is maintained.

In the estimates submitted request was made for the sum of $500,000, the same as for the present fiscal year, but as passed by the House of Representatives this item is reduced to $475,000 (H. R. 17041, p. 94).

I desire to urge upon you the importance and necessity of the retention of the appropriation of $500,000 for this work. In support of such request I beg leave to submit for your consideration some statistics indicating the value and importance of this work.

WORK ACCOMPLISHED.

During the year, June 1, 1913, to May 31, 1914, through cooperation with the Department of Justice, 162 civil suits were won, restoring 70,649 acres to the public domain and recovering $228,050. These suits include suits to cancel patent, timber-trespass suits, suits to abate unlawful inclosures, and suits to declare forfeiture of rights of way; 25 convictions were secured in criminal cases, resulting in 4 prison sentences and fines amounting to $2,400; 89 indictments were returned for violations of the public-land laws.

All of these cases, both civil and criminal, were brought as a result of investigations by the field force of the General Land Office.

Through direct action of the General Land Office 1,882 unpatented entries were canceled, restoring approximately 301,120 acres to the public domain; 150,417 acres were restored to the public domain from unlawful inclosures without suit; $43,713.05 was received through timber-trespass settlements and collected on sales of timber under permits; 22,394 cases were investigated in the field; 536 hearings to determine the validity of entries were held; 105 suits were recommended to the Department of Justice for the recovery of 33,531 acres of land and $115,340.

WORK PENDING.

In the Department of Justice on June 1, 1914, there were pending 183 trespass suits to recover $1,072,225; 510 suits to vacate patents to 146,400 acres; 39 unlawful-inclosure suits to restore 404,846 acres to the public domain; 30 suits to declare judicial forfeiture of rights of way; 6 miscellaneous suits; and 290 criminal cases.

In the General Land Office 19,168 cases pending for investigation in the field; 967 cases pending for hearing; about 1,300,000 acres involved in Carey Act lists to be examined in the field; 250,000 acres included in Indian allotments which will require field investigations; about 75,000 acres of State selections to be examined in the field.

These statistics differ in some instances from those presented to the chairman of the Appropriations Committee of the House of Representatives, for the reason that the statistics presented to him cover the period from December 1, 1912, to November 30, 1913, while this statement covers the year June 1, 1913, to May 31, 1914.

The foregoing indicates the value of the Field Service work and the necessity for the appropriation asked.

In this connection I desire to refer to several important matters which deserve special consideration:

1. The investigation in the oil fields of California.

This is one of the large problems confronting the Field Service. The need for a speedy determination of the field work within the withdrawn area, about 1,500,000 acres, is imperative to protect the interests of the Government and to adjust promptly the rights of claimants. The office has been hampered in the investigation by a lack of sufficient force to put in the withdrawn area to make investigations to determine the rights of the applicants or locators and to clear away those that are invalid. The Navy Department is urging completion of the investigations in the naval petroleum reserves.

2. The investigation of irrigation companies which supply desert-land entries with water is increasing, and as the adjudication of the desert-land cases is dependent upon the finding of the office as to the resources and reliability of the company and the feasibility of its proposed irrigation system, it is essential that these investigations should be thorough and prompt.

3. The act of March 3, 1913, providing for the sale of fire-killed or damaged timber, has placed a large amount of additional work on the Field Service.

4. The work of cooperating with the Department of Justice in the trial of the civil and criminal cases which are prosecuted by that department on the recommendation of the Interior Department as a result of investigations made by the Field Service. Some of these cases are far-reaching in importance and will require a considerable portion of the time of a number of the special agents.

5. The work in Alaska.

The legislation recently enacted providing for the construction of a railway and the opening of the resources of Alaska will undoubtedly result in an influx of settlers and others seeking to acquire title to public lands in that Territory.

During the past fiscal year, working under an appropriation of $500,000, the commissioner has found it necessary to exercise rigid economy in order that the force may be maintained intact during the entire year. If the present 1914 appropriation is not maintained, a corresponding reduction in the field force and work accomplished will necessarily result.

Considering the volume of this work and its importance, both to the Government and the settlers and other public-land claimants, I most respectfully solicit the serious consideration of your committee as to the advisability of the reduction proposed by the House bill.

Very respectfully,

——— ———,
Secretary.

—

DEPARTMENT OF THE INTERIOR,
Washington, June 27, 1914.

Hon. THOMAS S. MARTIN,
Chairman Committee on Appropriations,
United States Senate.

MY DEAR SENATOR: The estimates of appropriations required for the General Land Office service for the fiscal year 1915 included $350,000 for contingent expenses of land offices. The sundry civil act of June 23, 1913, provided $320,000 for that service for the fiscal year 1914, which was supplemented by an additional appropriation of $20,000 in the urgent deficiency act, making $340,000 for the fiscal year about to close.

For your information I submit a statement of the expenditures authorized during the fiscal year in land offices, as follows:

Contingent expenses of land offices, 1914.

Appropriation	$340,000.00
Allotments:	
For registration of letters	11,500.00
For drayage	500.00
For freight, advertising, and telegrams	1,196.24
For direct settlements (authorized to date), incidentals	3,209.62
For rent of offices	40,301.69
For incidentals (authorized to date)	3,929.82
For clerical services	279,059.30
For expenses of detailed clerks	216.35
Balance available for authorization	86.98
	340,000.00

It will be seen that there remains a balance of $86.98 available for further authorization before July 1, but in order to confine expenditures within the appropriation this office has been compelled to deny numerous requisitions for essential needs of the service in the matter of clerical

assistance, equipment, etc., which should, if the appropriation permitted, have been provided. Telephone service, adding machines, and other necessities can not be allowed to these offices because of insufficient appropriation.

I observe from the proceedings in Congress, as shown in the CONGRESSIONAL RECORD, that the estimate of $350,000 has been reduced by the House of Representatives to $330,000 for the incoming fiscal year in the sundry civil bill, now pending in the Senate, which appropriation, if enacted into law, will be inadequate to the needs of the service. On July 1 there will be 234 clerks employed in district land offices whose salaries will aggregate $279,362, being an average of approximately $1,194 per clerk. This will leave but $50,638—for the payment of office rent, $38,829.84; registration of letters, $11,500; drayage, freight on supplies, telegraphing, and advertising, $2,000; and equipment, $10,000, aggregating $62,329.84. This will not only prevent the promotion of clerks, but will also require a reduction of the clerical force to the extent of $11,691.84, unless the appropriation is increased to the amount estimated—$350,000. This latter amount would permit of the payment of the above-estimated expenditures, the promotion of deserving clerks in amounts not exceeding $5 per month, and leave a small margin for emergencies.

In view of the facts above stated, the consideration of your committee is invited to the advisability of increasing the appropriation to the amount estimated—$350,000.

Very respectfully, ———,
Acting Secretary.

The VICE PRESIDENT. The amendment proposed by the Senator from Montana will be stated.

The SECRETARY. On page 99, in line 18, it is proposed to strike out "$475,000" and to insert in lieu thereof "$500,000."

Mr. MYERS. Mr. President, this was estimated for. I have spoken to the chairman and practically all the members of the Committee on Appropriations, and there is no opposition to it, and I hope it will be adopted.

The VICE PRESIDENT. The question is on agreeing to the amendment.

The amendment was agreed to.

Mr. HOLLIS. Mr. President, I offer the amendment which I send to the desk.

The VICE PRESIDENT. The amendment will be stated.

The SECRETARY. On page 198, after line 18, it is proposed to insert:

That for the relief of the sufferers from the recent conflagration in Salem, Mass., there is hereby appropriated, out of any money in the Treasury not otherwise appropriated, the sum of $200,000, or so much thereof as may be necessary: *Provided*, That all expenditures under this joint resolution shall be made under the direction of the Secretary of War.

Mr. GALLINGER. Mr. President, the words "joint resolution," I think, ought to be stricken out.

Mr. HOLLIS. This is an amendment to the bill.

Mr. GALLINGER. Yes; but I noticed the words "joint resolution" as the amendment was read. That, I think, ought to be stricken out.

Mr. HOLLIS. That is correct; it ought to be "under this provision" instead of "under this joint resolution."

Mr. President, the necessity for this appropriation for the relief of the destitute and suffering at Salem was brought to my attention during the temporary absence of the Senators from Massachusetts, and in order to have it in order I offered the amendment yesterday to be printed and lie on the table.

The matter was called to the attention of the Senate first by the President of the United States in the following communication:

To the Senate and House of Representatives:

The governor of Massachusetts has sent me the following telegram: "The Salem relief fund is increasing slowly. The expense of rehabilitation will be enormous, as 3,000 families are homeless and without work. If the National Government could appropriate $200,000, it would assist greatly. I am informed that the action of the National Government at the time of the San Francisco disaster furnished a precedent. Can anything in the way of substantial contribution from the National Government be obtained?"

In view of the great number of homeless and destitute in Salem I very earnestly urge the immediate appropriation by the Congress of $200,000, as requested by the governor, to be expended under the direction of the Secretary of War.

WOODROW WILSON.

THE WHITE HOUSE, *July 8, 1914.*

This amendment was offered at the request of the Massachusetts delegation in the House of Representatives. I am very glad, indeed, to offer the amendment, and to state that I believe it will be accepted by the chairman of the Committee on Appropriations.

Mr. MARTIN of Virginia. Mr. President, in the absence of the two Senators from Massachusetts, and after a conference with the Massachusetts delegation in the other House, and in view of the message from the President of the United States in respect to this matter, this amendment is presented to the Senate.

I realize that there may be objections, there may be arguments made, as to why an appropriation of this sort ought not to be made; but in the meantime about 17,000 people are in a state of actual suffering. I think in the presence of such an appalling disaster as this fire, which has destroyed a large part of the city of Salem, and in the presence of the actual suffering of 3,000 homeless and houseless families, about 17,000 souls in all, we can afford to ride over and jump over any impediments that in theory may exist, and afford some relief to this mass of suffering humanity in one of the States of this Union.

I think the humanitarian spirit which prevails in the Senate surely can reach out to the actual suffering of 17,000 people. We had manifestations of that broad humanitarian spirit on yesterday, when an appropriation of perhaps questionable character was made; but if it was questionable it was an error, if an error at all, in the interest of humanity, and for the amelioration of the human race. I think this is a case more pointed, more acute, and more necessary than that; and I sincerely hope the Congress of the United States will not deny the small sum of $200,000 for the relief of these sufferers.

I have been asked, "Why does not the State of Massachusetts come to the rescue?" The answer made to me has been that there is a provision in the constitution of Massachusetts that forbids it. I have not had time to inquire into that, and for my part I do not desire to inquire into it. If anybody else is at fault, it is no excuse for us. I want to see these people relieved. I want to see this suffering stopped. I want to see the Congress of the United States show a generosity toward these 17,000 suffering people; and I hope the amendment will be adopted.

Mr. HOLLIS obtained the floor.

Mr. GALLINGER. Mr. President, will my colleague yield to me for a moment?

Mr. HOLLIS. I yield to my colleague.

Mr. GALLINGER. Mr. President, the statistics of this great disaster are worthy of being put into the RECORD.

Mr. HOLLIS. I was about to comment on those. I think I have all of them here, and if my colleague will pardon me I will state them briefly.

Mr. GALLINGER. Then I will not undertake to do it. I will only say that I sat on the porch of a friend's house 40 miles from the city of Salem and saw evidences of that great fire, lasting several hours, and it was a great disaster. I feel sure Congress will be glad to appropriate this small amount; and I hope my colleague will put in the RECORD precisely the data relating to it.

Mr. HOLLIS. I shall be very glad to do so, Mr. President.

The population of Salem at present is about 45,000.

The families who were rendered homeless by this fire number 3,000.

The persons rendered destitute or homeless on account of the fire are 17,000. That is more than a third, and nearly one-half, of the entire population.

The large industries destroyed are the following:

The Naumkeag Cotton Mills, with a capacity of 2,500 hands; 8 shoe factories; 8 leather factories; 9 shoe stock and finding factories; 6 machine shops; and 3 foundries.

The amount needed by the relief committee is stated to be $1,700,000.

The subscriptions to date are about $380,000.

The special State appropriation for poor relief in Salem is $100,000.

The militia appropriation for Salem is $25,000.

The State tax assumed by the Commonwealth is $25,000.

The assignment of State property from other institutions is $25,000.

The special loan authorized for Salem is $700,000.

The State appropriation probably will be increased.

The total loss of the fire, which is stated to be probably underestimated, is $10,000,000.

The men will be out of work until the industries are rebuilt. The Naumkeag Mills expect to reopen in January.

Congress gave to San Francisco, in a similar plight, $2,500,000. This was practically turned over to the Red Cross Society for expenditure. Rations were furnished at San Francisco to persons out of work for several months.

I feel, speaking for a neighboring State, and one that is closely in touch with Massachusetts in every way, that this comparatively small appropriation of $200,000 ought to be granted without raising any technical points which might be raised, and without debate.

Mr. WEEKS. Mr. President, I want to say just a word, having been absent from the Senate when this matter came up, to thank the Senator from New Hampshire and the Senator from Virginia for their good offices in bringing this matter before the Senate. The facts which they have stated relating to the number of people who are homeless and who have lost practically their all are quite true. I have personally investigated them. The need is for immediate assistance in the way of clothing and food for those people.

The citizens of Massachusetts have contributed a considerable amount, about $400,000, and the State has made a small appropriation, which, with this $200,000, will be sufficient, I think, to provide for those people who are out of employment until they have an opportunity to readjust their welfare lines and get employment in other places.

I think there are ample precedents for this action, not only in the case of San Francisco, which has been cited, but in cases of distress due to floods and other calamities.

I hope the Senate will see fit to act unanimously in favor of this amendment.

Mr. VARDAMAN. Mr. President, I am very much in favor of the Government of the United States conducting its affairs economically. I am opposed to a waste of money in any manner or form, such as, I think, has been made in the appropriation for the exposition at San Francisco and the one that was made a moment ago to the negro celebration at Richmond, Va.; but I do not think a dollar can be invested more profitably than the dollar invested in alleviating the sufferings of humanity. The greatness of this country does not consist of its banks and railroads and enterprises of that character, but rather in the moral qualities and intellectual acquirements of the men and women who compose its citizenship. Men and women are the Nation's greatest assets.

The people of Salem, Mass., are in distress. This is a rich government, and while a few years ago I dare say I should have opposed this appropriation upon constitutional grounds, yet we have a precedent for it. We have drifted away from the moorings of the fathers in matters of constitutional construction, and I am willing to resolve the doubt in favor of the needy people of that stricken city. I shall be willing to vote not only for $200,000 but for $400,000, if it may be necessary, to meet their immediate wants. I do not believe you can use the money in the Treasury for a better purpose, and I believe the people who pay the taxes and bear the burdens of government will approve this appropriation.

Mr. President, service to man is the most acceptable service to God, and he who paints the pallid cheek of care with the rose of health, who causes to blossom in the garden of the heart made desolate by adversity the flower of hope, who fills the soul with cheer, stimulates courage, and helps the weak and faltering to try again—that man has lived and done the highest purposes of life. I hope this measure may receive the votes of every Senator in this Chamber.

Mr. POMERENE. Mr. President, I should be doing violence to my own feelings if I did not express the hope that this appropriation will be voted without any hesitancy whatever.

A little more than 15 months ago my own great State, as well as the neighboring State of Indiana, suffered a very great disaster. I was through those flooded districts. I know what the people suffered there, and I can conceive the state of affairs in the city of Salem to-day. It was with extreme regret that I learned the other day that there was any hesitancy whatsoever at the other end of the Capitol in granting this appropriation.

The VICE PRESIDENT. The question is on agreeing to the amendment. [Putting the question.] The ayes have it, and the amendment is unanimously agreed to.

Mr. CUMMINS. Mr. President, I move to strike from the bill the portion beginning at line 21, on page 54, and ending with line 17, page 55, and to insert in lieu thereof the matter which I send to the desk.

The VICE PRESIDENT. The amendment will be stated.

The SECRETARY. On page 54, commencing with line 21, it is proposed to strike out down to and including line 17, on page 55, and in lieu thereof to insert:

It shall be the duty of every common carrier by railroad whose property is being valued under the act of March 1, 1913, to transport the engineers, field parties, and other employees of the United States who are actually engaged in making surveys and other examination of the physical property of said carrier necessary to execute said act from point to point on said railroad as may be reasonably required by them in the actual discharge of their duties; and also to move from point to point and store at such points as may be reasonably required the cars of the United States which are being used to house and maintain said employees; and also to carry the supplies necessary to maintain said employees and the other property of the United States actually used on said railroad in said work of valuation. The service above required shall be regarded as a special service and shall be rendered under such forms and regulations and for such reasonable compensation as may be prescribed by the Interstate Commerce Commission, and as will insure an accurate record and account of the service rendered by the railroad; and such evidence of transportation, bills of lading, etc., shall be furnished to the commission as may from time to time be required by the commission.

Mr. CUMMINS obtained the floor.

Mr. MARTIN of Virginia. Mr. President, if the Senator will permit me to interrupt him——

Mr. CUMMINS. I yield to the Senator.

Mr. MARTIN of Virginia. I desire to say that I am perfectly satisfied to accept the Senator's amendment just as he has offered it.

Mr. CUMMINS. Very well, then, Mr. President.

Mr. BRANDEGEE. Mr. President, of course I have no objection to the chairman of the committee accepting the amendment, but I had hoped to hear from the Senator from Iowa as to the necessity for this provision. Without the provision that the Interstate Commerce Commission shall decide what will be a reasonable compensation for the service rendered, would not that be the situation if no additional legislation were enacted?

Mr. CUMMINS. No. The House bill provided that it should be lawful for the carriers to furnish this service without compensation; that is, free service; that is, to give all these employees of the Government free transportation, to transport all the supplies of the Government without charge, and to house and maintain without charge the employees of the Government while they were in the performance of their duty.

Mr. BRANDEGEE. I understand that, and I am opposed to that as much as the Senator is.

Mr. CUMMINS. I regarded that as a very vicious proposal. I think it strikes a blow at the fundamental principle which precedes fair and reasonable and effective railroad regulation.

The amendment that I have offered—and I am stating this not simply because the Senator from Connecticut has asked it—follows the general language of the bill, but instead of providing for free service it provides for reasonable compensation, to be fixed by the commission. The reason for that is that this is a special service, as is there recited. A corps of engineers go upon a railroad for the purpose of making an inventory of its physical property and valuing it. They must be carried from point to point at unusual times and under unusual circumstances. They must be permitted to store their cars upon the side tracks at stations in a way not at all usual in the ordinary business of a common carrier. The railroad companies can not cover this service by filing tariffs. It is so exceptional in its character that there must be an especial regulation with regard to it. My amendment provides as it does simply in order to render it unnecessary that the railroads shall file tariffs, as the law requires for other service, covering this particular work which they are to do in cooperation with the employees of the United States.

I know of no other way in which the compensation can be fixed save through the action of the Interstate Commerce Commission. I have been informed by the secretary of the Interstate Commerce Commission that the railroad companies offered to render this service without compensation. I have no doubt that the Interstate Commerce Commission will fix a reasonable compensation for it that will do entire justice to the railroads, nor will it subject the work itself to those criticisms which might otherwise be made upon it.

Mr. BRANDEGEE. I agree with the Senator entirely. I think it would be exceedingly bad policy for the Government, which is conducting a proceeding somewhat of an adverse nature possibly to the railroads, to compel the railroads to pay the expenses of it or to do anything in the nature of a favor to the Government. My sole inquiry was, or intended to be—at least, my thought was this: Suppose the House provision was simply stricken out and nothing offered in lieu of it, would not the railroads perform the service without filing the tariff the Senator has alluded to?

Mr. CUMMINS. I think not.

Mr. BRANDEGEE. Then, of course, the Senator has given a good reason.

Mr. CUMMINS. I think the railroad companies could not charge anything whatsoever for the service without covering it by a tariff regularly filed with the Interstate Commerce Commission.

The VICE PRESIDENT. The question is on agreeing to the amendment.

The amendment was agreed to.

Mr. JONES. On page 166, just before the Macdonough memorial amendment, I move to insert what I send to the desk.

The VICE PRESIDENT. The amendment will be read.

The SECRETARY. Following the amendment heretofore agreed to, in line 11, page 116, insert the following:

For collecting and maintaining an adequate Alaskan exhibit at the Panama-Pacific Exposition, $50,000, to be expended for said purpose by and under the direction of the Federal exhibit board having charge of the Government exhibit at said exposition under the provisions of the law heretofore enacted.

The amendment was agreed to.

Mr. JONES. In this connection I wish to have printed in the RECORD a letter from the Secretary of the Interior.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

DEPARTMENT OF THE INTERIOR,
Washington, June 24, 1914.

The CHAIRMAN OF THE COMMITTEE ON APPROPRIATIONS,
United States Senate.

SIR: In response to the request noted upon a copy of an amendment intended to be proposed by Mr. JONES to the bill making appropriations for sundry civil expenses for the fiscal year ending June 30, 1915, in relation to an appropriation for an Alaskan exhibit at the Panama-Pacific International Exposition, I would say:

There is no adequate provision for an exhibit of Alaska at this exposition. The whole amount appropriated for the Government exhibit board is $500,000, and this amount must provide for the executive departments, the Territories, and various commissions named for consultation. The amount which may be used from this fund for Alaska could not exceed a few thousand dollars at most.

It seems to be peculiarly desirable that Alaska be well represented at the exposition, because of the relation of that territory to the cities of the Pacific coast, and because of the interest in Alaska which has developed on account of the recent provision for railroads.

Congressional appropriations were made for exhibits of Alaska at previous expositions as follows:

Louisiana Purchase Exposition, St. Louis, Mo., 1904 (32 Stats., 1108), $50,000.

Lewis and Clark Centennial Exposition, Portland, Oreg., 1905 ((33 Stats., 177), $25,000.

(The building for this exhibit was provided from the appropriation of $250,000 for Government buildings at said exposition.)

Alaska-Yukon-Pacific Exposition, Seattle, Wash., 1909 (public act, No. 141, approved May 27, 1908), $100,000.

(The building for this exhibit was provided from the appropriation of $250,000 for Government buildings at said exposition.)

Respectfully,

FRANKLIN K. LANE.

Mr. BRADY. I desire to offer the amendment I send to the desk.

The VICE PRESIDENT. It will be read.

The SECRETARY. On page 100, after line 20, insert:

To enable the Secretary of Agriculture to make field experimental demonstrations for the purpose of utilizing the by-products of the several species of trees grown in the United States and of the stumps and roots on logged-off land, and to ascertain and investigate methods of processing and treating the several species of wood and of such stumps and roots, and determining the merchantable value thereof, $15,000.

Mr. BRADY. Mr. President, this amendment was offered to the Agricultural appropriation bill. It was estimated by the Department of Agriculture and approved by that department and approved by the Committee on Agriculture and Forestry. It was voted favorably upon by the Senate, but was disagreed on in conference.

At the time the conference report was made I am quite sure the Senate would have been willing to have returned the report to the conference again on account of this amendment, but I did not desire to delay the bill. I said at the time I would depend upon the fair treatment of the Senate when the matter came up for consideration again.

This is a matter of much importance to the people of the West, and great good will result by the adoption of this amendment. Dean Shattuck, of the University of Idaho, and his assistants are now actually engaged in demonstrating what can be done with the by-products of our forests. They are securing results that are very satisfactory indeed, and if this amendment is adopted and the funds made available by the passage of this bill they will be able to make a showing that will be pleasing to every Member of this body.

I sincerely hope that the Senator having the bill in charge will not raise a point of order, and I ask that the amendment be adopted.

Mr. OVERMAN. I am not going to make a point of order; but this proposition was settled by the Senate on the Agricultural appropriation bill, and it is not right to bring up the same question on this bill. The item went out in conference, and if put on this bill it will very likely be stricken out again in conference.

The VICE PRESIDENT. The question is on agreeing to the amendment proposed by the Senator from Idaho.

The amendment was agreed to.

Mr. WEEKS. I offer the following amendment.

The VICE PRESIDENT. It will be read.

The SECRETARY. It is proposed to insert as an additional paragraph, after line 10, on page 135:

For changing existing lights and moving additional lights for the aid of navigation at the eastern and western entrances to the Cape Cod Canal, $50,000.

Mr. WEEKS. Mr. President, the Cape Cod Canal, which has been under construction for three or four years, is nearing completion. About $7,000,000 have been spent in the construction of the canal by private capital. About $1,000,000 has been expended in deepening the entrance to the canal on the Buzzards Bay or western end of it. The section which is covered by this development is already lighted, but not suitably lighted for the purpose of supplying the lights for the entrance to the canal, either at the western or Buzzards Bay entrance or on the eastern or Barnstable Bay entrance.

This matter was taken up in March, and a bill passed the Senate, introduced by the Senator from New York [Mr. ROOT], directing the Secretary of Commerce to provide suitable lights for this canal service. The amount estimated by the department is $50,000.

Mr. MARTIN of Virginia. Mr. President, this amendment, as far as I recollect, was not before the committee. I do not know why it was not presented to the committee, but, at any rate, I have looked into it very carefully. The Cape Cod Canal has been built by private parties at an expenditure of many millions of dollars. The lights as heretofore existing do not serve the purpose of the canal and the entrance to the canal. It is necessary to change the location and character of the lights; and I think it is eminently proper that the Government should provide the lights. The lights are to be on the open navigable waters of the United States; they are not to be on the private canal, but on the open navigable waters of the United States. I think the amendment should be adopted.

The VICE PRESIDENT. The question is on agreeing to the amendment.

The amendment was agreed to.

Mr. LANE. Mr. President, I have an amendment to offer which, if adopted, will bring money into the Treasury.

The VICE PRESIDENT. The amendment will be read.

The SECRETARY. On page 39, after line 11, insert the following proviso:

Provided, That the Secretary of the Treasury is hereby authorized and directed to pay, as a reward, 10 per cent of any sum which may be recovered in the nature of penalties, fines, forfeitures, or otherwise to the person or persons who shall first furnish evidence to the Government of the violation of the antitrust or interstate-commerce laws, or of the commission of any frauds against the Government, resulting in the recovery of such penalties, fines, forfeitures, or recoveries.

Mr. MARTIN of Virginia. I make a point of order against the amendment. It is legislation, and I am opposed to the policy of penalties and espionage.

Mr. LANE. I call attention to the fact that there are items already in the bill of the same character.

Mr. MARTIN of Virginia. We are dealing with this item now, and I make a point of order against it.

Mr. LANE. It calls for no expenditure of money; it will bring in hundreds of thousands of dollars. It will bring in millions of dollars. It will stop frauds that are being perpetrated upon the Government. It is a useful provision. It is not against the law. It is in line with items already incorporated in the bill and it is in conformity with other measures which have been passed by Congress. It will help furnish money to pay for the celebration already appropriated for in the bill and some other items of expenditure.

Mr. MARTIN of Virginia. It is regular legislation.

Mr. LANE. I am surprised that the distinguished Senator from Virginia should offer an objection to it. It is a good provision. It is a proper amendment.

The VICE PRESIDENT. Is the point of order insisted on?

Mr. MARTIN of Virginia. The point of order is insisted on.

The VICE PRESIDENT. The point of order will have to be sustained.

Mr. LANE. On what ground?

The VICE PRESIDENT. On the ground that it is general legislation.

Mr. SMOOT. I offer an amendment on page 103, following line 2.

The VICE PRESIDENT. The amendment will be stated.

The SECRETARY. On page 103, after line 2, insert the following proviso:

Provided further, That not to exceed $25,000 of the above amount may be used to bring up the arrears of office work in Surveyor General's office upon returns of surveys filed therein prior to the passage of this act.

Mr. SMOOT. This does not increase the appropriation, I will say to the Senator from Virginia. It simply allows $25,000 of the appropriation to be used for this specific purpose, as recommended by the Commissioner of the General Land Office.

The amendment was agreed to.

Mr. STERLING. I move the following amendment: On page 121, beginning after the figures "$300,000." in line 11, I move to strike out the remainder of the paragraph.

The VICE PRESIDENT. The amendment will be stated.

The SECRETARY. On page 121, line 11, after the numerals "$300,000," it is proposed to strike out the provisos down to and including line 21, in the following words:

Provided, however, That no part of this money shall be spent in the prosecution of any organization or individual for entering into any combination or agreement having in view the increasing of wages, shortening of hours, or bettering the conditions of labor, or for any act

done in furtherance thereof, not in itself unlawful: *Provided further*, That no part of this appropriation shall be expended for the prosecution of producers of farm products and associations of farmers who cooperate and organize in an effort to and for the purpose to obtain and maintain a fair and reasonable price for their products.

Mr. STERLING. Mr. President, the language of the provisos which this amendment proposes to strike out is identical with the language of the provisos contained in the sundry civil bill of last year. President Taft vetoed that bill on the ground that it was vicious class legislation, and that if standing alone and without being connected with any appropriation no one would doubt the unconstitutionality of these provisos exempting, as they do, labor and farmer organizations from prosecution. In other words, the provisos are a limitation upon the expenditures of the $300,000 appropriated so that none of it may be used for the prosecution of these organizations under the antitrust law.

I do not propose, Mr. President, to enter into any discussion at length of this proposed amendment or of these provisos. The question was very thoroughly discussed last year, but at the time of the discussion here, and at the time of the vote here, it had not been discussed by the then President of the United States. I simply wish to call attention to and to read the communication of the President at the time of his approval finally of the sundry civil bill. He said:

I have signed this bill because I can do so without, in fact, limiting the opportunity or the power of the Department of Justice to prosecute violations of the law by whomsoever committed.

If I could have separated from the rest of the bill the item which authorized the expenditure by the Department of Justice of a special sum of $300,000 for the prosecution of violations of the antitrust law, I would have vetoed that item, because it places upon the expenditure a limitation which is, in my opinion, unjustifiable in character and principle. But I could not separate it. I do not understand that the limitation was intended as either an amendment or an interpretation of the antitrust law, but merely as an expression of the opinion of the Congress—a very emphatic opinion, backed by an overwhelming majority of the House of Representatives and a large majority of the Senate, but not intended to touch anything but the expenditure of a single small additional fund.

I can assure the country—

Says the President—

that this item will neither limit nor in any way embarrass the actions of the Department of Justice. Other appropriations supply the department with abundant funds to enforce the law. The law will be interpreted in the determination of what the department should do, by independent and I hope impartial judgments as to the true and just meaning of substantive statutes of the United States.

This is about all I care to say, Mr. President. I was opposed to these provisos last year, and I am still opposed to them. I think, as the President says, they are unjustifiable in character and in principle. He declares, further, that this limitation upon the expenditure of this $300,000 will not in any way deter the Department of Justice from enforcing the law. If that be true, then why have it in this bill as an exemption or as a limitation upon the expenditure? The limitation serves no other purpose than to mislead. It seems to me, Mr. President, that it ought to be beneath the dignity of the Senate or the Congress of the United States to put into a bill a provision that is unjustifiable in character and in principle and which will serve only to mislead, and that manifestly if not confessedly so.

Mr. MARTIN of Virginia. I ask for the yeas and nays, Mr. President, on agreeing to the amendment.

Mr. HUGHES. Mr. President, I had no desire to open up this discussion. I had not intended to say anything on the subject, and I do not know that it is worth while to say very much now. There is no Senator in this Chamber who is not familiar with the subject. The history of this amendment shows it was a product of peculiar conditions. It was first the effort of the lower House to legislate upon the proposition which it was impossible to get from the committee. There were those who believed that in another body there was an overwhelming sentiment in favor of the proposition that organizations of labor and laboring people in general were not and should not and never were intended to be within the provisions of the Sherman antitrust law. We knew that the debate occurring upon that famous measure clearly showed to any student who has interest enough to read them that it was not in the mind of the authors of that law that men of this character should come within its provisions. Yet a quarter of a century afterwards the friends of the laboring people of this country and their friends were confronted with the proposition that practically the only people who had ever been effectually reached, effectually hindered and hampered and punished, were the laboring people as laboring people.

The provision rejected in the other House came to this body. The next time it came it was carried into the law and it is now a part of the law. I hope and believe that before this Congress adjourns the principle embodied in that limitation will be enacted into substantive law. I will say that if I did not believe that I would do what I could to limit not only this appropriation but every appropriation carried in this bill. If I could not do it by substantive law, I would limit every single appropriation to be expended by the prosecuting officers of this Government so that they could not put the machinery of this law in motion against the laboring people of the country.

I want to be absolutely candid and frank. If that is class legislation, make the most of it. I have no difficulty in distinguishing between the Standard Oil Co. and the toiling people of this country. The great statesmen—though I do not put myself in that category—not only in this but other countries have seen no difficulty in differentiating between the toilers and great combinations of capital.

Practically every civilized nation in the world has made this distinction. The courts of this country are more amenable to public opinion and to right and justice than the elected and selected representatives of the people, and they have accepted the principle embodied in that limitation. In two recent decisions the courts of the United States have practically granted to the laboring people what they claim in this language. They have recognized the principle it stands for, and the Congress of the United States, if it enacts it now, comes halting, blindly, and lamely behind the courts, against which these people have been asking the legislative department of the Government for protection.

Mr. President, there is no occasion for discussing this amendment any further. I hope and believe the language proposed to be stricken out will be permitted to remain a part of this bill.

The VICE PRESIDENT. The question is on the amendment proposed by the Senator from South Dakota [Mr. STERLING].

Mr. SUTHERLAND. Mr. President, this subject was very fully discussed by the Senate last year when a similar provision was written into the sundry civil appropriation bill. I myself discussed it at some length at that time, and I do not intend to repeat what was then said, but I do not want to vote upon the proposition to strike out the language without very briefly expressing my reasons for casting the vote which I shall cast.

I intend to vote for the amendment proposed by the Senator from South Dakota [Mr. STERLING]. This provision is either an unnecessary and useless thing or it is a vicious thing—one or the other. If this provision means only that a labor organization shall not be prosecuted under the antitrust law for any legitimate attempt by combination or contract or otherwise to increase the wages of its members or to shorten the hours or better the conditions of labor, then it is a needless thing, because labor organizations have that right now. The labor organizations of the country have the right, and have always had the right, to combine for the purpose of increasing their wages. The members of a labor organization have a right to agree and to combine and to strike for the purpose of increasing the price which the thing they have for sale, namely, their work, will bring. No manufacturer has any such right as that.

Mr. HUGHES rose.

Mr. SUTHERLAND. Just a moment. Manufacturers are forbidden to combine for the purpose of raising the prices of their commodities. The right of the workmen to combine together for the purpose of enhancing the price of what they sell—to restrain full competition in the field of labor—already puts them in a favored class before the law; and rightfully and justly so. The antitrust law does not reach such a combination, because labor is not an article of commerce.

Mr. HUGHES. Will the Senator from Utah permit a question?

Mr. SUTHERLAND. Yes.

Mr. HUGHES. I will say that I agree fully with what the Senator has said up to this time, but the proposition that the Senator makes was not always admitted, and has not been admitted upon the floor of the Senate until very recently; in fact, according to my information, it has not been admitted by the Senator or by any man who voted against this amendment until the Senator just admitted it. It was because it was not admitted that that amendment was offered. I am glad the Senator does admit it.

Mr. SUTHERLAND. Mr. President, the Senator from New Jersey is in error about that. I have personally always conceded it, and always believed in it, and expressly so stated in my remarks a year ago. I have never heard it seriously doubted. I do not recall any decision of a court which has held the contrary. But, however that may be, the rule is recognized now beyond any question whatever, that labor organizations have a right to exist; they have a right to combine for the purpose of increasing their wages or bettering their condition or shortening their hours of labor. It is a right which they ought to have, and a right which nobody concedes to them more freely than I do. Men have a perfect right to organize labor

unions, and if they can not obtain what they regard as fair wages or fair hours of work or proper conditions, they have a right to quit work, and they have a right to strike. All of that they have a right to do under the law as it is now. If this provision means nothing more than that, then I say it is absolutely needless; but if it means that labor organizations having come into existence are given the right to combine with one another for the purpose and with the effect of restraining interstate commerce, then it is vicious.

Mr. President, we do not undertake to prosecute organizations of capital simply because they are organizations of capital; we do not undertake to prosecute organizations of merchants simply because they are organizations of merchants. Capital has a right to organize; it has the right to carry on legitimate business; capitalists have the right to do that; and they can not be prosecuted unless they enter into such combinations or perform such acts as are intended to restrain or do restrain trade among the several States. That is declared by the antitrust act to be an evil thing; and if it is an evil thing, if it is a wrong to restrain trade among the States of this Union, what difference does it make who commits the wrong? Is it not as great a wrong for a number of workingmen to combine to violate the antitrust law as it is for a number of capitalists or a number of manufacturers to do the same thing?

We must look at the quality of the acts that are performed, not at the quality or the calling of the persons who perform them. We make no such distinction about other offenses. Murder is murder, by whomsoever committed; larceny is larceny, by whomsoever committed; and restraint of interstate commerce is restraint of interstate commerce, whoever commits it.

I think that this provision goes further than being merely a useless thing. The provision is:

Provided, however, That no part of this money shall be spent in the prosecution of any organization or individual for entering into any combination or agreement having in view the increasing of wages, shortening of hours, or bettering the conditions of labor.

Let me pause at that point, because up to that point we have a complete proposition. We are not to prosecute, so far as this appropriation is concerned, "any organization or individual for enterning into *any* combination or agreement," provided that combination or agreement shall contain one element, namely, that it shall have "in view the increasing of wages, shortening of hours," and so on. It makes no difference what the character of the agreement or the combination may be—however offensive in every other respect it may be, however violative of the antitrust law it may be—if it have in view the increasing of wages or the shortening of hours, it can not be prosecuted. Does the Senate of the United States want to write into the statute books a proposition of that kind? Then the provision continues:

Or for any act done in furtherance thereof not in itself unlawful.

The phrase "not in itself unlawful" referred to its immediate antecedent means that for any act done in furtherance of this combination or agreement, provided the act itself is not unlawful, shall not be prosecuted; but the combination or the agreement itself, no matter what it may be in other respects, no matter how violative it may be of the law in other respects, can not be prosecuted under this appropriation if it has *in view* the increase of wages, shortening of hours, or bettering of conditions of labor.

Now I come to the next proviso, which reads:

Provided further, That no part of this appropriation shall be expended for the prosecution of producers of farm products and associations of farmers who cooperate and organize in an effort to and for the purpose to obtain and maintain a fair and reasonable price for their products.

Again, it does not make any difference what the effect may be upon interstate commerce. If they have cooperated and organized *for the purpose of obtaining* what they regard as a fair, reasonable price, then they can not be prosecuted. Suppose we were to substitute for the provision as it reads the words:

That no part of this appropriation shall be expended for the prosecution of lumber producers or manufacturers of steel who cooperate and organize in an effort to and for the purpose to obtain and maintain a fair and reasonable price for their products.

I think nobody in the Senate would accept an amendment of that character. Is it any more legitimate for an organization of farmers to cooperate than it is for an organization of lumber dealers to do the same thing? Both of these classes of people have the right to organize and combine, provided their organization and combination does not constitute a violation of the antitrust act. If it does, they should be prosecuted; and if a body of farmers or of horticulturists do the same thing, I should like somebody to tell me why it is that they should not be prosecuted for violating the same law?

Mr. President, I hope that I never will be able to get my own consent to vote for so utterly indefensible a piece of class legislation as this proviso would write into the law of the land.

Mr. WALSH. Mr. President, this matter, as has been stated, was very elaborately argued a year ago when the constitution of this body was practically what it is now, and I apprehend that every Member of the Senate has quite definitely made up his mind concerning the wisdom of this provision in the bill. The discussion that has thus far been indulged in, it seems to me, is quite irrelevant to the matter now before the Senate.

The Judiciary Committee has under consideration now, and will soon report, the Clayton bill, when there will be presented the question as to whether or not these organizations should fall under the condemnation of the Sherman antitrust law. At that time, it occurs to me, it will be appropriate to address ourselves to the considerations to which we have now listened.

For the present, Mr. President, permit me to state, as I stated a year ago, that that is not the question at all. There are provisions made in other portions of this bill for the prosecution of any man who commits any offense against the laws of the United States. If labor organizations fall under the condemnation of the Sherman Antitrust Act, or if farmers' organizations are amenable to its provisions, there is ample provision made in the bill for their prosecution, just as there is ample provision made for the prosecution of any crime against the Government of the United States.

There is no exemption given by the bill to anybody who violates the antitrust law, no matter who he is; but, Mr. President, it is found that in the enforcement of the Sherman Antitrust Act the officers of the Government encounter great, powerful combinations of capital able to bring to their help as a defense in the actions brought against them unlimited resources, and we want to so equip the officers of the law that they will be able to meet them upon somewhat even terms. It is believed, and everybody recognizes that it is the fact, that the Department of Justice is otherwise amply provided with funds if, perchance, it should find that a labor organization has violated the antitrust act. That is all. It is simply a question as to whether we shall devote this money to the purpose of prosecuting those cases in which the powerful defense to which I have referred may be interposed, or whether we shall permit a considerable portion of it to be diverted, perchance to some purpose that is not at all within the contemplation of the act.

Mr. MARTIN of Virginia. Mr. President, I move that the amendment be laid on the table.

Mr. BORAH. Mr. President——

The VICE PRESIDENT. The question is on the motion made by the Senator from Virginia to lay on the table the amendment proposed by the Senator from South Dakota.

Mr. BORAH. Mr. President——

Mr. MARTIN of Virginia. Mr. President, I make the motion because the subject has been debated by the Senate many times, and I am anxious to finish this bill now. The matter has been debated and debated and debated, and I hope Senators will understand that it is because of the necessity of completing this bill that I must ask that the question be put on the motion that the amendment be laid on the table.

Mr. VARDAMAN. I suggest the absence of a quorum.

The VICE PRESIDENT. The Secretary will call the roll.

The Secretary called the roll, and the following Senators answered to their names:

Ashurst	Hitchcock	Norris	Smith, Ga.
Borah	Hollis	Oliver	Smith, Md.
Brady	Hughes	Overman	Smoot
Brandegee	James	Page	Sterling
Burton	Johnson	Perkins	Sutherland
Camden	Jones	Poindexter	Swanson
Catron	Kenyon	Pomerene	Thomas
Chamberlain	Kern	Ransdell	Vardaman
Chilton	Lane	Reed	Walsh
Clapp	Lewis	Shafroth	Warren
Clarke, Ark.	Martin, Va.	Sheppard	Weeks
Colt	Martine, N. J.	Shields	White
Cummins	Myers	Simmons	Works
Gallinger	Nelson	Smith, Ariz.	

Mr. KERN. I desire to announce the unavoidable absence of the junior Senator from Nevada [Mr. PITTMAN], who is detained from the Senate on public business.

I also again announce the absence of the Senators from South Carolina.

The VICE PRESIDENT. Fifty-five Senators have answered to the roll call. There is a quorum present.

The Senator from South Dakota [Mr. STERLING] moves to amend the bill by striking out from the word "*Provided*," on line 11, page 121, to the word "products," on line 21 of the same page. The Senator from Virginia [Mr. MARTIN] moves to lay the amendment on the table.

Mr. STERLING. On that I ask for the yeas and nays.

Mr. MARTIN of Virginia. Let us have the yeas and nays.

The yeas and nays were ordered, and the Secretary proceeded to call the roll.

Mr. CATRON (when his name was called). I transfer my pair with the senior Senator from Oklahoma [Mr. OWEN] to the senior Senator from Illinois [Mr. SHERMAN] and will vote. I vote "nay."

Mr. CHILTON (when his name was called). I announce my pair with the senior Senator from New Mexico [Mr. FALL] and its transfer to the senior Senator from Alabama [Mr. BANKHEAD]. I vote "yea."

Mr. GALLINGER (when his name was called). I have a general pair with the junior Senator from New York [Mr. O'GORMAN], and therefore withhold my vote.

Mr. HOLLIS (when his name was called). I announce my pair with the junior Senator from Maine [Mr. BURLEIGH], and withhold my vote. If I were at liberty to vote, I would vote "yea."

Mr. JOHNSON (when his name was called). I have a general pair with the junior Senator from North Dakota [Mr. GRONNA]. In his absence I withhold my vote.

Mr. STONE (when his name was called). I transfer the pair I have with the senior Senator from Wyoming [Mr. CLARK] to the senior Senator from Louisiana [Mr. THORNTON] and will vote. I vote "yea."

Mr. THOMAS (when his name was called). I have a general pair with the senior Senator from New York [Mr. ROOT], and therefore withhold my vote. If I were at liberty to vote, I should vote "nay."

Mr. WALSH (when his name was called). I have a general pair with the senior Senator from Rhode Island [Mr. LIPPITT]. In his absence I refrain from voting. If I were at liberty to vote, I should vote "yea."

Mr. WARREN (when his name was called). I am paired with the senior Senator from Florida [Mr. FLETCHER]. I do not know how that Senator would vote if present. If I were at liberty to vote, I would vote "nay," as I have informed the committee with which I am serving I would do.

Mr. WILLIAMS (when his name was called). Transferring my pair with the senior Senator from Pennsylvania [Mr. PENROSE] to the junior Senator from South Carolina [Mr. SMITH], I vote "yea."

The roll call was concluded.

Mr. MYERS. I transfer my pair with the junior Senator from Connecticut [Mr. MCLEAN] to the junior Senator from Maryland [Mr. LEE] and will vote. I vote "yea."

Mr. WEEKS. I should like to inquire if the senior Senator from Georgia [Mr. SMITH] has voted on this question?

The VICE PRESIDENT. He has.

Mr. WEEKS. I should like to say that my colleague [Mr. LODGE] has a general pair with him.

Mr. SMITH of Georgia. I announced that this morning, and announced for the day a transfer of the pair between myself and the senior Senator from Massachusetts to the junior Senator from Georgia [Mr. WEST]. I stated that I would let the transfer remain for the day, and that I would vote without announcing it again.

Mr. WEEKS. I should like to announce that if my colleague were present he would vote "nay" on this question.

Mr. SMITH of Michigan. My colleague [Mr. TOWNSEND] is temporarily absent from the Chamber. He has a pair with the junior Senator from Arkansas [Mr. ROBINSON]. If my colleague were present and permitted to vote, he would vote "nay."

Mr. LEWIS. I desire to announce the absence of my colleague [Mr. SHERMAN] on important business, and to say that I am informed by his secretary that if he were here he would vote "yea."

Mr. SAULSBURY. I am requested to announce the unavoidable absence of the senior Senator from South Carolina [Mr. TILLMAN]. If he were present, he would vote "yea." He is paired with the junior Senator from West Virginia [Mr. GOFF].

Mr. GALLINGER. I am requested to announce a pair between the senior Senator from North Dakota [Mr. MCCUMBER] and the junior Senator from Nevada [Mr. PITTMAN].

Mr. CRAWFORD. I have a general pair with the senior Senator from Tennessee [Mr. LEA], who is absent, and therefore withhold my vote. If I were at liberty to vote, I should vote "nay."

The result was announced—yeas 41, nays 17, as follows:

YEAS—41.

Ashurst	James	Overman	Smith, Ga.
Brady	Jones	Poindexter	Smith, Md.
Bryan	Kenyon	Ransdell	Stone
Camden	Kern	Reed	Swanson
Chamberlain	Lane	Saulsbury	Thompson
Chilton	Lewis	Shafroth	Vardaman
Clapp	Martin, Va.	Sheppard	White
Clarke, Ark.	Martine, N. J.	Shields	Williams
Cummins	Myers	Shively	
Hitchcock	Newlands	Simmons	
Hughes	Norris	Smith, Ariz.	

NAYS—17.

Borah	Colt	Perkins	Weeks
Brandegee	Dillingham	Pomerene	Works
Bristow	Nelson	Smith, Mich.	
Burton	Oliver	Sterling	
Catron	Page	Sutherland	

NOT VOTING—38.

Bankhead	Gore	McLean	Stephenson
Burleigh	Gronna	O'Gorman	Thomas
Clark, Wyo.	Hollis	Owen	Thornton
Crawford	Johnson	Penrose	Tillman
Culberson	La Follette	Pittman	Townsend
du Pont	Lea, Tenn.	Robinson	Walsh
Fall	Lee, Md.	Root	Warren
Fletcher	Lippitt	Sherman	West
Gallinger	Lodge	Smith, S. C.	
Goff	McCumber	Smoot	

So Mr. STERLING's amendment was laid on the table.

Mr. NEWLANDS obtained the floor.

Mr. SUTHERLAND. Mr. President, will the Senator from Nevada yield to me? I wish to move an amendment to the same paragraph we have just had under consideration.

Mr. NEWLANDS. I yield.

Mr. SUTHERLAND. In line 14, on page 121, after the word "view," I move to insert the words "by lawful means," so that the provision will read:

> That no part of this money will be spent in the prosecution of any organization or individual for entering into any combination or agreement having in view by lawful means the increasing of wages, shortening of hours, or bettering the conditions of labor.

The VICE PRESIDENT. The question is on agreeing to the amendment. All those in favor of the amendment will say "aye." [A pause.] Those opposed will say "no." [A pause.]

Mr. MARTIN of Virginia. Mr. President, I was going to move to lay the amendment on the table, but perhaps it is too late now. I understand the amendment was defeated. I should not make the motion, anyhow, in view of that.

The VICE PRESIDENT. The Chair has not announced the result.

Mr. SUTHERLAND. I ask for the yeas and nays.

The yeas and nays were ordered.

Mr. ASHURST. I ask to have the amendment stated.

The VICE PRESIDENT. The Secretary will state the amendment.

The SECRETARY. On page 121, line 14, after the word "view," it is proposed to insert the words "by lawful means," so that it will read:

> Having in view by lawful means the increasing of wages, etc.

The VICE PRESIDENT. The Secretary will call the roll.

The Secretary proceeded to call the roll.

Mr. CATRON (when his name was called). I transfer my pair with the senior Senator from Oklahoma [Mr. OWEN] to the senior Senator from Illinois [Mr. SHERMAN] and will vote. I vote "yea."

Mr. CRAWFORD (when his name was called). I again announce my pair with the senior Senator from Tennessee [Mr. LEA], who is absent. If I were at liberty to vote, I should vote "yea."

Mr. GALLINGER (when his name was called). Announcing my pair with the junior Senator from New York [Mr. O'GORMAN], I transfer that pair to the senior Senator from North Dakota [Mr. MCCUMBER] and will vote. I vote "yea."

Mr. HOLLIS (when his name was called). I again announce my pair with the junior Senator from Maine [Mr. BURLEIGH]. If I were at liberty to vote, I should vote "yea."

Mr. JOHNSON (when his name was called). I transfer my pair with the junior Senator from North Dakota [Mr. GRONNA] to the junior Senator from Nevada [Mr. PITTMAN] and will vote. I vote "nay."

Mr. MYERS (when his name was called). I transfer my pair with the junior Senator from Connecticut [Mr. MCLEAN] to the junior Senator from Maryland [Mr. LEE] and will vote. I vote "nay."

Mr. STONE (when his name was called). Announcing the same transfer of my pair as on the last vote, I vote "nay."

Mr. THOMAS (when his name was called). I again announce my pair, with the statement that if at liberty to vote I should vote "yea."

Mr. WALSH (when his name was called). I again announce my pair, and accordingly refrain from voting. If at liberty to vote, I should vote "nay."

Mr. WARREN (when his name was called). I again make the announcement of my pair with the senior Senator from Florida [Mr. FLETCHER]. If at liberty to vote, I should vote "yea."

Mr. WILLIAMS (when his name was called). Making the same announcement that I made upon a previous vote as to my pair and its transfer, I vote "nay."

The roll call was concluded.

Mr. CHILTON. I transfer my pair as before announced and vote "nay."

Mr. SMITH of Michigan. I make the same announcement as on the last roll call with reference to my colleague [Mr. TOWNSEND]. If he were present and at liberty to vote, he would vote "yea."

Mr. WALSH. I transfer my pair, heretofore announced, to the senior Senator from Nevada [Mr. NEWLANDS] and will vote. I vote "nay."

Mr. SMOOT. I desire to announce a pair existing between the junior Senator from Wisconsin [Mr. STEPHENSON] and the junior Senator from Oklahoma [Mr. GORE]. The Senator from Wisconsin is unavoidably detained from the Senate.

The result was announced—yeas 22, nays 38, as follows:

YEAS—22.

Brandegee	Dillingham	Page	Sterling
Bristow	Gallinger	Perkins	Sutherland
Burton	Kenyon	Poindexter	Weeks
Catron	Nelson	Pomerene	Works
Colt	Norris	Smith, Mich.	
Cummins	Oliver	Smoot	

NAYS—38.

Ashurst	James	Ransdell	Smith, Md.
Brady	Johnson	Reed	Stone
Bryan	Jones	Saulsbury	Swanson
Camden	Kern	Shafroth	Thompson
Chamberlain	Lane	Sheppard	Vardaman
Chilton	Lewis	Shields	Walsh
Clapp	Martin, Va.	Shively	White
Clarke, Ark.	Martine, N. J.	Simmons	Williams
Hitchcock	Myers	Smith, Ariz.	
Hughes	Overman	Smith, Ga.	

NOT VOTING—36.

Bankhead	Goff	McCumber	Sherman
Borah	Gore	McLean	Smith, S. C.
Burleigh	Gronna	Newlands	Stephenson
Clark, Wyo.	Hollis	O'Gorman	Thomas
Crawford	La Follette	Owen	Thornton
Culberson	Lea, Tenn.	Penrose	Tillman
du Pont	Lee, Md.	Pittman	Townsend
Fall	Lippitt	Robinson	Warren
Fletcher	Lodge	Root	West

So Mr. SUTHERLAND's amendment was rejected.

Mr. POMERENE. I send the following amendment to the desk.

The VICE PRESIDENT. The amendment will be read.

The SECRETARY. On page 65, after line 19, insert:

For care, protection, and maintenance of Confederate Stockade Cemetery, Johnstons Island, in Sandusky Bay, $250.

The amendment was agreed to.

Mr. JONES. After the numerals "$5,000," after line 7, on page 21, I move to insert as a separate paragraph what I send to the desk.

The VICE PRESIDENT. The Secretary will read the amendment.

The Secretary read as follows:

For the purchase of that portion of the block whereon the United States courthouse and jail now stand, in the city of Fairbanks, Alaska, not now owned by the United States, at a price not in excess of $15,000.

Mr. JONES. I desire to say that this has been favorably reported by the House committee as an emergency measure. I understand the chairman of the committee will not oppose its acceptance.

Mr. MARTIN of Virginia. I am without information with respect to the matter, but on the statement of the Senator from Washington I interpose no objection to the amendment.

The VICE PRESIDENT. The question is on agreeing to the amendment.

The amendment was agreed to.

Mr. WALSH. I send the following amendment to the desk.

The VICE PRESIDENT. It will be read.

The SECRETARY. On page 111, strike out all of lines 23, 24, and 25 and insert in lieu thereof the following:

For the administration and improvement of Glacier National Park, Mont., the construction of roads, trails, bridges, and telephone lines and the repair thereof, including the construction of a road, together with the necessary bridges and culverts, from the old town of St. Mary, across St. Mary River, between upper and lower St. Mary Lake; thence in a general northerly and westerly direction through that part of the Blackfeet Indian Reservation west of lower St. Mary Lake to a point in or near section 35, township 36 north, range 15 west, on the boundary line between the Glacier National Park and the Blackfeet Indian Reservation, $100,000. The Secretary of the Interior is hereby authorized to accept patented lands or rights of way over patented lands in the Glacier National Park that may be donated for park purposes. (Acts of May 11, 1910, vol. 36, p. 354, secs. 1, 2; June 23, 1913, vol. 38, p. 49, sec. 17.)

Mr. MARTIN of Virginia. That is an increase of $25,000, but it is within the estimate, and it seems to be necessary. I have no objection to the amendment.

Mr. WARREN. I wish to ask one question. Is it confined to Government land, to the park?

Mr. WALSH. It is within the Blackfeet Indian Reservation.

Mr. WARREN. It is all on Government land?

Mr. WALSH. It is all on Government land.

The VICE PRESIDENT. The question is on agreeing to the amendment.

The amendment was agreed to.

Mr. SMOOT. I offer the following amendment to come in on page 94, after line 3.

The VICE PRESIDENT. The amendment will be read.

The SECRETARY. On page 94, after line 3, insert:

To authorize the Secretary of the Senate to pay those officers and employees of the Senate borne on the roll known as the soldiers' roll, in accordance with the provisions of Senate resolution of July 14, 1911, and continue such persons on said roll who are now designated as "mail carriers," "folders," "skilled laborers," "policemen," or by other designation, but who are now serving as messengers in and about the doors of the Senate and performing service exactly similar to those performed by messengers whose compensation is $1,440 each per annum, a sum sufficient to make their compensation at the rate of $1,440 per annum each, for the fiscal year ending June 30, 1914, $5,229.50, which amount shall be immediately available.

The VICE PRESIDENT. The question is on agreeing to the amendment.

The amendment was agreed to.

Mr. HUGHES. I offer the following amendment.

The VICE PRESIDENT. It will be read.

The SECRETARY. On page 159, after line 16, insert the following paragraph:

Nothing in section 7 of the act of March 4, 1913, shall be construed to limit the power of the Secretary of Labor to fix, raise, or decrease the compensation of the subclerical, mechanical, and marine employees in the Immigration Service.

Mr. GALLINGER. I will ask that the amendment be read again. It sounds strangely to my ears.

The VICE PRESIDENT. The amendment will be again read.

The Secretary again read the amendment.

Mr. SMOOT. Will the Senator from New Jersey kindly explain what the amendment means?

Mr. HUGHES. It has been recommended by the Secretary of Labor. The amendment deals with the subclerical force, watchmen, and men who are drawing extremely small salaries. Under the provisions of the law of 1913 it is impossible for the Secretary of Labor to regrade these men or to in any way advance their wages.

This provision does not call for any additional appropriation. According to the statement made to me by the chairman of the Committee on Appropriations of the Senate, the Secretary of Labor has been given sufficient money to regrade and advance the wages of these men.

We all know that the wages in the upper regions of the Government service are to a certain extent liberal, but we all must have observed that the ordinary employees are very often neglected. Here is a class of men who are receiving about $70 a month. I have a most interesting letter here from the Secretary of Labor, in which he says he has made an investigation of the conditions of life among these men and that it is impossible for them to live as they ought to live on the salaries they are now receiving.

Mr. GALLINGER. Do I understand the Senator to say that this is giving to the head of a department the authority to reduce certain salaries and increase other salaries at his pleasure?

Mr. HUGHES. No; it is to increase them. It gives him no authority to reduce salaries but it gives him authority to increase salaries. A certain amount of money has been given to him by Congress. He asks for no additional or further appropriation, but he asks that he may be relieved from the inhibition of the act of 1913, which prevents him from increasing a salary paid out of a lump-sum appropriation. That is a wise and salutary provision, and it came into being because of the abuse that had grown up in transferring men from one service to another or increasing their salaries in such a way out of a lump-sum appropriation, but it has worked very much to the disadvantage of a class of employees who are not powerful or influential enough to make their demands known and to command the at-

tention of Senators and Representatives. The Secretary of Labor, as we all know, is a man who has toiled with his hands. He himself is an old miner and he has sympathy with these underpaid public servants.

Mr. GALLINGER. If we have any class of officials who are underpaid we ought to be brave enough to increase their salaries in the right way. I make a point of order against the amendment.

Mr. HUGHES. I wish the Senator would withhold the point of order and give me a chance to make a statement.

Mr. GALLINGER. I will certainly do that.

Mr. HUGHES. I want the Senator to give me a chance to make a statement on the subject.

Mr. GALLINGER. I said to the Senator that I will withhold the point of order.

Mr. HUGHES. I will read the letter of the Secretary of Labor. He says:

DEPARTMENT OF LABOR,
OFFICE OF THE SECRETARY,
Washington, July 3, 1914.

Hon. WILLIAM HUGHES,
United States Senator, Washington, D. C.

MY DEAR SIR: I desire to respectfully direct your attention to the urgent necessity existing in the Immigration Service for funds sufficient to provide for a general regrading in subclerical positions, such as watchmen, gatemen, messengers, etc.

I call the Senator's attention to the fact that there is no attempt on the part of anybody to increase or reduce the salaries of the clerks, the chiefs of divisions, and the men holding lucrative places in that service. It simply applies to watchmen, gatemen, messengers, and so forth.

For a long time it has been apparent that the numerous petitions of these employees that their salaries be raised were worthy of recognition, but the insufficiency of the appropriation for the support of the said service has rendered the department powerless to meet the situation, more especially since the relief of an isolated case would serve no good purpose, it being essential to apply the increases throughout the service in justice to all.

Referring, of course, to this particular branch of the service.

Mr. GALLINGER rose.

Mr. HUGHES. I have not finished yet, I will say to the Senator. The Secretary proceeds:

The duties of these employees are very exacting and at times dangerous. They are required to handle insane aliens and criminals; their responsibilities are heavy, their hours long. They must provide their own uniforms, not a small item considering the fact that the majority are married and have dependent families and children to educate. An additional argument is found in this fact, that many served their country in time of trouble, and because of this are entitled to additional consideration. Yet salaries have remained stationary for many years, during which period of time the cost of living has risen steadily, rendering it difficult, sometimes impossible, for these men to make ends meet.

One employee cites his own case as an example, duplicated in other instances, in making his appeal for a living wage. He has a wife and six children, the oldest 14 years, the youngest 3. He receives $840 per annum—$70 per month. His lowest minimum expenses per month comprehend: Life insurance, $7.50; fuel, water, light, $7; street car fares to work, $3; county taxes, $2; total, $19.50; leaving $50.50 to be divided into eight equal parts, each member of the family thus being allotted $6.30 per month for food, shoes, and clothing, with no margin for illness and its attendant expenses. In vouching for the truth of the foregoing a gentleman writes that if the actual conditions were known as to how the husband and wife were denying themselves to educate their children there would be no doubt of a quick remedy being provided.

It has been contemplated to place these employees on the same basis as customs guards in the Treasury Department, to make the entrance salary $840 per annum instead of $720, the maximum $1,080 in lieu of $840, also to change the designation from "watchmen" to "guards." These positions are covered by third-grade subclerical examinations, and there are approximately 51 receiving $720 per annum, 26 $780, and 93 $840.

The money has been appropriated; the money has been given to the Secretary of Labor. This legislation calls for no additional appropriation. I want to assure the Senator from New Hampshire that if he insists upon his point of order and it is held to be good he will be preventing the Secretary of Labor from performing a duty which, it seems to me, some one long ago should have performed as a matter of justice to these underpaid workingmen in the Government service.

Mr. GALLINGER. We have made a great many lump-sum appropriations for all the departments. What would the Senator from New Jersey say if we made the provision general and permitted the head of every department to take those lump-sum appropriations and increase salaries?

Mr. HUGHES. I would not be averse to permitting him to increase the salary of watchmen and men performing laborious service for the Government, because it has been in my experience both in the other body and in this that no one pays very much attention to men who are doing actual labor for the Government in these departments.

Mr. GALLINGER. My observation in the Committee on Appropriations is that the committee pays particular attention to that class of men. I have been instrumental in getting a good many of those small salaries increased. Has the Senator, I will ask him, made a comparison between the salaries paid those people and similar employees in other departments and in the municipal government of the District of Columbia?

Mr. HUGHES. Yes.

Mr. GALLINGER. I think they are all underpaid.

Mr. HUGHES. I agree with the Senator; but it seems that men in this particular employment, on account of certain regulations, were classified and given the status of customs guards at one time, and an attempt was made to increase certain salaries; but what Congress attempted to do was not done. The net result of it is that these men are underpaid, and because of the provision with reference to lump-sum appropriations they will continue to be underpaid.

Mr. GALLINGER. I will ask the Senator if he presented this matter to the committee?

Mr. HUGHES. I did not get it in time to present it to the committee, but I have presented it to the chairman of the committee, and I presented it so persuasively that he has not yet shown any desire to make a point of order on it or to oppose the amendment. I think he will leave it to the Senate. I sincerely hope the Senator from New Hampshire will not make the point of order. I will say to him I have not the slightest interest of any kind in this amendment. No one will be affected by the provision whom I know personally or so far as my knowledge is concerned who lives in my State, but I have known for a long time that there is a certain class of Government employees who have been underpaid. They are not, perhaps, underpaid as compared with people working for private firms and individuals and corporations, but they are underpaid, it seems to me, from the standpoint of a man who thinks the Government of the United States should be a generous employer and should set an example to other employers.

I am in favor of economy, and I have not joined in any attempt to increase the amounts carried in these appropriation bills. I have not attempted to get anyone's salary raised, and I do not expect to do so unless there are good reasons presented to me. But I have always felt that there is a certain class of Government employees who, because of the character of their employment, are not regarded as particularly important and who do not get the attention that they deserve. These men are of that class.

The Secretary of Labor can be trusted to do this thing. It comes peculiarly within his province. I would scrutinize as cautiously as the Senator from New Hampshire any attempt on his part to raise salaries generally throughout that service, because I know how difficult it is to resist the importunities of men to have their salaries raised. I have helped to get men appointed at a given salary and before the next year they wanted to get twice as much as they were receiving. I have not any particular sympathy with that class, but I want to say to the Senator that I think these men are deserving, and nobody voices their complaint, and they get little or no consideration.

Mr. GALLINGER. I have always found the Senator from New Jersey to be frank and to desire to do the right thing, but I will ask the Senator from New Jersey if he does not realize the fact that if in this indirect way we increase the salaries of certain low-grade and underpaid officials there will be a demand all along the line for a similar increase?

Mr. HUGHES. I will say to the Senator that I would oppose any proposition to give power generally to the head of any department to increase salaries paid out of lump-sum appropriations or to increase salaries in any other way, and I would not be in favor of this proposition if it was not confined to a well-defined class of men, the number of which is known and the amount of money which it will cost to grant the increase is already determined, and it is quite moderate in amount.

Mr. GALLINGER. My observation, which has been largely confined to the District of Columbia appropriation bill, is that when, upon the importunity of some individual Senator or of some influential party outside, we in the goodness of our heart increase the salary of a watchman or messenger, immediately we are bombarded by every individual holding a somewhat similar position for an equal increase, and we can not very well resist it. It will run all through our departments if we increase salaries out of lump-sum appropriations without investigating the matter very carefully as to where it will lead us.

I sympathize with every man in the service who is getting an inadequate salary. I have sought to increase the salary of the men who are getting $40 or $50 or in many cases $60 a month, because I do not see how they could support their families on it; but there are a great many left of that class, and I think we ought to equalize them if we possibly can do it.

It seems to me this simply throws into the equation a very troublesome situation. That is the way it occurs to me.

Mr. HUGHES. I want to call the Senator's attention to the fact that some investigation has been made. I am quoting from a letter from the Secretary of Labor, who calls attention to this particular situation. The lump-sum appropriation provision was a good thing. It has resulted in saving a good deal of money to the Government and was the means of rendering a great service to the people, but it worked hardship in many instances. I had occasion not long ago to go to one of the departments to attempt to get for an employee what was regarded as a deserved promotion. I went to the head of the department and asked to see the record of that employee. It was shown to me. They had recorded in the department the fact that this employee was entitled to a certain salary—say, $900 a year—though he was then receiving but $840. They said, however, because of the general language of that lump-sum appropriation provision the increased salary could not be paid, and that the only way it could be paid was for the head of that department, when he went before the committee and submitted his estimates, to have this particular employee in mind, to ask for this increase, and to have it recommended by the committee and granted by Congress. Although the efficiency record of this employee was there, and although they themselves said the employee should receive this amount of money, he did not receive it.

Mr. GALLINGER. I will ask the Senator about how many of these employees are there?

Mr. HUGHES. I will read it again.

Mr. GALLINGER. Well, approximately, how many?

Mr. HUGHES. The expenditure amounts to $28,000 in all. The money has already been provided. I can not find the exact number of the employees provided for in the bill, but they are comparatively few.

Mr. SMOOT. Mr. President, I want to say to the Senator that it was a long time before we were able to pass section 7 in the law referred to in the Senator's amendment, to do away with the increase of salaries in the different departments of this Government under lump-sum appropriations, which had been abused for years and years. The grossest favoritism had been shown under that practice. I believe the law was a very wise one, indeed; and while all that the Senator from New Jersey [Mr. HUGHES] says may be absolutely true, that every man to whom he has referred should receive an increase of salary, I say to the Senator that this is not the way to grant such increase. It would be opening the door, Mr. President, to the reinauguration of the old practice of increasing salaries by the head of a department to those he might feel inclined to favor.

Mr. HUGHES. I hope the Senator from Utah will not put me in that position, because I have as much regard for the provision of the law to which he refers as he can possibly have; and I would not be urging an amendment to give the Secretary of Labor or any other Cabinet officer of this Government the right to increase any salary he saw fit; but this I regard as a direction from us to him to increase the salaries of certain men who, I submit, are notoriously underpaid.

Mr. SMOOT. I want to say to the Senator that the Secretary of Labor, as well as Mr. McDonald and those who are assisting him, appeared before the committee and made requests for everything they thought their department needed. I say to the Senator now that this question was not brought before the committee; it was not considered; and, again, to be perfectly frank, Mr. President, I will say that if it had been, as a member of the committee, I would have opposed it; but when the next bill is brought before the Senate committee for consideration, if the Secretary of Labor can point out to the committee men holding certain positions, and can show that their qualifications are such that they should receive an advance in salary, I feel positive the committee will sanction it, but not in this way. I do not believe that the Senate will ever again undertake to make lump-sum appropriations, giving authority to the head of any department of this Government to increase the salary of anyone whom he may think proper. It is wrong; and I certainly can not approve of it.

Mr. GALLINGER. Mr. President, In view of the appeal made to me by the Senator from New Jersey [Mr. HUGHES], I will refrain from making a point of order and let the Senator pass upon the amendment. I feel very sure that the Senate will not go back to this bad system, for it is a bad system; it is an invitation to favoritism of the rankest kind. We have legislated on it and we once got rid of it; yet, if the Senate wishes to return to it, the Senate can do it over my vote.

Mr. THOMAS. I should like to ask the Senator from New Hampshire, who has had long experience here, whether he does not think that if we begin this practice it will extend to the other departments?

Mr. GALLINGER. It would extend to every department.

Mr. THOMAS. And that this amendment will be considered as a precedent for the introduction of a similar practice throughout the system?

Mr. GALLINGER. The Senator from Colorado is absolutely right; there is no doubt about it.

Mr. BRYAN. Mr. President, I should like to read into the RECORD section 4 of the last legislative appropriation act. It is as follows:

SEC. 4. That section 7 of the general deficiency appropriation act approved August 26, 1912, is amended to read as follows:

"SEC. 7. That no part of any money contained herein or hereafter appropriated in lump sum shall be available for the payment of personal services at a rate of compensation in excess of that paid for the same or similar services during the preceding fiscal year; nor shall any person employed at a specific salary be hereafter transferred and hereafter paid from a lump-sum appropriation a rate of compensation greater than such specific salary, and the heads of departments shall cause this provision to be enforced: *Provided*, That this section shall not apply to mechanics, artisans, their helpers and assistants, laborers, or any other employees whose duties are of similar character and required in carrying on the various manufacturing or constructing operations of the Government."

Mr. President, if we give that right to the Secretary of Labor, we certainly ought to give it to the head of every other department.

Mr. GALLINGER. Or we ought to repeal that section.

Mr. BRYAN. We ought to repeal that section or we ought to turn the matter loose to the heads of departments to do as they please with the public money.

Mr. HUGHES. Will the Senator from Florida permit an interruption there?

Mr. BRYAN. Certainly.

Mr. HUGHES. The Senator from Florida has read a provision which I neglected to read, and he has thrown light on this subject by the mere reading of it. That provision really attempts to do what I am attempting to do, and what the Secretary also wants to do under this amendment. It differentiates and takes out of that limitation the mechanics and artisans, and the point the Secretary makes is that these employees are practically mechanics and artisans.

Mr. BRYAN. If they are mechanics and artisans, then the Senator's amendment is not necessary.

Mr. HUGHES. They are not, but they are paid as those men are paid; they come from the same walk of life as that from which those men come, and they should be dealt with in about the same way.

Mr. BRYAN. Mr. President, the Committee on Appropriations always hears the heads of departments very patiently and gives them such increases and such changes of salaries as the committee believes they are entitled to have; and the bill then comes into the Senate for its action. I think it is as little as could be asked of the heads of departments to get up a statement of how much the men under them ought to receive, for they certainly ought to know.

Inasmuch as the Senator from New Hampshire [Mr. GALLINGER] has withdrawn his point of order, I renew the point that the amendment proposes general legislation on an appropriation bill in that it proposes to repeal general legislation upon this subject.

The VICE PRESIDENT. The point of order is sustained.

Mr. WORKS. I move to amend by inserting after line 11, page 166, the amendment which I send to the desk.

The VICE PRESIDENT. The amendment will be stated.

The SECRETARY. On page 166, after line 11, following the amendment already inserted at that place, it is proposed to insert.

To install and maintain an outdoor exhibit at the Panama-California Exposition, to be held at San Diego, Cal., during the year of 1915, to illustrate the function and administrative faculty of the Government of the United States pertaining to irrigation and reclamation and their adaptation to the needs of the people, $75,000.

Mr. MARTIN of Virginia. Mr. President, I make the point of order against that amendment. I think we have dealt very liberally with the California Exposition, and I am surprised that the Senator should come in here at this late hour, without having presented the proposed amendment to the committee—I do not know that it was presented to the committee, at any rate, it was not when I was present.

Mr. WORKS. Will the Senator withhold the point of order for a moment so that I can explain the situation?

Mr. MARTIN of Virginia. My object in making the point of order is to cut off debate. I want to finish the bill to-night, and there are half a dozen amendments yet to be offered.

Mr. WORKS. The Senator is mistaken as to the facts, and I certainly think he does not want to be unjust about it.

Mr. MARTIN of Virginia. I will forego the point of order for a few moments; but I may say it will not do the Senator

any good, because I am going to insist upon the point of order when he concludes.

Mr. WORKS. Very well; that may be.

Mr. President, I proposed this amendment some time ago. I did present it to the Committee on Appropriations, notwithstanding the statement made by the Senator from Virginia, who was present at the time.

Mr WARREN. Mr. President, I want to say that the Senator from California is correct in stating that he presented the proposed amendment to the committee, but I think the attention of the chairman of the committee was diverted in another direction at the time it was presented to the committee.

Mr. MARTIN of Virginia. I have no doubt the Senator from California is right, but I happened not to be present; I did not know anything of the amendment, and this is the first time I have ever heard of it. I will say that I was away one night, being obliged to go to Virginia.

Mr. WORKS. It was suggested by the committee that an estimate should be obtained from the Secretary of the Interior, and I undertook to communicate with the Secretary upon the suggestion of the committee. I did so, and the Secretary desired to know what kind of an exhibit would be expected. Mr. KETTNER, the Representative in the other House from the San Diego district, had introduced a bill providing for this exhibit. I asked him to confer with the Secretary of the Interior on the subject. He did so, and the following communication was received by him from the confidential clerk of the Secretary of the Interior:

THE SECRETARY OF THE INTERIOR,
Washington, July 7, 1914.

Hon. WILLIAM KETTNER,
House of Representatives.

DEAR MR. KETTNER: I am sending to you herewith an estimate prepared by Director Newell of the cost of preparing a model of the Salt River Valley reclamation project.

By direction of Secretary Lane.

Cordially yours, JOS. J. COTTER,
Confidential Clerk.

The letter of the Director of the Reclamation Service to the Secretary of the Interior is as follows:

DEPARTMENT OF THE INTERIOR,
UNITED STATES RECLAMATION SERVICE,
Washington, D. C., July 6, 1914.

THE SECRETARY OF THE INTERIOR.

MY DEAR MR. LANE: With reference to the San Diego exposition, I have had several talks with Hon. WILLIAM KETTNER, who is greatly interested in the matter of having a working model of one of the reclamation projects, presumably the Salt River Valley project, Arizona, as being the most instructive.

The cost of preparing such a model on the scale desired and one which will show the relative position of the storage reservoir, the diversion dam, and irrigated lands, would be from $60,000 to $75,000. It is not practicable to accomplish anything worthy of the effort for much less than this, as shown by the various models which we have had built for other expositions.

For this sum it will be possible to construct on the ground a working model in which water can be run and plants grown by the direct application of the water.

Cordially, yours, F. H. NEWELL, *Director.*

Mr. President, the San Diego exposition is being held largely for the purpose of exhibiting the plans that have been carried out in part by the Government for the irrigation and reclamation of arid lands, and will be most instructive. Through the Secretary of State invitations were sent to the South American States, which are very much interested in the question of irrigation and reclamation of arid lands; and a number of those States have signified their intention of exhibiting at the exposition.

The people of San Diego have contributed $2,000,000 toward the carrying out of this project. It is well under way; buildings have been constructed, and the exposition is going to be one that will be a credit to the State and to the country at large.

I should be glad if the chairman of the committee would allow this amendment to be adopted, and take it to the committee of conference, where the Secretary of the Interior can be conferred with on the subject, and it can be determined whether it is a proper appropriation to be made. For that reason, I hope the Senator will not insist upon the point of order. I think the Senator was mistaken as to the efforts I had made.

Mr. MARTIN of Virginia. I will say to the Senator from California that he does not seem to realize the burden he is putting on the conferees in carrying the half-million-dollar appropriation for the Panama-Pacific Exposition. It is very doubtful whether we will be able to sustain it. The Senate, I think, has been very liberal to California, and I am very much afraid, while I am earnestly in favor of the provision respecting the Panama-Pacific Exposition and will do all I can to retain it, that we can not sustain it if we continue on that line further. I can reciprocate the Senator's request to me by making the request that he withdraw his amendment; I can not withdraw the point of order.

Mr. WORKS. Well, Mr. President, it is hardly necessary for me to withdraw the amendment if the Senator makes the point of order.

The VICE PRESIDENT. The point of order is sustained.

Mr. OLIVER. Mr. President, I offer the amendment which I send to the desk.

The SECRETARY. On page 57, it is proposed to strike out lines 24 and 25 and insert:

For additional facilities for storing artillery ammunition, either by an extension of the present storehouse or by the construction of a new building, $17,500.

Mr. OLIVER. That amendment adds nothing in the way of an appropriation.

Mr. MARTIN of Virginia. Mr. President, I do not object to that amendment; it does not increase the appropriation.

The VICE PRESIDENT. The question is on agreeing to the amendment.

The amendment was agreed to.

Mr. SHEPPARD. I offer the amendment which I send to the desk.

The VICE PRESIDENT. The amendment will be stated.

The SECRETARY. On page 158, after line 8, it is proposed to insert:

To enable the Secretary of Labor to carry out the provisions of Senate resolution 68, agreed to June 30, 1914, directing him to "investigate and report, as far as it is practicable, upon the mortality and the disability by accident or by disease incident to or resulting from the various occupations in which the wage earners of the United States are engaged," the Secretary of Labor is hereby authorized to employ, through the Commissioner of Labor Statistics, such temporary assistance as may be necessary to tabulate the material secured in compliance with Senate resolution 68, to be paid from the appropriation for miscellaneous expenses, Bureau of Labor Statistics, 1915.

Mr. WARREN. Mr. President, I think there is no estimate for that. I will ask the Senator whether it has been estimated for?

Mr. SHEPPARD. The Commissioner of Labor Statistics did not discover that he would need this special authority until two or three days ago. He then wrote me a letter explaining the situation, and I showed the letter to the chairman of the committee. The amendment does not involve any appropriation, but specific authority is required to make the miscellaneous fund available for this particular purpose.

Mr. WARREN. I think the matter ought to be withheld and taken up when the committee can consider it. There is still another appropriation bill to follow.

Mr. SHEPPARD. It does not involve any additional appropriation. I will say to the Senator.

Mr. WARREN. It is a matter of legislation, and I feel that I should make the point of order against it. It may be brought up as an amendment to a following appropriation bill, at which time we will have an opportunity to examine it, but it has not yet had any examination by the committee. I make the point of order that it is not estimated for and that it is general legislation.

Mr. SHEPPARD. I do not think it is subject to a point of order.

The VICE PRESIDENT. There does not seem to be any appropriation involved.

Mr. MARTIN of Virginia. It is legislation, though.

The VICE PRESIDENT. It does not involve an appropriation.

Mr. SHEPPARD. It does not involve an appropriation, and it is in accordance with a resolution passed by the Senate at this session.

Mr. MARTIN of Virginia. Mr. President, it seems to me that the heads of departments ought to communicate with the committee in charge of these bills and not with individual Senators.

Mr. SHEPPARD. Mr. President——

The VICE PRESIDENT. Just one moment. The Chair assumes that a Senate resolution instructing or authorizing a certain investigation to be made is as binding on the Senate as a law or anything else, and it seems to the Chair that the proposed amendment is simply to carry out the provisions of a Senate resolution.

Mr. MARTIN of Virginia. I call attention to the fact that a Senate resolution is not the law. It has not the semblance of law. It takes the action of both Houses of Congress and the approval of the President of the United States to make a law.

Mr. SHEPPARD. If I had known the chairman would have objected, I would not have presented it. I understood he would have no objection to it. I understood that I had explained it to him satisfactorily.

Mr. MARTIN of Virginia. I have been so occupied, Mr. President, in attending to matters before the Senate that when Senators come and talk to me I frequently do not take in what they are saying. My recollection is I told the Senator he must see me when I could listen to what he was saying. I am without information regarding the matter. I have no objection to its being adopted. I do not know anything about it. I do not know now, from the hasty reading of it at the desk; I have a very imperfect comprehension as to what the Senator is driving at.

Mr. SHEPPARD. Mr. President, the matter is a very simple one.

Mr. MARTIN of Virginia. I understood, from a hasty reading, that it did involve an appropriation.

The VICE PRESIDENT. The Chair sustains the point of order made against the amendment.

Mr. SHEPPARD. Mr. President, will the Chair please state on what ground?

The VICE PRESIDENT. Yes; on the ground that upon an examination it is for the payment of money out of money appropriated; and, also, that it has not been estimated for.

Mr. SHEPPARD. I will state that I do not seem to get the same treatment from the Appropriations Committee that other Senators do. Senators have been offering these amendments all day. It is not due to any fault of the head of the department that he did not communicate with the chairman of the committee. It is my fault, if there is any fault in it at all.

Mr. MARTIN of Virginia. Mr. President, I am very sorry the Senator takes that view, but it is entirely agreeable to me if he desires to do it. I have offered him no discourtesy of any sort. I have been anxious to aid him as far as I could, but I was entirely without information. When he talked to me, I was attending to a matter before the Senate and I could not take it in, and I simply made the point now. That is all I have said to the Senator on the subject.

Mr. SHEPPARD. Mr. President, I did not understand the Senator to say that I should have presented the matter to him again, else I should have gladly done so.

Mr. NEWLANDS. Mr. President, I move to strike out "$5,000," on line 11, page 77, and to insert in lieu thereof "$7,500." This appropriation is for the expenses of the Commission of Fine Arts.

The VICE PRESIDENT. The amendment will be stated.

The SECRETARY. On page 77, line 11, it is proposed to strike out "$5,000" and to insert "$7,500."

Mr. NEWLANDS. Mr. President, I will state that this commission is entirely——

Mr. MARTIN of Virginia. I will say to the Senator, if it is agreeable to him, that I have no objection to the amendment. It has been estimated for, and it is simply for the difference between $5,000 and $7,500. I am very willing to have it adopted.

The VICE PRESIDENT. The question is on agreeing to the amendment.

The amendment was agreed to.

Mr. POINDEXTER. I offer the amendment which I send to the desk.

The VICE PRESIDENT. The amendment will be stated.

The SECRETARY. On page 20, after line 9, it is proposed to insert a new paragraph, as follows:

Washington, D. C., National Archives Building: For employment of technical and engineering services in the Office of the Supervising Architect, for the preparation of designs and estimates for the National Archives Building, as authorized in the public-buildings act approved March 4, 1913, without regard to civil-service laws, rules, or regulations, $5,000.

Mr. MARTIN of Virginia. I am perfectly willing to have that amendment adopted. It is in pursuance of existing law and has been estimated for.

Mr. POINDEXTER. I ask leave to print in this connection a statement prepared by W. G. Leland with regard to the need of this building.

The VICE PRESIDENT. Without objection, that may be done.

The matter referred to is as follows:

PRESENT CONDITION OF THE GOVERNMENT ARCHIVES.

(Statement by Mr. W. G. Leland, of the Carnegie Institution, joint author of its "Guide to the Archives of the Government of the United States in Washington.")

Long-continued neglect to provide for the proper care of the records of the Government has been attended with the most unfortunate consequences, which might have been clearly foreseen.

Repeated warnings as to these consequences have not been lacking from the earliest days of the Government. In 1800 the archives of the War Department were destroyed by fire; in 1833 the most important part of the archives of the Treasury Department were similarly destroyed, and in 1877 the same fate befell the material in the Patent Office. It is a matter of common report that during the Civil War great quantities of documents stored in the Capitol were actually thrown away in order to provide soldiers' quarters, and that at a later date the archives of the House of Representatives were systematically looted for papers having a market value, such papers being sold to dealers in autographs.

The fact that the governmental records are scattered among over a hundred depositories gives rise to the greatest confusion. It frequently happens that one part of a series of documents is held by one office or bureau, and another part of the same series is in the possession of another bureau, which is perhaps not even in the same department. Such is the case of the Territorial archives, among the more valuable historically of the groups of papers. A portion of these papers is in the State Department, another portion in the Department of the Interior, and there is a tradition that another portion has been lost somewhere between the two departments. In the State Department most of the papers relating to claims are in a certain bureau, but the balance, without any logical reason therefor, are in another. It is generally believed that the archives of the Indian Office suffered greatly at the time of their transfer from the War Department to the Department of the Interior. Often only the vaguest ideas are possessed by officials as to the location of records that have once been or should now be under their care. In the development of the governmental machinery the records of bureaus have been divided, transferred, consolidated, and too often lost. Papers that have been temporarily transferred for special purposes have sometimes not been returned to the office from which they came, as in the case of a considerable body of material sent to the Capitol from the War Department about 1850, and thereafter lost sight of.

Another result of the scattering of the archives is great diversity in methods of administration. To have a hundred depositories of archives means to have a hundred archivists, each with his own ideas respecting the care of such material. In one office a certain method of filing is employed; in another a totally different method. In some places the material is as well cared for as circumstances permit, while in others it is as completely neglected as possible. In one bureau will be found satisfactory knowledge respecting the records, in another the most distressing ignorance. In short, it can never be assumed that any queries, whether arising from within the Government or from without, can be answered or even that the material in which the answer should be found can be located.

Not only are the archives of the Government thus scattered and disorganized, but they are in some cases in serious danger from fire; in others they are slowly or rapidly deteriorating and going to pieces from the effect of damp or heat; in others they are being damaged by crowding, by dirt, or by careless handling; in still others they are in danger of being condemned as useless papers, because not being used in current business they encumber offices already overcrowded, and the easiest way of taking care of them is to destroy them.

That valuable records have already been destroyed by fire at various times is a matter of history. That other records are exposed to constant risk will hardly be questioned by anyone who examines the so-called Cox and Winder Buildings, and as it is a notorious fact that the buildings of storage companies are frequently burned the great mass of records of the Treasury Department on E Street can hardly be said to be exposed to no risk at all. In case of a serious fire breaking out in any one of half a dozen localities in Washington the Government would lose vast quantities of records. This, it is obvious, might entail the loss to the Government of millions of dollars. Nor are records preserved in the main departmental buildings themselves wholly free from danger. They are kept for the most part in wooden cases in rooms filled with combustible materials. Smoking is not infrequently allowed in close proximity to or even among the records; in the wintertime open fires of wood are kept burning.

When, as in the Treasury, State, War, and Navy, and Interior Department Buildings, there are papers stored in the attic, they become, under the influence of the summer heat, as dry as tinder, and it would take but little to start a fire that would consume entirely the records of certain bureaus before it could be controlled. On the other hand, there are various bodies of archives that are kept in close proximity to furnaces and boilers, and are thus exposed to constant risk.

But the danger from fire is not all. Thousands of volumes of papers have been found stored in places so damp that the water, oozing from walls and ceilings, dropped upon them, and these books were so covered with mold that the titles could not be read. The pages of such volumes were damp and stuck together. Great masses of important materials in the Land Office have had to be stored where they received the drippings from steam pipes, or where they collected thick coatings of dirt. Papers stored in attics often become so dry and scorched that the paper crumbles at the touch, while those in the cellars frequently mold and rot into pulp. In most of the departmental buildings a great deal of material has to be stored in the corridors—or anywhere where there is a cubic foot of space. Papers have to be stacked up in bundles like cord wood, or even—as has been known to be the case—thrown down into huge piles.

Under such conditions it is no wonder that there is a temptation to condemn as useless large bodies of material that may still have historical value. Some 10 tons of Confederate archives, as well as the original census schedules, were once thus condemned, but were fortunately saved. The Government is now printing some of the census schedules that so narrowly escaped going to the paper mill.

Worst of all, perhaps, from the point of view of the public business, is the tremendous waste of energy, time, efficiency, and money resulting from such conditions. When, for example, certain papers are desired from among the files of the Secretary of the Treasury, search has to be made in the subbasement and in the attic of the Treasury Building, as well as in a commercial storage building half a mile away. In many cases finding a paper involves hunting with a candle or with an electric drop light through stack after stack, climbing ladders, untying bundles, searching in out-of-the-way corners, taking down huge piles of papers, until the document is finally run down. In case it is not found, there is no assurance that it is nonexistent. When conditions are as have been described, ability to find anything is possessed solely by one or two employees. Search by the uninitiated is well-nigh useless, and in the absence of the one or two who hold the key to the situation, only the most obvious things could be found.

Such a state of affairs is the direct result of lack of room and of nothing else. In general the chiefs of bureaus and the clerks in charge of files have done as well as could be expected, but it is not to be expected that much can be done in cellars and attics and storage buildings and corridors.

It is perfectly possible, a suitable building being provided, to arrange all the records and files of the governmental offices in an orderly and systematic way, to insure their absolute safety from fire, damp, dirt, and neglect, to devise a system of finding lists and indexes that will enable any document called for to be found in a few minutes, and to insure for the future uniformity and consistency in the matter of making and filing records.

Such provision would do much to relieve the congestion in the departmental buildings; it would enable the public business to be transacted with greater efficiency and with saving of time and energy; and what is not wholly to be overlooked, it would make available for historical purposes a great body of archives.

The VICE PRESIDENT. The question is on agreeing to the amendment.

The amendment was agreed to.

Mr. BRANDEGEE. Mr. President, I should like to ask the chairman of the committee for some explanation of section 11, on page 197. I will state, while he is turning to the paragraph, the object of my inquiry. I shall have to read two or three lines to make my point. It provides:

That no part of any money appropriated by this act shall be used during the fiscal year 1915 for the purchase of any typewriting machine at a price in excess of the lowest price paid by the Government of the United States for the same make and model of machine during the period of the fiscal years 1913 and 1914.

I understand that the same provision was in the legislative bill, which I have before me; and I assume, from its repetition in this bill, that it is the policy of the committee to incorporate it in every appropriation bill where any money is appropriated for the purchase of typewriting machines by the Government.

What I want to suggest to the chairman is this: I have heard that a certain make of machine, or certain makes—I am not sure which—have changed the model o their machine a very little, but it is substantially the same machine. They have made just a slight change in the model. Under this provision, if it stands as it is, every make of typewriting machine which remains the same would have to be sold at the lowest price for which it has ever been sold to the Government, even if that price was a special price; whereas the one maker who has made a slight change in his model would not be subject to this restriction and limitation and would practically have a monopoly on all of the Government purchases of machines.

I will say to the Senator that I have no interest whatever in the matter, and I may not be correct in the facts; but I have simply heard that. I was going to ask, therefore, if the chairman would be willing to insert enough of an amendment here to carry the matter to conference, so that he can make inquiry about it.

I suggest, in line 5, after the fourth word from the end of the line, the word "and," the insertion of the words "substantially the same," so that it will read "substantially the same model."

Mr. MARTIN of Virginia. I am satisfied to accept that amendment.

Mr. BRANDEGEE. Then I know the chairman will have a chance to look it up in conference.

The VICE PRESIDENT. The amendment will be stated.

The SECRETARY. On page 197, line 5, before the word "model," it is proposed to insert "substantially the same."

The VICE PRESIDENT. The question is on agreeing to the amendment.

The amendment was agreed to.

Mr. KENYON obtained the floor.

Mr. CLAPP. Mr. President, before the Senator proceeds I wish to suggest the absence of a quorum.

The VICE PRESIDENT. The Secretary will call the roll.

The Secretary called the roll, and the following Senators answered to their names:

Ashurst	Hitchcock	Nelson	Smith, Ariz.
Brady	Hughes	Newlands	Smith, Ga.
Brandegee	James	Overman	Smith, Md.
Bryan	Johnson	Page	Smoot
Burton	Jones	Perkins	Swanson
Catron	Kenyon	Poindexter	Thomas
Chamberlain	Kern	Ransdell	Thompson
Chilton	Lane	Saulsbury	Walsh
Clapp	Lee, Md.	Shafroth	Warren
Colt	Martin, Va.	Sheppard	White
Gallinger	Martine, N. J.	Shively	Williams

The VICE PRESIDENT. Forty-four Senators have answered to the roll call. There is not a quorum present. The Secretary will call the names of absent Senators.

The Secretary called the names of absent Senators; and Mr. DILLINGHAM, Mr. HOLLIS, Mr. POMERENE, Mr. REED, and Mr. SHIELDS answered to their names when called.

The VICE PRESIDENT. Forty-nine Senators have answered to the roll call. There is a quorum present.

Mr. WALSH. Mr. President, I understand the Senator from Iowa desires to make some remarks on the bill. I have an amendment which I wish to present, with his permission.

Mr. KENYON. I yield to the Senator from Montana.

Mr. WALSH. I occupy the unique position of offering an amendment the purpose of which is to reduce the expenditures of the Government and not to increase them.

The VICE PRESIDENT. The amendment will be stated.

The SECRETARY. On page 125, after the word "Oregon," in line 18, it is proposed to insert "or Montana."

Mr. WALSH. I will explain the amendment. An amendment was introduced the other day the effect of which is to reduce the salary of the clerk of the district court for the State of Oregon from $7,000 to $3,500. In the year 1908 a clause was put in an appropriation bill fixing the salary of the clerk of the United States district court for the State of Montana at the same figure as that of the State of Oregon. Now that Oregon has come down, it is quite appropriate that Montana should come down as well.

In this connection, however, I desire to say that there are eight other Western States that are in the same situation, and I trust that some time soon a general act will be passed covering them all.

I do not desire to let the opportunity pass, however, without saying that the present occupant of the office in the State of Montana has filled the place for a period of 20 years and has been uniformly courteous in the discharge of his duty and exceedingly efficient therein; but it is eminently unjust that he should receive a salary of $7,000 a year while the judge of the court gets only $6,000. Three thousand five hundred dollars is a very fair and reasonable sum.

Mr. MARTIN of Virginia. I agree to the amendment offered by the Senator from Montana.

The VICE PRESIDENT. The question is on agreeing to the amendment.

The amendment was agreed to.

The SECRETARY. Also, on the same page, line 22, after the word "Oregon," it is proposed to insert the words "or Montana."

The VICE PRESIDENT. The question is on agreeing to the amendment.

The amendment was agreed to.

Mr. KENYON. Mr. President, I feel that it would be a crime to detain the Senate here at this time of night. I very much hoped the bill could go over until to-morrow; but as the chairman of the committee is of the opinion that it ought to be acted on to-night, I will only take the time that it seems to me a sense of public duty requires to call attention to the river and harbor appropriations in this bill. I do that in place of calling attention to this when the river and harbor bill is reached only because I feel that a discussion of it at that time would not be as appropriate. I shall take, however, only a very few moments. Of course, I know that anything said here will have no effect; but I am anxious that the country shall understand the river and harbor bill and its connection with this bill.

This bill carries $8,990,000 for rivers and harbors. The House river and harbor bill carried $43,289,000.04 of cash, and of obligations $32,897,871. This bill carries $6,990,000, as I have suggested, and the increases of the Senate in the river and harbor bill amount to approximately $10,312,600, running the total river and harbor appropriations up to something like $93,000,000.

Mr. NELSON. Mr. President, I wish to correct the Senator from Iowa.

Mr. KENYON. I shall be glad to be corrected.

Mr. NELSON. The Senator is under a misapprehension. This comes from the fact that in the various river and harbor bills for years there has been a provision for continuing contracts; and there were no more of those continuing contracts in any bill than in the bills that were gotten up by the Senator from Ohio [Mr. BURTON] when he was chairman of the Committee on Rivers and Harbors of the House.

If the Senator will look up the matter he will find that some of these appropriations come from continuing contracts away back in that act in 1907, and he will find it perhaps in some older acts than that. That is how those appropriations come to be in the sundry civil bill. It is because the river and harbor bill from year to year has provided for continuing contracts and contracts have been made, and this year an appropriation to pay for what has been contracted for has been in the sundry civil bill. That is a thing we have inherited from the continuing contract system.

Mr. KENYON. It is a very bad inheritance. I think the relation is not generally understood in the country as to the appropriations in this bill and the river and harbor bill and as to why this bill should carry certain appropriations that might come in the river and harbor bill. The Senator from Minnesota may have made that clear to some. It is not to me.

I am at a loss, too, to understand, Mr. President, for instance, the items for the Ohio River. This bill carries for the Ohio River below Pittsburgh $1,976,000, and for continuing improvement in the Ohio River by the construction of locks and dams, $2,200,000. The river and harbor bill proper carries some $3,000,000 for the Ohio River in contracts and $2,000,000 in cash. So we are appropriating for the Ohio River approximately $9,176,000. The commerce on the Ohio River decreased

34 per cent between 1905 and 1911. It was 13,000,000 tons in 1905, 11,000,000 tons in 1906, 8,000,000 tons in 1912, and only 10 per cent of that 8,000,000 went through the canal at Louisville, and only about 1 per cent of high-grade freight goes through the canal in any event.

Now, we are embarking on a proposition as to the Ohio River, or we have embarked on it and ought to stop, that will entail a cost upon this country, according to the report of an examination of the Ohio River made by a board of engineers, of some $63,000,000, and that for a constantly decreasing traffic.

I think I will not read that part of the report at this time, but will read it in the discussion of the river and harbor bill. The locks and dams are to be constructed at an estimated cost of $63,731,488, with a maintenance of $810,000 per annum for the 9-foot project.

Mr. President, I know that everybody who objects to appropriations is placed in the category of cranks and reformers, but I can not understand how we can go ahead appropriating these large sums of money, as in the case of the Ohio River, under the theory that it may be a competitor of the railroads in fixing rates. It is too expensive to employ a competitor of this kind.

Mr. GALLINGER. Mr. President——

Mr. KENYON. I yield to the Senator.

Mr. GALLINGER. Do I understand the Senator to say that we are now obligated to pay $63,000,000 in addition to what has been appropriated?

Mr. KENYON. I am not clear that we are obligated. That is for the canalization of the Ohio River, which the engineers have recommended and that we are proceeding to put into effect, and this bill carries many millions for that purpose. Many millions more have been spent on this project in years gone by, and we are now committed to the enterprise of canalizing the Ohio River at an expense of $63,000,000. I think it very wrong.

Mr. GALLINGER. It is agreed that the projects recommended will cost $63,000,000?

Mr. KENYON. That is, in construction. My amendment I have introduced—and I am embarrassed with this discussion, and I am going to get through very quickly with what I have to say—did not relate to the Ohio River, but it related to the Passaic River in New Jersey. I discussed the Ohio project in passing. This bill carries $92,000 for that river, while the river and harbor bill carries $150,000. That improvement, whether intended or not, will possibly help to reclaim or improve for a land scheme near Newark, N. J., some 33,000 acres of land. The matter is now somewhat in litigation, and I have here some of the court records and comments of papers as to the plan and scheme of freezing out certain bondholders. For the improvement of the Passaic River this large sum that we are spending and have spent may be in the interests of navigation, but at the same time it increases the value of these 33,000 acres some 40 per cent. That improvement benefits that land, and the burden of it ought to be borne partly by the land that is improved. There ought to be some cooperation in these river and harbor appropriations, especially where land is reclaimed.

The amendment I rose to present was to strike out the sum of $92,000, inserting one-half of that conditioned on a contribution of $46,000 from the local interests, which amount should be paid to the Secretary of War by the local interests before any part of this sum is used. That is on the theory and the principle that there should be cooperation in any plan and scheme of river improvement where land is benefited as well as navigation.

Mr. THOMAS. I should like to inquire of the Senator if he does not think there is a great deal of cooperation in this bill?

Mr. KENYON. I do not think it would ever pass if there was not.

I must call attention also to the item in passing on page 79, Puget Sound and Lake Washington waterway. We have spent on this project nearly $3,000,000. The total project, as I understand the figures of the engineers, will cost $3,554,000. I do not know just what the project is, except lowering a lake to the level of the ocean, but the report in volume 3 of the Chief of Engineers of the Army shows a commerce of short tons of 112,810, and of that approximately 106,000 were logs, piling, and poles—lumber for which navigation is not required. But the Chief Engineer in the engineer's report says that seven steamers of various tonnage, respectively, travel to and from the different points on the lake during the year, carrying 687,501 passengers.

I may be wrong, but it seems to me that this is merely a passenger-boat affair coupled with some kind of a sawmill project.

Mr. JONES rose.

Mr. KENYON. I see the Senator from Washington rising and I yield to him.

Mr. JONES. Mr. President, I have simply risen to state to the Senator the facts with reference to that situation.

The Lake Washington Canal is a canal connecting Lake Washington with Puget Sound, and in order to do that there must be a lock and canal constructed. It is not for the purpose of passenger boats but for the purpose of commercial traffic. There has been no traffic over this line of this canal except logs.

Mr. KENYON. No passenger traffic?

Mr. JONES. No passenger traffic except on the lake itself. It was connected with the ocean or Puget Sound simply by a runway, and the line where the canal and lock are constructed is simply along this outlet from the lake into Puget Sound, and there has been no traffic between Puget Sound and the lake for the same reason there has been no ship traffic across Panama. The locks and the canal have not yet been constructed, and until they are completed there could be no traffic except that logs might be floated down.

Mr. KENYON. Does the Senator think there ever will be any?

Mr. JONES. There is no question about it. Lake Washington is simply back of the city of Seattle, practically a part of the city. The canal and locks will connect that lake with Seattle and with all the Puget Sound commerce, foreign and domestic. A great part of that commerce it is expected will go through this canal into the fresh water lake.

Mr. KENYON. Will tolls be charged?

Mr. JONES. There will be no tolls on that canal, under the law of 1884, and that we thought applied to all our canals. It seems it does not.

The cost of these locks and the canal, as the Senator pointed out, will be about $3,000,000. All the money has been appropriated for the completion of the work, and the lock is now almost completed. It is the largest lock in the country outside of those in the Panama Canal.

I want to call the Senator's attention to what our people have done out there with reference to this proposition. We have been cooperating on the principle suggested by the Senator a moment ago, and I will say that nearly all along the Pacific coast, at least in the State of Washington, there has been cooperation in a great many of these river and harbor projects. Under a law that our legislature has passed, port commissions have been created in different localities, and they have been levying taxes that they may use in conjunction with the appropriations made by the Federal Government in the carrying on of these local improvements.

Mr. KENYON. What about the local contributions to this project?

Mr. JONES. That is just what I am coming to right now. In the first place, the county of King, in which is located Seattle, purchased a right of way for the canal at a cost of $250,000 and donated it to the Government under a provision of law requiring them to do it or making this a condition of the original appropriation. Then, when provision was made for the construction of locks, the county of King, or at least the local authorities there, contracted with the Government to do all the excavation, and they have done it.

My recollection may not be exactly right about it, but it is my recollection that the county of King or the city of Seattle voted $1,000,000 in bonds, and that money has been used by the locality for the excavation necessary to connect the lock with the lake. So the local authorities have put up possibly a million and a half dollars already in connection with this improvement, showing their interest in it, and their faith in it, and their willingness to do their part toward the work.

When the work is done there will be a fresh-water harbor, and domestic and foreign commerce will go through the locks and canal; and in addition to this traffic that is on the lake, that is referred to there, and which is even greater than I expected, there will be this large Puget Sound and Seattle commerce going into this fresh-water lake, so that this is one project that I think is not only a great benefit to the commerce of the country, but also one in which the locality has certainly contributed its part. This is a meritorious project, and the locality has shown its faith in it by its cooperation, and the future results will fully justify the large expenditure, both on the part of the locality and the National Government.

Mr. KENYON. That is one of the best defenses I have heard of any of these projects.

Mr. BURTON. I think, for the sake of greater clearness, it would be well to add to what the Senator from Washington has said. Lakes Union and Washington are two separate lakes. Lake Union covers less than a thousand acres. Lake Washington is of considerable size—at least 8 or 10 miles in length.

Mr. JONES. It is about 29 miles in length.

Mr. BURTON. That is, if you go around the outer fringe of it. The approach to it from the deep water of Puget Sound leads to Shilshole Bay and Salmon Bay. The exact estimate for this improvement was $3,554,000. It involves the building of a lock 825 feet long at the mouth of the waterway leading into Puget Sound. It has been agreed that the Government should construct that lock at a cost of about $2,500,000, and that the county of King or the city of Seattle should dredge the channel and make the excavation from that point to Lake Union and then to Lake Washington. Lake Washington is on a higher level than Lake Union. In carrying out the project it will be necessary to lower the level of Lake Washington.

Mr. KENYON. That is being done?

Mr. BURTON. Yes; by the county of King. Of course the object of this improvement is to provide additional harbor facilities for Seattle. There is a considerable water front along the front of the city on the Sound. The tide, however, is very considerable. It is some 14 feet, as I recall it, but differing at different times, and that is a disadvantage in handling boats. These two lakes will afford a fresh water inland harbor, where wharves may be constructed, and especially where there will be no rise or fall of the tide. It is estimated that the lock will cost about $2,500,000, the digging of the canal or channels to Lake Washington about a million.

While the claims of the city of Seattle were recognized in 1907 and prior years, there had been no appropriation for that part of the harbor which fronts on Puget Sound. In fact, no appropriation was needed for there was ample depth, yet the appropriation of $3,554,000 seemed very large to the House committee in those years. The project was nevertheless adopted in 1910. It is not without merit. The obstacle to its earlier adoption was the large amount required.

I will say while on my feet in regard to the Passaic River that I think there is no ground for striking out this provision here. This improvement was adopted in the year 1907. There was a project involving an expenditure, according to the estimate, of $1,216,775 to provide a channel from deep water in Newark Bay 9.7 miles up the Passaic River to and into the city of Newark and an additional channel of 1⅛ miles beyond that. The 9.7 miles were to have a depth of 16 feet and a width of 300 feet, and the 1⅛ miles above that a somewhat lesser depth and width. That was regarded in 1907 as a very desirable improvement. There is a tonnage of between two and three millions in the Passaic River up to the very prosperous city of Newark.

On examination, it was found that the work could be done for less than $1,216,775, because of finding a place near at hand where the spoil could be deposited. The revised estimate was $850,000.

Mr. GALLINGER. Spoils?

Mr. BURTON. That is used in the sense of something taken out of the channel—the dredged material.

Mr. KENYON. The Senator had better not use that term.

Mr. BURTON. I think the words "dredged material" would be less open to criticism at this time.

Mr. KENYON. I suggest to the Senator that the river and harbor bill carries an appropriation for that river. We will discuss the question on that bill.

Mr. BURTON. I think, when we reach the river and harbor bill, it had better be examined into. All of the $850,000 appropriated and authorized must be carried in the river and harbor bill or the sundry civil bill except the $92,000. That is the last of the amount appropriated or authorized, and if any more money is to be expended, it will be a new item.

Mr. HUGHES. I understood the Senator from Ohio to inform the Senator from Iowa that this appropriation of $92,000 was authorized in the act of 1907.

Mr. BURTON. In the act of 1907.

Mr. KENYON. We will discuss that when we discuss the river and harbor bill.

Mr. HUGHES. The particular appropriation of $92,000 to which the Senator called attention and which compelled me to make a comment upon the Senator's statement was, as the Senator from Ohio says, authorized by the river and harbor act of 1907, which has been adverted to in this discussion as being a model bill. I want to say for myself that I think it was a good river and harbor bill, and I am sorry that the policies initiated in that bill have not been adhered to.

Mr. KENYON. I am not prepared to dispute the Senator's statement.

Mr. BURTON. The appropriation for $150,000 carried in the pending river and harbor bill now before the Senate is evidently on a new project, but the $92,000 here is on a project which was thoroughly examined at the time, and I think it a very meritorious project.

Mr. KENYON. Mr. President, this simply illustrates how unfair it is, both to the Senate and to the person who is trying to discuss this bill, to be forced into a discussion at this time of the night.

Mr. GALLINGER. Mr. President——

Mr. KENYON. I was going to proceed for a few moments, but I will yield to the Senator.

Mr. GALLINGER. If the Senator will yield, I want to ask the Senator from Washington a question about the Puget Sound-Lake Washington project. I was in Seattle probably 15 years ago or thereabouts, and I was taken out by a committee of distinguished gentlemen who pointed out to me, pretty much as the promised land was pointed out to Moses, the great desirability of making this connecting waterway; but, as I understood, it was then designed for the purpose of having ships go into fresh water for the purpose of getting rid of the barnacles on them. That was their argument. Am I correct?

Mr. JONES. That is one of the arguments. That was one of the purposes.

Mr. GALLINGER. That was the argument then made. I want to ask the Senator if that project has been enlarged to the extent of contemplating the building of docks along the borders of the lake and developing commerce?

Mr. JONES. There is no question but that a great part of the lake frontage will be used for docking and commercial purposes.

Mr. GALLINGER. I was just wondering whether the project had been enlarged, because I know the argument, as presented to me at that time, was that it was extremely desirable to get our ships into fresh water to rid them of barnacles which they had gathered at sea, and that it would be an almost incalculable advantage to the shipping interests of the Puget Sound region if that improvement were made.

Mr. JONES. That would be a very great improvement; but the city of Seattle has grown so rapidly in that time that the necessity for docking facilities is also very great. This will be used for that purpose.

I did not intend to go into the details in connection with the matter quite so much, but will make just one further suggestion in addition to what the Senator from Ohio [Mr. BURTON] has said, so as to make the matter entirely clear.

This lock, as the Senator has said, is placed below Lake Union. There are two lakes—Lake Union, first, on Puget Sound, and then Lake Washington. My recollection is that the lock raises Lake Union some 7 or 8 feet and that Lake Washington is lowered about 7 feet, bringing the two on a level.

At first it was contemplated that we should have a lock between Puget Sound and Lake Union, and then another between Lake Union and Lake Washington, but that project has been changed, until finally the existing project which the Senator has described has been adopted, and I think it will probably commend itself to the Senator when I state that the project as now carried out has the approval of the able Senator from Ohio.

Mr. BURTON. The approval; but not while I was connected with the River and Harbor Committee to the extent of this $3,554,000; no.

Mr. JONES. My recollection is that the Senator, while he was chairman of the committee—and I was a member of the committee at the time—accepted this project.

Mr. BURTON. It was later than that.

Mr. JONES. I know the final appropriation was not made, but the contract and the agreement between the Government and the county of King and the city of Seattle for cooperation was adopted

Mr. BURTON. I only thought that something should be done.

Mr. JONES. I know the Senator thinks it is a pretty good project.

Mr. KENYON. Mr. President, if we may pass over that for later discussion, I will read another provision in the pending bill, as follows:

Improving Sabine-Neches Canal, Texas: For continuing improvement of sections "a" and "c" from Port Arthur Canal to mouth of Neches River and from mouth of Neches River to Beaumont, in completion of contract authorization, $93,000.

For continuing improvement of section "b" from the mouth of Neches River to the mouth of Sabine River and up Sabine River to the town of Orange, in completion of contract authorization, $43,500.

Mr. President, we have spent in and around Sabine Lake on these various projects over $6,000,000. I merely call attention to that in passing.

For Houston ship channel, Texas, this bill carries $200,000. The river and harbor bill likewise carries $200,000. We have

expended on this project $2,000,999.35, and the engineer in his report says:

The effect of this project on freight rates is unknown and is indeterminate because of a railroad rate differential in favor of Houston, authorized by the railroad commission of the State of Texas.

Therefore, if this is a proposition to regulate railroad rates, we have spent over $2,000,000 there, and it has amounted to nothing, according to the report of the engineer, in the regulation of rates.

Providence River and Harbor I should like to refer to if time permitted. I will do so in the discussion of the river and harbor bill as the hour is now late. Those Democrats who have talked a good deal about a subsidy in relation to the Panama Canal—and I joined them on that proposition—ought to look into this question of Providence Harbor and other harbors, where the water frontage is owned practically entirely by the railroads; and we are voting money for the improvement of harbors where, in many instances, there are no public docks at all. The next is the last item to which I shall refer:

Improving channel between St. Johns River and Cumberland Sound, Georgia and Florida: For completing improvement, $51,000.

We have spent on this project $950,000, and here is the result—I am reading from the report of the Chief of Engineers, United States Army, 1913:

No formal project for this improvement has ever before been adopted, but between 1828 and 1880 the sum of $97,565.55 was expended by the United States in dredging Kingsleys and Gunnisons Cuts and in dredging various shoals between Nassau Sound and the St. Johns River. As a result of this work a narrow tortuous channel, 4 feet deep at mean low water, was secured. Shoaling has occurred in points along the waterway, so that at the present time there is only 2½ feet of water available at mean low water. The navigation of the waterway is, furthermore, seriously hindered by the numerous sharp bends.

So that is what we have secured there—a narrow, tortuous channel by the expenditure of $97,000.

Mr. President, I am going to keep faith and will not occupy further time. I am not to blame for taking this much time, for I have been interrupted. I have gone on in a very unsatisfactory way, but I did want to call attention to some of the river and harbor appropriations in this bill, and I shall refer to them later in the river and harbor bill, if I reach the discussion of that measure, which is contingent upon the Senator from Ohio [Mr. BURTON] completing his remarks on that bill during the present session. My amendment can then be introduced, so I will withdraw it for the present.

Mr. SHEPPARD. Mr. President, I desire to withdraw anything I may have said this afternoon that seemed to be a criticism of the chairman of the Appropriations Committee or of any member of that committee. I have the highest regard for every member of the committee, and I do not believe that the chairman or any member of the committee would intentionally discriminate against any Senator. The misconception under which I was laboring was due to a misunderstanding on my part. I cheerfully make this statement.

Mr MARTIN of Virginia. Mr. President, I am certainly glad to hear the disclaimer of the Senator, and I assure him that I have no feeling whatsoever about the matter. I feel sure that anything he may have said was entirely due to momentary irritation.

Mr. POINDEXTER. Mr. President, on page 125, line 18, after the name "Oregon," I move to amend by inserting the name "Washington." I will state that the State of Washington is in the same category as are the States of Oregon and Montana in that regard.

Mr. MARTIN of Virginia. I accept the amendment. It is a reduction of expenses.

Mr. WARREN. I will ask the Senator to which district in Washington he refers? There are two districts there.

Mr. POINDEXTER. That would include both districts—the eastern and the western.

The VICE PRESIDENT. The question is on agreeing to the amendment submitted by the Senator from Washington.

The amendment was agreed to.

Mr. WALSH. In connection with the amendment offered by me, in line 22, on page 25, I think the conjunction should be "and" instead of "or." I ask that that change be made.

The VICE PRESIDENT. In the absence of objection, the amendment will be modified in accordance with the suggestion of the Senator from Montana.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The amendments were ordered to be engrossed, and the bill to be read a third time.

The bill was read the third time, and passed.

HOUR OF MEETING TO-MORROW.

Mr. KERN. I move that when the Senate adjourns to-day it adjourn to meet at 11 o'clock to-morrow morning.

The motion was agreed to.

EXECUTIVE SESSION.

Mr. SHIVELY. I move that the Senate proceed to the consideration of executive business.

The motion was agreed to, and the Senate proceeded to the consideration of executive business. After five minutes spent in executive session the doors were reopened, and (at 6 o'clock and 35 minutes p. m.) the Senate adjourned until to-morrow, Thursday, July 9, 1914, at 11 o'clock a. m.

NOMINATIONS.

Executive nominations received by the Senate July 8, 1914.

SECRETARIES OF EMBASSIES.

George L. Lorillard, of Rhode Island, now secretary of the legation at Buenos Aires, to be secretary of the embassy of the United States of America at Buenos Aires, Argentina, to fill an original vacancy.

Sheldon L. Crosby, of New York, lately secretary of the legation and consul general at Bangkok, to be second secretary of the embassy of the United States of America at Madrid, Spain, to fill an original vacancy.

Hugh R. Wilson, of Illinois, lately secretary of the legation at Guatemala, to be second secretary of the embassy of the United States of America at Buenos Aires, Argentina, to fill an original vacancy.

SECRETARIES OF LEGATIONS.

Robert B. Davis, of Petersburg, Va., to be secretary of the legation of the United States of America at Port au Prince, Haiti, to fill an original vacancy.

William P. Cresson, of Nevada, now secretary of the legation at Quito, to be secretary of the legation of the United States of America at Panama, Panama, vice Cyrus F. Wicker, appointed secretary of the legation at Managua.

Oscar L. Milmore, of the District of Columbia, to be secretary of the legation of the United States of America at Asuncion, Paraguay, to fill an original vacancy.

H. F. Arthur Schoenfeld, of the District of Columbia, now secretary of the legation to Paraguay and Uruguay, to be secretary of the legation of the United States of America at Montevideo, Uruguay, to fill an original vacancy.

PROMOTIONS IN THE ARMY.

MEDICAL CORPS.

Capt. William L. Keller, Medical Corps, to be major from July 4, 1914, vice Maj. Roderic P. O'Connor, resigned July 3, 1914.

APPOINTMENTS IN THE ARMY.

MEDICAL RESERVE CORPS.

To be first lieutenants with rank from July 6, 1914.

John Henry Beckert, of Arizona.
Harry Cockerille Blair, of West Virginia.
Rex George Bolend, of Oklahoma.
Claude Wiggins Cummings, of Louisiana.
Clinton Willoughby D'Alemberte, of Florida.
James Francis Donnelly, of New York.
Andrew Clinton Hansen, of Illinois.
William Pryor Harrison, of Texas.
Frank Tomlinson Hogeland, of Pennsylvania.
William Williamson Jarrell, of Georgia.
Joseph McConnell, of Arizona.
Weston Wallace Nipper, of Texas.
Wilbur Moorhead Phelps, of Virginia.
Henry Forrest Quackenbos, of New York.
Summerfield Moon Taylor, of Texas.

CONFIRMATIONS.

Executive nominations confirmed by the Senate July 8, 1914.

PROMOTIONS AND APPOINTMENTS IN THE NAVY.

Commander Carlo B. Brittain to be a captain.
Commander Lloyd H. Chandler to be a captain.
Lieut. Commander Walter R. Gherardi to be a commander.
Lieut. George F. Neal to be a lieutenant commander.
Lieut. (Junior Grade) John W. Lewis to be a lieutenant.

The following-named paymasters with rank of lieutenant to be paymasters in the Navy with rank of lieutenant commander:
James A. Bull,
Frank T. Watrous,
Edwards S. Stalnaker,
Chester G. Mayo,
James F. Kutz,
Alvin Hovey-King,
John R. Hornberger,
Noel W. Grant,
David G. McRitchie,
Philip J. Willett,
Ben D. McGee,
Neal B. Farwell,
Reginald Spear,
Elijah H. Cope,
Brainerd M. Dobson,
William W. Lamar,
William L. F. Simonpietri,
Fred W. Holt,
Walter D. Sharp, and
Raymond B. Westlake.

The following-named naval constructors with rank of lieutenant to be naval constructors in the Navy with rank of lieutenant commander:
John W. Woodruff, and
Clayton M. Simmers.

The following-named civil engineers with rank of lieutenant to be civil engineers in the Navy with rank of lieutenant commander:
De Witt C. Webb,
Walter H. Allen,
James V. Rockwell,
Carl A. Carlson,
Frederick H. Cooke, and
Clinton D. Thurber.

Lieut. Frank McCommon to be a lieutenant commander.

The following-named ensigns to be lieutenants (junior grade):
Penn L. Carroll,
Comfort B. Platt,
Frank A. Braisted,
Edgar A. Logan,
Zachary Lansdowne,
David H. Stuart,
Lucius C. Dunn, and
Rush S. Fay.

Assistant Naval Constructor James Reed, jr., to be a naval constructor.

First Lieut. William T. Hoadley to be a captain in the Marine Corps.

Second Lieut. Samuel P. Budd to be a first lieutenant in the Marine Corps.

The following-named ensigns to be lieutenants (junior grade):
Frank T. Leighton,
Alva D. Bernhard,
Arthur S. Dysart,
Tracy L. McCauley,
John H. S. Dessez, and
Augustine W. Rieger.

James G. Field to be a medical director in the Navy from the 22d day of January, 1913.

George Pickrell to be a medical director in the Navy from the 22d day of January, 1913.

Albert M. D. McCormick to be a medical director in the Navy from the 29th day of September, 1913.

George B. Wilson to be a medical director in the Navy from the 20th day of October, 1913.

Charles F. Stokes to be a medical director in the Navy from the 14th day of November, 1913.

Walter C. Miller to be an assistant dental surgeon in the Dental Reserve Corps.

Edwin N. Cochran to be an assistant dental surgeon in the Dental Reserve Corps.

Gordon H. Claude to be an assistant dental surgeon in the Dental Reserve Corps.

POSTMASTERS.

ALABAMA.

Daniel W. Houston, Bessemer.
L. C. Kelley, Carbon Hill.

CALIFORNIA.

Charles H. Guy, Concord.
W. P. Thorne, San Luis Obispo.

DELAWARE.

Effie M. Truitt, Rehoboth Beach.

ILLINOIS.

Daniel C. Eylar, Pontiac.

INDIANA.

Francis M. Fultz, Akron.

LOUISIANA.

Andy W. Bryan, Merryville.
Joseph Voegtle, New Orleans.

MINNESOTA.

Daniel J. Harrington, Chisholm.
Charles Reinholdson, Sandstone.

MISSOURI.

John W. Davis, Platte City.
Earl J. Wright, Tarkio.

NEW JERSEY.

M. Warner Hargrove, Brown Mills.

NORTH CAROLINA.

J. T. Bynum, Hope Mills.
W. W. Jones, Franklin.
Benjamin A. Summerlin, Mount Olive.

NORTH DAKOTA.

Patrick H. Long, Page.

VERMONT.

Moses E. Leary, Richmond.

HOUSE OF REPRESENTATIVES.

WEDNESDAY, *July 8, 1914.*

The House met at 12 o'clock noon.

The Chaplain, Rev. Henry N. Couden, D. D., offered the following prayer:

O Thou, God and Father of us all, in whom we live and move and have our being, we rejoice that Thy will is supreme and our destiny is bound up in it.

"Our wills are ours, we know not how;
Our wills are ours, to make them Thine."

Teach us Thy ways and help us to bend our wills to Thine. Be with us, we beseech Thee, and bring us safely through this day and all subsequent days in harmony with Thee. In His name. Amen.

The Journal of the proceedings of yesterday was read and approved.

LEAVE OF ABSENCE.

By unanimous consent, leave of absence was granted as follows:

To Mr. WALKER, for 10 days, on account of death in family.

To Mr. MCKELLAR, for 10 days, on account of illness in his family.

WALDO M. POTTER.

Mr. POU. Mr. Speaker, in the title to the bill (H. R. 9622) for the relief of the heirs of Waldo M. Potter, passed last night, the title as printed on the back does not conform to the title in the body of the bill. I ask unanimous consent that the word "providing," in the title on the back of the bill, be stricken out so as to make it conform to the title in the body.

The SPEAKER. The gentleman from North Carolina asks unanimous consent that in the bill H. R. 9622, passed last night, the word "providing," in the title on the back, be stricken out. Is there objection?

There was no objection.

INTERNATIONAL CONGRESS ON HOME EDUCATION.

Mr. LOGUE. Mr. Speaker, I ask unanimous consent that the Committee on Foreign Affairs be discharged from the consideration of Senate joint resolution 157, requesting the President of the United States to invite foreign Governments to participate in the International Congress on Home Education, and that the same be considered in the House.

The SPEAKER. The gentleman from Pennsylvania asks unanimous consent that the Committee on Foreign Affairs be discharged from further consideration of Senate joint resolution 157, and that the same be considered in the House, there being a similar resolution reported and on the calendar. The Clerk will report the resolution.

The Clerk read as follows:

Joint resolution (S. J. Res. 157) requesting the President of the United States to invite foreign Governments to participate in the International Congress on Education.

Resolved, etc., That the President of the United States is hereby authorized and requested to invite foreign Governments to appoint delegates and otherwise participate in the Fourth International Congress on Home Education, to be held at Philadelphia, Pa., September 22 to 29, 1914, under the auspices of the International Commission on Congresses on Home Education and Parent-Teacher Unions: *Provided*, That no appropriation shall be granted at any time hereafter in connection with said congress.

The SPEAKER. Is there objection to the request of the gentleman from Pennsylvania?

Mr. GARNER. Reserving the right to object, Mr. Speaker, I would like to ask whether or not the Committee on Foreign Affairs has considered this joint resolution.

Mr. LOGUE. The Committee on Foreign Affairs has considered a House joint resolution of similar tenor that I introduced, and has reported it favorably.

Mr. GARNER. It is the same resolution that came up the other day on the Unanimous Consent Calendar and was objected to?

Mr. LOGUE. Yes; it was objected to by the gentleman from Illinois until he learned what provisions had been made for the entertainment of delegates. I was not then present.

Mr. GARNER. The gentleman from Pennsylvania has assured the gentleman from Illinois that the city of Philadelphia was able and had sufficient funds to take charge of the entertainment?

Mr. LOGUE. I have assured the gentleman that the appropriation that has already been made is sufficient to take care of that matter.

Mr. ALLEN. Mr. Speaker, if the gentleman will permit, I can assure the House, from a recent personal experience, that Philadelphia knows how to, and does most delightfully, entertain her guests.

The SPEAKER. Is there objection to the request of the gentleman from Pennsylvania? [After a pause.] The Chair hears none.

The Senate joint resolution was ordered to be read a third time, was read the third time, and passed.

The similar House resolution was laid on the table.

Mr. LOGUE. Mr. Speaker, I ask unanimous consent to have inserted in the RECORD an address delivered in Philadelphia on last Saturday by the gentleman from Ohio [Mr. FESS].

The SPEAKER. The gentleman from Pennsylvania asks unanimous consent to print in the RECORD an address delivered by Dr. FESS in Philadelphia on last Saturday. Is there objection?

Mr. RAKER. Reserving the right to object, Mr. Speaker, I ask unanimous consent that the gentleman's speech be inserted in the RECORD, and that I be permitted to extend my remarks on House bill 11745.

The SPEAKER. The gentleman from California asks unanimous consent to extend his remarks in the RECORD on House bill 11745.

Mr. PAYNE. A parliamentary inquiry, Mr. Speaker.

The SPEAKER. The gentleman will state it.

Mr. PAYNE. Is the question of unanimous consent divisible? If so, I ask that the first request be put first.

The SPEAKER. The situation is this: The gentleman from California objects unless he gets in, too. Is there objection?

Mr. MANN. Mr. Speaker. "Millions for defense, but not one cent for tribute," and I object.

ENROLLED JOINT RESOLUTION AND BILL SIGNED.

Mr. ASHBROOK, from the Committee on Enrolled Bills, reported that they had examined and found truly enrolled joint resolution of the following title:

H. J. Res. 279. Joint resolution to amend an act entitled "An act granting pensions and increase of pensions to certain soldiers and sailors of the Civil War and certain widows and dependent children of soldiers and sailors of said war," approved May 2, 1914.

The SPEAKER announced his signature to enrolled bill of the following title:

S. 4441. An act to extend the provisions of the act of June 23, 1910 (36 Stat. L., 592), authorizing assignment of reclamation homestead entries, and of the act of August 9, 1912 (37 Stat. L., 265), authorizing the issuance of patents on reclamation homestead entries to lands in the Flathead irrigation project, Montana.

PUBLICITY OF CAMPAIGN CONTRIBUTIONS.

The SPEAKER. This being Calendar Wednesday, the House automatically resolves itself into Committee of the Whole House on the state of the Union for the further consideration of the bill H. R. 8428, with the gentleman from Tennessee [Mr. HOUSTON] in the chair.

Accordingly the House resolved itself into Committee of the Whole House on the state of the Union, with Mr. HOUSTON in the chair.

The CHAIRMAN. The House is in Committee of the Whole House on the state of the Union for the further consideration of the bill of which the Clerk will report the title.

The Clerk read as follows:

A bill (H. R. 8428) to codify, revise, and amend the laws relating to publicity of contributions and expenditures made for the purpose of influencing the nomination and election of candidates for the offices of Representative and Senator in the Congress of the United States, limiting the amount of campaign expenses, and for other purposes.

The CHAIRMAN. The matter pending before the committee is the amendment offered by the gentleman from Tennessee [Mr GARRETT].

Mr. RAKER. Mr. Chairman, I offer the following as a substitute for the amendment offered by the gentleman from Tennessee [Mr. GARRETT].

The CHAIRMAN. The Clerk will report the amendment.

The Clerk read as follows:

And mail a copy thereof to the secretary of state of the State in which said election is to be or has been held.

Mr. RAKER. Mr. Chairman, just one word. The amendment of the gentleman from Tennessee is to strike out of line 23, page 8, the following words:

And deliver a duplicate of such statement to each of his opponents for such nomination or election if such opponents and their addresses are known.

As stated yesterday, this might require even hundreds of duplicates to be sent. The purpose of the amendment is to continue the publicity, but to direct a copy to be sent to the secretary of state of each State in which the election is to be or has been held, where each candidate can readily obtain it without any trouble, whereas the other is so burdensome that it would be almost impossible to comply with it.

Mr. MANN. Mr. Chairman, will the gentleman yield?

Mr. RAKER. Yes.

Mr. MANN. Suppose the secretary of state should refuse to receive this copy, then what would happen? This is a penal offense, so far as the candidate is concerned, if he does not do such a thing. We have no authority to require the secretary of state to receive the copy. Suppose he does not receive it?

Mr. RAKER. I am not so sure; I have not gone into the legal features of it; but I am not so sure but that the secretary of state would, under the law, be required to receive this paper.

Mr. MANN. That official may agree to receive it, but I do not see where we have any authority in Congress to require a State official to do or not to do anything of the sort. We might prohibit them from doing things, but we can not require them to do it.

Mr. RAKER. But there are many instances where Congress passes a law and the various State officials do and must comply with, because Congress has the power to pass the law. As an instance, in a criminal proceeding we direct that a justice of the peace may hold preliminary examination of a man who is arrested and charged with an offense made punishable by Federal statute.

Mr. MANN. May, but we can not require him to do it.

Mr. RAKER. It is done and done repeatedly. Men are bound over from the justice of the peace, and frequently a justice of the peace holds a preliminary examination, and if sufficient evidence appears, he certifies it and sends it up to the Federal district attorney or grand jury.

Mr. MANN. I do not know of any law that a justice of the peace shall hold a preliminary examination for a Federal offense. There may be such authority. We may confer authority on an officer of the State, but how can we require an officer of the State to do something when we do not even offer to pay him for it?

Mr. RAKER. The gentleman from Illinois knows that the act of Congress confers upon a justice of the peace or a committing magistrate the power to hold a preliminary examination for offenses against the Federal statute.

Mr. MANN. If there be such a case—and I do not say there is not—I do not know it. We confer authority on commissioners to hold preliminary examination, because they are Government officials.

Mr. RAKER. I want to say it is the practice, and as district attorney I have participated and had men bound over to the Federal grand jury, and I have not the slightest doubt that if a magistrate refuses the superior court would compel him to hold the examination. This is a provision where the Congress has the power to make the regulations.

Mr. GARRETT of Texas. Mr. Chairman, will the gentleman yield?

Mr. RAKER. Yes; I yield.

Mr. GARRETT of Texas. I do not understand that the gentleman's amendment proposes to confer any additional powers on the various secretaries of state, but that his amendment relates to the conduct of the candidate for Congress, requiring that he shall file his report at some other place in his State.

Mr. RAKER. Yes; and while I am in favor of the statement being made public, and I think it ought to be, yet I believe the burden is so great under the provisions of the bill, where it may run from 1 to 500, that if the candidate files the statement with the secretary of state, as the law provides, he will be doing everything that ought to be done. We ought not to put too much of the burden upon him, but still have publicity of his expenditures.

Mr. GARRETT of Tennessee. Mr. Chairman, of course the Congress ought not to do a useless thing.

Mr. TOWNER. Mr. Chairman, will the gentleman yield?

Mr. GARRETT of Tennessee. For a question; certainly.

Mr. TOWNER. I think that the committee would like to hear the gentleman's amendment read. There are many here who were not here on Wednesday last.

Mr. GARRETT of Tennessee. Does the gentleman mean my amendment?

Mr. TOWNER. Yes. I request that it be read.

The CHAIRMAN. Without objection, the Clerk will report the amendment offered by the gentleman from Tennessee.

The Clerk read as follows:

Page 8, line 23, after the word "part," strike out the language down to and including the word "known" in line 25, as follows: "and deliver a duplicate of such statement to each of his opponents for such nomination or election if such opponents and their addresses are known."

Mr. GARRETT of Tennessee. Mr. Chairman, I did not rise to discuss my amendment. I rose to discuss the amendment offered by the gentleman from California [Mr. RAKER] as a substitute for my amendment. As I was saying, the Congress ought not to do a useless thing. In my judgment, the adoption of the amendment proposed by the gentleman from California would be a very useless thing. If it is not an impotent thing, Mr. Chairman, then it is a mixing of governmental powers. I do not know whether every State in the Union has an official designated as the secretary of state. I presume each State has, but I have no doubt that the duties of those officials in the various States differ very widely. The duties of the secretary of state in my State may be entirely different from the duties of that official in the State of California; but whatever his duties may be, he is a State official. This is a Federal act. The Federal Government can not add anything to the duties of the State officials. It ought not to be able to add anything to the duties of the State officials; and unless the secretary of state be compelled to receive this, then it is useless to have it filed with that official. This Congress can not compel him to receive it. The amendment makes no provision for paying him any fees for receiving it. It makes no provision for adding to the compensation of the secretary of state of the various States. It does not even make a provision for the furnishing to him of a docket upon which to keep the record of the statements he receives.

If the amendment has potency, it is dangerous, because it brings about a mixing of the powers of the States and of the Federal Government. If it is useless, it ought not to be adopted.

Mr. GREEN of Iowa. Mr. Chairman, the gentleman from Tennessee is probably correct when he says that Congress can not add to the duties of a State official, but Congress can add to the powers of a State official, and often has done so. It confers powers on the clerks of court for the purposes of naturalization. It confers authority on justices of the peace for the purpose of preliminary examination. So far as I know, none of these officials has ever refused to act in the capacity so conferred upon him, and I doubt whether he ever will. It is hardly necessary to discuss for the purposes of the amendment of the gentleman from California whether or not the secretary of state could be compelled to receive this document. I am inclined to think that he could not be so compelled. But whether or not that be a fact, I think there is no question but that he would receive the document and would place it upon file. As I understood the amendment of the gentleman from California [Mr. RAKER], it does not say that the candidate may not file the document, but must mail it to the secretary of state. Am I correct?

Mr. RAKER. Yes. He must simply mail it to the secretary of state. I have no doubt the secretary of state in each instance would place it upon file.

Mr. GARRETT of Tennessee. Will the gentleman permit a question?

Mr. GREEN of Iowa. With pleasure.

Mr. GARRETT of Tennessee. Let us suppose that in this loose way the statement should be sent to the secretary of state. This provides not only in cases of nomination but in cases of election. The secretary of state has no responsibility in connection with it at all; that is, no official responsibility. It merely goes into his office in a loose way, just like it might be sent to me or to the gentleman from Iowa. There is no requirement that he shall make it public. He might make public that which he chose to make public; he might throw away that which he did not want to preserve. I am sure the gentleman from Iowa [Mr. GREEN] sees the danger that might lurk in a proposition of this sort.

Mr. GREEN of Iowa. There is a duplicate that will be on file here with the Clerk of this House.

Mr. GARRETT of Tennessee. Then there is no necessity for it.

Mr. GREEN of Iowa. Nobody would take chances in changing it, I think, so far as that is concerned.

Mr. GARRETT of Tennessee. But there is no penalty attached to any action of the secretary of state in that regard.

Mr. GREEN of Iowa. I do not think there is any penalty attached to the acts of the Clerk of this House.

Mr. GARRETT of Tennessee. That is one of his duties as Clerk of the House, of course. If he failed in the discharge of that, he would fail in the discharge of his official duty, because that is a part of his official duty. But it is not the part of the official duty, and would not be made so by the amendment of the gentleman from California, of any secretary of state to pay attention to any statement of the expenditures sought to be reached by the amendment. I can see that in times of great partisan struggle and bitterness, such as very frequently have swept this country and which occur in every State almost every time there is an election, it would be a dangerous thing to put such matters in the hands of a person charged with no responsibility and having no legal liability in connection with their use and treatment.

Mr. GREEN of Iowa. I can see no possible danger arising as is supposed by the gentleman from Tennessee. As I have stated before, there will be a copy on file in another place, and nobody will venture to change or alter or mutilate the document to which reference has been made. On the contrary, I am sure the secretary of state would place it on file and offer to anyone access to it or an opportunity to copy it. Now, when these statements are so filed with the secretary of state, in my own State at least, the reporters naturally look to see what is contained in them. They are published and made public in a way that they would not be if they were merely on file here in Washington. The great object to be obtained by this bill is a knowledge by the general public of what the expenses of a candidate are, and I think this knowledge can reach the public much better by the amendment proposed by the gentleman from California [Mr. RAKER], which, while it does confer some additional powers upon the various secretaries of state, does not undertake to prescribe any of their duties.

Mr. RUCKER. Mr. Chairman, I have repeatedly said that I would, as one member of the committee reporting this bill, gladly accept suggestions of any gentleman which would improve the bill. I still adhere to that statement. I believe the language as written in the bill when reported carries the best thought, the best means of giving actual publicity, that has been suggested. I am opposed to the substitute offered by the gentleman from California [Mr. RAKER] to the amendment offered by the gentleman from Tennessee [Mr. GARRETT]. I am not in favor of writing into this law any provision which can not be enforced. I believe the measure would merit, to some extent, the criticism which has been recently made against it by an unauthorized man, as I believe, if we should put this language into the bill. Obviously, we have no power to compel secretaries of state to receive and file these papers. And while it may be true, and possibly is true, that a secretary of state here and there, or possibly in most States, would receive them, others might not receive them, and hence we would have a law in force in one State which was not in force in another State. We would be absolutely helpless to enforce compliance with the provision we write into it, and for that reason, and for other reasons so well stated by the gentleman from Tennessee [Mr. GARRETT], I am opposed to the substitute.

And now while I am on the floor, Mr. Chairman, I want to say a word or two——

Mr. RAKER. Will the gentleman yield right there for a question?

Mr. RUCKER. I will.

Mr. RAKER. If the purpose is accomplished, namely, that the candidate send a copy or a duplicate of his statement to the secretary of state, can it be conceivable that any secretary of state in this Union that is in favor of publicity of campaign expenses and purity of elections would throw into the wastebasket and prohibit the newspapers and the opponents of a candidate from receiving a copy of that statement in order that the public might know the true situation of what has been done in the primary election, both before and after?

Mr. RUCKER. Now, the gentleman can answer that quite as well as I can. It is a mere matter of speculation either way. I have answered it according to my conviction. I have suggested to the gentleman from California and to this House, or, at least, the committee has, a better means of giving publicity where the people are most concerned to have publicity than the thought suggested in the substitute offered by him.

I want to say one word in reference to the motion of the gentleman from Tennessee [Mr. GARRETT] to strike out certain language in the bill. I repeat that I believe the bill as written is better with that language in it than it will be if it is taken out. But I also believe I know when I am whipped, and, strange to say, I believe the majority of the Members here do not like the language in the bill. Some criticize it because they say it gives the opponent an unfair advantage, which I think is not well taken, because the opponent must comply with the same law. Others say it humiliates a candidate for Congress or for the United States Senate to require the exchange of statements of expenditures in a campaign between candidates, and would be irksome and offensive to them. That I do not conceive to be good reasoning; but after all I believe, from expressions we had here last Wednesday, that a majority of this House is opposed to the language which your committee reported, and in favor of the amendment offered by the gentleman from Tennessee [Mr. GARRETT].

I want now to say again that I believe the thought expressed in the bill as reported is a correct one. I believe the time will come when this House will write that or similar language into this or a similar bill. But to-day you are not prepared to do it. I do not intend to contend against the judgment of my neighbors and friends here, who are as zealous, no doubt, as I am, and therefore I shall offer no further objection to the amendment offered by the gentleman from Tennessee [Mr. GARRETT].

Mr. SAMUEL W. SMITH and Mr. PROUTY rose.

The CHAIRMAN. The time of the gentleman from Missouri has expired.

Mr. SAMUEL W. SMITH. Mr. Chairman, I ask that the gentleman from Missouri be given 10 minutes more.

The CHAIRMAN. The gentleman from Michigan asks unanimous consent that the gentleman from Missouri proceed for five minutes. Is there objection?

There was no objection.

The CHAIRMAN. The gentleman from Missouri is recognized for five minutes.

Mr. SAMUEL W. SMITH. I desire to call the gentleman's attention to a letter which doubtless he and every other Member of the House received this morning from the National Popular Government League, in which it is said there are four jokers in this bill. If the gentleman has a few moments to spare, I wish he would call attention to those four.

Mr. RUCKER. I thank the gentleman for calling my attention to this matter.

Mr. SAMUEL W. SMITH. I would be glad if the gentleman would read them and answer them in his own way, if it is not too much trouble.

Mr. RUCKER. I will do so.

Mr. SAMUEL W. SMITH. Thank you.

Mr. RUCKER. The query propounded by the gentleman at least offers a justification for my noticing an article which at this time I had thought it wise not to notice. The circular referred to did not reach me through the mails, but after coming upon the floor of the House a Member of the House, the gentleman from Wyoming [Mr. MONDELL] kindly gave me a copy which he had. For the first time I saw the circular on the letter head of "The National Popular Government League" after I entered this Chamber. I notice as officers, executive committees, committees on legislative reform, advisory council, finance committee, and so forth, the names of a great many distinguished citizens of the United States, many of them Senators of the United States and several Members of the House, and other gentleman prominent for the part they have played in American politics and in national affairs. I happen to know that very many of these gentlemen were consulted, indeed that they helped to frame the law as it now stands on the statute book, of which this is an amendment and codification, and I believe that those gentlemen are still heartily in favor of the pending legislation.

The executive secretary, one Mr. Judson King, I believe, sent this circular out broadcast without, as I believe, discussing it with the distinguished gentlemen who constitute that National Popular Government League. I believe that elsewhere than in this House this very document will be referred to, possibly to-day. In deference to the distinguished gentlemen whose names are mentioned here, I feel that I ought at least to suspend until they have had an opportunity to exonerate themselves from connection with this infamous paper.

One gentleman, who is a member of this league, told me to-day that he would resign from the league. He is a Member of the House. He said he would resign from membership in the league because of the unauthorized use of his name by the secretary. The secretary has betrayed his ignorance as well as his venom in this communication.

Mr. MONDELL. Mr. Chairman, will the gentleman yield?

The CHAIRMAN. Does the gentleman from Missouri yield to the gentleman from Wyoming?

Mr. RUCKER. I yield to the gentleman.

Mr. MONDELL. I received one of the circulars that the gentleman refers to, and I was very much surprised at the contents. I notice that the president of this National Popular Government League is a Member of the Senate of the United States. I can not believe that any Senator expected to have that sort of a statement sent out in regard to the legislation pending before the House of Representatives. The gentleman from Missouri, I suppose, has no information on the subject?

Mr. RUCKER. I have no information whatever, but I have just remarked that I believe gentlemen will elsewhere than in this Chamber answer this circular to-day. I shall have something further to say about it, but I believe for the present I shall wait until I can see what is said in another body.

Mr. STEPHENS of Texas. Mr. Chairman, will the gentleman yield?

Mr. RUCKER. Yes.

Mr. STEPHENS of Texas. Is it not a fact that the Senator named there is now in Europe, and not in this country at all?

Mr. RUCKER. I understand so. I believe that Senators and Members are heartily in favor of this legislation. I know that they have voted for the legislation as it passed, and have advocated it everywhere. With the indulgence of the House, I shall perhaps take occasion to say something with reference to this matter in the near future.

Mr. SAMUEL W. SMITH. To interrupt the gentleman a moment, do I understand that the gentleman will make some answer to these four statements that are called jokers before the bill passes the House?

The CHAIRMAN. The time of the gentleman from Missouri has again expired.

Mr. SAMUEL W. SMITH. Mr. Chairman, I ask unanimous consent that the gentleman be given two minutes more. I just want to get this information.

The CHAIRMAN. The gentleman from Michigan [Mr. SAMUEL W. SMITH] asks unanimous consent that the gentleman from Missouri [Mr. RUCKER] be given two minutes more. Is there objection?

There was no objection.

Mr. RUCKER. I did not want to discuss it now, but it first criticizes that phrase "in two or more States." It is well known why that phrase is used, and some of the very gentlemen whose names appear on this circular, I am sure, favor that language in this bill. The second proposition is that primary elections are exempt. This warrants me in repeating that the gentleman who wrote the circular betrays his ignorance and stupidity, because the fact that the bill does involve primary elections has been the fruitful source of most of the controversy that has arisen on the floor of the House. Third, it says a candidate is limited in the amount he can expend, but "interests" may back up his campaign by expending a large amount of money. I have not read it all. That is not true. Every candidate is required under oath to state every contribution made to him and from whom it is received.

Mr. FESS. Mr. Chairman, will the gentleman yield there?

The CHAIRMAN. Does the gentleman from Missouri yield to the gentleman from Ohio?

Mr. RUCKER. Yes.

Mr. FESS. I would like to have the opinion of the author of the bill as to how much influence a Member of Congress ought to allow a propaganda that circularizes Members of Congress to have upon his vote. I know the gentleman who wrote the letter very well, and he is a nice fellow; but that does not mean anything to me.

Mr. RUCKER. I am glad the gentleman from Ohio says that he is a nice fellow, because I have had my serious doubts about it.

Mr. PROUTY. Mr. Chairman, I desire to say a word on the amendment offered by the gentleman from California, now pending. I have been amused at the discussion that has arisen on this amendment as to the grave constitutional questions involved in the power of Congress to prescribe duties and fix responsibilities for State officers. If the gentlemen that have raised that question had taken the pains to read the amendment, they would have seen how far they are from the question involved. The amendment provides, "and mail a copy thereof to the secretary of state in which said election is to be or has been held."

This is a duty that is fixed upon the man that is a candidate. Is there any Member of Congress who doubts the power of Congress to prescribe what the candidate shall do? Now, the purpose of this amendment and the thing to be reached by it is very wholesome. All of you that have had experience in these matters know that the report filed with the Clerk of the House and the Secretary of the Senate is not available to a man who wants to use it. If a controversy arises in my district as to whether I have made improper expenditures or unreasonable expenditures, before the party can really go and investigate that question he must send to Washington and get a copy of the report here, and he is not really entitled to a copy of it unless he pays for it. It may be a long time before he can get a copy back, and then the circumstances and facts that he wishes to investigate have been covered up. Now, all that this amendment prescribes is that the candidate himself shall put into the hands of a public official, which is the secretary of state, the report, which may then be seen by everybody in the State interested in it.

Mr. RUCKER. Will the gentleman yield?

Mr. PROUTY. Yes.

Mr. RUCKER. Is it not entirely within the power of every State, by legislation, to require the candidate to file a statement with the secretary of state or with the county official or with anyone else?

Mr. PROUTY. Yes; I concede that the States have power to pass laws as stringent and more stringent than the one passed by Congress. But the Congress of the United States is undertaking to legislate on this subject, and why should it shirk a part of the duties and responsibilities by saying that we will leave that for the State to take care of?

Mr. MILLER. Will the gentleman yield?

Mr. PROUTY. I will yield to the gentleman.

Mr. MILLER. Does not the law of the gentleman's State require the candidate to file a statement similar to this?

Mr. PROUTY. It requires the filing of a statement after election but not before.

Mr. MILLER. I thought that the State of Iowa was one of the vanguard States in matters of this kind.

Mr. PROUTY. Oh, I have no time to yield to that kind of an insinuation. That is not what I am discussing. I am discussing the constitutional question involved here that has been raised so seriously by some gentlemen, for what purpose I do not know. There is no constitutional question here involved. It requires a man who is a candidate to send a copy of his report to the secretary of state of the State in which the election is held.

Mr. TAGGART. Will the gentleman yield?

Mr. PROUTY. Yes.

Mr. TAGGART. Suppose a contumacious or partisan secretary of state should lock up the reports in his safe and not give them out.

Mr. PROUTY. Suppose he did, you would be no worse off than if you did not have the law provided in this amendment. You are not doing any harm if you send it to him.

Mr. RUCKER. Might you not do harm in this way: That the States would be slow to pass a law to compel the very thing which I think they ought and will do if we enact this law.

Mr. PROUTY. I can not conceive of the idea that a State legislature would be slow in passing a law simply because Congress had undertaken to pass some act on the same subject.

Mr. GARRETT of Tennessee. Will the gentleman yield?

Mr. PROUTY. Yes.

Mr. GARRETT of Tennessee. The gentleman from Kansas put a supposititious question, and I will follow. Suppose the secretary of state should lock up some of the reports and give others out?

Mr. PROUTY. That has nothing to do with this amendment at all.

Mr. GARRETT of Tennessee. Could not the gentleman see where an officer having no responsibility by law might do that thing?

Mr. PROUTY. Suppose he locked up all of them. It would be no worse than if you had never sent them at all.

Mr. DONOVAN. Mr. Chairman, I would like to ask who has the floor?

The CHAIRMAN (Mr. FLOOD of Virginia). The gentleman from Iowa has the floor, and he has yielded to the gentleman from Tennessee for a question.

Mr. DONOVAN. The gentleman from Iowa has the floor and the gentleman from Tennessee has no parliamentary right to ask a question, because he did not address the Chair. They all do that way, and it is not parliamentary procedure. The gentleman from Iowa is treating the subject intelligently, and we want to hear him, and this is a violation of the rule.

The CHAIRMAN. The gentleman from Connecticut is out of order.

Mr. PROUTY. Mr. Chairman, how much time have I remaining?

The CHAIRMAN. The gentleman has two minutes.

Mr. PROUTY. All that I rose to say in substance was that the gentlemen who raised the constitutional question certainly have not read the amendment, and if they say that they have read it and insist on it as a great constitutional question, they are interposing that objection not because they feel that it is unconstitutional but because they have some other reason for opposing it. Now, I confess that I can see no possible harm that can result from requiring the candidate to put into some public repository within his own State his campaign expenses and the things that he has done instead of sending them to Washington, where they are not accessible to men who want to ascertain the facts about them.

Mr. GREEN of Iowa. Will the gentleman yield?

Mr. PROUTY. Yes.

Mr. GREEN of Iowa. Would not the refusal of the secretary of state, if he did refuse, simply insure the document being made public by its being sent down here to Washington?

Mr. PROUTY. I am not attempting to discuss that question. We can not know what everybody would do in every State. My guess on that would be of no assistance, but I do know that Congress has the power to require a candidate for the House of Representatives and a candidate for the Senate of the United States to mail a copy of his report to the secretary of state, and I believe it would be a wholesome thing.

Mr. COX rose.

Mr. RUCKER. Mr. Chairman, before the gentleman from Indiana begins I would like to see if I can not come to some agreement on the time for debate on this amendment.

Mr. MILLER. Mr. Chairman, I would like to have five minutes.

Mr. RUCKER. Mr. Chairman, I ask unanimous consent that all debate on this amendment and the substitute for the amendment close in 25 minutes.

Mr. MANN. I do not think that would be enough.

Mr. CRAMTON. Mr. Chairman, pending that, I desire to submit a parliamentary inquiry.

The CHAIRMAN. The gentleman will state it.

Mr. CRAMTON. Mr. Chairman, I would like to ask if an amendment is in order to the Raker amendment?

The CHAIRMAN. There is an amendment pending and a substitute to that.

Mr. CRAMTON. Then I desire to offer an amendment to the substitute.

Mr. MANN. An amendment to the substitute is in order, Mr. Chairman, under the rules. The rules specifically state that there may be one amendment to a substitute.

The CHAIRMAN. That is correct.

Mr. RUCKER. Mr. Chairman, I ask unanimous consent that all debate on this amendment and the substitute thereto and the amendment to the substitute close in 30 minutes.

The CHAIRMAN. The gentleman from Missouri asks unanimous consent that all debate on the amendment and the substitute and any amendment to the substitute close in 30 minutes. Is there objection?

There was no objection.

Mr. COX. Mr. Chairman, I am in favor of the amendment offered by the gentleman from California [Mr. RAKER]. If it fails, I am opposed to the amendment offered by the gentleman from Tennessee [Mr. GARRETT]. I am in favor of publicity. I would have enjoyed seeing this great committee bring a bill to this House that had teeth in it, that had some real genuine vitality in it. I would like to have seen it contain a section or a provision which would have prevented a Member from being

sworn in as a Member of this House or as a Member of the other body who has failed to comply with the provisions of this law; and in my judgment we will never get publicity, we will never get candidates for the House of Representatives and candidates for the Senate to live up to the law, until a provision of that kind is written into a bill. When a candidate for the House of Representatives knows that there is hanging over his head a doubt, even if he is elected, as to whether or not he is finally going to be sworn in and receive his seat, he will then adhere and adhere religiously to the law. But I believe that the proposed bill is a vast improvement over the old publicity law. I am not criticizing the old law. I recognize that when this principle started it was new and untried, dealing with a dual system of Government, the Federal Government on the one hand and the various State governments on the other. For one I am in favor of publicity. What possible harm can come to us because of giving to our opponents an itemized statement of our expenses? I have listened and listened intently to every argument that has been advanced, and no man has yet advanced to my mind a logical argument against it. I believed in the first instance that it would have been better if the committee had required the candidate at home to have published these expenses in a local paper, but on reflection I doubt that. In my judgment what the people want is publicity and when we are required to give to our opponents an itemized sworn statement of our expenses 15 days before the election, I take it that our opponents will discuss those expenses from every stump on which they speak. Articles appearing in newspapers are read with not very much interest and are rather quickly forgotten, but when the candidate for the House or the Senate of the United States is being challenged before his constituents every day and every night and their attention is called to the fact that this or that candidate has exceeded the law or failed to comply with its provisions you will then get publicity, and you will never get it until you get it in that way.

Mr. TAGGART. Mr. Chairman, will the gentleman yield?

Mr. COX. For a question.

Mr. TAGGART. Would it not be better if it was made the duty of the clerk of the United States court to receive these statements?

Mr. RUCKER. Which court?

Mr. TAGGART. The clerk of the court of the district in which the candidate is running, and then have him file the statement?

Mr. COX. I do not. After giving this subject as much thought as I can, I am firmly in favor of the doctrine of publicity. And you will never get it in any other way, that has been yet proposed, equal to the provision contained in this bill. We have been trying for, lo, these many years to throw the limelight on these matters, and have we been sincere and conscientious about it? For one, I am not a brave man at all, but I am not at all afraid to give to my opponent 15 days before the election an itemized sworn account of every penny I have put into the campaign. I am perfectly willing that he should go on the stump day and night and challenge me upon that proposition; and in return, I will be challenging his expense account.

The CHAIRMAN. The time of the gentleman from Indiana has expired.

Mr. WATKINS. Mr. Chairman, having been unalterably opposed to the enactment of any national law regulating the primaries which are governed by the State laws, I wish now to make a hasty résumé of the statutes as we find them and of these amendments, and endeavor in a few minutes to explain the effect of these amendments on the general law, on the primary-election law. The bill now being presented is a codification of the various laws relating to publicity of campaign contributions. When this proposition was first submitted to the House of Representatives it did not contemplate the regulation of the primary elections in the various States of the Union, because there is no national primary-election law. The various States in the Union have State laws regulating primary elections. When the proposition was first submitted and before the law was enacted regulating the publicity of campaign contributions, when the amendment was offered to include primaries, the gentleman who now has charge of the bill, the gentleman from Missouri [Mr. RUCKER], opposed it to the extent of defeating it by a majority of the votes of the Democratic Members of the House, coincided in by some of the Republicans, and the primary-election feature was eliminated at that time. It went to the Senate, and the Senate then sought to incorporate primary elections——

Mr. RUCKER. Will the gentleman yield?

Mr. WATKINS. I do.

Mr. RUCKER. The gentleman will recall even at the time that I was seeking to prevent that on the floor of the House I declared myself then heartily in favor of it at all times.

Mr. WATKINS. Well, let us see.

Mr. RUCKER. I had other reasons for opposing the amendment at that particular time.

Mr. WATKINS. I am not criticizing or finding fault with the gentleman.

Mr. RUCKER. I understand that.

Mr. WATKINS. Because the views he expressed at the time exactly coincide with my idea in reference to the matter, and I was quoting the gentleman as authority for the position which I have taken——

Mr. RUCKER. The gentleman correctly quotes what I did; I make no point on that, but I had reasons for it at the time.

The CHAIRMAN. Does the gentleman from Louisiana further yield?

Mr. WATKINS. I simply want to quote the language to show why I made the statement which I did; and if I was in error as his being opposed to it, I want to show his language as the reason why I made the statement, because I believed I was making a correct statement. The gentleman from Missouri said:

> We on this side—

Meaning the Democratic side—

> will not dodge the issue. We earnestly favor the publicity of campaign contributions, but we are unalterably opposed to force bills and Federal supervision of elections.

And that is the amendment which he was antagonizing at the time. Hon. JOHN SHARP WILLIAMS, the Senator from Mississippi, made a similar statement opposing this measure in the Senate. We fought over the question for almost an entire session of Congress, being opposed all the time by the leading Democratic Members, and the opposition was based upon amendment numbered 10 to the Constitution of the United States:

> The powers not delegated to the United States by the Constitution, nor prohibited by it to the States, are reserved to the States respectively, or to the people.

Now, Mr. Chairman, this bill proposes in the codification of the law on the subject matter to require that the candidates serve notice upon their opponents, with duplicate statements, showing the amount, the items, and dates of contributions and their expenditures. I am opposed to that, because I believe it is interfering, as it applies both to primary and general elections, with the rights of the States, and interfering by giving authority to the United States courts to interpret the State laws regulating primary elections.

The amendment which the gentleman from Tennessee offers has for its object the striking out of that language and I am, for the same reasons stated, in favor of the amendment offered by the gentleman from Tennessee. However, the gentleman from California has moved as a substitute that the notice in lieu of being given to the opponent shall be given through the instrumentality of the secretary's office—through the secretary of state—and for him to make the publication. Now, Mr. Chairman, if that is done it is in compliance with many of the State laws on this same subject matter, the State of Louisiana being one of them, and if we can not get the amendment of the gentleman from Tennessee in striking out this language requiring notice to be served upon the opponents, then I would be in favor of the amendment offered as a substitute by the gentleman from California.

The CHAIRMAN. The time of the gentleman has expired.

Mr. CRAMTON. Mr. Chairman, the amendment which I desire to offer to the Raker substitute is simply to insert, after the word "mail," the words "or registered mail."

Mr. RAKER. Will the gentleman yield?

Mr. CRAMTON. I do.

Mr. RAKER. The next section provides that mail or delivery means registered mail.

Mr. CRAMTON. Then I withdraw the amendment, Mr. Chairman.

Mr. RUCKER. That proposition is fully covered.

The CHAIRMAN. Does the gentleman withdraw the amendment?

Mr. CRAMTON. I withdraw the amendment. To my mind, the question of desirability and the certainty of securing of reforms by means of publicity is a matter upon which we must all agree. The only question in the mind of any of us is whether a so-called publicity statute will actually secure the publicity. If it secures publicity, it is bound to secure the reforms we desire and which are needed. The only question, to my mind, in reference to the Raker substitute was not as to what any secretary of state would do with the statement after he shall have received it, but whether or not the candi-

date would file the statement. If it should be simply sent by mail, there might be a question as to proof whether he sent it or not; but if he sends it by registered mail, as I am now informed the statute later provides, then there is mighty little question but what the secretary of state will secure it, and if the secretary of state receives it I do not believe there is any real question in the mind of any of us as to what the secretary of state will do with it. If the secretary of state receives it, files it, and holds it open to the public, then we are going to secure a greater amount of publicity, we must all agree, than would be the case if it were simply placed on file in some office in Washington, 1,000 miles away from the scene of the contest. Inasmuch as it is securing a greater amount of publicity and is not subject to the criticism which must arise from the provision proposed in the bill which makes each candidate a sort of spy and watchdog over his opponent, but leaves it open to the public, who want this wider publicity, I am in favor of the Raker amendment.

Mr. KEATING. Mr. Chairman, I did not hear all of the remarks of the gentleman from Missouri about the Popular Government League. I understand, however, that he takes exception to the tone of a communication from the secretary of that organization.

Mr. RUCKER. Mr. Chairman, I take no exception. I think the secretary did an unauthorized act. I think the league should repudiate his action.

Mr. KEATING. I am a member of the Popular Government League. I have not had an opportunity to read this communication, and I do not desire to read it until after I have made this statement. I take it for granted that the secretary of the league when he addressed Congress addressed it in a proper fashion. If he has not done so he should be criticized, and I am sure I will not object to any such criticism which may be offered by the gentleman from Missouri or anyone else.

But so long as the secretary proceeds in a proper manner he is carrying out the objects of the league. The league was formed for the purpose of advancing the cause of direct legislation, the initiative and referendum, publicity in the matter of campaign contributions, and kindred objects. We held a convention here something like a year ago, and Mr. King was elected executive secretary. Now, it stands to reason that it is impossible for an executive secretary to consult with every member of the league. We are compelled from the very nature of things to place a great deal of power in Mr. King's hands, and we placed that power in his hands because we had confidence in him. Mr. King had been interested in this kind of work for a number of years. He had gained some reputation as the result of that work, and we felt that in intrusting him with the duty of watching measures of this kind which might be pending in Congress and before the various State legislatures we were selecting the right kind of a man for a most important job.

Now, his duty was to look for "jokers" in legislation of this kind. That is the reason we placed him where he is, and he was well within his rights as secretary, to my mind, when he undertook to state to this Congress on behalf of the organization that he felt that certain amendments should be offered to this bill.

Mr. GARNER. Will the gentleman yield now?

Mr. KEATING. If you will pardon me just a moment until I finish my statement. If I have time I will yield.

But, as I have said before, those suggestions should be offered in a proper fashion. Of course when Senator OWEN, who I believe is the president of the organization, is in Washington Mr. King, as I understand it, is constantly in touch with him. There are other gentlemen here whose names escape me at the moment who constitute an executive committee. I believe a majority of that committee are residents of the city of Washington. It is to be taken for granted that Mr. King will keep in touch with those gentlemen and ascertain their views.

Mr. RUCKER. Does the gentleman express the belief that he did do it?

Mr. KEATING. I can not do that in the absence of definite information.

Mr. RUCKER. In the absence of any information?

Mr. KEATING. I will not say that I have no information. The only thing I know is that Mr. King told me he was going to offer certain suggestions looking to amendments, and he specifically mentioned the striking out of the words "in two or more States." And I told Mr. King that so far as that amendment was concerned I heartily approved it, and I hoped it would be adopted by this House.

Mr. RUCKER. Does not the gentleman believe that if Mr. King was acting in good faith he might, even if Senator OWEN is across the water, have consulted with Senator NORRIS, of the executive committee? Does he not think he might have been courteous enough to have suggested it to some member of the committee that has this bill in charge? Does he not think it better to have told the truth than to have lied about it?

Mr. KEATING. I am not taking it for granted that Mr. King lied about it.

Mr. RUCKER. I am taking it for granted that he did.

Mr. KEATING. That is a question between the gentleman and Mr. King.

Mr. RUCKER. I have not the honor of the gentleman's acquaintance, but I would be glad to have him call on me.

Mr. KEATING. This thing of calling a man a liar on the floor of this House and then suggesting that he call on you does not impress me.

Mr. RUCKER. I do not care whether the gentleman is impressed or not. No man can impugn my motives.

Mr. KEATING. I did not impugn your motives.

Mr. RUCKER. But you are indorsing Mr. King.

Mr. KEATING. I do not indorse Mr. King. I am not "indorsing" or "defending" anyone. The RECORD will show whom I indorse. I have tried to make a clear statement.

Mr. RUCKER. I hope I have not said anything offensive to the gentleman.

Mr. KEATING. You have not. I trust I have not said anything offensive to the gentleman from Missouri, for nothing was further from my thoughts. I want this House simply to understand that Mr. King had well-defined duties in connection with this bill. It was his duty as executive secretary of the Popular Government League to scrutinize this bill, and if he felt amendments should be offered he was authorized to present such amendments as to him seemed proper to Congress.

Mr. GARNER. Will the gentleman yield for an interruption now?

Mr. KEATING. My time has expired.

Mr. MILLER. Mr. Chairman, I am very strongly opposed to the substitute as offered by the gentleman from California [Mr. RAKER]. The object of this bill is to secure publicity where publicity will be of value to insure purity in elections. It certainly is not to entangle elections and candidacies with a lot of unnecessary and valueless requirements. If it be required of the candidate that he file or mail a copy of his campaign expenditures to the secretary of state, that requirement will result in one of two things. In a State where there is a State law requiring such statements to be filed with the secretary of state—and I assume that a majority of the States now have such a law, and that all will soon have such a law—it will result simply in repetition and confusion, and absolutely no useful purpose can be served.

Mr. WINGO. Will the gentleman yield?

Mr. MILLER. Certainly.

Mr. WINGO. I wish to call the gentleman's attention to the fact that this kind of a situation has arisen in a State. The attorney general of that State has ruled that Members of Congress and Senators are not subject to the State act; that the Federal Government alone can say when and where they shall file their statements. Upon that ruling I understand one secretary of state declined to file an expense account of a Member of Congress.

Mr. MILLER. I would not care to enter into a legal controversy with the legal adviser cited by the gentleman from Arkansas, but unless there is something unusual and extraordinary in the statute it certainly does apply, and any State can require a candidate for Congress to file with the secretary of state an expense account.

Mr. WINGO. I did not express any opinion concerning the secretary of state's opinion. I simply called attention to the confusion that would arise if his contention is well founded.

Mr. RAKER. Mr. Chairman, will the gentleman yield for a question?

The CHAIRMAN. Does the gentleman from Minnesota yield to the gentleman from California?

Mr. MILLER. Yes; if it is short.

Mr. RAKER. Is there any doubt in the gentleman's mind that Congress has the power to direct a candidate to deliver a duplicate to his opponent, either before or after the election?

Mr. MILLER. Not at all.

Mr. RAKER. If that is true, can there be any doubt of the right of Congress to compel a Member to mail a copy to the secretary of state?

Mr. MILLER. Without question Congress can compel a candidate to mail a copy to every Tom, Dick, and Harry in the

United States; to the coroner, if you like, and to the sheriff, if you like, and to the justice of the peace, if you like. But Congress can not make the secretary of state receive it or put it on file or keep it or show it to anybody.

Mr. RAKER. Mr. Chairman, will the gentleman yield again?

The CHAIRMAN (Mr. HOUSTON). Does the gentleman yield?

Mr. MILLER. I will not yield further.

The CHAIRMAN. The gentleman declines to yield.

Mr. MILLER. It is not a fact that Congress lacks the power to require the candidate to mail the statement, but that when mailed what good purpose will be served?

The second contention that I desire to call to the attention of the House is this very one that the secretary of state may or may not receive it. Very likely he will not keep it on file for any extended period of time; may not keep it where it will be public; can not be compelled to have a repository in his office for it. No person could compel him to show it to him if he went there to see it.

While we have power, therefore, to compel the candidate to mail the statement, we have no authority, and we should not have any, to compel any useful purpose to be subserved by it after it gets into the office of the secretary of state. So that it seems to me, Mr. Chairman, that this amendment is wholly inadvisable.

The CHAIRMAN. The time of the gentleman from Minnesota has expired.

Mr. BRYAN. Mr. Chairman, we are all after publicity of campaign contributions. That is the aim of this legislation, of course—publicity. Whether or not these lines in this provision which require the giving of a duplicate to your opponents for the nomination will produce the kind of publicity that we want is certainly a material question. I suppose that this refers, of course, to the candidates within one's own party who are against one for the nomination.

Now, I suggest that in a Democratic district, we will say, how much publicity will be produced in a campaign for the nomination for a Democratic position in this House by a candidate giving to his associate Democrats a copy of his expense account? How much publicity will be produced in a Republican district among delegates, for instance, to the last Chicago national convention, giving to each of those opponents a copy of the expense account? After the primary is over the fight is over, and the opponent that does not get up and support his opponent's nomination is at once blackballed out of the party. He is at once an outcast, a traitor, and it is not the place where the publicity or where the expense account ought to be deposited in order to promote publicity.

I would like to see it filed in some place publicly. I do not care whether it is filed with the secretary of state or with the clerk of the Federal court; but this provision, in my opinion, is not effective.

Now, under our laws, for instance, a man becomes your opponent. If some voter scratches the name of a printed candidate off of the ballot and writes the name of John Jones there as a candidate, if he gets only one vote or two votes in the district, every one who gets such a vote in that way is your opponent. Now, on whom have you to serve it? I say it is ineffective, and not the kind of a provision that we want.

So far as the constitutional provisions here are concerned, I do not think there is any more use in going wild here about constitutional provisions as to State laws than there is about going wild over this letter that has been received from the secretary of the National Popular Government League. I have absolute faith in the sincerity of the chairman of this committee, and I do not approve of the word "fake" used in this letter, so far as it may tend to question his sincerity. I believe in the chairman's sincerity. But I want to say on the floor of this House that I have absolute faith in the sincerity and in the honesty and integrity of the gentleman whose name was signed to that letter, Mr. Judson King. He is a personal friend of mine and one whom I honor.

Mr. RUCKER. Does the gentleman think he ever read this bill?

Mr. BRYAN. I think he did.

Mr. RUCKER. If he did, he is either an ignoramus or a fool, because he expressly says primaries are exempted.

Mr. BRYAN. He is right. Primaries are excluded for this reason, that the law says that the party which conducts the one-State primary does not make a report. Take the contest in the Dyer district, for instance, in Missouri, and let a primary campaign of that kind be conducted by a Missouri campaign committee, and they make no report whatever. The committee is especially exempted from report, and thus this bill does not apply.

Mr. RUCKER. They do make a report under the State law.

Mr. BRYAN. I am talking about this law, and so was Mr. King.

Mr. RUCKER. This law never was designed to require any committees in a State to make a report.

Mr. BRYAN. With all due credit to the gentleman for his sincerity, I repeat that is one of the vital criticisms of this bill, that the State committee managing a Congressman's campaign in a State does not have to make any report whatever, and that lets out all these primaries. I am not going to have a national campaign committee manage my campaign. My campaign committee is out in Seattle, and therefore your bill lets primaries out; it only concerns national committees and individual candidates.

Mr. RUCKER. The gentleman would be in favor of having all congressional committees and county and township committees make a report?

Mr. BRYAN. I am in favor of having all congressional and senatorial committees handling the campaign of a candidate for Congress or of a candidate for the Senate report, the same as the Congressman or the Senator himself, whether a one-State committee or a two or more States committee.

The CHAIRMAN. The time of the gentleman from Washington has expired.

Mr. MURRAY of Oklahoma. Mr. Chairman, I ask to have my amendment reported and considered as pending.

The CHAIRMAN. The gentleman from Oklahoma [Mr. MURRAY] asks unanimous consent to have his amendment reported and considered as pending. Is it pending?

Mr. MURRAY of Oklahoma. Yes; I think the House will agree to it.

The CHAIRMAN. Is this an amendment offered by the gentleman from Oklahoma?

Mr. MURRAY of Oklahoma. It is one that I have offered.

The CHAIRMAN. If there be no objection, the Clerk will report the amendment.

Mr. MURRAY of Oklahoma. I think the House will agree to it.

Mr. RUCKER. Mr. Chairman, this is an amendment to what?

Mr. MURRAY of Oklahoma. Let the Clerk read it. Then the gentleman will see what it is.

Mr. RUCKER. There is already an amendment, a substitute, and an amendment to the substitute pending.

Mr. MURRAY of Oklahoma. I obtained unanimous consent to have the Clerk read it.

The CHAIRMAN. There is no amendment pending to the substitute.

Mr. RUCKER. I thought there was.

The CHAIRMAN. That was withdrawn.

Mr. FOSTER. As I understand it, this is simply read for information.

Mr. MURRAY of Oklahoma. That is all.

The CHAIRMAN. The Clerk will report the amendment offered by the gentleman from Oklahoma.

The Clerk read as follows:

Amendment offered by Mr. MURRAY of Oklahoma:

"Page 8, line 25, at the end of the line add 'and he shall list and itemize all the falsehoods, prevarications, and lies he has invented, started, uttered, told, or printed against, about, or concerning his opponents, or either of them.'"

[Laughter.]

Mr. RUCKER. Mr. Chairman, I make a point of order against that amendment, because it would require too much of detail, and the gentleman knows that.

Mr. MANN. On this side of the House we have no objection to it. Let the other side of the House vote on it. [Laughter.]

The CHAIRMAN. The point of order is sustained. The question is on the amendment offered by the gentleman from California [Mr. RAKER] in the nature of a substitute.

The question being taken, on a division (demanded by Mr. RAKER) there were—ayes 30, noes 42.

Accordingly the amendment was rejected.

The CHAIRMAN. The question recurs upon the amendment offered by the gentleman from Tennessee [Mr. GARRETT].

The question being taken, on a division (demanded by Mr. MANN) there were—ayes 50, noes 20.

Accordingly the amendment was agreed to.

Mr. RUCKER. Mr. Chairman, in view of the action of the committee in adopting the amendment offered by the gentleman from Tennessee [Mr. GARRETT], I move to amend, on page 9, line 21, by striking out all of line 21 after the word "part" down to the end of line 22.

The CHAIRMAN. The gentleman from Missouri offers an amendment, which the Clerk will report.

The Clerk read as follows:

Amendment by Mr RUCKER:
"Page 9, lines 21 and 22, after the word 'part,' in line 21, strike out the words 'and deliver a duplicate of such statement to each of his opponents for such nomination or election if known.'"

The amendment was agreed to.

Mr. RAKER. Mr. Chairman, I present the following amendment.

The CHAIRMAN. The gentleman from California offers an amendment, which the Clerk will report.

The Clerk read as follows:

Amendment by Mr. RAKER:
"Page 12, line 26, after the word 'newspapers,' strike out the words 'and distributing letters, circulars, and posters.'"

Mr. RAKER. Mr. Chairman, I want to say just a few words on this amendment. As the law now stands, any amount of money may be expended for distributing letters, circulars, or posters without any accounting for it. The former part of the bill, in lines 24 and 25, permits the candidate to expend all that may be necessary to make himself known over the district, and to every voter in the district, for stationery and postage, writing and printing; but I believe this provision ought to be eliminated from the bill. Under these words there is no limit to the amount that a man can expend in a campaign. A candidate may have a hundred cards printed. He may employ a hundred men to circulate them, giving a man one card and paying his traveling expenses and a four-in-hand to take that card to some one in the adjoining town, and under this bill that is a legitimate expense and does not have to be accounted for. He may have a thousand posters, and he may employ a hundred men to travel over that district at $5 a day and found, with an automobile or four-in-hand, to deliver those posters or circulars, and no accounting is necessary. Now, if you are going to have a campaign-publicity bill, if you are going to put men on an equal footing, and say that a man shall not buy his election, why should you put into the bill provisions that legalize those things that have been done in the past in the most vicious manner for the purpose of corrupting the electorate?

Mr. COX. Will the gentleman yield?

Mr. RAKER. I yield to the gentleman from Indiana.

Mr. COX. If your amendment is agreed to, will that prevent a candidate for Congress sending letters through the mail?

Mr. RAKER. Oh, no. The provisions in lines 22 to 24 permit him to send through the mails all the letters, circulars, and printed matter that he desires; but this provision that I move to strike out says that he may distribute letters, circulars, and posters. Now, that distribution may be made in any way. You may put a man on a railroad train and send him all over the district, and pay him five or ten dollars a day, and no limitation on it. As I stated a moment ago, it legalizes a method that has been deplored and frowned upon for years—that of hiring men to go over a district to hand out cards, circulars, and posters to individuals, and, as a matter of fact, practically to buy the vote of the man you employ to deliver these things. Now, I am in favor of a bill with some teeth in it. If you compel a candidate to publish in his statement the number of men employed and the amount of money paid to them for distributing his letters, cards, and posters, that will be all right. Then he has to come within the limit of the bill, $5,000, or the amount provided by the statute of the State.

Mr. RUCKER. Mr. Chairman, I want to say to the gentleman that I believe the language sought to be stricken out by his amendment might allow a candidate to do what this bill seeks to prevent. Therefore, I have no objection at all to the amendment.

Mr. RAKER. All right. Vote on it.

The CHAIRMAN. The time of the gentleman has expired. The question is upon the adoption of the amendment.

The amendment was agreed to.

Mr. WINGO. Mr. Chairman, on page 13, line 4, I move to strike out all of the paragraph after the word "expense."

The CHAIRMAN. The gentleman from Arkansas offers an amendment, which the Clerk will report.

The Clerk read as follows:

Page 13, line 4, after the word "expense," strike out the words "and need not be shown in the statement herein required to be filed."

Mr. WINGO. Mr. Chairman, if my amendment is adopted, it will strike out the words that have been read. The paragraph of which the words are a part provides that in making up his statement it is not necessary for the candidate to include certain things, and it goes further and says that they may not be shown and entered in his expense account. Now, let us see. If you let the present language of the bill stand it would mean that he could spend several thousand dollars for postage, several thousand dollars for telegraph and telephone, if he wanted to, several thousand dollars for printing, thousands of dollars for workers, and yet he would not have to make any statement showing that he had made the expenditure of that sum. I take it that the language used is for the purpose of fixing the limitation and not for suppressing anything.

Mr. RUCKER. Will the gentleman yield?

Mr. WINGO. I will.

Mr. RUCKER. I think I catch the thought of the gentleman, and I want to make this suggestion: Would not the idea of the gentleman be better presented if instead of striking this language out you make it read that it must be shown in the statement filed here?

Mr. WINGO. I think that is better.

Mr. RUCKER. I would have no objection to that.

Mr. WINGO. Mr. Chairman, I will ask to modify my amendment by striking out the words "and need not," in line 4, and inserting the words "but shall."

The CHAIRMAN. Without objection, the gentleman from Arkansas modifies his amendment to read as the Clerk will report.

The Clerk read as follows:

Page 13, line 4, strike out the words "and need not" and insert the words "but shall."

Mr. BOOHER and Mr. MANN rose.

Mr. BOOHER. I will yield to the gentleman from Illinois.

The CHAIRMAN. The gentleman from Arkansas has the floor.

Mr. MANN. But the gentleman from Arkansas has had five minutes and is not entitled to the floor.

The CHAIRMAN. The time of the gentleman from Arkansas has expired.

Mr. MANN. Mr. Chairman, I would be perfectly willing, except for the inconvenience, to strike out the entire provision, and would much rather strike it out than to insert the amendment offered by the gentleman from Arkansas. The only purpose of the proviso is to except certain expenses from the limitation fixed—first, the question as to the constitutional authority possibly, which I do not pay much attention to, in reference to the payment of assessments required by the State; and the other is the matter of convenience.

No man living can keep a truthful account of the postage paid for campaign expenses. No man living can keep a truthful account of the stationery that he buys and uses for campaign expenses. No man living can keep a truthful account of his personal expenses during a campaign that are chargeable to campaign expenses. It was necessary either to exempt these things from the amount required or to legally require a man to lie about it. Now, you can take your choice. It is not possible to keep an account of each 2-cent stamp used for campaign purposes. It is not possible to distinguish in the purchase of stationery between each sheet that is used by us, for instance, for official purposes or private purposes and that for campaign purposes. It is not possible to distinguish between the personal expenses of a candidate which are caused by his being a candidate as apart from his ordinary living expenses. That is the reason for making these exemptions in the first place.

Now, having stricken out all the provision in regard to the distribution of letters and circulars and posters which were not required to be accounted for and which were not required to be in the limit, they are now included in the limit of cost and hence are required to be accounted for and they are easy to keep track of. There is nothing left to the proviso except that. We may pass a law requiring every candidate for Congress to lie about his expenses, but he can not comply with the provisions truthfully; it is not within the capacity of the human mind.

Mr. BOOHER. Mr. Chairman, I am opposed to the amendment offered by the gentleman from Arkansas. I can not understand why, if the proviso is to stand in this bill, the amendment should be adopted. We exempt the travel expense, subsistence, stationery, postage, writing or printing, other than in newspapers, the assessment levied upon candidates by the laws of the State in which he resides, telegraph and telephone service, and say that they shall not be regarded as an expenditure within the meaning of this section.

If they are not to be regarded as expenditures, and we are not to be charged with them, then why insert in the law a provision that you must make a statement of them? It seems to me the gentleman from Illinois [Mr. MANN] is right when he says that amendment will simply provide for something with which it is utterly impossible to comply. The section is well enough as it stands, without the amendment of the gentleman

from Arkansas [Mr. WINGO], and I sincerely hope that it will not be adopted.

Mr. RAKER. Mr. Chairman, I am in favor of the amendment of the gentleman from Arkansas [Mr. WINGO], and I ask unanimous consent that I may read sections 29 and 30 of the direct-primary law of the State of California.

Mr. GARRETT of Tennessee. Mr. Chairman, will the gentleman yield for a question?

Mr. RAKER. Certainly.

Mr. GARRETT of Tennessee. I want to put a concrete proposition to the gentleman. This exempts from the limit, and will provide for a report, if the amendment of the gentleman from Arkansas be adopted, of expenses of a candidate while engaged in his campaign, his ordinary traveling expenses. It will be possible, perhaps, but it will be a great deal of trouble for a man to keep up with his actual railroad fares. Let me ask the gentleman this question. Let us say that the gentleman is off on a campaign away from home for perhaps a month, and he takes his meals at a hotel. Those meals are more costly than they would be if taken at home. How is he going to get in any truthful, accurate way the difference between what his actual food expenses would be and his food expenses while he is out traveling? That is a practical question. How is he going to charge his account?

Mr. RAKER. Mr. Chairman, in answer to that I will state that it has always been customary and it is the law for a public official, a man who is away from his business, to be allowed his traveling expenses or subsistence, and he pays whatever it is. It would be the same thing in this. When a man is away from his home, if he goes 10 or 15 miles and gets his meals, and pays perhaps 50 cents each for them, that is an expense for that campaign, and he does not draw any distinction between what it would be at home and what he has to pay outside.

I want to read now the law of California, sections 29 and 30 of the direct-primary law, approved June 16, 1913:

CAMPAIGN EXPENSES.

SEC. 29. No candidate for nomination to any elective office, including that of United States Senator in Congress, shall directly or indirectly pay, expend, or contribute any money or other valuable thing, or promise so to do, except for lawful expenses. Lawful expenses as used in this section are limited to expenses for the following purposes only:

1. For the candidate's official filing fee.
2. For the preparing, printing, circulating, and verifying of nomination papers.
3. For the candidate's personal traveling expenses.
4. For rent and necessary furnishing of halls or rooms, during such candidacy, for public meetings, or for committee headquarters.
5. For payment of speakers and musicians at public meetings and their necessary traveling expenses.
6. For printing and distribution of pamphlets, circulars, newspapers, cards, handbills, posters, and announcements relative to candidates or political issues or principles.
7. For his share of the reasonable compensation of challengers at the polls.
8. For making canvasses of voters.
9. For clerk hire.
10. For conveying infirm or disabled voters to and from the polls.
11. For postage, expressage, telegraphing, and telephoning relative to candidacy.

Can gentlemen conceive of any other expense than those named in that law, if the law be complied with, to provide for publicity? Ought anyone to go any further? Certainly not.

Section 30 provides, as follows:

STATEMENT OF EXPENSES.

SEC. 30. Every person who shall be a candidate for nomination to any elective office, including that of United States Senator in Congress, shall make in duplicate, within 15 days after the primary election, a verified statement, setting forth each and every sum of money contributed, disbursed, expended, or promised by him, and, to the best of his knowledge and belief, by any and every other person or association of persons in his behalf wholly or partly in endeavoring to secure his nomination. This statement must show in detail all moneys paid, loaned, contributed, or otherwise furnished to him directly or indirectly in aid of his election, together with the name of the person or persons from whom such moneys were received; and must also show in detail, under each of the subdivisions of section 29 of this act, all moneys contributed, loaned, or expended by him directly or indirectly, by himself or through any other person, in aid of his election, together with the name of the person or persons to whom such moneys were paid or disbursed. Such statement must set forth that the affiant has used all reasonable diligence in its preparation, and that the same is true and is as full and explicit as he is able to make it. Within the time aforesaid the candidate shall file one copy of said statement with the officer with whom his nomination papers were filed, and the other with the recorder of the county or city and county in which he resides, who shall record the same in a book to be kept for that purpose, and to be open to public inspection. No officer shall issue any certificate of nomination to any person until such statement as herein provided has been filed, and no other statement of expenses shall be required except that provided herein, and no fee or charge whatsoever shall be made or collected by any officer herein specified for the filing of such statements or a copy thereof.

The laws of the State of California have proven very wholesome and they have brought about good results.

The CHAIRMAN. The time of the gentleman from California has expired. The question is on the amendment offered by the gentleman from Arkansas.

The question was taken; and on a division (demanded by Mr. WINGO) there were—ayes 11, noes 24. So the amendment was rejected.

Mr. WINGO. Mr. Chairman, I wish to offer another amendment of the same character, on page 12, line 16, to strike out "$5,000" and substitute "$2,500," and in line 19 to strike out "$10,000" and substitute "$5,000."

The CHAIRMAN. The Clerk will report the amendment.

The Clerk read as follows:

Page 12, line 16, strike out the figures "$5,000" and insert in lieu thereof the figures "$2,500," and in line 19 strike out the figures "$10,000" and insert in lieu thereof the figures "$5,000."

Mr. WINGO. Mr. Chairman, this amendment is not as drastic as one would think at first blush. It would be all right to limit it to $5,000 and $10,000 if it were not for the proviso, and with the proviso it simply means that the limit of $5,000 and $10,000 is on newspaper advertising and such things as that. A candidate does not have to include in the $5,000 any money that he expends in the way of an assessment fee. He does not have to include his personal expenses. He does not have to include stationery and postage and hired workers under guise of circular distributors.

Mr. GARNER. Mr. Chairman, will the gentleman yield?

Mr. WINGO. Yes.

Mr. GARNER. In making his report to Congress under the present law, which is about the same as this provision in the bill, is it necessary to report his expenses in the way of stamps, stationery, posters, telephone and telegraph expenses?

Mr. WINGO. I included all of that. I do not think that the present law requires you to do anything of the kind.

Mr. GARNER. Let me get the gentleman's construction of it. I know a great many Members of Congress are not reporting expenses for stamps, stationery, telegraph, and telephone—the exceptions made there. Some contend that they ought to be included in the report under the present law, while others say not. The blanks sent out by the Clerk's office would indicate that one should not include anything except what the law requires you to report, such as newspaper advertisements, clerk hire, and so forth.

Mr. WINGO. Mr. Chairman, I do not think the present law requires you to report all of those things mentioned. But here is a proposition: Under the present law and under this provision most or the greater part of your expenses are absolutely exempted, and you do not have to account for them. I know one man who expended $19,000, and under the law as it is written—and he is a good lawyer and he did not think he had to account but for $5,000, and I examined it pretty closely and I did not think he transgressed the law—he did not account for the additional $14,000 expended for the things he did not have to account for. He sent a man around the country representing him, distributing circulars, and that man was nothing but a worker for him, but he was all of the time distributing circulars. He had other men to represent him at the polls, and those men were distributing circulars at the polls. If you are going to exclude from the limit the greater part of the expenses, and those things which really are the things that you ought to stop, then why have such a large limit of $10,000 and $5,000? In other words, I think $2,500 is enough for a Member of Congress to expend in advertising that he has to account for.

Mr. RUCKER. Mr. Chairman, will the gentleman yield?

Mr. WINGO. Yes.

Mr. RUCKER. Some gentlemen in some districts incur more or less expenditures in renting halls for public meetings.

Mr. WINGO. Yes; you do not exempt that.

Mr. RUCKER. That would be part of the $5,000.

Mr. WINGO. Yes

Mr. RUCKER. If they take a party of friends from one town to another and pay their hotel and railroad bills they would have to account for that.

Mr. WINGO. That is the reason why I can not understand why the gentleman does not include the renting of halls in his exemption here, for the rent of halls, public meeting places where everything would be public, is a proper exemption. Why should not that be excluded in preference to circulars and such as that?

Mr. RUCKER. If the gentleman will permit me, this language was framed in the Senate and not in the House.

Mr. WINGO. Framed in the Senate?

Mr. RUCKER. Yes; the bulk of it; and some of us were so uneasy for fear there might be a change of heart in some other

legislative hall that we were content to leave this as the Senate has written it.

Mr. WINGO. I am not interested in that; I am interested in what we do, and I will let them do what they wish to do.

Mr. RUCKER. But the gentleman will bear in mind—I do not want to consume his time, but I want to suggest—there are Members on the floor of this House, probably here to-day, who insist earnestly that $5,000 is too small a sum to conduct campaigns in their districts in that way for perfectly legitimate expenses.

Mr. WINGO. Under this bill as it is written any man in this House can expend $100,000——

Mr. RUCKER. He might for some purposes.

The CHAIRMAN. The time of the gentleman has expired. The question is upon the adoption of the amendment offered by the gentleman from Arkansas.

The question was taken, and the Chairman announced the ayes seemed to have it.

Mr. RUCKER. Mr. Chairman, I do not believe the House wants to defeat this bill, and I ask for a division.

The committee divided; and there were—ayes 23, noes 22.

Mr. RUCKER. Mr. Chairman, I ask for tellers on this.

The CHAIRMAN. Those in favor of ordering tellers will rise and stand until counted. [After counting.] Fifteen gentlemen have risen, not a sufficient number, and tellers are refused.

So the amendment was agreed to.

Mr. RAKER. Mr. Chairman, in line 15 it says, "regular post offices." What does the gentleman mean by that? I move to strike out the word "regular."

The CHAIRMAN. The Clerk will report the amendment.

The Clerk read as follows:

Page 13, line 15, strike out the word "regular."

Mr. RAKER. Would the gentleman from Missouri, the chairman of the committee, give me his attention for a moment? What is the purpose of putting in the word "regular"? What distinction does that have?

Mr. RUCKER. I do not know any more than the ordinary meaning of the word "regular." I believe the gentleman could take it out. It would not hurt the bill now. You can take it out. It will not hurt the bill any.

Mr. WINGO. We have not reached that paragraph.

Mr. RAKER. It is the same paragraph.

Mr. RUCKER. No; it is not the same paragraph.

Mr. RAKER. I beg the gentleman's pardon. I withdraw the amendment.

Mr. WINGO. Mr. Chairman, I offer an amendment to the pending paragraph, to strike out the entire proviso, beginning with line 20, page 12.

The CHAIRMAN. The Clerk will report the amendment.

The Clerk read as follows:

Page 12, line 20, strike out the entire proviso, beginning with line 20, down to and including line 5, page 13.

Mr. RUCKER. Mr. Chairman, I want to just say one more word to the committee and then I am not going to annoy the membership any longer. I hope that nobody who is friendly to this legislation will vote for the amendment of the gentleman from Arkansas, although I do not mean to assail his attitude at all. If this amendment should prevail, there is just one of two alternatives, either we have got to let the Senate write the bill for us, or the friends of publicity murder this bill, one of the two. There is no possibility on earth, we might as well know it, of passing the bill through this Congress which requires candidates for the United States Senate in going over the great areas like the great States of Pennsylvania, New York, Missouri, Arkansas, and all the other States, to keep an itemized account of every expenditure which he makes. The public would lose faith when we proclaim ourselves to be friends of publicity, and men would then have some warrant in denouncing this as fake legislation.

Mr. WINGO. Will the gentleman yield for a question?

Mr. RUCKER. Yes, sir.

Mr. WINGO. Is it not true one or more of the States the gentleman has named now have State laws requiring candidates for the governor of the State to do that thing which the gentleman has said is impossible, and do not they do it, and is not California one of them?

Mr. RUCKER. I do not believe that any State requires them to keep account of their personal expenditures, and, if there is, I am not responsible for State legislation.

Mr. KELLY of Pennsylvania. Pennsylvania is such a State that requires an itemized expenditure.

Mr. RUCKER. I do not care how many States have it.

Mr. MANN. Will the gentleman yield?

Mr. RUCKER. I will yield.

Mr. MANN. I would like to have any gentleman from any State where they have that law say whether it requires them to keep track of the 2-cent stamps they use and the amount of stationery they use.

Mr. DIFENDERFER. For the benefit of the gentleman from Illinois, I will say that I for one keep an account of 2-cent stamps.

Mr. MANN. And stationery?

Mr. DIFENDERFER. And the stationery, mileage, and money expended in every way.

Mr. MANN. And made a return? It seems——

Mr. RUCKER. Let me say I do not care how rigid this law may be. I believe I have already imposed upon the indulgence of the House to say heretofore that it does not affect me in any way. In the State of Missouri if I expend for nomination and election exceeding $625, I am unworthy of a seat here, because I would be a criminal under that law. But our statute does not require me, when I go from town to town and stop at a lunch counter and hotels, to note down and keep an account of each lunch and each cup of coffee. I believe we are going to a dangerous extent when we ask that it be done.

I do not mean to question the wisdom of the gentleman who offered the amendment, but I tell you we can not possibly pass this bill, and I warn the gentleman now.

Mr. RAKER. Will the gentleman yield right there?

Mr. RUCKER. We will be responsible for deliberately killing it by loading it down.

Now I will yield to the gentleman from California.

Mr. RAKER. I just wanted to call the gentleman's attention to the fact that the statute of California I have just read requires all these things as to United States Senators, governors, and everybody.

Mr. MANN. Will the gentleman from Missouri permit me to ask a question of the gentleman from California [Mr. RAKER]?

Mr. RUCKER. I will.

Mr. MANN. Do the returns of the gentleman from California include all the space used in the CONGRESSIONAL RECORD in publishing his stuff for campaign purposes?

Mr. RAKER. I do not quite understand what the gentleman means.

Mr. MANN. Everybody else does.

Mr. RAKER. I thank the gentleman for the courteous answer.

Mr. WINGO. Mr. Chairman, just a moment before we vote. The object of the amendment that I have offered is to provide for publicity in fact and not simply in name. The cry is for publicity, and when you offer them publicity they say it is impossible. The gentleman from Illinois [Mr. MANN] says it is impossible for a man to keep a correct expense account. He says that the State laws have not been complied with. It is easy to keep an itemized account of what has been done. I usually buy stamps in $10 blocks. That is the way I did in my personal campaign, and if I wish to carry the stamps with me, I buy them in $1 blocks. I have a book in my pocket like the traveling men carry, and when I buy a ticket I charge it up, and I can take two little books that I have in my desk and tell you to a dime everything I spent when I was a candidate for Congress.

Mr. MANN. Will the gentleman yield for a question?

Mr. WINGO. With pleasure.

Mr. MANN. The gentleman is now a candidate for Congress, is he not?

Mr. WINGO. I will surely be a candidate.

Mr. MANN. Does the gentleman have his clerk keep an account of his stamps now and the stationery which he uses in writing to his constituents in reference to his candidacy apart from public business?

Mr. WINGO. Certainly. That is a very simple thing to do.

Mr. MANN. I wish the gentleman would bring us in a statement of how much he has used in the way of stationery and postage during the last month for political purposes and how much for congressional purposes.

Mr. WINGO. I have not used any for political purposes.

Mr. MANN. The gentleman can not be a candidate for a month without using it.

Mr. WINGO. I shall be a candidate in the fall. I have not written a letter this month in the interest of my candidacy.

Mr. MANN. The gentleman has written many. That is what the gentleman carries on a correspondence for.

Mr. WINGO. No; it is not for what I carry on my correspondence. I do not have to run two years at a stretch to get elected in my district. When I got the Democratic nomination last March I was elected, and the only expense I shall have this fall will be in stumping the district with some promis-

ing young Republican who wants a little publicity, and I will give it to him.

Mr. MANN. Of course where a man does not have any campaign to carry on it is easy to keep an expense account.

Mr. RUCKER. The House has also fixed the maximum campaign account at $2,500 for Representative and $5,000 for Senator. If we pass this they would have to take care of all the expenses.

Mr. WINGO. I do not believe the Senate should dictate the provisions of this bill. I am not afraid of the United States Senate, as some gentlemen seem to be. I think this House has enough power to write in a bill what it really thinks should be in a bill.

Mr. RUCKER. Does the gentleman believe it is possible to pass the bill if his amendment carries in that form?

Mr. WINGO. I think it is—through the House.

Mr. RUCKER. You think it is possible to make it the law?

Mr. WINGO. I do not know how the Senate or the President feels about it. I have not consulted with either one of them, and shall not.

Mr. MANN. How does the gentleman know how to vote, then?

Mr. WINGO. I generally vote as I please. But, Mr. Chairman, I think if you really want publicity, if you are in earnest, here is a good chance for you to get it.

The CHAIRMAN. The question is on the adoption of the amendment offered by the gentleman from Arkansas [Mr. WINGO].

The question was taken, and the Chair announced that the ayes seemed to have it.

Mr. RUCKER. Division, Mr. Chairman.

The committee divided; and there were—ayes 18, noes 31.

Mr. WINGO. I ask for tellers, Mr. Chairman.

Tellers were refused.

So the amendment was rejected.

Mr. WINGO. Mr. Chairman, I have another amendment.

The CHAIRMAN. The gentleman from Arkansas [Mr. WINGO] offers an amendment which the Clerk will report.

The Clerk read as follows:

Page 12, line 25, after the word "subsistence," strike out the remainder of the paragraph.

The CHAIRMAN. The question is on agreeing to the amendment.

The question was taken, and the Chair announced that the noes seemed to have it.

Mr. WINGO. Division, Mr. Chairman.

The committee divided; and there were—ayes 13, noes 35.

So the amendment was rejected.

Mr. MANN. Mr. Chairman, I move to strike out the last word.

The CHAIRMAN (Mr. CLINE). The gentleman from Illinois [Mr. MANN] moves to strike out the last word.

Mr. MANN. I would like to ask the gentleman from Missouri what is the object of exempting from the limitation the assessment fee or charge levied by the laws of the State? That is a matter easily ascertained. Why should that be exempted from the report?

Mr. RUCKER. I will state to the gentleman why it was done. I suppose I am not violating any rule of propriety when I state the exact facts. In the State of Maryland Senators are required to be nominated by a primary election, and the law requires the candidates to pay the expenses of holding the primary election. Now, I am reliably informed, and was informed at the time this language was put in this bill, that the late Senator Rayner, the last time he was nominated, had no opposition; but under the law of his State he had to be nominated at a primary election, and, as he was the only candidate, he had to pay the entire expense of the primary, and it cost him about $17,000.

Mr. MANN. Would not that be a very good reason for striking this out and making the State of Maryland have a civilized law on the subject?

Mr. RUCKER. I do not know that we can do that.

Mr. MANN. Of course, we can do it.

Mr. RUCKER. If the State of Maryland repeals that law and enacts a reasonable law in its stead, as many States do, and requires an entrance or announcement fee of $100 or $200 fixed by law, it can not corrupt anybody. Therefore we left it exempted.

Mr. MANN. Why was not that included in the limitation? In the case where there was a contest recently in the House, a controversy concerning the seating of the gentleman from South Carolina [Mr. WHALEY], he stated, without knowing that it was a violation of the law that was committed, that he had expended so much money—I think between $4,500 and $5,000—and in addition had paid an assessment to the campaign committee, which the campaign committee had required him to pay, but which was not required under State law, and which raised the amount that he had expended over the $5,000 limit. I did not call the attention of the House to it. I do not know whether anybody on the Committee on Elections had noticed it or not. It was evidently done in good faith; and yet he had violated the law because he had read this provision and assumed that the action of a voluntary political committee requiring him to make an assessment was the action of the committee under the authority of the State, which, of course, it was not.

Mr. RUCKER. I will say to the gentleman that, of course, it is within the power of each State to fix an entrance or nomination fee within its own discretion. One State may fix it at $50, or another at $100 or at $500. All candidates must comply with that requirement.

Mr. MANN. The $2,500 limit is a fair limit, and most of the States requiring that give something in return, which candidates do not receive where the requirement——

Mr. RUCKER. The public knows that every candidate must pay that fee when he declares himself a candidate. Therefore there is publicity.

Mr. MANN. It is not a question of publicity, but of limitation.

Mr. RUCKER. That money goes to the State and can not possibly be used for any purpose that anybody will complain of.

Mr. MANN. That does not make any difference. People do not complain of what we use our funds for now.

Mr. RUCKER. I do not think it should be charged.

Mr. GARNER. Mr. Chairman, will the gentleman yield?

Mr. MANN. I do.

Mr. GARNER. Is it the gentleman's construction of the present law that such expenditures as those for postage stamps, stationery, posters, telegraph and telephone charges, and such charges as are required under the State statute to be accounted for, are not required to be reported under this law?

Mr. MANN. The law provides that an assessment fee or charge made or levied upon candidates by the State law is not required to be reported, and the stationery account is not required to be reported.

Mr. GARNER. To illustrate, I myself have to make a report within the next 10 days of my campaign expenditures. In our State the law requires a district candidate to pay $1 to each county to get his name on the ticket, provided the executive committee assesses him the $1. Now, various committees have each assessed me $1 to get my name on the ticket. That is done by virtue of a law passed by my State. As I understand it, under the Federal statute that is not necessary to be reported.

Mr. MANN. No; it is not necessary to be reported, although if I am making a report I would report it, as I usually report all expenses, regardless of what the law requires.

Mr. GARNER. The Clerk of the House tells me that some Members follow one policy and some another. I wanted to get the gentleman's construction.

Mr. MANN. A good many Members, I think, report expenses that they are not required to report.

Mr. RUCKER. Let me say that in my report of campaign expenses I necessarily include my stationery account and stamps, and all expenses of that sort, because the report I file here must be a duplicate of the one I file with the secretary of state in my State.

Mr. GARNER. But it is not necessary?

Mr. RUCKER. No.

The CHAIRMAN. The time of the gentleman has expired. The Clerk will read.

The Clerk read as follows:

SEC. 10. That every statement required by this act shall be verified by oath or affirmation, taken before an officer authorized to administer oaths; and the depositing of any such statement in a regular post office, directed to the Clerk of the House of Representatives, or to the Secretary of the Senate, or to opposing candidates at their home address, if known, as the case may be, duly stamped and registered, within the time required herein, shall be deemed a sufficient filing or delivery of any such statement or duplicate thereof under the provisions of this act.

Mr. RUCKER. Mr. Chairman, I move to amend, in line 17, by striking out, after the word "Senate," the words "or to opposing candidates at their home address, if known."

The CHAIRMAN. The Clerk will report the amendment offered by the gentleman from Missouri.

The Clerk read as follows:

Page 13, lines 17 and 18, strike out the words "or to opposing candidates at their home address, if known."

The CHAIRMAN. The question is on agreeing to the amendment.

The amendment was agreed to.

Mr. RUCKER. Mr. Chairman, I move to amend, on line 20, by striking out the words "or delivery."

The CHAIRMAN. The Clerk will report the amendment.

The Clerk read as follows:

Page 13, line 20, strike out the words "or delivery."

The CHAIRMAN. The question is on agreeing to the amendment.

The amendment was agreed to.

Mr. RUCKER. Mr. Chairman, at the end of line 20, and line 21, I move to strike out the words "or duplicate thereof."

The CHAIRMAN. The Clerk will report the amendment offered by the gentleman from Missouri.

The Clerk read as follows:

Amend, page 13, lines 20 and 21, by striking out, after the word "statement" in line 20, the words "or duplicate thereof."

The CHAIRMAN. The question is on agreeing to the amendment.

The amendment was agreed to.

Mr. RAKER. I move to strike out the word "regular," in line 15, page 13.

The CHAIRMAN (Mr. CLINE). The Clerk will report the amendment offered by the gentleman.

The Clerk read as follows:

Page 13, line 15, strike out the word "regular."

Mr. GRAHAM of Illinois. Mr. Chairman, it seems to me that the word "regular" ought not to go out. There are branch post offices and other places for mailing which would not come under this definition, and I think the word "regular" should remain in the bill.

Mr. RAKER. Will the gentleman yield?

Mr. GRAHAM of Illinois. Certainly.

Mr. RAKER. What can there be in the "regular"? Is there any distinction in post offices where they receive and register mail, so that a man ought not to be permitted to register his letter containing this statement at any post office where letters are registered? I can not understand what difference there is.

Mr. GRAHAM of Illinois. On that question of regular or irregular I am not quite sure of the meaning of the word "regular" as used in the bill.

Mr. RAKER. Are there any irregular post offices?

Mr. MANN. There is one at the House post office. That is not a regular post office.

Mr. GRAHAM of Illinois. There are a great many post offices that do not come under the title "regular" as used here. There are branch post offices and doubtless others that do not handle registered mail.

Mr. RAKER. Let me ask the gentleman this question: This statement must be registered. Can there be any distinction between post offices where letters may be registered?

Mr. GRAHAM of Illinois. I am not sure that the gentleman's discription would fit. If the word "regular" included every post office where registered mail was handled, there could be no objection to that; but the chairman of the committee having this bill in charge informs me that he is willing that the gentleman's motion shall prevail, and I do not care to oppose his view of it.

The CHAIRMAN. The question is on the amendment offered by the gentleman from California [Mr. RAKER].

The question was taken.

The CHAIRMAN. The ayes appear to have it; the ayes have it——

Mr. RAKER. Mr. Chairman——

Mr. BROWN of New York. Mr. Chairman——

Mr. BUTLER. Division, Mr. Chairman.

The CHAIRMAN. The gentleman from Pennsylvania demands a division.

Mr. GARRETT of Texas. Mr. Chairman, a point of order. The demand for a division came after the Chair had announced the result, and the Chair has recognized the gentleman from California [Mr. RAKER].

The CHAIRMAN. The Chair will state that the gentleman from California has not been recognized at all. The Chair was attempting to recognize the gentleman from New York, but at that moment there was a division called for.

Mr. RUCKER. Mr. Chairman, is this on the amendment to strike out the word "regular"?

The CHAIRMAN. Yes.

Mr. RAKER. Mr. Chairman, a parliamentary inquiry.

The CHAIRMAN. The gentleman will state it.

Mr. RAKER. Will the Chair have the amendment stated from the desk?

Mr. BUTLER. It is on the gentleman's amendment to strike out the word "regular."

The CHAIRMAN. The vote is on the amendment offered by the gentleman from California [Mr. RAKER] to strike out the word "regular," in line 15, page 13.

Mr. RAKER. Mr. Chairman, a parliamentary inquiry. That motion carried——

Mr. MANN. Oh, no; the motion did not carry. I ask for the regular order. We do not want to strike out the word "regular" here.

Mr. BROWN of New York. Mr. Chairman, I move to strike out the last word. The vote has not been taken——

Mr. BUTLER. Mr. Chairman, the committee is dividing. The Chair announced that the ayes had it, and a division has been asked for We do not want to strike out the word "regular."

The CHAIRMAN. The question is on the amendment of the gentleman from California [Mr. RAKER], and on that a division is demanded.

The committee divided; and there were—ayes 9, noes 22.

Accordingly the amendment was rejected.

Mr. BROWN of New York. Mr. Chairman, I move to strike out the last word. While this corrupt-practices act is under discussion I should like to present to the House my opinion regarding some recent elections in the Republic of Mexico, and I ask unanimous consent to extend and revise my remarks in the RECORD.

Mr. MANN. What does the gentleman mean by "revising" his remarks?

Mr. BROWN of New York. Under the five-minute rule it is impossible to make an extended address, and I desire to discuss the Mexican elections.

Mr. MANN. The gentleman referred to "revising" his remarks.

Mr. BROWN of New York. I shall be very glad to adopt any suggestion of the gentleman from Illinois.

Mr. BRYAN. Regular order!

The CHAIRMAN. The gentleman from New York asks unanimous consent to extend his remarks in the RECORD. Is there objection?

There was no objection.

Mr. MONDELL. Mr. Chairman, I move to strike out the last word. I am in favor of a definite limitation of campaign expenditures. The greater the limitation the better. I am in favor of the widest publicity of such expenditures as are made, and the law should be clear, definite, explicit, and strictly enforced. We all realize, however, that the best protection against improper influences in elections is to be found in a virtuous and intelligent electorate. Therefore I have for many years been in favor of inviting into participation in the affairs of government all intelligent and honest people, without regard to sex. The State which I have the honor to represent upon the floor of this House has for many years granted the right of suffrage to all of its citizens, without regard to sex. We have so prospered politically under that policy that our people are universally favorable to its extension throughout the Nation. I desire to extend my remarks by placing in the RECORD some resolutions adopted by the citizens of Laramie, Wyo., in favor of the adoption of an amendment to the Federal Constitution for woman suffrage.

The CHAIRMAN. The gentleman from Wyoming asks unanimous consent to extend his remarks in the RECORD by publishing a petition in favor of woman suffrage. Is there objection?

There was no objection.

The petition is as follows:

NATIONAL AMERICAN WOMAN SUFFRAGE ASSOCIATION.

We, the citizens of Laramie, Wyo., have assembled to-day to voice our demands that women, as citizens of the United States, be accorded the full right of such citizenship. We congratulate the 4,000,000 women voters who have won their right to the ballot in 10 States, and confidently expect to see 5 more States under the franchise banner after the November elections.

We hereby declare that suffrage for women has become a national as well as a local issue, and we urge our Senators and Representatives in Congress to enact Federal legislation which will insure to women political equal rights with men.

We therefore ask the Congress of the United States to proceed without delay in the most feasible and practical manner to remove the barriers which prevent American women from the exercise of full franchise, and to make our country not a Government in which half the people are denied the right of participation, but in truth and reality a democracy.

The above and foregoing is a true and correct copy of a resolution passed at a mass meeting held at Laramie, Wyo., this 2d day of May, 1914.

MRS. E. H. KNIGHT, *Presiding Officer.*

Attest:

EVA J. PATCHELL, *Secretary.*

The Clerk, proceeding with the reading of the bill, read as follows:

SEC. 11. That the statements required by section 9 of this act to be made before nomination and before election shall include the full name and post-office address, if known, of each opponent for nomination or election, as the case may be, together with the name or number of the

Federal judicial district in which such opponent resides. And if any person thus named as a candidate for nomination or election to any office referred to in said section 9 shall fail, neglect, or refuse to file any statement therein required, it shall be the duty of the Clerk of the House of Representatives or the Secretary of the Senate, as the case may be, within 30 days after such statement or statements should have been filed, to certify that fact to the district attorney of the United States for the Federal judicial district in which said candidate resides.

Mr. THOMSON of Illinois. Mr. Chairman, I move to strike out the last word. I would like to ask the chairman of the committee the reason for the last line on page 13, which reads:

That the statements required by section 9 of this act to be made before nomination and before election shall include the full name and post-office address, if known, of each opponent for nomination or election, as the case may be, together with the name or number of the Federal judicial district in which such opponent resides.

Mr. RUCKER. I will answer the gentleman by saying that further on in the bill, in the next section, it imposes a certain duty on the Clerk of the House and the Clerk of the Senate to notify the district attorney in whose district the candidate resides, and this is in order to give the clerk that information.

Mr. BRYAN. I want to say that that puts upon the candidate who does not know the law a great many restrictions and requirements and a whole lot of trouble, which will cause, probably, many violations of law, just in order to give information to the Clerk of the House and the Clerk of the Senate. It seems to me that it would be better to let the clerks get the information in some other way.

Mr. RUCKER. What does the gentleman mean by saying that it causes a violation of law?

Mr. BRYAN. It makes a violation of the law more likely.

Mr. RUCKER. There is no probability of this bill becoming a law before the next election this fall. When it does become a law—if it ever does, and I think it will—I think plans have already been devised by which every candidate of every political party will be thoroughly advised of all the provisions of law and furnished with the proper blank.

Mr. BRYAN. Well, the blanks will help some.

Mr. RUCKER. And the law itself will be furnished with them.

Mr. RAKER. Mr. Chairman, a parliamentary inquiry.

The CHAIRMAN. The gentleman will state it.

Mr. RAKER. Would it be permissible to offer an amendment in the way of a new section following section 11?

The CHAIRMAN. The Chair thinks it would.

Mr. RAKER. Then, Mr. Chairman, I offer the following as a new section to follow section 11.

The CHAIRMAN. The Clerk will report the amendment.

The Clerk read as follows:

To follow section 11 as a new section:

"That no political committee, under the provisions of this act, shall give, contribute, expend, use, or promise or cause to be given, contributed, expended, used, or promised in procuring the nomination and election any sum in the aggregate in excess of the amount which it may lawfully give, contribute, expend, or promise, under the laws of the State in which the election is held, for such Representative in Congress or United States Senator: *Provided*, That no political committee, for a candidate or candidates for Representative in Congress, shall give, contribute, expend, use, or promise any sum in the aggregate exceeding $5,000 for each such candidate for Representative in Congress, in any campaign for his or their nomination and election; and no political committee, for a candidate or candidates for Senator of the United States, shall give, contribute, expend, use, or promise any sum in the aggregate exceeding $10,000 in any campaign for each such candidate for Senator of the United States in any campaign for his or their nomination and election."

Mr. RAKER. Mr. Chairman, this amendment is intended to correspond to a like provision for the campaign alone. It fixes the limit for each Representative at $5,000 and for a Senator at $10,000, and the committee can not expend more than that now provided in each State where there is a limit placed on it, and when there is no limit, then the amount is expressed in the bill.

Mr. MADDEN. Will the gentleman yield?

Mr. RAKER. Yes.

Mr. MADDEN. I understood that the committee had adopted an amendment making the expenditure $2,500 and $5,000. Was the gentleman here when it was adopted?

Mr. RAKER. Yes; I voted for it.

Mr. MADDEN. Now the gentleman wants to increase that.

Mr. RAKER. I offered this because there were a good many votes in favor of this when the amendment was adopted. This is a limitation upon the committee. The way it stands now the committee may spend $100,000 for one candidate and a half a million for a candidate for Senator.

This puts a limit on the committee for each candidate in Congress of $5,000 and each United States Senator of $10,000. There is no law on the subject at all, and noticing the temper of the House I thought they would be more apt to take a $10,000 and $5,000 limit than a $5,000 and $2,500 limit.

Mr. SELDOMRIDGE. Is it not a fact that political committees conducting campaigns are spending money for all candidates upon the State ticket as well as the candidate for Congress? How are you going to differentiate and limit the committee in the expenditure of their money? They have a certain amount of money to spend, and that money is expended for all the candidates on the ticket.

Mr. RAKER. Where they can not differentiate, I would not care so much about it—let it go as a general limit. I would not care for that, but where there is no limit at all on a committee, the man may go to a particular committee and contribute $100,000 for his campaign expenses, and that ought to be prohibited. Five thousand dollars is enough for any committee per each candidate for the House and $10,000 per candidate for the Senate. The candidate himself has $2,500 and the Senator $5,000, and under this limitation for a committee, $10,000 and $5,000 is enough for any man to present his claims legitimately before the constituencies of this country.

Mr. SELDOMRIDGE. Does the gentleman understand from the law as we now have it that the candidate for Congress can contribute to a committee in addition to the $2,500 that he can spend for himself, or does the $2,500 conclude the sum total of his expenses?

Mr. RAKER. That is not the question that was asked before, and it is not what I assume to answer. A man may expend $2,500, if the bill should become a law, under this bill. Under the law as it now stands it is $5,000. There is no limitation to a man's friends or anybody else contributing to a campaign committee any sum from $10,000 to $100,000 for his campaign, and that money will be used and no account made of it.

Mr. RUCKER. Mr. Chairman, I think the gentleman is mistaken about that.

Mr. GRAHAM of Illinois. Mr. Chairman, will the gentleman yield?

Mr. RAKER. Yes. I yield to my distinguished friend.

Mr. GRAHAM of Illinois. When the limitation is on the candidate himself, it is easy to require a detailed account of it, but when you put a limitation on a campaign committee, the gentleman must not forget that the committee not only represents the candidates for Congress, but a great many other candidates. How will that committee differentiate as to whether the money is expended for the candidate for Congress or for the candidate for a State or local office on the same ticket with him?

Mr. RAKER. Mr. Chairman, ought it not to be sufficient, ought it not to be enough expenditure for a man's friends to contribute $5,000 to a campaign committee to expend in behalf of his nomination and election, when they give their best attention and assistance to electing him? Ought his friends or enemies or anyone for any particular interest be able to put $50,000 or $100,000 in the committee's hands for the purpose of electing a particular United States Senator or a Member of the House of Representatives?

Mr. GRAHAM of Illinois. Mr. Chairman, I do not care to answer that question, but the gentleman does not reach my question.

The CHAIRMAN. The time of the gentleman from California has expired.

Mr. RUCKER. Mr. Chairman, I hope the amendment offered by the gentleman from California will be voted down. It is attempting to do what the House has refused to do, namely, to go into the States and seek to control the minor committees of the State.

The CHAIRMAN. The question is on the amendment offered by the gentleman from California.

The question was taken, and the amendment was rejected.

The Clerk read as follows:

SEC. 12. That the Clerk of the House and the Secretary of the Senate shall, on or before the 15th day of January next after any general or special election for Representatives in Congress or Senator of the United States, report to the House and Senate, respectively, the name of each candidate for nomination or election to such office who has filed statements as required by this act, giving his place of residence and the congressional district or State, as the case may be, in which he was such candidate, and the total amount of campaign expenses paid or promised by him or by anyone for him, as shown by such statements; also the name of each candidate for such nomination or election, as shown by the files of his office or otherwise ascertained, whether nominated or elected or not, who has failed, neglected, or refused to file any or all of the statements required by this act, giving his place of residence and the congressional district or State, as the case may be, in which he was such candidate, as shown by said files or otherwise ascertained. The report required by this section shall be printed as a public document.

Mr. FOSTER. Mr. Chairman, I move to strike out the last word. As I understand section 12, it makes it the duty of the Clerk of the House to ascertain every man who has violated the law; that is, who has not filed a statement. What does this mean:

Also the name of each candidate for such nomination or election, as shown by the files of his office or otherwise ascertained, whether nomi-

nated or elected or not, who has failed, neglected, or refused to file any or all of the statements required by this act.

Suppose a man does not file a statement at all. Is it the duty of the Clerk of the House to find out who was a candidate in the State of Missouri or in the State of Illinois, whether he was nominated or elected?

Mr. RUCKER. Mr. Chairman, I will answer that in this way: If the gentleman will read the entire section and the one preceding it he will find that the bill would amend existing law in this way: When we file our statements before nomination, and then before election we are required to state in those statements the name or names of our opponents, and this section requires the Clerk of the House to take notice of the names of those opponents, and then if anybody whose name is thus mentioned fails to comply with the law, he certifies that fact.

Mr. FOSTER. It is done in that way?

Mr. RUCKER. Yes. There is no question about it; it is very clear.

Mr. FOSTER. I notice the report required by this section shall be printed as a public document. Do all of these statements have to be printed as a public document?

Mr. RUCKER. Oh, no. This section requires the Clerk, on or before the 15th of January, I believe it is, to make a report to the House. That date was fixed in this way: The law as it now stands gives 30 days after the election within which the last statement may be filed, which would run it up to about the 1st or the 5th of December. At that time the organization of the House is going on, and there is confusion, and then comes very shortly the recess for the Christmas holidays. Therefore, this date was arbitrarily fixed as on or before the 15th day of January when the Clerk must file a statement in the House showing the names of gentlemen who have filed statements and the aggregate amount expended as shown by the statements, and then another page showing those who are candidates who have not filed statements, and I should think three or four pages would be the length of it.

Mr. FOSTER. I should think not in the case of two or three thousand names.

Mr. RUCKER. I might possibly be wrong about that.

Mr. FOSTER. There are 435 Members.

Mr. KELLY of Pennsylvania. Mr. Chairman, I offer the following amendment.

The CHAIRMAN. The Clerk will report the amendment.

The Clerk read as follows:

Page 15, line 3, after the word "ascertained," strike out the period and insert a semicolon and the following: "Also the complete report of political committees as defined by this act."

Mr. KELLY of Pennsylvania. Mr. Chairman, this measure has to do with certain political committees which have jurisdiction over two or more States. To my mind, that very seriously cripples a measure for honest elections; but, more than that, there is no requirement for the publication of these committee reports. It is a vital omission and should be corrected. The Senate in 1912 held a hearing at which something like 4,000 pages of testimony were taken on the elections of 1904 and 1908 which would have been entirely unnecessary and the expense avoided had such a provision as that contemplated in my amendment been in force at that time. When publishing the total expenditures of candidates, why should not the national committees' statements be included and published in this particular document? If any Member of this House undertakes to go to the national committee reports of 1912 he will find it is a Herculean task to locate and systematize them, and that it is impossible to find vital facts, facts of contributions to campaign funds, unless hours are spent in the labor. I feel that my amendment added to this bill would be of great importance, because it would give the publicity that the people want. The movement back of this bill is a demand for the truth, a movement to disclose the influences and forces back of parties and back of candidates, and that movement is wider than many Members here realize. It has come from public enlightenment; it has come from the multiplication of books and papers; it is a great moral wave of repudiation of corruption in politics. It is the mighty power of the trend toward people's rule, and the only way to secure genuine democracy is to have the people know exactly the influences back of candidates and back of political committees. No halfway measure is justified, for there can be no compromise here without a surrender to corrupt influences in government. I believe great good will come in having the national committees' reports published in public documents, and I hope that this amendment will prevail.

Mr. MADDEN. The supposition is that the people are behind the candidates.

Mr KELLY of Pennsylvania. There is a supposition to that effect, but it is a fact that other interests than the people are back of certain candidates.

Mr. MADDEN. Will the gentleman name some of them?

Mr. KELLY of Pennsylvania. The great interests of crooked big business, the railroad interests, the liquor interests, and others have and are attempting to dictate the election of officials who are "supposed" to serve the whole people.

A number of men, who depended for their support upon those interests have been driven from public life, and there are more to follow. There were exposures, for instance in Ohio, and in other States where men high in office were scourged out of public life because of publicity turned upon their alliance with those interests.

Mr. FESS. Will the gentleman yield?

Mr. KELLY of Pennsylvania. Yes.

Mr. FESS. Who are the Ohio people?

Mr. KELLY of Pennsylvania. I was referring to the formerly distinguished Senator from Ohio, who is also a candidate at the present time for reelection, and whose retirement to private life was due to the exposure of certain influences back of him when he was a public official and was supposed to be representing the people.

Mr. HUMPHREY of Washington. Will the gentleman yield?

Mr. KELLY of Pennsylvania. I yield to the gentleman from Washington.

Mr. HUMPHREY of Washington. I wondered what interest the Harvester combine is back of—what candidate it is behind.

Mr. KELLY of Pennsylvania. The gentleman always tries to distort facts by bringing in matters——

Mr. HUMPHREY of Washington. Oh, no.

Mr. KELLY of Pennsylvania. Which are entirely extraneous.

Mr. HUMPHREY of Washington. Two representatives of the Harvester combine were prominent in politics.

Mr. KELLY of Pennsylvania. I will say to the gentleman that I think that the Harvester interests in support of any candidate should be shown. I am in favor of showing every influence back of parties and back of national committees; and this Harvester influence to which the gentleman referred is not in any way opposing publicity. That is a mighty good test. Let all others meet it as faithfully, and the people will do the rest.

Mr. HUMPHREY of Washington. Which one does the gentleman favor—Pinchot or Perkins?

Mr. KELLY of Pennsylvania. Oh, the gentleman, as usual, distorts the question and brings in an issue which is entirely apart from the proposition. I am arguing for the publishing of the accounts of political committees, to let the people know exactly who and what are back of candidates; and neither Perkins nor Pinchot are candidates for office.

The CHAIRMAN. The time of the gentleman has expired.

The question is on the amendment offered by the gentleman from Pennsylvania.

The question was taken, and the Chairman announced the noes seemed to have it.

On a division (demanded by Mr. KELLY of Pennsylvania) there were—ayes 32, noes 30.

Mr. RUCKER. Mr. Chairman, I ask for tellers.

Tellers were ordered.

The committee again divided; and the tellers (Mr. RUCKER and Mr. KELLY of Pennsylvania) reported that there were—ayes 38, noes 32. [Applause.]

So the amendment was agreed to.

The Clerk read as follows:

SEC. 16. That this act shall not be construed to annul or vitiate the laws of any State, not directly in conflict herewith, relating to the nomination or election of candidates for the offices herein named, or to exempt any such candidate from complying with such State laws.

Mr. RUCKER. Mr. Chairman, I desire to offer an amendment.

The CHAIRMAN. The gentleman from Misosuri offers an amendment, which the Clerk will report.

The Clerk read as follows:

Amend, on page 16, after the end of line 2, by inserting as a new section the following:

"That the words 'Representatives,' and 'Representatives in the Congress,' whenever they occur in this act, shall be held and construed to include and embrace Delegates to the Congress of the United States, and all the provisions of this act shall apply to candidates for Delegates to the Congress of the United States."

Mr. RUCKER. Mr. Chairman, I know the House is restless to get through with this bill, and unless some gentleman desires, I will not discuss it at all.

Mr. COX. Does that apply to Resident Commissioners also?

Mr. RUCKER. No; it only applies to Delegates.

The CHAIRMAN. The question is on the adoption of the amendment.

The question was taken, and the amendment was agreed to.

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

SEC. 17. That every person who shall willfully violate any of the provisions of this act shall, upon conviction, be fined not more than $1,000 or imprisoned not more than one year, or both.

Mr. RAKER. Mr. Chairman, I move to strike out the word "willfully" in line 3, page 16.

The CHAIRMAN. The gentleman from California offers an amendment, which the Clerk will report.

The Clerk read as follows:

Amend, page 16, in line 3, by striking out the word "willfully."

Mr. RUCKER. Mr. Chairman, I hope that the word will not be stricken out. So far as I am concerned, I am not going to yield to that slanderous circular that came here this morning. There is not a lawyer in this House but knows that, after all, no crime can be committed that is not willfully committed, and "willfully" means, from the time the first law book was written down to this time, "intentionally."

Mr. RAKER. I think the word "willfully" ought to go out. The word "knowingly" ought not to be in there.

Mr. RUCKER. Does not the word "willfully" in this case mean "intentionally"?

Mr. RAKER. Yes.

Mr. RUCKER. Can a man violate the law without doing it intentionally

Mr. RAKER. No; and therefore the words "to know" belong in there, because in the commission of these crimes there must be some intent.

Mr. RUCKER. I would like to ask the gentleman if he ever read a criminal statute in his life that did not qualify it in this way?

Mr. RAKER. Most of them. And it avoids a whole lot of complication in a trial before a jury. If it is out of the statute, it makes it much plainer. If a man violates this law, make him suffer.

The CHAIRMAN. The question is on the amendment offered by the gentleman from California [Mr. RAKER].

The question was taken, and the Chair announced that the noes seemed to have it.

Mr. RAKER. Division, Mr. Chairman.

The committee divided; and there were—ayes 22, noes 38.

So the amendment was rejected.

Mr. FESS and Mr. BRITTEN rose.

The CHAIRMAN. The gentleman from Illinois [Mr. BRITTEN] is recognized.

Mr. BRITTEN. Mr. Chairman, I desire to offer an amendment.

The CHAIRMAN. The gentleman from Illinois [Mr. BRITTEN] offers an amendment, which the Clerk will report.

The Clerk read as follows:

Amend, section 17, page 16, by placing a comma after the word "both," in line 6, and add the following:

"That no person being elected a Senator, Member of or Delegate to Congress, or a Resident Commissioner, shall after his election or appointment, and either before or after he has qualified and during his continuance in office, deliver any lecture or address for pay other than his actual traveling and hotel expenses during the time that Congress is in session."

Mr. RUCKER. Mr. Chairman, I make a point of order on that. It is not germane to the legislation at all.

Mr. BRITTEN. I hope the distinguished chairman of the committee will not make the point of order on this. I am willing to leave the amendment to the House to decide. I realize it is subject to a point of order, but there is no question about the advisability of incorporating in this act something of this kind.

Mr. RUCKER. I make the point of order.

The CHAIRMAN. The gentleman from Missouri makes the point of order, and the point of order is sustained.

Mr. FESS. Mr. Chairman, I move to strike out the last word.

Members of the committee, a remark was made by my friend from Pennsylvania [Mr. KELLY] awhile ago that I do not think ought to go unchallenged. I deplore more than I can tell you the cycle of thinking that this Nation is in to-day that leads men to speak as if men who had been defeated in contests heretofore have been defeated largely because of crooked practices or bad character.

I hold not the brief of any man mentioned from the State of Ohio, but when anyone will hint that the distinguished gentleman whose name was mentioned is a man subject to bribe or subject to the sordid influence that would prevent his voting upon matters pertaining to the welfare of the Nation as against his own selfish interests I do not think such a statement ought to go without challenge. I know this man that my good friend from Pennsylvania mentions. I know him intimately; and I want here and now, with all the vigor of my protest, to speak against the habit of Members on this floor and elsewhere taking the name of public men in vain and charging them, either specifically or by innuendo, with being men without character. [Applause.]

I do not believe that my friend here, knowing him as I do, and knowing his high standing and character, would for a moment, if he knew the facts, draw his conclusions from the cheap newspapers and also from the magazine that runs the penny-a-liner, and take from these his judgment and here on this floor declare that one of the ablest men now in the State of Ohio that this Nation has known is subject to bribe and controlled by sordid influences.

Mr. SELDOMRIDGE. Mr. Chairman, will the gentleman yield?

Mr. FESS. It seems to me that the remark ought to be withdrawn.

The CHAIRMAN. Does the gentleman from Ohio yield to the gentleman from Colorado?

Mr. FESS. At least unless some definite information is given to support it.

The CHAIRMAN. Does the gentleman from Ohio yield to the gentleman from Colorado?

Mr. FESS. I know what the gentleman from Pennsylvania refers to, and I believe I can give him information that will satisfy him, because, in my opinion, he is a fair-minded man. The source of information that the gentleman from Pennsylvania has drawn his conclusion from is not a correct source, and the gentleman's conclusion is not warranted by the information. I can tell you what had occurred in regard to the thing that the gentleman was mentioning, and I can not stand here as a citizen of the State of Ohio and listen in silence to a man being slandered on this floor without a chance to reply to the slander. [Applause.]

Mr. KELLY of Pennsylvania. Mr. Chairman, the gentleman from Ohio [Mr. FESS], with all the fervor of a Crusader, takes up the cause of one whose name I did not mention on the floor, but who was so well known to common report that when I indicated, as I did, that he had been scourged out of public life because of his relations with sinister powers in this Government, the gentleman from Ohio knew exactly whom I meant and rose to his defense.

I am willing to admit the gentleman's statement that there is a school of thought in this country that does not hold public men above criticism, a school of thought which he seems to be very much afraid of in this country. You hear a great outcry coming from reactionaries about the injustice of attacks upon public servants who insist upon the divine right of rulers and the doctrine of lese majesty.

Mr. FESS. Will the gentleman yield right there?

Mr. KELLY of Pennsylvania. I would like to have a little attention paid to the other side of the question. While tories denounce demagogues and others who criticize those holding office when they prostitute their offices to improper purposes, I would like to have a little notice given those who use their respectability and their morality and their high standing among their fellow men for the purpose of defending everything that is false and everything that is evil in our public life. [Applause.]

Mr. FESS. Mr. Chairman, will the gentleman yield?

Mr. DONOVAN. Mr. Chairman, a point of order. The gentleman from Ohio [Mr. FESS] knows better than to do what he is doing. He must address the Chair if he wants to interrupt the gentleman from Pennsylvania.

The CHAIRMAN. Does the gentleman yield?

Mr. KELLY of Pennsylvania. I can not yield. The gentleman from Ohio had five minutes in which to defend his friend from Ohio.

I want to say, Mr. Chairman, there is another school of thought in this country, a school far more dangerous than that which holds up to censure those who conduct themselves dishonorably in public office. I believe that every public official is a public servant, and when he refuses or neglects to serve the interests of the public he should be driven from the place he has discredited. I am in favor of having critics, not only on the floor of this House to denounce the sinister influences of invisible government, but an army of critics all over the Nation, who will watch public officials who are elected to represent them, and if these fail to represent them honorably will denounce them and scourge them from office.

The gentleman from Ohio defends his friend who is a primary candidate for United States Senator on the Republican ticket in the State of Ohio. The gentleman says he can clear the good name of that candidate. Why did he not clear his name when he withdrew under fire, with the absolute certainty of being proven guilty?

Mr. RUCKER. Mr. Chairman——

Mr. KELLY of Pennsylvania. He was then assailed, and it was then the proper time for the gentleman from Ohio to clear his name.

Mr. RUCKER. Mr. Chairman, will the gentleman yield?

The CHAIRMAN. Does the gentleman from Pennsylvania yield to the gentleman from Missouri?

Mr. KELLY of Pennsylvania. I can not at this time.

The CHAIRMAN. The gentleman declines to yield.

Mr. RUCKER. Then I make the point of order, Mr. Chairman, that the gentleman is proceeding out of order.

Mr. DONOVAN. Mr. Chairman, I will make the point of order that there is no quorum present. What is fair for one is fair for the other. The chairman of the committee violates every rule of procedure.

Mr. BRYAN. Mr. Chairman, the gentleman from Pennsylvania is absolutely in order.

Mr. RUCKER. I make a point of order, Mr. Chairman.

The CHAIRMAN. Does the gentleman from Pennsylvania yield?

Mr. RUCKER. What did the gentleman say about the chairman of the committee?

Mr. DONOVAN. I say that the chairman of the committee violates every rule and is regardless of the proprieties.

Mr. RUCKER. What rule?

Mr. TOWNSEND. Mr. Chairman, I ask unanimous consent that the gentleman from Pennsylvania be allowed to continue for 10 minutes more. He is giving us a great deal of interesting history.

Mr. FESS. Mr. Chairman, reserving the right to object,——

The CHAIRMAN. The gentleman from Pennsylvania [Mr. KELLY] has the floor.

Mr. TOWNSEND. I ask that my request for unanimous consent be put, Mr. Chairman. I do not think we ought to withhold from the RECORD these valuable truths that are being distributed. [Laughter.]

Mr. HAMILTON of Michigan. Mr. Chairman, has the time of the gentleman from Pennsylvania [Mr. KELLY] expired, or is he entitled to proceed?

Mr. TOWNSEND. I ask unanimous consent, Mr. Chairman, that his time be extended.

Mr. GOOD. Reserving the right to object, Mr. Chairman, I would like to ask the gentleman if he will not extend that request to 15 minutes, giving me 5 minutes to make some remarks on the subject of——

Mr. TOWNSEND. Certainly.

The CHAIRMAN. Does the gentleman from Missouri [Mr. RUCKER] insist upon his point of order?

Mr. RUCKER. I made the point of order, Mr. Chairman, merely to induce the gentleman to stop a moment, so that I could ask him a question, but he refused to stop.

Mr. GOOD. Reserving the right to object, Mr. Chairman——

The CHAIRMAN. The gentleman from Pennsylvania has the floor.

Mr. KELLY of Pennsylvania. Mr. Chairman, I yield to the gentleman from Missouri, since he makes a point of my refusal.

Mr. RUCKER. I do not care now to ask the gentleman any question.

Mr. KELLY of Pennsylvania. Mr. Chairman, I refuse to stand here as a Member of this House and listen to strictures upon those who have criticized men in public life. The gentleman from Ohio [Mr. FESS] defended one whose name was not mentioned. He says he knew the facts that would clear that gentleman's name of any aspersions that had been made upon him. I said, "Why did you not bring them out at the time?" These are not unsupported magazine assertions and statements from newspapers to which I and the gentleman are referring. These are court records. They are to be found in the hearings of the Senate committee. They are to be found in the actions of the ex-Senator himself out in Ohio, who withdrew under a storm of fire because he knew he was guilty and for no other reason whatever. [Applause.]

The matter is directly in line with my amendment, which caused the outbreak from the gentleman from Ohio [Mr. FESS]—the right of the people to know about the conduct of their Government, the right of the people to have a flashlight turned upon the facts of the conduct of their representatives.

The CHAIRMAN. The time of the gentleman from Pennsylvania has expired.

Mr. FESS. Mr. Chairman——

Mr. TOWNSEND. Mr. Chairman, now I renew my request.

The CHAIRMAN. The gentleman from Ohio [Mr. FESS] has already addressed the committee on this motion, has he not?

Mr. FESS. I move to strike out the last two words.

Mr. TOWNSEND. Mr. Chairman, I ask unanimous consent that the gentleman from Ohio [Mr. FESS] may address the committee for 10 minutes and that the gentleman from Iowa [Mr. GOOD] also have 10 minutes.

Mr. DONOVAN. Mr. Chairman, I am going to object.

Mr. BUTLER. I have waited here three days to vote on this bill, and I object.

Mr. DONOVAN. I ask for the regular order.

Mr. MONDELL. Regular order, Mr. Chairman.

The CHAIRMAN. If there be no objection, the pro forma amendment will be considered as withdrawn, and the Clerk will read.

The Clerk read as follows:

SEC. 18. That all acts and parts of acts in conflict with the provisions of this act are hereby repealed.

Mr. RUCKER. Mr. Chairman, I ask unanimous consent that the sections be renumbered to correspond to the amendments to the bill. Now, I call attention to the fact that when we read section 3 of the bill it was passed over to be recurred to.

The CHAIRMAN. The gentleman from Missouri asks unanimous consent that the sections of the bill be renumbered to correspond to the amendments that have been made. Is there objection?

There was no objection.

Mr. RUCKER. Now, Mr. Chairman, I ask that we recur to section 3 for the purpose of offering an amendment.

The CHAIRMAN. Section 3 was passed over, and the gentleman from Missouri offers an amendment to it, which the Clerk will report.

The Clerk read as follows:

Page 3, line 19, after the word "committee," insert "the actual expenses of maintenance of committee headquarters."

The amendment was agreed to.

Mr. GOOD. Mr. Chairman, I offer an amendment as a new section.

The CHAIRMAN. The gentleman from Iowa offers an amendment, which the Clerk will report.

Mr. FOSTER. Mr. Chairman, a parliamentary inquiry. Where does this amendment come in?

Mr. GOOD. At the end of line 21, page 3.

Mr. FOSTER. How does it come that we return to this section?

Mr. RUCKER. When we reached section 3 there was some discussion with reference to one provision of it, and we passed it over with unanimous consent to return to it.

The CHAIRMAN. The gentleman from Iowa offers an amendment, which the Clerk will report.

The Clerk read as follows:

Amendment by Mr. GOOD:

"At the end of line 21, page 3, insert as a new section the following:

"'Any political advertisement contained in any newspaper shall, when published, contain the name of the committee, person, firm, or corporation who has caused the same to be published, and who has paid or agreed to pay for the publication thereof.'"

Mr. GOOD. Mr. Chairman, this amendment is along the line of many of the provisions of the publicity law and of this bill that we are considering. The amendment which I have offered simply provides that when any newspaper publishes a political advertisement, that advertisement shall contain the name of the person or committee that has paid for it or agreed to pay for it. For example, if any corporation desires to defeat a Member of Congress or a Senator, and inserts an advertisement in a newspaper without putting any name to the advertisement, but simply the words "Democratic committee" or "Republican committee" or "Progressive committee," nobody knows who has inserted that advertisement. The public mind is poisoned, but nobody is liable for the publication. The amendment which I have offered simply provides that the person or political party that inserts it and pays for it or agrees to pay for it shall have the name thereof printed at the bottom of the advertisement.

Mr. COX. Will the gentleman yield for a question?

Mr. GOOD. Certainly.

Mr. COX. Without a provision such as the gentleman proposes, it is perfectly possible, is it not, for newspapers to print editorials attacking candidates right and left, but if the gentleman's amendment is agreed to, then the name of the writer must be disclosed.

Mr. GOOD. I do not believe my amendment would apply to an editorial.

Mr. COX. It ought to.

Mr. GOOD. The editor of the newspaper is supposed to be the author of an editorial, but under the law now, when a political advertisement is printed in a newspaper, the law compels the newspaper to print at the head of that advertisement the words "Political advertisement." Now it is only to those advertisements that this amendment would refer.

Mr. COX. Suppose I write an editorial assailing my opponent, and the editor prints it as an editorial. The ordinary average reader of that paper understands that the editor of the paper has done it. Does not the gentleman think that my name ought to be attached?

Mr. GOOD. We should be able to reach such conditions, but I doubt if such a provision would be germane to this bill.

Mr. COX. I hope it will be. I know of just such instances as that.

Mr. FESS. Mr. Chairman, I move to strike out the last word. I want to be courteous to the chairman of this committee, and I am not going to say anything that will embarrass him or any Member of the House. I want to call attention to the statement of my friend from Pennsylvania [Mr. KELLY], in which he said——

Mr. DONOVAN. Mr. Chairman——

Mr. FESS. I refuse to yield to the gentleman.

Mr. DONOVAN. I wish to make the point of order that the gentleman from Ohio is not talking to the matter before the committee, which is the amendment of the gentleman from Iowa [Mr. GOOD].

Mr. KELLY of Pennsylvania. I hope the gentleman will withdraw that point of order.

Mr. DONOVAN. We have had enough of that.

Mr. FESS. The gentleman from Pennsylvania said he did not use a name that he did use. It is in the RECORD.

The CHAIRMAN. The gentleman from Connecticut makes the point of order that the gentleman from Ohio is not discussing the pending amendment. The gentleman from Ohio will proceed in order.

Mr. RAKER. I move that the gentleman from Ohio be permitted to proceed.

Mr. BUTLER. I ask unanimous consent that the gentleman from Ohio [Mr. FESS] may have five minutes——

Mr. FESS. Two minutes.

Mr. BUTLER. That the gentleman from Ohio may have two minutes, in which he may say what he pleases.

The CHAIRMAN. The gentleman from Pennsylvania [Mr. BUTLER] asks unanimous consent that the gentleman from Ohio [Mr. FESS] may have two minutes to proceed as he desires in this discussion. Is there objection?

There was no objection.

Mr. FESS. Mr. Chairman, I understand that my friend from Pennsylvania [Mr. KELLY] says that he did not use any name. He certainly did, and it is in the RECORD, and that is why I rise. I should not have risen for any other reason, except that he mentioned the name of a distinguished man.

Mr. KELLY of Pennsylvania. Mr. Chairman, I want to say that I did not use the name of J. B. Foraker at first, but I did at last. To resolve all doubts, I say it now. The man I meant was ex-Senator J. B. Foraker, of Ohio.

Mr. HUMPHREY of Washington. Will the gentleman yield?

Mr. FESS. I can not yield. I will allow the membership of this House to look upon that statement according to its own sense of honor and judgment. I am not standing here supporting any man in Ohio for Senator. One of the candidates for Senator was a student of mine in the university for four years, and he was not the man named. I am not standing here defending a man for Senatorship, but I believe the fairness of this House on both sides will refuse to allow the name of a distinguished man to be brought in in the connection that it has been brought by my friend from Pennsylvania. The facts will come before the people at the proper time. The people probably will decide. The difference between myself and my friend is that he is living upon the evils that he can find in men and the imaginary ones that he can find in candidates. You never heard me speak against the personality of any candidate. I do not have to. I can build my political theory on the virtues of men and not upon the weaknesses of men. If you feel that your political career must depend upon your looking for the spots on the sun and not the good that is in the people, you can go that way, but I will not go with you. I propose to stand for the honor of men, and I certainly will refuse to stand here and listen to a friend maligned without a hearing. [Applause.]

Mr. KELLY of Pennsylvania. Mr. Chairman, I ask unanimous consent to proceed for two minutes.

The CHAIRMAN. The gentleman from Pennsylvania asks unanimous consent to proceed for two minutes. Is there objection?

There was no objection.

Mr. KELLY of Pennsylvania. Mr. Chairman, the gentleman from Ohio asked me the question as to whom I referred in a general statement as one of those scourged out of public office, and I answered him. That was the reason the name was brought into the controversy. Now he takes opportunity to make criticisms on my political theories and my attitude on public questions and on officeholders. He says that he looks for the honor and the bright spots, and that I seem to be looking for dishonor and sun spots. I say to you that the gentleman from Ohio, from his statements and vote to-day on the proposition of political committees, is attempting to cover up dishonor instead of looking for honor. [Applause.]

The gentleman is attempting to skin over the ulcers in the body politic; he is attempting to put sticking plaster over evils that are eating out the heart of the Nation in corruption, and criticizes anyone who dares to probe down and see the evils as they actually are. [Applause.]

I want to say, Mr. Chairman and gentlemen, that I, too, am willing to leave to the House to judge as to my attitude on this matter which is under consideration. The gentleman voted against having national committees put contributions and contributors out in the view of the people, and he did it logically and consistently, because he stands against publicity of the conduct of this Government. He does not believe in the people knowing what their representatives are doing, because they might otherwise lose something of the sacredness which he would have halo public men of any kind. I do not believe in that kind of government. I believe that every public official should stand on his merits as a public servant. When he betrays the people and proves a traitor to their interests, when he puts his hand out for bribes, or when his hands are covered with the stain and grime of political corruption, I believe in making that fact known and letting a little sunlight have a chance to prove its wholesome influence. [Applause.]

The CHAIRMAN. The time of the gentleman from Pennsylvania has expired.

Mr. DONOVAN. I call for the regular order.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Iowa [Mr. GOOD].

The question was taken, and the amendment was agreed to.

Mr. RUCKER. Mr. Chairman, I move that the committee do now rise and report the bill to the House with the recommendation that the amendments be agreed to and that the bill as amended do pass.

The motion was agreed to.

Accordingly the committee rose; and the Speaker having resumed the chair, Mr. CLINE, Chairman of the Committee of the Whole House on the state of the Union, reported that that committee had had under consideration the bill (H. R. 8428) to codify, revise, and amend the laws relating to publicity of contributions and expenditures made for the purpose of influencing the nomination and election of candidates for the offices of Representative and Senator in the Congress of the United States, limiting the amount of campaign expenses, and for other purposes, and had directed him to report the same back with sundry amendments, with the recommendation that the amendments be agreed to and that the bill as amended do pass.

The SPEAKER. Is a separate vote demanded on any amendment?

Mr. BURKE of South Dakota. Mr. Speaker, a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. BURKE of South Dakota. How long am I entitled to recognition?

The SPEAKER. On what?

Mr. BURKE of South Dakota. I want to discuss this bill.

Mr. RUCKER. Mr. Speaker——

Mr. BURKE of South Dakota. Mr. Speaker, I have the floor. I addressed the Chair and was recognized.

The SPEAKER. The gentleman was recognized for a parliamentary inquiry.

Mr. BURKE of South Dakota. I rose and asked for recognition, was recognized, and then asked the Chair how long I was entitled to the floor.

The SPEAKER. The gentleman simply rose for a parliamentary inquiry.

Mr. BURKE of South Dakota. I think the Chair is mistaken.

The SPEAKER. That is the way the Chair recognized the gentleman.

Mr. RUCKER. Mr. Speaker, I move the previous question on the bill and amendments to final passage.

Mr. BURKE of South Dakota. Mr. Speaker, there are a number of gentlemen around me who will sustain me in my statement.

The SPEAKER. In what?

Mr. BURKE of South Dakota. That I rose and was recognized.

The SPEAKER. The gentleman rose and was recognized to make a parliamentary inquiry.

Mr. BURKE of South Dakota. But the Chair is mistaken.

The SPEAKER. The Chair is not mistaken.

Mr. BURKE of South Dakota. Very well. The Chair, of course, is supreme.

The SPEAKER. There can not be any two opinions about it. The gentleman rose and stated that he wanted to make a parliamentary inquiry.

Mr. BURKE of South Dakota. The Chair did not hear the gentleman from South Dakota, because the gentleman rose and was recognized by the Chair.

The SPEAKER. For what purpose?

Mr. BURKE of South Dakota. He stated he desired to address the Chair upon this bill.

The SPEAKER. He stated he desired to make a parliamentary inquiry.

Mr. GARNER. Mr. Speaker, the Speaker has the right to inquire for what purpose a gentleman addresses the Chair, and if the Chair did not even ask that question, he still has that prerogative.

Mr. BURKE of South Dakota. Mr. Speaker, I would like to submit a further parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. BURKE of South Dakota. Would I not be entitled to the floor in getting recognition from the Chair when no other gentleman was claiming the floor? The gentleman from Missouri [Mr. RUCKER] remained in his seat.

The SPEAKER. The Chair does not know anything about what the gentleman from Missouri was doing.

Mr. RUCKER. The gentleman from South Dakota does not know that either.

The SPEAKER. When a gentleman rises to make a parliamentary inquiry he is not recognized for debate.

Mr. BURKE of South Dakota. I did not rise to make a parliamentary inquiry.

The SPEAKER. That is what the gentleman said he rose for.

Mr. BURKE of South Dakota. No; the Chair is mistaken.

The SPEAKER. Then what did the gentleman get up for?

Mr. BURKE of South Dakota. I got up to demand recognition, and was given recognition.

The SPEAKER. Did not the gentleman from South Dakota make a parliamentary inquiry?

Mr. BURKE of South Dakota. After he got recognition he did, and asked the Chair for how long he was entitled to the floor.

The SPEAKER. If the gentleman is entitled to the floor at all, he is entitled to it for one hour.

Mr. BURKE of South Dakota. That is the point exactly.

Mr. GARNER. Mr. Speaker, the general procedure here—and it has been so ever since I have been a Member of the House—is for the Chair to recognize the gentleman in charge of the bill. Certainly the Speaker would not have recognized the gentleman from South Dakota [Mr. BURKE] to have taken the place of the gentleman from Missouri [Mr. RUCKER], he being in charge of the bill, and even if the Speaker did recognize the gentleman without stating for what purpose, in the order of procedure ever since I have been a Member of the House the proper person to recognize is the gentleman in charge of the bill. I do not think the gentleman from South Dakota [Mr. BURKE] ought to complain if the Chair insists that he has the right to recognize the gentleman in charge of the bill.

Mr. BURKE of South Dakota. The gentleman from Missouri was not seeking recognition.

Mr. RUCKER. Mr. Speaker, he was seeking recognition, and the gentleman from Ohio [Mr. GORDON] came here and spoke to him while the Speaker was stating the report of the Chairman of the Committee of the Whole.

Mr. UNDERWOOD. Mr. Speaker, I demand the regular order.

Mr. GARDNER. Mr. Speaker, I would like to be heard upon the point of order.

The SPEAKER. The Chair will hear the gentleman for a minute.

Mr. GARDNER. Mr. Speaker, the gentleman from South Dakota [Mr. BURKE] was entitled to recognition for debate for one hour, inasmuch as the previous question was not moved. The moment the Chair says "The gentleman from South Dakota," he is entitled to that one hour in debate. It is a question of the minutes, and the minutes as taken down by the reporter will decide whether the Chair did recognize the gentleman from South Dakota. The fact that after that he asked for how long he was entitled to the floor has nothing to do with the fact that he was entitled to the floor after he had been recognized in default of the gentleman from Missouri [Mr. RUCKER], that gentleman having forgotten to move the previous question.

Mr. RUCKER. Mr. Speaker, the gentleman from Massachusetts is entirely gratuitous in his remarks.

The SPEAKER. The Chair would like to ask the gentleman from Massachusetts a question. Suppose the gentleman from Massachusetts should rise and say, "Mr. Speaker, a parliamentary inquiry," and the Speaker should say, "The gentleman from Massachusetts—the gentleman will state it," does the gentleman claim that he is recognized for any other purpose except the parliamentary inquiry?

Mr. GARDNER. Certainly not, Mr. Speaker.

The SPEAKER. The Chair will ask the Reporter to produce the report of what did occur.

Mr. BURKE of South Dakota. Mr. Speaker, I do not wish to embarrass the Chair. I know the Chair desires and intends to be absolutely fair. I am quite willing to yield the floor and let the gentleman from Missouri move the previous question.

The SPEAKER. Does the gentleman propose, then, to claim the right to debate?

Mr. BURKE of South Dakota. Certainly not; but the gentleman sat in his seat, and the Speaker said, "Is a separate vote demanded on any amendment?"

The SPEAKER. The Chair desires to decide this question according to what is right. Here is a report of what occurred:

Mr. BURKE of South Dakota. Mr. Speaker, a parliamentary inquiry——

Mr. BURKE of South Dakota. But it occurred before that, Mr. Speaker.

The SPEAKER. This is all that has been handed to the Chair.

Mr. BURKE of South Dakota. Then the Reporter has not furnished the Chair with all of it. I do not wish to delay the House. I am perfectly willing to let the gentleman make his motion.

Mr. RUCKER. Mr. Speaker, I want to announce that the gentleman from Missouri is now upon his feet, and I hope the gentleman from South Dakota will take cognizance of that fact. I move the previous question on the bill and amendments to final passage.

Mr. BURKE of South Dakota. I am willing to yield the floor.

The SPEAKER. The Chair will ask the gentleman to withhold his motion for a moment, as he desires to decide this question according to the right of it.

Mr. RUCKER. At any rate, I understand the gentleman from South Dakota to yield the floor.

The SPEAKER. The Reporter says this is all there is to it:

Mr. BURKE of South Dakota. Mr. Speaker, a parliamentary inquiry.
The SPEAKER. The gentleman will state it.
Mr. BURKE of South Dakota. How long am I entitled to recognition?
The SPEAKER. On what?
Mr. BURKE of South Dakota. I want to discuss the bill.

And then the gentleman from Missouri [Mr. RUCKER] chipped in.

Mr. BURKE of South Dakota. Would I have asked the question, "How long am I entitled to recognition?" as a parliamentary inquiry if I had not already been recognized?

The SPEAKER. The Chair knows, but the Reporter says this is the beginning and end of it.

Mr. BURKE of South Dakota. The Reporter is wrong about it.

The SPEAKER. That may possibly be. The Chair was dead sure that they were wrong here the other day about a statement, and the Chair thinks so yet as far as that is concerned.

Mr. BURKE of South Dakota. I certainly would not rise to make a parliamentary inquiry to ascertain how long I was entitled to the floor before I got the floor. Now, the fact was that the Chair said, "Is a separate vote demanded upon any amendment?" The gentleman from Missouri [Mr. RUCKER] sat in his seat. No gentleman was seeking recognition. I rose, the Chair recognized me, and when I was recognized I submitted a parliamentary inquiry to know how long I was entitled to recognition in order to determine it beyond any question, and that is for one hour. The previous question had not been ordered.

The SPEAKER. The Chair will give the gentleman the benefit of the doubt, and he will recognize the gentleman for an hour.

Mr. BURKE of South Dakota. I thank the Speaker, and now I yield the floor to the gentleman from Missouri. [Applause.]

Mr. RUCKER. Mr. Speaker, I move the previous question on the bill and all amendments to final passage.

The SPEAKER. The gentleman from Missouri moves the previous question on the bill and amendments to final passage.

The previous question was ordered.

The SPEAKER. Is a separate vote demanded on any amendment? If not, the Chair will put them in gross.

The question was taken, and the amendments were agreed to.

Mr. RAKER. Mr. Speaker, a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. RAKER. At what stage of the proceedings is a motion to recommit permissible?

The SPEAKER. After the engrossment and third reading; that is the practice. Of course it can be done before if you want to do so, but the practice is to do it that way.

The bill was ordered to be engrossed and read a third time, was read the third time.

Mr. RAKER. Mr. Speaker, I move to recommit the bill (H. R. 8428) to codify, revise, and amend the laws relating to publicity of contributions and expenditures made for the purpose of influencing the nomination and election of candidates for the offices of Representative and Senator in the Congress of the United States, limiting the amount of campaign expenses, and for other purposes, with instructions to the committee to strike out, in line 16, page 7, the words "in two or more States," and report it back forthwith to the House.

Mr. RUCKER. Mr. Speaker, a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. RUCKER. Mr. Speaker, is it competent for any Member who is not opposed to the bill to move to recommit?

The SPEAKER. Yes; it goes this way: The minority—of course it does not mean a political minority, but the minority of the opposition—has the first right to recognition. If nobody qualifies absolutely, then the Chair tries to find the man who comes nearest to qualifying. Is the gentleman from California opposed to this bill or not?

Mr. RAKER. I am in favor of the bill, but I am opposed to those words, and I would like to get them stricken out if I can.

Mr. RUCKER. That is a question I suggest on which the gentleman could have had a separate vote. It was voted on in the committee.

The SPEAKER. The Chair is not speaking about the merits of the matter. Unless some gentleman is absolutely opposed to this bill and wants to make the motion to recommit, the gentleman from California comes as near qualifying as anybody would now——

Mr. RUCKER. Mr. Speaker, I move the previous question on the gentleman's motion.

The SPEAKER. Well, now, the gentleman has not finished and the Clerk has not reported it yet, and then the Chair will recognize the gentleman to move the previous question. The Clerk will report the motion to recommit. Will the gentleman from California send the motion to recommit to the Clerk?

Mr. RAKER. I do not have it in writing.

Mr. MADDEN. Regular order, Mr. Speaker.

The SPEAKER. The Clerk will report the motion to recommit.

The Clerk read as follows:

Mr. RAKER moves to recommit the bill with instruction to the committee to amend the bill, on page 7, in line 16, by striking out the words "in two or more States" and to report the same back to the House forthwith.

Mr. RAKER. Mr. Speaker——

Mr. WINGO. Mr. Speaker——

Mr. RUCKER. Mr. Speaker, I move the previous question on the motion to recommit. A parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. RUCKER. Is there any way to keep gentlemen from speaking to me just at the time when I ought to move the previous question?

The SPEAKER. No; there is no way of preventing that. The gentleman from Missouri moves the previous question.

Mr. RAKER. Mr. Speaker——

The SPEAKER. For what purpose does the gentleman rise?

Mr. RAKER. To make a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. RAKER. While the gentleman from California has the floor is not the gentleman in a position to be recognized?

The SPEAKER. Recognized for what?

Mr. RAKER. After the motion is made, can not the gentleman——

The SPEAKER. Oh, the gentleman in charge of the bill is entitled to prior recognition if he gets up. [Laughter.] The Chair is not a mind reader, and can not tell what gentlemen want to do.

Mr. WINGO. Mr. Speaker, a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. WINGO. The gentleman from Arkansas having been on his feet demanding recognition while the gentleman from Missouri was in his seat, is not the gentleman from Arkansas entitled to recognition?

The SPEAKER. Why, no; the gentleman from California was entitled to prior recognition over the gentleman from Arkansas.

Mr. WINGO. Yes; but the gentleman from California and the gentleman from Missouri were both in their seats engaged in earnest conversation with their colleagues.

The SPEAKER. Why, the gentleman from California was up claiming the floor. The universal practice is that if the Chair gets a chance he recognizes the gentleman in charge of the bill to expedite the business of the House, and the gentleman from Missouri has made a motion for the previous question.

Mr. WINGO. Mr. Speaker, a parliamentary inquiry. The basis of the rule being to expedite the business of the House, if the chairman of the committee is negligent and defeats the object of the rule, would he not lose the floor?

Mr. RUCKER. Mr. Speaker, I object to being reprimanded, and will not submit to being reprimanded by the gentleman from Arkansas. I want that understood. [Laughter.]

The SPEAKER. The question is on ordering the previous question.

The question was taken, and the Speaker announced that the ayes seemed to have it.

Mr. WINGO. Division, Mr. Speaker.

The House divided; and there were—ayes 96, noes 2.

Mr. WINGO. Mr. Speaker, I make the point of order that there is no quorum present.

The SPEAKER. The gentleman from Arkansas makes the point that no quorum is present, and evidently there is not. The Doorkeeper will close the doors, the Sergeant at Arms will notify the absentees, and the Clerk will call the roll. On the roll call the vote will be on the motion for the previous question, and those in favor of ordering the previous question will vote "yea" and those opposed will vote "nay."

The question was taken; and there were—yeas 202, nays 12, answered "present" 7, not voting 212, as follows:

YEAS—202.

Abercrombie	Donovan	Hinebaugh	Porter
Adamson	Doolittle	Holland	Quin
Aiken	Doremus	Howell	Ragsdale
Alexander	Doughton	Hughes, Ga.	Raker
Allen	Drukker	Humphrey, Wash.	Rayburn
Ansberry	Dupré	Igoe	Reed
Aswell	Eagan	Jacoway	Reilly, Wis.
Avis	Eagle	Johnson, Ky.	Roberts, Nev.
Baker	Esch	Johnson, S. C.	Rogers
Baltz	Evans	Johnson, Utah	Rouse
Barchfeld	Faison	Jones	Rubey
Barkley	Falconer	Kahn	Rucker
Barton	Farr	Kelly, Pa.	Rupley
Bathrick	Fergusson	Kennedy, Conn.	Russell
Beakes	Fess	Kennedy, Iowa	Saunders
Bell, Cal.	Finley	Kent	Scott
Bell, Ga.	FitzHenry	Kettner	Seldomridge
Booher	Floyd, Ark.	Kiess, Pa.	Sherwood
Bowdle	Foster	Kindel	Sims
Britten	Fowler	Kinkaid, Nebr.	Sinnott
Brockson	Francis	Kirkpatrick	Smith, Idaho.
Brodbeck	Frear	Konop	Smith, Saml. W.
Broussard	Gallivan	Korbly	Smith, Minn.
Brown, N. Y.	Gard	La Follette	Stedman
Brumbaugh	Gardner	Lee, Pa.	Stephens, Cal.
Buchanan, Tex.	Garner	Lenroot	Stephens, Miss.
Burgess	Garrett, Tenn	Lesher	Stephens, Tex.
Burke, S. Dak.	Gill	Lewis, Md.	Stevens, Minn.
Burke, Wis.	Godwin, N. C.	Lindbergh	Stone
Byrnes, S. C.	Goeke	Linthicum	Stout
Byrns, Tenn.	Good	Lloyd	Taggart
Campbell	Gordon	Logue	Talcott, N. Y.
Candler, Miss.	Graham, Ill.	Lonergan	Taylor, Ark.
Cantor	Gray	Madden	Taylor, Colo.
Carlin	Green, Iowa	Maguire, Nebr.	Taylor, N. Y.
Carr	Greene, Mass.	Manahan	Temple
Claypool	Greene, Vt.	Mapes	Ten Eyck
Cline	Gregg	Miller	Thacher
Coady	Hamilton, Mich.	Mitchell	Towner
Connelly, Kans.	Hamlin	Mondell	Townsend
Connolly, Iowa	Hammond	Moon	Tribble
Cox	Hardy	Moore	Tuttle
Cullop	Harris	Morgan, Okla.	Volstead
Curry	Harrison	Morrison	Watson
Davis	Haugen	Murray, Mass.	Webb
Dent	Hawley	Neely, W. Va.	Williams
Dershem	Hayden	Padgett	Wilson, N. Y.
Dickinson	Helgesen	Page, N. C.	Witherspoon
Difenderfer	Helm	Park	Woodruff
Dixon	Helvering	Phelan	
Donohoe	Hensley	Platt	

NAYS—12.

Bryan	French	Keating	Tavenner
Cramton	Garrett, Tex.	Nolan, J. I.	Thomson, Ill.
Dillon	Howard	Sisson	Wingo

ANSWERED "PRESENT"—7.

Butler	Glass	Taylor, Ala.	Watkins
Flood, Va.	Sloan	Underwood	

NOT VOTING—212.

Adair	Anthony	Bailey	Bartlett
Ainey	Ashbrook	Barnhart	Beall, Tex.
Anderson	Austin	Bartholdt	Blackmon

Borchers	Gillett	Loft	Reilly, Conn.
Borland	Gilmore	McAndrews	Riordan
Brown, W. Va.	Gittins	McClellan	Roberts, Mass.
Browne, Wis.	Goldfogle	McCoy	Rothermel
Browning	Goodwin, Ark.	McDermott	Sabath
Bruckner	Gorman	McGillicuddy	Scully
Buchanan, Ill.	Goulden	McGuire, Okla.	Sells
Bulkley	Graham, Pa.	McKellar	Shackleford
Burke, Pa.	Griest	McKenzie	Sharp
Burnett	Griffin	McLaughlin	Sherley
Calder	Gudger	MacDonald	Shreve
Callaway	Guernsey	Mahan	Slayden
Cantrill	Hamill	Maher	Slemp
Caraway	Hamilton, N. Y.	Mann	Small
Carew	Hardwick	Martin	Smith, J. M. C.
Carter	Hart	Merritt	Smith, Md.
Cary	Hay	Metz	Smith, N. Y.
Casey	Hayes	Montague	Smith, Tex.
Chandler, N. Y.	Heflin	Morgan, La.	Sparkman
Church	Henry	Morin	Stafford
Clancy	Hill	Moss, Ind.	Stanley
Clark, Fla.	Hinds	Moss, W. Va.	Steenerson
Collier	Hobson	Mott	Stephens, Nebr.
Conry	Houston	Murdock	Stevens, N. H.
Cooper	Hoxworth	Murray, Okla.	Stringer
Copley	Hughes, W. Va.	Neeley, Kans.	Sumners
Covington	Hulings	Nelson	Sutherland
Crisp	Hull	Norton	Switzer
Crosser	Humphreys, Miss.	O'Brien	Talbott, Md.
Dale	Johnson, Wash.	Oglesby	Thomas
Danforth	Keister	O'Hair	Thompson, Okla.
Davenport	Kelley, Mich.	Oldfield	Treadway
Decker	Kennedy, R. I.	O'Leary	Underhill
Deitrick	Key, Ohio	O'Shaunessy	Vare
Dies	Kinkead, N. J.	Paige, Mass.	Vaughan
Dooling	Kitchin	Palmer	Vollmer
Driscoll	Knowland, J. R.	Parker	Walker
Dunn	Kreider	Patten, N. Y.	Wallin
Edmonds	Lafferty	Patton, Pa.	Walsh
Edwards	Langham	Payne	Walters
Elder	Langley	Peters, Mass.	Weaver
Estopinal	Lazaro	Peters, Me.	Whaley
Fairchild	Lee, Ga.	Peterson	Whitacre
Ferris	L'Engle	Plumley	White
Fields	Lever	Post	Willis
Fitzgerald	Levy	Pou	Wilson, Fla.
Fordney	Lewis, Pa.	Powers	Winslow
Gallagher	Lieb	Prouty	Woods
George	Lindquist	Rainey	Young, N. Dak.
Gerry	Lobeck	Rauch	Young, Tex.

So the previous question was ordered.

The Clerk announced the following pairs:

For the session:

Mr. UNDERWOOD with Mr. MANN.

Mr. BARTLETT with Mr. BUTLER.

Mr. SCULLY with Mr. BROWNING.

Mr. METZ with Mr. WALLIN.

Until August 4:

Mr. WEAVER with Mr. SLOAN.

Until further notice:

Mr. CLANCY with Mr. HAMILTON of New York.

Mr. GLASS with Mr. SLEMP.

Mr. FIELDS with Mr. LANGLEY.

Mr. MONTAGUE with Mr. PLUMLEY.

Mr. MOSS of Indiana with Mr. SELLS.

Mr. HARDWICK with Mr. J. R. KNOWLAND.

Mr. YOUNG of Texas with Mr. AINEY.

Mr. BLACKMON with Mr. AUSTIN.

Mr. ELDER with Mr. KREIDER.

Mr. DEITRICK with Mr. HAYES.

Mr. CALLAWAY with Mr. EDMONDS.

Mr. ASHBROOK with Mr. BARTHOLDT.

Mr. GOLDFOGLE with Mr. LANGHAM.

Mr. EDWARDS with Mr. KENNEDY of Rhode Island.

Mr. PATTEN of New York with Mr. NORTON.

Mr. VAUGHAN with Mr. SHREVE.

Mr. STEPHENS of Nebraska with Mr. LEWIS of Pennsylvania.

Mr. LAZARO with Mr. PARKER.

Mr. SABATH with Mr. SWITZER.

Mr. BARNHART with Mr. ANDERSON.

Mr. SHACKLEFORD with Mr. ROBERTS of Massachusetts.

Mr. NEELEY of Kansas with Mr. PAIGE of Massachusetts.

Mr. MCDERMOTT with Mr. GRIEST.

Mr. DAVENPORT with Mr. J. M. C. SMITH.

Mr. SLAYDEN with Mr. BURKE of Pennsylvania.

Mr. HENRY with Mr. HINDS.

Mr. MCGILLICUDDY with Mr. GUERNSEY.

Mr. SMITH of Texas with Mr. YOUNG of North Dakota.

Mr. DALE with Mr. MARTIN.

Mr. HUMPHREYS of Mississippi with Mr. LINDQUIST.

Mr. TAYLOR of Alabama with Mr. HUGHES of West Virginia.

Mr. CANTRILL with Mr. COPLEY.

Mr. WILSON of Florida with Mr. MCKENZIE.

Mr. LIEB with Mr. LAFFERTY.

Mr. LEVER with Mr. MOTT.

Mr. CASEY with Mr. GRAHAM of Pennsylvania.

Mr. THOMAS with Mr. FAIRCHILD.

Mr. WATKINS with Mr. DUNN.

Mr. WHALEY with Mr. MOSS of West Virginia.

Mr. TALBOTT of Maryland with Mr. MERRITT.

Mr. RIORDAN with Mr. WALTERS.

Mr. REILLY of Connecticut with Mr. WILLIS.

Mr. RAINEY with Mr. TREADWAY.

Mr. PALMER with Mr. PAYNE.

Mr. HEFLIN with Mr. MCGUIRE of Oklahoma.

Mr. FINLEY with Mr. KEISTER.

Mr. BULKLEY with Mr. CALDER.

Mr. BUCHANAN of Illinois with Mr. COOPER.

Mr. BRUCKNER with Mr. BROWNE of Wisconsin.

Mr. MORGAN of Louisiana with Mr. PETERS of Maine.

Mr. HAY with Mr. WINSLOW.

Mr. ADAIR with Mr. CHANDLER of New York.

Mr. BURNETT with Mr. DANFORTH.

Mr. CARTER with Mr. ANTHONY.

Mr. CLARK of Florida with Mr. GILLETT.

Mr. COLLIER with Mr. JOHNSON of Washington.

Mr. CONRY with Mr. HULINGS.

Mr. FERRIS with Mr. CARY.

Mr. GOODWIN of Arkansas with Mr. MACDONALD.

Mr. HULL with Mr. MCLAUGHLIN.

Mr. KITCHIN with Mr. NELSON.

Mr. LEE of Georgia with Mr. PATTON of Pennsylvania.

Mr. LEVY with Mr. POWERS.

Mr. LOBECK with Mr. PROUTY.

Mr. OLDFIELD with Mr. SUTHERLAND.

Mr. SMALL with Mr. MORIN.

Mr. SPARKMAN with Mr. VARE.

Mr. STEPHENS of Texas with Mr. WOODS.

Mr. MCKELLAR with Mr. STEENERSON.

Mr. UNDERWOOD. Mr. Speaker, I am paired with the gentleman from Illinois, Mr. MANN. I understand that he did not vote. I voted "aye," but I desire to withdraw my vote and answer "present."

The SPEAKER. The Clerk will call the gentleman's name.

The Clerk called the name of Mr. UNDERWOOD, and he answered "Present."

The result of the vote was announced as above recorded.

The SPEAKER. A quorum is present. The Doorkeeper will open the doors. The previous question on the motion to recommit is ordered. The question is on the motion to recommit.

Mr. WINGO. Mr. Speaker, a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. WINGO. The previous question having been ordered on the motion to recommit offered by the gentleman from California [Mr. RAKER], that shuts out the amendment that I had to his amendment, so that I have no right to offer it?

The SPEAKER. It shuts out all amendments and all substitutes. The question is on the motion to recommit.

Mr. RAKER. Mr. Speaker, a division

The SPEAKER. The gentleman from California [Mr. RAKER] asks for a division. Those in favor of the motion to recommit will rise and stand until they are counted. [After counting.] Sixty-three gentlemen have arisen in the affirmative. The ayes will be seated, and those opposed will rise and stand until they are counted. [After counting.] Eighty gentlemen have arisen in the negative.

Mr. RAKER. Mr. Speaker, I demand the yeas and nays.

The SPEAKER. The gentleman from California [Mr. RAKER] demands the yeas and nays. Those in favor of ordering the yeas and nays will rise and stand until they are counted. [After counting.] Thirty-three gentlemen have arisen—a sufficient number—and the Clerk will call the roll.

Mr. RUCKER Mr. Speaker, I demand the other side.

The SPEAKER. The other side is demanded. Those opposed to taking this vote by yeas and nays will rise and stand until they are counted. [After counting.] Ninety-eight gentlemen have arisen in the negative. Thirty-three is a sufficient number, and the Clerk will call the roll.

Mr. THOMSON of Illinois. Mr. Speaker, may we have the motion reported again?

The SPEAKER. Without objection, the motion to recommit will again be reported.

Mr. QUIN. Mr. Speaker, I rise to a point of order.

The SPEAKER. The gentleman will state it.

Mr. QUIN. Does it not take 219?

The SPEAKER. No; it takes a fifth of those present, and so far as the Chair knows——

Mr. QUIN. The RECORD shows 219.

The SPEAKER. The Chair knows; but the gentleman from Missouri [Mr. RUCKER] demanded the other side, and the Chair made a count. It is absolutely conclusive.

Mr. RAKER. Mr. Speaker, the motion is to recommit the bill H. R. 8428, with instructions to report the same back——

Mr. RUCKER. Mr. Speaker, a question of order.

The SPEAKER. The gentleman will state it.

Mr. RUCKER. I understand this is not a matter open to debate.

The SPEAKER. The gentleman from California is not debating it. The gentleman from Illinois [Mr. THOMSON] asked that the amendment be again reported.

Mr. RUCKER. I would like to have it reported from the desk.

The SPEAKER. It has gone down to the Reporter's room, and the gentleman from California [Mr. RAKER] was trying to help the House along by reading it himself. The gentleman will send it up to the Clerk's desk.

Mr. RAKER. I want the Clerk not to read what I scratch out. [Laughter.]

The SPEAKER. In the meantime the motion has been returned from the Reporter's room, and the Clerk will report it.

The Clerk read as follows:

Mr. RAKER moves to recommit the bill, with instructions to the committee to amend the bill on page 7, in line 16, by striking out the words "in two or more States" and to report the same back to the House forthwith.

The SPEAKER. The Clerk will call the roll. Those in favor of the motion to recommit will, when their names are called, answer "yea"; those opposed will answer "nay."

The question was taken; and there were—yeas 104, nays 102, answered "present" 6, noted present by the Clerk 8, not voting 214, as follows:

YEAS—104.

Abercrombie	Evans	Kahn	Reilly, Wis.
Allen	Falconer	Keating	Roberts, Nev.
Avis	Farr	Kelly, Pa.	Rogers
Barton	Fergusson	Kennedy, Iowa	Rupley
Bathrick	FitzHenry	Kettner	Scott
Beakes	Foster	Kiess, Pa.	Seldomridge
Bell, Cal.	Fowler	Kindel	Sherwood
Britten	French	Kinkaid, Nebr.	Sinnott
Brown, N. Y.	Gallivan	Konop	Smith, Idaho
Bryan	Gardner	La Follette	Smith, Saml. W.
Burke, S. Dak.	Goeke	Lee, Pa.	Smith, Minn.
Burke, Wis.	Good	Lenroot	Stephens, Cal.
Carlin	Gray	Lindbergh	Stevens, Minn.
Carr	Green, Iowa	Logue	Stone
Connelly, Kans.	Greene, Vt.	Lonergan	Taggart
Cox	Hamilton, Mich.	Madden	Tavenner
Cramton	Hardy	Manahan	Taylor, Colo.
Davis	Hawley	Mapes	Taylor, N. Y.
Dersham	Hayden	Miller	Temple
Difenderfer	Helvering	Mitchell	Thomson, Ill.
Dillon	Hinebaugh	Morgan, Okla.	Towner
Donohoe	Howard	Murray, Mass.	Volstead
Donovan	Howell	Nolan, J. I.	Watson
Doolittle	Igoe	Phelan	Williams
Eagan	Johnson, Ky.	Porter	Wingo
Esch	Johnson, Utah	Raker	Woodruff

NAYS—102.

Adamson	Dent	Harris	Park
Aiken	Dickinson	Harrison	Platt
Alexander	Dixon	Helm	Quin
Ansberry	Doremus	Hensley	Ragsdale
Aswell	Doughton	Holland	Reed
Baker	Drukker	Houston	Rouse
Baltz	Dupré	Hughes, Ga.	Rubey
Barchfeld	Eagle	Humphrey, Wash.	Rucker
Barkley	Faison	Jacoway	Russell
Bell, Ga.	Ferris	Johnson, S. C.	Saunders
Booher	Fess	Kennedy, Conn.	Sims
Bowdle	Flood, Va.	Kent	Sisson
Brockson	Floyd, Ark.	Kirkpatrick	Stedman
Brodbeck	Francis	Korbly	Stephens, Miss.
Brumbaugh	Garner	Lesher	Talcott, N. Y.
Buchanan, Tex.	Garrett, Tenn.	Linthicum	Taylor, Ark.
Burgess	Garrett, Tex.	Lloyd	Ten Eyck
Byrnes, S. C.	Gill	Maguire, Nebr.	Thacher
Byrns, Tenn.	Godwin, N. C.	Mondell	Townsend
Candler, Miss.	Goodwin, Ark.	Moon	Tribble
Cantor	Gordon	Moore	Tuttle
Claypool	Graham, Ill.	Morrison	Webb
Cline	Greene, Mass.	Neely, W. Va.	Wilson, N. Y.
Coady	Gregg	O'Hair	Witherspoon
Cullop	Hamlin	Padgett	
Curry	Hammond	Page, N. C.	

ANSWERED "PRESENT"—6.

Glass	Taylor, Ala.	Watkins	The Speaker
Sloan	Underwood		

NOTED "PRESENT" BY THE CLERK—8.

Butler	Gilmore	Helgesen	Lewis, Md.
Covington	Haugen	Key, Ohio	Murray, Okla.

NOT VOTING—214.

Adair	Broussard	Carew	Crosser
Ainey	Brown, W. Va.	Carter	Dale
Anderson	Browne, Wis.	Cary	Danforth
Anthony	Browning	Casey	Davenport
Ashbrook	Bruckner	Chandler, N. Y.	Decker
Austin	Buchanan, Ill.	Church	Deitrick
Bailey	Bulkley	Clancy	Dies
Barnhart	Burke, Pa.	Clark, Fla.	Dooling
Barthoidt	Burnett	Collier	Driscoll
Bartlett	Calder	Connolly, Iowa	Dunn
Beall, Tex.	Callaway	Conry	Edmonds
Blackmon	Campbell	Cooper	Edwards
Borchers	Cantrill	Copley	Elder
Borland	Caraway	Crisp	Estopinal
Fairchild	Kennedy, R. I.	Murdock	Smith, J. M. C.
Fields	Kinkead, N. J.	Neeley, Kans.	Smith, Md.
Finley	Kitchin	Nelson	Smith, N. Y.
Fitzgerald	Knowland, J. R.	Norton	Smith, Tex.
Fordney	Kreider	O'Brien	Sparkman
Frear	Lafferty	Oglesby	Stafford
Gallagher	Langham	Oldfield	Stanley
Gard	Langley	O'Leary	Steenerson
George	Lazaro	O'Shaunessy	Stephens, Nebr.
Gerry	Lee, Ga.	Paige, Mass.	Stephens, Tex.
Gillett	L'Engle	Palmer	Stevens, N. H.
Gittins	Lever	Parker	Stout
Goldfogle	Levy	Patten, N. Y.	Stringer
Gorman	Lewis, Pa.	Patton, Pa.	Sumners
Goulden	Lieb	Payne	Sutherland
Graham, Pa.	Lindquist	Peters, Mass.	Switzer
Griest	Lobeck	Peters, Me.	Talbott, Md.
Griffin	Loft	Peterson	Thomas
Gudger	McAndrews	Plumley	Thompson, Okla.
Guernsey	McClellan	Post	Treadway
Hamill	McCoy	Pou	Underhill
Hamilton, N. Y.	McDermott	Powers	Vare
Hardwick	McGillicuddy	Prouty	Vaughan
Hart	McGuire, Okla.	Rainey	Vollmer
Hay	McKellar	Rauch	Walker
Hayes	McKenzie	Rayburn	Wallin
Heflin	McLaughlin	Reilly, Conn.	Walsh
Henry	MacDonald	Riordan	Walters
Hill	Mahan	Roberts, Mass.	Weaver
Hinds	Maher	Rothermel	Whaley
Hobson	Mann	Sabath	Whitacre
Hoxworth	Martin	Scully	White
Hughes, W. Va.	Merritt	Sells	Willis
Hulings	Metz	Shackleford	Wilson, Fla.
Hull	Montague	Sharp	Winslow
Humphreys, Miss.	Morgan, La.	Sherley	Woods
Johnson, Wash.	Morin	Shreve	Young, N. Dak.
Jones	Moss, Ind.	Slayden	Young, Tex.
Keister	Moss, W. Va.	Slemp	
Kelley, Mich.	Mott	Small	

The Clerk announced the following additional pairs:

Until further notice:

Mr. FITZGERALD with Mr. FREAR.

Mr. WALKER with Mr. MACDONALD.

Mr. JONES with Mr. CARY.

Mr. POU with Mr. CAMPBELL.

Mr. HELGESEN. Mr. Speaker, I desire to vote.

The SPEAKER. Was the gentleman in the Hall, listening, at the time when his name was called?

Mr. HELGESEN. I was not.

The SPEAKER. The gentleman does not qualify. The Clerk will note the gentleman, Mr. HELGESEN, "present."

Mr. BUTLER. I desire to be noted as "present."

Mr. HELGESEN. The bells for the yea-and-nay vote rang only once.

The SPEAKER. But the gentleman is here now, and because he is here the Chair has a right to note him as "present."

Mr. HELGESEN. I should like to vote.

The SPEAKER. Strange to say, under the rule, the Chair has no right to permit the gentleman to vote, but he has a perfect right to count the gentleman.

Mr. HELGESEN. Do you count me present and not allow me to vote?

The SPEAKER. Yes; the Chair has a perfect right to count the gentleman——

Mr. HELGESEN. Without giving me the right to vote?

The SPEAKER. Yes. The rule prescribes when the gentleman may vote; that is, if he was in the Hall, listening, when his name should have been called, and did not hear it, he is allowed to vote afterwards; otherwise he may not vote; but, strange to say, under the rule, although the Speaker refuses to allow a Member to vote, he may count him "present." That was done last week.

Mr. HELGESEN. But I understood that under the rule there are two bell calls for a yea-and-nay vote; that the bell rings for each call.

The SPEAKER. That is the practice, but there is no rule about it.

Mr. BURKE of South Dakota. In justice to the employee who has charge of the ringing of the bells, I will say that I happened to be in my office, and the bell rang twice, and I looked at the signal card, which showed that it was for the yeas and nays, and I came over. I think the gentleman probably did not hear the bell.

Mr. HELGESEN. I heard the same thing, but only once.

Mr. BUTLER. I heard the bells ring, but I did not come over, because I am paired with the gentleman from Georgia [Mr. BARTLETT]. I can not vote, because I am paired with the gentleman from Georgia, who is in the hospital, but I desire to be recorded "present."

The SPEAKER. A Member who is paired has a perfect right to vote "present."

Mr. BUTLER. I agree with the Chair on nearly everything, but voting "present" is nothing.

The SPEAKER. Voting "present" helps to make a quorum.

Mr. BUTLER. That is what I desire to do.

The SPEAKER. That is exactly what the gentleman is going to do, because the Chair is going to count the gentleman.

Mr. BRYAN. A parliamentary inquiry, Mr. Speaker.

The SPEAKER. The gentleman will state it.

Mr. BRYAN. After a roll call, the RECORD shows the yeas so many, nays so many, and answering "present" so many. Now, the other day the Chair noted me as "present." Now, I understand that the gentleman from North Dakota [Mr. HELGESEN] will be recorded as answering "present."

The SPEAKER. No; that is not the way the gentleman should be recorded; and while the Speaker was not here on the occasion referred to by the gentleman from Washington [Mr. BRYAN], he is informed that the gentleman from Illinois [Mr. MANN] rose the next morning to correct the Journal and had it corrected, so that it showed that the gentleman from Washington [Mr. BRYAN] and the gentleman from New York [Mr. BROWN], whom the Speaker pro tempore counted, were noted by the Clerk as "present," and that is precisely what will happen in the case of these gentlemen now.

Mr. LEWIS of Maryland. Mr. Speaker, I desire to vote "present."

The SPEAKER. Was the gentleman in the Hall and listening when his name was called?

Mr. LEWIS of Maryland. No; but I desire to be recorded as "present."

The SPEAKER. The gentleman can not vote "present," but the Chair will have him noted as "present." The Clerk will note as present the gentleman from Maryland, Mr. LEWIS, and the gentleman from Oklahoma, Mr. MURRAY; also the gentleman from Iowa, Mr. HAUGEN.

Mr. MADDEN. A parliamentary inquiry, Mr. Speaker.

The SPEAKER. The gentleman will state it.

Mr. MADDEN. Is it not a violation of the rule for Members to gather about the Clerk's desk before the announcement of the vote is made?

The SPEAKER. The gentleman is absolutely correct.

Mr. MADDEN. Another parliamentary inquiry, Mr. Speaker.

The SPEAKER. The gentleman will state it.

Mr. MADDEN. What is before the House?

The SPEAKER. Trying to get three more Members. [Laughter.]

Mr. RUCKER. Mr. Speaker, I move that the House do now adjourn.

The SPEAKER. The gentleman from Missouri moves that the House do now adjourn.

Mr. BRYAN. A parliamentary inquiry, Mr. Speaker.

The SPEAKER. The gentleman will suspend a minute. The Clerk will note as "present" the gentleman from North Dakota, Mr. HELGESEN, the gentleman from Pennsylvania, Mr. BUTLER, the gentleman from Maryland, Mr. LEWIS, the gentleman from Oklahoma, Mr. MURRAY, and the gentleman from Iowa, Mr. HAUGEN.

Now, the Chair will hear the gentleman from Washington.

Mr. BRYAN. If the motion of the gentleman from Missouri to adjourn carries, what becomes of this roll call? Must we have it all taken over again?

The SPEAKER. It will begin de novo in the morning.

Mr. BRYAN. If we defeat the motion to adjourn and get a few more Members, the roll call will stand?

The SPEAKER. The previous question has been ordered on this bill and all amendments thereto, and that makes it in order in the morning after the reading of the Journal, and this roll call will have to be gone over again.

Mr. RAKER. Mr. Speaker, a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. RAKER. Pending a roll call, is it in order to make any other motion until the roll call is finished?

The SPEAKER. The Chair will announce the vote and then put the motion of the gentleman from Missouri.

Mr. RAKER. But we only lack two or three Members.

The SPEAKER. We lack three.

Mr. GARNER. The regular order.

Mr. BRYAN. Mr. Speaker, I make the point of order that there is no quorum present.

The SPEAKER. It does not take a quorum to adjourn.

Mr. BURKE of South Dakota. Mr. Speaker, I ask for a verification of the roll call. The vote is pretty close, I understand.

Mr. RUCKER. Mr. Speaker, I move that the House do now adjourn.

Mr. GARNER. The regular order.

The SPEAKER. The regular order is to announce the vote. The request of the gentleman from South Dakota is in order after the Chair has announced the vote, if it is a close vote or anywhere in the neighborhood of close.

Mr. RAKER. Another parliamentary inquiry, Mr. Speaker.

The SPEAKER. The gentleman from California.

Mr. RAKER. I want to ask if Members who have just come in can be counted "present"?

The SPEAKER. They not only can be, but they will be.

Mr. RAKER. The gentleman from Maryland, Mr. LINTHICUM, has just come in.

Mr. LINTHICUM. I have been present here and voted on the roll call.

The SPEAKER. On this vote the yeas are 104, the nays are 102, present 5, and noted as present 5, making 216—not a quorum—and the motion of the gentleman from Missouri to adjourn is in order.

Mr. BURKE of South Dakota. A parliamentary inquiry, Mr. Speaker.

The SPEAKER. The Chair is wrong. The gentleman from South Dakota demanded a recapitulation of the vote.

Mr. GARNER. A point of order, Mr. Speaker. How can he demand a recapitulation of the vote when there is no quorum present and nothing is decided?

The SPEAKER. The gentleman makes that request to ascertain how they have voted and whether there is a quorum.

Mr. GARNER. The record shows that there is no quorum present.

Mr. BURKE of South Dakota. A verification of the vote might show that there was a quorum present.

The SPEAKER. The roll now shows that there are three lacking of a quorum.

Mr. BURKE of South Dakota. Suppose it does not lack any?

The SPEAKER. On the face of it it lacks three of being a quorum. Suppose the recapitulation develops that three Members are present in the House who have not been recorded; the Speaker can count them and in that way we will get a quorum.

Mr. RAKER. Mr. Speaker, a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. RAKER. Was it permissible at that time, after the statement made by the Speaker, to ask a recapitulation of the vote?

The SPEAKER. The gentleman asked a recapitulation before the Speaker announced the vote.

Mr. RAKER. I kept a record of the vote——

The SPEAKER. The gentleman can not set up a private record as against the official record. The Chair thinks the gentleman from South Dakota is entirely within his rights.

Mr. GARDNER. Mr. Speaker, it is optional with the Speaker.

The SPEAKER. The present occupant of the chair contended when he was on the floor that if the vote were close or a tie—and he was contending that we ought to have a recapitulation when there was a majority of five one way or the other and there was a row about it—and the Chair contends now, or if a vote is reasonably close, within two or three or four or five or six, any gentleman has the right to demand a recapitulation.

Mr. RUCKER. Mr. Speaker, a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. RUCKER. Is it not always in order to move to adjourn?

The SPEAKER. Not always.

Mr. RUCKER. When a roll call is not being had?

The SPEAKER. But a roll call was being had.

Mr. RUCKER. But it had been concluded and the result was announced.

The SPEAKER. Oh, no; the result had not been announced.

Mr. RUCKER. The Speaker did announce the result.

The SPEAKER. Yes; but that was after the gentleman from Missouri had made his motion to adjourn.

Mr. RUCKER. I made it both before and after, if the Chair will pardon me.

Mr. GARNER. Mr. Speaker, a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. GARNER. The gentleman from South Dakota [Mr. BURKE] has requested a recapitulation of this vote. Is it not now in order to move to adjourn?

The SPEAKER. The gentleman can not move to adjourn while a roll call is in process, and the demand for a recapitulation is a part of the roll call.

Mr. BURKE of South Dakota. Mr. Speaker, I want to say, in justice to my position, that I see Members in the House whom I do not think are recorded.

The SPEAKER. The gentleman does not have to give any explanation whatever. The Chair orders a recapitulation. The Clerk will recapitulate the vote.

The Clerk recapitulated the vote.

Mr. KENT. Mr. Speaker, in the case of recapitulation, can a Member change his vote?

The SPEAKER. He can not.

Mr. LESHER. Mr. Speaker, I did not hear the Clerk call my name on the recapitulation.

The SPEAKER. The gentleman is not marked as voting.

Mr. LESHER. I voted.

The SPEAKER. Which way did the gentleman vote?

Mr. LESHER. I voted "no."

The SPEAKER. The Clerk will record the name of the gentleman from Pennsylvania.

The Clerk called the name of Mr. LESHER, and he answered "No."

The SPEAKER. The Clerk will note the presence of Mr. COVINGTON, of Maryland, and Mr. FERGUSSON, of New Mexico.

Mr. RAKER. Mr. Speaker——

The SPEAKER. For what purpose does the gentleman rise?

Mr. RAKER. To submit a parliamentary inquiry. The gentleman from Montana, Mr. EVANS, is in the Hall and did not vote.

The SPEAKER. The Clerk informs the Chair that the gentleman from Montana is already recorded. The Clerk will call my name.

The Clerk called the name of Mr. CLARK of Missouri, and he answered "No."

The SPEAKER. The Chair will state that it has been decided in case of a tie vote that the Speaker could come in to-morrow and vote on this same roll call.

Mr. BURKE of South Dakota. Mr. Speaker, do I understand the vote to be a tie?

The SPEAKER. No; the vote is not a tie. The Chair was simply explaining that it has been decided that the Speaker on a tie vote can come in the next day and vote. The Chair thinks that it is a poor ruling. In any event, the Chair has a right to vote on this, whether it be a tie or not.

Mr. GARRETT of Tennessee. Mr. Speaker, has the Speaker any higher right to vote where it is not a tie vote—of course, where it is a tie vote, the Speaker is correct; he has a right to vote—but has the Speaker a higher right to vote than any other Member?

The SPEAKER. No; but the Speaker can count himself present to make a quorum. The Chair saw the gentleman from Tennessee himself do that the other day.

Mr. GARRETT of Tennessee. The Speaker can count himself present.

The SPEAKER. The Chair will direct the Clerk to strike out his vote if there is any question about it, and count him as "present." The Speaker's name had not been called——

Mr. RUCKER. I hope that will not be done. The Speaker voted right, and I hope his vote will stay there.

Mr. GARRETT of Tennessee. I think the Speaker could vote under the rule that the Speaker was present, listening, and did not hear his name called, and therefore has a right to vote. [Laughter.]

The SPEAKER. The status of the case is that the Speaker has as much right to vote as any Member of the House, whether it is a tie vote or not. As a matter of fact, the Speaker hardly ever votes except upon a tie vote or upon a political measure. The present Speaker always votes on a political measure, and if there ever happened to be a tie vote, of course he would vote. The effort here this evening is to get a quorum, and, temporarily, the Chair will waive the right to vote, except to be counted as "present."

Mr. RAGSDALE. Mr. Speaker, a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. RAGSDALE. The gentleman from Missouri [Mr. RUCKER] made a motion to adjourn. What became of that?

The SPEAKER. It is pending the result of this roll call.

Mr. GARDNER. Mr. Speaker——

The SPEAKER. For what purpose does the gentleman rise?

Mr. GARDNER. I think the Speaker has announced the result of the roll call. I think all that remained to be done was the recapitulation to see whether that result was correctly stated.

The SPEAKER. That is absolutely true, but the Speaker has the absolute right to count any Member who comes in pending this roll call, and note their presence to make a quorum.

Mr. RUCKER. Mr. Speaker——

The SPEAKER. Wait a minute. One Speaker counted men out in the cloakrooms as present, and all these rules are made to expedite business, and none of them are made for the purpose of delaying business. [Applause.]

Mr. RUCKER. Does the roll call show a quorum to be present?

The SPEAKER. It will in half a minute. [Laughter and applause.] The clerks will note as present Mr. GILMORE of Massachusetts and Mr. KEY of Ohio. On this vote the yeas are 104, the nays are 102, 6 have voted "present," and 9 have been counted by the Speaker as present, making altogether 221, and the motion to recommit carries.

Mr. RAKER. Mr. Speaker, I move to reconsider the vote and to lay that motion on the table.

Mr. RUCKER. Mr. Speaker——

The SPEAKER. For what purpose does the gentleman from Missouri rise?

Mr. RUCKER. I want to know if I may be permitted now to make a report in obedience to the dictates of Mr. Judson King, as voiced by the action of the House a few minutes ago? Mr. Speaker, I can simplify the request. As I understand the announcement, the House has directed that the bill be recommitted with instructions to the committee to report it back forthwith with certain amendments.

The SPEAKER. There is no question about that, if the gentleman will suspend for a moment.

Mr. RUCKER. I injected Mr. King's name into it, although he is not a Member, but he seems to have friends here to-day.

The SPEAKER. The gentleman from California [Mr. RAKER]——

Mr. RUCKER. I will wait until that is done with.

The SPEAKER (continuing). Moves to reconsider the vote, and to lay that motion on the table.

Mr. RAKER. Now, I move the adoption of that motion.

The SPEAKER. The gentleman from California moves to reconsider the vote, and to lay that motion on the table.

Mr. GARNER. Mr. Speaker, I want to make a point of order.

The SPEAKER. The gentleman from Texas [Mr. GARNER] is recognized.

Mr. GARNER. I make the point of order that that motion is not now in order. The basis of that motion is this, that the House has instructed the Committee on Election of President, Vice President, and Representatives in Congress forthwith to report this bill back to the House for passage with a certain amendment.

Now, to entertain a motion to reconsider that vote and lay that on the table is not to facilitate the business in the House, but to delay business in the House, as it would require two roll calls. And after the House has instructed the committee to forthwith report the bill, if the gentleman from Missouri [Mr. RUCKER] would refuse to do it, then the Speaker must, in my judgment, under the rule be compelled to lay the bill before the House with the amendment. Moreover, the previous question has been ordered on this bill and all amendments thereto.

Mr. RAKER. Will the gentleman yield just for a suggestion?

Mr. GARNER. Just a moment. The House has just instructed the committee to report the bill back forthwith with a certain amendment. Now, it does seem to me that the previous question would go to that amendment also. In going to that amendment it is entirely unnecessary to move to reconsider and lay that motion on the table.

Mr. RAKER. Mr. Speaker, a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. RAKER. If the motion to recommit and lay that on the table is withdrawn, does the motion that has now carried authorize, and is it the duty of, the committee to report forthwith to the House without any intervening motion?

The SPEAKER. It is.

Mr. RAKER. I withdraw the motion to recommit and lay on the table.

The SPEAKER. The Chair recognizes the gentleman from Missouri [Mr. RUCKER].

Mr. RUCKER. Mr. Speaker, the gentleman will report it independent of any direction from California.

Mr. RAKER. Suppose the House directs it?

Mr. RUCKER. I yield to that, but not to the individual.

The SPEAKER. Does the gentleman from Missouri desire to make a motion?

Mr. RUCKER. Mr. Speaker, in behalf of the Committee on Election of President, Vice President, and Representatives in Congress, and in pursuance of a mandate issued by one Judson King, which intimidated some gentlemen here to-day, your committee takes great pleasure in reporting back to the House the bill H. R. 8428, with an amendment striking out the words "two or more States," in line 16, on page 7, and prays that this House will immediately adopt the bill as amended. [Laughter and applause.]

The SPEAKER. The question is on the passage of the bill with the amendment reported by the gentleman from Missouri [Mr. RUCKER].

Mr. THOMSON of Illinois. Mr. Speaker, let us have the amendment reported.

The SPEAKER. Without objection, it will be again reported.

Mr. UNDERWOOD and Mr. GARRETT of Texas objected.

The SPEAKER. Objection is heard. The question is on the passage of the bill as amended by the amendment reported by the gentleman from Missouri [Mr. RUCKER].

The question was taken, and the Speaker announced that the ayes seemed to have it.

Mr. HOWARD. Division, Mr. Speaker.

The SPEAKER. The gentleman from Georgia demands a division. The Chair will count. [During the count.] The ayes are 146.

Mr. MADDEN. Mr. Speaker, is it in order now to make a parliamentary inquiry?

Mr. GARNER. The House is dividing.

The SPEAKER. You can not do it when the House is dividing.

Those opposed will now rise and stand until counted. [After counting.] Eleven gentlemen have arisen in the negative.

Mr. MADDEN. Mr. Speaker, may I make a parliamentary inquiry?

The SPEAKER. Wait until the result is announced. On this vote the yeas are 146 and the nays are 11.

Mr. HOWARD. Mr. Speaker, I make the point of order that there is no quorum present.

Mr. BURKE of South Dakota. Mr. Speaker, I make the point of order that that is dilatory.

The SPEAKER. If the gentleman will withhold a moment, the gentleman from Illinois [Mr. MADDEN] wants to make a parliamentary inquiry.

Mr. MADDEN. My parliamentary inquiry, Mr. Speaker, was this: The House voted to instruct the Committee on the Election of President, Vice President, and Representatives in Congress to report the bill back with an amendment striking out certain language. The question I wanted to ascertain is whether or not the only thing before the House, instead of the passage of the bill, is the adoption of the amendment, and whether or not we voted for the amendment?

The SPEAKER. You voted for the amendment when you voted to recommit The gentleman from Georgia [Mr. HOWARD] makes the point of order that there is no quorum present.

Mr. BURKE of South Dakota. I make the point of order that that is dilatory, there having been no business transacted since the roll call disclosed a quorum.

Mr. SAUNDERS. Mr. Speaker——

The SPEAKER. For what purpose does the gentleman from Virginia rise?

Mr. SAUNDERS. For the purpose of suggesting that that point is not well taken, because the vote itself shows that a quorum is not present, and the requirement of a quorum being a constitutional provision, the gentleman can not arraign a specific ascertainment by calling it dilatory.

The SPEAKER. Will the gentleman from Virginia please state that again?

Mr. SAUNDERS. The vote having been taken, and the vote itself having shown that there is not a quorum present, he can not make the point against it that it is dilatory.

The SPEAKER. The Chair does not think the motion is dilatory, although the point is made by the gentleman from Virginia that this vote—a stand-up vote—is decisive as to whether a quorum is present or not.

Mr. SAUNDERS. I say that the vote shows that a quorum is not present, and that repels the suggestion that the motion is dilatory.

The SPEAKER. Frequently gentlemen do not take the trouble to stand up. The point of no quorum is a constitutional right, and the Chair will count, and overrule the point that it is dilatory. [After counting.] One hundred and seventy-four gentlemen are present.

ADJOURNMENT.

Mr. RUCKER. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 5 o'clock and 50 minutes p. m.) the House adjourned until to-morrow, Thursday, July 9, 1914, at 12 o'clock noon.

EXECUTIVE COMMUNICATIONS.

Under clause 2 of Rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

1. A letter from the Acting Secretary of the Treasury, transmitting copy of a communication of the Acting Secretary of the Interior submitting estimates of two items for incorporation in the general deficiency bill to authorize the accounting officers of the Treasury to credit in the accounts of the chief disbursing clerk, Department of the Interior, the sums of $150 and $5.14, respectively (H. Doc. No. 1115); to the Committee on Appropriations and ordered to be printed.

2. A letter from the Secretary of the Treasury, transmitting copy of a communication of the Acting Secretary of Commerce submitting a draft of a provision for inclusion in the general deficiency bill to pay the salaries of certain employees transferred from the Bureau of Chemistry of the Department of Agriculture to the Bureau of Standards, Department of Commerce (H. Doc. No. 1116); to the Committee on Appropriations and ordered to be printed.

3. A letter from the Secretary of the Treasury, submitting estimates of appropriations relative to the public building service, and recommending that the same be included in the general deficiency appropriation bill now pending (H. Doc. No. 1117); to the Committee on Appropriations and ordered to be printed.

REPORTS OF COMMITTEES ON PRIVATE BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII, private bills and resolutions were severally reported from committees, delivered to the Clerk, and referred to the Committee of the Whole House, as follows:

Mr. SHERWOOD, from the Committee on Invalid Pensions, to which was referred the bill (S. 5575) granting pensions and increase of pensions to certain soldiers and sailors of the Civil War and certain widows and dependent relatives of such soldiers and sailors, reported the same with amendment, accompanied by a report (No. 933), which said bill and report were referred to the Private Calendar.

He also, from the same committee, to which was referred the bill (S. 5843) granting pensions and increase of pensions to certain soldiers and sailors of the Civil War and certain widows and dependent relatives of such soldiers and sailors, reported the same with amendment, accompanied by a report (No. 934), which said bill and report were referred to the Private Calendar.

He also, from the same committee, to which was referred the bill (S. 5207) granting pensions and increase of pensions to certain soldiers and sailors of the Civil War and certain widows and dependent relatives of such soldiers and sailors, reported the same with amendment, accompanied by a report (No. 935), which said bill and report were referred to the Private Calendar.

He also, from the same committee, to which was referred the bill (S. 5446) granting pensions and increase of pensions to certain soldiers and sailors of the Civil War and certain widows and dependent relatives of such soldiers and sailors, reported the same with amendment, accompanied by a report (No. 936), which said bill and report were referred to the Private Calendar.

PUBLIC BILLS, RESOLUTIONS, AND MEMORIALS.

Under clause 3 of Rule XXII, bills, resolutions, and memorials were introduced and severally referred as follows:

By Mr. HAWLEY: A bill (H. R. 17780) providing for the use of certain portions or spaces of ground within the national forests for recreation purposes; to the Committee on Agriculture.

By Mr. CANTOR: Joint resolution (H. J. Res. 297) proposing an amendment to the Constitution of the United States; to the Committee on the Judiciary.

By Mr. ROGERS: Joint resolution (H. J. Res. 298) proposing an amendment to the Constitution of the United States; to the Committee on the Judiciary.

By Mr. DONOHOE: Concurrent resolution (H. Con. Res. 43) providing for participation by the Federal Government in the annual celebration of the birth of the Nation, on July 4 of each year, at Philadelphia, Pa.; to the Committee on Appropriations.

PRIVATE BILLS AND RESOLUTIONS.

Under clause 1 of Rule XXII, private bills and resolutions were introduced and severally referred as follows:

By Mr. ALEXANDER: A bill (H. R. 17781) granting an increase of pension to John Ward; to the Committee on Invalid Pensions.

By Mr. CAMPBELL: A bill (H. R. 17782) granting an increase of pension to Henry Hoover; to the Committee on Invalid Pensions.

By Mr. DONOHOE: A bill (H. R. 17783) for the relief of Joseph W. Skill; to the Committee on Claims.

By Mr. FERRIS: A bill (H. R. 17784) to reimburse George H. Morrow; to the Committee on Claims.

By Mr. FRENCH: A bill (H. R. 17785) granting an increase of pension to James McMahan; to the Committee on Pensions.

By Mr. GILL: A bill (H. R. 17786) granting a pension to John McElroy; to the Committee on Pensions.

By Mr. HAWLEY: A bill (H. R. 17787) granting a pension to Hannah Josephson; to the Committee on Pensions.

By Mr. KELLY of Pennsylvania: A bill (H. R. 17788) for the relief of Revilow N. Spohn; to the Committee on War Claims.

By Mr. LANGLEY: A bill (H. R. 17789) for the relief of James Clark Smith; to the Committee on Claims.

Also, a bill (H. R. 17790) for the relief of the legal representatives of John Boyle, deceased; to the Committee on Claims.

By Mr. MANN: A bill (H. R. 17791) granting a pension to Christena Knepper; to the Committee on Invalid Pensions.

Also, a bill (H. R. 17792) granting an increase of pension to Margaret Lloyd; to the Committee on Invalid Pensions.

By Mr. PALMER: A bill (H. R. 17793) granting a pension to Cicero Dutot; to the Committee on Pensions.

By Mr. RAUCH: A bill (H. R. 17794) granting a pension to Frank H. Bent; to the Committee on Pensions.

Also, a bill (H. R. 17795) granting an increase of pension to Henry Barber; to the Committee on Invalid Pensions.

By Mr. REILLY of Connecticut: A bill (H. R. 17796) granting an increase of pension to Catharine F. Bews; to the Committee on Invalid Pensions.

Also, a bill (H. R. 17797) granting an increase of pension to Catherine Kesses; to the Committee on Invalid Pensions.

By Mr. TAYLOR of Alabama: A bill (H. R. 17798) granting an increase of pension to William T. Hamilton; to the Committee on Pensions.

PETITIONS, ETC.

Under clause 1 of Rule XXII, petitions and papers were laid on the Clerk's desk and referred as follows:

By the SPEAKER (by request): Resolution signed by the pastor of the First Seventh-day Adventist Church of Coudersport, Pa., protesting against the passage of certain bills for the enforcement of Sunday observance; to the Committee on the Post Office and Post Roads.

By Mr. ADAMSON: Petition of sundry citizens of Harris County, Ga., favoring national prohibition; to the Committee on Rules.

By Mr. ALLEN: Petition of 200 citizens of Cincinnati, Ohio, protesting against national prohibition; to the Committee on Rules.

By Mr. BATHRICK: Petition of the Christian Endeavorers of Burghill and Clinton, Ohio, and sundry citizens of the nineteenth Ohio congressional district, favoring national prohibition; to the Committee on Rules.

By Mr. BURKE of South Dakota: Petitions of sundry citizens of Aberdeen, Albee, Andover, Athol, Ashton, Blunt, Bonilla, Bowdle, Bradley, Bristol, Bigstone City, Carlyle, Chelsea, Columbia, Conde, Clark, Crandall, Cresbard, Crocker, Doland, Eureka, Faulkton, Frankfort, Frederick, Gettysburg, Glenham, Groton, Harrold, Hecla, Highmore, Hitchcock, Hosmer, Hoven, Ipswich, Java, Kidder, Langford, Leola, Lowry, Lebanon, Mellette, Miller, Marvin, Milbank, Mobridge, Newark, Northville, Onaka, Onida, Peever, Pierpont, Raymond, Redfield, Revillo, Roscoe, Selby, Seneca, Sisseton, South Shore, Stockholm, Summit, Tolstoy, Twin Brooks, Vayland, Verdon, Waubay, Wecota, Webster, and Wilmot, all in the second congressional district of South Dakota, favoring the enactment of House bill 5308; to the Committee on Ways and Means.

Also, letters from Rev. Harry Lee, of Seneca; George K. Clark, of Bigstone City; Leon Ritzman, of Canova; E. O. Machamer, of Artesian; telegrams from L. Todnemn, of Broadland; E. L. Wednt, of Canton; C. N. Peterson, of Colton, all in the State of South Dakota, urging the passage of legislation providing for national prohibition; to the Committee on Rules.

Also, protests of sundry citizens of Revillo and Webster, S. Dak., against national prohibition legislation; to the Committee on Rules.

By Mr. BURKE of Wisconsin: Petitions of 23 citizens of Sheboygan, Wis., protesting against the passage of House joint resolution 168, and against all similar prohibition measures; to the Committee on Rules.

By Mr. CANTOR: Petition of sundry citizens of New York, N. Y., favoring national prohibition; to the Committee on Rules.

By Mr. CARY: Petitions of Adam Elizowski, Herman Thomas, John Flessner, Casper Hoffmann, Joseph J. Hoffmann, J. Frank, Paul Kusik, Daniel Duras, Anton Voit, Fred Warner, William Mourns, Henry Weiss, Frank Treul, M. J. Sinnott, August W. Papke, Walter Sybeck, William Krueger, Henry Marx, M. A. Radler, Charles Heindl, L. Buckegger, J. Engstrom, O. W. Schocht, B. Lange, Walter Luther, P. Wrayofeke, all of Milwaukee, Wis., protesting against House joint resolution 168 or any other prohibition measures as an interference with the rights of American citizens to labor in their respective industries; to the Committee on Rules.

By Mr. DALE: Petition of C. A. Burrows, of Lancaster, Pa., favoring the old-age pension bill; to the Committee on Pensions.

Also, petition of 1,500 members of the Brotherhood of Carpenters, of New York, and the Bishop-Babcock-Becker Co., of New York City, protesting against national prohibition; to the Committee on Rules.

By Mr. DONOVAN: Petition of 13 citizens of Bridgeport, Conn., against national prohibition; to the Committee on Rules.

Also, petitions of sundry citizens of Danbury and Bridgeport, the Black Rock Congregational Church, the First Presbyterian Church, and the Christian Endeavor Society of the People's Presbyterian Church, all of Bridgeport, and a mass meeting of men in the Methodist Episcopal Church of Darius, all in the State of Connecticut, favoring national prohibition; to the Committee on Rules.

By Mr. DOREMUS: Petitions of sundry citizens of Michigan, favoring national prohibition; to the Committee on Rules.

By Mr. DUNN: Petitions of various citizens of Monroe County, N. Y., favoring Hobson-Sheppard bill; also favoring Smith-Hughes bill; to the Committee on Rules.

Also, petition of various members of the Penfield (N. Y.) Grange, favoring Government postalization of telephones; to the Committee on the Post Office and Post Roads.

Also, petitions of Emma B. Sweet, Josephine Shatz, and others of the first assembly district of Monroe County, East Rochester; Mrs. H. G. Pierce, Auger Protest, and others of the fourth assembly district of Monroe County; and Adelyn Ford Bullis, Emma B. Sweet, and others of Rochester, all in the State of New York, urging Federal legislation for woman suffrage; to the Committee on the Judiciary.

Also, petitions of various citizens of Monroe County, against Sheppard-Hobson resolution for nation-wide prohibition; to the Committee on Rules.

By Mr. EAGAN: Petitions signed by 169 citizens of Hudson County, eleventh district of New Jersey, protesting against national prohibition; to the Committee on Rules.

By Mr. ESCH: Petition of the Presbyterian Church of Bangor, Wis., favoring national prohibition; to the Committee on Rules.

By Mr. FERRIS: Petition of F. M. English and 99 other citizens of Lawton, Okl., in favor of national prohibition; to the Committee on Rules.

By Mr. FRANCIS: Petitions of the First Presbyterian Church, of Wellsville; the United Presbyterian Sunday School and Church, of Germano; the Bethel Christian Endeavor Society, of Key; the Westminster Christian Endeavor Society, of Steubenville; the Cross Creek Christian Endeavor Society; the Second Presbyterian Christian Endeavor Society, of Bellaire, all in the State of Ohio, favoring national prohibition; to the Committee on Rules.

By Mr. GOEKE: Petition of the Christian Endeavor Society of the Celina (Ohio) Presbyterian Church, representing a membership of 25, in favor of national prohibition; to the Committee on Rules.

By Mr. GOOD: Petition of sundry citizens of Marion, Iowa, favoring national prohibition; to the Committee on Rules.

By Mr. GRAY (by request): Petition of 297 citizens of Indiana and other States, relating to Senate joint resolution 144 and House joint resolution 282; to the Committee on Naval Affairs.

Also, petitions of Rev. E. A. Bunner and 14 other citizens of Spiceland and Dunreith; C. R. Oldham and 10 other citizens of Dunreith and Knightstown; L. H. Johnson and 24 other citizens of Henry County; G. H. Kirkham and 29 other citizens of Rush and Henry Counties; and John B. Cook and Warren F. Holt, all in the State of Indiana, favoring a constitutional amendment for national prohibition; to the Committee on Rules.

Also, petition of sundry citizens of Cambridge City, Ind., protesting against a constitutional amendment for national prohibition; to the Committee on Rules.

By Mr. GUERNSEY: Petitions of the Foxcroft Presbyterian Church, the Methodist Episcopal Church, the First Baptist Church, the Free Baptist Church and congregation, the First Presbyterian Church, and the Congregational Church and congregation, of Houlton; of 200 citizens of Ludlow; and of congregations of Free Baptist churches, all in the State of Maine, in favor of national prohibition; to the Committee on Rules.

By Mr. HAWLEY: Petition of Thomas Stump and others, of Coos County, Oreg., protesting against national prohibition; to the Committee on Rules.

Also, petition of sundry citizens of Benton and Clackamas Counties, Oreg., protesting against national prohibition; to the Committee on Rules.

By Mr. HELGESEN: Petitions of 48 citizens of Bathgate, 36 citizens of Edmore, 46 citizens of Hamilton, 21 citizens of Heaton, 22 citizens of Neche, and 73 citizens of Northwood, and also telegrams representing the views of 300 citizens of Forest River, 300 citizens of Grafton, 400 citizens of Lisbon, and the Sunday schools of Tyner and Backoo, all in the State of North Dakota, urging the passage of the Hobson resolution; to the Committee on Rules.

By Mr. HULINGS: Petitions of P. N. Faller and C. W. Gearing, of Franklin, Pa., protesting against the Hobson resolution for national prohibition; to the Committee on Rules.

Also, petition of the Woman's Christian Temperance Union of Greenville, expressing the sentiment of 200 persons; the Presbyterian Church, Sugar Grove; the congregation of Grace Methodist Episcopal Church, of Warren, representing a membership of 550 and a constituency of 1,500, and presented by Charles Morse, chairman; the Trinity and the Grace Methodist Episcopal Churches, of Oil City; the Nicklеville Christian Endeavor Society; the Methodist Episcopal Church of Clarington; and the Warren Science Club, all in the State of Pennsylvania, favoring national prohibition; to the Committee on Rules.

By Mr. KENNEDY of Connecticut: Petition of various members of the First Baptist Church of Winsted, Conn., favoring the enactment of prohibition legislation; to the Committee on Rules.

By Mr. KIESS of Pennsylvania: Petitions from E. H. Mathern and others of Galeton, Pa., protesting against the passage of House joint resolution 168; to the Committee on Rules.

Also, petitions from sundry citizens of the fifteenth Pennsylvania district, urging the passage of the Hobson prohibition amendment; to the Committee on Rules.

By Mr. J. R. KNOWLAND: Petition of 222 residents of Oakland, Alameda, Berkeley, and San Francisco; 7 residents of Oakland, and the Central Labor Council of Oakland, all in the State of California, protesting against the passage of the prohibition constitutional amendment; to the Committee on Rules.

Also, 90 postals from residents of Pasadena, Oakland, Los Angeles, Greenfield, Winters, Fallbrook, Corona, Pinole, Porterville, El Cajon, Vallejo, and Long Beach, and 4 residents of Oakland, Berkeley, and San Leandro, all in the State of California, favoring national constitutional prohibition; to the Committee on Rules.

By Mr. KONOP: Petition of 41 citizens of Crandon, Wis., favoring national prohibition; to the Committee on Rules.

By Mr. LEWIS of Maryland: Petition of the Christian Endeavor Society of Salem Reformed Church of Frostburg and the Young People's Christian Endeavor Society of St. Paul's Church of Clearspring, all in the State of Maryland, for the passage of House joint resolution 168, to prohibit the sale of intoxicating liquors; to the Committee on Rules.

By Mr. McCLELLAN: Petition of D. J. Verney and 69 others of Wallkill; 38 members of the Presbyterian Church of Cochecton; Rev. W. Leggett; Catherine Stearnald, of Chatham; Joseph B. Taylor, David D. Taylor, and 9 others, of Hurleyville; John L. Warner, of Middleburg; J. A. Johnston and 9 others, of Marlboro; the Second Reformed Church of Howe Cave; the Methodist Episcopal Sunday School of Hurleyville; the Woman's Christian Temperance Union of Kingston; the Christian Endeavorers of Claverack; the Methodist Episcopal Church of Kingston; the Reformed Church of Flatbush; W. S. Empleton, of Grahamsville; Harry E. Bailey, of Central Bridge; 71 citizens of Canaan; the Ulster County Christian Endeavor Union; 50 young people's societies; 4 citizens of Ulster County; 38 citizens of Napanoch; D. S. Bowdish, of Sloansville; B. T. Evans and 3 others, of Hurley; Florence Taylor, of Hurleyville; and 47 citizens of Schoharie, all in the State of New York, favoring national prohibition; to the Committee on Rules.

Also, petition of Samuel Casser, of Woodbourne, N. Y., protesting against national prohibition; to the Committee on Rules.

Also, petition of various voters of Stone Ridge, N. Y., favoring national prohibition; to the Committee on Rules.

By Mr. McGILLICUDDY: Memorial of the First Baptist Christian Endeavor Society of Livermore Falls, Me., favoring national prohibition; to the Committee on Rules.

By Mr. MERRITT: Petitions of Frank M. Labor, of Minerva; the Centenary Methodist Episcopal Church of Malone; the Christian Endeavor Society of Perin; sundry citizens of Chases Mills, Norwalk, Clintonville, North and West Bangor, Keeseville, and Saranac Lake, all in the State of New York, favoring national prohibition; to the Committee on Rules.

Also, petition of Thomas J. Doyle and others, of St. Lawrence County, N. Y., protesting against national prohibition; to the Committee on Rules.

By Mr. MOORE: Memorial of the Wissahickon (Pa.) Presbyterian Church, favoring national prohibition; to the Committee on Rules.

Also, memorial of the Pittsburgh (Pa.) Chamber of Commerce, the Manufacturers' Association of Philadelphia, and the H. L. Dixon Co., of Pittsburgh, all in the State of Pennsylvania, protesting against Clayton antitrust bill; to the Committee on the Judiciary.

Also, memorial of the Select and Common Councils of Philadelphia, Pa., favoring House bill 5139, for retirement of civil-service employees; to the Committee on Reform in the Civil Service.

Also, memorial of the Western Society of Engineers, protesting against passage of House bill 13457, relative to surveys, etc., by United States Geological Survey; to the Committee on Expenditures in the Interior Department.

By Mr. J. I. NOLAN: Telegram from the Friends Church of California, favoring the passage of prohibition constitutional amendment; to the Committee on Rules.

By Mr. O'LEARY: Petitions of the Christian Endeavor Society of Steinway Church, of Long Island City; F. G. McCann, of Richmond Hill; 79 citizens of Jamaica and Richmond Hill; the Richmond Hill Baptist Church; and Rev. Sidney H. Barrett, of Springfield Gardens, all of the State of New York, in favor of national prohibition; to the Committee on Rules.

By Mr. O'SHAUNESSY: Petition of the Army Field Clerks' Association, relative to increase in pay for Army field clerks; to the Committee on Military Affairs.

Also, memorial of the Yearly Meeting of Friends for New England, at Vassalboro, Me., favoring national prohibition; to the Committee on Rules.

By Mr. PALMER: Memorial of the Jewelers' Guild of Philadelphia, Pa., favoring passage of Owen-Goeke bill, to eliminate time guaranties on gold-filled watchcases; to the Committee on Interstate and Foreign Commerce.

Also, petition of sundry citizens of Monroe, Pa., favoring national prohibition; to the Committee on Rules.

Also, memorial of sundry citizens of Philadelphia, Pa., favoring passage of Bristow-Mondell suffrage resolution; to the Committee on the Judiciary.

By Mr. PATTEN of New York: Petitions of 23 citizens of New York City, against national prohibition; to the Committee on Rules.

By Mr. PAYNE: Petitions of sundry citizens of the thirty-sixth congressional district of New York, favoring national prohibition; to the Committee on Rules.

By Mr. PLUMLEY: Petition of sundry citizens of Bellows Falls, Vt., for the submission to Congress of the national prohibition amendment to the Constitution; to the Committee on Rules.

Also, petitions of 67 citizens of St. Johnsbury, Vt., for national constitutional prohibition amendment; to the Committee on Rules.

By Mr. PORTER: Petitions of sundry citizens of the twenty-ninth congressional district of Pennsylvania, protesting against House joint resolution 168 and Senate joint resolutions 88 and 56; to the Committee on Rules.

Also, petition of the post-office clerks of Pittsburgh, Pa., protesting against section 6 of House bill 12928; to the Committee on the Post Office and Post Roads.

Also, petitions of various organizations and societies and sundry citizens of the twenty-ninth congressional district of Pennsylvania, favoring national prohibition; to the Committee on Rules.

By Mr. REILLY of Wisconsin: Petitions of various churches of the city of Oshkosh, Wis., asking the passage of the Smith-Hughes bill proposing a new division in the United States Bureau of Education to be called the Federal motion-picture commission; to the Committee on Education.

By Mr. ROBERTS of Nevada: Petitions of P. B. Koterman, of Rochester; S. A. White, C. S. Reid, and 3 other citizens of Fallon; P. J. Holohan, Lawrence Cooke, and 3 other citizens of Tonopah; B. F. Miller, jr., J. C. Conway, John Howe, and 23 other citizens of Searchlight; A. H. Howe, Guy L. Millard, J. H. Dalton, and 10 other citizens of Goldfield; and Frank L. Johnston, L. L. Chapman, E. A. Whitmore, and 26 other citizens of Lovelock, all in the State of Nevada, protesting against the passage of House joint resolution 168 and Senate joint resolutions 88 and 50; to the Committee on Rules.

By Mr. SCULLY: Petitions of W. C. Budlong, William C. Nefe, Stephen Schurz, sr., William Cawry, Robert Pettit, Robert J. Dalton, John Frey, James Flynn, Joseph Mazza, John S.

Smith, and Charles Kries, all of Long Branch, N. J., against national prohibition; to the Committee on Rules.

Also, petition of sundry citizens of Eatontown, Elizabeth, and Bayonne, all in the State of New Jersey, favoring national prohibition; to the Committee on Rules.

Also, petition of the Philadelphia (Pa.) Board of Trade, protesting against the clause in the sundry civil bill exempting labor, etc.; to the Committee on Appropriations.

By Mr. SMITH of Minnesota: Petitions of 708 residents, 87 members of Christian Endeavor Societies, and 575 citizens of Minneapolis; 130 citizens of Crystal Bay; and the Minnesota Total Abstinence Association, all in the State of Minnesota, favoring national prohibition; to the Committee on Rules.

By Mr. J. M. C. SMITH: Petitions of sundry citizens of Mosherville, 112 citizens of Bedford, 2 citizens of Battle Creek, and the Delton Congregation, the Methodist Episcopal and Baptist Churches of Bronson, all in the State of Michigan, favoring national prohibition; to the Committee on Rules.

By Mr. SPARKMAN: Petition of sundry citizens of Ruskin, Fla., and of Pinellas County, Fla., favoring national prohibition; to the Committee on Rules.

Also, petition of sundry citizens of Sarasota, Fla., favoring the passage of the Smith-Hughes picture-censorship bill; to the Committee on Education.

By Mr. STEPHENS of California: Telegrams and letters from John S. Stubblefield, secretary of a mass meeting at Vermont Square, Los Angeles; J. H. Bathrick, secretary of a mass meeting at Gardena; Dr. A. J. Priester, secretary of the Hollywood Dry Association, and 11 others; the Christian Endeavor Society of the First Christian Church; A. F. N. Hambleton, chairman of the Annual Session Friends Church, of Pasadena; H. E. Sawyer, chairman of a meeting at East Santa Monica Methodist Episcopal Church, of Santa Monica; James W. Kramer, pastor, and 500 members of the Central Baptist Church; Leroy W. Van Velzer, Mrs. Ora Dodds, and 19 others, all of Los Angeles; Virgil H. Tucker, secretary, and 250 others of the First Methodist Episcopal Church of Alhambra; A. B. Embree, chairman of a mass meeting at Glendora, all in the State of California, all favoring national constitutional prohibition amendment; to the Committee on Rules.

Also, resolution of the Riverside County Medical Society, of Riverside, Cal., indorsing House bill 5139, providing for retirement of superannuated civil-service employees; to the Committee on Reform in the Civil Service.

Also, resolution of the Grand Army of the Republic, of San Diego, Cal., protesting against changing stars of American flag; to the Committee on the Judiciary.

Also, letter from W. P. Stephens, of Los Angeles, Cal., favoring House bill 13305, to prevent "cut rates"; to the Committee on Interstate and Foreign Commerce.

Also, letters from Herbert M. Trowbridge, of Los Angeles, Cal., and Mrs. Amy R. Torrence, of Hermosa Beach, Cal., protesting against "State medicine"; to the Committee on Education.

Also, letters from John Bültmann, John Holms, and W. E. Chase, all of Los Angeles, Cal., protesting against passage of Hobson-Sheppard prohibition amendment; to the Committee on Rules.

Also, letters from M. A. Newmark & Co., R. L. Craig & Co., of Los Angeles, Cal.; and Dodge, Sweeney & Co., J. H. Newbauer & Co., and the Chamber of Commerce, all of San Francisco, Cal., indorsing House bill 15986, to prohibit mailing of false financial statements; to the Committee on the Post Office and Post Roads.

By Mr. STEVENS of Minnesota: Resolution adopted by Mary Stafford Circle No. 77, of North Branch, Minn., protesting against any change in the American flag; to the Committee on the Judiciary.

By Mr. TUTTLE: Petitions of the Methodist Episcopal, Presbyterian, and Reformed Episcopal Churches, of New Providence Borough; the Christian Endeavor Society of the First Baptist Church of Plainfield; the Congregational Church of Christ of Westfield; and the Presbyterian Church of Westfield, all in the State of New Jersey, in favor of national prohibition; to the Committee on Rules.

By Mr. WEAVER: Petitions of Mrs. M. D. Tinsley and many other citizens of Alex; B. A. Thompson and many other citizens of Ninnekah; M. T. Allen and many other citizens of Rush Springs; G. P. Rice and many other citizens of Terral; and C. B. Hawpe and many other citizens of Waurika, all in the State of Oklahoma, in favor of national prohibition; to the Committee on Rules.

Also, petitions of John S. Bradley and 28 others, members of the Booster Christian Endeavor Society of the First Christian Church; L. L. Butts and 40 others, members of the Christian Endeavor Society of the First Christian Church; and of Alice Miller and many other citizens, all of Oklahoma City, Okla., for passage of House joint resolution 168, proposing an amendment to the Constitution of the United States for nation-wide prohibition of the beverage traffic in intoxicating liquors; to the Committee on Rules.

SENATE.

THURSDAY, *July 9, 1914.*

The Senate met at 11 o'clock a. m.

Rev. J. L. Kibler, D. D., of the city of Washington, offered the following prayer:

O Lord, we lift up our eyes unto the hills from whence cometh our help. Our help cometh from the Lord which made heaven and earth. We would not presume therefore upon our own strength. We realize our need and are conscious of our limitations. We realize our helplessness and are conscious of Thy power. May we enjoy the assurance of Thy favor to-day as we enter upon our duties. May we grasp Thy mighty hand and feel that all is well while Thou art leading. We ask it for Christ's sake. Amen.

The VICE PRESIDENT. The Secretary will read the Journal of the proceedings of the preceding session.

Mr. JONES. Mr. President, there are only two Senators present on the other side of the Chamber, and I suggest the absence of a quorum.

The VICE PRESIDENT. The Secretary will call the roll.

The Secretary called the roll, and the following Senators answered to their names:

Ashurst	Gallinger	Page	Thomas
Brady	Johnson	Perkins	Thompson
Burton	Jones	Sheppard	Thornton
Camden	Kenyon	Shields	Townsend
Catron	Kern	Simmons	Warren
Chamberlain	Lane	Smith, Ariz.	White
Chilton	McCumber	Smith, Ga.	Williams
Clapp	Martine, N. J.	Smith, Mich.	Works
Colt	Norris	Smoot	
Culberson	Oliver	Stone	
Cummins	Overman	Sutherland	

Mr. CHILTON. I wish to announce that the Senator from New Mexico [Mr. FALL] is necessarily absent. I will let this announcement stand for the day.

Mr. KERN. I wish to announce the unavoidable absence of the Senator from Mississippi [Mr. VARDAMAN] on official business, and also the unavoidable absence of the senior Senator from South Carolina [Mr. TILLMAN] and the junior Senator from South Carolina [Mr. SMITH], both of whom are paired.

Mr. SMITH of Georgia. Yesterday my colleague [Mr. WEST] was detained at his home by sickness. He is not here to-day, and I am sure he is still detained by sickness. I desire to make this announcement for the day.

I wish also to announce my pair with the senior Senator from Massachusetts [Mr. LODGE], which I transfer to my colleague the junior Senator from Georgia [Mr. WEST]. I will vote without further announcement of the transfer to-day.

Mr. SMOOT. I desire to announce the unavoidable absence of the junior Senator from Wisconsin [Mr. STEPHENSON], and also the unavoidable absence of the senior Senator from New York [Mr. ROOT].

The VICE PRESIDENT. Forty-one Senators have answered to the roll call. There is not a quorum present.

Mr. GALLINGER. I was requested to announce that the Senator from Illinois [Mr. SHERMAN] is detained from the Senate on account of illness in his family.

The VICE PRESIDENT. The Secretary will call the roll of absent Senators.

The Secretary called the names of the absentees, and Mr. BORAH answered to his name when called.

Mr. SHAFROTH entered the Chamber and answered to his name.

Mr. SHAFROTH. I desire to announce that the Committee on Banking and Currency are, with the leave of the Senate, in session at the present time. There are therefore absent on business of the Senate the Senator from Nebraska [Mr. HITCHCOCK], the Senator from Missouri [Mr. REED], the Senator from Ohio [Mr. POMERENE], the Senator from New Hampshire [Mr. HOLLIS], the Senator from Kansas [Mr. BRISTOW], the Senator from Massachusetts [Mr. WEEKS], the Senator from Minnesota [Mr. NELSON], and the Senator from South Dakota [Mr. CRAWFORD].

Mr. CLAPP. I desire to state that the senior Senator from Wisconsin [Mr. LA FOLLETTE] is unavoidably detained from the Chamber on account of illness. I will let this statement stand for all roll calls to-day.

Mr. TOWNSEND. I desire to announce that the junior Senator from Arkansas [Mr. ROBINSON] is unavoidably absent from the Senate on account of illness. I am paired with him on all votes. I desire to have this statement stand for the day.

The VICE PRESIDENT. Forty-three Senators have answered to the roll call. There is not a quorum present.

Mr. KERN. I move that the Sergeant at Arms be directed to request the attendance of absent Senators.

The motion was agreed to.

The VICE PRESIDENT. The Sergeant at Arms will request the attendance of absent Senators.

Mr. SUTHERLAND. How many Senators have answered?

The VICE PRESIDENT. Forty-three.

Mr. SUTHERLAND. I move that the Senate adjourn.

Mr. SAULSBURY. Mr. President——

The VICE PRESIDENT. The Senator from Utah moves that the Senate do now adjourn.

Mr. KERN. On that I ask for the yeas and nays.

Mr. JONES. I make the point of order that the yeas and nays can not be ordered by less than a quorum.

The VICE PRESIDENT. The point of order is overruled. Is the request for the yeas and nays seconded?

The yeas and nays were ordered, and the Secretary proceeded to call the roll.

Mr. CATRON (when his name was called). I transfer my pair with the senior Senator from Oklahoma [Mr. OWEN] to the Senator from Illinois [Mr. SHERMAN] and vote "nay."

Mr. GALLINGER (when his name was called). I have a general pair with the junior Senator from New York [Mr. O'GORMAN]. In his absence I withhold my vote.

Mr. THOMAS (when his name was called). I have a pair with the senior Senator from New York [Mr. ROOT], which I transfer to the senior Senator from Alabama [Mr. BANKHEAD], and vote "nay."

Mr. WILLIAMS (when his name was called). Transferring my pair with the senior Senator from Pennsylvania [Mr. PENROSE] to the junior Senator from South Carolina [Mr. SMITH], I vote "nay."

The roll call was concluded.

Mr. CRAWFORD (after having voted in the negative). I voted in the absence of my pair, but I will allow my vote to stand, because I am perfectly satisfied that the Senator from Tennessee [Mr. LEA], if present, would vote on the same side of the question.

Mr. JOHNSON. I transfer my pair with the junior Senator from North Dakota [Mr. GRONNA] to the junior Senator from Mississippi [Mr. VARDAMAN] and vote "nay."

Mr. HOLLIS (after having voted in the negative). I voted inadvertently. I am paired with the junior Senator from Maine [Mr. BURLEIGH]. I transfer that pair to the junior Senator from Nevada [Mr. PITTMAN] and allow my vote to stand.

Mr. CHILTON (after having voted in the negative). I have a pair with the Senator from New Mexico [Mr. FALL], under the terms of which I can vote on questions of this kind. Inasmuch as the Senator who made the motion voted against it, I feel no compunction in allowing my vote to stand under the circumstances.

Mr. KERN. I desire to announce the unavoidable absence of the junior Senator from Nevada [Mr. PITTMAN]. He is absent on official business. This announcement may stand for the day.

Mr. DILLINGHAM. I inquire whether the Senator from Maryland [Mr. SMITH] has voted?

The VICE PRESIDENT. He has not.

Mr. DILLINGHAM. Being paired with that Senator, I withhold my vote.

Mr. TOWNSEND (after having voted in the negative). I voted notwithstanding my pair with the junior Senator from Arkansas [Mr. ROBINSON], because I believed that, if present, he would vote the same way I have voted.

Mr. SMOOT. I desire to announce the unavoidable absence of the Senator from West Virginia [Mr. GOFF] and to state that he is paired with the senior Senator from South Carolina [Mr. TILLMAN]. I wish also to announce that the Senator from Wisconsin [Mr. STEPHENSON] is paired with the Senator from Oklahoma [Mr. GORE].

The result was announced—yeas 0, nays 58, as follows:

YEAS—0.

NAYS—58.

Ashurst	Chamberlain	James	Nelson
Borah	Chilton	Johnson	Norris
Brady	Clapp	Jones	Oliver
Brandegee	Clarke, Ark.	Kenyon	Overman
Bristow	Colt	Kern	Page
Bryan	Crawford	Lane	Perkins
Burton	Cummins	Lee, Md.	Poindexter
Camden	Hitchcock	McCumber	Pomerene
Catron	Hollis	McLean	Ransdell
Reed	Smith, Ariz.	Sutherland	Weeks
Saulsbury	Smith, Ga.	Thomas	White
Shafroth	Smith, Mich.	Thompson	Williams
Sheppard	Smoot	Thornton	Works
Shields	Sterling	Townsend	
Simmons	Stone	Warren	

NOT VOTING—38.

Bankhead	Gore	Myers	Smith, Md.
Burleigh	Gronna	Newlands	Smith, S. C.
Clark, Wyo.	Hughes	O'Gorman	Stephenson
Culberson	La Follette	Owen	Swanson
Dillingham	Lea, Tenn.	Penrose	Tillman
du Pont	Lewis	Pittman	Vardaman
Fall	Lippitt	Robinson	Walsh
Fletcher	Lodge	Root	West
Gallinger	Martin, Va.	Sherman	
Goff	Martine, N. J.	Shively	

So the Senate refused to adjourn.

The VICE PRESIDENT. The yeas and nays disclosing the presence of a quorum, the Secretary will read the Journal of the proceedings of the preceding session.

The Secretary proceeded to read the Journal of yesterday's proceedings, when, on request of Mr. SIMMONS and by unanimous consent, the further reading was dispensed with and the Journal was approved.

LOUISVILLE & NASHVILLE RAILROAD (S. DOC. NO. 532).

The VICE PRESIDENT. The Chair lays before the Senate a communication from the Interstate Commerce Commission, transmitting the report of the commission in response to paragraph 13 of Senate resolution 153, Sixty-third Congress, first session, relative to the financial relations, rates, and practices of the Louisville & Nashville Railroad Co.; Nashville, Chattanooga & St. Louis Railway Co.; and other carriers.

Mr. NORRIS. Mr. President, may I inquire of the Chair whether the communication from the Interstate Commerce Commission is accompanied by evidence, or is it a report on a Senate resolution?

The VICE PRESIDENT. The communication has to do with paragraph 13 of Senate resolution 153, Sixty-third Congress, first session, itemizing the passes that have been issued by certain railroads.

Mr. NORRIS. Very well.

The VICE PRESIDENT. The communication and accompanying paper will lie on the table and be printed.

OREGON & CALIFORNIA RAILROAD GRANTS (S. DOC. NO. 533).

The VICE PRESIDENT laid before the Senate a communication from the Secretary of the Treasury, transmitting a letter from the Secretary of the Interior, submitting an estimate of appropriation in the sum of $25,000 for the protection of forfeited lands within the grants to the Oregon & California Railroad, which, with the accompanying paper, was referred to the Committee on Appropriations and ordered to be printed.

RICHARD B. DAVIS AGAINST UNITED STATES (S. DOC. NO. 534).

The VICE PRESIDENT laid before the Senate a communication from the assistant clerk of the Court of Claims, transmitting a certified copy of the findings of fact filed by the court in the cause of Richard B. Davis, administrator de bonis non cum testamento annexo of William G. Birchett, deceased, against United States, which, with the accompanying paper, was referred to the Committee on Claims and ordered to be printed.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by J. C. South, its Chief Clerk, announced that the House had passed the joint resolution (S. J. Res. 157) requesting the President of the United States to invite foreign Governments to participate in the International Congress on Education.

The message also announced that the House had passed a bill (H. R. 9622) for the relief of the heirs of Waldo M. Potter, deceased, in which it requested the concurrence of the Senate.

ENROLLED BILLS AND JOINT RESOLUTION SIGNED.

The message further announced that the Speaker of the House had signed the following enrolled bills and joint resolution, and they were thereupon signed by the Vice President:

S. 388. An act for the relief of Ella O. Richardson;

S. 2903. An act for the relief of Judd McKelvey;

S. 3488. An act for the relief of Ernest C. Stahl;

S. 3817. An act authorizing the issuance of a patent to James Gunning for lot 2, section 32, township 29 north, range 39 east, Montana; and

S. J. Res. 105. Joint resolution authorizing the President to accept an invitation to participate in the Sixth International Dental Congress.

PETITIONS AND MEMORIALS.

Mr. RANSDELL presented a telegram in the nature of a petition from the mayor and the Citizens' Civic League of Vivian, La., praying for the adoption of an amendment to the

Constitution to prohibit the manufacture, sale, and importation of intoxicating beverages, which was referred to the Committee on the Judiciary.

Mr. THOMPSON presented petitions of sundry citizens of Sabetha, Nickerson, Broughton, Clay Center, Liberal, Mound Valley, Eldorado, Garden City, Jewell, and Mulvane, all in the State of Kansas, praying for national prohibition, which were referred to the Committee on the Judiciary.

Mr. GALLINGER presented a petition of sundry Congregational Churches of Cheshire County, N. H., praying for the adoption of an amendment to the Constitution to prohibit the manufacture, sale, and importation of intoxicating beverages, which was referred to the Committee on the Judiciary.

Mr. SHEPPARD presented a resolution adopted by the congregation of the First Seventh-day Adventist Church of Coudersport, Pa., favoring the adoption of an amendment to the Constitution to prohibit the manufacture, sale, and importation of intoxicating beverages, which was referred to the Committee on the Judiciary.

Mr. WARREN. I have a very short resolution, passed at a *general meeting* of the women of Laramie City, the university city of Wyoming, on the subject of woman suffrage. As the State of Wyoming was the first State to adopt woman suffrage, and as this resolution is very short, I ask that it may be printed in the RECORD.

There being no objection, the resolution was ordered to lie on the table and to be printed in the RECORD, as follows:

NATIONAL AMERICAN WOMAN SUFFRAGE ASSOCIATION.

We, the citizens of Laramie, Wyo., have assembled to-day to voice our demands that women, as citizens of the United States, be accorded the full right of such citizenship. We congratulate the 4,000,000 women voters who have won their right to the ballot in 10 States, and confidently expect to see 5 more States under the franchise banner after the November elections.

We hereby declare that suffrage for women has become a national as well as a local issue, and we urge our Senators and Representatives in Congress to enact Federal legislation which will insure to women political equal rights with men.

We therefore ask the Congress of the United States to proceed without delay, in the most feasible and practical manner, to remove the barriers which prevent American women from the exercise of full franchise, and to make our country not a Government in which half the people are denied the right of participation, but in truth and reality a democracy.

The above and foregoing is a true and correct copy of a resolution passed at a mass meeting held at Laramie, Wyo., this 2d day of May, 1914.

MRS. E. H. KNIGHT,
Presiding Officer.

Attest:

EVA J. PATCHELL,
Secretary.

Mr. WARREN presented a memorial of sundry citizens of Wyoming, remonstrating against the adoption of an amendment to the Constitution to prohibit the manufacture, sale, and importation of intoxicating beverages, which was referred to the Committee on the Judiciary.

Mr. OLIVER presented a petition of sundry citizens of Pen Argyl and Roseto, in the State of Pennsylvania, praying for the enactment of legislation to provide for regulation by the individual States of the traffic in convict-made goods entering into interstate commerce, which was referred to the Committee on Manufactures.

He also presented petitions of sundry citizens of Pennsylvania, praying for national recognition of the services of Dr. Frederick Cook in his polar explorations, which were referred to the Committee on the Library.

He also presented a petition of the Select Council of Philadelphia, Pa., praying for the enactment of legislation to provide for the retirement of superannuated civil-service employees, which was referred to the Committee on Civil Service and Retrenchment.

He also presented petitions of sundry citizens of Pennsylvania, praying for the adoption of an amendment to the Constitution to prohibit the manufacture, sale, and importation of intoxicating beverages, which were referred to the Committee on the Judiciary.

Mr. BRISTOW presented petitions of sundry citizens of Kansas, praying for the adoption of an amendment to the Constitution to prohibit the manufacture, sale, and importation of intoxicating beverages, which were referred to the Committee on the Judiciary.

Mr. WEEKS presented resolutions adopted by Local Council No. 366, Royal Arcanum, of Attleboro; of the Board of Aldermen of Waltham; and of the Board of Aldermen of Medford, all in the State of Massachusetts, favoring the enactment of legislation to provide for the retirement of superannuated civil-service employees, which were referred to the Committee on Civil Service and Retrenchment.

He also presented resolutions adopted by the Chamber of Commerce of Taunton, Mass., favoring the enactment of legislation to provide for the registration of designs and trademarks, which were referred to the Committee on Patents.

He also presented petitions of sundry citizens of Fitchburg, Holyoke, Acushnet, Boston, Wellesley, Medford, Malden, Brookline, Brighton, Gloucester, Allston, Roslindale, West Somerville, Cambridge, Nantucket, Wareham, Long Plain, Plainville, Norwood, New Bedford, Watertown, Methuen, Andover, Lawrence, Waltham, Dorchester, Hopkinton, South Boston, Neponset, Lowell, Vineyard Haven, and Monson, all in the State of Massachusetts, praying for the adoption of an amendment to the Constitution to prohibit the manufacture, sale, and importation of intoxicating beverages, which were referred to the Committee on the Judiciary.

He also presented memorials of sundry citizens of Lowell, Worcester, Fall River, Charlestown, Boston, Chelsea, Jamaica Plain, Roxbury, Springfield, Holyoke, and Dorchester, all in the State of Massachusetts, remonstrating against the adoption of an amendment to the Constitution to prohibit the manufacture, sale, and importation of intoxicating beverages, which were referred to the Committee on the Judiciary.

Mr. BRANDEGEE presented a memorial of the Trades Council of New Haven, Conn., remonstrating against the adoption of an amendment to the Constitution to prohibit the manufacture, sale, and importation of intoxicating beverages, which was referred to the Committee on the Judiciary.

He also presented a petition of Local Division No. 37, Order of Railroad Telegraphers, of New Rochelle, N. Y., praying for the enactment of the so-called antitrust legislation, which was referred to the Committee on the Judiciary.

Mr. PAGE presented a petition of sundry citizens of St. Johnsbury, Vt., praying for the adoption of an amendment to the Constitution to prohibit the manufacture, sale, and importation of intoxicating beverages, which was referred to the Committee on the Judiciary.

Mr. PERKINS presented telegrams in the nature of petitions from sundry citizens of Brawley and Ripon, in the State of California, praying for the adoption of an amendment to the Constitution to prohibit the manufacture, sale, and importation of intoxicating beverages, which were referred to the Committee on the Judiciary.

He also presented telegrams in the nature of petitions from sundry local unions, Order of Railway Conductors, of Richmond and San Luis Obispo, in the State of California, praying for the passage of the so-called antitrust legislation, which were referred to the Committee on the Judiciary.

Mr. TOWNSEND presented the petition of H. E. Roether, secretary of the Enameled Tank Co., of Kalamazoo, Mich., praying for the enactment of the so-called antitrust legislation, which was referred to the Committee on the Judiciary.

He also presented petitions of sundry citizens of Michigan, praying for the adoption of an amendment to the Constitution to prohibit the manufacture, sale, and importation of intoxicating beverages, which were referred to the Committee on the Judiciary.

He also presented memorials of sundry citizens of Michigan, remonstrating against the adoption of an amendment to the Constitution to prohibit the manufacture, sale, and importation of intoxicating beverages, which were referred to the Committee on the Judiciary.

He also presented petitions of sundry citizens of Monroe County, Mich., praying for an appropriation to assist in the construction of the Detroit-Toledo highway, which were referred to the Committee on Post Offices and Post Roads.

Mr. SMITH of Maryland presented petitions of sundry citizens of Maryland, praying for the adoption of an amendment to the Constitution to prohibit the manufacture, sale, and importation of intoxicating beverages, which were referred to the Committee on the Judiciary.

He also presented petitions of sundry citizens of Maryland, praying for the enactment of the so-called antitrust legislation, which were referred to the Committee on the Judiciary.

Mr. DU PONT presented petitions of sundry citizens of Claymont, Dover, Harrington, and Georgetown, all in the State of Delaware, praying for national prohibition, which were referred to the Committee on the Judiciary.

He also presented a memorial of sundry citizens of Wilmington, Del., remonstrating against national prohibition, which was referred to the Committee on the Judiciary.

Mr. BURLEIGH presented petitions of sundry citizens of Old Orchard, Wilton, Berwick, Monmouth, Lincoln, Hinckley, Rumford Center, and Sagadahoc, all in the State of Maine, praying for national prohibition, which were referred to the Committee on the Judiciary.

Mr. SHIVELY presented a petition of the Religious Society of Friends at session of Dublin quarterly meeting held at Nettle

Creek, Ind., May 30, 1914, representing more than 1,200 members, praying for the passage of the so-called prohibition resolutions now pending before Congress, which was referred to the Committee on the Judiciary.

Mr. JONES presented memorials of sundry citizens of the State of Washington, remonstrating against the enactment of legislation to increase the number of chaplains in the Navy, which were referred to the Committee on Naval Affairs.

Mr. WORKS presented petitions of sundry citizens of Ontario, Riverside, Hollister, Fruitvale, and Garden Grove, all in the State of California, praying for the adoption of an amendment to the Constitution to prohibit the manufacture, sale, and importation of intoxicating beverages, which were referred to the Committee on the Judiciary.

ANTITRUST LEGISLATION.

Mr. WORKS. Mr. President, I have here a petition from John P. Irish, a leading and distinguished Democrat of California, on the subject of antitrust legislation, which he requests me to have read to the Senate. It is brief, and I ask that it may be read.

There being no objection, the petition was read and referred to the Committee on the Judiciary, as follows:

A petition to the United States Senate.

Your petitioner respectfully represents that he is a native American citizen, and availing himself of the right of petition does respectfully protest and petition your honorable body against the following proposed legislation, to wit:

Against impairing the protection of property by depriving the courts of equity jurisdiction and the right to restrain organized violence by injunction.

Against the proposed exemption of members of labor unions from punishment for conspiracy in restraint of trade, a statutory crime for which all others, except farmers' organizations, are penalized.

Against legalizing by Federal statute the picket and boycott as an invasion of the rights of the States by usurpation of their police powers.

The writ of injunction for protection of the rights of property is of equal dignity with the writ of habeas corpus for protection of the rights of person. The limitation of either is a step backward toward the ages of unrestrained tyranny.

I am a Democrat and voted for the candidates who were nominated on the Baltimore platform, which denounced all forms of special privilege. Will the Senate inform the country of any more appalling form of special privilege than permission to one class of citizens, unpunished, to commit a crime for which all others are punished?

As a farmer I resent for my class its inclusion in this nefarious immunity. There is no possible form of organization or cooperation amongst the farmers of this country that can restrain trade or limit or impair the rights of others. American farmers are moral and high-minded. It is largely from their ranks that juries will be drawn to try the classes which are penalized for crimes which such jurors can themselves commit with impunity if you pass this legislation. Can any Member of your honorable body suggest a situation more offensive to a sense of justice, more destructive to the moral foundations of government, or personally more degrading than calling a juror to convict another for a crime he can himself commit without punishment?

The boycott and picket are devices to prevent the employment of free labor and to deprive the employer of the right to manage his own business. They are used to destroy the right of men to work, which is denial of their right to live. They are used to enforce the arbitrary will of organizations that have used gun, bludgeon, and dynamite to deny bread to the living and peaceful burial to the dead.

Cardinal Gibbons has well defined civil liberty to be that condition in which no man is subject to the arbitrary will of another, but in which all are equally subject to the law. Unless you can impeach this definition this legislation now before you will therefore destroy civil liberty by legalizing the arbitrary will of some over all others, and by exempting some from punishment for crime for which all others are penalized, establishing inequality before the law.

In all civilized countries the right to do business is held to be a property right. Other features of proposed legislation reverse this wholesome and necessary conclusion of law, and will in effect outlaw business in this country, deprive it of judicial protection, take from it every right under the Constitution, and strip it naked for the despoiler.

The history of man discloses no tyrant who dared do at a blow what this legislation will do if the Senate enact it into law.

Therefore I respectfully petition the Senate to stand on the side of civil liberty, of legal equality, and the right of free men to live.

JOHN P. IRISH,
1904 Adeline Street, Oakland, Cal.

IMMIGRATION OF INSANE ALIENS.

Mr. GALLINGER. Mr. President, I present a resolution of the Medical Society of the State of New Hampshire on a very important matter relating to the public health. It is brief, and I ask that it be read.

The VICE PRESIDENT. Is there any objection? The Chair hears none, and the Secretary will read as requested.

The Secretary read as follows:

Whereas the entry of insane and mentally defective immigrants to this country is a menace to the mental health of the Nation, not only in the present, but in succeeding generations; and

Whereas the present immigration laws, although providing for the exclusion of such immigrants, do not provide means for their examination by trained experts nor for effective measures for the return of insane aliens who become inmates of our institutions; and

Whereas these are primarily matters of public health: Therefore be it

Resolved by the Medical Society of the State of New Hampshire, That Congress be urged to provide for the mental examination of arriving immigrants by physicians in the United States Public Health Service especially trained in the diagnosis of insanity and mental defects; to provide adequate facilities for the detention and careful mental examination of all immigrants at large ports of entry; to provide for the detail of American medical officers on vessels bringing immigrants to this country in order that their welfare may be safeguarded and those with mental diseases or defects discovered; to provide for the assumption by the Federal Government of an equitable share of the burden of caring for dependent aliens which is now borne entirely by the States and to provide for the safe and humane return to their own homes of those immigrants whom it is necessary to exclude and of those aliens in our public institutions who desire to return: And be it further

Resolved, That copies of this resolution, duly attested, be sent to the President and the Vice President of the United States, the Secretary of Labor, the Surgeon General of the United States Public Health Service, the Commissioner General of Immigration, the chairmen of the Senate and of the House Committees on Immigration, and to each Member of the New Hampshire State delegation in Congress.

Mr. GALLINGER. I ask that the resolution be referred to the Committee on Immigration.

The VICE PRESIDENT. It will be referred to the Committee on Immigration.

REPORTS OF COMMITTEE ON PUBLIC LANDS.

Mr. THOMAS, from the Committee on Public Lands, to which was referred the bill (S. 5629) for the relief of certain persons who made entry under the provisions of section 6, act of May 29, 1908, reported it with an amendment and submitted a report (No. 652) thereon.

He also, from the same committee, to which was referred the bill (S. 2518) granting to the town of Nevadaville, Colo., the right to purchase certain lands for the protection of water supply, reported it with amendments and submitted a report (No. 654) thereon.

ST. LOUIS RIVER BRIDGE.

Mr. SHEPPARD. From the Committee on Commerce I report back favorably the bill (S. 5325) authorizing the county of St. Louis to construct a bridge across the St. Louis River between Minnesota and Wisconsin, and I submit a report (No. 653) thereon. The bill was introduced by the Senator from Minnesota [Mr. NELSON]. If he were present he would ask for its immediate consideration, because he is especially interested in it, and for him I ask that it may be considered at this time.

The VICE PRESIDENT. Is there any objection? The Chair hears none, and the Secretary will read the bill.

The Secretary read the bill; and there being no objection, the Senate, as in Committee of the Whole, proceeded to its consideration.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

BILLS INTRODUCED.

Bills were introduced, read the first time, and, by unanimous consent, the second time, and referred as follows:

By Mr. SUTHERLAND:

A bill (S. 6066) for the relief of H. G. Godfrey; to the Committee on Claims.

By Mr. BORAH:

A bill (S. 6067) to amend an act to provide for an enlarged homestead, approved June 17, 1910; to the Committee on Public Lands.

By Mr. McCUMBER:

A bill (S. 6068) granting an increase of pension to Anna B. Fay; to the Committee on Pensions.

By Mr. WEEKS:

A bill (S. 6069) granting a pension to C. C. Arnold; and

A bill (S. 6070) granting a pension to J. Barry Lynch; to the Committee on Pensions.

By Mr. SHIVELY:

A bill (S. 6071) granting an increase of pension to Oscar Avery; to the Committee on Pensions.

JUDICIAL PROCEDURE.

Mr. JONES submitted an amendment intended to be proposed by him to the bill (H. R. 15578) to codify, revise, and amend the laws relating to the judiciary, which was referred to the Committee on the Judiciary and ordered to be printed.

WITHDRAWAL OF PAPERS—CATHARINE A. RILEY.

On motion of Mr. McCUMBER, it was

Ordered, That the papers accompanying the bill (S. 2452, Sixty-third Congress) granting a pension to Catharine A. Riley be withdrawn from the files of the Senate, no adverse report having been made thereon.

ARTICLE BY SPEAKER CLARK ON THE MISSISSIPPI RIVER.

Mr. STONE. Mr. President, for some days the Senate has had before it the rivers and harbors bill, the consideration of which has not yet been completed, and as bearing upon that bill and especially on that part of it affecting the Mississippi River, I have an article written by the Speaker of the House of Representatives—a very interesting and able article contributed to the North American Review, of some nine pages in length—which I think would be of value to the Senate and the country to have printed in the RECORD.

Mr. NORRIS. Mr. President, may I inquire—I could not hear all the Senator said—from what magazine the article is taken?

Mr. STONE. The North American Review.

Mr. NORRIS. And who is the author?

Mr. STONE. The Speaker of the House of Representatives.

Mr. NORRIS. I have no objection, Mr. President.

Mr. STONE. I ask unanimous consent to have the article printed in the RECORD.

The VICE PRESIDENT. Is there objection to the request of the Senator from Missouri?

Mr. KENYON. I should like to ask the Senator if he will not have the article read, so that we can all hear it?

Mr. STONE. I would have no objection to that, except for the consumption of time. It would answer every useful purpose to have it printed without reading?

Mr. KENYON. I ask to have it read, Mr. President.

Mr. STONE. I have merely asked permission to have the article inserted in the RECORD.

The VICE PRESIDENT. Is there any objection to the article being read?

Mr. SUTHERLAND. I object.

The VICE PRESIDENT. Objection is made.

Mr. BRANDEGEE. The Senator from Utah does not object to its being inserted in the RECORD, does he?

Mr. SUTHERLAND. I do not object to its being inserted in the RECORD.

Mr. BURTON. Mr. President, may I ask what this is—an article on the Mississippi River by the Speaker of the House?

Mr. STONE. Mr. President, I have answered that question already, but I will answer it again, since the Senator did not hear. It is an article on the Mississippi River appearing in the North American Review for July of this year, written by Speaker CLARK, of the House of Representatives, and I have asked that it may be inserted in the RECORD.

Mr. BURTON. It is an article of some considerable length, I fancy?

Mr. STONE. It is about nine pages.

Mr. BURTON. The request is that it be printed in the RECORD, and not as a document?

Mr. STONE. I have asked that it be printed in the RECORD.

Mr. BURTON. Does not the Senator from Missouri think it would be better to have this article printed as a document rather than to encumber the RECORD with it?

Mr. STONE. I do not think it would encumber the RECORD. It relates directly to one of the most important questions connected with the rivers and harbors bill. I am surprised that there should be any objection or question about granting my request.

Mr. BURTON. I desire the fullest and freest discussion of this subject, and I am not going to object, except that I deprecate the custom of filling the RECORD with articles from magazines and other outside sources.

Mr. BORAH. Mr. President, may I make a suggestion? We are now in the midst of the discussion or consideration of the river and harbor bill, and this is an article by the Speaker of the House, who is as familiar with the subject, I presume, as anybody. If it goes into the RECORD it will scarcely reach very many Senators, as they will not have time to read it, and so I suggest that the article be read to the Senate.

Mr. STONE. Mr. President, that suggestion is about equivalent to an objection. The Senator ought not to carry his opposition to the river and harbor bill quite to that extent. Of course, if it is necessary to do so, when the bill is taken up I can have the article read into the RECORD, but that is not the course I intended to take. I think it is valuable because of the general information the article contains, and, as its author is the presiding officer of the House of Representatives, I had supposed that no one would object to the request I made or seek to interfere with it.

Mr. SUTHERLAND. Mr. President, I withdraw my objection to the article being read.

Mr. BORAH. Mr. President, there is no objection to the article whatever. I simply wanted the article read so that we may know what it is.

Mr. STONE. Mr. President, that is simply a method of filibustering, and that is why the Senator wishes it read; he wants it read merely to consume time, not to inform the Senate.

Mr. SMITH of Michigan. Mr. President——

Mr. STONE. I may gratify the Senator by having it read, but I do not think this interference is very nice.

Mr. BORAH. I am rather surprised that the Senator discloses his irritability so early in the day.

Mr. STONE. I do not hear what the Senator said.

Mr. BORAH. I have no doubt of that.

Mr. STONE. I can not hear a word the Senator says. I suppose it is very important, but I did not hear it.

Mr. SMITH of Michigan. Mr. President, I regret very much that the Senator from Missouri does not press his request to print this contribution. We who have had something to do with the policy of the Government toward the Mississippi River are anxious for just such information as is contained in the contribution of the Speaker of the House of Representatives. For one, I have decided long ago that the Mississippi River shall be no longer a piecemeal proposition with me. We have had no policy; we have had no results of commensurate importance with the amount of money expended. I hope that this article will be read and that the friends of that improvement will not relax their vigilance, but will make every endeavor to get this contribution printed and to get that river properly improved.

Mr. STONE. Mr. President, the article will be read in due time, but for the present I withdraw my request that it be printed by unanimous consent; I shall not ask unanimous consent to have it printed.

Mr. WILLIAMS and Mr. SMITH of Michigan addressed the Chair.

The VICE PRESIDENT. Just a moment, please. The Senator from Iowa [Mr. KENYON] requested the reading of this paper. There was objection to the reading of the paper. The rule of the Senate is when the reading of a paper is called for and objected to the question shall be determined by a vote of the Senate without debate.

Mr. BRANDEGEE. The objection has been withdrawn, Mr. President.

Mr. SUTHERLAND. I withdrew the objection.

The VICE PRESIDENT. The objection has been withdrawn. Is there any further objection?

Mr. WILLIAMS. Now, Mr. President, I renew the request made by the Senator from Missouri that this article be published in the RECORD.

Mr. CLARKE of Arkansas. And be printed as a document.

Mr. WILLIAMS. I want to tell why I renew the request. I particularly stress some things that have just been said by the Senator from Michigan [Mr. SMITH]. We have spent $500,000,000, or will have spent that amount, upon the Panama Canal before we get through with it, and at the very highest stage of efficiency that is expected of it by anybody anywhere it will never amount in importance to the American people to one-tenth of the importance that the Mississippi River will amount to. I think the day will soon dawn—I hope so, at any rate—when the Mississippi River and the problem of the great valley, which includes its tributaries as well, shall be set aside, as the Panama Canal was, as a great national project, and no longer be used to drag in its wake little things of one description or another, and when money will be taken out of the Treasury as rapidly as it can be used for the purpose of solving this great problem; and when bonds will be issued and somebody like Gen. Goethals will be put in command of the great project to carry it through, and the Secretary of the Treasury will be authorized to sell the bonds from time to time and pay him the proceeds as rapidly as he says it is necessary in order to do the great work.

It is no great engineering problem, like the Panama Canal was. I could do it myself if you would give me the money. Anybody understands it. The sole thing is to go and do it. It is a simple idea of jettying, and of leveeing, and here and there of dredging, and here and there of canalizing; that is all.

I renew the request. While I do not agree with the article in every respect, I have read it, and I think it a very valuable contribution to the literature upon this subject; and a subject soon to be before the Senate is this very identical subject.

I therefore renew the request that the article be printed in the RECORD.

Mr. BRANDEGEE. Mr. President, I did not understand that the request had been withdrawn. The Senator from Missouri [Mr. STONE] asked that it be printed in the RECORD, and the Senator from Idaho [Mr. BORAH] suggested that it be read.

Mr. WILLIAMS. The Senator from Missouri afterwards withdrew his request, because he said they were trying to take up time.

Mr. BRANDEGEE. I will ask the Senator from Missouri if he did withdraw his request.

Mr. STONE. I did withdraw it, and I decline to renew it. I will probably have it read in the course of the debate. Fortunately I am not obliged to depend upon the courtesy or discourtesy of others. I can manage in some way to take care of myself.

Mr. BRANDEGEE. Mr. President, a parliamentary inquiry. No objection having been raised to the request of the Senator,

he withdraws it, and now the Senator from Mississippi renews it. Did the Senator from Mississippi ask that the article be printed as a public document also?

Mr. WILLIAMS. No; I asked that it be printed in the RECORD for the information of Senators, so that they can read it before they come to deal with this question.

Mr. BRANDEGEE. Mr. President, several times I have objected to magazine articles being printed in the RECORD; but the Speaker of the House having thought that this matter was of such great importance as to write a magazine article about it, out of compliment to him and deference to his views I shall not object to this article going in. I want to say, however, that if the Speaker of the House, who has the privileges of the floor of the House and the right to give his views on a pending bill before Congress, thinks they are of sufficient importance to make public, I think he could very well take the floor and say what he has to say to his fellow Members, and then it would be in the RECORD in the regular way. Inasmuch as he has contributed to an outside journal, and it has to be gotten in the RECORD in this irregular way, while I think the Speaker himself would not ask this privilege, I have such a high opinion of him and the subject is of such importance that I shall not object to its being either printed or read, or both.

Mr. STONE. Mr. President, I hope the matter will not be pressed any further. Let us drop it and go on with the bill.

Mr. BRANDEGEE. The Senator can not help it.

Mr. NORRIS. I hope the Senator from Missouri will have it read. I believe it ought to be read.

Mr. BRANDEGEE. I should like to hear it myself, not having read it.

Mr. STONE. It will be read, all right.

Mr. BRANDEGEE. The Senator will only get it read by unanimous consent.

Mr. NORRIS. I am not asking unanimous consent.

Mr. STONE. I know the Senator is not; and I decline to ask it and shall decline to give it.

Mr. WILLIAMS. Mr. President, I rise to a point of order. I have made a request for unanimous consent. I ask that the article be printed in the RECORD.

Mr. STONE. I object.

Mr. BRANDEGEE. That settles that.

Mr. SIMMONS. Regular order!

CLAIMS FOR DESTRUCTION OF PROPERTY, MISSISSIPPI RIVER.

Mr. WILLIAMS. Mr. President, on May 13, 1914, I made some remarks before the Committee on Commerce on the subject of the claims of the riparian landowners on the east bank of the Mississippi River from Vicksburg down to Baton Rouge. I do not want to take up the time of the Senate by saying it all over again when the proper time comes; but I ask unanimous consent that it be published in the RECORD, so that those Senators who choose to see what the case is may find it there for reference.

The VICE PRESIDENT. Is there any objection? The Chair hears none.

The matter referred to is as follows:

CLAIMS FOR DESTRUCTION OF PROPERTY, MISSISSIPPI RIVER.

STATEMENT OF HON. JOHN SHARP WILLIAMS, A SENATOR FROM THE STATE OF MISSISSIPPI.

The ACTING CHAIRMAN. Which particular amendment will you address yourself to, Senator?

Senator WILLIAMS. The one introduced by me on March 31. I introduced it first as a separate bill, and then as an amendment, and I urge it now as further amended by the suggestions of Mr. Jenkins and the gentlemen who were here.

The ACTING CHAIRMAN. That is, conferring jurisdiction on the Court of Claims?

Senator WILLIAMS. Yes. You will remember that when Mr. Jenkins and the members of the Riparian Landowners' Association were here they suggested a couple of amendments to my amendment, and they informed you of the fact that I had been consulted about them and was willing to accept them. The first amendment includes all the lands in the parish of West Feliciana in the State of Louisiana. My original amendment included only a part of them. The second amendment is a proviso that in adjudicating the claims the court shall permit any party who in the meanwhile has lost his land by foreclosure to intervene, and that in proportioning the damages the court shall give such proportion as they think right and proper to the present owner and the foreclosed owner, but in no event shall the damages exceed the limit fixed in the bill, which is the value of the lands when they were taken.

Senator RANSDELL. The amendment you are considering is the one that was offered on March 31?

Senator WILLIAMS. March 31; yes.

Mr. Chairman, this matter very naturally divides itself into a logical sequence of discussion: First, the evil complained of; second, the cause of it; third, the several possible means of redress; and, fourth, why this particular means of redress selected by me is preferred. Then a notice of the objections that have been made to it, and then a notice of the legislative precedents for the proposed redress.

It is not necessary for me to dwell at any great length upon the evil. The United States Government has adopted the policy of aiding the local authorities in building a continuous line of levees. Of course, as far as the riparian landowners were concerned, a continuous line of levees was never necessary for the protection of the land. The Mississippi Delta, for example, can be protected just as well without any levees in Louisiana, even on the east bank of the river, and the Louisiana east or west bank could be protected just as well if there were no levees along the banks of the Mississippi Delta. Formerly there were a lot of detached levees. This Federal policy of continuous levees was originally determined upon because the object was to keep the river at high flood within its banks, so that there should not be a gradual filling up of the bed of the river, and while the effect of it would be to increase the height of the flood at high water, the ultimate effect of it would be to increase the capacity of the river itself.

In order to answer this navigation purpose, I thought, and I think still, that, regardless of the riparian owners behind, the levees on the east bank of the Mississippi below Vicksburg and between there and Baton Rouge ought to have been built, in order that there might have been a continuous and uninterrupted line of levees approximately equidistant from levee to levee along the whole course of the river erected. I do not believe now that that continuous line of levees would have been for the benefit of the riparian landowners from Vicksburg to Baton Rouge, because there are so many little streams that run out from the hills there with such a volume of water during freshets that there would have had to have been erected a pumping station in order to get the water off of them after it came down. But as far as the national purpose is concerned, it remains that, without a continuous line, shoaling and sand bars have been caused and will continue to be caused by the fact that just at each place, instead of adopting as the bank of the river for high water a line of levees running down approximately equidistant, they have adopted an irregular line of hills, sometimes jutting into the river and sometimes as far back as 10 miles from the river, causing an eddying in and out of the stream, which at each point where spreading and eddying occur forms a sand bar.

The result to these people has been this: That their land and their homes have been dedicated to the bed of the river. The hills back of them have become the Government levee.

The ACTING CHAIRMAN. That is, they are within the banks of the levee?

Senator WILLIAMS. Yes; the hills being the levee. They are within the high-water and even annual-water banks, the hills constituting the high-water river bank on the east side, they being between the hills and the river. The river commission has adopted the hills as a levee from Vicksburg down to Baton Rouge. The consequence is that whereas even if there had been the old system of levees, they would have suffered from high water some harm at infrequent times, that later, when the levees were completed on both sides of the river, thereby raising the level of the water at times of high flood, they have been subjected to "annual and permanent overflow." And when I use that language, that is not originally my language, that is the language of the Mississippi River Commission, and of the engineers, as well as of these suffering people.

So that, as I said a moment ago, their lands and property have been dedicated by the levee system, taken as a whole, to the bed of the river at every annual high water, dedicated for the public good.

Now, prior to this this country at rare intervals suffered from high water, as every bit of the Mississippi Valley that is alluvial has at times suffered. All the alluvial lands were built up by the river, and could not have been built up by the river except for the fact that the river at some time was higher than the banks, overflowing them and leaving a deposit of sediment. In 1862, in 1882, and in 1828 these lands went under, but they did not go under once in a quarter of a century. When lands in the Yazoo Delta and upon the west bank of the Mississippi River opposite these lands were under water many times these people were raising magnificent crops, from a half a bale to a bale of cotton to the acre, and there was no more prosperous part of Mississippi, as you know, Mr. Chairman, of your own personal knowledge.

The ACTING CHAIRMAN. Do you know how many thousands of acres are involved in this particular bill?

Senator WILLIAMS. That all appears in the hearing here and in the report of the engineers, but I do not have it at my tongue's end just now. You will find it in the hearing, when other gentlemen were before you, and in the report.

The ACTING CHAIRMAN. I read it, but I have forgotten it.

Senator WILLIAMS. You will also find the number of people that have been run out of this country. You will also find this fact: Somebody asked the question if they could not use those lands now for grazing purposes. I need not tell you, who know the configuration of that country between the Walnut Ridge and the Mississippi River, that this is absolutely impossible. It is impossible to get the cattle out when the water comes, owing to the local topography. They are cut off by sluices, sloughs, bayous, and morasses, and the water is deeper back from the river just before you enter upon the rise of the ridge than it is at the river itself, because there, as all along the Mississippi River, the bank nearest the river is the highest because it received the first and heaviest and deepest deposit of sediment. So that the cattle and stock are isolated in case of high water and it is impossible to get them out except with rafts or other floating things. They can not be driven out once the river-front bank is overflowed.

So that the evil complained of is that by this great course of public improvement, which has inured so much to the benefit of the valley at large and of the commerce of the whole country, these people have incidentally suffered a total loss of their property. Well, not a total loss, either, because they can make something out of the timber upon it. But most of the timber left is the sort that grows in water, of course, and most valuable hardwood timbers are killed by the annual overflow. It will kill hardwood timber of most descriptions that are really valuable. The evil is undenied.

The Mississippi River Commission says it is "a most distressing" condition, and it has not once but several times recommended that Congress "take some steps" to give these people relief. Of course, there are several steps that might be taken, and the commission has suggested each in the alternative. In the first place, you might stop the whole levee system, tear down the levees elsewhere to prevent these people from being hurt. That would be absolutely ridiculous and wicked, because the good of the greatest number must prevail, and where it is absolutely necessary that a minority should be sacrificed in carrying out that principle they should be sacrificed.

But the English-speaking race has always compensated those whose interests have been sacrificed for a public purpose, and this has been uniformly done, both in England and here, not because it was an enforceable legal right, but because the magnificent civilization of the race has been built upon the rock of justice.

Building levees for the localities is naturally the next remedy to suggest itself. It was to me. Then I introduced a bill at one time, as

the Senator from Louisiana [Mr. RANSDELL] will remember, to appropriate $350,000 for building the levees along there.

Senator RANSDELL. I think you have a bill pending like that now, have you not?

Senator WILLIAMS. Yes, sir; but that I have abandoned.

The ACTING CHAIRMAN. You mean so as to protect these people you now speak of and put them behind the levees?

Senator WILLIAMS. Yes; but pending that bill this committee put on at my request a provision on the rivers and harbors bill for a survey and a report. That survey and report settled the question that that method of redress will do these riparian landowners no good, however much benefit it might be to the navigation of the Mississippi River. So that as a redress for this particular evil I have abandoned that, because when the engineers reported they convinced me, as they doubtless convinced you, that that was impracticable, not only because it would not protect the lands without pumping stations, but because the expense would be a great deal more than the entire property behind the levees, at its present value, at any rate, comes to.

Now, I have outlined the evil, and I have indicated while I was outlining it the cause of it, and suggested remedies which will not answer. There is no dispute about either of those things.

The next redress that suggested itself was a suggestion on the part of Judge Taylor, followed up by the Mississippi River Commission, and by the engineer adopting it in his recommendation after this last survey, that these lands might be taken by the United States Government—condemned and taken—because of the fact that they would be useful in furnishing various materials—gravel, willows—for revetment work, and all that sort of thing. Of course my constituents would be perfectly satisfied with that if the committee chose to do it I hardly dare ask that at one fell swoop. I thought I had better confine myself to a method of redress which had behind it precedents; hence the amendment now urged.

Now, I want to say this before I go any further: I deplored these lawsuits, and advised every man in Mississippi who consulted me not to become a partner to them, that they were no good, and that, so far from helping the cause in view, they would prejudice it. I saw, as I thought every good lawyer ought to have seen, that there was no enforceable legal right for these people. A man goes out to war for his country and loses his arm, and the country gives him a pension, but he would have no right to come in and sue the Government to give him a pension. A man goes up here on the Capitol to do some work, in the employ of the United States Government, and in the course of his employment is seriously injured. We make him an appropriation, but he could not go into any court and sue the Government for that appropriation. Judge White's decision in the Jackson case and in the Hughes case is undoubtedly correct. The United States Government in exercising its power to improve navigation can not be held legally liable for consequential damages. So that I do not plant my case upon any legal basis, and never have planted it upon that. I plant it upon the basis of justice and ethics and right, upon precedents that our race on both sides of the water has always furnished and respected. I say that if you organize an army to go and accomplish a great purpose for the Nation, and in the course of the accomplishment of that purpose a soldier's leg or arm is shot off, that there is just as much an obligation on the part of the Government to see that that man does not suffer because of the consequential or incidental damage which he sustained in doing that great work which the Government had a right to make him do for the benefit of the public at large—that there is just as much a moral obligation as if the man did have a legal right enforceable in a court of law, which, of course, he has not. These people have none, either. I want to make that clear, because I believe that the fact that a suit was brought, and that the suit was decided adversely, has, in the minds of the lawyers—and there are a good many lawyers in the Senate—prejudiced this case.

I suppose that is enough to say upon that point. Of course, each one of you will see how that might be dwelt upon in extenso.

There is one other thing before I go into the remedy and the precedents. There are lands in the same situation as these in Tennessee for which Mr. SHIELDS has introduced an amendment, lands in Louisiana, to which attention was called by the Senator from Louisiana [Mr. RANSDELL], and there may be others. The question was asked, Why should not a provision of law, if made applicable to these people between Vicksburg and Bayou Sara, apply to all people who were similarly situated? There is no rational negative reply to that, of course, provided only they are similarly situated. If you are going to give relief to one, it ought to be given to all that are identically situated. But I have an objection to putting those amendments in the same paragraph with this amendment, but no objection to taking care of them in a succeeding and independent paragraph; and that objection I will now state. The point of order will not lie to my amendment, because there was a survey made by the engineers and a recommendation made by the commission, and a foundation was thus laid for putting my amendment, in compliance with the survey and recommendation, upon the bill. But if, for example, the lands suggested by the Senator from Tennessee [Mr. SHIELDS] were put in the same paragraph, that would vitiate the entire paragraph and render it all subject to the point of order. If followed by another section, including those lands and including those which the Senator from Louisiana [Mr. RANSDELL] has suggested, then if the point of order should be made to that paragraph containing the portion where no survey had been made and no recommendation had been made, even if it went out it would not carry my provision with it. That will be better for me, and it will be better for the other people whom you mention—I mean better for my people and better for the others, because if my amendment passes, then the precedent for all identically situated is established. Then even, all you will have to do is to put on this bill surveys for your section, Senator RANSDELL, and surveys for yours, Senator SHIELDS, and include them in the next bill.

Senator RANSDELL. Will you not please elucidate what you mean by saying that a survey and recommendation have been made?

Senator WILLIAMS. On the last rivers and harbors bill, I obtained an appropriation—this committee gave it to me—for a survey and a report to determine whether it was feasible to levee, and if not, what was the feasible thing to be done, as well as to ascertain the actual situation.

Senator RANSDELL. You refer to the reports made by the Mississippi River Commission under that provision of the act?

Senator WILLIAMS. Yes; and of the engineer who did the surveying.

Senator RANSDELL. Did that provide any recommendation for damages, or simply a suggestion as to how the levees might be built?

Senator WILLIAMS. Their report, you mean?

Senator RANSDELL. Yes.

Senator WILLIAMS. Or my survey proposition?

Senator RANSDELL. The report made in accordance with your request.

Senator WILLIAMS. The report of the engineer is to the effect that he advises against erecting levees; first, because of the number of watercourses coming out which will require pumping stations to complete the drainage, and secondly, because the value of land protected by levees is less than what the levees would cost, and the river commission makes the recommendation to send to a commission or to the Court of Claims the whole subject matter for the ascertainment of the damage in forwarding the result of that survey. In the first place, the engineer called attention to the previous recommendations of the commission, and the previous recommendations of the commission were either to let these people go into some court—in one of their reports they suggest that there might be a special tribunal created to determine it—a commission—or else that the people be sent into some court, which it thinks could more adequately ascertain and determine what the actual damages were than the Mississippi River Commission itself could.

I at one time introduced a bill here organizing a special commission, but upon second thought it seemed to me that the Court of Claims was already organized with its officials of every description, and that there was no use putting the country to the expense of organizing new and untried special machinery to do that which the existing machinery was perhaps even better adapted to accomplish. Therefore the amendment as I offer it now sends the matter to the Court of Claims for investigation and a finding, conferring jurisdiction for the purpose——

Senator RANSDELL. Senator, perhaps I am a little confused, and I wish you would help me out. Do you refer now to the report made by the Mississippi River Commission in 1910, the one which Mr. Jenkins embodied in his report, or a subsequent one?

Senator WILLIAMS. No; to the last one, chiefly. That of 1910 was made before this, but I had to refer to that of 1910 in a certain sense, because in their last recommendation the Mississippi River Commission refer back to that, and say that they repeat what they had to say then, and reenforced it by the repetition now. I am referring to the last report, which was made subsequent to the report of the engineers upon the last survey, for which $30,000 was appropriated in the last river and harbor bill. I think from about 1888—I am not sure of the year—down to now this commission has been constantly recommending to Congress that something be done for the relief of these people, and referring, to use their own language, to the "distressful" condition in which they have been left, and admitting and asserting that the cause of that distressful condition was the raising of the flood level by the erection of a continuous line of levees, restraining the river within its banks at flood times, and they in their last report and in the previous one, and the engineer, too, in his last report, acquaint you with the fact that these people are "permanently inundated." That is, they have an overflow every year, and must have it, and that the height of the flood will continue to increase as the levees are perfected, and that consequently, so far from expecting any relief from present ills, they may expect to have a worse time.

I want to dwell upon one other thing a moment. It has been alleged as one of the objections to the redress sought that the United States Government is expected to pay these damages, whereas the cause of the damage, to wit, the erection of the levees, was not only the act of the United States but was the act of the State of Louisiana and of the various levee districts along the river; and that therefore there ought to be an apportionment of the damages between all the contributing parties. My answer to that, in the first place, is that apportionment is absolutely impracticable, and there is no way of making it. There is no such thing as a suit jointly against a State and a levee board and the United States Government. And in the second place—and this I want to impress upon you—by the very nature of the case the levee districts must pay a part of these damages if the damages are assessed and paid by the United States. Now, follow me. Already the levee districts have gotten the advantage of the nonerection of levees on this front. These levees, if they had been built from Vicksburg down to Baton Rouge, would have cost a half a million dollars, in round numbers; about that at the very lowest. What would have been the result? Either that half million dollars would have been subtracted from the work which has been done elsewhere, and the levees elsewhere could not have been carried to their present height, or else, if they had been carried to their present height, the amount appropriated by Congress would have had to be increased a half a million dollars, and if the amount appropriated by Congress had been increased a half a million dollars, then the contributions of the levee districts, which must maintain a certain proportion to the national appropriation, would have been increased share and share alike. If the Government continues to avoid the expense of building the levees down there, the people on other parts of the river in levee districts will continue to enjoy the benefit of this saving of half a million dollars, and even when we make an appropriation for damages to these people of mine the others will all continue to enjoy the difference between the sum which ought to be assessed and paid to my constituents as damages and the half million dollars needful for first construction on levees, besides the largest amount for annual upkeep and some revetment work, while paying, as levee districts, in taxes their share of the increased levee expenditure. If those levees from Vicksburg to Baton Rouge were built to-morrow, and were added to the appropriation in this bill, or if, without increasing the amount of the appropriation, the amount of their cost of construction were taken from the amount appropriated for levees elsewhere, you see at once that these people elsewhere—I, in the Yazoo Delta, others in Arkansas, and you in lower Louisiana—would have to do one of two things—either increase our proportionate contributions to the common levee construction fund or else suffer by not having the work done which we expected to be done. If you pay these damages, which would be less than the cost of levees, then the Yazoo levee district, the Mississippi levee districts, the Louisiana levee districts, and the Arkansas levee districts will have to pay their share of it, because the United States Government, in pursuing the policy of helping those who help themselves and helping them in proportion as they help themselves, requires their appropriations to increase with its own. And if this amount is increased to a given amount ultimately through the judgments of the Court of Claims—say, a quarter of a million dollars—those people must pay their share of that quarter of a million dollars, practically and consequentially.

The ACTING CHAIRMAN. This bill does not provide for a proportionate contribution by the levee districts.

Senator WILLIAMS. I know that; but the Mississippi River Commission insists upon it, and it has been the uniform course and will, I assume, continue to be the practice. So far as I know, the Federal Government never built a levee for anybody where there was nobody helping. Where the people never would tax themselves, the Govern-

ment has refused uniformly to build for them, and I understand that to be the hitherto fixed policy of the Mississippi River Commission.

The ACTING CHAIRMAN. Do you understand that that has been the policy of the Government in reference to damages for lands destroyed or injured?

Senator WILLIAMS. No; I do not, not in the way of requiring a direct contributing appropriation for damages; but if those appropriations were carried upon an appropriation bill, and through the Court of Claims the Government had to pay it, finally Congress would have to make the appropriation to meet the judgment of the Court of Claims, and that would be done as a part of a river and harbor appropriation, to which all levee districts contribute proportionately with the Government.

The ACTING CHAIRMAN. Would that follow unless the bill you are now arguing for provided for a contribution on the part of the several levee districts toward the payment of any judgment of the Court of Claims?

Senator WILLIAMS. It would follow with practical necessity, and as a necessary practical consequence, as I see it and have tried to demonstrate, because the appropriations to pay the amount for which the Court of Claims found judgment would be made upon the rivers and harbors appropriation bill.

The ACTING CHAIRMAN. Yes; but would we not be confronted then by the suggestion that this bill authorizes a suit for the ascertainment of damages against the United States, and that therefore the Court of Claims having found against the Government, the Government itself ought to appropriate all the money?

Senator WILLIAMS. There is no doubt about that; but when the Government had appropriated the money, it would have appropriated it as a part of the rivers and harbors expenses, and it would thereby have added that much to the bill of that year, and that practically and necessarily would force these levee districts to raise their proportionate share of the addition that had been made. As a matter of law, of course, it does not hold any levee district responsible. I am speaking of the practical and even necessary consequences of the increased appropriations.

So much for that. Another answer to the objection that there is a double construction of the levees is that, while that is true, there is a single ownership, management, and control, and that is in the United States Government now. If the Mississippi levee district, for example, Mr. Chairman, chose to cut the levees on its front—were to come to the absurd conclusion that it was better for the people there not to have a levee—of course the United States Government would not permit it to do so. The United States Government would say, "You may conclude that doing away with these levees from Greenville to Vicksburg is for your benefit as landowners, but we are improving the navigation of the Mississippi River. What we are doing is done with two purposes: First, to improve the navigation, and, secondly, to unhamper, unshackle, and free the commerce of the valley and the commerce crossing the valley from the destructive interruptions by floods," which, by the way, is a very much greater reason for what they are doing with regard to the levees, and what the Government has been doing, than the mere improvement of navigation itself by the deepening of the channel. I say this because when these great destructive overflows come they go over the railroads; they go over the dirt roads; they go over the towns and factories and freight yards and everything else; and they just put a stop to all interstate commerce within and across the Valley of the Mississippi, within the area of the flood, that is.

So much for that. The control, the ownership, and management of the levees is now single and is the control and management of the Federal Government. Something has been said, and a suggestion has been made, that perhaps this committee might report out a separate bill instead of making this a provision upon the rivers and harbors bill.

Mr. Chairman, I want to protest against that course for a very patent reason that any man who ever served in the House of Representatives understands, and I want especially to call your attention, Senator RANSDELL, because you have served there, to this: If this is reported as a separate bill, it goes in the House upon the Union Calendar and there is practically no way of ever getting it off except by unanimous consent. The Union Calendar in the House is just like Rule IX in the Senate. When a bill goes on the calendar under Rule IX in the Senate you might just as well bid farewell to it, as a usual thing. This sort of a separate bill will go on the Union Calendar in the House as a mere claim and could not come up there except at certain periods, and then by unanimous consent. So much for my objection to a separate bill.

The ACTING CHAIRMAN. Let me ask you, Senator, if it will not interrupt you: Was this matter submitted at length to the committee of the House?

Senator WILLIAMS. Yes; I know it was. It was submitted at the last session—the last time they had a rivers and harbors bill up.

Representative QUIN. Not at this time. It was at a previous conference.

Senator WILLIAMS. My colleague in the other House, Mr. QUIN, tells me it was not at this session. I know it was submitted once, because I was there.

My colleague, Senator VARDAMAN, the other day regretted my absence upon the occasion when these riparian landowners were here and were addressing you. I had no idea of addressing you on that occasion, because, of course, I am well enough acquainted with the practical course of things legislative to know that the presentation of a case which follows five or six other presentations of it goes with very little force, and I preferred to wait until I had their presentation before me for such aid as it might give me and then to sum the whole matter up separately.

Now, gentlemen, I come to the amendment itself. I shall take the trouble to read it, although it will take a little time. I read it now as amended. Leaving out the title, it reads:

"The claims of the landowners for the destruction of private property located along the Mississippi River, in the counties of Warren, Claiborne, Jefferson, Adams, and Wilkinson, in the State of Mississippi, and the parish of West Feliciana, in the State of Louisiana, and damage thereto by flowage or otherwise, as a result of the construction of levees along and other improvements of said river, are hereby referred to the Court of Claims, with jurisdiction to hear and determine the same to judgment: *Provided*, That the landowner files a petition in said court within one year from the date of the approval of this act, and said suits, on motion of either party, may be advanced for hearing in either the Court of Claims or the Supreme Court.

"In adjudicating said claims the Court of Claims is hereby authorized to take into consideration the evidence already taken in behalf of either the landowner or the Government in cases heretofore instituted in said court, where the claimant and the United States have been represented by counsel present at the taking of such evidence, and the said Court of Claims shall ascertain and find to what extent and amount any property has been damaged or injured as a result of such river improvement, and to enter judgment therefor: *Provided, however*, That if said Court of Claims finds that such damage or injury amounts to a destruction of such property, said court, before payment of its judgment, shall require the proper party to execute a deed of conveyance for the title to said property to the United States, and such judgments, if any, shall be paid as other judgments of said court are now paid under existing law."

The reason for putting that clause in, Mr. Chairman, was the suggestion made at the last session to this committee by Judge Taylor, the president of the Mississippi River Commission, with which the engineer in his recent report agrees, that this land would furnish a good deal of useful material for the improvement of the river. Nearly every little stream that comes down there from the hills is loaded with gravel, and that whole country has a good deal of willow, and a good deal of cottonwood, the willow especially being very highly useful in revetment work. Willow for revetment work is growing scarce and costly. This would check, even reverse the course of that misfortune. If it is left in the present condition, the land will run still more to willow and gravel, and it was the opinion of Judge Taylor that it would pay the United States Government to own it; certainly it would pay it better than to levee it; and certainly it would pay it better than to give us any other redress which has been suggested, which would be more expensive to the United States Government and without any return to it.

Then follows in my amendment this proviso:

"*Provided further, however* That in adjudicating said claims the Court of Claims shall permit any party who, at any time since 1890, owned or held title to said lands, or any part thereof, or interest therein, involved in the respective cases, or who, since 1890, has parted with title thereto, or become dispossessed of said lands or any part thereof, or interest therein, by reason of foreclosure proceedings for the enforcement of mortgages, tax delinquencies, or otherwise compelled to sacrifice title thereto, as a result of said injuries, to appear as a party claimant by filing an intervening petition herein, or may be made a party or parties claimant by either the original claimant or the defendant within six months after the approval of this act, setting up their right, title, or interest in and to said land, and said court shall consider the claims of all of said parties and render judgment for whatever amount said court considers equitably or justly due the respective parties, but in no case shall the total of said judgment or judgments exceed the value of the land involved in the respective cases before being so injured or destroyed, and the payment of said judgment or judgments shall thereafter forever release the United States from further liability or responsibility for any damage to said lands as a result of constructing improvements along or adjacent to said river for any purpose whatever."

Then there follows the proviso that in no event, however, shall the total damages assessed as between the present holder and the parties formerly holding, and foreclosed, amount to more than the damage of a total destruction, which would be the value of the land.

The ACTING CHAIRMAN. Will you kindly place that amendment in the hands of the stenographer so he can set it out in the record?

Senator WILLIAMS. Yes.

The ACTING CHAIRMAN. That is exactly as you propose it?

Senator WILLIAMS. That is precisely as I now propose it. The proposed amendment reads as follows:

"The claims of the landowners for the destruction of private property located along the Mississippi River, in the counties of Warren, Claiborne, Jefferson, Adams, and Wilkinson, in the State of Mississippi, and the parish of West Feliciana, in the State of Louisiana, and damage thereto by flowage or otherwise, as a result of the construction of levees along and other improvements of said river, are hereby referred to the Court of Claims, with jurisdiction to hear and determine the same to judgment: *Provided*, That the landowner files a petition in said court within one year from the date of the approval of this act, and said suits, on motion of either party, may be advanced for hearing in either the Court of Claims or the Supreme Court.

"In adjudicating said claims the Court of Claims is hereby authorized to take into consideration the evidence already taken in behalf of either the landowner or the Government in cases heretofore instituted in said court, where the claimant and the United States have been represented by counsel present at the taking of such evidence, and the said Court of Claims shall ascertain and find to what extent and amount any property has been damaged or injured as a result of such river improvement, and to enter judgment therefor: *Provided, however*, That if said Court of Claims finds that such damage or injury amounts to a destruction of such property, said court, before payment of its judgment, shall require the proper party to execute a deed of conveyance for the title to said property to the United States, and such judgments, if any, shall be paid as other judgments of said court are now paid under existing law: *Provided further, however*, That in adjudicating said claims the Court of Claims shall permit any party who, at any time since 1890, owned or held title to said lands, or any part thereof, or interest therein, involved in the respective cases, or who, since 1890, has parted with title thereto, or become dispossessed of, said lands, or any part thereof, or interest therein, by reason of foreclosure proceedings for the enforcement of mortgages, tax delinquencies, or otherwise compelled to sacrifice title thereto, as a result of said injuries, to appear as a party claimant by filing an intervening petition therein, or may be made a party or parties claimant by either the original claimant or the defendant within six months after the approval of this act, setting up their right, title, or interest in and to said land, and said court shall consider the claims of all of said parties and render judgment for whatever amount said court considers equitably or justly due the respective parties, but in no case shall the total of said judgment or judgments exceed the value of the land involved in the respective cases before being so injured or destroyed, and the payment of said judgment or judgments shall thereafter forever release the United States from further liability or responsibility for any damage to said lands as a result of constructing improvements along or adjacent to said river for any purpose whatever."

Senator SHIELDS. What will be the probable amount of damages covered by your bill?

Senator WILLIAMS. I should dislike to be held responsible for the absolute accuracy of the statement, but I think that $180,000 or $200,000 would cover present values. That is my notion. There have been some estimates of it, and some of them will appear in the evidence of some people who were here before. I do not recall them.

Senator RANSDELL. Was not $500,000 claimed in the Jackson case?

Senator WILLIAMS. Yes; but that Jackson case claimed everything in sight, and not only that, but the Jackson case as first filed, Senator, contemplated not only all the claims for the land but for the mules drowned, personal property and crops washed away, and the crops the man might have made, everything lost during the year when the land was overflowed, and I do not know what all.

Now, let us see about the precedents in the case.

Senator RANSDELL. Senator, before you pass away from that, would it be satisfactory for us to limit the amount of damages that could be claimed under your amendment to $200,000?

Senator WILLIAMS. Yes; but——

Senator RANSDELL. You say it would probably amount to $180,000 or $200,000. Would it be satisfactory if in passing the bill we should limit the damages to that amount, to be apportioned among the different owners?

Senator WILLIAMS. It would be satisfactory to me, Senator, if that is the right amount, except this, that I do not see how you would practically do it, because landowner A comes in and makes his claim, and B, C, D, and E do, and so on down the alphabet, and if it should turn out that the claims amounted to more than the $200,000, A, B, C, and D might get paid and E might be left with nothing. That is the trouble. But certainly the United States Government can well afford to leave to its own courts, where it is represented by the Department of Justice, the determination of what the actual damage has been. I would not object to some limitation if it were practically possible to make it, but I am satisfied that the real damages properly adjudicated would not go above a proper amount; but that is merely my opinion. A limitation might be made of so much per acre—say $30 for improved and $5 for unimproved land. That is about what land was worth there when "permanent inundation" took effect; maybe something else.

The ACTING CHAIRMAN. Mr. Jenkins estimated that the number of acres of cultivatable land destroyed or devastated by flood was something over 100,000 acres, while the uncultivated land amounted to 390,000 acres. He estimated in one place that it would produce $50 gross of cotton every year.

* * * * * * *

Senator WILLIAMS. The chairman and you are right about that. The damages would amount to more than I was thinking—more than I stated.

Senator RANSDELL. Many times that, I would think, Senator.

Senator WILLIAMS. I will come to that again later. This matter may not be of importance to the people of the United States at large, but to the people of this district it is a matter of life and death, because they have been simply bankrupted. Many of them have been foreclosed—lost all. Their sole hope for restoration in part is here. As to the precedents for this action, Mr. Chairman, the river and harbor act of 1907 (34 Stat. L., p. 1073, and vol. 2, Laws of the U. S., Imp. R. and H., p. 1255), contained legislation similar to that set out in these amendments, and also carried an appropriation of $1,200,000, out of which any judgment rendered thereunder could be paid.

That is not only a precedent for this legislation, but is a precedent for your suggestion. In that case they appropriated a certain amount of money, and then gave authority to the Court of Claims to hear these cases, and provided that the claims should be satisfied out of this amount appropriated beforehand. The further provision then made I will read, as follows:

"Any person or corporation having any estate or interest in the premises, who shall for any reason not have been tendered payment therefor as above provided, or shall decline to accept the amount tendered therefor, may, at any time within one year from the publication of notice by the Attorney General as above provided, file a petition in the Court of Claims of the United States setting forth his right or title and the amount claimed by him as damages for the property taken; and the court shall hear and adjudicate such claims in the same manner as other claims against the United States are now by law directed to be heard and adjudicated therein: *Provided*, That the court shall make such special rules in respect to such cases as shall secure their hearing and adjudication with the least possible delay."

Senator RANSDELL. When was this act that you are reading from passed—that first one?

Senator WILLIAMS. 1907.

Senator RANSDELL. Was that a river and harbor act or a special act?

Senator WILLIAMS. It was a river and harbor act. Then the river and harbor act of 1881 (21 Stat. L., p. 468, and p. 33, vol. 1, U. S. Laws Improvement of Rivers and Harbors), also contains legislation similar to that set out in these amendments. This legislation had reference to the construction of a dam at Lake Winnibigoshish, on the headwaters of the Mississippi River, and is as follows:

"*And it is provided*, That compensation for any private property taken or appropriated for any of said improvements, and of damages to private property caused by the construction of any of said dams, by flowage or otherwise, shall be ascertained and determined under and in accordance with the laws of the State in which such private property is situated."

That, the chairman and members will notice, went further than the others, and left the damages to be adjudicated by the State courts, the United States pledging themselves to pay their judgments.

By the way, here is the language to which I referred which the river commission used in connection with the utility of these lands, from Vicksburg to Baron, if we took them over—the language I sought a moment ago and did not find:

"The land embraced in these basins is in places covered with willow, a material that would be valuable for use in the work of river improvement, and in such cases it is desirable that the ownership should be in the United States. In fact, the earlier reports of the commission recommend that such lands be acquired for that purpose."

They go on to say:

"The lands are capable of growing many kinds of valuable timber. They could be made to produce much material for revetment and other works of improvement in the river. If the fields were abandoned to natural growth, the land would be gradually built up by deposit and they might become highly valuable for cultivation."

That is, in the course of time. All this incidentally.

Now, I want to call your attention to another precedent. This was the legislation giving relief to the landowners along the Fox and Wisconsin Rivers which was enacted in March, 1897, and is to be found at Eighteenth Statutes at Large, page 506. This was the subject of a House bill, No. 4573, of the Forty-third Congress, second session, which passed the House by a unanimous vote on February 24, 1875, as shown by the CONGRESSIONAL RECORD for that date. This bill was reported to the Senate the following day, February 25, and referred to the Committee on Commerce. The bill came from the Committee on Commerce with a favorable report and passed the Senate by a unanimous vote on March 3, 1875.

The Fox and Wisconsin Rivers are farther up north. They received a unanimous report. When the bill was being considered by the Senate Mr. Howe—Senator Howe at that time—said:

"The precedent for this bill is one under which damages were adjusted for the Des Moines River improvement."

This precedent referred to by Mr. Howe, the Des Moines River precedent, will be found in Fifteenth Statutes at Large, page 124, and became a law on July 20, 1868.

So there are these precedents of 1868, 1875, 1881, and 1887.

The legislation giving relief to the landowners along the Fox and Wisconsin Rivers remained in force from March 3, 1875, to February 1, 1888, when it was repealed (25 Stat. L., p. 4; U. S. Laws, Imp. R. & H., vol. 1, p. 476), and as a result of the enactment of this legislation approximately 400 landowners along the Fox and Wisconsin Rivers were compensated for damage to or destruction of their lands as a result of improving the rivers. The names of these landowners will be found in the various acts of Congress making appropriations to compensate them after judgment was rendered. For instance, by the act of February 1, 1888, 127 of such cases were settled (25 Stat. L., p. 4; U. S. R. & H. Laws, vol. 1, pp. 472–476).

These people, like my people, Mr. Chairman, had no right enforceable in any court of law. That is clearly admitted. Congress gave them one. They had and we have only a permissible right in the forum of justice and fair dealing and ethics and common honesty, and yet this is the way Congress dealt with them, and there is no reason why simply because they were a few degrees latitude farther north that a different course should be pursued toward my people. I repeat, the names of these landowners will be found in the various acts of Congress making appropriations to compensate them after judgment was rendered. For instance, by the act of February 1, 1888, 127 of these cases were settled. That is to be found in Twenty-fifth Statutes at Large.

The ACTING CHAIRMAN. Can you say whether in any of those cases where appropriations were made that the Government imposed upon the districts a proportionate part of the damages assessed?

Senator WILLIAMS. None.

The ACTING CHAIRMAN. The Government paid them all?

Senator WILLIAMS. The Government paid them.

In addition to the above precedents it should be noted that the Government has in other cases compensated landowners for damage done to their land by flowage resulting from works constructed by the Government.

Of course that is on a slightly different footing, but by analogy it is persuasive at any rate. Of course a dam is not quite the same thing as a dike along the banks—a dam for the purpose of bringing slack-water navigation—but in those cases the Government has compensated the landowners. And I for my part can see no difference in principle between a case where the Government in giving slack-water navigation to a river puts in 10 or 12 dams, causing a great deal of property up above the dams to be constantly overflowed, and paying for the destruction because it was virtually an actual taking, although "consequential," and the Government building a dike along the bank of the river resulting necessarily in annual inundation, as it was anticipated to result, and known beforehand to result, so that the result was a deliberate act of the Government when it raised the flood level from 3 to 4 feet.

The ACTING CHAIRMAN. I think you will find a precedent, Senator, in the case of the dam constructed by the Government at the headwaters of the Yellowstone, where they backed the water up and covered 6 acres of land.

Senator WILLIAMS. Yes, sir; I do not know how many precedents there are for that; but it has been contended that erecting a dam for slack-water navigation and permanently overflowing land in that way was somehow a different proposition from permanent overflowing from the erection of a continuous course of levees, which are mere parallel dikes or dams, resulting in the same practical damage to the landowner.

Senator SHIELDS. Are they not both in the exercise of the governmental power to improve these rivers for navigation?

Senator WILLIAMS. Both of them. When the Kanawha River was given slack-water navigation by Government constructions it was expressly for the purpose of improving navigation and also increasing facilities for interstate commerce, just precisely the reasons that underlie this continuous levee work, and I can see no difference in principle between the two things. One is a perpendicular dike or dam against water and the other is a parallel dike, and both dammings of the water result in flooding, and in this particular case of mine has resulted in permanent and annual inundation. I do not mean that the water is on all the lands all the year; but it is on them every year and goes off too late to make a crop. And so the result has been, by accepting the hills as a levee and as the practical bank of the river in high water, we have condemned the lands to public use, consequentially, it is true, and not directly, but none the less really. It was because it was done consequentially that there was no enforceable legal right in a court, but the result to the landowner and the public both is the same as if you had directly condemned the property and had bodily taken it for public use. It was practically a condemning for public use, for a public purpose beneficial to the country as a whole.

In addition to the above precedents it should also be noted that the Government has compensated landowners for damage done to their lands by flowage resulting from other works constructed by the Government. For instance, in building what is known as the Illinois & Mississippi Canal, which connects the Illinois River with the Mississippi River at or above the mouth of Rock River, the Government not only paid the landowner for the land occupied by the canal right of way but compensated him for flowage damage to that part of his land not taken for the canal right of way, and the act of Congress provided, most astonishingly, that such compensation would be assessed and determined as provided by the laws of the State of Illinois. (26 Stat. L., 449; Ill. Const. 1870, art. 2, sec. 13; 2 Star and Curtis Annotated Ill. Stat., pp. 1763, 1770, 1790, 1793; 3 Star and Curtis Annotated Ill. Stat., pp. 3965, 3967.)

The act of Congress authorizing the construction of the Illinois & Mississippi Canal authorized the Secretary of War to institute condemnation proceedings in the Circuit or District Court of the United States for the Northern District of Illinois, sitting at Chicago. Condemnation proceedings were instituted and the decree of the court showed that the landowners along the canal right of way were paid for the land actually taken and also for damage by flowage to the land not taken. A copy of said condemnation proceedings is on file in the office of the Judge Advocate General, War Department, Washington, D. C.

Here is the decision of the Supreme Court of the United States in the Jackson and Hughes cases. I think you have already had it published in your hearings, but if not, it ought to appear somewhere—not, however, as a part of my testimony.

Senator RANSDELL. Is that the Jackson case?

Senator WILLIAMS. Yes; the Jackson and Hughes cases.

The ACTING CHAIRMAN. I think it is printed in these hearings. I think Mr. Scott put it in the hearings.

Senator RANSDELL. I suggest it be printed as an appendix to Senator WILLIAMS's statement. (See Appendix A.)

Senator WILLIAMS. The House Committee on Claims has reported a bill to give us relief, but it has undertaken to give us the relief by a separate bill, and I have told you why I do not want any separate bill. There is a report here from the House Committee on Claims, a favorable report accompanying the bill H. R. 13581, and if my memory be not at fault, it was a unanimous report of the House committee. Am I correct about that or not?

Representative QUIN. Yes, sir; that is true.

The ACTING CHAIRMAN. Is that on the calendar of the House?

Senator WILLIAMS. Yes; but under the rules of the House bills of this sort go to the Union Calendar, and it is worse than Rule IX in the Senate. Practically one can not get it up except by unanimous consent, and of course in a matter of this sort there would be somebody to object, I suppose.

This House committee uses some language which I desire to read and insert:

"The Committee on Claims, to whom was referred the bill (H. R. 13851) for the relief of the landowners on the east bank of the Mississippi River in the counties of Warren, Claiborne, Jefferson, Adams, and Wilkinson, in the State of Mississippi, and in the Parish of West Feliciana, State of Louisiana, having considered the same, report thereon with a recommendation that it do pass.

"The bill under consideration carries no appropriation, but as recommended by the river commission and officers of the War Department refers the claims of the landowners in these counties to a court for adjudication.

"The relief sought by this bill is the legislation prayed for by joint resolution No 14, which passed the Legislature of the State of Mississippi and was approved by Gov. Noel on February 15, 1910 (see Laws of Mississippi, 1910, p. 109, ch. 363), and by another joint resolution which passed the legislature of that State by a unanimous vote last June. Both of these resolutions memorialized Congress, and especially the Representatives in Congress from Mississippi, to enact legislation similar to that set out in the bill under consideration.

"In the first session of the Sixty-first Congress a similar bill (H. R. 6467) was referred to this committee, and by the committee referred to the War Department, and by that department to the Mississippi River Commission for report. That commission, on April 1, 1910, in returning said bill to the War Department, reported as follows:

"'There is no doubt that the lands and other property referred to in the bill have been more or less damaged by the construction of the levees along the lower Mississippi River which have been built in recent years under the direction of the Mississippi River Commission. * * * At the same time the United States has been benefited by the general improvement of the river for navigation.'"

That reminds me that some time last session Senator GALLINGER, of New Hampshire, said that we people coming here for largess from the Government to get appropriations to build levees wanted to come back and get damages after having built them. That is the old logical fallacy, Mr. Chairman, of a double or ambiguous middle. The people getting the benefit from the levee system are one set of people, and the people who are receiving the damage from the levee, for whom I am pleading, are another set of people. The people who are being benefited by the levees are not coming here to solicit compensation for damages, but the people who have been damaged by the construction are the ones who are coming. They are not even on the same part of the river.

Prior to this continuous levee system these lands on these banks between Vicksburg and Baton Rouge have been from 4 to 10 feet higher—in some cases as much as 10 feet higher—than the lands on the opposite bank of the river and were never damaged except in epochal overflows, like 1828 and 1882, and that of 1862, probably. So that the fact that the balance of the United States is benefited by the general improvement of the river is regarded by the Mississippi River Commission, differing from Senator GALLINGER, or from what seems to be his opinion, not as a reason why these people should not be paid for the damages, but as a reason why they should be paid, and the Mississippi River Commission is right in that, and not he. I continue to read the report:

"And after further stating the facts as to the damage to the east bank lands in these counties, on the question of the relief provided in said bill for the landowners, said:

"'It would be desirable to have some court or special commission do this, if possible, as a matter of justice to everybody; and if such court is to act at all, it seems just and equitable that it should consider the cases of all landowners affected, without reference to any time limitation.'

"The recommendation made by the Mississippi River Commission to the Chief of Engineers, and by the Chief of Engineers to the Secretary of War, as above referred to, is in all respects similar to the recommendations made by the river commission in its annual reports whenever reporting on the subject of the damage done to these lands. Particular attention is called to the commission's report for 1910, pages 2937-2939, and to House Document 1010, Sixty second Congress, third session, and especially to paragraph 84, page 12, where it is stated that it was desirable that the title to these east-bank lands should be in the Government, and that the early reports of the commission recommended that said lands be purchased by the Government for use in its work for river improvement. Said House Document 1010 is a report made by the Mississippi River Commission in accordance with a provision of the river and harbor act approved July 25, 1912, which appropriated $30,000 for the purpose of investigating the claims of these landowners and to survey said lands.

"The relief provided for in this bill is, in all respects, similar to the relief granted to the citizens along the Fox and Wisconsin Rivers by the act of March 3, 1875 (18 Stat. L., pt. 3, p. 506, chap. 166, and 25 Stat. L., p. 24)."

Skipping a part of this report, I now read from page 3, as follows:

"From Delta Point, opposite Vicksburg, to West Baton Rouge the flow of the high waters is obstructed by that part of the levee system on the west side of the river, and they are now compelled to flow over the space between that part of the levee system west of the river and the foothills east of the river in Mississippi, and which space does not have an average width of over 3 miles. This stretch of territory on the east side of the river from Vicksburg to Baton Rouge is very irregular in its width, for the foothills at several places abut on the river, as at Vicksburg, Grand Gulf, Rodney, Natchez, Ellis Cliff, Fort Adams, Tunica, and Bayou Sara or St. Francisville, making six small V or U shaped basins.

"From Baton Rouge south, instead of flowing over a territory 60 or 70 miles wide to the Gulf as formerly, the high waters of the river are now compelled to flow over the space between that part of the levee system constructed east and north of the river and that part of the said levee system constructed west and south of the river, which does not have a width of more than 2 or 3 miles at any point, and in this way the free flow of the high waters in their course to the Gulf is obstructed on both sides of the river. The Mississippi River Commission has established a grade and height for levee construction along the river which is from 3 to 5 feet above the highest known water, and the levee system as now constructed is, in the opinion of Col. Townsend, president of the Mississippi River Commission, sufficient to withstand all ordinary high waters. (P. 96, Hearings on H. R. 1749, before House Committee on Rivers and Harbors, Dec. 3 and 4, 1913.)

"In addition to these obstructions to the free flow of the high waters of the river south of Vicksburg, the high waters are brought from Cairo, south, diverted from their natural course, and confined between two lines of levees, as before stated, to the mouth of the Yazoo River, over a territory only about one-twelfth as wide as that over which the high waters flowed before levee construction, and at Brunswick, just north of the mouth of the Yazoo River, these diverted and confined waters are turned loose in volume much greater and with a current more forceful and destructive than before levee construction, on the land in these counties lying between the foothills east of the river and the line of levees west of the river, with the result that said lands on the east bank of the river between the foothills——"

The ACTING CHAIRMAN. As far back as 10 miles from the river sometimes, did you not say?

Senator WILLIAMS. Yes; in some places, and generally varies from 2 to 6 miles, but in some places it is as much as 10. They have connected the levees with the foothills at Memphis and connected them with the foothills at Vicksburg.

I call this to your attention because some gentlemen have said that while this was admitted to be a consequential damage that it was also an unintentional damage. Every man and every government is presumed to intend the natural and necessary consequences of his or its own acts. You gentlemen upon this committee knew—you were too well informed not to know—that while it was contended that confining a great river could not increase its average level or its low water level, that it must necessarily always increase its high-water level.

In the Mississippi River Commission's annual report for 1894 the river commission states very fully the injuries done the east-bank lands, and gives as a reason therefor the following:

"The subject has been thus fully presented in order that Congress, with the facts before it, will take such action in respect thereto as shall in its wisdom seem best and with a request that it may receive the early attention which its importance merits."

Then in the report for 1895 the commission renews that recommendation. This is its language. It says:

"Renews the recommendation there made that some provision be made by Congress for the adjustment of the equitable claims in such cases."

Third. In the annual report of 1896 reference is made to the same subject again, and the recommendation again repeated. Then, for the fourth time, in their annual report for 1910 they call attention to it and reenforce the previous representation. The river commission's report for 1910 states that the east-bank lands in these counties are "permanently inundated"—mark you, Mr. Chairman, this is the language of the commission—"permanently inundated" as a result of the construction of the levee system.

Here is one thing that is brought out splendidly in this House report, and I want to call it to your attention, because it is such a graphic statement of the actual situation of things. It reads:

"The area of this basin is 1,240,050 square miles, or about 41 per cent of the entire area of the United States, exclusive of Alaska and outlying possessions. That this is also a national question is further shown by the fact that the accumulated waters which the Government's levee system brings down the improved channel of the river and turns loose and diverts upon the lands of the east-bank citizens of these counties comes from 31 States of the Union, which makes the Mississippi River confined within the Government's levee system the drainage ditch of said 31 States, comprising, as heretofore stated, almost half of the territory of continental United States.

"It is a fact admitted in reports by the officers and agents of the United States charged by acts of Congress with the construction of the Government's levee system that the confinement and diverting of the waters from these 31 States has resulted in the destruction of the east-bank lands in these counties, and has driven the landowners from their homes and caused the abandonment of said lands for cultivation, and said lands before the inauguration and construction of the levee system by the Government had been successfully and profitably cultivated by the owners thereof for generations; i. e., ever since the settlement of the State of Mississippi along that section of the river, and the city of Natchez (Fort Rosalie), in Adams County, is one of the oldest settlements in the State.

"The east-bank lands in these counties were, before the construction of the Government's levee system, in their natural location, much higher than the lands along and on the west side of the river in the State of Louisiana and of considerable value, while the lands in the State of Louisiana on the west side of the river were not so valuable as agricultural lands, and since the inauguration and construction of the Government's levee system the lands protected by and behind the levee system have become much more valuable and are to-day being successfully and profitably cultivated and are valuable sugar and cotton plantations, while the east-bank lands in these counties have been destroyed and abandoned and have no agricultural value."

Gentlemen, this is a right serious thing. I need not tell you, Mr. Chairman, because you spent your early days in that neighborhood, that perhaps the very flower of the wealth, culture, and civilization of the State of Mississippi was in and around the town of Natchez, and was illustrated by the planters who lived in this very section. They had the handsomest homes, they had the best cultivated lands, and they had the best system of agriculture of any people in all that country, and that has been totally destroyed for the public benefit, and the public which is benefited by the destruction ought to pay for it.

I do not know how I could make that situation appear in language as strong and as distressful as it is in actual fact.

I understand that the land from Bayou Sara to Baton Rouge was surveyed by the engineer while he was surveying down to Bayou Sara from Vicksburg, and that his report refers to it, and that therefore it can come in here, and I have therefore included it in the amendment to the amendment. It takes in the land in the parish of West Feliciana, but I did not include the land that Senator Shields referred to or the lands in Kentucky or elsewhere. There are some lands up at Paducah, I think, not many acres, that might be put in the bill, but I want it fixed so that if anyone makes the point of order to another stretch not surveyed nor recommended it will not affect mine.

Here is also a little language in this House report that I recommend to you. It reads:

"Notwithstanding the fact that Congress made appropriations to improve the river and to 'prevent destructive floods' the work done in accordance with the plans of the river commission to improve the river caused the east-bank lands in these counties to be subject to 'destructive floods,' and as foretold by the river commission in its annual reports."

I will not read all of this report, which, however, I recommend to the perusal of the Members of the Senate, and I shall ask the stenographer to have such parts of it as I have lead penciled on the side put in the hearing as having been referred to by me immediately after what I have read.

The matter desired to be inserted is as follows:

"For the last several years the acts of Congress making appropriations for the improvement of the river each year provided for the construction of levees forming the levee system in accordance with the plans of the river commission which was to construct a connected and continuous levee system, the first act of Congress providing for the construction of levees being that of September 19, 1890. Later acts of Congress, however made appropriations not only for the construction of levees and to improve and give safety and ease to the navigation of the river, but also provided for the improvement of the river in accordance with the plans of the Mississippi River Commission as approved by the Secretary of War, to prevent destructive floods and promote and facilitate trade, commerce, and the Postal Service (see river commission's report, 1905, p. 3). Notwithstanding the fact that the Congress made appropriations to improve the river and to 'prevent destructive floods' the work done in accordance with the plans of the river commission to improve the river caused the east-bank lands in these counties to be subject to 'destructive floods,' and as foretold by the river commission in its annual reports.

"The flood of 1912, the bulk of which came from north of Cairo, Ill., being confined between the levees on both sides of the river composing the levee system, was too large to be contained within this limited space and overtopped the levees in places, causing great damage and suffering to the landowners and their tenants behind and protected by said levees and owning and living on land which the construction of the levee system had made very valuable. The Congress came to the relief of these flood sufferers of 1912 and appropriated $1,500,000 to care for and protect them and their property. Not one foot of land in these counties along this section of the river on the east bank has in any way been benefited by the construction of the levee system, but, on the other hand, has been destroyed. The appropriation of $1,500,000 for the relief of the flood sufferers of 1912 was not for the benefit of those east-bank citizens but was for the benefit and relief of citizens owning and living on land behind the levees. Maj. Normoyle, of the United States Army, in his report of the disbursement of this relief fund appropriated by Congress refers to these east-bank lands as 'abandoned lands.' Maj. Normoyle's report is published as House Document No. 1453, Sixty-second Congress, third session, and the map accompanying it shows the overflowed territory in the locality of the east-bank lands in which he operated for the relief of the 1912 flood sufferers to be west of the river and behind the levees on that side of the river, and this notwithstanding the fact that all east-bank lands west of the foothills were overflowed. The reason for this is easily explained. The landowners and the tenants of the east-bank lands had been theretofore driven from their lands and homes and said lands abandoned by them as a result of the construction of the levee system.

"Another view of this matter and the change effected by the construction of the levee system can be obtained by referring to the fact that before the construction of the levee system the high waters of the river periodically flowed over 29,790 square miles and had a free flow from Cairo without continuous obstruction on either side of the river to the Gulf of Mexico. Since the construction of the levee system 26,569 square miles are protected by the levees composing said levee system. In other words, before the construction of the levee system the high waters flowed over 29,790 square miles of territory, and since the construction of said levee system the high waters are obstructed and compelled to flow over a territory of only 3,221 square miles, showing that the high waters are now compelled to flow over a territory approximately one-tenth as large as that over which it flowed before being obstructed and diverted by levee construction. Instead of flowing, as formerly, over this large territory in a thin sheet, the high waters are now compelled to flow over a smaller territory in a much thicker sheet, or to a greater depth, and the space being only one-tenth as large, the lands lying adjacent to the river, where no levees have been constructed, are flooded much more frequently than before levee construction, for the reason that it requires less water to overflow them, and the construction of levees on both sides of the river, north of their lands, and on the west side of the river, in front of their lands, brings more water down the main channel than flowed there formerly.

"In order to secure relief at the hands of Congress numerous citizens in these counties owning east-bank lands organized the 'Association for relief to riparian owners of eastern bank of Mississippi River,' of which J. D. Frazier, of Rodney, is president, John F. Jenkins, of Natchez, Miss., secretary, and A. B. Learned, of Natchez, Miss., treasurer. The executive committee of said association consists of two members from each of the five counties, and is as follows: Dr. C. S. Highland and H. C. McCabe for the county of Warren, R. L. Hamilton and J. C. McMartin for the county of Claiborne, Hon. Jeff Truly, a former president of the Supreme Court of the State of Mississippi, and J. D. Frazier for the county of Jefferson, A. B. Learned and J. S. Chambliss for the county of Adams, and John F. Jenkins and C. Striker for the county of Wilkinson. Said association prepared a 'memorial and petition to the President and Congress of the United States,' which was presented to Congress on the 11th day of January, 1912, and published at page 803 of the CONGRESSIONAL RECORD for that day.

"As far back as 1894 the Mississippi River Commission in its annual report for that year reported to Congress the damage done to the east-bank lands in these counties by the then partial construction of the levee system, and also informed Congress that 'it is not to be doubted that an immediate effect of the confinement of the flood discharge of the Mississippi River by levees is to raise the high-water plane' and that it 'will have the effect in increasing degree as the system approaches completion'; and in the same report further stated that 'it must be recognized that the result will be to inflict some, and perhaps great, hardships upon the owners of lands in the unprotected areas described'—that is, on the east bank in these counties—and said commission in the same report for 1894, after submitting the facts fully to Congress, made 'request that it may receive the early attention which its importance merits' at the hands of Congress, all of which is set out in the commission's report for that year, pages 2713–2715, and printed on page 9 of said House Document No. 1010, Sixty-second Congress, third session.

"As stated by the Mississippi River Commission in its report for 1910, 'the situation (of these east-bank citizens) is pathetic and distressing in the highest degree. That these people should be condemned to perpetual inundation without possibility of relief or redress for the sake of an improvement from which their fellow citizens are enjoying great benefits is intolerable to any man's sense of justice,' and 'the lives of the landowners are passing away and hope deferred is making their hearts sick.'

"The Mississippi River Commission has recommended that the Government take title to said east-bank lands in these counties, and if the relief which these east-bank citizens seek is given to them by Congress as set forth in said bill, the Government, under recent court decisions, becomes the riparian owner of the east-bank lands when the east-bank citizens are compensated for them. These east-bank citizens are not seeking a gratuity at the hands of Congress, but the Government will, when compensating said landowners for their property destroyed, receive in return the title to said lands, and, in fact, has had the use of said lands for several years. The construction of the levee system, as said by Senator WILLIAMS on the floor of the Senate February 21, 1913, 'virtually made their lands a part of the channel of the Mississippi River,' and 'virtually condemned for public purpose, without compensation, some of the fairest plantations which ever existed in that country.'

"The claims of the landowners in these counties are those referred to by Senator GALLINGER on the floor of the Senate January 16, 1914, when he said, 'I am inclined to think those people have a pretty good claim.' (CONGRESSIONAL RECORD for that day, p. 1859.)

"The lands in these counties are the same lands referred to by Senator CHAMBERLAIN on the floor of the Senate, January 22, 1914, when he said:

"'Ruined, Mr. President, if you please, because Congress had appropriated money to improve the navigation of the Mississippi River, and these improvements resulted in changing the channel of the river and washing out the lands on the opposite side.

* * * * * * *

"'I happen to know something about it. I was born in Mississippi. * * * I have walked along the levees, if you please, and seen that those levees have changed the channel of the Mississippi River and washed out the lands on the other side.' (CONGRESSIONAL RECORD for that day, p. 2176.)

"The United States Court of Claims was created and given certain general jurisdiction for the relief of citizens, and 'to afford assistance and relief to Congress and the executive departments in the investigation of claims and demands against the Government,' and ever since it was created Congress has, from time to time, frequently given it additional jurisdiction in special cases to further relief Congress or an executive department and at the same time give relief to citizens who had grievances against the Government, and who, under the first amendment to the Constitution, are guaranteed the right to petition the Congress for the redress of their grievances.

"Precedents for giving the Court of Claims additional jurisdiction in special cases are numerous, and some of them will be found in the Statutes at Large, as follows: Eighteenth Statutes at Large, pages 506, 507; Twenty-fifth Statutes at Large, page 1010."

I notice that my colleague, Senator VARDAMAN, said that the "question before the committee is an amendment to this bill introduced by Mr. WILLIAMS, which provides that the Federal Government shall reimburse, take over, pay to the people owning land on the east bank of the Mississippi River from Brunswick, Miss., to Bayou Sara, La." That is not quite an accurate statement of it. It provides only for taking over and paying the value of the land *where the entire tract has been totally destroyed and subjected to annual overflow and where the court shall determine that there has been such a total destruction.* It is only in that case that it is taken over, and then the title is given to the Government by way of partial reimbursement. In cases where there has been partial damage, of course the court will find only partial damage and there will be only partial payment.

I want to call to your attention, to refresh your memories, what Capt. Jenkins told you—that most of these lands were lands that came to these people by inheritance. They were not sold and bought recently with the idea of speculating upon the Government. There is nothing of that sort in this. These lands are inherited lands. When that part of Mississippi was first settled it was settled by people coming up the river from Louisiana, from New Orleans, and by people coming down the river from French settlements near St. Louis, and then some people trekking across the wilderness about the time of the Revolution. Some of these lands that have been thus destroyed, Mr. Chairman, have been in the ownership of families and in constant cultivation 100 years and more, some of them in the ownership of the present families since before the Spanish cloud upon the title of the lands in that Natchez district was dissipated, and before it became indisputably United States territory. These people, their lares and penates, and all that, have been sacrificed for the public good, and the public has received benefits, I have received benefits, you, Mr. RANSDELL, have received the benefits of that sacrifice—not only your and my constituents, but in our two cases we ourselves personally—and yet we are to be told that merely because those who have been sacrificed have no enforceable legal right in a court, because of the technical point of its being "consequential damages" against the Government, exercising its sovereign power of improvement of navigation, that therefore they are to receive no redress at all.

What would a man say about an argument of that sort used in connection with a man who had been damaged in the public service, crippled by machinery belonging to the Government, if it had been used about that woman down here in the Census Office who had her scalp torn off? She had no enforceable legal right. Nobody was absurd enough to suppose she had, and yet Congress very properly took the position that, being engaged in work for the benefit of the public and being injured as a consequence of that performance of work, she was entitled to damages in the court of justice and ethics and fair play held by the National Congress. Now, of course, nobody

is permitted to sue the Government except upon conditions set forth and prescribed by the Government itself upon an express grant by the Government of right to sue. There is no statute of the United States which gives my left-bank people in this condition a right to sue the Government. I myself was astonished all the time that the suits were being instituted, and so far as the people of Mississippi consulted me about it I told them that, in my opinion, there was nothing in a lawsuit except to prejudice the case in the minds of lawyers, who are all too apt, if my fellow members of the bar at the table will pardon me for saying it, to confuse legalities with right and legal obligations with duties. Do not let that bother you. If you will read the decision of Judge White, you will see it goes off merely upon the point that there was no enforceable right in a court of justice. There could not be any except by a statute. That is all that these cases decide, and they ought not to prejudice this case in the slightest degree. The relief ought to go as a provision upon the rivers and harbors bill, so that the same bill which metes out the benefit to the inhabitants of the valley in the shape of improvement and protection of their lands shall be charged with the payments to those who incidentally were damaged by the benefits thus conferred upon all.

That is about all I wanted to say, and if there are any questions that Senators want to ask me, I shall try to answer them if I know how. If there is any difficulty in any of your minds further than those I have mentioned, which I have tried to obviate, I shall be glad to address myself to that.

THE WILSON DOCTRINE.

Mr. CLAPP. Mr. President, while I am loath to ask for the printing of outside matters, I have in my hand a document designated as the "Wilson Doctrine," by Policarpo Bonilla, on how the speech of President Wilson at Mobile, Ala., has been interpreted by the Latin-American countries. I have received requests for this article from libraries in the country, and I find there are only two copies available, one belonging in the Pan-American Union and the other in the Library. I desire that it may be printed as a Senate document, and I ask that it may be referred to the Committee on Printing with a view to its publication.

The VICE PRESIDENT. It will be referred to the Committee on Printing.

ADDRESS BY SENATOR HENRY F. HOLLIS (S. DOC. NO. 536).

Mr. KENYON. Mr. President, I ask unanimous consent that there may be published in the RECORD, and also as a public document, an address delivered by Senator HENRY F. HOLLIS at the Harvard Union at Cambridge, Mass., March 23, 1914. It is only seven pages in length, and is full of matter which will be of interest to the public.

There being no objection, the address was ordered to be printed as a document and also to be printed in the RECORD, as follows:

ADDRESS DELIVERED AT HARVARD UNION, CAMBRIDGE, MASS., MARCH 23, 1914.

[By Senator HENRY F. HOLLIS, of New Hampshire.]

"FROM ONE SENATOR'S VIEWPOINT.

"I was graduated at Harvard in 1892. I believe I am the first Harvard man of radical views to occupy a seat in the Senate.

"I do not fairly represent Harvard College in the Senate of the United States. I am quite sure that Harvard College is not representative of the United States, nor of New England. She is too conservative, too hidebound. She lags behind the times. She does not lead; she follows.

"In the Middle West the bond between some States and their leading universities is very close. The State legislatures submit questions of public policy to the college faculties, and receive opinions which largely control their action. This is particularly the case in Wisconsin. Imagine, if you please, the Legislature of Massachusetts requesting an opinion from the faculty of Harvard College! Imagine the reception it would get on Beacon Hill, if it should find its way there.

"It is a great pity that the political arm of our State and National Governments should not receive support from our colleges. Our leading college professors look on politics as low pursuit, a nasty business. Our leading legislators regard college opinion as a joke. Both these attitudes are very real; they are equally mistaken.

"There are many brave, patriotic men among the hosts of brainy, upright professors on our college faculties. There are many brave, patriotic men among the Senators of the United States. But the college men regard most politicians as corrupt and insincere, while the politicians regard college professors as impractical theorists. Worse than this, they believe that all college views are tainted by the great sums of money which have been bestowed on our colleges by men of great wealth.

"College professors are notoriously ill paid. They must live respectably; they must associate with people of culture and refinement; they must educate their children at expensive schools and colleges. They can not save enough to become independent; they are dependent for their very living on the governing board of the college; and the governing board must satisfy the rich men who make princely donations to the college. The belief is prevalent among public men in Washington that every eastern college is eating from the hand that has robbed the pockets of the people. Until this belief is dissipated Congress will have little faith in our colleges or in college men.

"There is a firm belief among public men that the President of the United States was forced from the presidency of a leading eastern college because he tried to stem the tide of snobbery and make that college democratic in the social, not the political, sense. In Stover at Yale we read the brave attempt of Owen Johnson to reveal the true weakness of our dearest rival.

"In New England our colleges still have a wide influence. A member of the faculty who makes addresses on public questions is listened to with considerable respect, but when it is learned that a college professor has been talking in favor of certain railroad policies from a supposed interest in public affairs, while he has been secretly receiving pay from the railroad whose policies he advocates, our confidence is sadly shaken.

"A college at best will act the part of an old man, a conservative old man, in politics. Worse than that, it will act the part of an old society man in politics; it is likely to be snobbish, supercilious, and overnice.

"We know that the young man is the progressive spirit, the radical in politics. As he gets older he becomes conservative, his political arteries harden, he slows down. Not until he becomes too old for radical action does he become important enough to enter the faculty. The dominant note, then, in college circles is the note of the old man, the man of influence, the conservative.

"And among the students, where youth is, we find the chill of convention, the rule of the social lion. A few leading spirits attain prominence on their merits, but in a large college the leaders, as a rule, are men of rich and influential families. The man in the baggy suit, with the country hair cut, stays in the background during his college course. He feels that he has nothing in common with the rich young blade who cuts a dash with his automobile or riding horse. He sticks to his books, gets what good he can from his college course, leaves no impress on the college constitution, and does not return for commencement. If he does drift back, he finds the same society men in charge, the same recognition of social caste, and he doesn't come back again.

"The result is that our colleges represent a very thin upper crust of our great American life. They are always respectable, always conservative, always reactionary. That is why rich men, who find things rigged about right for their money-making operations, are glad to contribute to the colleges. The colleges are the greatest dead-weight the capitalists can fasten upon the necks of the American people. The standpatter is conservative, wealth is conservative, the college is conservative. They are all in the same boat.

"My best friends will point out to me to-morrow that there is no help for this; that it has always been so and it always will be so. I admit that it has always been so; I admit that the great colleges in this country have never led in a great reform; that the great colleges in England have never led in a great reform. But I refuse to admit that colleges are incorrigible; I refuse to admit that they are beyond salvation.

"I would begin by declining gifts from men of great wealth. If new buildings are needed, I would call on the alumni for contributions, limiting the amount to be subscribed by a single donor. I would increase the income by increasing the tuition fees. An education achieved at some sacrifice is more valuable than one acquired through charity.

"College life should be made less expensive, more simple; it should be standardized. No more elaborate dormitories should be built. The popularity of the oldest dormitories in the yard shows that college men are not afraid of discomfort. New buildings should be severely plain and uniform. Men of the same college class should be quartered in similar buildings. Rooms and meals should be in fact "commons" and "commons" should be compulsory.

"Every man should be compelled to live simply and to take part in military drill once a week. Automobiles and other forms of show should be prohibited. It is not good for a man to have everything in life before he is fairly grown.

"Class elections should be by Australian ballot, preceded by primaries, and only men of high scholarship should be eligible to office. Every effort should be made to promote a democratic spirit and to crush out snobbishness. I should impose a limit on each man's allowance. If this did not suit the very rich man, he could easily find a college where he would be welcome.

"But, most important of all, college men should be taught what is wrong with the world and the way to set it right; what poverty is and where it exists, what makes it and what

will prevent it; what injustice is, its causes and its remedies; the reasons for high cost of living and the way to bring it down; the problems of immigration and how to make country life worth living. They should be taught human interests, the brotherhood of man, the glory of self-sacrifice, the passion of service to mankind. They should be taught these things until they are athirst for the battle against the wrongs and evils and injustices of the world.

"When a man is distinguished in public service of any kind, he should be invited to speak to the student the truth as he sees it, so that they may catch the contagion of his spirit and the stimulus of his force and courage.

"The motto of Harvard is 'Veritas,' a Latin word meaning 'truth.' I have availed myself freely of that mute invitation to speak the truth as I see it, and I thank you for the privilege.

"But Harvard's 'Veritas' does not mean the truth of the past alone, the truth that lies buried in the page of geology, that has stood the test of centuries and has received the approval of scholars long since dead. Harvard's 'Veritas' should be the living truth, not the truth of the last century, the last generation, or the last decade, but truth in the making, the truth of the great throbbing, kindly, cruel world that pulses to-day just outside the college yard, the vital truth that makes a man boil at injustice and burn to make the next year better than the last."

RIVER AND HARBOR APPROPRIATIONS.

Mr. NORRIS. Mr. President, I have here an editorial from the Engineering News of July 2, 1914, giving a review and a criticism of the pending river and harbor bill. I ask that it may be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

A SEARCHING CRITICISM OF THE RIVER AND HARBOR APPROPRIATION BILL.

Senator BURTON, of Ohio, is probably the best-informed man in Congress on the Government's work for the improvement of rivers and harbors. He served for many years while in the House as chairman of the Rivers and Harbors Committee. He was also chairman of the National Waterways Commission of 1909–10, which reviewed the whole subject of Government expenditure for the improvement of navigation and laid down the policy which the Government should follow to meet economic conditions of the present day.

Notwithstanding the publicity which was given to the report of that commission and the general discussion which has taken place on the subject, river and harbor bills continue to be framed in the same old way. It is therefore refreshing to find a man of Senator BURTON'S ability and experience coming forward with a public criticism of the present pending river and harbor bill, which deserves to attract public attention. (Senator BURTON has submitted a minority report on the river and harbor appropriation bill, printed as S. Doc. No. 522, 63d Cong., 2d sess., Rept. 599, pt. 2.) Certainly it should receive the attention of engineers, for the subjects therein discussed are subjects on which the expert technical knowledge of the engineer is essential to sound reasoning.

And at the outset it may be well to lay down what is the point of view from which river and harbor appropriations should be considered. As a matter of fact, the strong influences at work for river and harbor appropriations are first of all the local interest which judges the efficiency of a Congressman by the extent to which he can draw upon the Federal Treasury for funds to be spent within his district. Second comes the interest of those who wish appropriations made for rivers and harbors, ostensibly to improve navigation, but really for the benefit of lands subject to overflow, erosion, etc. In the third place come the interests which seek large river and harbor appropriation bills because of the opportunities for profitable contracts that may result. Finally comes the comparatively small minority which seeks Federal appropriations for the benefit of water transportation.

There can be no dissent, however, from the proposition that the last consideration is the only one that can in any way justify the use of the Nation's funds, collected from the taxpayers, upon waterways for interstate commerce. Not a few of the Congressmen who join in the scramble to secure their proper share of the distribution from the river and harbor pork barrel frankly deplore the necessity which compels them to join in a riotous waste of the public funds for which no corresponding benefit is received.

The river and harbor appropriation bill as reported by the House carried total appropriations of $43,400,000, which have been increased by the Senate to $53,680,000. Of this amount about $10,350,000 is for beginning work on projects which are to be completed under the "continuing-contract" system. This means that small sums have been appropriated to start works on projects for which much larger amounts must be appropriated in following years or the entire work will be a total loss.

In the present year the amount necessary to be appropriated in the sundry civil appropriation bill on continuing contracts will be between seven and eight million dollars. On this basis, therefore, the entire amount to be spent by the Government on river and harbor improvements during the fiscal year under the pending appropriation bill as reported in the Senate will be, in round numbers, $60,000,000.

Senator BURTON, however, rightly says that it is not the amount of the appropriation, large though it is, but the methods by which the appropriations are made that most deserves public criticism. He declares that many of the appropriations are made for waterways which under present conditions can not be profitably improved. And, further, that the bill contains large appropriations for local benefits which have little to do with navigation.

As our readers know, the idea has been spread abroad by energetic workers for river and harbor appropriations that the United States has neglected its watercourses, and that this is the reason why the traffic upon them has declined and in many cases entirely disappeared. On this subject, certainly, Senator BURTON, by reason of his long service on the Rivers and Harbors Committee of Congress, can speak with high authority. We quote from his report, as follows:

"An erroneous impression prevails that the Government of the United States has not been liberal in its appropriations for the improvement of rivers and inland waterways. This is altogether incorrect. More money has been expended for these purposes by this country than by any other of equal population or equal area."

As is well known, commerce on the Mississippi River has dwindled away until its commercial importance is to-day trifling. In 1880 the volume of traffic on the Mississippi River between St. Louis and Cairo was reported as 1,030,000 tons, and with a ruling depth of water of only 3½ to 4 feet. Since that time the Government has expended $15,574,000 to provide an 8-foot depth of water over this section of the river, and such a channel has been available to traffic for years. The traffic on the river, however, has steadily decreased and was only 265,000 tons in 1912.

The money which Congress has appropriated to improve these 206 miles of the Mississippi River in the last 25 years has far exceeded the amount spent by Germany in the improvement of the River Rhine from the frontier of Holland to Strassburg, a distance of 355 miles. Yet this section of the Mississippi had only 265,000 tons of traffic in 1912, while the commerce on the Rhine was nearly 40,000,000 tons, or about one hundred and fifty times as great. In addition to the amount above noted, there has been spent by the Government on the lower Mississippi between Cairo and the Head of the Passes, since 1879, the sum of $78,409,000, notwithstanding which fact the traffic shows a steady decrease. It fell off one-half in the decade from 1901 to 1910.

It may be remarked in this connection that it is not always safe to take mere tonnage figures as a basis on which to estimate the importance of commerce on an inland stream. An analysis of the commercial statistics shows that in many cases the tonnage of traffic which is reported consists largely of sand, gravel, and stone. In 1910 more than a third of the Mississippi River commerce between Vicksburg and New Orleans consisted of these low-grade materials.

It should not be understood that Senator BURTON in his reports stands opposed to all appropriations for river and harbor improvement. On the contrary, he approves of the expenditure of public money upon those projects which can be shown to justify the expenditure upon them by the traffic which they bear. Many so-called rivers included in the river and harbor appropriation bill are really arms of the sea. The money expended upon them to enable ocean vessels, larger or smaller in size, to navigate them and use them as harbors shows often very large returns in the way of benefits to commerce.

There is a general popular impression that the United States has been derelict in the improvement of its seaports. Regarding this, Senator BURTON says:

"The United States has first-class harbors not only in much greater number than any other country of the world, but the distance between them is generally not so great as in the very thickly populated countries of Europe. The Republic of France has but four or five first-class harbors, and Germany has but three. The harbors of the United States already improved, or on which improvements are well under way, surpass those of any other country."

It is with respect to the improvement of inland waterways that Senator BURTON'S chief criticism is directed. Prior to the advent of the railway as a freight carrier the navigable rivers of the country rendered an important service in carrying long-distance traffic. Analysis of the present water-borne traffic proves that long-distance inland transportation by water has almost wholly disappeared. Where the rivers are still being used for freight it is almost wholly local.

Turning now to the record of actual results from the Government expenditures on inland waterways, Senator BURTON instances the Red River below Fulton, Ark. For a distance of 475 miles on this river there was, in 1912, a total traffic of 44,967 tons, of which 42,640 tons were saw logs. The United States has spent on the improvement of this stream $2,768,000, and the pending river and harbor bill proposes to add $100,000 to this sum. Senator BURTON computes that, figuring interest at 4 per cent, the cost to the Government for every ton of traffic carried on this stream last year would be $4.68. With the saw logs excluded—since they have been floated on the river without any improvement—the cost per ton to the Government would be $90.56 and the cost per ton-mile $1.53. The Red River, moreover, is not an isolated example of the waste of river and harbor appropriations by any means. The United States has spent on the Arkansas River $3,108,000, and the pending bill proposes to add $164,000 more, yet the river carries a total traffic of only 71,516 tons in a year, of which 56,000 tons were saw logs. Going to the far West, on the Columbia River about Portland, the United States has spent about $9,000,000, and the total traffic on this stretch of the river is now only about 80,000 tons per annum.

There has been great agitation in recent years, as many of our readers will recall, to secure the improvement of the Missouri River. Great things were promised by certain commercial associations as to a revival of boat traffic upon that stream, and the agitators were successful some years ago in inducing Congress to resume appropriations for its improvement.

Before the advent of the railway the Missouri was, indeed, an important avenue of traffic for the pioneers, but steamboat traffic on it disappeared years ago, and in 1902 Congress decided that it was not worth while to expend further money on the stream. At that time the appropriations for it had amounted to $7,227,000. As a result of the agitation above referred to, the Government is now committed to a project to spend $20,000,000 more on the river between Kansas City and its mouth, of which $4,400,000 have already been appropriated. The traffic on the river in 1912 was 185,110 tons, of which sand and gravel hauled 1 mile made up 155,420 tons, leaving 29,690 tons for all other freight. The bulk of even this, however, was local traffic, and the only long-distance traffic to be found in the record is 4,173 tons of miscellaneous freight carried 339 miles and 1,404 tons of manufactured iron and steel products carried 158 miles.

Senator BURTON, however, suggests the real reason behind the agitation for the Missouri River improvement. From an official report filed in 1908 it appears that lands adjacent to the river, amounting to over half a million acres, would be benefited by the proposed improvement. Naturally, the owners of this land desired to have it protected from erosion or overflow at the expense of the Federal Government.

The most signal instance of waste of public funds in river and harbor appropriations, however, is in connection with the improvement of rivers by slack-water navigation. "It may be confidently asserted," says Senator BURTON, "that the only waterways in the United States which can be profitably improved by the construction of locks and dams are the Monongahela, the Kanawha, and the Ohio, which are improved by the Federal Government, and the Barge Canal connecting Lake Erie and the Hudson River, improved by the State of New York. It is possible also that the improvement of the Allegheny and the Black Warrior River in Alabama will prove desirable."

We should say that it is an open question whether the traffic on even these streams will in the end justify the expenditure which has been made upon their improvement. Certainly at the present time, with the sole exception of the Monongahela, there has been no evidence of such a result.

As examples of waste of public funds in slack-water navigation, Senator BURTON cites among others the famous Hennepin Canal, which connects the Illinois and Mississippi Rivers. Its advocates 30 years ago maintained that its construction would save the public $20,000,000 per annum in freight. Its construction dragged along over many years with the piecemeal appropriations, which Senator BURTON roundly condemns, and it was finally opened for traffic in 1908. Up to date the Government expenditures upon it have been in round numbers $8,740,000, and it carried last year only 11,962 tons of commercial freight. In the year 1909 the tonnage of material hauled for repairs and improvement of the canal itself was more than 22 times as great as the commercial freight handled over the canal.

Muscle Shoals Canal, on the Tennessee River, has cost the Government $4,500,000, and in 1912 the freight passing through the canal amounted to 5,520 tons.

On the Big Sandy River, located on the boundary between Kentucky and West Virginia, the Government has expended about $2,000,000 in constructing locks and dams, and the total tonnage carried in 1912 was 500 tons. During this same period the railway operating in the Big Sandy Valley handled 2,225,000 tons of freight.

These are extreme, but not isolated, examples of the practically total failure of the Government's expenditures in slack-water navigation projects to produce any benefit to commerce at all proportionate to the cost. Yet in the face of these well-known facts, Government appropriations for building locks and dams still continue. There might be the shadow of an excuse for them where such structures are built to complete a project already begun; but what possible excuse can there be for the Government to undertake new projects for improving inland rivers by a system of transportation which has been proved obsolete? The present river and harbor bill, however, contains appropriations to begin the construction of a complete system of locks and dams on the Brazos and Trinity Rivers in Texas. Senator BURTON sets the cost of the entire project at $10,000,000 for each of these rivers, and there is reason to believe that much larger sums would be required before the useless work could be carried to final completion.

Much more could be said to prove that of the $60,000,000 a year which the Government spends for navigation improvement, a large part is spent on works which afford no corresponding benefit to commerce; but the facts are already well known to many engineers. That the remedy for this wholesale waste does not lie in change of political parties is seen by the fact that the Democratic majority responsible for the present river and harbor bill has pursued the same methods and gone merely a little further than its Republican predecessors. It is seen also in the fact that some of the Progressive Party leaders have been leaders also in the popular agitation in favor of waterway improvements.

How strongly the beneficiaries of the present river and harbor system are intrenched is proved by the fact that with all the exposures of its iniquities by such men as Senator BURTON and President Taft, and many years ago by President Cleveland, to say nothing of many others of prominence, the system still continues to draw money from the National Treasury in a flood which increases year by year.

Some time perhaps some influential commercial or technical organization may be able to bring about a reform. Until that happens the Nation will continue to calmly pour out millions a year into pools and ditches to perpetuate obsolete systems of transportation and benefit a traffic which has disappeared.

THE LONG AND SHORT HAUL CLAUSE (S. DOC. NO. 542).

Mr. SMOOT. Mr. President, I have had a great many requests that the decision of the Supreme Court of the United States on what is known as the "long and short haul clause" shall be printed as a public document. I ask that 3,000 copies may be printed for the use of the Senate document room.

The VICE PRESIDENT. Is there objection? The Chair hears none, and it is so ordered.

HOUSE BILL REFERRED.

H. R. 9622. An act for the relief of the heirs of Waldo M. Potter, deceased, was read twice by its title and referred to the Committee on Claims.

LOUIS EDER.

The VICE PRESIDENT laid before the Senate the amendment of the House of Representatives to the bill (S. 4714) to authorize Louis Eder to enter lands under the homestead laws, which was, on page 1, line 6, after "of," where it first occurs, to insert "surveyed unreserved and."

Mr. WARREN. I move that the Senate concur in the amendment of the House.

The motion was agreed to.

AGRICULTURAL ENTRY OF OIL LANDS.

The VICE PRESIDENT laid before the Senate the amendments of the House of Representatives to the bill (S. ( ) to provide for agricultural entry of oil lands, which were to strike out all after the enacting clause and insert:

That lands withdrawn or classified as phosphate, nitrate, potash, oil, gas, or asphaltic minerals, or which are valuable for those deposits, shall be subject to appropriation, location, selection, entry, or purchase, if otherwise available, under the nonmineral land laws of the United States, whenever such location, selection, entry, or purchase shall be made with a view of obtaining or passing title with a reservation to the United States of the deposits on account of which the lands were withdrawn or classified or reported as valuable, together with the right to prospect for, mine, and remove the same; but no desert entry made under the provisions of this act shall contain more than 160 acres: *Provided*, That all applications to locate, select, enter, or purchase under this section shall state that the same are made in accordance with and subject to the provisions and reservations of this act.

SEC. 2. That upon satisfactory proof of full compliance with the provisions of the laws under which the location, selection, entry, or purchase is made, the locator, selector, entryman, or purchaser shall be entitled to a patent to the land located, selected, entered, or purchased, which patent shall contain a reservation to the United States of the deposits on account of which the lands so patented were withdrawn or classified or reported as valuable, together with the right to prospect for, mine, and remove the same, such deposits to be subject to disposal by the United States only as shall be hereafter expressly directed by law. Any person qualified to acquire the reserved deposits may enter upon said lands with a view of prospecting for the same upon the approval by the Secretary of the Interior of a bond or undertaking to be filed with him as security for the payment of all damages to the crops and improvements on such lands by reason of such prospecting, the measure of any such damage to be fixed by agreement of parties or by a court of competent jurisdiction. Any person who has acquired from the United States the title to or the right to mine and remove the reserved deposits, should the United States dispose of the mineral deposits in lands, may reenter and occupy so much of the surface thereof as may be required for all purposes reasonably incident to the mining and removal of the minerals therefrom, and mine and remove such minerals, upon payment of damages caused thereby to the owner of the land, or upon giving a good and sufficient bond or undertaking therefor in an action instituted in any competent court to ascertain and fix said damages: *Provided*, That nothing herein contained shall be held to deny or abridge the right to present and have prompt consideration of applications to locate, select, enter, or purchase, under the land laws of the United States, lands which have been withdrawn or classified as phosphate, nitrate, potash, oil, gas, or asphaltic mineral lands, with a view of disproving such classification and securing patent without reservation, nor shall persons who have located, selected, entered, or purchased lands subsequently withdrawn, or classified as valuable for said mineral deposits, be debarred from the privilege of showing, at any time before final entry, purchase, or approval of selection or location, that the lands enterd, selected, or located are in fact nonmineral in character.

SEC. 3. That any person who has, in good faith, located, selected, entered, or purchased, or any person who shall hereafter locate, select, enter, or purchase, under the nonmineral land laws of the United States, any lands which are subsequently withdrawn, classified, or reported as being valuable for phosphate, nitrate, potash, oil, gas, or asphaltic minerals, may, upon application therefor, and making satisfactory proof of compliance with the laws under which such lands are claimed, receive a patent therefor, which patent shall contain a reservation to the United States of all deposits on account of which the lands were withdrawn, classified, or reported as being valuable, together with the right to prospect for, mine, and remove the same.

And to amend the title so as to read: "An act to provide for agricultural entry of lands withdrawn, classified, or reported as containing phosphate, nitrate, potash, oil, gas, or asphaltic minerals."

Mr. WARREN. Mr. President, the House, while they have stricken out all but the enacting clause, have inserted the bill as it passed the Senate, except that they have made it general instead of applying only to Wyoming. The chairman of the Committee on Public Lands, who has examined the bill, has asked me to move to concur in the amendments of the House.

Mr. SMOOT. Mr. President, I will ask the Senator if the chairman of the Committee on Public Lands has submitted the question to the committee. I will say, for the information of the Senator, that the subject has been before the committee a number of times, and there have always been objections to making it universal; but personally I have always been in favor of its being made applicable to all the States of the Union. I know that in the past there have been some objections; but if the chairman of the committee feels sure that the committee is in favor of it I shall not object.

Mr. WARREN. I will say that this matter was submitted to the chairman of the committee, who had it under consideration for a day or more, and who asked me to move concurrence in the House amendment.

Mr. SMOOT. I shall not object.

The VICE PRESIDENT. The question is on concurring in the amendment.

The amendment was concurred in.

TREATIES WITH NICARAGUA AND COLOMBIA.

The VICE PRESIDENT. The Chair lays before the Senate a resolution coming over from a preceding day, which will be read.

The Secretary read Senate resolution 411, submitted on the 6th instant by Mr. BORAH, as follows:

Resolved, That the seal of secrecy is hereby removed from all of the hearings heretofore had which have been printed, except such testimony as may have been received under a pledge of confidence, and that hereafter all hearings be given to the public as soon as the same are corrected by the parties and printed, touching the proposed treaties with Nicaragua and Colombia, and that the consideration of both the treaties with Nicaragua and Colombia be in the open session of the Senate.

Mr. WILLIAMS. Mr. President, I will ask the Senator from Idaho to let that resolution go over until to-morrow. The Senator from Missouri [Mr. STONE], who is the chairman of the Committee on Foreign Relations, is very much engaged to-day with other and very important matters. He left the Chamber a little while ago and requested me to make that statement. I suggest that the resolution go over until to-morrow at the same time.

Mr. BORAH. Mr. President, of course, if the Senator from Missouri is otherwise engaged, I could not refuse the request, but I should like to say that it is quite possible that I shall not be here to-morrow or the next day; and if the resolution goes over to-day, I should like it understood that it shall go over until Monday next.

Mr. WILLIAMS. Very well; I am perfectly willing to agree to that.

The VICE PRESIDENT. Without objection, the resolution will go over until Monday next. Morning business is closed.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by D. K. Hempstead, its enrolling clerk, announced that the House agrees to the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 12914) granting pensions and increase of pensions to certain soldiers and sailors of the Civil War and certain widows and dependent children of soldiers and sailors of said war.

The message also announced that the House agrees to the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 13543) granting pensions and increase of pensions to certain soldiers and sailors of the Civil War and certain widows and dependent children of soldiers and sailors of said war.

The message further announced that the House agrees to the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 14234) granting pensions and increase of pensions to certain soldiers and sailors of the Civil War and certain widows and dependent children of soldiers and sailors of said war.

The message also announced that the House agrees to the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 14738) granting pensions and increase of pensions to certain soldiers and sailors of the Civil War and certain widows and dependent children of soldiers and sailors of said war.

The message further announced that the House agrees to the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 15692) granting pensions and increase of pensions to certain soldiers and sailors of the Civil War and certain widows and dependent children of soldiers and sailors of said war.

RIVER AND HARBOR APPROPRIATIONS.

Mr. SIMMONS. I ask unanimous consent that the Senate proceed to the consideration of House bill 13811, the river and harbor bill.

The VICE PRESIDENT. Is there objection?

Mr. KENYON. I object.

Mr. SIMMONS. I move that the Senate proceed to the consideration of the bill.

The VICE PRESIDENT. The question is on the motion of the Senator from North Carolina.

Mr. KENYON. On that I ask for the yeas and nays.

The yeas and nays were ordered, and the Secretary proceeded to call the roll.

Mr. GALLINGER (when his name was called). I have a general pair with the junior Senator from New York [Mr. O'GORMAN]. In his absence, I withhold my vote.

Mr. THOMAS (when his name was called). I again announce my pair with the senior Senator from New York [Mr. ROOT] and withhold my vote.

Mr. TOWNSEND (when his name was called). Believing, as I do, that the junior Senator from Arkansas [Mr. ROBINSON] would vote as I would vote on this question, I will vote. I vote "yea."

Mr. WARREN (when his name was called). I am paired with the senior Senator from Florida [Mr. FLETCHER], and I withhold my vote.

Mr. WILLIAMS (when his name was called). Repeating the announcement made upon the last roll call concerning my pair with the senior Senator from Pennsylvania [Mr. PENROSE] and its transfer to the junior Senator from South Carolina [Mr. SMITH], and asking, by the way, that this announcement may stand for the day, I vote "yea."

The roll call was concluded.

Mr. CRAWFORD. I have a general pair with the senior Senator from Tennessee [Mr. LEA], who is absent. I will therefore withhold my vote.

Mr. HOLLIS. I am paired with the junior Senator from Maine [Mr. BURLEIGH]. I transfer that pair to the junior Senator from Nevada [Mr. PITTMAN] and vote "yea."

Mr. CATRON. I transfer my pair with the senior Senator from Oklahoma [Mr. OWEN] to the junior Senator from Illinois [Mr. SHERMAN] and vote "yea."

Mr. GOFF. Being paired with the senior Senator from South Carolina [Mr. TILLMAN] I withhold my vote.

Mr. CHILTON. I transfer my pair with the senior Senator from New Mexico [Mr. FALL] to the senior Senator from Alabama [Mr. BANKHEAD] and vote "yea."

Mr. STONE. I transfer my pair with the Senator from Wyoming [Mr. CLARK] to the Senator from Illinois [Mr. LEWIS] and vote "yea."

The result was announced—yeas 47, nays 12, as follows:

YEAS—47.

Bryan	Kern	Poindexter	Sterling
Camden	Lane	Pomerene	Stone
Catron	Lee, Md.	Ransdell	Swanson
Chamberlain	Lippitt	Reed	Thompson
Chilton	McLean	Saulsbury	Thornton
Clarke, Ark.	Martin, Va.	Shafroth	Townsend
Colt	Martine, N. J.	Sheppard	Vardaman
Dillingham	Nelson	Simmons	Weeks
Hollis	Oliver	Smith, Ariz.	White
Hughes	Overman	Smith, Ga.	Williams
James	Page	Smith, Md.	Works
Jones	Perkins	Smith, Mich.	

NAYS—12.

Borah	Burton	Hitchcock	Norris
Brady	Clapp	Kenyon	Smoot
Brandegee	Cummins	McCumber	Sutherland

NOT VOTING—37.

Ashurst	Gallinger	Newlands	Smith, S. C.
Bankhead	Goff	O'Gorman	Stephenson
Bristow	Gore	Owen	Thomas
Burleigh	Gronna	Penrose	Tillman
Clark, Wyo.	Johnson	Pittman	Walsh
Crawford	La Follette	Robinson	Warren
Culberson	Lea, Tenn.	Root	West
du Pont	Lewis	Sherman	
Fall	Lodge	Shields	
Fletcher	Myers	Shively	

So the motion was agreed to; and the Senate, as in Committee of the Whole, resumed the consideration of the bill (H. R. 13811) making appropriations for the construction, repair, and preservation of certain public works on rivers and harbors, and for other purposes.

Mr. BURTON. Mr. President, at the close of my remarks on Monday last I spoke of the tendency to improve branch streams before the main stream to which they are tributaries was thoroughly developed, a custom quite as objectionable as it would be to build branch lines of railway before the main trunk line was finished. This tendency illustrates one of the most vicious features of the whole system, namely, that river and harbor improvements, and especially river improvements, are adopted in pursuance of local pressure, that a district or State insists that it shall have recognition in the bill and a certain amount of money appropriated, whether the project favored be a part of a well-devised plan of public works or merely an isolated improvement.

The pending bill contains many illustrations of this very objectionable, I may say vicious, method. There are instances in which the branch streams are developed to a much higher stage of improvement, in both depth and capacity for navigation, than the rivers into which they empty.

I can not too strongly condemn this method, and I shall call attention to the instances in this bill, with the hope that the Senate may correct this very objectionable manner of prosecuting our public works.

The next objection to the system to which I wish to call attention—which is also exemplified in the pending bill—is the plan of improving in many cases the upper portion or a central portion of a river before improving that section nearest to the mouth. The rational method in which to conduct these public works in the improvement of rivers is to begin at the mouth and work upward. Presumably the mouth is at the sea or at the junction with a larger river. There is ordinarily no method which we can justify except to begin in the largest or widest portion, which is the point at which it empties into the sea or into a larger river, and then work upstream.

There are certain exceptions to that rule. The first exception is when the regimen of the river demands a different treatment. Sometimes a river is navigable for the greater part of its length for a certain number of days of the year, while in the upper portion nearest to the sources, near perhaps to mountains or elevated lands, the descent is so steep and the fall so rapid that it is navigable for only a small portion of the year. In such a case as this, where, say, in the central or lower portion there is navigation for 300 days and in the upper portion for only 100 days, it is justifiable to improve the upper portion to bring it on a parity with the lower portions before the whole

river, including the lower sections, is raised to the highest standard of efficiency.

The best illustration in the country of this is the Ohio River. Beginning with the head of the river, at the junction of the Allegheny and the Monongahela Rivers, the river descends at a very much greater rate of declivity than in the lower portions, and thus, before any improvement was made, navigation was limited in that part immediately below Pittsburgh to a comparatively small fraction of the year, less than 100 days, and it was thought desirable to construct locks and dams in the upper portion so that the whole river might have a somewhat equal degree of navigability and might be available during all the days of the year or as near to all the days of the year as possible.

This affords an illustration of one exception to the general rule, which in this case is very much emphasized by the fact that the major part of the trade originating in the river comes from Pittsburgh and the two tributaries, the Monongahela and the Allegheny Rivers, more especially the Monongahela.

That is exception No. 1 to the general rule. Exception No. 2 occurs in a case in which there is a large independent traffic on a single reach of the river, the upper, the middle, or some other portion other than that nearest to the mouth. This exceptional condition is closely related to that which precedes. I may take again the illustration of the Ohio River. There is a large traffic from Pittsburgh originating there, and thus a considerable independent traffic on that upper portion of the river. So to a certain extent this is true of the Tennessee River in that section, 188 miles in length, from Knoxville to Chattanooga. Nevertheless these exceptional cases, of which I have mentioned two—first, the regimen of the river, and, second, the necessities of traffic on the upper portion—do not affect the general rule.

There is still a third exception in cases where very large quantities of material needed for the improvement of the river are found in an upper section. This condition would exist where it was necessary to use large quantities of such material as stone, sand, or gravel, and abundant supplies were available in the upper portion which could not be shipped out from there because of certain obstacles.

I regard the third exception as altogether the least important of the three; I can not raise my voice too strongly in favor of a radical reform in our methods in this regard, first, against the improvement of branch streams on a larger scale and to a higher stage of efficiency than the main stream, and, second, against the independent improvement of upper sections of rivers before their lower sections are properly treated.

There is another objection to this system which also illustrates the pressure brought to bear by Representatives in Congress representing their respective districts and Senators representing the different States, and that involves the disposition, when a system of locks and dams is to be installed, to start simultaneously on different locks and dams in various sections of the river, and thus postpone improvements indefinitely. There are to-day some locks and dams for which the complete appropriation was made prior to 1907 which are even yet incomplete. Indeed, I think it may be said that, excluding the Ohio River, where rapid progress has been made, in a majority of the instances those which are now under way were commenced more than seven years ago. The origin of this is plain. District A desires an improvement, the construction of a lock and dam, so that they may have recognition and so that employment may be given to labor and the contractors. District B desires the same. District C desires the same, and perhaps the districts run considerably further down the letters of the alphabet.

All this is vicious in the extreme. I can give one very good illustration. A lock and dam were constructed in the Trinity River below the town of Dallas. In view of a defective sewerage system in that city, it was desirable that the water of the Trinity River, into which that sewage was discharged, should flow freely without the obstacle afforded by a dam, and hence the lock and dam were not utilized. There was no way to prove whether there was sufficient water in that pool to make the lock and dam of any value. There was no way to utilize that lock and dam, though finished.

Again, if that stream is to be improved, the next lock should be constructed and completed before a single other lock was commenced. But instead of that we have them scattered along in the stream in different counties and different congressional districts, in utter disregard of any rational plan for the improvement of the river.

I may say again in regard to this stream that I think we should not proceed one step further until a survey now being made is finished and the results are furnished to Congress. It is of very doubtful expediency, to say the best. Yet we are going on with the construction of scattered locks and dams along that river with no assurance whatever that there will be a sufficient supply of water in the pools to render them useful, and with absolutely no confidence that when this whole expensive improvement is completed it will be in any degree a factor in solving the transportation problem of the country.

Mr. KENYON. Mr. President——

The VICE PRESIDENT. Does the Senator from Ohio yield to the Senator from Iowa?

Mr. BURTON. I do.

Mr. KENYON. I should like to ask the Senator why we do that? Would any business concern in the world run its business that way? Why do we do it?

Mr. BURTON. The method has been adopted very largely in response to the demands of Congressmen in the different districts where locks and dams are proposed. I dislike to admit it, but that is the one main reason why that is done. Thus, one is commenced and work on it lingers 5 or 10 years, or even more, before the first one is finally completed. Meanwhile others are begun, and the one that would prove whether the improvement was valuable or not is left incomplete.

Mr. President, one needs only to state this proposition to show its absurdity.

Mr. KENYON. I quite agree with the Senator, but suppose the Representative fails of reelection; suppose that he has not secured enough of this appropriation to convince the people that he is the right man to represent them, and there may be some creeks in the district that are not taken care of, and a new Representative is elected, then he may have a different notion as to where the locks and dams should be; and if he has influence enough the process goes on without limit, does it not? It is entirely probable that it may, on the theory that the Senator suggests, as to why this is done.

Mr. BURTON. Yes; except that the locks and dams presumably are located by the Engineering Corps, and their exact location can not be changed by the insistence of any Representative. A new Representative could, however, say, "You ought not to proceed with lock 3; you ought to proceed with lock 7." I give that merely as an illustration.

Mr. KENYON. The reports of the engineers are oftentimes influenced by the appearance of Representatives before them, are they not?

Mr. BURTON. I fear that a very considerable amount of influence is exercised on the Board of Engineers by the appearance of Representatives before them I do not think that was formerly the case, but I know in many of these reports of the board of review you will find an enumeration of the Senators and Representatives who have appeared before the board, and, I take it, that enumeration is significant. I note other instances in which the board of review have sent in here an adverse report on projects, but on the appearance of Representatives and Senators, reenforced by delegations from chambers of commerce and persons representing commercial interests—possibly contractors—the judgment of the board of review has been changed.

There is one instance, to which I will refer later in the debate, where an organization known as the Booster Club seems to have presented arguments that led the engineers and the board to change their judgment so that they recommended a project costing four and a half million dollars, which they had previously rejected.

Mr. President, I do not like to dwell upon these features which have so influenced our river and harbor legislation. After all, it is not so much the fault of Senators and Representatives. They are expected to represent their constituents; they can hardly rise above the ideals and opinions of the voters who elect them. I have known of campaigns being waged in which one candidate would say, "I obtaine such and such appropriations for river and harbor improvements or for a public building," while the other candidate—the one who was seeking to displace the incumbent—would say, "Your Representative has been negligent in getting appropriations for your rivers and harbors. Just put me in, and I will open up the Treasury so that the money will flow out in full and generous quantity."

Thus we see the fault does not rest with the Senator or the Representative. If Members of this body and Members of the other House were left alone to act free from pressure, I believe these river and harbor bills would be relieved of every blemish, of every scandal which has found its way into them; but, as I have so frequently said, it is demanded by a locality that their Representative in Washington obtain appropriations for the improvement of rivers and creeks and harbors; and I may say, Mr. President, with the utmost confidence, that that pressure has been stronger, that insistence has been greater, that hound-

ing of the Representative has been more severe just about in proportion as the project was most objectionable.

I am becoming very much afraid of a river and harbor project carrying a large appropriation which requires numerous delegations to come to Washington to argue for its adoption.

I am still more afraid of those proposed improvements for the promotion of which associations are formed, sometimes having salaried officers who make it a point to come here to Washington and to become acquainted with Senators and Representatives, who get the ear of the largest number of public servants possible, and who, contemporaneously with that, maintain a press bureau setting before the people the advantages of their improvements. I am always afraid when in the days in which a rivers and harbors bill is pending a sheaf of telegrams is sent in here on behalf of some particular expenditure or appropriation. It is usually easy to find out that there is an organization behind it.

Mr. SIMMONS. Mr. President——

The VICE PRESIDENT. Does the Senator from Ohio yield to the Senator from North Carolina?

Mr. BURTON. Certainly.

Mr. SIMMONS. I have not interrupted the Senator from Ohio since he began his speech a good many days ago, and I do not think I shall interrupt him any more. I am not interrupting him now for the purpose of engaging in any argument with him about his several propositions, but I am doing so simply for the purpose of trying to understand the position of the Senator with reference to a hearing before the Board of Engineers.

I have understood the Senator heretofore and in his present speech as speaking in the highest terms of the Army engineers who are assigned to this work, and of the Board of Engineers, as it is now organized and as it has at all times been organized. I do not understand the Senator is attacking the competency or the purposes and motives of the Board of Engineers.

Mr. BURTON. No; I do not. I think they have made grave mistakes. I think it would be better if no delegations of Representatives appeared before the commission.

Mr. SIMMONS. We will get to that a little bit later. Does the Senator have in mind any better method of investigating and determining these questions and advising Congress with reference to them than the Board of Engineers?

Mr. BURTON. Oh, I think, Mr. President, these bills of recent years have shown that a certain amount of review outside of the Board of Engineers would be desirable. I have repeatedly expressed my opinion, not only in this debate but in prior years, that it was really not the fault of the engineers or the Board of Engineers. Ten years ago they were exceedingly careful and conservative; but in some instances, where they placed the seal of their condemnation on projects urged before Congress, Congress by legislation showed its disapproval of their course, and by the size of the river and harbor bills and by the class of projects which it has adopted has, as it were, sent a mandate to the executive department of its desire to prosecute a certain class of improvements which I do not believe the engineers, if left to their own individual judgment, would approve.

Mr. SIMMONS. Now, Mr. President, the Senator will not deny the absolute necessity of having an engineer first survey a proposed project?

Mr. BURTON. No.

Mr. SIMMONS. The Senator does not deny that probably the engineer is the very best and most competent person to make that preliminary investigation?

Mr. BURTON. No; I do not.

Mr. SIMMONS. The Senator does not overlook the fact that after the district engineer has made that investigation and before the Engineer Board is required to act upon it it has to pass through the hands of the division engineer?

Mr. BURTON. That is, if his rank is under that of lieutenant colonel.

Mr. SIMMONS. Yes. And hence, before it gets to the board, it has had action upon the part of two Government officials—one a district engineer and one a division engineer.

Mr. BURTON. Yes.

Mr. SIMMONS. Now, I want to ask the Senator, would he abolish the Board of Engineers?

Mr. BURTON. Oh, no.

Mr. SIMMONS. What would the Senator do? Would he create another board to review the action of the Board of Engineers?

Mr. BURTON. First of all, I would discuss right here in the Senate the whole subject of river and harbor improvements; I would point out the tendencies, the direction in which we are drifting—and I intend to do that before I get through—I would seek to discuss the matter as a business proposition, as to the expenditure of public funds, and inquire whether we are spending money economically and judiciously in this bill; and, under the high responsibility resting upon us and in view of our general acquaintance with commerce and kindred affairs, we should express our opinions on these subjects and enact measures in accordance with such opinions.

I do not know whether or not the Senate will agree with what I think is a proper policy; but I want to present to the Senator from North Carolina and also to the Senator from Louisiana some appropriations which we have been making and to ask them if they think they are economical and proper expenditures of public money. I think the responsibility of determining that question first rests with us and not with any engineering corps or any subordinate officials of the Government, nor even with the heads of the executive departments.

Mr. SIMMONS. I am not now discussing that phase of the subject with the Senator. Of course I do not object to the Senator—and nobody will object to the Senator from Ohio or any other Senator—discussing in the Senate to the fullest extent the river and harbor bill or any of the items in the river and harbor bill. The Senator since he has been a Member of the Senate has never failed, when a river and harbor bill was up, to give his views upon the question with great forcefulness and with great elaboration; but I understood the Senator to be criticizing the method by which Congress gets the information upon which we build a river and harbor bill, and the Senator was, I thought, rather criticizing the Board of Engineers in charge of rivers and harbors. What I desired to elicit from the Senator was his opinion as to whether we should abolish that board or, if we are to retain that board, whether he meant to state to the Senate that we ought to establish some other board to review their action besides the committee of the Senate, the committee of the House of Representatives, and the Senate and House of Representatives themselves?

Mr. BURTON. I would not abolish the board; I would not abolish the custom of first making preliminary examinations, and then detailed surveys; but under a system for which no one individual, no one body is responsible, we have, as I believe, gone to great and inexcusable lengths in the pathway of extravagance and waste. It is not altogether for me to point out what the way should be, but there is a way I can point out, I think, which is to select the improper items and reject them, put them out of the bill.

Mr. SIMMONS. Yes; but that is not the phase of the matter I was discussing with the Senator. The Senator knows perfectly well that after the Board of Engineers has passed upon an item, then it must go to the Chief of Engineers, and before it can be acted upon by Congress, under the present law, it has to receive either his approval or disapproval. So we have the district engineer; we have the division engineer; we have the Board of Engineers; and we have the Chief of Engineers, who have to consider each one of these projects before we can act upon them; and, if they disapprove of a project, under the law we have no right to put it in a river and harbor bill.

Mr. BURTON. They are sometimes put in; there are some in this bill.

Mr. SIMMONS. Now, the Senator says there is no responsibility in connection with the approval of these items. I wanted to ask the Senator if he would not tell the Senate what more responsible investigation and examination of these questions preliminary to the action by the committee could we have than we have now? If the Senator has any definite views about that, I, for one, would be very glad to have them.

Mr. BURTON. I want to say what I have repeatedly said before, that I do not wish to visit censure or blame on the Board of Review, the Chief of Engineers, or any of the subordinates in that corps. They have been doing just what they thought Congress and the country desired that they should do; they are not seeking to set up their judgment against the legislative branch; they consider the legislative branch to be their master, and if the legislative branch justifies appropriations of a certain class it is for them to approve the projects.

I can not quite agree with the Senator from North Carolina in attaching such importance to the fact that these projects must first be considered by a local engineer, then reviewed in turn by a division engineer, if the local engineer is of the rank of major or below, then passed upon by the Board of Engineers, and finally reviewed by the Chief of Engineers. It is perfectly evident that some benefit would be derived from the variety of judgment obtained by having successive boards or persons consider a project, but the Corps of Engineers, like any organization of that kind, have their general standards. They concur as far as possible in the opinions of each other. Sometimes, it

is true, a local engineer favors a project, the division engineer disapproves it, the Board of Engineers may overrule the division engineer and sustain the local engineer, or vice versa, and when the project comes to the Chief of Engineers he may express an opinion different from that of any of those who have preceded him, either the local engineer, the division engineer, or the board of review, though this is most infrequent. But the whole corps naturally, and I think it may be said that it is their duty, seek to maintain general standards and methods, and they endeavor to make those standards and methods conform to the law as enacted by Congress.

I do think that a board to review this whole question would be helpful. As I understand it, the Senator from North Carolina cordially acquiesced in an amendment for a new board, composed of several members of the Cabinet, two Members of the House, and two Members of the Senate, to look over this entire subject. Such an amendment was proposed by the Senator from Nevada [Mr. NEWLANDS]. I have grave doubts whether that board would do any good; but if it should consider this subject of navigation and related subjects, valuable suggestions would be made. I repeat to the Senator from North Carolina, however, that the path to reform is for Congress to exercise some restraint; for Congress to emphatically declare that it does not approve these wasteful items and these injudicious methods.

It is for us to ignore local considerations, to forget that we are Senators from a State and realize that we are Senators of the United States. It is for the Members of the House to ignore, while the river and harbor bill is pending, the fact that they represent a district in which there is Muddy Creek or Podunk Creek or Cheesequake Creek. We represent the whole Nation, and our duty is to frame a river and harbor bill which shall be national in its scope and which shall be drawn for the benefit of the whole people.

When we have done that there will not be any need of overhauling the Board of Review or the Engineering Corps. It is not for us to censure them for what they have done when it is so evident that in these river and harbor bills appropriations threaten to run riot, where Congress includes a class of items that never ought to come into a river and harbor bill, that never ought to receive the recognition of the Federal Government because they are local in their nature and because in many instances they confer very little benefit even on a limited locality.

Mr. SMITH of Michigan. Mr. President——

The VICE PRESIDENT. Does the Senator from Ohio yield to the Senator from Michigan?

Mr. BURTON. I do.

Mr. SMITH of Michigan. I should like to ask the Senator from Ohio if he feels that we have reached the stage of Utopian perfection which he has so vigorously described?

Mr. BURTON. It is not Utopian; it is just good common business sense.

Mr. SMITH of Michigan. It is so idealistic, however, that while this Government has been running for upward of 100 years the plans which the Senator from Ohio defines with so much skill and sincerity have failed to find practical application in the affairs of our Government.

Mr. BURTON. I do not agree with the Senator. I think there is no Republic in the world where there is a larger degree of patriotism or in which, when the attention of the people is aroused, there is a mightier spirit speaking for the Nation and against the mere representation of an individual interest or even an individual district or State.

Mr. SMITH of Michigan. Yes, Mr. President; but the Senator from Ohio, to give practical effect to his suggestion, would be obliged to select arbitrarily, without any reference whatsoever to local considerations or conditions, certain plans that were large and supposed to be of national importance, and then seek the approval of Congress for such a scheme. I think that is a very remote possibility.

Mr. BURTON. If it is remote, we ought to abdicate. We ought to say, "We failed on this class of legislation, and we will either abandon the system entirely or we will turn it over to an executive board."

The Senator from Michigan knows, and every Member of the Senate who has been so kind as to listen to me in past years knows, that I have not looked with favor on the plan, advocated by many men of ability and influence, of turning over river and harbor improvements to a board for their control and management, and the apportionment of amounts expended by them. I have said that such a task is a legislative function. If, however, we have come to the point where we can not attend to this in a businesslike manner and make appropriations judiciously; if our course is not national but sectional, if it is not for the good of all the people, but rather for the supposed benefit of a few, it is a proof and a confession of failure, and we ought to change our methods.

I am perfectly frank to say that I am much more reconciled to the idea of a commission than I was formerly. Every recent river and harbor bill has been an object lesson in which it has been written, in letters so large that everyone who studies may read, that we are making mistakes.

Mr. SIMMONS. Mr. President——

The VICE PRESIDENT. Does the Senator from Ohio yield to the Senator from North Carolina?

Mr. BURTON. In just a moment. We are subjecting ourselves to the accusation, now so frequent throughout the country, that this whole bill is a "pork barrel." The Senator from North Carolina knows that in past years at least nobody sought to defend this bill more earnestly than I have; but in this year, 1914, it has come to a pass where I can not defend it; and, more than that, I feel that if I did not condemn it and seek to point out its defects I should be failing in my duty to the Senate and to my State and to that larger constituency, which includes the whole country.

Mr. SMITH of Michigan. Mr. President——

Mr. BURTON. I will yield first to the Senator from North Carolina and then I will yield to the Senator from Michigan.

Mr. SIMMONS. I yield to the Senator from Michigan, if the Senator from Ohio is willing.

Mr. SMITH of Michigan. The disposition to characterize this bill as a "pork barrel,' I think, is rather a hasty and inappropriate designation. If it is a pork barrel, that is an impeachment of the Engineer Corps of our Army, whose members hold no political position, who live in no local community, and who serve the Nation as a whole. If it is a pork barrel, then the Engineer Corps of the Army have been assailed, for the absolute, unblushing truth about this bill is that nineteen-twentieths of it comes with a favorable report from the engineers of the Army.

Mr. BURTON. Mr. President, I am not going to dwell on the accusation that this bill is a "pork barrel." Far be it from me to use that term; but if somebody should use that term, and select certain items in this bill and put it up to me to defend the bill and contradict them, I would rather assign the task to somebody else. The argument of the Senator from Michigan, carried to its logical conclusion, means that we ought to leave the whole bill to the Board of Engineers. Would the Senator from Michigan favor that method?

Mr. SMITH of Michigan. No, Mr. President, because that would be an abdication of our legislative function. I think the engineers may be appropriately called in to advise the legislative department of the Government as to the practicability of a river or harbor improvement; but as to the policy of a river and harbor improvement, I think that should be determined by Congress.

I rejoice that men who represent local communities, and who are here, a part of this great legislative branch of the Government, come with a first-hand knowledge of the necessities of those communities, and can make them manifest upon the floor of either House of Congress. When this is not done you have an autocratic system of government which is not representative in its character and which loses all the elements of a true democracy. I would not advocate such a principle of government under any conditions.

I glory in the fact that men come from Peachtree Creek and have Peachtree Creek at heart. When, one day, from the other side of the Chamber there came a sharp criticism of an appropriation for a little, inconsequential creek in New Jersey, I rejoiced that the distinguished Senator from Ohio [Mr. BURTON], with all his experience and with all his knowledge of improved waterways and the necessity therefor, sprang instantly to the relief of that little creek in New Jersey.

Now, we are not all so fortunate as to be so familiar with these creeks as the Senator from Ohio is, and we are not all so fortunate as to have him sustain us in our efforts to attract the attention of the General Government to the wisdom of the local appropriations; but under our system of government the Representative and the Senator may do it, and they have a perfect right to do it.

Mr. BURTON. What was that creek—Raccoon Creek, as against the Arkansas River?

Mr. SMITH of Michigan. I think it was Raccoon Creek. A great deal of fault was found about it.

Mr. MARTINE of New Jersey. Mr. President, the Senator is correct. There was much jesting at the expense of Raccoon Creek and the Kill von Kull. It was my privilege to state here in the Senate that this much-jeered-at Kill von Kull carried a tonnage over three times the amount of that which passes through the Suez Canal. Now, there are perhaps instances

where money is illy expended; but I do say, generally speaking, that value has come from these appropriations.

Cheesequake Creek was mentioned here, also. I recall very well many years ago when the Hon. Miles Ross was a Representative in the House, and the question of Cheesequake Creek was brought up, and it was laid on and jested about until it had the effect of defeating Miles Ross; and yet the fact is that that insignificant and somewhat ridiculously named Cheesequake Creek carried a tonnage both startling and immense, and it has grown each year through the facility that has been added through the munificence of the Government of the United States in improving it. We have a myriad of them; and while I am willing to admit that there may be some instances where the appropriations are not justified, I know of no case in New Jersey where the money has been illy or unwisely spent. New Jersey is the very gateway of the Nation's commerce, and many of our creeks and waterways are fairly alive with trade and commerce. Improved waterways will do much to solve the problem of high cost of living.

Mr. BURTON. Mr. President, I do not wish to defend Cheesequake Creek, but I will take up the more opprobrious task of defending Raccoon Creek. Some years ago a Senator from one of the States west of the Mississippi River called attention to the neglect in the improvement of the Arkansas River, and complained very bitterly, and in order to give point and lend effectiveness to his argument he spoke in terms of ridicule of Raccoon Creek. I had the statistics near at hand—or possibly I remembered them then, though I do not have them exactly in mind now—which showed that, while between two and three million dollars had been spent on the Arkansas River, and less than a hundred thousand dollars had been spent upon Raccoon Creek, nevertheless Raccoon Creek had more than twice as much commerce as the whole Arkansas River.

Mr. KENYON. Was that mostly fur?

Mr. BURTON. Oh, no. There are no raccoons there nowadays. I presume it is a very old name; but that shows that in many instances these small streams having names which do not altogether commend them to the public attention, streams which are unknown to fame, may nevertheless have a very respectable amount of commerce.

Mr. NORRIS. Mr. President——

The VICE PRESIDENT. Does the Senator from Ohio yield to the Senator from Nebraska?

Mr. BURTON. If the Senator will allow me, I should like to answer the question of the Senator from Michigan while it is fresh in my mind.

As to the argument of the Senator from Michigan, it seems to me he must grasp one horn or the other of the dilemma. Either he must be willing to leave all these appropriations to the Engineer Corps—and I am not sure but that would be a very great improvement on present methods—or if he insists that the policy must be determined by Congress, and appropriations also determined by Congress, he must relieve the Engineer Corps alike from obloquy and responsibility for this bill.

I think it is no reflection on the Engineer Corps when we criticize this measure. I have repeated over and over again my views about that matter—that the Engineer Corps seek to do what Congress wishes them to do. If there is fault, if there is mistaken policy, it is our fault; it is our mistaken policy, and not that of the engineers, because they regard themselves as our servants.

Mr. SMITH of Michigan. Mr. President, if I am not annoying the Senator from Ohio——

Mr. BURTON. Oh, certainly not.

Mr. SMITH of Michigan. I should like to ask the Senator from Ohio what proportion of the bill now before the Senate bears the approval of the Engineer Corps of the Army?

Mr. BURTON. A very considerable majority of it.

Mr. SMITH of Michigan. Is it not nineteen-twentieths of the present bill?

Mr. BURTON. I hardly think as much as that, when you come to amounts; certainly not when you come to amounts appropriated in this bill, and that which is in prospect if this bill should be passed.

Mr. BRANDEGEE and Mr. SIMMONS addressed the Chair.

Mr. SIMMONS. I have been diverted from my line of inquiry——

Mr. BRANDEGEE. Who has been recognized, Mr. President?

The VICE PRESIDENT. No one yet.

Mr. BRANDEGEE. That is what I thought. I do not get up and then proceed until I am recognized. I simply want the Chair to recognize some one, and then I will submit.

Mr. BURTON. I will yield to the Senator from Connecticut.

Mr. BRANDEGEE. It is not in the power of the Senator from Ohio to do that. It is for the Chair to ask the Senator from Ohio whether he yields; and if so, to whom.

Mr. SIMMONS. I addressed the Chair.

Mr. BRANDEGEE. I know; and then the Senator proceeded to take the floor without any further proceeding by the Chair. I am quite modest myself about jumping into a discussion when another Senator holds the floor.

Mr. SIMMONS. I was not excusing myself, but I will say that I had done my part. I had addressed the Chair.

Mr. BRANDEGEE. The Senator was not backward about going forward. He did his part.

Mr. KENYON. Mr. President——

Mr. SIMMONS. I address the Chair again.

Mr. BRANDEGEE. Several Senators have addressed the Chair.

The VICE PRESIDENT. Does the Senator from Ohio yield to the Senator from Connecticut?

Mr. BURTON. The Senator from Ohio will leave it to the Chair as to the Senator who should be recognized, if that is regular.

The VICE PRESIDENT. Well, that is not regular. It is for the Senator to state to whom he yields.

Mr. BURTON. Then I will yield to the Senator from North Carolina.

Mr. SIMMONS. Mr. President, when the Senator from Ohio engaged in the colloquy with the Senator from Michigan I had not quite finished the line of inquiry that I wished to make, and an inquiry that I am making in the utmost good faith. I had inquired of the Senator whether he meant to attack the Board of Engineers, and I understood him to say he did not. I inquired of the Senator whether he would supplement the Board of Engineers, and the Senator has not told me in what way he would do it, except to say that an amendment was offered by the Senator from Nevada [Mr. NEWLANDS] which, if I remember correctly, is a coordination proposition largely. The Senator does not, therefore, attack the competency or the motives of the Board of Engineers and of the Chief of Engineers, and the Senator does not suggest——

Mr. BURTON. I may criticize their judgment, but once again, and for the twelfth time, allow me to suggest——

Mr. SIMMONS. Has the Senator any additional method of obtaining more accurate and more satisfactory results as a basis for congressional action?

Mr. BURTON. I will say frankly I would rather not answer that question until we find out, upon the discussion of this bill, what the Senate is going to do. If the Senate shows a disposition to reform, that will cure the matter.

Mr. SIMMONS. But the Senator does not now suggest any additional board. Now let me ask the Senator, Does the Senator criticize the board upon the ground that it has yielded to outside pressure and congressional influence and the influence of various and sundry bodies and individuals as might come before it for the purpose of presenting their views and presenting facts with reference to the commerce of the stream proposed to be improved and with reference to the general public benefits to be derived from the improvement of the stream? Do I understand that the Senator is making the contention that it is improper for the Board of Engineers to invite commercial bodies, to invite individuals in the community where the river is located, to come before it for the purpose of giving testimony as to the advisability of the project and as to the commerce, and so on, that was there actually or would be there prospectively?

Mr. BURTON. No; I do not. In this country of ours the greatest liberality is extended to persons who wish to be heard. However, in these cases I should advise the very greatest scrutiny of the arguments advanced. I recall one instance in our reports in which an association sent in statistics of the traffic, and these statistics thus furnished were found to be just ten times greater than what they actually were, and it is my idea that occasionally the members of the board are misled. I do think it would be better for Members of the Senate and of the House to leave that board alone.

I had some part in the organization of the body in 1902. I have never appeared before them except once, and that was recently, and rather with a view to obtaining information or of introducing a delegation than for any other purpose. I rather regretted to do that. I think in the earlier years of their work it was an infrequent thing for Members of the Senate or House to appear before them.

Mr. SIMMONS. The Senator knows that whenever a project is presented to that board and the board are in any doubt about the wisdom of approving it from a commercial standpoint, it is the habit of the board to send out notices to Mem-

bers of Congress—notices to local people that the board have reason to feel take an interest in the project or have knowledge of the project—to come before them and give testimony. The Senator knows that in nearly all those cases the witnesses do come—sometimes boards of trade, sometimes merchants, or shippers, or farmers, as the case may be. They go before the board and give testimony; they are subject to cross-examination; and in many cases the board brings together with their action upon that project the testimony taken before them with reference to it. Does not the Senator believe that that is a good practice and that it tends to enlighten the board with respect to certain matters with regard to which it ought to have information and in regard to which Congress would like to have information?

Mr. BURTON. That in a large degree depends upon the extent to which the board accepts those statements. I find, on the other hand, that when there is a movement looking to conservatism here in the Senate or elsewhere, there is no board of trade, there is no boosters' club, there is no press bureau, there is no paid association to urge economy and a judicious selection of public works, and the man who stands in the Senate or House for those contentions must expect to be attacked all along the line.

Mr. SIMMONS. Let me ask the Senator——

Mr. BURTON. I submit it is not quite fair to those who criticize these appropriations to be subjected to such overwhelming odds. I suggest that it is hardly fair to that great general public which pays this expense, upon whom the burden of taxation must be imposed, to have all the arguments and all the solicitation and all the pressure on the side of those who favor with none on the part of those who are against such projects.

It is a part of the condition of the times. If you set a few who seek the best government and real economy, or if you set the multitude, who are engaged in earning their living, against those who are coming here to get something from the United States Government, especially an appropriation, the insistence of the latter and their organization make that great general body who are going about their business as powerless in opposition as a scattered mob is against an organized body of policemen or soldiers.

The Senate has the responsibility of scrutinizing these arguments of the boards of trade and similar bodies, and I will try to point out to the Senate whether some of them are correct or not. I will try to show whether their figures are accurate. I think in some cases the Board of Engineers have been misled by arguments of this kind.

Then I want to show another thing. When you send a body of men out into a State or to a city where they are in an atmosphere surcharged with the demand for a public improvement, it is not necessary for me to more than briefly repeat with what they are confronted—associations, booming clubs, boards of trade, a sentiment which favors an improvement, probably banquets, though I do not believe the members would yield to that. They are put in an atmosphere——

Mr. SIMMONS. Does the Senator know that there has ever been any such influence as he has just intimated brought to bear to influence the board in any instance?

Mr. BURTON. I can answer that question very briefly by saying that in numerous cases, I do not say they have been influenced, but, at least, the environment creates an atmosphere of congeniality and friendship to the demands of the locality. I have myself attended banquets when at 9 o'clock the banqueters believed in a channel 10 feet deep; at 10 o'clock they believed in one 20 feet deep; and when it got along toward the hour of midnight they believed that the channel ought to be dredged to 40 feet.

Mr. SIMMONS. Was that banquet given to the Senator from Ohio when he was chairman of the committee in the House or was it given to the Board of Engineers?

Mr. BURTON. Not to the Board of Engineers, but we who have been through something of the same experience can imagine the effect. Really I do not say these entertainments influence anybody, but philosophers and others use the term "atmosphere." Hospitality and attention creates an atmosphere which possibly obscures in some degree the judgment. I can myself recall being in localities where the pressure was almost overwhelming in behalf of an improvement; notes of patriotism were raised, the Panama Canal was going to be useless unless some little channel was improved, "and you ought to be mighty quick about it, too. If you do not finish this before the time when the Panama Canal is finished, the commerce of the country will suffer."

Mr. KENYON. Mr. President——

Mr. BURTON. Pardon me a moment. The Senator from North Carolina knows one can not go through all that sort of experience without a feeling that everybody is in favor of this improvement. If there was a man who was against it in one of those communities while they were visiting, who would raise his voice, they would take him out and duck him under the pump. Nobody would dare to speak anything in opposition to it.

Mr. SIMMONS. The Senator is now speaking, I understand, about business people; he is not speaking about the Board of Engineers. I was speaking about the Board of Engineers. The Board of Engineers hold their meetings here in Washington, and the witnesses come before them at their rooms in Washington. As a rule, I think they seldom ever know of any of these gentlemen except as they offer themselves as witnesses.

Mr. BURTON. Or unless their Representatives or Senators ask that they be heard.

Mr. SIMMONS. Or unless they introduce them.

Mr. BURTON. Or the Representative or Senator asks to be heard himself.

Mr. SIMMONS. I hope the Senator does not think there is anything wrong in a Senator or Representative taking his constituents before this body any more than it would be wrong for him to accompany witnesses to any other hearing that might be going on before any public department of the Government.

But the point I was getting at is this: The Senator knows that these witnesses come there; he knows that their testimony is taken; he knows that it is taken down; and he knows that the Board of Engineers give weight to it just as their judgment may dictate that it is worthy of consideration. The Senator knows, I think, that while they very frequently decide in accordance with the wishes of the delegations and the witnesses that come before them they very frequently decide against them just as any other court or tribunal does. I think if the Senator will take the records and investigate them he will find that more delegations who have come here and appeared before the Board of Engineers in the interest of projects in their States finally are disappointed in the result of the findings of that board than are satisfied with the findings of the board. I am sure that that has been the experience of the delegations that came from my State.

Mr. KENYON. Mr. President——

Mr. BURTON. If I may just answer that, the proportion of projects rejected is much less than it was formerly. I do not think it is at all correct to say that more of those delegations are disappointed than those who are pleased or favored. In the last several years the large majority of the projects that are approved by the Board of Engineers and the Chief of Engineers are adopted. It has become almost a matter of detail just as soon as a project is approved to include it in the bill, or if the bill has already been loaded pretty heavily, it may be, to say "we can not put it on until the next bill."

Now, in regard to the projects favorably reported, although it was thought 10 years ago, or 7 or 8 years ago, that we had swept the whole country with a fine-tooth comb and picked out everything for a survey that was worthy of a survey, these later projects are those of which no one thought in 1909 and 1910 and 1911, and which are presumably much less desirable. Some, it is true, are enlargements of old projects, where better facilities are required. A larger share of them are now approved than was formerly the case. I remember one time when a batch of surveys came in—53 in number—and where there were unfavorable reports on 51 by the Board of Review. They have made no such record as that in recent years.

Mr. SIMMONS. Of course, if the Senator will pardon me——

Mr. BURTON. Certainly.

Mr. SIMMONS. I can not speak authoritatively about the proportion which are approved and the proportion which are disapproved, but I know that, like any other tribunal hearing testimony, they decide one way and the other. I think if you were to measure their reports or count them you would find that probably they decide just about as often against a project as they decide for a project.

But the Senator was criticizing the findings of the board, and I was calling his attention to the method by which they get such additional information to that furnished by the local engineers and district engineers as they may want for the purpose of rendering a satisfactory decision, and that that method is by soliciting people to come before them who could throw light upon the question. Now, having gotten this information, having decided a case unafavorably, we never hear of it again probably until there is another survey ordered. If they have decided it unfavorably, then it comes up to Congress, but along with it comes the testimony taken before the Board of Engineers, together with the statement of the district officer who examined it in the first instance and the division officer who reviewed his action.

Now, the Senator does not mean to say that the Committee on Rivers and Harbors in the House and the Committee on Commerce in the Senate exercised no judgment with reference to those projects. Surely he does not mean to say that we put in the bill every single item that comes with a favorable report from the engineers.

Mr. BURTON. How many can the Senator from North Carolina name of those that have been before the Committee on Commerce of the Senate with favorable reports that were rejected?

Mr. SIMMONS. I can say to the Senator that just at this minute I can not name any particular one; but I do know, as a matter of fact, that a great many have been approved by the board that were not incorporated in this bill; and the Senator knows that to be the fact.

Mr. BURTON. The number is becoming smaller and smaller year by year.

Mr. SIMMONS. That may be true, but, Mr. President, the point I am making, and I ask the Senator if I am not correct, is that this board is composed, as the Senator from Michigan [Mr. SMITH] has said, of men who are not politicians, men who are beyond and above political influence if any class of people in this Government are above political influence. They hold their offices for life, or during good behavior. You probably could not select therefor a more impartial body of men, and I think the Senator will agree with me you could not select a more intelligent and competent set of men.

If the Senator has any reason to believe that that body has been improperly influenced by the outside testimony that they themselves have invited or that has come voluntarily before them, I think the Senator ought to bring the circumstances showing the situation to the Senate, and without doing that he leaves, by implication at least, quite an imputation upon these Army officers.

I want to say frankly I have had a good deal of experience with this board. I have been there, and I intend to continue to go there. I do not think it is improper for a Senator or a Representative to appear before a board of engineers i behalf of a project in his State that he has confidence in. I do not think the Senator would say that I or any other Senator on this floor would appear before them in behalf of any project for purely political reasons unless it met with the approval of our judgment. I have been there, and I have never up to this time had the slightest reason to believe that they considered a project and the testimony presented in its behalf otherwise than as an impartial tribunal looking to the public welfare.

Mr. BURTON. Mr. President, I do not say that they have been improperly influenced. I have repeatedly spoken of them as the blue ribbon of the Government service, men holding their positions for life, enjoying the traditions of an organization which has been honorable from the very earliest day, including such men as Robert E. Lee and George Gordon Meade and others among the brightest stars in the military history of the United States. What I do say is that duties are imposed upon them under which they hear from boomers and boosters and do not hear from the great body of the American public.

Mr. SMITH of Michigan. Mr. President——

Mr. BURTON. But I should like to continue a little further. What I do say is that they have been overruled by Congress. There was a case down here on the coast of Texas where they reported against what seems to me an utterly foolish proposition, carrying the waters of the Gulf up through a pass and by a canal around a lake and then up a couple of rivers into the interior and seeking to make seaports of two cities. The man who has the slightest comprehension of a seaport knows that you can not create it in a narrow river. A seaport must have room for anchorage. Vessels come in and wait days, even weeks, to be loaded. There must be ample space to turn around. If it is to assume any importance there must be a large area of water around which wharves and docks can be erected. To my mind it was a perfectly absurd proposition. The engineers turned it down. They were attacked on the floor for their report. It was said, "Oh, you may understand engineering, but you do not know anything about commerce," and it was sent back to them with practically a demand that they report in favor of it. Indeed, the provision was drawn in such a shape that if they had reported against it it would not have done them any good, and then Congress accepted that plan.

Mr. KENYON. Mr. President, a parliamentary inquiry.

The VICE PRESIDENT. The Senator from Iowa will state it.

Mr. KENYON. I desire to inquire what has become of the unfinished business.

The VICE PRESIDENT. There is no unfinished business.

Mr. KENYON. I had understood, possibly erroneously, that the great trust bills that we are waiting for here this summer——

The VICE PRESIDENT. The Senate displaced the trade commission bill as the unfinished business by the sundry civil bill; and, that having been disposed of, there is no unfinished business.

Mr. KENYON. I was under the impression that the trade commission bill had been laid aside temporarily.

Mr. GALLINGER. Will the Senator from Ohio yield to me to make a motion?

Mr. BURTON. Certainly.

Mr. GALLINGER. I move that the Senate proceed to the consideration of the bill (H. R. 15613) to create an interstate trade commission, to define its powers and duties, and for other purposes.

Mr. CLARKE of Arkansas. Mr. President, I suggest the absence of a quorum.

The VICE PRESIDENT. The Secretary will call the roll.

The Secretary called the roll, and the following Senators answered to their names:

Brady	Goff	Martin, Va.	Smith, Md.
Bryan	Hollis	Nelson	Smith, Mich.
Burton	Hughes	Norris	Smoot
Catron	James	Overman	Swanson
Chamberlain	Johnson	Page	Thomas
Clapp	Kenyon	Perkins	Thompson
Clarke, Ark.	Kern	Poindexter	Townsend
Colt	Lane	Pomerene	Vardaman
Crawford	Lee, Md.	Shafroth	Weeks
du Pont	McCumber	Sheppard	White
Gallinger	McLean	Simmons	

The VICE PRESIDENT. Forty-three Senators have answered to the roll call. There is not a quorum present. The Secretary will call the names of absent Senators.

The Secretary called the names of absent Senators, and Mr. NEWLANDS, Mr. RANSDELL, Mr. SMITH of Georgia, Mr. STERLING, Mr. SUTHERLAND, Mr. THORNTON, Mr. WARREN, and Mr. WILLIAMS answered to their names.

Mr. CHILTON, Mr. LIPPITT, Mr. OLIVER, Mr. CAMDEN, Mr. ASHURST, Mr. STONE, Mr. SHIELDS, Mr. REED, and Mr. MARTINE of New Jersey, having entered the Chamber, answered to their names.

The VICE PRESIDENT. Sixty Senators have answered to the roll call. There is a quorum present. The Senator from New Hampshire [Mr. GALLINGER] has moved that the Senate proceed to the consideration of a bill the title of which will be stated.

The SECRETARY. A bill (H. R. 15613) to create an interstate trade commission, to define its powers and duties, and for other purposes.

Mr. NEWLANDS. Mr. President, I have to say with reference to that motion——

Mr. TOWNSEND. The motion is not debatable.

Mr. NEWLANDS. That by an understanding with the chairman of the Committee on Commerce——

Mr. GALLINGER. The motion is not debatable, Mr. President——

The VICE PRESIDENT. The motion is not debatable. The question is on the motion.

Mr. NORRIS. I ask for the yeas and nays.

The yeas and nays were ordered, and the Secretary proceeded to call the roll.

Mr. CATRON (when his name was called). I transfer my pair with the senior Senator from Oklahoma [Mr. OWEN] to the Senator from Illinois [Mr. SHERMAN] and vote "nay."

Mr. GALLINGER (when his name was called). I am paired with the junior Senator from New York [Mr. O'GORMAN]. In his absence, I withhold my vote. If privileged to vote, I should vote "yea."

Mr. GOFF (when his name was called). I have a general pair with the senior Senator from South Carolina [Mr. TILLMAN], and therefore withhold my vote. I desire this announcement to stand for the day.

Mr. JOHNSON (when his name was called). I transfer my pair with the junior Senator from North Dakota [Mr. GRONNA] to the junior Senator from Nevada [Mr. PITTMAN] and vote "nay."

Mr. LIPPITT (when his name was called). I have a general pair with the junior Senator from Montana [Mr. WALSH]. I do not see him in the Chamber, so I withhold my vote.

Mr. STONE (when his name was called). I transfer my pair with the Senator from Wyoming [Mr. CLARK] to the Senator from Alabama [Mr. BANKHEAD] and vote "nay."

Mr. THOMAS (when his name was called). I transfer my pair with the Senator from New York [Mr. ROOT] to the Senator from Indiana [Mr. SHIVELY] and vote "nay."

Mr. TOWNSEND (when his name was called). I transfer my pair with the junior Senator from Arkansas [Mr. ROBINSON] to the junior Senator from Maine [Mr. BURLEIGH] and vote "yea."

The roll call was concluded.

Mr. COLT (after having voted in the affirmative). I have a general pair with the junior Senator from Delaware [Mr. SAULSBURY]. In his absence I withdraw my vote.

Mr. JAMES (after having voted in the negative). I desire to inquire if the junior Senator from Massachusetts [Mr. WEEKS] has voted?

The VICE PRESIDENT. He has not.

Mr. JAMES. I have a pair with that Senator, and I therefore withdraw my vote.

Mr. CLAPP. Mr. President, I understand that certain Senators desire to discuss the trade commission bill this afternoon, and in view of that fact I vote "yea."

Mr. SIMMONS. I make the point that debate is not in order.

The VICE PRESIDENT. Debate is not in order.

Mr. CLAPP. I merely stated why I voted "yea."

Mr. GALLINGER. I transfer my pair with the Senator from New York [Mr. O'GORMAN] to the Senator from California [Mr. WORKS] and vote "yea."

Mr. JAMES. I transfer the pair I have with the junior Senator from Massachusetts [Mr. WEEKS] to the Senator from Tennessee [Mr. SHIELDS] and vote "nay."

Mr. DU PONT. I should like to inquire whether the senior Senator from Texas [Mr. CULBERSON] has voted?

The VICE PRESIDENT. He has not.

Mr. DU PONT. As I have a general pair with that Senator, I will withhold my vote.

Mr. TOWNSEND (after having voted in the affirmative). I transferred my pair with the junior Senator from Arkansas [Mr. ROBINSON] to the junior Senator from Maine [Mr. BURLEIGH], but I understand now that the junior Senator from Maine is paired with the junior Senator from New Hampshire [Mr. HOLLIS]. Therefore I transfer my pair to the Senator from Washington [Mr. JONES], who is absent on business of the Senate, and will let my vote stand.

Mr. HOLLIS. I transfer my pair with the junior Senator from Maine [Mr. BURLEIGH] to the junior Senator from Illinois [Mr. LEWIS] and vote "nay."

Mr. KENYON. I desire to state that the senior Senator from Wisconsin [Mr. LA FOLLETTE] is detained on account of illness. I will ask that this announcement may stand for the day.

Mr. PERKINS (after having voted in the affirmative). I have a general pair with the Senator from North Carolina [Mr. OVERMAN]. In his absence I withdraw my vote.

Mr. SMITH of Maryland. I desire to announce that the junior Senator from Delaware [Mr. SAULSBURY] is absent on official business.

The result was announced—yeas 17, nays 34, as follows:

YEAS—17.

Borah	Clapp	McCumber	Sutherland
Brady	Cummins	Norris	Townsend
Brandegee	Dillingham	Page	
Burton	Gallinger	Poindexter	
Chilton	Kenyon	Smoot	

NAYS—34.

Ashurst	Johnson	Ransdell	Swanson
Bryan	Kern	Reed	Thomas
Camden	Lane	Sheppard	Thompson
Catron	Lee, Md.	Simmons	Thornton
Chamberlain	Martin, Va.	Smith, Ga.	Vardaman
Clarke, Ark.	Martine, N. J.	Smith, Md.	White
Hollis	Nelson	Smith, Mich.	Williams
Hughes	Newlands	Sterling	
James	Pomerene	Stone	

NOT VOTING—45.

Bankhead	Gronna	Overman	Smith, Ariz.
Bristow	Hitchcock	Owen	Smith, S. C.
Burleigh	Jones	Penrose	Stephenson
Clark, Wyo.	La Follette	Perkins	Tillman
Colt	Lea, Tenn.	Pittman	Walsh
Crawford	Lewis	Robinson	Warren
Culberson	Lippitt	Root	Weeks
du Pont	Lodge	Saulsbury	West
Fall	McLean	Shafroth	Works
Fletcher	Myers	Sherman	
Goff	O'Gorman	Shields	
Gore	Oliver	Shively	

So Mr. GALLINGER's motion was rejected.

Mr. NEWLANDS. Mr. President, I wish to thank the Senator from New Hampshire [Mr. GALLINGER] very much for the zeal which he is showing in pressing the trade commission bill, with reference to which I am charged with responsibility on this floor, and to say that I shall be very glad of his cooperation later on in pressing the bill to a vote.

The river and harbor bill has the floor now by virtue of an understanding between myself and the Senator from North Carolina [Mr. SIMMONS]; but later on in the day, with a view to accommodating certain Senators who desire to speak upon the bill, the trade commission bill will be taken up. I will ask whether the Senator from Missouri [Mr. REED] is present?

The VICE PRESIDENT. The Senator from Missouri does not seem to be in the Chamber at this time.

Mr. NEWLANDS. Meanwhile, Mr. President, in his absence I will ask unanimous consent that a vote be taken on the trade commission bill and all pending amendments on Monday next.

Mr. JAMES. At what hour?

Mr. NEWLANDS. At the hour of 4 o'clock.

Mr. LIPPITT. I object, Mr. President.

Mr. GALLINGER. Mr. President——

The VICE PRESIDENT. There is objection; so that there is no necessity to call the roll to disclose the presence of a quorum.

Mr. JAMES. I suggest to the Senator from Nevada that perhaps the Senator from Rhode Island would agree on some other day.

Mr. NEWLANDS. I will ask the Senator from Rhode Island if he is willing to name a day for a vote?

Mr. LIPPITT. I will say, in reply to the inquiry of the Senator from Nevada, that my own belief upon the subject is that we should not come to a final decision upon the trade commission bill until all the legislation connected with the subject of trusts which the President and his advisers propose to have brought before Congress is here, so that we can vote upon every part of it in connection with its relation to every other part.

Mr. NEWLANDS. I will state, Mr. President, that conferences are being held between the members of the Judiciary Committee and the members of the Interstate Commerce Committee with reference to the pending trust legislation, and that these conferences are attended, of course, with beneficial results. It is for that reason that I have not urged strenuously the consideration of the trade commission bill by the Senate. I am told that there will be a report from the Judiciary Committee before next Monday, and that was the reason I urged the fixing of a time for voting upon the trade commission bill upon that day.

Mr. GALLINGER. Mr. President, I appreciate the feeling of the Senator from Nevada, and accept his congratulations on the zeal that I have manifested toward getting the so-called trade commission bill before the Senate. I have not brought myself as yet to believe that the trade commission bill is a good bill, but I have brought myself to believe that the river and harbor bill is a very bad bill, so that I am simply deciding as between a manifestly bad measure and a measure that may possibly have enough good in it to command my vote later on. But I have had an impression from what I have heard and what I have read that there was great urgency to take up the trust bills, which, if they did not emanate outside of Congress, have certainly been urged outside of Congress by a very potential force.

It is possible that the Senator from Nevada thinks that Washington is a pleasant summer resort, and that we had better stay here until the beginning of the next session, as we did last year. I can stay as well as others; but, for my part, whatever may be the fate of the trade commission bill and the other bills which are to accompany it, I think we ought to proceed to consider them and dispose of them in some reasonable time.

As to the river and harbor bill, I hope it never will be voted on favorably, because it has so many objectionable items in it that, unless it is practically emasculated and amended to an extent that I apprehend it will be impossible to amend it, I hope it will be defeated, and I shall do what I can properly to bring about that result. I shall vote to take up any bill that has any features in it that commend themselves to me for the purpose of delaying the consideration and the vote upon the river and harbor bill.

Mr. KENYON. Mr. President, I only want to observe that it is a matter of some surprise to me that the Senator from Nevada should assist in any way in the passage of the river and harbor bill. I had supposed that we were here this summer in this delightful climate to consider trust bills; the country has been so advised; and the trade commission bill has been before the Senate for some time. It apparently now is to give place to the river and harbor bill; in other words, the river and harbor bill, which is condemned by very many people in this country, is now to have precedence over the real, the great business for which we are assembled.

Mr. CLAPP. Mr. President——

The PRESIDENT pro tempore. Does the Senator from Iowa yield to the Senator from Minnesota?

Mr. KENYON. I do.

Mr. CLAPP. I should like to ask the Senator from Iowa if, in the natural logical sequence of things, we ought not to have the avenues of trade open in order that we may have trade to regulate before we create a commission to regulate the trade? I think there is some force in the position of the Senator from Nevada. [Laughter.]

Mr. KENYON. Of course, if the trade is to be by water, the river and harbor bill will not help it much. [Laughter.]

When the river and harbor bill was before the Senate in 1913 the Senator from Nevada offered a few observations, to which I wish to refer for just a moment. I do not want to delay matters, of course, but this is very good reading. He said:

Mr. NEWLANDS. I wish to say, Mr. President, that the remark I was making did not involve criticism of the Senator from Ohio. I was about to add that the system of river and harbor improvements pursued under his guidance in the House of Representatives was vastly improved. When he took hold of the leadership of this subject there a system prevailed called the "pork-barrel" system, a system with which we are all familiar, and which it is unnecessary to describe.

We had the pork barrel in projects just as we had it in offices, and the aim of thoughtful men was to substitute the merit system, both in projects and offices.

Again, further down in that speech, which was rather a condemnation of the system of river and harbor appropriations——

Mr. GALLINGER. In what year was that, I ask the Senator?

Mr. KENYON. In 1913. I am reading from the RECORD of February 20, 1913. The Senator from Nevada [Mr. NEWLANDS] further said:

But in the very nature of things the great enterprise of developing a river for navigation can not be successfully pursued unless there is a single power or a combination of the various powers having jurisdiction, and unless the development of the river can be so planned and executed that the various uses of the river, including the works necessary to develop such uses, dovetail into each other.

That is what we are contending for. The Senator from Nevada continued:

So river improvement has broken down. It is to-day ineffectual for the purpose which Congress has in view in the exercise of its interstate-commerce power, namely, the promotion of navigation. It has been just as ineffectual in the development of a complete waterway as the action of a railroad company would be in the construction o. a railway in detached portions here and there, a stretch of 10 miles here and a stretch of 10 miles there, without any connection between the various structures.

Again, a little further in the speech, the Senator from Nevada said:

So throughout the years we have been going along with this ineffectual method of taking up individual projects here and there as a part of the spoils system, without comprehensive plans involving the union of all the services in the country that relate to water and involving the union of all the sovereignties that have jurisdiction over the subject.

Mr. President, I listened to this speech then with great interest. I had only been in the Senate a short time, and the able address of the Senator at that time is one reason, I think, why I have given some study to the river and harbor question. I hope the Senator from Nevada is not willing that the great trust measures shall be laid aside in order to consider and pass a bill the principles of which he has condemned time and time again. If we are now presented with the spectacle of the Democratic Party laying aside the trust measure in order to pass this appropriation bill, which carries many meritorious projects, it is true, but also many projects that ought to be stricken out—if that is the idea, I want to invite attention for just a few moments to one or two platforms of the Democratic Party. I do not wish to create any riot by referring to the Democratic platforms. I may have to refer to the Baltimore platform later, but in 1904 the Democratic Party in convention assembled declared:

Large reductions can easily be made in the annual expenditures of the Government without impairing the efficiency of any branch of the public service, and we shall insist upon the strictest economy and frugality.

In 1908 the Democratic Party said in their platform.

The Republican Congress in the session just ended made appropriations amounting to $1,008,000,000, exceeding the total expenditures of the past fiscal year by $90,000,000, and leaving a deficit of more than $60,000,000 for the fiscal year just ended. We denounce the needless waste of the people's money, which has resulted in the appalling increase.

In 1912—and I refer to that platform with some hesitancy—the Democratic Party declared:

We denounce the profligate waste of the money wrung from the people by oppressive taxation through the lavish appropriations of recent Republican Congresses, which have kept taxes high and reduced the purchasing power of the people's toil.

Mr. President, some of us have felt that there were things in the river and harbor bill that should be defeated and that we would be justified in resorting to every means possible under the rules of the Senate to defeat that bill; but if there is to be some kind of cooperation, if the river and harbor bill is more important than the trust bills, then I suppose the cohesive power of these differentiated appropriations will make it impossible to defeat the bill. However, with the views of the Senator from Nevada as to river and harbor bills and the iniquities they contain, I simply appeal to him not to assist in narrowing the discussion of the river and harbor bill or precipitating any hasty action thereon.

Mr. NEWLANDS. Mr. President, in the first place, I disclaim any disposition to slow up the progress of the trade commission bill. I have repeatedly urged the fixing of a day for a vote upon that measure. In the progress of the debate some question has arisen as to the legal meaning of the words "unfair competition." Those words have been the subject of serious reflection by members of the Judiciary Committee. Members of the Interstate Commerce Committee are confident that those words not only have a legal significance which will be recognized, but have an elastic significance to enable the term to reach all cases that the law ought to reach. We have, however, no pride of opinion upon the subject, and we are grateful to the members of the Judiciary Committee who are giving serious consideration to this question, and some of the members of that committee have asked me to delay the consideration of this measure until they could come to some conclusion regarding that term.

Mr. SUTHERLAND. Mr. President——

The PRESIDENT pro tempore. Does the Senator from Nevada yield to the Senator from Utah?

Mr. NEWLANDS. I prefer to go along and make my statement.

Mr. SUTHERLAND. I merely wanted to ask the Senator about his reference to the Judiciary Committee; I did not understand it.

Mr. NEWLANDS. I am not, however, willing to delay unduly the consideration of this bill with a view to consultation with the members of the Judiciary Committee. I may say that the members of that committee have been in consultation with some of the members of the Interstate Commerce Committee concerning certain provisions of the Clayton bill, with a view to harmony of action. I am not, however, disposed to delay; and I believe we can come to a vote, and ought to come to a vote, on Monday. I have asked unanimous consent, and a Senator on the other side objects.

Mr. President, I am very appreciative of the support which the Senator from New Hampshire [Mr. GALLINGER] and the Senator from Iowa [Mr. CUMMINS] are giving to the trade commission bill, and I am very glad that they manifest a disposition to put it ahead of the river and harbor bill. I think its importance demands prior consideration; but under the rules of the Senate the appropriation bills have the right of way. I have been obliged to yield and have been ready to yield to the consideration of such a bill as the sundry civil bill, which involves appropriations for the entire Government, with reference to which existing appropriations extend only to the 15th day of July. So, also, with reference to the river and harbor bill; for I have no doubt that bill will be enacted at this session, and I believe it ought to be enacted, and I will give my reasons.

The Senator from Iowa has referred to some utterances of mine in the past, critical of the methods employed in making appropriations for rivers and harbors. I stand by those utterances. They were true then, and they are true to-day; but I never thought it wise to abandon every form of appropriation for rivers and harbors without substituting some other system which could take up the current work and carry it on to completion. I never contemplated such radical or revolutionary action; and I believe it would be radical and revolutionary to defeat the present river and harbor bill without substituting immediately some system that would take its place, so that the current work could go on.

Progress is being made upon the lines of reform which I have been urging and which are represented in a bill which I have been pressing for many years, called the river regulation bill. At the last Congress the Senate put upon the river and harbor bill an amendment providing practically for the skeleton organization of the general bill which I had introduced. That was accepted by the Senate, and was stricken out because of the failure of the House conferees to agree to it. At this session a similar amendment introduced by me was put upon this bill by the committee itself, and it was put there upon my motion, the committee acting after full consideration of this subject by a Cabinet committee consisting of the Secretaries of War, Interior, Agriculture, and Commerce, who were requested by the President to look into this whole question and to give him their advice regarding this important subject; and as a result of their advice this amendment is being pressed. It has been the subject of Cabinet consideration and has the

approval of the President himself, so it may be regarded as a recommendation from the President of the United States.

I believe, therefore, that we are making substantial progress, and I would not feel warranted in defeating appropriations for every harbor in the United States. There is no criticism, as a rule, of the harbor development that has taken place, and there are large appropriations in this bill—probably one-third or possibly one-half—for the harbors of the country. Would we end the work that is now going on in these harbors in order to work out and substitute hereafter what we conceive to be a better system of conducting the work on rivers and harbors? It seems to me that would be great folly.

So also with reference to the rivers of the country. No one can complain of the development that is going on upon the Ohio River. That development is a logical development, the result of the study and experience of years, and is upon the highest lines of scientific achievement. Shall we stop that because we disapprove the general system under which this work is being done?

So, also, with reference to the Mississippi River. This bill carries seven or eight million dollars, I believe, for the protection of the banks and the construction of levees upon the Mississippi River. Shall we stop that work and subject that entire region to the risk of an overflow and the consequent destruction, in order to hurry the way toward a more nearly perfect system in the future? It seems to me that we are unprepared to take that risk. So while there are items in this bill of which perhaps we as individuals would disapprove, we certainly would be taking a great risk in refusing to pass this appropriation bill.

With reference to the general scheme to which I have referred, the Republican Party had an opportunity to carry that plan into accomplishment, and it lost the opportunity. The general principles of that plan were practically maintained by two waterway commissions, and yet no substantial progress was made under either Mr. Roosevelt's administration or Mr. Taft's administration toward the successful accomplishment of this reform. The system is a very simple one. It involves not only work upon the lower reaches of the river in the shape of channel improvements, bank protection, and levee protection, but it also involves work upon the upper reaches of our watersheds, work which will involve the seizing of the water as it falls from the heavens, slowing up its progress to the oceans and to the Gulf, and putting it to some beneficial use on the way, either in the shape of the reclamation of arid lands, or in the shape of development of water power, or in the shape of conservation of forests, or in the shape of the development of intensive cultivation, and also so controlling this water as to enable us to reclaim vast areas of swamp land, composed of an alluvial deposit unsurpassed in richness and fertility. All this is to be accomplished in such a way as to make the river, with its branches, an efficient instrumentality of commerce, perfect in every detail, with transfer facilities, with processes of coordination and cooperation with railways, in such a way as to develop a perfect system of transportation in this country, the railway system and the water system dovetailing with each other, and both in the future dovetailing with a perfected system of ocean transportation—just such a system as Germany, with her great economic foresight, has developed to such perfection.

It is a perfectly sensible thing. If we can simply slow up the waters that fall upon the immense watershed of the Mississippi—a watershed which embraces pretty nearly two-thirds of the entire area of the country—we will lower the crest of the flood at Cairo and at New Orleans, diminish the expenditures both for bank protection and for levee building, and lessen the danger to vast areas of cultivable land and towns and cities of large population and wealth.

No one can go to the city of New Orleans, as I have done, in a period of flood, and see the flood tide of that river reaching within 2 or 3 feet of the top of the levee and view the city itself, 20 or 30 feet below, protected from the deluge simply by this mass of accumulated dirt, and fail to realize the great danger to the people and to the wealth of that city. Reduce the crest of that flood 5 feet by arresting the flow of the waters above, and you will do a great service. Reduce the crest of that flood 10 feet, and you will do a greater service. Reduce it 15 feet, as can easily be accomplished, and you will relieve the entire region of danger—not only these cities but this vast cultivable area, surpassing the Valley of the Nile itself in richness and fertility, bound to be the garden spot of the entire country with a perfected waterway system, with railroads and canals running through it, canals for transportation as well as for drainage, all perfected under a scientific system such as is contemplated in the bill which I have been so long pressing.

That is all the bill involves—the simple problem of seizing hold of the water as it falls from the heavens and slowing up its progress to the ocean and to the Gulf—simply slowing it up, and meanwhile, on the way, putting it to every beneficial use in the way of intensive cultivation, the reclamation of arid lands, and the development of water power, which is a source of electric power, entering more than any other element into the daily lives of our people as a source of comfort and of wealth.

Mr. BURTON. Mr. President, will the Senator from Nevada yield for a question?

The PRESIDENT pro tempore. Does the Senator from Nevada yield to the Senator from Ohio?

Mr. NEWLANDS. Certainly.

Mr. BURTON. Does the Senator from Nevada believe that any of these results, so salutary, so helpful to the country, will be accomplished by the river and harbor bill which is now pending before the Senate?

Mr. NEWLANDS. Not so fully as under the system that I am urging; but I do claim that it would be a crime not to pass the river and harbor bill, because you would thereby imperil the entire Mississippi Valley.

Mr. BURTON. May I ask the Senator another question? Does the Senator think those objects would be accomplished at all by this bill?

Mr. NEWLANDS. I am not prepared to say that they would be; in fact, I think they will not be; but there are other things to be considered, such as the limited navigation now existing, the protection of large cultivable areas that are now protected by levees, the menace of floods to the cities, and other works of that kind. I am sure I would not willingly subject any of them to a greater strain than they have been subjected to in the past, and certainly as to the harbors we would not desire a discontinuance of work.

Mr. President, I was stating—and I shall be through in a moment—that the problem is an exceedingly simple one. It consists simply of slowing up the waters—that is all—and allowing them to be put to beneficial use, instead of allowing it to be massed for destructive uses, thus, as President Wilson so aptly said, turning these waters from a menace into a blessing.

I should be glad to see the river regulation bill which I have been urging substituted for this river and harbor bill, with the total appropriation provided for in this river and harbor bill subjected to the judgment of the commission organized under it; but there is no hope of passing such a measure. I have no doubt the $50,000,000 and more carried in this bill would be more effectively spent under the system of coordination of the scientific services of the National Government provided for by the river regulation bill and under the system of cooperation between the Nation and the States provided for by that bill.

Mr. GALLINGER. Mr. President, will the Senator permit me to interrupt him?

Mr. NEWLANDS. If anyone upon the other side will move for the substitution of that river regulation bill, with the appropriation contained in this bill, I am sure I should be glad to vote for it. Would the Senator from Ohio be ready to vote for it?

Mr. BURTON. I am not sure but that I would as against this river and harbor bill. I should want to examine into that somewhat.

Mr. NEWLANDS. I wish the Senator from Iowa were here. I should like to ask him that question. Would the Senator from New Hampshire vote for the substitution of the river regulation bill for this bill, with the appropriation provided for by this bill?

Mr. GALLINGER. The Senator from Nevada has rather cooled any ardor I might have had in that direction by saying that it can not be done.

Mr. NEWLANDS. It can not be done?

Mr. GALLINGER. That is what the Senator from Nevada said.

Mr. NEWLANDS. I am now looking for votes.

Mr. GALLINGER. If it can not be done, what is the good of trying?

Mr. NEWLANDS. I begin to be hopeful when the Senator from Ohio indicates that he may be prepared to vote for it.

Mr. GALLINGER. I will further answer the Senator by saying that while I have not examined the bill very carefully, as at present advised, I would vote for it in preference to this bill. I say that as at present advised.

Mr. NEWLANDS. Mr. President, that indicates how this revolution is going on in public sentiment. The Senator from New Hampshire will recall that I served with him upon the Commerce Committee, and the Senator probably will recall that as I represented a State that had no navigable rivers and no harbors, my sole purpose in being upon that committee was to

urge this particular measure. I can not say the Senator opposed it. His mind is always open; and I recall that when he was passing the Appalachian bill—a bill for the condemnation of forests with a view to the regulation of navigation, recollect—the Senator expressed himself then as entertaining hospitality toward the views which I was presenting. It has taken five or six years, however, to bring the Senator to a point where he is willing to vote for such a measure. Am I not justified, therefore, in saying that I think it would be difficult to substitute the river regulation bill for the pending bill at this moment?

Mr. GALLINGER. I have never had an opportunity to vote for it. The Senator has either been guilty of laches, or he has met with so much opposition from other quarters that the bill has never been before the Senate.

Mr. NEWLANDS. I have never been able to get it out of committee.

Mr. GALLINGER. No; so I could not have voted for it.

Mr. NEWLANDS. Mr. President, I do not wish to detain the Senate in the discussion of this bill. Some time later on in debate, when the amendment which I have proposed to this bill comes up for consideration—an amendment which has been adopted by the committee—it will give me pleasure to say something upon this subject, and to supplement the labors of the Senator from Ohio, the Senator from New Hampshire, and the Senator from Iowa in creating the foundation, at least, of this rational system of handling the waters which fall from the clouds upon these vast watersheds in such a way as to turn them from a menace into a blessing.

Mr. SUTHERLAND. Mr. President, I was interested to hear the Senator from Nevada say that he had not permanently abandoned the trade commission bill, but that he is simply applying to it the slowing-up process which he thinks might be applied with profit to the waters of the country. The Senator made a suggestion, however, which I did not quite understand. I rose to interrupt him, to ask for an explanation, but the Senator did not yield to me.

Did I understand the Senator to say that the Judiciary Committee was now considering the feature of the trade commission bill relating to unfair competition?

Mr. NEWLANDS. I can not say that I am informed as to whether the Judiciary Committee, as a committee, is considering it or not; but I know it has been the subject of very serious consideration by a number of the members of that committee who have spoken to me regarding it.

Mr. SUTHERLAND. I was a little curious to know why the activities of the Senator had been checked by the investigations of the Judiciary Committee with reference to this matter, when a few days ago the Senator declined to accede to the request of the Senator from Iowa [Mr. CUMMINS] for a postponement of the consideration of the bill, owing to the fact that the Judiciary Committee was then considering some proposed amendments to the trade commission bill, which amendments had been directly referred to that committee. This particular matter of unfair competition certainly has not been referred to the committee. I never have heard of it. I am curious to understand, however, why the Senator should be willing to lay aside his bill to enable the Judiciary Committee to consider this bill when he declined rather peremptorily the other day to permit it to be laid aside to consider these other matters.

Mr. NEWLANDS. Mr. President, I do not recall the details of the matter to which the Senator refers. Of course I have been very urgent in pressing this bill. My recollection is that the amendments to which the Senator refers were amendments to the trade commission bill, which had been referred to the Judiciary Committee, and I understood that the action of that committee was against reporting those amendments. It has been a matter of discussion, and there was some doubt in my mind as to whether those provisions regarding interlocking directorates and holding companies should be put upon the trade commission bill; but I finally came to the conclusion—merely an individual conclusion, which is, however, in harmony with the action of the Interstate Commerce Committee—that as those subjects were dealt with in the Clayton bill, it would be best to leave them there; and thus far in my communication with members of the Judiciary Committee I have addressed myself to the question of improving and perfecting those provisions. I may say that there has been very harmonious conference between the members of that committee and the members of the Interstate Commerce Committee regarding these questions, with a view of obtaining the very best results in both bills.

Mr. SUTHERLAND. May I ask the Senator from Nevada another question? Is it the intention of the Senator to withhold further consideration of the trade commission bill until he has the opinion of the Judiciary Committee with respect to this matter of unfair competition?

Mr. NEWLANDS. No; I can not say that it is. I am, however, willing that the matter should be slowed up a little, with a view to getting their views. I will state that I propose very shortly to move that the trade commission bill be taken up with a view to the presentation of a speech by the Senator from Missouri [Mr. REED] and another by the Senator from Michigan [Mr. TOWNSEND].

Mr. SIMMONS. Mr. President, I should like to ask the Senator from Utah—who is a member, I believe, of the Judiciary Committee—a question for information, because I do not know the facts. Is it not a fact that the Judiciary Committee have been considering an amendment offered by the Senator from Tennessee, who is also a member of the Judiciary Committee, in the nature of a substitute for section 5 of the trade commission bill?

Mr. SUTHERLAND. The Judiciary Committee has been considering an amendment proposed by the Senator from Tennessee, but I do not understand that it is a substitute for section 5 of the trade commission bill.

Mr. SIMMONS. I do not mean, by using the word "substitute," that it is to be incorporated in this bill, but are they not considering it as a proposition which would take the place of section 5 of the trade commission bill?

Mr. SUTHERLAND. No; I think not. I think it is an entirely different proposition. The amendment to which the Senator refers was introduced by the Senator from Tennessee in the Senate and has been printed, but my recollection is that it has not anything to do with the question of unfair competition.

Mr. SIMMONS. I will ask the Senator a further question, because I think it is well for us to know about this matter. Has the Judiciary Committee finally acted upon the amendments of the Senator from Iowa to the trade commission bill?

Mr. SUTHERLAND. I am not prepared to answer that question. There was action taken upon the amendments, but whether it can be regarded as final I do not know.

Mr. SIMMONS. My recollection is that when we had this matter up several days ago, as the Senator from Iowa was about to conclude his remarks, there was some suggestion on the part of the Senator from Nevada that we proceed to a vote, and I think it was then stated—I do not remember whether by the Senator from Iowa or some one else—that he had certain amendments to the bill pending before the Judiciary Committee, and there was a suggestion that we ought to await the action of that committee upon those amendments.

Mr. SUTHERLAND. It is my impression that the amendments have been disposed of.

Mr. SIMMONS. The Senator is not able to state positively whether they have been acted upon or not?

Mr. SUTHERLAND. Not with thorough positiveness, but I think they have. I was not present when the action was taken upon them, but I was informed that they have been disposed of.

Mr. CUMMINS. Mr. President, I do not think that final action has been taken by the Judiciary Committee upon any part of the bill that has been referred to it. Its action up to this time has been tentative. I hope the Senator from Nevada will not leave the Chamber. I have something to say that may interest him.

Mr. NEWLANDS. I was not going to leave the Chamber. I was merely changing my seat.

Mr. CUMMINS. The Judiciary Committee has been, I think, very industrious, and has held its sessions both in season and out of season; but as yet I believe its work has been of a preliminary character.

What has just been said from the floor moves me to make a suggestion to the Senator from Nevada, as well as to the Senator from North Carolina.

It is perfectly obvious that we are wasting a great deal of time, not intentionally but on account of the conditions which surround us. The river and harbor bill meets with determined opposition. I am opposed to it, for, I may say in passing, under the tutelage of my friend from Nevada, enlightened also by the philosophy of my friend from Ohio, I long ago came to the conclusion that I would never vote for a river and harbor bill composed upon the plan or based upon the principle exhibited and embodied in the measure now before us, although I am greatly interested in some of the projects which it seeks to develop and carry on. But, no matter what one's personal view of the bill is, it is perfectly certain that it can not be brought to a conclusion within any reasonable time.

On the other hand, the measure that has been reported by the Interstate Commerce Committee known as the trade commission bill can not, in my opinion, be brought to a conclusion as it should be, for the reason that it is a part of a program which, if not clearly defined, is yet present in the minds of all

Senators, a program which involves a bill pending before the Judiciary Committee and a bill pending before the Interstate Commerce Committe not yet reported.

It seems to me that in order to consider the bill which is now before the Senate relating to the trust problem, we must have the report of the Judiciary Committee upon the bill which has been referred to it. We can neither go on with our work wisely nor can we go on with it expeditiously until that report is before us. Senators, those who speak upon the matter, must take into view the entire proposal.

Mr. LIPPITT rose.

Mr. CUMMINS. It seems to me there is but one course to pursue, and that is by common consent to allow the trade commission bill to remain as it is until the Judiciary Committee reports and until the Interstate Commerce Committee reports, and to consume the intervening time not upon the river and harbor bill, because it is in constant collision with the trust program. One or the other is bound to delay or bother or vex its companion in misfortune. We ought to give these committees, the Judiciary Committee and the Interstate Commerce Committee, an opportunity, untroubled by quorum calls and votes, to conclude their work and report these bills, and then we can take up the subject for consideration. It is a mere conjecture on my part, but I believe that in less than two weeks we could reach a conclusion, a vote, upon all these measures. I believe that the Senate would at once see the high desirability of consolidating these bills in one measure if the whole subject were before the Senate. I yield to the Senator from Rhode Island.

Mr. LIPPITT. The Senator has almost answered the question I rose to ask him. I was going to ask him if he did not think perhaps the wise way to give those committees an opportunity to thoroughly digest this matter would be to leave the whole subject over until the Senate came together in December?

Mr. CUMMINS. Mr. President, I have not been an advocate of postponing consideration upon the trust program until December. I readily concede that no great harm would come to the country if these measures were so postponed, but I have not stood for postponement. I have stood for action, and I am willing to stand for it now to the very end; but I would like to see intelligent action, interested action. I would like to see these bills before the Senate in a form that would command the attention of all the Senators, so that we would not be interrupted by the procedure upon the floor, going forward upon some other bill. At this very moment nearly one-half—I think that is an exaggeration, but a large number—of the Senators are absent attending meetings of committees. They are not here to help deliberate upon either the river and harbor bill or upon the trust measures; and I reiterate what I said the other day, that we are giving to the country great cause for criticism and even greater for discontent in attempting to do the public business in the way in which we are trying to do it. I yield again to the Senator from Rhode Island.

Mr. LIPPITT. I was only going to suggest to the Senator from Iowa, in view of what he has just said, and with which I thoroughly agree, that these subjects ought to have the intelligent and careful and thorough consideration of this body, if it is not going to be almost impossible under the conditions in which this body is going to work for the balance of this session to obtain any such consideration. I have for some time been very strongly of the conviction that the subject is entirely too important to be brought before a body in the condition in which the Senate is to-day and in which in all probability it will remain for the balance of the session. As we all know, we have been here for many, many months. We all know that, for various reasons, nearly every Member of the body is anxious to get away. We know that they are exhausted mentally and physically by the long continuance of the work in which they have been engaged, and that they are now brought face to face with the consideration of perhaps the most important measure that has been brought before them during the time they have been in session. Just along the line of what the Senator was speaking, for an intelligent consideration of this question, it has seemed to me that it would be very wise and do no harm to the country or to anybody if we came to these subjects in the full vigor of our understanding.

Mr. CUMMINS. Mr. President, I am not certain whether Senators are physically and mentally sound and alert enough to enter upon this great business or not. I, however, am willing to try the experiment. I very readily concede that if when we have the program before us, through the reports of these committees, there is the same indifference to the subject that has appeared heretofore, if we can not pull ourselves together and make our minds work upon these mighty problems, then I will agree with the Senator from Rhode Island that we ought to postpone their consideration until a time when our minds will work.

Mr. BRANDEGEE rose.

Mr. CUMMINS. But I am not ready to concede that we can not or will not restore ourselves to or reinvest ourselves with our natural vigor and strength if we have an opportunity to do it.

I yield to the Senator from Connecticut.

Mr. BRANDEGEE. I wanted to state at this point, while the Senator is calling attention to the number of Senators engaged elsewhere and is attempting to get the Senate to agree upon some program in relation to this subject, or this concatenated series of subjects, there are 11 Senators upon the other side of the Chamber and there are 15 Senators upon this side, making 26 Senators out of 96 who have their ears listening to what the Senator from Iowa is saying.

Mr. CUMMINS. Mr. President, that proportion is very large. I think it is a subject of congratulation that we can secure 11 Senators upon the other side upon this subject at any time for any purpose except in answer to the ring of the bell which summons them here to develop a quorum. However, I do not want to arouse any feeling with regard to that.

I am sincerely desirous of seeing the trust program brought to a successful conclusion. I repeat that I hope the Senator from Nevada, who has given years of study to this subject and who is just as solicitous and just as earnest in his desire that wise legislation shall take place upon the matter as am I, will reflect upon it and see that the real obstacle against which he is now beating his strength is the fact that we have a fragment only of the subject before us, and there is a widespread and deep-seated conviction that we can not deal with it until it is all here in such bills as the committees before which they are now pending may see fit to report. Then we could go forward, and I should hope then that we might from time to time or once in a while, at any rate, secure the presence of more than 10 or 15 members of the party responsible for whatever legislation is adopted.

Mr. SUTHERLAND. Mr. President——

Mr. CUMMINS. I only repeat the suggestion I made a few days ago. When the time comes I intend to move to rescind the orders which have been heretofore made by the Senate allowing its committees to sit during the sessions of the Senate in violation of the fundamental parliamentary law of the civilized world and in violation of all the principles of sound legislation. But I do not care to do that so far as the river and harbor bill is concerned, because I hope we may never reach a vote upon that bill, and I do not feel called upon to facilitate its progress.

I yield to the Senator from Utah.

Mr. SUTHERLAND. Mr. President, I quite agree with the suggestion of the Senator from Iowa as to the desirability of having all these three bills up for consideration at once. I do not mean that they shall be considered at the same moment, but be before the Senate at the same time, because they have more or less relation to one another. But if I understand the Senator's position it is that we ought to have them, in order that they may be, so to speak, dovetailed together and consolidated in a single act of legislation. I suppose, for example, that the Senator has in mind that if we provide for a trade commission there are certain substantive provisions now in the Clayton bill that might be given over to a trade commission to deal with in some way. That is one phase.

Now, that all involves a good deal of work, and of careful work, before that can be done. Does the Senator from Iowa think that the Senate, consisting of a large number of men, is the proper body to do that work? Does the Senator think it can be done intelligently? Has the Senator taken that into consideration? Does he not think it would be better if the whole matter was submitted to a single committee to do it?

Mr. CUMMINS. Undoubtedly, Mr. President, the whole subject ought to have been submitted to a single committee. These bills should all have been referred to the Interstate Commerce Committee, and it was a great misfortune when one of them was segregated and sent to the Judiciary Committee. I do not mean by that to imply that there are not certain things in all of them that might not be referred profitably to the Judiciary Committee, but the questions of policy involved in these three bills should have been passed upon by the Committee on Interstate Commerce, for they are all alleged regulations of interstate commerce, and that committee has been created for the purpose of considering such subjects. If after the Interstate Commerce Committee had reported upon the policy of the proposed legislation there should arise grave questions of law, if anyone should challenge the constitutionality of any particular provision, that matter could well be referred to the Judiciary Committee. But that reference would not disturb the solidarity, if

you please, of the legislation brought forward by the Interstate Commerce Committee.

I will answer the other quesion of the Senator from Utah. I am not sure that all this legislation should be compounded in a single bill. I am sure, however, that all the legislation that calls into action the Federal trade commission which we, I hope, are about to create, should be in a single bill. I will specify it to the Senator from Utah. He is familiar with sections 2, 3, and 4 of the bill now before the Judiciary Committee. If they are preserved, I believe that all of them should be related to the trade commission. I think that commission could discharge a very important function with regard to them.

I refer again to sections 8 and 9, which involve or cover the subject of interlocking directorates and holding companies and the like. I think that whatever we do upon these subjects should be done in connection with the bill which creates the *trade commission* and clothes it with power.

Now, whether the provisions in the so-called Rayburn bill, which purport to regulate the issuance of railroad or common carrier securities, should be brought into the same measure I am not sure. My inclination is to say no; that that bill might well be an independent bill, inasmuch as it is an amendment of the interstate-commerce law and deals with the jurisdiction of the Interstate Commerce Commission. But we ought to have them all here, so that we could measure the extent of what is proposed and ascertain with some degree of accuracy what its effect will be upon the business of the country.

Mr. SUTHERLAND. I agree with what the Senator from Iowa thinks ought to be done; but let me make this suggestion about it.

In the first place, I may say that, so far as the Clayton bill is concerned, I regard some of it as bad legislation. I regard a good deal of it as unnecessary legislation, perhaps some of it that we ought to pass, but I recognize that this trade commission bill and the Clayton bill, in some form or another, are to come before the Senate for consideration, and in some form or other will probably go upon the statute books.

Now, the legislation that we pass along the lines of those two bills is going to affect the business of this country for weal or woe to a very great extent and for a long time to come, and for that reason it is legislation which ought to receive at our hands the utmost care, the most intelligent consideration, of which we are capable.

This Congress has been in session almost continuously for nearly 18 months. A portion of the time we were doing very little, it is true, but we were in session. A great many of us were here in Washington. It is no secret that a very large number of us are tired out. We are physically tired, and we are mentally weary. A very large number of the Members of this body are away. It is very difficult from day to day to maintain a quorum to do business, and then we have but a bare quorum.

Does the Senator think that it is fair to the business men of this country for the Senate, under such circumstances, to undertake to pass upon this exceedingly important legislation? Does he not think it would be better if these bills should be reported to the Senate and then, perhaps, those two bills at any rate, referred to the Judiciary Committee and the Interstate Commerce Committee jointly to consider them, to harmonize them, to dovetail them together, and bring in a report at the incoming session of Congress in December? They would have an opportunity of getting a few months' rest and then taking up the subject with freshness and vigor. The country would have an opportunity of studying the bills that will be reported.

For example, this trade commission bill that we have now before us, I venture to say, has received no study whatever at the hands of the business men of the country. A great many of them may have favored a trade commission bill, but I venture to say that many who favored a trade commission bill will not favor this bill, the provisions of which are different, in many respects, from the provisions of the House bill, and they never have received sufficient consideration—thoroughgoing consideration—at the hands of the business men of the country.

If we could carry out some such program as I have suggested, the people of the country who are interested in the subject would have an opportunity of studying it, making their views known to the Senate, to the committees of the Senate. We would come back here in December fresh and vigorous. There would be a larger attendance to take hold of the problem, to deal with it in a more thoroughgoing fashion than we can possibly do to-day. It seems to me that it is unfair to the people of our own country for us to undertake to pass legislation of such wide importance and interest and long-continued effect under these conditions.

Mr. CUMMINS. Mr. President, there is much force in the remarks just made by the Senator from Utah, but he ought to have addressed them to the other side of the Chamber. Unfortunately or fortunately, I have nothing to do with the program, nor has this side of the Chamber very much to do with it. I have assumed for a long time that before we adjourn we are to pass legislation covering the field which I have outlined or which is outlined in these three bills, and my concern has been to be as helpful as possible in the framing of such legislation. I am not kicking against the pricks. I know that the subject must be disposed of at this session—at least I accept the decision of the caucus of our friends upon the other side, and I am not quarreling with it; I am accepting it, and I am only desirous of seeing that what is done shall be done in a wise and temperate way. I shall do everything in my power to enlist the interest of Senators when they are considering these measures, because they do touch, they do affect, more relations in the commercial life of this country than any other proposals ever made at one time. It was with that purpose in view that I rose. I know that we shall not be able to discuss the bill now before the Senate in a way in which it should be debated until the committees report upon other bills, and I hope that those who guide the affairs of the Senate, those who control the time at which we take up particular bills, the time at which we convene, and the time at which we adjourn, will give this subject their prayerful and very careful thought, so that we may be able to proceed as rapidly as possible and, at the same time, with some decent regard for the importance of the measures with which we are dealing.

Mr. SIMMONS. Mr. President, it has been repeatedly intimated in the remarks and observations that have fallen from the Senators on the other side that there was some disposition on this side of the Chamber to abandon or delay the trade commission and antitrust legislation. I want to say that there has not been and is not now the slightest purpose on this side of the Chamber to delay any of these measures. The understanding under which the Senator from Nevada [Mr. NEWLANDS], in charge of the trade commission bill, and myself, in charge of the river and harbor bill, have been operating does not have that for its purpose; Senators on the other side of the Chamber know full well that it does not have that for its purpose; and when they intimate to the contrary they are simply trying to make a little political capital.

We are not pursuing an unusual course in the Senate to-day nor have we been pursuing an unusual course during the last week. When we had up the tariff bill, when we had up the currency bill, when we had up the bill for the repeal of the toll-exemption clause of the Panama Canal act, carrying out the uniform custom of courtesy that has prevailed on both sides of the Chamber, we did not in the early stages of those bills insist that they should be held constantly before the Senate to the inconvenience of Senators who desired to speak on those several measures. It will be remembered that during the consideration of the tolls exemption bill, for a long period of time that bill would be put before the Senate in order to give a Senator who was ready to speak an opportunity to do so, and when he had concluded his speech, if no other Senator was ready to proceed, it was laid aside until some other Senator was ready to proceed. That proceeding went on with reference to that bill and the tariff bill and the currency bill until we had reached the stage in the consideration of those bills that it was the feeling of Senators on both sides of the Chamber that those bills should be placed before the Senate and kept before the Senate, Senators having had ample time to get ready for the discussion.

The trade commission bill, involving, as Senators have said, a vital and important question to the interests of the business of this country, has not been long before the Senate, and it is well known on this side of the Chamber, and I assume it is well known on the other side of the Chamber, that Senators who desire to speak upon it have not yet prepared themselves to speak. For one reason or another they have not been able to get ready to speak. The Senator from Missouri [Mr. REED] has desired to speak for several days, but he came before the Senate a few days ago, when it was proposed to put the measure before the body, and said that he was not at that time ready to make his speech, and asked that the bill be laid aside temporarily that he might get ready to make his remarks. There are other Senators, who are members of the Judiciary Committee, who, I understand, desire to speak upon the bill, but are not yet ready to do so.

While I can not speak for the Senator from Nevada [Mr. NEWLANDS] with reference to this matter, I assume that the Senator from Nevada has not felt justified in placing his bill before the Senate and saying that it should remain before the Senate to the exclusion of everything else until we have reached a vote, because he desired, in accordance with the usual course

and courtesy of the Senate, to accommodate Senators who desired to speak.

Senators will bear me witness that I have not at any time sought to have consideration of the river and harbor bill by the Senate when the Senator from Nevada was ready to go on with the trade commission bill. It has been stated repeatedly by him and by myself upon the floor of the Senate that I was ready at any time to yield to the Senator from Nevada when he desired to go on with his bill. Whenever I have put the river and harbor bill before the Senate and whenever I have asked the Senate to take up the bill it has been because the Senator from Nevada was not here asking that his bill be taken up.

Mr. President, I think it would be, as the Senator from Iowa [Mr. CUMMINS] has said, much better in the interest of the prevention of the consumption of time if one or the other of these measures could be put before the Senate and kept before the Senate until there were action upon the measure. So far as the river and harbor bill is concerned I am ready to go on with it until there is final action, but I do not desire to displace the bill of greater importance and of greater concern to the country whenever the Senator from Nevada is ready to go on with it, and Senators on the other side know that that is the situation and that that is the condition here. I think it is very unfair for them to make an intimation that we are not pursuing our trust legislation with due and proper diligence.

Again, Mr. President, I suppose one other reason why the Senator from Nevada has not been at all times prepared to press his bill here is because it has been understood—I have myself understood it and other Senators on this side of the Chamber have understood it—that the Judiciary Committee were considering amendments to this bill and that they would soon be ready to report those amendments. The Senator from Utah [Mr. SUTHERLAND] does not deny that the committee have had under consideration the amendment offered by the Senator from Tennessee [Mr. SHIELDS], which, if adopted as an amendment to the antitrust bill, would largely make it unnecessary to press further section 5 in the trade commission bill. The Senator from Iowa has advised the Senate that he, too, has introduced certain amendments and that they have been referred to the Judiciary Committee. That committee is considering those amendments. The Senator from Utah does not know definitely whether they have acted upon them or not; if they have acted upon them, I have heard nothing of it, and the Senate has not been advised of their action. I suppose, if they have taken any action at all, it is tentative and that they are still considering the matter, and as soon as they reach a definite conclusion they will report that conclusion to the Senate.

In these conditions, Mr. President, whenever there has been nothing for the Senate to do because Senators are not ready to proceed with their speeches upon the trade commission bill, and because the Committee on the Judiciary have been considering amendments that will affect this bill and are not yet ready to report, the Senator from Nevada not being willing, therefore, to press his bill, I have put this other bill before the Senate. We have not made much time, it is true, but the reason we have not done so is because Senators on the other side of the Chamber are filibustering—no; I will take that back; not that side of the Chamber, for there are more than half, I am persuaded to believe, on that side of the Chamber who are in favor of the river and harbor bill—but there is a coterie there; there is a part of the membership on the other side of the Chamber who are opposed to the river and harbor bill who have been filibustering against it.

This is the first time since I have been here that I have seen on the other side of the Chamber or on this side of the Chamber what might be characterized as a positive, unqualified filibuster against a bill. That is the reason we have not made such progress upon this bill as we should have made.

I trust the Senator from Nevada will be ready to-morrow, and, if not to-morrow, by Monday next. I think he indicated that by Monday he would be ready to put his bill before the Senate and hold it before the Senate until there is action upon it. Whenever he indicates his purpose to do that I shall at once withdraw and desist from any effort to secure further consideration of the river and harbor bill until that matter is disposed of.

Mr. TOWNSEND. Mr. President——

The PRESIDENT pro tempore. Does the Senator from North Carolina yield to the Senator from Michigan?

Mr. SIMMONS. Yes.

Mr. TOWNSEND. I understood the Senator from North Carolina to say that he was ready at any time to lay aside the river and harbor bill when the other bill was desired to be discussed?

Mr. SIMMONS. Yes; pursuant to the policy we have heretofore uniformly pursued in the Senate.

Mr. TOWNSEND. I desire to say to the Senate that I am prepared to go on with a brief discussion of the trade commission bill, if the Senator will consent that that bill be laid before the Senate.

Mr. SIMMONS. Then I ask unanimous consent, Mr. President——

Mr. BURTON. Mr. President, before that unanimous consent is granted I desire to say a few words. The Senator from North Carolina has made a statement which I can not allow to go without answer and, I may say, without rebuke. I think the Senator assumes a great deal for himself when he says that one side of the Senate or half of one side of the Senate is engaged in a filibuster. I am perfectly aware that his statement reflects especially upon myself. I have not been filibustering.

Mr. SIMMONS. Mr. President, if the Senator will pardon me, I did not mean that remark to apply to the Senator, because I do not think he has done anything more than pursue what was a proper and legitimate course in discussing the bill. I have not heard him calling for a quorum, nor have I heard him raising captious objections. I did not apply that remark to the Senator from Ohio, because I do not think it would be just to do so.

Mr. BURTON. I accept most cordially the word of the Senator from North Carolina as regards myself, but as regards my associates I ought to say we believe this bill to be a very vicious bill, and it might as well be understood here and now that it will not pass the Senate without very thorough discussion. I think we may challenge those who favor this bill to defend it and to explain its provisions.

Mr. SHEPPARD. Mr. President——

Mr. BURTON. I note that this morning the Senator from North Carolina, when he was asked to name a single instance in which a project recommended by the Board of Engineers had not been included in the river and harbor bill, was unable to name even one.

The PRESIDENT pro tempore. Does the Senator from Ohio yield to the Senator from Texas?

Mr. BURTON. There has already been mention in the debate on this side of one section of improvement, that on the Mississippi River between the mouth of the Ohio and the mouth of the Missouri. I trust some one on the other side or on this side of the Chamber may rise here and justify that item. No degree of pressure, I may say, Mr. President, will abate one jot or one tittle from the disposition to give this bill thorough discussion.

I will leave off, as I commenced, by saying we think the bill vicious; we think its provisions should be exposed; we believe that there should be a campaign of education reaching to this Chamber and outside of this Chamber to the country; and I may assure Senators on the other side that this bill is not going to be disposed of just merely by taking it up in the morning hour or displacing another bill. I do not like the procedure. The trade commission bill we had supposed was an administration bill, one of urgent importance to the country, the main reason why Congress must be detained here indefinitely; but it seems to-day that it is displaced by the river and harbor bill, and that makes it necessary to discuss the river and harbor measure in a detached, fragmentary way.

Mr. SHEPPARD. Mr. President——

The PRESIDENT pro tempore. Does the Senator from Ohio yield to the Senator from Texas?

Mr. BURTON. Certainly.

Mr. SHEPPARD. I want to say to the Senator from Ohio that I propose to defend at some length the Texas items which he has attacked so vigorously, and I do not want my silence when he refers to those items to be interpreted as a concurrence in what he says. I am not going to answer now, in order to save as much time as possible, but I propose to discuss the Texas items and to defend them as best I can.

Mr. BURTON. I have not yet, in any remarks of mine, attacked the Texas items.

Mr. SHEPPARD. Oh, yes; the Senator has.

Mr. BURTON. Except in my minority report and in a general way. I assure the Senator from Texas that further time will be given to those items, and I am glad he is to defend them, and I may say that I have an added idea of his courage, of which I always had a very excellent opinion.

Mr. SHEPPARD. Well, Mr. President, the Senator has specifically referred to-day to the Trinity River and to the Sabine-Neches Canal, and both references——

Mr. BURTON. Those were but introductory, however.

Mr. SHEPPARD. Both references were glaringly inaccurate; and if his further discussion of Texas projects is equally inaccurate, they will not suffer at all from his attacks.

Mr. BURTON. I beg to assure the Senator from Texas that my remarks were only of a very general nature; they were but introductory to a probably much more elaborate treatment of those items, which they will receive before this discussion is finished.

Now, Mr. President, I should like to ask the Senator from Nevada and the Senator from North Carolina what is going to be the course of business here in the future? If I may have the attention of the Senator from Nevada, I will say that I understand the Senator from Michigan [Mr. TOWNSEND] would like to go on this afternoon, and I acquiesce with the utmost cordiality in the displacing of the river and harbor bill, so that the Senator from Michigan may proceed. I am ready to proceed with the discussion of the river and harbor bill, if it is so desired; but I should like to inquire what is to be the outcome of this? What is going to happen to-morrow or next day? Will the Senator from Michigan make a brief speech—and the Senator from Michigan always speaks briefly and very much to the point—and then will a motion be made to bring up the river and harbor bill again, and then will a motion be made to lay it aside; or what is coming?

Mr. SIMMONS. Mr. President, the Senator from Michigan [Mr. TOWNSEND] desires to make a speech this evening, as I understand, upon the trade commission bill. The river and harbor bill is before the Senate, and there is no reason in the world, if the Senator from Ohio will yield to him, why the Senator from Michigan can not make his speech in reference to the trade commission bill without displacing the river and harbor bill at all.

Mr. BURTON. But, Mr. President, I do not think we ought to pursue that course. I think the river and harbor bill should have no attacks made upon it because of the unusual length of the discussion devoted to it. If the Senator from Michigan is to speak on the trade commission bill, it should be while that bill is before the Senate; otherwise the claim may be made that we are unduly prolonging the debate on the river and harbor bill. The number of hours of discussion upon it may be magnified.

Mr. SIMMONS. Mr. President, if the Senator will pardon me, he knows that it is a common thing, of everyday occurrence, that a Senator will speak on various and sundry subjects that have no relation to the bill that is actually before the Senate. That is not out of the ordinary at all; but if a Senator makes any objection to it, of course, nobody wants to take him off his feet. If the Senator wants to go on and speak, he has the floor; and nobody can take him off his feet, and nobody wants to take him off his feet.

Mr. BURTON. I will yield to the Senator from North Carolina to make a request that the trade commission bill be taken up.

Mr. SIMMONS. If the Senator from Ohio yields for that purpose, I will make that motion, in pursuance of the arrangement which I have stated has been made. It is a common arrangement in this body when it is desired to facilitate a particular bill, and no Senator is ready to speak upon that bill, to lay it aside temporarily and place some other measure before the Senate for the purpose of enabling Senators to make speeches. I have stated very frankly that it is our desire on this side of the Chamber to facilitate the consideration of the trade commission bill, to the exclusion of other legislation.

The PRESIDENT pro tempore. Does the Senator from North Carolina move to take up the trade commission bill at this time?

Mr. SIMMONS. I make that motion.

The PRESIDENT pro tempore. The Senator from North Carolina moves that the Senate proceed to the consideration of what is known as the trade commission bill. Is there objection? The Chair hears none, and it is so ordered.

FEDERAL TRADE COMMISSION.

The Senate, as in Committee of the Whole, resumed the consideration of the bill (H. R. 15613) to create an interstate trade commission, to define its powers and duties, and for other purposes.

Mr. TOWNSEND. Mr. President——

The PRESIDENT pro tempore. The Senator from Michigan is recognized.

Mr. SMOOT. Mr. President, I suggest the absence of a quorum.

The PRESIDENT pro tempore. The Senator from Utah suggests the absence of a quorum. The Secretary will call the roll.

The Secretary called the roll, and the following Senators answered to their names:

Borah	James	Norris	Sterling
Brandegee	Johnson	Overman	Sutherland
Bryan	Jones	Page	Swanson
Burton	Kenyon	Perkins	Thomas
Chamberlain	Kern	Ransdell	Thompson
Chilton	Lane	Saulsbury	Thornton
Clapp	Lewis	Sheppard	Townsend
Clarke, Ark.	Lippitt	Simmons	Vardaman
Colt	McCumber	Smith, Ga.	White
Gallinger	Martin, Va.	Smith, Md.	Works
Hughes	Newlands	Smoot	

The PRESIDENT pro tempore. Forty-three Senators have answered to their names. There is not a quorum present. The Secretary will call the names of absent Senators.

The Secretary called the names of absent Senators, and Mr. ASHURST and Mr. CULBERSON responded to their names.

Mr. SHAFROTH, Mr. MARTINE of New Jersey, Mr. BRADY, and Mr. STONE entered the Chamber and answered to their names.

The PRESIDENT pro tempore. Forty-nine Senators have answered to their names. A quorum of the Senate is present.

Mr. TOWNSEND. Mr. President, I would not have put the Senate to the trouble of calling the roll if I could have had my way about it. I realize that Congress is tired under the strain and stress which has been put upon it during the last 18 months or 2 years, and its weariness, in my judgment, is shared by the country.

We have been laboring here, not for legislation which we as representatives of the people felt was demanded by them, or which was required to cure evils, great, growing, and evident, but we have been working under the unhealthful stimulus of political narcotics, and the result is bound to be, aye, it already is, a weak, unstable, and an anemic condition of the body politic.

Much of the legislation already written and now in process of enactment is an impeachment of the intelligence and the independence of the American Congress, for it never would have been enacted if the National Legislature had followed the dictates of its own judgment as to what was for the best interests of the people.

My observations to-day are based upon the legislative situation as it is, and I have in mind the fact that amendments are to be offered and new measures are to be brought forward, and the way in which they are brought forward may have some effect upon my vote.

The patriotic spirit of progress and reform is absolutely essential to the prosperity, the development, and the perpetuity of the Republic. Ultraconservatism, which denies that better and higher things in government are possible, will, if placed and continued in power, destroy the Government.

But reaction and fossilization are not the only enemies of our Republic. The legislative agitator or executive theorist who does something simply for the sake of doing it, who incites a false sentiment from which he hopes to get personal political credit, who thinks by reason of temporary power and influence to unsettle and change overnight the customs, character, and ideals which have been the growth of a people during the stress and storms of the centuries, is quite as great a menace to the march of progress as is his stand-pat contemporary. Both are inimical to moral and material progress.

I will not charge the President with being unpatriotic or insincere. I confess that I have but little reliable information on that subject. I do assert, however, that he is a theorist who, without constructive business experience of his own, nevertheless flies in the face of all experience and insists on driving his docile congressional adherents onto dangerous and untenable grounds.

The present legislative condition of the country is unreal, unstable, unsound, and unjustifiable.

The phenomenal growth and prosperity of our country has been brought to pass by the genius and efforts of man. This is a country of wonderful natural resources, and our national policy thus far has been to encourage inventive genius, masterful courage, and individual ambition to discover, reveal, and develop those resources. There is as surely a special genius for business as there is for painting, for music, for mathematics, or for oratory. I recognize my own limitations, and I thank God for having opened the eyes and unstopped the ears and touched the souls of some men and women, so that they could see and hear and reveal the wonderful possibilities which otherwise would have remained unknown to me. I never see a great painting which rivals nature but what I am impressed with the fact that the same divinity which produced the miracle of spring inspired the production on canvas. The thrilling notes of the singer are but the echoes of that harmony produced by

the morning stars, and without the singer and the song the world would be destitute of much of its inspiration and delight. Before the honest man of business genius and superior courage I stand at attention, the same as I do before the creator of the Madonna or the producer of music sublime. He has seen and improved opportunities over which I have blindly stumbled. He has captured the lightning and harnessed it for the work of industry; he has tunneled rivers and lakes and mountains, so that commerce is sent under as well as over them; he has seen possibilities of usefulness floating in the blue sky and has brought them to earth for man's use and happiness; he has made Edens out of Saharas; he has covered the land with shops and factories which furnish the necessities of life for millions of people. His has been the initiative, the construction, and the maintenance of what we experience but do not appreciate as the material welfare of mankind. The mass of the people are without great native business initiative and genius. The policy of our Government has been, I repeat, to give the freest hand to individual enterprise and endeavor, and as a result the impossible of yesterday has become the reality of to-day; the rich man's house of our fathers is the laborer's cottage of the present; the one-time luxuries are now common necessities; the ox team which, as a boy, I drove to market is now supplanted by the automobile, and everybody rides; the homes of our boyhood, which were bare from necessity, are now decorated with the evidences of opulence; the stranger in town on a holiday would be unable to distinguish the son and daughter of wealth from the boys and girls who labor. All this and untold more has been the result of ambition's desire to have and to do and to be. In some countries industrial and commercial genius are recognized and rewarded by monuments and decorations of honor, but, unfortunately, as it seems to me, our Government has entered upon a time when business success is regarded and treated with suspicion and not infrequently as a thing of dishonor. The most of the people, like myself, have failed to amass a fortune. They have comforts and advantages undreamed of by the wealthy of the past, and yet there are those who have great fortunes, and the so-called less fortunate become the capital with which the political speculator deals in his operations against successful business. He is usually a business failure himself, due to the facts that he does not possess native business ability and that he does have at least a liking for politics and he finds it easier to criticize and destroy than it is to construct and create. I have known men who never gave a day's work to labor, who never added a thing of material value to the world's goods, to speak contemptuously of success and to find sweet satisfaction in throwing wrenches into the wheels of industry. With that class of people I have no sympathy, and their domination of government will spell want and suffering, ruin and disaster.

I realize, of course, that no national legislator will admit that he is actuated by a desire to throttle or impede legitimate industry; and I do not believe that anyone is primarily so actuated; but I do believe that in their desire to curry what they believe to be popular favor some are willing to say and do things which appeal to passion and prejudice rather than to reason. Gentlemen sometimes act as though they thought that all the possibilities of human endeavor and development had been achieved. Why, there are still more things in our world than have been dreamed of in our philosophy. The borderland of accomplishment has scarcely been reached. With human genius and enterprise unfettered by unwisdom the future will unfold blessings for humanity far greater than those now known, and the policy of our Government should be one full of hope and encouragement, rather than of obstruction and discouragement. There was a time when machinery was regarded as the enemy of labor, and yet it is now known that mechanical devices have not only increased and improved the world's necessities, but they have multiplied the demand for labor, enlarged its wages, and made its condition better. Let not this Government brand honest effort with dishonor or encloud it with unjust suspicion.

There may be, and I think there is, a legitimate element of speculation in business, but there ought not to be speculation in legislation. It should be a science exact and certain. Let it not be understood from what I have said that all business should go unbridled and uncontrolled. It should not be hobbled or hamstrung; but inasmuch as it can exist only under government, it should be subject to government; and inasmuch, also, as a republic is one for the just and absolutely equal benefit of all, no business man and no other man should be permitted to employ his money, his labor, or his genius to the detriment of any other man. Caruso must not be permitted to deny ambition to the novitiate; Sargent must not destroy the tyro's brush; Carnegie must not prevent promotion for the molder. It is the business of government to keep forever open and unobstructed the way of opportunity. It should not be closed either to the man of great genius and honest purpose or to the weakest, humblest novice who seeks to travel it.

I shall not review the pitiful surrender of individual opinion and intellectual freedom on the part of this Congress as recorded in its rubber-stamp legislation up to date. Much of it will constitute a page to which the future student of history will not turn with pride. I will at this time confine myself in a general way to the administration program now under so-called consideration. It attempts to deal with the business of the United States, complicated as it is by the dual laws of our two forms of government; developed and established under customs and statutes of more than a century, ramifying every section of the country, and affecting every citizen of the Republic.

This program was conceived by the President. It is a hydra-headed creature, and I am convinced that a Hercules at this time would be a benefactor to the country. The thing apparently has its lair in two committees of the Senate, and for a time it looked as though it might be torn to pieces in the struggle for jurisdiction, but now that its true nature is discovered there seems to be some willingness to let the other fellow have it. The senior Senator from Nevada appears to have some pride of authorship in the so-called trade commission bill, but I think I have seen a most commendable self-denial on his part in his disposition not to correlate or coordinate or consolidate his measure with the Clayton bill, or with any of the other numerous measures pending before the Senate committees.

The bill now under consideration transforms the Bureau of Corporations into a commission of five members, increases the salary of $5,000 for the Commissioner of Corporations to $50,000 for the board of commissioners, and increases the other existing expenses by possibly several hundredfold. The present duties of investigation by the bureau into the affairs of individuals and corporate business are emphasized and made more imperative. Like the rain and the dew, it falls impartially upon the just and the unjust, although the commission which is responsible to no power outside of its own will can determine which corporations shall be investigated and which shall not. It can require annual and special reports costing millions of dollars from all corporations in the United States or from any class of them, and I suppose it also will have the authority to rent such buildings or blocks as may be necessary in which to store these reports when they are received.

It has another rather striking authority, viz, the right to employ and fix the salaries of such attorneys, accountants, experts, examiners, and special agents and other employees as may be appropriated for by Congress, but with the exception—please note the exception—with the exception of "such attorneys, accountants, experts, examiners, and special agents," all employees shall be a part of the classified service. You will observe with what high regard the civil service is held. The janitors and messengers will be under the merit system. The rest may be political spoils, rich, attractive, and potential.

If only the offenders against business ethics were to be investigated, one active, capable man and a few experts could make the investigation and report, but I must admit that with the presumption that all business must be watched and its methods supervised a large army of attorneys, experts, and special political agents will be required, and, besides, the commission must justify its existence. It must, and probably will, be doing something, and the speculation as to just what that will be is a menace to enterprise and will continue to be such.

To the original bill, or rather to the last of its many expurgated editions presented to the committee on this subject by the distinguished Senator from Nevada, has been added two provisions. One authorizes the commission to make an expedition into foreign countries to discover the discriminations and other embarrassments which surround American products in foreign countries. This, of course, will provide a most enjoyable trip for the commissioners, even though it may not be highly profitable to the Government. If our exports continue to decrease as they are decreasing now, and as unwise congressional interference will hasten the decrease, our sales abroad will become a negligible quantity and there will be nothing to conserve, and, besides, it seems to be forgotten that our Government has consular agents in all countries now, and that their duty is to look after our trade and trade conditions.

The other provision is to permit this new commission to define, prohibit, and punish unfair competition, and all this for the purpose of encouraging business by quieting its fears and reviving its confidence.

The theory which through legislative enactment would destroy the unfair competition which leads to monopoly is a good one, and if this commission was needed to discover and punish business offenders who are admittedly less than 5

per cent of the business men of the country, it might possibly have some excuse for its existence. But is it necessary for Congress, even if it could do so, to delegate legislative power to a commission for this purpose? I have felt that the Sherman law is a most perfect and complete remedy for monopoly and improper restraint of trade. I had felt, and I still feel, that no new monopolies have had recent birth. I know of none. I have heard of none. Until and unless our Government abates its zeal in prosecuting offenders against the antitrust laws no new monopoly will be attempted. The Sherman law has been interpreted and established. Every offender knows what it means and will hesitate to incur its penalties. It is possible that such a commission might be useful, and I believe it would be, to assist the courts in carrying out their decrees of dissolution in cases of existing monopolistic combinations. It might be constituted of men with business experience, and their fitness for reorganization would be of value. But is not this a very complicated machine for so simple a purpose? Why, I know of several Senators who insist that they could have provided a better method for dissolving and reorganizing the Standard Oil and Tobacco companies than was employed by the court and attorneys in the suits against those companies. Perhaps a commission composed of men already on the Government pay roll might be created to advise the courts in cases of dissolution and reorganization. It seems to me that the gun provided in the bill is out of all proportion to the real game sought. We would not think of hunting chipmunks with a cannon. The proposed effort to destroy illegal business is like firing grape and canister into a flock of sheep in order to kill a diseased one in their midst. Better get a good marksman with a rifle, and he will hit the sheep marked for slaughter and leave the rest harmless. A fearless, honest, and capable Department of Justice is already sufficiently armed to destroy monopoly and monopolistic practices.

I know that business men, like farmers and laborers, are, in the great majority, honest. I believe that a few of all classes are dishonest and dishonorable. If the laws for controlling the latter are not sufficient, let us direct our attention to the business of reforming these laws, but let us not indict all men as rogues and then allow a commission to investigate them and give clean bills of business health to those who, according to its arbitrary standard, are found honest and law-abiding. One of the fundamental principles of our jurisprudence is the presumption that all men are honest and innocent until proven guilty. Business men as a class are as honest, as much interested in the general good, and as patriotic as Congressmen. They are quite as essential to the welfare of the country. If this Congress were to adjourn and its Members could not assemble for a year, the country would not materially suffer. Millions of our citizens believe it would benefit by the prohibition; but if business were suspended for 12 months our Treasury would be bankrupt and our credit destroyed. Want, misery, and famine would abide in every laborer's home. The products of agriculture would rot in the fields or accumulate in granaries until forcibly seized by hands made desperate by starvation.

Mr. President, the temper of the people is not right for more radical speculative legislation at this time. The Congress is not now in mental or physical condition to frame and enact laws with such possibly disastrous consequences as these now proposed. If the trades commission bill was the only experiment to be tried, industry might survive under the paternal control of a commission endowed with discretion to withhold the rod from at least its favored children, but it is proposed not alone to enter the precincts of private business and to impose millions of expense upon it, but the already too-strained relations between employer and employee are to be intensified. With one hand the Sherman antitrust law is sought to be strengthened, while with the other it is to be weakened.

Able, conscientious Senators have argued long and eloquently upon the pending bill, but they have spoken to empty seats. At no time within the last two months has there been for one continuous hour a quorum of the Senate present in this Chamber. During most of the time fewer than a dozen Senators have been in their seats. Members of this body are to-day in Europe and in other foreign countries seeking rest and pleasure; a number are at their homes trying to induce their constituents to return them to the Sixty-fourth Congress; a number are in hospitals; some have died during the year; Senators are not here. They have little interest in this legislation. Very few know anything about it. A majority, however, will vote for the administration program, even though they may have doubts as to its necessity or wisdom.

Nearly every Senator will admit that he is mentally and physically fagged. For 18 months we have been in continuous session. During the last four years Congress has spent the dog days in this Capital. It would be better for the country if the pending matters were postponed until December. In the meanwhile all Senators could go home and talk with their constituents. The change would be restful, and the information received would result in saner, safer, more truly progressive legislation hereafter.

Business is sick and all the psychological mental healers can not cure it, and especially will it not recover so long as it is made the shuttlecock of political weavers.

The people want Congress to adjourn and go home. Inasmuch as my high prerogative seems to be to assist the majority in maintaining a quorum—a record quorum, but not an actual one—and for the purpose of enacting legislation proposed by the President and with which I have little sympathy, but which I am powerless to prevent, I think I, too, shall take a rest and allow responsibility to rest with power.

Mr. CLAPP. Mr. President, I have sat here this afternoon and listened with a great deal of interest, first to the discussion between the Senator from Iowa [Mr. CUMMINS] and the Senator from Utah [Mr. SUTHERLAND] as to what ought to be the legislative "program" of the Senate and, lastly, to the very interesting, thorough, and philosophical address of the Senator from Michigan [Mr. TOWNSEND].

The trouble is, however, that none of these Senators have dropped the plummet into the current and struck bottom. There is a reason, Mr. President, why it is impossible to maintain a constant quorum here. There is a reason why the Senate is practically paralyzed. That reason is not found in the work that the Senate has done; it is not found in the fact that for 18 long months we have been here in continuous session; but it is found, sir, in a system that can have no other outcome than the paralysis of the Senate, the deadening of the initiative, and the loss of interest by the Members of the Senate.

The vice is a fundamental one. We are not to-day dealing with the defects that experience has developed in the legislation of this country, but we are called here to carry out a vague something called by the administration a "program," and everything is raked with a fine-toothed comb, not to find defects that need repairing, but to find something that can be strung together in the form of legislation, in order that it may be paraded as answering the promise of a "program."

Mr. President, that system is absolutely, radically, and fundamentally wrong. It leads to illogical, ill-considered legislation, much of it undesirable, and at the same time permits defects that should be remedied to go unnoticed and to be passed by, because under this system of a "program" to which everything else must be subordinated the thoughtful, studious man reflects that there is little encouragement for his bringing to the attention of the Senate those defects here and there which should be remedied by legislation.

We witnessed this afternoon the spectacle of two Senators—the senior Senator from Iowa [Mr. CUMMINS], a man who has spent the better part of a long and laborious lifetime in the study of this subject of the regulation of trusts and transportation, a man whose experience and trained mind should be a valuable contribution to any legislative body, and the Senator from Utah [Mr. SUTHERLAND] one of the ablest lawyers in this country, high and conscientious in his ideals—discussing with one another the question of the legislative "program" of this body. The Senator from Iowa very properly suggested to the Senator from Utah that the inquiry of the Senator from Utah as to what the Senate should do should have been directed to the other side of this body. The Senator from Iowa, I feel, fell short in that suggestion. It should be directed to a power outside of this body.

I know, Mr. President, it is very easy for one's critics to say of him that he stands here and attacks an administration. I know that one meets with no responsive echo in the public mind when he criticizes an administration, because I realize that humanity, in crossing that gulf which rolls between the monarchy and the republic, seems to have brought something along—something of the old-time tradition of the divine right of the king to rule—that results in our seeking to place somewhere, even in free government, a function above question. Hence I appreciate the prestige of the Executive, which, among us, seems, in a measure, to take the place of the old idea of the divine right of the king.

But, Mr. President, notwithstanding that, I, for one, shall not remain silent under these circumstances. I undertake to say that the system is unsafe by which one man assumes to dictate the policy of a nation, and he a man with no experience at all; a man whose public declarations show that in the integrity of his purpose he stands confronted to-day by the declarations which he made two and four and six years ago. While it is a splendid tribute to his integrity that he can thus confront his own declarations, it is a touching commentary upon his capacity

to deal with public questions in their relation to business matters and business activities.

Yet under this system which has thus been developed Congress is told not to go forth in that broad equation of wisdom and justice which should be reflected in an open and free discussion upon this floor, but to take, cut and dried, a "program" in the framing of which a great portion of this body has little or nothing whatever to do.

I know that last year men grown grey in the service of the public, men intensely loyal and devoted to the spirit of duty, spent the entire summer here upon a great bill affecting legislation, and in the end they had about as much to do with framing that bill as the boys who attend the elevators and wait upon our wants about this Chamber.

At this very time we are going through the same ceremony in these committees. Men of experience, men of integrity, men who would like to see legislation for the best interests of this country, are absolutely powerless to shape or mold that legislation.

Is it any wonder then, Mr. President, that a paralysis has seized this body? Is it any wonder then that it is impossible to keep a quorum to sit here and listen to the discussion of this great question?

Mr. President, we are confronted to-day by a proposition that five years ago would have startled every thoughtful citizen of this Republic, and that is to place in the hands of five men, not the power to interpret law, not the power to make law, perhaps, through the processes of interpretation which our courts have taken to themselves, but with power to make law of their own motion, and without any guide from the constituted legislative authority of the Government.

We may be obliged to do that. I may yet myself vote for this measure. One sometimes stands here like a man with his back to the wall. He has to decide one way or the other. Now we have a proposition before us to clothe five men with authority to say what is the law, what is an offense, or what is not an offense; and yet, far-reaching as is this proposed change, fundamental as it is, related to our form of government, if we debate it at all it is practically under a system where—so far as the debate affects the pending legislation itself—it is reduced to a negligible quantity.

So absolute has become this system, so powerful its prestige, that it is proposed to put such a law through this body without any prospect of debate seriously affecting the result. So self-evident is that that in the discussion of the proposition by men like the eminent Senator from Idaho [Mr. BORAH] upon the one hand and the eminent Senator from Iowa [Mr. CUMMINS] upon the other, a proposition so radical that five years ago it would have shocked every thoughtful citizens of this Republic, those men have to stand here and discuss that great radical change to Senators whose interest in the matter is more of an interest in the intellectuality of the debate than in its possible effect upon the legislation itself.

Mr. President, I do not know whether a change will ever come. Sometimes I feel that this prestige of the Executive, this shadow that came across when we transferred government from monarchy to republic, is so strong that it may even yet in this land of ours amount rather to an increase than to a diminution of the power of the Executive. But it is absolutely foreign to our spirit of government.

Free government, in relation to a self-constituted trustee, strangely enough was never enunciated more clearly nor more strongly than by the President himself in one of his speeches in 1912 when he said, "I do not believe in trusteeship nor in guardianship." Free government is based upon the theory that no purely human being is good enough to be the self-constituted guardian or trustee of another being. This Government is based upon the theory that in the vast diversity of interests from one ocean to the other, from the northern border to the southern border, there shall come from every State a representation, and in that representation there shall be developed an equation of interest, an equation of intelligence, and an equation of purpose.

But the theory that one man, with perhaps two or three at his elbow, can cut out, carve, and give to Congress, cut and dried, a great legislative program is absolutely foreign and hostile to the spirit of free government.

Mr. President, I am not at this time going to discuss the provisions of these measures. I believe, with the Senator from Iowa, that if we could discuss them to an open and impartial tribunal, they ought to be discussed together.

As an example of that, to-day there is pending at the hands of the Senator from South Dakota [Mr. STERLING] an amendment to the trade commission bill, which is also a part of the Clayton bill now before the Committee on the Judiciary. As a further illustration of this truth there are now pending before the Judiciary Committee several amendments of the junior Senator from Tennessee [Mr. SHIELDS] which, if passed, would render this provision in the trade commission bill absolutely of little use or force.

I believe that if we could once throw off this thralldom, if we could once stand here as an independent, free Senate, the Representatives of sovereign States, and work out on this floor an equation of interest, an equation of intelligence, and an equation of purpose, it would be well, indeed, to adopt the suggestion of the Senator from Iowa and have all these bills before us at the same time.

More than that, Mr. President, I believe that if it were possible to throw off this thralldom and the Senate stand here as the independent representatives of sovereign States and deal with this great problem, it would be the part of wisdom to postpone the deliberation until next fall. But of what use is it that we consider these bills? The people have no means of knowing all their details.

The Senator from Nevada has said once or twice there has been a referendum on the trade commission bill. I undertake to say that there are not a thousand men in this country to-day who realize that it is proposed to put into this trade commission bill a power conferred upon five men that we never conferred even upon the courts of this country. If we could take these bills and place them before the public, go back to the public during this summer, and come back here next fall free and independent, representing the respective States, I would be in favor of postponing action. But we can not do that.

The mischief, the vice, the evil is deeper and more fundamental than that. Without any reflection upon those who have yielded and will yield to this policy of dictation and one-man power, so long as that stands and so long as the American people stand for it, then, in my humble judgment, the sooner we can take these measures, make our earnest and honest protest and, if possible, here and there secure some modification of them, and relieve the country of the hysteria depending upon the pendency of this legislation in Congress, I believe it is the better for the country that we do it.

But once again I want to say that the vice and the evil is deeper and more fundamental than the terms of these bills, and until the American people wake up and realize that there must be somewhere in this Government an equation worked out, so long as the American people stand for the putting through of legislation in this form and in this manner, we will have haphazard legislation dealing with great and fundamental changes without consideration.

Sufficient unto the day is the evil thereof. The evil of this system is that instead of going forth, as each separate Representative and Senator should go forth, and, as he finds here and there some defect that needs a remedy, submit it for consideration, the wide field, I say again, is ransacked as with a fine-toothed comb, not to find those things which should be remedied but to find a lot of stuff that can be heaped together in this sort of a manner and answer the purpose of a preannounced legislative program.

ORDER FOR RECESS.

Mr. KERN. I move that when the hour of 5 o'clock arrives the Senate take a recess until 7.30 o'clock this evening for the purpose of taking up unobjected bills on the calendar.

Mr. GALLINGER. Under Rule VIII.

Mr. KERN. Under Rule VIII.

The VICE PRESIDENT. The question is on agreeing to the motion of the Senator from Indiana.

The motion was agreed to.

ADJOURNMENT TO MONDAY.

Mr. KERN. I move that at the conclusion of the evening session to-night the Senate adjourn until 11 o'clock on Monday morning next.

The motion was agreed to.

RIVER AND HARBOR APPROPRIATIONS.

Mr. SHEPPARD. I move that the Senate proceed to the consideration of House bill 13811, the river and harbor bill.

The PRESIDING OFFICER (Mr. GALLINGER in the chair). The Senator from Texas moves that the Senate proceed to the consideration of the bill (H. R. 13811) making appropriations for the construction, repair, and preservation of certain public works on rivers and harbors, and for other purposes.

Mr. NORRIS. I suggest the absence of a quorum.

The PRESIDING OFFICER. The absence of a quorum is suggested. The roll will be called.

The Secretary called the roll, and the following Senators answered to their names:

Brandegee	Kenyon	Overman	Sutherland
Bristow	Kern	Page	Swanson
Bryan	Lane	Perkins	Thomas
Burton	Lee, Md.	Pomerene	Thornton
Clapp	Lewis	Ransdell	Townsend
Clarke, Ark.	McCumber	Saulsbury	Vardaman
Colt	McLean	Shafroth	Weeks
Culberson	Martin, Va	Sheppard	White
Cummins	Martine, N. J.	Smith, Md.	Williams
Gallinger	Myers	Smith, Mich.	Works
Hitchcock	Nelson	Smoot	
Hollis	Newlands	Sterling	
Jones	Norris	Stone	

The VICE PRESIDENT. Forty-nine Senators have answered to the roll call. There is a quorum present.

The question is on the motion of the Senator from Texas [Mr. SHEPPARD] that the Senate proceed to the consideration of House bill 13811, the river and harbor bill.

Mr. NORRIS. On that I ask for the yeas and nays.

The yeas and nays were ordered, and the Secretary proceeded to call the roll.

Mr. GALLINGER (when his name was called). I am paired with the junior Senator from New York [Mr. O'GORMAN] and withhold my vote.

Mr. STONE (when his name was called). I transfer my pair with the Senator from Wyoming [Mr. CLARK] to the Senator from Alabama [Mr. BANKHEAD] and vote "yea."

Mr. THOMAS (when his name was called). I again announce my pair with the Senator from New York [Mr. ROOT] and withhold my vote.

Mr. TOWNSEND (when his name was called). I announce my pair with the junior Senator from Arkansas [Mr. ROBINSON] and withhold my vote.

The roll call was concluded.

Mr. GALLINGER. I transfer my pair with the Senator from New York [Mr. O'GORMAN] to the Senator from Idaho [Mr. BORAH] and vote "nay."

Mr. CHILTON. I transfer my pair with the Senator from New Mexico [Mr. FALL] to the Senator from Kentucky [Mr. CAMDEN] and vote "yea."

Mr. HOLLIS. I transfer my pair with the junior Senator from Maine [Mr. BURLEIGH] to the junior Senator from Nevada [Mr. PITTMAN] and vote "yea."

Mr. CATRON. I transfer my pair with the senior Senator from Oklahoma [Mr. OWEN] to the Senator from Illinois [Mr. SHERMAN] and vote "nay."

Mr. CLAPP (after having voted in the negative). I inquire whether the senior Senator from North Carolina [Mr. SIMMONS], with whom I am paired, has voted?

The VICE PRESIDENT. He has not voted.

Mr. CLAPP. Then I withdraw my vote.

Mr. LIPPITT. I inquire whether the junior Senator from Montana [Mr. WALSH] has voted?

The VICE PRESIDENT. He has not.

Mr. LIPPITT. I have a pair with that Senator and therefore withhold my vote.

Mr. CHAMBERLAIN (after having voted in the affirmative). I transfer my pair with the junior Senator from Pennsylvania [Mr. OLIVER] to the senior Senator from Indiana [Mr. SHIVELY] and will let my vote stand.

The result was announced—yeas 35, nays 18, as follows:

YEAS—35.

Bryan	Lane	Poindexter	Smith, Md.
Chamberlain	Lee, Md.	Pomerene	Sterling
Chilton	Lewis	Ransdell	Stone
Clarke, Ark.	Martin, Va.	Reed	Thornton
Colt	Nelson	Saulsbury	Vardaman
Hollis	Newlands	Shafroth	White
James	Overman	Sheppard	Williams
Jones	Page	Shields	Works
Kern	Perkins	Smith, Ga.	

NAYS—18.

Brady	Cummins	McCumber	Smoot
Brandegee	Dillingham	McLean	Sutherland
Bristow	Gallinger	Myers	Weeks
Burton	Hitchcock	Norris	
Catron	Kenyon	Smith, Mich.	

NOT VOTING—43.

Ashurst	Fletcher	O'Gorman	Smith, S. C.
Bankhead	Goff	Oliver	Stephenson
Borah	Gore	Owen	Swanson
Burleigh	Gronna	Penrose	Thomas
Camden	Hughes	Pittman	Thompson
Clapp	Johnson	Robinson	Tillman
Clark, Wyo.	La Follette	Root	Townsend
Crawford	Lea, Tenn.	Sherman	Walsh
Culberson	Lippitt	Shively	Warren
du Pont	Lodge	Simmons	West
Fall	Martine, N. J.	Smith, Ariz.	

So the motion was agreed to; and the Senate, as in Committee of the Whole, resumed the consideration of the bill (H. R. 13811) making appropriations for the construction, repair, and preservation of certain public works on rivers and harbors, and for other purposes.

Mr. REED. Mr. President, a little out of order of discussion, I want to ask the attention of the Senate to one phase of the trade commission bill. I especially desire to challenge the attention of the friends of that bill, if I may be able so to do. I am going to try to make this as brief as possible. I simply intend to discuss a legal question, and not to discuss the general merits of the bill.

If I am right in my conclusion as to the law, then section 5 of the trade commission bill will have to be rewritten by its friends, because it will not accomplish the things which they hope to accomplish.

Section 5 provides as follows:

SEC. 5. That unfair competition in commerce is hereby declared unlawful.

The commission is hereby empowered and directed to prevent corporations from using unfair methods of competition in commerce.

Aside from those lines which I have just read, there is no definition of "unfair competition in commerce."

In addressing myself to this subject a few days ago I asserted rather broadly that the term "unfair competition in commerce" had no definite or fixed meaning in law. I find that the statement which I made is broader than I intended to make it. I meant to say, and I now say, that "unfair competition" has no such meaning in the law as will embrace the objects and purposes of the author of this bill. If the term has no definite and fixed meaning, and if no definition is given, then it is void for uncertainty; but that is a phase of the question which I need not now argue. If, on the other hand, the term has a definite, fixed meaning in the law at the present time, that meaning will be incorporated into the statute, as all lawyers know, and if the meaning as it is now determined by the courts is different from the meaning which the author of the bill intended to give the phrase, then, instead of securing the legislation he desires, he would get something entirely different.

I assert now, first, that where a term has a common-law meaning, where it has been frequently construed by the courts, a statute thereafter passed and employing that term is held to employ it in the sense and with the meaning that it has previously been given by the decisions of the courts. I have numerous authorities to that effect. I will cite them by title, and only call attention to the language of one. I read from Lewis's Sutherland Statutory Construction, second edition, volume 2, paragraph 398:

Words having a special sense in the common law: Where a statute uses a word which is well known and has a definite sense at common law or in the written law without defining it, it will be presumed to be used in that sense and will be so construed, unless it clearly appears that it was not so intended.

Under that there are cited something like 100 decisions of all the courts of the land.

Words having a precise and well-settled meaning in the jurisprudence of a country are to be understood in the same sense when used in statutes, unless a different meaning is unmistakably intended.

And under that there are a number of cases cited.

The courts go even further than that, as witness:

Where words have been long used in a technical sense and have been judicially construed to have a certain meaning, and have been adopted by the legislature as having a certain meaning prior to a particular statute in which they are used, the rule of construction requires that the words used in such statutes should be construed according to the sense in which they have been so previously used, although that sense may vary from the strict literal meaning of the words. And if the legislature use words which have received judicial interpretation, they are presumed to be used in that sense, unless the contrary intent can be gathered from the statute.

I will not proceed further in the reading of any authority upon this point. I content myself with calling attention to this standard work, to the large number of cases which it cites, and directing the attention of the Senate, very respectfully, to two cases, namely, what is known as the Abbottsford case, reported in Ninety-eighth United States, at 440, where the language employed is:

A statute adopting a phrase carries with it the previous judicial construction of the phrase, unless the contrary plainly appears.

I also call attention to United States against Trans-Missouri Freight Association, in One hundred and sixty-sixth United States, page 290, and expressly to page 328; also to United States *v.* Coppersmith (4 Fed. Rep., 200); McCool *v.* Smith (1 Black), a very early decision in the Supreme Court of the United States, page 459; and to McDonald *v.* Hovey (110 U. S.), the local citation being page 628, where this language appears:

It is a received canon of construction, acquiesced in by this court—

"That where English statutes, such, for instances, as the statute of frauds and the statute of limitations, have been adopted into our own legislation, the known and settled construction of those statutes by courts of law has been considered as silently incorporated into the acts or has been received with all the weight of authority." (Pennock *v.*

Dialogue, 2 Pet., 1, 18; Smith's Commentaries on Stat. and Const. Law, sec. 634; Sedgwick on Construction of Stat. and Const. Law, 363.)

Numerous cases are cited from State courts to the same tenor and effect.

I also call attention to the case In re Green (52 Fed. Rep., p. 111), where Judge Jackson used this language:

When Congress, under and in the exercise of powers conferred by the Constitution, adopts or creates common-law offenses, the courts may properly look to that body of jurisprudence for the true meaning and definition of such crimes if they are not clearly defined in the act creating them. (U. S. v. Armstrong, 2 Curt., 446; U. S. v. Coppersmith, 4 Fed., 198.)

Those authorities, together with a multitude of other cases all of like import, to which I find no exception in any well-considered cases, make it perfectly plain that when we enact this bill and use the phrase "unfair competition," if that phrase has a definite and settled meaning in the law, we will adopt the phrase with that meaning, unless by a clear and explicit statement we give to the phrase another and a different meaning.

I challenge your attention now to the fact that in this entire bill there is not a word undertaking to define "unfair competition." Therefore, if the phrase is brought into the statute, it will necessarily come with the fixed meaning it already has, assuming for the moment that it has such a fixed and definite meaning.

Mr. POMERENE. Mr. President, may I interrupt the Senator?

Mr. REED. Certainly.

Mr. POMERENE. The same rule of construction for which the Senator contends was also recognized by the United States Supreme Court in the Standard Oil case.

Mr. REED. Oh, yes; I think there is no exception to it.

That brings us squarely to the question whether the phrase "unfair competition" has a fixed meaning in the law. I read from Black's Law Dictionary:

UNFAIR COMPETITION.

A term which may be applied generally to all dishonest or fraudulent rivalry in trade and commerce, but is particularly applied in the courts of equity (where it may be restrained by injunction) to the practice of endeavoring to substitute one's own goods or products in the markets for those of another, having an established reputation and extensive sale, by means of imitating or counterfeiting the name, title, size, shape, or distinctive peculiarities of the article, or the shape, color, label, wrapper, or general appearance of the package, or other such simulations, the imitation being carried far enough to mislead the general public or deceive an unwary purchaser, and yet not amounting to an absolute counterfeit or to the infringement of a trade-mark or trade name. Called in France and Germany "concurrence delovale." (See Reddaway v. Banham (1896), App. Cas., 199; Singer Mfg. Co. v. June Mfg. Co., 163 U. S., 169, 16 Sup. Ct., 1002, 41 L. Ed., 118; Dennison Mfg. Co. v. Thomas Mfg. Co (C. C.), 94 Fed., 651; Simmons Medicine Co. v. Mansfield Drug Co., 93 Tenn., 84, 23 S. W., 165; Cornelius v. Ferguson, 17 S. D., 481, 97 N. W., 390; Sterling Remedy Co. v. Eureka Chemical Co., 80 Fed., 108, 25 C. C. A., 314; T. B. Dunn Co. v. Trix Mfg. Co., 50 App. Div., 75, 63 N. Y. Supp., 333.)

In Words and Phrases, I find this definition of "unfair competition":

With respect to articles placed upon the market for sale, it is only when the one article is dressed so as to represent the other and to deceive a proposing purchaser as being that other, that there can be said to be a case of "unfair trade." (Sterling Remedy Co. v. Eureka Chemical & Mfg. Co. (U. S.), 80 Fed., 105, 108; 25 C. C. A., 314.)

The doctrine of unfair competition in trade rests on the proposition that equity will not permit anyone to palm off his goods on the public as those of another. Unfair competition in trade, as distinguished from infringement of trade-marks, does not involve the violation of any exclusive right to the use of trade-marks or symbols. The word may be purely descriptive, and the mark or symbol indicative only of style, size, shape, or quality, and as such open to the public. Yet there may be unfair competition in trade by an improper use of such mark or symbol. (Dennison Mfg. Co. (U. S.), 94 Fed., 651, 656.)

The term "unfair competition in trade" includes the simulation by defendant of the packages of plaintiff, putting up and selling packages of the same general appearance as those of the plaintiff. The court will only interfere to protect the plaintiff and the public and for the suppression of unfair and dishonest competition when "the resemblance is such that it is calculated to deceive, and does in fact deceive, the ordinary buyer, making his purchases under the ordinary conditions which prevail in the conduct of the particular traffic to which the controversy relates" (T. B. Dunn Co. v. Trix Mfg. Co., 63 N. Y. Supp., 333, 335, 50 App. Div., 75.)

I call attention to the Cyclopedia of Law and Procedure, commonly called "Cyc." If lawyers will examine the text, they will find it is more forceful because of the position in which it is placed than it otherwise would be. To illustrate, the topic "unfair competition" is a separate topic, but it is discussed in connection with trade-marks; and in a wonderfully exhaustive article the hair-fine distinction between infringement of trade-marks and unfair competition is drawn. I content myself for the present, however, with reading very briefly from this work.

UNFAIR COMPETITION.

Unfair competition consists in passing off or attempting to pass off, upon the public, the goods or business of one person as and for the goods or business of another. It consists essentially in the conduct of a trade or business in such a manner that there is either an express or implied representation to that effect. And it may be stated broadly that any conduct, the natural and probable tendency and effect of which is to deceive the public so as to pass off the goods or business of one person as and for that of another constitutes actionable unfair competition. The definition is comprehensive enough to reach every possible means of effecting the result. Unfair competition as thus defined is a legal wrong for which the courts afford a remedy. It is a tort and a fraud.

Now, listen to this language, because it is the key to the entire doctrine:

The basic principle is that no one has a right to dress up his goods or otherwise represent them in such a manner as to deceive an intending purchaser and induce him to believe he is buying the goods of another. No monopoly is created or fostered by protection against unfair competition, but the court should be careful not to interfere with free and fair competition, and should confine itself to preventing fraud and imposition from some real resemblance in name or dress of goods.

This phrase has a common-law meaning. Its meaning is clearly set forth in the English decisions. The courts of this country have for years been in accord with the courts of England. In both countries the meaning of the term is held to only cover the practice of imitating the goods of another. That is, therefore, the meaning which would be carried into this statute. I call attention to some English cases cited in the note:

Care must be taken in these cases not to extend the meaning of the word "unfair" to cover that which may be unethical but is not illegal. It may be unethical for one trader to take advantage of the advertising of his neighbor, but his so doing would in many instances be entirely legal. * * * What conduct on the part of a defendant will be held to constitute unfair competition is the subject matter of discussion in cases too numerous for useful citation, but the principle applied in each case is extremely simple. As Lord Chancellor Halsbury said in the House of Lords, in the case of Reddaway v. Banham (1896) (A. C., 199, 204; 65 L. J. Q. B., 381; 74 L. T. Rep. N. S., 289; 44 Wkly. Rep., 638; 25 Eng. Rul. Cas., 197): "For myself, I believe the principle of law may be very plainly stated, and that is that nobody has any right to represent his goods as the goods of somebody else." (Periberg v. Smith, 70 N. J. Eq., 638, 642; 62 Atl., 442.)

That is the English construction, and it has for many years been the common-law construction. It is at the same time the construction in this country of the term "unfair competition."

A word or two more. I read from the note in "Cyc.," at page 5596, an excerpt from a case in One hundred and thirtieth Federal Reporter:

The law of unfair competition seeks only to restrain fraudulent practices inducing confusion of goods and deception of the public, and it can not be used to prevent a defendant from adopting a trade-mark or label intended to attract attention and popularize its product, although it results, and is intended to result, in better enabling it to compete with complainant, where no deception or confusion of goods is caused or intended thereby. (G. W. Cole Co. v. American Cement, etc., Co., 130 Fed., 703; 65 C. C. A., 105.) The doctrine of unfair competition is based on the principle of common business integrity, and equity only affords relief when this principle has been violated, and the mischief which equity will guard against is a confusion in trade names or in the identity of parties or in the goods sold, so as to deceive the public and work a fraud on the party having a right to a trade name. (Eastern Outfitting Co. v. Manheim, 59 Wash., 428; 110 Pac., 23.)

Referring to the text (38 Cyc., p. 760):

Relief against unfair competition is properly afforded upon the ground that one who has built up a good will and reputation for his goods or business is entitled to all the benefits therefrom. Such good will is property, and like other property is protected against invasion. The deception of the public injures the proprietor of the business by diverting his customers and depriving him of sales which he otherwise would have made. This, rather than protection of the public against imposition, is the true and sound basis for the private remedy, although it is often said that the remedy proceeds in part upon the theory of protection to the public against fraud.

Mr. President, I could read at great length from this author and from the cases cited. I call attention, in the moment that is left before recess, to this (38 Cyc., p. 763):

The present tendency is to decide every case upon the ground of unfair competition, by making the decision turn upon whether or not the effect of what was done is to pass off the goods or business of one man as those of another regardless of the existence of any technical trade-mark.

And so the author goes on and distinguishes the trade-mark question.

All through these books you will find that "unfair competition" is used as a descriptive term to cover the substitution by A of his goods for the goods of B, selling his goods to the public or imposing his goods upon the public as and for the goods of another, thus defrauding the public and defrauding the producer of the particular line of goods that has an established reputation.

Mr. NEWLANDS. Mr. President——

The VICE PRESIDENT. Does the Senator from Missouri yield to the Senator from Nevada?

Mr. REED. I do.

Mr. NEWLANDS. I will ask the Senator to yield for just a moment. Assuming that the law was as the Senator has stated from the books from which he has read at the time the decisions were rendered, let me suggest to the Senator that since those decisions there has been a very large discussion in all these antitrust cases of the terms "fair competition" and "unfair competition." So far as the economists are concerned, the

term "unfair competition" has a very wide significance. Now, the question is whether that wider significance has not been recognized by the more recent decisions of the courts.

I wish to call attention, briefly, so that the Senator can consider it, to the Standard Oil case and a few other cases where this term "unfair competition" has been used as having a wider significance than that to which the Senator alludes.

In the Standard Oil case, for instance, the court, speaking by Mr. Chief Justice White, says:

Without attempting to follow the elaborate averments on these subjects spread over 57 pages of the printed record, it suffices to say that such averments may properly be grouped under the following heads: Rebates, preferences, and other discriminatory practices in favor of the combination by railroad companies; restraint and monopolization by control of pipe lines and unfair practices against competing pipe lines; contracts with competitors in restraint of trade; unfair methods of competition, such as local price cutting at the points where necessary to suppress competition; espionage of the business of competitors; the operation of bogus independent companies; and payments of rebates on oil, with the like intent.

In State *v.* Fairmont Creamery Co. (153 Iowa, 702, 709, 710) the court, by Evans, judge, said:

One of the great legislative problems of the day is to protect fair competition in the business world without unduly interfering with the freedom of contract.

The Senator will thus perceive that the United States Supreme Court regards the words "unfair competition" as having a much wider significance than that alluded to in the decisions to which the Senator has referred.

Now, let me call the attention of the Senator to another case where the Nebraska statute prohibits unfair competition.

Mr. REED. Oh, Mr. President, I do not think we will gain any light on this question by reading the statute of a State.

Mr. NEWLANDS. Then I will not refer to that, as the time is brief.

In order to get very complete and specific information about unfair competition one has only to turn to the decrees in cases under the Sherman Act. There will be found, precisely defined, numerous examples of unfair competition. Nowhere is it more indispensable to use language having precise meaning than in a decree. Yet in the case of United States against General Electric Co., in the decree entered by the Circuit Court for the Northern District of Ohio, eastern division, at the end of the eighth clause, enjoining the use of a specific unfair method of competition, the following language is found:

Provided further, That nothing in this decree shall be taken in any respect to enjoin or restrain fair, free, and open competition.

Mr. REED. Mr. President, we would get nearer a conclusion if the Senator would produce these authorities at the close of what I have to say and let us debate them. I am in the middle of a sentence when I am interrupted, to have my attention diverted to some expression loosely used in an opinion. No one can with certainty tell the import of the language until he has the books before him; but, judging from the quotation read, it amounts to nothing more than that a court used the expression "unfair" in the colloquial and ordinary sense; whereas, with all the respect in the world for the Senator, I tell him that if he writes this statute as it is now written, it is as certain as anything laying in the future can be that when the courts come to construe it they will take the meaning that has been attached to "unfair competition" by all of the courts of England and of this country, that has been written into the digests, text-books, and dictionaries of the law, and he will find that he has accomplished nothing by his bill except to prohibit the imitation by one dealer of the goods of another. Now, the Senator ought not to want a law to be passed with that certainty staring him in the face. If you desire to reach the varieties of competition that are dishonest and rascally and oppressive, you must find some phrase to describe those practices aside from a phrase that has a crystallized and definite meaning in the law, and that means something entirely different from that which you desire to accomplish.

RECESS.

The VICE PRESIDENT (at 5 o'clock p. m.). The hour of 5 o'clock having arrived, in accordance with the order heretofore adopted by the Senate, the Senate will stand in recess until 7.30 o'clock p. m.

EVENING SESSION.

The Senate reassembled at 7 o'clock and 30 minutes p. m., on the expiration of the recess.

THE CALENDAR.

The VICE PRESIDENT. The Secretary will proceed with the announcement of the business on the calendar.

Mr. GALLINGER. The last time the calendar was up we reached Order of Business 327, Senate resolution 318. I ask unanimous consent that we may commence at that point to-night.

The VICE PRESIDENT. Is there any objection?

Mr. KERN. We did not hear on this side what was the request.

Mr. GALLINGER. Simply to commence at the calendar where we left off the last time.

The VICE PRESIDENT. Is there any objection? The Chair hears none.

Mr. MYERS. Where did we leave off before?

The SECRETARY. Order of Business 327, Senate resolution 318, a resolution authorizing the Committee on Banking and Currency to employ expert assistance in drafting a bill relating to rural credits.

Mr. GALLINGER. Let the resolution go over.

The VICE PRESIDENT. The resolution goes over.

Mr. MYERS. That will cut off several measures in which I am very much interested, but I will not object. I hope we will reach them finally some time or other.

Senate concurrent resolution 21, authorizing the printing of additional copies of Senate Document No. 147 (57th Cong., 2d sess.), "Bills and Debates in Congress on Trusts," was announced as the next business on the calendar.

Mr. OVERMAN. Let that go over.

The VICE PRESIDENT. The concurrent resolution will go over.

Senate resolution 305, to print a pamphlet entitled "The Power of the Federal Judiciary to Declare Legislation Invalid which Conflicts with the Federal Constitution," by David K. Watson, as a Senate document, was announced as next in order.

Mr. GALLINGER. Let that go over.

The VICE PRESIDENT. The resolution will go over.

Senate resolution 322, to print as a document an article entitled "Illiteracy among Jewish immigrants and its causes," was announced as next in order.

Mr. OVERMAN. Let that go over.

The VICE PRESIDENT. The resolution will go over.

The bill (S. 4843) to amend section 4 of the act entitled "An act to provide for a permanent Census Office," approved March 6, 1902, was announced as next in order.

Mr. SMOOT. There is no report filed with my calendar on this bill.

Mr. OVERMAN. Let it go over.

Mr. SMOOT. The Senator who reported the bill is not here, and so I ask that it may go over.

The VICE PRESIDENT. The bill will go over.

Mr. SWANSON. I should like to know why we did not commence at the beginning of the calendar?

The VICE PRESIDENT. By unanimous consent the Senate began the consideration of the calendar at the point where it was left off.

Mr. SWANSON. When was unanimous consent given?

SEVERAL SENATORS. Regular order!

Mr. SWANSON. This is the regular order, because before unanimous consent can be given the roll must be called and a quorum must be present.

The VICE PRESIDENT. There is no rule of that kind.

Mr. SWANSON. Before unanimous consent is given?

The VICE PRESIDENT. No.

Mr. SWANSON. I wish to say that when the motion was made this afternoon it was to take up the calendar.

Mr. BRYAN. And to consider bills unobjected to.

Mr. SWANSON. Not where it was left off.

Mr. SMOOT. I will state to the Senator that unanimous consent was asked of the Senate to begin the calendar at Order of Business 327, and there was no objection.

Mr. SWANSON. I was present then, and I do not know whether I shall consent to that. The Senator from Utah has objected to several bills that I have reported before that point, and I think the right way is to commence at the beginning of the calendar.

Mr. GALLINGER. The Senator from Utah did not make the request. I made the request, and if there is any objection to it I have no objection to going back and commencing at the beginning of the calendar.

Mr. THOMAS. It seems to me that the course we are pursuing is the more equitable one, because otherwise we will never get to the end of the calendar.

Mr. GALLINGER. We never will.

Mr. THOMAS. There is as important business near the end of the calendar as there is in the first part of the calendar. We have taken up the calendar a number of times but have never been able to get entirely through with it.

Mr. GALLINGER. I will venture to suggest that after we proceed with the calendar for a little while, if any Senator

wishes to call up a bill preceding those to be reached to-night, unanimous consent can be asked for that purpose.

Mr. SWANSON. We will content ourselves with proceeding with the calendar as we are now doing.

Mr. BRYAN. As I understood the motion this afternoon it was that the Senate should take a recess to meet to-night to consider unobjected bills on the calendar. I entered the Chamber just as the call of the calendar began, and I heard Order of Business 327 called. I think with the Senator from Colorado that we will never get to the bills toward the end of the calendar unless we begin at the point where we left off. The truth is that for the last three or four times we have not started at the beginning of the calendar, but we have started somewhere about the middle of it.

Mr. SMOOT. I think that happened only once.

Mr. GALLINGER. Regular order!

The VICE PRESIDENT. The next business on the calendar will be stated.

SOUTHERN COMMERCIAL CONGRESS.

Senate resolution 321, to print as a document proceedings of the Fourth Annual Convention of the Southern Commercial Congress, arranged as a memorial to the late Dr. Seaman A. Knapp, was announced as next in order, and there being no objection the Senate proceeded to consider the resolution, as follows:

Resolved, That the papers presented in the Senate by the Senator from Florida [Mr. FLETCHER] March 12, 1914, "Proceedings of the Fourth Annual Convention of the Southern Commercial Congress, arranged as a memorial to the late Dr. Seaman A. Knapp," be printed as a Senate document.

The VICE PRESIDENT. The question is on agreeing to the resolution.

The resolution was agreed to.

PREFERENTIAL BALLOT.

The next business on the calendar was Senate resolution 320, to print as a Senate document the address by Lewis Jerome Johnson before the First National Conference on Popular Government upon "The preferential ballot as a possible substitute for the direct primary."

Mr. GALLINGER. Let that go over.

The VICE PRESIDENT. The resolution will go over.

Mr. HOLLIS. I should like to ask the Senator who objected to withdraw the objection to the resolution. It is an address by Prof. Lewis Jerome Johnson, of Harvard University, on "The preferential ballot as a possible substitute for the direct primary." We have had a chance to see how it would work in the Federal reserve act. I went to the Treasury Department to find how it has worked, and they are very much pleased with it. This is a matter for which there are constant calls. I do not know what Senator objected, but I hope he will withdraw his objection.

Mr. GALLINGER. I asked that the resolution might go over. I wish it to go over.

The VICE PRESIDENT. On objection the resolution goes over.

EDWARD L. KEYES.

The bill (S. 5087) for the relief of Edward L. Keyes was announced as next in order, and the Senate, as in Committee of the Whole, proceeded to its consideration.

The VICE PRESIDENT. The Senator from Colorado [Mr. THOMAS] has an amendment pending to the bill which will be read.

The SECRETARY. Strike out all after the enacting clause and insert:

That the President be, and he is hereby, authorized to appoint, in his discretion, by and with the advice and consent of the Senate, Edward L. Keyes, late second lieutenant, Fifth Regiment United States Cavalry, to be a captain of Cavalry in the United States Army and to place him on the retired list of the Army with the rank of captain as of date of the approval of this act: *Provided*, That no pay, compensation, or allowance of any kind for any cause prior to the passage of this act shall accrue or be paid to said Edward L. Keyes by reason of this act.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

MINE RESCUE CAR.

The bill (S. 4891) to provide for the purchase and equipment of a mine rescue car, and for other purposes, was announced as next in order.

Mr. OVERMAN. Let that go over.

The VICE PRESIDENT. The bill goes over.

ESTATE OF T. J. SEMMES.

The bill (S. 1089) for the relief of the estate of T. J. Semmes, deceased, was considered as in Committee of the Whole. It proposes to pay to Myra E. Semmes, executrix and sole legatee of T. J. Semmes, deceased, late of New Orleans, $395.55, in full payment for rents collected by the United States during the Civil War from property owned by T. J. Semmes and situate at New Orleans, La.

Mr. SMOOT. Mr. President, in merely glancing at the report, I take it for granted that this is a waiving of proof of loyalty, and as the Senator from Arkansas [Mr. ROBINSON], who reported the bill, is not here——

Mr. BRYAN. No, Mr. President; but——

Mr. SMOOT. Perhaps the Senator from Florida can explain the bill.

Mr. BRYAN. The report is very definite. This occurred after the war. Gen. Butler used this property, collected the rents for it, and failed to turn them over to Mr. Semmes. The money was put into the Treasury, and has lain there ever since. I do not know why the heirs of the estate have never made any claim for it before.

Mr. SMOOT. As it is a Senate bill, I shall not object to its consideration.

Mr. BRYAN. I think there is no objection to it.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

ELIZABETH MUHLEMAN.

The bill (H. R. 12191) for the relief of Elizabeth Muhleman, widow of Samuel A. Muhleman, deceased, was considered as in Committee of the Whole. It proposes to pay to Elizabeth Muhleman, widow of Samuel A. Muhleman, deceased, $1,000, in full compensation for the death of Samuel A. Muhleman on February 14, 1898, caused by injury received on the 9th of June, 1893, while employed as a clerk in the Record and Pension Office, War Department, while located in Ford's Theater at the time of its collapse.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

H. CLAY HOWARD.

The bill (S. 3437) for the relief of H. Clay Howard was announced as next in order.

Mr. GALLINGER. I would suggest that that bill go over, as it is adversely reported.

The VICE PRESIDENT. The bill goes over.

Mr. OVERMAN. I move that the bill be indefinitely postponed, Mr. President.

Mr. JOHNSON. I do not recall what Senator is interested in the bill, but I know that some Senator was interested in it. I should like to have it go over. I am informed the bill was introduced by the late Senator Bradley, of Kentucky. Let it go over, Mr. President.

Mr. OVERMAN. Mr. President, I move that the bill be indefinitely postponed.

The motion was agreed to.

F. W. TYLER.

The bill (S. 802) for the relief of F. W. Tyler was considered as in Committee of the Whole. It proposes to credit the accounts of F. W. Tyler, postmaster at Simpson, Minn., with $479.97, due to the United States on account of money and postage stamps stolen from the safe of the post office at Simpson, Minn., when burglarized on the 21st of January, 1911.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

GREAT SALT POND LIGHT STATION, R. I.

The bill (S. 5033) to provide for building a lighthouse and keeper's dwelling at Great Salt Pond Light Station, R. I., was considered as in Committee of the Whole.

The bill had been reported from the Committee on Commerce with amendments, in line 4, after the word "to," to insert "improve the light station, move the block signal, and," in line 5, after the words "build a," to strike out "lighthouse and," and in line 6, before the name "Rhode Island," to insert "Light Station," so as to make the bill read:

Be it enacted, etc., That the Secretary of Commerce is hereby authorized and directed to improve the light station, move the fog signal, and build a keeper's dwelling at Great Salt Pond Light Station, R. I., at a cost not to exceed $25,000.

The amendments were agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

The title was amended so as to read: "A bill to provide for improving the light station, moving the fog signal, and building a keeper's dwelling at Great Salt Pond Light Station, R. I."

LANDS FOR FISH HATCHERY IN UTAH.

The bill (S. 4896) granting to the State of Utah title to certain lands in said State for use as a fish hatchery was considered as in Committee of the Whole.

The bill had been reported from the Committee on Public Lands with an amendment, on page 2, after the name "United States," to insert:

And provided further, That the right of the United States to any coal that may be contained in said tract of land, together with the right to prospect for, mine, and remove said coal, is hereby distinctly reserved to the United States.

So as to make the bill read:

Be it enacted, etc., That the Secretary of the Interior is hereby authorized to grant to the State of Utah lot 3 of section 17 and the northeast quarter of the southeast quarter of section 18 in township 26 south, range 2 east of Salt Lake meridian, located within the Fishlake National Forest, containing a total of 68.10 acres, for use as a fish hatchery: *Provided*, That if the said State shall at any time permit the said lands hereby granted to be used for any purpose not contemplated by this act the said lands shall revert to the United States: *And provided further*, That the right of the United States to any coal that may be contained in said tract of land, together with the right to prospect for, mine, and remove said coal, is hereby distinctly reserved to the United States.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

CHIPPEWA RIVER BRIDGE, AT CHIPPEWA FALLS, WIS.

The bill (S. 4976) permitting the Wisconsin Central Railway Co. and the Minneapolis, St. Paul & Sault Ste. Marie Railway Co., its lessee, to construct, maintain, and operate a railroad bridge across the Chippewa River at Chippewa Falls, Wis., was considered as in Committee of the Whole.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

COAL AND MINERAL DEPOSITS IN INDIAN LANDS.

The bill (S. 587) relating to the disposal of coal and mineral deposits in Indian lands was announced as next in order.

Mr. SHAFROTH. Let that bill go over.

The VICE PRESIDENT. The bill will be passed over.

PIPE LINES AND RESERVOIR UPON LINCOLN NATIONAL FOREST.

The bill (S. 2278) granting the El Paso & Rock Island Railway Co. a right of way for its pipe lines and reservoir upon the Lincoln National Forest for the carrying and storage of water for railroad purposes was considered as in Committee of the Whole.

The bill was reported from the Committee on Public Lands with an amendment, on page 4, after line 13, to insert a new section, as follows:

SEC. 8. That this act shall not be construed as a recognition of any claim of the El Paso & Rock Island Railway Co., and for concerning rights in the Hondo River or its tributaries, or of any claim of right to divert water from the watersheds of said streams, or as a waiver of any stipulation heretofore agreed to by the said company for use in the litigation concerning water rights pending in the United States district court for the district of New Mexico in which the United States and the said company are parties.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

WOMAN SUFFRAGE.

The joint resolution (S. J. Res. 130) proposing an amendment to the Constitution of the United States was announced as next in order.

Mr. OVERMAN and Mr. BRYAN. Let that go over.

The VICE PRESIDENT. The joint resolution will be passed over.

MALAMBO FIRE CLAIMANTS.

The bill (S. 4254) to enable the Secretary of War to pay the amount awarded to the Malambo fire claimants by the joint commission under article 6 of the treaty of November 18, 1903, between the United States and Panama, was considered as in Committee of the Whole. It proposes to appropriate the sum of $53,800 to enable the Secretary of War to pay to the Government of Panama for the use and benefit of the so-called "Malambo fire claimants" the reduced allowances which were recommended to be paid to the said claimants by the joint commission under article 6 of the treaty of November 18, 1903, between the United States and Panama, as set forth on page 22 of Senate Document No. 148, Sixty-second Congress, second session, by way of compensation for losses suffered by said claimants in and by the fire which was occasioned in the Malambo ward of the city of Panama by the fumigation of houses for sanitary purposes, by order and under the direction of the Isthmian Canal Commission, on or about the 12th day of January, 1906, such payment having been recommended by the President, upon the recommendations of the Secretary of War and the Attorney General, in the special message which was sent by the President to the Senate and House of Representatives of the United States on the 13th day of December, 1911 (printed in the aforesaid S. Doc. No. 148, 62d Cong., 2d sess.), in renewal of the recommendation contained in the President's special message of March 3, 1911, on the same subject.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

TERESA GIROLAMI.

The bill (S. 3925) for the relief of Teresa Girolami was considered as in Committee of the Whole.

The bill had been reported from the Committee on Claims with an amendment, in line 5, after the words "the sum of," to strike out "$3,000" and insert "$1,200," so as to make the bill read:

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay, out of any moneys in the Treasury not otherwise appropriated, the sum of $1,200 to Teresa Girolami, widow of Ettore Girolami, late an engineer in the United States Immigration Service, who lost his life in the discharge of his duty.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

EXPENSES INCURRED UNDER TREATY OF WASHINGTON.

The bill (S. 3002) making appropriation for expenses incurred under the treaty of Washington was announced as next in order.

Mr. SMOOT. Mr. President, I have not read the bill, but from its title it seems to me it ought to go in an appropriation bill. If there is a deficiency, it ought to go into the general deficiency bill that will be reported to the Senate before very long.

Mr. GALLINGER. It would make it all the stronger if we passed it.

Mr. WARREN. Mr. President, let me state to my friend from Utah that I think it all the more necessary to have it passed here. There can scarcely be anything of that character put on a deficiency bill unless that is done.

Mr. SMOOT. I will ask the Senator if he has read the bill, and whether or not he thinks the claim is a just one?

Mr. WARREN. I did not understand the Senator to make any point about that, but to make the point that it ought to go on an appropriation bill.

Mr. SMOOT. That would be the second point.

Mr. WARREN. I know nothing about the bill; but if the bill is a proper one, this is the proper place to handle it.

Mr. SMOOT. The Senator from Ohio [Mr. BURTON] reported the bill. I will ask the Senator if this is a unanimous report?

Mr. BURTON. What is the bill?

Mr. SMOOT. It is a bill making appropriations for expenses incurred under the treaty of Washington.

Mr. BURTON. This is a bill for compensation to one of the secretaries who served during the days of the Alabama Commission, in 1871. The exact amount I have forgotten. The report was made some time ago. Mr. Hackett served as a secretary at that time.

Mr. SMOOT. The language of the bill is:

That the unexpended balance of the appropriation for expenses incurred under the treaty of Washington, being the sum of $831.59, be, and the same is hereby, reappropriated, together with the further sum of $668.41, to enable the Secretary of State to pay to any secretary to the counsel of the United States, as remuneration for services rendered by him in the preparation and trial of the case of the United States at Geneva—

And so forth.

Mr. BURTON. He was secretary for Caleb Cushing, and acted in the preparation of briefs as secretary for Mr. Cushing, and received less compensation than the rest.

Mr. SMOOT. There is a "further sum of $668.41" provided for here. What is that for?

Mr. BURTON. I shall have to look at the bill. I can tell in a minute.

Mr. SMOOT. There are two items. I will ask that the bill be passed over temporarily.

Mr. BURTON. I think it is a deserving claim.

Mr. SMOOT. I will ask that it go over now, and we can look it up later.

The VICE PRESIDENT. The bill will be passed over.

THOMAS G. RUNNING.

The bill (S. 663) for the relief of Thomas G. Running was considered as in Committee of the Whole.

The bill had been reported from the Committee on Claims with an amendment to strike out all after the enacting clause and insert:

That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, to Thomas G. Running the sum of $720 for injuries received while employed in the United States Forest Service during the year 1904.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

The SECRETARY. The committee recommends that the preamble to the bill be stricken out.

The preamble was stricken out.

CHESTER D. SWIFT.

The bill (S. 1880) for the relief of Chester D. Swift was considered as in Committee of the Whole. It authorizes and directs the Secretary of the Treasury to pay to Chester D. Swift, of Canton, Ohio, or his legal representatives, the sum of $1,100, as full compensation for permanent injuries received by the said Chester D. Swift on or about the 15th day of September, 1910, while in the performance of his duties as a clerk in the Post Office Department, employed and assigned to duty in the Canton (Ohio) post office.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

MARY E. LOVELL.

The bill (S. 805) for the relief of Mary E. Lovell was announced as next in order.

Mr. GALLINGER. This bill was reported adversely. I move that it be indefinitely postponed.

The motion was agreed to.

SAMUEL H. WALKER.

The bill (S. 1127) for the relief of Samuel H. Walker was considered as in Committee of the Whole.

The bill was reported from the Committee on Claims with an amendment, in line 6, to strike out "$10,000" and insert "$480," so as to make the bill read:

That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay to Samuel H. Walker, out of any money in the Treasury not otherwise appropriated, the sum of $480, in full compensation for injuries received by the said Samuel H. Walker while performing his duties as a laborer in the fireroom of the General Land Office, Department of the Interior.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

ST. CROIX CHIPPEWA INDIANS OF WISCONSIN.

The bill (S. 4857) for the relief of the St. Croix Chippewa Indians of Wisconsin was announced as next in order, and the Secretary proceeded to read the bill.

Mr. PAGE. Before the reading is completed I should like to ask the chairman, the Senator from Arizona [Mr. ASHURST], if this bill received a unanimous report from the Committee on Indian Affairs?

Mr. GALLINGER. It came from the Committee on Claims.

Mr. ASHURST. My recollection is not accurate as to whether there was a unanimous report in favor of the bill.

Mr. WARREN. It did not come from the Senator's committee; it came from the Committee on Claims.

Mr. SMOOT. It was reported by the Senator from Minnesota [Mr. CLAPP].

Mr. BRYAN. There is a mistake in the entry on the calendar. It did not come from the Committee on Claims.

Mr. SMOOT. The bill states that it was reported from the Committee on Indian Affairs by the Senator from Minnesota [Mr. CLAPP].

Mr. WARREN. The calendar states that it was reported from the Committee on Claims. I think the bill ought to go over until the Senator who reported it is present.

The VICE PRESIDENT. The bill will go over.

LANDS AT NOGALES, ARIZ.

The bill (S. 105) for the relief of John T. Brickwood, Edward Gaynor, Theodore Gebler, Lee W. Mix, Arthur L. Peck, Thomas D. Casanega, Joseph de Lusignan, and Joseph H. Berger was considered as in Committee of the Whole.

The bill was reported from the Committee on Claims with amendment.

Mr. SMITH of Arizona. The bill has been amended and the sums allowed have been reduced to an almost ridiculous amount. The court very incorrectly, not understanding the case when it was submitted to it, found that these people had no title. Their title is as good as that of any other people in the world who have settled on public lands. There has been an amendment in each of these cases reducing the amount to the mere value of the houses that happened to be upon the property that was worth twenty times what was allowed. I ask, in order to expedite the consideration of the bill, that the amendments be agreed to en bloc, for it is a reduction in every case, and the bill can be speedily disposed of.

Mr. SMOOT. May I ask the Senator on what ground was their property destroyed, and by what order?

Mr. SMITH of Arizona. These people in the city of Nogales were close to the border line. They had their houses and their stores on this strip. The Government made an order widening the street 60 feet and took the property of all the people who had been living there for 15 and 20 years, and gave everybody else in town a title to the property. It left these people without a cent, and instead of allowing them anything for the value of the property it allowed them only the value of the little houses that happened to be on the strip of land.

Mr. SMOOT. Does the Senator mean that the Court of Claims made the allowance?

Mr. SMITH of Arizona. It was referred to the Court of Claims and the court found that they had no patent from the Government, and then proceeded to make a finding as to the value of these little stores.

Mr. BRYAN. I wish to say to the Senator from Utah that this case was very fully investigated by the Committee on Claims, and a subcommittee of three lawyers was appointed to go into it thoroughly.

Mr. SMOOT. I will say to the Senator that I have not any objection to the bill.

Mr. BRYAN. The subcommittee reported it back to the full committee after a thorough investigation.

Mr. SMOOT. I have no objection to the bill after the explanation of the Senator from Arizona.

The VICE PRESIDENT. The amendments of the Committee on Claims will be stated.

The SECRETARY. The bill was reported from the Committee on Claims with amendments: In line 3, after the name "Brickwood," to strike out "$14,950" and insert "$3,750"; in line 4, after the name "Gaynor," to strike out "$29,000" and insert "$4,250"; in the same line, after the name "Gebler," to strike out "$10,600" and insert "$1,200"; in line 5, after the name "Mix," to strike out "$5,100" and insert "$1,450"; in line 5, after the name "Peck," to strike out "$5,560" and insert "$2,350"; in line 6, after the name "Casanega," to strike out "$900" and insert "$500"; in line 7, after the name "Lusignan," to strike out "$6,125" and insert "$3,250"; and in the same line, after the name "Berger," to strike out "$4,000" and insert "$1,800," so as to make the bill read:

Be it enacted, etc., That there be paid to John T. Brickwood, $3,750; Edward Gaynor, $4,250; Theodore Gebler, $1,200; Lee W. Mix, $1,450; Arthur L. Peck, $2,350; Thomas D. Casanega, $500; Joseph de Lusignan, $3,250; and Joseph H. Berger, $1,800, out of any money in the Treasury of the United States not otherwise appropriated, in full compensation for the losses incurred by the destruction, in 1899, of their buildings and other property and their removal by the United States authorities from the premises severally occupied by them on what is commonly called the International Strip, in the town of Nogales, Ariz.

Mr. SMITH of Arizona. Information has come to me that Mr. Brickwood has recently died. I move to amend the amendment by making it read "to the estate of John T. Brickwood."

Mr. BRYAN. I suggest that the Senator make it read "the legal representatives of John T. Brickwood's estate."

Mr. SMITH of Arizona. Very well.

The amendment to the amendments was agreed to.

The amendments as amended were agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

The title was amended so as to read: "A bill for the relief of the legal representatives of John T. Brickwood, deceased, Edward Gaynor, Theodore Gebler, Lee W. Mix, Arthur L. Peck,

Thomas D. Casanega, Joseph de Lusignan, and Joseph H. Berger."

FORT WINGATE MILITARY RESERVATION, N. MEX.

The bill (S. 1930) granting to the Atchison, Topeka & Santa Fe Railway Co. a right of way through the Fort Wingate Military Reservation, N. Mex., and for other purposes, was considered as in Committee of the Whole.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

GLACIER NATIONAL PARK.

The bill (S. 3897) authorizing the Great Northern Railway Co. to revise its line of railway adjacent to the Glacier National Park, in the State of Montana, and granting to the said railway company the right of way for its revised line in the said national park, was considered as in Committee of the Whole.

The bill was reported from the Committee on Public Lands with an amendment to strike out all after the enacting clause and insert:

That, with the consent and approval of the Secretary of the Interior, and upon the filing with the Interior Department and the approval thereof by said Secretary of maps of definite location, the Great Northern Railway Co., a corporation of the State of Minnesota, be, and it is hereby, authorized to revise the location of that part of its line of railway along the southern boundary of the Glacier National Park, in the State of Montana, on the terms and conditions and subject to the limitations and restrictions granted by and contained in an act of Congress entitled "An act granting to railroads the right of way through the public lands of the United States," approved March 3, 1875 (18 Stats., 482), as amended by an act of Congress entitled "An act making appropriations to supply deficiencies in the appropriations for the fiscal year ending June 30, 1899, and for prior years, and for other purposes," approved March 3, 1899 (30 Stats., 1233): *Provided*, That all lands north of the north line of the revised right of way, when said revised line of right of way shall have been approved as aforesaid, shall be excluded from the Lewis and Clark National Forest and become and remain part of the Glacier National Park, and be subject to all the provisions of an act of Congress entitled "An act to establish 'the Glacier National Park' in the Rocky Mountains south of the international boundary line in the State of Montana, and for other purposes," approved May 11, 1910 (36 Stats., 354), and to all the provisions of any act of Congress that may hereafter be passed relative to said park, and the regulations of the Secretary of the Interior heretofore or hereafter prescribed in accordance with law for the government of the park, and that any and all lands south of the north line of such revised line of right of way which may now be within the Glacier National Park shall become and remain a part of the Lewis and Clark National Forest and be subject to and be governed by the laws heretofore or hereafter enacted by Congress, and the regulations heretofore or hereafter prescribed by the Secretary of Agriculture for the control of national forests.

The amendment was agreed to.

The bill was reported to the Senate as amended and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

The title was amended so as to read: "A bill to authorize the Great Northern Railway Co. to revise the location of its right of way, and for other purposes."

The VICE PRESIDENT. The committee recommends that the preamble be stricken out. Without objection that will be done.

WILLIAM LISKEY.

The bill (S. 638) for the relief of William Liskey was considered as in Committee of the Whole. It provides that the homestead entry of William Liskey, under the act of June 17, 1902, and the act of February 18, 1911, on the north half of the south half of section 9, township 21 north, range 2 west, Montana meridian, is hereby validated, subject to future compliance with the law.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

CONVEYANCES IN NEVADA BY CENTRAL PACIFIC RAILROAD.

The bill (S. 5042) legalizing certain conveyances heretofore made by the Central Pacific Railroad Co. and others within the State of Nevada was considered as in Committee of the Whole.

The bill was reported from the Committee on the Judiciary with amendments.

The first amendment was, in section 2, page 3, line 1, after the word "them," to insert "but without consideration," and in line 8, after the word "fee," to insert the words ", and whenever any such occupancy shall have been permitted by the railroad company and the portion of its right of way so occupied shall have been by it abandoned, the occupant thereof shall be, and he hereby is, granted the title thereto, and patent shall upon proper proof be issued to him for the same," so as to make the section read:

SEC. 2. That wherever any or either of said companies has heretofore suffered or permitted permanent structures or improvements to be erected or maintained upon any part of the railroad right of way above mentioned, it shall be lawful for said companies, or any or either of them, but without consideration, to execute and deliver to the owner or owners of such permanent structures or improvements deed or deeds of conveyance for the lands covered thereby, including such additional lands, if any, as may be reasonably necessary for use in connection therewith, with the same effect as if the lands embraced therein had been originally granted to said companies in fee, and whenever any such occupancy shall have been permitted by the railroad company and the portion of its right of way so occupied shall have been by it abandoned, the occupant thereof shall be, and he hereby is, granted the title thereto, and patent shall upon proper proof be issued to him for the same.

The amendment was agreed to.

The next amendment was to strike out sections 3 and 4, in the following words:

SEC. 3. That in all instances, from and after the passage of this act, in which title or ownership of any part of said right of way heretofore mentioned shall hereafter be claimed as against said corporations, or either of them, or the successors or assigns of any of them, by or through adverse possession of the character and duration prescribed by the laws of the State in which the land is situated, such adverse possession shall have the same effect as though the land embraced within the lines of said right of way had been granted by the United States absolutely or in fee instead of being granted as a right of way.

SEC. 4. That any part of the right of way heretofore mentioned which has been, under the law applicable to that subject, abandoned as a right of way is hereby granted to the owner of the land abutting thereon.

The amendment was agreed to.

The next amendment was to insert a new section, as follows:

SEC. 3. That nothing hereinbefore contained shall have the effect to diminish said right of way to a less width than 50 feet on each side of the center of the main track of the railroad as now established and maintained.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

REVISION OF PUBLIC PRINTING LAWS.

The bill (S. 5340) to amend, revise, and codify the laws relating to the public printing and binding and the distribution of Government publications was announced as next in order.

Mr. CHILTON. Let that go over.

The VICE PRESIDENT. The bill will go over.

Mr. SMOOT. I will ask the Senator from West Virginia if he will not allow the bill to be read to-night.

Mr. CHILTON. No; let it go over.

Mr. SMOOT. The bill provides a saving to the Government of the United States of over $850,000 a year. It means the prevention of the printing of hundreds of thousands of useless documents that are published by the Government and piled up here in the warehouses and at the end of two years sold as old paper for 65 cents a hundred. The useless printing that is going on is a wicked shame. A bill similar to this has already passed the Senate once, and I think it ought to be considered now.

The VICE PRESIDENT. Is there objection to the consideration of the bill?

Mr. CHILTON. I have heard all that in the committee and in the Senate. I supposed we were proceeding under the five-minute rule without any discussion. Whenever I am as convinced of what the Senator from Utah says as the Senator is I will not have any objection to the consideration of the bill. I simply have not had time to go into the subject and read it, and I have objection to considering it now.

The VICE PRESIDENT. The bill will go over.

CLAIMS OF SHOSHONE INDIANS IN WYOMING.

The bill (S. 5036) authorizing the Shoshone Tribe of Indians residing on the Wind River Reservation, in Wyoming, to submit claims to the Court of Claims was considered as in Committee of the Whole.

The bill had been reported from the Committee on Indian Affairs with an amendment, on page 4, line 1, after the words "excess of," to strike out "the amount stipulated in the approved contract nor amount to more than 10 per cent of the amount and value of the judgment recovered in said cause," and to insert "$15,000," so as to read:

Upon the final determination of said cause the Court of Claims shall decree such fees as the court shall find reasonable to be paid to the attorneys employed by said Shoshone Tribe, and the same shall be paid out of any sum or sums found due to said Shoshone Tribe, or out of any sum or sums which may be placed to the credit of said Shoshone Tribe as a result of said cause: *Provided*, That in no case shall the fees decreed by said court be in excess of $15,000.

Mr. OVERMAN. I should like to inquire of the Senator who reported the bill whether or not the bill provides for the court to proceed to judgment?

Mr. WARREN. I do not so understand from the reading of the bill.

Mr. THOMPSON. I did not hear the inquiry of the Senator from North Carolina.

Mr. OVERMAN. I asked does the bill provide for the Court of Claims proceeding to judgment, or does it merely provide that the court shall ascertain the amount due?

Mr. THOMPSON. It provides that the court shall ascertain the amount due and proceed to judgment.

Mr. OVERMAN. I do not think we should ever do that. I think we ought to let the court ascertain what amount is due, and then let the parties come before Congress. That is the general rule. As I understand, this bill provides that the court shall proceed to judgment.

Mr. THOMPSON. This is a bill which is recommended by the department. It is simply a contest between two Indian tribes.

Mr. OVERMAN. I should like to hear the reading of the part of the bill which covers the point as to which I desire information.

The VICE PRESIDENT. The Secretary will read as requested.

The Secretary read as follows:

With the right of appeal to the Supreme Court of the United States by either party, for determination of the rights of said Shoshone Tribe in and to said reservation and the proceeds and profits therefrom, and for determination of the amounts, if any, of the funds of said Shoshone Tribe which have been wrongfully paid by the United States to the Arapahoe Tribe of Indians residing on said reservation.

Mr. OVERMAN. I should like to have the bill go over. I wish to consider it.

Mr. THOMPSON. The bill provides that the court shall proceed to judgment.

Mr. OVERMAN. I so understand; and that is a very dangerous way of proceeding for us here in the Senate to pass bills in that shape. When the judgment is rendered we have to make the appropriation whether the case is just or not.

Mr. THOMPSON. I have no personal interest in the matter, except to see justice done between these two tribes.

Mr. OVERMAN. Let the bill go over at this time.

The VICE PRESIDENT. The bill goes over.

Mr. WARREN. Mr. President, I hope the Senator from North Carolina will give his attention to the matter at an early date, as the bill has been waiting here for a long time. I should like to bring it up very soon.

Mr. OVERMAN. Is this a bill in which the Senator from Wyoming is interested?

Mr. WARREN. It is. The two tribes of Indians referred to in the bill live in the State of Wyoming.

Mr. OVERMAN. The Senator from Wyoming has served with me on the Committee on Claims for some six or eight years, and he knows that the rule was against allowing such matters as this to go into bills.

Mr. WARREN. This may not amount to any money. It is for the purpose of determining the rights as between two tribes of Indians.

Mr. OVERMAN. I do not object to that.

Mr. WARREN. One of the tribes has an undoubted right on its reservation in Wyoming, while the other was brought in and located there for the time being. This second tribe has been allowed to remain there for some 40 years, and has been trading back and forth with the other tribe and the United States. It is high time that there should be a determination and adjustment of accounts and a settlement of the case.

Mr. OVERMAN. I have no objection to the Court of Claims ascertaining what is due and then allow the matter to come regularly before Congress, as all other claims come. I will look into it, I will say to the Senator.

Mr. CLARKE of Arkansas. Mr. President, the bill speaks of reimbursing one of the tribes for money wrongfully paid by the United States to another tribe. If the proposition is to pay money out of the Treasury that will be charged up against another tribe which erroneously received the payment——

Mr. WARREN. Indian claims have been handled a little differently from others. I have not sought to go into that, because it is left entirely with the United States in its control of Indian affairs.

Mr. CLARKE of Arkansas. There is quite a difference between mulcting the United States Government for a payment to be made to one tribe of Indians on the theory that it should have been made to another. If the proposition is——

Mr. THOMPSON. Mr. President, let me explain——

Mr. CLARKE of Arkansas. I have the floor, Mr. President. If the proposition is to make the tribe which erroneously received this sum of money as trustee for the one which should have received it, I do not know but what we might dispose of the matter this evening; but if the proposition is to make the United States Government pay the money twice, then, of course, it ought to be looked into a little further.

Mr. WARREN. It is nothing of that kind; it is a matter of equalization between these two Indian tribes and the United States.

Mr. CLARKE of Arkansas. The Senator from North Carolina [Mr. OVERMAN] will look into it at an early day; but objection is made to the consideration of the bill in the meantime.

The VICE PRESIDENT. The bill goes over.

MISSISSIPPI RIVER BRIDGE.

The bill (H. R. 13985) to authorize the construction of a bridge across the Mississippi River at or near the city of Baton Rouge, La., was considered as in Committee of the Whole.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

HOMESTEAD AND DESERT-LAND ENTRIES.

The bill (S. 586) providing for homestead and desert-land entries for such persons as shall have lost, forfeited, or abandoned their former entries, was considered as in Committee of the Whole. The bill had been reported from the Committee on Public Lands with an amendment, on page 1, line 8, after the word "entered," to strike out the following proviso:

That no person shall be entitled to make entry under this act if a former entry made by him was canceled for fraud, or if he relinquished such entry for a valuable consideration in excess of the filing fees paid on it. Any person applying to make entry under this act shall furnish a description and the date of any entry which he may previously have made.

And in lieu thereof to insert:

That such applicant shall show to the satisfaction of the Secretary of the Interior that the prior entry or entries were made in good faith, were lost, forfeited, or abandoned because of matters beyond his control, and that he has not speculated in his right nor committed a fraud or attempted fraud in connection with such prior entry or entries.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

BILLS PASSED OVER.

The bill (S. 1991) correcting the military record of Abram H. Johnson was announced as next in order.

Mr. BRYAN. Let that bill go over.

The VICE PRESIDENT. The bill will be passed over.

The bill (S. 1988) to remove the charge of desertion from the military record of John H. Armstrong was announced as next in order.

Mr. BRYAN. I ask that that go over.

The VICE PRESIDENT. The bill will be passed over.

CHARLES M. CLARK.

The bill (S. 2882) to remove the charge of desertion from the record of Charles M. Clark was considered as in Committee of the Whole.

The bill had been reported from the Committee on Military Affairs with an amendment to strike out all after the enacting clause and insert:

That in the administration of any laws conferring rights, privileges, and benefits upon honorably discharged soldiers, Charles M. Clark, who was a private of Company G, Third Regiment Michigan Volunteer Infantry, shall hereafter be held and considered to have been honorably discharged from the military service of the United States as a member of said company and regiment on the 17th day of October, 1863: *Provided*, That other than as above set forth no pay, bounty, pension, or other emoluments shall accrue by virtue of the passage of this act.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

The title was amended so as to read: "A bill for the relief of Charles M. Clark."

CHARLES RICHTER.

The bill (S. 145) for the relief of Charles Richter was considered as in Committee of the Whole. It provides that in the administration of the pension laws and the laws governing the National Home for Disabled Volunteer Soldiers, or any branch thereof, Charles Richter, alias Herman Wittman, shall hereafter be held and considered to have been honorably discharged from the military service of the United States as a private of Company K, Thirty-fifth Regiment Wisconsin Volunteer Infantry, but no pension shall accrue prior to the passage of this act.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

JACOB SCOTT.

The bill (S. 2550) to correct the military record of Jacob Scott was announced as next in order.

Mr. SMOOT. I should like to ask the Senator who introduced this bill if there has been any report from the War Department setting forth the record of this man?

Mr. THOMPSON. I think there was a report from the department sent to the Military Committee.

Mr. SMOOT. I notice that in the report submitted by the committee there is nothing said as to any information received from the department.

Mr. THOMPSON. There was a report, which showed, as I recall, the facts as disclosed by the official records. The records show his service to have been about two years; but I think he served even longer than that, and his desertions were occasioned on account of sickness and carelessness in not properly looking after the company records.

Mr. BRYAN. How many times did he desert?

Mr. THOMPSON. The records show that he deserted twice, and each time he was sick and did not report to his company; that is all.

Mr. SMOOT. I will ask that this bill go over to-day. I should like to see what the department's record actually shows.

Mr. THOMPSON. I hope the Senator from Utah will withdraw the objection in this case. Mr. Scott is a worthy man. I wish the Senator would at least read the report.

Mr. SMOOT. I have read the report of the committee. What I desire to know is what the department reports the man's record to be. The report of the committee simply says that the record shows that he was enrolled and mustered out, and after that the record further shows that he was enrolled October 15, 1863. The Senator, as I understand, says this man had a service of about two years; but the records do not show that, and there seems to be a misunderstanding all around regarding the facts of the case.

Mr. THOMPSON. The records show that Scott served 11 months and 23 days during his first enlistment and 11 months in his second enlistment. The evidence is conclusive, so far as that is concerned, from the officers of the company, that both desertions were due to sickness or disease, which was greatly aggravated by exposure and the hardships incident to the service. As I have said, it is a very worthy case, and I hope the Senator from Utah will withdraw any objection.

Mr. SMOOT. Does the Senator personally know the man?

Mr. THOMPSON. I know of him by reputation; I do not know him personally.

Mr. SMOOT. Mr. President, I will say that it is not a very good thing to pass a relief bill of this character for a man without having some information from the department as to what the records of the department disclose as to the cause of his deserting, his excuse for deserting, and so forth.

Mr. THOMPSON. I think the report shows those facts.

Mr. SMOOT. This is the only report I have noticed where that information has not been given to the Senate.

Mr. BRYAN. I want to ask the Senator a question. What is the difference between a bill "to correct a military record of Jacob Scott" and a bill "for the relief of Jacob Scott," as these bills are entitled as they are reported from the Committee on Military Affairs?

Mr. CHAMBERLAIN. I can explain that to the Senator.

Mr. BRYAN. I notice the committee recommends that the title of this bill be amended so as to read "A bill for the relief of Jacob Scott." As the bill was introduced the title was "To correct the military record of Jacob Scott."

Mr. SMOOT. If the soldier was an actual deserter, the record can not be corrected, because it shows the actual facts.

Mr. BRYAN. Then the record is correct.

Mr. SMOOT. A bill for his relief means that, while he was a deserter, we shall not consider him as such, so far as the pension laws are concerned. The bill gives him a pensionable status.

Mr. THOMPSON. I will say that this bill was very thoroughly considered by the subcommittee.

Mr. CHAMBERLAIN. Mr. President, the Senators who introduce bills of this character frame them in different language, and the committee has adopted the uniform rule of making them correspond with each other. I might state further that the War Department says they can not correct their records. So that these bills simply give a pensionable status to the soldier affected and his record remains the same all the time. The act of Congress does not enable the War Department to go back over the record and correct the record, no matter what the defect may be, whether in the case of desertion or otherwise.

The VICE PRESIDENT. Is there objection to the consideration of the bill?

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill. It provides that in the administration of the pension laws Jacob Scott, who was a private of Company B, Fourth Regiment Missouri State Militia Cavalry, shall hereafter be held and considered to have been honorably discharged from the military service of the United States as a member of that company and regiment on the 8th day of March, 1863, and as a member of Company M, Second Regiment Arkansas Volunteer Cavalry, on the 15th day of December, 1864, but no pension shall accrue prior to the passage of this act.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

The title was amended so as to read: "A bill for the relief of Jacob Scott."

DESECRATION OF THE FLAG.

The bill (S. 1905) to prevent the desecration of the flag of the United States of America, was considered as in Committee of the Whole. The bill was read as follows:

Be it enacted, etc., That any person or persons, corporation, or company who shall use the flag or coat of arms of the United States, or any pattern, imitation, or representation thereof, either by printing thereon or attaching thereto any advertisement or device for the purpose of gain or profit, or as a trade-mark or label, or who shall imitate or represent the flag or coat of arms of the United States for an advertisement, trade-mark, or label shall be guilty of a misdemeanor.

SEC. 2. That no copyright shall subsist in the flag or coat of arms or other insignia of the United States or any simulation thereof.

SEC. 3. That no device or inscription nor the representation or image of any person or thing shall be imprinted upon, painted upon, or attached to the flag or upon or to the coat of arms of the United States.

SEC. 4. That any person or persons, who shall tear down, trample upon, or treat with indignity, or wantonly destroy the flag or coat of arms of the United States shall be guilty of a misdemeanor.

SEC. 5. That any person, corporation, or company violating any provisions of this act shall, upon conviction thereof, be punished by a fine not exceeding $500 or by imprisonment not exceeding one year.

SEC. 6. That it is hereby made the duty of any United States district attorney to cause forthwith the arrest and prosecution of any person or persons charged with the violation of any of the provisions of this act.

SEC. 7. That this act shall be in force from and after its passage and publication.

SEC. 8. That this act shall not apply to banners or flags carried by military or patriotic organizations authorized by law.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

CAPT. TEMPLIN MORRIS POTTS.

The bill (S. 3804) for the relief of Templin Morris Potts, captain on the retired list of the United States Navy, was announced as next in order.

Mr. PAGE. Mr. President, I know nothing against the record of Capt. Potts; but we had a long hearing before the Committee on Naval Affairs on this bill, and, so far as I am personally concerned, I will say that I voted against the bill, because I did not believe, after organizing a board for the purpose of examining into the records of naval officers, with a view to creating the vacancies made necessary by the Navy personnel act, and after the matters brought before the board had been fairly and fully considered—and it was confessed by the friends of Capt. Potts that his case was fairly considered—that the Senate of the United States or the Committee on Naval Affairs should be made a board to rehear and review all such cases.

Mr. OVERMAN. Let that bill go over, Mr. President.

The VICE PRESIDENT. The bill will go over.

Mr. PAGE. If we are to have a board of this kind, and they are to consider and act upon cases as required by law, it seems to me that, the board having acted upon them, we ought not then to disregard their action.

The VICE PRESIDENT. On objection, the bill goes over.

Mr. GALLINGER. Just one word, Mr. President. The Senator from Vermont surely does not mean to say that if it appears that a case was not fairly considered, that the records were not all before the board, and various other things that might happen, we ought not to take cognizance of it?

Mr. PAGE. I do not want to object, Mr. President, to the consideration of this bill. Perhaps it ought to be considered now. I simply say that, in my opinion, there ought not to be any general practice of passing these cases after they have been once considered unless, as suggested by the Senator from New Hampshire, it is shown that the action of the board was unfair. No man can claim the action in this case was unfair, as I understand, unless he impeaches the integrity of the board; and I know I took especial pains to ask one who was discussing the matter, "Do we have any authority to say from you that this board did not design to treat this matter fairly?" They said they thought they tried to do right and justly by this man, but they thought the board had made a mistake. Now, if we

are to open all of these cases, we might as well say that the Committee on Naval Affairs may be excused from every other line of business and take up these cases and sit as a plucking board.

The VICE PRESIDENT. The bill will be passed over.

Mr. CHILTON. I did not understand that any objection was made.

Mr. OVERMAN. I objected.

The VICE PRESIDENT. Yes; objection was made, and the bill will be passed over.

LAND IN NOXUBEE COUNTY, MISS.

The bill (H. R. 6831) to quiet title to lot 5, section 33, township 14, range 18 east, Noxubee County, Miss., was considered as in Committee of the Whole. It proposes that all the right, title, and interest of the United States in and to lot 5, section 33, township 14, range 18 east, in the State of Mississippi, for which no confirmation has heretofore been granted and no patent has been issued, be, and the same are hereby, granted, released, and relinquished by the United States to the owners of the equitable title thereto and to their heirs and assigns forever, as fully and completely in every respect whatever as could be done by patents issued therefor according to law: *Provided*, That the confirmation granted hereby shall amount only to a relinquishment of any title that the United States has or is supposed to have in and to said land, and shall not be construed to abridge, impair, injure, prejudice, or divest in any manner any valid right, title, or interest of any person or body corporate whatever, the true intent of this act being to concede and abandon all right, title, and interest of the United States to those persons, estates, firms, or corporations who would be the true and lawful owners of said land under the laws of Mississippi, including the laws of prescription, in the absence of the said interest, title, and estate of the United States.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

RITTENHOUSE MOORE.

The bill (S. 2359) for the relief of Rittenhouse Moore was announced as next in order.

Mr. CHILTON. Let the bill go over, Mr. President.

The VICE PRESIDENT. The bill will be passed over.

PENNSYLVANIA ENGINEERING CO.

The bill (H. R. 2407) for the relief of the Pennsylvania Engineering Co., of the city of Philadelphia, was considered as in Committee of the Whole. It authorizes and directs the Secretary of the Treasury to pay to the Pennsylvania Engineering Co., of the city of Philadelphia, the sum of $1,079.60, and appropriates said sum of $1,079.60 in full compensation for extra work done in the installation of a portable experimental refrigerating plant for and by direction of the Department of Agriculture, Bureau of Plant Industry, in the year 1908.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

JAMES DEEGAN.

The bill (S. 3457) authorizing the issuance of a patent to James Deegan for lots 15 and 16, in block 10, in the town site of Frazer, Mont., was considered as in Committee of the Whole. It authorizes the Secretary of the Interior to issue patent to James Deegan for lots 15 and 16, in block 10, of the town site of Frazer, Mont., upon receipt from said James Deegan of the appraised price of said lots at any time within 90 days from the passage of this act.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

COMMISSIONER OF INTERNAL REVENUE.

The bill (H. R. 14684) for the relief of the Commissioner of Internal Revenue was considered as in Committee of the Whole. It authorizes and directs the Secretary of the Treasury to credit the Commissioner of Internal Revenue and his accounts with the sum of $801, being the value of 1,602 quarter-barrel beer stamps charged to him, stolen June 7, 1899.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

HELEN WAKEFIELD.

The bill (H. R. 1138) for the relief of Helen Wakefield was considered as in Committee of the Whole. It authorizes and directs the Secretary of the Treasury to pay the sum of $20 to Helen Wakefield, on account of the loss of a registered letter containing $20, mailed by her at Nome, Alaska, February 19, 1902, and addressed to Nellie A. Clayton, San Francisco, Cal.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

V. E. SCHERMERHORN, E. C. CALEY, G. W. CAMPBELL, AND PHILIP HUDSPETH.

The bill (S. 4930) for the relief of V. E. Schermerhorn, E. C. Caley, G. W. Campbell, and Philip Hudspeth was considered as in Committee of the Whole.

The bill had been reported from the Committee on Claims, with amendments, on page 1, line 7, after the word "Schermerhorn," to strike out "$6,250" and insert "$2,767.45," and on page 2, line 4, after the words "sum of," to strike out "$7,592" and insert "$3,109.45," so as to make the bill read:

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay to V. E. Schermerhorn, E. C. Caley, G. W. Campbell, and Philip Hudspeth, their heirs, executors, administrators, or assigns, the following sums: V. E. Schermerhorn, $2,767.45; E. C. Caley, $192; G. W. Campbell, $16; and Philip Hudspeth, $134, for the destruction on October 15, 1908, of their property by fire which occurred on the Fort Riley (Kans.) Military Reservation while Battery A, Sixth Field Artillery, was engaged in target practice, near the northern boundary, and which spread to and caused serious damage to privately owned farms adjoining the reservation; and the sum of $3,109.45 is hereby appropriated for said purpose out of any money in the Treasury not otherwise appropriated.

The amendments were agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

JOHN STRECKFUS.

The bill (H. R. 2536) for the relief of John Streckfus was considered as in Committee of the Whole. It authorizes and directs the Mississippi River Commission to pay, from any appropriation made by Congress for works of river and harbor improvement carried on by said commission, to John Streckfus, captain and owner of the *J. S.*, the sum of $209, in payment and full settlement of all damages done to the said vessel *J. S.* by the commission's steamer *Mississippi* on April 17, 1909, when said steamer *Mississippi* collided with said steamer *J. S.* while the latter was lying at her dock at New Orleans, La.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

GEORGE R. CAMPBELL, MILTON B. GERMOND, AND WALTER D. LONG.

The bill (S. 771) for the relief of George R. Campbell, Milton B. Germond, and Walter D. Long was considered as in Committee of the Whole. It authorizes and directs the Secretary of the Treasury to pay to George R. Campbell, Milton B. Germond, and Walter D. Long, their heirs or assigns, the sum of $5,034.75, being the amount due them for services performed as United States deputy surveyors, in accordance with the report of the Secretary of the Treasury contained in House Document No. 683, Sixty-second Congress, second session.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

STANLEY J. MORROW.

The bill (H. R. 7484) for the relief of Stanley J. Morrow, was considered as in Committee of the Whole. It authorizes the Secretary of the Treasury to pay to Stanley J. Morrow, formerly of Dakota Territory, but now of the State of Ohio, the sum of $163.65 in full satisfaction for one building and photograph materials and other property and damages to business resulting from the appropriation of said property by the War Department, at Fort Custer, Mont., in 1878 and 1879.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

BILLS, ETC., PASSED OVER.

The bill (S. 5392) to provide for carrying into effect of the agreement between the United States and the Muskogee (Creek) Nation of Indians ratified by act of Congress approved March 1, 1901, and supplemental agreement of June 30, 1902, and other laws and treaties with said tribe of Indians, was announced as next in order.

Mr. SMOOT. Let that bill go over.

The VICE PRESIDENT. The bill will be passed over.

The joint resolution (S. J. Res. 128) proposing an amendment to the Constitution of the United States, was announced as next in order.

Mr. WILLIAMS. Let that go over.

The VICE PRESIDENT. The joint resolution will be passed over.

The bill (S. 4966) proposing an amendment as to section 19 of the Federal reserve act relating to reserves, and for other purposes, was announced as next in order.

Mr. WILLIAMS and Mr. BURTON. Let that bill go over.

The VICE PRESIDENT. The bill will be passed over.

INDIAN LANDS IN POTTAWATOMIE COUNTY, OKLA.

The bill (H. R. 13133) for the approving and payment of the drainage assessments on Indian lands in Salt Creek drainage district No. 2, in Pottawatomie County, Okla., was considered as in Committee of the Whole.

The Secretary read the bill, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized, in his discretion, to approve the assessments, together with maps showing right of way and definite location of proposed drainage ditches, made under the laws of the State of Oklahoma upon the allottees in Salt Creek drainage district No. 2, in Pottawatomie County, Okla.

SEC. 2. That the Secretary of the Interior be, and he is hereby, authorized, in his discretion, to pay the amount assessed against each of said allotments: *Provided*, That said assessment shall not exceed $15 per acre on any allotment or portion thereof; and there is hereby appropriated for said purpose, out of any money in the Treasury not otherwise appropriated, the sum of $21,183.39, or so much thereof as may be necessary, to be immediately available, the said sum to be reimbursable from the rentals of said allotments, not to exceed 50 per cent of the amount of rents received annually, or from any funds belonging to the said allottees, in the discretion of the Secretary of the Interior.

SEC. 3. That in the event any allottee shall receive a patent in fee to an allotment of land in any lawfully constituted drainage district within the State of Oklahoma before the United States shall have been wholly reimbursed as herein provided, the amount remaining unpaid shall become a first lien on such allotment, and the fact of such lien shall be recited on the face of each patent in fee issued and the amount of the lien set forth thereon, and the receipt of the Secretary of the Interior, or of the officer, agent, or employee duly authorized by him for that purpose, for the payment of the amount assessed against any allotment as herein provided shall, when duly recorded by the recorder of deeds in the county wherein the land is located, operate as a satisfaction of such lien.

SEC. 4. That the Secretary of the Interior is hereby authorized to perform any and all acts and to make such rules and regulations as may be necessary and proper for the purpose of carrying the provisions of this act into full force and effect.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

BILLS PASSED OVER.

The bill (S. 146) for the relief of Aaron Kibler, was announced as next in order.

Mr. BRYAN. Let that bill go over.

The VICE PRESIDENT. The bill will be passed over.

The bill (H. R. 9829) authorizing the Secretary of the Interior to sell certain unused remnant lands to the Board of County Commissioners of Caddo County, Okla., for fairground and park purposes, was announced as next in order.

Mr. WILLIAMS. Let the bill go over.

Mr. MYERS. Mr. President, I appeal to the Senator who made the objection to withdraw it and let the bill be considered. It is a very simple bill, and it is badly needed. It was unanimously reported by the Committee on Public Lands. Representative FERRIS, of Oklahoma, the chairman of the House Committee on Public Lands, is very anxious to have it passed. There is no harm in the bill, and I appeal to the Senator who made the objection to withdraw it.

Mr. KERN. Mr. President, I think the bill should be passed. The people in that section of the country, I am informed by Mr. FERRIS, are preparing for a great agricultural fair and alfalfa exhibition this fall. They are hesitating about putting up the necessary buildings until this bill is passed. There is not the slightest objection to it, I understand.

Mr. SMITH of Arizona. What is the number of the bill?

Mr. KERN. House bill 9829; Order of Business 407.

Mr. WILLIAMS. Is it Indian land?

Mr. MEYERS. No; these are United States Government lands, as I understand.

Mr. GALLINGER. I will ask the Senator from Montana if the price named, $1.25 an acre, is not a very low price for lands out of which to make an agricultural park?

Mr. WILLIAMS. That is what I think.

Mr. MYERS. That is all that the Department of the Interior suggested should be paid. The department which is versed in the premises considers that that is all it is worth, and no question has been raised about the price.

Mr. TOWNSEND. I will ask to have the bill go over, Mr. President.

Mr. WILLIAMS. Is this in a settled country that has been populated and filled up with farms?

Mr. MYERS. I can not say from personal knowledge. It is in Caddo County, Okla. Here is the report.

Mr. WILLIAMS. I asked the Senator the question because it would seem that where the country is sufficiently settled to be used as a fairground and for park purposes the land ought to be worth more than $1.25 an acre.

Mr. MYERS. Mr. President, it is a self-evident fact that——

Mr. BRANDEGEE. I ask for the regular order.

Mr. MYERS. I am appealing to the Senator to withdraw the objection, if I may be indulged for a second or so. He may withdraw the objection if I can answer the question.

Mr. BRANDEGEE. I understood the Senator was conducting a colloquy with the Senator from Mississippi.

Mr. MYERS. But he asked a question.

Mr. BRANDEGEE. Another Senator objected, however.

The VICE PRESIDENT. Is the objection withdrawn or not?

Mr. TOWNSEND. No.

The VICE PRESIDENT. The bill will be passed over.

GEORGE GARDELLS.

The bill (H. R. 1291) for the relief of George Gardells was considered as in Committee of the Whole. It proposes that in the administration of pension laws, George Gardells shall hereafter be held and considered to have been honorably discharged from the military service of the United States as private in Company B, Fifth Regiment, New York Volunteer Cavalry, on the 19th day of April, 1864: *Provided*, That no pension shall accrue prior to the passage of this act.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

BILLS PASSED OVER.

The bill (S. 717) to correct the military record of Thomas Smart was announced as next in order.

Mr. BRYAN. Mr. President, there does not seem to be any report on this bill.

The VICE PRESIDENT. The report is No. 482.

Mr. SMOOT. I will say that in the report there is no reason——

Mr. BRYAN. There is a report No. 482, but it does not say anything except that it recommends the passage of the bill. It does not say why the record of this man should be corrected. This may be another one of those records that is correct already.

Mr. DU PONT. I ask that the bill may be passed over.

The VICE PRESIDENT. The bill will be passed over.

The bill (S. 5495) authorizing the Secretary of War to make certain donations of condemned cannon and cannon balls was announced as next in order.

Mr. CHILTON. Let that bill go over.

The VICE PRESIDENT. The bill will be passed over.

FISH-CULTURAL STATIONS ON THE COLUMBIA RIVER.

The bill (S. 4854) to authorize the establishment of fish-cultural stations on the Columbia River or its tributaries in the State of Oregon was considered as in Committee of the Whole.

The bill had been reported from the Committee on Fisheries with an amendment, on page 1, line 6, after the word "Oregon," to insert "or in the State of Washington, or both," so as to make the bill read:

Be it enacted, etc., That the Secretary of Commerce be, and he is hereby, authorized and directed to establish two or more fish-cultural stations on the Columbia River or its tributaries in the State of Oregon or in the State of Washington, or both, for the propagation of salmon and other food fishes, and to make the necessary surveys, and purchase sites, construct ponds and buildings, construct, purchase, and hire boats and equipments, and employ such assistance as may be required for the construction and operation of such fish-cultural stations at suitable points to be selected by the Secretary of Commerce, and the number of such stations to be determined by him; and for said purpose the sum of $100,000 is hereby authorized to be appropriated: *Provided*, That before any final steps shall have been taken for the construction of fish-cultural stations in accordance with this bill the States of Oregon and Washington, through appropriate legislative action, shall accord to the United States Commissioner of Fisheries and his duly authorized agents the right to conduct fish hatching and all operations connected therewith in any manner and at any time that may by them be considered necessary and proper: *And provided further*, That the operations of said hatcheries may be suspended by the Secretary of Commerce whenever in his judgment the laws and regulations affecting the fishes cultivated are allowed to remain so inadequate as to impair the efficiency of said hatcheries.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

The title was amended so as to read: "A bill to authorize the establishment of fish-cultural stations on the Columbia River or its tributaries in the State of Oregon or Washington, or both."

TAKING OF SPONGES IN GULF OF MEXICO.

The bill (S. 5313) to regulate the taking or catching of sponges in the waters of the Gulf of Mexico and the Straits of Florida outside of State jurisdiction; the landing, delivering, curing, selling, or possession of the same; providing means of enforcement of the same; and for other purposes, was considered as in Committee of the Whole.

The Secretary read the bill, as follows:

Be it enacted, etc., That on and after the approval of this act it shall be unlawful for any citizen of the United States, or person owing duty of obedience to the laws of the United States, or any boat or vessel of the United States, or person belonging to or on any such boat or vessel, to take or catch, by any means or method, in the waters of the Gulf of Mexico or the Straits of Florida outside of State territorial limits, any commercial sponges measuring when wet less than 5 inches in their maximum diameter, or to land, deliver, cure, offer for sale, or have in possession at any port or place in the United States, or on any boat or vessel of the United States, any such commercial sponges.

SEC. 2. That the presence of sponges of a diameter of less than 5 inches on any vessel or boat of the United States engaged in sponging in the waters of the Gulf of Mexico or the Straits of Florida outside of State territorial limits, or the possession of any sponges of less than the said diameter sold or delivered by such vessels, shall be prima facie evidence of a violation of this act.

SEC. 3. That every person, vessel, or boat guilty of a violation of this act shall be liable to a fine of 50 cents for each sponge of a less diameter than 5 inches found in the possession of such person, vessel, or boat, and said fine shall be a lien against the vessel or boat on which the offense is committed, and said vessel or boat shall be seized and proceeded against by process of libel in any court having jurisdiction of the offense.

SEC. 4. That any violation of this act shall be prosecuted in the district court of the United States of the district wherein the offender is found or into which he is first brought.

SEC. 5. That it shall be the duty of the Secretary of Commerce to enforce the provisions of this act, and he is authorized to empower such officers and employees of the Department of Commerce as he may designate, or such officers and employees of other departments as may be detailed for the purpose, to make arrests and seize vessels and sponges, and upon his request to the Secretary of the Treasury may employ the vessels of the Revenue-Cutter Service or the employees of the customs service to that end.

SEC. 6. That the act approved June 20, 1906, entitled "An act to regulate the landing, delivery, cure, and sale of sponges" and all other laws in conflict herewith be, and the same hereby are, repealed.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

FISHERY EXPERIMENT STATION ON THE PACIFIC COAST.

The bill (S. 4977) to establish a fishery experiment station on the Pacific coast of the United States was considered as in Committee of the Whole.

The bill was reported from the Committee on Fisheries with an amendment, on page 1, line 10, after the word "located" to insert "if located within the territorial jurisdiction of a State," so as to make the bill read:

Be it enacted, etc., That the Secretary of Commerce be, and is hereby, authorized, empowered, and directed to establish a fishery experiment station at some suitable place on the Pacific coast of the United States to be selected by the Secretary of Commerce: *Provided*, That before any final steps shall have been taken for the construction of a fishery experiment station in accordance with this act the State in which such station is to be located, if located within the territorial jurisdiction of a State, through appropriate legislative action shall accord to the United States Commissioner of Fisheries and his duly authorized agents the right to conduct such station and all operations connected therewith in any manner and at any time that may by them be considered necessary and proper, any fishery laws of the State to the contrary notwithstanding.

SEC. 2. That there is hereby appropriated, out of any money in the Treasury of the United States not otherwise appropriated, the sum of $50,000 for the establishment of such fishery experiment station, including the purchase of a site, construction of building and ponds, and purchase of equipment.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

LANDS IN COCONINO COUNTY, ARIZ.

The bill (S. 5316) authorizing the survey and sale of certain lands in Coconino County, Ariz., to the occupants thereof was considered as in Committee of the Whole, and was read, as follows:

Be it enacted, etc., That the Secretary of the Interior is hereby authorized and directed to cause each occupied and improved legal subdivision in sections 17, 19, 20, 21, 28, 29, and 30, in township No. 41 north, of range 2 west, Gila and Salt River Meridian, Ariz., to be surveyed and platted into town lots and necessary public reserves, and into agricultural tracts of not exceeding 20 acres, and into dam and reservoir sites where used for such purposes, following the lines of occupation in each case where occupied as near as may be, and delineating on the plat all irrigating ditches and canals.

SEC. 2. That the town lots shall be appraised without considering the value of any improvements thereon, and any person, or his successors in interest, who prior to January 1, 1914, were in the actual occupation of one or more of such lots in good faith for town-site purposes, with substantial and permanent improvements upon each lot and have maintained such occupation and improvements to date of application, upon the filing of an application therefor within six months from the date of the approval of the appraisement herein provided for, shall be entitled to a patent for the same upon paying the appraised price therefor. All such lots not covered by valid applications at the expiration of said six months shall thereafter be offered at public sale to the highest bidder, and the lots not so disposed of shall thereupon be subject to private entry; but no lot shall be sold at public sale or private entry at less than the appraised price.

SEC. 3. That any person, or his successors in interest, who prior to January 1, 1914, were in the actual occupancy of and improving one or more of said tracts for agricultural purposes, not exceeding in all 20 acres, and have maintained the same in good faith for said purposes, upon the filing of an application to enter the same within six months from the filing of the plat of said survey in the local land office, shall be entitled to a patent for such tract or tracts upon paying the sum of $1.25 per acre therefor. All such tracts not covered by valid applications at the expiration of said six months shall thereafter be subject to cash entry upon payment of $1.25 per acre.

SEC. 4. That the dam and reservoir tracts are hereby reserved for the use of said community for the purpose of irrigation and water supply, and patent therefor shall issue to the municipality when organized upon payment of $1.25 per acre therefor. Patents to the public reserves in the town site may be issued to the municipality when organized. Any easements maintained by authority and for use of the United States are hereby reserved, and said survey shall show all such easements and the patents to all lands affected thereby shall contain a reservation of the easement to the United States.

SEC. 5. That the Secretary of the Interior is further authorized to survey, plat, and patent such lots, agricultural tracts, and town-site reservations which may be situated upon the west half of the southwest quarter of section 16, in township No. 61 north, of range 2 west, Gila and Salt River meridian, Arizona, upon the same terms and conditions as prescribed in sections 1, 2, 3, and 4 hereof, should the title to said west half of the southwest quarter be found vested in the United States or revert thereto.

SEC. 6. That the expenses incident to the survey, appraisement, and sale herein required to be made shall be paid out of any fund appropriated for the survey of the public lands, at the time available. The Secretary of the Interior is hereby authorized to issue proper regulations for the administration of this act.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

CHARLES A. SPOTTS.

The bill (S. 5092) for the relief of Charles A. Spotts was considered as in Committee of the Whole. It provides that the homestead entry of Charles A. Spotts on Farm Unit L, or the northeast quarter of the southwest quarter of section No. 2, in township No. 20, north of range No. 21, west of the Montana principal meridian, made under the act of April 23, 1904 (33 U. S. Stat. L., p. 302), as amended by the act of May 29, 1908 (35 U. S. Stat. L., p. 448), is hereby validated, subject to future compliance with the law.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

ESTATE OF T. J. SEMMES.

The bill (H. R. 11381) for the relief of the estate of T. J. Semmes, deceased, was announced as next in order on the calendar.

Mr. BRYAN. We passed a while ago the bill (S. 1089) for the relief of the estate of T. J. Semmes, deceased, which is identical with the House bill. I move to reconsider the vote by which the Senate bill was passed.

The motion to reconsider was agreed to.

Mr. GALLINGER. Let the Senate bill be indefinitely postponed.

Mr. BRYAN. I move that the Senate bill be indefinitely postponed.

The motion was agreed to.

Mr. BRYAN. I now ask that the House bill be put on its passage.

The bill (H. R. 11381) for the relief of the estate of T. J. Semmes, deceased, was considered as in Committee of the Whole. It proposes to pay to Myra E. Semmes, executrix of T. J. Semmes, late of New Orleans, deceased, $395.55, in full payment for rents collected by the United States during the Civil War from property owned by the said T. J. Semmes and situate at New Orleans, La.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

HERMAN VON WERTHERN.

The bill (S. 2472) to correct the military record of Herman von Werthern was considered as in Committee of the Whole.

The bill was reported from the Committee on Military Affairs with an amendment to strike out all after the enacting clause and insert:

That in the administration of any laws conferring rights, privileges, and benefits upon honorably discharged soldiers, Herman von Werthern, late captain of Company K, Second Regiment Louisiana Volunteer Cavalry, shall hereafter be held and considered to have been honorably discharged from the military service of the United States as of the date of September 7, 1864, upon condition that no pay or compensation shall accrue by reason of the passage of this act.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

The title was amended so as to read: "A bill for the relief of Herman von Werthern."

FISH-CULTURAL STATION IN TEXAS.

The bill (S. 4946) to establish an additional fish-cultural station in the State of Texas was considered as in Committee of the Whole. It proposes to appropriate $50,000 for the establishment of an additional fish-cultural station in the State of Texas, including the purchase of site, construction of building, and equipment, at some suitable point to be selected by the Secretary of Commerce.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

LANDS IN STATE OF WASHINGTON.

The bill (S. 819) providing for the homestead entry of certain lands in the State of Washington, and for other purposes, was considered as in Committee of the Whole.

The bill was reported from the Committee on Public Lands with amendments, in section 2, page 2, line 18, to strike out the words "1st day of December, 1909," and insert "31st day of January, 1910," and in line 21, after the word "home," to insert "and who has since maintained his claim thereto," so as to make the bill read:

Be it enacted, etc., That the Secretary of the Interior shall cause the lands in abandoned military reservations Nos. 23 and 24, described as follows: Lots 1 and 2 in section 5 and lot 3 in section 6 of township 20 north; and the southwest quarter, the southwest quarter of the southeast quarter, and lots 3 and 4 of section 21; and the northwest quarter, the west half of the northeast quarter, lots 1, 2, and 3, and the northeast quarter of the southwest quarter of section 28; and the south half of lot 3 and all of lots 4 and 5, and the northeast quarter of the southeast quarter of section 31; the south half of the south half of the northwest quarter, the south half of the south half of the northeast quarter, and lots 1 and 2 and the west half of the northwest quarter of the southeast quarter and the southwest quarter of section 32; and the south half of lot 2 and all of lot 3 of section 33, in township 21 north, all in range 2 east of the Willamette meridian, in the State of Washington, or any part thereof, to be regularly surveyed or subdivided into tracts or lots of 20 acres each, more or less.

SEC. 2. That after said survey and the approval thereof by the Commissioner of the General Land Office the plat thereof shall be filed in the office of the register and receiver in the manner provided by law, and thereafter any settler who was in actual occupation of any portion of the lands described in section 1 hereof on the 31st day of January, 1910, who made actual settlement thereon in good faith for the purpose of securing a home, and who has since maintained his claim thereto, shall, if qualified to make a homestead entry, be entitled to make a homestead entry of the lands so occupied, not exceeding 20 acres in a body, according to the Government surveys and subdivisions thereof, upon payment to the Government at the time of such entry of the sum of $2.50 per acre for each acre entered by him, and within five years from the date of such entry he shall be required to submit proof showing residence and cultivation of such lands in the manner and for the length of time required by the homestead laws of the United States, and failure to make such showing shall be deemed sufficient cause for forfeiture of all rights to the land and to the money paid, and in case of any such default the land shall be offered at public sale.

SEC. 3. That the following-described land, being a part of abandoned military reservation No. 24, is hereby granted to school district No. 71, of Pierce County, State of Washington, to wit: The east half of the northwest quarter of the southeast quarter of section 32 in township 21 of range 2 east of the Willamette meridian, in the State of Washington, upon payment therefor to the United States of $2.50 per acre.

SEC. 4. That if any of the lands described in section 1 hereof be not duly entered as a homestead by some settler, as provided in section 1 of this act, within 90 days after the same becomes subject to entry under the provisions of this act, then, in that event, the Secretary of the Interior is hereby authorized to dispose of such remaining lands under the provisions of the act of Congress of July 5, 1884, entitled "An act to provide for the disposal of abandoned and useless military reservations."

The amendments were agreed to.

Mr. JONES. In line 12, page 2, at the end of section 1, after the word "less," I move to strike out the period and to insert "and to conform as nearly as practicable with the existing local survey." The amendment simply provides that the survey provided in the bill shall conform as nearly as practicable with the survey which has already been made and under which the land has been divided.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

WARREN E. DAY.

The bill (S. 1758) for the relief of Warren E. Day was considered as in Committee of the Whole. It proposes to pay to Warren E. Day $1,200, being for professional services rendered and medicine furnished the Hualapai Indians in Arizona Territory, under the orders and approval of the Commissioner of Indian Affairs, during the years 1883 and 1884, but the acceptance of this sum shall be considered as final settlement of all claims of every kind whatsoever against the United States.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

ESTATE OF JOHN G. CAMPBELL.

The bill (S. 2661) for the relief of the administrator and heirs of John G. Campbell, to permit the prosecution of Indian depredation claims, was announced as next in order.

Mr. CHILTON. Let the bill go over.

The VICE PRESIDENT. The bill will go over.

Mr. ASHURST. I do not know what Senator made the objection, but I wish to appeal to him, whoever he may be, to withdraw his objection, for this reason: Mr. Campbell was a Delegate to Congress from the Territory of Arizona. Long after he was a Delegate he discovered that he was not a citizen. The bill simply restores him to the status, if he were alive, of a citizen, and thereby authorizing him to institute a suit for claims which his estate alleges to have. In other words, it simply gives him a citizenship status before the Court of Claims.

Mr. CHILTON. I withdraw the objection, Mr. President.

Mr. ASHURST. I thank the Senator.

The bill was considered as in Committee of the Whole. It relieves the estate of John C. Campbell, deceased, who was a Delegate to the House of Representatives from Arizona in the Forty-sixth Congress, and who became a resident of the United States at a very early age and supposed himself to have become a citizen by the naturalization of his father, from any disability under the laws of the United States and from any defect of naturalization, and the administrator of said estate is hereby authorized to prosecute Indian depredation claim No. 2925, now pending in the United States Court of Claims, and to receive judgment therein the same as if the said John G. Campbell had been naturalized under the laws of the United States at the date of the loss alleged; and for this purpose the said Court of Claims is vested with full jurisdiction.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

HENRY LA ROQUE.

The bill (H. R. 14229) for the relief of Henry La Roque was considered as in Committee of the Whole. It permits Henry La Roque, an Indian of the White Earth Indian Reservation, in the State of Minnesota, to appeal within 90 days after the passage of this act from the decree entered in the United States Circuit Court of Appeals for the Eighth Circuit on the 8th day of July, 1912, in a suit wherein the United States is the appellant and Henry La Roque the appellee, to the Supreme Court of the United States, giving such notice or notices and taking such proceedings as are required by law and practice in such cases to effect such appeal. To enable such appeal to be taken and perfected the time therefor and for all notices and proceedings provided in the law or practice to be given or taken is hereby extended until the expiration of the period of 90 days from and after the passage of this act.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

CLARENCE HAZELBAKER.

The bill (S. 2630) for the relief of Clarence Hazelbaker was considered as in Committee of the Whole.

The bill was reported from the Committee on Indian Affairs with an amendment, on page 2, line 6, after "1910," to insert the following proviso: "*Provided*, That the sum herein appropriated shall only be paid out in sums from time to time upon the direction of the Commissioner of Indian Affairs," so as to make the bill read:

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, to Me-yone-yah, a Nez Perce Indian, or the legal representative of said Indian, the sum of $2,400, upon the execution by said Indian, or his legal representative, of a proper quitclaim deed in relinquishment of all right and title of said Indian in and to the west half of the northeast quarter of section 15, township 31 north, range 3 east, Boise meridian, under allotment No. 1287, so that there shall be no conflict by reason of such allotment with the claim of one Clarence Hazelbaker to such land by virtue of homestead patent No. 152479, issued to the said Hazelbaker by the General Land Office of the United States September 15, 1910: *Provided*, That the sum herein appropriated shall only be paid out in sums from time to time upon the direction of the Commissioner of Indian Affairs.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

TREATISE ON ECONOMIC VALUE OF MAN.

The next business on the calendar was Senate resolution 351, to print the manuscript entitled "A Treatise on the Economic

Value of Man," by Dr. Chauncey Rea Burr, of Portland, Me., as a Senate document.

Mr. WILLIAMS. Let that go over.

The VICE PRESIDENT. The resolution will go over.

ROCKEFELLER FOUNDATION.

The next business on the calendar was Senate resolution 352, to print the communication from the Secretary of Agriculture relating to the general education board of the Rockefeller Foundation as a Senate document.

The resolution was agreed to, as follows:

Resolved, That the communcation from the Secretary of Agriculture, in response to the resolution submitted by Mr. KENYON and adopted by the Senate on April 1, 1914, calling for information in regard to the relation of the general education board of the Rockefeller Foundation to the work of the Department of Agriculture, be printed as a Senate document.

EFFECT OF PANAMA CANAL ON SEA TRAFFIC.

The next business on the calendar was Senate resolution 353, to print the manuscript entitled "Effect of Panama Canal on Sea Traffic," by Mr. Russell L. Dunn, of San Francisco, as a Senate document.

Mr. WILLIAMS. I ask that the resolution may go over.

Mr. WORKS. I should like to appeal to the Senator from Mississippi. It may be supposed that this has something to do with the tolls question, but it has not. It contains a great deal of data about distances to foreign and domestic ports that I think valuable. I do not see any reason why the Senator should object to it in that view.

Mr. WILLIAMS. I did not object at all. I just asked that the resolution might go over, because I knew nothing about it and what it pertains to. I did rather suspect that it had something to do with the recent controversy about Panama Canal tolls. If not, I have no objection. I had no objection to it.

The VICE PRESIDENT. The question is on agreeing to the resolution.

The resolution was agreed to, as follows:

Resolved, That the manuscript submitted by Mr. WORKS on April 1, 1914, entitled "Effect of the Panama Canal on Sea Traffic," by Mr. Russell L. Dunn, of San Francisco, Cal., be printed as a Senate document.

THE AMERICAN CONSULAR SERVICE.

The next business on the calendar was Senate resolution 356 to print as a Senate document the manuscript entitled "The American Consular Service and Commercial Attachés," by Mr. J. J. Slechta, of New York.

The resolution was agreed to, as follows:

Resolved, That the manuscript submitted by Mr. STERLING on March 5, 1914, entitled "The American Consular Service and Commercial Attachés," by Mr. J. J. Slechta, of New York, be printed as a Senate document.

GOVERNMENT BY JUDGES.

The next business on the calendar was Senate resolution 357 to print the address of Chief Justice Walter Clark, of the North Carolina Supreme Court, upon Government by Judges, as a Senate document.

Mr. WILLIAMS. Let the resolution go over.

The VICE PRESIDENT. It will go over.

TREATY-MAKING POWER UNDER THE CONSTITUTION.

The next business on the calendar was Senate resolution 359 to print as a Senate document an article entitled "The Treaty-Making Power under the Constitution of the United States," by Henry St. George Tucker, of Lexington, Va.

The resolution was agreed to, as follows:

Resolved, That the article submitted by Mr. WORKS on Aprill 22, 1914, entitled "The Treaty-Making Power under the Constitution of the United States," by Henry St. George Tucker, of Lexington, Va., be printed as a Senate document.

WORKMEN'S COMPENSATION REPORT.

The next business on the calendar was Senate resolution 326, to authorize the printing of Senate Document No. 419, workmen's compensation report.

The resolution was agreed to, as follows:

Resolved, That 5,000 additional copies of Senate Document No. 419, entitled "Workmen's Compensation Report upon Operation of State Laws, Investigation by Commission of the American Federation of Labor and the National Civic Federation," together with the appendix accompanying said report, be printed for the use of the Senate document room.

RETIRED OFFICER WITH INCREASED RANK.

The bill (S. 4500) to place certain officers of the Army on the retired list was announced as next in order.

Mr. WILLIAMS. Let that go over.

Mr. THOMAS. I trust the Senator who objected to the bill will withdraw his objection. The bill applies to a single individual.

Mr. WILLIAMS. Then I have no objection to it.

Mr. THOMAS. He was a gallant officer.

Mr. WILLIAMS. I did not know how many it applied to. I thought it might apply to two or three hundred.

Mr. THOMAS. The history of the officer is given in the bill.

Mr. WARREN. I hope the bill may be considered at this time.

The VICE PRESIDENT. The objection is withdrawn.

The Senate, as in Committee of the Whole, proceeded to consider the bill, which was read, as follows:

Be it enacted, etc., That any officer now on the retired list of the Army, who served with credit for more than two years as a commissioned officer of Volunteers during the Civil War prior to April 9, 1865, and who subsequently served with credit for more than 40 years as a commissioned officer of the Regular Army, including service in command of troops in five Indian campaigns, the War with Spain, and the Philippine insurrection, and to whom the congressional medal of honor for most distinguished conduct in action has been twice awarded, and who has also been brevetted for conspicuous gallantry in action, may, in the discretion of the President, by and with the advice and consent of the Senate, be placed on the retired list of the Army with the rank and retired pay of one grade above that actually held by him at the time of his retirement from active service in the Regular Army.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

LUCIEN P. ROGERS.

The bill (H. R. 8688) for the relief of Lucien P. Rogers was considered as in Committee of the Whole.

The bill was reported from the Committee on Military Affairs with an amendment, on page 1, line 8, to strike out "November 1, 1863," and insert "August 1, 1862," so as to make the bill read:

Be it enacted, etc., That in the administration of any laws conferring rights, privileges, and benefits upon honorably discharged soldiers Lucien P. Rogers shall hereafter be held and considered to have been in the military service of the United States as a member of Company F, Seventy-fourth Regiment Illinois Volunteer Infantry, from August 1, 1862, to June 28, 1864, and to have been honorably discharged from that service on the last-named date.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The amendment was ordered to be engrossed and the bill to be read a third time.

The bill was read the third time and passed.

CHUGACH NATIONAL FOREST.

The bill (S. 1887) to annul the proclamation creating the Chugach National Forest and to restore certain lands to the public domain was announced as next in order.

Mr. SMOOT. Let that go over.

The VICE PRESIDENT. The bill will go over.

PUBLIC BUILDING AT DURANGO, COLO.

The bill (S. 1220) to increase the limit of cost of the public building authorized to be constructed at Durango, Colo., was considered as in Committee of the Whole. It proposes to increase the limit of cost fixed by the act of Congress approved March 4, 1913, for the erection and completion of a suitable building, including fireproof vaults, heating and ventilating apparatus, and approaches, complete, for the use and accommodation of the United States post office and other governmental offices at Durango, Colo., from $100,000 to $150,000.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

THOMAS SMITH.

The bill (S. 2656) to correct the military record of Thomas Smith was considered as in Committee of the Whole. It directs the Secretary of War to grant to Thomas Smith, a corporal of Company I, Eighty-seventh Regiment New York Volunteer Infantry, an honorable discharge as of date of June 30, 1862, but no pay, bounty, or other emoluments shall become due or payable by virtue of the passage of this act.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

LOBSTER-REARING STATION ON ATLANTIC COAST.

The bill (S. 4725) providing for the establishment of a lobster-rearing station at some suitable point on the Atlantic coast was considered as in Committee of the Whole. It directs the Secretary of Commerce to establish a lobster-rearing plant at some suitable place on the Atlantic coast of the United States to be selected by the Secretary of Commerce; but before any final steps shall have been taken for the construction of such a plant the State in which the plant is to be located, through appropriate legislative action, shall accord to the United States Commissioner of Fisheries and his duly authorized agents the right to conduct such plant and all operations connected therewith, in any manner and at any time that may by them be

considered necessary and proper, and fishery laws of the State to the contrary notwithstanding; but the operations of the plant may be suspended by the Secretary of Commerce whenever, in his judgment, fishery laws and regulations are allowed to remain so inadequate as to impair the efficiency of said plant; and $35,000 is appropriated for the establishment of the plant, including the purchase of a site, construction of buildings and ponds, purchase of equipment, and operating expenses for one year.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

FISH RESERVATION AT BAIRD, CAL.

The bill (H. R. 5884) granting to the people of the State of California the right of way upon and across the United States fish reservation at Baird, Shasta County, Cal., was considered as in Committee of the Whole. It grants to the people of the State of California the right to open and perpetually maintain a State highway, to be constructed under and by virtue of the provisions of the State highways act of California, upon and across the United States fishery reservation at Baird, Shasta County, Cal., according to a location to be approved by the Secretary of Commerce.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

WAGON ROADS OVER THE PUBLIC LANDS.

The bill (S. 740) to promote and encourage the construction of wagon roads over the public lands of the United States was announced as next in order.

Mr. WILLIAMS. Let that go over, Mr. President.

The VICE PRESIDENT. The bill goes over.

WILLIAM P. HAVENOR.

The bill (H. R. 6052) for the relief of William P. Havenor was considered as in Committee of the Whole. It confirms the patent issued January 6, 1910, to William P. Havenor for the south half of the southeast quarter of section 6 and lot 1 of section 7, township 6 south, range 34 east, Boise meridian, containing one hundred and twenty-one and twenty-seven hundredths acres.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

GEORGE W. CARY.

The bill (H. R. 1517) for the relief of George W. Cary was considered as in Committee of the Whole. It authorizes the Secretary of the Interior to investigate the status of the southeast quarter of southwest quarter and west half of southeast quarter section 11 and the northwest quarter of northeast quarter of section 14, township 38 north, range 8 east, Mount Diablo meridian, within the State of California, to determine whether the lands were settled upon by George W. Cary prior to the issuance of an allotment to Annie Roseberry, Indian; and if the Secretary of the Interior so determines, he is empowered to cancel the trust patent issued to Annie Roseberry and to award her another allotment not exceeding 160 acres upon any vacant public lands he may determine, and to allow George W. Cary the right to make a homestead entry upon the lands upon which he has settled within three months of the date of the passage of this act.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

RAILROADS IN THE DISTRICT OF ALASKA.

The bill (S. 5526) to amend an act entitled "An act extending the homestead laws and providing for right of way for railroads in the District of Alaska, and for other purposes," was announced as next in order.

Mr. SMOOT. Let that go over, Mr. President.

The VICE PRESIDENT. The bill goes over.

COL. DAVID L. BRAINARD.

The bill (S. 5293) for the promotion and retirement of Col. David L. Brainard, Quartermaster Corps, United States Army, was considered as in Committee of the Whole. It proposes, in view of the conspicuous service in the Arctic of Col. David L. Brainard, Quartermaster Corps, United States Army, he being one of the 7 survivors of the original 25 members of the Greely Expedition, and of the injury to his eyesight resulting from exposure while in the service, which injury will necessitate his early retirement from active service, the President is authorized to place that officer on the retired list of the Army, after 38 years' active service, as a brigadier general, with the pay and emoluments of a retired officer of that grade, and to grant him a commission in accordance with such advanced rank.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

Mr. WARREN. Mr. President, I ask that the report of the committee on that bill, including the letter of the Secretary of War, may be printed in the RECORD.

The VICE PRESIDENT. Without objection, permission is granted. The Chair hears none.

The matter referred to is as follows:

Mr. WARREN, from the Committee on Military Affairs, submitted the following report, to accompany S. 5293:

The Committee on Military Affairs, which has had under consideration the bill (S. 5293) for the promotion and retirement of Col. David L. Brainard, Quartermaster Corps, United States Army, reports the same to the Senate favorably and without amendment, and recommends that it be passed.

As the text of the bill recites, it is proposed to authorize the President to place Col. Brainard on the retired list of the Army, after 38 years of active service, as a brigadier general, with the pay and emoluments of a retired officer of that grade, and to grant him a commission in accordance with such advanced rank, as a reward or recognition of the officer's conspicuous service in the Arctic, he being one of the 7 survivors of the original 25 members of the Greely expedition, and, furthermore, because of the necessity of his early retirement from active service on account of injury to his eyesight resulting from exposure while in the service above mentioned.

David L. Brainard enlisted as a private in the Second United States Cavalry in September, 1876, and served in that organization as private, corporal, and sergeant until July 31, 1884. On August 1, 1884, he was transferred to the Signal Corps as sergeant, in which capacity he served until October 21, 1886, when he was commissioned as a second lieutenant of Cavalry in recognition of gallant and meritorious services rendered by him in the Greely Arctic Expedition of 1881–1884. The honorable Secretary of War reports, in a letter dated April 22, 1914, which will be quoted in full hereafter in this report, that "Col. Brainard is the only officer now on the active list of the Army who received his commission for distinguished services."

Upon reaching his captaincy, Col. Brainard became an officer in the Subsistence Department of the Army (lately made a part of the Quartermaster Corps), and his service has since been in connection with the commissary affairs of the Army, including service with the Volunteer Army during the War with Spain and the Philippine insurrection.

A more complete and detailed record of Col. Brainard's service is given in the letter of the honorable Secretary of War, above referred to, and a memorandum prepared by the War Department, followed by comments thereon by the Judge Advocate General of the Army. These communications constitute an appendix to this report.

Your committee is of the opinion that Congress, by enacting the proposed legislation and permitting a promotion of one grade upon retirement for disability and after long active service, would confer upon Col. Brainard a fitting tribute of appreciation and acknowledgment of his service as a pioneer explorer in the Arctic regions. It can not be gainsaid that each expedition made to that unknown country of ice fields held forth its certain proportion of encouragement to the next body of explorers, and hence played its part in the final discovery of the North Pole by an American.

WAR DEPARTMENT,
Washington, April 22, 1914.

The CHAIRMAN COMMITTEE ON MILITARY AFFAIRS,
United States Senate.

SIR: Referring to S. 5293, Sixty-third Congress, second session, a bill authorizing the President to place Col. David L. Brainard, Quartermaster Corps, on the retired list of the Army as a brigadier general, which bill was referred to this department for information and remark, I have the honor to inform you as follows:

Col. Brainard has reached his present high rank as colonel in the Quartermaster Corps through all of the noncommissioned and commissioned grades since his enlistment in the Army as a private in the Second Cavalry in 1876. He received his commission as a second lieutenant in 1886 in recognition of gallant and meritorious services rendered by him in the Greely Arctic Expedition of 1881–1884. In addition to his conspicuous services in the Arctic regions, for which he was partly rewarded by promotion to a second lieutenancy, Col. Brainard took part in Indian wars on the Plains and was wounded in right hand and face in action against Sioux Indians on Little Muddy Creek, Mont., May 7, 1877. Col. Brainard also participated in the taking of Manila August 13, 1898, and in the Filipino insurrection of 1899.

Col. Brainard is the only officer now on the active list of the Army who received his commission for distinguished services. During this service with the Greely Arctic Expedition he made the record for farthest north and which stood so until the Norwegian explorer, Nansen, 14 years later, temporarily set a higher latitude, which finally resulted in Admiral Peary gaining the world-coveted honor of the North Pole for America.

For these reasons, and the further reason that as a result of this Arctic expedition Col. Brainard suffers a permanent injury to his eyesight from exposure in said service, I recommend the passage of this bill.

Very respectfully,

LINDLEY M. GARRISON,
Secretary of War.

AARON S. WINNER.

The bill (S. 725) to correct the military record of Aaron S. Winner was considered as in Committee of the Whole.

The bill had been reported from the Committee on Military Affairs with an amendment to strike out all after the enacting clause and to insert:

That in the administration of the pension laws Aaron S. Winner, who was a private in Company H, One hundred and forty-ninth Regiment Indiana Volunteer Infantry, shall hereafter be held and considered to have been discharged honorably from the military service of the United States as a member of that company and regiment on the 25th day of July, 1865.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

PUBLIC BUILDING AT CRISFIELD, MD.

The bill (S. 2085) for the purchase of a site and erection of a Federal building at Crisfield, Md., was considered as in Committee of the Whole. It proposes to appropriate $90,000 to acquire, by purchase, condemnation, or otherwise, a site and cause to be erected thereon a suitable building, including fireproof vaults, heating and ventilating apparatus, elevator, and approaches, for the use and accommodation of the United States post office and other Government offices in the city of Crisfield, county of Somerset, State of Maryland.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

DETAIL OF ARMY OR NAVY OFFICERS.

The bill (S. 5211) to amend section 1225, Revised Statutes, as amended by act approved September 26, 1888, etc., was considered as in Committee of the Whole.

The bill had been reported from the Committee on Military Affairs with an amendment on page 1, line 11, after the word "thereof," to insert the following proviso:

Provided, That the total number of officers of the United States Army that may be detailed on such duty shall not exceed 125.

So as to make the bill read:

Be it enacted, etc., That the President may, upon the application of any established military institute, seminary or academy, college or university, within the United States, having capacity to educate at the same time not less than 150 male students, detail one or more officers of the Army or Navy, or both, to act as superintendent or professors thereof, subject to the terms and conditions provided for in said section 1225, Revised Statutes, and the acts amendatory thereof: *Provided*, That the total number of officers of the United States Army that may be detailed on such duty shall not exceed 125.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

VIRGINIA MILITARY INSTITUTE, LEXINGTON, VA.

The bill (S. 544) for the relief of the Virginia Military Institute, of Lexington, Va., was considered as in Committee of the Whole.

The bill had been reported from the Committee on Claims with an amendment, on page 1, line 6, after the words "sum of," to strike out the numerals "$214,723.62" and to insert "$100,000," so as to make the bill read:

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay to the Virginia Military Institute, of Lexington, Va., out of any money in the Treasury not otherwise appropriated, the sum of $100,000, in full of all claims of said institute for the damage and destruction of its library, scientific apparatus, and the quarters of its professors in June, 1864, by the military authority of the United States. And the acceptance of the said sum by the said institute shall be a complete and absolute bar to any and all claims for the damage and destruction of the property of said institute by the armies of the United States.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

Mr. BRYAN. Mr. President, I ask permission to have inserted in the RECORD the report of the committee in reference to the bill which has just been passed.

The VICE PRESIDENT. Without objection, that will be done.

The report referred to is as follows:

Mr. BRYAN, from the Committee on Claims, submitted the following report, to accompany Senate bill 544:

The Committee on Claims, having had under consideration the bill (S. 544) for the relief of the Virginia Military Institute, of Lexington, Va., report the same back with the recommendation that it do pass, with the following amendment:

In line 6 strike out "$214,723.62" and insert "$100,000."

On June 11, 1864, Gen. Hunter's army arrived at Lexington, Va., on its way to Lynchburg. On its arrival at Lexington it was discovered that some troops were gathered at the cadet barracks of the Virginia Military Institute. They fired upon Gen. Hunter's army. Six shots were fired in return, when an order to cease firing was received because the barracks had been evacuated. Gen. Hunter's army crossed over and took possession of the town and, on the following day, June 12, the library and other college buildings, including the professors' houses, were burned. Gen. Hunter's report (H. Mis. Doc., 1st sess. 52d Cong., vol. 13) contains the following:

"On the 12th I also burned the Virginia Military Institute and all the buildings connected with it."

Senator DU PONT, who was chief of artillery of Gen. Hunter's army, appeared before the committee and stated the facts connected with the burning of this institution in detail. We insert at this point affidavit of J. M. Schoonmaker:

STATE OF PENNSYLVANIA, *County of Allegheny, ss:*

On this 10th day of March, A. D. 1914, personally appeared before me, the subscriber, a notary public, J. M. Schoonmaker, of Pittsburgh, Pa., who, being duly sworn according to law, doth depose and say:

I was colonel of the Fourteenth Pennsylvania Cavalry, in command of the First Brigade of Averill's Cavalry Division, and led the advance of Gen. Hunter's army when he moved south from Staunton on June 11, 1864, on what is known as Hunter's raid on Lynchburg. On arriving at the outskirts of Lexington there was some firing from skirmishers, which halted us until Gen. Hunter came to the front and ordered the shelling of the Virginia Military Institute buildings, but with no response following same. I moved into Lexington, picketing the road south of same, and my recollection is that I was the first one to enter the institute building, finding the cadets' school books open on their desks and diagrams partly finished on blackboard, and no trace of the building having been occupied by Confederate forces; placed it and the Washington College buildings under guard. Some time afterwards Gen. Hunter advanced his main army into Lexington and sent for me, taking me severely to task for not having burned the institute, which he did the following day, and it was my understanding at the time that Gen. Hunter also intended burning the Washington College buildings. I have no hesitation in stating that I considered at the time the burning of the institute for military reasons unnecessary and unwarranted.

And further the deponent saith not.

J. M. SCHOONMAKER.

Sworn and subscribed before me the day and year first above written.

WM. F. BRUNNER, *Notary Public.*

My commission expires January 19, 1915.

The cost of replacing the buildings burned was $137,000. The new buildings were constructed upon the foundations of the old and were of like character, value, and material, but inasmuch as they replaced old buildings, the allowance is for $37,000 less than the cost of the buildings replaced.

The Virginia Military Institute was established in 1838. The course of instruction is modeled after that at West Point. During its existence it has drawn its student body from the entire country. At the present time 40 of the 48 States are represented at the institution. In the Mexican War it had 14 officers in the United States service. In the Civil War there were officers in both the Union and Confederate Armies. Its value as a military institution has been attested by President McKinley and Gen. Wood, Chief of Staff, and others. It seems fair to assert, from the testimony, that this institution ranks next to West Point. The bill carries no appropriation for replacing the barracks. It is conceded, for the purposes of this bill, that it was entirely proper to destroy the barracks, but the destruction of other college buildings is not thought to have been justified, either under the rules of civilized warfare or under the specific instructions for the government of the armies of the United States in the Civil War.

Halleck, in his work on international law, says:

"All structures of a civil character, all public edifices devoted to civil purposes only, all temples of religion, monuments of art, and repositories of science are to be exempt from the operations of war."

Paragraphs 31 and 34 of the instructions for the government of the United States Army in the Civil War read as follows:

"31. A victorious army appropriates all public money, seizes all public movable property until further direction by its Government, and sequesters for its own benefit or of that of its Government all the revenues of real property belonging to the hostile Government or nation. The title to such real property remains in abeyance during military occupation and until the conquest is made complete.

"34. As a general rule, the property belonging to churches, to hospitals, or other establishments of an exclusively charitable character, to establishments of education, or foundations for the promotion of knowledge, whether public schools, universities, academies of learning, or observatories, museums of fine arts, or of a scientific character—such property is not to be considered public property in the sense of paragraph 31; but it may be taxed or used when the public service may require it."

Article 56 of The Hague convention provides:

"The property of the communes, that of religious, charitable, and educational institutions, and those of arts and science, even when State property, shall be treated as private property.

"All seizure of, and destruction, or intentional damage done to such institutions, to historical monuments, works of art or science, is prohibited, and should be made the subject of proceedings."

By an act of March 2, 1895, Washington College was reimbursed for property destroyed at the same time by Gen. Hunter's army, and there are many other instances in which Congress has made provision for repairing the damage done under similar circumstances.

FIRST LIEUT. JAMES P. BARNEY.

The bill (H. R. 9147) to restore First Lieut. James P. Barney, retired, to the active list of the Army, was considered as in Committee of the Whole. It authorizes the President to restore First Lieut. James P. Barney, retired, to the active list of the Army of the United States with the rank of first lieutenant of Cavalry, his name to appear on the active list of the Army of the United States next below that of First Lieut. Francis H. Ruggles; but the number of officers shall not be increased by reason of the passage of this act; and prior to his restoration to the active list this officer shall pass a physical examination for promotion to the grade of first lieutenant, as prescribed by regulations of the War Department under the terms of the act of Congress approved October 1, 1890.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

MARCUS P. NORTON'S STAMP PATENT.

The bill (S. 1269) for the adjudication and determination of the claims arising under joint resolution of July 14, 1870, authorizing the Postmaster General to continue in use in the postal service Marcus P. Norton's combined postmarking and

stamp-canceling hand-stamp patents, or otherwise, was announced as next in order.

Mr. BRISTOW. Mr. President, that bill should have been referred to the Committee on Claims, instead of to the Committee on Post Offices and Post Roads. I object to its consideration to-night. It has been pending before the Committee on Claims for over 20 years, and I do not see why it was referred at this time to the Committee on Post Offices and Post Roads. I object to its consideration for the present.

Mr. SMOOT. The bill has been reported from the Committee on Post Offices and Post Roads.

Mr. NELSON. It was first referred to the Committee on Post Offices and Post Roads and afterwards referred to the Committee on Claims, as all such bills have uniformly been considered by that committee. It was fully considered.

Mr. BRISTOW. It was before the Committee on Claims at one time, I think, and it has been reported adversely a number of times. I object to its present consideration.

Mr. TOWNSEND. I desire to call the Senator's attention to this claim. It has been recommended by the Postmaster General for a good many years, and there is no question about its merits. The committee has allowed a sum that is so exceedingly small that there is no doubt much more than that is really due. The Government has had the use of the device for which the claim is made from the time it was invented. This man was not in the employ of the Government at all at the time the invention was taken, and he was put off in a suit that he brought on the promise that he would be cared for. The matter has been pending for a long time, and I wish the bill might be passed.

Mr. BRISTOW. Let it go over to-night, and I will look into it.

The VICE PRESIDENT. The bill will be passed over.

CLAIMS OF THE UNITED STATES AGAINST TENNESSEE.

The joint resolution (S. J. Res. 65) to amend Senate joint resolution 8, approved May 4, 1898, entitled "Joint resolution providing for the adjustment of certain claims of the United States against the State of Tennessee and certain claims against the United States," was announced as next in order.

Mr. SMOOT. Let that go over.

The VICE PRESIDENT. The joint resolution will be passed over.

LIEUT. JAMES P. BARNEY.

The bill (S. 3404) to restore First Lieut. James P. Barney, retired, to the active list of the Army was announced as next in order.

The VICE PRESIDENT. A House bill of the same title has just been passed. In the absence of objection, the Senate bill, the title of which has just been read by the Secretary, will be indefinitely postponed. The Chair hears no objection.

JOHN D. BALDWIN.

The bill (H. R. 10767) for the relief of John D. Baldwin was considered as in Committee of the Whole. It proposes to appropriate $80 to pay John D. Baldwin, of Junction City, Kans., for a horse killed by a fragment of a shell fired from a gun belonging to Siege Battery O, Seventh Regiment Artillery, while at target practice on the military reservation at Fort Riley, Kans., on December 6, 1900.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

JENNIE S. SHERMAN.

The bill (H. R. 12166) for the relief of Jennie S. Sherman or her heirs was considered as in Committee of the Whole. It proposes to appropriate $1,500 to pay Jennie S. Sherman or her heirs, but no sum of money due or to become due to Jennie S. Sherman or heirs under this act shall be liable to attachment, levy, or seizure by or under any legal or equitable processes whatever, but shall inure wholly to the benefit of Jennie S. Sherman or heirs.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

MARY E. GOODLEY.

The bill (H. R. 8893) for the relief of Mary E. Goodley was considered as in Committee of the Whole. It directs the Secretary of the Treasury to pay to Mary E. Goodley, mother of William Goodley, $1,000, to compensate her for the death of her son, who was killed on October 8, 1908, while in the discharge of his duty as a cranesman on the Panama Canal in the employ of the Isthmian Canal Commission.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

ESTATE OF HENRY S. STOYER.

The bill (H. R. 12778) for the relief of W. D. Stoyer, administrator of the estate of Henry S. Stoyer, was considered as in Committee of the Whole. It directs the Secretary of the Treasury to pay to W. D. Stoyer, administrator of the estate of Henry S. Stoyer, $500, repaying the amount of the bond surrendered by the surety for the appearance of Henry S. Stoyer before the United States District Court for the Western District of Pennsylvania.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

CLAIMS AGAINST THE GOVERNMENT OF COLOMBIA.

The resolution (S. Res. 367) for the printing of certain documents relating to claims against the Government of Colombia as a Senate document, was announced as next in order.

Mr. SMOOT. Let that go over.

The VICE PRESIDENT. The resolution will be passed over.

PAY INSPECTOR F. T. ARMS, UNITED STATES NAVY.

The bill (S. 3525) for the relief of Pay Inspector F. T. Arms, United States Navy, was considered as in Committee of the Whole. It directs the Secretary of the Treasury to pay to F. T. Arms, of the navy yard at Portsmouth, N. H., a pay inspector in the United States Navy, $955.20, to reimburse him for payments made as paymaster in the Navy, as shown by his official accounts.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

JOHN T. GLYNN.

The bill (H. R. 9421) for the relief of John T. Glynn was considered as in Committee of the Whole. It directs the Secretary of the Treasury to pay $125 to John T. Glynn, to reimburse him for damages to his clothing and for hospital charges incurred as the result of assisting an inspector of the Department of Commerce and Labor in serving warrants of arrest on certain aliens.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

JAMES B. SMOCK.

The bill (S. 4288) to remove the charge of desertion against James B. Smock was announced as next in order.

Mr. BRYAN. Let that bill go over.

The VICE PRESIDENT. The bill will be passed over.

COMMISSION TO RECOMMEND APPOINTMENTS.

The bill (S. 2679) providing for a commission to recommend appointments to office, and for other purposes, was announced as next in order.

The VICE PRESIDENT. The bill has been reported adversely.

Mr. OVERMAN. I move that the bill be indefinitely postponed.

The VICE PRESIDENT. The question is on the motion of the Senator from North Carolina to postpone the bill indefinitely.

The motion was agreed to.

LIGHT AND FOG-SIGNAL STATION, MICHIGAN ISLAND, LAKE SUPERIOR.

The bill (S. 5406) to establish a light and fog-signal station on Michigan Island, Lake Superior, was considered as in Committee of the Whole.

The bill had been reported from the Committee on Commerce with an amendment in line 6, after the word "exceed," to strike out "$125,000" and insert "$100,000," so as to make the bill read:

Be it enacted, etc., That the Secretary of Commerce be, and he is hereby, authorized and directed to establish a light and fog-signal station on Michigan Island, Lake Superior, at a cost not to exceed $100,000.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

ALFRED S. LEWIS.

The bill (S. 1377) for the relief of Alfred S. Lewis was considered as in Committee of the Whole. It provides that in the administration of the pension laws and the laws governing the National Home for Disabled Volunteer Soldiers, or any branch thereof, Alfred S. Lewis shall hereafter be held and considered to have been honorably discharged from the military service of the United States as a first lieutenant of Company H, Eighteenth Regiment Kentucky Volunteer Infantry, but no pension shall accrue prior to the passage of this act.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

HOSEA STONE.

The bill (H. R. 6220) for the relief of Hosea Stone was considered as in Committee of the Whole. It provides that in the administration of the pension laws and the laws governing the National Home for Disabled Volunteer Soldiers, or any branch thereof, Hosea Stone, late of Battery A, Fourth Regiment United States Artillery, shall hereafter be held and considered to have been honorably discharged from the military service of the United States as of Battery A, Fourth Regiment United States Artillery, on the 21st day of July, 1865, and that no pension shall accrue prior to the passage of this act.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

MARCUS L. PELHAM.

The bill (H. R. 5746) for the relief of Marcus L. Pelham was considered as in Committee of the Whole. It provides that in the administration of the pension laws Marcus L. Pelham shall hereafter be held and considered to have been honorably discharged from the military service of the United States as a lieutenant in Company G, Eighth Regiment Connecticut Volunteer Infantry, on the 29th day of December, 1864, and that no pension shall accrue prior to the passage of this act.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

WHITE RIVER BRIDGE, MISSOURI.

The bill (S. 5462) to authorize the county of Barry, State of Missouri, to construct a bridge across the White River, in Barry County, Mo., at or near a point known as Goldens Ferry, was considered as in Committee of the Whole. It authorizes the county of Barry, State of Missouri, and its assigns to construct, maintain, and operate a bridge and approaches thereto across the White River at a point suitable to the interests of navigation, at or near Goldens Ferry, more fully described as the crossing on Golden and Cassville public road, in section 6, township 21, range 25 west, fifth principal meridian, in the county of Barry, in the State of Missouri, in accordance with the provisions of the act entitled "An act to regulate the construction of bridges over navigable waters," approved March 23, 1906, and provides that the right to alter, amend, or repeal this act is hereby expressly reserved.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

GUSTAV HERTFELDER.

The bill (S. 1060) fixing the date of reenlistment of Gustav Hertfelder, first-class fireman, United States Navy, was considered as in Committee of the Whole. It authorizes the Secretary of the Navy to enter the reenlistment of Gustav Hertfelder, first-class fireman, United States Navy, as of October 18, 1909, in accordance with the provisions of section 16 of the act of March 3, 1899.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

FEDERAL BUILDING AT PENDLETON, OREG.

The bill (H. R. 13819) to increase the limit of cost of Federal building at Pendleton, Oreg., was considered as in Committee of the Whole. It authorizes the Secretary of the Treasury to erect and complete the post-office building at Pendleton, State of Oregon, provided for in existing legislation, and to provide therein accommodations for the United States courts and court officials and other Government offices, the limit of cost heretofore fixed by Congress to be increased in and by the sum of $60,000; and the Secretary of the Treasury is authorized to enter into contract for the erection and completion of the building within the limit of cost herein established.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

PENSIONS AND INCREASE OF PENSIONS.

The bill (H. R. 13044) to pension widows and minor and helpless children of officers and enlisted men who served during the War with Spain, or the Philippine Insurrection, or in China between April 21, 1898, and July 4, 1902, was announced as next in order.

Mr. BRYAN. Let that bill go over.

The VICE PRESIDENT. The bill will go over.

IMMIGRATION STATION AT BALTIMORE, MD.

The bill (S. 5570) to increase the appropriation for the erection of an immigration station at Baltimore, Md., was announced as next in order.

Mr. SWANSON. Mr. President, since that bill has been reported a similar bill has passed the House. I am directed by the Committee on Public Buildings and Grounds to report the House bill, and ask that it be substituted for the Senate bill.

The VICE PRESIDENT. The Senator from Virginia makes a report.

The SECRETARY. The Committee on Public Buildings and Grounds reports favorably the bill (H. R. 11625) to increase the appropriation for the erection of an immigration station at Baltimore, Md.

The VICE PRESIDENT. Without objection, the House bill is before the Senate as in Committee of the Whole.

The Secretary read the bill. It proposes to amend section 29 of the public building act approved March 4, 1913, providing for an immigration station at Baltimore, Md., so as to increase the limit of cost from $280,000 to $550,000.

Mr. SMOOT. This bill, I understand, passed the House and was referred to the Committee on Public Buildings and Grounds of the Senate?

Mr. SWANSON. It passed the House of Representatives. They sent a committee to Baltimore to investigate this matter. The department has recommended $600,000 for the erection of an immigrant station and hospital in the city of Baltimore. Thirty-three thousand people came there last year as immigrants. This is a very urgent matter, because they have endeavored for years to get a location for an immigrant station there, and they have been compelled to abandon the location and get another. The House passed this as an emergency measure. It was referred to the Committee on Public Buildings and Grounds of the Senate, and I have been directed by that committee to report this bill as a substitute for the Senate bill.

The bill was reported to the Senate without amendment, read the third time, and passed.

The VICE PRESIDENT. The question is on the indefinite postponement of Senate bill 5570.

The bill was indefinitely postponed.

MINE RESCUE STATION AT M'ALESTER, OKLA.

The bill (H. R. 3988) for the purchase of a building and lot as a mine rescue station at McAlester, Okla., was announced as next in order.

Mr. OVERMAN. Let that bill go over.

Mr. SWANSON. Mr. President, I hope the Senator will let me explain that bill before he makes the objection.

Mr. OVERMAN. I do not think a bill of this kind should be passed. The matter ought to go on an appropriation bill.

Mr. SWANSON. If the Senator will listen a minute he will see the urgency of this bill. There is a rescue station there at this time. The Government pays $40 a month for the mine rescue station. It cost $10,000. The people who own it are willing to let the Government have it free. They owe $5,500 on it. The people who got it up by private subscription are willing to turn over the land, building, and everything to the Government if it will pay the debt of $5,500. The Government, as I say, pays $40 a month rent. It is different from other bills along that line. It has passed the House, and is a very urgent measure, and I hope the Senator will not object to it.

Mr. OVERMAN. I do not like to see the Senate make an appropriation in this way. It ought to go on an appropriation bill.

Mr. SWANSON. It is utterly impossible to do so unless there is an authorization. I do not see any reason why, when these people liberally and generously erect a building for the benefit of the Government——

Mr. OVERMAN. We will have an appropriation bill here in a short time.

Mr. SWANSON. This bill has passed the House.

Mr. OVERMAN. I withdraw the objection.

The Senate, as in Committee of the Whole, proceeded to consider the bill. It authorizes and directs the Secretary of the Interior to purchase, for and on behalf of the United States, the following-described real estate in the city of McAlester, county of Pittsburg, State of Oklahoma, to wit, the north 50 feet of lot No. 2, in block No. 487, in the original town site of South McAlester, the dimensions of said lot being 50 feet by 165 feet, with 50 feet front on South Third Street, in said city of McAlester, together with the two-story brick building and all other improvements thereon, for the use of the Bureau of Mines for a mine rescue station and for such other purposes as the Bureau of Mines may from time to time desire to use the

same, at and for the sum of $5,500, which said sum is appropriated for such purchase out of any money in the Treasury not otherwise appropriated.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

FEDERAL BUILDING AT MANDAN, N. DAK.

The bill (H. R. 11254) to increase the limit of cost for the erection and completion of the United States post-office building at Mandan, N. Dak., was considered as in Committee of the Whole. It proposes that in order to enable the Secretary of the Treasury to erect, complete, and furnish the post-office building at Mandan, State of North Dakota, provided for in existing legislation, the limit of cost heretofore fixed by Congress, be increased in and by the sum of $11,000, and the Secretary of the Treasury is authorized to enter into contract for the erection and completion of the building within the limit of cost herein established.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

FEDERAL BUILDING AT MEMPHIS, TENN.

The bill (H. R. 11747) to increase the limit of cost for the purchase of a site and the construction of a public building in Memphis, Tenn., was considered as in Committee of the Whole. It proposes to amend the provisions of the public building act approved March 4, 1913, authorizing the acquisition of a site of a new subpost-office building in Memphis, State of Tennessee, so as to change the limit of cost heretofore fixed from $40,000 to a limit of cost of $00,000; and that any unexpended balance of this appropriation is hereby made available for the building, and that the sum of $50,000 is appropriated, out of any moneys in the Treasury not otherwise appropriated, under said new limit.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

IMPORTATION OF CONVICT-MADE GOODS.

The bill (H. R. 14330) to prohibit the importation and entry of goods, wares, and merchandise made in whole or in part by convict, pauper, or detained labor, or made in whole or in part from materials which have been made in whole or in part, or in any manner manipulated, by convict or prison labor was announced as next in order.

Mr. WILLIAMS. Let that bill go over.

The VICE PRESIDENT. The bill will be passed over.

WILLIAM VAN DERVEER.

The bill (H. R. 1005) to reimburse William Van Derveer, of Millboro, Va., for excess revenue taxes assessed against and collected from him was announced as next in order.

The VICE PRESIDENT. The bill has been reported adversely, and will be postponed indefinitely.

FORT BERTHOLD INDIAN RESERVATION.

The bill (H. R. 4988) to provide for the disposal of certain lands in the Fort Berthold Indian Reservation, N. Dak., was considered as in Committee of the Whole.

The bill had been reported from the Committee on Indian Affairs with amendments. On page 2, line 4, after the word "contain," to insert "to be held in trust for the Indians belonging to and having tribal rights on the Fort Berthold Indian Reservation," and, in line 10, after the word "entry," to insert "and if such land is shown not to be coal land, a patent without reservation shall issue," so as to make the section read:

That the lands in the Fort Berthold Indian Reservation, N. Dak., which on account of their containing coal were reserved from allotment and other disposition under the act of June 1, 1910, entitled "An act to authorize the survey and allotment of lands embraced within the limits of the Fort Berthold Indian Reservation, in the State of North Dakota, and the sale and disposition of a portion of the surplus lands after allotment, and making appropriation and provision to carry the same into effect," shall be subject to disposal under the provisions of said act: *Provided*, That patents issued for such lands shall contain a reservation to the United States of any coal that such lands may contain, to be held in trust for the Indians belonging to and having tribal rights on the Fort Berthold Indian Reservation, but any entryman shall have the right at any time before making final proof of his entry, or at the time of making such final proof, to a hearing for the purpose of disproving the classification as coal land of the land embraced in his entry, and if such land is shown not to be coal land a patent without reservation shall issue.

The amendments were agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The amendments were ordered to be engrossed, and the bill to be read a third time.

The bill was read the third time and passed.

HEIRS OF ANN GREGORY, DECEASED.

The bill (S. 1125) for the relief of the heirs of Ann Gregory, deceased, was announced as next in order.

The VICE PRESIDENT. The bill has been reported adversely and will be postponed indefinitely.

LEMUEL E. COOK.

The bill (S. 1289) for the relief of Lemuel E. Cook was announced as next in order.

The VICE PRESIDENT. The bill has been reported adversely, and will be postponed indefinitely.

RIGHT OF WAY THROUGH INDIAN RESERVATIONS.

The bill (S. 3898) to amend an act entitled "An act to provide for the acquiring of rights of way by railroad companies through Indian reservations, Indian lands, and Indian allotments, and for other purposes," approved March 2, 1899, was considered as in Committee of the Whole.

The bill had been reported from the Committee on Indian Affairs, with an amendment, in section 2, page 2, line 15, after the word "road," to insert: "*Provided*, That the Secretary of the Interior shall not be authorized under the provisions of this section to grant any land which may control any water power or which contains any mineral or oil; *And provided further*, That whenever any right of way granted under the provisions of this act shall pass through any gorge the said right of way shall not exceed 50 feet in width, and shall contain a provision in the grant authorizing and permitting the common use by other railroads of the track on said right of way passing through any such gorge, upon such terms and regulations as the Secretary of the Interior may provide," so as to make the section read:

SEC. 2. That such right of way shall not exceed 50 feet in width on each side of the center line of the road, except where there are heavy cuts and fills, when it shall not exceed 100 feet in width on each side of the road, and may include grounds adjacent thereto for station buildings, depots, machine shops, sidetracks, turnouts, and water stations, not to exceed 200 feet in width by a length of 4,000 feet, and not more than one station to be located within any one continuous length of 6 miles of road: *Provided*, That the Secretary of the Interior shall not be authorized under the provisions of this section to grant any land which may control any water power or which contains any mineral or oil: *And provided further*, That whenever any right of way granted under the provisions of this act shall pass through any gorge the said right of way shall not exceed 50 feet in width and shall contain a provision in the grant authorizing and permitting the common use by other railroads of the track on said right of way passing through any such gorge upon such terms and regulations as the Secretary of the Interior may provide.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The amendment was ordered to be engrossed and the bill to be read a third time.

The bill was read the third time and passed.

ACQUIRING OF LANDS BY RAILROAD COMPANIES THROUGH INDIAN RESERVATIONS, ETC.

The bill (S. 3899) to provide for the acquiring of additional lands by railroad companies through Indian reservations, Indian lands, and Indian allotments, and for other purposes, was announced as next in order.

Mr. WILLIAMS and Mr. POINDEXTER. Let that bill go over.

Mr. MYERS. Mr. President, I appeal to the Senator who made the objection to withdraw it and ask that the bill may be read. I think a reading of the bill will show that it is perfectly harmless and well safeguarded and that it is necessary.

I ask for the reading of the bill.

Mr. WILLIAMS. I was one of the Senators who asked that it go over. I am perfectly willing to have it read. I reserve the right to object.

The VICE PRESIDENT. Is there any objection?

Mr. POINDEXTER. I object.

The VICE PRESIDENT. There seems to be an objection. The bill will be passed over.

AVIATION SERVICE, UNITED STATES ARMY.

The bill (H. R. 5304) to increase the efficiency of the aviation service of the Army, and for other purposes, was considered as in Committee of the Whole.

The bill had been reported from the Committee on Military Affairs with an amendment, in section 2, page 2, line 8, before the word "engaged," to strike out "exclusively," so as to read:

That, in addition to such officers and enlisted men as shall be assigned from the Signal Corps at large to executive, administrative, scientific, or other duty in or for the aviation section, there shall be in said section aviation officers not to exceed 60 in number, and 260 aviation enlisted men of all grades; and said aviation officers and aviation enlisted men, all of whom shall be engaged on duties pertaining to said aviation section, shall be additional to the officers and enlisted men now allotted by law to the Signal Corps, the commissioned and enlisted strengths of which are hereby increased accordingly.

The amendment was agreed to.

Mr. CHAMBERLAIN. There is one slight amendment that I desire to offer. On page 6, line 4, after the word "men," I desire to insert the words "at a time." The way the bill reads now is:

Provided, That 12 enlisted men shall, in the discretion—

I desire to amend that so that it shall read "twelve enlisted men at a time shall," and so forth. The way it is now it simply confines the instruction to 12 enlisted men of that age. I want the officers to have the right to give this instruction to 12 enlisted men at a time.

The VICE PRESIDENT. The amendment will be stated.

The SECRETARY. On page 6, line 4, after the word "men," it is proposed to insert the words "at a time."

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The amendments were ordered to be engrossed and the bill to be read a third time.

The bill was read the third time and passed.

TOWN SITES IN MONTANA.

The bill (S. 4180) to validate title to certain town sites in the State of Montana was announced as next in order.

Mr. SMOOT. Let that go over.

The VICE PRESIDENT. The bill will go over.

PANAMA CANAL TOLLS.

The next business on the calendar was Senate resolution 376, requesting the President to open diplomatic negotiations for the settlement of the Panama Canal tolls question by international arbitration.

Mr. SHEPPARD. Let that go over.

The VICE PRESIDENT. The resolution will go over.

STEPHEN MORRIS BARLOW.

The bill (S. 4954) for the relief of Stephen Morris Barlow was considered as in Committee of the Whole.

The bill was reported from the Committee on Military Affairs with an amendment, in line 6, after the word "rank," to strike out "on the list of first lieutenants of Infantry next after the name of W. F. Harrell" and insert "at the foot of the list of first lieutenants of Infantry," so as to make the bill read:

Be it enacted, etc., That the President of the United States, in his discretion, be, and he is hereby, authorized to appoint Stephen Morris Barlow to the grade of first lieutenant of Infantry, United States Army, to take rank at the foot of the list of first lieutenants of Infantry, and that no back pay or allowances shall accrue as a result of the passage of this act, and there shall be no increase in the total number of officers now authorized by law by reason of the passage of this act.

The amendment was agreed to.

The bill was reported to the Senate as amended and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

PORTRAIT OF GEORGE WASHINGTON.

The bill (S. 5429) for the purchase of two bronze copies of the original marble portrait statue of George Washington was considered as in Committee of the Whole. It proposes to pay $7,500 to the Gorham Manufacturing Co., of Providence, R. I., for the purchase of two bronze copies of the original marble portrait statue of George Washington, which was made from life by Jean Antoine Houdon for the State of Virginia, the said bronze copies to be made under the authority granted the Gorham Manufacturing Co. by the General Assembly of Virginia; one of the said copies to be placed in the United States Military Academy at West Point and the other copy to be placed in the United States Naval Academy at Annapolis.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

FORT BIDWELL INDIAN SCHOOL, CAL.

The bill (H. R. 11006) authorizing the disposal of a portion of the Fort Bidwell Indian School, Cal., was considered as in Committee of the Whole.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

EXTRATERRITORIAL JURISDICTION.

The bill (S. 2877) to amend an act entitled "An act to carry into effect provisions of the treaties between the United States, China, Siam, and other countries, giving certain judicial powers to ministers and consuls or other functionaries of the United States in those countries, and for other purposes," approved June 22, 1860, was considered as in Committee of the Whole. The bill was read, as follows:

Be it enacted, etc., That ministers, consuls, or other functionaries of the United States invested with judicial authority in countries with which the United States now has or hereafter may have extraterritorial jurisdiction, granted by treaty, shall be lawyers of experience and good standing.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

NATHANIEL MONROE.

The bill (S. 728) to correct the military record of Nathaniel Monroe was considered as in Committee of the Whole.

The bill was reported from the Committee on Military Affairs with an amendment to strike out all after the enacting clause and to insert:

That in the administration of the laws conferring rights, privileges, and benefits upon honorably discharged soldiers Nathaniel Monroe, who was a private of Company B, First Regiment East Tennessee Volunteer Infantry, shall hereafter be held and considered to have been discharged honorably from the military service of the United States as a member of said company and regiment on the 1st day of May, 1863: *Provided*, That no back pay, bounty, or pension shall accrue to him prior to the passage of this act.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

The title was amended so as to read: "A bill for the relief of Nathaniel Monroe."

NELSON T. SAUNDERS.

The bill (S. 5210) to correct the military record of Nelson T. Saunders was announced as next in order.

Mr. BRYAN. Let that go over.

The VICE PRESIDENT. The bill will go over.

ESTATE OF JOHN ROBINSON, DECEASED.

The bill (S. 5674) confirming the title of Hannah Robinson to certain lands and authorizing and directing the issuance of patent therefor was considered as in Committee of the Whole.

The bill was reported from the Committee on Indian Affairs with an amendment.

Mr. SMOOT. I will ask the Senator from Washington if these are Indian lands?

Mr. JONES. Yes; they were allotments. They were sold by the Indian about 13 years ago to this party. The Indian received his title under the act of 1865, under which he would have gotten his fee-simple title in five years, but the department contends it was a mistake to issue a patent under that act. The case is now pending in the courts, which will really determine the question. The land was sold. The department investigated the matter carefully and found the full value of the land which these parties have occupied for 12 or 13 years. The department recommended it, and the committee investigated it very carefully. It is merely to confirm title to the heirs.

Mr. SMOOT. The reason why I asked the question was that if this had been public land, of course——

Mr. JONES. No; it was not public land. It was allotted land.

The VICE PRESIDENT. The amendment of the committee will be stated.

The amendment was, on page 2, line 2, to strike out the name "Hannah Robinson"; and, in the same line, after the word "widow," to insert "and heirs," so as to make the bill read:

Be it enacted, etc., That the conveyance from John Teoul and his wife, Susan, to John Robinson of the west half of the southwest quarter of section 26, township 18 north, range 18 east of the Willamette meridian, Washington, made and executed on the 23d day of May, 1903, be, and the same hereby is, approved, ratified, and confirmed, and as an evidence of such conveyance the Secretary of the Interior be, and he is hereby, authorized and directed to issue a patent in fee simple for the said described lands to the widow and heirs of John Robinson, deceased, the purchaser of said lands.

The amendments were agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

On motion of Mr. JONES, the title was amended so as to read: "A bill confirming the title to the widow and heirs of John Robinson, deceased, to certain lands, and authorizing and directing the issuance of patent therefor."

DONIPHAN'S EXPEDITION.

The next business on the calendar was Senate resolution 393, to print the pamphlet entitled "Doniphan's Expedition," containing an account of the conquest of New Mexico, with illustrations.

Mr. WILLIAMS. Let that go over.

Mr. CHILTON. I hope the Senator from Mississippi will not ask that the resolution shall go over, for the reason that it was

introduced by the Senator from New Mexico [Mr. FALL], who is away, and it is a document the committee thought of great historical interest.

Mr. WILLIAMS. It is not of any more historical interest than Dr. Kane's arctic expedition and research. It would be just publishing pure literature.

Mr. CHILTON. If the Senator objects, I can not help it.

The VICE PRESIDENT. The resolution will go over.

FEDERAL TRADE COMMISSION.

The bill (H. R. 15613) to create an interstate trade commission, to define its powers and duties, and for other purposes, was announced as next in order.

Mr. SMOOT. Let that go over.

Mr. WARREN. Let it go over.

The VICE PRESIDENT. The bill will go over.

G. L. TANEYHILL.

The bill (S. 1124) for the relief of G. L. Taneyhill was considered as in Committee of the Whole. It provides that in the administration of any laws conferring rights, privileges, or benefits upon honorably discharged soldiers G. L. Taneyhill, who performed the duties of a medical cadet, United States Army, from October 10, 1864, to May 9, 1865, shall hereafter be held and considered to have been in the military service of the United States as a medical cadet, United States Army, from October 10, 1864, to May 9, 1865, and to have been honorably discharged as such medical cadet on the last-named date, but no pay, pension, bounty, allowance, or emolument of any description shall become due or payable to anyone by reason of anything contained in this act.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

HARRISON H. HOLLOWELL.

The bill (S. 1293) to correct the military record of Harrison H. Hollowell was considered as in Committee of the Whole.

The bill was reported from the Committee on Military Affairs with an amendment to strike out all after the enacting clause and insert:

That in the administration of the pension laws Harrison H. Hollowell, who was a private of Company F, One hundred and fifth Regiment Pennsylvania Volunteer Infantry, shall hereafter be held and considered to have been discharged honorably from the military service of the United States as a member of said company and regiment on or about the 1st day of October, 1863.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

The title was amended so as to read: "A bill for the relief of Harrison H. Hollowell."

RIVER AND HARBOR APPROPRIATIONS.

The bill (H. R. 13811) making appropriations for the construction, repair, and preservation of certain public works on rivers and harbors, and for other purposes, was announced as next in order.

Mr. WARREN. Let that go over.

Mr. KENYON. On account of the absence of the Senator from North Carolina [Mr. SIMMONS], I ask that the bill may go over.

The VICE PRESIDENT. It will go over.

JOHN R. NORRIS.

The bill (H. R. 1580) for the relief of John R. Norris was considered as in Committee of the Whole. It provides that John R. Norris shall be permitted to make an additional homestead entry for the NW. ¼ of the NW. ¼ of sec. 29, in township 161 N., of R. 33 W., in the State of Minnesota, upon the payment by him, at the time of entry, to the Government for the timber on the said NW. ¼ of the NW. ¼ at such price as may be fixed therefor by the Secretary of the Interior, in addition to the price of the land and the usual fees and commissions.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

C. M. HAMMOND.

The bill (H. R. 10345) for the relief of C. M. Hammond was considered as in Committee of the Whole. It proposes to pay $150 to C. M. Hammond, of New York City, N. Y., a deputy collector of internal revenue, in compensation for money paid by him into the Treasury of the United States for cigar stamps supposed to have been lost in the United States mails, but thereafter found and delivered to the collector of internal revenue at Albany, N. Y.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

JOHN W. HYATT.

The bill (H. R. 4744) to authorize the appointment of John W. Hyatt to the grade of second lieutenant in the Army was announced as next in order.

Mr. CHILTON. Let that go over.

The VICE PRESIDENT. The bill will go over.

JOHN J. MUEHLEISEN.

The bill (S. 4005) for the relief of John J. Muehleisen was announced as next in order.

The VICE PRESIDENT. The bill was reported adversely. The question is on the indefinite postponement of the bill.

The motion was agreed to.

ISAAC J. REESE.

The bill (S. 1160) for the relief of Isaac J. Reese was considered as in Committee of the Whole. It provides that in the administration of the pension laws Isaac J. Reese shall hereafter be held and considered to have been in the military service of the United States as a private of Company K, One hundred and ninety-fourth Regiment Pennsylvania Volunteer Infantry, from the 24th day of July, 1864, to the 6th day of November, 1864, and to have been honorably discharged from said service on the date hereinbefore last named, but no pension shall accrue prior to the passage of this act.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

ALICE H. GILSON.

The bill (S. 5204) for the relief of Alice H. Gilson was considered as in Committee of the Whole.

The bill was reported from the Committee on Claims with an amendment, in line 5 to strike out "$10,000" and insert "$1,200," so as to make the bill read:

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, the sum of $1,200 to Alice H. Gilson, widow of the late Thomas J. Gilson, deceased, of Elephant Butte, N. Mex., in full compensation for the death of her husband, which was caused by the negligent operation of an electric sawmill at Elephant Butte, N. Mex.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

CHARLES A. DAVIDSON AND CHARLES M. CAMPBELL.

The bill (H. R. 3041) to carry into effect findings of the Court of Claims in the cases of Charles A. Davidson and Charles M. Campbell was considered as in Committee of the Whole. It proposes to pay $750 to Charles A. Davidson and $750 to Charles M. Campbell, late clerks of United States courts in Indian Territory, in pursuance of the findings of fact reported to the United States Senate by the Court of Claims in the cases of Charles A. Davidson and Charles M. Campbell against The United States, No. 14046, congressional.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

CLAIMS UNDER NAVY DEPARTMENT.

The bill (H. R. 14685) to satisfy certain claims against the Government arising under the Navy Department was considered as in Committee of the Whole.

The bill was reported from the Committee on Claims with an amendment, on page 5, after line 21, to insert:

Twentieth. To pay the owners on May 12, 1913, of the steamer *Annie* for damages arising out of the collision between their steamer and the U. S. S. *C-5* in the southern branch of the Elizabeth River, off the navy yard, Norfolk, Va., on May 12, 1913, $5,453.18; and to reimburse the respective owners for their personal effects lost in said collision, $516.17; in all, for damages on account of said collision, $5,969.35.

The amendment was agreed to,

The bill was reported to the Senate as amended, and the amendment was concurred in.

The amendment was ordered to be engrossed and the bill to be read a third time.

The bill was read the third time and passed.

JOHN W. HYATT.

Mr. SWANSON. I should like to know what disposition was made of the bill (H. R. 4744) to authorize the appointment of John W. Hyatt to the grade of second lieutenant in the Army.

The VICE PRESIDENT. It went over on objection.

Mr. SWANSON. I was listening and I do not know who objected to the bill. I ask that it be taken up. I am satisfied that if the Senator who objected would read the report he

would not object to the consideration of the bill. I ask that the question be resubmitted and let us see if there was not a mistake about the matter.

The VICE PRESIDENT. The bill went over on objection. If the objection is withdrawn——

Mr. SWANSON. I hope the Senator who objected to the consideration of the bill will allow me to make a short statement in reference to it.

Mr. SMOOT. Regular order, Mr. President.

Mr. OVERMAN. Let us have the regular order.

Mr. SWANSON. I do not see why this bill should go over any more than others. The bill has passed the House of Representatives and has been unanimously reported by the Military Committee of the Senate. I ask unanimous consent that the bill be read. I think it was objected to without being read.

The VICE PRESIDENT. The Chair will state that the bill has been read. Is there objection to the present consideration of the bill?

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill (H. R. 4744) to authorize the appointment of John W. Hyatt to the grade of second lieutenant in the Army. It authorizes the President, by and with the advice and consent of the Senate, to appoint John W. Hyatt, late a second lieutenant in the Sixteenth Regiment United States Infantry, to the grade of second lieutenant in the United States Army; but that prior to such appointment he shall pass, in a manner satisfactory to the Secretary of War, the physical examination required of candidates for appointment as second lieutenant.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

THOMAS COYLE.

The bill (S. 770) for the relief of Thomas Coyle and Bridget Coyle and their legal representatives was considered as in Committee of the Whole.

The bill had been reported from the Committee on Claims with an amendment, to strike out all after the enacting clause and to insert:

That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, to Thomas Coyle the sum of $1,200, on account of the death of his child on the 10th day of March, 1887, caused by a large rock being hurled by an excessive blast of powder through the roof of their house at Cascade Locks, Oreg., during the construction of the canal and locks under the direction of the Government of the United States at that point.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

The title was amended so as to read: "A bill for the relief of Thomas Coyle."

ELLEN B. MONAHAN.

The bill (S. 489) for the relief of Ellen B. Monahan was announced as next in order.

Mr. WARREN. I move that that bill be indefinitely postponed. It is reported adversely.

The motion was agreed to.

STATUE OF GEORGE WASHINGTON GLICK.

The resolution (S. Res. 402) relative to exercises appropriate to the reception and acceptance from the State of Kansas of the statue of George Washington Glick (special order for Saturday, July 18, 1914) was announced as next in order.

The VICE PRESIDENT. That seems to have been heretofore agreed to. The Chair does not know why it is on the calendar. The resolution will go over.

MARY ABEL.

The bill (H. R. 5079) for the relief of Mary Abel was considered as in Committee of the Whole. It proposes to pay $1,000 to Mary Abel, mother of August Abel, who was fatally injured by reason of a defective elevator while engaged in the employment of the United States Government at Rock Island Arsenal, Ill., on the 24th of February, 1905, and died the following day on account of said injury.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

ESTATE OF PHILIP FELIX HERWIG.

The bill (H. R. 2540) for the relief of the estate of Philip Felix Herwig, deceased, was considered as in Committee of the Whole. It directs the Secretary of the Treasury to cause an account to be stated by the proper accounting officers crediting on the books of the Treasury Department Philip Felix Herwig, deceased, late assistant treasurer of the United States at New Orleans, La., with $20,959.81, now charged against him by miscellaneous settlement No. 5810 of June 14, 1911, under an act of Congress approved March 4, 1911, the amount being the shortage occurring in the public moneys at the New Orleans Subtreasury during his administration on account of the embezzlement of John H. Aufdemorte while employed in the Subtreasury, as stated on page 5 of House Document No. 721, Sixty-first Congress, second session, and the claim is remitted and satisfied.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

WATERS OF THE RIO GRANDE IN COLORADO.

The joint resolution (S. J. Res. 117) to determine the rights of the State of Colorado and of its citizens in the beneficial uses of waters of the Rio Grande and its tributaries within the boundaries of Colorado, was announced as next in order.

Mr. SHEPPARD. Let that go over, Mr. President.

Mr. THOMAS. I hope the Senator from Texas will permit that joint resolution to be passed. It is a matter of great importance to the people of the State which I in part represent. The only purpose of the joint resolution is to determine conditionally the extent to which we can use waters which, under the constitution of the State, are given to us. It does not affect the rights of other States.

Mr. SHEPPARD. In view of that statement, I will withdraw my objection to the consideration of the joint resolution.

Mr. HITCHCOCK. I shall have to renew the objection. I think the joint resolution does, or may, involve a legislative construction which may result in involving the rights of other States to water.

Mr. SHAFROTH. The bill simply refers the matter to be determined by the United States courts. It can not possibly work any wrong, because the United States courts will retain jurisdiction and determine the question. Surely the United States ought to be willing to submit a controversy to its own courts.

Mr. HITCHCOCK. I ask that the joint resolution go over.

The VICE PRESIDENT. The joint resolution goes over.

HYACINTHE VILLENEUVE.

The bill (H. R. 6260) for the relief of Hyacinthe Villeneuve was considered as in Committee of the Whole. It provides that upon the filing in the Department of the Interior of a proper reconveyance to the United States, previously recorded in the county wherein the land lies, of the southeast quarter of the northwest quarter of section 15, township 162 north, range 57 west, fifth principal meridian, in the Devils Lake (N. Dak.) land district, accompanied by a duly certified abstract showing title in the United States, free of liens and encumbrances, the party or parties making such reconveyance shall be entitled to select, in lieu of said tract, 40 acres of unreserved, vacant, surveyed, nonmineral, and unoccupied public lands; but the selection made under such exchange shall be made within two years after the approval of this act; and upon the acceptance by the Secretary of the Interior of such reconveyance of the land, the patent issued therefor to the Santa Fe Pacific Railroad Co. shall be canceled and the homestead entry made for said land on December 5, 1908, by Hyacinthe Villeneuve passed to patent.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

SALES BY SUPPLY DEPARTMENTS OF THE ARMY.

The bill (H. R. 9042) to permit sales by supply departments of the Army to certain military schools and colleges was considered as in Committee of the Whole. It provides that, under such regulations as the Secretary of War may prescribe, educational institutions to which an officer of the Army is detailed as professor of military science and tactics may purchase from the War Department for cash, for the use of their military students, such stores, supplies, matériel of war, and military publications as are furnished to the Army, such sales to be at the price listed to the Army with the cost of transportation added.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

ARMY VETERINARY SERVICE.

The bill (H. R. 4541) to consolidate the veterinary service, United States Army, and to increase its efficiency was announced as next in order.

Mr. BRYAN. Let that bill go over, Mr. President.

The VICE PRESIDENT. The bill goes over.

CHARLES R. GRANT.

The bill (H. R. 6464) to muster in and muster out Charles R. Grant, late of the Volunteer Army, Civil War, was announced as next in order.

Mr. HITCHCOCK. I ask that the bill go over, Mr. President.

Mr. POMERENE. I hope the Senator from Nebraska will withdraw that objection. I may say with respect to the bill that Charles R. Grant is a judge of the Circuit Court of Appeals of Ohio. He had a very active experience, as the report in his case will show, during the war as a boy. He was not of the age which would permit of his being mustered into the service at that time. The bill carries no pension at all.

Mr. HITCHCOCK. I was of the impression that the bill before the Senate was the veterinary bill, but I have just been informed that that bill has already gone over. I withdraw my objection.

Mr. POMERENE. I thank the Senator.

The Senate, as in Committee of the Whole, proceeded to consider the bill, which had been reported from the Committee on Military Affairs with an amendment to strike out all after the enacting clause and insert:

That in the administration of any laws conferring rights, privileges, and benefits upon honorably discharged soldiers, Charles R. Grant shall hereafter be held and considered to have been in the military service of the United States as a member of Company F, Twelfth Regiment Connecticut Volunteer Infantry, and to have been honorably discharged therefrom: *Provided, however*, That this act shall not confer upon him any right to pay, annuities, pensions, or other emoluments which might otherwise accrue to him from such service.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The amendment was ordered to be engrossed and the bill to be read a third time.

The bill was read the third time and passed.

The title was amended so as to read: "An act for the relief of Charles R. Grant."

BILLS PASSED OVER.

The bill (H. R. 14404) for the relief of E. F. Anderson was announced as next in order.

Mr. CHILTON. Let that bill go over.

The VICE PRESIDENT. The bill will be passed over.

The bill (H. R. 14405) for the relief of C. F. Jackson was announced as next in order.

Mr. CHILTON. I also ask that that bill go over.

The VICE PRESIDENT. The bill will be passed over.

LANDS FOR PARK PURPOSES, DENVER, COLO.

The bill (S. 5197) granting public lands to the city and county of Denver, in the State of Colorado, for public-park purposes, which had been reported from the Committee on Public Lands with amendments, was considered as in Committee of the Whole.

Mr. WILLIAMS. Mr. President, reserving the right to object, I should like to ask the Colorado Senators a question. I understand this land is near the city of Denver. If so, is it not worth more than a dollar and a quarter an acre?

Mr. THOMAS. No; it is not worth that for any other purposes than the purposes to which this bill proposes to dedicate it.

Mr. WILLIAMS. Is it useless as agricultural land?

Mr. THOMAS. It is absolutely useless as agricultural land.

Mr. WILLIAMS. And it is too far out from Denver to become useful as town lots?

Mr. THOMAS. Oh, yes. It is designed as a municipal park for the city of Denver, but it is not adjacent to the city.

Mr. WARREN. I wish to ask if I heard correctly the reading of the bill to the effect that the city and county of Denver are authorized to sell these lands for any purpose they see fit?

Mr. THOMAS. No; the city can not sell the lands for any purpose. They must be used for park purposes, and they must be improved for park purposes.

Mr. SHAFROTH. And for scenic purposes more than for anything else.

The VICE PRESIDENT. The amendments reported by the committee will be stated.

The first amendment reported by the Committee on Public Lands was, in section 1, page 1, after the enacting clause, to strike out "That there is hereby granted and conveyed" and to insert "That the Secretary of the Interior is hereby authorized to sell and convey," so as to read:

That the Secretary of the Interior is hereby authorized to sell and convey to the city and county of Denver, a municipal corporation in the State of Colorado, for public park purposes, and for the use and benefit of said city and county, the following-described land, or so much thereof as said city and county may desire, to wit, etc.

The amendment was agreed to.

The next amendment was, in section 1, page 3, line 16, before the word "section," to strike out "northeast quarter of northeast quarter"; and in line 17, after the word "quarter," to strike out "southwest quarter of southwest quarter," so as to read:

In township 5 south, range 71 west, sixth principal meridian: Southeast quarter of southwest quarter, section 5; south half of northeast quarter, southeast quarter, north half of southwest quarter, southwest quarter of southwest quarter, section 7; northwest quarter, northeast quarter of southwest quarter, section 8; east half of southwest quarter, section 9; northeast quarter of southeast quarter, section 12; north half of northeast quarter, southeast quarter of southeast quarter, section 14; northeast quarter, southeast quarter, east half of northwest quarter, southwest quarter of northwest quarter, southwest quarter, section 15; northwest quarter of northeast quarter, section 18; west half of northeast quarter, section 24; southeast quarter of southeast quarter, section 25; northwest quarter of northeast quarter, section 26; south half of southeast quarter, section 35.

The amendment was agreed to.

The next amendment was, in section 1, page 5, line 8, after the word "thousand," to strike out "one hundred and sixty" and insert "and forty-seven," so as to read:

Total, 7,047 acres, more or less.

The amendment was agreed to.

The next amendment was, in section 2, page 5, line 16, after the word "that," to strike out "the grant hereby made shall not include any lands which at the date of the issuance of the patent shall be covered by a valid, existing, bona fide right or claim initiated under the laws of the United States" and insert "there shall be excepted from the grant hereby made any lands which at the date of the approval of this act shall be covered by a valid, existing, bona fide right or claim initiated under the laws of the United States: *Provided*, That this exception shall not continue to apply to any particular tract of land unless the claimant continues to comply with the law under which the claim or right was initiated," so as to make the section read:

SEC. 2. That the conveyance shall be made of the said lands to said city and county of Denver by the Secretary of the Interior upon payment by the said city and county for the said land, or such portions thereof as it may select, at the rate of $1.25 per acre, and patent issued to said city and county for the said land selected, to have and to hold for public park purposes, and that there shall be excepted from the grant hereby made any lands which at the date of the approval of this act shall be covered by a valid, existing, bona fide right or claim initiated under the laws of the United States: *Provided*, That this exception shall not continue to apply to any particular tract of land unless the claimant continues to comply with the law under which the claim or right was initiated: *Provided*, That there shall be reserved to the United States all oil, coal, and other mineral deposits that may be found in the land so granted and all necessary use of the land for extracting same: *Provided further*, That said city and county shall not have the right to sell or convey the land herein granted, or any part thereof, or to devote the same to any other purpose than as before described, and that if the said lands shall be used for any purpose other than public park purposes, the same, or such parts thereof so used, shall revert to the United States.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

PIKE NATIONAL FOREST.

The bill (S. 5198) to reserve certain lands and to incorporate the same and make them a part of the Pike National Forest was considered as in Committee of the Whole.

The bill had been reported from the Committee on Public Lands with amendments. The first amendment was, on page 1, line 3, after the word "lands," to strike out "now belonging to the United States of America" and insert "in the State of Colorado," so as to read:

That all lands in the State of Colorado hereinafter described, to wit—

And so forth.

The amendment was agreed to.

The next amendment was, on page 2, after line 12, to strike out:

In township 4 south, range 72 west, sixth principal meridian: Southeast quarter of northeast quarter, southeast quarter, southwest quarter of northwest quarter, southwest quarter, section 19; south half of southwest quarter, section 20; west half of southwest quarter, section 29; south half of southeast quarter, north half of northwest quarter, southwest quarter of northwest quarter, southeast quarter of southwest quarter, northwest quarter of southwest quarter, section 30; southwest quarter of northwest quarter, section 31.

And insert:

In township 4 south, range 72 west, sixth principal meridian: Southeast quarter of northeast quarter, southeast quarter, south half of lots 2 and 3, southwest quarter, including lots 4, 5, and 6, section 19; south half of southwest quarter, section 20; west half of southwest quarter, section 29; south half of southeast quarter, north half of lot 1, all of lots 2, 3, and 4, north half of lot 5, south half of lot 6, section 30; south half of lot 2, all of lot 3, section 31.

The amendment was agreed to.

The next amendment was, on page 4, line 25, after the word "thousand," to strike out "four hundred and fifty-seven" and insert "six hundred and eighty," and on page 5, line 2, after the word "reserved," to strike out "withdrawn from entry"

and insert "subject to all prior valid adverse rights," so as to read:

In township 4 south, range 73 west, sixth principal meridian: South half of northeast quarter, northeast quarter of northeast quarter, southeast quarter, east half of northwest quarter, east half of southwest quarter, section 24; total, 9,680 acres, more or less; be, and the same are hereby, reserved subject to all prior valid adverse rights and made a part of and included in the Pike National Forest.

Mr. THOMAS. I suggest the elimination of the word "adverse" in that amendment.

Mr. SMOOT. So that it will read "subject to all prior valid rights."

Mr. THOMAS. That is the suggestion made by the Senator from Utah, and I accept it.

The VICE PRESIDENT. The amendment to the amendment will be stated.

The SECRETARY. On page 5, line 3, in the amendment reported by the committee, after the word "valid," it is proposed to strike out "adverse," so as to read, "subject to all prior valid rights."

The amendment to the amendment was agreed to.

The amendment as amended was agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

ORGANIZATION OF THE REGULAR ARMY.

The joint resolution (S. J. Res. 146) to authorize the President to raise the organization of the Regular Army on certain occasions to its prescribed statutory maximum strength was considered as in Committee of the Whole.

The Secretary read the joint resolution, as follows:

Whereas in an act of Congress entitled "An act to increase the efficiency of the permanent military establishment of the United States," approved February 2, 1901, and in an act entitled "An act to reorganize and to increase the efficiency of the Artillery of the United States Army," approved January 25, 1907, there were provided organizations for the Infantry, Cavalry, Field Artillery, and Engineers of the United States Army; and

Whereas there was therein provided for such organizations of Infantry, Cavalry, Field Artillery, and Engineers a minimum and maximum strength; and

Whereas it was therein provided that the President might, in his discretion, increase the aforesaid organizations from the prescribed minimum strength to a number not to exceed the prescribed maximum strength, under the restriction that in making this increase the total number of enlisted men authorized for the entire Army should not be exceeded; and

Whereas it was specifically provided in the act approved February 2, 1901, that "the total enlisted force of the line of the Army, together with such native force (Philippine Scouts), shall not exceed at any one time 100,000"; and

Whereas this restriction as to number prevents the raising of the organizations of Infantry, Cavalry, Field Artillery, and Engineers to the prescribed statutory maximum strength (war strength) necessary to enable them to most efficiently and economically perform the duties required of them during war or other grave national emergency; and

Whereas at the present time there exists a condition which may at any moment require the fullest and most effective use to be made of the Regular Army of the United States: Therefore be it

Resolved, etc., That in time of war or when war is imminent, or on other occasions of grave national emergency requiring the use of the Regular Army of the United States, the President be authorized, in his discretion, to raise the organization of the Regular Army to the prescribed statutory maximum strength for the period of the war or until the imminence of war or other grave national emergency shall have passed, and that for this purpose the restriction of law limiting the total enlisted force of the line of the Army to 100,000 shall be suspended.

The joint resolution was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

Mr. SMOOT. I suggest that the preamble be stricken out.

The VICE PRESIDENT. Without objection the preamble will be stricken out.

SERAPIO ROMERO.

The bill (H. R. 6014) for the relief of Serapio Romero, late postmaster at Las Vegas, N. Mex., was considered as in Committee of the Whole. It directs the Secretary of the Treasury to pay to Serapio Romero, ex-postmaster at Las Vegas, N. Mex., $1,106.98, on account of money paid by him August 1, 1885, to the Post Office Department, this being the amount embezzled by the assistant postmaster, W. E. Miller.

Mr. SMOOT. I should like to ask the Senator from New Mexico at what time was the money referred to in the bill embezzled?

Mr. CATRON. About 10 or 12 years ago.

Mr. SMOOT. Before assistant postmasters were required to give bond?

Mr. CATRON. Yes; I think it was before assistant postmasters were required to give bond. That is the fact.

Mr. SMOOT. I have been looking for the report on this bill.

Mr. CATRON. There does not seem to be a report submitted to accompany the bill, but I can state the facts.

Mr. SMOOT. I was going to suggest to the Senator that if the money was embezzled since assistant postmasters have been required to give bond, then I do not believe the bill ought to be passed.

Mr. CATRON. Well, it was before that time. I do not know how long before, but it was before that.

Mr. SMOOT. Upon the assurance of the Senator, I will not object; but I think there ought to be a report with the bill.

Mr. CATRON. I think it has been 15 years since Mr. Romero was postmaster at Las Vegas.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

H. R. DRAKE.

The bill (H. R. 14925) for the retirement of H. R. Drake was considered as in Committee of the Whole. It authorizes the President of the United States to promote H. R. Drake, formerly a sergeant in Troop A, Fifth Regiment United States Cavalry, to master signal electrician, and to place him on the retired list of the Army with full pay and allowance of that rank.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

PENSIONS AND INCREASE OF PENSIONS.

The bill (H. R. 15959) granting pensions and increase of pensions to certain soldiers and sailors of the Regular Army and Navy, and certain soldiers and sailors of wars other than the Civil War, and to widows of such soldiers and sailors, was announced as next in order.

Mr. SHEPPARD. I ask that that bill go over.

The VICE PRESIDENT. The bill will be passed over.

REGISTERS AND RECEIVERS OF LAND OFFICES.

The bill (S. 2823) relating to the temporary filling of vacancies occurring in the offices of register and receiver of district land offices, was considered as in Committee of the Whole.

The bill had been reported from the Committee on Public Lands with an amendment, in line 11, after the word "receiver," to insert the words "while so acting," so as to make the bill read:

Be it enacted, etc., That in case of the death, resignation, or refusal or inability to act of any register or receiver of any district land office the Secretary of the Interior shall be, and he is hereby, authorized to designate some employee of his department to perform the duties of such officer until the disability of such officer is removed or his successor is appointed and qualified: *Provided*, That the person so designated shall receive the same compensation as would be allowed to a regularly appointed register and receiver while so acting.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

MRS. ANDREW RIGANOPOLOUS.

The bill (H. R. 963) for the relief of Mrs. Andrew Riganopolous, was considered as in Committee of the Whole. It authorizes the Secretary of the Treasury to pay, out of any money in the Treasury not otherwise appropriated, to Mrs. Andrew Riganopolous $2,500, for damages suffered by reason of her husband, Andrew Riganopolous, being killed by regularly enlisted marines while in the discharge of their duty in target practice at the Mare Island Navy Yard, Cal.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

R. B. WHITACRE & CO.

The bill (H. R. 9362) for the relief of R. B. Whitacre & Co. was considered as in Committee of the Whole. It authorizes the Secretary of the Treasury to pay, out of the reclamation fund chargeable to the Belle Fourche project, to R. B. Whitacre & Co., of St. Paul, Minn., $942.97, in full payment for 742½ kegs of blasting powder, furnished and delivered by said claimant and used by the United States at and upon the public work at Belle Fourche, S. Dak., between the 1st day of February, 1906, and the 4th day of September, 1907, and for which no payment has ever been made.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

BILLS PASSED OVER.

The bill (S. 4282) to establish in the War Department and in the Navy Department, respectively, a roll designated as "the Army and Navy medal of honor roll," and for other purposes, was announced as next in order.

Mr. BRYAN. I ask that the bill be passed over.

The VICE PRESIDENT. The bill will be passed over.

The bill (H. R. 16294) granting pensions and increase of pensions to certain soldiers and sailors of the Civil War and certain widows and dependent children of soldiers and sailors of said war was announced as next in order.

Mr. SHEPPARD. I ask that that bill go over.

The VICE PRESIDENT. The bill will be passed over.

CHARLES L. HILL.

The bill (H. R. 7327) for the relief of Charles L. Hill was considered as in Committee of the Whole. It authorizes the Secretary of the Interior to allow Charles L. Hill to enter, under the homestead laws, and subject to the terms, conditions, and limitations of the reclamation act and acts amendatory thereof, lot 1 of section 5, township 22 south, range 1 east, and lots 5, 6, 8, and 9 of section 32, township 21 south, range 1 east, Las Cruces, N. Mex., land district; and provides that the entry and patent therefor shall expressly reserve to the United States the right to take or use, without compensation to entryman, patentee, or his assignees, any or all of the lands which may be actually needed for or in connection with the construction, maintenance, and operation of the Rio Grande reclamation project.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

CONVEYANCE OF LANDS BY PONCA CITY, OKLA.

The bill (S. 4880) authorizing Ponca City, Okla., and the board of education of said city to convey certain lands was considered as in Committee of the Whole.

The bill had been reported from the Committee on Public Lands with an amendment, on page 2, line 1, after the word "three," to strike out "thousand one hundred and sixty-eight" and insert "and one hundred and sixty-eight thousandths," so as to make the bill read:

Be it enacted, etc., That the city of Ponca City and the board of education of the city of Ponca City, in the State of Oklahoma, be, and they are hereby, authorized to sell and convey, for the benefit of the school district of said city, the west half of block 35, in the town site of Bluffdale; the west half of block 13, in the town site of Hartman; and the west half of block 28, in the town site of Lynchville, according to the approved plats of said town sites, respectively; said tracts lying and being in the corporate limits of the city of Ponca City, Okla., and containing 3$\frac{1}{168}$ acres, and heretofore patented to said city for school purposes under section 22 of the act of May 2, 1890 (26 Stats., p. 81).

The amendment was agreed to.

The bill was reported to the Senate as amended, ordered to be engrossed for a third reading, was read the third time, and passed.

LAND IN BOZEMAN, MONT.

The bill (S. 5847) to authorize the Secretary of the Treasury to convey to the city of Bozeman, Mont., certain land for alley purposes, was considered as in Committee of the Whole. It authorizes the Secretary of the Treasury to convey, by quit-claim deed, to the city of Bozeman, Mont., for the purpose of a public alley, and for no other purpose, all the right, title, and interest of the United States of America in and to a strip of land 10 feet in width off of the rear of the Federal building site in said city of Bozeman.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

FEDERAL BUILDING AT SMYRNA, DEL.

The bill (H. R. 7298) to increase the limit of cost of the public building at Smyrna, Del., was considered as in Committee of the Whole. It proposes to increase the limit of cost for the purchase of a site and the erection of a public building for a United States post office at Smyrna, Del., from $25,000 to $35,000.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

PENSIONS AND INCREASE OF PENSIONS.

The bill (H. R. 16345) granting pensions and increase of pensions to certain soldiers and sailors of the Regular Army and Navy, and certain soldiers and sailors of wars other than the Civil War, and to widows of such soldiers and sailors was announced as next in order.

Mr. BRYAN. I ask that that bill go over.

The VICE PRESIDENT. The bill will be passed over.

OLALLA SLOUGH DIKE, OREG.

The bill (S. 5555) to amend an act entitled "An act to authorize the construction and maintenance of a dike on Olalla Slough, Lincoln County, Oreg.," approved June 25, 1910, was considered as in Committee of the Whole. It proposes to amend section 1 of the act entitled "An act to authorize the construction and maintenance of a dike on Olalla Slough, Lincoln County, Oreg.," approved June 25, 1910, so as to read:

SECTION 1. That the legal officers of the Olalla diking district, organized under the laws of the State of Oregon, be, and hereby are, authorized to construct upon the foundation already laid, or at any point farther upstream that might be desired, and to maintain a dike across the Olalla Slough, in Lincoln County, Oreg., with a gate therein so constructed and maintained as to be readily opened and easily operated, for the purposes of navigation. Said gates may be closed for such time as to prevent the overflowing by the tides of the lands above the dike, under regulations to be prescribed from time to time by the Secretary of War: *Provided, however*, That the work now existing shall not be legalized nor shall any new work be commenced until the plans therefor have been filed with and approved by the Secretary of War and Chief of Engineers.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

BILLS PASSED OVER.

The bill (S. 5977) to authorize Bryan and Albert Henry to construct a bridge across a slough, which is a part of the Tennessee River, near Guntersville, Ala., was announced as next in order.

Mr. THOMAS. I ask that that bill go over.

The VICE PRESIDENT. The bill will be passed over.

The bill (H. R. 17482) granting pensions and increase of pensions to certain soldiers and sailors of the Regular Army and Navy, and certain soldiers and sailors of wars other than the Civil War, and to widows of such soldiers and sailors, was announced as next in order.

Mr. THOMAS. I ask that that bill go over.

The VICE PRESIDENT. The bill will be passed over.

INTERNATIONAL DRY-FARMING CONGRESS.

The joint resolution (H. J. Res. 255) authorizing the President to extend invitations to other nations to send representatives to the International Dry Farming Congress, to be held at Wichita, Kans., October 7 to 17, inclusive, 1914, was considered as in Committee of the Whole.

The joint resolution was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

PUBLIC-LAND ENTRIES.

Mr. SHAFROTH. Mr. President, there was a report made this morning by my colleague from the Public Lands Committee upon a certain bill, which would be next in order on the calendar if it had been presented the day before, and on that account I ask unanimous consent that it be considered at this time. It is Senate bill 5629.

Mr. WARREN. The bill is not here.

The PRESIDING OFFICER (Mr. ASHURST in the chair). The present occupant of the chair is informed that the bill referred to by the Senator is not in the possession of the Senate, but has gone to the printer.

Mr. SHAFROTH. Very well.

EXECUTIVE SESSION.

Mr. SMITH of Georgia. I move that the Senate proceed to the consideration of executive business. There are two or three nominations that we are anxious to dispose of to-night.

The motion was agreed to, and the Senate proceeded to the consideration of executive business. After five minutes spent in executive session the doors were reopened, and (at 10 o'clock and 55 minutes p. m.) the Senate adjourned until Monday, July 13, 1914, at 11 o'clock a. m.

NOMINATIONS.

Executive nominations received by the Senate July 9, 1914.

COLLECTOR OF CUSTOMS.

Murphy J. Foster, of Franklin, La., to be collector of customs for the district of New Orleans, in place of Clarence S. Hebert, resigned.

RECEIVER OF PUBLIC MONEYS.

James L. Travers, of Wahkon, Minn., to be receiver of public moneys at Duluth, Minn., vice Gustaf Bergquist, term expired.

POSTMASTERS.

NEW YORK.

John A. Ganey to be postmaster at New Hartford, N. Y., in place of Albert S. Harris. Incumbent's commission expired April 23, 1913.

Glenn F. Pollard to be postmaster at Oriskany Falls, N. Y., in place of Charles W. Clark. Incumbent's commission expired January 29, 1913.

OHIO.

H. J. Blackmore to be postmaster at Pomeroy, Ohio, in place of Ralston Russell. Incumbent's commission expired June 24, 1914.

Harry C. Brown to be postmaster at Manchester, Ohio, in place of R. H. Ellison. Incumbent's commission expired June 7, 1914.

James A. Ryan to be postmaster at Sandusky, Ohio, in place of Charles G. Schippel. Incumbent's commission expired March 15, 1914.

Frank C. Schiffer to be postmaster at Shelby, Ohio, in place of P. S. Lybarger. Incumbent's commission expired February 9, 1914.

James A. Smith to be postmaster at Belle Center, Ohio, in place of William M. Torrence. Incumbent's commission expired June 24, 1914.

OKLAHOMA.

J. M. Casper to be postmaster at Okeene, Okla., in place of Benjamin E. Adams, jr. Incumbent's commission expired January 25, 1914.

J. Lee Smith to be postmaster at Waynoka, Okla., in place of Albert R. Phillips. Incumbent's commission expired June 26, 1913.

L. B. Sneed to be postmaster at Guymon, Okla., in place of Margaret J. Ryan. Incumbent's commission expired April 19, 1914.

PENNSYLVANIA.

H. R. Hummel to be postmaster at Watsontown, Pa., in place of Daniel L. Grier. Incumbent's commission expired March 7, 1914.

SOUTH DAKOTA.

William Lowe to be postmaster at Madison, S. Dak., in place of Charles J. Porter. Incumbent's commission expired June 25, 1914.

TENNESSEE.

B. A. Heard to be postmaster at South Pittsburg, Tenn., in place of Daniel A. Tate. Incumbent's commission expired May 31, 1914.

VIRGINIA.

W. F. Tinsley to be postmaster at Clifton Forge, Va., in place of Charles P. Nair. Incumbent's commission expired May 6, 1914.

WASHINGTON.

G. W. Reed to be postmaster at Pullman, Wash., in place of King P. Allen. Incumbent's commission expired June 24, 1914.

CONFIRMATIONS.

Executive nominations confirmed by the Senate July 9, 1914.

AMBASSADOR.

George T. Marye to be ambassador extraordinary and plenipotentiary to Russia.

SUPERINTENDENT OF THE MINT.

Adam M. Joyce to be superintendent of the mint at Philadelphia, Pa.

COLLECTOR OF CUSTOMS.

Murphy J. Foster to be collector of customs for the district of New Orleans, La.

REGISTER OF THE LAND OFFICE.

Charles D. Mackay to be register of the land office at Carson City, Nev.

POSTMASTERS.

FLORIDA.

J. Y. O'Neal, Dade City.

GEORGIA.

Walter B. Cheatham, Dawson.
Thomas Davis, Meigs.

NEW YORK.

Albert E. Moran, Gardiner.

TEXAS.

T. A. Boothe, Cleveland.
Maude Strain, Lancaster.

VIRGINIA.

W. F. Tinsley, Clifton Forge.

WITHDRAWAL.

Executive nomination withdrawn July 9, 1914.

POSTMASTER.

Emmet W. Peoples to be postmaster at Pomeroy, Ohio.

HOUSE OF REPRESENTATIVES.

THURSDAY, *July 9, 1914.*

The House met at 12 o'clock noon.

The Chaplain, Rev. Henry N. Couden, D. D., offered the following prayer:

Thy blessing, O God our Father, attend us with wisdom, power, purity, and larger intent of purpose; that right may prevail, wrong diminish; that we may leave in our wake the way a little smoother for those who shall come after us. That brotherly love may have a wider sweep, contentions cease. So may we learn the joy of a good deed and receive instant rebuke for an evil thought or act, and thus pass on our way ennobled, purified, wise in our generation. For Thine is the kingdom and the power and the glory forever. Amen.

The Journal of the proceedings of yesterday was read and approved.

LEAVE OF ABSENCE.

By unanimous consent, leave of absence was granted as follows:

To Mr. PORTER, for 30 days, to act as arbitrator in the wage dispute between the Pittsburgh Railways Co. and its employees.

To Mr. THOMAS, indefinitely, on account of important business.

ORDER OF BUSINESS.

Mr. RUSSELL. Mr. Speaker, I desire to call up a conference report——

Mr. RUCKER. Mr. Speaker, a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. RUCKER. Is it in order to-day to finish the unfinished business of yesterday, on which the previous question was ordered?

The SPEAKER. Yes; that is the unfinished business; but a conference takes precedence of everything.

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. Tulley, one of its clerks, announced that the Senate had agreed to the amendments of the House of Representatives to bills of the following titles:

S. 60. An act to provide for agricultural entry of oil lands; and

S. 4714. An act to authorize Louis Eder to enter lands under the homestead laws.

The message also announced that the Senate had passed bill of the following title, in which the concurrence of the House of Representatives was requested:

S. 5957. An act to authorize the construction of a bridge across the Sabine River in the States of Louisiana and Texas, about 2 miles west of Hunter, La.

The message also announced that the Senate had passed with amendments bill of the following title, in which the concurrence of the House of Representatives was requested:

H. R. 17041. An act making appropriations for sundry civil expenses of the Government for the fiscal year ending June 30, 1915, and for other purposes.

The message also announced that the Senate had passed without amendment bill of the following title:

H. R. 9770. An act to levy and collect an income tax on railroads in Alaska, and for other purposes.

ENROLLED BILLS AND A JOINT RESOLUTION SIGNED.

The SPEAKER announced his signature to enrolled bills and a joint resolution of the following titles:

S. 3817. An act authorizing the issuance of a patent to James Gunning for lot 2, section 32, township 29 north, range 39 east, Montana;

S. 388. An act for the relief of Ella O. Richardson;

S. 2903. An act for the relief of Judd McKelvey;

S. 3488. An act for the relief of Ernest C. Stahl; and

S. J. Res. 105. Joint resolution authorizing the President to accept an invitation to participate in the Sixth International Dental Congress.

ENROLLED JOINT RESOLUTION PRESENTED TO THE PRESIDENT FOR HIS APPROVAL.

Mr. ASHBROOK, from the Committee on Enrolled Bills, reported that this day they had presented to the President of the United States, for his approval, House joint resolution of the following title:

H. J. Res. 279. Joint resolution to amend an act entitled "An act granting pensions and increase of pensions to certain soldiers and sailors of the Civil War and certain widows and dependent children of soldiers and sailors of said war," approved May 2, 1914.

SENATE BILL REFERRED.

Under clause 2 of Rule XXIV, Senate bill of the following title was taken from the Speaker's table and referred to its appropriate committee as indicated below:

S. 5957. An Act to authorize the construction of a bridge across the Sabine River in the States of Louisiana and Texas, about two miles west of Hunter, La.; to the Committee on Interstate and Foreign Commerce.

INVALID PENSIONS.

Mr. RUSSELL. Mr. Speaker, I desire to call up the conference report on the bill (H. R. 12914) granting pensions and increase of pensions to certain soldiers and sailors of the Civil War and certain widows and dependent children of soldiers and sailors of said war.

The SPEAKER. Is there a statement to accompany the report?

Mr. RUSSELL. Yes; but the report is shorter than the statement, I think.

The SPEAKER. The Clerk will read the conference report.

The Clerk read the conference report, as follows:

CONFERENCE REPORT (NO. 928).

The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 12914) granting pensions and increase of pensions to certain soldiers and sailors of the Civil War and certain widows and dependent children of soldiers and sailors of said war, having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

That the Senate recede from its amendments numbered 5, 13, 16, 37, 38, 45.

That the House recede from its disagreement to the amendments of the Senate numbered 1, 2, 3, 4, 6, 7, 8, 9, 10, 11, 12, 14, 15, 17, 18, 19, 20, 21, 22, 23, 24, 25, 26, 27, 28, 29, 30, 31, 32, 33, 34, 35, 36, 39, 40, 41, 42, 43, 44, 46, 47, 48, 49, 50, 51, 52, 53, 54, 55, 56, 57, 58, 59, and agree to the same.

JOE J. RUSSELL,
J. A. M. ADAIR,
JNO. W. LANGLEY,
Managers on the part of the House.

BENJ. F. SHIVELY,
WM. HUGHES,
THOMAS STERLING,
Managers on the part of the Senate.

The statement is as follows:

STATEMENT.

Amendments Nos. 1 and 2 are typographical corrections.

On amendment No. 3 the House concurs in Senate amendment to reduce the item from $24 to $20. This is to conform with the rules of both committees.

On amendment No. 4 the House concurs in the Senate amendment, as the claimant did not marry the soldier until August 18, 1895.

On amendment No. 5 the Senate recedes, it having been shown that the claimant is not in a condition that she requires the aid and attendance of another person.

On amendment No. 6 the House concurs, as the rules of the committee of both Houses provide that pension for helpless children shall not exceed $12 per month.

Amendment No. 7 is a typographical correction.

On amendment No. 8 the House concurs in the Senate amendment, as the facts shown by the evidence in the case justify an increase to $30 per month.

On amendment No. 9 the House concurs in the Senate amendment to reduce the amount from $24 to $20. This is to conform with the rules of both committees.

On amendment No. 10 the House concurs, as it is a typographical correction.

On amendment No. 11 the House concurs in the Senate amendment, as the claimant did not serve the required 90 days.

Amendment No. 12 is a typographical correction.

On amendment No. 13 the Senate recedes from its amendment, as it is shown claimant is blind.

Amendments Nos. 14 and 15 are typographical corrections.

On amendment No. 16 the Senate recedes, as it is shown the claimant is blind, and this is the amount she would be allowed under the general law had her husband died from disease of service origin.

On amendment No. 17 the House concurs. In this case it is proposed to increase the pension of the widow of a soldier who served but three months, and who was not a war widow.

Amendment No. 18 is a typographical correction.

On amendment No. 19 the House concurs in the Senate amendment, as the facts shown in additional evidence justify an increase to $30.

On amendment No. 20 the House concurs in the Senate amendment to increase the amount from $24 to $30, as the facts shown seem to so warrant.

On amendment No. 21 the House concurs in the Senate amendment to increase the amount from $24 to $30, as the report of the Senate declares the facts set forth justify that amount.

On amendment No. 22 the House concurs, as it is a typographical correction.

On amendment No. 23 the House concurs in the Senate amendment, as additional proofs filed with the committee show that the soldier now needs constant aid and attendance.

On amendment No. 24 the House concurs, as the claimant is now pensioned at $24 per month by special act.

On amendment No. 25 the House concurs in the Senate amendment to increase the amount from $27 to $30. The facts set out in the report seem to justify the Senate committee in making this increase.

Amendments Nos. 26, 27, 28, 29 are typographical corrections.

On amendment No. 30 the House concurs in the Senate amendment to increase the amount from $28 to $30, which the facts seem to warrant.

Amendment No. 31 is a typographical correction.

On amendment No. 32 the House concurs in the Senate amendment to reduce the amount from $30 to $24, on account of soldier's short service at the close of the war.

On amendment No. 33 the House concurs in the Senate amendment, which proposes to increase the amount from $24 to $30. The facts shown by the evidence convince the Senate committee that $30 was the proper rating.

Amendments Nos. 34, 35, and 36 are typographical corrections.

On amendment No. 37 the Senate recedes, as it is shown that the claimant needs the constant attention of another person at all times.

On amendment No. 38 the Senate recedes, being shown that the widow married the soldier very shortly after his service, and is now helpless and destitute.

On amendment No. 39 the House concurs in the amendment to reduce the amount from $36 to $30, on account of the soldier's short service and his present disability not being of service origin.

On amendment No. 40 the House concurs in the Senate amendment to increase the amount from $24 to $30, as the facts set forth in the report seem to warrant this action.

Amendments Nos. 41 and 42 are typographical corrections.

On amendment No. 43 the House concurs in the Senate amendment, the claimant having died.

Amendment No. 44 is a typographical correction.

On amendment No. 45 the Senate recedes, as it is shown that the claimant is totally blind.

Amendment No. 46 is a typographical correction.

On amendment No. 47 the House concurs in the Senate amendment to increase the amount from $28 to $30, as the soldier's disabilities were incurred in the service.

Amendments Nos. 48 and 49 are typographical corrections.

On amendment No. 50 the House concurs in the Senate amendment to increase the amount allowed Morton A. Read from $36 to $50, as additional evidence filed with the Senate committee shows that the soldier is now paralyzed and requires aid and attendance at all times.

Amendment No. 51 is a typographical correction.

On amendment No. 52 the House concurs in the Senate amendment to increase the amount from $30 to $36, as the claimant is now shown to be in much worse condition than when the bill passed the House.

On amendment No. 53 the House concurs in the Senate amendment to increase the amount allowed George W. Coward from $30 to $50 on additional proofs filed with the Senate committee.

Amendment No. 54 is a typographical correction.

On amendment No. 55 the House concurs in the Senate amendment to increase the amount from $36 to $50, which increase was made on additional evidence filed with the Senate committee.

Amendments Nos. 56, 57, and 58 are typographical corrections.

On amendment No. 59 the House concurs in the Senate amendment to reduce the amount from $36 to $30, on account of the short service.

JOE J. RUSSELL,
J. A. M. ADAIR,
JNO. W. LANGLEY,
Managers on the part of the House.

The conference report was agreed to.

Mr. RUSSELL. Mr. Speaker, I call up the conference report on the bill (H. R. 13542) granting pensions and increase of pensions to certain soldiers and sailors of the Civil War and certain widows and dependent children of soldiers and sailors of said war.

The Clerk read the conference report, as follows:

CONFERENCE REPORT (NO. 929).

The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 13542) granting pensions and increase of pensions to certain soldiers and sailors of the Civil War and certain widows and dependent children of soldiers and sailors of said war, having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

That the Senate recede from its amendments numbered 3, 20.

That the House recede from its disagreement to the amendments of the Senate numbered 1, 2, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16, 17, 18, 19, 21, 22, 23, 25, 26, 27, and agree to the same.

Amendment numbered 24: That the House recede from its disagreement to the amendment of the Senate numbered 24, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$40"; and the Senate agree to the same.

JOE J. RUSSELL,
J. A. M. ADAIR,
JNO. W. LANGLEY,
Managers on the part of the House.
BENJ. F. SHIVELY,
WM. HUGHES,
THOMAS STERLING,
Managers on the part of the Senate.

The statement is as follows:

STATEMENT.

Amendment No. 1 is a typographical correction.

On amendment No. 2 the House concurs, as the service of the soldier was very short.

On amendment No. 3 the Senate recedes from its amendment, as it is shown that the claimant is blind.

On amendment No. 4 the House concurs. It is proposed to reduce the amount from $36 to $30, which seems to be commensurate with the soldier's service.

Amendments Nos. 5 and 6 are typographical corrections.

On amendment No. 7 the House concurs. It is proposed to increase the amount from $30 to $36, which increase is made on additional evidence filed with the Senate committee.

Amendments Nos. 8 and 9 are typographical corrections.

On amendment No. 10 the House concurs, as the beneficiary is dead.

Amendments 11, 12, and 13 are typographical corrections.

On amendment 14 the House concurs, as the rules of both Houses provide that pensions for a helpless child shall not exceed $12 per month.

On amendments 15 and 16 the House concurs, as the beneficiaries are dead.

Amendments Nos. 17 and 18 are typographical corrections.

On amendment No. 19 the House concurs in the proposition to increase the amount from $40 to $50. This increase is made on additional evidence furnished the Senate committee.

On amendment No. 20 the Senate recedes on account of the extreme poverty and terrible condition of the claimant.

Amendments 21 and 22 are typographical corrections.

On amendment No. 23 the House concurs in the Senate amendment to increase the rating from $24 to $30, which increase is made on additional evidence furnished the Senate committee.

On amendment No. 24 the House recedes from its previous disagreement, and concurs in the same with an amendment which pensions him at $40 per month.

Amendments Nos. 25, 26, and 27 are typographical errors.

JOE J. RUSSELL,
J. A. M. ADAIR,
JNO. W. LANGLEY,
Managers on the part of the House.

The conference report was agreed to.

Mr. RUSSELL. Mr. Speaker, I call up the conference report on the bill (H. R. 14234) granting pensions and increase of pensions to certain soldiers and sailors of the Civil War and certain widows and dependent children of soldiers and sailors of said war.

The Clerk read the conference report, as follows:

CONFERENCE REPORT (NO. 930).

The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 14234) granting pensions and increase of pensions to certain soldiers and sailors of the Civil War and certain widows and dependent children of soldiers and sailors of said war, having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

That the Senate recede from its amendments numbered 22, 23, 35, 39, 41.

That the House recede from its disagreement to the amendments of the Senate numbered 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16, 17, 18, 19, 20, 21, 24, 25, 26, 27, 28, 29, 30, 31, 32, 33, 34, 36, 37, 38, 40, 42, 43, 44, 45, and agree to the same.

JOE J. RUSSELL,
J. A. M. ADAIR,
JNO. W. LANGLEY,
Managers on the part of the House.
BENJ. F. SHIVELY,
WM. HUGHES,
THOMAS STERLING,
Managers on the part of the Senate.

The statement is as follows:

STATEMENT.

On amendment No. 1 the House concurs, the claimant having died.

Amendments Nos. 2 and 3 are typographical corrections.

On amendment No. 4 the House concurs, as it is proposed to increase the pension of a helpless and dependent child from $12 to $20, but this is against the rules of both Houses.

On amendment No. 5 the House concurs. On additional evidence submitted to the Senate the rating is changed from $30 to $40.

Amendments Nos. 6 and 7 are typographical corrections.

On amendment No. 8 the House concurs in the Senate recommendation to reduce the amount from $24 to $20 to conform with the rules of both Houses.

On amendment No. 9 the House concurs in the Senate recommendation to reduce the amount from $24 to $20 to conform with the rules of both Houses.

Amendments Nos. 10, 11, 12, and 13 are typographical corrections.

On amendment No. 14 the House concurs, the claimant having died.

On amendment No. 15 the House concurs in the Senate recommendation to reduce the amount from $24 to $20 to conform with the rules.

Amendments Nos. 16 and 17 are typographical corrections.

On amendment No. 18 the House concurs, the claimant having died.

Amendments Nos. 19, 20, and 21 are typographical corrections.

On amendment No. 22 the Senate recedes. It is proposed to reduce the amount from $50 to $40, but as the claimant is totally blind, the Senate receded.

On amendment No. 23 the Senate recedes, as it was clearly shown that no pension is being drawn on the services of this soldier.

Amendment No. 24 is merely a typographical correction.

On amendment No. 25 the House concurs, as it is shown the claimant is now pensioned at $30 by special act of Congress.

Amendment No. 26 is a typographical correction.

On amendment No. 27 the House concurs, the claimant having died.

Amendments Nos. 28 and 29 are typographical corrections.

On amendment No. 30 the House concurs in the Senate recommendation increasing the amount allowed from $24 to $25, as it has been the custom of both committees to allow $25 in such cases.

On amendment No. 31 the House concurs, as a similar bill passed both Houses during this Congress, and was signed and approved by the President.

On amendment No. 32 the House concurs in the Senate recommendation to increase the rate from $28 to $30, to conform with the rules of both Houses.

Amendments Nos. 33 and 34 are typographical corrections.

On amendment No. 35 the Senate recedes and allows the pension of $24, passed by the House, to stand.

On amendment No. 36 the House concurs. It is proposed to reduce the amount allowed the claimant from $30 to $20, which is the amount she would have been allowed had the soldier died as the result of his military service.

On amendment No. 37 the House concurs in the Senate amendment, the claimant having died.

Amendment No. 38 is a typographical correction.

On amendment No. 39 the House concurs. It proposes to reduce the amount from $30 to $24 on account of short service.

Amendment No. 40 is a typographical correction.

On amendment No. 41 the Senate recedes from its amendment and allows the item to pension Caroline Kirman to stand at $12.

Amendments Nos. 42, 43, 44, and 45 are typographical corrections.

JOE J. RUSSELL,
J. A. M. ADAIR,
JNO. W. LANGLEY,
Managers on the part of the House.

The conference report was agreed to.

Mr. RUSSELL. Mr. Speaker, I call up the conference report on the bill (H. R. 14738) granting pensions and increase of pensions to certain soldiers and sailors of the Civil War and certain widows and dependent children of soldiers and sailors of said war.

The Clerk read the conference report, as follows:

CONFERENCE REPORT (NO. 931).

The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 14738) granting pensions and increase of pensions to certain soldiers and sailors of the Civil War, and certain widows and dependent children of soldiers and sailors of said war, having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

That the Senate recede from its amendments numbered 1, 4, and 18.

That the House recede from its disagreement to the amendments of the Senate numbered 2, 3, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16, 17, 19, 20, 21, 22, 23, 24, 25, 26, 27, 28, 29, and 30, and agree to the same.

JOE J. RUSSELL,
J. A. M. ADAIR,
JNO. W. LANGLEY,
Managers on the part of the House.
BENJ. F. SHIVELY,
WM. HUGHES,
THOMAS STERLING,
Managers on the part of the Senate.

The statement is as follows:

STATEMENT.

On amendment No. 1 the Senate recedes from its contention that the item should be stricken from the bill.

On amendment No. 2 the House concurs. It provides for reduction of the amount to be paid Amy Day, widow of Leronza Day, from $24 to $20.

On amendment No. 3 the House concurs. This is merely a typographical correction.

On amendment No. 4 the Senate recedes from its contention that the item be stricken from the bill. It proposed to strike out the item pensioning Hannah M. Brodock at $12 per month.

On amendment No. 5 the Senate proposes to increase the amount paid to George Congdon from $30 to $36. This amount is allowed on additional evidence furnished the Senate committee.

Amendments Nos. 6, 7, 8, 9, 10, and 11 are merely typographical corrections.

On amendment No. 12 the Senate increased the amount to be paid Alvah Withee from $24 to $30. This was done on additional evidence furnished the Senate committee.

Amendments Nos. 13 and 14 are merely typographical corrections.

Amendment No. 15 increases the amount paid to Thomas McCafferty from $30 to $36. The Senate committee made this increase on additional evidence furnished them.

Amendments Nos. 16 and 17 are merely typographical corrections.

On amendment No. 18 the Senate recedes, the Senate committee not having read all the evidence when the item was stricken from the bill.

On amendment No. 19 the House concurs. The proposed beneficiary in this case had not exhausted his resources at the Pension Bureau.

Amendments Nos. 20, 21, 22, 23, 24, 25, 26, 27, 28, 29, and 30 are typographical corrections.

JOE J. RUSSELL,
J. A. M. ADAIR,
JNO. W. LANGLEY,
Managers on the part of the House.

The conference report was agreed to.

Mr. RUSSELL. Mr. Speaker, I call up the conference report on the bill (H. R. 15692) granting pensions and increase of pensions to certain soldiers and sailors of the Civil War and certain widows and dependent children of soldiers and sailors of said war.

The Clerk read the conference report, as follows:

CONFERENCE REPORT (NO. 932).

The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 15692) granting pensions and increase of pensions to certain soldiers and sailors of the Civil War and certain widows and dependent children of soldiers and sailors of said war, having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

That the Senate recede from its amendment numbered 12.

That the House recede from its disagreement to the amendments of the Senate numbered 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 13, 14, 16, 17, 18, 19, 20, 21, 22, 23, 24, 25, 26, and agree to the same.

Amendment numbered 15: That the House recede from its disagreement to the amendment of the Senate numbered 15, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$20"; and the Senate agree to the same.

JOE J. RUSSELL,
J. A. M. ADAIR,
JNO. W. LANGLEY,
Managers on the part of the House.
BENJ. F. SHIVELY,
WM. HUGHES,
THOMAS STERLING,
Managers on the part of the Senate.

The statement is as follows:

STATEMENT.

On amendment No. 1 the House concurs in the Senate recommendation, this remarried widow not having been the wife of the soldier during his service.

Amendments Nos. 2, 3, and 4 are typographical corrections.

On amendment No. 5 the House concurs in the Senate proposition to reduce the pension of Julia W. Stevens from $24 to $20. This is in accord with the rules of both committees.

Amendment No. 6 is a typographical correction.

On amendment No. 7 the House concurs in the Senate recommendation that the amount be reduced from $27 to $24. This is to conform with the regular practice of both committees.

Amendment No. 8 is a typographical correction.

On amendment No. 9 the House concurs in the Senate recommendation to reduce the amount from $27 to $24 in accordance with the practice of both committees.

On amendment No. 10 the House concurs in the Senate amendment, the beneficiary having died.

Amendment No. 11 is merely a typographical correction.

On amendment No. 12 the Senate recedes, it being generally conceded the soldier is dead, and a provision of the bill thoroughly protects the Treasury of the United States in case he should later appeal for a pension.

On amendment No. 13 the House concurs in the recommendation to increase the amount from $27 to $30, additional evidence having been died with the committee.

Amendment No. 14 is a typographical correction.

On amendment No. 15 the House concurs with an amendment to pension Martha Gage at $20 per month, this being the customary amount for widows of private soldiers.

Amendment No. 16 is a typographical correction.

On amendment No. 17 the House concurs to reduce the amount proposed to be paid to Christian Harchelrode from $24 to $20. This is to conform with the rules of both Houses in such cases.

On amendment No. 18 the House concurs to reduce the amount proposed to be paid to Eliza M. Clark from $24 to $20. This is to conform with the rules of both Houses in such cases.

Amendments Nos. 19, 20, 21, and 22 are typographical corrections.

On amendment No. 23 the House concurs, the claimant having died.

On amendment No. 24 the House concurs, the claimant having died.

Amendment No. 25 is a typographical correction.

On amendment No. 26 the House concurs in the Senate recommendation to increase the amount from $20 to $40 on additional evidence filed with them.

JOE J. RUSSELL,
J. A. M. ADAIR,
JNO W. LANGLEY,
Managers on the part of the House.

The conference report was agreed to.

On motion of Mr. RUSSELL, a motion to reconsider the votes by which the several conference reports were agreed to was laid on the table.

PUBLICITY OF CAMPAIGN CONTRIBUTIONS.

The SPEAKER. The unfinished business is the bill (H. R. 8428) to codify, revise, and amend the laws relating to publicity of contributions and expenditures made for the purpose of influencing the nomination and election of candidates for the offices of Representative and Senator in the Congress of the United States, limiting the amount of campaign expenses, and for other purposes.

The question is on agreeing to the amendment reported by the gentleman from Missouri [Mr. RUCKER].

Mr. RUCKER. Mr. Speaker, a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. RUCKER. Suppose the amendment should be voted down. What would be the status of the bill then?

The SPEAKER. The bill would be exactly where it was before the motion to recommit.

Mr. RUCKER. Mr. Speaker, before the vote is taken, as that particular paragraph was not discussed in the presence of the Members here——

Mr. BURKE of South Dakota. Mr. Speaker, I raise the point of order that the previous question has been ordered.

Mr. RUCKER. That is correct. I ask unanimous consent to discuss this section for five minutes.

Mr. BRYAN. Mr. Speaker, reserving the right to object, we will be glad to have the discussion, but we will want an equal time for discussion on the opposite side.

Mr. RUCKER. I ask unanimous consent that I may be allowed five minutes, and that any gentleman on the other side may have an equal amount of time.

The SPEAKER. The gentleman from Missouri [Mr. RUCKER] asks unanimous consent that, the rules to the contrary notwithstanding, he be allowed five minutes to discuss this matter from his standpoint, and that some Member who is opposed to his views have five minutes. Is there objection?

Mr. RAKER. Mr. Speaker, reserving the right to object, the vote on the motion to recommit having been carried, and the committee having reported to the House, and the House having voted upon the passage of the bill, and 146 having voted in favor of it and 11 against it, and then the point of no quorum having been made, and the House having adjourned, is it possible to go back and reconsider the vote by which the motion to recommit was carried?

The SPEAKER. The whole tale is that the Chair was mistaken about what ought to have been voted on. The unfinished business is this bill in respect to publicity of campaign contributions. It seemed to the Chair at first blush in the uproar prevailing here yesterday that it was an absolutely superfluous thing to vote on that amendment again; that the vote on recommitting was equivalent to adopting the amendment. But the Chair studied it out for himself when he had plenty of time last evening, and also conversed with a skillful parliamentarian, who is a Member of the House, upon the subject, and finally hunted up the authorities. This kind of a case might arise: The gentleman from California, instead of moving to recommit with 1 amendment, might have included 40 amendments in his motion, if he had so desired, and while the motion to recommit carries, the House might really on a separate vote vote some of those amendments in and some of them out. Then, as good luck would have it, the vote failed on account of the absence of a quorum, so that the incorrect ruling of the Chair did not make any difference. We lacked 15 or 20 Members of having a quorum. Fifteen or twenty Members come in this morning and make a quorum, so, as far as that is concerned, it might change the whole aspect of the affair.

Mr. RAKER. Mr. Speaker, while I would not pretend for a moment to argue against the ruling of the Speaker at this time, the suggestion made by the Speaker that there might be three or four propositions in the motion to recommit, it seems to me, is not pertinent, for in this particular case there was but one.

The SPEAKER. That is true; but we can not establish a rule or a ruling for one particular case. We have to make it meet all cases. The Chair has no doubt whatever that the proper thing to vote upon when the time comes to vote in the first instance is the amendment reported by the gentleman from Missouri [Mr. RUCKER]. Then the bill will have to be engrossed and read a third time. That is the process.

Mr. RAKER. The bill does not have to be engrossed unless some one demands it.

The SPEAKER. Oh, yes. That is a matter of routine.

The gentleman from Missouri asks unanimous consent to proceed for 10 minutes. Is there objection?

Mr. WINGO. Mr. Speaker, I object.

The SPEAKER. The question is on agreeing to the amendment reported by the gentleman from Missouri, and the Chair thinks under the circumstances of the case that it ought to be again reported.

Mr. RUCKER. Mr. Speaker, may I ask that the Clerk report the section as it will read if the amendment be adopted?

The SPEAKER. Without objection, it will be so done.

The Clerk read as follows:

Amendment, page 7, line 16, strike out in line 16 the words "in two or more States," so that the section as amended will read as follows:

"SEC. 8. That every person, firm, association, or committee, except political committees as hereinbefore defined, that shall expend or promise any sum of money or other thing of value amounting to $50 or more for the purpose of influencing or controlling the result of an election at which Representatives or Senators to the Congress of the United States are elected, unless he or it shall contribute the same to a political committee as hereinbefore defined, shall file statements of the same under oath in the office of the Clerk of the House of Representatives, at Washington, D. C., as required by sections 6 and 7 of this act, which statements shall be held by said Clerk in all respects as required by section 6 of this act."

Mr. MANN. Mr. Speaker, a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. MANN. As I understood the motion to recommit, it provided that the committee should be directed to strike out of the bill the language "in two or more States," without specifying where the language was. Is that correct?

Mr. RAKER. Oh, no; it is on line 16, page 7. That was the motion, definitely stated.

The SPEAKER. The question is on agreeing to the amendment.

The question was taken, and the Speaker announced that the ayes seemed to have it.

Mr. RUCKER. Mr. Speaker, I ask for the yeas and nays.

The SPEAKER. The gentleman from Missouri demands the yeas and nays. Those in favor of ordering the yeas and nays will rise and stand until counted. [After counting.] Forty-seven have risen. Those opposed will rise and stand until counted. [After counting.] Three have risen. Forty-seven is a sufficient number, and the Clerk will call the roll.

The Clerk called the roll; and there were—yeas 134, nays 116, answered "present" 6, not voting 177, as follows:

YEAS—134.

Abercrombie	Evans	Kettner	Reilly, Conn.
Allen	Falconer	Kindel	Reilly, Wis.
Anderson	Farr	Kinkaid, Nebr.	Roberts, Nev.
Ansberry	Fergusson	Kitchin	Rogers
Avis	Foster	Konop	Rouse
Baker	Fowler	La Follette	Rupley
Barkley	Frear	Langley	Scott
Barton	French	Lee, Pa.	Seldomridge
Bathrick	Gallivan	Lenroot	Sherwood
Beakes	Gardner	Lindbergh	Sinnott
Bell, Cal.	Gillett	Lindquist	Smith, Idaho
Britten	Goeke	Logue	Smith, Saml. W.
Brockson	Good	Lonergan	Smith, Minn.
Brown, N. Y.	Gray	McKenzie	Stafford
Bryan	Green, Iowa	MacDonald	Stephens, Cal.
Burke, S. Dak.	Greene, Mass.	Madden	Stephens, Tex.
Burke, Wis.	Greene, Vt.	Maguire, Nebr.	Stevens, Minn.
Carr	Hamilton, Mich.	Mahan	Stevens, N. H.
Casey	Hammond	Manahan	Stone
Connelly, Kans.	Hardy	Mapes	Tavenner
Connolly, Iowa	Haugen	Miller	Taylor, Colo.
Cox	Hawley	Mitchell	Taylor, N. Y.
Cramton	Hayden	Montague	Temple
Cullop	Helgesen	Morgan, Okla.	Thomson, Ill.
Deitrick	Helvering	Moss, W. Va.	Towner
Dershem	Hill	Murray, Mass.	Treadway
Difenderfer	Hinebaugh	Nelson	Volstead
Dillen	Howell	Nolan, J. I.	Whitacre
Donohoe	Igoe	O'Hair	Williams
Donovan	Johnson, Ky.	O'Leary	Wingo
Doolittle	Keating	Payne	Woodruff
Eagan	Keister	Phelan	Woods
Edmonds	Kelly, Pa.	Post	
Esch	Kennedy, Iowa	Raker	

NAYS—116.

Adamson	Baltz	Bowdle	Buchanan, Tex.
Aiken	Bell, Ga.	Brodbeck	Burgess
Alexander	Blackmon	Broussard	Burnett
Aswell	Booher	Brumbaugh	Byrnes, S. C.

Byrns, Tenn.	Fitzgerald	Johnson, Utah	Quin
Campbell	Flood, Va.	Kahn	Ragsdale
Candler, Miss.	Francis	Kennedy, Conn.	Rauch
Cantor	Gard	Kirkpatrick	Rayburn
Caraway	Garner	Korbly	Reed
Carter	Garrett, Tenn.	Lee, Ga.	Rubey
Clark, Fla.	Garrett, Tex.	Lesher	Rucker
Claypool	Gill	Lever	Russell
Cline	Godwin, N. C.	Levy	Sims
Coady	Goodwin, Ark.	Linthicum	Sisson
Collier	Graham, Ill.	Lloyd	Smith, Md.
Conry	Gregg	McCoy	Stedman
Curry	Hamlin	Mann	Stephens, Miss.
Dent	Harris	Mondell	Stout
Dickinson	Harrison	Moon	Talcott, N. Y.
Dixon	Hay	Moore	Taylor, Ark.
Doremus	Heflin	Morrison	Thacher
Doughton	Helm	Murray, Okla.	Townsend
Drukker	Hensley	Neely, W. Va.	Tribble
Dupré	Howard	Oldfield	Tuttle
Eagle	Hughes, Ga.	Padgett	Underwood
Estopinal	Hull	Page, N. C.	Vollmer
Faison	Humphrey, Wash.	Park	Watson
Ferris	Jacoway	Platt	Webb
Fess	Johnson, S. C.	Pou	Witherspoon

ANSWERED "PRESENT"—6.

Butler	Glass	Sloan	Watkins
Elder	Key, Ohio		

NOT VOTING—177.

Adair	Fields	L'Engle	Scully
Ainey	Finley	Lewis, Md.	Sells
Anthony	FitzHenry	Lewis, Pa.	Shackleford
Ashbrook	Floyd, Ark.	Lieb	Sharp
Austin	Fordney	Lobeck	Sherley
Bailey	Gallagher	Loft	Shreve
Barchfeld	George	McAndrews	Slayden
Barnhart	Gerry	McClellan	Slemp
Bartholdt	Gilmore	McDermott	Small
Bartlett	Gittins	McGillicuddy	Smith, J. M. C.
Beall, Tex.	Goldfogle	McGuire, Okla.	Smith, N. Y.
Borchers	Gordon	McKellar	Smith, Tex.
Borland	Gorman	McLaughlin	Sparkman
Brown, W. Va.	Goulden	Maher	Stanley
Browne, Wis.	Graham, Pa.	Martin	Steenerson
Browning	Griest	Merritt	Stephens, Nebr.
Bruckner	Griffin	Metz	Stringer
Buchanan, Ill.	Gudger	Morgan, La.	Sumners
Bulkley	Guernsey	Morin	Sutherland
Burke, Pa.	Hamill	Moss, Ind.	Switzer
Calder	Hamilton, N. Y.	Mott	Taggart
Callaway	Hardwick	Murdock	Talbott, Md.
Cantrill	Hart	Neeley, Kans.	Taylor, Ala.
Carew	Hayes	Norton	Ten Eyck
Carlin	Henry	O'Brien	Thomas
Cary	Hinds	Oglesby	Thompson, Okla.
Chandler, N. Y.	Hobson	O'Shaunessy	Underhill
Church	Holland	Paige, Mass.	Vare
Clancy	Houston	Palmer	Vaughan
Cooper	Hoxworth	Parker	Walker
Copley	Hughes, W. Va.	Patten, N. Y.	Wallin
Covington	Hulings	Patton, Pa.	Walsh
Crisp	Humphreys, Miss.	Peters, Mass.	Walters
Crosser	Johnson, Wash.	Peters, Me.	Weaver
Dale	Jones	Peterson	Whaley
Danforth	Kelley, Mich.	Plumley	White
Davenport	Kennedy, R. I.	Porter	Willis
Davis	Kent	Powers	Wilson, Fla.
Decker	Kiess, Pa.	Prouty	Wilson, N. Y.
Dies	Kinkead, N. J.	Rainey	Winslow
Dooling	Knowland, J. R.	Riordan	Young, N. Dak.
Driscoll	Kreider	Roberts, Mass.	Young, Tex.
Dunn	Lafferty	Rothermel	
Edwards	Langham	Sabath	
Fairchild	Lazaro	Saunders	

So the amendment was agreed to.

The following pairs were announced:

For the session:

Mr. BARTLETT with Mr. BUTLER.

Mr. SCULLY with Mr. BROWNING.

Mr. METZ with Mr. WALLIN.

Until further notice:

Mr. BAILEY with Mr. CARY.

Mr. BROWN of West Virginia with Mr. BARCHFELD.

Mr. BUCHANAN of Illinois with Mr. COOPER.

Mr. CALLAWAY with Mr. DANFORTH.

Mr. CARLIN with Mr. DAVIS.

Mr. FINLEY with Mr. KIESS of Pennsylvania.

Mr. GALLAGHER with Mr. HULINGS.

Mr. GEORGE with Mr. MCGUIRE of Oklahoma.

Mr. GORMAN with Mr. MCLAUGHLIN.

Mr. GOULDEN with Mr. PATTON of Pennsylvania.

Mr. RAINEY with Mr. PLUMLEY.

Mr. JONES with Mr. PROUTY.

Mr. LOBECK with Mr. POWERS.

Mr. MCCLELLAN with Mr. STEENERSON.

Mr. PALMER with Mr. WILLIS.

Mr. SMALL with Mr. SUTHERLAND.

Mr. SHERLEY with Mr. FORDNEY.

Mr. WHALEY with Mr. WINSLOW.

Mr. MCKELLAR with Mr. GRAHAM of Pennsylvania.

Mr. ASHBROOK with Mr. BARTHOLDT.

Mr. DEITRICK with Mr. HAYES.

Mr. ELDER with Mr. KREIDER.

Mr. YOUNG of Texas with Mr. AINEY.

Mr. HARDWICK with Mr. J. R. KNOWLAND.

Mr. SPARKMAN with Mr. VARE.

Mr. MOSS of Indiana with Mr. SELLS.

Mr. GILMORE with Mr. AUSTIN.

Mr. CLANCY with Mr. HAMILTON of New York.

Mr. GLASS with Mr. SLEMP.

Mr. HOUSTON with Mr. PORTER.

Mr. GOLDFOGLE with Mr. LANGHAM.

Mr. EDWARDS with Mr. KENNEDY of Rhode Island.

Mr. VAUGHAN with Mr. SHREVE.

Mr. PATTEN of New York with Mr. NORTON.

Mr. LAZARO with Mr. PARKER.

Mr. SABATH with Mr. SWITZER.

Mr. SHACKLEFORD with Mr. ROBERTS of Massachusetts.

Mr. NEELEY of Kansas with Mr. PAIGE of Massachusetts.

Mr. MCDERMOTT with Mr. GRIEST.

Mr. DAVENPORT with Mr. J. M. C. SMITH.

Mr. HENRY with Mr. HINDS.

Mr. MCGILLICUDDY with Mr. GUERNSEY.

Mr. SMITH of Texas with Mr. YOUNG of North Dakota.

Mr. DALE with Mr. MARTIN.

Mr. TAYLOR of Alabama with Mr. HUGHES of West Virginia.

Mr. CANTRILL with Mr. COPLEY.

Mr. LIEB with Mr. LAFFERTY.

Mr. STEPHENS of Nebraska with Mr. LEWIS of Pennsylvania.

Mr. TALBOTT of Maryland with Mr. MERRITT.

Mr. RIORDAN with Mr. WALTERS.

Mr. BULKLEY with Mr. CALDER.

Mr. BRUCKNER with Mr. BROWNE of Wisconsin.

Mr. MORGAN of Louisiana with Mr. PETERS of Maine.

Mr. ADAIR with Mr. CHANDLER of New York.

Mr. THOMAS with Mr. FAIRCHILD.

Mr. WATKINS with Mr. DUNN.

Mr. FIELDS with Mr. JOHNSON of Washington.

Mr. SLAYDEN with Mr. BURKE of Pennsylvania.

Ending August 4:

Mr. WEAVER with Mr. SLOAN.

Mr. FITZHENRY. Mr. Speaker, I was not in the Hall when my name was called. I was attending a session of the Judiciary Committee, inquiring into the charges against Judge Dayton. I would like to vote against this amendment.

The SPEAKER. The gentleman is not entitled to vote.

Mr. FLOYD of Arkansas. Mr. Speaker, like the gentleman from Illinois, I was attending a session of the Judiciary Committee.

The SPEAKER. The gentleman can not vote.

The result of the vote was then announced as above recorded.

The bill was ordered to be engrossed and read a third time, and was read the third time.

The SPEAKER. The question now is on the passage of the bill.

The question was taken; and on a division (demanded by Mr. HOWARD) there were 133 ayes and 19 noes.

So the bill was passed.

On motion of Mr. RUCKER, a motion to reconsider the vote whereby the bill was passed was laid on the table.

SUNDRY CIVIL APPROPRIATION BILL.

Mr. FITZGERALD. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the sundry civil appropriation bill, disagree to the Senate amendments, and ask for a conference.

Mr. GARDNER. I reserve the right to object.

The SPEAKER. The Clerk will report the title to the bill.

The Clerk read as follows:

H. R. 17041. An act making appropriations for the sundry civil expenses of the Government for the year ending June 30, 1915, and for other purposes.

The SPEAKER. Is there objection to the request of the gentleman from New York?

Mr. MANN. Reserving the right to object, I would like to ask the gentleman from New York if he knows how many Senate amendments there are.

Mr. FITZGERALD. About 200.

Mr. MANN. I take it that if the bill goes over it will be printed showing the Senate amendments, and I therefore object.

Mr. FITZGERALD. I was endeavoring simply to expedite the business of the House.

Mr. MANN. The expedition ought not to come at the expense of Congress; the gentleman has been so neglectful in bringing in the bill that we ought not to expedite it now at the expense of the Government.

Mr. FITZGERALD. I have not been neglectful in bringing in the bill; privileged business was interposed by a vote of the House.

The SPEAKER. Debate on this subject is out of order.

INDIAN APPROPRIATION BILL.

Mr. STEPHENS of Texas. Mr. Speaker, I move that the House resolve itself into the Committee of the Whole House on the state of the Union for the further consideration of the Indian appropriation bill.

The motion was agreed to.

Accordingly the House resolved itself into the Committee of the Whole House on the state of the Union, with Mr. UNDERWOOD in the chair.

The CHAIRMAN. The House is now in Committee of the Whole House on the state of the Union for the further consideration of the bill of which the Clerk will read the title.

The Clerk read as follows:

H. R. 12579. An act making appropriations for the current and contingent expenses of the Bureau of Indian Affairs, for fulfilling treaty stipulations with various Indian tribes, and for other purposes, for the fiscal year ending June 30, 1915.

The CHAIRMAN. The Clerk will report the next amendment.

The Clerk read as follows:

Amendment No. 9: Page 7, line 18, strike out the word "remove."

Mr. STEPHENS of Texas. Mr. Chairman, I desire to ask unanimous consent to disagree to all of Senate amendments from No. 9 down to and including Senate amendment numbered 31; that is, to all amendments from No. 9 down to No. 31. No. 31 is the beginning of the States.

The CHAIRMAN. The gentleman from Texas asks unanimous consent that the House disagree to Senate amendments numbered 9 to 31, inclusive. Is there objection?

Mr. MANN. Mr. Chairman, reserving the right to object, I would like for just a moment to attract the attention of the gentleman to amendments 9, 10, and 11, where I think the action of the Senate ought to be agreed to. I do not ask that be done now.

Mr. STEPHENS of Texas. Then I will change my request——

Mr. MANN. The gentleman need not change his request. We had some contest over this matter in the House and modified the language of the bill reported to the House, which carried the right to forcibly take an Indian away from his home and take him to a hospital.

Mr. STEPHENS of Texas. I will say to the gentleman I regard that as a very important amendment, and I will say to the committee that the committee which investigated the Indian matters in the West last fall had that matter under investigation with numerous doctors and numerous Indian agents and other persons connected with the Indian Service, and they seem to think it is necessary where an Indian had some contagious disease that the authorities ought to have the right to remove him to some hospital outside the reservation for the purpose of protecting the Indians on the reservation, and, if necessary, to remove them forcibly, and for that reason the House put this language in the bill. The Senate has stricken it out, and I think it ought to go to conference. I would not be willing to agree to the Senate amendment, because I believe in the interest of the Indians and in the interest of their health and in the interest of the country, to protect the country surrounding these Indian reservations, that they should be forced into a hospital, if the gentleman will yield, for they take our children and put them in a hospital, and why should they not take the Indian children who are affected with these contagious diseases?

Mr. MANN. With all due deference to the gentleman, I desire to submit the matter to the committee, and therefore I object until these amendments are disposed of.

Mr. STEPHENS of Texas. Then, will the gentleman agree that the rest of the amendments from 11 to 31——

Mr. MANN. Wait until we dispose of this, and probably there will be no trouble about that.

Mr. STEPHENS of Texas. All right, then, I will yield to the gentleman for the purpose of expressing his views on these amendments.

Mr. MANN. I am willing to consider amendments Nos. 9, 10, and 11 together.

Mr. STEPHENS of Texas. I think they should be considered together, because they relate to the same subject. Mr. Chairman, I ask unanimous consent that they be considered together—amendments Nos. 9, 10, and 11—as they all refer to the same subject matter.

The CHAIRMAN. The gentleman from Texas asks unanimous consent——

Mr. STEPHENS of Texas. And that we disagree to amendments 9, 10, and 11.

Mr. MANN. The gentleman's request is that we consider Senate amendments Nos. 9, 10, and 11 together.

The CHAIRMAN. The Chair has not yet quite understood the gentleman's request.

Mr. MANN. I ask unanimous consent that we consider Senate amendments numbered 9, 10, and 11 all at the same time.

The CHAIRMAN. The gentleman from Illinois asks that Senate amendments 9, 10, and 11 be considered at the same time. Is there objection? [After a pause.] The Chair hears none.

Mr. MANN. Mr. Chairman, I move to concur in the Senate amendments.

Mr. STEPHENS of Texas. I had the first motion and my motion was to disagree, if the Chair pleases.

Mr. MANN. The motion I make takes precedence over the other and the effect is the same.

Mr. STEPHENS of Texas. That is correct.

The CHAIRMAN. The gentleman from Illinois makes a preferential motion to concur in Senate amendments numbered 9, 10, and 11.

Mr. MANN. Mr. Chairman, I would like the attention of the committee for a moment. In dealing with Indians we perhaps have to deal in a little more cautious manner than we would in dealing with our own white people. Now, here is a provision which, as originally offered to the House, authorized without question the forcible taking of the Indian from his home to a hospital. There was some change made in the House when the bill was under consideration. The Senate has made it provide that the department may isolate or quarantine an Indian and use such means as may be necessary for that purpose. The language of the House bill was to use such force as may be necessary. Well, it may mean the same thing, but when we are dealing with the Indians and propose to advertise to them that we will use force to take them against their will from their homes to a hospital, I think we ought to be very cautious. They are naturally suspicious of the white doctors; they are naturally suspicious of the white people who seek to take them from their homes, and to authorize that this be done by force I think will have a very bad effect upon the Indians and fail to accomplish its purpose. The Senate amendment authorizes the quarantining or isolation of any Indian afflicted with contagious diseases, and such means as may be necessary to enforce that without putting into the law the provision that some doctor may employ the police as a matter of force to drag the Indian child out of its home and carry it to a hospital, where the Indian will believe that the purpose is to kill the child, and if it dies, as it may in many cases, the people will believe the whites killed the child.

Mr. STEPHENS of Texas. I desire to ask the gentleman this question: Does not the gentleman think the word "means" means the same as "force." We make it that they can employ such force as may be necessary in the isolation of these Indians. Now, they have stricken out the word "force" and inserted the word "means"——

Mr. MANN. Yes.

Mr. STEPHENS of Texas. What is the meaning of the term "means"?

Mr. MANN. I think the term "means" would authorize the use of force; but it is just like asking a man in a polite manner to do something or to make an apology in a polite manner and hitting him in the face. That is the distinction.

One is an incentive to riot; the other is in a polite manner. Why should we not use politeness in dealing with the Indians? If it were proposed here that you could use force, we would not use the term "force" relating to ourselves, because that instantly excites opposition.

Mr. CARTER. Mr. Chairman, there is undoubtedly much virtue in what the gentleman from Illinois [Mr. MANN] says; especially is there much merit in what he says about the difference in the use of these terms and the effect that they might have upon the Indian. So far as the terms are concerned, I think we will all agree that there is no difference at all as to what might be done under them. And I think, so far as the House Committee on Indian Affairs is concerned, its members might not be inclined to quibble over these changes or words. But the gentleman from Illinois knows we need have some freedom in conference. The gentleman knows that we will have to make some concessions to the Senate anyway, and I would prefer that he not take this opportunity away from us, which might be a good trading point when we get into conference.

Mr. MANN. If the gentleman will yield——

Mr. CARTER. I yield.

Mr. MANN. I should not have made the motion to concur at all except for the fact that the gentleman from Texas [Mr. STEPHENS] indicated his position to be that he favored the attitude of the department. The department has frequently stated that it wanted authority to send the police to the homes of the Indians and drag them out and take them to a hospital. I do not think they ought to have that authority; but that is their contention. That is the contention the gentleman from Texas has indicated he proposes to support in conference. That is the reason I made the motion.

Mr. CARTER. I think there must be some misunderstanding about this matter, because I know the gentleman from Texas never has assumed that attitude in the past. It has always been his attitude to deal with the Indians, and try to induce the department to deal with them, in the most moderate kind of terms, and I think perhaps the gentleman from Texas misunderstood exactly the thing the gentleman from Illinois was directing his conversation to when he made the remark. I hope the gentleman's motion will not prevail.

Mr. MILLER. Mr. Chairman, I would like to ask the gentleman from Illinois a question. Does he think the power to isolate involves also the power to remove?

Mr. MANN. I do not think it involves the power to remove by force.

Mr. MILLER. Let me ask a further question.

Mr. MANN. I think it would involve the power to remove with consent or by such means as it might be necessary in order to isolate.

Mr. MILLER. Does he think the language which says they may employ such means involves permission to employ force as one of the means?

Mr. MANN. I think it would if it were necessary.

Mr. MILLER. I am very frank to say that personally, while I drew the exact language of this portion of the bill, I like the word "means" better than I do the word "force."

Mr. MANN. I think it is more polite.

Mr. MILLER. And I think the criticism advanced by the gentleman from Illinois is a very good one. I question very much, however, the striking out of the word "remove." It seems to me the power to isolate involves the power to remove.

Mr. MANN. I think that is true.

Mr. MILLER. And the power conferred by the language as amended is practically the same as the power originally conferred by the provision in the bill. But I do think the word "means" substituted for the word "force" is advisable. And yet, it seems to me the whole matter ought to go to conference. It is of the utmost importance that there reside in the Secretary of the Interior the power to remove or to isolate people who are afflicted with contagious and infectious diseases. Otherwise, there can not possibly be successful treatment of those cases.

I think the experience is quite general in dealing with sickness among the Indians that the full-bloods especially are disinclined to follow sanitary measures, disinclined to follow physicians' instructions, and much more apt to listen to their own medicine man, with his magic and incantation, the beating of kettledrums, and coloring the face and parts of the body with various kinds of coloring matter. And I believe that to be effective certain very marked power should reside in the Secretary of the Interior, although, of course, it should not be exercised one whit beyond the absolute necessities of the case, and should not be exercised in any case unless the public welfare, not simply the welfare of that one Indian, is concerned.

Mr. MANN. Mr. Chairman, I noticed, according to the newspaper reports, that some very eminent physician stated—I think it was on yesterday—in addressing an audience more or less scientific, that 90 per cent, if they could be examined, would show that they had tuberculosis. Yet here is a provision which authorizes the Indian Office, if it decides that any Indian has tuberculosis, to drag him by force out of his home and take him to a hospital. Some of the doctors think that ought to be done. He would be worse off at the hospital than he would be at home under any sort of treatment.

Mr. FERRIS. Will the gentleman yield?

Mr. MANN. Certainly.

Mr. FERRIS. I wonder if the gentleman does not think there is a kind of a happy ground between the two, that instead of leaving the Indian in his tepee to eat mescal beans he had better be sent to the hospital by somebody? It is one of the certain things that some of them will stick to their medicine men, who will give them peyote and mescal beans and will not want to use the hospitals and the ordinary medicines. This is not "How do you do, Mr. Indian," and "Good morning," but it is to say what is best not only to the individual Indian but to those who remain.

Mr. MANN. Suppose a proposition was made here to drag a Christian Scientist out of her or his home because some doctor thought it ought to be done, do you think it would pass? Suppose a proposition were made here to drag some believer in homeopathy out of her or his home because some doctor thought it ought to be done, do you think it would pass?

Now, here is a proposition to treat the Indians on quite a different basis from that on which we treat ourselves. I am willing to give the authority desired, but I think it ought at least to be couched in courteous language. You could not put either one of the propositions through this House if they were to relate to white people. You could not get 25 Members to vote for either one of them in that case.

Mr. FERRIS. It is a little bit of difference between dealing with Indians, in some cases not civilized, and white people.

Mr. MANN. In view of the statement of the gentleman from Oklahoma [Mr. CARTER], who will be one of the conferees, I will withdraw my motion to concur, or ask unanimous consent for that purpose.

The CHAIRMAN. The gentleman from Illinois [Mr. MANN] asks unanimous consent to withdraw his motion to concur. Is there objection?

There was no objection.

Mr. STEPHENS of Texas. Then I ask that amendments from 9 to 31, inclusive, be disagreed to.

Mr. STAFFORD. We have just acted on No. 9. Why not make it begin with No. 12?

Mr. STEPHENS of Texas. Then I modify my request, and ask that amendments from 11 to 31, inclusive, be disagreed to.

The CHAIRMAN. The gentleman from Texas [Mr. STEPHENS] asks unanimous consent that amendments 11 to 31, inclusive, be disagreed to. Is there objection?

Mr. MURRAY of Oklahoma. Reserving the right to object, Mr. Chairman, I would like to ask the gentleman where that amendment is that refers to the use of certain lands for irrigation purposes?

Mr. STEPHENS of Texas. I think that comes under the head of the States. I think it comes under Montana or Arizona—somewhere out in that western country.

Mr. MURRAY of Oklahoma. If it is not, I would be glad to agree to the gentleman's request, but as to that particular amendment I want to say something.

Mr. STEPHENS of Texas. I am sure it is under the head of the States, either Arizona or Montana.

Mr. STAFFORD. Mr. Chairman, reserving the right to object, I would like to have consideration given this morning to amendment No. 13. That is the amendment whereby the House attempted to oust from the service many meritorious school-teachers connected with the Indian Service. The Senate has disagreed to the House amendment. We contested it in the House, and it was adopted only by a very small majority. I think it is an outrageous provision to oust from the public service these most meritorious school-teachers connected with the Indian Service and subject them to a rigid civil-service examination, or something in the guise of a civil-service examination, after they have given years and years to the teaching of these Indian wards. Unless we can have a separate vote on that provision I shall object.

Mr. GORDON. How does the gentleman know these teachers are so well qualified?

Mr. STAFFORD. I know it because they would not have been continued in the public service these many years unless they were qualified.

Mr. GORDON. Is that the only proof the gentleman has?

Mr. STAFFORD. I have such confidence in the administration of the Indian Bureau, whether Republican or Democratic, that I believe the teachers in connection with the instruction of our Indian wards are qualified; otherwise they would not be continued in the service.

Mr. GORDON. Has the gentleman any knowledge of these teachers personally?

Mr. STAFFORD. I have not any personal knowledge of them, but I have faith in the administration of the Indian Bureau.

Mr. GORDON. The gentleman has more faith than I have.

Mr. STAFFORD. I have faith in the present administration—more than the gentleman has. If these teachers are not competent, they should be removed; but they should not be ousted under the cloak of the civil-service examination after years of employment. Will you trust the Indian Commissioner? I will.

Mr. STEPHENS of Texas. Mr. Chairman, in view of the gentleman's statement, I will modify my request and wish to except No. 13 from the agreement.

The CHAIRMAN. The gentleman from Texas requests that the House disagree to amendments 11 to 31, inclusive, except No. 13.

Mr. MANN. How about 9, 10, and 11?

Mr. STEPHENS of Texas. They have been disagreed to.

The CHAIRMAN. I understand the gentleman from Illinois withdrew his motion to concur. That takes care of itself.

Mr. BURKE of South Dakota. The gentleman from Texas [Mr. STEPHENS] then moved to disagree to the amendments, and that motion was adopted.

The CHAIRMAN. The Chair understood that the gentleman excepted from that motion amendments numbered 9 and 10.

Mr. STEPHENS of Texas. Amendments 9, 10, and 11.

Mr. MANN. Mr. Chairman, a parliamentary inquiry.

The CHAIRMAN. The gentleman will state it.

Mr. MANN. Were amendments numbered 9 and 10 included?

Mr. STAFFORD. No.

Mr. MANN. I knew they had not been.

Mr. STEPHENS of Texas. Mr. Chairman, in order to expedite business and put it beyond question, I ask that my request be modified. I ask that amendments from 9 to 31, inclusive, be disagreed to, except No. 13.

Mr. STAFFORD. Mr. Chairman, a parliamentary inquiry.

The CHAIRMAN. The gentleman will state it.

Mr. STAFFORD. After the gentleman from Illinois [Mr. MANN] withdrew the motion to concur in amendments numbered 9, 10, and 11 the gentleman from Texas [Mr. STEPHENS] repeated his motion to disagree to those amendments, and, as I understood it, the Chair put the motion, and the motion was adopted.

The CHAIRMAN. The gentleman from Texas [Mr. STEPHENS] asks unanimous consent that the disagreement be upon amendments 11 to 31, inclusive.

Mr. STEPHENS of Texas. I now amend it so as to make it amendments numbered 9 to 31, inclusive.

The CHAIRMAN. Now the gentleman from Texas asks to disagree to Senate amendments numbered 9 to 31, inclusive, with the exception of No. 13.

Mr. STEPHENS of Texas. Yes. I ask unanimous consent for that purpose.

The CHAIRMAN. Is there objection to the request of the gentleman from Texas?

Mr. FOSTER. Mr. Chairman, reserving the right to object, I will ask the distinguished Chairman that, if he agrees to the Senate amendment numbered 27, he will see that the conferees from the Senate correct the spelling of some of the words on page 14, line 11.

Mr. STEPHENS of Texas. I will state to the gentleman that that is one of the objects of the conference—to correct all the errors of that character—and it certainly will be done. I move, Mr. Chairman, that amendments 9 to 31, excepting No. 13, be disagreed to.

The CHAIRMAN. The question is on the motion of the gentleman from Texas.

The motion was agreed to.

The CHAIRMAN. The ayes have it, and the amendments named are disagreed to.

Mr. STEPHENS of Texas. I now move, Mr. Chairman, that we disagree to amendment No. 13, after it is reported by the Clerk.

The CHAIRMAN. The gentleman from Texas moves that the committee disagree to Senate amendment No. 13. The question is on agreeing to that motion.

Mr. STAFFORD. I move to concur in Senate amendment numbered 13.

The CHAIRMAN. The gentleman from Wisconsin [Mr. STAFFORD] makes a preferential motion to concur in Senate amendment numbered 13.

Mr. CARTER. Mr. Chairman, a parliamentary inquiry.

The CHAIRMAN. The gentleman will state it.

Mr. CARTER. Has the amendment yet been reported to the House?

The CHAIRMAN. It has not been.

Mr. STEPHENS of Texas. I ask that it be reported.

The CHAIRMAN. The Clerk will report it.

The Clerk read as follows:

Amendment 13: Page 8, lines 5 to 10, strike out the following language: "Shall be paid any employee in any position in the Indian school service who does not hold a certificate showing that such employee has passed the necessary examination required by the Civil Service Commission for such position, except such employees as are exempt under civil-service rules, and no part of it."

Mr. STAFFORD. Mr. Chairman, if I can obtain an agreement with the gentleman for a vote upon this amendment separately, I have no desire to press my amendment. Of course, if the conferees agree to the Senate amendment striking the language out of the bill, that will meet with my entire approval; but if we are not going to have an opportunity to vote upon this separately, then I desire to test the sense of the committee here now and have it submitted to a vote.

Mr. CARTER. Would the gentleman be satisfied to have it voted on right now and disposed of, and let this end it?

Mr. STAFFORD. I am willing to let it go to conference, with the understanding that this amendment shall come back for a separate vote, or else to have the discussion now.

Mr. CARTER. I mean, is the gentleman willing to take a vote now and let that end it?

Mr. STAFFORD. As far as I am concerned, I am willing, but I think we ought to have a larger attendance here. This is a very important matter.

Mr. CARTER. Of course I could not make that agreement, because that would be an attempt on my part to bind some one else.

Mr. STAFFORD. It is perfectly within the gentleman's power to have a separate vote on this.

Mr. CARTER. The gentleman means a separate vote after we get into conference?

Mr. STAFFORD. After the bill is sent to conference, and when it comes back, before a final agreement is reached.

Mr. COX. Before the report is finally agreed upon.

Mr. STAFFORD. Before a final report is agreed upon.

Mr. FERRIS. What objection has the gentleman to having every employee of the Government come up and show that he is qualified? The Indian schools and service have to be paid for by the Government. What is there that appeals to the gentleman outside of the one question of keeping the Indian school force at all times efficient?

Mr. STAFFORD. This will compel the Commissioner of Indian Affairs to remove every school-teacher who has not at the present time passed a civil-service examination. This does not say that they will be given an opportunity to pass an examination. They may be meritorious teachers, and yet the phraseology of this amendment is such that it would force the head of the Indian Service to remove them if they have not at some time passed a civil-service examination.

Mr. FERRIS. Let us read it and see if it goes that far.

Mr. STAFFORD. It says:

Provided, That no part of this appropriation, or any other appropriation provided for herein, except appropriations made pursuant to treaties, shall be paid any employee in any position in the Indian school service who does not hold a certificate showing that such employee has passed the necessary examination required by the Civil Service Commission for such position, except such employees as are exempt under civil-service rules.

There is more in this than you would think at first glance. This is a studied effort on the part of some person to remove efficient, competent school-teachers who have been identified with the Indian school service for years and years. I am not in favor of that policy. This does not say that they must subject themselves to a civil-service examination and prove their qualifications.

Mr. FERRIS. I confess I am not very familiar with it; but in any event it would seem best to send it to conference with the other 167 amendments.

Mr. STAFFORD. I beg the gentleman's pardon. Mr. Chairman, I wish the serious attention of the committee to this item. We have this condition before us: We have teachers who have been identified with the Indian school service for years and years, who are competent as well as experienced. Now, what does this propose to do?

The CHAIRMAN. The time of the gentleman has expired.

Mr. STAFFORD. I should like a little more time. My time was taken up with questions.

Mr. FERRIS. I ask unanimous consent that the gentleman may be allowed to proceed for five minutes. None of us want to be mistaken about this. I was not here when it passed. It has not heretofore been called to my attention.

The CHAIRMAN. Unanimous consent is asked that the gentleman from Wisconsin be allowed to proceed for five minutes. Is there objection?

There was no objection.

Mr. STAFFORD. These school-teachers came into the service when a civil-service examination was not required. They are competent. At least it is to be presumed they are competent. We should give them the benefit of that presumption in considering this question. After they have performed this work for years and years you propose that in case they have not a civil-service certificate they are to be ousted from the service. That is what this phraseology means. It does not say that all school-teachers must take a civil-service examination, and if they fail to qualify they shall be removed. I wish to put this question to the gentleman from Oklahoma. I know he is deeply

concerned in the welfare of these Indians, and I wish to ask him whether the head of the Indian Bureau to-day has not authority to remove any incompetent school-teacher who is now in the service?

Mr. FERRIS. Does the gentleman want an answer to that?

Mr. STAFFORD. I do.

Mr. FERRIS. I presume he has, unless they are covered into the civil service. A good many of them, if not all of them, are already in the civil service.

Mr. STAFFORD. Evidently they are not, or else this provision is meaningless.

Mr. FERRIS. Not all of them have been, but I think most of them have been. So this would not affect them.

Mr. STAFFORD. Here we have school-teachers who are efficient and experienced who have not passed a civil-service examination, and you are saying by this provision "get out of the service unless you have a civil-service certificate." I am opposed to that. I do not think it is fair treatment of these teachers who have done so much toward the uplift and the education of our Indian wards. If it merely provided that they should first take a civil-service examination, and if they failed to qualify, then they should be removed; that would be a different question; but that is not this provision, and even then I can not see the occasion for it. I can not see any reason why we should place such a requirement upon these school-teachers who have given so many, many years to the service of the Government and subject them now to a civil-service examination.

Mr. COX. Will the gentleman yield?

Mr. STAFFORD. I will.

Mr. COX. Does the law of Wisconsin require teachers in the public schools to attend a normal institute for a certain length of time?

Mr. STAFFORD. We have various kinds of certificates—class A, class B, and class C. Class A is a certificate given only when they have gone through a normal school, but I wish to direct the attention of the gentleman to the fact that this provision does not relate to those who come into the service hereafter. It is to remove trustworthy, tried, and efficient school-teachers.

Mr. COX. I am not so sure but that they ought to be removed.

Mr. STAFFORD. This provision says if they have not civil-service certificates they shall be removed.

Mr. CONRY. What particular teachers are comprehended within this provision?

Mr. STAFFORD. I do not know what is the aim of the gentlemen of the committee in trying to pass this provision. This was under consideration in the House, and I opposed it then as not being fair to those who had given years and years of faithful service to the teaching of the wards of the Government.

Mr. CONRY. Would this eliminate from the service as teachers down there people who, by experience, have demonstrated their ability as teachers?

Mr. STAFFORD. That is the purpose of it. If they do not happen to have civil-service certificates, they are to be removed.

Mr. CONRY. Where is the necessity for this legislation?

Mr. STAFFORD. There is no necessity for it. It is a cloak for something. I can not see the reason for it.

Mr. FERRIS. Mr. Chairman, I am not a member of the committee, and I do not know what the origin of this amendment is. I do not know that it has any hidden purpose which the gentleman from Wisconsin [Mr. STAFFORD] thinks it has. If it has, I would not for one moment be for it. If it would disturb anything or anybody, I would not be for it; but I can not see, for the life of me, why any gentleman would object to letting the employees in the Indian Service subject themselves to an ordinary examination, which would determine whether or not they were, in fact, qualified.

Mr. STAFFORD. Mr. Chairman, will the gentleman yield?

Mr. FERRIS. I will ask the gentleman to let me proceed for a moment. For instance, all teachers in all of the white schools everywhere, North, South, East, and West, have to demonstrate their qualifications, and it seems to me it would be only right, inasmuch as the Federal Government is to pay the bill, to let each and every employee undergo such examination as would demonstrate his qualifications. Some one intimated here that it had some hidden purpose. I do not see where it is. I think a school-teacher who teaches Indians does not necessarily have to have a rigid literary examination; but, so far as all branches are concerned, it seems to me that they certainly ought to determine their ability from a common sense standpoint, and from an educational standpoint, to really accomplish something among the Indians. I have no doubt, as has been stated by my good friend from Wisconsin [Mr. STAFFORD], that some of the teachers who have accomplished most could not pass the highest grade in a literary examination. I think that is true in this work as in others; but I submit, the Civil Service Commission makes up the rules and regulations, and they do not have to make them so rigid that they can not be passed. They ought to make them practical and sensible.

Mr. STAFFORD. I stated that the argument is that this provision seeks to remove efficient teachers who have not, perchance, taken the civil-service examination. My position is confirmed by the gentleman from South Dakota [Mr. BURKE].

Mr. FERRIS. What is his position? I have great confidence in him. This amendment is to strike out a provision the House has once passed.

Mr. STAFFORD. That the effect of this provision is to remove them immediately, provided they have not taken the civil-service examination. That is the reading of it. You can not read anything else into it. It does not give those who have proven their worth any way of retaining their position. I call for some explanation of the purpose of this amendment. There is only one reading of it, and that is what I have just stated.

Mr. FERRIS. O Mr. Chairman, I do not want to yield to the gentleman for another speech. He has already spoken 10 minutes and I have not said anything at all.

Mr. STAFFORD. Oh, I give the gentleman credit for saying something in the two minutes that he has already occupied.

Mr. CONRY. Mr. Chairman, will the gentleman yield?

Mr. FERRIS. Yes.

Mr. CONRY. Is it not true that under the language which has been stricken out by this proposed amendment the people who will be dropped under the operation of the law have not had an opportunity to pass this examination, and consequently do not possess certificates, and if this law is to apply to them they will be dropped immediately?

Mr. FERRIS. I do not think so. If I thought so, I would agree with the gentleman. I think most of them are already in the service and this would not apply.

Mr. STAFFORD. That is the purpose of it.

Mr. FERRIS. My idea is that it does this: That the teachers and employees in the school who are not in the civil service will make application to the Civil Service Commission and pass such examination as ought to be passed by them. Surely it will not knock out efficient teachers.

Mr. BURKE of South Dakota. Mr. Chairman, will the gentleman yield?

Mr. FERRIS. Yes.

Mr. BURKE of South Dakota. I have expressed no opinion one way or the other upon this amendment, but unquestionably this amendment would eliminate from the service a person who was in the service who might be efficient, if he did not possess his certificate.

Mr. FERRIS. I do not agree to that. If that is true it may be a mistake.

Mr. BURKE of South Dakota. They could not get back except by taking an examination and taking their chances on the eligible list, and they might never get back.

Mr. FERRIS. That is true. The last statement of the gentleman is undoubtedly true.

Mr. DONOVAN. Mr. Chairman, will the gentleman yield?

Mr. FERRIS. Let me reply first to the gentleman from South Dakota. I am not a member of the committee, and I do not know all about this. I may be wrong, but my thought is that such teachers and employees as can not come in and show themselves properly qualified, it seems to me, ought not to be carried on the rolls and the Government ought not to pay for their services. I do not know who this hits or if it hits anybody, but any teacher who can not show himself worthy of his hire, so long as the Federal Government pays the bill, it seems to me ought to quit. I do not know that there are any, I do not know that any will lose out on this, but what harm will it do for them to come in and show that they are competent? I now yield to the gentleman from Connecticut.

Mr. DONOVAN. Mr. Chairman, I think the gentleman will agree to this, that teachers who are hereafter to be employed ought to be required to take a civil-service examination and show that they are efficient. Does not the gentleman so think? The gentleman will agree with me a little further, that where there has been service, meritorious work and meritorious acts, under the Government, surely no one wants to knock them out. For instance, under the Civil Service Commission a certain number of percentages is allowed.

The CHAIRMAN. The time of the gentleman from Oklahoma has expired.

Mr. FERRIS. Mr. Chairman, I ask for two minutes more until I can hear the question of the gentleman from Connecticut.

The CHAIRMAN. The gentleman from Oklahoma asks that his time be extended two minutes. Is there objection?

There was no objection.

Mr. DONOVAN. It is true that in the service old soldiers receive exemption on account of meritorious services, and in different branches of the Government there is an allowance for meritorious work. Now, if there has been meritorious work in the opinion of the Indian Commissioner, does not the gentleman think that they ought to have an allowance when you require a new teacher?

Mr. FERRIS. I think the gentleman from Connecticut is entirely right, and I have no doubt that under the regulations that would come in.

Mr. DONOVAN. Would it not be proper for us to recede and concur in the Senate amendment, for that would only affect those who had been in the service?

Mr. FERRIS. No; I would not be in favor of that. I think we had better let it go to conference and let the conferees work it out. They will have more time to adjust it properly.

Mr. DONOVAN. The gentleman will admit that for meritorious work there ought to be consideration and not humiliation?

Mr. FERRIS. Oh, yes. The gentleman and I are in hearty accord on this, as in many other matters.

The CHAIRMAN. The time of the gentleman from Oklahoma has again expired.

Mr. CAMPBELL. Mr. Chairman, to concur in this amendment would simply follow out the policy that the Government has pursued with respect to the employees in the civil service ever since the civil-service law has been enacted. A person who rendered meritorious services in any department of the Government, who went in without examination or as a political appointee during a Republican administration or during a Democratic administration, if such person rendered good service was subsequently covered into the civil service, with tenure of office protected by Executive order.

Now, many of these teachers may have been covered into the service by Executive order. No doubt they have been covered in because of meritorious work, because of good services rendered; but if the Senate amendment is not agreed to they would have to take an examination, and even then they could not get in.

Mr. STEPHENS of Texas. Will the gentleman yield?

Mr. CAMPBELL. Yes.

Mr. STEPHENS of Texas. Does not the gentleman think it would be advisable to let this go to conference, so that the language may be perfected and obviate the troubles that have been suggested?

Mr. CAMPBELL. I think the motion of the gentleman from Wisconsin ought to be agreed to.

Mr. STEPHENS of Texas. For instance, it says that no money shall be paid any employee in any position in the Indian school service who does not hold a certificate showing that such employee has passed the necessary examination required by the Civil Service Commision for such position.

Mr. CAMPBELL. The fact is that many of these teachers, like teachers in the public schools, have been in the service a long time and are thoroughly efficient, are acquainted with those whom they have to teach, and know what is required in the proper performance of their duties. I would rather have long service well rendered as a recommendation than a certificate from the Civil Service Commission. That sort of a teacher undoubtedly would give better service to the Government, just as such a teacher would give better service to a school in a local community or in a private school. I see no reason why we should make any changes, and I think we should agree with the motion of the gentleman from Wisconsin.

Mr. MURRAY of Oklahoma. Mr. Chairman, if the gentleman will notice the peculiar wording of this amendment. It says:

Shall not be paid to any employee in any position in the Indian school service.

I do not know in Oklahoma any teacher, whether in the prairie tribes on the west side of the State or the Five Tribes, but what has passed an examination under the civil service, but there are certain employees connected with the schools that have not passed the examination, and this amendment really "gets" them and not the school-teacher. So far as the civil service is concerned with reference to school-teachers, I do not think that the present civil-service law as applied to everything is wise as far as the teachers are concerned, for the reason that the greatest element of a qualified Indian teacher is to know the Indian nature and have a sympathetic helpfulness for him.

Four or five years ago I remember when the head of the school at Chilocco was put on the program at the Indian Rights Association at Lake Mohonk, N. Y. He had been at the head of that school for a number of years, and his entire address was a tirade on the Indian; so much so that every speaker on the program thereafter criticized it. The Civil Service Commission knows no more about the kind of a man that ought to teach the Indians than does a Hottentot in Africa. But the rules as to employees are wise.

While on that question I want to say that I think the civil service as governing the Indians should be a distinct service, and the law ought therefore to be amended. I do not think this amendment affects a single school-teacher, and if so, only a few of them, but it does affect the employees.

Mr. BURKE of South Dakota. Will the gentleman yield?

Mr. MURRAY of Oklahoma. Yes.

Mr. BURKE of South Dakota. I want to call attention to the fact that there are in the service a large number of bonded superintendents in charge of Indian agencies who went into the service without any civil-service examination, and by Executive order were subsequently covered into the service.

Mr. MURRAY of Oklahoma. I think that is true.

Mr. BURKE of South Dakota. Now, under this language, could there be any money paid to them unless they held a certificate that they had passed the necessary examination required by the Civil Service Commission?

Mr. MURRAY of Oklahoma. No. But now let me say that these bonded superintendents to whom the gentleman refers must have more information than an educator.

He has to have some knowledge of agriculture, because he has those things in connection with the school to manage, and he has got to be a good business man. He has got to have a knowledge of education and educational affairs of the institution, but usually they do not do any teaching. He is the executive head of the institution, and, of course, in these particular fields the examinations are covered under the civil-service law; and I have had recent occasion to investigate them covering these particular things. The bonded officer referred to is appointed, for the most part, because of his political pull at the time he is appointed. There are some of them good and some bad; but the man I referred to a while ago as superintendent of the Chilocco School went in without civil-service examination and ought to have been dismissed because of lack of sympathy for the people he was trying to serve. I now yield to the gentleman from New York.

Mr. CONRY. Does the gentleman mean to intimate that the term "employee" in the words "in any position in the Indian school service" does not include school-teachers?

Mr. MURRAY of Oklahoma. It will include school-teachers, but I do not know of any school-teacher who has stood the examination but would have to stand the examination over; and if they could not pass the examination, they could not get through.

Mr. BURKE of South Dakota. Will the gentleman yield there?

Mr. MURRAY of Oklahoma. Certainly.

Mr. BURKE of South Dakota. Suppose they did take the examination, would not they have to take their chances of being appointed from the eligible list?

Mr. MURRAY of Oklahoma. That is true.

Mr. BURKE of South Dakota. And unless they apply within one year after they went on the list they would have to take the examination over again?

Mr. MURRAY of Oklahoma. That is true; but I will state that most of the States of the Union require examinations year after year unless the teacher shows an extraordinary degree of proficiency. For instance, when I was a teacher in Texas, we had a one-year, two-year, three-year, and a four-year certificate and a life certificate. To get a life certificate required about a 95 per cent grade and about 80 per cent on everything, whereas the man who fell as low as 60 might teach one or two years, according to his general grade. I think a great many of these people in the Indian Service ought to be compelled to take the examination just as teachers in the States, so as to keep them up, otherwise they will not be up with the times.

The CHAIRMAN. The time of the gentleman has expired.

Mr. STEPHENS of Texas. Mr. Chairman, I desire to ask the gentleman from Minnesota, who has raised the objection——

The CHAIRMAN. The Chair has recognized the gentleman from Minnesota, who was seeking recognition.

Mr. MILLER. I will yield to the gentleman from Texas if he has some request to make. Mr. Chairman, I was opposed to this language stricken out by the Senate amendment when it was here before the House, and I am opposed to the lan-

guage now; therefore I am in favor of concurring in the Senate amendment to strike it out. I think the membership of the committee ought to be clear in their minds as to the exact effect of this language. It does eliminate from the service. It would not be here if its object was not to eliminate from the service. Now, let us see exactly how it does it. It says that no money appropriated by this bill shall be paid to any school-teacher or employee in the Indian school service unless such person has a civil-service certificate.

Mr. BURKE of South Dakota. It does not say any "school-teacher."

Mr. MILLER. But the language is such as to include school-teachers. In other words, any person now in the school service who has not a certificate would not be able to draw a bit of salary. That eliminates them. Now, what would they do? The only thing they could do would be to quit the service or submit themselves to a civil-service examination. When? Nobody knows when. There is no examination in the immediate future contemplated by the commission to secure additional teachers or employees in the Indian Service. There might not be such an examination held for years. But if one should be held within a reasonable time in the future and these employees presented themselves possibly they would pass, and pass high. They then, however, would have to wait their regular turn to secure employment.

Mr. STEPHENS of Texas. Will the gentleman yield?

Mr. MILLER. Let me complete this statement and then I will yield. But that does not yet state one-half the case. Most of these employees have been in the Indian Service for a great many years. They have been efficient or they would not have been retained. There is an age limit, and any applicant who is over that age is unable to take acivil-service examination. I venture to say that 90 per cent of the people eliminated by this language are now over the age limit, and if they presented themselves for an examination they would be refused permission to take it. So absolutely this does eliminate, and it eliminates now and perpetually. Now, let us see whom it affects. It does eliminate school-teachers. Every member of the Committee on Indian Affairs in this House knows, or I am sure he will know if he will stop for a few moments to think, that there are good, trained, and efficient school-teachers in the Indian Service who have never passed a civil-service examination. It will also eliminate a great many superintendents and Indian agents in the United States, men who are drawing their salaries from the school fund.

Mr. STEPHENS of Texas. Will the gentleman yield?

Mr. MILLER. Certainly I will.

Mr. STEPHENS of Texas. The gentleman certainly overlooked the last part of this amendment, which says, "except such employees as are exempt under civil-service rules." Those who are not exempt must take this examination.

Mr. MILLER. But none will be exempt, I assure the gentleman from Texas; and I am sure he will agree with me, on reflection, that none of them are exempt and that all will be required to hold certificates from the Civil Service Commission before they can draw any salary. That eliminates them from the service.

Mr. STEPHENS of Texas. The gentleman heard the gentleman from South Dakota [Mr. BURKE] cite school superintendents as being exempt because they were employees——

Mr. MILLER. Bonded superintendents; that may be.

Mr. STEPHENS of Texas. That exemption will apply.

Mr. MILLER. Oh, but the gentleman from Texas [Mr. STEPHENS], I am sure, must be aware of the fact that a large number of superintendents throughout the United States are drawing at least a part of their annual salary from the school fund, because their work is dual, being both executive and educational. Under the general law they are not exempt from the civil service.

The CHAIRMAN. The time of the gentleman from Minnesota has expired.

Mr. STEPHENS of Texas. I desire just simply to make a statement. Some gentlemen have insinuated that there is some sinister motive behind this, and I can not understand it. These hearings were all in the open, and they are all in print and accessible to every man in the House. This matter was brought about in this way: While in the West last summer we found a great many reservations that had matrons, and they had certain duties to perform. We found also discussion going on in the newspapers throughout the country relative to the health and condition of the Indians; that it was a fast-decaying and dying race on account of tuberculosis, and for that reason it was necessary to have trained nurses, and it was necessary to have these matrons trained nurses instead of as they now are, and under the rules they are not required to stand any examinations. The physicians in charge of these Indians and reservations and schools stated it would be a very great advantage to them in their practice if they had trained nurses. And that is the reason why this language was written into this bill. It was never intended to strike anybody from the school service who were permitted to teach or hold any other position, if they were properly qualified.

I see no reason why anyone should object to this language. It is very plain that no amount shall be paid to any employee in any position in the Indian school service who does not hold a certificate. Such an employee will have passed the necessary examination required by the Civil Service Commission for such position. That is only a declaration of the law that the money shall not be paid to anyone unless authorized to receive it, and the exception is as to employees who are exempt under the civil-service rules. Now, if teachers, or anyone else under the civil service, are required, as they are required, to stand these civil-service examinations, that is all this law does. It is only declaratory of what the law now is.

Mr. FERRIS. Some Members here are of the opinion that it is really more than you want to do or other gentlemen would want to do. Could not this be rewritten so that it would not displace any teacher, and not so much on the ground of a rigid educational qualification as from the standpoint of accomplishment, so that the commissioner could select them, not so much because of a literary test as one of actual accomplishment? I know that at a great many of these schools, from my own personal observation, they have an agricultural school in connection with the main school, and we find that some of the best teachers, those who really accomplish the most, are ones who could not pass a rigid literary examination. Can not that be written so that you weed out those who are not accomplishing anything and sustain those who are accomplishing something?

Mr. STEPHENS of Texas. I think it could, if this could be submitted to a conference.

Mr. ANSBERRY. Who suggested the change here?

Mr. STEPHENS of Texas. The Government department.

Mr. ANSBERRY. The head of the department?

Mr. STEPHENS of Texas. The bill was written in the department.

Mr. ANSBERRY. And that language was in the bill?

Mr. STEPHENS of Texas. As I understand it.

Mr. ANSBERRY. I have asked everybody on the committee, so far as I have been able, and I can not find out.

Mr. STEPHENS of Texas. If you will look back on page 7, beginning with line 8, you will find a similar provision that the gentleman has said nothing about. It is this:

Provided further, That the Secretary of the Interior may, in his discretion, employ physicians regularly licensed to practice to aid in carrying out the provisions of this paragraph without requiring such employed physicians to pass any civil-service examination.

That matter has been disagreed to and is in conference already. Now, why not have this provision go with it to the same extent?

Mr. ANSBERRY. You have said you think that is the case. Do you not know who put that language in?

Mr. STEPHENS of Texas. I will state this, as I said before, that the physician and the head——

Mr. ANSBERRY. Not that. I am referring to the teachers.

Mr. STEPHENS of Texas. There is nothing said about schools, and it was put in here for the purpose of having matrons qualified to give medicine under the instructions and directions of the physicians.

Mr. CARTER. Mr. Chairman, I think I can furnish the gentleman from Ohio the information he desires. I did not have it when he asked me a few moments ago.

Mr. ANSBERRY. What do you say as to whether this applies to school-teachers or not?

Mr. CARTER. I think it applies to school-teachers.

Mr. ANSBERRY. The chairman of the committee has just gotten through saying that it did not.

Mr. CARTER. Let us read back and see.

Mr. ANSBERRY. I want to call the gentleman's attention to the fact that the chairman just got through stating it did not apply to the schools.

Mr. CARTER. I think the gentleman must have misunderstood you.

Mr. STEPHENS of Texas. The language is very plain, if the gentleman will permit me to read it again. It says:

Shall be paid any employee in any position in the Indian School service who does not hold a certificate showing that such employee has passed the necessary examination required by the Civil Service Commission for such position, except such employees as are exempt under the civil-service rules.

Mr. ANSBERRY. From where are you reading?

Mr. STEPHENS of Texas. I am reading from the language stricken out.

Mr. ANSBERRY. On page 8?

Mr. STEPHENS of Texas. On page 8. It is only declaratory of what the law is to-day. The law requires a civil-service examination, and that is all we require to be done. Now, does the gentleman desire to pay any money out of the United States Treasury to persons who are teaching school or doing anything else, contrary to the laws of the country?

Mr. ANSBERRY. Oh, well now, nobody proposes to violate the law——

Mr. STEPHENS of Texas. That is what this does——

Mr. ANSBERRY. Or anything of the sort.

Mr. FITZGERALD. Under the civil-service law, for instance, the President has the power to except positions from the classified service. A person might be appointed under such an order. This provision would prevent that person from receiving compensation, would it not?

Mr. CARTER. I think, if the gentleman from New York will listen to me a moment, he will find that this last exception perhaps will prevent that—"except such employees as are exempt under civil-service rules."

Mr. ANSBERRY. That would apply to soldiers, as I understand it?

Mr. CARTER. Yes.

Mr. BUTLER. Mr. Chairman, will the gentleman yield?

The CHAIRMAN. Does the gentleman from Oklahoma yield to the gentleman from Pennsylvania?

Mr. ANSBERRY. Just a moment——

Mr. CARTER. Just as soon as I can answer the imperturbable Irishman from Ohio. [Laughter.]

Mr. ANSBERRY. Let the gentleman go ahead. He is going to explain, is he not?

Mr. CARTER. I was just informed by the clerk to the Committee on Indian Affairs that this language was placed in the bill at the suggestion of the doctor who is in charge of the health service in the Indian Bureau.

Mr. STEPHENS of Texas. Yes; Dr. J. L. Murphy. It is in the hearings.

Mr. BUTLER. The gentleman knows that I lean heavily on him with respect to information concerning Indians. I will ask the gentleman what is behind this provision?

Mr. CARTER. I have told the gentleman all I know about it.

Mr. BUTLER. But the gentleman is on the committee. Why did you write this provision in?

Mr. CARTER. It was placed there at the suggestion of the doctor.

Mr. BUTLER. I mean with relation to the school-teachers. I do not want to lose my confidence in my friend. Let him tell us why it was put in.

Mr. CARTER. I do not remember just what happened in regard to this, but I am informed, as I say, by the clerk to the Committee on Indian Affairs that it was placed in the bill at the suggestion of the doctor who represents——

Mr. BUTLER. What kind of a doctor—a horse doctor, a dentist, a medical doctor, or a doctor of philosophy?

Mr. CARTER. A medical doctor.

Mr. BUTLER. What has he got to do with school-teaching?

Mr. BURKE of South Dakota rose.

Mr. CARTER. Perhaps the gentleman from South Dakota will remember more than I do about it.

Mr. BURKE of South Dakota. I was not here, Mr. Chairman, at the time it was put in; but I want to say that if it had been put in at the suggestion of Dr. Murphy it would be under the paragraph for relief of distress or prevention and treatment of tuberculosis. Now, I think it was in the first draft of the bill, prepared in the Indian Office and sent to the committee, without appearing to change the existing law.

Mr. CARTER. The gentleman may be correct.

Mr. MANN. Mr. Chairman——

Mr. CARTER. I was speaking from what the clerk to the committee told me. I think it is perfectly safe to send it to conference.

The CHAIRMAN. Does the gentleman yield to the gentleman from Illinois?

Mr. MANN. I thought the gentleman from Oklahoma had finished his statement.

Mr. CARTER. No; I was not through.

Mr. MANN. The gentleman was still standing up, though not talking, but adding, nevertheless, just as much to the sum of human knowledge. [Laughter.]

Mr. CARTER. I will say this, Mr. Chairman, that I think it is perfectly safe to send this to conference along with the other amendments. I do not see any reason why this amendment should not be singled out and concurred in here. As I often stated before, we must retain all we can muster to trade upon.

Mr. ANSBERRY. I do think you ought to trade upon the parentage of this very doubtful proposition. I think you ought to establish its parentage before you go into conference.

Mr. CARTER. I am perfectly willing that you should do that, but you can not establish it through me, more than from what I have told the gentleman, and I have told him where I got my information.

Mr. MANN. Mr. Chairman, let us have no misunderstanding as to the effect of this amendment. The design and the effect of the amendment is to send out of the Indian school service certain teachers who are now in that service. The amendment is very skillfully drawn by some one—I do not know who—and we have not been able to ascertain who originated this language.

It provides that no money can be paid to any employee in the Indian school service who does not hold a certificate showing that such employee has passed the necessary examination required by the Civil Service Commission for such position. The moment this bill becomes a law these people have to go out of the service, because they can not remain in the service for the reason that there is no money appropriated which can be paid to them.

Mr. ANSBERRY. Mr. Chairman, will the gentleman yield?

The CHAIRMAN. Does the gentleman from Illinois yield to the gentleman from Ohio?

Mr. MANN. No; I do not yield.

The CHAIRMAN. The gentleman refuses to yield.

Mr. MANN. They will be out of the service. Now, the bill purports to provide that they shall have the right to obtain a certificate from a civil-service examination, but they can not obtain such a certificate unless they file a new application for appointment as teacher, and if they are over age they can not file an application. There is no authority to the Civil Service Commission to give a special examination to these people to see whether they can pass the civil-service examination, nor does the Civil Service Commission ever issue a certificate that somebody has passed an examination; and the effect——

Mr. FITZGERALD. If the gentleman will permit, I will say this, that even if they do take the examination they would go on the eligible list and might never be reached.

Mr. MANN. Yes. If they file an application and take the examination this year or next year, they would go on the eligible list, and must be appointed from the three highest on the eligible list, and appointed within one year; so that while the amendment would indicate on its face that these people would be given a chance, "a show for their white alleys," as the boys say, yet it absolutely puts them out of the service without a hearing, without a trial, and without consideration by the department; and the department now has the authority to dismiss any one of them, or all of them, or such of them as the department desires to dismiss.

Mr. STEPHENS of Texas. Mr. Chairman, will the gentleman yield?

The CHAIRMAN. Does the gentleman from Illinois yield to the gentleman from Texas?

Mr. MANN. Yes.

Mr. STEPHENS of Texas. But suppose that the department does not live up to these civil-service rules? It is required to do so now.

Mr. MANN. There is no requirement now that these people shall pass a civil-service examination. If there were, this provision would not be in the bill. The purpose of this is to change existing requirements and put in a new requirement, which does not now exist.

Mr. STEPHENS of Texas. Does not the gentleman believe that they ought to be qualified, either under the civil-service laws of the United States or of the States?

Mr. MANN. I believe they ought to be qualified teachers.

Mr. STEPHENS of Texas. Who is to be the judge?

Mr. MANN. The department is the judge now. If there are any of those teachers that are not qualified, the department can dismiss them to-day or to-morrow. The department now has that authority. Everyone who passes a civil-service examination and is appointed does not thereby show qualification, and the department frequently dismisses people from the service, and properly, who have been examined and appointed under the civil-service rules. The department has as great authority now as it would have if this provision were enacted; but the gentleman's proposition is to cut them off without a chance of a hearing and prevent their reappointment. I do not think it ought to be done.

Mr. STEPHENS of Texas. Mr. Chairman, will the gentleman yield at that point?

Mr. MANN. Yes.

Mr. STEPHENS of Texas. If the words "hereafter employed" should be inserted after the words "any employee," that would not take effect until July 1, 1915, and that would give them 11 months.

Mr. MANN. It would be effective when the bill became a law. "Hereafter" would mean the moment this bill is signed by the President and becomes a law.

Mr. STEPHENS of Texas. It would be an easy matter to amend it, because the provision will be in conference.

Mr. MANN. It will not be an easy matter to amend it after it has become a law.

Mr. STEPHENS of Texas. This bill has never been in conference.

Mr. MANN. No; this bill has never been in conference, and we who are opposed to the provision know perfectly well that if it goes to conference that it will remain in the bill.

Mr. STEPHENS of Texas. How does the gentleman know what six men will do when he does not even know at the present time who those men will be?

Mr. MANN. But I do know who the men will be.

Mr. STEPHENS of Texas. Then, as I said yesterday, the gentleman certainly has supernatural powers.

Mr. MANN. No; but I can tell the gentleman who the House conferees will be. The conferees on the part of the House will be the gentleman from Texas [Mr. STEPHENS], the gentleman from Oklahoma [Mr. CARTER], and the gentleman from South Dakota [Mr. BURKE]. If my friend from Texas does not know that much, I do know it, and I leave it to future events to show whether I guess right or not. It does not require any supernatural power.

The CHAIRMAN. The question is on the motion of the gentleman from Wisconsin [Mr. STAFFORD] to concur to the Senate amendment.

The question was taken; and on a division (demanded by Mr. STEPHENS of Texas) there were—ayes 50, noes 9.

Accordingly the motion of Mr. STAFFORD to concur to the Senate amendment was agreed to.

Mr. STEPHENS of Texas. I ask for the reading of amendment 31.

The CHAIRMAN. The Chair will state to the gentleman from Texas that amendment 31 has been disagreed to.

Mr. STEPHENS of Texas. Then, the next amendment is No. 32, under the head of "Arizona and New Mexico."

The CHAIRMAN. The Clerk will report the amendment.

The Clerk read as follows:

Amendment 32: On page 17 of the bill, after line 23, insert the following:

"To enable the Secretary of the Interior to provide school facilities for the children of the Papago Tribe of Indians in Arizona, the sum of $50,000, or so much thereof as may be necessary, is hereby appropriated, out of any funds in the Treasury not otherwise appropriated, this amount to be in addition to any other funds available for that purpose."

Mr. STEPHENS of Texas. Mr. Chairman, will there be any objection to disagreeing to all of the amendments and items under the various States where the amounts have been increased? I have a list of them here. Most of them are with reference to schools.

Mr. MILLER. That means that most of the items are additions and would come under the head of increases. For instance, No. 32 is really a new item.

Mr. STEPHENS of Texas. I refer to those that are increases.

Mr. MANN. I suggest to the gentleman that he move to disagree to this amendment.

Mr. STEPHENS of Texas. I move to disagree to amendment No. 32.

The motion was agreed to.

Mr. STEPHENS of Texas. I move that we disagree also to amendment No. 33.

Mr. MANN. Let the amendment be reported.

The Clerk read as follows:

Amendment 33: Page 18, lines 17 to 20, inclusive, strike out the following: "reimbursable to the United States by the Indians having tribal rights on said reservation and to remain a charge and lien upon the lands and funds belonging to said Indians until paid."

Mr. MANN. Mr. Chairman, I move to concur in the Senate amendment. I do this only for the purpose of getting it before the committee. I will withdraw the motion if the gentleman will make a motion which will get the matter before the committee.

Mr. STEPHENS of Texas. I move to disagree to amendment 33.

Mr. MANN. Mr. Chairman, in Arizona and New Mexico, particularly in Arizona, there seem to be a number of places where they desire to have bridges built across rivers for the benefit of the Indian tribes there. They say that it is necessary for the Indians to have these bridges built. The Indians own vast areas of land, and if the bridges are to be built, it seems to me there is no reason why the cost should finally be paid out of the Treasury of the United States. On the contrary, the cost should be charged, eventually at least, to the Indians themselves, who are quite able to pay the bills when their land is disposed of.

This is for the construction of a bridge across the Moencopi Wash, on the western Navajo Indian Reservation, Ariz. This came before the House after several other propositions of a similar character had been passed, and it was provided that the money so advanced should be reimbursable.

The Senate has stricken that out. I suppose at the instance of one of the distinguished Senators from Arizona. Not only have they stricken out that reimbursable item as to this bridge, but they have inserted as another amendment to this bill a provision repealing an item that we put in the bill last year for a bridge, making it reimbursable from the Indian fund. Not only have they done that, but they have stricken out of this bill a provision for an investigation as to the necessity of a bridge across the Colorado River, which would probably have carried a reimbursable provision, and they have inserted an amendment that that bridge be built and paid for out of the General Treasury and not be reimbursable, and have even provided that the bridge shall be built under the general bridge act, which of course is as foolish a thing as could be done, because there is no navigation there, and the War Department has no control over it and knows nothing about it, and ought to know nothing about it.

Now, if I may learn it, I should like to know the attitude of my distinguished friend from Arizona [Mr. HAYDEN] and of the distinguished gentlemen who will be on the conference committee, as to whether they are willing to stand by the attitude of the House and keep the agreements which were made when this provision went into the bill in the first place, or whether it has become their policy to let the Government build these bridges for the benefit of Indians who are able to pay for them, without requiring the reimbursement of the General Treasury?

Mr. STEPHENS of Texas. If the gentleman desires to know my personal views, I think the House provision was correct, and that the Senate committed an error when they struck it out and made it not reimbursable. Now, it may be that in the future there may be a vast sum of money arising from the sale of land, timber, and so forth, that will go into the Treasury.

Mr. MANN. It is certain that there will be a vast sum of money going to somebody out of these lands, because the lands are worth it, and are becoming more valuable every year as time goes on.

Mr. STEPHENS of Texas. The gentleman is correct, and I assure him for that reason that if I am on the conference committee I shall insist on standing on the House provision.

The CHAIRMAN. The question is on the motion of the gentleman from Texas that the House disagree to Senate amendment No. 33.

The motion was agreed to.

The Clerk read as follows:

The Secretary of the Interior is hereby authorized to set aside and reserve as a school farm for the Fort Yuma Indian School the west half of the northwest quarter and the west half of the southwest quarter of section 24, township 16 south, range 22 east, San Bernardino meridian.

Mr. MANN. Mr. Chairman, amendments 35 to 40, inclusive, carry largely the same question that was involved in amendment 33, which the gentleman has spoken of. So far as I am concerned, I am willing to disagree to all these amendments.

Mr. STEPHENS of Texas. Mr. Chairman, I move to disagree to amendments 34 to 39, inclusive.

The CHAIRMAN. The gentleman from Texas moves to disagree to Senate amendments 34 to 39, inclusive.

The motion was agreed to.

The CHAIRMAN. The Clerk will read the next amendment.

The Clerk read as follows:

Page 22, insert the following:

"There is hereby appropriated the sum of $50,000, to be immediately available and to remain available until expended, and the Secretary of the Interior is authorized to use this money, or so much thereof as may be necessary, under such regulations as he may prescribe, for the promotion of civilization and self-support among the Indians residing and having tribal rights on the Colorado River and Yuma Reservations, the said sum to be expended in the purchase of seed, live stock, vehicles, harness, machinery, tools, implements, and other agricultural equipment; and for such other purposes as the Secretary of the Interior may deem proper in promoting their civilization and self-support: *Provided*, That said sum shall be expended under conditions to be prescribed by the Secretary of the Interior for its repayment to the United States on or before June 30, 1925, and all repayments to this fund made on or before June 30, 1924, are hereby reappropriated for the same purpose as the original fund, and the entire fund, including such repayments, shall remain available until June 30, 1924; and all repayments to the fund hereby created which shall be made subsequent to June 30, 1924, shall be covered into the Treasury, and shall not be

withdrawn or applied except in consequence of a subsequent appropriation made by law."

Mr. STEPHENS of Texas. Mr. Chairman, I move that the House disagree to Senate amendment No. 40.

Mr. MANN. Mr. Chairman, there are a number of these amendments, and I do not wish to detain the committee as they come up. The House provided in the bill the sum of $400,000 for the department to use in advancing money to the Indians for agricultural implements, stock, seed, and such things as that, with the provision that it should be repaid, supposedly in annual payments ending in 1925. In the House provision as presented there was what was known as the revolving appropriation, which is carried in this and various other Senate amendments, but which is not included in the House proposition appropriating the $400,000.

Now, the Senate has proposed an amendment reducing the $400,000, which does not have the revolving appropriation, making it $100,000, and then added a lot of other items for various amounts which do carry the revolving appropriation. I do not express any opinion as to the amount of money which ought to be appropriated for the purpose, whether it should be a lump sum or segregated in various items, as is proposed by the Senate. I am perfectly willing to follow the conferees on that matter.

Mr. STEPHENS of Texas. The amendment is No. 28.

Mr. MANN. I know what the amendment is. The department, and every department of the Government, is always seeking to have an opportunity to spend money without congressional control. The House of Representatives is the body that originates appropriating legislation. We pass the appropriation bills first. The committees of the House are the ones which more closely scan proposed appropriations. The committees of the House spend weeks on appropriation bills where the Senate committees do not spend days. The real consideration of most matters of appropriation is had in the House and not in the Senate. Hence I think it is the duty of the House to maintain its prerogatives in this regard.

Now, what the department wants and what the Senate has inserted is a provision that if the department spends $100,000 in this one case, payable back $10,000 a year, or whatever the sum may be, by 1925, they do not want that covered into the Treasury as it comes back in the way that ordinary receipts are covered in. They want the privilege, without a new appropriation, without submitting the matter again to Congress, to spend the money again. If we appropriate $100,000 for a specific item this year, payable in 10 years' time, with a revolving appropriation, and next year we appropriate another $100,000, and the next year another $100,000, with the revolving appropriation, the department soon has an enormous sum of money to expend as it pleases without asking for any congressional authority.

We all know that the permanent appropriation made for the Reclamation Service, however desirable it may have been to make it in that way in the first instance, which is a matter of controversy, has resulted in enormous wastefulness, and if the Interior Department had been required in the past to come to Congress each year and ask for the money that it wanted for reclamation improvement, and to state the projects it proposed to use the money for, we would have saved enormous sums of money, in my opinion, prevented a great deal of waste, and saved thousands of farmers who have gone on irrigation projects from penury and disaster.

Mr. STEPHENS of Texas. I agree with the gentleman from Illinois, and I believe the lump-sum appropriation in amendment No. 28, that has been reduced from $400,000 to $100,000, is entirely misleading, because while they have left $100,000 without the revolving provision they have added in other places an aggregate of about $800,000, so that instead of reducing the item from $400,000 to $100,000 they have added about $600,000. I want to say that as one of the conferees I shall stand by the House bill.

The CHAIRMAN. The question is on the motion of the gentleman from Texas to disagree to Senate amendment No. 40.

The motion was agreed to.

The CHAIRMAN. The Clerk will report the next amendment.

The Clerk read as follows:

Page 23, after line 9, insert:

"That so much of the Indian appropriation act approved June 30, 1913 (38 Stat. L., 85), as makes reimbursable out of the tribal funds of the Indians of the San Carlos and Fort Apache Indian Reservations an appropriation for the construction of two bridges on the San Carlos Indian Reservation in Arizona be, and the same is hereby, repealed."

Mr. MANN. I suggest that the gentleman might ask unanimous consent to consider Senate amendments 41 to 50, inclusive.

Mr. STEPHENS of Texas. Mr. Chairman, I move that the House disagree to Senate amendments 41 to 50, inclusive.

The CHAIRMAN. The gentleman from Texas moves that the House disagree to amendments of the Senate 41 to 50, inclusive.

The question was taken, and the motion was agreed to.

The CHAIRMAN. The Clerk will report the next amendment.

The Clerk read as follows:

The Secretary of the Treasury is hereby authorized and directed to pay, out of any moneys in the Treasury not otherwise appropriated, the sum of $5,000 to Mrs. May Stanley, widow of Will H. Stanley, late superintendent of the Soboba Indian School in California, who lost his life in the discharge of his duty. Also to pay for medical and other necessary expenses, including funeral and administration expenses incurred in connection with the death of said Will H. Stanley and the shooting of Selso Serrano, Indian policeman, $1,000, or so much thereof as may be necessary.

Mr. STEPHENS of Texas. Mr. Chairman, I desire to ask unanimous consent to disagree to all of these claims amendments in this bill.

Mr. MANN. Mr. Chairman, I desire to submit an observation on No. 51.

Mr. STEPHENS of Texas. Then I move to disagree to it and yield to the gentleman from Illinois.

Mr. MANN. Mr. Chairman, amendment 51 is to pay to Mrs. Stanley $5,000. That is covered in a bill which the House passed on Tuesday night last, and it was a Senate bill; so that when our conferees go into conference they can properly insist that this item go out of this bill. The Senate passed a bill in the identical language of this Senate amendment and sent it over here, and the House Committee on Claims reported it, reducing the amount from $5,000 to $2,000 and cutting out the amount for medical and funeral expenses, and so forth. Those amendments were voted upon in the House on Tuesday night last, and were agreed to. The House then passed the Senate bill with those amendments, and it has gone back to the Senate.

Mr. STEPHENS of Texas. Would not that have preference, then, over this amendment?

Mr. MANN. Oh, it would not have any preference; but if it goes in this bill the woman might get paid twice. However, we have acted upon the matter, and there is no excuse for the Senate insisting on this provision remaining in the bill.

Mr. STEPHENS of Texas. Then the proper course is to disagree to the amendment.

Mr. MANN. Oh, certainly; and to disagree to it in conference also. Let the Senate recede. They have the other matter before them.

I will now state that I am perfectly willing to let the gentleman run down to amendment 131, so far as I am concerned.

Mr. STEPHENS of Texas. Then, Mr. Chairman, I will move to disagree to Senate amendments numbered 51 to 131.

Mr. WOODRUFF. Mr. Chairman, I would like to make an exception of 59, 60, and 61.

Mr. MANN. Then let the motion go from 51 to 58, inclusive.

Mr. STEPHENS of Texas. Very well.

The CHAIRMAN. The question is on the motion to disagree to Senate amendments 51 to 58, inclusive.

The motion was agreed to.

The CHAIRMAN. The Clerk will report the next amendment.

The Clerk read as follows:

Amendment No. 59: Pages 28 and 29, strike out section 7, as follows: "For support and education of 325 Indian pupils at the Indian school, Mount Pleasant, Mich., including pay of superintendent, $56,275; for general repairs and improvements, $5,000; in all, $61,275," and insert in lieu thereof the following:

"SEC. 7. For support and education of 350 Indian pupils at the Indian school, Mount Pleasant, Mich., and for pay of superintendent, $60,450; for general repairs and improvements, $6,000; for gymnasium and manual training buildings and equipment, $25,000; in all, $91,450."

Mr. STEPHENS of Texas. Mr. Chairman, I move to disagree to the Senate amendment numbered 59.

Mr. WOODRUFF. Mr. Chairman, I will ask the gentleman to yield to me.

Mr. STEPHENS of Texas. Certainly; I yield to the gentleman.

Mr. WOODRUFF. Mr. Chairman, this amendment 59 raises the appropriation as submitted by the House in three different items. The one in which I am more particularly interested is the amount of $25,000 incorporated in the bill by the Senate for the purpose of establishing a gymnasium and manual training building and equipment for this institution. There are 325 Indian pupils in this school, and at the present time there is no manual training department. Every member of the committee knows, I think, that practically every high school in the country to-day has a manual training department. The gymnasium

equipment is not what it should be, and I think all will agree that there is no race in the world to-day, or at least in this country, that is afflicted so generally with tuberculosis as is the Indian race, and I think the members of the committee will also agree that there is nothing that tends to combat the ravages of tuberculosis so much as proper exercise.

Mr. STEPHENS of Texas. Mr. Chairman, will the gentleman yield?

Mr. WOODRUFF. Yes.

Mr. STEPHENS of Texas. This is a nonreservation school. It is not on an Indian reservation.

Mr. WOODRUFF. It is not.

Mr. STEPHENS of Texas. I see they have raised the number of Indians from 325 to 350.

Mr. WOODRUFF. Yes.

Mr. STEPHENS of Texas. Is the gentleman aware that for many years the House and also the department has objected to increasing the number of pupils in nonreservation schools, and increasing the buildings, with a view to educating Indians on the reservations—in other words, to take the schools to the Indians and not the Indians to some outstanding nonreservation schools, and does not the gentleman believe himself that would be good policy?

Mr. WOODRUFF. Possibly; but I think the gentleman will find that there are not many reservations in Michigan. We have Indians in Michigan living everywhere throughout the State.

Mr. STEPHENS of Texas. Then, if they are not on reservations, are they not citizens of the State?

Mr. WOODRUFF. Possibly.

Mr. STEPHENS of Texas. And voters of the gentleman's State?

Mr. WOODRUFF. Possibly.

Mr. STEPHENS of Texas. Then, do they not attend the public schools of the State?

Mr. WOODRUFF. I know of no instance where they do.

Mr. STEPHENS of Texas. Do the school laws of the State prohibit Indians from attending the schools with the white children?

Mr. WOODRUFF. I think not; but as long as this is an educational institution and is being provided for by the Government for these Indians in Michigan, I think the facilities offered should be at least on a par with the average high school of the State.

Mr. STEPHENS of Texas. Mr. Chairman, I hope the amendment will be disagreed to.

Mr. WOODRUFF. Mr. Chairman, I do not wish to move to concur, but I trust that the conferees will do what they can to retain this item.

Mr. STEPHENS of Texas. I will assure the gentleman that we will give the matter careful consideration. There are several items in this bill where they have increased the number of pupils in the nonreservation schools and very largely increased the amount of money. The policy has been to give only enough money to keep the schools up to the present standard and not to enlarge the schools and give them new buildings that are not necessary.

Mr. MANN. But hope springs eternal in the human breast.

Mr. WOODRUFF. I do not think this presupposes the enlargement of any facilities they already have. I think it presupposes the building of a gymnasium and the other departments spoken of.

Mr. MANN. Mr. Chairman, I suggest that the motion of the gentleman cover amendments 59 to 69, both inclusive.

Mr. STEPHENS of Texas. Very well, Mr. Chairman, I will make that motion, to disagree to amendments 59 to 69, both inclusive.

The CHAIRMAN (Mr. ABERCROMBIE). The question is on the motion of the gentleman from Texas to disagree to Senate amendments 59 to 69, both inclusive.

Mr. MILLER. Mr. Chairman, I trust the gentleman will exclude from that No. 65 and also No. 67.

Mr. MANN. Then I suggest to the gentleman that he make his motion 59 to 64.

Mr. STEPHENS or Texas. Then I will add 59 to 64.

The CHAIRMAN. The gentleman from Texas [Mr. STEPHENS] moves to disagree to amendments numbered 59 to 64.

The question was taken, and the motion was agreed to.

The Clerk read as follows:

Amendment numbered 65: Page 30, line 25, strike out "$215,000" and insert "$173,500."

Amendment numbered 66: Page 31, line 9, strike out "$50,000" and insert "$20,000."

Amendment numbered 67: Page 31, line 11, after the word "Indians," insert "to whom allotments have not heretofore been made."

Mr. MILLER. Mr. Chairman, I ask unanimous consent that amendments numbered 65, 66, and 67 be considered together. They all relate to the same thing.

Mr. STEPHENS of Texas. There is no objection to that; it is all a part of the same subject matter.

The CHAIRMAN. Is there objection? [After a pause.] The Chair hears none. Does the gentleman desire to disagree to all three amendments?

Mr. STEPHENS of Texas. I move to disagree to those three amendments—65, 66, and 67—and I now yield to the gentleman from Minnesota.

Mr. MILLER. Mr. Chairman, I desire to be heard for a moment on this. I would like to call the attention of gentlemen who will certainly be conferees representing this body in the further consideration of this bill to this particular item. At my request in the consideration of this bill originally the item of $50,000 was inserted for the purpose of purchasing lands and homes for certain Indians now living in the Mille Lacs region of Minnesota. The $50,000 was not to come out of the United States Treasury, but to come out of the funds of the Indians themselves. These particular Indians are the ones who cling tenaciously to the spot where their ancestors had lived back through many generations. It is an ideally beautiful spot, where there is a magnificent and beauteous blending of blue sky, fine trees, and magnificent hills. You can not blame them for wanting to remain there. There are 402 of them. Some of them have allotments, but most of them have not. They are trespassers; they are almost outlaws in the sense that they are occupying a region belonging to the whites; but yet they prefer to remain there even under those conditions. It is desired that $50,000, or so much thereof as may be necessary, be used to purchase lands for these Indians on which they can make homes, so they will not be hunted or driven. The Indian Office or the Department of the Interior have exhausted every resource, and I may add that I myself have contributed every suggestion and aid that I could in the past 15 years to get these Indians to move, but it can not be done. Now the Senate has reduced the amount from $50,000 to $20,000.

Mr. STEPHENS of Texas. Will the gentleman permit me at that point?

Mr. MILLER. Certainly.

Mr. STEPHENS of Texas. Does not the gentleman think that is a mistake, inasmuch as that is the only instance in this bill where they have reduced the amount? Does not the gentleman think they must have made a mistake?

Mr. MILLER. I think they have made a very great mistake, and I can not understand how it ever quite occurred; but I desire to make this statement in order that the conferees representing this body will see to it that this mistake is corrected and that no such inadvertence as this will pass and eventually be written into law. Twenty thousand dollars really is insufficient to purchase this land for these Indians. I am not sure it will take $50,000; I do not think it will; but that amount should be named in order that the Secretary of the Interior may use such sum up to that amount as circumstances may require.

Mr. STEPHENS of Texas. Can the gentleman inform us how many of these Indians there are?

Mr. MILLER. There are 402.

Mr. STEPHENS of Texas. Why are they called homeless Indians?

Mr. MILLER. Because they have no home of their own. They are trespassers, literally, squatting upon lands not belonging to themselves, except a limited number, who live on land belonging to a hereditary chief.

Mr. STEPHENS of Texas. Can the gentleman inform us why the President, by Executive proclamation, has not set apart some portion of the public land somewhere for these Indians?

Mr. MILLER. I do not think it would do any good, because there are no public lands in the State which can be used for that purpose, and you can not induce these Indians to go to another place. While it is true their property is all merged in property belonging to the Chippewas of Minnesota, yet it is a matter of fact that a suit has been successfully terminated, or practically terminated, against the United States Government for damages growing out of the use of land in this immediate vicinity where those people lived, and probably a million dollars will be recovered.

Now, while they have a per capita share in the general fund belonging to the Chippewas, they themselves have nothing now in their possession, and live a most precarious life, existing from hand to mouth, and at least a reasonable sum of money belonging to the Chippewas of the States should be utilized to give these people a permanent and suitable abiding place.

Mr. MANN. Would my friend yield for a question?

Mr. MILLER. Certainly.

Mr. MANN. What occupation do these Indians follow?

Mr. MILLER. They fish a little, pick some berries, and work by the day as opportunity for work exists among the farmers in that region. It is not in the vicinity of any industrial center, but it is a farming region that has been but recently settled; by recently I mean during the last 10 years.

The CHAIRMAN. The time of the gentleman has expired.

EXTENSION OF REMARKS.

Mr. GREENE of Massachusetts. Mr. Chairman, I ask permission to extend my remarks in the RECORD by including an address delivered by the Hon. J. HAMPTON MOORE on the Fourth of July, at the dedication of the soldiers' monument at Southbridge, Mass.

The CHAIRMAN. The gentleman from Massachusetts asks unanimous consent to extend his remarks in the RECORD in the manner indicated. Is there objection? [After a pause.] The Chair hears none.

INDIAN APPROPRIATION BILL.

Mr. FOWLER. Mr. Chairman, these three reductions are among the few reductions made by the Senate in this bill since it left the House, and if the statements of the gentleman from Minnesota [Mr. MILLER] are true these reductions probably are not warranted. The House gave a great deal of consideration to this bill when it was before us some weeks ago, and I was impressed then with the belief that many items in the bill were too large and could have been materially reduced without injury to the Indian Service. Now, when this bill comes back from the Senate we find it carrying something like two and a half million dollars more than it did when it left the House.

If a certain provision placed in the bill by the Senate be considered as an increase—that is, the $100 allotment—it will carry about four and one-half million dollars more than it carried when it left the House.

Mr. Chairman, just what has occurred to this bill has occurred to all appropriation bills on their return from the Senate to the House. I am not disposed to criticize any Member of either House of Congress, but I have wondered why it is that the other end of the Capitol has never learned to travel the other end of the road. Invariably we find they travel the end of the road which we call "increase" instead of that part which we call "decrease."

Now, if the gentleman from Illinois [Mr. MANN] is correct in his statement that the House spends weeks in the consideration of the appropriation measures where the Senate spends days, that may account for it; but I have not been disposed myself to accredit the increases in these appropriation bills to a want of sufficient consideration. But what I am seriously at a loss to know is the reason why all these appropriation bills when they come back to the House from the Senate carry material and apparently unwarranted increases. This has been the practice for the last three years, to my personal knowledge. Members who have served in the House a long time have a better idea than I, perhaps, as to why these increases are so often and so persistently made by the Senate. I think, Mr. Chairman, that the time has come when the House ought to stand by the appropriation bills that have been passed by it and refuse to agree to the enormous increases which are added by the Senate. I do not believe that the Senate ought to have a right to increase the appropriations, although that is the rule now, but I think it could employ its time a great deal more favorably to the country if it would learn to revise the appropriation bills as they come from the hands of the House downward instead of upward. This would act as a check upon the extravagance of the House, which is much needed. [Applause.]

The CHAIRMAN. The time of the gentleman from Illinois has expired.

Mr. STEPHENS of Texas. Mr. Chairman, I renew my motion that we disagree to amendments Nos. 65, 66, 67, and 68.

The CHAIRMAN. The question is on the motion of the gentleman from Texas [Mr. STEPHENS] that we disagree to amendments 65, 66, 67, and 68.

The motion was agreed to.

The CHAIRMAN. The Clerk will report the next amendment.

Mr. STEPHENS of Texas. I desire to ask whether we can agree upon several amendments at this point.

Mr. MILLER. I suggest that we disagree to amendments 69 to 73, inclusive.

Mr. STEPHENS of Texas. Then I ask that we disagree to amendments from No. 67 to No. 73, inclusive.

The CHAIRMAN. The gentleman from Texas [Mr. STEPHENS] moves that the committee disagree to Senate amendments 69, 70, 71, 72, and 73, inclusive.

The motion was agreed to.

Mr. MILLER. Now, if the gentleman will move to disagree to amendment No. 74, I would like to be heard on it.

Mr. STEPHENS of Texas. I move to disagree to amendment No. 74 without reading it, Mr. Chairman.

Mr. MILLER. Nos. 74 and 75.

Mr. STEPHENS of Texas. No. 75 corrects No. 74.

The CHAIRMAN. The gentleman from Texas [Mr. STEPHENS] moves that the committee disagree to amendments Nos. 74 and 75.

Mr. MILLER. Mr. Chairman, I desire to be recognized. I am more interested, I believe, in this provision than in almost any other provision in the entire bill, because it is a project that I have personally been advocating and working on for many years.

Mr. STEPHENS of Texas. To which one does the gentleman refer?

Mr. MILLER. To 74 and 75.

We have appropriated a large sum in an earlier part of the bill with which to fight malignant diseases among the Indians of the United States generally. I hope the membership of the House will observe the fact that this appropriation is for a like purpose, but does not come out of the United States Treasury, being paid for by the Indians themselves. The original plan was to build a single hospital in a State for the care of Indians in that State. It was shown that that was an inadvisable method of procedure. There are not many Indians in Minnesota—only 11,000—and they are scattered very widely in the northern part of the State. In one region known as the White Earth region about half of them are collected. The others are scattered into relatively small bands throughout the northeastern and north-central parts of the State. We appropriated two years ago out of the funds belonging to the Chippewa Indians $20,000 with which to build a hospital at White Earth to accommodate those Indians living at that place. That hospital has been successful. It has been an important and valuable adjunct in the treatment of trachoma and tuberculosis. It is desired, therefore, that the same aid and the same facilities accorded the White Earth Indians shall be extended to the other Indians residing in other parts of the State.

Mr. STAFFORD. Will the gentleman inform the committee why it is not feasible to have one central hospital rather than to have three?

Mr. MILLER. Because a central hospital necessitates the transportation of all the Indians such great distances that they are very much opposed to going, and the expense of taking them there is so great it makes it difficult.

Mr. STAFFORD. I suppose when they are conveyed there they are lodged in the hospital for a great length of time?

Mr. MILLER. Not all of them. Trachoma can be cured in a short length of time. For instance, to take an Indian from Grand Portage, which is in the extreme northeastern tip of the State of Minnesota, to White Earth, which is in the center of the Indian population of the State, would involve a journey of three or four days and require transportation by boat and by rail, changing cars twice, and involving an expenditure of, say, $100.

Mr. STAFFORD. So far as State hospitals are concerned, the gentleman is aware of the fact that they have one central institution for the entire citizenship of the State, and they have that because it is more economical.

Mr. MILLER. Yes; and the gentleman can very well add also that one single hospital can be much better constructed, much better equipped, and much better taken care of than can half a dozen. But in this particular work of treating trachoma and tuberculosis, it is desired to keep them scattered as much as possible, not to bunch them together in a great crowd, and to build smaller hospitals at places where they can be accessible to the various Indian tribes.

Mr. STAFFORD. I assume that in the gentleman's State they have tuberculosis hospitals, as we have in Wisconsin?

Mr. MILLER. Yes.

Mr. STAFFORD. And they are not distributed generally throughout the State?

Mr. MILLER. No.

Mr. STEPHENS of Texas. Mr. Chairman, will the gentleman yield?

The CHAIRMAN. The time of the gentleman from Minnesota has expired.

Mr. MILLER. Mr. Chairman, I ask unanimous consent to proceed for five minutes.

The CHAIRMAN. Is there objection to the gentleman's request?

There was no objection.

Mr. STEPHENS of Texas. Has the gentleman taken into consideration the fact that this has been raised from $50,000 to $75,000 by amendment numbered 74?

Mr. MILLER. I think it was by habit rather than by amendment.

Mr. STEPHENS of Texas. That would make $75,000 for these three?

Mr. MILLER. Yes.

Mr. STEPHENS of Texas. We have adopted an amendment to the effect that these hospitals should cost no more than $12,500 each. Is it not a fact that in that country they have a worse climate than in New Mexico and Arizona? Is not that the reason why you ask $25,000 for each of the new hospitals?

Mr. MANN. If the gentleman from Minnesota will permit, the gentleman from Texas having come over to the side I advocated on Tuesday, the gentleman said we adopted an amendment and put the price of these hospitals at $12,500. Inasmuch as I moved to do that and the gentleman from Texas strenuously, powerfully, and successfully defeated the proposition, why does he say we adopted it?

Mr. STEPHENS of Texas. We were trying to get it in conference, that is all.

Mr. MANN. You defeated it.

Mr. STEPHENS of Texas. I desire, Mr. Chairman, to ask the gentleman from Minnesota with reference to his climate—whether it is necessary to use more money in that climate than elsewhere?

Mr. MILLER. Yes; this is the most rigorous climate, so far as that is concerned, in the State, and the hospital has to be protected from the cold and storm.

Now, that point which I particularly desire to mention I have not yet reached. I do not believe there is any need for three more hospitals. We already have one. Two more are needed, one for the Red Lake Indians, who occupy a region to the north and northwest of White Earth, and one for the scattered bands of Indians who occupy the northeastern part of the State.

Now, it was by reason of my personal knowledge of conditions in the northern part of our State and the condition of the Indians that the phraseology was framed as it was in the House bill, locating one of the two hospitals at Red Lake and locating the other of the two at the Fond du Lac Reservation. I understand the Indian Office requested the change. I know the Indian Office is wrong, all wrong, up and down, in and out. They want the privilege of locating these hospitals at any place they see fit, and I have my own personal reasons for knowing that their information is inadequate to enable them to tell where those hospitals ought to be located. And if the conferees are not able to prevail and to have the original language of this bill retained I beg of you here and now to strike it all out.

I am speaking for the Indians, among whom I travel every year in that State, and whose condition I know, and not for a set of bureaucratic employees who sit 1,500 miles away and have some hypothetical notions of their own. I make that strong and I make it emphatic, and I certainly will be glad to add to the statement if anything may be lacking in what I have already said.

Mr. STEPHENS of Texas. I want to ask the gentleman if this reservation is in the gentleman's district?

Mr. MILLER. Red Lake is not. Red Lake is in the extreme western part of the State. Fond du Lac is in my district.

Mr. STEPHENS of Texas. Is the gentleman familiar with the country?

Mr. MILLER. I am. I have traveled over every foot of it. I know that the Fond du Lac is the place, beautifully located, beautifully situated for a hospital of this kind, and is accessible by reason of railway communication to all of the various scattered bands in the northeastern part of the State. We want to have those bands taken care of. Unless the language remains in the bill as originally drawn there will be no hospital for the Indians in the northeastern part of the State. I know what I am talking about.

Mr. STEPHENS of Texas. Question, Mr. Chairman.

The CHAIRMAN. The gentleman from Texas [Mr. STEPHENS] moves that the committee disagree to amendments numbered 74 and 75. The question is on agreeing to that motion.

The motion was agreed to.

Mr. STEPHENS of Texas. Mr. Chairman, I also move to disagree to Senate amendments numbered 76 down to 111.

The CHAIRMAN. The gentleman from Texas moves that the committee disagree to Senate amendments numbered 76 to 111.

Mr. MANN. From 76 to 110, inclusive.

The CHAIRMAN. The gentleman from Texas moves to disagree to Senate amendments numbered 76 to 110, inclusive. The question is on agreeing to that motion.

Mr. MILLER. Mr. Chairman, I would like to have just one moment——

Mr. STEPHENS of Texas. Mr. Chairman, I yield to the gentleman——

Mr. MILLER. In which to call the attention of the conferees to amendment numbered 77, where it is provided that no appropriation exceeding $5,000 in amount can be made from the fund belonging to the Chippewas of Minnesota until such appropriation shall have been appropriated by a majority vote of the Indians cast in a regular election.

There are just two things I want to call attention to. I do not know the origin of this amendment. In the first place, that would prevent Congress from carrying out a treaty stipulation, which is about $167,000 each year of the funds belonging to these Indians shall be appropriated for certain specific purposes. Second, there is no tribe of Indians in Minnesota that could come under the description in this paragraph. There is no machinery by which a vote could be had of the Indians scattered in various bands of the State, even if there were a tribal organization.

Mr. MANN. If the gentleman will allow me a suggestion, third, several of these Senate amendments, making appropriations, make their sums immediately available, which would be in direct conflict with this amendment.

Mr. MILLER. Yes.

Mr. BURKE of South Dakota. And I want to say to the gentleman that it would be requiring an annual referendum of what is now a solemn treaty.

Mr. MILLER. Certainly.

Mr. EVANS rose.

The CHAIRMAN. The gentleman from Montana [Mr. EVANS] is recognized.

Mr. EVANS. Mr. Chairman, referring to amendment 82, on page 38, that amendment has been placed in the bill by the Senate, providing that certain moneys shall not be used for the reclamation of certain lands in Montana until an opinion is rendered by the Attorney General. I sincerely hope the House will reject this amendment and that the conference committee will also reject it. I know of no reason why it should be in the bill.

The item referred to relates to the Flathead Indian Reservation, which is being reclaimed, and for which there has been an annual appropriation by Congress of from $200,000 to $400,000. In the hearings the Assistant Indian Commissioner appeared before the committee in my absence and asked finally for $100,000 for this purpose. I took up this matter with the commissioner, and the commissioner told me, in effect, that it was an error, and that he would recommend $250,000 for this year's appropriation. He told me positively and unequivocally that I should have that recommendation before the Indian Committee, while the bill was before that committee of the House.

Unfortunately I was called to Colorado on an investigation, and I could not get this recommendation from the Commissioner of Indian Affairs. I wired from Colorado, and was advised by his assistant that the commissioner was out of town, and consequently the matter never got before the House. These facts I know of my own knowledge. I was then told by the commissioner himself that he would place the recommendation before the Senate for $250,000. When it was placed before the Senate committee, it was done by a subordinate, or by the assistant commissioner, with this string tied to it, with this proviso requiring an opinion by the Attorney General.

If this proviso is adopted, you might as well abandon the expenditure of that money and the reclamation of that reservation. If you have to go to the Attorney General every time, why do we not go to the Attorney General with reference to the Fort Peck Reservation, the Blackfoot Reservation, the Crow Reservation, and every other reservation in the country before you spend a dollar?

I have my own opinion as to why the assistant commissioner has insisted on this proviso, but I am not quite prepared to give it to this committee at the present time; but I sincerely hope they will not encumber that work, or stop it by consenting to the adoption of this provision.

Mr. STEPHENS of Texas. I understand the gentleman has no objection to disagreeing to this amendment.

Mr. EVANS. No; I want it disagreed to; and I hope the conferees will insist on rejecting it.

Amendment No. 81, which provides for the increase of the appropriation from $100,000 to $250,000, I favor. My objection

is to the proviso attached, which is amendment No. 82, and reads:

Provided, That no part of this appropriation shall be expended unless the Attorney General of the United States shall, after submission to him by the Secretary of the Interior of a request for an opinion thereon, hold affirmatively that, in his opinion, the Indians under existing law are protected and confirmed in their water rights.

Why this proviso should be attached is beyond my comprehension, unless it is simply to stop the work on this project, which it will no doubt very effectually do. If it is the intention of Congress or the Indian Bureau to abandon this work, let us do it in the open and not by subterfuge. If this appropriation is to be made, let it be made without conditions and subject to immediate use, or it will serve no useful purpose.

The work is in progress now, but new contracts must be entered into, and the Reclamation Bureau must know what money is to be available, that they may let their contracts for the ensuing year's work. Nobody knows when an opinion might be handed down by the Attorney General; and in the meantime the work is at a standstill, and in all probability the whole working force has been dissolved and discouraged.

With the permission of this House, I desire to incorporate in my remarks a brief summary of this project and the recommendations of the Reclamation Service for this year's appropriation:

Mr. MERITT. We offer for the record the following justification:

Irrigation system, Flathead Reservation, Mont. (reimbursable).

Fiscal year ending June 30, 1914, amount appropriated	$325,000.00
Fiscal year ended June 30, 1913:	
Unexpended balance from previous year	85,429.63
Amount appropriated	200,000.00
	285,429.63
Amount expended	167,573.52
Unexpended balance	117,856.11

ANALYSIS OF EXPENDITURES.

Salaries, wages, etc	78,736.95
Material	19,395.69
Earnings on Nelson Rich contract	69,440.88
	167,573.52

This work is being done by the United States Reclamation Service.

Statistics, Flathead Reservation, United States Reclamation Service.

Census, 1913	2,281
Present irrigable area—acres	38,000
Irrigated area—do	3,366
Area under completed project—do	152,000
Cultivated by Indians—do	1,088
Cultivated by whites—do	2,278
Value of irrigated land per acre	$100
Expended to June 30, 1913 (reported by United States Reclamation Service. Expended, Indian Office, $1,036,650.61)	$1,214,561.78
Estimate for fiscal year 1915	$100,000
Cost of completed project, estimated, United States Reclamation Service	$6,000,000

DEPARTMENT OF THE INTERIOR, UNITED STATES RECLAMATION SERVICE—FLATHEAD PROJECT, MONTANA.

Justification for estimate of needs for irrigation work on the Flathead project, Montana, during the fiscal year ending June 30, 1915:

A minimum appropriation of $500,000 is required.

The work proposed to be done with the appropriation asked for consists of the following items:

1. Current expenses: The item for current expenses is presented to cover operation and maintenance costs and stream gauging. Operation and maintenance will return to the Government all, or a large part, of the expenditure on that account. The total for all expenditures takes this into account in that it exceeds the minimum appropriation of $500,000 asked for by $22,000.

2. Repairs to buildings and property: Repairs to buildings and property will cover repairs on existing camp buildings and maintenance work on the canal systems.

3. New construction: The following appear to be the most needed additions to the existing works for the reasons given below.

Additional storage should be provided. There are considerable areas in Polson, Post, and Pablo divisions not commanded by the present reservoir construction, and none of the Mission division is so covered. With the cultivation of additional areas and the coming of a dry year similar to the year 1910 storage will be absolutely necessary to insure irrigation in the areas named when irrigation is most needed, and the most available site for this purpose is St. Mary Lake, commanding all the area named and being apparently the cheapest site to develop. Water will be taken from branches of the Jocko River to storage in St. Mary Lake. About 5 miles of canal will serve for the first season, bringing water in from Fall Creek, and later 3 miles more of canal will be required for full supply. At the lake an outlet tunnel will be driven to lower its level, giving a storage capacity of 12,000 acre-feet below the present level.

The Pablo feeder canal will be extended south to tap Dry Creek, a distance of about 14 miles. Dry Creek is the natural outlet of St. Mary Lake, and this will complete the channel by which Jocko River water may be used where needed in Mission Valley between St. Ignatius and Polson, Mont. The extension of Pablo feeder canal will also form a distributing canal for over 9,000 acres of allotted land in Mission division, to reach all of which will require small laterals only.

The estimate includes the extension of small canals in Pablo division to reach 5,000 acres of new land about equally divided between allotments and homesteads.

In Post division it is proposed to build a canal from Post Creek to reach about 5,000 acres of new land lying from 5 to 10 miles north and west from St. Ignatius. This land is about one-third Indian allotments, the remaining two-thirds being held by homesteaders who are very anxious for water.

West of the Flathead River in Camas division there are about 15,000 acres of sagebrush land which has been divided into farm units practically all of which, where not Indian allotments, have been entered. The settlers have for three years tried dry farming, and at the present time the United States commissioner, resident at Camas, Mont., states that about one-fourth of all the settlers have left their places as they will not yield a living under dry farming. This land is most in need of water of any on the project, and it is proposed to begin work here by constructing the first 12 miles of conduit from the Little Bitter Root River, beginning near the north boundary of the reservation. The construction of a small dam at the Little Bitter Root Lake, in section 21, township 27 north, range 24 west, M. P. M., to store the entire run-off above that point is also included in the estimate.

Your attention is called to the fact that with annual appropriations of $500,000 each year it would require about 10 years to complete the Flathead project.

E. F. TABOR,
Project Engineer.

Approved, August 13, 1913.

CHAS. P. WILLIAMS,
Acting Supervising Engineer,
United States Reclamation Service.

You will observe that the engineers on the ground doing this work recommend an annual appropriation of $500,000 and advise that with that amount appropriated each year, it will take 10 years to complete the project. In my judgment, there is no more meritorious project in the whole Reclamation Service; and to appropriate only $100,000 annually it would take 60 years to consummate the work. It is a project where both the Indian and the white man are satisfied and want the work to go on. From the standpoint of economy it must appeal to you that it were better to appropriate a reasonably adequate sum to proceed with this work; every business man knows that every time work of this kind stops and again starts, there is great loss in disposing of the old organization and assembling the new, and much economy would be effected by continuous work with such equipment and force as a successful business man would assemble for carrying on a work of that magnitude. If, as it has been suggested, in appropriating this reimbursable money we are not doing justice to the Indian, then I suggest that if it is wrong to use $250,000, the ethics of the situation does not change when you cut it down and use $100,000.

My personal convictions are that the best possible use is being made of this money for both Indian and white man. The Indians can make no use whatever of their allotments unless they can get water; the lands opened by act of Congress to the white man are valueless to him and the Indian alike unless the work goes on. Three or four thousand homestead entrymen have purchased these Indian lands and made at least part of their payments under a tacit agreement with the Government that this reclamation work would go on. The lands will amply stand the expenditure for the work if it is carried on in an efficient and businesslike manner. A million and a half has already been expended, put largely into main canals, and it would be utter folly not to proceed now to the distribution of the water by lateral ditches and canals.

The resources from which these lands are being reclaimed belong to the Indian, but he is doubling and trebling his resources by the work and making his own land susceptible to cultivation and the production of splendid crops. If the Indian is to be civilized he must be taught by precept and example; he must be shown how to make his allotment yield him something, and in the case under discussion this can only be done by proceeding with reasonable diligence toward the consummation of this project. Our duty is to the Indian of the present generation, as well as those of the future, and the Indians of to-day who actually own the resources of this reservation should enjoy some of the fruits of their ownership and should not be compelled to starve to death on an allotment of unreclaimed land when there is abundance of water running untrammeled to the sea.

Mr. STEPHENS of Texas. I ask for a vote on the motion to disagree to the Senate amendment.

The motion to disagree to the Senate amendment was agreed to.

Mr. GARDNER. Mr. Chairman, in connection with the relief for Salem, which is probably coming up to-morrow, I ask unanimous consent to extend my remarks in the RECORD by inserting a list of the cases in which relief has been granted by Congress to sufferers by fire, flood, earthquake, disease, cyclone, and so forth.

The CHAIRMAN. The gentleman from Massachusetts asks unanimous consent to extend his remarks in the RECORD. Is there objection?

There was no objection.

The list referred to by Mr. GARDNER is as follows:

Cases where relief has been granted by Congress to sufferers by fires, floods, earthquakes, diseases, etc.

	United States Statutes at Large.	Page.	Date of approval.	Amount.
Earthquake in Venezuela	2	730	May 8, 1812	$50,000.00
Earthquake in New Madrid	3	211	Feb. 17, 1815	(1)
Fire in New York City	5	6	Mar. 18, 1836	(1)
Indian depredations in Florida	5	131	Feb. 1, 1836	(1)
Fire, Portsmouth, N. H	6	49	Feb. 19, 1803	(1)
Fire, Alexandria, Va	6	356	Jan. 24, 1827	20,000.00
Fire, Norfolk, Va	6	53	Mar. 19, 1804	(1)
Transportation supplies to sufferers in Ireland	9	207	Mar. 3, 1847	(1)
Indian depredations in Minnesota	12	652	Feb. 16, 1863	200,000.00
Accident at District of Columbia Arsenal	13	416	July 4, 1864	2,000.00
Fire, Portland, Me	14	366	July 4, 1866	(1)
Do	14	369	July 27, 1866	(1)
Transportation supplies South	14	567	Feb. 22, 1867	(1)
Do	15	24	Mar. 29, 1867	(1)
Sufferers in South	15	28	Mar. 30, 1867	(1)
Seeds for South	15	28	.....do.....	50,000.00
Sufferers in South	15	246	Jan. 31, 1868	(1)
Transportation of supplies to France and Germany	16	596	Feb. 10, 1871	(1)
Fire at Chicago	17	51	Apr. 5, 1872	(1)
Postmaster's loss at Chicago fire	17	646	Mar. 12, 1872	(1)
Overflow of Mississippi River	18	34	Apr. 23, 1874	(1)
Do	18	45	May 13, 1874	190,000.00
Seeds for sufferers	18	303	Jan. 25, 1875	30,000.00
Sufferers	18	314	Feb. 10, 1875	150,000.00
Sufferers (grasshoppers)	19	374	Mar. 3, 1877	288.40
Sufferers	20	127	June 14, 1878	663.99
Refrigerating ship, yellow fever	21	1	Apr. 18, 1879	200,000.00
Colored immigrants	21	66	Mar. 5, 1880	(1)
Supplies to Ireland	21	303	Feb. 25, 1880	(1)
Cyclone, Macon, Miss	21	306	May 4, 1880	(1)
Seeds to sufferers	22	44	Apr. 11, 1882	20,000.00
Mississippi River overflow	22	378	Feb. 25, 1882	100,000.50
Do	22	378	Mar. 10, 1882	(1)
Do	22	378	Mar. 11, 1882	(1)
Do	22	379	Mar. 21, 1882	150,000.00
Do	22	379	Apr. 1, 1882	100,000.00
Ohio River overflow	23	267	Feb. 12, 1884	300,000.00
Do	23	268	Feb. 15, 1884	200,000.00
Mississippi River overflow	23	269	Mar. 27, 1884	125,000.00
Do	23	273	June 7, 1884	(2)
Yellow-fever sufferers	25	630	Sept. 26, 1888	200,000.00
Do	25	631	Oct. 12, 1888	100,000.00
Recognition of kind treatment of Japanese to American crew	25	623	May 24, 1888	5,000.00
Mississippi River overflow	26	671	Apr. 21, 1890	150,000.00
Balance of appropriation to flood sufferers	26	679	Sept. 1, 1890	(1)
Tents for Arkansas, Mississippi, and Louisiana	26	33	Mar. 31, 1890	25,000.00
Removal of ice from Potomac	28	969	Feb. 15, 1895	5,000.00
Loan of tents, St. Louis, Mo	29	475	May 28, 1896	(1)
Poor of India	29	701	Feb. 19, 1897	(1)
Ford's Theater disaster	28	932	Mar. 2, 1895	125,000.00
Do	29	273	June 8, 1896	131,550.00
Do	29	219	Apr. 7, 1897	34,520.00
Sufferers in India	30	220	June 1, 1897	(1)
Floods, Mississippi River	30	219	Apr. 7, 1897	200,000.00
Citizens of United States in Cuba	30	220	May 24, 1897	50,000.00
Sufferers of Maine	30	346	Mar. 30, 1898	(1)
Arms to Cuba (also supplies)	30	419	May 18, 1898	(1)
Diseases in District of Columbia	30	1390	Feb. 28, 1899	50,000.00
Sufferers of San Francisco	34	827	Apr. 19, 1906	1,000,000.00
Do	34	828	Apr. 24, 1906	1,500,000.00
Cyclone sufferers in Georgia, Alabama, Mississippi, and Louisiana	35	570	Apr. 30, 1908	250,000.00
Famine sufferers in China	36	919	Feb. 18, 1911	50,000.00
Earthquake sufferers in Jamaica	34	850	June 18, 1907	(1)
Sufferers in Italy	35	584	June 5, 1909	800,000.00
Earthquake sufferers in Costa Rica	36	367	May 13, 1910	(1)

[1] Indefinite. [2] Unexpended balance.

Mr. STEPHENS of Texas. Now, Mr. Chairman, I move to disagree to Senate amendments numbered 76 down to 129, inclusive.

The CHAIRMAN. The gentleman from Texas moves to disagree to amendments 76 to 129, inclusive.

The motion was agreed to.

Mr. LOGUE. Mr. Chairman, I ask unanimous consent to have printed in the RECORD the address delivered by our colleague from Ohio [Mr. FESS] at the Philadelphia Independence Day celebration last Saturday.

The CHAIRMAN. The gentleman from Pennsylvania asks unanimous consent to extend his remarks in the RECORD. Is there objection?

There was no objection.

The CHAIRMAN. The Clerk will report amendment No. 130.

Mr. STEPHENS of Texas. I move to disagree to that amendment without reading it.

The CHAIRMAN. The gentleman from Texas moves to disagree to amendment No. 130.

The motion was agreed to.

The CHAIRMAN. The Clerk will report amendment No. 131.

Mr. STEPHENS of Texas. I move to disagree to that amendment without reading it. It is quite a long amendment.

Mr. BURKE of South Dakota. I ask unanimous consent that amendments numbered 131 and 137 be considered together.

Mr. STEPHENS of Texas. I have no objection to that. I ask that amendment Nos. 131 and 137 be considered together.

The CHAIRMAN. The gentleman from Texas asks unanimous consent that amendments Nos. 131 and 137 be considered together. Is there objection?

There was no objection.

Mr. BURKE of South Dakota. Mr. Chairman, I desire to be heard on that before proceeding. It might be advisable to arrange as to the time to be consumed in discussing these two amendments.

Mr. STEPHENS of Texas. How much time does the gentleman desire?

Mr. BURKE of South Dakota. Perhaps it would be better to go ahead for awhile. I should like to proceed for 15 minutes. I ask unanimous consent that I may do so.

The CHAIRMAN. The gentleman from South Dakota asks unanimous consent that he may proceed for 15 minutes. Is there objection?

There was no objection.

Mr. BURKE of South Dakota. Mr. Chairman, Senate amendment No. 131 provides for the payment to the Creek Indians of the tribal funds now on deposit in the Treasury and in the National and State banks of Oklahoma a sum sufficient to equalize the allotments of all persons enrolled under the original Creek agreement of March 1, 1901, and the supplemental agreement of June 30, 1902, and the act of April 26, 1906, so that each may receive an amount which, added to the appraised value of the land already allotted, will make an amount equal to $800, including the land allotted. I am not opposed to the amendment, provided it is changed in form as I will indicate later on.

Senate amendment No. 137, which proposes to refer a claim of the Creek Indians to the Court of Claims, I am unalterably opposed to, because it is without merit and ought not to be adopted under any circumstances.

The gentleman from Minnesota [Mr. MILLER], in general debate when the Senate amendments were considered by the House in Committee of the Whole, stated a brief but accurate history of the so-called Creek equalization matter. Without going into it fully, I will say that the United States made an agreement with the Creek Nation, as they did with others of the Five Civilized Tribes, to allot their land, dispose of the surplus, and distribute the estates of the Indians equitably; the basis of equalization of the Creek Indians was fixed at $1,040.

The original Creek agreement, approved March 1, 1901, section 3, provided as follows:

CREEK AGREEMENT OF MARCH 1, 1901.

All lands of said tribe, except as herein provided, shall be allotted among the citizens of the tribe by said commission so as to give each an equal share of the whole in value, as nearly as may be, in manner following: There shall be allotted to each citizen 160 acres of land—boundaries to conform to the Government survey—which may be selected by him so as to include improvements which belong to him. One hundred and sixty acres of land, valued at $6.50 per acre, shall constitute the standard value of an allotment and shall be the measure for the equalization of values; and any allottee receiving lands of less than such standard value may at any time select other lands which at their appraised value are sufficient to make his allotment equal in value to the standard so fixed.

If any citizen select lands the appraised value of which, for any reason, is in excess of such standard value, the excess of value shall be charged against him in the future distribution of the funds of the tribe arising from all sources whatsoever, and he shall not receive any further distribution of property or funds of the tribe until all other citizens have received lands and money equal in value to his allotment. If any citizen select lands the appraised value of which is in excess of such standard value, he may pay the overplus in money, but if he fail to do so the same shall be charged against him in the future distribution of the funds of the tribe arising from all sources whatsoever, and he shall not receive any further distribution of property or funds until all other citizens shall have received lands and funds equal in value to his allotment; and if there be not sufficient funds of the tribe to make the allotments of all other citizens of the tribe equal in value to his, then the surplus shall be a lien upon the rents and profits of his allotment until paid.

It will be noted that this act provided that any allottee receiving lands of less than the value of $1,040 was permitted to take additional lands sufficient to make his allotment equal in value to the standard so fixed; that if any allottee selected lands the appraised value of which was in excess of the standard value, the excess of value should be charged against him in the future distribution of the funds of the tribe, and he was not to receive anything until all other citizens had received lands and money equal in value to his allotment. Subsequently, in

1902, section 2 of the act of 1901 was amended in the following particulars:

All lands belonging to the Creek Tribe of Indians in Indian Territory, except town sites and lands reserved for Creek schools and churches, railroad, and town cemeteries, in accordance with the provisions of the act of Congress approved March, 1901 (31 Stat. L., 861), shall be appraised at not to exceed $6.50 per acre, excluding only lawful improvements on lands in actual cultivation. * * *

Paragraph 2 of section 3:

If any citizen select lands the appraised value of which is $6.50 per acre, he shall not receive any further distribution of property or funds of the tribe until all other citizens have received lands and moneys equal in value to his allotment.

SEC. 7. All children born of those citizens who are entitled to enrollment, as provided by the act of Congress approved March 1, 1901 (31 Stat. L., 861), subsequent to July 1, 1900, and up to and including May 25, 1901, and living upon the latter date, shall be placed on the rolls made by said commission. And if any such child has died since May 25, 1901, or may hereafter die before receiving his allotment of lands and distributive share of the funds of the tribe, the lands and money to which he would be entitled, if living, shall descend to his heirs as herein provided and be allotted and distributed to them accordingly.

* * * * * * *

SEC. 14. All funds of the Creek Nation not needed for equalization of allotments, including the Creek school fund, shall be paid out, under direction of the Secretary of the Interior, per capita to the citizens of the Creek Nation on the dissolution of the Creek tribal government. (Idem, p. 764.)

By the amendment of 1902 it will be noted that the lands were to be appraised at not to exceed $6.50 per acre, regardless of their actual value, and $1,040 was adopted as the standard value of 160 acres. If the Indian happened to select a tract that was worth $16,000, as some tracts that were allotted were actually worth, he was only charged with $1,040. Lands of less than the standard value were appraised on the same basis, so that lands worth $10, $20, or $30 an acre were appraised or valued as low as $1, $2, or $3 an acre. In other words, a great many were undoubtedly allotted lands of a greater value than $1,040, but were charged with a very much less amount, and they are now demanding, because there are not sufficient tribal funds to pay them the difference between the value of their allotments as charged and $1,040, that the United States make an appropriation sufficient to pay them. When the allotments were made many of the Indians, where the land was of less value that $1,040, were given a statement or "due bill" showing that they had been allotted a particular tract of a stated valuation, and if it was less than the $1,040 the statement showed the amount due them. These statements or due bills were in the following form:

Equalization certificates.

C. 7684. TAYLOR, TIMOTHY (FULL).		C. 7812. ELIZA TALOMASE (FULL).	
W. SE. of 28—16—8=5 B. S. SW. of 28—16—8=7 B 5 B.		SW. of 7—15—7.	
	$1,040		$1,040
Value	560	Value	600
Due	480	Due	440
C. 7575. ROBERT SOLDIER (FULL).		C. 7806. YAHOLA MICCO (FULL).	
SW. of 5—16—8=7 B.		SE. of 8—15—7.	
	$1,040		$1,040
Value	320	Value	480
Due	720	Due	560

Section 7 of the 1901 act as amended in 1902 provided that all children born subsequent to July 1, 1900, and up to and including May 25, 1901, and living on the latter date, should be enrolled. The Indian appropriation act of March 3, 1905, contained the following provision:

That the Commission to the Five Civilized Tribes is authorized for 60 days after the date of approval of this act to receive and consider application for enrollments of children born subsequent to May 25, 1901, and prior to March 4, 1905, and living on said latter date, to citizens of the Creek Tribe of Indians whose enrollment has been approved by the Secretary of the Interior prior to the date of the approval of this act; and to enroll and make allotments to such children. * * * (33 Stat. L., pt. 1, p. 1071.)

That the provision in the Indian appropriation bill for the fiscal year ending June 30, 1904, authorizing the Secretary of the Interior to sell the residue of the lands of the Creek Nation not taken as allotments is hereby repealed and the provision of the Creek agreement, article 3, approved March 1, 1901, is hereby restored and reenacted. (Idem., 1072.)

The act of April 26, 1906, providing for the final disposition of the affairs of the Five Civilized Tribes, provided by section 2 as follows:

SEC. 2. That for 90 days after approval hereof applications shall be received for enrollment of children who were minors living March 4, 1906, whose parents have been enrolled as members of the Choctaw, Chickasaw, Cherokee, or Creek Tribes. * * *

It was these last acts, providing for the enrollment and allotment of the new borns, that furnished the basis for the claim now asserted by the Creek Nation and which is proposed to be referred to the Court of Claims by Senate amendment No. 137. Had it not been for legislation adding new borns, and had the allotments been made as contemplated by the original act, there would have been sufficient surplus land that would have been disposed of to have produced ample funds to pay each and every person holding these due bills what was coming to them up to $1,040, and there would have been a surplus remaining to be distributed as contemplated by section 17 of the act of April 26, 1906, which act is as follows:

SEC. 17. That when the unallotted lands and other property belonging to the Choctaw, Chickasaw, Cherokee, Creek, and Seminole Tribes of Indians have been sold and the moneys arising from such sales or from any other source whatever have been paid into the United States Treasury to the credit of said tribes, respectively, and when all the just charges against the funds of the respective tribes have been deducted therefrom, any remaining funds shall be distributed per capita to the members then living or to the heirs of deceased members.

The reason why Congress enacted legislation for the enrollment of new borns was because the Indians of their own motion, by a resolution adopted by their council, declared in favor of such legislation and requested legislation authorizing it.

The Creek council consists of two bodies, the same as a State legislature, one being the house of warriors and the other the house of kings. The resolution that was passed by the council as the basis for the legislation enrolling new borns, as provided by the acts of March 3, 1905, and April 26, 1906, is as follows:

OKMULGEE, IND. T., *November 3, 1904.*

Whereas the tribal relations of the Muskogee Nation do not expire until March 4, 1906; and

Whereas all children born to the citizens of said nation, so long as said tribal relations shall exist, are in truth and in fact citizens in the fullest sense of the word and are in conscience and equity entitled to all the rights and benefits by virtue of such birth and citizenship; and

Whereas there will be a vast amount of surplus land when the present plan of allotting will have been finally closed, estimated to be as much as 500,000 acres; and

Whereas it is a part of the unwritten as well as the written history of the country that the Creek Nation regard with sacred solemnity their every obligation, implied as well as declared:

Be it resolved by the national council of the Muskogee Nation, That the delegation or commission elected at this session of the national council be directed to request and vigorously urge the Congress of the United States to make all the necessary provisions for the selecting and allotting of 160 acres of land to each and every Creek citizen born since the 25th day of May, 1901, and living up to and including the 4th day of March, 1906.

Adopted November 3, 1904.

There were 2,918 children added to the rolls by the act of April 26, 1906. They were given allotments, and I believe were also given due bills or statements showing that they had a balance due them, the same as given to those allotted originally when the value of the land allotted was less than $1,040. By allotting these newborn children there was not enough land left to produce sufficient proceeds to provide the money necessary to equalize the allotments on the $1,040 basis; and, therefore, it is proposed by Senate amendment No. 137 to refer the matter to the Court of Claims, which would probably result in a judgment against the United States that would make it necessary to make a large appropriation out of the Treasury to pay the same—probably $3,000,000 or $4,000,000. As I have already stated, the newborns were allotted at the request of the Creek Nation by a resolution adopted by its council. It is claimed that because the resolution was not signed by the governor of the Creek Nation it did not become effective, but under the Creek constitution the failure of the governor to approve it within five days made it a law without his approval.

Mr. MURRAY of Oklahoma. Will the gentleman yield?

Mr. BURKE of South Dakota. For a question.

Mr. MURRAY of Oklahoma. I will call the gentleman's attention to the fact that at the time the resolution was passed, there was a treaty, under the Curtis Act, that prohibited any resolution or law affecting lands to be valid until approved by the President, and, therefore, if the governor had done so, it would have been invalid and would have amounted to nothing more than a petition.

Mr. BURKE of South Dakota. The fact is the resolution was found in the desk of Chief Porter after his death and was not forwarded to the President until some two years after its adoption. I do not know whether it was approved by the President when it was received, or whether it has since been approved, but it may have been. If Executive approval was necessary, it could have been approved when it was received or at any subsequent time, which would have made it legal.

Mr. MURRAY of Oklahoma. Not if approved that late.

Mr. BURKE of South Dakota. Regardless of whether it was approved by the President or not, the Indians are estopped and are bound by the action of their council in adopting the resolution asking Congress to enroll the newborns. I am reliably informed that such a resolution as was passed by the council did not require the approval of the President, as it was a mere memorial and was not within the acts that require the Presi-

dent's approval. If that is true, then there is nothing whatever in the claim that the resolution was not passed in accordance with the law.

If the Indians are not bound by the action of their council in memorializing Congress to enroll their children, then they can not assert any claim against the United States, because, if there is any merit in the claim that has been asserted and which it is proposed to send to the Court of Claims by Senate amendment No. 137, it is because of the fact that the United States is liable to distribute the estate and allot the lands as provided in the acts of 1901 and 1902, which acts were only made effective by the approval of the Creek Council. If the council had power to represent and bind the members of the Creek Nation in said acts of 1901 and 1902, then it must have had the same authority with relation to the subsequent acts, and therefore I again maintain that the Creek Nation is estopped from asserting any *claim* against the United States because the newborns were allotted.

To show what the result would be in some instances, if the contention of those who are asserting that this claim has merit should prevail, I want to cite how it might affect some Indians. Take an allottee who received land valued at $900. The land may have been worth $3,000, or $6,000, in fact, but he was given a due bill calling for $140. Suppose he had five children born between the time that he was allotted and the act authorizing newborns to be enrolled and allotted; he would have had five children allotted each 160 acres of land, and yet he would ask Congress to appropriate $140 to pay him in cash, claiming that he had been wronged because each of his five children had received an allotment. That is the proposition, so far as the Indian is concerned who may have had five children.

Mr. MANN. Will the gentleman yield for a question?

Mr. BURKE of South Dakota. Yes.

Mr. MANN. Did the gentleman fully state the proposition? The gentleman's statement was that the man whose children had been allotted would be asking for an additional amount of money. Is it not a fact that not only the man but all of his children are asking an additional amount of money, that the children who have been given $800 as a gift want us to increase the amount for them out of the general fund?

Mr. BURKE of South Dakota. Yes; as I have already stated, the children were given due bills between the value of the land allotted and $1,040, and it is proposed by sending the matter to the Court of Claims to make it possible for a judgment to be rendered against the United States to pay the children the amount due them. Take the case I have just illustrated, and if the lands allotted to the five children were valued at $600 in each case, each would have a due bill for $440; so, in addition to appropriating $140 to pay the father, we would be required to appropriate $2,200 to pay the children. I think the House will see that there is absolutely no merit in this claim. My contention is that Congress has plenary power to administer the trust estate of its wards; and with reference to the Creek Nation, its council having by resolution requested the United States to enroll and allot newborns, and the result, in effect, being a mere change in the form of the distribution of the tribal property, and being to the material advantage of practically all of the individual members of the Creek Nation, that there is not only no legal claim against the Government on the part of the Creek Nation, but that the claim is without equity, and, as already stated, is without merit.

As to the status of the Five Civilized Tribes and their relation to the United States, the question was very clearly set forth by the Supreme Court in the case of Cherokee Nation *v.* Hitchcock (187 U. S., 294), and the court, in concluding that case, said:

> The power existing in Congress to administer upon and guard the tribal property, and the power being political and administrative in its nature, the manner of its exercise is a question within the province of the legislative branch to determine, and is not one for the courts.

In the case of Lone Wolf *v.* Hitchcock (187 U. S., 553) the Supreme Court stated that the power of Congress is plenary. The court uses this language:

> In effect, the action of Congress now complained of was but an exercise of such power, a mere change in the form of investment of Indian tribal property, the property of those who, as we have held, were, in substantial effect, the wards of the Government. We must presume that Congress acted in perfect good faith in the dealings with the Indians of which complaint is made, and that the legislative branch of the Government exercised its best judgment in the premises. In any event, as Congress possessed full power in the matter, the judiciary can not question or inquire into the motives which prompted the enactment of this legislation. If injury was occasioned, which we do not wish to be understood as implying, by the use made by Congress of its power, relief must be sought by an appeal to that body for redress and not to the courts. The legislation in question was constitutional, and the demurrer to the bill was therefore rightly sustained.

I think these authorities settle the question as to the power of Congress in administering the tribal property of Indians, and that where Congress has acted in perfect good faith in its dealings with the Indians and a complaint is made against such action by the Indians, Congress is the tribunal to determine the merits of the complaint and it is not a question for the courts; that in enacting the legislation providing for the enrollment and allotment of the newborn children it was not only requested by the Creek Nation through its duly elected and constituted legislative council, but it was beneficial and wise and materially to the advantage of the Indians, and therefore there is no equity in favor of the claim, and it can not successfully be asserted that there is any legal claim.

With relation to Senate amendment No. 131, which proposes to distribute the Creek fund on an $800 basis, I stated in the outset that I am not opposed to it provided it is changed in form. The purpose of it is to distribute the money belonging to the Creek Nation now in the Treasury and in Oklahoma banks. The money belongs to them, and we ought not to withhold it; and the only reason it has not been paid before was because of the claim which is involved in Senate amendment No. 137, that I have just discussed. In my opinion the reason that the money was not paid several years ago was because of the activities of certain attorneys who were seeking to obtain contracts to receive a percentage of what the Indians might recover from the United States, provided the matter should be referred to the Court of Claims.

In 1909 a provision was incorporated in the Indian appropriation bill, which became a law March 3, 1909, directing the payment to the Indians of the money in the Treasury on the basis of $800, provided the Creek Council would adopt a resolution accepting it in full of all claims or demands, so far as the equalization claim is concerned. The provision referred to is as follows:

> Immediately after July 1, 1909, and prior to December 1, 1909, to pay allottees out of the funds of the Creek Nation the amounts severally due for the equalization of their allotments. In making such payment for the equalization of the Creek allotments $800 shall be taken as the standard value of an allotment: *Provided*, That the payment of such funds for the equalization of allotment shall be a final and conclusive settlement of all claims for the equalization of allotments in the Creek Nation: *And provided further*, That as a condition precedent to any such payment the Creek national council shall pass an act, in form approved by the Secretary of the Interior, discharging the United States from all claim and demand on this account.

There is no question in my mind, Mr. Chairman, but what that proposition would have been accepted by the Indians, and the money would have been distributed and paid to them, under the act, had it not been for the fact that certain attorneys holding contracts, or endeavoring to secure contracts, with the Creek Nation, or members thereof, conducted a campaign throughout the Nation, holding mass meetings and representing to the Indians that if they declined to accept the $800 equalization payment they would see to it that legislation would be enacted providing that they be paid on a $1,040 basis; that the attorneys, as usual, were looking after their own interests is apparent, because in some of the contracts between the Indians and attorneys it is provided that 10 per cent shall be paid to the attorneys, not only for any amount that might be recovered over and above the amount in the Treasury, but also on the amount in the Treasury about which there is no contention. The Government is holding the money for the Indians, and is willing and ready to pay it to them, and would have done so, as stated, were it not for this alleged claim. The fund now on deposit in the Treasury and in Oklahoma banks is nearly $4,000,000, as will appear by the following statement:

Balance in United States Treasury, Mar. 31, 1914, of Creek Nation, Oklahoma.

Fulfilling treaties with Creeks		$551.45
Creek general fund		2,472,946.15
Interest on Creek general fund		160,823.94
Indian moneys, proceeds of labor:		
Creek cattle tax	$1,791.60	
Creek right of way	25,989.24	
Creek royalties, grazing, etc	13,185.73	
Creek stone and timber	690.39	
Creek town lots	20,030.00	
Creek unallotted lands, etc	79,049.12	
		2,775,057.62
Amount due from bonded Oklahoma banks, Mar. 31, 1914, under act Mar. 3, 1911 (36 Stat. L., 1070):		
Unallotted lands	$322,900.00	
Town lots	702,450.00	
Accrued interest Dec. 31, 1913	57,619.59	
		1,082,969.59
Total funds		3,858,027.21

There should be added to the amount, as shown by the above statement, about $60,000 accrued interest to July 1, 1914. Ten per cent of the money belonging to the Indians, as shown by

this statement, would be $400,000, which would be a very nice fee for performing no service.

Mr. FERRIS. Mr. Chairman, will the gentleman yield?

Mr. BURKE of South Dakota. Yes.

Mr. FERRIS. I think the gentleman is entirely right about that, that outside attorneys have a lot of contracts and had a lot to do with this, but I think it is fair to state that as the provision now stands the suit is to be brought by the regular tribal attorney who is paid out of the tribal funds.

Mr. BURKE of South Dakota. In reply to the gentleman I want to say that there is nothing in this Senate amendment that limits the employment of attorneys except that it provides that the petition shall be verified and the suit be prosecuted by the national attorney for the Creek Nation. There is no doubt in my mind but what attorneys now holding contracts, if this amendment is adopted, will assert their claims, and there is nothing in the amendment that precludes them from doing so.

Mr. FERRIS. I think they ought to be precluded. There is not anything in their favor.

Mr. BURKE of South Dakota. I have a proposition that I expect to propose in conference if Senate amendment No. 131 is not agreed to, as a substitute therefor. My substitute follows substantially the amendment of the Senate, except that it provides that as a condition precedent to the payment of the money the Creek national council shall pass an act discharging the United States from all claim and demand on account of this claim. It also contains a provision that any contract or contracts made by the Creek Nation or any individual member thereof, with any attorney or attorneys, providing for the payment of any amount for services in connection with the Creek equalization, shall be void and have no force or effect unless the same shall have been executed and approved in accordance with the law in existence at the time of the making of such contract with relation to contracts with Indians, and it further provides that the money paid to allottees shall be exempt from any lien for attorney fees or other debt contracted prior to the passage of the act.

No attorney should receive any commission whatever on account of the payment of the money belonging to the Indians to their credit in the Treasury and in Oklahoma banks; that the Government is ready and willing to pay them, and I want to make it impossible for any contracts to be enforced, so far as this money is concerned, either with the nation or with individuals. There are a large number of individual contracts that provide for a fee of 10 per cent, and possibly much higher, to be paid to attorneys from the money received by the individual allottee.

Mr. FERRIS. Mr. Chairman, will the gentleman yield?

Mr. BURKE of South Dakota. Yes.

Mr. FERRIS. I am heartily in favor of that provision which the gentleman has suggested being added as an amendment, which cuts the attorneys out. For instance, these Indians take from their own fund $5,000 and pay it for their own attorney, and their own attorney ought to bring the suit, and it is proper that he should, and that no one else should get anything out of it; but let me ask the gentleman about this language on page 68, beginning with line 10:

> Said suits shall be begun by petitions filed within six months after the approval of this act, which petitions shall be verified and prosecuted by the national attorney for the Creek Nation.

Of course that does not let the attorneys in.

Mr. BURKE of South Dakota. But it does not preclude attorneys from coming in.

Mr. FERRIS. We ought to have the gentleman's amendment, too.

Mr. BURKE of South Dakota. Yes. I want to say, however, that if Congress ever sends this claim to the Court of Claims, as contemplated by Senate amendment No. 137, and it results in a judgment against the United States of three or four or five million dollars, whoever is responsible for securing the legislation ought to receive a very substantial compensation, because without willful effort on the part of some one Congress would not make it possible for a judgment to be entered upon a claim so wholly without merit as is this claim. I want to make it difficult, if not impossible, to obtain legislation giving life to all kinds of unmeritorious Indian claims such as in the past have resulted in large judgments being entered against the Government by the Court of Claims and in the payment of exorbitant and unconscionable fees that have caused scandal and discredited Congress.

Mr. FERRIS. Mr. Chairman, will the gentleman yield?

Mr. BURKE of South Dakota. Yes.

Mr. FERRIS. I know the gentleman always stands right on these attorney's fees, and I know he does not approve any of this grafting and snitching that goes on around this Capitol; but at the same time, as long as these Indians hire attorneys through the Interior Department, and the Interior Department selects them and pays for them out of their own money, why not cut out all outside attorneys?

Mr. BURKE of South Dakota. That would be doubtful.

Mr. FERRIS. If these attorneys are not competent, we ought to get rid of them and get somebody else.

Mr. BURKE of South Dakota. I think if an Indian is being denied his rights or thinks that he is being wronged, and especially where valuable property rights are involved, he ought to be permitted to be represented by counsel of his own selection, rather than by counsel selected by his guardian, and therefore I never have been willing to consent to legislation that would preclude an Indian from employing counsel. All I want to do, so far as Indians having the right to employ attorneys is concerned, is to limit the compensation that may be paid and to see that the compensation is reasonable. The gentleman knows that I was chairman of a committee that was authorized to investigate the subject of Indian contracts with attorneys in 1910. The committee found, and so reported to Congress, that there had been fees amounting to about $4,000,000 paid out of the Treasury of the United States to attorneys, and we denounced most of the fees that had been so paid as exorbitant, unconscionable, and in contravention of public policy. It is this that I want to stop.

Mr. FERRIS. The gentleman's committee did a very valuable service and I approve every bit of it, and I approve of all this business of attorney's fees being knocked out. But the Five Civilized Tribes of Oklahoma have their own attorneys designated, first, by the governors of the respective tribes, and who must be acceptable to the Interior Department, and they are in truth and in fact largely appointed by the Interior Department. They are paid by money out of the Indian funds, and if the attorneys they have are not sufficient, are not capable, they ought to discharge them and get men capable; but while they are capable, as I believe them to be, and while the Indians are paying them from their own funds, I ask who can represent them better than the attorneys of their own selection?

Mr. BURKE of South Dakota. The gentleman is an attorney himself, and certainly I do not think that he would be in favor of such an extreme proposition as is contemplated by Senate amendment No. 140. This proposition seeks to make any and all contracts with members of the Five Civilized Tribes void and of no effect, and the collection or receipt of any moneys shall constitute an offense punishable by a fine of not exceeding $500 or imprisonment for not exceeding six months, or both, regardless of whether the services rendered were valuable or whether the compensation of the attorneys is reasonable or unreasonable. To enact such a provision would not only be extreme, but ridiculous, and I do not believe the gentleman is the author of the amendment or that he favors it.

Mr. FERRIS. No; I am not the sire of amendment numbered 140 and I have not even read it.

Mr. BURKE of South Dakota. I should hope not.

Mr. FERRIS. But I want to say that my State has suffered, our delegation has suffered, our very influence has suffered, our feelings have suffered from too much of this outside attorney business and I am pretty tender on that proposition. I do not want to be characterized as a populist by saying I do not believe men ought to have attorneys when they need them, but it is a tender question in our State. Our Indians have been robbed and our State has been slandered. We do not want any more of it.

Mr. BURKE of South Dakota. For the information of the gentleman and the Members of the House, I want to cite a case in my own State for the purpose of showing what a wrong and injustice would have been done to an Indian woman if she had not been permitted to employ counsel. She was a member of one of the Sioux tribes and was denied the right of allotment. She selected a 320-acre tract and moved upon it and made a formal application to be allotted. The Indian Office refused to allot her, and held that she did not have sufficient Indian blood to entitle her to be allotted. The case was pending in the Interior Department for a number of years, first before the commissioner and then before the Secretary of the Interior, and notwithstanding she was represented by counsel, in every instance the decision was against her. In other words, her guardian, instead of protecting her in her rights, was endeavoring to deny them.

When the matter was finally decided by the Interior Department her attorney went into the United States court, and there she was resisted not only by the Interior Department but by the Department of Justice, and the attorneys of that department represented the Indian Office in endeavoring to prevent her from obtaining her legal rights. After an expensive and protracted trial the court entered judgment in favor of the woman

and held that she was entitled to be allotted. If the contention that Indians should not be allowed to employ attorneys had obtained and this woman had been compelled to submit to the decision of the Interior Department, she would have been denied not only the right to be allotted 320 acres of land, but to participate in the distribution of tribal funds belonging to the tribe of which she is a member. There is no question about it, in my judgment, and we ought not to go so far as to say that Indians shall not have counsel in certain cases.

Mr. FERRIS. There is a great deal of truth in what the gentleman says; but why could not this specific isolated case the gentleman mentions go to her national attorney, who gets $5,000 a year, paid for out of the Indian funds? Why could not her case have been laid before him and have him prosecute it?

Mr. BURKE of South Dakota. Because, Mr. Chairman, my information is—and if I am mistaken about it, I would like to be corrected—that it is not the duty of tribal attorneys, and this is true also of the attorneys for the different nations of the Five Civilized Tribes, to represent individual Indians in matters affecting them or their property personally.

Mr. FERRIS. What about the probate attorneys? They ought to be of some assistance.

Mr. BURKE of South Dakota. Well, I believe you do have some probate attorneys, but they only look after probate matters. Suppose an Indian has been done an injustice, or thinks he has been wronged, by a probate court in Oklahoma, would he deny the Indian the right to employ counsel to determine his rights?

Mr. FERRIS. I would, if we would know that later they would come along and reach an arm into the crib and get out of the trust funds to pay himself; at some later time from some new Congress, some new Secretary, some new Indian Commissioner, who did not know anything about what had previously happened; but if he could not use the national attorney or probate attorney he could go into his own pocket and pay them. I am tired of so many outside attorneys on contingent fees. Of course I know the gentleman feels the same way.

Mr. BURKE of South Dakota. Senate amendment No. 140 not only makes void contracts made with citizens of the Five Civilized Tribes, but, as I have already stated, it also makes it a criminal offense for an attorney to receive any money as a fee. There are two Senate amendments in this bill proposing to enroll quite a number of persons who have not been enrolled members of the Five Civilized Tribes. Does the gentleman from Oklahoma or any gentleman in this House think that that provision would be in this bill, or that there ever would have been a suggestion to Congress that the names of these persons should be added to the rolls if it had not been that they are represented by attorneys? I have no doubt that most of them are represented by reputable attorneys, and they have rendered valuable service, and why should they not be compensated? I presume most of the persons whose names it is proposed to add to the rolls are without any means, and the attorneys representing them have not only rendered their services so far without receiving anything, but have also borne whatever expense may have been incurred, and they should not only be allowed compensation, but they should be liberally compensated. So I say to the gentleman that while I entertain in a large measure the views that he entertains with relation to unconscionable fees and especially fees where the contingent service depends upon securing legislation, when it comes to the question of saying that no Indian shall have the right to be represented by counsel, I certainly can not go that far, and I am sure the gentleman from Oklahoma will agree with me.

Mr. MURRAY of Oklahoma. Will the gentleman yield there?

Mr. BURKE of South Dakota. Yes.

Mr. MURRAY of Oklahoma. I would like to know the names of the attorneys in this Creek matter, if the gentleman has them.

Mr. BURKE of South Dakota. I will say to the gentleman the hearings with relation to the Creek equalization discloses that there are several attorneys that are interested in contracts with the Indians. Among them are Messrs. Kappler & Merillat, Messrs. Butler & Vail, Messrs. Ballinger & Lee, a man by the name of Maxey, and Mr. Powell had an interest. Mr. Powell, I believe, is now deceased, but there is a letter in the hearings to his widow assuring her that she will be protected and will receive the fee that Mr. Powell would be entitled to.

Mr. MURRAY of Oklahoma. Those were the attorneys you referred to awhile ago before you were interrupted by the gentleman from Oklahoma [Mr. FERRIS]?

Mr. BURKE of South Dakota. I had no intention of bringing in the names of any attorneys, and with relation to some of the attorneys in connection with this Creek equalization claim I want to say that they have apparently been urging this claim upon Congress in a perfectly legitimate manner, having on several occasions presented it to the Indian Committees of both the House and Senate. When I refer to some of the scandalous fees that have been paid to attorneys for lobbying services, I speak generally, and it does not matter whether they live in St. Louis, Washington, or elsewhere. They ought to be put out of business.

Mr. MURRAY of Oklahoma. But whether right or wrong, are they the attorneys in this Creek equalization matter?

Mr. BURKE of South Dakota. I have told the gentleman who the attorneys are, so far as I know and remember them, that are interested in contracts with the Creek Nation or members thereof. While we are on the subject of attorneys' fees, I want to read from the report made by the commission appointed in 1910, of which I was the chairman, and of which the gentleman from Kansas [Mr. CAMPBELL], the gentleman from Minnesota [Mr. MILLER], the gentleman from Texas [Mr. STEPHENS], and the gentleman from Virginia [Mr. SAUNDERS] were members, because it is interesting and, I believe, appropriate at this time.

We found as follows:

> Many Indian claims, antiquated and without meritorious basis, have been trumped up against the Government by industrious attorneys, claim agents, and professional lobbyists until there is now pending, in one form or another, in the departments and before Congress, claims of this character amounting to many millions of dollars.

And I will say in passing that we found, and so reported, one attorney in this city who had contracts for something more than $20,000,000, with his fee amounting to from 10 to 40 per cent, as I remember.

Further, the report says:

> Of course the purpose of those actively engaged in exploiting such claims is to obtain the fee contracted for upon a contingent basis. The effect of such compensation for adventurers who, quoting the language of the Supreme Court of the United States, "make market of themselves in this way," should receive the careful consideration of Congress. The committee is of the opinion that the court could not have expressed itself more pertinently to many contracts which have been the subject of investigation by this committee within the past eight months than it did in the case of Marshall *v.* Baltimore & Ohio Railroad Co. (57 U. S., 314, 335) when it said:
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> "Bribes, in the shape of high contingent compensation, must necessarily lead to the use of improper means and the exercise of undue influence. Their necessary consequence is the demoralization of the agent who covenants for them; he is soon brought to believe that any means which will produce so beneficial a result to himself are 'proper means'; and that a share of these profits may have the same effect of quickening the perceptions and warming the zeal of influential or 'careless' Members in favor of his bill."

We also cited another decision of the Supreme Court, from which we quoted as follows:

> In the case of Trist *v.* Child (24 U. S., 441, 451) the court expressed itself as follows:
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> "The agreement in the present case was for the sale of the influence and exertions of the lobby agent to bring about the passage of a law for the payment of a private claim, without reference to its merits, by means which, if not corrupt were illegitimate, and, considered in connection with the pecuniary interest of the agent at stake, contrary to the plainest principles of public policy. No one has a right in such circumstances to put himself in a position of temptation to do what is regarded as so pernicious in its character. The law forbids the inchoate step, and puts the seal of its reprobation upon the undertaking."
>
> In the same case the court continued by making the following observations:
>
> "If any of the great corporations of the country were to hire adventurers who make market of themselves in this way to procure the passage of a general law with a view to the promotion of their private interests, the moral sense of every right-minded man would instinctively denounce the employer and employed as steeped in corruption and the employment as infamous.
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> * * * * * * *
>
> "The prohibition of the law rests upon a solid foundation. A private bill is apt to attract little attention. It involves no great public interest and usually fails to excite much discussion. Not infrequently the facts are whispered to those whose duty it is to investigate, vouched for by them, and the passage of the measure is thus secured. If the agent is truthful and conceals nothing, all is well. If he uses nefarious means with success, the springhead and the stream of legislation are polluted. To legalize the traffic of such service would open a door at which fraud and falsehood would not fail to enter and make themselves felt at every accessible point. It would invite their presence and offer them a premium. If the tempted agent be corrupt himself and disposed to corrupt others, the transition requires but a single step. He has the means in his hands, with every facility and a strong incentive to use them. The widespread suspicion which prevails, and charges openly made and hardly denied, lead to the conclusion that such events are not of rare occurrence. Where the avarice of the agent is inflamed by the hope of a reward contingent upon success and to be graduated by a percentage upon the amount appropriated, the danger of tampering in its worst form is greatly increased."

Our commission further found that in securing legislation resulting in reviving certain outlawed Indian claims by having jurisdictional acts passed sending them to the Court of Claims, in some instances attorneys holding contingent contracts that resulted in the payment of unconscionable fees paid in some of the cases retained and employed former Senators and former Members of the House of Representatives, where their compen-

sation was contingent upon legislation being secured and a judgment obtained. In other words, the principal service of former Members of Congress, apparently, was entirely directed toward securing the legislation necessary to make it possible for a suit to be instituted against the Government. In the report of the committee we expressed our disapproval of former Senators and Members of the House of Representatives appearing in matters where legislation is desired to be procured through their activities, as well as in matters requiring executive and departmental approval, and expressed the opinion that such practice should be discouraged. The fact is, Mr. Chairman, that most of the legislation that has resulted in exorbitant and unconscionable fees has been secured by lobbyists and by methods unprofessional, if not reprehensible. These attorneys and lobbyists do not, as a rule, appear before committees of Congress and present their arguments as legislation is usually presented. I have made a careful inquiry to ascertain how many jurisdictional acts that referred Indian claims to the Court of Claims were obtained, and I find that in practically every case it was by an amendment inserted in the Indian appropriation bill after it left the House and agreed to in conference. This ought to teach us that legislation with reference to claims ought not to be tolerated on the Indian or any other appropriation bill, and personally I would like to see a joint rule adopted by the House and Senate making it impossible for a claim amounting to more than a few hundred dollars to be in order on any appropriation bill.

With relation to the Creek claim which it is proposed to refer to the Court of Claims by Senate amendment No. 137, in conclusion I want to say that it has been investigated by the Indian Committee of the House several times since I have been a Member, and I think there have been some hearings before the committee in the present Congress; if not, there were in the last and the preceding Congresses to my knowledge. It has never yet been reported favorably, and if it had been pressed it would have been rejected by practically a unanimous vote.

I hope that amendment No. 131 will be disagreed to, so that in conference it may be perfected in accordance with the suggestions that I have made, and that amendment No. 137 will be disagreed to, and that it will be eliminated from the bill in conference, which I think will be the end of it, for the reason that I am confident the Indians will accept payment in accordance with the substitute that I will propose for amendment No. 131 and which I have explained.

Mr. MURRAY of Oklahoma. Mr. Chairman——

Mr. STEPHENS of Texas. Mr. Chairman, we are under the five-minute rule, and I understand the gentleman from Oklahoma desires to reply to some of the statements made by the gentleman from South Dakota.

Mr. BURKE of South Dakota. Mr. Chairman, I ask unanimous consent to extend my remarks in the RECORD.

The CHAIRMAN. The gentleman from South Dakota asks unanimous consent to extend his remarks in the RECORD. Is there objection?

There was no objection.

Mr. BROWN of New York. Mr. Chairman, I desire to make a similar request.

The CHAIRMAN. The gentleman from New York also asks unanimous consent to extend his remarks in the RECORD. Is there objection? [After a pause.] The Chair hears none.

Mr. STEPHENS of Texas. Mr. Chairman, I desire to limit the discussion to such time as the gentleman from Oklahoma [Mr. MURRAY] thinks he may need.

Mr. MURRAY of Oklahoma. I want about 20 minutes.

The CHAIRMAN. The gentleman from Texas [Mr. STEPHENS] asks unanimous consent that the gentleman from Oklahoma may be allowed to proceed for 20 minutes, and after the conclusion of his remarks that debate on Senate amendments Nos. 131 and 137 close.

Mr. MANN. Mr. Chairman, I have no objection to the gentleman from Oklahoma having 20 minutes, but we may want a little more time on this proposition.

The CHAIRMAN. The gentleman from Oklahoma [Mr. MURRAY] asks unanimous consent to proceed for 20 minutes. Is there objection?

There was no objection.

CREEK EQUALIZATION AMENDMENT.

Mr. MURRAY of Oklahoma. Mr. Chairman, this entire matter is a question largely involving the claim of the Creek Indians. Before I get into the subject, I want to refer to the matter of attorneys' fees, as discussed by the gentleman from South Dakota [Mr. BURKE], who has just preceded me. My views as to attorneys' fees are largely the same as my colleague from Oklahoma [Mr. FERRIS] states. It is a very delicate and "touchy" question in my State; nevertheless, I have never failed to state my conviction upon these questions freely and fearlessly. So far as the attorneys shown in the records of the Creek equalization claim are concerned, of Messrs. Kappler and Vail I know nothing but honorable conduct. The other gentleman we are engaged now in fighting in the matter of the Mississippi Choctaw claims. Personally I am not very anxious that they should get a fee out of the Creek equalization payment, whatever may occur. On the other hand, I do not think that I should be serving good, wholesome policies to attempt to deny any man a legitimate claim on personal grounds or because I dislike him. A criminal should have justice.

It is also true, as intimated by the gentleman from South Dakota [Mr. BURKE], that the general tribal attorney has so many different questions to handle that he can not handle such a large question as the citizenship case. It is also true that the probate attorneys can not do it. As a matter of fact, it would not be wise to leave those tribes to the mercy of either the probate attorney or the general attorney in a general citizenship question, because it is a special question. If I had a regular attorney who handled my business affairs, paid by the year, and I had unexpectedly a criminal charge, I certainly would want a criminal lawyer.

This is an age of specialists, and I can count on the fingers of one hand the name of every attorney who could handle rightly a citizenship question in the Chickasaw and Choctaw country. So, as stated by the gentleman, in those cases it is wisest for the tribe to have special attorneys for that work, but I would not vote to give the attorneys referred to in the record, or any other Indian attorney, any kind of a fee, either out of the Indian fund or the Government fund, for the reason that we have no way of telling what they have earned.

I would not pay them especially to lobby or for lobby services, I would, though, vote to permit the payment of fees in cases that require the real services of a lawyer to go into the courts, and in such cases neither I nor anyone else in Congress would really know what he earned, and in that event it would be the part of wisdom to let the court determine what an equitable fee would be. The court only could know the legal services he had performed.

Now, in general, that is my view of the attorneys' fees question.

Mr. BURKE of South Dakota. Mr. Chairman, will the gentleman yield?

The CHAIRMAN. Does the gentleman from Oklahoma yield to the gentleman from South Dakota?

Mr. MURRAY of Oklahoma. In a moment. I will say that I have read the two volumes of the report made by the gentleman from South Dakota and other members of the Indian investigating committee, who went to my State in 1910 and conducted an investigation of some serious bribery charges made by a United States Senator, and charges relating to Indian contracts. I have read the two volumes of that report with care and interest, and I approve the gentleman's report upon that matter, because I was acquainted with much of that evidence, and I have read the remaining evidence in the report.

Mr. BURKE of South Dakota. I want to ask the gentleman from Oklahoma if he is familiar with amendment numbered 140 in this bill?

Mr. MURRAY of Oklahoma. Yes, sir.

Mr. BURKE of South Dakota. I want to ask the gentleman if the very distinguished Member of this House—a man who has had long service here—or a very distinguished Member of the body at the other end of the Capitol were to consult any lawyer, no matter how reputable he may be, with relation to his enrollment or the enrollment of some member of his family in the Five Civilized Tribes, would not this amendment make the attorney liable to a punishment of a fine not exceeding $500 or imprisonment for not exceeding six months?

Mr. MURRAY of Oklahoma. It seems it would.

Mr. BURKE of South Dakota. Yet there are gentlemen on the floor here who are in favor of that amendment.

Mr. MURRAY of Oklahoma. I will say, realizing that situation from past experience, that is what has driven me to the same conclusion as that entertained by the gentleman who has just spoken on that question—Mr. BURKE of South Dakota.

I remember, some years ago, when the Chickasaw Nation wanted to contest this Government over a proposition that they should divide with their freedmen, or ex-slaves, that the Interior Department, under Secretary Hitchcock, and all of its forces were against the Indians, and not only the Interior Department but the Attorney General's department was instructed to fight the Indians. Over the protest of the Secretary of the Interior the governor of the Chickasaw Nation—Gov. D. H. Johnston—hired an attorney, who went into the courts, fighting the Government in two of its departments, whipped them in all

the courts, and reserved a judgment against the Government which it had been fighting; so that, in my opinion, in a case against the Government it would be unfair to let the Government select the Indians' attorney. If I had a suit with you, it would be absurd for me to select your attorneys; and, having gone through that experience, I realize the necessity of the Indians having the right to select their own attorneys when they have claims against the Government.

I do not think that Congress ought ever to vote to allow any man a fee. The best way is to leave it to the court, who has heard the evidence and has gone through with the case and finally decided it, to determine, because only the court in the end can decide what that lawyer earned. We can not do it.

Now, so much for the lawyers. I want to speak now of the argument made by the gentleman from South Dakota [Mr. BURKE] about this equalization matter. Whether those attorneys get in or not, it will not shake my fealty to the Creek Indians. I will be glad to cut those attorneys out, and if this provision does not make it strong enough I will be glad that additional language should be added to do so. But I am not going to strike the Creek Indian because some one else is going to get a portion of it, however much I dislike the attorneys, or the most of them, involved. I take it, however, that the amendment is broad enough to shake them loose. As a matter of truth, I believe that Judge Allen, recently appointed an attorney, once a district judge, a very strong lawyer, resigned from the bench to accept this position upon the solicitation of the Secretary of the Interior himself, without making an application, could handle this case.

But the question, after all, resolves itself down to this proposition: Will the Government of the United States be willing to go into its own court, with all of its money and its power, to hear a claim of the red man, the Creek Indian, his ward, and combat with his ward in the United States' own court? It occurs to me that that ought to answer the entire proposition.

It is true that the Creek Council passed a resolution asking that the newborns be enrolled and that they get a portion of the property. But that was done after the passage of the Curtis Act and the treaty that was carried by that act, where it was specifically stipulated that no act of either of the legislatures of each of those Five Civilized Republics involving land should be valid until it was passed in due form by the legislature, approved by the governor, and approved by the President of the United States.

The gentleman from Minnesota [Mr. MILLER] has said to you that the Indians are estopped because their representatives passed the resolution. Admitting that the governor did not sign it—and if he failed to sign it, it vitiates it, so far as its becoming valid—he says that the Indians are estopped.

I admit that the Government of the United States is not estopped, because estoppels and laches do not run against a "sovereign," and that is the only reason. But in morals the Government of the United States ought to be estopped. The Indian is the ward of the Government, and he is compelled to make a treaty to do something that he did not want to do, to wit, to abolish his own government and give up his own republic that had been in existence under a constitution and system of laws for years, and to accept a partial value of valuable town-site property and the selling of it at a reduced valuation, together with the giving up of the public roads, free of charge, to the future State government, and, in addition, compelling the Indian to divide his property with his former slaves. All those things the Creek Indian agreed to, and then to plead he is not entitled to anything in equity!

I believe that the gentleman will agree that in law the adult Creek Indian is bound to win this case, and I say he is entitled to it in equity. But whether he may be entitled to it, whether in law or equity, or both, I say it does not lie in the mouth of the Government to deny its ward the right to go into the Government's court and determine his right.

The gentleman has said that he would put in an amendment compelling these Indians to accept $800 apiece in full settlement. Yes; you may put that into the law, but it will not make it legal, and it will not make it right.

This is not a new claim. Three several committees of Congress have reported in favor of this claim in the other House, and I am not sure but what in this.

This is not a new claim, and it will continue to be a claim until it is settled. It will never be setttled until the Indians have their day in court; and all they are pleading for is the right to go in the white man's court and contest with the white man whatever legal or equitable rights they may have. I submit that the Government of the United States, in view of its past history in dealing with Indian problems, ought not to deny to its wards any right, whether legal or equitable. I am sure that there is not a citizen of this Republic who would fail to demand his rights, and under the common law he has a remedy in court for his legal and his equitable rights. The Government of the United States would claim every right it possessed against these Indians, and I trust the Government will give them the same justice and the same advantages which it would demand for itself, since the Government is the guardian of these Indians.

Mr. STEPHENS of Texas. Does the gentleman believe the Indians who have received land to the value of $1,040 should have anything in addition?

Mr. MURRAY of Oklahoma. No; I think they got all they ought to have.

Mr. STEPHENS of Texas. Then does the gentleman believe that the 2,910 newborn children who were added to the roll should have anything in addition to what they have already received?

Mr. MURRAY of Oklahoma. I do not think so, and I do not think they could recover anything in the courts.

Mr. STEPHENS of Texas. Then the only question in controversy is as to these Indians to whom these certificates have been given to equalize the amount?

Mr. MURRAY of Oklahoma. That is all.

Mr. STEPHENS of Texas. That is your only contention?

Mr. MURRAY of Oklahoma. Let me answer that in my own way. The Government has provided for an allotment, as stated by the gentleman from Minnesota [Mr. MILLER], promising to give them, because of the breaking up of their government, land to the value of $1,040. That land was variously appraised. Some of them received $1,040, some of them received $600, some of them received $800, some of them received $900, and so forth. The Government then gave them certificates showing the amount they had received and the amount yet due up to the amount of $1,040. All I am pleading for and all they ask is the right to go into court and prove that they are entitled to make the Government pay the difference between the land they received and this $1,040, as shown by the duebills of the Government.

Mr. BURKE of South Dakota. The gentleman knows that there is no certificate. These alleged duebills are merely memoranda.

Mr. MURRAY of Oklahoma. That is all. They are not such that anybody would buy them.

Mr. BURKE of South Dakota. But, as a matter of fact, many people did buy them, and they have been assigned.

Mr. MURRAY of Oklahoma. I do not think so.

Mr. BURKE of South Dakota. Now, is not this true, that of the whole nation, a population of 20,000, there were only about 850 who received land of the value of $1,040?

Mr. MURRAY of Oklahoma. I can not tell the exact figures.

Mr. BURKE of South Dakota. That is substantially correct.

Mr. MURRAY of Oklahoma. I can not give the gentleman the figures.

Mr. BURKE of South Dakota. Now, is it not true that of those 850 many got land worth $12,000 or $15,000?

Mr. MURRAY of Oklahoma. The Government valued all that land by "schedule." It placed a valuation of $6.50 an acre on the best. It made no difference what they started at, just so the ratio is the same. The land valued at $6.50 an acre was any land that was black, waxy prairie, level and tillable, or bottom land not subject to overflow. Then they had another schedule which involved overflowed bottom land or best prairie land, at $5.50; then another schedule, rocky or rough prairie land, at $3; mountain land, at 25 cents; and so on. So in selecting the Government made mistakes here and there. The fact is that two quarter sections may look alike, and yet the subsoil may be different, and the subsoil must be considered as well as the soil. But it was as near as it could be arranged. They took the land according to their judgment. The man who understood land got the good land. I will tell you the truth about it. The negro got the best, because he is the best judge of land of any race in the world, and the real full blood got the poorest land. The negro knew where the good land was. He has an intuitive knowledge of land. That is the truth about the matter.

Mr. BURKE of South Dakota. One further question. Is not this true: If these newborn children had not been allotted, some of these Indians would have received $200 or $400 or $500; but by reason of the fact that the children were allotted they had allotments to as many as four or five members of their families, which they would not have had except for this legislation?

Mr. MURRAY of Oklahoma. Yes; but the land belongs to the children.

Mr. BURKE of South Dakota. And if a child dies, it goes to the parents?

Mr. MURRAY of Oklahoma. When a child lives and becomes of age, he has a place to live on. It is also true that many men without additional children or without any children at all lost by reason of these children; but in their generosity they had rather lose and give this younger generation an opportunity. I would agree with the gentleman but for the fact that 5,000 negroes, their ex-slaves, were permitted also to divide with them.

Mr. BURKE of South Dakota. As a matter of act, were they not included by the act of the Creek Nation itself? Did not the members of the Creek Nation ask that their ex-slaves be included?

Mr. MURRAY of Oklahoma. I think not, originally.

Mr. BURKE of South Dakota. I have never heard anything to the contrary.

Mr. MURRAY of Oklahoma. They did at the final allotment.

Mr. BURKE of South Dakota. Yes.

Mr. MURRAY of Oklahoma. Why? Because those negroes were members of the legislature and had the political power.

The CHAIRMAN. The time of the gentleman has expired.

Mr. MURRAY of Oklahoma. I ask that I may proceed for two minutes more.

The CHAIRMAN. The gentleman from Oklahoma asks unanimous consent that he may proceed for two minutes. Is there objection?

There was no objection.

Mr. MURRAY of Oklahoma. It is true that in 1866, after the Civil War, the Creeks did not have the stamina to combat the Government that the Chickasaws had. In 1866 the Government had a dream that they could amalgamate the Indian and the negro. Under the pressure of the Government the Creeks yielded. The Chickasaws never yielded. We are astonished they did not yield like the Creeks. The Government held over them a reward of $300, and said, "When you adopt the negro we will give you this money, and will give the negro 40 acres." They gave the Creek and negro an equal amount. The Chickasaws said no, and continued to say no; they never let him become a citizen, never let him have anything, gave him no power, and at last the United States, in desperation, forced him to divide and compelled the Indian to agree to let him have 40 acres and contest in the court. The Government did not want a contest in the court, and the Chickasaws went into court and beat the Government, and that is the only Indian tribe steadfast enough to stand up and fight the Government.

With regard to the Creeks who yielded to that great pressure—we are not surprised that they did—after forcing them to divide with the ex-slaves, I say it does not lie in the mouth of this Government, or any representative of the American people, to say to the wards of this Government that you shall not have the right to go into the courts of your country and get your legal, equitable rights [Applause.]

The CHAIRMAN. The question is on the motion of the gentleman from Texas to disagree to Senate amendments 131 and 137.

The question was taken, and the motion was agreed to.

The CHAIRMAN. The Chair understands that Senate amendments 131 and 137 were taken up together, without disposing of intervening numbers. The Clerk will report the Senate amendment No. 132.

Mr. STEPHENS of Texas. Mr. Chairman, I ask unanimous consent that Senate amendments 133 to 140, inclusive, be disagreed to.

The CHAIRMAN. The gentleman from Texas asks unanimous consent to disagree to Senate amendments 132 to 140, inclusive.

Mr. STEPHENS of Texas. Except amendments 137 and 139, which have been already acted upon.

The CHAIRMAN. The gentleman asks unanimous consent to disagree to Senate amendments 132 to 140, inclusive, with the exception of amendments 137 and 139, which have been acted upon. Is there objection?

There was no objection.

The Clerk read Senate amendment 141, as follows:

For the salaries and expenses of not to exceed six oil and gas inspectors, in addition to those now employed, under the direction of the Secretary of the Interior, to supervise oil and gas mining operations on allotted lands leased by members of the Five Civilized Tribes from which restrictions have not been removed, and to conduct investigations with a view to the prevention of waste, $25,000, to be immediately available.

Mr. STEPHENS of Texas. Mr. Chairman, I move to disagree to Senate amendment No. 141.

Mr. MANN. Mr. Chairman, I wish to be heard for a moment upon that. This amendment is to appropriate $25,000 for oil and gas inspectors, to supervise oil and gas mining operations on lands of the Five Civilized Tribes. We have inserted in the sundry civil bill a provision for oil and gas inspectors under the Bureau of Mines and Mining. The Bureau of Mines and Mining is under the Interior Department. The activity of Dr. Holmes, the head of that bureau, passes all understanding, unless you have been familiar with him. Not desiring to take the chance in one appropriation bill, he secures an item in the sundry civil bill in the House, and then slips over to the Senate and secures another item in the Indian appropriation bill. I call this to the attention of the conferees, because while I suppose Dr. Holmes would not seriously expect to get both items enacted into law, yet I think he would not refuse if it were handed to him on a silver platter. Having secured the item in the House in the sundry civil bill, I think it would be fairly wise and proper for the conferees on the Indian bill to let this go out when it gets to conference and stay out.

Mr. STEPHENS of Texas. I will say that there was no estimate for this item, and we know nothing about it.

Mr. MANN. That makes no difference to the head of the Bureau of Mines and Mining. If there was a third place to get an item in he would put it in there.

The CHAIRMAN. The question is on the motion of the gentleman from Texas to disagree to Senate amendment No. 141.

The question was taken, and the motion was agreed to.

Mr. STEPHENS of Texas. Now, Mr. Chairman, I ask unanimous consent to disagree to Senate amendment No. 142.

The CHAIRMAN. The gentleman from Texas asks unanimous consent to disagree to Senate amendment No. 142. Is there objection?

There was no objection.

Mr. STEPHENS of Texas. I ask unanimous consent to disagree to Senate amendment No. 143.

Mr. MANN. Mr. Chairman, we have so many of these items which learned and, I trust, responsible attorneys dig up out of the bowels of the earth and the archives of the past that once in a while it may be proper to call attention to them. I do not know about the merits of this claim of the Ponca Tribe of Indians residing in Oklahoma and Nebraska.

Mr. GARNER. May I interrupt the gentleman to ask a question?

Mr. MANN. Yes.

Mr. GARNER. It has occurred to me and other Members of the House who do not take particular interest in the Indian appropriation bill, not being familiar with the subject, that there is getting to be more legislation on the Indian appropriation bill than on all the other appropriation bills put together. How does the gentleman account for that, and is there any good reason for it? Why should not the legislation in regard to the Indians take the same course that all other legislation has to take?

Mr. MANN. I think there is a sufficient reason for it. I will not say a good reason for it. There are more outside attorneys working on claims in connection with the Indians than anywhere else, I guess. Wherever we have made a contract with the Indians in the past it has been more or less loosely drawn, whether it was a contract or a treaty. If it works against the United States, the Indian always gets the benefit of it, and nobody makes any claim against the Indian. But if some attorney somewhere can find a method of construing language so as to give the Indian a claim against the United States he gets in full operation at once. He is not very successful in getting legislation enacted by Congress by special bills. He usually is not very successful in getting items inserted in the House in the Indian appropriation bill—probably for two reasons.

The first reason is that such items are subject to a point of order and the second is the Committee on Indian Affairs. So he hies himself to the approximate location of some distinguished Member of another body, or his clerk—and it is more apt to be his clerk—and in the course of time, through persuasive means of various sorts, he gets somebody interested in the claim. Then it is introduced as an amendment to the Indian appropriation bill in the Senate, and is agreed to, and he trusts to the liberality or the knowledge of the conferees on the part of the House. Here are 168 amendments. I forced—if that term may be used, and it is not quite correct—the members of the Committee on Indian Affairs to say that they did not know anything about these amendments, or most of them, so that when it goes to conference it becomes a trading proposition. Those attorneys who are the most insistent or whose friends are the most persistent keep their items in the bill, without regard to the merits of the proposition. That is the way it has been in the past. That is one reason why for the first time since the gentleman from Texas [Mr. STEPHENS] has been a Member of this House we are now considering in Committee of the Whole House on the state

of the Union Senate amendments to one of the great appropriation bills; and even that does not do very much good, because no matter how bad the amendments may be, we can not get to a vote on the proposition, because the committee at once moves to disagree to the amendments. The only amendment which we have agreed to in this committee was in respect to some typographical error, in reference to a date of a former act, and I think we did agree to one a few moments ago, because of certain conditions and influences which I will not mention.

Mr. CULLOP. Mr. Chairman, will the gentleman yield?

Mr. MANN. Yes.

Mr. CULLOP. Does not the gentleman think that as a policy of the Government it would be better for the Government to select an attorney for the Indians and pay him a stipulated salary, than to permit, as the guardian of the Indian, their funds to be depleted by excessive fees, which have in the past been paid to attorneys?

Mr. MANN. Of course, I am opposed to the payment of these excessive fees to attorneys, although I do not think it would do any great good for the Government to select the attorney for the Indians in the first place, for the reason that after he has settled the matter some other attorney would come in and say, "Here was an attorney who was selected by the Government to betray the interest of the Indians, and we still have the claim."

The CHAIRMAN. The time of the gentleman from Illinois has expired.

Mr. MANN. Mr. Chairman, I ask unanimous consent to proceed for three minutes more.

The CHAIRMAN. Is there objection?

There was no objection.

Mr. BURKE of South Dakota. Mr. Chairman, will the gentleman yield?

Mr. MANN. Yes.

Mr. BURKE of South Dakota. I want to say, for the benefit of the gentleman from Indiana [Mr. CULLOP], that in some of the cases where the very largest fees were paid to outside attorneys the tribe had a firm of attorneys in its employ looking after their affairs in most instances. The fact that they have an attorney does not preclude these outside attorneys from getting in.

Mr. CULLOP. But the Government ought to take supervision of the matter. If the fees which have been mentioned here on the floor of the House in the discussion of these matters from time to time have been paid, then they have been unconscionable, and it is a case of the Government permitting the funds or property of its wards to be diverted into the hands of strangers.

Mr. MANN. Mr. Chairman, may I ask the distinguished gentleman from Texas [Mr. STEPHENS] how much is involved in this claim of the Ponca Tribe of Indians residing in Oklahoma and Nebraska?

Mr. STEPHENS of Texas. It has not been before our committee, and it would be impossible to state what they expect to recover.

Mr. MANN. Then, may I ask my distinguished friend from Oklahoma [Mr. MURRAY] how much is involved in this?

Mr. MURRAY of Oklahoma. The Ponca Indians are a small band of Indians——

Mr. MANN. Oh, how much is involved in this claim?

Mr. MURRAY of Oklahoma. I will state to the gentleman that I never read that amendment.

Mr. MANN. Very well. Does the gentleman from Oklahoma [Mr. FERRIS] know how much is involved?

Mr. FERRIS. I never heard of the amendment before or read it.

Mr. MANN. Or the gentleman from Oklahoma [Mr. CARTER]?

Mr. CARTER. The only information that I have about this matter is some letters that I have received asking that it be stricken out, since it has been placed in the bill.

Mr. MANN. Mr. Chairman, that show how this thing goes. Nobody knows whether this amendment will be agreed to in conference; nobody knows how much is involved; nobody knows how much attorneys' fees may be allowed, although the amendment carefully provides that if any claim is allowed the attorneys' fees shall be paid out of the fund found due to the Indians.

The CHAIRMAN. The time of the gentleman from Illinois has again expired.

Mr. CARTER. Mr. Chairman, I ask unanimous consent that his time be extended for three minutes.

Mr. MANN. Oh, I do not care for any more time.

Mr. CARTER. Mr. Chairman, I will say to the gentleman from Illinois that I have had no opportunity whatever to learn anything about this amendment, but if I were on a conference committee and this amendment came in, I certainly would know how much was involved, how much attorneys' fees were expected, and what justification there was for the amendment, before I should ever agree to it. And I want to say I would not object at all to having that amendment stricken out here now.

Mr. MANN. Of course the only way is to disagree to it. I will say to the gentleman from Oklahoma, if he will pardon me——

Mr. MURRAY of Oklahoma. If the gentleman will pardon me——

Mr. MANN (continuing). If he gets the information such as is suggested concerning all these amendments, why we will not have passed the Indian appropriation bill within 30 days from now. It certainly will take, I will not say an ordinary person, but I will say a very intelligent person, 30 days to ascertain in regard to all the various amendments which have been inserted in this bill, and he will have to be very diligent at that.

Mr. CARTER. I want to say I am more or less familiar with a great many of the amendments, and those I do not get satisfactory information about I certainly will not be likely to agree to if I should be on the conference committee.

Mr. MANN. Well, I tried to find some amendment with which some gentleman was familiar, but I have not found one yet.

The CHAIRMAN. The question is on the motion of the gentleman from Texas to disagree to Senate amendment 143.

The question was taken, and the motion was agreed to.

Mr. STEPHENS of Texas. Mr. Chairman, I ask unanimous consent to disagree to Senate amendments 144 down to 160, inclusive.

The CHAIRMAN. The gentleman from Texas asks unanimous consent to disagree to Senate amendments 144 to 160, inclusive. Is there objection?

Mr. HAWLEY. Will the gentleman except 145?

Mr. STEPHENS of Texas. Does the gentleman wish 145 excepted?

Mr. HAWLEY. Yes.

Mr. SINNOTT. And I would like to have 146 excepted.

Mr. STEPHENS of Texas. Then I will except amendments numbered 145 and 146.

The CHAIRMAN. The gentleman from Texas asks unanimous consent to disagree to Senate amendments numbered 144 to 160, inclusive, except amendments numbered 145 and 146. Is there objection? [After a pause.] The Chair hears none, and it is so ordered.

Mr. HAWLEY. Will the gentleman yield me five minutes?

Mr. STEPHENS of Texas. And I move to disagree to amendments 145 and 146. I yield to the gentleman from Oregon.

Mr. HAWLEY. Mr. Chairman, amendment numbered 145 proposes to appropriate $15,000 to build an extension to the present assembly hall at the Chemawa Indian School, near Salem, Oreg. This school has over 600 pupils and is doing very excellent work, both in the mental training of the school children and in giving them industrial training. The assembly hall was authorized some years ago, and since that time numbers of students have been added to the total roll and the assembly hall is much too small to accommodate the school population. I visited the school when the hall was in process of construction. It is a very well-built hall and there is as much room provided in it as the appropriation would allow and at the same time provide for the construction of an efficient and well-built building. It served the purpose for awhile, but in the last few years it has been impossible to accommodate the school population within the assembly hall.

The training in the assembly hall is very important to the children. It gives a training that is very valuable to them. This appropriation of $15,000 will build an addition to the building on the east side, as I remember, which will provide proper accommodations for the children within the school and give a little room for those from the outside in the neighborhood of the school who attend the exercises that are offered by the school, and it is a very good thing for the Indian children that the white people from the outside associate with them in these exercises. It gives them confidence, and it gives them a training of association with white people that is very valuable to them, as has been proven in the past.

Mr. STEPHENS of Texas. Will the gentleman permit a question?

Mr. HAWLEY. Certainly.

Mr. STEPHENS of Texas. Of course the gentleman is familiar with the language of this part of the bill?

Mr. HAWLEY. Yes.

Mr. STEPHENS of Texas. It says: "Additions to buildings and improvements, $12,000." Now, that was the estimate made by the department.

Mr. HAWLEY. The department also submitted this estimate for $15,000 for this special addition.

Mr. STEPHENS of Texas. I will state to the gentleman that I have been at this school, and I believe it is one of the best Indian schools we have. The buildings are comparatively new, and especially that hall. It is a brick building, well appointed, although it is rather small. And I see here they have for general repairs and additions to the buildings, $12,000. Now, why do they make a distinction between all the rest of the buildings and the assembly hall? They want $15,000 additional for the assembly hall. It is on the campus.

Mr. HAWLEY. There are a number of buildings on the campus, as the gentleman knows, as he did the school the honor of visiting it recently, but several of them are wooden buildings. They are constantly in need of repairs, and there will be some additions to these buildings, which are now used for school purposes, to accommodate the growing school, and $12,000 will only take care of the needed repairs and the extensions to the buildings outside of the assembly building; and to build an addition to the assembly building sufficiently large to accommodate the school population will require $15,000. It has been very carefully looked into and estimated for, and the estimate was submitted to the gentleman's committee in the regular Treasury estimates.

Mr. STEPHENS of Texas. I assure the gentleman that we will give the matter thorough consideration when it comes before us.

Mr. HAWLEY. I hope the conference committee will see its way clear to make this appropriation for a very much needed improvement for an excellent and efficient school. I have known the school and its work intimately for many years, and the work it has done and is doing is to be highly commended.

The CHAIRMAN. The question is on the motion of the gentleman from Texas to disagree to Senate amendment No. 145.

The motion was agreed to.

Mr. STEPHENS of Texas. Mr. Chairman, I move that we disagree to Senate amendment No. 146 and waive the reading of it.

The CHAIRMAN. The gentleman from Texas asks unanimous consent to waive the reading of Senate amendment No. 146. Is there objection?

Mr. SINNOTT. Mr. Chairman, I would like to have some time on Senate amendment No. 146.

Mr. STEPHENS of Texas. I yield to the gentleman from Oregon.

The CHAIRMAN. The gentleman from Oregon is recognized.

Mr. SINNOTT. I understand, Mr. Chairman, that there are other amendments of similar import to 146, relating to other States, and the committee desires at this time a disagreement on these amendments. However, I would like to address my remarks, for the benefit of the conferees, to this amendment No. 146, pertaining to the Warm Springs Indians. This amendment proposes to make a loan of $100,000 for the benefit of these Indians, to enable them to purchase live stock, farming implements, and so forth. The trust patents of these Indians will expire within six years, and then they will be thrown upon their own resources. They were granted a reservation consisting of about 460,000 acres, but I do not believe that within the entire State of Oregon you can find poorer and rougher land, and land less adapted to agriculture, than is to be found upon this 460,000-acre tract. I believe the tract contains only 70,000 acres of agricultural land. The balance of the reservation consists almost wholly of grazing land. The Indians at the present time have only about 500 or 600 head of cattle, and the object of this amendment is to purchase cattle for them, so that when their trust patent expires in six years they will be self-supporting by virtue of the stock that they can raise and run upon the reservation.

I may add that the Warm Springs Indians have always been friends of the whites. They have never been at war; they have always been tractable Indians. In fact, it was largely on account of the assistance and help which the Warm Springs Indians rendered to the whites during the Modoc War that the war was brought to its successful conclusion. Therefore, I think that these Indians are deserving of the highest consideration at the hands of the Government, and I trust that the conferees will take their history and their condition into consideration when this bill goes to conference.

Mr. BUTLER. Mr. Chairman, will the gentleman answer me a question?

Mr. SINNOTT. I will.

Mr. BUTLER. Did I understand the gentleman to say that these Indians have never been in armed conflict with the white people?

Mr. SINNOTT. I said that.

Mr. BUTLER. That is the reason why they are poor, is it not?

Mr. SINNOTT. It may be that that is the reason, but it also is a reason why justice and reparation should now be given them.

Mr. BURKE of South Dakota. Do I understand the gentleman from Oregon to say that the trust period expires in six years?

Mr. SINNOTT. It will expire in 1921, I believe.

Mr. BURKE of South Dakota. Now, if we loan money to Indians for three or four years after the trust period has expired, and after they are fully citizens and in possession of everything they have in their own right, without any interest, does not the gentleman think it will embarrass him somewhat in his district if he does not provide to loan money to the white farmers and people up there?

Mr. SINNOTT. I am ready to advance that at the proper time.

Mr. BURKE of South Dakota. Oh, the gentleman is willing, after this proposition is adopted, to extend it then to the white people in his district?

Mr. SINNOTT. That is another matter that comes up under the rural credits bill.

Mr. BURKE of South Dakota. I do not think this will be popular.

Mr. SINNOTT. I desire to have read the hearings on this subject before the House committee, which are as follows:

Mr. MERITT. The next item reads:

"There is hereby appropriated the sum of $100,000, to be immediately available and to remain available until expended, and the Secretary of the Interior is authorized to use this money, or so much thereof as may be necessary, under such regulations as he may prescribe, for the promotion of civilization and self-support among the Indians residing and having tribal rights on the Warm Springs Reservation, Oreg., the said sum to be expended in the purchase of live stock, seed, vehicles, harness, machinery, tools, implements, and other agricultural equipment; for the construction of houses for said Indians, and for such other purposes as the Secretary of the Interior may deem proper in promoting their civilization and self-support: *Provided*, That said sum shall be expended under conditions to be prescribed by the Secretary of the Interior for its repayment to the United States on or before June 30, 1925; and all repayments to this fund made on or before June 30, 1924, are hereby reappropriated for the same purpose as the original fund, and the entire fund, including such repayments, shall remain available until June 30, 1924; and all repayments to the fund hereby created which shall be made subsequent to June 30, 1924, shall be covered into the Treasury and shall not be withdrawn or applied, except in consequence of a subsequent appropriation made by law."

Mr. CARTER. That is a reimbursable item, the same as the others?

Mr. MERITT. Yes, sir. We offer the following justification for this item:

Indian population	749
Acreage of reservation area	462,804
Acreage of agricultural land	71,696
Acreage of grazing land	337,360
Acreage of allotted lands	323,075
Acreage under irrigation	None.
Acreage cultivated by Indian	6,000
Irrigated	None.
Not irrigated	6,000
Live stock:	
Horses	1,500
Mares	1,500
Stallions, pony	150
Cows and heifers	400
Bulls	75
Steers	Not reported.
Sheep	None.

"The Warm Springs Indians were allotted several years ago, the trust patents being dated December 31, 1896, and the 25-year trust period will expire December 31, 1921. This leaves but eight years to prepare them to assume full charge of their individual affairs, and in case of failure the period will need to be extended.

"The timber of this reservation is estimated at over 2,000,000,000 board feet, and at $1 per thousand this would make a timber valuation of over $2,000,000.

"It will be seen by the statistics that there is but a small area of agricultural land, and this is known to be of low grade, in broken and scattered bodies, and mostly where dry farming only can be done.

"This reservation has been examined to determine the irrigation possibilities, and it is found that no large bodies of land exist where reclamation projects are feasible, but that scattered tracts of a few acres each can be irrigated.

"Notwithstanding the immense future tribal resources, there are now no funds to provide the Indians with building and fencing material, with live stock, etc.; hence they are progressing very slowly, and have made but slight industrial advance since they were allotted.

"The only means of developing them industrially with any hope of putting them on a reasonably self-supporting basis within the remainder of the 25-year trust period is to stock the reservation with live stock and then develop the several homes, with a view of enabling the several Indian families to care for live stock in such numbers as will supply their needs, utilizing such scattered agricultural tracts as will contribute in part to their living.

"It is with such purpose in view that this appropriation is requested.

"This would seem to be the only way whereby the vast future resources of the tribe can be made to contribute to their development at the time it is most needed.

Statement of tribal assets and liabilities.

Unallotted lands.	Acres.	Value.
Agricultural	10,000	$50,000.00
Grazing	41,360	103,400.00
Timber	222,000	2,790,452.00
Unfit for any purpose	50,000	
	323,360	2,943,852.00
Timber (board feet)	2,280,000,000	2,280,000.00
		5,223,852.00
Tribal funds in Treasury June 30, 1913 (Doc. No. 328, 63d Cong., 2d sess.)		2,853.17
		5,226,705.17

All allotments have been made under general allotment act of February 8, 1887 (24 Stat., 388).

No reimbursable appropriations have been made by Congress.

Mr. CARTER. In this instance you propose to conduct the stock business on an individual basis, I assume from the statement?

Mr. MERITT. We will be able to do it either way, Mr. CARTER. The item is so worded that the Secretary and the commissioner can conduct it as a tribal proposition or as an individual proposition.

Mr. CARTER. I notice you state in your justification here that this is to "develop the several homes with a view of enabling the several Indian families to care for live stock in such numbers as will supply their needs." I assume from that it is going to be an individual proposition?

Mr. MERITT. I think it was the intention to start it off as a tribal proposition, and then as the Indians are developed up to the point where they can take care of stock they will be gradually apportioned among the Indians.

Mr. CARTER. The stock that you furnish the Indians can not be sold any more than the land, can it? Not without the consent of the department?

Mr. MERITT. No, sir.

Mr. CARTER. Of course, the quicker you establish the Indian on the basis of owning something individually, and caring for it, the better off he will be.

Mr. SELLS. We are working toward that end all the time.

Mr. MERITT. This is another one of those reimbursable items where the Indians have a vast estate, and the Government will not take any chance whatever in loaning these Indians this $100,000, because they will be able to reimburse the Government without question. They have timber valued at $2,000,000; and instead of letting the Indians drift along without making any industrial progress, if they can be permitted to have this loan of $100,000 they will soon become self-supporting. There is no question that the Government will be reimbursed for the loan. The statement in the justification for this item shows the assets and liabilities of these Indians.

The CHAIRMAN. The question is on agreeing to the motion of the gentleman from Texas [Mr. STEPHENS] to disagree to Senate amendment numbered 146.

The motion was agreed to.

The CHAIRMAN. The next amendment is numbered 161.

Mr. STEPHENS of Texas. I move, Mr. Chairman, that we disagree to Senate amendment 161.

The CHAIRMAN. The gentleman from Texas moves that the committee disagree to Senate amendment numbered 161.

Mr. SINNOTT. Mr. Chairman, I ask unanimous consent to extend my remarks in the RECORD on the subject just discussed.

The CHAIRMAN. Is there objection to the request of the gentleman from Oregon?

There was no objection.

The CHAIRMAN. The gentleman from Texas [Mr. STEPHENS] moves to disagree to Senate amendment 161.

Mr. MANN. Mr. Chairman, this is an amendment covering several propositions. One of them is to sell the merchantable timber on unallotted lands on the Bad River Indian Reservation in the State of Wisconsin, and so forth. Then if they can not sell the timber at a price that is fair, they are to be authorized to build and operate a sawmill for the purpose of manufacturing the timber.

I submit to the gentleman that the present time is not a very apt time to sell timber. I have no objection to that portion of it, whether it be agreed to or not; but to say, if you offer timber for sale now, when the market is very much depressed, and then if it be not sold that you shall immediately construct a sawmill for the purpose of manufacturing the timber is, as I think, a very doubtful proposition.

I do not know just how successful a sawmill may be up on the Menominee Indian Reservation, but I do know that the excuse given for building it turned out to be a false excuse. You were told when that sawmill was authorized that there was a large amount of timber down—blown down by storm—timber which lumber mills would not purchase at a price which was profitable. Thereupon we authorized the construction of a sawmill. It has been a good while since that sawmill has been in operation. I went up there while it was being constructed and saw the timber. The timber, for the sawing of which the sawmill was constructed, never paid for the cost of turning it into lumber, much less the making of any profit on it. There was a large amount of timber down. They cut it up into saw logs. Most of it rotted in part before they sawed it into lumber, so that it was not worth very much as lumber, and they never utilized it very satisfactorily, and it never paid the expense of operating the sawmill.

I do not know; it may be that the sawmill has been operated there profitably since then. I do not know. I know we constructed a very fine sawmill there. It may be that we ought to go into the business in several of these places in constructing sawmills. I do not say so. But the fact that you can not sell the timber now at a good price is not a good reason for constructing a sawmill, because at present the timber market is very much depressed.

Mr. STEPHENS of Texas. Does not the gentleman think it also to be very bad legislation to accept such an important amendment on this appropriation bill, where it has no place?

Mr. MANN. I do; but I think there will be other amendments accepted that will be equally bad, so far as that is concerned.

Mr. STEPHENS of Texas. The action of the conferees appointed by the House will not justify the gentleman's statement, I think.

Mr. MANN. I am not making any reflections on the conferees.

Mr. LENROOT. Mr. Chairman, in reference to the suggestion or criticism of the gentleman from Illinois [Mr. MANN] respecting the proviso authorizing the construction of a mill to manufacture this lumber, I have nothing to say. I was informed by members of the Committee on Indian Affairs in the Senate that the only purpose of this proviso was to insure a better bid than otherwise might be secured if it were not for the proviso. I am, however, satisfied that this timber will be sold at a fair price, and whether the proviso goes in or goes out, there will be no mill constructed at the expense of the Indians upon this reservation.

But upon the sale of the timber, upon the other provisions of this amendment with reference to allotments, I do want to say that this should be adopted, and adopted now. The present law permits the completion of the allotments upon this reservation and the selling of this very timber in question to the present contractor, the Stearns Lumber Co.; but because it is the tail end of this reservation and some of the allotments contain practically no timber and other portions of it contain valuable timber, the Commissioner of Indian Affairs and the Secretary of the Interior for a number of years have declined to complete the allotments as provided by law until there could be legislation such as is embodied here, that will provide that, while the lands shall be allotted, the timber upon those remaining allotments shall be sold and the proceeds divided equitably between the unallotted members of the tribe—an absolutely fair and just proposition, and one that ought to remain in the bill. And, so far as those two propositions are concerned, the completion of these allotments and the sale of the timber upon the unallotted lands, I sincerely trust that the conferees will agree. These propositions are recommended by the Secretary, recommended by the Bureau of Indian Affairs, agreed to by the Indians, and agreed to by all parties concerned.

Mr. BURKE of South Dakota. Will the gentleman yield for a question?

Mr. LENROOT. Yes.

Mr. BURKE of South Dakota. Does not the gentleman think that matters of as great importance as this would seem to be ought to be brought to the attention of the House in such a way that they can have consideration by a committee? In making the inquiry I do not wish to be understood as opposing the amendment, but am only calling attention to the policy of legislating in this way.

Mr. LENROOT. In reply to the gentleman, I will say that this very proposition is now pending before the gentleman's committee in a bill, and was pending during the last Congress and the previous Congress. Now, the difficulty with that, as the gentleman well recognizes, is the fact that only a fraction of the bills reported from any of the committees get consideration in this House. In the very nature of things it is impossible that they can receive consideration, except upon the Unanimous Consent Calendar, where the objection of one man will prevent consideration.

Mr. BURKE of South Dakota. Having on several occasions been on conference committees, I will say that we have in some instances yielded to the Senate on amendments where the subject had been considered by a committee of the House and a favorable report had been made and the bill was upon the calendar. The point I am making is that when we consider these matters in conference for the first time we do not have the opportunity to scrutinize and become informed as we ought on matters as important as this appears to be.

Mr. LENROOT. That is probably true, although this matter has been before the Committee on Indian Affairs for a number of years. It passed the Senate at one time, in a bill introduced by Senator Gamble, but died in the House committee. I think that was in the Sixty-first Congress.

Mr. STEPHENS of Texas. I ask for a vote on the motion to disagree to amendment 161.

The motion was agreed to.

Mr. STEPHENS of Texas. I ask unanimous consent that amendments 162 to 168, inclusive, which are all the remaining amendments, be disagreed to.

Mr. LENROOT. I should like to say a word upon amendment 162.

Mr. STEPHENS of Texas. Then I will except No. 162.

The CHAIRMAN. The gentleman from Texas asks unanimous consent to disagree to all the remaining amendments in the bill except No. 162. Is there objection?

There was no objection.

Mr. STEPHENS of Texas. Now I move to disagree to Senate amendment No. 162.

Mr. LENROOT. Mr. Chairman, just a word with reference to amendment No. 162, which provides for an investigation of the rights of the so-called St. Croix Chippewa Indians. A few moments ago the gentleman from Illinois [Mr. MANN] made some observations with reference to a tribe of Indians in Oklahoma, and I am in full sympathy with the observations that he made. I wish to say with reference to this amendment that there is no attorney in connection with any rights that these Indians may have. No attorney has been employed and, so far as I know and so far as my influence goes, none will be employed. I have three reservations in my district, and in councils held in all of them I have repeatedly discouraged the employment of attorneys for any purpose so far as legislation is concerned.

But here are three or four hundred Indians, most of them belonging to Minnesota bands, a number of them receiving annuities as such, upon the rolls to-day as belonging to various tribes in Minnesota. But in legislation providing for allotting different Indian reservations in Minnesota in years gone by, in each case the right of allotment was restricted to those Indians then residing in the State of Minnesota, and so these Indians residing in Wisconsin, although belonging to Minnesota bands, never were permitted to receive any benefit from these Minnesota allotments. Investigations have been made by various Indian agents, by a Senate committee, and by various commissioners, and they have all reported that something should be done for these St. Croix Indians, and it has always stopped at that.

I took up the matter with the present commissioner, and he recommended this legislation as a beginning, that we should find out how many there are and to what tribes they belong, as a basis for future action. He also recommended an appropriation of $25,000 to relieve their present distress. So this entire matter, like the previous ones, instead of coming from any attorney, comes with the recommendation of the Bureau of Indian Affairs.

Mr. MILLER. Will the gentleman yield?

Mr. LENROOT. Yes.

Mr. MILLER. Can the gentleman inform us as to the approximate number of these Indians?

Mr. LENROOT. Between 300 and 400.

Mr. MILLER. Do they have land of their own or are they trespassers?

Mr. LENROOT. Mere trespassers, scattered along the river.

The CHAIRMAN. The question is on the motion of the gentleman from Texas.

The question was taken, and the motion was agreed to.

Mr. STEPHENS of Texas. Mr. Chairman, I move that the committee do now rise and report the bill with the various amendments to the House.

The motion was agreed to.

The committee accordingly rose; and the Speaker having resumed the chair, Mr. UNDERWOOD, Chairman of the Committee of the Whole House on the state of the Union, reported that that committee had had under consideration the bill H. R. 12579, the Indian appropriation bill, and had instructed him to report the same back with the recommendation that Senate amendments numbered 6 and 13 be agreed to, and that the remainder of the amendments be disagreed to.

Mr. MANN rose.

Mr. STEPHENS of Texas. Mr. Speaker, I move the previous question on the bill and amendments.

The SPEAKER. For what purpose does the gentleman rise?

Mr. MANN. I was going to offer a motion to recommit, but the previous question has been demanded, and I will offer it after the previous question has been ordered.

Mr. HARRISON. Mr. Speaker, is not the first thing for the Speaker to ask if a separate vote is demanded on any amendment?

The SPEAKER. The universal practice is for the chairman to make a motion for the previous question, if he gets at it in a reasonable time.

Mr. MANN. I think the motion is in order.

The SPEAKER. If the previous question is ordered, then the Chair puts the query as to whether a separate vote is demanded. If no one moves the previous question, the Speaker makes the inquiry. The question is on the previous question demanded by the gentleman from Texas.

The question was taken, and the previous question was ordered.

Mr. MANN. Now, Mr. Speaker, I move to recommit Senate amendments and the bill to the Committee on Indian Affairs.

Mr. STEPHENS of Texas. And on that I move the previous question.

The SPEAKER. The gentleman from Illinois moves to recommit the Senate amendments and the bill to the Committee on Indian Affairs, and on that the gentleman from Texas demands the previous question.

The previous question was ordered.

The SPEAKER. The question now is on the motion of the gentleman from Illinois to recommit the bill with the Senate amendments to the Committee on Indian Affairs.

The question was taken, and the motion was lost.

The SPEAKER. Is a separate vote demanded on any amendment?

Mr. HARRISON. Mr. Speaker, I desire a separate vote on amendments 139 and 140, and I ask unanimous consent that the vote be taken on these two amendments together.

Mr. FERRIS. Mr. Speaker, the matters are entirely foreign to each other, and I object to the two being taken together.

Mr. UNDERWOOD. Inasmuch as there may be a division on this, Mr. Speaker, I suggest that the vote be taken on the other amendments.

The SPEAKER. The committee recommended that Senate amendments 6 and 13 be agreed to, and that all the rest of the amendments be disagreed to. The gentleman from Mississippi has demanded a separate vote on amendments 139 and 140. Without objection, all the other amendments with the exception of Nos. 139 and 140 will be disagreed to.

There was no objection.

Mr. MANN. Mr. Speaker, a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. MANN. The previous question having been ordered, if the House should now adjourn, would this matter come before the House to-morrow morning as unfinished business?

The SPEAKER. It would.

Mr. UNDERWOOD. I suggest to the gentleman from Texas that it is not advisable to have a division to-night, and that he move that the House adjourn.

ADJOURNMENT.

Mr. STEPHENS of Texas. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 5 o'clock and 5 minutes p. m.) the House adjourned until to-morrow, Friday, July 10, 1914, at 12 o'clock noon.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII, bills and resolutions were severally reported from committees, delivered to the Clerk, and referred to the several calendars therein named, as follows:

Mr. PROUTY, from the Committee on the District of Columbia, to which was referred the joint resolution (H. J. Res. 227) creating a commission to examine the relations between the District of Columbia and the Federal Government, reported the same with amendment, accompanied by a report (No. 937), which said joint resolution and report were referred to the Committee of the Whole House on the state of the Union.

Mr. CLARK of Florida, from the Committee on Public Buildings and Grounds, to which was referred the bill (H. R. 17764) to provide for sale of portion of post-office site in Gastonia, N. C., reported the same with amendment, accompanied by a report (No. 939), which said bill and report were referred to the Committee of the Whole House on the state of the Union.

He also, from the same committee, to which was referred the bill (H. R. 15575) donating the old iron fence around Vance Park, Charlotte, N. C., to the Mecklenburg Declaration of Independence Chapter, to be placed around Craighead Cemetery near Sugar Creek Church, in Mecklenburg County, reported the

same without amendment, accompanied by a report (No. 940), which said bill and report were referred to the Committee of the Whole House on the state of the Union.

REPORTS OF COMMITTEES ON PRIVATE BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII,

Mr. BRITTEN, from the Committee on Naval Affairs, to which was referred the bill (H. R. 2642) authorizing the President to reinstate Joseph Eliot Austin as an ensign in the United States Navy, reported the same with an amendment, accompanied by a report (No. 938), which said bill and report were referred to the Private Calendar.

CHANGE OF REFERENCE.

Under clause 2 of Rule XXII, committees were discharged from the consideration of the following bills, which were referred as follows:

A bill (H. R. 4362) granting a pension to Thomas Glynn; Committee on Invalid Pensions discharged, and referred to the Committee on Pensions.

A bill (H. R. 6994) granting an increase of pension to John G. Whitman; Committee on Invalid Pensions discharged, and referred to the Committee on Pensions.

A bill (H. R. 10774) granting a pension to Frank Doering; Committee on Invalid Pensions discharged, and referred to the Committee on Pensions.

A bill (H. R. 10777) granting a pension to Mrs. A. M. Hughes; Committee on Invalid Pensions discharged, and referred to the Committee on Pensions.

A bill (H. R. 13126) granting an increase of pension to John T. Burriss; Committee on Invalid Pensions discharged, and referred to the Committee on Pensions.

A bill (H. R. 14715) granting a pension to Peter McLaughlin; Committee on Invalid Pensions discharged, and referred to the Committee on Pensions.

A bill (H. R. 15196) granting a pension to Sarah Forsyth; Committee on Invalid Pensions discharged, and referred to the Committee on Pensions.

A bill (H. R. 15276) granting a pension to Henry Mink; Committee on Invalid Pensions discharged, and referred to the Committee on Pensions.

A bill (H. R. 15940) granting a pension to Michael McInery; Committee on Invalid Pensions discharged, and referred to the Committee on Pensions.

A bill (H. R. 16455) granting an increase of pension to Charles P. Harris; Committee on Invalid Pensions discharged, and referred to the Committee on Pensions.

A bill (H. R. 17200) granting an increase of pension to Henry Pearson; Committee on Invalid Pensions discharged, and referred to the Committee on Pensions.

A bill (H. R. 17218) granting a pension to Bernard Mullan; Committee on Invalid Pensions discharged, and referred to the Committee on Pensions.

A bill (H. R. 17430) granting a pension to Daniel Shaw; Committee on Invalid Pensions discharged, and referred to the Committee on Pensions.

A bill (H. R. 17488) for the relief of William Ham; Committee on Invalid Pensions discharged, and referred to the Committee on Military Affairs.

A bill (H. R. 17491) granting a pension to Joseph M. Reckley; Committee on Invalid Pensions discharged, and referred to the Committee on Pensions.

A bill (H. R. 17643) for the relief of John R. Johnston; Committee on Military Affairs discharged, and referred to the Committee on Naval Affairs.

PUBLIC BILLS, RESOLUTIONS, AND MEMORIALS.

Under clause 3 of Rule XXII, bills, resolutions, and memorials were introduced and severally referred as follows:

By Mr. BOWDLE: A bill (H. R. 17799) authorizing the Secretary of War, in his discretion, to deliver to the village of Newtown, Hamilton County, Ohio, one condemned bronze or brass cannon or fieldpiece, with its carriage and a suitable outfit of cannon balls; to the Committee on Military Affairs.

By Mr. DEITRICK: A bill (H. R. 17800) to regulate the method of directing the work of Government employees; to the Committee on Labor.

By Mr. BOWDLE: A bill (H. R. 17801) to provide revenue for the Government, to promote the general welfare, by levying a special tax on the incomes of citizens of the United States who contract marriages with titled aliens; to the Committee on Ways and Means.

By Mr. EDMONDS: A bill (H. R. 17802) appropriating $198,500 for additional buildings at Frankford Arsenal, Philadelphia, Pa.; to the Committee on Appropriations.

Also, a bill (H. R. 17803) appropriating $24,000 for improvements at Frankford Arsenal, Philadelphia, Pa.; to the Committee on Appropriations.

PRIVATE BILLS AND RESOLUTIONS.

Under clause 1 of Rule XXII, private bills and resolutions were introduced and severally referred as follows:

By Mr. BURNETT: A bill (H. R. 17804) granting an increase of pension to John C. Anderson; to the Committee on Pensions.

Also, a bill (H. R. 17805) granting an increase of pension to James H. E. Guest; to the Committee on Invalid Pensions.

By Mr. BUTLER: A bill (H. R. 17806) granting a pension to Bessie I. Griffith; to the Committee on Pensions.

By Mr. FITZGERALD: A bill (H. R. 17807) for the relief of Henry Metz; to the Committee on Military Affairs.

By Mr. FITZHENRY: A bill (H. R. 17808) granting a pension to Milo M. Miller; to the Committee on Pensions.

By Mr. GODWIN of North Carolina: A bill (H. R. 17809) granting a pension to Clyde C. Dickinson; to the Committee on Invalid Pensions.

By Mr. GOEKE: A bill (H. R. 17810) granting an increase of pension to Jacob Stocker; to the Committee on Invalid Pensions.

By Mr. HENSLEY: A bill (H. R. 17811) granting a pension to Mary J. Harston; to the Committee on Invalid Pensions.

By Mr. HAYDEN: A bill (H. R. 17812) granting a pension to George L. Hollis; to the Committee on Pensions.

By Mr. KEATING: A bill (H. R. 17813) granting a pension to Henry Blake; to the Committee on Pensions.

Also, a bill (H. R. 17814) granting a pension to Benjamin Thomas; to the Committee on Pensions.

Also, a bill (H. R. 17815) granting an increase of pension to Esther M. Eggleston; to the Committee on Invalid Pensions.

Also, a bill (H. R. 17816) granting an increase of pension to Sarah E. Roberts; to the Committee on Invalid Pensions.

By Mr. LINTHICUM: A bill (H. R. 17817) granting a pension to Margaret Krug; to the Committee on Pensions.

By Mr. MURRAY of Oklahoma: A bill (H. R. 17818) granting a pension to Mrs. L. M. Farmer; to the Committee on Pensions.

By Mr. PETERS of Maine: A bill (H. R. 17819) granting an increase of pension to John F. Clark; to the Committee on Invalid Pensions.

By Mr. QUIN: A bill (H. R. 17820) granting an increase of pension to Matilda D. Clark; to the Committee on Pensions.

By Mr. SHERWOOD (by request): A bill (H. R. 17821) granting an increase of pension to Jean H. G. Kitchel; to the Committee on Invalid Pensions.

By Mr. SMITH of New York: A bill (H. R. 17822) granting a pension to Elizabeth Schwing; to the Committee on Invalid Pensions.

By Mr. STAFFORD: A bill (H. R. 17823) granting a pension to Agnes Raymond; to the Committee on Pensions.

PETITIONS, ETC.

Under clause 1 of Rule XXII, petitions and papers were laid on the Clerk's desk and referred as follows:

By the SPEAKER (by request): Petition signed by Lee Moore, of St. Louis, Mo., protesting against the passage of the Hobson prohibition amendment; to the Committee on Rules.

Also (by request), resolution of the Christian Endeavor Society of the Calvary Baptist Church, of Washington, D. C., urging the passage of a Sunday-observance law for the District of Columbia; to the Committee on the District of Columbia.

Also (by request), resolutions signed by pastors of certain churches at Gainesville, Mo., Utica, Ohio, and Greencastle, Ind., against polygamy in the United States; to the Committee on the Judiciary.

By Mr. AVIS: Petitions of Harry Gordon and others, of Montgomery; Andrew Heck, of Buckhannon; and W. J. Builtman and others, of Charleston, all in the State of West Virginia, protesting against national prohibition; to the Committee on Rules.

Also, petitions of Joe Wehrle and others, of Charleston; Ida Johnson and others, of St. Albans; J. L. King and others, of Alderson; Samuel M. Peters and others, of Raleigh County; W. S. Booth and others, of Upshur County; H. C. Gay and others, of Pocahontas County; and E. A. Edgell and others, of Smithfield, all in the State of West Virginia, favoring national prohibition; to the Committee on Rules.

By Mr. BELL of Georgia: Papers to accompany House bill 17768, to carry into effect the findings of the Court of Claims in claim of O. H. P. Wayne; to the Committee on Claims.

By Mr. BRUCKNER: Petition of the United States Civil Service Retirement Association, favoring passage of retirement bill for aged employees of the Government; to the Committee on Reform in the Civil Service.

Also, petition of the Merchants and Manufacturers' Association, of Philadelphia, Pa., protesting against passage at this session of bills regulating business; to the Committee on the Judiciary.

By Mr. BURKE of South Dakota: Petition of sundry citizens of Aberdeen, S. Dak., protesting against the passage of the Sunday observance bill; to the Committee on the District of Columbia.

By Mr. BUTLER: Petitions of Alice H. Bedford, A. E. Wirz, and others, of Delaware County; Elizabeth B. Mendenhall, Mildred H. Mendenhall, and others, of Chester County; Ella Gladman, Ella Miller, and others, of Westchester; Theresa W. Hilman, Catherine E. Harkness, and others, of Oxford, Chester County; John M. Shrigley, Carl Lewis Altmaur, and others, of Lansdowne, all in the State of Pennsylvania, urging woman suffrage legislation; to the Committee on the Judiciary.

Also, petitions of the No License Campaign Committee, the W. P. Laird Bible Class, the Brotherhood and Christian Endeavor Society, all of the First Presbyterian Church of West Chester, Pa., and sundry citizens of Nottingham, Pa., favoring national prohibition; to the Committee on Rules.

By Mr. CANTOR: Petition of sundry citizens of New York City, favoring national prohibition; to the Committee on Rules.

By Mr. CLARK of Florida: Petition of E. Meredith and other citizens of Florida, protesting against the passage of the prohibition amendment; to the Committee on Rules.

Also, petitions of Mrs. Emma M. Brown and others, of Green Cove Springs; R. S. Clark and others, of West Palm Beach; Cigar Makers' Union, Local No. 248, of Jacksonville, all in the State of Florida, favoring national prohibition; to the Committee on Rules.

By Mr. DILLON: Petition of various business men of White Lake, Pukwana, Kimball, and Chamberlain, all in the State of South Dakota, favoring the passage of House bill 5308, relative to taxing mail-order houses; to the Committee on Ways and Means.

By Mr. EAGAN: Petitions signed by 973 citizens of Hudson County, eleventh district of New Jersey, protesting against national prohibition; to the Committee on Rules.

By Mr. FERGUSSON: Petitions of a meeting held at Lake Arthur, by H. C. Rimner, chairman, and Atlas V. Flowers, secretary; the Woman's Christian Temperance Union of Raton, by Mrs. A. I. Heitsman, presiding officer, and Mrs. G. M. Howe, secretary; J. W. Parker, of Albuquerque; the Christian Endeavor Society of the First Presbyterian Church of Amistad, by Mrs. G. Williams, president, J. J. Mitchell, vice president, and Miss Ethel Naylor, secretary; union meeting of the churches of Portales, by J. S. Long; Ray V. Warner, Seth L. Warner, Mrs. Adella Warner, J. M. Callahan, and G. M. Daniel, of East Vaughn; the Woman's Christian Temperance Union of Columbus, by Mrs. L. L. Lewis, president; G. E. Outlaw and 7 other citizens of Vaughn; meeting held at Raton, by Bernard Gibbs; Rev. A. C. Bell and 20 other citizens of Portales; Mrs. Enoch Boucher and 20 other ladies of Portales; the Woman's Christian Temperance Union of Portales, by Miss Dora B. Humphrey, secretary; Mrs. S. F. Culberson, of Portales; the Woman's Christian Temperance Union of Mineral Hill, by Mrs. T. J. Breen, president; and the Las Vegas Spanish Church, by Rev. Carlos C. Cordova, all in the State of New Mexico, favoring national prohibition; to the Committee on Rules.

Also, petition of 22 prisoners of the New Mexico State penitentiary at Santa Fe, N. Mex., transmitted by Arthur E. P. Robinson, superintendent of the Society for the Friendless, of Santa Fe, N. Mex., favoring national prohibition; to the Committee on Rules.

Also, memorials of J. F. Criswell, of Central City; Cesario Garcia and 55 other citizens of Mosquero; J. J. Abeytia and Pedro Marquez, of Rosa; 13 citizens of San Marcial; L. Trujillo and 50 other citizens of San Jose; and 3 citizens of Torreon, all in the State of New Mexico, protesting against national prohibition; to the Committee on Rules.

By Mr. GALLIVAN: Petition of sundry citizens of Boston, Mass., favoring national prohibition; to the Committee on Rules.

By Mr. GRAHAM of Pennsylvania: Petition of the Merchants and Manufacturers' Association of Philadelphia, Pa., protesting against passage of bills affecting business; to the Committee on the Judiciary.

By Mr. HAMMOND: Petition of 41 citizens of Mankato, Minn., favoring national prohibition; to the Committee on Rules.

By Mr. HAWLEY: Petition of sundry citizens and churches of the State of Oregon, favoring national prohibition; to the Committee on Rules.

By Mr. LEVER: Petition of sundry citizens of South Carolina, relative to giving Dr. Frederick A. Cook the honor of discovering the North Pole; to the Committee on Naval Affairs.

By Mr. LEVY: Petition of Henry Gitterman & Co., of New York City, protesting against national prohibition; to the Committee on Rules.

By Mr. LINTHICUM: Petitions of sundry citizens of the State of Maryland, favoring national prohibition; to the Committee on Rules.

Also, petitions of sundry citizens of the State of Maryland, protesting against national prohibition; to the Committee on Rules.

By Mr. LLOYD: Petition of residents of the first Missouri congressional district, in favor of House joint resolution 168, for national prohibition; to the Committee on Rules.

By Mr. LONERGAN: Petition of George Holloway, of Collinsville, Conn., protesting against national prohibition; to the Committee on Rules.

By Mr. MAGUIRE of Nebraska: Petition of sundry citizens of Otoe County, Nebr., protesting against national prohibition; to the Committee on Rules.

By Mr. MAPES: Petition of sundry citizens of Lake Odessa, Orange, Cooperville, Eastmanville, South Lowell, South Boston, the Munica Methodist Church of Alto, the Congregational Church of Grandville, and the St. Paul's Methodist Episcopal Church of Grand Rapids, all in the State of Michigan, favoring national prohibition; to the Committee on Rules.

Also, petitions of the Carpenters' District Council, the Journeyman Barbers' Union, the Cigar Makers' Union, the Printing Pressmen's Union, the Switchmen's Union, the Cabinet Makers' Union, all of Grand Rapids, Mich., and the Cigar Makers' Union of Grand Haven, Mich., protesting against national prohibition; to the Committee on Rules.

By Mr. MERRITT. Petitions of sundry citizens of Chase Mills, Lewis, Keeseville, Madrid, Rev. W. C. Taylor, of Keeseville, N. Y., and 37 other citizens of New York, favoring national prohibition; to the Committee on Rules.

Also, petition of sundry citizens of New York against national prohibition; to the Committee on Rules.

By Mr. NELSON: Petition of four citizens of Madison, Wis., protesting against national prohibition; to the Committee on Rules.

By Mr. ROGERS: Petition of a mass meeting of citizens at Methuen, Mass., favoring national prohibition; to the Committee on Rules.

By Mr. STEVENS of New Hampshire: Petitions of Joseph P. Trechette, of Berlin; the New Hampshire Federation of Labor; Howard A. Kimball, of Concord; Henry S. Huntress, of Concord; Harrington & McAuliffe, of Bethlehem; H. P. Brown, of Concord; James Devlin, of Penacook; John E. Halloran, of Concord; J. P. Collins, of Concord; James M. Collins, of Concord; sundry Italian-American citizens of Milford; F. P. Beaudoin, of Berlin; G. W. Gaymond, of Lancaster; W. E. Wiggin, of Lancaster; Henry H. Clark, of Lancaster, all in the State of New Hampshire; also the Central Federated Union of New York, protesting against nation-wide prohibition; to the Committee on Rules.

Also, petitions of Rev. J. B. Palmer and 30 citizens of Newport; the Congregational Church of Langdon; 70 members of the First Baptist Church in Laconia; 43 citizens of Concord; the Warner Valley Neighborhood Conference; 19 voters of the town of Dummer; the Woman's Christian Temperance Union of Berlin; the Woman's Christian Temperance Union of Ashland; the Woman's Christian Temperance Union of West Stewartstown; the Woman's Christian Temperance Union of Concord; the Grange of Bow; the Concord Christian Endeavor Union; Rev. D. Fletcher and 19 other citizens of Fitzwilliam, indorsing the Hobson resolution, for the First Baptist Church of that town; Roy N. Atwood, of Keene; John H. Brackett, of Pittsburg; the Methodist Episcopal Church of Winchester; the Congregational Church of Gilsum; the Christian Endeavor Society of Peterboro; N. K. Witham and sundry citizens of West Unity; the Congregational Church of Hillsboro; the Woman's Christian Temperance Union of Lancaster; the Christian Endeavor Society of the Free Baptist Church of Contoocook; 4,000 members of the Friends of New England; the Christian Endeavor Society of the First Baptist Church of Nashua; J. H. Wark and sundry citizens of Lancaster; the juniors and intermediates of the Penacook Baptist Church; the Baptist Christian Endeavor Society, of Penacook; Rev. T. Ross Hicks; the Methodist Episcopal Church of Keene; K. B.

Fletcher, of Lancaster; the Grafton Sunday School Convention at Ashland; and 198 members of the E. E. Sturtevant Relief Corps, of Concord, all in the State of New Hampshire, in favor of nation-wide prohibition; to the Committee on Rules.

By Mr. STEPHENS of Texas: Petition of sundry citizens of Stratford, Tex., favoring national prohibition; to the Committee on Rules.

By Mr. TEMPLE: Petition of 300 citizens and the Lawrence County Sabbath School Association; sundry citizens of Roscoe; the Woman's Christian Temperance Union of Harrisburg; 455 members of the Jefferson Avenue Methodist Episcopal Church of Washington; and sundry citizens of Antridge and New Castle, all in the State of Pennsylvania, favoring national prohibition; to the Committee on Rules.

Also, petition of E. F. Ocheson, Alice E. Jones, and others, of Washington, Pa., favoring woman-suffrage legislation; to the Committee on the Judiciary.

By Mr. TEN EYCK (by request): Petitions of Miss Bertie Turk and other officers of the Union Christian Endeavor Society of Medusa; the Young People's Christian Endeavor Society of the Ninth Presbyterian Church of Troy; Mr. M. S. Reed and other citizens of Westerlo; the Quarterly Conference of the Trinity Methodist Episcopal Church, of Albany; the Christian Endeavor Society of the First Presbyterian Church of Watervliet; Mr. Charles Livingston, of Voorheesville; Mr. B. H. Hook and other citizens of Medusa; the St. James Methodist Episcopal Church, of Cohoes; the Christian Endeavor Society of the New Scotland Presbyterian Church, of Slingerlands; and Mr. C. P. Brate, of Albany, all in the State of New York, favoring the passage of the Hobson resolution; to the Committee on Rules.

By Mr. UNDERHILL: Petition of sundry citizens of Hornell, N. Y., favoring national prohibition; to the Committee on Rules.

By Mr. VOLLMER: Petitions signed by A. F. Dawson and 87 others, protesting against House joint resolution 168, Senate joint resolutions 88 and 50, and all similar prohibition measures introduced in Congress; to the Committee on Rules.

Also, petition of Cigarmakers' International Union No. 120, of Muscatine, Iowa, protesting against House joint resolution 168, Senate joint resolutions 88 and 50, and all similar prohibition measures introduced in Congress; to the Committee on Rules.

By Mr. WILSON of New York: Petition of the Brunswick Avenue Central Methodist Episcopal Church, of Brooklyn, N. Y., favoring national prohibition; to the Committee on Rules.

Also, memorial of the General Post Office Letter Carriers' Mutual Benefit Association of New York City, protesting against section 6 of House bill 12928; to the Committee on the Post Office and Post Roads.

HOUSE OF REPRESENTATIVES.

FRIDAY, *July 10, 1914.*

The House met at 12 o'clock noon.

The Chaplain, Rev. Henry N. Couden, D. D., offered the following prayer:

Speak to us, Father, that we may move forward, keeping step to the rhythm of faith, confidence, in the overruling of Thy providence. We realize we are not bound to succeed, but we are bound to do the best we can, leaving the results to Thee, who doeth all things well. Thou art ever the inspiration of those who seek to do Thy commands.

Comfort the sorrowing, deal gently with the erring, strengthen the weak, encourage the faint-hearted, and bring us all into harmony with the great eternal plan. Be very near to the Members of this House who have been under the surgeon's knife; touch them with Thy healing hand, and restore them to health and usefulness, and all praise shall be Thine, in the name of Him who taught us faith, hope, love. Amen.

The Journal of the proceedings of yesterday was read and approved.

GENERAL DEFICIENCY APPROPRIATION BILL.

Mr. FITZGERALD, by direction of the Committee on Appropriations, reported the bill (H. R. 17824) making appropriations to supply deficiencies in appropriations for the fiscal year 1914 and for prior years, and for other purposes, which was read the first and second times and, with the accompanying report (No. 941), ordered printed and referred to the Committee of the Whole House on the state of the Union.

Mr. GILLETT. Mr. Speaker, I reserve all points of order on the bill.

The SPEAKER. The gentleman from Massachusetts reserves all points of order on the bill.

MISSISSIPPI RIVER.

Mr. DUPRÉ. Mr. Speaker, I ask unanimous consent to incorporate in the RECORD an article appearing in the current number of the North American Review, by CHAMP CLARK, entitled "A Perennial National Problem," which refers to the Mississippi River. In these days of ignorance and indifference in and out of Congress about this proposition I submit that this very timely article should be put into the hands of Members of Congress.

The SPEAKER. The gentleman from Louisiana asks unanimous consent to print in the RECORD the article referred to on the subject of Mississippi River improvements. Is there objection?

Mr. MANN. Mr. Speaker, regretting that we can not hear the Speaker deliver his remarks in person, I shall not object.

Mr. DUPRÉ. Mr. Speaker, I would like to say that previous to making this request I secured the permission of the editor of the North American Review to use this article in this way. I will also state that I had not previously consulted the author of the article.

Mr. MANN. Who is the editor of the North American Review?

Mr. DUPRÉ. Mr. George Harvey.

Mr. MANN. Does the gentleman want to insert an article that Mr. George Harvey wrote recently about the administration? [Laughter.]

Mr. DUPRÉ. No; I am quite content to insert what I want to insert now.

The SPEAKER. Is there objection?

There was no objection, and it was so ordered.

INDIAN APPROPRIATION BILL.

The SPEAKER. The unfinished business is the consideration of the report of the Committee of the Whole House on the state of the Union on amendments of the Senate to the Indian appropriation bill, on which the previous question has been ordered. All amendments have been disposed of except amendments 139 and 140.

Mr. HARRISON. Mr. Speaker, a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. HARRISON. Mr. Speaker, as I understand it, the vote is whether or not the recommendation of the Committee of the Whole House on the state of the Union shall stand as to its disagreement to Senate amendments. The question I desire to ask the Speaker is whether or not a negative vote will be equivalent to concurrence in those two Senate amendments?

Mr. CARTER. Mr. Speaker, the vote comes on the motion of the gentleman from Texas to disagree to the Senate amendments, does it not?

The SPEAKER. It comes on the report of the Chairman of the Committee of the Whole House on the state of the Union, Mr. UNDERWOOD.

Mr. CARTER. Oh, yes; and the gentleman from Texas had moved the previous question.

The SPEAKER. That is correct.

Mr. MANN. Mr. Speaker, a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. MANN. Notwithstanding the fact that the previous question has been ordered, is it now in order for the gentleman from Mississippi [Mr. HARRISON] to move to concur in the Senate amendments as a motion which takes precedence and is privileged?

The SPEAKER. It seems to the Chair that under the peculiar situation in which we find ourselves a motion to concur would be in order. The recommendation of the Committee of the Whole House on the state of the Union is equivalent to a motion to disagree to the Senate amendments. If that is true, then a motion to concur would be in order.

Mr. FITZGERALD. Does not the question first come upon the recommendation of the committee and after that has been disposed of then the House can do whatever else it desires?

The SPEAKER. The Chair does not know whether the gentleman from New York was in the Hall late yesterday afternoon, but here is what happened. The gentleman from Alabama, Mr. UNDERWOOD, as Chairman of the Committee of the Whole House on the state of the Union, reported the bill back and stated that he was directed by the committee to concur in Senate amendments Nos. 6 and 13 and to disagree to all of the rest of the Senate amendments. All of that report was agreed to except that the gentleman from Mississippi demanded a separate vote on amendments 139 and 140.

Mr. FITZGERALD. What is before the House is the report of the committee, and the question is on agreeing to the committee recommendation.

The SPEAKER. The matter that is before the House is that part of the report of the committee as to Senate amendments 139 and 140, and the recommendation of the committee is that those two be disagreed to.

Mr. FITZGERALD. Mr. Speaker, if the House disagree to them, that settles it. If it refuses to disagree, then the entire question is opened up again for any other motion that may be in order. For instance, I call the Chair's attention to the fact that the previous question having been ordered on the report, a motion to concur would cut out what would be properly in order if the recommendation to disagree were voted down, and that would be a motion to concur in the Senate amendment with an amendment.

Mr. MANN. Mr. Speaker, if the previous question operates to prevent the motion to concur, it would still be in operation if the House should vote down the recommendation of the committee, and that would be to say that the House would not have the power to do anything except to agree to the recommendation of the committee.

Mr. FITZGERALD. I think not. I believe, Mr. Speaker, that if the previous question is ordered on the recommendation of the committee, after the recommendation is disposed of, and if the committee recommendation be not agreed to, then the Senate amendment is before the House for such other action as may properly be taken.

Mr. MANN. Mr. Speaker, if the gentleman is through, I will say that I do not think that the recommendation of the Committee of the Whole House on the state of the Union is any different from the recommendation of the Committee on Indian Affairs. The recommendation of the Committee on Indian Affairs was that the House disagree to all of the Senate amendments, but no one pretends that that motion has to be put first on disagreeing. The motion to concur takes priority and can not be shut off.

Mr. FITZGERALD. That action has been passed upon by the Committee of the Whole House on the state of the Union.

Mr. MANN. That is true, but——

Mr. FITZGERALD. Now, as a matter of fact, the preferential motion is not to concur at this stage of the proceedings. It is to amend.

Mr. MANN. Suppose that this were not a Union Calendar bill but that it was a House Calendar bill, and the committee had recommended a disagreement in the Senate amendment, that would not take priority of a motion to concur, nor could you cut out the right to move to concur by the gentleman who makes the motion to disagree demanding the previous question in the House.

Mr. FITZGERALD. That situation could not arise, because it is only Senate amendments that require consideration. If originating in the House in the Committee of the Whole House on the state of the Union, that can come before the House with a recommendation of the Committee of the Whole House on the state of the Union. If this were an amendment that did not require consideration in the Committee of the Whole House on the state of the Union, it would not have been referred to the Committee on Indian Affairs at all. It would have been taken up in the House without any recommendation from the Committee on Indian Affairs. The existing situation can not arise as to such amendments.

Mr. MANN. You can not cut out the right with a motion to concur.

Mr. FITZGERALD. It is not necessary. The House can agree to the report of the committee. The report of the committee is to disagree to this Senate amendment. If the House concurs in that recommendation, that settles the matter for the present. If the House does not concur in the Senate amendment, it will still be before the House to concur with an amendment, which would be a preferential motion, the stage of disagreement not having been reached, or to concur without amendment. It occurs to me that if the Committee of the Whole House on the state of the Union has made a report, the House must first act upon the recommendation.

Mr. MANN. Well, Mr. Speaker, the fact that the Committee of the Whole House on the state of the Union has made a recommendation can not cut out the right to make a preferential motion. Suppose the gentleman from Texas [Mr. STEPHENS] had moved, as he had a right to move, the previous question on all of the Senate amendments to final vote, and then the House should vote down the motion to disagree, under the contention of the gentleman from New York [Mr. FITZGERALD] the House could not entertain a motion to concur or concur with an amendment. The right to make the motion to concur is preferential over every other motion which can be made, or to concur with an amendment, at this stage of the proceedings. I do not think, with the previous question operating, we can move to concur with an amendment.

Mr. FITZGERALD. The motion to concur is not a preferential motion at this time.

Mr. MANN. Oh, it is a preferential motion over the motion to disagree.

Mr. FITZGERALD. I beg to differ with the gentleman. The stage of disagreement not having been reached, the recommendation of the committee is that the House disagree, and the House should dispose of that report. If it agree to the report, that ends the matter. If it does not agree to it, then the Senate amendment is before the House, and a motion to amend or to concur with an amendment is a preferential motion at that time over the motion to concur.

Mr. MANN. If the gentleman from New York is correct in assuming that the motion to disagree at this stage of the proceeding takes precedence over a motion to concur, the balance of his argument is correct. But he is wrong about that. The motion to concur takes precedence over the motion to disagree at all stages of the proceedings.

Mr. FITZGERALD. The gentleman is mistaken. At this stage of the proceedings the preferential motion is to perfect the Senate amendment by amendment. The previous question has been ordered on the amendment. Therefore the question before the House is whether the House shall agree to the recommendation of the Committee of the Whole House on the state of the Union.

The SPEAKER. The Chair will ask the gentleman from New York [Mr. FITZGERALD], suppose this recommendation of the Committee of the Whole House on the state of the Union is voted down, then what situation does the gentleman from New York think the amendments 139 and 140 will be in?

Mr. FITZGERALD. They are before the House then for action, and if the House refuses to disagree to the Senate amendment on the recommendation of the Committee of the Whole House on the state of the Union, it has a right to perfect the amendment by amendment; it has a right to concur in it as amended or to concur in it without amendment. The alternative of disagreeing is not concurring, because the House might desire to perfect the amendment by amendment.

The SPEAKER. There is no question about that proposition.

Mr. UNDERWOOD. Mr. Speaker, if the gentleman will allow me one moment, I agree that his argument is correct at this stage of the proceedings. The bill not being in disagreement as yet between the two Houses, a motion to concur does not take precedence over a motion to recede.

Mr. MANN. But we have not reached the question of receding. It is a question of whether the motion to concur takes precedence of a motion to disagree.

Mr. UNDERWOOD. I mean a motion to disagree.

Mr. MANN. Will the gentleman allow me to read something for information before he makes his argument? In Jefferson's Manual, on page 204, it says:

> The question respecting amendments from another House are, first, to agree.

Mr. UNDERWOOD. That is in committee.

Mr. MANN. No; that is in the House. There has been no action in the House.

Mr. UNDERWOOD. But where the gentleman is mistaken in that is that the committee has acted on the question of concurring or disagreeing to this particular amendment, and it has reported back to the House a disagreement. Now, the previous question has been ordered. It is not subject to amendment. If the House refuses to disagree, that is equivalent to an agreement to the amendment, or it would be in order to move to agree, and I think the report of the committee unquestionably has precedence over the motion made by an individual Member.

The SPEAKER. Has the gentleman finished?

Mr. UNDERWOOD. Yes.

The SPEAKER. What was the parliamentary inquiry of the gentleman from Mississippi?

Mr. HARRISON. The parliamentary inquiry was to this effect, in the event of a negative vote, whether that in itself was equivalent to a concurrence in these particular amendments?

The SPEAKER. The Chair will read what Jefferson said about it on page 204 of the revised Manual:

> First, to agree; second, to disagree. Either of these concludes the other necessarily, for the positive of either is exactly the equivalent to the negative of the other, and no other alternative remains. On either motion amendments to the amendment may be proposed, e. g., if it be moved to disagree, those who are for the amendment have a right to propose amendments and to make it as perfect as they can before the question of disagreeing is put.

Mr. HARRISON. Mr. Speaker, I desire to make a motion.

Mr. MANN. If the Speaker will permit me to call his attention to the note just above what the Speaker has read:

In the House of Representatives and the Senate the order of precedence of motions is as given in the parliamentary law, and the motions take precedence in that order without regard to the order in which they are moved. But a motion to amend an amendment of the other House has precedence of the motion to agree or disagree. But it has been held that when the previous question has been demanded or ordered on a motion to concur, a motion to amend is not in order.

So the previous question having been ordered, a motion to amend is not in order, but a motion to concur takes precedence.

The SPEAKER. Why, a motion to concur will be absolutely superfluous.

Mr. HARRISON. Mr. Speaker, I would just like to make a motion to concur in these two amendments.

The SPEAKER. The Chair knows, but the Manual says, and evidently the Manual is right, that is Jefferson's dictum.

Mr. GARNER. A vote either way on this proposition is equivalent to a concurrence.

The SPEAKER. How is that?

Mr. GARNER. If you vote to agree to the committee report, then you would not concur; but if you refuse to concur, it would be equal to an agreement to the committee report.

Mr. MURRAY of Oklahoma. Mr. Speaker, the motion was to concur in the recommendations of the Committee of the Whole House on the state of the Union.

The SPEAKER. Yes; it was practically a motion.

Mr. MURRAY of Oklahoma. Now, then, you can apply no additional motions to a separate question in a recommendation than you could to the whole of the recommendation. The Chair put the question or submitted the question upon the whole recommendation and asked if there was a demand for a vote on a separate amendment. Now, if you can apply any other motion to a separate provision you can apply it to all the recommendations of the Committee of the Whole House. I take it the Chair would hold against that. Then the only question before the House would be the motion to agree in the recommendation of the committee; that is, to disagree to the Senate amendments. Then, if that is agreed to, it ends the question. On the other hand, if it is not agreed to further motions may be made. The same is true if we voted on the committee amendments en bloc. In other words, it is a distinction you can not apply to one separate from all en bloc. I think the gentleman from New York is correct about it.

The SPEAKER. The only difficulty about the thing is this: If you go back to the time when the gentleman from Texas had charge of the bill, before it got into the Committee of the Whole House, why there would be no sort of trouble, because the practice is thoroughly established that when these amendments are in a certain stage that a motion to concur with an amendment takes precedence over a motion simply to concur, and in another stage that a motion to concur takes precedence, but this is not either one of those situations. This is a report from the Committee of the Whole House, and about nine-tenths, or maybe more of it, has already been agreed to, and all that is outstanding are these two amendments. If you vote down this recommendation of the Committee of the Whole to disagree, why, that is equivalent to agreeing.

Mr. FITZGERALD. Mr. Speaker, I think the Chair should recall that the practice differentiates this case from what would happen if a bill were considered by the House. Suppose a bill is reported from the Committee of the Whole with a favorable recommendation or an unfavorable recommendation and the House disagrees to the report. That bill takes its place on the calendar.

The SPEAKER. Of course it does.

Mr. FITZGERALD. Now, the Committee of the Whole House makes a certain report to the House. The question that has to be determined by the House, the previous question having been ordered, is whether it will acquiesce in that report or reject the report. It seems to me that is the question to be determined first. After that is determined the question of what is to be done afterwards must be determined later. That is, whether the bill is still before the House for further action, upon proper motion, or whether it goes back into Committee of the Whole House on the state of the Union for further recommendation.

Mr. GARDNER. Mr. Speaker, will the Chair hear me for a minute?

The SPEAKER. Yes.

Mr. GARDNER. When the House sent this bill to the committee, it sent certain amendments with it, to get the committee's idea about each of those amendments. When they came back to the House we proceeded to act upon the recommendations of the Committee of the Whole House.

Now, we are in no different position as to those amendments from what we were in before they were sent to the Committee of the Whole. There are no disagreements as yet with the Senate as regards these two amendments.

The general principle is this: After there is a disagreement, motions to concur, which will bring the Houses nearer together, are in order over motions to amend or motions to nonconcur. Before the stage of disagreement is reached the motion to agree takes precedence, of course, over the motion to disagree, but does not take precedence over a motion to amend a Senate amendment. That is the difference between the situation before and after the stage of disagreement is reached, and the reason is clear. Until you get to a disagreement you must leave every opportunity open to each House to perfect the bill. After disagreement is reached the most important legislative step is to reconcile that disagreement. Consequently, after disagreement, that motion which brings the Houses together most rapidly takes precedence over other motions.

Now, here is a situation where a motion to disagree has constructively been made by the report of the Chairman of the Committee of the Whole, and upon that is moved the previous question. The gentleman from Mississippi [Mr. HARRISON] seeks to interpose a motion of higher precedence—if I am correct in saying that it is of higher precedence. The question is this: Is the gentleman from Mississippi entitled to interpose a motion of higher precedence as against a motion of lower precedence upon which the previous question has been ordered? I maintain that it has always been decided in the House that such is the case.

For instance, I remember when a resolution was offered to lay a part of one of President Roosevelt's messages on the table on account of certain statements at which the House took umbrage. I desired to head off the moving of the previous question on that resolution. I was opposed to the resolution and sought to obtain its postponement. I offered a motion to postpone the resolution, and on that I moved the previous question. The Chair held that I had made a motion of lower precedence, to wit, a motion to postpone, and then, by the simple device of moving the previous question on that motion of lower precedence, had endeavored to transform it into a motion of higher precedence. The Chair held that my device did not take away the right of the gentleman from Minnesota, Mr. Tawney, to make a motion of higher precedence. Now, it seems to me that that indicates the solution of this question.

The SPEAKER. The Chair would like to ask the gentleman a question.

Mr. GARDNER. Yes.

The SPEAKER. The previous question has not only been demanded on this, but it has actually been ordered.

Mr. GARDNER. But the House may not, without action of the Committee on Rules, destroy one of its own rules, which is that at certain stages certain motions have precedence over other motions. The Chair will readily see that if the House could change its rules in that way, it might, by adopting the previous question on a motion to postpone, cut out the motion to lay on the table. Yet the Chair has often seen the motion to lay on the table given the highest precedence in the House.

The SPEAKER. Does the gentleman contend that the gentleman from Mississippi [Mr. HARRISON] or any other gentleman has the right to make a motion to concur or to concur with an amendment?

Mr. MANN. Not with an amendment.

Mr. GARDNER. Not with an amendment after the previous question is ordered, and not with an amendment at all after the stage of disagreement is reached, if the question on recession and concurrence is demanded.

The SPEAKER. What good does the previous question do?

Mr. GARDNER. The previous question cuts off the opportunity of the gentleman from Mississippi to amend the bill at this particular stage, but does not prevent him from interposing the motion to agree ahead of the pending question of disagreement.

Now, may I say a word about the argument of the gentleman from New York [Mr. FITZGERALD], to wit, as to what happens when a bill comes out of the Committee of the Whole House on the state of the Union with an unfavorable recommendation, in case the House negatives that unfavorable recommendation? The gentleman invited the attention of the Chair to the fact that the bill in that case stands recommitted to the Committee of the Whole. This rule is an inheritance from the old Kansas-Nebraska fight. The enacting clause of that bill was stricken out in Committee of the Whole long before the consideration of the bill was completed. Thereupon the committee rose and the House promptly disagreed with the report and passed the bill

under the operation of the previous question. All this was done for the purpose of circumventing the antislavery filibuster against the Kansas-Nebraska bill. After a time this device grew into an abuse and resulted in many bills getting out of Committee of the Whole before they had been considered for amendment.

Later on this present rule was adopted, so that bills which got out of Committee of the Whole without being read for amendment would have to go back to the committee before the House could pass them. The rule does not govern a case like the present.

Mr. MURRAY of Oklahoma. Mr. Speaker, will the gentleman yield?

Mr. GARDNER. Certainly.

Mr. MURRAY of Oklahoma. I think if the gentleman will consider the situation in this way he will discover that this is an exception to the general rule. For instance, under the general rule it is always in order to move to adjourn, but there are times when that motion is not in order. This is a Senate amendment, it is true, but is not this a controversy between the House and the Committee of the Whole rather than a controversy between the House and the Senate?

Mr. GARDNER. No, indeed; the House has referred each one of these Senate amendments seriatim to the Committee of the Whole, and the committee has reported seriatim.

Mr. MURRAY of Oklahoma. And then it comes back as to whether we will agree with the Committee of the Whole and not the Senate.

Mr. GARDNER. On each separate amendment of the Senate the House must act. Each of these Senate amendments was separately submitted to the committee for recommendation, and each of those amendments must be separately acted upon when it comes back, unless unanimous consent be given to act on them otherwise.

Mr. MURRAY of Oklahoma. Suppose a bill, when referred to the House in Committee of the Whole, is amended when it comes back. What is your situation then? The same principle applies in this case.

Mr. GARDNER. Bills are not amended before they come back. Amendments are recommended by the committee, and the House acts on them.

Mr. MURRAY of Oklahoma. The gentleman understands that this is a question of the Committee of the Whole now and not a question with the Senate.

Mr. MANN. Mr. Speaker, just a moment.

The SPEAKER. The gentleman from Illinois is recognized.

Mr. MANN. The gentleman from Mississippi [Mr. HARRISON] has had no opportunity at any time up to the present time to move to concur in the Senate amendment.

Here is a motion of the first order, which has priority over every other motion except the motion to concur. He has had no opportunity to make that motion. When the previous question was ordered it was ordered on all of the Senate amendments. I do not think that by any scheme you can cut out the right of a Member to move to concur. He has not had that right heretofore. There has been no chance for him to make the motion to concur, because he could not make that motion until that amendment came before the House. That amendment has only now come before the House. He could not yesterday move to concur in the Senate amendment, because he could not make that motion until amendment 139 was reached. The previous question was demanded and ordered before amendment No. 139 was taken up. Whether that was in order or not I do not know; but I think, in the interest of expedition of business, it is desirable to hold that the previous question may be ordered on all the Senate amendments to final passage, rather than to require that that motion shall be made separately on each amendment as it is taken up. I do not think the House by a scheme of machinery can cut out the right to offer the preferential motion. But I call the attention of the Speaker to clause 7 of Rule XXIII as to what would be the effect of disagreeing to the recommendation of the committee. The committee has reported Senate amendments 139 and 140, with the recommendation that they be disagreed to. That is an adverse report on those amendments; and the rule is that whenever a bill is reported from a Committee of the Whole with an adverse recommendation, and such recommendation is disagreed to by the House, the bill shall stand recommitted to the committee without further action of the House; so that if we should now disagree to the recommendation of the Committee of the Whole to disagree to the Senate amendment this bill would have to go back to the committee. You accomplish everything that you wish to accomplish by holding in order the motion to concur, because if that is agreed to the amendment is concurred in, and if it is disagreed to the amendment is disagreed to.

The SPEAKER. What does the gentleman say about the previous question being ordered on the whole thing?

Mr. MANN. I say this: The previous question was ordered yesterday, on the motion of the gentleman from Texas [Mr. STEPHENS] to order the previous question on all of these amendments.

The SPEAKER. Yes.

Mr. MANN. The question of order was not raised on that motion. When that motion was made it was evident that the gentleman from Mississippi [Mr. HARRISON] could not make the preferential motion at that time, because his amendment had not been reached; and if that motion had been made and somebody had made a point of order on it, and the Chair had said that you would have to order the previous question on each amendment as it came up, the Chair would have afforded the finest chance for a filibuster that any ruling has ever furnished, because if we had to order the previous question on each of these amendments as they came up, there being 168 amendments—and there having been 200 amendments on the sundry civil bill—a minority of one-fifth in the House could keep the House here until beyond next Christmas to pass an appropriation bill; and I think the Speaker would be justified in holding that the motion for the previous question could be made on all the Senate amendments at once, but not in saying that it could cut out the right to make a preferential motion, as these amendments were taken up seriatim. We could have had a separate vote on every one of the Senate amendments.

The SPEAKER. I know; and you might stay here until Christmas, too.

Mr. MANN. Well, that separate vote was not asked for; but if you had to move the previous question on each one at the same time, then you could have two roll calls on each amendment, and that is where you would land with that ruling, unless——

Mr. FITZGERALD. The rule expressly authorizes the previous question to be ordered on an amendment or amendments.

Mr. MANN. I understand; and I did not say it was out of order; but if the motion for the previous question was in order, it was not then in order to move to concur in this Senate amendment, and you would be cutting out the right to offer a preferential motion; and the rule is fixed so that the House itself can not take away the right to offer a preferential motion, which is the motion to concur.

Mr. CAMPBELL. Mr. Speaker, while it is true as a fundamental proposition that the motion to concur takes precedence of the motion to disagree, there is a time when that motion should be made. If the gentleman from Texas [Mr. STEPHENS] had asked to take from the Speaker's table the bill making appropriations for the Indian Service, and disagree to all the Senate amendments and send the bill to conference, as he might have done, a motion to concur in certain Senate amendments would have taken precedence over a motion to disagree. But the House, in order to expedite its business, sent this bill to the Committee of the Whole with all the Senate amendments, and the Committee of the Whole took the time of the House for two days, evidently carrying out the desire of the House to expedite the business. Finally the Committee of the Whole sent the bill back to the House with recommendation that certain amendments be disagreed to.

Now, if we begin with preferential motions, where we would have been four days ago, and move to concur in every one of the Senate amendments that the Committee of the Whole House has recommended that we disagree to, we have made no progress by sending the bill to the Committee of the Whole for the consideration of Senate amendments. The intention of the rule must be that the preferential motion shall be made before a bill from another House goes to the Committee of the Whole, and that the motion now is to concur in the recommendation made by the Committee of the Whole, and that that motion has precedence.

Mr. MANN. Will the gentleman from Kansas yield for a question?

Mr. CAMPBELL. Yes.

Mr. MANN. When could there be an opportunity to make a motion to concur before this bill was referred to the Committee of the Whole House on the state of the Union?

Mr. CAMPBELL. Oh, the opportunity was had in the Committee of the Whole.

Mr. MANN. Oh, no; not in the Committee of the Whole.

Mr. CAMPBELL. The gentleman from Mississippi [Mr. HARRISON] made the preferential motion in the Committee of the Whole, and its consideration occupied several hours.

Mr. MANN. I know; but in the House. The gentleman stated that the motion to concur ought to have been made before the bill was referred to the Committee of the Whole House on the state of the Union. When was there opportunity to make such a motion?

Mr. CAMPBELL. Unfortunately, a Member must choose his remedy.

Mr. MANN. He could not have had that one; that is sure.

Mr. CAMPBELL. He could have opposed sending the bill to the Committee of the Whole.

Mr. MANN. Not at all; that is done automatically by the Speaker, and not done by the House. It is referred to the Committee on Indian Affairs by the Speaker under the rules of the House. When it is reported back it is referred to the Committee of the Whole House on the state of the Union by the Speaker and not by the House.

Mr. GARRETT of Tennessee. Will the gentleman from Kansas permit me to ask the gentleman from Illinois a question?

Mr. CAMPBELL. Yes.

Mr. GARRETT of Tennessee. Is not the trouble here a failure to remember that this proposition is a de novo proposition?

Mr. MANN. I think it is a de novo proposition.

Mr. GARRETT of Tennessee. If it be a de novo proposition, why does not the previous question moved by the gentleman from Texas apply to the bill and all amendments thereto, as is the case with all other propositions?

Mr. MANN. Because the previous question can not cut off a preferential motion. A motion to recommit was made after the previous question was ordered. Suppose when a Senate amendment comes before the House some gentleman moves to disagree and demands the previous question, that does not cut off the right to make a preferential motion, nor does the ordering of the previous question cut off the right.

Mr. GARRETT of Tennessee. In so far as the House is concerned, is it not a mistake to even consider Senate amendments in Committee of the Whole? It is not a Senate amendment when it goes to the Committee of the Whole, but the bill comes in de novo. The House does not recognize Senate amendments except as a matter of convenience.

Mr. MANN. The gentleman is mistaken. The rule specifically provides for the consideration of Senate amendments, and when this bill was referred to the Committee of the Whole it was only for the consideration of the Senate amendments. No other portion of the bill was considered.

Mr. GARRETT of Tennessee. The rule provides that any Senate amendment shall be subject to a point of order when it is being considered in Committee of the Whole; if appearing originally in the House bill it would be subject to that point of order.

Mr. MANN. The rules require that it shall be considered in Committee of the Whole House on the state of the Union if it involves an appropriation, and so forth, or if it were a matter in the House that would require consideration by the Committee of the Whole House on the state of the Union. That is only avoided by unanimous consent, generally, and the rules require it.

Mr. FITZGERALD. Mr. Speaker, I wish to call the attention of the Chair to one instance where a somewhat similar case was decided. But first I wish to call the attention of the Speaker to this fact: If the Committee of the Whole House on the state of the Union reports a bill, either with a favorable recommendation or with a recommendation that the enacting clause be stricken out, the only question that could be submitted to the House is the recommendation of the Committee of the Whole House on the state of the Union. No other motion can intervene.

Now, on May 5, 1826——

The SPEAKER. From what is the gentleman reading?

Mr. FITZGERALD. Section 6271 of volume 5 of Hinds' Precedents.

On May 5, 1826, the Committee on the Judiciary, to whom was referred a message of the Senate announcing that that body adhered to its amendment to the bill to amend the judiciary system of the United States, reported the following resolution:

Resolved, That a conference be asked of the Senate upon the subject matter of the disagreeing votes of the two Houses on the amendment proposed by the Senate to the said bill.

Mr. John Forsyth, of Georgia, proposed a motion to agree to the Senate amendment.

The Speaker declined to receive the motion, on the ground that the question before the House was the resolution of the Committee on the Judiciary, which must first be disposed of.

The question before the House at this time is the recommendation of the Committee of the Whole House on the state of the Union that the Senate amendment be disagreed to, and until that report is disposed of no other motion is in order. This precedent is the only one I have been able to find, and it comes as close to this situation as it is possible to have it. The report of the Committee on the Judiciary was in effect a report that the chairman be instructed to move that a conference be asked, and it was equivalent under the present rules to a demand to reduce that motion to writing and put it in the form of a resolution. The other motion, which is a preferential motion, was held not to be in order until the recommendation of the committee was disposed of.

The SPEAKER. The Chair will ask the gentleman if he thinks that the case he cited is parallel to this?

Mr. FITZGERALD. Not exactly parallel; but I call the attention of the Chair to the fact that while that report from the Committee on the Judiciary purports to be a resolution, it in effect is a motion reduced to writing under the rules of the House. Every motion must be reduced to writing if demanded by any Member. The report of the Committee of the Whole House on the state of the Union is no different from a report from any other committee. The Committee on the Judiciary, to which the Senate amendment and message were referred, reported its recommendation. In this case the Committee of the Whole House on the state of the Union, to which the Senate amendments were referred, has made its report. In both instances the report of the committee is before the House. In that case the preferential motion to recede from the amendment and agree to the same, after notice on the part of the Senate that it adhered to its amendment, was the most highly privileged motion that could be made, because it brought the Houses together and ended the disagreement, and yet it was held that that motion could not be entertained until the report of the Committee on the Judiciary had been disposed of.

In the case now before the House the stage of disagreement has not been reached. The report of the committee is before the House, and that report must be disposed of before any other motion.

Mr. GARDNER. Will the gentleman yield?

Mr. FITZGERALD. Yes.

Mr. GARDNER. If that is sound parliamentary law to-day, it is as much as saying that the recommendation of the committee must be acted on before the question can be put as to another disposition of the subject matter.

Mr. FITZGERALD. What other action could be taken if the Committee of the Whole House on the state of the Union made a report that the enacting clause be stricken out of the bill?

Mr. GARDNER. That is different; but suppose a standing committee reports a resolution to censure a Member, does the gentleman for a moment say that the question must be on the adoption of that resolution before the question can be taken on the motion to table the whole matter?

Mr. FITZGERALD. Oh, the motion to table the matter is different. The gentleman can move to table this amendment and end the bill; because the laying of the amendment on the table under the practice of the House would carry the entire bill to the table.

Mr. GARDNER. If the ruling of 1827 is correct, it means that when a committee makes a report, their report is pending and can not be displaced by a motion of higher privilege.

Mr. FITZGERALD. The difficulty is that the gentleman does not appreciate that there is some difference in the proceeding upon the Senate amendments and upon bills ordinarily brought before the House. The Senate amendments are here. The previous question has been ordered. If the Speaker holds that the previous question is ordered on these amendments until they are finally disposed of, then it makes no difference when this amendment comes before the House, nothing can be done with it. My contention is that the previous question is ordered on the recommendation of the committee as to the disposition of the Senate amendments.

If the motion of the gentleman from Mississippi [Mr. HARRISON] can be interposed at this point and the previous question considered ordered on the motion to concur and the motion to disagree, then the House has to determine to concur in the amendment or to disagree to the amendment, and do nothing else. It may be possible that the House desires to refuse to concur in the recommendation of the Committee of the Whole and to concur in the Senate amendment with an amendment. To hold that the previous question is operating on the recommendation of the committee to disagree, and also operating on the motion of the gentleman from Mississippi that would be interposed, to concur, would be to tie the House hand and foot and place it in a position where it can do nothing except to concur or disagree. If the House wishes to concur, it will first

vote down the recommendation of the committee and the amendment will be before it, and then it can concur in it with an amendment or it can concur in it without an amendment.

Mr. GARDNER. Suppose the previous question had not been adopted at this particular stage of the proceedings; which would have preference, the motion to agree or the motion to disagree?

Mr. FITZGERALD. My contention is that the vote must first be taken upon the report made by the Committee of the Whole. That is what is before the House, and that is not amendable. The House must dispose of the recommendation of the Committee of the Whole. Suppose a bill had been reported from the Committee of the Whole with a favorable recommendation, would the gentleman contend that we could interpose with the motion to strike out the enacting clause?

Mr. GARDNER. Certainly; you could interpose with any preferential motion, to lay it on the table or anything of the sort.

Mr. FITZGERALD. It would not be in order after the previous question had been ordered.

Mr. MANN. Mr. Speaker, will the gentleman yield?

Mr. FITZGERALD. Yes.

Mr. MANN. The gentleman has charge of a great many appropriation bills, and always when they are reported from the Committee of the Whole House on the state of the Union moves the previous question. For what purpose did the gentleman make that motion?

Mr. FITZGERALD. To cut out further amendment and debate.

Mr. MANN. But the gentleman has just stated that the House must first dispose of the committee recommendations before it can do anything else. The fact that the gentleman always moves the previous question is of itself conclusive proof that a motion to amend the bill takes precedence of the motion to pass the bill.

Mr. FITZGERALD. The motion to amend the bill is one thing, but a motion to modify the report of the committee is a different thing. The report of the committee is that certain amendments be agreed to and that the bill as amended do pass. Other amendments may be in order, or modifications of the amendments reported may be in order, without the previous question, but no modification of the report that the amendments be agreed to and that the bill do pass is in order after the previous question.

Mr. MANN. It is not the recommendation of the committee that comes before the House; it is the bill that comes before the House; and when the Committee of the Whole House on the state of the Union reports a bill it may be without any amendments, but with the recommendation that the bill do pass. The vote is not on the recommendation of the committee; it is on the bill; and without the previous question being ordered a motion to amend the bill is in order, and the gentleman knows that as well as I do.

Mr. FITZGERALD. I remember a decision where the Committee of the Whole House on the state of the Union reported a bill with the recommendation that it do lie on the table, and because of the peculiar character of that report it was held that it was necessary to move that the bill lie on the table; otherwise it might be desired to discuss the recommendation, and debate would not be possible if the motion were considered as pending.

Mr. GARDNER. If the Chairman of the Committee of the Whole House on the state of the Union reports an appropriation bill and the gentleman from New York moves the previous question on the bill and amendments to final passage, would the gentleman assert that it would be out of order for me to interpose a motion to lay the whole thing on the table?

Mr. FITZGERALD. It has been held that that motion is in order.

Mr. GARDNER. Then it seems to me that settles it.

Mr. FITZGERALD. If the previous question be ordered, the motion to lay on the table is not in order.

Mr. GARDNER. That may or may not be so.

Mr. FITZGERALD. I argued that question very elaborately here, and Mr. Speaker Cannon held that pending the demand for the previous question the motion to lay on the table was in order, but after the previous question had been ordered the House having determined the vote on the main question the motion to lay on the table was not in order.

Mr. GARDNER. But the gentleman has shifted his ground. He contends that the pending question is the acceptance of the report of this Committee of the Whole. He has founded his whole argument on that substructure, and when I force him to admit that I have the right to interpose a motion to lay on the table he shifts his position by saying that the motion to lay on the table is not in order if the previous question has been ordered.

Mr. FITZGERALD. Mr. Speaker, I am simply citing what I know to be the established rule of the House, which was impressed upon my mind very distinctly, because in the extra session, when the Payne bill was under consideration, a Member on this side moved to discharge a committee and take up a resolution of inquiry. There was some discussion, and the gentleman from New York [Mr. PAYNE] announced that he would move to lay the resolution upon the table. I advised the Member upon this side to demand the previous question, in order to shut out that motion. After an argument lasting some time, Speaker Cannon held that if the previous question were ordered the motion to lay on the table would not be in order, because there was a distinct ruling to that effect——

Mr. GARDNER. Nobody denies that.

Mr. FITZGERALD (continuing). But that if the previous question had only been demanded, it did not cut off the motion.

Mr. GARDNER. Nobody denies that; but the gentleman has based his whole superstructure on the supposition that the pending question must always be the report of the committee, and that a motion can not be interposed. Now, he says that if the previous question were ordered on the report of the committee, that then nothing can be interposed, and I forced him to admit that prior to the previous question being demanded a motion to lie on the table could be interposed.

Mr. SAUNDERS. Mr. Speaker, the subject matter before the House now is not the amendment, but the report of the Committee of the Whole House relating to the amendment. In other words, there is before us, so to say, a motion of the Committee of the Whole relating to the disposition of this subject matter, the subject matter being the amendment. With reference to the report of the committee, touching this subject matter, the previous question has been ordered. The main question now being the disposition of the recommendation of the committee relating to this particular subject matter. It does not seem to me that after the previous question has been ordered, the motion of an individual Member relating to the amendment, and not to the recommendation of the committee, can be received, or regarded as preferential. This motion, so to say, of the Committee of the Whole should be entitled to preferential disposition, and be immediately acted upon by a vote of this body. The gentleman from Texas [Mr. GARNER] suggests that if we do not agree to the recommendation of the Committee of the Whole we thereby agree to the Senate amendment. But in this he is in error. We do not do anything of the sort. The House may be perfectly willing to disagree to the amendment, by agreeing to the recommendation of the Committee of the Whole, but that does not mean that if the House votes down this recommendation it is therefore ready and willing to concur in the amendment. Not at all. By rejecting the recommendation of the committee, we leave ourselves in a position to deal with the amendment as we see fit. We may be willing to agree to the same, on a motion to that effect, or we may be willing to agree to it with an amendment. Hence to vote down the recommendation of the Committee of the Whole simply brings the subject matter of that recommendation before the House for our disposition. Once before the House we may direct to it any motions that are proper under our rules. It seems to me that the plain common sense of this matter is to vote upon this recommendation with relation to which the previous question has been ordered, and if in its discretion, the House shall vote down that recommendation, then we can deal with the Senate amendment as may seem best to us, by appropriate motion.

The SPEAKER. The Chair will inquire of the gentleman from Mississippi—there has been so much of this—did the gentleman ask that these two amendments be considered together?

Mr. HARRISON. I asked yesterday afternoon for the two amendments to be considered together, and there was objection.

The SPEAKER. It was objected to?

Mr. HARRISON. I now renew that request that these two amendments be considered as pending and be considered together.

The SPEAKER. The gentleman from Mississippi asks unanimous consent that amendments numbered 139 and 140 be considered together. Is there objection?

Mr. FERRIS. Mr. Speaker, for the same reason I objected yesterday afternoon I object to it again. The amendments are entirely unrelated to each other and separate matters, and ought to be voted on separately.

The SPEAKER. The situation is this: The Chairman of the Committee of the Whole House on the state of the Union [Mr. UNDERWOOD], acting for that committee, reported to the House that all of the Senate amendments to this Indian bill be dis-

agreed to except amendments numbered 6 and 13, which should be agreed to, and which were agreed to. The rest of them were disagreed to except amendments numbered 139 and 140, on the request of the gentleman from Mississippi [Mr. HARRISON] to have a separate vote on them. It happens in practice that nobody ever moves to adopt the report of the Committee of the Whole House on the state of the Union. There are two instances in which no motion is required. One is on a conference report and one is on the report of the Committee of the Whole House on the state of the Union, but practically the motion is pending to agree to the report of the Committee of the Whole House on the state of the Union. Ordinarily three motions could be made—that is, if this bill is in that state—a motion to disagree, a motion to concur with an amendment, and a flat motion to concur. Now, in this matter it seems to the Chair it ought to be decided in a way to give the House the best opportunity to really express its opinion. It might want to disagree, it might want to flatly concur, it might want to concur with an amendment. The previous question having been ordered on this matter, the Chair thinks that the motion to concur is not in order, and that the vote is on whether the House will adopt the report of the Chairman of the Committee of the Whole House on the state of the Union as to these two amendments—that is, to disagree to them—and the vote is on amendment numbered 139.

Mr. GARDNER. Mr. Speaker, a parliamentary inquiry for the sake of the record. The Chair has held that it is because the previous question had been adopted?

Mr. SPEAKER. Yes.

Mr. HARRISON. Mr. Speaker, I will again make my parliamentary inquiry on the proposition.

The SPEAKER. The gentleman will state it.

Mr. HARRISON. That is, if the negative vote fails on this disagreement whether or not that will be equivalent to a concurrence?

The SPEAKER. The Chair thinks not in this peculiar situation. If the question was simply on this amendment, then it would be.

Mr. HARRISON. Mr. Speaker, I ask unanimous consent that the two amendments be reported.

The SPEAKER. Without objection, the Clerk will report the two amendments.

Mr. BURKE of South Dakota. I object, Mr. Speaker. I do not object to 139 being reported.

The SPEAKER. The Clerk will report amendment No. 139 unless some other gentleman objects.

The Clerk read as follows:

That the Secretary of the Interior be, and he is hereby, authorized to make a per capita payment to the enrolled members of the Choctaw, Chickasaw, and Cherokee tribes of Indians, of Oklahoma, entitled under existing law to share in the funds of their respective tribes, or to their lawful heirs out of any moneys belonging to said tribes in the United States Treasury or deposited in any bank or held by any official under the jurisdiction of the Secretary of the Interior, said payment not to exceed, in the case of the Choctaws and Chickasaws, $100 per capita, and in the case of the Cherokees, not to exceed $15 per capita, and all said payments to be made under such rules and regulations as the Secretary of the Interior may prescribe: *Provided*, That in cases where such enrolled members, or their heirs, are Indians who by reason of their degree of Indian blood belong to the restricted class, the Secretary of the Interior may, in his discretion, withhold such payments and use the same for the benefit of such restricted Indians: *Provided, however*, That the provisions of this act shall not be applicable to the members of the Choctaw Nation in Oklahoma until Congress shall have determined the rights of the Mississippi Choctaws whose names do not appear upon the approved rolls of the Choctaws in Oklahoma and until such of said Mississippi Choctaws as shall be found entitled to enrollment have been placed upon the rolls of citizenship of the Choctaw Nation.

Mr. FERRIS. Mr. Speaker, a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. FERRIS. A vote of "yea" concurs in the report of the Committee of the Whole and disagrees to the Senate amendment, and a vote of "nay" to the contrary. Am I correct in that assumption?

The SPEAKER. Yes.

Mr. FERRIS. And a disagreement in the Senate amendment amounts to sending the matter to conference, does it not?

The SPEAKER. No mere disagreement would send it to conference, but the probabilities are that that is where it would go. Of course it would take another motion.

Mr. HARRISON. Mr. Speaker, I desire to renew my unanimous-consent request that amendment No. 140 be read in connection with amendment No. 139.

Mr. BURKE of South Dakota. Mr. Speaker, I shall object to amendment No. 140 being read until No. 139 is disposed of.

The SPEAKER. The gentleman from South Dakota objects.

Mr. HARRISON. I desire to make another unanimous-consent request.

The SPEAKER. The gentleman will state it.

Mr. HARRISON. I ask unanimous consent that amendment No. 140 be considered before amendment No. 139.

The SPEAKER. The gentleman from Mississippi asks unanimous consent that amendment No. 140 be considered before amendment No. 139. Is there objection?

Mr. BURKE of South Dakota. I object, Mr. Speaker.

The SPEAKER. Now, the Committee of the Whole House on the state of the Union reports in favor of disagreeing to Senate amendment No. 139.

Mr. CARTER. Mr. Speaker, a vote "yea" would be a vote to disagree?

The SPEAKER. Yes.

Mr. CARTER. And a vote "nay" would mean not to disagree? And if the nays should be in the majority, then this matter would not be sent to conference until some other disposition was made of it?

The SPEAKER. That is the Chair's understanding. Those in favor of the report of the Committee of the Whole House on the state of the Union on amendment No. 139——

Mr. HARRISON. Mr. Speaker, I ask for the yeas and nays.

The SPEAKER. The gentleman from Mississippi [Mr. HARRISON] demands the yeas and nays.

Mr. MANN. Mr. Speaker, I make the point that there is no quorum present.

The SPEAKER. The gentleman from Illinois makes the point of no quorum.

Mr. MANN. In order to expedite business, however, I withdraw the point of no quorum.

The SPEAKER. The gentleman from Mississippi [Mr. HARRISON] demands the yeas and nays.

The yeas and nays were ordered.

Mr. BURNETT. Mr. Speaker, a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. BURNETT. What is the status of the proposition before the House? What is it the House is voting on?

The SPEAKER. The House is to vote on the part of the report of the Committee of the Whole House on the state of the Union which recommended a disagreement to Senate amendment No. 139, which is the Choctaw amendment.

Mr. BURNETT. That is the recommendation of the Committee of the Whole House on the state of the Union?

The SPEAKER. The recommendation of the Committee of the Whole House on the state of the Union is that the House disagree to amendment No. 139; and a vote "yea"——

Mr. BURNETT. Sends it back to conference?

The SPEAKER. A vote "yea" simply means a disagreement to that amendment.

Mr. ALEXANDER. Is it not a disagreement to amendment No. 139?

The SPEAKER. Yes.

Mr. ALEXANDER. That is the question.

The SPEAKER. The yeas and nays are ordered, and the Clerk will call the roll.

The question was taken; and there were—yeas 153, nays 92, answered "present" 9, not voting 179, as follows:

YEAS—153.

Alexander	Fess	Jacoway	Roberts, Nev.
Allen	Fitzgerald	Johnson, S. C.	Rubey
Anderson	Fitzhenry	Johnson, Utah	Rucker
Avis	Floyd, Ark.	Kahn	Saunders
Bailey	Foster	Keating	Scott
Barkley	Francis	Keister	Seldomridge
Barton	Frear	Kennedy, Conn.	Sinnott
Bathrick	French	Kennedy, Iowa	Sloan
Bell, Cal.	Gard	Kent	Smith, Idaho
Booher	Gardner	Key, Ohio	Smith, Saml. W.
Bowdle	Garner	Kinkaid, Nebr.	Stafford
Brodbeck	Garrett, Tenn.	Kirkpatrick	Stephens, Cal.
Bulkley	Garrett, Tex.	Konop	Stephens, Tex.
Burgess	Gill	Lenroot	Stevens, N. H.
Burke, S. Dak.	Gillett	Lesher	Stone
Burnett	Gittins	Lieb	Stout
Byrns, Tenn.	Glass	Lindbergh	Taggart
Campbell	Godwin, N. C.	Lindquist	Talcott, N. Y.
Cantor	Goeke	Lloyd	Tavenner
Caraway	Gordon	McGuire, Okla.	Taylor, Ark.
Carter	Graham, Ill.	Maguire, Nebr.	Taylor, Colo.
Clancy	Gray	Mann	Taylor, N. Y.
Connolly, Iowa	Greene, Mass.	Mapes	Temple
Cox	Greene, Vt.	Mondell	Thacher
Cullop	Hamilton, Mich.	Morgan, Okla.	Thomson, Ill.
Curry	Hammond	Murray, Okla.	Towner
Danforth	Harris	Nolan, J. I.	Townsend
Dershem	Haugen	O'Hair	Treadway
Dickinson	Hawley	Oldfield	Tuttle
Difenderfer	Hay	Park	Vollmer
Dillon	Hayden	Payne	Volstead
Dixon	Helgesen	Peters, Mass.	Wallin
Doolittle	Helvering	Post	Williams
Dunn	Hill	Prouty	Wingo
Edmonds	Hinebaugh	Rainey	Woodruff
Esch	Howell	Raker	Woods
Falconer	Hughes, Ga.	Rauch	
Fergusson	Hull	Reed	
Ferris	Humphrey, Wash.	Reilly, Wis.	

NAYS—92.

Abercrombie	Conry	Helm	Padgett
Aiken	Cramton	Hodland	Peterson
Aswell	Deitrick	Howard	Phelan
Baltz	Dent	Igoe	Platt
Beakes	Donohoe	Kelly, Pa.	Quin
Blackmon	Donovan	Kindel	Ragsdale
Britten	Doremus	Korbly	Rogers
Brockson	Doughton	Langley	Rouse
Broussard	Dupré	Lee, Ga.	Rupley
Brown, W. Va.	Eagan	Lee, Pa.	Russell
Brumbaugh	Elder	Lever	Sherwood
Buchanan, Tex.	Estopinal	Lewis, Md.	Sisson
Burke, Wis.	Faison	Lonergan	Smith, Md.
Byrnes, S. C.	Finley	McKenzie	Smith, Minn.
Candler, Miss.	Flood, Va.	MacDonald	Stedman
Carlin	Fowler	Madden	Stephens, Miss.
Carr	Gallivan	Mahan	Tribble
Casey	Goodwin, Ark.	Manahan	Underwood
Chandler, N. Y.	Green, Iowa	Miller	Watkins
Clark, Fla.	Gregg	Mitchell	Watson
Cline	Hamlin	Montague	Webb
Coady	Harrison	Moon	Whitacre
Collier	Heflin	Murray, Mass.	Witherspoon

ANSWERED "PRESENT"—9.

Ansberry	Levy	Page, N. C.	Rayburn
Bryan	Morrison	Pou	Stevens, Minn.
Hardy			

NOT VOTING—179.

Adair	Evans	Langham	Roberts, Mass.
Adamson	Fairchild	Lazaro	Rothermel
Ainey	Farr	L'Engle	Sabath
Anthony	Fields	Lewis, Pa.	Scully
Ashbrook	Fordney	Linthicum	Sells
Austin	Gallagher	Lobeck	Shackleford
Baker	George	Loft	Sharp
Barchfeld	Gerry	Logue	Sherley
Barnhart	Gilmore	McAndrews	Shreve
Bartholdt	Goldfogle	McClellan	Sims
Bartlett	Good	McCoy	Slayden
Beall, Tex.	Gorman	McDermott	Slemp
Bell, Ga.	Goulden	McGillicuddy	Small
Borchers	Graham, Pa.	McKellar	Smith, J. M. C.
Borland	Griest	McLaughlin	Smith, N. Y.
Brown, N. Y.	Griffin	Maher	Smith, Tex.
Browne, Wis.	Gudger	Martin	Sparkman
Browning	Guernsey	Merritt	Stanley
Bruckner	Hamill	Metz	Steenerson
Buchanan, Ill.	Hamilton, N. Y.	Moore	Stephens, Nebr.
Burke, Pa.	Hardwick	Morgan, La.	Stringer
Butler	Hart	Morin	Sumners
Calder	Hayes	Moss, Ind.	Sutherland
Callaway	Henry	Moss, W. Va.	Switzer
Cantrill	Hensley	Mott	Talbott, Md.
Carew	Hinds	Murdock	Taylor, Ala.
Cary	Hobson	Neeley, Kans.	Ten Eyck
Church	Houston	Neely, W. Va.	Thomas
Claypool	Hoxworth	Nelson	Thompson, Okla.
Connelly, Kans.	Hughes, W. Va.	Norton	Underhill
Cooper	Hulings	O'Brien	Vare
Copley	Humphreys, Miss.	Oglesby	Vaughan
Covington	Johnson, Ky.	O'Leary	Walker
Crisp	Johnson, Wash.	O'Shaunessy	Walsh
Crosser	Jones	Paige, Mass.	Walters
Dale	Kelley, Mich.	Palmer	Weaver
Davenport	Kennedy, R. I.	Parker	Whaley
Davis	Kettner	Patten, N. Y.	White
Decker	Kiess, Pa.	Patton, Pa.	Willis
Dies	Kinkead, N. J.	Peters, Me.	Wilson, Fla.
Dooling	Kitchin	Plumley	Wilson, N. Y.
Driscoll	Knowland, J. R.	Porter	Winslow
Drukker	Kreider	Powers	Young, N. Dak.
Eagle	Lafferty	Reilly, Conn.	Young, Tex.
Edwards	La Follette	Riordan	

So the recommendation to disagree to Senate amendment No. 130 was agreed to.

The Clerk announced the following pairs:

On the vote:

Mr. THOMPSON of Oklahoma (for) with Mr. WHALEY (against).

Mr. MORRISON (for) with Mr. KITCHIN (against).

For the session:

Mr. BARTLETT with Mr. BUTLER.

Mr. SCULLY with Mr. BROWNING.

Mr. METZ with Mr. WALLIN.

Mr. ADAMSON with Mr. STEVENS of Minnesota.

Until further notice:

Mr. LAZARO with Mr. PARKER.

Mr. MCKELLAR with Mr. GRAHAM of Pennsylvania.

Mr. ASHBROOK with Mr. BARTHOLDT.

Mr. YOUNG of Texas with Mr. AINEY.

Mr. HARDWICK with Mr. J. R. KNOWLAND.

Mr. SPARKMAN with Mr. VARE.

Mr. MOSS of Indiana with Mr. SELLS.

Mr GILMORE with Mr. AUSTIN.

Mr. HOUSTON with Mr. PORTER.

Mr. GOLDFOGLE with Mr. LANGHAM.

Mr. EDWARDS with Mr. KENNEDY of Rhode Island.

Mr. VAUGHAN with Mr. SHREVE.

Mr. PATTEN of New York with Mr. NORTON.

Mr. THOMAS with Mr. FAIRCHILD.

Mr. MORGAN of Louisiana with Mr. PETERS of Maine.

Mr. BRUCKNER with Mr. BROWNE of Wisconsin.

Mr. BULKLEY with Mr. CALDER.

Mr. RIORDAN with Mr. WALTERS.

Mr. TALBOTT of Maryland with Mr. MERRITT.

Mr. STEPHENS of Nebraska with Mr. LEWIS of Pennsylvania.

Mr. CANTRILL with Mr. COPLEY.

Mr. TAYLOR of Alabama with Mr. HUGHES of West Virginia.

Mr. DALE with Mr. MARTIN.

Mr. SMITH of Texas with Mr. YOUNG of North Dakota.

Mr. MCGILLICUDDY with Mr. GUERNSEY.

Mr. HENRY with Mr. HINDS.

Mr. DAVENPORT with Mr. J. M. C. SMITH.

Mr. MCDERMOTT with Mr. GRIEST.

Mr. NEELEY of Kansas with Mr. PAIGE of Massachusetts.

Mr. SHACKLEFORD with Mr. ROBERTS of Massachusetts.

Mr. SABATH with Mr. SWITZER.

Mr. ADAIR with Mr. BARCHFELD.

Mr. BELL of Georgia with Mr. PLUMLEY.

Mr. BORLAND with Mr. ANTHONY.

Mr. BROWN of New York with Mr. CARY.

Mr. CALLAWAY with Mr. DRUKKER.

Mr. CLAYPOOL with Mr. DAVIS.

Mr. FIELDS with Mr. JOHNSON of Washington.

Mr. HENSLEY with Mr. FARR.

Mr. LINTHICUM with Mr. GOOD.

Mr. NEELY of West Virginia with Mr. HAMILTON of New York.

Mr. REILLY of Connecticut with Mr. KELLEY of Michigan.

Mr. ROTHERMEL with Mr. KIESS of Pennsylvania.

Mr. SIMS with Mr. MOSS of West Virginia.

Mr. STRINGER with Mr. NELSON.

Mr. UNDERHILL with Mr. MOORE.

Mr. WALKER with Mr. PARKER.

Mr. WEAVER with Mr. SLEMP.

Mr. WILSON of Florida with Mr. WINSLOW.

Mr. WILSON of New York with Mr. LAFFERTY.

Mr. SLAYDEN with Mr. BURKE of Pennsylvania.

Mr. SHERLEY with Mr. FORDNEY.

Mr. SMALL with Mr. SUTHERLAND.

Mr. PALMER with Mr. WILLIS.

Mr. MCCLELLAN with Mr. STEENERSON.

Mr. LOBECK with Mr. POWERS.

Mr. GOULDEN with Mr. PATTON of Pennsylvania.

Mr. GORMAN with Mr. MCLAUGHLIN.

Mr. GALLAGHER with Mr. HULINGS.

Mr. BUCHANAN of Illinois with Mr. COOPER.

Mr. MCCOY. Mr. Speaker, I was not present in the Hall, listening. Am I entitled to vote?

The SPEAKER. The gentleman does not bring himself within the rule.

The result of the vote was announced as above recorded.

LEAVE OF ABSENCE.

The SPEAKER. The Chair lays before the House a telegram addressed to the Speaker of the House which the Clerk will report.

The Clerk read as follows:

GALLIPOLIS, OHIO, *July 9, 1914.*

Hon. CHAMP CLARK,
Speaker of the House of Representatives,
Washington, D. C.:

I telegraphed you last Friday that I was down with typhoid fever, and I am still a very sick man. I would like very much to have the RECORD show this fact, and would appreciate an indefinite leave of absence. My eyesight has failed me, but I am informed that the RECORD does not show that I telegraphed you.

R. M. SWITZER.

The SPEAKER. Is there objection to the request just read?

There was no objection.

The SPEAKER. The Chair is informed that the previous telegram from Mr. SWITZER just referred to does appear on page 11576 of the RECORD of Thursday, July 2.

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. Tulley, one of its clerks, announced that the Senate had passed bills of the following titles, in which the concurrence of the House of Representatives was requested:

S. 5325. An act authorizing the county of St. Louis to construct a bridge across the St. Louis River between Minnesota and Wisconsin;

S. 5087. An act for the relief of Edward L. Keyes;

S. 802. An act for the relief of F. W. Tyler;

S. 5033. An act to provide for improving the light station, moving the fog signal, and building a keeper's dwelling at Great Salt Pond Light Station, R. I.;

S. 4806. An act granting to the State of Utah title to certain lands in said State for use as a fish hatchery;

S. 4976. An act permitting the Wisconsin Central Railway Co. and the Minneapolis, St. Paul & Sault Ste. Marie Railway Co., its lessee, to construct, maintain, and operate a railroad bridge across the Chippewa River at Chippewa Falls, Wis.;

S. 2278. An act granting the El Paso & Rock Island Railway Co. a right of way for its pipe lines and reservoir upon the Lincoln National Forest for the carrying and storage of water for railroad purposes;

S. 4254. An act to enable the Secretary of War to pay the amount awarded to the Malambo fire claimants by the joint commission under article 6 of the treaty of November 18, 1903, between the United States and Panama;

S. 3925. An act for the relief of Teresa Girolami;

S. 663. An act for the relief of Thomas G. Running;

S. 1880. An act for the relief of Chester D. Swift;

S. 1127. An act for the relief of Samuel H. Walker;

S. 105. An act for the relief of the legal representatives of John T. Brickwood, deceased; Edward Gaynor, Theodore Gebler, Lee W. Mix, Arthur L. Peck, Thomas D. Casanega, Joseph de Lusignan, and Joseph H. Berger;

S. 1930. An act granting to the Atchison, Topeka & Santa Fe Railway Co. a right of way through the Fort Wingate Military Reservation, N. Mex., and for other purposes;

S. 3897. An act to authorize the Great Northern Railway Co. to revise the location of its right of way, and for other purposes;

S. 638. An act for the relief of William Liskey.;

S. 5042. An act legalizing certain conveyances heretofore made by the Central Pacific Railroad Co. and others within the State of Nevada;

S. 586. An act providing for homestead and desert-land entries for such persons as shall have lost, forfeited, or abandoned their former entries;

S. 2882. An act for the relief of Charles M. Clark;

S. 145. An act for the relief of Charles Richter;

S. 2550. An act for the relief of Jacob Scott;

S. 1905. An act to prevent the desecration of the flag of the United States of America;

S. 3457. An act authorizing the issuance of a patent to James Deegan for lots 15 and 16, in block 10, in the town site of Frazer, Mont.;

S. 4930. An act for the relief of V. E. Schermerhorn, E. C. Caley, G. W. Campbell, and Philip Hudspeth;

S. 771. An act for the relief of George R. Campbell, Milton B. Germond, and Walter D. Long;

S. 4854. An act to authorize the establishment of fish-cultural stations on the Columbia River or its tributaries in the State of Oregon or Washington, or both;

S. 5313. An act to regulate the taking or catching of sponges in the waters of the Gulf of Mexico and the Straits of Florida outside of State jurisdiction; the landing, delivering, curing, selling, or possession of the same; providing means of enforcement of the same; and for other purposes;

S. 4977. An act to establish a fishery experiment station on the Pacific coast of the United States;

S. 5316. An act authorizing the survey and sale of certain lands in Coconino County, Ariz., to the occupants thereof;

S. 5092. An act for the relief of Charles A. Spotts;

S. 2472. An act for the relief of Herman von Werthern;

S. 4946. An act to establish an additional fish-cultural station in the State of Texas;

S. 819. An act providing for the homestead entry of certain lands in the State of Washington, and for other purposes;

S. 1758. An act for the relief of Warren E. Day;

S. 2630. An act for the relief of Clarence Hazelbaker;

S. 4500. An act to place certain officers of the Army on the retired list;

S. 1220. An act to increase the limit of cost of the public building authorized to be constructed at Durango, Colo.;

S. 2656. An act to correct the military record of Thomas Smith;

S. 4725. An act providing for the establishment of a lobster-rearing station at some suitable point on the Atlantic coast;

S. 5293. An act for the promotion and retirement of Col. David L. Brainard, Quartermaster Corps, United States Army;

S. 725. An act to correct the military record of Aaron S. Winner;

S. 2985. An act for the purchase of a site and erection of a Federal building at Crisfield, Md.;

S. 5211. An act to amend section 1225, Revised Statutes, as amended by act approved September 26, 1888, etc.;

S. 544. An act for the relief of the Virginia Military Institute, of Lexington, Va.;

S. 3525. An act for the relief of Pay Inspector F. T. Arms, United States Navy;

S. 5406. An act to establish a light and fog-signal station on Michigan Island, Lake Superior;

S. 1377. An act for the relief of Alfred S. Lewis;

S. 5462. An act to authorize the county of Barry, State of Missouri, to construct a bridge across the White River in Barry County, Mo., at or near a point known as Goldens Ferry;

S. 1060. An act fixing the date of reenlistment of Gustav Hertfelder, first-class fireman, United States Navy;

S. 3898. An act to amend an act entitled "An act to provide for the acquiring of rights of way by railroad companies through Indian reservations, Indian lands, and Indian allotments, and for other purposes," approved March 2, 1899;

S. 4954. An act for the relief of Stephen Morris Barlow;

S. 5429. An act for the purchase of two bronze copies of the original marble portrait statue of George Washington;

S. 2877. An act to amend an act entitled "An act to carry into effect provisions of the treaties between the United States, China, Siam, and other countries, giving certain judicial powers to ministers and consuls or other functionaries of the United States in those countries, and for other purposes," approved June 22, 1860;

S. 728. An act for the relief of Nathaniel Monroe;

S. 5674. An act confirming the title of the widow and heirs of John Robinson, deceased, to certain lands and authorizing and directing the issuance of patent therefor;

S. 1124. An act for the relief of G. L. Taneyhill;

S. 1293. An act for the relief of Harrison H. Hollowell;

S. 1160. An act for the relief of Isaac J. Reese;

S. 5204. An act for the relief of Alice H. Gilson;

S. 770. An act for the relief of Thomas Coyle;

S. 5197. An act granting public lands to the city and county of Denver, in the State of Colorado, for public-park purposes;

S. 5198. An act to reserve certain lands and to incorporate the same and make them a part of the Pike National Forest;

S. 2661. An act for the relief of the administrator and heirs of John G. Campbell, to permit the prosecution of Indian depredation claims;

S. 2823. An act relating to the temporary filling of vacancies occurring in the offices of register and receiver of district land offices;

S. 4880. An act authorizing Ponca City, Okla., and the board of education of said city to convey certain lands;

S. 5847. An act to authorize the Secretary of the Treasury to convey to the city of Bozeman, Mont., certain land for alley purposes; and

S. 5555. An act to amend an act entitled "An act to authorize the construction and maintenance of a dike on Olalla Slough, Lincoln County, Oreg.," approved June 25, 1910.

S. J. Res. 146. Joint resolution to authorize the President to raise the organization of the Regular Army on certain occasions to its prescribed statutory maximum strength;

The message also announced that the Senate had passed without amendment bills and joint resolution of the following titles:

H. R. 7298. An act to increase the limit of cost of the public building at Smyrna, Del.;

H. R. 13985. An act to authorize the construction of a bridge across the Mississippi River at or near the city of Baton Rouge, La.;

H. R. 11625. An act to increase the appropriation for the erection of an immigration station at Baltimore, Md.;

H. R. 11006. An act authorizing the disposal of a portion of the Fort Bidwell Indian School, Cal.

H. R. 7327. An act for the relief of Charles L. Hill;

H. R. 9362. An act for the relief of R. B. Whitacre & Co.;

H. R. 963. An act for the relief of Mrs. Andrew Riganopolous;

H. R. 14925. An act for the retirement of H. R. Drake;

H. R. 6014. An act for the relief of Serapio Romero, late postmaster at Las Vegas, N. Mex.;

H. R. 9042. An act to permit sales by supply departments of the Army to certain military schools and colleges;

H. R. 6260. An act for the relief of Hyacinthe Villeneuve;

H. R. 2540. An act for the relief of the estate of Philip Felix Herwig, deceased;

H. R. 5079. An act for the relief of Mary Abel;

H. R. 4744. An act to authorize the appointment of John W. Hyatt to the grade of second lieutenant in the Army;

H. R. 3041. An act to carry into effect findings of the Court of Claims in the cases of Charles A. Davidson and Charles M. Campbell;

H. R. 10345. An act for the relief of C. M. Hammond;

H. R. 1580. An act for the relief of John R. Norris;
H. R. 11747. An act to increase the limit of cost for the purchase of a site and the construction of a public building in Memphis, Tenn.;
H. R. 11254. An act to increase the limit of cost for the erection and completion of the United States post-office building at Mandan, N. Dak.;
H. R. 3988. An act for the purchase of a building and lot as a mine rescue station at McAlester, Okla.;
H. R. 13819. An act to increase the limit of cost of Federal building at Pendleton, Oreg.;
H. R. 5746. An act for the relief of Marcus L. Pelham;
H. R. 6220. An act for the relief of Hosea Stone;
H. R. 9421. An act for the relief of John T. Glynn;
H. R. 12778. An act for the relief of W. D. Stoyer, administrator of the estate of Henry S. Stoyer;
H. R. 8893. An act for the relief of Mary E. Goodley;
H. R. 12166. An act for the relief of Jennie S. Sherman or her heirs;
H. R. 10767. An act for the relief of John D. Baldwin;
H. R. 9147. An act to restore First Lieut. James P. Barney, retired, to the active list of the Army;
H. R. 1517. An act for the relief of George W. Cary;
H. R. 6052. An act for the relief of William P. Havenor;
H. R. 5884. An act granting to the people of the State of California the right of way upon and across the United States fish reservation at Baird, Shasta County, Cal.;
H. R. 14220. An act for the relief of Henry La Roque;
H. R. 11381. An act for the relief of the estate of T. J. Semmes, deceased;
H. R. 1291. An act for the relief of George Gardells;
H. R. 13133. An act for the approving and payment of the drainage assessments on Indian lands in Salt Creek drainage district No. 2, in Pottawatomie County, Okla.;
H. R. 7484. An act for the relief of Stanley J. Morrow;
H. R. 2536. An act for the relief of John Streckfus;
H. R. 1138. An act for the relief of Helen Wakefield;
H. R. 14684. An act for the relief of the Commissioner of Internal Revenue;
H. R. 2407. An act for the relief of the Pennsylvania Engineering Co., of the city of Philadelphia;
H. R. 6831. An act to quiet title to lot 5, section 33, township 14, range 18 east, Noxubee County, Miss.; and
H. R. 12191. An act for the relief of Elizabeth Muhleman, widow of Samuel A. Muhleman, deceased.
H. J. Res. 255. Joint resolution authorizing the President to extend invitations to other nations to send representatives to the International Dry-Farming Congress, to be held at Wichita, Kans., October 7 to 17, inclusive, 1914;
The message also announced that the Senate had passed, with amendments, bills of the following titles, in which the concurrence of the House of Representatives was requested:
H. R. 6464. An act for the relief of Charles R. Grant;
H. R. 14685. An act to satisfy certain claims against the Government arising under the Navy Department;
H. R. 5304. An act to increase the efficiency of the Aviation Service of the Army, and for other purposes;
H. R. 4988. An act to provide for the disposal of certain lands in the Fort Berthold Indian Reservation, N. Dak.; and
H. R. 8688. An act for the relief of Lucien P. Rogers.

INDIAN APPROPRIATION BILL.

The SPEAKER. The Clerk will report the next recommendation. The vote will now be taken on the recommendation relating to Senate amendment 140.

Mr. STEPHENS of Texas. Mr. Speaker, would it be in order that the roll call be dispensed with?

The SPEAKER. You do not have to have a roll call unless it is asked for. The question is on agreeing to that portion of the report relating to Senate amendment 140.

Mr. FERRIS. Mr. Speaker, was the vote announced on the other proposition?

The SPEAKER. Yes. The yeas were 153, the nays 92, and those answering "present" 9. The vote now is on agreeing to that part of the report of the Chairman of the Committee of the Whole House on the state of the Union which relates to Senate amendment numbered 140. The report is to disagree to the amendment. Those in favor of adopting that portion of the report will say "aye," those opposed will say "no."

The question was taken, and the Speaker announced that the noes seemed to have it.

Mr. BURKE of South Dakota. Mr. Speaker, I ask for a division.

The SPEAKER. The gentleman from South Dakota asks for a division. Those in favor of agreeing to that portion of the report will rise and stand until they are counted. [After counting.] Ten gentlemen have arisen in the affirmative. Those opposed will rise and stand until they are counted. [After counting.] Seventy-four gentlemen have arisen in the negative. On this vote the ayes are 10 and the noes are 74, and the House refuses to agree to that part of the report.

Mr. HARRISON. Mr. Speaker, I move——

Mr. STEPHENS of Texas. Mr. Speaker, I move that the House insist upon its disagreement to the Senate amendment and ask for a conference; and on that I move the previous question.

Mr. HARRISON. Mr. Speaker, I want to make the motion to concur in Senate amendment numbered 140—to agree to it.

The SPEAKER. The gentleman from Mississippi [Mr. HARRISON] moves to agree to amendment 140.

Mr. GARRETT of Tennessee. Mr. Speaker, a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. GARRETT of Tennessee. Has not the vote already been taken on the motion of the gentleman from Texas [Mr. STEPHENS] on that question?

The SPEAKER. The vote has already been taken on that portion of the report from the Committee of the Whole House on the state of the Union, disagreeing to Senate amendment numbered 140.

Mr. GARRETT of Tennessee. Does not that end it?

The SPEAKER. The House refuses to agree to that part of the report.

Mr. GARRETT of Tennessee. If the gentleman had made a preferential motion to concur earlier, it would have been in order?

Mr. HARRISON. The Speaker ruled that I could not make that. I have now made it.

Mr. MANN. Mr. Speaker, under this rule, does not the bill go back to the Committee of the Whole House on the state of the Union?

The SPEAKER. The Chair did not understand the gentleman.

Mr. MANN. I say, the House having disagreed to the adverse recommendation of the Committee of the Whole, under the rules does not the bill go back automatically to the Committee of the Whole House on the state of the Union?

The SPEAKER. What becomes of the other part of the report?

Mr. MANN. The other part of the report has been disposed of. The Committee of the Whole House made an adverse report on this amendment, and the House has disagreed to that report. The rule says in these cases the bill goes back to the Committee of the Whole House.

The SPEAKER. Has the gentleman the rule there?

Mr. MANN. I think I can find it. Paragraph 853, page 378, of the new manual provides:

> Whenever a bill is reported from a Committee of the Whole with an adverse recommendation and such recommendation is disagreed to by the House, the bill shall stand recommitted to the said committee without further action by the House, but before the question of concurrence is submitted it is in order to entertain a motion to refer—

And so forth. This was an adverse recommendation on this amendment.

The SPEAKER. Does the gentleman think that that language applies to this kind of a situation?

Mr. MANN. I do not see why not.

The SPEAKER. Why does it?

Mr. MANN. That is what it says. The very purpose of it is that the committee may desire to amend this proposition. Amendments should be made first in Committee of the Whole. Here is a rejection of the adverse report of the Committee of the Whole by the House. I do not differentiate this situation from that of a House bill under consideration. Of course this is a Senate amendment to a House bill. It is immaterial to me——

The SPEAKER. All that the Chair wants to do is to rule so that if anything like this comes up again it will not be in a muddle.

Mr. MANN. We are operating under the previous question. The Chair has ruled that a motion to concur was not in order.

The SPEAKER. The Chair ruled that the motion to concur at a particular state was not in order.

Mr. MANN. Oh, but the previous question is still operating.

The SPEAKER. How does it operate after the House has voted on the proposition?

Mr. MANN. The gentleman moved the previous question.

The SPEAKER. He did.

Mr. MANN. To the final vote.

The SPEAKER. Yes.

Mr. MANN. We have not had the final vote yet.

The SPEAKER. Have we not had the final vote on that proposition?

Mr. MANN. No; certainly not.

The SPEAKER. What else could the House itself do?

Mr. MANN. The House has had a vote on the recommendation of the committee.

The SPEAKER. Yes.

Mr. MANN. And has turned down the recommendation of the committee.

The SPEAKER. Yes; that is true.

Mr. MANN. Now, there is nothing else the House can do; but the rule sends it back to the committee, where it is considered de novo.

Mr. UNDERWOOD. Mr. Speaker, I think the reading of this rule clearly demonstrates that the gentleman from Illinois [Mr. MANN] is in error. The rule says:

Whenever a bill is reported back from the Committee of the Whole with an adverse recommendation, and such recommendation is disagreed to by the House, the bill shall stand recommitted to the said committee without further action by the House.

Now, Mr. Speaker, that rule clearly refers to a bill and not an amendment to a bill. It clearly refers to a situation where the Committee of the Whole has made an adverse report on a bill, such as striking out the enacting clause, as the footnotes below demonstrate, or where it has adversely reported the whole bill. Necessarily it would go back to the Committee of the Whole, and properly so, for consideration, and the language of the rules does not say "a bill or amendment," or "a bill or resolution"; and all the rules of the House have held that where the rule says "a bill" it does not mean "a resolution." This language refers to a case where a whole bill has been adversely reported. Where the House has disagreed to such a report, then necessarily it goes back to the Committee of the Whole for consideration and amendment. But here is a bill that has been favorably reported, and most of the amendments acted on in Committee of the Whole, and with one recommendation of the Committee of the Whole adverse. It seems to me clear that the action of the committee in recommending it to the House is subject to any relevant motion that can be made when the previous question is ordered. Of course it can not be amended. If the previous question had not been ordered, it could have been amended in the House, but the previous question having been ordered, clearly it is in order for the gentleman from Mississippi [Mr. HARRISON] to move that the Senate amendment be agreed to.

The SPEAKER. The Chair thinks that the motion for the previous question expended its force when the vote was taken, and that this amendment is back in the House in the same condition that it would have been if it had never been sent to the committee, and that the motion of the gentleman from Mississippi to concur in the Senate amendment is in order. The question is on the motion of the gentleman from Mississippi [Mr. HARRISON] to concur in the Senate amendment.

The motion was agreed to.

Mr. STEPHENS of Texas. Mr. Speaker, I move that the House further insist on its disagreement to the Senate amendments and ask for a conference with the Senate on the disagreeing votes of the two Houses.

Mr. FITZGERALD. We have already voted to disagree on the other amendments.

Mr. STEPHENS of Texas. I ask for a conference.

The SPEAKER. Has the Senate asked for a conference?

Mr. STEPHENS of Texas. No. I move that the House ask for a conference.

The SPEAKER. The gentleman from Texas moves that the House ask for a conference.

The motion was agreed to, and the Speaker announced as conferees on the part of the House Mr. STEPHENS of Texas, Mr. CARTER, and Mr. BURKE of South Dakota.

SUNDRY CIVIL APPROPRIATION BILL.

Mr. FITZGERALD. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the sundry civil appropriation bill, H. R. 17041, disagree to all the Senate amendments, and ask for a conference.

Mr. LEWIS of Maryland. Mr. Speaker, reserving——

The SPEAKER. The gentleman from New York [Mr. FITZGERALD] asks unanimous consent to take from the Speaker's table the sundry civil appropriation bill, disagree to all the Senate amendments, and ask for a conference.

Mr. UNDERWOOD. Mr. Speaker, reserving the right to object. I should like to have the attention of the gentleman from New York [Mr. FITZGERALD] for a moment. I notice that there are two Senate amendments—Nos. 44 and 45, I think—that seek to create new customs districts under the law. We have recently rearranged all the customs districts of the United States. At the present time I know of no reason why these new districts should be created. There is one collector over a number of customhouses, and I see no reason to believe that the present system is not working effectively. I certainly do not believe that this important change should be made in an appropriation bill without careful consideration by the House committee that has the matter in charge, in consultation with the Treasury Department, and after a hearing and a report. I rose for the purpose of asking the gentleman from New York [Mr. FITZGERALD] if the bill goes to conference by unanimous consent, will he agree to bring those items back to the House before a final agreement is reached?

Mr. RUCKER. Mr. Speaker, will the gentleman yield for a question?

Mr. UNDERWOOD. I will.

Mr. RUCKER. Is one of those places Kansas City, Mo.?

Mr. UNDERWOOD. Yes.

Mr. RUCKER. I will ask the gentleman if the authorization to the President to reorganize the customs service, under which authority he discontinued the customs district of Kansas City, was not in an appropriation bill?

Mr. UNDERWOOD. It was.

Mr. RUCKER. And whether, acting under that authority carried in an appropriation bill, he did not discontinue the customs district at Kansas City?

Mr. UNDERWOOD. Yes.

Mr. RUCKER. Is it not true that Kansas City was one of the best-paying customhouses in the United States, from the standpoint of what it cost to keep it up?

Mr. UNDERWOOD. It probably was. That does not have anything to do with it. The gentleman evidently does not have a conception of what this reorganization is.

Mr. RUCKER. I beg the gentleman's pardon. I think I have some conception of it.

Mr. UNDERWOOD. I am sure the gentleman does not or he would not have asked the question about the receipts of the office at Kansas City. The whole system and control of the customs districts was changed under Executive order made by authority of Congress. Heretofore we have had collectors of customs in each port, small or large. That brought about a system of extravagance in expenditure. In a number of small ports we were paying men two and three thousand dollars, sometimes, as salaries when they did not collect $5. That was one reform. But, more than that, where ports were close to each other, there was no coordination of effort in making the returns, assessments, and valuations, because one collector of customs would decide on one question and another on another.

Now, one of the great purposes in making customs districts, instead of having a collector in each port, was to bring certain territory within one jurisdiction. Kansas City was put within a jurisdiction. That collector is just as much the collector of Kansas City as he is of the port where he flies his flag.

Mr. RUCKER. At St. Louis.

Mr. UNDERWOOD. Now, the question whether the amount of business in Kansas City should require the location of headquarters at Kansas City or at St. Louis is a matter about which the gentleman may be right as to his conclusions. But as a proposition to create a new district simply because they are not the headquarters at this time, I see no reason for, because the collector is merely the director of the men under him and the subcollector at this other port is occupying the position of collector, with all the force and all the authority, except subject to the regulation of his superior officer. Heretofore the collector had to come to the Treasury Department direct from that port, but the deputy collector now goes to his superior officer in one of the 40 or 45 districts.

Mr. RUCKER. Will the gentleman yield again?

Mr. UNDERWOOD. Yes.

Mr. RUCKER. I believe it is a fact that for many years the chairman of the Committee on Appropriations has sought to eliminate a lot of useless customhouses because of the fact, as stated by the gentleman a moment ago, that it costs about $1,000 to collect $1. There are quite a number of gentlemen here who in the discharge of their high duty seek to save people from these unnecessary expenses, but by reason of the interest of the Members in retaining every official in their State or district, that interest being combined, it was impossible to carry the reform through. For that reason the language was put in an appropriation bill authorizing the President to reorganize the service. I will ask the gentleman if it ever was contemplated at the time the language was put in the bill that the office at Kansas City should be abolished?

Mr. UNDERWOOD. I do not know what was in the mind of the Treasury Department, but I will say that it was contemplated that an entire new system should be created; that in place of each customs office standing out by itself and having

hundreds of them in the United States it was contemplated that we should divide the country into customs districts where in a certain area the same class of goods imported and the same conditions prevailed, and one man could overlook them all.

To illustrate more fully—you may have an army and you may have a general commanding, and each unit commanded by a captain; or you may have an army divided into regiments and the regiments divided into companies. Now, for the purpose of perfecting the system and making uniformity of valuation, and uniformity in appraisements, they have made the collector of customs in some ports the collector of customs for the district, and subcollectors take the place of the original collector. Nothing could be accomplished by this resolution that I can see except to create a new salary for a man in Kansas City, unless it is a question of pride, and I think that figures a good deal in it.

The mistake of the whole matter was in not making the collector the "collector of district" No. 44, or No. 45—whatever the district may have been—instead of making him collector of St. Louis or collector of the port of Chicago, and bringing other ports in. There would be nothing in the pride question if they had said that the collector of St. Louis shall be collector of district 44, or whatever the number is.

Mr. RUCKER. Mr. Speaker, in many of the debates had heretofore on the uselessness of customhouses, does the gentleman recall that there was ever any assertion that the office at Kansas City ought to be abolished?

Mr. UNDERWOOD. I do not think it was suggested that the office should be abolished. As a matter of fact, the office at Kansas City is not abolished. The office at Kansas City is just as virile and effective and doing business to-day exactly as it did before this order of President Taft was made. The only difference is that there is a subcollector who is in charge of that port, of that particular office, under the command of a man who happens to be located at St. Louis. As far as I am concerned, I would be perfectly willing to have a law passed allowing the Secretary of the Treasury from time to time to say where the flag of the collector of the district shall float and where it may be the most available for the public service, and then let Kansas City and St. Louis determine between themselves which has had the bigger collection of receipts and which was entitled to have that flag fly over it.

Mr. RUCKER. Ordinarily I am willing and content to follow the lead of the gentleman from Alabama, but this time I can not do so, because I think that if this amendment is stricken out of the bill it would perpetuate a wrong.

Mr. UNDERWOOD. Mr. Speaker, I will say to the gentleman from Missouri [Mr. RUCKER] that if we let these two amendments go through we will destroy the present system, which is economical. It is not only economical in the matter of salaries, it is economical because it brings uniformity of effort, it unifies valuations, and protects the customs service, and as chairman of the Committee on Ways and Means I have not heard one word of protest from the Treasury Department that the Government revenues are not fully protected and that the efficiency of that office is not just as great to-day as it was before. I can assure the gentleman that while there are only two in this amendment there are forty who will be knocking at the door if we agree to the amendment. Of course some gentlemen merely want an increase in salary. That is one thing, and it is a minor consideration. The other thing is that one town does not like to say that it belongs in the other town's customs district. It was unfortunate that they should name the man the collector of the town, when he was the collector of the district.

Mr. RUCKER. Mr. Speaker, I will say to the gentleman that we Missourians did not relish the fact that the Republican President, a man for whom I entertain the highest respect, should on the eve of departing from his office, after having been defeated at the polls, destroy an institution in our State, and in that way slap the face of one of the best cities in the United States.

Mr. UNDERWOOD. Mr. Speaker, I will say to the gentleman from Missouri that he did not destroy the customhouse, and I am sure that if the gentleman will write to the Treasury Department to-day he will get a report that the efficiency and usefulness of that customhouse is just as great as ever. They only made Kansas City in the customs service follow the flag of St. Louis, just as they made in the case of the selection of the Federal reserve cities a great many western cities bow in obeisance to the Kansas City Federal reserve bank.

Mr. RUCKER. Mr. Speaker, pretty soon there will be a change of offices in St. Louis and Kansas City if this bill goes through, and under the new administration the receipts will be much greater and the office will be fully as well administered.

Mr. UNDERWOOD. I do not think there is any question about receipts, because the subcollector at Kansas City performs the service the other man did, and is probably just as efficient. If he were made collector, he would still perform those duties, only he would get a little more salary.

Mr. RUCKER. Mr. Speaker, I want to say that I have very great respect for the wisdom of the Senate in putting this amendment in the bill.

Mr. GARRETT of Tennessee. Mr. Speaker, will the gentleman yield?

Mr. UNDERWOOD. Yes.

Mr. GARRETT of Tennessee. Mr. Speaker, the gentleman has compared the customs organization to that of an army. I suppose that comparison would apply equally as to a volunteer army as to a regular army, and while such a thing, of course, could not happen in Missouri, I was just wondering whether or not the displacing of 40 would not work to deprive some volunteer colonels and generals of the opportunity of getting a commission?

Mr. UNDERWOOD. Mr. Speaker, I can not advise my friend from Tennessee upon that question. I merely rose to ask the gentleman from New York if he would not agree to bring this matter back so that the House might have an opportunity to vote upon it, in case the Senate did not recede from its amendment.

Mr. FITZGERALD. Mr. Speaker, I am quite willing to state that the House will have an opportunity to pass on the matter.

Mr. MANN. Mr. Speaker, reserving the right to object, I would like to have a vote and consideration of the matter to-day on amendments 157 and 163. I think it would be better to dispose of them now, while the House is fairly well attended, than when they are brought back from conference. One is the issue of bonds for the Panama Canal, and the other is with reference to the appropriation for the Salem, Mass., fire sufferers. I suggest to the gentleman from New York that he ask unanimous consent to take the bill from the Speaker's table and disagree to all of the other amendments, so that we may consider these at this time.

Mr. TAYLOR of Arkansas. Mr. Speaker, one of the amendments in the bill I desire to move to concur in, and that is amendment 91, on page 115. I do not wish to waive any right that I have with reference to the matter by consenting to disagreement to any or all of the Senate amendments.

Mr. FITZGERALD. Mr. Speaker, I am quite willing to agree that the House shall have opportunity to pass on amendment No. 91. The gentleman is not particular about making the motion to-day?

Mr. TAYLOR of Arkansas. With this understanding, I will not press it now.

Mr. FITZGERALD. I am willing to agree with the gentleman that he shall have the opportunity before the bill is disposed of.

Mr. MANN. I think we had better dispose of it now.

Mr. FITZGERALD. I would like an opportunity to look into the amendment a little.

Mr. MANN. Oh, I do not think the gentleman will have any trouble in sending it to conference.

The SPEAKER. The gentleman from New York asks unanimous consent to take from the Speaker's table the bill H. R. 17041, the sundry civil appropriation bill, with Senate amendments thereto, disagree to the Senate amendments, and ask for a conference, except as to amendments 157 and 163, which will now be considered in the House. Is there objection?

Mr. CARLIN. Mr. Speaker, reserving the right to object, I want to ask how much debate is expected to be allowed on these amendments?

Mr. FITZGERALD. I do not know. I understand that on amendment 163 30 minutes will be satisfactory.

Mr. GARDNER. Fifteen minutes on a side.

Mr. FITZGERALD. How much time does the gentleman from Illinois want on amendment 157?

Mr. MANN. Not over five minutes.

The SPEAKER. Is there objection? [After a pause.] The Chair hears none, and the Clerk will report amendment 157.

The Clerk read as follows:

Senate amendment 157: Line 16, page 192, after the word "expended," strike out the period and insert a colon and the following:

"*Provided*, That all expenditures from the appropriations heretofore, herein, and hereafter made for the construction of the Panama Canal, including any portion of such appropriations which may be used for the construction of dry docks, repair shops, yards, docks, wharves, warehouses, storehouses, and other necessary facilities and appurtenances, for the purpose of providing coal and other materials, labor, repairs, and supplies, for the construction of office buildings and quarters, and other necessary buildings, exclusive of fortifications and colliers, and exclusive of the amount used for operating and maintaining the canal, and for the permanent organization after the canal is opened for use and opera-

tion, may be paid from or reimbursed to the Treasury of the United States out of the proceeds of the sale of bonds authorized in section 8 of the said act approved June 28, 1902, and section 39 of the tariff act approved August 5, 1909."

Mr. FITZGERALD. Mr. Speaker, I move that the House concur in the Senate amendment.

Mr. MANN. Mr. Speaker, will the gentleman yield to me for five minutes?

Mr. FITZGERALD. Mr. Speaker, I yield five minutes to the gentleman from Illinois [Mr. MANN].

Mr. MANN. Mr. Speaker, it seems a peculiar motion for the gentleman from New York [Mr. FITZGERALD] to make, that the House agree to this amendment. When the Alaska railroad bill was before the House it contained a provision for the issuance of bonds for the payment of the expenditures in connection with the construction of that road, and it was the distinguished gentleman from New York, displaying the most activity, I think, he has displayed on any bill before the House, who succeeded in striking out of the Alaska railroad bill the provision for the issuance of bonds for the construction of that road, stating to the House with due frankness that the Government would be able out of its ordinary receipts to pay the expenditures of the construction of the Alaska road and there was no necessity for the issuance of bonds. I joined with the gentleman at that time, as the majority of the Members here did, and we struck out of the Alaska bill the authority to issue bonds. Now the only thing that is asked for in this amendment, although in terms the amendment covers a good deal—the only new thing in it is the authority to issue bonds for the payment of the expenditures of building colliers in connection with the Panama Canal. All the rest of the authority to issue is in the present existing law, if I am correctly informed, and I will ask the gentleman whether there is anything new except the colliers?

Mr. FITZGERALD. This excludes the colliers; this prevents bonds being issued for building colliers. That is one of the purposes of this amendment.

Mr. MANN. Oh, no; this does not exclude colliers.

Mr. FITZGERALD. Read it.

Mr. MANN. The gentleman does not know what the amendment is. [Laughter.] It is not only contrary to the motion the gentleman made before, but he does not really know what it is. The purpose of this amendment is to permit the issuance of bonds to replace in the Treasury the money that is expended in building colliers.

Mr. FITZGERALD. No; I repeat again, the purpose of this amendment, among others, is to prohibit the replenishment of the Treasury with money that is spent for the building of colliers.

Mr. MANN. Let me ask the gentleman, What is the new provision in this amendment from existing law? The current sundry civil bill carries a provision authorizing the issuance of bonds for the construction of work on the Panama Canal.

Mr. FITZGERALD. Well, the current law is:

That all expenditures from the appropriations heretofore, herein, and hereafter made, etc., shall be reimbursed from the proceeds of bonds, exclusive of fortifications and exclusive of the amount used for operating the canal and for the permanent organization after the canal is open for use and operation.

Now, this amendment is:

Exclusive of fortifications and colliers and exclusive of the amount used for operating and maintaining the canal, and for the permanent organization after the canal is open for use and operation.

And then instead of requiring the Treasury to reimburse it is made discretional by the change of the word "shall" in the existing law to the word "may" in the amendment. It makes it possible, if so desired, to pay the cost of the canal out of current receipts instead of compelling the Treasury Department, regardless of the condition of the Treasury, to issue bonds to replace the money paid on that account.

Mr. MANN. If the gentleman be correct—and I am not sure but he is—I am willing to apologize to him.

Mr. FITZGERALD. I think the gentleman is with me.

Mr. MANN. I am if the gentleman is correct. If the purpose of this is to exclude the issuance of bonds for colliers——

Mr. FITZGERALD. That is the purpose.

Mr. MANN. This amendment was in the bill as it was presented to the House and went out on a point of order. I supposed the amendment was the same; I assume it is.

Mr. FITZGERALD. Well, it is. That is my information—that it is the same.

Mr. MANN. The statement was then made—and I am not sure I examined it carefully—that it was for the purpose of allowing the issuance of bonds for this purpose.

Mr. FITZGERALD. We had reached the point in the bill when the bill was under consideration, and the gentleman made his point of order without any explanation——

Mr. MANN. Well, that may be.

Mr. FITZGERALD. And the purpose is to exclude colliers and fortifications and the cost of operating and maintaining the canal and the cost of permanent organization from reimbursement from proceeds of bonds, and in addition we changed the word "shall" to the word "may," so that the Treasury Department is not under mandatory legislation to issue bonds but it is left discretionary with them.

Mr. MANN. Well, Mr. Speaker, I have often found that the gentleman from New York is both acute, indefatigable, intelligent, and trustworthy——

Mr. FITZGERALD. If there is anything else, I would be glad to have it.

Mr. MANN. And I think the gentleman is correct this time, and I shall vote for the gentleman's motion.

The SPEAKER. The question is on agreeing to the amendment.

The question was taken, and the amendment was agreed to.

Mr. FITZGERALD. Mr. Speaker, I ask that amendment 163 be reported.

The SPEAKER. The Clerk will report Senate amendment numbered 163.

The Clerk read as follows:

Page 205, after line 15, insert as a new paragraph the following:

"That for the relief of the sufferers from the recent conflagration in Salem, Mass., there is hereby appropriated, out of any money in the Treasury not otherwise appropriated, the sum of $200,000, or so much thereof as may be necessary: *Provided*, That all expenditures under this provision shall be made under the direction of the Secretary of War."

Mr. FITZGERALD. Mr. Speaker, I move to disagree to the Senate amendment.

The SPEAKER. The gentleman moves to disagree to the Senate amendment.

Mr. PHELAN. Mr. Speaker, I move to concur in the Senate amendment with the amendment which I send to the Clerk's desk.

The SPEAKER. The gentleman from Massachusetts moves to concur with an amendment, which the Clerk will report.

The Clerk read as follows:

Strike out the words inserted by the Senate and insert in lieu thereof the following:

"For the relief of the sufferers from the recent conflagration in Salem, Mass., $200,000, or so much thereof as may be necessary: *Provided*, That all expenditures under this provision shall be made under the direction of the Secretary of War."

Mr. FITZGERALD. Let me say this: If the House is to concur in this amendment with an amendment, the country will take it as the desire of the House to make the appropriation, and we simply wish the amendment in proper form. That is a fair statement to make to the House.

Mr. GARDNER. Mr. Speaker, I wish to state that I drafted that amendment at the suggestion of Mr. Courts and the gentleman from New York [Mr. FITZGERALD] on the understanding that if the amendment is adopted it settles the whole question.

Mr. FITZGERALD. That will be construed as an instruction. I yield 15 minutes to the gentleman from Massachusetts [Mr. PHELAN] and I reserve 15 minutes in opposition, and at the end of that time I shall move the previous question.

Mr. GARDNER. Will the gentleman from New York yield permission, by unanimous consent, for the gentleman from Massachusetts [Mr. PHELAN] to yield out the time?

Mr. FITZGERALD. He can do as he pleases.

Mr. PHELAN. Mr. Speaker, I shall try to explain this situation just as briefly as possible, because the time is very limited. Everybody knows about the fire in Salem, Mass. I think that there is scarcely anybody in the country, outside of somebody who lives in Salem or who has been there to see the situation, who realizes the magnitude of the damage wrought by that fire. I was there during the fire and have visited the scene since, and I have communicated with people who have had to do with the arrangements for relief, and I know pretty well what the situation is. But I can give only a suggestion as to what the real conditions are.

Let me say at the start that because it was a fire it has not received the publicity that an earthquake or some other calamity of an unusual nature would get in the newspapers. As a result, the people of the country do not realize the extent of the havoc wrought, and therefore the voluntary contributions, while they have been very generous, have not come in in sufficient amounts to take care adequately of the damage done there. The governor of the Commonwealth of Massachusetts has requested Federal aid, and the President of the United States has sent a special message asking Congress to grant such aid. The Senate has adopted the amendment in the sundry civil bill granting Federal aid, as recommended by the President; and it remains

only for this House to concur in this amendment in order that Federal aid may be granted to the stricken city.

I will state that the territory burned was 254 acres in extent. There were burned eight leather factories, eight shoe factories, nine shoe-stock establishments, six machine shops, and three big foundries, besides a number of small plants. The Naumkeag Cotton Mill was the largest single plant destroyed, employing something like 2,000 hands. There were over 17,000 people driven out of their homes by the fire. The total damage has been conservatively estimated at $10,000,000.

To compare it with Chelsea, the damage done in Salem was much more disastrous, because while the conflagration in Chelsea was of great extent the factories in Chelsea were saved, while in Salem not only were the homes burned to the ground, but the factories and other places of employment were laid in ruins. Thus thousands of good, honest, and industrious people are without homes and, what is worse, without means of employment by which to earn their livelihood. Unless relief is given, and given speedily, many will be in actual need of the necessities of life—for clothing, food, and shelter. They lost practically everything, and they have no means of subsistence. Most important of all, I repeat, they have no means of getting employment with which to earn a living.

Immediately after the fire camps were established, and the people lived in tents. The State militia was sent to Salem, to the number of some 1,200 men, to take care of the tents and of the people in the tents and to protect property. At the beginning there were something like 3,500 people in these tents, but gradually the number has gone down, until there are about 2,000 or 2,500 persons living in that way in Salem to-day. In addition to that, of the 17,000 who were thrown out of their homes, there are a great many who have been taken in by friends or hospitable people living in Peabody, Lynn, and other surrounding towns, and are living there temporarily.

As a citizen of Massachusetts, I witnessed with pride the sympathetic spirit everywhere manifested, from the governor down to the humblest citizen. Everybody has joined in cooperating to give aid and relief to the stricken city and its unfortunate sufferers. It is absolutely necessary that something should be done by the Government if the people in Salem are going to get proper relief. The great problem is going to arise next winter, because the factories and the Naumkeag mills can not be built inside of six months. The State government has contributed generously, not only by direct appropriation but by the abatement of the State tax, by the expenditure for the State militia, and by the contribution of State supplies, such as beds and other equipment.

The suggestion has been made that this will establish a precedent. If you will look into the CONGRESSIONAL RECORD, on page 11918, you will find a long list of precedents for this action by Congress, covering a period from 1812 down to the present time. All we ask is that this House shall do what the President has asked us to do, and what the Senate has already done. We know if men want to do so, they can talk about precedent and all that sort of thing and make a plausible argument, appropriate, perhaps, in settling a legal controversy. But this is not the time for a legal argument. Where people are in distress and suffering, we ought, without drawing fine distinctions, to give them aid unhesitatingly and ungrudgingly.

Now I yield two minutes to the gentleman from Virginia [Mr. MONTAGUE].

Mr. MONTAGUE. Mr. Speaker, I concur very heartily in the amendment adopted by the Senate.

There was a time when a constitutional question could have been suggested in bar to the present measure. That time, however, has long since passed. Precedent after precedent for appropriations of this character, based upon general humanitarian purposes, have neutralized the arguments which might have been found valid early in the history of our Republic. The picture of disaster, of distress, of sorrow, of want, and of misery which has overtaken one of the most historic towns in one of the most historic Commonwealths of the American Union must appeal to this House.

May I suggest to the House what I hope is not an improper argument? The American Congress can never repay Massachusetts for what she has done for the American Nation. [Applause.] Massachusetts is not only a historic but a romantic Commonwealth, and in the hours of our infancy and struggle it was the genius and the courage and the self-sacrifice of that great Commonwealth that contributed as much as any single Commonwealth of the original 13 States to the establishment of free government upon these new shores. [Applause.] And therefore, Mr. Speaker, when this appeal is made to us, and when we consider appropriations of like character, made in some instances upon motives, in my humble opinion, of less merit, I shall with great pleasure cast my vote in favor of the amendment. [Applause.]

Mr. FITZGERALD. Mr. Speaker, the sympathy of everyone goes out to the destitute and stricken people of Salem, who have lost their property and their homes in the fire which devastated that community on the 25th of June. No question of the power of Congress was raised by those who in antagonizing this appropriation opposed making the Federal Government bear the burden of the poor relief of the State of Massachusetts.

The fire occurred on the 25th day of June. Appeals were issued for subscriptions to relieve the people who were made destitute. Some 250 acres were burned, a number of industries were destroyed; 17,000 people, or about 3,000 families, it is asserted, were rendered homeless. The State of Massachusetts, by its militia, completely policed the devastated section, furnished tents and established camps for those destitute, and at the last report there were 1,800 of the supposed number of destitute persons being cared for in those camps.

A request was made that Congress should appropriate $200,000 for immediate relief, to meet the exigencies that were then pressing. Upon receipt of the request the Committee on Appropriations met at once to consider the question of aid by way of appropriation from the Federal Treasury. These facts were ascertained: Without seeking or attempting to place the mill hands and operatives in remunerative lines of employment elsewhere, it is proposed to maintain them at public charity, or at the expense of the Government of the United States, for a period of six months or longer, and until it is possible for the owners of the industries to rebuild their mills and factories and furnish the people with employment. There was no pressing necessity shown for additional money at this time. Three hundred and eighty thousand dollars had been raised by public subscription. The State of Massachusetts had not been active. It had not appropriated a dollar. Since the Committee on Appropriations has made its inquiries Massachusetts has appropriated, under the guise of poor relief, $100,000.

Mr. MURRAY of Massachusetts. Mr. Speaker, will the gentleman yield?

The SPEAKER pro tempore (Mr. HAY). Does the gentleman yield?

Mr. FITZGERALD. No; I will not yield at present. So that at the time the Committee on Appropriations declined to recommend an appropriation of $200,000, requested upon the theory that it was needed for the immediate necessities of the occasion, there was available $483,000 of the $1,000,000 that it is estimated will be required to care for these people during a period of at least six months, but in all probability from 8 to 10 or 12 months.

The only question involved was the question of the propriety of the Federal Government being called upon by a great, rich, prosperous State like the State of Massachusetts to take care of its destitute people because of any disaster, because of any catastrophe——

Mr. MURRAY of Massachusetts. Mr. Speaker, will the gentleman yield?

Mr. FITZGERALD. Because of any situation that was not at that time beyond the control and the ability of the local and State authorities to control.

Mr. MURRAY of Massachusetts. Mr. Speaker, will the gentleman yield?

The SPEAKER pro tempore. Does the gentleman from New York yield to the gentleman from Massachusetts?

Mr. FITZGERALD. I prefer not to yield.

The SPEAKER pro tempore. The gentleman from New York declines to yield.

Mr. FITZGERALD. What has Congress done and declined to do in similar situations? What has been the policy of the Government? Two years ago the towns of Austin and Costello, in the State of Pennsylvania, numbering 3,500 people, were the victims of a flood resulting from the bursting of a dam. Practically all of the houses in the towns were wiped out. All of the industries were destroyed. Seventy-seven persons lost their lives. Three million dollars' worth of property was destroyed. Yet Congress, because it is not part of the functions of the Federal Government to take care of destitute persons, declined to appropriate for the relief of those impoverished by the disaster. During this last winter, when the floods in the Brazos River, in Texas, swept a vast territory, destroying $15,000,000 worth of property, a request was made to appropriate money to buy seed to plant corn, and Congress declined to extend such relief.

In the Briceville, Tenn., mine disaster, where a large number of persons lost their lives and others were rendered homeless and dependent, Congress declined relief. In the Black River floods in Wisconsin, where a community was wiped out and the homeless people were dependent upon the charity of the State

and of the good people of the State and of the country in general, Congress declined to do anything. When Galveston was swept by flood and Johnstown suffered in the awful disaster that shocked the country it was not suggested that the Federal Government should aid with money.

It is said, Mr. Speaker, that San Francisco furnishes a parallel case and a precedent. There is no parallel. The earthquake shook San Francisco and was followed by fire. The fire was raging a day when the news reached the country of the appalling character of that catastrophe. Forty per cent of the people of California were involved. The entire food supply was wiped out. Thirty-four hundred acres of the city were swept by fire, which lasted for three days. The legislature of the State was convened and authorized the governor to declare public holidays, and public holidays were declared, running over a period of three months, so as to prevent negotiable paper being presented and becoming due. The entire population was dependent for its very existence upon the rations furnished by the Federal Government. The State and local authorities were utterly unable to cope with the situation; were unable even to police the city and furnish protection to life and property, so that Federal troops were furnished for such purposes, and nearly six months were required to remove the débris resulting from the earthquake and fire so that the people might begin the work of rehabilitation.

It is said that Salem and San Francisco furnish parallel situations. I deny it. There is no comparison between them. When the floods occurred last year in the Ohio and Mississippi Rivers Congress did what it has done and I believe always will do—cooperated with the State authorities by utilizing all the facilities of the Government to prevent the destruction of human life during the emergency. But we declined to recommend $2,000,000 to rehabilitate the people of Dayton, to replace their household effects, to furnish subsistence, and reestablish them in housekeeping, just as it is proposed to do here. Everyone realized that such action could not be defended from any viewpoint. If Congress initiates this policy, then whenever there be a flood in the Mississippi and the great Yazoo Delta is overflowed, whenever fire or other disaster or catastrophe afflicts any of the people of the United States, we may expect the State governments and localities to come to the Federal Treasury as the easiest place to get money to care for the destitute and the helpless and those deserving of charity. Instead of the States and localities doing such work, for which they are organized, we shall continually have appeals of this character. Such demands constantly grow. They are subversive of our whole scheme of government. The Federal Government should not be asked to do such things, and we should refuse to do them. It is neither pleasant nor easy to resist the appeals that have been made by those pressing for this appropriation, and still the appeals are neither so meritorious nor so persuasive as many others neglected by the Congress. I have in the discharge of my duties as head of the Committee on Appropriations resisted to the best of my ability the efforts to place burdens upon the Federal Treasury which do not belong to it. I know that the support and cooperation to which I am entitled has not always been extended to me. States, localities, and individuals successfully unload many obligations upon the Federal Treasury. Some one must attempt to stop these raids.

Believing, Mr. Speaker, under existing conditions, that an appropriation from the Federal Treasury for the relief of the Salem sufferers is contrary to sound public policy and can not be justified on any ground whatever, I hope the amendment will not be agreed to.

How much time have I used, Mr. Speaker?

The SPEAKER pro tempore. The gentleman has used nine minutes.

Mr. FITZGERALD. I reserve the balance of my time.

Mr. PHELAN. I yield three minutes to my colleague from Massachusetts [Mr. GALLIVAN].

Mr. GALLIVAN. Mr. Speaker, I have been a Member of this House for a little over two months, and I had resolved to wait until some of my newness had worn off before asking for the attention of the House. But when the immediate welfare of 17,000 men, women, and children in the old city of Salem, Mass., is at stake I cast all resolutions to the winds and I rise to urge this House to agree to this amendment.

Mr. Speaker, the gentleman who has just taken his seat [Mr. FITZGERALD] has not told this House that the matter of Federal aid to Salem originated here in Washington. On the night of this great disaster the President of the United States wired to our governor, asking him what aid the Federal Government could give in the hour of distress. Our splendid governor, the Hon. David I. Walsh, waiting to realize just how great the disaster was, hesitated before calling for aid from the powers here in Washington.

When Gov. Walsh at last asked that the President lend his assistance a message came to Congress recommending an appropriation of $200,000, and another branch of Congress has unanimously answered that message by the passage of this amendment. I know that some of the watchdogs of the Treasury have been working overtime trying to defeat this proposition; but, Mr. Speaker, precedents, almost without number, are here cited to you to show that it is no new action for Congress to take in matters of this nature. What our President has asked for in his plea for a devastated city should, in my judgment, be granted immediately. Mr. Speaker, I love to recall that whenever other sections have called on Massachusetts for aid she has never failed to respond according to the demands. Throughout the length and breadth of the Nation the prompt and patriotic philanthropy of the old Bay State is known and appreciated, and Massachusetts at this time, and without delay, has responded to the appeal from one of her own cities—to one that has suffered a blow peculiarly heavy and appealing.

Thousands have lost their homes and employment simultaneously, and there is no neighboring city or town around Salem where the 17,000 people who have been stricken by this calamity can now locate and the breadwinners among that number find employment.

Thousands of families must be sheltered, fed, cared for, and aided in every possible way until gradually they are placed beyond the need of aid. It will take time and it will take money, and as a Representative of a Boston district I have a right to ask this House to lend us that aid.

Mr. Speaker, Boston has always led the way in extending relief in such catastrophes. It was Boston that sent the first carload of supplies to stricken San Francisco; it was Boston that first heard the cry of help from the cities and towns along the river when the Mississippi overflowed its banks, and it was Boston again that led the way in affording succor to quake-rocked Messina.

Mr. Speaker, when I hear economy suggested at such times I like to read the words of the junior Senator from Mississippi, when in the Senate the other day, speaking for this $200,000 appropriation, he said:

> Mr. President, service to man is the most acceptable service to God, and he who paints the pallid cheek of care with the rose of health, who causes to blossom in the garden of the heart made desolate by adversity the flower of hope, who fills the soul with cheer, stimulates courage, and helps the weak and faltering to try again—that man has lived and done the highest purposes of life. I hope this measure may receive the votes of every Senator in this Chamber.

That tells the story, and that is the way that Bostonians have of rating men—not by the size of their fortunes, but by the extent and quality of their service to their fellow men. Oh, I remember the great figures of my own boyhood, men who were pointed out to me to be remembered. They were such men as Wendell Phillips and James Russell Lowell, Oliver Wendell Holmes, and Phillips Brooks, and the immortal Boyle O'Reilly, champions in great causes, leaders in the warfare of humanity against the powers of darkness. [Applause.] I might go on in this vein, not to boast but to express the spirit of my city. But this would be to trespass on the time of this House too far. Mr. Speaker, if I have drifted into a eulogy of Boston, remember that I am her son, and the son does not criticize his mother.

I firmly believe the men of this Congress may well look to the future to be remembered by their action in cases such as now appeal to them, and when they vote to give to the stricken people of Salem this sum of money they will receive the everlasting gratitude of a never-forgetful and a never-ungrateful Commonwealth. [Applause.]

The SPEAKER. The gentleman from New York [Mr. FITZGERALD] has six minutes remaining, and the gentleman from Massachusetts [Mr. PHELAN] has five.

Mr. PHELAN. I yield two minutes to the gentleman from Mississippi [Mr. HARRISON].

The SPEAKER. The gentleman from Mississippi [Mr. HARRISON] is recognized for two minutes.

Mr. HARRISON. Mr. Speaker, I have just looked over the list of appropriations that have been made by previous Congresses for the various sections of the country when the people have suffered from fires, storms, and overflows, and I find that the Federal Government has been most generous and kind to my State and my section. We are now called on to vote in this instance for an appropriation of $200,000 to the distressed people of historic Salem, and for my part, under the circumstances, I am only too glad to vote substantial aid and encouragement to them. God knows, from what these gentlemen have said, the poor people need it. I recall that only a few years ago

a most destructive storm swept south Mississippi devastating property and killing people, carrying in its path sorrow, wreck, and ruin. The Federal Government through Congress promptly and ungrudgingly came to our aid and assistance and appropriated $250,000 for that purpose. A little later another storm swept the district of my good friend, Mr. CANDLER, practically destroying the little town of Macon, Miss. Congress was liberal and again generously appropriated money for their relief. Year after year you have appropriated for the sufferers from the overflows of the Mississippi and other rivers. You having been so responsive to the call of my State and my section, I can not, for the life of me, see how any Representative from the South, and especially from my State, can vote against this appropriation, that will carry so much aid and assistance and materially relieve the distressed people of a locality in another section of our country. In such times as these, I believe that every section should help every other section, and when my name is called I shall happily and assuredly vote for a concurrence in the Senate amendment. I hope it will be adopted.

The SPEAKER. The gentleman yields back one minute.

Mr. PHELAN. I yield to the gentleman from Massachusetts [Mr. TREADWAY].

Mr. TREADWAY. Mr. Speaker, I gladly express my appreciation, as a native-born citizen of Massachusetts, of the praise bestowed upon our State and the stricken city of Salem by the gentleman from Virginia [Mr. MONTAGUE]. Much of the early history of our country chronicled the deeds of the citizens of Massachusetts, and no place within its borders contributed more historic material than Salem, where 17,000 inhabitants have been rendered homeless by the devastating ravages of a terrible fire. If time permitted, I would call further attention to the history of the Bay State, but I can not do better than quote the words of a former noted Senator and one of America's most eloquent men, Daniel Webster:

> I shall enter on no encomium upon Massachusetts; she needs none. There she is. Behold her, and judge for yourselves. There is her history; the world knows it by heart.

Mr. Speaker, this request for an appropriation of $200,000 for the relief of the sufferers in Salem is not a local one. The relief committee, composed of prominent citizens of Boston and neighborhood, asked the governor of the State to act in behalf of the State in bringing the matter to the attention of the President and the Congress. One of the last acts of the legislature, which adjourned a few days ago, was to make an appropriation from the State treasury. The general public has been liberal in subscriptions, and up to yesterday had subscribed over $415,000. The citizens of our State have been generous and ever ready to answer the call of distress from other sections of the country and from foreign lands, as evidenced by the contributions made for the sufferers in San Francisco and Dayton and in Messina. So we ask for this appropriation, not in the spirit of charity, but as an act of simple justice to a community and a State willing at all times to answer the call of suffering humanity, whether at home or abroad.

Mr. FITZGERALD. I yield to the gentleman from Mississippi [Mr. SISSON].

The SPEAKER. The gentleman from Mississippi [Mr. SISSON] is recognized.

Mr. SISSON. Mr. Speaker, Congress has never yet declined to make appropriations where human life was at stake. Wherever the destruction of property is imminent and impending, and can be prevented, in those emergencies Congress has always responded. Wherever a condition has been such that we could endeavor to prevent the disaster, or to prevent the loss of life, we have responded. But in no case has it put itself in the attitude of becoming, as it were, an insurance company. Let me state to you that if you pass this appropriation, when floods shall come and break the levees in my State I propose to ask you to respond in enormous amounts of money. These appropriations that were made here were not appropriations for doing other than taking care of the situation while human life was likely to be lost. When the flood was all over my own place down in that section of the country, I was not in favor of taking care of the tenants on my place, but on the contrary, where those people who had no means were compelled to live, the Government simply gave them rations until the flood subsided, and as soon as the flood subsided the aid was withdrawn.

In fact the table placed in the RECORD on yesterday by the gentleman from Massachusetts [Mr. GARDNER] is misleading. These appropriations were to reimburse the War Department for rations and other expenses incurred by it under authority of Congress to prevent loss of life. The way it has always been done is this: When the overflow has been so great as to endanger the loss of life the Secretary of War is authorized to use the military stores to prevent the loss of life and Congress has simply passed appropriations to reimburse the War Department. We are willing to do this in this case. In fact we are doing that now. The National Guard of Massachusetts, through its governor, is using the Government tents, beds, blankets, and so forth, to care for the homeless. The Secretary of War extended further aid of this kind, and it was stated that it was not needed. If Congress goes beyond this sort of aid and enlarges upon the scope of aid the Federal Treasury will be swamped. It is a new doctrine that the people should be fed by the Federal Treasury when they are out of a job. They say yes, but the burning of this great factory was a great calamity. Yes; a most unfortunate one. We all regret it, but after the fire is out and the immediate distress resulting therefrom is relieved the obligation, according to all the precedents, is over. The people should bestir themselves and get busy and relieve themselves. They say that they are going to rebuild; then let the people be given work clearing away the débris and be employed to assist in the great work of rebuilding the destroyed property. Only about 1,800 of the 17,000 reported to have been left destitute are now without shelter, and they are in comfortable Army tents and on good Army beds.

Let the work of reconstruction begin and all will find work. What, will it be contended that the Government shall feed these people until the factory is rebuilt? Such a contention is most dangerous and leads into a most dangerous field. When the great Baltimore, Chicago, and Yazoo City fires occurred not a dollar was asked for and not a dollar paid. In the Mississippi flood, in all the cyclone disasters enumerated, no direct appropriation was ever made; only aid was extended through the Army, as I have indicated. Tents and beds and food were given for only a few days to relieve the immediate distress, and the Secretary of War presented his bill, which has been for food, drugs, and such aid as would give the community a few days to get on its feet. Already $489,000 has been raised; and this is more than ample to take care of 1,800 people for a few weeks until they can get work.

If there was any danger of loss of life here, I would not hesitate for one moment to vote for an appropriation to save human life. But merely because people are without jobs, because a factory has burned and the opportunity of obtaining a job is gone, it is idle to say that Congress ought to respond. If you do that, you should respond when an individual loses his home, if it is all he has. When a little town is wiped out, as a little town in my State was, there was not a dollar asked. Why? Because when men lose their jobs it is not the business of the Government to hunt up jobs for them. It is not the function of the Government; it is for the men to get out and hustle. If a factory had closed its doors for all time to come, would there be any man here who would say that these men ought to have Government aid?

The SPEAKER. The time of the gentleman from Mississippi has expired.

Mr. PHELAN. Mr. Speaker, I yield the remainder of my time to the gentleman from Massachusetts [Mr. GARDNER].

Mr. GARDNER. Mr. Speaker, it is true, as the gentleman from New York [Mr. FITZGERALD] says, that we propose to feed the unemployed and homeless sufferers from the Salem fire. What are the facts? Instead of $1,000,000, as he says, we need $1,700,000 all told, to relieve suffering and rehabilitate the city. The earning capacity of Salem has been wiped out, because its industries have been wiped out, and yet it will bond itself for $700,000 as a consequence of this fire. That is a grievous burden for a city with a population of 45,000 souls. Seven hundred thousand dollars and the interest on that sum must ultimately come right out of the city of Salem.

The State of Massachusetts is inhibited by its constitution from making a direct appropriation to help Salem out, but for poor relief in Salem, for the militia, by the rebate of taxes, and by the appropriation of supplies from public institutions the State has already entailed on itself an expense of $195,000. The legislature has adjourned, but doubtless in the next session there will be large additional bills to pay.

Yes, it is true that we are going to feed these people. You talk about it being our duty to find them other employment. The Lord knows that we would do so if we could. They do not want to eat the bread of idleness, but you can not take a cotton-mill operative and all of a sudden convert him into a foundryman or a laster.

The gentleman from New York says that no effort is being made to seek remunerative employment for those people. He is entirely mistaken. I happen to have in my pocket a letter to the Secretary of Labor written by Mr. John L. Saltonstall, a member of the local committee of labor in Salem. Mr. Saltonstall is bending his energies to accomplish the very re-

sults which the gentleman from New York declares that no one is seeking to accomplish.

The other gentleman says that a great rich State like Massachusetts ought to get along without national help, but he does not mention the fact that Massachusetts has always responded whenever help was urgently needed elsewhere. Let me read a telegram which I received this morning from the governor of the State of Massachusetts, sent by his secretary, Mr. John F. Meaney:

Amount raised in Massachusetts for the San Francisco relief fund, $815,000. Amount raised in Massachusetts for the Messina fund, $178,000. Amount raised in Massachusetts for the Dayton fund, $211,000.

[Applause.]

And yet the gentleman says that we come here with our hands outstretched asking for relief and that we are unwilling to do our share. [Applause.]

Mr. FITZGERALD. Mr. Speaker, I yield the balance of my time to the gentleman from North Carolina [Mr. PAGE].

Mr. PAGE of North Carolina. Mr. Speaker, it is not the most pleasant task in the world to appear on this floor in opposition to an amendment of this kind. And yet some of us conceive that it is our duty to defend an institution that recently and in recent years seems to have few friends—the National Treasury. Gentlemen have cited in advocacy of this appropriation numerous precedents, or what they call precedents, as a warrant for this appropriation. They fail utterly to mention other disasters that have occurred in our country where no appeal was made to the American Congress for aid and where the situation was taken care of by the local authorities.

A great many of us recall in recent years the great flood in the city of Galveston that swept away millions of property and thousands of human lives. More than 8,000 perished in that great disaster, and yet the Congress of the United States was not appealed to to care for the unfortunate there. In that locality and all over the State of Texas those that were charitably inclined, from Maine to California, responded to the needs and the needs were met.

Gentlemen of the House, it seems to me the strongest argument that can be advanced here as to why this appropriation *should not be* made, as to why there is no necessity for the Federal Treasury to be called upon in this instance, is the fact that a great State like Massachusetts, rich and powerful, that has contributed to other disasters, as just stated by the gentleman from that State, of millions of dollars, that it should come to the Congress of the United States, when, by their own statement, they need $1,700,000 for this situation, and ask for the pitiable sum of $200,000.

If you have any disaster at all, if there is any necessity for Government aid, $200,000 will not likely meet that necessity. Mr. Speaker, in all of these cases that have been cited by various gentleman there has been great loss of human life or imminent danger of great loss of life, and in these cases the National Government has gone to the rescue for the purpose of saving life. So far as the record goes, in this disaster at Salem, Mass., there was not a single life lost. The record before the Appropriations Committee in the hearings upon this subject shows that the property lost is infinitesimal when the insurance is paid. Contrast it with the great conflagration in Chicago, within the memory of some of us, when there was no contribution made from the National Treasury. Think of the flood at Johnstown, that destroyed hundreds of lives and millions of property, and yet that was taken care of without an invasion of the National Treasury. I recall that in 1887 or 1886 there was a drought that devastated the whole western half, practically, of the empire of Texas. A bill passed Congress appropriating money to furnish seeds that these people might plant their crops. It went to the White House, where there was a Democrat who believed in the local authorities taking care of the things for which they were created and in protecting the National Treasury, and Grover Cleveland vetoed that bill and said it was the duty of the citizen to support his Government and not the business of Governments to support the people.

Mr. MURRAY of Massachusetts. Mr. Speaker——

Mr. PAGE of North Carolina. No; I can not yield.

The SPEAKER. The time of the gentleman from North Carolina has expired.

Mr. PAGE of North Carolina. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD.

The SPEAKER. Is there objection?

There was no objection.

Mr. PHELAN. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD.

The SPEAKER. Is there objection?

There was no objection.

The SPEAKER. The question is on agreeing to Senate amendment 163 with an amendment.

The question was taken; and on a division (demanded by Mr. FITZGERALD) there were—ayes 76, noes 33.

Mr. FITZGERALD. Mr. Speaker, I make the point of order that there is no quorum present.

The SPEAKER. The gentleman from New York makes the point of order that there is no quorum present. Evidently there is not a quorum present. The Doorkeeper will close the doors, the Sergeant at Arms will notify absentees, and the Clerk will call the roll.

The Clerk called the roll, and there were yeas 162, nays 64, answered "present" 6, not voting 201, as follows:

YEAS—162.

Abercrombie	Donovan	Howell	Platt
Aiken	Doolittle	Hughes, Ga.	Post
Alexander	Doremus	Humphrey, Wash.	Quin
Allen	Doughton	Igoe	Ragsdale
Anderson	Dunn	Johnson, Utah	Raker
Ansberry	Dupré	Kahn	Reed
Avis	Eagan	Keister	Reilly, Wis.
Barkley	Esch	Kelly, Pa.	Roberts, Nev.
Barton	Estopinal	Kennedy, Conn.	Rogers
Bathrick	Falconer	Kennedy, Iowa	Rubey
Beakes	Ferris	Kent	Rupley
Bell, Cal.	Floyd, Ark.	Kettner	Saunders
Booher	Francis	Kinkaid, Nebr.	Scott
Britten	French	Kirkpatrick	Seldomridge
Brockson	Gallivan	Kitchin	Sims
Brodbeck	Gard	Konop	Sinnott
Broussard	Gardner	Korbly	Smith, Idaho
Bryan	Gill	La Follette	Smith, Saml. W.
Burke, S. Dak.	Gittins	Langley	Stedman
Burke, Wis.	Glass	Lee, Pa.	Stephens, Cal.
Burnett	Goeke	Lenroot	Stevens, N. H.
Campbell	Good	Lewis, Md.	Stone
Candler, Miss.	Goodwin, Ark.	Lieb	Taggart
Caraway	Graham, Ill.	Lindbergh	Talcott, N. Y.
Casey	Gray	Lloyd	Tavenner
Church	Green, Iowa	Lonergan	Taylor, Ark.
Clark, Fla.	Greene, Mass.	McKenzie	Taylor, N. Y.
Coady	Greene, Vt.	MacDonald	Temple
Collier	Hamill	Madden	Ten Eyck
Connolly, Iowa	Hamilton, Mich.	Maguire, Nebr.	Thacher
Conry	Hamlin	Manahan	Towner
Cramton	Hammond	Mapes	Townsend
Cullop	Harris	Mitchell	Treadway
Curry	Harrison	Montague	Volstead
Danforth	Haugen	Morgan, Okla.	Wallin
Deitrick	Hawley	Moss, W. Va.	Watkins
Dershem	Hayden	Murray, Mass.	Wingo
Dickinson	Heflin	Nolan, J. I.	Woodruff
Dillon	Helgesen	Payne	Woods
Dixon	Helvering	Peters, Mass.	
Donohoe	Hinebaugh	Phelan	

NAYS—64.

Adamson	Fitzgerald	Kindel	Rouse
Bailey	Foster	Lee, Ga.	Rucker
Baltz	Fowler	Lesher	Russell
Blackmon	Garner	Lever	Sherwood
Bowdle	Garrett, Tex.	Levy	Sisson
Buchanan, Tex.	Godwin, N. C.	McCoy	Stafford
Burgess	Gordon	Moon	Stephens, Miss.
Byrnes, S. C.	Gregg	Morrison	Stephens, Tex.
Byrns, Tenn.	Hardy	Nelson	Taylor, Colo.
Claypool	Helm	O'Hair	Thomson, Ill.
Cline	Hensley	Padgett	Tribble
Connelly, Kans.	Holland	Page, N. C.	Tuttle
Cox	Howard	Park	Underwood
Dent	Jacoway	Peterson	Watson
Faison	Johnson, S. C.	Rainey	Williams
Fergusson	Key, Ohio	Rayburn	Witherspoon

ANSWERED "PRESENT"—6.

Bulkley	Garrett, Tenn.	Sloan	Stevens, Minn.
Davis	Gillett		

NOT VOTING—201.

Adair	Carr	Fordney	Johnson, Wash.
Ainey	Carter	Frear	Jones
Anthony	Cary	Gallagher	Keating
Ashbrook	Chandler, N. Y.	George	Kelley, Mich.
Aswell	Clancy	Gerry	Kennedy, R. I.
Austin	Cooper	Gilmore	Kiess, Pa.
Baker	Copley	Goldfogle	Kinkead, N. J.
Barchfeld	Covington	Gorman	Knowland, J. R.
Barnhart	Crisp	Goulden	Kreider
Bartholdt	Crosser	Graham, Pa.	Lafferty
Bartlett	Dale	Griest	Langham
Beall, Tex.	Davenport	Griffin	Lazaro
Bell, Ga.	Decker	Gudger	L'Engle
Borchers	Dies	Guernsey	Lewis, Pa.
Borland	Difenderfer	Hamilton, N. Y.	Lindquist
Brown, N. Y.	Dooling	Hardwick	Linthicum
Brown, W. Va.	Driscoll	Hart	Lobeck
Browne, Wis.	Drukker	Hay	Loft
Browning	Eagle	Hayes	Logue
Bruckner	Edmonds	Henry	McAndrews
Brumbaugh	Edwards	Hill	McClellan
Buchanan, Ill.	Elder	Hinds	McDermott
Burke, Pa.	Evans	Hobson	McGillicuddy
Butler	Fairchild	Houston	McGuire, Okla.
Calder	Farr	Hoxworth	McKellar
Callaway	Fess	Hughes, W. Va.	McLaughlin
Cantor	Fields	Hulings	Mahan
Cantrill	Finley	Hull	Maher
Carew	FitzHenry	Humphreys, Miss.	Mann
Carlin	Flood, Va.	Johnson, Ky.	Martin

Merritt	Parker	Slayden	Underhill
Metz	Patten, N. Y.	Slemp	Vare
Miller	Patton, Pa.	Small	Vaughan
Mondell	Peters, Me.	Smith, J. M. C.	Vollmer
Moore	Plumley	Smith, Md.	Walker
Morgan, La.	Porter	Smith, Minn.	Walsh
Morin	Pou	Smith, N. Y.	Walters
Moss, Ind.	Powers	Smith, Tex.	Weaver
Mott	Prouty	Sparkman	Webb
Murdock	Rauch	Stanley	Whaley
Murray, Okla.	Reilly, Conn.	Steenerson	Whitacre
Neeley, Kans.	Riordan	Stephens, Nebr.	White
Neely, W. Va.	Roberts, Mass.	Stout	Willis
Norton	Rothermel	Stringer	Wilson, Fla.
O'Brien	Sabath	Sumners	Wilson, N. Y.
Oglesby	Scully	Sutherland	Winslow
Oldfield	Sells	Switzer	Young, N. Dak.
O'Leary	Shackleford	Talbott, Md.	Young, Tex.
O'Shaunessy	Sharp	Taylor, Ala.	
Paige, Mass.	Sherley	Thomas	
Palmer	Shreve	Thompson, Okla.	

So the motion to concur in the Senate amendment with an amendment was agreed to.

The Clerk announced the following additional pairs:

On this vote:

Mr. GILMORE (for Salem amendment) with Mr. POU (against).

Mr. LOGUE (for Salem amendment) with Mr. BULKLEY (against).

Mr. BROWN of New York (for Salem amendment) with Mr. HULL (against).

Mr. FARR (for Salem amendment) with Mr. STEVENS of Minnesota (against).

Mr. MAHAN (for Salem amendment) with Mr. OLDFIELD (against).

Ending August 4:

Mr. WEAVER with Mr. SLOAN.

Until further notice:

Mr. DIFENDERFER with Mr. MCGUIRE of Oklahoma.

Mr. ELDER with Mr. LINDQUIST.

Mr. FINLEY with Mr. MILLER.

Mr. FLOOD of Virginia with Mr. MONDELL.

Mr. JONES with Mr. MORIN.

Mr. WEBB with Mr. PROUTY.

Mr. WHITE with Mr. SMITH of Minnesota.

Mr. ASWELL with Mr. CHANDLER of New York.

Mr. BROWN of West Virginia with Mr. FESS.

Mr. CARLIN with Mr. FREAR.

Mr. CARTER with Mr. EDMONDS.

Mr. BELL of Georgia with Mr. DAVIS.

Mr. HAY with Mr. MANN.

For the session:

Mr. CLANCY with Mr. HAMILTON of Michigan.

Mr. BULKLEY. Mr. Speaker, did the gentleman from Pennsylvania, Mr. LOGUE, vote?

The SPEAKER. He did not.

Mr. BULKLEY. Then I desire to withdraw my vote of "no" and answer "present."

The name of Mr. BULKLEY was called, and he answered "Present."

The result of the vote was announced as above recorded.

The SPEAKER. A quorum is present; the Doorkeeper will open the doors.

Mr. FITZGERALD. Mr. Speaker, I move that the House ask for a conference.

The SPEAKER. The gentleman from New York moves that the House ask for a conference.

The motion was agreed to; and the Speaker announced as conferees on the part of the House Mr. FITZGERALD, Mr. SHERLEY, and Mr. GILLETT.

LEAVE OF ABSENCE.

By unanimous consent, leave of absence was granted to Mr. HOWARD, for 10 days, on account of sickness in his family.

PENSIONS.

Mr. RUSSELL. Mr. Speaker, I call up the bill S. 4845.

The SPEAKER. The Clerk will report the bill by title.

The Clerk read as follows:

S. 4845. An act granting pensions and increase of pensions to certain soldiers and sailors of the Civil War and certain widows and dependent relatives of such soldiers and sailors.

Mr. RUSSELL. Mr. Speaker, I ask unanimous consent that the bill be considered in the House as in Committee of the Whole House.

Mr. STAFFORD. Mr. Speaker, reserving the right to object, has this bill been reported to the House by the House committee?

Mr. RUSSELL. No; it is a Senate bill.

Mr. STAFFORD. Mr. Speaker, I am reserving the right to object, and I am inquiring whether this bill has been acted upon by the House committee at any time?

Mr. RUSSELL. It has been acted upon by the House committee, but it is a Senate bill.

Mr. STAFFORD. It has been reported to the House?

Mr. RUSSELL. Yes; and I ask unanimous consent that the Senate bill be considered in the House as in Committee of the Whole House.

The SPEAKER. Is there objection? [After a pause.] The Chair hears none.

Mr. RUSSELL. Mr. Speaker, I ask unanimous consent to dispense with the first reading of the bill.

The SPEAKER. The gentleman from Missouri asks unanimous consent to dispense with the first reading of the bill. Is there objection? [After a pause.] The Chair hears none, and the Clerk will read the bill for amendment.

The Clerk read as follows:

The name of Annie A. Voigt, widow of Charles H. Voigt, late of Company I, Thirty-third Regiment Indiana Volunteer Infantry, and pay her a pension at the rate of $20 per month in lieu of that she is now receiving.

The committee amendment was read, as follows:

Page 4, strike out lines 13 to 16, inclusive.

The question was taken, and the amendment was agreed to.

The Clerk read as follows:

The name of George W. North, late of Company K, Eighty-eighth Regiment Indiana Volunteer Infantry, and pay him a pension at the rate of $50 per month in lieu of that he is now receiving.

The committee amendment was read, as follows:

Page 7, line 11, strike out "$50" and insert "$40."

The question was taken, and the amendment was agreed to.

The Clerk read as follows:

The name of Harriet A. Frasier, widow of Benjamin Frasier, late of Company A, Third Regiment Michigan Volunteer Infantry, and pay her a pension at the rate of $12 per month.

The committee amendment was read, as follows:

Page 8, strike out lines 9 to 12, inclusive.

The question was taken, and the amendment was agreed to.

The Clerk read as follows:

The name of John J. Schneller, late of Company E, Forty-ninth Regiment Wisconsin Volunteer Infantry, and pay him a pension at the rate of $36 per month in lieu of that he is now receiving.

The committee amendment was read, as follows:

Page 8, strike out lines 22 to 25, inclusive.

The question was taken, and the amendment was agreed to.

The Clerk read as follows:

The name of Allison W. Pollard, late second lieutenant Company K, Seventeenth Regiment Kentucky Volunteer Cavalry, and pay him a pension at the rate of $20 per month in lieu of that he is now receiving.

The committee amendment was read, as follows:

Page 9, strike out lines 1 to 4, inclusive.

The question was taken, and the amendment was agreed to.

The Clerk read as follows:

The name of Robert G. Sleater, late of Company H, Sixth Regiment Iowa Volunteer Infantry, and pay him a pension at the rate of $50 per month in lieu of that he is now receiving.

Mr. RUSSELL. Mr. Chairman, I move to strike out lines 3 to 6, inclusive, on page 10; the party is dead.

The SPEAKER. The Clerk will report the amendment.

The Clerk read as follows:

Page 10, strike out lines 3 to 6, inclusive.

The question was taken, and the amendment was agreed to.

The Clerk read as follows:

The name of Catherine E. Brown, widow of David H. Brown, late of U. S. S. *Little Rebel*, United States Navy, and pay her a pension at the rate of $12 per month.

The committee amendment was read, as follows:

Page 10, strike out lines 11 to 13, inclusive.

The question was taken, and the amendment was agreed to.

The Clerk read as follows:

The name of Timothy W. Reardon, late of Company F, First Regiment Minnesota Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The committee amendment was read, as follows:

Page 13, line 17, strike out "$30" and insert "$24."

The question was taken, and the amendment was agreed to.

The Clerk read as follows:

The name of Pleasant W. Logan, late surgeon First Regiment Tennessee Volunteer Cavalry, and pay him a pension at the rate of $36 per month in lieu of that he is now receiving.

The committee amendment was read, as follows:

Page 16, line 3, strike out "$36" and insert "$45."

The question was taken, and the amendment was agreed to.

The Clerk read as follows:

The name of James R. Beaty, late of Company H, Fifty-fifth Regiment Indiana Volunteer Infantry, and pay him a pension at the rate of $18 per month.

The committee amendment was read, as follows:

Page 20, strike out lines 1 to 3, inclusive.

The question was taken, and the amendment was agreed to.

The Clerk read as follows:

The name of Florence M. Craigie, widow of David J. Craigie, late brigadier general, United States Army, and pay her a pension at the rate of $50 per month in lieu of that she is now receiving.

The committee amendment was read, as follows:

Page 20, line 10, strike out "$50" and insert "$30."

The question was taken, and the amendment was agreed to.

The Clerk read as follows:

The name of Jobe Morris, late of Company A, Forty-seventh Regiment Kentucky Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The committee amendment was read, as follows:

Page 21, line 19, strike out "$30" and insert "$24."

The question was taken, and the amendment was agreed to.

The Clerk read as follows:

The name of Margaret T. Fuger, widow of Frederick Fuger, late major Fourth Regiment United States Artillery, and lieutenant colonel United States Army, retired, and pay her a pension at the rate of $50 per month in lieu of that she is now receiving.

The committee amendment was read, as follows:

Page 22, line 4, strike out "$50" and insert "$24."

The question was taken, and the amendment was agreed to.

The Clerk read as follows:

The name of Marshal B. Burk, late of Company K, Forty-fourth Regiment New York Volunteer Infantry, and first lieutenant and captain Company C, Ninth Regiment New York Volunteer Heavy Artillery, and pay him a pension at the rate of $40 per month in lieu of that he is now receiving.

The committee amendment was read, as follows:

Page 22, strike out lines 6 to 11, inclusive.

The question was taken, and the amendment was agreed to.

The bill as amended was ordered to be read a third time, was read the third time, and passed.

On motion of Mr. RUSSELL, a motion to reconsider the vote by which the bill was passed was laid on the table.

Mr. RUSSELL. Mr. Speaker, I desire to call up the bill (S. 4261) granting pensions and increase of pension to certain soldiers and sailors of the Civil War and certain widows and dependent relatives of such soldiers and sailors, and I ask unanimous consent that the bill be considered in the House as in the Committee of the Whole.

The SPEAKER. The gentleman asks unanimous consent that the bill be considered in the House as in the Committee of the Whole. Is there objection? [After a pause.] The Chair hears none.

Mr. RUSSELL. Mr. Speaker, I ask unanimous consent to dispense with the first reading of the bill.

The SPEAKER. The gentleman from Missouri also asks unanimous consent that the first reading of the bill be dispensed with. Is there objection? [After a pause.] The Chair hears none. The Clerk will read the bill for amendment.

The Clerk read as follows:

The name of George W. Miller, late sergeant major Fifth Regiment West Virginia Volunteer Cavalry, and first lieutenant Company H, Sixth Regiment West Virginia Volunteer Cavalry, and pay him a pension at the rate of $50 per month in lieu of that he is now receiving.

The committee amendment was read, as follows:

Page 1, strike out all of lines 6 to 10, inclusive.

The amendment was agreed to.

The Clerk read as follows:

The name of John M. Dickerson, late second lieutenant Company D, One hundred and thirty-third Regiment Ohio National Guard Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The committee amendment was read, as follows:

Page 2, line 4, strike out the figures "$30" and insert in lieu thereof "$24."

The amendment was agreed to.

The Clerk read as follows:

The name of Minnie Wadsworth Wood, widow of Oliver E. Wood, late colonel, Artillery Corps, and brigadier general, United States Army, retired, and pay her a pension at the rate of $40 per month in lieu of that she is now receiving.

The name of Jernsha Hayward Brown, widow of Edward M. Brown, late lieutenant colonel Eighth Regiment Vermont Volunteer Infantry, and pay her a pension at the rate of $50 per month in lieu of that she is now receiving.

The following committee amendment was read:

Page 3, strike out all of lines 11 to 18, inclusive.

Mr. STAFFORD. Mr. Speaker, there are two amendments. I think they ought to be acted upon separately.

The SPEAKER. There is one amendment.

Mr. STAFFORD. There are two propositions, and the gentleman from South Dakota [Mr. BURKE] wishes to address himself to the second proposition.

Mr. BURKE of South Dakota. Mr. Speaker, I wish to call attention to the amendment which proposes to eliminate the provision in this bill granting an increase of pension to Jerusha Hayward Brown. The bill as it passed the Senate granted to this woman a pension of $50 per month. It has been stricken out by the House committee on the ground that the pension she is now receiving is considered fully commensurate. I want to say that this is an extremely unusual case. This old lady is now about 91 years of age. She married her soldier husband in 1846. He had an honorable service in the Civil War, retiring with the rank of lieutenant colonel. He died in 1903. In addition to being the widow of a soldier she is also the daughter of a distinguished officer of the War of the Revolution, and therefore is one of the few surviving real daughters of the Revolution. I had intended to ask the House to disagree to the amendment of the House committee, but I appreciate, Mr. Speaker, that the consideration of private pension bills is very largely a unanimous-consent procedure. Having the utmost confidence in the distinguished gentlemen who constitute the Committee on Invalid Pensions, and especially knowing the great generosity and the liberal disposition of those who will be the conferees, and believing that when this bill gets into conference and when they consider the circumstances of this case, the great age of this claimant and the fact that she is without any means, except the pension that she now receives, they will consent to recede from the amendment and permit this increase to become a law, because it is just and meritorious and because she will not be permitted in all probability of drawing it but a short time.

For all of these reasons I am not going to ask the House to disagree to the amendment of the committee, and will leave the matter to the generosity of the conferees.

Mr. RUSSELL. Mr. Speaker, I am glad that my friend from South Dakota [Mr. BURKE] has consented to make no fight against this amendment at this time. The committee of the House by unanimous vote struck this item from the bill, and, of course, the committee, as represented to-day, by only two or three members, could not consent to this amendment if the gentleman should offer it. But, as he states, the committee of conference, when appointed, will probably go over this matter again, and if it appears that it is just and proper that this item should be restored, I am sure the committee of conference will be disposed to do what is right.

The SPEAKER. The question is on agreeing to the committee amendment.

The amendment was agreed to.

The Clerk read as follows:

The name of William Ramsey, late of Company D, Sixth Regiment Kentucky Volunteer Infantry, and pay him a pension at the rate of $50 per month in lieu of that he is now receiving.

The following committee amendment was read:

Page 4, line 10, strike out the figures "$50" and insert "$40."

The amendment was agreed to.

The Clerk read as follows:

The name of Garret W. Patterson, late of Company C, Eleventh Regiment Kentucky Volunteer Cavalry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The following committee amendment was read:

Page 5, strike out lines 23 and 24 and lines 1 and 2 on page 6.

The amendment was agreed to.

The Clerk read as follows:

The name of Eunice B. Prescott, widow of Lewis Prescott, late of Company D, First Regiment Maine Volunteer Cavalry, and pay her a pension at the rate of $20 per month in lieu of that she is now receiving.

The following committee amendment was read:

Page 6, strike out lines 9 to 12, inclusive.

The amendment was agreed to.

The Clerk read as follows:

The name of Warren T. Noyes, late of Company H, Ninth Regiment Maine Volunteer Infantry, and pay him a pension at the rate of $50 per month in lieu of that he is now receiving.

The following committee amendment was read:

Page 6, line 15, strike out "$50" and insert in lieu thereof "$40."

The amendment was agreed to.

The Clerk read as follows:

The name of William H. Mason, late of Company I, Seventh Regiment Pennsylvania Volunteer Cavalry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The following committee amendment was read:

Page 6, strike out all of lines 21 to 24, inclusive.

The amendment was agreed to.

The Clerk read as follows:

The name of George Wood, late of Company C, Sixth Battalion, District of Columbia Volunteer Infantry, and pay him a pension at the rate of $15 per month.

The following committee amendment was read:

Page 8, strike out lines 6 to 8, inclusive.

The amendment was agreed to.

The Clerk read as follows:

The name of James Carroll, late of Company F, Forty-seventh Regiment Ohio Volunteer Infantry, and pay him a pension at the rate of $36 per month in lieu of that he is now receiving.

The following committee amendment was read:

Page 8, strike out all of lines 21 to 24, inclusive.

The amendment was agreed to.

The Clerk read as follows:

The name of Lizzie M. Smith, widow of Monroe A. Smith, late of Company E, Sixth Regiment New Hampshire Volunteer Infantry, and pay her a pension at the rate of $12 per month.

The following committee amendment was read:

Page 9, strike out lines 13 to 16, inclusive.

The amendment was agreed to.

The Clerk read as follows:

The name of Seymour Norman, late of Company A, Seventh Regiment West Virginia Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The following committee amendment was read:

Page 9, strike out lines 17 to 20, inclusive.

The amendment was agreed to.

The Clerk read as follows:

The name of Rhoda A. Work, widow of William A. Work, late of Company D, Fifty-ninth Regiment Ohio Volunteer Infantry, and pay her a pension at the rate of $20 per month in lieu of that she is now receiving.

The following committee amendment was read:

Page 10, strike out lines 1 to 4, inclusive.

The amendment was agreed to.

The Clerk read as follows:

The name of William Ferguson, late of Company G, Thirteenth Regiment West Virginia Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The following committee amendment was read:

Page 11, line 3, strike out "$30" and insert in lieu thereof "$24."

The amendment was agreed to.

The Clerk read as follows:

The name of Emma A. Davis, widow of Henry K. Davis, late of Capt. Edward Fitzki's battery, Pennsylvania Emergency Militia, and pay her a pension at the rate of $12 per month.

The following committee amendment was read:

Page 11, strike out lines 13 to 16, inclusive.

The amendment was agreed to.

The Clerk read as follows:

The name of Alice C. Sawtelle, widow of Charles Greene Sawtelle, late brigadier general and Quartermaster General, United States Army, and pay her a pension at the rate of $50 per month in lieu of that she is now receiving.

The following committee amendment was read:

Page 13, line 12, strike out "$50" and insert in lieu thereof "$24."

The amendment was agreed to.

The Clerk read as follows:

The name of John O'Hara, late of Company K, Thirteenth Regiment New York Volunteer Heavy Artillery, and pay him a pension at the rate of $30 per month in lieu of that is now receiving.

The following committee amendment was read:

Page 14, strike out all of lines 17 to 20, inclusive.

The amendment was agreed to.

The Clerk read as follows:

The name of Ebenezer C. Rush, late of Company E, Fourth Regiment Vermont Volunteer Infantry, and pay him a pension at the rate of $36 per month in lieu of that he is now receiving.

The following committee amendment was read:

Page 16, strike out lines 9 to 12, inclusive.

The amendment was agreed to.

The Clerk read as follows:

The name of Corda P. Gracey, widow of Samuel L. Gracey, late chaplain Sixth Regiment Pennsylvania Volunteer Cavalry, and former widow of Harrison O. Pratt, late of Company M, First Regiment Massachusetts Volunteer Heavy Artillery, and pay her a pension at the rate of $12 per month.

The following committee amendment was read:

Page 18, strike out lines 3 to 8, inclusive.

The amendment was agreed to.

Mr. FOSTER. Mr. Speaker, I move to strike out the last word.

The SPEAKER. The gentleman from Illinois [Mr. FOSTER] moves to strike out the last word.

Mr. FOSTER. I observe that the Committee on Invalid Pensions has reported these Senate bills. I judge that these are all the pension bills that have been passed by the Senate up to this time. Is that true?

Mr. RUSSELL. Yes; I think that is true.

Mr. FOSTER. Now, can the gentleman from Missouri inform the House how many House pension bills are still in the Senate and have not been acted upon there?

Mr. RUSSELL. There is only one.

Mr. FOSTER. Just one?

Mr. RUSSELL. Yes.

Mr. FOSTER. So that they have not passed that one bill?

Mr. RUSSELL. We have one House bill that they have not passed.

Mr. FOSTER. It seems that for some reason or other they have not been reporting these pension bills there as promptly as you have been doing it here in the House?

Mr. RUSSELL. No; they are behind; but about 10 days ago they passed five of our House bills, and they have gone through conference, and the conference reports were agreed to here yesterday.

Mr. FOSTER. But not in the Senate?

Mr. RUSSELL. They have gone to the Senate, but have not been agreed to yet, unless it was done to-day. But the Senate has passed, in all, eight of our House bills.

Mr. FOSTER. So there is one more left?

Mr. RUSSELL. Yes; one more.

Mr. FOSTER. So that we have passed here all the Senate bills that have come over here up to this time?

Mr. RUSSELL. Yes.

Mr. FOSTER. But there is one that has not yet come back here that was passed by the House some time ago?

Mr. RUSSELL. Yes; one bill.

Mr. FOSTER. Can the gentleman tell us how long ago that was?

Mr. RUSSELL. I believe it was the last Friday in May. The clerk of the committee so informs me. I did not remember the date. The clerk of the committee says it was the last Friday in May. They passed it through the committee and put it on the calendar one day last week.

Mr. FOSTER. It has just been on the calendar for a short time?

Mr. RUSSELL. Yes.

Mr. BURKE of South Dakota. Mr. Speaker, will the gentleman yield?

Mr. RUSSELL. Yes.

Mr. BURKE of South Dakota. Is it not a fact that in the other body there were a number of Senate bills reported and on the calendar for a number of weeks before they were considered in the Senate?

Mr. RUSSELL. Yes. They have passed our bills as promptly as they have passed the Senate bills.

Mr. BURKE of South Dakota. The point I want to make is that there has been no apparent effort on the part of the Senate to treat the House bills differently from the Senate bills?

Mr. RUSSELL. No. I think the Senate has simply been busy with other important legislation. I do not think there is any disposition to defeat our bills or to delay them.

Mr. FOSTER. I withdraw my pro forma amendment.

The SPEAKER. The gentleman from Illinois [Mr. FOSTER] withdraws his pro forma amendment. The question is on the third reading of the Senate bill.

The Senate bill as amended was ordered to be read a third time, was read the third time, and passed.

On motion of Mr. RUSSELL, a motion to reconsider the vote whereby the bill was passed was laid on the table.

Mr. RUSSELL. Mr. Speaker, I call up Senate bill 5843.

The SPEAKER. The Clerk will report it.

The Clerk read the title of the bill, as follows:

S. 5843. An act granting pensions and increase of pensions to certain soldiers and sailors of the Civil War and certain widows and dependent relatives of such soldiers and sailors.

Mr. RUSSELL. Mr. Speaker, I ask unanimous consent that the bill be considered in the House as in Committee of the Whole.

The SPEAKER. The gentleman from Missouri [Mr. RUSSELL] asks unanimous consent that the bill be considered in the House as in Committee of the Whole. Is there objection?

There was no objection.

Mr. RUSSELL. Mr. Speaker, I ask unanimous consent to dispense with the first reading of the bill.

The SPEAKER. The gentleman from Missouri asks unanimous consent to dispense with the first reading of the bill. Is there objection?

There was no objection.

The SPEAKER. The Clerk will read the bill for amendment.

The Clerk read as follows:

The name of Henry M. Means, late of Company C, Second Battalion Pennsylvania Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The committee amendment was read, as follows:

Page 2, strike out lines 23 and 24; and, on page 3, strike out lines 1 and 2.

The SPEAKER. The question is on agreeing to the amendment.

The amendment was agreed to.

The Clerk read as follows:

The name of Eliza K. Carpenter, widow of Arthur B. Carpenter, late captain, Nineteenth Regiment United States Infantry, and pay her a pension at the rate of $20 per month in lieu of that she is now receiving.

The committee amendment was read, as follows:

Page 4, strike out lines 7 to 10, inclusive.

The SPEAKER. The question is on agreeing to the amendment.

The amendment was agreed to.

The Clerk read as follows:

The name of Henry C. Doll, late of Company F, Twenty-fifth Regiment Pennsylvania Volunteer Infantry, and pay him a pension at the rate of $12 per month.

The committee amendment was read, as follows:

Page 5, strike out lines 7 to 9, inclusive.

The SPEAKER. The question is on agreeing to the amendment.

The amendment was agreed to.

The Clerk read as follows:

The name of Frances M. Robertson, widow of Robert S. Robertson, late first lieutenant Company K, Ninety-third Regiment New York Volunteer Infantry, and pay her a pension at the rate of $17 per month.

The committee amendment was read, as follows:

Page 5, strike out lines 22 to 25, inclusive.

The SPEAKER. The question is on agreeing to the amendment.

The amendment was agreed to.

The Clerk read as follows:

The name of Selena E. Noland, widow of Andrew Noland, late of Company C, Forty-third Regiment Massachusetts Volunteer Infantry, and pay her a pension at the rate of $20 per month in lieu of that she is now receiving.

The committee amendment was read, as follows:

Page 6, strike out lines 9 to 12, inclusive.

The SPEAKER. The question is on agreeing to the amendment.

The amendment was agreed to.

The Clerk read as follows:

The name of John M Mishler, late of Company K, Fiftieth Regiment Pennsylvania Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Bersheba Wood Logan, widow of Floatus V. Logan, late of Company C, Third Regiment Kentucky Volunteer Infantry, and pay her a pension at the rate of $20 per month in lieu of that she is now receiving.

The name of John Collier, late of Company D, One hundred and seventy-third Regiment Ohio Volunteer Infantry, and pay him a pension at the rate of $36 per month in lieu of that he is now receiving.

The name of Elizabeth C. Miller, widow of Samuel Miller, late of Company K, Ninety-third Regiment Ohio Volunteer Infantry, and pay her a pension at the rate of $12 per month.

The committee amendments were read, as follows:

Pages 7 and 8, strike out all from line 15, on page 7, down to and including line 6, on page 8.

The SPEAKER. The question is on agreeing to the amendments.

The amendments were agreed to.

The Clerk read as follows:

The name of Josephine C. Sumner, widow of William Sumner, late first lieutenant Company C, Twenty-seventh Regiment Michigan Volunteer Infantry, and pay her a pension at the rate of $12 per month.

The committee amendment was read, as follows:

Page 8, strike out lines 11 to 14, inclusive.

The SPEAKER. The question is on agreeing to the amendment.

The amendment was agreed to.

The Clerk read as follows:

The name of Anna B. Davis, widow of Wirt Davis, late colonel Third Regiment United States Cavalry, and brigadier general, United States Army, retired, and pay her a pension at the rate of $30 per month in lieu of that she is now receiving.

The committee amendment was read, as follows:

Page 9, strike out lines 18 to 22, inclusive.

The SPEAKER. The question is on agreeing to the amendment.

The amendment was agreed to.

The Clerk read as follows:

The name of Florence B. Plato, widow of Nelson Plato, late captain and assistant quartermaster, United States Volunteers, and pay her a pension at the rate of $40 per month in lieu of that she is now receiving.

The committee amendment was read, as follows:

Page 10, strike out lines 18 to 21, inclusive.

The SPEAKER. The question is on agreeing to the amendment.

The amendment was agreed to.

The Clerk read as follows:

The name of Joanna A. Bevans, former widow of Charles V. McCarter, late of Company A, Second Regiment, and Company K, Fourth Regiment, Wisconsin Volunteer Cavalry, and widow of Henry T. Bevans, late of Company F, First Regiment Minnesota Volunteer Infantry, and pay her a pension at the rate of $12 per month.

The committee amendment was read, as follows:

Page 11, strike out lines 1 to 6, inclusive.

The SPEAKER. The question is on agreeing to the amendment.

The amendment was agreed to.

The Clerk read as follows:

The name of Nancy Matsel, former widow of Henry McKnight, late of Company F, Eighty-seventh Regiment Illinois Volunteer Infantry, and widow of William H. Matsel, late of Company I, Eighty-seventh Regiment Illinois Volunteer Infantry, and pay her a pension at the rate of $12 per month.

The committee amendment was read, as follows:

Page 15, strike out lines 15 to 20, inclusive.

The SPEAKER. The question is on agreeing to the amendment.

The amendment was agreed to.

The Clerk resumed and concluded the reading of the bill.

The SPEAKER. The question is on the third reading of the Senate bill.

Mr. MONDELL. Mr. Speaker, I desire to offer an amendment by inserting the following.

The SPEAKER. The gentleman from Wyoming [Mr. MONDELL] offers an amendment which the Clerk will report. On what page does this amendment come?

Mr. MONDELL. At the end of the bill.

The Clerk read as follows:

Page 20, after line 2, insert the following as a new paragraph:

"The name of Elizabeth C. Miller, widow of Samuel Miller, late of Company K, Ninety-third Regiment Ohio Volunteer Infantry, and pay her a pension at the rate of $12 per month."

Mr. MONDELL. Mr. Speaker, this item appeared on page 8 of the bill, but was stricken out by the committee. I hope the House can see its way clear, and I hope the Committee on Invalid Pensions can see its way clear, to reconsider that action. It is a peculiar case, and yet an exceedingly meritorious one. I assume that the committee struck out the item because of the peculiar facts.

Mr. GARRETT of Tennessee. Has the committee amendment striking it out been agreed to?

Mr. FOSTER. Yes.

Mr. MONDELL. I will say that I was not here at the time the item was reached in the bill, but I realize that the matter has been passed upon.

Mr. GARRETT of Tennessee. It would be subject to a point of order. I do not know whether the point of order will be raised or not.

Mr. MONDELL. It is subject to a point of order. I realize that; but I hope the point of order will not be made. It is an exceedingly meritorious case. This woman is 78 years of age. She has practically no income.

Before the Civil War this soldier married a woman, and later they separated. It seems he did not secure a divorce, but he left the first wife a great many years ago. She never took any trouble to learn of his whereabouts. Years after, in 1877, he married the beneficiary of this item and lived with her for many years. She has no income worth mentioning, and is an exceedingly worthy woman.

Mr. FOSTER. Is the first wife living or is she dead?

Mr. MONDELL. The first wife is dead. She died in 1910.

Mr. FOSTER. But I understand the last one was never married to the soldier.

Mr. MONDELL. Oh, yes; she was married to the soldier.

Mr. FOSTER. She went through a legal marriage?

Mr. MONDELL. Yes.

Mr. FOSTER. But the soldier really had no right to contract the marriage with this woman; is that it?

Mr. MONDELL. I think that is true.

Mr. DONOVAN. Mr. Speaker, I rise to a point of order.

The SPEAKER. The gentleman will state it.

Mr. DONOVAN. There is a little colloquy taking place which we can not hear. If this is a session of Congress, we ought to know what is going on.

The SPEAKER. The committee will be in order. Gentlemen will please speak so that they may be heard.

Mr. MONDELL. Mr. Chairman, I do not want to take up the time of the committee, and I will be very brief. The report shows that——

The SPEAKER. The time of the gentleman has expired.

Mr. MONDELL. I ask unanimous consent that I may have three minutes more.

The SPEAKER. The gentleman from Wyoming asks for three minutes. Is there objection?

There was no objection.

Mr. MONDELL. The facts in this case, as shown by the Senate report, are, the soldier was married to claimant at Cheyenne, Wyo., July 9, 1877, and they lived together as husband and wife until soldier died. The claimant filed a claim February 28, 1913, under the act of April 19, 1908, which has never been adjudicated. It appears from evidence filed that in March, 1856, she was married to William Hadaman, with whom she lived as his wife until about 1874, when he committed the crime of incest, for which he was convicted and sentenced to the Kansas State Penitentiary for two years. She was informed by the sheriff of the county that the conviction and sentence of her former husband divorced her from him, and she knew nothing to the contrary until after she had filed her claim for pension, when she ascertained that formal application to the courts and a decree were necessary to a legal divorce. She moved with her children to Nebraska; believed herself divorced, and in this belief married the soldier, Samuel Miller. She has been unable to learn anything of her first husband since his release from the Kansas State Penitentiary in 1876, and knows nothing of his movements and whereabouts since that time. He was a soldier in the Union Army during the Civil War, but has never applied for a pension, which, no doubt, he would have done if he were living, and she believes him to be long since dead.

It further appears from the evidence filed that in April, 1852, the soldier, Samuel Miller, was married to his first wife, Rebecca Miller, and that he left her about 1872 or 1873 and never afterwards returned to her. He had three children by the first wife, one of whom is, perhaps, still living. Claimant declares that soldier informed her prior to their marriage that his first wife was dead and that both believed themselves free to marry. The first wife, however, did not die until October 12, 1910. Claimant was recognized as soldier's wife in the community in which they lived and he left her by his will such property as he had. She is unable to establish her claim at the Pension Bureau by proving the divorce of her first husband and the death of soldier's first wife prior to his marriage to claimant in July, 1877.

Claimant is 78 years of age. It is shown that both she and the soldier were of good character and high repute during the 30 years and more they resided in Wyoming. It is further shown that claimant is in necessitous circumstances, having only a small amount of property, which is mortgaged for two-thirds its value and which yields an income of approximately $100 a year. The evidence indicates that she married the soldier in good faith, believing she could properly do so, and she lived with him as his wife for over 35 years and succeeded to his property when he died. The beneficiary, the claimant in this case, the wife of the soldier since 1877, has taken care of him and looked after him. She is more than 78 years old and has practically no property or income. It does seem to me that we might overlook the irregularity of the case and grant her a pension. I know her to be a fine woman and a woman of excellent character. She has always been a good wife since her marriage to this soldier, and certainly does need the pension.

Mr. RUSSELL. Mr. Speaker, this claim was considered by the House committee, and the committee thought that it was an improper claim to be allowed. The fact seems to be undisputed that both of these parties, Mrs. Miller and her husband, were married previously to this marriage, and neither one of them had a divorce.

Mr. MONDELL. In the case of Mrs. Miller, if the chairman will remember, her first husband was convicted of a serious crime many years ago and sent to the penitentiary. The woman took it for granted that his conviction freed her from her marriage obligations. She never thereafter considered herself the wife of the convict, never saw him or heard of him, and quite a number of years afterwards she married the soldier.

Mr. RUSSELL. It is a fact that she did not get a divorce.

Mr. MONDELL. She never got a divorce from her first husband because, as she said, she made inquiries in regard to it and understood that the conviction of her husband amounted to an annulment of her marriage and that it was not necessary for her to secure a divorce.

Mr. RUSSELL. She doubtless had good grounds for a divorce but never obtained it. It was also a fact that her husband was a married man and had not been divorced when she married him.

Mr. MONDELL. He had been separated from his wife for years; it was not a recent separation, and Mrs. Miller is not to be blamed for that separation. The claimant in this case is not to be blamed because she did not know about the antecedents of the soldier. She is responsible in regard to her own case; but her excuse is that, her husband having been convicted as a felon, she was informed that it was not necessary to secure a divorce from him.

Mr. RUSSELL. Of course, Mr. Speaker, the House committee felt that it was a very dangerous precedent to set, and in violation of all the previous practices of the House and the committee of the House, and it was stricken out by unanimous vote of that committee. I could not to-day consent to restore it to the bill.

Mr. MONDELL. Mr. Speaker, in view of what the chairman of the committee has said, I withdraw my motion, and hope that in conference the equities of this case will be considered. Mrs. Miller is a thoroughly good woman, and a well-meaning and deserving woman. I think she is entitled to the pension, and she certainly does need it.

Mr. RUSSELL. I understand she has no property?

Mr. MONDELL. Nothing to amount to anything.

Mr. RUSSELL. Is she in feeble health?

Mr. MONDELL. She is 78 years old and not at all strong. If she was in perfect health she could not be very strong, being a woman of that age. Mr. Speaker, I ask unanimous consent to withdraw my amendment. I fear the case may be prejudiced by my pressing it. I hope it will be agreed to in conference.

The SPEAKER. The gentleman from Wyoming asks unanimous consent to withdraw the amendment. Is there objection. [After a pause.] The Chair hears none.

Mr. GARRETT of Tennessee. Mr. Speaker, I move to strike out the last word. In view of the suggestion that this may be considered in conference which was made by the gentleman from Missouri, and the wish expressed that it might be done by the gentleman from Wyoming, I want to say that quite recently I had a case on all fours with this case. The difference in that case was that the claimant, who was a widow, had not been married, but her husband had been married and never obtained a divorce from his wife. The case was refused in the department under the general law. I thereupon looked into the precedents that had been followed by the Committee on Pensions, with a view of determining whether or not it would be proper for me to introduce a bill. I make it a rule in regard to the introduction of pension bills not to introduce a bill that I am not willing to stand behind and urge with all possible vigor. I have in two or three instances been misled in the introduction of bills that I could not stand behind. After examining the precedents I came to the conclusion that there was no chance of obtaining relief in my case which, I say, is almost on all fours with the case of the gentleman from Wyoming. I really hope the precedent will not be made.

Mr. MONDELL. Mr. Speaker, will the gentleman yield?

Mr. GARRETT of Tennessee. Yes.

Mr. MONDELL. These people were married in due and regular form and lived together as man and wife for 35 years.

Mr. GARRETT of Tennessee. Yes. In the case which I have in mind the people lived together, I think, for 25 years. They were duly married, but the husband had not been divorced from his former wife.

Mr. MONDELL. Mr. Speaker, it seems to me that if we have a rule which prevents pensioning in cases of that kind, it is a rule which would be more honored in the breach than in the observance, because to all intents and purposes in the eyes of God and the law this woman was the wife of that soldier.

Mr. GARRETT of Tennessee. Mr. Speaker, there is force in the suggestion the gentleman makes perhaps, and I am not saying there is not, but without arguing that question, if it is true, then certainly there are enough of these cases to create a distinctive class, and there ought to be a general law to fit those cases rather than special bills. I do not agree with all that a great many of my colleagues on that side say in regard to having these cases come under a general law. I realize that there are peculiar conditions that arise which sometimes render a special bill equitable, but the conditions presented in the case by the gentleman from Wyoming, and similar cases, if they are equitable, could be covered in a class by a general act, rather than by special bills.

The SPEAKER. The gentleman from Tennessee withdraws the pro forma amendment, and the question is on the third reading of the Senate bill.

The bill was ordered to be read a third time, was read the third time, and passed.

On motion of Mr. RUSSELL, a motion to reconsider the vote by which the bill was passed was laid on the table.

Mr. RUSSELL. Mr. Speaker, I now call up the bill (S. 5207) granting pensions and increase of pensions to certain soldiers and sailors of the Civil War and certain widows and dependent relatives of such soldiers and sailors, and ask unanimous consent that it be considered in the House as in Committee of the Whole.

The SPEAKER. The gentleman from Missouri calls up an omnibus pension bill and asks unanimous consent that it be considered in the House as in Committee of the Whole. Is there objection?

There was no objection.

Mr. RUSSELL. Mr. Speaker, I ask unanimous consent that the first reading of the bill be dispensed with.

The SPEAKER. The gentleman from Missouri asks unanimous consent to dispense with the first reading of the bill. Is there objection?

There was no objection.

The SPEAKER. The Clerk will read the bill for amendment.

The Clerk read as follows:

The name of Thomas T. Keibler, late of Company B, One hundred and first Regiment Pennsylvania Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The committee amendment was read, as follows:

Page 1, strike out lines 6, 7, 8, and 9.

The amendment was agreed to.

Mr. LONERGAN. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD on the subject of pensions.

The SPEAKER. Is there objection?

There was no objection.

The Clerk read as follows:

The name of William W. Mikels, late of Company I, Eleventh Regiment Indiana Volunteer Infantry, and pay him a pension at the rate of $36 per month in lieu of that he is now receiving.

The committee amendment was read, as follows:

Page 3, line 3, strike out the figures "$36" and insert in lieu thereof the figures "$24."

The amendment was agreed to.

The Clerk read as follows:

The name of Lydia M. Salisbury, widow of Jonathan B. Salisbury, late of Capt. Ramsey's Company K, First Regiment Ohio Volunteer Infantry, War with Mexico, and second lieutenant Company D, Hatch's battalion Minnesota Volunteer Cavalry, and pay her a pension at the rate of $20 per month in lieu of that she is now receiving.

Mr. RUSSELL. Mr. Speaker, I move to amend by striking out on page 3, lines 9, 10, 11, 12, 13, and 14, being the case of Lydia M. Salisbury, as the beneficiary is dead.

The amendment was agreed to.

The Clerk read as follows:

The name of Lot H. Fleming, late of Company D, One hundred and forty-third Regiment Indiana Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The committee amendment was read, as follows:

Page 5, line 3, strike out "$30" and insert in lieu thereof "$24."

The amendment was agreed to.

The Clerk read as follows:

The name of Amanda M. McKenney, widow of John I. McKenney, late of Company D, Twenty-third Regiment Michigan Volunteer Infantry, and pay her a pension at the rate of $12 per month.

The committee amendment was read, as follows:

Page 5 strike out lines 24 and 25, and on page 6 strike out lines 1 and 2.

The amendment was agreed to.

The Clerk read as follows:

The name of John Stansell, late of Company I, Third Regiment Michigan Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The committee amendment was read, as follows:

Page 6, strike out lines 3, 4, 5, and 6.

The amendment was agreed to.

The Clerk read as follows:

The name of Frances E. Brown, widow of Oscar F. Brown, late captain Company C, First Battalion Mississippi Marine Brigade Volunteer Cavalry, and Company E, First Regiment Mississippi Marine Brigade Volunteer Infantry, and pay her a pension at the rate of $20 per month in lieu of that she is now receiving.

The committee amendment was read, as follows:

Page 7, strike out lines 3, 4, 5, 6, 7, and 8.

The amendment was agreed to.

The Clerk read as follows:

The name of Ezra Rice, late of Company E, Seventeenth Regiment Indiana Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The committee amendment was read, as follows:

Page 7, strike out lines 17, 18, 19, and 20.

The amendment was agreed to.

The Clerk read as follows:

The name of Sarah I. B. Hammond, widow of Henry C. Hammond, late of Company I, First Regiment Maryland Volunteer Cavalry, and pay her a pension at the rate of $20 per month in lieu of that she is now receiving.

The committee amendment was read, as follows:

Page 8, strike out lines 22, 23, 24, and 25.

The amendment was agreed to.

The Clerk read as follows:

The name of Isabella Reed, widow of James C. Reed, late first lieutenant and adjutant Second Regiment Pennsylvania Volunteer Cavalry, and pay her a pension at the rate of $20 per month in lieu of that she is now receiving.

The committee amendment was read, as follows:

Page 9, strike out lines 9, 10, 11, and 12.

The amendment was agreed to.

The Clerk read as follows:

The name of Edward B. Sawyer, late colonel First Regiment Vermont Volunteer Cavalry, and pay him a pension at the rate of $72 per month in lieu of that he is now receiving.

The committee amendment was read, as follows:

Page 9, line 23, strike out "$72" and insert in lieu thereof "$50."

The amendment was agreed to.

The Clerk read as follows:

The name of Mary H. Bacon, widow of Theodore C. Bacon, late captain and assistant adjutant general, United States Volunteers, and pay her a pension at the rate of $20 per month in lieu of that she is now receiving.

The committee amendment was read, as follows:

Page 10, strike out lines 6, 7, 8, and 9.

The question was taken, and the amendment was agreed to.

The Clerk read as follows:

The name of William R. Mathis, late of Company G, One hundred and forty-fourth Regiment Indiana Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The committee amendment was read, as follows:

Page 12, line 17, strike out "$36" and insert "$30."

The question was taken, and the amendment was agreed to.

The Clerk read as follows:

The name of Charles L. Stuck, late of Company K, Twenty-first Regiment Michigan Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The committee amendment was read, as follows:

Page 12, strike out lines 19 to 22, inclusive.

The question was taken, and the amendment was agreed to.

The Clerk read as follows:

The name of Silas Wright, late of Company E, Tenth Regiment Michigan Volunteer Cavalry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The committee amendment was read, as follows:

Page 12, strike out lines 23 and 24, and, page 13, strike out lines 1 and 2.

The question was taken, and the amendment was agreed to.

The Clerk read as follows:

The name of William B. Scace, late of Company E, Ninety-sixth Regiment Illinois Volunteer Infantry, and pay him a pension at the rate of $40 per month in lieu of that he is now receiving.

The committee amendment was read, as follows:

Page 13, strike out lines 7, 8, 9, and 10.

The question was taken, and the amendment was agreed to.

The Clerk read as follows:

The name of Richard Riggs, late of Company B, Twenty-fifth Regiment Indiana Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The committee amendment was read, as follows:

Page 15, line 16, strike out "$30" and insert "$24."

The question was taken, and the amendment was agreed to.

The Clerk read as follows:

The name of Jennie J. Sheehan, widow of Timothy J. Sheehan, late captain Company C, Fifth Regiment Minnesota Volunteer Infantry, and pay her a pension at the rate of $30 per month in lieu of that she is now receiving.

The committee amendment was read, as follows:

Page 19, strike out lines 20, 21, 22, and 23.

The question was taken, and the amendment was agreed to.

The Clerk read as follows:

The name of James K. Wesley, late of Company I, Forty-ninth Regiment Kentucky Volunteer Infantry, and pay him a pension at the rate of $40 per month in lieu of that he is now receiving.

The committee amendment was read, as follows:

Page 21, strike out lines 11, 12, 13, and 14.

The question was taken, and the amendment was agreed to.

The Clerk read as follows:

The name of John Wortman, late of Company I, One hundred and seventieth Regiment Ohio National Guard Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The committee amendment was read, as follows:

Page 22, line 11, amend by inserting the letter "F" and a period after the name "John."

The question was taken, and the amendment was agreed to.

The Clerk read as follows:

The name of Oliver K. Landrew, late of Company A, Eleventh Regiment Iowa Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The committee amendment was read, as follows:

Page 25, strike out lines 3, 4, 5, and 6.

The question was taken, and the amendment was agreed to.

The bill as amended was ordered to be read a third time, was read the third time, and passed.

On motion of Mr. RUSSELL, a motion to reconsider the vote by which the bill was passed was laid on the table.

Mr. RUSSELL. Mr. Speaker, I call up the bill S. 5446.

The SPEAKER. The Clerk will report the bill by title.

The Clerk read as follows:

S. 5446. An act granting pensions and increase of pensions to certain soldiers and sailors of the Civil War and certain widows and dependent relatives of such soldiers and sailors.

Mr. RUSSELL. Mr. Speaker, I ask unanimous consent to consider the bill in the House as in the Committee of the Whole House.

The SPEAKER. Is there objection? [After a pause.] The Chair hears none.

Mr. RUSSELL. Mr. Speaker, I ask unanimous consent to waive the first reading of the bill.

The SPEAKER. The gentleman from Missouri asks unanimous consent to dispense with the first reading of the bill. Is there objection? [After a pause.] The Chair hears none.

The Clerk read as follows:

The name of Mary B. Edwards, widow of John Edwards, late colonel Eighteenth Regiment Iowa Volunteer Infantry, and pay her a pension at the rate of $40 per month in lieu of that she is now receiving.

The committee amendment was read, as follows:

Page 2, strike out lines 6, 7, 8, and 9.

The question was taken and the amendment was agreed to.

The Clerk read as follows:

The name of Nathaniel Little, late of Company D, One hundred and thirty second Regiment Illinois Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The committee amendment was read, as follows:

Page 3, strike out lines 15, 16, 17, and 18.

The question was taken, and the amendment was agreed to.

The Clerk read as follows:

The name of Emmett Langston, late of Company I, Fifty-fourth Regiment Indiana Volunteer Infantry, and pay him a pension at the rate of $50 per month in lieu of that he is now receiving.

The committee amendment was read, as follows:

Page 4, line 9, strike out "$50" and insert "$40."

The question was taken, and the amendment was agreed to.

The Clerk read as follows:

The name of Vernona H. Coon, widow of John Coon, late additional paymaster, United States Volunteers, and pay her a pension at the rate of $12 per month.

The committee amendment was read, as follows:

Page 5, strike out lines 17, 18, and 19.

The question was taken, and the amendment was agreed to.

The Clerk read as follows:

The name of Jennie A. Norton, widow of Hiram R. Norton, late of Company B, Sixty-first Regiment Massachusetts Volunteer Infantry, and pay her a pension at the rate of $20 per month in lieu of that she is now receiving.

The committee amendment was read, as follows:

Page 6, strike out lines 7, 8, 9, and 10.

The question was taken, and the amendment was agreed to.

The Clerk read as follows:

The name of Catherine E. Stamp, widow of Andrew H. Stamp, late of Company F, Eighth Regiment New York Volunteer Heavy Artillery, and One hundredth Company, second battalion, Veteran Reserve Corps, and pay her a pension at the rate of $20 per month in lieu of that she is now receiving.

The committee amendment was read, as follows:

Page 6, strike out lines 15, 16, 17, 18, 19, and 20.

The question was taken, and the amendment was agreed to.

The Clerk read as follows:

The name of Anna Denison, widow of Luther L. Denison, late of Company D, First Regiment Connecticut Volunteer Heavy Artillery, and pay her a pension at the rate of $20 per month in lieu of that she is now receiving.

The committee amendment was read, as follows:

Page 7, strike out lines 1, 2, 3, and 4.

The question was taken, and the amendment was agreed to.

The Clerk read as follows:

The name of Anna O. Stanton, widow of Clark Stanton, late second lieutenant Company A, and captain Company K, First Regiment New York Volunteer Cavalry, and pay her a pension at the rate of $20 per month.

The committee amendment was read, as follows:

Page 8, strike out lines 18, 19, 20, and 21.

The question was taken, and the amendment was agreed to.

The Clerk read as follows:

The name of Harriet S. Crooks, widow of William Crooks, late colonel Sixth Regiment Minnesota Volunteer Infantry, and pay her a pension at the rate of $20 per month in lieu of that she is now receiving.

The committee amendment was read, as follows:

Page 8, strike out lines 22, 23, 24, and 25.

The question was taken, and the amendment was agreed to.

The Clerk read as follows:

The name of Ellis P. Woodward, late of Company K, One hundred and twenty-fourth Regiment Pennsylvania Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The committee amendment was read, as follows:

Page 9, strike out lines 5, 6, 7, and 8.

The question was taken, and the amendment was agreed to.

The Clerk read as follows:

The name of Fannie E. Douglass, widow of Stephen M. Douglass, late of Company A, Fourteenth Regiment New York Volunteer Infantry, and pay her a pension at the rate of $12 per month.

The committee amendment was read, as follows:

Page 9, strike out lines 9, 10, 11, and 12.

The question was taken, and the amendment was agreed to.

The Clerk read as follows:

The name of John N Hutton, late of Company G, Twelfth Regiment Illinois Volunteer Cavalry, and pay him a pension at the rate of $36 per month in lieu of that he is now receiving.

The following committee amendment was read:

Page 10, strike out lines 5 to 8, inclusive.

The amendment was agreed to.

The Clerk read as follows:

The name of Andrew C. Rogers, late of Company A, One hundred and eighty-sixth Regiment Ohio Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The following committee amendment was read:

Page 11, line 1, strike out "$30" and insert in lieu thereof "$24."

The amendment was agreed to.

The Clerk read as follows:

The name of Patrick L. Kennedy, late of Company F, Second Regiment Massachusetts Volunteer Cavalry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The following committee amendment was read:

Page 12, strike out lines 18 to 21, inclusive.

The amendment was agreed to.

The Clerk read as follows:

The name of George M. Withers, late of Company K, One hundred and forty-sixth Regiment Indiana Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The following committee amendment was read:

Page 13, line 22, strike out "$30" and insert in lieu thereof "$24."

The amendment was agreed to.

The Clerk read as follows:

The name of Salem Gillispie, late of Company C, Sixth Regiment United States Colored Volunteer Cavalry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The following committee amendment was read:

Page 15, line 5, strike out "$36" and insert "$30."

The amendment was agreed to.

The Clerk read as follows:

The name of Emma F. Webster, widow of George A. Webster, late of Company H, Tenth Regiment, and Company E, Sixth Regiment, New York Volunteer Heavy Artillery, and pay her a pension at the rate of 20 per month in lieu of that she is now receiving.

The following committee amendment was read:

Page 16, strike out lines 3 to 7, inclusive.

The amendment was agreed to.

The Clerk read as follows:

The name of Robert S. Parker, late of Company H, Forty-fourth Regiment Iowa Volunteer Infantry, and second lieutenant Company K,

Twentieth Regiment Kansas Volunteer Infantry, War with Spain, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The following committee amendment was read:

Page 18, line 15, strike out "$30" and insert in lieu thereof "$24."

The amendment was agreed to.

The SPEAKER. The question is on the third reading of the bill as amended.

The bill was ordered to be read a third time, was read the third time, and passed.

On motion of Mr. RUSSELL, a motion to reconsider the vote by which the bill as amended was passed was laid on the table.

Mr. RUSSELL. Mr. Speaker, I desire to call up the bill S. 5575.

The SPEAKER. The gentleman from Missouri calls up the bill S. 5575, which the Clerk will report.

The Clerk read as follows:

S. 5575. An act granting pensions and increase of pensions to certain soldiers and sailors of the Civil War and certain widows and dependent relatives of such soldiers and sailors.

Mr. RUSSELL. Mr. Speaker, I ask unanimous consent that the bill be considered in the House as in the Committee of the Whole.

The SPEAKER. The gentleman from Missouri asks unanimous consent that the bill be considered in the House as in the Committee of the Whole. Is there objection?

There was no objection.

Mr. RUSSELL. Mr. Speaker, I ask unanimous consent to dispense with the first reading of the bill.

The SPEAKER. The gentleman from Missouri asks unanimous consent to dispense with the first reading of the bill. Is there objection? [After a pause.] The Chair hears none. The Clerk will report the bill for amendment.

The Clerk read as follows:

The name of David H. Geer, late of Company I, Thirteenth Regiment Connecticut Volunteer Infantry, and pay him a pension at the rate of $40 per month in lieu of that he is now receiving.

The following committee amendment was read:

Page 2, strike out lines 13 to 16, inclusive.

The amendment was agreed to.

The Clerk read as follows:

The name of Mary J. Richardson, widow of Sewell D. Richardson, late of Second Company Sharpshooters, Twenty-second Regiment Massachusetts Volunteer Infantry, and pay her a pension at the rate of $20 per month in lieu of that she is now receiving.

The following committee amendment was read:

Page 3, strike out lines 13 to 17, inclusive.

The amendment was agreed to.

The Clerk read as follows:

The name of William H. Southwell, late of Company D, Sixty-sixth Regiment Illinois Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The following committee amendment was read:

Page 4, line 3, strike out "$30" and insert "$24."

The SPEAKER. The question is on agreeing to the amendment.

The amendment was agreed to.

The Clerk read as follows:

The name of Emma S. Gere, widow of Thomas P. Gere, late first lieutenant and adjutant, Fifth Regiment Minnesota Volunteer Infantry, and pay her a pension at the rate of $20 per month in lieu of that she is now receiving.

The following committee amendment was read:

Page 4, strike out lines 5 to 8, inclusive.

The SPEAKER. The question is on agreeing to the amendment.

The amendment was agreed to.

The Clerk read as follows:

The name of Isabella A. Trask, widow of Jedediah F. Trask, late of Company D, Eleventh Regiment Rhode Island Volunteer Infantry, and pay her a pension at the rate of $12 per month.

The name of Benedikta Hess, widow of James Hess, late captain Company G, Forty-sixth Regiment Indiana Volunteer Infantry, and pay her a pension at the rate of $12 per month.

The name of Sarah H. White, widow of Adrian C. White, late first lieutenant Company K, Twentieth Regiment Michigan Volunteer Infantry, and pay her a pension at the rate of $25 per month in lieu of that she is now receiving.

The following committee amendment was read:

Page 4, strike out lines 14 to 25, inclusive.

The SPEAKER. The question is on agreeing to the amendment.

The amendment was agreed to.

The Clerk read as follows:

The name of Ella Hawkins, widow of William J. Hawkins, late of Company E, Fortieth Regiment Indiana Volunteer Infantry, and pay her a pension at the rate of $12 per month.

The committee amendment was read, as follows:

Page 5, strike out lines 1 to 4, inclusive.

The SPEAKER. The question is on agreeing to the amendment.

The amendment was agreed to.

The Clerk read as follows:

The name of Mary E. Turner, formerly Ross, helpless and dependent daughter of Joseph Ross, late of Company D, One hundred and fiftieth Regiment Indiana Volunteer Infantry, and pay her a pension at the rate of $12 per month.

The committee amendment was read, as follows:

Page 5, strike out lines 13 to 16, inclusive.

The SPEAKER. The question is on agreeing to the amendment.

The amendment was agreed to.

The Clerk read as follows:

The name of Emily M. Walker, widow of Benjamin F. Walker, late of Company B, One hundred and twenty-sixth Regiment Illinois Volunteer Infantry, and pay her a pension at the rate of $12 per month.

The committee amendment was read, as follows:

Page 5, strike out lines 21 to 24, inclusive.

The SPEAKER. The question is on agreeing to the amendment.

The amendment was agreed to.

The Clerk read as follows:

The name of Harriet M. Case, widow of Marcus A. Case, late of Company E, First Regiment Michigan Volunteer Engineers and Mechanics, and pay her a pension at the rate of $20 per month in lieu of that she is now receiving.

The committee amendment was read, as follows:

Pages 6 and 7, strike out lines 22 to 24, inclusive, on page 6, and lines 1 and 2 on page 7.

The SPEAKER. The question is on agreeing to the amendment.

The amendment was agreed to.

The Clerk read as follows:

The name of Naomi Fiedler, widow of John A. Fiedler, late of Company C, Ninety-second Regiment, and Company C, Sixty-fifth Regiment, Illinois Volunteer Infantry, and pay her a pension at the rate of $12 per month in lieu of that she is now receiving.

The committee amendment was read, as follows:

Page 9, strike out lines 3 to 7, inclusive.

The SPEAKER. The question is on agreeing to the amendment.

The amendment was agreed to.

The Clerk resumed and concluded the reading of the bill.

The SPEAKER. The question is on the third reading of the Senate bill as amended.

The bill as amended was ordered to be read a third time, was read the third time, and passed.

On motion of Mr. RUSSELL, a motion to reconsider the vote whereby the bill was passed was laid on the table.

Mr. BURKE of Wisconsin. Mr. Speaker, I ask unanimous consent that House joint resolution No. 288 be taken from the Speaker's table and considered, and placed upon its passage. It is House joint resolution 288, to amend an act entitled "An act granting pension and increase of pensions to certain soldiers and sailors of the Civil War and certain widows and dependent children of soldiers and sailors of said war," approved May 2, 1914.

The object of the resolution, if I may be permitted to explain it now, is to correct errors in a certain omnibus pension bill which has become a law. They have been discovered at the Pension Bureau, and that bureau refuses to honor these items unless they are corrected.

The SPEAKER. This is a House joint resolution?

Mr. BURKE of Wisconsin. Yes.

The SPEAKER. The gentleman from Wisconsin [Mr. BURKE] asks unanimous consent for the present consideration of House joint resolution No. 288, which the Clerk will report. Is there objection?

There was no objection.

The Clerk read as follows:

Whereas by errors in printing the bill reported by the House Committee on Invalid Pensions upon H. R. 11260, approved May 2, 1914 (Private, No. 22), the designation of the military service of one James L. Ackley, late of Company L, First Regiment Wisconsin Volunteer Cavalry, was changed to read First Regiment Wisconsin Volunteer Infantry; and the designation of the military service of one Tobias Stiles, late of Company F, Fifty-fifth Regiment Pennsylvania Volunteer Infantry, was changed to read Fifth Regiment Pennsylvania Volunteer Infantry; and the designation of the military service of one James Rhykerd, late of unassigned One hundred and eleventh Regiment New York Volunteer Infantry, was changed to read Eleventh Regiment New York Volunteer Infantry; and the designation of the military service of one John Carver, late of Company B, Thirteenth Regiment Tennessee Volunteer Cavalry, was changed to read Thirteenth Regiment Tennessee Volunteer Infantry; and the designation of the mili-

tary service of one William A. Yantis, late of band, First Regiment Kentucky Volunteer Cavalry, was changed to read First Regiment Kentucky Volunteer Infantry; and the designation of the military service of one Jeremiah Dillane, late of Company G, First Regiment California Volunteer Cavalry, was changed to read First Regiment California Volunteer Infantry; and the designation of the military service of one William H. Warner, late of Company D, Fortieth Regiment New York Volunteer Infantry, was changed to read One hundred and fortieth Regiment New York Volunteer Infantry; and in the claim of Lucinda Saint John, widow of James N. Saint John, late of Company H, Twenty-sixth Regiment Indiana Volunteer Infantry, was changed to read Lucinda Saint John, widow of John N. Saint John: Therefore be it

Resolved, etc., That the paragraph in an act entitled "An act granting pensions and increase of pensions to certain soldiers and sailors of the Civil War and certain widows and dependent children of soldiers and sailors of said war," approved May 2, 1914 (Private, No. 22, 63d Cong.), granting an increase of pension to one James L. Ackley, be corrected and amended so as to read as follows:

"The name of James L. Ackley, late of Company L, First Regiment Wisconsin Volunteer Cavalry, and pay him a pension at the rate of $40 per month in lieu of that he is now receiving."

That the paragraph in said act granting an increase of pension to one Elizabeth Stiles be corrected and amended so as to read as follows: "The name of Elizabeth Stiles, widow of Tobias Stiles, late of Company F, Fifty-fifth Regiment Pennsylvania Volunteer Infantry, and pay her a pension at the rate of $20 per month in lieu of that she is now receiving."

That the paragraph in said act granting a pension to one Lucy A. Rhykerd be corrected and amended so as to read as follows: "The name of Lucy A. Rhykerd, widow of James Rhykerd, late of unassigned One hundred and eleventh Regiment, New York Volunteer Infantry, and pay her a pension at the rate of $12 per month."

That the paragraph in said act granting an increase of pension to one John Carver be corrected and amended so as to read as follows: "The name of John Carver, late of Company B, Thirteenth Regiment Tennessee Volunteer Cavalry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving."

That the paragraph in said act granting an increase of pension to one William A. Yantis be corrected and amended so as to read as follows: "The name of William A. Yantis, late of band, First Regiment Kentucky Volunteer Cavalry, and pay him a pension at the rate of $40 per month in lieu of that he is now receiving."

That the paragraph in said act granting an increase of pension to one Catharine Dillane be corrected and amended so as to read as follows: "The name of Catharine Dillane, widow of Jeremiah Dillane, late of Company G, First Regiment California Volunteer Cavalry, and pay her a pension at the rate of $20 per month in lieu of that she is now receiving."

That the paragraph in said act granting an increase of pension to one William H. Warner be corrected and amended so as to read as follows: "The name of William H. Warner, late of Company D, Fortieth Regiment New York Volunteer Infantry, and pay him a pension at the rate of $36 per month in lieu of that he is now receiving."

That the paragraph in said act granting a pension to one Lucinda Saint John be corrected and amended so as to read as follows: "The name of Lucinda Saint John, widow of James N. Saint John, late of Company H, Twenty-sixth Regiment Indiana Volunteer Infantry, and pay her a pension at the rate of $12 per month."

The SPEAKER. Is there objection to the present consideration of the joint resolution?

Mr. GARRETT of Tennessee. Mr. Speaker, reserving the right to object, do I understand that all those errors occurred in one bill?

Mr. BURKE of Wisconsin. Yes.

Mr. GARRETT of Tennessee. Just as a matter of curiosity, how did they happen?

Mr. BURKE of Wisconsin. I have no knowledge. When these bills were introduced individually they were correct, but the errors appear to have been in the printing.

Mr. GARRETT of Tennessee. Not in the enrollment?

Mr. BURKE of Wisconsin. No; I did not examine the enrolled bill. We examined the report and the printed bill that was introduced in the House after it came from the committee, and in some instances the errors appeared there. In other instances the errors appear later on. I think in one instance the error appeared in the printing that was done for the Senate.

Mr. GARRETT of Tennessee. It is remarkable that so many errors should occur in one bill.

Mr. BURKE of Wisconsin. It is that.

Mr. GARRETT of Tennessee. I do not object.

The SPEAKER. Is there objection?

There was no objection.

Mr. FOSTER. Ought not the preamble to be stricken out?

Mr. GARRETT of Tennessee. I think it is customary to retain the preamble to a joint resolution, but not to a bill.

The joint resolution was ordered to be engrossed and read a third time, and was accordingly read the third time and passed.

On motion of Mr. BURKE of Wisconsin, a motion to reconsider the last vote was laid on the table.

ENROLLED BILLS SIGNED.

Mr. ASHBROOK, from the Committee on Enrolled Bills, reported that they had examined and found truly enrolled bills of the following titles, when the Speaker signed the same:

H. R. 6220. An act for the relief of Hosea Stone;

H. R. 10767. An act for the relief of John D. Baldwin;

H. R. 10345. An act for the relief of C. M. Hammond;

H. R. 9421. An act for the relief of John T. Glynn;

H. R. 9362. An act for the relief of R. B. Whitacre & Co.;

H. R. 9147. An act to restore First Lieut. James P. Barney, retired, to the active list of the Army;

H. R. 9042. An act to permit sales by supply departments of the Army to certain military schools and colleges;

H. R. 7484. An act for the relief of Stanley J. Morrow;

H. R. 8893. An act for the relief of Mary E. Goodley;

H. R. 7298. An act to increase the limit of cost of the public building at Smyrna, Del.;

H. R. 6831. An act to quiet title to lot 5, section 33, township 14, range 18 east, Noxubee County, Miss.;

H. R. 6260. An act for the relief of Hyacinthe Villeneuve;

H. R. 6052. An act for the relief of William P. Havenor;

H. R. 6014. An act for the relief of Serapio Romero, late postmaster at Las Vegas, N. Mex.;

H. R. 2540. An act for the relief of the estate of Philip Felix Herwig, deceased;

H. R. 2407. An act for the relief of the Pennsylvania Engineering Co., of the city of Philadelphia;

H. R. 13985. An act to authorize the construction of a bridge across the Mississippi River at or near the city of Baton Rouge, La.;

H. R. 7327. An act for the relief of Charles L. Hill;

H. R. 11254. An act to increase the limit of cost for the erection and completion of the United States post-office building at Mandan, N. Dak.;

H. R. 9770. An act to levy and collect an income tax on railroads in Alaska, and for other purposes;

H. R. 14925. An act for the retirement of H. R. Drake;

H. R. 14684. An act for the relief of the Commissioner of Internal Revenue;

H. R. 14229. An act for the relief of Henry La Roque.

H. R. 13819. An act to increase the limit of cost of Federal building at Pendleton, Oreg.;

H. R. 13133. An act for the approving and payment of the drainage assessments on Indian lands in Salt Creek drainage district No. 2, in Pottawatomie County, Okla.;

H. R. 12778. An act for the relief of W. D. Stoyer, administrator of the estate of Henry S. Stoyer;

H. R. 12191. An act for the relief of Elizabeth Muhleman, widow of Samuel A. Muhleman, deceased;

H. R. 12166. An act for the relief of Jennie S. Sherman or her heirs;

H. R. 11747. An act to increase the limit of cost for the purchase of a site and the construction of a public building in Memphis, Tenn.;

H. R. 11381. An act for the relief of the estate of T. J. Semmes, deceased;

H. R. 11625. An act to increase the appropriation for the erection of an immigration station at Baltimore, Md.;

H. R. 11006. An act authorizing the disposal of a portion of the Fort Bidwell Indian School, Cal.;

H. R. 5884. An act granting to the people of the State of California the right of way upon and across the United States fish reservation at Baird, Shasta County, Cal.;

H. R. 5746. An act for the relief of Marcus L. Pelham;

H. R. 5079. An act for the relief of Mary Abel;

H. R. 4744. An act to authorize the appointment of John W. Hyatt to the grade of second lieutenant in the Army;

H. R. 3988. An act for the purchase of a building and lot as a mine rescue station at McAlester, Okla.;

H. R. 3041. An act to carry into effect findings of the Court of Claims in the cases of Charles A. Davidson and Charles M. Campbell;

H. R. 2536. An act for the relief of John Streckfus;

H. R. 1580. An act for the relief of John R. Norris;

H. R. 963. An act for the relief of Mrs. Andrew Riganopolous;

H. R. 1517. An act for the relief of George W. Cary;

H. R. 1291. An act for the relief of George Gardells;

H. R. 1138. An act for the relief of Helen Wakefield; and

H. J. Res. 255. Joint resolution authorizing the President to extend invitations to other nations to send representatives to the International Dry-Farming Congress, to be held at Wichita, Kans., October 7 to 17, inclusive, 1914.

The SPEAKER announced his signature to enrolled bills and joint resolution of the following titles:

S. 60. An act to provide for agricultural entry of lands withdrawn, classified, or reported as containing phosphate, nitrate, potash, oil, gas, or asphaltic minerals;

S. 4714. An act to authorize Louis Eder to enter lands under the homestead laws; and

S. J. Res. 157. Joint resolution requesting the President of the United States to invite foreign Governments to participate in the International Congress on Education.

SENATE BILLS REFERRED.

Under clause 2 of Rule XXIV, Senate bills of the following titles were taken from the Speaker's table and referred to their appropriate committees, as indicated below:

S. 5087. An act for the relief of Edward L. Keyes; to the Committee on Military Affairs.

S. 802. An act for the relief of F. W. Tyler; to the Committee on Claims.

S. 5033. An act to provide for improving the light station, moving the fog signal, and building a keeper's dwelling at Great Salt Pond Light Station, R. I.; to the Committee on Interstate and Foreign Commerce.

S. 4896. An act granting to the State of Utah title to certain lands in said State for use as a fish hatchery; to the Committee on the Public Lands.

S. 4976. An act permitting the Wisconsin Central Railway Co. and the Minneapolis, St. Paul & Sault Ste. Marie Railway Co., its lessee, to construct, maintain, and operate a railroad bridge across the Chippewa River at Chippewa Falls, Wis.; to the Committee on Interstate and Foreign Commerce.

S. 2278. An act granting the El Paso & Rock Island Railway Co. a right of way for its pipe lines and reservoir upon the Lincoln National Forest for the carrying and storage of water for railroad purposes; to the Committee on Agriculture.

S. 4254. An act to enable the Secretary of War to pay the amount awarded to the Malambo fire claimants by the joint commission under article 6 of the treaty of November 18, 1903, between the United States and Panama; to the Committee on Claims.

S. 663. An act for the relief of Thomas G. Running; to the Committee on Claims.

S. 3925. An act for the relief of Teresa Girolami; to the Committee on Claims.

S. 4930. An act for the relief of V. E. Schermerhorn, E. C. Caley, G. W. Campbell, and Philip Hudspeth; to the Committee on Claims.

S. 5325. An act authorizing the county of St. Louis to construct a bridge across the St. Louis River between Minnesota and Wisconsin; to the Committee on Interstate and Foreign Commerce.

S. 5847. An act to authorize the Secretary of the Treasury to convey to the city of Bozeman, Mont., certain land for alley purposes; to the Committee on Public Buildings and Grounds.

S. 1880. An act for the relief of Chester D. Swift; to the Committee on Claims.

S. 1127. An act for the relief of Samuel H. Walker; to the Committee on Claims.

S. 105. An act for the relief of the legal representatives of John T. Brickwood, deceased; Edward Gaynor, Theodore Gebler, Lee W. Mix, Arthur L. Peck, Thomas D. Casanega, Joseph de Lusignan, and Joseph H. Berger; to the Committee on Claims.

S. 1930. An act granting to the Atchison, Topeka & Santa Fe Railway Co. a right of way through the Fort Wingate Military Reservation, N. Mex., and for other purposes; to the Committee on Military Affairs.

S. 3897. An act to authorize the Great Northern Railway Co. to revise the location of its right of way, and for other purposes; to the Committee on the Public Lands.

S. 638. An act for the relief of William Liskey; to the Committee on the Public Lands.

S. 586. An act providing for homestead and desert-land entries for such persons as shall have lost, forfeited, or abandoned their former entries; to the Committee on the Public Lands.

S. 2882. An act for the relief of Charles M. Clark; to the Committee on Military Affairs.

S. 145. An act for the relief of Charles Richter; to the Committee on Military Affairs.

S. 2550. An act for the relief of Jacob Scott; to the Committee on Military Affairs.

S. 1905. An act to prevent the desecration of the flag of the United States of America; to the Committee on the Judiciary.

S. 3457. An act authorizing the issuance of a patent to James Deegan for lots 15 and 16, in block 10, in the town site of Frazer, Mont.; to the Committee on the Public Lands.

S. 771. An act for the relief of George R. Campbell, Milton B. Germond, and Walter D. Long; to the Committee on Claims.

S. 4854. An act to authorize the establishment of fish-cultural stations on the Columbia River or its tributaries in the State of Oregon or Washington, or both; to the Committee on the Merchant Marine and Fisheries.

S. 5313. An act to regulate the taking or catching of sponges in the waters of the Gulf of Mexico and the Straits of Florida outside of State jurisdiction; the landing, delivering, curing, selling, or possession of the same; providing means of enforcement of the same; and for other purposes; to the Committee on the Merchant Marine and Fisheries.

S. 4977. An act to establish a fishery experiment station on the Pacific coast of the United States; to the Committee on the Merchant Marine and Fisheries.

S. 5316. An act authorizing the survey and sale of certain lands in Coconino County, Ariz., to the occupants thereof; to the Committee on the Public Lands.

S. 5092. An act for the relief of Charles A. Spotts; to the Committee on the Public Lands.

S. 2472. An act for the relief of Herman von Werthern; to the Committee on Military Affairs.

S. 4946. An act to establish an additional fish-cultural station in the State of Texas; to the Committee on the Merchant Marine and Fisheries.

S. 819. An act providing for the homestead entry of certain lands in the State of Washington, and for other purposes; to the Committee on the Public Lands.

S. 1758. An act for the relief of Warren E. Day; to the Committee on Claims.

S. 2661. An act for the relief of the administrator and heirs of John G. Campbell, to permit the prosecution of Indian depredation claims; to the Committee on Claims.

S. 2630. An act for the relief of Clarence Hazelbaker; to the Committee on Indian Affairs.

S. 4500. An act to place certain officers of the Army on the retired list; to the Committee on Military Affairs.

S. 1220. An act to increase the limit of cost of the public building authorized to be constructed at Durango, Colo.; to the Committee on Public Buildings and Grounds.

S. 2656. An act to correct the military record of Thomas Smith; to the Committee on Military Affairs.

S. 4725. An act providing for the establishment of a lobster-rearing station at some suitable point on the Atlantic coast; to the Committee on the Merchant Marine and Fisheries.

S. 725. An act to correct the military record of Aaron S. Winner; to the Committee on Military Affairs.

S. 2985. An act for the purchase of a site and erection of a Federal building at Crisfield, Md.; to the Committee on Public Buildings and Grounds.

S. 5211. An act to amend section 1225, Revised Statutes, as amended by act approved September 26, 1888, etc.; to the Committee on Military Affairs.

S. 544. An act for the relief of the Virginia Military Institute, of Lexington, Va.; to the Committee on Claims.

S. 3525. An act for the relief of Pay Inspector F. T. Arms, United States Navy; to the Committee on Claims.

S. 5406. An act to establish a light and fog-signal station on Michigan Island, Lake Superior; to the Committee on Interstate and Foreign Commerce.

S. 1377. An act for the relief of Alfred S. Lewis; to the Committee on Military Affairs.

S. 5462. An act to authorize the county of Barry, State of Missouri, to construct a bridge across the White River in Barry County, Mo., at or near a point known as Goldens Ferry; to the Committee on Interstate and Foreign Commerce.

S. 1060. An act fixing the date of reenlistment of Gustav Hertfelder, first-class fireman, United States Navy; to the Committee on Naval Affairs.

S. 3898. An act to amend an act entitled "An act to provide for the acquiring of rights of way by railroad companies through Indian reservations, Indian lands, and Indian allotments, and for other purposes," approved March 2, 1899; to the Committee on Indian Affairs.

S. 4954. An act for the relief of Stephen Morris Barlow; to the Committee on Military Affairs.

S. 5429. An act for the purchase of two bronze copies of the original marble portrait statue of George Washington; to the Committee on the Library.

S. 2877. An act to amend an act entitled "An act to carry into effect provisions of the treaties between the United States, China, Siam, and other countries, giving certain judicial powers to ministers and consuls or other functionaries of the United States in those countries, and for other purposes," approved June 22, 1860; to the Committee on Foreign Affairs.

S. 728. An act for the relief of Nathaniel Monroe; to the Committee on Military Affairs.

S. 1124. An act for the relief of G. L. Taneyhill; to the Committee on Military Affairs.

S. 1160. An act for the relief of Isaac J. Reese; to the Committee on Military Affairs.

S. 5204. An act for the relief of Alice H. Gilson; to the Committee on Claims.

S. 770. An act for the relief of Thomas Coyle; to the Committee on Claims.

S. 5197. An act granting public lands to the city and county of Denver, in the State of Colorado, for public-park purposes; to the Committee on the Public Lands.

S. 5198. An act to reserve certain lands and to incorporate the same and make them a part of the Pike National Forest; to the Committee on the Public Lands.

S. J. Res. 146. Joint resolution to authorize the President to raise the organization of the Regular Army on certain occasions to its prescribed statutory maximum strength; to the Committee on Military Affairs.

S. 2823. An act relating to the temporary filling of vacancies occurring in the offices of register and receiver of district land offices; to the Committee on the Public Lands.

S. 4880. An act authorizing Ponca City, Okla., and the board of education of said city to convey certain lands; to the Committee on the Public Lands.

S. 5555. An act to amend an act entitled "An act to authorize the construction and maintenance of a dike on Olalla Slough, Lincoln County, Oreg.," approved June 25, 1910; to the Committee on Interstate and Foreign Commerce.

S. 5325. An act authorizing the county of St. Louis to construct a bridge across the St. Louis River between Minnesota and Wisconsin; to the Committee on Interstate and Foreign Commerce.

S. 1293. An act for the relief of Harrison H. Hollowell; to the Committee on Military Affairs.

S. 5674. An act confirming the title of the widow and heirs of John Robinson, deceased, to certain lands, and authorizing and directing the issuance of patent therefor; to the Committee on the Public Lands.

CHANGE OF REFERENCE.

Mr. RUSSELL. Mr. Speaker, I ask to rerefer to the Committee on Pensions the pension bill S. 2466. It was referred to the Committee on Invalid Pensions; but all of the services were rendered since the Civil War, and so the bill should go to the other Pensions Committee.

The SPEAKER. If there be no objection, the change of reference will be made.

There was no objection.

SWEDISH IMMIGRATION.

Mr. LINDBERGH. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD on the history of Swedish immigration to the United States. The principal part of the remarks will be a speech made by the gentleman from Nebraska [Mr. LOBECK] at Ottumwa, Iowa, a few days ago.

The SPEAKER. The gentleman asks to extend his remarks in the RECORD on the subject of Swedish immigration. Is there objection?

There was no objection.

ADJOURNMENT.

Mr. RUSSELL. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 5 o'clock and 26 minutes p. m.) the House adjourned until Saturday, July 11, 1914, at 12 o'clock noon.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII, bills and resolutions were severally reported from committees, delivered to the Clerk, and referred to the several calendars therein named, as follows:

Mr. STEVENS of Minnesota, from the Committee on Interstate and Foreign Commerce, to which was referred the bill (H. R. 15727) authorizing the county of St. Louis to construct a bridge across the St. Louis River, between Minnesota and Wisconsin, reported the same with amendment, accompanied by a report (No. 942), which said bill and report were referred to the House Calendar.

Mr. SIMS, from the Committee on Interstate and Foreign Commerce, to which was referred the bill (H. R. 17637) to grant the consent of Congress for the county of Pulaski, State of Arkansas, to construct a bridge across the Arkansas River between the cities of Little Rock and Argenta, Ark., reported the same without amendment, accompanied by a report (No. 943), which said bill and report were referred to the House Calendar.

Mr. ESCH, from the Committee on Interstate and Foreign Commerce, to which was referred the bill (H. R. 17762) to amend an act approved February 20, 1908, entitled "An act to authorize the Interstate Transfer Railway Co. to construct a bridge across the St. Louis River between the States of Wisconsin and Minnesota, reported the same without amendment, accompanied by a report (No. 944), which said bill and report were referred to the House Calendar.

Mr. JOHNSON of Kentucky, from the Committee on the District of Columbia, to which was referred the joint resolution (S. J. Res. 129) relating to the awards and payments thereon in what are commonly known as the Plaza cases, reported the same with amendment, accompanied by a report (No. 950), which said joint resolution and report were referred to the Committee of the Whole House on the state of the Union.

REPORTS OF COMMITTEES ON PRIVATE BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII, private bills and resolutions were severally reported from committees, delivered to the Clerk, and referred to the Committee of the Whole House, as follows:

Mr. KEY of Ohio, from the Committee on Pensions, to which was referred the bill (S. 4969) granting pensions and increase of pensions to certain soldiers and sailors of the Regular Army and Navy and of wars other than the Civil War, and to certain widows and dependent relatives of such soldiers and sailors, reported the same with amendment, accompanied by a report (No. 945), which said bill and report were referred to the Private Calendar.

He also, from the same committee, to which was referred the bill (S. 5899) granting pensions and increase of pensions to certain soldiers and sailors of the Regular Army and Navy and of wars other than the Civil War, and to certain widows and dependent relatives of such soldiers and sailors, reported the same with amendment, accompanied by a report (No. 946), which said bill and report were referred to the Private Calendar.

He also, from the same committee, to which was referred the bill (S. 5278) granting pensions and increase of pensions to certain soldiers and sailors of the Regular Army and Navy and of wars other than the Civil War, and to certain widows and dependent relatives of such soldiers and sailors, reported the same with amendment, accompanied by a report (No. 947), which said bill and report were referred to the Private Calendar.

He also, from the same committee, to which was referred the bill (S. 5501) granting pensions and increase of pensions to certain soldiers and sailors of the Regular Army and Navy and of wars other than the Civil War, and to certain widows and dependent relatives of such soldiers and sailors, reported the same with amendment, accompanied by a report (No. 948), which said bill and report were referred to the Private Calendar.

Mr. METZ, from the Committee on Claims, to which was referred the bill (H. R. 10897) for the relief of Sarah McLaughlin, reported the same with amendment, accompanied by a report (No. 949), which said bill and report were referred to the Private Calendar.

PUBLIC BILLS, RESOLUTIONS, AND MEMORIALS.

Under clause 3 of Rule XXII, bills, resolutions, and memorials were introduced and severally referred as follows:

By Mr. FITZGERALD: A bill (H. R. 17824) making appropriations to supply deficiencies in appropriations for the fiscal year 1914, and for prior years, and for other purposes; to the Committee of the Whole House on the state of the Union.

By Mr. CARAWAY: A bill (H. R. 17825) to authorize the construction, maintenance, and operation of a bridge across the St. Francis River at or near St. Francis, Ark.; to the Committee on Interstate and Foreign Commerce.

Also, a bill (H. R. 17826) to amend an act entitled "An act providing a permanent form of government for the District of Columbia"; to the Committee on the District of Columbia.

By Mr. CLARK of Florida: A bill (H. R. 17827) conferring police powers on all conductors and motormen on all electric and other street railways in the District of Columbia; to the Committee on the District of Columbia.

By Mr. FLOYD of Arkansas: A bill (H. R. 17828) authorizing the Secretary of War, in his discretion, to deliver to the town of Green Forest, in the State of Arkansas, four condemned bronze or brass cannon, with their carriages and outfit of cannon balls, etc.; to the Committee on Military Affairs.

Also, a bill (H. R. 17829) authorizing the Secretary of War, in his discretion, to deliver to the town of Siloam Springs, in the State of Arkansas, four condemned bronze or brass cannon, with their carriages and outfit of cannon balls, etc.; to the Committee on Military Affairs.

By Mr. DENT: A bill (H. R. 17830) to require the production of books, documents, and writings in court before the trial of all civil causes in courts of the United States upon motion of either party to produce the same, and for other purposes; to the Committee on the Judiciary.

Also, a bill (H. R. 17831) authorizing either party to a civil suit in the courts of the United States to take the testimony of the adverse party by filing interrogatories prescribing the method of procedure and its effect, and for other purposes; to the Committee on the Judiciary.

By Mr. ANSBERRY: A bill (H. R. 17832) for the reduction of postage on first-class mail matter; to the Committee on the Post Office and Post Roads.

PRIVATE BILLS AND RESOLUTIONS.

Under clause 1 of Rule XXII, private bills and resolutions were introduced and severally referred as follows:

By Mr. ANDERSON: A bill (H. R. 17833) granting an increase of pension to John W. Murtaugh; to the Committee on Invalid Pensions.

By Mr. ANSBERRY: A bill (H. R. 17834) granting an increase of pension to Daniel Houts; to the Committee on Invalid Pensions.

By Mr. BRUMBAUGH: A bill (H. R. 17835) granting a pension to Melissa Fisk; to the Committee on Invalid Pensions.

By Mr. BUCHANAN of Illinois: A bill (H. R. 17836) granting a pension to Helena Strumpf; to the Committee on Invalid Pensions.

Also, a bill (H. R. 17837) for the relief of Herman H. Schrade; to the Committee on Claims.

By Mr. CRAMTON: A bill (H. R. 17838) granting an increase of pension to Jeremiah Hyatt; to the Committee on Invalid Pensions.

By Mr. CLARK of Florida: A bill (H. R. 17839) granting an increase of pension to Mrs. S. T. Lisk; to the Committee on Invalid Pensions.

Also, a bill (H. R. 17840) granting an increase of pension to Michael D. Aker; to the Committee on Invalid Pensions.

Also, a bill (H. R. 17841) granting a pension to John J. Oglesbee; to the Committee on Invalid Pensions.

By Mr. CANDLER of Mississippi: A bill (H. R. 17842) for the relief of George Richardson; to the Committee on the Public Lands.

By Mr. FLOYD of Arkansas: A bill (H. R. 17843) granting a pension to Charlotte A. Stone; to the Committee on Invalid Pensions.

By Mr. HARRISON: A bill (H. R. 17844) granting an increase of pension to Ann M. Morrison; to the Committee on Pensions.

By Mr. KENNEDY of Connecticut: A bill (H. R. 17845) granting an increase of pension to Luanna A. Baldwin; to the Committee on Invalid Pensions.

By Mr. KINKAID of Nebraska: A bill (H. R. 17846) granting a pension to Mary C. Chrisman; to the Committee on Invalid Pensions.

By Mr. LESHER: A bill (H. R. 17847) granting an increase of pension to John G. Woolley; to the Committee on Invalid Pensions.

By Mr. LONERGAN: A bill (H. R. 17848) granting a pension to Thomas Conley; to the Committee on Pensions.

Also, a bill (H. R. 17849) for the relief of William Helm; to the Committee on Military Affairs.

By Mr. REED: A bill (H. R. 17850) granting a pension to John C. Hardy; to the Committee on Pensions.

PETITIONS, ETC.

Under clause 1 of Rule XXII, petitions and papers were laid on the Clerk's desk and referred as follows:

By the SPEAKER (by request): Resolution signed by the pastor of the Central Presbyterian Church, of Summit, N. J., urging adoption of amendment abolishing polygamy in the United States; to the Committee on the Judiciary.

Also, petition of John S. Watts and 103 other citizens of the ninth congressional district of Missouri, favoring national prohibition; to the Committee on Rules.

By Mr. AINEY: Petition of sundry citizens of Torrey, Pa., favoring national prohibition; to the Committee on Rules.

By Mr. ANSBERRY: Petition of the Williams County (Ohio) Sunday Schools and the Bethany Christian Union of Henry County, Ohio, favoring national prohibition; to the Committee on Rules.

By Mr. BATHRICK: Petition of sundry citizens of Summit County, Ohio, protesting against national prohibition; to the Committee on Rules.

By Mr. BEAKES: Petitions of 14 citizens of Jackson, Mich., in opposition to national prohibition; to the Committee on Rules.

By Mr. BELL of California: Petitions of 100 citizens of Alhambra, Cal., and the North Pasadena Methodist Church, of Pasadena, Cal., favoring national prohibition; to the Committee on Rules.

By Mr. BRODBECK: Petition of 33 citizens of Loganville, Pa., favoring national prohibition; to the Committee on Rules.

By Mr. BRUCKNER: Petition of Emil E. Vogt, of New York City, protesting against national prohibition; to the Committee on Rules.

Also, petition of the Fishel-Nessler Co., of New York City, protesting against the Clayton antitrust bill; to the Committee on the Judiciary.

Also, petition of the Western Society of Engineers, favoring passage of House bill 13457, relative to surveys by the United States Geological Survey; to the Committee on Expenditures in the Interior Department.

Also, petition of the United States Civil Service Retirement Association, favoring bill for retirement of aged employees of the United States Government; to the Committee on Reform in the Civil Service.

By Mr. COOPER: Petition of the Young People's Society and the Sunday School of Cargill Methodist Episcopal Church, of Janesville, Wis., favoring national prohibition; to the Committee on Rules.

By Mr. CRAMTON: Resolutions of the German Methodist Episcopal congregation of Marine City; the First Baptist Church of Lapeer, representing 200 people; the First Methodist Episcopal Church of Lapeer, representing 250 people; the Highland Park Presbyterian Church, representing 500 people; and a mass meeting of citizens of Mayville, all in the State of Michigan, supporting the Hobson resolution to submit the question of national prohibition to the legislatures of the various States; to the Committee on Rules.

By Mr. DANFORTH: Pefitions of Rev. L. A. Southworth and 59 others of Albion; R. Bert Irwin and 25 others of Rochester; Maria C. Grames and 28 others of Hemlock; George E. Knapp and 23 others of Hemlock; C. R. Seeley and 64 others of Attica; Thomas Turner and 25 others of Lyndonville; C. E. Hamilton and 54 others of South Livonia; various residents of Waterport and Lyndonville; the Woman's Christian Temperance Union of Attica; the Disciples of Christ, at Elmira convention; the Collins Class of the Monroe Avenue Methodist Episcopal Church, of Rochester; the Andrew and Philip Class of the Monroe Avenue Methodist Episcopal Church, of Rochester; the Hubbell Bible Class of the First Baptist Church of Rochester; the Hubbell Class of the Corn Hill Methodist Episcopal Church, of Rochester; the Men's Class of the First Church of Christ of Rochester; the Young People's Society for Christian Endeavor of the First Presbyterian Church of Batavia; the Independent Order of Good Templars, of Kendall; the Christian Endeavor Society of the Spencerport Baptist Church; the Monroe County Sunday School Association, of North Chili; the Woman's Christian Temperance Union of Kendall; the Baraca Class of the Second Baptist Church of Rochester; the Christian Endeavor Union of Rochester; the Gibbs Bible Class, of Rochester; and the Cardus Class of the West Avenue Sunday School, of Rochester; various members of churches in Albion, Brighton, Castile, Cuylerville, Dansville, Indian Falls, Irondequoit, Medina, Moscow, Mumford, Rochester, Spencerport, and West Henrietta, all in the State of New York, favoring national prohibition; to the Committee on Rules.

By Mr. DECKER: Petition of Vesta Wood, Helen M. Strahm, and others, of Carthage, and Henrietta C. Cosgrove and others, of Joplin, Mo., favoring legislation for woman suffrage; to the Committee on the Judiciary.

By Mr. FESS: Petition of sundry citizens of Chilo, Ohio, favoring national prohibition; to the Committee on Rules.

By Mr. GARDNER: Protests from sundry citizens of Ipswich, Mass., against the adoption of prohibition measures now pending in Congress; to the Committee on Rules.

By Mr. GILL: Petitions of sundry citizens, the Painters' District Council, and the Building Trades Council, all of St. Louis, Mo., protesting against national prohibition; to the Committee on Rules.

By Mr. GUERNSEY: Petition of 33 citizens of Howland, Me., favoring national prohibition; to the Committee on Rules.

By Mr. HAWLEY: Petition of sundry citizens of the first congressional district and others of the State of Oregon, protesting against national prohibition; to the Committee on Rules.

Also, petitions of sundry citizens and churches of the State of Oregon, favoring national prohibition; to the Committee on Rules.

By Mr. HOXWORTH: Petition of sundry citizens of Galesburg, Ill., favoring national prohibition; to the Committee on Rules.

Also, petition of various business men of Geneseo, Annawan, Atkinson, and Kewanee, all in the State of Illinois, favoring

House bill 5308, to tax mail-order houses; to the Committee on Ways and Means.

Also, petition of sundry citizens of Quincy, Ill., against national prohibition; to the Committee on Rules.

By Mr. KALANIANAOLE: Petition of 630 citizens of Honolulu, Hawaii, and 150 citizens of Oahu, Hawaii, favoring national prohibition; to the Committee on Rules.

By Mr. KEISTER: Petition of sundry citizens of Jeannette, Pa., favoring the passage of the Hobson-Sheppard resolutions, which provide for a prohibition amendment to the Federal Constitution; to the Committee on Rules.

Also, petition of J. William Wellen, of Latrobe, Pa., protesting against national prohibition; to the Committee on Rules.

Also, petition of the Baptist Young People's Union of New Kensington, Pa., favoring national prohibition; to the Committee on Rules.

By Mr. KENNEDY of Rhode Island: Petition of Charles E. Dunham, of Providence, R. I., protesting against national prohibition; to the Committee on Rules.

By Mr. LEE of Pennsylvania: Petition of sundry citizens of Luzerne County, Pa., favoring national prohibition; to the Committee on Rules.

Also, petition of various congregations of the Methodist Episcopal, Presbyterian, and United Evangelical Churches of Port Carbon, Pa., and sundry citizens of Oak Grove, Pa., favoring national prohibition; to the Committee on Rules.

Also, petition of 1 voter of State of Pennsylvania, protesting against national prohibition; to the Committee on Rules.

By Mr. LEWIS of Maryland: Memorial of the Central Methodist Protestant Christian Endeavor Society, of New Market, Md., favoring national prohibition; to the Committee on Rules.

By Mr. LINDBERGH: Petition of sundry citizens of Requot, Minn., favoring a prohibition amendment to the Constitution; to the Committee on Rules.

Also, petition of sundry citizens of Eagle Bend, Minn., favoring national prohibition; to the Committee on Rules.

By Mr. LLOYD: Petition of 405 residents of the District of Columbia, in favor of Sabbath observance in the District; to the Committee on the District of Columbia.

By Mr. McCLELLAN: Petitions of Rev. E. P. Mesich, of Spencertown; Rev. R. M. Roberts, of Esopus; M. Gildersleeve and Mrs. M. Martin, of Hurleyville; W. S. Barnes and 9 other residents of Marlboro; E. S. Ryder, of Cobleskill; H. R. Soper, of Coxsackie; F. Walker, of Allaben; and 25 citizens of Germantown, all in the State of New York, favoring national prohibition; to the Committee on Rules.

Also, petition of the Central Labor Union of Hudson, N. Y., favoring the passage of the seamen's bill; to the Committee on the Merchant Marine and Fisheries.

By Mr. MAGUIRE of Nebraska: Petition of sundry citizens of Plattsmouth, Nebr., favoring national prohibition; to the Committee on Rules.

By Mr. J. I. NOLAN: Protest of E. A. Olson and 49 other citizens of San Francisco, Cal., against the passage of the Hobson nation-wide prohibition resolution; to the Committee on Rules.

Also, petitions of sundry citizens of the State of California, favoring the passage of an amendment to the Constitution to provide for nation-wide prohibition; to the Committee on Rules.

By Mr. PETERS of Maine: Petitions of various churches, representing 600 citizens of Skowhegan, 150 citizens of Clinton, 50 citizens of Randolph, 110 citizens of China, and 150 citizens of Gardiner, all in the State of Maine, favoring national prohibition; to the Committee on Rules.

By Mr. PLATT: Petition of 46 citizens of Poughkeepsie, N. Y., favoring national prohibition; to the Committee on Rules.

By Mr. REILLY of Connecticut: Petition of the Bolton Grange, of Connecticut, favoring Government ownership of telephone and telegraph; to the Committee on the Post Office and Post Roads.

By Mr. ROBERTS of Nevada: Petition of Mrs. J. W. Adams and Mrs. Fred Stadt Muller, in behalf of the Nevada Association of Women Opposed to Equal Suffrage, protesting against the proposed extension of the franchise to women; to the Committee on the Judiciary.

By Mr. STEPHENS of Nebraska: Petitions of sundry citizens of Neligh, Nebr., favoring national prohibition; to the Committee on Rules.

By Mr. STEPHENS of Texas: Petitions of 200 citizens of Vernon, Tex., and 280 citizens of Quanah, Tex., favoring national prohibition; to the Committee on Rules.

By Mr. TEN EYCK (by request): Petitions of Local Union No. 29, Metal Polishers and Buffers, of Albany; the Central Federation of Labor, Albany; sundry citizens of Albany and Troy, all in the State of New York, protesting against national prohibition; to the Committee on Rules.

By Mr. THACHER: Petitions and resolutions of sundry citizens of Bourne; the Methodist Episcopal Church of Hanson; sundry citizens of Scituate; the Baptist Young People's Union of Middleboro; the First Portuguese Methodist Episcopal Church of New Bedford; the Methodist Church of Chilmark; the New England Yearly Meeting of Friends; sundry citizens of Vineyard Haven, Wareham, and New Bedford; the Barnstable Woman's Christian Temperance Union; the Falmouth Woman's Christian Temperance Union; the Pentacostal Church of the Nazarene, of Wareham; the Plymouth County Woman's Christian Temperance Union; the Quarterly Conference of the Methodist Episcopal Church of Acushnet; the Quarterly Conference of the Methodist Episcopal Church of Long Plain; the Senior Christian Endeavor of Hanson; the Quarterly Conference of the Methodist Episcopal Church of Marion; and the Christian Endeavor Society of Hanson, all in the State of Massachusetts, favoring adoption of national constitutional prohibition amendment; to the Committee on Rules.

Also, memorial of George W. Perry Post, No. 31, Grand Army of the Republic, in behalf of Gettysburg peace memorial; to the Committee on Appropriations.

Also, resolutions of the city of Medford, Mass., for the retirement of all civil-service employees of the United States Post Office Department; to the Committee on Reform in the Civil Service.

Also, petitions of sundry citizens of New Bedford, Mass., remonstrating against national constitutional amendment; to the Committee on Rules.

By Mr. VOLLMER: Resolution of Aug. Wentz Post, No. 1, Grand Army of the Republic, of Davenport, Iowa, asking for an appropriation of $200,000 for the purpose of promoting a national celebration and peace jubilee in commemoration of the semicentennial of the ending of the Civil War in 1865, to be held at Vicksburg, Miss., in October, 1915; to the Committee on Appropriations.

By Mr. WALLIN: Petition of sundry citizens of the thirtieth New York district, favoring national prohibition; to the Committee on Rules.

By Mr. WHITE: Petition of C. M. Williamson and 120 others, of Cannelville, Ohio, and J. P. Pearis and 90 others, of Duncan Falls, Ohio, urging the adoption of the national prohibition amendment to the Constitution; to the Committee on Rules.

By Mr. WOODRUFF: Petition of various residents of Maple Ridge, Mich., and various members of the Methodist Church of Turner, Mich., in support of the Hobson prohibition amendment; to the Committee on Rules.

Also, petition of the Woman's Christian Temperance Union of Gaylord, Mich., favoring national prohibition; to the Committee on Rules.

HOUSE OF REPRESENTATIVES.

SATURDAY, *July 11, 1914.*

The House met at 12 o'clock noon.

The Chaplain, Rev. Henry N. Couden, D. D., offered the following prayer:

We thank Thee, Almighty Father, in spite of the widespread secularism of our day, that the Christ spirit obtains to a larger degree in the hearts of men than ever before; that there is less dogma, more religion, less bigotry, more brotherly love, less sectarianism, more toleration; yet we are far from the kingdom, and we pray for more of the spirit which makes for righteousness, that wars shall cease to be, peace and good will reign supreme everywhere, in Jesus Christ our Lord. Amen.

The Journal of the proceedings of yesterday was read and approved.

AVIATION SERVICE.

Mr. HAY. Mr. Speaker, I ask that the Speaker lay before the House the bill H. R. 5304.

The SPEAKER. The Clerk will report the bill.

The Clerk read as follows:

H. R. 5304. An act to increase the efficiency of the Aviation Service of the Army, and for other purposes, with Senate amendments.

The Senate amendments were read.

Mr. HAY. Mr. Speaker, I move that the House concur in the Senate amendments.

The motion was agreed to.

THE SALEM DISASTER.

Mr. GARRETT of Tennessee. Mr. Speaker, I wish to make a statement for the RECORD. On the vote on the appropriation for the Salem disaster I am recorded as voting "present." As a

matter of fact, I answered "no" and then changed my vote to "present," being paired with the gentleman from Pennsylvania, Mr. MOORE. He would have voted for the amendment and I against it. I thought it would appear in the RECORD as paired, but it does not, and I wish to make this statement of our respective attitudes.

The SPEAKER. Without objection, the correction will be made.

Mr. MANN. Mr. Speaker, did I understand the gentleman from Tennessee to ask to have the RECORD corrected, or simply to make a statement?

The SPEAKER. The gentleman from Illinois is correct; it is not a correction of the RECORD. The Chair has studied for some time this matter of voting "present." Sometimes there will be 15 or 20 Members in front of the Clerk's desk after a roll is called twice, with a request to withdraw their votes, stating that they were paired and want to answer "present." It seems to the Chair, although he is not trying to force the *matter on* anyone or rule in regard to it, that it is an absolute waste of time. If a Member is paired, the proper thing for him to do in the first instance is to answer "present."

CHARLES R. GRANT.

The SPEAKER laid before the House the bill (H. R. 6464) to muster in and muster out Charles R. Grant, late a volunteer of the Army in the Civil War, with Senate amendments.

The Senate amendments were read.

Mr. GORDON. Mr. Speaker, I move that the House concur in the Senate amendments.

The motion was agreed to.

MARY E. DE COSTER.

Mr. LLOYD. Mr. Speaker, I present a privileged report from the Committee on Accounts.

The Clerk read as follows:

House resolution 516 (H. Rept. 952).

Resolved, That the Clerk of the House of Representatives be, and he hereby is, authorized and directed to pay to Mary E. De Coster, widow of the late Capt. Francisco V. De Coster, a deliveryman of documents to the House document room, the committees of the House, and the House Office Building, a sum equal to six months' salary at the rate he was receiving by law at the time of his death; said sum to be paid from the contingent fund of the House, and to be considered as including funeral expenses and all other allowances.

The following committee amendments were read:

Line 3, after the word "pay" insert "out of the contingent fund of the House."

Strike out in lines 7, 8, 9, and 10 the words "said sum to be paid from the contingent fund of the House, and to be considered as including funeral expenses and all other allowances," and insert in lieu thereof "and a sum not exceeding $250 to defray the funeral expenses of said Francisco V. De Coster."

The SPEAKER. The question is on the amendments.

The committee amendments were agreed to.

The resolution as amended was agreed to.

MESSENGERS IN THE POST OFFICE.

Mr. LLOYD. Mr. Speaker, I offer the following privileged resolution:

The Clerk read as follows:

House resolution 550 (H. Rept. 951).

Resolved, That 14 messengers in the post office of the House now authorized to be employed from December 1, 1913, until June 30, 1914, inclusive, may continue to be employed during the remainder of the present session of Congress and be paid out of the contingent fund of the House.

With the following committee amendments:

On page 1, line 2, strike out the word "now."

On page 1, line 6, after the word "Congress," insert the words "and receive pay from July 1, 1914."

The committee amendments were agreed to.

The resolution as amended was agreed to.

EXTENSION OF REMARKS IN THE RECORD.

Mr. FALCONER. Mr. Speaker, I ask unanimous consent to introduce and have read by the Clerk a privileged resolution.

The SPEAKER. The proper way to introduce the resolution is through the basket. If the gentleman desires to have unanimous consent to have it read, very good.

Mr. FALCONER. Mr. Speaker, I ask unanimous consent to have it read.

Mr. FITZGERALD. What is it?

Mr. FALCONER. It is a resolution having to do with a matter in Vera Cruz. An acquaintance of mine, a man who is in the employ of the Newspaper Enterprise Association, has recently been ordered deported because of a story he sent out relative to the extraordinary actions of certain naval officers.

Mr. FITZGERALD. Mr. Speaker, I move that the House resolve itself into the Committee of the Whole House on the state of the Union for the consideration of the bill H. R. 17824, the general deficiency appropriation bill.

Mr. FALCONER. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD.

The SPEAKER. The gentleman from Washington asks unanimous consent to extend his remarks in the RECORD. Is there objection?

Mr. RAKER. Mr. Speaker, reserving the right to object, I ask unanimous consent that the gentleman from Washington may have the privilege of extending his remarks in the RECORD and also that I may have the same privilege.

The SPEAKER. The gentleman from California asks unanimous consent to extend his remarks in the RECORD. Is there objection?

Mr. MANN. Reserving the right to object, is the request of the gentleman from Washington disposed of?

The SPEAKER. No. The gentleman from California undertook to couple his request with that request.

Mr. MANN. Oh, the gentleman from California tries to take an unfair advantage, and I object.

The SPEAKER. The gentleman from Illinois objects.

Mr. RAKER. Mr. Speaker, would the gentleman from Washington——

The SPEAKER. The matter is not debatable.

Mr. RAKER. Mr. Speaker, I withdraw my objection to the request of the gentleman from Washington.

Mr. PAYNE. Mr. Speaker, I demand the regular order.

The SPEAKER. Is there objection to the request of the gentleman from Washington [Mr. FALCONER] to extend his remarks in the RECORD? [After a pause.] The Chair hears none, and it is so ordered.

Mr. FALCONER. Mr. Speaker, had objection not been raised, I would have asked for immediate consideration of the following resolution:

Resolved, That the Department of War and the Department of the Navy be, and are hereby, requested to furnish the House of Representatives copies of all correspondence and orders in the matter of the order of deportation of Fred L. Boalt, a correspondent of the Cleveland Press and affiliated newspapers, from Vera Cruz, on account of the publication of an article alleging that an officer of the United States Navy and marines under his command applied the "law of flight," firing upon unarmed Mexican prisoners during the occupation of Vera Cruz.

Resolved further, That the said departments advise the House of Representatives at whose initiative Boalt was ordered deported, and whether or not testimony now being taken at the court of inquiry now being held on board the U. S. battleship *Texas*, at Vera Cruz, is being censored by the officers of the United States Army.

My purpose for introducing this resolution is plainly understood by the context and wording.

Mr. Speaker, Fred L. Boalt was a resident of my State, a newspaper man in Seattle, and his professional ethics and standard of integrity have secured for him a high place in the esteem of his coworkers and the newspaper fraternity generally.

It is my opinion, sir, that Mr. Boalt would not write a story without fact, and his story is so extraordinary that in this modern day of civilization it commands the attention of the public.

We have heard much of late of the dove of peace, flitting hither and thither, from the abode of the Carnegie Peace Commission to the Department of State, and we are moved to inquire if it can be possible that while the principle of the "brotherhood of man" is being promulgated here in this great country, and with special emphasis being placed upon our own—America's—high standards, embracing the new freedom, if it can be possible, sir, that the mailed hand of the United States reaching out and beyond our own borders into the land of a neighboring Republic and there in one of its fairest cities viciously murders defenseless citizens in a manner unworthy of the time in which we live and of the country we call our own.

Mr. Boalt's article, sent out to the Newspaper Enterprise Association from Vera Cruz, which caused his arrest and an order issued for his deportation, is:

When the Americans took Vera Cruz, an ensign, in his student days perhaps the best fullback Annapolis ever had, had command of a squad of men who took many prisoners.

The prisoners were corraled in a room. At a word from the ensign they were released and told to scurry for the next corner. Those who reached it in safety, in the opinion of the ensign, deserved to live.

But very few did.

The ensign applied the "ley de fuga"—the law of flight.

The law of flight is not nice. The rules of civilized warfare forbid the application of the law of flight.

But war is war; and one American naval officer did apply the law of flight. He admits it; boasts of it. Curiously enough, his friends applaud him for it. Hundreds of American Army and Navy officers and men know that this ensign and his men applied the forbidden law of flight—made sport of prisoners of war, and even noncombatants, giving them a flying start and "potting" them as they fled.

I have been told that it was fun to see them run.

When I was a boy, I had a bulldog who applied the law of flight.

The trick was for the dog to catch, if he could, all the rats before they reached the split-rail fence which surrounded the pasture. Once through the fence, there was no catching the rats, because they lost

themselves in tall grass. I remember that the first rat that left the trap never got more than a foot from it. The second ran a yard, perhaps. And so on. The last rat always tried desperately to reach the fence.

But it was very seldom that even the last rat escaped that bulldog's snapping jaws. I imagine that my bulldog and the young ensign and ex-football star, whom I have mentioned, both of whom applied the law of flight, are somewhat alike

Immediately upon learning of this story at Vera Cruz by the military authorities Mr. Boalt was arrested.

Mr. Boalt insisted that facts substantiated his story. He was ordered deported. He communicated with his news connections in Chicago, and from there came the story of his predicament to his associaties here in Washington.

The matter was immediately taken up with the Navy Department. The Navy Department indicated it would investigate the matter.

Mr. Speaker, we want to get the details of this incident. We desire to know who initiated demand for arrest and deportation of Mr. Boalt, and we want the facts brought out at the court of inquiry placed before the House.

Mr. CAMPBELL. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD on the subject of the tariff.

The SPEAKER. The gentleman from Kansas asks unanimous consent to extend his remarks in the RECORD on the subject of the tariff. Is there objection?

Mr. RAKER. Mr. Speaker, reserving the right to object——

Mr. FITZGERALD. Mr. Speaker, I demand the regular order.

The SPEAKER. The regular order is, Is there objection? [After a pause.] The Chair hears none.

Mr. RAKER. Mr. Speaker, I ask unanimous consent that I may extend my remarks in the RECORD.

The SPEAKER. The gentleman from California asks unanimous consent to extend his remarks in the RECORD. Is there objection?

Mr. GARNER. On what subject? Let us have the subject. I think that it is due to the House that every gentleman who asks unanimous consent to extend his remarks in the RECORD should state upon what subject he expects to extend his remarks.

Mr. RAKER. Mr. Speaker, I hope to extend them on the subject of the Kinkaid bill, if I get the privilege.

The SPEAKER. Is there objection? [After a pause.] The Chair hears none, and it is so ordered.

GENERAL DEFICIENCY APPROPRIATION BILL.

The SPEAKER. The question is on the motion of the gentleman from New York [Mr. FITZGERALD] that the House resolve itself into the Committee of the Whole House on the state of the Union for the consideration of the general deficiency appropriation bill.

Mr. FITZGERALD. Mr. Speaker, pending that motion. I wish to ask the gentleman from Massachusetts [Mr. GILLETT] if we can agree on 40 minutes' debate on a side?

Mr. GILLETT. Mr. Speaker, I will state to the gentleman that I have had requests for four hours of general debate upon this side.

Mr. FITZGERALD. Is everybody on that side losing his head in the hot weather? [Laughter.]

Mr. GILLETT. We have not had any general debate for a long time.

Mr. FITZGERALD. Oh, the Republicans have been doing nothing but talking.

Mr. GILLETT. Well, that is all the minority is allowed to do. [Laughter.]

Mr. FITZGERALD. There is no desire on this side to debate the bill.

Mr. GILLETT. Let me tell the gentleman that it is saving time in a certain way, because much of the time for which I have been asked was to have been granted when the House had under consideration the general dam bill, but it is much more appropriate on an appropriation bill.

Mr. FITZGERALD. Mr. Speaker, I ask unanimous consent that general debate on the minority side be limited to four hours.

Mr. GILLETT. I am content with that.

Mr. MANN. Yes; but how much does the gentleman's side of the House propose to use?

Mr. FITZGERALD. We will not use so much time as that.

Mr. MANN. Oh, you never can tell.

Mr. FITZGERALD. I know from the general character of the indiscriminate assaults that are made upon the administration by the other side that we will need hardly two or three minutes to dispose of them. [Laughter.]

Mr. MANN. But it always does take more.

Mr. FITZGERALD. Mr. Speaker, I ask unanimous consent that the time of all the minority in the House on this bill in general debate be limited to four hours, to be controlled by the gentleman from Massachusetts [Mr. GILLETT].

The SPEAKER. And how much for the majority?

Mr. FITZGERALD. I am not limiting that. We will not use very much.

The SPEAKER. The gentleman from New York asks unanimous consent that general debate be limited to four hours for the minority.

Mr. DONOVAN. Mr. Speaker, reserving the right to object, the general debate is going to take the usual course of talking on any subject the gentlemen see fit to talk about, I suppose? Is that right?

M. FITZGERALD. If a Member gets the floor, he can talk on anything under the sun.

Mr. DONOVAN. And then it is going to follow under the five-minute rule, where they will ask to extend their time, and then talk on any subject that they see fit? That will probably follow, will it not?

Mr. FITZGERALD. I am unable to predict what this House is likely to do.

Mr. DONOVAN. Mr. Speaker, let me suggest that the ranking member of the minority the other day suggested in one of his talks that the presence of the minority was essential to prevent abuses, and I believe he then hied himself away, and we have hardly looked upon his face since.

Mr. GARNER. To whom does the gentleman refer by the ranking Member of the minority—the gentleman from Massachusetts [Mr. GILLETT]?

Mr. MANN rose.

Mr. DONOVAN. Oh, I am not referring to the gentleman from Illinois [Mr. MANN], although he is the ranking member of every committee here. [Laughter.] I take it that the gentleman is interested in well-doing in this body. We met here last Monday, and there were only 67 Members present to do business. We tried to get a quorum and could not do it. Now, the gentleman from New York [Mr. FITZGERALD], instead of trying to get unanimous consent to allow a few Members to talk on every subject under the sun, should try to get the Members of Congress here to do business, and then insist——

Mr. FITZGERALD. Mr. Speaker, I object to this indiscriminate lecture and to the gentleman criticizing me when I am trying to perform a public duty.

Mr. DONOVAN. We have been listening to indiscriminate lectures from the gentleman from time to time here.

Mr. FITZGERALD. It evidently has not had the effect it should have upon the gentleman.

Mr. DONOVAN. I will say to the gentleman from New York——

Mr. MANN. Mr. Speaker, I demand the regular order.

The SPEAKER. The regular order is, the gentleman from New York, pending the motion to go into Committee of the Whole House on the state of the Union, asks unanimous consent that general debate be limited to four hours——

Mr. FITZGERALD. To those opposed to the bill, to be controlled by the gentleman from Massachusetts [Mr. GILLETT], and that I be permitted to control the time on this side, and this side will not take more than four hours. I will make that suggestion.

Mr. DONOVAN. Mr. Speaker——

The SPEAKER. The gentleman from New York, pending that motion, asks unanimous consent that the minority shall have not more than four hours of general debate, to be controlled by the gentleman from Massachusetts [Mr. GILLETT], and if the majority concludes it wants to debate the bill it shall have not more than four hours, to be controlled by the gentleman from New York [Mr. FITZGERALD]. Is there objection?

Mr. DONOVAN. Mr. Speaker, reserving the right to object, first, I want to make a parliamentary inquiry.

Mr. MANN. Mr. Speaker, regular order.

The SPEAKER. The regular order is, is there objection to the request?

Mr. DONOVAN. I am reserving the right to object, Mr. Speaker.

The SPEAKER. The Chair knows; but the regular order is called for.

Mr. DONOVAN. Does the Speaker deny the right to reserve the right to object?

The SPEAKER. Whenever the regular order is demanded it is the business of the Speaker——

Mr. DONOVAN. But a gentleman should rise from his seat when he calls for the regular order.

The SPEAKER. It was demanded two or three times before when the gentleman was standing up.

Mr. DONOVAN. Who has asked for the regular order?

The SPEAKER. The gentleman from Illinois was the last one.

Mr. DONOVAN. Then I object.

Mr. FITZGERALD. Mr. Speaker, I ask unanimous consent that the time for general debate be equally divided between the two sides, to be controlled by the gentleman from Massachusetts [Mr. GILLETT] and myself.

The SPEAKER. The gentleman from New York asks unanimous consent that the time for general debate be divided between the two sides, one half to be controlled by himself and the other half by the gentleman from Massachusetts [Mr. GILLETT]. Is there objection?

Mr. DONOVAN. Mr. Speaker, reserving the right to object——

Mr. MANN. Mr. Speaker, I demand the regular order.

The SPEAKER. The gentleman from Illinois demands the regular order, and the regular order is, is there objection to the request of the gentleman from New York?

Mr. DONOVAN. Mr. Speaker, I object.

The SPEAKER. The gentleman from Connecticut objects, and the question is on the House resolving itself into the Committee of the Whole House on the state of the Union to consider H. R. 17824.

The question was taken, and the motion was agreed to.

The SPEAKER. Accordingly the House resolves itself into the Committee of the Whole House on the state of the Union, and the gentleman from Georgia [Mr. ADAMSON] will take the chair.

Mr. DONOVAN. Mr. Speaker, I raise the question of no quorum.

The SPEAKER. The House has just resolved itself into the Committee of the Whole House on the state of the Union.

Mr. DONOVAN. But I am not too late to raise the question of a quorum.

The SPEAKER. The gentleman can not raise the question of a quorum in the House, because the House has gone into the Committee of the Whole House on the state of the Union——

Mr. DONOVAN. How does it go into Committee——

The SPEAKER. The Chair has nothing on earth to do with the Committee of the Whole House on the state of the Union.

Mr. DONOVAN. Mr. Speaker, a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. DONOVAN. How can the House be in the Committee of the Whole House on the state of the Union before a Chairman has been appointed by the Chair?

The SPEAKER. The Chair has already appointed the gentleman from Georgia [Mr. ADAMSON].

The CHAIRMAN. The House is in Committee of the Whole House on the state of the Union for the consideration of the bill H. R. 17824, the general deficiency bill. The Clerk will report the bill.

The Clerk read as follows:

A bill (H. R. 17824) making appropriations to supply deficiencies in appropriations for the fiscal year 1914, and for prior years, and for other purposes.

Mr. FITZGERALD. Mr. Chairman, I ask unanimous consent to dispense with the first reading of the bill.

The CHAIRMAN. The gentleman from New York asks unanimous consent to dispense with the first reading of the bill. Is there objection?

Mr. DONOVAN. I object, Mr. Chairman.

The CHAIRMAN. The gentleman from Connecticut objects and the Clerk will read the bill.

The bill was read at length.

During the reading of the bill the following occurred:

Mr. DONOVAN. Mr. Chairman, in the first reading of the bill it should be read in full and a part of it should not be skipped.

Mr. FITZGERALD. Mr. Chairman, I make the point of order the gentleman has no right to interrupt the proceedings of the committee, and I ask for order so that business may be transacted.

The CHAIRMAN. The Chair is informed that the gentleman from Connecticut is mistaken, and it is not in order to interrupt the reading of the bill. The Clerk will read.

Mr. DONOVAN. Mr. Chairman——

The CHAIRMAN. For what purpose does the gentleman rise?

Mr. DONOVAN. The Clerk is not reading the bill. He is skipping a part of it.

The CHAIRMAN. The Chair has not discovered it; the Chair is watching the Clerk, and the Chair will see that the gentleman from Connecticut is protected. The Chair hopes there will be order, so that he can see the gentleman from Connecticut is not defrauded. The Clerk will read.

Mr. DONOVAN. Mr. Chairman——

The CHAIRMAN. For what purpose does the gentleman rise?

Mr. DONOVAN. The Clerk is skipping part of it.

The CHAIRMAN. The Chair has not observed any skipping. The gentleman from Connecticut will please not interrupt the reading.

Mr. DONOVAN. We are entitled to a reading of the bill, Mr. Chairman. I take it.

The CHAIRMAN. Well, the Chair hopes the gentleman will be careful to discover a mistake before he attempts to correct one.

The Clerk resumed and concluded the reading of the bill.

The CHAIRMAN (Mr. FLOOD of Virginia). The gentleman from Massachusetts [Mr. GILLETT] is recognized for one hour.

Mr. GILLETT. Mr. Chairman, I yield 20 minutes out of the time of the gentleman from New York [Mr. FITZGERALD] to the gentleman from North Carolina [Mr. POU].

The CHAIRMAN. The gentleman from North Carolina [Mr. POU] is recognized for 20 minutes.

Mr. POU. Mr. Chairman, on yesterday the following appeared in the Washington Times:

ALTOONA, PA., *July 8.*

With every department of the Altoona shops, the industrial center of the Pennsylvania Railroad Co., working full time, and many departments working overtime, this city is enjoying an unsurpassed era of prosperity. An order for 81 freight engines, the largest ever used by the Pennsylvania, has been placed with the Juniata shops, while an order has just been placed with the car shops for a thousand all-steel box cars, the most costly equipment of its kind ever ordered by the railroad.

Mr. Chairman, we have been told so often of late that a condition of business stagnation exists all over the land that it is with genuine pleasure that I read this telegram. Some of our Republican colleagues in this House have told us that there is financial depression everywhere, that thousands of wage earners are out of employment, and that a terrible panic is bound to come unless the American people decide to do one thing, namely, put the old stand-pat Republican Party back into power. It certainly is refreshing to learn that there is at least one city which finds itself exempt from the ruinous conditions we have heard described. No need of soup houses in Altoona. Indeed, it is just possible that a few of the great army of unemployed may find work if they can only get to Altoona, for this telegram informs us that every department of the Altoona shops is working on full time, while in many departments the shops are running overtime. The news is no doubt especially pleasing to our Republican colleagues from the great State of Pennsylvania. The statement of conditions must be true, for a similar telegram appeared in a Philadelphia paper, the organ of stand-pat Republicanism in that State. Likewise, Mr. Chairman, I learned on good authority that a great manufacturing concern in New England, which employs approximately 15,000 operators, positively declined, about the first of this month, to give those operators a half holiday unless they would agree to work overtime to make up for the loss of that half day. The company was behind time in filling orders. It may be, Mr. Chairman, that conditions are not so bad as we have heard described in this Chamber. Let us not forget that just a year ago the stage appeared to be all set for a panic which was scheduled to arrive about that time. The panic was fortunately averted by vigorous action of Mr. Wilson's administration.

Mr. Chairman, in a great Nation like ours there will probably never be a time when men can not be found out of employment in the great cities. There will probably never be a week when some failure in business is not announced. The purpose of those gentlemen who have been crying panic and hard times is plain. They are striving to put the Republican Party back into power. They do not mention the Roosevelt panic of 1907. They tell us men are out of employment in Chicago, for instance. The Democratic Party is in power, therefore the Democratic Party is responsible for the failure of these Chicago men to get work. These apostles of hard times do not tell us that during the Roosevelt administration and the Taft administration men were also walking the streets of Chicago in search of employment. At no time during the 16 months of the Wilson administration has there been a condition which approached in seriousness the disastrous Roosevelt panic. On the contrary, there has been steady improvement; and even those gentlemen who cry hard times will not deny that the President and those associated with him have done what they could to make impossible the recurrence of another Roosevelt panic.

But I did not rise, Mr. Chairman, to enter into a discussion of the general condition of the country. I rose to remind those gentlemen on the other side of the aisle who have been crying hard times that the Republican minority in this Chamber can not consistently criticize the administration so long as you your-

selves are divided in your support of the administration measures.

Since the Democratic Party came into power five great measures have been passed by the House of Representatives, two of which have become laws, while three at this time are being considered by the Senate.

Let us consider first the trade commission bill. That is one which we are told is going to bring ruin and disaster to the country. It is now pending in the Senate. There was not even a roll call over here. Here is what happened in this Chamber as told by the RECORD of that day:

The SPEAKER. The question is on the passage of the bill.
The bill was passed.

If this is a ruinous measure, who is responsible for it? You are just as much responsible as we are.

Mr. MADDEN. Will the gentleman yield for a question?

Mr. POU. I will.

Mr. MADDEN. Did the gentleman hear anybody on this side of the House say it was a ruinous measure?

Mr. POU. No; but the gentleman knows that there has been an attack in the press not only upon other measures but upon this one as well, and I am going to show further on that not only on this but on four of these measures you split to pieces over there; and if this legislation is bad, you are as much responsible for it as we are, and it is time to quit calamity howling when you yourselves are voting for the Wilson administration measures.

The trust bill I will mention next. On that the yeas were 297 and the nays 54. There are 145 of you over there. Where were the remainder of you when this roll was called? Only 54 were found who were willing to go on record against this "ruinous measure" known as the Clayton bill. This bill has been the target of Republican criticism. If it is going to ruin the country, why did you vote for it? If it is going to ruin business, why did you not present a solid front against it? There are 145 Members of this body who are not Democrats, yet there were just 54 who were willing to go on record against the Clayton bill. No man can deny the significance of this. The minority in the Chamber not only did not present a solid front against this bill, but 57 Members actually voted with us. I think the country should know exactly who these gentlemen are. They are to be commended, not criticized. For my part, I entertain the highest respect for the position they took. It means that they are not narrow-minded partisans. It means that they have the courage of their convictions. Their list of names constitutes a roll of honor which I am going to put in the RECORD.

Republican and Progressive roll of honor, composed of those who supported the Clayton antitrust bill:

Anderson	Gardner	Lindbergh	Sloan
Barton	Good	McKenzie	Smith, Idaho
Bell, Cal.	Green, Iowa	McLaughlin	Smith, J. M. C.
Bryan	Haugen	MacDonald	Stafford
Burke, S. Dak.	Hawley	Mapes	Sutherland
Campbell	Helgesen	Mondell	Temple
Cary	Hinebaugh	Morgan, Okla.	Thomson, Ill.
Copley	Hulings	Moss, W. Va.	Towner
Cramton	Johnson, Wash.	Murdock	Vare
Curry	Kelly, Pa.	Nolan, J. I.	Walters
Davis	Kennedy, Iowa	Porter	Woodruff
Dillon	Kent	Roberts, Nev.	Woods
Farr	Kinkaid, Nebr.	Rupley	
Frear	La Follette	Scott	
French	Lenroot	Sinnott	

Let us next consider the Rayburn bill, which a great many people believe is much needed. Certain gentlemen have been engaging in high finance in this country. Watered stock has been sold to the people, and hundreds of homes have been ruined, because when men buy stocks and bonds they do not know what they are getting. I do not need to mention instances. You see them all around you every day now—railroads going into the hands of receivers and stock bought by innocent purchasers going down to almost nothing, and bringing ruin and disaster to homes throughout the land. The Wilson administration said this ought to be stopped, and the Rayburn bill was reported to the House; and here is the vote on it—yeas 325, nays 12.

Republican and Progressive roll of honor, composed of those who supported the Reyburn bill:

Anderson	Chandler, N. Y.	French	Hinebaugh
Anthony	Copley	Gardner	Howell
Austin	Curry	Good	Hulings
Avis	Danforth	Graham, Pa.	Humphrey, Wash.
Bartholdt	Davis	Green, Iowa	Johnson, Utah
Barton	Dillon	Greene, Vt.	Johnson, Wash.
Browne, Wis.	Drukker	Guernsey	Kahn
Bryan	Edmonds	Hamilton, N. Y.	Keister
Burke, S. Dak.	Esch	Haugen	Kelley, Mich.
Butler	Falconer	Hawley	Kelly, Pa.
Calder	Farr	Hayes	Kennedy, Iowa
Campbell	Fess	Helgesen	Kennedy, R. I.
Cary	Frear	Hinds	Kent
Kiess, Pa.	Morgan, Okla.	Sells	Thomson, Ill.
Kinkaid, Nebr.	Moss, W. Va.	Shreve	Towner
La Follette	Mott	Sinnott	Treadway
Langley	Murdock	Slemp	Vare
Lenroot	Nelson	Sloan	Volstead
Lindbergh	Nolan, J. I.	Smith, Idaho	Walters
McGuire, Okla.	Paige, Mass.	Smith, J. M. C.	Willis
McKenzie	Plumley	Stafford	Winslow
McLaughlin	Porter	Steenerson	Woodruff
McDonald	Powers	Stevens, Minn.	Woods
Mann	Roberts	Sutherland	
Mapes	Rupley	Switzer	
Mondell	Scott	Temple	

Think of that, if you please—just 12 Members were willing to go on record against this bill. If it is not a righteous bill, why did so many of you vote for it? If it is not a good bill, why did 101 Republicans and Progressives vote with the Democrats when the bill was passed by the House? Can you consistently criticize a bill which you yourself supported on a roll call? I am not criticizing any man who supported the bill. Remember, if you please, there are 145 Members who are not Democrats. If this is a bad bill from your standpoint, there should have been at least 145 votes against it.

No, Mr. Chairman, the Rayburn bill is not going to ruin business, as every intelligent man knows; on the contrary it is going to help legitimate business; certainly this House thinks so, for there were only 12 votes against it. Where were all those calamity howlers when that roll was called; these men who have been predicting disaster and wanting Congress to adjourn in order to save the country? Just 12 men, as I have said, marched up and voted against the bill.

Mr. GOOD. Will the gentleman yield?

Mr. POU. I will.

Mr. GOOD. To which of the great measures the gentleman has mentioned, the tariff bill or the trust bills, may the country look for relief from the high cost of living? Which one of these measures will bring about the low cost of living as promised by the Democratic Party, and when will it come?

Mr. POU. The country may look, I think, to all of these measures for some relief from burdensome conditions. If the gentleman will go and ask his wife she will tell him now that the reduction in the cost of living has already commenced, as she finds when she goes to any great department store. Probably you have not talked to your wife lately about this matter. [Applause.]

Mr. GOOD. Will the gentleman enumerate some of the articles which are selling cheaper now at retail, for instance in the city of Washington?

Mr. POU. Yes; I will mention one of them. You can get nine pounds more of sugar for $1 than you could under your Republican high tariff.

Mr. DONOVAN. Mr. Chairman.

The CHAIRMAN. For what purpose does the gentleman rise?

Mr. DONOVAN. In order to have order. The gentleman can not interrupt unless he addresses the Chair first.

The CHAIRMAN. The point is well taken.

Mr. POU. Coming on down a little further to the currency bill——

Mr. GOOD. Can the gentleman name only one article?

Mr. POU. I have already mentioned one article to the gentleman, and I said if he would talk with his wife she would probably mention some others to him.

Mr. GOOD. But will the gentleman——

The CHAIRMAN. Does the gentleman from North Carolina yield to the gentleman from Iowa?

Mr. POU. No; I prefer not to do so now. I may take time later on and investigate the proposition suggested by the gentleman. There are numerous articles, some of them among the necessaries of life, which have gone down in price; not much, it is true, but they have gone down some, and I predict they will go down more. At any rate, that is what the proprietors of the great department stores in the cities have been telling us, and they ought to know.

But I did not rise to discuss prices, Mr. Chairman. I rose for another purpose. Some of you gentlemen over there have been saying that this administration is ruining the country, and you have been trying to bring pressure upon Congress to adjourn. I charge that you are responsible to a very considerable extent for nearly all the legislation which has been put through this House up to this time. You have no right to sit in your seats over there and remain silent or vote "aye" on this measure or that measure and then cry out to the country that Mr. Wilson is ruining the country by pressing these very measures to final passage.

Now I come to the Underwood bill. Yeas 255, nays 104. You got 104 out of the 145. That is the best you could do on even the Underwood measure.

Mr. GOOD. Mr. Chairman, will the gentleman yield there?

The CHAIRMAN. Does the gentleman from North Carolina yield to the gentleman from Iowa?

Mr. GOOD. I just wanted to ask a question in regard to the vote.

Mr. POU. Yes; I yield.

Mr. GOOD. The gentleman does not mean to say that the Republicans voted for the Underwood tariff bill, does he?

Mr. POU. No; I do not. But some of them did.

Mr. GOOD. How many?

Mr. POU. I do not know how many. There were several. I have their names here. There were several distinguished gentlemen on that side who voted for the Underwood tariff bill. I am sorry that there were not more; but there were some.

Mr. GOOD. You can not charge any sins in voting for that bill to this side of the House.

Mr. POU. One of them I find was the distinguished gentleman from Pennsylvania, my colleague on the Committee on Rules, Mr. KELLY.

Mr. BRYAN. Mr. Chairman, the gentleman does not mean to call Mr. KELLY of Pennsylvania a Republican?

Mr. POU. He was put on the Committee on Rules to represent the Republican Party. I find also Mr. MACDONALD here; I find also Mr. MANAHAN, Mr. RUPLEY, and Mr. STAFFORD.

Mr. BRYAN. Mr. Chairman, will the gentleman yield?

The CHAIRMAN. Does the gentleman from North Carolina yield?

Mr. POU. Yes.

Mr. BRYAN. If the gentleman is going to call "Republicans" the four Progressives who voted for that tariff bill, we are going to mob him for it. [Laughter.] We are not Republicans, and we will not stand for the application of any such name as that to us.

Mr. POU. All that I know is that the Committee on Rules is one of the most important committees of the House, and Mr. KELLY of Pennsylvania was put on that committee, not as a Democrat but as an anti-Democrat. I wish he were a Democrat, because he is an earnest, honest, patriotic, young man; and he had the nerve to stand up here and vote his convictions also on the currency measure.

Now, we come to the currency bill, a bill which everybody admits has been needed for a generation. Mr. Wilson had the nerve to insist upon its prompt passage. It was a "bad" bill until it was passed, and then suddenly it got to be a good bill. On the currency bill the yeas were 286 and the nays were 85. You got little more than 50 per cent of your own vote against the bill.

Here is a list of the Republicans and Progressives who supported the measure.

Republican and Progressive roll of honor, composed of those who supported a Democratic currency bill:

Bell, Cal.	Frear	Lindquist	Rupley
Browne, Wis.	Haugen	McLaughlin	Smith, J. M. C.
Cary	Helgesen	MacDonald	Smith, Minn.
Cooper	Hinebaugh	Manahan	Smith, Sami. W.
Cramton	Kelley, Mich.	Mapes	Stafford
Dillon	Kelly, Pa.	Murdock	Stephens, Cal.
Esch	Kent	Nelson	Woodruff
Falconer	Lafferty	Nolan, J. I.	Young, N. Dak.
Farr	Lenroot	Norton	
Fess	Lindbergh	Porter	

The yeas on that measure were, as I have shown, 286 and the nays were 85, while 38 Republicans and Progressives went on record in favor of the bill.

Mr. MADDEN. Mr. Chairman, will the gentleman yield to me for a question?

The CHAIRMAN. Does the gentleman from North Carolina yield to the gentleman from Illinois?

Mr. POU. Yes; I yield to the gentleman.

Mr. MADDEN. Does the gentleman from North Carolina assume to say that the currency bill that was finally enacted was the same bill that the gentleman refers to?

Mr. POU. Well, in all essential particulars. The gentleman knows, I think, that there were no very essential differences in it.

Mr. MADDEN. The only essential difference between the bill that passed the House and the bill that passed the Senate and was finally approved by the House was this, that if the House bill had become a law it would have put every business house in the United States into bankruptcy, while the bill that was finally passed in a very much modified form was approved by most of the men who had voted against the House bill originally.

Mr. POU. Yes; the same was said about the Reyburn bill, and yet only 12 were found willing to vote against it on a roll call. And the same was said about the trade commission bill, and on that we did not even have a roll call. We may therefore assume that nobody was opposed to it. I think our friends on the other side of the Chamber ought either stop criticizing these administration measures or stop voting for them.

Mr. MADDEN. Mr. Chairman, will the gentleman yield?

The CHAIRMAN. Does the gentleman yield?

Mr. POU. I have very little time. There was one other point I wanted to bring out, but I will yield to the gentleman.

Mr. MADDEN. I wanted to call the gentleman's attention to the fact that nobody on either side of the House objected to the trade commission bill and nobody claimed that it would not be beneficial to the country, and no man can truthfully assert that such claim has been made.

Mr. POU. I know that the gentlemen on the other side of the Chamber have been making the welkin ring by charging that the Wilson administration was destroying the business of the country. You have had telegrams and letters read claiming that there is a general paralysis of business, and you have insisted that the country is going to the devil on account of the very legislation which some of you gentlemen have voted for.

Mr. MADDEN. As to most of those statements that the gentleman refers to I want to say they are true.

Mr. POU. Now, the other day Col. Roosevelt rose to remark that the foreign policy of Mr. Wilson's administration was laughed at in Europe. Well, the world has had long experience with European diplomacy. European diplomacy did not stop the Balkan war. It did not stop the murder of 40,000 or 50,000 Christians and Armenians purely on account of their religion. It did not stop the disastrous war in South Africa. Spion Kop and other bloody battlefields tell of the success of European diplomacy as applied to South Africa. Mr. Wilson's administration has been trying to avert the necessity of armed intervention by this country in Mexico. It would have been an easy matter to have involved this country in war and to have had our soldiers shot down and brought back dead. I think the diplomacy of Mr. Wilson's administration and his foreign policies will compare favorably with European diplomacy. I suppose the distinguished ex-President thinks we ought to be at war with Mexico right now. For me, I would prefer to have the foreign policies of this administration ridiculed if a contrary policy would involve this country in a bloody war with our neighbor, Mexico.

Now, Mr. Chairman, this is all I care to contribute to the gaiety of the nations to-day. In examining the record vote on these measures it seemed to me if there is anything wrong with this legislation the responsibility is, in a measure, over there as much as it is over here. I will not pause to make any comments upon the patriotism of any man who constantly is predicting panic and financial disaster to bring about the success of any political party. I hope that there is no man in this Chamber who has so little patriotism that he would be willing to see ruin and disaster come to the country in order that any political party—I care not what its name is—may come back into power. And yet sometimes one is almost persuaded that such is the case. If these measures for which the administration is pressing are just, if the legislation is righteous, there is an unprejudiced jury which will pass upon the question in November. That jury has the good of the country at heart and is made up of the rank and file of the American people. With perfect confidence this administration will appeal to that jury. Upholding the administration in a solid vote on this side of the aisle; upholding the administration, sustaining it, in pressing for the passage of these measures, we find many of the opposite parties who put principle above party allegiance.

No bad measure would be supported in this way. It must be that these measures are so righteous that they deserve not only the solid support of the Democratic Party in this Congress, but that they received because they deserved support from every political party which has representation here. [Applause on the Democratic side.]

Mr. GILLETT. Mr. Chairman, the gentleman from New York [Mr. FITZGERALD] wishes me to yield to the gentleman from Missouri [Mr. DICKINSON] 20 minutes.

The CHAIRMAN. The gentleman from Missouri [Mr. DICKINSON] is recognized for 20 minutes.

Mr. DICKINSON. Mr. Chairman, on the 1st day of February, 1910, by the favor of a generous constituency of the sixth district of Missouri, I was elected to membership of the House of Representatives of the American Congress, succeeding a man of marked ability, a resident of Bates County, Mo., elected for 10 successive terms, giving to his district the benefit of ripe experience resulting from long service, which lasted nearly 19 years, his useful career having been cut short by his untimely death. During the short period of my service here in Congress, by reason of long-drawn-out sessions and repeated extra sessions, called for extraordinary legislation desired by the country, I

have remained almost constantly at the seat of government, being permitted to see little of those whom I was elected to serve, because my duties required my attention in Washington.

During the short period that I have been permitted to serve a loyal people, the country has witnessed and gone through a political revolution not yet completed. The special election that gave me place here was fought out on the lines of the tariff.

The Payne-Aldrich tariff bill, the indorsement of the Taft administration, and what was known as Cannonism were the active issues. The result of that remarkable contest revealed the beginning of a new era in the politics of our country. It was the first evidence of protest at the polls against existing political conditions. The Payne-Aldrich law was obnoxious to the large majority of the people and was believed to be written in the interest of monopoly and in plain disregard of the wants of the consuming public, and was wiped from the Federal statute book by Democratic effort and Progressive Republican aid, and a lower tariff—the Underwood "tariff-for-revenue" law—substituted in its stead. President Taft was swept into political oblivion and Speaker Cannon retired from his high place and returned to private life.

As a result of this political revolution the Democratic Party rode triumphant into power. The once proud and arrogant Republican majority was dethroned and became a small minority in these halls; both branches of Congress became Democratic; the Republican Party, torn asunder, split into two factions bitterly antagonistic to each other. A new condition was ushered in; the great power, once so arbitrarily used, of naming all the committees of the House was taken from the Speaker, who was no longer permitted to control the House with despotic power, but his powers were limited largely to the ordinary powers of a presiding officer, and this great office has since been filled by a great Missourian, a great historian, a philosopher, a great character, loved by the entire membership of this House, an eminently fair and just presiding officer, in the person of CHAMP CLARK, of Missouri. [Applause.]

And what has been the result? The disrupted and once arrogant Republican Party, broken upon the rocks of political defeat, gave place to a triumphant and united Democratic Party, that has endeavored to keep faith with the American people. The country witnesses to-day with a glad heart a great Democrat as the Chief Magistrate of our wonderful country. A strong, courageous, clear-headed, and determined President is striving with wonderful ability to represent the best thought and wishes of the American people; and Woodrow Wilson has to-day the confidence of the people of the United States, as with a strong heart and a clear brain he seeks to do the will of all the people who love the Government and our common country. [Applause.]

What are the accomplishments of this Democratic administration brought about by the efforts of a great Democrat in the White House and the continuous labor and earnest efforts of the Democratic majorities in both branches of Congress? The House is presided over by Speaker CHAMP CLARK, of Missouri; the Senate is presided over by Vice President MARSHALL, of Indiana; a great Democrat is in the White House; a just tariff law has been written upon the statute books of the Nation; an income tax is being collected from the men of large incomes and all business corporations to help bear the burdens of Government; sugar freed from tax comes more abundantly into the home; a large free list for the necessities of daily use for the consumers of the land; and a lower tariff wall for imports, bringing competition and weakening the hand of monopoly.

A great currency problem has been worked out and is being put in operation to break the power of the Money Trust and to lessen the influence of Wall Street; to distribute the money of the people for the benefit of all and destroy the control thereof by a centralized money power; to make many money centers, from which the blood of commerce may flow into all avenues of trade and into all homes of the land; and to end congestion and centralization of the money of all the country in the great city of New York. The President and Congress served the people well in this great effort for a currency law that would decentralize the money of the Nation and would make many money centers instead of one.

BANK PANICS ARE NO LONGER FEARED.

Two constitutional amendments have been adopted during the brief four years I have been in Congress, one providing for an income tax, the other for the direct election of United States Senators, and Federal statutes enacted by Congress in reference thereto. One amendment to shift in a large measure the burdens of Federal taxation, the other to make more responsive to the will of the people the Senate of the United States, thereby tending to make it, like the House, a popular body and not the home of the millionaire or the agent of corporate wealth and special interests.

A Federal corrupt-practice act has been made the law of the land, seeking thereby, under severe penalties of fine and punishment, to prevent the corruption of the ballot and the purchase of seats in Congress, so that the halls of Congress shall be filled with honest representatives of a free and independent citizenship.

The physical valuation of railroads has been provided for and is now being made, to the end that these great properties and arteries of trade and commerce may be economically and honestly managed in the interest of all the people; that the issuance of watered stock may cease and be squeezed out, wherever possible; that overcapitalization may end; that the incomes of these great public-service corporations may not be longer diverted to build up the private fortunes of those who have operated and robbed the railroad properties so as to enhance private fortunes; to put an end to rebates for the benefit of favored shippers; to compel the using of the incomes of railroads for the improvement and betterment of the roadbeds and its service, for more reasonable rates for freight as well as passengers, so that the people who pay the rates and support the railroads and the employees who operate and labor upon the railroads may receive larger benefits and compensation for money and labor contributed, and so that robbery for private benefit may end.

A breaking up of monopoly and the putting of an end to the domination by special interests of our public-service corporations and other industries for excessive private gain, to the injury of the public welfare, is earnestly sought to be accomplished by Democratic effort. A better condition awaits the country by reason of Democratic success. The grip of corporate greed has been weakened, the strength of monopoly has been broken, respect for law has been increased, the masses of the people encouraged to renewed effort for relief; but the struggle for political health must go on. There can be no permanent relief without continued effort. The interest of the people must not abate, the hands of those who have helped to bring about these conditions must be held up and strengthened, or else there is no reward for honest service. Special interests are always alert and active, seeking to punish those who have weakened their power. Intrenched monopoly ever reaches out for more power and never ceases in its efforts. Let the people be jealously active and ever watchful, in order that the public may retain what it has now and may recover more that is its due. There can be no halting of effort by those who would preserve for the people all that is justly due them. The Democratic Party has spoken its wishes in platform declarations, and a sincere effort is being made to keep these platform promises.

The work is not yet complete. Hasty legislation should not be desired. Careful consideration should be given to the enactment of laws that are to affect the welfare of nearly a hundred millions of people. And yet legislation should not be unduly delayed, but hastened, as far as practicable, to the end that criticism may not be deserved.

Criticism will abound, for such is human nature, and the public man must bear with patience the criticism, whether just or unjust, whether from friend or from foe.

The patient work he performs and the daily service he may render his constitutents he may not receive credit for; the good he does may be overlooked or forgotten; the laws beneficial that he may help to enact may not be put to his credit, but his mistakes and omissions will not be overlooked by those who desire to displace him.

No man should expect laws to be enacted to interfere with the law of supply and demand. All men know that abundant crops lower the price of farm products, and the demand for and scarcity thereof enhances the value of said products. Laws should not be enacted to interfere with natural laws, but in aid thereof. Tariff laws that build a wall around a country, save for revenue purposes in support of the legitimate needs of the Government, should no more be tolerated than walled cities, as of old.

The advocates of the Underwood "tariff-for-revenue" law did not promise to increase the price of the products of the farm or factory, a surplus of which are shipped abroad, but it contemplates lower prices in protected articles to be purchased by farmers and other consumers of manufactured articles that have been unduly protected and prices raised by reason of high tariff walls and monopoly aided thereby. An enlarged free list given by the Underwood bill was demanded by the farmers and other consumers of manufactured products. Those who predicted dire disaster by the enactment into law of the Democratic tariff-for-revenue bill have seen their prophecies unfulfilled. What producer of wool, now on the free list, will complain of the en-

hanced price of his product? What consumer of sugar, getting more pounds for the dollar by reason of the tariff being taken off, would have the tariff restored? The prices of cattle and hogs are high and will continue to be high as long as the demand is large and the supply limited. An ever-increasing population calls for more food products. Who is there bold enough to oppose an income tax, provided by the Underwood bill? Who would relieve the corporations, given special privileges by law, from their fair share of taxation? Who would substitute the discarded Payne-Aldrich tariff law for the present law, that shelters no monopoly and yet provides sufficient revenue for all the needs of the Government? Some changes in the law may be needed. After a fair trial they will be provided. Experience furnishes the test of every law.

The laws on other subjects were also promised in Democratic platforms.

A bill has passed the lower House of Congress providing for Federal aid for public roads, and is now pending in the Senate. A comprehensive law providing for rural credits is now being constructed by Congress, to the end that lower rates of interest may be provided for those who offer lands for security. We hope shortly to see a farmers' credit bill a part of the law of the land and expect its passage by Congress during this term.

Legislation has been enacted restricting the powers of the Federal courts and their jurisdiction lessened, and Federal judges are less arrogant than heretofore. Articles of impeachment have been preferred by Congress; some of them convicted and removed, others forced to resign; their powers curtailed and further restrictions are being pressed for enactment. However, it will not be complete until life tenure is stricken down, and I hope that in the early future the joint resolution proposed by me to amend the Constitution so that the terms of circuit and district United States judges shall be limited to not exceeding a term of 10 years may pass Congress and be submitted to the States for constitutional amendment, and that these judges shall be elected or appointed in such manner as Congress shall, by law, direct. When this amendment shall have been adopted and the terms of Federal judges limited by law, Federal courts will regard the public welfare as never before.

Three great antitrust measures are now pending before Congress. The passage of this antitrust legislation at this session is earnestly desired by the President, and it is the main part of his present program, specially recommended for passage and enactment into law before adjournment, so that the business world and the country may not longer be kept in suspense as to the rules of conduct prescribed by law that shall govern and control big business. Better be settled now than be kept in abeyance and leave uncertain the things that business ought to know with as little delay as possible. Such is the expressed wish of the President. Such is the desire of the majority of Congress. Such is the demand of the country. It was promised by platform declaration, and faith must be kept.

These bills have already been passed by the House and are now pending in and awaiting the action of the Senate, and the House remains in session waiting for the passage of these measures by the Senate and their return to the House, when amended, so that they may become a law during this session of Congress.

This legislation is promised by Democratic platform declaration. These three bills, passed by overwhelming majorities in the House after full discussion, are fresh in the recollection of the House and the country, and need no special mention at this time. We await the action of the Senate.

They are what are known as the Covington bill, being a bill to create an interstate trade commission, to define its powers and duties, and for other purposes; a bill by virtue of which the acts, business methods, and practices of corporations may be annually reported and secured for purposes of legislation and control.

Second, the Clayton bill, being a bill to supplement existing laws against unlawful restraints and monopolies, and for other purposes. This proposed law seeks to prevent monopoly in trade and commerce and to protect legitimate business and fair competition from the control and domination of great corporations and trust concerns, that have sought to control all the business of the country for their selfish purposes, a bill to help stay the hand of corporate greed and save the toiling masses from undue oppression, a bill in the interest of honest competition and for the protection of local dealers and against monopoly in any commodity anywhere.

The third antitrust measure, known as the Rayburn bill, is a bill seeking to control the issuance of stocks and bonds of corporations and to prohibit common or interlocking directorates and management, and providing for fines and penalties in violation thereof.

I have already spoken on an amendment offered by me to one of these trust bills—the Clayton antitrust bill. I need not make further reference now to the merits of these bills, for the passage of which some of us are spending the summer here, when we would be glad to be in our districts and looking after those ambitious gentlemen who, with industrious activity and by every known method of modern politics, seek to exhibit their virtues and lessen the confidence of the voter in the sitting Member of Congress. Some Members would be glad to be in their districts, where much poison is being planted and where noxious weeds are being grown from foul seeds that have been sown, and by their presence among their constituents for a brief while, to offset and lessen the damage done, by in a measure properly responding to those who, in their overzealous desire for place, have not hesitated to plant many false impressions and by widespread misstatements have sought an undue advantage, as against the man whose sense of duty keeps him here.

The Congressman who stays on his job and is not stricken down by his constituency because he fails to canvass his district in his own interest, when he can not go back and meet his people face to face because of conditions here, will be the more grateful if his public conduct is approved in his absence. During the brief time that I have been in Congress this has been my summer resort. Four summers have I spent here in this Capital City of the Nation, here at a low altitude, almost on a level with the sea, where a humid atmosphere makes the heat more oppressive and through which the rays of a hot summer's sun pour in the daytime down upon asphalt pavement and upon brick and stone, and when night comes they give back into the atmosphere the heat absorbed by day, making the night both hot and oppressive.

President Wilson in his Fourth of July address at Philadelphia was appreciative when he said that—

> The Members of the House and Senate who stay in hot Washington to maintain a quorum of the Houses and transact public business are performing an act of patriotism. I honor them for it, and I am mighty glad to stay there and stick by them till it is over.

Only those who are here in daily attendance can fully appreciate all the conditions that surround the individual Member who stays here from a sense of duty, though he would love to look into the face of his constituents and to grasp again the friendly hand that has helped him; but there is an abiding thought that he can afford to trust those who gave him place and who desire that he shall remain here in discharge of his duty as long as necessary to aid the President and Congress in the enactment of legislation promised and desired by the people.

Mr. MURRAY of Massachusetts. Mr. Chairman, I ask unanimous consent to extend my remarks in the RECORD, for the purpose of printing a statement by Mr. ANDREW J. PETERS, a Representative in Congress, which appeared in the Boston Sunday Post of June 14, 1914.

The CHAIRMAN. The gentleman from Massachusetts asks unanimous consent to extend his remarks in the RECORD, for the purpose indicated by him. Is there objection?

There was no objection.

Mr. POU. Mr. Chairman, I ask unanimous consent to extend my remarks in the RECORD.

The CHAIRMAN. The gentleman from North Carolina [Mr. POU] asks unanimous consent to extend his remarks in the RECORD. Is there objection?

There was no objection.

Mr. MANN. I make the same request.

The CHAIRMAN. The gentleman from Illinois asks unanimous consent to extend his remarks in the RECORD. Is there objection?

Mr. FITZGERALD. On what subject?

Mr. MANN. On the subject of politics—statesmanship, a subject foreign to the gentleman.

Mr. FITZGERALD. If it is on the first subject, it is superfluous. [Laughter.]

Mr. DONOVAN. Mr. Chairman, I did not hear on what subject.

The CHAIRMAN. The gentleman from Illinois says on the subject of politics—statesmanship.

Mr. DONOVAN. Well, the gentleman talks so little that I shall not object. [Laughter.]

The CHAIRMAN. Is there objection?

There was no objection.

Mr. FITZGERALD. I yield 30 minutes to the gentleman from Massachusetts [Mr. GILLETT].

Mr. GILLETT. Mr. Chairman, a few days ago, in the course of some remarks relative to the influence of the Executive upon

the legislative body, I referred to two instances where the gentleman from Alabama [Mr. UNDERWOOD] had stated as an argument to the House the wishes of the President of the United States. The gentleman from Alabama thought I was mistaken in my recollection. Now, of course, it is a matter of very slight importance whether I was mistaken or not, for I recognize that the memory of the gentleman from Alabama [Mr. UNDERWOOD] is doubtless quite as good as mine; but it happened that I had been impressed when the gentleman from Alabama spoke by what seemed to me a very extraordinary argument, so I was quite sure that I was correct; and I have looked at the RECORD to corroborate my memory, and I have found the two instances to which I referred. I mention this, not, of course, as any reflection on the lack of memory of the gentleman from Alabama, for the leader of the House, who is constantly obliged to take the floor, can not be expected to remember every argument he has ever used, but merely because of the illustration of the principle which I think it gives. On the 15th of October last, when the question was up whether the House should adjourn from day to day, I find that the gentleman from Alabama remarked:

> The President of the United States has asked me, representing this side of the House, not to agree to an adjournment until the currency bill can be passed in the Senate or some satisfactory arrangement made.

The other instance to which I referred was the occasion of the passage of the resolution relative to sending troops to Mexico. I find that the gentleman said:

> I would not insist upon the immediate consideration of this resolution and its going through to-night if it were not for the fact that the President of the United States himself has stated that it is of the utmost importance to the Nation that it should be passed.

Since then other gentlemen have suggested to me that they have heard other similar remarks. As I say, the corroborating of a man's memory is of little consequence, but I wish to cite these as surprising indications and confirmations of the opinion which is abroad in the country that the executive power is encroaching upon the legislative, and that this Congress is largely an echo of the wishes of the other end of the Avenue. The gentleman from Alabama [Mr. UNDERWOOD] himself stated that he recognized the importance of the independence of the executive and the legislative branches, and that makes still more impressive the fact that he, the leader of the House, should think it necessary to use as an argument the wishes of the Executive. He knew the body he was addressing. He knew what argument would appeal to the Democratic side.

Mr. DONOVAN. Mr. Chairman, I make the point that there is no quorum present.

The CHAIRMAN. The gentleman from Connecticut makes the point that there is no quorum present. The Chair will count. [After counting.] Fifty-five Members present, not a quorum. The Clerk will call the roll——

Mr. FITZGERALD. Mr. Chairman, I move that the committee rise.

Mr. DONOVAN. Regular order, Mr. Chairman.

The CHAIRMAN. Did the Chair understand the gentleman from New York to make a motion that the committee rise?

Mr. DONOVAN. Mr. Chairman, you have said there was not a quorum present and have directed the Clerk to call the roll.

Mr. FITZGERALD. The gentleman from Connecticut is out of order. I have moved that the committee rise. If the gentleman from Connecticut will stop interfering by his useless objections, we will make more progress. I ask that my motion be put.

The CHAIRMAN. The motion that the committee rise is in order whether there is a quorum present or not. The gentleman from New York moves that the committee now rise.

The question being taken, the Chairman announced that the noes appeared to have it.

Mr. FITZGERALD. I ask for a division.

The committee divided; and there were—ayes 6, noes 45.

Mr. GARRETT of Tennessee. Mr. Chairman, I demand tellers.

Tellers were ordered; and the Chair appointed as tellers Mr. GARRETT of Tennessee and Mr. FITZGERALD.

The committee again divided; and the tellers reported that there were 8 ayes and 65 noes.

The CHAIRMAN. The Chair will note as present and not voting the gentleman from Connecticut, Mr. DONOVAN, and the gentleman from Kentucky, Mr. ROUSE. That makes 75, not a quorum, and the Clerk will call the roll.

The Clerk called the roll, and the following Members failed to answer to their names:

Adair	Baker	Bell, Ga.	Brodbeck
Ainey	Barchfeld	Blackmon	Broussard
Anthony	Barnhart	Borchers	Brown, N. Y.
Ashbrook	Bartholdt	Borland	Brown, W. Va.
Austin	Bartlett	Bowdle	Browne, Wis.
Bailey	Beall, Tex.	Britten	Browning
Bruckner	Godwin, N. C.	Linthicum	Riordan
Brumbaugh	Goeke	Lobeck	Roberts, Mass.
Buchanan, Ill.	Goldfogle	Loft	Rothermel
Buchanan, Tex.	Gorman	Logue	Sabath
Burke, Pa.	Gouldeu	McAndrews	Scully
Butler	Graham, Pa.	McClellan	Sells
Calder	Gregg	McDermott	Sharp
Callaway	Griest	McGillicuddy	Sherley
Cantrill	Griffin	McGuire, Okla.	Shreve
Carew	Gudger	McKellar	Slayden
Carter	Guernsey	McLaughlin	Slemp
Cary	Hamill	Mahan	Smith, Md.
Chandler, N. Y.	Hamilton, N. Y.	Maher	Smith, J. M. C.
Coady	Hardwick	Manahan	Smith, N. Y.
Cooper	Harris	Martin	Smith, Tex.
Copley	Hart	Merritt	Sparkman
Covington	Hayden	Metz	Stanley
Crisp	Hayes	Miller	Steenerson
Crosser	Henry	Moore	Stephens, Nebr.
Dale	Hinds	Morgan, La.	Stephens, Tex.
Davenport	Hobson	Morin	Stringer
Decker	Houston	Morrison	Sumners
Dent	Howard	Moss, Ind.	Sutherland
Dies	Hoxworth	Mott	Switzer
Difenderfer	Hughes, W. Va.	Murdock	Talbott, Md.
Donohoe	Hulings	Murray, Okla.	Taylor, N. Y.
Dooling	Jacoway	Neeley, Kans.	Thacher
Doughton	Johnson, Wash.	Neely, W. Va.	Thomas
Driscoll	Jones	Nelson	Thompson, Okla.
Drukker	Keister	Norton	Underhill
Eagan	Kelley, Mich.	O'Brien	Vare
Edmonds	Kennedy, R. I.	O'Leary	Vaughan
Edwards	Kiess, Pa.	O'Shaunessy	Walker
Estopinal	Knowland, J. R.	Page, N. C.	Walsh
Fairchild	Kreider	Paige, Mass.	Walters
Farr	Lafferty	Palmer	Weaver
Fess	Langham	Parker	Whaley
Fields	Langley	Patten, N. Y.	Whitacre
Fordney	Lazaro	Patton, Pa.	White
Frear	Lee, Pa.	Peters, Me.	Williams
Gallagher	L'Engle	Plumley	Willis
Gallivan	Lenroot	Porter	Wilson, Fla.
George	Lesher	Post	Wilson, N. Y.
Gerry	Lewis, Md.	Powers	Winslow
Gill	Lewis, Pa.	Ragsdale	Young, N. Dak.
Gilmore	Lindquist	Reilly, Conn.	Young, Tex.

The committee rose; and the Speaker having resumed the chair, Mr. ADAMSON, Chairman of the Committee of the Whole House on the state of the Union, reported that that committee, having under consideration the bill H. R. 17824, the general deficiency bill, finding itself without a quorum, had caused the roll to be called, and 224 Members had answered to their names, and he presented a list of the absentees.

The committee resumed its session.

Mr. GILLETT. Mr. Chairman, I appreciate the courtesy and the nonpartisanship of the gentleman from Connecticut [Mr. DONOVAN], who is filibustering against his own side of the House, and then waits until his colleagues on that side have finished their remarks and makes his point of no quorum in the middle of one of my sentences.

Mr. DONOVAN. Will the gentleman yield?

Mr. GILLETT. Yes.

Mr. DONOVAN. I hope the distinguished Member from Massachusetts will not have those thoughts engrossed and framed and hung up in the great galleries of this country, because it is not worthy of such a great mind as the gentleman from Massachusetts has. [Laughter.]

Mr. GILLETT. Mr. Chairman, I did not hear the most of what the gentleman from Connecticut said, but I do not think I lost anything by that. [Laughter.]

Now, to resume, Mr. Chairman. When the gentleman interrupted me I was commenting on the significance of the argument which the gentleman from Alabama made about the President's wishes. I know that the gentleman, as he suggested at the time, does his own thinking. I know that he has his own opinions, that he knows the arguments which can be made on any subject, and that no man will more masterfully present them. But the gentleman from Alabama also knows his fellow Members on that side of the House. He knows the arguments that will most appeal to them, and therefore it is peculiarly significant that he should use the President's wishes as arguments to accomplish what he desires.

I appreciate that no Congress has been more earnest in the pursuit of patronage, of what are called spoils, than this Congress. I appreciate that the President is the dispenser of patronage, and so I appreciate what a powerful argument that would be as addressed to that side of the House; but I still think it very unfortunate that this increasing and encroaching influence from the White House should be so illustrated.

The gentleman from Alabama, I remember a few years ago, published in one of the magazines, I think the Forum, an article upon the dangers of Executive patronage, and I would call that to his attention. I think we are having more illustrations of that danger during the present Congress than we have had for many years.

Mr. FITZGERALD. Will the gentleman yield?

Mr. GILLETT. Yes.

Mr. FITZGERALD. The gentleman does not believe that any situation exists at all parallel to what there was in the administration prior to the one just before this one?

Mr. GILLETT. Indeed, I do.

Mr. FITZGERALD. The gentleman knows that for several years, as far as Congress was concerned, it had no independent thought or action. It simply waited until the ukase went out from the White House and the big stick was flourished and then it rapidly acquiesced in whatever was proposed.

Mr. GILLETT. Oh, on the contrary, the gentleman will find many instances in the case he has in mind where the leaders on this side of the House openly broke from the influences and desires of the White House.

Mr. FITZGERALD. Yes; and those leaders are now discredited and were retired from public life, because they were recognized as hostile to the public interests. That is one of the reasons why the Democratic Party has been put into power.

Mr. GILLETT. That may well be.

Mr. FITZGERALD. A little coterie on that side of the House, hostile to the best interests of the people, set themselves up in independence of those who were attempting to represent the interests of the people. The purpose of those leaders was to defeat legislation which the country desired. [Laughter on the Democratic side.]

Mr. GILLETT. Mr. Chairman, the gentleman's sarcasm I recognize, and I recognize also how far from a fair portraiture of conditions it is.

Mr. FITZGERALD. Oh, it is not sarcasm. I regret that the cold, naked truth has such a disturbing effect upon the gentleman from Massachusetts; but somebody must speak the truth on occasions, however much it may be distasteful to gentlemen on that side of the House. [Laughter.]

Mr. GILLETT. There were no such instances during that administration of increasingly breaking down of civil-service laws as there has been during this Congress.

Mr. FITZGERALD. I recollect that during the period in mind the customary thing was to send three Executive orders at one time to the Civil Service Commission, one exempting a place, the other naming the man for it, and a third covering the place back into the classified service. [Laughter.] However much the gentleman may criticize this administration, no one in it ever had the presumption to attempt to rival in that respect the distinguished civil-service reformer in the White House previous to President Taft.

Mr. GILLETT. Mr. Chairman, the gentleman is utterly unfair in that, because that question was brought up and thoroughly discussed here at the time. Charges were made then such as the gentleman now makes, and they were thoroughly discussed, and it was shown that the exemptions which were made were made in the interest of the service and not in the interest of patronage.

Mr. FITZGERALD. The gentleman is not as well informed as he might be. I am speaking of cases of which I have personal knowledge. I know a case, for instance, where a distinguished resident of Brooklyn——

Mr. GILLETT. Oh, I do not care to have the gentleman make his speech at this time.

Mr. FITZGERALD. I should like to put this one in the RECORD—where a distinguished resident of Brooklyn who had been an active Republican, a former Member of this House, had served actively in the Republican ranks, and after he left the House was appointed to a certain position. After a time it was covered into the classified service. Later he got out of harmony with the dominant forces in the Republican organization in the State of New York. He did not go along as docilely as desired, and so President Roosevelt took the place out of the classified service and put in a much more useful, docile, and servile member of the Republican organization at the request of the then distinguished Senator from the State of New York, the well-known and famous civil-service reformer, the late Thomas C. Platt. [Laughter.] Can the gentleman cite a single act of the Executive during this administration relative to the civil service that in any way would approach the degradation of the civil service practiced in the case to which I have referred?

Mr. GILLETT. Mr. Chairman, I do not know as to these facts, and I have suspicions as to the accuracy of the gentleman's statement, because it was not necessary to take the case out of the civil service in order to drop a man.

Mr. FITZGERALD. It was not necessary to do so to drop him.

Mr. GILLETT. No.

Mr. FITZGERALD. But that was not what was of chief interest. They were anxious to take care of a particularly useful member of the organization.

Mr. GILLETT. What was the office?

Mr. FITZGERALD. The office was that of shipping commissioner of the port of New York. The gentleman removed was a former Member of this House, Mr. Hanbury, of Brooklyn, and the gentleman placed in the office was Capt. Dickey, of Newburgh.

I have the facts, I have the names, I have the locations, and I know the political exigency that made Col. Roosevelt forget, at least temporarily, his long professions of interest in the advancement of civil service in order to secure the helpful cooperation of a very distinguished political mechanician in the State of New York. [Applause and laughter on the Democratic side.]

Mr. GILLETT. Mr. Chairman, I do not know anything about that instance. I do not know that I ever heard of it before.

Mr. TOWNSEND. The gentleman knows about it now.

Mr. GILLETT. I do remember this: That some such charges as the gentleman has made were brought up in this House and were thoroughly discussed. I remember I, among others, went at that time and investigated the charges which had been made. I was satisfied that the charges fell to the ground upon investigation and that the then President had lived strictly and honestly up to his professions about civil service. I will say that I believe he has done more for the civil service and the merit system in the United States than any other one man. It is just possible, though I am sorry to believe it, that he made exceptions. I was not aware of them during his service. I was not aware of the case the gentleman stated, and, therefore, of course, I can not defend him; but it is a great surprise to me if he did, and I am sure there is some good explanation of it.

Mr. HUMPHREY of Washington. Mr. Chairman, will the gentleman yield?

Mr. GILLETT. Yes.

Mr. HUMPHREY of Washington. Mr. Chairman, it occurred to me when the gentleman from New York [Mr. FITZGERALD] was asking whether we knew of any cases in the present administration that I would like to ask him if he has investigated the publicity bureau which they have in the Agricultural Department, where they are now employing some 20 men to get out publicity articles, and if he is familiar with the fact of their issuing a notice for men to take the civil-service examination for those places, and if he is aware of the fact that after having taken an examination in each instance they took special favorites and put them there?

I will say to the gentleman that I am going to introduce a resolution in a few days to investigate that advertising bureau, but I call the gentleman's attention to the fact now that they have some 20 men employed down there in the Agricultural Department contrary to the law; that they are drawing salaries; that they have been placed on the various rolls, and that it is a sham roll that they have made up, and that they are taken out of the different departments and they are down there employed for that particular purpose, absolutely in violation of the civil-service law.

Mr. FITZGERALD. Let me say this to the gentleman from Washington——

Mr. HUMPHREY of Washington. I hope the gentleman will investigate, and he will find out where there is need for some explanation.

Mr. FITZGERALD (continuing). That the peculiar makeup of the gentleman's topography—if that expression properly expresses what I have in mind—enables him to talk more easily through his hat than any other man in this House. [Laughter and applause on the Democratic side.] And that perhaps accounts for a great many of the statements he has been making about the Democratic Party. There is a statute which prohibits certain things being done relative to publicity agents, and certain other things are permitted. One is the preparation of material for distribution equally relative to the activities of the department to the press. None is employed in the Department of Agriculture in violation of the civil-service law. The gentleman is mistaken, and I might add that if the gentleman introduces a resolution to investigate the activities of the Agricultural Department, so far as its publicity activities are concerned, he will probably not get a dozen votes on that side of the House, and probably not a dozen on this——

Mr. HUMPHREY of Washington. I would not get any over there.

Mr. FITZGERALD. That department has always been a special favorite of the House. The House is interested in what it is doing and desires that department to do what it is doing. But I was not discussing the publicity business of the Department of Agriculture. I am talking about an eminent civil-service reformer.

Mr. HUMPHREY of Washington. I would like to ask the gentleman why that publicity is not in violation of the civil service. The gentleman challenged us awhile ago to point it out.

Mr. FITZGERALD. No; it is not. Let the gentleman get statements of fact and put them before the House and they will be just as completely repudiated as his statements about the shipping of pig iron and steel products from Europe into the district of the gentleman from Alabama [Mr. UNDERWOOD], a pure figment of the imagination. [Applause on the Democratic side.] Now, the gentleman from Oregon——

Mr. HUMPHREY of Washington. Oh, get me in the right State.

Mr. FITZGERALD. From Washington has become the official "S O S" of the Republican Party [laughter on the Democratic side], and signals of distress are constantly being sounded by him. There is nothing in sight whatever to indicate as to when his task will be finished. [Laughter on the Democratic side.]

Mr. HUMPHREY of Washington. Well, I notice I usually get a rise out of that side; I have not failed yet.

Mr. FITZGERALD. No. The gentleman is like the wasp—nobody desires to permit it to linger and sting, but it is brushed aside and killed at the earliest opportunity. [Applause on the Democratic side.] Now, to come back to a more substantial argument——

Mr. GILLETT. It could easily be more substantial.

Mr. FITZGERALD. I believe that if the gentleman from Massachusetts will take the trouble to examine carefully the record of former President Roosevelt and his civil-service activities and reforms, as he has the record he has just been reading from, he will ascertain that as a civil-service reformer, Col. Roosevelt is like the character in a play recently staged, who announced that he was a reformer, that he favored reform, but he first wanted the satisfaction of having fallen so low that there might be the greater enjoyment in the reformation. [Applause and laughter.]

Mr. GILLETT. Mr. Chairman, that attack is preposterous and absurd [laughter on the Democratic side], and if the gentleman from New York attacks President Roosevelt on civil service I can assure him it will have very little effect——

Mr. FITZGERALD. Let me ask the gentleman.

The CHAIRMAN. Does the gentleman yield?

Mr. GILLETT. I will.

Mr. FITZGERALD. Now, I am a civil-service reformer myself. [Applause and laughter.]

Mr. GILLETT. I notice the gentleman says that with a smile, and it excites a smile.

Mr. FITZGERALD. It seems to arouse a lot of amusement; but I have consistently voted in favor of placing positions in the classified service and against exempting positions from the classified service. President Roosevelt can not make any such statement about his record. I know other cases, and I may mention them, if the gentleman provokes me sufficiently [laughter on the Democratic side], in his career which I could give to the House; and without the possibility of contradiction I assert that he never hesitated to permit his convictions or professions about the civil service to prevent him putting into office any man whom he thought could be of use to further his political interests. He took places out of the classified service and removed men, regardless of their qualifications, in order to make room for men he wanted to use politically, and I can prove it.

Mr. GILLETT. The gentleman says he can state that without contradiction. I contradict it.

Mr. FITZGERALD. Now, the gentleman from Massachusetts is not authorized to speak on behalf of or act for Col. Roosevelt on any political matter, and would be repudiated if he attempted to do so. [Applause on the Democratic side.]

Mr. GILLETT. That is quite possible.

Mr. BRYAN. Will the gentleman yield?

Mr. GILLETT. No; I do not.

Mr. BRYAN. I want to denounce it as false. [Laughter.]

The CHAIRMAN. The gentleman declines to yield.

Mr. GILLETT. It is quite possible, but that does not change my opinion of his conduct, and while the gentleman has propounded a question about a certain case which I can not answer because I know nothing about it, yet, when he says President Roosevelt never hesitated to put in one of his supporters and was constantly hampering the civil-service law, I know that the gentleman is wrong, because that very question was brought up and discussed and investigated here in this House, and those who made that assertion were proven to be wrong. There is this distinction moreover between that administration and this. If that administration did make any exceptions, they were exceptions of a few individuals. This administration is making them by companies and platoons.

You do not limit your exceptions to any one case. You have excepted in a number of different laws whole classes, and your President apparently means to keep up with you, despite his civil-service records and professions.

Mr. OGLESBY. Will the gentleman yield?

Mr. GILLETT. Not now. He has recently issued this Executive order:

Schedule A, subdivision XI, section 3, of the civil-service rules is hereby amended to read as follows:

"3. Commercial agents, experts, and special agents to investigate trade conditions abroad and in the United States, including the insular possessions, with the object of promoting the foreign commerce of the United States, including experts and special agents employed upon the field work of investigating the cost of production at home and abroad.

"WOODROW WILSON.

"THE WHITE HOUSE, *July 2, 1914.*"

There is a whole class exempted. Apparently he does not wait for the legislative bill, which creates a class of men with salaries aggregating $100,000, who are by the law creating them excepted from the civil service, but, as if to publish his approval in advance and lead the procession, the President exempts all commercial agents.

Now, Mr. Chairman, I have been led far afield from the question I began to discuss, which was the constant increase of the influence of the Executive under this administration. Yet I will say for myself that while I believe it is most unfortunate that the legislative branch should allow itself to be influenced by the Executive, yet in the present instance I believe it is for the public good, for I believe that the President of the United States is much wiser and safer than the Democratic majority in Congress. And whereas the increase of Executive influence is a most unfortunate tendency, yet personally I believe, in most cases, that in the dissensions and differences between the Executive and the legislative, the Executive has been much more likely to be right than the legislative. I would gladly prefer, as long as we are for our sins to be punished by a Democratic administration and Congress, to trust the President in the White House than the Congress at the Capitol. Of course, you may say it is inconsistent to first criticize the increase of Executive influence and then say that you like the result, but they are both of them unfortunate. They are both of them evils. I regret both, but of the two I will confess I think in its immediate result it is much better that this Executive should encroach upon this Congress. I hope we will soon be rid of both, and both dangers eradicated.

Mr. TOWNER. Will the gentleman yield?

Mr. GILLETT. Certainly.

Mr. TOWNER. Does the gentleman think the banking and currency bill as it came from the President's hands was a much better piece of legislation than it was after it had passed even the Democratic caucus or the Democratic majority?

Mr. GILLETT. I do not wish to go into details or individual cases. I do not mean that the President is right as against the House in every instance. In fact, I think they are both of them wrong most of the time, but as a rule I prefer the judgment of the President to that of Congress.

Mr. Chairman, I yield to the gentleman from Iowa [Mr. GOOD] 10 minutes.

The CHAIRMAN. The gentleman from Iowa is recognized for 10 minutes.

Mr. GOOD. Mr. Chairman, it is not a pleasant duty for a Member to call attention to violations of law by officials whose sworn duty it is to enforce the law. But while we are considering a great appropriation bill, it seems to me that it is not inappropriate for Congress to know how some of the money which we are appropriating is being used by those who have charge of its administration. I refer, gentlemen, to the Revenue-Cutter Service. We appropriate every year about $2,500,000 for this great service. It was first instituted to enforce the revenue laws of the United States, to prevent smuggling of foreign goods into this country, and to-day we have a great fleet under the control of the Secretary of the Treasury. It is a notorious fact that every Friday, or thereabouts, at this time of the year the revenue cutter *Prairie* leaves Boston, comes to Washington, and is loaded with Democratic officials, and they are taken for a cruise down the Potomac at Government expense. But that would not be so bad if the violation of the law stopped there. I have here the Washington Post of July 6, 1914, from which I want to read the following dispatch:

[Special to the Washington Post.]

MATTAPOISETT, MASS., *July 5, 1914.*

William G. McAdoo, Secretary of the Treasury, and Mrs. McAdoo arrived at their summer home here to-day.

They came on the revenue cutter *Onondaga.*

Charles S. Hamlin, Assistant Secretary of the Treasury, and his guest, Assistant Secretary Baldwin, who were in Mattapoisett for the Fourth, left to-day for Washington.

Mr. Chairman, the statute of the United States enacted in 1884 provides:

And hereafter revenue cutters shall be used exclusively for public service and in no way for private purposes.

On the 24th day of June Congress appropriated $475,000 to purchase two additional revenue cutters that will be added to this great fleet of pleasure craft for the Secretary of the Treasury and those to whom he may desire to extend the courtesy of violating the laws of the United States. The Secretary of the Treasury is not responsible for this statute, but, Mr. Chairman, he is responsible for the administration of the laws so far as the revenue cutters are concerned.

Mr. Chairman, we have had in the past 10 years a period of law enactment. What we need to-day is a renaissance of law enforcement. How can the President of the United States expect the ordinary citizen to obey and respect the law when his Secretary of the Treasury violates the law with impunity? Public sentiment should demand the removal from office of every official whose sworn duty it is to enforce the law, but who refuses to enforce it. And if the public to-day had the power, in no uncertain terms it would demand the removal from office of the Secretary of the Treasury, who not only refuses to enforce this law but himself violates it. I commend him to the words of a great Republican, to those patriotic words of Abraham Lincoln:

Let every American, every lover of liberty, every well-wisher to his posterity swear by the blood of the Revolution never to violate in the least particular the laws of the country and never to tolerate their violation by others. As the patriots of seventy-six did to support the Declaration of Independence, so to the support of the Constitution and laws let every American pledge his life, his property, and his sacred honor—let every man remember that to violate the law is to trample on the blood of his father and to tear the charter of his own and his children's liberty. Let reverence for the laws be breathed by every American mother to the lisping babe that prattles on her lap; let it be taught in schools in seminaries, and in colleges; let it be written in primers, in spelling books, and in almanacs; let it be preached from the pulpit, proclaimed in legislative halls, and enforced in courts of justice. And, in short, let it become the political religion of the Nation; and let the old and the young, the rich and the poor, the grave and the gay of all sexes and tongues and colors and conditions sacrifice unceasingly upon its altars.

[Applause.]

Mr. Chairman, above all let it be taught to-day to the Secretary of the Treasury, who violates the law with impunity.

Mr. CLARK of Florida. Mr. Chairman, will the gentleman yield?

The CHAIRMAN (Mr. ADAMSON). Does the gentleman from Iowa yield to the gentleman from Florida?

Mr. GOOD. Yes; I yield the floor.

Mr. CLARK of Florida. No; I simply want the gentleman to answer a question. Does the gentleman think that Secretary of War Taft violated the law when he went on an excursion to the Philippines with a lot of his friends and Members of Congress on a Government vessel? [Applause on the Democratic side.]

Mr. GOOD. I know of no statute prohibiting the President of the United States to ride on a war vessel when he is at the head of the Army and Naval forces of the United States.

Mr. CLARK of Florida. He was Secretary of War, and he used a transport.

Mr. GOOD. Yes; and he was sent on public business to the Philippine Islands.

Mr. CLARK of Florida. But not on that excursion. There were several marriages contracted on that trip. It was a social affair.

The CHAIRMAN. The gentleman from Iowa [Mr. GOOD] has used seven minutes.

Mr. GILLETT. Mr. Chairman, I now yield three minutes to the gentleman from Washington [Mr. BRYAN].

Mr. GREEN of Iowa and Mr. MONDELL rose.

The CHAIRMAN. For what purpose does the gentleman from Iowa rise?

Mr. GILLETT. He yields, Mr. Chairman, to the gentleman from Washington.

The CHAIRMAN. For what purpose does the gentleman from Wyoming rise?

Mr. MONDELL. I rose for recognition at the time the gentleman from Massachusetts yielded to the gentleman from Washington.

The CHAIRMAN. The gentleman from Washington [Mr. BRYAN] is recognized for three minutes.

Mr. BRYAN. Mr. Chairman, a few moments ago the gentleman from New York [Mr. FITZGERALD] made a very caustic and unauthorized and untrue statement about the policy of a former President of the United States on the subject of the civil service, and when the gentleman from Massachusetts [Mr. GILLETT] undertook to defend the former President and to challenge the statement, the gentleman from New York stated that the gentleman from Massachusetts had no right to defend the former President of the United States in that matter or in any other matter.

The gentleman from New York was wrong in that particular. Any gentleman on this floor who has respect for truth and for a true record of an administration such as was conducted by President Roosevelt has a right to rise on this floor and defend him against those charges; and I just want, in the three minutes I have, to read a tribute to his administration from an authority that is not politically aligned with President Roosevelt, but for whom, perhaps, the gentleman from New York has more or less regard. It is a tribute from Woodrow Wilson, the historian.

In Woodrow Wilson's Epochs of American History, in the volume entitled "Division and Reunion," the author pays a tribute to President Roosevelt which is about as emphatic in terms of commendation as can be found anywhere. A close perusal of these volumes will disclose the fact that it is much more commendatory than is accorded to any other President by the author, Woodrow Wilson. A special chapter is given to the subject "President Roosevelt's policies," and in that chapter a brief record of "certain more or less manifest results" are "ventured," as follows:

By the President's mediation in the great anthracite coal strike in October, 1902, the country was instructed to recognize that dangerous insolence of aggregated capital, that heedlessness of public rights, which is signified by the term "plutocracy"; by the successful prosecution by the Government of the Northern Securities case, in 1903, the Sherman Act was rescued from disuse and shown to be, if not itself an adequate or certain measure for dealing with great capitalistic combinations, yet a powerful weapon in the hands of the Executive with which to negotiate for such a measure from Congress; by the Elkins Act of 1905, and the prosecutions that have ensued under it, railroad rebating has been rendered a relatively unprofitable practice, attended with great risk; by the Hepburn Act the Interstate Commerce Commission has been recalled from failure and made a valuable administrative agency; by the investigation of the Chicago stockyards, the public were taught the value of publicity and the serviceability of government as an inquisitorial and informing agency; by the pure-food law, a scope of power over interstate commerce, not often hinted at before, was asserted successfully by the National Government; by the public-land policy of the administration, the responsibility of the present to future generations was emphasized as by its other policies the responsibility of capital to the community was insisted upon.

It has been sometimes urged against Mr. Roosevelt's administration that it failed of institutional progress along any definite line. However this may be, all must admit that the chief legacy of this remarkable administration to the people of the United States is one of ideas. Mr. Roosevelt brought to office, together with a thoroughly aggressive disposition to urge them, certain formulated notions. He believed that government, if informed and administered by experts, could be made an agency for the advancement of the community; he believed that there was still in the United States a large and, if properly led, dominant body of citizenship independent in its affiliations of either labor or capital; he believed in the Presidency as the natural and responsible, because sole, representative of that citizenship; and he believed, finally, in party as the necessary instrument of leadership.

He closes by saying:

One can recognize the validity of many of the criticisms that have been leveled against Mr. Roosevelt's administration and still agree with Gov. Hughes, of New York, in characterizing it as "an administration which has impressed the American people with the necessity for the correction of obvious evils and has stirred the American conscience."

Now, if that be true, if the statement of Woodrow Wilson be true in that particular, is it possible that the President of the United States, Theodore Roosevelt, violated all his ideals and all of his principles on civil service and prostituted that great cause to his political ends by appointing men whom he could use politically without regard for the public service, without regard to the public interest, but to further partisan political ends?

I think the gentleman from New York will be ashamed of his statement when he sees it in the RECORD, and I hope he will purge the RECORD of that statement.

President Roosevelt, he said, used his administration, used his power under the civil service, for his own political purposes. The gentleman from New York can not make good his statements. He can not offer the evidence or the proof.

The CHAIRMAN. The time of the gentleman from Washington has expired.

Mr. FITZGERALD. Mr. Chairman, the gentleman from Washington [Mr. BRYAN] is a new Member of this House.

If he were in politics long enough to walk on his own feet, he would not make the assertion that any statement that I make in this House is untrue. I neither make untrue statements nor do I so far violate the rules of the body of which I am a Member as to characterize the statements of others—I almost said "gentlemen," but I will say "Members"—as untrue. I suggest that the Representative from Washington continue his work of reading the writings of Woodrow Wilson. The more he reads of President Wilson's works the more information he will obtain, the better qualified he will be to perform his public duties, and the more likely to form a correct estimation of what is proper in a Representative in this body.

Mr. Chairman, the gentleman from Massachusetts [Mr. GILLETT] has been criticizing the present administration for its actions in connection with the civil service. Recently a statement appeared as to the character of the exemptions made by the President of the United States, in the exercise of his authority under the civil-service rules. A knowledge of the President's action will be valuable and instructive and will be approved by every unbiased and impartial critic. Men who have been injured while at work in the governmental service; widows formerly in the classified service, whose husbands, after years of faithful service, had died, have been appointed or reinstated without examination, and some persons who had for long years served in some minor capacity as messengers have recently, by Executive order, been promoted to such positions as unskilled laborers, so as to obtain a slight additional compensation.

I have personal knowledge of some of these acts by this administration. A resident of my district was employed by the Army engineers on river and harbor work. He was an engineer, and had charge of a hoisting engine. Without negligence on his part, as the result of an accident to the apparatus, he lost an arm, so that he could no longer follow his occupation of engineer. He was in sound physical condition, a man about 53 years of age, possessed of an ordinary school education. He could not get private employment, because no one would employ a man with but one arm. He sought employment among private enterprises as a watchman or messenger, but the fact that he was disabled prevented him from obtaining employment. He sought an opportunity to take the civil-service examination, so that he might qualify for a position as messenger in the departmental service, but the Civil Service Commission declined to permit him to take an examination because of the physical defect—the loss of an arm, without fault on his part and while engaged in the governmental service. Here was a man 52 or 53 years of age, sound physically, with the exception that he had lost an arm in the governmental service; of fair education, competent to pass an examination, refused employment in private life, forbidden to take the civil-service examinations for employment by the Government, anxiously seeking an opportunity to earn his livelihood, and finding every door closed to him. That such a situation should exist in our civilization seems inpossible; to permit it to continue would be intolerable.

The facts were presented to the President of the United States. The record was referred to the Army engineers in charge of the work where this man had been employed. Upon a report from them that this man had been an industrious, sober, faithful, and competent employee, that he had lost his arm as the result of an accident for which he was not at fault, President Wilson issued an order that he might be appointed in the Federal service as a messenger, without examination, wherever there might be need for his services. Afterwards the head of one of the departments appointed him to such a position. That act and similar acts by the President are now criticized and condemned as a violation of the underlying principles of the civil-service law.

Mr. GILLETT. Of course nobody——

Mr. FITZGERALD. Such action is only what should be expected of a humane man in the White House. With such a record before him, with the power given to him under the law, how could he do otherwise than give this man an opportunity to support himself and his wife and three or four dependent children by employment in the Federal service in a position for which he was fully qualified?

Or take the case of the widow of some Government employee, who before her marriage had been employed in the departmental service. After years of married life with some employee in the Federal Government, who had rendered faithful and efficient service in an inconspicuous place and then passed away, why should she be deprived of the opportunity to return to that service? Who would insist that she be compelled to qualify through the medium of an examination, if her capacity had previously been established? Who can criticize the Executive for permitting such a woman to return without examination to a position similar to the one which she had formerly occupied in the Government service? Are such acts to be condemned for mere political effect, as violations of the civil-service law?

Mr. GILLETT. The gentleman seems to intimate that I condemn those acts. Of course I do not condemn them. I believe nobody condemns them. But does the gentleman bring up a praiseworthy case like that as any answer to this exemption of whole classes for patronage purposes?

Mr. FITZGERALD. The gentleman may not in specific terms have condemned these acts, but he was condemning the action of the Chief Executive for his raid upon the civil service, his violation of the civil-service law, his prostitution of the authority given him under the law, for the purpose of providing places in the Government without examination. Mr. Chairman, I should be willing to stake my reputation on the statement that the great majority of the exemptions made by President Wilson since he has been in office has been of the character I have described. I have watched with some care what has been done, and I have stated the facts.

The gentleman refers to the recent action of the President in exempting from examination the commercial attachés or agents who are to be appointed to promote the foreign commerce of the United States. The Secretary of Commerce, before the Committee on Appropriations, advocated such legislation. I believe that his position was absolutely sound. He wishes, for instance, to obtain a man to send to South America to make an investigation of the boot and shoe trade in some of the South American countries. He said—and I believe his contention to be correct—that the man who would be of any value to the United States is not the man who may be successful in passing an examination in reading, rhetoric, grammar, higher mathematics, ancient history, botany, or some other similar subjects which may not be familiar to those citizens of the United States who are familiar with the shoe trade, but what is needed is a man who knows the boot and shoe trade, who knows its history and its development, who has some knowledge of the trade in the particular country to which he is to be sent, as well as the language of the country, and is of such a presentable appearance that his services will be of some value.

Men are needed to investigate the woolen and worsted business abroad, the extension of trade in cotton goods and other articles of American manufacture. The character and type of men desired can not be best obtained through a civil-service examination. Such men must be taken from the trade; they must be familiar with the trade, its technique, and its development and extension. To be of real value they must be known to those who are to make use of their reports and rely upon them. Men will not do who will be sufficiently interested only to draw the salary attached to the place and be without other ambition or greater capacity than is required to draw the salary. I do not believe that the charges as to the prostitution of the civil service by this administration can be sustained. I do not believe that the facts justify them. So far——

Mr. BURKE of South Dakota. Will the gentleman yield?

The CHAIRMAN. Does the gentleman from New York yield to the gentleman from South Dakota?

Mr. FITZGERALD. I do.

Mr. BURKE of South Dakota. The gentleman has illustrated his ability to defend the administration very effectively——

Mr. FITZGERALD. I am not defending the administration. I am telling the truth about the administration, and the truth is always its own defense.

Mr. BURKE of South Dakota. The gentleman has demonstrated his ability to defend the administration against the charges made by the gentleman from Massachusetts [Mr. GILLETT]. The gentleman from Iowa [Mr. GOOD] just made a charge against an official of this Government that, if true, amounts to a malfeasance in office. Personally, I have a very high estimate of the man who presides over the Treasury Department, and I am not inclined to believe the charge made against him can be true. Having great confidence in the gentleman's knowledge of what goes on with relation to governmental matters, I should like to have him tell us what the facts are in relation to the charge made by the gentleman from Iowa [Mr. GOOD]. To me it is a very much more important matter than the question of the violation of the civil-service law.

Mr. FITZGERALD. Of course, Mr. Chairman, it is an extraordinary request to ask me to explain what there may be in charges made by partisan Republicans against a Democratic administration.

Mr. CANTOR. Partisan newspapers.

Mr. FITZGERALD. It is asking me to perform a remarkable and peculiar service. I have no knowledge of any facts upon which these charges have been made. Gentlemen base them upon certain reports in newspapers and certain reports of the movements of different persons. I have been sufficiently long in public life to lead me to the conclusion that it is not always wise to place too much reliance upon what one reads in the public press. If anyone has violated any law to such an extent that he is guilty of malfeasance in office, there is a remedy. One of the valuable things about our system of Government is that we provide remedies for such things. But may it not be possible that certain officials of the Treasury Department, in the performance of some of the multifarious duties imposed upon them, have been required to go aboard revenue cut-

ters and to go from one place to another on them to perform properly imperative official duties? Is it wise or safe for anyone to take as a proper characterization of the purpose of such journeys the statements that may be made about them in the public prints?

Mr. BURKE of South Dakota. If the gentleman will permit me, what he has just said might be considered as an inquiry to me, inasmuch as I propounded the question that the gentleman is answering. I want to say to him that I am quite in accordance with what he says. I have too high a regard for this official to believe that this can be true; but I thought perhaps the gentleman was in possession of the facts, and that he could answer the charge of the gentleman from Iowa [Mr. GOOD].

Mr. FITZGERALD. I am in possession of no facts which would justify me in the belief that any Democratic official in this administration is guilty in the slightest degree of the violation of any law. [Applause on the Democratic side.]

I have not hesitated when I have had information that I have believed was reliable about officials overstepping the limits of their authority to discharge my public duty as a Representative by free criticism of them. In this case I have no information that would justify such action. It seems to me from my knowledge of the extent of the functions of the Treasury Department, of the multitudinous duties imposed upon the department by law, of the necessity of high officials keeping somewhat close scrutiny of those under them, that it is not only likely but quite probable that it has been essential for the Secretary of the Treasury and some of his assistants at various times to travel on revenue cutters in the performance of their duties.

Mr. GOOD. Will the gentleman yield?

Mr. FITZGERALD. Yes.

Mr. GOOD. Will the gentleman name some of the duties that might devolve on the Secretary of the Treasury which would cause him to use a revenue cutter leaving New York Harbor with the American flag flying, and immediately after it was outside of the harbor the Secretary ordering the flag to be pulled down, and its remaining down until they reached the port in Massachusetts where his summer home is—can the gentleman tell us what public duties would cause such an act as that?

Mr. FITZGERALD. I would have to suppose that that happened.

Mr. GOOD. Well, the gentleman can suppose that it did happen.

Mr. FITZGERALD. Of course I can suppose it, but it would be quite an effort to do so. I live in a seaport town and I am somewhat familiar with maritime matters. My recollection is that the flag is raised on vessels while they are in port and is lowered when the port is left. I am not familiar with the regulations, but that is my recollection. However, I shall venture this assertion, that the Secretary of the Treasury, while on a revenue cutter, never suggested any action relative to the flag, or knew or had any knowledge of the raising or lowering of the flag, unless it was called to his attention or he noticed it by accident.

From what source could the information come that the Secretary of the Treasury had boarded a revenue cutter in New York, proceeded outside, and then ordered the flag lowered, kept it lowered, and traversed the sea incognito until he arrived at a port in New England where his summer home was located? I suppose that I shall be asked to assume that he then had a thunderous volley sounded to attract the attention of all the expectant summer residents, had the flag raised, and some sort of an aerial message sent that the Secretary of the Treasury had arrived and was awaiting the assemblage of the community to do him homage. If anyone suspects that there is any foundation in fact for these charges, I shall claim residence in Missouri, and I demand to be shown. I think it is one of the same idle, visionary conjectures that gentlemen on that side of the House are continually having. I am really surprised that there can be so little substance to what seemed to be such a serious charge when made.

Mr. HUMPHREY of Washington. Will the gentleman yield?

Mr. FITZGERALD. I will yield to the gentleman.

Mr. HUMPHREY of Washington. I want to ask the gentleman a question. Assuming it is true——

Mr. FITZGERALD. Why assume anything; why not proceed to discuss facts; why assume that everything is wrong and that another Jeremiah must revisit the earth to recite the woes of mankind?

Mr. HUMPHREY of Washington. When I am dealing with the Democratic Party I am not far wrong in my assumption that nothing is right. I want to ask the gentleman—now there is a serious side to this discussion.

Mr. FITZGERALD. I understand that; too serious to have charges of this character made unless based on the most accurate and substantial information.

Mr. HUMPHERY of Washington. I was going to ask the gentleman if it was true, assuming that the Secretary of the Treasury has used this vessel for his private purpose for pleasure, is it a violation of the statute?

Mr. FITZGERALD. The statute provides that these vessels shall be used for public purposes only, and not for private purposes. Let me give the gentleman an illustration, to show how ridiculous such charges may be. At the time of the last international yacht race I watched the races from a revenue cutter.

Mr. MONTAGUE. Under what administration was that?

Mr. FITZGERALD. I do not remember; but it was a Republican administration. The revenue cutter under the law was detailed for the purpose of policing the course of the international yacht race. It was there on public business. Under no stretch of the imagination could it be said, although I was a Representative in Congress, that I was on board on official duty or for any official purpose. I was there because I desired to see the yacht race. I was permitted to go by the gracious attitude of a Republican Secretary of the Treasury after considerable persuasion. Could it be said that the law was violated by permitting the revenue cutter to be used for private purposes to enable me and some more distinguished gentlemen to observe the race while the boat was there in the performance of the duties imposed upon the Revenue-Cutter Service by law? Can it be said that if a revenue cutter goes from the port of New York to the port of Boston for the purpose of having discharged some of the service imposed upon the department by law, that the fact that the Secretary of the Treasury, who is charged with responsibility for the service, is on board make use of the cutter a use for private purposes? Assume that if on the way from one place to another it should happen to stop and let him off at some place where he might happen to desire to stay temporarily, would the fact that he got off, instead of remaining aboard and traveling past where he desired to get off, change the character of the purpose of this trip?

Mr. Chairman, it shows how easily ridiculous charges can be made to appear of great importance. I do not expect from Democratic officials a less regard for the law than from Republicans, and I know that it would be very difficult for them to have less regard for the law than some Republicans I have known.

So far as my observation goes this administration has been as careful in the observation of the law and has lived up to the obligations of the law as far as it is possible to expect mere human beings to do, and not even the most enthusiastic of us among the friends of the administration make any pretensions that this administration is guided by angelic hands. The Democratic officials are just mere men, with a keen, earnest, and patriotic desire to further to the best of their ability, unselfishly and disinterestedly, the best interests of all of the people of the United States. [Applause.]

Mr. Chairman, how much time have I remaining?

The CHAIRMAN. The gentleman from New York has three minutes remaining.

Mr. SISSON. Mr. Chairman, I desire to be recognized now in my own right.

The CHAIRMAN. Does the gentleman from New York reserve the balance of his time?

Mr. FITZGERALD. I will reserve the balance of my time.

The CHAIRMAN. The gentleman from Mississippi is recognized for one hour.

Mr. SISSON. Mr. Chairman, I yield 10 minutes to the gentleman from Virginia [Mr. GLASS.]

Mr. GLASS. Mr. Chairman, I imagine that it would be much more conducive to a reputation for amiability to sit placidly, as we have been prone to do on this side, and listen, without protest, to bitter assaults upon Democratic public officials; but at the risk of accentuating a reputation for pugnacity, which I am sure I do not deserve or like, I shall venture to respond briefly to the observations made by the gentleman from Iowa [Mr. GOOD]. That gentleman began by expressing a disrelish for criticism of public officials, but I shall have to become vastly more credulous than ever I hope to be to attach a great deal of sincerity to that disclaimer, in view of the gentleman's violent assaults on the officials of this administration.

I have no information touching the episode which he made the subject of his remarks just now. I think the distinguished gentleman from New York [Mr. FITZGERALD] has responded in an appropriate way to that. I do happen to know, however, that the Revenue-Cutter Service under this administration has never been put to any expense on account of any individual who may have enjoyed the privilege of riding on one of those cut-

ters. Indeed, unless I am very much mistaken, the Secretary of the Treasury himself, when he ventures to ride upon a revenue cutter, when not in strict line of duty, defrays out of his own purse all of the expenses incident to such a trip.

But, Mr. Chairman, I have serious misgiving about the accuracy of anything that the gentleman from Iowa may say about the Secretary of the Treasury or about the Treasury Department under the existing administration, because a few days ago I sat here and heard that gentleman make one of the most remarkable assaults upon the present administration of the Treasury Department that ever I have heard made upon any department. I marveled that a Member of this House with any sort of regard for his representative responsibilities and his intellectual integrity could have so far misrepresented the facts involved in the incident that the gentleman from Iowa discussed.

The gentleman made it appear that the confusion and delay in the accounting department of the Treasury were due to the maladministration of a Democratic Secretary of the Treasury and a Democratic United States Treasurer. I assert that the gentleman from Iowa knew absolutely to the contrary.

Mr. GOOD. Mr. Chairman, will the gentleman yield?

Mr. GLASS. Yes.

Mr. GOOD. Will the gentleman permit me to insert in the RECORD a report made by an accountant hired by the Secretary of the Treasury that was made to the Secretary of the Treasury last September, that proves every word that I said and much more. It is the worst indictment——

Mr. GLASS. Mr. Chairman, I will save the gentleman that trouble. I have the report here, and I am going to insert it in the RECORD in extension of my remarks. [Applause on the Democratic side.] The report shows that not one word of truth attaches to the assault made by the gentleman upon the Secretary of the Treasury.

Mr. GOOD. On the contrary——

Mr. GLASS. Mr. Chairman, I will not be further interrupted.

Mr. GOOD. I will say that I did not state one-half the truth.

Mr. GLASS. The gentleman from Iowa called attention to the fact that the accounting department of the United States Treasury was amazingly delayed in its operations and expressed the belief that if Members of this House could know what confusion existed there and what delay, they would "hold up their hands in holy horror."

The plain implication of the gentleman was—in fact, the gentleman's statement was—that this confusion and delay were occasioned by an incompetent United States Treasurer. The gentleman knew very well that the confusion created and the delay were consequent upon a system inaugurated by the preceding Secretary of the Treasury, Mr. MacVeagh. He also knew that the system had been administered by the Republican head of the accounting bureau and by the Republican clerks who were there when the present Secretary of the Treasury took office. [Applause on Democratic side.] I say that the gentleman knew these facts, because——

Mr. GOOD. Mr. Chairman, will the gentleman yield?

Mr. GLASS. Yes.

Mr. GOOD. The gentleman knows that Executive Order No. 5, about which he is speaking, went into effect just about three weeks before the outgoing Republican administration relinquished that office. Is not that true?

Mr. GLASS. Yes; I am perfectly familiar with all of the details of Executive Order No. 5.

Mr. GOOD. And it was put in operation at about that time?

Mr. GLASS. Executive Order No. 5, constituting one of the most extraordinary performances ever known under any administration, revolutionizing the entire accounting system of the United States Treasury Department, was issued on the 1st of February, 1913, a little more than one month before the expiration of the term of office of the preceding administration. It was put in operation under the supervision of two successive Republican Treasurers, as I recall. It was charged at the time that the order was issued for the express purpose of embarrassing the incoming administration.

I declined to ascribe any such purpose to the distinguished Republican Secretary of the Treasury, and I declined to enter upon a committee investigation because my own personal inquiry convinced me that the order was not issued with any such purpose. There was a question of propriety involved, a very serious question of propriety: That a Secretary of the Treasury on the very eve of his outgoing should be willing to embarrass his successor by issuing an order that involved a revolutionary procedure in the accounting department of the Treasury; but beyond the question of propriety there was no question of right involved. The law had been on the statute books since 1908; and, as I said the other day, the Republican Secretary of the Treasury gave as his only excuse for not issuing the order nearly four years theretofore his ignorance of the fact that the statute was in existence, albeit the law was enacted upon the initiative of former Senator Aldrich, with the avowed purpose of improving the accounting system of the United States Treasury.

The gentleman from Iowa, as he now confesses, was familiar with this order; therefore he knew that the confusion and delay in the Accounting Bureau of the Treasury were directly due to the extraordinary order issued by a Republican Secretary of the Treasury. It was due to the system inaugurated by the Republican Party on the eve of its outgoing, and at no time——

The CHAIRMAN. The time of the gentleman has expired.

Mr. SISSON. I will yield the gentleman five minutes more.

Mr. GLASS. The gentleman knew that at no time from the day the Democratic administration took charge of the Treasury was the confusion as great or the delay as complete as it was under the preceding Republican Treasurers, who had operated under this order; and yet the gentleman sought to make this House believe that the confusion and delay were occasioned by the incompetency of the present Secretary of the Treasury and the present Treasurer of the United States. He concealed the fact from the House that the head of the accounting department, Mr. Baker, is a Republican, put there by a Republican Secretary of the Treasury and retained there to-day. He failed to state to the House that nearly every accounting clerk in the bureau is a Republican, put there by Republican Secretaries of the Treasury and retained under this Democratic administration. He kept back the fact that the whole confusion and delay were created by this Republican system.

Not only that; the gentleman from Iowa deliberately made it appear that the machines which were put in the accounting department were put there by order of a Democratic Secretary of the Treasury, and then had to be thrown out at great loss to the Government. The gentleman knew perfectly well—he learned in his committee across the table from the Treasurer and the Secretary of the Treasury—that those machines were put in there by order of Mr. MacVeagh, the preceding Republican Secretary of the Treasury. He knew also that they were put out on order of a Democratic United States Treasurer, after he had vainly tried to make them operate. Why did not the gentleman tell the House these facts and not create a false impression here for partisan advantage? [Applause on the Democratic side.] I say the gentleman knew the facts, and I shall put proof of this in the RECORD. Here is the testimony of Secretary McAdoo before the Appropriations Committee, and the gentleman sat across the table from the Secretary when the latter was testifying:

> Mr. MCADOO. Let me say one word in this connection. I do not want to saddle anything on my predecessor, but I do want to say we found confusion existing there, and I think inevitable confusion, from the attempt to install a new system, and we were simply trying to meet the conditions and do the best we could.

Testimony to similar effect was made in response to interrogatories presented by the gentleman from Iowa to the United States Treasurer. Yet, with this previous knowledge of the facts, the gentleman stood here on the floor of this House and arraigned the Democratic Party for maladministration of the public service. [Applause on the Democratic side.]

The gentleman also insisted that there had been a great increase in the clerical force of the Treasury Department. As a matter of fact, the report of the two expert accountants shows that there has been a decrease of the clerical force in the accounting department to the extent of 50 clerks. Mr. Brown, one of the expert accountants, upon whose recommendation these machines, put in by a Republican administration, were thrown out, authorizes me to say there is not one particle of justification for the criticism made here by the gentleman from Iowa, charging the Democratic administration with this maladministration. [Applause on the Democratic side.] And Mr. Brown is a Republican. He said to me: "I am a Republican. I believe in the principles of my party. I wish for its success, but I refuse to countenance such a gross injustice as these misrepresentations imply." [Applause on the Democratic side.]

The CHAIRMAN. The time of the gentleman has again expired.

Mr. SISSON. Mr. Chairman, I will yield five minutes additional to the gentleman.

Mr. GLASS. Mr. Chairman, I shall ask leave to extend my remarks in the RECORD in order that I may present this report of these experts upon the confusion in the accounting department of the United States Treasury and upon the administration of that office.

The CHAIRMAN. The gentleman from Virginia asks unanimous consent to extend his remarks in the RECORD. Is there objection?

Mr. GOOD. Mr. Chairman, reserving the right to object, I want to ask the gentleman the date of that report?

Mr. GLASS. This report is dated May 27, 1914.

Mr. GOOD. By whom is it signed?

Mr. GLASS. It is the report of Mr. Brown, because Mr. Brown handed me the report and told me it was his report.

Mr. GOOD. Did I understand the gentleman to say he is going to print in the RECORD the report of Harvey S. Chase, to which I referred awhile ago?

Mr. GLASS. No; I have not Mr. Chase's report; but if the gentleman has the report of Mr. Chase, it relates to the administration of the accounting department under a system inaugurated by a Republican administration, and administration by a Republican chief and his clerks.

The CHAIRMAN. Is there objection to inserting the document referred to? [After a pause.] The Chair hears none.

Mr. GLASS. This report will show, upon a recapitulation of economies set forth in detail, that the Secretary of the Treasury has saved $941,272 to the taxpayers of this country by his administration of that office. [Applause on the Democratic side.]

In the course of the discussion the other day the gentleman from Wyoming [Mr. MONDELL] undertook to flout the economies of this administration by suggesting that he had failed to find out from the Treasury Department something of the extravagant expenses incurred by the Federal reserve organization committee in going around the country seeking information relating to the new banking and currency system. It was suggested that the gentleman from Wyoming could not get the information because the committee was afraid to reveal its extravagant expenditures. Mr. Chairman, I can supply the information. If the organization committee had expended every dollar put at its disposal, the sum would have been only $100,000. But the committee has not expended half of that amount. The expenses of these gentlemen were only $7,575.98, going from one end of the country to the other in an exhaustive effort to ascertain essential facts on which to base their action in inaugurating the greatest revolution in the banking system in this country that has been made since the foundation of the Republic. [Applause on the Democratic side.] Seven thousand five hundred dollars covers the personal expenses and $1,856 the expenses of the stenographic force.

There is now to the credit of the fund $65,000. Talk about extravagance! I ask the gentleman from Iowa [Mr. GOOD], as I would ask the gentleman from Wyoming [Mr. MONDELL] were he here, to contrast that expenditure of a little more than $9,000 with the expenditure of your monetary commission on its junket over the face of the earth of $287,000. [Applause on the Democratic side.] Two hundred and eighty-seven thousand dollars for the assembling of a library to which few persons will ever resort; for the translation of works that might have been bought for a farthing in a London book store, and for many other things that were useless. And with what result? What did we get for our $287,000? Merely a bill that proposed to turn the entire banking business of America over to "the system" which we were endeavoring to destroy. Yet gentlemen on the other side have the audacity to charge the Democratic administration of the Treasury Department with extravagant expenditures. [Loud applause on the Democratic side.]

There has been no extravagance under Secretary McAdoo's régime. There have been inaugurated great economies. The report of the experts which I shall presently file will demonstrate this in detail.

Furthermore, it may be asserted, the present Secretary of the Treasury has saved the country $1,387,933.70 in interest charges alone, and $267,844.51 of this amount is interest derived on Government loans to banks throughout the country engaged in helping American farmers move their crops. Theretofore the banks borrowed crop-moving funds from Wall Street, and Wall Street borrowed from the Federal Treasury without interest. Last year depositary banks paid the Treasury nearly one million and a half dollars in interest, and the Federal Treasury helped to "move the crops" at a profit of $267,000 on the people's money in its vaults.

The CHAIRMAN (Mr. CANDLER of Mississippi). The time of the gentleman has expired.

Mr. GLASS. Mr. Chairman, I now desire to insert in the RECORD the following summary of places abolished in the Treasury Department, as taken from the report handed me by Mr. Brown:

Summary of places abolished.

Appointment Division, 1 clerkship	$1,200
Auditor for Interior Department, 8 clerkships	14,420
Auditor for Post Office Department, 25 clerkships	29,320
Auditor for the State and Other Departments, 5 clerkships	5,200
Auditor for War Department, 13 positions	$16,460
Bookkeeping and Warrants Division, clerk hire	700
Disbursing clerk, 1 clerkship	1,000
Customs Division have made a reduction of 649 employees payable out of a lump-sum appropriation, reduction amounting to	481,000
Treasurer of the United States, 2 clerkships	2,600

I also desire to insert the report in full, together with a memorandum of economies effected in the department:

EXHIBIT A.

TREASURY DEPARTMENT,
OFFICE OF THE SECRETARY,
Washington, May 27, 1914.

MEMORANDUM OF ECONOMIES EFFECTED IN THE TREASURY DEPARTMENT SINCE MARCH 4, 1913.

A recapitulation of the economies set forth in detail in the attached memorandum shows a net saving of $941,272.

In addition to the above savings, by an order of the department of April 30, 1913, depositary banks were required to pay, on and after June 1, 1913, interest at the rate of 2 per cent per annum on all Government deposits. Including interest already paid and interest due to date, the amount of income derived under this order on deposits other than for crop-moving purposes amounts to approximately $1,120,089.19; interest on special deposits for crop-moving purposes also amounts to $267,844.51, making a total net income of approximately $1,387,933.70 realized as a direct result of the order above referred to.

Improvement work is continually going on in the department, and it is necessary, if it is to be continued, that the Secretary have, as heretofore, a contingent fund at his disposal for this purpose, in order that prompt and effective results may be obtained.

ASSISTANT SECRETARY IN CHARGE OF PUBLIC BUILDINGS.

Sites for public buildings, 1913 bill: Congress appropriated $30,000 for salaries and expenses of site agents to inspect 300 sites. All the sites have been inspected at a cost of $20,000, effecting a saving of $10,000.

Of the 300 sites inspected, about 30 have been accepted, on which $85,000 has been saved by the Assistant Secretary's negotiations with the vendors after negotiation and final recommendation by site agents.

Total saving to date on sites, $95,000.

APPOINTMENT DIVISION.

Abolished one clerkship at $1,200 per year.

AUDITOR FOR THE INTERIOR DEPARTMENT.

Installed mechanical devices to audit pension accounts, without which 30 more clerks would have been required.

Cooperated with Treasurer's Office, which resulted in a material saving in clerical force.

Auditor instrumental in establishing administrative examination of accounts in Pension Office, resulting in a saving of many clerks in Pension Office.

AUDITOR FOR THE NAVY DEPARTMENT.

Reduced size of records, which saved large amount for printing and economized filing space.

Auditor dispensed with private secretary.

AUDITOR FOR THE POST OFFICE DEPARTMENT.

Changed method of accounting for deposits of surplus money-order funds	$7,640
Saving in rent	3,200
Changes pertaining to money-order transfers	800
Omitted punching of symbols by gang punchers	7,000
Changed method of auditing issued international money orders	5,000
Changed method of settling postmasters' accounts	25,247
Changes in examination of money-order statements	25,300
Total	74,187

AUDITOR FOR THE TREASURY DEPARTMENT.

No specific economies. Taking care of increased volume of work without increase in force.

AUDITOR FOR THE STATE AND OTHER DEPARTMENTS.

Saving in clerk hire (5 clerks), $5,200.

AUDITOR FOR THE WAR DEPARTMENT.

Saving in clerk hire (12 clerks, 1 messenger), $16,460.

BOOKKEEPING AND WARRANTS.

Saving in clerk hire, $700.

BUREAU OF ENGRAVING AND PRINTING.

Use of power presses	$90,000
Use of motor trucks instead of horse-drawn vehicles	5,000
Reorganization of office of custodian of dies, rolls, and plates	3,000
Improved method of drying plate printed impressions	5,000
Total	103,000

CHIEF CLERK AND SUPERINTENDENT.

Contingent expenses for horses and wagons	$5,500
Rent	40,650
Total	46,150

Photostat has saved thousands of dollars in clerk hire.

COMPTROLLER OF THE CURRENCY.

No specific economies. Volume of work increased without increase in force.

COMPTROLLER OF THE TREASURY.

No specific economies. Volume of work increased without increase in force.

CUSTOMS DIVISION.

By a reorganization of the Customs Service an actual reduction in expenditures will be realized during the fiscal year of $481,000.

The force employed in the Customs Service has been reduced from 7,998 to 7,249 employees, a reduction of 649. At the same time the

customs receipts for the year will be between $15,000,000 and $20,000,000 in excess of the amount estimated.

DISBURSING CLERK.

Saving in clerk hire, $1,000.

INTERNAL-REVENUE BUREAU.

No specific economies. Income tax has increased expenditures.

LIFE-SAVING SERVICE.

No specific economies.

LOANS AND CURRENCY.

Numerous instances of bettered methods, without any specific economies.

MAIL AND FILES.

No specific economies.

MINT BUREAU.

Appropriations have been reduced by approximately $75,000.

PRINTING AND STATIONERY.

No specific economies.

PUBLIC-HEALTH SERVICE.

No specific economies.

PUBLIC MONEYS.

By reason of the regulation issued by the Secretary of the Treasury on the 30th of April, 1913, to the effect that interest would be charged on all public moneys with depositary banks, the Government will have, up to and including June 30, 1914, collected interest in an amount approximating $1,400,000.

REGISTER OF THE TREASURY.

Discontinued Division of Notes, Coupons, and Currency. Saving in salaries, $18,400. (Clerks are detailed to other offices.)

REVENUE-CUTTER SERVICE.

No specific economies. Improvement at service depot at Arundel Cove resulting in savings in repairs to vessels.
Some economies effected in the systematization of purchasing supplies.

SECRET SERVICE.

No specific economies.

SPECIAL AGENTS' DIVISION.

Saving from vacancies in the force on salary roll, $9,375. (Since March 4, 1913.)
Unexpended balance of appropriation for detection and prevention of frauds will be somewhat in excess of such balances for former years.

SUPERVISING ARCHITECT.

Changes in method of supplying electric current to public buildings, $33,000.

TREASURER OF THE UNITED STATES.

Improved methods without specific economies.

EXHIBIT B.

UNITED STATES CIVIL SERVICE COMMISSION,
Washington, D. C., June 17, 1914.

MEMORANDUM FOR ASSISTANT SECRETARY HAMLIN REGARDING THE WORK OF THE EFFICIENCY DIVISION OF THE CIVIL SERVICE COMMISSION IN THE TREASURER'S OFFICE.

Since the Division of Efficiency began its investigation of the Accounting Division of the Treasurer's Office the force employed on those parts of the work in which methods recommended by the Efficiency Division have been adopted has been reduced by 50 clerks, or 35 per cent, as shown by the following comparison of the number of persons employed on June 15 with the number employed about February 1, according to Mr. Baker's statement appended hereto:

Number of employees June 15, 1914.

CLEARING CHECKS.

Correspondence and miscellaneous	8
Opening mail	4
Examining bank stamps (three of these clerks were detailed to the office of the Auditor for the Interior Department June 18)	6
Sorting checks and examining signatures	12
Proving general schedules and adding checks by disbursing officers	19
Proving pension schedules and preparing summary	4
Canceling checks	1
Handling stoppages (one of these clerks was detailed to the office of the Auditor for the Interior Department June 18)	4
Total for clearing checks	58
Keeping disbursing officers' accounts	5
Filing checks and arranging them in numerical order	4
Stating disbursing officers' accounts	27
Total	94

Number of employees about February 1, 1914.

CLEARING CHECKS.

Correspondence and miscellaneous (including opening mail)	14
Examining checks and schedules	21
Proving schedules	19
Ascertaining charges against disbursing officers (punch-card system)	12
Sorting checks	3
Canceling checks	2
Handling stoppages	3
Total for clearing checks	74
Keeping disbursing officers' accounts	10
Filing checks in numerical order	23
Stating disbursing officers' accounts	37
Total	144

The difference is accounted for as follows:

	Number of employees.	Salaries.
REDUCTIONS IN SALARY ROLL.		
Returned to the offices from which they had been detailed	28	$36,080
Separated from the service	2	2,400
Detailed to other offices	6	6,500
Assigned to other sections of the Accounting Division to assist in bringing their work up to date	10	[1] 12,000
Unemployed, awaiting assignment to other work [2]	11	11,600
Exchanged with other offices (without increase or reduction of force)		2,200
Total reductions	57	70,700
ADDITIONS TO SALARY ROLL.		
Appointed	5	4,500
Promoted		2,180
Employed temporarily to assist in installing new system	2	2,100
Total increases	7	8,780
Net reduction	50	62,000

[1] Estimated.
[2] Three of these clerks were detailed to the office of the Auditor for the Interior Department June 18.

Twenty clerks were relieved from duty before April 30, while the Efficiency Division was conducting experiments; the remainder have been relieved since the new system was installed on May 1.

In addition to the reduction in cost there has been much improvement in the accuracy and promptness with which checks are cleared and posted. When the Efficiency Division began its work the checks were cleared, as an average, about five days after they were received. Checks from subtreasuries are now cleared on the day of receipt, and checks from banks either on the day of receipt or on the next day. If, as is hoped, the inspection of bank stamps can be eliminated, it will be possible to clear each day all checks received up to 11 o'clock, which means a large majority of all the receipts.

Errors in the total of charges and credits, which were formerly not infrequent, have been eliminated. Checks are still charged to the wrong account, but changes now being made will practically eliminate such errors.

The foregoing results, so far as they may be credited to the Division of Efficiency, have been accomplished with an expenditure of $4,712 from the appropriation for the Division of Efficiency and $3,595.75 from the Secretary of the Treasury's contingent fund, a total of $8,307.75.

In the near future it is hoped to discontinue the examination or bank stamps, which requires the services of six clerks; to reduce by three or four clerks the force engaged in sorting checks and handling stoppages; and to reduce by about one-third the force engaged in stating disbursing officers' accounts, keeping depositary accounts, handling Treasury warrants, and registering daily abstracts of the Treasurer's account with banks.

From the foregoing statements it is clear that the 30 additional clerks requested for the Accounting Division in the Treasurer's estimates for 1915 are not needed, and it is suggested that the tentative withdrawal of the estimate for these clerks be confirmed. In preparing the estimates for 1916 it will be possible to eliminate a considerable number of positions now provided for.

Appended are (1) a statement of the more important changes that have contributed to the reduction of force; (2) a statement of further important changes proposed; (3) an outline of the present procedure; (4) a list of the clerks relieved from duty in the Accounting Division since February 1, with their salaries; and (5) Mr. Baker's statement of the personnel of the Accounting Division about February 1.

Respectfully,

HERBERT D. BROWN,
Chief, Division of Efficiency.

Approved:

JOHN A. McILHENNY,
President Civil Service Commission.

IMPORTANT IMPROVEMENTS EFFECTED IN THE WORK OF THE ACCOUNTING DIVISION.

1. CLEARING CHECKS.

(a) The examination of drawer's signature has been deferred until the checks are assembled by disbursing officers, thus facilitating the detection of irregularities and at the same time verifying the accuracy of sorting and thereby insuring that the charges against disbursing officers are correctly ascertained. (See next paragraph.)

(b) Charges against disbursing officers, which were formerly obtained by punching cards from the entries on the schedules, are now obtained by adding the checks after they have been sorted by disbursing officers. In order to reduce the number of items to be added, the totals of the tapes attached by the banks to the checks of each disbursing officer are used instead of the amounts of the individual checks.

(c) The bank schedules, instead of being proved individually with the totals of the accompanying checks, are proved in runs of about 500 checks. The checks in each run are sorted into sections by disbursing officers' numbers before being added, and a total is made for each section. Combining corresponding section totals for the various runs produces control totals, to which the charges against disbursing officers are proved.

(d) The serial numbers of checks against which stoppages have been placed are entered on the guide cards, and the checks are examined for stoppages before payment is effected. Formerly checks against which stoppages had been placed were not detected until after they had been paid.

2. KEEPING DISBURSING OFFICERS' ACCOUNTS.

The accounts are posted by means of an adding and subtracting typewriter, which automatically shows the balance resulting from every entry and at the same time accumulates totals of debits and credits for use in proving postings. Overdrafts are thus brought to attention at once, whereas formerly, when the accounts were not balanced daily, they were not certain to be revealed until the end of the month.

3. FILING AND ARRANGING CHECKS.

(a) Instead of filing checks in exact numerical arrangement from day to day, the filing section now sorts them into groups of 100 or 200, behind guides with visible tabs, and arranges them in exact numerical sequence at the end of the month. This change has saved the time of about 12 clerks.

(b) The arrangement of pension checks in numerical sequence, which served no purpose, has been discontinued, with a saving of three or four clerks.

4. STATING ACCOUNTS.

The only change thus far made in the stating of accounts is the elimination of the larger part of the pension statement. This change has relieved three or four clerks.

PROPOSED IMPROVEMENTS IN THE METHODS OF THE ACCOUNTING DIVISION.

1. IDENTIFYING CHECKS WITH SCHEDULES.

Checks are now examined on receipt to make sure that they are properly stamped by the remitting bank, so that they can be identified with the bank after having been separated from the schedules on which they are listed. It is proposed instead to puncture the checks and schedules with a special machine in such manner as to identify them with each other. This change will save the time of four or five clerks and expedite the clearance of the checks.

2. KEEPING DISBURSING OFFICERS' ACCOUNTS.

The charges against disbursing officers are now posted from adding-machine lists of the checks on which the account numbers have been entered. It is proposed to post the accounts from the checks themselves and unnumbered lists (to be identified with the checks by the amounts of the items). After the charges have been posted the account numbers will be entered on the tapes from the checks, and will then be compared with the numbers of the accounts to which postings have been made. By this means it is expected to avoid posting to the wrong account.

3. STATING DISBURSING OFFICERS' ACCOUNTS.

During July it is expected to get a number of disbursing officers to prepare and send to the Treasurer a list showing the serial numbers and amounts of checks issued by them. This can be done without additional work by means of an attachment to the typewriter used in writing checks. It is proposed to stamp the date of payment opposite the items on this list and to prove the account by listing the outstanding checks instead of listing those paid, as at present. This plan is expected to reduce the labor of stating accounts and also to make it possible to do a large part of the stating during that part of the month when the work in the other sections of the office is light.

4. KEEPING ACCOUNTS WITH DEPOSITARIES.

Plans are now being perfected for keeping accounts with depositaries which are expected to reduce the work greatly and permit it to be kept current. The important changes proposed include—

(a) Requiring banks to remit a daily schedule of certificates of deposit which will serve both as a detailed record of the charges to banks and as a detailed record of uncovered moneys, the number of the warrant, when issued, being entered opposite the description of the certificate. This will eliminate the entry of these certificates individually in two records that are now made without imposing an appreciable burden on the depositaries.

(b) Requiring the depositaries to send to the Treasury daily, with the checks and warrants paid, a notice of the transfer of funds to other depositaries; filing these notices in a check file behind guides with visible tabs; withdrawing them from this file on receipt of the corresponding certificates of deposit; comparing them with the certificates to insure that the funds were not unduly long in transit; and pinning the two together and filling them in a permanent file. Notices of transfer and certificates will be added on receipt to obtain totals for sections of the country and the notices will again be added on withdrawal from the outstanding file. Control totals will thus be obtained which will show the aggregate amount of the notices in each section of the file, and will be proved with the notices periodically. It is hoped that this plan of checking out transfers, which will eliminate the transit accounts from the bank ledgers, will save the time of six or eight bookkeepers now engaged in keeping such accounts.

(c) Transferring the liability accounts from the cash room at Washington to the Division of General Accounts and eliminating the Washington remittance account. This is an account to which are credited receipts at banks and subtreasuries which are subsequently to be taken up by the cash room and credited to liability accounts kept there. When the items are taken up on the Washington transcript, they are charged out of the remittance account. If the liability accounts are transferred to the Division of General Accounts, the receipts mentioned can be credited directly to these accounts and the Washington remittance account dispensed with.

(d) Reducing the "account proper" with depositaries to a statement of the daily totals of—

1. Revenues and repayments received.
2. Funds received by transfer.
3. Checks and warrants paid.
4. Funds transferred.
5. Balance to the credit of the Treasurer.
6. Balance to the credit of postmasters and judicial officers.

These accounts will either be posted daily from abstracts of the Treasurer's account similar to those now received from depositaries or will be required of the depositaries semimonthly, the daily abstracts being dispensed with. In either case the accounts will be balanced with sectional controlling accounts built up from the documents received each day. This plan of keeping the "account proper" will materially reduce the labor now spent on the work, and will also render unnecessary the semiannual interest statement now required of banks, as the interest charges can be taken from the account itself. The balances used in computing the interest can also be verified in totals with less labor than is now spent in proving the footings on the semiannual interest statement.

5. KEEPING GENERAL ACCOUNTS.

It is proposed to establish control over the detail accounts with depositaries and disbursing officers by means of a general ledger kept by double-entry system. This ledger will be so constructed that a trial balance from it will produce the daily cash statement.

OUTLINE OF PROCEDURE FOLLOWED IN CLEARING CHECKS.

The depositaries remitting the checks sort them by disbursing officers, and when there are two or more checks of any disbursing officer except the pension disbursing agent attach to them an adding machine tape on which the amounts of the checks are listed. The total amount of the checks of each disbursing officer is then entered on a schedule with the disbursing officer's number and the serial numbers of the checks. Pension checks are sorted by amounts, listed by serial number only on a separate pension schedule, the total of which is entered on the general schedule and put up in a separate bundle on the outside of which is entered the total amount of the checks inclosed.

On receipt in the accounting division the checks are examined to see that they are properly stamped by the remitting bank. The checks of all disbursing officers, except the pension disbursing agent, are then divided into groups—known as bank groups—comprising all the checks received from one or more banks and including as nearly as possible about 500 checks. Each group is designated by a letter. The corresponding general schedules are similarly grouped and designated by the same letters.

The bundles of pension checks are then separated from the other checks and the pension items on the general schedules are compared with the totals of the pension checks as shown on the outside of the bundles.

The totals of the schedules are then added to get a grand total for each group, and the pension-check items on the schedules are also added.

The checks are then sorted into 31 sections, according to the numbers of the accounts to which they are chargeable. (These numbers are printed on the checks.) Of the 31 sections, 10 comprise one account each, while each of the other 21 comprises a number of accounts. Stop cards are placed between the several sections.

The checks are then added, a total being printed at each stop card. The totals of the sections having a number of accounts each and the totals of the sections having one account each—known as specials—are then separately recapitulated, and the list is turned in to an examiner, who has already received a list of the schedule totals for the group and of the pension items for the group. The examiner adds the totals of the two classes of sections to the totals of the pension items and compares the result with the total of the schedules.

If the figures agree, the group is passed as correct. If the figures do not agree, the totals of the tapes attached to the checks by the banks are added for each section separately and total of each section is compared with the corresponding total obtained by adding the checks individually.

The tape is divided into three parts: (1) The list of the checks in the sections having a number of accounts each; (2) the recapitulation of these sections; and (3) the list of the checks for the "special" accounts with the recapitulation for such accounts. The first part is filed, the second part is marked to show the section number of each item and is held at the examiner's desk, and the third part is handed, with the corresponding checks, to a clerk, who marks the account number on each portion of the list, cuts it up, and assembles the portions pertaining to each account.

This clerk then adds the totals for each account from the various group lists to get a grand total for that account, and proves the grand totals for all the 10 accounts against the sum of the group recapitulations for the "special" accounts.

The checks for each of the "special" accounts are then assembled, sorted by serial numbers to the thousands digit, and searched to detect checks against which stoppages have been placed.

The remaining checks are sent back to the sorting room, where those in each section are handed to a clerk, who sorts them into a file box containing a guide card for each account in the section. The checks are left extending beyond the guides at the right-hand end to show that the sorting has not been verified. To verify sorting, the sorter compares the signatures on the checks with an autograph signature of the disbursing officer which has been pasted on the guide card.

The checks are then returned to the adding-machine room, where the bank tapes and the checks without tapes are added to get the total for each disbursing officer, and these totals are recapitulated to a grand total for the section.

In the meantime the bank-group recapitulations of the sections having a number of accounts each have been combined so as to get a total for section 1, a total for section 2, etc. These totals are compared with the totals of the checks in the corresponding sections.

If the totals agree, the tape is approved by the examiner; if they do not agree, the checks are readded individually. When the list for any section has been approved, the totals for the accounts in that section are marked with the account numbers and the tapes are sent to the bookkeepers to be posted to the disbursing officers' accounts.

The checks are then examined in order to detect any the payment of which has been ordered to be stopped. They are next stripped of the banks' tapes (see par. —) and sent to the canceling machine to be stamped with the date of payment. They then go to the file clerks.

Pension checks are proved to the accompanying pension schedules by counting those of each amount and multiplying by the amount, and by listing on the adding machine those of miscellaneous amounts. The totals for the several banks are then added and proved to the total for each bank group derived from the pension items on the general schedules. The bank number and the total amount of the pension checks from each bank are then entered on a statement which goes with the checks to the auditor each day after the checks have been canceled. When checks are received without pension statements they are stated by number and amount in the Accounting Division before being sent to the auditor.

The posting to the disbursing officer's accounts is done by means of typewriter adding machines that will add to the old balance the credits, subtract the debits, and show the new balance, and will at the same time accumulate totals of the debits and credits. Each box is posted as a unit, and the total of the debits is compared when the posting is completed with the total reached by the adding-machine operator. The correctness of the postings is thus assured. Twice or three times a month the balances of the accounts are proved by adding to the balances at the end of the preceding proof period all the credits since that time, subtracting all the debits since that time, and checking the result with the final balance.

In the file room the checks are sorted behind guides showing the account numbers, and under each account number groups of 200 serial numbers. At the end of the month the checks of each disbursing officer are sorted into exact numerical sequence and sent to the stating section, where statements of account are prepared, which show in detail checks cleared during the month and the amounts placed to the disbursing officer's credit.

Clerks returned to the offices from which they had been detailed.

Name.	Salary.	Date.	Office.
		1914.	
Hoffman, J. H.	$1,200	Feb. 11	Auditor Treasury Department.
Burns, H. W.	1,200	Mar. 17	Auditor Interior Department.
Larner, M. L.	1,400	...do....	Commissioner Internal Revenue.
Herdman, Lyman	1,200	Mar. 20	Auditor War Department.
Farrar, C. C.	1,600	Mar. 28	Do.
Washington, E. W.	1,400	Apr. 2	Do.
Keeley, E. R.	1,000	Apr. 8	Do.
McNulty, P. H.	1,200	...do....	Do.
Bibb, J. C.	1,200	Apr. 9	Auditor Navy Department.
Wood, R. H.	1,400	Apr. 16	Auditor War Department
Cleveland, C. E.	1,600	Apr. 25	Auditor State Department.
Dunlap, Charles	1,600	...do....	Commissioner Internal Revenue.
Guyton, E. E.	1,400	...do....	Director of Mint.
Hamilton, J. R.	1,000	...do....	Auditor Navy Department.
Harlan, P. J.	1,800	...do....	Office of Register.
Hester, U. H.	1,200	...do....	Auditor War Department.
Price, W. K.	1,000	...do....	Auditor State Department.
Rowen, J. D.	1,800	...do....	Auditor War Department.
Somerville, J. A.	1,200	...do....	Bookkeeping and Warrants.
Ross, J. W.	1,200	May 7	Auditor War Department.
Garth, K. C.	1,400	May 11	Auditor Interior Department.
Stanford, W. J.	1,000	...do....	Do.
Rudy, J. T.	1,400	May 18	Auditor War Department.
MacLennan, C.	1,600	May 20	Do.
Adkins, M. T.	1,800	May 23	Auditor Post Office Department.
Branson, W. S.	600	June 1	Auditor State Department.
Means, H. V.	780	...do....	Bureau Engraving and Printing.
Relyea, Grace	1,200	...do....	Auditor War Department.
Total (28)	36,080		

Clerks separated from the service.

Name.	Salary.	Date.	Cause of separation.
		1914.	
Madden, C. E.	$1,200	Feb. 14	Death.
Bonsal, R. M.	1,200	May 15	Do.
Total (2)	2,400		

Clerks detailed to other offices.

Name.	Salary.	Date.	Office.
		1914.	
Faunt Le Roy, Mrs.	$800	May 21	Auditor Interior Department.
Green, T. H.	1,800	...do....	Do.
Taylor, Grace M.	1,000	...do....	Do.
Robertson, M. C.	1,000	May 29	Do.
Solan, Catherine	900	...do....	Do.
Howe, John T.	1,000	.....	Shipping room.
Total (6)	6,500		

Clerks unemployed, awaiting assignment to other work.

	Salary.
Annie M. Cocks	$1,400
Mrs. M. J. Durfee	700
Eliza I. Geiger	1,200
Willey O. Ison [1]	1,800
Emily P. Johnston	900
Mary Agnes Kelly	900
G. B. Parker [1]	900
Cora E. Sauter	900
J. G. Sim [1]	1,200
Mrs. Amelia M. Simons	900
Esther A. Wells	800
Total (11)	11,600

Exchanged with other offices.

From—		To—	
Name.	Salary.	Name.	Salary.
Bonner, Lillian A	$1,100	Jameson, Helen W	$900
Buchanan, J. W.	1,300	Goodrich, Eva C.	700
Chisholm, J. L. B.	900	Krause, B. A.	700
Dorsey, Frank J.	1,400	Warren, Leon	700
Kelly, Martin J	1,400	Jennings, H. R.	1,200
Tompkins, R. W.	1,200	Parker, Grace B.	900
Total (6)	7,300	Total (6)	5,100
Saving	2,200		

[1] Detailed to the office of the Auditor for the Interior Department June 18, 1914.

Salary of clerks appointed.

J. L. B. Chisholm	$900
H. L. Church	900
Mrs. E. de G. Robb	900
A. Allen Gray (detailed to the office of the Auditor for the Interior Department June 18, 1914)	900
Oswald N. Todd	900
Total (5)	4,500

Salary of clerks employed temporarily to assist in installing new system.

Sadie Killeen	$1,200
Mrs. Neff	900
Total (2)	2,100

Clerks employed in sections of Accounting Division not yet taken up by Division of Efficiency.

	June 15.	About Feb. 1.
Bookkeeping section	12	7
Warrant section (including Mr. Baker's office)	38	33
Total	50	40
Increase	10	.....

MR. BAKER'S STATEMENT OF PERSONNEL AND PROCEDURE OF THE ACCOUNTING DIVISION ABOUT FEBRUARY 1, 1914.

The Accounting Division is composed of the following sections: Warrants, bookkeeping, examining, proving, sorting, and stating.

The warrant section receives and registers all Treasury accountable and settlement warrants and clears the registers when the warrants are returned paid. There are seven clerks employed in this section, including the clerk in charge and a messenger.

The bookkeeping section keeps the accounts with the subtreasuries, mints, and assay offices, depositary banks, and disbursing offices; keeps the registers of receipt warrants and journal of covered and uncovered moneys; and prepares the daily cash statement. There are 43 employees in this section, including the clerk in charge and one messenger; 31 of these are engaged in keeping books, 3 in preparing the daily cash statement, and 7 on miscellaneous work, such as correspondence, typewriting, filing, etc.

The examining section receives and examines the schedules and paid warrants and checks sent in by subtreasuries and depositary banks; keeps the registers of symbol numbers assigned to disbursing officers; handles powers of attorneys and authorities to indorse; and has charge of the key punching, tabulating, and sorting machines. This section has 47 clerks; 14 of these are engaged in handling correspondence, incoming and outgoing mail, and filing schedules; 21 in examining schedules, warrants, and checks received, and 12 in operating key and gang punching, tabulating, and sorting machines.

The proving section has 24 clerks, 5 of whom are engaged in sorting and canceling checks, and 16 on adding machines verifying the schedules.

There are 26 clerks in the sorting section, including the clerk in charge and a messenger; 3 of these are employed in handling correspondence in connection with requests for stoppages of payment, and 21 are engaged in sorting checks and arranging them in numerical sequence.

The stating section prepares monthly statements of accounts for disbursing officers and others. There are 37 clerks in this section, 12 of whom are engaged in handling correspondence and mailing statements to disbursing officers and auditors and adjusting differences. There are 4 typewriters and 21 adding-machine operators engaged in making up the statements.

The general procedure is as follows:

The schedules are received from the subtreasuries and banks by the examining section; the mail is opened, and the schedules listed for use in the preparation of the daily cash statement. The schedules and checks are then distributed among the examiners, who make an inspection of the schedules to see that they are properly prepared, and examine the checks to see that they are grouped by disbursing officers who drew them, are signed, and are indorsed by the bank that cashed them. A special examination is made of indorsements on pension checks.

The schedules are then passed to the proving section, where the checks are run through adding machines for the purpose of verifying the charges to the several disbursing officers whose names appear on the schedules.

After this work has been completed the checks are sent to the sorters for assembling by disbursing officers and the schedules are passed on to the key punchers. After the checks have been assembled by disbursing officers they are sent to the sorting section to be arranged in numerical sequence by issuing offices. The key punchers punch a card for each disbursing officer whose name appears on the schedules and a card for the total amount of the payments reported on each schedule. The cards are then gang punched and passed through the tabulating machines for the purpose of verifying the cards with the schedules, after which the cards are sorted by disbursing officers and the total amount of each officer's cards obtained.

These totals are then entered on journal vouchers which are sent to the bookkeepers for posting in the individual disbursing officer's accounts. The cards which represent the amounts paid by the several banks are sent to the bookkeeper who keeps the accounts with the depositaries.

At the end of each month the personal bookkeeper makes up memorandum statements, which are sent to the stating section, where statements of accounts are prepared in triplicate, one copy of which is sent to the disbursing officer, one copy to the auditor, and one copy retained.

All subtreasuries render daily transcripts, while depositary banks render transcripts four times each month. On receipt of these transcripts they are examined, after which they are passed to the bookkeepers, who keep the accounts with the subtreasuries and depositary banks.

Mr. SISSON. Mr. Chairman——

Mr. GOOD. Mr. Chairman——

Mr. GILLETT. Let the gentleman from Iowa [Mr. GOOD] have five minutes.

Mr. GOOD. We are entitled to time on this side, and I will yield it then.

Mr. SISSON. Mr. Chairman, I will reserve the balance of my time, but I want to ask the gentleman not to trespass too much upon it. I have agreed to yield to a gentleman on this side some time in my own time, and I want to make some remarks on my own account.

The CHAIRMAN. The gentleman from Iowa [Mr. GOOD] is recognized for five minutes.

Mr. GOOD. Mr. Chairman, I ask for recognition in my own right.

Gentlemen of the committee, I think if Members will read the hearings as to what took place before the Committee on Appropriations and also the CONGRESSIONAL RECORD as to the action of the House in the consideration of the legislative, executive, and judicial appropriation bill, they will find that the gentleman from Virginia [Mr. GLASS], who has just addressed the committee, is greatly in error. I stated openly and frankly when the legislative bill was before the House that under Executive Order No. 3 operations were commenced by a Republican Secretary of the Treasury; that after machines were installed, after certain work previously performed by the subtreasuries had been brought to Washington, it was found in a few weeks that the Treasury was running behind. I do not know whether the employees in the office of the Treasurer of the United States under the present Secretary are Republicans or not, and I do not care. I do know that the officials in charge of that great department are responsible for the work of that department; and to show that I have told the House what is absolutely true so far as any statements coming to me are concerned, I ask, Mr. Chairman, to extend my remarks in the RECORD by printing the report from which I have previously quoted and to which the gentleman has taken exception.

The CHAIRMAN. The gentleman from Iowa asks unanimous consent to include in his remarks the report to which he has referred. Is there objection?

There was no objection.

Mr. GLASS. Assuming the gentleman made as full a statement of facts in his previous address to the House as he makes now—which I insist is an assumption that does not accord with my recollection of his remarks or my reading them the next day in the RECORD—did not the gentleman make it appear that a Democratic administration was responsible for this confusion and delay, and did he not explicitly assert that it was a Democratic administration that put these counting machines in and had them thrown out on the recommendation of these experts?

Mr. GOOD. I say now——

Mr. GLASS. Now, the gentleman can answer that.

Mr. GOOD. Now, the gentleman will not take me off of the floor when I am addressing the House in my own time.

Mr. GLASS. No; I will not.

Mr. GOOD. I have been kind enough to yield to him.

Mr. GLASS. I can not take the gentleman off the floor.

Mr. GOOD. I will say to the gentleman now, and I will repeat it as many times as the gentleman wants me to do so, that the present administration is responsible for the great delay and for the confusion that has existed in that department for more than a year.

Mr. GLASS. The gentleman has not answered my question yet.

Mr. GOOD. I do not yield to the gentleman. I will say to the gentleman that as to whether or not the machines were thrown out or brought in by a Republican administration I do not know. I do not attach any importance to that incident. I do know that they are not now being used, and yet the last estimate for this department carried additional sums for the purchase of more of these machines.

Mr. GLASS. Will the gentleman yield?

Mr. GOOD. I can not yield now. I will yield after I have answered the gentleman. I do not know, of course, what is in Mr. Herbert Brown's report, to which the gentleman has referred, and which he inserts in the RECORD, but I know this, that four or five days after I made some remarks on this subject, about two weeks ago, a gentleman employed in the Treasury Department told me that the next day after I had made my remarks the Treasurer of the United States went to the different offices under him and seemed to feel very much incensed because of some criticism that had been made of his department, and asked the heads of the departments to prepare statements, inasmuch as the gentleman from Virginia [Mr. GLASS] was going to make the administration's reply. I trust what the gentleman has said is the administration's reply and that this matter may now be cleared up.

Mr. GLASS. Will the gentleman yield?

Mr. GOOD. Not now. I will yield to the gentleman later.

Now, in regard to Herbert Brown, I do not know what opinion he entertains of me. I do know what I think of him. I do know that I hold Herbert Brown in the highest esteem and regard, as I do also Herbert Wood. They have shown their ability and true worth. Now, let us see just what took place in the office of the Treasurer. When the Committee on Appropriations was considering the legislative, executive, and judicial appropriation bill we found that Mr. Burke, the Treasurer of the United States, had had detailed to his office, in addition to his regular force, 56 men, and that they were running behind day after day. They could not secure a balance of a single account in that great accounting department of the Government.

Mr. GLASS. If the gentleman will permit an interruption there, does not the gentleman know——

The CHAIRMAN. Does the gentleman from Iowa yield to the gentleman from Virginia?

Mr. GOOD. I yield for a question.

Mr. GLASS. I do not want to ask a question. I want to make a statement.

Mr. GOOD. I can not yield for that.

Mr. GLASS. I will put it in the shape of an interrogatory. Does not the gentleman know that the extra force was detailed by the preceding Secretary under an act of this House, incorporated in an appropriation bill, authorizing the Secretary of the Treasury to detail a force at the subtreasuries to come here and work out this new system?

Mr. GOOD. No. I know that that is not the case. A few extra clerks may have been so detached.

Now, if the gentleman will possess his soul in patience for a moment, I will make some explanation of this matter that I think will throw some light upon it.

When the Committee on Appropriations were considering an increase in the force in the Treasurer's department I called the attention of the committee to the fact that they were getting behind with the work in the Treasurer's office every day. We had extended hearings on this matter, and some publicity was given the subject. The result was that Mr. Herbert Brown and Herbert Wood from the Civil Service Commission were detailed to go to the Treasurer's office and show the Treasurer how to run the business of that office.

Mr. GLASS rose.

Mr. GOOD. I will not yield to the gentleman now; not until I make my statement. The gentleman ought not to ask me to yield in the midst of a sentence.

Mr. GLASS. I yielded to the gentleman, and I tried to do it with good grace.

Mr. GOOD. Herbert Brown and Herbert Wood went to the Treasurer's office, and they are there to-day. That office has been practically in the hands of receivers for six months, and the receivers are making a good showing. They have been there for almost six months, running the Treasurer's office. They have discharged since they went there those 56 detailed clerks. They sent 10 men to a reading room—the gentleman from Virginia did not tell it—but the facts are that they sent 10 men to a reading room, where the Government furnishes these high-class and high-paid clerks with magazines and newspapers, and they have said to those men, "You must stay out of the Treasurer's office. We have no need of your services. At any rate, you must keep out of our division."

Herbert Brown and Herbert Wood have been criticized by some of the officials under the Treasurer, and especially by the chief clerk of that department, because they have sent men to the reading room. They have said to Herbert Brown and Herbert Wood that it would create a public scandal if it were known that there were 10 men, high-paid clerks, in the Treasurer's office who are not needed and who have been sent to a reading room to read magazines when it required these men and about 40 additional detailed clerks to run the office as run by Treasurer Burke. Mr. Herbert Brown and Mr. Herbert Wood told them that it would not make any difference how much of a scandal it would create, they proposed to demonstrate how cheaply and how efficiently that office could be run, and under their management—an intelligent management, if you please—they are bringing the accounts down to date. The work will soon be current.

The gentleman from Virginia said I misrepresented the record. Here is the record. Here is an examination, which the Secretary of the Treasury paid several thousand dollars to have made, of the office of the Treasurer of the United States, and what does it show? I read from it:

DISBURSING CLERK, PENSION OFFICE.

This is the largest account both in checks issued and in money totals on the Treasurer's books. This account has never been balanced since the account was taken over February 1 last, except for the last few days in July, when Mr. Taylor assumed the office of disbursing clerk. After struggling with the February account for some months, it was sent to the auditor unbalanced a few weeks ago. So far as we can learn, no such thing was ever heard of before.

Disbursing Clerk Zappone, Department of Agriculture: Last statement rendered was for the month of March.

Disbursing Clerk Johannes, Department of Commerce: Last statement rendered the month of April was received August 21.

Disbursing Clerk Jacobs, Treasury Department: Last statement rendered the month of April was sent August 20.

Disbursing officer for Washington Navy Yard accounts: Last statement received was for the month of March.

Disbursing Clerk Wilson, District of Columbia: Statement for the month of May was received September 4.

Now, we take up the account of the redemption fund of national banks and we find from this report, as I stated some days ago, that the nearest they ever even came to striking a balance after they had been in office for seven months was a discrepancy of over $5,500,000.

That is in this statement. I do not know anything about it, except as stated by this report and Government officials. But when I have spoken upon this subject I have given the source of my information, and I want to say to the gentleman from Virginia that when he reads from the hearings before the Committee on Appropriations, as he has, he should remember that when Mr. Burke came before the committee and questions were asked him, Mr. Baker usually made the answer. He apparently realized that he knew but little about the business of that great office.

Mr. GLASS. The gentleman said that when the United States Treasurer, Mr. Burke, was before his committee and questions were asked him, the answer was given by Mr. Baker, the Republican head of the bureau?

Mr. GOOD. Yes; but wait a moment.

Mr. GLASS. I notice from the record here that when questions were asked, Mr. Burke responded for himself. He said:

This is not our system. We did not put it in. We found it there. It is a condition. It was practically recommended by Congress when they gave the Secretary of the Treasury the power to transfer from the subtreasuries a sufficient number of clerks to do this work.

There is the answer.

Mr. GOOD. Will the gentleman state what page he is reading from?

Mr. GLASS. I am reading from page 950.

Mr. GOOD. The fact is, the hearings will show that we commenced with that office at about page 50 or 75, or something like that, and the examination continued for a couple of months.

The hearings continued for a couple of months, and the gentleman has read from what was testified to by Mr. Burke after he had been drilled several times with regard to this subject, after Herbert Brown and Herbert Wood had established an efficiency system in the Treasury Department, and it really began to dawn upon him something of the magnitude of the work that one in charge of that great department must perform. Herbert Brown and Herbert Wood had demonstrated what a competent head of this department could do.

Mr. GLASS. But it was testified to——

Mr. GOOD. If the gentleman wants to ask a question, I will yield to him.

Mr. GLASS. Was it not testified to some time before the gentleman made his speech here on the floor?

Mr. GOOD. Certainly. I do not say now that Mr. Burke did not answer a single question. Mr. Burke answered a great many questions; but when we delved into the intricate problems of his office he seemed dazed and knew nothing about them, nothing more than the Secretary of the Treasury did when he came down and testified before the committee.

Mr. GLASS. But did not the United States Treasurer put the gentleman from Iowa in possession of the fact that the system under which this confusion and delay were created was a system inaugurated by his Republican predecessor, and did the gentleman state that fact to this House?

Mr. GOOD. No; the gentleman did not put me in possession of that information. I knew it before I knew the present Treasurer of the United States.

Mr. GLASS. Did you state it to the House?

Mr. GOOD. I knew about Executive Order No. 5, and when it was issued, and I stated it to the House. You will find that I criticized the order at the hearings. My criticism of the Treasurer is that he was incompetent to cope with the situation. He did not know how to bring his work current. It was left for Herbert Brown and Herbert Wood to show the Treasurer how to conduct that office. Neither the Treasurer nor the Secretary of the Treasury can claim any credit for the savings effected by the system established by Herbert Brown and Herbert Wood. Without the aid of these gentlemen the Treasurer would still be plodding along in his old way.

Mr. BARKLEY. In view of the fact that this department has been for 16 years in charge of the Republicans, how did it happen that an efficiency system was needed at this late hour?

Mr. GOOD. If the gentleman had been listening to the discussion of this subject, I do not believe he would have asked that question. Executive Order No. 5, promulgated by Mr. MacVeagh early in February, 1913, which provided for bringing into the United States Treasury certain work previously done by the subtreasuries. It did unquestionably throw additional work upon the department, but the order provided for the transfer of sufficient clerks to do the extra work.

Mr. BARKLEY. What did that have to do with the question of efficiency?

Mr. GOOD. The efficiency of the department was not questioned under Republican rule. The department was efficient under MacVeagh. As stated here in the report, the accounting that your Secretary of the Treasury ordered paid for says nothing like this was ever heard of under Republican rule or any previous rule. It all goes to show that the present Secretary of the Treasury and the Treasurer himself were not competent to cope with the great questions confronting them in the administration of those offices.

Mr. BARKLEY. Did not the gentleman state a few moments ago that Brown and Wood were brought there for the purpose of establishing an efficiency system?

Mr. GOOD. Yes; after a Democratic administration had been in power for almost a year.

Mr. BARKLEY. How long?

Mr. GOOD. For pretty near a year.

Mr. BARKLEY. This confusion had been going on as the result of this change made in February, had it not?

Mr. GOOD. No; not as the result of that, because Herbert Brown and Herbert Wood have demonstrated that that could be cleared up in a very short time with a little intelligence and a little system in the office. It should not have taken much understanding of bookkeeping to have rejected the unworkable system installed by Baker, but it was too much for Treasurer Burke. It remained for Herbert Brown and Herbert Wood to make the change. The trouble was that your officials did not know how to run the office, and when Burke first appeared before the committee he still claimed that Baker's plan was all right; and I ask the Members to read this report, which I will put in the RECORD. It will demonstrate that what I have said to you on this subject is abundantly borne out by the facts that were in the possession of Mr. McAdoo. I have tried not to misrepresent a single fact in this case, and I defy gentlemen on the floor of this House or elsewhere to point to a single instance where I have misrepresented a fact in regard to the administration of this office. If Members will read this report that will appear in the RECORD, they will find justification of every statement I have made. Investigate that department, and you will find that the whole question arose because your officials were not capable of taking hold of these great problems and settling them in the right way. You admit it all when you admit that the civil service had to send men to show you how to run that office.

Mr. ANSBERRY. Will the gentleman yield?

Mr. GOOD. In just a moment. The Secretary of the Treasury the other day made a statement that went out through the country, when he was answering the criticism because $80,000,000 of American gold had been sent abroad. By the way, the bill that we are considering carries an item, I forget how much it is; but I am told that the shipment of this gold has cost the Government about $35,000. The Secretary of the Treasury said, "Oh, the $80,000,000 of gold that we sent abroad does not amount to anything. We have an unlimited supply of gold." If he made this statement, and I have not seen the report denied by the Treasurer, he does not know what the facts in the case are, or else he is trying to mislead the American people. The facts are that we have a very limited supply of free gold, and anyone who will read the Treasury statement can not fail to be convinced of that fact. Now I yield to the gentleman from Ohio for a question.

Mr. ANSBERRY. The gentleman is criticizing the Treasurer of the United States and the Secretary of the Treasury. I will ask him if he recalls an instance in which a Secretary of the Treasury from his State of Iowa was involved in a transaction with the National City Bank of New York, in which——

Mr. GOOD. I do not yield for such a question.

Mr. ANSBERRY. Let me finish the question.

Mr. GOOD. Mr. Chairman, I do not yield.

Mr. ANSBERRY. But you did yield for half of it.

Mr. GOOD. I yielded for a question on the subject under consideration. I will not yield to discuss something foreign to this question.

Mr. ANSBERRY. This is pertinent to that question.

Mr. GOOD. I decline to yield.

The CHAIRMAN. The gentleman declines to yield.

Mr. ANSBERRY. Do you know what I am talking about?

Mr. GOOD. No; and I do not care to know.

Mr. ANSBERRY. I thought so.

Mr. GOOD. The report to which I have referred is as follows:

A REPORT TO THE SECRETARY OF THE TREASURY, WASHINGTON, D. C., CONCERNING THE CONDITION OF ACCOUNTING AND BOOKKEEPING IN THE OFFICE OF THE TREASURER OF THE UNITED STATES AT THE BEGINNING OF BUSINESS ON SEPTEMBER 2, 1913, SUBMITTED SEPTEMBER 15, 1913.

To the honorable the SECRETARY OF THE TREASURY.

DEAR SIR: Under your instructions the undersigned, with his assistants, has been engaged, from time to time since March 31, 1913, in making examinations, investigations, and reports in relation to various divisions and sections of the Treasury Department. These reports, sometimes verbal, but usually formal and typewritten, have related mainly to the Office of the Treasurer of the United States and its various subdivisions. These formal typewritten reports were dated as follows: May 15, June 2, June 11, and July 31. In addition, the reports upon the "Daily statement" and the "Monthly statement" of the Treasury were submitted in printed form, as the results of investigations into the sources of information and the methods of bookkeeping wherefrom the figures in these statements were derived. The printed forms were accepted and adopted by you on June 30, 1913, and have been published regularly from July 1 to the present date.

Without repeating what has been already laid before you in our previous reports, I wish to present herein the results of our later investigations in the Treasurer's Office, particularly in relation to the condition of the accounting and bookkeeping at present, namely, at the beginning of business September 2, 1913—September 1 having been a holiday.

The conditions which we now exhibit are serious, and we bespeak your immediate consideration of them.

THE OFFICE OF THE TREASURER OF THE UNITED STATES.

In the multitude and magnitude of its transactions, the office of the Treasurer of the United States is probably the greatest financial office in the world.

During the year ended June 30, 1912, the total of the entries passing through its books approximated $6,000,000,000. It maintains accounts in 1,600 national banks. It furnishes the funds and keeps the accounts of nearly 3,000 Government disbursing officers. It acts as agent for 7,500 banks in the redemption of their bank-note circulation, and it handles for the Post Office Department the deposits of surplus money-order funds from 50,000 postmasters. It receives every business day from twenty-five to forty thousand checks, and it must keep the continually changing records of nearly two billions of paper currency secured by gold and silver in its vaults. In the performance of these and other highly responsible duties the services of over 640 people are required in the Washington office alone.

It is apparent that properly to record the great amount of business which passes through the Treasurer's office, with its extraordinary maze of entries, transfers, issues, redemptions, exchanges, etc., not only is unusual skill required from the bookkeepers and accountants, but the system of accounting employed should be so complete and effective in all its parts that it will thoroughly control the millions of items passing through the books each year and at every moment properly safeguard the vast sums for which the Treasurer is responsible under the law.

THE CHANGE IN METHODS ON FEBRUARY 1, 1913.

When the new method of paying Government creditors was inaugurated, February 1 last, which carried with it the transfer to Washington of the accounts of nearly all the disbursing officers of the Government, the office was soon overwhelmed by the volume of business which fell upon it, and for the handling of which it had not had sufficient time for preparation.

Extraordinary efforts were made to recover from the disorder into which the accounts were thrown by reason of this change of method, but the work of the office is still, at the end of seven months, in such a condition as seriously to retard the work of the auditing officers of the Government, to impair the efficiency of the force handling the accounts, to make evident the inability of the office to furnish properly the information desired by Government debtors and creditors, and even to jeopardize the safety of the public funds.

With the work on national-bank accounts two and one-half months behindhand, with a week or more accumulation of uncleared checks constantly on hand, with disbursing officers' accounts unbalanced and unstated for months, with controlling accounts ignored by reason of the pressure of details, and with the task of bringing order out of the confusion which now exists deemed hopeless by the clerks engaged upon the work, it is manifest that the efficiency of the staff is seriously affected, and that the condition calls for immediate and effective remedies.

A glance at some of the disbursing officers' ledgers containing a multitude of counter entries and of unbalanced pages, as well as their generally scratched appearance—a condition for which the bookkeepers are not primarily responsible—is sufficient to cause one to appreciate the disheartening effect on men who have heretofore been accustomed to take pride in their work.

In order that these conditions may be clear to you in some detail we submit brief explanations of the situation in the disbursing officers' ledgers, in the national-bank ledgers, in the "stating section," and in the system of examining and clearing checks.

ACCOUNTS IN THE DISBURSING OFFICERS' LEDGERS.

On account of the transfer to Washington on February 1, 1913, of all disbursing officers' accounts, except a few kept in Hawaii and the Philippines, the Treasurer's office is now carrying on its books accounts with over 2,500 disbursing officers, which are kept in 9 ledgers and supposed to be controlled by summarized accounts in the cash room. As a matter of fact, these controlling accounts are such in name only, no attempt having been made since February 1 to reconcile the total of the balances in the detailed ledgers with these "controlling" accounts. In fact, the detailed accounts have at no time been in such shape that a total of the balances could be taken off. This statement of ours is best illustrated by the following examples taken from one of these ledgers a few days ago:

Account 17045. Redemption agent United States Treasurer, national-bank redemption agency.

From February 1 to August 30 the total credits to this account on the ledger were $409,166,569.94 and the total debits were $386,092,636.09. No balances have been entered in this account since it was started. The difference between the two sides is a credit of $23,073,933.85, while the balance to the credit of this account on that day, according to the "cash-room" statement, was $28,617,899.12, a difference of over five and one-half millions of dollars.

Account 17042. Redemption and exchange account.

The balance to the credit of this account according to the ledger on August 30 was $1,256,288.00. The balance according to the "cash room" on the same day was $1,863,094.35, a difference of $606,806.26.

Account 17041. Treasury warrants.

From February 1 to August 30 $15,014,336.86 was charged to this account. One credit for the insignificant sum of $15 appears against this heavy debit. In other words, on its face the account shows an overdraft of $15,014,321.68, while as a matter of fact it should show a credit balance of $3,733,805.31, according to the daily cash statement of August 30.

So much confusion has existed in these accounts that overdrafts have frequently appeared, necessitating a reexamination of all of the original items making up the debits and credits and revealing the fact that the bookkeepers had been furnished with erroneous data for posting. Counter entries innumerable have been the result, some of them for very large amounts.

Due to the uncertainty of the correctness of the balances as shown by the books, the office has been unable to state authoritatively, in response to inquiries, the balance to officers' credit, but of late has been replying to such inquiries by saying that the "amount to the officer's credit would warrant payment of his check for $———," with no certainty that this balance might not be wiped out the next day through the clearance of checks which had already been in the Treasury for a week or longer.

Since July 1 an approximate control has been established over the nine ledgers, but this control has covered only the debits and credits for the month and has not extended to balances brought forward.

These accounts, which are in all respects similar to the accounts of depositors in a bank, should be handled with the same efficiency and promptness and be as effectively controlled and proved as those of any financial institution. Until this is done there can be no assurance of their correctness at any time.

THE NATIONAL BANK ACCOUNTS.

Prior to June 1, 1913, the Treasurer had accounts in about 500 active depositary banks, but since that date the number has greatly increased, until there are now about 1,000 active accounts on the Treasurer's books, to say nothing of half as many more "inactive" accounts.

All of these "active" banks are receiving money for the Government's account, paying checks issued by officers of the Government, and transferring moneys in excess of their authorized holdings either to Treasury offices or to other national banks. Because of the magnitude and multitude of the transactions of these agents of the Government, and because the fidelity of the custodianship should be speedily determined, there is necessity for prompt verification of every charge against its account.

This, we regret to say, it does not do, and under present conditions it can not do. At the date of this writing (Sept. 2) the bank accounts have been fully verified only to June 14, while the account for the period ending June 21 is now being handled. This is to say, that over two months' banking business remains unbalanced and unverified.

Aside from the lack of accurate knowledge regarding the condition and correctness of these accounts opportunities exist for gross irregularities, the perpetration of which would seriously reflect upon the administration of the office. It would be possible, under the conditions in which the accounts now are, for an officer or employee of an active depository bank to report to the Treasurer that said bank had transferred to some other bank $50,000 or more as "excess deposits"; to charge this amount to the Treasurer's general account; to put the money in his pocket; and to depart for parts unknown without this action being discovered by the Treasurer's office within two months—long enough for the absconder to reach the uttermost parts of the earth.

Another illustration may serve to emphasize our statement. If an active depository bank should notify its correspondent in New York to deposit with the assistant treasurer in New York $50,000 for its credit as a transfer of excess deposits and at the same time advise the Treasury of such notification, and the correspondent should fail to make such deposit, it would not be discovered by the Accounting Division for over two months. In the meantime, if the correspondent bank should fail, the Treasurer might have serious difficulty in holding the original bank for the money. The latter would undoubtedly plead that the Treasurer had been guilty of contributory negligence, and therefore could not recover.

We give these illustrations to emphasize more forcibly the embarrassing situation in which the office would find itself should such an instance actually occur. We have devised a plan for keeping these accounts which will wholly eliminate these dangers, for the reason that the lack of verification of a reported transfer would be immediately discovered.

THE PRESENT METHOD OF EXAMINING AND CLEARING CHECKS.

There is received by the Treasurer's office each day from 25,000 to 40,000 warrants and checks of various kinds which have been paid by depository banks and Treasury offices, and for which the paying institution must be given credit, and charges made to the respective accounts against which the warrants and checks are drawn.

At the time the present order of business went into effect, February 1, 1913, the mechanical device, known as the Hollerith machine, was installed as a means for facilitating the clearance of the checks. It was to be expected, of course, that during the first few weeks there would be considerable congestion in the handling of these checks due to the unfamiliarity of the operators and employees with the work. The fact is, however, that even after the system has been in operation for several months the congestion has continued to such an extent as to retard seriously the work of stating and auditing the accounts. No definite figures of the amount of uncleared checks on hand had been available, but it was known to be a very large sum. On June 10 I was

instructed by Assistant Secretary Williams to investigate immediately this congestion and the causes of it. This resulted in our report of June 11, which recommended that the force in the sections handling the checks should be considerably augmented by detailing clerks from other divisions of the department. On July 18 an inventory was taken of the amount of uncleared checks on hand. Since that date the total checks received and cleared each day have been tabulated, and we are therefore able to present the following statement of the total amount of checks on hand at the close of business each day from July 12 to August 30. This statement is as follows:

Statement of uncleared checks, Treasurer's office, July 12 to Aug. 30, 1913, inclusive.

Date.	National banks.	Treasury offices.	Total.
July 12	$21,337,385.74	$37,988,929.69	$59,326,315.43
14	25,274,948.68	41,439,737.25	66,714,685.93
15	30,604,969.02	43,525,455.32	74,130,424.34
16	28,631,639.61	22,705,719.56	51,337,359.17
17	28,562,642.80	26,489,720.70	55,052,363.50
18	26,516,892.03	28,651,981.64	55,168,873.67
19	26,588,565.37	29,017,575.22	55,606,140.59
21	25,944,750.50	36,095,438.49	62,040,188.99
22	26,223,761.89	37,868,998.66	64,092,760.55
23	24,774,877.66	41,000,055.05	65,774,932.71
24	22,296,179.47	43,740,759.45	66,036,938.92
25	19,369,497.18	46,238,389.44	65,607,886.62
26	17,134,611.40	48,498,281.06	65,632,892.46
28	16,590,951.87	51,164,057.40	67,755,009.27
29	17,796,241.10	53,501,030.43	71,297,271.53
30	19,088,671.49	32,116,819.97	51,203,491.46
31	19,896,741.65	34,929,362.40	54,826,104.05
Aug. 1	14,238,856.99	37,716,528.11	51,955,385.10
2	14,312,507.26	40,494,318.97	54,806,826.23
4	15,356,652.15	42,928,678.72	58,285,330.87
5	17,944,501.58	28,747,989.65	46,692,491.23
6	17,428,211.26	31,260,970.08	48,689,181.34
7	17,846,628.76	20,998,171.86	38,844,800.62
8	18,603,129.88	23,270,890.80	41,874,020.68
9	18,493,039.45	26,826,537.71	45,319,577.16
11	18,821,224.82	15,381,332.87	34,202,557.69
12	20,602,904.99	11,744,502.88	32,347,467.87
13	21,664,021.68	14,611,887.25	36,275,908.93
14	23,347,691.76	17,358,158.00	40,705,849.76
15	23,789,005.63	17,567,081.32	41,356,086.95
16	23,865,890.85	20,467,050.72	44,332,941.57
18	25,512,671.98	22,970,772.49	48,483,444.47
19	25,489,113.71	21,222,308.55	46,711,422.26
20	25,377,952.13	24,500,049.81	49,878,001.94
21	26,433,291.45	25,381,206.72	51,814,498.17
22	25,243,700.58	27,191,522.67	52,435,223.25
23	23,742,094.96	26,379,062.36	50,121,157.32
25	21,178,810.55	29,141,124.68	50,319,935.23
26	19,564,412.90	28,586,292.01	48,150,704.91
27	19,188,205.29	27,780,819.40	46,969,024.69
28	18,920,309.90	22,423,675.28	41,343,985.18
29	18,095,013.60	24,256,817.92	42,351,831.52
30	18,834,556.94	25,241,771.59	44,076,328.53

From this statement it will be observed that the highest amount of checks on hand appears on July 15—$74,130,424.34—and the lowest on August 12—$32,347,467.87. It will also be noted that during this period of 43 working days, on 4 only was the amount of uncleared checks below forty millions, and on 24 days it was in excess of fifty millions.

Considerable criticism has been made regarding the use of the Hollerith system for furnishing to the bookkeepers the necessary data for making the charges and credits to the proper accounts, the principal complaint being that frequent errors are made in punching the cards, resulting in innumerable counter entries, and that postings can not be made from the holes in the cards as rapidly as from ordinary figures. It is true that a great number of counter entries have been put through the books on account of errors in punching and other mistakes, and it is also admitted by those in sympathy with the system that more time is required to post from the punched cards than from ordinary figures. It is also true that the skill of the operators and bookkeepers in posting to the ledgers from a group of holes rather than from actual figures ought in course of time to increase and thereby reduce the grounds for such complaints to a minimum.

These criticisms, however, do not constitute the more serious objection to the use of this device for clearing the checks. The work of the sections which handle these checks is similar to the work in a bank, and the checks should be handled with the same dispatch as in a large bank. No bank could continue in business were it to hold checks for a week before charging them to the customers' accounts. It is admitted by those in charge of the checks that under the present system it will not be possible to clear the checks the same day they are received, for the reason that two or three days' checks must be available constantly in order to keep the entire force busy all the time. As a matter of fact, however, we find that the office, with its increased force, has not yet been able to get even within five or six days of current clearing.

A further objection to the present method lies in the fact that in order to insure accuracy in punching the symbol number on the card, much time must be expended in listing and footing the symbol numbers on adding machines. It is safe to say that the aggregate amount of labor spent on this process alone would occupy all the time of two or three clerks. This would be wholly saved by the system we propose.

The inability of the office under the present system to handle and clear the checks currently also causes serious losses of time elsewhere in the Treasurer's Office and otherwise, e. g., the difficulty in ascertaining whether a check has been presented for payment on which a stop notice has been filed; the lack of accurate knowledge regarding a disbursing officer's balance, inquiries regarding which are made almost daily; also the large number of checks outstanding by the books at the end of a month, although these checks are actually in the office, which entails much additional—wholly unnecessary—work upon the disbursing clerks and auditors.

Other illustrations might be cited concerning the embarrassing position in which the office has been placed by reason of inability to furnish information which should be immediately available were the work actually current. We think, however, that enough has been shown to demonstrate the necessity for the adoption of a system whereby all checks received before noon each day will be cleared at the close of business the same day. We submit, further, that any system in which this is not possible is not efficient or economical, and that such methods can not meet the necessities of the public business. Therefore we think the present methods should be discarded in considerable part. We believe that the system now in use should be at once replaced by a more rapid and more economical system through which the business of the office may be properly handled.

THE WORK OF THE STATING SECTION.

After the close of the month, the items making up the debits and credits in the disbursing officers' accounts are arranged in chronological and numerical sequence and a schedule of these items, together with the balance as shown by the books, is prepared by the "stating section" in triplicate, one copy being sent to the officer, one to the auditor, and one copy retained.

This constitutes a "statement" of the officer's account, which when acknowledged and verified by him insures the correctness of his account on the books. It is therefore essential that this statement should be rendered promptly to the officer. Any delay in preparing and transmitting these statements not only prevents the officer from effecting a reconciliation of his own accounts and a verification thereof by departmental inspectors, but also retards the work of the auditor who is charged with the examination of the officer's account as no final settlement of the account can be made until this statement, accompanied by the canceled checks, is received by the auditor from the Treasurer. The work of the auditors under the most favorable conditions must be considerably behind the period covered by the audit, and anything that tends to aggravate this condition is to be deplored. We are informed that urgent and repeated complaints have been made to the Treasurer's office by the auditors concerning the delays in sending these statements, with the result that a large number of clerks in the auditors' offices have been forced to sit idle while waiting for these statements and vouchers to come in.

The condition of the work of the "stating section" is best illustrated by the following examples, the business of these officers being among the largest in Washington.

DISBURSING CLERK, PENSION OFFICE.

This is the largest account, both in checks issued and in money totals, on the Treasurer's books. This account has never been balanced since the account was taken over February 1 last, except for the last few days in July, when Mr. Taylor assumed the office of disbursing clerk. After struggling with the February account for some months it was sent to the auditor unbalanced a few weeks ago. So far as we can learn no such thing was ever heard of before.

DISBURSING CLERK ZAPPONE, DEPARTMENT OF AGRICULTURE.

Last statement rendered was for the month of March.

DISBURSING CLERK JOHANNES, DEPARTMENT OF COMMERCE.

Last statement, rendered the month of April, was received August 21.

DISBURSING CLERK JACOBS, TREASURY DEPARTMENT.

Last statement, rendered the month of April, was sent August 20.

DISBURSING OFFICER FOR WASHINGTON NAVY YARD ACCOUNTS.

Last statement received was for the month of March.

DISBURSING CLERK WILSON, DISTRICT OF COLUMBIA.

Statement for the month of May was received September 4.

We are informed that very few of the July accounts have at this writing been stated. A depositor in a bank, no matter how large his account, who could not secure a statement of his account earlier than from one to four months after the close of a period would change his bank immediately. While Government disbursing officers can not change their banker, they can not be prevented from indulging in adverse criticism regarding the administration of the Treasurer's office. Herein lies considerable danger. It is impossible to terminate these complaints, of which there have been, we are informed, many hundreds sent to the Treasurer's office in writing, so long as there is good ground for them. If the causes are not soon removed, there is probability that the matter will reach the ears of Congress, and an investigation may be ordered. Therefore, if the possibility of such a thing is to be averted, it is important that the work in this section be brought up to date immediately. We are informed that under the system which prevailed prior to last February the New York and Washington offices, which carried at least eight-tenths of the business, regularly furnished complete statements in the majority of cases by the middle of the month following the period reported.

Very respectfully,

HARVEY S. CHASE,
Certified Public Accountant.

Mr. ANSBERRY. Mr. Chairman——

Mr. SISSON. I yield 5 minutes of my time to the gentleman from Virginia [Mr. GLASS].

Mr. GLASS. Mr. Chairman, the facts involved in this controversy are very simple, and there can be no confutation of the definite assertion made by me that the gentleman from Iowa [Mr. GOOD] deliberately misrepresented them from beginning to end. He can not put into the RECORD any report that will justify any of the misstatements with which I have charged him.

The facts are, briefly, these: Treasury Order No. 5, issued by a Republican Secretary of the Treasury in the last days of Mr. Taft's incumbency, revolutionized the accounting system of the Treasury Department and the method of transacting current business. The system was devised by a Republican administration and has been administered since by Republican attachés of the Treasury Department, under a Republican chief of bureau.

When Treasurer Burke came in he found this system installed, and I am credibly told that not one single hour of Gov. Burke's incumbency of the office witnessed such confusion or such delay in the accounting system as he found when he took

the oath of office. He made little progress, however, and after he had been there only six weeks he pronounced the system utterly inefficient for its purposes.

Mr. GOOD rose.

Mr. GLASS. No; I will not be interrupted by the gentleman; he was not even courteous to me. Gov. Burke had been there scarcely six weeks before he pronounced the system inefficient and appealed to his superior officer to have it changed; but Mr. Baker, the Republican chief of the bureau, insisted to the Comptroller of the Currency that it should remain. This Republican chief of the bureau, as an expert accountant, urged that the system was all right; and upon his advice it was continued in operation for some time. It was discarded only after Gov. Burke applied to the Civil Service Commission for two expert accountants to investigate and devise a better system. These experts, both Republicans, fully justified the criticism made by Gov. Burke before he had been in office six weeks. They recommended that the accounting system devised and the machines put in under a Republican administration be discarded and an efficient system substituted. Since that was done, which the Democratic Treasurer long theretofore asked to be done, the accounting has been kept right up to date. These are the facts; they can not be disproved.

The gentleman from Iowa stated that he did not say to the House that the machines were put in under a Democratic administration. I appeal from his statement on the floor to-day to the CONGRESSIONAL RECORD reporting his speech some days ago.

Mr. GOOD. I did not state anything of the kind.

Mr. GLASS. The gentleman stated that, and the notes will show it.

Mr. GOOD. The notes will not show it.

Mr. GLASS. On page 12225 of the RECORD of June 26, 1914, the gentleman from Iowa is thus reported:

> Mr. GOOD. Is it not a fact that practically all the new machinery, tabulating machinery, that was brought in by the Secretary under the new administration was entirely discarded?

So the gentleman from Iowa did state to the House that this inefficient system of accounting with these tabulating machines was "brought in under the new administration" and had been discarded thereafter. The system and the machines were brought in under a Republican administration, and the whole change was inaugurated under the administration of Mr. MacVeagh and had been for several months operated under two Republican Treasurers by the Republican chief of the bureau and Republican clerks when Gov. Burke took office.

If I had any criticism to make of this administration, it would be directed against a hapless civil service that protects inefficient Republican employees, and thus affords excuse to Republican Congressmen to criticize a Democratic administration for Republican neglect or incapacity. Inefficient employees of the Treasury ought to be put out and somebody put in, whether Democrats or Republicans, who can properly perform the work. [Applause.]

I do not want, Mr. Chairman, to be misunderstood. I believe in an honestly administered civil service. In the 14 years I have been a Member of this House I have voted every time for suitable civil-service regulations and for civil-service appropriations; but the system should be operated fairly. And surely when a Republican official maladministers a public office it is totally dishonest for a Republican Congressman to criticize a Democratic administration for the deficiency. [Applause.]

[Mr. SISSON addressed the committee. See Appendix.]

Mr. SISSON. Mr. Chairman, I yield to the gentleman from Indiana [Mr. CLINE].

Mr. CLINE. Mr. Chairman, under leave to extend my remarks, I incorporate the letter and answer to the same below. I do so to illustrate the "system" employed by unscrupulous organizations who want to accomplish under cover of secrecy what they do not have the courage to do in the open—to discredit the present Democratic administration. The utter want of patriotic motives, the anxiety of men who have lived on the favor of legislation under former administrations, is fully rebuked by the person to whom this letter was written.

HOW THE PROTECTIVE TARIFF MAGNATES ARE GATHERING PUBLIC SENTIMENT AND HON. S. M. FOSTER'S REBUKE.

CONFIDENTIAL INQUIRY.

THE AMERICAN PROTECTIVE TARIFF LEAGUE,
New York, June 26, 1914.

Mr. S. M. FOSTER,
President German American National Bank,
Fort Wayne, Ind.

DEAR SIR: Our president, Col. Francis L. Leland, who is well known to you as a banker, believes that one of the best barometers of industrial conditions is the weekly pay-roll checks of merchants and manufacturers, and at his suggestion we have the honor to ask:

"First. What was the total amount of the pay-roll checks in your bank for the week ending June 21, 1913?

"Second. What was the total amount of the pay-roll checks for the corresponding week ending June 20, 1914?"

We will under no circumstances divulge the name of a bank giving us this information, but wish to publish a statement giving the comparative pay-roll checks in bulk for the weeks named.

We earnestly ask you cooperation in this inquiry.

Sincerely, yours,

W. F. WAKEMAN,
Treasurer and General Secretary.

PRESIDENT FOSTER'S REPLY.

FORT WAYNE, IND., *June 29, 1914.*

Mr. WILBUR F. WAKEMAN,
Treasurer and General Secretary the American Protective Tariff League, 339 Broadway, New York City.

DEAR SIR: Replying to your "confidential inquiry" of the 26th instant, in which you ask for data which you propose to use for the purpose of instituting a comparison between the pay rolls of this year with those of the same time a year ago, I beg to say:

It would be more creditable to your organization if it would use its funds along lines that would tend to decrease any tendency toward business depression that may exist rather than along lines that have a strong influence toward increasing this tendency.

The purpose of your inquiry is so clearly political, and the intent to discredit the present administration and recent legislation so apparent, that this bank declines to have anything to do with it, and feels justified in giving expression to its lack of sympathy with your efforts.

It is such movements by such organizations as yours that justify the charge that there is being made a systematic and disloyal effort to create a condition of mind in the people of the country that will bring about and intensify a spirit of commercial depression.

No more discreditable and dishonorable thing could be attempted by men claiming to be loyal citizens of the Republic. As you very well know, to spread broadcast over the country any evidence or argument tending to show the existence of business depression, only tends to produce and heighten this depression. That this is your intention and purpose is revealed in your letter, though not explicitly stated.

Very truly, yours,

SAM'L M. FOSTER, *President.*

Mr. SISSON. Mr. Chairman, I yield to the gentleman from New York [Mr. CANTOR].

Mr. CANTOR. Mr. Chairman, the various items contained in this bill represent the activities of the three great branches of the Government which deal with the making of the laws, their interpretation and construction by the United States courts, and with the exercise of executive power by the President.

When we stop to think of the great financial and commercial interests affected directly through these great appropriations, it is well to consider our responsibility with respect to the governmental machinery which controls these vast interests. The Democratic Party coming into power after an absence of 18 years found itself charged with the responsibility of carrying into effect by legislation the fundamental policies of the party and to apply the remedies which it has always urged for the correction of abuses in the financial system of the country, and for the relief of the people from trusts and monopolies which fostered and grew up under the care and protection of the Republicans. It was expected that in carrying out these policies and in formulating these remedies that necessarily it would cause a halt in the business of the country until finance, trade, and commerce knew the character of the new tariff law and the new currency system which had been suggested. It seemed to be a difficult undertaking to drive out special privilege and the money control protected by our political opponents for many years when in control of national affairs; and in the course of legislation made necessary for these purposes it was expected that business would wait until definite lines of legislation had been reached and finally adopted. It has always been so with business when the tariff was under revision.

In the course of the recent debates in this House, men on the other side have with ghoulish glee called our attention to every newspaper notice or clipping which showed a diminution in business and read letters received from inspired sources, which seemed to justify their statements upon the floor that national bankruptcy was practically threatened and that idleness was an epidemic. These statements have been answered over and over again by Democrats representing the various manufacturing districts, but they do not seem to have allayed the great thirst of some of these gentlemen for these misrepresentations on the subject. There is no doubt that business has halted and manufacturers, in spots, have reduced their operating expenses, but that is not true generally throughout the country, as has been amply demonstrated by the President through sources of information that could not be gainsaid. It is true that this depression has been largely psychological in the sense that the great monopolies, through the newspapers, have endeavored to create a general belief throughout the country that the Democratic Party was the enemy of the manufacturers and business men,

and that it was wholly incompetent to deal with national affairs. All this was inspired by those who were deriving vast benefits from Republican rule and also had shaped legislation here in Washington and who were in practically unlimited control of the committees of this House and who had charge of that party during the various congressional and presidential campaigns of the past. I believe that the present administration has amply answered the serious charge that it was incompetent to deal with national matters. It has been a party of construction, notwithstanding the gigantic opposition from powerful sources all over the country. It has revolutionized the money system, which had entrenched itself almost beyond hope of redemption upon the trade and commerce of the country, by the passage of the banking and currency bill which, although fought bitterly during the various stages of legislation by these powerful influences to which I have just referred, have at last admitted its justice. As was well stated by Secretary McAdoo, in his interview with S. S. Fontaine, of the New York World, when he was asked the question:

When the Federal Reserve Association is in working order, do you believe that it will prevent panics?

His answer was:

Assuming wise administration, and that, I think, is certain, the new system ought to prove a successful preventive of financial panics. And why should not we assume "wise administration" of the system? The able American mind is not yet obsolete and patriotism is not yet dead. There is abundant material to draw from, not only for members of the Federal Reserve Board, but also for directors of the Federal reserve banks. We are usually the slowest people on earth to correct our own abuses, but when we once begin the job we generally do it thoroughly.

We have been trying without avail for almost half a century to reform our banking laws, and then, all of a sudden, we woke up and put upon the statute books the most far-reaching and beneficial piece of legislation since the national bank act.

I look forward to a wonderful period of financial stability, with its inevitable complement of undisturbed confidence, and to an era of unequaled prosperity for this country under the new Federal reserve system.

The provisions of the law which permit our banks to establish foreign branches, together with our new tariff law, will contribute beyond the expectations of even intelligently optimistic men to the expansion of American trade and commerce. A big foreign trade will of itself tend greatly to stabilize our domestic trade and make extremes of business depression at home far less possible. Our foreign trade has always been restrained by unwise tariff laws and a lack of American banking facilities. The new laws have removed these obstacles.

WHAT CREATED BUSINESS DEPRESSION.

Do you believe there is any truth in the rumor that there has been a deliberate conspiracy on the part of a certain group of financiers, politically opposed to the administration, to create business depression?

Answer: No; I would not say that. It would be fairer to say that there has been a systematic attempt, politically organized, to make the country believe that there is a serious business depression. All the "divine right" and "vested right" interests and most of the big financiers are allied with the political opposition to the Democratic Party and are helping the calamity campaign all they can. By "divine right" interests I mean those who because of their wealth, education, social standing, and acquired or inherited leadership of great enterprises believe that they have superior rights and are entitled to be left undisturbed. They resent any sort of change or governmental regulation or control. You may remember that a certain anthracite coal magnate some years ago assumed that attitude when the great coal strike was on. By "vested right" interests I mean those who have been long intrenched in "privilege" through favoring tariff laws and every sort of governmental bounty, and who consider any interference with their "privileges" an invasion of sacred rights. Then we have the soreheads and chronic kickers and Pharisees, who are always against an administration they can not control.

These elements, not so much by concert of action as by common sympathy, have united in a drive against the administration. They have produced the "psychology" of the situation, which, operating upon a time of the year when business, for perfectly normal reasons, is usually below par, has produced a certain amount of hysteria in shallow minds and a certain amount of fear in timid souls. But on the whole little has been accomplished. Every day their gloomy prophecies are being dispelled by facts and the steady advance of business prosperity. Crops—prodigious crops—are beginning to move and business stimulation is already reported from nearly every section of the country. We are going to have a splendidly prosperous fall season.

The tariff bill, hardly a year old, to which the manufacturing interests of the country are adjusting themselves, with the income-tax provisions, has not only proven to be a great revenue raiser, but in the end will destroy the privileges heretofore enjoyed from the high protective tariff and will reduce the cost of the necessaries of life, besides affording the opportunity of extending and increasing our manufactures, which means additional employment to the American mechanic. The reduction in the tariff has not affected the manufacturers of the United States, but, as I have already stated, has simply called a halt until they can adjust themselves to the new rates.

It has been stated by Republican Members of this House that the Secretary of Commerce, in the many addresses he has made in various sections of the country, has been more optimistic than conditions warranted, and, in fact, made statements as to the condition of business which were not borne out by the facts. They have read letters which we on our side have said came from Republican sources, intended largely, if not wholly, for the benefit of the Republican Party for purely political reasons.

There seems to have been a studied and well-devised plan for the preparation and publication of these things, in order to affect political conditions regardless of their effect upon general business and created the impression that the conditions were as they represented them. They have been properly termed "calamity howlers," without a shred of patriotism, willing to sacrifice business and financial interests for party advantage and for interests which have always pecuniarily benefited when that party was in power. As an illustration of this sort of campaigning I call attention to a letter received by Secretary Redfield from Edward Lefevre, of Fallsburg, N. Y.:

FALLSBURG, N. Y., *June 25, 1914.*

SECRETARY OF COMMERCE.

DEAR SIR: I see by papers you are saying business of the country is good, and I wish to state the manufacturing of paper, which is a large business in this country, is rotten.

There is very much more paper coming in this State than ever before, and has forced prices down where there is not a living in the business.

Several mills have failed in the tissue business of late, and it is impossible to get orders; can find no one with any confidence in the business ability of the administration.

Most truly, EDW. Y. LEFEVRE.

To which the Secretary replied:

JULY 10, 1914.

Mr. EDWARD Y. LEFEVRE,
Fallsburg, N. Y.

DEAR SIR: Your letter of the 25th ultimo is received, inclosing clipping from the Paper Mill of June 20, and I note your statement "the manufacturing of paper, which is a large business in this country, is rotten."

I find, however, that your clipping from the Paper Mill of the 20th does not include all that issue of that paper had to say on conditions in the paper trade, for the same copy from which your clipping is taken also says, under the heading "Markets of the week":

"Reports from the paper-mill centers state that production is being maintained and in some cases increased on a better demand from the jobbers and large consumers."

And it also adds:

"Fine paper houses report a good demand for light weights. Wrappings are moving steadily and in larger volumes. Paper bags are in good request, with prices holding very steady."

Yours, very truly,

———— ————, *Secretary.*

Upon the same subject that this correspondence treats of are the following extracts from trade journals dealing wholly with the business of manufacturing pulp wood and paper:

[From the Paper Mill, Saturday, June 20, 1914.]

KANSAS CITY, MO., *June 17, 1914.*

Business has shown some improvement in Kansas City recently, business interests showing more disposition to turn loose their money with Kansas agriculturists engaged in harvesting one of the biggest wheat crops in the history of that State. The printing trade has taken heart and is doing nicely, while the encouragement has extended to the paper business. Collections are improved, and all lines of paper are in better demand. Prospects for fall are excellent, and Kansas City apparently is in line for big business for the next year.

MARKETS OF THE WEEK.

* * * * * * *

Reports from the paper-mill centers state that production is being maintained and in some cases increased on a better demand from jobbers and large consumers.

* * * * * * *

Conditions in the jobbing trade continue as previously noted in these reports. The demand from consumers and final distributors is said to be slowly increasing, with a greater inclination to make purchases for future requirements. Fine-paper houses report a good demand for light-weights. Wrappings are moving steadily and in larger volume. Paper bags are in good request, with prices holding very steady.

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LOUISVILLE BUSINESS.

LOUISVILLE, KY., *June 16, 1914.*

Business with the Louisville paper men is continuing good, in spite of the fact that a lot of people are talking of hard times and business depression. Kentuckians are beginning to feel as if this sort of talk is all bugaboo. Conditions in Kentucky and the vicinity are really very good just now.

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[From the Paper Mill, Saturday, June 27, 1914.]

BIG PULP-WOOD SEASON LOOKED FOR BY APPLETON PULP WOOD CO.—THE FIRST RAFTS BY WATER HAVE ARRIVED.

APPLETON, WIS., *June 22, 1914.*

An unusually big and successful season is anticipated by the Appleton Pulp Wood Co. in the matter of water transportation of pulp wood. The first of a dozen or more big rafts to be towed across Lake Superior this season arrived from Port Arthur, Canada, at Ashland last Thursday afternoon, and another raft of approximately 6,000 cords is expected the latter part of this week or early next. The raft that reached there last week contained a little more than 5,000 cords of 8-foot wood. The wood is being shipped by the Russel Timber Co., of Port Arthur, to the Appleton Pulp Wood Co.

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[From Paper, June 17, 1914.]

MISSISQUOI MILLS RUNNING STEADILY.

SHELDON SPRINGS, VT., *June 15.*

The new board mill of the Missisquoi Pulp & Paper Co. at Sheldon Springs, Vt., which has been building for the past two years, has started up in good order and has now been running steadily for about three weeks. This is said to be one of the best equipped board mills in the country.

[From Paper, June 24, 1914.]

BUSINESS "PSYCHOLOGY" IN THE NORTHWEST.

APPLETON, WIS., *June 22.*

As has been stated heretofore in this correspondence, the paper business in this district reflects with the general feeling of lassitude that is affecting other industries throughout the country. The approach of the vacation season does not, of course, give promise of improvement.

Your correspondent's memory goes back far enough, however, to recall a good many summers in the past when the paper business was duller than it is likely to get this summer, times when some manufacturers were disposed to feel that the bottom of the world had fallen out and that the industry would never be brought back to where it was before. But in these cases prosperity always returned after its little junketing visit elsewhere. A good many manufacturers, aware of these things, are disposed to look with a good deal of philosophy upon present conditions. Resting spells like the present, they assert, wherein little mill building goes on, gives the country's constantly increasing demand for goods time to catch up with the productive capacity—even usually to exceed it—so that some morning the country awakens to the fact that it can not get goods as soon or in the quantity that it wants them. Then there is a "boom," which continues until new construction has brought production up to or beyond the amount that demand calls for.

Of course, in the present instance manufacturers hereabouts are looking for some stimulation after the middle of the summer and in the fall, due to the effect of the expected record breaking crops. Just what this will amount to or how long it will last remains to be seen. The expectation, however, seems to be justified.

[From the Paper Trade Journal, June 25, 1914.]

SAVAGE MANUFACTURING CO. (INC.).

SKOWHEGAN, ME., *June 24, 1914.*

The Savage Manufacturing Co. has just filed a certificate of organization with the Somerset County register of deeds, for the purpose of making pulp and paper. The company is doing a unique business, continuing the industry started by E. L. Savage, of making paper for box linings, etc., from black stockings and newspapers. The stockings are used to give the various textures. It is said that this is the only firm manufacturing paper from these materials exclusively in the United States.

About 26 hands are employed, and the demand is so great that Mr. Savage plans to increase the capacity of the plant. The company is capitalized at $200,000, of which $150,000 is common and $50,000 preferred stock.

Officers of the new company are James O. Savage, of Lawrence, Mass., president; E. L. Savage, of Skowhegan, treasurer. James O. Savage, Lawrence; Charles E. Savage, Groveton, N. H.; E. L. Savage; E. Bramhall; and Minna B. Savage, of Skowhegan, are directors.

MILL STARTS UP AGAIN.

YARMOUTH, ME., *June 24, 1914.*

The mill of the Forest Paper Co., which was shut down for two weeks to give an opportunity to reduce the stock on hand, has started up again, and is now expected to run on full time for the rest of the year. During the two weeks' shutdown 200 men were idle.

HOLYOKE—GOOD BUSINESS SURELY LOOKED FOR.

HOLYOKE, MASS., *June 23, 1914.*

The trade conditions have a slightly better tendency, though they are fully expected to remain quiescent for some weeks yet. Those who have returned from short business trips say that while business is "flat," they see "no reason for scare heads about it." Shrewd observers see activity ahead. There is an unmistakable feeling that the worst has now been reached and that the turning point has come. The shutdowns are all of a temporary nature, and all for good reasons.

CHICAGO—RENEWED SIGNS OF LIFE.

CHICAGO, ILL., *June 22, 1914.*

A decidedly easier feeling made itself apparent in the local paper market during the last week. Paper men now freely predict that the summer in all probability will be better than most members of the trade had been led to expect Business, it appears, has grown tired of holding its breath, or, better still, has found it foolish to do so, and during the last week began to breathe freely again. Collections are reported good, and the activity of the last week was more or less of a surprise to all. Men who a few weeks ago said they were prepared to sit back and wait for fall before looking for any improvement now have jumped up suddenly and declare that July is going to witness a decided improvement in trade. There was no cause for complaint in any branch of the trade last week. Bonds and ledgers met quite a satisfactory demand. Book stock moved well at the prices which have been maintained for some time. There was a fair demand for news print. From dealers in old paper stock came particularly bright reports as to an indicated increased activity. The accumulations were comparatively heavy and there was a ready demand for old stock. Prices are just about as those quoted the week before, but it is confidently expected that improvement in this regard will come before long. Some of the local paper men look for prices to improve from 10 to 20 per cent.

FOX RIVER VALLEY—HOPE FOR EARLY REVIVAL.

APPLETON, WIS., *June 23, 1914.*

"I am inclined to think, and I base my judgment on actual conditions and developments of the last week, that immediately after the July 4 shutdown things are going to look up a bit." It isn't often this correspondent uses a direct quotation in regard to market conditions, but the above, coming from a man away up in the business, farsighted and conservative, is so unusual nowadays that it serves as a good and encouraging lead to the weekly market paragraph from the Middle West. The sentiment is no mono; in fact, most of the paper manufacturers share the opinion of the one above quoted. Just at present all are frank to admit that things are slower than they were a month ago, but everything industrially in this part of the country seems to be shaping itself for an early revival.

KALAMAZOO—CONDITIONS UNCHANGED.

KALAMAZOO, MICH., *June 22, 1914.*

The tone of the paper trade remains about the same as last week, from what can be learned from manufacturers. There seems to be but little change, although all of the mills manage to keep their machines busy.

[From the Trade Journal, June 18, 1914.]

RUMFORD, ME., *June 16, 1914.*

An expenditure of $150,000 will be made this year by the Oxford Paper Co. for the purpose of increasing the capacity of their plant. The largest of the new buildings—the main building, so called—is 85 by 216, and is constructed to contain two large machines. The beater room is 75 by 90 and the small building, 33 by 72. The company has a shipping platform 700 feet in length, which will soon be increased to 800 feet. The Maine Coated Paper Co., an auxiliary of the Oxford Paper Co., the buildings of which were completed last fall, is not as yet running to the full capacity of its plant, but orders are being received every day and the amount of work is increasing steadily each week. This company, too, has plans for further improvements, which will be carried out and completed in the near future.

PULP-WOOD MILL STARTED.

AUGUSTA, ME., *June 16, 1914.*

The pulp-wood mill of the S. D. Warren Co., at Kennebec, of which Howard MacFarlane is superintendent, has just been started for the season, and shipments of pulp wood have begun. The mill is now run by electricity, the power being furnished by motors installed recently by the Central Maine Power Co., and everything is working in fine shape. The mill will ship about 70 carloads of pulp wood per week, and the amount of poplar used for the season will be about 150 cords.

R. P. Andrews, of the R. P. Andrews Paper Co., who has just returned from a two weeks' trip in Michigan, Illinois, and other States, says that business conditions are quiet. He states that the greatest optimism is evident, however, in the West because of the "bumper" crops, and that the paper men are looking forward to one of the biggest autumns in years. While at Menasha, Wis., he attended the birthday party of George A. Whiting, of the Geo. A. Whiting Paper Co., which was also attended by many other paper men. Predictions at the party were made that the autumn would bring much better results in all lines of business.

HOLDING UP THEIR RECORDS.

The Black-Clawson Co., of Hamilton, Ohio, report that while business conditions are not what they should be, largely because of political reasons, they have nevertheless been able to keep well up toward the records of other and more favorable seasons. While there is room for improvement, they incline to the belief that conditions might be much worse, and the approach of fall should witness a general revival in business in all lines.

These dispose of at least one industry which it was charged has been practically destroyed by the tariff. I can cite others of a similar character, but it is hardly necessary to do so, as this shows the effort of one Republican manufacturer in his own branch of industry who deliberately endeavored to mislead the American people through the Secretary of Commerce.

As to the sugar industry, a letter received from the president of the Federal Sugar Refining Co. stated:

It may be of interest to know that under the stimulus of the reduced tariff consumption in the Eastern States alone has increased practically 20 per cent. The consumption from March 1, 1914, to June 19, 1914, was 893,000 tons; in 1913, 748,000 tons, showing an increase of 145,000 tons.

Added to this information is the following circular, issued by the same company, under date of June 17, 1914:

FEDERAL SUGAR REFINING CO.,
91 Wall Street, New York, June 17, 1914.

DEAR SIRS: Three months' operation under the new tariff show that the consumer is receiving all the benefit of the 25 per cent reduction in the duty on sugar. Since the new rates went into effect refiners' selling price has averaged 3.819 cents per pound as compared with an average price for the last 10 years of 4.85 cents per pound. The average in-bond price of 96° test raw sugars for the same period has been 4 cents per pound. The reduction in the duty, combined with the fact that the world's production this year is the largest on record, is responsible for the prevailing low prices, but that the reduced tariff is directly responsible for a large part of the decline is shown by the following comparison of prices between March 1 and June 1, 1914, with prices for other years when the in-bond price of raw sugars was on the same basis.

Years.	Period of weeks.	Average in-bond price 96° raws.	Cuban duty 96°.	Duty paid price raws.	Average net price refined.
		Cents.	*Cents.*	*Cents.*	*Cents.*
1904	5	2.091	1.348	3.439	4.36
1905	2	2.092	1.348	3.44	4.35
1906	14	2.072	1.348	3.42	4.375
1907	6	2.085	1.348	3.433	4.566
1911	3	2.102	1.348	3.45	4.566
1913	16	2.089	1.348	3.437	4.229
1914	(1)	2.04	1.01	3.05	3.819

[1] Mar. 1 to June 1.

The average price of refined sugar in other years when raw sugars were selling in bond at 2.09 cents per pound, as compared with 2.04 cents now, was 4.40 cents per pound in contrast with 3.819 cents per pound during the past three months. It is therefore clear that a saving of 0.581 cent per pound is being effected by the reduced duty which, figured on the amount of sugar consumed in the United States last year, namely, 3,743,139 long tons, or 8,384,631,360 pounds, would be equal to $48,714,708. While the 25 per cent reduction in the tariff affords some relief from the exceptionally high rate that we have been laboring under, the real benefit to the consumer will come in 1916, after which a further saving of some $100,000,000 per year will be effected.

Very truly, yours,

F. C. LOWRY,
Manager Sales Department.

It is not my purpose to go fully into all the details which show that the tariff has not brought about the depression of business, spoken of by my friends on the other side, and which does not exist, and it has not affected even the items which are considered luxuries. For illustration, sugar is not wholly a necessity, because only a nominal percentage is used for the breakfast table, and it largely enters into other manufactures which can be readily imagined, while at the same time the price of sugar has been reduced to the consumer, thus showing not only was the manufacture of sugar increased but that the price has been lowered to the consumer.

I shall touch briefly upon the Mexican policy of the President. I have, with him, been firm in the belief that it was absolutely essential for the peace of this continent that Huerta should be driven from power in Mexico. This Nation, with the Monroe doctrine fully recognized, is under the necessity of preserving order and stability of government in all the Republics upon this continent.

It is certain that Huerta reached the presidency by the assassination of Madero, and he was, if not directly, then indirectly responsible for that assassination, even if he did not inspire it, and gave the order which ended Madero's life. And America could not tolerate, either in the interest of humanity or in the exercise of her power upon this continent, a succession to the presidency by any such infamous procedure. It is an object lesson to all other republics that power must come from and through the people and must be exercised in a peaceable and orderly manner and that these old-time methods of disposing of rulers will no longer be tolerated or acquiesced in. If the President had recognized Huerta, it would have been an invitation to others to achieve power by the same means; and his refusal to recognize Huerta marks him as a man of high ideals, a firm believer in constitutional government, and a strict believer in the enforcement of the Monroe doctrine. If we do not insist upon a stable government in Mexico and in Latin American republics generally and foreign interests suffer, how can we say to England, France, and Germany that they must keep their hands off, if the interests of their citizens or their lives and property are jeopardized on this continent? They would have a right to use all the power at their command, even to the extent of occupying territory upon this continent, to remedy any wrong to their citizens; but we must exercise if you please a supervision over these republics, determined that they shall use all peaceful and constitutional methods in the exercise of their sovereign power for the preservation of lives and property. We can then resist every effort made by any one of these foreign powers to occupy even a foot of land upon this continent.

In the accomplishment of these things Woodrow Wilson has gone steadily on, refusing to be swerved by any power or influence, determined that Huerta shall go, and using all lawful means to that end through the agency of those in Mexico who were engaged in open rebellion against Huerta. I fail to understand the argument of our Republican friends in opposition to the President's policy for the bringing about of peace within the borders of our sister Republic. It has been properly termed a "watchful and waiting" policy, but it has been such in the interest of peace and to prevent a war, the results of which, both in life and in financial waste, can not be estimated. It is unfortunate, indeed, that American lives have been lost, but it was well said by the President, "Their lives were not sacrificed in vain." This policy has prevented a greater destruction of American lives, and I am satisfied that he will succeed in driving Huerta out and bringing about peace and order in that distracted country.

As further evidence, if that is necessary, as to the high ideals which control Woodrow Wilson, let me refer to his course on the Panama Canal treaty. He was not coerced by Great Britain, but to me, as to others, he stated that he had not received any communication, either directly or indirectly, from that country with reference to the action of Congress in relieving our coastwise steamships from the payment of tolls; but his high sense of honor and his duty impelled him to call the attention of the Congress to what he believed to be a palpable violation of a treaty made with a foreign power, and in this, like all other questions affecting the Nation, he has not permitted himself to be swerved nor moved by sneers, ridicule, charges of cowardice, or the charge that he surrendered American rights to a foreign nation. He has been courageous enough to do the right thing.

He has been criticized for insisting upon Congress remaining in session until the new antitrust legislation was put through, and while at first his course seemed to have aroused the strongest and fiercest opposition on the part of the business people of the United States generally, yet I am satisfied that that feeling has subsided, for the business and financial interests of the country are beginning to recognize that if the existing antitrust laws are ineffective to personally punish those who have been directly responsible for the infamous financial operation of corporations so recently exposed and laid bare by the Interstate Commerce Commission and the Department of Justice, those laws should be strengthened in the interest of honest dealing. Unhappily, these financial operations have resulted in causing great distress to thousands of our people whose savings were invested in these institutions without a single person being sent to jail for these rascalities.

The passage of the bills now pending will, in my judgment, have the effect of preventing a recurrence of these infamous financial operations; and while I had serious doubts about one of these bills while pending in this House, yet I am certain that as they will eventually reach the President they will serve the useful purpose of making corporate guilt personal and of avoiding scandals hereafter. No further legislation affecting the business or financial interests of the country will be enacted, I am sure, during the term of Woodrow Wilson.

The CHAIRMAN. The gentleman from Mississippi [Mr. SISSON] has 17 minutes remaining.

Mr. SISSON. Mr. Chairman, I yield the balance of my time to the gentleman from Mississippi [Mr. CANDLER].

Mr. CANDLER of Mississippi. Mr. Chairman, a short time ago the President of the United States issued a statement in which he said there was an effort on the part of "big business" throughout the United States to bring about an adjournment of Congress. In view of developments from then until now I do not believe anybody would question for a moment but that he was entirely correct when he made that statement to the American people. It is evident that letters prepared in advance and telegrams made to order have been sent broadcast throughout this land asking citizens of the United States to sign them and then send them to their Members of Congress and Senators, calling upon them to bring about an adjournment of Congress. One was sent to a prominent business firm in my district, to which they replied through their manager, and I desire to read his reply and place it in the RECORD. It is as follows:

JUNE 18, 1914.

The ——— ——— Co., *St. Louis, Mo.*

GENTLEMEN: We have your letter asking us to write or wire the Senators and Congressmen from this locality to adjourn and not make any more laws.

We did not comply with your request, for the reason we disagree with you; but this disagreement, you understand, is in a friendly way, as we see it differently perhaps from other people.

The main reason we did not comply with your request was the party now in power has a great deal to do. They have and are trying to undo some things that has required the Republican Party 40 years to do, and if the Democratic Party has done it in this short time, what they have done will be for the good of the country at large, and we see no reason why they should be asked to adjourn.

Forty years is a long time, and the Democratic Party has made many promises to the people of the United States, and these promises they are trying to fulfill, as this is the first time they have been in a position of power to transact and put into execution their ideas of government, and we believe you and everyone else should let them alone.

If they can hold on long enough to convince the people of the United States that there is more in them, then some of the rich corporations and trusts throughout the country may be made to do better by them being in power.

We hope you will not think we are arbitrary in this matter, but believe that they are doing their duty honestly and squarely for the best interest of the masses of this country and let them alone.

Yours, truly,

——— ——— Co.,
By ———, *Manager.*

[Applause.]

I fully agree with the views expressed by my constituent in this letter. I do not give his name, as I have not his permission to do so, but suffice it to say he is a prominent business man and the manager of one of the largest and most successful wholesale and retail hardware businesses in my district. He was right when he said "the party in power has a great deal to do" in "trying to undo some things that it has required the Republican Party 40 years to do." It is a big undertaking to correct their grievous wrongs and many iniquities, but if let alone we will do it in the interest of all the people.

I desire also to call attention to an editorial taken from the Aberdeen Examiner, published at Aberdeen, Miss., and edited by Maj. S. A. Jonas. In the public press in my State he is frequently referred to as "the grand old man from Monroe." The editorial is as follows:

That old cry "Busines men want Congress to adjourn" is again heard in the land, and emanates chiefly from a class of "business men" who are deeply entangled in lawless morasses they fear to have Congress probe. No matter how long the British, German, or French parliaments prolong their sessions, the cry by cable or wireless never comes announcing a demand for their adjournment. The fact is that Congress is always in too great a hurry to adjourn, and scores of honest bills fail "for lack of time."

The "grand old man from Monroe" states in his usual clear and forceful manner in this short editorial in this paper, of which he has been the editor for, lo, these many years, the condition as it presents itself to the American people at the present time. Much "big business"—not all, it is true—has many shady methods, and they do not care to have the "blessed sunshine of publicity" turned on and these methods exposed to public gaze. [Applause.]

I desire now to call attention to the address of the President of the United States delivered before the Virginia Editorial Association, at the White House, on June 25, 1914.

The address is as follows:

I think it appropriate, ladies and gentlemen, in receiving you, to say just a word or two in assistance of your judgment about the existing conditions. You are largely responsible for the state of public opinion. You furnish the public with information, and in your editorials you furnish it with the interpretation of that information. We are in the presence of a business situation which is variously interpreted. Here in Washington, through the Bureau of Commerce and other instrumentalities that are at our disposal, and through a correspondence which comes in to us from all parts of the Nation, we are perhaps in a position to judge of the actual condition of business better than those can judge who are at any other single point in the country; and I want to say to you that as a matter of fact the signs of a very strong business revival are becoming more and more evident from day to day.

I want to suggest this to you: Business has been in a feverish and apprehensive condition in this country for more than 10 years. I will not stop to point out the time at which it began to be apprehensive, but during more than 10 years business has been the object of sharp criticism in the United States, a criticism growing in volume and growing in particularity; and, as a natural consequence, as the volume of criticism has increased business has grown more and more anxious. Business men have acted as some men do who fear they will have to undergo an operation and who are not sure that when they get on the table the operation will not be a capital operation. As a matter of fact, as the diagnosis has progressed it has become more and more evident that no capital operation was necessary; that at the most a minor operation was necessary to remove admitted distempers and evils. The treatment is to be constitutional rather than surgical, affecting habits of life and action which have been hurtful; for on all hands it is admitted that there are processes of business, or have been processes of business, in this country which ought to be corrected, but the correction has been postponed, and in proportion to the postponement the fever has increased—the fever of apprehension.

There is nothing more fatal to business than to be kept guessing from month to month and from year to year whether something serious is going to happen to it or not and what in particular is going to happen to it, if anything does. It is impossible to forecast the prospects of any line of business unless you know what the year is going to bring forth. Nothing is more harmful, nothing has been declared by business men to be more unfair, than to keep them guessing.

The guessing went on; the air was full of interrogation points for 10 years and more. Then came an administration which for the first time had a definite program of constructive correction—not of destructive correction, but of a constructive correction of admitted evil—a very clear program, disclosed, so far as possible in a general program, in its particulars as well as in its general features. And the administration proceeded to carry out this program.

First, there was the tariff; and business shivered. "We do not like to go in; the water looks cold." But when the tariff had been passed it was found that the readjustment was possible without any serious disturbance whatever. So that men said, with a sense of relief, "Well, we are glad to get that behind us; and it was not bad, after all."

Then came the currency reform. You remember with what resistance, with what criticism, with what systematic holding back, a large body of bankers in this country met the proposals of that reform; and you know how, immediately after its passage, they recognized its benefit and its beneficence, and now ever since the passage of that reform bankers throughout the United States have been congratulating themselves that it was possible to carry out this great reform upon sensible and solid lines.

Then we advanced to the trust program, and again the same dread, the same hesitation, the same urgency that the thing should be postponed. It will not be postponed, and it will not be postponed because we are the friends of business. We know what we are doing. We purpose to do it under the advice—for we have been fortunate enough to obtain the advice—of men who understand the business of the country; and we know that the effect is going to be exactly what the effect of the currency reform was—a sense of relief and of security.

Because when the program is finished it is finished; the interrogation points are rubbed off the slate; business is given its constitution of freedom and is bidden to go forward under that constitution. And just so soon as it gets that leave and freedom there will be a boom of business in this country such as we have never witnessed in the United States.

I as a friend of business and a servant of the country would not dare stop in this program and bring on another long period of agitation. Agitation longer continued would be fatal to the business of this country, and if this program is delayed there will come agitation with every letter in the word a capital letter. The choice is a sober and sensible program now completed or months upon months of additional conjecture and danger. I, for one, could not ask this country to excuse a policy which subjected business to longer continued agitation and uncertainty, and therefore I am sure that it is beginning to be evident to the whole press of this country, and by the same token to the people, that a constructive program is at last not only to be proposed but completed, and that when it is completed business can get and will get what it can get in no other way—rest, recuperation, and successful adjustment. I can not get rest if you send me to bed wondering what is going to happen to me in the morning; but if you send me to bed knowing what the course of business is to be to-morrow morning I can rest. How much better is certain justice to the men engaged in business.

It is a matter of conscience as well as a matter of large public policy to do what this Congress, I am now certain, is going to do—finish the program. And I do not think that it is going to take a very long time. I believe that the temper of those engaged in this great thing is admirable; that the various elements sometimes in antagonism in the Congress of the United States are drawing together, and that we shall witness an early statesmanlike result, for which we shall all have abundant reason to be thankful.

The President, in his usual forceful, direct, and clear style, states exactly the situation confronting the American people. He calls attention to the fact that we passed the tariff bill, and then the currency bill, and now the three trust bills are to be considered and passed before Congress adjourns. He says that action will not be postponed, because we are the friends of business.

The first of these trust bills deals with the trade commission, and gives this commission power, if this law is enacted and placed upon the statute books, to supervise and investigate the condition of the great corporations in this country. The second one adds to and gives additional powers to the Sherman anti-trust laws to control the great trusts that have so long preyed on the people of this great Republic, and the third and last one deals with the securities—the stocks and bonds—of the great railroad corporations of this country. If it should become a law no such condition could exist and no such results be reached as happened recently in the New Haven Railroad case.

The President of the United States is doing the very best he can for the masses of the American people. He is not fighting for the classes and special interests, but for the people at large, and hence this demand to adjourn. The people are not asking adjournment, but "big business" is. It will not be hard to find the pathway of duty if you honestly want to serve the people.

I desire to call attention to another editorial from the same paper to which I referred a moment ago, with reference to the President. It is under the headline of "Our Peerless President," and is as follows:

OUR PEERLESS PRESIDENT.

Woodrow Wilson is without doubt the greatest of American Presidents, and history will so style him. If he has made a single executive or administrative mistake, it has not been disclosed. If he has for a single moment surrendered conviction to win popular applause, the record fails to show it. His aims have all been lofty, and with wonderful courage he has labored for consummation, yet at all times has he exhibited the highest attributes of the statesman and diplomat, being ready for compromise and concession in the interest of the greatest possible achievement, where obstinacy, which is sometimes construed as firmness, would have either lost all or won at the expense of party harmony and organization. * * * His sincerity and patriotism; his absolute disregard for the ridicule of the cartoonist or the criticism of opponents has enabled him to secure from Congress more important legislation than was ever before enacted in a single term.

[Applause.]

That editorial expresses the opinion of the President of the United States, which I dare say, and here assert, is entertained by the masses of the American people. They are standing to-day in solid phalanx behind him, and as he presses onward in the great battle to attain greater achievements and more glorious developments in the interest of all the people they applaud him and will stand by and support him during this administration; and when the great successes and victories which he will attain during his first administration are consummated, I prophesy they will call him to the Presidency for another term. [Applause on the Democratic side.]

Mr. Chairman, the President is urging that the Members of Congress remain here in order that the policies of the administration and the announced program may be carried out to a final conclusion. The President of the United States called to his high office, carrying the banner of the Democratic Party, must adhere to the course he has mapped out, and the question is will the members of his party respond to his call and rally to his support in carrying out the principles of governmental policy that are correct in the light of reason and common sense. All the agencies in this country seeking special privilege are exerting all their power to embarrass and hamper his onward, straightforward, progressive march; but the country may rest in the assurance that he is a safe pilot, guiding the "Old Ship of State" in these latter days in a fearless and capable manner, and when the storm is past he will anchor her safely in port and bring solace, prosperity, and good cheer to his fellow countrymen, and the Democratic Party under his leadership will prove itself to be the unfaltering champion of a Government "Of the people, by the people, and for the people."

The hands of our great Democratic President shall be and must be upheld. He possesses the statesmanship and diplomacy of the patron saint of the Democratic Party, Thomas Jefferson, the grit and determination of Andrew Jackson, and the intrepidity and daring of the great "Harry of the West," who said he "would rather be right than be President." Any Democrat who fails to sustain him in the great battle he is waging will prove false to his constituents and the best interest of his Government and to the great country of which he is a citizen. I have sustained him in his great economic policies up to date, and I conceive it my duty, without criticism of others, to re-

main here until the program he has announced is fully completed and consummated. In doing so, in my judgment, I will subserve the highest interest of my constituents and the welfare and prosperity of this great Republic. With duty inscribed on our flag, let us say to the President, "We are with you, as the great leader of the Democratic Party; let your sword flash at the head of the column and lead on, and you will find no 'stragglers' or 'camp followers' in the ranks, but a united and triumphant army marching to victory under your matchless leadership." [Applause.]

The Democratic Party, standing for certain well-known principles and reforms, of which our President is a true exponent, has been intrusted with the mission of carrying these policies into execution in the true spirit of the founder of our party, who declared there should be "equal rights to all, special privileges to none." Let us remain here as long as necessary to discharge this great mission, and in doing so receive the plaudits of a loyal and patriotic people.

I would be happy to go home. I dare say my people would be glad to see me and have me tell them about some of the great things this Democratic administration has accomplished, and nothing would give me greater delight than to have that pleasure; but in view of the urgent request of the President of the United States, I expect to remain here and by my presence help to keep a quorum and by my vote help to carry out the policies and the announced program of our party and our great and good Democratic President. I have an opponent in my district who is trying to defeat me for reelection, and the primary election will be held on Tuesday, the 18th day of August; and if the program of the President is carried out, I doubt seriously whether I will have an opportunity to get back to my district by that time; but whether I do or not, I will do my duty, remembering that the immortal Robert E. Lee said "duty" is the greatest word in the English language, and leave my interest and my cause in the hands of the patriotic people whom I have on the floor of this House during all my service represented with fidelity, honesty, efficiency, and promptness. If I fall by the wayside, I will fall with my face to the front, faithfully serving my party and my country. If I triumph and am reelected, I shall be happier in the consciousness of not having deserted my post and in the realization of having at all times performed my duty to my constituents, who have honored me, to the Democratic Party, of which I am a member, and to the great country of which I am a citizen.

The CHAIRMAN. The time of the gentleman from Mississippi has expired.

Mr. CANDLER of Mississippi. I thank you, my friends, for your very kind attention. [Great applause.]

Mr. SISSON. Mr. Chairman, how much time have I remaining?

The CHAIRMAN. The gentleman has five minutes remaining.

Mr. SISSON. I yield five minutes to the gentleman from Ohio [Mr. ANSBERRY].

The CHAIRMAN. The gentleman from Ohio [Mr. ANSBERRY] is recognized for five minutes.

Mr. ANSBERRY. Mr. Chairman, I want to say to my colleague from Iowa [Mr. GOOD] that he apparently is not familiar with the history of a very peculiar transaction which was at least in part carried out under the administration of the very distinguished gentleman who presided over the destinies of the Treasury of the United States during a recent Republican administration. I would like to have the gentleman's attention.

The CHAIRMAN. The Chair knows of no way of enforcing his attention. [Laughter.]

Mr. ANSBERRY. I wanted to ask him whether he knew of the transaction that smelled to high heaven and which arose out of the purchase of the old customhouse in New York City by the National City Bank. Surely the gentleman has heard something of this most remarkable transaction in which the Government sold this property at an inadequate price, so it has been said, I think, for $3,250,000; only $50,000 of which was paid down, the balance being deferred, and then the Government very kindly rented the property until the new customhouse could be completed at an annual rental of $130,600—4 per cent of the purchase price. I think that agreement was made in the early nineties, and, strange to relate, the title remained in the Government for many years, thus saving for some one the taxes that would have been paid had the deal been made in a businesslike manner.

Mr. GOOD. Well, Mr. Chairman——

Mr. ANSBERRY. Just a moment. The gentleman would not permit me to finish the question I was asking of him. The gentleman said he did not know anything about that story, and did not care to hear it. Of course, we all fear the gentleman did not want to hear it.

But the story is substantially as I have stated it. The National City Bank of New York purchased the old customhouse for something like $3,250,000. It was said at the time that it was bought at considerably less than it was worth. I do not know anything about that, but I do know that they kept that transaction under cover for a long time. The National City Bank owned it, as a matter of fact. The title remained in the Government under this arrangement, and the Government, of course, does not pay taxes.

Mr. GOOD. When was this?

Mr. ANSBERRY. Never mind; I will get to that. The gentleman did not seem to be in a hurry about learning these facts in his time. I will give them myself.

Finally these facts leaked out. It was debated time and again on the floor when the rent item was being discussed in the appropriation bill as late as 1906. The newspapers got hold of it and made a scandal of it; or, rather, they told the truth about it, and the truth told about this man who was the Secretary of the Treasury amounted to a scandal.

Perhaps that would be the precise way to state it. Thereupon they completed the transaction in this manner: The title was changed, and the money that was supposed to be paid to the Secretary of the Treasury, or whoever represented the Government, was immediately deposited—and where do you think? In the National City Bank; and I assume that it stayed there until a Democratic administration came in and made them pay 2 per cent interest on the funds which they had belonging to the Government of the United States.

I say this for the information of the gentleman from Iowa [Mr. GOOD], who attacked a Democratic Secretary of the Treasury and said he was incompetent. He did not say he was dishonest. Certainly he did not state any facts that would come within a gunshot of the malodorous, rotten transaction to which I have referred, and which was a matter of common knowledge to every man in the United States who read the daily newspapers, and to every man in the United States who had any knowledge of what was going on in the city of Washington relative to the Government of the United States and the affairs of the Treasury at that time.

Now, I will yield to the gentleman.

Mr. GOOD. When was this? Will the gentleman give me the date?

Mr. ANSBERRY. I think the original contract was made when Lyman J. Gage was Secretary of the Treasury. Now, when was Mr. Shaw Secretary of the Treasury?

The CHAIRMAN. Does the gentleman yield?

Mr. ANSBERRY. Yes.

Mr. GOOD. He was Secretary of the Treasury during the last term of the administration of President Roosevelt.

Mr. ANSBERRY. I am quite certain that this contract was still being carried out when he was Secretary of the Treasury. In fairness to him, I will say I never heard his name connected with the transaction. I was mistaken when I interrogated my friend from Iowa and referred to Secretary Shaw, and of course have no desire to do the Secretary any injustice.

Mr. GOOD. Is the gentleman sure it was Secretary Shaw?

Mr. ANSBERRY. I meant Secretary Gage, whose name was bandied about in connection with that transaction.

Mr. GOOD. I will say to the gentleman in answer to his question that I was certain Secretary Shaw had no connection with the transaction referred to, and I feared, however, that his information was based entirely upon groundless newspaper reports and that he had been fearfully misled.

Mr. ANSBERRY. I can not let the gentleman take all my time; but if he will get up here again and reiterate the statement that he never heard of this transaction, I will say to him that he can not only sit at my feet and get information but he can sit at the feet of every man who was a newspaper reader during the time that these things were debated in Congress and were carried in all the newspapers of the country.

Mr. GOOD. If I wanted information, I would not go to the gentleman from Ohio for it.

Mr. ANSBERRY. I fear the gentleman does not want any information. I fear that if he did get very much more information than he now has on this question—and I know he wants to be honest about it—he would get up in the House and denounce any transaction of the character I have described; and he would also apologize for the adverse references he has made to the very efficient administration of the Treasury in the hands of the distinguished gentleman who now presides over the destinies of that great institution.

I yield back the remainder of my time.

Mr. KINKAID of Nebraska. I ask unanimous consent to extend the remarks I made last Monday in support of my bill, H. R. 11745.

The CHAIRMAN. The gentleman from Nebraska asks unanimous consent to extend his remarks in the RECORD. Is there objection?

There was no objection.

Mr. GOOD. Mr. Chairman, I yield 30 minutes to the gentleman from Michigan [Mr. HAMILTON].

Mr. HAMILTON of Michigan. Mr. Chairman, the night he signed the tariff bill the President announced to the country that he felt like "a man who is lodging happily in the inn which lies halfway along the journey."

Halfway along the journey to where?

If, looking out from the windows of his halfway inn, the President could have seen the hungry unemployed crowds that would gather along the way shivering in the snows of winter coming on, if he could have heard the famished cry for food and work down the road, he would not have lodged so happily in his halfway inn.

The little sycophantic crowd that gathered in the halfway house of presidential good cheer in October to applaud the signing of the tariff bill has grown strangely quiet since then, except for the lone vociferation of the Secretary of Commerce, lifted up like the voice of an ill-advised rooster in the night, mistaking a dark lantern for the sunrise. [Laughter.]

The blasts of triumph blown on the passage of the Federal reserve act have died away like the blast frozen in Munchausen's horn.

Whatever there was of reassuring promise in the Federal reserve act is fading away.

Banks do not make prosperity. Banks live on prosperity. Confidence makes business, and business makes prosperity.

It takes something more than the creation of Federal reserve banks and the transmutation of debts into money to make money move from hand to hand and turn the wheels of industry.

Taxes were never higher in time of peace than now, and yet excessive taxes are being supplemented by the tax of idleness, and idleness is the heaviest of taxes.

The policy that sends our money abroad to enrich foreigners at the expense of our own people; the policy that gives our market away to foreign nations that protect their own markets against us; the policy that promotes foreign industry by depressing American industry; the policy that drives American labor out of work in order to give work to foreign labor; the policy that forces American business to the wall to increase foreign business—such a policy deposits no money in American banks, but it does deposit money in foreign banks.

Give a man a chance to do business and banks will lend him money, but if you legislate him out of business his credit is gone.

The man who wants to borrow money at a bank must give security now as heretofore, but the business of the country is without security, except the security that on the first Tuesday after the first Monday in November there will be a referendum on the state of business. [Applause on the Republican side.]

PROMISES.

This administration has been in power now for about 16 months. Everybody realizes that. Business depression is widening and deepening dangerously.

The newspapers from day to day have told the story of business depression, reduced credit, slow collections, men out of work, bread lines, municipal lodging houses, and of how even the morgue was used in New York as a place of refuge on winter nights for the living as well as the dead.

You went into power through a split in the Republican Party on a platform which, in the language of Bill Nye, has "gone flickering up the flume."

In it you said protection was the cause of high prices and "that no substantial relief could be secured for the people" under protection.

You told the farmers and the laboring men that they were the "chief sufferers" by reason of protection; that protection "raises the cost of the necessaries of life" to them, "but does not protect their product or their wages."

You told the people that "material reductions should be speedily made upon the necessaries of life" that you were going to do it "by legislation that would not injure or destroy legitimate industry," and you said your "pledges were made to be kept in office as well as relied upon during the campaign."

DISCRIMINATION AGAINST FARMERS.

In the campaign that followed you quivered with emotion from town to town about the high cost of living and how you were going to reduce it.

Your Ways and Means Committee, in its report on the tariff bill, specified the advance in farm products as a cause of national solicitude and framed its bill with the deliberate purpose of cutting down the farmers' proceeds.

You told the farmer the duty did him no good; you told him that he was one of the chief sufferers by reason of protection, and, besides, you said you had constitutional scruples about levying duties except for revenue, anyway.

You said it was one of your fundamental principles that protection was unconstitutional, and then you proceeded to frame a tariff bill to cheapen farm products, reduce the wages of American labor, and lower the level of American citizenship.

You invited foreign ships to unload their foreign cargoes here, and forced American farmers to tax themselves to build roads and bridges for the convenience of Canadian competitors, whom you invited across the line by low duties or no duties.

Your tariff bill has opened no market anywhere for American commodities, but has opened the American market for foreign commodities everywhere.

SUGAR.

You took the duty off from sugar, deprived the country of the revenue derived from sugar, restored the Sugar Trust to power, and organized a policy that will wipe the beet and cane fields off the face of the map, to save a theoretic cent a month per capita on sugar, provided the Sugar Trust does not take it.

Obviously you regard sugar growing as illegitimate and the Sugar Trust as legitimate.

A gentleman writes me from my own district: "I have 25 shares—$100 par—of beet-sugar stock, which I will sell to any Democrat at 50 cents on the dollar. They say 'we do not want to injure any legitimate business,' so they ought to be glad to buy at that price. This stock sold at $105 per share about a year ago."

WHEAT.

You figured up the growing acreage of wheat in Canada, and then you cut down the duty on wheat to make wheat cheaper, and thereby make bread cheaper.

You made wheat cheaper and you made farmers poorer, but the one-sixtieth of a cent which you theoretically saved on a loaf of bread for every cent you assessed the American farmer on a bushel of wheat is absorbed long before the elevators, millers, bakers, retail dealers, and railroads have finished taking toll along the way from the wheat fields to the consumers of bread, and bread is no cheaper.

By a curious course of reasoning, when you reduced the duty on wheat to make bread cheaper you retained a duty of 50 cents a barrel on flour to protect the miller.

Obviously you regard farming as illegitimate and milling as legitimate.

CORN.

The duty on corn was 15 cents a bushel. You made corn free. The corn belt of the United States produces a distinctively American crop, and it produces distinctively American men, who know exactly what is being done to them.

Argentina is the corn belt of the Southern Hemisphere. Their corn matures in May; ours in October. Argentine land is cheap and the wages of Argentine labor are low.

The rate on corn from San Lorenzo, Argentina, to New York ranges from 5 to 6½ cents a bushel on full cargoes, and—

Corn is shipped from Rosario, Argentina, to New York for about the same rate as is charged by rail from Buffalo to New York. (Farmers' Bulletin 581.)

To Galveston the rates for the last few months of 1913 were considerably lower from the upriver ports of Argentina than from Kansas City. The rate from Kansas City to Galveston in 1913 was 9.8 cents per bushel, while three out of four rates from Argentina to Galveston were less than 7 cents, one of them being as low as 5.1 cents per bushel.

Ocean rates apply to full cargoes; that is, when a ship is chartered to carry corn only. Regular lines of steamships, where smaller lots than full cargoes are carried, often charge lower rates than are paid on full cargoes of corn. (Farmers' Bulletin 581.) And tramp steamers bring corn for 3 cents a bushel.

About 10,000,000 bushels of corn have come from Argentina in the last eight months, and most of it has been consigned to the Corn Products Refining Co., a Standard Oil corporation.

The freight on corn from Chicago to New York is 11.8 cents a bushel. Obviously western corn can not pay the freight and compete with Argentine corn in the East, and corn has dropped 12 cents below October prices, notwithstanding the short crop of 1913.

The corn crop just husked in Argentina is the largest ever raised there. It will furnish 250,000,000 bushels for export, and the newspapers state that the officials of the New York, New Haven & Hartford Railroad are so "impressed with the immense business now in sight by reason of the huge crop Argentina has just raised" that the old method of billing corn through from New York to New England points on a local tariff, plus 3 cents for lighterage, has been abandoned, and a new and

lower rate has been inaugurated on corn from tidewater to New England points, as a result of which the whole New England market will be lost to American corn.

Heretofore the farmers of the Middle West have supplied New England and the East with corn. Hereafter Argentina will supply New England and the East with corn, and hereafter New England will buy her corn no cheaper, but New England money will go to Argentine farmers instead of American farmers and will go to foreign ships for carrying corn from Argentina instead of to American railroads.

Not only that, but the newspapers say that the last week of April 750,000 bushels of Argentine corn were contracted for by Chicago dealers to arrive by way of Montreal, and that importations of Argentine corn have found their way to Oklahoma.

If the importation of 10,000,000 bushels of Argentine corn in the last seven months can break the price of corn and take away from our own people not only the eastern market but invade the very heart of the corn belt, what effect will the importation of 250,000,000 bushels have?

You have made the American farmer poorer and the Argentine farmer richer and corn products are no lower.

Every bushel of Argentine corn, grown by cheap labor on cheap land displaces a bushel of American corn, and the whisky distillers, the Glucose Trust, and the Starch Trust take the profit; the consumer pays no less and the farmer stands the loss.

But when you took the duty off from corn, you kept a duty of $2.90 a gallon on whisky and 40 cents a hundred on corn meal.

Obviously you regard whisky and corn meal as legitimate and corn as illegitimate.

OATS, BARLEY, RYE, HAY, POTATOES, AND DAIRY PRODUCTS.

You cut the duty on oats from 15 cents to 10 cents a bushel and, in the language of your own bulletin:

The increased importation of corn from Argentina has been accompanied by an immense importation of oats from Canada into the United States.

You say:

Relatively small consignments were received in July, August, and September, 1913, but with October a larger movement began—

So that, as you explain—

The total imports during the four months ending January, 1914, amounted to over 16,000,000 bushels, or more than the total imports during the seven years beginning July 1, 1906, and ending June 30, 1913. (Farmers' Bulletin No. 581.)

Every bushel of imported Canadian oats displaces a bushel of American oats, and the importer and the dealer take the profit and the farmer stands the loss.

You cut the duty on barley from 30 cents to 15 cents a bushel. Canada produces barley, and so does North Dakota. The price of barley in Chicago ranged from $1.20 to $1.30 a bushel in April, 1912, and from 55 to 60 cents a bushel in April, 1914, and the brewer takes the profit and the farmer stands the loss.

You reduced the duty on barley and retained a duty of 45 cents a hundred on barley malt. Why? Is farming "illegitimate" and brewing "legitimate"?

You cut the duty on hay from $4 to $2 a ton, and the dealer and the importer take the profit and the farmer stands the loss.

You took the duty off from rye, and the importer and the distiller take the profit and the farmer stands the loss.

You took the duty off potatoes, and the importer and the dealer take the profit and the farmer stands the loss.

In a speech recently made at Bingham, Me., ex-Gov. Fernald, of Maine, speaking from an intimate knowledge of conditions, declared that Maine dairy farmers are losing $7,000 a day.

Gov. Fernald owns a creamery, and in March, 1913, he was paying farmers 33 cents a pound for butter fat, but in March, 1914, under the new tariff law, the price of butter fat was forced down by Canadian competition to 23 cents a pound, and butter is no cheaper, and the farmer stands the loss.

Gov. Fernald told his audience that in one day he counted 29 carloads of Canadian hay at Danville, on their way to Boston; and ever since the new tariff law was passed the Maine farmer has been receiving $2.50 less a ton for hay than theretofore, and the importer takes the profit and the farmer and the Treasury stand the loss.

The Michigan Manufacturer and Financial Record says:

Michigan farmers are up in arms over the injury done the dairy interests by the new tariff law. The bottom has dropped out of the market for dairy products and prices have lowered about one-third in the last three months.

Cream, or butter fat, has dropped from 32 to 22 cents; milk from $1.90 to $2 per hundred to $1.35 delivered at the factories at Obly and Bad Axe * * *.

One farmer stated that his milk checks for March were $30 less for the same quantity than for February.

You tried to placate the farmer by taking the duty off from farm implements and the price of farm implements has gone up.

But suppose a farmer's implements will last five years; and suppose before the duty was removed it cost $500 to buy the implements to start the average farm; and suppose after the duty of 15 per cent was removed the farmer saved the whole amount, bought his implements for $425 and saved $75; and then suppose you calculate the loss the farmer will sustain each year on every crop he grows by reason of tariff reductions, and the result will show his loss on crops each year to be greater than his total gain for five years on implements.

BEEF.

The shouting and the tumult of the last campaign have died away and history is passing judgment day by day. You said protection was the cause of high prices, and you took the duty off from meats, deprived the Government of the revenue derived from meats and turned it over to the packers, but prices have gone up.

I offer in evidence your own official declarations, and I read from Farmers' Bulletin No. 581, as follows:

There are nine establishments for slaughtering, chilling, freezing, and exporting beef located in or near Buenos Aires, and five of these companies are owned and operated by Chicago slaughtering and packing houses. These five do by far the major portion of the entire business (p. 31).

Most of the meat that comes from Argentina comes from Chicago packers who consign it—

to themselves at New York for sale by themselves in New York or wherever they please to send it by rail. It is not assumed that they are using Argentine beef to beat down the prices of Chicago beef (p. 39).

The packers then control prices, the farmer takes what he can get, and the consumer pays what he must.

You told the people in the last campaign that the quantitative theory of money was a dream; that the law of supply and demand had been repealed and higher prices inaugurated by protection; and that you were going to reduce prices by reducing duties.

But I offer in evidence the declaration of the Department of Agriculture that—

the large increase of the value of meat animals on farms is accounted for by the increased cost of production and the increased consumption or demand, arising from the fact that production has not kept pace with the increase of population, and in the case of cattle and sheep has actually declined. (Bulletin 575, p. 4.)

We told you that ten thousand times in the last campaign, but you kept right on talking about protection being the cause of every evil.

You told the people who live in cities that the farmer was getting too much for what he had to sell. Now you admit that—

this unprecedented increase in the average value of meat animals does not necessarily mean that farmers and stock raisers are making more, if any, profit. (Bulletin 575, p. 4.)

You did not care to discuss the law of supply and demand in the last campaign. You wanted to keep right on talking about protection.

Now you say:

The cost of production has probably increased more rapidly than the increase in the selling price of live stock. (Page 4.)

You argued in the last campaign that the fact that prices were high demonstrated that farmers were getting too much for what they had to sell.

Now you say:

It is well known that producers of farm products are the last to receive any benefit from higher prices paid by consumers, yet they are prompt to increase production if there is a prospect of realizing better returns. (Page 5.)

We had arguments, essays, speeches, and denunciations in the last campaign about the price of meat and the farmer's relation to it.

Now you say:

The very fact that there is a present shortage of nearly 19,000,000 meat animals in the United States since the census of 1910 indicates clearly that the business is not profitable to producers; otherwise every farmer and stock raiser in the country would have increased his herds of meat animals. (Bulletin 575, p. 5.)

CHEESE.

Day by day your own official records have been compelled reluctantly to demonstrate the slowing down of factories, the falling off of exports, and the swift advance of foreign importations.

The tariff wall is down, the surplus is wiped out, the Secretary of the Treasury is treasurer of an overdraft, and the high cost of living is advancing with remorseless disregard of decreasing pay rolls.

But we are not without relief. The Secretary of Agriculture has issued a little book on cheese. It tells you how to use cheese instead of meat. It says cheese "is so used by the peasants of some parts of Europe."

It tells you that "one of the best ways to reduce the expense of your food is to substitute cheese for meat."

Therefore, if you are hungry, eat cheese.

If porterhouse steak costs too much, eat cheese.

When the mills shut down, eat cheese.

When the pay check stops, eat cheese. [Laughter.]

PRICES.

You said you were going to reduce the cost of living.

You have reduced revenues, business, wages, and employment, but you have not reduced the cost of living.

Again I introduce in evidence the declarations of your own witnesses.

The Bureau of Labor Statistics, in a bulletin printed February 10, 1914, reports "the prices of 15 common articles of food in 40 important industrial cities, in which live one-fifth of the total number of people in continental United States," and admits that, comparing prices on December 15, 1912, with prices on December 15, 1913, 13 articles advanced and only 3 declined in price.

The Chicago Daily Trade Bulletin shows that the wholesale price of potatoes ranged from 35 to 40 cents a bushel on May 1, 1913, and from 60 to 68 cents a bushel on May 1, 1914.

That the price of Baldwin apples ranged from $2.50 to $3.50 a barrel on May 1, 1913, and from $3.50 to $5.25 on May 1, 1914.

That the price of eggs ranged from 16 to 17 cents a dozen May 1, 1913, and from 18 to 18½ cents on May 1, 1914.

That "fowls, dressed, scalded, and iced," ranged from 16½ to 17 cents per pound May 1, 1913, and were 17 cents a pound May 1, 1914.

That creamery butter ranged from 27½ to 28 cents a pound May 1, 1913, and from 21 to 22½ cents a pound May 1, 1914.

That smoked hams ranged from 16½ to 17 cents per pound May 1, 1913, and from 15½ to 16 cents May 1, 1914.

That smoked shoulders ranged from 12¾ to 13 cents per pound May 1, 1913, and from 13¼ to 13½ May 1, 1914.

That fresh lamb ranged from 11 to 12 cents a pound May 1, 1913, and from 11 to 12 cents a pound May 1, 1914.

That fresh veal ranged from 12 to 12½ cents a pound May 1, 1913, and from 12½ to 13½ cents a pound May 1, 1914.

The Weekly Northwestern Miller shows that flour ranged from $4 to $4.20 per barrel May 3, 1913, and from $4 to $4.20 a barrel April 25, 1914.

The Northwestern Provisioner shows that fresh beef (good native steers; carcasses) ranged from 12¾ to 13 cents a pound May 3, 1913, and from 13 to 13½ cents a pound April 25, 1914.

You told the people that protection had reared a wall around the helpless victims of licensed plunder, and that you were going to tear down the wall and inaugurate a millenium of low prices, by letting in a flood of cheap-made, cheap-grown, foreign commodities.

Ask the people this fall how they like your method of lowering prices, and count their answers in the ballot boxes.

Prices were high here, high the world over—high in protected countries, high in unprotected countries—but you told the people that protection was the sole cause of high prices, and that the way to lower prices was to elect a Democratic President and a Democratic Congress. They did it; and your tariff for revenue is producing a deficiency of revenue.

Ask them how they like it this fall, and count their answers in the ballot boxes.

The President talked about how you were going to make things cheaper in the "market basket," and you assessed the farmer to make things cheaper in the market basket, on the theory that he was getting too much for what he had to sell, forgetting that you can not strike a blow at one industrial class without injuring every other industrial class.

FARMERS NOT RECEIVING THEIR SHARE.

But your Secretary of Agriculture now admits that—

we have suddenly been brought face to face with the fact that under existing conditions, in many instances, the farmer does not get what he should for his product. (Annual Report, Secretary of Agriculture, p. 19.)

Is it a good way to help the farmer get what he ought to get for what he has to sell to take away from him his home market and give it to foreigners?

The Secretary of Agriculture says:

According to the best guess I can secure, it appears that less than 40 per cent of the land is reasonably well cultivated, and less than 12 per cent is yielding full returns or returns considerably above the average.

Is it a good way to help farmers to raise bigger crops to force down the price of what they raise by forcing them to compete with cheap foreign land and cheap foreign labor?

Again, I offer in evidence the declarations of your own departments. Mr. Leon Estabrook, Chief of the Bureau of Statistics, in the Department of Agriculture, says:

The condition is undoubtedly a marketing problem.

And explains that—

The high prices paid by consumers, ranging from nearly 5 to 500 per cent more than the farmer receives, indicate that there is plenty of room for lowering the cost of farm products to consumers and at the same time largely increase the cash income per farm without increasing production.

But you have proceeded upon the theory that the best way to lower prices is to lower the farmer's income and increase the income of foreign farmers.

Mr. Estabrook says:

The long line of distributors and middlemen between the farmer and the consumer are in a position to take advantage of the market and, to a certain extent, control the market in both directions, because they are better organized to keep informed of crop and market conditions, and to act promptly, than either farmers or consumers who are not organized, and as individuals are helpless.

But you invite foreign importations to force down the prices of farm products and offer a wider range for dealers and importers to enrich themselves at the expense of both farmers and consumers.

The money that goes to Argentina for corn and beef; the money that goes to Canada for cattle, meat, wheat, oats, rye, barley, potatoes, and hay; the money that goes to Australia for wool, beef, and mutton; the money that goes to China for eggs, builds no homes, builds no barns, buys no tools, pays no wages, and pays no debts. It goes away to stay.

PSYCHOLOGY.

When the new tariff law went into effect at 10 minutes after 9 o'clock on the night of October 3, 1913, foreign goods of the estimated value of $170,000,000 were being held in bonded warehouses waiting to be released under the lower duties of the new law, and these importations have gone on until the first six months of the new law resulted in a loss of nearly $78,000,000 in our foreign trade compared with the same six months a year ago.

Every dollar's worth of foreign goods displaces a dollar's worth of goods made here and takes its toll out of the pay envelope of every American workingman.

Before the import of manufactured materials and the export of manufactured products began to dwindle under this administration we had 35,000,000 people engaged in gainful occupations—twelve and one-half millions engaged in farming, eight and one-half millions in manufacturing and mechanical pursuits, six millions in trade and transportation, and eight and one-half millions in professional and domestic service—and we were all interdependent then as we are now.

We had 600,000 factories with an annual output of $13,000,000,000, paying out $3,000,000,000 a year to 6,000,000 people whose purchasing power depended on their work, and their work depended on the factories and the factories depended on orders and orders depended on prosperity.

But when the mills shut down and the pay check stops, men buy less and less at the stores and the stores buy less and less of the mills and the farmer sells less and less to everybody.

On May 20 last a deputation of manufacturers and business men told the President that business was halting and depressed; that thousands of men were out of work; and that capital was unwilling to extend itself under present conditions.

In reply the President told them there was "no material condition or substantial reason why the business of the country should not be in the most prosperous condition" and that the present business depression is "merely psychological."

In his "Civil Liberty" Lieber says:

It is a psychological fact that whatever interests or excites a number of separate individuals will interest or excite them still more when brought together.

About 100,000,000 people in the United States know that things are wrong, and the instantaneous spread of thought by telegraph, telephone, and newspapers brings them together in a national consciousness that things are wrong.

But the President disposes of a condition, obvious to all, by saying that it is merely a state of mind.

He says, in effect, all things must have a cause; and, since there is "no substantial reason" for business depression, therefore there is no business depression.

It is all very simple. Hard times are an illusion. An empty stomach is an hallucination. Men out of work and shrinking pay rolls are ocular delusions and languishing trade is a figment of the imagination.

Facts are "merely psychological." "This is the atmosphere we breathe with so much refreshment" while our home market

is being given away to foreigners and being exploited by foreign trusts; while the purchasing power of our own people is being reduced and our money is being sent abroad to enrich foreign nations; while the level of American citizenship is being lowered down to the level of foreign citizenship.

DEMOCRATIC EFFORTS TO REALIZE A PROPHECY.

You went about talking about a gibbet for business men who protested against being driven out of business by a bad industrial policy.

Was there ever a thing more puerile than to suppose that business men would stop their business and talk hard times for political effect?

Was there ever a time when business men more loyally tried to make the most of a difficult situation?

Was there ever a more gratuitous insult to the intelligence and patriotism of the business men of America than to suppose that they would go into bankruptcy for political effect? [Applause on the Republican side.]

Everybody knows that prices are up the world over.

Everybody knows that high prices are not due to local or temporary causes.

Everybody knows that the rapid growth of industrial centers in America has pushed on the era of high food prices.

One hundred years ago only 5 per cent of the people lived in towns. Now nearly 50 per cent are congested in cities.

Some 57 years ago Macaulay, writing to an American correspondent, predicted that—

the time will come when wages will be as low and fluctuate as much with you as they do with us.

Then—

He said—

your institutions will be fairly brought to the test.

You Democrats are urging on the day of low and fluctuating wages.

And then Macaulay prophesied that—

the day will come when, in the State of New York, a multitude of people, none of whom has had more than half a breakfast or expects to have more than half a dinner, will choose a legislature—

And he asks—

Is it possible to doubt what sort of a legislature will be chosen?

Speaking from the standpoint of a confirmed distrust of a democratic form of government, he added:

There will be, I fear, spoliation. The spoliation will increase the distress; the distress will produce fresh spoliation.

Abraham Lincoln once said:

If danger ever comes to us, it can not reach us from abroad; it will rise up from among ourselves.

Every patriot prays that danger may be averted, and yet you statesmen deem it wise to hasten on the day of lower wages in the face of a world-wide condition of high food prices.

In the presence of the struggle for life in great industrial centers, in the presence of the steady rise in prices the world over, you chatter like children about protection being the sole cause of high prices and propose to make the people better off by taking business away from American manufacturers and giving it to foreigners; by taking bread out of the mouths of our own people and feeding it to foreigners.

In the presence of the certainty that hunger and want and desperation would follow from your policies, you went about telling audiences that protection was the exclusive cause of high prices and how you were going to make prices lower. You have not lowered prices, but you have lowered the wages of labor and lowered the level of American citizenship.

Clearly there was never a time when it was more the duty of legislators, scientists, and philanthropists to help to increase our farm products; to encourage American agriculture; to keep business booming; and to keep labor employed at good wages; but you statesmen met the need by discriminating against the American farmer, by prating about the tariff being the sole cause of high prices, and by forcing down the level of American citizenship to the level of foreign citizenship.

The halfway house of dreams has disappeared, and the road this side has led all the way downhill.

The presidential cavalcade, with its outriders of political soothsayers and jugglers, preceded by the Secretary of Commerce blowing his empty horn of plenty, is passing men out of work, listless factories, and dissatisfied farmers on its way to a signboard marked *November, 1914*. [Applause.]

Mr. GILLETT. Mr. Chairman, I yield to the gentleman from Nevada [Mr. ROBERTS].

A HARBINGER OF PERSPECTIVE PROSPERITY.

Mr. ROBERTS of Nevada. Mr. Chairman, some very interesting figures have recently been given to the country by our learned and esteemed Secretary of Commerce, and they certainly afford the basis for some real thought. The gentlemanly optimist of the present administration must certainly view conditions in their perspective through the glasses of some foreign optician if he perceives anything of a comforting nature in his latest statistics. Of course, the gentleman is an acknowledged authority on some things which peculiarly fit him for the position he now occupies as the administration's "harbinger of perspective prosperity." According to his own statements upon the floor of this House he has long been engaged in the "blowing" business, and no one in touch with the activities of the gentleman from New York will dispute the wisdom of the Chief Executive of this Nation in selecting him for the important position he now occupies. It has been said that the fans and blowers manufactured by his concern are the best on the market to-day, and there is no doubt in my mind, from what I have heard and read, that the manufactured products of his factories can, without loss or waste, "blow hot or blow cold," at the option of the operator.

It is but meet and proper that during these torrid days of business depression and stagnation that some one thoroughly familiar with the prevailing atmospheric conditions should be on hand ready to regulate the fans and blowers in the various industries of this country. Why not place the Weather Bureau under the supervision of the Department of Commerce?

But methinks it will take something more than fans and blowers to bring back to life the dead and dying industries throughout the land. Mr. Redfield is a gentleman and a scholar and entitled to the respect and admiration of his countrymen. Anyone who can face the business men and workingmen of this country at the present time and present facts and figures in such a manner as to make them believe that times are prosperous is entitled in after years to a prominent place in Statuary Hall. I respectfully suggest that the pedestal be boldly marked with this inscription: "This statue was made in foreign lands and chiseled by foreign artisans."

No one doubts the sincerity of Mr. Redfield, nor his loyalty to the American people; but one is apt to think, and justly so, that his view of business conditions is in reality from the standpoint of a foreign observer. During the year 1912 the Secretary made several interesting speeches in this House which were generously punctuated by applause. He drove home some cold facts. One thing he said strongly impressed me at the time, and I desire now, through the columns of the CONGRESSIONAL RECORD, to extend him my heartfelt thanks. Be it remembered that he stated in a discussion of the tariff measure that he was engaged in foreign manufacturing, and, to use his own words, "My concern is at this moment erecting a factory in Canada to manufacture goods in Canada." It is true that he gave several plausible reasons for engaging in business there, but the one thing that impressed me most was the fact that the Canadians were loyal to their own industries, and he called especial attention to the fact that Great Britain exhibited everywhere these signs: "Buy British goods." And, to further use his language, he says: "That scheme is worked to the fullest limit all over Great Britain and is taken advantage of, and very properly so, by English manufacturers."

But there are a few questions that might properly be asked at this time. Aside from the preservation of patent rights, what benefits could be derived in Canada by Mr. Redfield's manufacturing concern that could not be derived in this country? It can not be that the esteemed Secretary of Commerce would prefer to engage in business under some other flag than the Stars and Stripes. It can not be that a free trader would go to Canada in order to get protection for a home industry. Certainly the fact that Canada has a tariff measure capable of protecting its home industries was not taken into consideration in the establishment of the factory. The question of wages and the cost of living could not have entered into the proposition. What, then, gentlemen, was the real reason? If we can find out what it was, we might be able to improve our own conditions.

The fact remains that his concern established a business in Canada, while not only Canada but every other country on the face of the earth is deriving benefits for its own industries at the expense of our own people. If Mr. Redfield and the other advocates of the so-called Underwood tariff bill could see things as they really are, rather than in the perspective, things would be speedily changed and the wrongs righted. They will be after the next election.

I wish to call attention to some of the statements emanating from the chamber of commerce concerning our importations and exportations. The increase of all imports during the month of May amounted to $31,000,000. The total imports for the first eight months under the present tariff measure amounted to $1,288,656,041 as compared with $1,233,519,365 for the same period last year. Free merchandise for the same two periods was respectively $800,214,038 and $683,015,455. Of course, the

difference in the figures is not real, but purely psychological. Our total exports for the first eight months during the same period amounted to $161,732,619, a psychological decrease of 16.9 per cent since the previous May. Our total exports were during the same period $1,640,367,305 against $1,786,070,945. But then that is merely a psychological statement sandwiched in with theoretical explanations which doubtless will appeal to business men in this country. The greatest apology he offers for the present business depression is that commercial depression is world-wide. That sounds good and may fool some people, but the great body of American people will look at conditions from their own standpoint rather than through the glasses of some one else. They know that in reality times are bad and that theoretical preaching will not fill their empty dinner pails. The American people believe that business, like charity, should begin at home, and will from this time forth fight for the protective principles of our forefathers. Let us throw the arms of protection around our varied industries and preserve them from the onslaught of an unequal competition based wholly upon a different scale of wages and a lower standard of civilization. Let us use the slogan, "Buy American-made goods," and do something to encourage the business men of this country to invest their money in home industries and to increase the size and the number of pay envelopes on pay day. The Secretary of Commerce admits that the net export balance for the current fiscal year will exceed $400,000,000, approximately $250,000,000 less than that of last year. What has become of that balance, gentlemen, and whither are we drifting? But we are accustomed to hearing explanations and apologies and can expect to hear them during the rest of the present administration. In fact, it might well be termed "An apologetic administration." Methinks the administration doth apologize too much. We have apologized and kowtowed, kowtowed and apologized, to very nearly every nation on earth, for very nearly everything under the sun, and have made ourselves the laughing stock of the civilized world, and according to latest reports there are three or four more apologies incubating. A few more apologies, gentlemen, and the American people will excuse you from further service and let you go home; but before you go, in the name of humanity, apologize to the American people for the awful ruin you have wrought. [Applause.]

Mr. FITZGERALD. Mr. Chairman, a number of associations are being formed all over the United States for membership, in which I commend the Members on the Republican side of the House. The motto of these associations is: "Boost, don't knock." [Laughter.]

The only trouble with this country is the continual knocking of the calamity howlers who are in the minority in the Government of the United States. My prophecy is that the next election will eliminate the most vociferous of them from public life. I ask unanimous consent that my time be extended 30 minutes.

The CHAIRMAN. Is there objection? [After a pause.] The Chair hears none.

Mr. FITZGERALD. Mr. Chairman, I yield to the gentleman from Illinois [Mr. TAVENNER].

Mr. TAVENNER. Mr. Chairman, since the Democratic Party has been in power in the Philippines we have occasionally heard grumblings of discontent from certain gentlemen in this country and in the Philippines which seem to arise out of the fact that that great man and Democrat, Gov. Gen. Burton Harrison, formerly a distinguished Member of this House, is governing those far-off islands in the interest of the Filipino people instead of in the interest of the Sugar Trust, the Harvester Trust, and Republican politicians.

The ring of disgruntled ones is composed mainly of a group of controlled newspapers, trust magnates, and former office-holders in the Philippines, who are up in arms because the new administration has interfered with and reversed the old policy of exploitation of the Philippines and the Filipinos.

Gov. Gen. Harrison is sincerely endeavoring to get the Filipinos ready to take charge of their own government, and it is only to be expected that there should be a wail of anguish go heavenward from special privilege.

The fact is, however, that the Filipino people realize the new administration in the Philippines has their interest at heart, and they are glad indeed that there has been a change of administration. They bless the day it came.

In this connection I wish to insert in the RECORD a speech delivered by the Hon. MANUEL L. QUEZON, Delegate to the United States from the Philippine Islands, before the Chamber of Industry at Cleveland, Ohio, April 14. Mr. QUEZON's work in this country for the earliest possible independence of the islands is known to every Member of this Congress, in which body he is held in the highest esteem.

Mr. QUEZON's speech is as follows:

THE DUTY OF THE UNITED STATES TO THE FILIPINO PEOPLE.

"Mr. Toastmaster and gentlemen of the Chamber of Industry, in view of the fact that this is preeminently a gathering of business men, it would perhaps have been more appropriate had I selected for my topic the agricultural, commercial, or industrial conditions in the Philippines. I have, however, decided to touch upon a loftier subject—the duty of the United States toward the Filipino people.

"Americans have the reputation of being, and they are, a practical people, but not, I am convinced, 'practical' to the extent of sacrificing their sense of national rectitude to the desire to make money. On the contrary, from what I personally know of the characteristics of Americans, in addition to what is to be gathered from their history, I believe that much as they, being human, take a fancy to the pleasant twinkle of a double eagle, the feeble blaze of gold is, and I hope will always be, as nothing compared with the steady light of patriotism which has ever been the American's guide in political as well as economic affairs. You Americans refused to pay a nominal duty on tea, and yet were ready to spend every cent and sacrifice every man in this land to uphold your principle that 'taxation without representation is tyranny.' You would not give one cent for tribute, but millions for defense. You waged among yourselves the bloodiest war of modern times because of the doctrine that no nation can endure half slave and half free. You must therefore consider not only the cold question whether the Philippine Islands, looked upon as a national investment, pay or do not 'pay,' but the additional question—by far the more important of the two—what the nature of the duty of the United States toward the people of the islands really is.

"Fortunately for you in this case, duty goes hand in hand with your pecuniary interests.

"The days when nations considered themselves free to do with and to one another as they pleased are, thank God, over. No decent public opinion would to-day countenance the naked proposition that a stronger nation may, simply because of its strength, arbitrarily impose its will on a weaker. No one now dares to deny that the moral laws which bind individuals in their intercourse are equally binding upon nations. One nation dealing with another is expected to carry out its promises, if specific promises are made; or, in the absence of special compact, to maintain an attitude suggested at once by the principles which form the bulwark of its political existence, and by the law of nations.

"Gauged by the foregoing ideas the duty of the United States to the Philippines is plain: Congress should enact a law giving the Filipinos their independence. The reasons are these:

"First. That this country has promised, both expressly and by implication, to withdraw its sovereignty from the Philippine Islands—by implication, when upon the declaration of war between the United States and Spain the Government of the United States asserted that that war was not waged for territorial aggrandizement or commercial expansion; expressly, in that the past Republican and the present Democratic administrations have both declared it to be the policy of the United States to give the Filipino people their independence when they can establish and maintain a government of their own competent to discharge its obligations both domestic and foreign.

"Second. That the fundamental propositions upon which the Declaration of Independence was based and from which it acquires its obvious justification are these two great and complementary principles: (1) That all Governments derive their just power from the consent of the governed, and (2) that the right is inherent in every people to establish such government as to them shall seem best.

"How could you then impose your government upon the Filipinos and call the action just when its powers are not derived from the consent of the governed? How can you deny to the Filipinos the right to establish such government as to them shall seem best and yet remain true to your own principles?

"Under these principles and in the light of those solemn promises, could you now, if you would, turn around because of the insidious campaign of a few interested persons and forever retain the Philippines under the pretext of some religious, scientific, or other alleged beneficent motive? Would you, if you could, do a thing that would place upon your history an indelible stain? The answer of every self-respecting American can be but an energetic 'no' to those questions.

POLITICAL CAPACITY OF THE FILIPINOS.

"But, it is said, this is a settled matter; the Filipinos will most assuredly have their independence; it is only a question of time; they will be free in five or four or perhaps three generations, if at that time they wish to be free from us. Let me tell those who thus speak that the question of time is all

important here. Those who promise an independence to be granted when you and I and our sons and grandsons are all dead and properly buried are either insincere and too shrewd to disclose to the American people the real purpose which underlies their protestations, or, if they are honest, they have been fooled. Indeed, for all practical purposes, in so far as the American and the Filipino peoples are now concerned, to promise that the Philippines shall be free in the course of the next hundred or seventy-five years is tantamount to an assertion that the islands are permanently annexed to the United States.

"What would that promise amount to when you, who make it, shall not redeem it, and we, to whom the promise is made, shall not live to see it realized? Can you by your pledge bind generations yet unborn?

"But, the objectors assert, the Filipinos are not ready and will not be ready for self-government for years and years to come. This talk of independence is all folly. It is but the cry of a few Filipino politicians, who, disguised as patriots, desire to get power in their hands in order that they may enslave and exploit their own people, but who will not be able to maintain any kind of government, because they will soon be cutting each other's throats in a mad scramble for office.

"To this the Filipinos unanimously say: We all want independence and are entitled to it. The argument of Filipino incapacity for self-government is hypocritical. It is the veil with which the American officeholder covers his desire to keep his place. It is the ambush behind which lurks the company which monopolizes our hemp and the sugar interest, which have already acquired, in defiance of an act of Congress, 65,000 acres of land in one tract, and are ready to get more if given time and opportunity. Or at best it is the wish father to the thought of some American missionaries or churchmen who mistakenly think that they can make more converts among the wild men of the Philippines if they are backed by American soldiers.

"Our adversaries proceed: The masses of the people in the Philippines are in such a state of dense ignorance that they know nothing and care less about independence. Those people are semicivilized, if not entirely savages. Some of them eat dogs, and for proof we refer you to the St. Louis Exposition, where Igorots were exhibited engaged in that toothsome pastime. As further proof of the deplorable condition of those people behold the 'moving' and 'nonmoving' pictures of naked natives armed with bows and arrows and spears. It would be a pity to see this people adrift. The Government of the United States alone can civilize them, and it must, for the sake of humanity, undertake and carry to its successful termination this altruistic work.

"Again the Filipinos answer: We know that we are a civilized people and have been civilized for 300 years. We know that there are only 600,000 non-Christians in the Philippines, while there are 7,000,000 Christians, 65 per cent of whom were literate before American occupation, and at least fully 75 per cent of whom now are. We know that we had a university in the Philippines even before Harvard University was established and that now we have two. We know that we had 1,674 public schools before American occupation, distributed among 900 towns, and now we have 4,404. We know that we had colleges in every important capital city and several in Manila for both men and women before American occupation, and that now the number has greatly increased. We know that there are Filipinos in the supreme court of the islands—the chief justice being one of them—who are at least equal to their American associates. We know that half of the judges of the court of first instance are Filipinos. We know that all the justices of the peace are Filipinos. We know that the municipal and provincial governments are administered by Filipinos elected by Filipino voters. We know that the Philippine Assembly, the lower house of the legislature, is composed entirely of Filipinos, also elected by Filipino voters; and we know that if permitted to elect the upper house of the legislature we would elect senators who would be equal to their task. We know that we could elect a president who would be at least as wise and patriotic as any chief executive the President of the United States could appoint over us.

DIFFERENCES BETWEEN MEXICO AND THE PHILIPPINES.

"Finally our opponents end this controversy by exclaiming, Behold Mexico to-day. If you make the Philippines independent, another Mexican situation, which would perplex the United States with a repetition of the 'watchful waiting' policy, is sure to arise.

"This Mexican argument seems effective nowadays. I do not know much about Mexico and the causes that lay at the root of this unfortunate disturbance in that Republic. But there is something I can say in connection with this argument. In the first place, when we judge other people's affairs it is well to remember that paragraph of the Scriptures which tells us, in effect, that we should be fully aware of the beam in our own eye before commenting on the mote in that of our neighbor. What nation on the face of the earth has been free from internal disorders or revolution? What nation can say that it will ever be free from this, the most dreadful calamity that can befall any country?

"In the second place, let me give you some points respecting the principal differences between conditions in Mexico and conditions in the Philippines, which may explain why we confidently expect that that which is going on in the distressed Republic of Mexico will not happen in the islands if free from the control of the United States. I am making no invidious comparisons, but merely stating facts. Mexico acquired its independence from Spain by force of arms, and previous to that time the people of Mexico took no part in the government of their country. Despotic foreign absolutism was the kind of government that prevailed in Mexico until then. Once independent, a democratic form of government was established. The change was so radical that the failure of the new government was inevitable. Moreover, the great majority of the people (upon which democratic governments must depend) did not have either education or property, and therefore did not possess those qualifications leading to the maintenance of public order and of law. To this day knowledge and wealth are still the monopoly of the few. In the Philippines, on the contrary, the majority of the people are literate and property owners. Besides, we have been practicing the art of self-government for 15 years under American supervision. During this time we have been electing our provincial and municipal officials, members of our assembly, and, although the political campaigns in the Philippines are heated, we have abided by the results of the elections or have gone to the courts with our protests. We have never resorted to arms to settle any controversy. Now, gentlemen, these are precisely the conditions that give stability to a democratic government—an intelligent and property-owning electorate habituated to respect the will of the majority.

"But after all is said and done, the question as to the Filipino capacity for self-government can be satisfactorily answered only by a practical showing.

PRESIDENT WILSON'S POLICY.

"President Wilson has undoubtedly realized this fact, for he has adopted a policy whereby the question can be settled in the only practical way. After reaffirming the oft-avowed policy that independence is the goal toward which you would move as rapidly as the safety and permanent interest of the people of the Philippines would permit, the President has appointed a majority of Filipinos in the Upper House, thus giving us the control of both branches of our legislature so that we may fully show our legislative capacity. The Governor General of the Philippines at the same time, in harmony with the policy of the President, is appointing Filipinos to responsible administrative positions. If, in this test, the Filipinos are successful, the speedy end of your occupation of the islands should come. If the Filipinos fail, there will be a halt, and friends of colonialism may claim, at least, a temporary victory.

"Is there any fair person who could object to such a policy? If our opponents are sincere in their contention that they object to our freedom only because we are not fit to be free, why should they object to this practical test? If we are really incapable of assuming and exercising any governmental power, is not this the surest and quickest way of finding it out? I must admit that this policy did not altogether suit the Filipinos. We expected and hoped for a more decisive step than this. We construed declarations made by the Democratic leaders and contained in the Democratic platform as meaning the immediate enactment of a law that would grant Philippine independence as soon as the Democrats came into power. And we were the more prepared to construe the platform thus, because, in our opinion, no further test of our political capacity was necessary considering that during 15 years of Republican administration we had successfully handled each new administrative task submitted to our control. Yet in spite of our natural and justifiable anxiety to obtain our independence without delay, having absolute faith in the honesty of purpose of your great President whom we all admire and love, we have determined patiently to abide by his decision and have been willing to await and give him the time to observe the results of the test to which he has just put us. But our opponents were not prepared to adopt a similar attitude. Why? Simply because they feared the outcome. They know that in this trial the Filipinos will be successful and they are not ready to give us a fair chance.

MALICIOUS CAMPAIGN AGAINST INDEPENDENCE.

"So, since the Democratic Party's victory at the polls in November, 1912, up to this day our adversaries have been misrepresenting conditions in the Philippines in their endeavor to poison American public opinion. Upon the receipt of the news that a Democratc administration had been elected they asserted that the mere triumph of the Democratic Party, carrying with it the possibility of Philippine independence, had shaken our social, economic, and governmental structures, and had given rise to a situation of general distress. When a few months later the then President-elect made his first reference to the Philippine question in a speech delivered at Staunton, Va., at which, in passing, he said that he hoped that the Philippines would soon cease to be the frontier of the United States, absurd reports of the effect of this speech upon the Philippines were instantly circulated. Here is what a correspondent of a great metropolitan paper said:

"When the words of his Staunton interjection—'The Philippines are our frontier; I hope that we shall soon be able to deprive ourselves of that frontier'—had been published in the Philippines there fell upon the flourishing and expanding business of the islands a most killing frost. * * *

"Like a clock in a house shaken by an earthquake, that new-found business expansion stopped; like a pulse in the body struck by lightning, the current of its life ceased to throb. * * *

"The banks shut down on practically all loans and overdrafts. Capitalists, accustomed to place their money through brokers on commercial loans, drew in their funds; insurance companies and other institutions that had been investing their surpluses in local enterprises closed their doors to such transactions. * * * Professional men and salary earners who had been putting their savings into local industries began to draw out their money as fast as possible, and to divert their monthly balances toward the savings banks. * * *

"Real estate values have fallen off nearly 100 per cent, or it would be more exact to say that practically all movement in real estate has stopped, and it has become impossible to estimate values from market transactions. The business is paralyzed.

"If we use a little common sense in reading this report, its absurdity will at once be revealed to us. Only the most shameless determination to use every means to prejudice public opinion without the slightest regard for truth could explain how any sane person would write such statements. Can you imagine that the speech of any man, even though he be the President-elect of the United States, could produce instantaneous paralysis in business, immediate falling off of the value of real property to such an extent as to leave no value whatsoever—for this is what a hundred per cent decrease in value means? The author of such reports insults the intelligence of his readers.

"From the same sources that originated this stupendous story a cry went up to heaven when, but a few months later, and already as President of the United States, President Wilson announced his policy for the Philippines and appointed a majority of Filipinos to the commission. They called this step revolutionary and predicted every calamity for the islands in consequence.

GOV. HARRISON'S ACCOMPLISHMENTS.

"Then when the present Governor General sent by President Wilson tried in earnest to carry out the policy of his superior by giving the Filipinos opportunity to show their administrative capacity, these same persons stopped at nothing short of personal insult in their effort to discredit the governor. Gov. Harrison found upon his arrival in the Philippines a bureaucratic, top-heavy government, and he has substituted for it a simpler, more scientific, and less expensive one. He found that offices which could and should be filled by Filipinos were unnecessarily in the hands of Americans, notwithstanding the promise of his predecessors that such offices would be given to the natives of the islands, and he proceeded to redeem these pledges. He found an extravagant government, whose outlay exceeded its income, and he placed it on a self-supporting basis. He found the faith of the Filipino people in the representatives of the American Government in the islands shaken, both because of this extravagance and of a general failure to fulfill promises. He proceeded to restore the confidence of those people in the United States, so that to-day, as never before, you have your best friends in the people of the islands.

"How has this patriotic and statesmanlike endeavor of Gov. Harrison been received by the opponents of Philippine independence? The answer is to be found in the public prints. The governor has been accused of demoralizing the service, of "kicking out" American employees, of creating anti-American sentiment in the islands, of having produced depression in business—in a word, of bringing about a chaotic situation there.

"I shall not impose upon your kindness by wasting your time and mine in answering these biased and self-interested critics. Enough for me to say that no man in whatever position or of whatever nationality was ever given by the Filipino people such a magnificent reception as was tendered to Gov. Gen. Harrison upon his arrival at Manila, because the fame of his righteousness and ability had preceded him there. Delegations from every Province of the archipelago came to Manila to greet their governor. I know of persons who traveled on foot through the mountains and valleys of northern Luzon for several days in order to have the pleasure of hearing the inaugural address of the new governor general. The largest crowd ever gathered in Manila, numbering thousands upon thousands, were aligned upon the route from the pier, where Gov. Harrison and his wife landed, to the Luneta, where he delivered his inaugural address and conveyed to us the message he brought from the President of the United States. Flowers, banners, arches, and bands of music gave evidence of the cordiality of the reception to Gov. Harrison by the Filipinos. So touching a sight will never fade from the memory of Gov. Harrison though he should live a thousand years.

"The people of the Philippines have not been disappointed in Gov. Harrison. His popularity has been increasing, and during the short time of his administration he has demonstrated that we were right in placing our confidence and hope in him. His achievements will speak of American intelligence, justice, and patriotism long after his detractors are dead and forgotten. How hard he has worked and how economical and efficient a government he has given us! He has not only honored himself and the President who has appointed him, but he has also honored his own people and has given credit to the whole American Nation.

"The effect of the so much criticized step taken by President Wilson in giving us the control of the Philippine Legislature and of the policy of Gov. Harrison in appointing Filipinos to responsible administrative position has been to restore faith and confidence in the American Government on the part of the Filipino people, while the practical result has been efficiency and economy in the service. Before the Filipinos had full control of their legislature there had been for three consecutive years a deadlock concerning the appropriation bill between the popular house, which refused to indorse the extravagance of the commission, and the commission itself, which insisted upon such extravagance. The government expenditures were defrayed through executive orders, and they were always in excess of the ordinary revenues. Bonds had to be issued and a part of the gold-standard fund spent to meet the deficit. Since the Filipinos have had the control of both branches of the legislature there has been enacted an appropriation bill, which does away with the unnecessary expenses of the government. Thus, further deficits have been avoided.

THE NEW PHILIPPINE LEGISLATURE A SUCCESS.

"The conditions existing in the islands prior to the inauguration of President Wilson's policy are set forth by Gov. Gen. Harrison in his first message to the Philippine Legislature in the following words:

"From June 30, 1908, when the surplus in the insular treasury was ₱17,499,894.97, the surplus has fallen as of June 30, 1913, to ₱14,230,220.23. Of this sum, however, about ₱5,000,000 is only nominally available, it being invested in supplies and having been carried to the surplus account in 1911, thus leaving an actual cash surplus in hand at the conclusion of the last fiscal year of only about ₱9,000,000.

"This shrinkage in the available surplus of the government has come about notwithstanding the fact that during this period of four years the sum of ₱6,000,000 has been obtained by the sale of an issue of public-works bonds and expended out of the treasury, and notwithstanding the further fact that a little less than three and a half million pesos from the gold standard fund has during this period passed through the treasury in the same way. * * *

"Our treasury is therefore obviously approaching a point where a deficit of four and a half million pesos confronts us. How, then, shall we avoid this deficit and restore the finances of our government to a normal and self-supporting condition? In my judgment, but one course is open * * * and that is economy of the most drastic kind.

"A considerable burden is also laid upon the treasury by the large proportion of American employees in this government. While the enunciated policy has been to reduce this number as rapidly as possible consistent with the demands of fairness and efficiency, the last annual report of the bureau of civil service shows that there were more Americans having a permanent status in the Philippine civil service in 1912 than in any previous year since 1905.

"We find, moreover, that as incident to highly centralized bureaucratic government a number of offices have been created and salaries have been raised without, what seems to me to have been, due authority of law; and as further inevitable result of bureaucracy, here as elsewhere, too many offices now exist.

"A further and perhaps considerable saving might be effected by a change in our method of appropriation; good usage elsewhere commends to us a system of direct treasury appropriations."

"The situation after the first session of the legislature, when in both branches thereof Filipinos alone, with the exception of the Governor General, were seated, it described in the following message of the governor to the legislature at the closing day of its session:

"Gentleman of the Legislature, nearly four months ago I addressed you for the first time. I came to you then with high expecta-

tions of your legislative ability; those expectations have now been justified. During the regular session which has just elapsed your labors for the public welfare have been earnest, industrious, and efficient. Your course has been one of progress and economy of the public moneys. Many laws of great importance have been enacted. Among these is the general appropriation act for the current expenditures of the government, the first to become law since 1910. This act effected many reforms in the fabric of this government, and has met with widespread approval. Peace and prosperity throughout the islands and tranquillity of the public mind bear evidence of this approval. The President of the United States has expressed his appreciation, and the Secretary of War has sent the following message:

"'I congratulate you upon the passage for the first time in three years of a general appropriation bill and on the fact that the bill was passed unanimously by both houses. I have no doubt but that there were, as to a great many features, differences of opinion, but it is a source of satisfaction to the department that such differences were satisfactorily adjusted. Please extend to both houses of the Philippine Legislature my congratulations on this event and express to them my hope that this is but an indication of what may be expected in the future.'

"The art of government is in many respects, the highest of the sciences. You have already demonstrated the ability of a legislature composed almost entirely of Filipinos to enact difficult and progressive legislation. In the days to come you will maintain the high standard you have already raised.

"This is the testimony of a competent and unbiased observer. Gov. Harrison, before going to the Philippines, was the ranking Democratic member of the Ways and Means Committee of the House of Representatives. His ability and patriotism was unanimously conceded by both Senators and Representatives, who had every reason to know him intimately, because for many years he had been working with them, and when appointed governor of the Philippines he was paid a tribute by the Senate and by the House seldom, if ever, given to other officials. His nomination was not only unanimously approved in the Senate, but was confirmed within 24 hours after it was sent in, contrary to the practice of that body. In the House of Representatives both Democrats and Republicans joined in the indorsement of the appointment. This is what the Republican leader, Mr. MANN, said of this appointment:

"Mr. Speaker, in this connection and in behalf of this side of the House I desire to congratulate the President and the country upon the appointment of Francis Burton Harrison to the high position of governor of the Philippine Islands. I believe that no better selection could have been made out of the entire population of the United States, and that the action of the President is a guaranty to the country that the Philippine question will receive careful and honest consideration.

"The American people may well accept the judgment of the present Governor General as to the capacity of the Filipino people. Reasoning from that judgment, we have apparently come to the point when the Filipino people may properly ask the Congress of the United States to enact a bill now recognizing Philippine independence.

INDEPENDENCE WILL BENEFIT AMERICAN TAXPAYERS.

"I said at the beginning of my remarks that the granting of independence, which is demanded by your duty toward the Filipino people, would also be to your financial interest, and this I am prepared to prove. True it is that if the Philippines were free there would be fewer and ultimately no American officeholders in the islands; true it is also that there would be more difficulty for certain American trusts in 'cornering' our products; but it is also true that the American people would not have to bear the burden of fortifying and defending the Philippines, an undertaking which costs not a cent less than $40,000,000 yearly, millions which, although rich people like you can well spare, should be spent in this country or left in the pocket of the American taxpayer. Your separation from the Philippines will at once relieve you of the only weak point where you could easily be stricken in case of war.

"There are those, however, who assert that by holding the Philippines you get the benefit derived from having a market for your surplus and a field wherefrom you can buy your needed tropical products. Why should you lose your trade on account of our national freedom is more than I can comprehend. If our trade is profitable to you now, why should not it be when governmental ties between us are cut? Is it perchance because while under your control you are taking undue advantage of us? No; certainly not. Is it because our trade is regulated by laws mutually beneficial to us? Why can not the same trade regulations be established by treaty between the Republic of the United States and the Republic of the Philippines? If you give the Filipinos their liberty, there will be nothing that they will not gladly concede to you. You will have not only their trade but their gratitude, and you will not only benefit yourselves and them but you will have given then the last touch to the work for the liberation of mankind you began in 1776. America's flag may then cease to fly over our public buildings, but her influence will be our inspiration, and we and our children will bless the day when Dewey entered the Bay of Manila."

Mr. DONOVAN. Mr. Chairman, I think the time has come when I ought to make a point of order that there is no quorum present.

Mr. FITZGERALD. I hope the gentleman will not do that yet.

Mr. DONOVAN. You are overdoing this thing. We have listened all this afternoon, and not one word has been said on the subject matter.

Mr. FITZGERALD. I want to yield to the gentleman from California 10 minutes, otherwise it may be fatal. I yield to the gentleman from California [Mr. RAKER].

Mr. RAKER. Mr. Chairman, I am going to speak on the bill H. R. 9017, transferring the control and jurisdiction of Alcatraz Island and the buildings thereon from the War Department to the Department of Labor. I will read the bill:

A bill (H. R. 9017) transferring the control and jurisdiction of Alcatraz Island and its buildings thereon from the Department of War to the Department of Labor.

Be it enacted etc., That Alcatraz Island and all its buildings thereon, now under the control and jurisdiction of the Department of War, and now used as and known, designated as, and called the United States military prison on Alcatraz Island, Cal., be, and the same hereby is, transferred to the Department of Labor, to be used by the Bureau of Immigration and Naturalization, the said Alcatraz Island and all its buildings thereon to be hereafter under the exclusive control and jurisdiction of the Department of Labor.

The bill was amended by the Committee on Military Affairs, and, as amended, reads as follows:

Be it enacted, etc., That Alcatraz Island and all buildings, machinery, and improvements thereon, now under the control and jurisdiction of the Department of War, and used for and known as the Pacific branch, United States military prison, on Alcatraz Island, Cal., be, and the same hereby is, except as herein otherwise provided, transferred to the Department of Labor to be used by the Bureau of Immigration as an immigration station or for such other uses as may be provided for by law. The said Alcatraz Island, together with all buildings, machinery, and improvements thereon, shall be hereafter under the exclusive control and jurisdiction of the Department of Labor, subject to the provisions of the act of Congress approved September 28, 1850, providing for a lighthouse at Alcatraz Island.

The amendments were in accordance with the departments' recommendations, both War and Labor.

This bill has been thoroughly considered by the Committee on Military Affairs, and the object and purpose of it is to transfer Alcatraz Island and the buildings thereon now used for a military prison to the Department of Labor for an immigration station. The island is about 2½ miles from San Francisco, and there are buildings on it that have cost the Government $756,356.64. These buildings are in splendid repair. The island is at the entrance of Golden Gate, where every one sees it as they enter. It is in plain view of the exposition grounds and about 1½ miles distant. It has been used for a military prison since 1864. The War Department has maintained a military prison there, but they realize that they can maintain them cheaper on the mainland. These convicts for smaller offenses are sent there, while the convicts for severer offenses go to McNeill Island and Fort Russell. This will cost the Government not 1 cent. It simply transfers it to the Department of Labor for an immigration station.

The buildings will be ready to be used at once by the immigration station. The immigration station is now located on Angel Island, some distance from San Francisco. They have there wooden buildings, and while it is a nice location, it is wholly insufficient. It is now used for Asiatics and others, but when the canal is opened there will be a great influx of immigration, and the idea is that this island and the buildings be turned over to the Department of Labor.

I want to call the attention of the House particularly to the fact that the War Department asked for this transfer, and it has so reported. The Bureau of Labor wants the island and the buildings for an immigration station. The Committee on Military Affairs have reported favorably upon the bill.

It is now upon the calendar, and at the first opportunity I get—to-night, if I can—I am going to ask if the House will not permit the bill to be taken up and passed, so that it can go to the Senate, to the end that the Department of Labor may begin work at once upon the arrangement of their plans out there, to have the thorough use and benefit of these magnificent buildings, that will otherwise be unused.

Alcatraz Island is in the Bay of San Francisco, Cal., about 2 miles from the mainland and in a direct line with the Golden Gate. It has been occupied for many years by the Department of War as a military post, and more recently as a United States military prison. The prison building was authorized in the sundry civil act for the fiscal year 1908, and appropriations therefor were made in that year and the years 1909 and 1910 in the aggregate of $250,000.

The buildings are in fine shape, have separate compartments, and provisions for each room, with ventilation, and I have been advised by the Commissioner General of Immigration, who has gone all over the United States, that so far as use for that purpose is concerned there are no buildings anywhere in the United States better equipped.

I want to call attention particularly to the fact that here is an expenditure of some $700,000 that can be turned over and used by the Immigration Service. It is estimated that the cost of the labor of these prisoners on the work was $191,498.20. The military authorities have been contemplating the withdrawal of the prisoners from the island for a number of years. It was felt that they could be transferred to the mainland, and the cost of administration would be materially reduced. The transfer contemplated by this bill will mean a saving to the Government of a considerable sum each year, so far as the military establishment is concerned, to say nothing about the great saving to the Government of using it as an immigration station instead of going and buying land and buildings that will cost half a million or more, and that would not be as good as these buildings that we have already got.

It will be necessary to have an adequate immigration station to meet the necessities of the situation. The buildings on Alcatraz Island are fireproof, sanitary, and modern in every respect. If these buildings were to be continued as a military prison, there is no doubt that the Government would be compelled to construct additional buildings on Angel Island for the use of the Immigration Service at considerable cost to the Government.

I desire to get that fact fully before the Members of the House. At practically no cost or expense, the Department of Labor is ready to take charge. They are anxious to do it; and we would like to have it in shape at as early a date as we can. I trust the Members of the House may see their way clear to permit this bill to go through.

Mr. FITZGERALD. Is that to take care of the Asiatics that the gentleman expects to come into California? If not, where are the immigrants going to come from who will use this station?

Mr. RAKER. They claim now that there are 200,000 who have already engaged their passage and paid for it to land in San Francisco in 1915 from Europe. No Asiatic. We want them excluded for all time.

Mr. FITZGERALD. They must be a pretty prosperous class if they engage their passage two years ahead.

Mr. RAKER. We are advised that that is the fact.

Mr. FITZGERALD. I suppose that is because of the great era of prosperity that this country is going to enjoy under this Democratic administration.

Mr. RAKER. I think so.

Mr. FITZGERALD. And news of it has already spread to the innermost points of Europe?

Mr. RAKER. I do not believe there is any doubt about the prosperity.

Mr. FITZGERALD. Is not that true?

Mr. RAKER. Yes.

Mr. GILLETT. But is it not because in two years they know that there will be another administration?

Mr. RAKER. No. Look back to the beginning of immigration, and the gentleman will see that when there was no prosperity in this country and hard times were upon us, immigration was low; but whenever prosperity is great the immigration runs up from 750,000, and this year it will be 1,300,000. It will be more next year. All you have to do is to look at the records of immigration, and it gives an indication that the people from the Old World, when they learn of prosperity in this country and learn of its splendid conditions and opportunities, come in in perfect streams. But when times are hard they do not come. There is no question about it on earth.

Mr. CANTOR. They go the other way.

Mr. RAKER. Certainly. The following letters were received from the War Department by me on this subject:

WAR DEPARTMENT,
THE ADJUTANT GENERAL'S OFFICE,
Washington, October 14, 1913.

Hon. JOHN E. RAKER,
House of Representatives, Washington, D. C.

DEAR SIR: Your communication of October 11, 1913, relative to the Pacific branch, United States military prison, Alcatraz, Cal., in relation to the condition of Alcatraz Island and the buildings thereon, has been received. A proper reference has been made in order to enable the necessary information to be obtained. As soon as possible you will be further advised in the premises.

Very respectfully,
GEO. ANDREWS,
The Adjutant General.

WAR DEPARTMENT,
Washington, October 21, 1913.

Hon. JOHN E. RAKER, M. C.,
House of Representatives, Washington, D. C.

DEAR MR. RAKER: I have the honor to acknowledge the receipt of your letter of October 11, 1913, making certain inquiries concerning the United States military prison at Alcatraz, Cal.

In reply I have the honor to inclose herewith the information you desire and to inform you, with reference to your ninth inquiry, that the War Department has no objection to the transfer of Angel Island and its buildings to the Bureau of Immigration and Naturalization, to be used as it sees fit, provided it can make satisfactory arrangements with that department.

Very truly, yours,
LINDLEY M. GARRISON,
Secretary of War.

WAR DEPARTMENT,
THE ADJUTANT GENERAL'S OFFICE.

(Memorandum for the Chief of Staff.)

Subject: Pacific branch, United States military prison, Alcatraz, Cal.

1. Number of acres in Alcatraz Island, about 12.
2. All of the grounds used for prison purposes.
3. There are no buildings on the grounds not pertaining to the prison.
4. A copy of a report of the quartermaster of the prison, dated August 27, 1913, containing information desired relative to the buildings, is herewith.
5. No information available in the office of The Adjutant General or of the Chief of the Quartermaster Corps.
6. Cost of the buildings, as shown by report referred to above, $756,356.64.
7. The floor space on the wharf is 18,170 square feet. Cost, $45,067, is included in amount given in answer to question No. 6. Wharf is believed to be in serviceable condition, no estimates for repairs having been received in the office of the Chief of the Quartermaster Corps.
8. Distance from wharf on Alcatraz Island to the wharf at Fort Mason is about 1½ miles; exact distance unknown. Distance from the wharf on Alcatraz Island to the ferry building at the foot of Market Street, San Francisco, is about 3 miles; exact distance unknown. The length of time that would be consumed by ferryboats between these places is not known in this office.

H. O. S. HEISTAND,
Adjutant General.

No.	Date of erection.	Title.	Materials of construction.	Cost to date.
4	1901	Quartermaster's storehouse	Frame	$2,000.34
5	1887	Quartermaster's wagon shed	do	678.00
6	1887	Quartermaster's stable	do	1,578.67
7	1881	Officers' quarters	Brick foundation	5,926.14
8	1880	Commandant's quarters	Frame on brick foundation	8,723.00
9	1881	Officers' quarters	do	6,207.00
10	1882	Old hospital building	do	23,891.99
12	1859	Noncommissioned officers' sleeping quarters.	do	2,862.00
13	1859	do	do	3,322.00
14	1859	do	do	3,313.00
15	1875	Civilian employees' quarters	do	3,328.00
22		Old prison or chapel building	Brick	1,200.00
25	1900	Tool house	Frame	527.00
28	1882	Quartermaster and subsistence storehouse and offices.	Frame with brick foundation.	5,934.00
33	1863	Wharf	C. I. pile; wood floor	45,067.00
36	1895	Coal sheds	Frame	960.00
38	1872	Boathouse	do	750.00
39	1904	Old post bakery (now civilian employees' quarters.	do	2,764.00
41	1876	Waiting room and storeroom	do	623.00
43	1891	Married soldiers' quarters	do	2,433.00
47	1892	Hospital stewards' quarters	do	1,554.00
58	1907	Post plumbers' quarters	do	2,128.00
59	1900	Paint shop	do	285.00
64	1908	Barracks	Concrete block; brick basement and foundation.	60,000.00
65	1910	Post exchange	Reinforced concrete walls and foundations.	6,756.00
66	1910	Morgue	Reinforced concrete	500.00
67	1912	Power plant and shop buildings.	do	18,579.96
		Machinery, boilers, etc		31,865.54
	1913	Prison building	Reinforced concrete	420,000.00
		Plumbing fixtures, cooking apparatus, etc.		60,000.00
		Sewer system	Brick, C. I. pile, and sewer tile.	5,750.00
		Fresh-water system	Wrought-iron pipe, galvanized.	9,045.00
		Fire and sanitary water lines	do	5,895.00
		Fuel oil line	do	2,650.00
		Fuel oil tanks	Concrete and brick	3,000.00
		Electric street-lighting system	Underground	3,250.00
		Telephone system	Government aerial lines	3,000.00
		Total		756,356.64

The matter was taken up with the Department of Labor, and the following letter was received from Hon. A. Caminetti, Commissioner General:

UNITED STATES DEPARTMENT OF LABOR,
BUREAU OF IMMIGRATION,
Washington, October 30, 1913.

Hon. JOHN E. RAKER, M. C.,
House of Representatives, Washington, D. C.

MY DEAR MR. RAKER: I have received your letter of the 24th instant inclosing copy of bill introduced by you transferring the control and

jurisdiction of Alcatraz Island from the Department of War to the Department of Labor.

This matter is peculiarly within the jurisdiction of the War Department, with which the proposition originated. Our department has taken no action with respect to the subject, and I do not feel, therefore, that it would be proper for me to submit any comments on the bill at this time.

Of course, if the chairman of the committee to which the bill has been referred requests the department to submit, through the Speaker of the House, in accordance with Rule XLI of the House Regulations, a report on this proposition, the matter will be gone into in due course.

Very truly, yours,

A. CAMINETTI, *Commissioner General.*

The War Department and Department of Labor made full reports on this bill, and both reports were favorable and are as follows:

WAR DEPARTMENT,
Washington, November 11, 1913.

To the CHAIRMAN COMMITTEE ON MILITARY AFFAIRS,
House of Representatives.

SIR: The department is in receipt of request of October 28 for information and remark on H. R. 9017, a bill for the transfer of the control and jurisdiction of Alcatraz Island and its buildings thereon from the Department of War to the Department of Labor.

2. More specifically, the object of the bill is to transfer the Pacific branch of the United States military prison, located on Alcatraz Island, Cal., to the Department of Labor for use as an immigrant station. The antecedents of this proposed legislation are the following.

3. In a report of inspection made by the Judge Advocate General in the month of July of this year, the history is given of the establishment of Alcatraz as a place of confinement of military prisoners, as follows:

"PACIFIC BRANCH, UNITED STATES MILITARY PRISON, ALCATRAZ ISLAND, CAL.

"The earliest use of Alcatraz as a place of confinement of military prisoners of which I have been able to find any record was in 1861–1863, during which period a temporary wooden prison was constructed there as a measure of necessity growing out of the Civil War. In the fall of 1867 the wooden prison appears to have been replaced by one of brick. It has been in continuous use as a military prison from 1861 to the present time. The island is situated in the Bay of San Francisco, is an irregular oblong in shape, rocky and precipitous on all sides, rising to a height of 136 feet above tidewater, and destitute of vegetation. It has an area of 11.9 acres. It lies directly in the path of commerce, and surmounted as it is with the rather conspicuous new prison building, is perhaps more prominent in the view of the incoming passenger and more the subject of his inquiry and that of residents and visitors generally than any other object in the harbor. The answer they receive, that it is a prison for the confinement of our military offenders, gives an impression of the character of our enlisted personnel and of the discipline of our Army, which is unfair and unjust to the service. In pursuance of the act of March 12, 1907, which authorized the Secretary of War to designate branch prisons which, equally with the military prison at Leavenworth, would be subject to the laws relating thereto, Alcatraz was on March 22, 1907, designated as the Pacific branch of the United States military prison.' The sundry civil act of March 4 of the same year carried an appropriation of $50,000 for reconstruction, followed by an additional appropriation of $100,000 carried in the sundry civil act of May 27, 1908, and a further appropriation of $100,000 carried in the sundry civil act of March 4, 1909; or a total reconstruction fund of $250,000, as against $583,000 and $60,000 appropriated about the same time for the reconstruction of the main prison at Fort Leavenworth. The reconstruction work at Alcatraz is complete. The prison there, like the one at Fort Leavenworth, is the individual cell type, admirable in all its appointments and furnishing accommodations for 600 prisoners."

4. The objections to Alcatraz as a military prison were stated as follows:

"It is somewhat difficult to understand how the War Department came to recommend and Congress to appropriate the large sum of $250,000 for a new prison building on such a site as Alcatraz. Legislation then in force had laid so many restrictions upon the use that may be made of indoor prison labor (manufacturing) and upon the purchase of the products of such labor, that it was even then impossible to find continuous indoor employment for prisoners, and the necessity existed then as now for extensive facilities for outdoor employment. Modern penology demands such outdoor employment on other grounds, and I understand that considerations of this character are ordinarily controlling at the present time in the selection of sites for penitentiaries. These considerations apply with much greater force to military prisons than to civil prisons. At the time of my inspection of Alcatraz I found that practically all prisoners confined there who were not needed in the domestic administration of the prison were kept on Angel Island in a stockade and employed in the new barrack construction now going on at that island; also that the custom existed of transporting them back and forth between Alcatraz and other points in the harbor for daily labor as required. The expense involved constitutes an additional objection to Alcatraz as a prison site."

5. In respect to the availability of the branch prison at Alcatraz as an immigrant station, report continues as follows:

"I inspected Alcatraz on July 11 in company with the Commissioner General of Immigration and the local commissioner, and upon completion of our inspection of Alcatraz we looked over the present immigrant station at Angel Island. I am authorized by the Commissioner General of Immigration to report to you that he is of the opinion that Alcatraz, lying as it does directly in the path of commerce, surrounded by deep water, and within reasonable distance of the mainland, is admirably situated for the purposes of an immigrant station; that the prison constructed would, with slight alterations, lend itself admirably to the immigrant service; that the cell system was unobjectionable, and even appropriate and necessary for certain classes of immigrants received on the western coast; that the barrack room was admirable in all its appointments for the higher classes of immigrants. Practically all the auxiliary buildings necessary to the immigrant service are found at Alcatraz, and ample quarters for officials of that service. The objection urged in this report to Alcatraz as a site for a military prison would not be an objection to a site for an immigrant station, but rather an argument in its favor."

6. The report concluded with the following recommendations:

"I should have no hesitation in recommending the abandonment of Alcatraz if there were available in the harbor of San Francisco buildings which could be adapted for the purpose of a military detention barracks without too much expense. The commanding general of the Western Department (Gen. Murray) was of the opinion that Old Fort Point would prove an admirable location for a detention barracks, and could be adapted at small expense. At his request I inspected this post and found that the site was partly occupied by the Lighthouse Service, which, in my judgment, has more space than it needs for the operation of a single lighthouse. I found ample space for the confinement of detentioners from our western posts. At my request the constructing quartermaster is preparing estimates of the expense of adapting these casemates to the purposes of a detention barracks and will submit them to you upon your arrival in San Francisco on July 31. The advantage of Old Fort Point as a site for such a barracks is that it is located on the mainland in reasonable proximity to the large garrison at the Presidio, where the detentioners could be employed on fatigue work, with space within reasonable distance for outdoor instruction.

* * * * * * *

"In the event a suitable location on the mainland for a detention barracks can be found in San Francisco I recommend further that the authority of Congress be sought for the transfer of Alcatraz to the Department of Labor for utilization as an immigrant station."

7. What is said above represents the attitude of the department toward the proposed legislation on the subject to-day. The buildings on Alcatraz constitute model detention barracks, and the sole objection to continuing it as such is, first, the sentimental one that its prominence in the harbor advertises in a way unfair to the military service the discipline of the Army, and, second, the more substantial objection that there are not only no facilities for outdoor drill and instruction of prisoners confined therein, but prisoners must be transferred considerable distances in order that that part of their sentences relating to hard labor may be carried into execution.

For the reasons above stated and for the further reason that great economy to the Government will result I recommend the transfer of the present military establishment on Alcatraz Island to the Department of Labor. It will furnish that department with admirable facilities for the conduct of its Immigration Service.

In view of the great amount of money which the War Department has expended in the building up of Alcatraz, and the further fact that the modification of Fort Winfield Scott will amount probably to $50,000, it is requested, in case the transfer is authorized as herein recommended, that this amount be transferred to the War Department from the appropriations for the Department of Labor, in order that the War Department may be put to no additional expense in the preparation of a suitable establishment at Fort Winfield Scott. I believe this is an entirely reasonable and proper request, in view of the fact that the transfer of Alcatraz to the Department of Labor will result in a saving to that department of at least $500,000.

Very respectfully,

LINDLEY M. GARRISON,
Secretary of War.

WAR DEPARTMENT,
OFFICE OF THE JUDGE ADVOCATE GENERAL,
Washington, D. C., February 28, 1914.

MY DEAR MR. CAMINETTI: My statement to you that the transfer of Alcatraz prison would be germane to section 2 of S. 1032 was based upon the theory that legislation transferring the prison was germane to legislation under which the prison had been created and existed. It seems to me that this must be conceded. I do not know, however, that we are called upon to decide that question. If you have prepared a letter in relation to H. R. 9017, you might conclude it with the suggestion that H. R. 9017 might be handled as a separate enactment or incorporated in section 2 of S. 1032, leaving it to the committee of Congress to judge of the advisability and propriety of such incorporation.

Sincerely, yours,

E. H. CROWDER,
Judge Advocate General.

HON. A. CAMINETTI,
Commissioner General of Immigration,
Washington, D. C.

DEPARTMENT OF LABOR,
OFFICE OF THE SECRETARY,
Washington, March 4, 1914.

Hon. JAMES HAY, M. C.,
Chairman Committee on Military Affairs,
House of Representatives, Washington, D. C.

MY DEAR SIR: Some time since you referred to this department for report copy of a bill (H. R. 9017) introduced by Mr. BAKER, entitled "A bill transferring the control and jurisdiction of Alcatraz Island and its buildings thereon from the Department of War to the Department of Labor." The preparation of the desired report has been delayed until full opportunity could be had to investigate the situation and ascertain whether or not the proposed transfer of jurisdiction would adequately meet the necessities of the Immigration Service.

The present immigration station for the port of San Francisco is located on the north side of Angel Island, a distance of about 6 miles from the city, necessitating quite an expenditure for the operation and maintenance of ferry service. The remoteness of the station makes the transaction of the public business burdensome and expensive, owing to the loss of time in going to and fro. The buildings, with the exception of the power house, are constructed of wood, and unquestionably constitute a constant danger to the occupants, owing to their inflammable character; the topography of the island upon which they are situated is such as to render almost impossible a convenient arrangement of the existing structures or of those which might be erected in future. It is conceded by all who have knowledge of the situation that it would be an unwise investment to make further improvements and expenditures for facilities at the present site.

On the other hand, Alcatraz Island is far superior to Angel Island, both in point of location and in the facilities situated thereon. While the principal buildings were primarily designed for military purposes, they are strong, well built, and those that could be used for housing immigrants as well as for administrative purposes are either fireproof structures or reasonably so convertible, and they can be adapted to immigration purposes by the expenditure of an amount of money small in comparison to their original cost. The main building, which is capable of housing 600 or 700 inmates, is not excelled for sanitary and hygienic conditions by any public building in the United States, and is wholly fireproof.

This island is convenient to the city of San Francisco, being only 1½ miles from the northern water front thereof and is easily reached; but it should be remembered that the operation of a ferry would still be

required, although the number of trips could be doubled if necessary, thus avoiding the long delays that now consume the time of those who have business at Angel Island, and also minimizing the dangers incident to navigation in stormy weather.

Contrasted with the present location and facilities, the proposed transfer of jurisdiction of Alcatraz presents a well-marked improvement; in fact, there is no comparison between the two properties, and I would have no hesitancy in recommending, in lieu of any further expenditure of funds on improvements at Angel Island, that the matter of transfer to Alcatraz be made the subject of favorable action.

I desire to add, however, that I would have preferred to see the new immigration station for the port of San Francisco located upon the mainland, provided a convenient site was available, although it must be admitted that many excellent reasons have been assigned in favor of Alcatraz Island as a suitable location. Suggestions made that a portion of either of the two United States military reservations situated in or near the city of San Francisco be secured have proved unavailing, as the War Department has recently stated to a representative of this department that no space on either the Presidio or the Fort Mason reservation could be spared. Taking advantage of a suggestion made in an address by Capt. Robert Dollar, on my recent visit to San Francisco, with a view to the location of the new station upon the mainland, this department has gone to the extent of seeking the cooperation of the Chamber of Commerce of San Francisco, with which Capt. Dollar is associated as chairman of the foreign trade committee, with the result that after due deliberation by that body, its vice president and general manager, in transmitting the views of the chamber, says:

"While there are many reasons which would favor a location on the mainland, it is our understanding that the tender by the War Department of Alcatraz Island for this purpose offers to the Immigration Service the most feasible and available site. We are sure that the present location on Angel Island is inadequate and inconvenient, and it would be a great step in advance to utilize Alcatraz Island for the purpose, and I am therefore instructed by our board of directors to express our opinion that Alcatraz Island would get rid of many of the disadvantages that now obtain at the present location. This opinion is expressed without prejudice to any other sites which may hereafter be considered on the mainland."

Capt. Dollar, in discussing this report, adds his approval of its contents as follows:

"I called a meeting of the directors and members of the chamber of commerce, at which time this subject was discussed at length. * * * I have read the communication sent from the chamber as a result of such meeting. I approve of the action taken."

The department is not unmindful of the great cost involved in securing a site on the mainland in a large city like San Francisco and constructing the necessary buildings and accommodations thereon, and it is that fact, not the least among many favorable considerations, that influences it in agreeing to the transfer of the present station to Alcatraz Island, where, to a great extent, in addition to sufficient land, all wants of the Immigration Service, with few exceptions, can be immediately provided for at comparatively small expense. Among the exceptions can be noted a hospital suitable for a station intended to accommodate both oriental and occidental immigration.

It is proper to suggest that involved in the transfer there is necessity for an immediate appropriation in the sum of $44,[illegible]0 for the purpose of placing the buildings at Alcatraz Island in condition for use by the Immigration Service, a considerable proportion of same being necessary for transforming the section now consisting of cells in the buildings hitherto used as a military prison. It is understood that the transfer can not be effected from the present station until these necessary changes have been completed, and unless appropriation therefor is made there would be no authority in law for this department to incur the expenditure for same.

The department is informed that by act of Congress approved September 28, 1850, providing for a lighthouse on Alcatraz Island, the Lighthouse Establishment has certain privileges thereon. The bill now pending before your committee might properly be amended so as to make the transfer subject to the rights of the Lighthouse Service on the island.

The department, as at present advised, suggests the following amendments to this bill:

1. Strike out from the title the words "its buildings" and insert in lieu thereof the following: "buildings, machinery, and improvements."

2. Strike out, in line 3, page 1, the words "its buildings" and in lieu thereof insert "buildings, machinery, and improvements."

3. Strike out, in lines 5 and 6, same page, the words "as and known, designated as and called the United States military prison on," and insert in lieu thereof "for and known as the Pacific Branch, United States Military Prison."

4. Strike out, in lines 8 and 9, the words "and naturalization" and insert in lieu thereof "as an immigration station or for such other uses as may be provided for by law or regulation approved by the Secretary of Labor."

5. Strike out small letter "t" in the word "the," line 9, and insert in lieu thereof capital "T."

6. Strike out, in line 9, the words "and all its buildings" and insert "together with all buildings, machinery, and improvements."

7. Line 7, after the word "is," insert "except as herein otherwise provided."

8. Strike out period after the word "Labor," in line 11, and insert the following: ", subject to the provisions of the act of Congress approved September 28, 1850, providing for a lighthouse at Alcatraz Island."

As thus amended, and with the comments above submitted, this department recommends the passage of said measure.

In connection with the foregoing, and in view of the fact that the suggestion to transfer Alcatraz Island to this department for use as an immigration station originated in the War Department at the suggestion of Brig. Gen. E. H. Crowder, Judge Advocate General of the Army, I deem it my duty to transmit herewith a copy of a letter addressed by Gen. Crowder, on February 28, to the Bureau of Immigration, and to state that as to the method of such transfer, whatever shall be deemed advisable by your committee will be entirely satisfactory to this department.

Respectfully,

W. B. WILSON, *Secretary.*

WAR DEPARTMENT,
OFFICE OF THE QUARTERMASTER GENERAL OF THE ARMY,
Washington, June 19, 1914.

Hon. JULIUS KAHN, M. C.,
House of Representatives, Washington, D. C.

MY DEAR MR. KAHN: Referring to your inquiry over the telephone this morning as to the total cost of reconstructing the military prison at Alcatraz Island, Cal., I have the honor to inform you that funds were appropriated for this purpose in the sundry civil acts for the fiscal years 1908, 1909, and 1910, as follows:

Fiscal year 1908	$50,000
Fiscal year 1909	100,000
Fiscal year 1910	100,000
Total	250,000

The several acts making the appropriations for this work provide that the sum appropriated shall be so expended as to give the maximum amount of employment to the inmates of said institution.

The records of this office show that the estimated cost of the labor of prisoners on the work in question is $191,498.20, which amount, it is thought, should be added to the $250,000 to obtain the actual cost of reconstructing the prison, making a total of $441,498.20.

Very respectfully,

J. B. ALESHIRE,
Quartermaster General.

Mr. Chairman, I ask unanimous consent to extend my remarks in the RECORD.

The CHAIRMAN. The gentleman from California asks unanimous consent to extend his remarks in the RECORD. Is there objection? [After a pause.] The Chair hears none.

Mr. GILLETT. Mr. Chairman, I ask unanimous consent to extend my remarks in the RECORD.

The CHAIRMAN. The gentleman from Massachusetts makes a request to extend his remarks in the RECORD. Is there objection? [After a pause.] The Chair hears none.

Mr. FITZGERALD. Mr. Chairman, I yield half a minute to the gentleman from New York [Mr. CONRY].

Mr. CONRY. Mr. Chairman, I ask unanimous consent to print in the RECORD a speech delivered by Representative WITHERSPOON on the Fourth of July in Tammany Hall, New York.

The CHAIRMAN. Is there objection to the request of the gentleman from New York? [After a pause.] The Chair hears none, and it is so ordered.

Mr. FITZGERALD. Mr. Chairman, I move that the committee do now rise.

The motion was agreed to.

Accordingly the committee rose; and Mr. CANTOR having assumed the chair as Speaker pro tempore, Mr. ADAMSON, Chairman of the Committee of the Whole House on the state of the Union, reported that that committee had had under consideration the bill H. R. 17824, the general deficiency bill, and had come to no resolution thereon.

LEAVE OF ABSENCE.

By unanimous consent, leave of absence was granted as follows:

To Mr. BARNHART, indefinitely, on account of illness.

To Mr. PROUTY, for 10 days, on account of important business.

To Mr. BUCHANAN of Illinois, for 10 days, on account of illness.

ADJOURNMENT.

Mr. FITZGERALD. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 5 o'clock and 58 minutes p. m.) the House adjourned to meet Monday, July 13, 1914, at 12 o'clock noon.

EXECUTIVE COMMUNICATIONS.

Under clause 2 of Rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

1. A letter from the Secretary of the Treasury, submitting items for consideration in connection with the general deficiency bill; credits in the accounts of the disbursing clerk of the Treasury Department, $3.61; vouchers aggregating $2.25, submitted by custodian post office, courthouse, and customhouse, Duluth, Minn. (H. Doc. No. 1118); to the Committee on Appropriations and ordered to be printed.

2. A letter from the Secretary of War, transmitting, with a letter from the Chief of Engineers, report on preliminary examination of Stilaguamish River, Wash. (H. Doc. No. 1119); to the Committee on Rivers and Harbors and ordered to be printed.

3. A letter from the Secretary of War, transmitting, with a letter from the Chief of Engineers, reports on preliminary examination and survey of Delaware River, Camden, N. J., from Cooper River to Newton Creek (H. Doc. No. 1120); to the Committee on Rivers and Harbors and ordered to be printed, with illustrations.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII, bills and resolutions were severally reported from committees, delivered to the Clerk, and referred to the several calendars therein named, as follows:

Mr. O'LEARY, from the Committee on the District of Columbia, to which was referred the bill (H. R. 8847) amending

paragraph 81 of the act creating a public utilities commission, reported the same with amendment, accompanied by a report (No. 953), which said bill and report were referred to the House Calendar.

He also, from the same committee, to which was referred the bill (H. R. 8847) amending paragraph 81 of the act creating a public utilities commission, reported the same with amendments, accompanied by a report (No. 953), which said bill and report were referred to the House Calendar.

PUBLIC BILLS, RESOLUTIONS, AND MEMORIALS.

Under clause 3 of Rule XXII, bills, resolutions, and memorials were introduced and severally referred as follows:

By Mr. LONERGAN: A bill (H. R. 17851) for erecting a suitable memorial for Nathan Hale; to the Committee on the Library.

By Mr. CANTOR: A bill (H. R. 17852) for erecting a suitable monument to Commodore Uriah P. Levy in the city of Washington, D. C.; to the Committee on the Library.

By Mr. LEVY: A bill (H. R. 17853) to amend section 14 of the act entitled "An act to regulate commerce," approved February 4, 1887, and amendments thereto; to the Committee on Interstate and Foreign Commerce.

By Mr. SMITH of Minnesota: A bill (H. R. 17854) to amend an act entitled "An act to regulate the construction of dams across navigable waters," approved June 21, 1906, as amended by the act approved June 23, 1910, and to create a water-power commission for the regulation of such dams and the power and electric current generated thereby; to the Committee on Interstate and Foreign Commerce.

By Mr. CASEY: A bill (H. R. 17855) to provide an industrial alcohol commission under the general direction of the Secretary of Agriculture devoted to aiding in developing denatured alcohol production in farm distilleries, and its use for light, heat, and power, and other industrial purposes; to the Committee on Agriculture.

By Mr. JONES: A bill (H. R. 17856) to declare the purpose of the people of the United States as to the future political status of the people of the Philippine Islands, and to provide a more autonomous government for those islands; to the Committee on Insular Affairs.

By Mr. CARAWAY: A bill (H. R. 17857) to provide for appointment to places under the government of the District of Columbia, and for other purposes; to the Committee on the District of Columbia.

Also, a bill (H. R. 17858) to make eligible for appointment ex-soldiers of the Union and Confederate Armies, and for other purposes; to the Committee on Reform in the Civil Service.

By Mr. FALCONER: Resolution (H. Res. 564) requesting the War Department and Navy Department to furnish the House of Representatives copies of all correspondence and orders in the matter of the order of deportation of Fred L. Boalt from Vera Cruz; to the Committee on Naval Affairs.

By Mr. DOOLITTLE: Resolution (H. Res. 565) authorizing the Speaker to appoint committee to investigate charges that combination exists in Kansas and Missouri to depress the price of wheat paid to producer; to the Committee on Interstate and Foreign Commerce.

By Mr. KINKEAD of New Jersey: Resolution (H. Res. 566) to pay Harry Brandle compensation at the rate of $100 per month from May 23, 1914, to July 10, 1914; to the Committee on Accounts.

By Mr. FINLEY: Joint resolution (H. J. Res. 299) appropriating $60,000 for the relief of the sufferers from the hail and wind storm in York County, S. C., July 7, 1914; to the Committee on Appropriations.

PRIVATE BILLS AND RESOLUTIONS.

Under clause 1 of Rule XXII, private bills and resolutions were introduced and severally referred as follows:

By Mr. BAILEY: A bill (H. R. 17859) granting an increase of pension to Henry Wilson; to the Committee on Invalid Pensions.

By Mr. DERSHEM: A bill (H. R. 17860) granting a pension to Maggie W. Bitner; to the Committee on Invalid Pensions.

By Mr. FALCONER: A bill (H. R. 17861) to reimburse certain Indians for labor done in building a schoolhouse at Queets River, Quiniault Indian Reservation, State of Washington; to the Committee on Indian Affairs.

By Mr. McKENZIE: A bill (H. R. 17862) granting an increase of pension to Angeline E. Strong; to the Committee on Invalid Pensions.

By Mr. PADGETT: A bill (H. R. 17863) granting an increase of pension to Biddey C. Wolff; to the Committee on Invalid Pensions.

By Mr. PALMER: A bill (H. R. 17864) granting a pension to Condy Boyle; to the Committee on Pensions.

By Mr. RAKER: A bill (H. R. 17865) granting an increase of pension to Martha Ann Benjamin; to the Committee on Invalid Pensions.

By Mr. RAUCH: A bill (H. R. 17866) granting a pension to William H. Culler; to the Committee on Invalid Pensions.

Also, a bill (H. R. 17867) granting a pension to George R. Phyles; to the Committee on Invalid Pensions.

By Mr. SHERWOOD: A bill (H. R. 17868) granting an increase of pension to Joseph Bartlett; to the Committee on Invalid Pensions.

PETITIONS, ETC.

Under clause 1 of Rule XXII, petitions and papers were laid on the Clerk's desk and referred as follows:

By the SPEAKER (by request): Petitions of the Christian Endeavor Society of the Christian Church of Mexico, the Mexico Baptist Young People's Union, the Woman's Christian Temperance Union of Laddonia, and a mass meeting of citizens of Bellflower, all in the State of Missouri, favoring national prohibition; to the Committee on Rules.

By Mr. ANTHONY: Petitions of Robert Reid and other citizens of Denison, Warren L. Reed and other citizens of the National Military Home, Mrs. James Cleland and other citizens of Hoyt, E. E. Urner and other citizens of Topeka, Rev. I. J. Pearson and other citizens of Topeka, Robert J. Church and other citizens of Sabetha, and Katie E. Mayer and other citizens of Leavenworth, all in the State of Kansas, favoring national prohibition; to the Committee on Rules.

By Mr BAILEY (by request): Petitions of sundry citizens of Riddesburg, the Young People's Society for Christian Endeavor of Zion, the Lutheran Evangelical Church of Hollidaysburg, and the Young People's Society for Christian Endeavor of the First Lutheran Church of Tyrone, all in the State of Pennsylvania, favoring national prohibition; to the Committee on Rules.

By Mr. BEAKES: Petition of 217 citizens of Ann Arbor, 19 citizens of Hudson, and 54 citizens of Parma, all in the State of Michigan, in favor of national prohibition; to the Committee on Rules.

Also, petition of Clara S. C. Waldron, Mary Louise Hinsdale, and others, of Ann Arbor, Mich., favoring legislation for woman suffrage; to the Committee on the Judiciary.

By Mr. BURKE of South Dakota: Letters from Edward Loew, of Salem, S. Dak., and Lloyd H. Rising, of St. Lawrence, S. Dak., favoring the enactment of legislation providing for national prohibition; to the Committee on Rules.

By Mr. DERSHEM: Petitions of 1,674 citizens of Waynesboro, Pa., favoring national prohibition; to the Committee on Rules.

By Mr. DONOVAN: Petition of sundry citizens of East Norwalk, Conn., favoring national prohibition; to the Committee on Rules.

Also, petition of sundry citizens of Bridgeport, Conn., protesting against national prohibition; to the Committee on Rules.

By Mr. DOOLITTLE: Petition of 27 citizens of Onaga, Kans., favoring national prohibition; to the Committee on Rules.

By Mr. EAGAN: Petitions signed by 128 citizens of Hudson County, eleventh congressional district of New Jersey, protesting against national prohibition; to the Committee on Rules.

By Mr. ESCH: Petition of sundry citizens of Viroqua, Wis., favoring national prohibition; to the Committee on Rules.

By Mr. GILMORE: Petition of the First Congregational Church of Norwood, Mass., for censorship of motion pictures; to the Committee on Education.

By Mr. GUERNSEY: Petition of 115 citizens of Bangor, Me., favoring national prohibition; to the Committee on Rules.

By Mr. HAWLEY: Petition of sundry citizens of Washington County and others, of the State of Oregon, favoring national prohibition; to the Committee on Rules.

By Mr. KEISTER: Petition of August Schott and A. F. Ziegenfus, of Latrobe, Pa., protesting against national prohibition; to the Committee on Rules.

By Mr KENNEDY of Rhode Island: Memorial of the city council of Woonsocket, R. I., favoring the passage of the Hamill bill, relative to pensions for aged Government employees; to the Committee on Reform in the Civil Service.

By Mr. KORBLY: Petition of Bert Goodpasture and others, of Indianapolis, Ind., protesting against national prohibition; to the Committee on Rules.

Also, petitions of Mrs. F. T. McWhiter, Mrs. G. M. Henderson, and others; and Mrs. Alex Hugh Scott, Caroline Curtis, and others, of the North Boulevard Franchise League of Indianapolis, Ind.; Marion H. Barnard, Anmira Periam Denton, and others, of Irvington, Ind., urging woman-suffrage legislation; to the Committee on the Judiciary.

Also, petition of sundry citizens of West Indianapolis, Ind., favoring national prohibition; to the Committee on Rules.

By Mr. LEE of Pennsylvania: Petition of sundry citizens of Pennsylvania, against national prohibition; to the Committee on Rules.

By Mr. LOBECK: Petition of A. S. Morley and 30 other citizens, of Arlington, Nebr., favoring national prohibition; to the Committee on Rules.

By Mr. MAGUIRE of Nebraska: Petition of the Christian Church of Plattsmouth, Nebr., favoring national prohibition; to the Committee on Rules.

By Mr. OGLESBY: Petition of 213 residents of the twenty-fourth congressional district of New York, against national prohibition; to the Committee on Rules.

By Mr. O'SHAUNESSY: Petitions of sundry citizens of Providence, R. I., protesting against national prohibition; to the Committee on Rules.

Also, petition of the Paint Trade Mutual Fire Insurance Co. of Providence, R. I., protesting against Senate bill 5664, relative to use of mails for procuring fire insurance policies; to the Committee on the Post Office and Post Roads.

By Mr. PADGETT: Paper to accompany House bill granting increase of pension to Biddey C. Wolff; to the Committee on Invalid Pensions.

By Mr. PALMER: Petition of the Moravian Christian Endeavor Society, of Easton, Pa., and the Keystone League Christian Endeavor Society, of Freemansburg, Pa., against polygamy in the United States; to the Committee on the Judiciary.

By Mr. RAKER: Petition of the Annual Convention of Friends' Church of California, representing 3,500 members, favoring national prohibition; to the Committee on Rules.

By Mr. ROBERTS of Nevada: Petition of W. F. Robertson, P. B. Smith, and 12 other citizens; Moss Archambeault, Edward Hart, F. B. McKeown, and 11 other citizens, all of Reno, Nev.; and C. C. Dixon, of Sparks, Nev., against national prohibition; to the Committee on Rules.

By Mr. SCOTT: Petitions of sundry citizens of Marcus, sundry citizens and the Baptist Church of Storm Lake, the Woman's Christian Temperance Union of Sioux Rapids, sundry citizens of Sioux Center and Sioux County, sundry citizens of Spirit Lake, and 192 citizens of Linn Grove, all in the State of Iowa, favoring national prohibition; to the Committee on Rules.

By Mr. SINNOTT: Petitions of 28 citizens of Sparta, 72 citizens of Prairie City, 19 citizens of Vale, 15 citizens of Multnomah County, and 11 citizens of the second congressional district, all in the State of Oregon, against national prohibition; to the Committee on Rules.

Also, petition of 35 citizens of La Grande, Oreg., favoring national prohibition; to the Committee on Rules.

By Mr. J. M. C. SMITH: Petitions of the Christian Endeavor Society of the First Congregational Church of Union City; the Christian Endeavor Society of the First Reformed Church of Kalamazoo; Alma B. Ford, secretary of the Woman's Christian Temperance Union of Albion; John C. TenDyle, president of the Young People's Society Christian Endeavor of the First Congregational Church of Kalamazoo; George Brown, A. E. Burke, Mrs. P. Z. Weenink, John Seedik, L. O. Hays, Charles H. Pollycutt, H. Vonde Polder, Theodore Hoekstra, Dena Reenders, Elizabeth A. M. Dalm, Miss J. Davitt, Leonard Gideon, Mr. Mesink, H. J. Weemiek, Mr. Hoedkerk, 200 members of the Trinity Lutheran Church, and 160 members of the East Avenue Methodist Church, of Kalamazoo, all in the State of Michigan, favoring national constitutional prohibition (Hobson bill); to the Committee on Rules.

By Mr. SMITH of Maryland: Petitions of 206 citizens, mostly of Baltimore, Md., relative to national recognition to Frederick A. Cook for his polar efforts; to the Committee on Naval Affairs.

By Mr. SMITH of Minnesota: Petitions of 234 citizens of Minneapolis, Minn., and the German Evangelical Synod of North America, Minnesota district, against national prohibition; to the Committee on Rules.

By Mr. STONE: Petitions of sundry citizens of the sixteenth congressional district of Illinois, against national prohibition; to the Committee on Rules.

By Mr. TAYLOR of Alabama: Petition of sundry citizens of Mobile County, Ala., protesting against national prohibition; to the Committee on Rules.

By Mr. VOLLMER: Resolution of Shelby Norman Post, No. 231, Grand Army of the Republic, asking for an appropriation of $200,000 for the purpose of promoting a national celebration and peace jubilee in commemoration of the semicentennial of the ending of the Civil War in 1865, to be held at Vicksburg, Miss., October, 1915; to the Committee on Appropriations.

SENATE.

MONDAY, *July 13, 1914.*

The Senate met at 11 o'clock a. m.

Rev. J. L. Kibler, D. D., of the city of Washington, offered the following prayer:

Our heavenly Father, we thank Thee for our great country—for its organization, its resources, and its possibilities. We thank Thee for its abundant harvests and for the bountiful supplies of divine grace and providence that have marked its progress from the beginning. We praise Thy name for every token of Thy favor that has exalted our Nation. Grant that we may have a due consideration of our responsibility and measure up to our opportunities. May we follow Thy leading, rely upon Thy power, and cherish Thy precepts. May we continue to abide under the shadow of the Almighty. "Lord God of hosts, be with us yet, lest we forget, lest we forget." We plead for this in Jesus' name. Amen.

The Journal of the proceedings of Thursday last was read and approved.

NEW YORK, NEW HAVEN & HARTFORD RAILROAD.

The VICE PRESIDENT. The Chair lays before the Senate a communication from the Interstate Commerce Commission, transmitting, in response to a resolution of February 7, 1914, a report concerning the financial transactions of the New York, New Haven & Hartford Railroad Co., together with a transcript of the record made in this investigation in accordance with a further Senate resolution of June 24, 1914. The communication and accompanying papers will be referred to the Committee on Interstate Commerce.

Mr. NORRIS. Mr. President, I should like to call the attention of the Chair to the fact that the Senate has already passed a resolution authorizing the printing of that report and the accompanying evidence as a Senate document.

The VICE PRESIDENT. The Chair was not aware of that.

Mr. NORRIS. We have passed a Senate resolution to print the report and the evidence as a Senate document.

The VICE PRESIDENT. Then the report and the accompanying papers will be referred to the Committee on Printing.

Mr. NORRIS subsequently said: Mr. President, did I understand the Chair to refer the communication from the Interstate Commerce Commission to the Committee on Printing? As I understand, there is no occasion for referring it to that committee, in view of the previous action of the Senate.

The VICE PRESIDENT. Where would the Senator from Nebraska have it referred?

Mr. NORRIS. As I understand, there is no occasion for any reference. The Secretary of the Senate will have it sent to the Printing Office, where it will be printed, the same as any other document. It has already been ordered printed.

The VICE PRESIDENT. The Chair was of the impression that if it had been ordered printed the Committee on Printing would send it to the Printing Office to have it printed.

Mr. NORRIS. I understand the Committee on Printing only reports such matters back to the Senate, and the Secretary of the Senate then has it sent to the Printer.

The VICE PRESIDENT. If it has been ordered printed——

Mr. NORRIS. It has been ordered printed.

The VICE PRESIDENT. The Chair has no idea how it will be printed.

Mr. NORRIS. Just the same as any other document. It will be sent to the Printer.

The VICE PRESIDENT. The communication and accompanying papers will be referred to the Committee on Interstate Commerce.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by J. C. South, its Chief Clerk, announced that the House agrees to the amendments of the Senate to the bill (H. R. 5304) to increase the efficiency of the Aviation Service of the Army, and for other purposes.

The message also announced that the House agrees to the amendments of the Senate to the bill (H. R. 6464) for the relief of Charles R. Grant.

The message further announced that the House agrees to the amendment of the Senate No. 157 to the bill (H. R. 17041) mak-

ing appropriations for sundry civil expenses of the Government for the fiscal year ending June 30, 1915, and for other purposes; agrees to the amendment of the Senate No. 163, with an amendment, in which it requests the concurrence of the Senate; disagrees to the residue of the amendments of the Senate; requests a conference with the Senate on the disagreeing votes of the two Houses thereon, and has appointed Mr. FITZGERALD, Mr. SHEELEY, and Mr. GILLETT managers at the conference on the part of the House.

The message also announced that the House agrees to the amendments of the Senate Nos. 6, 13, and 140 to the bill (H. R. 12579) making appropriations for the current and contingent expenses of the Bureau of Indian Affairs, for fulfilling treaty stipulations with various Indian tribes, and for other purposes, for the fiscal year ending June 30, 1915; disagrees to the residue of the amendments of the Senate to the bill; asks a conference with the Senate on the disagreeing votes of the two Houses thereon, and has appointed Mr. STEPHENS of Texas, Mr. CARTER, and Mr. BURKE of South Dakota managers at the conference on the part of the House.

The message further announced that the House had passed the bill (S. 4261) granting pensions and increase of pensions to certain soldiers and sailors of the Civil War and certain widows and dependent relatives of such soldiers and sailors, with amendments, in which it requests the concurrence of the Senate.

The message also announced that the House had passed the bill (S. 4845) granting pensions and increase of pensions to certain soldiers and sailors of the Civil War and certain widows and dependent relatives of such soldiers and sailors, with amendments, in which it requested the concurrence of the Senate.

The message further announced that the House had passed the bill (S. 5207) granting pensions and increase of pensions to certain soldiers and sailors of the Civil War and certain widows and dependent relatives of such soldiers and sailors, with amendments, in which it requested the concurrence of the Senate.

The message also announced that the House had passed the bill (S. 5446) granting pensions and increase of pensions to certain soldiers and sailors of the Civil War and certain widows and dependent relatives of such soldiers and sailors, with amendments, in which it requested the concurrence of the Senate.

The message further announced that the House had passed the bill (S. 5575) granting pensions and increase of pensions to certain soldiers and sailors of the Civil War and certain widows and dependent relatives of such soldiers and sailors, with amendments, in which it requested the concurrence of the Senate.

The message also announced that the House had passed the bill (S. 5843) granting pensions and increase of pensions to certain soldiers and sailors of the Civil War and certain widows and dependent relatives of such soldiers and sailors, with amendments, in which it requested the concurrence of the Senate.

The message further announced that the House had passed the following bill and joint resolution, in which it requested the concurrence of the Senate:

H. R. 8428. An act to codify, revise, and amend the laws relating to publicity of contributions and expenditures made for the purpose of influencing the nomination and election of candidates for the offices of Representative and Senator in the Congress of the United States, limiting the amount of campaign expenses, and for other purposes; and

H. J. Res. 288. Joint resolution to amend an act entitled "An act granting pensions and increase of pensions to certain soldiers and sailors of the Civil War and certain widows and dependent children of soldiers and sailors of said war," approved May 2, 1914.

ENROLLED BILLS AND JOINT RESOLUTIONS SIGNED.

The message also announced that the Speaker of the House had signed the following enrolled bills and joint resolutions, and they were thereupon signed by the Vice President:

S. 60. An act to provide for agricultural entry of lands withdrawn, classified, or reported as containing phosphate, nitrate, potash, oil, gas, or asphaltic minerals;

S. 4714. An act to authorize Louis Eder to enter lands under the homestead laws;

H. R. 963. An act for the relief of Mrs. Andrew Riganopolous;

H. R. 1138. An act for the relief of Helen Wakefield;

H. R. 1291. An act for the relief of George Gardells;

H. R. 1517. An act for the relief of George W. Cary;

H. R. 1580. An act for the relief of John R. Norris;

H. R. 2407. An act for the relief of the Pennsylvania Engineering Co., of the city of Philadelphia;

H. R. 2536. An act for the relief of John Streckfus;

H. R. 2540. An act for the relief of the estate of Philip Felix Herwig, deceased;

H. R. 3041. An act to carry into effect findings of the Court of Claims in the cases of Charles A. Davidson and Charles M. Campbell;

H. R. 3988. An act for the purchase of a building and lot as a mine rescue station at McAlester, Okla.;

H. R. 4744. An act to authorize the appointment of John W. Hyatt to the grade of second lieutenant in the Army;

H. R. 5079. An act for the relief of Mary Abel;

H. R. 5746. An act for the relief of Marcus L. Pelham;

H. R. 5884. An act granting to the people of the State of California the right of way upon and across the United States fish reservation at Baird, Shasta County, Cal.;

H. R. 6014. An act for the relief of Serapio Romero, late postmaster at Las Vegas, N. Mex.;

H. R. 6052. An act for the relief of William P. Havenor;

H. R. 6220. An act for the relief of Hosea Stone;

H. R. 6260. An act for the relief of Hyacinthe Villeneuve;

H. R. 6831. An act to quiet title to lot 5, section 33, township 14, range 18 east, Noxubee County, Miss.;

H. R. 7293. An act to increase the limit of cost of the public building at Smyrna, Del.;

H. R. 7327. An act for the relief of Charles L. Hill;

H. R. 7484. An act for the relief of Stanley J. Morrow;

H. R. 8893. An act for the relief of Mary E. Goodley;

H. R. 9042. An act to permit sales by the supply departments of the Army to certain military schools and colleges;

H. R. 9147. An act to restore First Lieut. James P. Barney, retired, to the active list of the Army;

H. R. 9362. An act for the relief of R. B. Whitacre & Co.;

H. R. 9421. An act for the relief of John T. Glynn;

H. R. 9770. An act to levy and collect an income tax on railroads in Alaska, and for other purposes;

H. R. 10345. An act for the relief of C. M. Hammond;

H. R. 10767. An act for the relief of John B. Baldwin;

H. R. 11006. An act authorizing the disposal of a portion of the Fort Bidwell Indian School, California;

H. R. 11254. An act to increase the limit of cost for the erection and completion of the United States post-office building at Mandan, N. Dak.;

H. R. 11381. An act for the relief of the estate of T. J. Semmes, deceased;

H. R. 11625. An act to increase the appropriation for the erection of an immigration station at Baltimore, Md.;

H. R. 11747. An act to increase the limit of cost for the purchase of a site and the construction of a public building in Memphis, Tenn.;

H. R. 12166. An act for the relief of Jennie S. Sherman or her heirs;

H. R. 12191. An act for the relief of Elizabeth Muhleman, widow of Samuel A. Muhleman, deceased;

H. R. 12778. An act for the relief of W. D. Stoyer, administrator of the estate of Henry S. Stoyer;

H. R. 13133. An act for the approving and payment of the drainage assessments on Indian lands in Salt Creek drainage district No. 2, in Pottawatomie County, Okla.;

H. R. 13819. An act to increase the limit of cost of Federal building at Pendleton, Oreg.;

H. R. 13985. An act to authorize the construction of a bridge across the Mississippi River at or near the city of Baton Rouge, La.;

H. R. 14229. An act for the relief of Henry La Roque;

H. R. 14684. An act for the relief of the Commissioner of Internal Revenue;

H. R. 14925. An act for the retirement of H. R. Drake;

S. J. Res. 157. Joint resolution requesting the President of the United States to invite foreign Governments to participate in the International Congress on Education; and

H. J. Res. 255. Joint resolution authorizing the President to extend invitations to other nations to send representatives to the International Dry-Farming Congress to be held at Wichita, Kans., October 7 to 17, inclusive, 1914.

PERSONAL EXPLANATION.

Mr. SMITH of Georgia. Mr. President, I ask the attention of the Senate to a matter of a somewhat personal nature. I received this morning a letter from a friend containing the following statement:

> This is to advise you that a number of your opponents in south Georgia are trying to arouse prejudice against you in rural districts and among the voters by repeating to them a great story about your having voted to keep a negro in office over a white man, having reference to a negro judge in Washington.
>
> I know you had a reason, and a reasonable one, for casting your ballot that way, and I wish, if you can, you would furnish me with the proper statement to offset this tale.

As Robert H. Terrell is the only negro who has been confirmed by the Senate, this story must refer to him. I ask leave

to bring together in one place what the CONGRESSIONAL RECORD shows with reference to the nomination and confirmation of Robert H. Terrell.

The CONGRESSIONAL RECORD of February 18, 1914, shows:

Executive nominations received by the Senate.

Robert H. Terrell, of Washington, D. C., to be judge of the municipal court of the District of Columbia. (A reappointment, his term having expired.)

On April 24, 1914, the RECORD shows:

Executive nominations confirmed by the Senate.

JUDGE OF THE MUNICIPAL COURT.

Robert H. Terrell to be a judge of the municipal court of the District of Columbia.

On May 2, 1914, page 7621 of the CONGRESSIONAL RECORD, appears the following:

CONFIRMATION OF ROBERT H. TERRELL.

Mr. SMITH of Georgia. Mr. President, I ask unanimous consent that my vote on the confirmation of Robert H. Terrell as a judge of the municipal court of the District of Columbia be made public. I desire it to be known that my vote was cast against his confirmation.

On June 18, 1914, the RECORD shows that unanimous consent was given to publish the vote of all the Senators with reference to the confirmation of Robert H. Terrell. The vote was as follows:

YEAS—39.

Brady	Cummins	Lewis	Shively
Brandegee	Gallinger	Lodge	Smith, Mich.
Bristow	Goff	McCumber	Smoot
Burleigh	Hollis	Martine, N. J.	Sterling
Burton	Hughes	Nelson	Thomas
Catron	Johnson	Norris	Thompson
Chilton	Kenyon	Page	Walsh
Clapp	Kern	Pomerene	Warren
Clark, Wyo.	La Follette	Root	Weeks
Crawford	Lane	Shafroth	

NAYS—24.

Bankhead	Lee, Md.	Reed	Smith, Ga.
Bryan	Newlands	Robinson	Smith, S. C.
Fletcher	Overman	Sheppard	Thornton
Gore	Owen	Shields	Vardaman
James	Pittman	Simmons	West
Lea, Tenn.	Ransdell	Smith, Ariz.	Williams

I have now, Mr. President, put together everything that the RECORD shows with reference to the nomination and confirmation of Robert H. Terrell.

Of course we understand that all nominations are considered in secret executive session, that no record is made of the speeches of Senators in secret executive sessions, and that even the votes of Senators are not made public and do not appear in the RECORD except by unanimous consent.

I feel, however, that I am justified, in view of the unanimous consent given at my request that my action with reference to Robert H. Terrell be made public, to add that all Senators who were present are aware of the fact that during the two and one-half months the nomination of Terrell was held up in the Senate I on every opportunity protested against his confirmation, and spoke frequently at length against his confirmation. I, of course, voted against his confirmation.

Mr. BORAH. Mr. President, as I understood the letter, it was giving an account of what happened in executive session with reference to the confirmation of a judge.

Mr. SMITH of Georgia. It was a charge that I voted for his confirmation.

Mr. BORAH. I merely wish to ask the Senator if he does not agree with me that executive sessions with reference to the confirmation of judges ought to cease, and that the confirmations ought to be had in open session? If we are going to state what has happened after the session is over, there is every reason why executive sessions should be done away with, so far as those matters are concerned. This only illustrates the proposition that we ought to terminate executive sessions entirely with reference to everything except some possible treaties with foreign Governments.

INDUSTRIAL CONDITION OF THE COUNTRY.

Mr. STONE. Mr. President, I hold in my hand a couple of newspaper clippings, one of which I should like to have read. I have clipped it from the Iron County Register, a prominent, influential Democratic journal in Missouri, and it seems to have been copied from the St. Joseph Observer, another strong, influential Democratic journal. I think it would be very well to make this the basis of some similar matter that I purpose to insert in the RECORD from time to time for the edification and comfort of my friends the Senator from Utah [Mr. SMOOT], the Senator from New Hampshire [Mr. GALLINGER], and some others. I should like to have it read.

The VICE PRESIDENT. Is there objection? The Chair hears none, and the Secretary will read as requested.

The Secretary read as follows:

Unique industry furnishes occupation for a large number of men and women and shows handsome profit to makers.

Jefferson City.

Corncob and wooden pipes——

Mr. STONE. If the Secretary will turn to the other side of the paper he will find what I asked to have read.

Mr. GALLINGER. I think the subject the Senator's correspondent was dealing with is a very important one. It is important that the corncob and wooden pipe industry should flourish in this country. I think it ought to be read.

Mr. WARREN. I should like to have it read.

Mr. STONE. You can have it read if you wish, but I do not know what it is.

The VICE PRESIDENT. The other side of the paper will be read.

Mr. STONE. That is not the article that I sent up to be read. I think it would be well for the Secretary before he begins to read to know what it is that a Senator desires to have read.

Mr. WARREN. Do I understand that the Senator has something with which he wishes to brace up the courage of his colleagues and will not tell us the subject of it?

Mr. STONE. No, sir; it is something with which I wish to brace up the courage of the lamentators on the other side.

Mr. WARREN. I think their courage will be sufficient for the occasion when the time comes, as the Senator will probably find. The boys often whistle when they go through the woods to keep their courage up. I notice that these little ebullitions of whistling and singing come often nowadays from the Democratic side, and we enjoy it, I am sure. We hope the other side will devote itself diligently to overcoming the alleged "psychological depression."

Mr. STONE. I hope the Senator at least enjoys it, since he has so much occasion to employ it.

Mr. CLAPP. Mr. President, it seems to me the thing to settle is whether we shall have the corncob-pipe article read, or the article that the Senator from Missouri wants to have read.

The VICE PRESIDENT. The article was not marked in any way. So the Chair does not think the Secretary is to blame for what he started to read; but it was not what the consent of the Senate was given to have read. The article on the other side of the corncob article the Secretary will read.

The Secretary read as follows:

Camden, N. J.: Riot follows application of 1,150 men for 400 jobs advertised by the Joseph Campbell Co. August 10, 1908.

Denver: More than 200 Bulgarians petition governor for employment or aid to return to Bulgaria. March 20, 1908.

Detroit: More than 2,000 men march to city hall to solicit work of mayor. January 28, 1908.

Granite City, Mo.: Fifty men kneel before various churches pleading for work. One man killed himself because he failed to obtain work. April 25, 1908.

New York: School children besiege the restaurant of Adolph Lorber to obtain free meals offered by Mr. Lorber. February 13, 1908.

New York: Government urged by Central Federated Labor Union to let contracts for subway to furnish work for 500,000 men unemployed. March 15, 1908.

Philadelphia: Loan of $9,000,000 to provide funds for public work asked by the city for unemployed. Race riot followed demonstration of unemployed demanding work. Italians attacked by men of other nationalities.

San Francisco: Organized unemployed league formed. Demands the issue of $23,000,000 in bonds to aid unemployed. January 28, 1908.

Toledo: One thousand Hungarians march through the rain to receive a loaf of bread each. March 28, 1908.

Such is a part of the story of the winter that followed the panic of 1907. Democratic policies to blame? Not a bit of it. Republicans had been in power for 11 years. Democratic President to blame? Not a bit of it. Theodore Roosevelt was in the White House. Democratic Congress to blame? Not a bit of it. The country was safely standpat. Democratic tariff law to blame? Not a bit of it. The law of Dingley still prevailed.

Explain the panic of 1907 as you will—say it was a bankers' panic; say it was a result of a "psychological condition." It was a "condition." It was a condition that prevailed under a Republican President, and at a time when Republican legislation framed to foster prosperity was still upon the statute books. If the Democrats are panic makers, they have not yet been able to duplicate the winter expert at their line. They have not of 1908. As a matter of fact, history shows that the Tory press forgets a lot when it assails the new tariff laws and the new currency law as panic breeders. While they are organizing a "business depression" the standpat politicians should stage a few bread riots to give a realistic touch to their show.—St. Joseph Observer.

Mr. STONE. Mr. President, I have here an editorial which I clipped from the Washington Post. As we all know, the Washington Post for months past has filled its columns with direful prophecies of hard times and of evil to come. But even the Washington Post is awaking to the fact that the country is in excellent industrial condition and that we are moving rapidly along the path of industrial development and progress. I think it wise to insert in the RECORD this confession from the editorial columns of the Post. In order to economize time, as

it is half a column or thereabouts in length, I will merely ask to have it inserted instead of having it read.

The VICE PRESIDENT. Is there objection? The Chair hears none.

The article referred to is as follows:

GREAT CROP YIELDS WILL INSURE LARGE BUSINESS.

So much depends upon the crop results for this present year that the country watches with anxiety the climatic conditions of each week in the corn and cotton belts and in the wheat section of the Northwest and Canada.

The winter wheat results are now well assured and the yield will surpass by many millions of bushels the highest record of production ever attained in the United States.

Cotton has made excellent progress during the month of June, and this last week has been notably favorable in the entire cotton belt; so much so that many speculative holders of cotton have been sellers, believing that the yield will be well up to high record mark.

Reports from the West and Southwest as to corn are of a character that promises a remarkable yield, the late rains having worked wonders in the growth of the plant; and it is easily to be seen that the agriculturists in the corn belt will not be surprised if the yield of corn makes fully as fine an aggregate in comparison to yields in former years as has the winter wheat.

The business men of the country should be greatly encouraged by these brilliant prospects for immense crops, as these yields of cotton and corn, if of the aggregates now estimated, will furnish the soundest and most reliable basis for general prosperity in business affairs of the United States.

The news from the West, including Southwest, Northwest, the Middle West, Central West, and far West, is that the railways will be called upon for full capacity of cars and motive power to transport the products of the soil.

That means that Pennsylvania, Ohio, and Alabama iron and steel plants, furnaces, and coke ovens will be called upon for greater outputs.

That means that West Virginia, Virginia, and Kentucky coal mines will have a demand that will call for employment of greater numbers of miners.

That means that the industrial districts of the United States will resume activities and be able to dispose of larger outputs than during the past two years.

The prosperity of the farmers and the greater activity in the manufacturing sections will insure larger demands upon the merchants in every city and town of the United States, and by the middle of August this will be fully demonstrated, and it will make a great change for better business in every part of the Republic.

The section of the Union comprising Maryland, Virginia, West Virginia, and the District of Columbia will be among the first of the sections to feel the returning tide of good trade, and local sentiment as to business will be largely changed during the next three months.

Mr. STONE. That is all I shall insert this morning, but I think I will take occasion morning after morning to furnish my friends on the other side with some comforting evidence of the real condition of the country.

Mr. GALLINGER. Mr. President, if we go into that and the Senator's friends on this side submit editorials and excerpts from newspapers showing a different condition of things, it occurs to me that the CONGRESSIONAL RECORD will not be a fair index of the proceedings of this body, but an omnium-gatherum of the opinions of newspapers scattered throughout the country. The Senator knows that the Democratic papers are, of course, trying to make it appear that we have prosperity. The Republican papers, on the other hand, say we have not prosperity, but the contrary. I think it is a questionable practice to fill up the CONGRESSIONAL RECORD with such newspaper extracts.

Still, if the Senator wishes to go into it, his friends on this side will accommodate him by inserting articles of a different tenor, and we will let the numerous readers of the CONGRESSIONAL RECORD decide which represents the true facts.

Mr. WHITE. Mr. President, I have a clipping which I should like to have read for its psychological effect upon the business world, to say nothing of the quieting effect it may have upon the Senators on the other side.

The VICE PRESIDENT. Is there objection? The Chair hears none, and the Secretary will read as requested.

The Secretary read as follows:

BUSINESS BOOM BRINGS BIG ORDER FROM PENNSYLVANIA RAILROAD.

ALTOONA, PA., *July 8.*

With every department of the Altoona shops, the industrial center of the Pennsylvania Railroad Co., working full time and many departments working overtime, this city is enjoying an unsurpassed era of prosperity.

An order for 81 freight engines, the largest ever used by the Pennsylvania, has been placed with the Juniata shops, while an order has just been placed with the car shops for 1,000 all-steel box cars, the most costly equipment of its kind ever ordered by the railroad.

Mr. WHITE. Mr. President, while I asked to have it read for its psychological effect, it may also be appropriate as a plea of set-off or recoupment to articles read by Senators on the other side, with which this contrasts the business conditions of the country.

Mr. WILLIAMS. Mr. President, pursuing the same line I shall ask permission to have the Secretary read an editorial in the New York World of Sunday, June 28, entitled, in rather high-flown language, "When big business is an ass."

Mr. GALLINGER. The Senator was not heard in this part of the Chamber. Will the Senator state what the article is?

Mr. WILLIAMS. I have asked to have the Secretary read an article in the New York World of Sunday, June 28, under the graphic title "When big business is an ass." I think it will have some effect "psychologically," as that seems to be the adverb chiefly now in use.

The VICE PRESIDENT. Is there objection? The Chair hears none, and the Secretary will read as requested.

The Secretary read the editorial from the New York World of Sunday, June 28, 1914, as follows:

WHEN BIG BUSINESS IS AN ASS.

Our neighbor, the Sun, upon whom we are accustomed to rely for a correct interpretation of the political sentiment of Wall Street, bitterly complains that—

"The business world feels itself fettered by the general attitude of political hostility to the higher mechanism of business, a hostility of which the President is the principal exponent."

If the Morganized finance which resulted in the Claflin failure represents "the higher mechanism of business," we have no doubt that the President is hostile to it.

If the plunder of the New Haven Railroad represents "the higher mechanism of business" we have no doubt that the President is hostile to it.

If the almost incredible financial knavery that has been brought to light in connection with the Rock Island represents "the higher mechanism of business," we have no doubt that the President is hostile to it.

If the sort of finance that wrecked the Frisco and broke the back of the Pere Marquette represents "the higher mechanism of business," we have no doubt that the President is hostile to it.

If the corrupt manipulations that were exposed in the lobby investigation represent "the higher mechanism of business," we have no doubt that the President is hostile to it.

If sneaking attempts to intimidate Congress by means of form telegrams and mimeographed letters represent "the higher mechanism of business," we have no doubt that the President is hostile to it.

What is more, the country is hostile to it, and whenever the issue is definitely drawn the President will win and big business will be beaten.

With every economic question that has come before him the President has sought to deal prudently, cautiously, and sanely. No word of demagogy has fallen from his lips. He has indulged in no reckless agitation; he has made no incendiary appeals to popular passion; he has neither denounced, nor abused, nor threatened. He has sought to carry out no economic policies that he was not elected specifically to carry out, and yet the great business interests of the East have fought him at every step with every weapon at their command. He offered them peace, and they have chosen war. Having chosen war, they can expect no truce until the issue is decided.

They themselves have created a situation in which there is nothing for Congress to do but to go ahead with the administration's program and carry it through. Big business in politics is usually an ass. It was never more of an ass than when it undertook to bulldoze Woodrow Wilson and this Democratic Congress.

PETITIONS AND MEMORIALS.

The VICE PRESIDENT presented a telegram in the nature of a petition from the National Young People's Christian Union, in convention assembled at Boston, Mass., which was referred to the Committee on the Judiciary and ordered to be printed in the RECORD, as follows:

[Telegram.]

BOSTON, MASS., *July 11, 1914.*

Hon. THOMAS MARSHALL,
Vice President, United States Senate, Washington, D. C.:

National Young People's Christian Union convention, Universalist Church, petitions Senate to submit prohibition amendment and to pass national censorship motion-picture bill. Please order ths petition printed in full in RECORD.

CARL F. ELSNER, *Secretary.*

Mr. NELSON presented petitions of sundry citizens of Minnesota, praying for the enactment of the so-called antitrust legislation, which were referred to the Committee on the Judiciary.

He also presented petitions of sundry citizens of Minnesota, praying for the adoption of an amendment to the Constitution to prohibit polygamy, which were referred to the Committee on the Judiciary.

He also presented petitions of sundry citizens of Duluth, Alexandria, Cohasset, Sauk Center, Minneapolis, Paynesville, St. Cloud, Rushmore, Crystal Bay, Farmington, Moorhead, and Waseca, all in the State of Minnesota, praying for national prohibition, which were referred to the Committee on the Judiciary.

He also presented memorials of sundry citizens of Minneapolis, Duluth, and East Grand Forks, all in the State of Minnesota, remonstrating against national prohibition, which were referred to the Committee on the Judiciary.

Mr. JOHNSON presented petitions of sundry citizens of Maine, praying for the enactment of the so-called antitrust legislation, which were referred to the Committee on the Judiciary.

He also presented petitions of sundry citizens of Maine, praying for the adoption of an amendment to the Constitution to prohibit the manufacture, sale, and importation of intoxicating beverages, which were referred to the Committee on the Judiciary.

He also presented resolutions adopted by the Board of Fire Underwriters of Sagadahoc County, Me., praying for the enactment of legislation to prohibit the use of the mails to insurance

companies not duly authorized to transact business in the various States, which were referred to the Committee on Post Offices and Post Roads.

Mr. SHEPPARD presented a petition of sundry citizens of Austin, Tex., praying for the adoption of an amendment to the Constitution to prohibit the manufacture, sale, and importation of intoxicating beverages, which was referred to the Committee on the Judiciary.

Mr. GALLINGER presented petitions of sundry citizens of New Hampshire, praying for the enactment of the so-called antitrust legislation, which were referred to the Committee on the Judiciary.

He also presented a memorial of the Concord Lumber Co., of Concord, N. H., remonstrating against the enactment of the so-called antitrust legislation, which was referred to the Committee on the Judiciary.

He also presented a memorial of sundry citizens of Manchester, N. H., remonstrating against the adoption of an amendment to the Constitution to prohibit the manufacture, sale, and importation of intoxicating beverages, which was referred to the Committee on the Judiciary.

He also presented the petition of C. A. Burrows, of Lancaster, Pa., praying for the enactment of legislation to provide for an old-age pension, which was referred to the Committee on Pensions.

Mr. GRONNA presented petitions of sundry citizens of North Dakota, praying for national prohibition, which were referred to the Committee on the Judiciary.

He also presented a petition of the Fargo Chautauqua, of North Dakota, praying for the adoption of an amendment to the Constitution to prohibit polygamy, which was referred to the Committee on the Judiciary.

He also presented a petition of sundry citizens of the first congressional district of North Dakota, praying for Federal aid in the strike district of Colorado, which was referred to the Committee on Education and Labor.

Mr. MYERS presented a petition of sundry citizens of Rollins, Mont., praying for the adoption of an amendment to the Constitution to prohibit the manufacture, sale, and importation of intoxicating beverages, which was referred to the Committee on the Judiciary.

Mr. McLEAN presented petitions of sundry citizens of Danbury, Ansonia, Hartford, Suffield, South Norwalk, and New Haven, all in the State of Connecticut, praying for the enactment of the so-called Clayton antitrust bill, which were referred to the Committee on the Judiciary.

He also presented a memorial of the Trades Council of New Haven, Conn., remonstrating against national prohibition, which was referred to the Committee on the Judiciary.

He also presented petitions of the Housatonic Valley Preachers' Union, of the State of Connecticut, and of the congregations of the Methodist Church of Easton and the Methodist Church of Higganum, and of the Woman's Christian Temperance Union of Waterbury, all in the State of Connecticut, praying for national prohibition, which were referred to the Committee on the Judiciary.

He also presented a petition of sundry citizens of Portland, Conn., praying for an appropriation for the erection of a suitable monument to the memory of John Ericsson, which was referred to the Committee on the Library.

He also presented a petition of Local Grange No. 47, Patrons of Husbandry, of Bolton, Conn., praying for the enactment of legislation for Government ownership and operation of the telephone and telegraph lines, which was referred to the Committee on Post Offices and Post Roads.

Mr. OVERMAN presented a petition of sundry citizens of Durham, N. C., praying for national prohibition, which was referred to the Committee on the Judiciary.

He also presented a petition of sundry citizens of Greensboro, N. C., praying for the recognition of Dr. Cook as the discoverer of the North Pole, which was referred to the Committee on the Library.

Mr. PERKINS presented a memorial of sundry citizens of San Francisco, Cal., remonstrating against national prohibition, which was referred to the Committee on the Judiciary.

Mr. CHAMBERLAIN presented telegrams in the nature of petitions from sundry citizens of Oregon, praying for national prohibition, which were referred to the Committee on the Judiciary.

Mr. NORRIS presented petitions of sundry citizens of Kearney, Nelson, and Holdrege, all in the State of Nebraska, praying for an appropriation to aid the National Association of Vicksburg Veterans in connection with their national celebration and peace jubilee, which were referred to the Committee on Appropriations.

Mr. KERN presented petitions of the United Mine Workers of Jenny Lind, Ark.; Walsenburg, Colo.; Higginsville, Mo.; Brockton, Pa.; Corona, Kans.; Staunton, Ill.; Nanticoke, Pa.; Lexington, Mo.; Pittsburg, Kans.; Toltec, Colo.; Superior, Wyo.; Starksville, Colo.; Bearcreek, Mont.; Marby, Pa.; Thayer, Ill.; Sopris, Colo.; Dekoven, Ky.; Monarch, W. Va.; Marceline, Mo.; Lamaford, Pa.; Freeland, Pa.; Flinton, Pa.; and Belleville, Ill., praying for the enactment of legislation to provide for safety stations in mines and additional protection for workmen in mines, which were referred to the Committee on Mines and Mining.

He also presented resolutions adopted by Local Branch Journeyman Stonecutters' Association, of Bedford, Ind., favoring the enactment of the so-called antitrust legislation, which were referred to the Committee on the Judiciary.

Mr. PAGE presented resolutions adopted by the State convention of the Socialist Party of Vermont, favoring Federal operation of the mines in Colorado, which were referred to the Committee on Education and Labor.

Mr. BRANDEGEE presented petitions of sundry citizens of Connecticut, praying for the adoption of an amendment to the Constitution to prohibit the manufacture, sale, and importation of intoxicating beverages, which were referred to the Committee on the Judiciary.

He also presented petitions of sundry citizens of Connecticut, praying for the enactment of the so-called antitrust legislation, which were referred to the Committee on the Judiciary.

He also presented a petition of sundry citizens of Portland, Conn., praying for the enactment of legislation providing for the erection of a monument to the memory of Capt. John Ericsson, which was referred to the Committee on the Library.

Mr. COLT presented a petition of sundry citizens of Providence, R. I., praying for the adoption of an amendment to the Constitution to prohibit the manufacture, sale, and importation of intoxicating beverages, which was referred to the Committee on the Judiciary.

Mr. WEEKS presented resolutions adopted by Hospitaler Commandery, No. 279, Knights of Malta, of Attleboro, Mass., favoring the enactment of legislation to provide for the retirement of superannuated civil-service employees, which were referred to the Committee on Civil Service and Retrenchment.

REPORTS OF COMMITTEES.

Mr. CHAMBERLAIN, from the Committee on Military Affairs, to which was referred the joint resolution (S. J. Res. 92) authorizing the governor of any State to loan to military colleges and schools within his State such tents and camp equipage as have been issued to the State by the United States under the provisions of existing laws, reported it with amendments and submitted a report (No. 657) thereon.

He also, from the same committee, to which was referred the joint resolution (H. J. Res. 295) authorizing the Secretary of War to return to the State of Louisiana the original ordinance of secession adopted by said State, reported it without amendment and submitted a report (No. 656) thereon.

He also, from the same committee, to which was referred Senate concurrent resolution No. 19, authorizing the Secretary of War to return to the State of Louisiana the original order of secession, reported adversely thereon, and the concurrent resolution was postponed indefinitely.

He also, from the same committee, to which was referred the bill (S. 5525) restoring Maj. William O. Owen to the active list of the Army, reported it with amendments and submitted a report (No. 658) thereon.

Mr. OVERMAN. I am directed by the Committee on Rules, to which was referred Senate resolution 293, to amend Rule XXV of the standing rules of the Senate, to submit an adverse report (No. 659) thereon. I ask that the resolution be placed on the calendar.

The VICE PRESIDENT. The resolution will be placed on the calendar.

Mr. MYERS, from the Committee on Military Affairs, to which was referred the bill (S. 784) to place Lieut. Col. Junius L. Powell on the retired list of the Army with the rank of brigadier general, reported it without amendment and submitted a report (No. 662) thereon.

He also, from the same committee, to which was referred the bill (S. 5684) to correct the military record of Oliver C. Rice and to grant him an honorable discharge, reported it with amendments and submitted a report (No. 664) thereon.

He also, from the same committee, to which were referred the following bills, reported them each with an amendment and submitted reports thereon:

A bill (S. 1174) for the relief of William Walters, alias Joshua Brown (Rept. No. 663); and

A bill (H. R. 13698) to correct the military record of Charles A. Coulson (Rept. No. 660).

Mr. SWANSON, from the Committee on Public Buildings and Grounds, to which was referred the bill (S. 6059) to provide for the erection, furnishing, and equipping of a building in the city of Washington, D. C., for the Department of Justice, reported it without amendment and submitted a report (No. 661) thereon.

PETROLEUM FOR FUEL.

Mr. SIMMONS. From the Committee on Commerce I report back favorably, without amendment, the bill (H. R. 16055) to amend section 4474 of the Revised Statutes of the United States, and submit a report (No. 655) thereon. At the request of the Senator from California [Mr. PERKINS], I ask for the present consideration of the bill.

The VICE PRESIDENT. Is there objection?

Mr. SMOOT. Mr. President, will the Senator from North Carolina merely explain what the bill proposes before unanimous consent is given for its consideration?

Mr. GALLINGER. Let the bill be read.

Mr. SIMMONS. I ask that the bill be read.

The VICE PRESIDENT. The Secretary will read as requested.

The Secretary read the bill; and there being no objection, the Senate, as in Committee of the Whole, proceeded to its consideration. It proposes to amend section 4474 of the Revised Statutes of the United States by adding thereto the following:

Provided further, That when crude petroleum of a flash point not less than 150° F. is carried in the double-bottom fuel tanks of steamers using the same for fuel, the crude petroleum carried in such tanks in excess of the necessities of the voyage may be discharged at terminal ports when no passengers are on board the ship. Crude petroleum carried and discharged under these conditions will not be considered stores or cargo within the contemplation of section 4472, Revised Statutes of the United States.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

NEILSON FALLS.

Mr. WILLIAMS, from the Committee to Audit and Control the Contingent Expenses of the Senate, to which was referred Senate resolution 412, to pay to Neilson Falls, father of Lucy F. Green, late a messenger to the Committee on Finance, a sum equal to six months' salary at rate received by her at time of death, submitted by Mr. SIMMONS on the 7th instant, reported it without amendment, and it was considered by unanimous consent and agreed to, as follows:

Resolved, That the Secretary of the Senate be, and is hereby, authorized and directed to pay, out of the contingent fund of the Senate, to Neilson Falls, father of Lucy F. Green, late a messenger to the Committee on Finance, a sum equal to six months' salary at the rate she was receiving by law at the time of her death, said sum to be considered as including funeral expenses and all other allowances.

JAMES F. SELLERS.

Mr. WILLIAMS. By direction of the Committee on Rules, I report back with amendments Senate resolution 278, authorizing and directing the Sergeant at Arms to appoint James F. Sellers additional messenger at $1,200 per annum, submitted by the junior Senator from Pennsylvania [Mr. OLIVER] for Mr. PENROSE on February 21, 1914. I ask unanimous consent for the present consideration of the resolution.

The amendments were, in line 2, after the word "appoint," to strike out the name "James F. Sellers"; in line 4, before the words "per annum," to strike out "$1,200" and insert "$1,050"; and in line 5, after the word "Senate," to insert "for the period of six months," so as to make the resolution read:

Resolved, That the Sergeant at Arms of the Senate be, and he hereby is, authorized and directed to appoint an additional messenger, who shall be paid at the rate of $1,050 per annum from the contingent fund of the Senate, for the period of six months, upon vouchers to be approved by the Committee to Audit and Control the Contingent Expenses of the Senate, until otherwise provided for by law.

The amendments were agreed to.

The resolution as amended was agreed to.

BILLS INTRODUCED.

Bills were introduced, read the first time, and, by unanimous consent, the second time, and referred as follows:

By Mr. SMITH of Michigan:

A bill (S. 6073) to repeal section 9 of the act entitled "An act to reorganize and increase the efficiency of the personnel of the Navy and Marine Corps of the United States," approved March 3, 1899; and

A bill (S. 6074) for the relief of officers of the Navy of the United States who were involuntarily retired in July, 1914, pursuant to section 9 of the act entitled "An act to reorganize and increase the efficiency of the personnel of the Navy and Marine Corps of the United States," approved March 3, 1899; to the Committee on Naval Affairs.

By Mr. BANKHEAD:

A bill (S. 6075) granting an increase of pension to William T. Hamilton; to the Committee on Pensions.

By Mr. ROOT:

A bill (S. 6076) to authorize the issuance during 1915 of a coin of the denomination of 25 cents, as may be required for the ordinary purposes of circulation, to commemorate the opening of the Panama Canal and the centenary of peace; to the Committee on Banking and Currency.

A bill (S. 6077) for the relief of Chief Engineer George W. Magee, United States Navy, retired (with accompanying paper); to the Committee on Naval Affairs.

A bill (S. 6078) for the relief of Alice Harvey and Winifred Waltz; to the Committee on Military Affairs.

A bill (S. 6079) granting a pension to Ella M. Decker; to the Committee on Pensions.

By Mr. POINDEXTER:

A bill (S. 6080) granting an increase of pension to W. H. Langdon; and

A bill (S. 6081) granting an increase of pension to William P. Stone; to the Committee on Pensions.

By Mr. OVERMAN:

A bill (S. 6082) granting an increase of pension to Nannie J. McDowell; and

A bill (S. 6083) granting a pension to Nathan N. Colvard; to the Committee on Pensions.

By Mr. CLARKE of Arkansas:

A bill (S. 6084) to grant the consent of Congress for the county of Pulaski, State of Arkansas, to construct a bridge across the Arkansas River between the cities of Little Rock and Argenta, Ark.; to the Committee on Commerce.

By Mr. NEWLANDS:

A bill (S. 6085) granting a pension to Leila F. Devine; to the Committee on Pensions.

By Mr. SHAFROTH:

A bill (S. 6086) granting a pension to Mary Alfrey; to the Committee on Pensions.

By Mr. HUGHES:

A bill (S. 6087) granting an increase of pension to Roswell Sayers; and

A bill (S. 6088) granting a pension to Margaretta B. Benjamin; to the Committee on Pensions.

JOHN HENRY GIBBONS.

Mr. SMITH of Michigan. I introduce a bill, and ask that it be referred to the Committee on Naval Affairs.

The bill (S. 6072) for the relief of John Henry Gibbons, captain on the retired list of the United States Navy, was read twice by its title and referred to the Committee on Naval Affairs.

Mr. SMITH of Michigan. In connection with the bill which I introduce I desire to have printed in the RECORD a statement which appeared in the Washington Post yesterday by Richard Harding Davis on the subject. I had expected to make some remarks on the bill at this time, but I simply ask unanimous consent that the article be printed in the RECORD.

There being no objection, the article referred to was ordered to be printed in the RECORD, as follows:

FATE OF CAPT. GIBBONS, "PLUCKED" FROM NAVY IN HIS PRIME, CRUEL ERROR WHICH DEMANDS REDRESS, DECLARES RICHARD HARDING DAVIS.

[By Richard Harding Davis.]

Before this article was written I had sent a letter to former President Roosevelt, asking him to let me tell what I believed he probably thought of Capt. John H. Gibbons, who, two weeks ago, was retired from the Navy by the plucking board.

Col. Roosevelt's answer arrived after this article had been sent out, but his letter requires no context.

This shows us Capt. Gibbons, as Theodore Roosevelt, when President of the United States, knew him.

Eager and generous, it shows us also something of the man who wrote it, who, deep in his own affairs, which are the affairs of many millions of people, found time to answer a signal of distress from a shipmate in trouble.

COL. ROOSEVELT'S LETTER.

This is Col. Roosevelt's letter:

OYSTER BAY, LONG ISLAND.

DEAR DAVIS: While I was President, and therefore Commander in Chief of the Navy, Capt. Gibbons served under my personal eye, and I am able to speak from first-hand knowledge of his conduct and efficiency. I saw him in command of the *Dolphin;* I saw him in noncommand positions on other ships; I saw him in the Navy Department at Washington, and I consulted him about questions of equipment, direction, and general policy in naval matters. In every position he showed himself to be a man of marked efficiency—one of the most useful men in the Navy; one of the men who, as President, I should, in the event of war, have been delighted to see in a position of responsibility and command, because I was well assured that in such a position he would bear himself fearlessly, efficiently, and honorably.

From the standpoint of the country I regret very greatly that there is any danger of our losing his services. I am,

Faithfully, yours,

THEODORE ROOSEVELT.

ORIGIN OF THE PLUCKING BOARD.

Fifteen years ago promotion in the Navy was so slow that officers did not attain high rank at an age when they best were fitted to wield it.

So Congress enacted that each year, unless 40 officers, by resignation or death, left the Navy, as many as would make up that number of vacancies must be forcibly retired. The duty of eliminating them was given to a board of rear admirals, known as the board on selection for retirement, or, more familiarly, as the plucking board. The idea was to get rid of the dead wood. But last year and this the plucking board has shown that either already it has cut down the dead wood, and to obtain its annual sacrifice must lop off living boughs, or that it does not know dead wood from green.

Last year it eliminated Capt. Templeton Potts, a most efficient and capable officer, against whom nothing could be urged, except lack of sea service. To this Capt. Potts has replied that he repeatedly asked for duty at sea, but was ordered by the Navy Department to serve on different boards on shore. Accordingly, for no other reason apparently than that he obeyed the orders of his superiors, the plucking board dismissed him from the Navy

This year the plucking board has eliminated officers of such value to the service that hereafter undoubtedly the plucking board itself will be eliminated.

SECRETARY DANIELS'S REGRETS.

When he announced the names of those ordered out Secretary Daniels said that since he had taken charge of the Navy Department it was the most unpleasant duty he had been called upon to perform. In the list of those he retired he said he recognized some of the most efficient officers in the service.

"There should be some method by which officers will be able to reach higher grades," said the Secretary of the Navy, "while they are yet young enough to be of real service. But the present method is too cruel. The retirements to-day are tragedies. I think this is the last plucking board the Navy Department will call together."

For the appreciative and sympathetic attitude of Secretary Daniels in this matter those who consider the plucking board a menace and who believe, for the good of the Navy, it should go, are grateful.

But removing a judge from the bench because he has condemned innocent men is not enough. If the innocent men still remain in prison, punishing the judge will not help them. If the plucking board has cast into outer darkness efficient officers, men the Navy wants, men for years trained and drilled in her service, who are her loyal and devoted servants, not only should the plucking board be "plucked," but the men who have been so unjustly humiliated should be restored to duty; not only in justice to them, but for the "good of the service." The Navy can not afford to lose them. She can not at the age of their greatest usefulness throw them on the scrap heap.

Just as each year the value of a battleship decreases, the value of the man who commands a battleship grows; his blow is heavier, his experience is more widely gathered, his ability and judgment have been put through severe tests; each day, considering him merely as a machine, he has increased in power, output, and efficiency. His growth in discipline, loyalty, in devotion to his country may be taken for granted.

CAPT. GIBBONS'S RECORD.

Of those officers plucked this year, except by reputation, I know but one. He is Capt. John H. Gibbons, until a few days ago in command of the battleship *Utah*. And to illustrate the kind of man the plucking board sees fit to "recall," I would like to remind the readers of the Post of his record

Thirty-five years of his life have been given to the Navy; eighteen and a half years of that time have been spent at sea. This is sea service proportionately equal to or even greater than that of the five rear admirals who condemned him. In all the wars in which our country has engaged since Gibbons joined the Navy he has taken an active part. He saw service in Cuban waters at the battle of Manzanillo and the bombardment of Morro Castle; in the Philippines, where he commanded the gunboat *General Alva*, and after a fight rescued from the Filipinos a party of American soldiers and hundreds of Spanish prisoners; in China during the Boxer revolution; and in Vera Cruz, where on shore he commanded the fighting forces of the *Florida*, *Arkansas*, *San Francisco*, *Chester*, and of his own dreadnaught, the *Utah*. For two years he was our naval attaché in London. He was good enough for both Mr. Taft and Col. Roosevelt. Under each he commanded the *Dolphin*, the Navy vessel assigned to the use of the President.

For three years he held a position which is one of the most responsible in the service, that of the superintendent of the Naval Academy, the man who trains and teaches our future admirals and who sets them an example. For his services at that post, by both Secretary Meyer and Secretary Daniels, Gibbons was most heartily praised, and also by the president of the Board of Visitors to the Naval Academy, Herbert L. Satterlee, a former Secretary of the Navy.

When Gibbons was in command of the *Detroit* she won the gunnery trophy; when he was in command of the *Charleston* she won the gunnery trophy. As long ago as the hurricane at Apia, Gibbons, then a junior lieutenant was commended for leading his men up the shrouds of the storm-driven *Vandalia* and forming a life sail, thus helping to save the lives of the crew and the life of the ship.

When the Navy was policing Vera Cruz, Gibbons was on shore in command of 3,000 bluejackets. But when he returned to the *Utah*, during the two months before he was ordered to home waters, he did not visit the plazas nor loiter under the portales. With the exception of one evening, when he dined at the Diligencia, if you wanted to find Gibbons you could find him only on his ship.

Three weeks ago, when the *Utah* came north, I had the privilege of returning with her and of sharing the captain's mess. As a junior officer on different warships and as our attaché in London for 17 years, I have known Gibbons, but I had never before seen him in command of a dreadnaught. And what I saw of him in that capacity led me to write this.

At a safe distance I have followed the sea service for 20 years, and when I say I know few captains smarter than Gibbons, more efficient, more intelligent, physically more alert and fit, in habits as temperate, in mind and thought as kind, sane, and conservative, I echo only what all the officers of his wardroom said of their captain. And they see him at first-hand; their lives as well as those of 1,100 bluejackets, and property worth $14,000,000 are, or were, in his keeping. They ought to know, and what they think of him ought to count.

During the passage home Capt. Gibbons did his own inspecting, his own navigating. In dungarees he crawled through manholes and down oily ladders; in thick or fair weather he spent his time upon the bridge. His mind was always on his job. When at dinner the marine would spoil my best story by announcing that somewhere on the horizon a suspicious-looking oyster boat had appeared or that the officer of the deck wanted to make it 8 o'clock, Gibbons would give that fact as grave consideration as though the orderly had told him a hurricane was approaching under forced draft or that the German Navy was in our course and cleared for action.

DAMPER ON AMBITION.

When last I saw Capt. Gibbons as I left the *Utah* at Tompkinsville the fog and rain were dripping from his oilskins. The entire night he had spent upon the bridge; and the following morning, without a pilot, he docked his ship at the Brooklyn Navy Yard. Twenty-four hours later he opened a telegram and found he was dismissed from the Navy.

As he went down the gangway in the clothes of a civilian his shipmates, still in uniform, saw him leave them with eyes that were blurred with angry tears. For them the scene was the essence of injustice and ingratitude. For them it was both a mockery and a menace. What hope did it hold out for their future? They saw a man in the prime of life, who had held with honor three of the highest posts in their profession, thrown out, as you would throw out a drunken cook. What incentive for unceasing vigilance, study, and risk of life did it leave with them? What lesson did it teach to 800 midshipmen at Annapolis to whom Gibbons, their commanding officer and their friend, had been the living promise of what after 30 years they might hope to attain?

Secretary Daniels is determined the plucking board must go. That is good, but it is not enough. It has robbed the Navy of a man the Navy needs, and the people of a good and faithful servant. An act of Congress, with the recommendation of the President, can return Capt. Gibbons to his ship and to the service. He is a man "who never sought an honor or shirked a duty." His country can not afford to lose him. It can not afford to wrong him.

AMENDMENTS TO DEFICIENCY APPROPRIATION BILL.

Mr. WARREN submitted an amendment proposing to appropriate $260.68 to pay Joe H. Norris for salary for per diem and traveling expenses while performing the duties of supervisor of Indian Schools October 21, 1912, to November 11, 1912, under instructions from the Commissioner of Indian Affairs, etc., intended to be proposed by him to the general deficiency appropriation bill, which was ordered to be printed, and, with the accompanying papers, referred to the Committee on Appropriations.

Mr. SHIVELY submitted an amendment proposing to appropriate $1,200 to pay Ryford Long, jr., for indexing and extra services as clerk to the Committee on Pensions, etc., intended to be proposed by him to the general deficiency appropriation bill, which was referred to the Committee on Pensions and ordered to be printed.

Mr. WILLIAMS submitted an amendment proposing that the sum of $7,055.94, subject to a reduction as hereinafter provided, being the unpaid part of the appropriation heretofore made by Benjamin H. Rutledge, administrator of Adma Tuono, be paid to Jane Johnson Ball, administratrix, etc., intended to be proposed by him to the general deficiency appropriation bill, which was referred to the Committee on Appropriations and ordered to be printed.

OMNIBUS CLAIMS BILL.

Mr. BANKHEAD submitted an amendment intended to be proposed by him to the omnibus claims bill, which was ordered to lie on the table and be printed.

WITHDRAWAL OF PAPERS—ALMAR F. DICKSON.

On motion of Mr. BRANDEGEE, it was

Ordered, That the papers accompanying the bill S. 4020, Sixty-third Congress, second session, to remove the charge of desertion from and correct the military record of Almar F. Dickson, be withdrawn from the files of the Senate, no adverse report having been made thereon

LEGISLATIVE, EXECUTIVE, AND JUDICIAL APPROPRIATIONS—CONFERENCE REPORT.

Mr. MARTIN of Virginia submitted the following report:

The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 15279) making appropriations for the legislative, executive, and judicial expenses of the Government for the fiscal year ending June 30, 1915, and for other purposes, having met, after full and free conference, have been unable to agree.

THOMAS S. MARTIN,
LEE S. OVERMAN,
F. E. WARREN,
Managers on the part of the Senate.
JOSEPH T. JOHNSON,
JOSEPH W. BYRNS,
JAMES W. GOOD,
Managers on the part of the House.

Mr. MARTIN of Virginia. Mr. President, I desire to state, in reference to the conference report which has just been read, that it is exactly the same as the report made on a former occasion. The conferees on the part of the two Houses have been unable to agree on the question of mileage for Senators and Members of the other House. I present the report a second time, in order that each of the two Houses may have another opportunity to express itself on this matter, and take such order in the premises as it sees fit to take.

So far as the Senate conferees are concerned, they feel practically, indeed distinctly, instructed by the Senate to adhere to the existing law. It is a recognized principle in matters of this sort in all legislative bodies when there is an existing law and one House proposes to change it, that the House proposing the change must yield, unless the House to which the proposition is made is satisfied with the change. The Senate has expressed its disapproval of the provision of the House of Representatives in this bill, which is a change of existing law.

Mr. GALLINGER. Mr. President——

Mr. MARTIN of Virginia. I yield to the Senator from New Hampshire.

Mr. GALLINGER. Will the chairman of the committee definitely state precisely what the House proposition is, if they have made any proposition?

Mr. MARTIN of Virginia. The House have made no proposition, except to allow Senators 5 cents a mile for traveling to and from Washington at each session of Congress. So far as the House is concerned, they insist on the provision contained originally in the bill, which is that Members of the House shall receive for mileage what they actually expend for themselves and the dependent members of their families; in other words, the proposition of the House is to establish one rule for the House and a different rule for the Senate.

Mr. GALLINGER. Have they undertaken to define the term "dependent members of the family"?

Mr. MARTIN of Virginia. There has been no effort to define that provision.

Mr. GALLINGER. So that the proposition is to have one law for the Senate and another law for the House of Representatives governing this matter?

Mr. MARTIN of Virginia. That is the proposition of the House, but if the Senate sees fit to do so it might recede from its amendments and concur in the House provision, which would put both Houses on the same plane, the Members of each to receive actual traveling expenses for themselves and the dependent members of their families. If the Senate should see fit to recede from its amendments numbered 1 and numbered 30 and accept the House provision, it would leave the bill go to the President with the provision that the same measure of compensation for mileage shall be applied to both Senators and Members of the House; that is to say, actual expenses for themselves and the dependent members of their families.

Mr. BORAH. Mr. President——

The VICE PRESIDENT. Does the Senator from Virginia yield to the Senator from Idaho?

Mr. MARTIN of Virginia. I do.

Mr. BORAH. Is it within the power of the conference committee to determine who constitute the "dependent members" of the family of a Member of Congress, and so prescribe a rule that we may know what that term means? I think it is too vague. If it were made definite, I would be disposed to think it a proper solution.

Mr. MARTIN of Virginia. I take it for granted that if Congress saw fit to do so it might insert a provision defining who shall constitute the dependent members of the family of a Member of Congress.

Mr. BORAH. Would that be within the province of the committee of conference?

Mr. MARTIN of Virginia. The committee might accept the House provision with an amendment making that definition. I think that would be competent.

Mr. BORAH. I think a provision of law so indefinite and uncertain as that would be as bad as the other proposition has been pictured to be. If the matter is to be passed upon, it ought to be made definite. I am opposed to paying the expenses of a retinue of dependents.

Mr. MARTIN of Virginia. So far as I am concerned, I have no other function except to carry out the wishes of the Senate in this matter. It is exceedingly distasteful to me, and I know it is to all Senators, to have an important bill like this tied up on account merely of a difference on the question of mileage to the Members of Congress.

Mr. GALLINGER. Mr. President, if a definition were to be made of the term "dependent members of the family," would it not likewise be necessary to define precisely in what style a Senator or Member of the House should travel—whether he should have a lower berth, or an upper berth, or a section, or a seat in the smoking car, or some other perhaps more sumptuous way of traveling? Would it not lead to inextricable difficulties along that line unless that phrase were defined?

Mr. MARTIN of Virginia. Mr. President, so far as I am concerned, my opinion is that the provision inserted in the bill by the House is exceedingly objectionable. As has been stated by the Senator from New Hampshire [Mr. GALLINGER] and the Senator from Idaho [Mr. BORAH], it is vague and uncertain and might open an opportunity for unwise practices which would bring great criticism on the Members of both Houses of Congress.

Mr. GALLINGER. Mr. President, I am going to venture a suggestion to the chairman of the committee. Having had some experience in these matters myself, I find that the House conferees are quite apt to say that we do not take a record vote on these questions in the Senate; that the Senate perfunctorily says "we disagree to the amendment." My suggestion to the Senator is that on this matter my impression is that it would be well to have a record vote, so that it might appear precisely what the attitude of the Senate is.

Mr. MARTIN of Virginia. Mr. President, the motion that I will submit is that the report be adopted and that the Senate further insist on its amendments numbered 1 and numbered 30.

Mr. HUGHES. Mr. President——

Mr. MARTIN of Virginia. Will the Senator excuse me for a moment, until I can get before the Senate exactly what I wish to present in connection with this report?

Mr. VARDAMAN. Mr. President——

The VICE PRESIDENT. Does the Senator from Virginia yield to the Senator from Mississippi?

Mr. MARTIN of Virginia. I yield.

Mr. VARDAMAN. I rose to ask the chairman of the committee if it were not within the province of the conference committee to determine the number of members of the family of a Senator or Representative who may travel at the expense of the Government? Would it not be a very satisfactory settlement of this matter to fix that number and let the mileage be fixed at the actual expense of traveling?

Mr. President, while I am on my feet I wish to say that this matter, it seems to me, is a subject before Congress at nearly every session. It has provoked a great deal of discussion and acrimonious criticism; it has entered into the political contests of many Senators and Representatives for many years; and I think it ought to be settled now and for all time, if such were possible of accomplishment. Personally, if I may be permitted to make the suggestion, I think it would be satisfactory to say that the actual expenses, in accordance with the amendments which the House proposes, is all that should be charged against the Government, and I wish the committee would take that view of the matter and settle it for all time. Like Banquo's ghost, the mileage question is perpetually coming up for consideration. It is a trifling, inconsequential, little thing, and I think it would be wise if the committee would fix the number of the family that might travel, say, a Senator's or Representative's wife and himself, or, so far as I am concerned, I would be willing to confine the expenses to the Representative and Senator alone. Really, I should prefer the proposition which limits the payment of mileage or expenses to the Senator or Representative. After considering the matter more materially, I hardly see how we could with propriety provide for the payment of the traveling expenses of the family. But, Mr. President, it is a small matter and of little concern to me personally; but I want the matter settled, and settled now.

Mr SHEPPARD. Mr. President——

The VICE PRESIDENT. Does the Senator from Virginia yield to the Senator from Texas?

Mr. MARTIN of Virginia. I yield to the Senator from Texas.

Mr. SHEPPARD. I wish to ask the chairman of the Appropriations Committee if the Senate conferees made any proposition to the House conferees along the line of a compromise?

Mr. MARTIN of Virginia. I will say, Mr. President, that we did not make any proposition of compromise, nor do I feel disposed to make any now. I am the agent of the Senate, and will execute any order the Senate sees fit to give, but the Senate conferees thought that the law which has been in force since the foundation of the Government and which is the law of the land now could not be changed by the House alone. The House has proposed the change, the Senate has declined to agree to that change, and we stand on the law and on the action of the Senate which has been several times expressed. If the Senate sees fit to change the instructions which it has given with practical unanimity—there were perhaps not more than two or three dissenting when the vote was taken the last time, whereby the Senate decided to abide by the law as it exists—it is, of course, within the power of the Senate to do so.

Mr. WARREN. Mr. President——

The VICE PRESIDENT. Does the Senator from Virginia yield to the Senator from Wyoming?

Mr. MARTIN of Virginia. I yield to the Senator from Wyoming.

Mr. WARREN. There need be no trouble about changing the mileage rate if the Congress sees fit to do so in the usual, prac-

tical, legal way, and without violating the rules of legislation. I perhaps have been as strenuous as anyone in the effort to preserve the dignity and the rights of the Senate, to have legislation enacted in legislative bills and not in appropriation bills, and to have appropriations made in a clean, orderly manner, and according to the rules.

While I have believed and I still believe we should not change this rate at this time, I stand ready at any time, if a bill comes to us in the regular way, to do away with mileage entirely or to make it any other sum. Here, however, is a law that has been on the statute books, with only slight alterations, since the beginning of the Government, and the amount of per mile allowance has not been altered at all. For some 75 years every Senator and every Member of the House of Representatives has drawn this mileage. All our illustrious predecessors in both Houses have drawn this mileage, though none was obliged to accept or use it. There has been, so far as the annals of history record, not a single case of troublesome conscience or of effort toward economy sufficiently strong that any Senator or Representative has failed to draw in full his mileage. I see no reason why, in this, if not illegal, certainly disorderly, way we should at this time make this change, and especially when on the House side, on every vote that has been taken there, as the RECORD shows, on a division the majority has favored retaining the law as it stands; and it is only when a roll call is ordered that the opposite side has been able to carry the matter by 10 or 12 votes, as the RECORD discloses. I may say, further, that many of those who have answered to their names on one side of the matter have favored the other side when in private conversation.

Mr. President, it would be strange, indeed, if, after all these years, we should now for the first time accuse all of those who have gone before of extravagance or "graft." When talking of criticism, if anyone believes that we shall ever reach the utopian condition where we shall not be constantly criticized in the Senate, and for that matter in the House as well, the sooner he is disillusionized the better, for such condition will never come to pass. You see nothing of consequence in the newspapers about this controversy in regard to mileage. You hear nothing of it, unless it is from some penny-a-liner who wants to create a little sensational color and who seizes upon the question of mileage as he would upon the salary and calls it a "salary grab," and so forth.

When it comes down to the original proposition of the House, of actual expenses, et cetera, the House has since withheld it from the Senate, and, as the chairman has so well said, has proposed as the only alternative to give the Senators mileage, one trip at 5 cents a mile, while the Members of the House take actual expenses for all the dependent members of their families.

It so happens that with the average age of the Members of the House, and the conditions there, the amounts they would draw would be quite different in comparison from the amounts drawn by Senators. Looking over the list of members of their families demonstrates that perfectly.

Now, who is to say what actual expenses are? There are men sitting in this body who, when they travel, travel in a sleeping car and in a drawing-room. Another Member of the same body will occupy but a single upper berth. Upon arriving here the Senator certifies that he paid so much for his transportation in a Pullman car. It goes to the Vice President for his approval. Shall we put the Vice President of this body in a position where he must pass upon every porter's fee every time a Senator's boots are blacked, his tickets, his meals, and determine whether or not each is a proper expense; and shall we furnish him with necessary clerks, and shall the House have the same, to check up and audit these innumerable little items and accounts? Who is to say who may compose the dependent members of one's family? Shall we include the nurse who must travel with wife or children in ill health or dependent upon the service of such assistant? Shall we include the servants who for years have been dependent members of the family, who always travel with the family and minister to their wants? Shall we include a father, a brother, a son, a mother-in-law, or a sister? Shall we include a father or brother who has served in the war, who is drawing a pension which in part may support him, and who a Member of Congress feels should be considered as a member of his family, and whom such Member may take pleasure in supporting? Shall we put all such relatives, although they may have some means of their own and yet be mainly supported by a Member who feels obligated toward them both in honor and affection in the list of dependent members of his family because he contributes to their support? Or shall we oblige him to cut them all off, although they may accompany him from place to place and live with him here in Washington or at his home?

I am prepared to admit that it sounds persuasive to say "actual expenses," but what Cabinet member has ever found it practicable, where actual expenses are provided for servants of the Government who travel on official business, to really keep track of or impose actual expenses as such? Why, Mr. President, almost invariably where such language occurs and actual expenses are provided for, the head of the Government department makes a ruling that so much per diem may be expended in lieu of subsistence, and so forth. Were it otherwise, Mr. President, an army of clerks and auditors would be required to make up the accounts of the pennies here for street-car fare, the quarters there for cab hire or baggage, and the various other little items incident to travel.

Mr. THOMAS. Mr. President——

Mr. WARREN. I yield to the Senator from Colorado.

Mr. THOMAS. Mr. President, is it not possible that the policy of abolishing mileage has behind it the element of necessity? Is it not possible that we are obliged to economize in that way, and by shaving down the expenses of traveling officials, and possibly the salaries of clerks and employees, in order to get money enough to buy the Chesapeake & Delaware Canal and investigate certain other lines of so-called river and harbor improvements for which certain localities are clamoring, for we can not do both, perhaps?

Mr. WARREN. The Senator might mention the expenditure of $50,000,000 in Alaskan railroads that the Government proposes to build.

Mr. THOMAS. Yes; I might name the Alaskan railroad, where, however, we get a quid pro quo for our money; where we get property which belongs to Uncle Sam for the money we expend. It is possible, however, that we may need it for that purpose; so I suggest that there may be an element of necessity behind this matter. We must cut down these things or we can not get the money to spend elsewhere.

Mr. WARREN. I am congratulating myself that I stand upon the same general plane as the distinguished Senator from Colorado, whose words always illuminate a subject. I am ready to do away with mileage entirely whenever the House shall send us a bill, in the proper way of legislating, changing a law some 75 years of age; but not in this manner. In fact, I do not believe the conferees in this case have the power to say just what shall be the items of expenses that shall be approved under the House proposition of actual expenses. The conferees can not have any more power than the Senate itself has; and when a Senator on this floor proposes an amendment to change existing law, without the backing of either an estimate or favorable report from a standing committee, and enact new legislation, he is immediately called down because what he proposes is general legislation. Certainly the agents of the Senate have no more power than the Senate itself has.

It seems to me the motion made by the chairman of the committee should prevail and the matter should go back to conference, to be settled in the proper way—the way in which these matters always have been settled in conference.

Mr. WILLIAMS. Mr. President, of course if there were no mileage, we would have a condition of unequal salaries paid Representatives and Senators. It would be perfectly unjust to the State of Colorado, to the State of Texas, to the State of Arizona, to the State of New Mexico, or Washington or Oregon that their representatives in the two Houses of Congress should be paid less than the representatives from Maryland or Virginia; and if we had no mileage, of course they would be paid less. So the idea of abolishing mileage conflicts with the primordial law of justice and of equality. There ought to be, as nearly as practicable, absolute equality of compensation.

If it can be arrived at, of course it ought to be, as nearly as possible, the precise expenses of the Senator or the Congressman who comes here. The trouble, however, about saying that in so many words in a statute is about what the Senator from Wyoming has called attention to. One man would travel in one way and one man would travel in another, and you would have to have a question of each man's accounts; so it is just as important that the matter should not be indefinite as it is that it should not be unjust and unequal. It seems to me that if this matter goes back to conference, the conferees upon the part of the Senate might very well agree to meet the House half or third or quarter way and agree to a mileage of 10 or 15 cents instead of 20 cents, as it is now.

Mr. MARTIN of Virginia. Mr. President, will the Senator allow me to interrupt him?

Mr. WILLIAMS. Certainly.

Mr. MARTIN of Virginia. Everybody knows that that is more than the expense of the travel; and if you are going to make an allowance in excess of the actual cost, I do not see why you should not adhere to the rule which has prevailed for 75 years. It would not take 15 cents, or 10 cents, either, to pay a Senator's mileage to Washington and return.

Mr. WILLIAMS. Mr. President, I beg the pardon of the Senator from Virginia; but speaking for myself, the Senator is mistaken. It depends upon the size of a man's family.

Mr. MARTIN of Virginia. That is exactly the point. It depends on the size of his family. I said "a Senator's mileage." In my judgment and speaking for myself alone, I think you would as well make allowance for boarding the family after they get to Washington as to take that into consideration in determining the mileage.

Mr. WILLIAMS. Very well. Now, Mr. President, I have heard that argument, too. I am greatly in favor of the family idea in this world. I think the man who has five or six or seven children is entitled to some degree of consideration on that account. I think the man who brings his wife with him to Washington and brings his children with him to Washington is entitled to some degree of consideration on that account. I do not agree that a Senator or a Congressman stands alone in this world without wife and without children. I think they are a part of him, and that if you could bring it down to accuracy, determination without room for dispute and scandal, the House has selected a very good measure of compensation; that is to say, the actual expenses of the Congressman or Senator, together with the dependent members of his family.

The thing that troubles me about that, however, is deciding who are to be counted as dependent members of his family. If the provision went a little bit further and said "his wife and dependent minor children," then there would not be any doubt.

My mileage does not pay my expenses and those of my family to Washington and back. That is perhaps my misfortune, or perhaps my merit. You may call it whichever of the two you please. At any rate, however, I do not travel very frequently without my family. I prefer to have them with me, and I think it is better for everybody to have them with him. I think people ought to be encouraged to have their families along.

Ten cents a mile would not cover the average Senator's expenses to and from Washington with his dependent minor children and his wife, and 15 cents would barely cover it; 20 cents, as a rule, will more than cover it. It has to be rather a large family for it not to cover it.

I hope when the matter goes back to conference the Senate conferees will meet the House conferees upon some common plane. I would not have it as the House has it, because of the indefiniteness, because of the fact that somebody must audit the accounts, because of the possibility of scandal growing out of it, one man pretending to have spent a great amount of money coming to Washington and the other having spent only what he needed to spend. One man will travel at the public expense as cheaply as he would at his own expense, and another man will travel at the public expense at twice what he would at his own expense. So I do not think the House has started out on the right idea. I do think, however, that the amount of mileage which we receive at present is more than is ordinarily, upon the average, necessary for the traveling expenses of a Senator and his wife and minor children to and from the Capital; and I do think that his wife and minor children ought to be considered just as much as he is, and that is not a question, as the Senator from Virginia says, of whether you pay their board after they come here. The Senator has to do that already, and, of course, that naturally reduces his compensation below that of the man who has never been brave enough to go out and marry a good woman and take care of her and see her through the world in the proper way.

I think the matter should go back to conference, so that the Senate may express its idea and the House its idea. I think, of course, that the House notion of putting Members of the House upon one footing and Members of the Senate upon another is simply absurd. We can not tolerate that. So the whole matter must go back to conference, and I want merely to express the hope that the Senate conferees may meet the House conferees, say, one-fourth of the distance of difference at any rate, and make the mileage for the future, say, 15 cents each way, or perhaps even 10 cents each way.

Mr. McCUMBER. Mr. President, I regret exceedingly to see that the Senator from Mississippi has departed so far from the old Jeffersonian principles of government that he is advocating at last upon the floor governmental support of the families of the officials of the Government, because, talk as you will, this mileage adds so much to the compensation, and whenever you give one dollar extra because of the size of a family the Government is contributing that much to the support of the official's family. It is a vicious proposition to introduce into any free government, and I sincerely hope the chairman of the committee will stand out against any such proposition as this coming from the House.

The Senator from Mississippi has not answered the proposition of the Senator from Virginia that there is just as much reason for the Government paying a portion or all of the rent of the official's family, because if a man has seven children he has to rent a larger house for them, his expenses are heavier, his board is heavier, his necessary cost of living is more, and the same reason that would justify us in asking the Government to support our families in bringing them from our homes to the city of Washington would justify us in asking the Government for a further contribution to support them during the time they are here. Men support their families according to their means, and they gauge their expenses according to their ideas of economy. Those who can afford to do so will have more luxuries and comforts than those who can not afford to do so, but when the Government pays for them you may be sure that they will all have the equivalent luxuries. There will be very little difference, indeed, as the Senator must know.

I hope the Senate will not adopt a system of this kind. Every Senator who is fit to represent the Government can take care of his own family, and if he can not take care of and support his own family he had better stay home. This country is not a monarchy; it has no royal family whose extravagances are to be loaded upon the people, and we do not want an official royal family whose living expenses, board, or traveling expenses are to be assumed by the American people.

One word about the amount of the mileage, and the 20 cents per mile which is accorded to Senators, and which adds considerably to the compensation of those living a great distance from the Capital. When you balance up the matter finally there is very little difference in compensation. No man can properly represent his people and remain two years away from his home State. He must go back several times, especially under our new system of double elections. He must meet his constituents; he must confer with them; and it makes a vast difference whether he has to go over to Baltimore to go home or whether he has to go to San Francisco. I will guarantee that there is not one of the western Senators whose expenses in traveling back and forth on occasions where it is his duty to go to his home State will not equal or exceed the amount of compensation he receives in the way of mileage; and this independent of the traveling expenses of his family. So, taking it all in all, it works out approximate justice.

I simply desire to express again my most earnest hope that we will not introduce a new system of official family support for the officers of the United States. If we think that 20 cents a mile is more than it should be, then cut it down, make it less; but it ought to be exactly what the expense would be to a Senator, irrespective of his family, because, by whatever name you see fit to call it, it is compensation added to his salary.

Mr. WILLIAMS. I hope the Senator did not understand me as wanting to put it upon a family basis in the law. I merely argued that 15 cents, as a rule, would cover family expenses; that is, of wife and dependent children. For that reason I thought that would be a fair amount, as I supposed the Senator understood.

Mr. BANKHEAD. Mr. President, I desire to ask the chairman of the committee if under the parliamentary situation this mileage question can be eliminated from the bill? If that is the case, I desire to make a motion to strike it out.

Mr. HUGHES. I have an amendment to offer.

Mr. BANKHEAD. I have the floor.

Mr. HUGHES. If the Senator desires to offer an amendment which has that purpose in view, very well.

Mr. MARTIN of Virginia. I will answer the question of the Senator from Alabama by stating that the plan he suggests might be adopted if the Senate proposes to ignore the law which is on the statute books and fail to appropriate the money that the law requires shall be appropriated. We have a law on the statute books which provides that each Member of Congress shall receive 20 cents a mile for each mile he travels going and returning at each regular session of Congress. That is the statute law, and the committee feels that it is incumbent upon it to appropriate to meet that obligation which is imposed by law.

Mr. President, I will follow it with a motion after the Senator gets through, but I simply answer the Senator's question now.

Mr. BANKHEAD. I only wanted to know if a motion such as I have intimated would be in order.

Mr. MARTIN of Virginia. It would not be in order, Mr. President.

Mr. BANKHEAD. I want to say in defense of this motion, if I am permitted to make it under the rule, that I am in favor of the law as it stands. I shall vote for mileage as it now is and has been for a great many years. But, Mr. President, I have had so much experience and observation on this question of mileage that I think it ought to be settled in some way. I confess in making the motion I have suggested it might be regarded as a little bit wicked on my part. I should like to see the motion adopted; I should like to see the matter stricken out of this bill, so that I could go to another House and watch some of these economists faint. I have no doubt, Mr. President, a careful observer would see some gentlemen on this side turn very pale. This matter ought to be settled. We ought to knock it out. I think perhaps that would be the best thing to do. Then at the next session of Congress it might be reinstated perhaps. But if I am not permitted to make the motion, if it is not in order, of course I will not make it. I would like to have the sense of the Senate in some way in order that we might get the sense of another body in some way that would go right down to what they really mean and want.

Mr. SHEPPARD. A parliamentary inquiry, Mr. President.

The VICE PRESIDENT. The Senator from Texas will state his inquiry.

Mr. SHEPPARD. Is not the motion of the Senator from Alabama in order?

Mr. BANKHEAD. I understood the chairman of the committee to say that it is not in order.

Mr. MARTIN of Virginia. I undertood the Senator from Alabama to propose an amendment to the bill as it passed the Senate, and that is certainly not in order. If I understood the Senator correctly, his motion would not be in order.

Mr. HUGHES. Mr. President, a parliamentary inquiry.

The VICE PRESIDENT. The Senator will state it.

Mr. HUGHES. Is it proper at this time to move that the Senate recede from its disagreement to the amendment of the Senate with an amendment? In my judgment, that motion is not only proper but is a preferential motion, and I offer it.

Mr. GALLINGER. Let it be read.

Mr. MARTIN of Virginia. I do not consider such a motion as that in order. The bill has passed——

Mr. VARDAMAN. Let it be read.

The VICE PRESIDENT. Let us see what the motion is. The Secretary will read it.

The SECRETARY. The Senator from New Jersey [Mr. HUGHES] moves that the Senate recede from its disagreement to the amendment of the House to the amendment of the Senate numbered 1, and agree to the same with an amendment as follows:

Omit the matter inserted by the House amending said amendment, omit the matter stricken out and inserted by said Senate amendent, and in lieu thereof insert the following:

"For mileage of Senators, $51,000: *Provided*, That after the fiscal year 1915 no mileage or other allowance for expenses in attendance on sessions of Congress shall be paid to any Senator, Representative, Delegate from a Territory, or Resident Commissioner."

Mr. WARREN. Mr. President, that is not a preferential motion. It could only be preferential if it simply proposed to recede from the Senate amendments. That is the only way it can be considered as a preferential motion. Furthermore, the amendment would not be in order at any time as it is written.

Mr. HUGHES. Mr. President, I will say that it seems to me perfectly plain under all parliamentary law that a motion that will bring the two Houses together is not only in order, but is preferential.

Mr. WARREN. The Senate has ruled upon it time and again. It was ruled upon in the House several times last week. A preferential motion can only be a simple matter of receding.

Mr. HUGHES. Mr. President, I should like to explain my object in offering this amendment, although it is hardly necessary for me to explain my object after what was stated by the Senator from Alabama [Mr. BANKHEAD]. I believe the present system of drawing mileage about as fair a one as could be established. I do not profit by it to a great extent, for my mileage is infinitesimal, and I do not care anything about it. I have frequently voted for the present system of mileage, because it gave additional compensation to some Members, and, in my opinion, no Member of the House or the Senate is overcompensated now. Substantially it works a rough sort of justice, and I am perfectly satisfied with it. But I am eternally tired of the constant recurrence of this question and the effort on the part of certain gentlemen to make political capital at the expense of others. I do not think it is a spectacle at all elevating to the country to see the House and Senate continually bickering over this matter of mileage. It is a question upon which gentlemen should vote their convictions, and the spectacle we are constantly seeing of men voting one way in the RECORD and another way on a division, and voting in the RECORD one way and lobbying Members of another House to offset the effect of that vote, is a bad thing. It is a bad thing for the country. It is a cause of general criticism which includes not only those who should be included in it but men whose position on this matter is the same as their position on every other matter. I sincerely hope that it can be put an end to.

My proposition is that mileage shall be paid to Members of the House and Members of the Senate for the ensuing year just as it always has been paid. The argument is made occasionally that Members were elected with the understanding that they would receive this mileage, and that any attempt to change it now would be an interference with practically a contract right. So far as the House of Representatives is concerned, this amendment meets that objection. So far as the House is concerned, every man will receive the amount for his mileage to the end of his term under the law that under the law it was supposed at the beginning of the term he would receive, and Senators will receive mileage the same as the mileage of the House just so long as the House itself receives mileage, and then, after 1915, we pay no mileage.

The VICE PRESIDENT. The Chair is of the opinion that the proposed amendment of the Senator from New Jersey is not in order. The Chair will state the parliamentary situation. The House of Representatives passed an appropriation bill containing certain items with reference to the compensation of Senators and Representatives for mileage. It came to the Senate, and was amended in the Senate, and then went to conference, and the question is before the conferees for settlement or determination, unless the Senate recedes from its amendment. The amendment here proposed is legislation that has to do with the future, and has never been considered in the Senate, and the sense of the Senate has not been taken thereon.

Mr. MARTIN of Virginia. I make the motion that the report be adopted and that the Senate further insist on its amendments numbered 1 and 30.

The VICE PRESIDENT. The question is on agreeing to the conference report. [Putting the question.] The ayes seem to have it. The ayes have it.

Mr. GALLINGER. I will ask for the yeas and nays.

The VICE PRESIDENT. The question is on the motion of the Senator from Virginia that the Senate further insist.

Mr. NORRIS. I ask for the yeas and nays.

The VICE PRESIDENT. The Chair desires to ascertain on which motion the yeas and nays are demanded.

Mr. GALLINGER. I withdraw the demand.

Mr. NORRIS. On the motion of the Senator from Virginia.

The VICE PRESIDENT. But he has made two motions. One is to agree to the conference report which has been agreed to by the decision of the Chair. The next motion is that the Senate insist upon its amendments and ask for a conference.

Mr. MARTIN of Virginia. I do not ask for any further conference. Let that come from the House, if they desire it. My motion is simply that the Senate further insist on its amendments numbered 1 and 30.

Mr. GALLINGER. On that motion I think we ought to have the yeas and nays.

The yeas and nays were ordered, and the Secretary proceeded to call the roll.

Mr. CHAMBERLAIN (when his name was called). I have a general pair with the junior Senator from Pennsylvania [Mr. OLIVER] which I transfer to the junior Senator from Nevada [Mr. PITTMAN] and vote "yea."

Mr. STONE (when his name was called). I transfer my pair with the Senator from Wyoming [Mr. CLARK] to the Senator from Louisiana [Mr. THORNTON] and vote "yea."

Mr. KERN (when Mr. THORNTON'S name was called). I desire to announce the absence of the Senator from Louisiana [Mr. THORNTON] on account of illness. I ask that this announcement may stand for the day.

Mr. TOWNSEND (when his name was called). I have a general pair with the junior Senator from Arkansas [Mr. ROBINSON], but I am informed that if present he would vote as I would vote. Therefore I shall vote. I vote "yea."

Mr. WALSH. I have a general pair with the Senator from Rhode Island [Mr. LIPPITT]. I transfer that pair to the Senator from Illinois [Mr. LEWIS] and vote "yea."

Mr. WEEKS (when his name was called). I have a general pair with the senior Senator from Kentucky [Mr. JAMES], and therefore withhold my vote. I wish to announce that my colleague [Mr. LODGE] is absent from the Senate and has a general pair with the senior Senator from Georgia [Mr. SMITH]. If my colleague were present, he would vote "yea."

Mr. WILLIAMS (when his name was called). Transferring my pair with the senior Senator from Pennsylvania [Mr. PENROSE] to the junior Senator from South Carolina [Mr. SMITH], I vote "yea."

The roll call was concluded.

Mr. GALLINGER. I wish to announce that the Senator from Delaware [Mr. DU PONT] is paired with the Senator from Texas [Mr. CULBERSON], and also that the Senator from New Mexico [Mr. FALL] is paired with the Senator from West Virginia [Mr. CHILTON].

Mr. CATRON (after having voted in the affirmative). I have a pair with the Senator from Oklahoma [Mr. OWEN]. I transfer that pair to the Senator from Illinois [Mr. SHERMAN] and let my vote stand.

Mr. TILLMAN (after having voted in the affirmative). I have a general pair with the junior Senator from West Virginia [Mr. GOFF]. I transfer that pair to the Senator from Indiana [Mr. SHIVELY] and allow my vote to stand.

Mr. LEA of Tennessee. I transfer my pair with the Senator from South Dakota [Mr. CRAWFORD] to the junior Senator from Ohio [Mr. POMERENE] and vote "yea."

Mr. HOLLIS. I desire to announce my pair with the junior Senator from Maine [Mr. BURLEIGH]. I therefore withhold my vote.

Mr. SMOOT. I desire to announce that the junior Senator from West Virginia [Mr. GOFF] is paired with the senior Senator from South Carolina [Mr. TILLMAN]; that the junior Senator from Wisconsin [Mr. STEPHENSON] is paired with the junior Senator from Oklahoma [Mr. GORE]; and that my colleague, the Senator from Utah [Mr. SUTHERLAND], is paired with the Senator from Arkansas [Mr. CLARKE].

Mr. GALLINGER. I was requested to announce the pair between the senior Senator from Vermont [Mr. DILLINGHAM] and the senior Senator from Maryland [Mr. SMITH].

Mr. KENYON I desire to announce the unavoidable absence of my colleague [Mr. CUMMINS].

The result was announced—yeas 55, nays 7, as follows:

YEAS—55.

Ashurst	Hitchcock	O'Gorman	Sterling
Bankhead	Hughes	Overman	Stone
Brady	Johnson	Page	Swanson
Brandegee	Jones	Perkins	Thomas
Bristow	Kern	Poindexter	Thompson
Bryan	Lea, Tenn.	Reed	Tillman
Burton	Lee, Md.	Root	Townsend
Camden	McCumber	Saulsbury	Walsh
Catron	McLean	Shafroth	Warren
Chamberlain	Martin, Va.	Shields	West
Clarke, Ark.	Martine, N. J.	Simmons	White
Colt	Myers	Smith, Ariz.	Williams
Gallinger	Nelson	Smith, Mich.	Works
Gronna	Newlands	Smoot	

NAYS—7.

Borah	Kenyon	Norris	Vardaman
Clapp	Lane	Sheppard	

NOT VOTING—34.

Burleigh	Fletcher	Oliver	Smith, Ga.
Chilton	Goff	Owen	Smith, Md.
Clark, Wyo.	Gore	Penrose	Smith, S. C.
Crawford	Hollis	Pittman	Stephenson
Culberson	James	Pomerene	Sutherland
Cummins	La Follette	Ransdell	Thornton
Dillingham	Lewis	Robinson	Weeks
du Pont	Lippitt	Sherman	
Fall	Lodge	Shively	

So the motion of Mr. MARTIN of Virginia was agreed to.

INDIAN APPROPRIATIONS.

The VICE PRESIDENT laid before the Senate the action of the House of Representatives agreeing to the amendments of the Senate Nos. 6, 13, and 140 to the bill (H. R. 12579) making appropriations for the current and contingent expenses of the Bureau of Indian Affairs, for fulfilling treaty stipulations with various Indian tribes, and for other purposes, for the fiscal year ending July 30, 1915, disagreeing to the residue of the amendments of the Senate to the bill and requesting a conference with the Senate on the disagreeing votes of the two Houses thereon.

Mr. ASHURST. I move that the Senate insist upon its amendments disagreed to by the House of Representatives, agree to the conference asked by the House on the disagreeing votes of the two Houses thereon, and that the conferees on the part of the Senate be appointed by the Chair.

The VICE PRESIDENT. The question is on the motion of the Senator from Arizona.

Mr. TOWNSEND. Mr. President, I realize, of course, that this is the regular way in which to proceed with matters of this kind, and in what I have to say I do not wish to reflect upon any Senator; but my understanding has been at all times that when conferees are appointed by the Senate or by the House of Representatives they are appointed with the idea that they will stand by the action of the body which appoints them.

The bill appropriating funds for the Indian Service contains some provisions which were very bitterly opposed by Senators who would naturally act as conferees on the part of the Senate on that bill. I have learned that since the bill was passed here there has been an effort made on the part of a Senator to persuade the House to oppose the action taken by the Senate.

The Indian bill was the subject of long consideration; there were embodied in the bill some radical changes in existing law. It was believed that those changes were for the benefit of the Indian Service; but it is idle, of course, to assume that those changes will be agreed to in conference if the Senate conferees are opposed to the Senate action.

I say this, I repeat, without any desire to reflect on anybody; but it has occurred to me that it would be embarrassing for Senators who are opposed to provisions in the bill and who do not propose to maintain them in conference to act as conferees on this measure. I realize that the chairman of the Committee on Indian Affairs has opposed one of the provisions of the bill, and yet I am perfectly confident after talking with him that he would insist on the position taken by the Senate. I have no complaint to make about his position as a conferee.

Mr. ASHURST. Mr. President——

The VICE PRESIDENT. Does the Senator from Michigan yield to the Senator from Arizona?

Mr. TOWNSEND. I do.

Mr. ASHURST. Mr. President, I have listened with interest and attention to the remarks of the distinguished Senator from Michigan [Mr. TOWNSEND]. In the inception of his remarks he stated that some of the Senators who would probably compose the conference committee were "bitterly" opposed to some of the amendments which were placed in the bill by the Senate. Speaking for myself, I think the RECORD will disclose that I voted only against one amendment, and in no sense did I "bitterly" oppose the same; although I thought then, I think now, and will aways think, until my mind is changed by proper evidence and argument, that the so-called Mississippi Choctaw amendment was not a wise and proper amendment. But, Mr. President, my individual view as a Senator is submerged and lost when I become a conferee; and I wish to state to the Senate, if such an assurance is necessary on my part, that I am in good faith for all the amendments that the Senate put on the bill.

The Senator from Michigan, of course, is not oblivious to the fact that since the so-called Mississippi Choctaw amendment was put on by the Senate the House of Representatives, another body of this Congress, has declined to concur in that amendment. The question upon which I presume the Senate conferees may at some time ask advice and instruction from the Senate is, How long shall we insist upon that Senate amendment, and shall we insist to the extent of killing the bill? I would not do that; but I again, in conclusion, say that I am for all the amendments adopted by the Senate, because, as a conferee, I am the servant of the Senate and my individual opinion must be subordinated to the will of the Senate.

Mr. TOWNSEND. Mr. President, I have felt that that would undoubtedly be true so far as the Senator from Arizona is concerned, and yet I regret very much that he thought it was necessary to declare that he was opposed to that provision now, because it certainly will weaken his attitude as a conferee, for it is due notice served upon the House of Representatives that eventually that point will be yielded. I am, however, more interested in certain other provisions of the bill, which seem to me to go to the very vitals of our conduct of Indian affairs; and having heard, I think from good authority, that a certain Senator, who probably will be on the conference committee, has bitterly opposed them, not only at the time the bill was up here, but has been active in the House, it is worse than a farce to have a conference composed of men who are not in sympathy with the provisions of the bill, which has taken so much time to prepare and which received so much attention in the Senate.

Mr. BRANDEGEE. Mr. President, I desire to ask the Senator from Michigan if he meant to state, as I understood him to state, that Senators who, according to the custom of the Senate, will be managers of the conference on the part of the Senate, have been to Representatives in the House to oppose the amendments which they are to advocate as Senate conferees?

Mr. TOWNSEND. I have been so informed.

Mr. BRANDEGEE. When the Senator made his statement, at first I simply understood him to state that certain Senators

had been to Representatives urging them to stand against certain Senate amendments; but if it is so that the Senators who have been urging Representatives to attempt to defeat the Senate amendments are Senators who are to be named as conferees to maintain the position of the Senate, I should myself think they were not in a position to enter a conference, which, under the rules, has to be what is called a full, free, and fair conference. If they have been instigating Members of the House to oppose what they are going to advocate as Senate conferees, I can not conceive that they could properly perform their functions.

I am astonished to hear such a statement made, and I, for one, would not vote for a motion to make Senators conferees if I thought they had been urging the people with whom they are to confer to persist in their opposition to the amendments which they say they are for, as representatives of the Senate.

Mr. ASHURST. Mr. President, will the Senator yield to me for just a minute?

Mr. BRANDEGEE. I yield the floor.

Mr. ASHURST. A statement has just been made which would tend to insinuate that some conferee to be appointed by the Chair on this bill has been working with some Member of the House to induce a disagreement to some of these amendments. I want to say here again in the most emphatic terms, and I hope the Senator from Connecticut heard me say a moment ago, that while it is true I voted against the so-called Mississippi Choctaw amendment, I did so in pursuing a line of thought on the subject that I have followed since I have been in the Senate. If that disqualifies me from being a conferee, very well. I also stated that since the Senate had, by two roll-call votes, favored the distribution of a part of that fund to the Mississippi Choctaws, I would steadfastly and in good faith urge that amendment in conference. I object to, take exception to, and resent any insinuation or suggestion that I, if I am the person meant as one of the conferees, am going to do other than act in good faith and resolutely try to carry out the orders of the Senate. I want that to be understood here and for all time.

Mr. BRANDEGEE obtained the floor.

Mr. TOWNSEND. Mr. President——

The VICE PRESIDENT. Does the Senator from Connecticut yield to the Senator from Michigan?

Mr. BRANDEGEE. I wanted to answer a statement the Senator from Arizona made about me; but I will yield if the Senator from Michigan thinks he can do it better.

Mr. TOWNSEND. No; I do not think that I can, but I think the Senator would be better able to understand the situation after I have made the statement. I have not even insinuated that the chairman of the committee had taken that attitude or that he had consulted with any Member of the House or that he had taken any other position than the one he has stated. I so expressed myself when I spoke the first time.

Mr. BRANDEGEE. I understood the Senator so to express himself, and I did not understand the Senator from Arizona to say that the Senator from Michigan had insinuated anything about him. I did understand the Senator from Arizona to say that he regarded what I had said as an insinuation that he would not do his duty as a member of the conference committee. I made no such statement. I made no such insinuation. I did not refer to the Senator from Arizona at all. I do not know who the Senators are who would be, under the custom, conferees upon this bill. My statement and my knowledge is based solely upon what the Senator from Michigan has just stated here on the floor, which is that he understands, and, if I get his language correctly, he is credibly informed, that Senators who would be liable, under the custom of the Senate as to the appointment of conferees, to serve as conferees, have been to Members of the House urging them to oppose what these very Senators are hereafter supposed to urge them to accept. I say that, if the Senator's statement is correct, any such Senator who is liable to be a conferee is unfitted for the post, because he can not enter the conference under a pledge to enter it for a full, free, and fair conference if he has been instigating opposition to the lip service he is going to render hereafter as a conferee.

I do not know whether those are the facts or not. I say, if they are the facts—and the conferees who are to be named will know whether or not they are the facts as relating to themselves—such a conferee ought not to serve. He ought to recognize the impropriety of his position. If he does not, there would be no use in calling it to his attention, because those are things which a man must recognize for himself. They are questions of decency and of good faith and of straightforward conduct. There would be no use in my calling it to his attention. If a gentleman does not know that it is not a fitting thing for him, representing the Senate, to go to the House and ask them to stand up against the very thing which to-morrow he is going to beg them to yield to, there is no use in my calling to his attention the fact that that is not a straightforward thing. I expect that if any conferee has been in the business which the Senator from Michigan states he has knowledge that certain Senators have been in, the perception of the fitness and decency of things will induce such a Senator to decline to act as a conferee, because if he does not, I for one would have no confidence whatever in the conference report that emanated from a Senator whose sentiments and conduct had been of that character.

Mr. WILLIAMS. Mr. President, I have made a very hard fight in the Senate for two successive Congresses in behalf of the Mississippi Choctaws. I have received generous support from Senators upon both sides of the Chamber. Very soon after the Senate won its fight over the Committee on Indian Affairs—because that is about the way it ought to be stated—the Senator from Arizona [Mr. ASHURST] came to me of his own accord and told me that he considered himself instructed by the Senate, and, with that chivalry which is one of his characteristics, told me that he would fight just as much for the Mississippi Choctaw amendment as for anything else in the bill. I have no fear in the world of any betrayal by the Senator from Arizona.

I understand, furthermore, that one of the conferees will be the Senator from Minnesota [Mr. CLAPP]. There is no man in this body whom I trust more absolutely than he, and I know just as well as I know anything—just as well as I know that I am here—that if he felt that he ought to surrender this point he would not serve as a conferee. I have absolute confidence in him.

The other conferee, by seniority, will be the senior Senator from Montana [Mr. MYERS]. I have absolute confidence in him. He would not serve if he were prepared beforehand to surrender the Senate's fight.

Mr. BRANDEGEE. Mr. President——

The VICE PRESIDENT. Does the Senator from Mississippi yield to the Senator from Connecticut?

Mr. WILLIAMS. Yes.

Mr. BRANDEGEE. I agree with the Senator entirely; and if I agree that I have confidence in those gentlemen it is because I can not believe that any one of them has been guilty of what the Senator from Michigan charges.

Mr. WILLIAMS. Mr. President, either the Senator from Connecticut misunderstood the Senator from Michigan or the Senator from Michigan must have been misinformed.

Mr. BRANDEGEE. I will ask the Senator from Michigan, if the Senator from Mississippi will yield to me——

Mr. WILLIAMS. If these are the three men to serve as conferees, I know all three of them so well that I pledge my word of honor that anything of that sort hardly could have occurred.

Mr. BRANDEGEE. I do not know; but I will ask the Senator from Michigan whether or not I have misunderstood what he said, because I do not want to proceed on any misunderstanding.

Mr. TOWNSEND. Mr. President, if the Senator will yield, what I said and what I desire to have remain in the RECORD was that a Senator who had committed himself against the Senate bill ought not to be on this conference committee, and that I had been informed that a Senator who was liable to be a member of that conference committee had been to Members of the House immediately after the bill passed the Senate and for the purpose of working against the action taken by the Senate.

The Senator from Mississippi has mentioned the Senators. I do not wish to be invidious. It is not fair to be so. I intended to have it rest entirely upon the honor of the Senators who were to be upon the conference committee. I feel now, however, that it is necessary for me to be specific, and I shall be so now. I have learned that the Senator from Montana [Mr. MYERS], after the bill passed, was very much disappointed over the action taken by the Senate in reference to certain reclamation projects in his State, and that he had been to the House and had talked with members of that body with the hope of encouraging them in their efforts to defeat the bill.

I can not believe that under the circumstances the Senator from Montana [Mr. MYERS] would accept a position on this conference committee. I have made this clear, although, as I said a moment ago, I had preferred to make the statement general and to allow it to rest with the individual consciences of the Members of the Senate who are to act as conferees.

Mr. MYERS. Mr. President, will the Senator yield to me at this point?

Mr. WILLIAMS. Yes.

Mr. MYERS. I had intended, before the discussion was over, to take the floor and make the statements that I shall now make.

While the previous statements of the Senator from Michigan were general I thought it was incumbent upon me, as one of the senior members of the committee on the Democratic side, to express my views and to make a statement of what I had to say, because under the general rule of procedure I would naturally be one of the conferees.

TREATIES WITH NICARAGUA AND COLOMBIA.

Mr. BORAH. Mr. President, will the Senator yield to me while I dispose of a matter which I should like to dispose of before 1 o'clock?

Mr. MYERS. I yield, with the consent of the Senator from Mississippi. He has the floor.

Mr. BORAH. Will the Senator from Mississippi yield for just a moment?

Mr. WILLIAMS. Yes.

Mr. BORAH. I ask that Senate resolution 411, which comes over from a preceding day, may be permitted to go over until to-morrow without prejudice.

The VICE PRESIDENT. Is there any objection? The Chair hears none.

Mr. STONE. I should like to inquire if that is the resolution the Senator offered with respect to open hearings on the Colombian and Nicaraguan treaties?

Mr. BORAH. It is.

INDIAN APPROPRIATIONS.

The Senate resumed the consideration of the action of the House of Representatives requesting a conference on the disagreeing votes of the two Houses on the bill (H. R. 12570) making appropriations for the current and contingent expenses of the Bureau of Indian Affairs, for fulfilling treaty stipulations with various Indian tribes, and for other purposes, for the fiscal year ending June 30, 1915.

Mr. MYERS. As I say, while the first statements made by the Senator from Michigan [Mr. TOWNSEND] were general, I had intended, just as soon as I could obtain the floor, and after the conclusion of the running debate between certain other Members who succeeded each other with rapidity, to get the floor and make my statement.

I have no objection whatever to the Senator being specific about his statements, or charges, or whatever he may regard them. I welcome them, and was going to ask him myself to be specific if he had not voluntarily done so, or if he had not been drawn out by the Senator from Mississippi [Mr. WILLIAMS].

On the Democratic side of the Senate Committee on Indian Affairs I am the second ranking member. I am next to the chairman. As I understand the practice and custom that would ordinarily make me one of the three conferees, as they generally take the first two on the Democratic side and the ranking member on the Republican side.

As to my interest in anything contained in the Indian appropriation bill, it has been said here by the Senator from Michigan that certain amendments which were put on in the Senate were bitterly fought and contested by some of the Senators who may be conferees on the part of the Senate. I did oppose some of those amendments. I opposed one, in particular, which relates to the interests of Montana. I opposed it to the last, and opposed it with all of my ability. I thought it ought to have been defeated, and so thought to the end. If I was bitter in my opposition I knew nothing about it. I did not intend to be bitter toward anybody who was against me, nor toward the Senate, nor toward anybody whatever in connection with it.

After that amendment, in regard to the Flathead reclamation project, which I considered most unjust, had been adopted by the Senate, I did talk in regard thereto to Montana's Representatives in the House of Representatives, Messrs. EVANS and STOUT, the Representatives of my State, who are just as much interested in Montana matters and in that particular matter as I, and explained to them what had been done in the Senate; and I feel that I had a right to talk to them about it. If there is any impropriety in that I know nothing about it.

I want to say that the only talk I had in regard thereto with any House Member was with the Representatives of my own State, Messrs. EVANS and STOUT. I did say to them that I hoped they would succeed in having that amendment defeated in the Indian Affairs Committee of the House or on the floor of the House.

I feel free to say that Montana's entire delegation—my colleague in the Senate and myself and the two Representatives in the House—have felt and still feel that that amendment is unjust and improper. I have consulted with my colleague in this body about it, and I feel that I had an equal right to express my opinion about Montana matters and matters in which we were concerned to my associates who represent the State of Montana in the House. I simply told them my view of it, discussed the situation with them, left it with them, and since then have heard nothing from it except what I have learned from reading the papers and the CONGRESSIONAL RECORD.

Mr. SMITH of Michigan. Mr. President——

The VICE PRESIDENT. Does the Senator from Montana yield to the Senator from Michigan?

Mr. MYERS. I do. The Senator from Mississippi has the floor, but I yield with his consent.

Mr. WILLIAMS. It is so long ago that I got the floor that I have almost forgotten that I had it.

Mr. SMITH of Michigan. The subject under discussion would be as appropriate after 1 o'clock as now, because it is a conference report, as I understand. Will the Senator from Mississippi yield for a moment to permit me to introduce a bill?

Mr. WILLIAMS. No; I can not do it right now. If the Senator will wait just one second I shall be through. I have only a sentence or two to utter, and then I shall be through.

Mr. MYERS. I want to say, further, with the Senator's permission, that I will finish in a minute or two. He yielded to me for a statement.

Mr. WILLIAMS. But the hour of 1 o'clock will come on us.

Mr. MYERS. I am about through now. I simply wish further to say that it has been my intention, were I made a conferee—and I paid no attention to that, as far as I am concerned—to stand in good faith, for any reasonable length of time, for the Senate amendments, and to do my duty according to custom and practice, as I saw it, in favor of the Senate amendments. I want to say, however, that if anybody thinks anything I have done disqualifies me from being a conferee, then I do not want to be a conferee. If the Senate thinks, under the circumstances, that I am unfit to be a conferee, or have disqualified myself, I simply leave it to the Senate. I committed no impropriety, though, in anything I have done.

Mr. WILLIAMS. Mr. President, I want to add just this: I have every reason to believe that if this Mississippi Choctaw matter gets back before the House of Representatives it will meet with different treatment. Over there at first the entire argument went off upon the idea that a whole lot of lawyers sowewhere were going to get a slice out of this fund. The Members of the House, and especially my friend, Mr. MANN, seemed not to be aware of the fact that the Senate had passed a resolution cutting off every one of the contingent fees and other charges, and when the subject comes up in the House again I have every reason to believe that the House will take a different course from what it has taken up to this time. I hope the Senate conferees will insist upon the Senate amendments, and I know that representing the Senate as good, honest men they will.

Mr. TOWNSEND obtained the floor.

The VICE PRESIDENT. The morning hour having expired, the Chair lays before the Senate the unfinished business, which will be stated.

The SECRETARY. A bill (H. R. 13811) making appropriations for the construction, repair, and preservation of certain public works on rivers and harbors, and for other purposes.

The VICE PRESIDENT. As this matter is privileged the Chair recognizes the Senator from Michigan.

Mr. SMITH of Michigan. I should like to introduce a bill.

Mr. TOWNSEND. I yield to my colleague for that purpose.

(The bill appears under an appropriate heading.)

PAUL M. WARBURG.

Mr. POINDEXTER. I desire to submit a resolution, and in this connection I call attention to an editorial which was submitted this morning by the Senator from Mississippi [Mr. WILLIAMS] and ordered to be printed in the RECORD. I notice in the editorial from the New York World a paragraph quoted from the New York Sun, as follows:

> The business world feels itself fettered by the general attitude of political hostility to the higher mechanism of business, a hostility of which the President is the principal exponent.

Commenting upon that the New York World article, presented by the Senator from Mississippi, contains this paragraph:

> If the almost incredible financial knavery that has been brought to light in connection with the Rock Island represents "the higher mechanism of business" we have no doubt that the President is hostile to it.

That being, Mr. President, upon a very vital and pressing issue now before the Senate and the country, I offer the following resolution relating to the subject.

The resolution (S. Res. 413) was read, as follows:

> *Resolved by the Senate of the United States*, That the Interstate Commerce Commission is hereby directed to report to the Senate the form, manner, and extent of the participation by Paul M. Warburg, recently nominated by the President for membership on the Federal Reserve Board, with the financial transaction or transfers or sales of stocks or bonds of the Rock Island, Chicago & Alton, and other railway companies or systems.

Mr. TOWNSEND. Mr. President——

The VICE PRESIDENT. The resolution will go over, under the rule, and be printed.

BOARD OF CHILDREN'S GUARDIANS.

Mr. SMOOT submitted the following resolution (S. Res. 416), which was read and, with the accompanying papers, referred to the Committee on the District of Columbia:

Resolved, That the Committee on the District of Columbia be directed to investigate the statement of Prof. William H. H. Hart, principal of the Hart Farm School, and accompanying papers, relating to care and maintenance of wards of the board of children's guardians of the District of Columbia and to damages sustained by him in connection therewith, and to report their findings and recommendations at the next session.

CONVEYANCES IN NEVADA BY CENTRAL PACIFIC RAILROAD.

Mr. WALSH. On Thursday evening in the absence of myself and the Senators from Nevada the Senate passed the bill (S. 5042) legalizing certain conveyances heretofore made by the Central Pacific Railroad Co. and others within the State of Nevada. It was intended to submit an amendment to the report of the Committee on the Judiciary before action was taken by the Senate. Accordingly I ask unanimous consent that the vote by which the bill was ordered to a third reading and passed be reconsidered, and that the bill be recalled from the House.

The VICE PRESIDENT. The usual parliamentary practice will be to recall the bill from the House and enter a motion to reconsider.

Mr. WALSH. Very well.

The VICE PRESIDENT. The question is on the motion of the Senator from Montana to recall the bill from the House.

The motion was agreed to.

Mr. WALSH. Notice will be made of the motion to reconsider.

The VICE PRESIDENT. The notice will be entered.

CONSTRUCTION OF LOCKS AND DAMS.

Mr. BURTON. If the Senator from Michigan [Mr. TOWNSEND] will yield, I desire unanimous consent to introduce a resolution seeking information, and I ask for its immediate consideration.

Mr. NEWLANDS. I can not consent that the unfinished business shall be laid aside except for the offering of bills.

Mr. BURTON. I do not think it will lead to any discussion. If it does, I will ask that it go over.

Mr. NEWLANDS. Do I understand the Senator from Ohio to say that he will withdraw it if it leads to discussion?

Mr. BURTON. I will ask that it go over if it leads to discussion.

The resolution (S. Res. 414) was read, considered by unanimous consent, and agreed to, as follows:

Resolved, That the Secretary of War be requested and directed to transmit to the Senate at an early date a list of locks and dams constructed and operated by the Federal Government, with the respective rivers or channels in which they are located, including the cost of construction of each, the cost of maintenance to date, the cost of maintenance for the last year for which figures are available, the distance of each from the mouth or source of the river, the date when each lock and dam was finished and made available for use, and the tonnage passing through each lock for the last year for which statistics are available; also a list of locks and dams now under construction.

AFFAIRS IN MEXICO.

Mr. SMITH of Michigan. I desire to introduce a resolution, which I ask to have read.

The VICE PRESIDENT. The resolution will be read.

The resolution (S. Res. 415) was read, as follows:

Whereas the publication of certain correspondence has been made the basis of allegations in many newspapers that certain persons owing allegiance to and domiciled in the United States have been engaged in correspondence with the authorities of the so-called Constitutionalist Government of Mexico for the purpose of thwarting the designs of the United States Government, and for the promotion of their own interests; and

Whereas in certain of this correspondence agents of the President of the United States have been represented as affording advice to the agents of the said rebellion against the Government of Mexico, intended to enable said revolutionists to evade the orders of the President of the United States against the shipment of arms and munitions of war into Mexico: Therefore be it

Resolved, That the Committee on Foreign Relations or a subcommittee thereof is hereby authorized and directed to inquire, investigate, ascertain, and report whether any person, associations, or corporations domiciled in or owing allegiance to the United States have heretofore been or are now engaged in correspondence with those in rebellion against the Government of Mexico and in violation of the laws of the United States, or whether any persons, associations, or corporations have heretofore been or are now engaged in financing, encouraging, or inciting civil strife in Mexico for the promotion of their own interests or for any other reasons, and whether any agents of the President of the United States have been heretofore or are now engaged in giving advice to those in rebellion against the Government of Mexico to enable or lead such agents or authorities to constructively evade the orders of the President of the United States against the shipment of arms or munitions of war into Mexico, or whether any agents of the Government of the United States may be in any way personally or financially interested for their own gain or profit in the regrettable strife in Mexico.

Resolved further, That said committee or a subcommittee thereof is hereby empowered to summon witnesses, to send for persons or papers, to administer oaths, and to take and secure whatever testimony and evidence that may be required to ascertain and report upon the matters aforesaid; and said committee or a subcommittee thereof is hereby authorized for the purpose aforesaid to sit wherever necessary and act as well when Congress is not in session as when in session.

Resolved further, That the said committee is hereby directed to report the result of said investigation and inquiry to the Senate during the first month of the next session of Congress; and the expenses incurred by such investigation and inquiry shall be paid from the contingent fund of the Senate upon vouchers to be approved by the chairman of the committee.

Mr. WILLIAMS. Mr. President——

Mr. SMITH of Michigan. I note that the Senator from Missouri [Mr. STONE] has come in, but I think at this time I will not press the resolution. I ask that it may go over under the rule until to-morrow.

Mr. WILLIAMS. Very well; that is all right. It will go over under the rule.

The VICE PRESIDENT. The resolution will go over and be printed.

THE COLORADO STRIKE.

Mr. THOMAS. I ask unanimous consent to have published in the RECORD an article in the current number of the North American Review by the governor of Colorado on the Colorado strike. It consists of only 10 pages and is a matter of almost national importance.

Mr. BRANDEGEE. What does the Senator ask to have done with the article?

Mr. THOMAS. That it be printed in the RECORD.

There being no objection, the article referred to was ordered to be printed in the RECORD, as follows:

THE COLORADO STRIKE.

[By His Excellency Elias M. Ammons, governor of Colorado.]

Much has been said and much written about the troubles in Colorado arising from the strike of the coal miners. The parties involved have hurled statements back and forth, and contradictions and denunciations more or less intemperate have found their way into the public prints to such an extent that, despite the importance of the subject, the public seems to have no clear conception of what has happened. So far as I know, the State itself has not spoken, nor has anyone in authority as yet properly analyzed the conditions in Colorado. It is therefore my purpose to give here an impartial portrayal of the conditions as they have existed in the past and now exist, and which at present are so generally misrepresented and misunderstood.

For four years an industrial struggle, which only recently reached its most acute development, has been going on in Colorado. The economic problem, serious enough in its beginning, has reached a tragic climax of nation-wide importance. During these four years much bitterness has been engendered, and the dispute, which originally involved an economic question between capital and labor, has finally become political, between the State, on the one hand, and those who deny its authority, on the other. Riot has assumed the proportion of rebellion, focusing the attention of the whole American people upon Colorado.

The origin of the present situation dates back as far as 1910, when the coal miners in the district north of Denver struck. That strike has been going on ever since and remains unsettled at this writing. Largely as a sympathetic measure, a strike was called in the southern coal fields, in which are located the largest and most important mines of the State. This strike was declared in September, 1913, and spread to the mines located in Fremont and Routt Counties. For years the United Mine Workers of America, a powerful international organization of labor numbering over 400,000 members, has been busy organizing local unions among the coal-mining population through which this strike spread. It should be remembered that the coal-mining population of Colorado is composed very largely of south European immigrants who speak practically no English and have as yet little understanding of the American form of government. The mines in which they work are variously owned, there being some 30 or 40 companies operating in the State, of which 3 are conspicuous because of their size and importance. However, although the ownership of all these mines was in various hands when the organization of the miners by the United Mine Workers had progressed sufficiently to make possible the calling of the strike, 20 or 30 small coal-mining companies made common cause with the 3 larger ones and presented a united front of coal-mine owners in opposition to the striking union miners.

These are the contending parties. In this conflict, under present laws, the State government has no voice or concern. It is primarily occupied only with maintaining the peace and dignity of the State. The governor is charged by the constitution with the duty of seeing that the peace of the State is maintained and that its constitution and laws are obeyed by all alike. It is no part of his duty to intervene or mediate in labor strikes or to attempt a settlement of such disputes. I departed from the strict letter of official duty so far as to attempt by every means in my power an adjustment of the dispute between these contending economic forces. I am still engaged in that attempt.

The mine owners in Colorado also own the dwellings erected near the mines for the housing of the workmen and their families. When the strike in the southern field was declared, large numbers of workmen left their former abodes. The United Mine Workers assembled these people in tents near the properties where they had been employed. These groups of striking miners with their families thus assembled in tent colonies were located at points that commanded the approaches to the mines. Colorado has a drastic law against picketing. It prohibits even the persuasion of men at work to quit their employment. The tent colonies were, of course, silent pickets. The nonunion workmen had to pass by or through the colonies in going to work. On the other hand, the mine owners employed a force of guards upon their properties who were armed to protect them and their workmen from aggression. It was not long before the strikers of the colonies were also armed. There were two contending armed bodies in near proximity to each other. The strikers claimed a fear of attack by the mine guards, upon which their leaders justified their armament. So far as I have been able to discover, that fear was unfounded, though it may have been honestly

entertained. Between these two armed bodies many bloody battles were fought. To this day the village of Hastings, which harbored then, as now, the families of many hundred workers, exhibits the marks of thousands of bullets shot by a large party of attacking strikers. An automobile containing five of these mine guards, returning to their mine upon their lawful occasion, was ambushed and four of the party murdered, the fifth being seriously wounded and left for dead. With reference to this incident, and to give an insight into the point of view of the striker leaders, I may add that one of the great labor leaders of the country came to my house in Denver and tried to convince me that the men who ambushed and murdered these people ought not to be prosecuted, for the reason that a state of war existed, and that the right of the strikers to kill the mine guards should not be questioned. I could multiply such instances of lawlessness and disorder occurring before the coming of the troops. During all that time I was doing my utmost to forestall further bloodshed and disorder by attempting to settle the strike itself. But the time came when, despite all other considerations, the State had to assert its authority through its military arm. In the southern field a reign of terror prevailed. The good citizens of the State, in no wise concerned with the strike itself, were in real danger of their lives. Between the two contending forces no respect whatever was paid to the constituted civil officers of the peace. Because of the almost frantic appeal of the sheriffs of both southern counties, of the boards of county commissioners, mayors, judges, and other civil authorities, as well as from hundreds of the citizens, I felt constrained to call out the National Guard. These soldiers of the State went into this seething caldron of blood and battle in the last days of October. They found these two armed bodies of men in large numbers thirsting for each other's blood and ready to spring at each other's throats. The National Guard occupied a territory over 100 miles in extent, quelled the disorder, reestablished the constitution, and without firing a shot preserved the peace of the State for six long and weary months.

I feel that I should add here a word for the National Guard. These men have been made the object of very bitter public attack. Opprobrium, undeserved, has been publicly heaped upon them. The charge that they were recruited from the purlieus of the great cities and were not representative of the average population of the State is an absurdity. Any charge that they were hirelings of either side to the industrial dispute is ridiculous. The truth is that the Colorado National Guard is composed, as in other States, of farmers, tradesmen, mechanics, and artisans, with an unusually large proportion of professional men. It is a volunteer force. These men have served their State with a truly commendable devotion, to the sacrifice of their own personal interests, risking their lives in a quarrel not of their making and in which they had no interest. They have not been paid this year even the pittance that is allowed by law. If ever patriotism found expression, it is in the unrecompensed and unselfish services of these soldiers of the State who have only the consciousness of a duty performed to reward them, and upon whom has been heaped the opprobrium and abuse that private interest has dictated.

The troops of the State were able to enforce peace. But it was a sullen and unwilling peace. The mine guards were disarmed and sent away. The strikers promised to surrender their arms, but they did not do so. Similarly, a recent promise of the leaders to surrender these arms to the United States troops was unfulfilled. In the meantime and after the military occupation had begun, I continued unceasingly my efforts to adjust or settle the strike. Conferences with both sides aroused my hopes of a settlement. For 30 days after the calling of the troops I prevented the importation of new workmen and held the situation in abeyance, hoping thus to bring about a termination of the strike, which I felt would be more difficult after the strikers' places in the mines had been taken by other workmen.

About this time, and by the courtesy of the President of the United States, I had the assistance of the Secretary of Labor, himself a member of the United Mine Workers of America. The striking miners had formulated a series of enumerated demands, most of which were vouchsafed by the existing laws of the State of Colorado. The chief, and, as the event has proved, the only remaining point of controversy was the recognition of the union. This point has been insistently refused by the operators and as insistently demanded by the union. Both sides, however, agreed to a conference composed of officials of the mining companies and representatives of the miners, together with the Secretary of Labor and myself. This conference was held in my office. At the request of both sides I acted as chairman of their meetings. The demands of the strikers were considered and discussed. The Secretary of Labor and myself had been led to believe that the point of the recognition of the union was to be waived. At this conference it was agreed that I should make suggestions of settlement which were to be acceded to.

I was much elated at this apparent success, and with the assistance of Secretary Wilson I prepared and forwarded to both sides the agreed suggestions. The strikers were to waive the recognition of the union and the mine owners were to concede every other point demanded. Within a few hours I received a letter from the mine owners unqualifiedly accepting the terms of the proposed settlement. The striking miners, however, rejected the proposal. The conference came to nothing, and the Secretary of Labor returned to Washington. I was afterwards told, confidentially, by the strike members of the conference that they had been instructed in the first place not to accept anything but the recognition of the union.

Upon this miscarriage of our plans of settlement, I directed that all men who desired to work in the mines and who had full knowledge of the strike and conditions of employment should be permitted to work and be protected in so doing. A large number of men were then brought in to work in the mines. They were given military protection in going to the properties and in remaining at work therein. This is the circumstance which caused the strikers to look upon the National Guard as being in league with their adversaries. They saw their places in the mines taken by others whom they called "scabs." They felt the restraint imposed upon them by the State's troops. They could not prevent the working of the mines by these new laborers either by intimidation or by persuasion. Ignorant, and, I am afraid, disposed to lawlessness, these strikers felt that in protecting the nonunion workmen the National Guard was causing their strike to fail. From restlessness their feeling toward the State's troops grew into impatience, and, as days went by, to fury. In this feeling their leaders shared. The fight began to be waged not merely against the coal operators but against the troops and the State itself. Day by day the notion that an unholy alliance existed between the State authorities and the coal-mine owners was disseminated throughout the State and country by the efficient press bureau of the labor organization. Every argument was used to substantiate that idea. Its utter lack of foundation will go without saying. An incident occurring during the military occupation will illustrate the point. When trouble broke out in Routt County, a district remote from the seat of the main trouble, the citizens arose en masse and announced their intention of forcibly expelling the strike leaders from the county. An appeal was made to me for protection against this body of citizens by the strikers' organization. It was promptly met. I sent troops at once into Routt County, protecting the strikers and their leaders from the aggressions of the populace. I had to give military protection to a newspaper in Trinidad, the organ of the strikers, to save the plant from a feared demolition at the hands of the citizens, who felt themselves outraged by its utterances. These and many more such incidents occurred at a time when the strikers' leaders and the strikers' press were proclaiming that the military arm was being used solely in aid of their antagonists.

In the middle of April, after the troops had enforced a six months' peace and when they were almost four months in arrears of pay, it was felt that they must be withdrawn. It was hoped that the peace thus established would continue. It was feared that it would not. The most earnest protests were made to me by citizens of all classes against the withdrawal. It was felt and generally predicted that as soon as the military restraint was removed the stored-up wrath of this alien population would flare out in some malignant way. Within six days after this withdrawal the eruption came. It was general throughout the coal-mining regions of the State. A widely extended uprising had been carefully planned. The storm broke at Ludlow. Much has been made of Ludlow. It was seized upon as a means of inflaming the minds of men and justifying the acts of treason and murder that followed. The facts in connection with Ludlow have been distorted, and in various forms spread broadcast throughout the land. It has been described as a massacre. It is given out that the National Guard, servile hirelings of the great coal companies, mercilessly shot and burned defenseless women and children in the Ludlow tent colony. On the miserable untruth and injustice of such a story I shall comment presently. However, it was believed, and may still find credence among a great number of the American people who have not the facts and have no reason to believe otherwise. Riot became rebellion. Under the blinding glare of the story of Ludlow, as given to the world, the leaders correlated and organized the outbreaks which were smoldering and ready to burst forth into a determined, well-administered, and financed rebellion against the constituted authorities of the State. Ludlow was an incident, not an event. The battles and crimes that were committed during the following 10 days would doubtless have occurred had there been no Ludlow incident.

When the troops were withdrawn, 34 men were left upon police duty near Ludlow, the largest of the tent colonies. On April 20 these men were attacked by ten times their number of strikers. The objective was doubtless the villages 2 or 3 miles distant containing the nonunion workmen and their families. The National Guard thus attacked defended themselves, and later put the strikers to flight and destroyed their colony. The women and children were all removed to places of safety before the attack save only those who were concealed in pits dug beneath the tents. From these pits the soldiers rescued over 30 women and children while the tents were burning. This rescue was made with distinguished bravery and under a heavy fire from the strikers themselves. One pit, almost hermetically sealed, escaped the notice of the rescuers, and 36 hours later was discovered and found to contain the bodies of 2 women and 11 children. These poor people died of suffocation in their subterranean prison, where they had been confined by their would-be protectors. Not a burn or a char or a bullet mark was found upon any of them. The oxygen contained in this closed chamber could not have supported their lives for more than two or three hours. One little boy was accidentally shot, apparently by a striker's bullet. With that exception no women or children were shot or burned or otherwise hurt during the day's fighting. There was no massacre. Men died on both sides; those of the strikers died with arms in their hands fighting against the State; the soldier, on the contrary, tortured and mutilated even before death, gave his life to his country in the discharge of his duty.

Two days later the labor leaders formulated a call to arms, which was published in the press and sent broadcast throughout the State. It was subscribed with the signatures of the leaders. I quote from this call, as follows:

"Organize the men in your community in companies of volunteers to protect the people of Colorado against the murder and cremation of men, women, and children by armed assassins employed by the coal corporations, serving under the guise of State militiamen.

"Gather together for defensive purposes all arms and ammunition legally available. Send name of leader of your company and actual number of men enlisted at once by wire, phone, or mail to W. T. Hickey, secretary of State Federation of Labor.

"Hold all companies subject to order.

"People having arms to spare for these defensive measures are requested to give them to local companies, and where no company exists send them to the State Federation of Labor.

"The State is furnishing us no protection, and we must protect ourselves, our wives, and children from these murderous assassins. We seek no quarrel with the State and we expect to break no law. We intend to exercise our lawful right as citizens, to defend our homes and our constitutional rights."

This call was responded to. The arms that the National Guard failed to gather up were taken from their hiding places and distributed among the strikers. Many more were purchased and placed in the hands of the strikers. During the winter the strikers had augmented their numbers by hundreds, if not thousands, of idle men who never had been coal miners. Colorado seemed to be a resting place for bands of the unemployed. By this augmentation of numbers the force of men who could be armed against the State was truly formidable.

The National Guard was again called out and sent into the southern fields. Its going was heralded by telegrams warning these armed men of the approach of the troop train, and urging that its entrance be disputed. One leader who signed the call to arms was arrested while taking a large number of high-power rifles and quantities of ammunition to his people by automobile. In the northern field armed strikers imprisoned the sheriff in the Hecla mine and besieged him there until relieved by the National Guard. An armed band seized the Chandler mine, in Fremont County, not without much fighting. By way of reprisal the refugees of Ludlow marched 12 miles from Trinidad to Forbes, destroyed that camp, killed 9 of its defenders, and then returned to Trinidad and paraded the streets in triumph. Many of the smaller mines of the State were seized and their managers imprisoned or expelled. The mining villages I have referred to were attacked and many killed. The toll of death in these few days is known to have reached 50, and I believe it to be much greater. The National Guard had to be

divided and subdivided, hastening from county to county and occupying fields remote from one another. For nearly 48 hours a pitched battle was fought at Walsenburg with 1,500 armed men who responded to the labor leaders' call for volunteers.

During these red days my chief concern was to prevent further bloodshed. I went into conference after conference with the leaders of the strike to avert further public calamities and prevent the shedding of innocent blood. I was willing to waive for the time all considerations of treasonable practices I besought the leaders' cooperation with me in restoring order. Truce after truce was arranged between the soldiers of the State and their armed adversaries. These truces were scrupulously kept by the National Guard, but the labor leaders who agreed to them either could not or did not control their own people. The time came when the rebellion assumed such proportions that it could not be met with the greatly reduced force at my disposal, a force unpaid for four months, and to pay whom for any further service there was no visible means or prospect of means. I called the legislature of the State together in extra session to provide for this expense. At the same time I requested the President of the United States to take charge of the situation with Federal troops. That request was honored. Upon the coming of the Federal troops, the National Guard was withdrawn from county after county. The name and power of the United States was freely invoked; the strikers and their sympathizers subsided, and peace and order were restored.

So long, at least, as the United States troops remain in Colorado, or when I or some more potent agent shall have succeeded in settling the strike, which, of course, is the root of the evil, peace and order will prevail. If the strike is not settled, or if it shall be deemed necessary to withdraw the United States troops under present conditions, I greatly fear that the struggle will be revived. The strike leaders are very earnest and zealous men in their cause. I fear that their zeal in the hour of passion has led them beyond all lawful bounds.

It is idle to make predictions. Neither side of the industrial conflict is at present disposed to make any concession whatever. Both cry loudly that there is nothing to arbitrate. The recognition of the union remains the vital point of the controversy. The strikers declare that without it all else is in vain. The mine owners point to the fact that they have promised permanent employment to the men now at work in their mines, and that they can not and will not supplant them with those who have been lately engaged in destroying their property and killing their people. They claim that recognition of the union means nothing else.

The State has taken no side whatever in this industrial conflict. I have used every means at my disposal to bring about a settlement and to avert civil war. A time came when I found the leaders of one side of this conflict heading an armed rebellion against the State. I can not escape the belief that Colorado's experience is but a local expression of general conditions and, in that aspect, of vast importance to the people at large. The remedy for such conditions lies with the legislative and not with the executive branch of the government. It is a governor's duty to enforce the constitution and laws of his State. The hundreds or thousands of men lately in arms against the military forces of the State are still in Colorado, and so are their arms, hidden away, perhaps to await a future use. What the future holds, who can say?

ELIAS M. AMMONS.

INDIAN APPROPRIATIONS.

The Senate resumed the consideration of the action of the House of Representatives requesting a conference on the disagreeing votes of the two Houses on the bill (H. R. 12579) making appropriations for the current and contingent expenses of the Bureau of Indian Affairs, for fulfilling treaty stipulations with various Indian tribes, and for other purposes, for the fiscal year ending June 30, 1915.

Mr. TOWNSEND. I now desire to refer to the matter properly before the Senate.

Mr. NEWLANDS. May I ask what is the regular order?

The VICE PRESIDENT. The regular order is the privileged question, the motion of the Senator from Arizona that the Senate insist upon its amendments and agree to the conference asked by the House of Representatives, and that the Chair appoint the conferees.

Mr. TOWNSEND. To that matter I desire very briefly to speak because of what has been said by the senior Senator from Montana [Mr. MYERS]. I have no question as to the Senator's interest in his constituents; I have no question about his loyalty to the people of his State; but I submit, Mr. President, that the Senator has already stated sufficient to disclose the fact that he is not in a position to act as an impartial advocate of the Senate bill. A conference committee so composed would be a vain thing, so far as its influence on the conference for the Senate contention is concerned. I am not quarreling with the Senator as to his views on that matter. He has as good a right to hold those views as I have to hold the contrary; but here is action which has just been taken by the Senate which I regard, and which I must presume that the Senate regarded, as of great importance. It was discussed here for days, and finally it was written into the bill.

The Senator has admitted that he went to the House for the purpose of influencing action on the part of Members of that body against the action of the Senate. I repeat, therefore, that a conference so constituted would not be carrying out the ideas that the Senate has when it creates a conference committee.

I am sorry that the Senator did not feel that it was his duty to refuse to act as a conferee on this bill. It would have cleared the atmosphere; it would have produced in the minds of Senators the idea that there was to be a free, fair, and open conference and that the Senate conferees were to exert themselves to the utmost for the Senate contentions. Any other conference, I repeat, is a vain thing.

I have felt for some time, Mr. President, that we were writing provisions in bills in the Senate with the idea that a conference would write them out again. I submit, Mr. President, it is a bad way to legislate; that to spend time here to write provisions into bills with the idea that a conference will be appointed which would eliminate them would be an almost criminal waste of the Senate's time.

I am, I repeat, sorry that the Senator will stand even as a conferee on the bill under these circumstances; and that is not impeaching his honor nor his integrity nor his devotion to his people at all. But the Senate has a right here. That right has been expressed by a majority vote of the Senate, and we should be sure that every effort is made by the representatives of this body to maintain the action of the majority.

I would rather the withdrawal on the part of the Senator from Montana as a conferee would have been voluntary; but if he does not withdraw, there is a way by which it can be prevented. I shall feel it my duty to move, as a substitute, that the Committee on Indian Affairs appoint the conferees so that a majority of the committee shall appoint the conferees to represent the Senate at this conference.

Mr. MYERS. Mr. President, the intimation of the Senator from Michigan that if I do not withdraw I am liable to be turned down has no effect upon me whatever, because I wanted to hear what he said. I had made my statement in regard to this matter, and the Senator immediately claimed the floor again. I thought it was fair and proper to hear what he had to say, and I wanted to hear what he had to say.

Mr. TOWNSEND. If the Senator will permit me, I am willing to rest this matter entirely upon what the Senator himself has said on this proposition.

Mr. MYERS. So am I, and if the Senator will listen to me in patience a few seconds longer I think that I will not be in his way any longer. I want to make it plain that nothing the Senator has said about the possibility of appealing this matter to the Senate or leaving it to the Committee on Indian Affairs has the least effect upon me, because I was simply waiting to hear what the Senator had to say. I wanted him to say all he had to say on the subject; I wanted to hear him; but almost immediately after he took the floor the second time and long before he made that suggestion I had told the chairman of the committee, the Senator from Arizona [Mr. ASHURST], that after the statement which had been made and after the charges which had been made I intended to decline to serve even if appointed on the conference. I also told the Senator from Mississippi [Mr. WILLIAMS] a short time ago.

In this connection, if the Senator will permit me, I want to say a few words further just along that line. I appreciate the Senator's reference to my loyalty to my State and my constituents, but it seems the Senator has some question about my loyalty to the Senate and my duty as a Member of the Senate. The Senator seems to think it would be a vain thing for the interests of the Senate for me to serve on the conference committee. I do not know why he should think so, unless he would think that I would prove truant and false to my duty and throw down the interests of the Senate. As long as we are in this discussion and I have started out to state the facts and to deal frankly in the matter, I will say that I have not solicited being a conferee and I have given it little thought. Had I been made a conferee I had intended to stand for any reasonable length of time and to any reasonable degree for that amendment of the Senate as well as all others. I had intended to leave that amendment practically, were I a conferee, to the other two Senate conferees, who would naturally, I assume, be the Senator from Arizona [Mr. ASHURST] and the Senator from Minnesota [Mr. CLAPP] on the part of the Senate. I intended to have little to say about it, but to leave it, owing to the circumstances, largely to their judgment and to tell them so, and if they saw fit in the end to recede to abide by that action, and if they saw fit to stand for it, to stand with them always. I had intended to take but little part in the action on this amendment, if any at all, in view of the part that I took on the floor of the Senate.

If a State had an interest in the Indian appropriation bill and a Senator who, in the natural course of things, was liable to be made a conferee stood up for the interest of his State, it had never occurred to me that he was liable thereby to disqualify himself, in the opinion of some Senators, to render himself unfit to act as a conferee. If that is the case, then a Senator who is naturally in the line of appointment as a conferee dare not have anything to say really about amendments to or provisions in the Indian appropriation bill, because if a Senator

took a determined stand and was defeated by the Senate, especially if it related to something of interest to his own State, he would thereby be disqualified from acting as a conferee or subject his action as a conferee to the suspicion of other Senators. If that is the case, then about the only thing a Senator can do who is naturally in line to be a conferee and whose State has interest in the Indian appropriation bill is to take no part in the debate over those particular items or else announce that he will not serve as a conferee. It did not occur to me that a Senator would be considered as being put in that position.

However much patriotism Senators may have, or not, I say that I had intended, in view of the part I had taken on this particular amendment, if made a conferee, to have little if anything to say about it, being willing to leave it on the part of the Senate to the judgment and fairness and sense of right and propriety under the circumstances to those whom I would naturally suppose would be my associates on the conference, the chairman of the committee and the Senator from Minnesota.

But I realize now, after the charges which have been made, or the suspicions which have been expressed, that it would not be best for me to go on the conference committee, because, if I went on it and did as I contemplated doing, if I left the matter practically to my associates of the Senate, or even took any other course, or even had joined them in standing up for and insisting on the amendment, and by any perchance the report of the committee should have eliminated that amendment, then Senators who are inclined to believe that I am unfit or disqualified to serve as a conferee would be sufficiently inclined to believe that that particular amendment had been receded from through my stand or influence or activity.

Under the circumstances, even disregarding the suggestion of the Senator from Michigan, because I arrived at my conclusion before he threw out his suggestion, I would not want to be a conferee on the part of the Senate; and if unanimously elected or if appointed by the Chair, I would not serve. If, because I have been interested in the affairs of my State and have talked to Representatives from my State about our mutual affairs, as I believed I had a perfect right to do, there are any Senators now who feel that, owing to the circumstances, I am not a fit or qualified conferee to do fair and impartial justice to the Senate, or who have any doubts about my fidelity to my duty to the Senate, they having the preliminary suspicion or doubt now, it would be accentuated if that report should finally eliminate any amendment in regard to Montana in which I took an active part or expressed a decided interest. That being the case, I would prefer not to give any Senator ground for any such suspicion or thought that might arise in his mind. Therefore, under the circumstances, I make the request now that I be not appointed one of the conferees on this bill.

An appropriation bill contains innumerable items and amendments. As I say, it never before occurred to me that a Senator, by taking an interest in such items as pertain particularly to his State, would thereby disqualify himself to act as a conferee, but Senators seem to feel that I have been so faithful to my State that I have unwittingly disqualified myself.

If a bill were pending involving scores of items in which his State might be interested and on which he would be in line to act as a conferee, I fail to see what a Senator would do in the future except to sit quietly or announce in the beginning that under no circumstances would he serve as a conferee. Therefore, I simply ask permission of the Senator from Michigan at this juncture to announce, as I did some time earlier in the discussion, a determination in my mind that I would decline to act as a conferee, but I preferred to hear all that was going to be stated about the matter on either side before announcing my intention. It is a new idea to me, but I wanted to hear what was going to be said before I announced my determination, that I now do announce, and I request the Chair that I may not be designated for service as a conferee on the bill.

Mr. TOWNSEND. Mr. President, knowing the Senator from Montana [Mr. MYERS] so well as I do, he has come to the conclusion that I expected he would reach. I ought to say, however, that there has been no criticism as militating against his qualifications to sit as a conferee, because his interest in the Indian bill, either for or against certain items, alone, of course, would not disqualify him for a conferee, although it has been true in the Senate during all the time that the ranking members of the committees have not been appointed conferees, but those who were known to favor the measure that was before the Senate have been put upon such committees.

Furthermore, the Senate has the right to expect of its conferees more than passive support of its measures. Members of a conference committee can not sit quietly by and leave the duty of defending the action of the Senate to some others, but every conferee ought to be in a position to work earnestly and conscientiously for the action that has been taken by the Senate.

Mr. REED. Mr. President, I want to say just one word, because I think this is in effect a challenge of the good faith of a Senator. If we are to indulge in the doctrine that a man is unfitted for the position of conferee because upon one item of a bill containing hundreds of items he had an opinion which was not in accord with the majority of the Senate, it would not be long, if we enforced that sort of rule, until we would find all of the members of the committee likely to be disqualified. That is particularly true with reference to appropriation bills.

Knowing the high character of the Senator from Montana [Mr. MYERS], and having heard what he said here this morning as to his purpose, and, indeed, without having waited to hear what he said, I have not the slightest doubt that if he were made a conferee he would endeavor to carry out the mandate of the Senate with as great zeal and intelligence as he would if he had voted in a different manner. I confess I do not like what is in effect a challenge of the good faith and integrity of a Senator.

The VICE PRESIDENT. The question is on the motion of the Senator from Arizona [Mr. ASHURST].

The motion was agreed to.

The VICE PRESIDENT. The Chair is frank to confess that he was not able to clearly hear the statement of the Senator from Montana [Mr. MYERS] as to whether or not he desired to be appointed on the conference committee on this bill.

Mr. MYERS. Mr. President, I have declined in advance to serve as a member of the conference, but I wish to say, further, what I intended to say while on the floor.

I am not aware, during my more than three years' service here, of any act of impropriety or of bad faith which I have ever committed as a Member of this body, but I do say that under the circumstances I did decline, and now decline, to act as a conferee on the part of the Senate on this bill.

Mr. ASHURST. Mr. President, the Senator from Montana [Mr. MYERS] declining to serve as a conferee, all I can do is to suggest to the Chair to appoint the next ranking member of the committee in his stead, Mr. PITTMAN.

The VICE PRESIDENT. The Chair is informed that the Senator from Nevada [Mr. PITTMAN] is the next ranking member of the committee, but that he is out of the city and will not return until Thursday next. The Senator from Oregon [Mr. LANE] being the next ranking member, he will be appointed in the place of the Senator from Montana [Mr. MYERS]. The Chair appoints as the conferees on the part of the Senate the Senator from Arizona [Mr. ASHURST], the Senator from Oregon [Mr. LANE], and the Senator from Minnesota [Mr. CLAPP].

SUNDRY CIVIL APPROPRIATIONS.

The VICE PRESIDENT laid before the Senate the action of the House of Representatives agreeing to the amendment of the Senate No. 157 to the bill (H. R. 17041) making appropriations for sundry civil expenses of the Government for the fiscal year ending June 30, 1915, and for other purposes; agreeing to the amendment of the Senate No. 163, with an amendment, in which it requested the concurrence of the Senate; disagreeing to the residue of the amendments of the Senate to the bill, and requesting a conference with the Senate on the disagreeing votes of the two Houses thereon.

Mr. MARTIN of Virginia. I move that the Senate insist upon its amendments, agree to the conference asked by the House, the conferees on the part of the Senate to be appointed by the Chair.

The motion was agreed to; and the Vice President appointed Mr. MARTIN of Virginia, Mr. OVERMAN, and Mr. WARREN conferees on the part of the Senate.

NEW JERSEY AND NEW YORK HARBOR-LINE COMMISSION.

The VICE PRESIDENT laid before the Senate the amendments of the House of Representatives to the joint resolution (S. J. Res. 29) authorizing the President to appoint a member of the New Jersey and New York Joint Harbor-Line Commission, which were, on page 1, lines 5, 6, and 7, to strike out "whose assignment to duty relates to harbor work in, or in the neighborhood of, New York Harbor"; on page 1, line 7, to strike out "said."

Mr. HUGHES. I move that the Senate concur in the amendments of the House of Representatives.

The motion was agreed to.

PENSIONS AND INCREASE OF PENSIONS.

The VICE PRESIDENT laid before the Senate the amendments of the House of Representatives to the bill (S. 4261) granting pensions and increase of pensions to certain soldiers

and sailors of the Civil War and certain widows and dependent relatives of such soldiers and sailors.

Mr. SHIVELY. I move that the Senate disagree to the amendments of the House, request a conference with the House on the disagreeing votes of the two Houses thereon, the conferees on the part of the Senate to be appointed by the Chair.

The motion was agreed to; and the Vice President appointed Mr. SHIVELY, Mr. JOHNSON, and Mr. STERLING conferees on the part of the Senate.

The VICE PRESIDENT laid before the Senate the amendments of the House of Representatives to the bill (S. 4845) granting pensions and increase of pensions to soldiers and sailors of the Civil War and certain widows and dependent relatives of such soldiers and sailors.

Mr. SHIVELY. I move that the Senate disagree to the amendments of the House, request a conference with the House on the disagreeing votes of the two Houses thereon, the conferees on the part of the Senate to be appointed by the Chair.

The motion was agreed to; and the Vice President appointed Mr. SHIVELY, Mr. JOHNSON, and Mr. STERLING conferees on the part of the Senate.

The VICE PRESIDENT laid before the Senate the amendments of the House of Representatives to the bill (S. 5207) granting pensions and increase of pensions to soldiers and sailors of the Civil War and certain widows and dependent relatives of such soldiers and sailors.

Mr. SHIVELY. I move that the Senate disagree to the amendments of the House, request a conference with the House on the disagreeing votes of the two Houses thereon, the conferees on the part of the Senate to be appointed by the Chair.

The motion was agreed to; and the Vice President appointed Mr. SHIVELY, Mr. JOHNSON, and Mr. STERLING conferees on the part of the Senate.

The VICE PRESIDENT laid before the Senate the amendments of the House of Representatives to the bill (S. 5446) granting pensions and increase of pensions to certain soldiers and sailors of the Civil War and certain widows and dependent relatives of such soldiers and sailors.

Mr. SHIVELY. I move that the Senate disagree to the amendments of the House, request a conference with the House on the disagreeing votes of the two Houses thereon, the conferees on the part of the Senate to be appointed by the Chair.

The motion was agreed to; and the Vice President appointed Mr. SHIVELY, Mr. JOHNSON, and Mr. STERLING conferees on the part of the Senate.

The VICE PRESIDENT laid before the Senate the amendments of the House of Representatives to the bill (S. 5575) granting pensions and increase of pensions to certain soldiers and sailors of the Civil War and certain widows and dependent relatives of such soldiers and sailors.

Mr. SHIVELY. I move that the Senate disagree to the amendments of the House, request a conference with the House on the disagreeing votes of the two Houses thereon, the conferees on the part of the Senate to be appointed by the Chair.

The motion was agreed to; and the Vice President appointed Mr. SHIVELY, Mr. JOHNSON, and Mr. STERLING conferees on the part of the Senate.

The VICE PRESIDENT laid before the Senate the amendments of the House of Representatives to the bill (S. 5843) granting pensions and increase of pensions to certain soldiers and sailors of the Civil War and certain widows and dependent relatives of such soldiers and sailors.

Mr. SHIVELY. I move that the Senate disagree to the amendments of the House, request a conference with the House on the disagreeing votes of the two Houses thereon, the conferees on the part of the Senate to be appointed by the Chair.

The motion was agreed to; and the Vice President appointed Mr. SHIVELY, Mr. JOHNSON, and Mr. STERLING conferees on the part of the Senate.

HOUSE BILL AND JOINT RESOLUTION REFERRED.

H. R. 8428. An act to codify, revise, and amend the laws relating to publicity of contributions and expenditures made for the purpose of influencing the nomination and election of candidates for the offices of Representative and Senator in the Congress of the United States, limiting the amount of campaign expenses, and for other purposes, was read twice by its title and referred to the Committee on Privileges and Elections.

H. J. Res. 288. Joint resolution to amend an act entitled "An act granting pensions and increase of pensions to certain soldiers and sailors of the Civil War and certain widows and dependent children of soldiers and sailors of said war," approved May 2, 1914, was read twice by its title and referred to the Committee on Pensions.

PENSIONS AND INCREASE OF PENSIONS.

Mr. STERLING submitted the following report:

The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 12914) granting pensions and increase of pensions to certain soldiers and sailors of the Civil War and certain widows and dependent children of soldiers and sailors of said war, having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

That the Senate recede from its amendments numbered 5, 13, 16, 37, 38, 45.

That the House recede from its disagreement to the amendments of the Senate numbered 1, 2, 3, 4, 6, 7, 8, 9, 10, 11, 12, 14, 15, 17, 18, 19, 20, 21, 22, 23, 24, 25, 26, 27, 28, 29, 30, 31, 32, 33, 34, 35, 36, 39, 40, 41, 42, 43, 44, 46, 47, 48, 49, 50, 51, 52, 53, 54, 55, 56, 57, 58, 59, and agree to the same.

BENJ. F. SHIVELY,
WM. HUGHES,
THOMAS STERLING,
Managers on the part of the Senate.
JOE J. RUSSELL,
J. A. M. ADAIR,
JNO. W. LANGLEY,
Managers on the part of the House.

The report was agreed to.

Mr. STERLING submitted the following report:

The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 13542) granting pensions and increase of pensions to certain soldiers and sailors of the Civil War and certain widows and dependent children of soldiers and sailors of said war, having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

That the Senate recede from its amendments numbered 3 and 20.

That the House recede from its disagreement to the amendments of the Senate numbered 1, 2, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16, 17, 18, 19, 21, 22, 23, 25, 26, and 27, and agree to the same.

Amendment numbered 24: That the House recede from its disagreement to the amendment of the Senate numbered 24, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$40"; and the Senate agree to the same.

BENJ. F. SHIVELY,
WM. HUGHES,
THOMAS STERLING,
Managers on the part of the Senate.
JOE J. RUSSELL,
J. A. M. ADAIR,
JNO. W. LANGLEY,
Managers on the part of the House.

The report was agreed to.

Mr. STERLING submitted the following report:

The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 14234) granting pensions and increase of pensions to certain soldiers and sailors of the Civil War and certain widows and dependent children of soldiers and sailors of said war, having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

That the Senate recede from its amendments numbered 22, 23, 35, 39, and 41.

That the House recede from its disagreement to the amendments of the Senate numbered 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16, 17, 18, 19, 20, 21, 24, 25, 26, 27, 28, 29, 30, 31, 32, 33, 34, 36, 37, 38, 40, 42, 43, 44, and 45, and agree to the same.

BENJ. F. SHIVELY,
WM. HUGHES,
THOMAS STERLING,
Managers on the part of the Senate.
JOE J. RUSSELL,
J. A. M. ADAIR,
JNO. W. LANGLEY,
Managers on the part of the House.

The report was agreed to.

Mr. STERLING submitted the following report:

The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 14738) granting pensions and increase of pensions to certain soldiers and sailors of the Civil War, and certain widows and dependent children of soldiers and sailors of said war, having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

That the Senate recede from its amendments numbered 1, 4, and 18.

That the House recede from its disagreement to the amendments of the Senate numbered 2, 3, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16, 17, 19, 20, 21, 22, 23, 24, 25, 26, 27, 28, 29, and 30, and agree to the same.

BENJ. F. SHIVELY,
WM. HUGHES,
THOMAS STERLING,
Managers on the part of the Senate.
JOE J. RUSSELL,
J. A. M. ADAIR,
JNO. W. LANGLEY,
Managers on the part of the House.

The report was agreed to.

Mr. STERLING submitted the following report:

The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 15692) granting pensions and increase of pensions to certain soldiers and sailors of the Civil War, and certain widows and dependent children of soldiers and sailors of said war, having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

That the Senate recede from its amendment numbered 12.

That the House recede from its disagreement to the amendments of the Senate numbered 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 13, 14, 16, 17, 18, 19, 20, 21, 22, 23, 24, 25, and 26, and agree to the same.

Amendment numbered 15: That the House recede from its disagreement to the amendment of the Senate numbered 15, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$20"; and the Senate agree to the same.

BENJ. F. SHIVELY,
WM. HUGHES,
THOMAS STERLING,
Managers on the part of the Senate.
JOE J. RUSSELL,
J. A. M. ADAIR,
JNO. W. LANGLEY,
Managers on the part of the House.

The report was agreed to.

Mr. BRYAN submitted the following report:

The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 13297) granting pensions and increase of pensions to certain soldiers and sailors of the Regular Army and Navy and to certain soldiers and sailors of wars other than the Civil War and to widows of such soldiers and sailors, having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

That the Senate recede from its amendments numbered 1, 11, 12, 13, and 16.

That the House recede from its disagreement to the amendments of the Senate numbered 2, 3, 4, 5, 6, 7, 8, 9, 10, 14, 15, 17, 18, and 19, and agree to the same.

BENJAMIN F. SHIVELY,
N. P. BRYAN,
REED SMOOT,
Managers on the part of the Senate.
JOHN A. KEY,
WILLIAM H. MURRAY,
Managers on the part of the House.

The report was agreed to.

Mr. BRYAN submitted the following report:

The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 13920) granting pensions and increase of pensions to certain soldiers and sailors of the Regular Army and Navy and certain soldiers and sailors of wars other than the Civil War and to widows of such soldiers and sailors, having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

That the Senate recede from its amendment numbered 6.

That the House recede from its disagreement to the amendments of the Senate numbered 1, 2, 3, 4, 5, 7, 8, 9, 10, 11, 12, 13, and 14, and agree to the same.

BENJAMIN F. SHIVELY,
N. P. BRYAN,
REED SMOOT,
Managers on the part of the Senate.
JOHN A. KEY,
WILLIAM H. MURRAY,
Managers on the part of the House.

The report was agreed to.

Mr. BRYAN submitted the following report:

The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 14546) granting pensions and increase of pensions to certain soldiers and sailors of the Regular Army and Navy, and certain soldiers and sailors of wars other than the Civil War, and to widows of such soldiers and sailors, having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

That the Senate recede from its amendments numbered 10 and 18.

That the House recede from its disagreement to the amendments of the Senate numbered 1, 2, 3, 4, 5, 6, 8, 9, 11, 12, 13, 14, 15, 16, 17, 19, 21, 22, and 23.

And agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 7, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$17"; and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 20, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$24"; and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 24, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$17"; and the Senate agree to the same.

BENJAMIN F. SHIVELY,
N. P. BRYAN,
REED SMOOT,
Managers on the part of the Senate.
JOHN A. KEY,
WILLIAM H. MURRAY,
Managers on the part of the House.

The report was agreed to.

Mr. BRYAN submitted the following report:

The committee of conference on the disagreeing votes of the two Houses on amendments of the Senate to the bill (H. R. 15071) granting pensions and increase of pensions to certain soldiers and sailors of the Regular Army and Navy, and certain soldiers and sailors of wars other than the Civil War, and to widows of such soldiers and sailors, having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

That the Senate recede from its amendments numbered 4 and 7.

That the House recede from its disagreement to the amendments of the Senate numbered 1, 2, 3, 5, 6, and 8, and agree to the same.

BENJAMIN F. SHIVELY,
N. P. BRYAN,
REED SMOOT,
Managers on the part of the Senate.
JOHN A. KEY,
WILLIAM H. MURRAY,
Managers on the part of the House.

The report was agreed to.

Mr. BRYAN submitted the following report:

The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R.

15504) granting pensions and increase of pensions to certain soldiers and sailors of the Regular Army and Navy, and certain soldiers and sailors of wars other than the Civil War, and to widows of such soldiers and sailors, having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

That the Senate recede from its amendment numbered 8.

That the House recede from its disagreement to the amendments of the Senate numbered 1, 2, 3, 4, 5, 6, and 7, and agree to the same.

BENJAMIN F. SHIVELY,
N. P. BRYAN,
REED SMOOT,
Managers on the part of the Senate.
JOHN A. KEY,
WILLIAM H. MURRAY,
Managers on the part of the House.

The report was agreed to.

FEDERAL TRADE COMMISSION.

Mr. NEWLANDS. Mr. President, I move that the trade commission bill be now taken up for consideration.

The motion was agreed to, and the Senate, as in Committee of the Whole, resumed the consideration of the bill (H. R. 15613) to create an interstate trade commission, to define its powers and duties, and for other purposes.

Mr. NEWLANDS. I suggest the absence of a quorum.

The PRESIDING OFFICER (Mr. HUGHES in the chair). The Secretary will call the roll.

The Secretary called the roll, and the following Senators answered to their names:

Ashurst	Hughes	Myers	Smith, Md.
Brady	Johnson	Norris	Smoot
Brandegee	Jones	O'Gorman	Stone
Bryan	Kenyon	Page	Swanson
Burton	Kern	Perkins	Thomas
Camden	Lane	Poindexter	Thompson
Catron	Lea, Tenn.	Reed	Townsend
Chamberlain	Lee, Md.	Saulsbury	Vardaman
Chilton	Lewis	Sheppard	West
Clapp	McCumber	Shields	White
Gallinger	McLean	Simmons	Williams
Gronna	Martin, Va.	Smith, Ariz.	Works
Hollis	Martine, N. J.	Smith, Ga.	

Mr. CHILTON. I desire to announce that the Senator from New Mexico [Mr. FALL] is necessarily absent. I will let this announcement stand for the day.

The PRESIDING OFFICER. Fifty-one Senators have answered to their names. A quorum of the Senate is present.

Mr. NEWLANDS. Mr. President, I inquire whether there is any Senator who wishes to address the Senate upon the trade commission bill now pending? If not, I ask to proceed with the bill.

Mr. BRANDEGEE. Mr. President, I inquire what is the pending amendment?

The PRESIDING OFFICER. The pending amendment is the amendment offered by the Senator from Iowa [Mr. CUMMINS], which the Secretary will state.

The SECRETARY. It is proposed to amend section 5 by adding thereto the following:

Provided, That no order or finding of the court or commission in the enforcement of this section shall have any force or effect nor be admissible as evidence in any suit, civil or criminal, brought under the antitrust acts, nor shall anything contained in this act be construed to alter, modify, or repeal the said antitrust acts or any part or parts thereof.

The PRESIDING OFFICER. The question is on the amendment offered by the Senator from Iowa.

Mr. REED. Mr. President, I ask if it is intended to have a vote at this time?

Mr. BRANDEGEE. I wanted to know what we were going to vote on, if there was to be a vote, and therefore I asked what the pending amendment was.

The PRESIDING OFFICER. The question now is upon the amendment, as the Chair understands. For what purpose does the Senator from Missouri rise?

Mr. REED. I rise to suggest that there is only about one-tenth of a quorum in the Senate. Before we proceed to vote upon this bill there will have to be a quorum here. I suggest the absence of a quorum.

The PRESIDING OFFICER. The Senator from Missouri suggests the absence of a quorum. The Secretary will call the roll.

The Secretary called the roll, and the following Senators answered to their names:

Ashurst	Burton	Gallinger	Hughes
Borah	Catron	Gronna	Johnson
Brandegee	Chamberlain	Hitchcock	Jones
Bryan	Chilton	Hollis	Kenyon
Kern	Newlands	Saulsbury	Tillman
Lane	O'Gorman	Shafroth	Vardaman
Lea, Tenn.	Overman	Sheppard	West
Lee, Md.	Page	Simmons	White
Lewis	Perkins	Smith, Ariz.	Williams
Martine, N. J.	Poindexter	Swanson	Works
Nelson	Reed	Thompson	

Mr. PAGE. I wish to announce the necessary absence of my colleague [Mr. DILLINGHAM] and his pair with the senior Senator from Maryland [Mr. SMITH]. I ask that this announcement may stand for the day.

The PRESIDING OFFICER. Forty-three Senators have answered to their names. There is not a quorum present. The Secretary will call the names of absent Senators.

Mr. REED. I move that the Senate do now adjourn.

The PRESIDING OFFICER. The Senator is interrupting the roll call. The Chair has just directed the Secretary to call the names of absent Senators.

The Secretary proceeded to call the names of absent Senators, and Mr. MARTIN of Virginia, Mr. SMITH of Georgia, Mr. SMITH of Maryland, Mr. SMOOT, and Mr. WALSH answered to their names.

Mr. CLARKE of Arkansas and Mr. CAMDEN entered the Chamber and answered to their names.

The PRESIDING OFFICER. Fifty Senators have answered to their names. A quorum of the Senate is present. The question is on the amendment offered by the Senator from Iowa [Mr. CUMMINS].

Mr. REED obtained the floor.

Mr. GALLINGER. Mr. President, will the Senator yield to me for a moment?

The PRESIDING OFFICER. Does the Senator from Missouri yield to the Senator from New Hampshire?

Mr. REED. Certainly.

Mr. GALLINGER. Mr. President, I want to repeat, in substance, what I said a few days ago, that the other side of the Chamber is largely responsible for the proposed legislation now pending, and it is a remarkable spectacle that at the hour of 2 o'clock we should spend 15 or 20 minutes in getting a bare quorum of the Senate. Some of us on this side are staying here under great personal inconvenience, and, as we think, to the detriment of our health; and I do not know how long the other side of the Chamber can hold us responsible for being here to make a quorum to consider the so-called administration measures. That is all I care to say, Mr. President, but I think it is well that the country should understand that at the hour of 2 o'clock we have wasted 10 or 15 minutes in getting a bare quorum of the Senate.

Mr. KERN. Mr. President, will the Senator from Missouri allow me?

The PRESIDING OFFICER. Does the Senator from Missouri yield to the Senator from Indiana?

Mr. REED. Certainly.

Mr. KERN. I think it would be fair to absent Senators to say that a number of them are at work in the Committee on the Judiciary perfecting the bills that are to be brought before this body, and a number of others are away on urgent business. I think the absences are mostly unavoidable.

Mr. REED. Mr. President, I might add that at the time the Senator from New Hampshire [Mr. GALLINGER] made his remarks, by actual count there were 10 Republican Senators in this Chamber and there were at least 20 Democratic Senators. While I should like to see a better attendance—I agree to that—I think there is a responsibility upon all Senators to be here when it is at all possible.

Mr. President, at the hour fixed for the recess of the Senate on last Thursday I was in the midst of a discussion of section 5 of the pending bill. I had undertaken to demonstrate two questions: First, that if the term "unfair competition" has a definite meaning that meaning will be incorporated into the statute. Second, that the term "unfair competition" does have a certain limited and definite meaning, and that it does not at all cover those unfair practices which the author of this bill seeks to prohibit. I had stated the proposition that the term "unfair competition" means, in law, those practices by which one man substitutes in the trade his goods for those of another. I had further undertaken to demonstrate, and I think successfully, that the term "unfair competition" has had that particular limited meaning in the law of this country for many years, that it had that particular common-law meaning, and that for many years the courts of England have given to the term that restricted meaning. Therefore I had urged that if we adopt the term into this law all we will have succeeded in doing is to confer upon the commission about to be created a power, under section 5, to prohibit one man from selling his goods as and for the goods of another. Moreover, if we adopt this section as it is now written and confer this power upon the trade

commission we will have conferred upon it no power save one which has for many years been exercised by the courts of equity of this country and of England. Besides, we will probably, by the adoption of this section, restrict the right of the citizen to enter the courts and obtain relief until and unless he first applies to the commission.

Mr. BRANDEGEE. Mr. President——

The PRESIDING OFFICER. Does the Senator from Missouri yield to the Senator from Connecticut?

Mr. REED. I do, for a question. I desire to proceed and get through with what I have to say, but I will yield for a question.

Mr. BRANDEGEE. That is all I wanted the Senator to yield for. I shall not detain him more than a second.

The Senator states that if the meaning be attached to "unfair competition" which has been given to it by the court decisions and authorities which he has read, no power or authority will be conferred upon this commission except what has already, and long before this, been exercised by the courts. Does the Senator think we can confer upon this executive or administrative commission authority which has been exercised as a part of the judicial power?

Mr. REED. The Senator has asked a question which I do not want to answer at this time. I think his question a very difficult one. I intend hereafter to discuss that proposition. Just at this time I am addressing myself to the author of this bill and to the friends of this bill, to say to them that if they adopt section 5 in its present terms they will have accomplished nothing except to confer or attempt to confer upon a commission the right to investigate and prevent A from going into the market with goods which are an imitation of the goods of B or which have imitated the trade name of B.

Mr. BRANDEGEE. Mr. President, does the Senator prefer that I should not ask him any question at this time? I will desist if it interrupts the Senator.

Mr. REED. No.

Mr. BRANDEGEE. Then take the other case: Suppose the Senator is incorrect in his assumption that this bill only attempts to confer what has been heretofore exercised by the courts under the term "unfair competition." Suppose it confers something else. Suppose it confers, or attempts to confer, upon the commission the authority to prohibit a corporation engaged in commerce from doing anything that, in the opinion of the commission, may be unfair. Then what would the Senator say about the validity of the bill?

Mr. REED. I have referred to that in my previous remarks. I said then, and I say now, that if the term "unfair competition" has no definite meaning in the law, and it is written into this bill unaccompanied by language declaring its meaning, we will then be conferring upon the commission the power practically to make the law, to declare that which, in their opinion, is right to be right, and that which, in their opinion, is wrong to be wrong. Thus we will have substituted, for the Government of the people by a law of the land, the rule of the people by the opinion of three or five men.

That, however, is aside from the question I am just now discussing. I want, if I can, to demonstrate to the author of this bill and to its friends, that if they accept section 5 in its present form they will not at all have accomplished the purpose they have in view, which is to prohibit certain practices which may be called unfair, using the term in its colloquial sense, but which, using the term in its legal sense, will not at all be included within that term.

Mr. President, I cited a number of authorities upon this proposition, and I want very briefly to call attention to a few more.

The case of Cole *v.* American Cement & Oil Co. (130 Fed. Rep., 703), contains this language:

> The law of unfair competition seeks only to restrain fradulent practices inducing confusion of goods and deception of the public, and it can not be used to prevent a defendant from adopting a trade-mark or label intended to attract attention and popularize its produce, although it results, and is intended to result, in better enabling it to compete with complainant, where no deception or confusion of goods is caused or intended thereby.

In that case the defendant issued a circular advertising an article of its manufacture to some extent similar to one issued by the complainant, and inclosed in the cartons containing those goods certain statements, but it was held that this was not unfair competition, where the defendant's circulars did not attempt to impose these goods upon the public as the goods of another.

The case of Howe *v.* Wyckoff, Seamans & Benedict (198 U. S., l. c., 140), uses this language. I challenge the attention of lawyers to this quotation:

> The essence of the wrong in unfair competition consists in the sale of the goods of one manufacturer or vendor for those of another, and if defendant so conducts its business as not to palm off its goods as those of complainant the action fails.

In Newcomer & Lewis *v.* Scriven (168 Fed. Rep., 621; l. c., 626), the court said:

> But it is not shown that any customer was misled into buying garments as made or sold by the Scriven Co. which were made by others.

In that case, which was one of unfair competition, the courts dismissed the bill because of the failure to show the deception.

The case of Goodyear India Rubber Glove Manufacturing Co. *v.* Goodyear Rubber Co. (128 U. S.) is of similar import, the syllabus being:

> Relief in equity to restrain unfair trade is granted only where the defendant, by his marks, signs, labels, or in other ways, represents to the public that the goods sold by him are those manufactured or produced by the plaintiff, thus palming off his goods for those of a different manufacture, to the injury of the public.

In Rathbone *v.* Champion Steel Range Co. (189 Fed. Rep., 26) I find this as one of the syllabi:

> The essence of the wrong in unfair competition consists in the sale of the goods of one manufacturer or vendor for those of another, and the copying by one manufacturer of stoves of an unpatented design of a stove made by another, only a few of which had been sold, so that it was not known to the buying public, and no purchaser was deceived, the characteristic marks of the original designer being removed and those of the maker substituted, did not constitute unfair competition which would sustain a suit for an injunction.

Now, notice: In that case the defendant had done a very unfair thing. He had copied another man's goods. He was taking advantage of the other man's art and genius and ability. He was, in effect, stealing the other man's ideas; and yet, because the goods of the injured party had never obtained a trade reputation, so that the public would be deceived into believing they were getting his goods instead of those of his unfair and rascally competitor, the court stated this not to be a case of unfair competition, and hence denied the relief.

In Hilker *v.* Mop Co. (191 Fed. Rep., 613) you will find this language in the syllabi:

> Nothing less than conduct tending to pass off one man's business or merchandise as that of another will constitute unfair competition, and similarity of circulars sent by a defendant manufacturer to its agents and prospective agents to those sent by complainant to its agents is not sufficient to constitute unfair competition, where the contents of the circulars were such that they were not likely to be shown to ultimate purchasers of the article.

Mr. President, I could continue to cite cases of this kind for some hours. The books are full of them. In every case I have been able to discover that has ever been held to be a case of unfair competition the action has been for an imitation of the goods of another, or of the packages in which another incloses his goods, or of the trade name of another, so that a fraud was worked upon the public, the manufacturer or dealer at the same time being deprived of his trade.

Of course, Mr. President, we use the word "unfair" to cover many things. We may use it to describe the competition between firms or individuals. Its colloquial sense is one thing while its legal sense is quite another. When you examine the books you will find that in law the term is universally used to describe the practices specified, referred to a few moments ago. That being true, it follows that if we pass this bill we will have done nothing more than to confer upon this board the right to investigate whether a competitor is imitating the goods or the name of complainant, and it will get us nowhere.

Mr. President, I pause at this time to call attention to the authorities which have been cited by some learned Senators. They have searched through the books to find some place where a court has used the term "unfair competition" in order to describe certain practices which were unjust or rascally. Of course, in all the decisions that have been written it is not difficult to find the term sometimes used in its colloquial sense; but I challenge any man to produce a well-considered decision, especially by any court of the United States, which has held that "unfair competition" has any such meaning as these gentlemen contend for. On the contrary, nearly every case they have cited is, when properly understood, squarely in the teeth of the contention they make.

I know of no better illustration than the case which was referred to by the author of this bill, the learned Senator from Nevada [Mr. NEWLANDS]. He read into my remarks on Thursday a quotation from the Supreme Court of the United States which he appeared to think was a conclusive answer to my argument. Now, what was it? He read this language—language which is a part of the court's description of the averments of the petition in this case. I read:

> Without attempting to follow the elaborate averments on these subjects spread over 57 pages of the printed record, it suffices to say that such averments may properly be grouped under the following heads: Rebates, preferences, and other discriminatory practices in favor of the combination by railroad companies; restraint and monopolization by control of pipe lines and unfair practices against competing pipe lines; contracts with competitors in restraint of trade; unfair methods of competition, such as local price cutting at the points where necessary

to suppress competition; espionage of the business of competitors; the operation of bogus independent companies; and payments of rebates on oil, with the like intent—

And there the distinguished Senator paused. He should have read on, for what follows not only relates to the same subject, but is part of the same sentence—

the division of the United States into districts, and the limiting of the operation of the various subsidiary corporations to such districts, so that competition in the sale of petroleum products between such corporations had been entirely eliminated and destroyed.

The gravamen of the charge was that the defendant had violated sections 1 and 2 of the Sherman antitrust act, and this language of the court was simply descriptive of the various acts which had been indulged in, all of them having the effect and tending to the creation of a monopoly and to the restraint of trade.

I have gone through this very long opinion. From first to last it is apparent that the action was not one for unfair competition. It was a suit invoking the powers of the Federal Government under the Sherman antitrust act, and the thing that was being tried was whether the Standard Oil Co., by the various practices it had indulged in in seeking to destroy its competitors, in seeking to drive them out of business, in gathering them into its vast organization, had been guilty of a restraint of trade and the creation of a monopoly. Now, when learned and industrious gentlemen are driven to a point where they must grasp at a mere descriptive phrase used by a court, not in its decision, but in loosely describing the practices of the defendant, it seems to me they have but little to stand upon, particularly when the long line of decisions, giving to "unfair competition" a specific and distinct meaning, stands before them and will undoubtedly be followed by the courts.

Mr. NELSON. Mr. President, will the Senator yield to me?

Mr. REED. Certainly.

Mr. NELSON. It seems to me the reference of the court to that subject matter was simply a reference to a part of the evidence that went to establish the existence of a trust. All those things can be taken into consideration in an action under the antitrust law for the purpose of showing that the corporation is working in restraint of trade, or is a monopoly. As an evidence of that fact the fact that they drive competitors out of business is among the very best evidence that is considered. That was all that the court intended in the case the Senator cited—to refer to it as a part of the evidence that went to establish the fact that the Standard Oil Co. was a monopoly and was an institution in restraint of trade.

Mr. REED. Mr. President, I am obliged to the Senator. I tried to say substantially the same thing; but, I think, with his usual directness and clearness of statement, the Senator from Minnesota has expressed the thought much better than I was able to. Undoubtedly the court went no further than the Senator has indicated.

Mr. NEWLANDS. Mr. President——

The PRESIDING OFFICER. Does the Senator from Missouri yield to the Senator from Nevada?

Mr. REED. I do.

Mr. NEWLANDS. I am very glad the Senator from Missouri is going into this matter so thoroughly, for of course we both have the same purpose in view, and that is to bring certain practices known in the ordinary vernacular as "unfair competition" under the condemnation of this commission.

The Senator is undoubtedly right in his assumption that at common law, as shown by the numerous cases to which he referred, "unfair competition" had a limited signification. Whilst admitting that, I contend that in both economics and law that term has become an elastic term, embracing other things than those originally contemplated in it; and as an evidence of that, those who believe that this phrase is entirely adequate have referred not only to the economic discussions of this matter, showing that the words "unfair competition" have the wide significance that we contend for—a significance which has been reached after years of discussion of trusts and monopolies—but the courts themselves have now accepted the term used by the economists, and are using this phrase, not in the narrow and limited significance which it once had, but in the broader significance which the economists have attached to it.

It is with reference to this that I referred to the language used by Chief Justice White in the Standard Oil case and to the fact that such language has also been used in some of the decrees of the courts; I can not be very exact in my memory of the language employed, but which referred to fair competition as if it were a term of wide significance, and to unfair competition as a term of equally wide significance.

Now, I would be very glad to welcome any suggestion of phraseology that will cover all that we want. My belief is that this phrase will cover everything that we want, and will have such an elastic character that it will meet every new condition and every new practice that may be invented with a view to gradually bringing about monopoly through unfair competition. But if an adequate phrase can be invented or coined that will meet exactly all the requirements of the future, I would be very glad to accept it.

Mr. REED. Mr. President, that is saying over again what has been said here by the Senator before, and he is always interesting, no matter how often he may say the same thing. But the trouble is that when a legislative body, in adopting a statute, employs a phrase which has a definite meaning in law the courts hold that the phrase in the statute has the same meaning it previously had in law. They do not examine to ascertain whether some economist has used it otherwise; they do not examine to find out whether the term has been differently used in newspapers and in current gossip; they ask themselves the question whether the term has been defined in the law, and they accept the legal definition. That is the difficulty. I am not now contending against this bill, but I am insisting that if we undertake to do a thing we ought to do it, and not in attempting to do a certain thing do something entirely different.

Mr. President, I cited authorities the other day where courts had construed statutes almost directly the opposite of what their language in the ordinary and colloquial sense would import, because before the statute was adopted the phraseology employed by the statute had been given a certain particular and technical construction by the courts, and hence it was held that that construction was incorporated into the statute.

Moreover, Mr. President, if the learned Senator will examine the case he himself has cited and to which I referred—the Standard Oil case—he will find there the doctrine which utterly annihilates the view he has just suggested. In the Standard Oil case, in the long and exhaustive opinion by Mr. Justice White, the court distinctly analyzed the claim that the Sherman Antitrust Act was not broad enough to cover the kinds of restraints of trade which had been indulged in by the Standard Oil Co.; and the argument having been made with great force that there was a limited meaning to be attached to the term "restraint of trade," and that there was also a limited meaning to the term "monopoly," Mr. Justice White accepted the doctrine that we must go back to the decisions of the courts in order to ascertain what the meanings of those terms were. Starting with that in view and tracing the history of the decisions of the courts through a long course of years, he arrived at the conclusion that the terms "monopoly" and "restraint of trade" did not under the decisions of the courts have the restricted and narrow meaning contended for by the attorneys of the Standard Oil Co. On the contrary, he found that under the previous decisions of the courts the terms "monopoly" and "restraint of trade" were broad, sweeping, general terms, sufficient to cover the practices of the defendant company.

Mr. President, in that very opinion there is found a condemnation of the practices that will be indulged in here if we were to adopt this phrase, in disregard of the construction which has been given to it by the courts in the past. I call attention to the conclusion of the court with reference to this matter. It will be found at page 56 of the Two hundred and twenty-first United States:

From the review just made it clearly results that outside of the restrictions resulting from the want of power in an individual to voluntarily and unreasonably restrain his right to carry on his trade or business, and outside of the want of right to restrain the free course of trade by contracts or acts which implied a wrongful purpose, freedom to contract and to abstain from contracting and to exercise every reasonable right incident thereto became the rule in the English law. The scope and effect of this freedom to trade and contract is clearly shown by the decision in Mogul Steamship Co. *v.* McGregor (1892, A. C., 25). While it is true that the decision of the House of Lords in the case in question was announced shortly after the passage of the antitrust act, it serves reflexly to show the exact state of the law in England at the time the antitrust statute was enacted.

In this country also the acts from which it was deemed there resulted a part, if not all, of the injurious consequences ascribed to monopoly, came to be referred to as a monopoly itself. In other words, here, as had been the case in England, practical common sense caused attention to be concentrated not upon the theoretically correct name to be given to the condition or acts which gave rise to a harmful result, but to the result itself and to the remedying of the evils which it produced. The statement just made is illustrated by an early statute of the Province of Massachusetts—that is, chapter 31 of the laws of 1778–79—by which monopoly and forestalling were expressly treated as one and the same thing.

It is also true that while the principles concerning contracts in restraint of trade—that is, voluntary restraint put by a person on his right to pursue his calling, hence only operating subjectively—came generally to be recognized in accordance with the English rule, it came, moreover, to pass that contracts or acts which it was considered had a monopolistic tendency, especially those which were thought to unduly diminish competition, and hence to enhance prices—in other words, to monopolize—came also in a generic sense to be spoken of and treated as they had been in England, as restricting the due course of trade, and therefore as being in restraint of trade.

In other words, we had come to the English rule, which was older than our rule. I am anxious that the Senator shall get right on this question. I appreciate the fact that in examining all the difficult problems presented by this bill it was natural to have employed a term which in its colloquial sense seemed to cover the case. Yet I appeal to him now not to insist upon doing the utterly useless thing of adopting a statute condemning a certain practice by name and overlooking the fact that the meaning in the law of that term is entirely different from the meaning he is seeking to ascribe to it. I imagine one would be in a very peculiar position——

Mr. NEWLANDS. Mr. President——

The PRESIDING OFFICER. Does the Senator from Missouri yield to the Senator from Nevada?

Mr. REED. I yield to the Senator from Nevada.

Mr. NEWLANDS. Mr. President, let me call the attention of the Senator from Missouri to the fact that this section 5, relating to unfair competition, is an additional section not covered by the bill as passed by the House. So even assuming that his narrow interpretation of the term "unfair competition" is correct, nevertheless the bill will be fuller and more complete in the remedy of monopolistic tendencies than would be the bill without it. I assume, of course, that the Senator has been so busy with his work upon the Judiciary Committee and his work of research regarding this particular phrase that he has not yet been able to get to work the constructive quality of his mind, which we all know he possesses, and I again urge that the Senator present here in some concrete form an amendment which will cover all the unfair practices that he would like to see condemned, and which I would like to see condemned, in addition to that particular unfair practice which he says throughout all the time of the common law has been sanctioned in its application to a particular condition.

Mr. NELSON. Will the Senator from Missouri yield to me?

Mr. REED. Certainly.

Mr. NELSON. It seems to me that section 5 of the trade commission bill is only nibbling at one side of the real trust question. I wish in this connection to quote from the opinion of the Supreme Court in the Tobacco case. A brief summary here will show in what shape the court put it. I read from the opinion as follows:

> Considering, then, the undisputed facts which we have previously stated, it remains only to determine whether they establish that the acts, contracts, agreements, combinations, etc., which were assailed were of such an unusual and wrongful character as to bring them within the prohibitions of the law—

That is, the antitrust law.

> That they were, in our opinion, so overwhelmingly, results from the undisputed facts that it seems only necessary to refer to the facts as we have stated them to demonstrate the correctness of this conclusion. Indeed, the history of the combination is so replete with the doing of acts which it was the obvious purpose of the statute to forbid, so demonstrative of the existence from the beginning of a purpose to acquire dominion and control of the tobacco trade, not by the mere exertion of the ordinary right to contract and to trade, but by methods devised in order to monopolize the trade by driving competitors out of business, which were ruthlessly carried out upon the assumption that to work upon the fears or play upon the cupidity of competitors would make success possible. We say these conclusions are inevitable, not because of the vast amount of property aggregated by the combination, not because alone of the many corporations which the proof shows were united by resort to one device or another. Again, not alone because of the dominion and control over the tobacco trade which actually exists, but because we think the conclusion of wrongful purpose and illegal combination is overwhelmingly established by the following considerations.

Then they cite first (a), which I will not read; and they cite next (b), and this is the language of the court:

> (b) Because, immediately after that combination and the increase of capital which followed, the acts which ensued justify the inference that the intention existed to use the power of the combination as a vantage ground to further monopolize the trade in tobacco by means of trade conflicts designed to injure others, either by driving competitors out of the business or compelling them to become parties to a combination—a purpose whose execution was illustrated by the plug war which ensued and its results, by the snuff war which followed and its results, and by the conflict which immediately followed the entry of the combination in England and the division of the world's business by the two foreign contracts which ensued.

So, Mr. President, quoting from this opinion—and I ask the indulgence of the Senator, I say again that this provision in section 5 of the trade commission bill is simply nibbling at one corner of the parts that go to make up a trust monopoly in restraint of trade. It is one of the features that the court will always take into account and always consider. If you restrain that little matter of unfair competition, as you call it, what then? You still leave the trust intact and you get no substantial remedy; you get only one corner of it. The trust still exists to prey upon the public, and you have only had the experience of calling attention to one feature of what the trust in its manipulations and operations is doing. Now, what good does that do?

I apologize to the Senator for taking up so much of his time.

Mr. REED. I thank the Senator for the interruption.

Mr. VARDAMAN. Mr. President, this is one of the most important questions before the Senate. It is one of the important measures which the Executive has announced to the country must positively be enacted before we adjourn. Yet there are less than a dozen Senators in the Chamber listening to the discussion. So I suggest the absence of a quorum.

The PRESIDING OFFICER. The Senator from Mississippi suggests the absence of a quorum. The Secretary will call the roll.

The Secretary called the roll, and the following Senators answered to their names:

Bankhead	Jones	Norris	Smoot
Brandegee	Kenyon	Overman	Sterling
Bryan	Kern	Page	Swanson
Camden	Lane	Perkins	Thomas
Catron	Lea, Tenn.	Reed	Thompson
Chilton	Lee, Md.	Saulsbury	Tillman
Clapp	Lewis	Sheppard	Townsend
Culberson	McCumber	Shields	Vardaman
Gallinger	Martin, Va.	Simmons	Walsh
Hollis	Martine, N. J.	Smith, Ariz.	Weeks
Hughes	Nelson	Smith, Ga.	West
Johnson	Newlands	Smith, Md.	White

The PRESIDING OFFICER. Forty-eight Senators have answered to their names. There is not a quorum present.

Mr. GALLINGER. I move that the Senate adjourn.

The PRESIDING OFFICER put the question and declared that the noes appeared to prevail.

Mr. GALLINGER. I think we had better have the yeas and nays.

The yeas and nays were ordered, and the Secretary proceeded to call the roll.

Mr. CHILTON (when his name was called). I have a pair with the Senator from New Mexico [Mr. FALL]. Under the terms of my pair I feel that I am at liberty to vote on this question, and I vote "nay."

Mr. LEA of Tennessee (when his name was called). I transfer my pair with the Senator from North Dakota [Mr. GRONNA] to the junior Senator from Ohio [Mr. POMERENE] and vote "nay."

Mr. SAULSBURY (when his name was called). While I have a general pair with the junior Senator from Rhode Island [Mr. COLT], we have agreed this morning that either shall be at liberty to vote on such trivial questions as this. I therefore vote. I vote "nay."

Mr. SMITH of Maryland (when his name was called). I have a pair with the senior Senator from Vermont [Mr. DILLINGHAM]. I transfer that pair to the Senator from Indiana [Mr. SHIVELY] and vote "nay."

Mr. THOMAS (when his name was called). I have a general pair with the senior Senator from New York [Mr. ROOT], which I transfer to the junior Senator from Tennessee [Mr. SHIELDS], and vote "nay."

Mr. TOWNSEND (when his name was called). I have a pair with the junior Senator from Arkansas [Mr. ROBINSON], who is detained from the Senate on important business. I therefore withhold my vote.

Mr. WALSH (when his name was called). I have a general pair with the Senator from Rhode Island [Mr. LIPPITT]. In his absence I refrain from voting.

Mr. WEEKS (when his name was called). I have a general pair with the senior Senator from Kentucky [Mr. JAMES]. I transfer that pair to the Senator from Illinois [Mr. SHERMAN] and vote "nay." I desire also to add that the Senator from Illinois is absent on account of illness in his family.

Mr. WILLIAMS (when his name was called). Repeating my previous announcement as to my pair and its transfer, and requesting that that announcement stand for the remainder of the day, I vote "nay."

The roll call was concluded.

Mr. CATRON. I have a general pair with the Senator from Oklahoma [Mr. OWEN], who is absent, and I therefore withhold my vote.

Mr. CHAMBERLAIN (after having voted in the negative). I have a pair with the junior Senator from Pennsylvania [Mr. OLIVER]. In his absence I transfer that pair to the junior Senator from Nevada [Mr. PITTMAN] and will let my vote stand.

Mr. SMITH of Georgia. I have a general pair with the senior Senator from Massachusetts [Mr. LODGE]. I transfer that pair to the junior Senator from Louisiana [Mr. RANSDELL] and vote. I vote "nay."

Mr. HOLLIS. I have a general pair with the junior Senator from Maine [Mr. BURLEIGH], but, under my understanding with him, I may vote if necessary to make a quorum.

Mr. KERN. I desire to announce the unavoidable absence of my colleague [Mr. SHIVELY].

Mr. TILLMAN. I have a general pair with the Senator from West Virginia [Mr. GOFF]. In his absence I withhold my vote, but I will vote if it be necessary to make a quorum.

Mr. NEWLANDS. I announce the unavoidable absence of my colleague [Mr. PITTMAN].

The result was announced—yeas 6, nays 40, as follows:

YEAS—6.

Colt	Gronna	Page	Sterling
Gallinger	Nelson		

NAYS—40.

Ashurst	Kern	Perkins	Smith, Md.
Bankhead	Lane	Poindexter	Smoot
Bristow	Lea, Tenn.	Reed	Swanson
Bryan	Lee, Md.	Saulsbury	Thomas
Camden	Lewis	Shafroth	Thompson
Chamberlain	Martin, Va.	Sheppard	Vardaman
Chilton	Martine, N. J.	Shields	Weeks
Hitchcock	Newlands	Simmons	West
Hughes	O'Gorman	Smith, Ariz.	White
Johnson	Overman	Smith, Ga.	Williams

The PRESIDING OFFICER. The Senate refuses to adjourn.

Mr. SMOOT. There is not a quorum, Mr. President.

Mr. GALLINGER. I think the roll will have to be called.

Mr. TILLMAN. I vote "nay" to make a quorum.

The PRESIDING OFFICER. On the question of adjournment the Chair is of the opinion that it is not necessary to have a quorum in order that the Senate may adjourn or refuse to adjourn.

Mr. REED. It is necessary to have a quorum to record any vote, Mr. President.

Mr. LEWIS. The announcement which the Senator from South Carolina [Mr. TILLMAN] has just made that he would vote makes a quorum.

Mr. HOLLIS. I also have a right to vote in order to make a quorum. I vote "nay."

Mr. LEWIS. Mr. President, may I inquire if there is still a deficiency to make a quorum?

Mr. GALLINGER. Let the announcement be made.

The PRESIDING OFFICER. The vote now is 6 in the affirmative, 42 in the negative, and the Senator from New Mexico [Mr. CATRON] being present makes a quorum. The Senate refuses to adjourn.

Mr. GALLINGER. If we are to do business without a quorum, I make the point of no quorum.

Mr. O'GORMAN. Mr. President, I am requested to announce that the senior Senator from Louisiana [Mr. THORNTON] is absent because of illness.

Mr. LEWIS. A parliamentary inquiry, Mr. President.

The PRESIDING OFFICER. The Chair is of the opinion that no business has been transacted since the call of the roll and that there is a quorum present.

Mr. REED. It is impossible to hear in this part of the Chamber.

The PRESIDING OFFICER. The roll call has just disclosed the presence of a quorum, and the Senator from New Hampshire [Mr. GALLINGER] has suggested the absence of a quorum. The Chair holds that there is a quorum present. The Senator from Missouri [Mr. REED] is recognized.

Mr. REED. Mr. President, the statement was made a moment ago that recent cases had changed the rule I had been discussing. I challenge any man to bring here the decision of a court holding that "unfair competition" is any other or different than I have defined it from the books. Speaking of recent decisions, I call attention to the case of Simplex Automobile Co. against Kahnweiler et al., One hundred and forty-seventh New York Supplement, which was decided on May 15 of this year. In that case the court adheres to the definition, and states:

> Actual or probable deception on the part of customers by reason of the defendant's practices must appear. Of course, there must be actual competition before there can be any unfair competition. * * * There is no evidence to sustain the finding of fraud or deception of the public or diversion of trade.

The case is in line with those I have previously quoted.

Mr. President, I call the attention of Senators to two decisions in Two hundredth Federal Reporter, which, taken together, make the point I am urging very clear. The first is the case of the Coca-Cola Co. against Gay-Ola Co. In that case the Coca-Cola Co. filed its bill of complaint, alleging unfair competition, and specified a partial imitation of its trade name, the imitation of its bottles, the imitation of its printing, the imitation of the color of its product, and various other imitations. Nevertheless, the court held that the Coca-Cola Co. would have probably failed to make out a case of unfair competition if it had not, in addition to the evidence to which I have adverted, shown an actual purpose on the part of the defendant company to impose its goods upon the public as and for the Coca-Cola product. Under those circumstances, the court, in a very exhaustive opinion, declared that there was in this cause a case of unfair competition established, saying in part:

> The record also requires the conclusion that defendant's business had a substantial basis in this contemplated fraud.

It was therefore held that a case of unfair competition had been made out.

As an absolute demonstration, if one can demonstrate anything by the decisions of courts, that the practices against which the author of this bill seeks to level the anathema of the law are not included in the term "unfair competition," I call attention to a very short case. A preliminary word: The author of this bill seeks to prevent every kind of rascally and unjust conduct by which one competitor breaks down the business of another competitor. That is clearly indicated in everything he has said, and he has been very frank about it. Here is a case covering absolutely the character of practices the author of this bill seeks to denounce. It is the case of the Everett Piano Co. against Maus, and I want to read the facts to the Senate, as they are very brief, in order that I may challenge the attention of the Senate to the significance of the authority:

> This suit was brought for alleged unlawful interference with complainant's sales of pianos. Complainant averred that it had for years manufactured and sold pianos under the trade name of "Everett," and had not only established the name as a trade-mark, but had also in 1905 caused the name to be registered according to the laws of the United States.

In this instance there was a trade-mark, which only makes the case that much more forceful.

> The interference averred is, in substance, that defendant while engaged in buying and selling pianos other than the Everett was advertising and representing to the public and to prospective purchasers of pianos that defendant was able to procure from the factories of complainant new Everett pianos, and to sell them at a price far below their real or market value.

What a rascally piece of business that was. How unjust and unfair it was, using those terms in their ordinary and colloquial sense. I proceed to read from the opinion:

> That to deceive the public and prospective purchasers and to injure, damage, and discredit the reputation and standing of and the demand for Everett pianos, as also to injure complainant's reputation and business, defendant keeps at his place of business an Everett piano, which he has permitted to become and remain in an "untuned and poorly voiced condition, so that the music produced from said piano is greatly inferior in quality and tone to the music of an Everett piano in good condition"; that he represents the condition, quality, and music of all Everett pianos to be similar in such respects to this one, which he also represents "to be a new Everett piano, just recently received from complainant's factory"; and that defendant knows all of such advertisements and representations to be false.

One can hardly imagine practices that would be regarded—I am using the term in its colloquial sense—as more unfair, more unjust, more rascally than that. It was a plain attempt to steal another man's trade and business, but the defendant did not seek to attempt to steal that trade and business by substituting his goods for the goods of the complainant, and because the complainant did not allege such substitution and deception of the public, not as to the character of the Everett piano, but a deception of the public as to the identity of the two pianos, the court held this not to be a case of unfair competition. I read:

> We think that the bill states nothing more than a trade libel, and consequently that it does not state a case for the interposition of a court of equity. Kidd *v.* Horry (C. C., 28 Fed., 773, per Justice Bradley). The bill in its averments fails in a number of particulars respecting well-known grounds for equitable interference.

Now, listen:

> It does not state a case of unfair competition, because it is not averred that defendant has attempted to palm off any other kind of piano as that of complainant. Edward Hilker Mop Co. *v.* United States Mop Co. (191 Fed., 613, 618; 112 C. C. A., 170; *C. C. A., 6th Cir.)*, and cases there cited. It does not state a case of infringement of complainant's trade-mark (Saxlehner *v.* Eisner & Mendelson Co., 179 U. S., 19, 33; 21 Sup. Ct., 7; 45 L. Ed., 60), nor a case of boycott, as abundantly appears in the case relied on in that behalf (Gompers *v.* Buck Stove & Range Co., 221 U. S., 418, 437; 31 Sup. Ct., 492; 55 L. Ed. 797; 34 L. R. A. (N. S.), 874). It falls far short of stating a case of the class to which Emack *v.* Kane (C. C.) (34 Fed., 46), belongs, or Commercial Acetylene Co. *v.* Avery Portable Lighting Co. (C. C.) (152 Fed., 642). See also Acme Acetylene Appliance Co. *v.* Commercial Acetylene Co. (192 Fed., 321; 112 C. C. A., 573; C. C. A., 6th Cir.). A multiplicity of suits (Boise Artesian Water Co. *v.* Boise City, 213 U. S., 286; 29 Sup. Ct., 426; 53 L. Ed., 796) is not threatened, or at all probable; nor is any showing made that the wrongs averred can not be redressed in a court of law.

There is a case of most unfair practices, using the term in a colloquial sense, but not a case of unfair practices or unfair competition as that term has been defined by the courts of law. So, I might say all the vast field which is endeavored to be covered by the bill is not covered at all, because the use of the term "unfair competition" excludes the very things the author of the bill hopes to cover by his bill. It follows, therefore, if I am correct, that if we adopt section 5, we will simply have con-

ferred upon a commission a power already possessed by courts of equity and which has been exercised for a hundred years, namely, the power to prevent A from imposing his goods upon the public as the goods of B, and that we will have gone no further than that.

Moreover, having addressed ourselves in the law to a method of prohibiting a specific act which has theretofore not been incorporated within the denunciation of our statutory law, we will in all probability have cut off the jurisdiction of the courts until, first, the litigant or complainant shall come to this commission. Instead of being able, as he is now and has been for a hundred years at least been able, to go into a court of equity and invoke its powers and prerogatives and place himself under the protection of its arm, he will be denied access to the courts until he has first come to this tribunal. Thus, instead of furthering a plan for the lessening of unfair and unjust practices, instead of furnishing an additional means by which interference with trade may be made the means of establishing monopoly, we will have built a legal barrier in front of the citizen when he undertakes to enforce his rights. That is not the purpose of my friend who introduced this bill, but that is exactly the position we are placed in.

Mr. President, I am appealing to Senators not to put upon the statute books a law that will be abortive. At the present time public opinion is well crystallized back of a movement to further curtail and, if possible, effectually eradicate the powers and privileges of monopoly. It is the experience of all legislative bodies that when a sentiment is so crystallized, if some act can be passed which impresses the public with the thought that a remedy has been effectuated, public opinion lapses and the battle is over for the time being, and it may be years before again public sentiment can be aroused so that legislation is possible. Accordingly, the worst enemy of trust legislation could hope for nothing better than to see this Congress solemnly adopt a law and adjourn, only to discover after adjournment that all it had succeeded in doing was to actually circumscribe and narrow the scope of the antitrust statutes now upon the books.

If Senators who have studied this law will examine the authorities that I have cited, and examine the authorities which have been cited by my friends who take an opposite view, they will discover that the path of the law is very plain; that it leads unerringly to the conclusion that "unfair competition" is limited as I have said it is limited, and as all these books say it is limited, and that what our friends upon the other side are relying upon is the mere loose or argumentative statements, descriptive phraseology that creeps into the opinions of courts, and that was never intended to amount to a declaration by the court that the term "unfair competition" covers the practices these gentlemen seek to prohibit.

Mr. President, there are other important considerations, and I address myself for just a moment to the statement of one of them.

If this term has a definite meaning, and if it be the narrow meaning I contend it must be given, then clearly we can not put it in a statute, because it will do exactly the thing we do not want to do. It will become necessary, therefore, to find some other term, some other phrase, if we proceed to enact section 5 of this bill. In seeking for that term or phrase, I have this to say: Unless some lawyer can discover a term which has been held to embrace the practices we seek to prohibit, and that term has been clearly construed by the courts, so that when we adopt it we adopt it with the construction, then we must, by apt and proper language, define the acts or character of acts we propose to prohibit, because if we do not employ a term which has a definite meaning or do not employ a descriptive phrase which advises all of the people as to what is lawful and what is unlawful we have not succeeded in passing a law at all. The attempted law will be void because of vagueness and uncertainty or else it will be void because we have sought to grant to a board almost unlimited powers. Thus, we will have provided that the people shall be governed not by the law of the land but by the will of a board of men, which is only another way of stating that you will have substituted arbitrary government and arbitrary power for free government.

Mr. NEWLANDS. Mr. President, I offer as a substitute for the amendment offered by the Senator from Iowa [Mr. CUMMINS] an amendment which has been agreed to by the committee and which has the approval of the Senator from Iowa. The committee's action consists in dividing this proviso into two parts and placing the latter part as an additional section, to be called section 11.

The amendment offered by the Senator from Iowa is as follows:

Provided, That no order or finding of the court or commission in the enforcement of this section shall have any force or effect nor be admissible as evidence in any suit, civil or criminal, brought under the antitrust acts.

That was adopted after striking out the words "have any force or effect nor," so that the proviso will read:

Provided, That no order or finding of the court or commission in the enforcement of this section shall be admissible as evidence in any suit, civil or criminal, brought under the antitrust acts.

I offer that as a substitute for the amendment offered by the Senator from Iowa, and later on I shall offer an amendment by way of an additional section to the bill which will cover the closing part of the amendment of the Senator from Iowa.

Mr. GALLINGER. Mr. President, does the Senator ask that a vote shall be had upon the amendment?

Mr. NEWLANDS. I ask for a vote.

Mr. SMOOT. Let it be stated from the desk.

The PRESIDING OFFICER (Mr. JOHNSON in the chair). The Secretary will state the proposed amendment.

The SECRETARY. It is proposed to amend section 5 by adding the following:

Provided, That no order or finding of the court or commission in the enforcement of this section shall be admissible as evidence in any suit, civil or criminal, brought under the antitrust acts.

Mr. GALLINGER. Mr. President——

The PRESIDING OFFICER. Does the Senator from Nevada yield to the Senator from New Hampshire?

Mr. NEWLANDS. I do.

Mr. GALLINGER. I will ask the Senator from Nevada as to the accuracy of the suggestion that was made in certain newspapers this morning—and I do not always give credit to the newspapers as being accurate—that the majority side of the Chamber, through their several committees, are now engaged in perfecting certain bills that have been reported to them with a view of consolidating the three bills that we have talked about more or less into one bill for the consideration of the Senate.

I will say to the Senator that that appealed very strongly to me, if it is a feasible thing to do, and it gave me courage to believe that if that course were pursued we would be able to get away from Washington before the fall months were upon us. I simply ask the Senator for information, as I have no doubt he exactly understands the status of the bills that are now being considered by, I think, two committees of the Senate.

Mr. NEWLANDS. Mr. President, no suggestion has come to my attention, except that from the newspapers, with reference to joining these three bills in one bill. The Judiciary Committee has been considering the so-called Clayton bill, and, I am told, will be able to report it within a couple of days. The Interstate Commerce Committee of the Senate has been considering the so-called railroad securities bill and will be able to report that shortly; but the latter bill has no relation whatever to the subject matter of the trusts, and, of course, it would hardly be proper to attempt to incorporate that bill with the other two. A junction between the other two might be possible, but I see no inclination in that direction, and at present I do not think it desirable.

I will state that the members of the two committees have been in communication with each other, and I understand some amendments are being made in the Judiciary Committee which will make the interstate trade commission the medium of enforcement of certain of the provisions in the Clayton bill to the exclusion of the criminal penalties now imposed by that bill. I will also state, with reference to the question of interlocking directors and holding companies, that the Senator from Iowa [Mr. CUMMINS] has been pressing certain amendments to this bill, holding that the enforcement of those provisions should be intrusted to the trade commission. There are provisions in the Clayton bill relating to interlocking directors and holding companies, and those provisions are enforced there through penalties; but if that bill is amended in such a way as to intrust the enforcement of those provisions to the interstate trade commission, the same purpose will be accomplished that is sought to be accomplished by the Senator from Iowa. So I think there is every prospect of harmony of action on this question.

Mr. GALLINGER. The Senator, I think, answers my question. I was merely solicitous of ascertaining, leaving out of the calculation the bill regulating the issuance of bonds and securities, whether there was any probability or purpose of consolidating the so-called Clayton bill with this bill in some form and making it one bill covering substantially the ground that the two bills now occupy. It occurred to me that if that could be done it would lessen the debate.

If we are to have three separate bills before the Senate in this torrid season of the year for lengthy consideration and debate, I suppose some of us will live through it—I propose to, for instance, because I am young—but I should be glad, indeed, if there were a short cut toward reaching the same point.

I am not arguing against or for any one of these bills, because I confess I know very little about them at the present time. I expect to be enlightened later on. If the Senator says there is no purpose to accomplish that result and that the statements of the newspapers are without authority, that absolutely answers my question.

Mr. REED. Mr. President, lest there should be a misunderstanding, being a member of the Judiciary Committee I think I ought to say that I think it is very doubtful whether the Judiciary Committee will bring in a bill in such form that its enforcement will depend upon the trade commission. It may be done. The truth about the matter is, to my mind at least, that we are proceeding here like sheep without a shepherd. We have divided a question which ought not to have been divided. It is here in the form of two or three bills when it should be here in one bill. There is no question in my mind but that we would gain time if this bill were referred back to the committee from which it was reported, and if the Senate were to pass a resolution requesting the Interstate Commerce Committee and the Judiciary Committee to meet jointly and to jointly consider this bill and the so-called Clayton bill. If that were done we might agree upon a consolidated bill, and we might get somewhere.

As it is now, this bill is being pressed for passage. If it is passed in anything like its present form it will have to do with the enforcement of matters of a general character and nature which are covered by the Clayton bill. At the same time the members of the Judiciary Committee are working on the Clayton bill and they can not assume that this bill will be passed; neither do they know what its form will be if it is passed. They are utterly in the dark as to whether this bill will go through with a board possessed of broad and general powers or whether it will be a board of limited jurisdiction and powers, or, indeed, whether there will be a board.

Therefore we are required to pass upon a substantive law and to provide the machinery for its enforcement, while the very machinery that might have to do with its enforcement is being created here in the Senate.

So long as we are proceeding in this way I do not think we are going to get anywhere. I am greatly interested in this bill. I want to be here when it is discussed. I want to know what the Senate is going to do about it, and I want to know what the Senate is going to do about this bill before I am ready to conclude that we are prepared to act upon the other bills, because, if this bill is passed, then, of course, the others might be changed in many respects, whereas if this bill is defeated, or if it is greatly modified, then, of course, we must, in considering the measure now before the Judiciary Committee, prepare to go alone.

I am not the chairman of either of these committees; I have no authority to speak for anybody but myself; but it seems to me that what ought to be done is to take an adjournment of about three days, and these two committees ought to be requested to get together; they ought to try to hammer this legislation into shape, and at the end of that time to bring in a consistent general plan.

Mr. SAULSBURY. Mr. President, I think there is some misapprehension among Members of the Senate in regard to the three bills which have been alluded to. The Interstate Commerce Committee had two of those bills under consideration. One it has reported, and that is the trade-commission bill. The other bill, which it has under consideration, is the so-called railroad-securities bill. That bill, which has been called the Rayburn bill, has absolutely nothing to do with the functions of the trade commission. The trade commission is not given any power and is not called upon to act with regard to any matter contained in the Rayburn bill. The railroad-securities bill or Rayburn bill deals solely and exclusively with matters pertaining to the issue of railroad securities and increasing the inquisitorial powers of the Interstate Commerce Commission—two subjects which, I think, everyone must grant have absolutely nothing to do with the trade-commission bill. Then why should that bill be brought in with the trade-commission bill? I think I may absolutely disagree with all the propositions in the Rayburn bill, but there is no reason why I should disagree with this bill for that reason, or why I should agree with this bill because I agree with the Rayburn bill.

Mr. REED. Mr. President, if the Senator will pardon me——

Mr. SAULSBURY. Surely.

Mr. REED. I have not intended, in what I have said, to be referring to the Rayburn bill.

Mr. SAULSBURY. I understand.

Mr. REED. That is a bill by itself, as the Senator states. I think it could be enacted without any conflict with the other two bills or anything that is contained in their sweep and purview.

Mr. SAULSBURY. And should be, I think, Mr. President.

Mr. REED. But the particular bill we have here now is intimately associated with the bill that is before the Judiciary Committee, called the Clayton bill. Each of them relates to the same general subject, and if a commission is to be created, its powers and its duties ought to be specified with reference to the matter contained in the Clayton bill. If it is not to be created, then in enacting the Clayton bill we must provide the methods for its enforcement. So it seems me that both of these bills belong in the same class and ought to be brought in as one general plan.

Mr. GALLINGER. Mr. President, if the Senator will permit me, somewhat inadvertantly I alluded to the three bills; but, upon the suggestion of the Senator from Nevada, I immediately excluded the bill with relation to railroad securities, and then simply interrogated the Senator as to the probability of consolidating the so-called Clayton bill and the trade-commission bill. That was the only point I had in mind.

Mr. SAULSBURY. Mr. President, I have no doubt that many of the subjects which are being considered in connection with the so-called Clayton bill or the antitrust bill might be considered in connection with the trade-commission bill. It is also true that there are subjects in the Clayton bill as it came from the House and the Senate which have no necessary connection whatever with the trade-commission bill. For example, the matter of the exemption of trade unions and matters of that sort can be treated of in an entirely separate bill.

Mr. NEWLANDS. And injunctions.

Mr. SAULSBURY. And matters pertaining to injunctions, as the chairman of the Interstate Commerce Committee suggests.

The Interstate Commerce Committee did, in a quite exhaustive way, consider all the subjects embraced in all three of these bills. When they came from the House, if I recall correctly, it was at the instance of the Judiciary Committee that the Clayton bill was referred to that committee; and it was so referred without objection from the Interstate Commerce Committee, because I am satisfied that if the other members of the committee felt as I did, they were perfectly willing that the Judiciary Committee should wrestle with many of the problems contained in the so-called Clayton bill.

I see no reason, however, why we can not dispose of the trade-commission bill practically as it is reported; and I think it could be very readily done if some of the gentlemen who have addressed themselves to section 5 of this bill would make constructive suggestions regarding the subject aimed at by section 5 rather than simply object because section 5 is not framed in a way which would suit them.

I intended to ask the Senator from Missouri, to whose argument I listened with a great deal of interest, as I always do to his arguments, whether it would not be possible to avoid every objection he has made to the method of drawing section 5 by giving the words "unfair competition" a statutory construction in the act itself? Without undertaking to make any conclusive suggestion, or one which has been very thoroughly considered, but to make a suggestion which I wish he would consider in view of his argument, I would suggest that his argument might be met by including in that section something equivalent to the following:

> The words "unfair competition," as used in this act, shall be construed in their ordinary, usual, and colloquial sense, and shall include anything printed, said, or done in the course of trade, or in aid thereof, which would give to any injured party a right of action at law or in equity.

Thereby including in the jurisdiction of the trade commission the right to inquire in a preliminary way and to use its power to prevent the use by any unfair competitor, speaking in the colloquial sense, of those methods, or to prevent such competitor doing those things which the courts of this country have settled to be improper and illegal.

Mr. REED. Mr. President, as the Senator addresses his request to me, if the courts of this country have already settled that the acts to be referred to are improper and illegal, then the last thing we ought to do is to deprive those courts of jurisdiction and deprive the citizen of his opportunity to go into the courts and protect his rights. Moreover, the definition advanced by the Senator seems to me—and I speak now, of course, having simply heard it read once—fails utterly to reach the things we want to reach. We do not care to reach the things the law already condemns and that the courts already prohibit and punish. Our remedy there is complete; yet the definition would limit us to that kind of case. What we want to reach is that realm which at present may be entered upon by the unjust man.

To illustrate—and I take the commonest and plainest illustration—a very large concern like the American Tobacco Co., spread over the entire country with its business, can afford at a given point to run its business at an absolute loss for many years because it is replenishing its exchequer from all the rest of the country. Accordingly such an institution, desiring to destroy a competitor that is weaker than it is, can go into his trade territory and sell goods similar to his for less than the actual cost of production and force him into bankruptcy.

Now, that is to-day absolutely legitimate. Absolutely one competitor has the right to do that to another competitor unless you can go further and show that he is in fact creating a monopoly. It is to that destructive competition we ought to address ourselves as one of the things to be corrected. There are, of course, many other unjust practices we can reach.

But I call the Senator's attention to the fact that we gain nothing by giving this commission control over acts which the courts already have control over and which the law already condemns. Indeed, I would rather open the door of the courts of this land to parties who are injured than create a dozen commissions, for whenever you give every citizen his right to go into court and to protect himself, there are then open thousands of tribunals where justice may be obtained, whereas if you undertake to concentrate all those powers in one board you at least make it more difficult to obtain redress.

We must by general terms or by specific terms prohibit the practices which we believe to be inimical to trade, and we accomplish nothing unless we go beyond the point the law has already reached, for if we do not go beyond the point the law has already reached, of course we remain exactly where we are now, except we have created a new tribunal that has obstructive machinery, because, as this bill is drawn, it would seem to leave the matter in this wise, that an injured party would be first required to go to the commission for his relief instead of going to the court of his own district.

If the Senator will pardon this long interruption, I think we will never harmonize these two bills except by putting them upon the same table before the same committee, where they can be amalgamated. I believe if that were done we might agree upon certain substantive antitrust legislation, and we might agree to create a trade commission having at least broad powers of investigation. But I do not believe we will ever agree upon any law that will place the business of this country under the control of a board governed by no rule of action except its own concept of what is right and what is wrong.

Mr. SAULSBURY. Mr. President, I think the Senator from Missouri misapprehends in a large measure the good which may come from this trade-commission bill. I have already said that I am not prepared to follow as far as others may lead in commission government, but I think one affirmative good which this bill may produce will be the easy remedy which may be had by anyone aggrieved, without expense to himself, to have full consideration given to his complaints, just as the Interstate Commerce Commission makes quick and easy investigation and reports when complaints are made to it regarding railroad rates and questions of that character.

It seems to me that this trade commission may very well act in a preliminary fashion in securing the rights of persons engaged in trade where they are being oppressed by the practices of their competitors in a way which financially, because of the great expense of courts and of the time it would require, they can in no other wise meet. It seems to me that will possibly be the greatest benefit which may arise from this trade-commission bill as it is proposed.

But, Mr. President, I can not have much sympathy with the proposal that it is easier and better to do two things than it is to do one thing. The Judiciary Committee has not yet reported on its bill, and no one can tell when it will report. This bill as it now stands has met the general accord of a majority of the Interstate Committee and will work some affirmative good. If the Senate desires that the Judiciary Committee shall report a proper amendment, we can impose any other duties upon this commission which the Congress may see fit to add to it. We may use the trades commission as a hat rack if we desire, and let anything be hung upon it, let any duty be imposed upon it, that Congress may see fit to hang upon it or impose upon it.

It is due to the misapprehension which, I think, the Senator has as to the good which may come from the general inquiry which, in a preliminary way, is made by this trade commission that he is in error. I believe myself that we advance the matter very much more quickly by bringing in this bill, and as most of the Senators who have objected to this bill have addressed themselves to section 5, if they will aid to perfect section 5, I am sure we will shorten the time for the consideration of the bill very greatly.

I hope the Senator from Missouri will aid us in producing, regarding the objects of section 5, the end which his great ability would undoubtedly be very useful in producing.

Mr. REED. Mr. President, I must not be put in position of one who is seeking to obstruct remedial legislation.

Mr. SAULSBURY. The Senator did not understand me as making that suggestion.

Mr. REED. No.

Mr. SAULSBURY. I am sure I did not.

Mr. REED. No; I am sure the Senator did not mean to say that, yet once or twice this afternoon it has been suggested that I would be better employed if I would write section 5 in a correct way than I am in finding fault with it.

The first thing necessary to get the mind of the Senate concentrated upon the thought of writing a proper section is to convince the Senate that the section as it is now written will not be effective, and it is for that reason that I have been taking the time of the Senate and have tried to convince it that section 5 is ineffective. If the chairman of the committee and the committee that brought in section 5 will withdraw it and bring in a substitute, or if they will say now that they do not propose to urge it, then of course we can start the work of trying to draw a proper section.

Mr. SAULSBURY. Mr. President——

The VICE PRESIDENT. Does the Senator from Missouri yield to the Senator from Delaware?

Mr. REED. I do.

Mr. SAULSBURY. I only desire to interrupt the Senator for a moment, to call his attention to a fact which I think I ought to have stated before. I have myself proposed an amendment to this section providing that the finding of the commission shall be only prima facie evidence in the courts of the facts therein found and shall in no wise conclude any litigants in the court from attacking the finality of that finding. I thought I ought to call the attention of the Senator to that.

Mr. REED. Of course the amendment suggested by the Senator from Delaware would remove one of the constitutional difficulties that now confronts us, because on that point I am very clear in my mind, although I reserve the right, upon further examination of the authorities, to change my opinion if I find, upon examination of the authorities, that my present view is erroneous. I am very clearly of the opinion that you can not make a finding by a board or commission of this kind conclusive of any question of fact or law.

But, Mr. President, addressing myself just a moment to the suggestion made a moment ago, that we could go on and pass the trade commission bill and that the Judiciary Committee could go ahead with its work, let me show how impossible that is—not by generalization, but by specific statement. Let me take section 12 of the Clayton Act, which provides "that whenever a corporation shall violate any of the provisions of the antitrust laws, such violation shall be deemed to be also that of the individual directors, officers, or agents."

There are those who contend that before such a drastic remedy as that is invoked there should be a finding by a commission and an opportunity for the officers of the corporation to undo their wrongful acts, and that only in the event they fail to undo those wrongful acts should they be held criminally liable. I am not saying for a moment that I agree to that view, but it is a view that is advanced. Yet those who propose it do not know whether or not we are going to have a commission. If they know we will have a commission, then their argument, of course, will be addressed solely to the question as to the advisability of such a line of procedure as I have indicated they believe in.

I could go through this bill and show the same situation with reference to other sections. I perhaps chose the poorest illustration in the bill when I selected section 12.

Moreover, the Clayton bill not only deals with the labor problem and with the trust problem, but it also, strangely enough, deals with banking problems. There are a number of sections in that bill which ought to be handled as a separate bill, and I break no confidence when I say that the Judiciary Committee has solved that problem by agreeing to strike them out.

But all the trust features of the bill have two elements. First, a denunciation by law of certain acts that have a tendency toward the creation of trusts and monopoly and that are destructive of honest competition as illegal; second, the designation of a tribunal to determine the facts and to enforce the law.

Dealing with those identical subjects is this trade-commission bill. If we strike out section 5 and leave this merely to be a board of investigation, well and good; but with section 5 or anything covering the bill that section 5 is intended to cover remaining in the bill, then you will have this sort of a situation. The Judiciary Committee is dealing with certain practices that are specified, and at the same moment you are creating a commission here and propose to give it such broad powers that its authority extends to every practice and act of concerns engaged in interstate commerce. The jurisdiction of the commission covers the whole field as with a blanket.

Thus there are two plans, each of them separate and distinct, both of them being considered at the same time—one of them being considered in the Senate, the other being considered in the committee. The Senate can not intelligently act until it knows what the committee will report regarding the bill it has, and the committee can not act until it knows what the condition of the law is to be at the time they bring in their report.

The thing to do, in my judgment, is to get both these bills before the same committee or before the joint committees. Let them consider the two together. Let them bring in a report which embraces what is good in both and which will work out one consistent plan and scheme.

Mr. VARDAMAN. Mr. President——

Mr. REED. Nothing but that will ever give us in my judgment a harmonious scheme of legislation or get us anywhere.

The VICE PRESIDENT. Does the Senator from Missouri yield to the Senator from Mississippi?

Mr. REED. I do.

Mr. VARDAMAN. I wish to ask the Senator from Missouri if it is possible to carry out his idea except by unanimous consent?

Mr. REED. That is a parliamentary question the Chair can answer. I think this bill by resolution of the Senate could be referred to the joint committee; that is, the committee——

Mr. VARDAMAN. It would require an amendment to the rule.

Mr. REED. No; I think not. I think a resolution could settle it.

The VICE PRESIDENT. The Chair has found out that the Senate can do anything.

Mr. VARDAMAN. I was just going to suggest to the Senator from Missouri, in order to bring up the matter in a concrete form, that it might be well, if that is his opinion, to put it in the form of a resolution. It strikes me there is a great deal of merit in the suggestion made by the Senator from Missouri.

Mr. NEWLANDS. Mr. President, I think the logical way to act is to have a vote as soon as possible upon this bill and the amendments. If section 5 be stricken out, we will then have, as the Senator from Missouri says, simply a bill which provides for a trade commission with ample powers of investigation upon their own initiative and in aid of the courts and of the Attorney General. If section 5 remains in, then the Judiciary Committee will know to what subjects the Clayton bill should be confined. It can, if it chooses, taking the view that is entertained by the Interstate Commerce Committee, conclude that section 5 covers all the various practices that in the common vernacular are termed "unfair competition," and having come to that conclusion, the Judiciary Committee can, if it chooses, leave out all legislation with reference to specific practices which are to-day regarded as "unfair competition," or they can put them in, according to their pleasure.

Mr. REED. Mr. President, will the Senator pardon me if I ask him a question?

Mr. NEWLANDS. Certainly.

Mr. REED. If we create a commission with power to prohibit all unfair practices in trade, then, in the name of goodness, what is the use of passing any more law? Why trouble ourselves further? Why not go home and go to rest and enjoy our sweet repose and say that the business of this country is in the hands of that commission, with full power to prohibit everything that is wrong and to promote everything that is right? That is the very question.

Mr. NEWLANDS. Well, Mr. President, that will be a consideration that will address itself to the mind of every Senator when he votes upon section 5. If he is of the view of the Senator from Missouri, he will vote against it; and if there should be a majority of the votes of the Senate in accordance with this view, section 5 will go out, and we will still have a bill just as good as, and, in my opinion, better, than the bill that comes from the other House; but if the Senate should be of a contrary opinion, and should be desirous of bringing peace to the business of this country, to afford protection to numberless pigmies in business that are now being injured and destroyed by giant competitors, whose practices, whilst leading up to monopoly, do not as yet have the character of monopoly—why, then, if the majority have that view and think that is a desirable end to be attained, section 5 will remain in the bill.

Mr. BORAH. Mr. President——

The VICE PRESIDENT. Does the Senator from Nevada yield to the Senator from Idaho?

Mr. NEWLANDS. Certainly.

Mr. BORAH. Mr. President, if there are a number of small business concerns which are being destroyed by monopolistic practices, the thought occurs to me why somebody is not active in taking hold of those people who are destroying them? We have sufficient law and we have the means at hand by which to take hold of them; and if they are so well known—and I think they are; I think the Senator is right—I do not see why we do not take hold of those people who are practicing monopoly, or who are guilty of monopolistic practices which lead to a complete monopoly, and put them where they belong.

Mr. NELSON. By giving them places of honor. [Laughter.]

Mr. NEWLANDS. If the Senator from Idaho thinks that the machinery of the law is now adequate to meet every condition, of course he will vote against this bill; but I do not think it is, and the friends of this bill do not think it is. There are numerous practices tending toward monopoly that may not come within the provisions of the antitrust law and amount to a monopoly or to monopolization. We want to check monopoly in the embryo. Monopoly commences in insidious ways, by practices that are against good morals and constitute violations of individual rights for which the individual can have an action at law or in equity, but rights which the individual, because of his poverty or of his insignificance, is often unable to assert against these great organized powers. The very purpose of this bill is to protect small business against giant competitors just as we protected the shippers of the country against the giant railroad combinations when already there were remedies both at law and in equity in favor of the shippers. There never has been a time in the history of the common law when an action would not lie for extortion. The Senator from Idaho would relegate society to its ancient condition, with reference to those giant railroad combinations, so that every man who is oppressed would have to go into court with expensive counsel——

Mr. BORAH. No, Mr. President, the Senator from Idaho would not do that.

Mr. NEWLANDS. And assert his right against the gigantic organizations.

Mr. BORAH. The Sherman antitrust law may be enforced by the Government itself at the public expense, and through the public prosecutor, the Attorney General, that law is made effective; that is, if it is made effective. It is not at the expense of the individual, unless the individual sees fit to go into the prosecution. Then if he recovers he gets three times the amount of his damages.

I would not relegate these people to the old condition of affairs, but Chief Justice White, in his opinion in a great case with which we are all familiar, said that this law not only prohibits monopoly, but it prohibits every step which may lead to monopoly. I do not know of a single step which we would prohibit that is not prohibited by the interpretation of the law which has been placed upon it. You not only have the public prosecutor, but you have under this law the means by which an individual may cause the punishment of a person who has injured him. I think when you have the law, but not the courage to enforce it, you can not get any more by enacting more law.

The objection, Mr. President, to this proposition, to my mind, is that we have a few men who ought to be brought under the surveillance of the law and who ought to be punished, and you are building a scheme here which proceeds upon the theory that you want to oversee and to supervise and superintend and police the entire business world, 90 per cent of which does not need it at all. If we could have those who are in charge of these monopolistic combines punished, or if we could have the combines dissolved, if we could have these monopolies broken up, there would be no occasion for this very heavy expense to which we are to be put for the purpose of supervising the honest and those who are carrying on a legitimate business. If we have not the willingness or the courage to enforce the law we have, we will simply have another dead letter on the statute books.

Mr. NEWLANDS. Mr. President, the antitrust law is either inadequate to cover all the conditions that gradually lead up to monopoly, or else the machinery for the administration of that law is and has been so ineffective as not to accomplish its object.

The Senator inquires why we do not get to work in the enforcement of that law. Well, does the Senator expect conditions to be any better in the future than they have been in the

past? We have had numerous lawsuits upon this vexed question, and yet the practical results have not been satisfactory to the American people. We have been given the law, yes; but the practical enforcement of the law has not been satisfactory to the American people. Now, does the Senator propose to indict every one of the Presidents and indict every one of the Attorneys General for neglect of duty? Is it not time to think that there is something defective in the system itself which intrusts the enforcement of that law to the shifting incumbency of the Attorney General's Office, with three or four Attorneys General in one administration?

Mr. NELSON. Mr. President——

The VICE PRESIDENT. Does the Senator from Nevada yield to the Senator from Minnesota?

Mr. NEWLANDS. I beg the Senator not to interrupt me at present; I will yield to him in a moment.

The Attorney General's Office is a part of the political department of the Government, subject, as we know, in the past to political influences, so that prosecutions have been accelerated and prosecutions have been slowed down because of the exigencies of the hour. Has there been anything of that kind in the administration of the interstate-commerce law by the Interstate Commerce Commission? No; it has moved on with dignity, precision, consecutiveness, and power, until it has covered the entire field of railroad administration and has declared principles that are known to all, so much so that there is nothing left now in railroad administration except the control of securities and the valuation of the roads themselves. The administration of the interstate-commerce act side by side for the last 20 years with the administration of the antitrust act, one intrusted to a commission and the other intrusted to an officer of the political department of the Government, indicates the superiority of the former system.

Whilst this bill does not go as far as I would wish, it goes very far, and ultimately, with popular approval, it will go far enough, in my judgment, to embrace the entire administration of the antitrust acts.

With reference to section 5, let us have a vote upon it and let it either stay in or go out of the bill. The Judiciary Committee will know then what our action upon that subject is. I am sure I am not averse to consultation with the Judiciary Committee. I welcome such consultation, and will be glad to confer with them at any time upon the provisions of the two bills; but I do not see any reason why the prosecution of this particular legislation should be slowed up for an instant. On the contrary, I believe it will lead to a more logical conclusion with reference to the Clayton bill.

So far as I am concerned, with reference to many of the practices which are proposed to be condemned in the Clayton bill, I think that the provisions against them might be better enforced through the proposed trade commission. I believe in the effective way of giving a man who is violating the law and who happens to be a director of a corporation, or to give the corporation itself, an order to show cause why a certain practice should not be discontinued and have a summary hearing and the decision of this tribunal of experts—not simply experts in law, but experts in industry and trade.

I am solicitous that the rights of those brought before that tribunal shall be so protected as that an appeal to the court can be taken under such sanctions as we prescribe for the preservation of the corporation's rights in the full presentation of its case.

Then there is the power to punish by contempt for disobedience to the mandate of the law, which is much more effective than the criminal prosecution of individuals, bringing them before grand juries and petit juries and submitting all these questions to the varying influences, passions, and prejudices of the hour. I believe that in this way a complete system of administrative law can be built up much more securely than by the eccentric action of grand juries and trial juries. I believe that it is not always necessary to administer the law with the aid of grand and trial juries. The vast body of our law is civil law. The parties have their remedy either in damages or by the summary processes of a court of equity, which can seize hold of a recalcitrant and bring him into subjection to the law, and the administrative tribunal will aid and accelerate the administration of the civil law.

Mr. President, so far as I am concerned I would be willing to yield to any suggestion for mutual consultation between the Judiciary Committee and the Committee on Interstate Commerce, but I am not willing, so far as my individual view is concerned, to see the passage of this bill delayed. That is a matter, of course, that is subject to the wisdom of the Senate itself.

Mr. NELSON. Mr. President, I have listened with astonishment to the remarkable speech of the Senator from Nevada [Mr. NEWLANDS]. One would think, after listening to his remarks, that the sort of Pooh-Bah commission proposed by the pending bill will have greater powers and will be more effective against trusts and combinations in this country than all our courts combined. Most of the leading trusts in this country have been prosecuted in the courts. The Sugar Trust is now in the courts, and testimony is being taken in that suit; the Harvester Trust is in the courts; the Steel Trust is in the courts; the Tobacco and the Standard Oil cases have been decided by the courts, and there are a number of other trust cases pending. Judging from the remarks of the Senator from Nevada, he infers that the proposed trade commission is to constitute a great remedy for the suppression of trusts. The opinion seems to prevail in some quarters that if you give the proposed commission ample power it will do more to suppress trusts and monopolies in this country than all the courts of the country combined; and yet what jurisdiction is given the commission? Its activities are confined simply to one feature of what occurs in the case of a trust or a monopoly. These trusts and monopolies, as a rule, are formed under the corporation laws of the several States. If we had no corporation laws, if men could do business only as individuals or as partnerships, it would be impossible to form these great corporations. They are formed through the corporation laws of the several States; and after these monopolies have been formed and established a part of their work, in many instances, is to drive out competitors from the field, and the few they have not been able to absorb in their combination they seek to drive out by unfair competition.

What does the Senator from Nevada propose to do with his bill? What is the trust remedy he proposes? Why, as I said a moment ago, it is only to nibble at one side of the trust. It is simply to reach the matter of unfair competition. Suppress that, and you have accomplished the whole thing, according to the idea of the Senator from Nevada. You still leave the monopoly; you still leave it in all its force and power, as it has been able to form itself under the corporation laws of the several States. All that you can do, taking all that is claimed for section 5, is that you can suppress unfair competition; but in all other respects the octopus, the monopoly, remains a living being to plague the American people.

I can tell you what section 5 is for. It does not require much to tell what it is for. It is to act as a brake, as a protector, as a back fire for these monopolies against the enforcement of the antitrust law. This is not a new matter, Mr. President. Ever since these big concerns found that there was some virtue in the antitrust law, and found that the courts had power to dissolve these trusts and resort to drastic remedies, the hue and cry went up from them: "Oh, for God's sake, let us know how to do business within the pale of the law. Since these decisions in the Trans-Missouri case and the Joint Traffic case and the Knight case and the Standard Oil case we are at a loss to know how to do business in this country. For God's sake come to our relief and tell us how we big monopolies can transact business in this country"; and so the cry has gone on from that day to this.

In 1898 several bills were introduced, akin to section 5 of this measure—bills to relieve these great monopolies from the onus of the antitrust law; bills for the purpose of informing them, for they were so ignorant that without advice they could not tell, how they could do business. Bills were introduced, as I said, prepared in New York by the attorney of the Steel Trust. One of those bills, a remarkable bill, segregated all corporations engaged in interstate commerce into corporations operating under the interstate commerce law and all other corporations, and then it provided that the Bureau of Corporations should have jurisdiction over corporations not under the interstate commerce law and should investigate them, and if they gave them a clean bill of health they were to be bidden Godspeed on their journey, and if the Interstate Commerce Commission gave the railroads a clean bill of health they were to be bidden Godspeed on their journey.

Fortunately, that legislation failed to pass. The Judiciary Committee of the Senate, with one accord, vetoed that measure. Section 5 of this bill is of a more homeopathic character, and yet it is in the same trend, in the same direction. The plan of it is: "Do not go for these trusts in court. Charge them with being unfair in their competition, snake them before this wonderful commission, and if this commission determines that they are not guilty of unfair competition, why, God bless you, let them go; they have not violated any law. If the commission does determine that they are guilty of unfair competition, why, make them stop that part of their program; but in God's name let them have a free hand for everything else."

That is all there is in this legislation, in a nutshell. My idea is that we should leave the antitrust law intact.

There has been much criticism here by the Senator from Iowa [Mr. CUMMINS] about the antitrust law being so difficult to interpret. There is not any difficulty on the part of the law, nor does the difficulty arise from the varied opinions of the judges. It arises from the fact that the methods by which these monopolies and trusts pursue their calling and carry out their program are as manifold and as intricate and as devious as the cases of fraud and usury. Have you ever found a court that was able to lay down a hard and fast rule as to what constituted fraud? Have you ever found a court that was able to lay down a hard and fast rule as to what constituted usury? No more can you find a hard and fast rule in the courts in respect to violations of the antitrust law.

Mr. REED. Mr. President——

Mr. NELSON. I yield to the Senator from Missouri.

Mr. REED. And yet does the Senator know, in all his experience as a lawyer, of any man really committing an actual fraud who did not know he was engaged in rascally practices every minute he was engaged in that fraud? Does not the man who perpetrates the fraud always know he is perpetrating a fraud?

Mr. NELSON. There are some cases where, of course, it would seem at first blush that it is difficult for a man to know that he is violating the law, and he wants some moral instruction on it.

I remember a case in the neighborhood of my old home in Wisconsin. An old farmer who was very rich loaned out money to his neighbors. They had a very rigid usury law in Wisconsin. No one could get more than 10 per cent interest, and if he took a cent more he forfeited principal and interest combined. This old fellow had this cute way about it: If a poor neighbor came to him to borrow $100, he would scratch his head and say, "Well, money is pretty scarce. I don't know whether I can raise it for you" Then he would chat with him a little while, give him a chew of tobacco if he used chewing tobacco, or give him a pipe to smoke, and then he would take him out into the yard and say, "I have got some fine cows here and colts and steers. If I could sell some of these, I might be able to loan you the $100." Then he would show the poor fellow a $20 cow and say to him, "Now, that cow is worth $50. If you will take that cow for $50, I will loan you $100, and you can give me your note for $150." That was his idea of that transaction; and it never dawned upon him, until the circuit court of Dane County explained to him that that was a case of usury, that it was actually usury. [Laughter.]

It is so with this antitrust law. The law is as broad and as comprehensive as the commerce clause in the Constitution, and the courts, whenever a case has come before them, have met that case upon the facts in each case.

Take the case that I quoted a moment ago. Take the American Tobacco Co. case. Among the grounds which the Supreme Court said were entitled to consideration in determining whether it was a trust and monopoly was this—I read from the opinion in the Tobacco case:

> Because immediately after that combination and the increase of capital which followed the acts which ensued justify the inference that the intention existed to use the power of the combination as a vantage ground to further monopolize the trade in tobacco by means of trade conflicts designed to injure others, either by driving competitors out of the business or compelling them to become parties to a combination—a purpose whose execution was illustrated by the plug war which ensued and its results, and by the snuff war which followed and its results.

If the Senator from Nevada had had his law on the statute books at that time, he might have suppressed the plug war and the snuff war, but the American Tobacco Co. would still have existed as a monopoly. He would have had the glory, through this commission, of stopping competition in plug tobacco and in snuff, and he could not have gone an inch farther.

No, Mr. President. In the first place, I am utterly opposed to section 5, because it is designed—I do not say that was the purpose of the Senator from Nevada or of anybody else, but its manifest purpose and design must be—to act as a kind of a protector, as a kind of a shade, as a kind of a brake for these trusts and monopolies; and, in the next place, as a remedy it is the most harmless pill garlic imaginable. It strikes at only one side of the manifestations of the trusts and nothing else.

Mr. President, it is late in the evening, and I have no desire to enter into a discussion of this matter, but I could not help saying what I have, in view of the peculiar remarks made by the Senator from Nevada.

Mr. JONES. Mr. President, I desire to suggest to the Senator from Nevada that the substitute he has reported ought to be printed. I understood the Senator to report a substitute for the amendment of the Senator from Iowa.

Mr. NEWLANDS. Yes. I will also offer, besides the amendment I have already presented as a substitute for the amendment of the Senator from Iowa to section 5, an additional section to be called section 11. I will ask that it may be read, and that both may be printed.

Mr. SIMMONS. Mr. President, I wish to inquire of the Senator from Nevada whether it is his purpose to place his bill before the Senate to-morrow and insist upon action?

Mr. NEWLANDS. It is my purpose.

Mr. NELSON. Mr. President, I wish the Senator from Nevada would be kind enough to have all the amendments he has offered, or proposes to offer, printed so that we can have an opportunity to examine them.

The VICE PRESIDENT. They will be printed.

EXECUTIVE SESSION.

Mr. LEWIS. Mr. President, I move that the Senate resolve itself into executive session at this time.

The motion was agreed to, and the Senate proceeded to the consideration of executive business. After five minutes spent in executive session the doors were reopened.

DEATH OF ASSOCIATE JUSTICE HORACE HARMON LURTON.

Mr. SHIELDS. Mr. President, it is my painful office to communicate to the Senate the death at Atlantic City of one of the most distinguished citizens of the United States, Associate Justice Horace Harmon Lurton, of the Supreme Court of the United States.

Mr. Justice Lurton, while born in the State of Kentucky, was essentially a citizen of Tennessee, for there he spent the most of his life. He had a judicial career seldom equaled by any citizen in this country. He held, when he was barely eligible to the office, the high office of chancellor. He was for a term associate justice of the Supreme Court of Tennessee, and then chief justice of that court, afterwards judge of the sixth circuit of the United States, senior judge of the United States circuit court of appeals, and Associate Justice of the Supreme Court of the United States, the office he held when his death occurred yesterday morning; and in all of these eminent offices he so discharged his duties as to justly deserve and enjoy the reputation of being one of the ablest jurists of his day.

Mr. President, I offer the resolutions I send to the desk, and ask for their adoption.

The VICE PRESIDENT. The Senator from Tennessee submits resolutions, which will be read.

The resolutions (S. Res. 417) were read and considered by unanimous consent, as follows:

> *Resolved*, That the death of Horace Harmon Lurton, Associate Justice of the Supreme Court of the United States, which occurred in Atlantic City, N. J., at 5 o'clock a. m. yesterday, July 12, 1914, causes profound sorrow and deep regret to the Members of this body.
>
> *Resolved*, That as a mark of respect to the memory of the distinguished jurist and the services he has rendered his country, the Senate do now adjourn.

The VICE PRESIDENT. The question is on the adoption of the resolutions submitted by the Senator from Tennessee.

The resolutions were unanimously agreed to; and (at 5 o'clock and 3 minutes p. m.) the Senate adjourned until to-morrow, Tuesday, July 14, 1914, at 12 o'clock meridian.

NOMINATIONS.

Executive nominations received by the Senate July 13, 1914.

COLLECTOR OF CUSTOMS.

Fountain Rothwell, of Columbia, Mo., to be collector of customs for the district of St. Louis, in place of Charles F. Gallenkamp, whose term of office expired by limitation March 31, 1914.

APPRAISER OF MERCHANDISE.

Frank H. Sosey, of Palmyria, Mo., to be appraiser of merchandise in the district of St. Louis, in place of Theodore D. Kalbfell, superseded.

ASSISTANT APPRAISER OF MERCHANDISE.

Joseph T. Lyons, of Roxbury, Mass., to be assistant appraiser of merchandise in the district of Massachusetts, to take effect October 1, 1914, in place of Samuel W. George, resigned.

COLLECTORS OF INTERNAL REVENUE.

George H. Moore, of St. Louis, Mo., to be collector of internal revenue for the first district of Missouri, in place of Edmund B. Allen, superseded.

Henry P. Keith, of Hempstead, Long Island, N. Y., to be collector of internal revenue for the first district of New York, in place of William J. Maxwell, superseded.

UNITED STATES MARSHAL.

Mark Storen, of Scottsburg, Ind., to be United States marshal for the district of Indiana, vice Edward H. Schmidt, removed.

PROMOTIONS IN THE ARMY.

Coast Artillery Corps.

Maj. William C. Davis, Coast Artillery Corps, to be lieutenant colonel from July 8, 1914, vice Lieut. Col. Thomas W. Winston, retired from active service July 7, 1914.

Capt. Thomas F. Dwyer, Coast Artillery Corps, to be major from July 8, 1914, vice Maj. William C. Davis, promoted.

First Lieut. Rollo F. Anderson, Coast Artillery Corps, to be captain from July 8, 1914, vice Capt. Thomas F. Dwyer, promoted.

Second Lieut. Wallace L. Clay, Coast Artillery Corps (detailed first lieutenant in the Ordnance Department), to be first lieutenant in the Coast Artillery Corps from July 8, 1914, vice First Lieut. Rollo F. Anderson, promoted.

Second Lieut. Walter L. Clark, Coast Artillery Corps, to be first lieutenant from July 8, 1914, vice First Lieut. Wallace L. Clay, whose detail in the Ordnance Department is continuous from that date.

CONFIRMATIONS.

Executive nominations confirmed by the Senate July 13, 1914.

ENVOY EXTRAORDINARY AND MINISTER PLENIPOTENTIARY.

Ira Nelson Morris to be envoy extraordinary and minister plenipotentiary to Sweden.

POSTMASTERS.

IOWA.

J. H. Baughey, Nora Springs.
William C. Gambell, Sigourney.
John T. Lanigan, Monticello.
William M. McClain, Conrad.
H. A. Nash, Perry.
J. Brady Pyatt, Tipton.
C. A. Sample, Oakland.

NEBRASKA.

A. G. Corey, Fairfield.
John Kinsella, Hemingford.
Robert F. Pate, Minden.
Nixon H. Reed, Butte.
R. F. Rowe, Arcadia.

OHIO.

Harry C. Brown, Manchester.
Frank C. Schiffer, Shelby.
James A. Smith, Belle Center.

HOUSE OF REPRESENTATIVES.

MONDAY, *July 13, 1914.*

The House met at 12 o'clock noon.

The Chaplain, Rev. Henry N. Couden, D. D., offered the following prayer:

O Thou great Spirit, everywhere present, a potent influence in the affairs of men, strong to deliver, and a very present help in trouble, possess our souls in patience and inspire us with high ideals and earnest purposes, that, in spite of the trying weather, we may fulfill every duty devolving upon us with "malice toward none and charity for all"; that harmony may reign and good legislation obtain; that Thy kingdom may come and Thy will be done after the similitude of the Master. Amen.

The Journal of the proceedings of Saturday, July 11, 1914, was read.

CORRECTION OF ROLL.

Mr. GARRETT of Tennessee, Mr. BYRNS of Tennessee, Mr. ALLEN, and Mr. WATKINS rose.

The SPEAKER. The Chair recognizes the gentleman from Tennessee [Mr. GARRETT].

Mr. GARRETT of Tennessee. Mr. Speaker, I desire to suggest a general correction of the RECORD.

The SPEAKER. The Chair is much obliged to the gentleman.

Mr. GARRETT of Tennessee. Page 11969 of the RECORD of July 11, 1914, reads:

The Clerk called the roll, and the following Members failed to answer to their names.

The list of the names shows an exact reversal. It should be: "The following Members answered to their names."

Mr. MANN. It should be: "The following Members failed to answer to their names," and those names that are in should be taken out and those not in should be inserted.

Mr. GARRETT of Tennessee. Perhaps I did not make it clear. It says: "The following Members failed to answer to their names," and then there should follow the names of those who failed to answer. As a matter of fact it says: "The following Members failed to answer to their names," and then there follow the names of those who did answer.

Mr. ALLEN. Would it not be proper to ask unanimous consent that the names of those who were present be stricken from the RECORD and the names of those who were not present be substituted?

Mr. MANN. You will have to ask unanimous consent to have the RECORD corrected. The reporters will take care of that.

The SPEAKER. The gentleman from Tennessee [Mr. GARRETT] asks unanimous consent to have the RECORD corrected.

Mr. GARRETT of Tennessee. Mr. Speaker, one moment. It seems to me that perhaps a statement might be very well made in that connection. The practice of this body and of the Senate is different. In the Senate when there is a roll call, they record the names of those present.

The SPEAKER. The House records the names of those that are not present. It doubtless grew out of confusion in the Government Printing Office in some way.

The request of the gentleman from Tennessee [Mr. GARRETT], as amended by the request of the gentleman from Illinois [Mr. MANN], is that the Printing Office be directed to print the matter right. Is there objection? [After a pause.] The Chair hears none.

Many Members came to the Chair about the matter, and one of the reporters finally illuminated the subject to me. I found, very much to my surprise, that up until 26 years ago they printed the RECORD as it is printed this morning. There is a general tendency in nature to revert to the "original type," and I suppose some "old stager" down there got hold of the roll and fixed it as they were accustomed to fix it a quarter of a century ago.

Mr. TAGGART. Mr. Speaker, I suggest a correction of the RECORD.

The SPEAKER. Is it about the same thing?

Mr. TAGGART. On Saturday I am recorded as not being present; but I was present and answered to my name.

The SPEAKER. That has all been cleared up.

Mr. BURNETT. Mr. Speaker, a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. BURNETT. By directing the Printing Office to print it as it ought to be printed, will that mean that those who are recorded as not present will be recorded as present? Is it not true that the whole list was present and were recorded as not being present?

The SPEAKER. Yes.

Mr. BURNETT. And that will be the correction?

The SPEAKER. Yes.

Mr. BURNETT. And the fact is that those who are marked here as not answering to their names did answer?

The SPEAKER. Yes.

The Journal was approved.

CHANGE OF REFERENCE.

Mr. GREGG. Mr. Speaker, on last Friday the bill (S. 544) for the relief of the Virginia Military Institute was reported to the House and referred to the Committee on Claims. It belongs to the Committee on War Claims.

The SPEAKER. Without objection, the change of reference will be made.

There was no objection.

LEAVE OF ABSENCE.

By unanimous consent, leave of absence was granted as follows:

To Mr. RAYBURN, for 10 days, on account of sickness in family.

To Mr. FINLEY, for one week, on account of business.

To Mr. MURRAY of Oklahoma, until after the Oklahoma primaries on August 4.

WITHDRAWAL OF PAPERS.

Mr. BYRNS of Tennessee, by unanimous consent, was granted leave to withdraw from the files of the House, without leaving copies, the papers in the case of J. E. Stewart, of Cheatham County, Tenn. (H. R. 8357), no adverse report having been made thereon.

ENROLLED BILLS SIGNED.

Mr. ASHBROOK, from the Committee on Enrolled Bills, reported that they had examined and found truly enrolled bills of the following titles, when the Speaker signed the same:

H. R. 6464. An act for the relief of Charles R. Grant; and

H. R. 5304. An act to increase the efficiency of the aviation service of the Army, and for other purposes.

Mr. DONOVAN. Mr. Speaker, I wish to make a request for unanimous consent.

The SPEAKER. The gentleman will make it.

Mr. DONOVAN. I make it in order to ask that our distinguished colleague from Ohio, Dr. FESS, may be allowed to notice that not a single Member of the minority from Ohio is here, or from all New England, at the present moment. [Laughter.]

Mr. GILLETT and Mr. TREADWAY rose.

Mr. MANN. I also would like to make a request.

Mr. GILLETT. Oh, Mr. Speaker——

Mr. DONOVAN. Well, I will withdraw the New England part. Not a single minority Member from the great State of Ohio is here.

Mr. MANN. I ask unanimous consent, Mr. Speaker, to make another statement in the RECORD, and that is that if there were no one here from the Connecticut delegation we would be that much better off. [Laughter.]

Mr. CRAMTON. Mr. Speaker, I make the point of order that there is no quorum present.

The SPEAKER. The gentleman from Michigan [Mr. CRAMTON] makes the point of order that there is no quorum present. The Chair will count. [After counting.] One hundred and nine Members are present—not a quorum.

Mr. GARRETT of Tennessee. Mr. Speaker, I move a call of the House.

The SPEAKER. The gentleman from Tennessee [Mr. GARRETT] moves a call of the House. The question is on agreeing to that motion.

The motion was agreed to.

The SPEAKER. The Doorkeeper will close the doors, the Sergeant at Arms will notify the absentees, and the Clerk will call the roll.

The Clerk called the roll, and the following Members failed to answer to their names:

Adair	Eagan	Knowland, J. R.	Porter
Airey	Eagle	Korbly	Pou
Anthony	Edmonds	Kreider	Powers
Aswell	Edwards	Lafferty	Prouty
Austin	Estopinal	Langham	Rainey
Baker	Fairchild	Lazaro	Rayburn
Barchfeld	Farr	L'Engle	Riordan
Barnhart	Fess	Lesher	Roberts, Mass.
Bartholdt	Fields	Lever	Sabath
Bartlett	Flood, Va.	Levy	Saunders
Beall, Tex.	Fordney	Lewis, Md.	Scully
Bell, Ga.	Gallivan	Lewis, Pa.	Sells
Blackmon	George	Lindquist	Sharp
Borchers	Gerry	Linthicum	Sherley
Borland	Gill	Lobeck	Shreve
Brodbeck	Gilmore	Loft	Slayden
Brown, N. Y.	Gittins	McAndrews	Slemp
Brown, W. Va.	Glass	McClellan	Smith, Md.
Browne, Wis.	Goeke	McDermott	Smith, J. M. C.
Browning	Goldfogle	McGillicuddy	Smith, N. Y.
Bruckner	Gorman	McKellar	Smith, Tex.
Brumbaugh	Goulden	McLaughlin	Sparkman
Buchanan, Ill.	Graham, Pa.	Mahan	Stanley
Burke, Pa.	Green, Iowa	Maher	Stephens, Nebr.
Burnett	Griest	Manahan	Stevens, Minn.
Butler	Griffin	Martin	Stevens, N. H.
Calder	Gudger	Merritt	Stringer
Callaway	Guernsey	Metz	Sumners
Cantor	Hamill	Moore	Sutherland
Cantrill	Hamilton, N. Y.	Morgan, La.	Switzer
Carew	Hardwick	Morin	Talbott, Md.
Cary	Haugen	Mott	Taylor, N. Y.
Chandler, N. Y.	Hayes	Murdock	Thacher
Cooper	Henry	Murray, Okla.	Thomas
Copley	Hinds	Neeley, Kans.	Thompson, Okla.
Covington	Hinebaugh	Neely, W. Va.	Vare
Crisp	Hobson	Nelson	Vaughan
Crosser	Houston	Norton	Walker
Curray	Howard	O'Brien	Walsh
Dale	Hoxworth	Oglesby	Weaver
Davenport	Hughes, W. Va.	O'Shaunessy	Whaley
Decker	Hulings	Paige, Mass.	Whitacre
Deitrick	Johnson, Wash.	Palmer	White
Dies	Jones	Parker	Willis
Difenderfer	Keister	Patton, Pa.	Wilson, N. Y.
Dooling	Kelley, Mich.	Peters, Me.	Winslow
Driscoll	Kennedy, R. I.	Phelan	Young, Tex.
Drukker	Kless, Pa.	Platt	
Dunn	Kinkead, N. J.	Plumley	

The SPEAKER. On this vote 238 gentlemen have answered. A quorum is present.

Mr. UNDERWOOD. Mr. Speaker, I move that further proceedings under the call be dispensed with.

The SPEAKER. The gentleman from Alabama [Mr. UNDERWOOD] moves that further proceedings under the call be dispensed with.

Mr. RAKER. Mr. Speaker, on July 11——

The SPEAKER. Wait until we get through with this. The gentleman from Alabama moves that further proceedings under the call be dispensed with. The question is on agreeing to that motion.

The motion was agreed to.

The SPEAKER. The Doorkeeper will open the doors.

Mr. RAKER. Mr. Speaker——

The SPEAKER. For what purpose does the gentleman rise?

Mr. RAKER. I ask unanimous consent to correct the RECORD of Saturday, where it is stated that——

The SPEAKER. That has already been straightened out.

Mr. RAKER. My name is mentioned as absent.

The SPEAKER. The Chair understands that. They got the wrong list in.

Mr. MANN. If the gentleman from California had been here, he would have known it.

Mr. RAKER. I want to say to the gentleman that I am here all the time.

The SPEAKER. This whole conversation is out of order.

Mr. RAKER. I know; but the gentleman from Illinois is constantly accusing me of not being here.

The SPEAKER. The Chair will announce, for the benefit of those who were not here at the opening to-day, that when the House met the botch work in the printed roll call in Saturday's RECORD had been straightened out.

DISTRICT OF COLUMBIA BUSINESS.

Mr. JOHNSON of Kentucky. Mr. Speaker, I move that the House resolve itself into the Committee of the Whole House on the state of the Union for the purpose of considering District legislation; and, pending that motion, Mr. Speaker, I ask unanimous consent that all debate be confined to the subject matter of the bills that may be considered.

The SPEAKER. The gentleman from Kentucky [Mr. JOHNSON] moves that the House resolve itself into Committee of the Whole House on the state of the Union for the purpose of considering District business; and, pending that, he asks that the general debate shall be confined to the subject matter of the bills that are under consideration. Is there objection?

Mr. MANN. Reserving the right to object, Mr. Speaker, is the gentleman prepared now to say what bills may be called up in the committee?

Mr. JOHNSON of Kentucky. The first bill I expect to call up is the one that relates to the plaza awards. Then if we have time I shall call up the bill relating to policemen and firemen being allowed to ride free on the street cars.

Mr. MANN. That is on the House Calendar.

Mr. JOHNSON of Kentucky. Wherever it may be, I hope to reach it.

Mr. MANN. That would not be in Committee of the Whole?

Mr. JOHNSON of Kentucky. No.

Mr. MANN. Does the gentleman expect, when we have gone into committee, to rise after the plaza awards resolution is disposed of?

Mr. JOHNSON of Kentucky. I may be a little unprepared to answer questions so quickly, but I have over here five bills or measures. One is the Senate joint resolution 129, relating to the plaza awards, and another is the bill H. R. 8847——

Mr. MANN. That is on the House Calendar——

Mr. JOHNSON of Kentucky. Relating to policemen and firemen riding free on the street cars.

Another is H. R. 17097, to fix the salary of the auditor of the Supreme Court of the District of Columbia. Another is H. R. 1710, to prohibit the intermarriage of persons of the white and negro races within the District of Columbia. Another is for the relief of Clara Dougherty and others.

The SPEAKER. Is there objection to the request of the gentleman from Kentucky [Mr. JOHNSON]?

There was no objection.

The SPEAKER. The question is on the motion that the House resolve itself into the Committee of the Whole House on the state of the Union.

The motion was agreed to.

Accordingly the House resolved itself into the Committee of the Whole House on the state of the Union for the consideration of bills relating to the District of Columbia, with Mr. BYRNS of Tennessee in the chair.

PLAZA AWARDS.

Mr. JOHNSON of Kentucky. Mr. Chairman, I desire to call up for consideration Senate joint resolution 129, relating to awards and payments thereon in what is commonly known as the Plaza cases.

The CHAIRMAN. The Clerk will report the joint resolution.

The joint resolution was read, as follows:

Whereas awards for the payment for property taken in the condemnation proceedings for what are commonly known as the Plaza cases were made some time ago and have been subject to examination by the Department of Justice to be approved by it and other authority; and

Whereas the President has found it impracticable to separate the payments which are not in controversy from those which are, leaving those property owners whose claims are not attacked so that payments can not be made to them, involving great consequent hardship: Now, therefore, be it

Resolved, etc., That the awards and payments thereon to be made in such proceedings be, and are hereby, declared to be severable, so that the Department of Justice and the President may order such awards as are not in question to be paid out of any appropriation made therefor, reserving the remainder for further consideration.

With the following amendment reported by the Committee on the District of Columbia:

Strike out all after the resolving clause, and insert the following:

"That the President of the United States shall appoint a commission of three men to complete the acquisition by the United States of so much of the real estate in squares 632, 680, 681, 683, 684, 721, 722, 723, and also that part of square 633 lying east of Arthur Place in the District of Columbia, as in the opinion of the President, is desirable for the extension of the Capitol Grounds. The said commission shall have power to purchase any of said real estate at such a price as the said commission may deem to be the fair market value thereof, not exceeding, however, as to any lot or parcel, the amount of the award made therefor in the condemnation proceeding, district court action numbered 1046, recently pending in the Supreme Court of the District of Columbia: *Provided, however*, That the purchase price to be paid hereunder for any of said real estate which was owned by either the Baltimore & Ohio Railroad Co. or the Real Estate and Improvement Co. of Baltimore City at the time when said action numbered 1046 was instituted shall not exceed the bona fide, actual, original cost thereof to either of said companies, plus 6 per cent interest thereon from the date of purchase by either of said companies until the date upon which the court confirmed the awards made in the aforesaid district court action numbered 1046.

No purchase herein provided for by said commission shall be deemed to be complete until such purchase shall have been approved by the President of the United States. When the President has so approved, and the Attorney General of the United States has certified that all necessary deeds conveying to the United States the unencumbered, fee simple title to the real estate so purchased have been delivered, the President shall cause payment of the agreed purchase price to be made to the person or persons entitled thereto. All such payments shall be made out of the appropriations heretofore made for the acquisition of said real estate.

Each of the purchases made in pursuance of the provisions of this resolution shall be deemed to be a separate transaction from any other purchase made hereunder.

No person who has within the last five years served on any commission or on any jury in any proceeding to condemn real estate in the District of Columbia shall be eligible to be a member of the commission herein provided for; neither shall any ex-Member of Congress or any Member of Congress be a member of said commission.

Each of the commissioners herein provided for shall, before entering upon the duties of the position, state under oath (or affirmation) that neither he nor any member of his family owns or has a lien upon any real estate, or has any financial interest whatever in any real estate within the zone herein set out; and, further, that neither he nor any member of his family has, since the institution of the court proceeding hereinbefore referred to, owned any stock in any corporation which owns land in said zone; and, further, that neither he nor any member of his family is the creditor of anyone who owns land in said zone; and, further, that neither he nor any member of his family is an officer of or has any stock in any bank, trust company, or other corporation which is the creditor of any person who owns real estate within said zone; and, further, that he is not financially indebted to any person, firm, or corporation which owns real estate in said zone, or who has any loan to any person who owns real estate in said zone; and, further, that he is not indebted to or employed by any person, firm, or corporation which owns or has a lien on real estate in said zone; and, further, that neither he nor any member of his family has, since the institution of the court proceeding hereinbefore referred to, accepted or used any pass or other form of free transportation upon any railroad or subsidiary thereof which owns, directly or indirectly, any real estate within said zone.

The members of said commission shall be paid, out of said appropriations and upon requisition of the President, a reasonable compensation for their services, which shall be determined by agreement between the President and the members of said commission before they enter upon the discharge of their duties.

The said commission may employ a clerk and a stenographer to assist in performing the work herein provided, if they deem such assistance necessary; but the compensation of neither the clerk nor the stenographer shall exceed $5 a day while actually engaged in said work.

All laws to the extent they are in conflict herewith are hereby repealed.

Mr. COX. Mr. Chairman, I offer the following as a substitute for the committee amendment.

Mr. MANN. Not yet. The bill has not been read for amendment.

The CHAIRMAN. The bill is now open for general debate. The gentleman from Kentucky [Mr. JOHNSON] is recognized.

Mr. MANN. This is the first reading of the bill.

The CHAIRMAN. It is not yet open for amendment, and has not been read for that purpose.

Mr. LOGUE. Mr. Chairman, will the gentleman from Kentucky yield?

Mr. JOHNSON of Kentucky. I yield to the gentleman.

Mr. LOGUE. On behalf of the Committee on Public Buildings and Grounds, who desire to be heard in connection with this matter, I desire to ask the gentleman as to the time that will be allotted?

Mr. JOHNSON of Kentucky. Whenever the gentleman from Pennsylvania gets the floor—and he will have ample opportunity to get the floor—under the rule he will be recognized for one hour.

Mr. LOGUE. I thought we might make some agreement as to time.

Mr. JOHNSON of Kentucky. I shall be very glad to do so.

Mr. LOGUE. I think an hour would cover it.

Mr. JOHNSON of Kentucky. How much time do you want?

Mr. LOGUE. An hour under my control for the use of the other members of the Committee on Public Buildings and Grounds.

Mr. MANN. We will not agree to that now.

Mr. LOGUE. Very well.

Mr. MANN. Let us see how the debate runs. Several gentlemen want to be heard.

Mr. JOHNSON of Kentucky. Mr. Chairman, I trust that the Members of the House will give their attention to the discussion of this resolution, inasmuch as it involves a project on which the money already spent and the money to be spent amounts to about $4,200,000.

I think it will be well, for the benefit of Members of the House who were not here when this project originated, to give a history of it.

By the act of February, 1903, the Union Station was provided for as it now stands and as it is now located. That change of station involved the change of grades of the streets which approach the Union Station. By the Union Station legislation Congress made a gift to the Baltimore & Ohio Railroad Co. and to a subsidiary of the Pennsylvania Railroad Co. of $3,000,000 in money, in addition to other valuable grants which will be considered presently. In 1901 Congress passed an act making the Baltimore & Ohio Railroad a present of a million and a half of dollars to assist in the elimination of grade crossings and the erection of the station. The next year a subsidiary road of the Pennsylvania Railroad Co. felt that it had been discriminated against because it, too, had not been made a specific present of a million and a half. Then Congress made another appropriation to the subsidiary of the Pennsylvania Railroad of a million and a half dollars. In other words, to those two corporations—to say nothing of land given to them, to say nothing of the street rights and privileges given to them—Congress made a present of $3,000,000. Please bear in mind that the Federal Government for that $3,000,000 did not receive any interest whatever in the Union Station, but simply made to those corporations a present of that much money. At the time that this Union Station project was originated the Baltimore & Ohio Railroad had its depot and tracks on this side of the present station.

The sundry civil appropriation bill of June 25, 1910, contains a provision relative to the acquirement of this property, which is commonly known as the Plaza land.

Mr. FITZGERALD. Was not that a Senate amendment?

Mr. JOHNSON of Kentucky. If the gentleman had not asked this question when he did, it would have been unnecessary, because I was coming to that in the very next sentence. The sundry civil appropriation bill as reported to the House in June, 1910, had nothing whatever in it about the acquisition of this park. After that bill passed the House and went to the Senate the Senate put upon it an amendment authorizing the acquirement of these 10 or 12 squares as a park. I wish to invite your attention to this particular feature of it, that that amendment put on by the Senate and afterwards adopted in this House upon the report of the conference committee, provided that this property should be acquired, but that no more than $500,000 worth should be acquired in any one year. Operating under that provision, an annual appropriation of $500,000 was made. A second appropriation of $500,000 and a third appropriation of the same amount was subsequently made. After two of the three appropriations of $500,000 were available the commission, composed of the then Vice President, Mr. Sherman, the then Speaker of the House, Mr. Cannon, and the then and now Superintendent of the Capitol Building and Grounds, Mr. Elliott Woods, directed that proceedings be instituted in the District courts, and they were instituted, for the purpose of acquiring by condemnation the two squares that lie directly west of the Senate Office Building. To those two squares I wish to direct your attention. Some of the statements in the public press of the city of Washington has left not only the public but the Members of this House to infer that while the houses on those two squares have been torn down and carried away they have not been paid for. Exactly the contrary is true.

These houses which have been torn down have been paid for, and they were paid for long ago. They were paid for out of the three appropriations of $500,000 each. The first two $500,000 appropriations were not sufficient to pay for them. One hundred thousand and some odd dollars of the third appropriation, making eleven hundred and some odd thousand

dollars were used to acquire and pay for these two squares upon which buildings have been demolished.

Mr. WINGO. These two squares the gentleman speaks of are immediately west of the Senate Office Building?

Mr. JOHNSON of Kentucky. As I said before, they are the two squares lying immediately west of the Senate Office Building and upon which the buildings have been demolished.

Mr. BATHRICK. The gentleman means to say that not only the houses but the land had been paid for?

Mr. JOHNSON of Kentucky. Yes; the land and also the buildings. The Vice President, Mr. Sherman, died. Then we had left two commissioners—the then Speaker of the House, Mr. Cannon, and the present Superintendent of Capitol Building and Grounds, Mr. Elliott Woods. Now, mind you, at a time when there was in full force and effect the provision that an amount not exceeding $500,000 should be used in any one year for that purpose, this commission, in open defiance of that statutory provision, next proceeded to condemn all the remainder of the land in question, which was valued at $3,204,434.

Mr. MANN. Will the gentleman yield?

Mr. JOHNSON of Kentucky. Yes.

Mr. MANN. The gentleman knows that the Attorney General of the United States said that that was in conformity with the law and not as the gentleman says—in open defiance of the law.

Mr. JOHNSON of Kentucky. I do not. I will say that when the first condemnation proceeding was filed by this commission that the allegations of the petition show that the commission was aware of the provision limiting their power of acquisition in any year to land worth not exceeding $500,000; but in the second proceeding to condemn more than $3,000,000 worth of property, according to the awards, when there had been no change in the law, they omitted these allegations.

Mr. MANN. The gentleman knows that when the first condemnation proceeding was filed it was identically the same as when the last was filed.

Mr. JOHNSON of Kentucky. The law was the same. I agree with the gentleman in that.

Mr. MANN. When the first condemnation proceedings were filed there had not been appropriated $1,500,000, enough to pay for the two squares. The Attorney General decided that they had the right under the law to file condemnation proceedings if any part of the sum had been appropriated. Of course, they could not pay more than $500,000 a year. But when the gentleman says that it was in open defiance of the law I ask him if he is familiar with the fact that it was done in accordance with the opinion of the Attorney General of the United States?

Mr. JOHNSON of Kentucky. If the gentleman, in the latter part of his question, refers to the second proceeding, I will say that I am not familiar with the assumed fact that it was done under a ruling of the Attorney General that the law authorized the commission to institute any such proceeding. In view of the plain letter of the statute I am at a loss to understand how the Attorney General could have so ruled, and I do not believe that he did. I have respect for the opinion of the gentleman from Illinois, but I take issue with him there, and I say that I do not believe that his position upon that point is correct.

Mr. MANN. The gentleman will not take issue in a moment. The first condemnation proceeding was requested by the commission on July 1, 1911, and the court proceedings were commenced on August 13, 1911. That was before the $1,500,000 had been appropriated, as the gentleman will admit. The first appropriation of $500,000 was made in 1910, and there had not been then appropriated the $1,500,000, or enough to pay for these proceedings.

Mr. JOHNSON of Kentucky. Repeating, I will say that three $500,000 annual appropriations had been made before the second proceeding was instituted. The petition in the first proceeding contains evidence that the commission were undertaking to observe the limitation of $500,000 a year. They, in fact, encroached upon the third $500,000 appropriation something more than $100,000. Therefore there was paid for the two squares which lie west of the Senate Office Building something more than $1,100,000.

Mr. POST. Will the gentleman yield?

Mr. JOHNSON of Kentucky. Yes.

Mr. POST. For the gentleman's information I will say that the awards for the two blocks were confirmed by the court on the 18th of May, 1912, and the last $500,000 appropriation was made in the sundry civil bill of August 24, 1912.

Mr. JOHNSON of Kentucky. Mr. Chairman, this digression has not had much connection with the real issue. It suffices to say that when the law stood as it was originally enacted the commission filed a suit to condemn land valued at about $3,200,000, when they had no legal right to condemn more than $500,000 worth.

At this point, and before getting further into the argument of the case, I desire to invite attention to an article that appeared in the Washington Herald day before yesterday, July 11, 1914. That paper seems to speak not for any individual who owns property within the zone sought to be acquired, but it does seem to speak for the Baltimore & Ohio Railroad. I will insert the article in the RECORD, which is as follows:

PLAZA BILL SUBSTITUTE IS DOOMED TO DEFEAT—JOHNSON'S RESOLUTION FOR NONMEMBER COMMISSION REGARDED AS IMPEACHING INTEGRITY OF HOUSE—BITTER FIGHT IS PREDICTED.

Every indication points to defeat in the House on the substitute resolution of Chairman BEN JOHNSON, of the District Committee, upon the Plaza awards. By innuendo, at least, through the mere introduction of his substitute, JOHNSON is regarded as having impeached the integrity of the whole House by making not only present Members, but all past Members, their relatives, friends, debtors, and creditors, dead or alive, ineligible to membership on the commission.

But if indications are to be relied on, the fight will not be of long duration, and the results are overwhelmingly against the substitute resolution. For this reason neither the chairman nor his substitute has yet been taken seriously by the other Members. Certainly not by many, it seems.

The Baltimore & Ohio Railroad Co. officials are reported to be laughing up their sleeves over the proposition that would entirely disregard the present fair market value of their Plaza property.

The law officers of that corporation, it is predicted, would certainly raise what is believed by Washington lawyers a simple but effective constitutional objection to being deprived of their vested interests in this or any other property of the exercise of the right of eminent domain without being paid a fair market price.

Not what might have been considered fair when Representative Tawney, whether with or without authority, said on the floor of the House that the Baltimore & Ohio would accept the original cost price plus 6 per cent interest, but what the property would bring now in the open real estate market.

The railroad company is apparently waiting only for Mr. JOHNSON to shoot out his trump.

It must be known to all of you that this paper is the official organ in this vicinity of the "interests." It is not at all surprising that it should misrepresent and sneer when anyone seeks to compel any railroad company to treat the public fairly. But it is surprising that this organ of the interests should undertake to state in advance what the position of the House would be on any legislation affecting the railroads. For it to do so is an insult to the membership of the House, because it implies a knowledge that no such organ should possess.

To return to the history of this project. When this matter was being considered by the House on June 23, 1910, following the presentation of the conference report, the gentleman from Alabama [Mr. UNDERWOOD] opposed the conference report. I shall read from the CONGRESSIONAL RECORD of that date:

Mr. UNDERWOOD. I am not in favor of acquiring it at all, but if we are going to acquire it at all, in my judgment the Senate proposition was a very much better proposition than the one offered by the House conferees.

Mr. SULZER. I quite agree with the gentleman about that.

Mr. SIMS. Why do we want to acquire this property, with street car tracks running all around and through it?

Mr. UNDERWOOD. I do not think we need it or want it.

Mr. SIMS. On what pretense do they base their claim for the appropriation?

Mr. UNDERWOOD. I do not know. There is no necessity for it on account of public buildings. We have just bought a piece of land down near the Treasury Department for public buildings. We have room in the Mall for other public buildings. I do not think it is contended by anyone that this property should be used for public building sites, and I agree with the gentleman from Tennessee that it is not a suitable place to establish a public park. Therefore I hope the conference report will be disagreed to.

In the same connection, on page 8338 of the CONGRESSIONAL RECORD, just referred to, this colloquy occurred:

Mr. UNDERWOOD. Let me ask the gentleman, Are not several blocks of this land owned by the Baltimore & Ohio Railroad Co.?

Mr. SMITH of Iowa. I do not think so.

Mr. UNDERWOOD. It was formerly owned by them down where the old station was, if they have not sold it.

Mr. SMITH of Iowa. I may be mistaken, but my understanding is that they do not own it at present.

Mr. UNDERWOOD. Will the gentleman state whether or not they have not tried to sell the land to the Government?

Mr. SMITH of Iowa. Not to my knowledge.

Later, Mr. Tawney, who was the chairman of the Committee on Appropriations and who had this whole appropriation bill in charge, took care of what promised to be a serious obstacle to the passage of the bill. He said:

Mr. TAWNEY. If the gentleman from Iowa will permit me, and I can have the attention of the gentleman from Alabama [Mr. UNDERWOOD], this is what I think the agreement is between the Pennsylvania Railroad and the Government: If the Government hereafter purchases the land from the Pennsylvania Railroad Co., the understanding is that it is to pay the price the Pennsylvania Railroad Co. paid for the property, plus 6 per cent. That is already agreed to.

Let me repeat, Mr. Chairman, Mr. Tawney, in charge of this bill, said, "That is already agreed to." It will be seen, however, that Mr. Tawney at that time inadvertently uses the name of the Pennsylvania Railroad Co. instead of the Baltimore &

Ohio Railroad Co. I should add in that connection that the Pennsylvania Railroad Co. owns no property within this zone—that whatever railroad property is owned within this zone is owned by the Baltimore & Ohio Railroad Co. or the holding company of the Baltimore & Ohio Railroad Co.

Mr. GARRETT of Tennessee. Did the Pennsylvania Railroad Co. own any land within that zone at that time?

Mr. JOHNSON of Kentucky. It did not at that time own any. Reverting a moment to the second condemnation proceeding, for the enlightenment of those who have not studied it, I would state that the situation is about this: The suit was brought by the attorney for the commission to condemn—according to the awards—about $3,200,000 worth of property in one proceeding, when the law was plain that they could not, with any deference to the statute, condemn more than $500,000 worth in any one year. I will read that section of the statute referring to the amount which the commission was authorized to acquire in any one year. It is plain, and reads as follows:

If in any year there should not be offered property substantially up to the sum of $500,000, at its fair value or less, the Vice President of the United States, the Speaker of the House of Representatives of the United States, and the Superintendent of the Capitol Building and Grounds are authorized to institute condemnation proceedings in order to secure any or all of the land herein authorized to be acquired, but for not to exceed what they estimate to be $500,000 worth in any one fiscal year.

Not only did the commission disregard this plain limitation, but the proceedings were so instituted that when it came to the President of the United States for his approval—and the law required either his approval or his disapproval—the President found, according to the opinion of the Attorney General, as I am informed, that he must either approve all of those awards or reject all of them. In other words, they were not severable. The President, as we all know, disapproved of the awards because a part of them were excessive. In other words, he disapproved those awards because he felt unwilling to put his hand into the Treasury of the people to pay to the Baltimore & Ohio Railroad Co. nearly $600,000 more than they had agreed to take for their property. Some gentlemen, no doubt, right here will ask, Did the Baltimore & Ohio people agree to take the original cost plus 6 per cent interest for their property? Mr. Chairman, Mr. Tawney stood upon this floor as chairman of the Committee on Appropriations and unhesitatingly said to this House, inadvertently using the name of the Pennsylvania Railroad Co. for the Baltimore & Ohio Railroad Co., that such a settlement had already been agreed to. Those are his words. Where is the man, I ask, who will stand here and impugn the integrity of former Representative Tawney? I am not he. I stand here in his absence to defend him and to say that I most sincerely believe that upon that occasion he had the information from which to get the truth and spoke the truth to this House. But Mr. Tawney is corroborated in another way. I hold in my hand a copy of a letter, which I will read. At the top of the letter appear "Hamilton & Colbert, attorneys and counselors at law, Century Building, 412 Fifth Street, Washington, D. C.," and also "Baltimore & Ohio Railroad Co., George E. Hamilton, local counsel." That letter is dated April 10, 1902, and is addressed to Maj. John Biddle, engineer commissioner. At that time Maj. John Biddle was the Engineer Commissioner of the District of Columbia. The letter is as follows:

WASHINGTON, D. C., *April 10, 1902.*

Maj. JOHN BIDDLE,
Engineer Commissioner.

DEAR SIR: Referring to memorandum of prices paid by the Baltimore & Ohio Railroad Co. for property in squares 630, 678, 679, 680, 683, and 684, I have to say that squares 678 and 679 were inadvertently included, and as these squares are contained in the area of the Massachusetts Avenue terminal the company, of course, will require them.

Referring to the property in the other squares enumerated above, I have to say that the prices quoted to you were the actual prices paid for the land and did not include the cost of conveyancing or the interest on the purchase money since the date of these purchases. The property referred to has been acquired from time to time during the last four years, and the company thinks that a reasonable arrangement would be for the District, in addition to the actual purchase price, to add, in order to cover interest, abstract of title, and conveyancing, 6 per cent for two years, which would be less than the average time of holding by the company. If, therefore, to such of the property as you may need, excluding squares 678 and 679, you add to the purchase price given 6 per cent for two years, the result will give you the company's position as to these properties.

As to square 632, we understood that that square was not included in the arrangement talked of between yourself and President Loree, and therefore nothing need be said in regard to it.

Square 681 was purchased by the company about 1870 or 1871 at an average cost of 80 cents per square foot. Much of this property was unused until comparatively recent years, and the company thinks that in order to cover the interest, etc., on the purchase money during the period when it was not used that a fair value to place upon this property would be $1.40 a foot, which is something less than was paid by the company recently for properties in square 680 and square 678. At $1.40 per foot, the price of this square is $235,478.60.

As stated to you a few days ago, I have no personal knowledge of the agreement between President Loree and yourself, and, of course, when President Loree returns the matter can be, if desired, taken up again and placed in definite shape.

Yours, very truly,
GEORGE E. HAMILTON.

Mr. CLARK of Florida. Mr. Chairman, will the gentleman yield?

Mr. JOHNSON of Kentucky. Yes.

Mr. CLARK of Florida. What position did Mr. Hamilton occupy toward the Baltimore & Ohio Railroad Co.?

Mr. JOHNSON of Kentucky. This letterhead says, "George E. Hamilton, local counsel, Baltimore & Ohio Railroad Co."

Mr. CLARK of Florida. Does the gentleman know what authority he had to bind the railroad company, being the local counsel?

Mr. JOHNSON of Kentucky. Mr. Chairman, the gentleman knows that I do not know, but I believe the gentleman knows of Mr. George E. Hamilton sufficiently well to know that he is one of the most prominent attorneys in the District of Columbia, and that he would not have written a letter relating to the business of his client unless he had authority to do so. I would not so impugn his integrity.

As I was about to say when I was interrupted, this letter corroborates the statement made by Mr. Tawney that the Baltimore & Ohio people had made a proposition to take original cost plus 6 per cent interest for their property.

Mr. MANN. Mr. Chairman, will the gentleman yield for a question?

Mr. JOHNSON of Kentucky. Certainly.

Mr. MANN. Has the gentleman a copy of the bid or offer which the company made to the commission, and is he going to produce that later?

Mr. JOHNSON of Kentucky. Mr. Chairman, in answer to the gentleman I will say that I have that, but when they came to price this property to the commission they did not price it at what it had cost them. They did not give the correct figures in several instances, and I can establish that fact.

Mr. MANN. If the gentleman will pardon me, I understood—and I ask for information—that when the commission advertised for bids the Baltimore & Ohio, or whatever company owned the real estate representing them, made a bid—or perhaps it was before they advertised for bids—without naming the price, proposing to sell the property for the original cost, plus the money they had used in filling the property, plus taxes and 6 per cent interest. I did not know whether the gentleman had a copy of that. I suppose that would have been with the original papers.

Mr. JOHNSON of Kentucky. I think I have it somewhere, but I am not quite sure. In any event, I have seen or heard something of it in going through the record. But I do not think that the gentleman from Illinois states the proposal correctly.

Mr. MANN. I think it would be very informing if the gentleman would produce it.

Mr. JOHNSON of Kentucky. I can say this: At every stage since this legislation was enacted the Baltimore & Ohio Railroad has asked more for its property than the agreed price stated by Mr. Tawney, and more than the figures contained in the letter written by Mr. Hamilton, attorney for that company. Now, please bear in mind that a fight was being made upon the conference report relating to the acquisition of this property, and that fight was being led by the present leader of this House [Mr. UNDERWOOD]. The vote was close—141 voted to pass it and 131 voted against its passage. A change of 6 votes would have changed the result. Who doubts that but for the statements made upon this floor by Mr. Tawney, who was in charge of the conference report, that this property was to be acquired at its original cost plus 6 per cent interest, the original bill would not have passed? Therefore, I say that the main question which now arises is, Shall the Public Treasury be invaded to pay to the Baltimore & Ohio Railroad nearly $600,000 more for their property than they asked, as an inducement for the passage of this bill by the House?

We can not escape the conclusion that there has been a concert of movement somewhere which in every instance redounded to the benefit of the Baltimore & Ohio Railroad. In the first place, the people who lived in that zone, rich and poor, found themselves connected and bound together with the Baltimore & Ohio Railroad. Later that company was placed in this position, viz, all of these awards had to be disapproved by the President of the United States or they would get $600,000 more than they had asked. Was it a mere coincidence that the law authorizing the condemnation proceeding was violated and that the direct effect of such violation was that the Baltimore & Ohio Railroad Co. was associated in the condemnation proceedings with a lot of poor people, many of whom were women? Was it expected that these poor people and these women should pull them through? Moreover, there is another feature that suggests an

inquiry. These condemnation awards were returned to the courts on January 20, 1913, shortly before the termination of President Taft's term of office.

Upon the awards being filed the court allowed 30 days within which exceptions to the awards might be filed and continued the case until the 6th day of March, 1913, two days after President Taft's term of office would have expired. But what next was done? Let me tell you, counsel representing the commission in this proceeding, on February 24, 1913, went into court and moved that those awards be confirmed, notwithstanding the 30 days had not yet expired by four days. President Taft approved the awards in the first proceeding, notwithstanding, as I believe, some of them were excessive. Is it unreasonable for us to believe that the law fixing the amount to be condemned in any one year was violated and that later the confirmation of the awards was rushed through in order to keep this entire matter in safe hands? Is it illogical to conclude that the intention was that Woodrow Wilson, with his clear head and his great respect of law and justice, should not be permitted to scrutinize what had been done? If such were the intention it seemed for a while that it would be successful. The amount needed to pay the awards, including the excessive allowances to the Baltimore & Ohio Railroad Co., was inserted by the Senate in the sundry civil bill, which was to and did reach President Taft before his term expired. But as the plans of mice and men sometimes fail so, in the present case, an unforeseen contingency upset any calculations on this subject. President Taft vetoed the sundry civil bill because of his objections to certain limitations on expenditures for prosecutions under the Sherman law which affected farmers and laborers' organizations, and the bill was not again passed until Woodrow Wilson became President of the United States.

The President, I know, has sympathized most deeply with the smaller property holders who have their property tied up in this proceeding. But, being the strong, the courageous, the just man that he is, he was compelled, through force of circumstances, to deny his approval to the awards, notwithstanding that this action on his part resulted in disappointment to those whose awards he would have approved had he been given the opportunity of doing so. Now the question comes, What is this House to do? I say that this House ought to authorize some plan by which these individual property holders, whose property has not been excessively valued, can be paid for their property. But I go further, and say that we ought not to permit the Baltimore & Ohio Railroad again to hang onto the skirts of these individual property holders and by our legislation be pulled through to a position to which they are not entitled. Senate joint resolution No. 129 was, in the Senate, referred to and acted upon favorably by the District of Columbia Committee. Recently it passed the Senate. It came to us and was referred to the District of Columbia Committee. When it came before the committee it was discussed both formally and informally by the members of the committee. The result of this discussion was that the bill was reported by the House District of Columbia Committee to this House with amendments. I hope Members have read these amendments in the report which is now before you; but for the benefit of those who have not read them and have not ascertained the difference between the Senate bill and the House bill, I ask your indulgence that I may show you the difference. The Senate joint resolution is very short and provides:

That the awards and payments thereon to be made in such proceedings be, and are hereby, declared to be severable, so that the Department of Justice and the President may order such awards as are not in question to be paid out of any appropriation made therefor, reserving the remainder for further consideration.

One important feature of the amended bill is that there is a provision that the President shall appoint a commission of three men to go and purchase from these individuals their different pieces of property and to pay for them whatever they think they are worth, not exceeding, as to any parcel, the price which the condemnation commission has heretofore fixed for it. The exception is that this commission shall not purchase from the Baltimore & Ohio Railroad Co. its property at a price exceeding the original cost plus 6 per cent interest.

Mr. POST. Will the gentleman yield?

Mr. JOHNSON of Kentucky. I will.

Mr. POST. How is the Government to procure, under the gentleman's resolution, the Baltimore & Ohio property if it refuses to accept the terms of the resolution?

Mr. JOHNSON of Kentucky. I did not catch the question of the gentleman.

Mr. POST. How will the Government acquire the property of the Baltimore & Ohio which is sought to be acquired if it refuses to accept the terms of this resolution?

Mr. JOHNSON of Kentucky. Why, I will ask the gentleman, in return, another question. Does he know of an individual property owner who will not accept these terms? Is not the man in whom you are interested, Mr. McDowell, begging and pleading that you help pass the bill so that he can get what the condemnation jury awarded him?

Mr. POST. That is true, but you do not answer my question. The question I put to you was, How is the Government to acquire the Baltimore & Ohio property under your resolution unless they accept the terms of the resolution?

Mr. JOHNSON of Kentucky. If the gentleman will pardon me, I will get to it in the regular course of my argument. As I was saying when I was interrupted, the Government is authorized to buy the property of the Baltimore & Ohio at a price not exceeding original cost plus 6 per cent interest. The gentleman from Ohio [Mr. POST] asked how the Government is to acquire the property of the Baltimore & Ohio Railroad. I say to him this, that I agree with the gentleman from Alabama [Mr. UNDERWOOD] that this property has never been needed. If the property of the Baltimore & Ohio is to be acquired for nearly $600,000 more than it is worth, I say that we should stand like Woodrow Wilson stands, and not be forced to buy that which we do not need.

Now, as I said, the President has refused to put his stamp of approval upon this whole transaction. The Attorney General of the United States advised the President, as I am informed, that as all the parties were joined in one suit the awards could not be separated. Then when the President refused to put his stamp of approval upon these excessive awards the Attorney General went into open court and asked for the entrance of an order to dismiss these proceedings. The individual property owners to a man, or to a woman, acquiesced in this step. Their acquiescence has put them out of court. But the Baltimore & Ohio Railroad and its holding company have gone into court and have appealed from that ruling of the court dismissing those proceedings. The individuals whom we are not opposing are out of court. There is no proceeding now under which one foot of their property can be condemned. The only way, and the quickest way, to acquire their property now is by voluntary sale to a commission provided for in this bill, notwithstanding the intimations of the Washington Herald that it would be unconstitutional, or something of that sort, for the commission to acquire their property by purchase.

Now, then, to repeat, the individuals are out of court, and there is no condemnation law under which they can get back, and they have not appealed. The Baltimore & Ohio Railroad has appealed from the decision of the court dismissing the former condemnation proceeding. Now, the Baltimore & Ohio Railroad is still in court.

Mr. POST. Will the gentleman yield?

Mr. JOHNSON of Kentucky. In just a minute. The Baltimore & Ohio Railroad is still in court. If they have rights there, if the award to the Baltimore & Ohio Railroad is res adjudicata, then they have it, and the United States Government may, if their contention is right, be compelled to take this property at a price which the President of the United States has said is extortionate.

Now I yield to the gentleman from Ohio [Mr. POST].

Mr. POST. I understood the gentleman to say that the Baltimore & Ohio Railroad had appealed from the order dismissing the condemnation proceedings.

Mr. JOHNSON of Kentucky. Filed a motion to set it aside, which is practically the same thing.

Mr. POST. That is different—pending upon a motion to set aside an entry of dismissal.

Mr. JOHNSON of Kentucky. It is six of one and half a dozen of the other.

Mr. GARRETT of Texas. Is the property that is owned by individuals so situated relative to the property owned by the railroad company that it can be purchased and used for park purposes and leave the other?

Mr. JOHNSON of Kentucky. I will answer the gentleman a little more fully than by the answer "yes" or "no." The main part of the property, which lies between the Capitol Building and the Union Station, is owned by the Baltimore & Ohio Railroad; and I may say that the Baltimore & Ohio Railroad owns square No. 721, down to the northeast of the railroad station and on the other side of Massachusetts Avenue, which runs in front of the Union Station. Back there they have square No. 721. They did not desire to sell only that part of their property which lies between the Union Station and the Capitol in order that a park might be made there, but they also included in this project square No. 721, which lies back and almost behind the Union Station—at least to the east of it—and is in no sense between the Union Station and

the Capitol Building. But lying in front of square No. 721, owned by the Baltimore & Ohio Railroad, are two other squares. The Baltimore & Ohio Railroad knew at the time that it projected this scheme that they could not sell square No. 721 to the Government unless at the same time they induced the Federal Government to take the two squares, owned by individuals, which lie in front of it.

Mr. POST. Will the gentleman yield?

Mr. JOHNSON of Kentucky. I will.

Mr. POST. The report that was made by the commission, now contained in Senate Document 1394, and by a majority of the commission, Mr. Cannon and Mr. Elliott Woods, gives the appraisement—and I have a copy of it here—of lot No. 721, and not a single foot of ground in lot 721 is reported as being owned by the Baltimore & Ohio Railroad Co.

Mr. JOHNSON of Kentucky. That does not make any difference. I have before me here a map made by Mr. Richards, assessor of the District of Columbia, and he shows, having it marked in red, that it is owned by the Baltimore & Ohio Railroad Co.

Mr. FITZGERALD. Will the gentleman yield?

Mr. JOHNSON of Kentucky. I will.

Mr. FITZGERALD. The fact is the name on the assessor's list may or may not be the name of the true owner of the property.

Mr. JOHNSON of Kentucky. I take it for granted that mistakes can be made anywhere.

Mr. FITZGERALD. And that accounts for the fact that the assessor's list may disclose the names of persons who at the time did not own the property.

Mr. JOHNSON of Kentucky. I have the report of the commission for enlarging the Capitol grounds, and on page 26 thereof, as to square No. 721, and over on page 27 thereof, we find this language:

The Real Estate & Improvement Co., of Baltimore city, was the only person appearing before the commission claiming the ownership of the title to the said fee simple.

Further down on that same page it says:

The Real Estate & Improvement Co., of Baltimore city, was the only person appearing before the commission claiming the ownership of the title to the said fee simple.

Then, further down on the page, it says:

The Real Estate & Improvement Co., of Baltimore city, was the only person appearing before the commission claiming the ownership of the title to the said fee simple.

Still further down the commission's report says:

The Real Estate & Improvement Co., of Baltimore city, was the only person appearing before the commission claiming the ownership of the title to the said fee simple.

Then there is one at the top of the page that I overlooked, which reads as follows:

Parcels Nos. 13 to 17, both inclusive: We appraise the value of the owner of the fee simple of the premises included in these parcels at $21,481.

The Real Estate & Improvement Co., of Baltimore city, was the only person appearing before the commission claiming the ownership of the title to the said fee simple.

Mr. LOGUE. Mr. Chairman, will the gentleman yield?

The CHAIRMAN. Does the gentleman from Kentucky yield to the gentleman from Pennsylvania?

Mr. JOHNSON of Kentucky. In just one second. Now, then, the Real Estate & Improvement Co., of Baltimore, is the real estate holding company of the Baltimore & Ohio Railroad, and in the District of Columbia they own millions of dollars' worth of property, although under their charter they have not the right to own a single foot of land here except for legitimate and necessary railroad purposes. Now I yield to the gentleman.

Mr. LOGUE. Does not parcel 721, or square 721, embrace 129 separate parcels?

Mr. JOHNSON of Kentucky. I do not know. The gentleman may have counted them correctly, and probably has done so. I have never counted them.

Mr. LOGUE. In the part you are reading does not that appear?

Mr. JOHNSON of Kentucky. I find a lot of them consolidated. Here I see:

Parcels Nos. 18, 19, 20, 21, 22, 23, 24, 25, 26, 27, 28, 29, 30, 31, 32, 33, 34, 35, 36, 37, 38, 39, 40, 41, and 42: These parcels are not to be taken in this proceeding, and are therefore not appraised by this commission.

Then I see:

Parcel No. 45: We appraise the value of the owner of the fee simple of the premises included in this parcel at $2,520.

And then the following:

Parcels Nos. 46 and 47: We appraise the value of the owner of the fee simple of the premises included in these parcels at $5,040.

And then this:

Parcels Nos. 48, 49, 133, and 134: We appraise the value of the owner of the fee simple of the premises included in these parcels at $10,080.

And so forth, and so on. I do not know how many there are; I have not counted them. But the fact remains that the Baltimore & Ohio Railroad Co. owns a part of that square through its holding company.

Mr. MANN. Mr. Chairman, will the gentleman yield to me for a question?

The CHAIRMAN. The time of the gentleman from Kentucky has expired.

Mr. MANN. I ask unanimous consent that the gentleman be allowed to conclude his remarks.

The CHAIRMAN. The gentleman from Illinois [Mr. MANN] asks unanimous consent that the gentleman from Kentucky [Mr. JOHNSON] be allowed to conclude his remarks. Is there objection?

There was no objection.

Mr. GARRETT of Texas. Mr. Chairman, I desire to ask the gentleman this one question.

Mr. JOHNSON of Kentucky. I yield to the gentleman.

Mr. GARRETT of Tennessee. I understand the situation to be that individuals owning property in this lot, between here and the station, are satisfied with the condemnation proceedings, and that the prices set out in those proceedings are agreeable to them and they want a settlement, but that the trouble comes with the price that is to be paid to the Baltimore & Ohio Railroad Co.

Mr. JOHNSON of Kentucky. In answer to the gentleman I will say this: That I have not seen an individual owner of property within that zone—and I have seen a great many of them—who is not willing and most anxious to take the amount awarded to him. But we can not state officially, neither could the District Supreme Court state officially, whether or not everybody was satisfied, because the attorney representing this condemnation commission went into court 4 days before the 30 days had expired and had those awards, one and all, confirmed.

Mr. MANN. Mr. Chairman, will the gentleman yield for a question?

Mr. OGLESBY. Mr. Chairman, will the gentleman yield?

Mr. JOHNSON of Kentucky. Yes; I yield to the gentleman from New York.

Mr. OGLESBY. He could not have had those awards confirmed by the court without notice to the property owners if they had objected.

Mr. JOHNSON of Kentucky. Let me say to the gentleman that I know that what he says could not be legally done, was done. You have heard of the man who said he could not be put in jail for a certain thing, but he was in jail. The gentleman now says that the court could not confirm those awards before the 30 days' time had expired, but nevertheless the court did do so.

Mr. FITZGERALD. It was on notice, was it not?

Mr. JOHNSON of Kentucky. There was no notice.

Mr. FITZGERALD. I do not know as to the fact. I am asking the gentleman.

Mr. JOHNSON of Kentucky. Without notice.

Mr. FITZGERALD. The attorney for this commission was Mr. Strickland, the Assistant Attorney General of the United States in charge of the condemnation proceedings in the District of Columbia?

Mr. JOHNSON of Kentucky. Yes, sir.

Mr. FITZGERALD. I am asking the gentleman whether this notice was given to those holders?

Mr. JOHNSON of Kentucky. No, sir. There was no notice to the individual owners of the property. I am not here speaking for the Baltimore & Ohio Railroad Co. I do not know whether it had notice or not.

Mr. FITZGERALD. I am simply asking whether, under the proceedings here in the adjustment of the awards of the commission, the awards can be confirmed without notice having been given to the various parties interested?

Mr. JOHNSON of Kentucky. I do not know whether the court abused its authority or not when it confirmed the awards; but I say that it is within the range of possibility, at least, that an act of injustice to one or more of the individuals may have been done when the awards were approved before the time had expired.

Mr. MANN. Mr. Chairman, will the gentleman yield?

Mr. JOHNSON of Kentucky. I do.

Mr. MANN. Returning to the lot or square 721, I see by the book which I hold, which the gentleman just held in his hand a moment ago, that there are 129 lots in that square.

Mr. JOHNSON of Kentucky. I did not count them.

Mr. MANN. The gentleman did not have to count them. It shows on the table itself, on page 30. The list, the schedule, covers every lot from 1 to 129. As to 75 of them, the title was not acquired by condemnation proceedings. The gentleman

read—I do not know how many times—the name of the Real Estate & Improvement Co., of Baltimore city——

Mr. JOHNSON of Kentucky. I did not count them.

Mr. MANN. But I think the gentleman duplicated several of them, although inadvertently——

Mr. JOHNSON of Kentucky. I do not think so.

Mr. MANN. It appears five times. Now, if the Baltimore & Ohio Railroad Co. owns 5 or 10 or 15 lots out of 50 or 60, it is not fair that we should be led to believe by the gentleman's statement—I acquit him of any intention to mislead—that the Baltimore & Ohio Railroad Co. owned that square. I supposed, until I looked at the paper that the gentleman was reading from, that that was the case.

Mr. JOHNSON of Kentucky. I will hand to the gentleman my own map of that immediate locality, made and given to me by the assessor for the District of Columbia, Mr. Richards.

Mr. MANN. I take it that the assessor——

Mr. JOHNSON of Kentucky. That shows that the square 721 is cut into two pieces by a little, short, narrow street called "California Street," extending just that one square. The north end or the northern half of that square 721 is owned by the Baltimore & Ohio Railroad Co., according to information given to me by the assessor, who assesses it, and the southern end of square 721 is owned by various individuals.

Mr. MANN. I do not know what the map shows. I take the statement of the gentleman, of course, as to the map. But I much prefer to take the statement of men who look at the records as to the ownership of property than that of the assessor, who does not. Here is a statement of the ownership by lots; the ownership as to each lot of the whole 129 lots. It is an official statement. It would be more convincing to me than a map gotten up by the assessor.

Mr. JOHNSON of Kentucky. I will say to the gentleman just here that if he will take the whole report and read it he will find instance after instance where the assessors have charged ownership to various parties on some of that land, and have collected the taxes on it, and yet the commission to which you refer say they do not know who own it.

Mr. MANN. Yes; but the assessors do not assess real estate taxes against individuals; they assess them against the land.

Mr. JOHNSON of Kentucky. They assess taxes against the land, and then they advise the tax collector from whom to collect it.

Mr. MANN. The tax collector does not go to individuals to collect the taxes on real estate. They go to the office of the tax collector and pay the taxes. The gentleman never heard of the tax collector going around from house to house and collecting the taxes on real estate.

Mr. JOHNSON of Kentucky. The tax collector does not, in fact, collect all of the taxes.

Mr. MANN. The gentleman never heard of a real estate tax collector going out and collecting taxes on real estate. People go to his office and pay the taxes. If they do not, the land is sold for the taxes.

Mr. JOHNSON of Kentucky. Then we have the wonderful phenomenon presented to this District, if that is true, of all those who own property going to the office of the tax collector and paying their taxes, when the gentleman from Illinois [Mr. MANN] knows that year after year one concern, at the head of which is a Mr. Wiltsie, of Syracuse, N. Y., comes down here to the District of Columbia, and buys in hundreds of pieces of property for the unpaid taxes; and you have an item in a bill which proposes to repay to Mr. Wiltsie some money on account of a piece of property which he acquired at a tax sale. And perhaps it is right to do so.

Mr. BURNETT. Will the gentleman permit an interruption?

Mr. JOHNSON of Kentucky. I do.

Mr. BURNETT. I notice that in the gentleman's schedule he has left out lot 682. That is in the original bill. Was that left out intentionally or unintentionally?

Mr. JOHNSON of Kentucky. Where is that?

Mr. BURNETT. On page 2, lot 682 is left out.

Mr. JOHNSON of Kentucky. I will say to the gentleman that if there is any square or lot left out it was done inadvertently and not intentionally. It was done either by the clerk who wrote it, or by the printer.

Mr. BURNETT. I wanted to inquire whether there was any reason for leaving it out.

Mr. JOHNSON of Kentucky. So far as I know, if it has been left out, it has been unintentionally left out.

It was perhaps inevitable that this proceeding, conceived and conducted in defiance of law, should be productive of no good results. We need not be surprised, therefore, to find that the property of the chief beneficiary of all this legislation and litigation, the Baltimore & Ohio Railroad Co., was so excessively valued that the President of the United States felt constrained to interpose his veto in order to prevent this raid upon the Treasury.

To my mind it is clear that this entire proceeding was void, because the court was without jurisdiction of the subject matter—a defect that can not be waived. It is elementary that while consent may give jurisdiction of the parties it can not confer upon the court jurisdiction of the subject matter which is otherwise lacking. The clause of the act of June 25, 1910, which relates to this subject is in this language:

> If in any year there should not be offered property substantially up to said sum of $500,000 at its fair value or less, the Vice President of the United States, the Speaker of the House of Representatives of the United States, and the Superintendent of the Capitol Building and Grounds are authorized to institute condemnation proceedings in order to secure any or all of the land herein authorized to be acquired, but for not to exceed what they estimate to be $500,000 worth in any one fiscal year.

Could language be plainer? Could Congress have expressed more clearly the intention that the court proceedings authorized by the act should not in any year adjudicate upon property worth more than $500,000? If so, this is a limitation upon the jurisdiction of the court. It does not answer to say that the provision is a limitation upon the power of the commission alone. Of course, the acts of the commission were ultra vires and void, but we can not stop here. To assert that a statutory commission is without power to institute an action and yet to assert that the court, whose powers are defined and limited by the same statute, has legal power to entertain it is, to my mind, a contradiction in terms. The controlling feature is that the court proceeding which Congress intended to authorize was a proceeding limited to a condemnation of $500,000 worth of land in any year.

While the District Supreme Court, in which this proceeding was instituted, is a court of general jurisdiction, in the condemnation of this particular land its jurisdiction was expressly defined and limited by special act which supersedes the general law on this subject. It is therefore as to this proceeding a court of limited jurisdiction, and when it exceeded that jurisdiction, under all authority its acts were void. In no sense is the limitation regulative of procedure. Under the very letter of the act all questions of procedure are to be governed by the act of August 30, 1890. Limitations upon the amount to be adjudicated by a court are always regarded as regulative of the jurisdiction of the court rather than of procedure.

In condemnation proceedings, which involve the exercise of the highest powers of sovereignty, limitations of authority or jurisdiction are more quickly apprehended and rigidly enforced than in any other class of cases. In Cooley's Constitutional Limitations, seventh edition, page 759, we find this statement of the law:

> The right to appropriate private property to public uses lies dormant in the State until legislative action is had, pointing out the occasions, the modes, conditions, and agencies for its appropriations. Private property can only be taken pursuant to law, but a legislative act declaring the necessity, being the customary mode in which the fact is determined, must be held to be for this purpose "the law of the land," and no further finding or adjudication can be essential unless the constitution of the State has expressly required it. When, however, action is had for this purpose there must be kept in view that general as well as reasonable and just rule that whenever in pursuance of the law the property of an individual is to be divested by proceedings against his will a strict compliance must be had with all the provisions of law which are made for his protection and benefit or the proceeding will be ineffectual. Those provisions must be regarded as in the nature of conditions precedent, which are not only to be observed and complied with before the right of the property owner is disturbed, but the party claiming authority under the adverse proceedings must show affirmatively such compliance.

After discussing certain rules applicable to private corporations which possess this extraordinary right, the author continues:

> And substantially the same strict rule is applied when the State itself seeks to appropriate private property, for it is not unreasonable that the property owner should have the right to insist that the State, which selects the occasion and prescribes the conditions for the appropriation of his property, should confine its action strictly within the limits which it has marked out as sufficient. So high a prerogative as that of divesting one's estate against his will should only be exercised where the plain letter of the law permits it and under a careful observance of the formalities prescribed for the owner's protection.

Judge Cooley defines jurisdiction of the subject matter to be the "authority to take cognizance of, try, and determine cases of that description." (Cooley's Constitutional Limitations, p. 575). Adopting the definition, the District Supreme Court in this proceeding, under the very letter of the act of June 25, 1910, neither had the authority to take cognizance of nor to try nor to determine a condemnation proceeding in any year where the amount involved exceeded $500,000.

It may be urged that the objection to the jurisdiction of the court should have been promptly made in this proceeding. But failure to do so on the part of those who undertook to put themselves above the law can not validate the proceeding. I take

the following statement of the law on this subject from Cooley's Constitutional Limitations, page 575:

The proceedings in any court are void if it wants the jurisdiction of the case in which it has assumed to act. (a) Jurisdiction is, first, of the subject matter, and, second, of the persons whose rights are to be passed upon.

A court has jurisdiction of any subject matter if, by the law of its organization, it has authority to take cognizance of, try, and determine cases of that description. If it assumes to act in a case over which the law does not give it authority, the proceeding and judgment will be altogether void, and rights of property can not be divested by means of them.

It is a maxim in the law that consent can never confer jurisdiction, by which is meant that the consent of parties can not empower a court to act upon subjects which are not submitted to its determination and judgment by the law. The law creates courts, and upon considerations of general public policy defines and limits their jurisdiction, and this can neither be enlarged nor restricted by the act of the parties.

Accordingly, where a court by law has no jurisdiction of the subject matter of a controversy, a party whose rights are sought to be affected by it is at liberty to repudiate its proceedings and refuse to be bound by them, notwithstanding he may once have consented to this action, either by voluntarily commencing the proceedings as plaintiff or as defendant by appearing and pleading to the merits, or by any other formal or informal action. This right he may avail himself of at any stage of the case, and the maxim that requires one to move promptly who would take advantage of an irregularity does not apply here, since this is not mere irregular action but a total want of power to act at all. Consent is sometimes implied from failure to object, but there can be no waiver of rights by laches in a case where consent would be altogether nugatory.

In the case of In re Terry (128 U. S., 289; 32 Law Ed., 405) the court, quoting with approval from Ex parte Fiske (133 U. S., 713), said:

When a court of the United States undertakes by its process of contempt to punish a man for refusing to comply with an order which that court has no authority to make, the order itself, being without jurisdiction, is void, and the order punishing for contempt is equally void. It is well settled now, in the jurisprudence of this court, that when the proceeding for contempt in such a case results in imprisonment this court will, by its writ of habeas corpus, discharge the prisoner. A judgment which lies without the jurisdiction of the court, even one of superior jurisdiction and general authority, is, upon reason and authority, a nullity.

In the case of Wilson *v.* Walker (109 U. S., 258; 27 Law Ed., 927) the court adopted the language used in Bigelow *v.* Forrest (9 Wall., 339), quoting:

Doubtless a decree of a court having jurisdiction to make the decree can not be collaterally impeachable, but under the act of Congress the district court had no power to order a sale which should confer on the purchaser rights outlasting the life of French Forrest. And the judgment of the court was that so much of the decree of the district court as was in excess of its powers was void. * * *

* * * The doctrine invoked by counsel, that when a court has once acquired jurisdiction it has a right to decide every question which arises in the case, and its judgment, however erroneous, can not be collaterally assailed, is undoubtedly correct as a general proposition, but is subject to many qualifications in its application. It is only correct when the court proceeds after acquiring jurisdiction of the cause, according to established modes governing the class to which the case belongs, and does not transcend in the extent or character of its judgment of the law which is applicable to it.

Nothing that is here said calls into question the legal proposition that the right of eminent domain, plenary in character and almost unlimited in extent, inheres in the Government as an incident of sovereignty. But this right must be exercised on the subjects Congress shall select and in the manner that Congress shall provide. Congress alone may define the position of the Government in such matters. Notwithstanding shadowy distinctions between procedure and jurisdiction may be made, there is no fair-minded man who will deny that the court proceeding which Congress intended to authorize was one wherein the amount involved in any year should not exceed $500,000. This plainly expressed intention of Congress, which was a material inducement for the passage of the act, can not be thwarted by refined distinctions and labored constructions.

If the money of the people is to be used to enable the Baltimore & Ohio Railroad Co. to get rid of its unprofitable holdings, it is not unreasonable to demand that the law that permits this to be done should undertake to prevent a recurrence of the fraudulent valuations recently condemned by the President. The District Committee resolution limits the price to be paid for voluntary purchases from this company to the amount stated by Mr. Tawney as having been agreed upon, viz, original cost plus 6 per cent interest. In addition to what has already been said, I submit the following reasons why such a provision should be included in the resolution:

First. The Baltimore & Ohio Railroad Co. is a railroad transportation company, having no power under the acts of Congress giving it the right to engage in the District of Columbia in real estate speculation. It has been said that this property was acquired by the railroad company for purposes of railroad improvement. If so, any idea of this kind was abandoned more than 11 years ago; and yet the railroad company has not disposed of any of its surplus holdings. If the court awards had been approved, this company would have secured profits over cost and 6 per cent interest of $590,810. The realization of such profits in this case would be an incentive to further real estate speculation. The demand of the times is that transportation companies be divorced from the coal business, from the business of real estate and railroad speculation, and, in fact, from every business except that of transportation. The provision to which I have referred would withdraw, at least to some extent, this incentive of large profits, while at the same time it would not impose loss upon the company on account of its real estate holdings in this District. The greater part of the railroad property in the area in question is held in the name of a holding company, the Real Estate & Improvement Co. This company is capitalized at only $2,500, and yet owns millions of dollars' worth of real estate in the District of Columbia.

Second. The railroad company is interested in millions of dollars' worth of real estate in the vicinity of the proposed park, the value of which will be materially enhanced by this improvement. It owns one-half of the stock of the Washington Terminal Co., which in turn owns the Union Station. In addition, the Baltimore & Ohio Railroad Co. has other holdings in this immediate vicinity. The effect of this legislation is to establish a large park in front of its property, which must, of course, be maintained at public expense. The consequential benefits to its direct and indirect holdings should certainly form a consideration for the sale of its property within the park area to the Government at reasonable prices, rather than at such prices as required the Executive disapproval.

Third. The railroad company is the chief beneficiary of all of this legislation. Let there be no misunderstanding about it. The awards of the court commission amounted to $3,204,434, of which $1,729,417, or 54 per cent, was for the benefit of the railroad company. The facts are that it has certain unprofitable holdings to the south and east of the Union Station. The effort has been to unload these holdings upon the United States at an enormous profit. The park scheme is merely a subterfuge. As the gentleman from Alabama [Mr. UNDERWOOD], and other gentlemen who are now Members of the House, said on June 23, 1910, the United States has no use whatever for this property, while the original and upkeep cost will be enormous. But if this unnecessary expenditure of millions of dollars of the people's money must be made at a time when the people have the right to demand economy in the administration of their affairs, we have the right to demand that the chief beneficiary of this proposed legislation should be subjected to some restrictions in its demands upon the money of the people. Is such a provision necessary? Read the answer to this question in every line of the recent court proceeding.

Fourth. The Baltimore & Ohio Railroad Co. has been the beneficiary of so much congressional legislation by which it has obtained special privileges and benefits that Congress has the right to demand some fairness at its hands. A few instances will be given.

By acts of May 9, 1828, and March 2, 1831, the Baltimore & Ohio Railroad Co. was given the right to extend its line of railroad into the District of Columbia and the city of Washington—

along such public street or alley to such point or terminus within the said city as the said company shall find best calculated to promote the objects of said road.

No charge was made for this or any of the other privileges granted by these acts.

By act of March 3, 1835, this company was given the further right to construct its road through certain enumerated squares, after which follows this provision:

And the assent of Congress is hereby given to the construction of the said railroad through or over any of the said lots or parts of lots which are owned by the United States.

For this and other privileges conferred by this act no present or future charge was laid upon the company.

The Metropolitan Branch of this company was constructed within the District of Columbia and the city of Washington by authority of act of Congress of July 25, 1866, and act of the legislative body of the city of Washington of January 17, 1867. The congressional act authorized the construction of this branch within the District of Columbia and then—

to such point or points, terminus or termini, as may be agreed upon between the said company and the corporation of Washington in respect of a road within the limits of Washington.

The act of the municipal legislature located this branch as follows:

Entering the said city at the intersection of its northern boundary and New York Avenue, crossing said avenue and passing through the northwest corner of square 710 to First Street east, thence along the center of that street to the present track of the Washington branch of the Baltimore & Ohio Railroad.

This act also grants the company the right to construct and maintain tracks on D Street between North Capitol Street and

New Jersey Avenue and on North Capitol Street between D and C Streets.

By the Union Station legislation, being the acts of February 12, 1901, and February 28, 1903, Congress was even more liberal. These acts presented to the Baltimore & Ohio Railroad Co. and to the Washington Terminal Co. (which is owned one-half by the Baltimore & Ohio Railroad Co. and one-half by a subsidiary of the Pennsylvania Railroad Co.) all of the public space now occupied by these companies with tracks, yards, and the Union Station. In addition, there was appropriated to these two railroad companies $3,000,000 of public money. In order to emphasize that these companies ought to be recipients of special privileges this legislation expressly exempts from taxation a considerable part of their tangible property within the District of Columbia.

Supplementary of such gifts the following appropriations have been made in recent years: Two million one hundred thousand dollars for the elimination of railroad grade crossings in Washington and in purchasing and improving the Plaza, which is an entrance to and a setting for the Union Station, and $500,000 for damages for change of grade of streets made necessary by the construction of the Union Station and terminals.

The sum and substance of this legislation is that Congress has presented to the Baltimore & Ohio Railroad Co. all of the public streets and spaces now and heretofore occupied by it and its subsidiary, the Washington Terminal Co., and has also appropriated millions of dollars out of the Treasury to it and for its benefit. For all of which no charge has been laid upon either company. The Baltimore & Ohio Railroad Co. has shown its appreciation of this lavish generosity on the part of Congress by consistently refusing to pay taxes on the public spaces occupied by it, although taxes are expressly laid thereon by the Union Station legislation. At the present time there are uncollected tax bills against the Baltimore & Ohio Railroad Co. and the Washington Terminal Co. amounting to about $55,000. The justice of this taxation is manifest. Here is certain valuable real estate withdrawn from public use and placed in the exclusive use and possession of these companies. They are deriving from it the same benefits as if it were owned in fee by them. Being devoted to a private use it becomes taxable property. The law which makes it taxable is consonant with the general rule that where public space is granted to persons or corporations for private use the property is brought within the taxing power.

The Baltimore & Ohio Railroad Co. has not hesitated to avail itself of the valuable benefits granted to it by the Union Station legislation, although it has sought to avoid the very reasonable obligations imposed on it by this legislation. If we recall the many favors that Congress has showered upon it, the lack of public spirit thus manifested by this public-service company is most deplorable.

The legislative history of this company in the District of Columbia justifies me in saying that the time has come for Congress to demand that it should treat the Public Treasury fairly.

Fifth. There is nothing unfair in the agreement, which Mr. Tawney said had been made. Much of the railroad property has been in the actual, continuous use of this company during a long term of years as sites of the old passenger and freight depots, for yards and general trackage. Other portions of the property have been improved by buildings from which a rental income has been obtained. The agreement mentioned by Mr. Tawney would permit the company to obtain every dollar it has expended for the property, with 6 per cent interest thereon. When we recall that this company is without power to speculate in land and should not be encouraged to do so it is apparent that such an agreement is in accord with public policy.

Mr. BARTON. Will the gentleman yield?

Mr. JOHNSON of Kentucky. I do.

Mr. BARTON. Your bill, as I read it, contemplates a settlement with all the small property owners and leaves open the settlement with the Baltimore & Ohio Railroad?

Mr. JOHNSON of Kentucky. It does, and they are in court asserting that they have rights, and it is not right for us to undertake to deal with them as long as they are in court, and this bill only permits the purchase from them when the sale comes voluntarily.

Mr. BARTON. Would you favor the Government acquiring a part of that property and leaving it an open question as to the rest of it?

Mr. JOHNSON of Kentucky. In order to punish an outrage I would, but I am not advocating that. In the report of the committee, which I drafted, I put in the right to acquire every piece of this property.

Mr. POST. Will the gentleman yield for a question?

Mr. JOHNSON of Kentucky. I do.

Mr. POST. I wish to ask the gentleman what provision is made for taking care of property the owners of which are under disability, where they can not convey?

Mr. JOHNSON of Kentucky. If anybody who is under disability owns property, the code of law for the District of Columbia provides how that sale may be made. If it is a lunatic, a married woman, or anybody under disability, there is provision in the District code as to how his or her property may be sold, and if it is offered at a price which the commission has a right to pay, then the purchase can be made.

Now, let me discuss for a few moments some of the awards to the Baltimore & Ohio Railroad Co. I find that on January 9, 1909, the Baltimore & Ohio Railroad sold and conveyed square 678. The consideration was $450,000, or $2.42 per square foot. This property adjoins the Plaza and fronts 271 feet on Massachusetts Avenue.

Immediately across Massachusetts Avenue is square 680, all of which is unimproved. Part of this latter square was condemned at $5 per square foot, and other portions at $6.40, $7, and $11 per square foot. The average of the awards for this square was approximately $6.50 per square foot, or 2.68 times the sale price of the square directly across the street.

On March 13, 1909, the Baltimore & Ohio Railroad Co. parted with 9,772 square feet from square 681. The price paid was $1.50 per square foot. The lot so sold was taken from the most valuable portion of the square. The Baltimore & Ohio owns the remainder of the square, all of which is unimproved. For the remainder of this square this company was awarded an average of $4 per square foot, nearly three times the previous sale price of the most valuable portion of it.

On December 29, 1905, the Baltimore & Ohio sold 42,575 square feet of land from square 680 at $2.70 per square foot. It will be seen that this valuation is approximately the same as that placed by the same company in 1909 on square 678, located directly across the intervening street. Yet the average valuation of this square in the condemnation proceeding was approximately $6.50 per square foot of unimproved land, more than twice the preceding sale price.

In December, 1905, the Baltimore & Ohio sold 5,043 square feet from square 682 for $1.78 per square foot. This square was appraised at an average of $5.40 per square foot, three times the preceding sale price.

It will be noticed that these sales were made after the location of the Union Station improvement and the determination of the Plaza.

In April, 1902, the Baltimore & Ohio Railroad Co. offered, in writing, to sell square 681. I have already read from the letter of Mr. Hamilton, attorney for the Baltimore & Ohio, in which he stated that—

> A fair value to place upon this property would be $1.40 per square foot, which is something less than was paid by the company recently for properties in square 680 and square 678. At $1.40 per foot the price of this square is $235,478.60.

The award for this same square was $628,614, which was $393,135 more than the offer just referred to.

After the passage of the act of June 25, 1910, this company offered to sell square 682 at $4 per square foot. The award for this square was $5.40 per square foot. This difference amounted to $62,541. The profits that this company, a railroad transportation company, would have taken out of the Treasury on its real estate ventures in the District of Columbia, had these awards been approved, were enormous. The property originally cost the company $547,513. The awards were $1,729,417, or more than three times the cost price. The cost price with 6 per cent interest to the time the awards were made amounted to $1,138,607. The awards were therefore $590,810 more than the amount which Mr. Tawney said had been agreed upon as the sale price. While some of this property was acquired many years ago, most of it was purchased between 1898 and 1905.

It may occur to many of you that the commission created by this resolution can not now compel this company to accept original cost plus 6 per cent interest. But whether this agreement can be enforced or not, I submit that the House, having passed the original measure on the faith of the representation that such an agreement had been made, should do all within its power to secure its performance. If the property can not be purchased at the figures named, condemnation proceedings, it is true, may follow. But if excessive awards then be made, the President of the United States will, in my humble opinion, again take his position on the side of the people and protect them from the attempted fraud. Injustice is not made tolerable by repetition.

To my mind, the compelling thought in this matter is that, by our votes here, we should hold up the hands of the President. It does not answer to say that the commission proposed by the

Committee on Public Buildings and Grounds may not seek to overturn the action of the President. One member of that commission is already on record as being in disagreement with the President. What specious and plausible arguments will be made to the commission and what the effect will be I can not foretell, nor can you. I can only judge of the future by the past. If such a commission be created and should repudiate the action of the President, the blame for such extraordinary action will rest not only upon the commission, but also upon the Congress that regarded so lightly the official act of the greatest President since the War of the States.

It is easy for us to move along lines of least resistance. It is easy for us to shut our eyes and vote in favor of appropriations for every project that comes before Congress. By doing so we will receive the plaudits and aid of the beneficiaries of our votes. It is easy to refrain from asking questions as to the manner in which the money of the people is expended. But I have not been able to choose the easier course.

Now, please pardon me for trespassing upon your time a little further to call your attention to some of the other requirements which are contained in the amendment offered by the Committee on the District of Columbia. It has become an ascertained fact that during the last five years about 130 condemnation proceedings have been had in the District of Columbia, and in these proceedings the juries have been made up of less than 150 different individuals. That to me sounds nothing short of being an astounding state of affairs. The District Committee in its amendment recommends to this House that no man shall be permitted to serve as one of these commissioners to acquire this property who has served upon any one of these condemnation juries. That seems to me reasonable and fair.

The amendment further provides that nobody who owns land in this zone to be acquired by the United States shall be a member of this commission. It further provides that neither an officer nor a stockholder of any corporation which has a lien upon any property in that zone shall be one of those commissioners. It further provides that no man who has a lien on any of that property shall be one of these commissioners. It provides that no one shall be one of the commissioners if anyone of his family be interested. It further provides that no man who is a stockholder in the Baltimore & Ohio Railroad or in any subsidiary company shall be a member of this commission.

I say that this House ought to demand that this resolution become a law. The resolution further provides that neither an ex-Member of Congress nor a Member of Congress shall be a member of that commission. I say that no Member on the floor of this House who does his duty has time to devote to such a commission. It is said that these smaller property holders ought to have their money, and that they ought to have it quickly, and now that but little more than a quorum of this House is in town nobody should be spared from this House to give his time and attention to these condemnation awards. The business of this House should not be interfered with by imposing new duties upon Members.

When the original bill was up for consideration and it was proposed that the Vice President and the Speaker of the House be made members of the commission, the gentleman from Wisconsin [Mr. STAFFORD], who was then, as now, an honored Member of this House, presented an able argument in an effort to show that no Member of Congress should be a member of this commission. He said that if this commission was made up of Members of Congress it would finally result in a "one-man" commission. The gentleman's words have become real prophecy; the commission did become a one-man commission. During the greater part of the time, or at least during the time when the effort was made to spend more than $3,200,000 of the public money, that commission was practically a one-man commission, the Vice President of the United States having died and Mr. Cannon having duties which required his almost undivided attention. I do not know Elliott Woods, the Superintendent of the Capitol Building and Grounds. If I ever saw him, I did not know him. I do not speak of him with a desire to censure, but I do say, in a spirit of justice and in the cause of right, that a commission should not be composed of two Members of Congress and leave Elliott Woods the umpire between them. Should a difference arise between these two Members of Congress that some have suggested should be on the commission, and there should be a difference of opinion between them, then in steps Mr. Elliott Woods as umpire.

Now, let us look at the situation. Elliott Woods all along has been a member of this commission. He participated in the unauthorized and illegal proceedings.

We find him officially asking for the approval and payment of the excessive awards. Then we find standing out before us the courageous act of Woodrow Wilson refusing to approve what Elliott Woods approved. Notwithstanding these facts, I understand you will be asked to place Elliott Woods again on the commission with power to purchase any of the property, including that of the Baltimore & Ohio Railroad Co., at the figures fixed in the awards, or, in other words, to place him in a position where he may sit in judgment upon the action of the President. The plan is to put him back on this commission that he can override one of the great executive acts of the President of the United States. For myself, I declare that I never will be a willing instrument to any such legislation.

When you consider the enormity of what you may do, are you willing to go on record and say that you will put back on this commission the very man who approved the excessive awards and who made it necessary for the President to take the action he did?

Mr. Chairman, I feel that I have already taken too much of the time of the House, and with just a very few more remarks I shall conclude. I do not feel, however, that I should conclude without again inviting the attention of the membership of this House to the declaration made upon this floor when this bill was passed, a declaration which influenced its passage, a declaration made by a man who from his entire course in Congress stood unimpeached, even by innuendo, that there was an agreement with the railroad company that it would accept for its holdings original cost and 6 per cent interest.

Then we have the letter from Mr. George E. Hamilton, addressed to the Engineer Commissioner of the District of Columbia, between all the lines of which you can easily read, that they were willing to accept original cost and 6 per cent interest. And do not forget that when this commission could have bought a part of this Baltimore & Ohio Railroad land at a figure lower than it was finally appraised at they refused to do so. Then the members of the commission, who refused to buy it at the lesser figure, gave their support to the effort to collect the larger amount.

Then we have the fact that the President of the United States, after months and months of investigation and careful study, at last said to the individual owners of this land: "Regretting that my action will cause disappointment, I find your awards coupled with others that I can not approve."

Mr. Chairman, I ask unanimous consent to revise and extend my remarks in the RECORD.

The CHAIRMAN. Is there objection?

There was no objection.

Mr. LOGUE. Mr. Chairman, acting for and on behalf of the Committee on Public Buildings and Grounds, to whom was referred the resolution introduced by the gentleman from Ohio [Mr. POST], I could say at the outset that there are many things upon which we can agree with the gentleman from Kentucky [Mr. JOHNSON]. The conditions as stated by him very fully cover the circumstances. We are confronted, however, with some peculiar situations which no legislation of this House can change or alter, if certain contentions are true. I want to refer for a moment to the proceedings had in the District of Columbia for the condemnation of the land. Proceedings were dismissed by order of the Attorney General, and from that dismissal the Baltimore & Ohio has, while not appealing, made a motion to strike off the entry of dismissal. If the Baltimore & Ohio Railroad Co. is correct, as a legal proposition, and the proceedings are held to have been dismissed improperly, it means that the proceedings are reinstated, but in this condition: The act of Congress which provided for the acquisition of this land gave to the President of the United States after the report of the jury of condemnation was confirmed practically what might be still a veto power. Whether such power is exercisable or not, or whether the President of the United States could be attached to any judicial proceedings and made a part thereof, is a question, I presume, which will be argued in some other forum; but, however, I contend that the proceeding for the taking of the land being of a statutory character, that one whose land is taken is bound by all the terms and conditions of the statute under which the land is taken, and, therefore, the attaching as a condition precedent to the acquisition of the land the approval of the President of the United States means this: That unless such approval is given the proceedings are a nullity and no title whatever passes. I believe that in any proceedings for the acquisition of land by statute, as well as any right that we may seek to enforce, which is conferred by statute, we are bound to conform strictly to all of the requirements of the statute. So, should the Baltimore & Ohio Railroad Co. be successful, or its holding company be successful, in having stricken from the record the entry of dismissal of the proceedings before the jury of view, we would then have those proceedings reinstated, but reinstated with the disapproval of the President of the United States a matter of record. The statute authorizing

the proceedings required his approval before any payment could be made and any title pass, and the failure of his approval to appear affirmatively is the end of the proceedings in regard to the acquirement of the land of the Baltimore & Ohio.

Mr. STAFFORD. Mr. Chairman, will the gentleman yield?

The CHAIRMAN (Mr. Cox). Does the gentleman from Pennsylvania yield to the gentleman from Wisconsin?

Mr. LOGUE. Yes.

Mr. STAFFORD. Will the gentleman specify where the authority is which gives the President the power to negative these condemnation awards?

Mr. LOGUE. I can not offhand refer to the statute, but I will in a few moments.

Mr. POST. Mr. Chairman, if the gentleman from Pennsylvania will permit, I presume the authority is contained in the act of Congress which authorized the extension of the grounds for the Government Printing Office, although I would not agree that the President had any authority. That was authorized in 1890.

Mr. STAFFORD. Then I presume it is under this clause contained in the original sundry civil act:

> If such condemnation proceedings are deemed necessary, they shall be in accordance with the provisions of act of Congress approved August 30, 1890, providing a site for the enlargement of the Governmnt Printing Office. (Stat. L., vol. 36, chap. 837.)

Mr. LOGUE. That is correct, and the statute referred to provided that after the jury had filed its report, and after the same had been confirmed, and after it was approved by the President of the United States, and after the payment of the amount of the award, then the title would pass to the United States. It did not provide for the taking of title by virtue of that statute, but it provided for the compliance with all these requirements first, and then after the payment of the money would the title pass. Therefore just stating that which to my mind is a collateral proposition and which will solve itself in the court proceedings I am going to treat this as if we had no such condition, because if it is to be argued out in the future as a legal proposition and successfully maintained that the entry of dismissal was a nullity, and that the act of Congress in adding the approval or disapproval of the President was ultra vires and of no effect or consequence then we are unfortunately caught by the award of that jury and bound thereby. However, the condition that confronted the Committee on Public Buildings and Grounds in the reference to it of what is known as the Post resolution was this: Many individual property owners find themselves handicapped. Notice has been given of the acquisition of their land, loans secured upon the real estate have become due and are becoming due, and will not be renewed by any of the people who in the past have advanced the money.

We find that their properties can not be rented by reason of the uncertain tenure incident to a condition like this. We find that almost all are ready to accept the amount of the award made by the jury of view; and I am now speaking solely of the individuals, and leaving the Baltimore & Ohio Corporation out of it. The Committee on Public Buildings and Grounds, after several meetings, referred this matter to a subcommittee, that has recommended to the House a substitute for the Post resolution, which provides for a commission to be appointed or a commission, rather, to be created, consisting of the chairman of the Senate Committee on Public Buildings and Grounds, the chairman of the House Committee on Public Buildings and Grounds, and Mr. Elliott Woods, Superintendent of Capitol Building and Grounds. They would have authority to do what? To immediately settle with every person embraced in the condemnation proceedings at figures not exceeding the amount of the award made by the jury of view. So that the individual property owner, harassed, damaged, annoyed, and fearing future injury by delay, could, the day after the passage of this resolution, tender a deed to the United States Government, receive his money, and be at an end of his trouble and the Government in full possession of the title. That, of course, embraces the right and power of that commission, if it desired, to go to the Baltimore & Ohio or its holding company and offer the amount of money specified in the award, and purchase from them at the figures that the jury awarded. But I am firmly of the opinion that no commission constituted as this is, composed of the chairman of a great committee of this House and the chairman of a great committee of the Senate, would for one moment fly in the face of the disapproval of the President of the United States, who specifically found these awards to be in excess of the real value of the property. I am equally well satisfied that no commission constituted as this is will, in the face of the statements that have been read by the gentleman from Kentucky [Mr. JOHNSON] as to the price that has been fixed on this property by the Baltimore & Ohio Railroad Co., or its holding company, offer a penny in excess of such figures as are manifested by the letter of counsel.

I would accept the letter of Mr. Hamilton as being conclusive and binding upon me were I a member of this commission as being the statement of the owner himself, because I believe where counsel engaged in matters of this sort state values they do not do it without the necessary authority.

Mr. MADDEN. Will the gentleman yield for a question?

Mr. LOGUE. Certainly.

Mr. MADDEN. Does the gentleman know what the letter contained on the proposition?

Mr. LOGUE. The one just read by the gentleman from Kentucky [Mr. JOHNSON]?

Mr. MADDEN. I do not know anything about that; but I am talking about the letter Mr. Hamilton wrote stating in effect that they would be willing to sell the property for the original cost, the cost of filling in the ground, the amount of taxes that have been paid from the time the land was acquired, and 6 per cent interest on the original cost, and I have understood, though I do not know, that this letter was in the possession of the commission for quite a while, and while it was in their possession they endeavored to ascertain——

Mr. JOHNSON of Kentucky. Will the gentleman yield for an interruption?

Mr. MADDEN. After I have completed the sentence——

Mr. JOHNSON of Kentucky. I take it for granted the gentleman from Illinois [Mr. MADDEN] was not in the House when I read the letter of Mr. Hamilton.

Mr. MADDEN. No; I was not.

Mr. JOHNSON of Kentucky. The reporter now has it for the purpose of copying it, and I think the gentleman was not here.

Mr. MANN. The gentlemen are referring to two different letters.

Mr. LOGUE. There were two different letters, I believe.

Mr. MADDEN. The letter I have reference to, although I have never seen it, and I do not know anything about its contents except what I have heard, I believe was in the possession of the commission for some time; and perhaps while in possession of the commission during the period of nearly two years the commission endeavored to ascertain from Mr. Hamilton, on behalf of the Baltimore & Ohio Railroad, what the cost of filling in this ground was, what the amount of taxes would be on it for that period of their ownership; and I think they were unable to ascertain that, but I was rather of the opinion we might be getting a wrong impression if it was thought that the statement of the Baltimore & Ohio Railroad attorney was to the effect that they would take the original purchase price and 6 per cent interest, and I wanted to know whether the gentleman understood that, and whether he could enlighten the House in reference to it.

Mr. LOGUE. I can not enlighten the House; but I understood by the effect of the question put by the gentleman from Illinois [Mr. MANN] that, in addition to merely receiving the value of the land plus 6 per cent, there are other conditions to be performed by the Government, to wit, cost and expense of the Baltimore & Ohio filling in the ground, taxes to be paid, so that it was not merely a matter of computation of a sum with interest for a specific period, but it was an ascertainment of other outlays that had been made. But what I wanted to convey was the thought that that commission—and I care not in what manner it is or how composed—would not jump over the award of any jury, in view of the statements made here to-day, of hundreds of thousands of dollars in excess of the actual value of the land having been fixed by the award; that they would not jump over and accept that award in view of the information given here to-day as to what was the real value of the property, as to the basis upon which they could figure out what the Baltimore & Ohio was willing to take. But the main point, to my mind, is this: Suppose that a commission was constituted well safeguarding the interests of the Government, I do not believe that that commission, constituted as it has been by the Committee on Public Buildings and Grounds in the substitute it offered, will fly in the face of a public disapproval of the figures of a jury——

Mr. STAFFORD. Will the gentleman yield?

Mr. LOGUE. Certainly.

Mr. STAFFORD. As I understand this proposition, the appraisement has been gone over by the Attorney General?

Mr. LOGUE. Yes, sir.

Mr. STAFFORD. What objection could there be for substituting the Attorney General and some Cabinet officer, such as the Secretary of Commerce, in place of the chairmen of the respective Committees on Public Buildings and Grounds

to act in conjunction with the Superintendent of the Capitol Building and Grounds and pass on this question? They have gone over it. The distinguished chairmen of the House committee and the Senate committee have had no knowledge whatsoever of the appraisal or the facts connected with it.

Mr. LOGUE. Personally, as regards that, of course—and when I say personally I mean simply as an individual member of that committee—I would have no objection; but we have carefully considered in committee various public officials, heads of departments, the Executive of the United States, acting in conjunction with these and thoroughly conversant with the reports which they had received, without undertaking to disapprove of any of the officials of whom the gentleman has spoken; but in taking the chairman of the Senate committee and the House committee, we would take two gentlemen who had become conversant by reason of this very matter, having had it before their respective committees, and inasmuch as the disapproval of the President of the United States gives specific information as to what awards were thought excessive and the fact that individual owners be willing to accept their figures and the figures of the jury, we felt satisfied that that would be a proper make-up of the commission.

Mr. STAFFORD. Does the gentleman maintain that the distinguished chairmen of the Committees on Public Buildings and Grounds are conversant with the value of that property which has been condemned?

Mr. LOGUE. The wording of all the resolutions undertakes to recognize that the awards made by the jury were reasonable and just awards, except the award made to the Baltimore & Ohio Railway.

Mr. STAFFORD. The Johnson resolution does not except that at all; it is founded upon an entirely different predication.

Mr. LOGUE. It excepts that; I do not think we differ on that.

Mr. STAFFORD. The Johnson resolution provides for an investigation de novo upon the valuation of these tracts.

Mr. LOGUE. While it may so state, I recall that the gentleman from Kentucky [Mr. JOHNSON], in presenting the proposition on the floor, said that his commission would give immediate opportunity for prompt payment to the several people who are willing to accept the amount of the previous award.

Mr. JOHNSON of Kentucky. If the gentleman will pardon an interruption just there, the resolution reported out of the committee of which I have the honor to be chairman provides that when the owners of the property have agreed with the commission upon a sale price and presented deeds which the Attorney General says conveys the unencumbered fee simple title, then the President shall pay. The proposition which comes from the committee of which the gentleman from Pennsylvania [Mr. LOGUE] is a member provides for the purchase of merely a commercial title.

Mr. LOGUE. Oh, no.

Mr. JOHNSON of Kentucky. A marketable title.

Mr. POST. Will the gentleman yield?

Mr. LOGUE. I will.

Mr. POST. I want to answer for the gentleman from Pennsylvania [Mr. LOGUE]. The United States district attorney for the District here had this matter under consideration; and if the resolution is passed, either the one which is proposed by the gentleman from Kentucky or the one proposed by the gentleman from Pennsylvania, they could resort to the same source. The Attorney General himself would have no knowledge of this. It would be the district attorney, and the committee could apply to him for any information.

Mr. STAFFORD. As I understand it, the attorney who was appointed by the Government was the attorney connected with the Department of Justice who has jurisdiction in condemnation proceedings here in the District?

Mr. POST. Yes, sir.

Mr. STAFFORD. Now, the Attorney General has passed upon this matter at the request of the President of the United States, and why not allow him and another member of the Cabinet to act as advisers, in conjunction with the Superintendent of the Capitol, in passing upon whether these awards are right or proper or exorbitant or not?

Mr. POST. The answer to that is that any committee that Congress could appoint for that purpose might have that same information.

Mr. BURNETT. May I answer the gentleman's question? Did the gentleman ask in regard to a suggestion that the Attorney General and some other member of the Cabinet should be a member of the commission?

Mr STAFFORD. My idea was to substitute, in place of the chairmen of the respective committees, a Cabinet officer. One of the Cabinet officers is already acquainted with this question. The respective chairmen have no knowledge of the valuation of that property, but we have the Attorney General, who has passed upon it, at the suggestion of the President, and the Secretary of Commerce is a good business man.

Mr. MANN. May I ask my friend why a former Member of the House would know more about the extension of the Capitol buildings and grounds than a present Member of the House? I am sure he has not had time since he has filled the position of Secretary of Commerce to get acquainted with the subject.

Mr. STAFFORD. He is reputed as a good business man.

Mr. MANN. We are all business men.

Mr. STAFFORD. We know that 90 per cent of the Members of this House are not business men.

Mr. BURNETT. I had a talk with the Attorney General about this. I was chairman of the subcommittee that looked into this, and the Attorney General said, "Do not have any member of the Cabinet. Cabinet officers have too much to do and too many other responsibilities; and whatever else you do, do not name a member of the Cabinet."

Mr. STAFFORD. Does not the gentleman recognize also that Members of Congress have more than they can generally attend to without taking upon themselves extra outside work?

Mr. BURNETT. I want to say that I was a member of the Public Buildings Committee, and in the absence of the chairman of the committee I acted as chairman when this commission was suggested, and the idea of the committee, of these gentlemen who are having to do every day with appropriations for public buildings, was that this very matter itself, having been referred to the Public Buildings Commission, they would probably be more capable of doing that very thing, and feel more pride in looking after it, than any other Member of Congress or any Cabinet officer would have. And that is a practical proposition.

Mr. STAFFORD. While we all agree that members of the Cabinet have as much as they possibly can attend to and have very large additional burdens put upon them, we know that if we would impose upon them this additional duty they would attend to it promptly and efficiently.

Mr. BURNETT. I want to say further to the gentleman that there is a commission provided for by the Congress, and that commission is composed in part of the chairmen of the Public Buildings Committees of the House and Senate. They have no doubt done more work than anyone else on the commission, and I say this without reflection on any other member of the commission. They have had a great deal of detail work. If the gentleman will read the report, he will see that somebody has been giving it careful, conscientious, and earnest attention.

Mr. LOGUE. Mr. Chairman, inasmuch as these proceedings are not new, inasmuch as the commission appointed is not asked to go out and acquire a tract that has not been considered, inasmuch as this commission will have testimony which has been taken under oath, and will have the report of the jury of view and the opinion of the Attorney General, it will not be much more than a culling committee of three, to quickly pick out those pieces of land where the price is looked upon as reasonable by both the Government in the past and the property owners who did not appeal, and report a quick settlement to relieve the distress that is incident to the matter being tied up.

Mr. TALCOTT of New York. Will the gentleman yield?

Mr. LOGUE. I will.

Mr. TALCOTT of New York. Is it generally taken for granted that the principle on which the valuation of the individual property owner's property is based is different from that on which the valuation of the property of the railroad is based?

Mr. LOGUE. Inasmuch as we are met by practically an approval of the awards made to the individuals and disapproval of the awards made to the corporation, that condition must necessarily exist.

Mr. BARTON. Are you quite sure that the President approved of all the local or small holdings?

Mr. LOGUE. That I would not undertake to say, but the principal complaint is directed toward the awards made to the Baltimore & Ohio and its holding company.

Now, then, with the commission in possession of these facts, the power conferred under the substitute resolution reported by the Committee on Public Buildings and Grounds is as follows, namely, to make immediate settlement with the owners at prices not exceeding the amount of the award of the jury of view, and payment thereof to be made upon their conveying to the United States Government a good and marketable title, clear of all encumbrances.

It was stated a few moments ago—and questioned—whether that was not merely a commercial title. But I think it is uni-

versally accepted that the words "good and marketable, and clear of all incumberance" pass practically the best and the highest title that can be conveyed to land. The phrase is looked upon in the State that I in part represent as being the words which, when embodied in an agreement of sale, put the vendor to a strict compliance to relieve the title of any possible flaw, easement, charge, or lien and convey a title that would be indefeasible.

We therefore say the settlement is to be made at once with those you can settle with, where the prices are fair and equitable, but for those which are not, and in cases where you can not agree—where the Baltimore & Ohio Railroad Co. will not concede, or any other holding company refuses to come down to statements that practically in the past have been used by them to fix the value, and which therefore should estop them from the assertion of any higher claim—to do what? To apply for the appointment of a jury of view, to whom will be referred the disputed claims and who shall make an award, which award, after being confirmed by the court as to regularity and the correctness of the proceedings, shall be valid and binding unless disapproved of by the President of the United States within 60 days of the date of the filing of that report, which disapproval must be evidenced in writing, filed in the proceedings.

We have so worded that as to provide that the disapproval of the President shall not affect the entire report, and that we shall not again be confronted with the condition of its being held by the opinion of the Attorney General that the report was an entirety, and that the disapproval of a single item of the award in that report carried the disapproval of the entire report. We have set forth in our resolution the statement that the disapproval of the President of the United States shall affect only the particular item or items to which he asserts his disapproval, but that the report in all other particulars shall be binding and conclusive.

We have not therefore left this open for it to be haphazardly considered by any commission. We have not left it open that an award of a jury in the future may be conclusive and binding, even if you do suffer in the District of Columbia as we suffer in other portions of the United States by gentlemen ready to volunteer their services at all times for juries of view or juries in condemnation proceedings, and where we find that the selection very seldom goes out of a decidedly limited circle. We have guarded that, because we have added to it the further condition that the President of the United States has the right to disapprove.

The resolution as reported from the Committee on the District of Columbia does what? It simply provides for the employment of three commissioners by the President of the United States to purchase such property as can be purchased at this time at figures not exceeding those set forth in the report of the jury of view.

I am taking this as a broad proposition, and I do not purpose to answer or attempt to answer statements made as to the quantum of land held by the Baltimore & Ohio Railroad Co. or its holding company. I consider that immaterial, because I consider that the proper commission will handle the question without regard as to who are the owners. But we are confronted with the fact that Congress in the past has made an appropriation for a great enterprise. True, it may be criticized at this time. True, if put over to gentlemen who now compose the House, it might not be decided upon at present as it was decided upon in the past. But it is an undertaking that means a great development for the city of Washington, and an undertaking that is safeguarded so that the Government will not pay a penny more than it should pay, and an undertaking that should be carried on to its completion and to its end.

I do not believe it is to the best interests of the District of Columbia, nor to the best interests of the great development plans that are under way in the District of Columbia, nor to the best interests of the United States, that the authority to take land here should be an authority limited to particular spots, and that we would find that the Government is not and could not become the owner of all the land embraced within the present plan of development.

If we pass the resolution as it comes from the Committee on the District of Columbia we merely provide for the purchase of some of the land and leave the rest of the land to be disposed of in the future. The resolution as coming from the Committee on Public Buildings and Grounds provides for both. It provides for the relief of the individual property owner who may be to-day suffering. It provides as well for the acquisition on the part of the Government of all the land embraced in the scheme known as the Plaza development.

So I contend that the committee's report, or the committee's substitute as reported to the House, takes up the matter in its entirety, and at the proper time I shall offer it as an amendment to the resolution which has been offered by the gentleman from Kentucky [Mr. JOHNSON].

I am advised that the record of past proceedings shows that Members of Congress and public officials are competent to deal with great undertakings. I find upon a brief examination that the condemnation of land for the site of the Government Printing Office was intrusted to a commission composed of the Secretary of the Treasury, the Public Printer, and the Architect of the Capitol, who were directed to acquire the land.

The act of 1904, providing for a site for the Senate Office Building, created a commission to acquire the ground composed of Senators CULLOM, GALLINGER, and COCKRELL.

The act passed in 1908, providing for the acquisition of five squares of ground south of Pennsylvania Avenue, for offices for the State Department and Departments of Justice, Commerce, and Labor, authorized the Secretary of the Treasury to acquire the ground.

The original act to authorize the enlargement of the Capitol Grounds created a commission to acquire the land required composed of the Speaker of the House, the Vice President, and the Superintendent of the Capitol Building and Grounds.

I am not willing to consider that there is any impediment incident to a membership in the House. I am free to state that I believe that a Member of the House, placed in a position of responsibility, being called upon to exercise his judgment in the acquisition and purchase of land and the determination of the price he will pay therefor, stands as a public character who will perform that duty equally as well, if not better, than the private commissioner, taken from private life, who is in no way hereafter answerable to the public. I view it that a Member of the House will be equally careful, if not more careful, in the exercise of an extra duty thrown upon him than will the individual brought from private life and just commissioned for that particular act. And the same applies to the Member of the Senate. I believe that the commissioners, as designated in the resolution coming from the committee on Public Buildings and Grounds, occupy a position that assures us of the most careful thought and consideration of this entire proposition.

The words of the gentleman from Kentucky have been well chosen. The attention of the membership of this House has been called to the fact that an apparent injustice was being done to the Government in a report heretofore made, and that the heroism and devotion to public duty on the part of the President of the United States in his disapproval prevented that injustice from being carried into effect. I firmly believe that the same spirit will pervade the gentlemen who are designated under the House resolution. I am satisfied that careful thought and consideration will be given by them, and that in the adoption of the resolution that I shall offer subsequently as an amendment we will close up the matter in its entirety.

No one holds a brief here for any corporate interest or any interest counter to the welfare of our Government. We are moved in the thought that our plan is expeditious, that it is simple, that it means relief to the individuals who are suffering, that it means the Government can acquire a part of this land at once at an equitable and proper price that has been approved by the President of the United States, ratified by the Congress, and is the work of a jury, before whom evidence was adduced as to value. We believe that as to the remaining part we safeguard against the attempt at a grab by limiting the power of the commission to acquisition within particular figures, those figures being the reports heretofore made; and with the notice served to-day, I am satisfied that no member of that commission will have the hardihood to approach the figures of the report made in the cases that were the subject of criticism.

Then we provide for the completion of the plan, the ending of the undertaking, by making it possible for this Congress to provide, after settlement with the individuals, for condemnation proceedings to acquire the rest of the land, and then we further safeguard it by attaching to those condemnation proceedings the necessity for the approval of the President of the United States, and his disapproval ending it.

I think by this means we have surrounded it with all the terms and conditions that will make it an expeditious and at the same time a cautious plan, and we have placed it where it will be safeguarded by the honorable gentlemen to whom it will be intrusted. And even should they be forgetful or should they be careless or should they be negligent, we will have that same heroic devotion to public duty on the part of the President that the gentleman from Kentucky [Mr. JOHNSON] called attention to, and it will be exercised again; that is, his veto to nullify an excessive award and thereby prevent the United States Government paying a cent more than it should. [Applause.]

MESSAGE FROM THE SENATE.

The committee informally rose; and Mr. COLLIER having taken the chair as Speaker pro tempore, a message from the Senate, by Mr. Tulley, one of its clerks, announced that the Senate had passed without amendment bill of the following title:

H. R. 16055. An act to amend section 4474 of the Revised Statutes of the United States.

The message also announced that the Senate had passed bill of the following title, in which the concurrence of the House of Representatives was requested:

S. 5293. An act for the promotion and retirement of Col. David L. Brainard, Quartermaster Corps, United States Army.

The message also announced that the Senate had agreed to the amendments of the House of Representatives to joint resolution of the following title:

S. J. Res. 29. Joint resolution authorizing the President to appoint a member of the New Jersey and New York Joint Harbor Line Commission.

The message also announced that the Senate had insisted upon its amendments to the bill (H. R. 12579) making appropriations for the current and contingent expenses of the Bureau of Indian Affairs, for fulfilling treaty stipulations with various Indian tribes, and for other purposes, for the fiscal year ending June 30, 1915, disagreed to by the House of Representatives, had agreed to the conference asked by the House on the disagreeing votes of the two Houses thereon, and had appointed Mr. ASHURST, Mr. LANE, and Mr. CLAPP as the conferees on the part of the Senate.

The message also announced that the Senate had insisted upon its amendments to the bill (H. R. 17041) making appropriations for sundry civil expenses of the Government for the fiscal year ending June 30, 1915, and for other purposes, disagreed to by the House of Representatives, had agreed to the conference asked by the House on the disagreeing votes of the two Houses thereon, and had appointed Mr. MARTIN of Virginia, Mr. OVERMAN, and Mr. WARREN as the conferees on the part of the Senate.

The message also announced that the Senate had agreed to the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 15279) making appropriations for the legislative, executive, and judicial expenses of the Government for the fiscal year ending June 30, 1915, and for other purposes, and had still further insisted upon its amendments Nos. 1 and 30.

The message also announced that the Senate had agreed to the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to bills of the following titles:

H. R. 15692. An act granting pensions and increase of pensions to certain soldiers and sailors of the Civil War and certain widows and dependent children of soldiers and sailors of said war;

H. R. 14738. An act granting pensions and increase of pensions to certain soldiers and sailors of the Civil War and certain widows and dependent children of soldiers and sailors of said war;

H. R. 14234. An act granting pensions and increase of pensions to certain soldiers and sailors of the Civil War and certain widows and dependent children of soldiers and sailors of said war;

H. R. 13920. An act granting pensions and increase of pensions to certain soldiers and sailors of the Regular Army and Navy, and certain soldiers and sailors of wars other than the Civil War, and to widows of such soldiers and sailors;

H. R. 13542. An act granting pensions and increase of pensions to certain soldiers and sailors of the Civil War and certain widows and dependent children of soldiers and sailors of said war;

H. R. 12914. An act granting pensions and increase of pensions to certain soldiers and sailors of the Civil War and certain widows and dependent children of soldiers and sailors of said war;

H. R. 13297. An act granting pensions and increase of pensions to certain soldiers and sailors of the Regular Army and Navy, and certain soldiers and sailors of wars other than the Civil War, and to widows of such soldiers and sailors;

H. R. 15504. An act granting pensions and increase of pensions to certain soldiers and sailors of the Regular Army and Navy, and certain soldiers and sailors of wars other than the Civil War, and to widows of such soldiers and sailors;

H. R. 15071. An act granting pensions and increase of pensions to certain soldiers and sailors of the Regular Army and Navy, and certain soldiers and sailors of wars other than the Civil War, and to widows of such soldiers and sailors; and

H. R. 14546. An act granting pensions and increase of pensions to certain soldiers and sailors of the Regular Army and Navy, and certain soldiers and sailors of wars other than the Civil War, and to widows of such soldiers and sailors.

PLAZA AWARDS.

The committee resumed its session.

Mr. POST. Mr. Chairman, I find myself in an anomalous situation. I am for House joint resolution 129, coming from the District Committee, but I am more for House joint resolution 269, which comes from the Committee on Public Buildings and Grounds.

To my mind House joint resolution 129 is not broad enough. It does not take in the whole situation.

The extension of the Capitol Grounds for the purpose of beautifying them originated in 1910, and the proposed plan contemplated an entire scheme. Under the resolution of the gentleman from Kentucky [Mr. JOHNSON] the commission which it creates would simply be authorized to purchase such property as the property owners might offer for sale and upon which they might agree as to the price. It was never contemplated by Congress, in the original declaration and intention to acquire this property for the purposes stipulated, that isolated pieces of property should be acquired. It was contemplated that all of the nine and one-half squares mentioned in the original law should be bought and each and every parcel in those squares obtained for this purpose. Now, under the resolution of the gentleman from Kentucky [Mr. JOHNSON], as I said a moment ago, you would procure a piece of property here and one over there, and the object sought to be accomplished would not be obtained.

Under resolution 269 a complete plan for the entire acquisition of all the property is proposed.

There is still another objection to the resolution of the gentleman from Kentucky [Mr. JOHNSON]. It vests in the President the right to appoint a commission of three members, and curtails his power in that direction. In that respect it differs from the acquisition of any public ground that I have been able to discover. Whenever Congress has heretofore created a commission and delegated to it the power to acquire property for the Government, it has always intrusted it in the hands of Members of Congress or the heads of departments. In this case I do not see any reason for violating the rule that Congress has always followed in that respect.

There is another serious objection to House joint resolution 129. It vests in the President the veto power. It gives the President the same discretion that he exercised in the former condemnation proceedings. I expect to dwell upon that question. It treats of the legal aspects of the case. I have gone over this carefully, and I want to give some history in relation to it.

First, I want to treat of House joint resolution 269. Mr. Chairman, House joint resolution 269, Union Calendar No. 247, makes provision for a commission to acquire land to extend the Capitol Grounds north to the Union Station Plaza, not heretofore obtained by the Government for that purpose. It creates a commission composed of the Speaker of the House of Representatives, chairman of the Committee on Public Buildings and Grounds of the Senate and chairman of the Committee on Public Buildings and Grounds of the House, and authorized this commission to acquire by purchase, if possible, the land on behalf of the United States for that purpose; if unable to purchase any or all of such lands, then jurisdiction is conferred upon the Supreme Court of the District of Columbia at the instigation of the committee to condemn such lands as the commission may not be able to purchase. All the machinery necessary for the exercise of the right of eminent domain by the Government in this respect is fully provided for in the joint resolution.

May 12, 1909, Senator Wetmore introduced a bill for the enlargement of the Capitol Grounds. This bill, among other things, provided:

That for the enlargement of the Capitol Grounds, to provide a dignified and adequate approach to the Capitol, and to construct a direct avenue of about 150 feet in width from the junction of Pennsylvania Avenue and First Street NW. to the Union Station Plaza, the center line of said avenue to be located on the axis of the Peace Monument and the site of the westerly fountain in said Plaza, the Vice President of the United States, the Speaker of the House of Representatives of the United States, and the Superintendent of the Capitol Building and Grounds be, and they are hereby, authorized and directed to acquire, by purchase, condemnation, or otherwise, all of squares Nos. 632, 633, 634, 680, 681, 684, 685, 721, 722, and 723, in the city of Washington, D. C.

The commission afterwards, acting under authority conferred by another act of Congress—the act really vital—left out that portion of the block in which the Maltby Building is situated. The bill of the gentleman from Kentucky [Mr. JOHNSON] and the resolution 269 also omit that. The resolution of Mr. JOHNSON includes the whole of square 721.

In the meantime, after the enactment of the law authorizing the acquisition of this, California Street was extended afterwards to the Union Station grounds, and all the lots south of that are left out of resolution 269. The Johnson resolution includes the whole of that.

In making the appraisals in condemnation proceedings the commissioners appointed to appraise the property left that out. So that under resolution 269 it is only contemplated taking that portion of square 721 which lies south of California Street.

Mr. BURNETT. Will the gentleman yield?

Mr. POST. Yes.

Mr. BURNETT. Then that which is embraced in the holding of the Baltimore & Ohio Railroad would not be embraced in resolution 269, from the Committee on Public Buildings and Grounds?

Mr. POST. No, sir; it would not.

Now, the sundry civil act of June, 1910, provided—and this is the law under which the commission was created and under which it operated in these awards—it is hereby declared—Thirty-sixth Statutes, page 738—to be the purpose of Congress to ultimately acquire all of square 632; and then it enumerates the squares I have read and included in the original Wetmore bill. I call attention of the committee that the language of the original act was that "it is hereby declared to be the purpose of Congress to ultimately acquire all of these squares." That is important, because in the exercise of the high power of eminent domain it always rests with the sovereign power to declare that intention. It is true in many of the States that power is sometimes delegated—delegated to railroad companies, to municipalities—but in this instance I want to impress on the committee that Congress itself declared the intention to acquire this property. I do that because I take issue with the President and his advisers on that proposition. I maintain that the President had no veto power, because Congress itself had declared its intention to acquire this property; but I will treat of that later on.

The sundry civil appropriation act of June 25, 1910, Thirty-sixth Statutes, page 738, provides:

It is hereby declared to be the purpose of Congress to ultimately acquire all of squares Nos. 632, 633, 634, 680, 682, 683, 684, 385, 721, 722, 723, in the city of Washington, D. C., for the enlargement of the Capitol Grounds and for the construction of a direct avenue of about 150 feet in width from the junction of Pennsylvania Avenue and First Street NW. to the Union Station Plaza, the center line of said avenue to be located on the axis of the Peace Monument and the site of the westerly fountain in said plaza. The Vice President of the United States, the Speaker of the House of Representatives of the United States, and the Superintendent of the Capitol Grounds are hereby authorized and directed to acquire said premises by purchase, condemnation, or otherwise, and to expend for that purpose not more than $500,000 in any one fiscal year, commencing with the year 1911, and the persons authorized to acquire such property shall annually, within said limit, purchase whatever of said property is in their judgment offered at the lowest prices relative to its actual value, provided they shall not purchase any property at above its fair actual value. If in any year there should not be offered property substantially up to said sum of $500,000 at its fair value or less, the Vice President of the United States, the Speaker of the House of Representatives of the United States, and the Superintendent of the Capitol Grounds are authorized to institute condemnation proceedings in order to secure any or all of the land herein authorized to be acquired, but for not to exceed what they estimate to be $500,000 worth in any one fiscal year. If such condemnation proceedings are deemed necessary, they shall be in accordance with the provisions of the act of Congress approved August 30, 1890, providing a site for the enlargement of the Government Printing Office (Stat. L., vol. 26, ch. 837). For the execution of the foregoing, $500,000.

It will be noticed that under this act if the commissioners could not purchase the property they were instructed to acquire, then they were authorized to commence condemnation proceedings, and these proceedings were to be had, and the method was to be the same as that under the act of 1890 for the extension of the ground for the public printing building.

Now, in that act it did provide that after the commission had selected the site, after the commission had appraised that site, then the President of the United States could approve or disapprove of the location and the value placed upon it by the commission.

At the time of the passage of this act Vice President James S. Sherman, Speaker Joseph G. Cannon, and Mr. Elliott Woods constituted the commission for the acquisition of this property.

The sundry civil appropriation act of March 4, 1911 (36 Stats., p. 414), provides:

That the persons designated in said act to acquire the land described therein for the purpose stated shall continue to serve under said law and to exercise all the powers and duties conferred thereby in every particular and as fully, notwithstanding either or any of them may have ceased by operation of law to occupy the office held at the time of the passage of the said sundry civil act, and the said persons acting under said sundry civil act shall constitute and be known as a commission, any two of whom shall constitute a quorum and be competent to transact the duties devolving on them.

It will be seen by this act, notwithstanding the fact that Mr. Cannon may have gone out of Congress and that Vice President Sherman may have died, although he had not at that time, it created the same individuals as this commission and authorized their continuance of this work.

In view of the fact that Vice President Sherman is deceased and ex-Speaker Cannon is absent from the Capital it was thought expedient to create a new commission. A history of the proceedings of the commission created by act of June 25, 1910, is pertinent to a correct understanding of the necessity of the pending resolution. It will be noted that the act authorized the commission to purchase the land for the use of the United States Government. Under this authority the commission on the 8th day of July, 1910, advertised for sealed bids for the sale to the Government of the lands within the area to be acquired. In addition to the advertisement it caused notices to be given to the various property owners or their agents so far as they could be ascertained. On the 10th day of August, 1910, the bids received were publicly opened, there being within the area to be acquired about 462 parcels of land. Of this number the owners only of 272 parcels, or about 59 per cent and representing 71 per cent of the entire area, filed bids with the commission. After a careful consideration of all the bids submitted the commission submitted them to the Attorney General of the United States, and on the 14th day of October, 1910, the Acting Attorney General recommended that they be rejected and that it would be to the interest of the Government to acquire title through condemnation proceedings.

Mr. STAFFORD. Will the gentleman yield?

Mr. POST. Yes.

Mr. STAFFORD. Do I understand that the gentleman from Ohio is going to take up the question of the authority of the President to reject these bids?

Mr. POST. Yes. On May 9, 1911, acting upon the advice of the Attorney General's Office, the commission determined to reject all bids submitted, and requested the Attorney General to institute condemnation proceedings. On August 13, 1911, proceedings were commenced in condemnation to acquire squares numbered 634, and 685, these two squares being situated immediately north of the Capitol Grounds and being two squares where the buildings have recently been demolished and removed. These proceedings were concluded on April 22, 1912. The aggregate amount of the awards granted to the property owners by the court commissioners for the two squares was $1,119,035.50, and were approved by the commission on May 18, 1912, and payment ordered to be made to the various property owners. These two squares contained 99 parcels of land, and were subsequently paid for and possession taken by the Government. At the instigation of the commission condemnation proceedings as to squares 632, 680, 681, 682, 683, and 684, 721, 722, and 723, and that part of square 633 lying east of Arthur Place, were commenced on September 16, 1912, and concluded on January 29, 1913; that part of square 633 lying west of Arthur Place the commission did not deem essentially necessary, and it was not embraced in the condemnation proceedings. The awards included about 359 parcels, the total appraisement aggregating $3,204,434.78. On February 6, 1913, the Attorney General having reported to the commission that he had given careful consideration to the awards made for each parcel of land and that he believed the same to be reasonable, and having advised that the Government accept each and every award, the commission, then consisting of Mr. Cannon and Mr. Wood, instructed the Attorney General to take the necessary steps to secure the confirmation of the various awards by the court. On the 29th day of January, 1913, the court by an entry duly recorded, approved and confirmed the assessments and awards made by condemnation proceedings.

The appropriations made under the provision of the act of June 25, 1910, are:

Sundry civil act of June 25, 1910	$500,000
Sundry civil act of Mar. 4, 1911	500,000
Sundry civil act of Aug. 24, 1912	500,000

Of these three appropriations there has been expended in the condemnation of squares 634 and 685, $1,119,035.50 and in advertising and miscellaneous expenses $502.07, making a total of $1,119,537.57, leaving an unexpended balance of $380,462.43.

Mr. STAFFORD. Will the gentleman yield?

Mr. POST. Certainly.

Mr. STAFFORD. It may be that the gentleman from Ohio can inform the committee as to the amount provided in the Senate amendment to the sundry civil bill before the amendment of the House conferees was adopted. The Senate amendment provided for a direct purchase, I think, in the aggregate amount of three million and a half dollars.

Mr. POST. No; it provided that there should be an appropriation each year of $500,000.

Mr. STAFFORD. That was not the original amendment. When the sundry civil bill passed the House it contained no

provision for the purchase of the Plaza. There was an amendment put in in the Senate authorizing a direct purchase of the property and appropriating three and a half million dollars.

Mr. POST. Two million eight hundred thousand dollars.

Mr. STAFFORD. What was the total amount?

Mr. POST. Three million dollars; but it included an unappropriated balance after paying for these two squares. Upon recommendation of the commission there was included in the sundry civil bill passed by Congress March, 1913, an appropriation of $2,823,972.35 to pay the costs of these condemnation proceedings and the awards made by the court commission, this sum, together with the unexpended balance of $380,462.43, being sufficient for that purpose. This sundry civil bill was vetoed by President Taft, but for reasons entirely separate and distinct from the condemnation proceedings. This appropriation of $2,823,972.35 was carried in the sundry civil bill approved June 23, 1913, as follows:

To complete the acquisition of squares numbered 632, 680, 681, 682, 683, 684, 721, 722, 723, and all that part of square numbered 633 lying east of Arthur Place, provided for by the act entitled "An act making appropriations for sundry civil expenses of the Government for the fiscal year ending June 30, 1911, and for other purposes," the sum necessary, in addition to sums already appropriated, to pay the amounts awarded by court commission under the statute, $2,823,972.35.

The amount of this appropriation was obtained by subtracting from the aggregate appraisement of all the lots sought to be acquired $3,204,434.78, the unexpended balance of the three prior appropriations being $380,462.43. By act of June 25, 1910, should condemnation proceedings become necessary, the commissioners were authorized to proceed under the act of Congress (Stat. L., vol. 26, ch. 837, p. 412) providing a site for the enlargement of the Government Printing Office. This act contains a provision that when such report—report of the commissioners in condemnation—shall have been confirmed by the court, the President of the United States shall, if he thinks the public interest requires it, cause payment to be made to respective persons entitled according to the statement of the court, and so forth.

The proceedings in condemnation remained in this condition until March 18, 1914, when the President assuming to act under the above provision filed in the District Court in said cause the following instrument in writing:

Whereas under an act of Congress approved June 25, 1910, and acts supplementary thereto, proceedings have been instituted on behalf of the United States in the Supreme Court of the District of Columbia, being District court cause No. 1046, to acquire by condemnation in accordance with the provisions of the act of Congress approved August 30, 1890, the title to the real estate in the city of Washington described as squares 632, 680, 681, 682, 683, 684, 721, 723, and all that part of square 633 lying east of Arthur Place, for the enlargement of the Capitol Grounds; and

Whereas the commissioners appointed by the court in said proceedings have appraised the value of the said real estate at the sum of $3,204,434.78, which appraisement was confirmed by said court on the 24th day of February, 1913: Now, therefore,

I, Woodrow Wilson, President of the United States, by virtue of the authority vested in me by law, do hereby declare that the public interest requires that said real estate shall not be acquired by the United States for the sum fixed in said appraisement as confirmed by the court, and I accordingly direct that the said proceedings to condemn said lands to the use of the United States be dismissed.

A copy of this order may, if necessary, be filed in said cause, and spread upon the minutes of said Supreme Court of the District of Columbia.

WOODROW WILSON, *President.*

Signed in duplicate.
Done at the city of Washington on the 18th day of March, 1914.

Mr. JOHNSON of Kentucky. Mr. Chairman, will the gentleman yield for a question?

Mr. POST. Certainly.

Mr. JOHNSON of Kentucky. Did I understand the gentleman correctly to say that the measure which he is advocating does not include the acquirement of the northern portion of square 721?

Mr. POST. It does not.

Mr. JOHNSON of Kentucky. I find on page 7 of the measure which the gentleman is advocating these words:

Whereas proceedings have been had in the Supreme Court of the District of Columbia for the condemnation of certain real estate desired by the Government for the extension of the Capitol Grounds, which said land is fully described in said proceedings.

Mr. POST. That does not cover square 721.

Mr. JOHNSON of Kentucky. And over on page 9 of the same measure, in lines 3, 4, and 5, the following language:

And they are hereby appointed a commission for the purpose of acquiring said tracts or parcels of land.

Mr. POST. Yes.

Mr. JOHNSON of Kentucky. Will the gentleman please tell me where the northern portion of square 721 is left out in the measure that he is advocating?

Mr. POST. It was left out in the proceedings that were held in the District court, and this simply covers the property that was included in those proceedings.

Mr. JOHNSON of Kentucky. Does not the gentleman think he is mistaken?

Mr. POST. Oh, no; I think I am absolutely correct.

Mr. JOHNSON of Kentucky. The gentleman does not, however, set out in the measure that he is advocating any of this property by numbering the squares?

Mr. POST. No.

Mr. JOHNSON of Kentucky. It is just referred to as property described in the original proceedings?

Mr. POST. The property which was included in the condemnation proceedings; and if the gentleman will look at House Document 1392, he will find that I am correct. It does not include the northern half of 721. They were expressly left out by lot numbers.

Mr. JOHNSON of Kentucky. If the gentleman will pardon another interruption, I have before me the report of the commission, and on page 26 thereof, under the subtitle of schedule as to square 721, I would be glad if the gentleman would show, if he can, where the northern portion of that square is not included?

Mr. POST. If the gentleman will turn to page 27 of that report, he will find, in the third paragraph, parcels numbered 18, 19, 20, and on up to 42, inclusive, and it specifically states that these parcels are not to be taken in these proceedings, and are therefore not appraised by the commission. Those lots lie directly east of the station, in the vacant ground there.

Mr. JOHNSON of Kentucky. I think the gentleman will find on investigation that those are the lands taken by the Union Station.

Mr. POST. Oh, no; my information is the other way, and I think the gentleman is absolutely mistaken about that.

Mr. JOHNSON of Kentucky. I think not, and I think the gentleman, on investigation, will find that I am correct about it.

Mr. POST. Mr. Chairman, I wish to call the attention of the committee to the language that was used by the President in the paper which he filed in the Supreme Court of the District of Columbia. He says there:

* * * do hereby declare that the public interest requires that said real estate shall not be acquired by the United States for the sum fixed in said appraisement as confirmed by the court. * * *

He does not undertake to controvert the authority that Congress itself had formally expressed its intention in the original act. In other words, he does not veto the express statement that Congress had theretofore made of its intention to acquire this property. He says that the public interest does not require the acquisition of this property at the price fixed in the appraisement. He further says that a copy of this order may, if necessary, be filed in said case and spread upon the minutes of the Supreme Court of the District of Columbia.

This paper was filed on the 4th day of April, 1914.

Mr. STAFFORD. Mr. Chairman, will the gentleman yield?

Mr. POST. Yes.

Mr. STAFFORD. Then, if I understand the gentleman's contention, it is that the act authorizing the acquisition of this Plaza ground did not vest in the President any authority to negative an award?

Mr. POST. That is correct.

Mr. STAFFORD. And the statement in that act stating that if condemnation proceedings are resorted to they should be in consonance with the act providing for the enlargement of the Government Printing Office was merely directory as to the proceedings, and did not vest any authority in the President to negative the express purpose of Congress as declared in that act for the acquisition of this Plaza ground.

Mr. POST. The gentleman has stated my position exactly.

On the 4th of April, 1914, the United States atttorney for the District of Columbia directed the clerk of the court to discontinue and dismiss the proceedings, and the clerk of the court on the same day made an entry discontinuing and dismissing the proceedings. To this entry of dismissal the Baltimore & Ohio Railroad Co. filed a motion to strike from the files the paper filed by the United States attorney for the District of Columbia on April 4, 1914, and to expunge from the record the entry discontinuing and dismissing the proceeding.

It will be noted that by the original act of June 25, 1910, the commission created by that act is limited to the acquisition of property in value not in excess of $500,000; that, notwithstanding this limitation upon the power of the commission, upon the advice of the Department of Justice, the proceeding to condemn the whole of the property was commenced on September 16, 1912, and concluded on January 29, 1913. The court entered its judgment, approved and ratified and in all things confirmed the assessments and awards made by the condemnation commission. This action on the part of the commission was no doubt premature, but the Congress having, in the sundry civil

bill of March, 1913, and of June 23, 1913, appropriated funds sufficient to pay these awards, any irregularity in this record was certainly cured, so far as any objections might be made on the part of the United States Government. The judgment is certainly binding upon the property owners, because there can be no doubt but that the court had jurisdiction of the subject matter, and the property owners should have taken advantage of any irregularity in the proceeding.

Mr. JOHNSON of Kentucky. Mr. Chairman, if the gentleman will pardon me an interruption, I will say that under the leave granted me to extend my remarks in the RECORD, I will insert in the RECORD an argument controverting the position which the gentleman has taken, and I think successfully controverting it.

Mr. POST. Mr Chairman, I am very glad that the gentleman has that opinion of what he may accomplish. Conceding that under the act of 1890 the President was vested with the power to approve or disapprove, I desire to call the attention of the committee to this fact, that after the court had reviewed and confirmed the awards, Congress itself by the sundry civil act which President Taft disapproved in March, 1913, recognized the awards, and the sundry civil bill of June, 1913, contained an appropriation to pay the exact amount of these awards, and President Wilson signed that bill and approved of the act of Congress making payment for those awards; and if he had any authority under the act of 1890 to veto or disapprove or disaffirm these awards, by his approving the appropriation that was made by Congress he thereby exercised his right, if he had one, although I do not concede that he had any.

Mr. MADDEN. Will the gentleman yield?

Mr. POST. Yes, sir.

Mr. MADDEN. The gentleman's contention then is that after having approved the bill making the appropriation for the payment of this money it was beyond the power of the President to direct that no payment be made?

Mr. POST. Yes; because he had approved what Congress had done, and the act expressly stipulated that it was to pay the awards of this court commission, and he approved that act.

Mr. MADDEN. And the gentleman's contention is that he has no further right?

Mr. POST. None, whatever.

Mr. PLATT. That is right.

Mr. BURNETT. Will the gentleman yield?

Mr. POST. Yes.

Mr. BURNETT. In regard to the $500,000 appropriation per annum, does not the gentleman think that this subsequent appropriation of $2,800,000 was a legislative ratification or approval of the previous act?

Mr. POST. Yes, sir.

Mr. JOHNSON of Kentucky. I think the gentleman will entertain a different opinion——

Mr. POST. Here is my friend from Kentucky——

Mr. JOHNSON of Kentucky (continuing). When he sees the argument I shall insert in the RECORD as a part of the speech I made to-day.

Mr. POST. Well, I have given this pretty close study, and it will take considerable argument to convince me I am wrong. Mr. JOHNSON objects to the proceeding in this case because, he says, the court confirmed these awards four days before the expiration of the 30 days. Now, a long time elapsed, from March 13 until June 13, when Congress itself approved and confirmed these awards by making an appropriation to pay them and directing this commission to pay them.

Some other interesting legal questions are involved in a consideration of the question:

First. Did the President of the United States have any authority to intervene?

Second. Is the judgment in the condemnation proceedings final as between the property holders and the Government?

Third. Can a second condemnation by the Government be maintained?

Mr. STAFFORD. Will the gentleman yield there to enable me to make this statement?

Mr. POST. Certainly.

Mr. STAFFORD. A few moments ago I asked whether the gentleman had information as to the original Senate amendment providing for the purchase of this ground——

Mr. POST. I have not.

Mr. STAFFORD. I have just gotten that amendment in the RECORD, here, on page 8438, if the gentleman will permit me, of the Sixty-first Congress, second session, which shows the total appropriation was $3,600,000.

Mr. POST. Well, after that they appropriated annually.

Mr. STAFFORD. After that went to conference, the conferees agreed to what the gentleman has stated is the law.

Mr. POST. The act of August 30, 1890, is materially different from the act of June 25, 1910. In the former act authority was given simply to purchase or condemn lands necessary for the extension of the Government Printing Office, the appropriation therefor was made prior to the condemnation proceedings, and the President of the United States was given authority, if he thought the public interest required it, to cause payment to be made to the respective persons entitled, according to the judgment of the court.

Now, there is a wide difference in the act of 1890. Congress did not say what property was to be acquired; Congress simply provided a commission to select a site and authorized the condemnation, but left it to the discretion of the President of the United States to say whether that site was a suitable site and to say whether the price fixed in the discretion of the President was suitable; but here in the act of June 23, 1910, Congress itself says that we declare that we intend to acquire this property. Congress selected the property, and did not leave or delegate the power to anybody to make that selection, and that is the difference between the two cases.

In the latter act Congress itself selected the exact area to be acquired, stating each tract by its square number, and declared in unequivocal terms its intention to acquire such property. It seems clear that under act of June 25, 1910, the act of August 30, 1890, became applicable, but the inquiry readily suggests itself, to what extent? In my opinion that act controls only so far as the application to the Supreme Court of the District of Columbia becomes necessary in the proceedings to condemn the property sought to be acquired; that far and no further. In the latter case Congress determined in advance the identical property to be acquired and declared the public use to which it was to be put. There was nothing left for the determination by the President. The Congress had already determined that the public interest required the acquisition of this specific property. In the Government Printing Office act a discretion was clearly vested in the President, first, as to the specific property to be taken; second, whether or not the public interest required the taking of the exact property that had been condemned.

In these respects the two acts are essentially different. These essential differences clearly limit the Government Printing Office act to the proceeding to be had in the event it became necessary to exercise the right of eminent domain in the acquisition of any of this property under the act of June 25, 1910. The Congress having solemnly declared its purpose to acquire these grounds for public uses, naming them specifically, did not delegate to any other department of the Government the power and authority which it had properly exercised. In the one case the Congress delegated to the Executive the right to determine whether or not the public interest required the taking of certain property for the use of the Government Printing Office, and whether the exact property selected for that purpose was suitable to the Government needs. In the other case the Congress itself exercised these functions. The Congress having declared its intention to acquire this property, and having stipulated the purpose of its acquisition, such declaration became the law and there is no authority for any other department of the Government to annul the fixed purpose of the Congress. The right to withdraw from the declared purpose to acquire this property is necessarily vested with that department of the Government clothed with the power to acquire and to declare the public uses for which the acquisition is to be made. The determination of the Congress as to the propriety of the acquisition is paramount. A simple illustration will clearly demonstrate this. If the commission composed of the Vice President, the Speaker of the House of Representatives, and the Superintendent of the Capitol Grounds had acquired the whole or a part of this property by purchase from the owner as they were authorized to do by act of June 25, 1910, and the owners had voluntarily deeded their property to the Government, the President would have been absolutely removed from the domain of its acquisition. If the commission had purchased a part of the squares sought to be acquired and the owners had voluntarily deeded the same to the Government, as to such part the title to the property purchased would have been good, and the President as to such part would have been absolutely removed from any discretion whatever in its acquisition. To me, then, it is perfectly clear that the Congress did not intend to delegate to the President any discretion in the premises.

The act of August 30, 1890, confers upon the President of the United States but a single power, and that is, if he thinks the public interest requires the acquisition of the property sought he can so designate. It does not specifically confer upon him the right to determine as to the amount fixed by the condemnation proceedings as being a proper value of the lands to be

acquired. In the order filed by the President in the proceedings of the Supreme Court of the District of Columbia it is declared that the public interest requires that the real estate should not be acquired by the United States for the sum fixed in the appraisement as confirmed by the court. The basis upon which the order is predicated is the appraisement fixed by the condemnation commission. It is apparent, then, that the President did not base his objection upon the grounds that the public interest did not require the acquisition of this property for the purpose declared by the Congress. It was based solely upon the price fixed by the commission. The courts have universally held that this can not be done unless accompanied by an absolute abandonment of the purpose to acquire. (Union Railway Co. *v.* Standard Wheel Co., 149 Fed. Rep., 701; C., R. I. & P. Railway Co. *v.* City of Chicago, 143 Ill., 641; Rogers *v.* The State of St. Charles, 3 Mo. Appls., 43.)

The very language used by the President indicates that if the sum fixed in the appraisement had been less, then it would have been in the public interest to acquire and take over the property. There is nowhere in the proceedings any declaration of a final and ultimate purpose to abandon. The property affected, in this case amounting to upward of $3,000,000 in value, is still clouded with the declaration of Congress of its intention to ultimately acquire it for the purpose expressed. This cloud is hanging over this property like Banquo's ghost since June 25, 1910, and has resulted in direful distress to the unfortunate holders of titles within its area. During this period no one would buy within that area after the declaration to acquire, unless for purely speculative purposes. No one of the owners of the 462 parcels of land affected could afford to erect buildings upon their property and make it productive; no one would take long leases upon buildings already erected within that area. By the filling in of the streets and avenues by the erection of the Union Station prior to this, many of the properties were destroyed, some without any compensation, others with only partial compensation for damages inflicted, and a great many of the properties left wholly without any use or rendered practically valueless for leasing purposes. Notwithstanding this long period, now more than five years in duration, taxes have become imposed and become a charge upon the landowner, street assessments charged against the abutting properties, and if mortgaged interest dates came with fixed regularity, and in some instances the proceedings have amounted practically to confiscation. The moment the declaration was made all power and privilege in the owner to sell, build upon, to execute long leases upon his property was brought practically to an absolute end.

To leave the title to this vast property clouded in this uncertainty and abandon these property owners to further distress and sacrifices, after Congress has solemnly declared its intention to acquire the property for the extension of the Capitol Grounds, would be to shock the conscience.

As heretofore pointed out, the judgment confirming the awards of the court commissioners was approved and confirmed by the court on February 24, 1913, and the President's objections were filed in that court on March 18, 1914, more than a year after the awards were confirmed. In the meantime Congress had spoken upon this subject in no unrestricted terms. In March, 1913, then within about a month after the time the judgment of the court was confirmed approving the appraisements by the court commissioners, Congress appropriated the exact amount necessary to pay the aggregate of the awards, and, in the language of the act, it was to complete the acquisition of the squares; and again in the act of June 25, 1913, Congress made the same appropriation for the exact purpose. In both cases Congress spoke upon the subject before the President intervened. It was not until the lapse of about eight months after Congress had appropriated the money to complete the acquisition of this property that the President filed in the court his disapproval. Even if it be conceded that by the act of August 30, 1890, the President did have a discretion in the premises, is it not fair to presume that by the act of June 30, 1913, appropriating the exact sum necessary to complete the acquisition of the squares, that this discretion was removed, and is it not reasonable to conclude, even granting that he had a discretion under the Government Printing Office act, that in approving this appropriation he exercised the discretion so conferred upon him; and if once exercised, can he again do so? The answer is certainly negative.

There is another consideration to which I desire to call attention. Squares 634 and 685 were condemned, paid for, and possession taken by the Government. This acquisition was concluded as early as May 18, 1912, and before proceedings were instituted to condemn the remaining squares. In this connection it was the declared purpose of Congress to acquire the whole of nine and one-half squares named in the act of 1910. It was not the purpose of Congress to acquire a part only of the property. The scheme for enlarging and extending the Capitol Grounds was a definite, distinct project, embodying the whole of the property. I do not believe it can be successfully contended that Congress in declaring its purpose to acquire the specific squares named in the act of 1910 intended to acquire a part only of the property. An isolated square or piece of property located at various points within the area defined would be of no benefit to the Government for the purpose declared. It required the acquisition of each and every parcel included within the limits defined in order to accomplish the declared purpose of the Congress. The acquisition of this property was to be an entirety, and the commissioners were empowered not to acquire a part only, but all, of the property designated, and were given ample authority to acquire it in one of two ways—first, by purchase; and if unsuccessful in this manner, then by exercise of the high right of eminent domain.

The authority conferred could mean nothing less than a complete acquisition of all the property. President Taft approved the awards that were made for squares 634 and 685, and ordered payment accordingly. The question then naturally arises whether or not the President, even conceding that he had the authority originally to enter his disapproval to the acquisition of the property, because in his opinion he thought the public interest would not justify its acquisition, after having sanctioned the acquisition of a part, could he reject the remainder?

The President based his order on the sum fixed in the appraisement as confirmed by the court and declared the public interest did not require that the Government should take over this real estate for the sum so fixed and for that reason alone directed that the proceeding be dismissed. On the other hand, the jury that fixed the awards was of the opinion that they were just and fair as between the owners and the Government. The commission so declared in a letter addressed to the Attorney General of the United States on February 6, 1913. (H. Doc. No. 1392.) This opinion was concurred in by the Attorney General and by those versed in real-estate values in the area in which the squares condemned are located; that the awards were reasonable; and that the land could not hereafter be acquired except at an increased valuation. (H. Doc. No. 1392.) The court so believed, as evidenced by the fact of its confirmation of the awards; and Congress so believed, as evidenced by its ordering payment twice of the sums necessary to pay the awards.

Is the judgment binding upon the property owners? It is certainly an anomalous situation. An entry stands of record dismissing and discontinuing the cause. In most States a time limitation is fixed by statute in which the appropriation must be accepted or abandonment will take place; yet so far as value and the purpose is concerned, the judgment is res adjudicata. In other words, where a value has been fixed for a particular purpose this becomes final in every subsequent attempt to appropriate for the same purpose.

The authorities are rather uniform in holding that when the power of eminent domain has been granted by legislative enactment that it is exhausted. (Mason *v.* Brooklyn City R. R., 35 Barb., 373; Brooklyn Central R. R. *v.* Brooklyn City, 32 Barb., 358; Hudson Canal Co. *v.* New York Railway, 9 Paige, 323; Kenton County *v.* Turnpike Co., 10 Bush, 529; Brigham *v.* Agricultural Branch R. R., 1 Allen, 316; Mills on Eminent Domain, Sec. 58.)

The court in the case of Moorhead et al. *v.* Little Miami Railroad Co. (17 Ohio, 340) say, in speaking of the power of the railroad to exercse the right of eminent domain which had been delegated by the Legislature of the State of Ohio, the corporators had the power to locate and construct a railroad; they could not exercise this right but once without a further grant to accomplish this object. A most important attribute was bestowed upon them by the legislature—the extraordinary reserve power of subjecting the property of private individuals to public use. If it was intended that this should be a continuing power, one that might be exercised, and reexercised again and again, as often as might suit the convenience of this company, the legislature should have so declared in express terms.

The court in Mason *v.* City of Brooklyn (35 Barb., 373) says:

> It is undoubtedly true that when a corporation chartered for the purpose of constructing a railway has located its lines it can not change the location and adopt a new route unless the power to do so is expressly granted in its charter, and then only in the manner indicated. This upon the plain principle that when the power thus conferred upon a company has once been exercised it is exhausted.

The Plaza case, to my mind, comes clearly within the scope of this principle. Congress created a commission and delegated to it the power of eminent domain; that commission has exercised its delegated powers, and having once exercised its powers in

this respect, they are exhausted. Should the commission already existing again attempt to condemn it would be met at the very threshold of its proceeding with the plea that a judgment already exists between it and the property owners, hence the necessity for the creation of a new commission and the delegation of new authority. This leads to the question whether or not the judgment is final as against the United States. The United States is a Government clothed with all the powers of sovereignty delegated to it and not retained by the States. An examination of the origin and character of the high power of eminent domain will disclose that it is not exhausted or extinguished upon its exercise by the sovereign power of a State. It is one of the inherent powers of every government, and from its very nature can not be exhausted or extinguished.

That eminent jurist, Judge Cooley, in his Constitutional Limitations, sixth division, chapter 15, page 644, says:

> The existence of a particular power in the Government is recognized on the ground of necessity, no delegation of the legislative power by the people can be held to vest authority in the department which holds it in trust, to bargain away such power, or to so tie up the hands of the Government as to preclude its repeated exercise, as often and under such circumstances as the needs of the Government may require. For if this were otherwise the authority to make laws for the government and welfare of the State might be so exercised in strict conformity with its constitution as at length to preclude the State performing its original and essential functions, and the agent chosen to govern the State might put an end to the State itself.

In the case of the United States *v.* Cooper, 20 District of Columbia, 104, it is said:

> It needs no citation of authority to show that the right to take private property for public uses in the exercise of the right of eminent domain belongs inherently to every nation justly calling itself independent and sovereign; that the power is so far-reaching that it extends in case of necessity to the right of disposing of all the wealth of the country; that this authority belongs to every State in the Union; that it existed in the General Government independently of and before the adoption of the fifth amendment of the Constitution, which only imposed a limitation to its exercise; and that, in the language of the Supreme Court, in Cherokee *v.* Kansas Railroad, 135 United States, 667, "all lands held by private owners everywhere within the geographical *limits* of the United States are held subject to the authority of the General Government, to take them for such objects as are germane to the execution of the powers granted to it: *Provided*, They will not be taken without just compensation being made to the owner."

The exercise of the right of eminent domain by a sovereignty can not be the creation of grant or compact. It inheres in the existence to an independent government, and comes into being eo instanti with its establishment, and continues as long as the government endures. The United States did not derive the right to exercise it in Louisiana from France, or in Florida from Spain, or in California from Mexico, or in Alaska from Russia; the right was coeval with its proprietorship as sovereign, and the United States could no more have abandoned the exercise of this right within the District of Columbia than it could have bound itself not to declare war or levy taxes without the assent of the Legislature of Maryland. The correct view in the power of eminent domain is not in reserve, but an inherent right—a right which pertains to sovereignty as a necessity, a constant and inextinguishable attribute.

Some very respectable authorities hold that a judgment in condemnation of private property to a public use is final and conclusive where the exercise of the power is by a sovereign State, but I am fully convinced that the weight of authority is to the contrary, and that upon principle it should be so. If the proposition was to be solved otherwise it would be to deprive a sovereign State of one of its inherent powers. In the case of a corporation or municipality it acts through delegated power and not by an inherent right. To permit a corporation or other legal entity to condemn private property until it obtained a price by judicial ascertainment, that would be destruction of the private ownership of property. But that is not applicable to a sovereign State and is based upon the theory that you can not divest the State of one of its inherent powers; that to do so would be destructive of the State itself, and that no injury can result to the owner of private property because the State will do no wrong, the latter no doubt being based upon the ancient fiction that the Crown can not commit a wrong.

As I have heretofore pointed out, the solemn declaration of Congress to ultimately acquire this property for the extension of the Capitol Grounds stands unimpeached and unimpaired. The more than five years of delay has wrought financial havoc among the various property owners affected, especially those of small holdings. Anyone familiar with the situation will agree with me that the long delay has brought upon the smaller holders a situation amounting to governmental spoliation. The conditions are such that we should act speedily in the matter and furnish to the unfortunate property holders just, speedy, and adequate relief. If the property is not to be taken, then relief should be given by removing the cloud that hangs over this property by an open, unequivocal declaration of abandonment to acquire.

Without any intention or design on its part the declaration of Congress to acquire this property for the most laudable purpose of extending, enlarging, and beautifying the grounds immediately surrounding this superb and magnificent building, the Nation's Capitol, has cast a cloud and destructive shadow upon the property affected, entailing hardships and heavy pecuniary losses to the property owners who are helpless victims. The existing conditions were forced upon them without their invitation or making. They are wholly without remedy. They are without a forum to which to appeal for relief. The Government is omnipotent and can not be sued for damages it has so unintentionally wrought. Congress alone can furnish some measure of relief by providing a method for consummating the purpose originally intended and enforcing its speedy execution.

Below are the names of the owners, with the appraisement value as reported by the court commission, of the nine squares yet to be acquired:

SQUARE NO. 633.	
Carra H. Granger (2)	$15,115.00
Edward W. Byrn (3)	14,753.00
——— (4)	23,698.00
District of Columbia (5, 6, 7, 16, 17, 18, 19, 20, 21, 22, 23)	44,590.78
James R. Brevoort (8, 9, 10, 11, 12, 13, 15, 24)	141,200.00
Linda A. Painter (14)	631.00
Chesapeake & Potomac Telephone Co. (25)	12,582.00
Josephine W. Hester (26, 27)	14,005.00
Harry Norment (28, 29)	10,261.00
Clarence F. Norment (30)	18,677.00
SQUARE NO. 632.	
Baltimore & Ohio R. R. Co	294,820.00
SQUARE NO. 683.	
The Real Estate & Improvement Co. (2)	15,360.00
Mary Martina Yznaga (3, 4)	48,500.00
Real Estate & Improvement Co. (5)	17,430.00
Real Estate & Improvement Co. (6)	20,940.00
Real Estate & Improvement Co. (7)	37,375.00
Real Estate & Improvement Co. (8)	16,302.00
Real Estate & Improvement Co. (9)	13,530.00
Real Estate & Improvement Co. (10)	29,487.00
Real Estate & Improvement Co. (11, 12, 13)	7,533.00
Estate of Genevieve B. Winsatt (14, 15)	4,635.00
Real Estate & Improvement Co. (16, 17, 22, 23)	19,100.00
James P. Barrett (21)	9,367.00
Mary Brick (18)	5,930.00
Mary Howard (19)	6,326.00
Josephine H. Bauer (20)	7,894.00
Real Estate & Improvement Co. (24, 25, 26, 27)	30,000.00
SQUARE NO. 684.	
Jacob Carr (1)	34,400.00
Cornelius Collins (2)	7,870.00
James A. Duffy, trustee (3)	27.00
Rosanna B. White et al. (4)	7,608.00
Rosanna B. White et al. (5)	297.00
Jacob Carr (6)	7,708.00
Jacob Carr (7)	297.00
Real Estate & Improvement Co. (8, 9, 10)	69,373.00
Frederick B. Dalrymple et al. (11, 12)	8,560.00
Real Estate & Improvement Co. (13, 14, 29, 30, 31, 32, 33, 34)	30,749.00
Real Estate & Improvement Co. (21, 22, 23, 24, 42)	11,168.00
Real Estate & Improvement Co. (15, 20, 27, 28, 39)	22,877.00
Real Estate & Improvement Co (16)	11,814.00
Real Estate & Improvement Co. (25, 26)	10,370.00
The National Savings & Trust Co., trustee (17)	6,480.00
Julia Diviney (18)	6,481.00
Hannah B. Sperry (35)	5,968.00
Robert A. Dore (19)	6,640.00
Henry Walters (36)	5,894.00
Anna Whitehand (37)	5,991.00
Ida C. Sebree (38)	5,991.00
Real Estate & Improvement Co (40)	25,420.00
C. Louie Dahler estate (41)	2,851.00
SQUARE NO. 723.	
William H. Harnshberger (1)	6,500.00
Harry Kaufman et al. (2)	4,600.00
Joshua A. Clark (3)	4,925.00
Harry L. Brown (4)	4,850.00
Elizabeth Clover (5, 6)	7,186.00
Malcolm Hufty (7)	3,635.00
Jacob B. Avery (8)	5,584.00
John F. Reinhardt (9)	6,664.00
August Hoffa (10)	6,403.00
Louis A. Dellwig (11)	16,650.00
Johanna Engel estate (12)	6,926.00
Laura Banes (13)	7,256.00
Jacob S. Grubes (14)	12,740.00
George B. Ellis (15, 16)	10,460.00
Henry J. Keogh (17, 18, 19)	19,700.00
Francis S. Carmody (21, 22)	40,000.00
Robert Nicholson (23)	10,770.00
Francis S. Carmody (24, 25, 26)	18,500.00
William H. Allen (27)	6,386.00
Jennie C. Barber (28)	5,945.00
Herman Koss (29)	6,082.00
Eliza M. Peters Buchanan (30)	6,102.00
Margaret M. Barrick et al. (31)	7,386.00
Michael B. Harlow, trustee (32, 33)	13,646.00
George R. Hill estate (34)	6,498.00
Gerardo Tassa (35)	6,746.00
Washington City Orphan Asylum (36, 37)	13,233.00
Harriet F. Wheat (38)	6,197.00
Bridget Burns (39)	4,289.00
Charles F. Fisher (40)	4,239.00
Mary Stecher (41)	4,525.00

SQUARE NO. 723—Continued.

James G. Payne estate (42, 43)	$8,878.00
Louis Auerbach (44)	6,744.00
Isabelle H. Weber (45)	6,702.00
Walter R. Wilson (46)	6,909.00
Mary Hosford (47)	7,115.00
Emma Shephard (48)	8,151.00
George B. Ellis (49)	5,086.00
Lewis Kimmel estate (50)	5,176.00
James T. Owens (51)	5,216.00
Mary A. Gallagher (52)	5,232.00
James R. Beattie (53)	6,150.00
John B. Lord (54)	6,100.00
Emil G. Schafer (55)	6,100.00
William A. Leetch et al. (56)	6,240.00
Edward Haley et al. (57)	6,240.00
Sarah B. Hinds (58, 59)	12,800.00
George B. Rose (60)	5,896.00
Mary E. Riggs (61)	5,300.00
Albert Banes et al. (62, 67)	8,752.00
Mary A. Spencer (63, 64, 65, 66)	10,973.00
Jesse H. Powell (68)	9,524.00
John Donnelly (69)	7,525.00
James K. White et al. (70)	7,338.00
Margaret B. Rankin (71)	7,262.00

SQUARE NO. 722.

James M. Groff (1, 2, 3)	7,515.00
Mary E. Brownell (5, 8)	6,151.00
James M Allen estate (6, 7)	4,500.00
James C. Carroll (9)	4,474.00
Evan H. Tucker (10)	4,392.00
Mary D. Sutton (11)	4,742.00
Clifford U. Smith (12)	4,959.00
Margaret A. Casey (13)	5,100.00
Nellie B. Sage et al. (14)	5,175.00
Alice L. Nairn et al. (15)	3,887.00
Henry E. Perkins et al. (16)	4,387.00
Samuel R Henry (17)	3,952.00
Stephen B. D. Rollins (18)	4,221.00
Lucinda H. Hall (19)	4,148.00
Louisa C. Groff (20)	4,970.00
Ronald McDonald, trustee (21)	3,990.00
Sarah G. Marean et al. (22)	3,860.00
Theodore J. Mayer estate (23)	3,970.00
Phillip Morgan Elkins (24)	7,206.00
John V. Wurdemann (25)	7,458.00
Dennison P. Rowell (26)	6,201.00
Lena Sheckells et al. (27)	6,877.00
Isaac G. Peetrey (28, 32)	9,885.00
Charles P. Jacobs (31)	8,766.00

SQUARE NO. 721.

Bernardine J. Kerr (1)	5,080.00
Benjamin H. Warder estate (2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12)	33,264.00
The Real Estate & Improvement Co. (43, 44)	3,474.00
The Real Estate & Improvement Co. (13 to 17, inclusive)	21,481.00
Washington Terminal Co. (45)	2,520.00
The Real Estate & Improvement Co. (46, 47)	5,040.00
The Real Estate & Improvement Co. (48, 49, 133, 134)	10,080.00
The Real Estate & Improvement Co. (35, 130, 131, 132)	17,640.00
Carl Yeager (50)	4,630.00
Ernest Lent (51)	4,275.00
Michael W. Budd (52)	4,575.00
Gandenzio Riani (61)	11,310.00
Gandenzio Riani (62)	7,836.00
Mary M. Tiers (63)	6,715.00
Mathilde Goldschmid (64)	6,415.00
Alice M. Boswell (65)	6,415.00
Louise C. Moore estate (66)	6,415.00
Mary A. O'Beirne (67)	6,900.00
Harriett M. Storch (68)	7,150.00
Clara M. Steine (69)	7,025.00
Francis Hyde Engeman (70)	6,900.00
Jane E. Munder (71)	4,858.00
Ella H. Enoch (72)	4,987.00
Edward Helmuth (73)	5,051.00
Julian L. Hammach (74)	5,115.00
Sarah E. Fisher (75)	5,244.00
James E. Herron estate (76)	5,373.00
Ida A Chew (77)	6,144.00
William H. Spelshouse (97)	8,829.00

SQUARE NO. 680.

Abner & Drury Brewing Co. (1)	53,438.00
Real Estate & Improvement Co. (part 3)	22,209.00
Samuel C. McDowell (6)	135,588.00
Ellen M. Morse et al. (7)	34,880.00

SQUARE NO. 681.

Baltimore & Ohio Railroad Co. (1)	70,630.00
Baltimore & Ohio Railroad Co. (2)	23,663.00
Baltimore & Ohio Railroad Co. (3)	19,522.00
Baltimore & Ohio Railroad Co. (4)	15,739.00
Baltimore & Ohio Railroad Co. (5)	36,725.00
Baltimore & Ohio Railroad Co. (6)	21,420.00
Baltimore & Ohio Railroad Co. (7)	22,452.00
Baltimore & Ohio Railroad Co. (8)	22,277.00
Baltimore & Ohio Railroad Co., parts 9, 10, 11, square 681; parts 2 and 3, square 689	230,800.00
Baltimore & Ohio Railroad Co., lots Nos. 12, 14, and 15	232,865.00
Baltimore & Ohio Railroad Co., lot No. 16	29,839.00

SQUARE NO. 682.

Real Estate & Improvement Co. (17, 18, 19, 20, 25)	30,690.00
Real Estate & Improvement Co. (10, 11, 12, 13, 14, 15, 16, 26, 27, 28, 32, 33, 34, 35, 36, 37)	157,844.00
Real Estate & Improvement Co. (29, 30, 31)	51,390.00
Total	3,204,434.78

The following lots belong to the United States:

Square 633, lot No. 1; square 683, lot No. 1; square 723, lot No. 20; square 722, lots Nos. 29, 30, 33; square 721, lots Nos. 78, 79, 80, 81, 82, 83, 84, 85, 86, 87, 88, 89, 90, 91, 92, 93, 94, 95, 96, 98, 99, 100, 101, 102, 103, 123, 124, 125, 126, 127, 128, 129; square 680, lots Nos. 4 and 5; square 681, lot No. 13; square 682, lots Nos. 2, 3, 4, 5, 6, 7, 8, 9.

In square No. 721, lots Nos. 18, 19, 20, 21, 22, 23, 24, 25, 26, 27, 28, 29, 30, 31, 32, 33, 34, 35, 36, 37, 38, 39, 40, 41, 42 were not appraised by the Supreme Court of the District of Columbia Commission; also lots Nos. 104, 105, 106, 107, 108, 109, 110, 111, 112, 113, 114, 115, 116, 117, 118, 119, 120 121, 122.

Now, Mr. Chairman, I desire to ask unanimous consent to extend my remarks in the RECORD further by incorporating a schedule of the lot owners with the appraisements.

The CHAIRMAN. The gentleman from Ohio asks unanimous consent to extend and revise his remarks. Is there objection? [After a pause.] The Chair hears none.

Mr. POST. Now, I wish to say this much further, that I do not believe that the committee ought to vary from the practice which Congress has always followed in the acquisition of property on behalf of the United States Government; that we ought to create this commission which is provided for in House joint resolution 269. The difficulty with Mr. Johnson's resolution is that it is not extensive enough; it does not cover the project, and does not cover the original scheme. It simply creates a commission and empowers that commission to purchase such property as may be voluntarily offered to it. House joint resolution 269 is a complete scheme. It covers the entire project. It creates a commission and it delegates to that commission the power to purchase such property as may be voluntarily offered to it, and if it can not acquire all the property in that way it endows the commission with power to condemn such property that it may not be able to purchase.

The CHAIRMAN. The time of the gentleman has expired.

MESSAGE FROM THE SENATE.

The committee informally rose; and Mr. LOGUE having taken the chair as Speaker pro tempore, a message from the Senate, by Mr. Tulley, one of its clerks, announced that the Senate had passed the following resolution:

Resolved, That the Secretary be directed to request the House of Representatives to return to the Senate the bill (S. 5042) legalizing certain conveyances heretofore made by the Central Pacific Railroad Co. and others within the State of Nebraska.

The message also announced that the Senate had disagreed to the amendments of the House of Representatives to bills of the following titles, had asked a conference with the House on the disagreeing votes of the two Houses thereon, and had appointed Mr. SHIVELY, Mr. JOHNSON, and Mr. STERLING as the conferees on the part of the Senate:

S. 4261. An act granting pensions and increase of pensions to certain soldiers and sailors of the Civil War and certain widows and dependent relatives of such soldiers and sailors;

S. 4845. An act granting pensions and increase of pensions to certain soldiers and sailors of the Civil War and certain widows and dependent relatives of such soldiers and sailors;

S. 5207. An act granting pensions and increase of pensions to certain soldiers and sailors of the Civil War and certain widows and dependent relatives of such soldiers and sailors;

S. 5446. An act granting pensions and increase of pensions to certain soldiers and sailors of the Civil War and certain widows and dependent relatives of such soldiers and sailors;

S. 5575. An act granting pensions and increase of pensions to certain soldiers and sailors of the Civil War and certain widows and dependent relatives of such soldiers and sailors; and

S. 5843. An act granting pensions and increase of pensions to certain soldiers and sailors of the Civil War and certain widows and dependent relatives of such soldiers and sailors.

PLAZA AWARDS.

The committee resumed its session.

Mr. BURNETT. Mr. Chairman, I desire to be recognized for an hour, and I yield 15 minutes of that time to the gentleman from Nebraska [Mr. BARTON].

Mr. BARTON. Mr. Chairman, I will not undertake to present the legal aspects of this question, as that matter has been thoroughly thrashed out by the Members who have preceded me and who are bright, able attorneys. The question which presents itself to me is whether or not we shall acquire the entire tract or just own, as this last bill introduced and offered by Mr. JOHNSON contemplates, a few lots here and there surrounded by other property. Are we ready to conclude a bargain that is entered into by a previous Congress, be the bargain good or bad, or shall we indefinitely postpone? I do not understand the intricacies of the rules and regulations that govern the House of Representatives. I do know that this bill or a bill similar to this was referred to our Committee on Public Buildings and Grounds and that a subcommittee of which I had the honor to be a member was appointed to make an investigation along these

lines to clear up the condition of the Plaza awards, and I do know that we worked most diligently, honestly, and faithfully until we brought out the House joint resolution that is now on the calendar, No. 269, which will be offered as a substitute for the resolution presented by Mr. JOHNSON of Kentucky. I know that the legal aspects of this matter were thrashed out thoroughly, that the President of the United States was advised with on this proposition, and that after giving the matter careful attention we came to the conclusions that are embodied in the resolution, and that those conclusions were that an expedient way to settle up this matter would be better for the United States and better for the people who had been wronged—and when I say the people who have been wronged of course I do not refer to the railroad, because they can continue this matter indefinitely—I mean the small property owners who now can not get rentals out of this property and who could not sell nor mortgage and who could not rent or, in fact, use to advantage the rights that naturally belong to them.

And it is for those people that we considered that action rather than indefinite postponement was necessary. I have no more sympathy for the Baltimore & Ohio Railroad than has the gentleman who has just preceded me. I do not know an officer of that organization; neither do I know a man connected with it; and yet I do not believe, nor do I think, that the able attorney, Mr. JOHNSON of Kentucky, will hold that a letter dated in 1912, signed by the general counsel of that railroad, would bind that corporation to pay or to accept a certain price for their land.

Mr. JOHNSON of Kentucky. If the gentleman will permit right there, I will say that my argument as I endeavored to make it was to show that the representations of those people prevailed upon Congress to pass a bill to acquire property at one price and then afterwards insisted that it should be acquired at a very much larger price.

Mr. BARTON. Would not the gentleman think that would consist more of sharp practice than it would of a straight business agreement that could be held unlawful?

Mr. JOHNSON of Kentucky. I never meant to indicate anything else except that it was sharp practice. I know full well that there is no paper that I have seen which would bind the railroad to a sale.

Mr. BARTON. Thank you. Then, arguing from that standpoint, in fixing the amount we shall pay the Baltimore & Ohio Railroad, we must take into consideration that there are two sets of interests to conserve—the interests of the United States, and we can well expect the Baltimore & Ohio Railroad to take care of its own interests. I do not believe that we as the Congress of the United States could fix a price that would force the Baltimore & Ohio Railroad to sell. And if we could, and that authority was granted us, there would be such indefinite postponement of that proceeding that the park that has been planned and that we are anxious to see, now since it has been started, would be beyond the life, probably, of the Members of this Congress.

I am frank to state that had I been here when that bill was first originated I should have voted against it, but now we have a condition and not a theory, and I think that the solution of that condition is well met in the conclusions of our committee. I do not know the value of that property. The other Members of this body I am satisfied do not know the value of that property. We must trust some one. Then the question is: Whom shall we trust? In our report we say:

> The chairman of the Committee on Public Buildings and Grounds of the Senate, the chairman of the Committee on Public Buildings and Grounds of the House, and the Superintendent of the Capitol Grounds, be, and they are hereby, appointed a commission for the purpose of acquiring the said tract or parcels of land by either purchase or condemnation proceedings, making payment or settlement therefor out of the appropriations heretofore made and herein referred to, and in the acquirement of the said tract or parcels of land, the said commission to have power and authority as follows.

We have made provision that in case this land can not be purchased at once that there can be recondemnation proceedings, so that we can acquire the land. The bill introduced by the gentleman from Kentucky [Mr. JOHNSON] I do not believe makes this provision. I am in favor of excluding the professional juryman just the same as is the gentleman from Kentucky [Mr. JOHNSON]. I do not believe that any man who has any interest, direct or indirect, in the property in this plaza award should be considered as a juryman. And, at that, I have confidence enough to think that the Democratic marshal who selects this jury would have consideration enough, after the words that have been spoken from the floor of this House along that line, to heed the admonition.

Mr. JOHNSON of Kentucky. Does the gentleman mean to say that the United States Marshal of the District of Columbia would have anything whatever to do with the selection of a jury?

Mr. BARTON. Is he not sent by the court to bring them in?

Mr. JOHNSON of Kentucky. He is not. The court selects them itself.

Mr. BARTON. I will leave that for you lawyers. Lawyers never do agree, anyway, and I will leave that for one of the gentlemen who will follow me.

Mr. JOHNSON of Kentucky. There is no dispute about that. The trial court just selected the last three commissioners who fixed these values, and if it is to be determined under the same act as then, the trial court would select the commissioners again.

Mr. BARTON. If that be true, then I am willing and anxious to amend this provision of ours, if it is adopted as a substitute, in such a manner that it will be impossible to give it a different construction, that all of these people you name in your resolution shall be excluded.

Mr. JOHNSON of Kentucky. I will say to the gentleman that under the usual condemnation proceeding in the District of Columbia, that which is provided for by the code of laws for the District of Columbia, the United States marshal does nominate to the court certain persons for the jury, but under the statute of 1890, under which we are proceeding now, the United States marshal has nothing whatever to do with it. The court itself makes the selection.

Mr. LOGUE. Will the gentleman yield?

Mr. JOHNSON of Kentucky. I do.

Mr. LOGUE. In the resolution that comes from the Committee on Public Buildings and Grounds we especially provide that the court shall hear objection, and the court therefore does actually select.

Mr. JOHNSON of Kentucky. The court has never been without the right to hear objections, and when you put that in the bill you give him no right he did not have before.

Mr. LOGUE. Of course, they have the right, and it does not lessen the effect of the court's action.

Mr. JOHNSON of Kentucky. That does not change the statement at all that the United States marshal has nothing to do with this matter.

Mr. LOGUE. It merely provides that he shall summon the jurors and the court shall select.

Mr. BURNETT. I think the gentleman from Nebraska [Mr. BARTON] is correct. The language of the resolution is that after the return of the marshal—that is, of the notices giving notice to the respondents or the property holders provided therein—the court shall cause the jury of six experienced jurors, disinterested men, who shall be residents of and freeholders in the District of Columbia, and so on, to be summoned by said marshal. That does not mean that the court shall designate the names of the jurors. That is the language in many of the States.

Mr. JOHNSON of Kentucky. While the gentleman from Alabama said he was reading from the statute, he is not.

Mr. BURNETT. I am reading from this bill.

Mr. JOHNSON of Kentucky. I have said, and I insist, that under what is known as the public-printing act of 1890 the marshal has nothing to do with the selection of the jury.

Mr. BURNETT. I have not controverted the statement and have not said I was reading from the act. I said I was reading from the bill.

Mr. JOHNSON of Kentucky. The gentleman in revising his remarks will take notice of that part where he said that that is what the statute says.

Mr. BURNETT. I meant that this bill says that. Regardless of what the general law is, this bill when it becomes a statute will control, and under this bill, in my judgment—and I do not think it can be otherwise—the marshal himself will select the jury. That is the language in many of the States in the Union. It is the language in my State. The probate judge, who has jurisdiction of condemnation proceedings, orders the sheriff to summon the jury, and the sheriff goes and selects them; and under the language employed in this bill I do not think there is any question about the fact that the marshal himself will select them. Then the court, before accepting the jury, summoned by the marshal, as I think it means, shall hear any objections that may be made to any member thereof, and shall have full power and authority to pass upon any such objection and to excuse any juror or cause to be filled any vacancy in the jury to be impaneled, and so on.

Mr. LOGUE. Would not that, if enacted, no matter what other provisions are made by existing statute, provide a way for the summoning of a jury and the selection of a jury in this particular proceeding without regard to the existing laws?

Mr. BURNETT. Yes. I just stated that.

Mr. JOHNSON of Kentucky. There is no provision in the bill anywhere to the effect that persons holding liens upon that property or professional jurymen shall not serve.

Mr. LOGUE. It says "people in interest."

Mr. BURNETT. It says they are not interested in any way, and are not related to any parties that are interested therein.

Mr. BARTON. It seems as though that is very explicit.

Mr. BURNETT. Yes.

Mr. BARTON. I am opposed to the commission as set out in the resolution introduced by Mr. JOHNSON of Kentucky. I think that the chairman of the Committee on Public Buildings and Grounds of the House and the chairman of the Committee on Public Buildings and Grounds of the Senate have ample time to make these awards. I feel that their responsibility is greater than that of any outsider that could be brought in to adjust this matter. I know that they serve without pay, and there is no incentive for them to continue indefinitely making these awards. Mr. CLARK of Florida is the only one of the Members with whom I have the honor of a personal acquaintance; but as a working member of that committee I know he is an able, conscientious, and tireless worker. I know he is extremely conscientious at all times; and I want to say, as a minority member of that committee, representing the minority—and I know the entire committee, and, I believe, the entire House of Representatives—that we could not choose a man of higher grade as one of that commission.

The CHAIRMAN. The time of the gentleman from Nebraska has expired.

Mr. BARTON. I would like to have a little more time.

Mr. BURNETT. I yield five minutes more to the gentleman.

The CHAIRMAN. The gentleman from Nebraska is recognized for five minutes.

Mr. BARTON. Mr. Chairman, I can not understand the workings of a Member's mind who comes to the conclusion that a Member of this body and a Member of our associate body, the Senate, who are responsible to the people, can not and will not perform this service with as much honesty and with as good judgment as any outsider who is responsible to no one. I do not know Elliott Woods any more than Brother JOHNSON does, but if he is not a man in whom we could place that trust he is not a fit man to fill the position that he now holds.

The public buildings commission bill that will be offered as a substitute is a well-considered bill and one that means action. We should, in justice to the people who own the property, act and not indefinitely postpone by naming a paid commission, whose pay depends upon their length of service.

Mr. JOHNSON of Kentucky. Will not the gentleman admit that their pay does not depend upon their length of service? Does it not say in so many words that their compensation shall be agreed upon between themselves and the President before they begin the work?

Mr. BARTON. It is very indefinite, is it not?

Mr. JOHNSON of Kentucky. No; it is as certain as can be.

Mr. BARTON. It is indefinite in amount.

Mr. JOHNSON of Kentucky. No. The President is perfectly familiar with this subject, and he knows how long it will take to do the work.

Mr. BARTON. I do not believe that the President——

Mr. JOHNSON of Kentucky. Let me call the attention of the gentleman to another thing: The measure he is advocating appropriates $15,000 for an undefined purpose. The one I am advocating does nothing of the sort.

Mr. BARTON. I would rather advocate a certain amount to do a certain business, with the qualification that it does not necessarily take all the proceeds of the amount, than to leave an indefinite proposition open to any amount that might be fixed. And I want to say further that I do not believe even the President of the United States—and I hold him in as high regard as does the gentleman from Kentucky—I do not believe the President of the United States has any better judgment as to a committee or a commission that shall sit in a position of this character than have the Members of this body.

I think the main point in the whole controversy is this: Do we want little tracts of land scattered all over the award or do we want one body of land? Do we want an indefinite postponement, with litigation with the railroad company, or do we want a recondemnation and a price fixed and paid and the awards made?

Mr. JOHNSON of Kentucky. If the gentleman will pardon me——

Mr. BARTON. Yes——

Mr. JOHNSON of Kentucky. I will say that, in my judgment, the gentleman has misconceived the issue entirely. While they are minor issues, the dominant one is, Shall the Baltimore & Ohio Railroad receive nearly $600,000 more than they have said they would take?

Mr. BARTON. I will say in reply that I admire the stand that the gentleman has taken in his fight against the interests in the District of Columbia, be they the Baltimore & Ohio Railroad Co. or any other interests that are working for their selfish aggrandizement——

Mr. JOHNSON of Kentucky. Thank you, sir——

Mr. BARTON. But I do want to say further that I think sometimes, maybe, the zeal and enthusiasm which the gentleman from Kentucky injects into his tireless fight along this line may lead him over the line of discretion and beyond the dictates of his best judgment, and I do not believe that any commission that we would appoint or that the President would approve would recommend an award if it was shown that there was a profit or rake-off, you might say, of the $600,000 to be paid to any interest, regardless of whether it is the Baltimore & Ohio Railroad Co. or anyone else; that the President would let it pass unchallenged. I have absolute confidence in the President's honesty.

The CHAIRMAN. The time of the gentleman from Nebraska has expired.

Mr. BURNETT. Mr. Chairman, there are two resolutions before the committee. One is a resolution reported from the Committee on the District of Columbia; and as a substitute for that, which will be offered by the gentleman from Pennsylvania [Mr. LOGUE], is the resolution reported by the Committee on Public Buildings and Grounds. There are not many essential differences between the two resolutions. The main purpose of the resolution reported by the Committee on Public Buildings and Grounds was that these poor property owners shall expeditiously and quickly be paid that which ought to have been paid to them many months ago. On account of the unfortunate wording of the statute, as construed by the Department of Justice, the President was not permitted to segregate these awards and pay them separately. If he had been permitted to do so, the question would have been settled a long time ago.

There are many legal collateral questions that have been injected into this debate that, I think, have no relevancy whatever. The gentleman from Kentucky [Mr. JOHNSON] has argued that the condemnation proceedings that have been had in these matters are a nullity. I doubt very much whether the fact that there was a confirmation of these awards, four days in advance of the time when they should have been confirmed, makes them void. Perhaps it renders them voidable, but upon a collateral attack they would not be void.

But if we believe the contention of the gentleman that those proceedings are a nullity then the weakness of the gentleman's resolution becomes more apparent. In our resolution we provide for the payment of all these awards separately. The commission may treat with any of the property holders, and if they can arrive at what they believe to be a just compensation for the property then they can make the purchase at a price not to exceed the award in the former condemnation proceedings. That is as far as the commission provided for by the resolution reported by the chairman of the Committee on the District of Columbia may go. That resolution does not permit a condemnation. If the Baltimore & Ohio Railroad or any one of these individual landholders should refuse to sell, the matter simply stops there. It seems to me that puts it in the hands not only of the Baltimore & Ohio Railroad but of any of the small landholders to say to the Government, "You have no right of condemnation. You can not help yourself, therefore I will refuse your offer of purchase. I know you have got to have this property; if not now, then later on. You can not take it in a checkerboard system." And that is what it would result in if the right of condemnation was not lodged with the commission. We purchase one lot here and the man next to it says that by reason of that purchase and by reason of the fact that you are going to have a park "this adjoining lot has become more valuable and therefore I will refuse to take any price that you may offer, because you have not the power under the law to force me to take it." It seems to me that is one vice of the resolution of the gentleman. It simply puts it into the hands of property owners to hold up the Government; and then we can not take it under condemnation proceedings.

As an original proposition I think perhaps Congress went far afield in trying to select a great deal of this property; but they have done so. Condemnation proceedings have been had. Many of the very poor people of this city, many of those over whose property mortgages are now hanging, many of those who have been unable to pay their legitimate debts and liens upon that property are unable to do so because the Government has waited so long after having placed a cloud upon that

property that has reduced the rent and reduced the value of the property in a way that these people could not dispose of it nor even rent it for a fair price.

Mr. JOHNSON of Kentucky. Will the gentleman yield for a question?

Mr. BURNETT. Yes, with pleasure.

Mr. JOHNSON of Kentucky. I wish to ask the gentleman if the persons to whom he is just this minute referring are those who will sit down on their property and hold it for better prices?

Mr. BURNETT. No; they are not all of that class. Unfortunately, those people would have to take the price offered them; but the more opulent neighbor over in the next block could say, "Well, my neighbor is forced in his extremity to take what you propose, but I do not have to take it." Therefore that more opulent man will be the beneficiary of the proposition of the gentleman. That is what it may easily result in.

Now, my judgment is that most of these people are willing to be settled with, outside of the Baltimore & Ohio Railroad, and especially if we have hanging over them the power of condemnation. The gentleman from Kentucky says that the Baltimore & Ohio are in the courts. I will not go extensively into the legal propositions involved in this case. I have had my serious doubts whether every one of these condemnation cases and awards was not res judicata. It is true that in the statute is the provision that when the President believes it to the public interest, he may pay for the property, and then it becomes condemned, and the property is the Government's. But, Mr. Chairman, I believe that provision may be construed by the courts to be only a provision in the interest of the property holders, to prevent the heavy hand of the Government being laid on property at any time in violation of that constitutional provision that it must be by due process after compensation tendered. Hence that question may come up on these condemnation proceedings. If we undertake to go on with the Baltimore & Ohio case now pending, or with any of these others, that may be a question. But, Mr. Chairman, the very fact that these people have been through the mill for months will make most of them willing to take the award; and that is what our resolution provides, that the tender of compensation shall not exceed the amount provided for in these awards.

Then, if there were condemnation proceedings, the Attorney General thinks the President had the veto power over the award, and that they had a right to set aside the proceedings. If that is true, is it not safer from the Government standpoint to see that there is the right of condemnation in this resolution and the right of exercising the power of eminent domain in order to keep the property holders themselves from holding up the Government and demanding excessive price by purchase?

In regard to the commission itself, it seems to me that there can be no better men from the standpoint of the Government, nor from the standpoint of the people, than the chairman of the Public Buildings and Grounds Committee of the Senate and the chairman of the Public Buildings and Grounds Committee of the House. Mr. Woods is the man who is in charge of the Capitol Grounds. He is a man who knows a great deal about it, and therefore the committee put him on there as one of the commissioners. But the resolution of the gentleman from Kentucky provides that no Member of Congress and no ex-Member of Congress shall be a member of this commission. If we want to get those who are of the best material, in the interest of both parties we should select some Member of Congress who is especially familiar with business of this kind. Who could be more so than the able chairman of the Committee on Public Buildings and Grounds of the House, who has been a member of this committee six or eight years? When he was named in our report as a member of the commission he had been renominated, and therefore we knew that for at least two years more he could be a Member of the House. Then there is the distinguished Senator from Virginia, Mr. SWANSON, chairman of the Senate Committee on Public Buildings and Grounds, who has been in the House and the Senate for years, and who has been on the Committee on Public Buildings and Grounds in the Senate for several years himself. Who could know more or would be more competent to judge of these things, Mr. Chairman, than these distinguished gentlemen?

I think I am communicating no committee secrets improperly when I say that when this question was discussed it was proposed that exactly the same membership that the old commission was based on should compose the commission, to wit, the Speaker of the House, the President of the Senate, and yet for the very reason that I have stated we thought it wise to substitute the chairmen of the Senate and House Committees on Public Buildings and Grounds. The Speaker and Vice President, while very busy men, would not know; their position would not bring them so often in contact with these matters as would that of the chairman of the Committee on Public Buildings and Grounds of the Senate and the chairman of the Committee on Public Buildings and Grounds of the House.

Mr. Chairman, we have had some experience in regard to the work of these two gentlemen, the chairmen of the Senate and House Committees on Public Buildings and Grounds, and their willingness to do it, in the splendid report just made to Congress provided for in the bill we passed last session, providing for a commission consisting of the chairman of the Senate Committee on Public Buildings and Grounds and the chairman of the Committee in the House on Public Buildings and Grounds, and two or three Cabinet officers. Mr. Chairman, I believe that if we were to ask the Cabinet officers themselves, they would state to us that the chairmen of the Senate and House committees did the greatest part of the work in looking into these questions, and in getting up and making the report.

For that reason, Mr. Chairman, I think that they would make the better commission. We went into the matter with deliberation. We were on it for weeks and months, and we felt anxious to bring it to a conclusion in order that the poor people over whom debts were hanging, and who had been unintentionally mistreated by the Government in not receiving the awards allotted to them on this property, might get relief. We wanted to hasten it and get it along more rapidly, and yet we held session after session, meeting after meeting, conferring with the President and some Cabinet officers in order to reach a just conclusion in regard to these matters.

We have the report of the Attorney General on the bill, so far as he was willing to make a report. He regarded it as a matter that he had no right to make a report on except as a mere suggestion, but in that report you will find a letter from the Attorney General in which he states that he believes the power of veto ought to remain in the President, so far as the condemnation proceedings are concerned.

Now, that is left in the resolution of the Committee on Public Buildings and Grounds. If the Baltimore & Ohio Railroad Co. undertakes to hold up the Government—and I am inclined to agree with the gentleman from Kentucky that it is true that they have done so—if they should do so again, do you believe that Mr. CLARK, of Florida, or Mr. SWANSON, of Virginia, would agree to that hold-up scheme? If they did not, o ht we not to have the right of condemnation? Look at the map, and you will see that if we do not destroy the absolute harmony of this proposition from here to the Union Station we will be compelled to have some of the lots claimed by the Baltimore & Ohio Railroad Co., and if so, and this commission can not agree as to the value of the property, then will you tie the hands of the Government, and have to come up here at the next session of Congress and ask for power to condemn, because that is what you are doing if you adopt the resolution of the Committee on the District of Columbia.

You would be coming here at the next session and doing that which we ought to do now, and that is, authorize a condemnation, and leave with the President the veto power to say that if that award is too high either as to the Baltimore & Ohio or anybody else he has the right to set it aside. It seems to me that in the resolution which we offer we make it much clearer that the President has that power than in the former law, and we provide that it is no award until that power is exercised, if exercised in 60 days. We give him 60 days within which to make that veto, and then we say that after the expiration of those 60 days, if he does not exercise it, and not until the expiration of 60 days, this becomes an award. Hence it seems to me it is much better than the law under which we acted before.

As I said a moment ago, I have considerable doubt as to whether the veto of the President, expressed as it is in the uncertain terms of the former law, means anything except that it was put there in the interest of the landowner himself. But we have tried to correct all of these uncertainties. Mr. Chairman, I would not care if an amendment similar to that suggested by the gentleman in his resolution was placed upon our resolution limiting the amount that the Baltimore & Ohio Railroad was to receive to the actual cost of the property and 6 per cent interest thereon. But, it seems to me, as has been said by the gentleman from Nebraska [Mr. BARTON], that it is rather an imputation upon the honesty of the marshal of the District to say that he would summon a dishonest jury, because I do contend that in the resolution that we have framed the judge orders the marshal to summon six jurors, and the marshal then selects the jurors and summons them, and reports them to the court, and then the court hears any objections that may be made to their acceptance. That is the law in many States. As I recollect it, that is the law in our State; the

probate judge, who has jurisdiction of condemnation proceedings, orders the sheriff to summon the commission or the jury for the purpose of viewing the property and making the award. The judge is not expected to do it, and if that is the law under which they have been acting heretofore in the District—and I have no right to dispute the statement made by the gentleman from Kentucky [Mr. JOHNSON]—the resolution that we offer here is a modification of that, and requires the judge to order the marshal to summon them; and do we believe here—are we willing to stand here and admit that in the very inception of this administration a marshal has been appointed who will go around for the purpose of helping the Baltimore & Ohio Railroad or anybody else? If so, the same imputation might be made against the sheriffs in all of the counties and in all of the States that have similar provisions. For that reason I think the particularity with which the gentleman specifies that jurors must be men who are not in any way interested in this and that way is unnecessary, and I think that is covered by the provision in our resolution that they must be disinterested people. As lawyers, we know that sometimes there is too much specification. The gentleman goes on and specifies the particulars in which they will be excludable. If there is some other particular kind of interest or some other kind of reason for which, perhaps, under a challenge for cause they might be thrown out, then might not the inclusion of those particular specifications in his resolution mean the exclusion of some other very important specification that the gentleman has omitted through the very particularity in which he indulges?

Mr. Chairman, I believe those are the mean features of difference between us. Here is a commission composed of the chairmen of the Committees on Public Buildings and Grounds in the Senate and in the House and the Superintendent of the Capitol Building and Grounds. The gentleman in arguing that says Mr. Woods, the superintendent, will have the right to act as umpire and to decide a difference between Mr. CLARK and Mr. SWANSON. Does anybody believe that there ever will be any difference as to the matters of right and principle between those two splendid Democrats? I do not charge that the gentleman means any kind of insinuation or imputation of that kind in his resolution. I know he does not. He simply takes the broad position that Members of Congress have not time to do these things, and therefore he wants to appoint a commission that is to be paid, a commission that may go on indefinitely, a commission that is authorized, at $5 a day, to employ clerks and stenographers, and to entail all these expenses, when here is a commission that will act without pay. All that is provided for is not exceeding $15,000 which the may pay out in actual expenses that may be incurred in securing the titles to this property. Not a cent for CLARK, not a cent for SWANSON, not a cent for Woods, and yet the gentleman's resolution provides for a sort of indefinite commission that the President, who has only been here for a year, shall appoint, while here are gentlemen who have been here for years. Who would be the most likely to select a good commission to act on the facts, the President of the United States, with his manifold duties, or this Congress itself by the selection of the chairmen of the committees of the House and the Senate, men who have been on this class of committees for a long time, having to do with these matters constantly, so that they are able to see the dangers and pitfalls of those who are trying to hold the Government up?

Now, Mr. Chairman, what are the propositions involved in the substitute offered by the gentleman from Pennsylvania and the resolution of the gentleman from Kentucky? One ties the hands of the Government to an absolute purchase. One gives the President the power to appoint an indefinite commission, and the gentleman says that the main thing, that the great leading central idea is not to permit the Baltimore & Ohio Railroad to hold up the Government and mulct it in damages they ought not to have. Mr. Chairman, is that brought about by simply empowering the commission to say to the Baltimore & Ohio Railroad that we will give you this, and if you do not want to take it, there it ends? If you look at the map, you will see that the checkerboard system that will be brought about by refusing to permit condemnation of some of the property will make it so highly inharmonious that any man coming from the station up here, when it is cut up, will be absolutely astonished to look upon what the Government has done. There are places, as the gentleman has said, where, as an original proposition, I do not believe they should have been taken. Some of those are perhaps the poor people, those whose property has been held up. As an original condemnation, I believe they ought not to have been taken, but, Mr. Chairman, there is a question of justice. It is very often said that our Government damages its people and, on some occasions, it is slower pay than any great corporation or individuals, and we know sometimes that accusation is unjust. Now, the Government, under the exercise of the right of eminent domain, as provided for by this former bill, has gone and made this condemnation. It has depressed rental values and the value of the property of these people. Now, what is just, what is right in regard to the matter? It is of no use to quibble over these unimportant legal questions.

Every single one of the squares which are provided for by a condemnation in our bill is provided for in the resolution of the gentleman from Kentucky, hence the gentleman can not argue, of course, that we ought to leave out some of these lots, because he is giving the commission power to go and purchase these very squares. We simply give them the power to go and purchase them and pay for them by segregation, or if we can not purchase them then we condemn them if we think it proper to do so. Those are the questions that are involved. It is a matter which was referred to our committee. I, as acting chairman, when the gentleman from Florida was away for a month or two, sought some way by which our committee could decline to act upon that proposition. I felt that as the Committee on Appropriations had acted upon it that that committee ought to have it; but, as was said by the chairman of that committee, the matter came before us as an amendment of the Senate, and hence would have gone out on a point of order if a point of order had been made if the House Committee on Appropriations had now taken jurisdiction, and on an investigation I found that there was no legitimate or proper way by which the committee over which I was then presiding could shirk the responsibility. I believe it is in the interest of the Government and in the interest of the people that the substitute offered by the Committee on Public Buildings and Grounds should be adopted, and I hope it will be done. [Applause.]

Mr. DONOVAN. Mr. Chairman, I want to ask a question of the chairman, or the gentleman who has just taken his seat, and that is if the gentleman ought not to make the point of no quorum or adjourn under the circumstances presented here? It has been stated that the presence of a minority was needed to prevent abuses. The leader of the minority is absent, and those great manufacturing and commercial States are practically without one representative on the part of the minority, and I think if the gentleman wishes to be fair, whether they have gone on pleasures of their own or business of their own rather than on congressional business, that he ought to have a call of the House and bring them back to their duties.

Mr. JOHNSON of Kentucky. Mr. Chairman, I will say to the gentleman from Connecticut——

Mr. DONOVAN. Mr. Chairman, I yield back the rest of my time.

Mr. JOHNSON of Kentucky (continuing). That I am anxious to get to the end of general debate, or, in other words, it is self-evident that this matter can not be concluded this evening; and I wish when it comes up upon the next day for its consideration that it will not then be open to general debate and the entire time be taken up under general debate instead of under the five-minute rule. I am anxious to get this afternoon to where the bill will be under the five-minute rule.

Mr. STAFFORD. Mr. Chairman, will the gentleman yield? It is now 5 o'clock and very oppressive. Could not we have some agreement that general debate at the next meeting will be limited to, say, half an hour, 15 minutes to be controlled by the gentleman from Kentucky and 15 minutes on this side, and then to take up the bill under the five-minute rule? It is a very important bill, and I say, in behalf of that suggestion, that when the committee next meets there will be a large membership here, and the Members would like to hear a concise statement in 15 minutes on a side as to the merits of these respective propositions.

Mr. JOHNSON of Kentucky. I believe, Mr. Chairman, the gentleman from Wisconsin will agree that under the five-minute rule we can get just as much out of it as we can under a 15-minute discussion on a side.

Mr. STAFFORD. And there is going to be considered when we rise other legislation, and I would suggest to the gentleman that in the absence of a quorum we had better rise and try to have some agreement as to general debate for half an hour.

Mr. JOHNSON of Kentucky. Perhaps we can get to the five-minute rule in a few minutes.

Mr. STAFFORD. I do not think we can. I think it would be advisable—and I am desirous of expediting the consideration of the bill—that we rise and limit the debate to half an hour. I think that will meet with general approval.

Mr. JOHNSON of Kentucky. I hope the gentleman will not insist on it.

Mr. STAFFORD. It is now 5 o'clock. Other matters are to be brought up, and I would like that we should not sit during

this kind of weather after half past 5; and it is about time that we should rise.

Mr. JOHNSON of Kentucky. Would the gentleman be willing to go to the place where general debate be closed, with the understanding that there will be 15 minutes for general debate on a side the next time the bill is up?

Mr. STAFFORD. Fifteen minutes on a side will be acceptable so far as I am concerned.

Mr. BURNETT. I would like to have an understanding as to what "this side" and "that side" means. We would expect to control one-half of the time with the proponents of the substitute.

Mr. STAFFORD. Say that there be 40 minutes' time—20 minutes to be controlled by the other side and 20 minutes by this side. But I think that half an hour will be ample.

Mr. HAMILTON of Michigan. Mr. Chairman, I desire to know whether the gentlemen would be willing to take the rest of the House into their confidence?

Mr. STAFFORD. I suggested to the gentleman having the *bill in* charge that we now rise, and limit the debate to half an hour—one half of the time to be controlled by the side in favor of one proposition and the other half by the side in favor of the other proposition. I know that there is a gentleman on this side opposed to the resolution who would like to have 15 minutes.

Mr. LOGUE. Would the gentleman be in favor of 45 minutes?

Mr. JOHNSON of Kentucky. The gentleman on that side who wishes to speak 15 minutes is opposed to the resolution?

Mr. LOGUE. Let the control come over here, so that we can allow him that.

Mr. STAFFORD. I am perfectly willing to do that.

Mr. JOHNSON of Kentucky. Then, if I understand the gentleman's proposition, it is that when the bill is under consideration, after to-day, 30 minutes are to be given to general discussion, 15 minutes to be controlled by me and 15 minutes by himself?

Mr. STAFFORD. It has been suggested by the chairman of the committee on Public Buildings and Grounds that there be 20 minutes on a side.

Mr. JOHNSON of Kentucky. And then, if we agree upon 20 minutes on a side——

Mr. STAFFORD. Twenty minutes to be controlled by the gentleman from Kentucky [Mr. JOHNSON] and 20 minutes by the gentleman from Pennsylvania [Mr. LOGUE].

Mr. JOHNSON of Kentucky. If we reach that agreement, then we will proceed further along this afternoon, so as to reach the five-minute stage?

Mr. STAFFORD. We could not do that. We will proceed, then, at the termination of 40 minutes' general debate to the consideration of the bill under the five-minute rule at the next meeting.

Mr. MOORE. A parliamentary inquiry, Mr. Chairman?

The CHAIRMAN. The gentleman will state it.

Mr. MOORE. Will the Chair kindly indicate the agreement under which we are now proceeding?

The CHAIRMAN. There is no agreement, the Chair understands, except that general debate shall be confined strictly to the subject matter under consideration. There is no limit of time fixed by the House.

Mr. MOORE. We were unable to get the drift of the understanding on this side.

Mr. JOHNSON of Kentucky. Mr. Chairman, I ask unanimous consent that all general debate be closed upon this bill in 40 minutes when it is next taken up, 20 minutes to be controlled by me and 20 minutes by the gentleman from Pennsylvania [Mr. LOGUE].

The CHAIRMAN. The Chair is under the impression that an order of that kind would have to be made in the House and not in Committee of the Whole.

Mr. JOHNSON of Kentucky. Mr. Chairman, I move that the committee do now rise.

The motion was agreed to.

Thereupon the committee rose; and the Speaker having resumed the chair, Mr. BYRNS of Tennessee, Chairman of the Committee of the Whole House on the state of the Union, having under consideration bills relating to the District of Columbia, reported that that committee had had under consideration Senate joint resolution 129, relating to the awards and payments thereon in what are commonly known as the Plaza cases, and had come to no resolution thereon.

Mr. JOHNSON of Kentucky. Mr. Speaker, I ask unanimous consent that when this bill is up for consideration again all general debate shall close within 40 minutes after the bill is taken up; 20 minutes to be controlled by myself and 20 minutes by the gentleman from Pennsylvania [Mr. LOGUE].

The SPEAKER. The gentleman from Kentucky asks unanimous consent that when Senate joint resolution 129 is reached again general debate shall be limited to 40 minutes, 20 minutes to be controlled by himself and 20 minutes to be controlled by the gentleman from Pennsylvania [Mr. LOGUE]. Is there objection?

There was no objection.

CONVEYANCES MADE BY THE CENTRAL PACIFIC RAILROAD.

The SPEAKER. The Chair lays before the House a resolution passed by the Senate, which the Clerk will report.

The Clerk read as follows:

Resolved, That the Secretary be directed to request the House of Representatives to return to the Senate the bill (S. 5042) legalizing certain conveyances heretofore made by the Central Pacific Railroad Co. and others within the State of Nevada.

The SPEAKER. Without objection, the request of the Senate, as expressed in the resolution, will be granted and the bill returned.

There was no objection.

EXTENSION OF REMARKS.

Mr. MOORE. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD on the subject of the Colombian treaty.

The SPEAKER. The gentleman from Pennsylvania [Mr. MOORE] asks unanimous consent to extend his remarks in the RECORD on the subject of the Colombian treaty. Is there objection?

There was no objection.

SENATE BILL REFERRED.

Under clause 2 of Rule XXIV, Senate bill of the following title was taken from the Speaker's table and referred to its appropriate committee, as indicated below:

S. 5293. An act for the promotion and retirement of Col. David L. Brainard, Quartermaster Corps, United States Army; to the Committee on Military Affairs.

ENROLLED BILLS PRESENTED TO THE PRESIDENT FOR HIS APPROVAL.

Mr. ASHBROOK, from the Committee on Enrolled Bills, reported that this day they had presented to the President of the United States for his approval the following bills and joint resolution:

H. R. 1291. An act for the relief of George Gardells;

H. R. 1580. An act for the relief of John R. Norris;

H. R. 1517. An act for the relief of George W. Cary;

H. R. 2536. An act for the relief of John Streckfus;

H. R. 11747. An act to increase the limit of cost for the purchase of a site and the construction of a public building in Memphis, Tenn.;

H. R. 11381. An act for the relief of the estate of T. J. Semmes, deceased;

H. R. 12191. An act for the relief of Elizabeth Muhleman, widow of Samuel A. Muhleman, deceased;

H. R. 1138. An act for the relief of Helen Wakefield;

H. R. 14925. An act for the retirement of H. R. Drake;

H. R. 11254. An act to increase the limit of cost for the erection and completion of the United States post-office building at Mandan, N. Dak.;

H. R. 3988. An act for the purchase of a building and lot as a mine rescue station at McAlester, Okla.;

H. R. 13985. An act to authorize the construction of a bridge across the Mississippi River at or near the city of Baton Rouge, La.;

H. R. 2407. An act for the relief of the Pennsylvania Engineering Co., of the city of Philadelphia;

H. R. 2540. An act for the relief of the estate of Philip Felix Herwig, deceased;

H. R. 11006. An act authorizing the disposal of a portion of the Fort Bidwell Indian School, California;

H. R. 10767. An act for the relief of John D. Baldwin;

H. R. 12166. An act for the relief of Jennie S. Sherman or her heirs;

H. R. 9362. An act for the relief of R. B. Whitacre & Co.;

H. R. 9042. An act to permit sales by supply departments of the Army to certain military schools and colleges;

H. R. 9147. An act to restore First Lieut. James P. Barney, retired, to the active list of the Army;

H. R. 14684. An act for the relief of the Commissioner of Internal Revenue;

H. R. 5884. An act granting to the people of the State of California the right of way upon and across the United States fish reservation at Baird, Shasta County, Cal.;

H. R. 5079. An act for the relief of Mary Abel;

H. R. 8893. An act for the relief of Mary E. Goodley;

H. R. 9421. An act for the relief of John T. Glynn;
H. R. 963. An act for the relief of Mrs. Andrew Riganopolous;
H. R. 6220. An act for the relief of Hosea Stone;
H. R. 6014. An act for the relief of Serapio Romero, late postmaster at Las Vegas, N. Mex.;
H. R. 11625. An act to increase the appropriation for the erection of an immigration station at Baltimore, Md.;
H. R. 9770. An act to levy and collect an income tax on railroads in Alaska, and for other purposes;
H. R. 4744. An act to authorize the appointment of John W. Hyatt to the grade of second lieutenant in the Army;
H. R. 7484. An act for the relief of Stanley J. Morrow;
H. R. 7327. An act for the relief of Charles L. Hill;
H. R. 3041. An act to carry into effect findings of the Court of Claims in the cases of Charles A. Davidson and Charles M. Campbell;
H. R. 6831. An act to quiet title to lot 5, section 33, township 14, range 18 east, Noxubee County, Miss.;
H. R. 6260. An act for the relief of Hyacinthe Villeneuve;
H. R. 6052. An act for the relief of William P. Havenor;
H. R. 7298. An act to increase the limit of cost of the public building at Smyrna, Del.;
H. R. 10345. An act for the relief of C. M. Hammond;
H. R. 12778. An act for the relief of W. D. Stoyer, administrator of the estate of Henry S. Stoyer;
H. R. 5746. An act for the relief of Marcus L. Pelham;
H. R. 13133. An act for the approving and payment of the drainage assessments on Indian lands in Salt Creek drainage district No. 2, in Pottawatomie County, Okla.;
H. R. 14229. An act for the relief of Henry La Roque; and
H. R. 13819. An act to increase the limit of cost of Federal building at Pendleton, Oreg.
H. J. Res. 255. Joint resolution authorizing the President to extend invitations to other nations to send representatives to the International Dry-Farming Congress, to be held at Wichita, Kans., October 7 to 17, inclusive, 1914;

ADJOURNMENT.

Mr. UNDERWOOD. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 5 o'clock and 5 minutes p. m.) the House adjourned until Tuesday, July 14, 1914, at 12 o'clock noon.

PUBLIC BILLS, RESOLUTIONS, AND MEMORIALS.

Under clause 3 of Rule XXII, bills, resolutions, and memorials were introduced and severally referred as follows:

By Mr. WEBB: A bill (H. R. 17869) providing for the appointment of an additional district judge for the southern district of the State of Georgia; to the Committee on the Judiciary.

By Mr. HUMPHREY of Washington: A bill (H. R. 17870) to secure uniformity in the award of medals of honor and rewards for distinguished service in the Army, Navy, Marine Corps, and the Revenue-Cutter Service; to the Committee on Military Affairs.

By Mr. DERSHEM: A bill (H. R. 17871) conferring on the Court of Claims jurisdiction with respect to certain claims; to the Committee on the Judiciary.

By Mr. PHELAN: A bill (H. R. 17882) to grant the consent of Congress for the city of Lawrence, county of Essex, State of Massachusetts, to construct a bridge across the Merrimac River; to the Committee on Interstate and Foreign Commerce.

By Mr. ALEXANDER: A bill (H. R. 17883) to amend article 16 of the act approved June 7, 1897, entitled "An act to adopt regulations for preventing collisions upon certain harbors, rivers, and inland waters of the United States"; to the Committee on the Merchant Marine and Fisheries.

Also, a bill (H. R. 17884) to amend article 16 of the act approved August 19, 1890, entitled "An act to adopt regulations for preventing collisions at sea"; to the Committee on the Merchant Marine and Fisheries.

Also, a bill (H. R. 17885) to amend rule 15 of the act approved February 8, 1895, entitled "An act to regulate navigation of the Great Lakes and their connecting and tributary waters"; to the Committee on the Merchant Marine and Fisheries.

By Mr. FITZGERALD: Joint resolution (H. J. Res. 300) to continue the provisions of a joint resolution approved June 30, 1914, entitled "Joint resolution extending appropriations for the necessary operations of the Government and of the District of Columbia under certain contingencies"; to the Committee on Appropriations.

By Mr. UNDERWOOD: Concurrent resolution (H. Con. Res. 44) to print 10,000 copies of the compilation entitled "Comparison of the Tariff Acts of 1909 and 1913"; to the Committee on Printing.

PRIVATE BILLS AND RESOLUTIONS.

Under clause 1 of Rule XXII, private bills and resolutions were introduced and severally referred as follows:

By Mr. BYRNS of Tennessee: A bill (H. R. 17872) granting a pension to James Moore; to the Committee on Invalid Pensions.

By Mr. CLARK of Florida: A bill (H. R. 17873) granting a pension to Socrates P. Battle; to the Committee on Pensions.

By Mr. FRENCH: A bill (H. R. 17874) granting a pension to Mary M. Greer; to the Committee on Invalid Pensions.

By Mr. GITTINS: A bill (H. R. 17875) granting an increase of pension to Adah B. Ray; to the Committee on Invalid Pensions.

By Mr. KETTNER: A bill (H. R. 17876) granting an increase of pension to Levi Brock; to the Committee on Invalid Pensions.

Also, a bill (H. R. 17877) granting an increase of pension to Orlando C. Limbocker; to the Committee on Invalid Pensions.

Also, a bill (H. R. 17878) granting an increase of pension to Henry F. Sapp; to the Committee on Invalid Pensions.

By Mr. STEPHENS of California: A bill (H. R. 17879) granting a pension to Leah Peterson Austin; to the Committee on Invalid Pensions.

Also, a bill (H. R. 17880) for the relief of the Citizens' National Bank of Los Angeles, Cal.; to the Committee on Claims.

By Mr. TALCOTT of New York: A bill (H. R. 17881) granting an increase of pension to Harriet I. Dagwell; to the Committee on Invalid Pensions.

By Mr. McGILLICUDDY: A bill (H. R. 17886) granting an increase of pension to Hiram A. Spencer; to the Committee on Invalid Pensions.

Also, a bill (H. R. 17887) granting an increase of pension to Benjamin G. Sargent; to the Committee on Invalid Pensions.

By Mr. MOON: A bill (H. R. 17888) for the relief of John G. Brazelton, administrator of the estate of Green Brazelton, deceased; to the Committee on War Claims.

By Mr. PHELAN: A bill (H. R. 17889) to remove the charge of desertion now standing against the record of Henry C. Bliss; to the Committee on Military Affairs.

By Mr. DOOLITTLE: A bill (H. R. 17890) for the relief of Ancil B. Spencer; to the Committee on War Claims.

PETITIONS, ETC.

Under clause 1 of Rule XXII, petitions and papers were laid on the Clerk's desk and referred as follows:

By the SPEAKER (by request): Resolution signed by W. A. Nugent, adjutant of Nelson A. Miles Camp, No. 10, United Spanish War Veterans, of San Francisco, Cal., urging the adoption of House bill 5139, being a bill to provide pensions for all civil-service employees of the Post Office Department; to the Committee on Reform in the Civil Service.

Also (by request), resolution signed by the pastor of the Upper Alton Presbysterian Church, of Alton, Ill., protesting against the practice of polygamy in the United States; to the Committee on the Judiciary.

Also (by request), resolution signed by A. J. Burns, secretary of the Electrical Contractors' Association, State of Missouri, urging adoption of 1-cent rate for first-class mail matter; to the Committee on the Post Office and Post Roads.

Also, petition signed by certain citizens of Bland, Gerald, Herman, Pacific, Berger, Owensville, Union, St. Clair, Sullivan, Washington, Rosebud, and New Haven, Mo., urging the adoption of House bill 5308, a bill compelling concerns selling goods direct to consumers entirely by mail to contribute their portion of funds in the development of the local community, the county, and the State; to the Committee on Ways and Means.

Also, petition signed by Fred Wherman and others, of Montgomery City, Mo., urging the adoption of the Sheppard-Hobson prohibition amendment; to the Committee on Rules.

By Mr. ADAMSON: Petition of the secretary of the District Conference, Methodist Episcopal Church South, of Columbus, Ga., favoring national prohibition; to the Committee on Rules.

By Mr. AIKEN: Petition of the Baptist Church of Denmark, S. C., favoring national prohibition; to the Committee on Rules.

By Mr. AINEY: Petition of the Woman's Christian Temperance Union of Springville, Pa., favoring national prohibition; to the Committee on Rules.

By Mr. ALLEN: Protests of 143 citizens of Cincinnati, Ohio, against national prohibition; to the Committee on Rules.

By Mr. BAILEY (by request): Petition of the Chamber of Commerce of Altoona, Pa., protesting against the extension of

the parcel post; to the Committee on the Post Office and Post Roads.

Also (by request), petition of John F. Cobaugh, of Johnstown, Pa., protesting against national prohibition; to the Committee on Rules.

Also (by request) petition of M. Nathan & Bro., of Johnstown, Pa., protesting against the passage of House bill 13305, Stevens standard-price bill; to the Committee on Interstate and Foreign Commerce.

By Mr. BARCHFELD: Petition of the First Presbyterian Church of McKees Rocks; the Methodist Protestant Church of Castle Shannon; the Mount Washington Presbyterian Church, of Pittsburgh; the First Pentecostal Church of Pittsburgh; the Woman's Christian Temperance Union; the Mount Washington Branch of the Young People's Christian Union, of Pittsburgh, all in the State of Pennsylvania, favoring national prohibition; to the Committee on Rules.

Also, petitions of sundry citizens of Clairton and Duquesne; 141 citizens of the sixteenth, seventeenth, and eighteenth wards of Pittsburgh, Pa.; and Local Unions Nos. 22, 67, and 144, United Brewery Workers of America, of Pittsburgh, Pa., protesting against national prohibition; to the Committee on Rules.

Also, petition and remonstrance of the Chamber of Commerce of Pittsburgh; the Pittsburgh Hardwood Door Co.; the Central Tube Co.; Alexander Laughlin & Co.; F. J. Kress; the George A. Kelly Co.; the H. L. Dixon Co.; George H. Alexander & Co.; Thomas C. Jenkins; James H. Matthews & Co.; the Monongahela Tube Co.; the Hartje Paper Co.; the Union Electric Co.; the B. B. & B. Trunk Co.; and the Manufacturers' Light & Heat Co., all of Pittsburgh, Pa., against sections 7 and 18 of House bill 15657, which exempt labor, agricultural, and other associations and discriminate in their favor in the matter of prosecution under the antitrust laws; to the Committee on the Judiciary.

Also, petitions of the Knoxville Christian Church, of Pittsburgh; the Knoxville United Presbyterian Church, of Pittsburgh; the Christian Endeavor Society of West Elizabeth Presbyterian Church; the West End Methodist Episcopal Church; the Second Presbyterian Church; the First Baptist Church of Pittsburgh; the Valley Presbyterian Church, of Imperial; and sundry citizens of Pittsburgh, all in the State of Pennsylvania, favoring national prohibition: to the Committee on Rules.

Also, petitions of the Grace Methodist, the Mount Washington Methodist Episcopal, the Presbyterian, and the Methodist Protestant Churches of Pittsburgh; the Young People's Society of Christian Endeavor of the Presbyterian Church of Duquesne; the Good Hope Church, of Hays; the Cobden Street Baptist Church and the Mount Washington Baptist Church, of Pittsburgh; the Methodist Church of Munhall; and sundry citizens of Imperial, all in the State of Pennsylvania, favoring national prohibition; to the Committee on Rules.

By Mr. BROWNING: Petitions of Lillian F. Ferckert, Bessie P. Titus, and others, of the executive board of the New Jersey Woman Suffrage Association; Jenney G. Kerlin, Stella B. Buckwalter, and others, of Camden; and Mary E. Borton, Helen Woodruff Tatlock, and others, of Woodstown, all in the State of New Jersey, urging Federal legislation for woman suffrage; to the Committee on the Judiciary.

By Mr. BYRNS of Tennessee: Papers accompanying a bill granting a pension to James Moore; to the Committee on Invalid Pensions.

By Mr. CANDLER of Mississippi: Petitions of sundry citizens of Starkville, Verona, Shannon, Nettleton, and Tupelo, all in the State of Mississippi, favoring national prohibition; to the Committee on Rules.

By Mr. CONNELLY of Kansas: Papers to accompany House bill 17200, granting a pension to Henry Pierson; to the Committee on Pensions.

By Mr. DALE: Petition of the National Civil Service Reform League, protesting against section 3 of House bill 17042, relative to assistant postmasters; to the Committee on the Post Office and Post Roads.

By Mr. DERSHEM: Petitions of 2,100 citizens of Waynesboro, 40 citizens of Hartleton, and the Woman's Christian Temperance Union of Lewistown, all in the State of Pennsylvania, favoring national prohibition; to the Committee on Rules.

By Mr. DILLON: Petition of sundry citizens of South Dakota, favoring national prohibition; to the Committee on Rules.

By Mr. EAGAN: Petition of H. L. Bowley, of New York City, favoring the Smith-Hughes motion-picture censorship bill (S. 4941 and H. R. 14895); to the Committee on Education.

Also, petitions signed by 131 citizens of Hudson County, eleventh district of New Jersey, protesting against national prohibition; to the Committee on Rules.

By Mr. GRIEST: Petitions and resolutions from C. S. Baldwin, of Lancaster; the Christian Endeavor Society of New Holland; Rev. J. H. Higby, Rev. E. A. Bawden, Mr. M. J. Bawden, Mr. L. E. Herbert, and Mr. S. J. Trainer, of Lancaster; Capt. and Mrs. Tanks, for the Salvation Army, Lancaster; Rev. E. A. Bawden, president, and F. C. Beckwith, secretary, for the congregation of the First Methodist Church of Lancaster; Anna C. Book and sundry citizens of Quarryville; and Wilfrid P. Riggs, for 92 citizens of White Rock, all in the State of Pennsylvania, favoring a national prohibition constitutional amendment; to the Committee on Rules.

Also, petition of Rev. W. S. Barnes and other citizens of Luzerne County, Pa., favoring national prohibition; to the Committee on Rules.

By Mr. HELGESEN: Petitions of various Sunday schools of Walsh County, N. Dak., favoring national prohibition; to the Committee on Rules.

By Mr. MAGUIRE of Nebraska: Petition of various members of the Methodist Episcopal Church of Plattsmouth, Nebr., favoring national prohibition; to the Committee on Rules.

By Mr. MAHER: Petition of the General Post Office Letter Carriers' Mutual Benefit Association, of New York City, relative to House bill 12928, to amend the postal laws; to the Committee on the Post Office and Post Roads.

By Mr. MOORE: Resolution of the freight traffic committee of the Merchants and Manufacturers' Association, of Philadelphia, Pa. relative to the proposed extension of the parcel post; to the Committee on the Post Office and Post Roads.

By Mr. NEELEY of Kansas: Petitions of sundry citizens of Liberal and Nickerson, Kans., favoring national prohibition; to the Committee on Rules.

By Mr. NELSON: Petition of Lucius Fairchild Post, No. 11, Grand Army of the Republic, of Madison, Wis., and George H. Legate Post, No. 125, Grand Army of the Republic, of Mineral Point, Wis., urging appropriation for the reunion of veterans at Vicksburg, Miss.; to the Committee on Military Affairs.

By Mr. PATTON of Pennsylvania: Petitions of sundry citizens of Mount Jewett, Penfield, Rixford, Hale College, Custer City, and Mahaffey, all in the State of Pennsylvania, favoring national prohibition; to the Committee on Rules.

Also, petition of Mrs. E. I. Latsham, Mrs. Lillie Latham, and others, of Bradford, Pa.; Mary Weber, Margaret A. Bell, and others, of Dubois, Pa., favoring woman's suffrage legislation; to the Committee on Rules.

By Mr. PLATT: Petitions of sundry citizens and various members of Apokeesing Lodge, No. 80, International Order of Good Templars, of Poughkeepsie, and sundry citizens of Moore Mills and Pleasant Valley, all in the State of New York, favoring national prohibition; to the Committee on Rules.

By Mr. ROBERTS of Nevada: Petition of Local Union No. 352 of the International Union of the United Brewery Workmen of America, of Reno, Nev., against national prohibition; to the Committee on Rules.

By Mr. SCULLY: Petition of LeRoy Emley, of Creamridge; William Van Kirk, of Red Bank; F. W. Sprague, jr., of Cedar Run, all in the State of New Jersey, in favor of amendment to H. R. 17042, relative to Railway-Mail Service; to the Committee on the Post Office and Post Roads.

Also, petition of James B. Haviland, in favor of retirement of superannuated and disabled employees; to the Committee on Reform in the Civil Service.

Also, petition of C. A. Burrows, of Lancaster, Pa., in favor of House bill 4352, for old-age pensions; to the Committee on Pensions.

Also, petitions of Mrs. John Mickle, of Point Pleasant, N. J., favoring national prohibition; to the Committee on Rules.

Also, petition of the New Jersey Pharmaceutical Association, in favor of House bill 13305, the Stevens price bill; to the Committee on Interstate and Foreign Commerce.

Also, petition of A. F. Paulis, of New Brunswick, N. J., and Ignatz Lustgarten, of Woodbridge, N. J., against national prohibition; to the Committee on Rules.

By Mr. SMITH of Idaho: Petition of P. N. Van Derken and 270 other citizens of Fruitland, Idaho, favoring national prohibition; to the Committee on Rules.

By Mr. J. M. C. SMITH: Petition of 6 citizens, the Bethel Baptist Church, and the Christian Endeavor Union, all of Kalamazoo; the Christian Endeavor Society of Bethany; the Reformed Church of Kalamazoo; and 1,100 members of the First Methodist Episcopal Church of Albion, all in the State of Michigan, favoring national prohibition; to the Committee on Rules.

Also, petition of 7 citizens of Lansing, protesting against national prohibition; to the Committee on Rules.

By Mr. SAMUEL W. SMITH: Petition of 40 citizens of Flint, Mich., favoring national prohibition; to the Committee on Rules.

By Mr. STEPHENS of Nebraska: Petition of sundry citizens of Pilger, Nebr., favoring national prohibition; to the Committee on Rules.

By Mr. UNDERHILL: Petition of various members of the Methodist Church of Canisteo, N. Y., favoring national prohibition; to the Committee on Rules.

By Mr. VOLLMER: Petition of various voters of the second congressional district of the State of Iowa, protesting against House joint resolution 168, Senate joint resolutions 88 and 50, and all similar measures introduced in Congress; to the Committee on Rules.

By Mr. WALLIN: Memorial of the New York Eastern Christian Conference, favoring national prohibition; to the Committee on Rules.

By Mr. WINGO: Petition of 12 citizens of Sevier County, Ark., favoring national prohibition; to the Committee on Rules.

SENATE.

TUESDAY, *July 14, 1914.*

The Senate met at 12 o'clock m.

Rev. J. L. Kibler, D. D., of the city of Washington, offered the following prayer:

O Lord, we come to Thee because Thou art worthy to be praised and to be held in everlasting remembrance by the children of men. Thou art the giver of every good and of every perfect gift, and we come to make mention that Thy name is exalted and to declare Thy doings among Thy people. May we this day honor Thy great name, and as we meet responsibilities to our country may we not forget our obligations to Thee. As we seek the interest of men may we remember that "righteousness exalteth a nation, but sin is a reproach to any people." May our ear be open to Thy voice, and may our responses to the call of every duty be sincere, patriotic, and complete. We ask it in Jesus' name. Amen.

The Journal of yesterday's proceedings was read and approved.

ESTIMATE OF APPROPRIATION.

The VICE PRESIDENT laid before the Senate a communication from the Secretary of the Treasury, transmitting a letter from the Secretary of the Navy, submitting an estimate of appropriation in the sum of $10,000 on account of damage occasioned by recent typhoon in the island of Guam, which, with the accompanying papers, was referred to the Committee on Appropriations.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by J. C. South, its Chief Clerk, announced that the House recedes from its amendment to the amendment of the Senate No. 1 to the bill (H. R. 15279) making appropriations for the legislative, executive, and judicial expenses of the Government for the fiscal year ending June 30, 1915, and for other purposes, and agrees to the same; and also recedes from its disagreement to the amendment of the Senate No. 30, and agrees to the same.

The message also announced that the House had passed a concurrent resolution providing for the printing and binding of 10,000 copies of the compilation entitled "Comparison of the tariff acts of 1909 and 1913, showing the classification, rates of duty, and sections of the acts of August 5, 1909, and October 3, 1913, together with the equivalent ad valorem rates of duty on the imports for the fiscal year ending June 30, 1913," etc., in which it requested the concurrence of the Senate.

The message further announced that the House returned to the Senate, in compliance with its request, the bill (S. 5042) legalizing certain conveyances heretofore made by the Central Pacific Railroad Co. and others within the State of Nevada.

The message also announced that the House insists upon its amendments to the bill (S. 4261) granting pensions and increase of pensions to certain soldiers and sailors of the Civil War and certain widows and dependent relatives of such soldiers and sailors, disagreed to by the Senate, agrees to the conference asked for by the Senate on the disagreeing votes of the two Houses thereon, and had appointed Mr. RUSSELL, Mr. HELVERING, and Mr. KINKAID of Nebraska managers at the conference on the part of the House.

The message further announced that the House insists upon its amendments to the bill (S. 4845) granting pensions and increase of pensions to certain soldiers and sailors of the Civil War and certain widows and dependent relatives of such soldiers and sailors, disagreed to by the Senate, agrees to the conference asked for by the Senate on the disagreeing votes of the two Houses thereon, and had appointed Mr. RUSSELL, Mr. HELVERING, and Mr. KINKAID of Nebraska managers at the conference on the part of the House.

The message also announced that the House insists upon its amendments to the bill (S. 5207) granting pensions and increase of pensions to certain soldiers and sailors of the Civil War and certain widows and dependent relatives of such soldiers and sailors, disagreed to by the Senate, agrees to the conference asked for by the Senate on the disagreeing votes of the two Houses thereon, and had appointed Mr. RUSSELL, Mr. HELVERING, and Mr. KINKAID of Nebraska managers at the conference on the part of the House.

The message further announced that the House insists upon its amendments to the bill (S. 5446) granting pensions and increase of pensions to certain soldiers and sailors of the Civil War and certain widows and dependent relatives of such soldiers and sailors, disagreed to by the Senate, agrees to the conference asked for by the Senate on the disagreeing votes of the two Houses thereon, and had appointed Mr. RUSSELL, Mr. HELVERING, and Mr. KINKAID of Nebraska managers at the conference on the part of the House.

The message also announced that the House insists upon its amendments to the bill (S. 5575) granting pensions and increase of pensions to certain soldiers and sailors of the Civil War and certain widows and dependent relatives of such soldiers and sailors, disagreed to by the Senate, agrees to the conference asked for by the Senate on the disagreeing votes of the two Houses thereon, and had appointed Mr. RUSSELL, Mr. HELVERING, and Mr. KINKAID of Nebraska managers at the conference on the part of the House.

The message further announced that the House insists upon its amendments to the bill (S. 5843) granting pensions and increase of pensions to certain soldiers and sailors of the Civil War and certain widows and dependent relatives of such soldiers and sailors, disagreed to by the Senate, agrees to the conference asked for by the Senate on the disagreeing votes of the two Houses thereon, and had appointed Mr. RUSSELL, Mr. HELVERING, and Mr. KINKAID of Nebraska managers at the conference on the part of the House.

ENROLLED BILLS AND JOINT RESOLUTION SIGNED.

The message also announced that the Speaker of the House had signed the following enrolled bills and joint resolution, and they were thereupon signed by the Vice President:

H. R. 12914. An act granting pensions and increase of pensions to certain soldiers and sailors of the Civil War and certain widows and dependent children of soldiers and sailors of said war;

H. R. 13542. An act granting pensions and increase of pensions to certain soldiers and sailors of the Civil War and certain widows and dependent children of soldiers and sailors of said war;

H. R. 14234. An act granting pensions and increase of pensions to certain soldiers and sailors of the Civil War and certain widows and dependent children of soldiers and sailors of said war;

H. R. 14738. An act granting pensions and increase of pensions to certain soldiers and sailors of the Civil War and certain widows and dependent children of soldiers and sailors of said war;

H. R. 15279. An act making appropriations for the legislative, executive, and judicial expenses of the Government for the fiscal year ending June 30, 1915, and for other purposes;

H. R. 15692. An act granting pensions and increase of pensions to certain soldiers and sailors of the Civil War and certain widows and dependent children of soldiers and sailors of said war;

H. R. 16055. An act to amend section 4474 of the Revised Statutes of the United States; and

S. J. Res. 29. Joint resolution authorizing the President to appoint a member of the New Jersey and New York Joint Harbor Line Commission.

INDUSTRIAL CONDITIONS.

Mr. GALLINGER. Mr. President, on yesterday after the reading of the Journal the senior Senator from Missouri [Mr. STONE] called attention to the fact that he held in his hand some newspaper clippings which he wanted to have read "for the edification and comfort" of his "friends the Senator from Utah [Mr. SMOOT], the Senator from New Hampshire [Mr. GALLINGER], and some others." Later on he alluded to us as "the lamentators." The Senator had those read into the RECORD, after which he was followed by the Senator from Alabama [Mr. WHITE] and the Senator from Mississippi [Mr. WILLIAMS], with somewhat similar articles.

The Senator from Missouri suggested that he would have similar articles to insert from day to day. The Senator said:

That is all I shall insert this morning, but I think I will take occasion morning after morning to furnish my friends on the other side with some comforting evidence of the real condition of the country.

I will now ask the Senator from Missouri if he has any further articles to present to-day for insertion in the RECORD?

Mr. STONE. Mr. President, as I see some evidences of rising temperature in those who are suffering from the calamity fever, I may offer a dose of soothing sirup this morning, and small doses from time to time.

Mr. GALLINGER. The Senator alludes——

Mr. SIMMONS. Mr. President——

The VICE PRESIDENT. Does the Senator from New Hampshire yield to the Senator from North Carolina?

Mr. GALLINGER. For what purpose?

Mr. SIMMONS. The Senator seems to want a lead this morning, and I thought I would give it to him. The Senator from Missouri——

Mr. GALLINGER. I will say to the Senator that I was talking to the Senator from Missouri, who had promised us some further enjoyment this morning. I do not know that I want to get the Senator from North Carolina involved in any matter that the Senator from Missouri is in charge of.

Mr. STONE. He is the consulting surgeon.

Mr. SIMMONS. It was not for the purpose of helping the Senator from Missouri. The Senator from Missouri can help himself. He can take care of himself better than any other person I know in public life in America; but I thought the Senator from New Hampshire wanted a lead, and having some papers which he drew from his pocket, as he seemed to be soliciting the Senator from Missouri to give him a lead in the matter, I thought I would do it.

Mr. GALLINGER. The Senator from North Carolina can follow just as well as lead. The Senator usually leads, but I prefer that he should follow this morning.

Mr. SIMMONS. That is satisfactory to me.

Mr. GALLINGER. I have a great many newspaper clippings in my desk and I have scores of them in my committee room, and I thought yesterday I would insert some of them in the RECORD, but I find in the Washington Post of this morning some very interesting reading, which I will introduce instead of the others. I will first ask that this brief item shall be read.

The VICE PRESIDENT. Is there objection? The Chair hears none, and the Secretary will read as requested.

The Secretary read as follows:

JOBS OF 1,000 MEN GONE—WAGES OF OTHERS ARE REDUCED AT THE BIG PLANTS IN WILMINGTON, DEL.

[Special to the Washington Post.]

WILMINGTON, DEL., *July 13.*

The industrial depression has struck Wilmington with vigor. It was announced to-day by officials of the Harlan & Hollingsworth Corporation that 1,000 workmen have been discharged during the past few weeks.

The officials, when asked, declined to blame the Democratic administration for the condition. In addition, the Pennsylvania Railroad shops and the plant of the American Car & Foundry Co. have placed their employees on reduced wages. The repair shops of the Pullman Car Co. have also begun reducing their force.

Mr. GALLINGER. Mr. President, "Holland" writes most interestingly a daily letter to certain newspapers in the country. I have noticed during the last couple of months that "Holland" has been endeavoring to bolster up the industrial and trade conditions of the country. He has been doing precisely what the manufacturers have been doing. The manufacturers have kept back the actual conditions as far as they could, because they want to keep their credit good, so as to be able to borrow money. They do not want to advertise to the world that they are in financial distress or industrial disturbance. The other day I read a letter in the Boston Herald from a large manufacturer, in which he said he had gotten tired of lying and he was going to tell the truth. He said, "For the last six months I have been saying business is pretty good, but the fact is that business is wretchedly bad, and now I am going to tell the public the truth about it." "Holland" evidently has reached the same conclusion, and this morning he has this to say. He has a good deal more to say, but as I do not want to take any unnecessary time, I will ask that only a part of the article be read.

Mr. SAULSBURY. Mr. President——

The VICE PRESIDENT. Does the Senator from New Hampshire yield to the Senator from Delaware?

Mr. GALLINGER. I do.

Mr. SAULSBURY. I heard an interesting article read from a newspaper just now regarding Wilmington, Del. May I ask who presented the article?

Mr. GALLINGER. I presented it. I took it from the Washington Post. It purports to be a special dispatch from Wilmington.

Mr. SAULSBURY. I may say, if the Senator will permit me, in regard to that article that it is not an unusual thing for a thousand men be out of employment in Wilmington. We are very fortunate to have only a thousand men out of employment.

Mr. GALLINGER. This is in only one establishment.

Mr. SAULSBURY. The Harlan & Hollingsworth Car Manufacturing Co., the American Car & Foundry Co., and the Pullman Car Co. have their shops there.

Mr. GALLINGER. The statement was that those concerns were also in more or less distress, and 1,000 men had been dismissed from one particular concern.

Mr. SAULSBURY. I also noticed that the American Car & Foundry Co. was mentioned. This is the eastern branch of that large car-building works; and I may say that the condition in Wilmington, where there are many shops which are furnishing car supplies, is that when men have been discharged, and I have been told by many of the men themselves, they have been laid off when there was work in the shops to do. I do not mean to say that that condition exists in all the shops, but these men told me they had been discharged when they had as much work to do as ever. They told me they could not be fooled by alleged conditions when they were discharged and work existed in the shops which could be done.

Mr. GALLINGER. That is a most extraordinary suggestion. Of course it will go into the RECORD for what it is worth. The idea that when work is at hand in any manufacturing concern men are discharged is certainly food for the marines and not for the Senate of the United States.

Mr. SAULSBURY. May I ask the Senator if it is not conceivable that where there are large communities greatly interested in railroad supplies, when peculiar conditions exist pending certain investigations which have been going on by the Interstate Commerce Commission, these conditions may not be as serious as they look?

Mr. GALLINGER. Possibly so; but there is no suggestion that that is the condition in Wilmington alone. I should like to have read what "Holland" has further to say.

Mr. THOMAS. Mr. President——

The VICE PRESIDENT. Does the Senator from New Hampshire yield to the Senator from Colorado?

Mr. GALLINGER. Well, Mr. President, I think I will occupy the time now for a little while.

The VICE PRESIDENT. Is there objection? The Chair hears none, and the Secretary will read as requested.

The Secretary read as follows:

[From the Washington Post.]

"HOLLAND" WRITES OF HUGE LOSSES BUSINESS HOUSES HAVE SUFFERED IN SIX MONTHS—EXPORTS ALONE HOLD OWN—ONE CORPORATION, IN A PRIVATE REPORT, FINDS THAT ITS BUSINESS DROPPED FROM $3,000,000 IN ONE-HALF OF 1912 TO ABOUT $900,000 FOR THE SAME PERIOD THIS YEAR—SOME OF REASONS OFFERED.

NEW YORK, *July 13.*

While the managers of many of the big industrial corporations think it inexpedient to report for publication what their business for the first half of the present calendar year was, measured in dollars and compared with a like period in the previous year, as well as in 1912, nevertheless, some of them do tell in confidence what their recent experiences have been. For instance, one of the largest of American industrial corporations caused a comparison to be made on July 1 of the business done in the first six months of 1912, and then, again, the business of a like period of last year, and also the business done in the six months which have just ended.

GREAT LOSS IN BUSINESS.

Their sales in a period of normal business activity approximate about $3,000,000 for six months. The total business done in the first six months of 1912 was a little under $3,000,000. The total business done last year in the same period was a little over $1,800,000. Their business for the first six months of the present year was, in round numbers, $900,000. Of course, these managers look with apprehension upon a report of this kind.

A falling off such as these figures show can not be met much longer without compelling the managers of the industry to consider the expediency of liquidating or possibly of greatly reducing their capital.

Mr. GALLINGER. "Holland" says a good deal more along the same line. I will refrain from presenting it, but I do want to present a very interesting editorial from this morning's Washington Post, and I commend it to the farmers of Missouri, as well as to the farmers in other parts of the country.

Mr. THOMAS. Mr. President——

The VICE PRESIDENT. Does the Senator from New Hampshire ask for the reading?

Mr. GALLINGER. Yes; I want to have it read, as the farmers of the country will want to read it.

The VICE PRESIDENT. Is there objection? The Chair hears none, and the Secretary will read as requested.

The Secretary read as follows:

THE FARMER LOSES.

In the 10 months ended April, 1914, the value of foreign foodstuffs imported into the United States increased $10,000,000, or $1,000,000 a month. This money, which should have gone to the American farmer, went to foreign farmers.

In the same period the exports of American foodstuffs decreased $64,416,000, or $6,400,000 a month.

The adverse balance against the American farmer, so far as dealings with the outside world are concerned, is $75,000,000 in 10 months.

During the 10 months ended April, 1914, there were imported 20,058,998 bushels of oats, as against 714,767 bushels imported during the same period ended April, 1913. Comparing the same periods, there were imported 1,854,054 bushels of wheat, against 769,329; other breadstuffs, $2,602,952, against $1,362,630; fruits, $26,155,168, against $21,635,382; nuts, $722,217, against $636,290; butter, $1,633,515, against $253,513; cheese, $9,302,438, against $7,683,399; olive oil, $6,444,247, against $5,815,810; prepared vegetables, $3,015,545, against $2,772,100; fresh vegetables, $1,468,396, against $1,308,821. The importation of eggs during the 10 months ended April, 1914, amounted to 5,043,765 dozen, valued at $1,000,000.

These are staples produced by American farms, orchards, and gardens. The new tariff reduces the duty upon these articles and opens the market to foreign farmers. The foreigner has seized this opportunity and is now making $1,000,000 a month which formerly went to the American farmer.

The consumer gets no benefit from this tariff reduction. The price has not gone down on a single article mentioned. The high tariff formerly kept the foreigner out and gave this business to the American farmer. The new tariff throws the business to the foreign farmer, who, with the middleman, pockets the benefit, and the consumer pays as much as he did before. The only loser is the American farmer.

This loss of $1,000,000 a month covers only 10 months of the new tariff. It is natural that the loss should be greater as soon as foreign farmers awaken to the splendid opportunity offered by the American market. The more they take advantage of this opportunity the more the American farmer will lose.

The only way to prevent this loss to the American farmer is to put the bars up again, and shut out the foreigner. The experiment has been in effect long enough to show that it does not decrease the cost of living.

Maybe this item of $1,000,000 a month loss through the low tariff will be borne in mind by the American farmer when he votes next November for Congressmen who frame tariff bills.

Mr. GALLINGER. Mr. President, that is all I care to put into the RECORD this morning, and——

Mr. THOMAS. Mr. President——

The VICE PRESIDENT. Does the Senator from New Hampshire yield to the Senator from Colorado?

Mr. GALLINGER. If the Senator will just withhold his interruption for a moment—that is all I care to put into the RECORD this morning, and I did it simply because the challenge was made on yesterday. If the plan announced by the Senator from Missouri is to be continued, I have a great deal more interesting material, and undoubtedly I will be in receipt from day to day of much additional information. This very morning a letter comes to me from New Hampshire showing that a large manufacturing concern has closed its doors and that the doors are to be kept closed until they get orders.

Mr. President, it will be of value to the people who read the CONGRESSIONAL RECORD to find that the political party which promised such glowing results from the new tariff have failed to bring about what they promised.

Mr. THOMAS. Mr. President, I noticed in the Washington Post of this morning another piece of depressing information which seems to have escaped the notice of the Senator from New Hampshire [Mr. GALLINGER]. It was a résumé of the recent report of the Interstate Commerce Commission upon the New York, New Haven & Hartford Railroad Co. I discovered from that résumé that 336 subsidiary corporations of that concern have been practically put out of business. Those who are dependent upon them for a living, those who had invested their money in them, are principally inhabitants of New England, and their condition must be quite as deplorable as that of the poor workmen who seem to have been temporarily thrown out of employment in Wilmington I also noticed, Mr. President, that between sixty and ninety millions of dollars, doubtless representing the earnings of small investors, have been frittered away and wasted, if not stolen, through the agency of these 336 corporations, manipulated by the interests which are now so extremely concerned about business conditions and who desire to go back to the good old ways of doing business.

I drew an inference also from this report, Mr. President, that one man, since deceased, was primarily responsible for the creation of these 336 helpless subsidiary corporations as dummies to do the work which preceded the wrecking of the larger concern; but his responsibilities have ended. And I was reminded, too, of a clipping also taken from the Washington Post shortly after Mr. Morgan's unfortunate demise. It is an extract from his will, which I will read into the RECORD for the consolation of the New Haven's unfortunates. It is as follows:

I commit my soul into the hands of my Savior in full confidence that having redeemed it and washed it in His most precious blood He will present it faultless before the throne of my heavenly Father; and I entreat my children to maintain and defend, at all hazard, and at any cost of personal sacrifice, the blessed doctrine of the complete atonement for sin through the blood of Jesus Christ, once offered, and through that alone.

It seems pertinent to present this, but without comment, as a sort of companion piece to the report of the Interstate Commerce Commission.

Mr. CHILTON. Mr. President, a great many of us, at least, do not know who "Holland" is, but, I take it, every Senator here will know the author of the article which I send to the Secretary's desk and ask to have read. It is a telegraphic dispatch to the New York World.

The VICE PRESIDENT. Is there objection to the request of the Senator from West Virginia? The Chair hears none, and the Secretary will read as requested.

The Secretary read from the New York World of Saturday, July 11, 1914, as follows:

PROSPERITY FIRST FINDS PITTSBURGH, NEWSPAPER SAYS—SENATOR OLIVER'S AFTERNOON DAILY DECLARES THAT IS THE OPINION VOICED BY LEADING BUSINESS MEN THERE—ALL BRANCHES OF TRADE FEEL RETURNING STIMULUS—STEEL PLANTS PUTTING ON MORE MEN, AND THERE IS $15,000,000 IN PRIVATE BUILDINGS.

[Special to the World.]

PITTSBURGH, *July 10.*

The Chronical-Telegraph, Senator GEORGE T. OLIVER'S afternoon daily paper, prints the following to-day:

"Pittsburgh is the first of American cities to recover from the depression in business which has affected the entire country"——

Mr. BORAH. Mr. President, does the Senator from West Virginia think that such charges ought to be made against the Senator from Pennsylvania in his absence? [Laughter.]

Mr. CHILTON. I did not know the Senator from Pennsylvania was absent, and I have no doubt the Senator would not object to anyone accusing him of telling the truth, even in his absence.

The Secretary resumed and concluded the reading of the article, as follows:

"In this manufacturing district the ebb tide in the commercial and industrial field caused by the change in the Nation's tariff policy, the changes wrought in the banking and currency system, and the uncertainty in the railroad rate situation has been reached.

"Pittsburgh is returning to its old-time prosperity. This is the opinion voiced by leading manufacturers, bankers, and business men of the community.

"FEEL RETURNING STIMULUS.

"All branches of trade," the paper declares, "are feeling the stimulus of the return of normal conditions. The Pittsburgh pay roll, measured on the unexampled standard of $1,000,000 a day, again is making itself felt in the home commercial mart. This unrivaled asset in Pittsburgh business, and especially in guaranteeing the stability of the community's mercantile trade, is growing greater.

"Reports from the iron and steel industry for July in the Pittsburgh district show an increase over June of 10 per cent. The August outlook is still better. In the fall many new industries located by the Pittsburgh Industrial Development Commission will begin operations. All told, these concerns will give year round employment to skilled mechanics of the highest wage-earning capacity. This will mean at least 4,000 additional buyers who will augment the receipts of Pittsburgh merchants.

"$15,000,000 IN BUILDING.

"In building operations Pittsburgh this year is spending more than $15,000,000. This sum does not include the municipal improvements referred to by Mayor Armstrong. Financial men regard as a true index to the confident feeling of the people the readiness with which the municipal bonds for these improvements were bought.

"Meanwhile," it is said in the paper, "other Pittsburgh industries are indicating by their policy the arrival of highly fortunate times to come. The Jones & Laughlin Steel Co. has been employing additional men and the United States Steel Corporation also has been adding to its forces so the greatly increased demands of the immediate future may be met. The National Tube Co. is already working to 80 per cent of its capacity and soon will be working in full. The present building boom now so noticeable in Pittsburgh is declared by contracting engineers and builders to be the most remarkable experienced here in years. That this situation will be greatly exceeded seems apparent in the enormous building activity scheduled for the near future."

Mr. MARTINE of New Jersey. Mr. President, lest this howl of calamity should overtop everything, and since it seems as though there were a preconcerted plan upon the part of the distinguished Senator from New Hampshire [Mr. GALLINGER] to burden the community all at once with this appalling cloud to mitigate somewhat that horrid condition, I desire to present some communications I have come across. I have copied verbatim from the New York Tribune of July 7, as I hesitated to mutilate the paper, the following item:

Pennsylvania orders 84 engines. Will spend $1,680,000. The locomotives will cost an average of $20,000 each.

If all this calamity exists, pray, I ask in all reason, why does the Pennsylvania Railroad Co. spend this money and for what purpose will it use these engines?

From the Journal of Commerce of July 7 I read the following:

The roads bought 19,000 tons during June, 1914.

In the Journal of Commerce of the same date I notice the following:

Heavy exports of wheat. Over 1,000,000 bushels will be shipped by St. Louis.

The same paper on the same date—and Senators can not charge the Journal of Commerce with being our paper—says:

Texas Co. buys 500 acres. Will expend in building refinery $2,000,000 and employ 1,000 men.

I also quote from the Journal of Commerce, as follows:

Paris, June 27, 1914. Wheat crop short. France will have to import 60,000,000 bushels of wheat.

Compare that with your statements in regard to the importation of corn.

The Journal of Commerce of July 8, 1914, states:

Kansas City and Southern Record: Gross earnings $11,000,000, or $50,000 greater than in 1913.

I will not tire the Senate by quoting the editorial in the paper of the Senator from Pennsylvania [Mr. OLIVER] to which reference has been made, wherein he goes on to show that in Pittsburgh they are fast approaching a million-dollar-a-day record in wages paid, but I will quote from an editorial in the Philadelphia Record—and I had really treasured this with the hope that my friend the Senator from Pennsylvania [Mr. PENROSE] might be here, as I wanted to give this to him right from his own hearthstone—the Philadelphia Record editorially says:

All departments of the Pennsylvania Railroad's Altoona shops are working full time; some of them overtime. Contractors are having difficulty in getting men. The Baltimore & Ohio shops at Pittsburgh have added 800 men to their rolls. The crop demands have lessened the idle cars for the last half of June 12,000 cars. Failures were fewer in June than in previous month.

The Journal of Commerce of July 10, 1914, says:

Ford—

Of automobile fame—

says there is absolutely nothing wrong with business. All lines feel the awakening.

I quote again from the Journal of Commerce of July 10:

The American Chicle Co. increases business facilities.

The gratifying thing I see about that is that my Republican friends who are wont to cry calamity have ceased chewing the rag and have gone to chewing gum [laughter]—the Chicle Co. have multiplied their facilities.

The Journal of Commerce also says that $1,000,000 will be expended for improvements by the Tennessee Copper Co.

I now quote from the New York Times of July 10, 1914, as follows:

PHILADELPHIA, *July 10.*

The Pennsylvania Railroad to-day gave orders for 100,000 tons of steel rails.

I quote another extract from the New York Times, as follows:

[Special to the New York Times, July 10, 1914.]

GETTING NEW ENGINES.

The Chicago, Milwaukee & St. Paul has just placed an order for five of the largest type of engines. This road recently stated that it had 90 idle engines.

In this connection, I notice that the New York Post, of July 11, 1914, says that Mr. Newman Erb, president of the Minneapolis & St. Louis Railroad, has just returned from Europe, and he finds even there that business prostration has existed and still exists, though it is somewhat picking up, and good business is in sight.

I met a gentleman night before last, Mr. Rapheal Herman, of Detroit, whose opinion as to the business outlook is published in the Washington Star of last evening. Representative DOREMUS, of Michigan, introduced Mr. Rapheal Herman to me as a curiosity. I said "In what way; he is a splendid looking fellow." Mr. Herman answered, "Well, I am a Republican and a protectionist, and yet I have the courage and temerity to assert that times are good and business is generally very much improving." I asked him in what particular line he was engaged, and he said that he was engaged in the manufacture of attachments and connections used in the manufacture of engines and boilers. "Well," said I, "it may be that is the condition in your particular part of the country"—he came from Detroit. He said, "No, sir; the best business I have is in the city of Philadelphia." Oh, that some phone might carry this to the ears of OLIVER and PENROSE, telling them that general conditions are infinitely better than they have been.

I say, Mr. President, that, while there are instances of depression and instances of idleness, yet, as I said here some days ago, we are reaping the result of a life of debauch and of ruthless extravagance, and it ill becomes Senators of the United States, in the face of all God's blessings that surround us, in the face of bountiful crops, with myriads of acres planted to corn that is just bursting into fruition and into wealth, and myriads of bushels of wheat that will supply not only the hungry mouths of our people, but the hungry mouths of the starving millions of the Old World, to cry calamity. I say it is a crime, and worse than a crime; in the midst of all these manifold blessings it is a sin. If our friends on the other side can get some comfort out of finding a condition of things where some poor mortal may have been thrown out of employment and his family starving, in God's name let them get it. I do not believe that they are warranted in uttering this calamity howl. I say, pick up and chirp and have courage. You know in your own hearts that you are blessed beyond comparison and almost beyond reason. We are richer, mayhap, than our deserts.

I say I could multiply the instances I have given by the hundreds. The Senator from New Hampshire knows that the testimony I have given is not the testimony of Democrats, but the testimony in the main—in fact, I think, almost without exception—of papers which uphold the Republican Party and that have voiced your propaganda and pressed on your dogma of protection until you have cursed the country and imposed a burden upon all mankind.

Mr. GALLINGER. Mr. President, I will ask the Senator if he does not think he is rather trenching upon the rule when he charges me with being guilty of crimes and sins? [Laughter.] I refer to the rule that says that one Senator shall not impute improper motives to another Senator.

Mr. MARTINE of New Jersey. Oh, that is very nice; but Heaven knows, and the Senate knows well, that my reference was not to an individual, but to a collection and aggregation of individuals made up of the Senator and others, who, under the guise and misnomer of the Republican Party, have burdened the people and have brought detriment to them. [Laughter.]

Mr. GALLINGER. Does the Senator think that it makes the offense the less, in view of what the rule prescribes, if he applies it to several of us?

Mr. MARTINE of New Jersey. Well, it spreads it out a little thinner. [Laughter.] The fact is, that if I should attempt to spread out the wrongs of the Republican Party, they would cover many, many people; but I have to say that as to the generous, glorious, genial, grand, big-hearted, and splendid Apollo, in the person of the Senator from New Hampshire, it would be impossible for a man to say anything very ungenerous or very unkind, and God knows that in my heart the Senator is the last man to whom I would charge any personal aim or intent to cause detriment to anybody; but you have been so long under the ban of Republican iniquity that you scarce know when to stop.

Mr. GALLINGER. Mr. President, I will forgive everything the Senator has said about me, though he has really violated the rule, if he will take back the appellation "Apollo" as applied to me. [Laughter.] I can not stand that.

Mr. MARTINE of New Jersey. Well, I want to be on the side of truth; and I think the Senator, as an M. D., must realize that he measures up better in physique than the average of God's children.

Mr. BORAH. I call for the regular order.

The VICE PRESIDENT. The regular order is the presentation of petitions and memorials.

PETITIONS AND MEMORIALS.

Mr. VARDAMAN. I send to the desk two telegrams in the nature of petitions from men and women of Mississippi, expressing their opinion upon the proposed amendment to the Constitution of the United States to prohibit the manufacture of intoxicating liquors. In their judgment and opinion I most heartily concur. I ask that the telegrams may be printed in the RECORD, without reading.

There being no objection, the telegrams were referred to the Committee on the Judiciary and ordered to be printed in the RECORD.

[Telegram.]

CARROLLTON, MISS., *July 3, 1914.*

Hon. J. K. VARDAMAN,
United States Senate, Washington, D. C.:

Undersigned petition Congress to submit amendment prohibiting importation and manufacture of liquor.

WOMAN'S CHRISTIAN TEMPERANCE UNION,
Mrs. W. A. BILLUPS,
President Methodist Woman's Society.
Mrs. J. R. BINGHAM,
President Baptist Ladies' Aid Society.
Mrs. W. D. KIMBROUGH,
President United Daughters of the Confederacy.
Mrs. S. E. TURNER,
President Beethoven Club.
Mrs. V. STILLSON.

[Telegram.]

BATESVILLE, MISS., *July 6, 1914.*

Hon. JAMES K. VARDAMAN,
United States Senate, Washington, D. C.:

Mass meeting of citizens at Batesville petition Congress to submit amendment prohibiting importation, manufacture, and sale of intoxicating liquors.

R. A. N. WILSON, *Chairman.*

Mr. WARREN presented petitions signed by 147 citizens of Sheridan, Wyo., praying for national prohibition, which were referred to the Committee on the Judiciary.

He also presented a petition of Local Union No. 636, United Association of Plumbers and Steam Fitters, of Detroit, Mich.,

praying for the enactment of legislation to further restrict immigration, which was ordered to lie on the table.

Mr. JONES presented memorials of sundry citizens of the State of Washington, remonstrating against the proposed increase in the number of chaplains in the United States Navy, which were ordered to lie on the table.

Mr. PERKINS presented petitions of sundry citizens of Brawley and Oakland, and of the congregations of the Arlington Christian Church of Riverside, and of the Southern California Conference of the Free Methodist Church, of South Pasadena, all in the State of California, praying for national prohibition, which were referred to the Committee on the Judiciary.

He also presented petitions of sundry citizens of Bakersfield and Mount View, in the State of California, praying for the enactment of legislation to establish Federal censorship of motion pictures, which were referred to the Committee on Education and Labor.

He also presented a petition of Nelson A. Miles Camp, No. 10, United Spanish War Veterans, of San Francisco, Cal., praying for the enactment of legislation to provide pensions for civil-service employees, which was referred to the Committee on Civil Service and Retrenchment.

Mr. BRANDEGEE presented a petition of the Housatonic Valley Preachers' Union of Connecticut, Massachusetts, and New York, praying for national prohibition, which was referred to the Committee on the Judiciary.

Mr. POINDEXTER presented petitions of sundry citizens of Washington, D. C., Michigan, Ohio, Iowa, and Illinois, praying for the enactment of legislation to recognize Dr. Frederick A. Cook as the discoverer of the North Pole, which were referred to the Committee on the Library.

SURVEY OF RIO GRANDE BORDER.

Mr. CATRON, from the Committee on Military Affairs, to which was referred the joint resolution (S. J. Res. 98) authorizing a survey and examination of the Rio Grande border of the United States to determine the advisability of constructing a highway either along the entire border or certain sections thereof, reported it without amendment and submitted a report (No. 665) thereon.

BILLS INTRODUCED.

Bills were introduced, read the first time, and, by unanimous consent, the second time, and referred as follows:

By Mr. JONES:

A bill (S. 6089) granting an increase of pension to William Mower;

A bill (S. 6090) granting an increase of pension to Caroline L. Ackley; and

A bill (S. 6091) granting an increase of pension to Joseph L. Williams; to the Committee on Pensions.

By Mr. COLT:

A bill (S. 6092) granting a pension to Mary E. Gilbert (with accompanying papers); to the Committee on Pensions.

By Mr. WARREN:

A bill (S. 6093) to ratify, approve, and confirm an act duly enacted by the Legislature of the Territory of Hawaii relating to certain gas, electric light and power, telephone, railroad, and street railway companies and franchises in the Territory of Hawaii, and amending the laws relating thereto; to the Committee on Pacific Islands and Porto Rico.

By Mr. CHILTON:

A bill (S. 6094) to amend an act entitled "An act to codify, revise, and amend the laws relating to the judiciary," approved March 3, 1911; to the Committee on the Judiciary.

AMENDMENT TO DEFICIENCY APPROPRIATION BILL.

Mr. BANKHEAD submitted an amendment proposing to appropriate $9,500 for the Transatlantic Fire Insurance Co., etc., intended to be proposed by him to the general deficiency appropriation bill, which was referred to the Committee on Appropriations and ordered to be printed.

PENSIONS AND INCREASE OF PENSIONS.

Mr. RANSDELL submitted an amendment intended to be proposed by him to the bill (H. R. 17482) granting pensions and increase of pensions to certain soldiers and sailors of the Regular Army and Navy, and certain soldiers and sailors of wars other than the Civil War, and to widows of such soldiers and sailors, which was ordered to lie on the table and be printed.

OMNIBUS CLAIMS BILL.

Mr. RANSDELL submitted an amendment intended to be proposed by him to the omnibus claims bill, which was ordered to lie on the table and be printed.

THOMAS D. JONES.

Mr. HITCHCOCK (at 12 o'clock and 40 minutes p. m.). Mr. President, I desire to make a request for unanimous consent.

The VICE PRESIDENT. If the Senator prefers a request, it will be put to the Senate.

Mr. HITCHCOCK. I ask unanimous consent that the hearings before the Committee on Banking and Currency recently held concerning the confirmation of Mr. Thomas D. Jones, the record made by the committee in that case and the report of the committee, as well as the minority views of four members of the committee, may be printed and made public.

Mr. STONE. Mr. President, some one—possibly the Senator from Nebraska himself—has given out what purport to be the hearings before that committee. They have been printed broadcast. I do not know whether they have been correctly printed or not; but if this request is to be taken up now I move that the doors of the Senate be closed under Rule XXXV.

Mr. KERN. I second the motion.

The VICE PRESIDENT. The Sergeant at Arms will clear the galleries and close the doors.

The Senate thereupon proceeded to deliberate with closed doors. At 5 o'clock and 25 minutes p. m. the doors were reopened.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by A. C. Johnson, its assistant enrolling clerk, announced that the House agrees to the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 10523) making appropriations to provide for the expenses of the government of the District of Columbia for the fiscal year ending June 30, 1915, and for other purposes.

DISTRICT OF COLUMBIA APPROPRIATIONS.

Mr. SMITH of Maryland submitted the following report:

The committee of conference on the disagreeing votes of the two Houses on certain amendments of the Senate to the bill (H. R. 10523) making appropriations to provide for the expenses of the government of the District of Columbia for the fiscal year ending June 30, 1915, and for other purposes, having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

That the Senate recede from its amendment numbered 31.

That the House recede from its disagreement to the amendments of the Senate numbered 226 and 227 and agree to the same.

That the Senate recede from its disagreement to the amendment of the House to the amendment of the Senate numbered 28, and agree to the same with an amendment as follows: Omit the matter inserted by the House amending said Senate amendment, omit the matter stricken out by said Senate amendment, and in lieu thereof insert the following:

"Hereafter whenever under appropriations made by Congress, the roadway of any street, avenue, or road in the District of Columbia is improved by laying a new pavement thereon or completely resurfacing the same not less than one square in extent, from curb to curb, or from gutter to gutter where no curb exists, where the material used is sheet asphalt, asphalt block, asphaltic or bituminous macadam, concrete, or other fixed roadway pavement, such proportion of the total cost of the work, including all expenses of the assessment, to be made as hereinafter prescribed, shall be charged against and become a lien upon the abutting property, and assessments therefor shall be levied pro rata according to the linear frontage of said property on the street, avenue, or road, or portion thereof upon the roadway of which said new pavement or resurfacing is laid: *Provided*, That there shall be excepted from such assessment the cost of paving the roadway space included within the intersection of streets, avenues, and roads, as said intersections are included within the building lines projected, and also the cost of paving the space within such roadways for which street railway companies are responsible under their charters or under law on streets, avenues, or roads where such railways have been or shall be constructed.

"The assessments hereinbefore provided for shall be levied in the following proportion, namely: One-half of the total cost upon the abutting property owners and the remaining one-half and all of the expenses of maintenance and repairs to be paid from the revenues of the District of Columbia and from the Treasury of the United States in equal parts: *Provided*, That where the width of the street, avenue, or road to be paved or completely resurfaced from curb to curb or gutter to gutter, as the case may be, shall exceed 40 feet, the excess, including the cost of intersections or spaces within which street railways are

required to pave, shall be paid for one-half out of the Treasury of the United States and one-half out of the revenues of the District of Columbia.

"Assessments levied under the provisions hereof shall be payable and collectible in the same manner and under the same penalty for nonpayment as is provided for assessments for improving sidewalks and alleys in the District of Columbia, as set forth on page 248 of volume 28, United States Statutes at Large: *Provided*, That the cost of publication of the notice of such assessment upon the failure to obtain personal service upon the owners of the property to be assessed therein provided for and of the services of such notice shall be paid out of the appropriation for the work, and such assessments, when collected, shall be deposited in the Treasury of the United States to the credit of the United States and the District of Columbia in equal parts."

And the House agree to the same.

JOHN WALTER SMITH,
LUKE LEA,
J. H. GALLINGER,
Managers on the part of the Senate.

ROBERT N. PAGE,
T. U. SISSON,
C. R. DAVIS,
Managers on the part of the House.

Mr. SMITH of Maryland. I ask that the report be adopted.

Mr. SMOOT. Just a moment. I did not catch fully the purport of the last amendment agreed to by the two Houses. I take it for granted it is a compromise on the Borland amendment.

Mr. SMITH of Maryland. It is.

Mr. SMOOT. And the provisions of the amendment as agreed to are that the District pay one-half and the property owners one-fourth on each side of a street for paving?

Mr. SMITH of Maryland. That the District and the Government shall pay one-half and that the property owners on each side shall each pay one-quarter.

Mr. SMOOT. Or, in other words, the District pays a quarter, the Government pays a quarter, and the property holders on each side of the street pay a quarter each?

Mr. SMITH of Maryland. That is correct so far as the paving of streets is concerned; but the streets are to be maintained by the District and the Government.

Mr. SMOOT. That is, as I gather it, the purport of the amendment.

The PRESIDING OFFICER (Mr. CHILTON in the chair). The question is on agreeing to the conference report.

The report was agreed to.

FINANCIAL CONDITIONS—VIEWS OF THE SECRETARY OF THE TREASURY.

Mr. NEWLANDS, Mr. STONE, and Mr. POINDEXTER addressed the Chair.

The PRESIDING OFFICER. The Senator from Nevada.

Mr. NEWLANDS. I ask that the unfinished business, the trade commission bill, be laid before the Senate, and that its consideration be resumed.

Mr. STONE. I rise to a privileged motion.

The PRESIDING OFFICER. The Senator will state it.

Mr. STONE. I move——

Mr. SIMMONS. I think I know the motion the Senator intends to make, but before he makes it will he consent to yield to me for a moment?

Mr. STONE. I am going to move that the Senate proceed to the consideration of executive business.

Mr. SIMMONS. Will the Senator yield to me to make a request?

Mr. STONE. I yield.

Mr. SIMMONS. I ask unanimous consent for the publication in the RECORD of an interview given by the Secretary of the Treasury, Mr. McAdoo, to the New York World of July 13, 1914, answering twenty-odd questions propounded to him by certain business men of this country. It is a very fair, calm, and dispassionate statement of facts, in which the whole people are interested, by the head of this great department of the Government. I ask that it be inserted in the RECORD.

The PRESIDING OFFICER. Without objection, the interview referred to will be printed in the RECORD.

Mr. GRONNA. I ask for the regular order. If we are to transact morning business, I have some petitions I desire to present.

Mr. STONE. I move that the Senate proceed to the consideration of executive business.

Mr. POINDEXTER. Will the Senator from Missouri withhold that motion for just a moment?

Mr. SIMMONS. I inquire whether the request made by me has been granted?

The PRESIDING OFFICER. The Chair put the request, and it was granted.

The interview referred to is as follows:

SECRETARY OF TREASURY ANSWERS FOR THE WORLD 20 VITAL QUESTIONS—MR. MCADOO SAYS THAT THE TREASURY DEPARTMENT WILL AGAIN, IF NECESSARY, DEPOSIT GOVERNMENT MONEY IN THE BANKS TO ASSIST IN MOVING THE CROPS, AND THAT THE FINANCIAL CONDITION OF THE COUNTRY IS EXCEPTIONALLY SOUND—NO NECESSITY WHATEVER FOR AN ISSUE OF BONDS—BUSINESS STIMULATION IS ALREADY REPORTED FROM MOST SECTIONS, AND THERE IS NO EXCUSE FOR "NERVOUS SYSTEMS"—ENACTMENT OF THE RIGHT CORRECTIVE MEASURES NOW WILL PUT AGITATION TO SLEEP AND GIVE BUSINESS THE REST IT CRAVES.

[By S. S. Fontaine.]

Secretary of the Treasury McAdoo has given to the World the first comprehensive interview to which he has submitted since he assumed office on March 4, 1913. A list of interrogatories, covering a wide range of subjects, in which the business men of the country are deeply interested at this time, was prepared under the advice of leading bankers and financial experts, and the Secretary has answered them with great frankness. The result is a document which will doubtless prove of engaging interest to all the readers of the World, but especially to those who are seeking light on the attitude of the Treasury Department on many important questions affecting the country's financial and political economy. The questions as submitted by a World staff correspondent and as answered categorically by Secretary McAdoo follow:

MONEY FOR MOVING CROPS.

"What steps are you prepared to take to assist the banks of the country in financing the unprecedented crop yield of this season?"

Answer. If the necessity appears, I shall again deposit Government money in the banks to assist in moving the crops. On June 29 a letter was sent to the president of each of the 7,500 national banks in the country asking if he expected any unusual demand in his locality for money during the next six months; if so, for what purposes and in what month it would be most needed. The replies will enable the department to determine intelligently what assistance is required.

It is my purpose to deposit Government funds not only to move the crops, but to help every kind of legitimate business in every section of the country where I am convinced that assistance is necessary or desirable.

This will be done in a sane and rational way, with due regard to conditions and not improvidently. In spite of partisan statements to the contrary, this administration has done more directly to help the farmers and business generally by using Treasury money to relieve stringency, to restore financial equilibrium, and to promote confidence than any other administration within my knowledge.

LAST YEAR'S RELIEF.

In fact, this administration, for the first time in the history of the Government, put money directly in those sections of the country where crops were to be moved and where it was most needed, taking commercial paper as security. Every business man and every banker knows what relief that gave, because it made available a vast amount of self-liquidating paper growing out of trade operations and provided a supply of money in direct response to the demands of business. For the first time since the war we had in effect a flexible currency which came into existence when needed and automatically retired when the demand ceased. This was a valuable object lesson. The country has secured the permanent benefits of an elastic currency in the new Federal reserve act.

FEDERAL RESERVE SYSTEM SOON IN OPERATION.

"Do you expect the new Federal reserve banking system will be in full operation in time to facilitate the crop movement?"

Answer. The new Federal reserve banks should be in operation in time to materially help the crop movement. Whether they are or not, the Treasury is ready and can extend all the aid that may be needed. The financial condition of the country is so exceptionally sound now and money is so easy that no concern whatever need be felt about the immediate future. You have not heard this year, for the first time in many years, anything about tight money this fall or any expressed fear of inability to handle the big crops that are in prospect.

The Federal reserve banks will be ready for business much sooner than expected. An immense amount of work has been done that does not appear on the surface. When the Federal Reserve Board organizes it will find comprehensive information, collected and prepared by the Reserve Bank Organization Committee, and reports made by a committee of experts, composed of H. Parker Willis (chairman), Edmund D. Fisher, Andrew A. Benton, A. Howard Wolfe, Joseph A. Broderick, Ralph Dawson, and Stephen H. Farnham, of New York, on a system of uniform accounting, clearing-house functions, commercial paper, etc.; also briefs from important clearing houses and commercial bodies on the definition of commercial paper. The reserve board will be able to get down to business quickly and expedite the final steps in the organization of the banks.

COMMERCIAL PAPER AS COLLATERAL FOR GOVERNMENT DEPOSITS.

"It has been stated that you will be willing this year to accept commercial paper as collateral for Government deposits in the banks. Will the failure of the Claflin Co., with its great quantity of unredeemed paper in the hands of the banks, be likely to restrain you in any way in carrying out this policy?"

Answer. The Claflin failure will not deter me from again accepting commercial paper as security for Government deposits. All paper accepted by the Government is passed upon by a clearing-house committee in each city and a special representative of the Government, and, in addition, each piece of paper must be indorsed by the bank offering it. So the Government has not only all the assets of the bank behind the paper, but the responsibility of the makers themselves. Last year the Treasury deposited $37,386,000 almost wholly against this kind of paper. Every dollar was paid back to the Treasury on April 2, 1914, and the Government received as profit, at 2 per cent interest, $267,844.51.

The Claflin failure, by the way, simply proves all over again what has been proved thousands of times before—the futility of overexpansion. Neither tariff laws nor alleged depression were responsible for that failure. It is the old familiar cry of "biting off more than you

can chew." It also proves the economic fallacy of too much consolidation. The combination of 30 retail stores in as many separated cities got beyond the available capital of the mother concern and also beyond the "limits of efficiency."

WILL IT PREVENT PANICS?

"When the Federal reserve association is in working order, do you believe that it will prevent panics?"

Answer. Assuming wise administration, and that, I think, is certain, the new system ought to prove a successful preventive of financial panics. And why shouldn't we assume "wise administration" of the system? The able American mind is not yet obsolete and patriotism is not yet dead! There is abundant material to draw from, not only for members of the Federal Reserve Board, but also for directors of the Federal reserve banks. We are usually the slowest people on earth to correct our own abuses, but when we once begin the job we generally do it thoroughly.

We have been trying without avail for almost half a century to reform our banking laws, and then, all of a sudden, we woke up and put upon the statute books the most far-reaching and beneficial piece of legislation since the national bank act.

I look forward to a wonderful period of financial stability, with its inevitable complement of undisturbed confidence, and to an era of unequaled prosperity for this country under the new Federal reserve system. The provisions of the law, which permit our banks to establish foreign branches, together with our new tariff law, will contribute beyond the expectations of even intelligently optimistic men to the expansion of American trade and commerce. A big foreign trade will of itself tend greatly to stabilize our domestic trade and make extremes of business depression at home far less possible. Our foreign trade has always been restrained by unwise tariff laws and a lack of American banking facilities. The new laws have removed these obstacles.

WHAT CREATED BUSINESS DEPRESSION.

"Do you believe there is any truth in the rumor that there has been a deliberate conspiracy on the part of a certain group of financiers, politically opposed to the administration, to create business depression?"

Answer. No; I would not say that. It would be fairer to say that there has been a systematic attempt, politically organized, to make the country believe that there is a serious business depression. All the "divine-right" and "vested-right" interests and most of the big financiers are allied with the political opposition to the Democratic party and are helping the calamity campaign all they can. By "divine-right" interests I mean those who, because of their wealth, education, social standing, and acquired or inherited leadership of great enterprises, believe that they have superior rights and are entitled to be left undisturbed. They resent any sort of change or governmental regulation or control. You may remember that a certain anthracite coal magnate some years ago assumed that attitude when the great coal strike was on. By "vested-right" interests I mean those who have been long intrenched in "privilege" through favoring tariff laws and every sort of governmental bounty and who consider any interference with their "privileges" an invasion of sacred rights. Then we have the soreheads and chronic kickers and Pharisees who are always against an administration they can not control.

These elements, not so much by concert of action as by common sympathy, have united in a drive against the administration. They have produced the "psychology" of the situation, which, operating upon a time of the year when business, for perfectly normal reasons, is usually below par, has produced a certain amount of hysteria in shallow minds and a certain amount of fear in timid souls. But, on the whole, little has been accomplished; every day their gloomy prophecies are being dispelled by facts and the steady advance of business prosperity. Crops—prodigious crops—are beginning to move, and business stimulation is already reported from nearly every section of the country. We are going to have a splendidly prosperous fall season.

SURPLUS IN TREASURY.

As evidence of the conscienceless efforts to create uneasiness I need only call attention to the solemn predictions made on the floor of Congress a short time ago by certain Republican leaders that the United States Treasury was piling up a huge deficit and that the Secretary of the Treasury would soon issue Government bonds. How thoroughly they are discredited. The Treasury statement issued July 1 shows that the fiscal year closed with a surplus of $33,784,452.07. This amount and $1,000,000 more was spent on the Panama Canal, but that is for property bought and paid for, and is an asset, not a deficit. And an issue of Government bonds is not in sight; in fact, one can not be discovered with a telescope, much less with the oversensitive obliquity of vision of our highly excitable political opponents.

NO ALARM ABOUT GOLD EXPORTS.

"Is it true that you have at any time felt any apprehension about the gold exports?"

Answer. No; not the slightest. On the contrary, I have regarded the gold exports as a benefit to this country, because we could spare the gold and the exports have secured the foreign financial situation. International finance is so intimately related these days that a cataclysm in England, France, Germany, or any other important country reacts injuriously and directly upon our domestic situation. In time of European trouble American securities are always sold first, because there is a ready market for them. At such times there may be a sudden unloading on our market of large volumes of bonds and stocks, which is always depressing and hurtful. If we can let Europe have gold when she needs it, and we do not, and thus conserve the general situation, it protects us. The present movement has not hurt us in the least. If the papers and political partisans did not make a noise about it, as little would have been heard of it as has been felt of it, and that is nothing.

When the Federal reserve banks are in full operation they can exercise a material influence upon gold imports and exports and furnish a large measure of protection to our gold reserve if the need at any time arises.

GOLD HOLDINGS HAVE INCREASED.

"Have the gold holdings of the Treasury increased or decreased during the gold-export movement?"

Answer. They have increased. July 1, 1913, the total stock of gold in the country was $1,866,619,157. July 1, 1914, the total stock of gold in the country—after deducting all exports during the year—was $1,892,154,731, showing an actual increase in the total stock of gold for the year of $25,535,574. Not only was there a gain during the fiscal year in the total stock of gold in the country, but there was a gain of $17,363,237 in the amount of gold in the Treasury.

GOLD IMPORTS, $65,232,067.

"Since January 1 the gold shipments from the port of New York to Paris, London, and Berlin amounted to $78,000,000. Does this imply that the balance of trade between this country and Europe is no longer in our favor by reason of foreign competition?"

Answer. No; it certainly is not due to foreign competition. I believe that the gold exports since January 1—which, by the way, have been abnormal only in the month of June—do not necessarily indicate that the actual balance of trade is against this country. They are due principally to the constant sale for several months by European holders of American securities. The total exports of gold for the fiscal year ended June 30, 1914, were $112,432,165, whereas the imports of gold for the same year (June, estimated) were $65,232,067, so that the net exports of gold for the entire fiscal year just ended were only $47,200,098. This is a bagatelle, so far as affecting the strength of our position is concerned, and has no particular significance. For the same fiscal year, as already stated, our total stock of gold, in spite of these exports, increased $25,535,574. I want to call attention particularly to the $65,232,067 of gold imported during the year. This is, at least, a very tidy amount, but very little is ever heard of gold imports, whereas gold exports are played up furiously. Why? Because gold imports are not palatable to the calamity howler, and it suits his purpose best to suppress all knowledge of them.

CROPS WILL CREATE HUGE BALANCES IN OUR FAVOR.

"Do present indications point to a return flow when the grain and commodity exports season is in full swing?"

Answer. Yes; there is no doubt that we shall be able to import gold in the fall, if we want to. The marketing of our crops must necessarily create huge balances in our favor. Gold imports do not, however, always follow because the balance of trade is in our favor. If our credits can be more profitably employed in Europe, they will remain there until such time as they can be more profitably employed at home. Then they will be recalled, and gold imports will naturally follow.

THE GOLD BEHIND THE GREENBACKS.

"With the abolition of the endless-chain greenback system, will there be any danger in the future of a gold outflow in sufficient volume to be a serious menace to the Treasury holdings of specie?"

Answer. There is no danger now of any such gold outflow as will menace the Treasury's holdings of specie. The "endless-chain greenback" is practically a thing of the past. Your question implies the existence of a fear which the American people inherited from the experience of the last Cleveland administration, more than 20 years ago. At that time the conditions were essentially different. Then we had only a small and depleted gold reserve behind the greenbacks; now we have $150,000,000 of gold behind the greenbacks. Moreover, the country's total stock of gold at that time was relatively small—only about $500,000,000. Now we have the greatest stock of gold of any nation on earth, namely, $1,892,154,731, of which we hold in the Treasury of the United States $1,276,581,594. When gold is withdrawn for export it is usually upon presentation of gold certificates, against which there is 100 per cent of gold on deposit in the Treasury. The amount of greenbacks presented is relatively small.

I consider the position of the Treasury and of the country impregnable so far as gold is concerned. Moreover, our stock of gold is increasing each year not only through domestic production, which is large, but also through the constant increase in the wealth of the Nation.

We have only $349,120,016 of greenbacks and Treasury notes outstanding, against which we have a gold reserve of $150,000,000. We shall in time get a 100 per cent of gold behind the greenbacks, provided the surplus earnings of the Federal reserve banks shall be used as the act authorizes, "to supplement the gold reserve held against outstanding United States notes." This is a very wise provision of the law.

PAYING DEBTS OR LENDING MONEY.

"It has been claimed that the present outflow of gold has been due to the unfavorable balance of trade, as well as to the enormous expenditures of American tourists in Europe during this season of the year. Is it also true that, because of the railroad and other Wall Street scandals, Europe has been sending American securities back to us in enormous volume, and that the gold shipments, to a great degree, represent liquidation of the indebtedness thus created?"

Answer: The outflow of gold at any time shows that we are either paying our debts abroad or that we are lending money abroad. If we are paying debts, they may represent either imported goods, expenditures of American tourists, or the purchase of American securities which have been sent back to this country. As before stated, I think that the principal cause for the recent exports of gold is the sale of American securities by European holders who need the money and have found that they could get gold more advantageously by that means than by any other. Europe has simply needed gold, which we could easily spare, and she has got it by paying for it in one form or another, either by the sale of our securities at prices which attracted American purchasers, or by borrowing from us at interest rates which are profitable to American lenders.

MUCH DEPRESSION TRACED TO THE RAILROADS.

"What, in your opinion, is the cause of the present depressed state of business, which has reduced the operating capacity of steel and other trades and thrown many people out of employment?"

Answer: Business depression has been grossly exaggerated. The Treasury Department touches intimately business in all parts of the country, especially the banking business of the country. The reports which have come to me from many reliable and well-informed sources convince me that the chief depression exists in those industries and businesses which are dependent largely upon the railways for orders. There is no doubt about the fact that the railroads have withheld orders for supplies and have deferred maintenance of way and equipment to the utmost possible extent for the past six months. I don't say that this is illegitimate. They have been suffering from reduced earnings during this period, and caution would induce many of them to proceed slowly; but the greatest impelling motive undoubtedly has been their desire to make as few commitments as possible until the Interstate Commerce Commission has rendered its decision on their application for increase in rates. An examination of the reports of the railroads as to maintenance of way, equipment, etc., during this period would undoubtedly verify these conclusions. It is to be hoped that the rate decision will soon be made. Whether the increase is granted or not, the railroads ought to know as quickly as possible the basis upon which they are to proceed.

There has been a decided improvement in the steel business and its allied interests in the last few weeks. The United States Steel Corporation reports an increase in orders of 34,697 tons in June over May. I am confident that this improvement is going to continue; there is every reason why it should. The crop movement already begun is demanding the employment of idle cars. On June 1 the number of idle cars in the country was 242,572. On July 1, one month later, 21,697 of these idle cars had been put into service. It should be borne in mind in this connection that 207,000 freight cars were actually built during the calendar year 1913.

This large addition to the rolling stock of the railroads may account, in part, for the 220,875 freight cars reported as being idle on the 1st day of July. Before the fall crop movement is ended these idle cars will be upon the rails moving the crops from the farms to the markets and carrying commodities from sellers to buyers.

NEW TARIFF HAS NOT ADVERSELY AFFECTED AMERICAN INDUSTRIES.

"Has the lowering of tariff duties by the present administration been instrumental in any way in bringing about the depression?"

Answer. No; I have been unable to discover how the new tariff has adversely affected American industries or American interests, and I do not believe that anyone can show it. It is perfectly clear, however, that the falling off in our exports for April and May, 1914, as compared with the same months of 1913, reflects the well-known business depression in those foreign countries which are our best customers, and demonstrates the shortage of food-stuffs at home, which reduced our usual exportations of those articles.

This shortage resulted from the poor crops of last year. An analysis of our imports, which increased for April and May, 1914, over the same months of 1913, shows that the great bulk of them comprise articles that do not compete with our manufacturers. Many of them were on the free list of the old tariff act and remain so under the present tariff, such, for instance, as coffee, cotton, fertilizers, fibres, hides and skins, India rubber, raw silk, and bananas, all of which show large increases in the aggregate. Raw wool, which was previously dutiable, was put on the free list by the present law, and a large part of the increased imports are represented by that item. Nevertheless, the price of raw wool to the American producer has increased.

These importations show that our wool manufacturers must be busy turning out a larger quantity of finished goods. The duty on sugar was reduced and the importations of sugar were largely increased. It would be tiresome in the extreme and would involve a lengthy discussion to go into a complete analysis of the export and import figures for these months or for the past year and to explain the causes affecting the movement of each item involved. I refrain, therefore, from attempting it.

ENACTMENT OF RIGHT MEASURES PUTS AGITATION TO SLEEP.

"Business interests generally, regardless of politics, seem to think that a cessation of legislation having in view the regulation of railroad and industrial corporations would do much to bring about a return of confidence. Do you believe that legislation of this sort is responsible for the present business situation, or that a postponement of proposed legislation would restore confidence?"

Answer. No; legislation is not responsible for the present business situation, nor will a postponement of proposed legislation—the antitrust laws, for instance—restore confidence.

The lack of such legislation impairs confidence. The passage, not postponement, of such legislation will establish confidence. So long as the trust question remains in the political arena it will be a cause for discussion and agitation Agitation disturbs confidence. The way to effectively put out the fires of agitation is by applying corrective remedies that square with intelligent public opinion. Then confidence will be secured, because the issue will be rightly settled.

The tariff law and the currency law prove this. There is no disturbing thought now about the tariff It is settled, and the manufacturers and business men may do business on a definite basis. The currency question is settled, and there is no more uncertainty about our financial system.

Confidence in our financial future is firmly established. It is no longer the subject of debate, and so it will be with the trust question. Enactment of the right corrective measures now will put agitation to sleep and give business the rest it craves and can realize only from wise statutes.

THE INCOME TAX.

"Will the income-tax rate be increased instead?"

Answer. I see no present reason for increasing the income tax.

"Has the collection of the income tax at the source been a success?"

Answer. Yes; more so than expected.

"Is it true that complaints of the annoyances caused by the present system of collection have been so general throughout the country that the Government is considering some other method of making the collections?"

Answer. There has been an apparent attempt upon the part of the partisan press to make it appear that there has been a great amount of complaint about collection of the income tax at the source and that there is general dissatisfaction with this new form of taxation. This is not correct. I have made it a point to secure information upon this subject, and the reports we get from the collectors of internal revenue throughout the country show that there have been remarkably few complaints and very little grumbling on the part of those who pay the tax. The experience of the first year of the income tax has proved that the legislation is successful. Most people recognize the justness of this form of taxation. The law went into operation 27 days after its passage and threw upon the Treasury Department an amount of work almost superhuman in its character. The time was so short within which to prepare regulations for the collection of the tax at the source and the system was so new that a good deal of confusion and inconvenience resulted at first.

During the coming fiscal year an effort will be made to simplify as much as possible the methods of collecting this tax. The department is anxious to do this, not only for the comfort and convenience of those who have to pay it but in order to make the machinery for collecting the tax as efficient and economical as possible.

NO "TINKERING" WITH THE TARIFF.

"If the dwindling revenues of the Government continue, will the tariff bill be amended or duties in certain schedules be increased?"

Answer. The revenues of the Government are not dwindling; they are increasing. No amendment of the tariff schedules will, therefore, be necessary. It is a gratifying reflection that it will not be necessary to tinker with the tariff and that our manufacturers now have a definite basis upon which they may do business. The revenues of the Government were greater for the fiscal year ended June 30, 1914, than for the fiscal year ended June 30, 1913. The Treasury is in splendid condition, with a net balance in the general fund of more than $150,000,000.

NO BOND ISSUE LIKELY.

"Is it the intention of the Treasury Department to put out new issues of Treasury notes and Panama bonds in the near future?"

Answer No; there is no present necessity, nor do I contemplate any in the near future, for the issuance of Treasury notes or Panama Canal bonds. There have been expended by the Government out of current revenues on the Panama Canal more than $240,000,000. The Secretary has the right to reimburse the Treasury for these expenditures at any time he thinks it advisable through the sale of Panama Canal bonds, but, as I said before, no such necessity is in sight.

WE CAN FACE THE FUTURE WITH ABSOLUTE CONFIDENCE.

"What do you think of the outlook for the future?"

Answer. I think it is splendid, notwithstanding the fact that the disaster doctors have been working overtime to make the Nation sick. They seem willing to wreck business and bring suffering upon the innocent in order to destroy the administration, simply because the administration is destroying privilege and reestablishing true democratic government. But they haven't succeeded and they won't succeed. The general business situation is inherently sound and our financial position is exceptionally strong. The greatest winter wheat crop on record is already secured and the Secretary of Agriculture reports the prospect for other crops unusually promising. Our economic situation is better and sounder to-day than any other nation on the globe. With such foundations, how can prosperity be avoided? When I read the hysterical stuff that appears in the opposition press, I can not help recalling Lord Nelson's famous message to the people of England when they were in a state of fright over threatened foreign invasion, "This is no time for nervous systems" We are in no danger of a foreign invasion of goods or anything else to our hurt, and certainly there is no excuse at this time for "nervous systems." We can face the future with absolute confidence.

FEDERAL TRADE COMMISSION.

Mr. NEWLANDS. Mr. President, I simply wish to ask the Senator from Missouri a question. I ask the Senator whether he will not, before making the motion he has in mind, yield to me for a moment to endeavor to obtain unanimous consent for a vote on the interstate trade commission bill at some early date?

Mr. SMOOT. Mr. President, it will be impossible to get unanimous consent for that purpose at this time, and if the Senator should make such a request it would compel calling of the roll. I sincerely hope the Senator will not insist upon his request at this time.

Mr. STONE. We would have to call the roll.

Mr. SMOOT. In fact, I will say to the Senator now that I would object if he should make the request.

Mr. NEWLANDS. I wish to state to the Senator from Utah that many Senators have urged me to slow up the consideration of the trade commission bill until the Senator from Iowa [Mr. CUMMINS] can return; he will be here on Friday.

Mr. SMOOT. I had that in view when I said I would object.

Mr. BRANDEGEE. I demand the regular order.

Mr. NEWLANDS. I understand the Senator from Iowa is entirely willing——

The PRESIDING OFFICER. There is objection to the request of the Senator from Nevada. The Senator from Connecticut calls for the regular order.

EXECUTIVE SESSION.

Mr. STONE. I move that the Senate proceed to the consideration of executive business.

The motion was agreed to, and the Senate proceeded to the consideration of executive business. After 10 minutes spent in executive session the doors were reopened, and (at 5 o'clock and 45 minutes p. m.) the Senate adjourned until to-morrow, Wednesday, July 15, 1914, at 12 o'clock meridian.

NOMINATIONS.

Executive nominations received by the Senate July 14, 1914.

CONSUL GENERAL.

Nathaniel B. Stewart, of Georgia, now consul at Milan, to be consul general at large of the United States of America, vice James E. Dunning, resigned.

CONSULS.

John H. Grout, of Massachusetts, now consul at Odessa, to be consul of the United States of America at Milan, Italy, vice Nathaniel B. Stewart, nominated to be consul general at large.

John A. Ray, of Texas, now consul at Sheffield, to be consul of the United States of America at Odessa, Russia, vice John H. Grout, nominated to be consul at Milan.

John M. Savage, of New Jersey, to be consul of the United States of America at Sheffield, England, vice John A. Ray, nominated to be consul at Odessa.

Benjamin F. Chase, of Pennsylvania, now consul at Leghorn, to be consul of the United States of America at Fiume, Hungary, vice Thomas E. Heenan, deceased.

Roger Culver Tredwell, of Indiana, now consul at Bristol, to be consul of the United States of America at Leghorn, Italy, vice Benjamin F. Chase, nominated to be consul at Fiume.

John S. Armstrong, jr., of North Carolina, now a consular assistant, to be consul of the United States of America at Bristol, England, vice Roger Culver Tredwell, nominated to be consul at Leghorn.

Charles L. Hoover, of Missouri, now consul at Carlsbad, to be consul of the United States of America at Prague, Austria, vice Frank Deedmeyer, nominated to be consul at Chemnitz.

Wallace J. Young, of Illinois, to be consul of the United States of America at Carlsbad, Austria, vice Charles L. Hoover, nominated to be consul at Prague.

Walter A. Leonard, of Illinois, now consul at Stavanger, to be consul of the United States of America at Colombo, Ceylon, vice Charles K. Moser, nominated to be consul at Harbin.

Theodore Jaeckel, of New York, now consul at Maskat, to be consul of the United States of America at Stavanger, Norway, vice Walter A. Leonard, nominated to be consul at Colombo.

APPOINTMENTS, BY TRANSFER, IN THE ARMY.

Second Lieut. Cedric Watterson Lewis, Cavalry, unassigned, to be second lieutenant of Infantry, with rank from June 12, 1914.

Second Lieut. Joseph Webster Allison, jr., Infantry, unassigned, to be second lieutenant of Cavalry, with rank from June 12, 1914.

PROMOTIONS IN THE NAVY.

Lieut. Commander William H. Standley to be a commander in the Navy from the 1st day of July, 1914.

Lieut. Kenneth G. Castleman, an additional number in grade, to be a lieutenant commander in the Navy from the 1st day of July, 1911, with the officer next below him.

Lieut. John F. Green to be a lieutenant commander in the Navy from the 9th day of April, 1914.

Lieut. (Junior Grade) Felix X. Gygax to be a lieutenant in the Navy from the 13th day of February, 1914.

The following-named ensigns to be lieutenants (junior grade) in the Navy from the 5th day of June, 1914:

David I. Hedrick,
Robert R. Paunack,
Williams C. Wickham, and
Percy W. Northcroft.

Asst. Civil Engineer Carroll Paul to be a civil engineer in the Navy from the 23d day of April, 1914.

Asst. Civil Engineer Greer A. Duncan, with rank of ensign, to be an assistant civil engineer in the Navy, with rank of lieutenant (junior grade), from the 23d day of April, 1914.

CONFIRMATIONS.

Executive nominations confirmed by the Senate July 14, 1914.

UNITED STATES MARSHAL.

Mark Storen to be United States marshal for the district of Indiana.

POSTMASTERS.

MASSACHUSETTS.

James J. Gorman, Bridgewater.
John F. Shea, Bondsville.

MICHIGAN.

J. B. Murphy, Wayne.

MINNESOTA.

J. M. Blake, Pierz.
Agnes H. Christenson, Beardsley.

TENNESSEE.

B. A. Heard, South Pittsburg.

WITHDRAWAL.

Executive nomination withdrawn from the Senate July 14, 1914.

POSTMASTER.

Cyrus Tompkins to be postmaster at Hopewell Junction, in the State of New York.

HOUSE OF REPRESENTATIVES.

TUESDAY, *July 14, 1914.*

The House met at 12 o'clock noon.

The Chaplain, Rev. Henry N. Couden, D. D., offered the following prayer:

O Lord, our God and our Father, ever constant in Thy ministrations, help us to walk worthy of the gifts Thou hast bestowed upon us and teach us that to know the meaning of the ten great commandments and to put them into practice is better than to know when, where, and how they came into existence; that to keep a conscience void of offense toward Thee and our fellow men is better than to speculate as to the origin. Hear us, and help us to live our convictions in the spirit of the Lord Jesus Christ, for Thine is the kingdom and the power and the glory forever, amen.

The Journal of the proceedings of yesterday was read.

The SPEAKER. If there be no objection, the Journal will be approved.

CORRECTION OF THE RECORD.

Mr. JOHNSON of Kentucky. Mr. Speaker, in the debate yesterday the gentleman from Alabama [Mr. BURNETT] in his remarks used the word "statute." In revising those remarks, which appear near the bottom of the first column, on page 13135 of the RECORD, the gentleman has changed the word "statute" to the word "resolution," which makes the remark that I made immediately following appear to be silly. Therefore I feel compelled to insist upon the use of the original word "statute" instead of the word "resolution." The Official Reporter who took down the words advises me that his notes show that the word "statute" was used by Mr. BURNETT. I am sure that the gentleman from Alabama [Mr. BURNETT] will not take issue with me upon that subject.

The SPEAKER. The gentleman from Alabama [Mr. BURNETT] does not appear to be here.

Mr. BARTON. Mr. Speaker, that manuscript came to me, and, knowing that the gentleman from Alabama [Mr. BURNETT] had acknowledged that he had made a mistake in using the word "statute" when he meant "resolution," I am responsible for making that change.

Mr. JOHNSON of Kentucky. It is not a matter of great consequence, but immediately following the remarks of the gentleman from Alabama [Mr. BURNETT], I said:

While the gentleman from Alabama said he was reading from the "statute," he is not.

To this the gentleman from Alabama replied:

I am reading from this bill.

The change of the word "statute" to "resolution" puts me in the attitude of criticizing the use of the word "statute," and when the word "statute" is stricken out and the word "resolution" inserted in lieu of it; it leaves my remark apparently without any foundation. That is the reason I ask that the original word "statute" be put back into the RECORD.

The SPEAKER. If there be no objection, the correction will be made.

COMPARISON OF TARIFF ACTS.

Mr. UNDERWOOD. Mr. Speaker, I ask unanimous consent for the present consideration of House concurrent resolution 44, to print 10,000 copies of the compilation entitled "Comparison of the Tariff Acts of 1909 and 1913."

The SPEAKER. The gentleman from Alabama asks unanimous consent for the present consideration of the House resolution which the Clerk will report.

The Clerk read as follows:

Resolved by the House of Representatives (the Senate concurring), That there be printed and bound 10,000 copies of the compilation entitled "Comparison of the Tariff Acts of 1909 and 1913, showing the classification, rates of duty, and sections of the acts of August 5, 1909, and of October 3, 1913, together with the equivalent ad valorem rates of duty on the imports for the fiscal year ending June 30, 1913," as prepared under the direction of the Ways and Means Committee by John E. Walker, assistant clerk to the committee; 5,500 copies for the use of the House, 2,500 copies for the use of the Senate, and 2,000 copies for the use of the Ways and Means Committee.

The SPEAKER. Is there objection to the present consideration of the resolution?

Mr. PAYNE. Mr. Speaker, reserving the right to object, I notice something in the resolution with regard to the equivalent ad valorem rates of duty for the years 1913 or 1914. I do not know which it is.

Mr. UNDERWOOD. There is only one year, this last one.

Mr. PAYNE. Does that mean the whole fiscal year, including the time in which the act of 1909 was in force?

Mr. UNDERWOOD. My understanding is that it only includes the year from the time that the bill took effect.

Mr. PAYNE. Mr. Speaker, a similar publication has been made with reference to a number of tariffs, and I think this ought to be made. I am in favor of the resolution. I have no objection to it.

Mr. HAMILTON of Michigan. May I ask the gentleman how these volumes are to be distributed?

Mr. UNDERWOOD. As far as the House is concerned, they will go to the folding room of the House. Each Member will get his pro rata. Two thousand copies will go to the Ways and Means Committee; but it is usual, in printing documents of this kind, to give an additional number to the committee, because the demand from outside people comes to the committee. More than that, Members sometimes run out of their quota, and the committee has always tried to aid a Member who happens to need more than his quota, where it was possible to do so from the committee copies, regardless of which side of the House the request came from.

Mr. HAMILTON of Michigan. About how many will that give to each Member?

Mr. UNDERWOOD. There will be 5,500 copies for the use of the House. Probably the gentleman is a better mathematician than I am. It will give each Member about 10 copies. Mr. Speaker, I ask for a vote.

The SPEAKER. Is there objection to the present consideration of the resolution?

There was no objection.

The concurrent resolution was agreed to.

LEGISLATIVE, EXECUTIVE, AND JUDICIAL APPROPRIATION BILL.

Mr. JOHNSON of South Carolina presented a conference report on the legislative, executive, and judicial appropriation bill, but subsequently, by unanimous consent, withdrew the report.

EXTENSION OF APPROPRIATIONS.

Mr. FITZGERALD. Mr. Speaker, by direction of the Committee on Appropriations, I present a joint resolution (H. J. Res. 300) to continue the provisions of a joint resolution approved June 30, 1914, entitled "Joint resolution extending appropriations for the necessary operations of the Government and of the District of Columbia under certain contingencies."

Mr. MANN. I reserve all points of order on the resolution.

Mr. FITZGERALD. Mr. Speaker, I ask unanimous consent for the present consideration of the resolution.

The SPEAKER. The gentleman from New York asks unanimous consent for the present consideration of the resolution, and the gentleman from Illinois [Mr. MANN] reserves all points of order. The Clerk will report the resolution.

The Clerk read as follows:

Resolved, etc., That the provisions of a joint resolution entitled "Joint resolution extending appropriations for the necessary operations of the Government and of the District of Columbia under certain contingencies," approved June 30, 1914, are extended and continued in full force and effect for and during the last half of the month of July, fiscal year 1915; and to continue during the last half of the month of July, fiscal year 1915, the operation of the Interstate Commerce Commission in securing a valuation of the several classes of property of carriers subject to the act to regulate commerce, authorized by the act of March 1, 1913, a sufficient amount is appropriated, out of any money in the Treasury not otherwise appropriated, not to exceed the sum of $[illegible],000, together with any unexpended balance of a similar sum appropriated for the first half of said month of July.

The SPEAKER. Is there objection to the request of the gentleman from New York?

Mr. MANN. I object.

PENSION BILLS SENT TO CONFERENCE.

Mr. RUSSELL. Mr. Speaker, I call up from the Speaker's table the bill (S. 4261) granting pensions and increase of pensions to certain soldiers and sailors of the Civil War and certain widows and dependent relatives of such soldiers and sailors, and ask that the House insist on its amendments and agree to the conference asked for.

The SPEAKER. The gentleman from Missouri asks unanimous consent to take from the Speaker's table the bill S. 4261, insist on the House amendments, and agree to the conference asked for. Is there objection?

There was no objection.

Mr. RUSSELL. Mr. Speaker, I ask that the same action be taken on the following bills:

S. 4845. An act granting pensions and increase of pensions to certain soldiers and sailors of the Civil War and certain widows and dependent relatives of such soldiers and sailors;

S. 5207. An act granting pensions and increase of pensions to certain soldiers and sailors of the Civil War and certain widows and dependent relatives of such soldiers and sailors;

S. 5446. An act granting pensions and increase of pensions to certain soldiers and sailors of the Civil War and certain widows and dependent relatives of such soldiers and sailors;

S. 5575. An act granting pensions and increase of pensions to certain soldiers and sailors of the Civil War and certain widows and dependent relatives of such soldiers and sailors; and

S. 5843. An act granting pensions and increase of pensions to certain soldiers and sailors of the Civil War and certain widows and dependent relatives of such soldiers and sailors.

The SPEAKER. The gentleman from Missouri asks unanimous consent to take the bills just reported from the Speaker's table, insist on its amendments, and agree to the conference asked for by the Senate. Is there objection?

There was no objection.

The SPEAKER appointed as conferees on the part of the House Mr. RUSSELL, Mr. HELVERING, and Mr. KINKAID of Nebraska.

CONFERENCE REPORTS ON PENSION BILLS.

Mr. KEY of Ohio. Mr. Speaker, I call up conference report on the bill (H. R. 15504) granting pensions and increase of pensions to certain soldiers and sailors of the Regular Army and Navy, and certain soldiers and sailors of wars other than the Civil War, and to widows of such soldiers and sailors.

Mr. Speaker, I ask unanimous consent that the statement be read in lieu of the report.

The SPEAKER. The gentleman from Ohio asks unanimous consent that the statement be read in lieu of the report. Is there objection?

Mr. MANN. I object; the report is short.

The Clerk read the conference report and statement, as follows:

CONFERENCE REPORT (NO. 958).

The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill H. R. 15504, having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

That the Senate recede from its amendment numbered 8.

That the House recede from its disagreement to the amendments of the Senate numbered 1, 2, 3, 4, 5, 6, and 7, and agree to the same.

JNO. A. KEY,
WM. H. MURRAY,
Managers on the part of the House.

BENJ. F. SHIVELY,
N. P. BRYAN,
REED SMOOT,
Managers on the part of the Senate.

STATEMENT.

On amendment No. 1 the House concurs in the Senate amendment, as it is only a change in the phraseology.

On amendment No. 2 the House concurs in the Senate amendment, as it is only to correct a typographical error.

On amendment No. 3 the House concurs in the Senate amendment, as this word is superfluous.

On amendments Nos. 4 and 5 the House concurs in the Senate amendments, as it is only a correction of service.

On amendment No. 6 the House concurs in the Senate amendment, as it is only a change in phraseology.

On amendment No. 7 the House concurs in the Senate amendment, as it is only a correction of service.

On amendment No. 8 the Senate recedes. The evidence shows the disability from which the soldier now suffers was incurred in service, and a pension of $17 per month is fully justified.

JNO. A. KEY,
WM. H. MURRAY,
Managers on the part of the House.

The conference report was agreed to.

Mr. KEY of Ohio. Mr. Speaker, I call up conference report on the bill (H. R. 13920) granting pensions and increase of pensions to certain soldiers and sailors of the Regular Army and Navy, and certain soldiers and sailors of wars other than the Civil War, and to widows of such soldiers and sailors.

The Clerk read the conference report and statement, as follows:

CONFERENCE ROPORT (NO. 956).

The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill H. R. 13920, having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

That the Senate recede from its amendment numbered 6.

That the House recede from its disagreement to the amendments of the Senate numbered 1, 2, 3, 4, 5, 7, 8, 9, 10, 11, 12, 13, and 14, and agree to the same.

JNO. A. KEY,
WM. H. MURRAY,
Managers on the part of the House.
BENJ. F. SHIVELY,
N. P. BRYAN,
REED SMOOT,
Managers on the part of the Senate.

STATEMENT.

On amendment No. 1 the House concurs in the Senate amendment reducing the amount to $12 per month, as it is not believed the evidence justifies a higher rate, as well as the fact that a precedent should not be created in this class of cases.

On amendment No. 2 the House concurs in the Senate amendment, as it is not believed the facts justify the allowance of pension.

On amendment No. 3 the House concurs in the Senate amendment, reducing the amount of pension to $24 per month in this case, as it is believed this is adequate to cover the disability suffered.

On amendment No. 4 the House concurs in the Senate amendment reducing the amount of pension to $24 per month in this case, as it is believed this is fully adequate to cover the disability suffered by the soldier.

On amendment No. 5 the House concurs in the Senate amendment, as this is merely a correction of service.

On amendment No. 6 the Senate recedes. The evidence in this case warrants the allowance of pension of $12 per month to this widow and $2 additional for the minor child until it reaches the age of 16 years.

On amendments Nos. 7 and 8 the House concurs in the Senate amendments, as this is only a change in phraseology.

On amendment No. 9 the House concurs in the Senate amendment reducing the amount of this pension to $20 per month, as this is the sum usually allowed in cases of this character.

On amendment No. 10 the House concurs in the Senate amendment, as it is not believed the facts warrant increasing this widow's pension from $12 to $20 per month.

On amendment No. 11 the House concurs in the Senate amendment. It is not believed the evidence justifies increasing this widow's pension from $12 to $20 per month.

On amendments Nos. 12 and 13 the House concurs in the Senate amendments, as it is merely typographical errors which are corrected.

On amendment No. 14 the House concurs in the Senate amendment, as it is not shown that the death of the soldier was due to service.

JNO. A. KEY,
WM. H. MURRAY,
Managers on the part of the House.

The conference report was agreed to.

Mr. KEY of Ohio. Mr. Speaker, I call up conference report on the bill (H. R. 14546) granting pensions and increase of pensions to certain soldiers and sailors of the Regular Army and Navy, and certain soldiers and sailors of wars other than the Civil War, and to widows of such soldiers and sailors.

The Clerk read the conference report and statement, as follows:

CONFERENCE REPORT (NO. 957).

The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill H. R. 14546, having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

That the Senate recede from its amendments numbered 10 and 18.

That the House recede from its disagreement to the amendments of the Senate numbered 1, 2, 3, 4, 5, 6, 8, 9, 11, 12, 13, 14, 15, 16, 17, 19, 21, 22, and 23, and agree to the same.

Amendment numbered 7: That the House recede from its disagreement to the amendment of the Senate numbered 7, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$17.00"; and the Senate agree to the same.

Amendment numbered 20: That the House recede from its disagreement to the amendment of the Senate numbered 20, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$24"; and the Senate agree to the same.

Amendment numbered 24: That the House recede from its disagreement to the amendment of the Senate numbered 24, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$17"; and the Senate agree to the same.

JNO. A. KEY,
WM. H. MURRAY,
Managers on the part of the House.
BENJ. F. SHIVELY,
N. P. BRYAN,
REED SMOOT,
Managers on the part of the Senate.

STATEMENT.

On amendment No. 1 the House concurs in the Senate amendment, as it is only a correction of service.

On amendment No. 2 the House concurs in the Senate amendment, for the reason that it is only a change in phraseology.

On amendment No. 3 the House concurs in the Senate amendment reducing the allowance of pension to $24 per month in this case, as it is not believed the facts warrant a higher rate.

On amendment No. 4 the House concurs in the Senate amendment reducing the allowance of pension to $20 per month in this case, as it is believed this rate is adequate to cover the disability suffered.

On amendment No. 5 the House concurs in the Senate amendment, as this is merely a correction in service.

On amendment No. 6 the House concurs in the Senate amendment striking this item from the bill, as it is not believed that the facts and circumstances warrant the allowance of pension.

On amendment No. 7 the House and Senate have agreed on $17 per month as a proper rate to be allowed in this case, both receding from their former position.

On amendment No. 8 the House concurs in the Senate amendment, as it is not believed that the evidence warrants the allowance of a pension in this case.

On amendment No. 9 the House concurs in the Senate amendment, as the soldier is now dead.

On amendment No. 10 the Senate recedes. It is believed that a pension of $12 per month is fully justified in this case.

On amendment No. 11 the House concurs in the Senate amendment, for the reason that it is not shown by the evidence that the sailor contracted the disabilities in the service.

On amendment No. 12 the House concurs in the Senate amendment, as this is merely a correction in service.

On amendment No. 13 the House concurs in the Senate amendment reducing the amount in this case to $20 per month, as it is not believed the facts warrant a larger sum.

On amendment No. 14 the House concurs in the Senate amendment, as this is only a change in phraseology.

On amendment No. 15 the House concurs in the Senate amendment, as it does not appear that the sailor's death was due to service.

On amendment No. 16 the House concurs in the Senate amendment, as this is only a correction in the service.

On amendment No. 17 the House concurs in the Senate amendment, as this is only a correction of an error.

On amendment No. 18 the Senate recedes. The evidence in this case fully justifies the allowance of pension at the rate of $12 per month.

On amendment No. 19 the House concurs in the Senate amendment, as this is only a correction of service.

On amendment No. 20 the House and Senate have agreed that $24 per month is a proper rate in this case by the evidence submitted, both receding from their former position.

On amendments Nos. 21, 22, and 23 the House concurs in the Senate amendments, as this is only a change in the phraseology.

On amendment No. 24 the House and Senate have agreed on $17 as a proper rate in this case, both receding from their former position.

JNO. A. KEY,
WM. H. MURRAY,
Managers on the part of the House.

The conference report was agreed to.

Mr. KEY of Ohio. Mr. Speaker, I call up the conference report on the bill (H. R. 13297) granting pensions and increase of pensions to certain soldiers and sailors of the Regular Army and Navy, and certain soldiers and sailors of wars other than the Civil War, and to widows of such soldiers and sailors.

The Clerk read the conference report and statement, as follows:

CONFERENCE REPORT (NO. 955).

The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill H. R. 13297, having met, after full and free conference have agreed

to recommend and do recommend to their respective Houses as follows:

That the Senate recede from its amendments numbered 1, 11, 12, 13, and 16.

That the House recede from its disagreement to the amendments of the Senate numbered 2, 3, 4, 5, 6, 7, 8, 9, 10, 14, 15, 17, 18, and 19 and agree to the same.

JNO. A. KEY,
WM. H. MURRAY,
Managers on the part of the House.
BENJ. F. SHIVELY,
N. P. BRYAN,
REED SMOOT,
Managers on the part of the Senate.

STATEMENT.

On amendment No. 1 the Senate recedes. The facts and circumstances as presented fully warrant and justify the allowance of pension in this case.

On amendment No. 2 the House concurs in the Senate amendment. This beneficiary has died since the bill in her behalf passed the House of Representatives.

On amendment No. 3 the House concurs in the Senate amendment. This is merely a change in the service.

On amendment No. 4 the House concurs in the Senate amendment. This is only a change of phraseology.

On amendment No. 5 the House concurs in the Senate amendment, as this is only a change of phraseology.

On amendment No. 6 the House concurs in the Senate amendment, as the facts in this case do not substantiate the claim that the soldier is disabled from any cause incident to service.

On amendments Nos. 7 and 8 the House concurs in the Senate amendments. This is only a change in phraseology.

On amendment No. 9 the House concurs in the Senate amendment, as this is only a change in service.

On amendment No. 10 the House concurs in the Senate amendment, as this is a typographical error.

On amendment No. 11 the Senate recedes, it having been shown that the increase to $40 per month is not warranted.

On amendment No. 12 the Senate recedes. The facts of this case fully justify and warrant the allowance of pension.

On amendment No. 13 the Senate recedes, it having been shown that a reduction in rate was not warranted by the facts of the case.

On amendments Nos. 14 and 15 the House concurs in the Senate amendments, as this is only a change of phraseology.

On amendment No. 16 the Senate recedes, as it is shown that the facts fully warrant the allowance of pension in this case.

On amendment No. 17 the House concurs in the Senate amendment reducing the allowance of pension in this case to $25, as it is not believed that a higher rate is warranted.

On amendments Nos. 18 and 19 the House concurs in the Senate amendments, as this is only a change in service.

JNO. A. KEY,
WM. H. MURRAY,
Managers on the part of the House.

The conference report was agreed to.

Mr. KEY of Ohio. Mr. Speaker, I call up the conference report on the bill (H. R. 15071) granting pensions and increase of pensions to certain soldiers and sailors of the Regular Army and Navy, and certain soldiers and sailors of wars other than the Civil War, and to widows of such soldiers and sailors.

The Clerk read the conference report and statement, as follows:

CONFERENCE REPORT (NO. 959).

The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill H. R. 15071, having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

That the Senate recede from its amendments numbered 4 and 7.

That the House recede from its disagreement to the amendments of the Senate numbered 1, 2, 3, 5, 6, and 8, and agree to the same.

JNO. A. KEY,
WM. H. MURRAY,
Managers on the part of the House.
BENJ. F. SHIVELY,
N. P. BRYAN,
REED SMOOT,
Managers on the part of the Senate.

STATEMENT.

On amendment No. 1: The House concurs in the Senate amendment. It is not conclusively shown that the death of the soldier was due to his military service.

On amendment No. 2: The House concurs in the Senate amendment to reduce this item from $24 to $17 per month. This is in accordance with the evidence presented.

On amendment No. 3: The House concurs in the Senate amendment to strike this item from the bill. The soldier is drawing a pension of $17 per month under a special act of Congress passed June 22, 1910, and it is not shown by the report in this case that the allowance of another special act is justified.

On amendment No. 4: The Senate recedes. The evidence in this case fully justifies the allowance of pension of $12 per month to the widow and $2 additional for the minor child until it reaches the age of 16 years.

On amendments Nos. 5 and 6: The House concurs in the Senate amendments. These are merely changes in the service.

On amendment No. 7: The Senate recedes. The evidence in this case fully warrants the granting of pension at $12 per month.

On amendment No. 8: The House concurs in the Senate amendment, as it is merely a change in the phraseology.

JNO. A. KEY,
WM. H. MURRAY,
Managers on the part of the House.

The conference report was agreed to.

REPRINT OF HOUSE REPORT NO. 110.

Mr. LEVER. Mr. Speaker, I ask unanimous consent for a reprint of House Report No. 110, which accompanied the agricultural extension bill.

The SPEAKER. The gentleman from South Carolina asks unanimous consent for a reprint of House Report No. 110.

Mr. MANN. Had not the gentleman better state how many copies?

Mr. LEVER. I ask for a reprint of 1,000 copies for the use of the House.

The SPEAKER. Is there objection?

There was no objection.

LEGISLATIVE, EXECUTIVE, AND JUDICIAL APPROPRIATION BILL—CONFERENCE REPORT.

Mr. JOHNSON of South Carolina. Mr. Speaker, I call up the conference report on the bill H. R. 15279, the legislative, executive, and judicial appropriation bill.

The SPEAKER. The gentleman from South Carolina calls up the conference report on the legislative, executive, and judicial appropriation bill, which the Clerk will report.

The Clerk read the conference report, as follows:

CONFERENCE REPORT (NO. 954).

The committee of conference on the disagreeing votes of the two Houses on the amendment of the House to the amendment of the Senate numbered 1, and on amendment numbered 30 of the Senate, to the bill (H. R. 15279) making appropriations for the legislative, executive, and judicial expenses of the Government for the fiscal year ending June 30, 1915, and for other purposes, having met, after full and free conference have been unable to agree.

JOSEPH T. JOHNSON,
JOSEPH W. BYRNS,
JAMES W. GOOD,
Managers on the part of the House.
THOMAS S. MARTIN,
LEE S. OVERMAN,
F. E. WARREN,
Managers on the part of the Senate.

Mr. JOHNSON of South Carolina. Mr. Speaker, the legislative, executive, and judicial appropriation bill as it was brought into the House provided that mileage hereafter should be limited to the actual traveling expenses of the Member and the immediate and dependent members of his family. In the Senate that provision was stricken out and the amount under existing law was restored. Four times the House conferees have met the Senate conferees, and every item in the bill has been agreed to except mileage. Yesterday for the first time the Senate discussed the question, and took a yea-and-nay vote upon it, and by a vote of 55 to 7 the Senate insists upon its amendments. The position of the Senate as revealed to the conferees is that this is legislation on an appropriation bill, that the House has proposed the legislation, that the Senate objects

to the legislation, and that the unbroken rule obtaining between parliamentary bodies of coordinate powers is that the body proposing legislation in an appropriation bill must finally yield if the other body refuses to accept the legislation.

The conferees have acted in good faith and have endeavored to carry out the wishes of the House, as the wishes of the House were made known by the RECORD. I believe that the Senate will let the bill fail rather than yield to the House upon this proposition. It is now for the House to say what it desires the conferees to do.

Mr. PALMER. Mr. Speaker, will the gentleman yield?

Mr. JOHNSON of South Carolina. I yield to the gentleman from Pennsylvania.

Mr. PALMER. Mr. Speaker, I notice by the RECORD that there was a good deal of discussion in the Senate about the proposition of a compromise at 10 cents a mile. I would like to ask the gentleman if that matter has been considered by the conferees?

Mr. JOHNSON of South Carolina. It has.

Mr. PALMER. It seems to me that that is the logical outcome of a dispute of this kind, where the House claims the mileage ought to be 5 cents and the Senate claims it ought to be 20 cents, and that, like other reasonable men, they could get together on some figure between the 5 and the 20. Has that been proposed by the House?

Mr. JOHNSON of South Carolina. Mr. Speaker, the House conferees have suggested to the Senate conferees the possibility of a compromise at 10 cents a mile, or upon actual expenses, but the Senate conferees absolutely refuse to consider anything, and they say that they stand upon the law, and I call the gentleman's attention to the fact that all of the suggestions in the Senate in regard to a compromise came from the seven gentlemen who voted in the negative. There were 55 on the other side.

Mr. PALMER. Mr. Speaker, I am inclined to think that those suggestions came also from members who voted among the 55, at least some of them. Let me see if I understand the matter. As the bill stands at the present time the House insists upon actual expenses for the House Members and upon 5 cents for Senate Members. Is that correct?

Mr. JOHNSON of South Carolina. That is the legislative and the parliamentary situation.

Mr. PALMER. Of course that is an impossible and an intolerable position.

Mr. JOHNSON of South Carolina. It is an impossible and ridiculous position, I may say to the gentleman, but it came about on account of a peculiar parliamentary situation.

Mr. PALMER. Members of the House and of the Senate unquestionably are entitled to have and ought to get the same rate of mileage.

Mr. JOHNSON of South Carolina. Certainly.

Mr. PALMER. I want to ask the gentleman if he does not believe that if the House would recede from both of these amendments, whatever the parliamentary procedure may be, and propose 10 cents a mile, that the Senate would agree to it?

Mr. JOHNSON of South Carolina. Mr. Speaker, I do not believe that the Senate would agree to anything.

Mr. HARDY. Mr. Speaker, will the gentleman from South Carolina yield?

Mr. JOHNSON of South Carolina. I yield to the gentleman from Texas.

Mr. HARDY. If any compromise were to be made, does not the gentleman think the real and just compromise would be the actual and necessary expenses of a Member and the dependent members of his family, as was first incorporated in the measure by the House?

Mr. JOHNSON of South Carolina. Mr. Speaker, the gentleman from Texas will understand that I believe in the proposition as it came into the House for the actual and necessary expenses of the Member and members of his family.

Mr. HARDY. I want to say that that is what has always appealed to me as being just and right, and that, it seems to me, ought to be made or might be made the basis of compromise.

Mr. JOHNSON of South Carolina. Mr. Speaker, I want to say to the gentleman from Texas that I am as heartily in favor of that proposition as any Member in the House. I am simply stating the condition as we find it, and that is that the Senate absolutely refuses to legislate on this subject in an appropriation bill.

Mr. FITZGERALD. Mr. Speaker, I offer the following motion, which I send to the desk and ask to have read.

Mr. MANN. Mr. Speaker, a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. MANN. Would it not be the proper thing and the necessary thing first to agree to the conference report?

Mr. FITZGERALD. I understand there is a report of disagreement, and I think no action is necessary.

Mr. MANN. I suppose no action is necessary, since the Senate did agree to the conference report.

Mr. FITZGERALD. The motion I propose will bring the matter before the House.

Mr. MANN. The gentleman can not make a motion until the amendments are before the House in some shape.

Mr. FITZGERALD. This motion will bring them before the House.

The SPEAKER. The Clerk will report the motion of the gentleman from New York.

The Clerk read as follows:

Mr. FITZGERALD moves that the House recede from its amendment to the amendment of the Senate No. 1, and recede from its disagreement to the amendments of the Senate Nos. 1 and 30 and agree to the same.

Mr. FITZGERALD. Mr. Speaker, I ask the gentleman from South Carolina to yield me three minutes.

Mr. JOHNSON of South Carolina. Mr. Speaker, I yield five minutes to the gentleman from New York.

Mr. FITZGERALD. Mr. Speaker, the question of mileage for the two Houses of Congress is one that has been the subject of acrimonious debate during my 15 years of service in this House. It is a matter in which I have very little personal concern. Under the law, at 20 cents a mile, the amount that I receive annually as mileage is $92. I am indifferent as to whether I am paid $92 for mileage as a part of my compensation or for reimbursement for my expenses, or whether the mileage be absolutely abolished. Indeed, the smallness of the amount which I receive might be a temptation for me to demagogue on this question. We have this situation, however, before us. The Committee on Appropriations this year reported a provision providing for the actual traveling expenses of Members and immediate and dependent members of their families incurred in going to and returning once from each session of Congress by the nearest route usually traveled. With such a provision as that, Mr. Speaker, the amount of mileage which I would receive, if accurately computed, would not be very different from the amount I receive at 20 cents a mile. To take myself, my wife, and seven children, five of whom must have their fares paid [applause], with the necessary and proper traveling accommodations, according to the computation I would receive nearly as much as I receive now at 20 cents a mile. Personally I have always believed that whatever the mileage fixed for Members, it should be fixed at a flat rate. I do not have any desire, and I do not think there is much necessity of compelling me to keep an account of the money that I would expend for the traveling expenses of my family in attempting to account for it. I believe that when we are appropriating money for over 500 Members of the two Houses if a flat rate were fixed, whatever it might be, it would be the best under all circumstances. The Senate struck out the provision for the actual traveling expenses of Senators, $25,500, and inserted for mileage of Senators under existing law $51,000. The House concurred in that Senate amendment with an amendment providing for the payment of mileage to Senators at the rate of 5 cents a mile, and there has been no agreement possible upon that amendment. In reference to amendment numbered 30, the House had a provision in the bill providing for the actual traveling expenses of Members and the immediate members of their families, and appropriating $87,500 therefor. The Senate struck that provision out and inserted a provision for mileage of Representatives, Delegates, and Resident Commissioners, $175,000.

Under parliamentary law the House could have taken the same action as it did in regard to the other provision. This matter has come before the House three or four times. There have been three or four record votes. I voted upon each occasion to sustain the position of the House relative to the amount to be paid for mileage. After the last vote I suggested to the gentlemen acting as managers upon the part of the House in the conference that the proposition be made that the entire matter be compromised by fixing the mileage for both Members of the House and Senate at 10 cents a mile. I believe such an agreement would have met with the approval of the House, and that the bill could have been agreed upon and become a law. I am informed that the proposition was made and rejected. The Senate, by a vote of 55 to 7, has insisted upon its position regarding mileage. This bill carries $36,000,000 for the support of the departmental services of the Government. The difference involved between mileage at the rate of 20 cents a mile and the amount estimated and fixed in the bill to pay the actual expenses of Members and their families amounts to $100,000. So far as I am concerned, in view of the action of the Senate, I believe that the House, having demonstrated its desire to make the reduction in the amount of mileage and having resorted to

everything within reason that could be justified under parliamentary law to effect its purpose, that the time has now come for the House to recede from its position and agree to the Senate provision and permit the bill to become law. We gain nothing by further agitation and discussion. The responsibility for the failure to reduce the mileage from the amount fixed by law must be borne by the body which declines to yield in any respect, and we should not, in our desire to change this mileage, whatever be our motive, longer delay the enactment of this bill, so important to the maintenance and conduct of the Government. No one in this body will charge me with being an advocate of extravagant appropriations in this House. I believe that I can say my record has been as consistent in favor of proper economies as anyone here. It seems to me that the time has come when it is necessary to recognize the situation that exists and to take the necessary steps to have this bill become a law. I hope the motion which I have made, which brings the two Houses to an agreement on the mileage question, will be adopted.

Mr. JOHNSON of South Carolina. Mr. Speaker, I yield five minutes to the gentleman from Alabama [Mr. UNDERWOOD].

Mr. UNDERWOOD. Mr. Speaker, I supported the House proposition to fix the mileage for Members and Senators at the actual amount of their expenses. So far as I am personally concerned, I would be very glad to see the mileage fixed at that rate now, or, rather than have this question come before the Congress every year, I would be glad to see the mileage entirely abolished. [Applause.] But we are facing a very serious condition, and the Members of this side of the House, regardless of their views in reference to the mileage question, should not overlook the responsibility that they owe to the Government. The condition that confronts us to-day is this: Here is a bill that has been entirely agreed upon except one item carried in two paragraphs in reference to the question of mileage. This bill carries $37,000.000. In its folds are the appropriations for the entire judiciary of the country, for the executive branch of the Government, for the legislative branch of the Government. If it is not agreed upon to-morrow, or a resolution passed extending appropriations for last year, the legislative, executive, and judicial branches of the Government will have to run without salary if they run at all. Now, I take it if that condition existed for a few days it might not seriously hurt, but if it existed for longer than that time it would be a serious blow for the Government of the United States. The gentleman from New York has just offered a resolution to extend the existing appropriations for last year.

That resolution has been objected to, and on account of the small number of that committee in the city at this time it is doubtful whether a rule can be immediately obtained for its present consideration.

Now, the membership of this House has expressed its position to the country on this question. There can be no doubt about it, because the roll has been called a number of times. The Senate has expressed its position on this question on a roll call. This is new legislation, legislation on an appropriation bill, and therefore is contrary to the rules of this House. The uniform practice, as the gentleman from New York [Mr. FITZGERALD] has stated, is that when you put new legislation in an appropriation bill, in the end, if the two Houses can not agree, the House proposing the legislation must recede. And although it is clear that the sentiment of this House is in favor of abolishing mileage, or, at least, reducing the amount of mileage, the time has come when that is no longer the issue. The question is as to passing this appropriation bill and supplying this Government with the necessary funds with which to run it. It is the duty of every man on this side of the House, who is responsible to the country to maintain this Government, to pass this bill at this time regardless of his views on the question of whether there should be mileage or whether mileage should be abolished. [Applause.]

Mr. JOHNSON of South Carolina. Mr. Speaker, I yield three minutes to the gentleman from Tennessee [Mr. BYRNS].

The SPEAKER. The gentleman from Tennessee [Mr. BYRNS] is recognized for three minutes.

Mr. BYRNS of Tennessee. Mr. Speaker, this question has been discussed fully and freely at this session of the House, and further discussion of it would avail nothing. I simply wish to say, in so far as I am concerned, that I have not abandoned my position on the question of mileage, nor have I changed my views. As the gentleman from South Carolina has said, the House conferees made an honest, earnest, sincere, and determined effort to carry out the wishes of the House, but for the fourth time they have been compelled to report a disagreement back to the House. The Senate conferees have insisted that the Senate will not yield from its position, but will insist that the law shall remain as it is so far as this appropriation bill is concerned. And, as has been said, their position was confirmed on yesterday by the Senate itself by a record vote of 55 to 7.

The Senate conferees have insisted constantly that they were entitled to have the House recede from its disagreement because of the well-known parliamentary precedent that when one house puts new legislation upon an appropriation bill to which the other body objects, then it is the duty of the house proposing new legislation to recede.

In answer to the gentleman from Pennsylvania [Mr. PALMER] and the gentleman from Texas [Mr. HARDY], I want to say that the House conferees have realized from the beginning that when the House takes one position and the Senate takes another a compromise is in order. And the House conferees have been ready at all times to agree upon any reasonable compromise on this proposition, but the Senate, as I have said, has insisted that they will agree to nothing except the present and existing law of 20 cents a mile. So it is just a proposition as to whether or not you are willing to recede or whether you will adhere to the proposition as proposed by the House and possibly see this appropriation bill fail. As for me, I stand now where I have always stood. [Applause.]

Mr. JOHNSON of South Carolina. Mr. Speaker, I yield two minutes to my colleague [Mr. RAGSDALE].

The SPEAKER. The gentleman from South Carolina [Mr. RAGSDALE] is recognized for two minutes.

Mr. RAGSDALE. Mr. Speaker, when I came here, nearly two years ago, as a Member of this body, it was with a desire to cooperate with men who made a great Democratic victory possible. Under the splendid leadership of the Speaker of this House and the majority leader [Mr. UNDERWOOD], the Democrats have been led to victory which we never believed before could be accomplished. They have stated here, as the gentleman from Alabama has stated to-day, and before, that an appropriation bill of this character ought to pass at once, and that the cheap politics that have been played by some people here to get before the people as great reformers and economists ought not to hold up at this time appropriation bills and keep them from passing. I have voted with him consistently in this legislation, as I have in nearly all other legislation that he has offered here.

As one who has voted with him from the first, I am willing to vote as he directs now. I hope the House will take the position which he has taken and that this appropriation bill may become a law. Calamity howlers are singing all over the country of the disaster that is going to come if this and that thing is not done, and we should have a recess for a time in order to give the Democrats an opportunity to go home and meet the objections which have been made against the party. [Applause.]

Mr. JOHNSON of South Carolina. Mr. Speaker, I yield five minutes to the gentleman from Massachusetts [Mr. GILLETT].

The SPEAKER. The gentleman from Massachusetts [Mr. GILLETT] is recognized for five minutes.

Mr. GILLETT. Mr. Speaker, I agree entirely with the argument made by the gentleman from New York [Mr. FITZGERALD] and the gentleman from Alabama [Mr. UNDERWOOD], but I criticize them because they did not make that argument two weeks ago instead of to-day. If they had done so then, they would have saved the inconvenience and confusion in the various departments of the Government which has resulted from being 14 days under an extension of appropriations. The very argument which they are making now was just as forcible and timely then.

Now, Mr. Speaker, I was in favor of the House proposition originally, both in committee and on this floor, but two weeks ago, when the question came up whether this great bill should go into force before the year ended or whether we should have the confusion in the departments and the expense occasioned by its failing, I voted to concur with the Senate. I knew that in doing so I was carrying out the wishes of the majority of that side, though I was not in accordance with their vote. [Laughter.] They are responsible for legislation. They ought to take that responsibility, and in my opinion they ought to have taken the position two weeks ago that they take now. But I was willing to act as a cat's-paw and to vote as I thought was right and in accordance with your wishes, though against your action, and I hoped that it might prevail, even though you might still pose as economists and purists and say that against your will this legislation was forced upon you. So you are compelled now, as, I repeat, you ought to have done before, to come out and say that it is to the advantage of this Government that we should yield to the Senate in this matter. I would suggest, though, Mr. Speaker, that if they really wanted to effect this reform there was a simple way in which to do it. They could have yielded on the Senate mileage and insisted on our mileage, as the Senate

would have been perfectly willing to do, and it would not have been long before the Senate would have been shamed against taking the mileage which they proposed. They would not have dared to let us take 5 cents a mile and they take 20 cents a mile. So, if that side of the House had really wanted to accomplish this reform, there was an easy way before them. But I believe now it is to the advantage of the country that this bill should no longer be delayed and that we should vote to concur with the Senate. [Applause.]

Mr. JOHNSON of South Carolina. Mr. Speaker, I yield five minutes to the gentleman from Pennsylvania [Mr. PALMER].

The SPEAKER. The gentleman from Pennsylvania [Mr. PALMER] is recognized for five minutes.

Mr. PALMER. Mr. Speaker, I judge by the rather apologetic remarks of many of my fellow mileage economists this morning that they are about to lay down before the Senate on this proposition, but I for one can not bring myself to that.

I recognize the importance of passing this great bill at this time, and I recognize also that a bill carrying so large an appropriation ought not to be held up for any considerable length of time pending a dispute about an item which is as small as this in point of amount. And yet I do not agree with the gentleman from Alabama [Mr. UNDERWOOD] in regard to our responsibility in connection with it. The fact is that if this appropriation shall not be passed by to-morrow an extension resolution will be passed providing for the needs of the Government——

Mr. FITZGERALD and Mr. UNDERWOOD rose.

The SPEAKER. To whom does the gentleman yield?

Mr. PALMER. In just a minute. And, as I understand it, there are other appropriation bills which have not been passed, so that, even if this is passed to-day or to-morrow, it will still be necessary to pass such an extension resolution, and it will be just as easy to include this bill as to leave it out.

Now I yield to the gentleman from Alabama.

Mr. UNDERWOOD. Mr. Speaker, I want to call the gentleman's attention to the fact that a resolution has been offered this morning and unanimous consent asked and objection has been made, and if the gentleman does not know it, I can advise him of the fact that there is not a controlling membership of the Committee on Rules in the city at this time on this side of the House.

Mr. PALMER. Well, I have enough confidence in the gentleman's ability as a leader to believe that he can lead a majority of 2 to 1 in this House to pass a resolution to provide for the needs of the Government for two weeks.

Mr. FITZGERALD. Mr. Speaker, will the gentleman yield?

Mr. PALMER. Yes.

Mr. FITZGERALD. There is not in the city a majority of the Committee on Rules composed of Democrats. I doubt if they are going to be brought here. As I understand now, an extension resolution can be passed by unanimous consent if the legislative bill and the District bill are disposed of.

Mr. PALMER. Mr. Speaker, I do not believe that the gentleman from New York or the gentleman from Alabama will seriously contend and say to the House and to the country that, though we have a majority here of 150 or 160 Members, we can not pass in this House a resolution of the character that I am talking about.

Mr. FITZGERALD. The gentleman——

Mr. PALMER. I do not care to yield further. It is safe to say that that can be done.

Mr. FITZGERALD. We have a majority ostensibly of 160 in this House, but we have not got them in Washington. [Applause on the Republican side.] And the gentleman from South Carolina [Mr. JOHNSON] and myself are two of the Democrats who have stayed here all the time attending to the public business. [Applause.]

Mr. PALMER. Mr. Speaker, as long as there is a quorum in the city there is a safe majority of Democrats in this body, and this resolution can be passed; and every Member of the House knows it perfectly well.

Now, I want to say that there is no cheap politics in this mileage proposition, as the gentleman from South Carolina [Mr. RAGSDALE] would have the House believe. There are Members here who have been absolutely honest in the belief that this mileage "graft" ought to be taken away from Members at both ends of the Capitol. It is unfair, because it is placing the Congress in an unenviable light throughout the country, because we vote to ourselves mileage which is many times greater than we allow to any other officer of the Government. An ambassador who goes to his foreign post is allowed only 5 cents a mile. An officer in one of the departments here in the city who travels about on public business is allowed only about one-fourth or one-fifth of what we vote to ourselves.

The SPEAKER. The time of the gentleman from Pennsylvania has expired.

Mr. PALMER. Give me a few minutes more, please. Will the gentleman from South Carolina yield me five minutes more? My time has been taken up principally by interruptions.

Mr. JOHNSON of South Carolina. Yes, Mr. Speaker; I yield to the gentleman five minutes more.

The SPEAKER. The gentleman from Pennsylvania is recognized for five minutes more.

Mr. PALMER. I have this to say about it, Mr. Speaker: This matter will not down. It has been, as the gentleman from New York [Mr. FITZGERALD] says, before the Congress ever since he has been here. We have had an open and a bitter fight upon it in every Congress since I have been here, and it seems to me, in order to make a final settlement of this much-disputed question, it would be better to hold up this bill for a day or two while the House insists not upon its legislative proposition but upon a compromise proposition of, say, 10 cents a mile.

I want to say to my colleagues that we shall never again get so near to a correction of this abuse as we are now. Why, yesterday in the Senate a distinguished Member of that body made a long speech in which he declared that he would wipe out all of this mileage. Why? Because Members of the House who voted for the House proposition were coming over to the Senate and lobbying for the Senate amendment. And to-day the gentleman from Massachusetts [Mr. GILLETT] reiterates the charge that we, who have voted upon this thing time after time and have gone upon record against this unfair system of exorbitant mileage to Members, are not sincere; that we do not want the reduction; and that we really want the Senate rate to prevail.

Mr. TAGGART. Mr. Speaker, will the gentleman yield there for a question?

Mr. PALMER. In just a moment. It seems to me there can be only one answer to that kind of a charge of insincerity upon our part, and that is to insist upon the proposition that we started to maintain. Now I yield to the gentleman.

Mr. TAGGART. Was the gentleman from Pennsylvania here when we had a record vote upon 5 cents a mile?

Mr. PALMER. Yes; I have voted upon several such propositions.

Mr. TAGGART. I mean the other day.

Mr. PALMER. Yes; I was here and voted upon it.

Mr. HARDY. Mr. Speaker, will the gentleman yield for just one question?

Mr. PALMER. In just one moment. We have never had before this House until in this Congress a proposition to make a fair compromise at 10 cents a mile. I, for one, believe if that proposition were put up to the conferees of the Senate, with the House firmly behind it, that they would agree to it rather than permit this bill to continue longer in conference.

Mr. FALCONER. Mr. Speaker, will the gentleman yield?

Mr. PALMER. I will yield to the gentleman from Texas [Mr. HARDY].

Mr. HARDY. I wanted to say that I voted for the bill as passed by the House covering mileage for Members and their families. I think that is equitable and fair. Does not the gentleman think he does the whole House an injustice in stating that Members voted one way and lobbied in the Senate the other way?

Mr. PALMER. I did not say that. I said a Member of the Senate upon the floor said that. I do not know whether it is true or not. I hope not.

Mr. HARDY. The gentleman is putting that alleged fact into the RECORD to-day. Does not the gentleman think that is unfair unless the man who did it was named?

Mr. PALMER. I think it was very unfair in the Senate for the gentleman to make that statement. I maintain here that there is only one answer to make to that.

Mr. HARDY. Is not the gentleman spreading a rumor that——

Mr. PALMER. I do not know that I am spreading a rumor.

Mr. FALCONER. Mr. Speaker, will the gentleman yield now?

Mr. PALMER. Yes.

Mr. FALCONER. Do I understand the gentleman to say that he has gone on record as favoring 5 cents a mile for his own mileage or on House Members' mileage?

Mr. PALMER. I voted for the House amendment.

Mr. FALCONER. Does not the gentleman know that he has never voted for 5 cents a mile for his mileage, but has shoved 5 cents a mile off on the Senators? And does not the gentleman know that he voted at no time to reduce his mileage below 20 cents a mile for himself or full mileage for himself and his family?

Mr. PALMER. Oh, I know the contrary.

Mr. FALCONER. No; I do not think the gentleman does.

Mr. PALMER. In a previous Congress I myself offered an amendment to this bill to make the mileage 10 cents a mile. We had a record vote upon it, and came within 4 or 5 votes of passing it. I, of course, voted for it. I have voted for the House amendment to provide for actual expenses, and the parliamentary situation was such that Members could not vote for the same amendment to apply to both; but I say to the gentleman that I am opposed to the miserable makeshift of having one rate for the House and one rate for the Senate.

Mr. FALCONER. I am glad to hear that.

Mr. PALMER. I am honestly in favor of having the same rate for both, and I believe now this troublesome question could be adjusted if the conferees representing the two Houses would sit down like reasonable men and do a reasonable thing, namely, compromise between the two items.

Mr. ROBERTS of Nevada. Mr. Speaker, will the gentleman yield?

Mr. PALMER. Before I do that I want to ask the Chair is an amendment to this proposition in order? I will offer this amendment——

Mr. MANN. It is not in order now.

The SPEAKER. Wait a minute. The Chair will examine it and see.

Mr. MANN. No motion is ahead of the motion to recede and concur.

Mr. PALMER. I do not propose to get ahead of it by offering any other motion. I am offering an amendment to this motion to recede and concur.

The SPEAKER. The motion to recede and concur is the preferential motion.

Mr. PALMER. I am offering an amendment to the pending motion.

Mr. ROBERTS of Nevada. Will the gentleman yield?

Mr. BYRNS of Tennessee. Will the gentleman permit a question?

Mr. PALMER. Just a moment. I move to amend the pending motion by adding at the end thereof "provided mileage for Representatives and Senators shall be at the rate of 10 cents a mile."

Mr. FITZGERALD. I make the point of order that at this stage of the proceedings the motion to recede and concur is the preferential motion.

The SPEAKER. The gentleman from New York is correct.

Mr. PALMER. Mr. Speaker, will the Chair hear me for a moment?

The SPEAKER. The gentleman's time is up.

Mr. PALMER. On this point of order.

The SPEAKER. The Chair will hear the gentleman on the point of order.

Mr. FITZGERALD. The gentleman has not the floor to offer any motion, anyway.

The SPEAKER. The Chair understands that perfectly well, and rules it out of order.

Mr. PALMER. If it is ruled out of order on that account, I shall have to submit.

Mr. FITZGERALD. It is out of order on both grounds.

Mr. JOHNSON of South Carolina. I yield five minutes to the gentleman from Illinois [Mr. MANN].

Mr. MANN. Mr. Speaker, when I see my genial friend from Pennsylvania [Mr. PALMER] in the House, I feel like saying to him "Welcome to our city." [Applause and laughter.]

Mr. PALMER. The gentleman will admit that it is only recently that I have been absent.

Mr. MANN. Oh, I made substantially the same remark when the gentleman made the same proposition in the last Congress, and it has been true ever since. The gentleman from Pennsylvania [Mr. PALMER] has just stated that he voted for the 5-cent mileage proposition. The gentleman imagines that he was here, because I have the CONGRESSIONAL RECORD in my hand, under date of June 25, where the gentleman from South Carolina [Mr. BYRNES] offered a motion for 5 cents a mile, and among those voting is not found the name of the gentleman from Pennsylvania [Mr. PALMER], but among those absent I read the name "PALMER." The gentleman has been absent so much that he forgets how he votes when he is here.

Mr. Speaker, the gentleman from Pennsylvania [Mr. PALMER] just stated that it would be an easy matter to extend this appropriation under the legislative, executive, and judicial appriation act. The gentleman from New York [Mr. FITZGERALD] this morning reported a resolution from the Committee on Appropriations, to which I reserved all points of order, because it is not a privileged resolution. It can be brought before the House at this time in only one way, by a report from the Committee on Rules. There are various people connected with the woman-suffrage movement who have been trying for days and weeks to get a meeting of the Committee on Rules. I thought possibly we might do it in this way. There is not a quorum of the committee that will be assembled. I doubt very much whether that side of the House wants to have a meeting of the Committee on Rules just now for any purpose; but if the committee have a meeting for any purpose they will have the woman-suffrage proposition up before them you can be mighty sure. [Applause.] Then they will have to fish or cut bait.

And then there is another resolution we would like to get up before the Committee on Rules, the resolution relating to another amendment to the Constitution. The Committee on Rules have not been very active in reference to these propositions; they laid them over once, and then they laid them over again, because they could not get a quorum of the committee together.

Now some of the gentlemen think 20 cents a mile is too much, and some think it is too little. I am like many of the other gentlemen who have spoken. I do not care whether Congress pays me 20 cents a mile, or no mileage. I shall not decline a nomination or election in either event. [Laughter.] But while I am a Member of the House I shall be in Washington on attendance at the sessions of the House. [Applause.] And I think it comes in mighty poor grace for a gentleman to talk about mileage graft, a small amount, who has been drawing his salary while he has been engaged in political work for himself at home, and who has not been present in the House.

And when gentlemen talk about mileage being graft, I have been led to suppose that the man who took graft was a grafter. I would like to know the name of any Member of this House who has declined to receive what he calls this graft. [Applause.] I do not believe it is graft. If I did, I would not be a grafter and take it. The gentleman who calls it graft is a grafter if he takes it. [Applause.] We have a great pother about this. Gentlemen who are here are worrying about the mileage. I wonder that the majority side of the House does not enforce the law in reference to absences and salary. The law provides that the gentleman from Pennsylvania [Mr. PALMER], who has been away from Washington so long, shall not receive his salary while he is absent. Does he take it? If it is graft to take mileage which the law allows, is it honest to take salary which the law forbids? [Applause on the Republican side.] I suggest to the gentleman from Pennsylvania that people who live in glass houses, and mighty thin glass at that, had better be conspicuous by quietness instead of rising to debate a proposition about graft of other people. He had better remove the beam from his own eye before he tries to take the mote out of the eyes of others. [Applause on the Republican side.]

Mr. JOHNSON of South Carolina. Mr. Speaker, I yield five minutes to the gentleman from Kansas [Mr. TAGGART].

Mr. TAGGART. Mr. Speaker, the Committee on Appropriations saw fit to put into the appropriation bill a provision to take the place of existing law. This new provision was that each Member of the House and Senate should have all his expenses paid to and from Washington for each and every session of Congress, and that the traveling expenses of each and every dependent member of his family should also be paid for every session. The law that has been upon the statute books for a great many years provides for 20 cents a mile for each regular session.

This measure would not seem to me to work economy. It would all depend on the number of dependent persons in the family of the Member. It would be manifestly unfair to Members with small families. It would give a greater mileage to Members with large families than they draw now. It would allow a dependent member of any Member's family to get on a train at his home at any session of Congress and take a trip to Washington and return again. They would not have to come together or with the Member under that provision, and would not have to return when he did.

They would be at liberty to take as many excursions to and from Washington as there were sessions of Congress during the period of the Member's service. No one knows whether it would work economy or not. I, in company with a great many others here, voted for the 5 cents a mile on the amendment offered by the gentleman from South Carolina. I believe that more of the time of this House, in actual value, has been taken up in the discussion of this item of mileage than would be the difference in mileage between 5 cents a mile and 20 cents a mile. There has been feeling wrought up over it. Accusations have been made; and we have been called to task by a gentleman who was not with us when we voted for 5 cents a mile.

I want to say that there is no law against returning to the Treasury of the United States any salary or mileage paid to a

Member. If some distinguished patriot here, having an afflicted conscience, will return to the Treasury of the United States the mileage he feels that he should not have taken, I will be the first to contribute $50 toward erecting a bronze tablet to his memory as the first patriot of the twentieth century. [Laughter and applause.]

The Senate has voted almost solidly to retain the old law. While it may be our duty to recede and agree with the Senate, I shall not vote to agree to continue mileage at the old rate.

Mr. JOHNSON of South Carolina. Mr. Speaker, how much time have I remaining?

The SPEAKER. The gentleman has five minutes.

Mr. JOHNSON of South Carolina. I yield one minute to the gentleman from Florida [Mr. CLARK].

Mr. CLARK of Florida. Mr. Speaker, I simply want to put in the RECORD section 17 of United States Statutes at Large, volume 14, page 323, act of July 28, 1866, which reads as follows:

That the compensation of each Senator, Representative, and Delegate in Congress shall be $5,000 per annum, to be computed from the first day of the present Congress, and in addition thereto mileage at the rate of 20 cents per mile, to be estimated by the nearest route usually traveled in going to and returning from each regular session.

That has been the law for 48 years, and we are just as much bound to appropriate for it now as we were then.

Mr. JOHNSON of South Carolina. Mr. Speaker, I yield two minutes to the gentleman from Wisconsin [Mr. LENROOT].

Mr. LENROOT. Mr. Speaker, I shall vote to recede upon this amendment, as I voted previously; but I do not care to discuss that now. I do want to say a word with reference to the imputation made by the gentleman from Alabama [Mr. UNDERWOOD] and by the gentleman from New York [Mr. FITZGERALD] that the resolution continuing the appropriations for two weeks longer could not be gotten before this House, because there are not a sufficient number of Democratic members of the Committee on Rules in the city of Washington.

I want to say to these gentlemen that there are three members upon the minority side on the Committee on Rules, of which I am one, and we have ever been ready as members of that committee to do anything that was necessary to carry on this Government, and until they call a meeting of the committee and place it before the Committee on Rules they have no right to make the statement that they have made. [Applause on the Republican side.] The reason is, however, that they are afraid to call a meeting of that committee, not because they fear this resolution will not pass, but because some other matters might be brought up before that committee if a meeting is called.

Mr. JOHNSON of South Carolina. Mr. Speaker, I yield to the gentleman from Alabama [Mr. UNDERWOOD] two minutes.

Mr. UNDERWOOD. Mr. Speaker, I am glad to understand that the gentleman from Wisconsin is willing to pledge himself to the House to report a resolution to extend the appropriations.

Mr. LENROOT. Will the gentleman yield?

Mr. UNDERWOOD. Yes.

Mr. LENROOT. I did not state that; I said the committee could be relied upon to do what is necessary. If that is necessary, we will agree to it.

Mr. UNDERWOOD. The gentleman, then, is not ready to pledge himself at this time. I wish to say, as far as I am concerned, that I am making no effort to prevent the consideration of any proposition that is before the Rules Committee at this time. [Applause on the Democratic side.]

Mr. JOHNSON of South Carolina. Mr. Speaker, I thought I had made it clear in my statement to the House that the conferees had repeatedly proposed to the Senate conferees a compromise of 10 cents, or any other compromise, and the Senate conferees have absolutely refused to discuss the matter.

I move the previous question on the motion of the gentleman from New York [Mr. FITZGERALD].

The SPEAKER. The question is on ordering the previous question on the motion of the gentleman from New York [Mr. FITZGERALD].

The previous question was ordered.

The SPEAKER. The question is on the motion of the gentleman from New York [Mr. FITZGERALD], that the House recede from its amendment to the amendment of the Senate No. 1, and recede from its disagreement to the amendments of the Senate Nos. 1 and 30, and agree to the same.

Mr. MANN. Mr. Speaker, a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. MANN. Does the motion read that the House shall recede from its disagreement to Senate amendment No. 1? As I understand it, we are to vote on the question of receding from our amendment to Senate amendment No. 1, but we have no disagreement to Senate amendment No. 1. We have agreed to Senate amendment No. 1 with an amendment.

Mr. FITZGERALD. We recede from the amendment of the House to Senate amendment No. 1.

Mr. MANN. And recede from our disagreement to Senate amendment No. 30, and agree to both the Senate amendments.

Mr. FITZGERALD. Mr. Speaker, the gentleman from Illinois is correct, and I will modify my motion accordingly.

The SPEAKER. The question is, then, on the motion that the House recede from its amendment to the amendment of the Senate No. 1, and recede from its disagreement to amendment of the Senate No. 30, and agree to the two amendments.

The question was taken.

Mr. COX. Mr. Speaker, I demand a division.

The SPEAKER. The gentleman from Indiana demands a division. Those in favor of the motion will rise and stand until counted. [After counting.] One hundred and one——

Mr. DONOVAN. Mr. Speaker, count me with the rest.

The SPEAKER. One hundred and two gentlemen have risen in the affirmative. Those opposed will rise and stand until they are counted. [After counting.] Fifty-three have risen in the negative. On this vote the ayes are 102 and the noes are 53.

Mr. COX. Mr. Speaker, I make the point of order that there is no quorum present.

Mr. CANDLER of Mississippi. Mr. Speaker, I demand the yeas and nays.

The SPEAKER. The gentleman from Indiana makes the point of order that there is no quorum present. The Chair will count. [After counting.] One hundred and eighty-six Members present, not a quorum. The Doorkeeper will close the doors, the Sergeant at Arms will notify absentees, and the Clerk will call the roll.

The Clerk called the roll, and there were—yeas 132, nays 121, answered "present" 5, not voting 175, as follows:

YEAS—132.

Abercrombie	Dupré	Humphrey, Wash.	Payne
Adamson	Elder	Humphreys, Miss.	Ragsdale
Aiken	Esch	Igoe	Raker
Anderson	Estopinal	Jacoway	Reed
Avis	Evans	Johnson, S. C.	Roberts, Nev.
Bailey	Falconer	Johnson, Utah	Rogers
Bartholdt	Fergusson	Kahn	Rouse
Beakes	Ferris	Kennedy, Conn.	Rubey
Bell, Cal.	Fitzgerald	Kent	Scott
Blackmon	FitzHenry	Kettner	Seldomridge
Booher	Floyd, Ark.	Key, Ohio	Sinnott
Broussard	Francis	Kindel	Smith, Idaho
Bulkley	Gallagher	Kirkpatrick	Steenerson
Burgess	Gard	Kitchin	Stephens, Cal.
Burnett	Garrett, Tenn.	Konop	Stephens, Tex.
Campbell	Gill	La Follette	Stevens, Minn.
Caraway	Gillett	Langley	Stout
Carlin	Good	Lee, Ga.	Taylor, Colo.
Carter	Goodwin, Ark.	Lee, Pa.	Ten Eyck
Church	Greene, Mass.	Lenroot	Thomson, Ill.
Clark, Fla.	Greene, Vt.	Lever	Towner
Claypool	Gregg	Linthicum	Townsend
Covington	Hammond	McCoy	Treadway
Cramton	Hardy	Madden	Tuttle
Curry	Harris	Manahan	Underhill
Danforth	Hart	Mann	Underwood
Davis	Hawley	Miller	Vollmer
Deitrick	Hay	Mondell	Volstead
Dent	Hayden	Moore	Wallin
Donohoe	Heflin	Murray, Mass.	Watson
Donovan	Helgesen	Nolan, J. I.	Wilson, Fla.
Drukker	Howell	O'Hair	Wingo
Dunn	Hughes, Ga.	Oldfield	Witherspoon

NAYS—121.

Alexander	Decker	Keating	Rauch
Allen	Dershem	Kelly, Pa.	Reilly, Conn.
Ashbrook	Dickinson	Kinkaid, Nebr.	Reilly, Wis.
Baker	Dillon	Kinkead, N. J.	Rucker
Baltz	Dixon	Lewis, Md.	Rupley
Barkley	Doolittle	Lieb	Russell
Barton	Doremus	Lindbergh	Shackleford
Bathrick	Edmonds	Lloyd	Sherley
Bowdle	Faison	Logue	Sherwood
Britten	Farr	Lonergan	Sisson
Brockson	Flood, Va.	McKenzie	Small
Brodbeck	Foster	MacDonald	Smith, Minn.
Brumbaugh	Fowler	Maguire, Nebr.	Smith, Saml. W.
Bryan	French	Mapes	Stafford
Buchanan, Tex.	Garner	Mitchell	Stedman
Burke, S. Dak.	Garrett, Tex.	Montague	Stephens, Miss.
Burke, Wis.	Goeke	Morgan, Okla	Stone
Byrnes, S. C.	Gordon	Moss, Ind.	Taggart
Bryns, Tenn.	Graham, Ill.	Moss, W. Va.	Talcott, N. Y.
Candler, Miss.	Gray	Oglesby	Tavenner
Carr	Green, Iowa	O'Leary	Taylor, Ark.
Casey	Hamilton, Mich.	Padgett	Tribble
Cline	Harrison	Page, N. C.	Watkins
Coady	Haugen	Palmer	Webb
Collier	Helm	Park	Williams
Connelly, Kans.	Helvering	Peters, Mass.	Woodruff
Connolly, Iowa	Hensley	Peterson	Woods
Conry	Hill	Phelan	Young, N. Dak.
Cox	Holland	Platt	
Crosser	Hull	Quin	
Cullop	Johnson, Ky.	Rainey	

ANSWERED "PRESENT"—5.

Moon	Sloan	Taylor, Ala.	Walters
Rothermel			

NOT VOTING—175.

Adair	Fields	Lafferty	Prouty
Ainey	Finley	Langham	Rayburn
Ansberry	Fordney	Lazaro	Riordan
Anthony	Frear	L'Engle	Roberts, Mass.
Aswell	Gallivan	Lesher	Sabath
Austin	Gardner	Levy	Saunders
Barchfeld	George	Lewis, Pa.	Scully
Barnhart	Gerry	Lindquist	Sells
Bartlett	Gilmore	Lobeck	Sharp
Beall, Tex.	Gittins	Loft	Shreve
Bell, Ga.	Glass	McAndrews	Sims
Borchers	Godwin, N. C.	McClellan	Slayden
Borland	Goldfogle	McDermott	Slemp
Brown, N. Y.	Gorman	McGillicuddy	Smith, J. M. C.
Brown, W. Va.	Goulden	McGuire, Okla.	Smith, Md.
Browne, Wis.	Graham, Pa.	McKellar	Smith, N. Y.
Browning	Griest	McLaughlin	Smith, Tex.
Bruckner	Griffin	Mahan	Sparkman
Buchanan, Ill.	Gudger	Maher	Stanley
Burke, Pa.	Guernsey	Martin	Stephens, Nebr.
Butler	Hamill	Merritt	Stevens, N. H.
Calder	Hamilton, N. Y.	Metz	Stringer
Callaway	Hamlin	Morgan, La.	Sumners
Cantor	Hardwick	Morin	Sutherland
Cantrill	Hayes	Morrison	Switzer
Carew	Henry	Mott	Talbott, Md.
Cary	Hinds	Murdock	Taylor, N. Y.
Chandler, N. Y.	Hinebaugh	Murray, Okla.	Temple
Clancy	Hobson	Neeley, Kans.	Thacher
Cooper	Houston	Neely, W. Va.	Thomas
Copley	Howard	Nelson	Thompson, Okla.
Crisp	Hoxworth	Norton	Vare
Dale	Hughes, W. Va.	O'Brien	Vaughan
Davenport	Hulings	O'Shaunessy	Walker
Dies	Johnson, Wash.	Paige, Mass.	Walsh
Difenderfer	Jones	Parker	Weaver
Dooling	Keister	Patten, N. Y.	Whaley
Doughton	Kelley, Mich.	Patton, Pa.	Whitacre
Driscoll	Kennedy, Iowa	Peters, Me.	White
Eagan	Kennedy, R. I.	Plumley	Willis
Eagle	Kiess, Pa.	Porter	Wilson, N. Y.
Edwards	Knowland, J.R.	Post	Winslow
Fairchild	Korbly	Pou	Young, Tex.
Fess	Kreider	Powers	

So the motion was agreed to.

The Clerk announced the following pairs:

Ending August 4, 1914:

Mr. WEAVER with Mr. SLOAN.

Commencing July 14, until further notice:

Mr. BURKE of Wisconsin with Mr. FREAR.

Until further notice:

Mr. LAZARO with Mr. PARKER.

Mr. MCKELLAR with Mr. GRAHAM of Pennsylvania.

Mr. YOUNG of Texas with Mr. AINEY.

Mr. HARDWICK with Mr. J. R. KNOWLAND.

Mr. SPARKMAN with Mr. VARE.

Mr. GILMORE with Mr. AUSTIN.

Mr. HOUSTON with Mr. PORTER.

Mr. GOLDFOGLE with Mr. LANGHAM.

Mr. EDWARDS with Mr. KENNEDY of Rhode Island.

Mr. VAUGHAN with Mr. SHREVE.

Mr. THOMAS with Mr. FAIRCHILD.

Mr. MORGAN of Louisiana with Mr. PETERS of Maine.

Mr. BRUCKNER with Mr. BROWNE of Wisconsin.

Mr. RIORDAN with Mr. WALTERS.

Mr. TALBOTT of Maryland with Mr. MERRITT.

Mr. STEPHENS of Nebraska with Mr. LEWIS of Pennsylvania.

Mr. CANTRILL with Mr. COPLEY.

Mr. TAYLOR of Alabama with Mr. HUGHES of West Virginia.

Mr. DALE with Mr. MARTIN.

Mr. MCGILLICUDDY with Mr. GUERNSEY.

Mr. HENRY with Mr. HINDS.

Mr. DAVENPORT with Mr. J. M. C. SMITH.

Mr. MCDERMOTT with Mr. GRIEST.

Mr. NEELEY of Kansas with Mr. PAIGE of Massachusetts.

Mr. SABATH with Mr. SWITZER.

Mr. ADAIR with Mr. BARCHFELD.

Mr. BELL of Georgia with Mr. PLUMLEY.

Mr. BORLAND with Mr. ANTHONY.

Mr. SAUNDERS with Mr. WINSLOW.

Mr. WILSON of New York with Mr. LAFFERTY.

Mr. SLAYDEN with Mr. BURKE of Pennsylvania.

Mr. LOBECK with Mr. POWERS.

Mr. GOULDEN with Mr. PATTON of Pennsylvania.

Mr. GORMAN with Mr. MCLAUGHLIN.

Mr. GALLAGHER with Mr. HULINGS.

Mr. BUCHANAN of Illinois with Mr. COOPER.

Mr. ASWELL with Mr. CARY.

Mr. BARNHART with Mr. CALDER.

Mr. BROWN of New York with Mr. CHANDLER of New York.

Mr. BROWN of West Virginia with Mr. FESS.

Mr. DOUGHTON with Mr. JOHNSON of Washington.

Mr. HAMLIN with Mr. HINEBAUGH.

Mr. GALLIVAN with Mr. KEISTER.

Mr. HOWARD with Mr. KELLEY of Michigan.

Mr. JONES with Mr. FORDNEY.

Mr. MORRISON with Mr. KIESS of Pennsylvania.

Mr. PATTEN of New York with Mr. KREIDER.

Mr. CLANCY with Mr. HAMILTON of New York.

Mr. POST with Mr. LINDQUIST.

Mr. POU with Mr. MCGUIRE of Oklahoma.

Mr. RAYBURN with Mr. MOTT.

Mr. SIMS with Mr. MORIN.

Mr. SMITH of Maryland with Mr. NORTON.

Mr. SMITH of Texas with Mr. NELSON.

Mr. STRINGER with Mr. PROUTY.

Mr. WALKER with Mr. SUTHERLAND.

Mr. WHALEY with Mr. ROBERTS of Massachusetts.

Mr. WHITE with Mr. SELLS.

Mr. CALLAWAY with Mr. WILLIS.

Mr. ROTHERMEL with Mr. HAYES.

For the session:

Mr. BARTLETT with Mr. BUTLER.

Mr. GLASS with Mr. SLEMP.

Mr. SCULLY with Mr. BROWNING.

Mr. METZ with Mr. WALLIN.

Mr. WALTERS. Mr. Speaker, did the gentleman from New York, Mr. RIORDAN, vote?

The SPEAKER. He did not.

Mr. WALTERS. I desire to withdraw my vote of "aye" and answer "present."

The name of Mr. WALTERS was called, and he answered "Present."

The result of the vote was announced as above recorded.

The SPEAKER. A quorum is present; the Doorkeeper will open the doors.

On motion of Mr. FITZGERALD, a motion to reconsider the vote by which the motion was agreed to was laid on the table.

GENERAL DEFICIENCY APPROPRIATION BILL.

Mr. FITZGERALD. Mr. Speaker, I move that the House resolve itself into the Committee of the Whole House on the state of the Union for the further consideration of the bill H. R. 17824, the general deficiency bill.

The SPEAKER. The gentleman from New York moves that the House resolve itself into the Committee of the Whole House on the state of the Union for the further consideration of the general deficiency bill.

Mr. FITZGERALD. And pending that motion, Mr. Speaker, I wish to ascertain whether we can not agree upon a time for the conclusion of general debate.

Mr. GILLETT. Mr. Speaker, I have had requests for 2 hours and 30 minutes on this side. I have told the gentlemen that I assume the other side will be willing to agree to that.

The SPEAKER. What does the gentleman from New York say?

Mr. FITZGERALD. I am trying to figure out the requests. Can not the gentleman get along with two hours?

Mr. GILLETT. These gentlemen have requested that much time, and even before Saturday. I would have to show a very difficult favoritism in telling some gentleman I could not give him time. I would not know how to select.

Mr. FITZGERALD. Cut it down a little, and that will close general debate.

Mr. MANN. Mr. Speaker, will the gentleman yield? It was proposed Saturday to give this side of the House 4 hours. I understand that this side of the House has used 1 hour and 45 minutes.

Mr. FITZGERALD. It has used more than that; it had 30 minutes out of my time.

Mr. GILLETT. I figured it up from the RECORD this morning, and I figured that side of the House has used two hours and a half and we have used an hour and three-quarters.

Mr. MANN. If the gentleman will allow me to say, the gentleman from Massachusetts has me down for 15 minutes, and while I would like to use it—I do use time occasionally in the House—I am willing to let that go, and he can reduce his time to 2 hours and 15 minutes, which will make just 4 hours on this side of the House.

Mr. FITZGERALD. Well, I ask unanimous consent that the time for general debate be limited to 4 hours, 2 hours and 15 minutes to be controlled by the gentleman from Massachusetts [Mr. GILLETT] and 1 hour and 45 minutes by myself. That equalizes the time.

Mr. GILLETT. Mr. Speaker, I will be content with that.

The SPEAKER. The gentleman from New York asks unanimous consent that general debate be limited to four hours, one

hour and three-quarters to be controlled by himself and two hours and a quarter by the gentleman from Massachusetts [Mr. GILLETT]. Is there objection?

Mr. DONOVAN. Mr. Speaker, reserving the right to object this measure was before us Saturday last for several hours, and during that time not one single sentence of the English language was used on the subject matter of the bill. I wish to say now, Mr. Speaker, if they are going to allow the Members of this House on this appropriation bill, covering nearly $5,000,000, to cover every subject under the sun, they must furnish a quorum to listen to them. Now, the gentleman has asked unanimous consent, and if Members go away and leave nothing but empty seats, as far as I am concerned, I am going to object, and I do object to the unanimous consent, and whatever time is used will go in the hands of the presiding officer, and you must keep a quorum; if not, I shall make the point at the first opportunity.

Mr. FITZGERALD. Mr. Speaker, I have no objection to the gentleman insisting on a quorum, but in order to enable the committee to equalize the time between the two sides I will ask unanimous consent that the time for general debate be controlled one-half by the gentleman from Massachusetts [Mr. GILLETT] and one-half by myself.

The SPEAKER. Did the gentleman from Connecticut [Mr. DONOVAN] object to the request?

Mr. DONOVAN. Mr. Speaker, I did object to the request, and object again to this request.

The SPEAKER. If the gentleman objected, that is the end of it. The gentleman from New York [Mr. FITZGERALD] prefers another request, which is that in the general debate the time be controlled one-half by himself and one-half by the gentleman from Massachusetts [Mr. GILLETT]. Is there objection to that?

Mr. DONOVAN. Mr. Speaker, I object.

Mr. FITZGERALD. Pending the motion, Mr. Speaker, I move that general debate on this bill close in four hours.

The SPEAKER. The gentleman from New York moves that all general debate on this proposition close in four hours.

The question was taken, and the Speaker announced that the ayes seemed to have it.

Mr. DONOVAN. Mr. Speaker, I raise the question of a quorum.

The SPEAKER. The gentleman from Connecticut raises the point of no quorum, and the Chair will count.

Mr. MANN. A parliamentary inquiry, Mr. Speaker.

The SPEAKER. The gentleman will state it.

Mr. MANN. The motion, I take it, is carried. The gentleman did not object to the vote, because there is no quorum present.

The SPEAKER. He raised the point of no quorum.

Mr. MANN. That comes after.

Mr. TAGGART. Mr. Speaker——

The SPEAKER. For what purpose does the gentleman rise?

Mr. TAGGART. I make the point of order against the motion of the gentleman from Connecticut [Mr. DONOVAN] on the ground that it is dilatory. A vote has just been concluded.

The SPEAKER. Oh, no; it is not dilatory. There has been business transacted. The Chair rules it is dilatory only when a man is trying to be dilatory.

The Chair will count. [After counting.] One hundred and fifty-seven gentlemen are present, not a quorum. The Doorkeeper will close the doors.

Mr. GARNER. Mr. Speaker, I move a call of the House.

The SPEAKER. The gentleman does not have to move it, because the other vote has not been finished.

The Doorkeeper will close the doors, the Sergeant at Arms will bring in absentees, and the Clerk will call the roll. Those in favor of the motion of the gentleman from New York [Mr. FITZGERALD] to limit debate to four hours will, as their names are called, answer "yea," and those opposed will answer "nay."

The question was taken; and there were—yeas 241, nays none, answered "present" 7, not voting 185, as follows:

YEAS—241.

Abercrombie	Bell, Cal.	Byrns, Tenn.	Cramton
Adamson	Blackmon	Campbell	Crosser
Aiken	Booher	Candler, Miss.	Cullop
Alexander	Bowdle	Caraway	Curry
Allen	Britten	Carlin	Danforth
Anderson	Brockson	Casey	Decker
Ashbrook	Brodbeck	Church	Deitrick
Avis	Brumbaugh	Clark, Fla.	Dent
Bailey	Bryan	Claypool	Dershem
Baltz	Buchanan, Tex.	Cline	Dickinson
Barchfeld	Bulkley	Coady	Dillon
Barkley	Burgess	Collier	Dixon
Bartholdt	Burke, S. Dak.	Connelly, Kans.	Donohoe
Barton	Burke, Wis.	Connolly, Iowa	Doolittle
Bathrick	Burnett	Conry	Drukker
Beakes	Byrnes, S. C.	Cox	Dunn
Elder	Hensley	Maguire, Nebr.	Sims
Esch	Hill	Manahan	Sinnott
Evans	Holland	Mann	Sisson
Faison	Howell	Mapes	Small
Falconer	Hughes, Ga.	Miller	Smith, Idaho
Farr	Hull	Mitchell	Smith, Minn.
Fergusson	Humphrey, Wash.	Mondell	Smith, Saml. W.
Ferris	Humphreys, Miss.	Moon	Stafford
Fitzgerald	Igoe	Moore	Stedman
Fitzhenry	Jacoway	Morgan, Okla.	Stephens, Cal.
Flood, Va.	Johnson, Ky.	Moss, Ind.	Stephens, Miss.
Floyd, Ark.	Johnson, S. C.	Murray, Mass.	Stephens, Tex.
Foster	Johnson, Utah	Nolan, J. I.	Stevens, Minn.
Fowler	Jones	Oglesby	Stevens, N. H.
Francis	Kahn	O'Hair	Stone
French	Keating	Oldfield	Stout
Gallagher	Kelly, Pa.	O'Leary	Taggart
Gard	Kennedy, Conn.	Padgett	Talcott, N. Y.
Garner	Kennedy, Iowa	Page, N. C.	Taylor, Ark.
Garrett, Tenn.	Kent	Palmer	Taylor, Colo.
Garrett, Tex.	Kettner	Park	Ten Eyck
Gill	Key, Ohio	Payne	Thomson, Ill.
Gillett	Kindel	Peters, Mass.	Towner
Goeke	Kinkead, N. J.	Peterson	Townsend
Good	Kirkpatrick	Phelan	Treadway
Goodwin, Ark.	Kitchin	Post	Tribble
Graham, Ill.	Konop	Pou	Underhill
Gray	La Follette	Quin	Underwood
Green, Iowa	Langley	Rainey	Vollmer
Greene, Mass.	Lee, Ga.	Raker	Volstead
Greene, Vt.	Lee, Pa.	Rauch	Wallin
Hamilton, Mich.	Lenroot	Reed	Walters
Hamlin	Lever	Reilly, Wis.	Watkins
Hammond	Lewis, Md.	Roberts, Nev.	Watson
Hardy	Lieb	Rogers	Webb
Harris	Lindbergh	Rouse	Williams
Harrison	Linthicum	Rubey	Wilson, Fla.
Haugen	Lloyd	Rucker	Wingo
Hawley	Logue	Rupley	Witherspoon
Hay	Lonergan	Russell	Woodruff
Hayden	McCoy	Scott	Woods
Heflin	McGuire, Okla.	Seldomridge	Young, N. Dak.
Helgesen	McKenzie	Shackleford	
Helm	MacDonald	Sherley	
Helvering	Madden	Sherwood	

NAYS—0.

ANSWERED "PRESENT"—7.

Donovan	Moss, W. Va.	Sloan	Taylor, Ala.
Gordon	Ragsdale	Steenerson	

NOT VOTING—185.

Adair	Eagle	Knowland, J. R.	Rayburn
Ainey	Edmonds	Korbly	Reilly, Conn.
Ansberry	Edwards	Kreider	Riordan
Anthony	Estopinal	Lafferty	Roberts, Mass.
Aswell	Fairchild	Langham	Rothermel
Austin	Fess	Lazaro	Sabath
Baker	Fields	L'Engle	Saunders
Barnhart	Finley	Lesher	Scully
Bartlett	Fordney	Levy	Sells
Beall, Tex.	Frear	Lewis, Pa.	Sharp
Bell, Ga.	Gallivan	Lindquist	Shreve
Borchers	Gardner	Lobeck	Slayden
Borland	George	Loft	Slemp
Broussard	Gerry	McAndrews	Smith, J. M. C.
Brown, N. Y.	Gilmore	McClellan	Smith, Md.
Brown, W. Va.	Gittins	McDermott	Smith, N. Y.
Browne, Wis.	Glass	McGillicuddy	Smith, Tex.
Browning	Godwin, N. C.	McKellar	Sparkman
Bruckner	Goldfogle	McLaughlin	Stanley
Buchanan, Ill.	Gorman	Mahan	Stephens, Nebr.
Burke, Pa.	Goulden	Maher	Stringer
Butler	Graham, Pa.	Martin	Sumners
Calder	Gregg	Merritt	Sutherland
Callaway	Griest	Metz	Switzer
Cantor	Griffin	Montague	Talbott, Md.
Cantrill	Gudger	Morgan, La.	Tavenner
Carew	Guernsey	Morin	Taylor, N. Y.
Carr	Hamill	Morrison	Temple
Carter	Hamilton, N. Y.	Mott	Thacher
Cary	Hardwick	Murdock	Thomas
Chandler, N. Y.	Hart	Murray, Okla.	Thompson, Okla.
Clancy	Hayes	Neeley, Kans.	Tuttle
Cooper	Henry	Neely, W. Va.	Vare
Copley	Hinds	Nelson	Vaughan
Covington	Hinebaugh	Norton	Walker
Crisp	Hobson	O'Brien	Walsh
Dale	Houston	O'Shaunessy	Weaver
Davenport	Howard	Paige, Mass.	Whaley
Davis	Hoxworth	Parker	Whitacre
Dies	Hughes, W. Va.	Patten, N. Y.	White
Difenderfer	Hulings	Patton, Pa.	Willis
Dooling	Johnson, Wash.	Peters, Me.	Wilson, N. Y.
Doremus	Keister	Platt	Winslow
Doughton	Kelley, Mich.	Plumley	Young, Tex.
Driscoll	Kennedy, R. I.	Porter	
Dupré	Kiess, Pa.	Powers	
Eagan	Kinkaid, Nebr.	Prouty	

So the motion was agreed to.

The Clerk announced the following additional pairs:

Until further notice:

Mr. CARTER with Mr. TEMPLE.

Mr. MONTAGUE with Mr. PLATT.

Mr. FINLEY with Mr. KINKAID of Nebraska.

Mr. DUPRÉ with Mr. EDMONDS.

Mr. DOREMUS with Mr. DAVIS.

The result of the vote was announced as above recorded.

The SPEAKER. A quorum is present. The Doorkeeper will open the doors. The motion is carried.

ENROLLED BILLS SIGNED.

Mr. ASHBROOK, from the Committee on Enrolled Bills, reported that they had examined and found truly enrolled bills and joint resolution of the following titles, when the Speaker signed the same:

H. R. 16055. An act to amend section 4474 of the Revised Statutes of the United States;

H. R. 14738. An act granting pensions and increase of pensions to certain soldiers and sailors of the Civil War, and certain widows and dependent children of soldiers and sailors of said war;

H. R. 14224. An act granting pensions and increase of pensions to certain soldiers and sailors of the Civil War, and certain widows and dependent children of soldiers and sailors of said war;

H. R. 15279. An act making appropriations for the legislative, executive, and judicial expenses of the Government for the fiscal year ending June 30, 1915, and for other purposes;

H. R. 12542. An act granting pensions and increase of pensions to certain soldiers and sailors of the Civil War, and certain widows and dependent children of soldiers and sailors of said war;

H. R. 15692. An act granting pensions and increase of pensions to certain soldiers and sailors of the Civil War, and certain widows and dependent children of soldiers and sailors of said war;

H. R. 12914. An act granting pensions and increase of pensions to certain soldiers and sailors of the Civil War, and certain widows and dependent children of soldiers and sailors of said war;

H. R. 13297. An act granting pensions and increase of pensions to certain soldiers and sailors of the Regular Army and Navy, and certain soldiers and sailors of wars other than the Civil War, and to widows of such soldiers and sailors;

H. R. 14546. An act granting pensions and increase of pensions to certain soldiers and sailors of the Regular Army and Navy, and certain soldiers and sailors of wars other than the Civil War, and to widows of such soldiers and sailors;

H. R. 13920. An act granting pensions and increase of pensions to certain soldiers and sailors of the Regular Army and Navy, and certain soldiers and sailors of wars other than the Civil War, and to widows of such soldiers and sailors;

H. R. 15071. An act granting pensions and increase of pensions to certain soldiers and sailors of the Regular Army and Navy, and certain soldiers and sailors of wars other than the Civil War, and to widows of such soldiers and sailors;

H. R. 15504. An act granting pensions and increase of pensions to certain soldiers and sailors of the Regular Army and Navy, and certain soldiers and sailors of wars other than the Civil War, and to widows of such soldiers and sailors; and

S. J. Res. 29. Joint resolution authorizing the President to appoint a member of the New Jersey and New York Joint Harbor Line Commission.

GENERAL DEFICIENCY APPROPRIATION BILL.

Mr. FITZGERALD. Mr. Speaker, I move that the time for general debate be controlled one-half by the gentleman from Massachusetts [Mr. GILLETT] and one-half by myself.

The SPEAKER. The gentleman from New York [Mr. FITZGERALD] moves, pending the motion to go into the Committee of the Whole House on the state of the Union, that the time for general debate be divided, one-half to be controlled by the gentleman from Massachusetts [Mr. GILLETT] and one-half by himself. The question is on agreeing to that motion.

The motion was agreed to.

Mr. DONOVAN. Mr. Speaker, does not that motion require unanimous consent?

The SPEAKER. It does not at the present juncture. The question is on the motion of the gentleman from New York [Mr. FITZGERALD] that the House resolve itself into Committee of the Whole House on the state of the Union for the further consideration of the general deficiency bill.

The motion was agreed to.

The SPEAKER. The gentleman from Georgia [Mr. ADAMSON] will take the chair.

Accordingly the House resolved itself into Committee of the Whole House on the state of the Union for the further consideration of the bill (H. R. 17824) making appropriations to supply deficiencies in appropriations for the fiscal year 1914 and for prior years, and for other purposes, with Mr. ADAMSON in the chair.

The CHAIRMAN. The House is in Committee of the Whole House on the state of the Union for the further consideration of the general deficiency bill, which the Clerk will report.

The Clerk read the title of the bill, as follows:

A bill (H. R. 17824) making appropriations to supply deficiencies in appropriations for the fiscal year 1914 and for prior years, and for other purposes.

Mr. FITZGERALD. Mr. Chairman, I yield half a minute to the gentleman from Kansas [Mr. TAGGART].

Mr. TAGGART. Mr. Chairman, it is strange that in the midst of the greatest progress the world has ever known—mechanical, industrial, educational, and moral—the art of diplomacy seems to have undergone little or no change since ancient times. In the early ages envoys were sent from one nation to another, attended with great pomp and splendor, for the purpose of impressing upon the rulers they visited the power and glory of their respective governments. News traveled slowly in those days, and the information of the world depended largely upon exaggerated rumors.

POLITE FRAUD.

Diplomacy was studied and perfected as the art of ceremonious and polite fraud. The entertaining ruler impoverished his kingdom in seeking to outdo in splendor the visiting embassies and convince them that although they had heard of the grandeur of his court "the half was never told." Down through the centuries came these ceremonious observances and customs, bringing with them the warrant of history and the accredited habit of the ages. The end and aim of diplomacy was to seek some advantage for the nation that was represented. The crowning achievement of diplomacy was to make such alliances and combinations with the great powers as would enslave or destroy the weaker nations. In all the history of international relations until this time there is not a single instance of where a new or struggling nation was encouraged or favored by a great power. It seems to have been one of the principles of diplomacy that the weak were the legitimate spoil of the strong, that the new and progressive had to yield to the antiquated and unprogressive.

THE RIGHT OF CONQUEST.

The right of conquest was taught by learned authors of international law, and these writers derived the principles they taught from the Governments of ancient Greece and Rome. Until the Spanish-American War occurred and put the new principle of invading a nation or intervening within a nation in behalf of humanity, as the American Government did in the case of Cuba, there was not a single principle of international law that was an improvement on the statesmanship of antiquity. The basis of it was that all rights were vested in the state, and the more powerful the state the more rights it had. In international law the individual was nothing. If the peace and good order of society required it, he might be scourged, sold, or butchered, because it was fitting that he should be sacrificed in the interests of the state.

THEN AND NOW.

We read our own short history and are astonished to realize how trifling the affairs of an everyday life a century and a half ago would seem to us now. The agriculture of the revolution would now seem like the work of a child.

The manufactures of that day were conducted by men who perfected the skill of their hands and who, with lifelong patience and a degree of humble pride, worked to the end of their lives in their accepted and lowly station. Here and there one of the puny ships that braved the sea in those days remains to convince us of the unconquerable courage of man. The grinding labor with which the poor eked out a hungry existence has given place to a nobler effort full of prophecy of the day when the perfection of science will all but equalize every form of human endeavor and when labor may be the most profitable of all vocations.

Why should we multiply words to describe what is about us, and above all things why should we boast of it when we realize that it has practically been left to us and that it represents more than a century of a noble and unselfish struggle to improve the condition of mankind. With all of this progress, can we not discover some new way of disposing of the questions that may vex the world without resorting to arms?

CONQUERORS OF NATURE.

We have, in a measure, conquered nature. This is a noble conquest and has, in a measure, satisfied our honest pride. Will we leave our task and go back and take our place alongside the predatory barbarians of antiquity and proclaim that conquest and force are the inevitable inheritance of the human race?

There is something in a centennial anniversary which causes men to reflect and think. One hundred years ago the great Napoleon, after having been overwhelmed by the combined

armies of Europe, was a prisoner on the island of Elba. All Europe was in arms. In the United States nearly half a million of men were organized to resist the invasion of the forces of Great Britain. All at once, in the course of a year, peace was declared, and for nearly half a century afterwards there was comparative peace throughout the world. The third and fourth generations have come since that time, and our thoughts go back to the mighty struggles of a hundred years ago. We understand Napoleon better now than did the generation in which he lived. Perhaps a hundred people read carefully his life and its purposes now for the one who knew the facts in his time. We have not only studied his life and his achievements but we have gone back and have read the history of other men whose purposes were similar to those of Napoleon.

SPARTA LEFT NOTHING TO THE WORLD.

The most impressive and significant thing about warrior nations is that they leave absolutely nothing to the generations that come after them. In all the history of men the people of Sparta stand first in the perfection of military discipline. While there were but few of them, they were the greatest military nation that the world has ever known.

Can anything be more impressive than the fact that the ancient Spartan left practically nothing to the world? They left a few names that endure, like Leonidas and Thermopylæ. They put the word "laconic" into the dictionary to describe the short speech of the soldier of Laconia. Imaginative historians recite a few incredible instances of their stoicism. Perhaps some schoolboy has wept over Thermopylæ. From all the history of Sparta the world can claim no inheritance except the inspiring memory of battles that were lost or won. They wrought neither in bronze nor in marble; they erected no great permanent public work; they wrote no classic history; they wrote no poetry; they left no relic but the corroded weapons that are exhibited in the museums of great cities. How different was the rival city of Athens, whose work in architecture, literature, and art still remain the envy and the glory of the world. Alexander the Great left nothing but a legacy of trouble; and when we go to the tomb of Napoleon we see no reference to any permanent work that he left to his people, but surrounding it is mausoleum is the roll of his victories, for his glory rests upon the memory of Marengo, Austerlitz, Jena, and a dozen other tremendous struggles, none of which had the effect of making any great or permanent change for the better, either in the history of his country or in the progress of the world.

SHALL WE TURN BACK?

When we turn away from these pages and reflect, should we not fairly ask ourselves, What would it profit us to go forth on a career of conquest? The conquered hates the conqueror. Have we an ambition to go out into the world and promote hatred? Can we work miracles of progress along every other line and then go back and stand with Cæsar in our attitude toward the world? Have we a new thought on every other subject, and yet insist on the same diplomacy that was practiced in the time of Solomon? As one who has read history with whatever of capacity he had to understand it, and in most cases not without pain, I have the happiness to feel that the United States has now turned away from the ancient precedents that were old in the time of the Pharaohs, and that we have set our faces toward the future with the hope of promoting peace throughout the world.

THE MAN AT THE HELM.

We have the good fortune to have at the head of the Government a man who has brought to this great task a wealth of varied and deep learning, a conscience that is not the growth of yesterday—not a frame of mind conjured up to suit the occasion of serving as President, but which is the reward of the patience and self-discipline of a noble life.

A HERO OF DEFEAT.

He has brought with him and placed at his right hand in the service of this Government one who stands alone in the history of American statesmanship.

Other men have suffered defeat and lapsed into obscurity. Disappointment has so stricken the vanity and the pride of others that hope fled from their hearts, and they were seen on the stage of action no more. You may search the history of ancient and modern times, and you will find but one for whom defeat served every purpose of victory, and who had more power and influence in private life, in the government of his country, than any other man had at the same time in the highest councils of the Nation. It is an instinct of human nature to humiliate further those we have defeated and to crush and trample those we have overthrown. The Secretary of State is the first character in history who has firmly united to himself in public esteem and affection a great people that rejected him for their leader. Defeat has only added to the unconquerable purpose of this man, who has proven that an office is a mere gift, sometimes capriciously given by the people, but that a place in the hearts of the world is the imperishable glory of the truly great man. And these two great leaders of the American people have patiently and scientifically gone about the task of abolishing bloodshed and war.

Deeply impressed as they are with the dignity of the human race and its hope of final perfection, they have asked the nations the question, "Should not the rule of reason prevail in all the acts of men?"

REASON MUST RULE.

The law of every civilized land demands that every sane adult person will be held responsible for his unreasonable acts that injure anyone else. Nearly all the wars that have ever been waged since the beginning of time were begun on the first impulse of national passion, when reason was dethroned and patriotism run mad, demanded to be led against the enemy. Whoever asked for calm deliberation was scouted or mobbed. No wonder the ancients imagined that there was a god that presided over panic and over war and over many of the violent impulses that are manifested by a mass of people. There is no horror more unimaginable or indescribable than a whole nation in anger clamoring for battle and bloodshed. Calmly, gently, the President and the premier have set to work to put forth the power and influence of a Nation of a hundred million people against the ancient vice of giving expression to national wrath. Already they have entered into treaties of peace with 16 of the nations, and have agreed upon a system of composing differences and strife that will mark an era in history.

In these treaties it is provided that—

The high contracting parties engage to submit for investigation and report to a commission, to be constituted according to the provisions of the following article, all differences of whatever nature they may be which may occur between them which can not be composed by diplomatic methods or are not submitted to a tribunal of arbitration; they bind themselves not to declare war nor to open hostilities during the examination by the commission and before the commission has presented its report.

And further that—

Each country, by means of its Government, chooses two members—one from among its own subjects, the other from among those of a third State—the two Governments, after agreement, will name the fifth member, on condition, however, that he be not a citizen of either of these two countries. Each commissioner shall hold his place during a term of four years; at the expiration of this term, or in the event of vacancy, the confirmation or the substitution of the commissioner, whose term may have expired or whose place may be vacant, shall be made in the same manner.

If all efforts under the provisions of these treaties fail, and, as a last resort, it is provided that—

The high contracting parties reserve to themselves the right to act independently on the subject matter of the dispute after the commission shall have presented its report.

WHAT IS PERSONAL SHOULD BE NATIONAL.

Whoever has taken part as a juror, or in a professional capacity in the trial of a case, where the defendant was charged with murder, and where his defense was that he acted upon sudden and sufficient provocation, will understand the deep meaning that is put into the words:

They bind themselves not to declare war nor to open hostilities during the examination by the commission and before the commission has presented its report.

THE COMMON LAW.

In the case of one charged with homicide, the defendant is held accountable for a greater degree of guilt, if he had time for reason to resume its sway before he took human life. If he had what is called "cooling time" in the simple phraseology of the common law, and then killed the person that had provoked him, he would be held guilty of murder. Under the provisions of these treaties there will be time for national anger to cool and for wise counsel to prevail. Four other nations have practically agreed to accept the terms of similar treaties.

WE ARE SAFE.

Intrenched as we are, with a great ocean on each side of us, with no possibility and evidently no purpose on the part of any nation to attempt to invade us, can we not live in hopes that some day we can dispense with the tremendous expenditures for armies and navies, with which we are now burdened? With treaties containing these beneficent and wise provisions, entered into with the nations of the world, it is inconceivable that we could be drawn into any great war. The world has been so materialistic that it has glorified war above peace; that it has cast into bronze the soldier with uplifted saber while it has left unhonored the heroes of moral victory, who made peace without war. The triumph of the soldier is to secure peace for his country at frightful cost. Can we not hope that it is the

new glory of our statesmanship that we can secure permanent peace without any cost?

MEXICO.

The American people, under the leadership of the President and the Secretary of State, are now, with sublime patience, seeking to put into practice in our relations with the Republic of Mexico the principles of this new diplomacy.

Mexico is the victim of a mesalliance. The Caucasian race conquered the Mexican Indian, mixed and mingled with him, and bred a race that has inherited all the vices and misfortunes of both. It is a race in its infancy. The Mexican is a primitive man. The great example of the United States in establishing a republic misled the Latin American into believing that he also was fitted to work at the tremendous task of self-government. In the course and progress of government in Mexico the native Mexican has been robbed of all his goods, both real and personal. He has no place that he can call his own. The land of his fathers has been parceled out among unscrupulous usurpers and adventurers from different parts of the world, as well as among the grandees of his own country. He is a slave in the hands of an unscrupulous master. He is sold as a chattel for debt. He is scourged for failing in his task, and driven away when the period of his servitude is ended, only to fall into the hands of another master.

THE MAN WITHOUT A HOME.

It is in the nature of man to love a home. He is without dignity if there is no place that he can call his own. It is one of the natural yearnings of humanity to have a sense of dominion over some spot of earth. To be deprived of it and to live a nomadic life is wholly inconsistent with civilization. All of these misfortunes have come to a people in the latitude of the Tropics. In the history of man, no people in the Tropics have attempted self-government except the people of Latin America.

NO MIDDLE CLASS.

No people have ever flourished without a middle class. The partnership of prince and peasant may have succeeded in past ages, but in our time and during the past century it has been a lamentable failure. Without this middle class, and with the incongruous relation of prince and peasant, Spain lost her Empire; and when her Empire was lost, even the Spanish aristocrat, whose pride would not permit him to become utterly ignoble, was not left with the people of Latin America, but in his place came the bandit, the freebooter, and the adventurer.

LED BY ADVENTURERS.

Mexico presents the horrible spectacle of a nation of ignorant peons led by contending groups of remorseless and desperate characters whose purpose is plunder and whose highest ambition is to usurp by force the places of power in that so-called Republic. The native Mexican, having nothing to lose and perhaps the remote chance or a specious promise of something to gain, follows the leader that is nearest to him and who is able to pay him for his military service.

OUR DUTY.

In the presence of this situation, what is our duty in Mexico? There are those who say that we owe it to civilization to occupy Mexico with the military forces of the United States and establish stable government there until such time as the Mexican people will come to a realizing sense of their duty to each other.

TEACHING WITH THE BAYONET.

In other words, that we should undertake to teach the Mexicans self-government at the point of the bayonet. Then, after having taught the Mexican this valuable lesson, it will be our duty to withdraw our forces from Mexico and allow the thoroughly instructed Mexican to proceed with the establishment of self-government. It is believed by a part of our people that if a share of the Mexicans were killed by American soldiers the survivors would learn how to conduct a Government. There are also those of our people who believe that we ought to enter upon the complete occupation and permanent conquest of Mexico and annex it to the United States. They affirm that the Monroe doctrine makes the Government of the United States responsible for the peace and good order of the whole American continent and that whenever a condition of chaos exists in any of the Latin-American Republics it is our duty to proceed to the conquest of the country that is in a state of revolution. We have among us those who favor pacification by force and those who favor absolute conquest.

Separate and apart from these is the great mass of the American people, always ready to manifest that they are not wedded to the past but are willing to demonstrate to the world that they are as progressive in their notions of international relations as they are in every other phase of American life. They believe that conquest is unworthy of the American people. They judge rightly that the crowning glory of the American is that he has become the conqueror of the forces of nature instead of the conqueror of men.

Sixty-nine years ago our people regarded Mexico somewhat in the light of an equal. When a dispute arose with Mexico they felt as though the national honor was at stake. Mrs. John A. Logan, in her reminiscences, describes with great literary skill the scene as she witnessed it in southern Illinois, when the long delayed news reached the people that war had been declared with Mexico. The people assembled, flags waved, drums were beating, and ambitious orators were loudly appealing to the patriotism of young men. Few people knew and no one cared what the issue was. There was a prospect of a fight and an opportunity for glory.

THE COST.

What a marvelous change in the people in two generations! We now hold that it is not our honor that is questioned, but that it is our patience that is taxed. The mass of the people are not clamoring for the invasion or the conquest of Mexico. We know the cost of war. We would not fasten upon ourselves the burden, from the standpoint of taxation alone, of paying pensions, bounties, claims, and the tremendous cost of conducting military campaigns, all of which would not be paid in the next century, even to acquire Mexico as a business proposition. From a moral standpoint we revolt at the thought of staining the American flag with the blood of a people that have not attacked or invaded us as a nation—a people that are the victims of their own misfortunes. From a practical standpoint it would seem that if shooting down people can teach the science of self-government the Mexicans, at the present rate of progress, will finally attain that end themselves.

WE WILL COMPEL RESPECT.

We have compelled respect for the flag in Mexico. We have demanded and exacted the protection of lives and property of American citizens.

A REAL SOLDIER.

We have on the soil of Mexico a brigade of highly disciplined and efficient troops commanded by Brig. Gen. Funston, a practical soldier, who is a graduate of no military school, but who learned the science of war under fire. I believe that he could march his troops into the City of Mexico practically unopposed. Our Navy is on both coasts of Mexico. We are ready and willing to maintain the honor of the United States and to protect our people, but we are willing to wait with the utmost patience in the hope that order may be restored in Mexico.

THE CROWNING ACHIEVEMENT.

If the man who at present usurps the office of President of Mexico is compelled to retire without further bloodshed, if a President is elected under the constitution of Mexico, if the contending forces that are distracting that unfortunate country will lay down their arms, and the people of Mexico, in the security of peace, can proceed to work out the reforms that are necessary for the welfare of that unfortunate people, and our troops and sailors can come home with only the loss of a score of glorious lives and the honorable wounds of a few more—if this can be accomplished by the efforts of the President and the Secretary of State it will stand alone, isolated and detached, in the history of nations as the greatest diplomatic victory of all time.

Mr. FITZGERALD. Mr. Chairman, I yield one hour to the gentleman from Alabama [Mr. HEFLIN].

The CHAIRMAN. The gentleman from Alabama [Mr. HEFLIN] is recognized for one hour.

Mr. HEFLIN. Mr. Chairman, a few days ago, on account of false alarms sounded by the gentleman from Washington [Mr. HUMPHREY] regarding business conditions in this country, I nominated him as the mouthpiece of calamity howlers, the prophet of civic evil, chairman of the committee on political distress, and the self-constituted forerunner of business destruction. [Applause on the Democratic side.]

The gentleman in reply, during my absence, suggested that my speech was unmarred by a single thought, and yet the gentleman himself was the subject of my remarks. [Laughter on the Democratic side.]

The gentleman alluded to personal bearing and voluptuous verbosity. [Laughter.] I shall make no comment upon the personal pulchritude of the gentleman from Washington, for that, fascinating and charming as it is, is something that he can not help. [Laughter.] Be it said to the credit of the gentleman that he is now doing all in his power to cover up and hide as much of it as possible, and he is to be commended for this, since whiskers are on the free list. [Laughter and applause on the Democratic side.]

The gentleman made some observations about my peculiar style of oratory. Well, Mr. Speaker, there are so many styles

of oratory in the House that I hardly know which to adopt as my model or standard; but I can assure the gentleman from Washington that his peculiarly rare and fascinating style is in no danger of infringement from me. [Laughter.]

Then, Mr. Chairman, the gentleman indulged in euphonious phrase when he had me "sailing around on the suffrage sea." How beautiful and poetic, Mr. Chairman—sailing on the suffrage sea! [Laughter.]

It is both interesting and amusing to me, Mr. Chairman, to see the gentleman from Washington come out from his hiding and break his long silence to submit a few observations on suffrage and the suffrage sea. The gentleman launched his little suffrage batteau, armed with palm-leaf paddle, and perspiring now at every pore, he is rowing on the suffrage sea—just before the congressional election. [Laughter and applause on the Democratic side.]

Silent so long on the subject of woman suffrage, Mr. Chairman, the gentleman remembers that his colleague [Mr. BRYAN], as State senator in the State of Washington, was instrumental in submitting to the people of that State the proposition of woman suffrage, and, too, he recalled the fact that in the House a few days ago the selfsame gentleman made some remarks in favor of woman suffrage, and now, all of a sudden, in sheer desperation, the gentleman from Washington [Mr. HUMPHREY] vacates the panic-haunted halls of the interests and quits, temporarily, the imaginary shores of business disaster and launches his frail and hitherto untried bark on the suffrage sea. [Laughter.] Let me paraphrase the figure of Ulysses. When the gentleman from Washington [Mr. HUMPHREY] discovered his colleague [Mr. BRYAN] sailing on the suffrage sea and found that he was regarded as an old sea captain on the suffrage sea he exclaimed, "Push off, and sitting well in order, smite the sounding furrows, for my purpose holds to sail beyond the suffrage stars and far out on the suffrage sea before the next congressional election." [Laughter.] Leonidas at Thermopylæ, Cæsar beyond the Rubicon, and Napoleon at Austerlitz never displayed such daring and heroism as did the gentleman from Washington in boldly declaring his position on woman suffrage long after opposition to the cause had ceased in his State and the thing itself was an accomplished fact. [Laughter and applause on the Democratic side.]

Mr. Chairman, this hero of many unfought battles in the cause of woman suffrage now "nails the flagstaff to the mast and sets every threadbare sail, then gives it to the god of storms, the lightning, and the gale." And yonder he goes, Mr. Chairman, braving dangers and hardships just before the congressional election, sailing on the suffrage sea. [Laughter and applause.]

Mr. Chairman, three months prior to granting women the right to vote in the State of Washington a resolution indorsing woman suffrage was submitted to a Republican State convention. The gentleman from Washington was there when that resolution was overwhelmingly defeated. Not only that, Mr. Chairman, but the gentleman made a speech to that convention, but nowhere in that speech can there be found a single reference to suffrage or "the suffrage sea." In that speech the gentleman said, "Let us unfurl the banner of Republicanism," but the banner of woman suffrage never floated across his vision, nor did he even hint at a voyage on the suffrage sea. [Laughter and applause on the Democratic side.]

OUT IN THE STATE OF WASHINGTON.

The way was dark and dank
When the Repubs beat the plank
For suffrage by the suffrage sea.
HUMPHREY was demure
When not quite so sure
About suffrage and the suffrage sea.

[Laughter.]

But now just see him walk,
Or even hear him talk
(Within the last week or two),
And he is the author of the suffrage sea.

[Laughter.]

One time he acted queer,
And he didn't talk so clear
About suffrage or the suffrage sea.
But now he's in a tight,
And he shows a fearful fright,
Displays it day and night,
About suffrage and the suffrage sea.

[Laughter and applause.]

For BRYAN, his running mate,
Has been sailing here of late,
About on the suffrage sea.
So now he takes a stand,
Hoping 'twill command
Votes for him on the suffrage sea.

[Laughter.]

He's as cunning as a hawk,
But he's just now learned to talk
Suffrage and the suffrage sea.
He's been silent now so long
That his belated suffrage song
Sounds lonely on the suffrage sea.

[Laughter and applause.]

But he wants the bees to hum
When he beats his suffrage drum
For reelection by the suffrage sea.

[Laughter.]

How easy 'tis to sail
When people say "All hail
To suffrage and the suffrage sea."
His deceptive ammunition
'Gainst woman's intuition
Will be puny on the suffrage sea.

[Laughter.]

They'll greet him with a song,
And it won't be very long
Till he'll hear it on the suffrage sea.
And this is the song they'll sing unto thee,
Sailing on the suffrage sea:
"So long thou hast kept us waiting
That we thought thou never wouldst come."

[Laughter and applause.]

Now, Mr. Chairman, having replied to the speech of the gentleman from Washington [laughter], I shall proceed to discuss some of his gloomy outcroppings regarding panical prospects and business disturbance.

Mr. Chairman, something is radically wrong with the gentleman from Washington. He has become very morose here of late, and he has gone from bad to worse, down this sorrowful road of gloomy forebodings, until I fear that he is coming to be very much like an old fellow down in my State.

He was always complaining. Things were always out of joint, and he was always grumbling and growling. One day a gentleman, who used to know "Old Bill," as the neighbors called him, asked, "Where is Old Bill now?" The answer was, "Why, he is over there, growling as usual. He's done got now to where he don't enjoy anything but eating sour horse apples and sitting up with a corpse." [Laughter and applause.]

Mr. Chairman, things are all out of joint to the gentleman from Washington. He has become a chronic croaker, and if he keeps up this croaking, it is certain that the day is not far distant when Old Bill will be called on to sit up with his political corpse in the Seattle district in the State of Washington. [Laughter.]

Mr. Chairman, I saw the gentleman in this House when his party was in power in every branch of the Government. He had every opportunity possible then to vote for remedial measures, but, like his party, the gentleman has persistently and insistently voted to increase the power of a favored few and against measures in the interest of the masses. He has voted for measures that taxed necessities and placed luxuries on the free list. Like his party, he has been the friend of privilege, the exponent of class legislation, and the faithful friend of the trusts, and now he criticizes the fearless and faithful democracy of this administration for striking from the limbs of labor, commerce, and industry the shackles forged upon them by the Republican Party. [Applause on the Democratic side.]

Mr. Chairman, if I wanted a man in this country to lead a charge against intrenched privileges and plutocracy, I would never select the gentleman from Washington; but if I wanted a man who had served the privileged classes, one peculiarly suited to the disgusting task of exaggerating notices of business disturbance, to the delight of trust magnates and tariff barons, I would turn with unerring precision to the gentleman from Washington and say: "Thou art the man." [Applause on the Democratic side.] Some of the big crooks and criminals of the country are anxious to have Congress adjourn before their cases are reached in the legislative program. They have hung out distress signs and sounded panic signals in their efforts to frighten business and force an adjournment of Congress, but the President and the members of his party in Congress have gone on passing laws in the interest of the American people. [Applause on the Democratic side.]

In my judgment, Mr. Chairman, the gentleman from Washington mistakes the attitude of his own constituents when he believes that they will stand for the tactics that he is employing here to embarrass and misrepresent the President of the United States. I do not believe that the patriots dwelling in the district of the gentleman indorse his efforts to frighten legitimate business and induce a few indignant plunderers of the people to believe that the time is opportune for them to bring on a panic.

Mr. Chairman, I indulge the prophecy that when Congress adjourns and the gentleman returns to the district that he now represents he will find that his course while Congress was engaged in passing important legislation was not and is not approved by the thoughtful and patriotic people at home. [Applause on Democratic side.] I venture to suggest to the gentleman that he will find that the great majority of patriotic Americans living in his district are in full sympathy with this great Democratic President in his efforts to free this country from the curse of trusts and monopolies. He will find that the people are looking beyond the footlights where the partisan performer is playing for political advantage—that they are thinking of the welfare of their children and their children's children—that they are saying in their heart of hearts "God bless the President and long like the Republic." [Applause on the Democratic side.] Yes, Mr. Chairman, when the record of his conduct here at a time when sinister interests were throwing every obstacle possible in the way of just legislation and trying to hamper and hinder the President in bringing relief to the American people is laid bare before the people of Washington that record will be obnoxious and revolting to them. Then they will say to the gentleman "You had the opportunity to support and sustain the President in his battle for the plain people but you chose to criticize and slander him. You had the opportunity to serve your country but you chose to serve the interests instead." Then, when the gentleman is greeted with the frown of their condemnation instead of the smile of their approval, he can say, truthfully, "Without warrant or excuse I have brought it all on myself. The thorns that I have reaped are of the tree that I have planted. They have torn me and I bleed." [Applause on the Democratic side.]

Mr. Chairman, they will say to the gentleman from Washington, "When the President was storming the breastworks of intrenched privilege, when he was driving the enemies of the Republic from the temple of the people, when he stood with drawn sword smitting monopoly hip and thigh you might have conveyed to him a message of approval and good will from the people of Washington; you might have said a word of encouragement as he battled with the forces of greed and avarice."

But no, Mr. Chairman, he brought no friendly message and spoke no kindly word. Where was the swarthy knight of Washington, with his raven's plume? He was standing on the ramparts of the opposition, contributing munitions of war and otherwise giving aid and comfort to the enemy. There he stood, trampling upon the flag of equal rights and waiving the banner of special privilege. [Applause on the Democratic side.]

But, Mr. Chairman, the gentleman from Washington says that Democrats here are doing the bidding of the President. I want to say to the gentleman that I had rather follow the chosen head of a hundred millions of people; I had rather follow the leadership of a man who has bared his breast to the enemies of his country, fighting for what he knows is best for his countrymen; I had rather follow Woodrow Wilson up the mountain side over the flinty paths of difficulty and the jagged rocks of privilege to the mountain summit of the new freedom than to be the pliant tool and handy instrument of evil in the hands of the enemies of my country. [Applause on the Democratic side.]

Mr. Chairman, the gentleman from Washington has had to do with a panic, and he knows something about panics. He ought to be authority on the subject, since he and his party brought one on us in 1907. It came like a thief in the night, with no more warning than a thunderclap from a clear sky. There was no excuse under God's heaven for it. Good crops abounded all about us. It came after 10 years of control by the Republican Party. What did the gentleman from Washington say about that panic? Why, here is his speech. He said that there was not much excuse for it. He said it was a panic of unfounded fear, a panic that was brought upon us because of lack of confidence of the people in banks.

Mr. Chairman, what does it take to shake and shatter confidence? The very thing that the gentleman from Washington has been doing here for the last two or three weeks tends to disturb confidence and excite fear. It takes such conduct as the gentleman has been engaging in here to disturb business and shake faith in the business institutions of America. The gentleman says "Unfounded fear." Have we got anything like that now? What is the gentleman trying to do but fan into flame the embers of unfounded fear? It may be that the gentleman wants to see a panic now like the Republican panic of 1907. He doubtless wants to be able to say that "the Republicans produced a panic in 1907 and the Democrats produced one, with my aid, in 1914, just seven years later." [Laughter and applause on the Democratic side.]

Now, Mr. Chairman, I want to make a correction in the gentleman's speech made in 1909, I believe. There is a typographical error in it. He goes on to say "This was a panic of plenty." Oh, what a delightful panic—"panic of plenty." I want to strike out "of" and insert "a," so that it will read "It was panic aplenty." [Laughter.] That is what we had under the Republican administration. [Applause on the Democratic side.] The gentleman's party was in power in every branch of the Government. What happened then? Why, a man who had accumulated money could not get it out of the bank. They locked the door under Republican rule, and when the poor man called for his own money to buy bread for his little ones, they said, "It is yours, but you can not get it." That panic was the fruit of the Republican Party, and by their fruits ye shall know them. [Applause on the Democratic side.]

This panic talk of a few Republicans has caused some timely things to be written and said. J. Kee Maxwell, in the Peoria Journal, has contributed the following poem:

SAD, VERY SAD.

Day in, day out, he moans and sighs
And shakes his head in doubt;
His sorrow he can not disguise,
The country's down and out.

The workingman is on the bum;
It surely is a crime
To make a fellow being glum—
They work him overtime.

[Laughter.]

And lo, the humble farmer guy,
His lot is worse by far;
It takes two loads of wheat to buy
A 1915 car.

The railroads are in dire distress;
Ah, brethren, it is tough!
For in dejection they confess
They haven't cars enough.

The bankers, too, are stricken sore;
When harvest time begins,
With one accord they'll raise a roar—
And build more money bins.

Small wonder that this patriot
Should be so heavy souled;
A pesky Democrat has got
The job he used to hold.

[Laughter.]

How comforting it must be to the gentleman from Washington to be constantly carrying around messages of gloom and despondency. How sweet must be the occupation of dispelling confidence and hope with doubt and uncertainty.

Our country has been sorely afflicted by Republican rule. Individual enterprise and industry have been hampered and crippled. Commerce has been fettered and competition practically destroyed. The patient was suffering with many disorders when the great physician of economic ailments—the Democratic Party—took charge of his case. The treatment was completely changed. Republican belts and bandages, that cramped the muscles and hindered circulation, have all been removed by the Democratic doctor. Trust pills and tariff ointments have all been discarded and the patient is recovering rapidly. In fact, he says that he is almost well, and he is really looking well—so much better than he did under the old treatment of the Republican Party.

But when nearly everybody is happy over the improved appearance of the patient, the gentleman from Washington is whispering in his ear that he looks mighty thin and that the prospects are he will die.

The gentleman has his counterpart in many communities of the country. I have in mind now an old bad-news peddler that my friend Preacher Brannan, in my district, told me about. He said that there was an old settler just over in east Alabama who made it his business to haunt the bedside of the sick and to relate to the suffering one all the miserable and melancholy things that he could remember—and he remembered them all—about people that he had seen suffer and die. One day this old bad-news peddler called to see Nat Jenkins. Nat, of course, was sick, but the old fellow never heard of it before. So as soon as he was comfortably seated at the bedside of Nat he looked sorrowfully at him and said, with a voice from the tomb, "Nat, old fellow, you are looking mighty bad." Whereupon Nat said, "I feel a whole lot better, and the doctor says I am improving right along now." "Yes," said the old fellow, "but doctors don't know everything. I tell you that you are a mighty sick man, and my opinion is that you are not long for this world. How long have you been sick?" "Eight days," said Nat. "Yes," said the old man mournfully, "the ninth day always tells the tale. It's the fatal time. Bill Johnson was afflicted just like you are, and Bill died on the ninth day." [Laughter.]

The gentleman from Washington seems to enjoy the office of chronic kicker and bad-news peddler. He comes with his nostrums and joy-killing implements spreading gloom and despondency wherever he goes.

But the gentleman is relying too seriously on the power of his office, and he has overestimated his ability to wreck the car of Democratic progress and prosperity now moving through the country.

This mighty car is freighted with the rights and liberties, the hopes and expectations of the greatest nation of people on the globe, and the gentleman can no more stop it or impede its progress than did the little ant the great railroad train. He got on the rail of the railroad track and stood up on his hind legs and said, "In order to show my power and prowess I am going to wreck this train. When the engineer sees me he will be frightened half to death. Then he will blow his whistle loud and long. Then the conductor will put his head out of the window, see me reared up on my hind legs, and when he does he will give the alarm to the passengers in the train, and consternation will reign as they realize that certain death awaits them." [Laughter.] But, Mr. Chairman, the train came thundering along. The engineer did not even lower his eyes to the spot where the ant so bravely stood. The conductor never put his head out of the window, and not a passenger was disturbed. The train sped on, and the only thing that was left to tell of the folly of the ant was a greasy spot on the rail. [Laughter and applause on the Democratic side.]

Let the gentleman from Washington, before it is everlastingly too late, profit by the example of the ant.

Mr. Chairman, in that speech he charges the present administration with closing mills and factories in great numbers. Let us see how his charge tallies with the facts of the situation. I have obtained from the Department of Commerce statistics which show that the number of cotton spindles in operation in the United States May 31, 1913, was 30,556,000, and that on the same date for 1914 more than 31,000,000 spindles were in operation in this country. Let me quote from a high authority on this subject as to the State of New Hampshire:

I have been in New Hampshire recently and I could not learn of a single cotton mill or woolen mill or textile mill of any kind, pulp mill or paper mill that had closed.

This statement, Mr. Chairman, is from the junior Senator from New Hampshire, Senator HOLLIS.

What says New Jersey in reply to the gentleman from Washington concerning closed mills and factories?

The Singer sewing-machine plant at Elizabeth, N. J., employs 10,000 hands. When we put the products of that plant on the free list, Republican croakers said that with sewing machines on the free list the plant would go dead; but not so. It has long been the custom of this plant to shut down for one month during the summer for repairs and other purposes; but this year the company has notified its workmen that they could have only one week; that sewing machines had been sold so rapidly and that orders were coming in so fast that they could not afford to close shop more than a week this year.

What says the South to the charge of closed mills and factories? L. W. Parker, president of the Parker Cotton Mills Co., and the head of 18 southern cotton mills, says:

The textile industry is not threatened by foreign competition, and the outlook for all business the country over is bright.

How about the woolen industry? While mills are shutting down and factories are closing in the imagination of the gentleman from Washington the Cleveland Worsted Mills Co., of Ohio, has increased its capital stock from $3,000,000 to $10,000,000, and in doing so it makes the following statement:

Recent tariff legislation has brought about a change in business conditions in connection with our industry. It will become necessary for the company to enlarge the volume of business, thereby requiring additional manufacturing facilities.

[Applause on Democratic side.]

While the hallucination of panics and business disturbance rages in the mind of the gentleman from Washington, Henry Kleine, of Chicago, president of the National Leather and Shoe Finders' Association, says "the business outlook is good and the West is jubilant." Then, from the Pacific slope, comes the testimony of S. J. Burtchaell, vice president of the National Leather and Shoe Finders' Association. Hear him, O ye of little faith from Washington. This is what he says:

The country and the country's business outlook never looked so well.

What says Rhode Island to the charge of closed mills and factories under the present administration? Mr. Speaker, from Burville, R. I., comes the answer:

With every woolen mill here running full time and some of them running day and night, business is better than it has been in 10 years.

What says Indiana to the closed-factory argument of the gentleman from Washington? From Elwood, Ind., comes the glad answer:

The tin-plate industry is in a flourishing condition. The tin-plate workers ride in their automobiles to the office of the paymaster to collect their wages. This city of 13,000 people has a pay roll of $146,000 a month.

And yet Republicans predicted that reducing the tariff tax 50 per cent on tin plates would kill the industry and starve its employees. [Applause on the Democratic side.]

What says Pennsylvania, the home of Pittsburgh, the industrial giant of the western world? What is her answer to the gloomy accusations of this disciple of disaster? From Altoona, the industrial center of the Pennsylvania Railroad Co., comes the answer:

Every department of the Altoona shops is working full time and some of them are working overtime.

This city is enjoying an unsurpassed era of prosperity. There is the greatest activity in all business circles in Altoona, and leading business men declare that their record of business for 1914 will be ahead of anything done in years. In the face of these facts, if the gentleman from Washington will take some headache salts he can remove the last painful impression of shut mills and closed factories from his gloomy and melancholy brain. [Laughter.] The wayfaring man ought to be able to see by this time, Mr. Chairman, that there is no panic except a political panic in the gentleman's district. [Laughter.] Lord Byron says that "there is music in everything if men but had ears." And, Mr. Chairman, there are signs of industrial activity and business prosperity all about us if the gentleman from Washington only had eyes. But some people go through life, Mr. Chairman, blinded to its beauties and deaf to its music, groping among its shadows and murmuring its dolorous strains. They suffer from their disordered imaginations and miss a great deal in this world. [Applause on the Democratic side.]

Mr. Chairman, when I hear the clang of hammers, the sound of the saw, the music of the woodman's ax, of falling trees, and the song of the sawmill; and when I hear the wind singing through the gates of morn, breathing balm in the ranks of the bending corn; and when I see millions of white and red cotton blossoms nodding welcome to the gold-belted bee; and when I see a bumper wheat crop pouring plenty into the elevators of the West; and when I see railroad trains moving the crops in the jubilee of transportation, and hear the hum of wheels and the roar of active industry all around me, I feel like asking the gentleman from Washington, Are you putting on for a purpose or are you both blind and deaf? [Laughter and applause.]

Now, Mr. Chairman, the gentleman charges that this administration has driven mighty armies of men out of employment into idleness. Senator HOLLIS, of New Hampshire, says that labor has never been better employed in New Hampshire than it is to-day. Samuel Gompers, the tribune of organized labor in the United States, says conditions are improving, more men find work, and feeling of uncertainty is passing. The fact is disclosed that since the Underwood tariff bill went into operation wage earners for the first time have been able to purchase automobiles and ride in them when they go to collect their wages. [Applause on the Democratic side.]

Then, again, Mr. Chairman, the gentleman says we have destroyed business. Let us put some witnesses on the stand and see whether or not we have been helping or hurting business. While the Republicans are flooding the country with pessimistic literature saying that the wool industry is ruined raw wool is bringing a better price than it did before the Underwood bill went into effect, and woolen mills are running full time, and both industries are enjoying prosperity. It is an interesting thing to note, Mr. Chairman, that not long ago the Wool Growers' Association of the United States met here in the city of Washington. They discussed ways and means to prevent sheep losses by wild animals, and they talked about how to lessen the evils of the sheep-killing dog, but not a word, Mr. Chairman, was said against the Underwood tariff law on wool. [Applause on the Democratic side.] Why? Because, as an Oregon newspaper correspondent says, the price being paid is the top notch to date for fine wool.

Up in Michigan a real estate man of 20 years' experience, whose business is building houses and selling them to workingmen on monthly payments, says that he has had more contracts this year than ever before and that initial payments were larger than any year of his experience.

Hear what Dover, N. H., has to say:

The Pacific Mills are installing 30,000 new spindles.

Does this look like we are hurting the business of New England? [Applause on the Democratic side.]

Here is another calamity item for the gentleman from Washington; it comes from Indiana:

This summer 150 automobiles are being sold every day in Indiana, and most of them are going to the rural districts.

How sad is this information, Mr. Chairman. Every time the sun goes down on 150 of these sales in Indiana the people who

buy them—they may not know it or mean anything by it—but they are seriously interfering with the panic-fraught arguments of the gentleman from Washington. [Laughter.]

Let us hear what West Virginia has to say to the mournful message of the gentleman from Washington. It will be remembered that standpat Republicans said that the Underwood tariff bill would ruin the steel industry of the United States, but instead of doing that it is inviting foreign capital into our country, for here at Charleston German capitalists have invested a million dollars in a steel plant to be erected here. It will employ American workingmen and manufacture steel in the United States. Does this look like the fruit of a discredited and doomed administration? No, Mr. Chairman, it is the directresult of constructive legislation. It is the blessed offspring of a tariff for revenue only. [Applause on the Democratic side.] Bring the smelling salts and have the camphor ready for the gentleman from Washington, for here is a blow like unto the one that struck Billy Patterson a long time ago. [Laughter.] A special from Stroudsburg, Pa., says:

A woolen mill which closed down here before the Underwood bill with free wool went into effect has now reopened with splendid business prospects.

[Applause on the Democratic side.]

John V. Farwell Co., of Chicago, speaking of the wholesale dry-goods business, says that business is better than it was a year ago; that the volume of business in wool dress goods shows decided gain over a year ago.

The New York Times of July 12 says that building permits issued in June of this year compare quite favorably with those issued for the same month last year; that 75 leading centers in the United States, according to reports by Dun's Review, call for the expenditure of $72 000 000, as against $68,000,000 for the same month last year. Continuing, it says:

Among the cities where the most pronounced increases appear are Baltimore; Chicago; Seattle, Wash.—

And Seattle is the home of the gentleman. [Applause on the Democratic side.]

Why, Mr. Chairman, can it be that this melancholy feeling has overtaken Seattle? Can it be that all this direful news of business disturbance is coming from the district of the gentleman? Can it be that Seattle, located in the glorious golden West is pining and whining in concert with the gentleman from Washington? I can not believe that they have any such conditions in that splendid, growing city of the West.

Mr. BRYAN. Will the gentleman yield?

Mr. HEFLIN. Briefly.

Mr. BRYAN. However it may pain me to hear you commenting on my colleague in making those statements, I can not stand here and hear you make any statements in reference to the prosperity of Seattle. I assure you that everything up there is on the uplift, and everybody is happy. We are all encouraged by what has been done—the Alaskan railroad bill and the development of the Pacific coast——

Mr. HEFLIN. Praise God from whom all blessing flow. [Applause on the Democratic side.]

Mr. HUMPHREY of Washington. Will the gentleman yield?

The CHAIRMAN. Does the gentleman from Alabama yield to the other gentleman from Washington [Mr. HUMPHREY]?

Mr. HEFLIN. I can not yield now. Why, Mr. Chairman, it would be almost sacrilegious to yield just now. [Laughter.] Seattle is happy, and everybody is happy, except the gentleman from Washington [Mr. HUMPHREY]. [Applause on the Democratic side.]

Standpat Republicans over there denounced the Democrats for putting sugar on the free list, and they said that the consumer would not be benefited by the reduction of the tariff on sugar.

Let us put Mr. Spreckels, president of the Sugar Refining Co. of New York, on the witness stand. Here is what he says:

It may be of interest to know that under the stimulus of the reduced tariff consumption in the Eastern States alone has increased practically 20 per cent. The consumption from March 1 to June 19, 1913, was 748,000 tons, and the consumption of sugar from March 1 to June 19, 1914, was 893,000, an increase over last year of 145,000 tons.

[Applause on the Democratic side.]

"By their fruits ye shall know them." What have been the fruits of this Democratic administration? In the little manufacturing State of Connecticut, Fred P. Holt, bank commissioner, tells us that the total deposits in the savings banks of Connecticut October 1, 1913, were $307,000,000, and that the total deposits in the savings banks of that State on June 1, 1914, a period of only seven months from October, 1913, were $312,000,000. [Applause on the Democratic side.]

The New York Times of July 12, this year, shows that the clearings for the United States as reported by the Financial Chronicle were, July 12, 1913, $2,968,000,000, and that on July 11, 1914, the amount had increased to $3,400,000,000.

Mr. Chairman, such news as this stampedes the standpatter and chokes the chronic croaker. The panic sought after and prayed for by the gentleman from Washington has failed to materialize. How mournful he looks as the grief-fraught winds of political disaster howl around the ruins of the G. O. P. [Applause on the Democratic side.]

Mr. Chairman, the gentleman from Washington complains that the present administration has sent out of the country more gold for a given length of time than any other administration has done. In 1904, under a Republican President, we exported that year $121,000,000 in gold, and in 1909, under another Republican President, we exported $132,000,000 in gold. The total amount of gold exported for five months, ending with May this year, is $35,000,000, and the total amount of gold imported—coming into the United States—for the same period of time was $26,000,000. The gentleman need not worry about gold now going out of our country to Europe. The cotton crop of my State alone will bring back all the gold exported to Europe this year before the 1st of December. [Applause on the Democratic side.] The New York Herald says that the value of the American crop this year will be $10,000,000,000, and that the $82,000,000 of gold exported to Europe since January 1 looks like loose change in comparison with these billions. [Laughter.] A $10,000,000,000 crop. Why, Mr. Chairman, that is twenty-five times the amount of the world's annual output of gold.

The gentleman from Washington complains that this administration has turned the balance of trade against us and that it is the first time such a thing has happened since the Wilson-Gorman tariff law of 1894. The gentleman ought to have known better, Mr. Chairman. There was no yearly balance of trade against us under the Wilson-Gorman law, but it is a fact that in 1909, under the reign of the Republican Party and a high protective tariff law, the three summer months gave a trade balance against us of $18,000,000, and the New York World says that in February, 1910, the balance of trade against us was $4,000,000, and that in March of the same year it was $19,000,000. The gentleman is exceedingly careless in his statement.

Let me read a notice about prosperity on the Pacific coast. From Los Angeles comes the cheering news of genuine prosperity. The Los Angeles Tribune says:

The fiscal year ended yesterday, and its termination served to spell prosperity for all of southern California. From every channel of finance, from the Government's sources of revenue, from the city's mart where money comes and goes, the clearing house, from the coffers of the merchants, small and large, come the tidings at the close of day that the period of time which commenced on the 1st day or last July has been richer and busier than at any other time in the history of the city.

Listen to what the Springfield Republican says:

Money has been cheap for months and the banks have had a great abundance to loan.

Mr. Chairman, from far-off St. Paul comes the happy message that never before in the history of St. Paul have the bank deposits touched $60,000,000, and never before have the assets been within $5,000,000 of the record established on June 30 this year. The June bank clearings here showed an increase of $10,000 000 over June 1, 1913. This figure is unprecedented in the history of the city. These signs of prosperity must be very displeasing and annoying to the gentleman from Washington as he goes about with his nostrums and joy-killing implements. [Laughter and applause on the Democratic side.]

The Philadelphia Record says that in the absence of some great calamity this country is assured of a prosperous 12 months. Let the gentleman from Washington shake off this hideous spell of gloom and despondency and lift his eyes toward the mountains of Democratic hope.

Mr. Chairman, there are many more things that I want to say, but my time is about out. I could speak at length giving these pleasant calamity items to the gentleman from Washington [Mr. HUMPHREY]. [Laughter.] The gentleman has persisted in the work of calamity howling and chronic croaking until, I fear, he is going to be like the situation was with an old fellow at Montgomery, Ala. He had been engaged in fighting fermented millet juice for some time. [Laughter.] Finally his appetite craved limburger cheese. [Laughter.] He immediately went in search of it, and soon found some of high rank and smell. [Laughter.] He went into the store, tasted it, and asked the merchant how much of it he had. The merchant said, "I have 40 pounds of it." The old fellow said, "All right; give me all of it." [Laughter.] The merchant said, "You don't want that much?" The old fellow said, "Yes, I do; I want it to take home with me." [Laughter.]

So the merchant wrapped it up, and the old fellow took it and carried it down to the station. Everybody that he passed looked around, seized his nose, and quickened his step.

[Laughter.] That got on his nerves; and finally he went into an express office and walked up to the expressman's desk and said, "I want to ship this to Verbena." The expressman looked at him, seized a weapon, and ordered him to beat a retreat and beat it quickly. [Laughter.]

Then, the old fellow went out with his limburger, and he met a man on the street near the express office, and said, "Mister, they won't ship my cheese for me." Whereupon this gentleman, walking rapidly away, said "Go to an undertaker's establishment and buy a cheap casket, and ship it home as a dead friend." [Laughter.] He went to the undertaker's shop and bought a casket, and called old Uncle Rufus, a drayman, to carry his friend to the station. [Laughter.] The undertaker put the casket into the wagon, and the old fellow sat on the hind end by it. Uncle Rufus drove his little one-mule dray mournfully down to the station. [Laughter.] You know, in the old days they would not bury anyone soon after death, but kept them out for a long time. They said that sometimes people went off in a trance, and they did not want to bury them as dead, and then have the horror of thinking that they had only gone off in a trance. So, Mr. Chairman, as the old man and the drayman drove along, the wind came up pretty strong from the rear of the dray, and old Uncle Rufus, looking back and holding his nose, said "Boss, was your friend sick long?" The old fellow said "No." Then old Uncle Rufus said, "Well, you sho is got one good consolation, and dat is he hain't gone off in no trance." [Laughter and applause on the Democratic side.]

So, Mr. Chairman, I want to say to the gentleman from Washington [Mr. HUMPHREY] that if he does not let up on the tactics that he has been employing here for some time, if he does not refuse longer to be the vehicle in which threats of a panic to order are conveyed into this House, if he does not quit giving aid and comfort to the enemies of good government, it will not be long until he will find his political hopes in a ballot-swamped casket, and it will be no temporary interment. He won't be gone off in no trance. [Loud laughter and applause on the Democratic side.]

Mr. GILLETT. Mr. Chairman, I yield to the gentleman from Wyoming [Mr. MONDELL].

The CHAIRMAN. The gentleman from Alabama [Mr. HEFLIN] asks unanimous consent to extend his remarks in the RECORD. Is there objection?

There was no objection.

Mr. GILLETT. Mr. Chairman, I withdraw that and yield 15 minutes to the gentleman from Washington [Mr. HUMPHREY].

The CHAIRMAN. The gentleman from Washington [Mr. HUMPHREY] is recognized for 15 minutes.

Mr. HUMPHREY of Washington. Mr. Chairman, I have listened with a great deal of pleasure, if not with a great deal of profit, to the wordy oration of one of the White House pets. It may be said of his speech that it consisted of a great noise and stories that were both old and vulgar. [Laughter.]

Now, I want for just a moment to say to the gentleman that part of his speech I had heard my colleague [Mr. BRYAN] deliver before he gave it to the gentleman from Alabama. [Laughter.] I would suggest to my friend and colleague that he study the speech of Col. Roosevelt, recently delivered at Pittsburgh, in regard to the Underwood tariff bill. He does not agree with my colleague as to the blessings it has brought. I do not wonder that my colleague is anxious, having voted for that bill, to furnish evidence to some gentleman on that side to attempt to discredit me. He is certainly entitled to any glory he can get out of the fact of having voted for that Democratic tariff bill.

I did not hear the first part of the speech of my learned friend from Alabama [Mr. HEFLIN], but if it was like the last part I did not miss much, and it will not be necessary to answer it. But I want to refer to that part of his speech where he insisted that business is good.

First, he took up the question about the woolen schedule. I ask the gentleman why it was that the Crawford Woolen Mills, at Martinsburg, W. Va., went into the hands of a receiver week before last, if there is such great prosperity in the woolen industries? I would call the attention of the gentleman to the fact that during the first three months in 1914 our imports of woolen and worsted goods were $7,664,370. That is under a Democratic tariff law. During the first three months of 1913, under a Republican tariff law, they were $2,254,000, or a balance of $5,410,000, not in favor of the American, but in favor of the foreigner, in three months. What country is prospering under the Underwood tariff bill? Not our own. "Oh, but," said the gentleman from Alabama [Mr. HEFLIN], "the outlook is splendid." Why not tell us something about the business conditions? The outlook is always splendid in Democratic eyes. I pick up to-day's Washington Post.

Let us see about this wonderful prosperity that my distinguished friend from Alabama [Mr. HEFLIN] is speaking about. On page 1 in the Post I read this statement—and I hope the gentleman from Alabama [Mr. HEFLIN] will listen, and I will yield to him any time that he wants me to. I will not ask him questions and then dodge behind the privilege of the House to keep from being interrupted. I notify the gentleman now that he may break in whenever he pleases. This is the article in to-day's Post:

JOBS OF 1,000 MEN GONE—WAGES OF OTHERS ARE REDUCED AT THE BIG PLANTS IN WILMINGTON, DEL.

[Special to the Washington Post.]

WILMINGTON, DEL., *July 13.*

The industrial depression has struck Wilmington with vigor. It was announced to-day by officials of the Harlan & Hollingsworth Corporation that 1,000 workmen have been discharged during the past few weeks.

The officials when asked declined to blame the Democratic administration for the condition. In addition, the Pennsylvania Railroad shops and the plant of the American Car & Foundry Co. have placed their employees on reduced wages. The repair shops of the Pullman Car Co. have also begun reducing their force.

Mr. GARRETT of Tennessee. Mr. Chairman, will the gentleman yield?

The CHAIRMAN. Does the gentleman from Washington yield to the gentleman from Tennessee?

Mr. HUMPHREY of Washington. No. If the gentleman from Alabama [Mr. HEFLIN] wants me to yield, I will yield to him, but not to the other gentleman. I see sitting by the side of my distinguished friend from Alabama the distinguished gentleman from Indiana [Mr. CULLOP]——

Mr. BROCKSON. Mr. Chairman——

The CHAIRMAN. Does the gentleman from Washington yield to the gentleman from Delaware?

Mr. HUMPHREY of Washington. I will not yield. I see sitting beside my friend from Alabama my learned friend from Indiana [Mr. CULLOP]. He is one of the men who has become almost hysterical because I said something about lack of prosperity in Indiana——

Mr. HEFLIN. The gentleman said he would yield.

Mr. HUMPHREY of Washington. I do not yield in the middle of a sentence.

Mr. HEFLIN. In the article you read just now, does not that gentleman say that that is not due to the Democratic tariff?

Mr. HUMPHREY of Washington. He probably does not know any more about it than the gentleman from Alabama. And the very day that my distinguished friend from Indiana [Mr. CULLOP] made his prosperity speech, the largest factory in his district closed. It was rather unfortunate that he selected that particular time to orate on our wonderful business activity.

Mr. GILLETT. That speech may have been the cause of the factory closing down.

Mr. HUMPHREY of Washington. Then let me read a little more about the prosperity that under this Democratic administration is blessing the country. I hold in my hand an article from the Washington Post of July 10, which says:

FURNACES IN OHIO CLOSE—IRON PRODUCTION CUT FROM 52 TO 39 PER CENT IN A WEEK—FURTHER CURTAILMENT IN SIGHT WHEN THE UNION FURNACE GOES OUT OF BLAST IN AUGUST.

[Special to the Washington Post.]

CLEVELAND, OHIO, *July 9.*

The Daily Iron Trade says:

"Practically one-third of the merchant blast furnaces active in Ohio on July 1 were idle yesterday, a week later. The list of four furnaces, which were blown out the latter part of last week, was supplemented Tuesday, when Corrigan, McKenney & Co., of Cleveland, placed one of their river furnaces on the idle list. Furnaces which blew out last week were the Lawrence, of the Marting Iron & Steel Co.; the Hamilton, of the Hanging Rock Iron Co.; the Cherry Valley, of M. A. Hanna & Co., and one Wellston, of the Wellston Steel & Iron Co.

"Of 31 merchant furnaces in Ohio, 12 were producing pig iron on July 8, while 19 were out of blast. On July 1, 17 were active and 14 were idle.

"The Jisco furnace of the Jackson Iron & Steel Co., and the Norton, of the Norton Iron Works, of Ashland, Ky., joined the idle list in June. The present rate of blast-furnace operations among Ohio merchant furnaces is 39 per cent, compared with 52 per cent a week ago.

"The Union furnace, of Rogers, Brown & Co., which is one of the two active blast furnaces in the southern Ohio district, will go out of blast on August 1."

Here is another one taken from the press dispatches Saturday:

$1,000,000 STEEL COMPANY IN RECEIVER'S HANDS.

ALTON, *July 11.*

The Alton Steel Co., a million-dollar concern manufacturing hoop steel and cotton ties, is to-day in the hands of a receiver. The outstanding securities of the company are in the neighborhood of $1,250,000.

Inability to get a fair price for its product is given as the cause of the receivership.

Will the gentleman from Alabama please note that great prosperity? And I hold here in my hand another one, of July 2:

[From the Albany Journal, July 2, 1914.]

BIG CHATHAM PLANT MAY HAVE TO CLOSE—THREE BRANCHES HAVE SHUT DOWN, AND PRESIDENT W. C. WOODWARD IS DISGUSTED WITH BUSINESS INTERFERENCE.

CHATHAM, *July 2.*

The Chatham Shirt Co. is experiencing the dullest period in the history of the plant. At the Chatham factory the cutters are working on half time and the three outside factories at Keeseville, East Nassau, and Petersburg are closed. Orders never were so scarce as at the present time, and many concerns which contracted for shirts earlier in the season are endeavoring to cancel their orders. The company has withdrawn all its salesmen but one from the road, and it is probable that this man will also be withdrawn, inasmuch as he is finding it almost impossible to obtain enough orders to make his trips profitable. Neither wholesalers nor retailers are buying beyond immediate needs, and they all report that their business has very greatly decreased during the past few months.

At the Chatham plant the laundrymen are working nearly on full time, and the stitchers have been on full time thus far, inasmuch as a large quantity of cloth has been cut, and this will be made into shirts. The prospect is exceedingly discouraging, however, and unless there is a revival in business in the near future it will mean the partial or entire closing of the plant, thus throwing about 175 people out of employment. The total force at the three factories which have been closed is about 150.

W. C. Woodward, president of the company, believes the present administration's constant interference with business and the consequent turmoil and uncertainty to be at the bottom of these conditions. He believes if the railroads were granted the rate increase they ask for that business would improve. He believes every business man would be willing to pay this increase. Mr. Woodward thinks conditions will be still more unfavorable until election.

It is his opinion that the people are so thoroughly disgusted with the present state of affairs that they will welcome the opportunity to elect a Republican State ticket from governor down to the least important office on the ticket; also a Republican Congressman in this district. "They will not stand for this sort of thing much longer," said Mr. Woodward. "Every man I talk to is thoroughly sick of it, and if these conditions endure for six months you will see more failures in this country than were ever seen before. I know of Democrats who have voted the ticket for several years who say their eyes have been opened of late, and that they will have no further connection with that party."

I suppose, however, that the prospects are good for these closed mills. My friend from Alabama says so. I wish my friend from Alabama [Mr. HEFLIN] would read the daily papers. If he would do that instead of going to the Secretary of Commerce, he would find out something. This is from the Washington Post of to-day:

"HOLLAND" WRITES OF HUGE LOSSES BUSINESS HOUSES HAVE SUFFERED IN SIX MONTHS—EXPORTS ALONE HOLD OWN—ONE CORPORATION, IN A PRIVATE REPORT, FINDS THAT ITS BUSINESS DROPPED FROM $3,000,000 IN ONE-HALF OF 1912 TO ABOUT $900,000 FOR THE SAME PERIOD THIS YEAR—SOME OF THE REASONS OFFERED.

NEW YORK, *July 13.*

While the managers of many of the big industrial corporations think it inexpedient to report for publication what their business for the first half of the present calendar year was, measured in dollars, and compared with a like period in the previous year as well as in 1912, nevertheless some of them do tell in confidence what their recent experiences have been. For instance, one of the largest of American industrial corporations caused a comparison to be made on July 1 of the business done in the first six months of 1912, and then again the business of a like period of last year and also the business done in the six months which have just ended.

GREAT LOSS IN BUSINESS.

Their sales in a period of normal business activity approximate about $3,000,000 for six months. The total business done in the first six months of 1912 was a little under $3,000,000. The total business done last year in the same period was a little over $1,800,000. Their business for the first six months of the present year was, in round numbers, $900,000. Of course these managers look with apprehension upon a report of this kind.

A falling off such as these figures show can not be met much longer without compelling the managers of the industry to consider the expediency of liquidating or possibly of greatly reducing their capital.

DUE TO FOREIGN TRADE.

But perhaps *the most* interesting feature of this report—a report which in its general characteristics many of the other large industrial corporations have been reading somewhat anxiously, since their reports are of like tenor—is the fact that no small part of the business which was carried in the first six months of the present year was due to exportations. A statement of this kind is confirmed by the official statistics which were prepared by the Washington Bureau of Commerce. These authoritative figures show that although in the past eight months, which is the time that has elapsed since the new tariff law went on the statute books, the falling off in the money value of our exports, as compared with the like period in previous years, was nearly $146,000,000, yet only a little over 8 per cent of this falling off was in manufactured articles.

TARIFF DOES NOT AFFECT EXPORTS.

Apparently, either in spite of this tariff or because it plays no part in our exportation of manufactured commodities, we are practically holding our great foreign trade in manufactured articles. The reason is not far to seek, since the greater part of this trade is uninfluenced by the tariff, because those in other lands who buy these manufactured products are able to obtain most of them in the warehouses established by American industries in other lands. Much of our exportations of our manufactured products is with the countries from which we buy comparatively little.

The fundamental fact revealed by these confidential reports, which are confirmed in a measure by the statistics from Washington, is that there has been a woeful falling off in the United States in the demand for manufactured articles. The depression which our manufacturers are reporting is chiefly at home.

CAUSE FOR DROP IN EXPORTS.

Probably when detailed reports come from Washington it will be learned that much of the decrease of our export trade in the past eight months can be traced to the shortage of a part of our agricultural products last year, and particularly the unsatisfactory character of the harvest of corn.

The promise of stupendous crops this year, as well as the certainty of the harvest of some portion of them which is contained in the latest of the Government crop reports, justifies the expectation, so it is said in this city, that we are to make good in the fall and early winter of this year some part of the falling off in the exportations which have been observed since October 1 of last year up to July 1 of this.

The Washington authorities assume now that we shall be able to export perhaps as much as 250,000,000 bushels of wheat this year. If that expectation is fulfilled, we shall have exported about twice as much wheat this year as the average export of wheat for the past five years has been.

CROP A CURIOUS COINCIDENCE.

One of those curious coincidences of harvest times like that one which in 1896 caused a change of conditions which has become traditional seems likely again to be manifested this year. For, while there is now no doubt that the United States will harvest considerably over 900,000,000 bushels of wheat, nevertheless, in other parts of the world the promise is that there will be no more than an average crop, and in some countries considerably less than the average. Everyone who voted in the presidential election of 1896, and who shared in the interest of the campaign that preceded the election, will recall that, of a sudden, only about six weeks before election day, the market price of American wheat approached the dollar mark, although earlier it had been much less than this.

HIGH PRICES EXPECTED.

This occurred simultaneously with the continued fall in the price of silver, and thereby an object lesson was furnished to the farmers, or what they thought was an object lesson, which taught them that the constant depreciation of silver was not the cause of the low prices they were receiving for their wheat. The wheat fields of continental Europe yielded very small harvests, and when the grain factors of Liverpool and London learned authoritatively how small these harvests had been they began to make such imperative demands for American wheat as inevitably greatly to increase the price.

There came a few weeks ago from some parts of the West intimations that some apprehension prevailed in the agricultural districts lest the enormous harvest of wheat should cause considerable depreciation in price. The Washington authorities are in agreement with the experts of this city, who are persuaded that the unsatisfactory wheat harvest in other parts of the world will make it certain that American wheat will command satisfactory prices.

GREAT SOUTHERN CORN CROP.

There come intimations from other parts of the country that in some of the Southern States there are to be harvested enormous crops of corn. The development of the corn agriculture in some of the Southern States has been one of the striking features of American agriculture of the past 10 years. After all, it is the corn crop and the products which a great corn harvest make possible, such as meat, upon which the country must place its chief reliance for great increase in the exportation of food products. There comes from Washington an unusual statement intimating that in some parts of the West, on account of the scarcity of corn and the fact that wheat is being harvested plentifully, the farmers are feeding wheat to their live stock; and the Washington authorities estimate that possibly as much as 75,000,000 bushels of wheat will be utilized in this way That is a new thing to report.

HOLLAND.

That is some of the great prosperity that has been brought to the country by this new tariff law. I think my friend dwelt somewhat upon steel. I hold in my hand the Daily Iron Trade of Monday, July 6, in which I find the following:

LITTLE ACTIVITY IN IRON MARKET—SALES AND INQUIRIES CONFINED TO SMALL LOTS—PITTSBURGH MARKET SEEMS TO BE DIGESTING RECENT NEWS OF MERCHANT STACKS GOING OUT.

THE DAILY IRON TRADE,
NEWS BUREAU, 2148 OLIVER BUILDING,
Pittsburgh, July 6.

Pig-iron inquiry appears light and is confined largely to small lots of foundry and malleable grades, ranging from 500 to 1,000 tons. Actual sales are small also. Despite newspaper reports of inquiry for basic and Bessemer irons, little live open inquiry appears on the market to-day. Some sliding-scale tonnages may be quietly under negotiation, but traces of such business are difficult to find, leading to the belief that few such transactions are under way.

The Pittsburgh market seems to be digesting recently published information regarding merchant furnaces blowing out and planning to blow out, as well as others tying up with independent steel works projects. Prices have not changed in any particular.

I turn over another page of this Daily Iron Trade Review. I ask my Democratic friends to consider this. It shows the wonderful prosperity of the country. It is no wonder that my friend from Alabama [Mr. HEFLIN] feels called upon to come here and shout, "The outlook is splendid." But what about the conditions now? Listen to this, from the same paper:

ORE MOVEMENT IS OFF 40 PER CENT FOR THE PERIOD UP UNTIL JULY 1 AS COMPARED WITH CORRESPONDING PERIOD LAST YEAR.

The week opens with the lake fleet badly bunched at Lake Erie ports. The thick weather which prevailed during the latter part of last week caused many carriers to reach port too late to start unloading before the double holiday began on Saturday, with the result that Monday morning finds the docks congested. It will take a couple of days to work the fleet out and will throw a surplus of tonnage on the coal market. Several carriers were waiting for coal cargoes on Thursday last, and many of them will now have to go up light. There appears to be nothing in sight for the wild carrier as yet. No improvement is expected in the trade during July. The only activity so far has been in chartering grain for future loading, and the present surplus of tonnage has caused that rate to be shaded a bit.

Ore shipments during June were 5,502,367 gross tons as against 7,974,444 gross tons for June, 1913, a decrease of 2,472,077 tons. Up to July 1, 9,624,116 tons have been moved as against 16,125,042

gross tons for the corresponding period last year, a decrease of 6,500,926 tons. The movement is therefore 40 per cent less than it was for the same period last year. The movement to June 1, however, was more than 50 per cent less than that of last year, so that the trade is gaining a little headway. No material improvement is expected during July, but it looks now as though the low point of depression had been reached, and that one may expect a constantly increasing movement during the balance of the year. The outlook is somewhat more hopeful than it was a month ago, and a total movement of 37,000,000 tons for the season is now predicted. Following were the ore shipments during June and up to July 1, with corresponding data for last year:

Port.	June, 1913.	June, 1914.
Escanaba	845,414	580,103
Marquette	532,736	262,075
Ashland	774,761	541,315
Superior	2,377,078	1,997,895
Duluth	1,895,798	1,045,786
Two Harbors	1,548,727	1,075,193
Total	7,974,444	5,502,367
1914 decrease		2,472,077

Port.	To July 1, 1913.	To July 1, 1914.
Escanaba	1,800,601	1,076,020
Marquette	1,059,776	383,948
Ashland	1,509,702	883,081
Superior	4,677,349	3,733,502
Duluth	3,995,948	1,779,876
Two Harbors	3,081,666	1,767,689
Total	16,125,042	9,624,116
1914 decrease		6,500,926

This shows that the shipments of ore during the month of June just past were 40 per cent less than they were a year ago. How are we manufacturing such a great amount of steel products in this country, when the ore shipments are almost cut in two? The figures tell the true story.

I have another copy of the Daily Iron Trade Review, of July 8, a still later date. I want to read an item or two in this, which will be interesting:

GERMANS DEFEAT AMERICAN MAKERS—WIN SHEET ORDER BY AT LEAST $4 A TON MARGIN—SAME LOW PRICES SAID TO BE QUOTED EW YORK.

PHILADELPHIA, *July 7.*

In a recent test of competition for a good-sized order of steel sheets for shipment to Montreal as the stake, American makers were vanquished by German mills to the extent of at least $4 a ton.

The order, which called for a tonnage of No. 14-gauge blue annealed, was placed with German mills upon the basis of 1.40 cents f. o. b. Montreal. This price figures back to about 1.20 cents, Pittsburgh basis. The lowest price that it had been reported domestic producers had made on steel sheets in the present weakened market has not been below 1.30 cents, Pittsburgh, for No. 10 gauge. This price, it is said, is below the cost line, and it has been done only in certain cases. The German mills, as shown by this case, therefore have been able to take business at much below the dead line for the American sheet trade.

Prices approximating those named at Montreal are said to have been quoted by German makers in the New York market, although no sales of consequence yet have been traced to this source.

Sheet business with eastern mills is not active, but there is a fair run of miscellaneous orders, largely for early delivery. The leading eastern maker resumed at only part capacity this week after the holiday shutdown.

This shows how the American manufacturer under this new law was unable to get these orders, and they went to Germany.

That ought to receive applause on that side of the House. Then I turn inside, and I find, under the head of "Financial notes of iron and steel," it gives a long list of companies, including a large number of steel companies in the United States, too long to read, that have passed their dividends for the first time in many years. Does this show prosperity? I want to say to gentlemen on that side of the House that it does not make any difference how many speeches you make consisting of stories and adjectives, the truth is—and the figures show it—that the steel industry in this country is more than 40 per cent below normal, and steel is the great barometer of the business of the country.

Mr. Chairman, I am sorry I have not more time to reply to the prepared speech that my distinguished friend from Alabama has spent so many days laboring over. He has consumed an hour attempting to answer what I said in five minutes. I want to make this observation in closing: I believe that it is the right of the people in this country to know the truth. Let us have "pitiless publicity." I believe if business is bad, the people should know that. If business is good, they should know that fact. The truth should be put before the people until they can justly judge of the work of this administration up to this time. I stand on the floor of this House, and I assert that business is worse to-day than it has been at any time in 20 years, and I appeal to the public, to business men, to laboring men, to all classes throughout the country, as to whether or not I am stating the truth. Walk up and down the streets of this city, or any other city in the United States; stop and talk to men of all classes, and ask them whether or not business is good or bad. I am perfectly willing to trust my reputation both as a legislator and a man to the people of this country, when I stand on the floor of this House and declare that business is bad. The people are not to be long deceived; they know whether I am telling the truth or not. When the gentleman from Alabama stands up and says that business is good, that there is great prosperity, the people know whether or not he is stating the fact. I am perfectly willing to leave the verdict to them as to who has stated the facts in this controversy. [Applause on the Republican side.]

Mr. Chairman, I shall insert in the RECORD, as bearing upon the business conditions of the country, an editorial from the Washington Post of July 13, 1914, and a portion of the review of the industrial condition in New England, as printed in the Springfield Union.

The matter referred to is as follows:

[From the Washington Post, July 13, 1914.]

THE FARMER LOSES.

In the 10 months ended April, 1914, the value of foreign foodstuffs imported into the United States increased $10,000,000, or $1,000,000 a month. This money, which should have gone to the American farmer, went to foreign farmers.

In the same period the exports of American foodstuffs decreased $64,416,000, or $6,400,000 a month.

The adverse balance against the American farmer, so far as dealings with the outside world are concerned, is $75,000,000 in 10 months.

During the 10 months ended April, 1914, there were imported 20,058,998 bushels of oats, as against 714,767 bushels imported during the same period ended April, 1913. Comparing the same periods, there were imported 1,854,054 bushels of wheat, against 760,329; other breadstuffs, $2,602,952, against $1,362,630; fruits, $26,155,168, against $21,635,382; nuts, $722,217, against $636,290; butter, $1,633,515, against $253,513; cheese, $9,302,438, against $7,683,399; olive oil, $6,444,247, against $5,815,810; prepared vegetables, $3,015,545, against $2,772,100; fresh vegetables, $1,468,396, against $1,308,821. The importation of eggs during the 10 months ended April, 1914, amounted to 5,043,765 dozens, valued at $1,000,000.

These are staples produced by American farms, orchards, and gardens. The new tariff reduces the duty upon these articles and opens the market to foreign farmers. The foreigner has seized this opportunity and is now making $1,000,000 a month which formerly went to the American farmer.

The consumer gets no benefit from this tariff reduction. The price has not gone down on a single article mentioned. The high tariff formerly kept the foreigner out and gave this business to the American farmer. The new tariff throws the business to the foreign farmer, who, with the middleman, pockets the benefit, and the consumer pays as much as he did before. The only loser is the American farmer.

This loss of $1,000,000 a month covers only 10 months of the new tariff. It is natural that the loss should be greater as soon as foreign farmers awaken to the splendid opportunity offered by the American market. The more they take advantage of this opportunity the more the American farmer will lose.

The only way to prevent this loss to the American farmer is to put the bars up again, and shut out the foreigner. The experiment has been in effect long enough to show that it does not decrease the cost of living.

Maybe this item of $1,000,000 a month loss through the low tariff will be borne in mind by the American farmer when he votes next November for Congressmen who frame tariff bills.

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[From the Springfield Union, July 7, 1914.]

HAND-TO-MOUTH BUYING CAUSES DULL BUSINESS—SURVEY OF WESTERN NEW ENGLAND REVEALS REAL DEPRESSION; FACTORY HEADS NOT OPTIMISTIC; MILLS ON SHORT TIME FILLING LIGHT ORDERS—NO CERTAINTY OF QUICK RECOVERY—CHANGE OF ADMINISTRATION AND SETTLEMENT OF PENDING LEGISLATION NEEDED TO BRIGHTEN OUTLOOK; REPORTS FROM MANY MANUFACTURING CENTERS.

The Union to-day presents its readers a strictly matter of fact, unbiased statement of business conditions in the Connecticut Valley and western Massachusetts as they are found by its regular correspondents. Summarized, the reports show that the business depression in this part of New England is very real. Some communities report prosperity, but they are exceptions to the rule. Four and five day working weeks and 8 hour working days are more common than full weeks and 10-hour days.

Business men say conditions indicate a "hand-to-mouth" buying policy, which means that the factories must run on short time, making just enough goods to keep up with orders. The "hand-to-mouth" policy in turn is due to uncertainty as to the future. Some business men blame the effects of the tariff, and most of them believe there will be no improvement until after the fall elections. While there are optimists among the business firms quoted, there is not a little pessimism.

In Springfield there is unusual dullness, according to the testimony of railroad men, the State free employment bureau and the local president of the National Metal Trades Association, besides the heads of a dozen or more firms. Chicopee has similar reports, and from Pittsfield and vicinity come reports of unpleasant conditions. Holyoke firms are not thriving, although there is not great complaint. North Adams, Brattleboro, Vt., Thompsonville, Conn., and Ware report excellent business conditions, while Greenfield, Northampton, Westfield, and other towns have just ordinary times. Athol and Orange seem to be dull.

The consensus of the reports seems to be that business men are waiting for a change in Congress and a settlement of pending legislative questions before they buy heavily. Orders are light, there are many men out of work, and prospects for the future are not too encouraging.

WHAT SPRINGFIELD MEN SAY ABOUT BUSINESS SITUATION.

The depression in business is reflected in the greatly decreased volume of freight passing through the city over the lines of the New York, New Haven & Hartford, Boston & Albany, and the Boston & Maine Railroads, according to George E. Boss, agent of the New Haven and Boston & Maine roads.

"The attitude of the shippers shows that business is very dull," he said. "For instance, the shipment of full carload lots of freight is far below normal, and, in fact, has fallen almost to nothing. On the other hand, the number of less-than-carload shipments is about normal. That shows that business men are living hand to mouth, as it were, and is about as good a sign of the times as I know."

In the trades the dullness is even more marked than in any other line. Francis F. Squire, president of the Springfield branch of the National Metal Trades Association, says that conditions have not been as bad for years as they are at present.

"There are more skilled mechanics idle to-day than ever before in the history of Springfield," he declared. "Manufacturing plants in the Connecticut Valley, and in the whole eastern part of the country, for that matter, are running with greatly reduced forces of men. For the most part the plants are running full time, but have reduced their forces greatly. This is marked especially in those plants employing large numbers of skilled mechanics.

MANY OUT OF WORK.

Speaking of general conditions in Springfield and vicinity, Chester W. Allen, superintendent of the State Free Employment Bureau, said that there is no question about business being dull.

"We are having practically no call for machinists," he said. "Many of the factories are laying off men, and we have many of the men call every day. Some of them get employment on farms in the vicinity of Springfield, and many seem glad to get anything while things are dull. The building trades, also, are dull, and many are out of work at present. While once in a while there is a call for men, there always are many times more idle men than there are jobs for them. In Springfield, building seems to be almost at a standstill. There is a good demand for farm labor and for general laborers. The farmers are taking many of them, but even then there are nowhere near enough jobs to go around."

Following are the statements of some representative Springfield business men on present-day conditions:

Harold A. Wesson, assistant treasurer of Smith & Wesson:

"Our business is very quiet at the present time, much more so than usual at this time of the year. Evidently people are not spending money for firearms, if they have any money to spend."

Herman Schelhammer, assistant factory manager of the Bosch Magneto Co.:

"At the present time our business is good, because we are in the midst of the summer auto season. In general, business is the same as last year, but not as good as it was two and three years ago."

DULLNESS AT HENDEE FACTORY.

R. W. Ellingham, works manager of the Hendee Manufacturing Co.:

"We are in the midst of the slack season, but our business for the past six months has not been as good as the corresponding six months of last year."

Walter H. Whiteside, president of the Stevens-Duryea Automobile Co.:

"Our business from January 1, 1914, to July 1, 1914, was 28 per cent greater than in the corresponding period last year. We have made more cars, and our general business is much better. The increase in demand for cars, however, comes largely from the West and Middle West."

C. B. Potter, president and treasurer of the Potter Knitting Co.:

"Immediate business is good, but the outlook for the future is not bright. The last year has been an uncomfortable and uncertain one in our line. Customers who should be buying now for next fall are putting it off, and business seems to be going along on a 'hand-to-mouth' method."

W. R. Reid, treasurer of the National Needle Co.:

"Our business is holding up well, although it is not quite as good as it was last year. The outlook for the future does not look promising."

Harold Ley, president of the Fred T. Ley & Co. (Inc.):

"Our business is better than ever. The outlook is splendid, and everything looks rosy, as far as we are concerned."

Kurt R. Sternberg, treasurer and general manager of the Dickinson Manufacturing Co.:

"Although we have more customers than in previous years, they are not buying as much as usual. Our business has been 40 per cent less than last year and 25 per cent less than two years ago. We have found it necessary to lay off 22 per cent of our help. However, the business outlook is good at the present time."

An officer of the National Equipment Co. said:

"Our business is not as good by a great deal as it was last year. Our plant is running on short time, and the immediate future holds no promise for better conditions."

MR. GILBERT PESSIMISTIC.

Adolph W. Gilbert, president and general manager of the Chapman Valve Manufacturing Co.: "Our sales and orders for the last year are about the same as the preceding year, but this comes by our going out for special work and quoting lower prices. The sales and orders of our regular business, as reported by our branch houses, show a decrease of 25 per cent from the preceding year. The outlook for the future is bad, and I fear the coming six months more than I did the six which have just passed. I do not believe that the outlook in our business will become any brighter until some time after the fall elections."

Joshua L. Brooks, president and treasurer of the Brooks Bank Note Co. and president of the Springfield Board of Trade: "Our business for the last six months shows a 5 per cent increase over the corresponding months of last year. The majority of business has come in small orders, and indicates a 'hand-to-mouth' policy of buying. The future looks good, and I believe that we have passed over the worst part of the bad business conditions."

Charles J. Spill, superintendent of the United Button Co.: "We have done but 40 per cent of the business this year that we did last year, and the business outlook from our standpoint is bad. The majority of our orders have been small, and our business has practically diversified into a retail proposition."

Charles S. Potter, manager of the Hampden Lumber Co.: "Our business this year is quite a little off from that of last year, but general conditions seem to be improving and the outlook is favorable."

Walter P. Dodge, treasurer and general manager of Barney & Berry (Inc.): "Our business depends to a great extent upon the weather, and it is almost impossible to make a careful and accurate forecast of business conditions."

Theodore W. Leete, treasurer and general manager of the Taber-Prang Art Co.: "There is a general uncertainty and depression in the business world, and our concern has felt it. People hesitate in placing any large orders, and everyone seems to be waiting for the business atmosphere to clear so that they may know where they are at. The outlook for the immediate future is not good."

WEST SPRINGFIELD PAPER MILLS RUN ON SHORT SCHEDULE.

West Springfield manufacturers and business men are not rushed with work. Inquiry among them reveals that times are very quiet.

"Our business is quiet, and on account of slack orders we have been obliged to cut down to from four to five days a week," was the statement of William H. Shuart, president of the Springfield Glazed Paper Co. Mr. Shuart said that he foresees no immediate relief from the present condition of affairs.

"On account of a falling off in business it has been necessary for us to reduce the help 25 per cent since March 1," said F. O. Scott, superintendent of the Southworth Paper Co., Mittineague.

P. J. Shea, chief clerk of the Boston & Albany shops, said that the business at the shops is as good as last year and it has not been necessary to reduce the help.

C. P. Fairbanks, factory manager of the Gilbert & Barker Manufacturing Co., said that business is good and the factory has been running more hours than usual. As to the outlook for the future, Mr. Fairbanks has nothing to say.

E. L. Clark, general manager of the Ramapogue Ice Co., said that business was good and he had optimistic views of the future.

L. H. Moses, of the Strathmore Paper Co., said that the company is satisfied with the present condition, but looks for an improvement in the future. The company is running full time and the help has not been reduced.

Charles B. Clark, jr., manager of the Clark Independent Oil Co., said that business is good and prospects for the future are bright.

Thomas L. Hisgen, president of the Four Bros. Independent Oil Co., said that business has fallen off considerably in comparison with last year and collections are slow. Mr. Hisgen sees no immediate relief from the present state of affairs, and says that the policies of the Wilson administration have had a demoralizing effect on general business. He said that there is uncertainty in the business world and a large part of the falling off is due to tariff revision.

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DULLNESS IN CHICOPEE MILLS—PROSPECTS FOR FUTURE ARE UNCERTAIN.

Reports from the different factories in Chicopee show a general depression, which has been felt since the last part of May and the early part of June. In many cases a large number of hands have been laid off, while in others the condition has been met by a reduction in the working hours. The months of June and July are the dull season of the year, which, added to the scarcity of orders, has resulted in the reduction of working forces.

Many rumors have been current to the effect that some of the Chicopee factories are on the verge of a shutdown, but the reports of the officials are encouraging.

Having filled their last summer order, the Stevens-Duryea Automobile Co. is operating with only a little more than half of its usual force. The average number of hands employed is 1,400. The slack period is expected to continue about six weeks, when the new orders will come in and the old hands who have not secured work elsewhere will be reinstated. Some of the departments have closed down, but these will be the first to start when the dull season is over. This year is said to be a fair average from a business point of view, and no serious slump in business is anticipated by the officials of the company.

About 550 hands are employed in the J. Stevens Arms & Tool Co., or about two-thirds of the average for the last 10 years. In the opinion of the officials of the company the general depression has had little or no effect on their business.

With its entire force on three-quarters time, there is prospect of a further reduction in help and time at the Lamb Knitting Machine Co. It is a general slump in business, lack of orders, and an unfavorable outlook to the officials. The factory is now employed in special work.

The Chicopee Manufacturing Co. has felt the usual annual depression and is operating with about 65 per cent of the usual force of 1,300 men. The officials feel nothing but the seasonable dull spell and expect a quick recovery.

Quite favorable conditions are reported by the National Scale Co., which is working with a trifle less than the full force. The business during June was far ahead of the same month in 1913, and May was about the same as last year, with the general conditions considered promising. No further lay off is expected.

A depression in business has been felt by the Belcher & Taylor Agricultural Tool Co. since June 1, but allowances are made by them, as this is always the dull season. A quick recovery is expected. There has been a reduction in hours but no lay off.

The regular force is employed at the A. G. Spalding & Bros. Co. plant, with a slight reduction in hours. A depression has been felt by the firm since June 1, which is an unusual experience, according to an official. In some of the departments the hands have been reduced to an eight-hour day. It is much more slack than last year at this time.

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HOLYOKE KEENLY FEELS DEPRESSION—MANY MILLS ARE SHUT DOWN.

HOLYOKE, *July 6.*

That the so-called psychological depression in business has been felt in every line of industry in Holyoke is evidenced by inquiries made by the Union among manufacturers during the last week. As for the causes of this slackness, the general opinion appears to be that it is simply a reflection of the conditions reported to exist throughout the country. By practically all it is looked upon as only temporary, and an optimistic view is taken of the future, but it is added that it is a difficult matter to prophesy whether or not business will pick up next fall. As one manufacturer sized it up, "Business is dull because we have no orders. Without orders we can't run our plants. It may be that orders will come along for the fall, but that is something that we can tell nothing about. We've simply got to sit back and hope for the best."

Only one mill official volunteered the opinion that the present industrial depression was due to the tariff. He declared that the textile business was worse at the present time than it had been in the last 15 years. He expressed himself strongly regarding the tariff, which allows

the importation of goods from foreign countries which can be purchased cheaper than the home product. This official takes a rather gloomy view of the future, and sees no relief for his business until the tariff is changed.

MANY PLANTS CLOSED.

The principal industries of the city, the paper and textile mills, are passing through a period of dullness much greater than in former years. Most of them always experience a certain amount of slackness at this time of the year, but the "hard times" have hit them so that they are running on short time, and the employees can take about as much time for their annual vacations as they wish.

Last week the Linden, Holyoke, Gill, Mount Tom, and Beebe Holbrook divisions of the American Writing Paper Co. were closed down because of the lack of orders. The plant of the Crocker-McElwain Paper Co. was also closed. In the textile branch the Lyman Mills Co. and the William Skinner & Sons, silk manufacturers, shut down their mills last week, and the American Thread Co.'s three divisions, Merrick No. 1, Merrick No. 2, and Hadley, shut down last Friday, and the employees are on vacations of from 4 to 10 days. The annual shutdown, when the water is drawn from the canals in order that the Holyoke Water Power Co. may make repairs on the canals, and repairs may also be made in the mills, comes July 29 and continues until August 3.

Officials of the Farr Alpaca Co., manufacturers of alpaca, serges, and worsted goods, stated when interviewed that the year started off very well, but recently there has been a slight slackness noted. It is hard to diagnose the cause of this dullness, but it appears to be a reflection of the "spotty" condition of business everywhere. The outlook for the fall is none too bright, but the best is hoped for.

Joseph A. Skinner, of William Skinner & Sons, said that the silk industry is very poor just now. It is pretty hard to tell the cause, but it is probable that this business feels the effects of the general depression.

COTTON FACTORIES DULL.

James A. Burke, agent for the Lyman Mills, manufacturers of cotton goods, said that slackness has been noted in that business, but is hopeful that it is only temporary; but declined to hazard any prediction regarding the future. Up to the present officials of the American Thread Co. stated that the three local divisions had been going along under full time. This year, instead of cutting down the working schedule during the dull season an experiment is being tried. The finishing department shut down last Friday and will remain closed until July 8, while the manufacturing end also closed July 3 and will not resume until July 13. It is always dull, it was stated, in the thread business at this time of the year, but it is duller now than in many years.

Even if business is slowing up, several mills are going right ahead building new additions, which would indicate that the manufacturers are figuring that conditions will improve. The Lyman Mills Co. is erecting a new stock house and cloth department, and the Germania Mills, manufacturers of woolen and worsted goods, has filed plans for a new building in South Street. These mills, it is expected, will cost in the neighborhood of $100,000 each.

Another cheering fact is that the Beebe-Webber Co., manufacturers of worsted cloths, which announced some months ago that it intended to go out of business, will continue. Negotiations for the sale of the plant were carried on with the Eureka Ruling & Binding Co., and just when it looked as though the deal would be consummated, the announcement was made that the Beebe-Webber Co. officials had decided to continue business. The Holyoke Board of Trade also had a committee endeavoring to interest capital in taking over the mill, so that the business would be saved to the city. Beebe-Webber Co. has been in existence for many years and gives employment to several hundred hands.

The "psychological depression" has not appeared to have hit some of the smaller concerns as hard as the bigger mills. The Eureka Co., now that it failed to secure the Beebe-Webber plant, is said to be planning to build an addition that will double its floor space.

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PITTSFIELD BUSINESS MEN PESSIMISTIC—SEE NO IMPROVEMENT AHEAD.

PITTSFIELD, *July 6.*

Most of the manufacturers in Pittsfield and vicinity are perfectly frank to state that times are exceedingly dull, and although many of them are at the present time running with their full force of employees, there are few who expect they will be able to do so for long. With few exceptions they look to Washington as the seat of the trouble.

Acting Manager Joseph Insull, of the Pittsfield branch of the General Electric Co., was unwilling to give any figures or facts, and on being questioned as to the number of men employed at the plant and the conditions there said: "There has been no material change since the first of the year. C. C. Chesney's statement then covers the present situation."

Mr. Chesney's statement was optimistic, but he gave no figures. He is now in Europe, and subofficials at the General Electric plant, as well as employees, look for no change in the working hours and conditions until his return. From employees it is learned that the normal working force has been reduced about 1,000, or one-sixth of the full force. Many of the 5,000 or less who remain are working on small time.

"Conditions are such to-day," Mr. Insull said, "that I do not think it is advisable to seek publicity. Let them straighten things out at Washington. I see President Wilson was in conference with J. P. Morgan the other day. Interviewed President Wilson about industrial conditions. But on the whole I think we would rather see good news in the papers." For facts the reporter was referred to the officers of the General Electric Co., at Schenectady, N. Y.

LIVING FROM HAND TO MOUTH.

H. R. Russell, president of the S. N. & C. Russell Manufacturing Co., which employs about 250 persons in its textile mills here, said that the mills are running full time with full force, but that business is not on a satisfactory basis. "We are living in our business," he said, "from hand to mouth. I have guessed everything as the reason for the business depression and have guessed wrong each time. I believe political conditions have some bearing on them."

Franklin Weston, president of the Byron Weston Manufacturing Co., in Dalton, said: "We are employing a full force of men and women, about 250, but business is very slack. We expect to shut down for two or three weeks very soon on account of the dullness. Incidentally we shall make some repairs, but we are not shutting down for repairs. Bad business is the reason. Furthermore, we expect to have to shut down again later for another period.

"The only remedy for this depression, I believe," said Mr. Weston, "will be a change in the administration, either in its head or in the Legislature. I look to see a total change in the complexion of the Legislature next fall, the change being in favor of the Republican Party. I believe most manufacturers are waiting for the result of the fall elections before they do anything."

W. M. Crane, jr., of Crane & Co., of Dalton, had the most optimistic report of any of the manufacturers in this district. He said that the mills were all running on full time, and that the outlook was fair. The business depression, although generally felt, has not rested heavily on the Crane & Co. trade. The Government mill will start July 6, after being shut down for three weeks for the annual repairs.

Willard Smith, of the Smith Paper Co., of Lee, has a vastly different story to tell. He reports that, although the Smith mill has been run on full time and employing all their help to date, from now on it will be necessary to cut the working time down to four days a week. The pay roll of the company carries more than 400 hands. Mr. Smith said that the good showing up to date has been made possible by the fact that there were many orders ahead, and that as long as these lasted the working conditions remained steady.

FOREIGN PAPER HURTS TRADE.

He said that more than $20,000,000 worth of paper had come into the United States since the opening of the present administration, and that under the present tariff no adjustment of the paper trade could be expected save lowering of wages. Foreign paper made by cheap labor is flooding the market, and American-made goods can not compete under the present arrangement. Japan and England are the chief competitors, said Mr. Smith. The prices on paper such as that manufactured by the Smith Co. have been lowered from 3 to 5 cents on the pound. A change in the administration or reduced wages must come, was Mr. Smith's final word.

At the Pontoosuc Woolen Co. it was reported that up to the present the mills had run along on full time, employing the usual number of men. The business outlook is very dubious, according to Supt. Clifford Francis. The schedule has been continued to date on a hand-to-mouth basis. Unsettled general conditions and the disinclination of consumers to take chances until they see how the tide is going is his view of the cause of the dullness.

A. W. Eaton, president and treasurer of the Eaton, Crane & Pike Co., which employs normally 950 to 1,000 men and women, is now running with about 875 on the pay roll and 8 hours instead of 10 hours a day.

Mr. Eaton ascribes this to general depression, uncertainty of legislation, and uncertainty as to the crops this year. He said that certainty as to the legislation will be the only permanent stabilizer of business prosperity, in his opinion, although a bumper crop will give a temporary stimulus.

James R. Savery, treasurer of the Berkshire Woolen & Worsted Co., reports that this company has not laid off any hands and the mills are running full time, but at a very scanty profit. If it were not for the fact that it is better to keep the organization together and the wheels turning, the mill would be shut down.

"The tariff is absolutely to blame for the depression in our business," said Mr. Savery. "It should be 50 per cent instead of 35 per cent on wool. The Democratic administration is partly to blame for the dullness but not entirely. The Democrats need some competition."

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NORTHAMPTON SILK INDUSTRY THRIVING—EASTHAMPTON DULL.

NORTHAMPTON, *July 6.*

It is not the easiest thing in the world to size up the industrial situation in Northampton. A manufacturer hesitates a long time before he commits himself, and then he does it in a confidential sort of way. He says, perhaps, "I do not mind telling you personally that business is mighty poor and that my best judgment tells me that it will be worse before it is better. I would not mind telling you personally what departments are the dullest and exactly how many men are laid off, but if my competitors should get hold of this they would make a handle of it. They would insist that we are doing no business, and you know that a business man likes to do business with a concern that is rushing things." It must be admitted that this is sound philosophy, and the man who would like to put up a real calamity howl, after thinking the thing over and looking at it from personal reasons, represents that business is rather better than it actually is.

It is not easy to mark things as a teacher would a class and state positively that this business is good, that fair, and the other poor. In the canvass that has been made a few concerns report business as good. They do not see any falling off from 12 months ago, and since they are doing as much under present conditions regard it as good business.

Many others say that business is only fair, while some admit that it is poor and that there is a mighty hard outlook ahead. It must be admitted that there is no rush in the manufacturing plants. There is little or no overtime work, and the one thing that tells volumes is the fact that the factories are shutting down two weeks this summer in place of a week for the annual inventory, which is taken Fourth of July week. Another indication is the general reports of employees. They almost invariably say that things are dull. Again, there are quite a good many idle men. There has not been a time in many years when so many were applying for jobs and ready to do almost any kind of work. These are straws that tell which way the wind blows.

It must also be stated that some concerns are doing a good business in spite of conditions. They are running full time and with a full force. This does not mean that things are going with a rush, but there is activity in business, and for the time of year it is quite remarkable.

SILK FACTORIES BUSY.

Northampton is a center for silk manufactures. When times are hard it would seem as if the silk industry would be the first to suffer. Silk is a sort of luxury, and one would think it would be one of the first things to be discarded. This does not seem to be the case. The silk industries are running full time and with almost a full force. They have not been hard hit by the depression, which may be a mere matter of mind. Silk is purchased by the wealthier class, and this undoubtedly accounts for the activity. The tariff has not affected silk greatly.

Alexander McCallum, president of McCallum's Hosiery, says that business this summer has been normal. In spots there has been some depression, with activity in other departments, so that things average up well. The shop is running full time and with a full force. He says the tariff has not affected the concern and feels that prospects are good for silk hosiery.

Samuel W. Lee, treasurer of the Nonotuck Silk Co., at Florence and Leeds, which manufactures silk thread and silk braid, says business has been fairly good. The shops have been running full time and with an average force for the summer season. As yet he sees no effect from the tariff, but cannot forsee final results. He does not feel that it is

safe to predict for the future and is decidedly anxious that Congress adjourn.

E. F. Crooks, manager of Belding Bros., manufacturers of silk thread and silk linings, says there has been a slight decline in business for several months. The shop is running full time, but not with a full force, about 15 per cent of the employees not being at work. He feels that times are going to be worse before they are better.

CUTLERY IS QUIET.

The three cutleries at Bay State—the Northampton, Rogers, and the Clement Manufacturing Co.—report the same thing. In none of them is there any rush. Things are going along slowly, there being no attempt to speed up and no demand for the greatest efficiency. Business is quiet, more so than usual at this time of year, and Rogers and the Northampton Cutlery are shut down for two weeks. The summer is always a quiet time and in the early fall business begins to pick up for the holiday trade. The outlook is not promising.

The Florence Manufacturing Co. reports normal business for the time of year. In January the company found itself with an immense stock of hair and tooth brushes on hand, and for weeks the shop ran eight hours a day with a half holiday Saturday. The stock was worked off, and now orders are coming in with their usual activity. The plant is running full time, and is dull in certain departments only. William Cordes, general manager, says the reduction of employees at the present time is not more than 5 per cent. He feels that the outlook in his line of goods is encouraging.

The Williams Manufacturing Co., which makes baskets, reports good business in certain lines and poor business in mill baskets and that trade. On the whole conditions are satisfactory for the time of the year, taking into account the general trend of business. The Florence Co., which manufactures cabinets and gas stoves, reports business good. They have not been affected by the hard times and find things normal. The company is running full time and with the ordinary force. The Norwood Engineering Co., of Florence, manufacturers of filters, hydrants, and machinery, reports a normal business. Things have been dull, but are picking up, and the outlook is encouraging.

DULLNESS IN EASTHAMPTON.

In Easthampton conditions are not as favorable as in Northampton. The principal manufactures are cotton goods and elastic webs, and in both of these there is a marked depression. The West Boylston Co., manufacturers of cotton goods, says: "We have been hit, with all textile manufacturers. There is no denying the fact that business is poor. We are in the same boat with New Bedford and other cotton manufacturing centers. Business is carried on from hand to mouth, there being neither large orders nor large purchases. We do not see a bright outlook ahead, and fear that things will be worse before they are better. We are running full time, but with only about 75 per cent of a full force."

The Hampton Co., mercerizers, bleachers, and dyers, tells practically the same story. The company admits that business is not good and that prospects are not bright. Large orders are not coming in and the company is not buying in large quantities. There is no rush about placing orders and drummers are not insisting that orders must be placed at once or they can not be filled. The company is running a full day force but practically no night force, this representing about a fourth of the usual day force. In certain lines there is activity, and if one were so disposed could use these as a barometer and declare that business was rushing. Activity is only in spots, and generally speaking there is more than a psychological depression.

In rubber elastics there has been a marked depression for many months. This is not due to the present administration but to styles in dress. Young men are wearing belts and not suspenders, and this means hard times for the manufacturers of elastic webs. Business is a little better than it has been, but is far from good. For nearly two years the mills have not been running full capacity, many of the looms being idle.

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HUNTINGTON HUSTLING.

HUNTINGTON, *July 6.*

Business in Huntington is good. Mills are all running full time. The Huntington Manufacturing Co. woolen mill has been running nights. Some new buildings are being built, and it has been difficult to secure sufficient help. The town has been reconstructing the Pond Brook Road, so called, and it was necessary to get outside help, as the labor supply in the home market was inadequate, and in consequence about 25 out-of-town men had to be hired. Lumbermen and farmers find it extremely difficult to hire men for their business in the local market, and are obliged to get men elsewhere.

Huntington has no cause to complain, except that the labor supply is short. There is no reason to expect any different conditions in this section.

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GREENFIELD TOOL TRADE DULL—DEPRESSION IS FELT BY FACTORIES.

GREENFIELD, *July 6.*

It is not uncommon to have business quiet with Greenfield industries at this season of the year, and most of the factories are now shut down for the summer vacation. It is the annual inventory time, and July is the vacation month for employees.

The Goodell-Pratt Co., manufacturers of mechanics' tools, employing 275 hands, has been running 10 hours a day up to the vacation time, and after the first two weeks in this month will resume operations, with only a few men out in the foundry. W. M. Pratt, at the head of the company, is abroad studying the foreign business situation. It is reported at the factory that just now there is a dullness in the tool trade, considered to be only temporary depression.

F. E. Wells & Son, manufacturers of tools and machinery, employing 100 men, have reduced the number nearly one-half since a year ago, with 45 hours to the week in all departments but one. This is on a basis of 20 per cent less time. The factory closed Thursday for 10 days, a longer period than usual, due to the general business depression, which perhaps has been brought about to some extent through delay in settling up the railroad matters and the new tariff. However, it is thought that good crops may enliven business conditions this fall. No magnitude of business is expected for a long time. Salesmen report generally poor business, with conditions worse than in 1893 and 1894.

BUSINESS IS QUIET.

The Goodell Manufacturing Co., makers of mechanics' tools, feels keenly the present business depression and looks forward to no special change for a year. Business is reported to have dropped 20 per cent off from last year, and a similar reduction in the employment of labor has been the natural consequence.

The Russell Manufacturing Co., screw-cutting tools, employing 25 men, opened its new factory in November. Naturally business has been brisk in work to prepare for the trade. Employees are working 10 hours a day, and the shutdown was only for the Fourth of July vacation.

The Greenfield Machine Co., employing 15 men, was shut down July 3 for one week. They attribute the very little domestic business to general hard times and have been working on export business. The company officers believe reduction in the tariff has had something to do with the present conditions.

The Bicknell-Thomas Co., manufacturers of specialties and friction clutches, report that business depression is at a low ebb. The company looks forward to an increase, with a hope that honest business will soon get a chance to go forward.

Emil Weissbrod & Sons, manufacturers of pocketbooks, employ 125 hands, against 175 last year. The concern feels there is a general business depression, but no definite reason is given.

COMPARISON OF CONDITIONS.

The American Tap & Die Co.'s factory is shut down for one week and has a full stock on hand. Hard times are felt, because orders are coming in slow as compared to last year.

The Greenfield Tap & Die Corporation, through Treasurer F. H. Payne, says the following of business:

"I inclose copy of some figures that we mailed the Wall Street Journal, at their request, on June 15, making comparison of business for the first five months of 1912, 1913, and 1914. In making up this list we have considered 1913 as representing a maximum, or 100 per cent. Percentages for the years 1912 and 1914, on either side of the column containing 1913 results, represent proportional amounts of the various items of the other two years.

"I may further state that we do not believe business in this country will increase until Congress adjourns and until the railroads have been allowed an increase in their freight rates."

Mr. Payne's comparison is as follows, percentage based on assumption of 1913 figures being 100 per cent:

	1912	1913	1914
	Per cent.	*Per cent.*	*Per cent.*
Wages, Jan. 1 to June 1	84.24	100	74.45
Average number of employees	84.68	100	87.22
Number of days employed	100	100	86.66
Average number of hours per week per man	100	100	84.44
Sales	86.34	100	80.58
Orders received	----------	100	88.63
Orders unfilled June 1	----------	100	54.89

MANY MEN OUT OF WORK, BUT NO HARD TIMES IN WESTFIELD.

WESTFIELD, *July 6.*

Judging from the number of men in town who are out of work, there seems to be general industrial depression; but a canvass of the factories fails to reveal such a condition. While some of the plants are not running full time, owing to the summer schedules of hours, none of them is greatly inconvenienced.

The Pope Co.'s plant is not very busy, many hands having been laid off, and the company's affairs are such that in some of the departments a four-day schedule has become effective.

Just when the entire plant will be running on full time is a question, but it is hoped that with the harvest season there will be better times at the plant. During the winter months more than 900 men were employed at times in the plant, but this number has gradually dropped down until one of the recent pay rolls showed 690 men at work. Since that time some of the men have been laid off, but the company claims that there is not the serious depression which has been rumored. Receipts for June did not reach the figure of a year ago, but this is explained by the fact that it takes a moneyed market to dispose of the goods. With bumper crops in the fall it is hoped that there will be more money, and consequently the demand for motor cycles and bicycles will increase.

In the H. B. Smith foundries there is not a noticeable curtailment of work. The men are not working on full time, owing to the agreement which was reached with the officials during the summer months. There are more than 900 men employed at the present time, and this number is less than 100 short of that which is employed in the rush seasons. These are the two large plants of the town, although the whip industry employs the largest number of men in Westfield. In another large plant there was a third more business done during the month of June than a year ago.

There are plenty of laborers unemployed at the present time and this is attributed to the fact that there is little building, and unskilled men are out of work. Westfield seems to be faring better than some of the other industrial communities, but the depression is being felt here. Some of the manufacturers are most firm in their statements that it is not a "psychological" depression.

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MANY MEN OUT OF WORK IN ATHOL—SHOE TRADE GOOD.

ATHOL, *July 6.*

The business depression is strongly felt in this town, especially in the metal trade. Peculiar, however, while the metal works are having hard sledding, the shoe manufacturing business is good, and a fairly large number of orders continue to come in. The largest industry in Athol is the L. S. Starrett Co., manufacturers of fine mechanical tools. This company which employes nearly 800 skilled mechanics, has reduced its working hours twice during the last three months. The last reduction was made last week, the factory now being run on a four-days-a-week basis.

Frank E. Wing, secretary of the Starrett Co., has come into considerable prominence of late on account of a letter written by him on business conditions and sent to President Wilson. The Union recently printed the letter in full. The statement of President Wilson that the depression is merely psychological has gained national prominence, but the Athol concern, through Mr. Wing, probably was the first definitely to take up the statement for analysis, directly with the manufacturers through the Employers' Association. Copies of the letter have been circulated by Donald Tulloch, secretary of the association, of Worcester. The impression which the letter has created among Worcester County Association members who received it can be imagined when one firm ordered 1,000 copies sent it for distribution. Mr. Wing has also written to several of the Congressmen an entirely different letter along the

same lines. Mr. Wing says: "We have endeavored in every way possible to uphold the hands of the President, and to refrain from doing and saying anything which might be construed in the slightest degree criticizing his actions and his policies. For the last year we have consistently lied about business, said it was good and that everything looked all right for a continuance, and even an increase in good business, and that we must give the President and Congress a fair show, and everything would come out all right. But business is not good. It has not been good for a year, and it is steadily growing worse."

PHILIPPINES TRADE LOST.

Mr. Wing places a large part of the blame for the business conditions of this country on the tariff, but finds an altogether different reason for the depression in our most notable insular possessions. Metal trade with the Philippines has fallen off with great rapidity. Of the situation there Mr. Wing says: "The present administration has killed business in the Philippines. When it came into power there was a flourishing business there, and we ourselves were having a good business in our tools in Manila, but the present policy of turning out Americans and putting Filipinos in their places in responsible positions has absolutely strangled business throughout the country. A prominent business man from Manila, who was in our office within a month, stated to us that more harm had been done to business conditions in the preceding eight months than could possibly be remedied in three years, if conditions could at once be brought back to their former status."

The Union Twist Drill Co., a metal concern, and one of the three largest in town, employing 600 skilled mechanics, is also affected by the hard times. This company has cut 10 hours a week from its working schedule. It manufactures gears and cutters, selling mostly to the manufacturer. Although this concern is affected by the depression, it is evident that its officials look at it as only temporary, for it awarded this week a contract to the E. J. Cross Co., of Worcester, for a three-story factory building of brick construction and a brick addition one story high at an estimated cost of $60,000.

SHOE BUSINESS IS GOOD.

The Bates Bros., manufacturers of pocketbooks, one of the oldest industries in Athol, is another affected by the depression in business. The firm reduced its running time nearly two months ago. It employs about 150 hands, mostly women. It is the first time this company has reduced its working schedule for 16 years.

Business is remarkably good with the Lee Bros. Shoe Co. This concern is working full time and hiring new hands continuously. It employs 600 workmen. Business in this factory is fully as good as it was a year ago at this time.

Business in the various other factories in Athol, all employing less than 100 hands, is fairly good, considering them as a whole. None of these have laid off men or made a cut in business hours.

Store business is poor. The reduction in hours by the two big metal companies makes a big difference in the amount of money spent with the local merchants. Again, with the employees not knowing whether their jobs are safe and the possibility of another reduction in working hours coming, it makes them think twice before spending for more than the bare necessities of life. Although the merchants are advertising early sales and pushing goods at ridiculously low prices in an effort to get them off their hands, the goods are moving slow. Some manufacturers and merchants look for better times by the 1st of October, but others are pessimistic.

Mr. GILLETT. Mr. Chairman, I yield 30 minutes to the gentleman from Wyoming.

Mr. SHERLEY. Mr. Chairman, I want to yield 10 minutes to the gentleman from Indiana.

Mr. GILLETT. But that side has had an hour and five minutes and we have only had 15 minutes.

Mr. SHERLEY. I supposed we were alternating in speakers.

Mr. GILLETT. I do not think it is equitable to use 1 hour and 5 minutes on that side and on this side 15 minutes.

Mr. HUMPHREY of Washington. Mr. Chairman, I ask unanimous consent to extend my remarks in the RECORD.

The CHAIRMAN (Mr. FLOOD of Virginia). The gentleman from Washington asks unanimous consent to extend his remarks in the RECORD. Is there objection?

Mr. GARRETT of Tennessee. Reserving the right to object, the gentleman from Washington read from the Washington Post of this morning the following language:

WILMINGTON, DEL., *July 13.*

The industrial depression has struck Wilmington with vigor. It was announced to-day by officials of the Harlan & Hollingsworth Corporation that 1,000 workmen have been discharged during the past few weeks.

He stopped there. The article continues:

The officials, when asked, declined to blame the Democratic administration for the condition.

Mr. HUMPHREY of Washington. I stated that I was going to put the rest of the article in.

The CHAIRMAN. The gentleman from Washington asks unanimous consent to extend his remarks in the RECORD. Is there objection? [After a pause.] The Chair hears none.

Mr. HEFLIN. Reserving the right to object, Mr. Chairman——

The CHAIRMAN. The gentleman is too late; the Chair had announced that there was no objection.

Mr. SHERLEY. Mr. Chairman, I should be glad to have the privilege of yielding 10 minutes to the gentleman from Indiana.

Mr. GILLETT. I wish to yield 30 minutes to the gentleman from Wyoming, and it is for the Chair to decide who is entitled to the time.

The CHAIRMAN. The gentleman from Massachusetts has just occupied time, and the Chair will recognize the gentleman from Kentucky.

Mr. SHERLEY. Mr. Chairman, I yield 10 minutes to the gentleman from Indiana [Mr. CULLOP].

Mr. CULLOP. Mr. Chairman, if the description of calamity given by the gentleman from Washington is as far wrong in other places as his statements of it in my district, he is woefully mistaken. On the 2d of July the gentleman from Washington stood on the floor of this House and announced that the Showers Manufacturing Co., of Blomington, Ind., the largest factory in my district, had closed for want of business. He reiterates that statement again to-day. Nothing could have been farther from the fact. When he made that statement July 2, I telegraphed to Bloomington about the matter and received the following reply:

BLOOMINGTON, IND., *July 2, 1914.*

Hon. W. A. CULLOP, M. C.,
Washington, D. C.:

Showers factory has enjoyed the most prosperous year in its 40 years' business. It always closes the week of July 4 for vacations. It will resume work next Monday with a full force of 1,000 men, with orders enough to run till Christmas. Stone operators forced to work their men 12 hours a day to get out orders. Every factory in Bloomington is running full force, and the Wilson administration is being commended by all except the Republican calamity howlers.

OSCAR CRAVENS.

Now, if that is the kind of calamity that the gentleman from Washington means in my district, I wish he would give us more of it. Not only the Showers factory, which is said to be the largest factory of its kind in the world, is prosperous, but Bloomington is a city in the heart of the oolitic limestone district in Indiana, and the mills are not able to fill their orders in that territory, and to-day they are building three new stone mills, at an aggregate cost of $180,000, to meet the increased demand for their product.

In addition to that, in the city of Bloomington they are building private dwellings and business houses costing over $300,000, every factory is running to its fullest capacity, and business was never better in that city than it is to-day. On Monday following the Fourth of July vacation the Showers factory started up, employing a thousand men, 200 more than the gentleman from Washington said were turned out of employment, and on that day it received 400 additional new orders. Rather prosperous, it seems to me.

Now, I want to say to the gentleman from Washington that I tried to give him some good advice some time ago about the Republicans of Indiana, concerning the information he gets from them. The Republican State chairman of Indiana was here three days before the gentleman from Washington made his speech. He lives in my congressional district. I live in the same congressional district in which the Showers factory is located. He knew, or could have known, when he left Indiana on the Sunday before his arrival here that the story was not true, but he brought it over for the purpose of stringing the gentleman from Washington. I told him to beware of Indiana Republicans. [Laughter.] But it seems he did not heed the advice and fell into the trap they set for him. Now, again I want to impress on him, so he will not be strung again, to beware of what they tell him, but always investigate it thoroughly before he rushes on the floor of the House and inserts it in a calamity speech. No doubt every Republican in Indiana laughed when they heard of it about how easy the gentleman from Washington was.

They are a smooth bunch I say to him, and they saw the desperation of the gentleman and the spectacle he was making of himself, and they wanted to make him as ridiculous as possible, as they knew every time he spoke he was hurting their party, and they brought that story over here and had the gentleman circulate it through the CONGRESSIONAL RECORD, in order that everybody would realize how utterly ridiculous the statement was and at a time when the factory was enjoying as great prosperity as it had ever enjoyed in its history.

Now, Mr. Chairman, I am unable to comprehend the motive of the gentleman from Washington in making such statements without any foundation or reliable information concerning the same. Does he not realize such statements are calculated to do good people and their business serious injury and might do them great financial harm? Does he, in his desperation to bolster up standpatism and in trying to keep alive its rapidly dying embers, believe it necessary to attack sound business institutions and circulate in the most public manner false rumors about their true conditions? If he does, let me say to him he will fail in his indefensible attempt. The people have been fooled as long as they are going to be about protection and standpatism. They know it is a subterfuge and a sham.

The gentleman from Washington [Mr. HUMPHREY] is circulating these reports against good business men, assassinating the character of business in this country. William N. Showers, the head of the Showers industry at Bloomington, Ind., is one of the four brothers who founded that industry 40 years ago. From small beginning they built it up until it is the greatest of its kind in the world. They pride themselves upon their business character, upon their business management, upon their good financial standing before the world, and yet the gentleman from Washington is the first man in all this country who has attempted to assassinate their good business standing. Before he circulates rumors of this kind injuring the financial and business standing of men throughout the country the gentleman ought to investigate the truth of the statements.

Mr. Showers is a high-minded, sagacious business man, with an untarnished reputation. For years this industry has established and maintained the custom of giving the employees a week's vacation during Fourth of July week and the Christmas holidays, and it matters not how pressing business is, this custom is always observed. It has proven most satisfactory, and the relations between the employers and their employees are most harmonious. In this industry disputes between the laborers and their employers are unknown; it avoids strikes, lawsuits, and animosities, and produces the very highest efficiency. It is due this splendid management that I should say this here and give it as wide publicity as possible.

The people of Bloomington are proud of this great and thriving industry, and honor Mr. Showers as one of the most successful and enterprising citizens of the great State of Indiana, and I am glad of the opportunity in this public way to pay him this deserved tribute.

Now, Mr. Chairman, both the gentleman from Washington and the Republican State chairman have circulated a base slander, without any reasonable excuse, about this reputable institution, calculated to do it injury in the business world and humiliate its management. Their object I am unable to comprehend, but it will react on them and the party they represent. They have attempted to assassinate the good reputation which these people have enjoyed for 40 years, but their attempts will prove futile and their efforts will be denounced by all high-minded, self-respecting people, irrespective of party affiliations. Such methods to bolster up a failing political cause are to be deprecated, and the men who resort to them will sooner or later be cast into oblivion, where they belong.

On Tuesday, July 8, I received the following telegram from the proprietor of the Bloomington Daily World:

The Fourth of July vacation given by the Showers factory is over, and on yesterday it resumed operation with a thousand men, running its fullest capacity; and the first day it received over 400 new orders. Business is booming here.

This is the situation of this prosperous plant, and all of the slanders circulated by the gentleman from Washington and the Republican State chairman can not change it. They may assault reputable institutions, circulate slanders, in their desperation to discredit prosperity and the success of Democratic policies, but their assaults will be in vain, and their inexcusable conduct meet the rebuke it deserves at the hands of an indignant and outraged public.

The Indianapolis papers repudiated the statement of the gentleman from Washington as soon as it was made on the floor of this House. I want to read now from the Indianapolis Star about the condition there. The Indianapolis Star is a Republican paper, with Bull Moose tendencies. [Laughter.] The Indianapolis Star says that some of the Republican calamity howlers of that city have acknowledged privately that their sales this year are far ahead of last year—that they are simply doing the calamity talk in the hope that it will fool the ignorant people and get the old standpat party back into power.

Such is their public confession. Oh, how desperate is their cause. But, Mr. Chairman, it will not do that. I desire to read now an extract from a letter written by a Republican farmer in my district:

Here is what he says:

I see some of the fellows in Congress are howling "calamity." "They are whistling in their own graveyard to keep their courage up." If calamity is around here it is invisible in form and walks in gum shoes, as no one has seen or heard it. Last week I sold two ordinary steers for $90 apiece, $180. About the middle of June I sold my old corn for 83 cents a bushel, and I have the best wheat crop I ever raised, for which I am offered a reasonably good price, better than I ever did under Republican rule. All farm products command the best price I ever knew. Labor is employed, money is plenty, and people satisfied. Now, if this is the kind of calamity the Democrats furnish, I say continue to give it to us, keep it up. It may be hard on Republican office seekers, but it is good for us farmers and we are satisfied.

[Applause on the Democratic side.]

Mr. GOOD. What is his name?

Mr. CULLOP. Simeon Edwards, a well-known farmer, doing well, a man who never voted the Democratic ticket in his life, but who will do so this fall. [Applause on the Democratic side.] If this conduct of misrepresentation and slander about conditions is continued by the gentleman from Washington and the Republican State chairman of Indiana, what few Republicans are left in that State will become so thoroughly disgusted at their conduct that there will not be enough Republicans left in some of the counties to form election boards. That is the size of the situation out there. We are willing that the procession shall continue to move on. Now, some more prosperity items for the gentleman from Washington.

Take the city of Evansville, the second largest city in Indiana. The Republican and Democratic papers alike say that business was never better and that the people of that enterprising city are enjoying the blessings of a prosperous era and are contented with conditions and desire well enough let alone. I submit some extracts from the press of that city.

Probably the most convincing feature of the prosperous conditions in Evansville is the progress being made from a strictly financial standpoint. This second city of Indiana has 11 banks whose deposits are $25,000,000. I quote you the headlines from the Daily Courier of Evansville:

$189,210 GAIN IN BANK ASSESSMENTS—COUNTY BOARD OF REVIEW NAMES $2,143,590 AS ASSESSMENTS ON INSTITUTIONS.

The assessment of Vanderburg County banks was completed yesterday by the county board of review. The assessment is 75 per cent of the capital stock, surplus, and undivided profits. The increase of bank assessments this year over 1913 is $189,210.

Furthermore, it would seem that the passage of a Democratic currency bill has had a general stimulating effect upon the banking institutions as a whole, and I will cite you some of the most important developments in Evansville within the last few weeks which give decisive indication that the political calamity howlers had better put the soft pedal on when they get in the vicinity of Indiana's second city next fall:

Officials of the Citizens' National Bank announce 10-story office structure will be erected at once at Fourth and Main Streets.

North Side Bank two weeks ago moved into its new $50,000 building at Indiana and Main Streets.

New bank organized in the Fulton Avenue business district, marking the opening of the fifth important business district within the city limits of this prosperous city, namely, the Main Street district, the north side district, the Fulton Avenue district, the west side district, and the Howell district.

American Trust & Savings Bank two weeks ago began construction work on a two-story addition to its already magnificent bank building.

The Commercial Bank officials last week completed plans for the building of a five-story hotel on its Fifth Street property, lying adjacent to the bank.

The City National Bank recently occupied its $250,000 bank building at Third and Main Streets, said to be the finest building of its kind in the Middle West.

[From the Evansville Journal-News, Republican daily, July 3.]

FIFTY-FIVE THOUSAND DOLLARS PAID FOR MAIN STREET REALTY FOR DE JONG STORE—MAX DE JONG AND SIDNEY ICHENHAUSER PAY HIGH PRICE FOR SITE BETWEEN SIXTH AND SEVENTH ON MAIN STREET TO BE USED FOR LOCATION FOR NEW STORE—SHOWS BUSINESS DEPRESSION, PSYCHOLOGICALLY OR REAL, HAS NOT AFFECTED LOCAL REAL ESTATE.

That the present business depression, whether psychological or otherwise, has had no effect on Evansville real estate values was shown Friday when a deal was completed whereby Max De Jong and Sidney Ichenhauser purchased from John W. Boehne 60 feet of Main Street property between Sixth and Seventh Streets for $55,000 cash.

The property purchased is now occupied by the H. Herman Co. at 616 Main Street, the Stahlschmidt Piano Co. at 618 Main, and the Miller store at 620 Main Street. It is understood that Mr. De Jong intends to erect a large store building there as soon as the lease on his present place of business expires. The new store will be the finest retail store in Evansville.

The deal Friday shows the increase in the value of Main Street property and that business is rapidly moving toward Eighth Street. It is impossible at present to buy property between Third and Fourth on Main, and it is impossible to get prices on property between Fourth and Fifth or Fifth and Sixth Streets. It is therefore natural that the business district must expand, and once the De Jong store is erected between Sixth and Seventh it will be but a short time until that block will be filled with modern buildings.

The erection of the Boehne Building at Eighth and Main Streets was the first move in that direction and others are expected to follow soon. Another strip of ground between Sixth and Seventh is now under consideration, and the owner has been offered and has refused $1,000 a front foot for it. The owners of the ground occupied by the Peerless Laundry are ready to erect a building suitable to Main Street, for a good tenant. Philip Holzman, according to rumor, has been offered $50,000 for the 37 feet of Main Street property where the Novelty Theater is now located.

In the opinion of Evansville business men, especially those with a knowledge of real estate values, this city is growing so rapidly that no temporary business depression can have any effect on values.

Again, I want to call his attention to a letter from a farmer residing in the district of my colleague, Mr. DIXON. It is good reading, and I commend it to the patient consideration of the gentleman from Washington. It is as follows:

FRANKLIN, IND., R. R. 4, *July 6, 1914*.

Hon. W. A. CULLOP,
Washington, D. C.

DEAR SIR: The papers of these days contain reports of speeches made in Congress relative to the condition of the country, and to farmers in

particular. According to these "prophets of evil" we are about to go to the dogs right.

As a farmer I wish to state that if dire calamity stalks abroad over the land he must wear rubber heels on his shoes and assume an invisible guise. For be it known, he has not shown up in this neck of the woods, and inquiry made reveals his absence elsewhere among the farmers.

With the greatest wheat crop in the history of the country just harvested in spite of a very great shortage of help, and the price, when the enormous yield is considered, highly satisfactory; with the price of corn higher than wheat and rapidly approaching the dollar mark in spite of those enormous shipments from Argentina, and with top-notch prices prevailing for hogs, cattle, sheep, wool, and, in fact, for everything the farmer sells, we are tolerably well satisfied with "Prof." Wilson and his "boys," thank you.

Then, too, Providence is with us. For in spite of a drouth that prevailed more or less extensively, the outlook now is for a fine corn crop. And, of course, the administration should have due credit for abundance of crops as it is charged with shortages.

That law about us borrowing money on long-time loans at low rates of interest from the Government is all right, but the trouble is we don't need to borrow much money now. We've most all got enough spare change on hand to buy a new tire occasionally.

Speaking of tires reminds me that us farmers have got a kick coming, and that is on the price we are compelled to pay for our automobiles. For we feel that the duty of 30 to 45 per cent should be removed so we can buy them cheaper. From $900 to $2,000 is too much to pay for an automobile, and yet us farmers must pay these prices. It is not fair or right to us. So we want a big reduction in autos. Also cheaper gasoline. For the putting of gasoline on the free list has not made it cheap enough for us farmers to buy for our gasoline engines and automobiles.

If the laws passed by this administration are driving the ship on the rocks, so far as us farmers are concerned, we say let her drive. If we are asleep, please don't disturb our slumbers. Let us snore.

Yours, for cheaper autos and gasoline,

A. E. SMITH.

So much for Indiana; but this ought to be enough to convince any reasonable man that there is no panic in Indiana, and, what is more, there will be none during the admirable administration of Woodrow Wilson. The people of that State believe in him and his policies, and the combined efforts of the Republican State chairman and the gentleman from Washington, so far as the people of that State are concerned, fall with a dull thud on deaf ears. They know better, and they resent their campaign of deception and slander. Again, I say to the gentleman from Washington, beware of those Indiana Republicans. They will string you and then laugh about what an easy mark you are. By all means let them alone.

Now, Mr. Chairman, some more calamity in other States. I call attention to the following item from Detroit, Mich.:

FOR THE CALAMITY EDITOR OF THE TELEPHONE.

[Special.]

DETROIT, *June 28.*

The Ford Motor Co. will double its plant before fall, making it by far the largest manufacturing plant of any kind in the country. Seven new buildings and a power house will be erected, the total cost being about $5,000,000.

Each new building will be six stories high, 900 feet long, and 60 feet wide.

The power house will be 85 feet high, 150 feet wide, and 240 feet long, and will house the largest gasoline engine in the world. The gigantic motor will have 30,000 horsepower.

The company plans, with its increased facilities, to double its output for 1915. When the factory is running at top speed about 40,000 men will be employed.

The present plant covers 45 acres. When the additions are completed the entire plant will be over 85 acres.

Sounds pretty good for Democratic policies.

I give another from Birmingham, Ala., that sounds prosperous:

[From the Ledger, Birmingham, Ala., June 27, 1914.]

NEWS ITEMS THAT COMPEL OPTIMISM.

The Woodward Iron Co. has sold so much pig iron since June 1 that it blew in another stack this week to help manufacture and fill orders.

Two big things for Birmingham are simultaneously in progress—the building of the viaduct at Twenty-eighth Street and First Avenue and the construction of the $1,500,000 yards and terminals of the Southern Railway.

Birmingham's citizens are pulling for the big university with a unanimity that seems to spell success.

Plans are forming for the building of a railroad from St. Andrews Bay, Fla., to Montgomery, via Chipley and Graceville, Fla., and Hartford, Enterprise, and Troy.

The city has won the title to 14 acres of North Birmingham Park. The deed has been made out. This is one of Birmingham's most beautiful park tracts.

Double-tracking of the Southern Railway system is to be continued on an indefinite basis.

Clanton is building a municipal waterworks plant.

Perry County is extending its good-roads system.

The Frisco gave an order for 32,000 tons of rails to the Ensley mill.

Crop prospects continue to be most propitious.

Auburn voted a bond issue for the location of the Lee County High School.

And here is one from New York which sounds good, and I know my good friend from Washington will enjoy it:

CARPET MILLS EMPLOYING 7,000 HANDS REOPEN.

YONKERS, N. Y., *July 14.*

The big mills of the Alexander Smith & Sons Carpet Co., which have been shut down for two weeks, are reopened to-day and 7,000 employees are back to work. The resumption of operations in the mills was good news to the business men of the city, as the company releases a pay roll of about $75,000 in the city each week.

Another from New York which would impress any reasonable man that the panic wave had not reached that section of the country:

Vice President Munro, of Union Pacific, says business outlook has improved remarkably in past six weeks and that country is in better shape than it has been in four years. "With the crop prospects over the country almost superperfect, I can see nothing but prosperity and lively business ahead."

And still another that has a tone of prosperity about it:

Seaboard Air Line Railway has purchased 5,000 tons of 90-pound rail and 12,000 tons of 85-pound rail for its year's requirements. The company is also asking bids on 10 mountain type passenger locomotives, 15 mikado freight locomotives, 45 passenger cars, and 325 box cars.

We must not pass by the great city of Chicago. From the Chicago Tribune, a Bull Moose organ, we take the following, which sounds well:

CHICAGO CUSTOMS INCREASE $500,000—COLLECTOR AMES SHOWS LOCAL MERCHANTS BOOSTED YEAR'S IMPORTS—LOWER AT OTHER PORTS—CUT IN TARIFF RATES RESPONSIBLE FOR REDUCTION IN GENERAL REVENUES.

That business in the Middle West is prospering more than in other sections of the country, and that Chicago merchants are importing more foreign goods than ever before are two facts shown by the report of John C. Ames, collector of customs at Chicago, for the fiscal year ending yesterday. Figures made public by the collector show the revenues of the local office for the year increased almost $500,000.

Other ports have reported that their receipts dropped during the year, and the Secretary of the Treasury recently admitted the customs revenues would fall below his expectations.

OTHER PARTS LOWER.

The showing of the Chicago office is said to be the more remarkable because of the new tariff, which went into effect last fall, and which placed many articles on the free list and lowered the duty on others. The values of the imports are not obtainable, but the increase of 5 per cent in the revenues is believed to indicate an increase of at least 10 per cent in the amount of the imports.

REVENUES OF OFFICE.

Revenues of the Chicago office for the past five years, ending June 30, have been as follows:

1914	$11,302,577
1913	10,853,703
1912	10,059,102
1911	10,882,000
1910	10,506,000

INCREASE OF $57,000 IN JUNE.

Collections for the month of June, 1914, as compared with June, 1913, show an increase of $57,000.

The importation of beef, pork, and hams and bacon from Canada has become an important factor in supplying the Chicago market since these meats were placed on the free list on October 4 of last year. Much Argentine beef is received at New York, but no entries were reported here.

Oh, now, things are not so bad in his own State as the gentleman from Washington would have the country believe. People do not erect buildings in panicky times. They make the old ones answer; but in prosperous times this character of improvement thrives, and so it is thriving in Seattle, the home of the gentleman from Washington, as the report of the superintendent of buildings shows. Here it is:

Seattle, Wash., issued building permits—	
1913, Jan. 1 to June 1	4,086
1914, Jan. 1 to June 1	4,078
Valuation of buildings to be constructed under permits:	
For 1913	$4,322,160
For 1914	4,720,690
Increase	398,530

F. JOSENHAUS.
Superintendent of Buildings.

Mr. Chairman, out in the Middle West these standpat calamity howlers six months ago were busy telling farmers that on account of the admission of Argentine corn free of duty it would depreciate the value of farm lands and devastation would surely follow. Within the last two weeks, in southeastern Illinois, in the district my good friend Dr. FOSTER represents—just across the Wabash River, separating Indiana and Illinois—one of his constituents sold his farm for $287.50 an acre. Never were such prices known in that locality for land under any Republican administration. It would be impossible to convince, in that case, either buyer or seller that we are now in the midst of a disastrous panic. Conditions furnish the best evidence, and the people realize that there is demand for their products. Good prices prevail and labor is employed. This is what convinces and outweighs all attempts made by the political trickster and the party demagogue to save his fast dismembering party from annihilation. Democratic policies and Democratic times inspire confidence and assure prosperity, and the combined efforts of standpatters will not prevent or even retard it. [Applause on Democratic side.]

Mr. GILLETT. Mr. Chairman, I yield 30 minutes to the gentleman from Wyoming [Mr. MONDELL].

Mr. HUMPHREY of Washington. Mr. Chairman, before the gentleman begins, will he yield me enough time to read a telegram that I have here from Bloomington, Ind.?

Mr. MONDELL. I yield to the gentleman.

Mr. HUMPHREY of Washington. This telegram is as follows:

BLOOMINGTON, IND., *July 3, 1914.*

Hon. W. E. HUMPHREY M. C.,
Washington, D. C.:

Shower's factory here closed down four days last month for want of orders, started again last week and tried work, but had not enough orders and had to close down Friday for another week; going to start Monday and try again and hope to run part of the time with a reduced force. These are the facts. Oolitic stone industry operating not over one-third force.

WALTER BRADFUTE, *Editor Daily World.*

I think that that is later than the telegram read by the gentleman from Indiana.

Mr. CULLOP. Oh, I have one dated the 9th.

Mr. HUMPHREY of Washington. Mr. Bradfute, who signs that telegram, is also a stockholder in that company.

Mr. Chairman, I ask unanimous consent to also insert in the RECORD another telegram received from Mr. Will H. Hays, inasmuch as the gentleman from Indiana [Mr. CULLOP] also referred to him.

The CHAIRMAN. The gentleman from Washington asks unanimous consent to extend his remarks in the RECORD in the manner stated. Is there objection?

There was no objection.

The telegram referred to is as follows:

INDIANAPOLIS, IND., *July 3, 1914.*

WILLIAM E. HUMPHREY, M. C.,
Washington, D. C.:

Walter Bradfute, editor Bloomington (Ind.) Telephone, who gave us first information about Shower's shutdown, will wire you to-day exact facts about Shower's shutdown. Bradfute is also stockholder in company. This factory shut down a part of week before last; then tried to run again last week and had to shut down Friday because they had more cancellations than orders. They are now shut down, but are going to try again to start Monday, running a small portion of the time with a reduced force. They say their business is in the worst condition it ever has been. These are exact facts.

WILL H. HAYS.

THE MEXICAN SITUATION.

Mr. MONDELL. Mr. Chairman, among the items contained in the general deficiency bill are a number which are made necessary by reason of the policy which is being pursued by the administration in Mexico. The first of these is an item of $170,000 supplemental to the appropriation of $500,000 heretofore made for caring for a little more than 5,000 military refugees at Fort Wingate, N. Mex., and other points near the Mexican border. Three thousand three hundred and forty-eight of these people are Mexican federal soldiers and officers, 1,005 are women, and 512 are children.

Other items carried in the bill made necessary by the administration's policy with regard to the Mexican situation are $25,000 to reimburse the so-called emergency fund under the State Department. This is the fund from which special and confidential advisors and agents of the administration, such as Mr. Lind, are paid. There was available in the fund at the beginning of the fiscal year 1914 $86,000, so that the sum now appropriated, together with the amount available the 1st of June a year ago, amounts to $111,000, to which must be added $50,000 carried in the current Diplomatic and Consular bill. There are also items amounting to $325,000 for the Navy and Marine Corps made necessary by our occupation of Vera Cruz.

THE INTERNED REFUGEES.

We are caring for these interned Mexican soldiers and their families under articles 11, 12, and 13 of The Hague convention, which make it the duty of a neutral power which receives on its territory troops belonging to belligerent armies to intern them and to provide them with food and clothing and other relief required by humanity. Article 12 of The Hague convention provides that at the conclusion of peace the expense caused by the interned shall be made good.

I take it for granted that no one will question the propriety of making such appropriations as may be necessary to care for these refugees. However we may have failed otherwise in the performance of our duty as a Nation in our dealings with Mexico, we should not fail to reasonably care for these unfortunate people so long as we detain them on our soil. Nevertheless these people present one of the curious anomalies of the Mexican policy of the administration. The Hague convention places the duty we have assumed with regard to these people on neutral powers, but no one with any degree of knowledge of the policy of the administration toward affairs in Mexico will claim that the administration's attitude has been one of neutrality as between the contending forces in Mexico.

NOT NEUTRAL; NO INDEMNITY.

While Congress has preserved an attitude of neutrality and a condition of official peace with Mexico, the administration, when not engaged in acts of war such as the taking of Vera Cruz, has to a certain extent openly and notoriously and to a greater extent secretly and covertly conspired, plotted, and maneuvered for the overthrow of the federal government in Mexico and the triumph of the revolutionary forces.

This attitude, so far as it affects the interned refugees, renders our retention of those of them capable of bearing arms not an act of humanity but of further aid to the revolutionary forces. So far as the women and children are concerned, our retention of them is evidence of the fact that the administration can not trust the revolutionary authorities with which it has been cooperating and to which it has been giving aid and comfort to protect defenseless women and children of their own blood and nation.

It is not clear to me who or what government in Mexico it is expected will be bound by the terms of the protocol signed at Niagara Falls. If only the federal authorities acknowledging Huerta are to be bound by it, and that government is overthrown, the succeeding revolutionary government need not be expected to recognize our claim for the care of the refugees. If it be contended that whatever government is established in Mexico is bound by the terms of the protocol, then we can scarcely hope for a return of the expenditures made, because by the terms of the protocol we waive all "war indemnity or other satisfaction."

WHY DO WE HOLD VERA CRUZ?

A considerable portion of the sums carried in this measure are, as I have stated, rendered necessary by reason of our occupation of Vera Cruz, and a consideration of these items naturally leads to the query, Why are we occupying that Mexican port? It was taken, according to official announcement, to enforce our demands for a salute of 21 guns for the affair at Tampico. The A. B. C. mediators, who, we are reliably informed, undertook the work of mediation at the suggestion of our Secretary of State, have declared we are not entitled to a salute, and so the reason or excuse for our occupation of Vera Cruz has passed. The administration has no longer any excuse for holding Vera Cruz, except that the return of that city to the federal forces would strengthen the federal cause. As from the beginning down to the present time the administration has sacrificed American interests, American lives, American prestige, and American honor to its determination to aid the revolutionaries and overthrow the federal government, it is not to be expected that the path of honor and rectitude will be followed in this matter.

Mr. GARRETT of Tennessee. Mr. Chairman, will the gentleman yield?

Mr. MONDELL. Certainly.

Mr. GARRETT of Tennessee. The gentleman just made the statement—and I am asking this for information, and I hope the gentleman will understand that that is my sole reason—that the mediators have determined that this Government was not entitled to the salute mentioned.

Mr. MONDELL. By paragraph B of the second article, I think it is, of the protocol, we waive all claim or demand for satisfaction of any sort or kind or any war indemnity.

Mr. GARRETT of Tennessee. Will the gentleman insert that in full?

Mr. MONDELL. I will refer to it more specially a little later on in my speech. In fact, I shall deal with that question at some length.

FOLLY, FUTILITY, AND BAD FAITH.

Events have fully demonstrated the folly and futility of the administration's handling of the Mexican situation. More than that; they have framed an even more serious indictment, for to the charge of folly must be added that of bad faith. Few, indeed, will be found who, in the light of events, will attempt to commend or indorse the fruits of the policy thus far pursued. There are some, however, who, overlooking the manifest and notorious failure of that policy in the production of satisfactory results, in the protection of life and property, in the restoration of peace, have been inclined to refrain from criticism on the theory that, at least, the policy has been pursued in good faith, futile and fruitless of results as it has been.

But even these half-hearted and wholly negative defenses and excuses are no longer tenable in view of what has transpired. The President took pains to remind Congress in his message delivered at the beginning of the present session that we are the friends and champions of constitutional government, and he would, I assume, have us understand that the attitude of our Government in its dealings with the Mexican situation

was actuated by a desire to aid in the establishment and maintenance of a government constitutional in basis and form.

At the suggestion of our Secretary of State, so we are reliably informed, the mediation conference came into being. The only government in Mexico not purely revolutionary, the only government having any claim of constitutionality, is that of which Huerta is the head. Through the insistence of our delegates the representatives of the Huerta government, for the sake of peace, agreed to the elimination of Huerta as the head of the federal government. The only way under the constitution of Mexico in which a constitutional succession could be established was by the appointment by Huerta of some satisfactory person as his secretary of foreign affairs, who by the resignation of Huerta as President would succeed temporarily and provisionally to that office.

ADMINISTRATION AGAINST CONSTITUTIONALISM.

This plan of constitutional succession was vigorously, emphatically, and persistently opposed by our administration, with the result that the mediators and the Mexican delegates reluctantly waived insistence upon this necessary constitutional procedure pending the selection of an individual to be agreed upon for provisional president. The names of a number of men of high character and standing in Mexico who had kept aloof from the present struggles were suggested, but the American delegates were instructed and it is reliably stated that the President himself insisted that no one should be agreed upon to temporarily assume the reins of power in Mexico except an avowed and notorious partisan of the revolutionary cause.

It seems altogether probable that those at the head of the revolutionary forces might have been influenced to accept a presidential succession under constitutional forms, but the all-powerful influence of our administration was brought to bear to defeat such an arrangement. It is as well established as such a matter, guarded by diplomacy, can be that the revolutionary forces and authorities would have agreed to the appointment of a neutral in the present conflict as provisional president under constitutional forms had not the all-powerful influence of our administration again stood against such a reasonable and constitutional arrangement.

The administration, while claiming to base its Mexican policy on a desire to encourage and promote government along constitutional lines, has been aiding and abetting the revolutionists on the theory that they were adherents of constitutional government. The utter disregard of the rules of civilized warfare of the chieftains of the revolutionary cause, their marauding and plundering, their contemptuous refusal to give satisfaction or even reasonable explanation of outrages brought to their attention by our consular agents has made it very apparent to all the world that they are constitutionalists in name only.

The recent summary arrest and imprisonment by the agents of Villa of the officers in the State of Chihuahua who had been appointed or chosen under the forms prescribed by the revolutionary movement itself and his appointment in their stead of his own partisans affords the clearest proof that these rival chieftains have no sort of regard for constitutional forms. Following all this comes the declaration from constitutionalist headquarters that the plan they are operating under, the so-called plan of Guadaloupe, contemplates only a military despotism until they shall have extended their plan of rapine and plunder over all Mexico.

The developments of the situation have thus clearly revealed the mockery and hypocracy of the administration's pretenses of desire to aid the establishment and maintenance of constitutional government in Mexico. The administration's policy, so far as it can be dignified by such a designation, has clearly had but one end and aim—that, the overthrow of the federal government in Mexico. To the accomplishment of this one purpose the wanton destruction of American lives and property in northern Mexico by the forces of the revolution have been overlooked, and the very men responsible for these outrages have been aided and abetted, petted and patronized by the administration.

Mr. GARRETT of Tennessee. Is it agreeable to the gentleman to yield there for an interruption?

Mr. MONDELL. Yes, sir.

Mr. GARRETT, of Tennessee. The language the gentleman has used is "the destruction of American lives by the constitutionalist forces."

Mr. MONDELL. Yes.

Mr. GARRETT of Tennessee. Can the gentleman name a single American life that has been taken by the constitutionalist forces under military order?

Mr. MONDELL. Well, the gentleman asked me if I can give the name of any American life that has been taken——

Mr. GARRETT of Tennessee. Or any person.

Mr. MONDELL (continuing). By the constitutionalist forces under military orders. The life of any American taken or the life of anyone taken in time of war by war order would be prima facie supposed to be taken under military law. I do not have any cases of the taking of the life of an American citizen by military tribunal, but the gentleman knows as well as I do that the lives of scores, if not of hundreds, of Americans have been lost in northern Mexico during the troubles there. Americans have lost their lives by the tens and by the scores, if not by the hundreds, as the gentleman knows, in the territory under the control and at the hands of people giving allegiance to the so-called constitutionalist cause. I recall only one case, that of a Texas stockman—Veragua, if I remember the name rightly—whose life was said to have been taken by the Federal forces or those favorable to the Federal cause. Northern Mexico, more than half the Republic, has been swept by the bandit forces owing allegiance to the so-called revolutionary cause, and they have been plundering, pillaging, and murdering, and committing all manner of horrible crimes.

Mr. GARRETT of Tennessee. Mr. Chairman, will the gentleman yield further?

Mr. MONDELL. Our administration has overlooked all that, and by the protocol have agreed that we shall not ask satisfaction or indemnity.

The CHAIRMAN. Does the gentleman yield?

Mr. MONDELL. If the gentleman will be brief—I can not unless I can get a little more time.

Mr. GILLETT. I have not any more to yield.

Mr. MONDELL. Well, I can not yield any further, because I have not the time to conclude what I have to say.

THE EMBARGO ON ARMS.

The embargo on the shipment of arms into Mexico, solemnly declared by the President under authority of Congress, has been repeatedly violated apparently without objection from and probably through the suggestion, aid, and connivance of officials whose duty it was to enforce it. I realize how serious a thing it is to charge an administration with conniving at the violation of its own orders, but if this has not been done all along the border then public opinion there has been grievously misled and misinformed.

The evasion of the purpose and intent of the embargo by the *Antilla* and other vessels and the connivance of those high in the counsels of the administration in such evasion is recent and notorious. In the case of the *Antilla* the aid and encouragement given by our officials went to the point of threatening the Mexican Federal Government with summary reprisal if attempt was made to prevent her landing her cargo of guns and ammunition at Tampico.

The letters of Capt. Sherbourn Hopkins were not needed to prove that officials of the administration were engaged in either overlooking or actually encouraging the violation of the embargo on the shipment of arms which the administration had in response to an insistent public demand established.

In the carrying out of the administration's policy of aiding the revolutionists and eliminating Huerta hundreds of Americans were left to their fate at Tampico, as our ships reluctantly weighed anchor and moved out to sea on the peremptory order of the Secretary of War. To eliminate Huerta the finest and one of the largest fleets ever assembled steamed under forced draft to Mexican waters. To prevent ammunition from reaching the Mexican Federal Government we violated our treaty with Mexico and sacrificed the lives of nearly a score of our brave boys and took the lives of several score of Mexicans in the taking of Vera Cruz.

Now that poor, distracted Mexico is having a brief respite from slaughter, from pillage, plunder, and murder while the revolutionary chieftains are endeavoring to adjust their differences so as to leave each in the best possible situation to overcome and destroy the other when a more opportune time shall arrive, the opportunity is presented of reviewing and summing up the devious pathway of the administration's dealings with Mexico and its results.

It is now clear that the loss of heroic men and good money at Vera Cruz was unjustified, unnecessary, and fruitless of results—that it was all sacrifice and no gain. Having plunged the country into acts of war at Vera Cruz on a flimsy pretext, after supinely submitting to every form of indignity offered to Americans by the constitutionalists of the north, the aid of the representatives of our South American neighbors was invoked by the administration in the hope, I assume, that they might extri-

cate us from the difficulties into which the follies of the administration had plunged us, or at least keep up the appearance of mediation until the so-called constitutionalists, with the aid and encouragement of the administration, might extend their theater of devastation to the City of Mexico.

THE FRUITS OF MEDIATION.

The fruits of mediation to date are a protocol of three articles agreed to by the representatives of the United States and Mexico. The most significant of these is subdivision (b) of article 2, under which the United States waives the right or claim to indemnity or satisfaction of any sort or kind from the Government or people of Mexico.

What an abject surrender upon the part of the administration from its stiff-necked demand for a salute of 21 guns and an abject apology is this agreement to demand no satisfaction or indemnity whatever for incidents on account of which the administration rushed a mighty fleet over the seas, sacrificed American lives, and now maintains a hugh fighting force amid the dangers and the discomforts of the Tropics.

No satisfaction? No indemnity? What about the Americans who have lost their lives in Mexico? What about the millions of dollars' worth of American property that has been destroyed? What about the lives and property of the citizens of other countries for which, under the Monroe doctrine, we have assumed responsibility? What about the lives of our gallant men who fell at Vera Cruz? The millions which the taking and holding of that port has cost us? Are we to have no recompense, no satisfaction, not even an explanation or apology for all these losses? It would seem not, for whoever else may or may not be bound by the terms of the protocols, we certainly are. Thus has a policy begun in inane vaccilation, pursued in malevolent meddling, continued in truckling partisanship to the insurgent cause, and characterized all the while by insincerity, double dealing, and Pecksniffian hypocrisy, finally closed the present chapter with a truly characteristic surrender of American rights.

MAY SETTLE HER OWN DIFFICULTIES.

Recent dispatches from the City of Mexico inform us of the appointment by President Huerta of Francisco Carbajal, of the Mexican Supreme Court, as minister of foreign affairs, and state that should Huerta resign and Carbajal thus succeed him as provisional president the constitutionalists would acknowledge the administration of Carbajal and peace would be restored. If there be any truth in this statement, it will prove that the Mexicans themselves are more disposed to adhere to constitutional forms than our administration, which has laid such stress on them. If peace shall be thus established in Mexico, it will be in spite of rather than by reason of the machinations of our administration.

If, however, events should follow their probable course, and in the immediate or more remote future the rival constitutionalist chieftains, after carrying their campaigns of plunder to the City of Mexico, shall fly at each other's throats and begin anew the sanguinary and sickening programs of plunder and pillage, such an outcome will be but the logical result of the administration's policy.

NO CREDIT FOR THE UNITED STATES IN ANY EVENT.

Whatever may be the outcome, the miserable mess and muddle which constitutes the administration's record leaves no chance or hope for honor or credit for the part we have taken in the unhappy situation in Mexico.

Mr. TAGGART. Will the gentleman indulge me to ask him a question?

Mr. MONDELL. I am sorry, but I have not the time.

The CHAIRMAN. The gentleman declines to yield.

Mr. MONDELL. If I can get a little extension of time, I will be glad to yield. Will the gentleman from Massachusetts give me five minutes more? I need about five minutes to close.

Mr. GILLETT. My time is all promised, but I will yield the gentleman five minutes.

Mr. MONDELL. I will answer the gentleman, if he will be brief.

Mr. TAGGART. What does the gentleman think ought to be done?

Mr. MONDELL. Now?

Mr. TAGGART. Yes; now.

Mr. MONDELL. I think the administration has made such a mess of it that I would want a little time to think it over before I can think of any plan that would bring satisfactory conditions out of the awful mess and muddle into which the administration has brought matters. Northern Mexico, where many of our people lived, where they have homes and valuable properties, is in desolation. Homes are wrecked and property destroyed. At the best it will take a decade to establish normal conditions and a generation to overcome the prejudice which has been engendered.

The open and notorious as well as the secret and covert aid and assistance given by our administration to the so-called constitutionalists will not only permanently prejudice us in the eyes of all who have upheld the Federal Government, but, as an example of what we may be expected to do in other contests that may arise in Mexico, will tend to make all classes of the Mexican people suspicious of us and fearful of our disposition to take sides in their local affairs. We may reasonably expect the permanent hostility of those whose cause in Mexico our administration has made every effort to overthrow, and we can not hope for the confidence or friendship of those who realize that the sum of our aid and comfort to them measures our perfidy and double-dealing with others.

No part of our past glorious history is brighter than that which has had to do with the management and conduct of our foreign relations. Courage, dignity, straightforwardness, not to mention such elementary virtues as honesty and truthfulness, have heretofore universally characterized our foreign dealings. We turn with relief from the contemplation of the humiliating spectacle which the present management of our foreign relations with Mexico, with Colombia, with England relative to the Panama Canal presents to the glorious days of Seward and Olney, Blaine and John Hay. Cheered by the recollection of American diplomacy of their days, we take comfort in the fact that the present policy of insincerity, of folly, of prejudice of American interests and surrender of American rights can last but two years longer at the most. [Applause.]

I yield back the balance of my time.

Mr. GILLETT. I yield to the gentleman from Iowa [Mr. GOOD].

THE TARIFF AND TRADE-UNIONS—A QUESTION OF WAGES.

Mr. GOOD. Mr. Chairman, the question of protection is simply a question of wages. Years ago James G. Blaine, standing on the floor of this House, declared, "The tariff question is essentially a question of wages." The great industrial development in this country in the years that have intervened since that statement was made abundantly attest its truth.

So, too, the question of trade-unions is essentially a question of wages. In brief, the demand of organized labor is for an eight-hour day, a standard wage scale, and that when more than eight hours is exacted for a day's work additional pay shall be given for the extra work. It claims that goods manufactured by nonunion workmen and in unfair shops, where a lower wage scale is mainained and longer hours of service are demanded for a day's wage, ought not come in competition with the goods produced by union labor. It demands of its members and sympathizers that they shall not purchase or use goods manufactured in such unfair shops.

It is plain to be seen therefore that trade-unions and the tariff alike are essentially questions of wages. It is a significant fact that to-day trade-unions are recognizing more thoroughly than they have ever recognized before how utterly inconsistent and futile it is to protect labor and leave the product of labor unprotected.

DOMESTIC AND FOREIGN WAGES COMPARED.

On the 25th day of March, 1914, the Daily Consular and Trade Reports, a Government publication, edited by the Hon. William C. Redfield, Secretary of Commerce, contained an article from the American consul at Liege, Belgium, giving the wages paid labor in firearms and ammunition factories. The laborers so employed, as described in that article, embrace not only common laborers, but also the highest skilled laborers in both wood and metal. This scale of wages was so low that it attracted my attention and caused me to send the report to Brig. Gen. Crozier, Chief of Ordnance, United States Army, requesting him to furnish me a comparison of the wages paid in Belgium with the wages paid by him in the Government arsenals, where he employs several thousand men in the manufacture of similar articles. Gen. Crozier's reply, together with the comparison made by him, is as follows:

WAR DEPARTMENT,
OFFICE OF THE CHIEF OF ORDNANCE,
Washington, April 1, 1914.

Hon. JAMES W. GOOD,
House of Representatives, Washington, D. C.

DEAR SIR: Subject: Comparison of wages paid in Belgium with those paid in the United States in the manufacture of firearms and ammunition.

1. Answering your note of the 28th ultimo, inclosing a copy of the Daily Consular and Trade Report for March 25, 1914, inviting attention to the statement therein contained of the wages paid laborers in the firearms and ammunition factories of Belgium, and requesting a statement of the wages paid in the Government arsenals for similar employment, I inclose herewith two statements prepared in this office, one showing a comparison of the wages paid in Belgium—as stated in the

Consular and Trade Report—with those paid at the Springfield Armory, Springfield, Mass., in the manufacture of firearms, and the other giving similar data with reference to the manufacture of ammunition, the latter statement showing the wages paid at the Frankford Arsenal, Philadelphia, Pa., which is the Government's ammunition factory. The Springfield Armory is the Government's small-arms plant.

2. I am also returning herewith, as requested, the copy of the Consular and Trade Report received with your notes.

Respectfully,

WILLIAM CROZIER,
Brigadier General, Chief of Ordnance, United States Army.

Here are the inclosures, giving a comparison of wages paid in Belgium and the United States in the manufacture of firearms and ammunition.

Comparison of wages paid in Belgium and United States in the manufacture of firearms.

Designation.	Belgium.	United States.[1]
	Per hour.	*Per hour.*
Drop forger	$0.08 to $0.13	$0.37½ to $0.50
Barrel rolling	.08 to .13	.34⅜
Forging	.08 to .13	[2]
Power milling (miller)	.08 to .13	.25 and .28⅛
Hand milling	.07 to .13	.25 and .28⅛
Profiling	.07 to .13	.31¼ to .37½
Drilling	.05 to .06	.31¼
Tapping	.05 to .06	.31¼ to .37½
Shaving	.07 to .13	.31¼ to .34⅜
Polishing	.05 to .10	.32½ to .37½
Filing	.09 to .13	.31¼ to .37½
Woodworker (machinery):		
Stock turning and drilling	.07 to .09	.31¼ to .40⅝
Stock sanding and polishing	.10 to .14	.31¼ to .40⅝
Assembling, etc	.09 to .14	.31¼ to .37½
Toolmakers	.10 to .16	.40⅝ to .46¾
Machinists	.10 to .16	.37½ to .43⅞
Packers	.06 to .10	.28⅛ to .28⅛
Common laborers	.06 to .10	.25
Draftsmen	[3]25.00 to 80.00	[4]83.33 to 100.00

[1] Rates taken from Springfield Armory. All male employees in United States. A large majority of these employees work on piecework, and make from 10 to 20 per cent more than day wages.
[2] See drop forger.
[3] Per month.
[4] Per month. Some of the arsenals employ a larger number of draftsmen than others, and the rate of pay extends to $183.33 per month.

Comparison of wages paid in Belgium and United States in the manufacture of ammunition.

Designation.	Belgium.	United States.[1]
	Per hour.	*Per hour.*
Machine operators (women)	$0.05 to $0.07	$0.14½ to $0.19
Automachine tenders	.12 to .16	.40⅛
Machinists	.12 to .16	.31¼ to .50
Toolmakers	.12 to .16	.34⅜ to .47
Helpers	.05 to .09	.25
Carpenters	.07 to .10	.37½ to .40
Electricians	.07 to .10	.31¼ to .53
Steam fitters	.07 to .10	.31¼ to .34⅜
Draftsmen	[2]25.00 to 80.00	[2]75.00 to 166.67

[1] Rates taken from Frankford Arsenal. [2] Per month.

Proportion of males and females employed: 400 men to 100 women in United States. A large majority of these employees work on piecework and make from 10 to 20 per cent more than day wages.

Again, on June 18, 1914, the Daily Consular Reports, page 1160, gives another picture of wages paid to European workmen. I refer to the report of American Consul General Ethelbert Watts, at Brussels, from which I quote the following:

The average weekly pay in Belgium of mechanics, machinists, and toolmakers is 35 francs ($6.75), helpers 20 francs ($3.86), and usually time-and-a-half pay for overtime. The workday is 10 hours, 6 days a week. If a mechanic loses an hour or more on account of sickness, lateness, etc., it is the custom to deduct it from his pay.

Mr. Chairman, upon receipt of the information from Gen. Crozier I made a speech in this House, on April 21, 1914, in which I compared the wages paid to workmen in this country and in Belgium. That speech evoked some little discussion and even criticism on behalf of a labor organization in New England. The criticism was to the effect that in comparing wages I had failed to make a comparison of the cost of living in the two countries. I recognize the justice of this criticism, for, after all, it is not so much what a man receives for his day's toil as it is what he can purchase in the community where he labors with the wage he receives. Any comparison of the wages paid workmen in this country with like wages abroad which does not include a comparison of the cost of living and the condition of the laboring classes in the respective countries is incomplete and is subject to criticism.

ACTUAL AS WELL AS NOMINAL WAGES GREATER IN UNITED STATES.

Having on that occasion given only nominal wages, I desire now to make some comparisons as to actual wages paid to American and European workmen. I approach this subject with some misgivings, for I realize how difficult it is to compare the prevailing retail prices of the necessaries of life in one country with similar prices in other countries. In making such a comparison one is confronted at once with a multitude of objections, any one of which would destroy the value of such comparison. For illustration, there is no uniformity in the grading of articles which comprise the necessaries of life which has international recognition.

It has occurred to me, therefore, that the best method of determining the relative cost of living here and abroad is to compare in a broad way the everyday life of the laboring classes. The important thing to determine is whether the American laboring man, when his labor is protected by adequate tariff duties, gets more of the good things of life for his toil than the European workmen who work under a free-trade system. Even this comparison as applied to laboring classes, which comprise the great bulk of a country's population, is unjust to the United States, for it eliminates the element of saving of the American workmen, the dollar left over. While this element is an important factor with the American workmen, with the European, except in isolated cases, this does not exist.

Applying this standard of measuring the cost of living in this country as compared with European countries, we are appalled at the result. While American workmen receive, as was shown by the report of Gen. Crozier, from two to six times the wages received by European laborers, yet if our workmen here voluntarily live the life of self-denial which the European laborer is compelled to live their cost of living is no more than the cost of living abroad.

A few years ago Samuel Gompers, president of the American Federation of Labor, visited Europe for the purpose of making a study of the conditions of workmen there as compared with workmen of this country. His report was published in the American Federationist of January, 1910, and from that report I quote the following:

Mentally contemplating the many cities I visited, and having in mind the conversations I had with workingmen who had lived both in Europe and America, I believe I may assert that whether the cost of living in Europe or America is greater to the workingman depends entirely on the standard of living he adopts while in America. If he voluntarily lives the life of self-denial in this country that he compulsorily lived in his native land, his outlay of money will remain about the same. Even then he will hardly be able to escape gaining something for the superior supply of the good things of life in America.

Living is cheap to the wage worker in Europe only because he does without what in America soon becomes a necessity to him—food in good quantity and quality, presentable clothes among his aspiring fellow workmen and their families, and a comfortably furnished home in quarters responding to his awakened desires for equality with his American neighbors, and in general a large and freer life.

"How often do these people eat meat?" is a question the American in Europe finds himself asking when looking about among the wage workers. Meat is usually from 25 to 100 per cent higher in price than in the United States. * * * The cheapness and abundance of many varieties of fruits and of our melons and tomatoes is a surprise to him. Closely after the most pressing necessities comes a line of things cheaper than in Europe—cotton clothing, including overalls, jumpers, shoes—the American shoe has a sale all over the Continent—newspapers, the cent buying twice to four times the reading matter contained in a German, French, or Italian paper. Access to good water renders expenditure for alcoholic drinks less common.

It may be said that Samuel Gompers is an American, and on this subject a prejudiced witness. Let me call as witnesses, then, men whose reputation for scholarly attainments are known throughout the world. I shall call some noted Englishmen to portray the condition of the workmen of their country. Listen to their testimony:

SOME ENGLISH OPINIONS ON LABOR CONDITIONS ABROAD.

JOHN RUSKIN: Though England is deafened with spinning wheels, her people have not clothes; though she is black with the digging of fuel, they die in cold; and though she has sold her soul for gain, they die of hunger.

JOHN BRIGHT: Nearly one-third of the whole people dwell in homes of only one room, and more than two-thirds of the people of Scotland dwell in homes of not more than two rooms. We find poverty and misery. What does it mean? It means more than I can describe and more than I will attempt to describe; and as need begets need, so poverty and misery beget poverty and misery. In fact, in looking at the past, to me it is a melancholy thing to look at; there is much of it which excites in me not astonishment, but horror. The fact is there passes before my eyes a vision of millions of families—not individuals, but families, fathers, mothers, and children—passing ghastly, sorrow stricken, in never-ending procession from their cradles to their graves.

BENNET BURLEIGH: There is no gainsaying the existence, rich and potent as the British Empire is, of widespread privation among the working classes of Great Britain. This distress has now become a constant, an aggravated, quantity. Men, women, and children, by hundreds of thousands, miserably half clad, have to face the chill English winter, hibernating as best they can in dark, frowzy abodes, from which they emerge but to plead for bread.

JOSEPH CHAMBERLAIN: The class of agricultural laborers of this country (Great Britain) are never able to do more than make both ends meet, and have to look forward in times of illness or on the approach of old age to the workhouse as the one inevitable refuge against starvation. The ordinary conditions of life among the large proportion of the population are such that common decency is absolutely impossible; and all this goes on in sight of the mansions of the rich.

JOHN MORLEY: It is an awful fact—it is really not short of awful—that this country (Great Britain), with all its wealth, all its vast resources, all its power, 45 per cent—that is to say, nearly one-half—of the persons who reach the age of 60 are or have been paupers. I say

it is a most tremendous fact, and I can not conceive any subject more worthy of the attention of the legislature, more worthy of the attention of all.

THOMAS CARLYLE: British industrial existence seems fast becoming one huge poison swamp of reeking pestilence, physical and moral—a hideous living Golgotha of souls and bodies buried alive. Thirty thousand outcast needlewomen working themselves swiftly to death. Three million paupers rotting in forced idleness. And these are but items in the sad ledger of despair.

Prof. HUXLEY: A population whose labor is insufficiently remunerated must become physically and morally and socially unstable; and though it may succeed for a while in industrial competition, by reason of the cheapness of its produce, it must in the end fail, through hideous misery and degradation, to utter ruin.

[From Leslie's Weekly, April 30, 1914 (American authority).]

Recently, in London, a large conference of influential people, representing society, the church, and every political party, was called by the Duchess of Marlborough to unite with the women workers in a protest against the "sweating" system. Factories and workshops in Great Britain give employment to 2,000,000 women and girls and at least 100,000 more work in their homes. After mentioning $3.75 a week as the amount estimated for the minimum requirements for a single woman, the Duchess of Marlborough said that in organized industries there were probably 300,000 who earn less than $3 a week, while there are many who earn only $1.50 a week. A shirt maker in the meeting produced a shirt for the making of which she was paid 18 cents a dozen. By working from 5.30 a. m. to 11 p. m. this woman and her husband made in a week $2.62; out of this they had to pay 37 cents for the machine and 45 cents for cotton, leaving the net wages of the two for one week's work $1.80. We have nothing like this in the United States.

These witnesses have told the story of how English workingmen live. This testimony impresses me with the fact that the problem of the English workmen is not the "high cost of living," but rather of how to keep from starving. I have, with one exception, quoted English authority on conditions in England, for the reason that England is a free-trade country, and the cost of living there would be as low there as in any European country.

We have seen how workmen live in the Old World; let us inquire how they live here. Let us turn from this picture of despair and misery to look upon one of hope, promise, and advancement. That we may see ourselves as others see us, I shall call as witnesses not Americans, but rather some of the illustrious writers and historians of Europe. This is what they say of our laboring classes:

EUROPEAN OPINION ON LABOR CONDITIONS IN UNITED STATES.

JAMES BRYCE: The native workpeople are, of course, fairly educated, they read the daily newspapers, while their women may take a weekly religious journal and a weekly or monthly magazine; many of them, especially in the smaller cities, belong to a congregation in whose concerns they are greatly interested. Most are total abstainers. Their wives have probably had a longer schooling and read more widely than they do themselves. In the smaller towns, both in New England and the West, and even in some of the large cities, such as Philadelphia and Chicago, the richer part of them own the houses they live in—wooden houses in the suburbs, with a little veranda and a bit of garden—and thus feel themselves to have a stake in the country. Their womankind dress with so much taste that on Sunday, or when you meet them in the steam cars, you would take them for persons in easy circumstances. (The American Commonwealth.)

PIERRE LEROY-BEAULIEU: The census returns thus confirm the common opinion that the wages paid in the United States are, on an average, the highest in the world. I believe I am warranted in saying that this is the case in respect not only to the nominal but to the actual wages. Of the three great needs of man—food, clothing, and shelter—the first is assuredly satisfied at less cost in the United States than in Europe, as is the second, for clothes—and particularly machine-made footwear—may be bought there at very low prices. Lodging, however, is very much higher, and perhaps the additional expenses incurred under this item offset the saving possible in food and clothing. Still, everything considered, there can hardly be any doubt that actual wages, like nominal wages, and almost to an equal degree, are higher in the United States than in Europe.

WILHELM VON POLENZ: And it is the possibility of getting on in life which give a peculiar stamp to the working classes of America. A people which has seen Presidents, inventors, multimillionaires, and bank directors rise from the ranks knows no limits to its hopes and demands. The man in a small way of life in America has higher pretentions in the matter of furnishing and comfort of his home. In the luncheon basket of the mason may be found such food as roast beef, tarts, tomatoes, pudding, and melon—food that with us is only found on the table of the middle classes. (The Land of the Future.)

ALFRED MOSLEY: That the American workman earns higher wages is beyond question. As a consequence, the average married man owns the house he lives in, which not only gives him a stake in the country but saves payment of rent, enabling him to increase his savings or to purchase further comforts. Food is as cheap if not cheaper in the United States as in England, whilst general necessaries may, I think, be put on the same level. (American versus English Working Conditions.)

CHARLES WAGNER: In this effort of civilization America holds the record, and it must be added that nowhere is industry more honored than in that land. Through his own efforts a man may attain to anything, and it is the men who are the sons of their own achievements that occupy the first place in the general esteem. (My Impressions of America.)

DIOMEDE CARITO (on his return voyage): I approached and entered into a short conversation during which I experienced an emotion of patriotic joy such as I had seldom felt in all my life. A few years before those peasants had left our country ignorant and unable to read or write, and were therefore slaves in the true sense of the word. For is not ignorance slavery? When they returned to their country these humble Pariahs of the earth brought with them a little capital in American money, and, what is more, a little portion of the spirit of the country whence they returned—if I may say so—entirely humanized. * * * And when the discourse turned on North America, on the country which their labor had helped to fertilize, it was a hymn of exultant praise of the Odysee which had taken them to new shores, to new and brighter horizons, which had cleared their minds and enabled them to rise toward the heights of human dignity. They returned no longer slaves to the humble plot of ground, but with means to become proprietors of a piece of land; to ascend one step on the social scale. (In the land of Washington.)

HUGO MUNSTERBERG: It can not be doubted that the American laborer is a different sort of creature from the continental laborer; his material surroundings are different, and his way of life, his dwelling, clothes, and food, his intellectual nourishment, and his pleasures would seem to the European workman like luxuries. The number of industrial laborers in the year 1880 was 2.7 millions, and they earned $947,000,000; in 1890 it was 4.2 millions, earning $1,891,000,000; and in 1900 there were 5.3 millions laborers, earning $2,320,000,000; therefore at the time of the last census the average annual wage was $437. This average figure, however, include men, women, and children. The average pay of grown men alone amounts to $500. This figure gives to the German no clear idea of the relative prosperity of the workingman without some ideas of the relation between German and American prices.

The average laborer lives on the same plane as the German master artisan; and if he is dissatisfied with the furnishings of his home, it is not because he needs more chairs and tables, but because he has a fancy for a new carpet or a new bathtub. (The American.)

A. MAURICE LOW: Labor in the United States is more liberally recompensed than in any other country. Workingmen can be broadly divided into two classes—the skilled worker, who has served an apprenticeship and is a master of his craft, and the unskilled laborer, who does work requiring brute strength rather than intelligence. The former constitutes the hierarchy of labor and wields great power in the management of trade unions and in improving the general condition of labor; the latter is usually unorganized and exerts little influence.

The factory system was early transplanted from England and is coincident with the general expansion of industrial occupations in the United States. Without attempting to raise the political or economic question, whether the protective system in America has been the cause of high wages or whether, as American free traders are fond of asserting, the wages of American workingmen would be equally as high without protection, owing to superior natural advantages, the fact remains that the American workingman is better paid than the workingman in any other country. (America at Home.)

E. LEVASSEUR: Taking everything into consideration except rents, the ordinary objects consumed by the laborer's family, quantities and qualities the same, cost rather more in France than in America, and this is particularly true of Paris as compared with New York. In consequence the average American workman enjoys a real as well as a nominal income which is probably more than twice as great as that of the French workman.

Real wages being higher in the United States, the American workman lives more comfortably than the European, certain grades of English labor excepted. He has acquired settled habits of consumption and enjoyment; his food is more substantial than that the workman of continental Europe; he dresses better; he is more comfortably lodged, and often owns the house in which he lives; he insures his life; and, if provident in his own way, he spends more for amusement and upon the societies with which he is affiliated; in other words, he has a higher standard of life than the European workman. Such a condition is one of the most desired results of civilization, and the American people are justly proud of it. (The American Workman.)

The testimony of these notable witnesses, whose experience covers a span of more than half a century, is an inspiration, and is certainly conclusive of the fact that Samuel Gompers was right when he said—

that whether the cost of living in Europe or America is greater to the working man depends entirely on the standard of living he adopts while in America. If he voluntarily lives the life of self-denial in this country that he compulsorily lived in his native land, his outlay in money will remain about the same.

HIGH WAGE SCALE IMPOSSIBLE WITHOUT PROTECTION.

We have thus seen that the cost of living abroad is as high as in the United States. The difference between workingmen here and abroad is the difference in the wages they receive. Our workingmen receive from 2 to 6 times more wages than the European workmen receive. Why? Why is the European workman, year in and year out, confronted with the problem of poverty, cold, hunger, and starvation? Are we not all largely of the same blood? Have we not all the same ambitions? Has not the English factory system been transplanted in this country? Why, then, should our laboring men enjoy vastly superior advantages and comforts? Why is it that we annually receive from Europe more than a million men, women, and children? Every year witnesses an increasing number of immigrants flocking to our shores. They have learned in the hard school of adversity that Europe offers only starvation wages to her workmen and that America offers vastly more. European workmen understand that not only nominal but actual wages are higher in this country than in any other country in the world. That tells the whole story. They are attracted here by our higher wages and superior advantages.

Wages are higher here, because the policy of protection to American workmen recognizes and guarantees a higher wage scale and a higher standard of living. The policy of the Republican Party has always been, and still is, to maintain tariff duties that will measure the difference in the cost of production at home and abroad. This difference consists almost entirely of the difference in the labor cost. In building up an in-

dustrial system under that American policy the American manufacturers can and do pay their laborers higher wages than are paid abroad. With an increased wage the American laborer demanded a higher standard of living than the world had ever known. As that standard of living advanced the demand for increased wages, for shorter hours, and for improved conditions surrounding the workmen came from the trades-union.

ACCOMPLISHMENT OF TRADES-UNIONS.

The organizing of laboring men in this country into trades-unions has done much to improve the conditions of labor, but let us always remember that it was the American policy of protection that made the accomplishment of the trades-unions possible. Without protection our manufacturers could not have paid the high wages which our laboring men now enjoy. Their product would then have come into free and open competition with the unfair and underpaid labor of Europe. Without trades-unions the workingmen would not have received this high wage scale which protection made possible. If unionism alone is responsible for the superior wages paid our workmen, why is it that in England, where labor is highly organized, laboring men are compelled to live in the most deplorable conditions? But in England the hours that constitute a day's labor are longer, and the pay the union men receive is much less than in this country. If protection is not the cause, what is the reason that our workmen are so much better paid and better fed?

UNDERWOOD TARIFF LAW UNFAIR TO LABOR.

For the past nine months we have been operating under a law enacted by a Democratic Congress which greatly reduced the tariff duties on foreign-made goods imported into this country. This law was enacted in response to a direct promise of the Democratic Party to reduce the cost of living. After a fair trial of more than nine months no one will seriously contend that this law has reduced the cost of living to the consumer in any appreciable degree. But who will not admit the Underwood law has seriously reduced the power of the American laborer to earn a livelihood? Its real effect has been to injure the American laboring man, and to improve the conditions of labor abroad. During the month of April, 1914, our purchases of foreign-made goods exceeded our purchase of such goods in April, 1913, by more than $36,000,000. During the same month our exportation of American-made goods was $37,000,000 less than in April, 1913, a loss in a single month under the Underwood tariff act of $73,000,000, most of which would have been paid in wages to the American workingmen.

It certainly can not be contended that a law which changed a growing balance of trade in our favor to a balance of trade against us is a good thing for American labor. In view of this large increase in importation of foreign-made goods that are taking the place of domestic-made goods, it might be well to inquire whether the foreign-made goods imported into this country under greatly reduced tariff duties are manufactured by laborers who are members of trades-unions; whether they were manufactured in unfair shops; whether they were manufactured by children under 14 years of age; and whether they were manufactured in the sweatshops and prisons of Europe. In Italy over 50,000 children work in textile factories 10 hours a day at an average wage of less than 10 cents; in Japan 60,000 children work 12 hours a day in textile industries at an average daily wage of less than 7 cents; while in India more than 60,000 children are employed making carpets at a daily wage of less than 5 cents. These children are all under the age of 14 years, and if their product is to come into open competition with the product of the American trade-unionist, what is to become of organized labor's demands? Can we long protect labor if we leave the product of labor unprotected?

PROTECTION AND UNIONISM HANDMAIDS OF LABOR.

It is a most encouraging sign that the rank and file of organized labor in this country is realizing that unions are useless if the product of union labor is to be brought into open competition with underpaid nonunion labor, child labor, and even convict labor of Europe. The inconsistency of a program which protects our laborers only against their American competitors is un-American and is unworthy of the rank and file of any organization. Trade-unionists should stoutly object to the product of their labor being brought into open competition with the product of nonunion and unfair labor, and for this reason, mindful of their own interests and of the high object of their organization, they will not vote to bring the product of the unfair and underpaid labor of Europe into open competition with the product of their own labor.

American laboring men are of a high order of intelligence, and they are beginning to realize that a man ought to have what he votes for, so long as his vote is cast with the majority. The man who votes to reduce the cost of living in this country to the same low level of living costs in Europe can not object to living under the same conditions and working for the same wage that confronts the European wage earner. We can not have high wages for labor if the product of labor is cheap. We can not have steady employment for labor here if our people buy their supplies made in sweatshops abroad. When one buys an imported article, what assurance has he that it was not made by unfair labor? If it is right to boycott goods made in this country by nonunion men, is it not equally right, aye, is it not a duty to boycott goods made in the sweatshops of Europe by children, by unfair and underpaid labor, and even by convict labor? The American workmen ought to be protected to the extent that the goods which he produces should not be displaced by goods made by unfair, underpaid, nonunion workmen of Europe. This being true, what more effective method can be devised to protect American labor from this unfair competition than the Republican policy of protection? It made unionism possible. It made possible the wage scale enjoyed by our workmen, which is the highest scale of wages paid to workmen the world over. If the many advantages that trade-unions have gained are to be preserved to the laboring men of this country, this can only be done by maintaining the policy of protection to American labor and American industry. These two policies have given labor its dignity and independence, and the day is rapidly approaching when American labor throughout our broad land will cease to oppose these principles and will champion with vigor and enthusiasm these two great American policies—protection and trade-unions.

Mr. GILLETT. I yield to the gentleman from Washington [Mr. LA FOLLETTE].

[Mr. LA FOLLETTE addressed the committee. See Appendix.]

Mr. GILLETT. Mr. Chairman, I yield to the gentleman from New Jersey [Mr. KINKEAD].

Mr. KINKEAD of New Jersey. Mr. Chairman, I desire to bring to the attention of the House this afternoon a dispatch from Bayonne, N. J., published in one of the great daily papers of our State. It demonstrates how another great mercantile institution feels regarding the retirement and the pensioning of faithful employees. Bear in mind that the company which plans these betterments is a subsidiary of the well-abused Standard Oil Co., and, standing alone, this change in their system means little; but I want to remind this House, Mr. Chairman, that this is but one of many powerful institutions in New Jersey which have adopted a retirement and pension policy for their superannuated employees. To recall offhand a few of these progressive, humane, and energetic concerns, let me mention the Pennsylvania Railroad, the Public Service Corporation of New Jersey, and the Great Atlantic & Pacific Tea Co., of Jersey City; and may I not direct your attention to the fact that these organizations are noted for honesty in the handling of their stockholders' funds? My point is, Mr. Chairman, that we are now demanding a higher standard of honesty and efficiency from big business. In so doing I believe we are acting wisely, and I know that the legislative program which is now being considered by this body will unquestionably redound to the great and lasting good of the Nation.

But it is strange that "soulless" corporations should blaze the way for this great Government in the proper pensioning of faithful employees.

PENSION AND INDEMNITY PLAN FOR OIL CO. EMPLOYEES.

BAYONNE, *July 6.*

A new system of indemnities and pensions for the employees of the Tide Water Oil Co., of Bayonne, has gone into effect.

When hurt in accidents employees will receive partial or full wages for varying periods, according to disability. The company will provide hospital, medical, and surgical expenses.

Employees with the company 25 years and 65 years old will be retired on pension on application. Those employed 20 years will be retired on approval of a committee of the directors. Those 70 years of age who have been employed 20 years or more will be retired automatically. The pensions will be based on 1 per cent of the average wage earned for 10 years preceding retirement multiplied by the number of years of service, but no pension will be less than $20 a month. Pensions of deceased employees will be paid to the widows or minor children for 1 year. When requested the company will pay funeral expenses.

I believe that the United States Government should set an example to the other nations of the world in an endeavor to settle all disputes by reason instead of by force.

I believe that the United States, in its capacity of employer, should set an equally good example to the corporations of the country in its treatment of the employed.

Through the work of President Wilson, ably and intelligently carried out by Secretary of State William Jennings Bryan, we are now making treaties with the nations of the world agreeing that all future differences that might arise between us and other nations should be submitted to an international tribunal before we resort to force.

In my judgment, we are far behind some of our so-called soulless corporations in our treatment of the men in the Federal service.

If the Pennsylvania Railroad Co. and the Public Service Corporation of New Jersey and other corporations can adopt a pension plan for their superannuated employees, certainly this Government of ours can well afford to follow in their wake. In conversation with Mr. Hartford, president of the Atlantic & Pacific Tea Co., a short time ago, he informed me that their company had a pension appropriation of $15,000 yearly for the men who had faithfully served their company and who were now too old to take care of themselves.

We are demanding of the corporations a higher standard of business morality; we are demanding a strict adherence to the Sherman law, but the Government allows itself to be outdistanced by the men of the progressive corporations of the United States with regard to the treatment of employees.

I am anxious to see this order of things changed; I am desirous of seeing the Federal Government lead in an honest effort to render life's burden less arduous to the men in our employ than it is at the present time. And it is for this reason that I am heartily in favor of a pension system which will be just alike to the Government and to employees.

I might enlarge and talk of the honest and efficient service rendered by our Federal employees; that, however, would take more space than I shall attempt to use in the present discussion. Suffice it for me to say that I believe that the people of the eighth district of New Jersey desire me to support a retirement plan for our Federal employees, and I propose to reflect their sentiment when the matter comes before Congress by my vote thereon.

Mr. BARTON. Mr. Chairman, the tariff is one of the oldest unsolved problems of our country. We have three distinct schools of thought, each honestly believing that they have the correct theory. Many tariff bills have been tried, and in the judgment of the American people have been found wanting. One school believes in the old Democratic doctrine of free trade; other Democrats have abandoned that theory and now stand for a tariff for revenue, or, as Mr. UNDERWOOD styles it, a competitive tariff, while Republicans and Progressives in their platforms have a tariff just high enough to represent the difference in cost of production at home and abroad, believing that it is necessary to lay such a tariff to protect the industries and the workingmen of this country against a lower standard of living and wages in foreign countries.

Democratic Representatives from congested centers rise in their places and proclaim that the cost of living has been reduced as per the promises of the majority party. Those from agricultural districts rise and proclaim that the prices to the farmer have not been reduced. The different speeches made to circulate in that particular section the Member represents; but fine-spun theories and statements without basis are not effective among the people of to-day, for we represent a constituency that are intelligent and of an inquisitive turn of mind. Facts and conditions are to them the best evidence.

The workingman who pays his grocer, butcher, and other necessary living expenses will know whether wages are good, work plenty, and the cost of living reduced.

The farmer who takes his produce to the market will know without the advice of some politician when he sells his cream, butter, eggs, cattle, corn, hogs, wheat, vegetables, and other farm produce if the price is good, and he will also know from practical business tests whether the money he gets for his produce will purchase the goods he buys at a proportionately lower figure.

You Members who voted to take practically all the tariff off the stuff he produces should have examined into the condition of the average farmer of to-day. He does not pick his money off of the trees, gather butter from buttercups, extract milk from milkweed, nor get honey from the honeysuckle; he does just plain common everyday hard work and lots of it; he does not go to work at 9 o'clock in the morning, quit at 4, take every Saturday afternoon off and six weeks vacation in the hot months; he toils. Not even with the certainty of a Government or other employee is his compensation assured. He takes a chance of rain and hail, of winds, storm, and flood, of insects and all the vicissitudes of nature, and how much profit does he get for this hard work and hazard? Let an extract from Bulletin No. 570, issued by the Department of Agriculture, tell you.

Labor income of farmers in the United States.

Page.[1]	Item.	Total.	Amount per farm.
268	Number of farms	6,361,502	[2]138.1 acres.
269	Improved land.....acres	478,451,750	75.2 acres.
276	Total farm investment	$40,991,449,090	$6,443.67
277	Investment in farm buildings	$6,325,451,528	$994.33
277	Investment in implements and machinery	$1,265,149,783	$198.88
	RECEIPTS.		
348	Dairy products (excluding milk and cream used at home)	$596,413,463	$93.75
352	Wool	65,472,328	10.29
352	Mohair	901,597	.14
355	Eggs produced	306,688,960	48.21
355	Poultry raised	202,506,272	31.83
356	Honey and wax	5,992,083	.94
358	Domestic animals sold	1,562,936,694	245.69
358	Domestic animals slaughtered	270,238,793	42.48
370	Total value of all crops..... $5,487,161,223		
379	Corn..... $1,438,553,919		
383	Oats..... 414,697,422		
388	Barley..... 92,458,571		
397	Hay, etc..... 824,004,877		
	Total value of crops used for feeding... 2,769,714,789		
373	Feed sold... 509,253,522		
	Net value of crops fed..... 2,260,461,267		
	Net value of crops	3,226,699,956	507.22
	Total gross farm income	6,237,850,146	980.55
	EXPENSES.		
373	Labor	$651,611,287	$102.43
373	Fertilizers	114,882,541	18.06
373	Feed	299,539,857	47.13
	Maintenance of buildings (at 5 per cent) [3]	316,272,576	49.72
	Maintenance of implements and machinery (20 per cent)	253,029,956	39.78
	Taxes (0.6 per cent)	245,948,694	38.66
	Total	1,881,584,911	295.78
	Miscellaneous expenses (15 per cent of other expenses)	282,237,736	44.37
	Total expenses	2,163,822,647	340.15
	SUMMARY.		
	Total gross income	$6,237,850,146	$980.55
	Total expenses	2,163,822,647	340.15
	Net farm income	4,074,027,499	640.40
	Interest on investment (at 5 per cent)	2,049,572,454	322.18
	Labor income [4]	2,024,455,045	318.22
	Interest on mortgage ($1,715 at 6 per cent)		102.90
	Available for purchase of live stock and for family living		537.50

[1] Abstract of the Thirteenth Census.
[2] Average total area per farm.
[3] 4½ per cent in New England, New York, Pennsylvania, Michigan, and Wisconsin; 5 per cent in Virginia, West Virginia, Illinois, Missouri, Kansas, Iowa, Nebraska, Minnesota, North Dakota, South Dakota, Ohio, and Indiana; 5½ per cent elsewhere.
[4] Includes unpaid family labor and all the farm furnishes toward the family living except milk and cream. Does not include income from outside sources, and the amount paid for live stock bought must be deducted from this sum.

Five hundred and thirty-seven dollars and fifty cents. If he belonged to a labor union and was working for a corporation, he would strike. Were it not for the fact he raises most of his food he would be bankrupt. His yearly income, as shown by this report, would not buy the cigars of the men who wax rich in handling or gambling on his products, and yet he is the man that in the construction of the Underwood tariff bill was made the sacrifice.

Our farmers know that every bushel of grain, every pound of food product, every dollar of agricultural commodities that are thrown into the American markets by foreign countries displaces just that much of his product.

The Department of Commerce sends us a monthly statement of the imports and exports, and I insert here a statement showing the imports of farm products for the past eight months

under the Underwood tariff bill and for the corresponding eight months under the old law:

Article.	Total imports for 8 months, October, 1913, to May, 1914, inclusive, under tariff law of 1913.		Total imports for 8 months, October, 1912, to May, 1913, inclusive, under tariff law of 1909.	
	Quantity.	Value.	Quantity.	Value.
Cattle[1] ..... number..	682,456	$15,088,442	319,137	$5,094,211
Horses[2] ..... do....	28,437	1,640,046	7,108	1,301,059
Sheep[1] ..... do....	218,137	384,866	12,996	67,712
Animals, other (including live poultry)[3]	.....	562,989	.....	168,099
Bread and biscuits[4]	.....	325,839	.....	190,852
Corn[5] ..... bushels..	10,246,857	6,592,743	255,609	145,616
Oats[6] ..... do....	21,951,219	7,755,997	73,879	35,611
Wheat[7] ..... bushels..	1,926,680	$1,713,790	451,302	$349,441
Hay[2] ..... tons..	124,517	1,191,856	94,048	847,826
Beef and veal[3 4] ..... pounds..	146,125,427	[17] 12,433,441		
Mutton and lamb[3 4] ..... do....	9,484,655	[17] 797,320		
Pork[3 4] ..... do....	2,482,298	[17] 287,401	.....	978,451
Prepared and preserved meats[3 4]	.....	[17] 1,475,072		
Bacon and ham[4 5] ....pounds..	1,470,736	[17] 290,490		
All other meats[3 4]	.....	[17] 642,817		
Sausage and bologna[6] .pounds..	492,293	125,676	512,214	118,928
Sausage casings[6]	.....	1,870,683	.....	1,571,390
Milk and cream, fresh and condensed[7]	.....	1,379,761	.....	664,915
Butter and substitutes,[8] pounds	7,189,120	1,600,162	895,231	233,995
Cheese and substitutes,[9] .pounds.	43,085,035	7,947,313	33,672,791	6,260,261
Eggs[7 10] ..... dozen..	5,492,575	1,009,259	[18] 847,842	127,898
Vegetables:				
Beans[11] ..... bushels..	1,310,221	2,325,273	641,490	1,253,030
Onions[12] ..... do....	749,274	654,844	500,618	322,019
Peas, dried[13] ..... do....	742,294	1,591,772	645,278	1,056,729
Potatoes[13] ..... do....	1,632,983	778,403	258,014	257,536
All other in natural state[14] ..	.....	1,307,849	.....	1,135,440
Wool, unmanufactured,[15 16] pounds	198,730,814	43,202,720	128,785,853	23,837,645

[1] Free on and after Oct. 3, 1913.
[2] Duty reduced from $30 per head where value not over $150, 25 per cent ad valorem where value over $150 per head, to 10 per cent ad valorem on all.
[3] Live poultry reduced from 3 cents per pound to 1 cent per pound; dead, from 5 cents per pound to 2 cents per pound.
[4] Either placed on the free list or duty reduced about one-half.
[5] Free on and after Oct. 3, 1913. Duty was 15 cents per bushel.
[6] Duty reduced from 15 cents per bushel to 6 cents per bushel.
[7] Free if imported from countries which impose no duties on like imports from United States, otherwise 10 cents per bushel. Duty was 25 cents per bushel.
[8] Duty reduced from $4 per ton to $2 per ton.
[9] Free on and after Oct. 3, 1913. Duty was 25 per cent ad valorem.
[10] Included in all other meat products prior to July 1, 1913.
[11] Free on and after Oct. 3, 1913. Duty was 4 cents per pound.
[12] Free under both laws.
[13] Duty reduced from 6 cents per pound to 2½ cents per pound.
[14] Duty reduced from 6 cents per pound to ad valorem duty equivalent to about 4 cents per pound.
[15] Included in all other articles prior to Oct. 3, 1913.
[16] Duty reduced from 45 cents per bushel to 25 cents per bushel.
[17] Duty decreased from 40 cents per bushel to 20 cents per bushel.
[18] Free if imported from countries which impose no duties on like imports from United States, otherwise 10 per cent ad valorem. Duty was 25 cents per bushel.
[19] Duty reduced from 25 per cent ad valorem to 15 per cent ad valorem.
[20] Practically all free of duty since Dec. 1, 1913.
[21] Imports for 6 months since December, 1913, 183,473,116 pounds: 104,079,043 similar 6-month period preceding year.
[22] Total value of all meat products, except sausage, bologna, and bologna casings, for 8 months, $15,926,541.
[23] No figures for months under old law. Quantity and value figured a two-thirds of year.

Ten million two hundred and forty-six thousand eight hundred and fifty-seven bushels of corn, 21,951,219 bushels of oats, 1,926,680 bushels of wheat, 146,125,427 pounds of beef, 9,484,655 pounds of mutton, 2,482,298 pounds of pork, 682,456 head of cattle, 7,189,120 pounds of butter and substitutes, $1,379,761 worth of milk and cream, 43,085,035 pounds of cheese, 5,492,575 dozens of eggs, 1,310,221 bushels of beans, 749,274 bushels of onions, 742,294 bushels of peas, 1,632,983 bushels of potatoes: and do you think the farmer will not know that the dollars paid for this produce naturally cheapens the price of his foodstuffs and that the money paid for same goes to a foreign country, to enter there into the foreign country's business, and leaves the tills of American farmers and American business men? Sending money to a foreign country enriches foreigners at the expense of our people. Do not you think that the farmer will ask you who are responsible for this law why, if it is a tariff for revenue only, you discriminated against Schedule G—the farm schedule—which was the third revenue producer in this country? He will ask why you did not lay a duty in such a manner as to let it apply equally to all business, his included. He will ask why you protected 80 per cent of the products of New Jersey and only 35 per cent of the products of Nebraska, 71 per cent of New York and 30 per cent of Kansas, 89 per cent of Rhode Island and 20 per cent of Wyoming, 87 per cent of Connecticut and 12 per cent of Nevada, 63 per cent of Maryland and 9 per cent of Arizona.

In fact, why did you draw the line and collect a tariff on only 36 per cent of the products west of the Mississippi River? You said that the intention was not to destroy a legitimate business. Are not the cane growers of Louisiana doing a legitimate business, and will you contend that their business has not been destroyed? A hundred million dollar sugar industry in that State put out of business, 20 great sugar mills, and the planters at that place know not where to turn. Are not the beet raisers and beet-sugar producers of this country doing a legitimate business? Mr. FORDNEY, in his speech of July 1, made these statements, and no answer has yet been placed in the RECORD:

The reduction of duty as provided for in the Underwood tariff law, sanctioned and approved of by the administration, on Cuban sugar is a fraction over one-third of a cent per pound. This change or reduction of duty was made effective March 1, 1914. Its effect so far has been to close the following beet-sugar factories:

In Ohio, the Continental Sugar Co., with a slicing capacity of 500 tons per day, and the Altowa Sugar Co., with a capacity of 600 tons per day.
In Nevada, the Nevada Sugar Co., slicing 500 tons.
In Arizona, the Southwestern Sugar Co., 650 tons capacity.
In Wisconsin, the Rock County Sugar Co., 700 tons capacity.
In Iowa, the Iowa Sugar Co., 500 tons capacity.
In California, the Alameda Sugar Co., 800 tons capacity; the Sacramento Valley Sugar Co., 700 tons capacity.
In Colorado, the Holly Sugar Co., 600 tons capacity; the Las Animas Sugar Co., 700 tons capacity; the American Beet Sugar Co., 400 tons capacity.
In Michigan, the Western Sugar Refining Co., 600 tons capacity.
Twelve factories in all out of a total of 74 in the United States, or about 16 per cent of our beet-sugar factories, have already been driven out of business.

Is not farming a legitimate industry; and if you really wanted to reduce the cost of living why did you not go to the proper place to do this instead of free listing the products of the man who your own Department of Agriculture says only makes $537.59 after a year's hard labor?

The high cost of living is not due to the farmer getting too high a price for his product. He was just getting to a point where he had some chance to get ahead, and no man on earth deserves to prosper more than he. It is due to the stock gambler who plays with prices as the other gambler with his cards and victims, and to the middleman who gets from 50 to 500 per cent profit before it reaches the table of the consumer; with all this food product brought into this country you have not reduced the price to the consumer; it does not necessarily mean that to reduce the price to the farmer you have reduced the price to the consumer. Take wheat for an example; you have cheapened the price to the farmer. Is bread cheaper? You have brought 10,000,000 bushels of corn into this country, making the price of American corn cheaper. Have you reduced the price to the consumer of corn products? No; the middleman is the beneficiary and the Government the loser in revenue. In other words, you invite foreign importations to force down the prices of farm products and permit importers to enrich themselves at the expense of the farmer and consumer.

The money that goes to Argentina for corn and beef, that goes to Mexico and Canada for cattle, meat, wheat, oats, rye, barley, potatoes, and hay; that goes to Australia for wool, beef, and mutton; that goes to China for eggs, builds no homes, builds no schools, builds no churches, pays no wages, and pays no debts in the United States. It goes to a foreign country, and goes to stay. The farmer was against Canadian reciprocity. How, then, in the name of justice can he submit to a wholesale free list with all nations without reciprocity? I know the American farmer will see the injustice done him. I know he will understand that he has been made the goat of this tariff bill. And I firmly believe he will support men and parties that give him equality with all other American industries, all other American people, and a preference as against the foreigners.

Mr. SHERLEY. Mr. Chairman, I move that the committee do now rise.

The motion was agreed to.

Accordingly the committee rose; and the Speaker having resumed the chair, Mr. ADAMSON, Chairman of the Committee of the Whole House on the state of the Union, reported that that committee had had under consideration the bill (H. R. 17824) making appropriations to supply deficiencies in appropriations for the fiscal year 1914 and for prior years, and for other purposes, and had come to no resolution thereon.

DISTRICT OF COLUMBIA APPROPRIATION BILL.

Mr. PAGE of North Carolina. Mr. Speaker, I present the conference report on the District of Columbia appropriation bill,

The SPEAKER. The gentleman from North Carolina [Mr. PAGE] presents the conference report on the District of Columbia appropriation bill, which the Clerk will report.

The Clerk read as follows:

H. R. 10523. An act making appropriations to provide for the expenses of the government of the District of Columbia for the fiscal year ending June 30, 1915, and for other purposes.

Mr. PAGE of North Carolina. Mr. Speaker, I ask unanimous consent for the present consideration of the conference report.

The SPEAKER. The gentleman from North Carolina [Mr PAGE] asks for the immediate consideration of the conference report, the rules to the contrary notwithstanding. Is there objection?

Mr. MONDELL. Mr. Speaker, this is very important legislation. It seems to me that we ought to have more Members present than are here at this time, and I feel that I must object.

Mr. PAGE of North Carolina. Will the gentleman allow me? The resolution adopted some time ago continuing appropriations was for 15 days. It expires to-morrow. To-morrow is Calendar Wednesday, and ordinarily we could not consider this conference report on to-morrow, and unless it is considered and passed in the House to-night and goes to the Senate, an objection having come from his side of the House this morning to continuing the provisions of this resolution, necessarily there must be one day when there will be no provision for the District of Columbia. If the gentleman will allow me, the leader of the minority, who is temporarily out of the Hall, has discussed with me several times these three matters in disagreement. If he has in mind any objection that he might have to this final report, he will find, I think, the things he was contending for are embodied in it. I hope the gentleman will not object. It is a matter that personally I care no more about than he does, but it seems to me that it would bring about confusion and a very considerable difficulty if this bill were not passed by the House to-night.

Mr. MONDELL. Mr. Speaker, reserving the right to object, I am very much interested in this bill, and we all are. The affairs of the District of Columbia must not be allowed to get into a more unfortunate condition than they have by reason of the failure of this bill up to this time. I do not entirely like the ground on which the gentleman bases his suggestion that I should not object, namely, that there was objection on our side this morning to the consideration by unanimous consent of the resolution to extend the appropriations. I think there were very good reasons for that objection—very excellent reasons. I think the presence of this bill here now is proof positive of the effect of that objection. If that objection had not been made, the probability is that the District bill would not have been agreed to.

Mr. PAGE of North Carolina. Then why destroy the purpose of the objection by objecting now to the result of that objection?

Mr. MONDELL. Mr. Speaker, in view of the fact that to-morrow is Calendar Wednesday, and therefore this bill could not be taken up, and that we are all interested in having the appropriation bill passed, I shall not object.

Mr. GILLETT. Mr. Speaker, reserving the right to object, I think it would be fair to call attention to the fact that it is 5 o'clock in the afternoon, and there are not more than 25 Members present. At the same time, Mr. Speaker, in calling attention to that fact, I wish to say that, for myself, I recognize the extreme importance of this bill becoming a law to-day. I do think, however, it is very bad business management to bring such an important measure up at such a time when a single objection would kill it and when the scant attendance of itself gives reasonable ground for such an objection. I feel myself that the result of the conference is fairly satisfactory, and therefore I put the responsibility on the majority and will not object.

Mr. MADDEN. Mr. Speaker, reserving the right to object——

Mr. DONOVAN. The regular order, Mr. Speaker.

Mr. PAGE of North Carolina. I hope the gentleman from Connecticut will withdraw that.

Mr. MADDEN. Mr. Speaker, I wish to ask the gentleman from North Carolina [Mr. PAGE] whether the committee has reported against the payment of $2,000 to one Keller?

Mr. PAGE of North Carolina. Yes. The Senate has receded absolutely from that amendment.

Mr. MADDEN. Then I have no objection.

Mr. COX. Mr. Speaker, reserving the right to object, I have the bill before me, but what disposition is made by the conference report of what is known as the Borland amendment?

Mr. PAGE of North Carolina. There is an agreement on the Borland amendment, a modification of the original Borland amendment, embodied in the report.

Mr. COX. Did the Senate finally yield on that?

Mr. PAGE of North Carolina. Yes; they yielded largely.

The SPEAKER. The gentleman from Connecticut [Mr. DONOVAN] demanded the regular order. The regular order is, Is there objection to the request of the gentleman from North Carolina [Mr. PAGE] to consider immediately this conference report without having it printed? [After a pause.] The Chair hears none, and the Clerk will read the report.

The Clerk read the conference report, as follows:

CONFERENCE REPORT NO. 964.

The committee of conference on the disagreeing votes of the two Houses on certain amendments of the Senate to the bill (H. R. 10523) making appropriations to provide for the expenses of the government of the District of Columbia for the fiscal year ending June 30, 1915, and for other purposes, having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

That the Senate recede from its amendment numbered 31.

That the House recede from its disagreement to the amendments of the Senate numbered 226 and 227, and agree to the same.

That the Senate recede from its disagreement to the amendment of the House to the amendment of the Senate numbered 28, and agree to the same with an amendment as follows:

Omit the matter inserted by the House amending said Senate amendment, omit the matter stricken out by said Senate amendment, and in lieu thereof insert the following:

"Hereafter whenever under appropriations made by Congress the roadway of any street, avenue, or road in the District of Columbia is improved by laying a new pavement thereon or completely resurfacing the same, not less than one square in extent, from curb to curb, or from gutter to gutter where no curb exists, where the material used is sheet asphalt, asphalt block, asphaltic or bituminous macadam, concrete, or other fixed roadway pavement, such proportion of the total cost of the work, including all expenses of the assessment, to be made as hereinafter prescribed, shall be charged against and become a lien upon the abutting property, and assessments therefor shall be levied pro rata, according to the linear frontage of said property on the street, avenue, or road, or portion thereof upon the roadway of which new pavement or resurfacing is laid: *Provided*, That there shall be excepted from such assessment the cost of paving the roadway space included within the intersection of streets, avenues, and roads, as said intersections are included within the building lines projected, and also the cost of paving the space within such roadways for which street railway companies are responsible under their charters or under law on streets, avenues, or roads where such railways have been or shall be constructed.

"The assessments hereinbefore provided for shall be levied in the following proportion, namely: One-half of the total cost upon the abutting property owners and the remaining one-half and all of the expenses of maintenance and repairs to be paid from the revenues of the District of Columbia and from the Treasury of the United States in equal parts: *Provided*, That where the width of the street, avenue, or road to be paved or completely resurfaced from curb to curb or gutter to gutter, as the case may be, shall exceed 40 feet, the excess, including the cost of intersections or spaces within which street railways are required to pave, shall be paid for one-half out of the Treasury of the United States and one-half out of the revenues of the District of Columbia.

"Assessments levied under the provisions hereof shall be payable and collectible in the same manner and under the same penalty for nonpayment as is provided for assessments for improving sidewalks and alleys in the District of Columbia, as set forth on page 248 of volume 28, United States Statutes at Large: *Provided*, That the cost of publication of the notice of such assessment upon the failure to obtain personal service upon the owner of the property to be assessed therein provided for and of the services of such notices shall be paid out of the appropriation for the work, and such assessments, when collected, shall be deposited in the Treasury of the United States to the credit of the United States and the District of Columbia in equal parts."

And the House agree to the same.

ROBERT N. PAGE,
T. U. SISSON,
C. R. DAVIS,
Managers on the part of the House.

JOHN WALTER SMITH,
LUKE LEA,
J. H. GALLINGER,
Managers on the part of the Senate.

The SPEAKER. The question is on agreeing to the conference report.

The question was taken, and the conference report was agreed to.

STREET RAILWAYS, DISTRICT OF COLUMBIA.

Mr. CROSSER. Mr. Speaker, I ask unanimous consent to file an amended report on the bill (H. R. 15191) to provide for the acquisition, ownership, and operation by the Commissioners of the District of Columbia of all the street railroads located in the District of Columbia. (H. Rept. 917.)

The SPEAKER. Without objection, the amended report will be filed.

There was no objection.

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. Tulley, one of its clerks, announced that the Senate had agreed to the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill, H. R. 10523, the District of Columbia Appropriation bill.

EXTENSION OF REMARKS.

Mr. BRYAN. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD by inserting an article on "Safety at Sea, and Liability of Vessel Owners for Losses at Sea," by Thomas I. Parkinson, of Columbia University, published in the Survey of July 4, and to extend my remarks briefly on the same subject.

The SPEAKER. The gentleman from Washington [Mr. BRYAN] asks unanimous consent to extend his remarks in the RECORD by inserting the article named. Is there objection?

There was no objection.

GENERAL DEFICIENCY APPROPRIATION BILL.

Mr. SHERLEY. Mr. Speaker, I move that the House resolve itself into the Committee of the Whole House on the state of the Union for the further consideration of the general deficiency bill.

The SPEAKER. The gentleman from Kentucky [Mr. SHERLEY] moves that the House resolve itself into Committee of the Whole House on the state of the Union for the further consideration of the general deficiency bill. The question is on agreeing to that motion.

The motion was agreed to.

The SPEAKER. The gentleman from Georgia [Mr. ADAMSON] will take the chair.

Accordingly the House resolved itself into Committee of the Whole House on the state of the Union for the further consideration of the bill (H. R. 17824) making appropriations to supply deficiencies in appropriations for the fiscal year 1914 and for prior years, and for other purposes, with Mr. ADAMSON in the chair.

The CHAIRMAN. The House is in Committee of the Whole House on the state of the Union for the further consideration of the general deficiency bill.

Mr. GILLETT rose.

The CHAIRMAN. The gentleman from Massachusetts [Mr. GILLETT] is recognized.

Mr. GILLETT. Mr. Chairman, I yield 30 minutes to the gentleman from Nebraska [Mr. SLOAN].

The CHAIRMAN. The gentleman from Nebraska [Mr. SLOAN] is recognized for 30 minutes.

Mr. SLOAN. Mr. Chairman, on the 6th of July this year, at the first convening of this House following the 4th of July, the gentleman from Indiana [Mr. CULLOP], who has just made such an emphatic statement on agricultural product values, rose in his place and asked that he be given the privilege to extend his remarks in the RECORD by having printed therein a speech delivered by the President of the United States on the 4th day of July, 1914. The speech was at Independence Square, in the city of Philadelphia. Unanimous consent was given. It was a notable speech, by a notable man, on a notable occasion; but perhaps the one sentence challenging the greatest attention of the press and public in that interesting address was as follows:

I have heard a great many facts stated about the present business conditions, and it is strange that these facts as stated do not tally with each other.

The President of the United States, whom we all honor, both for himself and for the position he occupies, is entitled to receive careful statements of fact concerning business conditions from whatever source. But more especially should he be warranted in relying on the statements which go into the great CONGRESSIONAL RECORD. Especially should this be true when those statements are made by a professed friend.

I was very much interested in the fact that the gentleman from Indiana [Mr. CULLOP] was selected to present that presidential speech to the House. Again, I was very much interested this afternoon when, in accordance with the custom of recent days, he ranged himself on the floor as chief lieutenant for the administration's principal defender, the gentleman from Alabama [Mr. HEFLIN].

The greatest business fact existing in this country at this time is the wheat crop of this country. It is the largest business fact of the United States. It is, perhaps, the most important business fact of the world. It is a business fact to which men of all vocations, whether transportation, industrial, or commercial, are looking for the removal, at least in part, of the so-called world-wide depression, referred to recently by our Secretary of Commerce; a depression which we took such pains a little over a year ago in this House to open our gates to, so that we might absorb and secure a great deal more than our fair share of that world-wide depression; a depression that in 1912 was world-wide except in the United States.

Wheat coming from the northwest in a golden stream is expected to neutralize the effect of that stream of gold now leaving our shores. It is hoped to set at work one hundred thousand of the quarter million idle freight cars, and aid the railroads hereafter to run into terminals instead of receiverships. It will doubtless give employment to a large number of men who for the last few months have been unemployed. It is expected to work wonders by statesmen in power in neutralizing the havoc which their ill-considered legislation has wrought. Even the wheat farmer until recently hoped that he might obtain out of the abundance which came from a benign providence and his own industry something more than the actual cost of production. Of this largest business fact in this country the President of the United States is entitled to have the truth.

It was on the 4th day of June of this year that the gentleman from Indiana [Mr. CULLOP] rose in his place and discussed the prices paid for wheat. This is the language. You will find it on page 9821 of the RECORD:

Wheat now is a better price under Democratic times than it was in 1912 under Republican rule.

I waited some time to see whether the gentleman would correct that statement. I thought perhaps the statement, so astounding, might not have been given credence. But I had occasion to discuss that fact with a number of my eastern colleagues, who seemed to have accepted the statement as correct.

Now the partisan reference made to this time in June, compared to two years before, is a challenge he had a right to submit, and we gladly accept, because June, 1912, fairly represented the prosperous times and good farm prices under a protective tariff and Republican administration, and the date of his speech fairly represents the change his party has wrought. But what are the facts? When the gentleman from Indiana [Mr. CULLOP] stood on the floor of the House giving the price of wheat on the 4th day of June and stated that it was higher than it was two years before, wheat at Omaha was 88½ cents per bushel; June 4, 1912, it was $1.08½. When he made the speech, looking past every obstruction into the eyes of his colleagues, on June 4, 1914, wheat at Kansas City was 91½ cents, while on June 4, 1912, it was $1.12, a difference of 20½ cents per bushel. When, in fine scorn of the facts, he made the speech, wheat at Minneapolis was 93¼ cents; on June 4, 1912, it was $1.12⅜. The vulgar fact that wheat in Chicago was 96 cents a bushel on June 4, 1914, while two years before that it was $1.11½ did not halt him. New York's price of $1.05¼ in 1914 and $1.21¾ in 1912 did not even modify his emphasis. These are cash prices quoted on No. 2 hard, except at Minneapolis, where the prices are on No. 2 northern.

Cash price of wheat at certain markets.

	June 4, 1914.	June 4, 1912.	Decrease.
			Per cent.
Omaha Bee	$0.88½	$1.08½	0.20
Kansas City Star	.91½	1.12	.20½
Minneapolis Tribune	.93¼	1.12⅜	.19⅛
Chicago Record-Herald	.96	1.11½	.15½
New York Sun	1.05¼	1.21¾	.15½

NOTE: Prices are on No. 2 hard, except Minneapolis prices are No. 2 northern.

Average decrease in five markets, 18 cents per bushel.

If these dates are regarded as too narrow; if the gentleman desired to give facts concerning prices, he could have resorted to a broader field, using the records of the United States Department of Agriculture. The wheat farm prices quoted are for January, February, March, April, May, and June of the several years. I place them in two groups—one for the years 1914 and 1913 in one group and the other for the four preceding years. I group 1913 and 1914 together because the anticipatory effects of one go with the actual results of the other.

The average price for the first group of four years under the old tariff was for January 93.3. It was 78.6 for the other. For February it was 95 for the four-year group, 80 for the two-year group. March it was 96.2 as compared with 83, and so on, with an average between these two groups of years, covering fairly all of the six months, of 16 cents per bushel in favor of the former law. So that a man desiring to find the truth could not have been easily mistaken, as the following table will show:

Price of wheat per bushel.

Months.	1909	1910	1911	1912	1913	1914	Average 4 years.	Average 2 years.	Decrease or increase.
	Cents.	*Cents.*	*Cents.*	*Cents.*	*Cents.*	*Cents.*	*Cents.*	*Cents.*	*Cents.*
January	93.5	103.4	88.6	88.0	76.2	81.0	93.3	78.6	—14.7
February	95.2	105.0	89.8	90.4	79.9	81.6	95.1	80.2	—14.9
March	103.9	105.1	85.4	90.7	80.6	83.1	96.2	83.1	—13.1
April	107.0	104.5	83.8	92.5	79.1	84.2	96.9	81.6	—15.3
May	115.9	99.9	84.6	99.7	80.9	83.9	100.0	82.4	—17.6
June	123.5	97.6	86.3	102.8	82.7	84.4	102.5	83.5	—19.0

It seems to me that a zealous pursuit of the truth as to the price of wheat would have sent the gentleman to the papers of the great city of Indianapolis, the capital of his own State. Indiana possesses its great capital city and the gentleman from Indiana, and it is proud of one of them. When he made his speech on the 4th day of June, 1914, wheat was there quoted at 96½ cents, while two years before it was $1.17.

I quote these figures from the Indianapolis Star, a paper I have heard quoted three times as authority by the gentleman from Indiana, who, I regret to say, is absent at this time, after having made his remarkable speech this afternoon concerning the price of farm products.

The gentleman from Indiana again, on June 27, 1914, stated, page 11261 of the RECORD:

> Farm products are commanding a high price, the best ever known.

The farmers of the country undoubtedly wish this were true. They would be very glad to have the statement made good.

I submit the following table of leading product prices on June 27, 1914, in several markets:

Cash prices.

[From the Indianapolis Star.]

	June 27, 1912.	June 27, 1914.	Decrease.
INDIANAPOLIS.			
Wheat, No. 2 red.....bushel..	$1.07½	$0.79½	$0.28
Corn, No. 3 white.....do....	.80½	.73½	.07
Oats, No. 2 white.....do....	.54½	.38⅜	.15⅛
Hay, No. 1 timothy.....ton..	20.00	17.00	3.00

[From the Chicago Record-Herald.]

CHICAGO.			
Wheat, No. 2 hard.....bushel..	$1.04	$0.84½	$0.19½
Corn, No. 2 yellow.....do....	.75½	.68½	.07½
Oats, No. 2 white.....do....	.54	.39⅜	.14⅝
ST. LOUIS.			
Wheat, No. 2 hard.....bushel..	1.07½	.90	.17½
Corn, No. 2 yellow.....do....	.76½	.69½	.06½
Oats, No. 2 white.....do....	.52¾	.38½	.14¼
KANSAS CITY.			
Wheat, No. 2 hard.....bushel..	1.11½	.88	.23½
Corn, No. 2 yellow.....do....	.78½	.69½	.07½
Oats, No. 2 white.....do....	.49½	.38⅜	.11⅛
NEW YORK.			
Wheat, No. 2 hard.....bushel..	1.18	.91½	.26½
Corn, No. 2 yellow.....do....	.81¼	.77½	.07

If market prices are not fully convincing, allow me to submit the following table showing the farm prices for small grains during the first six months of the last six years, grouped as heretofore, and the decrease in price for the last two years compared with the four years previous.

Farm price of certain small grains, 1st of each month, for the United States for years 1909, 1910, 1911, 1912, and average for these four years as compared with the price for same months for 1913 and 1914, and the average for these two years:

Prices per bushel for oats, barley, and flaxseed.

	1909	1910	1911	1912	1913	1914	Average, 4 years.	Average, 2 years.	Decrease.
Oats:[1]	*Cents.*	*Cents.*	*Cents.*	*Cents.*	*Cents.*	*Cents.*	*Cents.*	*Cents.*	*Cents.*
January	48.1	42.8	33.2	45.1	32.2	39.1	42.3	35.6	—06.7
February	48.1	45.0	33.1	47.5	32.4	39.3	43.4	35.8	—07.6
March	51.1	46.0	32.8	49.8	33.1	38.9	44.9	36.0	—08.9
April	53.2	45.6	32.3	52.0	33.1	39.5	45.7	36.3	—09.4
May	55.3	43.3	33.2	56.0	34.2	39.5	46.9	36.8	—10.1
June	57.4	43.0	34.7	55.3	36.0	40.0	47.6	38.0	—09.6
Barley:[2]									
January	56.5	57.6	59.8	86.4	49.9	52.2	65.0	51.0	—14.0
February	58.3	59.3	64.1	91.2	51.4	52.4	68.2	51.9	—16.3
March	59.4	60.2	63.0	91.0	49.0	51.1	68.4	50.0	—18.4
April	61.2	59.7	69.1	92.3	48.5	51.7	70.5	50.1	—20.4
May	63.8	56.5	74.0	96.2	48.3	49.3	72.6	48.8	—23.8
June	67.0	55.7	73.8	91.1	52.7	49.1	71.9	50.9	—21.0
Flaxseed:[3]									
January	123.2	171.2	221.1	187.11	106.2	124.2	175.6	115.2	—60.4
February	129.8	192.9	233.9	190.8	109.3	127.8	186.8	118.5	—68.3
March	141.3	193.1	240.7	183.9	119.0	132.5	189.7	125.7	—64.0
April	145.6	193.9	234.6	191.3	113.6	132.8	191.3	123.2	—68.1
May	148.7	209.5	241.9	181.0	114.3	134.7	195.2	124.5	—70.7
June	153.4	195.5	225.0	205.0	115.8	136.8	194.7	136.3	—68.4

[1] Average decrease between months, 2 periods, 8¾ cents.
[2] Average decrease between months, 2 periods, 19 cents.
[3] Average decrease between months, 2 periods, 66½ cents.

Should we see fit to consider May the month preceding the gentleman's statement, the following table of important farm products for 1912 and 1914 will be of interest:

	1911	1912	Decrease.
MAY.			
Corn.....bushel..	$0.721	$0.794	$0.073
Oats.....do....	.395	.56	.165
Barley.....do....	.493	.962	.469
Potatoes.....do....	.714	1.273	.559
Hay.....ton..	12.32	17.64	5.32
Flaxseed.....bushel..	1.347	1.81	.463

All the foregoing information was available to the gentleman at the time he made his statements. It may, however, be of interest to submit a table showing the wheat prices of a recent date compared with two years ago.

Cash wheat prices on certain markets.

	July 11, 1912.	July 11, 1914.	Decrease.
Omaha	$1.03	$0.73	$0.30
Chicago	1.04½	.80½	.24
New York	1.15	.87½	.27½
Kansas City	.98½	.78	.20½
Minneapolis	1.07¼	.86¼	.20½

The fall of price in wheat during the last two years has been more than 15 cents per bushel. The difference in average price between the period including 1913 and 1914 and the period of four years preceding is in excess of 15 cents a bushel. The difference in price between June 1, 1914, and the average price for a period of five years preceding that date is 15 cents a bushel. The reduction of the tariff in the Underwood bill was 25 cents per bushel for those countries that receive our wheat free and 15 cents a bushel for the products of countries which do not admit our wheat free. The importation of wheat for the first eight months of the Underwood law increased 357 per cent over those of the corresponding period one year before. It may be interesting to know the effect in dollars and cents to the average wheat farmer of the country, the several States, and the different counties in my congressional district what a fall in price of 15 cents a bushel means.

July estimate of production.

	Estimated production, 1914.	Loss in value at 15 cents per bushel.	Number wheat-reporting farms.	Loss to average farmer raising wheat.
	Bushels.			
United States	930,000,000	$139,500,000	1,458,667	$95
Ohio	38,500,000	5,775,000	137,523	42
Indiana	43,000,000	6,450,000	104,273	61
Illinois	44,400,000	6,660,000	76,434	87
Minnesota	62,000,000	9,300,000	93,049	99
Iowa	16,308,000	2,446,200	36,284	67
Missouri	40,800,000	6,120,000	79,434	82
North Dakota	95,900,000	14,385,000	59,365	242
South Dakota	48,200,000	7,230,000	39,496	183
Nebraska	73,200,000	10,980,000	64,322	170
Kansas	151,907,000	22,785,050	74,701	304
Washington	54,400,000	8,160,000	13,865	588

July estimate of production—Continued.

Nebraska.	Production 1913.	Loss in value at 15 cents per bushel.	Number of farms.	Loss to average farmer.
	Bushels.			
Fourth district	23,570,011	$3,536,851	23,741	$149
Butler County	2,203,875	330,581	1,953	169
Fillmore County	2,553,207	382,981	2,028	188
Gage County	2,764,583	414,687	3,103	133
Hamilton County	2,174,532	326,179	1,944	167
Jefferson County	1,299,165	193,374	1,896	102
Polk County	1,989,250	298,387	1,548	193
Saline County	2,397,481	359,622	2,205	163
Saunders County	1,897,333	239,799	2,796	85
Seward County	2,726,885	409,032	2,170	188
Thayer County	1,572,360	235,854	1,924	122
York County	2,300,340	345,051	2,184	157

In considering the relative prices of wheat and other grains during the last two years it is entirely proper to call attention to the fact that prices of farm implements used in securing these crops be given. Upon the authority of the Hon. C. B. Dempster, of Beatrice, Nebr., president of the leading farm-machinery factory west of the Mississippi River, I can state that there has been an advance of price to the retailer during the 12 months preceding June 1 of this year of wagons, plows, disk harrows, grain drills, and so forth. There has been a tendency to advance in price windmills, pumps, and similar farm appliances. I give, however, in detail, the prices quoted and obtained by the International Harvester Co. for the years 1912, 1913, and 1914, the same being based f. o. b. cars Chicago, Ill.

	1912	1913	1914
Grain binder:			
6-foot	$102.50	$102.50	$102.50
7-foot	105.50	105.50	105.50
8-foot	125.00	125.00	125.00
Mower:			
5-foot regular	36.00	36.00	37.00
5-foot vertical	37.00	37.00	38.00
6-foot	39.00	39.00	40.00
Corn binder	102.50	102.50	102.50

	1912	1913	1914
Rakes, 10/32 S. D	$18.75	$18.75	$19.75
Tedders, 6-fork	27.00	27.00	28.00
Disk harrows, 12/16	20.50	20.50	21.50
Manure spreader, No. 2	90.00	90.00	90.00
Cream separator, No. 2 B. B	48.50	48.50	48.50
Weber wagon, 2-horse	61.50	65.00	65.00

It will be interesting further to know the course of prices of binding twine during the last three years which the farmer must use in taking care of his crop. It has increased as will appear from the following table of prices quoted by the International Harvester Co.:

	Sisal.	Standard sisal.	Manila.	Pure manila.
1912	7¼	7¼	8½	9¾
1913	9¼	9¼	11½	12½
1914	9	9	11	13¾

Is it any wonder that the farmer, pressed between the upper millstone of falling wheat prices and the lower stone of rising machinery and binding twine prices, has little patience with statements upon the floor of the House at such variance with well-known market facts. The farmers know that the majority party so drafted its recent tariff law as to make them bear its burdens and suffer from its injuries. They resent the gratuitous insult in the assumption on the floor of this House that farmers do not remember back a period of two years, and that they do not know their own markets. Free trade statesmen will learn that farmers' memories are in working order while their forgetters are decayed and rusting. As ex-President Roosevelt well said:

> As for the farmer, the present tariff, the administration's tariff, was so framed as to result in the sacrifice of his interests. He had no spokesman, no friend in high quarters, and his welfare was contemptuously sacrificed. At every point where his interest was concerned he was made to suffer.

Talk of distinguished gentleman on the floor of this House can not by mere audacity and emphasis change markets nor can it close the minds of farmers deeply interested, nor convince them that 15 to 20 cents a bushel decrease in price of their wheat really makes it higher. They know that they pay their bills, reduce their mortgages, and buy their lands by the increase in their receipts and not their decreases.

That psychology which makes a debt an asset causes a deficit to appear as a surplus, converts a "bust" into a "boom" they do not understand or take any stock in. The gentlemen whose duties it were to have seen that the farmer had fair treatment in tariff readjustment may be compelled to content themselves this fall with psychological majorities which do not carry certificates of election. Because it will be recalled that two of the great political parties—Republican and Progressive—declared that the farmers should receive protection equally with all other industries. And the third, the majority party, gave no notice to the farmers of the United States, through their Baltimore platform, that their products should be placed upon the free list. Reduction was promised; removal was not. But they recall the first table appearing in the Underwood tariff bill report which charges farm products to be the principal offender in the matter of high prices. This was made the excuse for placing nearly all farm products on the free list and making approximately 80 per cent in value of American articles recruited to the free list by the Underwood tariff law come from the farm. Moreover, on page 18 of that report appears the following committee prophecy over the signature of every member of the majority of the Ways and Means Committee, including the gentleman from Illinois:

> In our judgment the future growth of our great industries lies beyond the seas.

We are having the fulfillment of that prophecy. Agriculture is our greatest industry, and that committee has done its utmost to cause its greatest growth in Canada, Argentine, and Australia. Perhaps the best proof of this is the fact that while the increase of finished or manufactured imports during the first eight months of the operation of the new tariff law amounts to only 8.8 per cent, the increase of the following leading farm products which were placed upon the free list or given rates radically reduced for same period as compared with a similar period one year before is 149 per cent:

Cattle; horses; sheep; animals; bread and biscuits; corn; oats; wheat; hay; beef and veal; mutton and lamb; pork; prepared and preserved meats; bacon and ham; all other meats; sausage and bologna; sausage casings; milk and cream, fresh and condensed; butter and substitutes; cheese and substitutes; eggs; vegetables—beans, onions, peas (dried), potatoes, all others in natural state; wool, unmanufactured.

So the gentleman from Illinois [Mr. RAINEY] may claim credit of being a prophet, but he carries no profit which would bring credit or cash to the American farmer. And yet this should not have authorized the gentleman from Illinois making such dire threats as he did on the 27th day of June, 1914, against anyone on this side forecasting conditions which even a wayfaring man, however mentally unequipped, must see. It was a grotesque sight on that day to hear the gentleman from Illinois [Mr. RAINEY] try to limit the manner of speech on the minority side, while the gentleman from Indiana went the limit. Of course these gentlemen are kindred souls, having much in common both in personal charm and mental characteristics. They have been doing great team work to excuse themselves from the outrage which they aided in perpetrating, in formulating, passing, and now defending the agricultural schedule of the Underwood bill. The gentleman from Illinois insists upon a monopoly of the right to prophesy business conditions. The writers of Indiana have almost a monopoly on the fiction of literature. It appears that the gentleman from Indiana would try to give that State a corner upon the fiction of legislation.

The gentleman from Indiana is a genial and interesting statesman from a great State. It is the State which Edward Eggleston once credited with a "schoolmaster," and later Booth Tarkington vouched for the citizenship of the "gentleman from Indiana." From the gentleman's qualities of mind, manner, and mien we must regard him as the combination of the two, scholar and statesman, two in one, the dinne patriot. But with all this, many of his admirers would be pleased to see him get his facts on straight in regard to wheat. [Applause on the Republican side.]

Mr. GILLETT. Mr. Chairman, I yield 30 minutes to the gentleman from Oklahoma [Mr. MORGAN].

Mr. MORGAN of Oklahoma. Mr. Chairman, I have no apology to offer for my partiality toward farmers or for my deep interest in legislation to promote agriculture.

My constituents are largely farmers, and their chief industry is agriculture.

My first duty is to them, and my highest concern is the prosperity of the industry from which they secure support.

Over 40 per cent of the population of the United States reside upon the farms. The welfare of so large a percentage of our population is a matter of great national magnitude.

Agriculture is a basic industry. All other industries depend upon it for support. Aid to agriculture is aid to all. Agriculture is a national business. The decadence of agriculture means national decay, national deterioration, national weakness, national inferiority, and national dependence; growth of agriculture means national development, national expansion, national progress, national prestige, national power, national superiority, and national supremacy.

BUYING FOOD ABROAD.

It has not been many years since it was the common boast in this country that we could feed the world. Yet for the fiscal year just ended June 30, 1914, we unquestionably actually purchased more foodstuff from abroad than we sold abroad. Official statistics for the fiscal year which ended June 30, 1913, show that in value the exports of all foodstuff from the United States exceeded the imports by but $97,000,000. The official figures for the entire fiscal year ending June 30, 1914, have not yet been compiled. There has been, however, a large increase in the importations of foodstuff into the United States, including food animals, by reason of our new tariff policy, which places many farm products on the free list. We have sufficient data now to show that for the year just passed the people of the United States have purchased more foodstuff from abroad than they have sold abroad. This indicates that agriculture in this country is losing its position as our chief industry and we are driven to the pitiable position of asking other nations to help feed us. It seems to me, Mr. Chairman, that this brings to this Congress, to this Nation, to this people, a most important question—what shall be the national policy of the United States toward agriculture? It is sufficient, it seems to me, to constrain the National Congress to consider in the most serious manner what means and methods the National Government may adopt and what laws the National Congress may enact to promote the expansion and prosperity of our agricultural interests.

EUROPEAN AGRICULTURE.

Mr. Chairman, in 1913 two commissions from the United States went abroad to study agricultural conditions in Europe. One went under the auspices of the Southern Commercial Congress; the other was appointed by the President under an act of Congress.

The American commission in its report says:

> Thirty years ago European agriculture was in a bad way. To-day it is fair to say, from the European point of view, its agriculture is prosperous.

This revolution in agricultural conditions in Europe—this change from prostration to prosperity—has not been due to accident, but has been due largely to favorable legislation, to efficient administration, and to wise economical policies pursued by European nations.

European governments have aided agriculture along four general lines: First, in providing facilities for instruction in scientific agriculture; second, in levying tariff duties to protect their farmers in their home market from foreign competition; third, by the organization of their farmers for business purposes; and fourth, by providing their farmers with ample credit at a low rate of interest. Great Britain is the one important European country that has neglected agriculture, and her course stands as a monument to the folly of her statesmen.

The United States should profit by the experience of European countries. We should adopt the methods and pursue the policies which have contributed so effectively to the prosperity of European agriculture.

What has the United States done to aid agriculture along these four lines? First, in agricultural education we have been a leader among nations. No other country has facilities equal to those in the United States for instruction in agricultural science. No other country expends so large amount of money for agricultural education. Our appropriations for the support and the equipment of the Department of Agriculture are annually increasing. The agricultural appropriation bill this session carries over $19,000,000. We have recently passed the Lever bill which contemplates the expenditure of many millions of dollars in farm demonstration work. No one contemplates a backward step in agricultural educational work. Our appropriations must be continued, enlarged, and extended until every farm has been brought to a high state of productivity, and until every farmer has attained a high degree of prosperity.

PROTECTION.

Second, the United States, like many European nations, has done much to promote agricultural prosperity through protective tariff duties upon agricultural products. We fostered industrial development through the same policy. Great manufacturing centers were developed. Mighty cities grew into existence. The land became dotted with prosperous towns and villages, inhabited by well-paid and intelligent American citizens, employed in mills and factories. This process went on until we had 60,000,000 of people residing in our towns and cities. Our farmers possessed a great home market—the best in the world. This added value to their lands and enhanced the prices of their products. The prosperity which our farmers have enjoyed during the past 15 years has been due not to any material increase in the yield per acre of their lands, but to the higher range of prices received for their products. But, alas, the party now in power enacted a new tariff law and entered upon the policy of free trade in farm products. By so doing, the United States discarded one of the most potent and effective instruments used by most of the great European countries to promote agriculture. We abandoned a policy which has contributed immensely to our agricultural wealth and to the prosperity of our farmers. Free trade in farm products is a great national blunder which should be rectified at the earliest date possible.

ORGANIZATION IN BUSINESS.

Third. The United States Government has done little to organize its farmers for business purposes. In this respect we are far behind European Governments. Cooperative business methods have contributed immensely to agricultural prosperity in most of the European countries. Germany has more than 25,000 farmers' cooperative societies. Unquestionably too large a percentage of the wealth produced by the farmers of the United States goes to corporations and individuals engaged in the purchase, transportation, manufacture, sale, and distribution of farm products. Certainly our farmers should be able to market their crops and secure more than 46 per cent of the price which the consumers pay. The Federal Government must aid the farmers of the United States in perfecting methods and means whereby they may market and distribute their products to consumers, without submitting to unjust, undue, or unfair tribute levied by corporations.

AGRICULTURAL CREDIT.

Fourth. What has the United States done to provide credit for its farmers? Practically nothing. Long ago continental European countries recognized the importance of ample credit and reasonable interest as instruments for the development of agriculture. Rural-credit institutions were established, and through them agriculture has expanded, large profits have accrued to farmers, great wealth has been added to nations, improved social conditions have been developed, farm life has been made more attractive, and, above all, new hope, higher aspirations, better living, and greater happiness have come to millions of European farmers.

The Republican Party was the first political organization to recognize the importance of rural credit, and it was the only party that placed in its platform in 1912 a positive declaration in favor of the enactment of State and Federal laws to provide credit for our farmers. In its national platform promulgated at Chicago, June 22, 1912, the Republican Party declared as follows:

> It is of great importance to the social and economic welfare of this country that its farmers have facilities for borrowing easily and cheaply the money they need to increase the productivity of their land. It is as important that financial machinery be provided to supply the demand of farmers for credit as it is that the banking and currency system be reformed in the interest of general business. Therefore we recommend and urge an authoritative investigation of agricultural credit societies and corporations in other countries and the passage of State and Federal laws for the establishment and capable supervision of organization having for their purpose the loaning of funds to farmers.

This plank in the Republican platform of 1912 covers the entire ground. First, there is a recognition of the social and economical importance of rural credit; second, credit for the farmers is placed upon an equal footing with credit for general business; third, authoritative information is demanded; fourth, there is an appeal for immediate constructive legislation in the following language:

> We recommend and urge * * * the passage of State and Federal laws for the establishment and capable supervision of organizations having for their purpose the loaning of funds to farmers.

The leaders of the Democratic Party, now directing national legislation, apparently have not recognized the wisdom of the Republican platform declarations. This Congress has been in session continuously for 15 months. The Banking and Currency

Committee have reported no rural credit bill to the House. Practically all other business was sidetracked for nearly 6 months while Congress had under consideration the new banking and currency act. When this act was before the House I offered an amendment authorizing the organization of rural banks "to provide the farmers of the United States with better credit, cheaper interest, and larger capital with which to develop the agriculture of the United States." In a speech supporting my amendment I said:

You are providing a currency for merchants, for manufacturers, for business men, for bankers, for speculators, for capitalists * * * and letting the farmers go. * * * You are putting the cart before the horse. The first thing you should do is to take care of the great agricultural interests of this country.

This session of Congress is drawing to a close. It is generally understood no rural credit bill be reported at this session of Congress. The short session of next winter will expire in three months by limitation of law. It will be crowded with other business. Rural credit bills will have little chance for consideration. Unless called in special session, the Sixty-fourth Congress will not convene until in December, 1915. Under the program outlined by the party in power what reasonable prospect is there of rural credit legislation until late in the year 1916? In the meantime our farmers must wait while other great interests are being cared for; agricultural development will be retarded and farmers will not be able to enlarge their farming operations for lack of capital and must continue to pay a much higher rate of interest than is being paid by the farmers in European countries. Against this program I want to enter my earnest and emphatic protest, and I appeal to the leaders of the Democratic Party now in power to report a rural credit bill, give it the right of way in this House, and let it be passed before this session of Congress shall adjourn.

OUR CREDIT INSTITUTIONS.

What are the credit institutions of this country? All told we have 29,254 banks; 25,993 reported to the Comptroller of the Treasury. These banks have $1,560,000,000 cash in their vaults, $2,096,000,000 capital stock, $2,249,000,000 surplus and undivided deposits, $20,033,000,000 invested in loans and securities, and $25,712,000,000 in resources. They have loaned and invested $10 for every dollar they have in capital, and they have loaned and invested $14 for every dollar they have in cash.

These banks are credit institutions. They are the custodians of the credit of the country. Credit is a mighty instrument of power in the commercial and industrial world. Only through its expansion has our great material development been made possible. As a factor in our material development credit should be ranked with the mighty natural forces of steam and electricity. Trade, transportation, commerce, mercantile, and industrial enterprises have largely monopolized the credit power of our banks. The object of rural credit legislation is to create credit for agriculture. Its purpose is not to rob commerce Its object is to supply agriculture, to create a new credit for our farmers, to place in their hands an instrument of productive power that will extend, expand, and enlarge their industry, increase their earning power, add to their profits and savings, multiply their wealth, and thus increase by a hundredfold the wealth of the country from which all other industries and classes will reap untold benefits. Rural credit banks do not mean opposition or antagonism to existing commercial banks. Rural credit banks mean the establishment of a new enterprise, the founding of a new institution. Their effect will be like the building of a new mill, the erection of a new factory, the opening of a new mine—to aid and assist all other business and to distribute blessings to the entire community. One great fact should be thoroughly understood—without adequate credit agriculture can not keep pace with the expansion of commercial and industrial enterprises. The very strength and perpetuity of our Nation depend in a large measure upon the maintenance of a proper equilibrium between commerce, manufacturing, and agriculture. To attain this great end we are justified in exercising all the constitutional power vested in Congress.

Mr. SLOAN. Will the gentleman yield?

Mr. MORGAN of Oklahoma. Yes; I will yield.

Mr. SLOAN. In the plan of rural credit that the gentleman presented, was there any provision made for nonland-owning farmers, known as tenants?

Mr. MORGAN of Oklahoma. In answer to the question of the gentleman from Nebraska [Mr. SLOAN] I will state that in the limited time which has been allotted to me at this time I will not be able to discuss the various systems of rural credit which have been adopted by most of the European countries. My great object now is to impress upon Congress the importance of action. The details and extent of the system we will establish will be a matter for discussion when the matter is up for consideration. But my own views are that the system should provide some way whereby tenants with limited means could become the owner of a farm without the sacrifice and struggle for himself and family which they would have to make under the present system. Not only should it include the tenant farmer, but should extend in its scope to include the farm laborer and wage earner in the towns and cities who desire to go to the farm and make better provision for himself and family, but is also ambitious to participate in what should be a great national patriotic movement to promote agricultural development.

REDUCTION OF INTEREST.

One great object of rural credit is the reduction of the interest charge upon existing indebtedness of farmers. The census of 1910 reports only the mortgage indebtedness on farms operated by their owners. This amounts to $1,726,173,000. Estimating according to their number the amount of mortgage indebtedness upon farms not operated by their owners, there is a total farm mortgage indebtedness in the United States of $2,300,000,000 The census does not show the amount of money farmers have borrowed on personal securities or how much credit they have obtained from merchants. The total amount of personal indebtedness of farmers is unquestionably very large. Competent judges have estimated that the farmers of the United States owe from four to five billions of dollars, upon which they pay an annual interest charge of probably $400,000,000. European farmers borrow money at from 4 to 5 per cent annual interest. American farmers pay an average rate of from 7 to 8 per cent. If through rural credit farmers could secure a reduction of 3 per cent in the rate of interest, it would mean a saving of from $100,000,000 to $150,000,000 annually. But the object of rural credit is not merely a reduction of interest charge or to lessen the indebtedness of our farmers. Indeed, rural credit contemplates an enlargement of the use of credit as an instrument for the expansion of agriculture, the enlargement of farming operations, and an increased productivity of the soil.

EXAMPLE OF OTHER NATIONS.

We may profit by the example and experience of the three leading European countries—England, Germany, and France. Germany has an area of less than the State of Texas. Her soil is comparatively poor, and her climate is not as good as that of the United States. She has a population of 66,000,000, but now imports but 5 per cent of her food products. Her population is growing at the rate of a million a year. But Germany is planning to feed her own people—to increase the production of her food products in proportion to the growth in her population. Her statesmen are not planning to reduce the cost of food products by importations from abroad. By tariff duties she protects her farmers from foreign competition. By legislation and by governmental supervision and direction her farmers have been organized for business purposes to secur for them the largest possible percentage of the wealth they produce. She has provided her farmers with ample credit at a low rate of interest. Ample credit has enabled German farmers to enlarge their farming operations German agriculture has been expanding at a ratio corresponding to the growth in population.

France is said to be the banker nation of Europe. Agriculture is her main source of wealth. France, like Germany, protects her farmers by a tariff upon farm products. The markets of France are not opened by a free-trade policy to the agricultural products of the world. The peasant farmers have their agricultural syndicates and their cooperative business organizations, through which they purchase supplies at the lowest prices and sell their products at the highest figures. Agriculture in France has been successfully financed. The Government has aided by grants and subsidies. When the law was passed providing for cooperative banks to provide personal credit for the peasant farmers of France, the Government required the Bank of France to advance 40,000,000 francs to the capital of these banks, and to make large annual advancements thereafter. The Bank of France discounts the notes and bills of the peasant farmers, thus giving the farmers of France access to the greatest money market of the world. Spain, Italy, Belgium, Denmark, Switzerland, Austria-Hungary, and practically all other European countries protect their farmers from foreign competition.

Contrast agricultural conditions in Germany and France with agriculture in England. England's policy has been to rely for political strength upon industrial development at home and the expansion of her commerce abroad. Free trade has been her motto. Agriculture was left to its fate. The result is, England looks to other countries to feed her people. She has done little

to organize her farmers for business purposes and has made only slight progress in providing credit for her farmers. It is true that in recent years some splendid men have taken a deep interest in the work of bettering agricultural conditions in that country. Considerable progress has been made in Ireland under the leadership of Sir Horace Plunkett. But England is the one European Government that has done little to aid the development of her agricultural interests. Indeed, her economical policy has obstructed the growth of agriculture, depreciated the value of her farm lands, and impoverished her farmers. England has 800,000 paupers. The United States, with double her population, has less than 80,000. James J. Hill in his book, "Highways of Progress," speaking of the effect of England's policy toward agriculture, says:

Business in the streets of her cities is impeded by processions of gaunt men shouting in wretched concert, "We want work! We want work!"

WHO SHOULD UNITED STATES FOLLOW?

The way is plain for this great Republic. Germany and France and other European nations have marked the way. England's policy and the sad fate of her agriculture stand as a warning to our statesmen and a great object lesson to our farmers. We must abandon the idea of reducing the cost of living by importing food products. We must produce the food to feed our own people. We must give up the policy of free trade in farm products embodied in our new tariff law. We must protect our farmers in our home markets. We must teach our farmers the importance of organization to meet modern conditions in business with a view to reducing to a minimum the cost in the transportation, manufacture, sale, and distribution of farm products. The farmers must have a larger percentage of the wealth they produce and the middlemen must take less.

We must establish a system of agricultural credit for the farmers of the United States that is unexcelled. We must see to it that our farmers can borrow money at as low a rate as it can be borrowed by railway, public utility, and municipal corporations. The farmers must be able to finance their industry as easily and cheaply as any other business is financed. To accomplish this great end the Federal Government and the State governments must enact the necessary legislation and furnish such capital and credit as may be necessary, whether that be much or little. All should be done upon a safe, sound, and conservative basis, but not timidly, grudgingly, or sparingly. Our farmers are the most intelligent on earth. They are loyal and patriotic. They will not be unreasonable in their demands. It is not simply what the farmers of this generation have at stake, but it is the destiny of the Nation that should inspire us to action. We must stay by old-time policy and plan to feed and clothe our own people. We have 3,000,000 square miles of territory. We have 1,900,000,000 acres of land. We have 978,000,000 acres of land included in our farms. Only 478,000,000 acres of this land is improved. Nearly three-fourths of our land is unimproved, unoccupied, uncultivated, and unproductive.

What a magnificent field for agricultural development and expansion! Are we equal to the task before us? To achieve great things we must plan for great things. The destiny of the Nation is in our hands. Fifty years from now we will probably have 200,000,000 people. These millions must be employed—they must be fed and clothed and sheltered. They must live upon a scale that means a high standard of civilization. Means for the promotion of education, culture, refinement, and morality must be provided. We must not forget that agriculture is the base of our industrial pyramid. Our industrial development must be symmetrical. We must maintain the proper equilibrium between our chief industries—commerce, manufacturing, and agriculture. To this end the United States must adopt and pursue an affirmative policy for the promotion of agriculture. We must continue our work in the diffusion of knowledge in scientific agriculture among our farmers; we must guard the markets of our farmers from foreign competition as carefully as we would guard their money; we must aid our farmers in forming business organizations that will enable them to retain a larger per cent of the wealth they produce, and equip them to cope successfully with organized commercial and business interests; and above all we must create a system of farm credits broad enough to include both mortgage and personal credit, long-time and short-time credit, comprehensive enough to meet the wants of the man who owns a farm and the tenant who is ambitious to own a farm; and further yet, we must work out a system of long-time mortgage credit—extending from 25 to 50 years—whereby the farm laborer or the wage earner in the towns and cities with limited means may become the owner of a farm.

The task before us may be difficult, but great will be the reward. For with these things in progress of accomplishment the larger current of population will again flow back to the farm; rural population will increase in equal ratio with our urban population; ample food will be produced to feed our people for an indefinite period; the pillars of the Republic will be strengthened; the American people will maintain their leadership among the Nations of the earth; social standards will be improved; a higher civilization will be developed; poverty will grow less; wealth will be more abundant and more equitably distributed; and a better, brighter, happier day will dawn upon all who shelter under the Stars and Stripes. [Applause.]

Mr. FITZGERALD. Mr. Chairman, I yield two minutes to the gentleman from Washington [Mr. BRYAN].

Mr. BRYAN. Mr. Chairman, I regret very much that my colleague [Mr. HUMPHREY of Washington] has left the Chamber, for there is a matter I deem it necessary for me to refer to in which he is an interested party. Whatever bitterness may develop here on this floor between my colleague [Mr. HUMPHREY of Washington] and others, I am quite sure that none shall develop between him and me. I have planned to keep out of the debates or proceedings of this House any reference to the campaign between us as to the representation of the first congressional district on this floor. That is a matter for the hustings in my State. But in my colleague's brief reply to the gentleman from Alabama [Mr. HEFLIN] awhile ago he threw down the glove before me, in a sense, by criticizing my vote on the tariff. I do not know whether he publishes his speech in to-day's RECORD or not. That glove I shall cheerfully take up at the proper time and place, which is during the campaign and in my district. "The proof of the pudding is in the eating thereof," and I have decided to put the matter up to him in the following manner:

My colleague [Mr. HUMPHREY] having in public debate this afternoon in this House referred to and adversely criticized my vote on the tariff, I invite the gentleman to meet me, and as many of the people of the first congressional district of the State of Washington as care to attend, at a public meeting at the Dreamland Rink, at Seattle, Wash., a hall with a seating capacity of 5,000 people, on such date in the month of September next and under such rules as may be agreed upon by Mr. J. C. Herbsman, the State chairman of the Progressive Party, on my behalf, and some other person to be named by my colleague on his behalf; provided, that the rules to be adopted shall make it in order for Mr. HUMPHREY to defend his own record on the tariff and other matters in Congress and to attack mine, and for me to defend my record and attack his; and provided further, that at the close of the last speech, without further delay, the question of who pays the expenses of the meeting, not to exceed $250, shall be submitted to the audience and decided by majority vote; the amount of such expenses to be deposited pending the decision of the audience by each of the speakers while the band plays but before the speaking begins.

R. S. V. P.

Mr. SLOAN. Mr. Chairman, will the gentleman yield?

Mr. BRYAN. Certainly.

Mr. SLOAN. Mr. Chairman, I want to call attention to the fact that this appears to be a plan to break the quorum of this House along about the middle of September, and I do not know that it should go unchallenged.

Mr. MOORE. Mr. Chairman, does the gentleman understand that R. S. V. P. proposition advanced by the gentleman from Washington means that the Members of Congress are invited to this joint debate arranged for in this ex parte matter?

Mr. SLOAN. I have no doubt that the Members of the House will desire to be present at it.

Mr. BRYAN. The debate will doubtless be fixed at a time after adjournment.

Mr. MOORE. Who will bear the expenses of Members of Congress?

The CHAIRMAN (Mr. CANDLER of Mississippi). The time of the gentleman from Washington has expired.

Mr. FITZGERALD. Mr. Chairman, I yield 15 minutes to the gentleman from Iowa [Mr. CONNOLLY].

[Mr. CONNOLLY of Iowa addressed the committee. See Appendix.]

Mr. FITZGERALD. Mr. Chairman, I ask that the Clerk read the bill.

The Clerk read as follows:

DEPARTMENT OF STATE.

To pay the cost of the transportation of diplomatic and consular officers in going to and returning from their posts or when traveling under orders of the Secretary of State at the rate of 5 cents per mile, but not including any expenses incurred in connection with leaves of absence, $25,000.

Mr. BURKE of Wisconsin. Mr. Chairman, it is my desire at this time to present, in my humble way, the condition of market prices of farm products during nine months under the present Democratic tariff. I shall not, however, attempt to do so from a partisan standpoint, but from the standpoint of one who is interested only in facts. I know the great importance of the farming industry to our country.

The tillers of the soil far exceed in numbers those employed in any other single industry. In intelligence, industry, and patriotism they are not excelled by any class. No wealth comes to them excepting by virtue of the sweat of their brows; no discriminations, no trusts, no combinations, and no monopolies are attributable to them. They constitute the great body of law-abiding, industrious, thrifty, and progressive citizens of the Nation. Their prosperity means the Nation's prosperity; their adversity means business depression in the Nation; their importance and intelligence demand that their interests and welfare shall at all times command the serious respect and consideration of all legislators. They are entitled at all times from their Representatives in Congress, regardless of party, to a fair, impartial, and truthful treatment and consideration. A Representative who would knowingly misrepresent the effect of laws and conditions upon their labors and the fruits of their toil would be unworthy of a seat in this legislative body.

The farmers of this country constitute, on the average, the most intelligent body of our citizens. Calamity howlers and blind partisans may for a time deceive a few of them with crocodile tears and prophecies founded in ignorance and partisanship desire, but sooner or later the farmer will realize the truth, and he will welcome the truthteller and cast the calamity howler behind him.

COMPARISON OF LAST AND PRESENT TARIFF RATES.

From our memories figures and percentages are often fleeting. No matter how frequently we may hear or read them, still they will escape from us. It is not usually safe to quote tariff rates or figures without having the same in back and white before our eyes. Knowing that this difficulty is experienced by most men, and in order that the statements that I shall make and the conclusions that I shall endeavor to draw in the course of these remarks, I shall take the liberty at this time of presenting certain tariff-rate tables and tables of market prices.

I do this in order that there may be in these remarks no uncertainty, no guesses, and no prophecies, but a plain straightforward statement of facts. I shall ask my hearers and readers to judge and weigh the present tariff on farm products by its effects on the same, and in the light of the statements and figures I herewith present.

For the purpose of fully understanding these comparisons, let us bear in mind in the beginning that the present Underwood or Democratic tariff became a law on the 3d of October, 1913. The Republican or Payne tariff, immediately preceding it, became a law on the 5th of August, 1909, and continued until its repeal by enactment of the Democratic tariff. Previous to the adoption of the Payne or Republican tariff there was upon the statute books of the United States, a tariff known as the Dingley law, passed some time in 1897.

	Last or Republican tariff law placed on—	Present or Democratic tariff law places on—
Barley	30 cents per bushel	15 cents per bushel.
Corn	15 cents per bushel	Free.
Oats	do	6 cents per bushel.
Rye	10 cents per bushel	Free.
Butter	6 cents per pound	2½ cents per pound.
Cheese	do	20 per cent.
Milk, fresh	2 cents per gallon	Free.
Peas, contained in tin cans	2½ cents per pound	1 cent per pound.
Eggs	5 cents per dozen	Free.
Hay	$4 per ton	$2 per ton.
Potatoes	25 cents per bushel	10 per cent.
Wheat	do	10 cents.
Poultry, alive	3 cents per pound	1 cent per pound.
Poultry, dressed	5 cents per pound	2 cents per pound.
Hogs	$1.50 per head	Free.
Cattle	27½ per cent	Do.
Sheep	$1.50 per head	Do.
Hides	Free	Do.
Wool	11 cents per pound	Do.
Malt	45 cents per bushel	25 cents per bushel.

In the present Underwood or Democratic tariff law, wheat and potatoes are placed upon the free list, excepting importations of wheat and potatoes from countries which maintain a tariff on such articles shipped from the United States to such countries. The present law requires that on wheat and potatoes imported from such countries there be paid a duty of 10 cents a bushel on wheat and 10 per cent ad valorem on potatoes. In these two articles Canada has been and is our principal competitor. Although we have had up to this date nine months of the Underwood tariff law, yet Canada, up to this time, has not placed her wheat or potatoes on her free list. In fact, some two or three months ago a proposition to place these two articles upon the free list so as to take advantage of our present tariff law was defeated decisively in the Canadian Parliament. Indications now are that Canada will maintain a duty against wheat and potatoes imported into that country, and so long as she does, a tariff duty will be maintained in this country against Canadian wheat and potatoes to the extent of 10 cents per bushel on wheat and 10 per cent ad valorem on potatoes.

THE TARIFF ON DAIRY PRODUCTS.

There are no products of the farmer more sensitive to competition than are dairy products. If the Underwood or new Democratic tariff has worked an injury to the farmer, or lowered the prices which he receives for his products, it will show that injury first in those products which are the most sensitive to competition. Our Republican friends upon the floor of this House have charged repeatedly that the new Democratic tariff is ruining and destroying the prosperity of the farmer. They have pointed out instances of the importation of a few thousand bushels of corn from Argentina, a few thousand pounds of beef from the same country, and a few thousand tubs of butter from Argentina, New Zealand, Siberia, Denmark, and Australia. Import statistics prove that it is true that butter has been imported during the last nine months from the countries named, as well as some corn and beef.

During the debate upon that schedule of the tariff bill relating to farm products it was freely predicted by our opponents that so many farm products were being placed upon the free list and the duty upon so many other farm products materially reduced that the farmer could not help being ruined and forced into bankruptcy. In fact, I was one of those who sincerely believed that the new tariff bill cut too deep into the tariff on some farm products and placed too many of the same on the free list. I was one of those who in the Democratic caucus actually and vigorously protested against the reduction of the tariff duty on dairy products, on barley, oats, wheat, cattle, and beef. At that time I honestly believed that too great a reduction was being made in the tariff on farm products as compared with those of other industries. I had the courage to say so then; but having since discovered and learned by observation that the tariff has had no such effect upon farm products, nor any injurious effect at all, I have the courage to acknowledge my mistake and belief, and shall endeavor to cite the proof of those facts to you now.

If the lowering of the tariff on dairy products has worked an injury to the farmer and producer of those products, I believe that that injury would have been first seen and demonstrated in the greatest of all dairy States, the State of Wisconsin, which I have the honor to in part represent. It is the greatest dairy producing State in the Union, and I have the honor of representing the most extensive and productive dairy producing congressional district in the United States.

According to the census returns of 1909, Wisconsin is the champion dairy producing State in the Union, and since that date its dairy products have increased in a large degree. By that census it had displaced New York, which was second in dairy importance, while Iowa was third in rank and Minnesota fourth. The bureau's figures upon the production of butter, cheese, and condensed milk, according to that census, are as follows:

	Number of establishments.	Amount.
Wisconsin	3,040	$53,843,249
New York	1,552	42,458,345
Iowa	512	26,849,863
Minnesota	784	25,297,462
Illinois	295	17,798,278
Michigan	435	14,287,496
Indiana	132	3,958,600

According to the Wisconsin Dairy and Food Commission, Wisconsin in the year 1912 manufactured 47 to 50 per cent of the Nation's cheese supply. Our cheese men were making no less than 35 types of cheese in that year, and they were making the styles and types for which there was the greatest demand upon the leading cheese markets of the country. In that year the value of cheese products in Wisconsin was between $23,000,000 and $24,000,000. The estimated production of cheese in Wisconsin for 1912 was 180,000,000 pounds, and since that time the production of that article in Wisconsin has been largely increased.

I cite these facts for the purpose of showing you a dairy market that would most certainly show the bad effects of the rates upon farm products in the Underwood tariff bill, if it has a depressing or cheapening effect upon such farm products any where in the country. If the farmers of that State have not suffered in the price which they received for their dairy products since the Underwood tariff law has been in effect, then the prices received by the farmers for such products have not been cheapened in any other portion of the country.

CHEESE MARKET.

At Plymouth and at Sheboygan, in Sheboygan County, in my district, are to be found the largest primary cheese markets in the country. The cheese markets of these little cities have for years had, and still have, a national reputation. Upon reliable authority I have been supplied with the prices paid to the cheese makers upon three distinct and separate dates in each of the years 1913 and 1914:

Cheese prices on Plymouth Central Cheese Board, 1913 and 1914.

	Feb. 18, 1913.	Feb. 17, 1914.	Apr. 29, 1913.	Apr. 28, 1914.	June 17, 1913.	June 16, 1914.
Longhorns	17½	17½	13⅞	16	14¾	15½
Young Americas	16¾	17⅜	13½	15½	14⅜	15½
Daisies	17¼	17	14¼	16½	14½	14½
Twins	16	16½	13½	15⅜	14½	14⅜
Square prints	16½	17⅜	14¼	16⅜	15	15½

A bare inspection of the above table discloses the fact that the price for each variety of cheese above named on the three different dates in the year 1914 above stated were higher than the same variety of cheese on or about the same dates in the year 1913, and they may be verified by an inspection of the records of the Plymouth cheese boards.

It may, however, be contended by some that the Plymouth and Sheboygan cheese markets are but local in their nature and do not reflect the true market value of cheese throughout the country. In other words, some people have contended that the price of New York cheese has been reduced below the price that was received for it by the cheese maker last year. Owing to the added competition from Canada, because of the lowering of the tariff on cheese, there have been charges and countercharges in relation to the price of Wisconsin and New York cheese. In order to give the facts, I herewith produce market prices back for a period of nine years, so that those who care to may judge for themselves. This year the New York prices of cheese, which are most exposed to Canadian and foreign competition, lead over the prices paid for cheese in Wisconsin, but in former years Sheboygan County board prices were higher than other dairy boards in the United States and Canada. Figures are the best evidence, and these can be verified as to their correctness. The prices were as follows:

Months.	Plymouth board.	Utica, N.Y., board.	Canada.
	Cents.	*Cents.*	*Cents.*
June, 1914	[1] 14⅞	[1] 14⅜	.....
June, 1913	14	13⅜	.....
June, 1912	12¼	12⅜	14
June, 1911	11⅞	10⅜	10⅜
June, 1910	15	13½	10¼
June, 1909	13⅜	12⅜	13⅜
June, 1908	10⅜	10	11
June, 1907	13	11⅞	12¼
June, 1906	11⅜	10⅜	12
June, 1905	10	8½	9⅜

[1] Flats.

In this connection I take the liberty of presenting cheese-market reports from the June 24, 1914, issue of the Dairy Market Reporter, the official organ of the Wisconsin Cheesemakers' Association, published at Sheboygan Falls, Wis. This shows the price paid for the different grades of cheese upon the Sheboygan Dairy Board and upon the Plymouth Central Cheese Board on practically the same day of the same month in the years 1913 and 1914. The prices here shown are also substantially the prices paid for cheese at Plymouth, Wis., by the Sheboygan County Cheese Cooperative Society, a rival cheese board. The prices paid for the different grades by all boards in June this year are higher than the prices paid for the same grades of cheese at the same time in the year 1913. I also add cheese-market prices paid at Brockville, a noted cheese-marketing center in Canada, on the 18th of this last June, for the purpose of affording a comparison between American and Canadian cheese prices:

SHEBOYGAN DAIRY BOARD.

SHEBOYGAN, WIS., *June 23, 1914.*

Twenty-three factories offered 2,383 boxes of cheese on the call board to-day, and all sold as follows: 332 cases Young Americas, at 15 cents; 70 cases longhorns, at 15⅜ cents; 1,861, at 15¼ cents; and 120 boxes square prints, at 15½ cents.

Sales a year ago to-day on the Sheboygan board were—142 cases Young Americas, at 14⅜ cents; 616, at 14¼ cents; 537 cases longhorns, at 14⅜ cents; 1,638, at 14½ cents; and 120 boxes square prints, at 14⅝ cents.

PLYMOUTH CENTRAL CHEESE BOARD.

PLYMOUTH, WIS., *June 23, 1914.*

Twenty-four factories offered 2,581 boxes of cheese on the call board to-day, and all sold as follows: 69 twins, at 14½ cents; 336 cases Young Americas, at 15 cents; 445 daisies, at 14½ cents; 30 double daisies, at 14¼ cents; 1,234 cases longhorns, at 15¼ cents; 115 boxes square prints, at 15⅜ cents, 252 at 15¼ cents, and 100 at 15 cents.

Sales a year ago to-day on the Plymouth board were: One hundred and twenty-three twins at 14 cents, 447 cases Young Americas at 14½ cents, 122 daisies at 15⅜ cents, 1,778 at 14¼ cents, 12 double daisies at 14 cents, 63 cases longhorns at 14⅜ cents, 1,443 at 14½ cents, and 260 boxes square prints at 14⅞ cents.

CANADIAN CHEESE MARKETS.

[From the Montreal Trade Bulletin.]

BROCKVILLE, *June 18.*

About 8,000 boxes of cheese changed hands here to-day at a ruling of 12⅝ cents, although 12⅛ cents and 12⅞ cents, the latter price for white, was paid in some quarters. The ruling is a quarter of a cent lower than a week ago. At the board meeting there were no sales, the salesmen refusing to accept the reduced offer. The goods put up for sale totaled 2,880 boxes of colored and 1,000 boxes of white.

BUTTER.

Wisconsin is one of the largest butter-producing States in the Union, its butter products in 1910 amounting in value, in round numbers, to $80,000,000, and it is reliably estimated that its annual production has since increased in value to over $100,000,000. Any tariff detrimental to the butter interests of the country would be reflected in the prices paid for butter in the markets of Wisconsin, but no evidences of such reduction are to be found in the market prices paid to the farmers of that State this year under the Underwood tariff law as compared with the prices paid the creamery men or butter makers under the Payne tariff law.

I herewith submit a table showing the prices paid for creamery butter on different dates in the months of January, February, March, April, May, and June in the years 1911, 1913, and 1914 at Johnson Creek, in my district, one of the largest creamery butter producing points in the Northwest:

	Cents pound.
1911.	
Jan. 9	29
Jan. 16	27
Jan. 23	25
Jan. 30	25
Feb. 6	26
Feb. 13	26½
Feb. 20	26½
Feb. 27	25½
Mar. 6	26
Mar. 13	26
Mar. 20	25
Mar. 27	24
Apr. 3	21
Apr. 10	21
Apr. 17	21
Apr. 24	22
May 1	22
May 8	21½
May 15	21
May 22	21
May 29	23
June 5	21½
June 12	22
June 19	23
June 26	23
1913.	
Jan. 6	34
Jan. 13	33–33½
Jan. 20	32
Jan. 27	33
Feb. 3	34
Feb. 10	34½
Feb. 17	35
Feb. 24	34½
Mar. 3	35
Mar. 10	35
Mar. 17	34
Mar. 24	34
Mar. 31	35
Apr. 7	32
Apr. 14	33
Apr. 21	33
Apr. 28	30
May 5	28
May 12	28
May 19	28½
May 26	27
June 2	28

	Cents per pound.
June 9	27½
June 16	28½
June 23	27½
1914.	
Jan. 5	35
Jan. 12	32½–33
Jan. 19	32½
Jan. 26	28½
Feb. 2	26½
Feb. 9	26½
Feb. 16	30
Feb. 23	30
Mar. 2	30
Mar. 9	27
Mar. 16	26½
Mar. 23	26⅝
Mar. 30	24½–25½
Apr. 6	24½
Apr. 13	25
Apr. 20	23½
Apr. 27	23½
May 4	25
May 11	26
May 18	25½
May 25	25⅝
June 1	26½
June 8	26⅝
June 15	27½
June 22	27½

It will be observed that the prices paid for butter in given months in 1911 and 1914 were in every instance higher in 1914 than in 1911, and that the prices paid on the same dates and months in 1913 vary. In some instances the prices of 1914 were from one-half to 2 and 3 cents lower than on the same or corresponding dates in 1913, but in a majority of cases they were higher in 1914 than in 1913.

ELGIN BUTTER MARKET.

The butter market of Elgin, Ill., is widely known as an important, extensive, central, and controlling butter market. It usually correctly reflects the price of butter throughout the season. Its butter quotations are now and for a number of years last past have been largely in general use in the markets of the Northwest. For the purpose of affording a comparison of this year's prices and those of previous years and for the additional purpose of showing that the local market reports which I have quoted are correct, I present the following report from the Elgin market, proving conclusively that upon that important butter market, the price of butter in the month of June this year was as high as it had been at the same time in that market in the four years next preceding this:

ELGIN BUTTER MARKET.

ELGIN, ILL., *June 23, 1914.*

Sales on the call board were at the same price as last week, 27½ cents. Six lots were offered. They amounted to 126 tubs; all sold at 27½ cents. Bids ranged 26, 26½, 26¾, 27½ cents. Elgin price for week, based on majority sales, was 27½ cents.

Prices previous years.	Cents.
June 15, 1914	27½
June 23, 1913	27½
June 24, 1912	25
June 26, 1911	23
June 27, 1910	27½

BUTTER COMPETITION.

Many intelligent and industrious dairymen interested in producing butter have expressed the fear that competition with imported butter would result in lowering the prices of butter. This is a mighty important question to all farmers. It is true that some butter has been imported. I wish, however, at this time to take the liberty of quoting the opinion of that experienced and responsible dairyman, ex-Gov. W. D. Hoard, of Fort Atkinson, Wis. This gentleman has had a long experience in all dairy matters. He is not one of those who would be likely to go out of his way to say a good word for the butter tariff contained in the present Democratic tariff law. He is an able, intelligent, and patriotic gentleman, and one whose Republicanism never has been and is not now being questioned. He is and for a long time has been the editor and publisher of Hoard's Dairyman, the leading dairy paper published in the United States, and recognized as an authority.

FOREIGN BUTTER.

In an editorial in Hoard's Dairyman, published at Fort Atkinson, in my district, on the 19th of last February, the following opinion was expressed by the editor or the editorial force of that paper:

Since the passage of the Underwood-Wilson tariff and the consequent reduction of the protective duty on butter, many of our readers have expressed great fear that the butter industry of this country would be greatly injured thereby. No doubt can be had whatever that between the upper and lower millstones—the tariff and oleomargarine—the common and inferior makes of butter are going to suffer somewhat. But, as we view the situation, the injury will be visited almost wholly upon the lower grades, and for this reason fine high-grade butter has never been a drug upon the market. Indeed there has never been enough of it to supply the demand at a fair price. This quality of butter is almost wholly dependent upon flavor. The number of people who want good butter is constantly increasing. Foreign butters and oleomargarine do not reach that demand. No creamery that can persuade its farmers to supply it with high-grade milk and cream need fear any serious injury to its trade. It is only those who market an inferior grade of butter that are going to be most affected by the foreign importations.

From another editorial published in the same paper a few weeks later the following extract is taken:

Well, times are changed. The public is getting its fill of bad butter. Last year witnessed for the first time a real spread in price between good and bad butter. The markets have begun to react. There came on a little change in the tariff. It was dropped from 6 cents to 2½ cents per pound. Foreign butter from Australia, New Zealand, Denmark, and Russia began to make its appearance in American markets. That, together with a heavy production at home, sent prices down. The decline has apparently stopped at a point where it is not profitable to bring in the high-grade Danish and New Zealand butter, but the low-grade Russian and Australian butters are selling several cents lower on English markets, and can still come in and compete with American low-grade goods. What is the result? There is going on all over the country a strenuous effort to get good cream to make the high-grade butter that will not come into competition with the low-grade foreign stuff, and it looks as though there would be no creamery, big or little, that can not make good. The little change in the butter schedule may mean the salvation of the butter industry in the country.

In an article published in a later edition of Hoard's Dairyman, written by Prof. G. L. McKay, an agricultural expert of the University of Illinois, we find the following language:

The lowering of the tariff has resulted in the importation of some foreign butter, as would naturally be expected. This at first caused some uneasiness among dealers who could not see the extent to which foreign butter would be imported in the future. This is responsible for the recent fluctuations in the price of butter.

Farmers and everybody else should remember that there is still a tax of 2½ cents per pound on butter. Adding to this the railway and steamship charges for transportation we find that the American producer has still a protection of about 3½ cents per pound. This should be sufficient to offset the cost of labor in foreign countries. In Europe women and children perform a great deal of the outside labor, which reduces the cost of production considerably in those countries.

Even if another political party comes into power soon it is doubtful if we will ever again have a much higher duty than now on dairy products. We certainly can not expect to have a duty of 6 cents per pound on butter, as we have had up to the present time.

A certain amount of competition is a good thing. It stimulates. The dairyman is much like a man on a bicycle. He can not stand still. He has either got to go forward or fall over. I believe he will go forward.

The countries from which we may expect competition are New Zealand, Australia, Argentine Republic, and Siberia. While some butter has been imported from Denmark, I do not look for much butter from that country. The Danish people already have established a trade with Great Britain. The Englishmen are very fond of good things to eat, and they are one of the greatest consumers of butter in the world. They demand a very fine grade of butter and are willing to pay for it. This Denmark is at present supplying to them. There seems to be no reason to expect the Danish will give up this profitable market to send all their butter to this country.

It may be safely stated that the importation of foreign butter into this country will not affect our best grade of butter, as this will be superior to the butter sent from the other countries I have mentioned. On the whole, I am inclined to believe that the little competition we will get will stimulate our people so that we will produce more butter and better butter in the future than we have ever done in the past. We need not expect to be swamped by any great invasion of foreign butter. Only a certain amount of butter is produced in the world, and a certain amount of this is required for home consumption. If all the butter made should be sent to the United States, there would be a butter famine in every country, which would have serious results. Hence, I can not see anything alarming in the dairy situation at the present time.

Up to date there have arrived in New York 1,481,522 pounds of butter; 4,179 casks came from London, 52 from Liverpool, 150 from Hull, 12 from Havre, 2,090 from Copenhagen, 419 from Hamburg, 5 from Rotterdam, 13 from Trieste, and 10 from Palermo; also 8,967 boxes from London, 6 boxes from Liverpool, and 2,014 boxes from Buenos Aires, making a total importation of 6,930 casks and 10,980 boxes. The casks average 125 pounds and the boxes 56 pounds, which makes the total 1,481,522 pounds. It is also interesting to note that of the imports thus far 5,837 casks were Siberian butter, mostly last summer's make and of low grade; 7,967 boxes were cold storage, Australian butter bought on the London market, 1,004 fresh New Zealand, 1,085 casks of fresh Danish, 2,014 boxes fresh Argentine, and 23 packages from southern Europe.

The Danish butter costs 31½ cents delivered in New York. So there is no money in the importation of butter of this quality.

Last June 336 pounds of butter were brought into this country through San Francisco, 229 pounds in July, and 506 pounds in August. These, of course, were sample lots of butter. In October, 104,200 pounds were imported; in November, 345,840; in December, 281,084, and in January, 749,454 pounds. This butter costs from 29 to 30½ cents per pound. The great bulk of this butter came from New Zealand when our market broke. Everyone who imported this butter has lost money on it, not only because of the drop in the prices, but because some of the New Zealand butter, which was stored when the prices went down, turned fishy. As a result dealers who had contracted for further shipments sent them on to England, preferring to take their losses over there rather than keep it in this country.

Our experience so far with foreign butter suggests that the lowering of the tariff may have the same effect as opening up gates that have shut out water from a low place. The water rushes in with a tremendous velocity that looks for a while as if it would sweep everything before it; but soon the turmoil subsides and the water falls back and finds its own level.

Most of the foreign countries were very anxious to test our markets. They have tested them, and so far without much success. I expect to see conditions readjust themselves very soon.

Our greatest need in America to-day is more cooperation among the agricultural interests and greater study and attention to general agricultural problems. We are blessed in this country with excellent soil and climatic conditions. Our soil in the Central West is adapted to the

growth of all forage plants. We do not have to use fertilizers as they do in Europe. Hence, we can produce food of all kinds more cheaply than they can if we apply the same amount of skill and attention. The European farmer has to give strict attention to farming in order to make a livelihood, as their soil is not as productive as ours. He must make the very best use of his materials, and he does.

In closing I repeat that I do not see anything alarming in the dairy situation. The little competition which we will have will prove a healthy stimulus to our farmers. It may seem hard for a while, but I believe it will work out all right in the end.

These sentiments relating to butter prices are corroborated and indorsed in an article published February 18, 1914, in the West Bend Pilot, in my district, written by Mr. Carl H. Wallau, an extensive owner and operator of creameries in Washington County, Wis. He entertains and expresses views identical with those contained in Hoard's Dairyman. His article is quite lengthy, but there is nothing in it to indicate that it is from Hoard's Dairyman, but appears to be an independent thought of Mr. Wallau This gentleman is not only a leading creameryman but is an intelligent and industrious citizen, and in politics a Republican. He says in his article as follows:

MR. EDITOR: On the front page of your issue of February 11, 1914, appears an article headed "Indicates cheaper butter," reprinted from the Milwaukee Daily News. In connection with this article permit me to say that the highest grade of creamery butter has little to fear from the importations of foreign butter, as of the high grade known as "Extra creamery" not enough is produced to supply the demand, and the quality of butter imported thus far ranks only with a fair grade of storage butter. Therefore it will come into competition with such or second-grade butter, with the effect that the poor butter maker and the creamery man who is careless about his work either will have to mend their ways or quit the business, as they are the ones who will suffer mainly from this new competition.

That the importation will have some influence on the price of first-grade butter during the flush of storage seasons can not be denied, but all butter factories are now equipped to change from butter to cheese making at a moment's notice, and therefore can take advantage always of the highest market.

In conclusion we wish to say that the man who has won the confidence of his patrons and continues his business in a straight and businesslike manner, aiming to produce the best butter that can be produced, and spares no expense to keep the quality of his butter at a uniform high standard, has nothing to fear from such competition, from the importation of Australian butter, or the organization of a few more creameries.

It is true that since March 15, 1914, the price of butter has fallen in some instances 4 or 5 cents. Of course, those who believe that all good things spring from a Republican tariff, charge this decrease in price of butter since that period to a Democratic tariff. In the last three or four weeks it has, however, regained, and even exceeds, last year's butter prices at this date.

The facts, however, are quite plain, and show positively that whatever decrease there has been in the price of butter since March 15 is due not to the tariff but to supply and demand. The butter on hand in public and private storages on March 1, 1914, as compared with other recent years on the same date is interesting. For this purpose, I again quote liberally from an editorial article from Hoard's Dairyman, of March 4, 1913, which is self-explanatory. It shows that on the 1st of March, this year, there was in stock in the four principal butter markets of the country more butter than at any time on that date during the years 1912 and 1913. This table shows that there was on hand on the 1st of March, 1911, in round numbers, over 30,000,000 pounds of butter in such four markets, as against 18,000,000 this last March 1, 9,681,000 in 1913, and 11,720,000 in 1912. It shows plainly and positively that in the years when the largest stock of butter was on hand on that date the price was lowest; and, on the other hand, it shows that in those years when the stock was lowest, to wit, March, 1913, when only 9,681,000 pounds were on hand, the price was the highest.

The second of the tables herewith submitted shows the London butter-market prices for different periods in 1911, 1912, and 1913 as compared with the price of butter on the market in New York, and that in nearly every instance if there were added to the London market price of Australian, New Zealand, Danish, and Siberian butter the 2½ cents per pound present tariff and a cent for transportation charges that there were only a few instances in the whole column of figures where the London price plus the 3½ cents revenue and transportation charges does not exceed the New York butter-market price. Such being the case, it is silly to contend that foreign butter dealers will sell their butter in New York at a price which will bring them less net per pound than in London. These tables were not composed by Mr. Urner to advance any partisan interests, but were submitted from the standpoint of a business man, without reference to any political bearing that they might have. I trust that all interested in what butter is and will be worth will read these tables and his language carefully.

The butter on hand in public and private storage on March 1, 1914, as compared with other years is interesting.

The following table gives the stocks on hand March 1 in the four principal markets—New York, Chicago, Boston, and Philadelphia—and the average prices on the Elgin markets for February and subsequent dates for the same years:

	1911	1912	1913	1914
Pounds of butter, Mar. 1	30,148,800	11,723,400	9,681,000	18,268,000
	Cents.	*Cents.*	*Cents.*	*Cents.*
February prices	26.10	29.75	35.5	29.4
April (1st Monday)	21	30	32	.....
May (1st Monday)	22	30	28	.....
June (1st Monday)	21.50	25	28.5	.....
July (1st Monday)	23	25.50	26.5	.....

The above figures would seem to indicate that the stocks on hand March 1 each year were sufficient to warrant the change in price. It will be noted that the February price of 29.4 cents in 1914 is almost equal to the February price of 29.75 cents for 1912, and there was in storage 6,574,600 pounds more butter than in 1912.

The total imports from the time that the new tariff went into effect until March 1, 1914, were less than 6,000,000 pounds.

Mr. Frank G. Urner, of New York Produce Review, in an address before the Michigan Poultry, Butter, and Egg Association, gave some very interesting figures in American and foreign prices of butter. The following table was prepared by him from English sources. The table gives the prices of foreign butter in the London market, the great world's market for the surplus of all nations.

"London and New York butter prices compared.

	Australian.	New Zealand.	Danish.	Siberian.	United States at New York.
1911.	*Cents.*	*Cents.*	*Cents.*	*Cents.*	*Cents.*
July	23.5	.....	26	23.1	26
August	25.7	.....	26.2	24.9	27.3
September	27.1	.....	29.5	26.2	27.7
October	28.6	.....	31.2	27.2	31.1
November	27.9	28.4	29.7	26.1	34.9
December	27.7	28.6	30	27.3	37.1
1912.					
January	28.6	29.2	29.7	28.3	39.1
February	28.1	28.8	29.7	28.1	31.3
March	27.1	27.7	29.7	27.5	31.2
April	24.8	25.4	27.4	24.9	32.9
May	23.6	24.7	25.7	23.7	30.4
June	23.6	24.1	26.4	23.5	27.3
Average	26.3	27.2	28.6	26	31.5
1912.					
July	23.5	24.8	26.6	22.3	27.1
August	24.4	.....	28.2	23.4	26.1
September	24.6	.....	28.4	24	29.3
October	25.2	.....	28.6	24.6	31.3
November	25	25.8	28.3	23.8	34.5
December	25.3	26.1	28.5	24.2	37.3
1913.					
January	24.3	25.3	27.	24.1	35.2
February	24	25.3	28.5	24.2	36.4
March	24.2	26	28.7	24.2	36.8
April	23.8	25.1	26.4	23.7	34.3
May	23.5	24.3	24.9	22.3	28.6
June	23.3	24.1	25.8	22	27.8
Average	24	25.4	27.5	23.6	32.2

"One of the striking things about this table is the remarkably uniform prices of butter throughout the year on the London market, while the American prices vary as much as 13.2 cents between July, 1911, and January, 1912, and 10.2 cents between August, 1912, and March, 1913.

"Probably one of the effects of the new tariff will be to level the prices in this country and lower them somewhere near to the London market plus the extra freight charges, if any, and the 2½ cents tariff. Mr. Urner estimates that the reduction in American prices, in order that foreign butter of the best grades may be marketed in competition with our butter, will be in the case of Danish butter from zero to 1 cent, in the case of New Zealand butter 1 cent, about 2 cents in Australian, and about 3 cents in Siberian. In the case of undergrades the reduction of American undergrades which would compete would be greater than the above figures.

"There has been received in New York between the time the new tariff went into effect until February 10, 1914, 6,930 casks and 10,987 boxes, or about 1,500,000 pounds, of foreign butter. Most of the Siberian butter was low-grade storage goods. Nearly 8,000 boxes were Australian storage butter from London, and was of low grade.

"Fresh butter from New Zealand, Denmark, and Australia was of very good quality. It would seem that the American creameries making low-grade butter are the ones likely to suffer from

foreign competition. It is said that the bulk of the storage stocks now held in New York are of low-grade goods.

"Creamery men and patrons had better take a good, long, hard think about this quality question."

DEMOCRATIC PROTECTION OF BUTTER.

Far more important than any tariff that may be imposed upon butter imports is the protection of the American farmer butter maker and creamery man from the fraudulent competition of oleomargarine and other substitutes for butter. For years this sort of competition has been going on, notwithstanding a statute sufficient, if enforced, to protect the American farmer. Great losses have been sustained by the American farmer through want of the enforcement of this law. Those Republican partisans who are now singing in chorus the calamity howl, for 16 years sat idly by winking at the fierce competition to which the American butter makers were forced by the Beef and Oleomargarine Trusts, and never once did they raise their hand to protect the American butter maker against this sort of competition.

Since the Department of Justice has been in charge of a Democratic administration the American farmer has witnessed the doing of things for his protection against those who would compete with him by fraud and deception.

Take the case of John F. Jelke, the millionaire oleomargarine manufacturer, convicted on the 4th day of last May in the United States district court at Chicago, and sentenced by Judge F. A. Geiger to serve two years in the Federal penitentiary at Fort Leavenworth, Kans., and fined $10,000, for conspiring to defraud the United States Government of taxes on oleomargarine, the sentence imposed upon him being the maximum under the law.

Nine of the associates and employees of this oleomargarine manufacturer, Jelke, were fined $2,500 each for conspiring with him in the perpetration of oleomargarine frauds.

It is true that Jelke was indicted under the Taft administration late in the summer of 1911. After commencing the prosecution of this millionaire manufacturer who had colored white oleomargarine and sold it without paying the Federal tax, Federal suits were started by the Government during the Taft administration in Chicago, to recover $800,000 in oleomargarine tax from this violator of the law. When the case was gone into on preliminary examination, it was found that the oleomargarine manufacturer, the J. F. Jelke Co., owed the Government over $2,000,000 in oleomargarine taxes which they failed to pay the Government, instead of $800,000, which Secretary of the Treasury MacVeagh, a Republican Cabinet Member, had compromised for $101,000. Upon the coming into power of the Wilson administration the proposed compromise with this millionaire violator of the oleomargarine law was set aside.

Commissioner Osborne, the present faithful Democratic Commissioner of Internal Revenue, is pushing the investigation of these cases of violation of the oleomargarine laws for the collection of $2,000,000 that was overlooked by Commissioner Cabell and Secretary MacVeagh, under the Taft administration, and a Democratic Department of Justice has commenced proceedings to recover the same.

The butter interests of the country owe a debt of gratitude to the present Democratic administration in bringing the facts concerning these cases out in the open and showing up the unfaithful officials under the Taft administration who had sworn to perform their duties to the American people, but were caught compromising with the oleomargarine manufacturers who had gonged the Government out of $2,000,000, and were allowing them to be let off criminally and financially with the payment of only $101,000. A sentence of this oleomargarine manufacturer of two years in the United States penitentiary at Fort Leavenworth, and the payment of a fine of $10,000, will go further toward purifying the butter markets of the country of spurious and fraudulent butter competition than all the tariff duties that can be piled upon imported butter.

This is only one conspicuous example of what the present Democratic administration has done in trying to stamp out this fraudulent competition on the part of oleomargarine manufacturers against real butter produced by the genuine farmer. There are many other examples or cases of prosecution started to punish oleomargarine offenders which time and space forbid to specify at this time. Such work is the kind of protection this Democratic administration is giving the real butter makers of the country. If oleomargarine were made to stand upon its own bottom, the genuine butter producers of this country would need have absolutely no fear of foreign competition.

This is one of the few instances in which a millionaire has been sentenced to prison for violating the law. It will have a far more reaching effect in protecting the farmer from such fraudulent competition than a thousand ordinary sentences by fine for such violations, and it will have a most wholesome effect.

There is now pending similar criminal prosecutions against the Moxley Oleomargarine Co., of Chicago, who are slated to be tried on a similar charge next September. For years the farmers have been complaining of the looseness and lack of enforcement of the law when violated by oleomargarine manufacturers, but this is the first administration in the history of that law in which violators have been given the stern sentence of imprisonment. This is genuine protection for the farmer.

WOOL.

Whenever there has been a general revision of the tariff the question of protection or free trade for wool has always occupied the center of attention. Those favoring the policy of tariff protection for wool and sheep always predicted the ruination of the wool and sheep industry of this country if they were to be placed upon the free list. On the other hand, the Democratic Party has, as a rule, contended and declared that the free listing of wool would be beneficial not only to the manufacturers of woolen goods, but to the producers of wool.

When the Underwood tariff bill was pending in the House and Senate in the spring of 1913 and down to the present time the champions of protection for wool have filled the CONGRESSIONAL RECORD and the press of the country with gloomy and direful predictions of ruination for the sheep and wool industry of the country. Many Democrats in the Democratic House caucus doubted the wisdom of placing wool upon the free list, but the majority of our fellow Democrats were of a different opinion and finally succeeded in writing upon the statute books a tariff placing wool upon the free list. In the course of the debate upon the wool question it was pointed out by friends of the policy of free listing wool, that the policy of protection for wool had failed to encourage and increase the number of sheep raised in this country. The censuses of 1890 and 1900 were called forth to prove and did show conclusively that the number of sheep in this country decreased from 1890 to 1900 by more than 13,000,000. Even then, with a tariff during that period of about 11 cents a pound upon unwashed wool, the price of American-grown wool was not such as to leave the wool producer even a fair profit for his capital and labor.

The last Republican tariff placed a duty of 11 cents a pound on unwashed first-class wool. The present Underwood or Democratic tariff places wool on the free list.

Wisconsin is not known as a wool-producing State, yet, according to the census of 1910, there were upon the farms of that State in that year 929,783 sheep, of which 628,539 were of shearing age. This last number of sheep represented a decrease of 36.3 per cent as compared with the number of sheep of shearing age in Wisconsin on June 1, 1900. The wool produced in that State in 1910 amounted to 4,688,000 pounds, and was valued at $1,267,000. It will thus be noticed that, notwithstanding there was upon imported wool from 1900 to 1910 a tariff of not less than 11 cents a pound, yet the actual number of sheep decreased in that State. Of the total number of sheep of shearing age in the State, 45,048, valued at $89,323, belonged to the second congressional district, which I have the honor of representing. The rank of Wisconsin as a sheep and wool producing State, according to the census of 1913, is fourteenth in the Nation. The second congressional district ranks higher than the average district in Wisconsin in raising sheep and producing wool.

I have, therefore, assumed, in making an investigation and comparison of the prices paid for wool in the second congressional district of Wisconsin for last year and this year that the market prices in that district ought to be fairly representative of the market prices throughout the country. I have written seven different firms of wool jobbers and dealers in my district to ascertain the price of wool at the same dates last year and this, and I have found that the price of unwashed wool in the year 1913, from the 1st to the 20th of June, ranged from 17 to 19½ cents per pound, and that during the period of from the 1st to the 20th of June, 1914, the market price of wool paid to the farmer-producer by the wool jobbers and dealers in the same places, ranged from 21 to 23½ cents per pound. This information comes from first hands and in direct response to letters written to the parties from whom the information was sought without expressing to them the purpose for which it was sought.

I have obtained reliable information from one of the best-known woolen mills in the country, situated at Sheboygan Falls, Wis., that this mill, which buys its supply of wool from farmers producing the same in that vicinity and elsewhere in this country, that the prices paid by them were as follows:

	1913	1914
Scoured medium wool, pound	$0.35	$0.44 to $0.42
Do, do	.40	.45 to .46
Do, do	.45	.50 to .52
Scoured fine wool, do	.50	.58 to .60

It thus will be seen that the average price of the lower grades of wool increased in my district, from 1913 to 1914, 4 cents per pound and that the higher grades increased 3½ cents per pound.

The wool produced in Wisconsin, although of a fair grade and quality, is not equal to the highest and best grade of wool produced in the country, such as produced in the State of Ohio. According to the United States Census statistics for 1913, the wool produced in the latter State averages 65 per cent fine and 35 per cent medium, while the Wisconsin wool, according to the same census reports, averages only 20 per cent fine and 80 per cent medium.

I have in my possession a letter dated June 25, 1914, written by the Hon. J. W. Cassingham, of Coshocton, Ohio, to our colleague, Hon. WILLIAM A. ASHBROOK, in which Mr. Cassingham, who was formerly a Member of this House and is now president of the Commercial National Bank of that place, and is a reliable, well-informed, and experienced business man generally, says that fine unwashed merino wool sold in Ohio in 1913 at 20 cents per pound, and that the same grade of wool sold in the same place and State in the year 1914 at 25 cents per pound. I am reliably informed that all first-class unwashed merino wool produced in Ohio is this year selling generally at an advance of 5 cents per pound, excepting such as was contracted for early before the wool market had developed.

Undoubtedly many farmers will be found who will claim that the market price of wool paid to them has not advanced over the price paid in the year 1913, but wherever you find a farmer who makes such a claim you will find one who had contracted early to sell his wool and before the price of wool had been fixed by the supply and demand. Farmers who contracted to sell their wool clip early were induced to do so by the hue and cry of Republican calamity howlers, who by their direful songs and doleful choruses caused a feeling to prevail that wool and sheep were going to the dogs at a two-forty rate. Wool farmers who were thus deceived and lost several cents per pound for their wool clip this season have no one to blame but Republican calamity howlers, who have been filling the ears of the woolgrowers with the predictions of direful ruination. Comparisons in the price of wool for the last 17 years show that wool is bringing a higher price to-day than at any time since 1897, and reliable testimony to this effect is appearing every day in the columns of the public press.

Recently through the courtesy of my colleague of the sixth district of Wisconsin, Hon. M. K. REILLY, I was shown a copy of the Oshkosh Northwestern, a Republican newspaper published at Oshkosh, Wis., under date of June 6, 1914. The editorial policy of that paper is, and always has been, Republican, and it is published by a Republican editor, who in the past has been highly honored by his party and his fellow citizens.

Among other things stated in his editorial upon wool, I find the following paragraph:

> In the wool manufacturing industry, the same as with the woolgrowers, it is now conceded that the tariff instead of proving destructive, is having very little effect upon conditions. The American woolen mills are having all they can do; there has been no reductions in profits or dividends, and with assurances of continued prosperity, there have been several noticeable extensions and enlargements of their business.

A further paragraph from this distinguished editor may be of interest to our standpat Republican friends, who, ever since the Underwood bill was introduced in the House of Representatives, have been howling themselves blue in the face in uttering dire prophecies of failure and ruination for American business and industries. It is as follows:

> The new tariff may not be perfect, it is true; yet a perfect tariff is beyond the range of hope or possibility. It will be noted, however, that few, if any, specific instances are being cited where the new tariff is proving destructive or even seriously damaging to American industries.

It is, indeed, refreshing in these days of perpetual calamity howling to find a Republican newspaper that will treat and discuss the tariff question and the business conditions of the country from a business and not a partisan standpoint. The Oshkosh Northwestern editor and his valuable paper are to be congratulated upon his fairness, sound judgment, and good citizenship.

From nearly all the great wool-producing sections of the far West come reliable reports showing the market price paid wool raisers for their wool clip this year to be from 3 to 5 cents per pound more than last year. In fact, reliable evidence is at hand showing that in many instances wool has sold this year in Oregon and other mountain States at a higher price than has been received for the same in the last 17 years. When we take into consideration that during those 17 years there has been a tariff duty on imported wool of not less than 11 cents a pound, we may be able to appreciate the fact that may be it was not the tariff on wool heretofore nor the fact that it is now on the free list that makes wool higher now. This may open our eyes to the fact and enable us to see that as a general rule the price of farm products are controlled by supply and demand and not to a certainty or to a general rule by a tariff duty on imports. I do not for one moment claim that the advance in the price of wool is solely due to the free listing of imported wool, but it is in part due to that fact and in the remaining part that there is a scarcity of sheep in the country. This last fact is not due to the new tariff, but the decrease in sheep, as shown by the 1899 and 1909 census of Wisconsin, has been more than 36 per cent in the last 10 years, and about 15 per cent decrease in the Nation. The free listing of wool has made it possible for woolen mills to continue and to enlarge their business operations. It is a notorious fact that during the Payne tariff certain woolen mills which were required to use certain grades of foreign wool in order to manufacture the kind of cloth for which they had been equipped and had built up a market or trade were unable to operate and were driven to the wall.

There are in my home city of Beaver Dam, Wis., two instances of this last kind. One woolen mill located there was established in 1863, and the other was built in 1865. The latter continued in business until four years ago last August, when, under the Payne or Republican tariff of 11 cents a pound on wool, it was obliged to shut down and go out of business and has remained out of business since.

The woolen mill established in 1863 continued to do business until two years ago last October, when under a Republican tariff of 11 cents a pound on wool it was forced to close. These two woolen mills were for years the most prosperous to be found in the Northwest. One of these mills now has for over four years and the other for over two years been standing empty and idle, without a loom stirring, all due to a traiff that prevented them from obtaining at a reasonable price imported wools that were necessary to be used in manufacturing their particular kind of cloth, for which they had built up a trade.

For years the National Woolen Manufacturers and Wool Association at their annual meetings have passed resolutions commending a tariff on wool and condemning any and all movements toward the free listing of wool. They met again this year, but no resolution in condemnation of the free listing of wool was passed by this association.

The United States Department of Agriculture arranged last May for a national conference of representatives of woolgrowers and of the wool business to bring out views from all interests as to what the Government might be able to do to assist in increasing the world's supply of wool. There came to this convention woolgrowers, merchants, spinners, and weavers for the purpose of considering their business in all its aspects. That convention was in session several days and not once was the subject of a tariff talked about. There were in this conference over 100 men, representing all phases of the wool and woolen manufacturing business. They discussed the different phases of the wool and woolen business, but they said nothing about the tariff. The reason was that instead of being ruined by the newly reduced and much abused wool tariff rates, the wool business and the woolen manufacturing business has been increasing right along at the head of farm products and manufacturing enterprises.

It was expected by nearly everyone that the price of wool would drop as soon as the Underwood bill became a law. Instead of that drop, there has been a steady advance, averaging, according to the most reliable authorities who came to that conference, about 10 per cent. As wool prices have advanced since the 1st of June, I am inclined to think that the average increase in the selling price of wool received by the farmer has increased nearer 15 or 18 per cent than 10 per cent. At this conference not one word of complaint was uttered against the removal of the duty on wool.

But the conference did make complaint. It made complaint that the sheep industry was being seriously injured by dogs. Sometime before the holding of the conference referred to the United States Department of Agriculture had sent out to over 1,000 counties in different States of the Union asking these questions: "How much could the number of sheep in your county be increased without displacing any of the live stock now raised?" A majority of the answers received were to the effect that the number of sheep could be increased 150 per cent and not necessitate a reduction in any other kind of stock. The second question sent out by the department was this: "What is the reason this 150 per cent of sheep are not raised?" And the answer came from more than two-thirds of the counties, "Dogs."

So it seems that wool and sheep have not gone to ruination under the free listing of wool, but that they have gone to the "dogs." I expect that this will make all puppies popular hereafter with the calamity howlers' brigade, and that while market

prices go up, every puppy will be called "tariff." Because, under the Payne wool tariff, the sheep in this country in 10 years decreased over 36 per cent in number in Wisconsin and 15 per cent in the Nation in the same period, and because of the additional fact that when wool is free listed that its only enemies seem to be dogs, therefore a wool tariff and dogs go hand in hand, and both will be held high in the estimation of the average wool standpatter.

SHEEP.

Not only is wool higher in price this year than last, but the sheep itself brings a higher price. In the direful predictions of what was to happen if wool was placed on the free list, the sheep itself was included. The workings of the law of supply and demand, however, as will be seen from the table of prices that I am about to give, show that the price of sheep has raised fully 20 per cent since a year ago.

LAMBS.

Even spring lambs share in the general raise in prices. They seem to frisk and gambol about upon the green pastures with more delight and alacrity than a year ago. Evidently they have a right to, as even the price of lambs has gone up over the price paid for them last year by an average of about 18 per cent. The prices of lambs are now higher than in any July in the history of the Chicago stockyards.

HIDES.

One of the very few articles upon which the people were given relief by the Payne or Republican tariff was hides, which were placed upon the free list. For years the subject of protecting or placing hides upon the free list was warmly debated pro and con. On the one hand it was contended that the placing of a tariff duty on foreign hides entering this country would enable the farmer to secure a greater price for the hides produced by him, and that all marketable cattle would thereby command a greater price. On the other hand it was contended that in the placing of hides upon the free list the hide market would not be lowered and the farmer would get as much, if not more, for hides than under protection. Finally, they were placed upon the free list, and were continued upon the free list by the present Democratic tariff law.

An inspection of the following table will show that the prices of hides have been higher since the tariff duty was removed from the same than during the years when a heavy tariff was imposed. A bare review of this table shows that this year the price of nearly all kinds and grades of hides are higher than they have been at any time during the last 10 years, thus showing that tariff duties do not necessarily enhance the price of the home-produced article nor does free listing of the same plunge it into ruin.

Comparative prices of Chicago packer hides for 10 years, week ending June 20, 1914.

	Spready steers.	Heavy native steers.	Heavy Texas steers.	Light Texas steers.	Ex-light Texas steers.	Butt brands.	Colorados.	Branded cows.	Heavy native cows.	Light native cows.	Native bulls.	Branded bulls.
	Cents.	Cents.	Cents.	Cents.	Cents.	Cents.	Cents.	Cents.	Cents.	Cents.	Cents.	Cents.
1905	14 -15	13 -13½	14½	14½	13½	13 -13½	13 -13½	12¾	12½-12¾	12½-12¾	10 -10½	9½
1906	15½-16½	14½-15	14½-15	15	14½-14½	13½-13¾	13½	14½-14½	14½-15	14½-15	11½	10½
1907	16 -18	15½	15½	14½-15	14 -14½	13½-14	13¾-14	13 -13½	13 -14	12½-14	11½-12½	10½
1908	13 -14	14	15	13½	11½	12½-13	12½-13	11	11	11	9 - 9½	8
1909	19 -21	16½-17	17	16	15	15¾	15¾	14½-15	15½-15¾	15 -15½	13 -13½	12½
1910	15 -15½	13 -14½	14½-15	13½-14	12½-13	13 -13½	12½-13	11½-12	12 -13½	12 -12½	11 -11½	10 -10½
1911	17 -18	16	15½-15¾	14½-14¾	13½-13¾	14½	14½	13¼	14½-15	15	13 -13½	11 -11½
1912	20 -22	17½-17½	16½	16½	15¾	15½	15½	15½	16¼-16¾	16¾	12½-14	11½-11½
1913	19 -20	17½-17¾	17¾	17½	16¾	16½	16¼	16½	16¾-16¾	16¾-16¾	13½-14½	13¾
1914	18½-19½	18 -19½	19 -19½	18½	18½	17¾-18¼	17½-18	18 -18½	18½-19	19 -19½	15½-16½	14½-15½

Comparative prices of Chicago country hides for 10 years, week ending June 20, 1914.

	Heavy steers.	Heavy cows.	Buffs.	Extremes.	Bulls.	Branded hides.	Calfskins.	Kips.
	Cents.	Cents.	Cents.	Cents.	Cents.	Cents.	Cents.	Cents.
1905	11¾-11¾	11½-11¾	11½-11¾	11½-11¾	9½	10½-11½	13½-14½	11 -12
1906	13½	13½-13½	13½-13½	13	10½-11	12½	14½-15½	11 -13½
1907	12 -12½	11 -11½	10½-11	10½-11	10	9½-10	14½-15	10½
1908	8½- 9½	8 - 8½	8½	8 - 8½	7 - 7½	7½- 8½	12½-14	8 - 9
1909	14	13½	13½	13½	11½-11½	11½-13	17 -19	13½
1910	11 -11½	10 -10½	10 -10½	10 -10½	9½- 9¾	8½- 9	14½-16½	10½-11
1911	12½-13	12½-12¾	12½-12¾	13½-13½	10½-11	10½-11½	16½-20	13½-15½
1912	13½	13½	13½	14 -14½	11½-11½	12½-12½	17½-23	15½-17
1913	14 -14½	14 -14½	14 -14½	14	12½-12½	13½-14½	17 -22	15 -17
1914	16 -16½	15½-16½	16 -16½	17 -17½	13½-14½	14½-16½	18 -21½	17½-19

For the foregoing table I am indebted to my predecessor in office, the Hon. Charles H. Weisse, of Sheboygan Falls, Wis.

PEAS.

Among the most rapidly developing, thriving, and profitable farming industries to be found in the State of Wisconsin, and especially the district which I represent, is the pea-canning industry. With us and in the Northwest it is of but comparative recent origin. There is now scarcely a village or city upon a railway but which has one or more pea-canning factories. A large acreage is devoted to this crop. The tariff on canned peas under the Payne tariff was 2½ cents per pound, and under the present tariff law it is 1 cent a pound. The pea-canning season has just finished, and I have made careful investigation and comparison of the prices paid in at least a dozen places in my district this and last year.

In many instances the land is rented for cash by the factory owners and worked by their own help. In the majority of instances, however, the farmers in the vicinity of the factory raise the peas for sale at the factory. After being drawn to and milled at the canning factory the farmer is paid, after the same are milled, a price ranging from 1¾ to 2¾ cents per pound, and averaging about 2¼ cents per pound, the average yield per acre being 2,500 pounds, and the average value of yield per acre being from $50 to $55. Such has been the general average price for at least the last four or five years.

Factory owners in many instances rent the land, plowed or unplowed, from the farmer and work and grow their own peas. The rent for unplowed land will average $11 per acre and for plowed land $13 per acre. The prices this year at all points where I made inquiry show as great a rental per acre and as great a price per pound for milled peas as in any previous year. This demonstrates that the reduction in the tariff on peas of 1½ cents a pound, or 60 per cent, has not decreased their price this year under a Democratic tariff for revenue only.

BARLEY.

Wisconsin is one of the five great barley-growing States of the Union. The time was but recently when it stood first in acreage, in yield, and in quality. According to the census, its total barley yield in 1909 was, in round numbers, 22,156,000 bushels, valued at $12,682,000. The tariff on this article was reduced from 30 to 15 cents per bushel. At the six different points investigated in my district on the last week in February, the first week in April, and the 11th of June, 1914, I found the average price of barley paid direct to the farmer higher by from 4 to 7 cents in each instance than the market price of barley at the same periods in the year 1913.

The gentleman from Michigan [Mr. HAMILTON] stated in his speech of the 11th of July, 1914:

> That the price of barley in Chicago ranged from $1.20 to $1.30 per bushel in April, 1912, and from 55 to 60 cents a bushel in April, 1914.

Such a comparison and statements are unfair and unworthy of the gentleman. It is, in fact, an insult to the intelligence of the farmers of the country as well as to the membership of the House. The gentleman knows, or ought to know, that the reason why the market price of barley in Chicago in April, 1912, was from $1.20 to $1.30 per bushel was because in the season of 1911 there was a great drought and heat spell that spread over the barley-growing regions of the country just at the ripen-

ing period, which injured the growing and ripening barley to such an extent that the yield of barley in that season was only a little more than one-half of the average barley yield per acre. In the fall of 1911 and through the winter of 1911 and 1912 and in the spring of 1912 barley did range from $1.20 to $1.30 per bushel.

But the gentleman fails to tell us that in the fall of 1912, when the barley crop for that season came in and there had been a little more than an average annual yield of barley, that barley-raising farmers could get in the markets for their barley but from 60 to 70 cents a bushel, yet the same Payne tariff on barley of 30 cents a bushel was upon the statute books and was the same tariff on barley in 1911 and in April, 1912. If the Payne barley tariff of 30 cents per bushel was responsible for barley prices ranging from October, 1911, to the coming of the 1912 new barley crop from $1.20 to $1.30 per bushel, why did not that same Payne tariff of 30 cents a bushel on barley maintain the price of barley at $1.20 to $1.30 a bushel in the fall of 1912?

Here is a fair sample of the arguments used by the army of calamity howlers now parading the country trying to fill the ears of the farmer with falsehoods, and to prove the unfairness of the gentleman and that he intended to misrepresent. I call attention to the fact that he was not fair enough in this connection to compare the price of barley in April, 1913, with April, 1914. If he had made such a comparison and was reporting the true results, he would have to say that barley in 1914 brought on the average from 6 to 10 cents more per bushel than in 1913.

POTATOES.

The tariff on potatoes was reduced from 25 cents a bushel and placed upon the free list, except that if potatoes are imported from a country that imposes duties upon potatoes imported from the United States, that, then, such potatoes shall pay a tariff duty of 10 per cent ad valorem. This prevents the importation of potatoes from Canada excepting upon the payment of such 10 per cent ad valorem, and our quarantine laws and regulations act as a formidable barrier to the importation of potatoes from other countries. During the first four months under the new tariff law some 3,260,000 bushels of potatoes were imported into the United States. If this rate were maintained throughout the year, we might expect a total annual importation of 10,000,000 bushels per annum.

The annual yield of potatoes, however, is very uncertain and variable. For instance, in the year 1912, the United States imported nearly 14,000,000 bushels, notwithstanding that there was then a tariff duty on the same of 25 cents per bushel. The trouble in that year was that the drought of the previous year of 1911 had rendered the yield of potatoes in that year very scarce and limited. Notwithstanding such large importation in that year, the farmers of the country prospered. It again forcibly illustrates the rule or law of supply and demand. Notwithstanding the reduction of the duty on potatoes in the present tariff law, the price at all times since the 1st of October, 1913, has been higher than during the same period in the previous years.

LOCAL MARKETS.

For the preparation of these remarks I have gathered market quotations in five different places in my district for this year and last, and have caused the same to be verified. The statement of prices that I herewith present shows the average prices paid to the farmer in my district at the periods named in this and last year. They do not represent the prices paid by the consumer after the farm products have passed through the hands of the middleman, but the prices actually received by the farmer.

Market quotations of Sheboygan, Wis., for different dates in 1913 and 1914.

	Feb. 28, 1913.	Feb. 27, 1914.	Mar. 28, 1913.	Mar. 27, 1914.
Wheat, bushel	$0.75–$0.82	$0.80–$0.90	$0.75–$0.80	$0.80–$0.92
Rye, do	.50– .52	.50– .58	.50– .52	.50– .58
Corn, do	.40– .45	.50– .53	.40– .45	.54– .58
Oats, do	.25– .30	.36– .39	.25– .28	.36– .40
Barley, do	.50– .60	.52– .63	.45– .59	.56– .65
Buckwheat, do	.60– .65	.65– .75		
Dairy butter, pound	.29– .31	.27– .30	.20– .28	.24– .27
Creamery butter, do	.35	.31	.34	.27½
Eggs, dozen	.17	.25	.15	.17
Potatoes, bushel	.27	.50– .55	.30– .35	.45– .55
Chickens, live, pound	.12	.12	.13	.13
Cattle, live, cwt	4.00– 6.00	5.00– 7.00	4.00– 6.00	5.00– 7.00
Veal, calves, do	8.00– 8.50	8.00– 9.00	8.00– 8.50	7.00– 9.00
Hogs, live, do	7.75– 8.00	8.25– 8.35	8.25	8.25– 8.60
Hogs, dressed, do	10.00	10.50	11.00	10.50
Sheep, do	4.00– 4.50	4.50– 5.50	4.00– 4.50	4.50– 5.50
Lambs, do	5.50– 6.50	6.00– 6.50	6.50– 7.50	7.50– 9.00
Hides, pound	.10	.11	.10	.14
Cheese, square prints, pound	.16½	.17½	.14½	.16½

Market quotations of Sheboygan, Wis.—Continued.

	June 15, 1913.	June 15, 1914.
Wheat, bushel	$0.78–$0.88	$0.80 –$0.92
Rye, do	.50– .54	.55 – .59
Corn, do	.40– .50	.62 – .68
Oats, do	.30– .34	.38 – .41
Barley, do	.52– .60	.54 – .65
Dairy butter, pound	.20– .23	.20 – .24
Creamery butter, do	.29	.23½
Eggs, dozen	.15	.17
Potatoes, old, bushel	.25– .30	.60 – .65
Chickens, live, pound	.12	.13
Cattle, live, hundredweight	5.00– 6.00	5.00 – 7.00
Veal, calves, do	8.00– 8.50	8.00 – 9.00
Hogs, live, do	7.50– 8.20	7.75 – 8.50
Sheep, do	4.00	5.00 – 6.00
Lambs, do	7.00	8.50
Hides, pound	.09– .10	.12 – .14
Wool, do	.18– .20	.21½– .23½
Cheese, do	.15	.15½

MILWAUKEE MARKETS, JUNE 19, 1914.

For the purpose of affording a further comparison, I herewith present quotations and prices of the articles above mentioned in the local markets, with those for the same articles in the Milwaukee market on the same day and month in the years 1913 and 1914, to wit, June 23:

	1914	1913
Wheat, bushel	$0.83½–$0.95½	$0.83 –$0.89½
Rye, do	.61 – .66	.55 – .60
Corn, do	.70½– .74½	.61 – .62½
Oats, do	.40 – .42	.39 – .41
Barley, do	.58 – .65	.58½
Potatoes, old, do	.72 – .82	.25 – .23
Potatoes new, do	.90 – 1.00	.85 .90
Dairy butter, per pound	.25	.25
Creamery butter, do	.23½	.23
Eggs, per dozen	.16½	.15 – .16½
Hens, live, per pound	.14	.6 – .12
Cattle, live, per cwt	7.75 – 8.75	6.40 – 8.40
Calves, do	8.75 – 9.50	8.25 – 9.00
Hogs, live, do	8.00 – 8.60	8.00 – 8.30
Sheep, do	4.50 – 5.50	4.00 – 4.25
Lambs, do	8.00 – 9.00	7.00 – 7.50
Hides, per pound	.15½– .16	.13½
Wool, fine, merino, do	.22 – .24	.20
Cheese, do	.15 – .16	.14½– .15

IMPORT OF FARM PRODUCTS.

When the prophets of ruin and calamity are confronted with positive facts proving that the prices of nearly all farm products are higher this year than at the same time last year, they resort to other tactics equally in vain and equally false. They then try to blind the farmers and the public with claims and prophecies that vast imports of farm products are coming into this country in competition with our home farm products. They contend that if the prices of the articles which the farmer has to sell have not yet been lowered below that of last year, that the imports from foreign countries will soon result in flooding the American markets with foreign goods, thereby depriving the American farmer of much of the market that he would otherwise enjoy.

With saddened countenances, with faltering voices, and with crocodile tears they refer to the increased imports from foreign countries since the 3d of October last, when the present tariff law went into effect. With great and false solicitude they are trying to blind the farmers and the general public with those increased imports and with the prospect of a continuance of the same. So far they have only been able to point to increased imports during the life of the present tariff in eggs, corn, beef, and potatoes, and a few minor articles.

EGGS.

Eggs imported from China is one of their ghost stories. It will be remembered that the tariff on eggs in the Payne tariff bill was fixed at 5 cents per dozen, and in the Underwood tariff bill they are placed upon the free list. In this case it is not cheap foreign labor that they are apprehensive of, but it is the cheap Chinese hens. It is true that there has been an increased importation of eggs during the first four months of the present law. A careful investigation, however, discloses that during the month of March under the present law some 12,000 cases of eggs were imported from China to Vancouver. One-half of these were consigned from there to San Francisco and the other half remained in Vancouver. These are the vast and enormous importations of Chinese eggs which are to drive the American hen out of the laying business and ruin the American egg market with cheap prices.

During the last three months of 1913 and in January, 1914, there were imported into this country from all countries, in round numbers, 2,900,000 dozens of eggs. They were worth

$613,000. For the purpose of this argument let us assume that the importation of eggs for those four months represent one-third of the annual imports of the same. In that case our total importation of eggs for the year would be worth $1,839,000. Our statistics show that in the year 1912 we exported $3,395,000 worth of eggs, more than double in value the importation of eggs from foreign countries if they continue to be imported during the remaining eight months of the year in the same proportion as during the first four months. In 1912 the average price paid us for these exported eggs was 22 cents per dozen and the average price paid for the eggs brought into the United States during those four months was 13⅞ cents a dozen. What harm, I ask, is it to the American farmer and poultryman if we import eggs at 13½ cents a dozen on the average and export twice as many at 22 cents a dozen?

Our 1910 census returns show that in that year the value of the eggs used or consumed in the United States was, in round numbers, $320,000,000. If the importation of eggs for this year continues at the same rate for the above-mentioned four months, the amount imported will be about one-half of 1 per cent of the eggs used in this country in the year 1910. There were produced in this country in 1910 1,591,000,000 dozens of eggs. How, then, I ask in all seriousness, is an egg importation of one-half of 1 per cent going to affect the price of American eggs upon the American markets? Every intelligent, impartial, and thinking person, especially farmers, can not and do not expect such a trifling importation to make any impression whatsoever upon the egg market. It will have no more effect upon the egg prices of this country than Lake Michigan would be affected if we were to take a tub of water out of it. In truth, the increased supply of spring eggs reduces the price each year far more and has a hundred times greater effect on the market than the importations spoken of.

CORN.

During the latter part of April this year the calamity newspapers of the country published with great scare headlines a report that 500,000 bushels of Argentine corn had been purchased for delivery in May in the city of Chicago. This seemed like importing coals to Newcastle. The story was so strange that it was unbelievable, and yet it was published and republished, repeated and repeated by our opponents and by a partisan press to blind the public and farmers of this country to the true workings of the present tariff law.

That able and distinguished Democrat from Illinois, Hon. H. T. RAINEY, undertook a thorough investigation of this rumor, and some time ago upon the floor of this House, he presented the result of that investigation relating to the importation of corn. After a long watchful waiting and painstaking examination, he discovered that up to the time that he made the exposure of these rumors on the 6th of last June, that only one carload of Argentine corn, containing 60,000 pounds, was delivered in Chicago, and that it was upon a contract for the delivery of this car of corn that the story that 500,000 bushels of Argentine corn was said to have been contracted for and was to be delivered in Chicago in May. According to the story of one of the partners of the firm that bought this car of corn, it was purchased and brought to Chicago by way of experiment, or trial as chicken feed. The poultry men of Chicago and vicinity evidently had found American corn so expensive for poultry feeding that as an experiment they wished to try this car of Argentine corn for chicken feeding purposes only.

His investigation disclosed that this rumor of trade or purchase of 500,000 bushels of Argentine corn was simply registered by the corn speculators in the Chicago market for the purpose of keeping down the price of corn in May. It was seized upon by those who are seeking every opportunity to slander and belittle the operation of the present tariff, and to blind farmers.

As shown by the same gentleman, a little over 7,034,000 bushels of Argentine corn was imported into this country during the four months commencing October 1, 1913, and ending February 1, 1914. At the same rate this would make for a year 21,000,000 bushels. The average annual yield of corn in this country during the last few years has been a little over 3,000,000,000 bushels. Our corn exports in 1912, including corn meal, were 41,500,000 bushels, in round numbers, so that our exports would be just about double our imports. It will thus be seen that our exports and imports combined are only about 2 per cent of our total annual production. Of the 7,000,000 bushels of corn imported during the months of October, November, and December, 1913, and January, 1914, some 4,000,000 bushels have been used exclusively by the Corn Products Co., of Edgewater, N. Y., for the manufacturing of corn products for export, and is thus used in a way that could not possibly bring it into competition with the American farmer. According to a year's average yield, we raise in this country 650 bushels of corn for every bushel of corn imported from the Argentine Republic. With only this sort of competition in corn, the price of American corn upon American markets will be reduced about as rapidly as a person can lower the level of Lake Michigan with a pail. Let it be remembered that the corn of the Argentine Republic has been exported from that country to the English markets for many years last past, and that upon those same markets American corn has been sold in millions of bushels each year in direct competition with Argentine corn. If American corn can compete successfully and at a profit with Argentine corn upon the English markets, why then is there any reason why American corn can not compete with Argentine corn on the American markets?

This is a competition that the American corn raisers had to endure for years in spite of the fact that there was a duty of 15 cents a bushel on corn. It must be remembered, too, that during all of these years when enormous quantities of American corn were being exported and sold in English markets that it was being sold at a higher price than it would command in the home market, for if it did not there would be no purpose in exporting it to the English markets.

IMPORTED BEEF.

During the last several months there has been imported into this country from Argentina dressed beef at the rate of about 9,000,000 pounds monthly. At this rate of importation the annual importations of Argentine beef will be about 108,000,000 pounds. At first blush and without reflection this seems to be an enormous quantity of beef to import. Without comparison and an analysis one would be prone to think that such an importation would displace a very large quantity of American-produced beef. If we stop to consider the same for a moment, however, we will be confronted with the fact that there are now in this country about 100,000,000 people. Imported beef to the amount of 108,000,000 pounds annually would give us a trifle of over 1 pound of beef for each person a year.

The consumption of dressed meat in the United States for the year 1909 for each person was:

	Pounds.
Beef	80.34
Veal	7.54
Pork (excluding lard)	67.61
Mutton and lamb	6.58
Lard	10.06
Total meat and lard consumed by each person on the average in 1909	172.13

No intelligent person for a moment believes that a pound of imported meat for each person in this country, will in any way whatsoever lower or affect the price of the other 172.13 pounds used by each person during the year.

Statistics further show that there is more meat consumed in the United States each year by the average person than in any other country on earth. The average amount per year used by persons in the—

	Pounds.
United Kingdom	119
Germany	113
France	80
Argentina	140
Canada	129
United States	172

Such a comparison shows the insignificant amount of American-produced beef displaced by imported beef. The effect produced by the dropping of these 108,000,000 pounds of Argentine beef into the great demand for beef in this country makes no more impression than the casting of a pebble into the Potomac. Besides, we have seen from the above figures that beef during the past year has gone up instead of down, thus showing that the importations of beef have made absolutely no impression upon the American market. Meat imports have been increasing, and meat imports must continue. The demand for beef in this country is larger than the supply.

The population of this country has increased to 100,000,000 people at the present time. During the last 14 years the population has steadily increased, thereby increasing the demand. On the other hand, during the last several years the supply of beef cattle in this country has actually diminished. Thus there has been an increase in the difference between the supply and demand from both ends. The demand, on the one hand, has increased, and the supply, on the other hand, has decreased. To meet these wide-spreading conditions, or spread between the supply and demand, it is necessary that there be some importations of meat, and those importations must increase in the near future unless our farmers produce more beef cattle than they have been producing in recent years.

To forcibly illustrate the increasing difference between the supply and demand of beef cattle in this country, let us consider

official census figures. In the year 1910 there were 41,178,000 beef cattle in the United States, and in January, 1914, according to the United States Department of Agriculture, there were 35,855,000. Thus, in four years there has been a total decrease in the supply of domestic meat cattle of six and one-half million head; or, in other words, such cattle have decreased annually at the rate of 1,330,000, or 3.3 per cent.

In 1910 there were 52,448,000 sheep in the country, and in January, 1914, there were only 49,719,000, an annual average decrease in four years of 642,000, or 1.3 per cent.

In 1910 there were in this country 58,186,000 swine, and in January, 1914, according to the official estimates, there were 58,933,000, an increase in four years of only 1.3 per cent. These official statistics relating to the supply of meat animals show conclusively the wonderful increase in the spread between the supply and demand of such animals in this country.

These are natural causes, bearing no relation whatsoever to a high or low tariff, or no tariff whatsoever, which create the growing breach between supply and demand.

There is, and will continue to be for years to come, a natural increase in the population. It must be fed. There is, and will continue for years, a diversification in farming. A half a generation ago the farming lands of this country were devoted to grain raising almost exclusively, and the western or wild lands, which then covered millions and millions of acres more than at the present, were devoted to the pasturing of beef cattle. With the great growth of our city population, which is now, according to the last census, about 51 per cent of the entire population, there is a great demand for other things besides grain and beef cattle. Thousands and thousands of acres of farming lands are now and have been for recent years devoted only to the production of milk for the supply of this city population. Millions and millions of acres of farming lands which in recent years were devoted to the raising of crops are now devoted to the supply of milk, butter, and cheese to feed our cities. The increased supply of butter, milk, and cheese has taken away from the production of beef cattle and grain, millions upon millions of acres of farm lands.

This has naturally decreased the acreage formerly devoted to the raising of crops and feeding of beef cattle. From this standpoint the reason must be clear why the supply of meat animals in this country has decreased annually while the population of the country has increased. No kind of a tariff, high or low, can change these natural conditions. With the price of farm products, including meat animals, such as they are now and have been for the last few years, there is no doubt but what the American production will at all times, until our population will continue to have grown much greater, supply nearly all of the demand of our people, and if at times there is a shortage, importations must be made, and importations made under such circumstances will not be in competition with our home products, but will merely be filling a vacancy which our products are not numerous enough to fill.

Again, it must be borne in mind that it is the American packers who are slaughtering, chilling or freezing, and exporting Argentine beef from that country to this country. The export business of that country in the meat line is mainly controlled by American packers. Out of nine establishments for the chilling and exporting of meat in Argentina five are owned and operated by Chicago business concerns. They practically control the export of meat from that country to this. Certainly no one expects that the Chicago Beef Trust, which owns and controls the packing establishments in Chicago and also in Argentina, is going to be so foolish as to allow the beef which it buys in the United States and that which it buys in Argentina to get into competition in the markets of America. This is a problem that can not be settled by any tariff laws. This is a problem the Democratic Party hopes to control and solve when its new antitrust legislation, now pending, becomes a law.

According to the most recent statement of the Agricultural Department, the demand for meat has grown until not only have exports ceased, but the packers are now buying grass cattle that were formerly fed. The latest official figures of that department, for June 15, show that the packers paid on the average $7.43 for hogs, as compared with $7.10 for the previous four-year average on June 15; that $6.32 a hundred was paid on the average for beef cattle on June 15, 1914, as compared with $5.22 for the last four years; $7.69 for veal, as compared with the average price of $6.54 for the last four years; and $6.47 for lambs, as compared with $6.25 for the last four years.

The meat packers of Chicago declare that in the coming fall and winter the public will see the highest meat prices in the history of the trade. All this proves the great scarcity of meat in this country, while the demand continues to grow. With the demand increasing on the one hand and the supply diminishing on the other, the price of meat, as well as other articles of human food, will continue to rise in value whether there is a high or low tariff on such articles or no tariff at all. Under such conditions the importation of meat and food products will cause no damage to home producers until the amount of such importations, added to the home production, shall be raised to the height of the demand and leave an oversupply.

BREEDING STOCK.

On the 8th of last June the distinguished gentleman representing the minority [Mr. MANN], in attempting to answer some remarks made by his colleague from Illinois [Mr. RAINEY] on the 6th of June, referred to the high-priced stock of Argentina. He read to us from the latest United States Yearbook, and he emphasized with considerable force extracts from that volume describing Argentine cattle, and exhibited a group picture of the same to the House. He laid considerable stress upon the fact that at some stock sale, an Argentine bull was sold for $35,000. It struck me at the time that he intended to convey the impression that, as breeding stock under the present law is upon the free list, there would soon be imported breeding stock from Argentina in competition with the home-raised breeding stock.

TWENTY-THOUSAND-DOLLAR BULL CALF.

That evening, while the gentleman's remarks and exhibition were fresh in my mind, I read in the Sheboygan Press, in great, big headlines, an announcement of the sale of a bull calf in the gentleman's city of Chicago. It appears that a sale of cattle had taken place near Chicago shortly before, and among the cattle sold there was a 3½ months' old bull calf, born and raised in the gentleman's State. After spirited bidding this calf was sold for $20,000.

Now, people familiar with the growth and increase in value of a calf, growing into a fully developed animal, know that when any kind of a calf, and especially a bull calf, becomes full grown and is in a state of its most usefulness, that it is worth from five to ten times as much as when it was a calf 3 months of age. So here we have the makings of a bull which will far exceed in value the Argentine bull whose picture the gentleman took so much pride in exhibiting in this House. We have coming from the gentleman's home State the makings of a $200,000 American bull. The breeders and farmers of America interested in breeding and in developing fine stock, in view of these circumstances, need have absolutely no fear of bull competition from Argentina. Intelligent and informed people also will bear in mind that the importation of stock-breeding cattle was made free under the Payne or Republican tariff law, as well as under the present Underwood tariff.

But our opponents sometimes say in reply, "Well, the reason that the prices of farm products are higher this year than last year is because there was a scarcity in last year's farm products." This is true in a small degree, and untrue in a very much larger degree. It is true that there was a shortage of about 700,000,000 bushels in the amount of corn raised last year. It is also true that the American wheat crop last year exceeded by 240,000,000 bushels any wheat crop ever produced in America, and that the price of wheat this year is higher than it has been for many recent years.

DECREASE OF COST OF LIVING.

As a last resort for the condemnation of the present tariff law our opponents sarcastically twit us with having failed to reduce the cost of living in the cities by the present tariff. It is true that the high cost of living in cities has not been reduced to the degree that the Democratic Party hoped and expected. On the other hand, it is a fact that many necessaries of life and other articles have been reduced in price to some extent. It must be borne in mind that so far the new law has been in operation only nine months, and that we have statistics available for only seven of those nine months.

In the case of meats we have discovered what I individually claimed at the time of the passage of the tariff law, that our Beef Trusts control the exports of beef from Argentina and that they will not allow those meats when imported into the United States to come into competition with the beef owned and purchased by them in America. Such has conclusively proven to be the case. On the other hand, it must be remembered that in every large and in nearly every small city there are interstate and local trusts and combinations between wholesalers and retailers, by which the natural law of supply and demand has been prevented from working in a natural manner, thus preventing many necessaries of life from being purchased cheaper. When a dozen men or corporations concentrate into their hands the meats and other products produced by the farmer and make an agreement to sell them at a fixed price to the ultimate con-

sumer there is no competition, and we ought to have competition from abroad, if we can get it, under such circumstances, so that under such conditions there will be fair and competitive American markets in which the consumer can trade.

I hope that intelligent, impartial, and observing people will not come to the conclusion that because the Democratic Party desires to cheapen the cost of living in the cities that we intend to do so at the expense of the farmers. The Democratic Party is interested in having the farmer meet the ultimate consumer in as short a trade route as possible. Official investigation made by Secretary Wilson, of the Department of Agriculture, in the Taft administration, showed that out of $100 paid by the consumer for such farm products as form the necessaries of life that only $45 was received by the farmer, the balance going to the transportation company, the wholesaler, jobbers, and retailers. It is after the farmer's products have passed from his hands and have been combined in the possession of a few corporations, or a few men of great resources, that the price of these farm products are artificially advanced. The Democratic Party wants competition, from wherever it may be secured, brought against the trusts and combinations which buy the farmers' products at the lowest possible price, and then screw up the price of such articles when sold to the ultimate consumer. This administration has not as yet had sufficient time to reach all of these trusts, combinations, and monopolies that so deal with the products of the farmer after they have left the farmer's hands. A few weeks ago we passed antitrust legislation which is designed to break up such combinations, trusts, and monopolies, and when such laws have finally been placed upon the statute books, which we hope and believe will be the case before we adjourn, then we firmly believe that these interstate and local combinations, trusts, and monopolies which artificially and unnecessarily and outrageously raise the price of farm products after they leave the farmer's hands and before they get into the hands of the ultimate consumer, will be dissolved and destroyed.

Then there will be freer and more opportunity for the farmer to dispose of his products direct to the ultimate consumer, and no army of parasites can then grow, thrive, and feed off of both the farmer and ultimate consumer. Where there is full and free competition the price for which the farmer sells is not affected by increases or decreases of imports, unless such increased or decreased imports be large enough to create an oversupply or bring about a scarcity.

The Democratic Party in its campaign did not contend that the high tariff was the sole cause of the high cost of living. It did contend, and still contends and believes, that in very many instances it provided the shield behind which trusts, combinations, and monopolies were formed for the purpose of hammering down the price paid to the farmer, and for the purpose of screwing up the price of those products when sold to the consumer. If the people will have patience until the Democratic tariff law has been given a fuller and fairer opportunity to operate after the passage of our proposed antitrust laws, the people of this country will find great relief in all directions.

They will find the farmer receiving as much for his products, if not more, than now, and they will find the people buying the necessaries of life for less. This may seem paradoxical, but it is absolutely true. When the trusts, which are situated, thrive, and live between the farm producer and the ultimate consumer, are destroyed, then there will be less dividends to provide for trusts, combinations, and monopolies, and less of the idle middlemen to support. The farmer and the consumer will be drawn closer together, thereby enabling the farmer to secure better prices for his products and at the same time enable the ultimate consumer to buy cheaper than now.

HIGH COST OF LIVING WORLD WIDE.

The cost of living in the last few years in this country has grown very rapidly. We have been prone, however, to believe that this was peculiar alone among our people. Such, however, is not the case, for the general complaint against the high cost of living has prevailed in all civilized nations. There has been a growth in this cost everywhere—in some countries greater than in others—and it is usually due to the same causes.

Prof. John B. C. Kershaw, fellow of the Royal Statistical Society, of London, who is widely known as a student and expert, wrote an article upon the subject, which was published in the Scientific American of March 21, 1914. He points out in that article in detail the reasons which he considers responsible for the great rise in the cost of living throughout the world, and shows that this condition is not peculiar to any one nation. He says in part:

The rise in the prices during the last 15 years has not only been great, but general. It applies to almost all commodities and to all countries for which we have figures.

The principle cause for this he attributes is the continued growth in population of the world, the increased demand for luxuries, and the extravagant way in which the present generation is exhausting the material resources of the earth. Food and other commodities of life are dearer, in his opinion, because of the increase in the number who want them, and they are becoming more scarce. According to his opinion the outlook seems to indicate that the rise in prices is permanent and is likely to be aggravated in future years.

He includes in his article a table showing the level of food products from 1900 to 1912, inclusive. From this table it appears that the price of necessary food articles usually used by the workingman have gradually raised in price from 1900 to 1912, inclusive, in the countries hereafter named as follows:

	Per cent.
In the United Kingdom	15
In France	15
In Germany	30
In Holland	23
In Italy	20
In Russia	21
In Canada	51
In Australia	16
In New Zealand	16
In United States	39
In Norway	19

Judging from this world-wide rise in the cost of food products, it must be apparent to all, that in the question of the cost of living we have a world-wide problem, and not alone an American one. Under such circumstances it is unreasonable to suppose that any tariff law, high or low, that may be passed by Congress will materially affect the cost of living one way or the other. So far as the high cost of living is due to artificial reasons, and not to the law of supply and demand, the only relief is in regulation, control, or destruction of trusts, combinations, and monopolies in all matters, and especially in dealing with the necessaries of life, both in interstate and intrastate commerce. The Democratic Party hopes that by the passage of the proposed antitrust legislation and its enforcement after passage to in a large measure control and destroy the evil practices of such trusts, combinations, and monopolies.

DEMOCRATIC PROTECTION FOR THE FARMER.

The Democratic Party has since the days of Jefferson been not only the traditional but practical friend of the farmers. It has at all times constituted itself the champion of their welfare. Through its efforts it has manifested and put into practice during this administration its professions of friendship.

A Democratic House in 1911 inaugurated and passed a country-wide parcel-post system in connection with the Post Office Department. For more than a generation this valuable means for the transportation of small packages has been a part of the postal system of nearly every civilized country. Its merits had been demonstrated. The demand for it in this country had been for nearly a generation widespread. For 16 long years, while the Republican Party was in power, these demands were repeatedly presented to Congress, and repeatedly Republican Congresses turned deaf ears to the appeals of the farmers and consumers of the country. Finally in 1911, in response to the long, continued, and widespread demand on the part of the people, a Democratic House inaugurated and passed this most valuable piece of legislation.

This particular branch of the public service has been during the present administration, in charge of that able and distinguished Democratic statesman, Hon. A. S. Burleson, the ablest and most progressive Postmaster General that has been at the head of our Post Office Department in the history of our Government. Under him and through his efforts of practical management, the parcel-post system has been extended throughout the length and breadth of the land. Repeated extensions of its usefulness have been successfully established and are now in operation. The weights permitted to be carried have been increased, and the rates for carriage decreased.

Already so great has been the volume of business transacted by this branch of the Post Office Department that express rates on all commodities not exceeding the weight permitted to be carried by the parcel-post system have been reduced by an average of about three-quarters of the charges previously made by express companies.

When the farmer and ultimate consumer become familiar with this great system, it will enlarge direct trade between them and will bring the farmer higher prices for his produce, and at the same time enable the consumer to buy such produce at a chaper price than where the same has been handled by the middleman or the retailer. This system is but in its infancy, and in the course of two or three years more under the present able administration there will undoubtedly be a wonderful in-

crease in this direction, thus conferring the benefit on the farmer and the consumer.

In order to describe the great benefits which it is contemplated shall be rendered in the near future by the Parcel Post Service, I take the liberty of quoting liberally from the words of the present able Postmaster General:

The Parcel Post Service is at a turning point in its history. It must respond to the increasing demand for closer, quicker, and surer communication between our people. The facilities it has always controlled have become more important and new facilities have been added, but the people are looking to it for still greater and wider performance.

The successful postmaster or executive officer may no longer be a passive agent. He must develop with the demand for the service and keep abreast of the best modern business thought.

Phenomenal as has been the growth and development of the parcel post, the new service is still in its infancy. We have but scratched the surface of its possibilities for usefulness. Further experience will no doubt justify further extensions of service and revisions of rates and conditions of mailability that will have the effect of vastly increasing the traffic. Improved methods of postal operation and increased efficiency will bring about a more satisfactory and complete service.

IT UNITED PRODUCER AND CONSUMER.

Postmasters can render great service in the reduction of the high cost of living by bringing together those who wish to buy and those who wish to sell farm products. With the agencies at his command, the postmaster should secure the names of those farmers who can supply farm produce in retail shipments, together with the quantities available and the prices asked. This information he should furnish to the patrons of his office and of other offices where the patrons wish to secure direct shipments of such fresh food products. Thought and ingenuity will enable each postmaster to supplement this general plan in whatever ways are best suited to the local conditions. Postmasters should also make a careful study of conditions under which the farmers within their reach now market their produce and under which their city patrons secure food products. This will enable postmasters to present more convincing arguments for the use of the parcel post and to render valuable service to their communities in reducing the cost of living.

Postmasters should urge the organization of "shipping clubs" among their rural and city customers for the purpose of using in the most effective manner the parcel post as a means of exchange of produce. It is particularly desiraole to encourage organizations of farmers for cooperation in shipping farm products.

This interest and activity of the Democratic Party in extending the Parcel Post System is in fulfillment of a plank contained in its national platform of 1912, in which it was declared:

We favor the establishment of a parcel post or postal express, and also the extension of the rural delivery system as rapidly as practicable.

AGRICULTURAL EXTENSION BILL.

The 1912 Democratic national platform contains the following plank in relation to agricultural extension teaching:

We recognize the value of vocational education, and urge Federal appropriation for such training and extension teaching in agriculture in cooperation with the several States.

In compliance with this platform pledge, Congress has passed what is known as the Lever agricultural extension bill, making provisions for cooperative agricultural extension work between the agricultural colleges in the several States receiving the benefits of an act of Congress approved July 2, 1862, and the acts supplementary thereto, and the United States Department of Agriculture. Its purpose is to "provide for the commencement of cooperative agricultural extension work, field demonstrations, publications, and otherwise," carried on in a way mutually agreeable to the Secretary of Agriculture and the land-grant colleges receiving the benefits of such acts. In brief, it undertakes to make such provisions as will bring to the attention of the farmer and the farmers' wives and children in the most striking manner such demonstrated truths and practices as to make up the most up-to-date methods in agriculture, which, if lived up to, will make rural living desirable and profitable as an occupation. It aims to carry to the farmer the improved methods and practices of the agricultural colleges, experiment stations, the Department of Agriculture, and the best farmer, and demonstrate their value upon the farm itself, thus providing the means by which the agricultural institutions may be made to serve all the people, as should be the case, rather than a limited and privileged few.

The bulletins from the agricultural press have not been sufficient to reach the farmer in the remote districts, who most needs the agricultural information which the Department of Agriculture and State experiment stations and agricultural colleges have accumulated for the last 50 years. It aims for practical demonstrations in the most enlightened farming methods.

The late Dr. Seaman A. Knapp, founder of the demonstration work in this country, said:

There is much knowledge applicable and helpful to husbandry that is annually worked out and made available by the scientists in the United States Department of Agriculture and in the State experiment stations and by individual farmers upon their farms which is sufficient to readjust agriculture and place it upon a basis of greater profit, to reconstruct the rural home, and to give to country life an attraction, a dignity, and a potential influence it has never received. This body of knowledge can not be conveyed and delivered by a written message to the people in such a way that they will accept and adopt it. This can only be done by personal appeal and ocular demonstration.

By this law there is permanently appropriated $480,000 each year to each State which will agree to the provisions of the law. Increases are provided for during the first seven years, and after that time there is permanently appropriated for each year the sum of $4,100,000, in addition to the said sum of $480,000, which is to be distributed among the several States in the proportion which the rural population of each State bears to the total rural population of all the States. In short, it means and provides the funds for the payment of expenses of practical agricultural experts who will go out among the farmers of the State and demonstrate to them—so that the eye of the farmer may see—the practical workings of the most up-to-date and scientific methods of farming.

This piece of legislation was demanded by the rural population of the country and will soon be in successful operation. While it was pending every school, large or small, interested in the development of agricultural information and knowledge petitioned for its speedy passage. This demand had existed for many years prior to its passage. The law will be put to good use in instructing the farmer and his children in practical and up-to-date farming activities.

ANNUAL INCREASE OF AGRICULTURAL APPROPRIATION.

The splendid work of the Department of Agriculture has been recognized by this administration and encouraged by an increased appropriation of $1,524,000 over the largest annual appropriation made during the Taft administration. The total amount appropriated by this Congress for agricultural purposes, exclusive of permanent annual appropriations, being $19,511,000, making a total annual with permanent appropriations of over $24,000,000 for farming purposes.

Among the many important improvements made in the work of the Department of Agriculture is a new division known as Farm Management. The duties of this division are to make an investigation of the cost of producing farm products under varying farm conditions, distribution of investment, relative return of different systems of farm management, ascertaining previous experience in farm management in this and other countries, development and plans for building better farm dwellings, study of the cheapest and most effective method of eradicating weeds and cultivating the soil, and, in fact, to make a study of a thousand and one phases of farm life and publish the results thereof.

OFFICE OF MARKETS.

The Democratic administration has established in the Department of Agriculture a division known as the Office of Markets, and has secured an appropriation therefor of $200,000 for this year. It is the belief of the present administration of the Department of Agriculture that effective and economical methods for properly distributing and marketing farm products are of equal importance to the farmer and country at large as are scientific methods of production. There is no profit in it for the farmer to improve the quality and increase the quantity of his crops if he can not learn when, how, and where to sell them to the best advantage. Without some advantageous means of directly connecting the producer and consumer both of them suffer. It is sought to prevent abundant harvests from being allowed to be sold at ruinous prices in glutted markets, while insufficient supplies cause exorbitant prices and unsatisfied want at other points

It is believed that when this work has been fully organized the department will be able to assist the farmer in disposing of his crops as effectively as it has assisted him in producing them. Some of the principal lines of investigation which will be undertaken in connection with this work are: Cooperative production and marketing; market surveys, methods and cost; market grades and standards; city marketing and distribution; transportation of farm produce; storage problems; marketing miscellaneous products; and marketing by parcel post. This work will bring about a much cheaper and more equitable distribution of farm produce, and the farmer will thereby be the chief beneficiary of such improvement, and the consumer will also have his share in this reduced and cheaper plan of distribution. Heretofore the Government has devoted its energies almost entirely to the problem of increasing farm production, but recent experience has demonstrated that it is of equal importance to the farmer that his crop should be marketed in such a manner as to enable him to secure a better price for his products, and at the same time enable the consumer to purchase necessary food cheaper.

BIRD LAW.

It has appropriated $50,000 annually for the protection of insect-devouring birds of the country. The farmers of the country have in years past and are at the present time losing mil-

lions of dollars in crops because of crop-destroying insects, until it has become apparent that the annual loss to farmers from these insects alone amounts to millions of dollars. Recent experiments have shown the value of insect-devouring birds in helping to save the farmer's crops from the powers of ravage. This work, it is estimated, will finally save the farmers of the country millions of dollars annually.

HOG CHOLERA.

In the fall and early winter of 1913–14, when hog cholera swept the northwest section of the country, destroying thousands of hogs, valued at millions of dollars, the Democratic Congress rose to the occasion and made a special appropriation of $600,000 for the purpose of assisting in the control and extermination of this great destroyer of hogs, one of the greatest sources of the farmers' wealth.

The Democratic House during the present session has shown its interest in farm postal highways, and has mapped out and planned a system of such highways to be built and constructed in connection with the highway departments or commissions of the different States. As the bill passed the House the bill contained an annual appropriation of $25,000,000. Heretofore millions of dollars have been appropriated annually for the improvement of rivers and harbors, for the building of battleships, for the building of fortifications, and for dozens of other Government objects, but up to this time this is the first and only appropriation made by the Federal Government to aid the States in building, constructing, and improving farm highways. It is the beginning of an improvement which is destined in years to come to spread all over the country in every direction, to the great advantage of the farmer and his real estate.

It has aided the farmer in a score of other important directions and has vigorously enforced the oleomargarine laws, which are designed to protect the farmers' butter products from deception and fraud in the butter markets of the country.

CONCLUSION.

The facts here presented must prove, beyond successful denial, to every intelligent and impartial farmer or other person that the market prices paid to farmers for their produce or crops during nine months of the present Democratic tariff have been, on the average and in general, with only one or two minor exceptions, higher than in the year 1913 under the Payne tariff. These facts also demonstrate beyond successful contradiction that the increase in a few imported farm products has not injured, damaged, or lowered the price of the American farmer's products. These facts demonstrate that the great natural law of supply and demand is of far greater controlling force than any tariff law, whether made by Republicans, Democrats, or Bull Moose. The foregoing statements of facts also conclusively show, especially with reference to farm crops, that the price varies with the yield, and the yield depends upon the weather, over which no tariff has control, and over which Providence alone has control.

Let the farmers of this country bear well in mind that the members of the Democratic Party are as much interested in their prosperity and welfare as their fellow citizens who wear the Republican Party label. Tariff laws that work, or may work, an injury to the farmer, injure Democrats as well as Republicans, and there is no reason for distrusting the Democratic Party in its management of the tariff where it is made up of individuals as honest and sincere in their motives as are the individuals of the Republican Party. When stripped of calamity howling and partisan coloring there remains but an honest difference of opinion between them on this important subject. I take it for granted that the average member of each party is equally interested in maintaining and promoting the welfare and prosperity of the farmer. How, then, shall it be determined what party is right in its contention upon this subject? There is only one way, and that is to let the facts determine who is right. The facts that I have here presented, comparing the market prices received by the farmer during nine months under a Democratic tariff, show that such prices were higher in general and on the average than in the same months in the year 1913 under the Payne-Aldrich tariff.

If circumstances in the future, of which there are no indications now, should show that the present tariff is exposing the products of the American farmer to a competition which in itself lowers the price of his products, the Democratic Party can be safely depended upon to so alter the tariff as to give the American farmer equal justice and equity in the administration of the tariff laws. Until then let the army of calamity howlers practice in the wilderness, and then farmers and the rest of the country are certain to enjoy peace and prosperity.

Mr. FITZGERALD. Mr. Chairman, I move that the committee do now rise.

The motion was agreed to.

Accordingly the committee rose; and the Speaker having resumed the chair, Mr. CANDLER of Mississippi, Chairman of the Committee of the Whole House on the state of the Union, reported that that committee had had under consideration the bill H. R. 17824, the general deficiency appropriation bill, and had come to no resolution thereon.

EXTENSION OF APPROPRIATIONS.

Mr. FITZGERALD. Mr. Speaker, I ask unanimous consent to discharge the Committee of the Whole House on the state of the Union from consideration of House joint resolution 300, extending appropriations, and to consider the same in the House as in Committee of the Whole House on the state of the Union.

The SPEAKER. The gentleman from New York asks unanimous consent to discharge the Committee of the Whole House on the state of the Union from further consideration of House joint resolution 300, and to consider the same in the House as in Committee of the Whole House on the state of the Union. Is there objection?

Mr. GILLETT. Mr. Chairman, reserving the right to object, I wish to say to the gentleman that I desire to have a little debate upon this resolution. I am perfectly willing to undertake the consideration of it now, but I wish the gentleman to agree that I shall have time for that purpose.

Mr. FITZGERALD. Mr. Speaker, I have no objection. I might wish to say something in reply. How much time does the gentleman wish?

Mr. GILLETT. I do not think more than 5 or 10 minutes, unless in retort to something that might be said.

Mr. FITZGERALD. The situation is this. Objection was made to-day to the consideration of this resolution because of the failure on the part of the managers on the part of the House and the Senate to agree on the legislative and District appropriation bills. Those bills have been agreed to. To-morrow is the 15th, when the present appropriations expire, and it may or may not be possible to consider this resolution in the House to-morrow. To-morrow is Calendar Wednesday. The resolution should be passed to-night. I am perfectly willing to have whatever discussion may be desired at this time.

Mr. STAFFORD. Mr. Speaker, reserving the right to object, do I understand from the gentleman's statement that to-morrow will be the last day?

Mr. FITZGERALD. To-morrow is the 15th.

Mr. STAFFORD. So that it would be ample time to consider it to-morrow?

Mr. FITZGERALD. But to-morrow is Calendar Wednesday.

Mr. GILLETT. But it would require unanimous consent no more to-morrow than to-night.

Mr. FITZGERALD. But it would require "more" unanimous consent to-morrow than it does to-night.

Mr. STAFFORD. I think, Mr. Speaker, it ought to go over until to-morrow.

Mr. FITZGERALD. I conferred with the gentleman from Illinois when the arrangement was made about the agreement on the District bill, and he stated that he would inform the gentleman from Massachusetts that he would not object further to the resolution. It is important that it go through to-day.

Mr. STAFFORD. Does the resolution include the District bill and also the legislative bill——

Mr. FITZGERALD. No——

Mr. STAFFORD. That has been agreed to.

Mr. FITZGERALD. The District bill has been agreed to and probably will be signed to-morrow. The only bills now undisposed of are the Indian appropriation bill and the sundry civil bill, outside of the river and harbor bill.

Mr. STAFFORD. Of course, it is not possible to have an agreement on those three bills by to-morrow, I take it.

Mr. FITZGERALD. Until the House disposes of the deficiency bill the gentleman from Massachusetts and myself are unable to go to conference on the sundry civil bill.

Mr. MOORE. Are the river and harbor appropriations affected by this resolution at all?

Mr. FITZGERALD. No, they are not.

Mr. STAFFORD. Mr. Speaker, on the statement of the gentleman from New York, I will not interpose any objection.

The SPEAKER. Is there objection to the request of the gentleman from New York? [After a pause.] The Chair hears none. The Clerk will report the resolution.

The Clerk read as follows:

Joint resolution (H. J. Res. 300) to continue the provisions of a joint resolution approved June 30, 1914, entitled "Joint resolution extending appropriations for the necessary operations of the Government and of the District of Columbia under certain contingencies."

Resolved, etc., That the provisions of a joint resolution entitled "Joint resolution extending appropriations for the necessary operations of the Government and of the District of Columbia under certain con-

tingencies," approved June 30, 1914, are extended and continued in full force and effect for and during the last half of the month of July, fiscal year 1915; and to continue during the last half of the month of July, fiscal year 1915, the operation of the Interstate Commerce Commission in securing a valuation of the several classes of property of carriers subject to the act to regulate commerce, authorized by the act of March 1, 1913, a sufficient amount is appropriated, out of any money in the Treasury not otherwise appropriated, not to exceed the sum of $65,000, together with any unexpended balance of a similar sum appropriated for the first half of said month of July.

Mr. GILLETT. Mr. Speaker, this is certainly an extraordinary situation. Here we are at half past 6, nothing like a quorum present, and it is impossible undoubtedly to get a quorum, and yet this very important resolution, extending the appropriations for the sundry civil bill, an enormous bill, and the Indian appropriation bill, is brought up and unanimous consent is asked for its passage—and that is the only way it could be passed. It seems to me that illustrates the inherent incapacity of the Democratic Party to administer this Government, which is the charge which on this side of the House we have not only this year but in previous years continuously made. If any one gentleman wished to raise an objection, it would be impossible for this resolution to pass, and, in fact, the grounds upon which the gentleman from New York asks to pass it now is because to-morrow in a full House unanimous consent probably would not be granted, and unless it was passed to-morrow the Government would be incapable of paying its officials. So that that side of the House, the party which is responsible for the business management of the country, has put itself in this predicament. It put itself in the same predicament two weeks ago. I think the inconvenience and confusion which exists by not passing the appropriation bills before the end of the fiscal year is not generally appreciated. The press here in Washington, which has, of course, peculiar interest in Washington matters, has called repeated attention to the unfortunate result of the District bill being held up, because the bathhouses are closed; but that is simply one illustration of what is going on all over the country in different departments.

Mr. MOORE. Mr. Speaker, will the gentleman yield?

Mr. GILLETT. Yes.

Mr. MOORE. Are salaries involved in this proposition at all? If we fail to pass this resolution now, would we be holding up the salaries of workmen employed by the Government in any of the departments?

Mr. GILLETT. Oh, yes; the sundry civil bill covers a great many. Of course, the legislative bill has gone through.

Mr. MOORE. There were complaints last year from many employees in the Government service—I think some in the customs service—that they were held up and could not get their pay. Would that same condition arise now if we failed by unanimous consent to let this resolution go through?

Mr. GILLETT. Yes.

Mr. MOORE. Then, if any one Member of the House should exercise the power, which the gentleman has correctly stated any one Member has, to object to the passage of the resolution at this time, that Member might be responsible for deferring the payment of wages to Government employees, who, of course, might be sorely in need thereof.

Mr. GILLETT. Yes; that is what I criticize; that that side of the House should allow any such condition to exist where any one man, perhaps with legitimate reason, could prevent the bill becoming effective at the proper time, and then there would be these without any provision being made for their salary. Now, two weeks ago, as I say, the same thing happened, and then one extension was made. But I happened in one of the departments to-day, and as I came out an official asked me if the legislative bill was likely to go through to-day. I said I did not know. He said, "I hope it will, because if it does not there are seven clerks in our employ who for the last 14 days have been thrown out of work because they were not employed under a continuing appropriation, and therefore the continuing of the appropriation of last year did not provide any salaries for them, and they had to be dropped." And undoubtedly that is going on in various departments, causing not only confusion, but expense to the Government.

Mr. STAFFORD. Will the gentleman yield?

Mr. GILLETT. Certainly.

Mr. STAFFORD. I notice that the legislative bill was delayed being introduced in the House until June 17 of this year.

Mr. FITZGERALD. When?

Mr. GILLETT. Not the 17th.

Mr. STAFFORD. On what date was it introduced?

Mr. GILLETT. The legislative bill was introduced long before that. That was the sundry civil bill, was it not?

Mr. STAFFORD. I have in my hand H. R. 15279, an act making appropriations for the legislative, executive, and judicial departments of the Government, and it states it was received in the House of Representatives on June 17, 1914, in order to be printed.

Mr. FITZGERALD. That is when it came back from the Senate.

Mr. STAFFORD. That passed the House April 17, 1914.

The purpose of my rising was to make this inquiry: During the prior administrations, when the Republicans were in control, this legislative bill was oftentime presented in the House within three weeks after the first assembling of the session. Can the gentleman inform the committee as to the reason for the delay in not presenting it to the House earlier for consideration?

Mr. GILLETT. I will leave that to the chairman of the committee; but what the gentleman suggests about the promptness of the Republican administrations is borne out by the report which the gentleman from New York [Mr. FITZGERALD] filed when he first introduced the resolution to continue the appropriation for 15 days. He cited there all the Congresses from the Fifty-fourth to the present in which it had been necessary to introduce such a resolution. And if you will notice, in the last Congress, the first Congress where the Democratic Party came into control after that time, a similar resolution had to be introduced for about half a dozen bills. I do not blame the Democratic Party particularly for that, because I recognize that in the last Congress the Senate was Republican, and I appreciate that it is quite different when one House belongs to one political party and another House to another political party, because then no one party has the responsibility and the pressure which responsibility brings upon it to compel the bills to be passed in due time.

So, as I say, I do not criticize the Democratic Party for the Sixty-second Congress, because the Senate was Republican and the responsibility was shared, but in this Congress, where both the Senate and the House are Democratic, and where there is a responsibility on that party alone to see that the appropriation bills are passed before the 1st of July, in this Congress, I do criticize and condemn the majority that has control of the House.

And I wish to call attention to the fact which appears upon this report made by the gentleman from New York, that from the Fifty-third Congress, which is the last Congress of Democratic control until the Sixty-second Congress, when the Democrats took control again, in those 16 years, when the Republican Party had control of both branches of the legislature, there was not a single case where all the appropriation bills were not passed before the 1st of July. That marks the contrast between the business efficiency of the Republican Party and the business management of the Democratic Party. The last Democratic Congress—the Fifty-third—failed to pass the appropriation bills on time. The following eight Republican Congresses were always prompt, and now this Democratic Congress fails again. It is that discrepancy to which I call attention, because I do think that while passing these temporary resolutions for 15 days at a time does in a certain manner tide over the difficulty, and the public at large probably feels that it makes no difference, and that the Democratic Party is doing its duty; yet, as a matter of fact, it makes a great difference. The Treasury Department becomes greatly confused in its accounts. Often in many items it is very difficult to apportion the one twenty-fourth of the amount which is appropriated. And therefore good business management always requires that the appropriation bills for the ensuing year should be passed before the commencement of that year. That was done for 16 years by the Republican Party. And now, just as soon as the Democratic Party gets in power, they repeat their former practice and begin to illustrate what we have always criticized them for, namely, their inefficiency and their incapacity for business management.

Now, I reserve the balance of my time, Mr. Speaker. [Applause.]

Mr. FITZGERALD. Mr. Speaker, the gentleman from Massachusetts overlooked the Fifty-first Congress. That was a somewhat famous Republican Congress. It was a notorious Congress; not only Republican, but notorious in the annals of the Congresses of the United States. The first session of that Congress extended until October 1, 1890, or 93 days beyond the fiscal year ending June 30, 1890. The joint resolution of June 30, 1890, continued the appropriations for 1890 for 30 days. They were further continued until August 14, 1890, by joint resolution of July 30, 1890, and they were continued until August 29, 1890, by joint resolution of August 14; so that not until the 29th day of August was that most notorious of all Republican Congresses able to pass the appropriation bills. There was less excuse for that Congress than others, because that was the Congress, if I recall correctly, when there was a complete revolution in the procedure in the House by which the extensive filibuster-

ing indulged in prior to that time had made it difficult to transact the public business, and by the change the public business was very greatly expedited.

So far as I am personally concerned, Mr. Speaker, I assume no responsibility whatever for any delay that has taken place in the enactment of the appropriation bills into law. I endeavored to have the legislative, executive, and judicial appropriation bill considered in the House prior to the consideration of the bill for the repeal of the Panama Canal tolls. I pointed out to various gentlemen the difficulties attending the adjustment of the appropriation bills and the danger that resulted from any attempt to delay their consideration in the House. It was suggested that the Panama Canal tolls bill would take very little time in either body, and that it would not delay the consideration of the legislative bill. The legislative bill had to be deferred until after that bill was considered here, and it was delayed considerably in its consideration by the House.

I protested against the rule that was suggested for the consideration of the antitrust legislation to the exclusion of all other public business in the House. I emphasized the fact that the sundry civil appropriation bill was then practically ready and that it should be given right of way; that it was imperative that it should be given the right of way if it were to be enacted into law before the 30th of June, the end of the fiscal year. The bill could have been brought into the House and considered very much earlier than it was possible to have it considered, because the antitrust bills were under consideration.

When the sundry civil bill was before the House I did everything in my power to expedite its consideration, but, for one reason or another, the Members of the House, exercising their privileges under the rules, continually delayed the proceedings of the House by useless points of no quorum and fruitless roll calls and refusals to remain in session after 5.30 or 6 o'clock.

Certainly, I was punished more severely than anyone else by protracted sessions, because I was compelled to be here all the time during the consideration of the bill while many gentlemen who aided in the frittering away of valuable time made themselves conspicuous, temporarily, by the suggestion of the absence of a quorum and then were able to absent themselves later when it was necessary for myself to be present during the consideration of the bill. I know that I was compelled to suffer some of the inconveniences that persons suffer from sometimes who, for one reason or another, are compelled to go without food for a considerable length of time. There were three or four days, Mr. Speaker, when I was unable to obtain any lunch and practically no dinner.

Anyone who desires to understand just how necessary food is to the human body need only to be put in charge of such a bill and spend eight or nine hours on the floor of the House with an empty stomach, combating all the pugnacious and antagonistic Members of the House, and he will quickly learn to appreciate the value of regular meals. I repeat that, so far as I am concerned, there is no responsibility upon me for any delay in the consideration or passage of these bills.

It is true that for 16 years the Republicans passed the appropriation bills very speedily and before the termination of the fiscal year; but it must also be recalled that those 16 years were the most profligate and wasteful in the entire history of the Government. The cost of the Federal Government during that period increased about 150 per cent. It would not have increased with such startling rapidity if the necessary time had been taken to resist the insistence of another body and to compel the elimination of items from the appropriation bills that should not have been incorporated in them. I know that there was a general disposition during those 16 years—because I was here during the larger portion of them—to expedite the appropriation bills and to adjourn the Congress; and the underlying motive of that haste and that speed was to make it impossible for the Congress to consider legislation imperatively needed and insistently demanded by the country, in order that those who were fattening and growing rich under the Republican laws might be relieved of their special privileges and some relief be given to the masses of the people.

It was the prevalence and the continuation of that policy which finally resulted in the uprising of the people and brought in a Democratic Congress and the election of the distinguished gentleman from Missouri [Mr. CLARK] as the first Democratic Speaker in the House in many years.

That Congress, the Sixty-second, had considerable difficulty with the appropriation bills. The departments were all in the control of the Republicans. The Senate was in the control of the Republicans. They had been leading a reckless, profligate existence, under the encouragement of Republican Congresses They resisted every effort that was made to cut down useless appropriations, to eliminate useless offices, and to bring back the Government to a sound financial basis. It was necessary to combat the Senate at every point. There was really very little encouragement, although much ostensible encouragement from the Executive in the attempted reform during that period.

In June, 1912, the two parties held two great political conventions, and practically by unanimous consent suspended the business of Congress for more than a month in order that the Members of both Houses might attend those political conventions. Whatever delay resulted during that time must have been equally shared by the representatives of the two parties.

What is there extraordinary about this resolution? It is designed to maintain the Government in a lawful, orderly, and proper manner. All of the appropriation bills with the exception of two, the Indian appropriation bill and the sundry civil appropriation bill, are practically laws. The legislative and District appropriation bills were agreed upon to-day. Would the gentleman from Massachusetts [Mr. GILLETT] have preferred that the House yield to the unreasonable and improper demands of another body and permit the incorporation into those bills of items that should not be in them in order that the bills might have been agreed to prior to the 30th of June?

So far as I was concerned, I preferred that we should discuss and determine those questions, not in the interest of those little groups that desired special privileges and favors in those appropriation bills, but determine them in the interest of all of the people of the United States. Any one Member could object and prevent the passage of this resolution to-day. If he did so, it would unquestionably be taken up and passed on Thursday. I think a parliamentary expedient could be found that would make it simple enough to pass it upon that day. But to-morrow is the last day to which the appropriations have been continued, and it would result in considerable confusion if that day passed without the resolution being agreed upon. It would result in very much embarrassment to a great army of Republicans who, through some fortuitous circumstances, have not yet been separated from the pay rolls of the Government, as, in my opinion, they should be, because the more speedily they are eliminated the better and more efficient administration of the public affairs we are likely to have. [Applause on the Democratic side.]

Of course I understand that the criticism of the gentleman from Massachusetts [Mr. GILLETT] is really Pickwickian. He does not mean it. He knows he does not mean it, because if he had been really desirous of making trouble he would have attempted to tie up the governmental service as affected by those two appropriation bills, by preventing the passage of this resolution. It is one of those good-natured criticisms that are indulged in in parliamentary bodies, that will not have any peculiar, permanent, beneficial effect, but serves the same purpose as the safety valve upon a boiler. Now that the pressure has been removed, he is glad that we will proceed with the consideration of the public business and an orderly maintenance of the various departmental services. [Applause on the Democratic side.]

Mr. GILLETT. Mr. Speaker, I wish to say a few words in response to what the gentleman has said. It is very true that I might, if I had wished, have tied up this resolution, as any one man might. I have no such purpose. While reprobating and regretting the predicament in which we are, that these great appropriation bills should be dependent upon the will of any one person, yet I recognize that it is desirable that this resolution should go through. But I do think it is very appropriate that there should be pointed out the defects and bad management which brought us into this position.

The gentleman from New York [Mr. FITZGERALD] said that the legislative and District bills went through to-day so that they are not covered by this resolution. That is very true, Mr. Speaker. But why did they go through to-day? We all know the real reason. The real reason is that they went through to-day because this resolution not being privileged under the parliamentary rules, it could not be adopted without a rule, and it is impossible for the Democratic Party to get a quorum of their own on the Committee on Rules.

That is another phase which might well be criticized. Because they could not get that, it was necessary for them to come to an agreement on the legislative and District bills, for it would certainly have been a shocking sight for the country if these two bills had failed and this resolution had also failed so that the whole force covered by them could not be paid, just because the Committee on Rules of this Democratic Committee on Rules could not get a quorum. I think that is a sufficient explanation, and in itself is a severe criticism of the management of that side of the House.

The gentleman from New York says that we were prevented and delayed by constant calls for quorums. That is true, but I think it is but fair to suggest that these points of order and delay and filibuster came from that side of the House. It did not come from this side of the House. They are responsible for it.

I did not when I began, and I do not now, pretend to apportion the blame for this delay and mismanagement. I do not know, and I do not say, whether it was the administration with its measures and the pressure it brought upon the House to carry those measures through ahead of the appropriation bills that caused the trouble, or whether it was the Committee on Rules that manages the House—I do not determine who made the trouble. All I have a right to say is that the Democratic Party is responsible. The Democratic Party has full control of the House, and it is responsible, and it may apportion the blame upon all the branches of the Government and such committees of this House as it pleases. But it can not shift responsibility from itself.

The gentleman from New York indulges in the usual talk of Republican extravagance and profligacy. We have never claimed, as that party always has, to be the special disciples and advocates of economy, but when the gentleman reproaches us for extravagance he must have forgotten the record that this Congress is making. He must have forgotten some remarks he made in this House not long ago reproaching that side of the House for the extravagance which they were developing in every direction. I venture to say that when at the end of this Congress the gentleman comes to make the report, which the chairman of the Appropriations Committee always has to make, of the expenditures of this Congress, he will find it very hard to reconcile them with the Democratic platform and professions and the charges against the Republican Party in which he now indulges.

Now, as to the Fifty-first Congress, which he refers to, it is noticeable that he has to go back 24 years for a Republican precedent. During the whole 16 years of recent Republican control there is not a single case of such legislation. The Fifty-first Congress was very different from this. That was a Congress where the Republicans had such a narrow majority that it was necessary for every man to be constantly present, because it was the Congress where that side of the House did not simply filibuster in the ordinary way, but that side of the House absented itself day after day in a body from the Chamber, and compelled this side of the House, with its very slender majority, to keep a quorum, only one man on that side of the House being present to insist on obstructive motions. With such difficulties, it is no wonder that all legislation was delayed.

That was the Congress where the Reed rules were adopted, and that of itself was a revolution which absorbed a vast amount of time. It was the Congress of the McKinley bill, and, above all, it was the Congress of the most vicious and desperate filibuster ever known in these Halls, a filibuster that would not be tolerated to-day. Members would not now dare to absent themselves in a body and leave the Chamber to their opponents, because public sentiment would condemn them for not doing their duty. It was against that kind of obstruction that that Congress had to legislate.

So, as I say, the gentleman has to go back to 1891 for a Republican precedent. But what I wish to draw attention to is that after 16 years of business management, where the appropriation bills went through on time and there was no necessity for the extension which so demoralizes the Government, the very first year the Democratic Party has control of the administration and of Congress appears that defect for which we have always criticized them—inherent incapacity for business management.

Mr. FITZGERALD. Mr. Speaker, the legislative bill was agreed upon to-day because a majority of the House voted for the motion which I made, which made possible agreement between the Houses.

The District bill was agreed to to-day because the Senate made concessions to the House that the House insisted upon; otherwise there could not have been an agreement. So far as the inability to obtain a quorum of the Committee on Rules in order to do business is concerned, let me say that there was no difficulty in obtaining a quorum. There was a quorum of the committee in the city.

Mr. GILLETT. The gentleman means a quorum on the Democratic side?

Mr. FITZGERALD. No; there was not a quorum of the committee on the Democratic side; but committees are made up of Democrats and Republicans and Progressives, and the latter complain loudly enough when they are not given an opportunity to be present, so they should not insist upon objecting when business is to be taken up and they are present. There were three Republicans on that committee who were in the city, but it was a notorious fact that if the committee met they were likely to act in such an unpatriotic manner that it would have been impossible to obtain any report. But there would have been a quorum of the committee, and, if necessary, enough Democrats to make a quorum of the committee here to-morrow to do whatever business would have been necessary.

Mr. JOHNSON of Kentucky. Mr. Speaker, it is now after 7 o'clock. The Members of the House have grown tired after the long day's work and have nearly all gone home. Without counting, I do not believe there are more than 25 Members present. It happens, however, that the gentlemen who have spoken since this resolution has been under consideration have taken occasion to say that they were not responsible for the delay in the passage of the appropriation bills. It further happens that each of those gentlemen, I believe, voted against the passage of the Panama Canal tolls repeal bill. One speaker attributes the delay to the Democratic Party, alleging incompetency and inefficiency. To that, of course, nobody gives serious attention. Everybody recognizes and realizes the spirit in which that was said; but it has been more seriously said by another that the delay in the passage of the supply bills has been occasioned by the displacement of those bills with the Panama Canal tolls repeal bill. I for one, and I believe I can also speak for absent Democrats, wish to assume responsibility to the extent that I am able to do it of delaying the passage of the supply bills, in promoting the passage of the Panama Canal tolls repeal bill. If the Panama repeal bill had not been gotten up, and considered and passed when it was, the probabilities are that that statute, iniquitous in my judgment, would still be upon the statute books. It is true that the supply bills have been delayed, but with all their delay not a single account has gone unpaid, not a single salary up to now stands unpaid.

Mr. GILLETT. Men have been discharged.

Mr. JOHNSON of Kentucky. We have accomplished the result of the repeal of the Panama tolls bill without having any delay in the payment of a bill or a salary or the discharge of even one man because the appropriation bills have been delayed. The result is better for the whole country than if the supply bills had passed long ago.

Mr. MOORE. Mr. Speaker, I ask to be heard on this.

The SPEAKER. The Chair will again admonish Members that this resolution is now being considered in the House as in Committee of the Whole and that the five-minute rule ought therefore to prevail. The gentleman from Massachusetts [Mr. GILLETT] very pleasantly ran along with his speech, and the Chair permitted him to do so, as did the gentleman from New York. The rule, however, is for five minutes.

Mr. MOORE. Mr. Speaker, I ask unanimous consent to proceed for 10 minutes.

The SPEAKER. The gentleman from Pennsylvania asks unanimous consent to proceed for 10 minutes. Is there objection?

There was no objection.

Mr. MOORE. Mr. Speaker, in view of the statement made by the gentleman from Kentucky [Mr. JOHNSON] that he did deliberately help to hold up the supply bills for the purpose of passing the Panama Canal tolls repeal bill, I wish to say that from my viewpoint, as a Republican, the delay in the passage of these supply bills has been due very largely to Executive interference in the affairs of Congress, as for instance, in the demand for the passage of the Panama Canal tolls repeal bill. We have had antitrust legislation and Panama Canal tolls legislation thrust upon us, and the Democratic majority has been substantially helpless in the matter. It has had to do the bidding of the White House with respect to these important measures in order that the Democratic platform at Baltimore might be carried into effect. We have dallied with the regular business.

Mr. FITZGERALD. Oh, that statement is not correct. Whatever was done here was done by the Democratic Party in the House on its own responsibility, and after full deliberation.

Mr. MOORE. The gentleman makes that statement, but will the gentleman say whether his Committee on Appropriations met in the usual way to prepare the supply bills at the usual time?

Mr. FITZGERALD. Yes; it did.

Mr. MOORE. Then why this long delay? It was not because the gentleman did not get his lunch, was it?

Mr. FITZGERALD. No.

Mr. MOORE. It was not because sometimes his stomach was out of order, waiting for gentlemen to get over their penchant for demanding a quorum?

Mr. CARLIN. Oh, that is a personal question.

Mr. FITZGERALD. It was due somewhat to the fact that the gentleman from Pennsylvania [Mr. MOORE] persisted in taking up what very many of us thought was an unusually large amount of time in the discussion of the bill.

Mr. MOORE. Well, I am quite sure whatever time the gentleman from Pennsylvania took up was as near the point as it was possible to make it, and he was in no way responsible for the raising of points of no quorum during this session of Congress. I believe, with many other Republicans, that the Democratic Party, being in control, it could do substantially as it pleased, and that the obligation was upon it to pass the supply bills, in order that wages should be paid and that the business of the Government might go on. It is rather anomalous that the Committee on Appropriations under a Democratic administration should meet in the usual way as it met during 16 years of Republican administration, and then on each succeeding year after it came into full power still be obliged to ask for an extension of time to get its bills through to pay wages and avoid the confusion to which the gentleman from Massachusetts has referred. I believe it was due not so much to the gentleman from New York and the Appropriations Committee as to an insistence from the White House upon the Democratic majority for the passage of the administration bills. Thus the appropriations were held up and all the ordinary incidental business of the Government was sidetracked. It was a matter of political policy, whether right or wrong, and the Democratic majority yielded to carry out the wishes of those "higher up," who seemed to want to make the Democratic platform effective, whether they violated one of the cardinal planks in reference to the Panama Canal or not.

But I rose, Mr. Speaker, to refer to the rather remarkable statement of the gentleman from New York, the chairman of the Committee on Appropriations, in arraignment of the alleged extravagance of Republican Congresses. To a certain extent the gentleman from New York has turned tail upon that proposition.

A short time ago, in April, I think, when one of the appropriation bills was up, he made a startling statement in regard to Democratic aggrandizement, and to the Democratic desire to secure more appropriations than any of the Republican administrations have secured.

Now, I have asked for five minutes in order that within that time, even to this very scant attendance of the House, I might refer to at least two unusual speeches, one by the gentleman from New York, the same gentleman from New York who a little while ago undertook to tell us how much Republicans were to blame in the preparation and passage of these important appropriation bills.

Let us first recur to the RECORD of April 7, 1914, and listen to the eloquence of the gentleman from Mississippi [Mr. SISSON], a member of the Committee on Appropriations, of which the gentleman from New York is chairman. We were then discussing the proposition to increase the salaries of clerks to Congressmen, and the gentleman from Mississippi was charging his colleagues with extravagance and appealing to the Republican minority here to save the face of the Congress of the United States. The gentleman from Mississippi began——

Mr. FITZGERALD. The gentleman from Mississippi never appealed to Republicans for economy.

Mr. MOORE. The gentleman says so, but out of the mouth of the gentleman from Mississippi we may be able to contradict the statement. The gentleman from Mississippi said:

> Republicans are always extravagant. They are not to be blamed for extravagance. They do not know any better. But the Democrats know better. They have had better training.

And there was great applause at that. The gentleman from Mississippi continued:

> I said this in a speech before, in the last session; and when I made that speech Members of the Democratic House came to me and asked me not to put it in the RECORD, because it would be used by the Republicans in their campaign book. Let them use it. If they do, it will be by way of confession and avoidance. They can get no consolation out of it, except that we know better. You may use that statement now, gentlemen, because when Democrats get to be so violently extravagant that it makes our record look bad as compared with the very wicked records of the Republicans, I must apologize to you Republicans for having ever used the words "criminally extravagant" in criticizing the appropriations that you made, for if that expression, "criminally extravagant," was proper to apply to you—my God—the English language has never found an adjective strong enough to apply to Democratic extravagance.

And then there was applause on the Republican side. There was much more of this——

Mr. FITZGERALD. He certainly did not appeal in the hope of getting any help from the Republicans.

Mr. MOORE. I now turn to the remarks of the gentleman from New York. I shall quote from the gentleman:

Mr. DONOVAN. Mr. Speaker, will the gentleman yield for a question?

Mr. MOORE. I have not the time. In justice to the gentleman from New York [Mr. FITZGERALD], I must quote him accurately. If he will give me time to yield, I will do so.

Mr. DONOVAN. I only wanted to ask you to put the date of that speech in the RECORD.

Mr. MOORE. It was April 7, 1914. I will be very glad to put it in the RECORD, because I believe the gentleman from Mississippi stands by that speech.

Now, on April 10, 1914, the gentleman from New York was opposing an effort on the part of certain gentlemen, both Democrats and Republicans, to retain certain assay offices somewhere in the vicinity of their districts. There was a proposition to concentrate them all, and all the employees in the assay service as well, in the city of New York, which the gentleman from New York [Mr. FITZGERALD] so ably represents upon this floor. The gentleman from New York, in his statement that day, said he was not very well; he was not feeling good, and was not of very cheerful demeanor. Perhaps it was one of the days when he was not able to get down to lunch. I know how hard he works, and give him credit for staying here frequently beyond the lunch hour.

Mr. FITZGERALD. I am glad the gentleman has given an excuse, if there be any, for the speech he is going to read.

Mr. MOORE. The gentleman had a very good excuse. I think he stated it forcibly himself when he said there were times when he stood upon this floor in support of his bills when he knew that there was provender waiting for him downstairs. He stood here with stoical heroism because a sense of duty predominated with him, even as it does with the gentleman from Connecticut [Mr. DONOVAN], who remains so faithfully on every occasion. But the gentleman from New York [Mr. FITZGERALD] said:

> Mr. Chairman, it may seem somewhat strange—

This was in opposition to the attempt of gentlemen from other sections of the country to retain the existing assay offices:

> But I hope it is not out of place to remind Members on this side of the House that the Democratic platform pledged us in favor of economy and to the abolishment of useless offices; but it did not declare, Mr. Chairman, that the party favored economy at the expense of Republicans and the abolition of useless offices in territory represented in this House by Republicans while favoring a different doctrine wherever a Democratic Representative would be affected.
> In a few months—

And these words ought to be set down as classics in our political history when any controversy arises as to Republican or Democratic extravagance—

> In a few months—

Said our distinguished friend from New York—

> I shall be called upon in the discharge of my official duties to review the record that this Democratic House shall have made in its authorization of the expenditure of the public moneys. Whenever I think of the horrible mess that I shall be called upon to present to the country on behalf of the Democratic Party—

And there was laughter upon the Republican side—

> I am tempted to quit my place.

Now, I was one of those who held up his hand in protest against the gentleman quitting his place at that time. I felt we needed a strong man like him on guard when these rapacious representatives of his own party were insisting upon looting the Treasury. There he stood, a veritable Ajax defying the Democratic lightning, protecting the entire country—Democrats, Republicans, and Prohibitionists alike, and I will also include the Progressives, whom I temporarily forgot—and I admired him.

> I am tempted to quit my place—

He said—

> I am looking now at Democrats who seem to take amusement in soliciting votes on the floor of this House to overturn the Committee on Appropriations in its efforts to carry out the pledges of the Democratic platform. They seem to take it to be a huge joke not to obey their platform.

I am quite sure there was no covert reference to the White House when the gentleman from New York made that rather prophetic and direct statement—

> and to make ridiculous the efforts of the members of our party who do try to live up to the promises they made to the people.

Evidently all Democrats did not then think alike or look alike to the gentleman from New York. But the gentleman from New York had the courage of his convictions. He struck out boldly and told the country what he thought. He made it clear that the Democratic Party was not made up of Puritans, nor was it

so entirely self-sacrificing as to yield up everything to the welfare of the country.

I know—

The gentleman from New York asserted—

that some Members on this side are voting continually for appropriations because they fear the wrath of the public if they do not vote out of the Public Treasury assistance for everything anyone suggests. I have in my hand a letter which is somewhat characteristic of the correspondence which I receive daily.

The SPEAKER. The time of the gentleman from Pennsylvania has expired.

Mr. MOORE. Mr. Speaker, I ask unanimous consent for one minute more.

The SPEAKER. The gentleman from Pennsylvania asks unanimous consent for one minute more. Is there objection?

There was no objection.

Mr. MOORE. Interpolating a few asterisks and leaving out some of the things the gentleman from New York said, he came down to this:

We charge the Republicans for 12 years of my service in the House under Republican administrations with being grossly extravagant and reckless in the expenditure of the public money. I believed that charge to be true. I believed that my party, when placed in power, would demonstrate that the charges we had made in good faith were true. We are entitled to the help and to the support of the Members on this side of the House in honest efforts to carry out the pledges of the Democratic Party and in our attempts to show that what we charged in order to get in power was true. We have not had that support. Our Democratic colleagues have not given that support to us thus far during this session of Congress.

Maybe that is the reason why the bills were held up. Perhaps they had not gotten in everything they wanted. I read further:

They have voted against recommendations they should not have voted against. They have unnecessarily piled up the public expenditures until the Democratic Party is becoming the laughing stock of the country.

I appeal to them now before it is too late. I appeal to them now before we have gone beyond recall to stop the conduct of which they have been guilty. Do not continue to vote for these improper and improvident appropriations. Those who propose to continue to do so should at least have the courage openly to assert upon the floor of this House that they believe that the professions of the Democratic Party have not been made in good faith, that they can not be carried out, and that we are not entitled to power because of those professions. [Applause.]

Why, gentlemen, what further or more effective indictment could be made against the statement just uttered by the gentleman from New York [Mr. FITZGERALD] in answer to the gentleman from Massachusetts [Mr. GILLETT] than this utterance on April 10 last by the same gentleman from New York, who was then, as now, the chairman of the Democratic Committee on Appropriations? [Applause.]

The SPEAKER. The question is on the engrossment and third reading of the joint resolution.

The joint resolution was ordered to be engrossed and read a third time, was read the third time, and passed.

On motion of Mr. FITZGERALD, a motion to reconsider the vote whereby the joint resolution was passed was laid on the table.

ENROLLED BILL PRESENTED TO THE PRESIDENT FOR HIS APPROVAL.

Mr. ASHBROOK, from the Committee on Enrolled Bills, reported that this day they had presented to the President of the United States, for his approval, the following bill:

H. R. 15279. An act making appropriations for the legislative, executive, and judicial expenses of the Government for the fiscal year ending June 30, 1915, and for other purposes.

ADJOURNMENT.

Mr. FITZGERALD. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 7 o'clock and 25 minutes p. m.) the House adjourned until to-morrow, Wednesday, July 15, 1914, at 12 o'clock noon.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII, bills and resolutions were severally reported from committees, delivered to the Clerk, and referred to the several calendars therein named, as follows:

Mr. FITZGERALD, from the Committee on Appropriations, to which was referred the joint resolution (H. J. Res. 300) to continue the provisions of a joint resolution approved June 30, 1914, entitled "Joint resolution extending appropriations for the necessary operations of the Government and of the District of Columbia under certain contingencies," reported the same without amendment, accompanied by a report (No. 960), which said bill and report were referred to the Committee of the Whole House on the state of the Union.

Mr. GRIFFIN, from the Committee on Military Affairs, to which was referred the bill (H. R. 9687) changing the designation, fixing the status of, and granting an increase in pay to certain clerks employed with the Army at headquarters of departments, divisions, brigades, districts, Army service schools, and posts commanded by general officers, and heretofore known as headquarters clerks, reported the same with amendment, accompanied by a report (No. 965), which said bill and report were referred to the Committee of the Whole House on the state of the Union.

Mr. SIMS, from the Committee on Interstate and Foreign Commerce, to which was referred the bill (H. R. 17825) to authorize the construction, maintenance, and operation of a bridge across the St. Francis River at or near St. Francis, Ark., reported the same without amendment, accompanied by a report (No. 966), which said bill and report were referred to the House Calendar.

REPORTS OF COMMITTEES ON PRIVATE BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII, private bills and resolutions were severally reported from committees, delivered to the Clerk, and referred to the Committee of the Whole House, as follows:

Mr. STEPHENS of Mississippi, from the Committee on Claims, to which was referred the bill (H. R. 15309) providing for the payment for certain services arising under the Navy Department, reported the same without amendment, accompanied by a report (No. 961), which said bill and report were referred to the Private Calendar.

Mr. EDMONDS, from the Committee on Claims, to which was referred the bill (H. R. 10327) for the relief of Morris Dietrich, reported the same with amendments, accompanied by a report (No. 962), which said bill and report were referred to the Private Calendar.

Mr. EVANS, from the Committee on Claims, to which was referred the bill (S. 1803) for the relief of Benjamin E. Jones, reported the same without amendment, accompanied by a report (No. 963), which said bill and report were referred to the Private Calendar.

PUBLIC BILLS, RESOLUTIONS, AND MEMORIALS.

Under clause 3 of Rule XXII, bills, resolutions, and memorials were introduced and severally referred as follows:

By Mr. ROBERTS of Massachusetts: A bill (H. R. 17891) to incorporate the Federal Council of the Churches of Christ in America; to the Committee on the Judiciary.

By Mr. CULLOP: A bill (H. R. 17892) to amend section 15 of the act to regulate commerce by authorizing the commission to require a uniform classification of freight; to the Committee on Interstate and Foreign Commerce.

By Mr. STEVENS of New Hampshire: A bill (H. R. 17893) to amend section 3 of an act entitled "An act to promote the safety of employees and travelers upon railroads by limiting the hours of service of employees thereon," approved March 4, 1907; to the Committee on Interstate and Foreign Commerce.

By Mr. GOEKE: A bill (H. R. 17894) to amend an act entitled "An act to promote the safety of employees and travelers upon railroads by compelling common carriers engaged in interstate commerce to equip their locomotives with safe and suitable boilers and appurtenances thereto," approved February 17, 1911; to the Committee on Interstate and Foreign Commerce.

By Mr. FITZGERALD: Resolution (H. Res. 567) providing for the consideration of House joint resolution 300; to the Committee on Rules.

By Mr. GOLDFOGLE: Resolution (H. Res. 568) directing printing of additional copies of House Document No. 939, Sixty-third Congress, "Wages and Regularity of Employment in the Dress and Waist Industry in New York City," and also additional copies of House Document No. 908, Sixty-third Congress, being "Conciliation, Arbitration, and Sanitation in the Dress and Waist Industry in New York City"; to the Committee on Printing.

By Mr. KINDEL: Resolution (H. Res. 569) directing the Attorney General to inform the House if action is contemplated against the United States and Adams Express Cos. for a refund of moneys collected in excess of rates charged individual shippers; to the Committee on the Judiciary.

By Mr. LOGUE: Joint resolution (H. J. Res. 301) designating the "Star-Spangled Banner" as the national anthem; to the Committee on the Judiciary.

PRIVATE BILLS AND RESOLUTIONS.

Under clause 1 of Rule XXII, private bills and resolutions were introduced and severally referred as follows:

By Mr. BEAKES: A bill (H. R. 17895) for the relief of John Henry Gibbons, captain on the retired list of the United States Navy; to the Committee on Naval Affairs.

By Mr. BRITTEN: A bill (H. R. 17896) for the relief of Francis Murphy; to the Committee on Naval Affairs.

By Mr. BURKE of Wisconsin: A bill (H. R. 17897) granting an increase of pension to Hannah Heuser; to the Committee on Invalid Pensions.

By Mr. DOOLITTLE: A bill (H. R. 17898) granting an increase of pension to Nancy E. Wynn; to the Committee on Invalid Pensions.

By Mr. HAWLEY: A bill (H. R. 17899) granting an increase of pension to James H. Layne, jr.; to the Committee on Invalid Pensions.

By Mr. KINKEAD of New Jersey: A bill (H. R. 17900) granting a pension to Daniel J. Nooman; to the Committee on Pensions.

By Mr. MORRISON: A bill (H. R. 17901) granting an increase of pension to George J. Wolf; to the Committee on Invalid Pensions.

By Mr. PETERSON: A bill (H. R. 17902) granting an increase of pension to Margaret S. Gemberling; to the Committee on Invalid Pensions.

By Mr. SHERWOOD: A bill (H. R. 17903) granting an increase of pension to Robert W. Griffin; to the Committee on Pensions.

By Mr. TAVENNER: A bill (H. R. 17904) granting an increase of pension to Henry Hodson; to the Committee on Invalid Pensions.

By Mr. HUGHES of Georgia: A bill (H. R. 17905) for the relief of the heirs of J. W. Meadows, deceased; to the Committee on Claims.

PETITIONS, ETC.

Under clause 1 of Rule XXII, petitions and papers were laid on the Clerk's desk and referred as follows:

By Mr. BOOHER: Petition of 52 merchants of the fourth Missouri district, favoring the passage of House bill 5308, relative to taxing of mail-order houses; to the Committee on Ways and Means.

By Mr. CONNELLY of Kansas: Petitions of 24 citizens of Logan, 48 citizens of Burr Oak, 26 citizens of Montrose, 23 citizens of Formoso, 87 citizens of Hoxie, 67 citizens of Sheridan County, and 287 citizens of Norton County, all in the State of Kansas, favoring the Sheppard-Hobson amendment for national prohibition; to the Committee on Rules.

By Mr. DILLON: Petition of sundry citizens of Salem, S. Dak., and the Epworth League of the Huron district, St. Lawrence, S. Dak., favoring national prohibition; to the Committee on Rules.

By Mr. ESCH: Petition of 120 citizens of Bangor, Wis., favoring national prohibition; to the Committee on Rules.

By Mr. FRENCH: Petitions of sundry citizens of Wallace and Shoshone, Idaho, protesting against national prohibition; to the Committee on Rules.

By Mr. GARNER: Memorial of the Dallas (Tex.) Chamber of Commerce, protesting against amendment to the alien immigration law; to the Committee on Immigration and Naturalization.

By Mr. GILL: Petition of sundry citizens of St. Louis, Mo., protesting against national prohibition; to the Committee on Rules.

By Mr. GUERNSEY: Petition of 200 citizens of Brewer, Me., favoring national prohibition; to the Committee on Rules.

By Mr. HAWLEY: Petition of sundry citizens of Cloverdale, Oreg., favoring national prohibition; to the Committee on Rules.

By Mr. HAY: Petition of the Epworth League of the Methodist Episcopal Church of Front Royal, Va., favoring national prohibition; to the Committee on Rules.

By Mr. KENNEDY of Rhode Island: Petition of the Trinity Baptist Church, of Providence, R. I., and 100 citizens of Greystone, R. I., favoring national prohibition; to the Committee on Rules.

By Mr. KINDEL: Petitions of sundry citizens and churches of the State of Colorado, favoring national prohibition; to the Committee on Rules.

Also, petitions of the National Wholesale Liquor Dealers' Association and sundry citizens of the State of Colorado, protesting against national prohibition; to the Committee on Rules.

By Mr. LEE of Pennsylvania: Petition of 385 citizens of Shenandoah, Pa., and 155 citizens of Seek, Pa., favoring national prohibition; to the Committee on Rules.

By Mr. LONERGAN: Petition of Mr. Benjamin P. Woodward, of Hartford, Conn., opposing national prohibition; to the Committee on Rules.

By Mr. McDERMOTT: Petition of the Western Society of Engineers, of Chicago, Ill., protesting against the passage of House bill 13457, relative to surveys by United States Geological Survey; to the Committee on Expenditures in the Interior Department.

By Mr. McGILLICUDDY: Petition of sundry citizens of Mexico and Ridlonville, Me., in favor of national prohibition; to the Committee on Rules.

By Mr. MAGUIRE of Nebraska: Petition of sundry citizens of College View, Nebr., favoring national prohibition; to the Committee on Rules.

By Mr. MERRITT: Petitions of sundry citizens of Rensselaer Falls, Gouverneur, Hamilton, Minerva, Millsboro, and other places in the State of New York, favoring national prohibition; to the Committee on Rules.

Also, petition of sundry citizens of Potsdam and Ogdensburg, N. Y., protesting against national prohibition; to the Committee on Rules.

By Mr. NEELEY of Kansas: Petition of various members of the Christian Endeavor Society of Lacrosse, sundry citizens of Liberal, and various members of the Christian Church of Langdon, all in the State of Kansas, favoring national prohibition; to the Committee on Rules.

By Mr. NEELY of West Virginia: Petition of Thomas Smith and 15 others, of Moundsville, W. Va., and William J. Soroggins and 10 others, of Wheeling, W. Va., protesting against national prohibition; to the Committee on Rules.

Also, memorial of the Hancock County Bar Association, of New Cumberland, W. Va., expressing confidence in Hon. Alston G. Dayton, judge of the District Court of the United States for the Northern District of West Virginia; to the Committee on the Judiciary.

Also, petition of sundry citizens of Triadelphia, W. Va., favoring national prohibition; to the Committee on Rules.

By Mr. J. I. NOLAN: Petitions of 270 citizens of the city of San Francisco against the passage of the Hobson nation-wide prohibition resolution; to the Committee on Rules.

Also, petitions of various customhouse employees of San Francisco urging the passage of the general deficiency bill on account of their failure to receive pay from middle of June; to the Committee on Appropriations.

Also, resolutions of the Southern California Conference of the Free Methodist Church, favoring a constitutional amendment providing for nation-wide prohibition; to the Committee on Rules.

By Mr. O'SHAUNESSY: Memorial of the Ministers' Union of Newport, R. I., favoring national prohibition; to the Committee on Rules.

By Mr. PETERSON: Petitions of 323 women and children of Warsaw, 525 citizens of Lafayette, and sundry citizens of Lafayette, Hammond, Gary, Oxford, Crown Point, Rensselaer, Kentland, Fowler, Hammond, Remington, Goodland, Earl Park, Wolcott, Brookston, Monticello, West Lebanon, Valparaiso, and Whiting, all in the State of Indiana, favoring national prohibition; to the Committee on Rules.

Also, petitions of Mrs. M. A. Gregory, Mrs. W. H. Lloyd, and others, of Valparaiso; Mrs. S. Coulter, Mrs. Charles Eniman, and others, of Lafayette; Mrs. C. E. Newton, Elizabeth Grave, and others, of Monticello; and Kate W. Ray, Mrs. Jennie Roberts, and others, of Gary, all in the State of Indiana, favoring woman-suffrage legislation; to the Committee on the Judiciary.

Also, petitions of sundry citizens of Indianapolis, Evansville, Lafayette, Ind.; Chicago, Ill.; and the American Association of Foreign Language Newspapers, New York, against national prohibition; to the Committee on Rules.

By Mr. REILLY of Connecticut: Petition of William Fink, of New Haven, Conn., protesting against national prohibition; to the Committee on Rules.

By Mr. ROGERS: Petition of 780 citizens of Lowell, Mass., and 100 citizens of Hudson, Mass., favoring national prohibition; to the Committee on Rules.

By Mr. STOUT: Petition of the St. Paul's Methodist Episcopal Brotherhood of Helena, Mont., favoring national prohibition; to the Committee on Rules.

By Mr. TEN EYCK (by request): Petition of Edward Van Leuven and 50 citizens of the twenty-eighth congressional district of New York and F. A. Sherman & Co., of Albany, N. Y., favoring the passage of the Hobson resolution; to the Committee on Rules.

By Mr. THOMSON of Illinois: Petition of sundry citizens of Chicago, Ill., favoring House joint resolution 282, relative to claims of Dr. Frederick A. Cook to be discoverer of the North Pole; to the Committee on Naval Affairs.

SENATE.

WEDNESDAY, *July 15, 1914.*

The Senate met at 12 o'clock m.

Rev. J. L. Kibler, D. D., of the city of Washington, offered the following prayer:

Our heavenly Father, we look to Thee for Thy blessing as we enter upon the duties of this day. May these men who watch at the gate of our Nation have Thy laws within their hearts. May they have wisdom and grace to observe Thy statutes. May they magnify Thy name and enjoy Thy constant favor. During this heated term, which tries men's strength, may it please Thee to preserve their lives and health, their going out and their coming in, and in all their plans and deliberations be Thou their guide and their counselor. We ask it in Christ's name. Amen.

The Secretary proceeded to read the Journal of yesterday's proceedings, when, on request of Mr. THOMAS and by unanimous consent, the further reading was dispensed with and the Journal was approved.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by J. C. South, its Chief Clerk, announced that the House had passed a joint resolution (H. J. Res. 300) to continue the provisions of a joint resolution approved June 30, 1914, entitled "Joint resolution extending appropriations for the necessary operations of the Government and of the District of Columbia under certain contingencies," in which it requested the concurrence of the Senate.

The message also announced that the House agrees to the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 13297) granting pensions and increase of pensions to certain soldiers and sailors of the Regular Army and Navy, and certain soldiers and sailors of wars other than the Civil War, and to widows of such soldiers and sailors.

The message further announced that the House agrees to the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 13920) granting pensions and increase of pensions to certain soldiers and sailors of the Regular Army and Navy, and certain soldiers and sailors of wars other than the Civil War, and to widows of such soldiers and sailors.

The message also announced that the House agrees to the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 14546) granting pensions and increase of pensions to certain soldiers and sailors of the Regular Army and Navy, and certain soldiers and sailors of wars other than the Civil War, and to widows of such soldiers and sailors.

The message further announced that the House agrees to the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 15071) granting pensions and increase of pensions to certain soldiers and sailors of the Regular Army and Navy, and certain soldiers and sailors of wars other than the Civil War, and to widows of such soldiers and sailors.

The message also announced that the House agrees to the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 15504) granting pensions and increase of pensions to certain soldiers and sailors of the Regular Army and Navy, and certain soldiers and sailors of wars other than the Civil War, and to widows of such soldiers and sailors.

ENROLLED BILLS SIGNED.

The message further announced that the Speaker of the House had signed the following enrolled bills, and they were thereupon signed by the Vice President:

H. R. 6464. An act for the relief of Charles R. Grant;

H. R. 5304. An act to increase the efficiency of the aviation service of the Army, and for other purposes; and

H. R. 10523. An act making appropriations to provide for the expenses of the government of the District of Columbia for the fiscal year ending June 30, 1915, and for other purposes.

PETITIONS AND MEMORIALS.

Mr. GRONNA. Mr. President, I present a petition from the Merchants and Manufacturers' Association of Baltimore, Md., which I ask to have read at the desk.

The VICE PRESIDENT. Without objection, the Secretary will read the petition.

The Secretary proceeded to read the petition, and was interrupted by,

The VICE PRESIDENT. The Chair is of opinion that until the rules of the Senate are changed this is not a petition which comes to the Senate in open session. Unless there be an appeal from the Chair, the reading of the petition will cease.

Mr. GRONNA. Mr. President, this petition was received by me through the mails. Under the Constitution of the United States the people of our country have a right to petition Congress for such legislation as they demand. I did not present the petition for the purpose of showing that it meets with my approval, because it does not. I do not share in the opinion that men who are engaged in big business are the only ones who——

Mr. SWANSON. Mr. President, I call for the regular order.

Mr. GRONNA. Petitions of this kind, I want to state——

Mr. SWANSON. When I am in the Senate during the morning hour I am going to call for the regular order. We are wasting time here repeatedly, and it will be utterly impossible to reach a final adjournment of this session of Congress unless the rules of the Senate are enforced. Petitions can be presented as the rule provides, and if it is asked that they be printed in the RECORD I will consent, but I shall in the future call for the regular order when I am in the Senate during the morning hour, and I call for the regular order now.

Mr. GRONNA. Mr. President, if the Senator from Virginia wants to take me off the floor when I present a petition sent to me by a commercial body of one of the great cities of the United States, he may do it, but I want to remind him that I shall probably be here as long as he will be here and that my time will come to make a similar suggestion to the Senator from Virginia.

Mr. SWANSON. I desire to say that in this matter there is no discrimination against the Senator from North Dakota or any other Senator.

Mr. GRONNA. I was proceeding in an orderly manner. I decline to yield.

The VICE PRESIDENT. The regular order has been called for, and unless there is an appeal from the Chair the petition will be referred to the Senate in executive session.

Mr. GRONNA. That is not satisfactory to me, Mr. President; but I still have the floor, and I want to make a few observations.

The VICE PRESIDENT. The presentation of petitions and memorials is in order.

Mr. GRONNA. I have a telegram in the nature of a petition from E. E. Garvin, secretary of Minot Division, Order of Railway Conductors, of Berthold, N. Dak., which I ask to have printed in the RECORD.

There being no objection, the telegram was referred to the Committee on the Judiciary and ordered to be printed in the RECORD, as follows:

[Telegram.]

BERTHOLD, N. DAK., *July 14, 1914.*

Hon. A. J. GRONNA,
United States Senate, Washington, D. C.:

Minot Division, No. 483, Order Railway Conductors of America, honorably solicit your support of the Clayton antitrust bill designed to take labor organizations from under the Sherman antitrust law. We respectfully request your untiring efforts in behalf of its passage before the close of this session of Congress.

E. E. GARVIN, *Secretary.*

Mr. GRONNA. I have also petitions here, and I will ask to have only one read by the Secretary, and then I ask that they may be properly noted and referred to the Committee on the Judiciary.

There being no objection, the petition was read and referred to the Committee on the Judiciary, as follows:

A PETITION TO THE SENATE OF THE UNITED STATES.

BROCKETT, N. DAK.

Hon. A. J. GRONNA,
United States Senate, Washington, D. C.:

We, the undersigned voters, earnestly petition for the passage by the United States Congress of the joint resolution introduced in the House of Representatives December 10, 1913, by Congressman RICHMOND P. HOBSON and on the same day introduced in the Senate by Senator MORRIS SHEPPARD, providing for the prohibition of the sale, manufacture for sale, and exportation for sale of intoxicating liquors for beverage purposes in the United States and all territory subject to the jurisdiction thereof.

Mr. GRONNA presented petitions of sundry citizens of Hansboro, Grafton, and Kintyre, all in the State of North Dakota, praying for national prohibition, which were referred to the Committee on the Judiciary.

He also presented a petition of Local Typographical Union No. 690, of Devils Lake, N. Dak., praying for the enactment of the so-called Clayton antitrust bill, which was referred to the Committee on the Judiciary.

Mr. GRONNA. Day before yesterday I presented several petitions praying for national prohibition, and through inadvertence I overlooked briefing them. I wish to state now that those petitions were from the following towns and cities in the

State of North Dakota; Mrs. John McDermid Hamilton, Hamilton voters, Kenmare Methodist Episcopal Church, Westhope mass meeting, Bathgate citizens, Neche voters, Heaton Christian Endeavor and Christian Temperance Union, Elmore mass meeting, Northwood voters, Forbes (80 people), Guelph (100 people), Sheldon mass meeting, Forest River mass meeting (300 people), Grafton mass meeting (300 people), and Hensel meeting of citizens.

The petitions are signed by a great number of voters and citizens of the State of North Dakota. Many of them are personally known to me. They are good business men, and, looking at the question from an economic standpoint as well as from a moral standpoint, they believe in having this amendment to the Constitution passed.

We are fortunate in my State, Mr. President. We have no large cities. We are a rural population, and the people of my State think for themselves. We do not think it is necessary to select for high positions men whose ambition and whose entire life has been spent for the very purpose of making money either for themselves or for great corporations.

So, Mr. President, I say that our people feel that they have the right to express their views, and they also have a high regard for the opinion of the common people of this country. There are thousands of men outside of the so-called big business who possess the genius, the skill, and the intelligence to do justice to business, but they also are in sympathy with the idea that honest business must be done and that the common everyday man must be taken care of just as well as those who are engaged in big business if we are going to have substantial prosperity.

Mr. SMITH of Arizona presented petitions of sundry citizens of Tempe, Williams, and Tucson, all in the State of Arizona, praying for national prohibition, which were referred to the Committee on the Judiciary.

He also presented memorials of sundry citizens of Crown King, Tucson, and Phoenix, all in the State of Arizona, remonstrating against national prohibition, which were referred to the Committee on the Judiciary.

He also presented a petition of Local Lodge No. 477, Brotherhood of Railroad Trainmen, of Winslow, Ariz., praying for the enactment of the so-called Clayton antitrust bill, which was referred to the Committee on the Judiciary.

Mr. CATRON presented resolutions adopted at a union meeting of churches in Lakewood, N. Mex., favoring national prohibition, which were referred to the Committee on the Judiciary.

Mr. SHEPPARD presented memorials of sundry citizens of Texas, remonstrating against national prohibition, which were referred to the Committee on the Judiciary.

He also presented petitions of sundry citizens of Texas, praying for national prohibition, which were referred to the Committee on the Judiciary.

Mr. GALLINGER presented a petition of the Central Labor Union of Lebanon, N. H., praying for the enactment of legislation to further restrict immigration, which was ordered to lie on the table.

Mr. BRANDEGEE presented a petition of the Woman's Christian Temperance Unions of New London County, Windham County, and Tolland County, all in the State of Connecticut, praying for national prohibition, which were referred to the Committee on the Judiciary.

Mr. GOFF presented memorials of sundry citizens of Charleston, W. Va., remonstrating against national prohibition, which were referred to the Committee on the Judiciary.

He also presented petitions of sundry citizens and churches of the State of West Virginia, praying for national prohibition, which were referred to the Committee on the Judiciary.

Mr. PAGE presented a petition of the Woman's Christian Temperance Unions of Rochester and Barton and Bennington County, in the State of Vermont, praying for the adoption of an amendment to the Constitution granting the right of suffrage to women, which was ordered to lie on the table.

Mr. SMITH of Michigan presented petitions of sundry citizens of Michigan, praying for national prohibition, which were referred to the Committee on the Judiciary.

He also presented memorials of sundry citizens of Michigan, remonstrating against national prohibition, which were referred to the Committee on the Judiciary.

He also presented a memorial of sundry citizens of Ironwood, Mich., remonstrating against any change being made in the American flag, which was referred to the Committee on the Judiciary.

He also presented petitions of sundry labor organizations of the State of Michigan, praying for the enactment of the so-called antitrust legislation, which were referred to the Committee on the Judiciary.

He also presented a memorial of sundry citizens of Bad Axe and Detroit, in the State of Michigan, remonstrating against the proposed increase in the number of chaplains in the United States Navy, which was referred to the Committee on Naval Affairs.

He also presented petitions of sundry labor organizations of the State of Michigan, praying for the enactment of legislation to further restrict immigration, which were ordered to lie on the table.

Mr. CHAMBERLAIN presented a petition of sundry citizens of Cloverdale, Oreg., praying for national prohibition, which was referred to the Committee on the Judiciary.

Mr. COLT presented a petition of the City Council of Woonsocket, R. I., praying for the enactment of legislation to provide for the retirement of superannuated civil-service employees, which was referred to the Committee on Civil Service and Retrenchment.

He also presented petitions of the congregations of sundry churches of Rhode Island, praying for national prohibition, which were referred to the Committee on the Judiciary.

Mr. TOWNSEND presented petitions and telegrams in the nature of petitions from sundry citizens of Michigan, praying for national prohibition, which were referred to the Committee on the Judiciary.

He also presented memorials of sundry citizens of Detroit, Mich., remonstrating against national prohibition, which were referred to the Committee on the Judiciary.

Mr. LIPPITT presented a petition of sundry citizens of Providence, R. I., praying for national prohibition, which was referred to the Committee on the Judiciary.

Mr. CRAWFORD presented petitions of sundry citizens of Mitchell and Salem, in the State of South Dakota, praying for national prohibition, which were referred to the Committee on the Judiciary.

REPORTS OF COMMITTEES.

Mr. MARTIN of Virginia, from the Committee on Claims, to which were referred the following bills, reported them severally without amendment and submitted reports thereon:

A bill (H. R. 10460) for the relief of Mary Cornick (Rept. No. 667);

A bill (H. R. 13965) to refund to the Sparrow Gravely Tobacco Co. the sum of $176.99, the same having been erroneously paid by them to the Government of the United States (Rept. No. 669); and

A bill (H. R. 14679) for the relief of Clarence L. George (Rept. No. 668).

Mr. THORNTON, from the Committee on Fisheries, to which was referred the bill (S. 5283) to regulate the catching of whales in the waters of the Territory of Alaska, reported it without amendment.

Mr. SIMMONS, from the Committee on Commerce, to which was referred the bill (S. 5449) to make Pembina, N. Dak., a port through which merchandise may be imported for transportation without appraisement, asked to be discharged from its further consideration and that it be referred to the Committee on Finance, which was agreed to.

Mr. CLAPP, from the Committee on Standards, Weights, and Measures, to which was referred the bill (S. 4517) to establish a standard box for apples, and for other purposes, reported it with amendments and submitted a report (No. 670) thereon.

Mr. CHAMBERLAIN, from the Committee on Military Affairs, to which was referred the bill (S. 6078) for the relief of Alice Harvey and Winifred Waltz, asked to be discharged from its further consideration and that it be referred to the Committee on Claims, which was agreed to.

SULPHUR RIVER BRIDGE, TEXAS.

Mr. SHEPPARD. From the Committee on Commerce I report back favorably with an amendment the bill (S. 6031) authorizing the Board of Trade of Texarkana, Ark.-Tex., to construct a bridge across Sulphur River at or near Pace's ferry, between the counties of Bowie and Cass, in the State of Texas, and I submit a report (No. 666) thereon. I ask unanimous consent for the present consideration of the bill.

The VICE PRESIDENT. Is there objection to the present consideration of the bill?

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill.

The amendment of the Committee on Commerce was, in line 5, after the name "Sulphur River," to insert "at a point suitable to the interest of navigation," so as to make the bill read:

Be it enacted, etc., That the consent of Congress is hereby granted to the Board of Trade of Texarkana, Ark.-Tex., to build, maintain,

and operate a public highway bridge across the Sulphur River, at a point suitable to the interest of navigation, at or near Pace's ferry, between the counties of Bowie and Cass, in the State of Texas, in accordance with the provisions of the act entitled "An act to regulate the construction of bridges over navigable waters," approved March 23, 1906."

SEC. 2. That the right to alter, amend, or repeal this act is hereby reserved.

The amendment was agreed to.

The bill was reported to the Senate as amended and the amendment concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

BILLS INTRODUCED.

Bills were introduced, read the first time, and, by unanimous consent, the second time, and referred as follows:

By Mr. MARTINE of New Jersey:

A bill (S. 6095) granting a pension to Navarra Kantz Simpson (with accompanying papers); to the Committee on Pensions.

By Mr. McCUMBER:

A bill (S. 6096) granting an increase of pension to Mary M. Nolan; to the Committee on Pensions.

By Mr. KENYON:

A bill (S. 6097) for the relief of Sarah McLaughlin; to the Committee on Claims.

A bill (S. 6098) granting an increase of pension to R. M. Sherman; to the Committee on Pensions.

By Mr. STERLING:

A bill (S. 6099) granting a pension to Catharine Curry (with accompanying papers); to the Committee on Pensions.

By Mr. WEST:

A bill (S. 6100) providing for the appointment of an additional district judge for the southern district of the State of Georgia; to the Committee on the Judiciary.

By Mr. WEEKS:

A bill (S. 6101) to grant the consent of Congress for the city of Lawrence, county of Essex, State of Massachusetts, to construct a bridge across the Merrimac River; to the Committee on Commerce.

By Mr. SMOOT (for Mr. STEPHENSON):

A bill (S. 6102) for the relief of the heirs of Dr. Oscar Chrysler; to the Committee on Claims.

By Mr. JAMES:

A bill (S. 6104) granting an increase of pension to Frances A. Rogers (with accompanying papers); and

A bill (S. 6105) granting an increase of pension to John T. Allen (with accompanying papers); to the Committee on Pensions.

SUPPRESSION OF CORRUPT PRACTICES.

Mr. SHEPPARD. I introduce a bill for reference.

The bill (S. 6103) to suppress graft and prevent corruption by prohibiting certain relations of Members of Congress, Resident Commissioners, members of the Cabinet, Federal judges and justices, and other Federal officers with certain individuals, firms, corporations, companies, and associations, and prescribing penalties, was read the first time by its title.

Mr. GALLINGER. I will ask that the bill be read. The title is rather startling.

The bill was read the second time at length, as follows:

A bill (S. 6103) to suppress graft and prevent corruption by prohibiting certain relations of Members of Congress, Resident Commissioners, members of the Cabinet, Federal judges and justices, and other Federal officers with certain individuals, firms, corporations, companies, and associations, and prescribing penalties.

Whereas the first obligation of a public servant is to the people; and

Whereas the proper discharge of official duties requires that public servants shall have no relations with corporate or other interests that might conflict with an unselfish devotion to the common good; and

Whereas relations and entanglements tending to lead public men astray should be prevented as far as possible by proper laws and penalties: Therefore

Be it enacted, etc., That whoever, being elected or appointed a Member of or Delegate to Congress, or a Resident Commissioner, or being appointed a judge or justice of any court of the United States, or marshal thereof, or a member of the Cabinet of the President of the United States, or to any other office under the Government of the United States, shall, after his election, nomination for election, or appointment, and either before or after he has qualified and during his continuance in office, directly or indirectly, asks, accepts, receives or agrees to receive, without adequate and legitimate consideration, any money, property, transportation of person or property, frank, franking privilege, contract, undertaking, obligation, gratuity, security for the payment of money or for the delivery or conveyance of anything of value to him or to any person with his consent, connivance, or concurrence, or other thing of value, or any promise of any money, property, transportation of person or property, frank, franking privilege, undertaking, obligation, gratuity, security for the payment of money or for the delivery or conveyance of anything of value to him or to any person with his consent, connivance, or concurrence, or other thing of value, from any railroad, sleeping-car, dining-car, ship, steamboat, express, telegraph, or telephone company, or from any individual, firm, association, company, or corporation under indictment for or acting in violation of the antitrust laws of the United States or of any State, or that has been officially shown to have violated any of the antitrust laws of the United States or of any State, or from any firm, corporation, person, officer, or agent acting for or in the interest of the individuals, firms, associations, corporations, or companies hereinbefore mentioned, shall be punished by fine of not less than $100 nor more than $5,000, or by imprisonment for not more than five years, or by both such fine and imprisonment, and may also be adjudged to have forfeited his office or place, and furthermore may be adjudged to be forever disqualified from holding any office of honor, trust, or profit under the Government of the United States, and the burden of proof to show that adequate and legitimate consideration has been given for the things herein mentioned shall rest upon the official who has asked or accepted, received or agreed to receive them. By the words "adequate and legitimate consideration" is meant by such consideration as usually obtains in the course of ordinary business transactions.

SEC. 2. That whoever, being elected or appointed a Member or Delegate to Congress, or a Resident Commissioner, or being appointed a judge or justice of any court of the United States, or marshal thereof, or a member of the Cabinet of the President the the United States, or to any other office under the Government of the United States shall, after his election, nomination for election, or appointment, and either before or after he has qualified and during his continuance in office, directly or indirectly, asks, accepts, receives, or agrees to receive any loan of money or property or of any other thing of value, or any promise of any loan of money or property or of any other thing of value, from any railroad, sleeping-car, dining-car, ship, steamboat, express, telegraph, or telephone company, or from any individual, firm, association, company, or corporation under indictment for or acting in violation of the antitrust laws of the United States or of any State, or that has been officially shown to have violated any of the antitrust laws of the United States or of any State, or from any firm, corporation, person, officer, or agent acting for or in the interest of the individuals, firms, associations, corporations, or companies hereinbefore mentioned, shall be punished by fine of not less than $100 nor more than $5,000, or by imprisonment for not more than five years, or by both such fine and imprisonment, and may also be adjudged to have forfeited his office or place, and furthermore may be adjudged to be forever disqualified from holding any office of honor, trust, or profit under the Government of the United States.

SEC. 3. That whoever, being elected or appointed a Member of or Delegate to Congress, or a Resident Commissioner, or being appointed a judge or justice of any court of the United States or marshal thereof, or a member of the Cabinet of the President of the United States, or to any other office under the Government of the United States, shall after his election, nomination for election, or appointment, and either before or after he has qualified and during his continuance in office, directly or indirectly, asks, accepts, takes, or agrees to take any office or employment, or remuneration for the performance of any office or employment, from any railroad, sleeping-car, dining-car, ship, steamboat, express, telegraph, or telephone company, or from any person, firm, association, company, or corporation under indictment for or acting in violation of the antitrust laws of the United States or of any State, or that has been officially shown to have violated any of the antitrust laws of the United States or of any State, or from any firm, corporation, person, officer, or agent acting for or in the interest of the individuals, firms, associations, corporations, or companies hereinbefore mentioned, shall be punished by fine of not less than $100 nor more than $5,000, or by imprisonment for not more than five years, or by both such fine and imprisonment, and may also be adjudged to be forever disqualified from holding any office of honor, trust, or profit under the Government of the United States.

SEC. 4. That nothing in this act shall be construed to apply to religious, charitable, or other benevolent organizations not conducted for pecuniary profit.

SEC. 5. That any firm, association, individual, company, or corporation hereinbefore mentioned, tendering or promising to tender, giving or promising to give, the things described in this act to the officials hereinbefore described, before or after qualifying for office, shall be punished by a fine of not less than $100 nor more than $5,000, and may also be barred from interstate commerce; and the said individual may also be imprisoned for not more than five years, and may also be adjudged to have forfeited any office or place he may hold under the United States, and, furthermore, may be adjudged to be forever disqualified from holding any office of honor, trust, or profit under the Government of the United States.

Mr. BRANDEGEE. What is this document?

The VICE PRESIDENT. A bill introduced by the Senator from Texas [Mr. SHEPPARD] and read at the request of the Senator from New Hampshire [Mr. GALLINGER], and it is now about to be referred to the Committee on the Judiciary.

Mr. BRANDEGEE. I think it had better be referred to the Federal trade commission.

The VICE PRESIDENT. The bill will be referred to the Committee on the Judiciary.

AMENDMENTS TO DEFICIENCY APPROPRIATION BILL.

Mr. O'GORMAN submitted an amendment proposing to appropriate $1,000 to pay Frank Oliver for extra services as clerk to the Senate Committee on Interoceanic Canals, intended to be proposed by him to the general deficiency appropriation bill, which was referred to the Committee on Interoceanic Canals and ordered to be printed.

Mr. SMOOT submitted an amendment proposing to appropriate $5,000 for aid to the Library for the Blind, located at 1729 H Street NW., Washington, D. C., etc., intended to be proposed by him to the general deficiency appropriation bill, which was referred to the Committee on Appropriations and ordered to be printed.

FEDERAL TRADE COMMISSION.

Mr. McCUMBER submitted an amendment intended to be proposed by him to the bill (H. R. 15613) to create an interstate trade commission, to define its powers and duties, and for

other purposes, which was ordered to lie on the table and be printed.

THE PLATTSBURGH MEMORIALS.

Mr. SAULSBURY submitted the following concurrent resolution (S. Con. Res. 27), which was read and referred to the Committee to Audit and Control the Contingent Expenses of the Senate:

Whereas the Government of the United States has provided for the erection of memorials at or near Plattsburgh, N. Y., in commemoration of Commodore Thomas Macdonough's victory on Lake Champlain in September, 1814, and commissions have been appointed by the States of Vermont and New York, as well as a commission to be appointed by the President of the United States, which are to have in charge the erection of such memorials and the suitable commemoration of said victory: Therefore be it

Resolved by the Senate (the House of Representatives concurring), That a committee of 10 members be appointed, 5 by the President of the Senate and 5 by the Speaker of the House of Representatives, to represent the Congress of the United States to attend said ceremonies, and authority is hereby given to expend $250 from the contingent fund of the Senate and $250 from the contingent fund of the House of Representatives to defray the expenses of said committee upon vouchers to be approved by the Committee to Audit and Control the Contingent Expenses of the Senate and the Committee on Accounts of the House of Representatives, respectively.

AFFAIRS IN MEXICO.

Mr. POINDEXTER. I submit a resolution and ask for its present consideration.

The resolution (S. Res. 419) was read, as follows:

Resolved, That the Secretary of the Navy is requested to inform the Senate as to the truth or falsity of the press report sent out from Vera Cruz, Mexico, June 17, 1914, and published in the United States, that an ensign in the United States Navy caused to be shot unarmed Mexican prisoners under the so-called Mexican "ley de fuga"; and to inform the Senate of all the circumstances relating to said act, if it occurred.

Mr. KERN. I ask that the resolution may go over.

The VICE PRESIDENT. The resolution will go over.

Mr. POINDEXTER. I wish to inquire if there was objection to the present consideration of the resolution.

The VICE PRESIDENT. There was. The Senator from Indiana [Mr. KERN] asked that the resolution go over.

EXEMPTIONS FROM CIVIL-SERVICE LAWS.

Mr. GALLINGER submitted the following resolution (S. Res. 418), which was read, considered by unanimous consent, and agreed to:

Resolved, That the Committee on Civil Service and Retrenchment is hereby directed to collate and report to the Senate the number of employees included in the acts of the Sixty-third Congress approved to date who have been exempted from the provisions of the civil-service laws, and also the number who have been exempted during that period by Executive order, giving in each case the duties and salary of the incumbent.

NEW YORK, NEW HAVEN & HARTFORD RAILROAD (S. DOC. NO. 544).

Mr. NORRIS. Mr. President, day before yesterday the Senate had before it the report of the Interstate Commerce Commission, in which they submitted to the Senate evidence that had been taken under a resolution passed by the Senate, and the same was ordered to be printed in connection with their report as a Senate document. The demand for the evidence will not be so very great, but the demand for the report is great, and I wish to ask now that the report be printed separately. In order that the Secretary may have a proper record of it, I send to the desk and ask for the adoption of the following order.

The order was read, as follows:

Ordered, That 10,000 copies of the report of the Interstate Commerce Commission submitted to the Senate on July 13, 1914, relative to the financial transactions of the New York, New Haven & Hartford Railroad Co., be printed for the use of the Senate document room.

Mr. SMOOT. I will ask the Senator from Nebraska if he has learned what the printing of 10,000 copies will cost?

Mr. NORRIS. I have learned that it will cost much less than the limit that would compel us to pass a concurrent resolution.

Mr. SMOOT. Much less than $500?

Mr. NORRIS. The document will be somewhat larger than the pamphlet I have in my hand, which has 101 pages. It is already in type, of course, and the only expense will be the cost of the paper and the ink and the small amount of labor that will be necessary to print it.

Mr. SMOOT. Evidently if it is to contain only 101 pages, it will come within the limit.

Mr. NORRIS. It will not come anywhere near the limit. I have had the estimate of the Public Printer.

The VICE PRESIDENT. Is there objection? The Chair hears none, and the order is agreed to.

VOTES ON TARIFF LAW OF 1913.

Mr. SIMMONS. Mr. President, I have in my hand a statement prepared in the office of the Secretary of the Senate relative to the yea-and-nay votes of the Senate during the consideration of the tariff bill of 1913. I ask that it may be printed as a document.

Mr. SMITH of Michigan. What is the document?

Mr. SIMMONS. It is a statement prepared in the office of the Secretary of the Senate of the yea-and-nay votes on the tariff bill.

Mr. SMITH of Michigan. That is, upon each schedule or upon the final passage of the bill?

Mr. SIMMONS. Upon all the schedules of the bill; all the votes that were taken.

The VICE PRESIDENT. Is there objection to the request of the Senator from North Carolina?

Mr. BURTON. I presume it will be practically the same as the document published in regard to the votes on the tariff bill of 1909.

Mr. SIMMONS. Yes; which was prepared by the late Senator Bacon. I have not examined it carefully, but I understand that that is the line it follows. It simply gives the yea-and-nay votes, without any comments at all.

Mr. BRANDEGEE. I wish to ask the Senator from North Carolina how many copies each Senator would have if it is simply printed as a public document and nothing more said? Would it give us more than two or three copies?

Mr. SIMMONS. I think that would be a matter for the Committee on Printing. I suppose the request will be referred to the Committee on Printing, and it would report it back.

Mr. BRANDEGEE. It is my impression if it is simply printed as a public document under some regulation, we would have only a few copies each.

Mr. SMOOT. Each Senator would have two.

Mr. BRANDEGEE. Each Senator would have two. It seems to me that while it is being set up in print it would cost very little more to have enough copies printed so that each Senator can be liberally supplied. I should like to have quite a number. I hope the Committee on Printing will provide that enough copies shall be printed.

Mr. SIMMONS. I had supposed that under the rule the motion would go to the Committee on Printing, and they would recommend the number of copies that it was thought expedient to print.

The VICE PRESIDENT. The motion will be referred to the Committee on Printing.

Mr. BRANDEGEE. I should like to move an amendment, if it is in order, that it go to the Committee on Printing with instructions that if they report favorably, they shall provide enough copies so that each Senator may have, say, 25.

Mr. SIMMONS. What number does the Senator suggest?

Mr. BRANDEGEE. I would be satisfied with 25 copies; but I do not know how that would strike others. Two copies would not be of much use to me.

Mr. SIMMONS. I suggest that instead of 25 copies each Senator be given 50 copies.

Mr. BRANDEGEE. Whatever number the Senator thinks best.

Mr. NORRIS. I wish to make an inquiry. I think this is knowledge the Senate ought to have, but from what inquiry I have been able to make, when a document is ordered printed as a Senate document it gives to each Senator about two copies, while as a matter of practice, I think, when they are not called for the clerks in charge, after waiting a reasonable length of time, will often supply an additional number of copies to those who desire them. Sometimes a document is printed and there are only a few Senators who desire copies of it. It seems to me, if that is correct, the Committee on Printing has no jurisdiction whatever, unless the resolution provides that additional copies must be printed, and if it provides that additional copies shall be printed for the use of the Senate, then all the additional copies will be distributed among the Members of the Senate. But as I understand it, and I should like to be informed if I am not right, the printing of a document will mean the printing of between 1,600 and 1,700 copies, and under the law they are divided up among the House and Senate and the departments and other officials of the Government and public libraries, so that there are only about 2 copies left for each Senator.

Mr. SMITH of Michigan. Does the Senator from Nebraska know that there will be any great call for copies of the tariff votes?

Mr. NORRIS. Oh, no; I am not speaking of this document in particular. I wanted to know whether I am right about the number.

Mr. SMITH of Michigan. A little later in the fall it might be very desirable to have the specific votes of Senators on that unfortunate measure, and I hope the Senator will press the mat-

ter, that the country may not be deprived of accurate information as to who voted for the present tariff law and who did not.

Mr. NORRIS. I think so. I think there ought to be additional copies. If it goes to the Committee on Printing, the committee can easily remedy it by a resolution providing that it shall be printed as a Senate document and a certain number of additional copies shall be printed for the use of the Senate. That would mean that all the additional copies would be divided up among the Members of the Senate, and of course it would give them a much larger number.

Mr. SMOOT. I will say to the Senator that whenever a document is printed as a public document there is one copy sent to each of the libraries of the country; there are so many allowed to the House, so many allowed to the Senate, and so many allowed to each of the departments, which amounts, of course, in round numbers, to the number of copies the Senator stated. If the Committee on Printing reports favorably upon printing this as a public document, in the same resolution it can provide that a certain number be printed for the use of the document room. The documents which are printed for the use of the document room are not allotted to each Senator, but they are given to Senators as called for. Of the original number printed as public documents each Senator is allowed a certain quota.

Mr. BRANDEGEE. Mr. President, will the Senator from Utah inform me if a certain number of extra copies of a public document are printed for the document room and are liable to be all given out to the Senator who first applies for them, would it not be wiser that these 5,000 or 10,000 extra copies of this document be printed for the use of the Senate, so that they will be distributed equally amongst Senators?

Mr. SMOOT. In that case we would have reported the resolution that so many copies be printed for the folding room. When they go to the folding room each Senator is credited with his share of the number.

Mr. BRANDEGEE. That is what I should like to see done.

Mr. SMOOT. When they go to the document room they are distributed from the document room as called for.

Mr. WORKS. Mr. President, I should like to ask whether this statement, when published, will include the votes in the House of Representatives as well as in the Senate?

Mr. SIMMONS. I think not, Mr. President. It was prepared under the direction of the Secretary of the Senate, and covers only, I think, the yea-and-nay votes taken in the Senate.

Mr. NORRIS. The yea-and-nay votes in the House would only amount to one or two, I think.

Mr. WORKS. Whatever votes were taken could be disclosed, and I think they should be included in the document.

Mr. SIMMONS. That would probably require the joint action of the two Houses.

Mr. WORKS. It might be that joint action would be required; but it seems to me it would be a very desirable thing that the statement should show the votes of the two Houses.

The VICE PRESIDENT. The statement will be referred to the Committee on Printing.

PEND OREILLE RIVER DAM.

Mr. JONES. Mr. President, on the 29th day of July, 1913, the Secretary of Agriculture and the Secretary of the Interior granted a permit to the International Power & Manufacturing Co. for the use of the public land in connection with the building of a dam across the Pend Oreille River. Knowing that for some reason this project had not been financed, I wrote to the gentleman who has charge of it, asking for facts and information with reference to the matter. I have here his letter, which gives some very valuable suggestions with reference to the important questions relating to the water-power legislation. I ask that the letter may be printed in the RECORD and referred to the Committee on Irrigation and Reclamation of Arid Lands, which is considering this matter.

There being no objection, the letter was referred to the Committee on Irrigation and Reclamation of Arid Lands and ordered to be printed in the RECORD, as follows:

SPOKANE, WASH., *July 7, 1914.*

Hon. WESLEY L. JONES, *Washington, D. C.*

MY DEAR SENATOR: I have your favor of June 24 in regard to the legislation before Congress concerning the development of water powers on the public lands, and requesting information regarding the value of that certain permit issued to the International Power & Manufacturing Co. by the Secretaries of Interior and Agriculture on the 29th day of July, 1913, which permit is printed as a public document, being Senate Document No. 147, Sixty-third Congress, first session; also my opinion of Senate bill 4415 and House bill 16673, Union Calendar 258.

I will answer your inquiries as briefly as possible, but the unique position of the project sought to be developed by the International Power & Development Co., its competitive surroundings, the limitations of its markets, and the disposition of corporations throughout the United States engaged in water-power development to discourage construction of water-power projects under this character of permit, makes it necessary to cover the subject at some length that you may understand the problems that confront an independent developer of water-power projects, especially in a field which can be reached by established plants, and that you can render such assistance, through congressional legislation, as will be beneficial to the public, a protection to capital who desire to invest in these enterprises, and at the same time lend encouragement to the individual or corporate effort and energy required to initiate and complete such an undertaking.

The power site of the International Power & Manufacturing Co. is located on the Pend Oreille River, in Pend Oreille County, Wash., about 90 miles north of Spokane. The immediate surrounding country is very mountainous and is sparsely settled. There are but few small towns or villages, and these so far have developed little use for electric light and power. The mountains are, however, covered with a heavy growth of timber, a large percentage of which is valuable for pulp manufacturing, and there are also large deposits of high-grade lime, clay, silica, iron, lead, zinc, and copper in a country contributary to the site. All these resources are practically undeveloped and offer an opportunity to capital to establish some very large manufacturing industries if cheap power can be obtained for operative and treatment purposes, as there is no coal found in that locality. Cheap power is an absolute necessity to this general development to meet the prevailing high freight rates to a profitable market for the manufactured goods, and as nature has created a possible power development at the site selected which engineers have examined and proclaimed the cheapest development per horse power in the United States, I have every reason to believe, all things being equally adjusted, it will be only a short time until this can be accomplished and the site be made the center of one of the largest and most beneficial and profitable industrial sections of the United States.

The present power development in western Montana, northern Idaho, and eastern Washington, in which territory the site is situated, is controlled as follows:

The Washington Water Power Co., with its principal office at Spokane, Wash., transmits its power to Newport, Wash., about 65 miles south of the power site of the International Power & Manufacturing Co., where it supplies power to the North Idaho & Montana Power Co., a corporation affiliated with H. M. Byllesby & Co., of Chicago, and under their management and control. The North Idaho & Montana Power Co. distribute this power and control the lighting franchises in a number of towns along the Great Northern Railroad in Washington, Idaho, and Montana. The Washington Water Power Co., from their numerous plants on the Spokane River, distribute power to the Coeur d'Alene mining district to the east, the city of Moscow, Idaho, on the south, and the cities of Lind and Wilson Creek, Wash., on the west. They own the franchises in all the cities of any size in this territory, and are in a position to connect up and supply any intermediate or new development.

The Montana Power Co. covers practically all of Montana, and from their Thompson Falls plant, now building, can cover the Coeur d'Alene country and much of the territory controlled by the Washington Water Power Co., if they so desire.

To the west of the Washington Water Power Co. is the territory served by the Pacific Power & Light Co., a corporation controlled by the American Power & Light Co.

All these corporations are identified both commercially and financially with the large power interests of the United States. Many of their directors are directors, stockholders, and officers in large power companies affiliated with large hydroelectrical and electrical manufactories, and many of them are connected with strong financial houses, while caring for the financial requirements of these companies will lend no assistance to competitive companies and do everything possible to discourage others from so doing.

On the Kootenai River in southern British Columbia are the plants of the Kootenai Power Co., which supplies power to within 60 miles of the power site of the International Power & Manufacturing Co. on the north and west.

You can therefore appreciate that the possibility of supplying any considerable amount of power for public-utility purposes by the International Power & Manufacturing Co. at this time is very slight, and the use for its power can only be found in establishing manufactories and selling their power at low rates. This fact was clearly established and understood by the Secretaries of Interior and Agriculture at the time the permit was issued, and as far as they could under the law the permit was blended to assist such development. How far the low price at which this power is capable of per horsepower development, and consequently the low price at which it can be sold, thereby affecting the rates for power and light now made by competitive companies of the community, has affected the financing of the project is an unsettled question, and whether the objection offered to this permit by the large power interests all over the United States affiliated in sentiment, if not in dollars, is due to a desire to prevent the development and control of any power project, under any permit, which contains the public-participating features of this permit, is a fact that perhaps will never be admitted. But whether it is or is not admitted, it is an established fact that men connected with the competitive power companies of the community have on every occasion and at every place where financial assistance might be rendered the enterprise belittled the permit, endeavored to discredit its workings, and sought in every way to have the public, and bankers in particular, believe that the permit lacked any substantial value in any way to the development of the project, and in fact was injurious to its financial benefit.

Not only has this been done, but representatives have been employed and maintained at Washington to circulate the same statements, and at the same time urge water-power legislation along lines that I believe would intrench the water-power trusts or aggregations now in control of the water-power development of the United States in a firmer hold on all the water-power developments of the country. These are the attacks that every independent power developer must meet to-day, and if he is to be sustained in his efforts the legislation you enact must be such as will bend to meet the unjust and artificial obstacles that are raised to prevent the consummation of his plans. Otherwise all the power development of the country must be completed by the present combination of electrical manufacturers and their financial associates, who at present control such a large percentage of the developed water powers of the United States, or the Government must develop them for the benefit of the country.

With this preliminary statement, I will now take up your letter regarding the permit.

From the standpoint of securing a valuable franchise from the Government, a part of the value of which should be returned to the public, I consider the permit good with the following modification: The permit

should be indeterminate as to time and irrevocable except for breach of conditions, with a provision that the United States can take over the property at any time on the payment of the value of the plant, the same to be determined by arbitration or through the usual legal channels. The desirability of this change in the permit is recognized by everyone. So far as it was possible to go under existing laws at the time the permit was issued this was done. The most serious objection I have had to the permit, from capital, has been to this feature. In an enterprise of this character, entering on a new field, confined to a sale of power almost exclusively for manufacturing purposes, every element of permanency should be made to the permit that capital can more easily be secured and at the lowest possible cost. Under the present permit one is subjected to the whims and fancies of the Secretaries of Interior and Agriculture, and while I have no complaint to make of Secretary Lane or Secretary Houston, who have rendered every attention, courtesy, and consideration in an effort to arrive at a solution of the problems surrounding water-power development on public lands in a manner beneficial to the public, to capital and the permittee, a change in these offices might also bring a change in policy. That at least is the expressed fear of capital.

There are other features of the permit, I believe, could be changed without loss to the public and at the same time make the permit easier to finance. The suggestions I make are old to the departments, as I made them at the time the permit was issued. At that time my suggestions were rejected, and I accepted the permit, believing its provisions were the stepping-stones to a closer understanding and relationship between the departments and the permittee, and that the former would be as willing to correct a provision of the permit that was later demonstrated to be detrimental to the success of the permittee as the permittee would be to suggest it. And I felt that many of what I termed the inequalities of the permit would eventually be changed by the department when the permittee had established a development managed on the lines of the permit and a spirit of public benefit coupled with it for private or corporate benefit and demonstrated the provisions were impractical.

Section 8, page 6, of the permit provided a rental charge based on the estimated capacity of the plant taken from the flow of the streams. In the application of this schedule of charges the departments were endeavoring to insure to the public the maximum development of the stream and a minimum charge to consumers. I have no objection to this purpose, but the hardship imposed on the permittee is to follow the power or light charges to the ultimate consumer. This will, in my judgment, compel water-power companies to go into the distribution of the power generated to the ultimate consumer, whereas this might be done to better advantage by corporations organized locally.

It seems to me the permittee should be only responsible for the reasonableness of the charge made at its plant or off its own distribution line. That, if it sold power to a distributing company at a price which the departments or a public-utility commission of a State considered fair, the price charged by the distributing company should be regulated by the same bodies. The question of the cost of production could in that manner be segregated from the cost of distribution and it would be easier to work out regulations in a manner fair to everyone on this basis than under the terms of the permit, where the permittee is charged with the duty.

Again, I feel the rental charges should not be revised every 10 years, unless the revision would be downward. My reason is this: The power development of the West must hereafter be used largely for manufacturing and irrigation purposes. To establish manufacturing plants in the West one must be able to assure the manufacturers that his power costs can be depended on for long periods of time. Manufacturing enterprises of the East are based on long life and in many cases running through several generations. The attraction of western manufacturing development is cheap raw material, with plenty of cheap power, but the price of the latter must be fixed and determined and should decrease in cost as the quantity used increases. The average power plant can show a very material reduction on the price for power when the full capacity of the plant is sold, from the price made with the initial development, which must be based on the use of a part of the capacity of the plant.

Section 9 provides for charges on the estimated capacity of the plant. I would suggest that the fairest method of calculation would be in the amount of power generated and sold. If the permittee builds his dam on the stream the full heights the physical features of the stream permit, that should constitute a full development instead of the installation of the machinery to develop the full power of the stream flow. If the permittee installs machinery and offers the power generated to the public at prices approved by the departments or the public-service commission of the State, or both, he has done all he should be required to do, and he should pay his rental on the power he generates and sells rather than on the capacity of the plant. No one will be more interested in selling all the power generated and installing machinery to the full development of his plant as fast as he can sell it, because he can sell the full development at a less price per horsepower and make a greater profit than he can to sell a part of his development at a higher price. He should be compelled to install such measuring devices as will disclose the amount he makes and sells, and his records and books should be open at all times to the departments or commission having supervision over him. Such a plan would provide a rental on actual power produced and sold, and not on estimated capacity.

I have no objection to the supervisory terms of the permit or its provisions against combinations. In view of supervision and regulations of all public utilities by public-service commissions in nearly all the States, and as we have such a commission in this State, which is eminently fair to all interests, I can not agree that the permit is unworkable and believe if difficulties of its operation are disclosed they can all be adjusted in a conference with the departments. So far as my own experience is concerned, with both the Departments of Interior, Agriculture, and War, and the various bureaus of the same, with which my permit was negotiated, there was displayed a disposition only to arrive at a solution of the problems of the International Power & Manufacturing Co. and helpfulness to the enterprise, and I do not flatter myself that I secured any consideration reserved from others. In many elements of the permit they could not agree with me, in others they did, and I am of the opinion if capital and individuals interested in water-power development in the United States would be willing to sit in with these gentlemen and as earnestly endeavor to reach a common ground in these matters that would be fair and equitable to everybody concerned as they are willing to herald broadcast all over the country their autocratic mandates that these matters can not be financed unless it is done in a manner approved only by them, whatever differences exist would be speedily adjusted and the water wheels of progress would be turning all over the country.

Replying to your inquiries—

(a) Have you succeeded in securing funds for development purposes?

I have not definitely succeeded in securing funds for development of the project. I am negotiating with people who I believe will ultimately furnish the money.

(b) In case you have been successful, what, in general, were the terms under which you secured the former?

Not having secured the capital, I can not give you the terms. So far the terms considered have been a bond issue to cover cost of plant, with a large part of the capital stock to cover cost of underwriting.

(c) How many unsuccessful attempts did you make to secure development capital?

I have made six attempts, so far, to secure capital. Most of these led ultimately to the same source or fountainhead of money for hydroelectric development. The independent developer sooner or later must find out that the circle of financial operators in the United States who handle hydroelectric securities is very small and has many wires leading out from the one center through many channels to control as well as censor developments.

(d) What was the nature of the objections raised by those who refused to cooperate with you?

The objections to the permit were various. (1) That there were sufficient plants now operating in this territory; (2) that we should wait until the Washington Water Power Co. had developed business to take over the site; (3) that capital was not going into new enterprises until general business was more steady; (4) that the revocable features of the permit made the development unstable; (5) that the time was not opportune for this development; (6) lack of markets.

(e) What, in your opinion, are the defects in the Pend Oreille permit?

I regard the defect in the permit is its revocable features. As this power must be sold in large units for manufacturing purposes, and it can be developed and power sold with a profit at a lower cost than now prevails in this community, I do not consider the other features of the permit unworkable. I believe the departments will modify them to suit the conditions that arise. I also believe the other changes I have suggested, if granted, would enable me to finance the project on a better basis, and I can not see wherein the changes suggested are injurious to the public.

I am of the opinion, Senator, that the difficulty with the permit is the objection of large power interests to accept its principles, and that these objections are of the mind rather than to the efficiency of the permit. As you inclose me S. 4415 and H. R. 16673, Union Calendar 258, I am taking the liberty to present my views of the same. I believe the administration, Secretary Lane, and yourself are actuated in an earnest desire to enact legislation that will insure development of water power in the United States under suitable national control, protecting the public interest, and in a manner satisfactory to capital. You know ever since I came to the State, in 1892, I have earnestly endeavored, with some degree of success, to help the settler grow his "two blades of grass where none or only one grew before," and now that the agricultural development of our State is along diversified rather than settlement lines, and the ways are open to the next step of progress, or its industrial development, which can only be done by the harnessing of our water powers, I am going to impose on your good nature a little longer to discuss these bills and give you some facts that may assist you in bringing about constructive legislation.

The great objection I have to both these bills is the 50-year limit of the permit. As the greatest use for power must be along manufacturing lines, and the development of water power must carry with it the building of factories coincident to the development of the plant, to insure earnings to pay the fixed charges of the undertaking, and as manufacturers should have an indeterminate period of operation, the power company should be able to make, if necessary, a contract for power running over a period of 100 years without any change in the contract, unless it is a sliding scale of reduction.

I presume that both these bills are aimed to pacify those people who believe the Government should have a large revenue from developed water powers on public lands. These people have always limited the franchise to 50 years without any apparent reason for that particular period of time. My idea of water-power development is one of sufficient charge by the Government to pay for the supervision of the construction of the plant and the regulation of its operation—a regulation that will insure to capital a fair return on the money and effort invested in the plant and insuring to the public rates that would offer an opportunity to communities to employ labor and furnish all the comforts to humanity that electricity will supply. This, in my judgment, is the function of the Government as applied to water power on public lands, and whatever legislation it is necessary to enact to produce this result should be enacted, and I know nothing that will assist in inducing manufacturers to locate in the West as an assurance that their power can be depended upon. If the contract must be limited to 50 years, then one-fiftieth of the power plant, together with one-fiftieth of the cost of each manufacturing plant constructed to use the power, must be charged off annually, and this will become a charge which the consumer of energy and manufactured goods must pay. If the permit runs indefinitely, this will not be necessary.

Personally I care not how restrictive the permit may be as to supervision of rates or regulation as to combinations, nor have I any objection to the condemnation of the plant at any time, through the proper channels, provided the equity of the owners is considered and the capital invested protected. These things I feel are of much less concern to the permittee if he wants to do the right thing and affect him less in making a market for his energy than does the limitation of the term of the permit, especially if he is up against a manufacturing use for his power. I would therefore urge that the permit or lease be made indeterminate and the public safeguarded against extortion and rapacity in other ways.

The provision of Senate bill 4415 as to appraising the power site and and the payment of a rental of 5 per cent on the approved value. This is a rental, and I can not see much difference than paying it on the capacity of the plant, and the value of the land for power purposes would in all probability creep in. A small charge on the power produced and sold would, I think, be preferable and more easy to adjust.

I see no reason to change my view expressed in the conferences I had a year ago—that the great trouble of water-power development was the uncertainty of the political and economic agitation, and that, inasmuch as the National Government has become and will continue to be a factor in water-power development, I should like to see a bureau established in the Interior Department where the supervision and regulation would center, and which bureau would become a clearing house for all water-power problems. Every water-power development pos-

sesses individual surroundings. No two are alike, and they must be governed accordingly This bureau should analyze all proposed power development and encourage in every way its construction. It should encourage the confidence of individuals and corporations. The costs of plants and lines of distribution should be kept, that the experiences in one plant might be a guide to another. In time I assume such a careful system would be established, that the approval of plans and costs would become a valuable assistance in the flotation of securities to complete the plant, and a large saving be made in promotion costs that would inure to the benefit of the public. And in the end it would aid in taking water-power securities out of the realm of electrical manufacturing concerns, the association of which at the present time is tending to a water-power monopoly. With a bureau administered by a fair-minded man, under the supervision of the Secretary of Interior, I can see where great good can be done, with an appropriation to properly equip and maintain it.

I have always been a State rights man, and have felt that the Government should have nothing to do with water-power development, but my experience on the Klickitat River convinces me of the danger of an absolute State right control and the ability of large power interests to combine for their collective advantage thereunder.

My old firm owned the land for 7 miles on both banks of the Klickitat River, from its mouth up the stream, and part of the land on both banks an additional 6 miles up the stream. This being riparian land under the laws of the State, we owned the sole right to use the waters of river where we owned the land on both banks, and had under contemplation the development of a large power plant, to be used in the development of the country between the White Salmon and Klickitat Rivers as far back as Mount Adams. During the 1912 session of the Washington State Legislature Judge Carrol B. Graves, of Seattle, caused to be presented a senate bill, No. 185, "to prevent the use of waters within the State for purposes of use in any other State." The primary object of the bill was to prevent the generation of power within the State and use it in any other State. The real object was to destroy the power value of the Klickitat River, so that they might pass a water code, then before the legislature, which would permit the appropriation of the water of the Klickitat River if it was not developed for water power. The bill was so drastic and so affected all the power companies of the State that representatives of the Washington Water Power Co., Stone & Webster, the Pacific Power & Light all met with myself at Olympia, and considered the bill so destructive, unconstitutional, and iniquitous that we agreed to stand together and defeat it, and met before the committee on Friday for that purpose. We presented such a strong line of argument that the matter went over until Monday for another hearing. During the interim Judge Graves met all the representatives at Seattle, except myself, and they agreed to withdraw the bill and present senate bill 319, with provisions the same as the other, except bill 319 was confined to intrastate waters and excepted all plants constructed March 1, 1913. These provisions excepted every one of the power companies represented, and the power companies assented to this action, and the bill was presented. I was left to fight my own battle against the iniquity of the bill and defeated it. I am therefore forced through experience to conclude that these power companies have little consideration for equity or justice or the rights of others, nor do they care how vicious a measure they support so long as they are excepted from its measures.

Hence I conclude that a water power bureau administered along equitable lines, under the supervision of a higher authority, open at all times to consider all sides and conditions surrounding the development of the project, offers safety and assistance to an independent developer he can secure in no other manner. I believe any man of sufficient caliber to fill the office of Secretary of the Interior is competent to pass on the matter finally, and after a few years the data secured by such a bureau would develop such knowledge as would guide almost any water-power development to ultimate success.

Under such a permit as the International Power & Manufacturing Co. the minimum rental required is less than interest on the investment necessary to acquire the flowage rights measured by the average fee-simple owned plant in this State. I think the maximum rentals are high, but believe experience will reduce these as the circumstances warrant.

The two bills seem to me to have so many features alike that I approve, and the features I disapprove are in both, that I hope there will be united action in producing a beneficial bill. House bill 16673 seems to go a long way toward the bureau idea, but I do not know enough about departmental procedure to conclude if it gives the Secretary of Interior power to create such a bureau; and if it does not I would like to see this brought about and an appropriation made to support it, and the income received from rentals divided as section 8 of that bill provides, after deducting the cost of administration of the bureau.

There is such a field for manufacturing in this western country, with its cheap, undeveloped resources, the healthful and beneficent climate for operators, that I long to see the day when power development is one of economic progress rather than exploitation, and I believe this can be brought about through a National Government in conjunction with the States than in any other way. I trust you may find some thought herein that may aid you.

In view of the kindly treatment I received from the departments, I inclose you two copies. If you use any of this matter will you kindly furnish one copy to the Department of Interior and one to the Department of Agriculture that they may be advised of my views as expressed herein.

Yours, sincerely, RUBEN S. YEARSLEY.

THE MISSISSIPPI RIVER.

Mr. RANSDELL. Mr. President, I ask unanimous consent to have published as a Senate document a number of articles and addresses by Judge Robert S. Taylor, of Indiana, a member of the Mississippi River Commission. We shall very soon have before us an important discussion on the Mississippi River, and these articles, I think, will prove a very valuable addition to the literature on the subject.

Mr. SMOOT. I move that the matter be referred to the Committee on Printing.

Mr. RANSDELL. I have no objection to that.

The VICE PRESIDENT. The articles and addresses will be referred to the Committee on Printing.

Mr. BURTON. Mr. President, I should like to make one inquiry about these addressses by Judge Taylor. Is there included in the list the hearing before the Senate Committee on Commerce, perhaps two years ago?

Mr. RANSDELL. Yes, sir; that is included; also the hearings before a subcommittee of the Senate Committee on Commerce of January 20, 1914; also an article on "The subjugation of the Mississippi River"; also an address delivered in New Orleans, La., on October 27, 1903; a bulletin on "The present aspect of the Mississippi River problem"; a bulletin issued in 1908 and reissued in 1910, and a bulletin on "An emergency in the life of a river"; also an article appearing in the North American Review in 1883, and another article which appeared in that publication in 1884. Not any one of them is long The document will perhaps comprise from 120 to 125 printed pages, and will form a very valuable and complete discussion of the whole subject.

Mr. BURTON. I think I may say to the members of the Committee on Printing, if these documents are referred to that committee, that these addresses would constitute a very valuable contribution to the subject; but I am anxious to know whether the Senator from Louisiana can assure me that they include all the addresses by Judge Taylor before the Senate Committee on Commerce. There is one he delivered—I can not recall the exact date—but I am unable to find any copies of it in the rooms of the Committee on Commerce.

Mr. RANSDELL. I have before me an address which was sent me by Judge Taylor himself. I wrote the other day and asked him to send me copies of all his articles and hearings on the subject. He replied that some of them had been misplaced, but he did send me a copy of the hearings before the Senate Commerce Committee, as I have stated, on March 2, 1910, and I rather think that is the article to which the Senator from Ohio refers.

Mr. BURTON. I am not positive, but my impression is that it was later.

Mr. RANSDELL. I should like to say that if there are other articles, with the consent of the Senate, I should be very glad to have them included. My purpose is to make this document as complete as possible.

The VICE PRESIDENT. The documents will be referred to the Committee on Printing.

PUBLICATION OF EXECUTIVE SESSION PROCEEDINGS.

Mr. THOMAS. Mr. President, the Senate yesterday held a very long session behind closed doors for the purpose of considering a motion of the Senator from Nebraska [Mr. HITCHCOCK] to make public certain testimony of Mr. Thomas D. Jones. I notice this morning's Washington Post devotes four columns to our proceedings, including an accurate production of the testimony which was read from the record. It was suggested to me that since scarcely any mention is made by that paper of our proceedings in open session, that the best way from now on to secure publicity for what we do and say is to hold all of our sessions behind closed doors. I am in favor of publicity, and I have assumed that we could get it only by open sessions. I am now well convinced that publicity is the result of curiosity, which we can arouse by closing our doors, and thus attract, through the columns of the press, the attention of the public to all grave affairs which for various reasons are supposed to be carried on behind closed doors.

Another thing which requires favorable comment in this connection is that the reports of our proceedings behind closed doors are not only more elaborate but in some respects more correct than are the reports of proceedings in open session.

INDUSTRIAL CONDITIONS.

Mr. SAULSBURY. Mr. President, the senior Senator from New Hampshire [Mr. GALLINGER] yesterday showed such kindly solicitude regarding business conditions in my home town of Wilmington, Del., that I thought possibly it might be interesting to get for him, and for the benefit of the Senate, which had read into its RECORD an alleged newspaper dispatch, the exact conditions so far as business conditions there could be shown by bank clearings, which, I fancy, are about as near an index of the business of a city as can be had. So I have taken the trouble to obtain the comparative clearings in my city for the last four years.

I desire to say for the benefit of my distinguished friend that the bank clearings for the last calendar and fiscal years of the Clearing House Association of Wilmington have been much greater than for any like year during the past four years. I will state that for the fiscal year of the clearing house association, which ends regularly on March 31, that the clearings for the year ending March 31, 1914, exceeded those of 1913 by

$12,000,000; that they exceeded those of 1912 by $20,000,000; that they exceeded those of 1911 by $21,000,000, and those of 1910 by $23,700,000.

For the calendar year ending December 31, 1913, the clearings exceeded those of 1912 by $5,000,000, those of 1911 by $20,000,000, and those of 1910 by $20,000,000. The clearings for the year ending March 31 last exceeded those for the year ending December 31, 1913, by $10,000,000. I think that the trade condition in one's own locality should not be misrepresented, at least by newspaper reports read into the CONGRESSIONAL RECORD.

Mr. GALLINGER. Mr. President, the Senator from Delaware [Mr. SAULSBURY] suggested that I had put in the RECORD on yesterday an alleged dispatch to the press concerning conditions in Wilmington. The Senator further suggested that misrepresentations were being made concerning the prosperity of the State which he so ably represents, or the chief city of that State. I desire to have read another "alleged" dispatch which I find in the papers of this morning.

The VICE PRESIDENT. Is there any objection? The Chair hears none, and the Secretary will read as requested.

The Secretary read as follows:

WORK FOR UNEMPLOYED.

WILMINGTON, DEL., *July 14*.

In order to provide work for the unemployed, if possible to do so, the levy court to-day asked its attorney for an opinion as to whether it could legally bid upon its own work as is done in other places. The matter was brought up by Commissioner Burris, who thought that it was necessary to do something to give men out of employment work on public improvements.

Mr. GALLINGER. Mr. President, I am not going to burden the RECORD to any considerable extent, but I have an excerpt here, not from an "alleged" dispatch, but from a statement by a man who represents a very large constituency, namely, the coal miners of the United States. I should like to have it read, and then I will cease.

The VICE PRESIDENT. Is there any objection? The Chair hears none, and the Secretary will read as requested.

The Secretary read as follows:

40,000 MINERS OUT OF WORK.

Duncan McDonald, secretary-treasurer of the Illinois Mine Workers, addressing the State efficiency and economy committee last week, announced that 40,000 of the 90,000 members of his order in the State are out of work.

"Many of these miners are on the verge of starvation," said Mr. McDonald, "as we have not enough money in our relief fund to supply them all. Eighteen mining companies failed last year, and probably more than that number will fail this year." People of Illinois had no idea of the desperate condition in the mining industry until Mr. McDonald came to the front with the facts. There are various causes for this condition, which is attributed to overproduction of coal. When factories are closed, or running half time, when industries of all kinds are hedging as closely as possible, the demand for coal diminishes, the companies that try to continue in business fail, and the miners lose their positions and they and their families go hungry. The price of beefsteak or imported clothing makes no difference to them, as they can buy neither.

LOOK FOR ONLY TEMPORARY RELIEF.

People of the Middle West believe better times are in sight, but they also believe that the improvement will be brief. It will reach its zenith while the immense crops are being marketed, and the money therefrom distributed, but after that there is no assurance of anything resembling stable or permanent relief. Mortgages will be lifted, debts canceled, there will be a brisk business in the automobile trade, in the clothing and household supplies trade, and then the country will settle down to a long, hard winter. The manufacturers of Europe, who have been the chief beneficiaries of the new tariff, will get much of the money, and the chances are that the smokestacks of American mills and factories will continue cold, and the miners and others who thrive when home industry thrives will continue to look for jobs.

Mr. SAULSBURY. Mr. President, I only desire to say what I think the distinguished senior Senator from New Hampshire knows, that when I used the word "alleged," in connection with the dispatch which he had read into the RECORD on yesterday, I did not mean to impute any bad faith on his part. My thought was that no sensible newspaper would pay telegraph rates on any such stuff; certainly no newspaper would be justified in spending more than a single postage stamp in securing such an item as was inserted in the RECORD on yesterday; and therefore I concluded that it must be an alleged dispatch which came by mail. I had no idea of casting the slightest imputation at all on my distinguished friend from New Hampshire.

Mr. STONE. Mr. President, I desire to say that I had intended this morning to make an observation or two on what the Senator from New Hampshire said on yesterday, and particularly in regard to the editorial from the Washington Post which he had read. I have sent for some data, however, which I thought I should have this morning; and not having it now, I shall probably lay it before the Senator from New Hampshire publicly to-morrow morning.

Mr. CHILTON. Mr. President, I have something in the same line as that presented by the Senator from New Hampshire, which will no doubt entertain the Senate, especially as it comes from me, until the Senate ascertains the time to which it relates.

First, I want to read a statement from a newspaper that the total number of unemployed in the United States is estimated at 1,200,000, including half that number in large cities, New York having 250,000 unemployed and Chicago 90,000.

That is even better upon the calamity side than claimed by the Senator from New Hampshire.

Also, that the total number of unemployed in the city of Chicago is estimated by the Federation of Labor at 100,000, and a warning was issued to craftsmen to keep away from that city. We also read that in Chicago Bulgarians numbering 700 appealed to the city and county authorities for deportation to their own country, and so forth in various cities.

When I explain to the Senate, however, that these were newspaper accounts published in the year 1908, when the Republicans were in control of this country, they will see that the cold facts gathered by business men when there was no combination of capitalists to create impressions falsely and to make the same combination in news which they had in business, the force and effect of this matter will be better understood by the Senate.

I have a compilation of that tale of woe from different cities of the United States published in the year 1908, during Mr. Roosevelt's term as President. I should like to insert it in the RECORD, so as to show that the slight things they are talking about now are nothing as compared with the actual facts in 1908. I will cull these and insert them. They are exact extracts from newspaper accounts in the year 1908.

The VICE PRESIDENT. Is there any objection? The Chair hears none.

The matter referred to is as follows:

[From the Charleston (W. Va.) Gazette, Tuesday, June 23, 1914.]

PROSPEROUS TIMES NOW COMPARED WITH 1907-8.

Republicans, Bull Moose, and politicians of several brands have charged the Democratic Party with incompetency in business affairs. The Tory Republican press has dilated on the alleged depression in American business since the enactment of the Wilson tariff law and the new banking act.

But if evidence of a real depression is wanted, compared to which present conditions are highly prosperous, it is only necessary to turn to a real panic during the Republican régime—that of 1907—when the Republicans had been in power 11 years.

The following is industrial history of the period following the panic:

Chicago: Total unemployed estimated by Federation of Labor at 100,000. Warning issued to craftsmen to keep away from the city. February 11, 1908.

Chicago: Bulgarians numbering 700 appealed to city and county authorities for aid and for deportation to their own country. April 8, 1908.

Buffalo: Five hundred men besiege office of superintendent of poor for food. Four men taken to hospital suffering from starvation. January 20, 1908.

Camden, N. J.: Riot follows application of 1,500 men for 400 jobs advertised by the Joseph Campbell Co. August 10, 1908.

Denver: More than 200 Bulgarians petition governor for employment or aid to return to Bulgaria. March 20, 1908.

Detroit: More than 2,000 men march to the city hall to solicit work of mayor. January 28, 1908.

Grant City, Mo.: Fifty men kneel before various churches pleading for work. One man killed himself because he failed to obtain work. April 25, 1908.

New York: School children numbering 5,000 mob the restaurant of Adolph Lorber to obtain free meals offered by Mr. Lorber. February 12, 1908.

New York: Government urged by Central Federation Labor Union to let contract for subway to furnish work for 500,000 unemployed. March 15, 1908.

New York: Demonstration in favor of revolution made by 10,000 unemployed singing the Marseillaise and other inciting songs. Bomb thrown at police by anarchist during the demonstration. March 28, 1908.

Philadelphia: Total of 50,000 idle reported by the labor unions in the Kensington district February 10, 1908.

Philadelphia: Riot follows march of 1,000 foreigners, chiefly women, to the city hall to demand employment. Three policemen shot and fourteen unemployed arrested February 20, 1908.

Philadelphia: Loan of $9,000,000 to provide funds for public work asked by the city for unemployed. Race riot followed demonstration of unemployed demanding work. Italians attacked by men of other nationalities.

San Francisco: Organized unemployed league formed; demands the issue of $23,000,000 in bonds to aid unemployed January 28, 1908.

Toledo: One thousand Hungarians marched through the rain to receive a loaf of rye bread each March 23, 1908.

United States: Total unemployed estimated at 1,200,000, including half that number in large cities. New York, 250,000 unemployed; Chicago, 90,000.

This is the Republican record of the winter of 1908, immediately following the panic in the later part of 1907. This was under the Republican rule of Col. Roosevelt, who now criticizes the economic policies of President Wilson and their interference with prosperity. Significantly nobody has heard in 1914 of bread riots and of millions of unemployed and all the other earmarks of a full-grown depression.

Mr. WHITE. Mr. President, I rise to correct what seems to me to be an inaccuracy. I understand it was published, or is to be published, in the Republican campaign book.

The announcement was made that the Progressive Party was dying. I think this is probably not a correct diagnosis, as I

gather from the physician at the bedside of the patient that it only has sore throat.

I think this correction ought to be made.

Mr. SIMMONS. Mr. President, I ask unanimous consent to have the Secretary read a letter published in the Wall Street Journal from Mr. Henry B. Endicott, the head of the United States Shoe Machinery Co., which I understand is one of the largest manufacturing companies in the world.

The VICE PRESIDENT. Is there any objection? The Chair hears none.

Mr. BORAH. Mr. President, I am not going to object to the reading of this editorial, nor to other editorials——

Mr. SIMMONS. It is not an editorial at all. It is an article containing a letter written by the head of this great manufacturing concern.

Mr. BORAH. Whatever it is, I am not going to object to it at this time, but I think we had better have a unanimous-consent agreement to the effect that prosperity is here and proceed to transact the business of the Senate.

Mr. SIMMONS. If the Senator will join me in a resolution unanimously affirming that prosperity is here, I will withdraw the article.

Mr. BORAH. Yes; I will agree to the unanimous consent if it will enable us to proceed to the business of the Senate and go home.

Mr CLAPP. Mr. President——

Mr. SIMMONS. I do not desire to get into any controversy about the reading of this article; but the Senator from New Hampshire [Mr. GALLINGER] has risen here on the last two days during the morning hour and caused to be put in the RECORD certain clippings, and this is a letter from the head of this great manufacturing concern giving his views about the business situation in the country in his particular line of industry. In view of the action of the Senator from New Hampshire, I think Senators ought not to object to my request to have this letter read; but if there is any objection to it on the part of the Senators representing the other side, I will withdraw it.

Mr. GALLINGER. There certainly will be no objection on my part, but I do not wish to be put in the attitude of having precipitated this discussion in the first place. The Senator must go back of the Senator from New Hampshire to find the origin, the genesis, of this matter of placing newspaper extracts in the RECORD.

Mr. SIMMONS. The Senator on yesterday offered some clippings. I then said that I would insert some clippings, but I did not get the opportunity. The Senator has again to-day offered some clippings, and I had a couple of short clippings that I desired to put in the RECORD. As I say, I withdraw this one if there is any objection coming from the other side of the Chamber.

Mr. CLAPP. Mr. President, I want to make a statement without taking part in a controversy or reflecting upon anyone.

There would be no objection to the suggestion of the Senator from Idaho about entering into unanimous consent, because every man in this country who is at work knows he is at work, and every man who is out of work knows he is out of work. It is a good deal like the time we used to spend here, after the Payne-Aldrich tariff bill was passed, reciting every morning the price of household commodities, when every woman in this country knew what she was paying for them.

Mr. SMITH of Michigan. I hope there will be no objection to the request of the Senator from North Carolina.

The VICE PRESIDENT. The Chair did not hear any, and the article has already been ordered to be read.

Mr. SMITH of Michigan. The inundation of newspaper clippings each morning simply indicates the advanced policy of the other side of the Chamber with reference to "pitiless publicity." I hope it may continue in all respects.

Mr. POINDEXTER. Mr. President——

Mr. SIMMONS. Mr. President, I withdraw the request if there is to be a controversy about it.

Mr. POINDEXTER. The Senator from Michigan referred to the matter of publicity. I understood that on yesterday he had in his possession some very authoritative expressions on that subject. If he has them now, I should like to know it, and should like to have him present them to the Senate.

Mr. GALLINGER. Mr. President, let the article be read. There was no objection.

Mr. SMITH of Michigan. Which one—the one asked for by the Senator from Washington?

Mr. POINDEXTER. Both of them.

Mr. SIMMONS. Mr. President, as there seems to be so much trouble about the article, I withdraw it.

The VICE PRESIDENT. The Senator from North Carolina withdraws the article.

Mr. GALLINGER. Mr. President, there is no trouble about it. Nobody objects.

Mr. McCUMBER. I ask for the regular order.

COMPILATION OF TARIFF ACTS.

The VICE PRESIDENT laid before the Senate the following concurrent resolution (No. 44) of the House of Representatives, which was read and referred to the Committee on Printing:

Resolved by the House of Representatives (the Senate concurring), That there be printed and bound 10,000 copies of the compilation entitled "Comparison of the tariff acts of 1909 and 1913, showing the classification, rates of duty, and sections of the acts of August 5, 1909, and of October 3, 1913, together with the equivalent ad valorem rates of duty on the imports for the fiscal year ending June 30, 1913," as prepared under the direction of the Ways and Means Committee by John E. Walker, assistant clerk to the committee; 5,500 copies for the use of the House, 2,500 copies for the use of the Senate, and 2,000 copies for the use of the Ways and Means Committee.

MAY STANLEY.

The VICE PRESIDENT laid before the Senate the amendments of the House of Representatives to the bill (S. 1644) for the relief of May Stanley, and for other purposes.

Mr. WORKS. I move that the Senate disagree to the amendments of the House, request a conference with the House on the disagreeing votes of the two Houses thereon, and that the conferees on the part of the Senate be appointed by the Chair.

The motion was agreed to; and the Vice President appointed Mr. BRYAN, Mr. OVERMAN, and Mr. CRAWFORD conferees on the part of the Senate.

HOUSE JOINT RESOLUTION REFERRED.

H. J. Res. 300. To continue the provisions of a joint resolution approved June 30, 1914, entitled "Joint resolution extending appropriations for the necessary operations of the Government and of the District of Columbia under certain contingencies," was read twice by its title and referred to the Committee on Appropriations.

TREATIES WITH NICARAGUA AND COLOMBIA.

The VICE PRESIDENT. The Chair lays before the Senate a resolution coming over from a preceding day, which will be read.

The Secretary read Senate resolution 411, submitted on the 6th instant by Mr. BORAH, as follows:

Resolved, That the seal of secrecy is hereby removed from all of the hearings heretofore had which have been printed, except such testimony as may have been received under a pledge of confidence, and that hereafter all hearings be given to the public as soon as the same are corrected by the parties and printed, touching the proposed treaties with Nicaragua and Colombia, and that the consideration of both the treaties with Nicaragua and Colombia be in the open session of the Senate.

Mr. BORAH. I understand there is a motion pending that the resolution be referred to the Committee on Foreign Relations.

The VICE PRESIDENT. That is the motion pending.

Mr. BORAH. If I can have a yea-and-nay vote upon the proposition, I shall not detain the Senate in the discussion of this matter any further. Upon the motion pending I ask for the yeas and nays.

The yeas and nays were ordered.

Mr. KERN. I suggest the absence of a quorum.

The VICE PRESIDENT. The Secretary will call the roll for a quorum.

The Secretary called the roll, and the following Senators answered to their names:

Bankhead	Goff	Martine, N. J.	Smith, Ga.
Borah	Gronna	Newlands	Smith, Md.
Brady	Hughes	Norris	Smith, Mich.
Brandegee	James	Overman	Smoot
Bryan	Johnson	Page	Sterling
Burton	Jones	Perkins	Stone
Camden	Kenyon	Pittman	Swanson
Catron	Kern	Poindexter	Thomas
Chamberlain	Lea, Tenn.	Ransdell	Thornton
Chilton	Lewis	Saulsbury	Townsend
Clapp	Lippitt	Sheppard	West
Colt	McCumber	Simmons	White
Gallinger	Martin, Va.	Smith, Ariz.	Works

Mr. KENYON. I desire to announce the absence of the Senator from Wisconsin [Mr. LA FOLLETTE] on account of illness. I will let this announcement stand for the day.

Mr. PAGE. I wish to announce that my colleague [Mr. DILLINGHAM] is necessarily absent from the city. He is paired with the senior Senator from Maryland [Mr. SMITH]. I should like to have this announcement stand for the day.

Mr. KERN. I desire to announce the unavoidable absence of my colleague [Mr. SHIVELY]. This announcement will stand for the day.

Mr. SMOOT. I desire to announce the unavoidable absence of the junior Senator from Wisconsin [Mr. STEPHENSON] and also of my colleague [Mr. SUTHERLAND]. Both Senators have pairs. I will allow this announcement to stand for the day.

Mr. KENYON. I desire to announce the necessary absence of my colleague [Mr. CUMMINS]. I will let this announcement stand for the day.

Mr. CHILTON. I wish to announce the unavoidable absence of the Senator from New Mexico [Mr. FALL]. I will let this announcement stand for the day. He has a general pair.

Mr. GALLINGER. I should like to announce the unavoidable absence of the junior Senator from Maine [Mr. BURLEIGH].

Mr. STONE. What is the question immediately before the Senate?

The VICE PRESIDENT. Fifty-two Senators have answered to the roll call. There is a quorum present. The pending question is upon the motion to refer to the Committee on Foreign Relations the resolution introduced by the Senator from Idaho [Mr. BORAH], upon which the yeas and nays have been ordered.

Mr. SMITH of Michigan. May we have the resolution read?

Mr. STONE. Before that is done I wish to make a point of order on the resolution. I speak now to the resolution rather than the motion to refer; but I think the point of order could be equally applicable to one as the other. I make the point of order that a resolution of this kind can not be considered in the open session of the Senate, since it refers to executive business, so made under the rules of the Senate. I call the attention of the Chair to the fact that this very question has been frequently ruled upon. I find in the collection of Precedents, by Mr. Gilfry, at the bottom of page 180, the Forty-eighth Congress, first session, the following:

15. FOR RECIPROCITY WITH MEXICO.

(48th Cong., 1st sess.; Jour., p. 195; Jan. 21, 1884.)

Mr. Van Wyck submitted the following resolution:

"*Resolved*, That any further consideration of the reciprocity treaty between Mexico and the United States be had in open session of the Senate";

Whereupon, Mr. Anthony objected to the reception of the resolution during the legislative session of the Senate, it being in the nature of business which would be considered in executive session.

From the decision of the Chair Mr. Van Wyck appealed to the Senate; and

A motion having been submitted by Mr. Edmunds that the doors be closed, and the same having been seconded,

The Presiding Officer directed that the galleries be cleared and the doors closed.

At the bottom of the next page I find the following:

18. PENDING WITH CHINA.

(53d Cong., 2d sess.; Jour., p. 155; Apr. 17, 1894.)

Mr. Mitchell, of Oregon, submitted the following resolution, which was ordered to lie on the table:

"*Resolved*, That the pending Chinese treaty be considered in open session."

(Ib.; Jour., p. 178; May 7, 1894.)

The Vice President laid before the Senate the resolution submitted by Mr. Mitchell, of Oregon, April 17, 1894, as follows:

"*Resolved*, That the pending Chinese treaty be considered in open session";

Whereupon, Mr. Chandler moved that the doors be closed; and the motion having been seconded,

The Vice President directed the galleries to be cleared and the doors closed.

Of course, that can be done now. Such a motion can be made; but we find further, at the bottom of page 184—

(53d Cong., 2d sess.; Jour., p. 50; Jan. 16, 1894.)

Mr. Call gave notice that he would move to suspend a part of Rule XXXVIII, his object being to have the nomination of the internal-revenue collector for Florida considered in open session, and he submitted the following resolution:

"*Resolved*, That so much of Rule XXXVIII, paragraph 2, as is contained in the following words: 'All information communicated or remarks made by a Senator, when acting on nominations concerning the character or qualifications of the person nominated, also all votes upon any nomination, shall be kept secret,' shall be suspended in the consideration of the nomination of the collector of internal revenue of the State of Florida."

Mr. Hoar raised the question as to whether the resolution should not be discussed with closed doors when taken up for consideration, and, pending the question, moved that the doors be closed.

I call the attention of the Chair especially now to what I shall read from the same page—page 184, paragraph 25:

Mr. Call gave notice of his intention to move certain amendments to the rules, the object of which was to permit the consideration of the nominations of Charles Swain and Joseph N. Stripling in open executive session.

(Ib.; Jour., p. 172; Mar. 17, 1890.)

Pursuant to the notice given on the 14th instant that he would move to amend the thirty-sixth and thirty-eighth rules of the Senate, in order to allow the consideration of the nominations of Charles Swain and Joseph N. Stripling in open executive session, Mr. Call asked the reading of a resolution which he had sent to the Secretary's desk.

The President pro tempore (John J. Ingalls) declined to entertain the resolution, and decided that a motion to consider matters relating to executive business in open executive session must be made when the Senate is in executive session; whereupon, Mr. Sherman submitted a motion that the doors be closed, and, the same having been seconded by Mr. Edmunds, the President pro tempore directed the galleries to be cleared and the doors closed; and

After proceeding with closed doors and the consideration of executive business, the doors were reopened.

Former Senator Ingalls was well regarded, I think, as one of the best presiding officers the Senate has ever had and one of its ablest parliamentarians. He decided that a resolution concerning executive business could only be submitted in an executive session. Then the Senate went into executive session for the purpose of considering the resolution.

Mr. SMOOT. On motion.

Mr. STONE. Yes; it was on motion. The Senate can not go into executive session except on motion; at least, I do not know of any other way.

Now, I put the question to the Chair whether that is not a good ruling which was made by the then presiding officer, to which I have called attention, that Senators can not undertake to discuss, under a resolution or motion, executive business in open session?

The VICE PRESIDENT. Will the Senator from Missouri pardon the Chair? The Chair has not the precedent where the presiding officer took the initiative.

Mr. STONE. Has the Chair a copy of the book from which I am reading?

The VICE PRESIDENT. Yes; but the Chair has not the precedent where the presiding officer took the initiative.

Mr. STONE. If the Chair will turn to the middle of page 184, beginning with the words and figures—

25. Chair declines to entertain motion in open session relative to executive business.

The Chair will find that in the book which he has before him.

The VICE PRESIDENT. Yes.

Mr. STONE. Now, if the Chair will follow the language down to next to the last paragraph he will find the words—

The President pro tempore (John J. Ingalls) declined to entertain the resolution, and decided that a motion to consider matters relating to executive business in open executive session must be made when the Senate is in executive session.

The VICE PRESIDENT. That was with reference to nominations. Where is the rule of the Senate that at any stage of the proceedings the Senate may not remove the injunction of secrecy from treaties? This motion, the Chair understands, refers to treaties.

Mr. STONE. At any stage of the proceedings in executive session a motion can be made and considered; but I think the ruling to which I have called attention is directly in point. It is true in that particular instance the business before the Senate related to appointments; but that was executive business just as a treaty is executive business, and the Chair declined to entertain the motion or resolution, holding that it could be heard only in executive session; and he refused to put the question to the Senate in open legislative session.

Mr. BRANDEGEE. Mr. President, I will say to the Senator from Missouri that, if my recollection serves me, the motion to remove the injunction of secrecy from a treaty has been made at this session of Congress in legislative session on the floor by the Senator from Massachusetts [Mr. LODGE], and carried.

Mr. SMOOT. And I will also say such a motion was made by the Senator from Georgia [Mr. SMITH], and carried.

Mr. President, I will call the Senator's attention to the fact that in the case cited, in which the President pro tempore, Hon. John J. Ingalls, declined to entertain the resolution, there was no appeal from that decision, and Mr. Sherman submitted a motion that the doors be closed. The Senate did not go into executive session, but the doors were closed, just the same as they were closed yesterday on the motion of the Senator from Missouri [Mr. STONE]. Of course, I myself believe that the Senator from Missouri could make that motion now on this resolution, but I do not believe that it applies to an executive session, especially when Rule XXXVI, paragraph 3, specifically states:

And all treaties which may be laid before the Senate, and all remarks, votes, and proceedings thereon, shall also be kept secret, until the Senate shall, by their resolution, take off the injunction of secrecy, or unless the same shall be considered in open executive session.

The injunction of secrecy as to executive sessions has been removed time and time again by a vote in open session; and, as the Senator from Connecticut [Mr. BRANDEGEE] says, it has been done two or three times at this session of Congress.

Mr. STONE. It may have been done, Mr. President, two or three times at this session of Congress; it may have been done previously; but I am sure it was never done when the point of order was made against it. It was done in the way of unanimous consent, there being no objection to it. A great many things may be done here that are violative of the rules when no point is made against them, when no objection is raised; but a different situation is presented where the objection is raised, as I raise it now, and the point of order is presented that such a resolution as that pending can be offered and considered only in executive session, or at least can only be considered in

executive session. That point has been directly ruled upon, as it seems to me, by a previous President pro tempore of the Senate, who for years, as we know, because of the death of the Vice President at that time, was presiding officer continuously of this body for a long period and achieved a very distinguished reputation as a presiding officer and as a parliamentarian; and I think that his ruling is entitled to very great weight and should be controlling. It is true that it was not appealed from, and it is true that the motion which I made yesterday was made and seconded by another Senator, that the doors be closed. That course was taken, and that course could be taken here this morning; there is no question about that. I have not seen proper, however, so far, at least, to make any such motion, but to raise the question that the resolution itself can not be considered except in a regular executive session.

Mr. BORAH. Mr. President, I make no pretensions to expert knowledge as to parliamentary law, but before introducing this resolution I made such investigation as I could and gathered such information as was at hand, and I came to the conclusion that if the resolution related to the nomination of an officer whose name had been submitted for confirmation by the Senate I would not be entitled to make this motion in open session. I came to the conclusion, however, that with reference to the treaties there were no precedents to be found against this procedure. I believe that the precedents, in so far as they have been cited or can be found, have no bearing on the matter now before the Senate that is contrary to the course which is now being pursued. The precedents cited by the Senator from Missouri relate to the question of nominations and the confirmation of appointees. There is a way by which the Senator from Missouri can have the matter disposed of behind closed doors; but it is not subject, Mr. President, in my judgment, to the point of order, and it is particularly not so at this stage of the proceedings.

The VICE PRESIDENT. The Chair will inquire whether there is pending before the Senate of the United States a treaty with Nicaragua or a treaty with Colombia?

Mr. STONE. Mr. President, there is a treaty pending between the United States and Colombia; there is no treaty pending between the United States and Nicaragua.

The VICE PRESIDENT. There will probably be an appeal from the ruling of the Chair, but the Chair is going to make a ruling. Of course the precedents cited are those that have no relation to treaties and are the rulings of a preceding occupant of the chair, and always "the dead are great." The Chair is expressing no opinion at all upon the advisability of the consideration of treaties in executive session. That is a matter of the rules of the Senate. The Chair believes, however, that it was the intention at the time of the adoption of the rules of the Senate that all matters with reference to treaties with foreign governments, which in the judgment of the Chair would embrace the action of the committee thereon, should be considered in executive session, unless the seal of secrecy should be removed by the action of the Senate. The Chair believes that that action should first be taken in an executive session of the Senate.

The point of order as to the resolution presented by the Senator from Idaho [Mr. BORAH], however, has its difficulties. To the mind of the Chair it is a resolution directed to a treaty now pending before the Senate of the United States and under consideration by the Committee on Foreign Relations. As to the treaty with Colombia, however wrong the Chair may be, the Chair has no doubt that the rules of the Senate require that all proceedings of the committee and of the Senate shall be in executive session until a motion be made in executive session to remove the seal of secrecy. As to the Nicaraguan matter, however, there seems to be no treaty pending before the Senate of the United States; so that the Chair would have no doubt about sustaining the point of order as to the Colombian treaty, but the Chair has doubt about the so-called Nicaraguan treaty, there being in reality no such treaty and there being nothing properly before the Senate as in executive session with reference to Nicaragua.

Mr. BORAH. Mr. President, in order that we may have the matter finally disposed of, I desire to take an appeal from the ruling of the Chair.

The VICE PRESIDENT. It will be very agreeable to the Chair to have an appeal taken. In view of the fact that the Colombian treaty is mentioned in the resolution, the Chair sustains the point of order. An appeal is taken.

Mr. BORAH. Upon that I ask for the yeas and nays.

The yeas and nays were ordered.

Mr. POINDEXTER. I suggest the absence of a quorum.

Mr. STONE. As I understand, the question now is whether the ruling of the Chair shall be sustained.

The VICE PRESIDENT. That is the question, but the Senator from Washington [Mr. POINDEXTER] has suggested the absence of a quorum. The Secretary will call the roll.

The Secretary called the roll, and the following Senators answered to their names:

Ashurst	Gronna	Overman	Sterling
Bankhead	Hollis	Page	Stone
Borah	Hughes	Perkins	Swanson
Brady	James	Pittman	Thomas
Brandegee	Jones	Poindexter	Thompson
Bryan	Kenyon	Ransdell	Thornton
Burton	Kern	Saulsbury	Tillman
Camden	Lane	Shafroth	Vardaman
Catron	Lea, Tenn.	Sheppard	Walsh
Chamberlain	Lee, Md.	Simmons	Warren
Clapp	Martin, Va.	Smith, Ariz.	West
Clarke, Ark.	Martine, N. J.	Smith, Ga.	White
Crawford	Nelson	Smith, Md.	Works
Gallinger	Newlands	Smith, Mich.	
Goff	Norris	Smoot	

Mr. VARDAMAN. I have been requested to announce the unavoidable absence of the junior Senator from Tennessee [Mr. SHIELDS]. He is detained from the Chamber on important public business.

The VICE PRESIDENT. Fifty-eight Senators have answered to the roll call. There is a quorum present.

The Chair decided that the resolution of the Senator from Idaho [Mr. BORAH] must be considered in executive session, and sustained a point of order against its consideration in open session. From that ruling of the Chair the Senator from Idaho has taken an appeal and has called for the yeas and nays. The request has been seconded, and the yeas and nays have been ordered.

The question is, Shall the ruling of the Chair stand as the judgment of the Senate? The Secretary will call the roll.

The Secretary proceeded to call the roll.

Mr. CHAMBERLAIN (when his name was called). I have a pair with the junior Senator from Pennsylvania [Mr. OLIVER], and in the absence of a transfer I withhold my vote.

Mr. CHILTON (when his name was called). I have a pair with the senior Senator from New Mexico [Mr. FALL]. In his absence I withhold my vote.

Mr. HOLLIS (when his name was called). I am paired with the junior Senator from Maine [Mr. BURLEIGH]. I transfer that pair to the junior Senator from Tennessee [Mr. SHIELDS] and will vote. I vote "yea."

Mr. SMITH of Georgia (when his name was called). I have a general pair with the senior Senator from Massachusetts [Mr. LODGE]. Unless I can get a transfer, I shall withhold my vote.

Mr. SMITH of Maryland (when his name was called). I have a general pair with the senior Senator from Vermont [Mr. DILLINGHAM], which I transfer to the senior Senator from Indiana [Mr. SHIVELY], and will vote. I vote "yea."

Mr. STONE (when his name was called). I transfer the standing pair I have with the senior Senator from Wyoming [Mr. CLARK] to the junior senator from South Carolina [Mr. SMITH] and will vote. I vote "yea."

Mr. THOMAS (when his name was called). I have a general pair with the senior Senator from New York [Mr. ROOT]. In his absence I withhold my vote.

Mr. TOWNSEND (when his name was called). I have a pair with the junior Senator from Arkansas [Mr. ROBINSON], who is absent from the Senate on important business. I transfer that pair to the senior Senator from Iowa [Mr. CUMMINS] and will vote. I vote "nay."

Mr. WARREN (when his name was called). I have a general pair with the senior Senator from Florida [Mr. FLETCHER] and therefore withhold my vote.

The roll call was concluded.

Mr. CATRON. I have a general pair with the senior Senator from Oklahoma [Mr. OWEN]. I transfer that pair to the senior Senator from Illinois [Mr. SHERMAN], who is absent on account of sickness, and vote "nay."

Mr. CLARKE of Arkansas. I have a pair with the junior Senator from Utah [Mr. SUTHERLAND]. I discover that he is not present and therefore withhold my vote.

Mr. CHILTON. I transfer my pair with the senior Senator from New Mexico [Mr. FALL] to the senior Senator from Nebraska [Mr. HITCHCOCK] and will vote. I vote "yea."

Mr. MYERS. Has the junior Senator from Connecticut [Mr. MCLEAN] voted?

The VICE PRESIDENT. He has not.

Mr. MYERS. I have a pair with that Senator and therefore withhold my vote.

Mr. SMITH of Georgia. I transfer my pair with the senior Senator from Massachusetts [Mr. LODGE] to the junior Senator from Mississippi [Mr. VARDAMAN] and will vote. I vote "yea."

The result was announced—yeas 42, nays 19, as follows:

YEAS—42.

Ashurst	Kern	Perkins	Stone
Bankhead	Lea, Tenn.	Pittman	Swanson
Bryan	Lee, Md.	Pomerene	Thompson
Camden	Lewis	Ransdell	Thornton
Chilton	Lippitt	Saulsbury	Tillman
Gallinger	McCumber	Shafroth	Walsh
Goff	Martin, Va.	Sheppard	West
Hollis	Martine, N. J.	Simmons	White
Hughes	Newlands	Smith, Ariz.	Works
James	O'Gorman	Smith, Ga.	
Johnson	Overman	Smith, Md.	

NAYS—19.

Borah	Clapp	Nelson	Smoot
Brady	Gronna	Norris	Sterling
Bristow	Jones	Page	Townsend
Burton	Kenyon	Poindexter	Weeks
Catron	Lane	Smith, Mich.	

NOT VOTING—35.

Brandegee	Dillingham	Myers	Shively
Burleigh	du Pont	Oliver	Smith, S. C.
Chamberlain	Fall	Owen	Stephenson
Clark, Wyo.	Fletcher	Penrose	Sutherland
Clarke, Ark.	Gore	Reed	Thomas
Colt	Hitchcock	Robinson	Vardaman
Crawford	La Follette	Root	Warren
Culberson	Lodge	Sherman	Williams
Cummins	McLean	Shields	

So the ruling of the Chair was sustained.

Mr. BORAH. Mr. President, I suppose the motion should come properly from the chairman of the Committee on Foreign Relations; but if the chairman does not desire to do so, I desire to make a motion to go into executive session to consider this matter. I make that motion, Mr. President.

Mr. MARTIN of Virginia. Mr. President, I will ask the Senator from Idaho if he is willing to withhold that motion for just a moment, in order to permit the passage of a resolution continuing the appropriations, as it is rather an urgent matter?

Mr. BORAH. Yes.

EXTENSION OF APPROPRIATIONS.

Mr. MARTIN of Virginia. From the Committee on Appropriations I report a resolution, for which I ask immediate consideration.

The VICE PRESIDENT. The joint resolution will be read.

The resolution (H. J. Res. 300) to continue the provisions of a joint resolution approved June 30, 1914, entitled "Joint resolution extending appropriations for the necessary operations of the Government and of the District of Columbia under certain contingencies," was read, as follows:

Resolved, etc., That the provisions of a joint resolution entitled "Joint resolution extending appropriations for the necessary operations of the Government and of the District of Columbia under certain contingencies," approved June 30, 1914, are extended and continued in full force and effect for and during the last half of the month of July, fiscal year 1915; and to continue during the last half of the month of July, fiscal year 1915, the operation of the Interstate Commerce Commission in securing a valuation of the several classes of property of carriers, subject to the act to regulate commerce, authorized by the act of March 1, 1913, a sufficient amount is appropriated, out of any money in the Treasury not otherwise appropriated, not to exceed the sum of $65,000, together with any unexpended balance of a similar sum appropriated for the first half of said month of July.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the joint resolution.

The joint resolution was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

TREATIES WITH NICARAGUA AND COLOMBIA.

Mr. STONE. Mr. President——

The VICE PRESIDENT. Does the Senator from Idaho yield to the Senator from Missouri?

Mr. BORAH. I yield to the Senator.

Mr. STONE. The Senator stated either that he would make or he did make a motion that the Senate proceed to the consideration of executive business. I wish to state to the Senator that I intended at an early hour this afternoon to move that the Senate proceed to the consideration of executive business. The reason why I did not do so at once was that there was some legislative business here that I understood it was desired to have transacted.

Mr. BORAH. As I understand the Senator, he proposes at an early hour to move an executive session?

Mr. STONE. I did.

Mr. BORAH. I have no desire to urge the motion in view of that statement, and I withdraw the motion.

AFFAIRS IN MEXICO.

The VICE PRESIDENT. The Chair lays before the Senate a resolution coming over from a preceding day, which will be read.

The Secretary read the resolution (S. Res. 415) introduced by Mr. SMITH of Michigan on the 13th instant, as follows:

Whereas the publication of certain correspondence has been made the basis of allegations in many newspapers that certain persons owing allegiance to and domiciled in the United States have been engaged in correspondence with the authorities of the so-called constitutionalist government of Mexico for the purpose of thwarting the designs of the United States Government and for the promotion of their own interests; and

Whereas in certain of this correspondence agents of the President of the United States have been represented as affording advice to the agents of the said rebellion against the Government of Mexico, intended to enable said revolutionists to evade the orders of the President of the United States against the shipment of arms and munitions of war into Mexico: Therefore be it

Resolved, That the Committee on Foreign Relations or a subcommittee thereof is hereby authorized and directed to inquire, investigate, ascertain, and report whether any person, associations, or corporations domiciled in or owing allegiance to the United States have heretofore been or are now engaged in correspondence with those in rebellion against the Government of Mexico and in violation of the laws of the United States, or whether any persons, associations, or corporations have heretofore been or are now engaged in financing, encouraging, or inciting civil strife in Mexico for the promotion of their own interests or for any other reasons, and whether any agents of the President of the United States have been heretofore or are now engaged in giving advice to those in rebellion against the Government of Mexico to enable or lead such agents or authorities to constructively evade the orders of the President of the United States against the shipment of arms or munitions of war into Mexico, or whether any agents of the Government of the United States may be in any way personally or financially interested for their own gain or profit in the regrettable strife in Mexico.

Resolved further, That said committee or a subcommittee thereof is hereby empowered to summon witnesses, to send for persons or papers, to administer oaths, and to take and secure whatever testimony and evidence that may be required to ascertain and report upon the matters aforesaid; and said committee or a subcommittee thereof is hereby authorized for the purpose aforesaid to sit wherever necessary and act as well when Congress is not in session as when in session.

Resolved further, That the said committee is hereby directed to report the result of said investigation and inquiry to the Senate during the first month of the next session of Congress; and the expenses incurred by such investigation and inquiry shall be paid from the contingent fund of the Senate upon vouchers to be approved by the chairman of the committee.

Mr. SMITH of Michigan. Mr. President, of course, I should like immediate consideration of the resolution, but I desire to consult the convenience of the chairman of the Committee on Foreign Relations.

Mr. STONE. Mr. President, I thought if it was agreeable to the Senator from Michigan, the resolution might go over until to-morrow morning.

Mr. SMITH of Michigan. Very well. Of course, it goes over until to-morrow without prejudice.

PAUL M. WARBURG.

The VICE PRESIDENT. The Chair lays before the Senate a resolution coming over from a preceding day, which will be read.

The Secretary read Senate resolution 413, submitted by Mr. POINDEXTER on the 13th instant, as follows:

Resolved by the Senate of the United States, That the Interstate Commerce Commission is hereby directed to report to the Senate the form, manner, and extent of the participation by Paul M. Warburg, recently nominated by the President for membership on the Federal Reserve Board, with the financial transaction or transfers or sales of stocks or bonds of the Rock Island, Chicago & Alton, and other railway companies or systems.

Mr. NORRIS. In the absence of the Senator from Washington [Mr. POINDEXTER], and as the morning hour is just about to expire, I ask unanimous consent that the resolution may go over without prejudice.

The VICE PRESIDENT. Is there objection?

Mr. NEWLANDS. What is the request?

The VICE PRESIDENT. Is there objection to the resolution going over without prejudice? The Chair hears none, and it goes over.

FEDERAL TRADE COMMISSION.

The VICE PRESIDENT. The morning hour having expired, the Chair lays before the Senate the unfinished business, which is House bill 15613.

The Senate, as in Committee of the Whole, resumed the consideration of the bill (H. R. 15613) to create an interstate trade commission, to define its powers and duties, and for other purposes.

Mr. HOLLIS. Mr. President, I intend to make some remarks upon the pending bill, and I ask Senators kindly not to interrupt me until I have finished my speech, when I shall be glad to consider any questions that may be propounded to me.

I desire first to answer as well as I can certain propositions that were submitted to the Senate by the junior Senator from Missouri [Mr. REED], and then to make some general observations on the purport of the trade commission bill.

In the very interesting and able discussions of the trade commission bill which have been made recently by the junior Senator from Missouri he has taken four positions:

First. That he is opposed to the bill because he does not believe in government by commission. (CONGRESSIONAL RECORD, p. 11113.)

Second. That he is opposed to the bill because it constitutes a delegation of the powers of Congress. (CONGRESSIONAL RECORD, p. 11114.)

Third. That he is opposed to the bill because there are no decisions of courts that amount to a rule of law as to what constitutes "unfair competition." (CONGRESSIONAL RECORD, p. 11115.)

Fourth. That he is opposed to the bill because there are countless decisions of courts that lay down the exact meaning of "unfair competition." (CONGRESSIONAL RECORD, pp. 11875-11876.)

GOVERNMENT BY COMMISSION.

The arguments presented by the learned Senator were all presented with force and earnestness when the Interstate Commerce Commission was under discussion. The same calamities were predicted. The same arbitrary power, "more arbitrary than that possessed by any king or potentate on earth," was depicted. The same claim was made that action by the commission would not be "due process of law"; that an order by such a commission would be confiscation. There was the same appeal to the "law of the land," the same reference to "constitutional liberty," and the same apostrophe to the "forefathers of our country."

But, despite these impassioned appeals and dire predictions, the Interstate Commerce Commission has proceeded to apply the law, proclaim rules and regulations, decide cases, and issue orders, to the great and growing satisfaction of the people and of the railroads, until it is the most notable success of our administrative government.

Opposition to the Interstate Commerce Commission and its orders has dwindled until there is complete acceptance of this particular form of "government by commission," and no one ever dreams of abolishing the commission and going back to the intolerable abuses that existed before the commission began its labors.

The burden is certainly upon him who objects to a trade commission to show why such a commission would not be as useful and satisfactory as the Interstate Commerce Commission. The distinguished Senator from Missouri has not pointed out any difference between the two in either theory or practice. He gives his opinion, and his colleagues may share that opinion or reject it, as their judgment may prompt them.

DELEGATION OF POWERS OF CONGRESS.

The other three reasons given by the Senator are not matters of opinion but matters of law, to be determined by legal precedents.

The Senator made a downright, positive assertion that the law would be unconstitutional because it would constitute a delegation of the powers of Congress, and he bottomed his assertion on the authority of a single case—Louisville & Nashville Railroad Co. *v.* McChord (103 Fed. Rep., 216).

Mr. REED. Mr. President——

The PRESIDING OFFICER (Mr. LEA of Tennessee in the chair). Does the Senator from New Hampshire yield to the Senator from Missouri?

Mr. HOLLIS. I must decline to yield. I shall be glad to yield later.

The PRESIDING OFFICER. The Senator from New Hampshire declines to yield.

Mr. HOLLIS. I shall be glad to answer any questions when I have finished.

Mr. REED. After a statement of that kind I do not wonder that the Senator——

The PRESIDING OFFICER. The Senator from New Hampshire declines to yield.

Mr. REED. Declines to have an answer interjected into his remarks.

Mr. HOLLIS. From this case the Senator from Missouri read copious extracts, covering about two pages of the RECORD.

Since then several Senators have cited more than a dozen decisions by the Supreme Court of the United States directly contrary to the McChord case, and the distinguished Senator from Iowa has shown that the McChord case was itself reversed by the United States Supreme Court on appeal (183 U. S., 483), while the reasoning of the judge quoted at such length by the Senator from Missouri was expressly repudiated by the Supreme Court in Louisville & Nashville Railroad Co. *v.* Garrett (231 U. S., 298), in which the same Kentucky statute and the same question were considered.

NO DECISIONS DEFINING "UNFAIR COMPETITION."

The assertion of the Senator regarding the lack of decisions defining "unfair competition" was equally positive:

Mr. President, I undertake to say that there are no decisions of courts that amount to a rule of law as to what constitutes unfair competition. (RECORD, p. 11115.)

The statement was downright and unqualified. It carried the impression that the Senator had examined the question and knew what he was talking about.

The best answer to this third proposition is the Senator's fourth proposition, made just three weeks later, in which he asserts that there are numerous cases defining "unfair competition"—"all through the books"; in "digests, textbooks, and dictionaries of law"; in "English decisions"; in "courts of this country," giving to the term "unfair competition" a "definite, fixed meaning." (RECORD, p. 11875.)

"UNFAIR COMPETITION" RESTRICTED TO SUBSTITUTION OF GOODS.

In his remarks on this subject on July 13 the distinguished Senator challenged any friend of the bill to produce an authority to show that the term "unfair competition" covers the abuses at which this bill is aimed. Before I conclude I shall produce many such authorities. But first I may be pardoned for the suggestion that the Senator was equally emphatic when he based his first argument on an overruled case, and his second argument on a proposition he has himself overruled.

I have tried to find the latest edition of Black's Law Dictionary, which was quoted from copiously by the Senator in his speech. I have not been able to find it, but it is no doubt correctly quoted from. I do find, however, in Black's Law Dictionary, edition of 1891, page 238, the following:

Competition: In Scotch practice. The contest among creditors claiming on their respective diligences, or creditors claiming on their securities.

Now, there is a definition of the word "competition," and, under the reasoning of the Senator, because unfair competition is defined in a dictionary or in cases as applying only to cases of palming off goods or substitution, then the same argument would apply here, and when the word "competition" is used it has this extremely limited meaning. But would anyone argue that this precise, limited meaning of the word "competition" would bind courts in construing a statute dealing with competition?

I have looked through Anderson's Law Dictionary, through Abbott's Law Dictionary, and Bouvier's Law Dictionary, and I find no such limited definition of "unfair competition."

I have carefully examined many of the cases cited by the Senator to establish the point that the term "unfair competition" is confined in law exclusively to the practice of substituting one kind of goods for another. None of these cases supports the Senator's proposition. All of them, it is true, are cases in which the complainant sought to prevent the defendant from "palming off" his own goods in place of the complainant's. It was held in each case that such practices do legally constitute "unfair competition," but no case holds that "unfair competition" is limited to this class of trade deception. Any such declaration would be at best obiter dictum, for that point could not, from the nature of the case, be involved in the decision of the suit. It was for the court to decide in each instance whether the particular case came within the law against unfair competition, not whether some other case lay outside it.

The case of Coca Cola Co. *v.* Gay Ola Co. (200 Fed. Rep., 720), cited by the Senator and discussed by him, is a fair illustration of all his precedents. It was there held that the manufacture and sale of an article in close imitation of the plaintiffs product, with the evident purpose of deceiving consumers, constituted "unfair competition," and should be enjoined. There is not a suggestion in the case that "unfair competition" is confined to the kind of practice described in the complaint. It might as well be argued that when a man is convicted of forging a bank check, and the conviction is affirmed, the case is authority for the proposition that a man can not be convicted of forging anything besides bank checks—stock certificates, for example. The argument would be that because a man had been convicted of forging bank checks the crime of forging must be confined to that particular kind of fraudulent penwork.

The case of Everett Piano Co. *v.* Maus (200 Fed Rep., 718), upon which the Senator places special emphasis, is wide of the mark. In that case the complainant applied for an injunction, but the court held that there was an adequate remedy at law, and the petition for injunction must therefore be dismissed. It is clear that if the suit had been at law to recover damages the court would have held it to be a case of unfair competition warranting a verdict for the plaintiff. The observation of the court that the bill did not state a case of "unfair competition"

was not essential to the decision of the case, and was therefore obiter dictum.

It is true that in cases similar to trade-mark suits, where the complaint is that the defendant is "palming off" his goods for those of the complainant, it has grown to be the custom to apply the term "unfair competition" to cases which equity will enjoin. But there is nothing in the cases to show that the term is applied exclusively to such cases. This is merely one kind of "unfair competition." I shall now proceed to cite many cases of an entirely different class in which the term is used by the courts.

In the course of his argument on Monday last, the Senator from Missouri issued this challenge:

I challenge any man to bring here the decision of a court holding that "unfair competition" is any other or different than I have defined it from the books. (RECORD, p. 12026.)

The first case I shall cite in response to the challenge is the case of the State *v.* Central Lumber Co. (123 N. W. Rep., S. Dak., 504), where the court was passing upon the constitutionality of a statute of South Dakota prohibiting unfair competition by discrimination in prices. The court, by Whiting, judge, said, at page 509:

To get rid of competition and thus acquire a monopoly the man, firm, or corporation possessed of or controlling large capital no longer said to his competitor: "Let us combine and thus obtain a monopoly of the business we are engaged in and by so doing increase our profits by raising prices to the consumer." No; that would be criminal, and might lead to trouble, and, too, it was a crude way of acquiring the thing sought. Now he says to a competitor, if such competitor be weaker than he: "Get out of my way. Sell me your business or I will destroy it by unfair competition"; or, in many cases, without giving his victim a chance to sell him the business he has, he sets about destroying it, and by a method as certain as the passing of time; a method that need bring him not even an immediate financial loss. He puts the price of the commodity handled so low at the point where his victim is in business as to make it impossible to meet such price except at a loss, and to offset what loss he suffers at that point he raises prices at one or more other points. * * * Again, human experience, recognizing the laws of God and nature, controlled and guided by an aroused public conscience, evolved a new law and placed it upon the statute books of this and many other States—a law aimed at monopolies obtained through unfair competition. * * * We believe it is inherent in the powers of the State to protect one citizen against "unfair competition" of another citizen where such "unfair competition" is used as a means to and with the intent to deprive such other of his rightful enjoyment of property or the use thereof.

Here is a case from South Dakota construing a law against unfair competition, using the term "unfair competition" in several places, and using it obviously without the limited application contended for; that is, in a case involving a substitution of goods. Other cases to the same effect are State *v.* Drayton (62 Nebr., 254), State *v.* Standard Oil Co. (111 Minn., 85), and State *v.* Bridgman & Russell Co. (117 Minn., 186).

Mr. O'GORMAN. Mr. President——

The PRESIDING OFFICER. Does the Senator from New Hampshire yield to the Senator from New York?

Mr. HOLLIS. If the Senator will pardon me, I stated at the outset that I would not care to be interrupted until I had concluded. I have already declined to yield.

Mr. O'GORMAN. Probably this question might help. I was only desirous to know what is the precise language of the statute. I am not addressing the inquiry in a hostile sense at all.

Mr. HOLLIS I think I have it.

Mr. O'GORMAN. The question is whether it is confined to the words "unfair competition" or whether it is supplemented by a reference to unfair competition in the cutting of prices.

Mr. HOLLIS. I will look it up and inform the Senator and place it in the RECORD later.

The next case I wish to refer to is the United States *v.* Patterson (205 Fed. Rep., 292). It was an indictment of officers of the National Cash Register Co. for violation of the Sherman Antitrust Act.

The indictment set out 11 methods of unfair competition. The defendants claimed that the alleged unlawful acts were committed against infringers of patents owned by the National Cash Register Co., and were therefore lawful.

The court denied this claim, holding that a patentee for the protection of his rights under the patent is limited to the pursuit of his legal remedies in the Federal courts.

The court, Hollister, judge, said, at page 300:

The doctrine, asserted in this case for the first time, that the rights of the patentee are of such character that those operating under them may agree, in order to protect them, to engage in acts of unfair competition such as are charged in this case, and even to burn their competitor's factory, or destroy the competing—as they believe, infringing—machines by violence * * * I am unable to agree with.

* * * * * * *

Aside from that one instance, however, there has been no evidence tending to show actual violence to a competitor's cash register in the possession of one of its customers. Therefore the argument of counsel for defendants goes further, with that one exception, than the acts of unfair competition the evidence for the Government tends to prove. But the principle is the same, whether the acts of unfair competition were acts of violence upon competitors' cash registers themselves or acts falling short of actual violence.

Here we have a case in the United States court having nothing whatever to do with substitution cases or "palming-off" cases, but applying the term "acts of unfair competition" to acts of violence upon competitors' cash registers themselves, or acts falling short of actual violence.

A case that has been referred to more than once and which has been brushed aside with very little attention by those who opposed this bill, but a case which would be the subject of a three hours' argument, if it happened to be decided the other way, in my opinion, is the case of the Standard Oil Co. *v.* The United States (231 U. S., pp. 42–43), where the court, by Mr. Justice White, said:

Without attempting to follow the elaborate averments on these subjects spread over 57 pages of the printed record, it suffices to say that such averments may properly be grouped under the following heads: Rebates, preferences, and other discriminatory practices in favor of the combination by railroad companies; restraint and monopolization by control of pipe lines, and unfair practices against competing pipe lines; contracts with competitors in restraint of trade; unfair methods of competition, such as local price cutting at the points where necessary to suppress competition, espionage of business competitors, the operation of bogus independent companies, and payments of rebates on oil, with the like intent.

Here was the Supreme Court of the United States speaking through its Chief Justice in a case that had nothing to do with substitution cases or "palming-off" cases, deliberately in summing up, using the words "unfair methods of competition" and defining them to be "such as local price cutting at the points where necessary to suppress competition, espionage of business competitors, the operation of bogus independent companies, and payments of rebates on oil, with the like intent."

It seems to me unthinkable that the Supreme Court of the United States, which will have to pass in the last instance on the bill under consideration if it becomes a law, would be pushed aside by the citation of cases where unfair competition has been applied to substitution practices. It seems to me unbelievable that the United States Supreme Court would be led away from this solemn and deliberate decision and this use of precise language in one of the most important cases that it has ever decided.

Another case I wish to quote from is Ware-Kramer Tobacco Co. *v.* American Tobacco Co. (180 Fed. Rep., 160; Circuit Court Eastern District of North Carolina).

This was an action under section 7 of the Sherman Antitrust Act to recover threefold damages for injury to the plaintiff's business.

The case arose on demurrer to the complaint. The court overruled the demurrer.

The opinion of the court, by Judge Connor, states, page 165:

Whether, under the language of the statute, the members of the illegal combination or the conspiracy may, in the prosecution of their business, resort to the legal methods open to those who are living in obedience to the law, with immunity from an action for injuries inflicted upon the business or property of others—that is, resort to fair competition—has not, so far as the industry of counsel has revealed, been decided. The position of the plaintiff is that the unlawful combination and its members are "outlaws" and not within the pale of the protection conferred upon those who pursue a lawful calling in a lawful way.

At page 166:

The theory upon which the complaint is drawn is that defendants, being an unlawful combination within the terms of the statute, in furtherance of its general plan, scheme, or purpose to restrain all interstate trade in manufactured tobacco and cigarettes, and to monopolize the manufacture and sale of tobacco, first resorted to unfair and oppressive means, fully set out, to prevent its (Ware-Kramer Tobacco Co.'s) organization.

I call the attention of the Senate to this quotation particularly because it sets forth many different sorts of competition which are intended to be prohibited by the pending bill.

Quoting, then, at page 167:

Plaintiff alleges that during the years named defendants, by the means aforesaid and other means, such as maintaining a close watch and espionage upon plaintiff's shipments, maintaining a system of spies upon such shipments from the depot at Wilson, N. C., and communicating same to the defendant's officers, both in New York and Wilson, sending the representatives to different customers of plaintiff, and by threats, promises, and inducements many of plaintiff's customers were unlawfully and unfairly taken from them. That this systematic espionage upon and interference with plaintiff's business continued until it was compelled to move to Norfolk, Va., to escape the same.

Plaintiff sets forth, among others, the following means resorted to by defendants to interfere with and restrain their trade: Using coupons in an unfair manner; selling cigarettes at and below the cost of production; paying jobbers extra discounts in territory where plaintiff's cigarettes were selling well; giving jobbers and dealers free goods to induce them to press the sale of their goods as against plaintiff's goods, and by requiring dealers not to handle plaintiff's goods; by interfering with the labor of independent manufacturers; by making jobbers and dealers afraid to keep exposed to view or on their shelves where they could be seen the goods of plaintiff, for fear the American Tobacco Co. would injure the business of such dealer or jobber; by making jobbers and dealers afraid to advertise plaintiff's goods; by the refusal of the American Tobacco Co. to sell to and by purposely delaying the shipment and delivery of goods ordered by jobbers and dealers who sold or advertised the goods of plaintiff.

Plaintiff, in addition to the foregoing, alleges specifically: That, during the year 1905, it received a proposition from a cigarette dealer in China to manufacture for him a large number of cigarettes for the Chinese trade. That plaintiff made for said customer a large order for cigarettes, which were shipped as directed, accepted, and paid for. That said order promised to furnish a market for at least 7,000,000 cigarettes a month. That the vice president of defendant, by means of the espionage aforesaid, ascertained that plaintiff had received said order and made said shipment, and immediately communicated with one of its employees, giving him directions to ascertain to what port these goods were shipped and the name of the consignee. "If you can not learn the name, perhaps you can find out the markings on the case"; concluding, "A carload means to us about 5,000,000 cigarettes. If we get this information, I think we can shut off their market." That this information was obtained and the market was "shut off," to plaintiff's great damage. Finally, plaintiff alleges: That defendant W. M. Carter was in the employment of defendant American Tobacco Co. for some time prior to the year 1909. That during the year 1908 he proposed to take a block of stock in plaintiff company, representing that he was an expert salesman and was thoroughly familiar with the cigarette trade and could sell large quantities of plaintiff's goods. That plaintiff's officers accepted the proposition of defendant Carter, and he took 30 shares of its stock and was made manager of plaintiff's sales department and entered upon his duties during the month of February, 1909, and continued to draw his salary until October 1, 1909. That after becoming manager of plaintiff's sales department "he purposely and willfully so managed the sales department of said business as to greatly decrease and injure the business of said company. He transferred salesmen from territory in which they were acquainted and were selling goods to other territory in which they were strangers," etc. Plaintiff alleges many other wrongful and injurious acts of defendant W. M. Carter, all of which, it avers, injured its business. That from various facts and circumstances, plaintiffs have reason to believe, and therefore allege, that the said W. M. Carter was working in the interest of and carrying out the plans and scheme of the defendant American Tobacco Co., while he was drawing his salary from the Ware-Kramer Tobacco Co., and that his conduct and work, as alleged in the complaint herein, was the work and acts of the defendants, and had for their purpose the injury and destruction of Ware-Kramer Tobacco Co. and its elimination as a competitor of the defendant.

Now, here was a case as far removed as possible from the ordinary cases of substitution or "palming off," a case that describes in detail a great many practices that the pending act is meant to prohibit. I wish to read further from the opinion to show that the court considered these offenses as unfair competition and used the term. Quoting, therefore, from page 169, I read:

Conceding all that is claimed by defendants in regard to what is fair competition in business, the limits of which have not been very definitely fixed, it is clear that, eliminating all doubtful averments, sufficient allegation remains, admitted by the demurrer, to place the acts of the defendants beyond the limits of fair competition.

* * * * * * *

It requires no argument to show that the course of conduct pursued by defendants toward the Ware-Kramer Tobacco Co. from the moment its projectors conceived the idea of bringing it into corporate existence, through its struggle to take upon itself the form and features of organic life, and while, in defiance of the efforts of defendants to throttle its activities, it maintained an existence with promise of success, were calculated and intended not only to restrain but to destroy it. While it may be that some one or more of the "things done," as set out in the complaint were in and of themselves within the limits of "fair competition," they are, as said by Mr. Justice Holmes, "bound together as the parts of a single whole. The plan may make the parts unlawful." No argument is required to show that the scheme was intended to restrain the interstate trade of plaintiff, and that it "brought that result to pass." While it is true that "fair competition is the life of trade," it is equally true that "unfair and excessive competition" is death to trade—of all competition—followed by the establishment of "monopoly," which My Lord Coke defines to be:

"An institution or allowance to any person or persons, bodies politic or incorporate, of or for the sole buying, selling, making, working, or using anything whereby any person, or persons, bodies politic or corporate are sought to be constrained of any freedom or liberty that they had before, or hindered in their lawful trade."

And which our Constitution, from 1776 to the present day, declares to be "contrary to the genius of free state and ought not to be allowed." (Const. N. C., art. 1, par. 31.)

The demurrer must be overruled.

I refer also to another case, which defines "competition," set forth in People's Tobacco Co. *v.* American Tobacco Co. (170 Fed. Rep., 396; Circuit Court of Appeals, fifth circuit).

The next case is an Iowa case.

JUDICIAL INTERPRETATION OF "UNFAIR COMPETITION" BY STATE COURTS.

In State *v.* Fairmont Creamery Co. (153 Iowa, 703), where the question was as to the constitutionality of an Iowa statute prohibiting unfair competition by purchasing at higher prices in one locality than in others, with intent to injure or destroy a competitior, the supreme court, by Evans, judge, said:

One of the great legislative problems of the day is to protect fair competition in the business world without unduly interfering with the freedom of contract. We may properly presume that the problem is greater in some lines of business than in others. In the purchase of commodities, the methods of business adopted are quite as various as the different commodities. Methods are adopted which are peculiar and limited to dealings in a certain commodity. Evil practices, therefore, may arise in the business methods pertaining to one commodity which do not obtain at all in relation to other commodities. Practices may obtain which contravene no statute, and which, nevertheless, would be deemed as morally dishonest and detrimental to the public interest. * * * The temporary maintenance of artificial prices for the sole purpose of destroying a weak competitor and creating a monopoly is one of the modern evil inventions.

That case shows clearly how useless, how futile, it would be to undertake to define all the different unfair practices that we wish to prohibit.

In In re Greene (52 Fed. Rep., 104), indictment for violation of Sherman Antitrust Act, at page 116, Judge Howell E. Jackson, afterwards a justice of the United States Supreme Court, discussing the meaning of the term "monopoly," said:

When this section of the act was under consideration in the Senate, distinguished members of its Judiciary Committee and lawyers of great ability explained what they understood the term "monopoly" to mean, one of them saying, "It is the sole engrossing to a man's self by means which prevent other men from engaging in fair competition with him."

There is the use of the term "fair competition" in its ordinary sense, and of course "unfair competition" would go with it.

In United States *v.* Whiting (212 Fed. Rep., 466 (Mass.), Mar. 23, 1914), indictment for violation of Sherman Act, Judge Morton said, at page 478:

An attempt to monopolize means an attempt to get control of the industry in which the defendant is engaged by means which prevent other men from engaging in fair competition with him.

In United States *v.* American Naval Stores Co. (172 Fed. Rep., 455) at page 459. Sheppard, district judge, charging jury, said:

The size of business and the gaining of business popularity, fair dealing, sagacity, foresight and honest business methods, even if it should result in acquiring the business of competitors, would not make an illegal monopoly. It is the acquisition and use of unfair and illegal power in defeating competition which makes such illegal monopoly.

See also Dueber Watch Case Manufacturing Co. *v.* E. Howard Watch & Clock Co. (66 Fed. Rep., 637, at p. 639; C. C. A., second circuit).

I have now discussed certain cases which use the terms "unfair competition" and "fair competition" in the exact sense for which we are contending in the pending bill. I now come to some decrees of the Federal court where the term "unfair competition" is used. It is well known to every lawyer that there is no part of a lawsuit which is so important and where the language is so carefully used as in the decree of the court at the end of an equity proceeding.

DECREES OF FEDERAL COURTS IN CASES UNDER THE SHERMAN ANTITRUST ACT WHERE THERE WAS NO QUESTION AS TO FRAUDULENT IMITATION OF TRADE-MARKS OR TRADE NAMES.

Decree in United States v. Central West Publishing Co. et al. (District Court of the United States, Northern District of Illinois), entered August 3, 1912.—The decree specifically restrains the use of numerous unfair methods of unfair competition.

Subdivision 5 of clause 2 of the decree restrains the defendants—

From threatening the competitors of either of these defendants that they must either cease competing with defendants or sell out to one or the other of the defendants herein, and from threatening that, unless they do, their industries will be destroyed by the establishment of near-by plants to actively compete with them, or by any other method of unfair competition.

There we have the exact words of the pending bill—"any other method of unfair competition"; and it is any method of "unfair competition" that this bill proposes to prohibit. In clause 3 of the same decree there is this provision:

That the defendants, Western Newspaper Union, Western Newspaper Union of New York, Central West Publishing Co., George A. Joslyn, John F. Cramer, H. H. Fish, and M. H. McMullen, be, and they are hereby, permanently enjoined from either directly or indirectly, by themselves or through their agents or employees, from in any manner continuing to do any acts in unfair competition against the other defendant company, * * * to wit, American Press Association.

There we have the term "unfair competition" again used in the precise sense for which we contend.

Decree in United States v. General Electric Co. (Circuit Court for Northern District of Ohio, Eastern Division), entered October 12, 1911.—The decree specifically restrains the defendant from using a number of unfair methods of competition. At the end of the eighth clause the following proviso is found:

And provided that nothing in this decree shall be taken in any respect to enjoin or restrain fair, free, and open competition.

United States v. American Tobacco Co. (221 U. S., 106, 181).—The court, by Mr. Chief Justice White, said that the history of the combination was—

demonstrative of the existence from the beginning of a purpose to acquire dominion and control of the tobacco trade, not by the mere exertion of the ordinary right to contract and to trade, but by methods devised in order to monopolize the trade by driving competitors out of business, which were ruthlessly carried out upon the assumption that to work upon the fears or play upon the cupidity of competitors would make success possible.

The evidence, the Chief Justice said, justified—

the inference that the intention existed to use the power of the combination as a vantage ground to further monopolize the trade in tobacco by means of trade conflicts designed to injure others, either by driving competitors out of the business or compelling them to become parties to a combination.

The term "unfair competition" is used by Attorneys General Wickersham and McReynolds in the papers that were drawn and filed in the Supreme Court. One of them was read the other day by the junior Senator from Missouri [Mr. REED], but

I refer to some others. The first is in the Standard Oil Co. *v.* The United States (221 U. S., 28 and 29).

Argument for the United States by the Attorney General and Mr. Frank Kellogg:

> We believe that the defendants have acquired a monopoly by means of a combination of the principal manufacturing concerns, through a holding company; that they have, by reason of the very size of the combination, been able to maintain this monopoly through unfair methods of competition, discriminatory freight rates, and other means set forth in the proof (p. 28).
>
> Evidence that the defendant companies obtained rebates and discriminatory rates in the transportation of their product as against their competitors, and engaged in unfair and oppressive methods of competition, thereby destroying the smaller manufacturers and dealers throughout the country, is material in this case (p. 29).

United States v. American Tobacco Co. (221 U. S., 106)—Argument for United States.—The Attorney General and Mr. James C. McReynolds, before he was Attorney General, used this language, on page 122:

> Moreover, if important, the evidence clearly establishes that the defendant's actions have been characterized by duress and unfair and oppressive methods, and that following a fixed plan they have sought to suppress competition and secure monopolies.

Economists use the term "unfair competition" as descriptive of the methods employed for destroying competition for the purpose of obtaining monopoly. This is shown by the two following articles: "Unfair competition," by Prof. William S. Stevens, in the Political Science Quarterly for June, 1914, and "The trust problem," by E. Dana Durand, in the Quarterly Journal of Economics for May, 1914.

Other articles and textbooks will be cited a little further on. I feel that this conflict which has arisen in the Senate over the precise meaning of the words "unfair competition" is entirely academic. If the junior Senator from Missouri is right in his claim that the words "unfair competition" have a peculiar and limited meaning applicable only to cases of the substitution of one man's goods for another's—and I am free to say that he cites many authorities that point in that direction, although none of them is conclusive—it is very easy to separate the two words "unfair" and "competition," so that they will not become mixed with the particular sort of methods that he complains of. It would be very easy to make the operation of this act certain by specifying that "unfair or oppressive competition" is prohibited, or that "unfair methods of competition" are prohibited, or that "unfair or oppressive methods of competition" are prohibited. Therefore, unless the friends of the bill feel that they are committed and can not conscientiously abandon any word or line of it, I suggest—and I hope the chairman of the committee will consider the suggestion and agree to it—that the words "unfair" and "competition" be separated by some word that will not do them any harm, such as "oppressive" or "methods of," so that there will not be the particular label that has been attached in many cases to offenses such as substituting one man's goods for another.

I also wish to suggest to the chairman that it might be wise to insert on page 21, line 10, after the word "act," the words "or by the antitrust acts," so as to be sure that the practices defined by the courts as prohibited by the antitrust acts may surely be included.

Mr. NEWLANDS. On what page is that?

Mr. HOLLIS. Page 21, line 10. I will speak to the chairman of the committee about that later.

Fear has been expressed that in some mysterious way the trade commission act may deprive litigants of their recourse to the courts under the present practice, but no precedent is cited, no argument is presented to justify that fear. The Sherman Antitrust Act is left in full force and vigor; the courts are left with powers unimpaired. The trade commission act simply provides an additional remedy supplemental to those now existing, more elastic and more efficacious.

In fact, the commission will be auxiliary to the courts; it will be composed of men fulfilling the functions of a high office, just like the judges of our courts; and its services will be honest, impartial, and high minded, just like the services of our courts. In fact, as I read the bill, and as I understand it, nothing can be done to compel any man to obey this commission without recourse to the courts, so that the courts must furnish the sanction to carry out the orders that seem proper to the commission.

From the speeches delivered by the Senator from Missouri on three separate days I begin to suspect that he fears that the bill will work more certainly and more effectively than he is now willing to admit.

He began, as we have seen, by stating his opposition to government by commission. With any man's statement on that proposition I have no quarrel, because it is difficult for Democrats who have been brought up on the idea of strict construction and State rights to concede to the Federal Government all the authority that seems to be necessary to cope with industrial monopoly. I grudge it; I do not want to go a bit further than is necessary; but when, in order to carry out the first cause of the Democratic Party, namely, the protection of the masses of the people from the aggressions of the few, the powerful few—whenever, in order to carry out that purpose of the Democratic Party, it is necessary to cede to the Federal Government power enough to do the job, then, Mr. President, I am for it; but I have no quarrel with those who are not willing to go to that length at present. But the distinguished Senator followed up this statement by claiming that the law was unconstitutional, because it delegated to the commission the powers of Congress to make laws. He then claimed that the words "unfair competition" meant nothing, that no court had defined the term. And finally he claimed that the term "unfair competition" had a very precise and limited meaning which would limit the operation of the act far more than its author intends.

No doubt the able Senator is opposed to the establishment of a trade commission. But if the law as passed proves unconstitutional, or if it is so vague on the one hand or so precise on the other that it will permit the commission to deal with none of the evils its author intends it to reach, then the Senator should be satisfied, for according to his positive assertions it will be void and of no effect, and therefore will do no harm. According to the Senator the purpose of the bill will certainly fail. What more can any sincere opponent of commissions ask?

But the Senator's vigorous denunciation of the bill, his protests against its passage, his appeals to the friends of the bill to make it perfect, and his refusal to suggest any phrase that will make it perfect, lead to the irresistible conclusion that the Senator knows only too well how effective it will prove.

Why should the opponent of the commission complain because it grants no power to the commission? Why should he not be content with a measure that gives them no power? Why should one who objects to place any weapon in the hands of the commission complain that the lance provided is nothing but a mullen stalk?

The conviction grows, Mr. President, that the bill provided by the chairman of the Interstate Commerce Committee is altogether too effective to suit the Senator from Missouri.

I now want to analyze somewhat at length the provisions of the bill, what they are supposed to accomplish, and what I believe they will accomplish. Section 5 reads as follows——

Mr. COLT. Mr. President——

The PRESIDING OFFICER. Does the Senator from New Hampshire yield to the Senator from Rhode Island?

Mr. HOLLIS. I do.

Mr. COLT. May I ask the Senator a question for information merely?

Mr. HOLLIS. Yes.

Mr. COLT. Why are the words "unfair competition" used instead of the words "restraint of trade" or "attempt at monopoly"? What is it intended to cover by the phrase "unfair competition" that is not already covered by the words of the antitrust act?

Mr. HOLLIS. If the Senator will pardon me, I have already declined to be interrupted by one Senator. I cover that point fully a little later; and I would rather not be diverted now.

Section 5 of the pending bill reads as follows:

> SEC. 5. That unfair competition in commerce is hereby declared unlawful.
>
> The commission is hereby empowered and directed to prevent corporations from using unfair methods of competition in commerce.
>
> Whenever the commission shall have reason to believe that any corporation has been or is using any unfair method of competition in commerce it shall issue and serve upon such corporation a written order, at least 30 days in advance of the time set therein for hearing, directing it to appear before the commission and show cause why an order shall not be issued by the commission restraining and prohibiting it from using such method of competition, and if upon such hearing the commission shall find that the method of competition in question is prohibited by this act it shall thereupon issue an order restraining and prohibiting the use of the same. The commission may at any time modify or set aside, in whole or in part, any order issued by it under this act.
>
> Whenever the commission, after the issuance of such order, shall find that such corporation has not complied therewith the commission may petition the district court of the United States, within any district where the method in question was used or where such corporation is located or carries on business, praying the court to issue an injunction to enforce such order of the commission; and the court is hereby authorized to issue such injunction.

This, as I understand, is the only section of the bill that has been seriously attacked. The section may be analyzed thus:

(a) Congress lays down a general rule of action under which the commission shall proceed, namely, that unfair competition in commerce is unlawful.

(b) The commission is empowered and directed to apply this rule to particular situations and circumstances, with a view to making orders in particular cases within the rule laid down by Congress.

(c) The orders of the commission are not final. If not acquiesced in they can be enforced only by the courts after judicial review of the proceedings before the commission.

Now, as to the evil to be corrected through the action of the commission under section 5.

The numerous cases which have been decided under the Sherman Act have established beyond doubt that the only effective means of building up and maintaining monopoly, where there is no control of a natural resource or of transportation, is the use of unfair competition.

Fair competition is competition which is successful through superior efficiency. Competition is unfair when it resorts to methods which shut out competitors who, by reason of their efficiency, might otherwise be able to continue in business and prosper. Without the use of unfair methods no corporation can grow beyond the limits imposed upon it by the necessity of being as efficient as any competitor. The mere size of a corporation which maintains its position solely through superior efficiency is ordinarily no menace to the public interest.

The object of section 5 is to prevent the creation or continuance of monopoly through unfair methods.

I will say to the Senator from Rhode Island [Mr. COLT], who sought to interrupt me, that I have now reached the point concerning which he wished to ask me a question.

The Sherman Antitrust Act does not become effective until a monopoly is full grown, in full panoply, so that you can prove to the court that is is a monopoly and is in restraint of trade; but if the proposed trade commission has its attention called to some unfair method of competition, it can immediately investigate, and if it decides that it is unfair competition and may lead to monopoly or restraint of trade, it may prohibit it; and then the court will come in and put that prohibition into effect.

It may be urged that the Sherman Act sufficiently protects the public in this regard. This is not true, for the following reasons:

The Sherman Act applies only to restraint of trade by a combination and to monopolization of commerce. Unfair competition is a means of restraining or of monopolizing trade. But there may be some doubt as to whether the mere use of an unfair method, without more, by a corporation of no conspicuous size, would be held to fall within the scope of the Sherman Act.

At all events, the Department of Justice, with its manifold other activities, has not in the past brought suit under the Sherman Act, and probably will not do so, except in cases of great magnitude involving what appear to be very clear violations of the act. In such suits the Attorney General usually alleges the use of unfair competitive practices in support of his main contention that a monopoly exists which ought to be dissolved. The injunction against the future use of such practices is only an incidental part of the decree. Countless competitors succumb before relief is finally obtained.

The Department of Justice deals with monopoly as an accomplished fact. It did not attack the Oil Trust or the Tobacco Trust until after they had destroyed competition and obtained monopoly of the markets. If a trade commission, armed with the power to prevent unfair competition, had existed when the founders of the Tobacco Trust began to carry out their calculated policy of exterminating competitors, that astoundingly successful attempt to monopolize could have been frustrated. Instead of merely terminating an illegal condition after harm has been done, the trade commission will prevent not only the infliction of harm but also the monopoly to which that harm would have led.

We have a conspicuous example of the need of such legislation as is proposed by the pending bill in the result of the Harvester Trust case in Missouri. The courts of Missouri found that the Harvester Trust was an illegal restraint of trade under the Missouri statutes, and they enjoined the Harvester Trust from doing any more business in Missouri. The result was that the Missouri farmers could not buy any farm machinery, and the State had to enter into a trade with the Harvester Trust to allow them to violate that decree or to change the decree sufficiently so that they could get in machines enough to enable the farmers to do business. So that the Sherman Antitrust Act or any act that prohibits restraint of trade or abolishes monopoly may come in too late, after all the other competitors have been killed off, and when, if you drive the trust out of the State, you can not get any goods.

The pending bill is aimed to nip those practices in the bud, to begin as early as these very spry and active gentlemen themselves begin. There is no danger that we will get too much law or too efficient law to keep up with this class of merchants; and, as is suggested by the chairman of the committee [Mr. NEWLANDS], it is done to preserve the lives of the small competitors, so that when you have got all the monopoly out of the way the little fellows are there to do business.

The commission, by reason of its knowledge of business affairs and the concentrated attention it will give thereto, its facilities for investigation, its rapid, summary procedure, will be able to protect business against unfair competition in much more effective and timely fashion than the Department of Justice can do.

The Department of Justice, on the other hand, will be relieved of a load of burdensome work which it is not well fitted to perform. It will be able to give its main attention to the great task of prosecuting suits for the dissolution of monopolies, leaving to the trade commission the important service of policing competition, so as to protect small business men, keep an open field for new enterprise, and prevent the development of trusts.

THE METHOD PROVIDED IN SECTION 5 IS THE BEST METHOD OF CORRECTING THE EVIL OF UNFAIR COMPETITION.

One of the great issues in the last presidential compaign was whether the solution of the trust problem was to be found in the regulation of monopoly or in the regulation of competition. The Democratic Party declared itself for the abolition of monopoly and the regulation of competition. The regulation of competition means the prevention of competition that destroys for the purpose of gaining monopoly, and so is harmful to the public—the prevention, in short, of unfair competition. The Sherman Act is adequate for the abolition of monopoly; it is, however, but imperfectly adequate for the regulation of competition. The present Congress is charged with the duty of supplying the defect in the law.

Two ways of regulating competition have been proposed. One is the method provided in section 5 of this bill. The other is to define, one by one, the various unfair practices, and to make each one a criminal offense.

The objections to the latter method are many and conclusive, and this is important, because, as I understand, it is here that the members of the Interstate Commerce Committee and the members of the Judiciary Committee disagree. Let me state a few of them:

(a) It is impossible to frame a set of definitions which embrace all unfair practices. The best we can do is to define those which we know to be unlawful from the decisions and decrees of the courts under the Sherman Act. The list of these is so formidable that no draftsman has yet ventured to enumerate more than a small fraction of them in any bill introduced in Congress. It is almost like trying to define "citizen" by giving the name of every citizen in the United States. But if they were all defined and prohibited under severe penalties it would at once be necessary to begin over again. The number and variety of unfair practices is as unlimited and inexhaustible as the wit of man. Judge Evans, of the Iowa Supreme Court, has well described them as "modern evil inventions." How can you define the scope of human inventiveness? With each new invention there would arise a public demand for Congress to make a new definition and prohibition. It is the experience of all who have had to do with legislation that after you have had a long struggle over any great bill, whether it is a tariff bill or a currency bill or a trust bill, it is very difficut to get it up again within a few years and to find the enthusiasm that will lift it over the obstacles that stand in the way of amendment or reenactment. If Congress adopts the method of definition it will undertake an endless task. Compare such a cumbrous, imperfect method with the elastic, comprehensive Sherman Act, which, as Chief Justice White has said, by generic designation embraces "every conceivable act which could conceivably come within the spirit or purpose of the prohibition of the law, without regard to the garb in which such acts were clothed." Men have urged in favor of the policy of definition that business men do not understand the law and need to be enlightened. This contention was well founded three years ago, but now that the later decisions and decrees have clarified the law it is no longer heard. In order to be informed as fully as Congress can inform them, business men have only to read the decrees of the courts in cases which have arisen under the Sherman Act.

I might say here that the distinguished senior Senator from Minnesota [Mr. NELSON] the other day said in his remarks that every man knew when he was committing a fraud, and he gave some illustrations to show that. So every man knows perfectly well when he is engaging in unfair competition. Men who can not draw the distinction between right and wrong get into jail

very early in their careers. We have quite effective machinery for them, because they are little fellows.

(b) It is practically impossible to define unfair practices so that the definition will fit business of every sort in every part of this country. Whether competition is unfair or not depends in a peculiar degree upon the surrounding circumstances of the particular case. What is harmful under certain circumstances may be beneficial under different circumstances.

If you make a rigid definition applicable to everybody in the whole United States, you will stop some things which you would choose under some circumstances to encourage if you could only look far enough into the unknown, and some things which you would like to stop will slip through the meshes of your definition. The definitions in the Clayton bill which the House has passed are subject to this criticism.

(c) It would be impossible to frame definitions without using language which would present very difficult problems of construction to the courts. One has only to read the definitions in the Clayton bill to be convinced of this, or to read the descriptions of unfair methods of competition in the court decrees and then imagine how complicated the definitions of these same methods would be if the language of the decrees were altered and qualified so as to have a universal application instead of applying to a particular business. The definitions would give rise to a long series of litigated cases continuing until the new language had all been judicially construed. Instead of being clarified, the law would be obscured.

(d) A definition once enacted can never be adapted so as to meet the requirements of a particular situation. An order of a commission or a court decree, on the other hand, is flexible. Orders of the commission issued under section 5 may be modified or set aside and the courts retain jurisdiction of their decrees for the purpose of modification. In the very recent decree dissolving the Thread Trust it is ordered that—

> Jurisdiction of this cause be, and is hereby, retained for the purpose of enforcing this decree and for the purpose of enabling the parties to apply to the court for modification hereof if it be hereafter shown to the satisfaction of the court that by reason of changed conditions or changes in the statute law of the United States the provisions hereof have become inappropriate or inadequate to maintain competitive conditions in interstate or foreign sewing-thread trade in the United States or have become unduly oppressive to the defendants and are no longer necessary to secure or maintain competitive conditions in such interstate and foreign trade.

No such discriminative molding of the law to changing conditions will be possible in case the method of defining unfair practices should be adopted.

ADVANTAGES TO BUSINESS OF THE METHOD PROVIDED IN SECTION 5 FOR PREVENTING UNFAIR COMPETITION.

Nobody defends unfair competition. The Senator from Missouri is as much opposed to unfair competition as any of us. He calls it a rascally practice; and that is a good, vigorous description of it. Only the pirates of business, who desire monopoly, have an interest in its continuance. Everybody else wants to have it stopped. The only question is as to the best way of stopping it with the least risk to legitimate business operations. My belief is that if a vote could be taken it would be found that American business men are almost unanimously in favor of committing the duty of preventing unfair competition to the trade commission, under the wise restrictions provided in section 5 of this bill. The board of directors of the United States Chamber of Commerce at a meeting held in Washington a few days ago took favorable action in regard to section 5 by authorizing the sending of a special bulletin to the members of the chamber explaining the section and pointing out its merits.

One has only to consider what would happen in the actual working under section 5 in order to see why it would be acceptable to all business men, except those who wish to monopolize, especially to the small business men who are the victims of unfair competition. Let us suppose that the commission in the course of its investigations finds a corporation using what it regards as an unfair method of competition. The first thing the commission will do will be to call the matter to the attention of the managers of the corporation. There will then take place a full, informal discussion between the commission and the managers. The managers will have every opportunity to explain and persuade the commission, if they can, that the method of competition is fair; and the commission, on its part, will present its views. Should neither party convince the other, the commission will then hold a formal hearing, at which the corporation will offer testimony and will be represented by counsel. If at the close of the hearing the commission abides by its original opinion, it will declare that the method of competition in question is unfair, and will issue an order that the same be discontinued. The corporation will then have the choice either to obey the order or to disregard it. If the order is disregarded, no penalty will be incurred. All that the commission can do will be to present the case to a Federal court, which will then decide in the regular course whether the order of the commission is just, and if it is so decided, will enforce the order by proper process.

The corporation will thus have three chances to protect itself against arbitrary or unjust action: First, in the informal discussion with the commission; secondly, upon the hearing before the commission; and, thirdly, in the suit in court. Doubtful cases probably will always go to a court and be judicially adjudicated and determined. The function of the commission will be to act as an administrative agency to see that the law is applied and enforced, and in this respect it will be precisely like the Interstate Commerce Commission. The court in performing its judicial function will have the very important benefit of an investigation such as no court has the facilities for making, and of findings by a commission composed of men whose judgment on a question of business practice, by reason of their comprehensive knowledge and experience of business, will be entitled to great weight. The court will doubtless ascribe to these findings, as the Supreme Court has said in speaking of the Interstate Commerce Commission, "the strength due to the judgments of a tribunal appointed by law and informed by experience." (Interstate Commerce Commission *v.* Union Pacific R. R., 222 U. S., at p. 541.) We must not lose sight of another advantage to men in a small way of business. Such men are timid. They fear to incur the hostility of great corporations. In one of the cases I have read to the Senate the customers of the plaintiff were afraid to put the plaintiff's goods on their shelves. They were afraid the American Tobacco Co. would see them there and punish them. Such men can not afford the expense of long-drawn-out legal proceedings, carried from one court to another. It will be an inestimable boon to them to have a strong arm of the Government come to their rescue and, in the public interest, bear the expense of the contest.

OBJECTIONS RAISED AGAINST SECTION 5 AND ANSWERS THERETO.

Those who oppose section 5 have argued (a) that its provisions are unconstitutional; (b) that the term "unfair competition" has no certain legal meaning; (c) that orders of the commission will not be subject to review by a court, so that business will be exposed to the arbitrary judgments of five "irresponsible" commissioners; (d) that the task imposed upon the commission is so vast that it can not be performed and the commission will break down; (e) that the action of the commission under this section will be used as a buffer in prosecutions under the Sherman law, and will put business in a straitjacket. Let us consider these objections in order:

(a) The constitutionality of the section is assailed on the ground that it involves a delegation of legislative power. This question is no longer open. The Supreme Court has considered the arguments urged against section 5 in cases that go much further than this bill proposes to go and has rejected them as unsound.

The rule of law which the trade commission will administer is the rule declaring unfair competition to be unlawful. In enacting that rule Congress will clearly indicate the result it desires to bring about; and in enforcing the rule, so as to bring about the result pointed out by the statute, the commission will exercise administrative and not legislative power. This is absolutely established by the decisions. The cases in point have been referred to in the Senate and are to be found in the CONGRESSIONAL RECORD. They are as follows:

Field *v.* Clark (143 U. S., 649).
In re Kollock (165 U. S., 526).
Butterfield *v.* Stranahan (192 U. S., 470).
Union Bridge Co. *v.* United States (204 U. S., 364).
St. Louis & Iron Mountain Railway *v.* Taylor (210 U. S., 281, 287).
Monongahela Bridge Co. *v.* United States (216 U. S., 177).
United States *v.* Grimaud (220 U. S., 506).
Interstate Commerce Commission *v.* Goodrich Transit Co. (224 U. S., 194).
Kansas City Southern Railway *v.* United States (231 U. S., 423).

In Butterfield against Stranahan, supra, the rule laid down by Congress made it unlawful to import tea inferior to certain standards. The Secretary of the Treasury was authorized to establish the standards and to enforce the rule. The court held that in performing his duties under the act the Secretary of the Treasury exercised executive and not legislative power. The court said:

> Congress legislated on the subject as far as was reasonably necessary, and from the necessities of the case was compelled to leave to

executive officials the duty of bringing about the result pointed out by the statute.

In Interstate Commerce Commission against Goodrich Transit Co., supra, the court said:

The Congress may not delegate its purely legislative power to a commission, but having laid down the general rules of action under which a commission shall proceed it may require of that commission the application of such rules to particular situations and the investigation of facts with a view to making orders in a particular matter within the rules laid down by Congress.

The power given by this bill to the trade commission to administer the rule against unfair competition is analogous to the power given to the Interstate Commerce Commission to administer the rule laid down in section 3 of the act to regulate commerce which makes it unlawful to give undue or unreasonable preferences or advantages. It is also precisely analogous to the power conferred on the Interstate Commerce Commission in section 15 of the act to regulate commerce to comple the discontinuance of unjust or unreasonable or unjustly discriminatory or unduly preferential or prejudicial classifications, regulations, or practices and to prescribe what classification, regulation, or practice is just, fair, and reasonable, to be thereafter followed.

(b) It is urged that the term "unfair competition" is too vague, that it has no certain meaning in the law. The answer to this objection is that it is not necessary that the meaning should be completely ascertained. There are many terms in the law, such as fraud and negligence, whose meaning is constantly being extended. Certainly "unfair competition" has a better ascertained meaning than the terms "unjust or unreasonable or unjustly discriminatory, or unduly preferential or prejudicial classifications, regulations, or practices," had when section 15 of the act to regulate commerce was first enacted. As a matter of fact, "unfair competition" is a term which has an unusually definite legal meaning. The courts have no difficulty at all in dealing with this term. As I have previously stated, in Standard Oil Co. v. United States (221 U. S.), at pages 42–43, the court, by Mr. Chief Justice White, said:

Without attempting to follow the elaborate averments on these subjects, spread over 57 pages of the printed record, it suffices to say that such averments may properly be grouped under the following heads: Rebates, preferences, and other discriminatory practices in favor of the combination by railroad companies; restraint and monopolization by control of pipe lines, and unfair practices against competing pipe lines; contracts with competitors in restraint of trade; unfair methods of competition, such as local price cutting at the points where necessary to suppress competition, espionage, of the business competitors, the operation of bogus independent companies, and payments of rebates on oil, with the like intent.

In State v. Fairmont Creamery Co. (153 Iowa, 702), at pages 709–710, the court, by Evans, judge, said:

One of the great legislative problems of the day is to protect fair competition in the business world without unduly interfering with the freedom of contract. We may properly presume that the problem is greater in some lines of business than in others. In the purchase of commodities the methods of business adopted are quite as various as the different commodities. Methods are adopted which are peculiar and limited to dealings in a certain commodity. Evil practices, therefore, may arise in the business methods pertaining to one commodity which do not obtain at all in relation to other commodities. Practices may obtain which contravene no statute and which, nevertheless, would be deemed as morally dishonest and detrimental to the public interest. * * * The temporary maintenance of artificial prices for the sole purpose of destroying a weak competitor and creating a monopoly is one of the modern evil inventions.

Many States have enacted laws prohibiting unfair competition. A typical instance is a Nebraska statute entitled "An act to prohibit unfair commercial discrimination between different sections, communities, or localities, or unfair competition, and providing penalties therefor.

Can anyone imagine that the Nebraska courts have had any difficulty in deciding that "unfair competition" means just what it says, without being limited to the particular acts of substitution of goods?

Mr. STERLING. Mr. President——

Mr. HOLLIS. If the Senator will pardon me, I shall be through pretty soon. I have refused to be interrupted.

Mr. STERLING. The only inquiry I wish to make——

Mr. HOLLIS. I should be glad to yield ordinarily, but——

The PRESIDING OFFICER. The Senator declines to yield.

Mr. HOLLIS. Similar statutes are found in New Jersey, South Dakota, Minnesota, Iowa, and other States. Chapter 210, Laws of 1913, State of New Jersey, is entitled "An act to prevent unfair competition and unfair trade practices." See also State v. Drayton (82 Nebr., 254), State v. Standard Oil Co. (111 Minn., 85), State v. Bridgman & Russell Co. (117 Minn., 186).

In Oklahoma, chapter 114 of the session laws of 1913 is headed:

MONOPOLIES—UNFAIR COMPETITION AND DISCRIMINATION.

An act to define and prohibit unfair competition and discrimination—

And so forth.

Section 1 prohibits price discrimination.

Section 5:

Raising or lowering by such combination, or any member thereof, in the immediate territory of a financially weaker competitor, the price of a commodity handled by such competitor or lowering the price charged for services rendered the public by such competitor, while at the same time the same combination, or some member thereof, is engaged in buying or selling a like commodity for a different and more advantageous price, or is charging a greater rate for like services rendered the public at another point within the State of Oklahoma, is hereby declared to be unfair and destructive competition and is hereby prohibited:

And so forth.

California Statutes 1913, page 508, act 4207a, title 536a:

UNFAIR COMPETITION.

An act relating to unfair competition and discrimination, making certain unfair and discriminatory practices unlawful, defining the duties of the Attorney General in regard thereto, declaring certain contracts illegal and forbidding recovery thereon, providing for actions to enjoin unfair competition and discrimination, and to recover damages therefor, making the violation of the provision of this act a misdemeanor, and providing penalties.

Prohibits price discrimination in selling.

Section 7 provides:

The legislature declares that the purpose of this act is to safeguard the public against the creation or perpetuation of monopolies and to foster and encourage competition, by prohibiting unfair and discriminatory practices by which fair and honest competition is destroyed or prevented. The act shall be liberally construed that its beneficial purposes may be subserved.

North Dakota, Laws of 1913:

UNFAIR COMPETITION.

An act to amend sections 1, 2, and 4 of chapter 258 of the session laws of 1907, relating to trade discrimination and unfair competition.

Prohibits price discrimination in selling or purchasing.

Montana. Laws of 1913, chapter 7, an act entitled:

An act to prohibit unfair competition and discrimination, and providing a penalty—

And so forth.

Prohibits price discrimination in selling.

Chapter 8, an act entitled:

An act to prohibit unfair competition and discrimination and providing a penalty—

And so forth.

Prohibits price discrimination in buying.

Utah, Laws of 1913, chapter 12:

An act relating to unfair discrimination and competition in certain commodities or articles of commerce between different sections, communities, localities, cities, or towns, and prescribing a penalty therefor.

Prohibits price discrimination in purchasing.

Chapter 41:

An act to define and prohibit unfair competition and discrimination—

And so forth.

Prohibits price discrimination in selling.

Wyoming, Laws of 1911, chapter 62:

PROHIBITING UNFAIR COMPETITION.

An act to prohibit discrimination between different sections, communities, or localities; unfair competition, and providing penalties therefor.

Louisiana, Acts of 1908, act No. 128:

An act "to prohibit unfair commercial discrimination between different sections, communities, cities, or localities in the State of Louisiana, or unfair competition therein, and providing penalties therefor."

Prohibits price discrimination in sale of commodities for purpose of injuring or destroying the business of a competitor in any locality.

Penalty: Fine or imprisonment.

Chapter No. 210, Laws of 1913, State of New Jersey:

An act to prevent unfair competition and unfair trade practices.

1. It shall be unlawful for any merchant, firm, or corporation, for the purpose of attracting trade for other goods, to appropriate for his or their own ends a name, brand, trade-mark, reputation, or good will of any maker in whose product said merchant, firm, or corporation deals, or to discriminate against the same by depreciating the value of such products in the public mind, or by misrepresentation as to value or quality, or by price inducement, or by unfair discrimination between buyers, or in any other manner whatsoever, except in cases where said goods do not carry any notice prohibiting such practice, and excepting in case of a receiver's sale of a sale by a concern going out of business.

Laws of Nebraska, 1907, chapter 157. Act entitled:

An act to prohibit unfair commercial discrimination between different sections, communities, or localities, or unfair competition, and providing penalties therefor.

Similar statutes are found in Minnesota, Iowa, South Dakota, and other States.

Then we come to an act in Australia, which I call attention to because of the very illuminating remarks made in reference to the statute by the chief justice of the high court of Australia. This is the Australian industries-preservation act of 1906, as amended by the acts of 1907, 1909, and 1910:

REPRESSION OF MONOPOLIES.

4. (1) Any person who, either as principal or as agent, makes or enters into any contract, or is or continues to be a member of or engages in any combination in relation to trade or commerce with other countries or among the States (a) in restraint of or with intent to restrain trade or commerce, or (b) to the destruction or injury of or with intent to destroy or injure by means of unfair competition any Australian industry the preservation of which is advantageous to the Commonwealth, having due regard to the interests of producers, workers, and consumers, is guilty of an offense.

* * * * * * *

6. (1) For the purpose of section 4 and section 10 of this act, unfair competition means competition which is unfair in the circumstances.

The remarks by Judge Isaacs which put this whole matter of "unfair competition" in a very lucid way are as follows:

In the case of The King and the Attorney General of the Commonwealth *v.* Associated Northern Collieries (14 Commonwealth Law Reports, 387), the high court, by Isaacs, judge, said at page 473:

The act under which these proceedings are taken, as I have already pointed out, indicates that prices may be reduced so low as to work injury to Australian industries by unfair competition, and a combination to restore to a fair level prices that had been reduced to a dangerous limit could not for that reason be regarded as contravening the law.

The court said, at page 653:

If by superiority of service or commodity, by lower prices, more desirable terms, or any of the arts and inducements known to active rivalry, always consistent with healthy competition, and free from force or fraud, a trader attracts to himself the whole of the trade in any particular direction, he does not offend against the law of monopoly. The field of opportunity is open to all; he has fairly used it and has succeeded. He has succeeded not because he has silenced but because he has outstripped his competitors, and because the public find it to their advantage to voluntarily accept his service in preference to that of others they might have; and should he abuse his opportunity by asking unduly high prices, or restricting facilities or otherwise, the field is as open as ever for competitors to offer and for the public to accept. At all events, up to that point, he has neither done nor intended any harm to the community. But if not content with serving the public to the best of his ability and letting consequences take care of themselves, he so acts as to purposely concentrate in himself the existing means of public satisfaction in such a way and to such an extent as in the circumstances to prevent or destroy all reasonably effective competition, he does, within the meaning of the statute, monopolize or attempt to monopolize. Competition itself connotes attraction of trade, and so long as it remains legitimate the law, as I read it, does not reprove it simply because it attains its necessary object.

When, however, a trader forsakes his quality of competitor and becomes an engrosser, when he sets himself to stifle or strike down effective competition which stands as a commercial protection between himself and the community at large, and so substantially to gather into his own hands the power of dictating the terms upon which the public needs may be satisfied he offends against the enactment.

So I may say that under this bill he would clearly offend against this enactment; and no court would have any difficulty—especially the Supreme Court of the United States, with all its experience—in knowing what "unfair competition" meant.

Judge Isaacs goes on:

In my opinion the prevention or destruction of all reasonable and effective competition—the natural commercial safeguard of the public—is at the root of the conception of monopoly within the meaning of the statute.

In order to get very complete and specific information about unfair competition one has only to turn to the decrees in cases under the Sherman Act. There will be found precisely defined numerous examples of unfair competition. Nowhere is it more indispensable to use language having precise meaning than in a decree. Yet in the case of United States against General Electric Co., in the decree entered by the Circuit Court for the Northern District of Ohio, Eastern Division, at the end of the eighth clause enjoining the use of a specific unfair method of competition, the following language is found:

Provided further, That nothing in this decree shall be taken in any respect to enjoin or restrain fair, free, and open competition.

In addition, there are numerous textbooks on unfair competition in which the authorities are collected and analyzed. Among such works are Singer on Trade-Mark Laws of the World, and Unfair Trade; Paul on the Law of Trade-Marks, Including Trade Names and Unfair Competition; Nims on The Law of Unfair Business Competition; Hopkins on The Law of Trade-Marks, Trade Names, and Unfair Competition; Hesseltine's Digest of the Law of Trade-Marks and Unfair Trade.

(c) The objection that orders of the commission are not subject to review by the courts is easily met. The language of the section in its present form would seem to provide for review by the courts. But if it is thought not to do so, it can easily be changed; and since a different construction has been put upon it, it should be amended so as to prevent the possibility of such mistake.

(d) The objection that the commission will be overloaded by the task imposed upon it is not well taken. The commission alone can initiate a proceeding. It is not bound to act on complaint. It will only act when it deems action desirable in the public interest, and it will not undertake more than it can do.

(e) In the course of his recent and able speech the Senator from Idaho said:

I fear the time may come, if this law is enacted, when it will be used as a buffer in prosecutions under the Sherman law, when defendants, in cases brought under that law, will seek shelter behind the decision of this trade commission as to what constitutes unfair competition. The law now contemplates forcing competition, and this law would prohibit unfair competition. I doubt the wisdom of putting business in this strait-jacket.

I call the attention of the Senator from Idaho to this part of my remarks.

The Senator does not seem to have noted the inconsistency between his fear that defendants in prosecutions under the Sherman law will seek shelter behind the decisions of the trade commission and his doubt of the wisdom of putting business in this strait-jacket. If the Sherman law will be weakened by conferring upon the trade commission the power to prevent unfair competition, how can it be said that the effect will be to put business in a strait-jacket? His fear and his doubt, however, are equally unfounded. The commission will have no power to authorize the use of a method of competition as fair or to give immunity from the Sherman law. The only orders the commission can issue are orders prohibiting the use of unfair methods of competition. It is not possible to weaken the Sherman law in that way. The idea that business will be put in a strait-jacket implies an equally singular misconception. Unfair competition is the most effective weapon of monopoly. Prevention of unfair competition, instead of putting business in a strait-jacket, will liberate business. Fair, free, and open competition is the object which the Sherman Act, no less than this bill, seeks to promote. The two laws will be in perfect harmony.

I now desire to yield to the Senator from Missouri [Mr. REED], who evidenced a desire to ask a question when I started.

Mr. REED. Mr. President, I shall reply to the Senator in my own time and in my own way.

Mr. BORAH. Mr. President, has the Senator concluded?

Mr. HOLLIS. Yes.

Mr. NEWLANDS. Will the Senator yield to me to have a telegram read?

Mr. BORAH. I will.

Mr. NEWLANDS. I ask that the telegram I send to the desk, from J. R. Moorehead, secretary of the National Federation of Retail Merchants, Kansas City, Mo., may be read by the Secretary.

The PRESIDING OFFICER (Mr. WALSH in the chair). Without objection, that will be done.

The Secretary read as follows:

[Western Union night letter.]

KANSAS CITY, MO., *July 14, 1914.*

Senator FRANCIS G. NEWLANDS,
Washington, D. C.:

Hope you stand firm for unfair competition clause in trade commission bill. It is the only hope of the small business man as against his larger competitors and certainly gives no guilty person or corporation a chance to escape final punishment for violating the antitrust law. It would require more money than the average small business man is worth to hire attorneys and pay costs to protect himself against unfair competition. Unless the Government undertakes to protect him through such a trade commission as you suggest he is powerless to protect himself. Commission should have power to investigate and correct abuses before expensive litigation, which we are unable to bear, is forced upon us by one-sided investigations and indictments. Sherman law was intended to protect the small business man as well as the public. As it now operates big business can use it without violating it to intimidate and destroy small competitors, who are prohibited from combining for self-protection by the same law.

J. R. MOOREHEAD,
Secretary National Federation of Retail Merchants.

Mr. REED rose.

Mr. BORAH. Mr. President——

The PRESIDING OFFICER. The Senator from New Hampshire having addressed his remarks in the opening of his speech to the Senator from Missouri [Mr. REED] and at the close of his speech to the Senator from Idaho [Mr. BORAH], the Chair recognizes first the Senator from Missouri.

Mr. NELSON. Mr President, will the Senator from Missouri yield to me for just a moment?

Mr. REED. I will.

Mr. NELSON. I desire to say that I have received telegrams similar to that just read from retail merchants in Minnesota. They labor under the impression that section 5 of the trade commission bill covers all cases of unfair competition between all classes of business. When I call the attention of the man sending the telegram to the fact that the bill is limited to corporations and does not affect partnerships or indi-

viduals he is totally astonished, and I apprehend that will be the case with the author of this telegram from Missouri.

Mr. REED. Mr. President, until within the last hour I had no idea the Senator from New Hampshire [Mr. HOLLIS] was an enemy of mine.

Mr. HOLLIS. Mr. President, I hope the Senator will permit me to disclaim any such idea as that I am his enemy. I tried to answer a very forceful and direct speech in a forceful and direct way.

Mr. REED. I shall be more generous to the Senator than he was to me. I shall permit him to interrupt me. But when he was speaking and making his deliberately prepared assault, which he read from a document, he refused to allow me the privilege of correcting any misstatement he made in order that it might appear in the RECORD in connection with his statement.

Generally a refusal to be interrupted has its basis in the fact that the gentleman who has the floor is either doubtful of his logic or fearful of his facts. I was not permitted, as the Senator went along, to correct the numerous inaccuracies and partial statements of his address. He seemed to be inspired by a species of acrimony growing out of the fact that I have dared to criticize one section of this bill. He ascribes to me by innuendo, if not by direct statement, a desire to defeat all remedial legislation. He assumes with a modesty which characterizes all his acts that anyone opposed in the slightest degree to a production of his pen or brain must be at enmity with all reforms and all virtuous movements.

It frequently happens in this country that there are men so constituted they can not understand how one may oppose them and still desire to occupy a position of decent citizenship. I apprehend that in the whole course of my life this is the first time that anyone hiding behind a veiled insinuation has sought to hold me up to the country as a champion of monopoly or as opposed to remedial legislation. I am not embarrassed by an insinuation of that kind under these circumstances and conditions. Deliberate misquotation of what has been said, partial quotation of what has been said, distortion of the facts in cases solemnly reported and read into the RECORD have never obscured the truth and will deceive none but the unwary.

I came into this Chamber one day, as the Senator well knows, and found the trade commission bill being discussed as though section 5 were to cover every sort of rascally practice indulged in by men in commerce. With that thought before me I stated that the term had no definite meaning. I made my statement with that thought before me so broad that it could be well said I had made a general statement. But I was discussing the phrase in the light of the discussion then going on and not the question as to whether the phrase had a totally different meaning in the law. Subsequently, and among the very first few words of my second speech, in which I discussed the real meaning of the phrase, I made that plain, so plain that no one but a very careless man or a very vindictive enemy ought to have mistaken it, for I said:

> In addressing myself to this subject a few days ago I asserted rather broadly that the term "unfair competition in commerce" had no definite or fixed meaning in law. I find that the statement which I made is broader than I intended to make it. I meant to say, and I now say, that "unfair competition" has no such meaning in the law as will embrace the objects and purposes of the author of this bill.

Certainly common fairness ought to have led the Senator to have given my second statement due prominence.

I intend to reply to the address of the Senator, but I do not intend to reply to it to-day, because I want to lay before the Senate an analysis of the decisions which he has cited and of the statutes he has quoted. I shall undertake to show that every decision he has cited which is not bottomed upon some special statute of a State is merely a decision arising under the antitrust acts; that the question being tried was whether the antitrust acts had been violated; that the term "unfair competition" was employed merely in colloquial sense. I shall try to show, as I said the other day, that there is no well-considered case, especially of any Federal court, holding that the term "unfair competition" has any other or different meaning than the limited one defined in the dictionary and in the cases which I read.

Now, the Senator has cited a number of statutes of States which I have not read and which for the most part he did not read, but I caught from the title of the acts that these special laws did embrace a specification or definition of what constituted unfair competition.

Nobody has doubted and nobody could doubt that in writing a statute we might employ any term, however distinct its meaning is in the law, and we could by apt and proper words give to it in the statute an entirely different meaning than it has at the common law.

All that I have stated on this branch of the case is that if you employ the term "unfair competition" without any definition, without any specification, the courts will ascribe to it the meaning which the courts already hold it to have, namely, a term which merely covers those practices whereby A substitutes his goods on the market for the goods of B. I stated that if the friends of this bill were to effectuate their purpose they must do it by either adopting some other general term which covers the character of practices against which they inveigh or by using descriptive phrases prohibiting certain acts, or, at least, the character of the acts.

The Senator in his generosity said that I had declined to prepare such phraseology. I hardly know how to reply to that assertion and use parliamentary language. I never declined any such office. I finished my remarks here the other day and was compelled immediately to attend the Judiciary Committee or the Committee on Banking and Currency. I have been engaged in work on these committees constantly, and I have had no opportunity to undertake to perfect this phraseology. I made no such declination or refusal.

With the Senator's suspicions that I may be against the entire bill I have no concern. Neither his suspicions nor his opinions disturb me or will disturb me.

Mr. President, I did take two positions, and I take them now. First, I say if we adopt section 5 without amendment its scope will be limited to the prevention of what has been determined to be unfair competition by the courts; namely, those acts which consist in the substitution of one man's goods for the goods of another in the market.

I have taken the other position that if the view just stated be not correct then the term is a general term so vague, so indefinite, and so uncertain that the courts are likely to hold that it has substituted or sought to substitute the opinion of three men as to what can and can not be done for the Constitution of the United States and the law of the land.

It is easy enough to understand how we can create a commission and give it the power merely to investigate, and we can undoubtedly create a commission and give it the power to go beyond mere investigation. We can probably give it the power over certain subjects to enforce a law or rule which we write. But we can not give it the power to create a law and to make a rule out of its own brain, and substitute the arbitrary rule of three men for the law of the land.

That is the position I have taken. So I say if we accept section 5 at all we must define properly the authority of this board and lay down a rule which will enable the business men of this country to determine from the law and not from the will of three men what they may do and what they may not do.

It is quite a consistent thing to argue in this wise and still to be in favor of enforcing and strengthening the trust laws. No man will go further than I will to throttle monopoly in its inception. If I may use a very awkward expression, I am in favor of promoting monopolistic infanticide. I would like to see the practices which lead to monopoly prohibited by the lawmaking power; but I would at the same time give to the citizens of this country a law which would tell them what was prohibited and not remit them to the opinions of three gentlemen—for three will constitute a majority of the board.

I would do that for two reasons: First, because the citizen is entitled to that protection under the Constitution of this country, and, second, I would do it because I am unwilling to put all the business of the United States in a condition where a change of one member in a board might determine the question whether a business transaction was lawful or unlawful.

The statement has been made here repeatedly that the same arguments I am now advancing were made when we created the Interstate Commerce Commission. Mr. President, I presume the same argument I am making has been made not only by those who opposed the Interstate Commerce Commission, but it has been made in defense of human right a thousand times, aye, ten thousand times, when it was properly and rightfully made. The demagogic appeal to prejudice, that an argument was made at some time that was not applicable in that particular case, and the invocation in the sacred name of the Interstate Commerce Commission smack of the same kind of so-called argument which has too frequently characterized this debate. Some gentlemen seem to think that what we want to do here is to pass a law willy nilly, Constitution or no Constitution, right or no right, to drive straight on.

The remarks of the Senator from New Hampshire indicated that it was quite a proper thing for Congress to pass an unconstitutional law and then let the courts declare it to be unconstitutional, and that no harm is done. Yet this is the very fountain source of the law. Every man who has advanced to that desk to take the oath of office swore before his God to

uphold the Constitution of the United States. It is in our keeping, it is in our care in a peculiarly sacred manner, and when it is proposed that the Congress of the United States shall begin trampling upon the Constitution of the United States, I ask, What criticism can justly be made of the anarchist, who says in his vulgar phraseology, which I can not repeat, that the Constitution is to be disregarded?

It is the business of Congress to go on and pass laws and to say to the courts, "Correct us," or is it our business to use every possible care to see that laws enacted here are just laws, are wise laws, are laws that we have the right under our oath of office to pass, laws that are sanctioned by the Constitution?

There are men who would prefer a commission to a constitution. I have no doubt there were men in the days of George III who preferred the government of the king to the government of the Constitution. There were men in the days when our fathers founded this Government who preferred a concentration of vast power in the hands of a few men. There were even some men who would have preferred, I doubt not, giving arbitrary power to a centralized government. But, sir, wiser counsels prevailed, and from the lips of Jefferson and Madison and Adams and Washington, and all the immortals who founded this Government, came the declaration that this should be a government of law and not a government of men, a government of law that the people had enacted, not a government by decree of a king or by the mandate of any board or potentate. It was held then to be of the very essentials of liberty that every citizen of this country, every man then living and every man who should thereafter come upon the soil over which our flag floated, should have laid down before him rules of law which he could follow. It was pointed out then, and it may well be repeated to-day, that that is alone the difference between freedom and slavery, between a republic and an oligarchy, between liberty and monarchy.

So when it is sneeringly proposed that we shall disregard the Constitution and let the courts correct us afterwards, I say it would have been better if such a doctrine as that had been uttered in a meeting of anarchists assembled in the crowded districts of a great city than upon the floor of the United States Senate.

Mr. President, I have been an advocate of the doctrine that the Supreme Court of the United States should not have authority to set aside an act of Congress except by the concurrence of two-thirds of its members. I have advocated that because I believed in my inexperience that Congress, being largely composed of lawyers and charged with the great responsibilities imposed upon it, was not passing laws improvidently, but was carefully keeping within the limits of the Constitution. But if we are to have the doctrine announced, "Pass the law anyway and let the courts take care of it," then, thank God, we have courts to take care of it.

Down in Kentucky they passed a law, and I suppose somebody there stood up and sneered at those who dared mention the fact that there was a constitution. This law was passed in 1906. I read from the acts of Kentucky for the year 1906, at page 429, chapter 117:

1. It is hereby declared lawful for any number of persons to combine, unite, or pool any or all of the crops of wheat, tobacco, corn, oats, hay, or other farm products raised by them for the purpose of classifying, grading, storing, holding, selling, or disposing of same, either in parcels or as a whole, in order or for the purpose of obtaining a greater or higher price therefor than they might or could obtain or receive by selling said crops separately or individually.

2. That contracts or agreements made or entered into by persons with each other the object or intent of which is to unite, pool, or combine all or any of the crops of tobacco, wheat, corn, oats, hay, or other farm products raised by such persons for the purpose of classifying, grading, storing, holding, selling, or disposing of said crops, or any of them, either in parts or as a whole, in order or for the purpose of obtaining a better or higher price therefor than could or might be obtained by selling said crops separately or individually, are hereby permitted, and shall not because of any such combination or purpose of said persons be declared illegal or invalid.

Section 3 of the act was thereafter amended so that it read:

Such persons so entering into such an agreement or contract as is set out in the foregoing sections are hereby permitted to select an agent or agents through or by or with whom said parties so entering into such agreement may classify, grade, store, hold, sell, or dispose of said crop, or any of them, and said agent or agents shall have the right to take, receive, hold, store, classify, grade, sell, or dispose of said crop so placed in said agreement, for the purpose of accomplishing the object of such combination or agreement between such principals, and contracts and agreements entered into by such agent or agents for the purpose of classifying, grading, storing, holding, selling, or disposing of said crop so combined, united, or pooled, either in parcel or as a whole, are hereby permitted, and shall not because of any such combination or purpose of such original agreement of such principals so entering into said combination, or of such agent or agents, be declared illegal or invalid.

All contracts heretofore made by any person or persons for the purposes set out in the foregoing sections are hereby declared valid, if otherwise legally binding on the parties. To prevent any breach or violation of any contract made for the purposes set out in the foregoing sections a restraining order and writ of injunction may be issued by proper officer, as prescribed in the Civil Code of Practice.

For any breach or violation of any contract entered into for the purposes set out in the foregoing sections, the injured party may recover the damages sustained by him by reason of such violation of such contract of the person violating the same, and also of any person who shall induce or persuade another to violate such contract, which damages shall include the reasonable expense and attorneys' fees incurred by the injured party in prosecuting an action to recover such damages, or to prevent a violation of such contract, if the party complaining shall succeed in doing so, which may be recovered in the same action or original proceeding. Said agent, when so selected as herein provided, shall have the sole right to sell said crop so pooled or combined, and it shall be unlawful for any owner of such crop to sell or dispose of same, and for any person to knowingly purchase the same, without the written consent of such agent, and upon conviction thereof he or they shall be fined in any sum or amount not exceeding $250 for each offense, to be fixed by the jury in their discretion.

2. Whereas many crops of tobacco and other products have been combined and pooled in this State under contract and agreement entered into for the purposes set out in the above section, an emergency is now declared to exist, which requires that this act should and it shall take effect from and after its passage and approval by the governor.

Mr. President, that was thought to be a great piece of legislation in its day and generation, and its day and generation are about now; but the Supreme Court of the United States had to be called upon to construe it, and they did construe it in the case of Patrick Collins, plaintiff in error, against the Commonwealth of Kentucky, which was decided on June 22, 1914. When the court got through with it there was not anything left of the statute.

Did Kentucky gain anything by putting upon its statute books a law that could not be enforced? Did it not lose all the months and years intervening after the passage of a law which fell dead from the pen that engrossed it? Was it not an absolute injury to the purposes and objects of those who sought to permit certain practices? Would it not have been wiser, then, to have written a law that could stand the assaults to be made upon it in the courts? I have read this statute and cited this decision merely for the purpose of emphasizing to the friends of this bill the importance of preparing a bill that will stand, and of not putting forward one that is doubtful, to say the best, and in all probability a law which can not be sustained. Every day we spend in passing a law which can not be enforced, every day that we spend in trying to enforce a law that can not stand, is that much time lost in the great cause that we all seek to serve.

I am no enemy of proper trust legislation. The Senator who made these unkind remarks knows that I am laboring with the Judiciary Committee to try to perfect a trust statute that will give at least some guide to the business of this country, and yet will arrest in their inception the very practices which have been referred to as so injurious. Before any Senator rises and attributes to a brother Senator such motives, he ought to have some reason for doing it other than those born of personal dislike.

Mr. President, I rose to speak for only a moment, and have taken too much time. I apologize to the Senate for taking it now, because I intend hereafter to reply at length to the speech of the Senator from New Hampshire.

Mr. BORAH. Mr. President——

Mr. HOLLIS. Mr. President, I think the Senator from Idaho [Mr. BORAH] will yield to me under the circumstances for a moment.

The PRESIDING OFFICER. The Senator from Idaho is entitled to the floor.

Mr. BORAH. I yield to the Senator.

Mr. HOLLIS. Mr. President, the junior Senator from Missouri [Mr. REED] has seen fit to serve notice on the Senate that any man who dares to point out the inconsistencies of his arguments, to show that the authorities on which he bases his arguments have been overruled, or to show any hole in his logic, must be considered his enemy. I am very sorry that the Senator has given that notice to the Senate, because no one likes to be considered the enemy of anyone in the Senate, and particularly the enemy of such a brilliant and resourceful Senator as the one who has just spoken; but, Mr. President, the pity of the remark is that it may prevent some timid Senator from making a speech at some time to the Senate, and the country may thereby lose something of real value; but I assure the Senator that his remarks, so far as they apply to me, will not tend in the slightest to close my mouth. I shall always be sorry when a man is so sensitive and thin-skinned as to believe that pointing out the inconsistencies of an argument are the assaults of an enemy; but if that is so I can not help it.

I am very sorry for it, and I am more sorry for the man who feels that way than I am for myself; but a Senator who is so vigorous in his swordplay as is the junior Senator from Missouri has no right to be so sensitive when the very weapons he employs against others are for the moment turned against him.

My only thought was that the Senator was attacking a bill in which I am interested. I am not the author of the bill, but I believe firmly in it. The Senator says he is opposed to it because he is opposed to commissions. I think I quote him correctly.

There has been no charge, so far as I am concerned, that the Senator has been opposed to trust legislation, but I do charge that he is against this particular piece of trust legislation. My arguments were directed against him because I understood him in that way, and I so understand him now. I prepared my remarks and put them in writing purposely, so that I might know what I was saying. There is no mistake in them; there is no misquotation; there is no assault in them; and anyone who has tried as many cases as my friend has against distinguished lawyers ought by this time to have learned to give and take in fair argument. As my remarks were prepared, so they will appear in the CONGRESSIONAL RECORD to-morrow; and I challenge any Senator to point out any misquotation of any kind or any insinuation in them. Every charge was directly made, as I believe charges should be directly made. What the Senator from Missouri said on three different days is also in the RECORD; and in my quotations from his speech, I have given the pages where he said the things he has said.

The Senator will find, if he turns to his speech made on Monday last, that the distinguished Senator from Nevada [Mr. NEWLANDS] asked him to suggest proper words that would carry out the intent of this proposed statute; the Senator from Delaware [Mr. SAULSBURY] appealed to the Senator from Missouri to help perfect this statute; he has been asked to do it, and he has declined to do it. The RECORD shows, as I understand him—I fear to quote him, because I may not quote him exactly right—that the substance of his promise now is that when he has time he will help us. I so understand it; and I sincerely hope he will, for we could not have better help, and help is what we want in framing this bill.

I have not advocated the passing of an unconstitutional statute. I say this proposed statute is constitutional, and I say it will effect what we want. It is therefore no more than natural that a Senator who is opposed to a commission of this kind should fight this proposed law if he thinks it will be effective and do the things which he thinks ought not to be done through a commission.

With these remarks I leave it.

[Mr. BORAH addressed the Senate. See Appendix.]

Mr. HITCHCOCK. Mr. President——

Mr. BORAH. I yield to the Senator.

Mr. HITCHCOCK. In furtherance of what the Senator from Idaho has said, to the effect that Mr. Jones has no desire to conceal his views on the trust question, I will read the following telegram, which I have within the hour received from him:

[Telegram.]

CHICAGO, ILL., *July 15, 1914.*

Hon. G. M. HITCHCOCK, *Washington, D. C.:*

I see from the newspapers that controversy has arisen over the publication of my testimony before Banking and Currency Committee. I do not assume the right to have anything to say in the matter, but perhaps I may be permitted to say that I have not the slightest objection to such publication, but would, on the contrary, rather welcome it.

THOMAS D. JONES.

Mr. THOMAS. Mr. President, I think if we have one more session behind closed doors, so that the rest of the hearings can be read, the public will be in full possession of all the facts. [Laughter.]

Mr. BORAH. Well, Mr. President, I am reading this for the purpose of illustrating the practical proposition which is now being presented to the Senate, and I do not care whether it is the testimony given by Mr. Jones before the committee or his public view of the questions, it is an illustration of what may happen under this proposition to transfer the lawmaking power—because that is what it will result in—and the capacity or the ability or authority to determine what is "unfair competition" to five men who may have a wholly different view from what the Senator from New Hampshire has as to what is "unfair competition." Mr. Jones was being interrogated by the Senator from Ohio [Mr. POMERENE]:

Senator POMERENE. As a general proposition, do you approve of the combination of these large manufacturing concerns that are in the same line of business, so as to control the trade of a country so large as this country? You can answer that question or not, just as you wish.

Mr. JONES. Why, that opens up a very interesting question——

Mr. LEE of Maryland. Mr. President, I rise to a point of order.

The PRESIDING OFFICER (Mr. PITTMAN in the chair). The Senator from Maryland will state his point of order.

Mr. LEE of Maryland. The Vice President decided this morning that proceedings in a committee which was charged to investigate a matter pending in executive session were proceedings within executive session. Now, the Senator from Idaho is reading from the proceedings within an executive session of the Senate here in open session, and in obvious violation of its rules. Under these circumstances I raise the point of order as to whether the Senator from Idaho has a right openly to violate the rules of the Senate as the Vice President this morning construed them.

Further, Mr. President, I am perfectly willing, before I sit down, to make the statement that, individually, I am in favor of changing the rules in a lawful and orderly manner, so that all nominations which bear a political aspect may be discussed in the open; but I believe that the American people will have more respect for the Senate if we proceed in an orderly manner to change our rules in a lawful way, rather than to give to those Members of the Senate who are willing to proceed in an unlawful manner, contrary to the rules of the Senate, an advantage over the law-abiding Members of the Senate.

The PRESIDING OFFICER. The Senator from Idaho is reading what purports to be from a newspaper, and is commenting on it. The point of order made by the Senator from Maryland does not appear to the Chair to be within the precedents of the Senate, and the point of order is overruled.

Mr. GRONNA. Mr. President——

The PRESIDING OFFICER. Does the Senator from Idaho yield to the Senator from North Dakota?

Mr BORAH. I do.

Mr. GRONNA. May I ask the Senator from Maryland, with the permission of the Senator from Idaho, the particular matter he refers to that happened this morning?

Mr. LEE of Maryland. I understand the Senator from Idaho is quoting something from the Post which purports to be——

Mr. GRONNA. I understand that; but what I should like to know is, What decision does the Senator from Maryland refer to?

Mr. LEE of Maryland. I refer to a decision by the President of the Senate, which he rendered this morning, to the effect that the proceedings in a committee of the Senate upon an executive nomination are within the rules governing the privacy of executive sessions.

Mr. BORAH. Mr. President, I did not feel that I was violating the rules of the Senate by reading a matter which appeared in the public prints. If I had felt so, I should have waited until the vote was taken in executive session, which will result in having it made public. I did not, however, feel that I was violating the rule, and I prefer not to rest under the charge of being a lawless individual.

I never have divulged anything that came to me from the executive sessions of the Senate. I have sometimes, when absent, found very accurate information in the newspapers when I got back. I do not know how it got out.

I simply want to say that I do not propose, out of a mere superficial and insincere appearance of obeying the rules, to be curtailed in legitimate debate here upon matters which are in the public possession. All these matters are in the possession of the public. Here is a thing which appeared in the papers this morning. I am only discussing that which is already in the possession of the public. The people of the United States will not have very much respect for us if we refuse to discuss the matters which are in the public possession out of a mere superficial and flimsy regard for rules which really do not cover the subject we are discussing.

Mr. LEE of Maryland. Mr. President, I should like to ask the Senator two questions. The first is, Did not he lend the weight of his good reputation and high responsibility to the credibility of this alleged newspaper report of the secret proceedings of the Senate when he said, in open Senate, that he believed the report to be true?

Mr. BORAH. I did. I enter that plea. I rather think the statements are true.

Mr. LEE of Maryland. Yes. Did not the Senator confirm the revelation, if a revelation has been made?

Mr. BORAH. I think it is a little too dignified to call the manner in which this got out a "revelation." [Laughter.]

Mr. LEE of Maryland. Secondly, would not the Senate stand better before the country if it proceeded to amend its rules in the regular, law-abiding fashion, rather than to proceed by a constant disregard of its rules, apparently approved by the leading Members of the body?

Mr. BORAH. The Senator will agree with me that I have done all I could to mend the situation, because for some time I have advocated open sessions upon these matters. Now, if I

really believed this was in violation of the rule I should defer my remarks until another date; but it never occurred to me that a discussion of a newspaper article could be in any way considered as a violation of the rules simply because it purports to give a reference to executive business.

Mr. LEE of Maryland. If the Senator will pardon another interruption, I have been myself very much tempted to discuss a newspaper publication in connection with the nomination of Mr. Jones—a publication given out by the chairman of the committee, and which publication, though remarkably fair from an opponent of the confirmation, was nevertheless lacking in a good deal that might have been fairly said therein. I was much tempted to correct or enlarge the statement made, so that the proper public impression might have been made upon the subject; but we gentlemen on the committee who look with some reverence upon the rules of the Senate until they are lawfully changed have found that our hands are tied upon the subject, and that the public impression, which doubtless reacts upon the Senate in some measure, has gone out the other way.

Mr. THOMAS. Mr. President——

The PRESIDING OFFICER. Does the Senator from Idaho yield to the Senator from Colorado?

Mr. BORAH. I yield.

Mr. THOMAS. I merely wanted to find out whether I correctly understood the statement of the Senator from Maryland. Did he say he reverenced the rules of the Senate?

Mr. LEE of Maryland. Well, I would not use that expression, and I hope I did not.

Mr. THOMAS. I hope so, too. [Laughter.]

Mr. LEE of Maryland. But I respect them, and I have promised to uphold them, though there are many of them, like this secret-session business, which I should like to see abolished.

Mr. BORAH. I shall take some interest in the vote of the Senator when the question comes to open session.

Mr. STONE. Mr. President, I should like to inquire of the Senator from Idaho, if he expects to continue his observations at any considerable length, whether it would be agreeable to him to take up the thread of his discourse to-morrow morning and let us have an executive session?

Mr. BORAH. Mr. President, of course I can do as I always do, and yield to the convenience of the chairman of the committee. I will finish these remarks at some other time and undertake then to apply the views of the gentleman who has been selected for the Federal Reserve Board to the practical application of a Federal trade commission.

Mr. STONE. I have no wish, of course, to interfere with the Senator's remarks except in a way that is entirely agreeable to him. It is now getting somewhat late if we are to have an executive session.

Mr. BORAH. Mr. President, I will yield. I will simply say, before I yield, that I was drawn into this debate by the reference made by the Senator from New Hampshire, and I always prefer to reply to such matters while they are fresh in my mind. I will yield, however.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives by D. K. Hempstead, its enrolling clerk, announced that the Speaker of the House had signed the joint resolution (H. J. Res. 300) to continue the provisions of a joint resolution approved June 30, 1914, entitled "Joint resolution extending appropriations for the necessary operations of the Government and of the District of Columbia under certain contingencies," and it was thereupon signed by the Vice President.

EXECUTIVE SESSION.

Mr. STONE. I move that the Senate proceed to the consideration of executive business.

The motion was agreed to, and the Senate proceeded to the consideration of executive business. After 50 minutes spent in executive session the doors were reopened.

NOMINATION OF THOMAS D. JONES (S. DOC. NO. 545).

Mr. HITCHCOCK. I move that the injunction of secrecy be removed from the hearing had before the Senate Committee on Banking and Currency on the nomination of Thomas D. Jones for appointment as a member of the Federal Reserve Board, and that it be printed in the RECORD.

Mr. REED. I ask that the hearing be printed as a document.

The PRESIDING OFFICER (Mr. PITTMAN in the chair). Without objection, that action will be taken, and the hearing will be ordered to be printed in the RECORD.

The matter referred to is as follows:

NOMINATION OF THOMAS D. JONES FOR APPOINTMENT AS A MEMBER OF THE FEDERAL RESERVE BOARD.

MONDAY, JULY 6, 1914.

COMMITTEE ON BANKING AND CURRENCY,
UNITED STATES SENATE,
Washington, D. C.

The committee assembled at 10.30 o'clock a. m.

Present: Senators GILBERT M. HITCHCOCK (presiding), REED, POMERENE, SHAFROTH, HOLLIS, LEE, NELSON, BRISTOW, CRAWFORD, and MCLEAN.

Senator HITCHCOCK. The committee has invited Mr. Thomas D. Jones, of Chicago, to appear for the purpose of giving the committee any further information he may desire. Mr. Jones, will you please state, for the record, your name, residence, and business?

STATEMENT OF MR. THOMAS D. JONES, OF CHICAGO, ILL.

Mr. JONES. My name is Thomas D. Jones. My residence is Chicago. Do you want the street address?

Senator HITCHCOCK. I hardly think that will be necessary.

Mr. JONES. At present I am not in active business. I was an attorney at law for some years.

Senator HITCHCOCK. Mr. Jones, the committee is charged with the duty of making a report to the Senate on your nomination to be a member of the Federal Reserve Board, and finds certain business connections of yours that it would like to have further information about; and I think the first question that may be properly taken up is your connection with the International Harvester Co. as a director. Will you please state when you became a director of that company?

Mr. JONES. I became a director of the International Harvester Co. in November, 1909.

Senator HITCHCOCK. Had you, previous to that time, been interested in the company?

Mr. JONES. I had no interest of any kind in that company previous to that time. I had no connection whatever with it of any sort.

Senator HITCHCOCK. Had you any connection of any sort with its subsidiary companies?

Mr. JONES. I had no connection of any sort with its subsidiary companies.

Senator HITCHCOCK. You are not one of the Jones family mentioned in the Piano Co.?

Mr. JONES. I am not. Mr. Jones of the Piano Co. I had never met until I became a member of the board, although I knew of him.

Senator HITCHCOCK. You are named as one of the defendants in the action brought by the United States?

Mr. JONES. I am.

Senator HITCHCOCK. Against the harvester company?

Mr. JONES. I am.

Senator HITCHCOCK. When was that action brought?

Mr. JONES. That action was brought in the summer of the presidential campaign—that would be the summer of 1912, would it not?

Senator SHAFROTH. Yes.

Mr. JONES. The summer of 1912.

Senator HITCHCOCK. Did you yourself answer in that case?

Mr. JONES. A joint answer was put in on behalf of all the defendants.

Senator HITCHCOCK. What was the nature of the answer on your part?

Mr. JONES. The nature of the answer on my part was a denial of any conspiracy in restraint of trade. The answer was put in by the attorneys of the company, and consisted in the main of a general denial of the charges of the bill.

Senator HITCHCOCK. Your answer was identical with the others?

Mr. JONES. My answer was identical with that of the other individual defendants.

Senator HITCHCOCK. Have you appeared as a witness in the hearing in that case?

Mr. JONES. I have not.

Senator POMERENE. May I ask a question here, Mr. Chairman?

Senator HITCHCOCK. Certainly.

Senator POMERENE. Were there separate answers filed for each of the defendants, or was there a joint answer of all?

Mr. JONES. Certain groups of the defendants answered together, is my recollection. The answers were put in by the attorneys of the company, and there were certain charges—the corporation made certain answers—and then my recollection is that certain charges were made specifically against certain of the defendants which were answered. But those directors who had nothing to do with the organization, their answers were general.

Senator HITCHCOCK. What do you mean by "general," Mr. Jones?

Mr. JONES. Denying the intention to monopolize or to accomplish a restraint of trade, and denying the practices that were alleged to be oppressive.

Senator HITCHCOCK. A part of the complaint as it was read to the committee was with regard to continuing acts of the corporation down to very recent years; down to the filing of the suit in 1912. Have you any acquaintance with those acts complained of?

Mr. JONES. No, sir; and my reading of the record was that, although there is such a general allegation, there is absolutely no proof of it. The charges were made as of continuing acts; but I read the briefs of counsel of the various sides, and the case finally turned almost entirely on the method of the original organization of the company as being an attempt to create a monopoly in restraint of trade.

Senator HITCHCOCK. Would you like to state to the committee your reasons for your going into the directorate of this company without having any financial interest in it?

Mr. JONES. Certainly. I had been on terms of close intimacy with the McCormick family since I went to Chicago, over 30 years ago, and in the early part of 1909 they said to me that there was a vacancy on the board of the Harvester Co. and they would like me to consent to become a director. I told them what they knew already, that I had no interest whatever in the stock of the concern, and had no plans contemplating an investment; and they said they knew that, and that it was not an investor in stocks that they were looking for, it was somebody who could afford to give the time and was willing to give the time—such time as would be demanded as a director of the company—and they asked me as a personal favor to consent to do so.

Senator HITCHCOCK. Not for any compensation?

Mr. JONES. Not the slightest nor the promise of any or the expectation of any.

Senator POMERENE. When you say "they," will you please state the names?

Mr. JONES. Mr. Cyrus H. McCormick was the man who asked me; but he told me that he was speaking on behalf of his mother and brother and sister and the family. My acquaintance had been a family acquaintance from the time I went to Chicago.

Senator HITCHCOCK. It was then a matter of personal feeling for the McCormick family that led you to become a director; acting on a desire to gratify them?

Mr. JONES. The request was made to me as a personal favor, a personal matter, and that was the initial motive in my giving consent. The work was to me an interesting one. I had the time to give it; and the relations of corporations to their employees and to the public is an interesting question; and I was willing to give the time, and I had the time to give; and I met the request of my friends for those reasons; and at the same time I recognized that it was a work that was worth giving some time and attention to; and I did give such time and attention as the work seemed to require.

Senator HITCHCOCK. Will you state the nature of the duties of the directors?

Mr. JONES. The duties of the directors of the International Harvester Co. are not particularly different from the duties of directors of other companies. Questions of general policy came regularly before the board.

Senator HITCHCOCK. In what form?

Mr. JONES. The relations of the company to its employees has had a good deal of attention by the board of the International Harvester Co., in the way of profit sharing and schemes of that sort, which are occupying the attention of the directors of a great many corporations at the present time; which are not yet satisfactorily solved, but they will be later.

Senator CRAWFORD. Just how long had the International Harvester Co. been in existence when you went on the board?

Mr. JONES. The International Harvester Co. was organized in 1901.

Senator NELSON. 1902, my impression is; but you may be right.

Mr. JONES. Either 1901 or 1902.

Senator REED. Mr. Chairman, I hope the Senator will not misunderstand me; but I suggest, for the sake of order that we let the chairman finish his questions, and then let the Senator ask questions; that is in order that we may not get at cross purposes.

Senator CRAWFORD. I very seldom ask any questions; and I am usually corrected in that way by the Senator when I do. [Laughter.]

Senator REED. I never corrected you in my life; and I would be more likely to offend than you; but I make that suggestion because I can see that otherwise we might be acting at cross purposes. I am willing to be governed by it myself, although sometimes I am tempted to break that rule.

Senator HITCHCOCK. The acting chairman only desired to ask sufficient questions to bring the matter before the committee and then intended to leave it to the members to take up; and I think I have about accomplished that purpose; and other members of the committee are better posted on this end of the subject than I am.

There is another matter concerning a business connection of Mr. Jones that I think had better be taken up afterwards, if it meets the approval of the committee; and the chairman will now ask the other members of the committee to ask questions as to the International Harvester Co. I would suggest that Senator Reed begin.

Senator REED. Mr. Jones, you had no connection whatever with the International Harvester Co. until you became a director, as I understand it?

Mr. JONES. None whatever.

Senator REED. Did you have any business relations with any of the principal owners of the stock?

Mr. JONES. None whatever. I never had any professional or business relations with any of the members of the McCormick family; it was purely a personal acquaintance.

Senator REED. How did you acquire the one share of stock which you have?

Mr. JONES. The company carries a certain amount of stock which it issues to its stockholders, by way of bonus; it has invested in its name a portion of the shares of stock; and I purchased the stock from the company and paid par for it.

Senator REED. That would be $100, I suppose?

Mr. JONES. One hundred dollars.

Senator REED. What was the capital stock of the company?

Mr. JONES. At that time it was $120,000,000; $60,000,000 of preferred and $60,000,000 of common stock.

Senator REED. How much of that stock was in the hands of the voting trust?

Mr. JONES. I could not tell you that. That was a matter that the corporation, as such, had nothing to do with. The voting trust was created without the intervention of the corporation itself. But there was a large part. There was more than a majority of the stock.

Senator REED. Practically all of it?

Mr. JONES. Well, I should say a very large part of it. I really do not know just what it was. But the corporation, as a corporation, of course, had nothing to do with the voting trust.

Senator REED. I understand; but is not this true—so that we can get at it in a word—that when the International Harvester Co. was organized all of the stock, except one share to each of the directors, was impounded primarily from the stockholders into the hands of a voting trust, and did not those trustees hold the shares of stock, issuing to the various parties who had put up assets or money, not certificates of stock, but certificates of the voting trust reciting that they held for the use and benefit of those owners certain shares of stock? That was the preliminary and original organization, was it not?

Mr. JONES. That is, I understand, substantially correct, except that I would not say that I think substantially all. I do not know what amount. I know there was more than a majority of the stock.

Senator REED. Complete control of the corporation for a number of years was by this device placed in the hands of the voting trustees?

Mr. JONES. Control of the stock?

Senator REED. Yes.

Mr. JONES. Yes; that is correct.

Senator REED. And a contract was made with the various parties who came into this organization, the various companies and the owners of the various companies—that is, the owners of the stock—by which their interest was to be paid for in the stock of the International Harvester Co., and, instead of the stock being turned over to them, at least a majority of it was held by the voting trustees?

Mr. JONES. That is correct.

Senator REED. Now, that arrangement was to continue for how many years?

Mr. JONES. That arrangement was to continue for five years; and there was a provision in the trust agreement that it might be extended for another five years, at the will of the trustees, and it was so extended.

Senator REED. Yes. That agreemant was made about 1902?

Mr. JONES. Either 1901 or 1902.

Senator REED. And, of course, continues up to the present time?

Mr. JONES. No, sir; it has expired.

Senator REED. When did it expire?

Mr. JONES. It expired at the end of 10 years. If they made it in 1901, it expired in 1911; if they made it in 1902, it expired in 1912.

Senator REED. In any event, that voting-trust arrangement was in full force and effect at the time you were made a director?

Mr. JONES. It was.

Senator REED. You could not, therefore, have been elected a director of that company except by the acquiescence and consent, and, indeed, by the direct action, of the voting trustees?

Mr. JONES. That is correct.

Senator REED. Now, the members of that voting trust were who?

Mr. JONES. There was a representative of the Morgan firm—my recollection is that it was Mr. Perkins—and Mr. Cyrus H. McCormick; and, I think, one of the Deering men. My recollection is a little hazy. I never had anything to do with the concern at that time, and my knowledge of the details of the trust was derived only from general conversations.

Senator REED. I am not asking who the voting trust was primarily, but who were the voting trustees at the time you were elected a director? Did not the voting trust consist of Mr. Perkins, Mr. Cyrus H. McCormick, and Mr. Deering?

Mr. JONES. That is my recollection of the voting trustees.

Senator REED. You had no acquaintance with Mr. Perkins at that time?

Mr. JONES. I do not think I had ever met Mr. Perkins at that time.

Senator REED. And you had no acquaintance with Mr. Deering at that time?

Mr. JONES. Yes, sir; I had known Mr. Deering for many years, slightly. He is a Chicago man.

Senator REED. You had no business relations with him?

Mr. JONES. None whatever.

Senator REED. Did Mr. Deering ask you to become a director?

Mr. JONES. He did not.

Senator REED. The request came to you alone from Mr. Cyrus H. McCormick?

Mr. JONES. It did.

Senator REED. And having had a long acquaintance with him and his family, and being upon terms of personal intimacy and friendship with them, you accepted the position?

Mr. JONES. I did.

Senator REED. After you did accept the position, did you hold it merely in a nominal way, or did you take an active interest as a director?

Mr. JONES. I took an active interest as a director.

Senator REED. Did you attend the meetings of the board?

Mr. JONES. Every meeting that was held where I could go to it I attended.

Senator REED. How frequently did the board meet?

Mr. JONES. Every two weeks. When I first joined the board, however, quite a number of meetings used to be held in New York, for the reason that there were a good many directors living there. When the meetings were held in New York I did not go on unless I was notified that there would be business requiring the full board, in which case I went on. But during the period I have been a member of the board I think I have not missed more than two or three meetings of all the meetings that have been held.

Senator REED. Whether they were held in Chicago or in New York?

Mr. JONES. No, sir; I mean those held in Chicago. I did not attend all of those held in New York.

Senator REED. How many meetings would you say were held in New York that you were not present at?

Mr. JONES. There were a good many. I went to New York twice to attend the meetings, and I could not tell you just how many meetings of the board were held in New York that I did not attend.

Senator REED. Could you approximate it in any way?

Mr. JONES. Well, there were probably a dozen or more meetings that I did not attend.

Senator REED. Do you know in what year they were held?

Mr. JONES. They were held, I should say, some of them in 1909, 1910, and 1911.

Senator REED. Do you think that you were present at all meetings at which important business was transacted?

Mr. JONES. Well, I could not be sure of that, Senator, because if a meeting were held in New York and I was advised that important business was to be transacted, I was usually so notified, and, as I say, I went there twice to attend meetings.

Senator REED. Were you present at any meetings at which the officers were authorized to acquire any new companies or properties belonging to outside companies?

Mr. JONES. No, sir; I was not.

Senator REED. Were you present at the meeting at which the stock was raised from $120,000,000 to $140,000,000?

Mr. JONES. I was present at a meeting at which that was considered. I think I was present at the meeting at which the final vote was taken. I am sure I was present at a meeting at which it was considered.

Senator REED. Did you favor that proposition?

Mr. JONES. I did.

Senator REED. You did favor that proposition?

Mr. JONES. I did.

Senator REED. Were you present at the meeting at which the stock dividend of $20,000,000 was declared?

Mr. JONES. I was.

Senator REED. Did you favor that or oppose it?

Mr. JONES. I did; I favored it.

Senator REED. Where are the minutes of the directors' meetings?

Mr. JONES. They are kept by the secretary.

Senator REED. Yes; they are kept by him; but where are they actually now—do you know—Chicago?

Mr. JONES. I suppose they are in Chicago.

Senator REED. Did you ever examine the books to see whether they kept pretty full record of the meetings—the minute book?

Mr. JONES. I never examined the book itself, Senator.

Senator REED. You have heard them read, however, at meetings?

Mr. JONES. I have. The minutes of previous meetings are always read.

Senator REED. Could you say in a general way whether these minutes were pretty fully kept?

Mr. JONES. I think they were fully kept.

Senator REED. Who is the present secretary and custodian of these records?

Mr. JONES. Mr. Howe was secretary for a number of years. He is a brother-in-law——

Senator POMERENE (interposing). Give his full name, please.

Mr. JONES. Richard F. Howe, I think, was the secretary.

Senator REED. You say he was a brother-in-law of whom?

Mr. JONES. He was a brother-in-law of the Deerings.

Senator REED. Yes.

Mr. JONES. He was secretary for a good many years.

Senator REED. Is he the present secretary?

Mr. JONES. No, sir; Harold McCormick is the present secretary.

Senator REED. He resides in Chicago?

Mr. JONES. He does.

Senator REED. Where are the offices of the International Harvester Co.?

Mr. JONES. In the Harvester Building.

Senator REED. In Chicago?

Mr. JONES. Yes, sir.

Senator REED. And does the secretary keep his office and records there?

Mr. JONES. Yes; at least I so understand.

Senator REED. I suppose there is a considerable force of employees there?

Mr. JONES. Very large.

Senator REED. Are you familiar with the contracts that the harvester company made with agents for the sale of machinery, the output or product of this company?

Mr. JONES. I was not familiar with them in detail. I knew in a general way about them. I had nothing to do with the drafting of them, if that is what you mean. I never passed upon the terms or effect of them.

Senator REED. Not from a lawyer's standpoint. What I am trying to get at is, you are an active member of the board; and did you undertake to become familiar with the business that you had to transact?

Mr. JONES. Not in its details; not as an executive officer of the company would be expected to do.

Senator REED. Not in its minute details, but its general policies.

Mr. JONES. Yes; its general policies.

Senator REED. Now, you knew, did you not, that there was a form of contract which was entered into between the harvester company and various agencies that it used?

Mr. JONES. Yes; I did.

Senator REED. Have you seen that form of contract?

Mr. JONES. I have seen them. As I say, I had no occasion to examine them critically. I knew what the general policy was with regard to the sales, and I assumed that the contract carried out the general policy.

Senator REED. What I understand you to mean—and I want to be sure that I get you right—is that while you did not undertake to minutely examine into the question of the contract between the harvester company and A, B, or C, the agent, or the absolute details, you did know the general form of the contract, the general character and nature of the contracts that the company made with its agents?

Mr. JONES. Yes; I think I can say that is true. Coming into the corporation as a going concern, I would not have quite the same familiarity with those things as if I had come into a new concern, and the things were formed right under my attention.

Senator REED. Yes.

Mr. JONES. The concern was a going concern when I went into it.

Senator REED. You received no compensation as a director at all?

Mr. JONES. I got the ordinary director's fee for actual attendance, $20 for each meeting; that was absolutely all.

Senator REED. Not a very tempting consideration, so far as money goes?

Mr. JONES. No, sir; and when I went to New York I got my actual traveling expenses and no more.

Senator REED. Yes. What were these plans with reference to employees—this participation plan? What was that, in a general way?

Mr. JONES. Well, the plan has been modified repeatedly. In a general way there was what would be called a profit-sharing scheme. There was a bonus given to the employees of the company who had rendered notably good service, and they were permitted to purchase—the company had a fund of the stock—they were permitted to take a certain amount in cash and a certain amount in the stock of the company—which most of them did.

Senator NELSON. What kind of stock, common or preferred?

Mr. JONES. The common stock.

Senator NELSON. Not the preferred?

Mr. JONES. The stock that the company bought and distributed was common stock.

Senator NELSON. Excuse me, Senator REED, for breaking in.

Senator REED. Certainly. Now, Mr. Jones, you say that after you came in no new plants or properties were acquired?

Mr. JONES. Well, I did not understand that to be the question. The company has purchased new plants. It has not purchased other concerns; no going concerns. I understood that to be your question.

Senator REED. When you say it has purchased new plants, just what do you mean?

Mr. JONES. It has purchased several plants in Europe. There was a plant in Canada when I became a member of the board; but it has been enlarged, and the company has built a very large number of warehouses and properties of that sort since I became a member of the board; in fact, at pretty nearly every meeting there was some property being acquired. When you asked me before, I thought you meant taking in other concerns.

Senator REED. I think my question was couched in that way.

Mr. JONES. Yes.

Senator REED. Now, you say you acquired plants in Canada. Do you mean that the company built new plants in Canada?

Mr. JONES. Built new plants.

Senator REED. It established new institutions?

Mr. JONES. Yes.

Senator REED. It did not buy out some that were in existence?

Mr. JONES. No, sir.

Senator REED. Now, what kind of plant was it that it built or established in Canada?

Mr. JONES. The large Canadian plant manufactures harvesters and mowers and also some of what is known as side lines, the new lines of business.

Senator REED. What are the side lines?

Mr. JONES. Such implements as manure spreaders and cream separators and implements of tillage. The original line was harvesters and mowers entirely.

Senator REED. This plant now that is built in Canada makes manure spreaders, does it?

Mr. JONES. I am not sure whether the Canadian plant makes manure spreaders or not. I do not think it does.

Senator REED. They did acquire the manure-spreader rights after you came in?

Mr. JONES. No, sir; they were manufacturing manure spreaders when I joined the company. That is my recollection.

Senator REED. Well, I am a little confused about that.

Mr. JONES. I was mentioning that merely as one of the so-called outside——

Senator REED (interposing). Side lines?

Mr. JONES. Side lines.

Senator REED. But now, coming to the plant in Canada, and just sticking to that for a moment, could you state pretty accurately what that plant is, and what it does, and how much it has invested in it, and so on?

Mr. JONES. I could not tell you how much is invested. It is intended to supply primarily the Canadian trade in reapers and mowers; they have a pretty heavy tariff there.

Senator REED. And also to manufacture these side lines?

Mr. JONES. Such side lines as are manufactured there. It was also contemplated originally that they should do so.

Senator REED. Do you know how much capital was invested in this plant?

Mr. JONES. Well, I could not tell you. Since I have been a member of the board of the company there have been spent there—well, I should say several hundred thousand dollars; I do not carry those details in my mind.

Senator REED. In Canada?

Mr. JONES. In Canada.

Senator REED. Where is the plant located?

Mr. JONES. At Hamilton.

Senator REED. Is there only one plant there?

Mr. JONES. Only one manufacturing plant. The company has warehouses, of course, in other portions of the Dominion.

Senator REED. Scattered all over the Dominion?

Mr. JONES. Yes.

Senator REED. Does this plant manufacture enough to supply the trade in Canada?

Mr. JONES. No, sir; it does not. It manufactures most of it, but not all of it.

Senator REED. It manufactures a majority of the farming implements used in Canada?

Mr. JONES. Yes, sir; it manufactures a considerable part.

Senator REED. Would you say the majority?

Mr. JONES. I should say the majority.

Senator REED. Now, the parent company—that is, the company in Chicago—also ships into Canada largely also, does it?

Mr. JONES. Yes, sir; what is required over and above the manufacture of the Canadian plant.

Senator REED. Taking in connection the output of the Canadian plant and the output of the harvester company in this country, what proportion of the consumption of farming implements in Canada are supplied by the institution as a whole?

Mr. JONES. By the Canadian institution or——

Senator REED (interposing). By both. What proportion of the entire consumption in Canada was supplied by the International Harvester Co., either through its plants in Canada or through its plants in the United States?

Mr. JONES. I could not tell you the exact proportion; but as you know the Massey & Harris Co., which is a Canadian corporation, has a very large trade, a larger trade in Canada than the International Harvester Co., as I understand it.

Senator NELSON. Let me ask you this question, to clear it up: Under what name are you operating in Canada?

Mr. JONES. The International Harvester Co. of Canada.

Senator NELSON. You have no other name?

Mr. JONES. I spoke of the Massey & Harris Co.; that is a Canadian concern.

Senator NELSON. Oh, yes.

Senator REED. I understood you to say a moment ago—and if I am not correct, please put me right—that the International Harvester Co., through its Canadian plant, sold the majority of the agricultural implements in Canada?

Mr. JONES. Oh, no, sir; I meant the majority of those that are sold by it.

Senator REED. By it, yes; in the lines it covers.

Mr. JONES. Exactly.

Senator REED. And in the lines it covers, through its Canadian plant, with the addition of the machinery which is sent from this country by the International Harvester Co.; in those lines what proportion of the trade do you cover in Canada?

Mr. JONES. I can not answer that question. There are several vigorous competitors over there. My recollection is that the Massey-Harris Co. has the larger part of the Canadian trade.

Senator REED. That is, taken altogether.

Mr. JONES. Taken altogether.

Senator REED. But now you have certain lines in which you have a larger trade than in others, have you not?

Mr. JONES. Yes, sir. The smaller implements, I have not very much of a guess how much of the smaller implements like cream separators, etc., are sold over there. I know more about the harvesters.

Senator NELSON. I suggest that you refer to the harvesters and mowers, Senator REED.

Senator REED. Yes; let us get at it in another way. You speak of certain lines in which you have a larger trade. What were those lines—harvesters and mowers?

Mr. JONES. Harvesters and mowers.

Senator REED. What else?

Mr. JONES. Harvesters and mowers would be the larger element.

Senator REED. How about plows?

Mr. JONES. The International Harvester Co. does not carry plows; it does not deal in plows; it is not a plow-manufacturing company.

Senator REED. Well, in harvesters and mowers, which were the original line of activity, the principal lines of activity of the harvester company, you make those in Canada?

Mr. JONES. Yes, sir.

Senator REED. What proportion of the harvesters and mowers used in Canada are supplied from your Canadian plant or from your United States plant?

Mr. JONES. That is, what proportion of the total Canadian consumption?

Senator REED. Yes.

Mr. JONES. I could not answer that question. I do not really know.

Senator REED. It is a majority, is it not?

Mr. JONES. I should say not; but that may be correct. The Massey-Harris Co. is a very powerful company.

Senator REED. What were the lines in which you meant to say, a while ago, that you did supply a majority of the implements in Canada?

Mr. JONES. My statement was, or my understanding is, that the majority of the implements which the International Harvester Co. sells are made in Canada.

Senator REED. Oh.

Mr. JONES. But it is not a majority of the Canadian trade.

Senator REED. Then I misunderstood you.

(Thereupon, at 11.10 o'clock a. m., the committee took a recess, to reassemble in the room of the Committee on the Philippines at 11.30 o'clock a. m., at which time the following proceedings were held:)

Senator HITCHCOCK. Senator Reed, will you proceed with your questions?

Senator REED. You can not give us any accurate statement in regard to the output of the Canadian factory?

Mr. JONES. I can not. I have not——

Senator REED (interposing). You can not give us any accurate statement in regard to the shipments from the United States by the International Harvester Co.?

Mr. JONES. I can not give you the proportions of the total shipments made by the International Harvester Co. that come from the States. I have not followed that at all.

Senator REED. Would you have any difficulty in getting that for us?

Mr. JONES. Not the slightest.

Senator REED. By wire?

Mr. JONES. I do not think there would be the slightest difficulty about getting it.

Senator REED. Your company has a plant for manufacturing purposes at what point in Canada?

Mr. JONES. Hamilton.

Senator REED. And you spoke of warehouses; do you know at what points they have warehouses?

Mr. JONES. There are a large number, Senator. There are warehouses in the larger centers of Canada and the United States.

Senator REED. Well, I was speaking about Canada only.

Mr. JONES. Well, in Canada there are warehouses scattered over all places like Winnipeg and the larger shipping centers—the company has warehouses at those centers.

Senator REED. Do you know the aggregate, or approximately the aggregate, of your sales in Canada—say, the last year?

Mr. JONES. I can not give you that.

Senator REED. Do you know the aggregate amount of money that you have invested in Canada, in plants, warehouses, and in the Canadian business?

Mr. JONES. I can not give you that from recollection. As I say, most of the investments were made there before I became a member of the board, and I have only picked up such information in connection with questions that would arise from time to time before the board. I can not give you that.

Senator REED. You spoke of having European plants. How many European manufacturing plants have you?

Mr. JONES. There is a plant at Norkopping in Sweden. There is a plant in Russia

Senator NELSON. At Odessa?

Mr. JONES. No; there is a warehouse at Odessa, but not a manufacturing plant. The manufacturing plant is at—well, I will remember the name in a minute. It is a Russian name. There is a manufacturing plant in France. Those manufacture the parts of the harvesters; those are harvester manufactories primarily.

Senator REED. Mowing machines, too?

Mr. JONES. Mowing machines and harvesters.

Senator REED. Are there any other European plants than those three?

Mr. JONES. No, sir; there is no other European plant that is actually going.

Senator REED. Well, have you some——

Mr. JONES (interposing). Property has been acquired in Hungary, but the plant is not completed; it is only in process.

Senator REED. They are building it now?

Mr. JONES. Well, the plant has been acquired and the tracks are laid; the actual building has not been begun, but the property has been acquired.

Senator REED. Did you buy the factory out there or did you build one?

Mr. JONES. The European factories have been built mostly de novo. In the case of the Russian plant, the buildings were in existence for an entirely different line of business, and the property was bought and transformed into an entirely different factory. There was no harvester or mower business purchased in Europe.

Senator REED. Have you established any plants in Asia?

Mr. JONES. None.

Senator REED. Or in Japan?

Mr. JONES. None at all in the Orient.

Senator CRAWFORD. Any in South America?

Mr. JONES. No; no plants in South America; no manufacturing plants.

Senator REED. Can you tell me where the Russian plant is——

Mr. JONES. Norkopping is the——

Senator NELSON (interposing). Norkopping is in Sweden.

Mr. JONES. That is in Sweden; yes. I am trying to think out that Russian name.

Senator REED. Well, you may get it later, perhaps; it is not material. When were the steps taken to acquire this plant in Hungary?

Mr. JONES. About a year and a half ago.

Senator REED. You knew all about that?

Mr. JONES. I did.

Senator REED. And sanctioned it?

Mr. JONES. I did.

Senator NELSON. Had these plants in Russia and France and Sweden been started before you became a member of the board?

Mr. JONES. They had all been started but had not been finished; that is, we made appropriations to them from time to time; but my recollection is that the initiation of the enterprises were all under way before I became a member of the board, excepting the one in Russia.

Senator REED. Let us take the plant in France; when was that initiated?

Mr. JONES. I could not give you the date.

Senator REED. How much has been done on that in the way of enlarging it, or enlarging its sphere of activity, since you became a member?

Mr. JONES. Not so much as Norkopping and the Russian plants.

Senator REED. Now, of course, it is perhaps a little indefinite and hard to get it definite——

Mr. JONES (interposing). Do you mean how much money we have appropriated? I do not remember.

Senator REED. Let us take the Russian plant. When was the acquisition of that?

Mr. JONES. I can not tell you the date of the inception of that, either.

Senator REED. What has been done with that since you became a member of the board in 1909?

Mr. JONES. We have made several appropriations, providing for certain plant extensions and providing for machinery, equipment, etc.

Senator REED. Extending the plant?

Mr. JONES. Extending the plant and extending the equipment of the plant that was there.

Senator REED. What has been the extent of that?

Mr. JONES. In money?

Senator REED. Yes; what would you approximate?

Mr. JONES. I do not think I could tell you that.

Senator NELSON. May I ask a question there, Senator Reed, to clear the matter up?

Senator REED. Certainly.

Senator NELSON. When you start in foreign countries, do you incorporate in those countries, or how do you get the right to do business there?

Mr. JONES. It depends on the country, Senator. There must be an ownership in all the countries; that is, either a corporation organized under the laws of those countries, or what we call ordinarily a partnership. For instance, in Hungary corporations are not allowed to operate at all. There there are certain trustees. They have a peculiar form of organization there that is substantially our form of copartnership; that is, the property has to be held in the name of individuals as trustees, but no corporation can be organized.

Senator NELSON. But in France and Sweden and Russia they are corporations?

Mr. JONES. Corporations.

Senator NELSON. You incorporate under the laws of those countries?

Mr. JONES. Yes.

Senator NELSON. But you hold a majority of the stock?

Mr. JONES. We hold all of the stock.

Senator NELSON. But you have to get some of the citizens of those countries to act as officials?

Mr. JONES. Yes, sir.

Senator NELSON. And to hold some stock?

Mr. JONES. That is, qualifying shares; yes, sir; but the substantial holdings are in the International Harvester Co.

Senator REED. In other words, in all of these places—and when I say all of these places I mean all of these European places where you have established yourselves—the harvester company is in control of the business and owns substantially all of it?

Mr. JONES. Yes, sir.

Senator REED. Does your company own it, or the individual members of the company?

Mr. JONES. The company holds—do you mean——

Senator REED (interposing). The International Harvester Co.

Mr. JONES. The International Harvester Co.; yes, sir.

Senator REED. Holds the interest?

Mr. JONES. That is, you understand that in 1912 the foreign business was put in a separate corporation?

Senator REED. Yes.

Mr. JONES. The International Harvester Co., which was the original organization. Before the suit was begun, with the concurrence of the legal department, the foreign plants, and foreign business, and the so-called outside lines, there was a corporation organized under the name of the International Harvester Corporation.

Senator REED. With the concurrence of what legal department?

Mr. JONES. Of the law department of the Government.

Senator REED. Of the United States Attorney General's Office?

Mr. JONES. Yes, sir.

Senator REED. You organized a separate corporation to run the European business?

Mr. JONES. Yes, sir; to take over the European business.

Senator REED. To take over the European business.

Senator NELSON. May I ask a question? You have two domestic corporations, have you not—the New Jersey corporation, and then a corporation succeeding the Milwaukee corporation?

Mr. JONES. Well, that was the International Harvester Co. of America. That was the selling agency.

Senator NELSON. That was the Milwaukee company?

Mr. JONES. Yes, sir.

Senator NELSON. That is the selling agency of the International Co. of New Jersey?

Mr. JONES. Yes, sir.

Senator NELSON. The one manufactures and then turns it over to the other to sell?

Mr. JONES. Yes, sir.

Senator NELSON. But they are all controlled by the same interest?

Mr. JONES. They are.

Senator REED. When you organized this European company—what is the name of it—the one to take over the European business?

Mr. JONES. The International Harvester Corporation.

Senator REED. The International Harvester Corporation, and not "company"?

Mr. JONES. Yes, sir.

Senator REED. Now, who constitutes the International Harvester Corporation? Who holds that stock?

Mr. JONES. The stock originally of the International Harvester Co. was reduced by substantially one-half at the time of the organization of the International Harvester Corporation and stock of the International Harvester Corporation was issued for the amount so reduced.

Senator REED. And put in the hands of these same voting trustees?

Mr. JONES. No, sir; that was after the voting trust had expired.

Senator REED. Then, in whose hands was it put? Who actually came in possession of that stock upon the incorporation?

Mr. JONES. Those who surrendered the stock, by the amount by which it was reduced by the original International Harvester Co., received stock of the International Harvester Corporation.

Senator REED. Well, who are those people, the principal ones that surrendered this stock and took the stock of the International Harvester Corporation?

Mr. JONES. Who are the individuals?

Senator REED. Yes; the principal ones.

Mr. JONES. Well, the McCormick family and the Deering family together.

Senator REED. And Perkins and the Morgan interests?

Mr. JONES. And Perkins and the Morgan interests have some stock, as I understand. I am not familiar with the details of the stock holding.

Senator REED. Well, just to get at it so that we can get it all in a nutshell—I take it there is really no dispute about the facts?

Mr. JONES. None whatever.

Senator REED. This stock, the great majority of it, was owned by the International Harvester Co., by the Morgan interests, represented by Mr. Perkins, by the McCormick interests, and by the Deerings; that is the situation, is it not?

Mr. JONES. If you state it in the reverse order I can say yes; it was owned largely by the McCormicks and the Deerings, and the Morgan interests held a certain amount of stock.

Senator REED. Those three interests had a majority of the stock in that company?

Mr. JONES. That is my understanding.

Senator REED. Yes. Now, subsequently you organized a sales company known as the International what?

Mr. JONES. You are referring now to the International Corporation?

Senator REED. No; the sales company.

Mr. JONES. That is the International Harvester Co. of America. That was not subsequently organized; that was one of the original companies.

Senator REED. One of the original companies?

Mr. JONES. Yes, sir.

Senator REED. Now, these same three interests control a majority of that, do they not?

Mr. JONES. My understanding is that the stock of the International Harvester Co. of America is owned by the International Harvester Co.

Senator REED. Owned by the parent company?

Mr. JONES. Yes, sir; controlled by them.

Senator REED. When you organized the International Harvester Corporation to take over the European business, did these same three interests continue to control the majority of the stock in that?

Mr. JONES. The stock of the International Harvester Corporation was, as I said, issued to those whose stock had been reduced in the amount which it had been reduced in the International Harvester Co.

Senator REED. You told us a moment ago that the International Harvester Corporation stock——

Mr. JONES. Yes.

Senator REED (continuing). Was given in lieu of International Harvester Co. stock and to the people who surrendered International Harvester Co. stock?

Mr. JONES. Yes.

Senator REED. Now, what I am coming to is this: Did not that leave the control of the International Harvester Corporation to these same three interests?

Mr. JONES. Certainly.

Senator REED. The Morgan interests, represented by Mr. Perkins and the Deerings and the McCormicks. That is correct?

Mr. JONES. That is correct.

Senator POMERENE. If I may clear up my thought, the stock of the International Harvester Corporation was not in fact then held by the American companies?

Mr. JONES. By the American companies?

Senator POMERENE. Yes.

Mr. JONES. No, sir; held by the stockholders.

Senator REED. Now, as a matter of fact, these three corporations, in their practical operation, are all run under one general management and control, are they not?

Mr. JONES. Well, strictly that is not correct; substantially it is—that is, the same persons——

Senator REED (interposing). Manage all of them?

Mr. JONES. Yes; legally they are entirely separate entities.

Senator REED. I understand. But the controlling interest is the same in all three of them?

Mr. JONES. Yes.

Senator REED. Can you tell us how much the stock of the International Harvester Co. was reduced at the time you separated the European business from the American business?

Mr. JONES. My recollection is that it was reduced by $30,000,000 of each kind of stock, $30,000,000 of common and $30,000,000 of preferred; $60,000,000, divided substantially into half.

Senator REED. And for that $60,000,000 of stock there was stock issued in the European ventures?

Mr. JONES. That is correct.

Senator REED. So that there is now $60,000,000 invested—at least, so far as the face of the stock goes—in the European investments?

Mr. JONES. European and Canadian; outside of the United States.

Senator REED. Oh, that takes in European and Canadian?

Mr. JONES. Yes, sir.

Senator REED. Now, the Canadian holdings also went into the International Harvester Corporation?

Mr. JONES. The corporation; yes.

Senator REED. Who are the officers of the International Harvester Corporation?

Mr. JONES. Mr. Cyrus H. McCormick is——

Senator REED (interposing). What is he?

Mr. JONES. He is the president.

Senator REED. Cyrus H. McCormick?

Mr. JONES. They have the same officers as the company.

Senator NELSON. Are you a director of that?

Mr. JONES. I am.

Senator REED. Cyrus H. McCormick is president of the International Harvester Co., and he is——

Mr. JONES. And also of the corporation.

Senator REED. I will get to that in a moment. And who is the vice president of the International Harvester Co.?

Mr. JONES. There are two vice presidents, James Deering and Harold McCormick.

Senator REED. Harold McCormick? And can you name the directors?

Mr. JONES. I can; give me a little time, and I will name them all. They are Cyrus H. McCormick, Harold McCormick, James Deering, Charles Deering, Richard F. Howe, J. H. Jones—that is the other Jones.

Senator NELSON. Mr. Jones represents the Plano interests?

Mr. JONES. He is known as "Plano Jones." That is his common name. He is substantially the owner of the Plano plant.

Senator NELSON. The Plano plant; yes.

Mr. JONES. J. J. Glessner.

Senator NELSON. That is an Ohio company?

Mr. JONES. That used to be the Warder-Bushnell Co.

Senator NELSON. Yes.

Mr. JONES. And Mr. Perkins.

Senator NELSON. He was not manufacturing any machines before he went into this business; he was not manufacturing any harvesters?

Mr. JONES. I believe not.

Senator POMERENE. Perhaps it was political machines. [Laughter.]

Mr. JONES. Mr. Thomas Lamont, John G. Wilson, Edgar A. Bancroft, John A. Chapman, E. H. Gary. The resident director in New Jersey was elected to succeed a gentleman who died, and just for the moment his name escapes me. I have not yet mentioned myself as a director.

Senator REED. Are these same gentlemen you have named the officers and directors of the International Harvester Corporation?

Mr. JONES. Yes, sir.

Senator REED. They hold the same relative positions in the International Harvester Co. of America—the sales company?

Mr. JONES. No, sir; that is not correct. I am not a director of that company, and I must say that I can not offhand give you the officers of it.

Senator REED. Anyway, the stock of that company—that is, the International Harvester Co. of America—is all owned by the International Harvester Co.?

Mr. JONES. Yes, sir.

Senator REED. So that the control of the International Harvester Co. of America by the officers of the International Harvester Co. means the control of the International Harvester Co. of America, because the stock is held by the International Harvester Co.?

Mr. JONES. Directly or indirectly that is true.

Senator REED. That is true.

Senator NELSON. Are you a director in what you call the sales company—the Milwaukee company?

Mr. JONES. No, sir; I am not.

Senator NELSON. You are only a director in the New Jersey company and the foreign company—those two?

Mr. JONES. That is all. You speak of the foreign company. That includes Canada; outside lines—the corporation and the company.

Senator NELSON. That is what I meant.

Senator REED. Now, this taking over of the European business by the new company which you have formed, called the International Harvester Corporation, occurred after you became a director?

Mr. JONES. Yes, sir.

Senator REED. And also the building of the plant in Hungary?

Mr. JONES. The acquiring of the properties in Hungary.

Senator REED. The acquiring of the properties in Hungary occurred after you became a director?

Mr. JONES. It did.

Senator REED. And in those two enterprises that I have just discussed you were consulted and you were a party to it?

Mr. JONES. I was.

Senator REED. Have you got any such investment as $60,000,000 in these European plants?

Mr. JONES. Yes, sir; in the business that is controlled by the International Harvester Corporation there is an investment of $60,000,000.

Senator REED. An actual investment of $60,000,000?

Mr. JONES. That is, I get that on the authority of the auditors and accountants; I have not myself examined into it.

Senator REED. Is any part of that good will, or is it actual investment?

Mr. JONES. No, sir; actual investment. There is no good will represented in the balance sheets of the International Harvester Co. or the corporation at all.

Senator REED. What was the purpose of organizing, or, rather, I mean of establishing these plants in Europe?

Mr. JONES. The purpose was this, Senator: The International Harvester Co. was about to have suit brought against it, and negotiations had been going on between the Department of Justice and the International Harvester Co., and it was evident that the question of the legality of the International Harvester Co. would have to be tested; and there were certain lines concerning which the Government made no charges whatever, and after investigating all the circumstances connected with them they agreed that any bill that was to be filed ought not to reach enterprises that were in no way in controversy. That applied to all of the foreign business, which was highly competitive; and to all of the so-called outside lines—Canadian business, which is strictly and highly competitive; and those properties were segregated from the reaper and harvester business, which was a storm center.

Senator REED. You say the European business was highly competitive, and therefore was left out. Am I to understand from that that the business in this country—the United States—was not highly competitive?

Mr. JONES. Well, Senator, you know that just about as well as I do, I think. There is a very vigorous competition going on, growing daily.

Senator REED. I do not understand why you drew that distinction, then.

Mr. JONES. Well, it was claimed by the Government that a practical monopoly had been established by the organization of the International Harvester Co. It was not claimed that any semblance of monopoly had been established anywhere or any restraint of trade of any kind accomplished by the establishment of foreign plants or any Canadian plants, but that they were all to the good, and that it would be a misfortune from their point of view to allow proceedings that were intended to reach only these lines, which were claimed to be monopolistic, to interfere with business that was not in any way claimed to be monopolistic or in restraint of trade.

Senator REED. Those negotiations were carried on with the Department of Justice. Do you remember who represented your company in those negotiations?

Mr. JONES. I know that in part the general counsel of the company, Mr. Edgar A. Bancroft and Mr. Tom P. Wilson, the special counsel of the company, had repeated conferences in the matter.

Senator REED. Did Mr. Perkins have anything to do with it?

Mr. JONES. I do not think he had anything to do with it.

Senator REED. Who was the Attorney General with whom these negotiations were had?

Mr. JONES. Mr. Wickersham.

Senator REED. Mr. Wickersham?

Mr. JONES. It was all carried out with him under the previous administration.

Senator REED. Do I understand that Mr. Wickersham, before bringing his suit against the harvester company had negotiations with the officers of the company with reference to what was to be the scope of that suit, and that time was allowed the harvester company to set its house in order and segregate its European business from its American business?

Mr. JONES. No, sir; I would not state it in just that way.

Senator REED. Just how would you state it?

Mr. JONES. Certain proposals were made by the International Harvester Co. to meet the objections of the Government growing out of the organization of the Inter. tional Harvester Co. which did not meet the views of the administration, and when it becar evident that the company and the Government could not agree on a program that would meet the views of the Government the status of the foreign business of the company was explained to the Attorney General and his assistants; and the status of the Canadian business and the so-called outside business, concerning which there was no controversy; and the proposal to delimit, as it were, the controversy and to confine it to the lines of business that were claimed to be monopolistic was explained. And I want to say that Mr. Wickersham, the Attorney General, did not assume to bind the Government by any agreement, but the proposal, or what the company proposed to do, was explained to the Attorney General and his assistants, and it was carried out with their full knowledge of what was being done, and when the bill came to be filed it was filed against the International Harvester Co.

Senator REED. Were you familar with the negotiations while they were being carried on?

Mr. JONES. In a general way; I had nothing to do with them.

Senator REED. I understand; but they were laid before the board of directors from time to time, and you knew of them?

Mr. JONES. I did.

Senator REED. You knew of the contention which the Government was making, that the International Harvester Co. and its allied corporations constituted a combination in restraint of trade in this country?

Mr. JONES. I did.

Senator REED. And you took part in the segregation of the European business from the American business?

Mr. JONES. I did, sir.

Senator REED. Thus to that extent eliminating that company from any attack which might be made by this Government?

Mr. JONES. I did.

Senator REED. And you knew that the Government contended that this was a combination in restraint of trade?

Mr. JONES. That the International Harvester Co. was; yes, sir.

Senator REED. Yes. And it contended that even after the segregation of the European business?

Mr. JONES. Yes, sir; but not as to the European business.

Senator REED. No; not as to the European business; but it contended that the business here in the United States was still a combination in restraint of trade and a monopoly?

Mr. JONES. Yes, sir.

Senator REED. Now, Mr. Jones, what did you do, if anything, toward endeavoring to secure a dissolution of this monopoly here in the United States which the Attorney General was charging and complaining was a monopoly?

Mr. JONES. Well, I can not claim, Senator, that I advanced any specific proposal for the segregation. Various suggestions were made to the Attorney General in an attempt to meet his views as to what ought to be done.

Senator REED. Well, did he state what his views were? Did you understand what the Attorney General's views were?

Mr. JONES. No, sir. I had no personal interview with the Attorney General.

Senator REED. Well, I mean you got it from your representatives and attorneys and agents who came and laid it before the board of directors?

Mr. JONES. Yes, sir.

Senator REED. You then know in a general way what the Attorney General's views were?

Mr. JONES. I knew in a general way that the Attorney General insisted that the corporation would have to be split up, and the question was to what extent it would have to be split up.

Senator REED. Did you ever make any motion to the board of directors to split it up and make it conform to the requirements of the Attorney General?

Mr. JONES. I did not.

Senator REED. Did you ever vote for such a proposition?

Mr. JONES. Such a proposition never came to a vote.

Senator REED. Such a proposition never came to a vote?

Mr. JONES. No, sir.

Senator NELSON. Was not a proposal made by the Department of Justice, under this administration, for you to break it up into different parts?

Mr. JONES. Under the present administration?

Senator NELSON. Yes, sir.

Mr. JONES. So far as I have ever heard, no such proposal was ever made. The suit was a pending suit when this administration came in.

Senator NELSON. No; but was not a proposal made, either by the International Harvester Co. of New Jersey or by the Department of Justice, or both combined, to break up this combination into some of its constituent elements?

Mr. JONES. I never heard of such a proposal made to or by the present administration; and so far as my information goes, no negotiations have been had at all with the present administration along those lines.

Senator NELSON. Were there such negotiations with the former administration?

Mr. JONES. Those are the negotiations I have just been telling about—with the former administration.

Senator NELSON. What did it strand upon, the refusal of the corporation to accede to the request of the Attorney General?

Mr. JONES. Well, I do not remember that there was any specific proposal which was turned down; but the negotiations were protracted for a considerable time, and it was evident that the administration would insist upon a more drastic separation than the authorities of the International Harvester Co. believed to be just.

Senator NELSON. Excuse me, Senator REED, for interrupting you.

Senator REED. Certainly. Well, coming to that, the point I am trying to arrive at is this: The Attorney General made certain requirements or demands which were laid before your company?

Mr. JONES. In an informal way.

Senator REED. Yes; through your attorneys or representatives?

Mr. JONES. Yes.

Senator REED. And those requirements or demands of the Attorney General were rejected by the company, and thereupon the suit was filed. That is the situation is it?

Mr. JONES. That is substantially correct.

Senator REED. Yes. Can you tell us, Mr. Jones, of any effort that you made to bring about the dissolution of this corporation in such a way as to meet the requirements or requests or demands of the Attorney General?

Mr. JONES. I took no steps of my own, Senator, at all in the matter. The matter was in the hands of the counsel of the company, and they reported from time to time what they were doing and what their convictions were, and what their conclusions were; and I will say frankly that, so far as I had any judgment, I concurred in their judgment, and I assume responsibility for doing that.

Senator NELSON. Senator Reed, before you go on further, I would like to know the status of that suit.

Mr. JONES. That suit was submitted to the court last November in the Minnesota circuit.

Senator NELSON. Yes.

Mr. JONES. Before Judges Sanborn, Hook, and Adams.

Senator NELSON. Has a decision been rendered?

Mr. JONES. No, sir; it has not. It is still pending. They have the case under advisement.

Senator POMERENE. Submitted on it merits?

Mr. JONES. Submitted on its merits on final hearing.

Senator REED. Do you recall when the Misssouri Supreme Court decided that the International Harvester Co. was a trust in restraint of trade?

Mr. JONES. I do.

Senator REED. What time was that?

Mr. JONES. The decision came out—the suit had been instituted before I became a director—the decision came out, I should say, about three years ago; that is, the first decision handed down. Then there were applications for rehearing. I am referring to the first decision.

Senator REED. The opinion was handed down three years ago, and then there were applications for rehearing; and an appeal was then taken to the Supreme Court of the United States, something like two years and a half ago, was it not?

Mr. JONES. Yes, sir.

Senator REED. So that two and a half years ago you knew of that decision of the Supreme Court of Missouri?

Mr. JONES. Yes.

Senator REED. And you knew that the International Harvester Co. was a combination in restraint of trade?

Mr. JONES. Yes, sir; under the laws of Missouri.

Senator REED. Yes; under the laws of Missouri. And the laws of Missouri are somewhat similar in their general aspect to what we call the Sherman antitrust law, are they not? The case involves substantially the same issues that are now involved in the case in Minnesota in the United States court?

Mr. JONES. Well, of course, they come under not the same issues, because the charges are under entirely different jurisdictions and statutes.

Senator REED. I understand. But what I am trying to get at is, you are a lawyer, and I understand you are a very fine one, and I have no doubt that you are.

Mr. JONES. I make no such claim at all, sir.

Senator REED. Well, I have been so told on very high authority. The Missouri trust statutes are, of course, in different phraseology from the statutes of the United States; but the Missouri trust statutes forbid combinations in restraint of trade, and in their general aspect reach the same things that are reached in the antitrust statutes of the United States. That is true, is it not?

Mr. JONES. They seek to accomplish the same results.

Senator REED. Yes; and in general it is the same class of statute.

Mr. JONES. Yes, sir.

Senator REED. So that you did know some two and one-half years ago at least that the final judgment of the Supreme Court of the State of Missouri was to the effect that the International Harvester Co. was a trust and combination in restraint of trade?

Mr. JONES. I did; yes, sir.

Senator REED. You had that light, and you also had the opinion of the Attorney General of the United States at the time that you acquiesced in the opinion of your lawyers which you just spoke of?

Mr. JONES. I did.

Senator REED. I want to go back and take up another topic. You stated that the International Harvester Co. had not in the United States acquired any new plants, except such as it had itself built, since your connection with it?

Mr. JONES. I did.

Senator REED. But you also stated that it had taken on some side lines, I believe?

Mr. JONES. Yes.

Senator REED. Can you tell us what they were?

Mr. JONES. I mentioned some of them a little while ago. They were manure spreaders and wagons.

Senator NELSON. Cream separators?

Mr. JONES. Yes; cream separators.

Senator REED. Binding twine?

Mr. JONES. Binding twine; yes, sir. That is quite an extensive industry. There are certain small implements of tillage that I am not familiar with.

Senator NELSON. Corn planters?

Mr. JONES. I am not sure.

Senator NELSON. Corn cultivators?

Mr. JONES. I think they have a line of corn planters. I do not have the familiarity that an executive officer would have with the details of the business; but I think they have some of those smaller tillage implements. They do not handle plows, I know.

Senator REED. Mr. Jones, the manure spreader is rather a recent invention, is it not, as a successful one? I mean, within the last few years?

Mr. JONES. Within the last 12 or 15 years, I should say.

Senator REED. You acquired the patents on that, did you not?

Mr. JONES. I presume we did, but I do not know the facts.

Senator REED. Was there not a plant at Waterloo, Iowa, making manure spreaders, and did you not acquire that plant?

Mr. JONES. Well, now, that I have no knowledge of. It is possible that we did.

Senator REED. You say you did take them on; do you know how you took them on?

Mr. JONES. I am not sure about that. What I had in mind, Senator, if you will let me explain——

Senator REED (interposing) Certainly; I want you to be just as plain as you can.

Mr. JONES. What I had in mind was, I was speaking of the Canadian plant, which is manufacturing lines of goods which are held to be competitive; that is, comparatively competitive. What I had in mind was that since I have become a member of the board no such plants or businesses had been acquired by the company as were charged by the Government to be monopolistic in their tendency, or tending to restrict trade.

Senator REED. Yes.

Mr. JONES. For instance, the wagon business. The company acquired the Weber Wagon Co.'s works They had been acquired, I think, a year or two before I became a director. They manufacture wagons.

Senator NELSON. Did you not acquire the Osborne Co.?

Mr. JONES. The Osborne Co. was acquired a long time before that, Senator.

Senator REED. Coming back to the other question: I understand you now to say that what you meant a little while ago by your answer—and I do not think you are at all in conflict with it—was that when you said that no new plant had been acquired you meant plants that were in competition with the business the Harvester Co. then did?

Mr. JONES. Exactly.

Senator REED. But you did not mean to say it had not acquired plants which manufactured certain articles of farming machinery which up to that time you had not engaged in extensively?

Mr. JONES. Exactly.

Senator REED. And one of these is the manure spreader, as you recall?

Mr. JONES. I am not sure of that. I know the company acquired the Weber Wagon Works, but I am not sure what the origin of the manure spreader was.

Senator REED. When you acquired the Weber Wagon Works you were not acquiring a competitive plant, because you did not handle wagons?

Mr. JONES. Yes, sir; that is true.

Senator REED. But when you did acquire the Weber Wagon Works you began to handle wagons?

Mr. JONES. Yes, sir.

Senator REED. And you think the Weber Wagon Co. was acquired before you became a director?

Mr. JONES. My recollection is that it was. I know I went there shortly after I became a member of the board.

Senator REED. Where are that company's works located?

Mr. JONES. Outside of Chicago, about 10 miles.

Senator NELSON. They make buggies also?

Mr. JONES. No, sir; they make a truck. It was known as the Weber Wagon Works, and I do not think that they make buggies, although I am not sure. I have gone through the plant, but I do not know. I am not sure about that. I saw nothing when I went through the plant except the wagon works proper. It may have been changed since then.

Senator NELSON. When did you take up the business of cream separators?

Mr. JONES. That was a considerable time before I had anything to do with the company. They are made at the Milwaukee plant.

Senator NELSON. Yes. What name do you give your cream separators that you put on the market?

Mr. JONES. It is used as the International.

Senator NELSON. The Laval?

Mr. JONES. No; the Laval is another cream separator. This was called the "International"; but whether it retains the original name I am not sure.

Senator REED. Well, you must be selling under a different name, because I have not seen a cream separator labeled "International Harvester Company."

Mr. JONES. Well, all of the implements turned out by the International Harvester Co. have the name of the company somewhere on them.

Senator NELSON. Yes.

Mr. JONES. For instance, the Weber wagon is still known as the Weber wagon, but it bears the name of the International Harvester Co. on it.

(Thereupon, at 12.20 o'clock p. m., the committee took a recess until 1.30 o'clock p. m.)

AFTER RECESS.

The committee reassembled at the expiration of the recess.

Senator LEE. Mr. Chairman, there is some little difference of opinion about the nature of this proceeding. I am a new Member of the Senate, and I told Senator SHAFROTH that I looked upon these proceedings as part of the executive business of the Senate, and thought they were clearly confidential. He seemed to think that that was the proper view to take of it. I spoke to Senator REED about it afterwards, and he did not understand it that way. I understood you to say so, Senator SHAFROTH?

Senator SHAFROTH. That is an executive session.

Senator LEE. It seems to me we ought to clear that up. There is nothing in the rules about this being confidential. It is only an inference from the fact that the proceedings of the Senate on executive nominations are confidential; and this is theoretically a part of the proceedings of the Senate. I thought I would like to ask the chairman to lay that matter before the committee.

Senator REED. I do not understand how you got that impression about what I said, Senator LEE.

Senator LEE. I thought you did.

Senator REED. You asked me some question about it a while ago. I did not mean to say that these hearings were public.

Senator LEE. They are certainly not confidential, as far as other Members of the Senate are concerned.

Senator REED. I say I did not mean to say that they were public. I do not know how you got that impression.

Senator HITCHCOCK. Here is what I told the newspaper men: The meeting was not an open meeting, but after its conclusion I would give them a statement as to what the committee had done, and I did that the other day.

Senator SHAFROTH. I think it is all right to state what conclusion the committee has come to.

Senator LEE. Yes.

Senator SHAFROTH. But it does seem to me that this is part of the executive business of the Senate.

Senator HITCHCOCK. It is better, I think, to have the chairman, or some designated member, make a statement to the newspaper men.

Senator REED. Well, they are liable to make all sorts of wild statements. One newspaper man came to me and asked a question, assuming that certain things had transpired here in the committee that had not transpired at all, and I said, "There is nothing of that kind that has taken place," and passed on.

Senator LEE. There is another question analogous to this which is being discussed on the floor of the Senate. Senator BORAH is now making a motion to make public all the discussion and evidence relative to the pending Nicaragua treaty, and Senator WILLIAMS says that the statements of the witnesses were made on the confidential basis; and there you have it.

Senator HITCHCOCK. In that case, Senator BORAH has avoided attending meetings of the Senate Committee on Foreign Affairs, and he proposes to bring up his matter of his own knowledge. There he is standing for a principle, the public discussion of the question. In this case, when the reporters came to me, I said that Mr. Jones had been meeting the committee and had been explaining to the committee his relation with certain business enterprises, and that his remarks this morning were confined to the harvester company. This is news so far, but as to the details of it, I think that is a matter for the committee only.

Senator LEE. I do not suppose it makes the slightest difference to Mr. Jones whether it is public or not, but I think from the standpoint of the Senate it is better to have it confidential.

Senator REED. My opinion about this is that the best thing to do, absolutely, for all concerned, Mr. Jones, the President, this committee, and the Senate, is to give absolutely what takes place here, which is the truth, and not have a lot of newspaper fellows guessing at wild things. There has been nothing which has taken place here this morning that Mr. Jones is not willing to stand for before the world and that we are not willing to stand for before the world; and everything has been pleasant and proper, and I always find that it is a good deal better to just let them know——

Senator SHAFROTH (interposing). Well, after it is through, we can then determine as to whether or not it should be made public.

Senator LEE. I would not feel at liberty to give it out.

Senator CRAWFORD. Primarily, the notes taken here are for our service and use, and when we get through with them they are for the use of the Senate.

Senator NELSON. We can have this record printed for use in the executive session.

Senator CRAWFORD. Certainly; and that is primarily where they belong, rather than to the public, unless there is some reason why they should be given publicity.

Senator SHAFROTH. If the Senate were to remove the secrecy of the session or the proceedings or the minutes, that would be all right. That is often done, or sometimes done.

Senator REED. My experience with these newspaper people is that when you have got a perfectly clean bill of health it is better to tell them all about it—absolutely the facts—and not let them draw a lot of inferences. I do not care, as far as I am concerned; I am telling you what I honestly think. If you take the Committee on Foreign Relations, Senator Lee, you have an entirely different proposition. They are dealing there with questions of the utmost delicacy, involving the relations between our country and another country. It may be very necessary that some third country should not know what our dealings are. But this is a different proposition, and, as far as I am concerned, I do not care; but I think you are right to have an expression from the committee, Mr. Chairman.

Senator HITCHCOCK. Yes; we will take that up at the close of the hearing.

ADDITIONAL STATEMENT OF MR. THOMAS D. JONES, OF CHICAGO, ILL.

Mr. JONES. May I make an additional explanation in the matter of the relation with the previous Attorney General? I am not sure I made it entirely clear; and I want, in justice to Attorney General Wickersham, to say that these matters, of transacting foreign business, and the outside lines, through the International Harvester Corporation, were fully explained to him; but they did not undertake to O. K. the transaction. That is, the company understood that they reserved any right which the United States might have at any future time. If I gave the impression in my previous testimony that there was any O. K.ing of the transaction, I would like to have that corrected.

Senator REED. I do not think you did.

Mr. JONES. I do not think I did. But I want to make it sure, in justice to Mr. Wickersham, that he did not assume to pass upon that, but saw no particular objection to the transaction. But still it was especially understood that the right of the Government was reserved to bring any future action that they might see fit to bring.

Senator CRAWFORD. In effect, it was simply segregating and putting over in a class by itself that business?

Mr. JONES. Absolutely, that is all there was to it; but he did not assume to pass upon, as being permissible, or did not assume to permit anything of that sort.

Senator REED. Mr. Jones, before adjournment, we were discussing the question of the acquisition by the company of various subsidiary farming implements. Now, you had spoken of the manure spreaders and the wagons, and the——

Senator NELSON. Cream separators.

Senator REED. The cream separators, and the binding twine, and cultivators.

Mr. JONES. Well, there is a corn shredder.

Senator REED. There is a corn shredder—in a general way, and in order to abbreviate this, because I do not believe any one of us cares much for the minutiæ of it—the company, if I understand you correctly, has been since your connection with it, from time to time, acquiring additional farming implements or instruments that are used in connection with the farm, and that has been a part of its general policy?

Mr. JONES. Yes. I think very few of them have actually been acquired; some of them have been extended since I became a member. I think the Weber Wagon Co. had been acquired before that.

Senator REED. I think you are correct in saying that the Weber Wagon Co. had been acquired before you become a member; I gathered from the petition that it was acquired before that.

Mr. JONES. Yes.

Senator REED. But it has been the policy of the company to gradually reach out, and when it saw an instrument that was used on the farm that it was convinced was a good thing it added it to the business of the company, if it could do it upon terms which it thought were advisable.

Mr. JONES. I think that is a fair general statement.

Senator REED. So that as a result of this policy at this time the company has become engaged in the production, in addition to harvesters and reapers, of a very large number of those implements which the farmers use?

Mr. JONES. I should say a considerable number of them. Some of the most important farming implements the International Harvester Co. has never gone into. For instance, plows is a very large industry, thrashing machines is a very large industry, which the International Harvester Co. has never gone into.

Senator REED. You do not make those?

Mr. JONES. No.

Senator REED. You do have agency contracts, do you not, by which the agent you employ, the agencies that you establish, participate to some extent in the profits of the company?

Mr. JONES. The machines are sold out and out to the agents and they sell the machines.

Senator REED. Yes; but you spoke of a participation arrangement with some of your employees?

Mr. JONES. That has nothing to do with the selling contract.

Senator REED. That has nothing to do with the selling contracts?

Mr. JONES. No, sir; that is merely an attempt to work out a scheme of profit-sharing indirectly.

Senator REED. Now, do these agencies that are established throughout the United States participate in any way in the profit sharing?

Mr. JONES. I do not believe they do, although I can not answer positively about that.

Senator REED. In these contracts that you make with agents—you have seen those contracts I believe you said?

Mr. JONES. I have, although I am not really familiar with the specific terms of them

Senator REED. And I suppose that the contract itself would be the best evidence, and I think we can perhaps get them?

Mr. JONES. They are in the record.

Senator REED. I think so.

Senator NELSON. They are in that Missouri case also.

Mr. JONES. There is no secret about them.

Senator REED. Mr. Jones, what was the capital of the International Harvester Co. before the segregation of the European or foreign business?

Mr. JONES. $120,000,000, $60,000,000 of each kind; $60,000,000 of common and $60,000,000 of preferred stock.

Senator REED. What was it after the segregation?

Mr. JONES. The segregation merely accomplished a division of the existing stock. The stock was increased afterwards, but the $60,000,000 of common stock was divided into $30,000,000 common stock of the International Harvester Co. and $30,000,000 of common stock of the International Harvester Corporation; and the $60,000,000 of preferred stock was divided into $30,000,000 of preferred stock of the International Harvester Co. and $30,000,000 of preferred stock of the International Harvester Corporation.

Senator NELSON. You use the terms "company" and "corporation." Are they two distinct companies?

Senator REED. Yes. One is the American and one is the European company.

Senator NELSON. The European company is the "corporation"?

Mr. JONES. Yes; the corporation.

Senator NELSON. And the New Jersey company is the "company"?

Mr. JONES. The International Harvester Co. of New Jersey manufacture the domestic harvesters and mowers.

Senator CRAWFORD. But it has an identity of ownership all through?

Mr. JONES. Well, it is the same, in the sense that the holders of the stock of the International Harvester Co. are largely the holders of the stock of the International Harvester Corporation; but not entirely the same, because there has been a considerable amount of this stock on the market and transferred. I do not suppose even the officers know to what extent there is an identity of holding.

Senator NELSON. Now, this sales company, the successor to the Milwaukee company, what is the technical name of that?

Mr. JONES. The International Harvester Co. of America.

Senator NELSON. The International Harvester Co. of America; and the manufacturing company is the International Harvester Co. of New Jersey?

Mr. JONES. The International Harvester Co. of New Jersey is the manufacturer of the harvesters and mowers.

Senator NELSON. That is the parent company, is it not?

Mr. JONES. That is the original International Harvester Co.

Senator NELSON. And it is under that head that the others move; that is the main planet, and the other two companies move under that planet?

Mr. JONES. Do you mean the International Harvester Corporation?

Senator NELSON. The Milwaukee company, as I call it, is the sales company of the New Jersey Co.?

Mr. JONES. That is correct. I thought you included the International Harvester Corporation as under the control of the International Harvester Co. The International Harvester Co. has no control of the International Harvester Corporation.

Senator REED. Just to get that in one place in the record, is the International Harvester Co. of New Jersey a corporation organized with $120,000,000 of stock, which was afterwards increased to $140,000,000?

Mr. JONES. Yes, sir.

Senator REED. That is one company. There is the International Harvester Corporation, which was organized to take over the European and Canadian business?

Mr. JONES. Yes, sir.

Senator REED. And it is capitalized at $60,000,000?

Mr. JONES. Yes, sir.

Senator REED. There is in addition to that the International Harvester Co. of America, which is what you have commonly denominated the sales company?

Mr. JONES. That is correct.

Senator REED. Those three companies now constitute what would generally be called the International Harvester Co. and its subsidiary companies?

Mr. JONES. Well, you do not expect me to assent to the fact that the International Harvester Corporation is a subsidiary in any sense whatever. It is an absolutely separate legal entity.

Senator REED. They are separate legal entities; the statement of fact is all that I want.

Senator NELSON. What is the stock of the sales company; how much capital stock have they?

Mr. JONES. My recollection is $1,000,000.

Senator NELSON. How much?

Mr. JONES. $1,000,000.

Senator NELSON. $1,000,000 only?

Mr. JONES. That is my recollection. I have very little to do with that, and I am not a director of it, and I really do not know.

Senator CRAWFORD. Senator Reed, will you let this come in right after your question, that the sales company and the New Jersey company have an identity of ownership; but this company that took over the foreign business embraces stockholders that are not interested in the two American companies?

Mr. JONES. That is perfectly true.

Senator REED. But they have the same officers?

Mr. JONES. Yes, sir; they have the same officers as the International Harvester Co., but not the same as the International Harvester Co. of America. As I say, I have nothing to do with the International Harvester Co. of America, not being a director; but I do not think they have the same officers.

Senator REED. Can you tell me the year in which the International Harvester Corporation, the European concern, the foreign concern, was organized?

Mr. JONES. It was organized during the summer of 1912.

Senator REED. And, coming back now to recapitulate a moment, its capital stock was $60,000,000. The capital stock of the International Harvester Co. at that time was $140,000,000. After the separation of the European companies had been effected, what was the capital stock then of the International Harvester Co.?

Mr. JONES. My present recollection is that the increase of capital stock was made after the European and foreign business and the outside lines were transferred to the International Harvester Corporation. My recollection is that at that time all the capital stock of the International Harvester Co. was $120,000,000, $60,000,000 of each kind, and that the increase of capital stock was made after that. That is my present recollection.

Senator REED. Well, I think, Mr. Jones, that you probably are in error about that.

Mr. JONES. I may be.

Senator REED. Because I find it alleged here in the petition [indicating] that in 1910 the capital stock was increased to $140,000,000.

Mr. JONES. 1910? Then that was previous to the organization of the new company.

Senator REED. By the declaration of a stock dividend of $20,000,000. And a little farther on in the tabulation of the stocks of different years I find, under 1910, common stock, $80,000,000, and preferred stock, $60,000,000. I think probably that was done at that time.

Mr. JONES. Yes; that increase had been made previous to that time. My distinct recollection is that the division was made half and half.

Senator REED. Then, in fact, did not you organize the European company in 1910?

Mr. JONES. No, sir; that is not correct. The International Harvester Corporation was organized only a short time before the bill was filed, and my recollection is that the bill was filed during the presidential campaign year, which was 1912.

Senator REED. What I have been asking is this: Assuming, now, that you had $140,000,000 of stock in the International Harvester Co. at the time that the company owned the United States business and the foreign business, how much stock remained of the International Harvester Co. stock? What was its capital stock after you had taken those assets out? Did you reduce it from $140,000,000?

Mr. JONES. There was no reduction of the total capitalization of both companies. That is, the $140,000,000 was divided; the International Harvester Co. of New Jersey stock was reduced, my recollection was, by $60,000,000. Now, it may be that that $20,000,000 of addition having been made before that was also divided, but my recollection was that the capital stock was divided equally, it having been estimated that the foreign business and the outside lines were substantially one-half of the total business.

Senator REED. Then, if I understand you correctly, you did actually have a meeting and reduce the capital stock of the International Harvester Co. after you had taken out the European business?

Mr. JONES. Certainly; that was done by regular stockholders' meeting. That was a matter of public notoriety.

Senator REED. Well, of course I have not followed this closely.

Mr. JONES. Certainly; it was a regular stockholders' meeting and all done publicly.

Senator REED. So that it was reduced?

Mr. JONES. So that it was reduced by the amount that was turned over to the International Harvester Corporation.

Senator REED. I am a little at a loss, Mr. Jones, to understand—I am asking this question with the greatest respect, in order to try to get at the facts—how it came that a man of your standing and property, as I understand, was willing to devote his labor to this enterprise in which you had no real interest—financial interest—and if you have anything further that you want to say about it along that line I should like to hear it.

Mr. JONES. Well, I will be very glad to state it as it struck me at the time. I was requested by friends that were pretty nearly lifelong to help them out so far as I could as a member of the board of the directors of the International Harvester Co. They pretended that they wanted not my assistance as a stockholder or in any financial way, but they were good enough to say that they thought possibly my judgment and experience might be of help to them, and they asked me as a favor to consent to become a director of the corporation.

Senator NELSON. In what way did they ask you to help them out, if any?

Mr. JONES. By consenting to become a director of the corporation and by giving whatever judgment and advice I would be able to give in the transaction of the business.

Senator NELSON. They did not ask you to aid them in any way of dissolving?

Mr. JONES. None whatever.

Senator NELSON. And you did not go in for that purpose?

Mr. JONES. I did not go in for that purpose at all. I would have felt that it was, on the whole, rather selfish and rather cowardly, inasmuch as I had the time, to refuse to do it merely because it was going to involve some trouble; and there are certain features of corporate management that have appealed to me personally. The entire relation of corporations to the public has yet to be worked out satisfactorily, and, while I had not any conceit that I could contribute to

any great extent to that problem, it was interesting to me, and from that point of view there was an aspect that rather appealed to me, and that is all the explanation that I can give.

Senator REED. Well, I thought perhaps there was something further.

Mr. JONES. No, sir.

Senator REED. Now, you accorded with the general policies of the company while you were in it?

Mr. JONES. After my election; yes, sir; I did.

Senator REED. And you did not make any effort to stop its practices or change its policies?

Mr. JONES. I knew of no practices in the company after I became a director that I thought in any way in contravention of law.

Senator REED. Or good morals?

Mr. JONES. Or good morals.

Senator REED. In other words, if I get you correctly, Mr. Jones, you simply mean to say this: It is your idea that a corporation organized along the lines in the way that this company is organized is a perfectly proper, legitimate business transaction?

Mr. JONES. That is going further than my answer went.

Senator REED. Well, I do not want to go an inch further than you want to go.

Mr. JONES. Well, let me define my own position in that regard. The attack which has been made upon the International Harvester Co., as represented by the suit, referred primarily to the circumstances attending the organization. It was claimed that in the manner in which it was organized it was a monopolistic enterprise and operated in restraint of trade. Now, with those circumstances which constituted the gist of the charge I had nothing to do.

And you asked me whether I entirely approved of them. I say that that question is to-day pending before the courts, and if the courts say that that was an improper organization I shall be prepared to say that I think so, too.

But you are asking me for an opinion on a question that is now pending before the courts of the United States. When you ask me whether I entirely approve of the entire organization and methods of transacting the business I confine my statement to the transaction of business by the corporation since I became a director.

Senator NELSON. Well, Mr. Jones, I will put the question to you in a brief form. On the whole, you approve the course of this company; you approve the course of this New Jersey company and its two affiliated companies?

Mr. JONES. Since I became a member of the board of directors.

Senator NELSON. And indorse everything they have done since then?

Mr. JONES. Since then.

Senator NELSON. And approve of it?

Mr. JONES. I do, heartily.

Senator NELSON. And do not think they have been in any sense law violators?

Mr. JONES. I do not, sir, since I became a director.

Senator HITCHCOCK. Whose place did you take on the board of directors?

Mr. JONES. Some eastern man.

Senator HITCHCOCK. How did the vacancy occur?

Mr JONES. By resignation. I am not sure whether it was Mr. Hagood or some eastern man.

Senator HITCHCOCK. Was he unsatisfactory to the voting trustees?

Mr. JONES. Not that I know of. I have no reason to suppose so at all. I made no inquiry about that. I was merely told that there was a vacancy and asked to consent to my election to fill the vacancy. I am not at all sure whose vacancy it was.

Senator HITCHCOCK. You think it possible that the vacancy occurred and you were selected as a concession to Mr. McCormick?

Mr. JONES. I have not any reason to think so at all, sir.

Senator HITCHCOCK. Are you interested in business enterprises with Mr. McCormick?

Mr. JONES. Not in the slightest.

Senator HITCHCOCK. In no other way?

Mr. JONES. In no other way whatever, sir.

Senator HITCHCOCK. Are there any other questions? Senator CRAWFORD, have you any questions?

Senator CRAWFORD. Just this: Before Mr. McCormick suggested that you take a place on the board of directors did he give you an outline of the reasons why he wanted you on the board and what particular theories or purposes he had in mind to carry out in connection with this organization and its future plans?

Mr. JONES. No, sir. I have given substantially the entire transaction. He merely asked me, on the score of old and long-standing friendship, to consent to go on the board.

Senator CRAWFORD. And you did not commit yourself to any specific plan?

Mr. JONES. I did not, sir, at all.

Senator CRAWFORD. That is all.

Mr. JONES. And I was not asked to.

Senator POMERENE. There was just one matter that you spoke of that I wanted to inquire a little further about. In speaking about these conferences with the Attorney General, as I understood you, you stated that that portion of the business of the International Harvester Co. which was in foreign countries was highly competitive, and you seemed to distinguish between that and the business in this country, as I inferred?

Mr. JONES. That is substantially correct.

Senator POMERENE. Now, my first question is, What did you mean when you said that the foreign business was highly competitive? Did you mean with business enterprises of a similar nature in those particular countries or did you mean that the business as between American companies who were seeking those markets was highly competitive?

Mr. JONES. Both, sir. In all the countries in which the International Harvester Co had been operating in foreign countries there were local manufacturers of harvesting machines, with the possible exception of Russia. I am not sure whether the harvester and mower trade of Russia had local manufactories or not, but in Sweden and Germany and France it had. There was also, and is to-day, quite a large foreign business by American companies. The Deere Co., for instance, has a large foreign trade in harvesters and mowers. I believe the Massey-Harris Co., of Canada, has a large foreign trade.

Senator NELSON. If you will allow me, the McCormick Co., to my certain knowledge, had an agency at Odessa, Russia, as early as the eighties. The man who was agent for a good many years used to be our county auditor.

Mr. JONES. That is a selling agency.

Senator NELSON. That is a selling agency.

Mr. JONES. They have a warehouse at Odessa, but no manufactories.

Senator NELSON. Yes; they had a big agency at Odessa.

Senator POMERENE. What was your purpose in having these plants built abroad? Was it to avoid the tariff or take advantage of the difference in wage cost?

Mr. JONES. The tariff in some countries was pretty nearly prohibitory, and it is going up constantly. There was another element. Each of these countries that I have mentioned—due either to prejudice or different physical conditions—requires a somewhat different type of machine. Norway, for instance, will not have the regular American machine, and they will not have the machine that will go in Germany or France. There are certain local peculiarities that have to be met with a workout on the ground.

Senator REED. It is pretty hard to place a Norwegian anyhow, is it not, Senator NELSON? [Laughter.]

Senator SHAFROTH. Well, I do not think that a Norwegian is the only one that is hard to place. [Laughter.]

Senator POMERENE. Now, what were the particular distinguishing features, so far as they related to the business of your company here in America, that made them objectionable to the Department of Justice, rather than the foreign business?

Mr JONES. Well, it was charged that in the manufacture and sale of harvesters and mowers a substantial monopoly had been created by the creation of the International Harvester Co., and that it accomplished a restraint of trade. There was no pretense that the foreign branches of the company had produced any such results, nor was there any such result claimed in any of the outside lines. The company had no such proportion of the trade in any of those lines that made it possible to suggest a monopoly. And the foreign trade is a large and growing trade; it has been growing a good deal faster than the domestic trade; and to mix up a trade that was new and that had been built up without any pretense whatever of any monopolistic condition—to keep it mixed up and make it abide the result of the decisions of the court with regard to local domestic business—would not have resulted in any good public interest, and it would result in ultimate public loss, without apparently any motive.

Senator POMERENE. What proportion of the American trade did the International Harvester Co. have?

Mr. JONES. Of the American trade?

Senator POMERENE. Yes; of the American trade.

Mr. JONES. Well, it has been going down steadily. When the corporation was organized my recollection is that it was charged that something like 75 per cent—was it? The percentage has been going down steadily, and my recollection is that it is now somewhere in the neighborhood of 50 per cent. I am referring now to harvesters and mowers.

Senator POMERENE. When you expressed your approval of the transactions and business methods of the International Harvester Co. since your connection with it, did you have in mind and give your approval in that statement to the original organization of the company?

Mr. JONES. I did not, sir.

Senator POMERENE. Or any of the transactions of that company between the date of its organization and the time when you became a directing force in the company?

Mr. JONES. I limited my statement, or meant to do so, strictly to the transactions of the company after I had become a director.

Senator POMERENE. The purpose of my question was to make that perfectly clear.

Mr. JONES. I want to make that clear.

Senator POMERENE. If I understand you, then, you meant simply this, that assuming that the business as then organized was organized in conformity to and not in violation of the law, anything which was done after that, so far as you were cognizant of it, was in harmony with what you believed to be the law?

Mr. JONES. Precisely; that is just what I meant to state.

Senator POMERENE. I will put another question just to get your viewpoint. As a general proposition, do you approve of the combination of these large manufacturing concerns that are in the same line of business, so as to control the trade of a country so large as this country? You can answer that question or not, just as you wish.

Mr. JONES. Why, that opens up a very interesting question; and there might be some circumstances under which it would be industrially proper, and then circumstances under which it would be injurious. Now, whether in the particular case it was justified or injurious is a question now pending before the courts.

Senator REED. Upon which you would not care to express an opinion?

Mr. JONES. I would rather not. It is a legal question.

Senator POMERENE. Well, I will not ask it.

Senator REED. Assuming that the primary organization was within the prohibition of the law and in violation of it, and the organization having been effected, and the concern being then and there carrying out the purpose of their organization, would you consider that in carrying out the purposes for which the illegal organization was effected, you would not be violating the law?

Mr. JONES. Well, let me answer that in this way: It might be held that by the formation of the International Harvester Co. of New Jersey a power had been lodged in that company which no company ought to have—a monopolistic power. It might be true, however, Senator, that such power so lodged had never been injuriously exercised.

Senator NELSON. It might be true, but it is not true, Mr. Jones.

Mr. JONES. Well, that is a question concerning which, as I say, the courts have to decide. I am trying to answer fairly Senator REED's question, whether a corporation which would be conceded to have been a monopoly when created——

Senator REED (interposing). To have been organized in defiance of the law.

Mr. JONES. Well, to have been organized in defiance of law, it might well be that such a corporation, never having exercised that power, competition will grow up inevitably, provided injurious practices are not carried out, and competition might spring up in the course of time which would completely destroy and nullify any monopolistic tendency. As a matter of fact, I think that the record shows that the competition of the International Harvester Co. has grown every year, and is to-day vigorous.

Senator REED. That is not exactly the point.

Senator CRAWFORD. Let him finish. Had you finished?

Senator REED. Pardon me; I did not mean to interrupt.

Mr. JONES. I had substantially finished.

Senator REED. It is more an ethical question than anything else; but assuming that a concern is organized in defiance of the law, having certain specific purposes, namely, to engage in trade and commerce; that this organization is illegal; do you feel that a man is then warranted in going on and conducting that concern, which, from its very inception and from the very nature of its organization, is illegal? Would it not be his duty to insist upon its disorganization?

Mr. JONES. Let me ask you, does not your question assume that the corporation is using a power which it illegally acquired by its organi-

zation? I say frankly, without any reservation at all, that I have felt that the business as transacted by the International Harvester Co. since I became a member is not objectionable to law in any way nor inimical to public interests.

Senator REED. It is charged in this bill [indicating] that the company when it was originally organized only controlled the binder, harvester——

Senator NELSON (interposing). That is, four or five companies.

Senator REED. That the company, when it was first formed, controlled about 75 per cent, I believe it is, of the binder and mower business, and a much smaller per cent of other agricultural implements; but that it had been increasing its holdings from time to time until at the date this petition was filed it was charged that—

"At least 90 per cent of the harvesters and grain binders, and 75 per cent of the mowers, and over 50 per cent of the binding twine annually produced and sold in the United States are the products of the International Harvester Co., and are sold through the International Harvester Co. of America, as herein described.

"There are only three or four manufacturers of harvesting machinery in the United States other than the International Harvester Co. These, in comparison with it, are small; and as their business does not embrace the entire United States, in many sections of the country the International Harvester Co. has complete monopoly of the harvesting machinery."

Now, it is a fact, is it not, that you are increasing your holdings, increasing the output of your factories, and increasing the number of agricultural implements constantly, and are still doing it?

Mr. JONES. No, sir. I think you will find that the record disproves those allegations. The company did acquire—Senator NELSON mentioned the Osborne Works.

Senator NELSON. What?

Mr. JONES. The Osborne Works. The company did acquire one or two plants after the original organization, and by such acquisition——

Senator NELSON (interposing). They acquired one up in New York, I think.

Mr. JONES. The Osborne Co.

Senator NELSON. The Osborne Co.?

Mr. JONES. Yes. Now, they did increase their output somewhat in that way; but during the last six or seven years the proportion of the business in harvesters and mowers has been steadily and rapidly decreasing, and it is now less than the original 75 per cent that was charged there in the petition.

Senator HITCHCOCK. What is the proportion of the business? How is it in the aggregate, without regard to the relation?

Mr. JONES. The harvesting and mowing machine business is not on the increase. That has been a stationary business for some years. All of the unoccupied lands in the country pretty nearly are taken up, and the increase has been in the Canadian Northwest, where new land comes into cultivation. The increase in the business has been largely in these outside lines. It has been a fact proved in the record that the harvesting machine and mower business has been for a number of years, certainly, stationary, if not slightly recedent; and the expectation is that it will still further recede.

Senator NELSON. Does not that come from the fact that the raising of small grain has been stationary?

Mr. JONES. That is it exactly. It has been the small grains that have been stationary; the people have been going into the dairy business.

Senator NELSON. What companies have been interested in the manufacture of harvesters and mowers?

Mr. JONES. The John Deere Co. is a very powerful corporation.

Senator NELSON. The John Deere Co. is operating through your company?

Mr. JONES. Oh, no, sir.

Senator NELSON. I meant the Deering Co.

Mr. JONES. Oh, the Deering machine is a part of the International Harvester machine.

Senator NELSON. That is what I meant.

Mr. JONES. But the John Deere Co. is a very powerful organization.

Senator NELSON. That is a great plow company?

Mr. JONES. That is a great plow company; but they are manufacturing an enormous number of harvesters and mowers.

Senator CRAWFORD. Well, is the Plano Co. in your company?

Mr. JONES. Yes; the Plano is a part of the International Harvester Co.

Senator NELSON. Then they took in another company from Ohio in addition to the Osborne Co.; what was that named?

Senator POMERENE. The Warder Glessner Co.

Mr. JONES. Yes; that was a part of the original consolidation, I think.

Senator NELSON. I did not mean to interrupt Senator Reed's question.

Senator REED. Some of the plants which you have acquired have been dismantled, have they not, and ceased to operate?

Mr. JONES. I do not think any plants have been dismantled. The articles manufactured at the plants, in some instances, have been changed; some of these side lines. For instance, the plant at Milwaukee, the tractor engines are built there, and the cream separators and, I think, the shredders.

Senator NELSON. Well, you have discontinued that as a harvester and a mower plant?

Mr. JONES. Yes; we have discontinued it as a harvester and mower plant.

Senator NELSON. Did you not take in one at Minneapolis? Was not a company there manufacturing harvesters and mowers?

Mr. JONES. At Minneapolis?

Senator NELSON. Yes.

Mr. JONES. I have no recollection of it. I do not remember any plant up there that was taken in; there may have been one. If so, it was in the early years.

Senator REED. You took in the Akron Works, at Akron, Ohio?

Mr. JONES. Yes, sir.

Senator REED. You acquired that from the Alden Miller Co.?

Mr. JONES. Yes, sir.

Senator REED. They manufactured the Buckeye mowing machine or harvester. They discontinued the manufacture of that, did they not?

Mr. JONES. I am not sure of that.

Senator POMERENE. I may say that that concern went into the hands of a receiver, and was later sold out by the receiver, and I think it was after that that your company became the possessor of it.

Senator REED. After it was sold out?

Senator POMERENE. After it was sold out.

Mr. JONES. That was before my connection with the company, and I can not pretend to have any knowledge of it at all.

Senator HITCHCOCK. Mr. Jones, what are the annual profits of your company before the payment of interest? Just the profits of operation.

Mr. JONES. My recollection is that the last annual report showed that, after the payment of the 7 per cent dividend on the preferred and 5 per cent on the common stock, there was—I am very poor at carrying figures in my head—I think the total profits above the dividend and surplus are something like $14,000,000.

Senator HITCHCOCK. Now, is it true that before the organization of this company the individual concerns were only making $10,000,000?

Mr. JONES. Before the organization altogether? I really can not tell you about that. I never went into that end of it at all.

Senator HITCHCOCK. I notice from something that I have here that I was looking over [indicating], the hearings, that the total profits of the McCormick, the Deering, the Warder B. & G., and the Plano Co. aggregated $10,283,000.

Mr. JONES. But you must bear in mind that since then pretty nearly all of these outside lines have been instituted, and these profits that I have mentioned included all the foreign business, which has all sprung up since the organization of the International Harvester Co. in 1901.

Senator HITCHCOCK. Where did the additional capital come from?

Mr. JONES. Do you mean the additional $20,000,000? The $120,000,000 was in that original company.

Senator HITCHCOCK. Where did the additional capital come from to do this much larger business?

Mr. JONES. The surplus each year has been turned into capital.

Senator HITCHCOCK. No new capital has been brought in?

Mr. JONES. No new stock, except that $20,000,000 stock dividend.

Senator NELSON. When was that stock dividend declared?

Senator REED. In 1910.

Mr. JONES. Somewhere about 1910.

Senator NELSON. That was after you became a director?

Mr. JONES. Yes; I became a director in 1909.

Senator NELSON. You joined, then, in declaring that $20,000,000 stock dividend?

Mr. JONES. I did.

Senator NELSON. After they had received 7 per cent on their preferred stock and 5 per cent on the common stock, you joined in declaring the $20,000,000 stock dividend in addition?

Mr. JONES. I did; representing the surplus actually available for it.

Senator HITCHCOCK. Is that not one of the evils of this consolidation in restraint of trade, Mr. Jones, that it does result in wringing larger profits out of the consuming public?

Mr. JONES. Well, it sometimes results that way, and it sometimes results just the opposite way. There are unsuccessful combinations, and there are successful ones. I do not think that you can say that all the combinations have wrung larger profits out of the public; and there were a number of years when the corporation did not pay the dividends I have mentioned. There were four or five years after the company was organized in which the company did not declare more than 4 per cent.

Senator NELSON. On the common stock?

Mr. JONES. On the common stock.

Senator NELSON. But the preferred stock always paid 7 per cent?

Mr. JONES. My recollection is that it did.

Senator CRAWFORD. Does this increase come out of the increased price the consumers pay, or does it come out of enlarging the business, or does it come out of the reductions or economies that result from these consolidations? We hear statements in support of each one of these propositions. What is your opinion about it?

Mr. JONES. I think the Missouri case covers that. I think that the Supreme Court of Missouri found that the company had not increased to the consumer the cost of the machines, as a judicial determination of that fact—and I believe it is the fact. They have not increased the cost of the machine to the consumer equal to the actual cost of manufacturing. They have been able to effect certain economies. They get their raw materials, and they have their large selling expenses divided with their other lines.

Senator NELSON. Well, they have subsidiary companies owning timberlands and manufacturing timber, and owning iron ore and manufacturing pig iron?

Mr. JONES. They have. The Wisconsin Steel Co. is the subsidiary that furnishes the raw material.

Senator NELSON. Yes; the iron?

Mr. JONES. Yes, sir

Senator NELSON. And what is the company that procures the wood?

Mr. JONES. I think it is called the Deering Co. It is down in Missouri. They have certain large timber tracts down there.

Senator NELSON. Yes.

Mr. JONES. It is at a place called Deering, I know; and I am not sure what the subsidiary itself is called.

Senator NELSON. Well, those subsidiary companies, of course, are owned by the parent company?

Mr. JONES. Yes, sir.

Senator NELSON. And they furnish the supplies?

Mr. JONES. Yes, sir; the raw materials

Senator CRAWFORD. Well, it is that efficiency in organizing this thing clear down to the raw materials that causes the greater economy in production?

Mr. JONES. Undoubtedly; in part.

Senator CRAWFORD. The prices have not been reduced in any of these implements?

Mr. JONES. Well, they have not been advanced in any of these implements, and they have not been very much reduced. The cost of manufacture has gone up; the cost of raw material, of course, has gone up in that industry, like everything else.

Senator NELSON. Now, let me call your attention to this, Mr. Jones: Before the organization of this company, each one of these constituent companies—the Deering, the Plano, the McCormick, and all those other companies—each would have their own sales agent in a town?

Mr. JONES. Yes, sir.

Senator NELSON. Now, in this organization you cut all of that out and have only one sales agent in a town?

Mr. JONES. No, sir; that is a mistake, Senator NELSON.

Senator NELSON. It is not a mistake, of my own knowledge.

Mr. JONES. As a matter of fact, that was found to be not feasible. It was found that the Deering machine could not be handled by McCormick agents, and there are selling agents in pretty nearly all the large centers.

Senator NELSON. Well, that is the jobbing centers. But when you come to deal with the farmers—now, I live in a small town of 3,000

people, the county seat, and we have only one sales agent there representing the company, and he has handled it for years, and before that we had five or six.

Mr. JONES. Well, in the larger centers there are——

Senator NELSON (interposing). In the jobbing and distributing centers?

Mr. JONES. Yes, sir.

Senator NELSON. But where you come to deal directly with the farmers, instead of having four or five or six agents you have only one. Those are the facts?

Mr. JONES. Yes, sir.

Senator HITCHCOCK. Mr. Jones, I would like to get this in a more compact form than I have had it before. I notice by the hearings in this case, in which your company and the directors were defendant, that the profits of the companies which composed the original company when it was created had prior to that time been paying an aggregate of $10,283,686?

Mr. JONES. Yes, sir.

Senator HITCHCOCK. And that the profits of your company in 1910 were $16,700,000, which is a 60 per cent increase in the profits; and I understood you to say that no new capital had gone into the enterprise at all?

Mr. JONES. The surplus or—no; no new capital; that is correct.

Senator HITCHCOCK. And you started with a surplus of $2,000,000, and by 1910 the surplus had increased to $16,000,000. Now, the question I put to you is just a question to get your point of view—whether you do not think that is exacting, or that that indicates that the corporation was formed for the purpose of exacting excessive profits from the consuming public?

Mr. JONES. Well, frankly, I say that I do not think that the International Harvester Co. has exacted undue profits from the public. I think the Missouri decision—the opinion of the court, rather—bears out that contention. However, that will be passed upon by the court which now has the matter under consideration.

Senator REED. The Missouri court?

Mr. JONES. I say I think the Missouri court found that there was no increase of cost to the producer. It has been quite a while since I read the decision, but I think that is the purport of it.

Senator REED. I thought you meant to say that that opinion would be passed upon by the Supreme Court of the United States.

Mr. JONES. Oh, no.

Senator REED. It has been passed upon already?

Mr. JONES. Yes; but it was not on the merits; they did not go into the merits.

Senator POMERENE. They went into the constitutionality of the Missouri statute?

Mr. JONES. Yes, sir.

Senator HITCHCOCK. Are there any other questions?

Senator SHAFROTH. I want to ask a question. Mr. Jones, since you have been connected with the International Harvester Co. has there been any watered stock?

Mr. JONES. Not a dollar.

Senator SHAFROTH. All the stock that has been issued has represented money, has it?

Mr. JONES. Absolutely.

Senator SHAFROTH. Has any of it represented property put in at a valuation?

Mr. JONES. No, sir.

Senator SHAFROTH. This increase of the capital stock that you were questioned concerning—from $120,000,000 to $140,000,000—was that $20,000,000 of increase represented by cash?

Mr. JONES. It was represented by a surplus, which was represented by properties actually owned by the company.

Senator NELSON. Senator SHAFROTH, that was represented by the 20 per cent stock dividend.

Senator SHAFROTH. Well, if a stock dividend has been issued, I do not see why it can not be——

Mr. JONES (interposing). The surplus was reduced by just so much.

Senator SHAFROTH. There was a surplus of more than $20,000,000 at that time?

Mr. JONES. Yes, sir.

Senator SHAFROTH. And when that $20,000,000 of surplus was set aside it was in payment of the stock?

Mr. JONES. Yes, sir.

Senator HITCHCOCK. What year was that?

Senator NELSON. Can you not see, Senator SHAFROTH, that they capitalized the profits of the concern and made it all the harder for the poor farmer, who had to buy the implements and who had to pay the dividends on that increase?

Senator SHAFROTH. It may be that he paid for it, but this is no fictitious stock at all.

Senator REED. After the stock was issued at $120,000,000, there was no new money afterwards added to the concern from the outside?

Mr. JONES. No, sir.

Senator REED. There was afterwards added, however, $20,000,000, called a stock dividend?

Mr. JONES. Yes, sir.

Senator REED. Was there $20,000,000 in money accumulated by the company for which this stock was issued?

Mr. JONES. There was.

Senator SHAFROTH. During what years was that?

Mr. JONES. From 1901 to 1910.

Senator REED. Was it in actual money, or in properties?

Mr. JONES. In property. Some of it was in cash, but most of it was in properties.

Senator REED. In other words, your company had proceeded, from time to time, and had extended plants from time to time and bought plants from time to time, and it kept books, and they ascertained after a while that, according to their books, they had $20,000,000 more assets than they had of stock, and thereupon they issued stock for that. That is what you mean, is it not?

Mr. JONES. Well, it was a surplus. The assets that constituted the original capital stock might be diminished or increased; but a surplus is a technical setting aside of certain profits that are not declared as dividends.

Senator REED. They had set aside a surplus?

Mr. JONES. Exactly.

Senator REED. That surplus was not in cash; it was in property?

Mr. JONES. Principally in property.

Senator REED. Well, in getting that, do you know whether they went back and counted off the wear and tear of plant—the depreciation of plant, and the obsolescence of plant?

Mr. JONES. There is a very stringent depreciation charge each year.

Senator REED. Let us go into this question of capital. As a matter of fact, the total capital of all these five companies when they went in, at the time they organized this concern with $120,000,000 of capital, did not aggregate $11,500,000, did it?

Mr. JONES. What is that?

Senator REED. The total capital of all the companies that were amalgamated together to make the International Harvester Corporation, when the first $120,000,000 was issued, did not aggregate $11,500,000?

Mr. JONES. Do you mean the capital stock and not the capital? As a matter of fact, Senator, all the properties that were turned in in payment of the capital stock issued by the International Harvester Co., by inventories made by outside appraisers, and pretty rigidly scrutinized, because each company scrutinized the properties of the others, showed an actual surplus of cash value above the entire capital stock issued of $120,000,000.

Senator REED. Have you ever examined those papers yourself?

Mr. JONES. I have seen a statement of the inventories. That is a matter that is undisputed, that those inventories upon which the capital stock was ultimately fixed showed an actual cash surplus value over and above all the stock that was issued for it.

Senator REED. Well, I had arrived at a very different conclusion.

Mr. JONES. Well, I think you are mistaken.

Senator REED. I may be. If I am, I want to get it right. But the allegations of this bill are that in 1902 "the aggregate annual output of five separate concerns manufacturing and selling harvesting machinery and twine, including binders, mowers, reapers, rakes, etc., amounted to over 85 per cent of all the harvesting machinery, and more than 50 per cent of the binding twine sold and produced in the United States. These concerns were the McCormick Harvesting Machine Co., an Illinois corporation, capital stock $2,500,000, with factories located at Chicago, Ill."

Now, this is the original organization.

Senator SHAFROTH. When was that originally organized?

Senator REED. In 1902.

Senator SHAFROTH. Do you mean that $2,500,000 was all the capital stock that the McCormick Co. had in 1902?

Mr. JONES. Stock.

Senator REED. I mean that this petition says that that was all the stock of the company, $2,500,000.

Senator SHAFROTH. How long had that company been in existence at that time?

Senator REED. I do not know.

Senator SHAFROTH. It may have been accumulating property for 20 or 40 years before that.

Senator REED. "The Deering Co., with factories at Chicago, Ill."

Now, there is no value given there.

"The Plano Manufacturing Co., an Illinois corporation, capital stock $1,000,000, with factory at West Pullman, Ill.

"The Warder-Bushnell & Glessner Co., an Ohio corporation, capital stock, $3,000,000, with factories at Springfield, Ohio.

"The Milwaukee Harvesting Co., a Wisconsin corporation, capital stock, $1,000,000."

Senator NELSON. Assuming, Senator REED, that the Deering Co. was as big as the McCormick Co.——

Senator REED (interposing). I am going to give you the Deering Co.'s figures, because it is stated in the record of the suit, if I can get my eyes on it.

Senator LEE. I think the witness has already stated that he did not enter into an examination of that original valuation.

Mr. JONES. Well, I will state without any hesitation and absolutely that the record of these legal proceedings shows that at the time the International Harvester Co. was organized inventories, made elaborately and by outside concerns having no interest in it, showed an actual surplus of cash value above the total stock issued, namely, $120,000,000.

Senator SHAFROTH. Then there has never been any watered stock in this company?

Mr. JONES. Not a dollar of watered stock.

Senator NELSON. Let me call your attention to one fact—and it appeared in the bill; these implement companies had been accustomed for years to sell on time and take the notes of farmers. Now, that paper was turned over to the company and stock was issued for $40,000,000 for that paper. That is what the bill shows. But that paper was worth something. They collected those notes, and they issued stock for them. The notes went to the new company, and the new company collected them and got the money out of the farmers.

Mr. JONES. I do not quite understand. Do you mean that there was a duplication of stock issued for the notes and then stock issued for the cash?

Senator NELSON. No; stock issued for the notes, and the notes went to the new company.

Senator SHAFROTH. If the notes were paid, what would be the difference?

Senator NELSON. They got their money back.

Senator SHAFROTH. They would have to get their money back in order to make their capital intact.

Senator NELSON. But that did not go into the question of manufacturing.

Senator SHAFROTH. They put in $20,000,000.

Senator HOLLIS. Working capital.

Senator SHAFROTH. They put in $20,000,000 of working capital.

Senator REED. I wanted to know whether the physical properties and cash were $120,000,000?

Mr. JONES. $120,000,000, yes; including plants and manufactured stock and credits outstanding—debts actually owing, farmers' notes, and property.

Senator SHAFROTH. Did it include any good will?

Mr. JONES. Not a dollar of good will.

Senator CRAWFORD. Or promoters' fees?

Mr. JONES. Not a dollar of promoters' fees.

Senator NELSON. Oh, yes; Morgan & Co. received promoters' fees.

Mr. JONES. Well, promoters' fees; there was a fee paid for organization expenses.

Senator REED. $3,451,863.34 was paid to J. P. Morgan & Co.

Mr. JONES. But there was property in actual cash covering that turned over to the company. I state positively that the records show that the property turned over to the company exceeded by actual cash value the entire stock issued, including promoters' fees and all.

Senator REED. Here is a company organized that takes over a lot of property. The physical properties that it takes over and the notes and bills receivable that it takes over aggregated $120,000,000. Now, when they get through with their organization they take $3,400,000 and turn it over to Morgan & Co.

Mr. JONES. Your statement is wrong. It aggregated not $120,000,000 but some $130,000,000.

Senator HITCHCOCK. When you say "property" what do you refer to?

Mr. JONES. Plants——

Senator HITCHCOCK. I find that the valuation which the actuaries and accountants found of the McCormick property was $39,668,157; and upon the Deering plant, $27,237,195; upon the Plano plant, $3,068,667; and I have not been able to find the other one, the Warder, B. & G. Co.

Senator NELSON. The Warder, Bushnell & Glessner Co.

Mr. JONES. Those figures do not include any outstanding bills receivable; there were an enormous amount of farmers' notes outstanding.

Senator HITCHCOCK. The plants themselves fall something short of $70,000,000.

Mr. JONES. Well, the outstanding notes of the International Harvester Co. are enormously large.

Senator REED. This is the allegation:

"That of this stock ($120,000,000), $53,400,000 was apportioned among the owners of the McCormick, Deering, Warder, Bushnell & Glessner, and Plano Cos., in consideration of the transfer by each company of all its real estate, factories, plants, buildings, improvements, machinery, patterns, tools, apparatus, fixtures, patents, inventions, devices, patent rights, licenses, trade-marks, trade names, and good will, of all and singular said property as a going concern, and supplies, *products*, and materials on hand, pending contracts, railroad equipment, as well as all other property of the vendor appertaining to the vendor's business, except bills and accounts receivable."

Now, that is $53,400,000

Mr. JONES. Those are the allegations of the bill; they are not proved.

Senator REED (reading):

"Stock in the amount of $40,000,000 was apportioned among the owners of the McCormick, Deering, Plano, and Warder-Bushnell & Glessnor Cos., in consideration of the assignment by the vendor companies to the purchasing company of bills and accounts receivable of like amounts, guaranteed by the vendors or for cash.

"Stock in the amount of $3,148,196.66 was issued to J. P. Morgan & Co., of New York, who had paid that amount in cash to secure the property of the Milwaukee Harvester Co., which was conveyed to the International Harvester Co., as above stated."

Now, that was a company of $1,000,000.

"Stock in the amount of $3,451,863.34 was issued to J. P. Morgan & Co. for services rendered and for legal expenses."

That is the allegation of the bill, as you see; but generally speaking, the Government is pretty careful about this bill. However, I do not think we need waste any more time on that. I am through with my questions.

Senator SHAFROTH. None of this was, however, done while you were a director?

Mr. JONES. None of it.

Senator HOLLIS. I would like to ask a few questions: In 1909, Mr. Jones, you had to make up your mind whether you would become a director of the International Harvester Co.?

Mr. JONES. Yes, sir.

Senator HOLLIS. And you had to satisfy yourself upon certain problems. Now, you knew at that time that the International Harvester Co. was popularly called the Harvester Trust?

Mr. JONES. Yes, sir.

Senator HOLLIS. And you knew that throughout the West, or in some sections, there were charges that they acted as a monopoly, acted oppressively, and raised prices by unfair means. You knew those charges were made?

Mr. JONES. I did.

Senator HOLLIS. You did not want to become a director in a concern like that, did you?

Mr. JONES. No, sir.

Senator HOLLIS. And therefore you had to pass judgment for yourself as to whether those charges were true?

Mr. JONES. In a general way, I did.

Senator HOLLIS. Yes; in a general way.

Mr. JONES. I did.

Senator HOLLIS. Now, if you had believed that these other officials with whom you associated yourself were lawbreakers and were acting in violation of the Sherman antitrust law, would you have become a director?

Mr. JONES. No, sir; I would not if I thought so at the time.

Senator HOLLIS. At the time; I am speaking about 1909.

Mr. JONES. Yes, sir.

Senator HOLLIS. And then the matters that you had to settle for yourself divided themselves into two branches, generally speaking.

The first was as to the original organization, which might or might not have been in violation of the Sherman antitrust law. Now, how did you regard that?

Mr. JONES. That is a legal question——

Senator HOLLIS (interposing). No; I am not asking you as to whether they had or not; but, as I understand, you regarded that as a question to be determined by the courts?

Mr. JONES. I did. I felt just as sure then as I do now that it would have to be decided by the courts.

Senator HOLLIS. And you considered that as a question on which honorable men might fairly divide?

Mr. JONES. I did.

Senator HOLLIS. The other question was as to the selling agencies throughout the country, where it was claimed that the International Harvester Co. in their contracts with dealers provided that the dealers should not deal in competing goods of any other concern. You knew that that was the charge?

Mr. JONES. I know that that was not the fact. It has been disproved.

Senator HOLLIS. I am asking you this: You knew that that was the charge?

Mr. JONES. I knew that that was the charge.

Senator HOLLIS. When you became associated with this company as a director, of course it would make a difference in the fairness or unfairness of the company whether that practice was continued?

Mr. JONES. It would.

Senator HOLLIS. And have you satisfied yourself as to whether the selling contracts are unfair?

Mr. JONES. I have satisfied myself that I believe they are entirely fair. There is no element of exclusive dealing in them at all. The agents of the International Harvester Co.'s machines handle the Deere machines; they handle any other machines that they see fit.

Senator HOLLIS. So that you, by personal investigation, have satisfied yourself that there is nothing in the conduct of the International Harvester Co. with which a high-minded man can not properly identify himself?

Mr. JONES. I have.

Senator HOLLIS. Now, going back to the 1909 situation, when you joined the company, was there any reason in the world why you should have associated yourself at that time with a company of lawbreakers?

Mr. JONES. Not the slightest.

Senator HOLLIS. Was there anything in it for you?

Mr. JONES. Nothing whatever in it, either financial or sentimental. I believed that the gentlemen who asked me to go in were not lawbreakers, and that is the reason I went in. If after I went in I had found out that they were, I would have gone out of the company.

Senator POMERENE. You did not anticipate this situation of to-day. [Laughter.]

Senator HOLLIS. If it should result, in the Government's suit against the International Harvester Co., that there is a decree that the combination was unlawful in 1901 or 1902, and that it must be dissolved, would that alter your opinion at all as to the moral status of your present associates?

Mr. JONES. It would not. That is a matter again upon which there might be a difference of opinion. I believe, personally, that they thought they were not doing anything wrong; but it may turn out that they were. If the court says that they were, we will all believe they were.

Senator HOLLIS. You distinguish, do you not, between something legally wrong and something morally wrong?

Mr. JONES. I do.

Senator REED. Do you think it is perfectly right morally for a man to create a monopoly?

Mr. JONES. That depends altogether upon the kind of monopoly. Business morality is in the making. Things that were considered legitimate 25 or 30 years ago are not considered legitimate now, and by the same persons.

Senator NELSON. Mr. Jones, you surprise me. I always thought the Decalogue and the principles of the Christian religion were immutable, and not subject to change. They are the same now as they were 1,800 years ago.

Mr. JONES. I am not speaking of the Decalogue.

Senator NELSON. But as to the rules and principles of morals I did not suppose there was any new discovery. You will recall that Macauley, in his History of England, says that while there are a great many new discoveries and inventions in science, in the matter of religion and morals there are none. But you have announced a new gospel.

Senator HOLLIS. Allow me to express what I understand as to the Gospel. That the principles of morals and of the Gospel have never changed, but our understanding of them has constantly changed.

Senator REED. I thought since the Sherman antitrust law was enacted we all understood that monopolies were prohibited and combinations in restraint of trade were made illegal. But I have no further questions to ask.

Senator LEE. If the criticisms of the law officers of the National Government, as expressed in this bill of complaint, should receive the final approval of the courts, no matter what form that approval might take, in the way of a decree, it would not have the slightest effect upon your personal fortunes?

Mr. JONES. Not a particle. I have got $100 invested in the common stock; that is all.

Senator LEE. Now, in case those criticisms should take affirmative form, in the nature of a final decree, and this company was directed to do certain things, or undo certain things which were done, your attitude would be, of course, entirely corresponding to the order of the court?

Mr. JONES. Why, certainly.

Senator LEE. There is nothing in your financial or personal relationship that would preclude you from taking that attitude?

Mr. JONES. Nothing at all, Senator.

Senator LEE. You have been acquainted a long time with the President, have you not, Mr. Jones? You have been closely associated with him in Princeton matters?

Mr. JONES. Yes; Princeton University.

Senator LEE. And in that connection he has had ample opportunity to make personal observation of your character and conduct, has he not?

Mr. JONES. He has had some opportunity to make investigation; yes, sir.

Senator REED. It is an unpleasant question to ask, and I only ask it to show that there is a distinction. You say that no decree of the court would affect your personal fortune. If it should be determined by the court that the harvester company is a trust operating in violation of law——

Senator HOLLIS (interposing). I referred to this bill of injunction.

Senator REED (continuing). It might affect the officers of the company.

Mr. JONES. Why, there is nothing charged against them. I do not understand how there could be a personal decree there, Senator. There has never been any suggestion of a thing of that sort that I have heard.

Senator REED. It is a very possible form of decree, however.

Senator HOLLIS. I want to remind the members of the committee that they have not asked anything about the Zinc Trust.

Senator HITCHCOCK. That will come up later.

(Thereupon, at 3 o'clock p. m., the committee took a recess on a call for a quorum in the Senate, after which the following proceedings were had:)

Senator NELSON. Mr. Jones, are you a stockholder, director, and officer in the New Jersey Zinc Co.?

Mr. JONES. I am a stockholder and a director. I am not an officer.

Senator NELSON. Did you join in the organization of that company?

Mr. JONES. I did not join in the organization of the company; that had been organized a long time ago. I joined in the acquisition by the New Jersey Zinc Co. of the Mineral Point Zinc Co. in 1897.

Senator NELSON. I am coming to that.

Mr. JONES. Yes; I had nothing to do with the New Jersey Zinc Co.; that was organized a long time ago.

Senator NELSON. You are a stockholder and a director in the Mineral Point Zinc Co.?

Mr. JONES. I am a director and I am at present its president.

Senator NELSON. Yes.

Mr. JONES. The Mineral Point Zinc Co. is a subsidiary of the New Jersey Zinc Co.

Senator NELSON. When was that Mineral Point Zinc Co. organized?

Mr. JONES. The Mineral Point Zinc Co. was organized in 1883.
Senator NELSON. And when was it taken in by the New Jersey Zinc Co.?
Mr. JONES. In 1897
Senator NELSON. 1897. After it was taken in, was there an increase in the capitalization of the New Jersey Co.?
Mr. JONES. Yes sir.
Senator NELSON. What was the capitalization before that?
Mr. JONES. The capitalization before that was something like $4,000,000.
Senator NELSON. $4,000,000?
Mr. JONES. The capital stock was increased in 1897 to $10,000,000.
Senator NELSON. $10,000,000. And how much was your Mineral Point Zinc Co. taken in at?
Mr. JONES. About $900,000.
Senator NELSON. What was the original capitalization of that company?
Mr. JONES. $400,000.
Senator NELSON. And they took you into the New Jersey Co. at $900,000?
Mr. JONES. They did. That was the capitalization.
Senator NELSON. Did you get money or stock for it?
Mr. JONES. Stock entirely; no money.
Senator NELSON. The New Jersey Co., you say, is capitalized for $10,000,000?
Mr. JONES. $10,000,000.
Senator NELSON. What does that consist of, common and preferred stock?
Mr. JONES. No, sir; it is all one stock; there is no preferred stock; it is common stock.
Senator NELSON. One stock?
Mr. JONES. Yes, sir.
Senator NELSON. Is the company bonded, too?
Mr. JONES. Yes, sir; it has a bond issue of $4,000,000, of which there is a little under $3,000,000 outstanding.
Senator NELSON. $3,000,000. That is in addition to the capital stock?
Mr. JONES. Yes, sir.
Senator NELSON. Did you become a director of the New Jersey Co. at the time they took in your Mineral Point Co.?
Mr. JONES. No, sir.
Senator NELSON. When did you become a director of the New Jersey Co.?
Mr. JONES. I became a director of the New Jersey Zinc Co. about six years ago, I should say.
Senator NELSON. Are you acquainted with what is known as the Prime Western Smelter Co.?
Mr. JONES. I am.
Senator NELSON. What is that—a Wisconsin corporation?
Mr. JONES. No, sir; a Missouri corporation.
Senator NELSON. Were you one of the organizers of that company?
Mr. JONES. No, sir; I had nothing to do with the organization of it.
Senator NELSON. Are you a stockholder?
Mr. JONES. That is a subsidiary of the New Jersey Co.
Senator NELSON. I asked you, are you a stockholder in that?
Mr. JONES. I am not.
Senator NELSON. Are you a director?
Mr. JONES. I am not.
Senator NELSON. Is it a subsidiary of the New Jersey Co.?
Mr. JONES. It is.
Senator NELSON. Do you know what that was taken in for?
Mr. JONES. I can not tell you exactly. I should say roughly about $300,000, but I am not sure about it.
Senator NELSON. Do you know what it was capitalized for originally?
Mr. JONES. I do not know; I do not remember.
Senator NELSON. But it was taken in by the New Jersey Co.?
Mr. JONES. It was.
Senator NELSON. For $300,000?
Mr. JONES. I should say about that. I do not carry the figures in my mind accurately.
Senator NELSON. Do you know anything about the Empire Zinc Co.?
Mr. JONES. Yes, sir.
Senator NELSON. What kind of corporation is it?
Mr. JONES. That is a mining organization entirely; it furnishes the raw material; it mines zinc ore; it does not manufacture at all.
Senator NELSON. What State is that corporation organized under?
Mr. JONES That is a Missouri corporation, I think; Missouri or Colorado; Missouri, I think.
Senator NELSON. How much is that capitalized for?
Mr. JONES. I am not sure; I do not remember about that; it is not a large corporation.
Senator NELSON. Was that taken in by the New Jersey Zinc Co.?
Mr. JONES. It was.
Senator NELSON. Are you president and director of the Depew & Northern Railway Co.?
Mr. JONES. I am.
Senator NELSON. Where is that?
Mr. JONES. That is a road about 4 miles long, connecting the smelter plant of the Mineral Point Zinc Co. at Depew, Ill., with what was known as the "3 I's Railway Co." It is a connecting road.
Senator NELSON. Was that taken in by the New Jersey Co.?
Mr. JONES. The stock of that is owned by the Mineral Point Zinc Co., which is a subsidiary.
Senator NELSON. The stock is owned by the Mineral Point Zinc Co., which is a subsidiary of the New Jersey Co.?
Mr. JONES. Yes, sir; it was a feeding road of the Mineral Point Co. plant.
Senator NELSON. Are you connected with the Mineral Point & Northern Railroad Co.?
Mr. JONES. I am a director of that.
Senator NELSON. Is that a Wisconsin corporation?
Mr. JONES. That is a Wisconsin corporation. That is also a feeding road, all the stock of which is owned by the Mineral Point Zinc Co. It is intended to connect the plant of the Mineral Point Zinc Co. with the iron-ore territory.
Senator NELSON. So that the Mineral Point Zinc Co. owns these two railroad companies, and the Mineral Point Zinc Co. was taken in by the New Jersey Co.?
Mr. JONES. These railroads were built after it was taken in.
Senator NELSON. Yes; but the stock is held by this Mineral Point Zinc Co.?
Mr. JONES. It is.
Senator NELSON. And the Mineral Point Co. stock is held by the New Jersey Co.?
Mr. JONES. It is.
Senator NELSON. Have you any competitors in the zinc business of any account—the New Jersey corporation?
Mr. JONES. Yes, sir; very vigorous competitors.
Senator NELSON. Your chief mine is in New Jersey, is it not?
Mr. JONES. Yes; the chief mine is in New Jersey.
Senator NELSON. Yes. Does not the company have a zinc-proof contract with their customers? Does not the company make a contract with their customers regulating the sale and disposal of the property?
Mr. JONES. No, sir; it does not.
Senator NELSON. No kind of contract?
Mr. JONES. No, sir.
Senator NELSON. Just a sales contract?
Mr. JONES. They are at liberty to do anything they like with it after they get it.
Senator NELSON. What are the profits of the New Jersey Co. a year?
Mr. JONES. The last two years the profits have been large, growing out of its mining operations. The profits were about $5,000,000.
Senator NELSON. $5,000,000?
Mr. JONES. Yes, sir.
Senator NELSON. And they paid a dividend of about how much?
Mr. JONES. They paid dividends of about $5,000,000 during the last year and $4,000,000 the year before.
Senator HITCHCOCK. What was the capital?
Mr. JONES. $10,000,000.
Senator NELSON. They paid $5,000,000 this year and $4,000,000 the year before?
Mr. JONES. That is my recollection; yes, sir.
Senator NELSON. And what interest do the bonds bear?
Mr. JONES. Four per cent.
Senator NELSON. That is, after paying the fixed charges and paying the interest on the bonds they had this dividend to pay?
Mr. JONES. Yes, sir.
Senator NELSON. Fifty per cent one year and over 40 per cent the next year?
Mr. JONES. Yes, sir.
Senator NELSON. It is a profitable thing?
Mr. JONES. That, you will bear in mind, is largely a mining enterprise, and the dividends are not, strictly speaking, profits. A mining corporation distributes its assets with each dividend. In other words, a mining corporation stands on a little different basis from other corporations.
Senator NELSON. You export your ore, do you not?
Mr. JONES. Only a small portion of ores that can not be used here. It is a special product of ore.
Senator NELSON. Do you not sell mostly by mail to paint grinders?
Mr. JONES. By mail?
Senator NELSON. Yes.
Mr. JONES. None at all.
Senator NELSON. Who are the customers of the New Jersey Co.?
Mr. JONES. We make three products—oxide of zinc, spelter, and sulphuric acid, which is a by-product of the ores.
Senator NELSON. Whom do you sell that stuff to?
Mr. JONES. The oxide of zinc is sold in about equal quantities to paint grinders and to rubber manufacturers.
Senator NELSON Yes.
Mr JONES. It is used very largely in the manufacture of rubber—in whitening rubber.
Senator NELSON. Do you sell it to jobbers or retailers?
Mr. JONES. We sell it to retailers.
Senator NELSON. Throughout the country?
Mr. JONES. Yes, sir.
Senator NELSON. Do you have any contract of rebate with them, or any contract by which you fix the price at which to sell your product?
Mr. JONES. None whatever.
Senator NELSON. And what do you do with the other products?
Mr. JONES. Spelter we sell to the trade at large.
Senator NELSON. Yes.
Mr. JONES. Also the sulphuric acid.
Senator NELSON. To the jobbers or the retailers?
Mr. JONES. The retailers. We do not sell to jobbers at all.
Senator NELSON. You do not sell to jobbers?
Mr. JONES. No, sir.
Senator NELSON. Now, you say last year your profits in the company—you declared a dividend of $5,000,000, which would be fully 50 per cent; and the year before over $4,000,000. Now, how much the year before that?
Mr. JONES. Well, it went down; the year before that, my recollection is that the profits would be about $3,500,000; but the figures are not——
Senator NELSON (interposing). Now, the company was organized in 1907?
Mr. JONES. No, sir; in 1897.
Senator NELSON. I mean your company was taken in then?
Mr. JONES. In 1897.
Senator NELSON. In 1897 your company, the Mineral Paint Co., was taken in?
Mr. JONES. Yes, sir.
Senator NELSON. And shortly after that you were elected a director, were you not?
Mr. JONES. No, sir; I was elected a director about six years ago.
Senator NELSON. What have been the profits; take the six years, year by year, the first years that you were a director?
Mr. JONES. During the first years they were comparatively low.
Senator NELSON. How low? Enough to pay 10 per cent dividends?
Mr. JONES. No, sir; not during the first years.
Senator NELSON. Seven per cent?
Mr. JONES. I should say about 7 per cent.
Senator NELSON. Well, the next year?
Mr. JONES. Well, with the improved mining plants that we had they gradually went up. The dividends have been increasing.
Senator NELSON. How much were they the next year?
Mr. JONES. Well, in a period of 17 years I do not remember the dividends right along from year to year. They went up to 10 per cent.
Senator NELSON. Thirty per cent, 40 per cent, or 50 per cent?
Mr. JONES. It did not reach 30 per cent until, I should say, three or four years ago.
Senator NELSON. And since then have they been at that rate, from 40 to 50 per cent?
Mr. JONES. During the last two years; yes, sir.
Senator NELSON. About 50 per cent?

Mr. JONES. Yes, sir.
Senator NELSON. A pretty good stock. I guess that is all.
Senator REED. How many companies have been taken into that New Jersey company, absorbed or financed in any way?
Mr. JONES. Two besides ours.
Senator REED. What proportion of zinc products does that New Jersey company control?
Mr. JONES. Zinc products?
Senator REED. Of the products that you produce?
Mr. JONES. In the spelter business—that is metallic zinc—the total spelter trade of the country amounts to about $375,000 to $400,000, of which the New Jersey Zinc Co. and its subsidiaries manufacture about 20 per cent. Of the sulphuric acid, which is a by-product in roasting the zinc ore, the total output of the country is enormous. The total output of the country is fully 3,000,000 of tons, of which we make 100,000.
Senator SHAFROTH. One-thirtieth then you make?
Mr. JONES. Three per cent of the total output.
Senator SHAFROTH. That would be about one-thirtieth?
Mr. JONES. Yes; of zinc, the New Jersey Zinc Co. and its subsidiary, the Mineral Point Zinc Co., make about 70,000 to 75,000 tons a year, and make the larger part of the product of the country. That is made out of the New Jersey zinc mine ores, which are the only ores in the country that make a certain grade of oxide of zinc.
Senator NELSON. The oxide of zinc; is that the material from which they make paint?
Senator REED. White lead?
Mr. JONES. No; not white lead. White lead is an entirely different product. Of course it is keenly competitive with zinc in paints. Mixed paints are made up of a certain percentage of it.
Senator REED. It looks like white lead; is that it?
Mr. JONES. Yes, sir; it has certain advantages over white lead. It does not turn yellow, for instance, while white lead does turn yellow.
Senator REED. You said you made the large part of the product. What proportion?
Mr. JONES. The Sherwin-Williams Co. has quite a large plant down in Missouri; just the output of that I do not know. The Ozark Co.—I think they make about 10,000 tons. The Mineral Point Zinc Co. makes about 7,000 tons, and the New Jersey Co., at Mine Hill., makes about 65,000 tons.
Senator REED. Are those the only concerns that produce the product?
Mr. JONES. They are the principal concerns that produce the product.
Senator REED. Then you produce about 70 per cent?
Mr. JONES. Of the oxide of zinc; yes.
Senator REED. Now, where in Missouri are your mines located?
Mr. JONES. We have no mines of consequence in Missouri. We have mines in Colorado. We have some mines in Joplin, Mo., but we are not operating them.
Senator REED. I understood you to say you had some in Missouri. You simply have some mine territory there?
Mr. JONES. Yes. We have some ore properties in Colorado, at Canon City, Colo., and we have bought considerable ores at Leadville.
Senator REED. As I understand you, this oxide of zinc is used to make a paint, which is a character of paint which closely resembles white lead, and then it can be colored to any color?
Mr. JONES. Zinc oxide is never used by itself as a paint. It is used in combination with lead. It lacks what is called coloring capacity when used alone.
Senator REED. Has the New Jersey concern any relations of any kind with any other institution engaged in producing this product?
Mr. JONES. None whatever; only the subsidiaries that I have mentioned.
Senator REED. You sell in competition then with them?
Mr. JONES. Absolutely.
Senator HITCHCOCK. And in the case of oxide of zinc you manufacture about 90 per cent of the product?
Mr. JONES. Not more than about 85 per cent. I am not sure what the Sherwin-Williams Co. manufacture. They are the largest manufacturers of mixed paint. They use a great deal themselves, and just how much they sell I do not know.
Senator REED. You are making that oxide of zinc in Wisconsin, in your plant there, and the New Jersey company in its plant in New Jersey?
Mr. JONES. Yes, sir.
Senator REED. And what other company was there making it that was taken in?
Mr. JONES. What was known as Manning & Squire. There were two concerns that claimed an interest in this large mine in New Jersey, the unique mine deposit—Manning & Squire and the Lehigh Zinc & Iron Co. They were all mining portions of the same mine, and there had been litigation among them lasting for pretty nearly 40 years as to lines, etc., and the courts were at their wits' ends how to decide it, and the New Jersey company purchased the interest of those companies in that mine.
Senator REED. The New Jersey Zinc Co. was a company that was organized to take over all of these properties and adjust these differences by accommodation?
Mr. JONES. No, sir; that is not correct. The New Jersey company is an old company organized 40 years ago.
Senator REED. It was finally used as a conduit to take them over, however?
Mr. JONES. It purchased the other companies.
Senator REED. And it paid them in stock?
Mr. JONES. It paid them in stock.
Senator REED. So that in that way the New Jersey company, which was an old company which had a limited capital stock, acquired the properties. Do you remember how much its capital stock was before this consolidation?
Mr. JONES. I should say about $4,000,000.
Senator REED. And it proceeded then to increase its capital stock and to take in these various rivals that were quarreling over the ownership of that deposit in New Jersey and pay them out of the common stock?
Mr. JONES. Yes, sir.
Senator REED. Thus all those rivalries were reconciled?
Mr. JONES. Yes, sir.
Senator REED. Those concerns that you speak of as being engaged in mining are also engaged in manufacturing?
Mr. JONES. Yes, sir.
Senator REED. So that the mining controversies were wiped out and the rivalries in trade between those concerns were wiped out?
Mr. JONES. That is correct.
Senator REED. Now, that left your company one of the large outside producers?
Mr. JONES. Yes, sir.
Senator REED. And your company was taken in, and you took your pay in stock?
Mr. JONES. Yes, sir.
Senator REED. And thus there was put into this one consolidation 80 per cent to 90 per cent of the production of zinc oxide?
Mr. JONES. Yes; not of spelter.
Senator REED. Of zinc oxide?
Mr. JONES. Yes, sir.
Senator REED. So that the only important concern left outside is the Sherwin-Williams Co., of Missouri?
Mr. JONES. Yes, sir.
Senator HITCHCOCK. It has about one-eighth?
Senator REED. Yes. Now, all of this consolidation of these various interests was worked out through increasing the capital stock of the New Jersey company and turning over to the various companies that were taken in or to their owners stock in the new company?
Mr. JONES. Yes, sir.
Senator HITCHCOCK. What is the price of zinc now?
Mr. JONES. It varies according to the quality a good deal. Oxide of zinc which contains a little lead, which practically all western oxide does, sells about half a cent lower than oxide of zinc which is made at the New Jersey mine, which is practically lead free. It ranges anywhere from 4½ cents up to 5¼ cents.
Senator HITCHCOCK. It has been advancing in price over a period of years?
Mr. JONES. There was an advance made about two years ago. There was no advance made this year.
Senator HITCHCOCK. How has it been affected by this last tariff?
Mr. JONES. The tariff was reduced on oxide of zinc and spelter.
Senator HITCHCOCK. Has it affected the price?
Mr. JONES. It has not affected the sale very materially.
Senator HITCHCOCK. Are there any importations of oxide of zinc?
Mr. JONES. There are importations of what is known as French oxide, red seal and green seal. The French processes of manufacture are entirely different from the American. First, they make spelter, the metallic zinc, and then they oxidize that, and it makes a denser, whiter pigment that costs a good deal more money. That is worth from 6 to 7 cents a pound, and there is an importation of that.
Senator HITCHCOCK. Is this oxide of zinc used in stereotyping?
Mr. JONES. No, sir. Spelter, the metallic zinc, is used in zinc plates.
Senator HITCHCOCK. I know that the cost of stereotyping material has been increasing.
Mr. JONES. No; oxide of zinc is not used for that.
Senator REED. There is no real competition between the character of oxide of zinc you produce and the character of oxide of zinc produced in Europe. That is correct, is it not—that is a higher grade?
Mr. JONES. That is a higher grade of oxide. Of course, there is competition for the reason that the denser, whiter pigment will go farther than oxide made by the American process.
Senator CRAWFORD. Do this New Jersey company and the Sherwin-Williams Co. in this country control this oxide production?
Mr. JONES. Yes, sir. The Sherwin-Williams Co. and the New Jersey company control the oxide production. Its subsidiaries manufacture all the oxide of zinc that there is of American manufacture.
Senator CRAWFORD. They do not control the basic material from which the oxide can be produced in this country?
Mr. JONES. Not all, except so far as the ores of Mine Hill are peculiar; they are lead free. Oxide of zinc that is produced from western ores has an ingredient of lead which makes it impracticable to use it in the rubber trade. It makes the rubber brittle.
Senator CRAWFORD. Does that explain why they have such a large proportion of this business?
Mr. JONES. Absolutely. The Mine Hill ore has had a natural monopoly of ores of that character. There is no other mine of the kind in the world.
Senator HITCHCOCK. That is in New Jersey, is it not?
Mr. JONES. That is in New Jersey.
Senator REED. Why were your profits so comparatively small formerly?
Mr. JONES. In the first place the properties were very uneconomically managed. That is a very expensive mine; you have to go down deep for the ore; and the mining expense has been greatly reduced and the output has been increased. As I said before, all mining operations are necessarily exhaustive proceedings, and that mine is an extraordinary mine, but it is a rapidly exhausting mine. The company has been making the utmost out of it, and every economy that can be made has been used, and gradually it will be compelled to find some means of utilizing western ores, which at present are utilized to a limited extent.
Senator REED. You spoke a moment ago about that mine being a natural monopoly. What was your mine in Wisconsin?
Mr. JONES. What was our mine in Wisconsin?
Senator REED. Your mine in Wisconsin produced the same class, did it not?
Mr. JONES. No, sir; it did not. That was the trouble. The Mineral Point Zinc Co. was organized by a number of citizens of Mineral Point, Wis., who developed the zinc business and the territory—I was born there, and born with an interest in it. And when these citizens of Mineral Point built an oxide plant there they knew nothing about it. They borrowed a lot of money from a brother of mine, and when they found that they had the plant all fixed and all built and had their storehouse full, they could not sell a pound of it; and the way we got into the zinc business was, we had to take that property, at their urgent solicitation, for the money that my brother had loaned to them.
At that time there was a certain amount of what is known as carbonates. The zinc ores are mostly carbonate and silicate and sulphide ores.
Of the carbonate ores there was a sufficient supply for our purposes. We had to tear down the plants and rebuild them, and of the carbonate ores—there were a sufficient amount of carbonate ores for our uses for the time being, but that stock became exhausted; and there is to-day—outside of a certain amount of carbonate ores at Leadville, there is not much deposit of carbonate ores there.
At that time it was impossible to make oxide of zinc that was salable out of the desulphurized sulphide, and we found that the kind of oxide that we could make out of the ores that were left in Wisconsin would only meet certain demands of the paint men; that is, certain grades of paint only, and not the others. We were at a disadvantage, in that the kind of ores that we were restricted to would not make the kind of oxide of zinc that the trade demanded; and this New Jersey deposit,

which was, as I say, practically a natural monopoly of a nonleaded zinc—they could supply the entire trade.

On the other hand, the New Jersey Zinc Co.'s mine was rapidly exhausting, and the time was certain to arrive when they would have to make oxide of zinc of some sort out of western ores. In other words, they would have to establish a western department in order to meet the requirements of the trade after that mine was exhausted; and our needs, with what was certain to be their need, dictated an industrial fixing up of the business with them. It was not a question of monopolization; it was a question of "root hog or die."

Senator REED. I do not understand how, if you did not have the material, you could be of benefit to them.

Mr. JONES. Because we were making a low grade of oxide which was valuable used with——

Senator REED (interposing). Mixed with theirs?

Mr. JONES. Mixed with theirs. And we do mix it to this day.

Senator REED. By mixing the two products——

Mr. JONES (interposing). By mixing the two products we made a salable product.

Senator HITCHCOCK. You were not making any dividends before you consolidated with the New Jersey company?

Mr. JONES. The Mineral Point Co. never at that time had paid a dollar of dividends. I do not mean to say that we did not make any money, but every dollar of the money had to go into plant, experiments, and extensions.

Senator CRAWFORD. Then these big dividends will come to an end when this New Jersey mine is exhausted?

Mr. JONES. I am sorry to say they will.

Senator CRAWFORD. Then you are making hay while the sun shines?

Mr. JONES. Yes, sir.

Senator CRAWFORD. You have got a pretty good thing while it lasts?

Senator HITCHCOCK. You were taken into that concern in what year?

Mr. JONES. Eighteen hundred and ninety-seven. And I say that there has never, to my knowledge, been a charge of any sort that we have been in violation of any Federal law, and no charge in any State in which we have operated that we have been in violation of any State law at all.

Senator HITCHCOCK. That was in 1897. Prior to that time your capital stock had been about $400,000?

Mr. JONES. $400,000.

Senator HITCHCOCK. And you were given $900,000 of stock in the New Jersey concern, and the New Jersey concern had $4,000,000, which was increased to $10,000,000?

Mr. JONES. $10,000,000.

Senator HITCHCOCK. With an indebtedness of $3,000,000?

Mr. JONES. The indebtedness was incurred afterwards, to build plants. There was no indebtedness in 1897.

Senator HITCHCOCK. So that the capital of the two concerns was doubled at the time of the consolidation?

Mr. JONES. Substantially; yes, sir.

Senator SHAFROTH. What was the value of your plant at the time it was taken into the New Jersey company?

Mr. JONES. We had a mine down in New Mexico, which we still have, which is a pretty good mine, and I should say that when we turned in our company the value of our properties was fully what we got in stock at the time.

Senator SHAFROTH. $900,000?

Mr. JONES. $900,000. I should say that the plant was worth at least $450,000, the capital stock being $400,000, and that our mine was worth as much more.

Senator SHAFROTH. What was the New Jersey company worth? How much did it put in in actual value into this new organization?

Mr. JONES. Well, it put this mine, on which no valuation has ever been put.

Senator SHAFROTH. It is very valuable, however?

Mr. JONES. Oh, yes; it is still a valuable property, although, as I say, it is a rapidly exhausting property.

Senator SHAFROTH. I will ask you whether or not, in your judgment, the total assets and property of the company amounted to $10,000,000?

Mr. JONES. I think they did; yes, sir.

Senator SHAFROTH. So that you do not think that any watered stock was put into either one of them?

Mr. JONES. No, sir; not a dollar.

Senator HITCHCOCK. Are there any further questions?

Senator REED. Had the mine in New Mexico ever paid any dividends?

Mr. JONES. No, sir. Well, that belongs to the Empire Co.; it has made no profit.

Senator REED. I say, at the time it went in?

Mr JONES. No, sir; we had gotten ores from it. We had not developed the mine at the time we sold it to the New Jersey Zinc Co.

Senator REED. Has it been developed since?

Mr. JONES. It is being developed now.

Senator REED. Do you get some of this ore out of it that you use in mixing the oxide?

Mr. JONES. Some of it. We got it for that purpose, but it proved not so very good. But large bodies of sulphide——

Senator NELSON (interposing). Your company was taken in by the New Jersey company for $900,000, and that Missouri company, I think you said, for $300,000?

Mr. JONES. The Prime Western, that was purchased afterwards. That was not a part of the original transaction. We wanted to go into western spelter.

Senator NELSON. What was taken in when they organized the New Jersey company and issued all that stock? What was taken in outside of the original company?

Mr. JONES. The organization known as the Lehigh Zinc & Iron Co. and a concern known as Manning & Squire, of New York.

Senator NELSON. They were taken in at how much?

Mr. JONES. I do not remember the amount. They were taken in. I think Manning & Squire was taken in at about, I should say, $1,200,000. It has been so long ago I do not remember the exact figures, but I should say the Lehigh Zinc & Iron Co. was taken in at about $1,500,000.

Senator NELSON. Now, this old New Jersey company owned this mine, did they not?

Mr. JONES. It had been in litigation for 40 years between these three concerns. They claimed to own it all, and the others claimed to own a large slice of it.

Senator NELSON. And they settled the litigation and issued stock?

Mr. JONES. Yes, sir.

Senator NELSON. I am going to ask a question, but I suppose it shows my ignorance. What is spelter?

Mr. JONES. Spelter is metallic zinc.

Senator NELSON. Metallic zinc?

Mr. JONES. It is like sheet zinc.

Senator NELSON. What is that used for?

Mr. JONES. It is used in galvanizing. All the galvanizing is made out of spelter, and all the sheet zinc. It is used in the arts pretty largely. And it is used in making brass very largely. It is one of the constituents of brass.

Senator NELSON. What proportion of the spelter products of the country does the New Jersey company produce?

Mr. JONES. A little less than 20 per cent.

Senator NELSON. And 90 per cent of the oxide?

Mr. JONES. Yes, sir.

Senator NELSON. There is another product?

Mr. JONES. Sulphuric acid.

Senator NELSON. What proportion of that does the new Jersey company produce?

Mr. JONES. About 3 per cent.

Senator NELSON. And what is that used for?

Mr. JONES. Sulphuric acid?

Senator NELSON. Yes.

Mr. JONES. It is used very largely in making fertilizers and in the arts. It is used in the Southern States in manufacturing fertilizers; the bulk of it is used for that. That is an enormous industry. We make that merely as a by-product of the roasted ores. Most of it is made out of iron pyrites, as a direct manufacture. We do not do that at all.

Senator NELSON. Now, what is the process when you extract the ores from the New Jersey mines in the ground? Do you reduce it first?

Mr. JONES. No, sir. That is a complex ore. It consists of what is known as willamite—that is, a silicate of zinc and a mixture of willamite and franklinite, which is a mixture of manganese and iron zinc. That is separated by quite an elaborate magnetic separating plant, a very large plant, which, by magnetic process, takes the franklinite, which is slightly magnetic, out of the willamite, and that willamite is then used in making spelter, being free from iron and lead; the franklinite is roasted in furnaces, and the oxide of zinc goes away and the franklinite—the iron—remains as what is known as speigeleisen, which is then used in making steel. It is fed into steel furnaces and it helps to make the steel tough.

Senator CRAWFORD. Do you employ many men in your New Jersey corporation?

Mr. JONES. Employees?

Senator CRAWFORD. Yes.

Mr. JONES. Yes; a very large number. Of course, the mining operations nowadays are carried on largely by machinery, but we employ a very considerable number of men in mining and also in the smelting industry.

Senator CRAWFORD. Smelting and manufacturing?

Mr. JONES. Yes, sir.

Senator CRAWFORD. Are you in sympathy with the general policy of these big consolidations, with the power that may be, in the abstract, dangerous, depending entirely on whether the men who are using it are good men or bad men?

Mr. JONES. No, sir; I am not in sympathy with them.

Senator CRAWFORD. You really do not believe in it?

Mr. JONES. I do not, frankly. I am giving my personal impressions now, and not those of any corporations I may be connected with. I think industrially most of them are failures, and the difficulty is that they reduce the individual to a mere unit.

Senator CRAWFORD. Your idea is that if one of them is organized it may be dangerous or it may be kept within bounds by the right kind of a board of directors; that you could accept a position on the board of directors for the purpose of keeping it within bounds, although there was a dangerous power vested in it?

Mr. JONES. I think they can be kept within reasonable bounds perfectly well, and I think many of them are.

Senator HITCHCOCK. You think this is not a combination in restraint of trade or in control of trade—the New Jersey Zinc Co.?

Mr. JONES. I do not.

Senator HITCHCOCK. It has 85 per cent, you say, of the zinc trade of the country?

Mr. JONES. Of the oxide of zinc.

Senator HITCHCOCK. Of the oxide of zinc, I mean; yes.

Mr. JONES. About that.

Senator HITCHCOCK. Well, is there any other concern that controls a larger per cent of the products it manufactures?

Mr. JONES. Not of oxide of zinc.

Senator HITCHCOCK. No; I mean of any other industry. Is there any other company that comes any nearer to monopolizing a certain product?

Mr. JONES. No, sir. As I said, so long as oxide of zinc continues to be made out of the New Jersey mine ores the trade demands it and will not have anything else. It makes a grade of oxide zinc that can not be made out of any other known ores in this country. I will say frankly that that mine is the whole business. There is no artificial combination of units to eliminate competition. That has not been attempted at all, and has not been accomplished; but that mine constitutes a natural monopoly

Senator HITCHCOCK. Suppose your company and these others had not been united with the New Jersey corporation, would there be some competition between them?

Mr. JONES. Well, as I told you before, we were up against it, because we could not get ores that would make a product that would meet all the needs of our customers; and it was in order to get a product that would meet the needs of our customers that we were willing—we had not any desire, but we were willing—to sell our properties to the New Jersey company for stock in that company; and ever since then, as I told you, we have mixed the two and made a good product out of the mixture. I believe it has been industrially a great advantage to our customers; and my own judgment is that our customers have been fairly treated, and as you have seen there has been no combination in restraint of trade.

Senator HITCHCOCK. One of the purposes in creating the new banking and currency system is to decentralize the banking power in the United States.

Mr. JONES. Yes, sir.

Senator HITCHCOCK. Which has been used to create monopolies. And I suppose that thought has been in the minds of some when the question arose as to your connection with two concerns which seem to

have for their purpose a creation of great combinations; and the committee was curious to know whether your views were in harmony with the opinion of the country, which is strongly opposed to anything tending to centralize or monopolize business.

Mr. JONES. I have not the slightest hesitation in answering any questions along that line that may be asked as to what my views may be as to general policy. I am thoroughly in accord with what I believe to be President Wilson's policy in destroying monopoly.

Senator HITCHCOCK. How would you go to work in destroying the zinc monopoly?

Mr. JONES. I do not believe it is destructive, because I do not believe it is a monopoly in that sense.

Senator CRAWFORD. That is a case where the supply has been limited by nature and is not limited by artificial combination.

Mr. JONES. Exactly.

Senator HITCHCOCK. Yes; it looks that way.

Senator SHAFROTH. There is no law requiring a man who owns a mine, if there is no other mine of the kind in the world, to divide it up so as to permit of competition.

Senator CRAWFORD. By destroying the combination you could not increase the output from that mine.

Senator HITCHCOCK. Where are the other mines in the world that produce oxide of zinc?

Mr. JONES. The European oxide of zinc is made, as I said, out of spelter. They do not make it out of ores direct. The Vielle Montagne is the original concern and is still very wealthy.

Senator HITCHCOCK. Where is that?

Mr. JONES. The Vielle Montagne is a Belgian concern. They are the central, the head of all the zinc concerns, and they buy mostly their ores. They have ores of their own. The Vielle Montagne was originally a mine, but that was exhausted, as most mines are exhausted, and they buy their ores all over the world. They get a good deal from Spain. They get a good deal from Silesia. There are large zinc mines in Silesia, and there is a Turco-Greek island that produces a good deal.

Senator HITCHCOCK. What is our tariff on your product?

Mr. JONES. The tariff on spelter was reduced to 1½ cents. It was 2½ cents; and the tariff on oxide of zinc, I think, is the same—1½ cents or 1¾ cents.

Senator HITCHCOCK. It is a reduction from what it formerly was?

Mr. JONES. Yes, sir.

Senator HITCHCOCK. Why should there be any tariff if there is only one mine in the country?

Mr. JONES. You take the Sherwin-Williams Co., out in Missouri. They would have something to say about it. They are buying Missouri and New Mexico ores. As far as the New Jersey Zinc Co. is concerned, the probability is that the foreign products would not seriously jeopardize its business, so long as it has this one mine which is going.

Senator HITCHCOCK. Suppose the tariff is 1½ cents per pound, what per cent of your selling price would that represent?

Mr. JONES. Well, taking 4¾ cents, for instance, about the selling price—30 per cent. It is not so much a question of the tariff on zinc as it is the relative tariff on white lead and zinc. They are the real competitors, and they are very vigorous competitors.

When you say that we have 85 per cent of the oxide of zinc trade, that is misleading, because the real competitor of zinc is white lead, and every movement in either one of those products affects the other, and there is a very keen and lively competition, and always has been, between white lead and zinc.

Senator HITCHCOCK. Are there any other questions? We have kept Mr. Jones nearly all day.

Senator LEE. Senator CRAWFORD has just called your attention to the fact that nothing could be done to increase the product of that New Jersey mine, and yet the combination that you have made really increased the applicability and public usefulness of the product of that mine, did it not?

Mr. JONES. Oh, yes; it has made the output a great deal more, although, of course, that hastens the exhaustion.

Senator SHAFROTH. You were speaking of the competition between white lead and zinc?

Mr. JONES. Yes, sir.

Senator SHAFROTH. Now, what is the extent of the production of white lead?

Mr. JONES. Oh, it is very large; very much larger than that of oxide of zinc. I could not give you the figures.

Senator SHAFROTH. And yet that has a very strong influence upon the price of zinc?

Mr. JONES. It has the controlling influence. I should say there is probably three or four times as much white lead used as there is oxide of zinc.

Senator SHAFROTH. I have no other questions, Mr. Chairman.

Senator HITCHCOCK. Are there any further questions by any member of the committee? Mr. Jones, we are very much obliged for your statement.

Mr. JONES. I am obliged to you and the committee for your courtesy, Mr. Chairman.

(Thereupon, at 4 o'clock p. m., the committee adjourned.)

FEDERAL TRADE COMMISSION.

Mr. NEWLANDS. I move that on Saturday next, immediately after the close of the morning hour, the Senate proceed to the consideration of the trade commission bill, and that at not later than 4 o'clock on that day a vote be taken on the bill and all pending amendments.

Mr. SMOOT. The motion is out of order, Mr. President. The Senator can not now move to take up a bill at some future day. He can ask unanimous consent to take it up.

Mr. SMITH of Georgia. He can not create a cloture by motion.

Mr. SMOOT. It is impossible to create a cloture on a bill by moving to take it up on a certain day. The Senator can ask unanimous consent.

Mr. NEWLANDS. Then I ask unanimous consent that——

Mr. SMOOT. In order to do that the roll will have to be called, and I ask the Senator not to make the request, because, until the Senator from Iowa [Mr. CUMMINS] returns, I shall not give consent to a vote upon this bill at any time.

Mr. NEWLANDS. I ask the Senator whether Senators on the other side have not received a communication from the Senator from Iowa saying that he will be back on Friday and will be perfectly willing to proceed to a vote on this bill on Saturday? He told me that he would acquaint his friends on the other side with his views in that particular.

Mr. SMOOT. I am perfectly aware that the Senator from Iowa will be back on Friday. That is what he stated before he left here; but nothing was said, nor have I heard anything from the Senator from Iowa, as to an agreement for unanimous consent to vote on the bill. Further, I wish to say to the Senator from Nevada that there are one or two other Senators who will not consent to a unanimous-consent agreement at this time. I have been asked by a Senator within 10 minutes to allow no unanimous-consent agreement at this time, and we are only losing time by requests for unanimous consent to vote upon this bill.

The PRESIDING OFFICER. Objection is made.

Mr. NEWLANDS. I ask that the unfinished business be temporarily laid aside.

The PRESIDING OFFICER. Without objection, the unfinished business will be temporarily laid aside.

PERSONAL EXPLANATION.

Mr. LEA of Tennessee. Mr. President, I rise to a question of personal privilege. Almost coincident with the passage on my motion by this body of Senate resolution No. 153, directing the Interstate Commerce Commission to investigate certain practices and methods of the Louisville & Nashville Railroad I was selected as a target for abuse and vilification by one E. B. Stahlman, formerly a vice president, a legislative agent, and a lobbyist of that company, and now publisher of the Nashville Banner, and very generally believed in Tennessee still to have connections with that railroad.

Coincident with the publication on Thursday last of the preliminary report by the Interstate Commerce Commission in response to the Senate resolution directing that this investigation be made the said E. B. Stahlman published a more aggravated attack on me than theretofore on the first page of the same issue of his paper, in which on an inside page was published the report of the Interstate Commerce Commission, apparently as if to break the force of the astounding story of debauchery through free passes by this railroad which Stahlman served so long as lobbyist.

I replied, answering his charges, establishing their falsity by the testimony of disinterested parties, men of the highest character, and laid bare his record as investigated and exposed by a Senate committee.

On July 14, 1914, there appeared the following dispatch from Nashville in the Washington Herald:

[Special to the Washington Herald.]

NASHVILLE, TENN., *July 13, 1914.*—Branding Senator LUKE LEA as "scion of an honored, wealthy family, gotten down to the low level of a holdup bandit and plain grafter," E. B. Stahlman, owner of the Nashville Banner, to-day, in print, charged LEA with grafting $10,000 from the erstwhile judiciary committee and also $10,000 from Republicans of the State to aid the fusion cause.

LEA, owner of a rival paper, and Stahlman are waging a bitter war in print, LEA having previously denounced Stahlman. Until a few months ago they were fast friends.

While the charges relate to a time several years ago, some months before I was either a candidate for or elected to the Senate, the only office I have ever held or have ever been a candidate for, still if I am the creature he describes I would be unfit for membership in this body or association with decent men.

Fortunately for me the character of E. B. Stahlman, who makes these charges, is not only well known in Tennessee but in Washington, where he was once the subject of a senatorial investigation. The said Stahlman, in addition to being the lobbyist of the Louisville & Nashville Railroad, of which he was vice president for many years, would lobby for any concern which desired legislation by any public body and would pay the hire of a lobbyist.

He was at one time employed to lobby through Congress a claim of the Methodist Publishing House of approximately $300,000. He entered into a solemn, written contract with the agents of the publishing house by which he was to receive 35 per cent of any amount collected on this claim, a copy of which contract, as published in the report of the Senate investigating

committee, I will, in the absence of objection, incorporate in my remarks without reading:

ARTICLES OF AGREEMENT BETWEEN BARBEE & SMITH, BOOK AGENTS OF THE METHODIST EPISCOPAL CHURCH SOUTH, AND E. B. STAHLMAN.

Witness:

First. That we, Barbee & Smith, book agents of the Methodist Episcopal Church South, do hereby give power of attorney to the said E. B Stahlman to prosecute our claim before the Congress of the United States, for the use and abuse of the publishing house of the Methodist Episcopal Church South by the Armies of the United States during the war between the States from A. D 1861 to 1865.

Second. We, Barbee & Smith, book agents of the Methodist Episcopal Church South, do hereby agree that the said E. B. Stahlman shall receive as compensation for his services 35 per cent of whatever sum shall be collected from the United States for the liquidation of the aforesaid claim.

Third. It is hereby agreed between Barbee & Smith, book agents of the Methodist Episcopal Church South, party of the first part, and E. B. Stahlman, party of the second part, that should the Congress of the United States make no appropriation for the liquidation of the aforesaid claim, then, in that case, no compensation shall be paid to the said E. B. Stahlman for his services, from any source whatever, and he shall have no recourse upon us or our successors in office forever.

Fourth. We, Barbee & Smith, book agents of the Methodist Episcopal Church South, do hereby agree and covenant that this power of attorney herein and hereby conveyed to the aforesaid E. B. Stahlman shall continue in full force and effect until the final adjournment of the Fifty-fifth Congress of the United States.

(Signed) BARBEE & SMITH,
Book Agents for the M. E. Church South.
E. B. STAHLMAN.

After the bill allowing this claim passed the House and was pending in the Senate, a question of fact was raised by Senators whether Stahlman had a contract for a percentage of this claim as a fee if the claim passed and it became certain that the bill would not pass so as to permit this payment to Stahlman. When the issue was raised Senator Bate, of Tennessee, who was in charge of the bill, received a specific denial from the said E. B. Stahlman that he had any contract or was to receive any fee or any money other than his expenses for his work on the claim which was, as he stated, prompted by his interest in the church.

The bill passed the Senate, the claim was paid by the Government, and Stahlman immediately collected out of the amount paid on the claim a sum in excess of $100,000. The matter then became the subject of a senatorial investigation and the Senate Committee on Claims reported in part as follows, the full report being found in volume 8, Senate Report No. 1416.

> Mr. Stahlman admits he intended that they [Senators] should receive this impression from what he said, and a fair interpretation of his words meant that there was no contract and that he was not connected in the case on account of money consideration. They were deceived and misled, and the deception was willful and deliberate on Mr. Stahlman's part.

In CONGRESSIONAL RECORD, volume 31, part 6, page 5077, is found the following extract from a speech of Senator Hale, of Maine:

> Does the Senator believe that this lobbyist, who has looted this great appropriation that Congress gave to this religious society, has ever in any way contributed to the passage of the bill? Did it not go through entirely outside of him?

On page 5804 of the same volume of the RECORD is found the following extract from a speech of Senator TILLMAN, of South Carolina:

> I hope (the church) will make this thief and liar, Stahlman, disgorge.

In the same volume of the RECORD, page 5806, is found the following extract from a speech of Senator Morgan, of Alabama:

> If this man Stahlman, who seems to be a German and who has floated into the case somewhere or other and somehow or other, has violated, as he seems to have violated, his duty and the obligations of a man to tell the truth, under the circumstances, if he has done so, that man will be tabooed. He is worse ruined now than if he had succeeded in getting a hundred million dollars out of this thing. There is no chance to put him in any worse attitude than he is to-day.

On page 5801 of the same volume of the RECORD is found the following extract from a speech of Senator Bacon, of Georgia:

> In my conversation with the Senator from Tennessee and others before going to see Mr. Stahlman no mention was made of any percentage, and in my conversation with Mr. Stahlman there was no mention of any percentage. It was simply a question whether or not there was a large fee to be paid to him or others out of the recovery on account of this claim of the Methodist Book Concern, and his assurance to me was that there was no such contract, but there would necessarily be some expenses to be paid.

Inasmuch as this man is attempting to destroy my character and to blacken my reputation, it is proper to place before my colleagues the estimate he placed upon his own veracity, or rather, lack of veracity.

In Senate Document Report No. 1416 is found the following statement, under oath, by E. B. Stahlman:

> Well, then, make me the martyr. I made the denial. Peter denied his Lord three times. He told a story. I do not claim to be better than Peter. If Peter was forgiven—and Peter is the rock upon which the church was founded—Stahlman can be forgiven for the crime he has committed, if crime it be.

These proofs of Stahlman's lack of character and want of veracity were embalmed in the archives of this Government before I was a Member of this body and at a time when I was absent from Nashville, being at college, and I did not know of them until long afterwards. Recently, since his attacks on me, I investigated these reports, of which I had gained information, and published his record as laid bare by the report of the Committee on Claims, the speeches of Senators, and his own confession under oath.

Since this man has branded himself and has been branded by a report of a committee of this body and by Senators familiar with the transaction, it is unnecessary for me to characterize him or the charges he has made against me other than to pronounce them as utterly and absolutely false.

In conclusion, I have naught in my private life or as a public official which I desire to conceal from my colleagues or from the public, and I would welcome any action that the Senate might deem proper to take upon these charges made by this characterless creature, whose record in all the nakedness of its dishonor has been exposed to this body.

The meaning of this attack must be as obvious to all as it is to me. It is intended to be a painful lesson to me and a blackhand warning to others not to dare to train the pitiless light of publicity upon the nefarious conduct of lawbreaking corporations and their corrupt lobbyists.

Mr. KERN. I move that the Senate adjourn.

The motion was agreed to; and (at 5 o'clock and 45 minutes p. m.) the Senate adjourned until to-morrow, Thursday, July 16, 1914, at 12 o'clock meridian.

NOMINATIONS.

Executive nominations received by the Senate July 15, 1914.

UNITED STATES DISTRICT JUDGE.

John H. Clarke, of Cleveland, Ohio, to be United States district judge, northern district of Ohio, vice William L. Day, resigned.

MEMBER OF THE CALIFORNIA DÉBRIS COMMISSION.

Maj. Lewis H. Rand, Corps of Engineers United States Army, for appointment as a member of the California Débris Commission provided for by the act of Congress approved March 1, 1893, entitled "An act to create the California Débris Commission and regulate hydraulic mining in the State of California," vice Maj. Sherwood A. Cheney, Corps of Engineers, United States Army.

POSTMASTERS.

ALABAMA.

Bettie T. Forster to be postmaster at Thomasville, Ala., in place of Hattie N. Tabb, resigned.

Robert Stephens, jr., to be postmaster at Fairfield, Ala. Office became presidential April 1, 1914.

ARKANSAS.

G. T. Breckenridge to be postmaster at Paragould, Ark., in place of John H. McPherson. Incumbent's commission expired January 25, 1914.

CALIFORNIA.

Charles H. Coffey to be postmaster at Gonzales, Cal., in place of William T. Elliott, resigned.

Martin Eriksen to be postmaster at Ferndale, Cal., in place of Leander H. Miner. Incumbent's commission expired June 14, 1914.

Nellie Hawkins to be postmaster at Yreka, Cal., in place of O. M. Schwatka, deceased.

Hattie B. McClure to be postmaster at Westgate, Cal. Office became presidential January 1, 1914.

COLORADO.

Ralph E. Belding to be postmaster at Eagle, Colo. Office became presidential July 1, 1914.

CONNECTICUT.

Walter H. Bishop to be postmaster at North Haven, Conn., in place of William P. Leete. Incumbent's commission expired June 25, 1914.

FLORIDA.

John M. Kelly to be postmaster at Bocagrande, Fla. Office became presidential April 1, 1914.

J. Lee Stokes to be postmaster at Micanopy, Fla., in place of Mary A. Carlton, resigned.

ILLINOIS.

Charles C. Grady to be postmaster at Rock Falls, Ill., in place of Rollin H. Woods, resigned.

S. A. D. Howe to be postmaster at Cowden, Ill., in place of B. E. Prater, resigned.

Frank H. T. Maronde to be postmaster at Franklin Grove, Ill., in place of James H. Lincoln. Incumbent's commission expired June 2, 1914.

Walter E. Roberts to be postmaster at Coffeen, Ill., in place of Thomas G. Laws, removed.

Merton L. Spangler to be postmaster at Plainfield, Ill., in place of Ulysses S. G. Blakely. Incumbent's commission expired April 29, 1914.

Darlin H. Thompson to be postmaster at Earlville, Ill., in place of Edward B. Tabor, resigned.

IOWA.

Harry E. Chichester to be postmaster at New London, Iowa, in place of James M. Crawford. Incumbent's commission expired June 24, 1914.

Francis A. Gallagher to be postmaster at Walnut, Iowa, in place of Fergus E. Walker. Incumbent's commission expired May 18, 1914.

G. E. Scoles to be postmaster at Nashua, Iowa, in place of Frank E. Fritcher, resigned.

KANSAS.

Robert L. Notson to be postmaster at Herington, Kans., in place of David W. Naill. Incumbent's commission expired June 14, 1914.

KENTUCKY.

Len Beshear to be postmaster at Dawsonsprings, Ky., in place of Will P. Scott, resigned.

Robert Dixon to be postmaster at Louisa, Ky., in place of Arthur M. Hughes. Incumbent's commission expired April 12, 1914.

Orie S. Ware to be postmaster at Covington, Ky., in place of William H. H. Bowen. Incumbent's commission expired June 20, 1914.

Lewis C. Wilson to be postmaster at Irvine, Ky. Office became presidential July 1, 1914.

LOUISIANA.

Samuel L. Barksdale to be postmaster at Ruston, La., in place of Lou S. Flournoy. Incumbent's commission expired June 26, 1913.

Henry Allen Buie to be postmaster at Rayville, La., in place of Robert H. Brown. Incumbent's commission expired April 4, 1914.

MINNESOTA.

Alois Hirscher to be postmaster at Shakopee, Minn., in place of Peter J. Schwartz. Incumbent's commission expired April 1, 1914.

John B. Hughes to be postmaster at Lake Benton, Minn., in place of Albert E. Tasker. Incumbent's commission expired June 24, 1914.

MISSISSIPPI.

Benjamin R. Trotter to be postmaster at Lucedale, Miss., in place of Benjamin R. Trotter. Incumbent's commission expired May 31, 1914.

MONTANA.

George B. Crater to be postmaster at Gildford, Mont. Office became presidential July 1, 1914.

NEW JERSEY.

James W. Rea to be postmaster at South Amboy, N. J., in place of Edward E. Haines, deceased.

Cleveland M. Rhen to be postmaster at Alpha, N. J. Office became presidential July 1, 1914.

J. C. H. Sherwood to be postmaster at Hohokus, N. J. Office became presidential July 1, 1914.

NEW YORK.

George E. Barry to be postmaster at Clifton Springs, N. Y., in place of John H. Stephens, resigned.

Fred Burns to be postmaster at Walden, N. Y., in place of Thomas B. Gibson, resigned.

Thomas J. Gallagher to be postmaster at Geneva, N. Y., in place of Abram R. Wyckoff. Incumbent's commission expired December 21, 1913.

Daniel E. Harrington to be postmaster at Saratoga Springs, N. Y., in place of William W. Worden. Incumbent's commission expired March 16, 1912.

Robert J. Healey to be postmaster at New York Mills, N. Y., in place of David L. Jamieson. Incumbent's commission expired January 11, 1913.

Charles M. Hodges to be postmaster at Marion, N. Y., in place of Warren H. Curtis. Incumbent's commission expired May 18, 1914.

L. D. MacWethy to be postmaster at St. Johnsville, N. Y., in place of Timothy Dinneen. Incumbent's commission expired December 16, 1912.

John H. Mara to be postmaster at Beacon (late Fishkill on the Hudson), N. Y., in place of John Sewell, jr., resigned, and to change name of office.

Byron E. Ogden to be postmaster at Dolgeville, N. Y., in place of William Jennings, deceased.

George W. Salisbury to be postmaster at Phelps, N. Y., in place of William L. Crothers. Incumbent's commission expired January 25, 1914.

Howard R. Stevens to be postmaster at Hopewell Junction, N. Y., in place of J. W. VanTassell, deceased.

John E. Townsend to be postmaster at Poughkeepsie, N. Y., in place of Robert H. Hunter. Incumbent's commission expired January 12, 1913.

NORTH CAROLINA.

A. H. Boyden to be postmaster at Salisbury, N. C., in place of James H. Ramsay, resigned.

NORTH DAKOTA.

John K. Diehm to be postmaster at Schafer, N. Dak. Office became presidential January 1, 1914.

Samuel Loe to be postmaster at Northwood, N. Dak., in place of Andrew S. Ellingson. Incumbent's commission expired March 22, 1914.

OHIO.

Wilber Winfield to be postmaster at Beach City, Ohio. Office became presidential July 1, 1914.

OREGON.

Diana Snyder to be postmaster at Aurora, Oreg., in place of Diana Snyder. Incumbent's commission expired June 22, 1914.

PENNSYLVANIA.

J. Thomas Butler to be postmaster at Coraopolis, Pa., in place of Edward C. Dithrich. Incumbent's commission expired March 16, 1914.

George N. Coryell to be postmaster at Darby, Pa., in place of Benjamin F. Magnin. Incumbent's commission expired April 19, 1914.

James W. Hutchinson to be postmaster at Springdale, Pa., in place of James W. Johnston. Incumbent's commission expired June 22, 1914.

Edmond Jeffries to be postmaster at Monessen, Pa., in place of Edward M. Frye. Incumbent's commission expired February 11, 1913.

Frank M. Longstreth to be postmaster at Lansdowne, Pa., in place of Isaac P. Garrett. Incumbent's commission expired March 8, 1914.

Michael Minahan to be postmaster at Verona, Pa., in place of John McCurdy. Incumbent's commission expired April 19, 1914.

Edward C. Peeling to be postmaster at York, Pa., in place of Samuel S. Lewis. Incumbent's commission expired January 28, 1914.

Willard H. Weigel to be postmaster at Elizabeth, Pa., in place of George W. Wright. Incumbent's commission expired April 21, 1914.

Clyde S. Yothers to be postmaster at Mount Pleasant, Pa., in place of H. J. Jordan. Incumbent's commission expired February 2, 1914.

SOUTH DAKOTA.

A. J. Littig to be postmaster at Flandreau, S. Dak., in place of E. G. Akam. Incumbent's commission expired May 6, 1914.

Lenora Pardy to be postmaster at Colman, S. Dak., in place of Edgar M. Bentley, deceased.

TENNESSEE.

Mrs. E. W. Carmack to be postmaster at Columbia, Tenn., in place of G. E. McKennon, declined.

TEXAS.

J. R. Folkes to be postmaster at Giddings, Tex., in place of E. W. Kennerly, resigned.

Betty Matthews to be postmaster at Mathis, Tex. Office became presidential July 1, 1914.

VIRGINIA.

W. N. Brown to be postmaster at Danville, Va., in place of F. D. Lumpkin. Incumbent's commission expired December 14, 1912.

Thomas S. Burwell to be postmaster at Lexington, Va., in place of McClung Patton, resigned.

John W. Kellam to be postmaster at Onley, Va. Office became presidential July 1, 1914.

Robert J. Northington to be postmaster at South Hill, Va., in place of William H. Jones. Incumbent's commission expired April 28, 1914.

WASHINGTON.

Talleyrand Bratton to be postmaster at Goldendale, Wash., in place of Howard M. Spalding, deceased.

John D. Medill to be postmaster at North Yakima, Wash., in place of William L. Lemon. Incumbent's commission expired June 24, 1914.

WISCONSIN.

Marcus T. Syverson to be postmaster at Tomah, Wis., in place of George Graham. Incumbent's commission expired January 24, 1914.

CONFIRMATIONS.

Executive nominations confirmed by the Senate July 15, 1914.

APPRAISER OF MERCHANDISE.

Frank H. Sosey to be appraiser of merchandise in the district of St. Louis.

COLLECTOR OF CUSTOMS.

Fountain Rothwell to be collector of customs for the district of St. Louis.

COLLECTOR OF INTERNAL REVENUE.

George H. Moore to be collector of internal revenue for the first district of Missouri.

PROMOTIONS IN THE ARMY.

GENERAL OFFICER.

Col. George Bell, jr., to be brigadier general.

COAST ARTILLERY CORPS.

Capt. Harry L. Steele to be major.

INFANTRY ARM.

First Lieut. Bruno T. Scher to be captain.
First Lieut. Gustave A. Wieser to be captain.
First Lieut. Charles R. W. Morison to be captain.
First Lieut. Walter L. Reed to be captain.
First Lieut. Ira F. Fravel to be captain.
First Lieut. Ned M. Green to be captain.
First Lieut. J. Alfred Moss to be captain.
First Lieut. Charles F. Leonard to be captain.
Second Lieut. John W. Simons, jr., to be first lieutenant.
Second Lieut. Jubal A. Early to be first lieutenant.
Second Lieut. Edward G. Taylor to be first lieutenant.
Second Lieut. Alfred H. Erck to be first lieutenant.
Second Lieut. Fred P. Jacobs to be first lieutenant.
Second Lieut. Walter S. Greacen to be first lieutenant.
Second Lieut. Cary I. Crockett to be first lieutenant.
Second Lieut. Oliver A. Dickinson to be first lieutenant.
Second Lieut. Homer H. Slaughter to be first lieutenant.
Second Lieut. Henry C. K. Muhlenberg to be first lieutenant.
Second Lieut. John F. Curry to be first lieutenant.
Second Lieut. James E. Chaney to be first lieutenant.
Second Lieut. William J. Fitzmaurice to be first lieutenant.
Second Lieut. Carl C. Oakes to be first lieutenant.

CAVALRY ARM.

Second Lieut. James L. Collins to be first lieutenant.

MEDICAL CORPS.

Capt. William L. Keller to be major.

APPOINTMENTS, BY TRANSFER, IN THE ARMY.

Second Lieut. John E. Beller to be second lieutenant of Infantry.

Second Lieut. Allen R. Edwards to be second lieutenant in the Coast Artillery Corps.

APPOINTMENTS IN THE ARMY.

INFANTRY ARM.

Additional Second Lieut. Frederick Herr to be second lieutenant.

Additional Second Lieut. Clifford James Mathews to be second lieutenant.

MEDICAL RESERVE CORPS.

First lieutenants with rank from July 6, 1914.

John Henry Beckert.
Harry Cockerille Blair.
Rex George Bolend.
Claude Wiggins Cummings.
Clinton Willoughby D'Alemberte.
James Francis Donnelly.
Andrew Clinton Hansen.
William Pryor Harrison.
Frank Tomlinson Hogeland.
William Williamson Jarrell.
Joseph McConnell.
Weston Wallace Nipper.
Wilbur Moorhead Phelps.
Henry Forrest Quackenbos.
Summerfield Moon Taylor.

APPOINTMENTS IN THE NAVY.

Charles C. Galloway to be an assistant dental surgeon in the Dental Reserve Corps.

Lyle H. Miller to be a second lieutenant in the Marine Corps.

POSTMASTERS.

MASSACHUSETTS.

Edward M. Bent, Medfield
Thomas F. Dean, South Attleboro.

NORTH CAROLINA.

A. H. Boyden, Salisbury.

TENNESSEE.

Mrs. E. W. Carmack, Columbia.

VIRGINIA.

W. N. Brown, Danville.

HOUSE OF REPRESENTATIVES.

WEDNESDAY, *July 15, 1914.*

The House met at 12 o'clock noon.

The Chaplain, Rev. Henry N. Couden, D. D., offered the following prayer:

Our Father in heaven, in whom all our longings, hopes, and aspirations are centered, quicken us in Thine own way that we may be true to the better instincts of our nature and live to the standard of values illustrated in the life and precepts of the Christ and go on our way rejoicing, assured that all will be well; for Thine is the kingdom and the power and the glory forever. Amen.

The Journal of the proceedings of yesterday was read and approved.

ORDER OF BUSINESS.

The SPEAKER. This is Calendar Wednesday, and the Clerk will call the roster of the committees.

Mr. FITZGERALD. Mr. Speaker, I ask unanimous consent that to-morrow be substituted for to-day—for business in order to-day.

The SPEAKER. The gentleman from New York asks unanimous consent that to-morrow be substituted for to-day for the consideration of Calendar Wednesday business. Is there objection? The Chair hears none.

Mr. MONDELL. Mr. Speaker——

The SPEAKER. For what purpose does the gentleman rise?

Mr. MONDELL. To reserve the right to object. Those of us who are interested in the bill for the extension of the period for payments on reclamation projects have been waiting several weary months for an opportunity for the consideration of that legislation. Other measures have gotten in the way. On a motion made on the other side two weeks ago Calendar Wednesday was dispensed with. We have now reached the time for the consideration of that bill. I do not know of anything pending that is so urgent as to justify dispensing with Calendar Wednesday.

Mr. FITZGERALD. Oh, this is only to substitute to-morrow for to-day.

Mr. MANN. Let me make a suggestion that possible will meet with approval. Will it be agreeable to everybody if we substitute to-morrow for to-day, with the understanding that when the deficiency bill is finished to-day, if it shall be finished before the time for adjournment, it shall be in order to proceed with the reclamation bill, which will be the first bill on the call on Calendar Wednesday and which might give a little additional time.

Mr. FITZGERALD. I have no objection if those in favor of the dam bill do not object. My only desire in the matter is to dispose of the general deficiency bill.

Mr. TAYLOR of Colorado. Mr. Speaker, I want to suggest to the gentleman from Wyoming that, as I understand it, this is merely a postponement for one day, and it is really for the ex-

pediting of this bill. I feel that it would be beneficial to our hearing to have it go over until to-morrow. I think the suggestion made by the gentleman from Illinois [Mr. MANN] is eminently fair and proper.

Mr. KINKAID of Nebraska. Mr. Speaker——

The SPEAKER. For what purpose does the gentleman from Nebraska rise?

Mr. KINKAID of Nebraska. I want to ask the gentleman from New York a question.

The SPEAKER. The gentleman from New York will give his attention.

Mr. KINKAID of Nebraska. Does the gentleman think it is probable the general deficiency bill can be completed in time this afternoon to enter upon consideration of the reclamation bill?

Mr. FITZGERALD. I do not think this bill will take very much time. I think there are one or two items on which there may be a little discussion, but the bill consists mostly of public-building items, audited claims, and judgments.

Mr. MANN. There are very few matters of possible controversy in the bill.

Mr. FITZGERALD. I think only two or three items that will occasion any discussion in the House.

Mr. KINKAID of Nebraska. Will there be any general debate permitted?

Mr. FITZGERALD. The general debate is ended. Last night it was agreed that one gentleman might speak 10 minutes under the 5-minute rule. In consideration of that he agreed to forego the right to take 25 minutes. That is the only thing left. The general debate is closed.

Mr. KINKAID of Nebraska. We have been disappointed a good many times. I am not making any complaints. We have miscalculated about getting consideration of this bill, so that the interests of our constituents have been delayed, and they have been disappointed frequently. I would like it very much if we could get to the consideration of the bill to-day, and begin it, anyway. As far as I am concerned, I shall not interpose any objection, if the arrangement is made with the understanding that we are to get through with the deficiency bill in time to take up the irrigation bill to-day.

Mr. MONDELL. Do I understand that the gentleman from New York accepts the suggestion of the gentleman from Illinois [Mr. MANN]?

Mr. FITZGERALD. I will not object to it.

Mr. MONDELL. That we put Calendar Wednesday over until to-morrow, but that if we get through with the deficiency bill this afternoon in time to begin the general debate, we will take up the extension bill at that time.

Mr. FITZGERALD. I have no objection to that.

Mr. RAKER. If the request made by the gentleman from Illinois is agreed to, and the House finishes the consideration of the deficiency bill some time in the middle of the afternoon, and if the reclamation extension bill is then taken up, that will not count as a day on the committee time. The committee will still have their regular two days allowed by the rule?

Mr. MANN. Oh, yes. Mr. Speaker, supplementing the request of the gentleman from New York [Mr. FITZGERALD], I ask unanimous consent that to-morrow be substituted for to-day as Calendar Wednesday, but that when the deficiency bill now pending is concluded to-day, it shall be in order to proceed with the consideration of Senate bill 4628 for the remainder of the day.

The SPEAKER. Before the Chair puts that question, he wants to understand: Is this fragment of a day to be counted against Calendar Wednesday, or are you to have Calendar Wednesday plus the fraction?

Mr. GARNER. Plus the fraction.

Mr. MANN. Plus the fraction.

Mr. ADAMSON. Then, if we finish the deficiency at any time to-day, we will begin Calendar Wednesday, but extend it during to-morrow?

Mr. MANN. No; not begin Calendar Wednesday, but begin the consideration of that bill, so that it will be in order to take up the bill for the remainder of the day.

Mr. ADAMSON. I do not see how that can prejudice the regular order at all.

Mr. MANN. Oh, no; not at all.

The SPEAKER. The gentleman from New York [Mr. FITZGERALD] asks unanimous consent that to-morrow be substituted for Calendar Wednesday; and the gentleman from Illinois [Mr. MANN] supplements that with the request for unanimous consent that if we finish the deficiency bill in time to-day, the fragment of the day remaining shall be devoted to the consideration of the irrigation bill, S. 4628, and that that shall not be counted as against to-morrow as Calendar Wednesday. Is there objection?

Mr. GARRETT of Tennessee. Mr. Speaker, of course that means that there will be no interference with the ordinary day program as applied to the bill?

Mr. MANN. This day would not be counted as a part of Calendar Wednesday.

The SPEAKER. No; this day will not be so counted.

Mr. MANN. It will be considered under a special order to-day.

Mr. GARRETT of Tennessee. That ought to be understood.

Mr. MANN. It is understood.

The SPEAKER. Is there objection?

There was no objection.

GENERAL DEFICIENCY BILL.

Mr. FITZGERALD. Mr. Speaker, I move that the House resolve itself into Committee of the Whole House on the state of the Union for the further consideration of the bill H. R. 17824, the general deficiency bill.

The motion was agreed to.

Accordingly the House resolved itself into Committee of the Whole House on the state of the Union, with Mr. ADAMSON in the chair.

The CHAIRMAN. The House is now in Committee of the Whole House on the state of the Union for the further consideration of the general deficiency bill, of which the Clerk will report the title.

The Clerk read as follows:

A bill (H. R. 17824) making appropriations to supply deficiencies in appropriations for the fiscal year 1914 and for prior years, and for other purposes.

The Clerk, proceeding with the reading of the bill, read as follows:

To enable the President to meet unforeseen emergencies arising in the Diplomatic and Consular Service, and to extend the commercial and other interests of the United States, and to meet the necessary expenses attendant upon the execution of the neutrality act, to be expended pursuant to the requirement of section 291 of the Revised Statutes, to continue available during the fiscal year 1915, $25,000.

Mr. GILLETT. Mr. Chairman, I move to strike out the last word. I wish to ask the chairman of the committee if this is the appropriation out of which Mr. Lind, the commissioner to Mexico, was paid?

Mr. FITZGERALD. That is the information furnished to the committee.

Mr. GILLETT. I would like further to ask the gentleman if he can inform the House what compensation has been paid to Mr. Lind for his services? He was appointed by the President, and, as I understand, ensconced himself on the outskirts of Mexico and there, without any knowledge of the language or the temperament of the Mexicans, was expected to be the one source of information of our administration upon the conditions in Mexico. Now his service is terminated, and it seems to me that it is no more than proper that we should know what the expense of his mission has been, although it seems to me it was dear at any price.

Mr. FITZGERALD. Mr. Chairman, I do not know the compensation paid to Mr. Lind, and it seemed to the representative of the Department of State to be inexpedient to make public at this time the compensation paid for his services.

Mr. GILLETT. May I ask the gentleman if the Secretary of State appeared before the committee?

Mr. FITZGERALD. No; he did not.

Mr. GILLETT. Did any Assistant Secretary of State appear?

Mr. FITZGERALD. No.

Mr. GILLETT. Did anybody appear whose judgment on the propriety of divulging these facts would carry weight?

Mr. FITZGERALD. Mr. Carr, the employee of the State Department, who has served there for many, many years, director of the Consular Service, who has had the confidence and respect and esteem of several Republican administrations, appeared before it. This gentleman, who had been in the innermost confidence of the Republican administrations in diplomatic affairs, said that in his opinion it was inexpedient at this time to state for public information the compensation paid to Mr. Lind. It was due to the belief that a statement of the compensation at this time, in view of the unsettled conditions in Mexico, might provoke controversy and discussion that would not be conducive to the amicable adjustment of affairs in Mexico.

The gentleman from Massachusetts himself appreciated the, perhaps, impropriety of making this information public at this time. The record before the committee discloses this fact:

Mr. GILLETT. Mr. Carr, I would like to ask a question, although I appreciate that you may not think it wise to answer—

Mr. GILLETT, of course, knew that Mr. Carr had had a long experience in the State Department under Republican administrations, which qualified him peculiarly to determine whether

it would be wise to make this information public, and therefore he said—

although I appreciate you may not think it wise to answer; and if so, I will not urge you. Is there any objection to your stating what has been paid to Mr. Lind?

I think that shows the opinion of the distinguished gentleman from Massachusetts, who is a man of great experience in the House and one intimately acquainted with the delicacy of adjusting a situation such as exists in Mexico to-day.

Mr. Carr said:

Mr. CARR. I do not know what amount, if any, was paid; but I should think there might be objection to making public any amount that may have been paid——

Mr. GILLETT (interposing). Is the Secretary himself in the city?

Mr. CARR. The Secretary is in the city and was not able to be at this hearing this morning owing to the fact that he had to attend the funeral of the late minister from Venezuela. The question you ask is one which I could not answer categorically.

Mr. GILLETT. I appreciate that.

Mr. CARR. But my own judgment would be it would be inexpedient to state that compensation.

Mr. GILLETT. I would like to ask you, if it is proper for you to state it, whether Mr. Lind is still being paid out of this fund.

Mr. CARR. I do not know, but I think he is not being paid.

Mr. GILLETT. You do not know?

Mr. CARR. I do not know, but my opinion is that he is not.

The CHAIRMAN (Mr. FLOOD of Virginia). The time of the gentleman from New York has expired.

Mr. FITZGERALD. I ask that my time be extended five minutes.

The CHAIRMAN. The gentleman from New York asks that his time be extended five minutes. Is there objection?

Mr. DONOVAN. Reserving the right to object, Mr. Chairman, all this is a matter that very properly should come up under general debate. It is now turning out just as I expected it would turn out.

Mr. FITZGERALD. I am explaining an item in the bill.

Mr. DONOVAN. Yes; but that is not the purpose of the thing.

Mr. FITZGERALD. I am making this statement for the RECORD, so that the public will not be misled by ingenious statements made by partisan opponents.

The CHAIRMAN. Is there objection to the request of the gentleman from New York? [After a pause.] The Chair hears none.

Mr. FITZGERALD. Mr. Chairman, this emergency fund is provided for the Department of State because it is realized that in conducting all of our relations with foreign countries it is essential that the President be in a position to utilize the services of men in whom he has confidence to be sent upon many missions of vital importance to the welfare of the United States. No one, Mr. Chairman, can determine as to the wisdom of a particular selection by the President other than himself. He must have confidence in the person selected. It is not enough that gentlemen in other branches of the public service, or that persons outside of the public service, have confidence in some individual. The President must have confidence in the individual.

Who is John Lind? I know him personally. I served with him in this House; the gentleman from Massachusetts [Mr. GILLETT] has personal acquaintance with him. In the Biographical Congressional Directory, edition of 1913, I find the following:

John Lind: A Representative from Minnesota; born in Sweden, March 24, 1854; attended the public schools and the State University of Minneapolis; taught school, studied law, and was admitted to the bar in 1877. Practiced in New Ulm, Minn. Appointed receiver of the Tracy land office in 1881. Elected as a Republican to the Fiftieth, Fifty-first, and Fifty-second Congresses—March 4, 1887–March 3, 1893. Served in the Spanish War as quartermaster of the Twelfth Minnesota Regiment of Volunteers. Elected governor of Minnesota in 1898 as a Democrat. Elected as a Democrat to the Fifty-eighth Congress—March 4, 1903–March 3, 1905. Resumed the practice of law in Minneapolis, Minn. President of the board of regents of the University of Minnesota.

I imagine, Mr. Chairman, that most of the criticism that has been indulged in by Republicans of the President, because of the selection of Mr. John Lind for the delicate and important mission entrusted to him, is due to the fact that although he had started in public life as a Republican, and had been elected to this House three times as a Republican, his high, honorable, and sensitive nature could no longer tolerate the practices and conduct of the Republican Party, and he therefore renounced that party, and was triumphantly elected as governor of his State as a candidate on the Democratic ticket. [Applause on the Democratic side.] He was afterwards elected to this House as a Democrat. He is one of the most distinguished lawyers in the great northwest country. He is a man of culture and refinement and scholarly attainments, having served as president of the board of regents of the State university. I can understand how the selection of this man of such distinction, attainments, and culture must rile to the very depths oldtime standpat Republicans. [Applause on the Democratic side.]

I have no doubt, Mr. Chairman, the country will heartily approve every act of the President, done by him in his efforts to bring order out of chaos, to restore peace and tranquillity and orderly and constitutional government to the disheartened and troubled people of Mexico, and he has the good wishes and the prayers of every good and patriotic man in this country, in Mexico, and in every other country in the civilized world that his efforts may be successful. [Applause on the Democratic side.]

Mr. GILLETT. Mr. Chairman, the gentleman quotes the questions that I put to Mr. Carr as indicating that I recognized the impropriety of this information being given. I did recognize the very possible impropriety of Mr. Carr giving that information, because I recognized that Mr. Carr was neither the Secretary nor the Assistant Secretary, but was merely the chief of a bureau. I recognized that it was not——

Mr. DONOVAN. Mr. Chairman, I rise to a point of order.

The CHAIRMAN. The gentleman will state it.

Mr. DONOVAN. Under the five-minute rule there can be only two speeches, one for and one against an amendment. The gentleman from Massachusetts [Mr. GILLETT] has already spoken upon his motion. He has no right to speak again on that motion to strike out the last word.

The CHAIRMAN. The Chair thinks the point of the gentleman from Connecticut is well taken.

Mr. GILLETT. Mr. Chairman, I move to strike out the last two words. Continuing where I was so courteously interrupted by the gentleman from Connecticut——

Mr. DONOVAN. Mr. Chairman, a point of order.

The CHAIRMAN. The gentleman will state it.

Mr. DONOVAN. The rule says that in all cases the five-minute debate in the Committee of the Whole shall be confined to the subject. I propose to make the point of order against the gentleman from Massachusetts unless he confines his remarks to the subject.

The CHAIRMAN. The gentleman from Massachusetts will proceed in order.

Mr. GILLETT. I certainly will, Mr. Chairman; and I will continue to confine myself to the subject as I have before. As I say, Mr. Carr, who represented the State Department, was only the head of a bureau, and I recognized that he probably——

Mr. DONOVAN. I rise to a point of order. The gentleman is not speaking to the amendment, under the five-minute rule, as required by the rule. It is immaterial to us what Mr. Carr or anyone else does. We are reading this bill under the five-minute rule.

The CHAIRMAN. The amendment is to strike out the last two words, and the Chair thinks the gentleman from Massachusetts is discussing this amendment.

Mr. MANN rose.

Mr. DONOVAN. Mr. Chairman, the gentleman from Illinois does not have any standing unless the Chair wishes to hear him on the point of order.

The CHAIRMAN. The Chair does not know why the gentleman from Illinois rose.

Mr. MANN. I am standing, Mr. Chairman, but the House would be better off if the gentleman from Connecticut were sitting all of the time. [Laughter.]

The CHAIRMAN. The gentleman from Massachusetts is recognized.

Mr. GILLETT. Mr. Chairman, again, I appreciated that Mr. Carr very probably would not feel that he could properly take the responsibility of giving us this information, because he was merely the head of a bureau, and that information was a matter of probable——

Mr. DONOVAN. Mr. Chairman, a point of order. The gentleman from Massachusetts is not speaking to the amendment.

The CHAIRMAN. The Chair thinks he is.

Mr. DONOVAN. What? In speaking of Mr. Carr?

The CHAIRMAN. The gentleman is discussing the appropriation of $25,000, which he moved to strike out.

Mr. GILLETT. And Mr. Carr, therefore, as I say, might very properly feel a delicacy about making the statement, but neither the Secretary of State nor any of his assistants came before the committee. If this had been under a Republican administration, I might have thought that very possibly it was so unusual that the Secretary of State and his assistants had stayed away in order not to be examined on some such question, but I recognize that under this administration the heads of the different departments are not in the habit of coming before the Committee on Appropriations to give us the information that we desire.

Mr. DONOVAN. Mr. Chairman, I renew the point of order.

The CHAIRMAN. The Chair overrules the point of order. The Chair thinks the gentleman from Massachusetts is discussing the amendment which he offered.

Mr. GILLETT. And therefore I was not surprised that the Secretary of State and his assistants stayed away, because that is their habit, and therefore I would not suggest that it was done in order to avoid examination or giving information on this subject. But it does seem to me to be very proper now, when the mission of Mr. Lind is terminated, that we should know the amount which his services cost the Government.

Mr. MONDELL. Mr. Chairman——

Mr. MOORE. Mr. Chairman——

The CHAIRMAN. The Chair recognizes the gentleman from Wyoming [Mr. MONDELL].

Mr. MONDELL. Mr. Chairman, the question before the committee is not as to the standing and character of John Lind. Most of us know him as an honorable gentleman and as a man——

Mr. DONOVAN. A point of order.

Mr. MONDELL. Of high character, a gentleman, and a scholar——

The CHAIRMAN. The gentleman will state it.

Mr. DONOVAN. There can be only one speech for a motion and one against under the five-minute rule.

Mr. MONDELL. Mr. Chairman, I am opposed to the amendment offered by the gentleman from Massachusetts.

The CHAIRMAN. The gentleman is opposing the amendment offered by the gentleman from Massachusetts?

Mr. MONDELL. I am.

The CHAIRMAN. The Chair recognizes the gentleman.

Mr. MONDELL. Whatever we may think as to the mission——

Mr. DONOVAN. Mr. Chairman, the chairman of the committee is the one who is opposing this amendment.

The CHAIRMAN. The Chair will state to the gentleman from Connecticut that the gentleman from Massachusetts offered an amendment at the time the gentleman from New York took his seat.

Mr. FITZGERALD. We will make much more progress if the gentleman from Connecticut will permit this discussion to go on.

Mr. DONOVAN. I suggest the chairman of the Committee on Appropriations will proceed in a parliamentary way by addressing the Chair before taking the floor and injecting remarks into the discussion.

Mr. MANN. The gentleman from Connecticut has not addressed the Chair.

Mr. FITZGERALD. The gentleman is not in the Chair, but he imagines he is in it all the time.

The CHAIRMAN. The gentleman from Wyoming is recognized.

Mr. MONDELL. This is not a question, Mr. Chairman, of the character and ability of John Lind. The question is as to what has been the outcome of Mr. Lind's mission, and I do not believe that anyone is well enough satisfied with the outcome to believe that Mr. Lind's services have been particularly valuable to the country. My personal opinion is that Mr. Lind is not responsible for that fact, but that his instructions were of such a character that he was forced to be the representative of the so-called constitutionalists and their aid rather than the representative of the people of the United States. But, Mr. Chairman, this item covers other expenditures. It covers the expenditures which arose out of the mediation conference at Niagara Falls. Some inquiry was made by the members of the subcommittee relative to the amount of money there expended; but, proceeding properly under his instructions, I assume Mr. Carr could not give the committee information on that point.

It is a matter of very great interest to the country to know just how much of this money we spent for this mediation conference in view of what we got out of it. The net result of the conference as found in the protocols which were signed and accepted on behalf of the United States were that, "The Government of the United States of America will not in any form whatsoever claim a war indemnity or other international satisfaction" for occurrences in Mexico up to that time, and further, we agree and pledge ourselves to recognize any bandit government which may be established by the so-called constitutionalists in the City of Mexico.

Mr. DONOVAN. Mr. Chairman, a point of order.

The CHAIRMAN. The gentleman will state it.

Mr. DONOVAN. The gentleman from Wyoming is not speaking on the subject matter of the amendment.

Mr. MONDELL. Oh, yes, I am, Mr. Chairman; I am discussing the expenditures under this item.

Mr. PAYNE. Mr. Chairman, I make the point of order that the performance of the gentleman from Connecticut is dilatory, and therefore out of order.

The CHAIRMAN. The Chair would hardly so hold, but the Chair thinks the latitude allowed in debate will permit the gentleman from Wyoming to proceed on the line he is proceeding.

Mr. MONDELL. Mr. Chairman, we must make these appropriations because the sums provided are necessary to pay the obligations of the Government, but it is regrettable that out of these expenditures so little credit has been obtained for the Government and the people of the United States. I do not blame Mr. Lind altogether for the failure of his mission. I do not blame the honorable gentlemen who were mediators at Niagara Falls for the surrender they made of American rights and claims. I think that those higher in official position than either of those gentlemen are to blame for the fact that we have waived all claims to satisfaction or indemnity of any kind for the indignities we suffered and the losses of our people and that we agree to recognize any kind of a government, military and arbitrary in form as it may be, that may be established by Villa or Zapata or anyone else at Mexico City.

Mr. DONOVAN. Mr. Chairman, a parliamentary inquiry.

The CHAIRMAN. The gentleman will state it.

Mr. DONOVAN. Can Members of this House inject remarks here without first obtaining recognition by the Chair?

The CHAIRMAN. The Chair thinks they ought not to do so.

Mr. DONOVAN. Well, under the rule they are disorderly in so doing. Is that correct?

The CHAIRMAN. According to the rule it is a violation of the rule.

Mr. DONOVAN. I sincerely hope, Mr. Chairman, my distinguished friend, the leader of the minority, the gentleman from Illinois, will pay attention——

Mr. MANN. I raise the point of order that the gentleman from Connecticut did not have——

The CHAIRMAN. The gentleman will state his point of order.

Mr. MANN. I make the point of order the gentleman from Connecticut did not have the floor and therefore was not entitled to address the committee.

The CHAIRMAN. The Chair recognized the gentleman from Connecticut to make a point of order——

Mr. MANN. There was no point of order——

The CHAIRMAN. Yes; the gentleman submitted a point of order.

Mr. MANN. I beg the Chair's pardon, he did not submit a point of order.

The CHAIRMAN. The gentleman from Connecticut submitted a parliamentary inquiry.

Mr. MANN. Yes; and after he submitted the parliamentary inquiry he went on with a tirade which was not in order.

The CHAIRMAN. The gentleman knows it is difficult to take a Member off his feet after he takes the floor.

Mr. SELDOMRIDGE. Mr. Chairman, I move to strike out the paragraph.

Whenever any appropriation comes before the House which relates to the State Department the gentleman from Massachusetts [Mr. GILLETT] always grows hysterical. He aspires to be the mouthpiece of those whose purpose is to harass, annoy, and interfere with the policy which has been in successful operation in our State Department under the present able and conscientious administration with reference to Mexico.

Mr. DONOVAN. Mr. Chairman, a point of order. The gentleman is not speaking to the amendment. He is striking out the paragraph. The management of the State Department by the Secretary of State has nothing to do with it. Now, they had plenty of time in general debate, Mr. Chairman——

The CHAIRMAN. The Chair has stated to the gentleman from Connecticut that under the liberality allowed in debate the discussion by these gentlemen of this item is in order. Their remarks constitute a discussion of the amendment.

Mr. DONOVAN. Will the Chair permit the reading of this clause?

The CHAIRMAN. Yes.

Mr. DONOVAN. This book says:

In all cases the five-minute debate in the Committee of the Whole is confined to the subject.

The CHAIRMAN. These gentlemen are confining themselves to the subject.

Mr. SELDOMRIDGE. Mr. Chairman, the gentleman from Wyoming [Mr. MONDELL] is singing the swan song of those who have been greatly disappointed over the outcome of our differ-

ences in Mexico. I am sure that in many thousands of American homes to-day fathers and mothers are rejoicing in the fact that this administration has been able, through its wise and peaceful policy, to bring about conditions that will result in peace and good order in that distracted country. I believe, Mr. Chairman, that the opposition to the President would welcome a situation there that would involve American life and loss of American property, purely for partisan advantage; but because we have pursued a policy which has resulted in peace and not in bloodshed and which has brought to the Republic of Mexico the dawn of a better and a brighter day, these gentlemen resort to criticism and attack of the State Department which is mainly of a bushwhacking and guerrilla character. [Applause on the Democratic side.]

Mr. CRAMTON. Will the gentleman yield?

Mr. SELDOMRIDGE. Mr. Chairman, imputation has been made here—not directly, but indirectly—upon the services which the Hon. John Lind has rendered to the Government as special ambassador to Mexico.

Mr. CRAMTON. Will the gentleman yield?

Mr. SELDOMRIDGE. I decline to yield. Mr. Lind was a most worthy and tactful representative of the American people in a most trying and critical situation. He is an honored son of that great race so many of which settled in the northwestern portion of this country, redeemed it from the wilderness, and made it one of the most prosperous and productive sections of the United States. If I mistake not, Mr. Chairman, citizens of the Scandinavian race will resent at the polls the imputation which has been placed upon Mr. Lind by gentlemen on the other side.

I am acquainted with the honorable gentleman; I have followed his career with interest and admiration. I know that he would not take from the Public Treasury one penny to which he was not entitled and which he had not justly earned. This debate that we are now having with reference to this appropriation simply demonstrates the facts that our Republican friends are trying in some way to impugn the honesty, the ability, and the services which Mr. Lind has so distinctly rendered to this country. The money has been taken from this fund to defray the necessary and ordinary expenses incurred in the negotiations in which Mr. Lind participated; it has been wisely expended in view of his distinguished services and the happy and much desired outcome of the negotiations. [Applause on the Democratic side.]

Mr. FITZGERALD. Mr. Chairman, I ask unanimous consent that all debate on the pending paragraph and all amendments thereto be closed in 10 minutes.

Mr. MOORE. Mr. Chairman, I desire to offer an amendment, and I would like five minutes on that.

Mr. CRAMTON. If the gentleman will yield me one minute at this time it will be sufficient.

Mr. ROGERS. I want about three minutes.

Mr. FITZGERALD. Mr. Chairman, I ask unanimous consent that all debate on the pending paragraph and amendments thereto be concluded in 20 minutes.

The CHAIRMAN. The gentleman from New York asks unanimous consent that all debate on the paragraph and amendments thereto be concluded in 20 minutes. Is there objection?

There was no objection.

Mr. HAMLIN. Mr. Chairman, anent the remarks of the gentleman from Massachusetts [Mr. GILLETT], made a few moments ago, I desire to say that less than three years ago the committee of which I have the honor to be chairman made an investigation of the State Department.

Early in our investigation we found what we regarded as an abuse of the authority granted the President and Secretary of State in the use of what is known as the emergency or secret fund. Under section 291 of the Revised Statutes of the United States the President and Secretary of State may report expenditures out of that fund by what is known as a secret certificate, that is, report these expenditures in a lump and not in detail and not disclosing the purposes for which these expenditures were made. I repeat that we found on investigation that some very great abuses had been made of this privilege by the administration.

I early became convinced that there are very few expenditures which can properly be made out of this fund and which may not be reported as other expenditures are reported. In other words, that the cases which ought to be covered by these secret certificates are extremely few, and my opinion in that regard has not changed one iota, notwithstanding the change of the administration.

To be sure, I realize that there are circumstances where the administration must use money out of this fund, and where it would not be expedient or in accordance with public policy to make known at the time the purposes for which these expenditures were made, but I must insist that they are few and far between.

Mr. Chairman, referring again to the remarks of my friend from Massachusetts, I beg to state that of all the people in the world, he and his Republican associates are the last ones who should raise any question about the publication of expenditures of this secret fund, and it is inconsistent for them to insist that the expenditures of this fund should be made public.

I beg to remind him and others that under the Republican administration this fund was used with as much freedom, apparently, by the President and the Secretary of State as if it had been their private funds. The truth is that they not only used all the money which Congress gave them for the emergency or secret fund, but about $155,000 out of other funds during the six fiscal years ending June 30, 1911, covering all these expenditures by secret certificates in settlement with the Treasury Department. To be more explicit, the Republican administration expended during the six fiscal years, to which I have referred, $732,981.52, which was covered by secret certificates in settlement with the Treasury Department.

Mr. GILLETT. How many years?

Mr. HAMLIN. Six; and it will be borne in mind that during that time Congress had only given them $575,000 to be used as an emergency or secret fund, but they expended the amount which I have just given, to wit, $732,981.52, and in order to do that they had to use money out of other funds, which they did without any authority of law whatsoever, arbitrarily covering its expenditure by secret certificates in settlement with the Treasury.

These figures I take from official statement furnished me by a Republican Secretary of the Treasury in a letter, copy of which I will not take time to read, but will insert in my remarks.

TREASURY DEPARTMENT,
Washington, August 2, 1911.

Hon. C. W. HAMLIN,
Chairman Committee on Expenditures in State Department,
House of Representatives, Washington, D. C.

SIR: In compliance with the request contained in your letter of July 18, 1911, there is submitted below a statement prepared by the Auditor for the State and other departments showing all moneys disbursed by the Department of State and accounted for by certificates of the Secretary of State under section 291, Revised Statutes of the United States, from July 1, 1905, to March 31, 1911:

July, 1905	$2,589.84
August, 1905	4,226.01
September, 1905	11,078.47
October, 1905	14,019.77
November, 1905	16,924.24
December, 1905	7,716.85
January, 1906	8,690.08
February, 1906	4,680.94
March, 1906	11,739.26
April, 1906	10,570.36
May, 1906	10,871.46
June, 1906	14,389.41
Quarter ended Sept. 30, 1906	29,304.72
Quarter ended Dec. 31, 1906	16,131.98
Quarter ended Mar. 31, 1907	33,029.94
Quarter ended June 30, 1907	29,667.34
Quarter ended Sept. 30, 1907	32,677.79
Quarter ended Dec. 31, 1907	29,896.96
Period from Jan. 1 to Apr 6, 1908	18,063.92
Period from Apr. 17 to June 30, 1908	21,682.36
Quarter ended Sept. 30, 1908	27,195.60
Quarter ended Dec. 31 1908	21,958.25
Quarter ended Mar. 31, 1909	49,876.00
Quarter ended June 30, 1909	27,602.73
Quarter ended Sept. 30, 1909	26,561.45
Quarter ended Dec. 31, 1909	29,566.71
Quarter ended Mar. 31, 1910	32,806.49
Quarter ended June 30, 1910	15,611.16
Quarter ended Sept. 30, 1910	43,272.60
Quarter ended Dec. 31, 1910	100,081.96
Quarter ended Mar. 31, 1911	16,991.15

Respectfully,

FRANKLIN MACVEAGH, *Secretary.*

You will observe that this letter only brings it up to March 31, 1911. Recently I asked the Secretary to give me a statement of the disbursement from April 1, 1911, to June 30, 1911, so as to complete the statement for the full six fiscal years—from July 1, 1905, to June 30, 1911:

TREASURY DEPARTMENT,
Washington, October 28, 1911.

Hon. C. W. HAMLIN,
Chairman Committee on Expenditures in State Department,
House of Representatives.

SIR: Replying to your letter of October 24, 1911, I have the honor to inform you that the sum of $13,505.72 was expended by the Department of State and accounted for by certificates of the Secretary of State under section 291, Revised Statutes, United States, for the period April 1 to June 30, 1911, as shown by the files of this department.

Respectfully,

J. F. CURTIS, *Acting Secretary.*

Thus it will be seen that from July 1, 1905, to June 30, 1911, there was expended through the State Department, under section 291, heretofore quoted, the enormous sum of $732,981.52,

or an average of $122.163.58 a year, or an average of $10,180.30 a month, or an average of $339.45 a day.

The then Secretary of State, Mr. Knox, declined, upon an invitation of the committee, to appear before it and explain these extraordinary, as well as enormous, expenditures. He appeared before the committee, but that was only after he was duly subpœnaed to appear. Still he declined to give the committee the information, and then when he was served with a subpœna duces tecum to produce certain vouchers and papers which would disclose the purposes for which this money was expended, he, as well as President Taft, were so determined that not only the public should not know the purposes for which this money was used, but also that a committee of Congress should not know, that the President did the extraordinary and unheard-of thing of issuing Executive Order No. 1382, as follows:

EXECUTIVE ORDER NO. 1382.

No information of any kind whatever shall be furnished by the Secretary of State or any officer or employee of the Department of State to anyone other than an officer of that department entitled thereto for official use in regard to moneys expended and accounted for by certificate in pursuance of section 291 of the Revised Statutes of the United States, except upon due direction in writing from the President, nor shall any vouchers or other papers in relation to such expenditures be produced in pursuance of subpœna or otherwise except upon direction in writing from the President in each case.

WM. H. TAFT.

THE WHITE HOUSE, *July 7, 1911.*

Mr. GILLETT. Was not this done on the ground that it would be prejudicial to the public interests to have them divulged?

Mr. HAMLIN. That was undoubtedly their theory, and in all human probability the present administration may conclude that it is not advisable at this time, for the same reason, to make public the amount of money paid Mr. Lind.

In the light of these facts, certainly it does not become gentlemen on that side of the House to raise any question about the present administration not making public the compensation paid to the Hon. John Lind.

Mr. FITZGERALD. Mr. Chairman, will the gentleman yield for a question?

Mr. HAMLIN. Yes.

Mr. FITZGERALD. Let me say this: There was no request from any member of the committee that anybody from the State Department other than Mr. Carr should appear in order to furnish that information.

Mr. GILLETT. The gentleman must be mistaken. That is a misstatement that the gentleman ought to correct.

Mr. HAMLIN. I have not yielded to the gentleman from Massachusetts, and as my time is limited I can not do so now.

I want to call the attention of the House to this additional fact: During the six years wherein you expended over $700,000 that you would not account for, and even resorted to a special Executive order to keep from telling what you used the money for, there was no war in existence; there was not a cloud on the horizon; but everybody knows why Hon. John Lind was appointed to go to Mexico. There was at that time a very delicate situation existing between our Government and the one on the other side of the Rio Grande. He went as a confidential agent of the President, and I am certain in my own mind that the President made no mistake in reposing confidence in him, and I can appreciate the facts, as the gentlemen on that side ought to, that it might not contribute to an early and peaceful settlement of the delicate questions between the two Governments to give publicity such as the gentleman from Massachusetts pretends that he wants. At any rate, I am content to put our record up against the Republican record, for I have no doubt that later on, when the war clouds have blown away, the President and Secretary of State will not object to making public the compensation paid Mr. Lind.

Mr. CRAMTON. Mr. Chairman, listening to the picture of order and peace having been restored in Mexico by this administration, as painted by the gentleman from Colorado [Mr. SELDOMRIDGE], it occurred to me that that picture of order and peace and quietude could only have been painted and could only have been imagined by a gentleman from Colorado. [Laughter and applause.]

Mr. MOORE. Mr. Chairman, I had intended, in order to obtain five minutes, to introduce an amendment, but under the agreement that is not now necessary.

The gentleman from New York [Mr. FITZGERALD], who is the great Democratic economist of this House, indicated a little while ago, in a rather apologetic speech, that the Republican Party was responsible for Mr. Carr, the Chief of the Consular Bureau in the State Department, and that Mr. Carr was the spokesman for John Lind, and that therefore the Republican Party is responsible for the condition that prevails in Mexico.

It was rather a far-fetched proposition to thus relieve the Democratic Party and the White House and to unload the Mexico situation upon the Republican Party.

The gentleman from Colorado [Mr. SELDOMRIDGE] a moment ago spoke of "the peace and order" and the reign of law that had been "restored" in troubled Mexico. He spoke of the thousands and tens of thousands of mothers who were grateful for the services of John Lind in preventing the destruction of American life in that country. I then thought of the 19 lives of American sailors already taken in Mexico as the result of the administration's policy there. Every one of those 19 lives was of value to some mother, to some father, or to brothers and sisters in this country. They were laid down upon the altar—shall we say of liberty or of honor? We do not know, except that they responded to the policy of the administration.

Now, the gentleman from Massachusetts [Mr. GILLETT] rose very properly, as I conceive it, to inquire not only what was paid to our so-called American emissary to Mexico, but also to ascertain, if possible, just what services were performed by him in Mexico. This Congress has no information as to what John Lind did in Mexico; it has no information as to the services he performed there to restore law and order. All this Congress knows about Mr. Lind's services comes from ordinary newspaper sources, and much of it has come recently from Niagara Falls, and not from Mexico. Hence it would seem as if the inquiry of the gentleman from Massachusetts was entirely appropriate.

The chairman of the Committee on Appropriations on two or three occasions has been unable to answer why a responsible head of a department has not appeared before his committee to explain demands for money. In the case of the Labor Department recently it appeared that more than $2,000,000 had been appropriated to the Bureau of Immigration at the request not of the Secretary or any Assistant Secretary of the Department of Labor, but at the request of one of the inspectors of the Bureau of Immigration; and upon his representation more than $2,000,000 was appropriated, and this Congress, representing the people and entitled to know, was satisfied.

Now, if there is one thing that the people of this country have been inquiring about recently it is just what the present situation in Mexico is. They want to know why we interfered in Mexico and what our policy is. If any gentleman upon the other side, making appropriations for the payment of the expenses of John Lind or any other emissary of the Government, knows what our Mexican policy is, I suggest that he state it now. It is proper that we should know. [Applause on the Republican side.]

The CHAIRMAN. The time of the gentleman from Pennsylvania has expired.

Mr. ROGERS. Mr. Chairman, on the 14th of June last I received a letter from a Greek constituent of mine telling me that his property rights in Asia Minor were being invaded by the Turks, and asking me to take up with the State Department the question of what could be done in his behalf.

I took up the question by telephone with the State Department on the following day, and was advised that if I would send to the department a copy of the letter which I had received prompt attention would be given to the case. So on the 15th of June I wrote the State Department, inclosing a copy of the letter from my constituent, and asking for a report.

I understand it is a rule of the various departments—whether by courtesy or custom I do not know—to answer letters from Members of Congress either on the day on which they are received or on the following day. It may be that only an acknowledgment can be given at that time; but, at all events, it is the custom to make at least the prompt acknowledgment. On the 29th of June, just two weeks after I had originally taken up the matter with the State Department, I having received neither information nor acknowledgment, I wrote the department a further letter, asking the courtesy of at least a reply. Last Saturday I had still heard nothing. So I went to the Department of State and talked with the man in charge of the case. He told me that he had dictated a letter to me about it. That letter has not yet arrived. It may have been dictated, but at all events four or five days have elapsed, and in the meantime nothing has been heard.

Mr. Chairman, I do not pretend that these questions come under the personal supervision of the Secretary of State; but it strikes me that there may be an illustration of the "Like master, like man" principle here. If the Secretary of State himself is off junketing or chautauquaing, it is not to be expected that his subordinates will show the same zeal in the performance of their public duties as if they had a brighter

example as a beacon on their path. As I say, over four weeks have elapsed on a question which is inherently an emergency matter and not even an acknowledgment has yet been received from the Department of State. [Applause on the Republican side.]

Mr. GARRETT of Tennessee. Mr. Chairman, the critics of the present administration, evidently feeling that somehow or some way they have failed to create the effect intended by a criticism of its economic and fiscal policies, turn ever and anon to a criticism of its conduct of foreign affairs, and they speak with particular reference to the conduct of affairs as regards the Republic of Mexico, because, forsooth, that is close by and is attracting the greatest amount of public attention.

Mr. Chairman, I do not profess to know the details of the policy or the purpose of the administration as regards the Republic of Mexico, and yet I presume that I know as much of it as the great majority of those who have seen fit to criticize that policy. But, sir, there are two elements of that policy that stand out with such conspicuousness that all of us can and do understand them. Those two policies, fundamental in their character, I approve without reservation. One of them is that, if this administration can with honor prevent it, the sons of the mothers of this Republic shall not be sent there to die in useless battles, and that everything that can with honor be done shall be done to prevent the sacrifice of the sons of this Republic in a war for which there is no legitimate occasion. [Applause on the Democratic side.] The other policy, Mr. Chairman, is that this administration will not recognize as the President of the Republic of Mexico Mr. Victoriano Huerta. [Applause on the Democratic side.] The gentleman from Wyoming [Mr. MONDELL], addressing the committee yesterday afternoon, said that the administration would not recognize the Federal Government in Mexico. Not so, Mr. Chairman. No utterance of the President of the United States has ever been given which was entitled to that construction. What the President of the United States has said, what he has made clear, is that this Government will not recognize one who has risen to his place by virtue of participation in or connivance with assassination. [Applause.] I agree with that policy. For a hundred years it has been the curse of the Republics to the south of us that revolutions have been encouraged; that a rise to power by means of assassination has been encouraged. I think the time has come in the economy of events and in the progress of civilization when this great Republic, the master spirit of the Western World, ought to let it be known that men can not rise to power by the practice of murder and assassination and receive the recognition of this Republic. [Applause.]

Mr. MONDELL and Mr. KAHN rose.

The CHAIRMAN. The gentleman from California.

Mr. MONDELL. Mr. Chairman, I rise in opposition——

The CHAIRMAN. Debate is limited to 20 minutes, and 19 minutes have been consumed. The purpose of the Chair was to recognize the gentleman from Minnesota [Mr. MILLER].

Mr. MILLER. Mr. Chairman, I ask unanimous consent that I may proceed for three minutes.

Mr. FITZGERALD. I will not object. The gentleman is from Minnesota, and I understand his purpose; but I shall object to further extensions.

The CHAIRMAN. The gentleman from Minnesota [Mr. MILLER] asks unanimous consent that he be permitted to proceed for three minutes. Is there objection?

There was no objection.

Mr. MILLER. Mr. Chairman, I have never had any faith in the policy of the present administration in reference to its dealings with Mexico and the troubles confronting that country to-day. I have less faith in that policy now than I have ever had in the past, because of recent developments. But inasmuch as extended discussion has occurred respecting Mr. John Lind, of my State, I desire to say something in his behalf; not that a word is necessary in this presence, but that a proper estimate of the man may be given at this time and in this place.

For four years Mr. John Lind was an honored Member of this body. He was one of the most distinguished governors the State of Minnesota ever had. For many years he has been one of the most public-spirited and prominent citizens of that State. He is to-day unquestionably one of the half dozen ablest lawyers in the entire Northwest. He is a man of the highest intelligence, of unimpeachable and unassailable integrity, broad-minded, square, and honest. For many years Mr. Lind was the able president of the board of regents of the University of Minnesota, one of the largest institutions of learning in America, of which institution I am a graduate. His services there were of such a broad-minded and efficient character that the period of the greatest development of that university is coincident with the period of his work. He is one of the big men of the United States; and the people of my State hold him in the highest esteem. I can not imagine how any man could have been selected by the present administration more fitted for such a mission than was Mr. Lind. I myself believe that the instructions given him and the policy he was required to carry out are responsible entirely and alone for the deplorable conditions that have resulted lately in Mexico; but I do wish to say that, while Mr. John Lind is a member of a political organization different from my own, I honor him as I honor few men in my State, and I feel myself proud to be called his friend. I desire to make this statement in order that it may go into the RECORD in connection with the other remarks. [Applause.]

Mr. FITZGERALD. Mr. Chairman, let the Clerk read.

The Clerk read as follows:

BUREAU OF EQUIPMENT.

To pay voucher in favor of the Autographic Register Co. for wireless telegraph forms and carbon paper furnished during the fiscal year 1910, $32.50.

Mr. GREEN of Iowa. Mr. Chairman, I am the Member to whom the gentleman from New York [Mr. FITZGERALD] referred in connection with the understanding by which the general debate was closed last evening.

Mr. FITZGERALD. Mr. Chairman, last night the gentleman from Iowa [Mr. GREEN] agreed not to use the 25 minutes allotted to him in general debate so that the debate might be concluded, on condition that during the 5-minute debate he might speak for 5 minutes. I ask unanimous consent that he may address the committee for 10 minutes, in accordance with that understanding.

The CHAIRMAN. The gentleman from New York [Mr. FITZGERALD] asks unanimous consent that the gentleman from Iowa [Mr. GREEN] may be permitted to proceed for 10 minutes. Is there objection?

There was no objection.

Mr. GREEN of Iowa. Mr. Chairman, about two weeks ago the gentleman from New York [Mr. LEVY] presented to this House a resolution fixing the time for the adjournment of this Congress. He spoke very briefly upon the subject, and at the conclusion of his remarks the distinguished gentleman from Alabama [Mr. UNDERWOOD], the leader of the majority of this House, very wisely moved that the House then and there adjourn without any further discussion of that subject.

Under the same direction the business in this House has been so arranged that there has been no further discussion of the resolution, and, so far as I know, there is no intention or prospect of its being taken up. And yet it is one that ought to be considered. The people of this Nation have become impressed with profound distrust of the ability of this Congress to legislate for its benefit. At the very time when the gentleman from New York rose to present his resolution I had in my hand to present to this House a resolution adopted by the chamber of commerce of the largest city of my State, praying also that this Congress would adjourn; that no further legislation be enacted at this time in view of what had already been placed on the statute books and the effect which it had had on the country. This petition was one of many which I have received, one of hundreds which have been received by the Members of this House.

Yesterday we listened to a long dissertation by the gentleman from Alabama [Mr. HEFLIN] undertaking to show that the country was in fact prosperous and contented so far as business conditions were concerned, but he neglected to consider the most important branch of statistics connected with that matter.

Last February, or January, I think it was, the gentleman from Georgia [Mr. HARDWICK] was attempting to show that this country was prospering under a Democratic tariff, and at that time I called his attention to the fact that in the month of December last we had reached the peak, so far as the amount of liability in commercial failures was concerned, and also so far as the number was concerned; that over 2,500 firms had failed that month, with liabilities aggregating $31,000,000, but we were assured that conditions would shortly become better, and that we could adjust ourselves to the new tariff.

Mr. GORDON. Will the gentleman yield?

Mr. GREEN of Iowa. No; I have lost 15 minutes by coming in at this time; I can not yield. I am sorry.

Mr. GORDON. I thought you would not.

Mr. GREEN of Iowa. But we have at this time the statistics for failures for the first six months of this year. Perhaps my friend from Georgia would like to know something more on the subject, and if so, he shall have it. For the first six months of this year the liabilities of commercial failures have reached the astonishing and stupendous aggregate of $185,000,000, more than $50,000,000 more than they have aggregated before in that period in the history of the country and more than three times what they were 10 years ago; and still the gen-

tleman tells us that business is prosperous and business men are contented and happy.

Why, Mr. Chairman, if we needed any other indication, we only need to look at the railroad returns for the last month for which we have statistics—the month ending May 31 of this year. The revenues of the New York Central lines alone fell off for the month of May over $4,000,000 as compared with the same month of 1913. The revenue of the Pennsylvania lines fell off for the same month over four and a half million dollars, as compared with the same month of last year. The building permits in 118 principal cities of our country for the month of April fell off over $15,000,000. Is it strange that the gentleman from Washington [Mr. HUMPHREY] finds there is no demand for lumber? Whichever direction we turn we find the same conditions. The importations of foreign goods are steadily increasing and our exports are falling off. A river of gold is flowing toward Europe to make up for the loss in our balance of trade.

Gentlemen were endeavoring to show that pig-iron furnaces were in full blast. We made nearly 4,000,000 tons less of pig iron in the first six months of this year than we did in the first five months of last year. The steel companies are all working under 40 per cent less orders than they had a year ago.

But I can not fully go into this subject. I did not rise to speak upon it, but rather on another subject that was brought up by the gentleman from North Carolina, who I am glad to see in his seat. I have for the gentleman the highest respect and also an affectionate regard, but I am compelled to object at this time to some statements he made, although I understand they were not made with the intention of reflecting upon me or any other Member on this side to whom he referred. A few days ago he read what he called the roll of honor of men on this side who had voted for some of the antitrust bills, and among those names was my own.

Now, I think if the gentleman had heard some remarks that I made at the time, or had taken the trouble to read them, for which I do not blame him if he did not, he would have scarcely included me in that roll of honor. I said at the time, and I say now, that I would not have voted for the bill if I had supposed that it would ever come back from the Senate as it went from the House, and it is quite evident now that when it comes back it is not going to be in such a shape that its framers will recognize it. The father will not know the child.

I said also at that time, and I think I was expressing the sentiments of a large number of Members on this side who voted for the same bills, that the antitrust bill—the Clayton bill—intentionally or unintentionally, was drawn so as to put the Members on this side who voted for or against the bill in a false light. It contained one or two good provisions. It reaffirmed legislation to which we have always expressed our adherence. It attempted to reach practices which I and others on this side have denounced, and which we said were already covered by provisions of the present law. But gentlemen on the other side said that they were not so covered. If we voted against the bill, we exposed ourselves to the charge that we had abandoned the principles which we had always fought for and advocated, and I declined, Mr. Chairman, for myself, to walk into such a trap. And others on this side refused to walk into the trap also.

But the gentleman from North Carolina says we are responsible for the Clayton bill by reason of our vote. I am not inclined to share the responsibility. We no more consented to that bill being rammed down our throats than an English suffragette when put in a strait-jacket and a reverse stomach pump put in her mouth consents to take the food forced down her gullet.

We protested, we objected, we offered amendment after amendment to take out what we deemed to be useless and what I might say at this time seemed to be senseless provisions of the bill, for some of them were senseless; and the only result of our labors was that the much-vaunted personal criminal liability section was modified, and if it had not been modified this House would have been the laughingstock of the legal world. We responsible for that bill? I think everything of the gentlemen on the other side. I know them to be courteous and affable, pleasant and accommodating gentlemen, as a rule. The exceptions are so few that I would not consider them. I would do almost anything for them, and I do not wonder that they are looking for some one to divide the load; but I decline to share the responsibility for this legislation. If it passes the Senate and is successful in practice, they will get the credit for it; if it is a failure—and, even when amended, I predict the antitrust bill will be—they must bear the brunt and the burden. In any event, they afford no remedy for business conditions and are no excuse for prolonging this session. We should adjourn as quickly as possible and give the country a chance to recover from the effect of what this Congress has already done.

Comparison of failures for first 6 months of each of last 10 years, as shown by R. G. Dun & Co.'s mercantile reports.

[From the New York American.]

Year.	Number.	Liabilities.
1914	8,344	$185,099,730
1913	8,163	132,909,061
1912	8,317	108,012,223
1911	7,061	103,698,334
1910	6,388	112,239,306
1909	6,831	88,541,373
1908	8,709	124,374,833
1907	5,608	69,568,662
1906	5,612	62,654,074
1905	6,210	55,904,585

The Clerk read as follows:

To reimburse the appropriation "Tabulating equipment, Office of Auditor for Post Office Department," fiscal year 1914, for tabulating equipment, rental of machines, and purchase of cards for the Office of the Auditor for the Interior Department to the close of the fiscal year 1914, $5,194.19.

Mr. BRYAN. Mr. Chairman, I move to strike out the last word. I would like to ask some information about this $5,194.19. How much of that is for these machines and how much for new equipment? I see there are no hearings upon that.

Mr. FITZGERALD. We had the information upon that item in the consideration of a former bill. The Auditor for the Post Office Department furnished to the Auditor for the Interior Department different materials and supplies on hand, to that extent, and it is necessary to reimburse the appropriation in order to enable other bills that were incurred to be paid.

Mr. BRYAN. He furnished them to the Auditor for the Interior Department?

Mr. FITZGERALD. Yes.

Mr. BRYAN. So this is a refund?

Mr. FITZGERALD. Yes. The information upon it was obtained on a previous bill.

Mr. BRYAN. There has always been a scarcity of testimony when it comes to the renting of these tabulating machines down there, except when the gentleman from Virginia or some one is giving them a pretty hard knock in suggesting that they have been thrown out of some other department, and that is the only time that we hear much about them.

Mr. FITZGERALD. The information about this item was obtained on a former deficiency bill, and it was not repeated.

Mr. BRYAN. Does the gentleman know the name of the company that gets that rent?

Mr. FITZGERALD. I do not.

Mr. BRYAN. It is a Georgetown company, is it not?

Mr. FITZGERALD. I know nothing about it. All I know is that the machines are rented.

The CHAIRMAN. Without objection, the pro forma amendment will be withdrawn, and the Clerk will read.

The Clerk read as follows:

Winchester, Mass., post office: For site and commencement, $15,000.

Mr. DEITRICK. Mr. Chairman, I offer the following amendment, which I send to the desk and ask to have read.

The Clerk read as follows:

Page 9, line 17, strike out the figures "$15,000" and insert in lieu thereof the figures "$20,000."

Mr. FITZGERALD. Mr. Chairman, there is no objection to this amendment. Since the bill was reported supplementary estimates have come from the Treasury Department asking $20,000 to be appropriated instead of $15,000, as originally requested.

The CHAIRMAN. The question is on agreeing to the amendment offered by the gentleman from Massachusetts.

The amendment was agreed to.

The Clerk read as follows:

CUSTOMS SERVICE.

To defray the expenses of collecting the revenue from customs, $300,000.

Mr. MOORE. Mr. Chairman, I move to strike out the last word. Will the gentleman kindly explain whether there is anything new in this $300,000 item? Is it an exigency of the service?

Mr. FITZGERALD. Mr. Chairman, it is due to the fact that the appropriation made was $300,000 less than it cost to administer the service. In the reorganization of the Customs Service $10,150,000 was appropriated, and the law required the service to be reorganized so as to effect a saving, I think it was, of $350,000. That was upon the theory that the cost of the service was $10,500,000. As a matter of fact, the expenditures in the

year previous, on which it was being based, was $10,700,000 or more. There has been an actual saving of over $300,000, and with the readjustments that are going on the officials of the Treasury Department state that during this fiscal year it will not cost in excess of $10,150,000.

Mr. MOORE. This does not contemplate the use of any money for extra service on account of income-tax collections or anything of that kind?

Mr. FITZGERALD. No; this is the customs service entirely.

Mr. MOORE. And due to the reorganization?

Mr. FITZGERALD. No; it was expected that under the reorganization the service would be conducted for $10,150,000. That was due to a misunderstanding of the total cost of the service the preceding year upon which the saving was estimated. They are making readjustments and changes, and the result will be that this year it will be $10,150,000. The total appropriations for 1912 were $10,850,000, and the actual expense $10,806,000. For 1913 they were $11,000,000 and the actual expense $10,931,000. The President construed the reorganization as shown upon the face of the order issued by him as requiring a decrease in expenditures of $350,000. The decrease actually made by the reorganization was $356,000. We deduct the $356,000 from the amount expended during the fiscal year of 1912, which was $10,806,000, and the result is $10,450,000. If the $356,000 were deducted from the amount actually expended during the fiscal year 1913, the result is $10,575,000, and the statement is made that the expenses have been actually decreased during the fiscal year just ended on an average of $25,000 a month.

Mr. MOORE. The reorganization effected a reduction in the number of customhouses?

Mr. FITZGERALD. Customs districts.

Mr. MOORE. I have a case in mind which was brought to the attention of a committee of which I am a member.

The CHAIRMAN. The time of the gentleman has expired.

Mr. MOORE. Mr. Chairman, I ask unanimous consent to proceed for one minute more.

The CHAIRMAN. Is there objection?

There was no objection.

Mr. MOORE. It was suggested that there should be a change of the customs headquarters from one section of the State to another. Then came another suggestion by way of compromise that both locations should be recognized as headquarters. Would this appropriation be intended to cover any such proposition as that?

Mr. FITZGERALD. No; under the reorganization——

Mr. MOORE. It would be a restoration of the old system in such a case.

Mr. FITZGERALD. The reorganization order fixes the districts, and that fixes the number of collectors of customs. There is not really much interest in having a city designated as headquarters, but the interest is in having a collector assigned to a particular place, and the collectors are not in the classified service.

The CHAIRMAN. Without objection, the pro forma amendment will be considered as withdrawn.

There was no objection.

The Clerk read as follows:

DISTRICT OF COLUMBIA.

Mr. SISSON. Mr. Chairman, I offer the following amendment.

The CHAIRMAN. The Clerk will report the amendment.

The Clerk read as follows:

On page 10, after line 22, insert:

"Nothing contained in the District of Columbia appropriation act for the fiscal year 1915 shall be construed as relieving street railway companies from bearing all of the expenses of paving streets or avenues between the exterior rails of the tracks of their roads in the District of Columbia, and for a distance of 2 feet from and exterior to such tracks on each side thereof and of keeping the same in repair, as required by section 5 of the act providing a permanent form of government for the District of Columbia, approved June 11, 1878."

The question was taken, and the amendment was agreed to.

MESSAGE FROM THE SENATE.

The committee informally rose; and the Speaker having taken the chair, a message from the Senate, by Mr. Tulley, one of its clerks, announced that the Senate had passed without amendment joint resolution of the following title:

H. J. Res. 300. Joint resolution to continue the provisions of a joint resolution approved June 30, 1914, entitled "Joint resolution extending appropriations for the necessary operations of the Government and of the District of Columbia under certain contingencies."

The message also announced that the Senate had disagreed to the amendments of the House of Representatives to the bill (S. 1644) for the relief of May Stanley, and for other purposes, had asked a conference with the House on the disagreeing votes of the two Houses thereon, and had appointed Mr. BRYAN, Mr. OVERMAN, and Mr. CRAWFORD as the conferees on the part of the Senate.

GENERAL DEFICIENCY APPROPRIATION BILL.

The committee resumed its session.

The Clerk read as follows:

Refunding taxes: The commissioners are authorized and directed to pay to Charles H. Wiltsie, from the appropriation for "Refunding taxes, etc.," the sum of $35.68, on account of cancellation of certain erroneous tax sales.

Mr. MANN. Mr. Chairman, I move to strike out the last word. I notice this item is in reference to the repayment to Charles H. Wiltsie for an erroneous tax sale and another item in regard to a similar matter. One is for the repayment of $35.68 and the other is authorizing a refund without naming the amount, together with interest at 6 per cent per annum. I would like to inquire if the $35.68 includes interest also?

Mr. FITZGERALD. I did not understand the question of the gentleman.

Mr. MANN. Does the $35.68 in this first item include 6 per cent interest as proposed in the succeeding item?

Mr. SISSON. Mr. Chairman, if the Chairman will pardon me, my recollection is it does provide for 6 per cent interest. There was some little discussion of it in the committee, not during the hearing, but some little discussion as to how the item was made up, and my recollection is that it does include 6 per cent interest.

Mr. MANN. Where a tax buyer buys property at a tax sale, I never knew one who was especially lenient to the owner of property when it came to adjusting and canceling the title. Now, if a man buys a tax title with the expectation of making a very large profit, why should he receive a reasonable profit if he falls down?

Mr. FITZGERALD. This is what happened——

Mr. MANN. I know what happened. They sold the property erroneously.

Mr. SISSON. Personally I agree absolutely with the gentleman from Illinois, because the statute in my State, for example, does not permit interest, but simply permits him to get the costs and the principal back.

Mr. MANN. He is in great luck to get anything back. He buys at his own risk. If he buys something good he could not lose a cent and if he fails he expects to lose.

Mr. SISSON. I will say to the gentleman, my understanding of this case was it was not exactly on all fours with the redemption of land where the land was properly sold for taxes. This was a sale where they sold the wrong property, and the property which was sold and bought by this man was property which the District had no right to sell. The whole fault was upon the officials of the District. The man whose property was actually sold did not owe any taxes, there were no taxes due the District, and it was a mere error on the part of the officials by which this man made the purchase at the sale, and it was upon that theory that he was allowed interest on his money.

Mr. MANN. Well, it is like buying anything else where the seller has not a good title; he must take his chances.

Mr. SISSON. Caveat emptor.

Mr. MANN. A man takes his chances on many things of this kind. Now, I have no objection to the man receiving the principal, but I do not see why we should pay interest to a tax buyer who is not entitled to a dollar, when, if he had a good title, he would exact not 6 per cent interest, but all the interest that the law allows, which is very likely 25 or 50 per cent.

Mr. SISSON. I think the gentleman is absolutely correct in the principle he lays down, if the District was selling property where the taxpayer was negligent and did not pay his taxes, or where any trouble resulting to the purchaser by virtue of the failure of the District to do its duty shall have happened.

Mr. MANN. Is this man a professional tax buyer?

Mr. FITZGERALD. I think he is.

Mr. JOHNSON of Kentucky. I can say to the gentleman he is a professional.

Mr. MANN. He keeps a record of these things, and he does not rely wholly upon the books of the District for this information.

Mr. SISSON. I will state, as far as I know, I know nothing about his being a professional tax buyer.

Mr. MANN. I will say frankly when the next item is reached, if it is subject to a point I will make it unless the interest is cut out.

The CHAIRMAN. Without objection, the pro forma amendment will be withdrawn.

There was no objection.

The Clerk read as follows:

The commissioners are authorized and directed to pay to Charles H. Wiltsie and others, from the appropriation for "Refunding taxes, etc.," the amount of certain taxes and other charges paid by them on account of certain properties erroneously sold at tax sales, together with interest at 6 per cent per annum on said amounts from date of sale to date of payment.

Mr. MANN. Mr. Chairman, I reserve a point of order on the paragraph. I think it is subject to a point of order. Does not the gentleman think Mr. Wiltsie will think he is in geat luck if he can get the principal without requiring interest at 6 per cent?

Mr. FITZGERALD. I am not sure about the law; that is the custom. If a locality or municipality sells property at a tax sale, and there is a defect, an error, or mistake—I do not know what the law is here, but I know what the law is in my State of New York—the purchaser of the tax lien receives the money with interest.

Mr. MANN. I would not say the gentleman was mistaken as to New York, because the other day when I thought he was, he ran over me. I doubt if there is a provision anywhere in these cases to pay interest. They refund the principal, but I doubt very *much* if even in New York they pay the interest.

Mr. FITZGERALD. In New York they pay the interest where through error a sale has been made. The city is required to pay principal and interest.

Mr. MANN. Out of what does it pay the interest? The city does not make the tax sale, I assume.

Mr. FITZGERALD. It does; the collector of assessments and arrears is the official who sells.

Mr. MANN. I do not know, but I suppose that in New York they collect taxes for the State, county, and city?

Mr. FITZGERALD. They are all collected by one official.

Mr. MANN. But he is not a city official.

Mr. FITZGERALD. Yes; he is a city official.

Mr. MANN. Is he a city official and does he collect all the other taxes?

Mr. FITZGERALD. Yes.

Mr. MANN. Out of what do they pay the interest? Part of the principal would have gone to the State and part of it would have gone to the county or borough, probably. I do not know how it is in New York. What do they pay the interest out of?

Mr. FITZGERALD. I do not know.

Mr. MANN. I do not believe they pay the interest.

Mr. FITZGERALD. They do.

Mr. MANN. Well, I accept the gentleman's statement, of course.

Mr. FITZGERALD. I know they pay it out of some fund.

Mr. MANN. I think it is not usual, and there is no reason for it.

Mr. FITZGERALD. The total amount involved here, as I have just figured, including interest, is $139.

Mr. MANN. I did not know what the amount was. I do not see any reason for paying the interest. Will it be agreeable to the gentleman, or will he consent, to striking out the interest?

Mr. FITZGERALD. I will not consent to it, but the gentleman can move to do so.

Mr. MANN. Then I make the point of order on the paragraph.

Mr. FITZGERALD. I think this is an appropriation in accordance with the law which provides for refunding.

Mr. JOHNSON of Kentucky. This is for refunding something the District of Columbia has never gotten.

Mr. MANN. Where is any such provision of law? There is none that I know anything about.

Mr. JOHNSON of Kentucky. Mr. Chairman, if the gentleman will indulge me just a moment, I think I can explain the system under which this is done. Mr. Wiltsie, of Syracuse, N. Y., is a professional buyer of property sold at tax sales. He buys thousands of pieces of property sold here in the District of Columbia. The law provides that the owner of the property in getting it back shall pay to him what he paid for it plus interest at the rate of 12 per cent. Mr. Wiltsie has never been known to accept original cost plus that 12 per cent interest. Instead, he requires everyone who is so unfortunate as to have his property sold at tax sale to pay to him the amount of an attorney's fee, which the unfortunate one would have to pay if he went into court with Mr. Wiltsie in order to get the title out of him. He is extortioning upon the people here, and I do not believe that any sort of consideration ought to be shown him in this instance.

Mr. MANN. Then, Mr. Chairman, I will withdraw the point of order, and I move to strike out of lines 13 and 14, on page 14, the words:

Together with interest at 6 per cent per annum.

The CHAIRMAN (Mr. GARRETT of Tennessee). The gentleman from Illinois withdraws the point of order and offers an amendment, which the Clerk will report.

Mr. MANN. I move to strike out all after the word "sales," in line 13, to the end of the paragraph.

The Clerk read the amendment, as follows:

Amend, on page 14, by striking out all of the paragraph after the word "sales" in line 13.

The CHAIRMAN. The question is on agreeing to the amendment.

The amendment was agreed to.

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

War Department.

Mr. FITZGERALD. Mr. Chairman, I offer the following amendment.

The CHAIRMAN. The gentleman from New York [Mr. FITZGERALD] offers an amendment, which the Clerk will report.

The Clerk read as follows:

On page 15, after line 4, insert:

"To enable the commission created by section 26 of the public-buildings act approved May 13, 1908 (Stat. L., vol. 35, p. 543), to procure not exceeding 500 lithograph copies, in colors, of the map authorized in said section of all lands in the District of Columbia in and to which the United States has title, to continue available during the fiscal year 1915, $1,201, or so much thereof as may be necessary."

The CHAIRMAN. The question is on agreeing to the amendment.

The amendment was agreed to.

The Clerk read as follows:

MILITARY ESTABLISHMENT.

QUARTERMASTER CORPS.

For transporting and caring for interned Mexican soldiers and military refugees at Fort Wingate, N. Mex., and elsewhere, for the six months commencing July 1, 1914, $170,000, together with the unexpended balance of the appropriation made in the urgent deficiency appropriation act approved April 6, 1914, to reimburse appropriations for support of the Army for expenditures for these purposes made prior to July 1, 1914.

Mr. MONDELL. Mr. Chairman, I move to strike out the last word.

Mr. Chairman, there are something more than 5,000 of the so-called military refugees held at Fort Wingate and at other points along the Mexican border—men, women, and children. Under The Hague convention neutral powers are obligated to interne the soldiers—belligerents—that come upon their territory during war. This obligation rests on neutral powers. I do not believe anyone familiar with the conditions can honestly say that we are a neutral power in the present situation in Mexico. Notwithstanding, we have a duty to perform to these unfortunate people.

In view of our attitude toward the constitutionalists our retention of these people really amounts to an aid to the constitutionalists, because these people interned and held by us, 4,000 of them, are federal soldiers. So far as the women and children are concerned, the fact that we hold them and refuse to allow them to go back to Mexican territory, is proof positive that we ourselves have no confidence in the honor of the constitutionalist forces, and are fearful that the women and children of their own blood and nation would suffer at their hands if we allowed them to go back over the border. We have already appropriated $500,000 for the purpose of caring for these refugees. We are now proposing to appropriate $170,000 more. The question is, Are we ever to be reimbursed? The Hague convention provides for reimbursement, but our representatives at the Niagara Falls mediation conference agreed that the Government of the United States will not claim a war indemnity or other international satisfaction.

Let us assume for the sake of illustration that the so-called constitutionalists should establish themselves as a permanent government in Mexico. They would be under no obligation to reimburse us, because we have not recognized them and they are not parties to the mediation conference, and because it has not been at their request or suggestion that we have interned these people.

Again, if the government established in the City of Mexico which we recognize in the future claims to be a party to those protocols, to this understanding at Niagara Falls, then they can claim that they are absolved from responsibility for payment by paragraph B of article 2, under which we waive all claim or demand for indemnity or satisfaction.

And this is the position we find ourselves in with regard to this particular phase of the Mexican controversy: Our Government, in the interests of humanity, proceeds to care for these Federal soldiers, who would have been butchered had they been sent back across the border; when we proceed to care for these women and children, who would have suffered all manner of outrage and indignity had they gone across the

border, then we meet the representatives of the Huerta government at Niagara Falls and agree that we shall make no demand on anyone represented or bound by the terms of the Niagara conference for any expenditures we have made in regard to this or any other matter.

Mr. BUTLER. Mr. Chairman, will the gentleman yield?

The CHAIRMAN. Does the gentleman from Wyoming yield to the gentleman from Pennsylvania?

Mr. BUTLER. With whom did we make that agreement at Niagara Falls?

Mr. MONDELL. Well, the gentleman knows who were present at the Niagara Falls mediation. There were representatives of the Huerta government, which we never recognized, and which we had been trying to overthrow for more than a year.

Mr. BUTLER. Were the constitutionalists there?

Mr. MONDELL. They were not officially represented, as I understand it.

The CHAIRMAN. The time of the gentleman from Wyoming has expired.

Mr. FITZGERALD. Mr. Chairman, all that I desire to say is that under the provisions of The Hague convention, ratified and proclaimed on February 28, 1910, to which the United States was signatory, article 11 provides—

A neutral power which receives on its territory troops belonging to the belligerent armies shall intern them, as far as possible, at a distance from the theater of war.

It may keep them in camps and even confine them in fortresses or in places set apart for this purpose.

It shall decide whether officers can be left at liberty on giving their parole not to leave the neutral territory without permission.

Article 12 provides—

In the absence of a special convention to the contrary, the neutral power shall supply the interned with the food, clothing, and relief required by humanity.

At the conclusion of peace the expenses caused by the internment shall be made good.

And article 13 provides—

A neutral power which receives escaped prisoners of war shall leave them at liberty. If it allows them to remain in its territory, it may assign them a place of residence.

These hostile troops were received on the territory of the United States. They have been interned. Accompanying the troops were a number of women and children. They are kept with the troops. They have no desire to leave them. They are a part of the army. The cooking and other things done by distinct services in our Army are done by the women in the Mexican Army. There has been no application on the part of these people to return. They do not desire to return. They are better off now than they have ever been.

The United States is performing the obligations imposed by the treaty, and there is no situation or condition that calls for any protest or criticism.

The CHAIRMAN. Without objection, the pro forma amendment will be withdrawn, and the Clerk will read.

Mr. FITZGERALD. Mr. Chairman, I offer the following amendment.

The CHAIRMAN. The gentleman from New York offers an amendment, which the Clerk will report.

The Clerk read as follows:

On page 16, after line 5, insert the following:

"The Secretary of War is authorized to accept the deed from Edward Ingersoll, conveying to the United States a tract of land containing about 1 acre, now forming part of the Springfield Armory, Springfield, Mass., the said deed having been received May 16, 1859, registered in book 198, page 153, Hampden County, State of Massachusetts, by James D. Russell, register."

The CHAIRMAN. The question is on agreeing to the amendment offered by the gentleman from New York.

The amendment was agreed to.

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

CONTINGENT, NAVY.

For contingent, Navy, including the same objects specified under this head in the naval appropriation act for the fiscal year 1914, $64,229.55.

Mr. MONDELL. Mr. Chairman, I move to strike out the last word.

The CHAIRMAN. The gentleman from Wyoming moves to strike out the last word.

Mr. MONDELL. Mr. Chairman, the appropriation made in this item was made necessary by reason of our occupation of Vera Cruz, and it raises the question of why we are occupying Vera Cruz. After having signed a protocol waiving all claim for indemnity or satisfaction, why are we at Vera Cruz? Because of the incident of Tampico, said to have been an insult to our flag, we demanded a salute of 21 guns. We would not accept 16. But our representatives at the mediation conference have agreed that we are not entitled to any salute. A stiff-necked administration sent a majestic fleet across the seas under forced draft, landed marines at Vera Cruz, and sacrificed the lives of 19 brave American boys. For what? For nothing—so our representatives at Niagara Falls have said—as we are entitled to no satisfaction for the affair at Tampico, according to their admission.

The gentleman from Tennessee [Mr. GARRETT] said a little while ago that he gloried in the determination of the administration not to have war with Mexico. Ah, the administration knew that the American people would not uphold any administration for a moment that would plunge us into war with Mexico. But the administration did bring on war with Mexico at Vera Cruz, at the cost of American lives and at the cost of the lives of many Mexican people. The gentleman from Tennessee says he glories in the fact that the administration declines to recognize the Federal Government at the head of which is Huerta.

Mr. DONOVAN. Mr. Chairman, a point of order. The gentleman is not talking to the amendment.

Mr. MONDELL. Mr. Chairman, every time I attempt to address the House the gentleman from Connecticut insists on rising and interrupting me. I decline to be interrupted more.

The CHAIRMAN. The gentleman from Wyoming [Mr. MONDELL] is pursuing the usual course.

Mr. DONOVAN. The gentleman is not speaking to the amendment.

The CHAIRMAN. The gentleman will proceed in order.

Mr. MONDELL. Mr. Chairman, it is very difficult to proceed with a five-minute discussion when subjected to constant interruption from Members who have no right to interrupt. I shall ask the Chair to protect the committee from the interference of the gentleman from Connecticut, who does not know what constitutes orderly debate.

Mr. Chairman, the gentleman from Tennessee [Mr. GARRETT] glories in the fact that the administration has not recognized the Presidency of Huerta in Mexico, because, he said, it was founded on assassination.

Mr. DONOVAN. Mr. Chairman——

Mr. MONDELL. It is a good thing that the gentleman from Tennessee had admitted but a moment before that he was not well informed with regard to affairs in Mexico. Had he been well informed, he would have known that the government of Huerta was established in Mexico some four or five days prior to the assassination of President Madero.

Mr. DONOVAN. Mr. Chairman, a point of order.

Mr. MONDELL. However that may be——

The CHAIRMAN (Mr. HARRISON). The gentleman from Connecticut makes a point of order. The gentleman from Wyoming will desist. The gentleman from Connecticut will state his point of order.

Mr. DONOVAN. That the gentleman from Wyoming is not speaking to the subject matter under the five-minute rule.

Mr. MONDELL. Mr. Chairman, I think it is high time that the gentleman from Connecticut, who does not know and does not understand what constitutes orderly debate or the amenities of the House, be informed by the Chair. I think it is the duty of the Chair to inform him. The gentleman has constantly interrupted me every time I have tried to discuss the matter before the House to-day. I realize that gentlemen on the other side do not want this matter discussed, but I assure them I shall discuss it.

The CHAIRMAN. The time of the gentleman from Wyoming [Mr. MONDELL] has expired.

Mr. MONDELL. How much of my time was used by the gentleman from Connecticut and my request of the Chair for protection?

The CHAIRMAN. The present occupant of the chair will state that he was not in the chair at the time, and can not give the gentleman that information.

Mr. GARRETT of Tennessee. I ask unanimous consent that the gentleman from Wyoming may proceed for five minutes.

Mr. DONOVAN. Mr. Chairman, I object.

The CHAIRMAN. The gentleman from Tennessee asks unanimous consent that the gentleman from Wyoming be permitted to proceed for five minutes. Is there objection?

Mr. DONOVAN. I object, Mr. Chairman.

The CHAIRMAN. The gentleman from Connecticut objects. The Clerk will read.

The Clerk read as follows:

PAY, MISCELLANEOUS.

For pay, miscellaneous, including the same objects specified under this head in the naval appropriation acts for the fiscal years that follow:

For 1913, $16,619.27.

For 1912, $6,110.49.

Mr. MONDELL. Mr. Chairman, a discussion of these items, the necessity for which arises out of our occupation of Vera Cruz, makes in order a discussion of the facts relative to our occupation of that Mexican seaport and of the general situation to which that fact is related.

To continue my statement of a moment ago, the gentleman from Tennessee [Mr. GARRETT] evidently does not realize the fact that the Federal Government in Mexico was not founded by assassination. The present Government was established several days before the assassination of President Madero.

Mr. DONOVAN. Mr. Chairman, a point of order.

Mr. GARRETT of Tennessee. Will the gentleman yield for a question?

Mr. MONDELL. Yes.

Mr. GARRETT of Tennessee. I did not assert that the Federal Government was based upon assassination.

Mr. DONOVAN. A point of order, Mr. Chairman.

The CHAIRMAN. What is the gentleman's point of order?

Mr. DONOVAN. That the Member from Wyoming is not talking to the subject matter of the amendment.

The CHAIRMAN. The point of order is overruled.

Mr. GARRETT of Tennessee. I did not assert that the Federal Government in Mexico was based upon assassination.

Mr. DONOVAN. Mr. Chairman, I raise the point that there is no quorum present.

The CHAIRMAN. The gentleman from Connecticut makes the point of order that there is no quorum present. The Chair will count. [After counting.] Seventy-one members present; not a quorum.

Mr. GARRETT of Tennessee. Mr. Chairman, I move that the committee do now rise.

The question was taken; and on division (demanded by Mr. GARRETT of Tennessee), there were—ayes 5, noes 39.

Mr. GARRETT of Tennessee. Mr. Chairman, I demand tellers.

Tellers were ordered, and the Chairman appointed Mr. GARRETT of Tennessee and Mr. GILLETT.

The committee again divided; and the tellers reported—ayes 10, noes 72.

The CHAIRMAN. The point of order of the gentleman from Connecticut that there is no quorum present is well taken. The Clerk will call the roll.

The Clerk proceeded to call the roll, when the following Members failed to answer to their names:

Adair	Elder	Lafferty	Prouty
Ainey	Estopinal	Langham	Rauch
Anderson	Fairchild	Langley	Rayburn
Anthony	Fess	Lazaro	Riordan
Aswell	Fields	L'Engle	Roberts, Mass.
Austin	Finley	Lenroot	Rothermel
Barchfeld	Fordney	Lever	Sabath
Barnhart	Frear	Levy	Saunders
Bartholdt	Gallivan	Lewis, Pa.	Scully
Bartlett	Gardner	Lindquist	Sells
Beall, Tex.	George	Linthicum	Sharp
Bell, Ga.	Gerry	Lobeck	Sherley
Borchers	Gilmore	Loft	Shreve
Borland	Godwin, N. C.	Logue	Sims
Brown, N. Y.	Goldfogle	McAndrews	Slayden
Brown, W. Va.	Gorman	McClellan	Slemp
Browne, Wis.	Goulden	McGillicuddy	Small
Browning	Graham, Pa.	McGuire, Okla.	Smith, Md.
Bruckner	Green, Iowa	McKellar	Smith, J. M. C.
Buchanan, Ill.	Greene, Mass.	McKenzie	Smith, Minn.
Burke, Pa.	Greene, Vt.	McLaughlin	Smith, Tex.
Burke, S. Dak.	Gregg	Madden	Sparkman
Callaway	Griest	Mahan	Stanley
Cantrill	Gudger	Maher	Stephens, Nebr.
Carew	Guernsey	Manahan	Stringer
Carlin	Hamill	Martin	Sumners
Cary	Hamilton, N. Y.	Merritt	Sutherland
Chandler, N. Y.	Hardwick	Metz	Switzer
Church	Hay	Miller	Talbott, Md.
Clancy	Hayes	Morgan, La.	Taylor, Ala.
Clark, Fla.	Henry	Morin	Temple
Collier	Hinds	Morrison	Thacher
Connolly, Iowa	Hinebaugh	Mott	Thomas
Cooper	Hobson	Murdock	Thompson, Okla.
Copley	Houston	Murray, Mass.	Tuttle
Covington	Howard	Murray, Okla.	Underwood
Crisp	Hoxworth	Neeley, Kans.	Vare
Dale	Hughes, W. Va.	Neely, W. Va.	Vaughan
Danforth	Hulings	Norton	Walker
Davenport	Johnson, Utah	O'Brien	Wallin
Davis	Jones	O'Hair	Walsh
Dies	Keister	O'Leary	Weaver
Difenderfer	Kelley, Mich.	O'Shaunessy	Whitacre
Dixon	Kelly, Pa.	Paige, Mass.	White
Dooling	Kennedy, Conn.	Parker	Willis
Doughton	Kennedy, R. I.	Patten, N. Y.	Wilson, N. Y.
Driscoll	Kiess, Pa.	Patton, Pa.	Winslow
Drukker	Kinkead, N. J.	Payne	Woods
Dunn	Kitchin	Peters, Me.	Young, Tex.
Dupré	Knowland, J. R.	Plumley	
Eagle	Konop	Porter	
Edwards	Korbly	Powers	

The committee rose; and the Speaker having resumed the chair, Mr. ADAMSON, Chairman of the Committee of the Whole House on the state of the Union, reported that that committee having under consideration the bill H. R. 17824, the general deficiency bill, finding itself without a quorum, caused the roll to be called, whereupon 229 Members answered to their names, and he presented a list of the absentees.

The committee resumed its sitting.

The Clerk read as follows:

Equipment of vessels: For equipment of vessels, including the same objects specified under this head in the naval appropriation act for the fiscal year 1911, $19,565.47.

Mr. MONDELL. Mr. Chairman, when I was interrupted a short time ago in the discussion of these items made necessary by our taking and occupation of Vera Cruz, I was calling attention to some errors the gentleman from Tennessee fell into in his discussion when he would have us understand that the present Federal Government of Mexico was founded on assassination, and therefore the President was justified in not recognizing that Government. I call attention to the fact that the present Government of Mexico was established some days before the unfortunate taking off of President Madero. It is entirely proper that our Government should withhold its recognition of that Government for some time.

Mr. DONOVAN. Mr. Chairman, I make the point of order that the gentleman is not talking to the paragraph for the equipment of vessels.

The CHAIRMAN. The point of order is well taken, and the gentleman will confine himself to the question before the House.

Mr. MONDELL. This item is in regard to the repair of vessels used in connection with our taking of Vera Cruz. Our taking of Vera Cruz became necessary by reason of our failure to recognize the federal government.

Mr. FITZGERALD. The gentleman is mistaken; the paragraph has nothing to do with that situation.

Mr. MONDELL. The gentleman imagines that it has not.

Mr. FITZGERALD. I know what I am talking about, and the point of order is well taken.

Mr. MONDELL. If the gentleman insists on my talking about these particular vessels——

Mr. FITZGERALD. I do not insist on the gentleman's speaking at all. [Laughter.]

Mr. MONDELL. The gentleman from New York is altogether too modest. He is always anxious to hear me talk.

Mr. FITZGERALD. This is an item to supply deficiencies for the year 1911, and has nothing to do with other items which arose out of the situation with Mexico.

Mr. MONDELL. It has to do with the repairs of vessels.

Mr. FITZGERALD. Yes; in the year 1911.

Mr. MONDELL. It opens up the entire question of the use and repair of vessels belonging to the naval establishment, and could be very properly discussed, but I do not care to take the time now, because there are a number of paragraphs to which my remarks will be in order.

The Clerk read as follows:

BUREAU OF MEDICINE AND SURGERY.

Transportation of remains: For transportation of remains of officers and enlisted men, including the same objects specified under this head in the naval appropriation acts for the fiscal years that follow:

Mr. MONDELL. Mr. Chairman, this appropriation is made necessary because of the unfortunate loss of life of American soldiers and sailors at Vera Cruz. That unfortunate loss of gallant American seamen was the result of our failure to recognize the Federal Government in Mexico. I was about to remark a moment ago when interrupted that it was the duty of our Government, after having waited long enough to emphasize our abhorrence of crime, of assassination, which followed the establishment of the Government of Huerta to then recognize that government.

Mr. DONOVAN. Mr. Chairman, I make the point of order that the gentleman is not talking to the question. The item before us is as to the transportation of remains, and the gentleman has made no motion. There is no appropriation in this particular paragraph. The Clerk finished reading at line 11.

Mr. MONDELL. I have no objection to the Clerk reading the other line.

The CHAIRMAN. The Clerk will read line 12.

The Clerk read as follows:

For 1914, $5,000.

Mr. MONDELL. Mr. Chairman, I was about to remark——

Mr. RUBEY. Mr. Chairman, what is the gentleman talking to? He offered no amendment.

Mr. MONDELL. I thought I did offer an amendment.

Mr. RUBEY. What was the gentleman's amendment?

Mr. MONDELL. To strike out the last word.

Mr. RUBEY. The gentleman may have intended to make that amendment, but he did not.

Mr. MONDELL. The gentlemen on the other side are getting so technical that I shall endeavor to meet all of their different objections to my discussion of these matters. Mr. Chairman, I move to strike out the last word, and that gives me five minutes.

The CHAIRMAN. The gentleman from Wyoming moves to strike out the last word, and the gentleman is recognized.

Mr. MONDELL. If after withholding the recognition of the Federal Government of Mexico on account of the assassination of President Madero we had recognized that Government, we would have been in a position where we could have negotiated directly with the people of Mexico during all this period of time during which it has been necessary for us to indirectly communicate with them through intermediaries appointed as personal representatives of the President.

The gentleman from Tennessee I fear falls into the same error that the President has fallen into—that we recognize the head of a government. We do not do that in our dealing with a foreign power, we recognize the people of the country as represented by the government.

Mr. DONOVAN. Mr. Chairman, a point of order.

Mr. MONDELL. And much as we may dislike the head of the government, much as we may disapprove of the method and conditions under which the government is established, it is our duty to maintain such relations with all civilized people that we may deal with them directly through the authorities they have established or they have accepted.

Mr. DONOVAN. Mr. Chairman, I make the point of order that the gentleman is not talking to the question. The paragraph reads: "For 1914, $5,000."

The CHAIRMAN. The Chair sustains the point of order.

Mr. MONDELL. How much of my time had I consumed at the time the Chair decided I was not discussing the paragraph?

The CHAIRMAN. About three minutes.

Mr. MONDELL. Now, Mr. Chairman——

Mr. RUBEY. Mr. Chairman, a parliamentary inquiry. When an objection is made and sustained that the gentleman is not speaking to the bill, under the rules should he not take his seat?

Mr. STAFFORD. Oh, no; Mr. Chairman, nobody has called the gentleman to order.

Mr. MONDELL. Mr. Chairman, I was observing the rules of the House. I ask to be recognized for the remainder of my time.

The CHAIRMAN. The question is on the motion of the gentleman from Washington that the gentleman from Wyoming may be permitted to proceed in order.

The motion was agreed to.

The CHAIRMAN. The gentleman will proceed in order.

Mr. MONDELL. Mr. Chairman, I have not for a single moment been speaking out of order, and I refuse to accept any time on the theory I have not been proceeding in order.

Mr. RAKER. Mr. Chairman, will the gentleman yield for a question?

Mr. MONDELL. In just a moment. I have not for a moment been speaking out of order, but I do not desire to raise that question with the Chair. I yield to the gentleman from California.

Mr. RAKER. In a statement the gentleman made this morning he said that he was anxious——

Mr. MONDELL. The gentleman will be brief in his statement.

Mr. RAKER. Yes; I will be brief—to get to this irrigation extension bill.

Mr. MONDELL. I am very anxious to get to it.

Mr. RAKER. Does the gentleman not believe that these questions of criticisms and little scoldings would be better laid aside, so that we may get through with this bill, in order that we may take up the reclamation extension bill, and really get to it, instead of talking about it? [Applause on the Democratic side.]

Mr. MONDELL. Mr. Chairman, I did not yield to the gentleman from California to read me a lecture. The gentleman from California voted to postpone the consideration of the irrigation bill two weeks ago.

Mr. RAKER. I did not.

Mr. MONDELL. He did vote to dispense with Calendar Wednesday, when the irrigation bill was the next bill for consideration. I voted against it; and I propose to discuss great national issues when they are before the House, whether it pleases my friend from California or the gentleman from Connecticut or not.

Mr. RAKER. It is not a question——

Mr. MONDELL. The day of free debate and discussion has not yet closed in the House of Representatives, much as gentlemen upon that side would like to close it.

Mr. RAKER. Would not the gentleman yield for another question?

Mr. MONDELL. No; I will not, Mr. Chairman, because the gentleman does not ask me a question, but proceeds to scold me, claiming that I am delaying the consideration of another bill.

Mr. RAKER. There can not be any doubt about that.

Mr. MONDELL. When he himself has voted to delay consideration of that bill and I voted against that delay.

Mr. RAKER. Mr. Chairman——

Mr. CANTOR. Mr. Chairman, I demand the regular order.

Mr. RAKER. Mr. Chairman, I move to strike out the last word.

The CHAIRMAN. The gentleman from California is recognized.

Mr. BRYAN. Mr. Chairman, I make the point of order that that motion has already been made.

Mr. RAKER. Mr. Chairman, I move to strike out the last two words.

The CHAIRMAN. The gentleman from California is recognized.

Mr. RAKER. Mr. Chairman, the question of criticism in regard to postponing the reclamation extension bill by unanimous consent——

Mr. GOOD. Mr. Chairman, I make the point of order that the gentleman is not speaking to his amendment.

The CHAIRMAN. The point of order is well taken, and the Clerk will read.

The Clerk read as follows:

MARINE CORPS.

Clothing: For noncommissioned officers, musicians, and privates authorized by law, $69,836.50.

Mr. MONDELL. Mr. Chairman, I move to strike out the last word. This is an item made necessary by our military and naval operations at Vera Cruz, and the discussion of that, of course, opens up the entire Mexican question. I am not surprised that gentlemen on the other side do not care to discuss that question. In view of the fact that after the insistence of the administration upon a salute of 21 guns——

Mr. DONOVAN. Mr. Chairman, I make the point of order.

Mr. MONDELL. The administration through its representatives at Niagara Falls has now——

The CHAIRMAN. The gentleman from Wyoming will suspend until the gentleman from Connecticut can state his point of order.

Mr. MONDELL. Mr. Chairman, I present a point of order, a matter of personal privilege. I have the right to address this House, and I have not attempted to do so to-day that I have not been interrupted by the gentleman from Connecticut, and I insist upon the Chair preserving order and seeing that the gentleman from Connecticut retains his seat.

The CHAIRMAN. The Chair thinks the gentleman from Connecticut is within his rights in making the point of order. Whether it is good or not is for the Chair to determine.

Mr. DONOVAN. Mr. Chairman, he is not talking to the amendment which he made to strike out the last word appearing on line 18, page 19.

The CHAIRMAN. The Chair will suggest that the gentleman from Wyoming be permitted to proceed so that the Chair may determine whether he is discussing the amendment.

Mr. MONDELL. Mr. Chairman, I ought not to pay any attention to the vaporings of the gentleman from Connecticut, but in order to assure the Chair that I am proceeding in order——

Mr. DONOVAN. Mr. Chairman, the vaporings of the gentleman from Connecticut have nothing to do with the amendment that the gentleman offers. This is a farce. The gentleman is violating the order of the House and violating the rules, and has no regard to his amendment and does not intend to speak to it. I submit that good order and parliamentary practice should be observed. The gentleman had the floor, I think for half an hour, and he had the chance to say all that he wished to say.

The CHAIRMAN. The Chair will suggest to the gentleman from Wyoming that he observe the rules in reference to discussion.

Mr. MONDELL. The gentleman from Wyoming would respectfully suggest to the Chair that he has been observing the rules, and the Chair has repeatedly said so, but in spite of that fact the Chair allows the gentleman from Connecticut to interrupt me in my discussion. I can not make a connected state-

ment if the gentleman from Connecticut is to be allowed to interrupt me.

The CHAIRMAN. The Chair does not know of any rule by which the gentleman from Connecticut may be excluded from making a point of order.

Mr. MONDELL. Is there not any rule of the House whereby a gentleman can be prevented from rising every 15 or 20 seconds and interrupting a speaker?

The CHAIRMAN. Yes; if the speaker will observe the rules.

Mr. MONDELL. I want to know whether I am within the rules, and I will ask the Chairman whether I am?

SEVERAL MEMBERS. The regular order.

The CHAIRMAN. The regular order is demanded, and the gentleman will proceed in order.

Mr. MONDELL. Mr. Chairman, I want to proceed in order, and therefore I make a parliamentary inquiry.

The CHAIRMAN. The gentleman will state it.

Mr. MONDELL. Mr. Chairman, I ask the Chair whether or not under this item, which is for clothing for noncommissioned officers and men of the Marine Corps, made necessary clearly by reason of our occupation of Vera Cruz, in the discussion of it I may not discuss the general Mexican situation, with which the matter is connected?

The CHAIRMAN. The Chair thinks, under the latitude of debate allowed in the House, the gentleman could discuss the Mexican situation under this item.

Mr. SISSON. Mr. Chairman, I did not understand the Chair's ruling.

Mr. MONDELL. Mr. Chairman, I hope the gentleman from Connecticut will——

Mr. SISSON. Did the Chair state the gentleman could discuss it?

The CHAIRMAN. Yes.

Mr. MONDELL. Mr. Chairman, the Chair has been generally fair, and the gentleman from Connecticut has been entirely unfair. He does not understand the rules of the House. [Laughter.]

Mr. Chairman, I do not want to take up the time of the House discussing this matter. [Laughter on the Democratic side.] I want to emphasize the fact that after having spent millions of money sending our great fleet to Vera Cruz, after having lost the lives of many gallant men, after having unfortunately sacrificed the lives of many Mexicans, it appears by an agreement of our representatives at Niagara Falls that we were not justified in those acts. We all know that as a matter of fact, because our representatives have signed a protocol under which we agree not to demand any satisfaction. We took Vera Cruz ostensibly because we were entitled to a salute of 21 guns. We all know perfectly well that Vera Cruz could have been taken without firing a shot or the loss of a life if we had waited a day so as to have given the Mexican commander notice of our intent, because he certainly would not have made any defense against our overwhelming forces.

Mr. RAGSDALE. Will the gentleman permit——

Mr. MONDELL. The loss of life was due to the precipitant character of our attack—no; I do not yield to the gentleman.

Mr. RAGSDALE. Mr. Chairman, a parliamentary inquiry.

The CHAIRMAN. The gentleman will state it.

Mr. RAGSDALE. How long has the gentleman been speaking?

The CHAIRMAN. Four minutes and a half.

SEVERAL MEMBERS. All day.

Mr. MONDELL. I have been speaking whenever I could—whenever the obstreperous gentlemen on that side of the House who do not want to hear what I have to say did not rise to interrupt me. The loss of life there was due to the precipitant character of our attack, under which it was impossible for the commanding Mexican general to inform the forces scattered over the city of his desire that they should offer no resistance. It resulted in the loss of life on the part of our men and on the part of the Mexicans. That was in order that we might keep a cargo of ammunition from landing which a few days later landed at Puerto Mexico.

The CHAIRMAN. The time of the gentleman has expired.

Mr. FITZGERALD. Mr. Chairman, this item is to supply deficiencies required to purchase clothing for the marines at Vera Cruz. The gentleman from Wyoming [Mr. MONDELL], under each of the various items of this bill to supply deficiencies arising out of that situation, has reiterated a number of threadbare criticisms of the administration in connection with the situation in Mexico. Having put his entire speech in the RECORD yesterday under general debate, he is now reinstating it on the installment plan under each of these items. The gentleman was very anxious to go ahead to-day with the reclamation-extension bill. He threatened to prevent this bill being taken up because it might interfere with the reclamation-extension bill; yet if it had not been for the futile and useless and time-wasting tactics indulged in by him to-day the reclamation bill would have been under consideration for the last hour and a half. [Applause.] That may be the way some gentlemen take to expedite the consideration of a bill——

Mr. MONDELL. Mr. Chairman——

Mr. FITZGERALD (continuing). But whenever I favor the consideration of a bill——

Mr. MONDELL. Mr. Chairman, a parliamentary inquiry.

Mr. FITZGERALD. No; I will not yield for a parliamentary inquiry; the gentleman can not take me off my feet in that way. Whenever I favor the consideration of a bill I do everything possible to prevent time being wasted in the consideration of the one that is in its way, and the more time that is occupied to-day in the consideration of this bill——

Mr. MONDELL. A point of order, Mr. Chairman.

Mr. FITZGERALD (continuing). The less time will be taken for the consideration of the reclamation extension bill, and the longer it will be delayed in its consideration and enactment, due largely to the futile, useless tactics in which the gentleman from Wyoming has indulged to-day.

Mr. MONDELL. I commend the Chairman for his attitude.

Mr. FITZGERALD. The gentleman can not do anything but state his question of order in my time; I will not permit it.

The CHAIRMAN. The gentleman will state his point of order.

Mr. MONDELL. My point of order is that the gentleman is not discussing the bill [laughter] or the amendment. However, I am not making that point of order——

Mr. FITZGERALD. The gentleman has stated his point of order. [Cries of "Regular order!"]

Mr. MONDELL. But I call attention to the difference between the latitude allowed on this side and that allowed on the other side.

The CHAIRMAN. The gentleman from New York is replying to the argument of the gentleman from Wyoming in discussing the item just as closely as the gentleman from Wyoming was. The point of order is overruled.

Mr. FITZGERALD. This item is to pay for the clothing which had to be purchased to put the marines in the field in Mexico. Is the gentleman opposed to it? Does the gentleman wish the marines, 5,000 of them, the largest body put in the field since perhaps the Civil War, to be put in there unclothed, unfed, unprovided for, or will he find that an additional excuse to indulge in futile criticisms of the administration; or has he the courage to indulge in a legitimate discussion of this bill by striking out the provision instead of resorting to well-known parliamentary tactics to lengthen out its consideration in order to prevent the giving of time to the consideration of another bill in which he professes to be interested? I am anxious to have this bill disposed of, and such useless, worthless, time-wasting discussion, which does nobody any good, results in criticism which does not do even the gentleman himself any good. The less of it that is indulged in the more quickly this bill will be disposed of.

I do not know whether it will be necessary to state for the seventeenth time under the next item the same criticism that has been stated 16 times in two days by the gentleman in order to expedite this bill. If it will do any good, I shall ask, after the House concludes to-night its consideration of this bill and the reclamation extension bill, that it remain in session sufficiently long to enable the gentleman to indulge in all of the criticisms he may desire to make of the administration. Or let him put them in the RECORD, because nobody will pay any attention to them whether they are uttered on the floor or simply printed in the RECORD. Legitimate criticism of the administration is proper. It is highly important in a body like this that Representatives should legitimately, properly, and honestly criticize the acts of the party in power. That is conducive to good administration. It is one of the important features of our system of government. But this picayune, partisan, nasty, time-wasting action of the gentleman from Wyoming [Mr. MONDELL] is not at all comportable with the dignity of the House or in keeping with the high standing which the gentleman should maintain. I hope the House will proceed with its public duties and end this useless performance. [Applause on the Democratic side.]

Mr. MONDELL. I believe, Mr. Chairman, I am entitled to five minutes to close debate on my motion.

The CHAIRMAN. The gentleman has had five minutes.

Mr. MONDELL. I had five minutes at the opening of the debate, and I would like to have five minutes more.

Mr. FITZGERALD. If the gentleman will agree not to talk any more than that, I will not object.

Mr. MONDELL. Am I not entitled to five minutes to close debate, the time not having been consumed?

The CHAIRMAN. Five minutes on a side is exhausted. Does the gentleman offer another amendment?

Mr. MONDELL. I move to strike out the last two words.

Mr. DONOVAN. A point of order, Mr. Chairman.

Mr. MONDELL. Mr. Chairman, I move to strike out the paragraph.

Mr. DONOVAN. A point of order, Mr. Chairman.

The CHAIRMAN. The gentleman will state it.

Mr. DONOVAN. Mr. Chairman, the rules say:

A pro forma amendment to strike out the last word has long been used * * * but a Member who has occupied five minutes on a pro forma amendment may not lengthen this time by making another pro forma amendment.

[Laughter and applause on the Democratic side.]

Mr. GOOD. A parliamentary inquiry, Mr. Chairman.

The CHAIRMAN. The gentleman will state it.

Mr. GOOD. The motion to strike out the paragraph is not a pro forma amendment, is it?

The CHAIRMAN. The Chair thinks it is a pro forma amendment.

Mr. GOOD. A motion to strike out the paragraph? Is that the ruling of the Chair?

Mr. MONDELL. I have moved to strike out the paragraph.

The CHAIRMAN. Is the gentleman from Wyoming opposed to having this paragraph in the bill?

Mr. MONDELL. I do not think the Chairman has any right to ask me whether I am opposed to it or not.

The CHAIRMAN. The Chair thinks that under the circumstances that is a pro forma amendment.

Mr. GILLETT. Mr. Chairman, will the Chair hear me a moment on that? The ruling which the gentleman from Connecticut [Mr. DONOVAN] cited says that a gentleman can not extend his time by making another motion. Now, the gentleman from Wyoming is not doing that. He had his five minutes, and the gentleman from New York had his five minutes in answer. Now, it is commencing again. That precedent simply applies to a case where a gentleman having used five minutes immediately tries to get five minutes more by offering another amendment.

The CHAIRMAN. The Chair will recognize the gentleman from Wyoming [Mr. MONDELL] for five minutes.

Mr. MONDELL. Mr. Chairman, gentlemen on the other side will not expedite the transaction of the business of the committee by scolding me or by saying ill-natured or unparliamentary things to me in connection with this bill. I started in in good faith to discuss the items in this bill, and gentlemen on the other side have in an unparliamentary way attempted to defeat my efforts to refer to matters of great public interest. The gentlemen on the Democratic side do not want the Mexican mess of their administration discussed, and it will be discussed, even though they do not like it. The gentleman from New York [Mr. FITZGERALD] may say that nobody pays any attention to it. I do not know why that side is so disturbed about my taking a little time to discuss these matters if they are not paying any attention to them.

There are a few things in connection with this Mexican situation which I propose to emphasize if it takes all summer to do it. One of them is that we foolishly, wantonly, futilely sacrificed the lives of American marines and seamen at Vera Cruz. We have confessed it through our own agencies in the signing of the protocol in which the administration's representatives have said we did not demand, and therefore admit we were not entitled to any satisfaction for the affair at Tampico on account of which we took Vera Cruz.

As a matter of fact, like the entire Mexican policy, if one may dignify the wabble of the administration by such a name, it has been one of insincerity. We did not take Vera Cruz precipitately and without the ordinary notice that we should have given under the rules of war, because of the affair at Tampico. We did it to prevent the landing of arms, and the next week they were landed at Puerto Mexico. Our boys died in vain, and we blotted out the lives of hundreds of Mexicans in order that we might prevent the landing of munitions of war, and then a few days afterwards we threatened the constitutionalists with dire punishment if they did not allow the landing of arms at Tampico when the *Antilla* and the *Sunbeam* appeared in the offing. And as it has been with this so it has been with the whole miserable mess of the administration's attitude toward the situation in Mexico. The President appeared here and told us that we were and must remain neutral in this struggle, and everybody knows it is notorious that no moment since then has the administration been neutral in the matter. We have aided and abetted cutthroats and bandits like Villa and Zapata, and we have aided in the extension of the horrible reign of rapine in Mexico. [Applause on the Republican side.] What has happened and what may be expected to happen in Mexico as the constitutionalists, so called, advance is clearly set forth in the following clipping from the Star of this evening:

SCHOOLMASTERS MURDERED.

Killing of the director and the inspector of the school of the Christian Brothers at Zacatecas, Mexico, and the imprisonment of 11 other members of the order, all French citizens, was reported to President Wilson to-day in a telegram laid before him by Brother Clementius, a member of the order, and William H. De Lacy, former judge of the juvenile court here. The President was asked to take immediate steps to have the imprisoned men set free and to prevent threatened similar occurrences at Saltillo, Acalzinco, Mexico City, Mizcoac, Morelia, Puebla, Queretaro, and Toluca, where other schools are maintained.

It seems no one is safe from these people, and they are particularly brutal in their treatment of those whose devotion to the cause of religion and charity and instruction should appeal to their sympathies.

The Clerk read as follows:

The unexpended balance on June 30, 1914, remaining to the credit of the appropriation of $3,525.87 authorized in the deficiency appropriation act approved October 22, 1913, for the completion during the fiscal year 1914 of the examination and classification of lands within the limits of the Northern Pacific grant under the act of July 2, 1864 (13 Stats., p. 365), is continued and made available to meet the expenses pertaining to such examinations and classifications as may be incurred during the fiscal year 1915.

Mr. JOHNSON of Washington. Mr. Chairman, I move to strike out the last word for the purpose of asking unanimous consent to extend my remarks on this paragraph.

The CHAIRMAN. The gentleman from Washington asks unanimous consent to extend his remarks on the paragraph just read. Is there objection?

There was no objection.

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

United States penitentiary, Leavenworth, Kans.: For subsistence, including the same objects specified under this head for this institution in the sundry civil appropriation act for the fiscal year 1914, $13.07.

Mr. SISSON. Mr. Chairman, I offer the following amendment.

The CHAIRMAN. The gentleman from Mississippi [Mr. SISSON] offers the following amendment, which the Clerk will report.

The Clerk read as follows:

On page 24, in line 21, strike out the word "fourteen" and insert in lieu thereof the word "thirteen."

Mr. SISSON. Mr. Chairman, that is simply a mistake in the year.

The CHAIRMAN. The question is on agreeing to the amendment offered by the gentleman from Mississippi.

The amendment was agreed to.

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

BUREAU OF NAVIGATION.

To enable the Secretary of Commerce to employ temporarily, in addition to those now provided for by law, such other persons as may be necessary, of whom not more than two at any one time may be employed in the District of Columbia, to enforce the laws to prevent overcrowding of passenger and excursion vessels, and all necessary expenses in connection therewith, fiscal year 1915, $15,000.

Mr. MOORE. Mr. Chairman, I move to strike out the last word.

The CHAIRMAN. The gentleman from Pennsylvania [Mr. MOORE] moves to strike out the last word.

Mr. MOORE. This Bureau of Navigation item, $15,000 for additional inspectors for the steamboat service, would seem to imply temporary employment only.

Mr. FITZGERALD. Heretofore the temporary employees who were employed on Saturdays, Sundays, and holidays, in keeping track of the number of persons going on excursion steamers, were paid from the appropriation for the collection of customs under the Treasury Department. The Comptroller of the Treasury has held that while customs inspectors and other employees might be detailed to this work, there was no authority to employ persons temporarily. They have expended about $15,000 each year for this purpose, and this is to enable the Department of Commerce on rush days to put on the necessary employees to check off the excursionists.

Mr. MOORE. It is incident to the summer-excursion business?

Mr. FITZGERALD. Yes.

Mr. MOORE. Has any particular section of the country asked for this special service?

Mr. FITZGERALD. No. I know that about New York and Philadelphia and the Great Lakes there is a necessity for this service. Wherever there are excursion boats on navigable

waters the tendency is to take on more passengers than are justified under the law.

Mr. MOORE. It is a very important provision, especially in large cities.

Mr. FITZGERALD. I suppose there are many excursionists that go down the Delaware River, where the fare is cheap, for an outing. This is to prevent overcrowding.

Mr. MOORE. Where the boats are overcrowded and without supervision?

Mr. FITZGERALD. Yes. This is to prevent putting on more than are allowed by the regulations of the department.

Mr. MOORE. The inspectors to be employed would be employed only for the emergency?

Mr. FITZGERALD. They are usually employed for particular days—Saturdays, Sundays, and holidays. On other days the employees of the Customs Service are adequate.

Mr. MOORE. Would that be at a per diem compensation to be fixed by the Secretary?

Mr. FITZGERALD. Yes.

Mr. MOORE. So that, while there is no appropriation for these men, the Secretary has the discretion to appoint them wherever he thinks they are needed?

Mr. FITZGERALD. The appropriation for the collection of customs has been used heretofore. This is to enable them to employ additional men.

Mr. MOORE. Mr. Chairman, I withdraw the pro forma amendment.

The CHAIRMAN. The pro forma amendment is withdrawn. The Clerk will read.

The Clerk read as follows:

LEGISLATIVE.

HOUSE OF REPRESENTATIVES.

For compensation of Members of the House of Representatives, Delegates from Territories, the Resident Commissioner from Porto Rico, and the Resident Commissioners from the Philippine Islands, $7,203.77.

Mr. GOOD. Mr. Chairman, I move to strike out the last word for the purpose of asking the chairman a question. Did we not appropriate enough in the regular legislative appropriation bill to cover the salaries for Members of the House?

Mr. FITZGERALD. We did; but we have had a new Member.

Mr. GOOD. To whom does the gentleman refer?

Mr. FITZGERALD. To the gentleman who was seated by the House.

Mr. GOOD. Does the gentleman refer to Mr. GILL, of Missouri?

Mr. FITZGERALD. I think so.

Mr. GOOD. The item is for $7,203.77. If my recollection serves me correctly, Mr. GILL was seated about the 15th of June. That would mean that during the fiscal year ending June 30, 1914, Mr. GILL would be entitled to pay for 15 days. It occurred to me that $7,203.77, under an administration pledged to economy, was a rather stiff proposition.

Mr. FITZGERALD. I do not know that it is.

Mr. GOOD. It is about $500 a day.

Mr. FITZGERALD The House has decided that this man was entitled to his seat; entitled to his seat from the 4th of March, 1913. Under the law he is entitled to be paid.

Mr. GOOD. He is entitled to his seat; but he was not here. He was engaged in other gainful occupations.

Mr. FITZGERALD. I do not know whether he was or not.

Mr. GOOD. According to the record of this House he was.

Mr. FITZGERALD. It does not make any difference. He is entitled to be paid. The gentleman has not been here long enough, or he would recall, as I recall, when there was a continual procession of Democrats out of this House and Republicans into it; and they were paid, because when the House has decided that a man is entitled to his seat he has been paid from the time his term begins.

Mr. GARNER. Mr. Chairman, will the gentleman yield?

Mr. FITZGERALD. Yes.

Mr. GARNER. Not only is he entitled to the time from March 4, 1913, but if he were seated on the last day of this session, according to the precedent set by a Republican House, he is entitled to pay for the entire two years.

Mr. GOOD. But is it the policy of this administration to follow the example of those very extravagant administrations that you have been talking about from time immemorial?

Mr. FITZGERALD. No; we do not hope to rival them at all; but we propose to do justice. We intend to pay a man what he is entitled to, no matter what the appropriations aggregate. We are not going to try to make a record for economy by denying to a man what he is entitled to under the law.

Mr. GOOD. The gentleman speaks of what he is entitled to "under the law." Will the gentleman point me to the law that provides that a man who served in this House for only 15 days shall be paid for 365 days?

Mr. FITZGERALD. The Constitution provides that the House shall determine the right of a person to a seat in the House. It determined that Mr. GILL was elected. If he was elected, his term commenced on the 4th of March, 1913. Under the law he is entitled to the compensation from the time his term commenced. If there be any way under the law of getting it, the gentleman might suggest the propriety—although I do not—of asking the Republican who was unseated to return the money which was paid to him when he was not entitled to it. But this is one of the anomolies that sometimes happen under the law. One man gets his certificate and he comes here. A contest is filed against him. I understand that in this case there was a very exhaustive hearing before the Committee on Elections, and a very voluminous record of testimony was taken. It was taken so as to protect the man occupying the seat against any injustice, to prevent his being unseated unless there was conclusive proof that he ought to be. All the time that he was here he was paid. Through frauds for which he was not personally responsible another man was prevented from actually sitting in the House; but the House has decided that he ought to have been here, that he was elected; and that being so, his term commenced the same day as the term of the gentlemen and myself. This appropriation is to pay him the same as every other Member has been paid who has been seated under the same conditions. The gentleman would not expect us to defraud this man of his salary in the hope that we might delude somebody into thinking we were trying to economize. I would not care if it broke all records that ever were made or ever could be made, I favor voting every dollar necessary to pay the legitimate obligations of the Government.

The CHAIRMAN. The time of the gentleman from Iowa has expired.

Mr. GOOD. I ask for two minutes more. The gentleman has taken practically all my time.

Mr. FITZGERALD. I hope the gentleman may have two minutes.

The CHAIRMAN. Unanimous consent is asked that the time of the gentleman be extended two minutes. Is there objection?

There was no objection.

Mr. GOOD. I have no objection to the provision. I only wanted to ascertain——

Mr. FITZGERALD. The gentleman ought not to expect me to object to it.

Mr. GOOD. No; I did not expect the gentleman from New York to object, but I did expect that some economist on that side would object to these gratuities.

Mr. FITZGERALD. This is no gratuity.

Mr. GOOD. There is a long list of what I have taken to be gratuities on this page.

Mr. FITZGERALD. No; they are not gratuities.

Mr. GOOD. Are not the following items for expenses of contestants and contestees gratuities?

Mr. FITZGERALD. No.

Mr. GOOD. Does the law provide for them?

Mr. FITZGERALD. They are allowances for expenses adjusted under the law, certified under the law, and reported in this bill under the law.

Mr. GOOD. Certified by the Committee on Accounts; but not under any statute, are they?

Mr. FITZGERALD. Certified under the statute which provides that allowances shall be paid for the expenses for these contests, to either the contestee or contestant or to both, as may be determined by the Committees on Elections, and certified by them up to the amount of $2,000 each.

Mr. GOOD. The gentleman is better informed on the subject than I am, and I accept his statement.

Mr. FITZGERALD. That is the statute.

Mr. GOOD. I only looked up the first item, and I can not find any statute authorizing the payment of a salary when the person was not here and was not a Member.

Mr. FITZGERALD. The House has decided that this man was elected.

Mr. GOOD. I understand that.

Mr. FITZGERALD. And that his term commenced on March 4, 1913.

Mr. GOOD. I understand that.

Mr. FITZGERALD. This amount of $7,203.77 is the sum necessary to supplement the balance to the credit of the Sergeant at Arms. This Member who was seated by the House draws his pay from March 4, 1913, until June 30.

Mr. GARNER. Will the gentleman yield?

Mr. GOOD. I do not desire to have all of my time taken up, but I yield to the gentleman.

Mr. GARNER. I do not desire to take up the gentleman's time, but I wish to suggest to him that where he finds a gratuity in the bill that is not authorized by law, all he has to do is to make a point of order, and it will go out. If the gentleman has in mind any item that is not authorized by law, all he has to do is to make a point of order. Any one man in the House can keep out a gratuity that is not authorized by law.

Mr. GOOD. Mr. Chairman, I shall not make any objection to this, and I shall make no motion to strike it out; but I think the time is approaching when Members will not receive compensation for services that they do not perform. The time ought to be here now when Members who are seated at the end of a session ought not to be paid for services that some one else has performed and received pay for. I make no objection to this item. I only want to call the attention of the House to the fact that it is a bad practice. It is a practive that ought to be corrected. It has been running too long already. I do not care what party instituted that practice. The party that follows it is liable to criticism, for we ought not to pay two men for one man's work.

Mr. SISSON. Mr. Chairman, I have always been looked upon as being economical; but it happens that this is in exact accordance with the uniform custom, so far as I am informed, from the beginning of contested-election cases under the Government. The Constitution provides that when a man is elected to Congress he is entitled to his seat. Compensation then under the Constitution is fixed by Congress. Now, when a man is elected to Congress and does not receive his certificate of election, it is not his fault or the fault of the people in his district who have elected him. It is certainly not his fault, but the fault of the House, if it does not instantly begin an investigation and seat him at the earliest date possible. If he is denied the right to take his seat, then he is simply penalized by the delay of the House, and the will of the people has been thwarted for the length of time that the other man occupies the seat, if in the judgment of the House he has not been elected by the people. So it would put us in a very anomalous position to undertake to say that a man should not have his pay when the people had elected him to Congress, and when we say he was elected to deprive him of his pay. He has been punished by being deprived of his seat, and being put to the trouble of making a long and expensive contest.

Mr. FERRIS. Mr. Chairman, I am in accord with the action of the committee. I think they have only done their duty in this matter; but does not the gentleman think the Committee on Elections ought to be punched up in order to get them to have their hearings earlier in the session? I understand that to be the point that the gentleman from Iowa [Mr. GOOD] is making.

Mr. SISSON. Without offering criticism of any Committee on Elections, my personal opinion is that these matters ought to be attended to expeditiously, in the very beginning of the session, and the man who is really elected to Congress ought to have his seat at the very earliest possible moment. I think the delays in these election cases penalize not only the man who is entitled to his seat, but also penalize the Federal Treasury in having to pay two men for the time that the rightfully elected Member is delayed in getting his seat, which is wrong.

Mr. GOOD. Mr. Chairman, will the gentleman yield?

Mr. SISSON. Yes.

Mr. GOOD. I remember years ago a gentleman from my State, a district judge, while holding his office for four years was elected to Congress, but the Republican who ran against him was seated. The district judge contested the election, and the day before Congress adjourned they seated the district judge. Now, he received his salary of $3,000 a year as district judge during the two years, and he received the $10,000, the pay of a Member of Congress. I will ask the gentleman if he thinks that is right. I do not care what party inaugurated the plan, it seems to me there is something wrong about it.

Mr. SISSON. Mr. Chairman, I do not think the case cited by the gentleman from Iowa authorized Congress to pay the salary or the gentleman to draw two salaries. In most of the States they have a provision prohibiting a man from holding two offices or drawing two salaries. There happens to be no law of that kind here in reference to Federal offices. There should be. In the case mentioned by the gentleman, I think the judge ought not to have been permitted to draw two salaries. But I will state that I am not familiar with the facts in the case stated.

Mr. GOOD. The gentleman knows that the law provides that a Member who is sworn in and regularly elected, if not here attending to his duties, shall not draw his salary. Why should we discriminate and give a salary to a man who has not been sworn in until a few days before Congress adjourns, when he is out at work at his regular occupation?

Mr. SISSON. I can not yield to the gentleman further. I will say to the gentleman that because Congress does wrong in not requiring a Member to remain here and attend to business, and yet pays him a salary, is no reason why we should do another wrong when we keep a man out of his seat waiting. I do not think we ought to penalize any man. It is the fault of Congress in both instances.

The CHAIRMAN. The time of the gentleman has expired.

Mr. SISSON. I ask for one minute more.

The CHAIRMAN. The gentleman from Mississippi asks that his time be extended one minute. Is there objection?

There was no objection.

Mr. SISSON. The gentleman from Iowa [Mr. GOOD], I want to say, voted to postpone the hearing in the election case of Gill and Dyer, and thereby delayed the case and compelled Congress to pay two salaries that much longer. He should not now complain.

Mr. MOORE. Mr. Chairman, I am glad that this discussion has arisen. We are told that the election of a Member constitutes a question of the highest privilege, and here we are met with the financial phase of it. We have to pay the sitting Member where the seat is contested up to the time he is unseated, and then we pay the contestant for the full period, if he is successful. In addition to this we pay his attorney fees up to $2,000, the limit allowed by law.

Mr. RAKER. Will the gentleman yield?

Mr. MOORE. For a question.

Mr. RAKER. The gentleman is making a criticism; what is the law in his State in regard to contests?

Mr. MOORE. I am not criticizing this item, but rather the whole contest system.

Mr. RAKER. What is the law of the gentleman's State as to contests? Take the case of the sheriff. A man gets a certificate that he is elected to the office and it is contested, and after a month or six months he is turned out. What is the law of the gentleman's State in regard to that?

Mr. MOORE. It would go to the courts and result in an ouster, possibly. That proceeding is entirely different. It is so different that I want to make that point. Here is a body which is a law unto itself. It can do exactly as it pleases. No one Congress does what a previous Congress did, if it does not want to.

In this item we have reached the financial phase of the question. We are making allowance to the gentleman from Missouri [Mr. GILL] for that period of time that he was not in the House, but when Mr. Dyer was in the House. I believe that is according to precedent. I do not believe we can raise or cite any precedent against it.

Mr. FOWLER. Will the gentleman yield?

Mr. MOORE. Yes.

Mr. FOWLER. Was it the fault of the gentleman from Missouri that he was not in the House.

Mr. MOORE. It was not his fault of course. He tried to get here.

Mr. FOWLER. If he was elected by the people of his district to represent them, was not he entitled to be in the House and entitled to his salary?

Mr. MOORE. I have just indicated to the gentleman that I am not questioning the item or the payment of this money, because precedent has established the system. I am trying to get at the system. We have already paid Mr. Dyer for performing the services of a Representative, and he performed them in a faithful manner, as one duly elected and certified as elected, up to the time he was unseated. Now we are going to pay Mr. GILL, the successful contestant, for the entire period of time Mr. Dyer served the people of the district and while Mr. GILL was not a Representative. I have said that I am not finding fault with this particular appropriation to Mr. GILL, because it is true that the system of paying contestants has prevailed, and there is ample precedent for appropriation in this case; but we are in the anomalous position of paying twice for being served once.

Mr. FOWLER. Will the gentleman yield?

Mr. MOORE. Yes.

Mr. FOWLER. Which one of these men does the gentleman think is more entitled to the salary?

Mr. MOORE. In equity I would say that Mr. Dyer having served faithfully under a certificate of election and under his oath of office should be compensated for the time he served. I am not contending that Mr. GILL has not a right to be paid for what he was legally entitled to, but he did not perform the service that Mr. Dyer performed.

Mr. FOWLER. He was trying to get a chance to perform them all the time.

Mr. MOORE. That may be, but I am not raising that question.

Mr. SHERLEY. Mr. Chairman, I want to suggest that the payment in these cases is for different reasons. In the one case it is a contract obligation which the successful contestant is prevented from performing through no fault of his own. Therefore, having contracted for the service at a certain time, he being ready and willing at all times to continue the service, the contract being upheld as valid, he is entitled to compensation.

The sitting Member has been paid and is permitted to retain the money on the theory of a quantum meruit, not a contract, for services rendered. He is entitled to the money he got for the services he performed. It is not a precedent that makes you pay a successful contestant; it is a fact that under the law he has a contract at a regular salary during the year. That contract is not recognized until a period subsequent to the beginning of his service; but that is through no fault of his. Therefore, he has the right in law, whatever people may think about the equity of it, to insist upon the payment of the contract that he was ready to carry out at all times.

Mr. MOORE. Mr. Chairman, the gentleman states very clearly what I am attempting to state, perhaps not so well. I repeat, I am not questioning this particular payment to Mr. GILL, except to point out the fact that in this instance and in all instances——

The CHAIRMAN. The time of the gentleman from Pennsylvania has expired.

Mr. FOWLER. Mr. Chairman, I ask unanimous consent that the gentleman's time be extended for five minutes.

The CHAIRMAN. Is there objection?

There was no objection.

Mr. MOORE. I am pointing out that under the system of contests that prevails we are now in the position of paying twice for services once performed. I am disposing of questions of law and equity to get at the facts. The fact is that we pay twice for one service.

Mr. SHERLEY. I think the real wrong is right in this House, in that they do not settle contests within 30 days after the House meets.

Mr. MOORE. The gentleman is stating again exactly what is in my mind, and stating it succinctly and clearly. The financial phase of the question to-day is this: We are paying Mr. GILL an amount equal to that paid to Mr. Dyer. We have paid, or will have paid, twice for one service. In addition to that, in this particular case, on line 11, we are making provision for the payment of $2,000 more to Mr. GILL, I presume for attorneys' fees, and on line 12, for $2,000 to Mr. Dyer, presumably for attorneys' fees, making an additional appropriation of $4,000. That is to say, there is twice as much paid here as in the case of an ordinary Member, plus $4,000 for attorneys' fees.

Mr. RAKER. Mr. Chairman, will the gentleman yield?

Mr. MOORE. Yes.

Mr. RAKER. Does not that expense go for the cost of procuring this record, which my recollection is consists of about 2,000 printed pages?

Mr. MOORE. That may or may not be, but on line 22 we have provision in this bill for payment to the Clerk of the House of a sum amounting to $4,264.68 for various services performed in connection with contests, so that as we face the financial situation at this particular time we are making provision not only for this duplicated payment to Mr. GILL, but we are also making provision for the payment of nearly $11,000, see line 19, for attorneys' fees in contest cases, and we are providing for the payment to the Clerk of the House of $4,264.68, making a total in these contest cases of approximately $23,000. What I want to state to the House about this system is intended in no partisan spirit whatever.

The gentleman from Kentucky [Mr. SHERLEY] is entirely right, and so is the gentleman from Mississippi [Mr. SISSON], who conceded the same thing in answer to a question by a gentleman on his side, that these contests ought to be settled very early in the session. A contest against a sitting Member is the most annoying thing in the world to a man who is trying to act in a representative capacity. It is a great injustice to him if the contest be not tried immediately. It is a gross injustice to the people whom he represents, because they can not obtain his full and complete services as a Representative if he has to defend a contest. Have any of you ever had notice of contest served on you? Some of you have, I assume, because a number of familiar names are on this list, where provision is made for upward of $10,000 for attorneys' fees.

Mr. FITZGERALD. Mr. Chairman, at this point I ask unanimous consent that the committee rise informally to permit the Speaker to lay before the House a report from the Committee on Enrolled Bills.

The CHAIRMAN. The gentleman from New York asks unanimous consent that the committee rise informally for the purpose of permitting the Speaker to lay an enrolled bill before the House. Is there objection?

There was no objection.

Accordingly the committee rose, and the Speaker resumed the chair.

ENROLLED JOINT RESOLUTION SIGNED.

Mr. ASHBROOK, from the Committee on Enrolled Bills, reported that they had examined and found truly enrolled joint resolution of the following title; when the Speaker signed the same:

H. J. Res. 300. Joint resolution to continue the provisions of a joint resolution approved June 30, 1914, entitled "Joint resolution extending appropriations for the necessary operations of the Government and of the District of Columbia under certain contingencies."

GENERAL DEFICIENCY APPROPRIATION BILL.

The SPEAKER. The committee will resume its sitting.

Accordingly the committee resumed its sitting.

Mr. MOORE. Mr. Chairman, the contest system as it now prevails puts a Member whose seat is contested to a great personal disadvantage and minimizes even to the smallest degree his services to the people whom he is accredited here to represent. Under this system he is subject to be called back home, no matter whether he lives in Maryland, just across the District line, or out in California, at the call of the contestant upon a simple written notice to appear before any notary public. He must appear personally or by counsel and defend against the activities of a contestant, no matter what his standing, even if he be a fee-chasing adventurer. He is practically at the mercy of such a man, if the contestant happens to be so constituted.

The CHAIRMAN. The time of the gentleman from Pennsylvania has again expired.

Mr. MOORE. Mr. Chairman, I ask for three minutes more.

Mr. DONOVAN. Mr. Chairman, reserving the right to object, the gentleman must know that this is a subject that should be treated of in general debate. Besides, we are all out of order. The matter before us is that on line 6, and the gentleman is talking about a matter that has not yet been read.

Mr. MOORE. The gentleman may have a contest in his district some time, and he may need this information. However, if he wants to object, and the committee is so anxious to proceed to spend this $23,000 without attempting to protect the Members in the future, I withdraw my request.

Mr. FITZGERALD. Mr. Chairman, I offer the following amendment, which I send to the desk and ask to have read.

The Clerk read as follows:

Page 28, after line —, insert the following:

"Capitol power plant: For additional amount, including the same objects specified under this head in the sundry civil appropriation act for the fiscal year 1914, $2,700."

The CHAIRMAN. The question is on agreeing to the amendment.

The amendment was agreed to.

Mr. BRYAN. Mr. Chairman, the matter we have just been discussing in reference to this case, as suggested by the gentleman from Connecticut, has gone over to other matters, but I believe there will be no objection to five minutes' discussion of the same subject.

Mr. DONOVAN. Mr. Chairman, I do not want to object, but allow me to make an observation. Why should there be discussion of matters which should be matters of general debate? The matters offered here under the five-minute rule are for the purpose of offering amendments or approving or disapproving of the items.

Mr. BRYAN. Mr. Chairman, I move to strike out the last two words. This compensation to Mr. GILL for salary is made and it is necessary and just to make it. Fairness and all sense of right require that it should be made under the conditions that prevail, but the conditions are wrong and somebody is to blame. The gentleman from Kentucky [Mr. SHERLEY] suggested the real culprit, the real basis of the whole trouble is that this House does not hear these contested-election cases and dispose of them promptly. We condemn the courts of this country for their long delays, but if the courts of this country put up any such methods as this House puts up in contested elections, there would be recall of the judges, recall of judicial decisions, and other methods of reforming the judiciary would be resorted to without successful opposition.

Here we have a situation which brings about almost graft or something of that kind. I do not call it graft. I believe that Gov. Folk said that wherever you see law violated or unenforced there somebody is always standing to collect graft. All these cost allowances are not graft because they are to be authorized by law, but in this very section there is an appropriation of some $4,264 to the Clerk of this House. There is an appropriation also for fees and expenses and extra salaries. The Clerk ought not to be blamed for that, but here is what the Clerk says about it in the hearings. One of the members of the committee is interrogating:

MEMBER. How much of this $4,264.68 is for the Clerks' fees; do you know?

Mr. SOUTH. That would be $2,584.68. It is divided up there.

MEMBER. Does the Clerk have anything to pay out of that amount?

Mr. SOUTH. No, sir.

MEMBER. That is net to the Clerk?

Mr. SOUTH. That is practically net to the Clerk. This is figured on the same basis that has been observed for 18 or 19 years. In the Gill-Dyer case there were 100 pages of reproductions of signatures to poll books, etc., together with photographic work, plate engravings, etc. There was a great deal of work in it this year. I think it was more than twice the amount of work that we have had to do in any other year. There were 10 cases last year and 12 cases this year, but the work was much harder this year.

Mr. MONDELL. Will the gentleman yield?

Mr. BRYAN. This is the same system, he says, which was in operation in previous years where the work was not half what it was this year, and it was discovered by the committee that there was $2,584.68 of absolute net gain to the Clerk without any consideration in the world, and it was so stated by the Clerk at the time that it was allowed to him, without consideration. It is not graft, because it is to be appropriated by a committee that stands for economy in this House. It is to be appropriated by law, but I say that this kind of a condition ought to bring the blush of shame to those who have charge of legislative matters in this House, inasmuch as we permitted the House to remain disorganized, without appointing a committee, for weeks and months last year while the Democratic caucus was in session; no committees appointed, and all these kinds of charges accumulating because contests were not heard and public business neglected, and I say that the gentlemen who have charge of legislation here ought to be ashamed that there should be a condition of this kind where we all agree, as the gentleman from Kentucky stated, that there was inexcusable delay, and yet nobody takes the blame. I believe we ought to stand for economy if we are going to preach economy, and when we discover $2,500 of largess and bonus in our appropriations we ought to stand on the floor and oppose it.

Mr. MONDELL. Mr. Chairman, a parliamentary inquiry.

The CHAIRMAN. The gentleman will state it.

Mr. MONDELL. To what point did the Clerk read?

The CHAIRMAN. To page 28, line 6.

Mr. MONDELL. Well, the gentleman from Washington has been discussing an item on page 29.

Mr. FITZGERALD. We have not reached that yet.

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

To pay South Trimble, Clerk of the House of Representatives, the amount due for services in compiling, arranging for the printer, reading proof, indexing of testimony, stenography and typewriting, supervising the work, and expenses incurred in the contested-election cases of the Sixty-third Congress (12 in number), as authorized by an act entitled "An act relating to contested elections," approved March 2, 1887, the sum of $2,584.68; and an additional sum of $1,680 to such persons as were actually engaged in the work designated by the said South Trimble and in such proportion as he may deem just for assistance rendered in the work; in all, $4,264.68.

Mr. MONDELL. Mr. Chairman, I reserve a point of order on the paragraph. I do that not because I intend to make the point of order myself but because of the absence from the Chamber at the moment of the gentleman from Washington [Mr. BRYAN].

Mr. BRYAN. Mr. Chairman, does the gentleman say that I am absent from the Chamber?

Mr. MONDELL. For the moment. The gentleman was out for a moment when he was called to the telephone, and for that moment he was absent from the Chamber; and having discussed this item, I reserved this point of order in his absence in order that he may make it if he desires to do a real work of reformation. The gentleman discussed this item of $2,584.68 which is proposed to be paid to the Clerk of the House.

Mr. BRYAN. Mr. Chairman, I make a point of order on the paragraph and I ask for a ruling of the Chair.

Mr. MONDELL. Mr. Chairman, the gentleman can not take me off my feet.

Mr. BRYAN. Then I withhold the point.

Mr. MONDELL. I had an idea during the discussion of the item by the gentleman from Washington that he would like to do so, possibly, but gentlemen seem to be irritated whenever I attempt to address the House this afternoon. This is a pure gratuity, there is no question about that. The gentleman from Washington suggested that it was a matter of law. The gentleman should know there is no law for a gratuity of this kind; there can not be; there is not any. I do not say that it is not following the practice which has been followed heretofore. That may be true. I doubt if it is a good practice. Here is a Democratic Congress pledged to economy and reform in matters of this sort, and yet they are slavishly following what a Republican Congress did and what a Republican Congress did with much better reason for doing it, because my understanding and my belief is that in the past the Clerk has really done some work in examining these contests other than the work done by the clerks.

In this case the amount is stated that is to be paid for the clerks, and it is also admitted that the clerks did all that was done. So that the amount that we propose to give to the Clerk of the House is a gratuity, an honorarium adding that much to his salary. There was a time when the Clerk received a smaller salary than he is receiving now. Possibly he was entitled to and should have had these sums, but we increased his salary, and should this Democratic Congress, pledged to economy, now that the Clerk's salary is larger than it was formerly, give him this very considerable gratuity when it is understood he does nothing at all for it?

Mr. MOORE. The gentleman is on the Appropriations Committee. Can he explain why we are making provision for the payment of counsel fees in certain cases that have not been settled? Contests, I am informed, are still pending in certain of the cases referred to on page 20, between lines 11 and 19.

Mr. MONDELL. No; I do not. I presume the gentleman on the other side will say that we are following precedents. Everything goes nowadays on the simple statement that they are following a Republican precedent, whether as a matter of fact they are doing so or not.

Mr. MOORE. Has it not been fairly well ascertained that these counsel fees, running up to $2,000, have been an inducement for people to bring contests?

Mr. MONDELL. Oh, that is true.

Mr. MOORE. And they have encouraged a sort of contest ambulance chasing that has made it very embarrassing?

Mr. MONDELL. That is very true, and the Democratic majority is encouraging it. But I rose to discuss this particular item because the gentleman from Washington [Mr. BRYAN] was worrying about it and I want him to know he could strike it out on a point of order, and because it is a clear gratuity it is subject to a point of order, and the point of order is reserved.

Mr. JOHNSON of Washington. Mr. Chairman, I move to strike out the last two words. I sincerely hope that the gentleman from Wyoming [Mr. MONDELL] will not encourage my colleague [Mr. BRYAN] to strike out this paragraph. It has been printed out in the State of Washington that the members of the congressional delegation from that State can live well on mileage and mucilage; that is, on their mileage and the $125 received for stationery account. Now, if that sort of stuff is being printed in the State of Washington and circulated there, that we are a tribe of cheap people, and can leave our homes and come to the city of Washington to represent the great State of Washington and while here struggle along on $1,200 or so a year, I do hope it will not fall to any of us to make living harder for those who labor long and hard as clerks for this House——

Mr. DONOVAN. A point of order, Mr. Chairman.

Mr. JOHNSON of Washington. And receive, many of them, pay entirely too small for the work they perform.

The CHAIRMAN. The point of order is overruled. The appropriation is authorized by law.

Mr. BRYAN. Whose point of order is that?

Mr. FITZGERALD. No point of order was made.

The CHAIRMAN. The Chair thought that the gentleman from Wyoming [Mr. MONDELL] made the point of order.

Mr. FITZGERALD. Because it is in order I do not want any erroneous ruling to be made. It is not authorized by law.

Mr. MOORE. Mr. Chairman, a parliamentary inquiry.

The CHAIRMAN. The gentleman will state it.

Mr. MOORE. Has a point of order been made?

The CHAIRMAN. The Chair understands a point of order was made by the gentleman from Wyoming [Mr. MONDELL].

Mr. MONDELL. I reserve the point of order.

The CHAIRMAN. But the point of order was reserved.

Mr. MADDEN. I ask for the regular order, Mr. Chairman.

Mr. BRYAN. Mr. Chairman, I wish to speak against this motion of my colleague, to strike out the last two words. That is the regular order.

The CHAIRMAN. The gentleman from Washington [Mr. BRYAN] is recognized.

Mr. BRYAN. I would like, in the five minutes I have, in reference to this particular section, having heard the gentleman from Wyoming [Mr. MONDELL], who is a member of the committee, suggest that this was out of order, and was recognized by the committee as a pure gratuity; but observing from the suggestion of the Chair that it is in order, and there is no chance of striking it out on a point of order, to ask the gentlemen of the committee over there, who are noted along certain lines for economy—for instance, when we wanted to give $1,800 to our secretaries, the gentlemen protested very vigorously—I would like to ask if the members of the committee, all of them, are approving this, and if the committee is unanimous in believing that, for some reason that does not appear of record, it is right and ought to be allowed? If they do, I am willing to yield to the importuning of my friend and colleague over here and not attempt to strike it out by a point of order.

The CHAIRMAN. The Chair will state to the gentleman from Washington that the Chair stated that this provision was authorized by law.

Mr. FITZGERALD. It is not, Mr. Chairman. The wording of the provision is misleading.

The CHAIRMAN. The gentleman will wait until the Chair has stated what his position is and what he did state. The Chair stated that the appropriation was authorized by law. The Chair based that ruling upon the following language in the bill:

To pay South Trimble, Clerk of the House of Representatives, as authorized by an act entitled "An act relating to contested elections," approved March 2, 1887, the sum of $2,584.68.

If there is no such act as that, the Chair is ready to reverse his ruling.

Mr. FITZGERALD. That act authorizes the services, not the compensation, which is different. I think it is only fair to the House to state what the situation is.

Mr. BRYAN. I reserve the balance of my time, Mr. Chairman.

Mr. FITZGERALD. The act requires the Clerk to perform certain duties in addition to his duties as Clerk of the House. He must prepare and certify for the respective committees of the House the records which are filed with him. He does not do it alone. It requires the services of others, and he is responsible for his certificate on a comparison with the printed record that it is correct. A good many years ago—I do not know how many—the House gave to the Clerk a compensation fixed upon a method of computation then adopted as pay for his services, the responsibility imposed upon him, for the certification, and also allowed him certain sums for the payment of persons necessarily employed in connection with the work.

This matter is inserted in this bill on a certificate signed by the chairmen of the three Election Committees of the House, dated June 9, 1914, when this paragraph in the bill was sent to the Committee on Appropriations. The certificate is to the effect that the matter has been examined and the work found to have been well and efficiently executed as per statement attached, and then the statement is made that there are 12 election cases, and the compensation fixed for allowance to the Clerk was based upon the same rate as has been fixed in other years.

Whatever may be said as to whether this is the most desirable way to compensate the Clerk of the House, there is one thing to be said, and that is the practice of the House has been to make this payment, upon the theory that these additional services are rendered, and that there is a sufficient responsibility to justify the additional payment.

Mr. FERRIS. Mr. Chairman, will the gentleman yield?

Mr. FITZGERALD. Yes.

Mr. FERRIS. Of course the gentleman knows that, with reference to these Election Committees and their work, what I am going to say will not be the last word, but two of these contested elections originated in my State, and I know that there is a lot of work and responsibility connected with the preparation of these cases. A lot of it passed through my office and over my desk, and I know that those engaged in connection with those cases do have a lot of work. I simply wanted to make that statement.

Mr. FITZGERALD. The act relative to contested-election cases, approved March 2, 1887, provides largely for the mode of procedure and imposes upon the Clerk of the House a number of very important duties in connection with these contests. From the time that act was passed it has been the custom of the House to make provision for the payment of the services rendered under that statue in accordance with a well-defined procedure.

This item has been certified by the chairmen of three committees most intimately connected with the matter, and our committee has followed in this instance what has been done invariably on all former occasions—accepted the certificate and recommended the appropriation.

Mr. BRYAN. Mr. Chairman, I have heard what the gentleman from New York [Mr. FITZGERALD] said, and there are here in the House the most distinguished economists that I know of, members of the Committee on Appropriations. These gentlemen have investigated this item in the hearings. They know all about it, and they are responsible for the economies in the administration of the House. Of course, it is recognized that a good part of this amount—$4,264.68—is for compensation, but Mr. Trimble, the Clerk of the House, testified that $2,584.68 of it was pure net.

Mr. FITZGERALD. Two thousand five hundred and eighty dollars is for fees for services performed.

Mr. BRYAN. Yes; to him. After all stenographers have been paid and all clerks and employed agents paid, then there is left in the pot $2,584.68, and that is an absolute gift. I am not going to take further time of the House. I leave it, gentlemen, to you.

Mr. FITZGERALD. We are following the custom of the House for 27 years, and unless the House changes it by some specific enactment my theory is that the money ought to be paid.

Mr. BRYAN. I will say to the gentleman that when the Progressive Party comes into power they will "do up" the Democrats and the Republicans and show you what real economy is. [Laughter.]

Mr. JOHNSON of Washington. If that time should ever come, Mr. Chairman, I hope the gentleman will talk a little less of his politics on the floor and speak rather in his district. This House has been wasting time for a year and a quarter.

Mr. SISSON. Mr. Chairman, the gentleman from Washington [Mr. BRYAN] called attention to some questions asked by me in the subcommittee in connection with this item. I want to say that I am a member of the subcommittee that made up this bill, and the amount here fixed for fees is for services rendered by the Clerk of the House. The rate of fees was fixed by prior Congresses, and at every Congress these fees have been paid to other Clerks preceding the present incumbent. I could see no special reason why this Clerk should not be entitled to these fees. I grant you that the fees seemed to me to be very high. The questions asked by me of Mr. South, who is the deputy clerk, brought out the fact that this $2,584.68 was net.

Now, having stated this much, every Member of the House has all the information that I have, and the fact that we reported the bill from the subcommittee to the full Committee on Appropriations and that the full committee then reported it to this House indicates that we assume the responsibility for the bill. I do not know that it was necessary for anybody to call any special attention to that matter or that it was necessary to call our names in connection with it, but every Member of the House, now that the bill has been reported and is pending before the House, must understand that the responsibility rests just as heavily on his conscience and just as heavily on his economic brain as upon the members of the committee, because any Member who is opposed to this item can make a point of order, and if he does not he is as much responsible for its being in the bill as we are. The individual responsibility rests upon every Member of the House, just as it rested upon every member of this committee. We did no more than report the bill to you. It is your duty to turn it down or to approve it or to amend it, just as you see fit, and to exercise all the economy that may be in your minds or in your hearts.

Mr. BRYAN. Will the gentleman agree that he will absolutely prevent the insertion of this item in the conference report by the Senate if we strike it out here?

Mr. SISSON. I do not know that I shall be a member of the conference, but I have heretofore been on conference committees, and if the gentleman does not believe that I will stand by what this House wants done he can consult the members of conference committees that I have been on. When a Member of this House is appointed on a conference committee he ceases to represent his own individual views and represents this House in the conference, and if the House strikes out any amendment or any paragraph in this bill I shall do all in my power as a conferee, in case I am appointed a conferee, to represent the views of the House, because when I become a conferee I cease to represent my individual views and I represent the views of

the House in connection with my fellow conferees; and you may be assured that not only as to this item but also as to every other item that the House puts out of this bill and which the Senate may put back, if I am a member of the conference committee, I will represent the views of this House to the best of my skill and ability.

Mr. BRYAN. I am not going to make the point. It is up to the gentlemen of the committee.

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

For folding speeches and pamphlets, at a rate not exceeding $1 per thousand, fiscal year 1915, $3,000.

Mr. WATKINS. Mr. Chairman, I offer the following amendment.

The CHAIRMAN. The gentleman from Louisiana offers an amendment, which the Clerk will report.

The Clerk read as follows:

Amendment offered by Mr. WATKINS:
Page 29, between lines 11 and 12, insert:
To pay salary of reviser of the United States Statutes for the Committee on Revision of the Laws, as authorized and provided by House resolution No. 555, Sixty-third Congress, second session, agreed to on July 3, 1914, $4,000, or so much thereof as may be necessary.

Mr. FITZGERALD. I reserve a point of order on the amendment.

Mr. WATKINS. Mr. Chairman, on the 3d of this month the House of Representatives authorized the appointment, by the Committee on Revision of the Laws, of this employee at the fixed salary therein stated. The Committee on Revision of the Laws met and made the appointment, with the understanding that the House resolution would be carried out to all intents and purposes; but the reviser who had been employed to perform the work contemplated in that resolution was advised that he would have difficulty in procuring the payment of his salary. The leader on the minority side of the House called my attention to the fact that provision had not been made for it in this appropriation bill. In fact, I had not up to that time called the attention of the chairman of the committee to it, and it was an oversight on my part; but after the minority leader called my attention to the necessity for it I did speak casually to the chairman of the committee about it, but in his hurry he did not have an opportunity to give full consideration to it. I am not finding fault with the chairman of the committee, or with any member of the committee. It was simply an oversight on my part that as chairman of the Committee on Revision of the Laws I did not call attention to it in time, and it was left out of this bill. The fact is, I am informed, that the contingent fund of the House will not be adequate to pay the amount.

Mr. FITZGERALD. Who said it would not?

Mr. WATKINS. The gentleman who has been employed——

Mr. FITZGERALD. It is $75,000.

Mr. WATKINS. The gentleman who has been employed is the one who stated that he has received that information. Whether that be the case or not, Mr. Chairman, I wish the Members of this House to know the facts—that the employment has been made, that the employee has entered upon the discharge of his duty, and the clerk of the committee and this employee are now working constantly and propose to work regularly until they are ordered by the House of Representatives to cease the work.

The gentleman who was assigned to this position has given up another position and has begun his work with the expectation of continuing it, at least until the work can be put in such a form as will meet with the approval of the House of Representatives at its next session.

Mr. GARRETT of Tennessee. Will the gentleman yield?

Mr. WATKINS. Yes.

Mr. GARRETT of Tennessee. Is it not a fact that by the wording of the resolution it provides that the salary shall be paid out of the contingent fund until Congress shall make an appropriation for it?

Mr. WATKINS. Yes; and it is expected that Congress will do it now, because the work may not last longer than the 4th of next March unless provision is made for it.

Mr. GARRETT of Tennessee. I am not complaining about it. I am just asking if my recollection of the language of the resolution is correct.

Mr. FITZGERALD. I do not know what the resolution is that has been adopted. The practice has been that the compensation is paid out of the contingent fund, and if the position is continued up to the time when the next legislative bill is under consideration, the position will be provided for in that bill. It is preposterous to say the contingent fund of the House is inadequate to pay the salary of this position for a few months. The contingent fund for the last fiscal year carried, all told, over $200,000. The legislative bill, which will be signed to-day or to-morrow, carries $75,000 for the contingent fund. If this place is provided for, the compensation will be paid out of that fund the same as a dozen or more employees will be provided for in that way. If the place is to be continued beyond this session of Congress, provision will be made for it in the legislative bill. To insert it in the deficiency bill makes confusion and trouble. There is no question but that the compensation will be paid. The gentleman should not press it on this bill, where it does not belong.

The CHAIRMAN. Does the gentleman from New York make the point of order?

Mr. FITZGERALD. I do.

The CHAIRMAN. The Chair sustains the point of order.

The Clerk read as follows:

To reimburse the official reporters of debates $500 each and the official stenographers to committees $400 each for moneys actually and necessarily expended by them to June 30, 1914, $4,600.

Mr. COX. Mr. Chairman, I move to strike out the last word. I am not going to consume much time on it. The item reads as follows:

To reimburse the official reporters of debates $500 each and the official stenographers to committees $400 each for moneys actually and necessarily expended by them to June 30, 1914, $4,600.

If I understand it correctly, this $500 sought to be appropriated is money to repay the official reporters of debates in the House for money actually paid out for help?

Mr. FITZGERALD. They pay the amanuenses for transcribing their notes and some other things.

Mr. COX. Mr. Chairman, I want to say a few words. I believe my record in this House has been consistent in opposing the increase of salaries. For seven years I have opposed it at every opportunity and used every weapon in my possession to prevent increase of salaries. I believed I was right in it, and I believe I am right in it, but of all the men connected with the Congress who in my judgment ought to have an increase of salary, or some extra compensation, it is the official reporters of debates in this House. I know of no class of men, not even excepting ourselves, that do as much hard, laborious, soldiering work as the official reporters of debates do on this floor. I know of no work, nor do I believe any other person knows of any work, connected with the Congress of the United States that is as trying on the nerves, physically and mentally, as the work required to be done by these men. It requires an extraordinary, high-priced talent, something far beyond the experience and talent of an ordinary mechanic. They must be something far beyond the ordinary average reporter. I am informed, and reliably so, that before a reporter of these official debates is fully competent to perform this arduous service he must practically have two years' experience upon the floor of this House before he is competent to do this work.

Here is a class of men whose salary was fixed 41 years ago. During that period of time the Members' salary has been increased from $5,000 to $7,500 a year. I do not hear very many men at any time rising on the floor of the House and saying anything on behalf of this class of men; and yet, as I said a moment ago, I believe of all the employees who ought to have their salaries increased it is this class, the official reporters of debates.

Now, I have not been asked to say this. Not one reporter has mentioned it to me. I sought some information from one of them. Not one has complained to me along this line in regard to his salary.

Mr. RAKER. Will the gentleman yield?

Mr. COX. Yes.

Mr. RAKER. What is the salary?

Mr. COX. Five thousand dollars. The legislative, executive, and judicial appropriation bill increased the salary of many Government officials. I recall that it increased the salary of the Assistant Attorney General from $6,000 to $7,500, and yet I dare say that not an Assistant Attorney General of the United States will do the hard, strenuous, day-in-and-day-out work that these reporters have done here for us. They have been in almost continuous session since April, 1913, and, I may say, almost in continuous session since April, 1909. For 41 years, without grumbling, without kicking, day in and day out, they have served this House on the salary of $5,000 per year. I see no way to get it in here or to offer an amendment. What called it to my attention was the fact that the gentleman from Alabama [Mr. UNDERWOOD] appeared before the Committee on Appropriations and asked for it. I have read the hearings, and I believe the time has come when these men should have an increase of salary.

Before the President of the United States signs this bill I hope somewhere, some place, along the line they will have

either a substantial increase in their salary or that some money will be paid to them for extra services.

We have already let remain in here an item of $2,500 for extra work done by the Clerk of the House. I am not kicking about that; I am not criticizing it at all; it may be, and I expect is, all right, but here are men occupying positions where no one for a moment will deny they have to deliver the goods and do deliver them well, and amidst the rumblings of these debates, in all of the cross fire that takes place, the anomalous thing, the wonderful thing to me is the few times that Members rise on the floor of the House and ask even to have their language corrected, showing their eternal accuracy. I dare say that is the best and most competent corps of stenographers in the world. Not only skilled in their line of work, but educated and scholarly, as of necessity they must be before they can do this kind of work.

The CHAIRMAN. The time of the gentleman from Indiana has expired.

The Clerk concluded the reading of the bill.

Mr. FITZGERALD. Mr. Chairman, I move that the committee do now rise and report the bill to the House with the recommendation that the amendments be agreed to and that the bill as amended do pass.

The CHAIRMAN. Before that is done the Chair will call the attention of the gentleman from New York to page 21, lines 6 and 7, where there seems to be a typographical error, the word "of" being printed twice.

Mr. FITZGERALD. That is a typographical error, and should be corrected.

The CHAIRMAN. Without objection, the correction will be made.

There was no objection.

The CHAIRMAN. The question is on the motion of the gentleman from New York that the committee do now rise and report the bill with amendments to the House with the recommendation that the amendments be agreed to and that the bill as amended do pass.

The motion was agreed to.

Accordingly the committee rose; and the Speaker having resumed the chair, Mr. ADAMSON, Chairman of the Committee of the Whole House on the state of the Union, reported that that committee had had under consideration the bill H. R. 17824, the general deficiency appropriation bill, and had directed him to report the same back with sundry amendments with the recommendation that the amendments be agreed to and that the bill as amended do pass.

Mr. FITZGERALD. Mr. Speaker, I move the previous question on the bill and amendments to final passage.

The previous question was ordered.

The SPEAKER. Is a separate vote demanded on any amendment? [After a pause.] If not, the Chair will put them en grosse. The question is on agreeing to the amendments.

The amendments were agreed to.

The SPEAKER. The question now is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed.

On motion of Mr. FITZGERALD, a motion to reconsider the vote by which the bill was passed was laid on the table.

LEAVE OF ABSENCE.

By unanimous consent, leave of absence was granted to Mr. BRODBECK, for the remainder of the week, on account of the death of a close relative.

EXTENSION OF REMARKS IN THE RECORD.

Mr. SISSON. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD on the general deficiency bill.

The SPEAKER. Is there objection?

There was no objection.

PAYMENTS UNDER RECLAMATION PROJECTS.

The SPEAKER. By unanimous consent, the remainder of the day is to be taken up in the consideration of the bill S. 4628, extending the period of payment under reclamation projects, and for other purposes, which the Clerk will report.

The Clerk reported the bill by title.

The SPEAKER. This is on the Union Calendar, and the House will automatically resolve itself into the Committee of the Whole House on the state of the Union, and the gentleman from Virginia [Mr. FLOOD] will take the chair.

Mr. TAYLOR of Colorado. Mr. Speaker, pending that, I will ask gentlemen on the other side if we can not agree on a time for general debate?

Mr. KINKAID of Nebraska. What time does the gentleman propose?

Mr. TAYLOR of Colorado. One hour on a side.

Mr. KINKAID of Nebraska. I have had requests for much more than an hour; I should not say two hours, but an hour and a half, possibly two hours.

Mr. FITZGERALD. I suggest that gentlemen wait until to-morrow and then try to agree on a time in which to close debate. There are some of us who, while we are not entirely opposed to the bill, have some suggestions which we wish to make in an effort to improve it.

Mr. KINKAID of Nebraska. The gentlemen would probably freely exercise that privilege under the five-minute rule.

Mr. FOSTER. I do not think that we can agree on a time to close debate to-night.

Mr. MONDELL. Could not an agreement be reached as to the time for general debate?

Mr. FITZGERALD. I think we can do that to-morrow and probably save time.

Mr. DONOVAN. Mr. Speaker, reserving the right to object to the gentleman's request, I would like to ask him a question.

Mr. TAYLOR of Colorado. Certainly.

Mr. DONOVAN. Does the gentleman think it is fair, in view of the fact that the leaders of the minority are absent, to take up a measure of this character?

Mr. TAYLOR of Colorado. Well, it is taking an unfair advantage——

Mr. DONOVAN. The gentleman must realize we have not a single Member here from New England, of the minority, except the gentleman from Fall River, and all these great commercial States——

Mr. GILLETT. Mr. Speaker——

Mr. DONOVAN. Well, the gentleman is probably down and out.

Mr. GILLETT. Well, I will not be where the gentleman will be next fall.

Mr. DONOVAN. I will suggest to the gentleman from Massachusetts that he get the floor in an orderly way. The gentleman should not set a bad example by being disorderly. If he can not get recognition except——

Mr. GILLETT. What right has the gentleman to the floor?

Mr. DONOVAN. I reserved the right to object.

Mr. TAYLOR of Colorado. Mr. Speaker, I ask unanimous consent that the time may be equally controlled between the gentleman from Nebraska [Mr. KINKAID] and myself, and that we proceed to fix no limit on general debate at the present time.

Mr. FOSTER. Mr. Speaker, reserving the right to object, I understand that the gentleman from Nebraska and the gentleman from Colorado are both in favor of the bill, and I do not think we should do that, at least to-night.

Mr. TAYLOR of Colorado. Well, Mr. Speaker——

Mr. FOSTER. I think we had better go ahead without this at present.

Mr. TAYLOR of Colorado. Let me call attention to the fact we have done that very thing before, and I know that there is no desire upon this side——

Mr. FOSTER. I will state that I have no desire to delay the consideration of this bill at all, but I suggest it is hardly the thing to do to-night to agree to this, but to-morrow morning it may be possible to arrive at some arrangement satisfactory to all parties.

Mr. KINKAID of Nebraska. I would suggest to the gentleman from Illinois and to the membership that I am not seeking anything exceptional and would not have thought of it; in fact, I did not suggest such arrangement myself, but there are plenty of precedents here that this is not an exceptional request that the gentleman from Colorado makes.

Mr. FOSTER. I think the gentleman from Colorado had better withdraw his request to-night and take it up to-morrow.

Mr. KINKAID of Nebraska. Is it not agreeable to go on to-night for an hour?

Mr. FOSTER. Certainly, I have not any objection; go ahead for three hours if you like.

The SPEAKER. The thing that is objected to is to having the entire time controlled by gentlemen entirely favorable to the bill.

Mr. TAYLOR of Colorado. That has been the custom——

The SPEAKER. Oh, no.

Mr. FOSTER. Oh, no.

Mr. TAYLOR of Colorado. You have that in respect to the bill which is now under consideration, the dam bill.

Mr. FOSTER. Nobody raised any objection to it.

Mr. TAYLOR of Colorado. The gentlemen on the opposite side of the House not opposed are dividing the time.

Mr. KINKAID of Nebraska. Suppose we proceed for an hour without an agreement?

Mr. TAYLOR of Colorado. I will withdraw the request.

Mr. TOWNSEND. Mr. Speaker——

The SPEAKER. For what purpose does the gentleman from New Jersey rise?

Mr. TOWNSEND. I move that the House do now adjourn.

Mr. TAYLOR of Colorado. Oh, no; let us go on.

Mr. TOWNSEND. If the gentlemen can not arrive at any agreement——

The SPEAKER. They will arrive at an agreement in a minute or two.

Mr. TOWNSEND. Then I will withdraw my motion if it is likely they will arrive at an agreement. I wanted to force them to that position.

The SPEAKER. The gentleman from Colorado withdraws his request, and the House resolves itself into the Committee of the Whole House on the state of the Union for the consideration of the bill S. 4628, and the gentleman from Virginia [Mr. FLOOD] will take the chair.

Accordingly the House resolved itself into the Committee of the Whole House on the state of the Union for the consideration of the bill S. 4628, with Mr. FLOOD of Virginia in the chair.

The CHAIRMAN. The Clerk will report the bill by title.

The Clerk read as follows:

S. 4628. An act extending the period of payment under reclamation projects, and for other purposes.

Mr. TAYLOR of Colorado. Mr. Chairman, I ask unanimous consent that the first reading of the bill be dispensed with.

The CHAIRMAN. The gentleman from Colorado asks unanimous consent that the first reading of the bill be dispensed with. Is there objection. [After a pause.] The Chair hears none.

Mr. TAYLOR of Colorado. Now, Mr. Chairman——

Mr. DONOVAN. Mr. Chairman, will the gentleman, before he commences his speech, allow a question right here?

Mr. TAYLOR of Colorado. Yes.

Mr. DONOVAN. Does the gentleman, as the manager of this bill—the chairman of the committee, I assume——

Mr. TAYLOR of Colorado. Acting chairman.

Mr. DONOVAN. Is he going to allow our distinguished friend from Wyoming [Mr. MONDELL] to roam afield on every subject on this bill, or is he going to hold him to the text?

Mr. TAYLOR of Colorado. In answer to the gentleman, I will say that I will endeavor——

Mr. DONOVAN. As chairman of the committee, in fairness to his associates, he ought not to oblige us to sit in our seats and listen to the dribble that we have listened to to-day.

Mr. TAYLOR of Colorado. I assure the gentleman from Connecticut that I will endeavor, as far as I can, to induce the gentleman from Wyoming [Mr. MONDELL] to talk as closely to the bill as possible. As the acting chairman of the Committee on Irrigation of Arid Lands and having charge of this reclamation bill, I shall earnestly try to confine the debate to the subjects embraced in this measure, both for the purpose of saving time and to prevent the provisions of the bill from becoming involved in and complicated by outside matters.

Mr. Chairman, I am authorized and directed by the Committee on Irrigation of Arid Lands to call up and present this bill, S. 4628, to the House. I am not going to make a long or formal speech on the bill at this time. It is a bill that has received a very great deal of careful—in fact, exhaustive—consideration. There is no measure before this House, excepting some of the great party measures, or possibly the general appropriation bills, that has received the attention of as many people or as much consideration as this one. Furthermore, there is no bill pending in this House, I believe, of any kind that is of more importance to the West, to the 16 arid States where we have the Government reclamation projects, than this measure; and for that reason the western delegation in this House earnestly asks our friends from the East and the North and the South to be patient in the consideration of it and endeavor to put yourselves in our shoes, to a certain extent, and let us show you the very great importance of this measure to the development of our country.

Mr. MADDEN. Will the gentleman yield?

Mr. TAYLOR of Colorado. Certainly.

Mr. MADDEN. There is no doubt in the world but great consideration has been given to the question, but I notice the bill does not provide for any interest on deferred payments.

Mr. TAYLOR of Colorado. That is true.

Mr. MADDEN. Does the gentleman think this bill ought to pass without such a provision?

Mr. TAYLOR of Colorado. Yes; I think so. I think we can convince the gentleman from Illinois [Mr. MADDEN] before we get through that it would entirely unfair and unwise, and, in fact, that it would be contrary to the welfare of the Government itself to impose any interest charge upon the present settlers or upon the people that we hope will hereafter come in and take the lands that are not yet settled upon.

Mr. MADDEN. Does the gentleman think that the Government of the United States ought to furnish money to establish irrigation plants for the development of the western country without interest and at the same time refuse to enact legislation to loan money to men who have land in other sections of the country, where crops can be raised without irrigation? That is the one question I would like to have the gentleman think about.

Mr. TAYLOR of Colorado. I will say to the gentleman from Illinois that in the course of the discussion of this measure, and when we reach that part of this bill, I am going to especially take that matter up in detail and endeavor to convince the gentleman from Illinois, as well as all other Members of this House, that it would be absolutely unjust and impracticable to add a provision requiring the payment of interest.

The Irrigation Committees of both the Senate and the House, in conjunction with the Secretary of the Interior, Mr. Lane himself, and the officials of the Reclamation Service, have diligently and earnestly worked together on this bill for months and months. The Secretary held long and exhaustive hearings and heard the representatives from all of the 31 projects extending over the 16 Western States. There were hundreds of witnesses. The Secretary then made a trip of personal inspection of many of these projects, and the Members from those States and the members of the Irrigation Committees have held a great many conferences together and with the Secretary, and this bill is the composite result of all of that long, exhaustive, concientious work. It is no one individual's bill. Two or three Senators and four or five Representatives have at some time or other introduced bills on this subject. I have introduced two myself—H. R. 4868, on May 7, 1913, and H. R. 10073, on December 8, 1913—and many of the provisions of my bills are retained in this bill. But this is in reality a committee measure—that is, the composite result of many compromises—and while not entirely satisfactory in all its details to many of us, is the very best we can prepare and present to this Congress.

The bill has the hearty approval of President Wilson and the Secretary of the Interior, the Reclamation Service, and the entire western half of the United States. As to the necessity of this legislation and the promises that have been made to the West, let me call the attention of the House to a plank in the last Republican national platform which reads as follows:

We favor such fair and reasonable rules and regulations as will not discourage or interfere with actual bona fide homeseekers, prospectors, and miners in the acquisition of public lands under existing laws.

RECLAMATION OF LANDS.

We favor the continuance of the policy of the Government with regard to the reclamation of arid lands; and for the encouragement of the speedy settlement and improvement of such lands we favor an amendment to the law that will reasonably extend the time within which the cost of any reclamation project may be repaid by the landowners under it.

While the last Democratic national platform did not contain any plank specifically mentioning this extension to the settlers of the time of payments, I am very positively informed that such a plank was agreed upon by the resolutions committee of the Baltimore convention, and that it was only through inadvertence that is was omitted. But the last Democratic national platform, adopted at Baltimore, did contain the following provision:

We believe in the conservation and the development for the use of the people of the natural resources of the country. Our forests, our sources of water supply, our arable and our mineral lands, our navigable streams, and all the other material resources with which our country has been so lavishly endowed constitute the foundation of our national wealth. Such additional legislation as may be necessary to prevent their being wasted or absorbed by special or privileged interests should be enacted, and the policy of their conservation should be rigidly adhered to.

The public domain should be administered and disposed of with due regard to the general welfare. Reservations should be limited to the purposes which they purport to serve and not extended to include land wholly unsuited therefor. The unnecessary withdrawal from sale and settlement of enormous tracts of public land upon which tree growth never existed and can not be promoted tends only to retard development, create discontent, and bring reproach upon the policy of conservation.

The public-land laws should be administered in a spirit of the broadest liberality toward the settler exhibiting a bona fide purpose to comply therewith, to the end that the invitation of this Government to the landless should be as attractive as possible, and the plain provisions of the forest-reserve act permitting homestead entries to be made within the national forest should not be nullified by administration regulations which amount to a withdrawal of great areas of the same from settlement.

Immediate action should be taken by Congress to make available the vast and valuable coal deposits of Alaska under conditions that will be a perfect guaranty against their falling into the hands of monopolizing corporations, associations, or interests.

We rejoice in the inheritance of mineral resources unequaled in extent, variety, or value, and in the development of a mining industry unequaled in its magnitude and importance. We honor the men who, in their hazardous toil underground, daily risk their lives in extracting and preparing for our use the products of the mine, so essential to the industries, the commerce, and the comfort of the people of this country. And we pledge ourselves to the extension of the work of the Bureau of

Mines in every way appropriate for national legislation with a view of safeguarding the lives of miners, lessening the waste of essential resources, and promoting the economic development of mining, which, along with agriculture, must in the future, even more than in the past, serve as the very foundation of our national prosperity and welfare and our international commerce.

And we certainly had a right to construe those planks as a guaranty of fair treatment to the West.

After his visit to many of the reclamation projects and thorough investigation, Secretary Lane, in his last annual report, says:

There is one matter of great moment to these people which should be corrected by law as soon as possible. We mistook the ability of the farmer to pay for his water rights. Ten years was the time given. His optimism and our own was too great. That time should be doubled.

And in the following letter to the chairman of the committee Secretary Lane gives his hearty approval to this bill:

FEBRUARY 28, 1914.

MY DEAR JUDGE: In answer to your inquiry, I beg to advise you that I heartily indorse your bill for the extension of time for the payment of construction charges on irrigation projects.

Cordially, yours, FRANKLIN K. LANE.

There can be no question whatever by anyone who knows anything about this subject as to the absolute necessity for this legislation at this time. The Secretary has already felt compelled by the emergency of the situation to issue an order deferring payments under these projects until the first of next month under the confident hope and belief that Congress would pass this bill before that time. This bill passed the Senate last March and has been pending on our calendar ever since, and the Members can little realize the anxiety of the West to obtain the approval of the bill before this session adjourns. The main purpose of the bill is to extend the period within which construction charges on irrigation projects must be paid by the water users. The present law requires all such charges to be paid within 10 years. This bill extends the time to 20 years. Actual experience has demonstrated beyond question that the time fixed by the present law is much too short. The settlers under these reclamation projects after years of the hardest possible work and the utmost economy have found that it is an absolute impossibility for nine out of ten of them to clear and break their land and prepare it for cultivation and make the necessary improvements and in addition thereto to make the payments to the Government of the construction charges as the law now requires. That is the reason the Secretary has been compelled to extend the time of these payments to prevent the loss and destruction of the homes and property rights of thousands of these honest, industrious, and bona fide home builders. The committees and everybody who knows anything about it knows that the time of payment should and must be extended to 20 years.

This extension is imperatively necessary, not only for the settlers themselves, but for the success of the reclamation work. The entire Reclamation Service and nearly all the 31 projects will soon be in a very serious situation if this relief is not speedily granted.

There are many reasons why this condition has come to pass. Since the passage of the original reclamation law on June 17, 1902, the cost of everything has increased. At that time and for a few years thereafter, and when these projects were being selected and started, it was generally and confidently believed that the land would be watered for from $10 or $15 to $20 per acre. And the great expense, necessary hardships, and delays of the settlers were not fully realized.

Since then there has been a general increase of construction cost, and the work has been done in a more permanent and substantial manner and upon a much larger scale than originally contemplated. The result is that instead of the water costing the farmers $15 or $20 an acre it is going to cost them from $40 to $100 per acre. And while this situation was never anticipated by the original settlers—and in many cases it is a very great hardship upon them—yet there is no thought of repudiating this obligation. All they ask is that they be given a reasonable opportunity to make this money, as they must, out of the land and pay out.

Moreover, a large part of the land under many of these projects has not yet been taken by anybody. It is still public domain. Nobody will settle upon this land unless the Government will give them a reasonably fair chance to pay for it.

It is not the wealthy but the poor people, very often men with large families, who take this land, and they have got to make a living as they go along, besides reclaiming this barren land and paying the Government.

The extension we ask for is not only a matter of necessity for the settlers; it is a matter of good business for the Government. It is nothing more than common sense and fair dealing between the Government and these thousands of settlers who have gone on these lands in the utmost good faith. This is all I care to say in the opening of this debate. I will go into the details and discuss the various provisions of this bill, as we reach them, under the five-minute rule.

The West appeals to this House on behalf of these tens of thousands of home builders, to give them an opportunity to repay the Government and save their homes.

Mr. Chairman, I reserve the remainder of my one hour's time.

Mr. KINKAID of Nebraska. I do not know of anyone. There are several Members who are anxious to speak, but I do not know of anyone who is ready to speak now.

Mr. MADDEN. Mr. Chairman, I think it is about time we get through with the day. No one seems to be anxious to go on with this bill.

Mr. TAYLOR of Colorado. Mr. Chairman, I move that the committee do now rise.

The motion was agreed to.

Accordingly the committee rose; and the Speaker having resumed the chair, Mr. FERGUSSON, Chairman of the Committee of the Whole House on the state of the Union, reported that that committee had had under consideration the bill (S. 4628) extending the period of payment under reclamation projects, and for other purposes, and had come to no resolution thereon.

ENROLLED BILL SIGNED.

Mr. ASHBROOK, from the Committee on Enrolled Bills, reported that they had examined and found truly enrolled bill of the following title, when the Speaker signed the same:

H. R. 10525. An act making appropriations to provide for the expenses of the government of the District of Columbia for the fiscal year ending June 30, 1915, and for other purposes.

ENROLLED BILLS PRESENTED TO THE PRESIDENT FOR HIS APPROVAL.

Mr. ASHBROOK, from the Committee on Enrolled Bills, reported that this day they had presented to the President of the United States, for his approval, the following bills:

H. R. 16055. An act to amend section 4474 of the Revised Statutes of the United States;

H. R. 15692. An act granting pensions and increase of pensions to certain soldiers and sailors of the Civil War and certain widows and dependent children of soldiers and sailors of said war;

H. R. 6464. An act for the relief of Charles R. Grant;

H. R. 5304. An act to increase the efficiency of the aviation service of the Army, and for other purposes;

H. R. 14738. An act granting pensions and increase of pensions to certain soldiers and sailors of the Civil War and certain widows and dependent children of soldiers and sailors of said war;

H. R. 14234. An act granting pensions and increase of pensions to certain soldiers and sailors of the Civil War and certain widows and dependent children of soldiers and sailors of said war;

H. R. 12914. An act granting pensions and increase of pensions to certain soldiers and sailors of the Civil War and certain widows and dependent children of soldiers and sailors of said war;

H. R. 13542. An act granting pensions and increase of pensions to certain soldiers and sailors of the Civil War and certain widows and dependent children of soldiers and sailors of said war;

H. R. 10523. An act making appropriations to provide for the expenses of the government of the District of Columbia for the fiscal year ending June 30, 1915, and for other purposes; and

H. J. Res. 300. Joint resolution to continue the provisions of a joint resolution approved June 30, 1914, entitled "Joint resolution extending appropriations for the necessary operations of the Government and of the District of Columbia under certain contingencies."

ADJOURNMENT.

Mr. TAYLOR of Colorado. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 5 o'clock and 25 minutes p. m.) the House adjourned until to-morrow, Thursday, July 16, 1914, at 12 o'clock noon.

EXECUTIVE COMMUNICATIONS.

Under clause 2 of Rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

1. A letter from the Secretary of the Treasury, submitting item of legislation to increase the limit of cost for the erection of a building or buildings on the site of the immigration station at Boston, Mass. (H. Doc. No. 1121); to the Committee on Public Buildings and Grounds and ordered to be printed.

2. A letter from the Secretary of the Treasury, transmitting certain information, under direction of House resolution No. 295, regarding holder of title to railroads from Atchison to Waterville, Kans., and whether the United States has commenced action to recover principal and interest due on bonds issued by the United States to the railroad company (H. Doc. No. 1122); to the Committee on Ways and Means and ordered to be printed.

3. A letter from the Secretary of the Treasury, submitting supplemental estimate of appropriation for site and commencement of post-office building at Winchester, Mass. (H. Doc. No. 1123); to the Committee on Appropriations and ordered to be printed.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII, bills and resolutions were severally reported from committees, delivered to the Clerk, and referred to the several calendars therein named, as follows:

Mr. HAY, from the Committee on Military Affairs, to which was referred the joint resolution (S. J. Res. 146) to authorize the President to raise the organization of the Regular Army on certain occasions to its prescribed statutory maximum strength, reported the same with amendment, accompanied by a report (No. 967), which said joint resolution and report were referred to the Committee of the Whole House on the state of the Union.

Mr. O'SHAUNESSY, from the Committee on Interstate and Foreign Commerce, to which was referred the bill (H. R. 17882) to grant the consent of Congress for the city of Lawrence, county of Essex, State of Massachusetts, to construct a bridge across the Merrimac River, reported the same without amendment, accompanied by a report (No. 970), which said bill and report were referred to the House Calendar.

Mr. ESCH, from the Committee on Interstate and Foreign Commerce, to which was referred the bill (S. 4976) permitting the Wisconsin Central Railway Co. and the Minneapolis, St. Paul & Sault Ste. Marie Railway Co., its lessee, to construct, maintain, and operate a railroad bridge across the Chippewa River at Chippewa Falls, Wis., reported the same with amendment, accompanied by a report (No. 971), which said bill and report were referred to the House Calendar.

Mr. DECKER, from the Committee on Interstate and Foreign Commerce, to which was referred the bill (S. 5462) to authorize the county of Barry, State of Missouri, to construct a bridge across the White River in Barry County, Mo., at or near a point known as Goldens Ferry, reported the same without amendment, accompanied by a report (No. 972), which said bill and report were referred to the House Calendar.

Mr. RAYBURN, from the Committee on Interstate and Foreign Commerce, to which was referred the bill (S. 5957) to authorize the construction of a bridge across the Sabine River in the States of Louisiana and Texas, about 2 miles west of Hunter, La., reported the same without amendment, accompanied by a report (No. 973), which said bill and report were referred to the House Calendar.

REPORTS OF COMMITTEES ON PRIVATE BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII, private bills and resolutions were severally reported from committees, delivered to the Clerk, and referred to the Committee of the Whole House, as follows:

Mr. McKENZIE, from the Committee on Military Affairs, to which was refererd the bill (H. R. 858) for the relief of Thomas E. Philips, reported the same with amendment, accompanied by a report (No. 968), which said bill and report were referred to the Private Calendar.

Mr. VOLLMER, from the Committee on Claims, to which was referred the bill (H. R. 17004) for the relief of S. L. Burgard, reported the same with amendment, accompanied by a report (No. 969), which said bill and report were referred to the Private Calendar.

PUBLIC BILLS, RESOLUTIONS, AND MEMORIALS.

Under clause 3 of Rule XXII, bills, resolutions, and memorials were introduced and severally referred as follows:

By Mr. FRENCH: A bill (H. R. 17906) validating locations of deposits of phosphate rock heretofore made in good faith under the placer mining laws of the United States; to the Committee on the Public Lands.

By Mr. VOLLMER: A bill (H. R. 17907) granting the consent of Congress to the Interstate Bridge & Terminal Co., of Muscatine, Iowa, to build a bridge across the Mississippi River; to the Committee on Interstate and Foreign Commerce.

By Mr. GARNER: Resolution (H. Res. 570) directing the Secretary of the Treasury to transmit to the House of Representatives all facts in his possession with reference to the conduct of the collector of customs of the Laredo district, in the State of Texas; to the Committee on Ways and Means.

By Mr. DOOLITTLE: Resolution (H. Res. 571) requesting the Secretary of Commerce to report to the House all facts and information in his possession concerning the prices paid for wheat to the producer thereof in the State of Kansas and the prices at which said wheat is sold for export by dealers, concerns, and exporters at Kansas City, Mo., and how such prices are fixed and determined; to the Committee on Interstate and Foreign Commerce.

By Mr. KETTNER: Joint resolution (H. J. Res. 302) authorizing and directing the President of the United States to invite foreign Governments to participate in the celebration of the fortieth anniversary of the founding of the Washington navel orange industry; to the Committee on Foreign Affairs.

PRIVATE BILLS AND RESOLUTIONS.

Under clause 1 of Rule XXII, private bills and resolutions were introduced and severally referred as follows:

By Mr. ALLEN: A bill (H. R. 17908) granting an increase of pension to Luvena Stevens; to the Committee on Invalid Pensions.

By Mr. BROWN of West Virginia: A bill (H. R. 17909) granting a pension to Charlotte L. Arnett; to the Committee on Invalid Pensions.

By Mr. BURKE of South Dakota: A bill (H. R. 17910) granting an increase of pension to Walter Smith; to the Committee on Invalid Pensions.

By Mr. BYRNS of Tennessee: A bill (H. R. 17911) for the relief of the estate of Henry Alley, deceased; to the Committee on War Claims.

By Mr. COX: A bill (H. R. 17912) granting an increase of pension to Preston W. Lett; to the Committee on Invalid Pensions.

By Mr. DONOHOE: A bill (H. R. 17913) to correct the military record of Joseph Rudhart; to the Committee on Military Affairs.

By Mr. GOOD: A bill (H. R. 17914) granting a pension to William H. Johnson; to the Committee on Invalid Pensions.

By Mr. LEE of Georgia: A bill (H. R. 17915) granting an increase of pension to E. G. W. Moon; to the Committee on Invalid Pensions.

By Mr. LIEB: A bill (H. R. 17916) for the relief of Louis Wasem; to the Committee on Claims.

By Mr. LINTHICUM: A bill (H. R. 17917) granting a pension to Charles Copenshire; to the Committee on Invalid Pensions.

By Mr. McCLELLAN: A bill (H. R. 17918) to muster in and muster out George C. Fox; to the Committee on Military Affairs.

By Mr. OGLESBY: A bill (H. R. 17919) for the relief of W. A. M. Streeter; to the Committee on Military Affairs.

By Mr. RAGSDALE: A bill (H. R. 17920) granting a pension to Edwin C. Gasque; to the Committee on Pensions.

Also, a bill (H. R. 17921) for the relief of the heirs of John W. Powers; to the Committee on War Claims.

By Mr. REED: A bill (H. R. 17922) granting an increase of pension to Patrick Dowd; to the Committee on Invalid Pensions.

By Mr. SELDOMRIDGE: A bill (H. R. 17923) granting an increase of pension to Hannah Archer; to the Committee on Invalid Pensions.

PETITIONS, ETC.

Under clause 1 of Rule XXII, petitions and papers were laid on the Clerk's desk and referred as follows:

By the SPEAKER (by request): Resolution signed by the pastor of a certain church at Francesville, Ind., protesting against the practice of polygamy in the United States; to the Committee on the Judiciary.

Also (by request), resolution signed by H. Gooding Field, secretary of the Civic Federation, Honolulu, Hawaii, urging an appropriation to enlarge Kalihi Basin; to the Committee on Rivers and Harbors.

Also (by request), petitions signed by certain citizens of Connecticut, urging the adoption of the Hobson prohibition amendment; to the Committee on Rules.

By Mr. BRITTEN: Affidavit to accompany House bill 17896, for the relief of Francis Murphy; to the Committee on Naval Affairs.

By Mr. CALDER: Petitions of various voters of the sixth congressional district of New York; 650 citizens of Brooklyn; the Young People's Society for Christian Endeavor of Park Congregational Church, of Brooklyn; the Rochester Temperance Federation, all in the State of New York, favoring national prohibition; to the Committee on Rules.

Also, petition of the Western Society of Engineers, of Chicago, Ill., against House bill 13457, relative to distribution of topographic and hydrographic surveys and other work of the United States Geological Survey; to the Committee on Expenditures in the Interior Department.

Also, petition of 1,500 members of Carpenters' Union No. 309, of New York, and Local No. 17, International Brotherhood of Blacksmiths and Helpers, against national prohibition; to the Committee on Rules.

By Mr. DONOVAN: Petition of 150 members of the congregation of the Newfield Methodist Episcopal Church, of Bridgeport, Conn., favoring national prohibition; to the Committee on Rules.

By Mr. DRUKKER: Petition of Farragut Circle, No. 35, Ladies of the Grand Army of the Republic, of Paterson, N. J., protesting against any change in the American flag; to the Committee on the Judiciary.

By Mr. DUNN: Petition of sundry citizens of Monroe County, N. Y., favoring the passage of Hobson-Sheppard resolution; to the Committee on Rules.

By Mr. FESS: Petition of sundry citizens of Wilmington, Ohio, favoring national prohibition; to the Committee on Rules.

By Mr. GERRY: Petitions of the Christian Endeavor Society of the Second Presbyterian Church, of Providence; the Christian Endeavor Society of the First Presbyterian Church, of Providence; the Christian Endeavor Society of the People's Baptist Church, of Auburn; 12 residents of North Kingston; the Christian Endeavor Society of the Church of Christ, of Manton; the Christian Endeavor Society of Kingston; C. H. Magoon, of Kingston; and the Church of the Redeemer, of Providence, all in the State of Rhode Island, urging the passage of legislation providing for national prohibition; to the Committee on Rules.

Also, petitions of Henry Eltz, Henry L. Molter, Adolph Ties, Henry Manschott, Henry Christman, Christopher Hutton, Adolph Uhrig, F. Martin Miller, Valentin Soltysiok, Rudolf Reininger, Melchoir Beck, Frederick Mann, jr., Frederick Marx, Joseph Wacker, Michael Bosko, Eduard E. Hertell, Peter G. Wetzelaer, Joseph Fojtho, F. Xavier Bobay, Engen Lanar, F. W. Jurgens, Carl Haruschka, Jacob Marx II, Joseph Kurns, William Schielein, G. Raymond, Manuel Hathaway, of Cranston; Conrad Zinsel, Herman Wuth, Richard Wischnowitz, Karl Dunst, Karl Miller, William J. Fraser, of Arlington; Wentelin Marsmer, of Oaklawn; Adolph Krauss, of Johnston; Euclide A. Jodoin, of Centerville; Michael Fogarty, Edward D. Thompson, Peter Bunn, Hermann Park, Ludwig R. Woplert, Max Schwarzenberg, Fred Grable, John F. Weag, Fred W. Reidel, Michael Sullivan, Oscar F. Hirsch, Benedict Reguis, Hermann Benedict, Hugo Yanyar, John Grasslin, Fred H. Bartels, John Schmidt, Karl Schart, Andrew E. Garies, Nicola Tella, Robert E. Bishop, Robert E. Lowry, Thomas J. Dwyer, James D. Donovan, Paul Fucht, Franz X. Yoie, M. Albert Kornischke, George J. Gracie, Michael H. Burns, Aime Chrisben, William A. Dicher, Jules Peter, Paul Kalem, M. Lockiewicz, Michael Lukowski, Arno E. Hofmann, K. Birong, William Eck, Eugene M. Gauch, H. Freudigmanm, Johan Docekal, Paul F. Schmidt, Martin Freudigman, A. J. Schultheiss, L. F. Schulze, Anton E. Petzold, Max E. Wiensch, Louis Wetzstein, Frank Schroeder, Andrew Kraft, John W. Kluoy, John Soellner, Paul F. Schmidt, Joseph Schart, and Charles H. Drane, of Providence, all in the State of Rhode Island, protesting against the passage of legislation providing for national prohibition; to the Committee on Rules.

By Mr. GOOD: Petition of sundry citizens of Marshalltown, Iowa, favoring national prohibition; to the Committee on Rules.

By Mr. GRAHAM of Pennsylvania: Petition of Samuel Kopnuk, of Philadelphia, Pa., protesting against national prohibition; to the Committee on Rules.

By Mr. HAMILTON of New York: Petitions of 200 citizens of Portville, 20 citizens of Niobe, and sundry citizens of Sandusky, Caneadea, and Jamestown, all in the State of New York, favoring national prohibition; to the Committee on Rules.

By Mr. HART: Petition of 39 citizens of Atlantic City, N. J., and of 3 citizens of Philadelphia, Pa., relative to credit to Dr. F. A. Cook for his polar efforts (H. J. Res. 282); to the Committee on Naval Affairs.

By Mr. HOWELL: Petitions of 26 citizens of Salt Lake City, Utah, protesting against national prohibition; to the Committee on Rules.

Also, petition of 40 citizens of Salt Lake City, Utah, favoring national prohibition; to the Committee on Rules.

Also, petition of Elizabeth A. Hayward, Elizabeth M. Cohen, and others, of Salt Lake City, Utah, favoring Federal legislation for woman suffrage; to the Committee on the Judiciary.

By Mr. HULINGS: Petitions of sundry citizens and churches of the State of Pennsylvania, favoring national prohibition; to the Committee on Rules.

Also, petition of Tailors' Local No. 119, of Oil City, Pa., protesting against national prohibition; to the Committee on Rules.

By Mr. KAHN: Memorial of Nelson A. Miles Camp, No. 10, United Spanish War Veterans, indorsing House bill 5139 and proposing amendments thereto; to the Committee on the Post Office and Post Roads.

By Mr. KENNEDY of Rhode Island: Petition of 21 citizens of Pawtucket, R. I., favoring national prohibition; to the Committee on Rules.

By Mr. KREIDER: Memorial of the freight traffic committee of the Merchants and Manufacturers' Association of Philadelphia, Pa., relative to the proposed further extension of parcel post; to the Committee on the Post Office and Post Roads.

By Mr. LEE of Pennsylvania: Memorial of the freight traffic committee of the Merchants and Manufacturers' Association, relative to the extension of parcel post; to the Committee on the Post Office and Post Roads.

Also, petition of Shenandoah Valley Council, No. 530, Order of Independent Americans, relative to increasing pay, etc., of chaplains in the Navy; to the Committee on Naval Affairs.

By Mr. LIEB: Petitions of J. T. Hodges, A. J. Payton, Jacob Bauman, Robert R. Simpers, John W. Feigel, J. H. B. Logan, W. M. Heuring, Robert B. Hamilton, John Burdick, Lafe Melton, Laurence Morris, Mr. Wetzal, F. A. Heuring, Edward Melton, Ben F. Huffman, L. M. John, J. J. Robinette, N. Lant, W. C. Holmes, G. B. Hibbs, S. H. Kennedy, John M. Killian, Dailey Sargent, Isaac A. Peckinpaugh, James Hill, S. A. Freschly, W. E. Fay, S. N. Maclay, Rev. J. L. Battram, John Himmelhelm, Charles Carlile, Edward Briscoe, Everett Cohoon, G. C. Burkhart, J. H. Stites, M. C. Wien, W. C. Shrode, Nash Eskridge, Fred C. Cochean, J. A. Hudson, Barney Hudson, John W. Keerney, W. H. Brown, W. H. Brother, Robert R. Snyder, C. A. Fay, J. G. Rimstidt, J. A. Pfeifer, George H. Ranes, J. A. Kanay, Charles Mayhall, D. S. Bennett, W. H. Cost, F. M. Richards, C. D. Ehrman, J. S. Wright, Jasper Gillett, and P. A. Oelze, all of Rockport, Ind., favoring national prohibition; to the Committee on Rules.

Also, petitions of Nick Schwartz, George Maier, Walter Brainard, Henry Wehling, Henry Wilbert, John Wuetherich, Christ. Wuetherich, David Zuber, Albert Salisbury, George Rupp, J. S. McCune, Fred Dietzel, Martin Bleckman, Fred Baker, Sam Angermeier, Frank Barr, John James, E. H. Guess, William R. Steffee, George M. Daussman, jr., H. W. King, Ivan Martin, Ike Hornbrook, Gurley Purdue, William Bischman, R. B. Gilman, John Buckner, George J. Lindenschmidt, Louis Buchanan, C. R. Green, Martin Bleckmann, George F. Dolde, John Cummings, John H. Jansen, Joseph Shoulet, Charles Hanrahan, Louis J. Rahm, J. C. Sutherland, Joseph S. Urich, Charles W. Schymick, Elmer Dannenberg, Leonard Seiler, Charles L. McGregor, Edward Greek, M. C. Hall, William Klenck, William Hobell, M. Pfoll, Walter Kiler, Peter J. Schmitz, Perry Lampton, John Langel, Jacob Matz, Paul Dalp, Otto O. Brandley, James Carahan, Frederick Baumeyer, John Abbing, J. H. Byrne, George Schneider, George W. Shute, H. C. Vette, John Zuber, William Yeker, V. H. Arnold, Lawrence Hensley, Frank J. Dillmann, Charles Vogel, Harry Walton, Chester Bickel, Peter Hohl, Jerome Schaefer, Henry Wingel, Harry Martin, Albert G. Ermling, Jacob Smith, Charles L. Puffer, John Hartley, Rufus S. Shepard, Dave R. Thomas, Henry C. Miller, P. F. Duber, Harry McDowell, Jacob Winder, Roy Ferres, Charles Hampton, John Baer, and Edwin Yebinger, all of Evansville, Ind., protesting against national prohibition; to the Committee on Rules.

By Mr. LONERGAN: Petition of the New Britain Christian Endeavor Union, New Britain, Conn., favoring national prohibition; to the Committee on Rules.

Also, petition of Branch No. 59, United National Association of Post Office Clerks, of Bridgeport, Conn., protesting against section 6 of House bill 12928, in re postal employees' pay; to the Committee on the Post Office and Post Roads.

Also, petition of the National Association of Postmasters, Rutherford, N. J., in re House bill 17042, concerning postal employees; to the Committee on the Post Office and Post Roads.

By Mr. McKENZIE: Petition of sundry citizens of Freeport, Ill., that due credit be extended Dr. F. A. Cook for his polar efforts; to the Committee on Naval Affairs.

By Mr. MERRITT: Petitions of sundry citizens of Falk, Chateaugay, Ticonderoga, Waddington, and Schroon, all in the State of New York, favoring national prohibition; to the Committee on Rules.

By Mr. J. I. NOLAN: Resolutions of the Fresno Traffic Association, of Fresno, Cal., favoring the passage of House bill 4322, to reduce the rate of postage on letters to 1 cent; to the Committee on the Post Office and Post Roads.

By Mr. OGLESBY: Petitions of Paul I. Aldrich, Leslie J. Tompkins, and 33 others, of Yonkers, N. Y., urging the passage of House joint resolution 277 and Senate bill 4941, for national prohibition; to the Committee on Rules.

Also, petition of Mark Arkison, P. J. Johnson, Charles Stewart, W. C. Schaefer, Hugh Sinclair, C. F. Truax, Otto C. Hedderick, of Yonkers, N. Y., protesting against the Hobson-Sheppard-Works resolutions; to the Committee on Rules.

Also, 17 petitions from railway post-office employees residing in New York City and vicinity, urging a proposed amendment to House bill 17042, to amend postal laws; to the Committee on the Post Office and Post Roads.

By Mr. O'SHAUNESSY: Petitions of sundry citizens of Providence, R. I., protesting against national prohibition; to the Committee on Rules.

Also, petition of the city council of Woonsocket, R. I., favoring the passage of the Hamill bill for retirement of aged Government employees; to the Committee on Reform in the Civil Service.

By Mr. SCOTT: Petitions of 1,001 citizens of Storm Lake, 75 citizens of Marcus, 275 citizens of Correctionville, and sundry citizens of Sioux County and Clay County, all in the State of Iowa, favoring national prohibition; to the Committee on Rules.

By Mr. SELDOMRIDGE: Petition of 8,000 citizens of Colorado Springs, Colo., favoring national prohibition; to the Committee on Rules.

By Mr. SLAYDEN: Petitions of Eleanor Blackenridge, Mrs. William Dunne, and others; N. M. Washer, D. E. Potter, and others, all of San Antonio, Tex., favoring woman suffrage legislation; to the Committee on the Judiciary.

By Mr. SPARKMAN: Petition of sundry citizens of Ocala, Fla., favoring national prohibition; to the Committee on Rules.

SENATE.

THURSDAY, *July 16, 1914.*

The Senate met at 12 o'clock m.

Rev. J. L. Kibler, D. D., of the city of Washington, offered the following prayer:

Our heavenly Father, we desire to approach Thee in the simplicity of our faith and in deep humility of spirit, for Thou art the great God who inhabiteth eternity, the Creator of all the worlds, the Preserver of all things, and the Judge of all men. Thou hast a right therefore to demand our service. We can not hide from Thy presence. No thought can be withholden from Thee, O God. We pray that Thou wilt bestow upon us, therefore, Thy rich grace that we may accomplish Thy purposes and that we may honor Thy great name. We ask it for Jesus' sake. Amen.

The Journal of yesterday's proceedings was read and approved.

MESSAGE FROM THE HOUSE.

A message from the House by J. C. South, its Chief Clerk, announced that the House had passed a bill (H. R. 17824) making appropriations to supply deficiencies in appropriations for the fiscal year 1914 and for prior years, and for other purposes, in which it requested the concurrence of the Senate.

ENROLLED BILLS SIGNED.

The message also announced that the Speaker of the House had signed the following enrolled bills, and they were thereupon signed by the Vice President:

H. R. 13297. An act granting pensions and increase of pensions to certain soldiers and sailors of the Regular Army and Navy, and certain soldiers and sailors of wars other than the Civil War, and to widows of such soldiers and sailors;

H. R. 13920. An act granting pensions and increase of pensions to certain soldiers and sailors of the Regular Army and Navy, and certain soldiers and sailors of wars other than the Civil War, and to widows of such soldiers and sailors;

H. R. 14546. An act granting pensions and increase of pensions to certain soldiers and sailors of the Regular Army and Navy, and certain soldiers and sailors of wars other than the Civil War, and to widows of such soldiers and sailors;

H. R. 15071. An act granting pensions and increase of pensions to certain soldiers and sailors of the Regular Army and Navy, and certain soldiers and sailors of wars other than the Civil War, and to widows of such soldiers and sailors; and

H. R. 15504. An act granting pensions and increase of pensions to certain soldiers and sailors of the Regular Army and Navy, and certain soldiers and sailors of wars other than the Civil War, and to widows of such soldiers and sailors.

PETITIONS AND MEMORIALS.

Mr. WORKS presented a petition of sundry citizens of Riverside, Cal., praying for national prohibition, which was referred to the Committee on the Judiciary.

He also presented a memorial of sundry citizens of San Francisco, Cal., remonstrating against national prohibition, which was referred to the Committee on the Judiciary.

Mr. NORRIS presented a resolution adopted by Captain J. H. Freas Post, No. 163, Grand Army of the Republic, Department of Nebraska, of Beaver City, Nebr., favoring an appropriation to aid in the celebration of the peace jubilee to be held at Vicksburg, Miss., which was referred to the Committee on Appropriations.

Mr. BRISTOW presented petitions of sundry citizens of Du Quoin, Junction City, Lucas, Belleville, Derby, Mulvane, Wichita, Salina, Winfield, and Topeka, all in the State of Kansas, praying for the adoption of an amendment to the Constitution to prohibit the manufacture, sale, and importation of intoxicating beverages, which were referred to the Committee on the Judiciary.

Mr. HITCHCOCK presented resolutions adopted by Local Union No. 621, Brotherhood of Locomotive Engineers of Wymore, and of the Brotherhood of Railroad Trainmen, of Chadron, in the State of Nebraska, favoring the enactment of the so-called antitrust legislation, which were referred to the Committee on the Judiciary.

He also presented petitions and telegrams in the nature of petitions from sundry citizens of Tobias, Stratton, Pawnee, Valley, Nelson, and Wolbach, all in the State of Nebraska, praying for national prohibition, which were referred to the Committee on the Judiciary.

Mr. McLEAN presented a petition of Local Union No. 608, Brotherhood of Locomotive Firemen and Enginemen, of New London, Conn., and a petition of Local Union No. 39, Cigar Makers' International Union, of New Haven, Conn., praying for the enactment of the so-called antitrust legislation, which were referred to the Committee on the Judiciary.

He also presented petitions of the congregations of sundry churches of New Britain and Bridgeport, in the State of Connecticut, praying for national prohibition, which were referred to the Committee on the Judiciary.

Mr. NELSON presented petitions of sundry citizens of Duluth, Minn., praying for national prohibition, which were referred to the Committee on the Judiciary.

He also presented memorials of sundry citizens of St. Paul, Minn., remonstrating against national prohibition, which were referred to the Committee on the Judiciary.

Mr. BRANDEGEE presented a petition of the congregations of sundry churches of Bridgeport, Conn., and a petition of sundry citizens of West Hartford, Conn., praying for national prohibition, which were referred to the Committee on the Judiciary.

Mr. JOHNSON presented petitions of sundry citizens of Mexico, Rumford, Cornish, and Ridlonville, all in the State of Maine, praying for national prohibition, which were referred to the Committee on the Judiciary.

He also presented a petition of the Board of Fire Underwriters of Franklin County, Me., praying for the enactment of legislation to prohibit the use of the mails in procuring or effecting insurance in companies not duly authorized to transact business in the various States, which was referred to the Committee on Post Offices and Post Roads.

He also presented a petition of Local Union No. 217, Plumbers and Steam Fitters, of Portland, Me., praying for the enactment of the so-called Clayton antitrust bill, which was referred to the Committee on the Judiciary.

Mr. GRONNA presented a petition of sundry citizens of Rolette County, N. Dak., praying for national prohibition, which was referred to the Committee on the Judiciary.

Mr. COLT presented a petition of sundry citizens of Newport, R. I., praying for the adoption of an amendment to the Constitution granting the right of suffrage to women, which was ordered to lie on the table.

REPORTS OF COMMITTEES.

Mr. DU PONT, from the Committee on Military Affairs, to which was referred the bill (H. R. 962) for the relief of William H. Shannon, reported it without amendment and submitted a report (No. 672) thereon.

He also, from the same committee, to which was referred the bill (S. 1231) for the relief of Lemuel H. Redd, reported it with an amendment and submitted a report (No. 673) thereon.

Mr. STERLING, from the Committee on Public Lands, to which were referred the following bills, reported them each without amendment and submitted reports thereon:

H. R. 10765. An act granting a patent to George M. Van Leuven for the northeast quarter of section 18, township 17 north, range 19 east, Black Hills meridian, S. Dak. (Rept. No. 675); and

H. R. 16205. An act for the relief of Davis Smith (Rept. No. 674).

Mr. THOMAS, from the Committee on Public Lands, to which was referred the bill (H. R. 1528) for the relief of T. A. Roseberry, reported it without amendment and submitted a report (No. 676) thereon.

Mr. PITTMAN, from the Committee on Public Lands, to which was referred the bill (H. R. 17045) for the relief of William L. Wallis, reported it without amendment and submitted a report (No. 677) thereon.

Mr. BRYAN. The Committee on Claims, to which was referred the bill (S. 5489) making appropriation for payment of certain claims in accordance with findings of the Court of Claims, reported under the provisions of the acts approved March 3, 1883, and March 3, 1887, and commonly known as the Bowman and the Tucker Acts, having had the same under consideration, I am directed by that committee to submit a report (No. 680), accompanied by a bill (S. 6120) for the allowance of certain claims reported by the Court of Claims, in lieu of the bill heretofore referred to that committee.

The VICE PRESIDENT. The bill will be placed on the calendar.

Mr. SWANSON, from the Committee on Naval Affairs, to which was referred the bill (S. 1267) to transfer Capt. Armistead Rust from the retired to the active list of the United States Navy, reported it with amendments and submitted a report (No. 681) thereon.

Mr. NORRIS, from the Committee on Public Lands, to which was referred the bill (H. R. 16431) to validate the homestead entry of William H. Miller, reported it without amendment and submitted a report (No. 678) thereon.

Mr. SMOOT, from the Committee on Public Lands, to which was referred the bill (H. R. 11745) to provide for certificate of title to homestead entry by a female American citizen who has intermarried with an alien, reported it with an amendment and submitted a report (No. 679) thereon.

Mr. MYERS, from the Committee on Public Lands, to which was referred the bill (H. R. 1698) to amend an act entitled "An act to provide for an enlarged homestead," and acts amendatory thereof and supplemental thereto, reported it without amendment and submitted a report (No. 683) thereon.

Mr. WORKS, from the Committee on Public Lands, to which was referred the bill (H. R. 1516) for the relief of Thomas F. Howell, reported it without amendment and submitted a report (No. 682) thereon.

COMMITTEE ON EXPENDITURES IN THE DEPARTMENT OF LABOR.

Mr. WILLIAMS, from the Committee to Audit and Control the Contingent Expenses of the Senate, reported the following resolution (S. Res. 422), which was considered by unanimous consent and agreed to:

Resolved, That the Committee on Expenditures in the Department of Labor be, and it hereby is, authorized to employ a clerk at $2,220 per annum, an assistant clerk at a salary of $1,440 per annum, and a messenger at $1,200 per annum, the same to be paid out of the miscellaneous items of the contingent fund of the Senate until otherwise provided by law.

BILLS INTRODUCED.

Bills were introduced, read the first time, and, by unanimous consent, the second time, and referred as follows:

By Mr. SMOOT:

A bill (S. 6106) validating locations of deposits of phosphate rock heretofore made in good faith under the placer-mining laws of the United States; to the Committee on Public Lands.

By Mr. KENYON (for Mr. LA FOLLETTE):

A bill (S. 6107) to amend an act approved February 20, 1908, entitled "An act to authorize the Interstate Transfer Railway Co. to construct a bridge across the St. Louis River between the States of Wisconsin and Minnesota"; to the Committee on Commerce.

By Mr. HITCHCOCK:

A bill (S. 6108) to investigate the claims of and to enroll certain persons, if entitled, with the Omaha Tribe of Indians; to the Committee on Indian Affairs.

By Mr. LANE:

A bill (S. 6109) for the relief of Emmett W. Entriken; to the Committee on Claims.

A bill (S. 6110) granting an increase of pension to Francis E. Curtis; to the Committee on Pensions.

By Mr. WHITE:

A bill (S. 6111) to incorporate the Federal Council of the Churches of Christ in America; to the Committee on Corporations Organized in the District of Columbia.

By Mr. WORKS:

A bill (S. 6112) granting a pension to Alice L. Cochran (with accompanying papers); to the Committee on Pensions.

By Mr. BURTON:

(By request): A bill (S. 6113) to authorize the closing to navigation of Swan Creek in the city of Toledo, Ohio; to the Committee on Commerce.

A bill (S. 6114) granting an increase of pension to Henry T. Herslet; to the Committee on Pensions.

By Mr. WARREN:

A bill (S. 6115) for the relief of B. D. Sheffield; to the Committee on Claims.

By Mr. OVERMAN:

A bill (S. 6116) to amend section 195 of the act entitled "An act to codify, revise, and amend the laws relating to the judiciary," approved March 3, 1911; to the Committee on the Judiciary.

By Mr. BRISTOW:

A bill (S. 6117) granting a pension to George R. Carver (with accompanying papers); and

A bill (S. 6118) granting a pension to William McClure (with accompanying papers); to the Committee on Pensions.

By Mr. O'GORMAN:

A bill (S. 6119) for the relief of Leon Greenbaum; to the Committee on Claims.

AMENDMENTS TO DEFICIENCY APPROPRIATION BILL.

Mr. KERN submitted an amendment authorizing the Secretary of the Treasury to refund out of any moneys in the Treasury not otherwise appropriated to any trust company or other claimant taxes erroneously assessed or illegally collected under section 2 of the war-revenue act of June 13, 1898, etc., intended to be proposed by him to the general deficiency appropriation bill, which was referred to the Committee on Appropriations and ordered to be printed.

Mr. SHEPPARD submitted an amendment proposing to enable the Secretary of Labor to carry out the provisions of Senate resolution 68, authorizing an investigation and report upon the mortality and disability by accident or by disease incident to or resulting from the various occupations in which the wage earners of the United States are engaged, etc., intended to be proposed by him to the general deficiency appropriation bill, which was referred to the Committee on Appropriations and ordered to be printed.

Mr. JONES (for Mr. CLAPP) submitted an amendment proposing to appropriate $3,000 to pay the persons who compiled, annotated, and indexed volume 3, Indian Laws and Treaties, under Senate resolutions of March 3, 1907, and August 14, 1912, etc., intended to be proposed to the general deficiency appropriation bill, which was referred to the Committee on Appropriations and ordered to be printed.

Mr. SMITH of Maryland submitted an amendment proposing to erect at Fort McHenry, Baltimore, Md., under the direction of the Secretary of War, a monument in memory of Francis Scott Key, author of the Star Spangled Banner, etc., intended to be proposed by him to the general deficiency appropriation bill, which was referred to the Committee on Appropriations and ordered to be printed.

Mr. McCUMBER submitted an amendment providing for the refund of sums paid for documentary stamps, etc., intended to be proposed by him to the general deficiency appropriation bill, which was referred to the Committee on Appropriations and ordered to be printed.

He also submitted an amendment proposing to enable the Secretary of the Senate and the Clerk of the House of Representatives to pay to the officers and employees of the Senate and House borne on the annual and session rolls on the 1st day of July, 1914, a sum equal to one month's pay, etc., intended to be proposed by him to the general deficiency appropriation bill, which was referred to the Committee on Appropriations and ordered to be printed.

RIVER AND HARBOR APPROPRIATIONS.

Mr. O'GORMAN submitted an amendment intended to be proposed by him to the river and harbor appropriation bill, which was ordered to lie on the table and be printed.

KANAWHA, GAULEY, AND NEW RIVERS, W. VA.

Mr. CHILTON. I submit a resolution which I ask may be referred to the Committee on Military Affairs.

The resolution (S. Res. 420) was read and referred to the Committee on Military Affairs, as follows:

Resolved, That the Secretary of War be, and he is hereby, instructed to investigate and to report to the Senate as soon as practical, whether or not the waters of the Great Kanawha, the Gauley, or the New Rivers, in West Virginia, are being polluted, and if so, how and by what means; also whether or not the ore washings on the New River, by which the New and Kanawha Rivers were heretofore polluted, have been stopped, and if not, why not.

Mr. CHILTON. To accompany the resolution, I submit an editorial from the Charleston Mail, of West Virginia, explanatory thereof, which I ask may be printed in the RECORD.

There being no objection, the editorial was ordered to be printed in the RECORD, as follows:

RIVER POLLUTION.

For some half dozen years or more there has been an annual complaint about the pollution of the rivers, with especial reference to the Kanawha. In the case of the Kanawha this complaint, so far as Charleston is concerned, relates more to the aesthetic than to utility, as the city gets its water from the Elk—a stream that in the last few years has been the subject of very great pollution. The water we drink, however, is filtered and also chemically treated to make it pure, and tests have shown that it is pure.

However, there are persons in this valley who depend upon the waters of the Kanawha for drinking purposes, and to these persons the condition of that stream is a very serious matter. In this connection it must be said that it is extremely dangerous to drink the raw water out of any American river. All of them carry a fluid that is not fit to drink from a sanitary point of view. We make our rivers vast natural sewers, emptying into them the filth of all our cities, and then taking this filthy water and by filtering and chemical processes we attempt to restore the pristine purity with more or less success, but always with the danger that some portion will escape purification, as is sometimes the case.

In Germany, the country that has taken the lead in so many things, they do things differently. There the sewerage of the city is not turned into the streams. It is turned into vats and is made into fertilizers at a commercial profit, and thus an economic waste is prevented and the streams are kept free from a great source of contamination. The Germans, thrifty folk that they are, thus kill two birds with one stone.

We in this country have yet some things to learn; and learning them, to practice them. We should take more pride in our streams—pride in their appearance and pride in their purity. We should not only insist that other persons shall not pollute them, but we should likewise be sure that we do not dump our own filth into them. A pure looking, clear stream is not necessarily a safe stream to drink from or even to bathe in. In fact, its very clarity may be dangerous in that it leads to belief that the water is pure when it is dangerously germ laden.

PAUL M. WARBURG.

The VICE PRESIDENT. The following resolution, Senate resolution 413, comes over from a preceding day, which the Chair, in accordance with the decision heretofore made, decides to be a resolution that should be presented in executive session.

Mr. TOWNSEND. Mr. President, I suggest the absence of a quorum.

The VICE PRESIDENT. The Secretary will call the roll.

The Secretary called the roll, and the following Senators answered to their names:

Ashurst	Hitchcock	Norris	Thomas
Borah	Hollis	Perkins	Thompson
Brady	Jones	Pittman	Thornton
Bristow	Kenyon	Poindexter	Tillman
Bryan	Kern	Pomerene	Townsend
Burton	Lane	Ransdell	Vardaman
Camden	Lea, Tenn.	Shafroth	Warren
Catron	Lee, Md.	Sheppard	Weeks
Chamberlain	McCumber	Simmons	West
Clapp	McLean	Smith, Ga.	White
Crawford	Martin, Va.	Smoot	Williams
du Pont	Martine, N. J.	Sterling	Works
Gallinger	Nelson	Stone	
Gronna	Newlands	Swanson	

The VICE PRESIDENT. Fifty-four Senators have answered to the roll call. There is a quorum present. The Chair had reached the conclusion of morning business and announced that in accordance with the decision of the Chair heretofore made Senate resolution 413 is a resolution which should be presented in the executive session of the Senate.

FEDERAL EMPLOYERS' LIABILITY LAW.

Mr. STONE. I understood the Chair to state that morning business has closed. I got in here about 5 minutes after 12. It must have been closed very soon after the Senate met.

The VICE PRESIDENT. The Senate convened at 12.

Mr. STONE. I know it did; but it usually takes more than five minutes to go through with the routine business.

The VICE PRESIDENT. It did not this morning. The statement is incorrect. The Chair did not announce that morning business had closed. The Chair had reached resolutions coming over from a preceding day.

Mr. STONE. I have a letter received this morning containing a little over two typewritten pages that I should like to have read. It is in the nature of a petition or request of Congress. I should like to have it read and referred to the Committee on the Judiciary.

The VICE PRESIDENT. Is there objection? The Chair hears none, and the Secretary will read it.

The Secretary read as follows:

KANSAS CITY, MO., *July 9, 1914.*

Hon. WM. J. STONE,
United States Senate, Washington, D. C.

MY DEAR SENATOR: I take the liberty of calling your attention, in behalf of the railroad men, to the two recent decisions of the Supreme Court of the United States construing the Federal employers' liability act of 1908, as amended in 1910, to wit: Behrens against Illinois Central Railroad Co., decided April 27, 1914, and Horton against Seaboard Air Line Co., decided about the same time.

In the Behrens case the court held that an employee injured or killed did not have the right to bring, or his administrator bring, an action under the Federal employers' liability act, unless the employee was actually engaged in handling interstate commerce at the time of the accident. While the court reaffirmed its former decisions in holding that the act was constitutional and clearly within the powers of Congress to enact, it said, with reference to the clause "shall be liable in damages to any person suffering injury while he is employed by such carrier in such commerce" (sec. 1 of act) that "giving the words their usual meaning, as we think must be done, it is clear that Congress intended to confine its action to injuries occurring when the particular service in which the employee is engaged is a part of interstate commerce."

It is apparent from this decision that to give railroad employees the relief that Congress evidently intended by this act, section 1 thereof should be amended, the words "while he is employed by such carrier in any commerce handled by such carrier" being substituted for "while he is employed by such carrier in such commerce."

Such amendment would bring all railroad men within the provisions of the act regardless of whether they were engaged in interstate or intrastate commerce at the time of accident and would be of great benefit to railroad employees.

Sections 3 and 4 of said act deny to the railroads the defenses of contributory negligence and assumption of risk when the negligence complained of is a violation by such common carrier of any statute enacted for the safety of employees, and in the Horton case, supra, the court decided that said sections 3 and 4 only applied where the negligence was a violation of the Federal statutes.

If the act can be amended in said sections 3 and 4 thereof by adding after the word "statute" and before the word "enacted," in the proviso of said sections, the words "Federal or State," so that said sections will read: "where the violation by such common carrier of any statute, Federal or State, enacted for the safety of employees," etc., then the railroad will receive the protection that Congress has evidently intended to give them by this law, which said Horton case, supra, practically denies where the negligence causing the injury or death was a violation of a State statute.

By section 6 of the act, as amended in 1910, the State courts are given equal jurisdiction with the Federal courts. If Congress has power to do this, why can not sections 3 and 4 be amended so as to put in active operation the various State safety-appliance acts?

Thanking you in advance for any efforts made by you along the lines herein suggested for the benefit of the railroad men, I beg to remain,

Yours, very truly,

E. C. WHITESITT,
Secretary-Treasurer Missouri State Legislative Board of the Brotherhood of Locomotive Firemen and Enginemen and Attorney for said Board.

The VICE PRESIDENT. The letter will be referred to the Committee on the Judiciary.

YOSEMITE NATIONAL PARK.

Mr. WORKS. From the Committee on Public Lands I report back favorably without amendment the bill (H. R. 1694) to amend an act approved October 1, 1890, entitled "An act to set apart certain tracts of land in the State of California as forest reservations," and I submit a report (No. 671) thereon. I ask for the present consideration of the bill.

The VICE PRESIDENT. The Senator from California asks unanimous consent for the present consideration of the bill reported by him.

Mr. SHAFROTH. I ask that the bill may be read.

The VICE PRESIDENT. The Secretary will read the bill.

The Secretary read the bill.

Mr. SHAFROTH. I should like to have the bill go over, as I desire to examine it closely. I may not object to its consideration finally; but it announces a principle to which I have objection, and this land is upon the public domain.

Mr. WORKS. Will the Senator allow me to explain the bill before he objects to its consideration?

Mr. SHAFROTH. Certainly.

Mr. WORKS. There is some reason why the bill should be passed expeditiously.

Mr. SHAFROTH. I did not hear the remark of the Senator from California.

Mr. WORKS. Will the Senator allow me to make an explanation which I think may satisfy his mind on the subject?

Mr. SHAFROTH. Yes, sir.

Mr. WORKS. The only effect of the bill will be to allow the Secretary of the Interior to lease a place for the construction of a hotel in the Yosemite National Park. Such a provision is already in existence as to other parks, and this only proposes to extend the right.

Mr. SHAFROTH. Does the bill propose to extend it only as to one site?

Mr. WORKS. That is all.

Mr. SHAFROTH. Is it a general clause?

Mr. WORKS. There is a general statute already in existence, and this is an amendment of that statute so as to include the Yosemite National Park. It is quite desirable that there should be a hotel built there, and that it may be in operation by next year, when, it is hoped, a great many people will desire to visit the Yosemite National Park.

The VICE PRESIDENT. Is there objection to the present consideration of the bill?

Mr. SHAFROTH. Does this bill propose to give the right to the Secretary of the Interior to lease any land on the public domain?

Mr. WORKS. Only as to land in the Yosemite Park.

Mr. SHAFROTH. In the park itself?

Mr. WORKS. In the park itself.

Mr. SHAFROTH. Well, then, I withdraw my objection to the consideration of the bill.

Mr. SIMMONS. Mr. President, I do not propose to object, unless this bill leads to debate, and, if it does, I shall do so.

Mr. WORKS. I do not think the bill will lead to debate.

By unanimous consent the Senate, as in Committee of the Whole, proceeded to consider the bill (H. R. 1694) to amend an act approved October 1, 1890, entitled "An act to set apart certain tracts of land in the State of California as forest reservations."

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

EMPLOYMENT OF ASSISTANT CLERK.

Mr. BANKHEAD submitted the following resolution (S. Res. 421), which was read and referred to the Committee to Audit and Control the Contingent Expenses of the Senate:

Resolved, That the Committee on Post Offices and Post Roads be, and it hereby is, authorized to employ a temporary clerk, at a salary of $120 per month, the same to be paid out of the miscellaneous items of the contingent fund of the Senate until otherwise provided by law.

METHODIST BOOK CONCERN SOUTH.

Mr. LEA of Tennessee submitted the following resolution (S. Res. 423), which was read, considered by unanimous consent, and agreed to:

Resolved, That there be printed 3,000 additional copies of Senate Report No. 1416, Fifty-fifth Congress, second session, entitled "Methodist Book Concern South," for the use of the Senate document room.

NEW YORK, NEW HAVEN & HARTFORD RAILROAD.

Mr. NORRIS. Mr. President, the other day the Senate passed a resolution providing for printing the evidence taken before the Interstate Commerce Commission in the New York, New Haven & Hartford Railroad investigation. The printing clerk tells me that in the evidence there are some maps and charts, and that under the law he has no right to authorize the printing of them unless they are specifically mentioned in the resolution. Therefore I ask unanimous consent for a reconsideration of the resolution in order that it may be amended by specifically providing for the printing of illustrations.

Mr. SMOOT. There is no need of the Senator asking for a reconsideration. He can ask the unanimous consent of the Senate now that the illustrations be included in the order for printing. That is all that is necessary.

Mr. NORRIS. I have no objection of course to putting it in that form. I make that request.

The VICE PRESIDENT. The Senator from Nebraska asks unanimous consent that the maps, charts, and other illustrations contained in Senate Document No. 543, Sixty-third Congress, being the evidence and the report of the Interstate Commerce Commission, be printed as a part thereof. Is there objection? The Chair hears none, and it is so ordered.

AFFAIRS IN MEXICO.

Mr. JAMES. I ask unanimous consent to have printed in the RECORD an editorial from the New York World of to-day, entitled "Wilson's Triumph in Mexico"; and also an editorial taken from the New York Times, headed "Huerta's Ending."

There being no objection, the articles were ordered to be printed in the RECORD as follows:

WILSON'S TRIUMPH IN MEXICO.

The President's Mexican policy, concerning which there have been many misgivings, has triumphed. The dictator has resigned. A constitutional government is to be established. There will eventually be peace at home and peace with the United States.

When Gen. Huerta, on the 18th of February, 1913, telegraphed to President Taft: "I have overthrown this Government and the forces are with me," he had no thought of the man who in two weeks was to be President of the United States or of the forces that that man would array against the Mexican usurpation.

One week after Mr. Wilson's inauguration he gave due warning to Gen. Huerta and all other Latin-American chieftains who gain office by intrigue and assassination when he said: "We can have no sympathy with those who seize the power of government to advance their own personal interests and ambitions." Huerta laughed at this avowal, and not a few citizens of the United States pronounced it visionary and fantastic.

Yet the new American doctrine that usurpation is not to be recognized in this hemisphere has been established in the one country where its success seemed most doubtful. Against Huerta's airy assumption Wilson arrayed adamantine conscience. In opposition to the tyrant's armed forces Wilson marshaled the forces of liberty and justice.

It has taken some hard fighting in Mexico to overthrow the man who overthrew the Government, but moral courage of a higher order has been needed to enable the administration at Washington to hold true to its principles. The triumph is ours as well as Mexico's. The honor of victories won in the realm of morals is no less than that of battles gained on bloody fields.

Thanks to Woodrow Wilson, a great country and an oppressed people are upon the threshold of a new epoch.

HUERTA'S ENDING.

President Huerta has resigned, his resignation is accepted by the deputies, and Francisco Carbajal rules as provisional president in Mexico City. The revolutionary leader, Villa, assumes that, with the doffing of the presidency, Huerta will again put on the general and will take the field. But the Mexican revolution has been won—not in the riven republic, but at Niagara Falls, at Washington.

Woodrow Wilson is the restorer of peace in Mexico, not by invoking the horrors of war, but by virtue of reason among nations. Whether the fallen dictator now leaves the country or remains to die fighting or a captive is of little moment in Mexican history. President Carbajal is a man of peace, who would offer little resistance to the forces of Carranza. Powers are now in being in Mexico which, we believe, will effectually prevent a long military occupation of the capital.

PROPOSED TRUST LEGISLATION.

Mr. WORKS. Mr. President, I desire to give notice that to-morrow, immediately after the close of routine morning business, with the permission of the Senate, I shall submit some remarks on trust legislation.

HOUSE BILL REFERRED.

H. R. 17824. An act making appropriations to supply deficiencies in appropriations for the fiscal year 1913 and for prior years, and for other purposes, was read twice by its title and referred to the Committee on Appropriations.

AFFAIRS IN MEXICO.

Mr. POINDEXTER. Mr. President, I ask to have laid before the Senate resolution No. 419, which went over on yesterday.

The VICE PRESIDENT. The Chair will lay the resolution down in the order in which it came over. There is a preceding resolution. The Chair lays before the Senate resolution No. 415, coming over from a preceding day, which will be read.

The Secretary read the resolution (S. Res. 415) submitted by Mr. SMITH of Michigan on the 13th instant, as follows:

Whereas the publication of certain correspondence has been made the basis of allegations in many newspapers that certain persons owing allegiance to and domiciled in the United States have been engaged in correspondence with the authorities of the so-called constitutionalist government of Mexico for the purpose of thwarting the designs of the United States Government and for the promotion of their own interests; and

Whereas in certain of this correspondence agents of the President of the United States have been represented as affording advice to the agents of the said rebellion against the Government of Mexico, intended to enable said revolutionists to evade the orders of the President of the United States against the shipment of arms and munitions of war into Mexico: Therefore be it

Resolved, That the Committee on Foreign Relations or a subcommittee thereof is hereby authorized and directed to inquire, investigate, ascertain, and report whether any person, associations, or corporations domiciled in or owing allegiance to the United States have heretofore been or are now engaged in correspondence with those in rebellion against the Government of Mexico and in violation of the laws of the United States, or whether any persons, associations, or corporations have heretofore been or are now engaged in financing, encouraging, or inciting civil strife in Mexico for the promotion of their own interests or for any other reasons, and whether any agents of the President of the United States have been heretofore or are now engaged in giving advice to those in rebellion against the Government of Mexico to enable or lead such agents or authorities to constructively evade the orders of the President of the United States against the shipment of arms or munitions of war into Mexico, or whether any agents of the Government of the United States may be in any way personally or financially interested for their own gain or profit in the regrettable strife in Mexico.

Resolved further, That said committee or a subcommittee thereof is hereby empowered to summon witnesses, to send for persons or papers, to administer oaths, and to take and secure whatever testimony and evidence that may be required to ascertain and report upon the matters aforesaid; and said committee or a subcommittee thereof is hereby authorized for the purpose aforesaid to sit wherever necessary and act as well when Congress is not in session as when in session.

Resolved further, That the said committee is hereby directed to report the result of said investigation and inquiry to the Senate during the first month of the next session of Congress; and the expenses incurred by such investigation and inquiry shall be paid from the contingent fund of the Senate upon vouchers to be approved by the chairman of the committee.

Mr. SIMMONS. I desire to inquire if the Chair did not announce some time back that morning business had closed and if we have not been proceeding by unanimous consent?

The VICE PRESIDENT. The Chair had no authority so to announce. These resolutions came over from a preceding day and are now being laid before the Senate.

Mr. SIMMONS. I understood the Chair at one time to announce that morning business had closed. I evidently misunderstood the Chair.

The VICE PRESIDENT. The Chair revised the statement upon examining the calendar at the desk and finding that resolutions had come over from a preceding day.

Mr. TOWNSEND. Mr. President, the senior Senator from Michigan [Mr. SMITH] is not here, and I have been unable to find him. I should like to have the resolution which has just been read go over until to-morrow morning without prejudice.

The VICE PRESIDENT. Is there objection? The Chair hears none, and the resolution goes over. The Chair lays before the Senate a resolution coming over from a preceding day, which will be read.

The Secretary read the resolution (S. Res. 419) submitted by Mr. POINDEXTER on yesterday, as follows:

Resolved, That the Secretary of the Navy is requested to inform the Senate as to the truth or falsity of the press report sent out from Vera Cruz, Mexico, June 17, 1914, and published in the United States, that an ensign in the United States Navy caused to be shot unarmed Mexican prisoners under the so-called Mexican "ley de fuga"; and to inform the Senate of all the circumstances relating to said act if it occurred.

Mr. STONE. Mr. President, I ask to have the resolution go over. I have not had an opportunity to examine it.

Mr. POINDEXTER. Mr. President, I can explain the resolution to the Senator from Missouri, I think, in a moment. It is not a matter which is at all complicated, and its terms are so expressed that nothing could be gained by any further investigation. The resolution simply asks for a report from the Secretary of the Navy as to the truth or falsity of a charge that was made by a newspaper correspondent, which has been published very generally in this country, that an ensign in the Navy, who had a squad of men under his command and had captured some prisoners during the occupation of Vera Cruz, applied the so-called Mexican system of execution, the law of flight, or "ley de fuga." That question having been raised in the country, it is in the interest of the ensign, of the Navy, and of everybody else that there should be an opportunity given to ascertain the facts and for the Navy Department to state what the facts are. I think the Secretary of the Navy would probably welcome the occasion for stating the facts, which would be given him by the passage of this resolution.

Mr. STONE. Mr. President, I did not see the article published to which the Senator refers, and I have not heard of it. Do I understand that it was printed in some paper in this country that an American officer, under some pretense or excuse of flight by prisoners, had them shot?

Mr. POINDEXTER. Yes; that report was sent out by a newspaper correspondent in some detail.

Mr. STONE. Mr. President, if that is all there is to it, I think it entirely proper that the department should be given an opportunity to report the facts to the Senate.

Mr. POINDEXTER. That is the purpose of the resolution.

Mr. McCUMBER. Mr. President, I want to ask the Senator from Washington, if such a charge has been made and published and such a charge is untrue, why is it necessary for the Navy Department to get authority from the Congress of the United States to deny the charge? Can not the Secretary of the Navy deny it or give an explanation of it without being required to do so by Congress?

Mr. POINDEXTER. Undoubtedly he has the power to issue a statement, not to the Senate, however, or to Congress. I suppose he could give a statement to the press to be published.

Mr. McCUMBER. He could give a statement to the public, could he not?

Mr. POINDEXTER. He has not seen fit to do so, and I do not know that the matter has been called to his attention.

Mr. McCUMBER. The thing that surprises me is that, if there is such a charge and it is without foundation, the Secretary of the Navy does not of his own volition give a denial of that charge to the press.

Mr. STONE. More than that, Mr. President, if the Senator will permit me, if such a charge has been made and there is foundation for it, it would be surprising that the Secretary of the Navy had not taken some very drastic action with regard to it, not only to let the country know the facts, but at the same time to punish any man who was guilty.

Mr. McCUMBER. I would naturally suppose so.

Mr. STONE. I can not, therefore, believe, Mr. President, that there is any substantial foundation for this publication. I am inclined to think that we are dignifying a sensational penny-a-liner's article in some sensational newspaper. Nevertheless, if the Senator from Washington deems it of sufficient gravity and importance to call the attention of the Senate and of the department to it, I can not see that there is any objection to having the report made for which he calls.

The VICE PRESIDENT. The question is on agreeing to the resolution.

The resolution was agreed to.

CAPT. JOHN H. GIBBONS, UNITED STATES NAVY.

The VICE PRESIDENT. Morning business——

Mr. SMITH of Michigan. Mr. President——

The VICE PRESIDENT. Is closed.

Mr. SIMMONS. Mr. President——

The VICE PRESIDENT. The Senator from North Carolina.

Mr. SIMMONS. I ask unanimous consent——

Mr. SMITH of Michigan. I thought I addressed the Chair before the announcement of the conclusion of morning business was made; but, if the Senator from North Carolina will permit me, I simply desire to have read into the RECORD an editorial from the Public Ledger, of Philadelphia, of Wednesday, July 15, upon the naval service of Capt. John H. Gibbons. It is very brief, and if the Senator will permit me to have it read, I will be very glad.

Mr. SIMMONS. Mr. President, I have no objection to the Senator having it printed in the RECORD, but I hope he will not insist upon having it read at this time.

Mr. SMITH of Michigan. Very well, I ask unanimous consent that it be printed in the RECORD.

The VICE PRESIDENT. Is there objection? The Chair hears none, and the editorial will be printed in the RECORD.

The editorial referred to is as follows:

THE CASE OF CAPT. GIBBONS.

Capt. John H. Gibbons has won the highest honors which his profession has to give an officer of his rank. He has been naval attaché at London, commander during two administrations of the presidential yacht *Dolphin*, and Superintendent of the Naval Academy. Each of two ships which he has commanded won the gunnery trophy as first in the fleet in marksmanship. During the hurricane years ago in the harbor of Apia, Samoa, when two-thirds of our squadron there were wrecked, Gibbons, then a young lieutenant, led his men up the weather shrouds of the *Vandalia* to form a human sail. He has served ably and with honor in all our wars since then—in Cuba, the Philippines, in China, and off the Mexican coast, commanding a force of 3,000 seamen on shore at Vera Cruz. And yet this gallant and distinguished officer, when he returned as captain of the dreadnaught *Utah* from months of enervating duty in these southern waters, was abruptly notified by telegram that the plucking board had marked him for retirement; that his country had no more active duty for the man who had served with such ability and devotion for 35 years.

This sort of thing is simply brutal; it is an arrant mockery of the "square deal." Except to make a vacancy, there was apparently no reason for it, since the Secretary of the Navy has publicly exonerated all of the officers thus compulsorily retired this year from any defects in habit, temperament, or professional qualifications. He adds, too, and truly: "The present method (plucking) is too cruel. The retirements to-day are tragedies."

This matter should not be allowed to rest here. Neither the Navy nor the Nation can afford to wrong such men as Capt. Gibbons. Congress should at once repeal the "plucking" provision of the personnel law; and the legislation should be retroactive, so that officers such as Gibbons, Potts, Rust, and others who, with a clear record, were thus forcibly retired may be returned to their old place on the active list. These officers, like those promoted for gallantry in action, can then be carried as "extra numbers" in their grade without interfering with the flow of promotion. If, when justice is thus done, elimination is found to be necessary to obtain promotional flow, let the Navy Department find some more "human and humane" method than the present barbarous system.

ADDRESS BY THE COMMISSIONER OF PENSIONS.

Mr. HITCHCOCK. I ask unanimous consent to have printed in the RECORD an address by the Commissioner of Pensions, Mr. Saltzgaber, to the employees of the Pension Office, and commended as a high-minded and worthy expression of a bureau chief to his employees.

The VICE PRESIDENT. Is there objection? The Chair hears none, and it is so ordered.

The address referred to is as follows:

AN ADDRESS BY THE COMMISSIONER OF PENSIONS.

To the employees of the Pension Bureau:

The necessity for a reduction in the number of employees in the bureau has caused the officials much regret. Our noble and kind-hearted Secretary of the Interior enjoined upon us that in effecting reductions and removals we should be guided by considerations of efficiency and humanity. These cardinal principles we have endeavored to follow, but we were well aware that there could be no exact measurement of comparative justice in making selections from the nearly 1,400 employees of the bureau. We have done the best we could. The task has been laborious, continuous, and disheartening, but our labors were made easier by manifestations of the loyalty and forbearance of the employees themselves.

The painful experience through which we have just passed should impress on our minds very seriously and forcibly at this time a few important lessons. One is that we have no certain tenure of employment; the Government is under no moral or legal obligation to keep us on the pay roll when it has no work for us to do.

Each has his own ideas about retirement laws and civil-service pensions, but these are subjects wholly within the province of and to be determined by the Congress. We can only deal now with the situation as it is. Other lessons are that the work of the Pension Bureau is diminishing; that the number of old soldiers and their widows is decreasing rapidly; that the act of May 11, 1912, as amended by the act of March 4, 1913, has greatly curtailed the work to be done in their behalf; that the force now in the bureau must soon be still further largely reduced. We should prepare now to be ready.

Now, this is to notify you that changes may be expected at the end of this fiscal year; circumstances will imperatively require them. Therefore you should make such arrangements in the Government service or elsewhere as will best promote your own welfare. Frugality is commended; lay aside something for the day of need. Transfers to other branches of the public service will be encouraged.

Let us remember that our rating depends upon our own qualities. Nature deals more generously with some than others but all can overcome handicaps by continued effort. Let us continue true to our high ideals; let us aim to do a little better this year than ever before, and thus continue to deserve the high praise that is now given to the employees of this bureau. Let us appropriate and apply the precepts of President Wilson and regard service as an opportunity.

For your loyalty and kindness all have my heartfelt thanks.

G. M. SALTZGABER, *Commissioner.*

RIVER AND HARBOR APPROPRIATIONS.

Mr. SIMMONS. I ask unanimous consent that the Senate proceed to the consideration of the river and harbor appropriation bill.

Mr. BORAH. Mr. President——

The VICE PRESIDENT. Does the Senator from North Carolina yield to the Senator from Idaho?

Mr. SIMMONS. Yes.

Mr. BORAH. Mr. President, I am not going to delay action on the request of the Senator from North Carolina, but I should like to say that before a great while I desire an executive session. I shall not insist on it now; but I shall undertake in the course of an hour or two to get it. I want some little matters which are in executive session disposed of, and, while I will not interfere just at this time, I will later.

Mr. SIMMONS. I hope the Senator will not ask for an executive session until after 2 o'clock.

The VICE PRESIDENT. The Senator from North Carolina asks unanimous consent that the bill commonly known as the river and harbor bill be laid before the Senate. Is there any objection?

There being no objection, the Senate, as in Committee of the Whole, resumed the consideration of the bill (H. R. 13811) making appropriations for the construction, repair, and preservation of certain public works on rivers and harbors, and for other purposes.

Mr. BURTON. Mr. President, I do not wish to monopolize the time on this bill, and if the Senator from North Carolina or if any Senator on the other side would like to proceed at this time, I will be glad to waive my right to address the Senate. Other things being equal, I should like to proceed with my remarks, as they are intended to constitute a consecutive and a logical development of the whole subject.

Mr. SIMMONS. I do not know of any Senator on this side who desires to speak until after the Senator from Ohio has concluded his remarks.

Mr. BURTON. Mr. President, I am satisfied that if the people understood the nature of the pending river and harbor bill, it would not be enacted into law. I am equally well satisfied that if the Members of the Senate understood this measure, it would not pass this body. One reason—indeed, I may say the main reason—why several recent river and harbor bills have been enacted, notwithstanding severe criticisms visited upon them, is the lack of facts, the absence of properly arranged statistics upon this subject, and it is to that point that I wish to address my remarks this morning, at the same time making some further suggestions relating to the deficiencies of our system and to the reforms which should be adopted.

If anyone will undertake the nerve-racking task of seeking to ascertain definite tendencies and generalizations from the statistics which are available, he will find that he must labor under the very greatest difficulty, although there are figures sufficient to show certain tendencies, such as the decrease of river traffic, save in exceptional instances easily understood, and also the decrease of the average haul.

What are the defects in the present system of gathering the facts and collating statistics relating to our river and harbor system? In order that the measure may be intelligently framed and made a real benefit to the country it is necessary that we shall have a full understanding of the results and tendencies of existing river and harbor improvements and the results likely to be achieved from proposed river and harbor impovements as well.

The first objection to the statistics which we now have is their lack of uniformity. Some of the figures given with relation to tonnage and the nature of the traffic pertain to the fiscal year ending June 30, while others relate to the calendar year ending December 31. I suppose the main reason for this discrepancy is that in many instances the figures published in the reports are furnished by boards of trade and commercial organizations, and it is more convenient for them to furnish tables for the calendar year, while on the other hand statistics taken immediately by the officers of the Engineer Corps conform to the general rule relating to the financial operations of the Government, under which the year is held to close on June 30. This creates confusion, but it is not the most serious instance of lack of uniformity. In the classification of commodities different classes of traffic on different rivers and in different years are not uniformly stated or sufficiently analyzed.

In its report of 1910 the National Waterways Commission pointed out the defects in this regard in the following words. I begin to read on page 73:

> In the course of their investigations the members of the commission have observed the lack of comprehensive statistical information upon inland waterway traffic.
>
> And for the most part I shall direct my attention to inland waterway traffic pertaining to rivers and canals.
>
> In some localities, as at the locks at Sault Ste. Marie, detailed statements are carefully prepared under the direction of the Army Corps of Engineers, giving the quantity and quality of the freight and the number of passengers carried through the locks. Other reports made by the Corps of Engineers afford valuable information, though in some instances incomplete.
>
> Available statistics are furnished by several different bureaus of the Government, but are strikingly lacking in uniformity and in sufficient classification as well. The terms "general merchandise," "miscellaneous merchandise," "unclassified freight," and "package and packet freight" are used in the same general sense, though quite ambiguously as to what categories of freight are included.
>
> It is recommended as desirable that a uniform system be established applicable to all waterways under which statistics may be collected, showing the volume and different kinds of traffic carried on the rivers and inland channels of the country. This will not only be valuable in affording suggestions as to the extent to which waterway traffic is increasing or diminishing, and thus assist in determining the legislative policy to be pursued, but will also afford information of very considerable service to the commercial interests of the country. It is to be noted that we are far behind several countries of Europe in the accuracy of statistics relating to inland navigation. It is desirable that the statistics should show not merely the number of tons carried and the money value of the same but the distances over which commodities are transported, so that not only the number of tons carried may be ascertained but the ton mileage as well. In many respects statistics of the latter are more valuable than of the former. In some instances ferry traffic which is carried a half mile or less is placed upon the same footing with traffic carried a thousand miles or more.
>
> It is a question of detail for Congress to consider what agency shall be intrusted with the collection of these statistics. It is thought that the necessary information can be obtained by the expenditure of a comparatively trivial sum of money, and the duty may be imposed upon existing bureaus and officials, such as the Army Engineer Corps, the collector of customs, where the navigable channels are near to customhouses, and those engaged in the Steamboat-Inspection Service. Rules requiring masters or owners of boats to report the quantity of freight and the distance it is carried should be enforced.

We already have statutes on this subject. Under a statutory provision adopted nearly 50 years ago the masters of boats are required to report the quantity of freight they carry, as well as the distance. Furthermore, in pursuance of this recommendation of the Waterways Commission, a clause was inserted in the river and harbor act of 1910 requesting the report of ton-mileage as well as of the total number of tons of traffic; and in a limited number of instances—perhaps some fifteen or twenty—that request has been complied with.

I stated a few days ago, and I repeat it to-day, that the statistics of ton-mileage throw a flood of light on the condition of our river traffic. Formerly when a report stated that a river or canal carried a certain number of tons of freight it has been the general understanding that that freight was carried for the whole stretch of the river, or for the greater share of it. For instance, it would be presumed that freight carried on the lower Mississippi was to be carried from Cairo to New Orleans. These statistics show, however, that on streams of considerable size and length the average haul is less than 100 or even less than 50 miles; in some instances it is less than 20 miles. The inference from this is plain that, save in the case of special commodities, the river is no longer used on any extensive scale for the carriage of traffic; that commodities are picked up at landings or in the smaller cities and carried to the nearest railway crossings. This is especially noticeable on the upper Mississippi River, extending from St. Paul to the mouth of the Missouri, where, with a length of 658 miles and a tonnage of 1,830,000 tons, the average haul is only 31.6 miles.

These classifications of traffic, to return to that subject, should be made uniform by general order; and again the classification should be as minute as possible. Generally speaking, the articles designated as "merchandise," "miscellaneous freight," and "package freight" all refer to a class of commodities which are being carried in diminishing amounts upon the rivers. The railroads have absorbed most of this traffic. It is especially desirable, however, that there should not be one rule on the Missouri and another rule on the upper Mississippi; that the traffic passing along the Ohio should be classified in the same manner as that passing along the Hudson; in brief, that there should be one general classification which everyone making any report should sedulously adopt and follow.

Again, Mr. President, there should be a uniform rule governing the reports of ferriage freight. It is perfectly clear that a ferry, generally speaking, is a substitute for a bridge, and as

the country develops it is often followed by the construction of a bridge. But if we look through these statistics, what do we find? In some years of the last decade on the upper Mississippi, say, between Davenport and Rock Island, or Davenport and Moline, ferriage traffic was included as a part of the tonnage carried on the river and placed on just the same footing as if it had been carried from St. Paul all the way to St. Louis. On the portion of the lower Mississippi from St. Louis to the mouth of the river ferriage traffic is omitted, or, rather, it is reported separately. It does not figure as a part of the alleged traffic of the river.

So here we see on one stream different rules prevail in the reports made on different sections. On the Ohio River ferriage traffic is included. In the report for the last year for which statistics are available—from April 1 to December 31, 1912—the total traffic of the stream, given as 8,316,369 tons, included 1,619,621 tons of ferriage traffic. In the harbor of Philadelphia, with enormous traffic, there is included 4,000,000 tons carried across from Philadelphia to Camden. In the tonnage of the harbor of New York ferriage traffic is included.

I do not think I need to further argue, first, in favor of the rule of uniformity, and second, that this ferriage traffic should be separately stated. Certainly it is very different from over-sea traffic in New York Harbor, and clearly the same distinction would exist between commodities carried across from St. Louis to East St. Louis and traffic carried down the river from St. Louis to Memphis or any other point down the river which involves a haul of hundreds of miles.

Moreover, there is no uniformity in these statistics as regards stretches of a river. In some cases the traffic is given for the river as an entirety and in other cases it is given by sections, which necessarily involves much duplication. Perhaps the best illustration of this, again, is to be found upon the Ohio River. On this stream, in a distance of a little less than 1,000 miles, 54 locks are projected. The traffic is classified according to the tonnage passing Locks 1, 8, 18, 26, 37, and 41. There are certain modifications which, I am frank to say, I am not able to fully understand from an examination of the figures. On page 2541 the last report of the Chief of Engineers states:

> In order to facilitate the collection of commercial statistics vessels operating on the Ohio River are required to make a report of tonnage and passengers carried each time they pass one of the following locks and dams: Nos. 1, 8, 18, 26, 37, and 41.
>
> Special blanks, printed with a penalty stamp, are furnished each vessel, and by proper folding they can be addressed and sent to the proper lockmaster.
>
> Steamboats operating in pools between movable dams or not passing one of the above-named locks make report at the close of each month.
>
> Boats with through coal tows or through packet boats make a report at only the first lock through which they pass.
>
> Ferries report direct to this office monthly.
>
> Reports of traffic are required, at the close of each month, of lockmasters of all locks and dams now in operation.

Presumably, on that basis, coal destined from Pittsburgh to New Orleans would be reported only at Lock No. 1, while the figures on such shipments would be omitted at Locks 8, 18, 26, 37, and 41; but as I read the reports, the amount is apparently included at Lock 41, which seems to violate the general rules laid down. This constitutes a serious defect in the manner of preparing statistics. But there is another defect more serious still in the figures relating to the traffic on the Ohio River.

Whenever it is necessary for a boat or a tow to pass the location of a lock and dam, whether it passes through the lock or through the open river depends upon the stage of water. Each dam is movable, and when there is a sufficient stage of water the dam is put down flat on the bottom of the river and preferably the boat goes through the open, natural stream; but if the water is low the dam is put up, a pool is formed, and the boat goes through the lock. Now, in the statistics reported there is no distinction between traffic passing through the lock and traffic passing through the open river. Yet the difference between them is of the very greatest importance. Indeed, the most essential figures required relate to the use made of those locks, and the proportion of the traffic relatively aided by the locks in passing and that not aided and which is able to go through the open river. I have regarded this as a subject of enough importance to frame an amendment with reference to it, and perhaps in the course of this discussion other amendments will be offered for the purpose of securing more accurate statistics.

Another illustration of the stretches of a river is furnished by the Mississippi from St. Louis to New Orleans. This portion is divided into four sections—from St. Louis to Cairo, from Cairo to Memphis, from Memphis to Vicksburg, and from Vicksburg to New Orleans. The traffic is given separately by these sections, and it is absolutely impossible to tell from the general figures what portion is through traffic and what portion of it is local. The Board of Engineers chosen to examine into the proposed project for a 14-foot waterway made a report on the traffic for 1907, in which they sought to show approximately what was through traffic and what was local traffic. It is found on page 344 of the document containing their report, and at a later time I shall make reference to it.

Presumably there are very considerable duplications, for a portion of the traffic proceeding from St. Louis to Cairo and reported as of that stretch also passes over the stretch from Cairo to Memphis, and then perhaps on from Memphis to Vicksburg and from Vicksburg to New Orleans; but none of the statistics with which we are furnished annually will give us any light upon this subject.

I do not think I need to argue that in order to judge of the extent of traffic on that river it is absolutely necessary that we should know how much it is through traffic and how much of it is local. We should not only be furnished with the tons of traffic which are handled in different sections of the river, but the ton mileage as well, so that we may know what the tendencies really are.

I may add that on most rivers, such as the Hudson, the Red, and the Arkansas, and most shorter streams, the traffic is given in its entirety for the whole river.

I may say in this connection that there is a notable tendency toward shorter hauls on all our rivers. By that, of course, I do not mean to include such traffic as that through the St. Marys River and on the Great Lakes. The traffic carried through the Soo Canal has for many years been conveyed by boats an average distance of between 800 and 900 miles, while on many inland streams the average length of haul has fallen to a mere fraction of what it was formerly.

I call attention to certain points.

Mr. TOWNSEND. Mr. President, will the Senator from Ohio yield to me for the purpose of making a motion at this time?

Mr. BURTON. As far as I am concerned personally, I am certainly willing to yield.

VOLUNTEER OFFICERS' RETIRED LIST.

Mr. TOWNSEND. Mr. President, I realize that a measure which has been on the calendar for a long time is entitled to consideration, as it seems to me, and I move that the Senate proceed to the consideration of Senate bill 392, Order of Business 209, being what is known as a bill creating a volunteer officers' retired list.

The VICE PRESIDENT. The Senator from Michigan moves that the Senate proceed to the consideration of the following bill.

The SECRETARY. A bill (S. 392) to create in the War Department and Navy Department, respectively, a roll designated as "the Civil War volunteer officers' retired list," to authorize placing thereon with retired pay certain surviving officers who served in the Army, Navy, or Marine Corps of the United States in the Civil War, and for other purposes.

Mr. SIMMONS. Do I understand that this is a request for unanimous consent or a motion to proceed to the consideration with a view to supplanting the river and harbor bill?

Mr. TOWNSEND. That is the idea.

The VICE PRESIDENT. It is a motion. The question is on the motion of the Senator from Michigan.

Mr. SIMMONS. I ask——

Mr. TOWNSEND. The motion is not debatable, I understand.

The VICE PRESIDENT. The question is on the motion of the Senator from Michigan to proceed to the consideration of the bill.

Mr. TOWNSEND. Upon that I demand the yeas and nays.

The yeas and nays were ordered, and the Secretary proceeded to call the roll.

Mr. CATRON (when his name was called). I am paired with the senior Senator from Oklahoma [Mr. OWEN]. I transfer that pair to the Senator from Illinois [Mr. SHERMAN], who is absent on account of sickness in his family, and vote "yea."

Mr. CHILTON (when his name was called). I have a general pair with the Senator from New Mexico [Mr. FALL], who is necessarily absent. I therefore withhold my vote.

Mr. HOLLIS (when his name was called). I am paired with the junior Senator from Maine [Mr. BURLEIGH]. I transfer that pair to the junior Senator from Tennessee [Mr. SHIELDS] and vote "nay."

Mr. SMITH of Georgia (when his name was called). I transfer my general pair with the senior Senator from Massachusetts [Mr. LODGE] to the junior Senator from Indiana [Mr. KERN] and vote "nay."

Mr. SMITH of Maryland (when his name was called). I have a general pair with the senior Senator from Vermont [Mr. DILLINGHAM], which I transfer to the senior Senator from Indiana [Mr. SHIVELY]. I vote "nay."

Mr. STONE (when his name was called). I have a pair with the Senator from Wyoming [Mr. CLARK], which I transfer to the Senator from South Carolina [Mr. SMITH]. I vote "nay."

Mr. THOMAS (when his name was called). I have a general pair with the senior Senator from New York [Mr. ROOT]. As he is absent, I withhold my vote.

Mr. TILLMAN (when his name was called). I have a general pair with the Senator from West Virginia [Mr. GOFF]. In his absence, I withhold my vote.

Mr. TOWNSEND (when his name was called). I transfer the pair I have with the junior Senator from Arkansas [Mr. ROBINSON] to the senior Senator from Iowa [Mr. CUMMINS] and vote "yea."

Mr. WARREN (when his name was called). I have a pair with the Senator from Florida [Mr. FLETCHER]. I do not know how he would vote. If I were at liberty to vote, I would vote "yea." I withhold my vote.

Mr. WILLIAMS (when his name was called). I have a general pair with the senior Senator from Pennsylvania [Mr. PENROSE]. I am unable to procure a transfer of the pair and I withhold my vote.

The roll call was concluded.

Mr. WEEKS. My colleague [Mr. LODGE] has a general pair with the senior Senator from Georgia [Mr. SMITH]. If my colleague were present, he would vote "yea" on this question.

Mr. SMITH of Georgia. I transferred my pair to the junior Senator from Indiana [Mr. KERN].

Mr. GRONNA (after having voted in the affirmative). I inquire if the senior Senator from Maine [Mr. JOHNSON] has voted.

The VICE PRESIDENT. He has not.

Mr. GRONNA. I have a general pair with that Senator. I will transfer my pair to the Senator from Vermont [Mr. PAGE] and allow my vote to stand.

Mr. KENYON. I wish to announce the unavoidable absence of the senior Senator from Wisconsin [Mr. LA FOLLETTE] on account of illness, and the absence of my colleague [Mr. CUMMINS] from the city.

Mr. SMOOT. I desire to announce the unavoidable absence of my colleague [Mr. SUTHERLAND], who has a general pair with the Senator from Arkansas [Mr. CLARKE], and also the absence of the junior Senator from Wisconsin [Mr. STEPHENSON].

Mr. CHAMBERLAIN. I have a pair with the junior Senator from Pennsylvania [Mr. OLIVER]. In his absence I withhold my vote.

Mr. WARREN. I wish to announce the unavoidable absence of my colleague [Mr. CLARK of Wyoming], who is paired with the Senator from Missouri [Mr. STONE] as stated. If my colleague were present, he would vote "yea."

The result was announced—yeas 26, nays 35, as follows:

YEAS—26.

Borah	Crawford	McCumber	Smoot
Brady	Gallinger	McLean	Sterling
Brandegee	Gronna	Nelson	Townsend
Bristow	Hitchcock	Norris	Weeks
Catron	Jones	Perkins	Works
Clapp	Kenyon	Poindexter	
Colt	Lippitt	Smith, Mich.	

NAYS—35.

Bankhead	Lewis	Ransdell	Stone
Bryan	Martin, Va.	Reed	Swanson
Camden	Martine, N. J.	Saulsbury	Thompson
Hollis	Myers	Shafroth	Thornton
Hughes	Newlands	Sheppard	Vardaman
James	O'Gorman	Simmons	Walsh
Lane	Overman	Smith, Ariz.	West
Lea, Tenn.	Pittman	Smith, Ga.	White
Lee, Md.	Pomerene	Smith, Md.	

NOT VOTING—35.

Ashurst	Dillingham	Lodge	Shively
Burleigh	du Pont	Oliver	Smith, S. C.
Burton	Fall	Owen	Stephenson
Chamberlain	Fletcher	Page	Sutherland
Chilton	Goff	Penrose	Thomas
Clark, Wyo.	Gore	Robinson	Tillman
Clarke, Ark.	Johnson	Root	Warren
Culberson	Kern	Sherman	Williams
Cummins	La Follette	Shields	

So the Senate refused to proceed to the consideration of Senate bill 392.

Mr. TOWNSEND. Mr. President, I am very sorry the motion we have just voted upon has been decided as it has been decided, and by what appears to have been a party vote. I do not think it was generally understood by the friends of the measure that it had no support on the other side of this Chamber, and I am not now convinced that it has none. I am not sure that some Senators may not have voted against my motion with the idea that it was supplanting——

Mr. NORRIS. If the Senator will yield a moment, I think he ought to modify his statement a little. It was not entirely a party vote.

Mr. TOWNSEND. I did not know that. I am glad I was mistaken.

Mr. NORRIS. I remember hearing at least one Senator on the other side, my colleague, the Senator from Nebraska [Mr. HITCHCOCK], voting "yea."

Mr. TOWNSEND. I am very glad of the exception. I will not at this time criticize Senators too severely. I was going to say that it is possible there are Senators on the other side who are friendly to this measure, but who feel that it ought not to supplant the appropriation bill now before the Senate. I have recognized that feeling and have tried to accommodate the measure to the reasonable convenience of Senators. I have been waiting day after day and week after week in the hope that a time would arrive when the Senate would consent to the consideration of this measure.

I am convinced that the appropriation bill now before the Senate is going to be pending here for a great many days. It has dragged its weary way for weeks through this body, and no possible harm could come to its consideration if it were temporarily laid aside. The bill which I presented is one which could be disposed of in a very short time, and, as I have stated on the floor before, if it is ever to be acted upon favorably to the beneficiaries of the measure, that disposition should be made now; at least, it ought to be brought before the Senate, so that its merits could be discussed. I have such confidence in its merits and justice that I feel sure that an understanding of it would insure it support. I regret that I could not have got it up this morning, because I believe that between this hour and 2 o'clock we could have disposed of it, and it would have settled a question of vital and immediate importance.

I desire to state, however, Mr. President, that the matter is not going to end here. Every possible excuse for not considering it now, which is offered by those who would support it at another time, is going to be met, if it is possible to do so. The junior Senator from Iowa [Mr. KENYON], the senior Senator from Kansas [Mr. BRISTOW], and myself have tried hard and often to secure consideration of this bill. We have been unable to receive recognition when no other matter was before the Senate. We are not, however, entirely discouraged. The justice of this cause should be irresistible. If time was not of the very essence of our cause, I could wait the inevitable success which must come with understanding. But every day of delay means irreparable worry to the men entitled to its benefits. It must at least be brought before the Senate for consideration on the merits.

The Volunteer officers of the Civil War are dying fast. Two thousand of them passed away within the last year. They are past 77 years of age on the average. Holding the views I do, it seems to me that it is absolutely criminal for the Senate to neglect longer what I regard as a plain duty in order that the Senate may continue the consideration of the river and harbor bill, which some Senators who voted against this measure have characterized as a pork-barrel bill, a bill for distributing doubtful, local benefits. You have voted to continue the consideration of such a bill in preference to one which is but a belated recognition of the Nation's duty to men who organized, trained, and led the forces which preserved our Nation and made it possible to have a Government which could make appropriations for internal improvements.

To me it is little less than criminal on the part of the Senate to put this measure aside in the face of the fact that it possibly can not be reached during the present session of Congress, because there will always be the same excuse presented that something of an apparently more pressing nature requires the attention of Congress. In an hour we could have performed an act of justice that would have brought sunshine into the lives of 14,000 old men who deserve more from the hands of the Government than it can ever pay. The last hours of those who will pass away to-night and to-morrow would have been made a little brighter, even though no material benefits would have reached them.

Mr. KENYON. Mr. President——

Mr. TOWNSEND. I yield to the Senator from Iowa.

Mr. KENYON. I simply wanted to suggest to the Senator and to ask him if he knew that of the six of the committee who appeared before the Military Committee of the Senate to present this matter last December, three since that time have passed away?

Mr. TOWNSEND. I have been so informed.

Mr. KENYON. And these old soldiers are passing away at a rapid rate. If there is any merit in this bill, and if we are

going to do anything for them, it should be done at this session of Congress, and not be any longer delayed.

Mr. TOWNSEND. Mr. President, I quite agree with the Senator from Iowa. To me it is a very serious matter. Since I introduced this bill, I have met the committees of the old soldiers who have had it in charge. There have been four different chairmen, distinguished soldiers, men who had the confidence of the Army and of the country, and three of those four chairmen have now been mustered out and can not be here to share in whatever victory might come; but neither will they be affected by the humiliation which to-day's vote would have brought them.

Mr. President, I can not properly now go into the merits of this matter as I should like in order to present them to the Senate and to the country. I am forced to wait now, and to allow the bill to rest until possibly some more favorable occasion may arise.

RIVER AND HARBOR APPROPRIATION.

The Senate, as in Committee on the Whole, resumed the consideration of the bill (H. R. 13811) making appropriations for the construction, repair, and preservation of certain public works on rivers and harbors, and for other purposes.

Mr. BURTON. Mr. President, I have dwelt on the lack of uniformity of our statistics relating to river and other traffic, but more important still is the inadequacy of those statistics. They are insufficient to furnish a satisfactory basis for formulating a policy that we may adopt. I think, perhaps, I ought to qualify that statement by saying that we have sufficient statistics to indicate certain marked tendencies, but if we had them in more lucid shape we could be more assured of our conclusions. In order that statistics may be adequate, I repeat, the details as to ton mileage as well as the number of tons is absolutely essential, as that affords the best test of the use of a navigable stream. The average haul and ton mileage is given on some rivers, but not on others. These statistics have only been given, as I recall, since the recommendation of the National Waterways Commission in 1910. In order that the increase or decrease in traffic may be recognized, comparisons should be given for successive years. It should be stated that in volume 1 of the Report of the Chief of Engineers for 1912 many of these comparisons are given—some of the figures relating to tonnage go back as far as the year 1890—but, generally speaking, figures are only given for the year for which the report is made. It is perfectly evident that, if we wish to ascertain whether or not an improvement is judicious and profitable, we should know the extent to which these channels have been used for a period of years, whether river traffic is increasing or diminishing, and this can not be ascertained by taking up each stream with its traffic for one year as if that stood out by itself.

In this regard I wish to call attention to a French publication, Statistique de la Navigation Interieur, which is perhaps the most perfect book published for the presentation of statistics on inland waterway traffic. I will say to my friend the Senator from North Carolina [Mr. SIMMONS], who more than a week ago expressed a wish that I might finish my remarks during that afternoon, and to my friend from Iowa [Mr. KENYON], who seemed to have some degree of apprehension that my remarks might continue for a very long time, that while this is a most formidable appearing book, I shall read from it only very briefly.

Mr. KENYON. I did not want the Senator to shorten his remarks out of any consideration for me.

Mr. SIMMONS. The Senator from Ohio does not mean to imply that by what I said I wanted in any way to unduly push or press the Senator?

Mr. BURTON. Oh, no; I suppose it was possibly only in anticipation of the length of my remarks and not from any effort at all to limit my time.

The French statistics relating to rivers and canals divide the traffic into two classes: First, that originating on the river or on a stretch of a river; and, second, that originating outside the river or the particular stretch in question.

The first class of traffic, that originating on the river, is again subdivided into two varieties—traffic between portions of the river in question and that which originates within and is shipped outside.

Suppose we take, as an illustration, the Mississippi River between St. Louis and Cairo. The first variety of the first class of traffic would be that on the portion of the river between St. Louis and Cairo, and the second, that originating somewhere at or between St. Louis and Cairo and going outside. The second class is subdivided into two varieties or kinds—that made up of freight originating outside, and includes, first, what are called arrivals, those coming from outside the stretch or the river to a point on the stretch or river; and, second, that passing clear through without stopping. The second variety of the second class would be illustrated, using the same example as before, the Mississippi River from St. Louis to Cairo, by traffic originating at Keokuk or Burlington, passing through this stretch from St. Louis to Cairo and going to Memphis or to New Orleans.

The French statistics give other facts which are vital to this inquiry—the general condition of all traffic, the number of miles or kilometers that are under improvement in the whole country, and so forth.

For the year 1904, which is the date of the volume I have before me and which seems to be the latest available in the Congressional Library, the total length of waters in France is given at 16,687 kilometers, of which 12,070 were used in that year, showing the abandonment of 4,617 kilometers. It again gives a description of lines principal and lines secondary. The lines principal are those which are 2 meters or more in depth—that is, about 6.6 feet—and those of less depth than that. The volume states the total tonnage and the total kilometric tonnage for each year, the latter with quite as much care as the former, and a list of freights by routes of navigation, so that we may know in what particular portions of France certain commodities are shipped upon the rivers.

It gives carefully a separate statement of that traffic which is carried by self-propelling boats and that carried by barges, towed by steamers or from the banks. The tendency is very decidedly toward an increase in the traffic carried in barges as against that carried in steamers running by their own power. Anyone who studies this subject can realize how important that is. If any persons were thinking of engaging in the traffic, say, on the Mississippi River, and the question should arise, "Shall we ship from St. Louis to New Orleans by steamer or by barge?" they would not be safe in determining which of the two should be adopted without knowing what the tendencies are not only in this country but abroad. So far as our statistics are concerned, unless one gather it from personal observation or from some merchants' exchange or commercial organization in this regard, he would be very largely in the dark.

Another thing: A comparison is given of the traffic on the rivers from the year 1847 to date. French economists use these tables to aid them in pointing out for a period of more than 60 years which years were prosperous and which were not. No one could exaggerate the value of this class of statistics if we possessed them in our own country.

Again, there are more extensive and more detailed figures, beginning in 1892, on which comparisons can be made from year to year, and they are published in the same volume, and side by side.

Still further, the tonnage is given by ports or cities on the different streams and also the tonnage passing through the city of Paris. One important item which is carried in each report is the total amount of traffic on all the rivers and canals in France. Other European countries, though in less detail and with less frequency, furnish the same figures. In Great Britain and Wales the total amount of tonnage carried on inland waters is between 30,000,000 and 35,000,000 according to last reports; in France in the year 1912 it was 40,000,000, speaking in round numbers; in the little country of Belgium it is even more; Germany has the largest waterway traffic of all of the European countries, aggregating, according to the last available annual report, some 90,000,000 or more. I believe the figures are not available for the last few years.

It would be impossible by any amount of labor to ascertain the total tonnage on the rivers of the United States. In making a rough approximation, I would say that more than one-half of the inland traffic on all our rivers and lakes was on the Great Lakes and connecting waters, and, if we were to multiply the amount of tonnage and the distance hauled the proportion on the Great Lakes would probably constitute not less than nine-tenths of the whole.

I submit that we should not be left altogether in the dark as to the facts which indicate the tendencies of traffic. It is, perhaps, an appropriate time to repeat that quotation of Mr. Gradgrind, from Mr. Dicken's novel Hard Times, "What I want is facts"; and we do not have them in any official report now before us. We can gather them from a multitude of publications of trade organizations, from official reports of the Census Bureau, the Bureau of Corporations, and the Engineer's reports; but we are more or less in the dark as to what the tendencies are not only as to traffic on rivers but on all related questions of transportation by water in the United States.

And yet the figures could be furnished without very great difficulty.

I want to refer again to another important line of figures contained in the French report, and that is as to the commodities that are carried. When compared from year to year these show very distinctly the tendency, namely, that river traffic is made up almost entirely of coarse material. I will read briefly from the figures given for the year 1904.

Mr. KENYON. Mr. President, I should like to inquire of the Senator if these figures have ever before been presented to the Senate?

Mr. BURTON. I think not in detail. Some references have been made to these figures in certain reports, especially in the reports of the National Waterways Commission, and to a slight extent in the report of the Inland Waterways Commission.

Mr. KENYON. It does seem to me that during the presentation of such important figures as these there ought to be a larger attendance of the Senate. I will not suggest the absence of a quorum, because it will break into the Senator's argument; and I realize that the Senator wants to finish his remarks.

Mr. BURTON. I realize, Mr. President, that figures are dull and in no sense attractive. I hope, however, to bring these facts to the attention of the public; and those who are responsible for the collection of statistics, I trust, will profit by them; and I have no reason to complain of the attention paid right here in the Senate.

Mr. KENYON. I observe, Mr. President, that on the side of the party charged with responsibility there are only seven Senators present, and one, I think, is now passing out of the room, or probably two are passing.

Mr. BURTON. There is one on this side.

Mr. KENYON. And one on this side. It does seem to me that in voting away such a large sum as $53,000,000 the party responsible for the conduct of the Government ought to have a larger representation present to listen to these figures.

Mr. JONES. Mr. President, the Senator did not mean to say that there was only one present on the minority side. He meant that one of the majority was sitting on the minority side.

Mr. KENYON. That one member of the majority party was sitting on this side.

Mr. BURTON. Mr. President, I think I should prefer to proceed.

Mr. SIMMONS. I want to say that I think the Senator from Ohio in his discussion of this subject has ordinarily had a pretty fair attendance of the Senate. We all understand that at this hour, for reasons I need not state, a number of Senators are generally absent.

Mr. BURTON. Mr. President, I recognize that the material which I am using now is the least attractive—I trust, at any rate, that that which I shall present later will prove more attractive—of anything pertaining to this subject; but I am dwelling on it at considerable length because it is vital. We can not know how to frame river and harbor bills without having these facts before us.

Now, I ask leave to have printed in the RECORD a translation from this statistical statement of interior navigation in France for 1904, taken from the top of page 54. It is brief, and I will refer to it in my argument.

The VICE PRESIDENT. In the absence of objection, permission is granted.

The translation referred to is as follows:

Statistics 1904.

Types of traffic or merchandise.	Tonnage in 1904.		Average haul in 1904.
	Tons.	Ton mileage.	
		Kilometers.	*Kilometers.*
Combustible materials	9,785,796	2,187,681,379	223
Material for construction	11,776,648	871,321,678	74
Fertilizers	1,549,849	113,926,077	73
Wood fuel and lumber	1,819,949	315,460,592	173
Metals and machinery	821,625	227,771,154	277
Raw materials in metallurgic industry	1,522,066	338,221,336	222
Industrial products	1,065,607	298,109,202	280
Agricultural and food products	3,791,274	575,047,099	152
Miscellaneous	323,556	31,701,382	98
Wood floated, of all kinds	151,075	9,145,000	60
Total	32,607,447	4,968,385,799	152

Mr. BURTON. Mr. President, in the first place, this table shows very clearly the tendency toward the limitation of the traffic on rivers to coarse material. The two leading articles which stand out by themselves are, first, combustible materials, 9,785,796 tons. In order that I may be thoroughly understood I should say that in the year 1904 the total traffic on the rivers of France was 32,607,000 tons, but on these rivers in the year 1912 the traffic had increased to 40,000,000 tons, and 9,785,796 tons of that traffic were made up of combustible material, practically coal, lignite, and coke. The next is materials for construction, including minerals, 11,776,649 tons. That is the largest item. Those two together constitute almost exactly two-thirds of the actual tonnage for the total traffic on all French rivers and canals. Next come agricultural products and provisions, 3,791,000 tons. Next to that come wood to burn and wood for service, which means lumber for use in building. Next to that comes fertilizer.

Anyone who studies the statistics will see in the figures of the first two items, coal and building material, a very important point. The average haul of the coal is 223 kilometers. The average haul of the building material is only 74 kilometers, a little less than a third as much. That is, the building material is made up of quarry stuff, of bricks, of material for plaster, that will not bear the expense of a long haul; so the kilometric tonnage or ton-mileage for those articles is less than for any other important article. Very much of this coal comes from Belgium, and is hauled a considerable distance to the city of Paris.

One very interesting fact in regard to the French river statistics is that the traffic very largely focuses around the city of Paris. The city of Paris has a much larger tonnage in water traffic than any of the seaports of France; and building material, coal, and other articles of kindred nature are brought in there by boat.

Mr. WORKS. Mr. President——

The VICE PRESIDENT. Does the Senator from Ohio yield to the Senator from California?

Mr. BURTON. Yes.

Mr. WORKS. The Senator from Ohio, who has had large experience in formulating and participating in the passage of legislation of this kind, is endeavoring, I understand, to inform us how this legislation should be formulated and enacted. I wish to ask the Senator whether he has formulated any plan or system that he has submitted or expects to submit to the Senate for enactment?

Mr. BURTON. That is, for the whole bill or for the statistics?

Mr. WORKS. For the whole bill; the manner of making appropriation for rivers and harbors.

Mr. BURTON. No doubt I shall do so before I finish. I will answer the Senator from California by an illustration. In one of our colleges a distinguished professor being asked his views on a certain subject replied to the student, "You will find that treated in my works, volume so-and-so, page so-and-so." The student said, "Yes; but, Professor, I have already examined that volume and I do not altogether understand it." The professor replied, "Well, those are the best views I have on the subject."

I have pointed to the act of 1907, which I think in itself, and in the report accompanying it, furnishes a guide to follow, namely: Begin no new projects unless you provide for their completion. That, of course, does not apply to an indefinite, indeterminate project like the Mississippi River below Cairo, where levees and revetments are to be constructed from year to year, but it does apply in a general way. I will point out another idea which is exemplified in that bill: Make progress on the old projects. If a dozen are up for attention, instead of going along as in this bill and making insufficient, almost trivial, appropriations on the entire dozen, postpone 9, 10, or even 11, and take up one and finish it.

I think in any consideration of the bill the fact will have to be taken into account that our appropriations for harbors have been far more profitable than those for rivers. I would take into account—and I want to dwell on that at length before I conclude my remarks—the different conditions pertaining to our inland waterways. There has been a revolution in that regard. I do not blame the men who in the past have made appropriations for these various rivers with the idea of developing navigation. There is a certain class of them for which appropriations can be made now. But we are not keeping pace with the times. We are seeking to develop and utilize obsolete methods of transportation.

I would take that into account. I would especially have regard for avoiding waste in the construction of locks and dams on many of our rivers. When we come to that point we shall find that right there has been the very worst extravagance and waste of public moneys.

I have gone over this matter in a somewhat fragmentary way, and I thank the Senator from California for asking the very practical question whether I propose any substitute. Before we are through with this bill I shall seek to formulate

and put into the form of amendments some definite propositions on this subject. I will say, further, that if a certain amount of this bill were stricken out—I do not want to say what fraction—it would not be objectionable. I saw a statement a few days ago to the effect that only one-half of 1 per cent of this bill was objectionable. I am inclined to think that in the course of the debate any contention for such a percentage as that will be abandoned, and some very much larger fraction will be conceded.

Mr. WORKS. I was wondering whether an independent act might not be passed providing how these appropriation bills should be made up or how they should not be made up. Of course, if you simply go on formulating these river and harbor bills without any guide or any means of determining how they shall be drawn, you will probably have this trouble every time an appropriation bill is presented here. I think the Senator has been struggling against this very condition of affairs, at least ever since I have been in the Senate, and I suppose for years before I came here, and nothing seems to be accomplished. The same condition of things arises every year. Now, if some independent statute could be formulated that would provide the system which should be adopted in making these appropriations and formulating a bill, it might be very effective.

I wish to say to the Senator that I am very much in sympathy with a good many of the things he is saying here. I think we are squandering a good deal of money in these river and harbor appropriations which, in some way, ought to be avoided.

Mr. BURTON. I do not think the great fault lies in the system. After the adoption of the act creating the Board of Review, in 1902, and during the years in which the members exercised conservatism it was comparatively easy to frame a bill that should have no objectionable items; that is, no new ones. There were a number of old ones, features that it was difficult to get rid of. The committee for about 10 years preceding and including 1907 put them out—eliminated them. They did it against popular pressure, against attacks in Congress, in the House and Senate, and much more bitter attacks by newspapers and others outside. I think we were making progress, so that by 1907 a very much better bill was framed, though it was not entirely free from objectionable items. Indeed, Mr. President, while I have a certain amount of pride in that measure, I would be willing to concede that there was more than one-half of 1 per cent of undesirable items in the $87,000,000 carried in that bill. We did the best we could at the time; but some of them have proven, while not absolutely wasteful, to be injudicious.

In any system of public works there is the danger of making mistakes; but since about 1907 this enormous pressure for river and harbor improvements has grown surprisingly. I have dwelt on that subject before, but I might take it up again. All sorts of clubs and organizations have been established; some of them for the express purpose of promoting some river and harbor improvement, sometimes with ample salaries, with a president and a secretary coming down to Washington to press particular projects. All this elaborate campaign has been carried on to influence Congress.

Before I am through, though with sincere regret, because of my long association with them, I must criticize the present standards of the Engineer Corps. It is time for us to overhaul some of the reports that have been made; but I shall not do so without saying what I have repeatedly said, that it is not so much their fault as it is the pressure from the people behind them, a pressure which judges a Member of the House of Representatives, and even a Senator, by his ability to get appropriations. The more objectionable, the larger, and the more wasteful the appropriation, the more credit the Representative or Senator seems to obtain for having secured its insertion in an appropriation bill.

Mr. CLAPP. Mr. President——

The VICE PRESIDENT. Does the Senator from Ohio yield to the Senator from Minnesota?

Mr. BURTON. I do.

Mr. CLAPP. I think the Senator, by his last expression, would leave an impression that perhaps he did not mean to leave. Of course it is undoubtedly true that the bigger an appropriation the more credit there is to getting it, and it is probably equally true that the bigger the appropriation, if, in fact, reprehensible, then the more reprehensible and less justifiable it is; but the credit is not accorded on account of the recognized absence of justification for the appropriation, which might be inferred from the manner in which the Senator left the statement. It results from the fact that the bigger the appropriation the more credit, and the bigger the appropriation, if, in fact, reprehensible, then the more reprehensible it is.

Mr. BURTON. Mr. President, I have known of some small appropriations that were worse in their quality than the big ones.

Mr. CLAPP. Yes; but I do not think the Senator really means that the credit is given for appropriations because of the fact that they are reprehensible.

Mr. BURTON. Oh, no.

Mr. CLAPP. That is what I was pointing out.

Mr. BURTON. If you should go into the locality where the projects are, the people would all say: "This is a commendable appropriation, and all the rest is 'pork.'"

Mr. CLAPP. Yes.

Mr. KENYON. Mr. President——

Mr. BURTON. Just a minute. People have false standards as to value. Only a comparatively small number understand or make any study of this problem. They have an exaggerated idea of the benefits that will come, say, from canalization or some other improvement; but judged by the standards of commerce and engineering in their modern development, some of the projects that are approved in the community, and that they advocate in the utmost good faith, are among the very worst.

Mr. KENYON. Mr. President——

The VICE PRESIDENT. Does the Senator from Ohio yield to the Senator from Iowa?

Mr. BURTON. Yes.

Mr. KENYON. I do not believe the philosophy of the Senator from Minnesota [Mr. CLAPP] can be absolutely true—if so, it is a very severe indictment of the honesty of thought of our people—that the people of a community are gratified by the size of an appropriation even though possibly the appropriation may not be necessary.

I know of one instance in a community where a Congressman, possibly in conjunction with a United States Senator, secured a very large appropriation for a Federal building. A campaign was coming on. The general sentiment of the community was that the old Federal building was good enough. They had to tear it down; they had to dynamite the foundation of that splendid building in order to spend this large amount. Now, that had just the opposite effect. The people of the community were indignant over that waste of public money; and while a monument is there in the form of a fine Federal building, there was a general feeling that it was money wasted, and the vote of the community went overwhelmingly against the candidate for Congress who secured it. They understood it; they thought of it.

Mr. CLAPP. Yes; I quite agree with the Senator from Iowa that where it is recognized that the appropriation is not warranted the people resent it. Perhaps in calling attention to what might be misunderstood in the remarks of the Senator from Ohio I was somewhat careless in my own statement. Of course I did not mean that in cases where the appropriation was recognized as unjustifiable, of the fact that the larger the appropriation the more it was to be condemned, the size of the appropriation increased the appreciation for it.

Mr. KENYON. I think sometimes it increases the disgust that public money is spent in that way.

Mr. CLAPP. Yes; when it is recognized that it ought not to be spent. But it is natural that we appreciate favors or benefits, as we may regard them, in proportion to the size of the benefits. What I meant was, the individual looking at the appropriation as a benefit, that the larger the appropriation the more credit was accorded for it; and consequently if the appropriation was in fact a reprehensible appropriation, then it might be said as a sequence that the more reprehensible it was the more credit there was for it.

I think we understand one another.

Mr. BURTON. This opens up a very broad field. There is a great difference between people inert and taking no interest in public affairs and an enlightened public sentiment and popular opinion. I have confidence in the people when they are once aroused. There are no better electors or no more intelligent or patriotic people than the people of the United States, but everyone knows that oftentimes a few who have some selfish interest to gratify are very much more potent in an election than the great mass of people who are indifferent. In all that I say I am making a criticism on the indifference of the average voter, his inattention to public affairs and lack of appreciation of the benefits of the Government under which he lives.

I in a measure concur with what the Senator from Iowa has said. I think there is a very great exaggeration of the benefit obtained by a candidate in promoting his chances through the obtaining of appropriations. I have known many instances in which persons had obtained large appropriations, having

plead for them before committees, and afterwards gained no benefit from them, but rather condemnation.

FEDERAL TRADE COMMISSION.

The VICE PRESIDENT. The morning hour having expired, the Chair lays before the Senate the unfinished business, which is House bill 15613.

The Senate, as in Committee of the Whole, resumed the consideration of the bill (H. R. 15613) to create an interstate trade commission, to define its powers and duties, and for other purposes.

Mr. NEWLANDS. I should like to inquire whether there is any Senator who wishes to speak on the trade commission bill to-day?

Mr. McCUMBER. I should like to take at this time about 10 minutes for the discussion of the bill.

Mr. WEEKS. Mr. President——

The VICE PRESIDENT. Does the Senator from North Dakota yield to the Senator from Massachusetts?

Mr. McCUMBER. I yield, Mr. President.

Mr. WEEKS. I suggest the absence of a quorum.

The VICE PRESIDENT. The Secretary will call the roll.

The Secretary called the roll, and the following Senators answered to their names:

Ashurst	Hollis	Nelson	Sterling
Borah	James	Newlands	Stone
Brady	Johnson	Norris	Thomas
Bryan	Jones	Overman	Thompson
Burton	Kenyon	Perkins	Thornton
Camden	Kern	Poindexter	Tillman
Catron	Lane	Pomerene	Walsh
Chamberlain	Lea, Tenn.	Ransdell	Weeks
Chilton	Lee, Md.	Shafroth	West
Clapp	Lewis	Sheppard	White
Clarke, Ark.	McCumber	Simmons	Williams
Colt	McLean	Smith, Ariz.	Works
Gallinger	Martine, N. J.	Smith, Ga.	
Gronna	Myers	Smoot	

The PRESIDENT pro tempore. Fifty-four Senators have answered to their names. A quorum of the Senate is present. The Senator from North Dakota will proceed.

Mr. McCUMBER. Mr. President, a commission appointed to assist in the general development of the business interests of the country might be of benefit to the American people. One with constructive powers undoubtedly would be of some good. One with powers that were designed to prevent improper practices might possibly in the end tend to constructive business and also be beneficial to the country. So there may be some fair features of this bill. I shall not go into the details, but I shall confine my few remarks to-day to only one feature of the bill, and that is section 5.

There are two vices in section 5, vices that must not only seriously affect the producer and seller of commodities but more disastrously affect the consumer. First, this section destroys the main purpose of the antitrust law. Second, it destroys the incentive for any new and untried project by surrounding the individual and hemming him in between two conflicting laws—one law that enforces full competition and another that prevents it—one that punishes him if he does not compete and one that punishes him if his competition is too ardent or too strong.

The antitrust law prohibits a monopoly. It prohibits any and all agreements to fix uniform prices. That law prohibits an agreement even to maintain a just and very reasonable price. It prohibits an agreement to maintain a price which would allow but fair living profits to all. Such is our jealous regard for freedom of competition in trade that we will not allow the benefits that flow naturally from competition to be checked or hindered by any benefit that may flow from an agreed even reasonable price to be fixed upon the disposition of commodities.

In the antitrust law we proceed upon the theory that it is no part of our legislative duty to protect competing businesses against each other, but simply to protect the people against the combination of any business interests. We declare that the interest of the public demands that competition be encouraged to the limit and that combination be discouraged in every respect. Every thoughtful American must admit that this is the only true policy; that while there may be here and there an injustice inflicted as against an individual by reason of too close a competition, by reason of some peculiar advantage which one business is possessed of that is not held by another by reason of practices possibly which we might hold to be perfectly fair, nevertheless the interest of the public demands this free and open competition. The moment we check that, that moment we make fixed and unchangeable the prices of all commodities; that moment we discourage the inventive genius that is ever directed toward the cheapening of production, for why should anyone strive to cheapen production if he can call upon the Government to compel his competitor in business to hold the prices of his commodities and to proceed through such business methods as shall allow him to continue his business with a reasonable profit and without modification?

Now, Mr. President, for the first time in our history we propose to put a limit upon competition and the methods of competition. We propose to declare that all competition shall be fair, and we create a commission, one of whose great duties it is to see that there shall be no competition which does not accord with that commission's idea of justice and fairness. Was ever individual, or any number of individuals, clothed with such vast and far-reaching powers? Of course, no one who will stop to consider for a moment can maintain the proposition that this commission will be able to cover the immense field over which it is given jurisdiction. Incapable because of human limitations to cover the entire field, it will apply its powers and its corrective influences over such few lines of industry as it is able to do, and will omit, from sheer necessity, all other lines of business. It will therefore in its operation bring about one rule of conduct for the few it can not reach and another rule of conduct for the many. But while the many may be ostensibly free, the specter of interference will always hang above every line of business, checking its energy and destroying its courage.

Section 5 is another one of these great governmental steps into the vast field of paternalism, a proposition on its face that is always persuasive. It is worse than paternalism, because it assumes paralysis to a great degree. It says to every American citizen who may be possessed of a reasonable degree of individual initiative and who may be willing to chance his property or his labors in an uncertain undertaking, providng that that uncertanty is compensated by the supposed alluring profits, "You may enter into this enterprise, and if it is successful you may have a fair return upon your investment. If it is unsuccessful and you lose your capital, that is your concern and not the concern of the Government."

All the world's progress, commercial and industrial, has so far been founded upon exactly the opposite theory. Our Nation's progress has demonstrated the propriety of the old theory. Our reason, if we will use it, convinces us that the other method can produce nothing but industrial stagnation in the end. Of course a too rigid control of all business enterprises directed toward minimizing the profits of such enterprises naturally calls for the guaranty of those reasonable profits by preventing unfair competition, but the two combined spell death to the enterprising spirit of the people.

If we need section 5 at all, it is to meet only one practice for which, while there may be adequate laws in the States, there is no adequate governmental provision. No competition should be covered by this bill except that competition which is intended in the end to create a monopoly and destroy competition. The practice of the great business interests, wherever competition originated at any particular point some years ago was to sell its product at a losing price at such point, until it had destroyed its competitor, while it was able to recoup its losses at other points; or, on the other hand, to pay beyond a profit-making price at any point of purchase until it had destroyed its competitor at such point, had become so common and the injustice flowing from it so flagrant that State laws were enacted to check the evil. With these provisions in our Federal statute and covering interstate commerce, section 5 would operate most justly if properly managed.

The question whether or not the competition is in fact in furtherance of a monopolistic design ought to be the only question submitted to the decision of this commission. The mere fact that a manufacturer or merchant may sell his product at a particular point at a loss would not constitute an offense against the term "unfair competition" as defined by the amendment which I propose. For the purpose of disposing of a surplus or of getting rid of an accumulation at the end of a season, the sale of such product at a loss is not only proper and just but often necessary, but if that sale is made not for these purposes, but from all of the evidence it should appear that it is persisted in for the main purpose of getting rid of a competitor, it ought to be stopped, and it ought to be stopped not because it is competition, but because in the end it is destructive of competition and is intended to be destructive of competition.

This commission ought not to be given power itself to determine the multiplex methods of conducting business to determine whether or not the method is fair to a competitor. That shackles trade and destroys competition. Under such an authority the commission could inquire into the merits of the claims of a merchant or manufacturer as to the comparative value of his respective products. In all cases of fraud there is a remedy in the courts of law at the present time. Those courts are created to afford relief in such cases. There is the proper

place to litigate all questions of that character. In all cases of trade-mark infringement the remedy in the courts is full and complete. We therefore, Mr. President, do not need a commission for that purpose.

Section 5 in its entirety ought to go out of the bill. If it does not go out, then it ought to be so modified that its only purpose will be to forbid practices that would operate to destroy competition in the end and thereby create a monopoly.

In the discussion of this question a number of days ago I asked the Senator from Nevada [Mr. NEWLANDS] if in case a manufacturer of automobile tires, who was selling his product 25 cents cheaper than that of other reputable manufacturers, should give out as a declaration that in their manufacture, and in every other respect, they were up to the standard of the best makes, whether or not the commission would be authorized to investigate that question to see whether the competition created by that declaration and method of advertising would be fair; and the Senator from Nevada concluded that that would be one of the cases which the commission, upon a proper complaint, would be authorized to investigate. That is only one out of hundreds of thousands of practices that are indulged in in the close competition between the manufacturers and the merchants dealing in all kinds of commodities in order to create the competition which the public are demanding.

Mr. WILLIAMS. Mr. President——

The PRESIDENT pro tempore. Does the Senator from North Dakota yield to the Senator from Mississippi?

Mr. McCUMBER. In just one moment. Therefore, Mr. President, if we clothe the commission with authority to investigate all questions of unfairness, there is absolutely no limitation to their jurisdiction, and there is no business that dare enter upon a close competition through the methods usual to-day that would not fear that its energies in the competitive line might be checked by the order of this commission.

I now yield to the Senator from Mississippi.

Mr. WILLIAMS. Mr. President, I wanted to ask the Senator from North Dakota if he did not think that possibly the idea lying in the mind of those using the phrase "unfair competition" is really the idea of preventing the destruction or the stifling of fair competition, and whether it would not be better to express it in that way, to forbid any combination or others from destroying or seeking unfairly to stifle fair competition. That would maintain a law of competition by forbidding competition from being destroyed or stifled by unfair means, whereas the general phrase "unfair competition" has not been sufficiently specific.

To forbid a company from unreasonably and unfairly destroying competition, it seems to me, bears a definite meaning, whereas to generally forbid unfair competition does not, because it would be left to somebody to determine what is fair and what is unfair, and perhaps after an honest man has been guilty of an act which in the ordinary course of business is taking place frequently and which is afterwards adjudged to be fair, whereas the court in foro conscientiae pronounces it to be unfair. Is not what we want to do to forbid the stifling of fair competition?

That is the question I wanted to ask the Senator. I wish to say that those phrases were used in a bill which was introduced by me, but the credit of drawing which was for the most part due to a young lawyer in New York by the name of Robert R. Reid. It made that distinction, and I think it is a distinction that will recommend itself to one's intellect.

Mr. McCUMBER. Mr. President, the suggestion of the Senator from Mississippi is right along in harmony with the remarks that I have just made, that if we are to use the term "unfair," the term ought to have a definition applied to it, so that the commission will know it is intended for the same purpose the Senator thinks it is intended for.

The word "unfair" is a very broad term. It is the converse of "fair," anything that this commission would consider as not entirely within the lines of morality in commercial transactions, of course, would be called unfair, and yet you might not call it unfair; I might not call it unfair. There ought to be a limitation, and that limitation should be fixed in the law itself.

Mr. WILLIAMS. But, if the Senator will pardon me for a moment, I go a step further than that. I do not think you ought to destroy competition at all, but you ought to destroy all combinations seeking to destroy fair competition.

Mr. McCUMBER. How will you destroy them?—because that will lead us to the particular point I am thinking of.

Mr. WILLIAMS. I will give the Senator several ways in which to do it. You ought to forbid them from unreasonably and unfairly destroying competition. I always maintain the right of competition, and the only thing I insist upon is that it shall not be stifled by unfair methods.

Now, I will give the Senator an illustration. Here is the Standard Oil Co. They proposed at one time to fight a man in Marietta, Ohio, who was selling oil in competition with them. They immediately reduced the price of oil within the district in which he could sell to a price where it was ruinous for him even to sell. When they got it to that point, they went so far in the little town of Columbus, Miss, as to purchase a general furnishing store. That, Mr. President, is an old-fashioned city, with which you are acquainted [Mr. CLARKE of Arkansas in the chair]. It is one of the few old places left with the fragrance of antebellum civilization, the peculiar southern civilization, about it.

Those merchants had agreed to buy oil of this man Rice, of Marietta. In came the Standard Oil Co. which said, "Well, but we will sell you this oil at half the price." Of course, the merchants knew that they could not sell the oil at half the price profitably, and they were merely trying to run Wright out of Columbus and then later on raise the price of oil. This happened to be in an old-fashioned community, and these men said to one another, "Now, we will not do that." They held a meeting and they said, "We will not do it." They published an article in the newspapers and they said, "We will not do it. This object is first to put the other competitor out of the field and later to raise the price." So that little Columbus town, with no great wealth or anything else, is the only thing upon the American continent that ever whipped the Standard Oil Co.

Finally the Standard Oil Co. came down there and opened a store and sold general supplies, calico, tobacco, and one thing or another in competition with the merchants to make them quit. The merchants said, "We will not quit. We are gentlemen, as our fathers and our grandfathers were; we have given our word to one another, and we have given our word to the community, and, what is more, the customers will not quit us; they will not patronize you." Sometime after that in this peculiar old-fashioned community a man or two did go and buy some things from the Standard Oil commission house, but in the next morning's paper they were out in an apology, saying they had not been advised about it at all and they were not going to do it any more; showing that where real honor amongst gentlemen prevails these trusts can be defeated; but the point I was using as an illustration was not so much to praise a little town, although it deserves great praise, as to show what are unfair efforts to stifle competition.

Mr. McCUMBER. The Senator has given one.

Mr. WILLIAMS. And what these people call "unfair competition" is not competition at all; it is an effort to stifle competition; it is an effort to take competition by the throat and choke it to death. That is what they were doing, and they were doing it only in a limited field where Rice in Marietta, Ohio, could sell oil, while they were selling oil at the original price or at even an increased price in other places.

Mr. McCUMBER. Mr. President, just a moment. The Senator from Mississippi has reiterated in a particular case the same thing that I have been talking about as a general proposition—of one of the cases that should be reached by a proper definition in section 5. Right there will the Senator allow me to carry it a little further on and give him another case where the Standard Oil or some other company may pay higher to stifle competition? Out in my own State years ago, when we had our old-line elevators, with an elevator at every little station—there might be a hundred of them in the State—they, not wanting competition at a particular point, when another elevator would be started they would immediately pay a higher price for grain in its purchase than the other elevator could afford to pay; but they would recoup by cutting down the price at the several stations where they had no competition. That gives you the two points—the one which the Senator has suggested and the one which was in my own mind—of selling really at a loss, and the other in purchasing at a loss at a particular point, one of the things already covered by State laws in purely intrastate business, but is not upon our statute books in relation to interstate business.

Mr. WILLIAMS. If the Senator will pardon me——

Mr. McCUMBER. Just one moment. We want to reach those two forms of competition. I now yield to the Senator from Mississippi.

Mr. WILLIAMS. If the Senator will pardon me a moment, of course I understand, as he does, that there are certain things, as a combination to buy as well as a combination to sell, buying trusts as well as selling trusts and as well as holding trusts and as well as the old-fashioned trustees' trust; but what I was trying to get clear in my mind by suggestion from the Senator—and it was done sympathetically and not critically at all, because I had been listening to what he said with a great deal of interest—was that in speaking of "unfair competition"

they have got themselves upon the wrong horse. There is no unfair competition, unless by confusion of ideas a profitless stifling of competition be accepted to mean the same thing.

Mr. McCUMBER. Now for the Senator's definition.

Mr. WILLIAMS. That profitless stifling of competition may take either one of two directions. It may mean selling goods within a restricted area or for a restricted time at less than the cost of production, in order to drive out of trade a restricted competitor—one geographically restricted—or it may be buying the raw material at a price so high that the restricted competitor can not afford to pay for it, and thus drive him out; or it may be by buying the raw material, again, at a price so low that the men who have the raw material can not afford to produce it; but when you go through with it all, it is not always competition, but a stifling of competition, a murder of competition, by unfair and frequently dishonest methods; because some of these people have not stopped merely at that sort of thing, but they have gone further and torn up pipe lines and done a great many other similar things.

In the bill to which I had reference those phrases are used rather than the words in the pending bill. I do not want to take up the Senator's time too long, but the central idea of that bill is that while the Federal Government can not interfere with the State in making a charter to a corporation, the Federal Government can say when a given corporation with a given charter shall be permitted to engage in interstate commerce, and that that shall not be permitted whenever there lies within the charter granted by the State the potentiality of a trust or the actuality of a trust—either one; and that, as the very first thing, we shall go back to the old common-law principle, that where a charter expressly gives power to a corporation to purchase the stock of another corporation of a competitive character, it contains within it the potentiality of a trust—in fact, the actuality of a trust—and that where that express power is not given, then by the common law one corporation can not own the stock of another at all. So all your trust evils come out of the law—out of express law. They come by the law of favoritism; they come by the fact that the charter, which is the law of the being of the corporation, grants rights which were unknown at common law.

What I want to direct the Senator's attention to and the attention of the Senate to, so far as I can, is that the great weapon—I might say shield, too—but the principal weapon that the United States Government has is to deny the right to enter into interstate commerce of any corporation which has a charter, which either has already made out of it a trust or may make out of it a trust from the very provisions of the charter itself, some of them going so far as to give a right to do certain things everywhere else, except in the State of its creation. New Jersey and Delaware have given such charters as that. I would provide that wherever a corporation attempted to step into the national arena with a charter provision that gave it a right to do certain things outside of the State of its incorporation and not to do them inside of the State of its incorporation it should not be permitted to enter into interstate commerce at all, that being one of the illustrations of the things that a corporation ought not to be permitted to enter the field with a power to do whether it did it or not.

Mr. BORAH. Mr. President——

Mr. WILLIAMS. The Senator from North Dakota has the floor, and I was interrupting him.

Mr. McCUMBER. I merely wish to say to the Senator from Mississippi that I feel complimented that, with his careful analytical mind, he entirely agrees with me concerning what the definition ought to be; in other words, that it ought to be a prohibition against the stifling of competition by unfair means.

Mr. WILLIAMS. That is it exactly. That is the language of the bill which I have introduced.

Mr. McCUMBER. Well, why not say so in the definition of this term "unfair competition"? Under the terms of the bill the thing that you are to stop is, first, competition; it is to be checked if it is unfair; but after all it is the question of competition. No matter how unfair a proposition may be, if it is not unfair competition you are not going to check it in business. Therefore under the plain terms of your proposed law you are striking at competition. I asked the Senator to give me the occasions under which he would say that "competition" was "unfair competition." He has practically given me two—the main two that have been in my mind.

Mr. WILLIAMS. If the Senator will pardon me, I will give him a few more.

Mr. McCUMBER. I want to finish my sentence. Therefore I have drawn an amendment intended for exactly the same purpose that the Senator intends his words to mean, namely, that the words "unfair competition" shall be construed to mean: "The sale or purchase at a loss of any article of commerce at any particular point for the purpose of destroying competition at such point." This amendment has in view but one thing, and that is practically the same thing of which the Senator approves, to prevent the destruction of competition by unfair means. If the Senator can secure an amendment to section 5 which will either strike out the words "unfair competition" and substitute the words that he has used, or define "unfair competition" to mean any practices that tend to destroy competition by unfair means, then I could see my way clear to vote for section 5; otherwise I could not.

Mr. WILLIAMS. If the Senator will pardon me, this bill—and I perhaps ought to admit that it should be made the subject of a separate and independent speech, instead of intruding it here—provides that a corporation shall not enter into interstate commerce unless it is organized under laws with a charter that shall do or fail to do various things, which I need not now enter upon; but upon the point that the Senator was directly talking about a moment ago it uses this language:

3. If it, directly or indirectly, of itself or in connection with others destroys or seeks unfairly to stifle fair competition in any part of the United States in the manufacture, production, mining, purchase, sale, or transportation of any articles of commerce not the subject of any patent, copyright, or trade-mark held by it either by making or effecting exclusive contracts, rights, or privileges relating thereto—

And the Massachusetts statute already forbids that—

by restricting its customers or other persons with regard to price, territory, or otherwise, in freely buying, selling, or transporting any such article, by securing the monopoly or control of raw material or sources of supply—

That is what was done out in Minnesota, you know, when you went into those new fields—

or of any business connected therewith, by temporarily or locally reducing prices with intent to stifle competition—

Which facts must be proven to the satisfaction of a jury, of course—

by accepting rebates, or by any other act, device, or course of business that is unfair and tends to secure an unfair advantage and unreasonably and unfairly to destroy competition.

That is the definition which I have given.

Mr. McCUMBER. Yes, Mr. President; but that is not the definition which would naturally flow from the consideration of the terms used in the bill. If the Senator from Mississippi will secure the modification of section 5, so that it will be directed against stifling competition by unfair means——

Mr. WILLIAMS. That is the point I am making.

Mr. McCUMBER. I do not believe that any of us would oppose it.

Mr. WILLIAMS. What is really meant in the bill when it says "unfair competition" is the unfair stifling of competition.

Mr. McCUMBER. Then, why not say "the unfair stifling of competition"?

Mr. WILLIAMS. And if it is amended so as to include that, I think, then, it would do away with the objection to that section.

Mr. McCUMBER. Let me ask the Senator why not say, then, in so many words, "the stifling of competition by unfair means," and prohibit that instead of prohibiting "unfair competion." There is a great difference between the two.

Mr. WILLIAMS. I am agreeing with the Senator as well as I can——

Mr. McCUMBER. I am glad of that; and I hope the Senator will act with me to make it effective.

Mr. WILLIAMS. I agree with the Senator that really the phrase "unfair competition" is too broad, and that it really does mean in the minds of even those who proposed it the stifling of fair competition, and that it ought to be so expressed, and I would go further and indicate how fair competition is stifled.

Mr. BORAH and Mr. NEWLANDS addressed the Chair.

Mr. McCUMBER. I yield to the Senator from Idaho.

Mr. BORAH. Mr. President, I suppose the bill to which the Senator from Mississippi has been referring is the bill which he introduced some time ago on the subject of trusts and their regulation.

Mr. WILLIAMS. Yes. I will say it is the last one; I have amended it several times since first introducing it.

Mr. BORAH. I have reference to the last one.

Mr. WILLIAMS. It is to be found on page 717 of "Bills and Resolutions Relating to Trusts," fourth print, and is Senate bill 1138.

Mr. BORAH. Mr. President, I had been giving some consideration to that bill, and I want to say, in passing, that I think it is constructed on a sound principle. The truth is that we have no monopolies in the industrial world in this country except those that arise by reason of charter privileges, by reason

of the law granting special privileges or special powers or special favors. It is perfectly within our power to control those monopolistic powers by shearing the corporation of the powers, and it is also perfectly within our power to deny the channels of interstate trade to the commodities of any corporation which possesses or undertakes to practice any of those powers.

Mr. WILLIAMS. Just call them "undesirable persons in interstate commerce."

Mr. BORAH. Exactly. While the State can organize the corporation and give it its existence, it is within our power, nevertheless, to say whether it shall engage in the business of interstate trade; and we can say: "You shall not engage in interstate trade until you comply with all the conditions which we denominate as necessary."

Mr. WILLIAMS. And give them a reasonable time in which to get proper amendments to their charters.

Mr. BORAH. Certainly. Then we would have a law with which all must comply, and it would not depend upon the judgment of a commission with reference to the details of business, which, in my judgment, it is impossible for a commission successfully to oversee. I agree very thoroughly with the principle upon which the bill referred to by the Senator from Mississippi is constructed.

Mr. WILLIAMS. Mr. President, I want to say one word more, and then I shall not further intrude upon the time of the Senator from North Dakota. What the Senator from Idaho [Mr. BORAH] has just said is not only true, to wit, that there are no trusts and no monopolies that do not grow out of a special charter privilege, a legally conferred privilege of some description, a privilege conferred by law; but it is also true that if any monopoly could grow up without a legal privilege merely by fair competition and by producing as good an article as some one else, or a cheaper article and a better one, both at the same time, it would have a God-given right to the monopoly. If I could go out to-morrow and raise cotton cheaper than any man in the South without any legal privilege of a special character conferred upon me, without any distinction being given me by law, without any right outside of the law being granted to me specially—if I could raise cotton cheaper than the Senator from Arkansas, cheaper than the Senator from Georgia, and then go further and raise it cheaper than anybody in the South, I would have conferred a benefit upon mankind; in other words, it is not the size of the business that hurts; it is the nature of the business that hurts. You may have a monopoly that has not a capital of over $50,000, and you may have a large business, which is not a monopoly, with a capital of $50,000,000. The first may have gained its purposes by bribery of the town council, and the second may have gained its purposes by fair competition, by exceeding its competitors in the cheapness and quality of its production.

If I can exceed you in cheapness and quality of production or you can exceed me, that is your right, and no man has any right to do away with it until we are prepared to go to socialism and to do away with property rights altogether, and that I am supposing not to be discussed right now. But there is not a trust, there is not a monopoly, there is not a quasi monopoly, there is not a thing of any sort that exists in this country that hurts the industrial character of the people that does not owe its existence to special privilege conferred by law, and generally by charter law.

Mr. BORAH. Mr. President, the Senator says that if a combination or an individual can produce an article cheaper than anybody else and thereby get control of the market and in a sense create a monopoly, that would be a blessing to mankind. I agree with that proposition, but it would only be a monopoly, in all probability, if he were not protected by special privilege, for a limited time.

Mr. WILLIAMS. I do not believe there ever would be one.

Mr. BORAH. Even if there were it would only be for a limited time.

Mr. WILLIAMS. I was merely supposing that if a man acquired a monopoly in that way it would be all right; but no man ever acquired one in that way in the entire history of the world, and I do not believe anybody ever will.

Mr. BORAH. Somebody else would get onto his scheme unless it was protected by law; so if you were producing an article cheaper and putting it upon the market, finally you would find a competitor, if everybody had an equal chance, who would do the same thing, and it would only be a monopoly, if at all, for a limited time. A monopoly comes from the fact that through a corporate charter certain privileges are granted and certain advantages given which are utilized for monopolistic purposes, and which protect the corporation from competition, when they can dispose of goods, not of better quality, but of worse quality, by reason of certain privileges granted by law.

Mr. WILLIAMS. And as a consequence of special privilege they produce inferior goods.

Mr. BORAH. Exactly.

Mr. NEWLANDS. Mr. President, the Senator from North Dakota [Mr. MCCUMBER] finds fault with the phraseology that is used in section 5 and indicates that if that phraseology is changed, in order to suit his views as to what should be forbidden under this phrase, he would vote for the bill. He is reenforced by the Senator from Mississippi [Mr. WILLIAMS], who declares the term "unfair competition" is hardly an accurate expression; that what we are seeking to do is to prevent the stifling of fair competition; and the Senator from North Dakota declares that the two Senators are in accord. We are discussing the question of a phrase, the meaning of that phrase, and the adaptation of that phrase to certain conditions which we seek to correct by law.

I want to do the same thing that the Senator from Mississippi and the Senator from North Dakota want to do—to prevent the stifling of competition by unfair methods. The courts have given us a phrase and the economists have given us a phrase in "unfair competition" that covers that very ground.

It is true that there is contention upon the floor of the Senate as to what the term "unfair competition" covers; but it is admitted now by all that it has a legal significance. The Senator from Missouri [Mr. REED] at first claimed that it had no legal significance which could be enforced. Later, however, he admitted that it did have a legal significance, but that that significance applied to only one form of stifling fair competition, and that was the passing of goods of one man off as the goods of another, vulgarly known as "passing over"; and he complains that our purpose would be defeated if the operation of the proposed statute were confined to that single method of stifling fair competition by unfair methods. Those who support the bill, however, have presented authorities, both in economics and in the decisions of courts and the decrees of courts, showing that the words "unfair competition" have the very meaning of stifling fair competition by unfair methods.

Mr. WILLIAMS. Destroying or stifling.

Mr. NEWLANDS. Destroying or stifling by unfair methods. Legal terms are elastic. The common law would not be what it is if it had not adapted itself to new conditions and new circumstances. During the last 20 years the question of trusts and monopolies has become the absorbing question of discussion in this country, and we find that the courts, in passing upon the Sherman law, have in their decisions and in their decrees used this phrase as an all-embracing phrase.

Chief Justice White, in the Standard Oil case, speaks of "unfair competition, such as"—not simply such as "passing over," as the Senator from Missouri would contend—but "such as discrimination in price, bribery of employees," and two or three other instances in a carefully considered decision of the court, where every word was weighed, not only by the learned Chief Justice, but by every Associate Justice on that bench; and we find the term used in decrees as an all-embracing phrase. I will not weary the Senate by reading these decisions or decrees. They will be found in the remarks which I made in presenting this bill, in the remarks of the Senator from Arkansas [Mr. ROBINSON], in the remarks of the Senator from Iowa [Mr. CUMMINS], and in the very able address of the Senator from New Hampshire [Mr. HOLLIS] yesterday, in which he met fully and completely every criticism that has been made upon this phrase, and I beg Senators who did not have the pleasure of hearing that speech to read it, for it is a strong, close, legal argument upon this single proposition.

Mr. STERLING. Mr. President, I had the pleasure of hearing the Senator from New Hampshire [Mr. HOLLIS] yesterday, but I am not able to say that I agree with him at all in his conclusions with reference to the application of the term "unfair competition." It seems to me, having in view the colloquy between the Senator from Mississippi [Mr. WILLIAMS] and the Senator from North Dakota [Mr. MCCUMBER] a moment ago, that nothing is to be gained by in general terms "prohibiting the stifling of fair competition," for in such case unfair methods are resorted to by a competitor, and it all comes back to the question as to what is "unfair competition" and to the fundamental question whether a statute authorizing a commission, in the broad terms of this bill, to prevent "unfair competition" is not a delegation of purely legislative power.

Under section 5 of this bill there is no rule or standard by which the commission is to be governed. There is no named contingency on the happening of which the powers of the commission are to be exercised. As to what will or will not constitute unfair competition, the Legislature, in section 5, gives no hint

whatever. It fixes no standard of just dealing between competitors. It does not even venture to say that methods which in the manufacture, production, or distribution of a commodity will give undue preference or advantage to one competitor over another, or will be to the prejudice or disadvantage of another competitor, shall be deemed unfair competition and under the ban of the law.

There is this further thing to be noticed in the bald terms in which section 5 is framed: The element of injury to the individual or to the public is not necessarily involved, I think, in any term or phrase or paragraph of the bill. The Legislature, having furnished no test or guide, throws upon the commission the whole burden of investigating, comparing, speculating, and finally declaring for itself the various elements that enter into unfair competition. This certainly involves a legislative *function*, a power we are forbidden under the Constitution to delegate.

Mr. President, this commission, no more than we ourselves, can find a precedent—notwithstanding what has been said by the Senator from Nevada [Mr. NEWLANDS]; notwithstanding anything that was said, I think, by the Senator from New Hampshire [Mr. HOLLIS] in his able speech of yesterday—for its guidance under a statute like this, failing as it does to give instance, example, or definition of "unfair competition" or to specify any condition upon which the commission would be authorized to exercise its power to hear, determine, and restrain any alleged act or condition on the ground that it constituted unfair competition.

Reference has been made to the statutes of several States; and in the speech of the Senator from New Hampshire [Mr. HOLLIS] the titles of the acts were given, and just enough of the statute to indicate that it was a prohibition against unfair methods in buying or selling any commodity without naming the methods which under the acts constitute unfair competition. If, however, the commission should take for its guidance the acts which by statute in different States constitute unfair competition, that would be the same as to declare that Federal law should follow State law, and what power on earth can do that but the Congress of the United States?

Mr. CLAPP. Mr. President, will the Senator pardon an interruption?

The PRESIDING OFFICER (Mr. GALLINGER in the chair). Does the Senator from South Dakota yield to the Senator from Minnesota?

Mr. STERLING. Certainly.

Mr. CLAPP. I think the fact that the Senator has an amendment pending is a very strong argument in support of the Senator's position. The Senator has an amendment pending designed to prohibit local underselling, as it is called.

Mr. STERLING. Yes.

Mr. CLAPP. Now, without that amendment being adopted, assuming that the provision in section 5 is constitutional, the commission could declare the act prohibited in the Senator's amendment, and make it unlawful. On the other hand, without the declaration of the commission or of Congress, local underselling is now lawful. In other words, if the authority sought to be conferred by section 5 is valid and constitutional and as far-reaching as the friends of the bill contend, we absolutely delegate to the commission power to enact a law prohibiting local underselling, or refuse to act. It seems to me the Senator's relation to that very amendment is a complete support and justification of his argument.

Mr. STERLING. I thank the Senator for his observation; it is very pertinent.

Mr. President, it is urged that the powers given the Interstate Commerce Commission afford an analogy for section 5, and justify conferring upon the trade commission power to prevent unfair competition; but, according to my view, the cases are not parallel. Why? Because, first, the statute, the interstate-commerce act, requires that the rates of the common carrier shall be just and reasonable; and, second—and this is the important thing that distinguishes the power of the Interstate Commerce Commission from any power given the trade commission under this bill—with the Interstate Commerce Commission, and under the law governing it, there are the known or ascertainable factors from which it can be determined whether the rates are reasonable and not confiscatory. There is the element of physical valuation of the railroad, the value of roadbed, of iron, of rolling stock, the element of operating expenses, of depreciation, of the volume of business, and of reasonable profit.

Mr. NELSON. Mr. President——

The PRESIDING OFFICER. Does the Senator from South Dakota yield to the Senator from Minnesota?

Mr. STERLING. I yield; certainly.

Mr. NELSON. I do not want to interrupt the Senator if it is not agreeable to him.

Mr. STERLING. It is entirely agreeable, Mr. President.

Mr. NELSON. Back of all this lies the chief feature that distinguishes one case from the other. In the case of railroads, because they are quasi-public corporations, we assume the power to regulate the rates; not only to prescribe the mode in which they shall do business, but also the rates they shall charge the public.

Mr. STERLING. Yes.

Mr. NELSON. We have no such power to fix rates in respect to other corporations or other businesses. We may in a measure regulate them; but when it comes to telling them what they must charge for their commodities, and what service they must render the public, we are perfectly powerless. So the proposed trade commission can not operate like the Interstate Commerce Commission to protect the public to that extent.

Mr. STERLING. Mr. President, I thank the Senator from Minnesota for calling attention to the distinction. It is a very important one. In the one case it is a quasi-public corporation and in the other a private corporation.

Aside from that, however, I have mentioned the elements that can be considered in fixing rates. These elements present, their use in determining a reasonable rate for the carriage of persons and of property is a matter of figures, of computation; and the legislature having prescribed that the rates shall be just and reasonable, the problem of determining whether under given material conditions they are so or not may well be left to an administrative board or tribunal. The fact that it is does not make of such board a legislature.

I speak of the material conditions with which the Interstate Commerce Commission has to deal. I do so to distinguish such conditions from the varying speculative and ethical conditions and standards with which the trade commission must be confronted if it has no other guide than a statute authorizing it to prevent "unfair competition."

There are a few methods of competition which we know to be unfair. Some of them have been enumerated here. They are the subjects of various State statutes already. They cause injury and financial loss to competitors and in turn to the public. I would see that these have the mark of our disapproval in a measure which shall, in general language, describe them rather than burden this commission with that which, in the nature of things, is impossible of achievement.

These now present themselves to my mind as practical considerations: In the work of the commission, in the questions that will be brought before the commission to decide under a law such as is proposed by section 5 of this bill, we open wide the doors to a consideration of the innumerable standards of business morals, to questions of business ethics, varying as they will with the individual, with the community, with the particular trade or with the times. What a fine opportunity for the man who never is, but is always afraid he is, going to be hurt. What a fine chance for the overzealous and self-constituted guardian of the business morals of the community. And how tempting the situation will be to the man inspired by fear or jealousy of a business rival.

I think it requires no great stretch of the imagination to see these as some of the possibilities arising out of the very generality of the term "unfair competition," and the prohibition against the use, not of any known or designated method of "unfair competition" causing some known or designated injury, but just "unfair competition."

Mr. President, if I may be allowed to paraphrase, I think it is better to cure the ills we have than dare fly to others that we know not of.

In view of the intensity of competition now in many lines of trade, perfectly independent concerns will, without combining in restraint of trade at all, without discrimination between communities or individuals at all, be induced to cut prices to the general public. Some competitors with fewer facilities, or whose pay rolls show a higher wage, will be hurt, and may be forced out of business, and there will be many who will be heard to say that competition of this kind is unfair and ought to come under the ban of the law.

Mr. McCUMBER. Mr. President, will the Senator allow me to ask him a question right there?

Mr. STERLING. Certainly.

Mr. McCUMBER. I wish the Senator from Nevada [Mr. NEWLANDS] might answer it, as he is fathering this bill; but I should like to ask the Senator from South Dakota the same question that I intended to ask the Senator from Nevada.

Take, for instance, an illustration of this kind: Here are two manufacturers of proprietary medicines. One of them has an elixir that may be possibly of some benefit in the cure of tuber-

culosis, and he advertises it as a cure. Some one else gets up a concoction, and he also advertises that it is a cure for tuberculosis, and he puts his product in competition with the other product. It may be absolutely valueless, having no medicinal power or efficacy whatever. Now, would the trade commission, under the term "unfair competition," be authorized to investigate the question of the merits of those two proprietary medicines?

If I understand the word "unfair," I can not imagine anything being more unfair than to put a spurious article against one that might have some virtue. If that would not be unfair competition, then I should like to know what would be unfair competition or where would be the limit of the jurisdiction of this commission.

Mr. STERLING. I think under the terms of the bill the jurisdiction and power of this commission are limitless. They can make all such inquiries, without regard to whether or not the competition has served in any sense the interests of the public or contributed to the public welfare.

That calls to mind a clipping made from a Washington paper just a few days ago in regard to competition in the sale of oil and gasoline. It is headed:

GASOLINE PRICES ARE MANY—REFINERS' WAR REDUCES GALLON COST TO 10½ CENTS IN MICHIGAN—COAL OIL AND NAPHTHA ALSO GREATLY CHEAPENED AS RESULT OF PRODUCERS' FIGHT IN INDIANA.

I will read just a paragraph or two from this clipping:

As a result of the cuts in the prices of petroleum products it is stated that most of the Standard Oil refining companies will not make as good a showing in net earnings for the first six months of the current year as in the same period last year. The gasoline business is in a very good condition, a large increase having been made, but the consumption of lubricating oils, particularly in the East, has taken a big drop.

That must mean that the gasoline business is in good condition so far as the public is concerned; and yet probably under the provisions of this bill some firm or corporation engaged in the sale of gasoline would be heard to say that somebody had practiced unfair competition.

Crude oil prices generally have been cut anywhere from 20 per cent to 30 per cent, while prices of refined products have shown reductions of from 20 per cent to as high as 40 per cent in some cases. In the Middle West the consumption of refined oil is understood to have increased greatly this year, but prices have been reduced more in this territory than any other, principally owing to severe competition.

The concluding paragraph of the article is:

A price war being held by garage owners in Jersey City has reduced the price of gasoline from 20 cents to 9 cents a gallon. The Standard Oil Co. started the fight by selling to a combination of garage owners at greatly reduced figures. Rival garage men combined and made an arrangement with the Gulf Refining Co. to buy at a price less than quoted to their rivals.

Now, whether either of these named companies would complain of unfair competition or not, it is easy to conceive of a situation and of parties wherein the cry would be made that there was unfair competition, although the public was getting the benefit of it. In any event the commission would have a case before it.

Mr. NEWLANDS. Mr. President——

The PRESIDING OFFICER. Does the Senator from South Dakota yield to the Senator from Nevada?

Mr. STERLING. Yes.

Mr. NEWLANDS. I will ask the Senator, if one of these corporations was cutting the price with a view to destroying its competitor, and with a view to afterwards raising the price to a high monopolistic price, whether he would not regard that as a method that should be condemned by law?

Mr. STERLING. In answer to that, Mr. President, I think I would say "yes"; I would regard it as such a method; but as to whether or not it would be a method covered by this bill is another question. The only way I see by which we may reach that condition of things is by a section which will describe and define that as a method of unfair competition which the commission may prevent and prohibit.

Mr. NEWLANDS. I will say with reference to that, that this phrase would cover just such a transaction, according to the decision of Chief Justice White in the Standard Oil case. He spoke of unfair competition, such as discrimination in price, with a view to destroying a competitor. I do not quote his language exactly, but that was the tenor of it.

Mr. STERLING. Mr. President, I think a wrong interpretation has been put upon the language of Chief Justice White in the Standard Oil case. Reference has been made to it in a number of instances by the Senator from Nevada [Mr. NEWLANDS], by the Senator from New Hampshire [Mr. HOLLIS], and by some others here. Under what was the prosecution in the Standard Oil case and in the Tobacco Trust case? The Sherman law. Section 2 of the Sherman law prohibits monopoly and attempts to monopolize. In the opinion by Chief Justice White discrimination in price under certain conditions was mentioned as one of the instances of a monopoly or an attempt to monopolize—by thus securing the market or trade away from a competitor; that is all. It does not at all follow from that that this or that act or conduct will be unfair competition under the terms of section 5 of this bill.

In the stress of competition—another practical consideration here—in the methods adopted by the ambitious to succeed as they reach out after business, it will be found that while individuals and corporations keep within the law and do not combine in restraint of trade, nor quite create or attempt to create a monopoly, yet in their advertising methods, in puffing their own, in depreciating the like commodities of others, in the wages paid, in the quality of their output, they will be just on the border line between the fair and the unfair; and it is easy to see that amid such conditions the commission will not be lacking in business.

As to the possibly varying views of different commissioners at different times regarding what would constitute unfair competition, it being to such an extent an ethical question or an economic question, I am sometimes reminded of the saying of the old common-law lawyer, John Selden, who had his misgivings in regard to what the chancellors might do in their decisions. You will remember he said:

'T is all one as if they should make the standard of measure we call a foot a chancellor's foot; what an uncertain measure this would be! One chancellor has a long foot, another a short foot, a third an indifferent foot; and 't is the same thing in the chancellor's conscience.

When you come to consider the different elements and considerations involved in many cases likely to be brought before the commission, and the temptation there will be to bring cases of alleged unfair competition before the commission, the burden that will be imposed upon it can be seen.

Uncertainty in the law, Mr. President, relating to any of the relations of life, whether they are personal, whether they are domestic, whether they are public, is bad enough; but there is trade—"trade, the calm health of nations"—to be subjected to all the uncertainties which may arise from the administration of this uncertain law. I can not contemplate the result with quite a serene mind.

We must concede, I think, that business has suffered severely in the past because of uncertainty in the law, at least in the meaning of the law, which is the same thing; and as business has suffered, so has the public. Happily, however, both the interstate-commerce law and the antitrust law have at last, in their main and most mooted features, received certain and reasonable construction and interpretation. Their administration is wholesome and more effective than it was once thought it ever would be. Through these great acts of legislation as now understood the people of this country have demonstrated their capacity to govern. The instrumentalities of production and commerce can be permitted to live, compete, and at the same time be subject to reasonable control. But business has no sooner understood and adjusted itself to the situation than we are threatened with an act which will open the floodgates of conjecture and speculation as to what business may depend upon.

The difference between the other acts to which I allude and this is that they more nearly define something, and this, too, in terms of the law, so that under given conditions it is not difficult to say whether the law has been violated; but here we turn it over to a commission, to a nonlegislative and a nonjudicial body with all the latitude of prohibition against unfairness in competition that the boys at school used to impose on each other when they went into a fight, where "no scratchin', no kickin', no bitin', no pulling hair, no gouging" was allowed. Which will the commission declare is permissible under the rules of the game prescribed by the commissioners, or will they bar all these and limit the war to a straight stand-up and knockdown and out? It is understood, of course, that they are not to prevent the fight. A waiting and expectant public insists that that shall go on.

No, Mr. President, we overload this commission. Instead of giving them something reasonable, tangible, certain, or even in the language of the law "capable of being made certain," we give them something to keep them guessing, to keep business guessing, to keep the public guessing, to the injury of both business and the public. Business now frets and hesitates under the uncertainties of this bill and the pending antitrust bill. And no wonder, when we consider all that they involve. As I look at the language of that portion of this bill relating to unfair competition, I think if it stood alone I would be tempted to entitle it "A bill to perpetuate uncertainty in business."

I think it clear that the powers conferred upon the Interstate Commerce Commission are not analogous to the powers proposed to be conferred by this bill on the trade commission.

Let us see if they are really and fairly supported by the authorities relied on in the course of this debate by those who advocate this amendment offered by the committee.

The case of Field *v.* Clark and the cases cited therein are relied upon by the advocates of section 5 of the bill as it stands. Field *v.* Clark (143 U. S.) is typical of a number of cases which construe acts of Congress conferring certain powers upon the Executive or some executive official of the Government.

The case arose under the tariff act of 1890. The claim was made by Marshall Field & Co., against whom duties were imposed under the act on goods imported, that the act was unconstitutional, because it delegated legislative powers to the President in giving him power under certain conditions to suspend the operation of the law with reference to imports from certain countries; but the authority given the President under the act of 1890 to suspend the provisions of the act relating to the admission, free of duty, of sugar, molasses, coffee, tea, and hides is not comparable with the authority conferred by the terms of this bill.

There was no uncertainty about the act of 1890. It admitted the articles free of duty. In the interests of reciprocal trade, however, the President was authorized to suspend this provision if countries exporting these articles insisted on imposing a duty on agricultural and other products. It was purely an administrative power, depending for its exercise upon a contingency within the control of other exporting nations. The legislature simply said definitely what should happen in the event of a contingency of which the Executive could take notice as well as the legislative branch of the Government.

The legislature prescribed the exact duties which should be imposed on the goods imported in the event the President should, for the reasons named in the act—not his own—suspend the operation of the act.

To quote from the opinion of the court very briefly in that case:

> He had no discretion in the premises except in respect to the duration of the suspension so ordered. But that related only to the enforcement of the policy established by Congress. As the suspension was absolutely required when the President ascertained the existence of a particular fact, it can not be said that in ascertaining that fact and in issuing his proclamation, in obedience to the legislative will, he exercised the function of making laws. Legislative power was exercised when Congress declared that the suspension should take effect upon a named contingency. What the President was required to do was simply in execution of the act of Congress. It was not the making of law. He was the mere agent of the law-making department to ascertain and declare the event upon which its expressed will was to take effect. It was a part of the law itself as it left the hands of Congress that the provisions, full and complete in themselves, permitting the free introduction of sugars, molasses, coffee, tea, and hides from particular countries should be suspended in a given contingency and that in case of such suspensions certain duties should be imposed.

The court in Field against Clark quotes from the case, Locke's Appeal (72 Penn. St., 491, 498), as follows:

> To assert that a law is less than a law because it is made to depend on a future event or act is to rob the legislature of the power to act wisely for the public welfare whenever a law is passed relating to a state of affairs not yet developed or to things future and impossible to fully know.

The proper distinction the court said was this:

> The legislature can not delegate its power to make a law, but it can make a law to delegate a power to determine some fact or state of things upon which the law makes, or intends to make, its own action depend. To deny this would be to stop the wheels of government. There are many things upon which wise and useful legislation must depend which can not be known to the lawmaking power, and must therefore be a subject of inquiry and determination outside of the halls of legislation.

But, Mr. President, of course, what will constitute unfair competition is not one of the many things which can not be known to the lawmaking power. Presumably it is better known to the lawmaking power than to any other power, and under our system the lawmaking power can not shift the burden and responsibility of determining what is unfair competition upon any other power or department of government. It must be determined within "the halls of legislation."

The case of the brig *Aurora* (7 Cranch., 382) cited in Field against Clark is not in point, nor is it authority for the proposition involved in this bill. Under the act considered in that case the President was simply authorized in case either France or Great Britain should modify her edicts so that they should cease to violate the neutral commerce of the United States, he should declare the same by proclamation, and that thereafter trade suspended by the act should be renewed with the nation so revoking or modifying her edicts.

The legislature did not transmit any power of legislation to the President by this act. "It only prescribed the evidence which should be admitted of a fact upon which the law should go into effect." It was competent for Congress to make the revival of an act depend upon the proclamation of the President showing the ascertainment by him of the fact that the edicts of certain nations had been so revoked or modified that they did not violate the neutral commerce of the United States.

The case of the brig *Aurora* is in line with other cases which have been cited. I do not now recall the titles of all of them, but there is the case arising out of the statute authorizing the Secretary of War to remove unreasonable obstructions to navigation in a river. What is the situation with regard to it? The engineer can determine the fact as to whether a bridge is an unreasonable obstruction or not, and that is altogether different from the case here. So with reference to the case growing out of the statute to prevent the importation of impure tea. Buttfield *v.* Stranahan, 192 U. S., 470. It rests on the same principle.

Mr. BURTON. Mr. President——

The PRESIDING OFFICER. Does the Senator from South Dakota yield to the Senator from Ohio?

Mr. STERLING. I yield.

Mr. BURTON. Before passing from that subject, as to the jurisdiction which the Secretary of War has to declare a bridge an unreasonable obstruction to navigation, I am quite familiar with those decisions and have been connected with some litigation on the subject. First, the right of the Secretary of War to make that kind of a decision was denied quite strenuously. The Senator from South Dakota said that that case can be very clearly distinguished from this case, in which there is the right to decide what is unfair competition. I would prize the opinion of the Senator from South Dakota on that subject and his statement of the particulars in which they differ.

Mr. STERLING. They differ in this, according to my view, Mr. President, that in the power to prevent unfair competition the question is more or less speculative. It is a question of the ethical or economic standard of different individuals as to what constitutes unfair competition. There is no basis, we may say, of physical facts upon which to base the opinion as to whether it is a case of unfair competition or not, whereas in the case of the power given the Secretary of War to remove a bridge or other obstruction that is deemed to be an unreasonable obstruction in a navigable river it is a question of an ascertainable physical fact to be determined by the expert or by the engineer, and which will show whether under given conditions as to the flow of water in the river, the height of the bridge, the size and carrying capacity of the boats, they have been unreasonably obstructed by that bridge. It is a question of computation and of figures, whereas the question of unfair competition may be altogether outside the realm of figures and calculation based on physical facts. In my opinion, I will say to the Senator, there is a marked distinction between the two classes of cases. As is suggested to me by the Senator from West Virginia [Mr. GOFF], one is the opinion of individual men and the other is a matter of exact measurement by those qualified and competent to make it.

Mr. NORRIS. Mr. President——

The PRESIDING OFFICER. Does the Senator from South Dakota yield to the Senator from Nebraska?

Mr. STERLING. I yield.

Mr. NORRIS. Right on that point, according to the Senator's definition, would it not be the opinion of men as to whether the obstruction was reasonable or not? I can see how there might be no opinion involved if it just said there should be no obstruction; but the words used are, I think, "unreasonable obstruction." Would not the word "unreasonable" be similar to the word "unfair," and imply an opinion?

Mr. STERLING. I think not, Mr. President. The question as to whether it is an unreasonable obstruction in the river will depend, as I said, upon the size of the boats, the depth of water in the river, and other facts easily ascertainable. Whether the bridge will in any way obstruct the traffic is a physical fact to be determined.

Mr. NORRIS. That would be true, it seems to me, if the word "unreasonable" were not used; but two men equally intelligent might disagree as to whether the obstruction was of such a nature as to be unreasonable. One man might think it was only a reasonable obstruction, the other might think that it was an unreasonable obstruction.

Mr. STERLING. But, after all and in the last analysis, I would say, although the word "unreasonable"—and I appreciate the force of the Senator's suggestion—is used, it is a question largely of figures and of expert knowledge.

Mr. McCUMBER. Mr. President——

The PRESIDING OFFICER. Does the Senator from South Dakota yield to the Senator from North Dakota?

Mr. STERLING. I yield.

Mr. McCUMBER. Let me ask the Senator wherein this proposed law as to "unfair competition" would differ from a law declaring that every man should be good and should be

punished if he were not; and authorizing a commission to determine whether he is good or bad?

Mr. STERLING. I will say to the Senator from North Dakota that according to my view the bill admits of a possibility of that kind, the determination upon the part of the commission as to whether a man is good or not.

Mr. President, the Senator from New Hampshire [Mr. HOLLIS] yesterday cited the statutes of several States and from those statutes sought to deduce the conclusion that section 5, although in bare terms preventing unfair competition, was sufficient. But, Mr. President, no State statute prevents unfair competition and stops there. The Senator will be able to produce no such statute. A State statute simply prohibiting unfair competition would be quickly adjudged by the court as void for uncertainty.

I have taken the pains to look over the statutes cited by the Senator from New Hampshire, and I find that in every case the specific acts or conduct which will constitute unfair competition are fully set forth.

Mr. President, this ought to be a hint to us here. The very fact that State legislatures in enacting laws of this kind have, without exception, felt it necessary to specify and define the particular things which shall constitute unfair competition is a very good reason why we should follow the same safe course.

Nearly all these statutes, I think all of them, are leveled against unfair competition in buying and selling, and thus discriminating between different sections and cities and communities for the purpose always of crowding out or destroying a competitor. In most States that have such statutes the offense is a discrimination in selling. In a few States, notably in North Dakota, I think, and in Montana, either buying or selling with such intent is an offense.

So the statutes of other States specifying and defining what is "unfair competition," or, in a term more frequently used, "unfair discrimination," instead of affording an argument for the bill as it is, afford the reason why we should specify in this bill what we deem to be unfair competition in commodities in interstate commerce and in providing against such unfair competition. With that in view, Mr. President, I presented several days ago an amendment in which I, in the main, followed the statute of the State of South Dakota. I wish to read this amendment, or a portion of it:

> It shall be unlawful for any person, firm, or corporation engaged in the production, manufacture, or distribution of any commodity in general use and which is the subject of or intended for commerce, as herein defined, to intentionally and for the purpose of destroying the competition of any regularly established producer, manufacturer, or dealer in such commodity, or to prevent the competition of any person who in good faith intends and attempts to become such a producer, manufacturer, or dealer, make or give any undue or unreasonable preference or advantage to any particular person, firm, or corporation in the sale or disposition of such commodity, or to discriminate between different States, sections, communities, or cities by selling such commodity at a lower rate in one State, section, community, or city than such person, firm, or corporation charges for such commodity in another State, section, community, or city, after equalizing the distance from the point of production, manufacture, or distribution and freight rates therefrom.

Now, there is this clause, which is new and is not embodied in the South Dakota statute, namely, that which relates to the making or giving any undue or unreasonable preference or advantage to any particular person, company, firm, or corporation in the sale or disposition of such commodity.

Then follows this, which I adapt from section 3 of the interstate-commerce act. I want to read that section, and then I will read that part of my proposed amendment of which it is the counterpart. Section 3 of the act provides:

> That it shall be unlawful for any common carrier subject to the provisions of this act to make or give any undue or unreasonable preference or advantage to any particular person, company, firm, corporation, or locality, or any particular description of traffic, in any respect whatsoever, or to subject any particular person, company, firm, corporation, or locality, or any particular description of traffic, to any undue or unreasonable prejudice or disadvantage in any respect whatsoever.

The corresponding part of my amendment reads:

> And it shall be unlawful for any such person, firm, or corporation so engaged in the production, manufacture, or distribution of any such commodity to subject by any charge, rebate, or other unfair means or method of competition any particular person, company, firm, corporation, or locality to any undue or unreasonable prejudice or disadvantage in any respect whatsoever.

There is this further important difference, Mr. President, between my amendment and section 5 of the bill. Section 5 is limited to unfair competition practiced by corporations, and corporations alone, but individuals of vast wealth and vast facilities and partnerships with vast wealth and facilities engage in interstate trade and business. Why should they not be under the ban of any law against unfair competition as well as corporations?

Now, Mr. President, there is one other point on which I wish to speak briefly while I have the floor, although I had not expected to speak at all to-day, and that relates to the part of the act conferring jurisdiction upon the courts, or rather that part of the act which fails to confer jurisdiction upon the courts.

As I read this bill when it was first brought into the Senate I arrived at the conclusion at once that no power was given the court to review the proceedings or the order of the trade commission. I thought, indeed, the exercise of any power upon the part of the court to review, on appeal or otherwise, any order of the commission was by a plain implication prevented. Now, note the reading of this particular paragraph:

> Whenever the commission, after the issuance of such order, shall find that such corporation has not complied therewith, the commission may petition the district court of the United States, within any district where the method in question was used or where such corporation is located or carries on business, praying the court to issue an injunction to enforce such order of the commission; and the court is hereby authorized to issue such injunction.

This is the sum total of the power of the court under section 5.

Yet it has been said again and again by the Senator from Nevada [Mr. NEWLANDS] that the commission is an auxiliary to the court. Under the plain language of this act the court is the auxiliary to the commission, and the court has as much judicial power as the sheriff or the clerk of a court would have, its business being simply to enforce the order of the commission, and that is all. Its powers here are ministerial, not judicial.

Wishing to ascertain the views of some of the advocates of this feature of the bill, I made inquiry of the senior Senator from Iowa [Mr. CUMMINS] when the bill first came under discussion here in the Senate.

On page 11105 of the RECORD the following occurred:

> Mr. STERLING. I should like to ask the Senator from Iowa a question as to whether or not he is in favor of conferring upon this commission the power to determine absolutely, and without appeal or review upon appeal, the question of unfair competition in any given case?
>
> Mr. CUMMINS. I am. I have the same confidence in the commission—or I shall have—that I have in the court. I believe it will do justice in a greater number of cases than will be done in the courts. Neither am I disparaging the courts, for I think no man excels me in reverence and admiration for our judicial system; but whenever you attempt to regulate commerce in this way through the medium of lawsuits, you have a miserable failure.

Without reading further from that answer and paragraph, I then asked and received answer as follows:

> Mr. STERLING. Mr. President, I should like to ask the Senator one further question. Does the Senator from Iowa understand the bill to so exclude the courts from reviewing and rendering a decision on the question?
>
> Mr. CUMMINS. In helping to prepare this legislation I tried to make it so that the courts would not have the power to review the discretion and the judgment exercised or the facts passed upon by the trade commission.

Mr. President, I have always believed it was the law that in any controversy arising between an individual or a citizen and an administrative or other branch of the Government in which property or contract rights were affected or to be affected the individual had the right some time to invoke the exercise of the judicial power, and in the case of our most summary proceedings (necessarily so, because of the necessities of government), namely, tax proceedings for example, there was somewhere between the time of the listing of the property for assessment and valuation and the time of the payment of the tax or the sale of the property for the taxes the right on the part of the citizen to have the question as to whether it is an illegal tax or an unjust tax or whether the property is subject to taxation submitted to a court for determination.

Mr. KENYON. I should like to ask the Senator a question along that line. I am very much interested in his argument. Under this act, if the commission should decide that something was unfair competition and start to make an order as authorized by the act, would not the party have a right to go into a court of equity and enjoin the commission from making that order?

Mr. STERLING. He might, were it not for the reading of this bill, I would say.

Mr. KENYON. The Senator thinks, from the reading of the act, that it excludes that equity jurisdiction?

Mr. STERLING. Yes, sir; from the reading of the bill and from the interpretation put upon it by the Senator's colleague, the senior Senator from Iowa [Mr. CUMMINS], it seems to me that that is its plain intent.

Mr. BRANDEGEE. Mr. President——

The PRESIDING OFFICER. Does the Senator from South Dakota yield to the Senator from Connecticut?

Mr. STERLING. Yes.

Mr. BRANDEGEE. If a court of equity has power to enjoin the commission from issuing an order, which is the sole

function of the commission and the reason for its creation, then how does the administrative commission take all of these business questions away from the court?

Mr. KENYON. I should like to ask the Senator if he believes the court would have no power in equity to determine the question of whether an act did constitute unfair competition; whether, if this commission tried to make an order that something was unfair competition when it was palpably not so, that power is withdrawn from the courts under this bill?

Mr. McCUMBER. Under the law or under the principles of right?

Mr. KENYON. Under general principles.

Mr. BRANDEGEE. Mr. President, it was clearly the intention of those who drew the act, if that has any bearing upon the construction of the act, that the commission shall have sole and exclusive power to determine what is fair and what is unfair in methods of competition as to corporations engaged in commerce among the States. The whole idea back of the act, in the minds of its proponents and advocates, as stated by the quotation which the Senator from South Dakota [Mr. STERLING] read from the RECORD from the answer of the senior Senator from Iowa [Mr. CUMMINS], is to take this matter of the method of competition among corporations engaged in interstate commerce away from the courts, because you can not decide these business questions by the slow and tedious process of the courts, as they phrase it. They say that system has been tried and been pronounced a failure. Therefore they attempt to confer that power upon this commission, not of lawyers who know anything about what the courts have heretofore decided to be a fair or unfair method of competition, but upon a commission of business men, experts skilled in business, as they say; and that commission of expert business men are to pronounce by their fiat, evolved from their inner conciousness, without any rule to guide them laid down by the legislative branch of the Government, what is a fair and what is an unfair method of competition.

To be sure, the act states that they are only authorized to prohibit unfair competition, or at least an unfair method of competition; but in order to determine what is an unfair method they have got, in their own minds at least, to fix the standard, to wit, what is a fair method, because "unfair" can not mean anything except what is not fair, any more than "abnormal" can mean anything except what is not normal. So, if a court can intervene when a competitor has been disappointed in securing a contract and comes to this commission, either in the attempt to make the successful competitor relinquish half of his contract or sublet a part of it to him or for any other purpose, and can say that the commission which this great Congress has just set up, these experts at $10,000 a year each, sitting continuously in Washington, with power to strangle or to promote such business competition and methods as, according to their unbridled imagination, may from day to day each, sitting continuously in Washington, with power to strangle action of the commission at the start, it shows what an absurdity it is for Congress to set up this tribunal and leave the power with the courts—and I do not believe we can take it away—to strangle the very creature that we are setting up to supersede the courts.

Mr. KENYON. Then if the Senator says we can not take it away, that answers my question; the power will remain in the courts, and a party aggrieved can go into a court of equity and secure his relief. So this would amount to nothing.

Mr. BRANDEGEE. I think he could. I think this is absolutely worse than nothing, because it evidences such a fundamental misunderstanding of the whole principle upon which our Government is founded—the division of powers into the legislative, executive, and judicial departments—for Congress to sit here solemnly enacting a statute for the purpose of getting away from the courts when they know that under the Constitution a man in this country can not be held in prison at the arbitrary dictum of an executive commission. It not only makes Congress ridiculous, but it puts Congress in the attitude of relegating the free institutions of this country back to the days when executive authority was supreme.

I will not intrude further upon the Senator from South Dakota. I beg his pardon, but I could "orate" upon this subject.

Mr. GRONNA. Mr. President——

The PRESIDING OFFICER. Does the Senator from South Dakota yield to the Senator from North Dakota?

Mr. STERLING. I yield.

Mr. GRONNA. This is a very important bill, and I believe Senators ought to be present to hear this interesting discussion. I therefore suggest the absence of a quorum.

The PRESIDING OFFICER. The Senator from North Dakota suggests the absence of a quorum. The roll will be called.

The Secretary called the roll, and the following Senators answered to their names:

Bankhead	Jones	Norris	Smith, Mich.
Borah	Kenyon	O'Gorman	Smoot
Brady	Kern	Overman	Sterling
Brandegee	Lane	Perkins	Swanson
Burton	Lea, Tenn.	Poindexter	Thomas
Camden	Lee, Md.	Ransdell	Thornton
Catron	Lewis	Shafroth	Tillman
Chamberlain	McCumber	Sheppard	Vardaman
Crawford	Martin, Va.	Simmons	White
Gallinger	Martine, N. J.	Smith, Ariz.	Williams
Gronna	Nelson	Smith, Ga.	Works
James	Newlands	Smith, Md.	

Mr. VARDAMAN. I desire to announce the unavoidable absence of the junior Senator from Tennessee [Mr. SHIELDS]. This announcement may stand for the remainder of the day.

Mr. KERN. I desire to announce the unavoidable absence of my colleague [Mr. SHIVELY] on account of illness. This announcement may stand for the day.

The PRESIDING OFFICER. Forty-seven Senators have answered to their names; not a quorum. The roll of absentees will be called.

The Secretary called the names of absent Senators, and Mr. LIPPITT, Mr. REED, and Mr. WALSH having entered the Chamber, answered to their names.

Mr. CHILTON, Mr. COLT, Mr. CULBERSON, Mr. CLAPP, and Mr. STONE having entered the Chamber answered to their names.

The PRESIDING OFFICER. Fifty-five Senators have answered to their names. A quorum is present. The Senator from South Dakota will proceed.

Mr. STERLING. Mr. President, a few words more. Whether or not the Senator from Connecticut [Mr. BRANDEGEE] may be right in his view that the power of the courts could be invoked in case of an erroneous order made by the commission, I think it should be so written in the bond. As I recall, one of the great controversies before the Senate at the time the rate bill was under discussion in 1906 related to the question whether or not there should be power conferred upon the courts to review the orders and decisions of the Interstate Commerce Commission, and that bill was not enacted into law until such power was conferred upon the courts.

So here, Mr. President, the powers of the proposed trade commission are greater than, and different from, those which relate merely to investigating and supervising corporations engaged in commerce as defined in the pending bill. Under the orders of the commission as authorized by section 5 property rights and contract rights may be affected; and I insist that power should be conferred upon the courts to review the decisions and orders of the trade commission and to prevent the taking of property without due process of law.

Upon this commission, as this bill stands, both legislative and judicial powers are conferred. The legislative power is vested in the Congress; the judicial power is vested in the "Supreme Court and such inferior courts as Congress may from time to time ordain and establish." Neither of these powers can, under the Constitution, be conferred upon this commission.

So, having the objections I do have to the bill as it stands, and in view of the extreme doubt, anyhow, as to whether a court can review the orders of the commission, I have prepared an amendment. I wish to say that in the preparation of this amendment I have followed largely the statute with reference to the powers conferred upon the courts in reviewing the orders of the Interstate Commerce Commission, especially the powers as at first conferred upon the commerce court and then by recent act, of course, transferred to the district courts of the United States. I will read the amendment:

After line 22, page 21, insert the following:

"And jurisdiction for the enforcement of any order so issued by said commission restraining and prohibiting the use of any such unfair method of competition is hereby conferred upon the district courts of the United States. Such district courts shall also have jurisdiction of suits to enjoin, set aside, annul, or suspend any order of said commission restraining or prohibiting the use of any method of competition as unfair: *Provided*, That the pendency of such suit shall not of itself stay or suspend the operation of such order of the commission, but said court in its discretion may restrain or suspend in whole or in part the operation of such order pending the final hearing and determination of the suit: *Provided further*, That the procedure in said district courts shall be the same as near as may be as the procedure heretofore prevailing in cases in the Commerce Court and arising out of the orders made by the Interstate Commerce Commission, and that the venue of any suit hereafter brought to enforce, suspend, or set aside in whole or in part any order of said commission restraining or prohibiting the use of any particular method of competition as unfair shall be in the judicial district wherein is the residence of the party or any of the parties upon whose application or petition the order was made or in the district wherein the method or methods complained of as constituting unfair competition are used or employed."

Mr. President, I am not opposed to a trade commission bill as such; I am in sympathy with the provisions of the bill relating to the supervision and investigation of corporations

and with its requirements in regard to publicity of the acts of corporations. I wish the bill may be perfected so that beyond question it will serve what I believe to be a fine and useful purpose; but in conferring upon the commission the power to prevent unfair competition we are, as I have said, delegating both legislative and judicial powers. With the amendment to the substantive law which I first read, or a similar amendment, extended if you please to acts of unfair methods in buying as well as in selling, and with this amendment conferring upon the courts jurisdiction to review and annul or to modify any order of the commission, I believe we will have a wholesome and practical piece of progressive legislation.

Mr. NEWLANDS. Mr. President, in reply to the Senator from North Dakota [Mr. McCUMBER] and the Senator from Connecticut [Mr. BRANDEGEE], I wish to call attention to the fact that this is an act to regulate commerce. Under the Constitution this power is given to Congress, and it has been determined that this power can be exercised by an administrative tribunal created by Congress under a rule prescribed by Congress. The proponents of this bill believe that they have in this bill presented a rule of action, and that the action of this administrative board under that rule is absolutely constitutional.

Mr. President, with reference to the review in the courts, I have to say that it is true, as alleged by the Senator from Iowa [Mr. CUMMINS], that it was the purpose of the committee not to make all the facts reviewable by the court. It was the purpose of the committee in framing this bill to make the decision of this tribunal a final one. That, however, has its limitations under the Constitution and the law. The courts can at any time condemn any action under this exercise of power that is confiscatory of property and also can condemn any act that is not authorized by the statute itself; so that, as to the question of authority and as to the question of confiscation of property rights, the courts will be open whatever may be the phraseology of this bill.

As to the wisdom of having a review by the court, that review can be limited to the law or it can cover both the law and the facts, according to the way in which we write the statute. There are amendments now pending covering these questions which I have no doubt will be fully considered by the Senate. Among them is an amendment offered by the Senator from Delaware [Mr. SAULSBURY], a member of the committee, in which is provided a review by the courts both as to the law and as to the facts.

Mr. McCUMBER. Mr. President, the main difficulty that some of us have on this side is in the matter of the construction of the words "unfair competition." Most of us here, I think, are inclined to give those words their usual, common-sense meaning; and, giving them that meaning, they cover an immense field. The Senator is inclined to give them a most restricted meaning, a restriction that holds them within the definition that there must be in the end a destruction of competition, and a meaning almost the opposite of what the words are themselves.

We can sometimes arrive at the necessity and propriety of any legislation by understanding how we can apply it to a given set of facts, and we may understand the view of the proponent of a measure by asking him a question or two relative to the application of his proposed measure to a fact.

Let us suppose that the Senator himself is to draw an indictment against some one who has violated the provisions of the law prohibiting unfair competition. Let us see, for a moment, what he would have to allege. I assume, in the first place, that he would allege that the party had been guilty of unfair competition as against a certain statute. He would then set out, as a second proposition, the facts constituting the offense, wherein the competition had been unfair. He would necessarily have to follow that up with some kind of a result. That is, he would have to declare what the result of that competition had been in order to demonstrate that it had been unfair.

Now, let us suppose that the Senator follows those usual rules in drafting an indictment for a criminal offense. Let me ask him if he would not, under his construction, be compelled to declare in the indictment that the unfair competition had resulted in the destruction of competition; in other words, that it had stifled competition, and that that was its purpose?

I am inclined to believe that the Senator would assume that all those allegations would have to be made, and they would all have to be proven. Therefore, if it is necessary to establish the fact in order to constitute the offense, that the competition had not only been unfair, but that it had resulted or would result in the elimination or the stifling of real competition in the end, why would it not be the proper thing to declare that meaning and intent in the bill itself?

If the purpose of section 5 of this bill is to prevent the unfair competition which results in the end in stifling competition, what possible objection can there be to declaring, in a definition, what you would have to prove if you were to establish the offense in the eyes of any court? Could there be any possible objection to making it so clear as that?

I want to carry that just a step further. The Senator would have to prove that there was competition. He would have to prove that the competition was unfair. Then he would have to prove some kind of a result from that unfair competition. What result would he have to establish under the provisions of his bill? Would he not have to prove the fact that the result was such as to destroy the competition entirely, to destroy his competitor, and thereby create a monopoly?

Mr. NEWLANDS. I presume the Senator would not contend that the result must be proven if we prove that this practice was indulged in with the intent to injure or destroy.

Mr. McCUMBER. The offense certainly must result in something, else you could not say that it was unfair competition. In the end it is competition and the character of competition that is to be proven, is it not?

Mr. NEWLANDS. Then the Senator's idea is that the complainant should have no remedy at all until the destruction is complete?

Mr. McCUMBER. No; I simply say that you would have to allege the inevitable result of that competition, and to prove it, or else you would have to allege that it had accomplished such results. One of those two things must be done. Now, then, what constitutes the competition? Suppose here is one concern, and you force down prices to such an extent as to prevent its making more than 1 per cent upon its investment. You have competition. Your method has been unfair, perhaps; but as long as your competitor is still in business, and is able to make 1 per cent on his investment, is it such competition as the courts would take cognizance of or this commission would take cognizance of?

Will the Senator answer that query?

Mr. NEWLANDS. Mr. President, it is impossible for me to answer "yes" or "no" to every inquiry that can be imagined, with reference to a case that would come under this statute. I should say, with reference to stifling competition, that all you would have to prove would be an unfair method whose tendency was to stifle competition. I do not think you would have to wait until the destruction was complete in order to entitle you to make the complaint. I presume the commission would inquire into the general tendency of the practice; and if the tendency was, by the employment of an unfair method, to injure or destroy——

Mr. McCUMBER. Right there is a question: Must it be just to injure or must it be to destroy? There is the crux of the whole case.

Mr. NEWLANDS. Either. Of course, the Senator is aware that in charging an offense against the criminal law it is necessary to be very much more precise and definite than it is under the civil law; and there is, of course, a definiteness of statement in an indictment that would not be required in civil pleadings or in the proofs under them. There is quite a distinction between the civil and the criminal law.

Mr. McCUMBER. We all understand that.

Mr. NEWLANDS. This is simply a civil proceeding, and no penalties are attached to it.

Mr. BRANDEGEE. Why, Mr. President, if a man is enjoined by the commission from continuing a practice that the commission says is unfair, and the commission applies to a court for an injunction to restrain him, and obtains it, and he violates the injunction, he is put in jail for contempt of court. While this does not purport upon its face to be a criminal statute, the man finds himself in jail without any judicial process whatever. He is there; and the refinements which the Senators draws between the civil law and the criminal law are of very little satisfaction to the gentleman who is sitting on the stone floor of a cell, and is wondering by what sort of American law he has been landed there.

Mr. WHITE. Mr. President, I should like to suggest one idea to the Senator.

The VICE PRESIDENT. Does the Senator from North Dakota yield to the Senator from Alabama?

Mr. NEWLANDS. If the Senator will permit me——

Mr. WHITE. Yes, sir.

Mr. NEWLANDS. I will state that the defendant can immediately purge himself by complying with the order of the court.

Mr. BRANDEGEE. Without any due process of law whatever? The court has not adjudicated anything. The commission brings you an arbitrary order.

Mr. NEWLANDS. There is no question of being in jail unless he disobeys the injunction of the court.

Mr. BRANDEGEE. No; he has disobeyed the judgment of the commission. If it were left to the judgment of the court, the Senator from South Dakota would be satisfied. The Senator from Nevada proposes that this commission shall decide whether the method of competition in trade is unfair, and then the commission sends its secretary or its attorney to the court, and it says: "Here is the order of the commission, and here is the seal of the commission. Now, you issue an injunction to enforce this order." As the Senator from South Dakota has said, the judiciary of the United States is to be made the administrative branch of this judicial-executive commission, and compelled to issue this injunction against the business man who has been illuminated by this sort of a process as to exactly what he can do in business; and a man is sent to jail; and then, perhaps, upon a writ of habeas corpus alleging that he has been unlawfully kidnaped and landed in a dungeon in this free country, he can get some sort of a review of the constitutionality of this act.

That is the way the poor, puzzled business man, who is looking for this beacon light of the "new freedom," plaintively singing—

Lead, kindly light, amidst the encircling gloom—

is led straight into a dungeon. This bill, which is to uplift and help the psychologically depressed business men of this country [laughter] and guarantee them a new Magna Charta of liberty—for we do not deal in anything less than "constitutions" and "Magna Chartas" and "emancipation proclamations" in these days—is an ignis fatuus. [Laughter.] The "Statutes of the United States" is no longer a sufficiently dignified name to characterize our imperial processes. They must be denoted by grandiloquent and epoch-marking titles.

That is all there is to this bill. When the Senator from North Dakota asks the Senator from Nevada, who is actuated by charitable and benevolent and cheerful optimism about all these things which are perfectly simple in his mind, and who says, "Let us poke it right out, especially as the administration insists upon it"—when the Senator from North Dakota asks the Senator from Nevada to what extent a gentleman can go in indulging in his propensities and ingenuity for unfair competition without landing in a dungeon, whether he has got absolutely to annihilate competition in toto, the Senator from Nevada informs him, radiating geniality upon the Senator from North Dakota, that if the method of competition which falls under the ban of the infallible judgment of this commission has a tendency to unfairness, why, then the court comes right down. The Senator from Nevada would not claim that it had got to be absolutely annihilated, but if it "tends" toward it, or has a "tendency" to impair competition, then the commission acts; and the Senator from Nevada, when he has illumined the situation with that brilliant light, feels perfectly satisfied, and I have no doubt in 5 or 10 minutes will demand unanimous consent for naming a day to vote upon this bill and all amendments to final passage.

The truth of it is, the Senator from Nevada is living in an incandescent fog of optimism and illusion on this matter. He has not landed anywhere upon his feet. The country knows absolutely nothing about what he proposes to give them. They think it is a sort of anodyne of all soporific and oleaginous substances which will be a poultice to the ends of its shattered nerves, when really it is nothing but a scourge and a dose of Spanish fly and cayenne pepper to irritate and drive them to distraction.

If these poor, misguided "uplifters" and business men who delight to come down here and attend a function at the White House and then go away and give an interview about how prosperous their business is in consideration of the free lunch to which they have been treated understood in the faintest degree what sort of a dose is going to be administered to them, to their private books and private business, charged with no public use, heretofore supposed to be allowed to proceed as business men are able to compete with each other in a free country—if they understood that any time they uttered some remark as to politics or business which savored of lese majesty, the next day they were to be visited by a little snooper or spotter from Washington who would pull out his credential card and demand the combination of their safe and all their documents and books and papers and contracts and affiliations with other corporations and individuals—they would subside, both as to their political and their humanitarian sentiments, very quickly. If they understood what this dose of help to the poor business man was to be, they would see that their only salvation is to nip this sort of legislation in the bud, to brand it as undemocratic and un-American and tyrannical; and instead of trying to get this bill amended here and amended there, they would scotch this snake right at its birth and, in fact, never allow it to be born.

The American people know that business will not tolerate such things in this country as a commission to be continually snooping around, charged with nothing but the power to arbitrarily promulgate an infinite and unregulated series of "don'ts." If this commission is fit to decide what is an unfair method of competition, it is certainly fit to decide what is a fair method of competition; and it has got to decide what is fair before it can decide what is unfair. If, in their inquisition based upon an anonymous letter or the complaint of a competitor, they find that the practice is fair upon a complete show-down; if they find that the party who is dragged down here to defend what he has heretofore considered to be lawful competition in business has engaged in no unfair practice, then the man ought to be allowed to proceed in it with confidence, and not be subject, as he would be under this bill, to a suit by the Department of Justice, brought about by the investigations of another series of snoopers and spotters and Government spies.

I say to them that when they have come on here and have shown everything, and have gotten a verdict that they are innocent, and have gotten the indorsement of the very commission that this Government has set up as the criterion of what is fair and unfair, unless there is something put into this bill that when they have been told by one branch of the Government that what they are doing is fair they shall not be prosecuted by the Department of Justice and pronounced by a court to be engaged in an unfair practice or a violation of the Sherman law, then the result of this bill will simply be to make confusion worse confounded. It is not fair for Congress to set up a tribunal to determine the rules of justice and fair play among competitors, and then, after they have gotten the judgment of the Government that what they are doing is fair, to have another branch of the Government free to proceed under another criminal statute and get a judgment of a court that although they were proceeding in accordance with one branch of the Government still they are guilty of a crime and liable to go to jail for it.

Yet such is the half-baked character, not only of what is written in this bill, but such is the confusion of thought among committees and individuals, among newspapers, and among the Cabinet, and in the mind of the President himself that they do not know what is going on. They do not compare the provisions of these bills with the recommendations that the President himself has made to Congress.

If the country knew in what sort of fog we are proceeding, under the pretense of lending firm guidance to their wandering footsteps, there would be a panic in this country. But the country apparently is afraid to attempt to find out. When the great business men of the country come down here to tell us and our committees what they think would be beneficial to them, they are persecuted and hounded as conspirators and lobbyists; and then the same men, or men of equal character or no better character, are invited in honor to the White House, and go away singing the praises of the fountain of all knowledge and bending their pliant necks to the yoke.

Mr. McCUMBER. Mr. President, if there is any one thing that ought to be certain—and I will direct my remarks to the Senator from Nevada, and he can answer them when he answers the Senator from Connecticut—it is a criminal statute. It is a statute which can destroy my business or send me to jail.

I want to know where I am going to land under the provisions of this bill as construed by the Senator from Nevada. The Senator from Connecticut and myself, we will say, are engaged in a competitive line of business. He may have more capital than I have. He may take means that I consider unfair and which are unfair in his competition, and he may drive down the price of the commodity that we are both selling, until he is able to drive me out of business, and then obtain a monopoly. If that is the limit of the extent to which this provision will go, and no further, it may be all right; but suppose the public gets the benefit of this close competition in a cheaper product, and suppose he has not destroyed me entirely but has merely injured me. Suppose he has made my property so nearly valueless that while I may continue in business at a 1 per cent profit it would scarcely pay me to do so, but I am still continuing in business. Can he be indicted for unfair practices so long as I am keeping alive and keeping up a competition, when the result of that competition is for the benefit of the purchasing public which buys our commodities?

If I understand the Senator correctly, he can be so indicted. If that is true, then this commission has got to say somewhere that I am entitled to some reasonable profit, and it has got to

determine what that reasonable profit is, in order to determine whether or not his unfair means is destroying competition.

Is that the authority the Senator is going to confer upon this commission—to determine when that competition has gone far enough, and to say, "Thus far and no further you can go in your competitive methods"? I am assuming all the time that they are unfair.

If the Senator says that they must not be such as will merely cripple me in my business, but must be such as will absolutely destroy my business, then he may find some basis for his claim that a benefit will be obtained by preventing the people getting lower prices, because by doing that temporarily he will hold the competitive field open; but if I understand the Senator correctly, he says that if the unfair practices cripple me as a competitor, if they injure me as a competitor, then, although they do not drive me out of business, the commission could investigate the matter and issue an order that I shall be injured no longer. If that is the case, then I think we are stifling competition, and in the end are doing a great injury to the country.

Mr. STERLING. Mr. President, I have here copies of several statutes from various States, defining "unfair competition." The States from which I have quoted are Nebraska, North Dakota, Montana, Iowa, California, Utah, Wyoming, Louisiana, and South Dakota. I think perhaps the printing of these in the RECORD may be of some use to the Senate by way of affording examples of "unfair competition," and may be suggestive as to amendments offered or to be offered. Therefore I ask leave that they may be printed in connection with my remarks.

The VICE PRESIDENT. Is there any objection? The Chair hears none, and it is so ordered.

The matter referred to is as follows:

STATE STATUTES—UNFAIR COMPETITION.

Laws of Nebraska, 1907, chapter 157:

SECTION 1. (Local unfair discriminations.) Any person, firm, company, association, or corporation, foreign or domestic, doing business in the State of Nebraska and engaged in the production, manufacture, or distribution of any commodity in general use that shall intentionally, for the purpose of destroying the business of a competitor in any locality, discriminate between different sections, communities, or cities of this State by selling such commodity at a lower rate in one section, community, or city than is charged for said commodity by said party in another section, community, or city, after making due allowance for the difference, if any, in the grade or quality and in the actual cost of transportation from the point of production, if a raw product, or from the point of manufacture, if a manufactured product, shall be deemed guilty of unfair discrimination, which is hereby prohibited and declared unlawful.

Laws of North Dakota, 1913, chapter 287:

SECTION 1. (Unfair competition.) Any person, firm, or corporation, foreign or domestic, doing business in the State of North Dakota and engaged in the production, manufacture, distribution, purchase, or selling of milk, cream, butter fat, grain, or any commodity in general use that shall, with the intention of creating a monopoly, or of destroying the business of a competitor or of any regular established dealer, or to prevent competition of any person who in good faith intends and attempts to become such a dealer, discriminate between different sections, communities, towns, or cities, or portions thereof, in this State by purchasing at a higher or selling at a lower rate or price in one section, community, town, or city, or portion thereof, in this State than is paid or charged by such person, firm, or corporation for such milk, cream, butter fat, grain, or commodity in general use in another section, community, town, or city, or portion thereof, in this State, after making due allowance for the difference, if any, in the actual cost of transportation of such commodities, shall be guilty of unfair discrimination.

Laws of Montana, 1913, chapter 7:

SECTION 1. Any person, firm, or corporation, foreign or domestic, doing business in the State of Montana and engaged in the production, manufacture, or distribution of any commodity in general use that intentionally, for the purpose of destroying the competition of any regularly established dealer in such commodity, or to prevent the competition of any person, firm, or corporation who in good faith intends and attempts to become such dealer, shall discriminate between different sections, communities, or parts of this State by selling such commodity at a lower rate or price in one section, city, or community, or any portion thereof, than such person, firm, or corporation, foreign or domestic, charges for such commodity in another section, community, or city, after equalizing the distance from the point of production, manufacture, or distribution and freight rates therefrom, shall be deemed guilty of unfair discrimination.

Laws of Montana, 1913, chapter 8:

SECTION 1. Any person, firm, or corporation, foreign or domestic, doing business in the State of Montana and engaged in the buying, selling, production, manufacture, or distribution of any commodity in general use that intentionally, for the purpose of destroying the competition of any regularly established dealer in such commodity, or to prevent the competition of any person, firm, or corporation who in good faith intends and attempts to become such dealer shall discriminate between different persons, sections, or communities in, or parts of this State, by buying such commodity at a higher rate or price in one section, city, or community, or any portion thereof, than such person, firm, or corporation, foreign or domestic, pays for such commodity in another section, community, or city, after equalizing the distance from the point of production, manufacture, or distribution, and freight rates therefrom, shall be deemed guilty of unfair discrimination.

Iowa Reports, Cornwall, 153, page 704:

Any person, firm, company, association, or corporation, foreign or domestic, doing business in the State of Iowa and engaged in the business of buying milk, cream, or butter fat for the purpose of manufacture, or of buying poultry, eggs, or grain for the purpose of sale or storage, that shall, for the purpose of creating a monopoly or destroying the business of a competitor, discriminate between different sections, localities, communities, cities, or towns of this State by purchasing such commodity or commodities at a higher price or rate in one section, locality, community, city, or town than is paid for the same commodity by said person, firm, company, association, or corporation in another section, locality, community, city, or town, after making due allowance for the difference, if any, in the grade or quality, and in the actual cost of transportation from the point of purchase to the point of manufacture, sale, or storage, shall be deemed guilty of unfair discrimination, which is hereby prohibited and declared to be unlawful, but prices made to meet competition in such locality shall not be in violation of this act; and any person, firm, company, association, or corporation, or any officer, agent, receiver, or member of any such firm, company, association, or corporation found guilty of unfair discrimination as defined herein, shall be punished as provided in section 5028–c of the Supplement to the Code, 1907.

The above section is an amendment to section 5028b of the Code Supplement.

Statutes and amendments to the codes of California, 1913, chapter 276, page 508:

SECTION 1. It shall be unlawful for any person, firm, or corporation doing business in the State of California and engaged in the production, manufacture, distribution, or sale of any commodity of general use or consumption, or the product or service of any public utility, with the intent to destroy the competition of any regular established dealer in such commodity, product, or service, or to prevent the competition of any person, firm, private corporation, or municipal or other public corporation, who or which in good faith intends and attempts to become such dealer, to discriminate between different sections, communities, or cities, or portions thereof, of this State by selling or furnishing such commodity, product, or service at a lower rate in one section, community, or city, or any portion thereof, than in another, after making allowance for difference, if any, in the grade, quality, or quantity, and for cost differences between such places due to distance from the point of production, manufacture, or distribution and expense of distribution and operation. This act is not intended to prohibit the meeting in good faith of a competitive rate or to prevent a reasonable classification of service by public utilities for the purpose of establishing rates. The inhibition hereof against locality discrimination shall embrace any scheme of special rebates, collateral contracts, or any device of any nature whereby such discrimination is in substance or fact effected in violation of the spirit and intent of this act.

Laws of Utah, 1913, chapter 41, page 53:

SECTION 1. (Unfair competition and discrimination prohibited.) Any person, firm, or corporation, foreign or domestic, doing business in the State of Utah and engaged in the production, manufacture, or distribution of any commodity in general use, that intentionally, for the purpose of destroying the competition of any regular, established dealer in such commodity, or to prevent the competition of any person who, in good faith, intends and attempts to become such dealer, shall discriminate between different sections, communities, or cities of this State by selling such commodity at a lower rate in one section, community, or city, or any portion thereof than such person, firm, or corporation, foreign or domestic, charges for such commodity in another section, community, or city, after equalizing the distance from the point of production, manufacture, or distribution, and freight rates therefrom, shall be deemed guilty of unfair discrimination.

Session laws of Wyoming, 1911, chapter 62, page 84:

SECTION 1. That any person, firm, or corporation, foreign or domestic, doing business in the State of Wyoming and engaged in the production, manufacture, or distribution of any commodity in general use, that shall intentionally, for the purpose of destroying competition, discriminate between different sections, communities, or cities of this State, by selling such commodity at a lower rate in one section, community, or city, or any portion thereof, than is charged for such commodity in another section, community, or city, after equalizing the distance from the point of production, manufacture, or distribution, and freight rates therefrom, shall be deemed guilty of unfair discrimination: *Provided, however*, That this act shall not apply to any case where, by reason of different railroad rates or other natural things in favor of any manufacturer or dealer of goods of this or another State, such manufacturer or dealer sells at a different price than he does in another, in order to meet the competitive rates or other natural things in favor of such other manufacturer or dealer: *Provided further*, That this act shall not apply to any case where any manufacturer of or dealer in goods manufactured or produced in this State sells products in one place cheaper than in another to meet upon the same or more favorable basis any competition from foreign States or this State: *Provided further*, That this act shall not prevent the sale of goods at proper commercial discount customary in the sale of such particular goods.

Acts State of Louisiana, 1908, act 128, page 187:

SECTION 1. *Be it enacted by the General Assembly of the State of Louisiana*, That any person, firm, company, association, or corporation, foreign or domestic, doing business in the State of Louisiana and engaged in the production, manufacture, or distribution of any commodity in general use, that shall intentionally, for the purpose of injuring or destroying the business of a competitor in any locality, discriminating between different sections, communities, cities, or localities in the State of Louisiana, by selling such commodity at a lower rate in one section, community, city, or locality than is charged for such commodity by said person, firm, company, association, or corporation in another section, community, city, or locality, after making due allowance for the difference, if any, in the grade or quality of such commodity and in the actual cost of transportation of same from the point of production, if a raw product, or from the point of manufacture, if a manufactured product, shall be guilty of unfair discrimination, which is hereby prohibited and declared unlawful and to be a misdemeanor; and that all sales so made shall be taken and considered as prima facie evidence of unfair discrimination.

Laws of South Dakota, 1907, chapter 131, page 196:

Any person, firm, or corporation, foreign or domestic, doing business in the State of South Dakota and engaged in the production, manufacture, or distribution of any commodity in general use, that intentionally, for the purpose of destroying the competition of any regular, established dealer in such commodity, or to prevent the competition of any person who in good faith intends and attempts to become such dealer, shall discriminate between different sections, communities, or cities of this State, by selling such commodity at a lower rate in one section, community, or city, or any portion thereof than such person, firm, or corporation, foreign or domestic, charges for such commodity in another section, community, or city, after equalizing the distance from the point of production, manufacture, or distribution and freight rates therefrom, shall be deemed guilty of unfair discrimination.

Mr. STERLING. While I am on my feet I want to call attention to the statement made by the Senator from Nevada [Mr. NEWLANDS] in regard to the amendment offered by the Senator from Delaware [Mr. SAULSBURY]. I regret that the Senator from Delaware is not here; but I understand the Senator from Nevada to say that the Senator from Delaware had offered an amendment which permitted a review by the courts of the orders and decisions of the commission. I have what I think to be the only amendment offered by the Senator from Delaware on that subject, and I wish to call the attention of Senators to it.

On page 21, strike out lines 15 to 22, inclusive, and insert:

If any corporation fails or neglects to obey any order of the commission while the same is in effect, the commission, or any person for whose benefit such order was made, may file in the district court of the United States within any district where the method in question was used, or where such corporation is located or carries on business, a petition setting forth briefly the grounds on which relief should be granted the petitioner and the order of the commission in the premises. Such suits in the district courts of the United States shall proceed in all respects like other causes or actions, except that on the trial of such cause or action the findings and order of the commission shall be prima facie evidence of the facts therein stated, and except that the petitioner shall not be liable for costs in the district court nor for costs at any subsequent stage of the proceeding, unless they accrue upon his appeal. If the petitioner shall finally prevail, he shall be allowed a reasonable attorney fee, to be taxed and collected as a part of the costs of the suit. All petitions for the enforcement of an order of the commission under this section shall be filed in the district court of the United States within one year from the date of the order, and not after. And said court is hereby authorized to enter such judgment, order, or decree as may be appropriate in such cause or action.

It will be seen that under the amendment of the Senator from Delaware no relief whatever is given to the party or the corporation against whom the order is made. He has no right under this to seek a review by the court. If this amendment were adopted, there would then be no question whatever but that the court would have no power to review on the application of a person against whom the order was made. Under the principle that the expression of the one excludes the other, any other proceeding by the court than a review of the order on the application of the Government or on the application of the party in whose behalf it was made could not be had.

Mr. BRANDEGEE. I wish to ask the Senator from Nevada in relation to the statement he made a few minutes ago. If I understood him correctly, he said that his position was based upon this, that inasmuch as the Constitution gives Congress the power to regulate commerce among the States, Congress may authorize an administration commission to regulate commerce, provided it lays down the rule within which the commission shall act. The Senator from Nevada states that this bill does provide a definite rule within which they shall decide what unfair competition is. I should like him to state what that rule is.

Mr. NEWLANDS. I will state that the phrase "unfair competition" has both an economic and a legal significance.

Mr. BRANDEGEE. Which does the Senator think the commission is bound to follow, or both?

Mr. NEWLANDS. The legal significance, and the legal significance is the same as the economic significance. This matter has been discussed now for 20 years. There is hardly an economic writer who has not spoken of unfair competition as expressing something else than the mere offense of passing over, to which it was originally confined. There is hardly a court that has acted in any large trust case that has not used the words "unfair competition" as words of perfectly ascertainable meaning. Those words have been used in not only carefully considered decisions of courts but in decrees themselves.

I do not profess to be either able or willing to stand here and answer every possible conundrum that may be proposed to me in possible cases arising under this phrase, with all kinds of fine distinctions, and so forth. All I say is that we have laid down the rule and we propose a tribunal to administer that rule, and that is the regulation of commerce under the Constitution. That regulation can not take away any man's right of property; it can not confiscate it; nor can the power be exercised except within the limits of the authority. The courts can intervene at any moment to protect either property against confiscation or an individual against an unauthorized act by a commission of this kind.

Now, we can, if we choose, go further and give a right of review; and that is being considered by the Senate and it will be presented in various amendments. That review may be confined to the law, and it may cover both the law and the facts.

I was greatly amused with the facetious speech of the Senator from Connecticut. It was amusing to us all. Of course he could hardly be serious in the exaggerated view that there is no difference between a criminal prosecution and a proceeding in equity by injunction; that there is no difference between a proceeding which lands a man in jail as the result of an indictment and a proceeding under which the defendant can absolutely protect himself from going to jail by obeying the judgment of the court given under the Constitution and the law.

So, from the terrors that the Senator depicts of criminal proceedings and landing in jail all citizens of the Republic are quite exempt. This power has been exercised by the Interstate Commerce Commission, the power of making an order to cease and desist. These orders have been enforced by the court. There have been no terrors connected with the proceedings, except perhaps of evildoers who might finally land, through really criminal proceedings, in jail, just as the man whom we seek to control in these practices could finally land in jail through a perfection of monopoly.

Mr. President, the business man of this country has no fear of this method of inquiry. He wants a tribunal of experts consisting of lawyers and economists and men trained in business to act in judgment upon business matters.

The boards of trade of this country have been almost unanimous in their indorsement of such a proposal, with a full knowledge of all of the provisions presented to them by the National Chamber of Commerce through a referendum. These chambers have been debating this matter for months, and the demand has largely arisen from them. They know what they want. The business men have no fear of such a tribunal, nor have they fear of any substantial injustice being done.

Had we yielded to the terrors which the Senator describes we would have never organized an Interstate Commerce Commission. Had we yielded to such terrors we never would have passed the antitrust act. If such terrors are to control, we never will pass any adequate measure that will meet the evils that are apparent to all, of practices in embryo which finally ripen into monopoly.

We are merciful to these men who are thus offending against good morals in business by checking them in their mad career, and we are merciful to the business men of the country when we give them a tribunal in which, without expense to them, they can meet their giant opponents and secure administrative justice.

Mr. BRANDEGEE. Mr. President, I had hoped to get some light from the Senator as to what is the accurate definition and rule that he has laid down for this commission to delimit its powers with.

The Senator has referred to my facetious speech. I will do him the compliment to say that I consider his to have exceeded mine in that line. When the Senator says, in answer to the inquiry of another Senator as to what the thing in this bill which is declared to be unlawful is, he is met with the response that the chairman of this committee does not care to stand here to answer conundrums and to go into the refinements of distinction, and flippantly waves his hand and waves them all into thin air.

If Congress is declaring something to be unlawful, the people of the country are entitled to know what we mean by that language, and the Senator from Nevada does not know. If he does, he failed to state it.

Mr. NEWLANDS. Mr. President, I have stated again and again that in my judgment this phrase covers all practices——

Mr. BRANDEGEE. I do not yield to the Senator at this time.

Mr. NEWLANDS. Against morals and——

Mr. BRANDEGEE. The Senator must not interrupt me, as I did not interrupt him.

The Senator says that "unfair competition" means what it means in law and what it means in economics. I do not know what economists say about unfair competition, neither do I know whether they agree in what they say about it, and I do not believe the commission who are sitting in judgment as between two corporations of this country, one of which is charging the other with having gotten some of its business which it otherwise would have gotten by unfair methods of competition, would get the slightest illumination from these anonymous economists who exist in the Senator's mind. Economists do not make the

statutes and they do not make the laws of this country, neither do magazine writers nor charitable institutions nor boomers of particular cults or factions; but the Congress of the United States is declaring something or other to be unlawful here, and it is alleged that the business men of this country are demanding that legislation. Now, I deny it.

Mr. President, I have been a member of this committee for three or four years. I sat for months in 1911 under a resolution introduced by the Senator from Minnesota [Mr. CLAPP], and we took testimony to the extent of three volumes as large as that [exhibiting], which may be had by any Senator, as to whether any additional legislation was necessary or not to enforce the Sherman law in this country. There appeared before our committee representatives of pretty nearly every class of people in the country—if it is proper to speak of classes of people in this country—representatives, I will say, of employers and employees and leading lawyers and presidents of chambers of commerce, writers and thinkers on these subjects.

Now, what legislation did the great mass of those people demand of Congress? They did not one of them ask that any statute should be passed prohibiting anybody from doing anything. They said that they wanted remedial legislation. They wanted legislation so that they could know what they could do without violating the Sherman law. Mr. George Perkins came here, and his testimony is all extant and is very informing. I am speaking now simply from memory—I have not read it lately—but Mr. George Perkins, who believes in large units and large corporations and the economies that he says are produced by large units in the industries of this country and in others, and who says that they are necessary to compete with the similar units into which our foreign competitors are organized, wants something that will allow combinations without danger of prosecution under the Sherman law.

I have no doubt the Senators here from the coal-producing States know what the situation is in their States as to the soft-coal industry. The former Senator from West Virginia, Senator Watson, who was a member of our committee, brought on here from West Virginia, that great coal-producing State, representatives of both the large and small coal operators, and they swore before the committee that the condition in that industry was something awful. What they were complaining of was cutthroat competition. They said that the resources in the soft-coal fields were being ruined by the way that industry was compelled to be conducted under the present straightjacket Sherman antitrust law. They said that only the richest mines could be operated, and the competition was so fierce that only that coal could be taken out which was the cream of the mine; that the rest of it was abandoned; that they were skimming the cream and leaving millions upon millions of tons of coal in mines under this unscientific method of cutthroat competition, which could probably not be recovered hereafter, whereas if they were allowed to have a trade commission which would have authority to set the seal of approval of this Government upon an agreement that those otherwise competing coal miners and coal companies might make with each other to stop this wasteful competition, to fix the price of coal higher, it would result in a great economic operation of their coal properties, that the supply would last longer, and that they could all make a little something, instead of only the richest miners or those who had the richest holdings making it all and leaving the rest abandoned.

That was the burden of the refrain of nine-tenths of the expert witnesses who appeared before our committee, and that was the kind of trade commission they were demanding, as they described it, a trade commission that would help business. There has been nobody here demanding a trade commission as an additional scourge to business. No business man has come on here and said that he thought a commission of the Government that should act as a Pinkerton police department or a secret-service agency or a mere smelling committee would help anybody's business.

Mr. NEWLANDS. Mr. President——

The VICE PRESIDENT. Does the Senator from Connecticut yield to the Senator from Nevada?

Mr. BRANDEGEE. I do, for a question.

Mr. NEWLANDS. Does the Senator recall that the Chamber of Commerce of the United States, which is affiliated with all the boards of trade and commerce of the country, has recently had a referendum which presented this bill with all its details, and that upon that referendum the boards of trade and chambers of commerce by a very large majority declared for this measure, and particularly for the provision relating to unfair competition?

Mr. BRANDEGEE. No, I do not; and I deny that it is the fact.

Mr. NEWLANDS. Is the Senator also aware that the Merchant Retailers' Association sent a telegram yesterday, which was put into the RECORD, urging the Senate particularly to adhere to section 5 of the bill?

Mr. BRANDEGEE. Mr. President, I heard the Senator have a telegram read from somebody, I think in St. Louis or some western city, which was immediately exposed by the Senator from Minnesota [Mr. NELSON], as I recall, who said he had received a similar telegram from a similar association in his State and that they were acting under an entire misapprehension of the situation, as I think they are.

I will say when I say that——

Mr. NEWLANDS. Will the Senator permit me?

Mr. BRANDEGEE. Certainly.

Mr. NEWLANDS. The Senator from Minnesota indicated that the dissatisfaction with the proposed law was that the provision was confined to corporations and was not extended to individuals.

Mr. BRANDEGEE. Perhaps if it covers corporations it should be extended to individuals. But that is another question. I am saying that what the Chamber of Commerce of the United States—if that is the institution that the Senator refers to as the national chamber—did was to poll their constituents around this country, and they sent to them a copy of the House Clayton bill as a sample. That is my recollection about it.

Mr. NEWLANDS. They sent a referendum also for the Senate bill.

Mr. BRANDEGEE. Now, there appeared within a day or two of that same occurrence—and I will read it to the Senate later from the testimony, that there may be no mistake about it—some business gentlemen who said they represented I do not know how many millions, over one hundred, I do not know, but several hundred million dollars invested in industries in Indiana.

Mr. NELSON. Mr. President, will the Senator yield to me?

Mr. BRANDEGEE. I yield to the Senator.

Mr. NELSON. Is it not possible that these business men may not know what is for their own good, and that it is wise for us to administer such remedy as we think is best for them?

Mr. BRANDEGEE. I think we ought to act according to the duties and powers of our office. If we are not fit to legislate, we ought to go home and let the business men do the legislating and let us do the business. Probably we would both do better or worse than we do now; I do not know which. But these men from Indiana went to the White House, and they were told by the President that their troubles were purely psychological and they ought to go home and brace up and talk cheerful and chipper, and then everybody else would be chipper. Then they came over to us. The testimony will show what they said. I asked one of them who testified if he and his friends were in favor of a trade commission. He replied that they thought it would be a great thing. I said, "What trade commission bill are you in favor of?" He did not know. I asked him if he thought those whom he represented when they voted had known what was contained in the bill which they said they were in favor of, and he said he did not think they did. I then took the Newlands trade commission bill and read to him what the commission was authorized to do in the inspecting and investigating line, and asked him if that was the kind of a trade commission these business men had petitioned for; and he said, "Oh, no; that is not what we want at all." "Well," I said, "do you not think it would help business to have that?" "No," he said; "I do not." Said I, "Do you think it would restore business confidence if Congress should adjourn?" "I certainly do," he said. Well, that gentleman did not think——

Mr. NEWLANDS. Mr. President——

The VICE PRESIDENT. Does the Senator from Connecticut yield to the Senator from Nevada?

Mr. BRANDEGEE. I do.

Mr. NEWLANDS. The Senator will recall that three associations were represented there, I think, one from Ohio, one from Indiana, and another from Illinois; and whilst one of the gentlemen did respond as the Senator has indicated, the Senator will recollect that the others responded favorably, and that one of them, from Chicago, a very intelligent man, declared that it would be impossible to attempt to define the various trade practices that ought to come under the condemnation of the law, and he said if there were 20 of these practices to-day, and they were forbidden expressly, there would be 20 more invented to-morrow just as effective.

Mr. BRANDEGEE. I agree to that; and I agree that that gentleman was in just the same position of absolutely guiltless

knowledge of what this language means as the Senator from Nevada is in; but the Senator from Nevada is so anxious to get through the Newlands Federal trade commission bill, or the title of it, that he does not care what is in the bill, if he can only get it through and have the framework established.

Mr. GALLINGER. Mr. President——

The VICE PRESIDENT. Does the Senator from Connecticut yield to the Senator from New Hampshire?

Mr. BRANDEGEE. I yield.

Mr. GALLINGER. Is this the Newlands Federal trade commission bill?

Mr. BRANDEGEE. I think, if you tried to take that title away from it, you would have trouble.

Mr. GALLINGER. I read this, which bears the signature of my colleague:

Moreover, we propose to elect in the place of Senator GALLINGER this fall another man who shares my views on these subjects—Congressman STEVENS, who is the author of the trade commission bill now pending in the Senate.

Mr. BRANDEGEE. As between such high authorities, I would not know how to decide.

Mr. NEWLANDS. The statement read by the Senator from New Hampshire is probably confined to section 5 of the bill. It is a fact that the origin of section 5 is a bill introduced by Mr. STEVENS, of New Hampshire, but I will state further that the very first trade commission bill which I offered in the Senate over three years ago provided against "unfair competition."

Mr. GALLINGER. The junior Senator from New Hampshire [Mr. HOLLIS] did not confine his statement to section 5, his exact words being:

Congressman STEVENS, who is the author of the trade commission bill now pending in the Senate.

I do not know who is the author of this bill.

Mr. SMITH of Michigan. Is that a letter?

Mr. GALLINGER. It is from a letter; yes.

Mr. STONE. What difference does the authorship of the bill make?

Mr. BRANDEGEE. I do not know that it makes any difference who is the author of this bill. The Senator from Nevada, as he says, has had the honor of introducing a great many bills on this subject. No one of them has been like any other one of them, but they have all been trade commission bills, and they have all provided for another Government commission. Nobody knows who is the author of this bill. It is a composite production. It does not proceed upon any particular theory that is coherent or consistent. In section 5——

Mr. NEWLANDS. Mr. President, the Senator is quite correct in stating that it is "a composite production." It was very effectively amended by the Interstate Commerce Committee during the last Congress, when the Senator from Minnesota [Mr. CLAPP] was chairman of that committee. It was only tentatively amended at that time, it is true, and never perfected with a view to its report, for it was not reported. That committee reported no particular bill, but simply made a report covering the general principles of legislation which it recommended; but, among other things, it recommended a trade commission bill. The bill which that committee considered was a bill which had been introduced by myself in 1911, and I have to say that I was very much indebted to some of the Republican members of that committee for valuable suggestions in regard to the bill.

Mr. BRANDEGEE. Mr. President, we did secure the elimination of some objectionable features in the bill, but the Senator from Nevada has stated his views in the written report he has made upon this bill, and in remarks upon his previous bills, as well as on the pending bill, and I should like now to have a little time to give a few views of mine in a more or less connected way.

Mr. STONE. Does the Senator desire to go on this afternoon?

Mr. BRANDEGEE. I am perfectly willing to continue my remarks from day to day or week to week at any time, at the convenience of the Senator.

Mr. STONE. Or from month to month?

Mr. BRANDEGEE. Or from month to month; yes. I yield to the Senator from Missouri.

EXECUTIVE SESSION.

Mr. STONE. I move that the Senate proceed to the consideration of executive business.

The motion was agreed to, and the Senate proceeded to the consideration of executive business. After 37 minutes spent in executive session the doors were reopened, and (at 6 o'clock and 3 minutes p. m.) the Senate adjourned until to-morrow, Friday, July 17, 1914, at 12 o'clock meridian.

CONFIRMATIONS.

Executive nominations confirmed by the Senate July 16, 1914.

SECRETARIES OF EMBASSIES.

George L. Lorillard to be secretary of the embassy at Buenos Aires, Argentina.

Hugh R. Wilson to be second secretary of the embassy at Buenos Aires, Argentina.

Sheldon L. Crosby to be second secretary of the embassy at Madrid, Spain.

SECRETARIES OF LEGATIONS.

Robert B. Davis to be secretary of the legation at Port au Prince, Haiti.

Oscar L. Milmore to be secretary of the legation at Asuncion, Paraguay.

H. F. Arthur Schoenfeld to be secretary of the legation at Montevideo, Uruguay.

William P. Cresson to be secretary of the legation at Panama, Panama.

POSTMASTERS.

NEBRASKA.

Ralph L. Duckworth, Indianola.

NEW YORK.

John A. Ganey, New Hartford.
Glenn F. Pollard, Oriskany Falls.

OKLAHOMA.

J. Lee Smith, Waynoka.
L. B. Sneed, Guymon.

RHODE ISLAND.

Thomas F. Cavanaugh, Woonsocket.

SOUTH DAKOTA.

William Lowe, Madison.

VIRGINIA.

Thomas S. Burwell, Lexington.
Robert J. Northington, South Hill.

REJECTION.

Executive nomination rejected by the Senate July 16, 1914.

G. T. Breckenridge to be postmaster at Paragould, Ark.

HOUSE OF REPRESENTATIVES.

THURSDAY, *July 16, 1914.*

The House met at 12 o'clock noon.

The Chaplain, Rev. Henry N. Couden, D. D., offered the following prayer:

Thy spirit, O God our Father, be upon us to uphold, sustain, and guide us in every act looking to the larger application of justice, that every man, woman, and child throughout the length and breadth of the land may have an equal chance to live, grow, and enjoy the fruits of their own labors; that wrongs may be righted, discords cease, and every virtue encouraged; that brotherly love may have its sway—each for all and all for each. In the spirit of the Master. Amen.

The Journal of the proceedings of yesterday was read and approved.

SWEARING IN OF A MEMBER.

Mr. UNDERWOOD. Mr. Speaker, the credentials of Hon. W. O. MULKEY, elected a Member of Congress from the third district of Alabama, are on the Speaker's table, and I ask that the oath of office be administered to him.

The SPEAKER. The Chair has examined the gentleman's credentials and finds them correct.

Thereupon Mr. MULKEY, accompanied by Mr. UNDERWOOD, appeared at the bar of the House and took the oath of office prescribed by law.

PAYMENTS UNDER RECLAMATION PROJECTS.

The SPEAKER. By order of the House, in effect this is Calendar Wednesday, and the bill that came over from yesterday is the bill S. 4628, the irrigation bill. Before going into Committee of the Whole House on the state of the Union, the Chair, at the request of the gentleman from Alabama [Mr. UNDERWOOD], announces that as soon as the House adjourns this afternoon there will be a Democratic caucus held in the Hall for the purpose of electing Members to fill vacancies on committees.

Mr. TAYLOR of Colorado. Mr. Speaker, before going into Committee of the Whole, I want to inquire if we can not agree upon a limit for general debate?

The SPEAKER. Has the gentleman any suggestion to make?

Mr. TAYLOR of Colorado. I am willing to agree to one hour on a side, or two hours on a side, if necessary. I will ask unanimous consent that general debate on this bill be limited to four hours, one half to be controlled by myself and the other half by the ranking minority member of the committee, Mr. KINKAID of Nebraska.

The SPEAKER. The gentleman from Colorado, pending going into Committee of the Whole, asks unanimous consent that general debate on the irrigation bill be limited to four hours, one half to be controlled by himself and the other half by the gentleman from Nebraska [Mr. KINKAID].

Mr. FOSTER. Mr. Speaker——

Mr. MANN. Reserving the right to object——

Mr. FOSTER. I want to inquire if debate will be restricted to the subject of the bill?

Mr. TAYLOR of Colorado. I am perfectly willing—in fact, would be glad—to so limit it.

Mr. MANN. Mr. Speaker, this is one of the most important bills that has been before Congress for a long time. I do not know how much debate gentlemen desire to have upon it, but in view of the fact that the two gentlemen who are to control the time are both in favor of the bill—and I have no objection to that—I do not think the time ought now to be limited.

Mr. TAYLOR of Colorado. I will say to the gentleman from Illinois that I am perfectly willing to give those who are opposed to the bill one-half of the time.

Mr. MANN. The gentleman would not be able to carry that into effect if the time was limited and those opposed to the bill wanted two hours.

Mr. TAYLOR of Colorado. I do not think they would make any unreasonable request. If those who are opposed to the bill want half of my two hours, I will give it to them. Personally I would like to have less general debate than that if we could agree upon it.

Mr. BURKE of South Dakota. Mr. Speaker, I desire to make this observation: The debate, as I understand it, is to be on the bill.

Mr. TAYLOR of Colorado. I hope so, if we can agree to it.

Mr. BURKE of South Dakota. I presume that the gentleman from Illinois and some others, who may think as he does about it, may want to talk when the bill is under consideration under the five-minute rule. I am opposed to the amendment of the committee, which strikes out section 16 from the bill. I want to discuss it at some length. I do not care to discuss it in Committee of the Whole under general debate when there is no one here. I would rather see the time for general debate limited, and then have an understanding that under the five-minute rule there shall be considerable latitude in discussing the different provisions of the bill.

Mr. TAYLOR of Colorado. I would be very glad to agree to that.

Mr. UNDERWOOD. Mr. Speaker, if the gentleman will yield, I want to say that I think this bill is a very important one. It does not affect my own constituency, but I realize the importance of the bill to the western country. I am in hopes that the bill will be modified to some extent and then passed. I think the bill ought to be amended to some extent before it becomes a law, and then it ought to pass.

I have no objection to giving the settlers 20 years instead of 10, but there are some other provisions in the bill that I would like to see changed. But what I wish to say is this: I do not think we will accomplish anything by agreeing to four hours of general debate to-day. I believe it will be absolutely wasted. I would like to see the debate on this bill limited to two hours, with the understanding of gentlemen in charge of it that we will have a reasonable latitude for debate under the five-minute rule. I do not think it is necessary to make an agreement as to that, for the House always lives up to a gentleman's agreement. Let us have some latitude under the five-minute rule, and two hours of general debate. I will ask the gentleman to modify his request to that extent.

Mr. MONDELL. Mr. Speaker, reserving the right to object, I want to make this observation: There are many Members of the House who are not at all familiar with the provisions of the reclamation law, and they can not well become familiar with the provisions of the reclamation law by the discussion which would be had under the five-minute rule. There ought to be some discussion in general debate on the general provisions of the bill, in order that Members may be informed as to the entire matter, before we begin the discussion of the provisions in the bill.

There ought to be latitude of debate under the five-minute rule; personally I should like to make a general statement of 20 or 25 minutes, as to the law and the workings of the law and the reasons why it is necessary for these modifications. That can not well be done under the five-minute rule.

Mr. TAYLOR of Colorado. What does the gentleman from Wyoming suggest?

Mr. MONDELL. I think if we make an agreement at all it should be for four hours; that would be satisfactory, with the hope that the discussion be confined to the bill. Of course if, before that time, gentlemen get through with the discussion on the bill, the debate ought to close.

The SPEAKER. The Chair will state to the gentleman from Iowa that he understands the gentleman from Illinois [Mr. FOSTER] makes it conditional that he will object unless the debate is confined to the bill.

Mr. FOSTER. I think the Speaker hardly got my idea——

The SPEAKER. The Chair wants to get it. The Chair wants to ask the gentleman from Nebraska [Mr. KINKAID] a question of his own. Both the gentleman from Colorado [Mr. TAYLOR] and the gentleman from Nebraska [Mr. KINKAID] are for this bill. The Chair does not know that there is a soul in the House who is against it, but it is a wretched, bad practice to have all the time on any bill controlled by one side. The gentleman from Colorado [Mr. TAYLOR] says he is willing to yield one-half of his time to anybody who is opposed to the bill. Is the gentleman from Nebraska [Mr. KINKAID] of the same frame of mind?

Mr. KINKAID of Nebraska. I think that would be a very good disposition of the time. We might select some one who was representing the opposition, and let him control the time on that side.

The SPEAKER. No; the Chair does not suggest that.

Mr. MANN. Oh, no.

Mr. KINKAID of Nebraska. That is, to sublet it. The gentleman from Colorado [Mr. TAYLOR] and I can divide the time; but, as far as I am concerned, I have thought of letting some one who is opposed to the bill parcel out the time to those who are opposed to it.

The SPEAKER. The reason the Chair made the remark is that he has seen the time here when it was almost impossible for any Member to get any time against a bill, because the proponents of the bill monopolized the whole thing.

Mr. TAYLOR of Colorado. The gentleman from Nebraska [Mr. KINKAID] will yield, will he not, time to the opponents of the bill?

Mr. KINKAID of Nebraska. That is satisfactory to me.

The SPEAKER. The gentleman from Colorado [Mr. TAYLOR] asks unanimous consent——

Mr. MORGAN of Oklahoma. Mr. Speaker, reserving the right to object, this is a bill of very great importance to my people, and I would not like to give unanimous consent unless it is understood that I can have 30 minutes in which to discuss this bill in general debate.

The SPEAKER. The Chair suggests to the gentleman that he negotiate with the gentleman from Colorado [Mr. TAYLOR] or the gentleman from Nebraska [Mr. KINKAID].

Mr. MANN. As far as I am concerned, I am perfectly willing that the time be divided equally between the two gentlemen, and take chances on that; but I am not willing, under these conditions, to agree to closing general debate at this time.

The SPEAKER. Is there objection?

Mr. MANN. Mr. Speaker, I object.

The SPEAKER. The gentleman from Illinois objects.

Mr. MANN. It will save time to have an understanding that the time be controlled by the two gentlemen.

Mr. TAYLOR of Colorado. I ask unanimous consent that the time for general debate be controlled one-half by the gentleman from Nebraska and one-half by myself.

The SPEAKER. The gentleman from Colorado asks unanimous consent that the time for general debate be controlled half and half by himself and the gentleman from Nebraska [Mr. KINKAID]. Is there objection?

Mr. TAYLOR of Colorado. I want to make an additional request—that the debate be confined to the bill.

Mr. MANN. I shall object to that, although I hope gentlemen will start in with a lot of other debate; but somebody might want time for something else.

The SPEAKER. You had better leave out that condition, then.

Mr. TAYLOR of Colorado. All right, then. I will withdraw that latter part of the request.

The SPEAKER. The gentleman from Colorado asks unanimous consent that one half of the time for general debate be controlled by himself and the other half by the gentleman from Nebraska [Mr. KINKAID]. Is there objection?

Mr. MADDEN. Reserving the right to object, the request should provide that these two gentlemen be required to yield half the time——

The SPEAKER. They have already agreed to, and the Chair will take their word for it.

Mr. MADDEN. I think the House ought to have something to say about it.

The SPEAKER. Of course. The Chair thinks that, too. Does the gentleman add that?

Mr. MANN. I think that is unnecessary.

Mr. MADDEN. Then, I will withdraw the suggestion.

The SPEAKER. The gentleman withdraws it. Is there objection to the request of the gentleman from Colorado?

There was no objection.

The SPEAKER. The gentleman from Virginia [Mr. FLOOD] will take the chair.

Accordingly the House resolved itself into Committee of the Whole House on the state of the Union for the further consideration of the bill (S. 4628) extending the period for payment of reclamation projects, and for other purposes, with Mr. FLOOD of Virginia in the chair.

Mr. TAYLOR of Colorado. Mr. Chairman, I desire to say to the House that in view of the statement of the Speaker that there is a notice out for a Democratic caucus in this room immediately after the adjournment of to-day's session, to fill some vacancies in committees, I will notify the Members that I will ask the committee to rise about 5 o'clock this afternoon. Will the gentleman from Nebraska [Mr. KINKAID] now consume some of his time?

Mr. KINKAID of Nebraska. Yes, Mr. Chairman. I will yield 30 minutes to the gentleman from Wyoming [Mr. MONDELL].

Mr. MONDELL. Mr. Chairman, there is a general desire among those favorable to this legislation to consume as little time as possible in general debate. I certainly share in that desire and feeling in regard to the matter. I should take no time at all in general debate if it were not for the fact that there are quite a number of gentlemen in the House who were not here at the time of the passage of the reclamation law, who are not familiar with that law and its working, and it has occurred to me that a general statement of facts and figures with regard to the operations under the reclamation law might be helpful in the consideration of the measure under the five-minute rule.

It was my good fortune to belong to and be a member of the unofficial committee of 17, representing the Western States and Territories, that drafted the original reclamation act. I was a member of the Committee on Irrigation of Arid Lands that considered the act in committee. I had the honor of reporting the bill to the House and had charge of the debate, and President Roosevelt was kind enough to hand to me for my State the pen with which the act was signed. I was also the author of the legislation under which a loan of $20,000,000 was made to the reclamation fund. I live in the part of the country in which these projects are being developed, and have kept in close touch with that development, not only in my own State, but throughout the West. I have personally visited many of the projects under construction, and think I am fairly well informed as to the conditions under which this great work has developed, and the present situation with regard to the projects, both from the engineering standpoint and the standpoint of the men who are trying to conquer the desert, and make homes in the wilderness under these great projects.

PROMISED BY THE REPUBLICAN PLATFORM.

Mr. Chairman, I want to say that while this is not in any way a party measure, and should not be so considered, for it has had and has support on both sides of the House, gentlemen on the Republican side of the House should not forget that in the passage of this legislation, as in the passage of some other legislation that has been presented by our friends on the other side, we are simply carrying out Republican platform pledges. The last Republican national convention made this declaration:

> We favor the continuance of the policy of the Government with regard to the reclamation of arid lands. For the encouragement of the speedy settlement and improvement of such lands we favor an amendment to the law which will reasonably extend the time within which the cost of any reclamation project may be repaid by the landowners under it.

So that this Congress, controlled by a Democratic majority, has in this legislation acted in accordance with the platform pledges of the Republican Party, confessing, of course, as in many other matters, that the only wise legislation that can be had is legislation that has been recommended and pledged by our party.

EXTENSION OF RECLAMATION PAYMENTS.

Mr. Chairman, the reclamation law of June 17, 1902, authorized the Secretary of the Interior to make examinations and surveys for, and to locate and construct, irrigation works for the storage, diversion, and development of waters for the irrigation of arid lands in certain western public-land States to which, by subsequent enactment, the State of Texas was added. The funds for this work were to be derived from the proceeds of the sale of public lands. These funds proving inadequate for the completion of projects which have been undertaken as rapidly as the public interest seemed to demand, the act of June 25, 1910, provided for advances from the Treasury to the reclamation fund of sums not to exceed in the aggregate $20,000,000.

The receipts from the sale of public lands flowing into the reclamation fund up to the end of the fiscal year ending June 30, 1913, amounted to $81,504,919.82, to which is to be added the available loan of $20,000,000. The expenditure on account of all projects and undertakings up to April 30, 1914, amounted to $86,374,066.01. Twenty-seven primary projects have been undertaken. The estimated area of the irrigable lands under these projects when completed is 2,447,966 acres. Of this area 1,015,064 acres were public lands and 1,432,902 acres are in private or State ownership.

PRESENT STATE OF PROJECTS.

The Reclamation Service is at this time prepared to furnish water for irrigation to 1,261,704 acres, of which 28,732 is public land which on the 1st of May was unentered and approximately 50,000 acres are State lands unirrigated. It is estimated that 886,967 acres of the lands for which water is available are actually being irrigated the present season. Taking from the total of the lands for which water is available the public lands still unentered and the 50,000 acres of State lands leaves 296,014 acres included in farms occupied by owners or entrymen which have not yet been actually brought under cultivation. It ordinarily requires from three to five years from the beginning of irrigation for the owner or entryman to get all of his land under water and cultivation; therefore this difference between the acreage of land occupied and the acreage cultivated will eventually be wiped out as to these lands.

PAYMENTS DUE.

On the 27 primary projects above referred to there are 9,645 users subject to building charges, in addition to which there are 1,263 persons having old or preexisting rights not subject to building charges, but which are subject to operation and maintenance charges. Up to the date of the last report available there has been returned to the reclamation fund in the payment of building charges $2,915,303, and on account of operation and maintenance charges there has been paid $1,855,141, or a total of $4,770,444. The reclamation law provides for the return to the reclamation fund of the estimated cost of constructions in 10 years.

Very soon after the first payments became due it became apparent that, owing to a variety of circumstances and conditions, entrymen and owners would not be able to meet their payments if they were divided into 10 equal annual installments. The Secretary of the Interior therefore, by regulation, provided for a system of graduated payments, beginning with a sum considerably less than one-tenth of the total charge and gradually increasing in amount so as to cover the entire building charge in 10 years. On a considerable number of projects, at least, this arrangement might have proved permanently satisfactory and landowners and entrymen might have been able to meet these payments had conditions been as favorable as was anticipated, and particularly had the cost per acre remained as low as was originally expected or estimated.

FORMER ESTIMATES OF COST.

When the reclamation law passed a cost of $25 an acre for a water right was, in most parts of the arid West, considered high, and the original estimates of the Reclamation Service were even less than that as to some of the projects. For instance, on the Minidoka project in Idaho and the Truckee-Carson project in Nevada the original estimate was $22 an acre; on the Huntley project in Montana $30 an acre; on the Carlsbad project in New Mexico $31 per acre. The actual cost on these projects will run from $40 to at least $55 per acre, and on some of the projects of considerable area the construction cost will be upward of $65 an acre; on a few in the neighborhood of $100 per acre.

Mr. MURDOCK. Mr. Chairman, will the gentleman yield at that point?

Mr. MONDELL. Certainly.

Mr. MURDOCK. What is the reason for that tremendous discrepancy?

Mr. MONDELL. I propose to discuss that. If I do not go into it sufficiently in detail, the gentleman may interrupt me a moment later.

CAUSES OF INCREASED COST.

These increases of cost arise from a variety of causes, which in the limited time I have for the discussion of the matter I can not go into in detail. But in addition to these increased costs are a variety of causes not fully realized at the time the reclamation law was passed, which render it difficult for any landowner or entryman to meet his payments in 10 years, and utterly impossible for the owner or entryman of limited means, who most needs a home, to do so. On many of the projects—in fact, nearly all of them—the cost of clearing, leveling, and preparing the land for the growth of crops has been greater than anticipated. The cost of the necessary buildings and other improvements has been greater than was calculated. Furthermore, on many of the projects it has required a longer time than was expected to bring these wild lands, lacking in vegetable mold or humus, to grow the kind of crops which would bring the best return. In some localities unexpected seepage and waterlogging has occurred, which, though it has been or will be remedied by drainage, for the time being deprives the owner or entryman of the full use of his land.

I have not discussed the reasons for the increased cost of construction which, perhaps, the gentleman from Kansas [Mr. MURDOCK] had in mind. That arose from a variety of causes. It arose very largely from the very general increase and advance in the cost of material and in the wages of labor about the time the reclamation law went into effect. The eight-hour provision of the law also had some effect. It also came about by reason of the fact that the reclamation engineers, in the first instance, based their estimates very largely on private construction. Mr. Chairman, it is notorious that Government construction costs more than private construction. I do not mean to say that it costs the Government any more to get the same amount of work done, to secure the same results, than it does a private individual, but it is necessary, apparently, under Government construction, Government supervision, to be more thorough than it is often considered necessary to be in this class of construction by private enterprise. For one thing the Government engineers feel compelled to require the contractor to finish his work better, perhaps, than as a practical proposition it is essential it should be done. The gentleman realizes how an engineer of the Reclamation Service, like an Army engineer on river and harbor work, would be subject to criticism if he allowed the contractor to leave the work with an unfinished and slovenly appearance, although the work might for practical purposes be perfect. A private contractor could let a contract with a view of having the work completed without what they call a "sandpaper finish," and have the work done more cheaply, and possibly in the long run it would be just as good. I do not think we ought to criticize Government engineers because of the necessity, as they understand it, of finishing work perfectly. Further, a private constructor may figure and believe that he can get along with wood structures or relatively light or temporary structures for a part of his work. The Government engineer feels that he would be subject to criticism if he did not build all of his work practically for all time. The result is that we use concrete and stone almost exclusively for this work, for turnouts, and for the minor structures, as well as the larger structures, with the result that the cost is higher than was anticipated, based as it was largely on construction not so permanent in character, not so well finished.

Mr. MURDOCK. Mr. Chairman, will the gentleman yield?

Mr. MONDELL. Certainly.

Mr. MURDOCK. Aside from the causes the gentleman has given, it struck me, from the fact that he said the original estimates were $25 an acre and in some cases they had reached as high as $65 an acre, that possibly some unusual physical obstacle had been met with. Is not that true?

Mr. MONDELL. That is true in some cases, and the gentleman understands this, that in some cases the increase of cost has been due to unexpected seepage and necessity for drainage. A project in my State has been increased in acre cost $5 or $6 on account of the necessity of constructing a complete drainage system, and a drainage system. I will say to my friend, that could not have been anticipated by the best irrigation engineers at the time the project was undertaken, for the country has every indication and appearance of a territory that would be naturally perfectly drained. The engineers, not being able to look down below the surface, were unable to determine as to conditions that no one anticipated, which necessitated drainage at considerable cost. That is true on many of the projects.

Mr. MURDOCK. What was the cause where the cost has reached $65 an acre? Was that one of those cases of unforeseen seepage?

Mr. MONDELL. The projects on which very low estimates were made were the first projects undertaken. On some of the projects more recently undertaken the estimated price was $50 or $60 an acre at the beginning. They are more difficult; they were not the character of projects which were anticipated to be undertaken as the first projects when the law was passed. They were undertaken later because it was believed that the land values were enough to justify the expenditure of that amount. For instance, on one project in Idaho we have spent $34 per acre for the whole project for storage alone. In addition to all the cost of the construction of the ditches the storage works alone lay that enormous cost upon the land, and yet I think that no one who knows the situation of the Boise Valley will doubt, if not the propriety of undertaking that work at this time, at least the fact that the work will be paid for.

Mr. MOORE. Will the gentleman yield?

Mr. MONDELL. I will.

Mr. MOORE. The gentleman dealt only with the construction cost when he mentioned $25 to $65 per acre?

Mr. MONDELL. Yes.

Mr. MOORE. Is there an original land-value cost in addition?

Mr. MONDELL. There is no land value that the Government is interested in primarily for this work. These lands are of two classes. They are either privately owned lands—I have just given figures of the two classes—they are either privately owned lands, which are pledged to the repayment of the expenditure before the project is undertaken, or they are public lands which are entered under the provisions of the homestead law with the obligations of the irrigation law added thereto.

Mr. MOORE. Whether private or public lands, they come under the reclamation law?

Mr. MONDELL. They come under the reclamation law, because there are public lands on all projects and practically all projects have some private lands.

Mr. MOORE. I asked the question with regard to the cost to ascertain if the gentleman could tell what the price of the land to the farmer would be when it was in a state of cultivation.

Mr. MONDELL. Well, in some cases farmers, whose lands are to be irrigated, did spend large sums of money attempting to irrigate them before the Reclamation Service took charge, and in some cases as much as $50 an acre had been spent on the lands before the Reclamation Service took up the project. Of course such owners must have laid upon that original investment whatever is the burden of the reclamation charge. In addition to that the reclamation law requires a subdivision of privately owned lands and will not allow anyone to secure a water right for more than 160 acres, so that the owner of large areas must subdivide and sell the excess. On some projects the excess amount is sold for a considerable sum. On most of the projects in the North the selling price has been comparatively low, but on the Salt River project, for instance, they have sold lands as high as $80 an acre, perhaps more, in addition to which must be the burden of the reclamation charge.

Mr. MOORE. If it costs $25 to $65 an acre, taking the extreme figures which the gentleman gave, to prepare the land for cultivation, $80 an acre would be a fair selling price?

Mr. MONDELL. Twenty-five dollars to sixty-five dollars. Does the gentleman mean the cost of the land ready for cultivation; is that what he has in mind?

Mr. MOORE. That I understood to be the construction cost.

Mr. MONDELL. That is the construction cost.

Mr. CARR. Will the gentleman yield?

Mr. MONDELL. I will.

Mr. CARR. The gentleman has stated that the amount of money that has been appropriated or received from the sale of public lands has been about $81,000,000.

Mr. MONDELL. Up to last June, a year ago.

Mr. CARR. A further appropriation of $20,000,000 has been made which would bring the total amount up to $101,000,000.

Mr. MONDELL. Yes, sir.

Mr. CARR. Now, having already expended more than $86,000,000 in this project, the Commissioner of the Reclamation

Service testified before the Committee on Appropriations that the probable cost on the completion of the 3,000,000 acres of land now in progress of irrigation would amount to about $165,000,000, or an average of $55 an acre. And what I wanted to ask the gentleman, if he knows, is whether the amount that will probably be received in the future from the sale of public lands will be sufficient to complete these projects?

Mr. MONDELL. Well, the gentleman asks me for an expression of opinion which might or might not be valuable; it will all depend upon what the income from the sale of public lands is. If the income from the sale of public lands is large enough, yes. If it decreases and diminishes, no; but the gentleman is not entirely accurate in his figures as to the estimate of the total cost of these primary projects. The last estimate which I have here is $149,051,407. Of course, it is a question that can not very well be known by any of us at this time just where we are going under this fund. If we can receive into the fund $10,000,000 a year these projects can be carried on and extended possibly as rapidly as it is necessary to carry them on, although the people who live in the vicinity of the projects would very much prefer to have their construction expedited, but that is a matter that we can not decide at this time here in connection with this discussion.

Mr. CARR. Does the gentleman recall the acreage of the land irrigated which is now water-logged?

Mr. MONDELL. No; no one knows the exact acreage, but it is not very great in the aggregate and is being reduced by drainage.

Mr. CARR. I recall the commissioner testified that these projects did not take into contemplation the clearing of these lands of their water-logged condition.

Mr. MONDELL. I am inclined to think the gentleman is mistaken about that.

Mr. CARR. Let me ask the gentleman this question——

Mr. MONDELL. Well, I want to answer that proposition. There were some rather loose statements made in connection with that situation, and the figures of actual irrigable lands which I have given are the figures after all nonirrigable lands are eliminated, and the total that I have given of $149,051,000 is the sum for the complete construction of these projects, drainage included. So that the figure that is given includes the drainage.

Mr. CARR. You have already expended, according to your figures, $86,000,000.

Mr. MONDELL. Yes.

Mr. CARR. Now, the commissioner testifies it would take perhaps $165,000,000 to complete the project?

Mr. MONDELL. I do not agree that anyone in authority has testified that it will take $160,000,000 for the construction of the projects undertaken. It will take approximately $150,000,000. But I do not see that that really has anything to do with the discussion. And while I would like to yield to the gentleman, my time flies.

Mr. CARR. Three million acres?

Mr. MONDELL. Less than 3,000,000 acres. The fact that the cost is going to be so heavy before we get these lands all under irrigation is a very strong argument in favor of the extension of the payments.

EFFECT OF SUGAR DUTY ON PROJECTS.

While I do not want to inject into this discussion anything political in character, as that is never my disposition in any discussion, I can not properly refrain from referring to the effect of the policy relative to the sugar-beet industry inaugurated by the Underwood tariff bill on many of these lands. There are a number of projects whose lands are peculiarly adapted to the growing of sugar beets; in fact, most of them are adapted to that class of agricultural industry. With a duty on sugar sufficient to make the growing of sugar beets and the manufacture of beet sugar successful in this country, it was anticipated and logically expected that in a comparatively short time most of these projects would secure beet-sugar factories and the people engage to a considerable extent in the growing of sugar beets. This was a consummation devoutly to be wished and confidently looked forward to; for the sugar beet not only thrives well on most of these lands, but the cultivation of the beet enhances the value of the land for other crops. The presence of a beet-sugar factory furnishes employment for some months each year to a considerable number of persons, and the by-products of the factory are helpful to the dairying and stock-raising industries by furnishing a large amount of nutritious and fattening stock food.

While the reduction which has already taken place in the duty on sugar under the Underwood bill is probably not enough in itself, if that were the end of it, to render the sugar-beet industry impossible on these areas, the ultimate free trade in sugar, which the bill provides, if it should bring the reduction in the price of sugar which it was claimed it would, will render impossible the production of sugar from beets on these lands.

Of course, if the wiping out of the tariff does not produce a lower price for sugar, as the reduction of the tariff has not, it may be claimed that the beet-sugar industry would still be possible; but that view entirely overlooks the fact that under free sugar the importer could lower his price without loss long enough to bankrupt the American sugar producer and then raise it again. In this condition of uncertainty no one seriously contemplates or expects the erection of new beet-sugar factories. Leaving out of the discussion the question as to the wisdom, propriety, or advisability, from a national standpoint, of wiping out the tariff on sugar, the fact remains that as to these communities the Government has, since it made its original contract or offer with regard to the irrigation of their lands, adopted a policy which deprives them of an important source of income which they were justified in believing would be available to them.

Mr. RAKER. Will the gentleman yield?

Mr. MONDELL. Yes, sir.

Mr. RAKER. What particular project is there where there has been any decrease in the acreage since the passage of the Underwood tariff bill?

Mr. MONDELL. The acreage of sugar beets?

Mr. RAKER. Yes. What project?

Mr. MONDELL. I am not fully informed as to the decrease of the acreage of sugar beets since the passage of the Underwood bill. I presume there has been, but I do not know as to that. But the gentleman knows, as I know, that sugar-beet enterprises that were projected for these areas before the passage of the Underwood bill have been entirely abandoned, and while there should have been a large increase of the amount of sugar beets grown there has been no increase of the acreage and there has probably been a considerable decrease. I know that in my own State we would probably have had one or two sugar-beet factories under the process of erection at this moment if it had not been for the passage of the Underwood bill. And that is true of Nevada, Colorado, Montana, as well as Wyoming.

Mr. ROBERTS of Nevada. Will the gentleman yield?

Mr. MONDELL. I will.

Mr. ROBERTS of Nevada. Is it not a fact, in answer to the question of the gentleman from California [Mr. RAKER], that in the State of Nevada, where the Truckee project is, one of the largest irrigation projects in the world, a sugar-beet factory was erected in 1910 and was running full blast, but has closed down and all the farmers have quit raising beets? It is as silent as the tomb to-day.

Mr. MONDELL. That is a pretty conclusive answer to my friend from California [Mr. RAKER].

Mr. KENT. Does the gentleman from Wyoming [Mr. MONDELL] know what became of all those beet factories that were going to be built for the purpose of defeating the Underwood bill?

Mr. MONDELL. I did not understand the gentleman's inquiry.

Mr. KENT. What happened to all those beet factories that were going to be built for the purpose of defeating the Underwood bill?

Mr. MONDELL. I have not any knowledge of any beet factories that were to be built to defeat the Underwood bill, but I do know quite a bit concerning the sugar-beet factories that the Underwood bill defeated. I have positive personal knowledge that factories would have been undertaken but for the Underwood bill, and the gentleman from California knows it just as well as I do.

The CHAIRMAN. The time of the gentleman from Wyoming [Mr. MONDELL] has expired.

Mr. MONDELL. I hope the gentleman from Nebraska will give me a little more time. I have been interrupted a good deal.

Mr. KINKAID of Nebraska. I will yield 20 minutes more to the gentleman from Wyoming.

Mr. MONDELL. I thank the gentleman. I realize there is a great demand for time. I am discussing the matter——

Mr. CRAMTON. Will the gentleman yield?

Mr. MONDELL. I will.

Mr. CRAMTON. In reference to the inquiry of the gentleman from California [Mr. KENT], I would like to suggest that in my district, at the town of Pigeon, although a site had been selected and the building of a beet-sugar factory determined upon, and some of the material was on the ground when the

Underwood law went into effect, the building of the factory has been abandoned.

Mr. MONDELL. The testimony of the gentleman from Michigan is in line with the facts that are known to us all.

I know that in my own State options had been taken on sites for factories, and contracts had been made or were in contemplation for fuel—natural gas—for use of the factories; but they were all abandoned at a considerable loss, the bonus being surrendered, as the result of the Underwood tariff bill. I did not suppose that anybody would be simple enough to deny that sort of thing.

Mr. RAKER. Mr. Chairman, will the gentleman yield there?

The CHAIRMAN. Does the gentleman from Wyoming yield to the gentleman from California?

Mr. MONDELL. Yes.

Mr. RAKER. I want to make first a statement, and then ask a question.

Mr. MONDELL. Make it short.

Mr. RAKER. I observe that the gentleman mentions projects where contracts for improvements had been abandoned. Will the gentleman give the House information as to where on any of these projects it was contemplated to erect a sugar factory that was not erected because of the Underwood tariff bill?

Mr. MONDELL. Oh, yes.

Mr. RAKER. Where?

Mr. MONDELL. The Shoshone project, Big Horn and Sheridan Counties, was a promising site for a factory; elsewhere too numerous to mention. Besides that, a factory closed down on the Truckee-Carson project. A factory was contemplated in the State of Montana, on the Clarkes Fork of the Missouri River—a beautiful, purling stream in the district represented by my handsome young friend from Montana [Mr. STOUT]—and they were practically ready to construct it, and that factory would have utilized beets from the Shoshone project. But of course they could not undertake to build the factory after the enactment of the Underwood bill.

Mr. CARR. Mr. Chairman, will the gentleman yield there?

The CHAIRMAN. Does the gentleman from Wyoming yield to the gentleman from Pennsylvania?

Mr. MONDELL. Yes.

Mr. CARR. Will the gentleman state to the House whether there was anything else that could be raised on these projects?

Mr. MONDELL. Yes; but they had good reason to believe that they would have the oportunity to raise sugar beets. If the gentleman wants to defend free sugar, he has a perfect right to do it. But if I were a Democrat and wanted to defend free sugar, I would defend it squarely and take the consequences. I would not attempt to blow hot and cold and to play fast and loose and pretend you could reduce the price of sugar so low that no one but a peon could make it, and then try to claim that American factories, paying high wages, could continue in business under those circumstances. It is preposterous, ridiculous, and illogical, and the gentleman ought to be ashamed of it. [Applause on the Republican side.]

Mr. CARR. Does the gentleman say that the price of sugar has not been reduced?

Mr. MONDELL. Oh, I am a man of family and a householder and a housekeeper, and I know that the price of sugar to the consumer has not come down; and I know, further, that the Sugar Trust has gained what the United States Treasury has lost by the reduction of the duty.

Mr. CARR. Has the price really come down?

Mr. MONDELL. I explained to the gentleman that so long as the importer has the power to reduce the price and can drop it without losing a cent he will do so as long and as often as it is necessary to put his competitor out of business, and only long enough to do that; and under those conditions no man with money to invest, no farmer with muscle to expend, is willing to go into an industry when he knows that after his investment shall have been made it can all be taken away from him.

Mr. STOUT. Mr. Chairman, will the gentleman yield?

The CHAIRMAN. Does the gentleman from Wyoming yield to the gentleman from Montana?

Mr. MONDELL. Yes; I yield.

Mr. STOUT. I understood that the gentleman spoke of the contemplated construction of a factory on Clarkes Fork, Mont.?

Mr. MONDELL. Yes.

Mr. STOUT. Is it not a fact that they have been contemplating the construction of that factory for at least 10 or 12 years?

Mr. MONDELL. Oh, no; not that long, because it is not that long ago that that region was in a position to raise beets enough to admit of the construction of a factory. The factory at Billings was constructed only about eight years ago.

Mr. STOUT. Make it eight years ago.

Mr. MONDELL. Then there were scarcely beets enough raised in the Yellowstone and on the Clarkes Fork Valleys to keep the Billings factory going, but as soon as sufficient acreage was obtained they began to discuss the building of a factory on Clarkes Fork; and a distinguished Democrat, a friend of mine and of the gentleman from Montana was down here during the consideration of the Underwood bill pleading with a Democratic Congress to save them from the destruction of their industry of raising sugar beets and their hope of a new factory.

Mr. DONOVAN. Mr. Chairman——

Mr. TAYLOR of Colorado. Mr. Chairman, will the gentleman yield for a question?

The CHAIRMAN. Does the gentleman from Wyoming yield to the gentleman from Colorado?

Mr. MONDELL. I do.

Mr. TAYLOR of Colorado. Is not the gentleman in favor of this bill?

Mr. MONDELL. I am, as the gentleman knows.

Mr. TAYLOR of Colorado. Does not the gentleman think that, as friends of the measure, as he and I are, that we ought not to indulge in this tariff talk? [Applause on the Democratic side.] Is not this measure in the interest of the West and in the interest of our constituents?

Mr. MONDELL. Oh, I object to the periodical scoldings that come from that side of the House and to the lectures as to what I shall do and what I shall not do. In the first place, I did not discuss this as a political proposition at all. Sugar is going on the free list, and the gentleman from Colorado [Mr. TAYLOR] who has just spoken knows just as well as I do that of the factories in his State some of them are closed and no new ones will be built.

Mr. TAYLOR of Colorado. Even if that were true, which it is not, what has that to do with this bill? I object to this cheap peanut politics being played and jeopardizing this important measure.

Mr. MONDELL. I am trying to call attention to the fact that these people went onto these projects and made these contracts with the understanding that——

Mr. GORDON. Mr. Chairman, will the gentleman yield to me?

The CHAIRMAN. Does the gentleman yield?

Mr. MONDELL. No; I have not the time. I would like to say a word or two myself.

Mr. GORDON. I would like to know whom they made those contracts with.

Mr. MONDELL. Farmers went on to these projects and made these contracts with the Government with the understanding they were to pay so much per acre for water rights on lands that were valuable, most of them, for sugar-beet production—the best sugar-beet lands in the world. On some of those projects it is best to grow some sort of root crop at the beginning to bring the lands into condition for other crops. I say these people looked forward to sugar-beet production as one of the most certain sources of income. You take it away from them. You say you do it in the interest of the people. Stand by it, and have the courage of your convictions, and then help us to extend the terms of payment that these people are entitled to by reason of the fact that you have taken these opportunities away from them.

Mr. ROBERTS of Nevada. Mr. Chairman, will the gentleman yield?

Mr. MONDELL. I yield to the gentleman.

Mr. ROBERTS of Nevada. I wanted to ask the gentleman if it is not a fact that the gentlemen on the other side were playing politics when they asked the gentleman what factory had closed and what ones had not?

Mr. MONDELL. Yes; that is the fact. I simply called attention to the facts as to the fiscal policy of their party and they get excited and say I am playing politics.

EXTENSION OF PERIOD OF PAYMENTS.

In view of the conditions which now confront and surround entrymen on these projects it is proposed to extend the period of payments from 10 to 20 years, and in doing so to make some changes in the reclamation law which are needed and essential to the successful carrying out and continuation of irrigation enterprises by the Government. On June 23, 1913, the Secretary of the Interior issued public notices under which he readjusted the payments on a number of projects. Under that readjustment there became due, and remains due at this time, the sum of $1,897,406 in building charges.

Mr. RAGSDALE. I desire to call attention to the fact that the gentlemen on the other side of the House are not listening

to their distinguished orator. Many of them are engaged in conversation——

Mr. MANN. The statement is not true. What is the use of making it? I want that to go into the RECORD—that the statement is not true.

The CHAIRMAN. The gentleman from Wyoming [Mr. MONDELL] does not yield. The gentleman from South Carolina is not in order.

Mr. MONDELL. I think it is about time that side of the House learned something about the rules of debate. They may not like the pointed arguments that are being made, but it is their duty to keep silent. The frothy and windy gentleman from South Carolina [Mr. RAGSDALE] can speak in his own time and make his own arguments if he has any which he desires to make.

Mr. RAGSDALE. Mr. Chairman——

Mr. MONDELL. I do not yield, Mr. Chairman.

Mr. RAGSDALE. Nor am I asking the gentleman to yield.

The CHAIRMAN. The gentleman from South Carolina is not in order. The gentleman from Wyoming has the floor.

Mr. RAGSDALE. Mr. Chairman, I rose for a proper purpose, believing myself to be in order——

The CHAIRMAN. The Chair will state to the gentleman that he is not in order unless the floor is yielded him by the gentleman from Wyoming.

Mr. MONDELL. Anticipating action by Congress on the subject of payments the Secretary of the Treasury refrained from making demands for payments due until he can readjust under the new law. And my own opinion is that the passage of this law on this important matter will not reduce the income into the reclamation fund in the next year or two, but that, as a matter of fact, it will have the opposite effect, because under the terms of the bill on a number of projects the payment of 5 per cent will be required where no payments for building charges have heretofore been made. The probability is that the adjustments under the 20-year law will not for the coming year materially reduce the total amount that will come in; but it will readjust them so as to take the load from those who are least able to pay and place a part of the burden on those who are better able to pay it.

I understand that no final figures have been made as to the immediate effect in the matter of payments under the plan, but inasmuch as on a number of projects the payments will not be very materially reduced below the payments now due, and other projects not now paying building charges will have the building charge fixed and the notice issued under which the initial payment is to be made, my own impression is, although that impression is, I admit, rather in the nature of a guess, that the payments for the coming fiscal year will not fall far below, if, as a matter of fact, they do not equal or exceed the amounts now due under the old plan.

EARNEST, HONEST, AND DESERVING FARMERS.

Approximately 10,000 honest, earnest American farmers, most of them with wives and families, have gone upon these lands at the invitation of the Government. They have not only encountered the difficulties and the hardships incident to pioneer life, but added to that have been the peculiar trials and difficulties which surround irrigation development, the winning of arid lands from their aridity, the building of homes and communities in arid and desert places. The soil has not always yielded as quickly or as generously as was expected. The markets have not always developed as promptly or favorably as was anticipated. The hope and expectation of at least one profitable crop has been taken from them by a change in our tariff policy. Added to all this has been the very considerable increase above what was estimated, promised, or fixed as to the cost of the water rights per acre. In this condition of affairs we feel fully justified in asking on behalf of these good people a liberal policy in the matter of payments. Ultimately these projects on which approximately $86,000,000 has been expended will cost, when fully completed and the full acreage is brought in, nearly $150,000,000, but this will all be repaid eventually under the plan we propose. When you take into consideration the fact that we have spent upward of a billion dollars for rivers and harbors, no dollar of which has been repaid to the Government, it surely can not be said that we are asking more than is proper on behalf of these people who are doing the pioneer work of bringing arid and unfruitful acres into bearing and productiveness. The work the people on these projects are doing is not for themselves or their posterity alone, but it is a work which will, so long as time runs and these fluctuating waters flow, redound to the benefit of mankind. They have not simply made two blades of grass grow where but one grew before; they have created orchards, fertile fields, and fruitful gardens where only the cactus, the sagebrush, and the greasewood flourished. They have banished the senseless chatter of the prairie dog and the weird cry of the coyote and substituted for them the sounds of civilization, the laughter of children, and the melody of village bells. They deserve all and more than we ask in their behalf. [Applause.]

I present for the consideration of the House a number of tables, which afford information as to the state of the reclamation fund and status of reclamation projects.

Statement showing, by projects, the estimated area of public and private irrigable lands, the average size of farm unit, the approximate number of homestead and private purchases of water rights, the price per acre for which water has been sold, and the date when payments began to be made.

State.	Project.	Estimated area of irrigable lands under project (acres).			Average farm unit (acres).	Approximate number of homestead and private purchases of water rights.			Price per acre for which water has been sold.		Date when payments began to be made.
		Public.	Private.	Total.		Public.	Private.	Total.	Building charges.	O. and M.	
Arizona	Salt River	20,074	198,526	218,600	40-42						Rental.
Arizona-California	Yuma	74,000	57,000	131,000	40	171	1	172	$55, $66	$1.00	Jan. 12, 1910
California	Orland	4	19,996	20,000	[1]						Rental.
Colorado	Grand Valley	30,070	22,930	53,000	25-55						Do.
Do	Uncompahgre	34,000	106,000	140,000	40-80						Do.
Idaho	Boise	67,711	139,289	207,000	40-80						Do.
Do	Minidoka	96,725	22,000	118,725	40-80	1,115	110	1,225	$22, $30, $40	.75	May 9, 1907
Kansas	Garden City		10,677	10,677	[1]				$37.50		[2] Mar. 6, 1908
Montana	Huntley	29,213	3,192	32,405	40-52	542	9	551	$30, $50	1.00	May 21, 1907
Do	Milk River	72,000	147,557	219,557	80-92						Rental.
Do	Sun River	74,974	31,372	106,346	40-80-62	187	11	198	$30, $36	1.00	Mar. 26, 1908
Montana-North Dakota	Lower Yellowstone.	17,913	42,203	60,116	80-56	103	180	283	$42.50, $45	1.50	Dec. 21, 1908
Nebraska-Wyoming	North Platte	83,358	45,912	129,270	40-80-65	820	130	950	$45, $55	1.10	July 29, 1907
Nevada	Truckee-Carson	140,451	65,549	206,000	40-80	262	257	519	$22, $30	.75	May 6, 1907
New Mexico	Carlsbad		20,277	20,277	[1]		516	516	$31, $45	1.75	Dec. 17, 1907
Do	Hondo	240	9,760	10,000	[1]						Rental.
New Mexico-Texas	Rio Grande	13,039	141,961	155,000	[3]						Do.
North Dakota	North Dakota pumping.	882	11,357	12,239	34-4	9	127	136	$38	1.00-1.50	Apr. 8, 1908
Oregon	Umatilla	22,336	33,164	55,500	40	125	317	442	$60, $70	1.30	Dec. 27, 1907
Oregon-California	Klamath	32,000	38,700	70,700	58 [4]	2	428	430	$30	.75	Nov. 18, 1908
South Dakota	Belle Fourche	44,631	55,369	100,000	40-80-33	321	359	680	$30, $35, $40	.60	June 21, 1907
Utah	Strawberry Valley		60,000	60,000	[1]						Rental.
Washington	Okanogan	1,324	8,837	10,071	40	46	366	412	$65, $110	2.25	Nov. 12, 1908
Do	Yakima:										
	Sunnyside	2,565	100,259	102,824	20-32-45	57	3,293	3,350	$10, $31, $52	1.80-.95	Nov. 18, 1908
	Tieton	2,175	32,362	34,537	31	58	996	1,054	$93	1.50	Nov. 7, 1910
Wyoming	Shoshone	155,469	8,653	164,122	40-80-75	395	7	402	$45, $47, $50, $52	1.00	Nov. 25, 1907
Total		1,015,064	1,432,902	2,447,966		4,213	7,107	11,320			

[1] Private land. [2] Refunded. [3] Not established. [4] Average size.

Statement showing acreage to which water can be supplied, acreage which is being irrigated, and public land unentered on Apr. 30, 1914.

State.	Projects.	Acreage for which service can supply water, 1914.	Acreage estimated to be irrigated, 1914.	Public land unentered Apr. 30, 1914.
				Acres.
Arizona	Salt River	203,431	190,000	
Arizona-California	Colorado River			
Do	Yuma	[1] 61,575	[2] 32,000	60
California	Orland	14,300	9,000	
Colorado	Grand Valley			
Do	Uncompahgre	[3] 53,000	36,000	
Idaho	Boise	207,000	100,000	
Do	Minidoka	118,000	85,000	859
Kansas	Garden City			
Montana	Huntley	30,649	18,000	1,595
Do	Milk River	15,000	4,500	
Do	Sun River	16,346	12,000	2,845
Montana-North Dakota	Lower Yellowstone.	36,578	15,000	847
Nebraska-Wyoming	North Platte	85,828	70,000	4,287
Nevada	Truckee-Carson	65,000	48,000	265
New Mexico	Carlsbad	20,267	20,267	
Do	Hondo	1,200	1,200	
New Mexico-Texas	Rio Grande	35,000	35,000	
Do	Rio Grande Dam appropriation.			
North Dakota	Missouri River pumping.	12,239	6,000	580
Oklahoma	Cimarron			
Oregon	Central Oregon			
Do	Umatilla	16,750	6,000	116
Oregon-California	Klamath	[4] 35,500	[5] 30,000	23
South Dakota	Belle Fourche	68,870	50,000	3,843
Utah	Strawberry Valley			
Washington	Okanogan	9,000	8,000	
Do	Yakima:			
	Sunnyside	81,000	68,000	
	Tieton	34,000	20,000	
Wyoming	Shoshone	41,171	23,000	13,403
Total		1,261,704	886,767	28,723

[1] 49,000 water-rental basis; 12,575 public notice.
[2] 26,500 water-rental basis; 5,500 public notice.
[3] Gunnison water will also be furnished to canals in private ownership for 6,000 acres.
[4] 27,000 public notice; 3,000 water-rental basis.
[5] 27,000 public notice; 8,000 water-rental basis.
Acreage is 35,000 to Oct. 1; after that, 55,000 acres.

Statement of receipts and expenditures, by States, to Apr. 30, 1914.

State.	Receipts.		Expenditures.
	Bond loan (36 Stat., 835).	Sale of public lands.	
Arizona	$1,455,000	$1,140,660.74	$15,594,211.31
California	390,000	5,358,943.03	2,683,542.59
Colorado	2,500,000	6,680,991.93	6,337,577.56
Idaho	2,000,000	5,039,708.90	14,081,170.51
Kansas		963,080.07	376,471.29
Montana	1,000,000	8,588,290.73	7,334,430.39
Nebraska	1,400,000	1,664,013.83	4,397,553.83

Statement of receipts and expenditures, by States, to Apr. 30, 1914—Con.

State.	Receipts.		Expenditures.
	Bond loan (36 Stat., 835).	Sale of public lands.	
Nevada	$1,193,000	$541,596.96	$5,588,272.03
New Mexico	2,700,000	3,939,790.95	3,831,423.80
North Dakota		11,921,898.43	1,947,467.20
Oklahoma		5,783,557.84	72,512.10
Oregon	775,000	10,413,928.22	3,596,791.08
South Dakota		6,823,778.66	3,219,007.83
Texas	1,800,000		1,017,928.90
Utah	2,272,000	1,890,479.34	2,380,949.61
Washington	1,915,000	6,433,299.73	7,560,583.36
Wyoming	600,000	4,320,900.46	6,014,027.90
Preliminary investigations			80,488.73
General accounts			259,655.99
Total	20,000,000	81,504,919.82	86,374,066.01

Statement showing total estimated building cost of all primary projects.

[Prepared Apr. 2, 1914.]

State.	Project.	Estimated gross building cost to completion.
Arizona	Salt River	[1] $11,862,972.46
Arizona-California	Yuma	9,899,495.96
California	Orland	936,000.00
Colorado	Grand Valley	4,595,020.00
Do	Uncompahgre	9,192,396.83
Idaho	Boise	14,434,653.47
Do	Minidoka	4,955,992.23
Kansas	Garden City	391,082.51
Montana	Huntley	1,447,050.26
Do	Milk River (includes St. Mary Storage)	7,746,837.05
Do	Sun River	8,387,605.00
Montana-North Dakota	Lower Yellowstone	2,836,626.32
Nebraska-Wyoming	North Platte	12,828,014.66
Nevada	Truckee-Carson	8,449,853.11
New Mexico	Carlsbad	1,040,253.05
Do	Hondo	[1] 439,351.10
New Mexico-Texas	Rio Grande (includes Elephant Butte Storage).	9,771,100.00
North Dakota	North Dakota Pumping	[2] 714,175.48
Oklahoma	Lawton	100,000.00
Oregon	Umatilla	3,841,324.78
Do	Oregon Cooperative Work	[3] 500,000.00
Oregon-California	Klamath	4,331,756.55
South Dakota	Belle Fourche	3,583,081.43
Utah	Strawberry Valley	3,407,000.00
Washington	Okanogan	858,543.88
Do	Yakima (including Storage, Sunnyside, and Tieton).	13,049,157.92
Wyoming	Shoshone	9,452,000.00
	Total	149,051,407.05

[1] This does not include the cost of operation and maintenance during construction, the earnings of which are estimated to equal the cost.
[2] Does not include construction of E. and W. Bottom, Williston; Upper and Lower Bottom, Buford; Canal Extension "A," Buford; and Trenton Flat.
[3] Amount allotted for cooperation work with the State of Oregon. No data in office showing the estimated completed cost.

Department of the Interior, United States Reclamation Service.

[Balance sheet showing financial conditions on April 30, 1914.]

PROJECT ACCOUNTS.

Projects.	Assets.					
	Net cost of project.		Inventory of stock on hand.	Accounts receivable.		
	Building.	Operation and maintenance.		W. R. building charges.	W. R. O. and M. charges.	Miscellaneous.
Arizona, Salt River	$9,931,205.42		$212,438.51			$59,318.16
Arizona-California, Yuma	6,416,557.46	$189,036.98	307,754.82	$128,014.42	$18,391.32	3,324.49
California, Orland	607,471.14		13,693.47			46.97
Colorado, Grand Valley	997,901.27		67,535.71			445.50
Colorado, Uncompahgre	5,292,361.97		83,825.13			1,240.00
Idaho, Boise	8,995,671.94		330,924.22			18,494.40
Idaho, Minidoka	4,309,346.00	836,443.81	134,884.28	53,198.73	72,199.20	150,483.34
Kansas, Garden City	374,502.68		5,684.07			
Montana, Huntley	1,134,037.28	166,231.63	28,477.09	78,974.49	17,693.76	121.39
Montana, Milk River	1,690,394.17		73,906.42			845.69
Montana, St. Mary storage	656,495.56		110,392.06			7,982.04
Montana, Sun River	1,303,900.32	65,168.25	146,897.93	73,932.77	12,686.34	33.50
Montana-North Dakota, Lower Yellowstone	2,821,069.42	402,187.04	34,771.16	44,008.47	127,359.76	52.50
Nebraska-Wyoming, North Platte	6,176,879.77	274,265.35	120,029.08	325,745.95	111,883.45	
Nevada, Truckee-Carson	5,373,723.34	286,658.52	126,710.34	68,429.04	4,451.23	575.89
New Mexico, Carlsbad	876,472.49	115,501.73	17,090.07	43,446.70	4,637.50	
New Mexico, Hondo	361,246.58		610.05			103.93
New Mexico-Texas, Rio Grande	731,022.13		39,938.08			
New Mexico-Texas, Elephant Butte storage	1,662,371.22		300,279.81			43.55
New Mexico-Texas, Rio Grande Dam appropriation	1,000,000.00					
North Dakota, North Dakota pumping	695,483.81	238,037.48	15,365.56	74,535.51	34,062.76	1,500.00
Oklahoma, Lawton	109.88					

Department of the Interior, United States Reclamation Service—Continued.

PROJECT ACCOUNTS—Continued.

Projects.	Assets.					
	Net cost of project.		Inventory of stock on hand.	Accounts receivable.		
	Building.	Operation and maintenance.		W. R. building charges.	W. R. O. and M. charges.	Miscellaneous.
Oregon, Umatilla	$1,469,300.25	$176,385.93	$38,940.44	$150,477.88	$23,849.92	$304.22
Oregon-California, Klamath	2,379,217.06	159,911.80	45,263.15	60,427.00	788.62	537.75
South Dakota, Bellefourche	3,128,249.02	222,272.08	52,500.84	167,220.00	41,276.69	199.20
Utah, Strawberry Valley	2,285,139.24		73,197.06			1,124.71
Washington, Okanogan	602,697.16	62,000.00	9,000.00	52,387.70		1,368.00
Washington, Yakima-Storage	1,128,774.07		208,122.35			35,537.59
Washington, Yakima-Sunnyside	2,335,428.69	471,832.02	23,085.04	230,618.30	19,830.88	12,469.90
Washington, Yakima-Tieton	2,963,842.11	114,850.22	26,040.69	218,863.48	20,856.02	51,095.05
Wyoming, Shoshone	4,010,772.83	118,921.44	90,555.64	127,126.04	7,934.66	10,656.02
Preliminary investigations	80,488.73					
Secondary projects	774,456.94		90,003.30			157.81
Jackson Lake enlargement			93,669.45			[1]111,372.55
General expenses			60,019.26			78.05
Indian projects:						
Montana, Blackfeet	6,166.17		39,796.10			9,074.43
Montana, Flathead	8,616.66		104,068.80			69,231.62
Montana, Fort Peck	300.83		38,541.56			7,807.18
Total	82,581,673.61	3,890,704.28	3,078,011.54	[2]1,897,406.48	[3]517,902.05	332,880.33

Projects.	Liabilities.							Net investment of the United States.
	Accounts payable.	Water right repayment accruals.						
		Building charges.			O. and M. charges.			
		Accrued.	Forfeited.	Advanced.	Accrued.	Forfeited.	Advanced.	
Arizona, Salt River	$39,056.73	$100,000.00						$10,003,905.36
Arizona-California, Yuma	130,341.73	269,530.18	$754.00	$617.50	$62,445.70	$251.00	$8.17	6,599,131.21
California, Orland	9,381.41							611,830.17
Colorado, Grand Valley	78,447.39							987,435.09
Colorado, Uncompahgre	31,641.63							5,345,785.47
Idaho, Boise	222,647.78							9,122,442.78
Idaho, Minidoka	73,244.13	402,462.80	6,667.78	96,846.27	365,703.90	1,687.49	905.04	4,609,037.95
Kansas, Garden City	3,715.46							376,471.29
Montana, Huntley	20,066.66	308,827.88	3,289.68	5,873.37	84,942.91	851.23	9.75	1,001,674.16
Montana, Milk River	89,469.42							1,675,676.86
Montana, St. Mary storage	40,365.66							734,504.00
Montana, Sun River	89,669.14	163,437.47	1,264.53	278.63	41,865.28	211.86	63.60	1,305,828.60
Montana-North Dakota, Lower Yellowstone	34,767.57	51,272.59	255.00	26,138.95	162,546.34	95.50	390.00	3,153,992.40
Nebraska-Wyoming, North Platte	56,976.89	501,479.43	3,539.70	4,102.80	344,339.17	871.55	370.59	6,097,123.47
Nevada, Truckee-Carson	65,088.04	304,961.13	1,317.80	1,693.65	144,562.12	1,275.07	175.94	5,341,474.61
New Mexico, Carlsbad	5,683.76	114,026.80	108.50	39,922.60	115,757.45	85.95	714.24	780,849.19
New Mexico, Hondo	229.31							361,731.25
New Mexico-Texas, Rio Grande	13,283.05							757,677.16
New Mexico-Texas, Elephant Butte storage	175,549.49							1,787,145.09
New Mexico-Texas, Rio Grande Dam appropriation								1,000,000.00
North Dakota, North Dakota pumping	3,760.29	80,883.54	152.00	30.40	46,654.36	74.70	.40	927,423.43
Oklahoma, Lawton								109.88
Oregon, Umatilla	12,375.41	307,448.22	1,371.22	28,360.10	75,296.83	390.53	6,511.38	1,427,594.95
Oregon-California, Klamath	16,733.51	318,394.00	9.00	4,543.00	99,197.25	3.75	8,341.13	2,189,923.74
South Dakota, Bellefourche	95,679.89	273,097.56	588.00	936.00	129,629.65	180.40		3,111,606.27
Utah, Strawberry Valley	31,388.42							2,328,072.59
Washington, Okanogan	5,500.00	68,228.40		130.00	34,566.87			619,027.59
Washington, Yakima-Storage	36,759.53							1,330,674.48
Washington, Yakima-Sunnyside	11,298.97	811,789.45		5,819.15	446,931.55		512.11	1,816,913.60
Washington, Yakima-Tieton	14,726.97	406,968.59		2,020.11	128,982.08	3.00	178.50	2,842,668.32
Wyoming, Shoshone	26,556.56	329,900.99	2,101.94	2,805.21	89,621.96	1,480.61	692.46	3,912,806.90
Preliminary investigations								80,488.73
Secondary projects	1,673.97							781,944.08
Jackson Lake enlargement	16,565.85							[4]34,268.95
General expenses	12,547.05							47,550.26
INDIAN PROJECTS.								
Montana, Blackfeet	6,074.21							48,962.49
Montana, Flathead	21,984.38							159,932.70
Montana, Fort Peck	9,170.08							37,479.49
Total	1,502,420.34	[5]4,812,709.03	21,419.15	220,117.74	2,373,043.42	7,462.64	18,863.31	83,342,542.66

[1] Advance receipts. [2] This is balance now due on building. [3] This is balance now due in O. & M. [4] Credit balance. [5] This is total, both due and paid on building.

Mr. Chairman, I yield back the remainder of my time.

Mr. KINKAID of Nebraska. I yield 15 minutes to the gentleman from Idaho [Mr. FRENCH].

The CHAIRMAN. The gentleman from Idaho [Mr. FRENCH] is recognized for 15 minutes.

Mr. FRENCH. Mr. Chairman, to save time, I ask unanimous consent to extend my remarks on this subject in the RECORD by adding data that I do not desire to give in full as I speak.

The CHAIRMAN. The gentleman from Idaho [Mr. FRENCH] asks unanimous consent to extend his remarks on this subject in the RECORD. Is there objection?

Mr. DONOVAN. I object, Mr. Chairman.

The CHAIRMAN. The gentleman from Connecticut objects.

Mr. FRENCH. Mr. Chairman, my only object was to save time. I shall need to ask for more time at the conclusion of the 15 minutes.

Mr. Chairman and gentlemen of the committee, as has been said by one or two who have preceded me, this bill is rather a compromise measure and the result of several bills that have been offered by Members from the Western States, one of those bills being offered by myself, proposing an extension of time to the homesteaders in the arid lands of the Western States. It is, as has been justly stated, one of the most important bills

that this Congress has been called upon to consider, and while it directly affects but a small portion of our country, it is of immense importance to the people who are affected.

Prior to some 20 years ago all the work that had been done in the way of reclaiming the arid lands of the West, that up to that time had been indicated upon the map as the Great American Desert, had been the result of private initiative, the individual reclaiming by irrigation 160 acres of land or less; by the organization of individuals into associations and the construction of irrigation works; by the building of smaller or larger irrigation systems by private capital. In that way we succeeded in reclaiming hundreds of thousands of acres of arid lands in the West and in demonstrating that the so-called desert, if given water, would become a veritable Garden of Eden.

About 20 years ago the Carey Act was passed, which proposed that the arid States could each reclaim an amount of land not to exceed 1,000,000 acres. The work was new. The States did not understand it and did not have the machinery under which to operate, and by the time the States had passed laws and machinery had been established for the reclamation of the land another decade had practically passed by. Then it was that the sentiment in the West and the country over developed along the line that the Federal Government ought to undertake the reclaiming of the desert West. The result was the passage of the national reclamation law in 1902. Since that time both the States of the West and the Federal Government have been working—not hand in hand, but side by side—for the reclaiming of the waste areas. For my part, I think it it a good thing that these two systems have been in operation side by side. I think it has made for greater efficiency upon the part of the Government. I think it has had a wholesome effect upon the States, because the States operating independently of the Government and the Government operating independently of the States have each contributed to the success and the experience of the others, and the result is that to-day, after some 10 years' experience, both the States and the Federal Government are in better shape to go ahead with the great work of reclaiming the West than either would have been if permitted or required to undertake the work without the aid and assistance of the other. Up to this time something like $80,000,000 has been expended by the Federal Government for carrying on the reclamation work. When the law was passed we could not see very far into the future. We could not realize that land, instead of being reclaimed at an expense of some $15 to $20 or $30 an acre, would prove to be land that could not be reclaimed for less than $25 to $100 an acre. I believe $110 represents the highest amount per acre on any Federal Government project. We could not foresee those things; and when the bill was passed it was provided that the payments for the reclaiming of the land should be made by the settlers within a period of 10 years. Another provision of the law was that the lands to be reclaimed should be available for entry, after withdrawal for reclamation purposes, under the homestead law. There were those who felt there was not much demand for reclaimed or irrigated land. There were others who felt that there was great demand; and in order to test that matter out, the Congress wrote into the law a provision that these lands might be entered under the homestead law. Personally, I believe it was a mistake, and some three or four years ago it was corrected, but in the meantime thousands of settlers went upon these lands in the hope, nay, as they felt, the promise of the Government, the invitation of the Government, to settle upon these lands, because the Government intended to reclaim them.

The settlers went from the Middle West, from the Eastern States, from the Southern States, and there is probably not a Member of this House from whose State one or more or many men with their families have not gone to some part of the great western country and settled upon the arid lands. Under the hardship of the strict letter of the homestead law requiring definite residence on the land, under the strict compliance with the rules and regulations of the department touching the administrative features of the law, tremendous hardship has been worked upon the settlers. They went from the Central, Eastern, and Southern States with a few hundred dollars in money, maybe with a few thousand dollars, and with a homestead right, and took their families with them. They made entry on the desert where the Government was planning to build a reclamation system, but after waiting years it developed in some cases that these reservations were merely tentative, and nothing has even yet been done. Even taking the best conditions possible, where the Government within a short time began the construction of an irrigation system, we find the best the settlers could expect was that they would have to wait three years or four or five or six years before they could obtain water from the canals and irrigation system constructed by the Government.

The sentence "Water was turned into the ditches of the Minidoka project" or "the Payette-Boise project" on a given date carries with it to those who have never had an opportunity of observing what reclamation means the complete culmination and triumph of the irrigation project. From the standpoint of the engineer who has undertaken to deliver the water to the main canals and main laterals such may be the case, but from the standpoint of the homesteader it merely means the beginning of his work.

Imagine, if you can, a tract of land of 40, 80, or 100 acres that is partly level, partly rolling; that in part is rocky; that for the most part is covered with a growth of sagebrush, greasewood, and other desert plants, and remember that before the water that is running by, within possibly half a mile, can be made to serve its purpose upon this land laterals must be built that will convey the water to all the lands that can be irrigated.

Further than this, the lands must be cleared of the desert growth, and the clearing of lands of sagebrush and greasewood is a problem that means much work for the homesteader. In most places the land itself must be carefully handled in order that the surface may be brought into such shape that it will receive the water in uniform measure.

Beyond this, the land must be plowed and harrowed; crops must be raised; trees must be set out; homes must be built; barns and outhouses must be erected; fences must be constructed; and, in other words, the work of the homesteader on an irrigated tract during the first year or few years of his settlement is a hard work and a work that yields practically no remuneration.

The orchard will not produce its crop of fruit for several years; the level field will produce an exceedingly small crop the first year, and when all allowances have been made for unforeseen contingencies on account of climate, on account of water, on account of the soil itself, and the handling of the irrigation system, the farmer who has gone to one of our desert farms under the reclamation system with maybe several thousand dollars, has found himself at the end of two years or three years burdened with debt and struggling under responsibilities of which he had not even dreamed when he made his homestead entry.

The fine fruit that you see marketed with the name of Idaho in the Washington markets and that was grown upon irrigated lands was not grown upon lands that were irrigated for the first time last year or the year before last, but was grown upon lands that have been irrigated for many years.

The crops that can be immediately produced the first year—and none of them will do the best at that time—must be of a character necessarily as will go to the local market. With everybody producing all that he can of crops that can go to the local market, necessarily the local market itself must be overstocked, and the result is that farmers upon the irrigated tract must patiently wait.

Now, what does this all mean? It simply means this: That when we provided in 1902 that the payments upon reclamation lands should be made in 10 annual payments, we did not realize that the first few years would be practically unproductive years. We did not realize that during the first few years the expenses to which I have referred and the additional expenses of sustenance and clothing, and many household demands which press hard upon the entryman would be especially burdensome.

In this bill we are asking, not that these farmers be relieved of the payments that they have assumed. We are asking that they be granted 20 years instead of 10 within which to make their payments. We are asking further than that that during the first five years they be exempted from making payments with the exception of the first payment that will insure the good faith of the entryman.

This may not be the time to discuss the amount that the entryman should pay as his initial payment to insure good faith. The committee have proposed fixing the amount at 5 per cent. My own judgment is that for the first five years there should be no payment, or, if any, a payment not to exceed 2 per cent to insure good faith.

Take an entry of 80 acres on a project where $50 per acre represents the cost of irrigation and the entire cost of water for the project will be $4,000; 5 per cent of $4,000 is $200, an amount that could better be expended by the farmer in placing his farm into shape that would make it productive instead of being paid as a part of the cost of reclamation. Two per cent of the amount would be $80. This amount would be an evidence of good faith, and certain it is that unless we recognize that

the individual farmer has a personal interest in making a success of his homestead we may as well abandon all work of this kind.

The individual homesteader is the one who is interested more than we are interested—more, even, than the community in which he lives is interested—and my experience is that he can be depended upon to do the best that is in him to make his home not only attractive from the standpoint of the home, but to make the lands that it contains remunerative in the shortest possible time. Furthermore, it has always been the theory of the homestead law that it was a law for the poor man, that it was to help the individual establish himself in the world, and to that end and carrying out that spirit the reclamation law and the payments thereunder should be made as reasonable as may be possible.

There are a great many features in this bill that I am very anxious to refer to when we consider it under the five-minute rule. There are some features in it that I do not like and that I tried to have omitted when the measure was being considered in the committee. The main thing, however, as I see it and that I urge, is that we pass the bill within the speediest possible time, to grant the settlers upon these projects the boon of a few years, at least within which they may spend all their energies, direct all their attention, and set apart all of their capital to converting the homestead into an area of land that will be productive, and that will make it possible for the homesteader to meet his payments as soon as he may get under way.

Mr. Chairman and gentlemen of the House, a mistake was made when we provided that these payments should be made in so short a time as that set forth in the original bill, but a greater mistake was made when the Congress asked that beginning with the very first year of reclamation the homesteader should be in position to meet his first payment.

Experience has demonstrated abundantly that earnest as these farmers are, resourceful and energetic as they are, they can not from the land itself extract the money with which to make the payments required under the present law.

They are a thrifty people. They are an earnest people. They are a people who want only one thing at our hands and that is an opportunity. They are an industrious people; they are in every way a people than which there are none better in all our land, and who, if they could be given the opportunity of a breathing spell until they can get things going on the farm, will demonstrate within the next few years that the national reclamation law is a success; that desert lands can be made to blossom, and that the only reasonable way of carrying on a great reclamation undertaking such as our Government has inaugurated, is by placing it upon the basis as it concerns the individual farmer as will enable him within reason to maintain his home, to make improvements, and to bring the desert land itself into a state of fruitful production. So much for even the most favorable conditions. The lot of the homesteaders who have been compelled to live on arid lands years before water was made available—and most of the homesteaders have had that experience—is doubly hard.

The settlers were required to live on the lands in order not to forfeit their homestead rights, and required to do a certain amount of cultivation and improvement. It was a desert country and they could not raise crops successfully by dry farming, and as a result they were compelled to expend the substance they brought there with them in order that they might build up and develop their land.

Mr. MOORE. Will the gentleman yield?

Mr. FRENCH. Yes.

Mr. MOORE. Will the gentleman explain how long it takes to cultivate crops and have trees come to fruit in a country like that. How long does a settler have to wait?

Mr. FRENCH. I will be glad to answer the gentleman. The point I have been making is that prior to the turning on of the water on the land several years must elapse before the settler can make progress or set out an orchard, for instance, because probably there is no crop that requires water immediately upon its being set out as does a fruit orchard of any character.

Mr. MOORE. He first has to clear away the sagebrush.

Mr. FRENCH. Yes; he first clears away the sagebrush, and it takes several years to clear away the sagebrush and completely subdue a farm of that character and prepare it for the water to be placed on it.

Mr. MOORE. In the meanwhile he has to live and has no fresh vegetables?

Mr. FRENCH. He has to live, and he has little opportunity to raise vegetables from the soil; often he has to buy them.

Mr. MOORE. And his holdings produce nothing.

Mr. FRENCH. In many instances they produce practically nothing. In some instances, under stress of circumstances, settlers have made the desert land itself, through intense cultivation and great care, yield something upon which they could live.

Mr. MOORE. After he gets the brush and cacti removed and has a chance to plant something, how long would it take apple trees or fruit trees to grow and produce a crop?

Mr. FRENCH. Within three, four, or five years a little fruit is raised, but often seven years or longer before a dependable crop can be raised.

Mr. MOORE. And he must maintain himself for four or five years before he gets anything?

Mr. FRENCH. Yes; even after the land is reclaimed.

Mr. MOORE. The cost of construction, if I understood the gentleman from Wyoming correctly, amounts to from $25 to $65 an acre?

Mr. FRENCH. Yes; and often runs up to $100.

Mr. MOORE. And up to that time he gets no return?

Mr. FRENCH. Practically nothing.

Mr. PLATT. Will the gentleman yield?

Mr. FRENCH. Yes.

Mr. PLATT. Are not a great many of these landholders speculators, and not farmers at all?

Mr. FRENCH. I am glad to answer that question. The law requires one to be a bona fide homesteader when he enters the land. These lands were taken up by those willing to maintain them in good faith, and there are not many people on reclamation projects that are there for the purpose of speculation, other than that praiseworthy speculation which prompts any man to make a trade or to buy property for a home or to take a homestead in the rainfall belt. Most of the people are people of very small means indeed.

Mr. PLATT. Is it not a fact that a large proportion of these people who took up lands have sold out instead of cultivating it after they got the title?

Mr. FRENCH. The gentleman has asked another question that I am glad he asked. Prior to the repeal of the provision of the law permitting the settlers to enter after the withdrawals had been made, many settlers went upon the projects, and although they were opposed by the forces of nature, they tried to live there until the land could be reclaimed. They were forced by dire necessity to spend two or three years of their lives there, to spend all the substance they had accumulated, and finally some of them threw up their lands and moved off and let somebody else take the burden, being fortunate if they could obtain a little compensation for their relinquishment. There were some who did that, but they were not speculators; they were forced to sell. They would not have been there if it had not been for the practical invitation of the Government to go upon the land several years before the water was available for reclamation.

I want to say that there is probably no system so well calculated to break up large holdings of land as the irrigation system we are developing in our western country. People desire to live upon small units of land—and this is in response to the question or suggestion from the gentleman from New York—and in all the projects the tendency is more and more to break up the 160 and 160 acre tracts into 80 acres, 30 acres, 20 acres, and so on.

I was talking to a gentleman not long ago who told me that already in the State of Utah the average farmer upon irrigated lands owns not far from 30 acres. In my State the projects are newer, and probably the average is a little larger than that, but it certainly can not be greatly larger, and the tendency on all those projects is for the lands to be broken up into smaller and smaller amounts, until the lands can be made to serve the greatest number of people who live upon the lands.

Mr. Chairman, I stated what I did a moment ago—before I was interrupted—to call attention to the great necessity for relief at this time. Thousands of people before water was available for reclamation had expended all of their substance waiting for the water to be turned upon their lands. We repealed the clause permitting advance entries, but that did not help the poor settlers who had already gone there and had established homes.

Let us assume a more favorable condition. Let us assume the people enter upon the lands at the time that the water is made available by the Government. Then what do we have? As has been suggested by the questions that have been asked, it is necessary to wait two, three, or four years for the lands to be brought into shape that they may be productive to such an extent that they can materially reduce the cost of the irrigation system to the settler. The settler who has gone broke, who has absorbed all of his substance by the time that the water is available, is in a bad way. You can readily understand the straits that he is in. I then call attention to the fact that the man who goes upon the land the first year that water is available is also in severe straits, because his orchard that he may set out will not be bearing for the market short of four

to seven years, the lands that he might cultivate for annual crops will not be capable of the greatest production for two or three years, and then, again, settlers make mistakes in not knowing what crops will find ready market.

Mr. COLLIER. Mr. Chairman, will the gentleman yield?

Mr. FRENCH. Yes.

Mr. COLLIER. I would like to know this: What new legislation does this bill seek to enact aside from the 10-year extension without the payment of interest and the administrative features associated with that?

Mr. FRENCH. I will say to the gentleman that that is the heart of the bill. The other features as we get to them can probably be developed best under the five-minute rule; but that is the heart of the bill. It is to extend the number of payments from 10 to 20 years, to provide a small initial payment, and to waive payment for a period of 5 years after that, permitting the settler to get on his feet.

Mr. MOORE. In substance it is a relief bill?

Mr. FRENCH. It is a relief bill, pure and simple, but one that contemplates payment of money originally assumed by the settler to the Government during a period of 20 years.

Mr. MANN. Mr. Chairman, will the gentleman yield?

Mr. FRENCH. Yes.

Mr. MANN. The gentleman says that it is a relief bill, pure and simple. Does not the bill provide that people who go upon these irrigated lands hereafter shall be required to pay only 5 per cent of the construction charge when they make their entry, and even not then until they get their water, and that thereafter they shall be required to make no payment for 5 years, and never be required to pay anything for interest?

Mr. FRENCH. Oh, that is true.

Mr. MANN. And that applies to people hereafter?

Mr. FRENCH. Yes.

Mr. MANN. That is not a relief bill, is it?

The CHAIRMAN (Mr. SELDOMRIDGE). The time of the gentleman from Idaho has expired.

Mr. FRENCH. Mr. Chairman, I will ask the gentleman from Nebraska to yield me some more time.

Mr. DONOVAN. Mr. Chairman, I withdraw my objections to the gentleman's request, putting what he sees best in the RECORD. He has talked upon this subject intelligently, and he has stuck to the text of the bill; and that is a great treat after the quibbling that we are obliged to listen to most of the time.

Mr. KINKAID of Nebraska. Mr. Chairman, I yield 15 minutes more to the gentleman from Idaho.

Mr. FRENCH. Mr. Chairman, the gentleman from Connecticut has been so good-natured and complimentary in his remarks that I may avail myself of the privilege of inserting certain data that will be of interest. There may be some things that I would like also to put into the RECORD on account of interruptions. I yield now further to the gentleman from Mississippi.

Mr. COLLIER. Mr. Chairman, what I wanted to know was, if there is anything else to be accomplished by this bill other than the extension of that time?

Mr. FRENCH. Oh, that is the heart of it; and while there are other things embodied in the bill, some things that I favor and some that I do not, that is the heart of it, and it is because of that part of the bill that I am so anxious that the bill shall be enacted into law.

Mr. GORDON. Mr. Chairman, will the gentleman yield?

Mr. FRENCH. Yes.

Mr. GORDON. The gentleman is especially strong for that part of the bill that provides for loaning money to purchasers without interest. I wish the gentleman would answer the inquiry of the gentleman from Illinois [Mr. MANN], which he made a moment ago upon that subject, and at the same time explain why we ought to loan farmers out in Idaho money without interest when they are refusing to loan the farmers down in Ohio money for which they offer to pay interest?

Mr. FRENCH. To whom is that last criticism directed?

Mr. GORDON. It is directed against this bill; against the very bowels of it.

Mr. FRENCH. That last criticism against not permitting the farmers to borrow money in Ohio? I favored the farm-credit bill some time ago.

Mr. GORDON. Oh, I am opposed to loaning farmers money out of the Federal Treasury, even if they pay interest upon it. But I can not see why you should loan these irrigators out West money without interest, and that is what I would like to have the gentleman elaborate.

Mr. FRENCH. I am glad the gentleman has asked that question, and I was going to answer the question as originally asked by the gentleman from Illinois [Mr. MANN]. In the first place, we ought to pass this bill providing the relief and extension of time for 20 years without interest for the reason that the original bill did not contemplate that interest should be paid, and all the contracts which were entered into were entered into on the distinct understanding upon the part of the settlers that interest should not be paid. I see the point the gentleman has in mind when he says, how about it then as applied to all future entrymen? Now, as applied to all future entrymen as well as those upon the lands now, I would say that this bill ought to pass making that provision for the reason that it affords the best way of developing the western country, in which the whole Nation has a vital interest. It is the same principle we have applied in developing the Mississippi and Ohio Rivers [applause], the same principle as in developing harbors along the Great Lakes, as in developing the great ports along the Atlantic seaboard, as in developing the tributaries of our larger rivers into a network of waterways for the great benefit of the American people. Congress is making appropriations of millions upon millions of dollars for this work, and is not only providing that interest shall not be paid, but with the distinct understanding that the principal itself shall never be paid. [Applause.]

Mr. GORDON. Will the gentleman yield?

Mr. FRENCH. I do.

Mr. GORDON. Permit me to ask right there, what is the analogy between spending money on public highways open to everybody and the spending of money upon private property?

Mr. FRENCH. It seems to me that the gentleman ought to see a very clear analogy between the spending of millions of dollars for the improvement of waterways along our coasts, for the improvement of the Mississippi River and its tributaries, for improvement of all the ports for the use of the trade of this country, for the primary benefit of those immediately concerned in trade or those living near by who are benefited by the improvements and the values they create.

Mr. MOORE. Will the gentleman yield?

Mr. FRENCH. Yes.

Mr. MOORE. Mr. Chairman, I think the gentleman weakens his case, as I think the gentleman from Wyoming did, when he makes the comparison between irrigated lands and waterways. The gentleman ought to see the distinction between the improvement of a waterway which is a public project, not for the benefit of any individual, and the appropriations of money, directly or indirectly, as in the case of irrigation, for the ultimate benefit of the individual if not for the present benefit of the individual. Now, I have heard it said that this bill, which I would like to favor as a relief measure, because I think these farmers sorely need the assistance—I have heard it said this bill was to be used to a certain extent as a buffer against the river and harbor bill, which is being held up on the other side of the Capitol. I would very much regret being forced to vote for or against this bill, feeling that it was obstructing a bill intended to appropriate money for the rivers and harbors of this country.

Mr. TAYLOR of Colorado. If the gentleman will permit me at that point, I think the only one I have ever heard make a suggestion of that kind was the Senator from Idaho.

Mr. FRENCH. I will say I never heard even of that suggestion in reference to this bill. However, since the gentleman has referred to the Senator from Idaho [Mr. BORAH], I believe he did suggest that with the same propriety that this Congress should appropriate for rivers and harbors that it ought to pass, not this bill but a bill to create a bond issue which would afford a further extension of the reclamation law.

Mr. MOORE. I raise the question now because two speakers, both of them conspicuous advocates of irrigation projects, have suggested that those projects are worthy as against rivers and harbors projects.

Mr. PAYNE. Do I understand the gentleman is advocating now a bond issue for the reclamation project?

Mr. FRENCH. No; not at all; I am advocating the passage of this bill. I was answering the gentleman from Pennsylvania and the suggestion made by the gentleman from Colorado; and the suggestion was made—I have seen it reported in the papers—that the same argument that has been used in favor of passing a liberal appropriation for rivers and harbors ought to hold good in providing some appropriation or a bond issue for carrying on the reclamation work.

Mr. PAYNE. Is the gentleman in favor of the proposition that the expense of improving the rivers and harbors should be assessed upon the people of the United States according to the benefits they receive?

Mr. FRENCH. They have never been assessed that way.

Mr. PAYNE. I know; but would the gentleman favor it? Of course the gentleman knows that would be very hard on the people of his State to receive as much benefit in proportion to what they have invested in the State as any State in the Union; but why does the gentleman bring in any such argument as

that? Is he willing to have an assessment made upon all the people of all the States according to the benefits they receive from river and harbor improvements? Why not discuss this question by itself on its merits?

Mr. FRENCH. The assessments for river and harbor improvements will, of course, fall upon the country generally, the people of my State as well as the people from the State of New York, and we are glad to bear our part.

Mr. PAYNE. Oh, the difficulty is the people of the State of New York have to pay one-third to one-half of all the assessments of all the States.

Now, if you are willing to have the people of your State assessed according to the benefit, we will take it in New York State, and gladly take it, and pay in that proportion. But I do not think you ought to bring it into an argument for this bill.

Now, when we had this matter up three or four years ago and you were trying to get the loan, which I favored at that time and helped to get through, the statement was made that the people who had gone out there generally in response, not to the invitation of the Government, but to the invitation of the railroad agents and land agents and all that sort of thing, and having hard luck, had found employment, a great many of them, with contractors who were actually building these works, and that that had helped tide them over.

Mr. FRENCH. That has helped out some.

Mr. PAYNE. A good deal, has it not?

Mr. FRENCH. A good deal; yes.

Mr. PAYNE. In telling these hard-luck stories, why do you not tell the whole thing and lay the proposition before the Members of the House, so that they can understand it from the beginning to the end? Of course when you started in with this thing we were promised if we would turn over to the irrigation fund the avails from the sale of land and from the sale of additional land and pay for those first works, it would so increase the irrigation fund the Treasury would never have to pay a dollar. And when we loaned the $20,000,000 the promise was made that we would get this money back. I am in favor of relieving those people out there and extending the time for payment, but it ought to be put on an equitable basis all the way through. And if we made a mistake in not charging interest on the money the Government actually pays out, we ought to provide for that now, and other things, as we go along, and deal fairly with the people who are interested. And while we in the State of New York think we have to pay a good deal more than other sections of the country, we are patriotically willing to stand our full share, and we will not weigh it on apothecary scales either. But sometimes you bear pretty heavily on New York and other eastern States in all of these projects.

And there is another thing I want to ask you about right there. There is a proposition in the sundry civil bill for a survey of the underground streams in some of the States for the purpose of irrigation. Is it proposed to saddle that upon the people of the country, too?

Mr. BRYAN. Let me suggest to the gentleman that the last expenditure I noticed on that line was for measuring the stream flow of the Hudson River.

Mr. PAYNE. Well, the Hudson River benefits every section of the country, but the improvement has generally been paid for by the State of New York. We have also built the canal there and given you the benefit of it, too. So do not throw that at me.

Mr. BRYAN. You can get more benefit from the Interstate Commerce Commission and the Attorney General than from any other department.

Mr. FRENCH. Mr. Chairman, it seems to me in line with the statements I have already made that the analogy is complete, and that the aid that the Federal Government is giving in the development of our waterways and our harbors and other improvements of that character that are shared by the people generally, without the hope of having any interest paid, and without the hope of having the principal paid, ought to be carried further and be maintained as it was maintained when the original law was passed, and let this money, the most of which will ultimately come from the public lands themselves, largely, in fact, on account of the irrigation and reclamation work that we have been carrying on, constitute a fund to be used for the reclamation of our great western country in the carrying on of a work that will be of benefit to the people of my State, it is true, and so, the country; and, indeed, the people of my State are people transplanted from every other State in the American Union. This is a bill that is of interest to all, just as the river and harbor bill is a bill that is of interest to all.

Again, the settlers upon reclamation projects should not be required to pay interest, because this reclamation work is a part of the great homestead policy that the Government has followed for half a century.

The fertile lands of Illinois, of Iowa, of Minnesota required not that they be irrigated when they were given to the people of these States. Yet it is proposed, as regards lands, that without irrigation are desert, the Government shall make them fit for homes providing the settlers then establish their residence and even pay the initial cost to the Government of reclamation work and, indeed, we are requiring more of these settlers than was required of the settlers of the great States of the Plains.

Again, the extension of time should be granted without interest, because public policy in many other lines has made it seem best for the Government to bear largely of the initial burden, bearing the burden collectively, that the great good might come later on because of the completion of the object sustained through Government aid.

Less than one week ago I voted to pass the bill that carried $200,000 for the relief of the sufferers in Salem, Mass., on account of the disaster there. My people are willing to bear their share of this burden.

We have made Federal appropriations for the maintenance of levees to prevent the overflow of the Mississippi River. We have donated millions of acres of the public domain to the building of railroads throughout the country. We have done these things because it was felt that the large public policy of building up our country in these lines could be better assumed by the Government than by the individuals if required to bear the burden or to work out these projects without aid.

Just one other word and then my time will be up, and that is this: These settlers may be able to go ahead if you provide an interest payment in passing this bill. But, gentlemen, it is not right that you require it from them. It is not right, manifestly, that you require it from the settlers who have already gone upon the lands upon the basis of the original law which required no interest payment. It is as much of a violation of our duty to those settlers to require interest to be paid as it would be to impose some other condition that is utterly impossible upon an individual, and then under the stress and coercion of that impossible condition make him agree, voluntarily, then, if you please, and couch his agreement in that language, to submit to the impossible conditions. If I held you up at the point of a gun and asked that you make me a present of your purse and your watch and your chain, and you couched your presentation speech in most beautiful and gracious language to me, I have done a wrong because I have obtained under coercion that which is yours. And the same principle applies here. Many of these settlers are in desperate straits, many of them would be glad to grab at a straw, to grab at anything, to avail themselves of any opportunity, to get relief, and even to agree to pay interest, if necessary, in order to tide them over, but, gentlemen of this House, it is not right that we should require that of them any more than it is right that under the stress of impossible conditions you compel a citizen to agree to conditions that originally he did not want to assume.

I thank the gentlemen. [Applause.]

Mr. KINKAID of Nebraska. Mr. Chairman, I yield 10 minutes to the gentleman from Illinois [Mr. MANN].

Mr. MANN. Mr. Chairman, I was a Member of the House when the reclamation bill first passed. There was a great deal of opposition to the subject for a good many years. I was one of those who supported the proposition for the Reclamation Service. I think at that time we made a mistake, which I am afraid we may repeat now, of letting those people who are strongly in favor of the irrigation service draw the bill instead of having it drawn by those who were in favor and those who were not so strongly in favor. We undoubtedly made a great mistake when we provided that the money paid into the Treasury from the sale of public lands should be paid out in irrigation work without any control of it by Congress.

The result of that was natural and, I think, inevitable. Everybody became interested in irrigation work. The States, through the Carey Act and through private contractors, and the Government, by the incentive which was given to the movement by a law of Congress, and everybody started in with irrigation projects. Most of them to-day have been unsuccessful, both the Government projects and the private projects, and there are now floating all over the country great quantities of bonds on irrigation projects which are not worth 100 cents on the dollar, and many of which never will be paid.

We started it with a whoop and a hurrah. We have now expended in the neighborhood of $75,000,000 or more, coming in from the sales of the public domain, in carrying on a great num-

ber of reclamation projects. People all over the country were taught to believe that anybody, without knowledge on the subject, could just go out West and take up from 5 to 160 acres of land connected with an irrigation project and be living in easy affluence ever after; and men who did not know a barn from an office building went out on these projects and took up land.

It was inevitable that most of them should fail. There were many eastern farmers—and I use the term "eastern" merely as the western people use it—who went out there who knew something about farming where the Lord provides the water at regular periods, but who knew nothing about farming on an irrigation project, and they did not succeed very well. And then the Government engineers started in to construct these projects, thinking they knew in advance what it would cost, and people crowded upon the projects, and it developed that the cost was much greater than it was anticipated. Where men might have been able to pay the original estimated cost, they were not able to pay the cost which finally developed, and in many cases, owing to the lack of money coming in in such quantity as some gentlemen with iridescent dreams in their heads imagined, the Government was not able to finish the projects and furnish the water within the time that had been anticipated and which had been promised. There were thousands of people upon these lands that were worth nothing without water, and no water; and, of course, they could not succeed, and could not pay their share of the construction charges.

I do not agree with the gentlemen from the Western States that the irrigation service is at all comparable with the construction of rivers and harbors. They are on different lines entirely. It may better be compared to the homestead law, where we give to the man who takes up, for $1.25 an acre or for nothing, land worth from $25 to $100 an acre if it were put up for sale. It may be compared with that system of parting with our public domain. But a river and harbor scheme would never be defensible; no expenditure for river and harbor improvement is defensible, except upon the theory that it is worth what it costs and must pay to somebody—the public as a whole—more than the interest on the investment. When we improve a harbor, if that were just a dead loss, no one could defend it. We assume that when we have improved the harbor there will be such a reduction in the cost of transportation, applicable to all parts of the country, as will more than pay 3 or 4 or 5 per cent interest on the money we have expended.

Now, we come to the question of these settlers out in the West. Undoubtedly some relief must be granted to them. The Government does not desire to dispossess them from the land upon which they have entered. We want to help them to the point where they can cultivate the soil and make it profitable. But, after all, when any investment is made by the Government we must ask the question, Does it pay to make the investment? No one would think of having the Government construct great public works unless we thought it paid, unless we thought that the returns to the public at large would be more than a reasonable rate of interest.

Now, the bill that we have before us not only covers the irrigation projects now in existence, but it also covers all possible irrigation projects in the future. And what is the very first provision in this bill? That is the one as to the irrigation projects hereafter. The Government is to go ahead and spend the money constructing irrigation projects. Then it is to give the land outright to the persons who enter it. That is conformable to our homestead law. The person then pays 5 per cent of the construction charge of the project, the cost of the construction being supposedly charged against the property which receives the benefit of the irrigation. They pay 5 per cent. Then they pay nothing for five years, is it not?

Mr. SMITH of Idaho. Four years.

Mr. MADDEN. Five years.

Mr. GORDON. Yes; five years. You have it right.

Mr. MANN. They pay nothing for five years, not even interest. Now, if the investment of this money on these projects does not produce at least 3 per cent interest, what is the reason why we invest it?

The CHAIRMAN. The time of the gentleman from Illinois has expired.

Mr. KINKAID of Nebraska. Mr. Chairman, I yield the gentleman 15 minutes.

Mr. MANN. Make it 10 minutes. I shall not use more than that.

The CHAIRMAN. The gentleman from Illinois is recognized for 10 minutes.

Mr. MANN. We would not make an investment anywhere unless we thought there would be some return from it. While it is true in a way that there is a return to the public at large from having anybody cultivate any portion of the soil and produce crops, because we could not live without the cultivation of the soil and without the production of crops, yet no sensible man individually would think for a moment of investing money in a farm which would not pay any interest whatever or any return whatever. And the question is whether the Government is under obligation to furnish the cost of constructing irrigation works and then give the land away, and in addition give the use of the money for 20 years without any interest whatever, because under this bill, after the man pays 5 per cent of the principal, he pays nothing more of the principal for five years. Then he pays 5 per cent of the principal a year for five years. After that he pays 7 per cent, I believe it is, so that the principal is entirely repaid in 20 years' time.

Mr. SELDOMRIDGE. Mr. Chairman, will the gentleman yield?

Mr. MANN. Certainly.

Mr. SELDOMRIDGE. The gentleman has expressed a desire to give relief to a very deserving class of citizens. Does not the gentleman recognize the fact that if interest charges are imposed on these people in making these payments the time of payment would necessarily have to be extended in which to meet the principal?

Mr. MANN. I have not yet discussed the question that the gentleman is talking about.

Mr. SELDOMRIDGE. Is there not a consideration in the shortness of time for the payment of the principal?

Mr. MANN. I have not discussed that feature as applicable to the present irrigation projects. I was discussing the first section of the bill, which the gentleman from Colorado knows does not apply to anybody now on the irrigation projects, but applies only to those who go upon these projects in the future.

The question is, whether the Government is under obligation now to loan money—because that is what it amounts to—to a farmer out West for the purpose of permitting him to cultivate the soil without interest, without any payment for five years, except 5 per cent of the principal of the loan, and at the same time decline to loan money to the farmers east of the Rocky Mountains, who are willing to pay interest for the construction of barns, for the purchase of stock, for the purchase of farm implements, and possibly also for the purchase of land, all of which they greatly need.

There are thousands of people in my city who would be extremely glad to have the Government say to them, "If you will pay back to us 5 per cent on $10,000, we will advance you the $10,000 to go down into Illinois and buy a farm, and then you do not need to pay any more for five years. You need never pay the interest, but if you will pay back the principal in the course of 20 years you may have the farm." These people would be willing to do more than that. They would be willing to pay 3 per cent interest on the $10,000. They would be glad of the opportunity.

Mr. MONDELL. Of course the gentleman realizes that during these four and a half or five years during which the entryman is not to pay any building charge he is all that time paying a maintenance charge of from one to two dollars an acre.

Mr. MANN. Oh, certainly; he is paying the maintenance charge, but he is paying for water, which he gets when he wants it. In many portions of the country he pays for the water, but the Lord does not always give it to him when he wants it, and sometimes he loses his whole crop thereby.

But I do not complain about anything. I thought it was proper to call the attention of the Members of the House to the propositions involved in the bill, because I was very sure that the gentlemen advocating the bill would never do so. I do not complain of the length of time given to these people, or of the fact that it is proposed to require no payment for five years. The Government would still hold the title to the property. But the proposition to which I am seeking to call the attention of the House is whether we can loan money without any interest to one set of people in the country and then refuse to loan money to other people, equally meritorious, who are willing to pay interest.

Mr. SMITH of Idaho. Has the gentleman taken into consideration the fact that on these new projects that are contemplated the cost of the water will probably be $100 an acre, and if you add to that the interest, it would make it impossible to sell the land?

Mr. MANN. Then what is the reason we do it?

Mr. SMITH of Idaho. Simply because if interest is imposed it would be impossible——

Mr. MANN. There is no reason that can be given, except the fact that gentlemen want it. If the project, when carried into execution, will not pay interest, it ought not to be entered upon. The gentleman might as well propose that if the farmer can not make a living upon these irrigation projects, we ought to

pay him an annuity every year in order that he may buy his groceries and meat. What is the distinction?

Mr. MOORE. Will the gentleman yield?

Mr. MANN. Yes.

Mr. MOORE. The gentleman from Wyoming [Mr. MONDELL], in his address on this subject, indicated that about 10,000 farmers would be affected. According to the ordinary method of calculation that would mean 50,000 people, all told—farmers and their families. Is that the extent of the benefit we would be granting by passing this bill?

Mr. MANN. That is not. The gentleman from Wyoming [Mr. MONDELL] gave the wrong impression, if that is what he stated. I did not hear him make the statement.

Mr. MOORE. I mean to ask whether 10,000 farmers will be affected, and whether those figures are correct?

Mr. MANN. They only apply to 10,000 farmers now on irrigation projects; but the bill contemplates the continuous use for all time of all money coming to the Government from the public domain, in building irrigation projects, and applies to everybody who goes on those projects in the future. There may be 10,000 of them now. I do not know how many of them there will be.

Mr. MOORE. And for those 10,000 farmers we have already expended under the reclamation system about $80,000,000.

Mr. MANN. I do not know how many farmers there are. Somewhere in the neighborhood of $80,000,000 have been expended, I believe.

Now, I have said so much in regard to the future. I leave it to the House to determine how gentlemen will go home to districts which are not in the arid region and explain to their farmer constituents why they voted to give the farmers in Colorado money to the extent of $50 to $100 an acre for 20 years without interest, and voted against or refused to consider a proposition to have the Government loan the farmers in their districts money upon which those farmers were willing to pay 3 to 5 per cent interest. I do not have to meet that question, as far as the farmers are concerned, though I do not know what my constituents who want to build homes will say. Some man might say "I would like to have a little home, and I want to buy a lot. It is just as important for me to have a home as for some man in Montana or Wyoming, and now you are taxing me indirectly to give him money without interest. For God's sake let me have some, and I will pay interest."

The CHAIRMAN. The time of the gentleman has again expired.

Mr. KINKAID of Nebraska. I yield to the gentleman five minutes more.

Mr. ROBERTS of Nevada. Is there not a material difference between the farmer who lives in a country where they have rain occasionally and the farmer who lives in a country where they do not have any rain?

Mr. MANN. There is a material difference in his surroundings, but no difference in the farmer himself. All of those people have come from the country where they have rain. They are the same kind of people, all trying to make a living properly. They have my entire sympathy in that respect.

Mr. ROBERTS of Nevada. Is it not a fact that the one farmer needs it and the other does not need it, and the country is getting the benefit of the crops where God Almighty sends the water, and the country is also getting the benefit of the irrigation projects where the water is corralled and brought to them?

Mr. MANN. Oh, the man in the East needs the money, or thinks he does, just as much as the man in the West. The only difference is that the people in the East are a little more modest about the way they ask for it.

Mr. SHERLEY. Will the gentleman yield?

Mr. MANN. Certainly; I yield to the gentleman from Kentucky.

Mr. SHERLEY. I want to suggest to the gentleman that there is a great deal of land on which rain falls that is not being cultivated, and there are a great many men who would be glad to buy it at the Government expense. Would it not be better to help them to buy land in a country where the Lord helps them than to send them out West, where it is necessary to go to the expense of irrigating?

Mr. MANN. There is probably more land within 100 or 200 miles of the Capital of the greatest Nation of the world, which people would be glad to take and cultivate if the Government would loan them the money at interest to buy it, than there is in all of the irrigation projects that the Government has anything to do with.

Now, as to those who are already on the irrigation projects, they have agreed to pay back the construction charges within a certain time, within 10 years. Here is the proposition: Let them pay back 2 per cent a year for 4 years instead of 10 per cent a year, with the hope, as provided in the bill, that they will pay it all back within 20 years' time. Now, that is without interest. If these people upon these projects can not make out of the use of the soil more than 2 per cent a year on the construction charges, I think we had better abandon the whole Reclamation Service. There are thousands of ways by which we can invest money and increase the production of the soil that will pay more than 2 per cent a year. There is not 10 per cent of the farms of the country where they can not by the use of more money increase their product more than 2 per cent on the cost of the increase.

Now, I am perfectly willing to give these people 10 years' time, 20 years' time, 40 years' time, 50 years' time, so far as that is concerned, for the payment back of the money which the Government has invested there. I do not believe that it is profitable to the Government to engage in enterprises of that kind unless the return warrants some payment of interest. True, the law now, drawn by the friends of irrigation—and I do not blame them for getting all they can—does not provide for the payment of interest. Although they drew the law and put everything in they could in their favor, they are now stung. [Laughter.] That is true, and we all admit it.

If these projects will not pay any interest on the investment, why should we make them? These people are asking for delay in payment. I think we ought to give them the delay in payment; but if the projects are worthy at all, they ought in the end to pay interest on the investment. Why should we let even our friends out there have vast sums of money, millions upon millions, which are unprofitable, where the investment is not worth while, investments that no one would make? We either ought to back out or else they ought to be able in some way to pay something for the use of that money. They want the time extended 10 years, and I would be willing to make it a great deal longer than that, but the Government ought under no circumstances to advance to any project any money unless the project is worth the while. The test whether an expenditure ought to be made and whether the project is worth the while is, Is it profitable in some direction? You can not very well differentiate the farmer in one part of the country from the farmer in another part of the country or the crops in one part of the country from the crops in another part of the country. The test is whether he can afford to pay for the use of the money. [Applause.]

Mr. TAYLOR of Colorado. Mr. Chairman, I yield 15 minutes to the gentleman from New Mexico [Mr. FERGUSSON].

Mr. FERGUSSON. Mr. Chairman and gentlemen of the committee, it must be obvious to all that I labor under a disadvantage, not by design, but by accident, in following the gentleman from Illinois. Still I have some ideas that I would like to present briefly, based largely on a life of about 30 years in the midst of the scenes of these irrigation projects.

Now, as to the return of interest. We spend millions of dollars for great public interests, for great public improvements, affecting all the people, like the rivers and harbors, pensions, and various matters for the general good of the public in this country, and nobody before ever thought of charging interest to be paid by the people who receive benefit therefrom.

I look at this question—the effort to reclaim the great arid lands of the West—as a great public question. Our industrial centers, our cities, are filled with people without a place to lay their heads, without a spot they can call a home. Many of them are burdened or blessed with wife and children. They are anxious to get into the West, where there is a chance to build a home for themselves and children. Why discriminate, why make ingenious arguments, almost Shylock-like, looking at it from a business point, when everybody knows that the effort is to provide homes by law in the great arid West, where alone in our country it is possible for a poor man without a home, with wife and children around him, to make a home for himself and his family.

Now, gentlemen talk about interest. Under this law a man goes out on the land. He expects the Government to furnish him water. He is excused for five years from paying anything, but what does he do? In the general interest of the great public of the United States, in the general interest of the people of the great arid West, he seeks to increase the population and the number of home lovers and those who make patriotic citizens. It is a fact that those who own their homes here are the very best citizens of our country. What does he do in lieu of paying interest? because I think that is the only argument against this bill that has any force in it. What does this man do during the five years? He has to level the land, grub up the roots of the cacti and the mesquite, the roots of which are as big as your leg and run far into the ground, and which they dig up and dry and use for fuel. He has to dig and level

and reclaim the land. Do you want to charge him interest for doing a great public service like that, in addition to all the labor that he has to do to prepare the land for irrigation? Not only does he have to dig up the roots and clear the land from rocks and other obstructions, but he also has to level it, which takes teams and plows and scrapers and labor, a devotion that you who have never lived in the West can not conceive of. He has to do all that in addition to his other duties.

Now, these great appropriations for rivers and harbors are sufficiently paid for by the general good that is done. We are entitled to that argument as much as anyone else. We in the West know the suffering of these poor homeseekers, and when they devote their lives to reclaiming the West, in God's name are they not paying interest? In addition to that, under this general scheme they agree to pay the principal back. Who is going to pay the principal back on all of your money that you appropriate for pensions and for rivers and harbors, which you pile, in addition to labor and cruel privations, upon these poor devils, many of whom I have seen upon the verge of starvation. I have seen a man who tried to make a home under a 160 or a 320 acre homestead and who has failed, and met by absolute suffering for himself and family. You ask why did he go there.

Mr. Chairman, how can he live in the cities when sometimes he can not get work? He wants to go somewhere, and now for 20 years, and latterly still more than earlier, you have driven him to Canada, where the British Government, with a liberality which we might well copy, has made the land laws so that our people, being unable to get homes in the United States, are going to Canada. I will tell you, you need to help these men. Instead of making them pay interest, it would be no more than just that you would excuse them from paying part of the principal back, because of the great natural obstructions which must be overcome by this bold pioneer, who fears no hardship, who fears no deprivation of the ordinary necessities of life, who, driven by dire necessity, by his crying babies and his poor, ill-clad wife, must submit to any hardship that you put upon him. I have seen not one, but a dozen, who have failed utterly for two successive years. No rain. This year in New Mexico it has rained as much as it has in Washington, and those who had the nerve to put in crops again will profit by it; but last year it did not rain at all and the seed did not sprout, and I have seen these men breaking rocks on the streets in my city, with their wives out in the country 20 or 30 miles, in their little shacks, absolutely on the verge of starvation. And now you want to make him pay interest. Is it not a great public question? I have lived for 30 years in these scenes, and I know what I am talking about. Is it not a great public question to so fix these reclamation laws, the one that you are now considering, as that these men can reclaim the land? They can not reclaim the land if you put the screws to them, Shylock-like—every dollar back or you get no chance. If it were a private benefaction to each man, that would be a different question.

Mr. GORDON. Mr. Chairman, will the gentleman yield?

Mr. FERGUSSON. Yes.

Mr. GORDON. Right upon that point—if it were a private benefaction. Why is not this just as much a private question as it would be if the people in my city who have no homes should come here and press the argument that the American people are interested in having every citizen in the country own his own home?

Mr. FERGUSSON. I would say that you are right, and I will do anything within the power of this great Government, with its limitless wealth, filling up so rapidly now with the increase in its own population and the influx of helpless and hopeless people from other lands. I would say, "Yes: if you are an honest man, if you have a wife and children, if you need a little help, and if you will pay the principal back, I will excuse you from paying interest for 20 or 40 years." I would help that man.

Mr. GORDON. Does the gentleman know what that would bring this Government to? Where would we get the money to do that?

Mr. FERGUSSON. The gentleman does not think we have no money?

Mr. GORDON. We have not any money to engage in such enterprises as that.

Mr. FERGUSSON. How about the $150,000,000 for pensions that we have been expending for the last 40 years? You do not ask the principal or the interest back upon that.

Mr. MADDEN. No; they get that.

Mr. FERGUSSON. But when we from the West come here in good faith, with our hearts beating with sympathy for the efforts of men to make homes, and make a proposition to give to these people the use of the money which will be amply secured, every dollar, because the acre now is not worth two cents; and when the man gets through with it, with the help of the Government in loaning him the money, if you want to put it that way, or with the help of the Government in reclaiming hundreds of thousands of acres by irrigation enterprises—when we come and make that proposition to you, you say, "No; you must pay the interest."

The man says to the Government, "Let me have 40 acres or 60 acres or 80 acres; let me have a chance, and I will make that land so that it will be worth ten times the value of it now, when you gave me the money to use upon it." Is not that something better than interest—the good he does the General Government and the country we live in? My friend, I am thoroughly convinced that if the gentleman from Illinois [Mr. MANN] understood the matter he would look at it differently. This gentleman, the minority leader, with his powerful and ingenious mind, has looked at this only from the Shylock business standpoint, when it is a great public question that ought to challenge the patriotism and the heart, if he has any, of every man upon this floor, to help these people in these cities that can not get work, at least to the extent of excusing them from the payment of interest, when the acre of land when he goes upon it is not worth a dollar. In the course of 20 years he will make that acre worth to the whole Government $20, and he will pay you the principal back besides.

Mr. COX. Mr. Chairman, will the gentleman yield?

Mr. FERGUSSON. Yes.

Mr. COX. What does the gentleman say in response to the argument made by the gentleman from Illinois [Mr. MANN] that on principles of equity and equality, if the Government embarks in this line of work of giving to the gentleman's people all of the money needed to develop irrigation, without interest, the Government should also give to the people in the State of Illinois and the people in the State of Indiana, where we can buy good land and get anywhere from $50 to $100 an acre, an amount of money sufficient to buy from 80 to 160 acres free of interest? What does the gentleman say in response to that argument, which strikes me to be the very gist of the gentleman's argument?

Mr. FERGUSSON. Mr. Chairman, my answer to that is this, that in Illinois, or in the gentleman's own State of Indiana, the land, as the illustration indicates, is already worth $50 to $100 an acre. If the Government furnished the money to go and buy some of that, the man would have to be tolerably well fixed to start with. We would create a market for that land that would make it worth $250 an acre for speculative purposes pretty soon, but the gentleman's question ignores utterly the point that I have been trying to enforce in my inexperienced way here. I have spoken many times in the courts of our country, but seldom in a parliamentary body. Gentlemen, you ignore the fact that the Government of the United States has engaged in great enterprises intended for the general good of the Government. I will say another thing, that your proposition would involve leaving forever unreclaimed these great valuable rich public lands, and I can not overstate the richness of the soil with water on it. It is absolutely astonishing how rich it is with plenty of water on it. You are ignoring utterly this great proposition, the national importance of it. You should put out of your mind the question of dollars and cents. I am willing to vote for any bill here that will help a man with his wife and baby, in the congested cities, or in the big industrial centers, to get a start some way. Ah, my friends, if we do not realize the kind of civilization we are in, as it has evolved up to date; if we do not realize that we must go forward and forward and get the Shylock system back of us, instead of having a great President, a constitutional President, conceiving the principles of government as Jefferson founded it, as Lincoln interpreted it; a Government of the great masses of common people, to be owned by them, to be run by them, for their benefit; if we do not rise up to the occasion, you are going to drive us back to a great oligarchy and despotism, or you are going to have in the presidential chair some Debs and a great cataclysm may come on this country; not as in France, but it will come to this country under the reign of the ballot. In France, the poor devils had nothing but the bullet and guillotine to correct their wrongs, but with universal suffrage in this country you should not stretch the Shylock argument of reactionaryism too far in this day and generation. [Applause.]

Mr. KINKAID of Nebraska. Mr. Chairman, I yield 15 or 20 minutes, as he may desire, to the gentleman from Illinois [Mr. MADDEN].

The CHAIRMAN. The gentleman from Illinois is recognized for 20 minutes.

Mr. MADDEN. Mr. Chairman, I confess, to begin with, I am not very familiar with farming in irrigated territory, but I understand that these projects cover about 3,000,000 acres; that is, that 3,000,000 acres will be the sum total of the land that can be reclaimed under these projects. We were given to understand when we entered upon the development of these arid lands by these irrigation projects that the cost per acre would be about $22.50. We have already expended about $80,000,000 and I believe $20,000,000 has been made available, so that if we were to assume that the money already expended and that which is available would cover the cost of the reclamation projects, totaling 3,000,000 acres of land, we would have expended at the rate of $33 per acre. But I am told that it is estimated to cost about $50,000,000 before these projects can be completed, and I would not wonder if it would cost $50,000,000 more than the estimated $50,000,000 before they will be completed; and if that should be true, we would find ourselves having expended $200,000,000 for the development of 3,000,000 acres of land——

Mr. COX. Pretty expensive land.

Mr. MADDEN (continuing). Or sixty-six and a third dollars per acre. Now, I can see that it would be hard for those who settle upon these lands to meet the payments with such an excessive cost within a period of 10 years, and I am willing, personally, to extend the time to any reasonable limit, so that no hardship may be imposed upon those who have settled in the West where irrigation is necessary; but I can see no good reason why we should say to the people who have settled upon these lands that the Government of the United States will invest $200,000,000 to make the lands in these arid regions tenantable, advance the money, give the land, and charge no interest. It would be a great injustice to the people of all other sections of the Union.

The argument is being made by those favoring the bill that this is the only place where men living in the densely populated sections of the United States can go to get a home. Well, I can point to 10,000,000 acres of land in Wisconsin that can be bought for a bagatelle in a section of the Union where irrigation is not needed and of tens of millions of acres in the center of the country where civilization is complete and where the rainfall produces the crop, and there is no need for those who are said to live in hovels in cities, and I do not agree that they do so live, to go to these arid regions in order to take up a home if they can find a home in the agricultural regions in the Middle West, where lands can be had at a low price and where no risk whatever has to be run in their cultivation.

Mr. RAKER. Will the gentleman yield for a question there?

Mr. MADDEN. I shall be delighted.

Mr. RAKER. Is not the region the gentleman refers to cut-over or logged-over land; that is, the Government sold it to private individuals and they got the benefit of the timber?

Mr. MADDEN. Oh, but I apprehend in the cultivation of land for purely agricultural purposes that they do not need timber on it.

Mr. RAKER. I know; but the land the gentleman referred to had timber on it.

Mr. MADDEN. The land referred to by the gentleman from California, which once was timbered, is now ready for occupation by the man who makes a living by tilling the soil.

Mr. HARDY. Mr. Chairman, will the gentleman yield for a question?

Mr. MADDEN. Surely.

Mr. HARDY. I ask the gentleman for information. What are the terms on which these settlers buy this land from the Government as to any payment to the Government over and above what the Government spends?

Mr. MADDEN. The gentleman refers to this arid land?

Mr. HARDY. Yes.

Mr. MADDEN. They do not pay anything at all for the land. The Government spends money for its development. It turns the water over for the use of the farmer, of the settler, and this bill proposes that he shall pay 5 per cent on the original cost to the Government to begin with, and five years later he makes his first payment, which amounts to 5 per cent, and continues on until at the end of 20 years he has paid the Government back the amount the Government expended 20 years before.

Mr. HARDY. Then whose land is it?

Mr. MADDEN. It is the land then of the man who has paid these 5 per cent for 20 years.

Mr. HARDY. Practically the result is that the Government loaned enough money to this man to buy his land, and he paid it back in 20 years?

Mr. MADDEN. Yes; and without interest.

Now, there is no man in America who has a tendency toward agriculture who would not be glad to have the Government afford him such opportunity as this. I am a farmer—the gentleman from Connecticut [Mr. DONOVAN] laughs, but I say I am a farmer—and I have a farm which is conducted scientifically, operated as a farm and not as a hothouse, and I would be glad if the Government would furnish me the money to buy more land, which I would be willing to cultivate if I were not called upon to pay more at the end of 20 years than what the Government had loaned. Yes, I would be glad to pay the Government interest on the money it advanced to me, and so would thousands of other American citizens everywhere throughout the Union.

Mr. FERGUSSON. Will the gentleman yield?

Mr. MADDEN. Yes; I will yield.

Mr. FERGUSSON. In reference to your assertion that these people could go and get homes in Wisconsin by going there and buying lands, does the gentleman realize when he makes that statement how many millions of men in this country have not a dollar and have not the right to go and settle it and reclaim it?

Mr. MADDEN. Of course, I know that there are millions of men in the United States who have not the money with which to buy land, and I am advocating the loan of money to these men, so that they can buy land in certain sections of the Nation and cultivate crops; and yet the Government refuses to advance it to them, even on the payment of interest. There is no reason why the Government should loan money to people who move onto arid-region land and let them have that money without interest.

Mr. COX. Will the gentleman yield?

Mr. MADDEN. I will.

Mr. COX. I know the gentleman, from personal experience, goes at a matter as a scientific proposition. I want to ask the gentleman if he has made any figures with a view of seeing how much interest would have accumulated to the Government on the total amount of money the Government advanced at 2 per cent, or even 3 per cent, interest?

Mr. MADDEN. We have loaned them the $80,000,000. We have $20,000,000 more at the disposal of the Department of the Interior, if I understand the situation correctly. That amount at 3 per cent would be $3,000,000. We would have earned from the interest payment on money already expended, as nearly as I can calculate, without pretending to be accurate, something in the neighborhood of $10,000,000 from the beginning of the project up to the present time.

Mr. TAYLOR of Colorado. Will the gentleman permit a suggestion? Let me suggest to the gentleman that the Government has not loaned even a dollar—not a nickel; has not loaned a cent.

Mr. MADDEN. What the Government has done is this——

Mr. TAYLOR of Colorado. The Government has simply gone out and tried to build 32 Government reclamation projects, and has invited innocent poor people to come and settle under them, and has told them they could get the land for $10 or $15 an acre. Now, the overhead charges have mounted from $20 to $50 an acre, and they are asking the poor people there to pay it, and they can not do it.

Mr. MADDEN. The statement of the gentleman from Colorado ought not to go unanswered. The gentleman's statement would lead the House and the country to believe that the Government of the United States, whatever mysterious being that might be presumed to be, began an agitation for the development of the arid lands of the West, and suggested that it would like, as a Government, to irrigate the lands, and it put red-lined advertisements in all the newspapers of the United States advising would-be settlers upon irrigated arid lands to come and take the land at Government expense.

Now, the trouble is that the gentlemen coming from the arid regions, and speaking for the people of those regions on the floor of this House, came here as enthusiastic advocates of irrigation projects, and begged on bended knees and pleaded with all the eloquence which they possessed for the development of the territory in which they lived, and promised all kinds of things to get votes to pass the bill that has put us in the condition in which we are to-day.

Now, that is true, and I do not think the statement of the gentleman from Colorado would leave the situation as it ought to have been left. We went on at their earnest solicitation. They were honest in their advocacy of these measures. They believed they could accomplish certain results. They were mistaken in their belief, and the Government of the United States found itself investing vast sums of money to build water projects in order that these lands might be irrigated.

Mr. TAYLOR of Colorado: Now, has any farmer in the United States ever had a word to say of the expenditure of one dollar of that money? Answer that, yes or no.

Mr. MADDEN. Which farmer?

Mr. TAYLOR of Colorado. Any settler under any project. Has he ever been consulted for one minute about the expenditure of that $86,000,000?

Mr. MADDEN. No; I do not suppose he has.

Mr. TAYLOR of Colorado. Of course he has not. He has had no more to do with it than you have.

Mr. MADDEN. If he has not, he has not had much.

Mr. TAYLOR of Colorado. He has not had anything to do with it.

Mr. MADDEN. But gentlemen, like the gentleman from Colorado, are the ones who are responsible for that condition. They came here on the floor of this House and made everybody believe they could make a garden out of a wilderness; that you could do it for a nominal expenditure of public money; that everybody who went onto this arid land watered at Government expense would become rich in no time. And we allowed the Department of the Interior to accept the money coming from the sale of public lands and to expend that money for the development of these irrigation projects. And we found ourselves in the predicament of having begun projects that were impossible of perfection, and we had to appoint a committee of the Senate and of the House and a commission of Army engineers to go out and overlook and revise the work of the Department of the Interior, where it failed, either by lack of knowledge or because of its lack of patriotism, and we were obliged to call a halt. And now we are asked again to continue our confidence in the Department of the Interior and to continue to authorize the Secretary of the Interior to expend moneys received from the sale of public lands in the development of irrigation projects without coming to Congress to tell us why or where or when.

Now, personally, I have the greatest confidence in the Secretary of the Interior, no matter who he may be. But he is human, and he has too much to do, and he can not know; and whoever he may be himself he undoubtedly has under him men who are not always filled with that degree of patriotism which permits the economic expenditure of the public funds, and they have not been expended economically on these irrigation projects. On the contrary, there has been reckless extravagance with the public funds, without the accomplishment of the kind of work that we had the right to hope for.

And while I do believe that we ought to develop these lands and give the people the opportunity to settle upon them, I believe that this legislation, before it is finally enacted, should provide that no money shall be expended on these projects by the Secretary of the Interior, or under his direction, unless he comes with an estimate of the cost of the annual necessary expenditure for their development to the Committee on Appropriations of the House, and that such money as he may require for the expenditure in any given fiscal year shall be authorized by the Congress. We have had no control over the expenditures. We have abdicated our rights and we have created a condition which is unjustifiable.

Mr. HARDY. Mr. Chairman, will the gentleman yield for a question?

Mr. MADDEN. Yes.

Mr. HARDY. I am studying this question for the first time. Are there any other public lands that are given to settlers absolutely without money and without price?

Mr. MADDEN. Absolutely no other public lands within the confines of the United States.

Mr. HARDY. Is there any logic in the proposition that the Government should take lands and make them worth the very highest price and then give them away without money and without price?

Mr. MADDEN. There is neither logic nor reason nor right nor justice in it. And while I favor the most hearty cooperation along legitimate, decent business lines with the people of the arid West in the development of the lands of that section of the country, I believe I would be failing in the performance of my duty under my oath of office if I did not insist that every year the Interior Department shall be compelled to come to the Committee on Appropriations, just as the War Department does, just as the State Department, and as all the other departments do, and state what they want to expend for this purpose, and state why they want to expend it, and make an estimate of the cost and give an opportunity to the committee to examine those in charge of the expenditures.

That is the legitimate, decent business way to conduct this affair, and it is the only way in which it can be successfully and honestly conducted.

Now, I do not want what I have said to be construed as in opposition to this bill, except in so far as I believe the bill as at present drawn does not safeguard the public rights, for I have as much sympathy with these dwellers in the arid West as any man in this House has. I believe that sympathy, however, ought not to be the guiding consideration in reaching a conclusion on so great a matter as this. [Applause.]

The CHAIRMAN. The time of the gentleman from Illinois has expired.

Mr. MADDEN. I thank you, gentlemen, for the courtesy you have shown me.

Mr. TAYLOR of Colorado. Mr. Chairman, I yield 30 minutes to the gentleman from Arizona [Mr. HAYDEN].

The CHAIRMAN. The gentleman from Arizona [Mr. HAYDEN] is recognized for 30 minutes.

Mr. HAYDEN. Mr. Chairman, the reclamation act was passed a little over 12 years ago; to be exact, it was approved on June 17, 1902. With your permission, I desire to sketch briefly the history of irrigation in the United States in order that it may be understood why our national irrigation policy was adopted—a policy new to this Government and as yet imperfectly appreciated by many of our citizens. I shall then discuss the particulars wherein the reclamation act has failed to realize the high hopes of its authors entirely and will point out how the bill that is before you supplements the original act to the advantage of both the Government and the settlers under the reclamation projects.

But few Americans who reside east of the Great Plains and the Missouri River know anything definite about irrigation or the laws and customs that prevail in irrigated countries. They have had no occasion to learn, since the eastern half of the United States is blessed with an abundant rainfall. Nor is there a tradition among them on this subject, because they or their ancestors all came from western Europe, one of the well-watered regions of the earth.

Our language is derived from a foggy island in the North Atlantic, where most of the tillable land has been obtained by draining marshes and fens. The Bible is the only great work in all English literature that correctly expresses the spirit of those who dwell in the land of little rain, and it is often misinterpreted by men who do not understand the meaning of "living waters."

Our laws are likewise founded on the common law of England, and riparian rights to the flow of streams were recognized from the very beginning by the colonists on the Atlantic coast. For nearly a century after the Revolution the entire energy of the American people was devoted to the settlement of that part of the United States where rainfall is plentiful. But finally the great wave of immigration reached as far west as the one hundredth meridian, which approximately coincides with the line of 20-inch rainfall, and was there halted. Beyond that line lay the arid West.

While it is true that in at least two-thirds of the land area of the world irrigation is necessary in order to produce crops, yet this was the first time that men of our race had been confronted with such a problem. Anglo-Saxon irrigation began in the Salt Lake Valley 77 years ago, when the Mormon pioneers first diverted the waters of City Creek onto the thirsty soil of Utah. The habits of cooperation which the Mormons had learned in Illinois and Missouri enabled them, under wise leadership, to promptly develop an irrigation system that made life possible in an otherwise fruitless land.

To the union colony at Greeley, Colo., belongs the credit of the next advance by men of our race in irrigation. It has been said that these followers of Horace Greeley transplanted the spirit of a New England town meeting to the far West and again demonstrated the great truth that by the combined efforts of men the most difficult problems can be solved. The success of this colony inspired numerous irrigation enterprises until now Colorado ranks first in the area of land under canals.

The successes that I have mentioned caused the pioneers all over the arid West to turn their attention to the advantages of irrigation. They were men without means, so that the first irrigation works were necessarily primitive. But as time went on capitalists from the Eastern States became interested in irrigation enterprises. During the irrigation boom which occurred from 1885 to 1893, large sums of money were invested in the hope of extraordinary returns. The promoters of these schemes, however, overlooked a fundamental fact that is true of every irrigation system in the world. There can be no permanent peace and no real agricultural prosperity where the ownership of the water or the means of conveying it is separated from the land to be irrigated. Where water means life it is not safe and has never been found practicable to permit its control by others than those who use it. Any plan that does not provide for the

ultimate ownership of the irrigation system by the water users under it is foredoomed to failure.

From almost the very beginning the corporations organized to operate canals were engaged in litigation with the farmers. The laws of the States or the decisions of the courts soon declared such companies to be common carriers and prohibited them from charging more than a reasonable rate for the service rendered. Most of the canal companies were overcapitalized, and when they were unable to earn the dividends that had been anticipated western irrigation stocks and bonds received a bad name in the money markets of the world. The failure of most of such enterprises was not due to any lack of feasibility from an engineering point of view, but because they violated the true conception which has been so well stated by Elwood Mead—

That water is public property; that whoever diverts it is a public servant; that whoever uses it in irrigation is a public benefactor; and that rights to the control of streams can only be exercised wisely and safely under public supervision.

When people were few and water in the streams comparatively plentiful no thought was given to water rights, but each individual or association dug its own ditches and appropriated such quantity of water as was needed. But with increasing settlement the time came when there was not water enough in the streams to irrigate all the lands. A series of wet years would breed overconfidence, so that when the dry years came some lands had to go without water. This condition led to disputes, sometimes even to bloodshed. The court calendars were crowded with lawsuits over water. Not only did the farmer lose directly by the drouth, but often what remained of his substance was expended in attorney fees and court costs defending his water rights.

The very necessity of the situation required that some system for the equitable distribution of water be devised, and this was done with more or less success by the legislatures of the Western States and Territories. The English doctrine of riparian rights was almost universally abandoned and the new principle of appropriation substituted in its place. With this change came the idea that the water should be wedded to the land, and that the first in use should be the first in right.

The various irrigation enterprises in the West were widely separated. The Federal Constitution confers no jurisdiction on Congress over the streams within the States, except where navigable rivers are used in interstate and foreign commerce. Consequently there is no uniform irrigation code in the West, but each State has passed laws to meet its particular needs. Wyoming ranks first in the excellence of its laws on this subject. Colorado, Idaho, Utah, and Montana have also successfully solved the problem.

The State of California, however, presents a striking illustration of the conflict between the legal theories that exist in humid and in arid countries. Northern California is well watered, while the average annual rainfall in Southern California is less than 20 inches, so there has been a diversity of interests which is clearly reflected in the statutes of that State. The antagonistic doctrines of appropriation and riparian rights were both recognized, and the result is that its water laws have in reality been written by the courts. Innumerable lawsuits have been tried and the judges have, by their decisions, finally brought order out of chaos. I venture to say that if the money that has been spent in California on water litigation had been devoted to the construction of new irrigation enterprises homes would have been provided for at least a hundred thousand people.

When the early Spanish explorers arrived in what we now call the Southwest they found the Indians watering their crops and observed evidences of ancient aqueducts, which proved that irrigation has been practiced in that region from prehistoric times. There is a canal at Las Cruces, N. Mex., that we know has continuously watered the same land since before the Pilgrim Fathers landed at Plymouth Rock or the Jamestown colony was founded.

The Americans who came into Arizona and New Mexico after the Mexican War soon learned the art of irrigation from the natives. In both Territories the Spanish laws and customs relating to water for irrigation were in a measure recognized by the early legislatures. Arizona, however, borrowed from California the method of settling disputes over water rights by litigation. The idea that the distribution of water is a ministerial rather than a judicial function has never been adopted in my State. In the valley where I was born there have been many bitterly contested lawsuits, but finally the irrigators came to see that instead of quarreling over the meager minimum flow of the stream their only salvation lay in the storage of water that went waste to the sea when the river was at flood.

But as everywhere else in the West the pioneers were poor and the project was so vast that its construction was impossible unless outside help could be obtained. Similar situations had arisen in all of the arid-land States because local development had reached its limit. It was impossible for the States of the arid region to undertake this work because, with more than half their area owned by the Federal Government and therefore not taxable, their sources of revenue were so limited that funds could not be raised for this purpose. Public sentiment soon began to crystallize in favor of national aid for irrigation, and Congress first answered this demand by the passage of the Carey Act in 1894.

Under the terms of the Carey Act each of the arid-land States was granted 1,000,000 acres of desert land on condition that the State should provide for its irrigation. This law was little utilized for a number of years, and even to this date has brought about the reclamation of a comparatively small area out of the total amount of land under irrigation in the West. While there have been other contributing causes, such as the lack of proper engineering supervision by the States, the principal reason for the failure of the Carey Act lies in the fact that interest, often at a high rate, had to be paid on the money borrowed to pay for the construction of irrigation works. It has been exceedingly hard for promoters to finance Carey Act projects because neither the States nor the Federal Government would loan their credit to the enterprises. The promoters were often more interested in their immediate profits than in the ultimate success of the settlers and could not, like a government, wait for time to work its marvels.

All those who had made a study of the situation finally came to an agreement that the only way that the larger western irrigation projects would ever be constructed was by the United States. As the owner of large areas of land, the Federal Government had a proper interest in its development. A population established in these otherwise waste places meant a wider home market for manufactured articles. But, above all, a wise irrigation policy meant the upbuilding of the Nation by providing homes for our own citizens in their own country. These were the compelling reasons that induced Congress to pass the reclamation act in 1902. The act was carefully prepared by men who were familiar with the actual conditions. We who live in the West believe that its fundamental principles are sound, and we are not trying to change them by the bill that is before you.

The reclamation act dedicated the receipts from the sales of public lands in the Western States to the work of reclaiming the desert, and thereby provided a fund that has done and will do wonders for the West. No one who truly desires that the arid region shall continue to develop would change that feature of the law.

The requirement that the cost of all irrigation works shall be returned to the reclamation fund was the height of wisdom: First, because it placed this appropriation in a class by itself, free from the smell of the pork barrel; and, second, because, by this revolving fund, every practicable irrigation project in the entire West will ultimately be developed. No one now proposes to interfere with this excellent plan.

The time has come, however, when, out of our experience, certain amendments to the reclamation act are demonstrated to be necessary. The authors of this act all recognized it to be an experiment, and none presumed to say that it would never need amendment. The bill before you is not a one-sided measure, but is drawn for the benefit of both the Government and the settler.

In the original act no penalty was provided for the failure to pay the construction charges when due. With the time extended to 20 years and the payments graduated, your committee is convinced that the average water user can meet the payments as they fall due. Those who do not should be penalized.

Some have complained that the penalties in this bill are excessive, but upon examination you will find that they are no greater than the penalties for delinquent taxes in most States and not so great as in some Western States. It is necessary that the rate of penalty be higher than the current interest on money. Otherwise the farmer would prefer to owe the United States rather than his local bank in case it was necessary for him to make a loan.

The greatest difficulty about securing the prompt payment of construction charges is that owing to the increased cost of all the projects the annual payments on a 10-year basis are now excessive. As has been explained to you by those who have preceded me, this increased cost is due to a number of reasons; the principal items of increase, as stated by the Reclamation Service, being that works of larger extent were constructed than were first contemplated and that, as we all know, the prices paid for labor and materials have advanced. For instance, in Arizona, on the project where I live, it was understood that the

cost would amount to about $25 or $30 an acre. With that understanding the farmers upon the project mortgaged their lands to the United States.

Mr. HENSLEY. Mr. Chairman, will the gentleman yield right there?

The CHAIRMAN. Does the gentleman from Arizona yield to the gentleman from Missouri?

Mr. HAYDEN. With pleasure.

Mr. HENSLEY. Is it not a fact that the testimony taken before the committee that sat at Phoenix for some time in April last year shows that the farmers were led to believe that the charge of the Government would not exceed $15 per acre for impounding the water and furnishing it to them as it got in condition to do so?

Mr. HAYDEN. It is true that the original estimate was $15 an acre for the construction of the Roosevelt Reservoir, but I was referring to figures which included a diversion dam and the distributing system. But the private landowner agreed to pay whatever the cost might be. He mortgaged his farm just as he would to a private individual, and his wife signed the mortgage with him. It is of record that their property is mortgaged to the United States for the amount due as their share of the cost of the project.

As a matter of fact, the construction charge on that land will be more than $60 an acre. But my people are not repudiating the debt. They realize that the project is worth to them all that it has cost. It would be difficult to find anybody who would prefer to return to the old conditions that existed prior to the passage of the reclamation act. What I have said of the Salt River project is true of all the other projects in the United States. There is no desire to escape payment. But the water users come to Congress with this reasonable proposition: That inasmuch as the cost of these projects has in all cases more than doubled, they ask that twice the time be allowed in which to pay the debt.

Mr. HARDY. I think the equity of the farmers for more time is absolutely good, but money costs this Government something, because it owes a great debt and it is paying interest, and 20 years' time on an original investment is worth whatever the Government is paying in interest on its debt. If it is 3 per cent, 20 years is worth 60 per cent additional. That additional amount must be paid by taxes collected from the whole people. Now, under what logic can one set of people ask the rest of the people of the United States not simply and solely to give them a home, but also to give them from $50 to $60 an acre on that home in order to build it up? If they pay back the principal, the rest of the people will be out the amount of the interest.

Mr. HAYDEN. If the gentleman from Texas will pardon me, I have a line of argument here that I should like to present just now. I shall answer his question before I conclude my remarks.

So far as the United States is concerned, another difficulty has arisen in connection with these projects, and that is that certain men, taking advantage of the provisions of the reclamation act, have speculated upon the land in the projects. We have attempted in this bill to cure that evil. As the figures stand to-day, there will ultimately be irrigated under all the Government projects approximately 3,000,000 acres of land. Last year the Reclamation Service was prepared to irrigate 1,290,000 acres. Contracts, however, were made for the payment of operation and maintenance charges for only 942,000 acres, and crops were actually grown on but 721,000 acres of land. These figures tell the story of speculation under the reclamation projects. They show that the owners of between 350,000 and 500,000 acres have preferred to let their lands remain in idleness, out of cultivation, in the hope of selling it unimproved to some future settler. Everybody knows that the reclamation act was not intended to serve any such purpose. The act was designed to make homes for the many, not riches for the few.

Your committee has attempted to prevent the acquisition of this unearned wealth by the following provisions in this bill: First, by providing that under all projects there shall be a minimum operation and maintenance charge, whether the land is cultivated or not. That is to say, that whenever the irrigation works are completed so that water is available for delivery to the land, then the owner of the land shall pay his share of the operation and maintenance of the project whether he cultivates his land or not. The Government has done its part, and the water is ready for his use. It is unfair to the bona fide settlers who are improving their lands that the whole of this burden should be put upon them. I know that I speak for all actual cultivators of the soil in my country in saying that they are in favor of this proposition.

We have also presented in this bill a section requiring that in order to maintain his water rights the landowner or entryman shall cultivate a certain proportion of his land, increasing the amount each succeeding year until three-fourths of the entire area is placed under cultivation. If he fails to do this, it is evident he is holding the land for speculative purposes, and we provide in that event for the forfeiture of his water rights.

Mr. HARDY. Do you forfeit the title to the land?

Mr. HAYDEN. We can not forfeit a man's title to his land if it is in private ownership. If it is public land, his entry can be canceled after the lapse of a certain time, and in that way it can be forfeited.

We also have in this bill a provision which is based upon a recommendation made by a congressional investigating committee that visited certain reclamation projects last year, of which my good friend from Missouri [Mr. HENSLEY], who questioned me a few moments ago, was chairman. That committee pointed out the evil of permitting the owners of large areas of land to bring their holdings within these projects without requiring them to fix in advance the price at which it shall be sold to settlers. We provide that any individual who owns more land than one farm unit, who desires in the future to come under one of these projects, shall agree with the Secretary of the Interior upon the terms on which he will dispose of his excess land. Hereafter it will be impossible for a speculator to reap all the advantage that would come from the enhanced value of his land by reason of its inclusion in a new project. The new settler is entitled to a share in this profit, and we intend to see that he gets it.

As I have stated before, the passage of this bill will be to the mutual advantage of the Government and the water users under the projects. The settler will not only obtain twice the time in which to pay his debt to the United States, but we have graduated his payments so that they are smaller during the early part of the payment period. The farmer is thus given an opportunity to improve his land, to bring it all into cultivation, to purchase live stock, or to have an orchard in bearing before the burden of payments become heavy.

We have provided for a separation of the charges for operation and maintenance from the construction charge, so that hereafter the water user will know the exact use to be made of the money he pays to the Reclamation Service. Under certain conditions we provide that the care and operation of a project may be turned over to the water users under it, and the water users' association may do away with a lot of red tape by acting as the fiscal agent of the Government in the collection of all charges due. These are some of the advantages that this measure contains for the irrigators under the projects. I shall point out other benefits that will accrue to them when we take up the bill section by section.

Now, to answer the question of the gentleman from Texas [Mr. HARDY], permit me to say that this fund which we are using to reclaim the desert is not to be considered as the ordinary revenues of the Government. This was explained with the clearness for which he is noted by the gentleman from Alabama [Mr. UNDERWOOD], who, when the bill providing for the issue of reclamation bonds in the sum of $20,000,000 was under consideration in 1910, made this statement:

> At the time that the irrigation bill was passed it was contended that the proceeds of the sale of public lands were not subject to the same limitations under the Constitution as moneys derived from taxation, and the bill segregated the moneys arising from the sale of arid lands in 18 Western States and provided that they should be held as a trust fund for the purpose of irrigating and improving the public lands in those States to encourage the building of homes. The Secretary of the Interior became the trustee for the management of this fund, and the bill provided that such projects as were feasible and practicable should be developed and the lands irrigated should be sold to settlers at the cost of the improvement by the Government and the proceeds of such sales should be returned to the trust fund to be again used for irrigation purposes under the trust. At that time the question was raised by some of the ablest Representatives in the House as to whether the proposition to use money derived from the sale of public lands for the purpose of irrigation was constitutional. It was contended by those who advocated the bill that moneys derived from the sale of public lands were a part of the private purse of the Nation; that the public lands of the country had originally been given to the General Government by the State of Virginia, other public lands had been secured by the purchase of the Louisiana Territory from the Government of France, and others had been ceded by the Republic of Mexico after the Mexican War as a war measure; that the original cost of these lands was very little, a large portion of it coming to the Government without any outlay of money; and that the amount paid by the Federal Government to France for the Louisiana Purchase had long since been paid back into the Treasury many times over, and that, therefore, none of the moneys derived from the sale of these lands at the time of the passage of the bill came directly or indirectly from taxes levied on the people.

Mr. HARDY. Would there be any money derived from the sale of these lands if the settlers on them and the parties to whom we sold them were only to pay back what the Government paid out and that in a period of 20 years?

Mr. HAYDEN. The gentleman should understand that there are different land laws.

Mr. HARDY. How about this land?

Mr. HAYDEN. Some of the land in these projects is entered under the desert-land act, and for that the entryman will pay a dollar and a quarter an acre.

Mr. MADDEN. And they take money from the sale of other lands and put it into this fund.

Mr. HAYDEN. About $4,000,000 was derived from the sale of the public land last year.

Mr. HARDY. The Government not only gets nothing for this land to start out with, but it spends a hundred dollars an acre for it.

Mr. HAYDEN. That is done on the same theory that land is given to the settlers without cost and without price under the homestead law. It is for the benefit of all the people of the United States, not to make a profit out of the public domain, not to use it as a source of revenue, but to provide homes for our people. The only way we can make homes for anybody on most of the remaining public land is to irrigate it.

Mr. EVANS. Will the gentleman allow me to make this suggestion, that a part of the money that comes to this fund comes from the sale of coal lands, from the sale of timberlands, from the sale of phosphate lands, and other lands, for which the Government charges a certain price.

Mr. HAYDEN. I thank the gentleman from Montana for bringing out that fact. Now, let me continue the quotation from Mr. UNDERWOOD:

> The congressional debates in the early history of our Government show that Congress at that time recognized a very marked distinction between the right to dispose of public moneys derived by taxation and the disposition of public lands or the proceeds thereof. Most of the Representatives in Congress in the first half century of our national existence were strict constructionists as to the power of the Government to expend moneys derived from taxation for any other purposes than those within the governmental powers enumerated in the Constitution; but these same Representatives were very liberal in the disposition of public lands for other purposes. In the beginning they gave the sixteenth section of each township of land to the States and Territories for school purposes, and afterwards gave the thirty-second section for the same purpose. They followed that by giving public lands to promote the building of canals in the country, and at a later period large donations of public lands were conveyed to railroad companies, as a direct gift, for the purpose of building railroads and improving the country.

If we can give away the public domain to the extent of 140,000,000 acres, which has been done under the homestead law, does it not logically follow that we can give away the money received from the same source, or we can loan it without interest? It is merely a question of the best public policy. The gentleman from Illinois [Mr. MANN] contends that we can not justify a loan to farmers without interest in one part of the country and refuse to loan money to farmers in another part of the country with interest. I have no controversy with him on that general proposition. If we came to the Treasury of the United States and asked for the loan of money derived from the general revenues of the Government, and if it was necessary for the Government to borrow money to make up the amount loaned, then, of course, we ought to pay interest. But the money in the reclamation fund is of a peculiar character. The sums received from the sale of public lands are so small that if divided among the States and loaned to farmers practically no relief would be afforded. I stand ready to vote for any well-considered rural credit bill that may be offered to this House. To charge interest on the reclamation fund will benefit nobody.

Here we have a fund derived solely from the sale of public lands and a part of the private purse of the Nation. If we can properly give the land itself away, we can loan the money received from the proceeds without interest or give the money away. You can not escape that reasoning. On the other hand, if you follow the argument which the gentleman from Illinois has made to its logical conclusion, we ought to repeal the homestead law. We should consider the public lands as an asset of the Government and endeavor to obtain all we can for them. We should offer them for sale to the highest bidder and thus increase the revenues of the Government.

But such a policy has not been followed. We have sold lands for a nominal sum, or given them away, upon condition that the settlers shall make homes for themselves and families. We have about reached the limit of available public lands and we can not provide any more new homes for our citizens now unless it is on irrigated lands. One-half of the area of the reclamation projects is public land that would otherwise be not cultivated or made into homes for our people. A wise public policy makes it necessary that this plan be continued.

If interest is to be charged we must follow the plan inaugurated in Europe of amortizing the debt and extending it over 50 or 60 years. Twenty years is a reasonable time in which to expect the repayment of the cost of reclamation projects if no interest is charged. The government of no other country in the world has attempted to collect agricultural loans in so short a time as 10 years. The small-holdings act of 1907 passed by the British Parliament provides for a repayment period of 50 years. The estates commission and congested districts boards in Ireland make loans for 62 years. In the State of Victoria, Australia, they are so anxious to get settlers that they not only give away the public domain, but they level it, put it in crops, spend money for houses, and teach the new settler how to cultivate his land. Under the Victorian closer-settlement act the period of repayment is 32 years.

The principal European nations all provide for loans to agricultural associations. In Italy the period of repayment is 35 years, in Austria 54½ years, in Switzerland 50 years, while in Hungary the National Small Holdings Land Mortgage Institute makes loans for a period of 65 years.

It is unnecessary for us to follow such a policy in this country, because our people are not so poor as the European peasants. It is only fair, however, considering the hardships that the settlers in the West are compelled to endure, and considering the benefit that they confer on the whole Nation by making the desert habitable and productive, that we should advance money for the construction of irrigation works without interest. The remission of an interest charge on this money can properly be considered a donation by the United States in behalf of the general welfare.

We ought to consider ourselves fortunate that a fund is available for the development of the West without expense to the taxpayer. All other internal improvements by the Government are paid for out of the Treasury without reimbursement. Anyone who will examine into this question thoroughly will see that the general public is benefited by an increase in the production of foodstuffs. The construction of irrigation projects directly affects the meat supply of this country. The alfalfa fields of the West are all used to fatten the stock that is brought in from the ranges, and if it were not for the fact that we now have over 13,000,000 acres of irrigated land we would be still more embarrassed by the high cost of living.

We believe it is better policy to loan this money without interest so as to get the principal back as quickly as we can. The returned money can then be used to construct other irrigation works and thus provide homes for more people and continue the development of the country.

Mr. SHERLEY. Will the gentleman yield?

Mr. HAYDEN. Certainly.

Mr. SHERLEY. Does not that raise the question whether the same amount of money and the same amount of energy expended on land that is naturally productive and does not need irrigation would give a larger return?

Mr. HAYDEN. I doubt it as a matter of fact. The amount of money available from the sale of public lands is so small that if you once attempted to distribute it over the entire farming area of the United States it would accomplish nothing.

Mr. SHERLEY. Is not the basis of your claim this: That you think the money belongs to that locality because it came from the public domain of that locality and ought to be expended there? I differ completely there with the gentleman. I believe the public domain belongs to all the people of the United States and not to the State in which it happens to be situated.

Mr. HAYDEN. That being the case, would the gentleman advocate obtaining as large a sum as possible from the sale of it?

Mr. SHERLEY. I might and might not; it would depend upon whether I considered it particularly desirable to have homesteads made on it. I do not consider that it is particularly desirable to spend a great amount of money in making arid land capable of producing crops when we have a great deal of land already capable of producing crops that is not being employed. If we were crowded for land, the gentleman's proposition would have more merit, but we are not, and what the gentleman is proposing is that we constantly stimulate immigration into a section which is less worthy of development than other sections of the country.

Mr. HAYDEN. Mr. Chairman, I shall not argue with the gentleman whether my section of the country is more worthy of development than his, because I know that our pride in our States is such that we would never reach an agreement; but if we follow the gentleman's argument to its logical conclusion, we ought never to have passed the homestead law; we ought to have held the public land as a private individual or a speculator would in order to obtain the highest possible price for it.

Mr. SHERLEY. What we did was to take land that was peculiarly adaptable for settlement and get it settled up, and there was a reason, not only economic but national, in favor of

developing the West; but now you have got to a point where you have land that is not worth giving away unless a great deal of money is spent on it, and that raises a question of whether, having other land that is worth developing, we ought to spend the money on these arid lands and offer the tremendous inducement that you are offering of principal without interest.

Mr. FALCONER. Mr. Chairman, will the gentleman from Arizona yield?

Mr. HAYDEN. Yes.

Mr. FALCONER. Where in the United States may people now get free good land?

Mr. SHERLEY. Oh, I did not say that they could get it by having it given to them; but if you will pass a law saying that the people of my State can get from the Government without interest money necessary to buy land, they will buy land in my State, and a great deal of land that is not now in cultivation will be put in cultivation.

Mr. FALCONER. Yes; but I would observe that a great deal of the uncultivated land there, and a great deal of the uncultivated land within 100 miles of the National Capital, to which reference has been made this afternoon, is not worth taking as a gift, and that as compared to some of the land in the West after it is developed, say, for 10 or 20 years, the eastern land is not so productive.

Mr. SHERLEY. If it is so very profitable, then men would jump at the chance to get the loan and pay interest.

Mr. FALCONER. It takes time, of course, to get the land improved, even under Government help. Adverting to a previous remark of the gentleman, I was wondering if the gentleman figured that land in Texas was public land, or if it belonged to the State.

Mr. SHERLEY. If the gentleman knows the history of America, he will know how Texas happened to come into the Union.

Mr. FALCONER. I do.

Mr. SHERLEY. And that the rule that would apply to the public domain of the West would not apply to the State of Texas.

Mr. FALCONER. That is true.

Mr. SHERLEY. Then the gentleman's question does not need an answer.

Mr. FALCONER. There are certain rights in certain States, and the money derived from certain natural resources, some argue, ought to go to a certain extent for the benefit of the State.

Mr. SHERLEY. I know a great deal of the Northwest country became a part of the Union as a result of the energy, courage, and heroism of the people of my State, and I feel that their descendants have an interest in that public domain, and that they have not surrendered it to the few people who have gone out into those Western States.

Mr. HAYDEN. Mr. Chairman, there is one other argument that has been advanced by way of amendment to this bill that I should like to discuss in the few remaining minutes of my time. It has been said by the gentleman from Illinois [Mr. MADDEN] that this bill should be amended to provide for annual estimates by the Secretary of the Interior of the expenditures to be made from the reclamation fund. The act as passed in 1902 made a continuing appropriation. Whatever sums of money received from the sale of public lands may now be expended by the Secretary in the reclamation of arid lands without his coming to Congress for an annual appropriation. I believe that I can speak in fairness on this matter, because the projects in my State are so far advanced that they must be completed under any system of estimates and appropriation.

It seems to me that the record of this Congress, and of past Congresses, on appropriations is not such that we can boast that there would be a material advantage in changing the system. All regular appropriations are made available on July 1, at the beginning of each fiscal year. On any ordinary public work, where the money is not reimbursable, it may be said that it is immaterial whether the appropriation is made at one time or another, because the loss falls on the Government. But in the case of a reclamation project with a large number of farmers absolutely dependent upon the prompt completion of the irrigation works and making their plans accordingly, if we were to repeat the spectacle that we have here to-day of great appropriation bills not yet passed that ought to have been approved long ago, then we will be placing a burden of suffering on a people that already have assumed all the hardships that they should be expected to bear.

There is no inherent virtue in passing a bill through the Appropriations Committee; that process does not necessarily mean economy. Until we adopt a budget system so that we can limit appropriations to certain amounts, and know that this limitation will not only apply in this House but also to another body, I can not see any particular advantage in having the expenditures from the reclamation fund passed upon by the Committee on Appropriations. If a budget were adopted, I should not so much object to this change.

The Secretary of the Interior is now limited by the amount of this fund, and it is in his discretion as to where it shall be expended. One of the troubles with the original reclamation act was that section 9 provided that the major portion of the money should be expended in the States from which it came. The result was that the Secretary of the Interior, in order to carry out the spirit of the act, began the construction of 32 projects, some of them in places where they were not warranted. When the bonding act was passed, in 1910, that section was repealed, as it was seen to be vicious.

It is now proposed that we go back to the same old system and make the expenditure of this fund dependent upon the political influence of Members of this House rather than leave it to the discretion of the Secretary of the Interior. It has been seriously argued that we would save large sums of money in our river and harbor appropriations if a lump sum were given to some department or commission with directions to expend it as they saw best from an engineering point of view, rather than to leave it contingent upon the passage of a bill in which every Member of the House and Senate is interested. Somebody must show me where there is more virtue and more economy in the mere fact of getting a bill through the Appropriations Committee than to leave the expenditure of a limited sum to the discretion of a responsible Secretary, a member of the Cabinet who has pride in his work.

Mr. SHERLEY. If the gentleman will permit.

Mr. HAYDEN. Certainly.

Mr. SHERLEY. There has been no undertaking of the same magnitude as the Panama Canal. That, of course, the gentleman will admit?

Mr. HAYDEN. Yes.

Mr. SHERLEY. Every appropriation that has been made for that canal, beyond the initial appropriation at the time of the purchase of the canal rights from the French company, has been made through estimates submitted to the Committee on Appropriations, and by annual appropriation. If the gentleman is familiar with the history of the building of the canal he will know there has not been a year since those estimates were submitted to the Committee on Appropriations that the appropriation was not much under the amount that was estimated, and the greatest physical undertaking of mankind has been conducted practically without waste and scandal. Now, can the gentleman show anything like that or approaching that with reference to the Reclamation Service that has been beyond the control of Congress?

Mr. HAYDEN. I can say this, that the officials of the Reclamation Service claim that the expenditures made under their direction have been no more wasteful, and, in fact, more economical, than the ordinary governmental expenditures.

Mr. SHERLEY. My only answer to that is that that is the most severe indictment of governmental expenditures that I have ever heard of, because if the rest of the Government is as bad as the Reclamation Service, it is high time we should get a new form of government.

Mr. HAYDEN. I have never had an opportunity to thoroughly investigate the expenditures of the Reclamation Service. I understand that a superficial investigation has lately been conducted by a subcommittee of the Committee on Appropriations, but for some mysterious reason the hearings have not been printed, so that the ordinary Member of this House has had no opportunity to study the facts that have been developed. I have been fortunate enough to secure one copy of a summary of the testimony, which was evidently prepared by a Member who has no personal knowledge of irrigation. I understand that at this hearing the engineers of the Reclamation Service claimed that the expenditures of the service based on the unit of cost of moving earth, stone, and other material, has been no higher, and not as high in many cases, as the expense of similar work by private corporations and much cheaper than other governmental work of like character.

Mr. SHERLEY. I will say to the gentleman that I just recently had an appeal made to me by one of the chief champions of the bill, one of the men who went as a member of the committee to investigate it, and his argument to me to vote for the bill was that there had been such a tremendous unnecessary cost placed upon these farmers as to compel relief to be given to them now.

Mr. HAYDEN. I would have the gentleman from Kentucky to distinctly understand that I am not here to defend any waste or extravagant expenditures that may have been made

by the Reclamation Service. Of course, as in all other Government work, money has been spent in a useless and improper manner by this service. I know of such instances from my own observation. But the question at issue here, however, is not what ought to be done about the mistakes of the past, but whether the submission of estimates by the Reclamation Service and annual appropriations by Congress will cure the evil. I can see nothing in our present methods, as exemplified by other congressional appropriations, to indicate that any saving would be effected.

Mr. Chairman, in conclusion, let me say that in common with every water user on the Federal reclamation projects, I am indeed glad that after a long and wearisome delay we have at last begun the discussion of this measure in the House. I ventured a prediction about a month ago that this bill would pass the House by the 15th of July. As prophets go, I was fairly accurate in that the discussion of the bill was commenced on yesterday. I sincerely trust that we will conclude the general debate to-day, so that we can take up this measure next Wednesday, under the five-minute rule, and pass it.

Mr. KINKAID of Nebraska. Mr. Chairman, I yield 25 minutes to the gentleman from Nebraska. [Applause.]

The CHAIRMAN. The gentleman from Nebraska [Mr. KINKAID] is recognized for 25 minutes.

Mr. KINKAID of Nebraska. Mr. Chairman and gentlemen, I am very glad the relief sought is freely recognized as not being a merely local question confined to a congressional district or one State. Its extensive geographical scope makes it a great national question. It is also politically treated as a national question. I am glad to acknowledge my appreciation of the firm support being given this bill by the Department of the Interior, which presumably correctly represents the attitude of the present administration. Had the Republican national ticket succeeded in the last election there would have also been an administration bill, just such a bill as this, for enactment. It also goes without saying that if the Progressive national ticket had won, the reclamation act would have received the fostering care of the administration of Theodore Roosevelt, because the original act was passed under his administration, assisted by his ardent support. No political party has ever taken a stand against this act, and I am glad no partisan politics is involved in this relief bill. The Republican administration had found by experience of the Interior Department, and I may say a practical demonstration by water users, that this relief by the extension of time from 10 to 20 years was necessary. That was clearly demonstrated, and has been confirmed by the many figures, statements, and reports which the Department of the Interior has from time to time given to the public.

Mr. Chairman, this bill constitutes the present paramount legislative interest of approximately the west one-half of the United States. It is not merely the particular localities now under irrigation which are vitally concerned, but as well the unirrigated country surrounding those localities, and especially as well the many towns to which these irrigated vicinities are tributary.

The bill is not the product or draft of any single Member of Congress, neither of any official. Its provisions represent the consensus of opinion on the one hand of the Secretary of the Interior and his able and experienced corps of reclamation officials, including engineers, legal advisers, and other valuable help——

Mr. RAKER. Will the gentleman yield right there?

Mr. KINKAID of Nebraska. Certainly.

Mr. RAKER. In addition to the Members of Congress from the Western States, practically all of them, is it not a fact that the Senators from the various States also participated in this conference with all those interested in the administration?

Mr. KINKAID of Nebraska. The gentleman from California is entirely correct.

Mr. RAKER. And not only one but many conferences were had on this bill, and it was gone over thoroughly before it was presented to the House?

Mr. KINKAID of Nebraska. It must have been deliberated two or three months before it was drafted, and then it went to the committees and was thoroughly considered by the committees, and it was so acceptable as drafted that it passed the Senate without any resistance whatever.

Mr. Chairman, I had been about to state when I yielded to the gentleman from California [Mr. RAKER] that Senators and House Members from all the irrigation States, and especially the members of the Senate and House Irrigation Committees, participated with the Secretary of the Interior and his very capable and experienced corps of reclamation officials in deliberations had upon the preparation of the bill, the Secretary himself officiating as chairman of the conferences.

Mr. RAKER. Will the gentleman yield further?

Mr. KINKAID of Nebraska. With pleasure.

Mr. RAKER. Is it not a fact that while there has been considerable complaint from the farmers on these projects they were called here a year ago last summer, and were here a couple of months, as representatives from each project, and full hearings were had before the Secretary of the Interior, and volumes of testimony taken, and that this bill is practically the result of that conference, as well as the other one just named, between the Members of the House and Members of the Senate?

Mr. KINKAID of Nebraska I thank the gentleman from California for calling my attention to that. I intended to make that very statement of fact and tell of the long, arduous, painstaking, highly capable, and thorough investigation that was conducted by the Secretary of the Interior in order to ascertain what might be expedient to be done for settlers. The Secretary was most faithful and able in the discharge of this self-imposed official duty. The Secretary reached the conclusion which was inevitable upon the evidence. Besides hearing from the lips of the water users themselves of their efforts and experiences and as to existing conditions the Secretary made an extended tour, seeing for himself most of the projects. I shall read what the Secretary says upon that subject in his annual report.

The Secretary says:

> We mistook the ability of the farmer to pay for his water rights. Ten years was the time given. His optimism and our own was too great. The time should be doubled.

Please observe this further statement of the Secretary, which I read:

> This should be done not alone because of the inability of many to meet their obligations to the Government but because it will prove a wise policy to give a free period in which the farmers may more fully use their farms.

Mr. RAKER. Will the gentleman yield right there? Is it not a fact—and I want it from the gentleman, if it is within his knowledge—that one of the reasons that has raised the cost of these projects is that when they first estimated they simply estimated for a dam and a main ditch, and since that time practically each project has added a distributing system, and there are hydroelectric plants and other drainage systems that were absolutely necessary, and hence the price of the project has been doubled, and having doubled the price of the project, these men ought to have additional time for payment?

Mr. KINKAID of Nebraska. Nobody is better informed on that, I take it, than the gentleman from California, but I would answer in the affirmative the question which he has asked. I will just state in that connection that on the North Platte project the first estimate there was $35, but it was increased first $10, making it $45, and subsequently increased $10, making it $55——

Mr. RAKER. Right in that connection I want the gentleman to explain to the House whether or not it is a fact that when they raised the estimate it was done by virtue of their putting in a distributing system to deliver water to the farmers, when, as a matter of fact, the original only contained the estimate for a main ditch?

Mr. KINKAID of Nebraska. I do not doubt the gentleman is correct about that, but I am not sufficiently informed to answer on that particular point.

Mr. Chairman, 25 or 30 years ago some publicist said, "America is another name for opportunity." Nothing could have been more truly expressed with reference to the boundless opportunities for legitimate endeavor, but especially for homesteading, home securing, and home building in the yet unsettled portions of Iowa, Minnesota, Nebraska, Kansas, and the Dakotas, within the humid limits.

Mr. Chairman, for the several years preceding the enactment of this reclamation law in 1902 opportunity for the securing of homes on the public lands and the extension of agricultural development in the United States had well nigh become exhausted. I mean such opportunity had become almost exhausted in the humid regions of the West; and what was to be done about it? Were our people to be allowed to emigrate to Canada, Australia, or to some other new country, where they would find agricultural lands blessed with adequate rainfall or irrigated by the State?

Mr. Chairman, the result of this ascertainment and the agitation which followed was that the people of the semiarid West appealed to the Congress for a national irrigation law, providing that the funds arising from public-land sales be used in the development of irrigation projects, and the result was the act of 1902.

Mr. Chairman, the membership has been fully advised of the extent of the delinquencies in water-right payments, and I shall not here take the time to go into figures upon this question.

Mr. Chairman, the able and distinguished gentleman from Illinois [Mr. MANN] in the remarks he has made freely accords that the time for making water-right payments should be extended from 10 to 20 years, and the views he expresses show him to be well grounded upon this question. He seems to be convinced, as the Secretary of the Interior and the members of both committees and many other Members of the Senate and House are convinced, that such an extension of the time of payment is a necessity. I personally appreciate the approval of the gentleman from Illinois of this, the main feature of the bill, but I do regret that the gentleman from Illinois [Mr. MADDEN], who has already spoken, and some others, should be impressed that a rider should be imposed upon the extension of time in the form of interest payment.

I contend that interest payment is not tenable at all. I contend that it would be thoroughly and fundamentally repugnant to the original act. I contend that rather than to impose the requirement of interest payment we had better introduce an act to repeal the reclamation act, because interest charge must make its operation a failure.

Mr. Chairman, when the act was passed it was determined it would not be an interest-paying proposition, because it would not endure the payment of interest. It was only because the projects which the Government has taken up and set on foot were not feasible at all as business propositions from a private-investment standpoint that Congress passed the reclamation act and assumed the onus of furnishing the money to settlers without interest. Private capital would only invest where the payment of interest or the return of dividends were assured; where reputable irrigation engineers had ascertained that large or reasonable dividends would be realized. Practically all such feasible projects had already been secured by private capital. The question thus arose whether the development and the increase of population in the western country should be encouraged by Government aid. It was granted that private capital would never undertake the development of what the Government has since undertaken, and that it was not an interest or dividend paying proposition to start with. Mr. Chairman, the arrangement does not constitute a borrowing by water users. Water users are simply going in on the cooperative plan with the Government for the general development of the country. Water users have joined hands with their Government to do something not only for their individual private interests, but for the public interest as well.

The act provides for a policy for internal improvement, looking to a great ultimate good. The Government does not expect to reap immediate advantage. It would be idle to contend for that. But the Government had to undertake this and do this much, allowing money to be used without interest or without any returns, or else allow these fertile lands of the West—which they are, when water is put upon them—to lie idle and unproductive. It is an act to reclaim the desert, to make the unproductive desert productive. And, Mr. Chairman, it is an act also to build up citizenship.

What constitutes a State?
Men, high-minded men.

It is for the benefit of the State and the Nation that we build up our citizenship, and the surest foundation is to secure to them comfortable and profitable homes.

Mr. Chairman, it is not legitimate or fair at all to impose interest payment. To impose interest charge would break the majority of water users; some of them, of course, would survive because they were well-to-do when they took up the land.

Mr. Chairman, I want to read this particular plank from the Republican platform, based upon the experience of the Interior Department:

We favor the continuance of the policy of the Government with regard to the reclamation of arid lands; and for the encouragement of the speedy settlement and improvement of such lands—

Mark the words:

For the encouragement of the speedy settlement and improvement of such lands.

We favor an amendment to the law that will reasonably extend the time within which the cost of any reclamation project may be repaid by the landowners under it.

I want also to read from the report of the Secretary of the Interior upon the same point. He says:

I feel the keenest sympathy with those who are upon these projects, who are entering upon this work of putting the desert into *public service.*

The Secretary of the Interior recognizes that the water users are not only helping themselves in a private way, but are doing a public service, and these reasons are my justification for saying that this is a cooperative plan. These pioneers, helping to develop these lands, are citizen patriots doing a great public service to help develop this country, so that it will cope in population, agricultural production, and power with the other countries of the globe.

We were told in the excellent speech by Mr. Mead, who was at one time in the Reclamation Service here, and who had previously been the highest reclamation officer in the State of Wyoming, when I had the pleasure to know him—he stated in his speech delivered at Denver at the irrigation convention this season that the United States is in competition with Australia, New Zealand, and Argentina for population, in substance. Mr. Mead meant, too, that the kind of laws and policies we applied to irrigation and the manner of help accorded water users would largely determine the question of our supremacy over these competing countries with respect to the settlement and development and production and prosperity of the semiarid regions of the several countries. Mr. Mead explained wherein foreign countries had done and were doing so much more for irrigation by giving the water user a good start and more favorable terms throughout than the United States has undertaken to do for its water users.

While water users in the United States will cheerfully repay to the Government the full cost of construction if they may be afforded reasonable time in which to make the money, or a good portion of it, from the use of the lands irrigated, the State of Victoria, in Australia carries permanently for water users the full cost of construction, requiring from water users annual payments which would be equivalent to a reasonable income on the investment made by the State. So water users in Victoria can invest in live stock and other personal property the $25 or $50 or $75 or more per acre, which a permanent water right costs in the United States, and presumably about the same cost obtains in Victoria. The consequence is that the permanent investment the water user in Victoria has in the land is small, indeed, as compared with the permanent investment the American water user will have in the land when his water right has been paid for. The great advantage the Victoria water user has over the water user in the United States will be obvious to everyone. It is not only that the water user in Victoria is permitted to invest and carry in live stock and other personal property the greater portion of his wealth, but the taxable valuation of his land will be so much lower than the irrigated farm in the United States where the cost of construction charge becomes a permanent investment in the land.

It was not a remarkable or exceptionable arrangement on the part of our Government to provide irrigation out of public-land funds without requiring the homesteader to pay interest. I have just pointed out that Australia has gone away ahead of us in this respect, and I should add New Zealand and in some particular respects should add also Canada, but the Canadian Government does not directly itself develop irrigation projects.

Mr. EVANS. Mr. Chairman, will the gentleman yield?

Mr. KINKAID of Nebraska. Yes.

Mr. EVANS. Is it not a fact that many of these projects are used for the purpose of retaining the flood waters that otherwise would do damage as they flow down untrammeled through the valleys of this country?

Mr. KINKAID of Nebraska. Yes; certainly. The gentleman from Montana is correct. They do a great service in that respect and will help to avoid the necessity of large appropriations for the improvement of rivers and the construction of levees.

Mr. SHERLEY. Mr. Chairman, will the gentleman yield?

Mr. KINKAID of Nebraska. Yes; with pleasure.

Mr. SHERLEY. Will the gentleman state a case where an irrigation reservoir has materially prevented floods in the valleys below? Will the gentleman name just one?

Mr. KINKAID of Nebraska. I had rather refer the question to an expert irrigation engineer—yes; I yield to the gentleman from Montana [Mr. EVANS].

Mr. SHERLEY. You say that that has happened. I want to know of a river where that has happened. All the far West is represented here.

Mr. EVANS. I would not undertake to name one, because very few of those irrigation projects are at the present time completed. But it is a notorious fact that it is the expectation of engineers that when these large bodies of water are impounded the damage below that point will be lessened by the regulation of the flow of this water.

Mr. SHERLEY. All the irrigation is in arid lands, in the arid region?

Mr. EVANS. Yes.

Mr. SHERLEY. Do you have floods in the arid regions?

Mr. EVANS. Yes; when the spring floods come along they come all the way down to the Mississippi River, and they do damage as far down as New Orleans. The construction of these irrigation projects will stop the damage all the way down from St. Louis to New Orleans.

Mr. TAGGART. Mr. Chairman, will the gentleman yield?

Mr. KINKAID of Nebraska. Yes.

Mr. TAGGART. We have a dam on the Platte River in Wyoming. That dam, I believe, is 270 feet high, is it not?

Mr. KINKAID of Nebraska. It is higher than that, but I have forgotten the exact number of feet.

Mr. TAGGART. It is capable of retaining a flood in case there is one, is it not?

Mr. KINKAID of Nebraska. It will impound flood waters.

Mr. TAGGART. And the theory is that if it is allowed to run out in the dry season, it can be used for irrigation purposes, and in case of a flood in spring it will effectually retain the flood?

Mr. KINKAID of Nebraska. Of course it conserves flood water.

Mr. TAGGART. When you get a flood in the arid region, it is usually a serious flood, is it not?

Mr. KINKAID of Nebraska. They have been the most destructive of any in many instances.

Mr. Chairman, the necessity for this legislation is mutual to the water users and the United States. That has been accurately ascertained and determined by the proper officials. The comptroller of the Reclamation Service, Mr. Ryan, was delegated by the Secretary of the Interior to come before the Committee on Irrigation and give his testimony, which expressly represents the views of the Secretary of the Interior, as well as the comptroller himself.

I shall read briefly from his testimony:

Mr. KINKAID. I should like some information on the North Platte project.

Mr. RYAN. I have a statement here which shows the number of payments—the number of water users and the number of payments they have made on each of the projects, showing those who have made payments, and how much they have made. Then here is a statement for each year since the projects were opened. The North Platte project, for instance, the total amount of building accruals is $566,940, and the total amount paid is $162,000, and the total amount unpaid is $404,000.

The CHAIRMAN. Now, what is the reason for that default, if you know, Mr. Ryan?

Mr. RYAN. They have been unable to make the payments; they have been unable to make the land produce sufficient to make the payments.

The CHAIRMAN. Is it your judgment, Mr. Ryan, that, without an extension of time, these water users on that project you just mentioned, for instance, would be able to meet their payments within 10 years?

Mr. RYAN. They would not. I think it problematical on the North Platte whether a sufficient extension of time is made under the provisions of this bill. I have doubts about it.

The CHAIRMAN. Is it probable, Mr. Ryan, that the money for these construction charges could be returned more certainly in 20 years than in 10? That is not the question either that I intended to ask. Don't you think that we can get the money back more quickly by extending the time than by letting it remain as it is?

Mr. RYAN. Yes, sir; absolutely. The 20-year extension is necessary as a business measure in order to get the money back into the reclamation fund. I doubt if you would get it back under the terms of the old bill, but I feel certain that you will get it back under the terms of the new bill.

EXPLAINS WHY.

The example of the discouraged and disheartened settler, unable to succeed on the land he operates will deter new settlers from going on the unoccupied lands. Unless water-right applications are made for large areas not now under contract there will be a large deficit in the repayments to the reclamation fund. In order to secure thrifty and industrious settlers upon all of these lands, it is necessary to make our terms liberal enough to induce them to put their time and their labor against our investment. If we make our present settlers prosperous and contented, we will have no need to fear but that we shall have an abundance of applicants for lands not now in use.

The CHAIRMAN. The gentleman has consumed 25 minutes.

Mr. GREENE of Massachusetts. I yield to the gentleman 15 minutes additional time.

Mr. KINKAID of Nebraska. I have read this statement of Mr. Ryan to show the mutuality of the public with the private water user, as to the development of further projects. Unless these settlers who are already on existing projects get relief, there will be no newcomers and no new takers of the new projects. Unless water-right applications are made for large areas not now under cultivation, there will be a large deficit in the repayments of the reclamation fund. Instead of putting off the day of the payment, this bill, duly enacted, will facilitate and accelerate the payment of funds, because of the increased number of entrymen coming on and taking these lands. The more lands taken, the more entrymen there will be to help make water-right payments. Let me repeat for emphasis that I asked Comptroller Ryan this question: "You regard it as a mutual proposition between the Government and water users that this relief be afforded—that it is in the interest of both?" To which Mr. Ryan replied, "Yes, sir."

Mr. Chairman, this makes it plain it is a mutual proposition between the Government and water users in order to get the money back to the Government and that the water user may have time to make the money. Mr. Chairman, this is a question of internal improvement. It is not a question of money loaning. It is not a question of investment, considered from the business man's standpoint. The gentleman from Illinois [Mr. MADDEN], able and useful Congressman that he is, is also a successful business man, and he is able to perceive at once that this is not an interest-paying proposition to the Government. The gentleman from Illinois [Mr. MADDEN] joins with his colleague from Illinois [Mr. MANN] in his proposal that interest should be paid by water users on the time given for water-right payments. This is not to be viewed as a commercial proposition for investment by the Government. It is a broader question, looking to the future of this country, a great country with a great population and a great people, and we can never be a great people without the material prosperity of the individual.

Some little criticism has been made of the bill, because it allows four years without making any payment, after making the initial payment. This is done for the purpose of enabling the homesteader to get a start, to subdue the soil. The mistake was made in the first place by assuming that water users could make their payments in 10 years. It takes 4 or 5 years to subdue the land. As pointed out by the able reclamation official of Victoria, Australia, at this Denver convention last spring, it was a great mistake not to allow the water user time and sufficient latitude in which to get a start, and that has been the great stumblingblock in our reclamation law. Other countries provide for this. Australia provides for this, New Zealand provides for it, and Argentina is going to provide for it. Are we to be behind these new countries? Are we to pursue a policy that will encourage emigration out of our country into these foreign countries?

Mr. Chairman, I desire to here emphasize as strongly as I can that water users are entitled to 10 years additional time as an equitable right, and they have a strong case at that in equity for such relief. They are entitled to it as a matter of equitable right and equitable relief without having to pay for it a consideration in the form of interest. They are entitled to it as a matter of justice, and they should not be required to buy justice.

Mr. Chairman, they are entitled to it, first, for the reason given by the Secretary—that a mistake was made in the first instance, when 20 years time should have been allowed instead of 10 years in which to make water-right payments. The mistake occurred by reason of an erroneous estimate in the time reasonably required. Who should be responsible for this erroneous estimate? Mr. Chairman, I submit it is not tenable to invoke here or apply the rules of a sharp bargain or of beware and take care of yourself at your own peril when entering into a contract. The application of no such a rule to this condition would become an enlightened people and an enlightened Government. But let me here invoke the Golden Rule. Mr. Chairman, the Government has already required water users to make good for the mistakes made in estimates as to the cost of construction, notwithstanding their bargain with the Government under the law that the first estimates made, which turned out to be too low, was what water users and the Government were both bound by.

In many instances the first estimates made of the cost of construction and what it would cost the water user per acre for his water right were found to be entirely too low, and the construction charges had to be increased. Department officials viewed it that water users were morally required to pay the actual cost of construction, and water users acceeded to the proposition. Such being the case, the Government is now bound by the same rule; it should do as it has required itself to be done by by water users, which means that it should correct the mistake made in the first instance, and that without exacting interest therefor.

Mr. Chairman, I regard it as very pertinent to right here read an excerpt from a letter written me by the Comptroller of the Reclamation Service, Mr. Ryan, in reply to a letter I wrote him about this bill. It reads:

There is one point to which I desire to particularly call your attention, and that is that the people of the various projects were attracted there by the promise contained in the reclamation law that they should have their water-right charges without interest, and that the Government is therefore under a moral obligation not to assess interest against these people now on the projects.

Mr. Chairman, this expression represents the well-settled convictions of the Secretary of the Interior and the reclamation

officials who have had the greatest amount of experience with the operation of the act.

The relief should be cheerfully and immediately granted, and without price.

A second reason why the time should be extended is the greatly increased subsequent estimates of the cost of construction. It is very plain that the more the water user has to pay the longer time it will require him to make it out of the land—and water users are not capitalists, to start with—and the very theory of the reclamation act is that he be given time to make the cost of his permanent water right out of the land.

Mr. Chairman, another cogent and unanswerable reason, as I conceive it to be, why water users should be accorded 10 years extension of time, and without interest, is the necessity involved in the problem. It is necessary that he have not only the time, but also that it be accorded to him without price, because the proposition would not be a feasible one upon an interest-paying basis. To illustrate, we will all agree that there is no legitimate business that can be successfully conducted upon borrowed capital with interest paid at 50 per cent per annum. I mention an absurdly high rate to emphasize that every business has its limits of the cost of operation which may permit of its being successful. I think it will also be granted that some kinds of legitimate business can not be conducted upon borrowed capital and pay interest at even 6 per cent per annum.

Mr. Chairman, there are some branches of business, some enterprises, which would be very helpful in a public way which can never be put upon their feet, never get a start, upon borrowed money at any rate of interest. The question of the feasibility of the payment of interest by water users was determined when the reclamation act was passed. It was then determined that it was not feasible for the water user besides paying the cost of construction to pay interest for the time given him in which to make payment. It was conclusive that this would not be feasible after irrigation capitalists and investors had possessed themselves or secured control of all of the feasible projects, by which I mean such as would pay dividends or interest upon the cost of development. Private investors had left remaining only what could be reclaimed at very great cost, or far greater cost than private parties would ever risk, but large areas of the best of the semiarid lands yet remained unappropriated by private interests. Mr. Chairman, this remaining semiarid area—I mean its development—presented a problem for our Government to solve. It was to be solved in the interest of the public. The reclamation act does not contemplate immediate pecuniary gain by the Government. It does contemplate abundant returns in a public way when development shall have been accomplished.

Mr. POST. Will the gentleman yield?

Mr. KINKAID of Nebraska. Yes.

Mr. POST. I did not quite catch the force of the gentleman's argument as to why the Government should not ultimately recover interest on its original investment.

Mr. KINKAID of Nebraska. Because this land and project will not stand it. The proposition will not stand the payment of interest and allow the water users to live. They can not make a success of it and pay interest. That is the only reason the Government ever undertook the reclamation of arid lands by use of public-land moneys.

Mr. POST. Would not that lead to the conclusion that the project was a failure?

Mr. KINKAID of Nebraska. No; not in the broader view of the question. Of course, from a money loaning or private capital investment standpoint, I grant you would be right. But we are pursuing a broad public policy for agriculture and home building.

Mr. TAYLOR of Colorado. If the gentleman from Nebraska will allow me, I want to suggest that there is a large percentage of land now owned by the Government in the public domain under the reclamation projects. It is open to you or me or anybody, but there will not anybody go there if they have got to pay $100 an acre for it, and pay $100 an acre more in grubbing sagebrush, oak brush, and rock, leveling the land and building ditches, and then try to grow a crop of alfalfa to produce something to sustain the family, and pay annual maintenance charges besides, and then pay interest. In other words, Uncle Sam has got the land, it is on his hands, and if he wants to get his money back he will have to offer terms that will interest settlers.

Mr. KINKAID of Nebraska. I will state, in addition to what the gentleman from Colorado has so well said, that the returns can not come soon. It is a long-time investment which will bring great returns to the public in the end in population and wealth. We might as well dismiss the question of continuing the operation of the reclamation law if we are going to calculate that it must be put on a paying basis at the start.

Mr. POST. Will the gentleman yield?

Mr. KINKAID of Nebraska. Yes.

Mr. POST. I understood the argument a while ago as to why the Government should not recover ultimately was because the construction had doubled what the original estimate was. It is a good deal like the fellow who wants to borrow $1,000 from the bank and afterwards finds that he requires $2,000, and the conclusion would be that the banker ought not to charge any interest at all.

Mr. KINKAID of Nebraska. I perceive the difficulty with the gentleman. He is reasoning from a banker's standpoint, from the investment standpoint. This is not a proposition of that kind. This is a home-building proposition. The Government started out on this with the high purpose of making these desert areas productive.

Mr. HARDY. Will the gentleman yield?

Mr. KINKAID of Nebraska. I am pleased to yield.

Mr. HARDY. Is not the cash value of a debt due in 20 years less than 50 per cent of the face of the debt?

Mr. KINKAID of Nebraska. You and I learned something of that kind in our mental and practical arithmetics when we were in school.

Mr. HARDY. If that be so and the Government spends $100 and requires it to be paid back in 20 years, is not that equivalent to requiring only 50 per cent of the investment?

Mr. KINKAID of Nebraska. The gentleman from Texas is good at figures, and he can figure if he shall choose. The fallacy is in judging this grand policy of internal improvement from a private investment standpoint. It ought not to be considered in that way.

Mr. TAGGART. Will the gentleman yield?

Mr. KINKAID of Nebraska. Yes; I shall be pleased to yield.

Mr. TAGGART. As compared with what the Government might lose in the way of interest on the money invested in reclamation, how would it compare with the vast domain that the Government absolutely gave away under the homestead act without money and without price? If the value of the land that was given away in your State and in mine within the last 50 years is estimated now, I ask how many billions, not millions, of dollars would it be worth at this time?

Mr. KINKAID of Nebraska. I agree with the gentleman from Kansas in the statement he has made, and will add we have given away more than ten times the area of land contained in the semiarid region to the great railways. We also loaned and subsidized them in money and the issue of bonds.

Mr. Chairman, the debate has already developed the issue whether river and harbor expenditures constitute a fair criterion for our contention that no interest should be paid by water users. I shall not extend this argument upon the line thus far conducted; it is a very simple proposition, and what is in it can be seen at a glance. I am frank to say before the debate commenced I had expected to instance that river and harbor appropriations for the last 12 years aggregated $372,000,000, I believe it is, which is just about the cost of the Panama Canal. I had intended to point out how much more bountiful the returns would be to the public for the investments made in arid lands than from river and harbor expenditures, which I grant must be made, the question being the amount of the expenditures. Mr. Chairman, I shall not extend the argument upon this issue, but I do deem it logically and legitimately in point to cite that of the river and harbor appropriations a considerable percentage of it has been used and is being devoted to the construction of levees, not for the purpose of navigation, but for the sole purpose of preventing overflow of rich bottom lands tributary to the rivers.

The percentage expended in this way is for the direct purpose of the reclamation from overflow and swamp, not of the public domain but of lands privately owned. Not one dollar of even the principal is required to be repaid, thus leaving no basis for interest payment. Mr. Chairman, paradoxical as it may seem, it would appear that the reason why water users should pay interest is only because they have agreed to pay back the principal moneys invested. Mr. Chairman, providing as we are so extensively for water transportation by the construction of the Panama Canal and by river and harbor appropriations, and as the Congress has already appropriated for the improvement of public roads through the country, it seems to me that we have thereby created just about a necessity for increasing our resources of agricultural production in order to give both symmetry and consistency to our development by policies of internal improvement. It is very plain that the homes and productive farms which the reclamation of arid lands will bring about

must constitute the principal foundation for the development of the semiarid regions; not only this, but a large part of the foundation for productions and business to justify the expenditures we are making to increase transportation and lessen its cost.

Mr. Chairman, if given ample time, these irrigated farms will become not only very productive but very profitable, and the communities where they are will be made prosperous. I can see the day not very far distant when these farmers, or the communities which they have built up, will be paying back returns to the Government in the form of income tax, besides the good which will be distributed generally.

Mr. Chairman, James Tyson, born in Australia, was one of the first to perceive, also to realize, handsomely upon the possibilities in irrigation. Asked what his pursuit had been, he said:

Fighting the desert. I have been fighting the desert all my life, and I have won. I have put water where there was no water; beef where there was no beef; I have put fences where there were no fences, and roads where there were no roads. Nothing can undo what I have done, and millions will be happier for it after I have been long dead and forgotten.

The CHAIRMAN. The time of the gentleman from Nebraska has expired.

Mr. KINKAID of Nebraska. I ask but half a minute.

Mr. GREENE of Massachusetts. Mr. Chairman, I yield the gentleman half a minute more.

Mr. KINKAID of Nebraska. Mr. Chairman, these irrigation farmers, with their families, constitute a grand army that has been fighting the battle for greater opportunities—greater opportunities for agriculture, greater opportunities for home building. Where the Government has put water, they have brought the plow, the reaper, and the thrasher. From the seed they have sown they are reaping rich harvests of golden grains; they have increased the supply of bread and meat for the millions that are here and will provide more for the millions that are coming. They have painted the brown and bare lands green with luxuriant alfalfa; they have diversified agriculture by the cultivation of the sugar beet and built million-dollar factories to manufacture their saccharine into sugar; they have brought agricultural form, order, method, prosperity, and landscape beauty out of the unproductive commons, resulting in populous communities with flourishing towns outnumbering the isolated ranches which theretofore constituted the population. The conquest they have been waging for the reclamation of the semiarid West has already been more than half won. In a few years their victory will be complete, if they shall not be encumbered by the payment of interest.

Mr. Chairman, our country leads the world in the republican form of its Government, and this has done much in a political way for its citizenship; but if we are to cope with the newer countries in agriculture and home building, we must lessen rather than add to the burden of the faithful and loyal home builders of the semiarid West. [Hearty applause.]

The CHAIRMAN. The time of the gentleman from Nebraska has again expired.

Mr. TAYLOR of Colorado. Mr. Chairman, I yield 10 minutes to the gentleman from Illinois [Mr. FOWLER].

Mr. FOWLER. Mr. Chairman, I have not studied this bill from a scientific standpoint sufficiently to have really made up my mind as to what is best to be done with it. The one thing that I have done is to go into the measure in a general way, and I have reached the conclusion long ago that farming is of such high importance to the American people that no man, either in or out of a legislative body, can afford to do anything to discourage it. Farming stands out among the other businesses of the world like Pike's Peak does among the foothills of the Rockies. On it the Nation depends for its success. From its yield this year we expect to add more than $10,000,000,000 of wealth to our resources. On it all other occupations of the world rest, and without it none of them can survive. For that reason, no man can afford to do anything which would in any way discourage agriculture.

It is plain and must be conceded by everybody that there is in the West a mighty empire, a rainless region, which when irrigated is as fertile as the valley of the Nile or the Mississippi, a region which produces a greater quantity per acre than any other soil in America. I was in Salt Lake City on the fiftieth anniversary of the settlement of that great city, and I found irrigated arid land in that basin producing 100 bushels of wheat to the acre, while down in Illinois where we claim to be the cream of productiveness, we were troubled to get a yield of from 20 to 30 bushels per acre. With the great opportunities in the West, with that vast empire before us, our duty is plain; we can not afford to say that it is an individual project, because it is not. It is like opening up a great river for navigation. It is like building the Alaskan railway to get the coal and other products out of Alaska. It is like digging the Panama Canal to hasten and cheapen the commerce of the world. It is of such high importance that it rises far above an individual proposition and becomes national in character.

The question confronting us is whether we will allow that great productive area to lie dormant, as it has for all ages in the past, or whether we will in our wisdom take hold of it in a businesslike way and provide the people of the West with the proper means of irrigation, so that we can reclaim that vast arid region. There is plenty of water there, I understand, plenty of water to be reached for the purpose of irrigating all of that property, and it ought to be done. We talk of economy—and I am a calamity howler on that subject—but when I see my country giving away 200,000,000 acres of land to corporations, when I see my country giving away vast sums, like a nation's gold, to the same corporations to build transcontinental railways, then I say that a proposition to reclaim the arid lands of the West is so overshadowing in its importance to America that the money required for this purpose is small, indeed, when compared with what we have given away to corporations.

I know that whatever sum may be appropriated here will be a tax on the people. The expense of Government naturally is always a burden. We can not escape it. These burdens sometimes fall more heavily upon one section of the country than another; but whatever may be said, the greatest wisdom that can be brought together here in this body ought to be exercised in order to reclaim this priceless territory.

It may be best to amend the bill in some parts so that the Government will receive a small rate of interest on what is advanced, but it is far more generous to aid the poor homeseekers without exacting usury than it is to give both principal and interest to rich corporations.

Mr. POST. Mr. Chairman, will the gentleman yield?

Mr. FOWLER. Yes; if I can get a little more time.

Mr. RAKER. Well, there are a number of gentlemen who have yet to be heard.

Mr. FOWLER. My time is not yet up and I will yield to the gentleman, but I may want a little more time.

Mr. POST. Section 13 speaks of the farm unit. What is the farm unit under this reclamation project?

Mr. RAKER. Mr. Chairman, if the gentleman will permit, I will answer that by saying that it is a tract of land sufficient to support a man's family and his wife.

Mr. POST. No definite area?

Mr. RAKER. No definite area. It runs from 20 acres up to 150 acres.

Mr. FOWLER. Mr. Chairman, I suppose the able gentleman from California has given the proper definition. I understand that a farm unit is the allotment made to the individual family, whatever it may be. That has always been my understanding of the term. I say whatever may be appropriated here, whether it is loaned by the Government with interest or without interest, it will be a tax upon the people. I have placed my ideas of taxation in a few crude verses, which I desire to recite:

TAXATION SHOULD BEGIN WHERE THE SURPLUS SETS IN.

The taxing power of Government
From the consent of the people flows,
With no right to raise another cent
B'yond what the need of revenue shows.
Its burdens on the people are laid
To encourage the progress of man,
Without which no effort would be made
To endure such a burdensome plan.

To use this power for private gain
Is an invasion of human rights.
More wicked than to plunder the slain
On battlefields after bloody fights.
An equal chance in the race of life
For happiness and prosperity
Should be maintained in all tax-rate strife
And handed down to posterity.

Enough to satisfy man's daily wants
Is demanded by nature's decree.
And should not suffer from hasty jaunts
Of tax collectors, but should be free.
Where shall the taxing power begin
On its mission to raise revenues?
Yonder, just where the surplus sets in,
That's the place to start tax-levy crews.

Begin where no cries are heard for bread;
Begin when the heart ceases to ache,
Because the poor have been clothed and fed;
Begin where want and woe never spake.
Mark well the spot where poverty ends,
And, begin not, till plenty is sure,
For God, to the world, this message sends,
"Rob not the poor because he is poor."

Locate the dividing line between
Toil and treasure and pain and pleasure;
On one side of this line may be seen
Pride and plenty and lust and leisure,
Controlling the policies of state,
While on the other, trouble and tears,
Wail and want, doubt and despair, debate
Grave problems of state for coming years.

Look! Spread out o'er this magic domain,
Wealth, a hundred thirty billions lie,
Piled, like the ir'n ore in fair Loraine,
In heaps, while from hunger millions die.
Here begin, but with caution proceed,
Taxing large fortunes most steadily,
So that hereafter there'll be no need
To tax breadwinners so readily.

[Applause.]

Mr. TAYLOR of Colorado. Mr. Chairman, I want to ask unanimous consent that those who so desire may have five days in which to extend their remarks in the RECORD upon this bill.

Mr. FOSTER. I would like for the gentleman to confine it to those who have spoken on this bill.

Mr. TAYLOR of Colorado. The reason I put it in that shape was that there are a great many who desire to speak and who can not.

The CHAIRMAN. The gentleman from Colorado asks unanimous consent that those who have spoken upon the bill——

Mr. TAYLOR of Colorado. No; I did not say those who have spoken.

Mr. FOSTER. I suggest that has to be done in the House. The committee has no power to authorize that.

Mr. TAYLOR of Colorado. I withdraw the request; and I yield 10 minutes to the gentleman from Montana [Mr. STOUT].

Mr. STOUT. Mr. Chairman, anyone who has made even a slight study of the conditions which obtain on the 28 Government reclamation projects which have been begun since the passage of the Newlands Act 12 years ago must realize the absolute necessity of remedial legislation, such as proposed in this bill. One of the most beneficent enterprises ever undertaken by this Government, the reclaiming of millions of acres of unused and useless land for the benefit of our people, will fall far short of its splendid purpose if the measure now under consideration fails to pass this House. My personal knowledge of conditions under which thousands of settlers in the State of which I have the honor to be one of the Representatives at Large in this body are struggling has induced me to presume upon the time and patience of the House at this time. As a matter of fact, I possess no particular aptitude for speech making. When I was making my campaign for Congress I promised the good people of Montana that I would not make any speeches if they sent me down here. [Applause.] Those who were fortunate enough to hear my preelection oratorical efforts generally agreed that perhaps it would be just as well if I adhered to that announced determination. Thus far I have religiously observed the promise so solemnly made and so enthusiastically received by my constituents. I have sat here for 15 months and heard about 15,000 speeches. There have been moments when temptation has beset me, but impulse has always yielded to the saner judgment of a second thought, and the voluminous RECORD of two trying sessions has remained unadorned by any extended outbursts from this source. Upon reflection, I may add that the RECORD has not suffered particularly by reason of my self-abnegation. Despite my failure to illumine its pages with occasional discursions into "the state of the Union," the CONGRESSIONAL RECORD has managed to hold its own with an appreciative clientele as the source of considerable wisdom, the very fountain of wit, and the convenient vehicle for the dissemination of enlightenment. [Laughter.] Taken in conjunction with the blessed, though sadly overworked, franking privilege, the CONGRESSIONAL RECORD serves as the bulwark of our sacred institutions by aiding and abetting the lofty aspirations of the Nation's elect. [Applause.]

The only earthly excuse I have to offer for breaking my pledged word to my people, violating a solemn covenant with myself, and interjecting these halting remarks into the proceedings of this day is the profound interest which my constituency has in the measure now before the House for consideration. The success and happiness of thousands of the best people in Montana, which is equivalent to saying the best people on God's footstool, depend upon the passage of this bill. Its enactment into law means for them that hopefulness and good cheer which a future, filled with promise, carries into the hearts of all who toil for better things. Its failure would be the capsheaf of their misfortune, the consummation of years of hopelessness and sturdy sacrifice.

When the reclamation act was passed in 1902 Montana presented greater opportunities for successful operation under the new law than did any other State in the Union. There were millions of acres of as fine soil as can be found in all outdoors, and possessing, in almost limitless quantities and correct proportion, the elements required for the bountiful production of grain and grasses and vegetables. Agricultural science had not yet perfected the marvelous system of dry farming and these vast level bench lands were lying idle and unproductive solely because the rain did not fall in sufficient abundance to inspire the thousands of hungry land seekers with the confidence required to attempt the work of reclamation. Across these plains flowed mighty rivers, fed by the eternal snow on the distant mountain tops, and this combination of unused soil and wasting waters appealed to the men who were placed in charge of the reclamation work as the ideal situation for beginning the task intrusted to their hands. As a further justification for giving Montana the preference it was found that that State was by far the heaviest contributor to the reclamation fund, accumulated by the sale of public lands.

Seven great projects with a total area of 954,924 acres have been started in Montana. Two of these have been practically completed and substantial units of the others made ready for the settler. When all of the projects have been finished they will afford homes for twenty-five or thirty thousand people and will produce annually millions of dollars worth of grain, hay, vegetables, and live stock.

SOME MISTAKES MADE.

In outlining work of the extent of that accomplished by the Reclamation Service, it is impossible to avoid making some mistakes. In view of its magnitude, this was practically a new field of operation and one involving greater engineering feats than had ever before been attempted in that particular line of endeavor. In the beginning estimates were made by the Government engineers of the ultimate cost per acre which the settler, who was to reimburse the Government for its expenditure, would have to pay. It was upon the basis of these estimates that thousands of settlers entered upon these lands and established their homes. They had implicit faith in the Government making good its promises, and so made provisions to take care of their yearly payments. But as the work advanced a number of unexpected situations arose which vastly increased the cost of construction. It was found advisable for the Government to build more lateral ditches than the original plan contemplated, to erect bigger dams and wider and deeper canals. Difficulties in engineering, which could not have been reasonably foreseen, were encountered. But the chief element of increased cost over the first estimates was the great advance in the cost of labor and supplies. I am willing to admit that no one was particularly to blame for these unfortunate conditions, but the fact remains that the burden fell on the settler.

Mr. MOORE. Mr. Chairman, will the gentleman yield?

Mr. STOUT. I will.

Mr. MOORE. I sympathize as thoroughly as the gentleman does with the men who went on these lands, but I would like to know just what sort of an understanding they had when they entered? Were representations as to the per acre cost made by the Government or its officials, or were they made by individuals?

Mr. STOUT. As I understand it, I am glad the gentleman from Pennsylvania asked the question, many representations were made by representatives of the Government.

Mr. MOORE. In circulars and in literature?

Mr. STOUT. Yes, sir.

Mr. MOORE. The gentleman has conversed with a great many of these people, I assume?

Mr. STOUT. I have seen a good many.

Mr. MOORE. Can the gentleman tell us whether they did go in good faith, believing they could accomplish what they sought to do on the terms and the prices indicated?

Mr. STOUT. I can reply to the gentleman that those with whom I talked went in thinking they could fulfill their obligations to the Government.

Mr. MOORE. In the Eastern States we have large areas of land that could be purchased with improvements, all ready for tilling, at prices less than the cost of the construction we have heard about to-day, which gives rise to the inquiry as to why men should have gone into arid territory and taken these chances.

Mr. STOUT. In order to make an adequate explanation in reply to the gentleman's question——

The CHAIRMAN. The time of the gentleman from Montana has expired.

Mr. MOORE. Ask for more time.

Mr. TAYLOR of Colorado. Mr. Chairman, we have a call for about two hours' more time right now.

Mr. MOORE. I will say to the gentleman from Colorado that I interrupted the gentleman from Montana in the midst of his address, and therefore would like to see him have more time.

Mr. TAYLOR of Colorado. We have agreed to adjourn at 5 o'clock.

Mr. STOUT. Give me just a moment.

Mr. TAYLOR of Colorado. All right.

Mr. STOUT. I was just going to answer the gentleman's question as to why there are idle lands in the cities back East and the people are going out to the West. In order to do so I would have to make some invidious comparisons between the climate of the West and the climate of the East. Such comparisons might possibly prejudice some of my friends from the East, and therefore I prefer not to answer his question. [Applause.]

Mr. BRYAN. Would the gentleman allow me to suggest that if the people of the reclamation districts asked and got as much protection as the people of the State of Pennsylvania they would certainly bankrupt the country.

Mr. MOORE. The gentleman from Washington does not know what he is talking about. Comparatively Pennsylvania gets as little out of the Congress as any State in the Union.

Mr. STOUT. He found that instead of being obligated to pay $25 or $30 per acre for his water right, he would be compelled in some instances to pay twice that amount and more. Instead of having to pay $2.50 to $3 per acre per year, he discovered that he would have to pay $5 or $6 per acre, not counting the maintenance charge of approximately $1 per acre annually.

It is safe to say that a very large percentage of the settlers on these reclamation projects throughout the West are people of moderate means. Most of them are men with families who seized upon this opportunity to secure some land, build homes, and provide the means with which to educate their children. I have personally met scores of them and can say to you that as a class they are hard working, frugal, patriotic American citizens. On some of the projects in my own State they have been struggling along for several years, facing the discouragements which always fall to the lot of the pioneer with an unwavering faith that their Government would awaken to the disadvantageous conditions under which they have been compelled to exist and render the relief which is so absolutely necessary if they are to succeed in their efforts to build and enjoy homes on those western plains. They are the blood and sinew of the highest type of American citizenship, and ask no odds of Uncle Sam except that he shall grant such conditions as will enable them to discharge their obligations to the National Government without the abatement of a single copper. [Applause.]

I would invite the attention of the House to the difficulties which a new settler on a reclamation project has to face. Assume that he has some means, a thousand or two thousand dollars. Many of them, of course, have much less. He has to build a house, and even the construction of the most modest dwelling eats deeply into his resources. Then there are barns and other outbuildings to be erected. A team of horses must be purchased, and also farming implements, cows, hogs, and chickens. He has to break the sod, a laborious task even with the best of equipment, and frequently level a portion of his claim. He must construct small lateral ditches in order to distribute the water over his farm and then fence the place. Before he has finished these necessary improvements, in all too many cases, his little hoard of savings is wiped out.

It is impossible to get more than a few acres into cultivation the first year, and if the product from this small tract so cultivated is sufficient to provide feed for his few head of stock and vegetables for his table, the settler counts himself fortunate. Certainly there will be no surplus to sell for the money required to purchase clothing for his family and school books for his children. In many instances he is so far from market that any surplus which he might have can not be disposed of at a profit. If the settler comes from some other State, as many of them naturally do, he has to contend with unknown conditions of soil and climate. He has little credit, and if he does happen to possess some collateral upon which to negotiate a loan, the interest rate is high.

Manifestly the settler should be given a few years in which to build his house and other buildings, to get his raw land under cultivation, and to stock up his place, before being placed under the necessity of beginning to pay his water charges. It is equally important that his payments should be as light as possible when he first begins to make them. This bill gives him relief in these two all-essential particulars. It also possesses provisions for more amply safeguarding the great interest which the Government has in the projects and simplifies the administration of the affairs of these giant undertakings. It makes infinitely more secure the Government's investment by making it easier for the settler to return to the reclamation fund the money assessed against him for his water right.

I do not presume that anyone will seriously attempt to controvert the far-reaching importance of the work undertaken by the National Government in reclaiming vast portions of the arid and semiarid States of the western part of this country. At no time in the world's history has there been such a demand for land by the landless as at the present time. "Back to the soil" is a slogan born of the hopes which have welled up in the hearts of millions to possess some of God's domain and to work out their own destinies beneath their own vine and fig tree.

Every thoughtful student of social economy recognizes the necessity of stemming the tide of immigration to the crowded tenements of the great cities and turning it toward the open country to aid in the production of the things upon which not only the prosperity but the very existence of the cities depends. This land hunger has within the last two decades doubled, trebled, and even quadrupled the price of land in the great agricultural States of the eastern, southern, and central regions of our country. The time has passed when a man of moderate means can go into those regions and acquire sufficient land upon which to earn a livelihood and lay aside a competence for his declining years. He must push on out toward the frontier, on to the Great Plains and into the shadows of the western mountains.

The Government can engage in no greater enterprise than that of encouraging its people to go out there into that great western country, tame the soil, conquer the elements, and attain that independence which is at once the glory of the Republic and the hope of its future existence. Every handicap should be removed, every protection thrown about them while they are engaged in the supreme task of building homes and reclaiming a veritable empire for the benefit of generations to come. Each and every one of them should be made to feel that their Government is in sympathy with their efforts, that it is standing behind them, wishing them success, understanding their needs, and willing to extend a helping hand to aid them in any extremity.

I ask for the settlers on those reclamation projects merely that they may be given a fair show to work out the problems which confront them. Free them from the red tape which so often entangles them, to the impediment of their progress, remove restrictive conditions, open up the way for their advancement by granting them terms possible of fulfillment, and the future for them will be assured. They are not mendicants, appealing to you for special favors, but thrifty, hard-working, self-reliant American citizens, who ask only that which every westener considers eternally sufficient—just an even break. This bill gives them that and nothing more. Enact it into law and within the lifetime of many Members of this House every project now in course of construction will have been completed, every cent of the money invested in them will have been returned to the Government, to be reinvested in other enterprises of even greater magnitude. Our Government can devote its vast resources to no more worthy work than that of providing land for the landless, homes for the homeless, and hope for the hopeless. Such, I submit, Mr. Chairman, are the purposes of the bill now before the House for its consideration. [Applause.]

Mr. KINKAID of Nebraska. I yield two minutes to the gentleman from Idaho [Mr. SMITH].

Mr. STOUT, Mr. FOWLER, and Mr. JOHNSON of Washington by unanimous consent were granted leave to extend their remarks in the RECORD.

Mr. KINKAID of Nebraska. Mr. Chairman, I yield two minutes to the gentleman from Idaho [Mr. SMITH].

Mr. GARNER. Mr. Chairman, will the gentleman yield until I can ask a question of the gentleman from Colorado? Is it the purpose of the committee to close general debate on this bill to-day?

Mr. TAYLOR of Colorado. We were in hopes to close debate at 5 o'clock. I have been liberal with everybody. They have

consumed three times more on the other side of the aisle than we have. I propose to close debate and adjourn at 5 o'clock, and we have promised everybody to be as liberal as possible under the five-minute rule. I even promised one gentleman 30 minutes under the five-minute rule if he would not talk now.

Mr. SHERLEY. Will the gentleman from Colorado permit a question? When are those in opposition to the bill going to be heard?

Mr. TAYLOR of Colorado. We are ready to hear them at any time. There is not a soul in this House who has asked me to speak against this bill.

Mr. SHERLEY. I will say to the gentleman that I was not on the floor when the agreement was made, but since I have been here the debate has been alternating between those who are in favor of the bill.

Mr. MOORE. I want to say to the gentleman from Colorado that we have been tolerant in this matter. Those who have had questions to ask have done so without asking for time. There might be opposition to this bill. There are some gentlemen who have been somewhat pert in their answers.

Mr. DONOVAN. Regular order, Mr. Chairman. The gentleman from Idaho is losing his time.

Mr. TAYLOR of Colorado. So far as I am concerned, and so far as the gentleman from Nebraska [Mr. KINKAID] is concerned, we will give you all the time that is needed.

Mr. MOORE. It is fair for us to know——

Mr. TAYLOR of Colorado. What do you want?

Mr. MOORE. The gentleman can not say whether the opposition had any time.

Mr. DONOVAN. The gentleman is out of order. Time is being used up here.

Mr. MOORE. A parliamentary inquiry, Mr. Chairman.

The CHAIRMAN. The gentleman will state it.

Mr. MOORE. Is the gentleman from Connecticut [Mr. DONOVAN] the only gentleman in order at all times?

The CHAIRMAN. That is not a parliamentary inquiry. The gentleman from Idaho will proceed.

Mr. RAKER. Mr. Chairman——

Mr. DONOVAN. Mr. Chairman, the gentleman from California [Mr. RAKER] is clearly out of order.

The CHAIRMAN. The Chair can not state whether the gentleman from California is out of order or not until he states his question.

Mr. DONOVAN. He can only make a point of order. The gentleman from Idaho is entitled to the floor. The gentleman from California has no right to interject remarks.

The CHAIRMAN. The gentleman from Idaho [Mr. SMITH] is recognized.

Mr. SMITH of Idaho. Mr. Chairman, if you should purchase a horse for $100 and were unable to meet the payments as they became due and the seller should advise you that in order to get an extension of time you would be expected to pay $300 for the horse and interest on the deferred payments, you would feel that you were not getting a square deal. Yet a transaction of this character represents exactly the situation which confronts the settlers on a great majority of the Government irrigation projects.

The building of the great dams, storage reservoirs, and canals was a work that was entirely new to the engineers of the country, and those employed by the Government to estimate the cost were greatly mistaken in their calculations. In every instance the cost of construction was greatly in excess of the estimates, and in some instances was two and three times the original estimates. These settlers, in entering the land, were naturally under the impression that the first estimates were correct and that the water would cost them in some instances as low as $15, when subsequent developments have shown that it will cost them three and four times as much.

The enactment of the reclamation law in 1902 was hailed with delight by thousands of people who desired a home in the arid States, as well as by the Senators and Representatives from those States, and the economists and philanthropists who recognized the great possibilities of turning hundreds of thousands of acres of worthless lands into productive farms and the establishment of cities and towns, the construction of railroads, and other evidences of progress in a country which for centuries had been nothing but a desert. As quickly as possible after the enactment of this law the Secretary of the Interior, to whom the administration of the law was committed, had the necessary surveys made and the boundaries of the various projects were established. This land was withdrawn from entry under the general land laws and made available only to those who desired to enter under the reclamation law. Notwithstanding that none of these projects could be completed within three to five or more years the land was opened to entry and the people invited to select the land they desired and make entry at the local land offices. Residence was required in order to confirm the right to the land, notwithstanding the fact that there was no water available for even domestic purposes.

Thousands of home seekers flocked upon these various projects, some of them without money and probably only a team of horses, others with several thousand dollars. They established themselves upon the land in such houses and shacks as they could erect, and settled down to wait patiently for the delivery of the water. As heretofore stated, they were required to continue residence upon the land or subject their entries to contest by other prospective settlers who were anxious to get a homestead. The hardships and sufferings of these people living upon the desert, in many instances 10 or more miles from the post office, and being required to haul water a great distance for domestic purposes and to water such stock as they had upon the place, can not be portrayed in words. Only those who have endured them can convey any impression of the agony which they experienced. In nearly every instance those who went there with money consumed it all in maintaining themselves, and after two or three years found themselves reduced to poverty.

Under the Black Canyon project in Idaho, a part of the Payette-Boise project, there are over 900 families who have been on the land for nearly 10 years, who are still waiting for the water to irrigate their lands, but on the Minidoka project and on a portion of the Payette-Boise project in my State water was finally furnished and the people are making every possible effort to build homes and improve their farms, and some of them are succeeding remarkably well. Many of them, having used all of their capital to maintain themselves and families before water was available, are finding themselves unable to meet their payments which have accumulated, and in some instances their claims are now subject to cancellation. The Secretary of the Interior has extended the time of payment from time to time with the hope that this bill would be enacted and the settlers would be able to save their claims. If the relief prayed for is not afforded, or if the settlers are burdened with the necessity of paying interest on the deferred payments as has been proposed, it would simply mean that many of them will be required to give up their claims, and all of their suffering and effort will go for naught and the claims will be canceled. These entries will then be open to the stranger, who will have the unearned benefit of the work done by the original entryman, except such improvements as could be removed from the land.

As heretofore stated, these settlers entered the land with the hope of making a home for themselves and families. They have complied with the law in every respect and are now confronted with the necessity of paying two or three times as much for the water as they originally expected. They are perfectly willing to meet the increased payments, but plead for an extension of time within which to earn the money to do so. The Government can not be injured by the enactment of this bill. No appropriation is asked; it is simply a plain petition from a most deserving class of citizens, who ask that the time of payment of the debt which is hanging over them may be extended, in order that they may save their homes and prevent their families from being thrust out, after having spent years in the struggle to get a home upon the public domain. [Applause.]

Much has been said here to-day in regard to the liberality of the Government with reference to those who go upon the pubilc land with a view of establishing a home. It is true that our Government has been liberal, but not so much so as many other nations throughout the world, who recognize the importance of encouraging the development of their agricultural resources.

The substantial encouragement given the farmers in other countries is well stated in an article prepared by Comptroller Ryan, of the Reclamation Service, printed in the April number of the Reclamation Record, from which I quote:

ENGLAND.

In England, by the small-holdings act of 1907, county councils are authorized to purchase or condemn large estates and subdivide them into small tracts to be sold. The purchaser pays one-fifth down and the balance is spread over a term of 50 years. The money to buy the land and subdivide is loaned by the public works land commissioners at 3½ per cent. The average cost of land acquired under this act was less than $100 per acre. The cost of preparing them for sale to small holders has averaged $10 per acre. During 1908 and 1909, 60,889 acres were acquired under the act. Of this area 34,234 acres were sold in small holdings and 26,655 acres were leased.

IRELAND.

The estates commission and the congested districts board are commissions nominated by the Government, and have for their object the division and sale of estates. The procedure is as follows: A large estate is put up for sale and appraised. If the price asked by the owner is satisfactory, the estate is purchased and the owner is paid in Government land, scrip, or stock bearing 3 per cent interest. Estates sold under compulsion the Government must pay for in cash. The estate is then

divided into tracts of 25 to 30 acres, line walls are built if necessary, a house is constructed at a cost of about $1,000, and the place is sold to a tenant. The land is sold to the small holders at a price not to exceed the purchase price. Frequently it is sold for less. The small holder pays 3 per cent interest at present on the purchase price and one-half per cent amortization, payable in semiannual installments. This rate amortizes the debt in about 62 years. The purchaser is given a title to the land, pays the taxes on it, and may transfer his equity at any time if he chooses.

The local authorities (county councils, etc.) may advance money for the purchase of the property which a tenant occupies to the extent of four-fifths of the purchase price, a limit of $1,600 being placed on the loan. The amount so advanced must be repaid within 30 years. Installments of such payments are of equal amounts, and may be weekly, monthly, or semiannual. The installments are inclusive of interest, the rate of which varies according to the rate at which the money is borrowed for the purpose by the local government, and the only charge for the service is 10 shillings in addition to the interest.

SCOTLAND.

The same law applies to Scotland, with only minor modifications. The small-holdings act is proving a great success in promoting intensive cultivation, dairying, stock raising, etc.

CANADA.

In Canada the provincial government of New Brunswick gives a bonus of $200 to aid in the establishment of cheese factories and creameries. It imports cattle, sheep, and pigs, and sells them at prices far below cost. It encourages by money grants the farm institutes and association of farmers.

SOUTH AUSTRALIA.

In South Australia the State assists the primary producer in many ways. It prepares, packs, exports, sells, and accounts for all kinds of produce. It slaughters and sells his animals for him. It makes and sells his butter. It packs and markets his fruits. It advances to the settler not more than $3,000 for the purpose of improving his farm. This is advanced by installments. If proper use is not made of one installment advances cease. Advances are made to discharge prior mortgages or to purchase Crown lands. Repayments extend over 30 years. Five per cent interest is charged. During the first five years the interest only is paid. Rebates are allowed for prompt payments. Loans may be secured from the State up to 60 per cent of the value of the land. These loans may be repaid in semiannual installments of less than $15 on each $500 borrowed.

NEW SOUTH WALES.

In New South Wales advances are made upon the security of freehold lands, conditional purchases, settlement leases, homestead selections, and grants. The basis of these advances is not fixed by legislation, but by regulation of the "advances to settlers' board." On freeholds advances are up to two-thirds of the unimproved value of the land plus half the official value of the improvements. On homestead selections and homestead grants advances are not to exceed one-half the value of the improvements. A maximum term of 31 years is allowed for repayment. When it is known that settlers can not meet their repayment installments because of adverse natural conditions, great clemency is exercised. The repayment installments are $5 per year on each $100 borrowed for 31 years, or a total repayment of $155 for each $100 borrowed. A system of rebates for prompt payments may reduce this amount to $140. Penalties are assessed upon delinquents. The money for this purpose is raised by the sale of guaranteed stock.

TASMANIA.

In Tasmania any man may select from 50 to 640 acres of public land. He will be given a free grant for 1 acre for each $5 worth of farming implements and improvements he places on the land if he will live on it for five years. He may if he chooses buy land to the value of $666 and pay for it in 14 years, paying $16 down, $25 the first year, $25 the second, and $50 for each of the next 12 years.

VICTORIA (AUSTRALIA).

The government of Victoria assists settlers of experience with sufficient capital to take up further land upon exceptionally easy terms. Three per cent of the value is required as a deposit and the balance of the purchase price, with interest at 4½ per cent per annum, may be spread over a period of 31½ years. The government also assists by erecting houses for the settlers and giving cheap loans to the value of 60 per cent on all improvements effected on the land. This with a view to encouraging progressive and successful settlers.

NEW ZEALAND.

In New Zealand the settler may borrow from the State not to exceed $15,000 for the improvement of his land. The amount is repaid in 73 semiannual installments of 2¾ per cent of the amount borrowed; that is to say in 36½ years at 5½ per cent per year the debt amortizes. This produces an annual profit to the government of over $25,000 on outstanding loans. A poor man may take 5 acres of land in New Zealand and the government will advance him $250 to aid him in fencing, planting, and building a home.

SICILY.

Credit is given on notes which are made payable at the time of harvesting crops, so that the farmers may get the money when they need to work the farm and may pay the note when the crop has been sold. The maximum time for which money can be borrowed from these banks is 50 years; the rate of interest 3½ per cent plus about 2 per cent for amortization.

ITALY.

The maximum length of time for which a loan is made is 35 years, repayable in a lump sum if for less than 10 years, and with amortization in case of loans made for a longer period. The rate of interest as a rule is 4 per cent, but it rises sometimes to 4½ per cent and sometimes as high as 5 per cent, according to the state of the money market. To this must be added a charge for income tax. In the case of long-term loans, made for 35 years, the regulations provide that the rate of interest may vary always remaining at one-half per cent higher than the rate of interest paid by the savings bank to its depositors.

Long-time loans are made to associations for agricultural purposes, for the purchase of live stock, and for improving breeds of live stock. The rate of interest charged is from 2 to 3½ per cent. In some special cases the bank has made mutual loans bearing no interest. Short-time loans for six months are made for the purchase of seed, the rate of interest charged being 2 per cent, and 3 per cent when the loan is for other agricultural purposes. The local banks discounting these notes are allowed to charge an extra 1 per cent on 2 per cent loans and an extra one-half per cent on 3 per cent loans, raising them to 3 and 3½ per cent. Lately the rate of interest was uniformly fixed at 2¾ per cent on condition that the local banks could charge a maximum rate of only 3½ per cent.

ROUMANIA.

Loans are made to members and to nonmembers of cooperative banks, members paying interest at the rate of 8 to 10 per cent, while nonmembers pay from 1 to 2 per cent more. Loans are to be utilized for productive purposes, and are chiefly granted upon personal security, the payment of such loans being guaranteed by the entire estate of the borrower. The duration of the loan is usually from 6 to 9 months, with right of prolongation to 18 months.

HUNGARY.

The Government aids the farmer by supplying him with seeds, saplings, and stock for breeding, requiring a fair interest on the purchase price and insuring the animals for one year. Where sufficient guaranty can be given for advances in the form of State aid, loans are granted at a low rate of interest—in some cases without interest. For the purchase of steam plows, 5 to 10 neighboring farmers come together to form a union. Having out of their own resources subscribed 50 per cent of the purchase price, they received the balance as a loan from the department of agriculture. The terms were for five years at 2 per cent interest. These were later modified, the department granting no advances, but, for five years, subscribing 5 per cent of the arrears of payment.

Mortgage bonds are issued at 4½ per cent, running 63 years, with a yearly charge, including amortization, of 4.85 per cent; also mortgage bonds at 4 per cent, running 50 years, with a yearly charge of 4.7 per cent.

The National Small Holdings Land Mortgage Institute originally made loans at the rate of 5½ per cent and for a period of 33½ years. Later the rate was 5 per cent and the period 15 years or 33½ years. Still later the rate was 4½ per cent, the period 17, 25, 40, or 50 years, and afterwards 4 per cent, with periods of 20, 30, 40, 50, 65 years. On a loan for 65 years the holders of the bonds get 5 per cent, and the debtor pays for 65 years 5.56 per cent, of which 5 per cent is interest, 0.21 per cent is amortization, and 0.35 per cent for administration and commission. For 50 years the interest is 5 per cent; amortization, 0.47 per cent; commissions, etc., 0.35 per cent, making a total of 5.82 per cent. The Government furnishes seed to the farmers at a nominal price for cash or on credit.

AUSTRIA.

The amount of mortgage may be one-half the estimated value of houses and two-thirds the value of agricultural property, in which case the amount of the mortgage will be two-thirds of twenty-five times the net earning capacity of the holding. Loans are not made in cash, but in bonds, the bonds being sold on the stock exchange and the borrower getting the proceeds of the sale. In the event of a loan being contracted at 4 per cent interest the borrower would have to repay 4½ per cent yearly, so that the full loan would be amortized in 54½ years. Every loan must be amortized within 59 years.

BOHEMIA.

Credit for the purpose of improving and purchasing land is given on the security of a mortgage on the land. Loans are based on two-thirds of the value of the land mortgaged and are repayable by amortization at the rate of 1 per cent. The rate of interest charged on loans varies from 4 to 6 per cent.

RUSSIA.

Private land-mortgage systems, Kharkoff. The longest term for which money is loaned is 66 years. In addition to the annual installments on the original loan interest must be paid at the rate of 4 per cent. Cost of administration must also be included. Sixty per cent of the valuation of the estate is the maximum amount which can be loaned.

The Peasants' Land Mortgage Bank, Kharkoff, was established by the Government to do business exclusively with the peasants. Large estates are purchased and sold in small holdings to the peasants. The general policy is to establish a period of repayment extending over 55½ years. The rate of interest charged, including amortization, cost of administration, and repayment of loan, amounts to only 4½ per cent. Any costs above this are borne by the Government. The Government loans money to the peasants, the funds for this purpose being secured by the issue of bonds. The net interest rate on these bonds frequently amounts to 5 or 6 per cent, so that the Government is losing money in the business.

In the fall the peasants need money and are willing to sell their goods at almost any price. To prevent speculation the Imperial Bank grants money to credit associations on the security of grain. The Government takes the grain, puts it into granaries, and loans money on it as security, charging from 5 to 6 per cent on the loan.

GERMANY.

On loans concerned with land cultivation the interest rate of the Royal Land Improvement Institute, of Bavaria, is one-fourth per cent lower than the rate of the agricultural bonds which are issued against the loan; that is, if the loan is granted in 3½ per cent bonds, the borrower pays only 3¼ per cent interest. The other one-fourth per cent is paid by the State.

These State favors to agricultural undertakings are granted for the reason that in many cases projects are initiated from which no income is expected, or only after many years.

The repayment rate is fixed according to the original sum lent and remains the same every year. The amount of the loan may not exceed the estimated increase in value from the agricultural undertaking projected. Neither may the loan exceed the cost of the undertaking. If individuals wish a loan, they must secure it by a first mortgage on their agricultural and forest land, and such loan can not exceed one-half the estimated value of the property.

Money is loaned by the Credit Union of Wurttemberg on first mortgage on city and country property, preference being given to country property. All loans are confined to the amortization plan on terms payable in installments of from 10 to 50 years, at the option of the borrower. On a 50-year amortization mortgage, the interest of the borrower is at the rate of 4.85 per cent—interest, 4 per cent; amortization, 0.66 per cent; advance to reserve, returnable with compound interest at the expiration of the loan, 0.19 per cent. The minimum loan is 300 marks; no maximum. The loan is made on the basis of 50 per cent of the valuation, specially determined by the local municipal authorities where the loans are to be granted.

Landholders' cooperative associations, known as Landschaft and controlled by the Prussian Government, are organized for the purpose of procuring money on mortgage. Loans are made to a borrower on 66

per cent of the value of his land. He receives bonds which pay as a rule 3½ per cent and are sold in the open market, and he pays to the Landschaft 4 per cent interest. The extra one-half per cent goes to pay running expenses and for amortization after a period of from 45 to 54 years.

The German Middle Class Bank and the German Peasant Bank are public-utility corporations. Loans are made to farmers, who pay charges amounting to 4 or 4½ per cent inclusive of one-half or 1 per cent for amortization and 3 or 3½ per cent interest, so that within 64½ or 42 years the mortgage is repaid. Loans are granted in the form of land-mortgage bonds by the Hereditary Estates Credit Society of Saxony. Repayment takes place as follows: Three per cent interest plus one-half per cent additional annual charge, 66 years; 3½ per cent interest plus one-third per cent additional charge, 71 years; 3½ per cent interest plus one-half per cent additional charge, 60½ years; 3½ per cent interest plus 1 per cent additional charge, 44 years; 3½ per cent interest plus one-third per cent additional charge, 69 years; 4 per cent interest plus one-half per cent additional charge, 56 years.

SWITZERLAND.

Canton banks are Government institutions. Loans are made upon land alone up to three-fourths of its value. Repayment is made by payment of interest at the rate of 4½ to 4¾ per cent and amortization payment of from one-half to 1 per cent interest. With a payment of one-half per cent for amortization the loan would run about 50 years.

HOLLAND.

Loans are made by the Land Mortgage Bank of Holland on 50 per cent of the assessed valuation of the land. Term of credit is from 5 to 40 years. Payment for 40 years would be at the rate of 4.5 per cent for interest, 1.05 per cent for amortization, and 0.25 per cent for expenses; total, 5.8 per cent.

DENMARK.

Credit associations loan on 60 per cent of the valuation of the property. Interest rate, 4½ per cent; amortization, 0.5 per cent; expenses, 0.15 per cent.

Small holders' Government loans are made to those who have worked at least four years for other farmers. The loan the Government grants is 90 per cent of the valuation of the land, charging 3 per cent interest for a period of 5 years, and later renewed for 5 or 10 years. The small farms established in this way must be occupied individually. The loans the Government has granted in this way amount to 25,000,000 crowns (about $7,000,000); of this amount the Government has lost practically only 10,000 crowns ($2,800).

FRANCE.

France extends short time agricultural credit. Regional banks distribute to the local banks the funds placed at the disposal of agricultural credit by the Government. The local banks loan money, generally for about one year, on personal credit, with the indorsement of some one of known respectability, at an interest rate varying from 3 to 5 per cent.

Collective long time loans are made to cooperative associations organized for the purpose of purchase, production, and distribution. Interest varies from 1½ to 2 per cent on such loans. This favorable rate of interest is always granted on the basis of the belief that the promotion of agriculture means the promotion of the national interests. Agriculture, it is contended, is more heavily burdened than other industries, and in order to fight rural depopulation and further the social interests of the nation, the welfare of the farming population must be cared for.

Long term individual credit is granted only to small agricultural holdings, the value of the loan not exceeding 8,000 francs. The maximum period for which the loan runs is 15 years, and is only allowed in the case of young farmers. The purpose is to assist the small farmers to purchase holdings and to encourage young men who have finished their military service to take up small farms. The loans are extinguishable by amortization, the rate of interest being as a rule 2 per cent. Security is generally a mortgage on the land, although other securities, such as life insurance policies or personal indorsement will be accepted. The law has been in operation two years, and over 12,000,000 francs have already been loaned.

Under the Credit Foncier, which, like the Bank of France, is subject to the legislative provisions of the French Government, a farmer may borrow money at 4½ per cent interest and 1½ per cent amortization for a period of 30 years.

The CHAIRMAN. The time of the gentleman from Idaho has expired.

Mr. SMITH of Idaho. I ask unanimous consent, Mr. Chairman, to extend my remarks in the RECORD.

The CHAIRMAN. The gentleman from Idaho asks unanimous consent to extend his remarks in the RECORD. Is there objection?

There was no objection.

Mr. CONNOLLY of Iowa. Mr. Chairman, I ask unanimous consent to extend my remarks in the RECORD.

The CHAIRMAN. Is there objection to the gentleman's request?

There was no objection.

Mr. MONDELL. Mr. Chairman, I ask unanimous consent to extend in the RECORD my remarks on this bill by placing in the RECORD some tables that have been prepared by the Reclamation Service showing the condition of the fund and the projects.

Mr. DONOVAN. Mr. Chairman, I object. The gentleman had general debate here, and if he had not spent his time in talking hot air he would have been able to put it all in. [Laughter.]

The CHAIRMAN. The gentleman from Connecticut objects.

Mr. BAILEY. Mr. Chairman, I ask unanimous consent to extend my remarks in the RECORD.

The CHAIRMAN. Is there objection to the gentleman's request?

There was no objection.

Mr. MOORE. Mr. Chairman, I make the same request.

The CHAIRMAN. Is there objection to the request of the gentleman from Pennsylvania?

There was no objection.

Mr. MONDELL. Do I understand, Mr. Chairman, that there was objection to my request to insert in the RECORD these tables?

Mr. DONOVAN. I objected.

Mr. MONDELL. I am glad to know it. It shows the gentleman's attitude on these subjects.

Mr. TAYLOR of Colorado. Mr. Chairman, I want to ask if there is any gentleman in the House who desires to make a speech against this bill? I know the gentleman from Oklahoma [Mr. MORGAN] does, but I will ask if there is any other gentleman besides the gentleman from Oklahoma who desires to make a speech against this bill? There seems to be no one else who desires to address the House in opposition to the bill. I will ask the gentleman from Oklahoma whether or not we can not agree between himself and the gentleman from Nebraska [Mr. KINKAID] and me for an extension of time to the gentleman from Oklahoma during the consideration of the bill under the five-minute rule, in view of the fact that we have agreed to adjourn to-day in 15 minutes?

Mr. KINKAID of Nebraska. I will say to the gentleman from Oklahoma that I shall be glad to cooperate in that direction.

Mr. TAYLOR of Colorado. We shall endeavor to give the gentleman from Oklahoma an extension of time under the five-minute rule—as much time as he may desire—in order that we may close this general debate and adjourn by 5 o'clock.

Mr. MORGAN of Oklahoma. I would be glad, Mr. Chairman, to expedite the consideration of the bill and the closing of general debate. I have a great regard for the gentlemen who are in charge of the bill, and I have a great deal of sympathy for those men out there on these irrigation projects who are interested and who would be benefited by the enactment of the bill. I have a peculiar view on this matter. There is a peculiar situation that applies to Oklahoma that does not apply generally to the other States, and hence I have felt that I would like to have at least half an hour in which to present some things as a matter of duty.

Mr. TAYLOR of Colorado. If the ranking Member on that side of the House and I will agree, as we offer to do, that the gentleman may have half an hour on next Wednesday, would not the use of that time be considered the gentleman's full duty to his constituents?

Mr. MORGAN of Oklahoma. I will say that in view of that promise of the extension of time for half an hour at the beginning of the consideration of the bill under the five-minute rule, or early in its consideration——

Mr. TAYLOR of Colorado. Yes; as early in its consideration as possible, of course, we shall have to have the sections read——

Mr. MORGAN of Oklahoma. Yes; in view of all the circumstances I do not want to be unreasonable, and I will agree to that.

Mr. KINKAID of Nebraska. Mr. Chairman, there are several gentlemen on this side who want to be heard and who want time.

Mr. TAYLOR of Colorado. My understanding and intention is that we will be exceptionally lenient with the time under the five-minute rule.

Mr. KINKAID of Nebraska. The gentleman from Washington [Mr. LA FOLLETTE] and the gentleman from Nevada [Mr. ROBERTS] and the gentleman from Oregon [Mr. SINNOTT], also the gentleman from Washington [Mr. FALCONER] and some others are desirous of time later on, if we close general debate this afternoon.

Mr. TAYLOR of Colorado. The gentleman from Oregon [Mr. SINNOTT] has been here all day long, and I have promised him that he shall have an opportunity to address the House, and I want to see that he has an opportunity to do so.

Mr. SINNOTT. Mr. Chairman, my State is vitally interested in this bill, and I think my State is interested in the same particular as is the State of Oklahoma. But in the interest of speedy action on this bill I shall be willing to waive my right to be heard to-day if the gentleman can assure me that I shall have an opportunity to speak later.

Mr. RAKER. Mr. Chairman, just a moment, in regard to the general debate to-day: As one of the members of the committee I have given a great deal of time to this bill, whether I understand it or not; but I think I do. It has not only been considered in committee, but we have gone with it to the President, and to Cabinet officers, and to the Speaker of the House, and the

minority leader, and the majority leader, and to the Committee on Rules.

Now, I have waived my opportunity this afternoon to be heard upon this bill, to the end that all other gentlemen might be heard and that we might get an early disposition and enactment of the bill and that general debate might be closed, and I will use a few minutes under the five-minute rule.

Mr. KINKAID of Nebraska. I have an understanding with the gentleman from Colorado [Mr. TAYLOR] in charge of the bill that these several gentlemen shall have their opportunity under the five-minute rule. I should have mentioned the gentleman from Washington [Mr. FALCONER], who has been here all the afternoon ready to speak.

Mr. TAYLOR of Colorado. And the gentleman from Nevada [Mr. ROBERTS] also.

Mr. KINKAID of Nebraska. I would like to have him included by all means.

Mr. TAYLOR of Colorado. Certainly.

Mr. KINKAID of Nebraska. That we shall cooperate to secure them as ample time as possible under the five-minute rule. That is the best we can do. They have all stood ready to do what they could for their constituents here and for the bill.

Mr. FALCONER. I want to say that I have appreciated the situation, and in order to hasten the final vote on the bill I will certainly acquiesce in taking my time under the five-minute rule.

Mr. LA FOLLETTE. I concur in the remarks of my colleague [Mr. FALCONER] and take the same view.

Mr. KINKAID of Nebraska. I yield to the gentleman from Nevada [Mr. ROBERTS].

Mr. ROBERTS of Nevada. Mr. Chairman, I want to say that I am a member of the Committee on Irrigation of Arid Lands, and I did intend to say something this afternoon, but so much has been said that I did not feel it was right to delay so important a bill.

Mr. KINKAID of Nebraska. I do not know that the gentleman heard the statement I made when I stated that the gentleman from Colorado would cooperate to secure as much time as possible under the five-minute rule.

Mr. ROBERTS of Nevada. I understand that. I have been present all day, and I wish to do everything I can to facilitate the passage of the bill.

MESSAGE FROM THE SENATE.

The committee informally rose; and Mr. SMALL having taken the chair as Speaker pro tempore, a message from the Senate, by Mr. Tulley, one of its clerks, announced that the Senate had passed, without amendment, bill of the following title:

H. R. 1694. An act to amend an act approved October 1, 1890, entitled "An act to set apart certain tracts of land in the State of California as forest reservations."

The message also announced that the Senate had passed bill of the following title, in which the concurrence of the House of Representatives was requested:

S. 6031. An act authorizing the Board of Trade of Texarkana, Ark.-Tex., to construct a bridge across Sulphur River at or near Pace's ferry, between the counties of Bowie and Cass, in the State of Texas.

PAYMENT UNDER RECLAMATION PROJECTS.

The committee resumed its session.

Mr. KINKAID of Nebraska. I yield to the gentleman from Washington [Mr. BRYAN].

[Mr. BRYAN addressed the committee. See Appendix.]

Mr. TAYLOR of Colorado. If there are no further remarks, I will ask the Clerk to proceed with the reading of the bill.

The Clerk read as follows:

Be it enacted, etc., That any person whose lands hereafter become subject to the terms and conditions of the act approved June 17, 1902, entitled "An act appropriating the receipts from the sale and disposal of public lands in certain States and Territories to the construction of irrigation works for the reclamation of arid lands," and acts amendatory thereof or supplementary thereto, hereafter to be referred to as the reclamation law, and any person who hereafter makes entry thereunder shall at the time of making water-right application or entry, as the case may be, pay into the reclamation fund 2 per cent of the construction charge fixed for his land as an initial installment, and shall pay the balance of said charge in 15 annual installments, the first 5 of which shall be 5 per cent of the construction charge and the remainder 7 per cent until the whole amount shall have been paid. The first of the annual installments shall become due and payable on December 1 of the fifth calendar year after the initial installment: *Provided*, That any water-right applicant or entryman may, if he so elects, pay the whole or any part of the construction charges owing by him within any shorter period: *Provided further*, That entry may be made whenever water is available and the initial payment be made when the charge per acre is established.

With the following committee amendments:

Page 2, line 2, strike out the word "two" and insert the word "five."

Page 2, line 5, after the word "shall," insert the word "each."

Page 2, line 6, after the word "remainder," insert the words "shall each."

Page 2, line 14, after the word "available," insert the words "as announced by the Secretary of the Interior."

Mr. MADDEN. Mr. Chairman——

The CHAIRMAN. For what purpose does the gentleman rise?

Mr. MADDEN. I rise for the purpose of asking whether or not it is the intention to leave this paragraph open to amendment?

Mr. TAYLOR of Colorado. That is the purpose, and I want the Chair to recognize the gentleman from California [Mr. KETTNER] to ask leave to extend his remarks, and then I shall move that the committee rise.

Mr. MADDEN. It is understood, then, that when the committee takes this bill up for consideration at its next meeting this paragraph will be subject to amendment?

Mr. TAYLOR of Colorado. Yes.

Mr. RAKER. Amendments will be in order.

Mr. TAYLOR of Colorado. Amendments to this section will be in order at that time.

[Mr. KETTNER addressed the committee. See Appendix.]

Mr. RAKER. Mr. Chairman, in regard to the work of the Committee on Irrigation of Arid Lands in preparing this bill, I ask unanimous consent to insert the following statement in the RECORD.

The CHAIRMAN. The gentleman from California [Mr. RAKER] asks unanimous consent to insert a statement in the RECORD. Is there objection?

There was no objection.

The statement is as follows:

CONSERVATION BILLS.

This bill consists of the reclamation extension bill, from the Committee on Irrigation of Arid Lands; the radium bill, from the Committee on Mines and Mining; the Alaskan coal and oil bill, the water-power bill, and the general coal, oil, phosphate, and sodium bill, from the Committee on the Public Lands.

The reclamation extension bill having been placed on the Unanimous Consent Calendar, and upon the call of that calendar objection was made by Mr. MANN, the Committee on Irrigation of Arid Lands of the House met and discussed ways and means of bringing the bill before the House at an early date.

A subcommittee of the Committee on Irrigation, consisting of Mr. TAYLOR of Colorado, Mr. HAYDEN of Arizona, Mr. STOUT of Montana, and Mr. RAKER of California, took the matter up personally with President Wilson, urging him to use his good offices in bringing about early consideration of the reclamation extension bill. These four gentlemen personally interviewed President Wilson upon this bill and also upon the other bills named. The President advised the committee that he was anxious to see the legislation named disposed of at an early date, and would do whatever he could to assist in bringing about early disposition, and that he was very desirous of having the bills disposed of at an early date. The same committee then proceeded to see Mr. HENRY, the chairman of the Committee on Rules, who advised the committee that he would lend every assistance possible to bring about their early consideration. Leader UNDERWOOD was then seen by the committee, who likewise advised the committee that they could rely upon him to assist in bringing about early consideration by the House of these bills. The committee then interviewed Speaker CLARK, who was likewise willing to assist in every way in their early consideration. In this interview with Mr. CLARK it was ascertained that Mr. RAKER was second on the call for suspension of the rules, and had been for some months, and it was then agreed that when Mr. RAKER's turn was reached that the reclamation bill should be called up and should be second on suspension of the rules. If this was in any way delayed, then the Speaker advised the subcommittee that every assistance would be given to bring about an early rule or otherwise so that these bills might be considered.

In the meantime, Dr. FOSTER, chairman of the Committee on Mines and Mining and a member of the Committee on Rules, was interviewed, and signified his willingness to assist in bringing about, by rule or otherwise, the consideration of the reclamation bill, the radium bill, and the three other bills.

During the same time Hon. SCOTT FERRIS, chairman of the Committee on Public Lands, had been giving every consideration to bring about an early disposition of the three bills reported by the Committee on Public Lands, namely the water-power bill, the Alaskan coal bill, and the general coal, oil, phosphate, and sodium bill; had seen the Secretary of the Interior, and also interviewed the President with the Secretary of the Interior in regard to early consideration. Mr. FERRIS then interviewed Messrs. HAYDEN and RAKER as to circulating a petition among the Members asking for a rule from the Committee on Rules. It was then agreed to take this course, and Chairman FERRIS drew up or prepared a petition which was then circulated among the Members of the House by the members of the Committees on Public Lands and Irrigation. A majority of the House was obtained to these petitions, and the same were presented to the Committee on Rules. Messrs. FERRIS, HAYDEN, STOUT, RAKER, and others interviewed the chairman of the Committee on Rules and the members thereof, and also some of them appeared personally before the committee at the time set for consideration of a rule upon these five bills by the committee. The Committee on Rules, after consideration, agreed to a rule that the five bills be considered, namely, the water-power bill, the Alaskan coal bill, the general coal, oil, phosphate, and sodium bill, the radium bill, and the reclamation extension bill. The chairman and members of the Committee on Public Lands of the House, as well as the chairman and members of the Committee on Irrigation of Arid Lands of the House, were active in interviewing the President; the Secretary of the Interior, Mr. Lane; the chairman of the Rules Committee, Mr. HENRY; Speaker CLARK; and Leader UNDERWOOD to assist in bringing about every consideration and disposition of these bills, and every assistance and encouragement was given by

the parties named for disposition of what is known as the conservation bills, and in particular this reclamation bill.

Mr. MONDELL. Mr. Chairman, I think there was some misunderstanding as to what I desired to place in the RECORD in the extension of my remarks. The Reclamation Service prepared some tables relative to reclamation work, and I simply ask to extend those tables in the RECORD.

The CHAIRMAN. The gentleman from Wyoming [Mr. MONDELL] asks unanimous consent to extend his remarks by placing in the RECORD the tables indicated. Is there objection?

There was no objection.

Mr. TAYLOR of Colorado. Mr. Chairman, I move that the committee do now rise.

The motion was agreed to.

The committee accordingly rose; and the Speaker having resumed the chair, Mr. FLOOD of Virginia, Chairman of the Committee of the Whole House on the state of the Union, reported that that committee had had under consideration the bill (S. 4628) extending the period of payment under reclamation projects, and for other purposes, and had come to no resolution thereon.

ENCAMPMENT OF KNIGHTS OF PYTHIAS, TERRE HAUTE, IND.

Mr. MOSS of Indiana. Mr. Speaker, I ask unanimous consent for the present consideration of House joint resolution 304, authorizing the Secretary of War to loan certain saddles and bridles for the use of the national encampment Knights of Pythias, to be held at Terre Haute, Ind., in July, 1914.

The SPEAKER. The gentleman from Indiana asks unanimous consent for the present consideration of a joint resolution which the Clerk will report.

The Clerk read as follows:

House joint resolution 304.

Resolved, etc., That the Secretary of War be, and he is hereby, authorized to loan, at his discretion, to the mount committee of the national encampment, Knights of Pythias, to be held at Terre Haute, Ind., in the month of July, 1914, 200 saddles and bridles: *Provided*, That no expense shall be caused the United States Government by the delivery and return of said property, the same to be delivered to said committee designated at such time prior to the holding of said encampment as may be agreed upon by the Secretary of War and Scott Hanna, chairman of the mount committee: *And provided further*, That the Secretary of War, before delivering said saddles and bridles, shall take from said Scott Hanna a good and sufficient bond for the safe return of said property in good order and condition, and the whole without expense to the United States.

The SPEAKER. Is there objection to the present consideration of the resolution?

There was no objection.

The SPEAKER. The question is on the engrossment and third reading of the joint resolution.

The House joint resolution was ordered to be engrossed and read a third time, was read the third time, and passed.

Mr. COX. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD by inserting an article prepared by Mr. George P. Hampton, published in the Pennsylvania Grange News, July, 1914, on "The administration at Washington fighting for the people's rights."

The SPEAKER. The gentleman from Indiana asks unanimous consent to print in the RECORD an article from the Pennsylvania Grange News entitled "Administration at Washington fighting for people's rights." Is there objection?

Mr. MOORE. Reserving the right to object, Mr. Speaker, my attention was attracted by the reference to Pennsylvania. I would like to know who the author of the article is.

Mr. COX. I stated that it was Mr. George P. Hampton.

Mr. MOORE. That is a very good name, and I have no objection.

Mr. COX. It is a good article, too.

The SPEAKER. Is there objection? [After a pause.] The Chair hears none.

LEAVE OF ABSENCE.

Mr. GLASS, by unanimous consent, was granted leave of absence, for two weeks, on account of illness.

LEAVE TO PRINT.

Mr. TAYLOR of Colorado. Mr. Speaker, I ask unanimous consent that all Members may be allowed five days to extend remarks on the bill under consideration to-day.

The SPEAKER. The gentleman from Colorado asks unanimous consent that all Members be allowed five days in which to extend remarks in the RECORD on the irrigation bill.

Mr. ADAMSON. The gentleman from Colorado means to print remarks, and it is not confined to those who have spoken?

Mr. TAYLOR of Colorado. No; general leave to print on the bill.

The SPEAKER. Leave to insert remarks in the RECORD. Is there objection? [After a pause.] The Chair hears none.

SENATE BILL REFERRED.

Under clause 2 of Rule XXIV, Senate bill of the following title was taken from the Speaker's table and referred to its appropriate committee, as indicated below:

S. 6031. An act authorizing the Board of Trade of Texarkana, Ark.-Tex., to construct a bridge across Sulphur River at or near Pace's ferry, between the counties of Bowie and Cass, in the State of Texas; to the Committee on Interstate and Foreign Commerce.

ENROLLED BILLS PRESENTED TO THE PRESIDENT FOR HIS APPROVAL.

Mr. ASHBROOK, from the Committee on Enrolled Bills, reported that this day they had presented to the President of the United States, for his approval, the following bills:

H. R. 13297. An act granting pensions and increase of pensions to certain soldiers and sailors of the Regular Army and Navy, and certain soldiers and sailors of wars other than the Civil War, and to widows of such soldiers and sailors;

H. R. 13920. An act granting pensions and increase of pensions to certain soldiers and sailors of the Regular Army and Navy, and certain soldiers and sailors of wars other than the Civil War, and to widows of such soldiers and sailors;

H. R. 14546. An act granting pensions and increase of pensions to certain soldiers and sailors of the Regular Army and Navy, and certain soldiers and sailors of wars other than the Civil War, and to widows of such soldiers and sailors;

H. R. 15071. An act granting pensions and increase of pensions to certain soldiers and sailors of the Regular Army and Navy, and certain soldiers and sailors of wars other than the Civil War, and to widows of such soldiers and sailors; and

H. R. 15504. An act granting pensions and increase of pensions to certain soldiers and sailors of the Regular Army and Navy, and to certain soldiers and sailors of wars other than the Civil War, and to widows of such soldiers and sailors.

ADJOURNMENT.

Mr. TAYLOR of Colorado. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 5 o'clock p. m.) the House adjourned until to-morrow, Friday, July 17, 1914, at 12 o'clock noon.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII, bills and resolutions were severally reported from committees, delivered to the Clerk, and referred to the several calendars therein named, as follows:

Mr. KAHN, from the Committee on Military Affairs, to which was referred the bill (H. R. 15376) to amend section 16 of an act entitled "An act for the organization of the militia in the District of Columbia," approved February 18, 1909, reported the same with amendment, accompanied by a report (No. 974), which said bill and report were referred to the House Calendar.

Mr. STEVENS of New Hampshire, from the Committee on Interstate and Foreign Commerce, to which was referred the bill (H. R. 17893) to amend section 3 of an act entitled "An act to promote the safety of employees and travelers upon railroads by limiting the hours of service of employees thereon," approved March 4, 1907, reported the same without amendment, accompanied by a report (No. 975), which said bill and report were referred to the House Calendar.

REPORTS OF COMMITTEES ON PRIVATE BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII, private bills and resolutions were severally reported from committees, delivered to the Clerk, and referred to the Committee of the Whole House, as follows:

Mr. WITHERSPOON, from the Committee on Naval Affairs, to which was referred the bill (H. R. 12161) to remove the charge of desertion against John Mitchell, reported the same with amendment, accompanied by a report (No. 976), which said bill and report were referred to the Private Calendar.

He also, from the same committee, to which was referred the bill (H. R. 11767) for the relief of I. C. Johnson, jr., reported the same with amendment, accompanied by a report (No. 977), which said bill and report were referred to the Private Calendar.

He also, from the same committee, to which was referred the bill (H. R. 12064) for the relief of Lieut. Richard Philip McCullough, United States Navy, reported the same with amendment, accompanied by a report (No. 978), which said bill and report were referred to the Private Calendar.

CHANGE OF REFERENCE.

Under clause 2 of Rule XXII, committees were discharged from the consideration of the following bills, which were referred as follows:

A bill (H. R. 8033) granting a pension to William J. Brown; Committee on Invalid Pensions discharged, and referred to the Committee on Pensions.

A bill (H. R. 15721) granting a pension to Samuel A. Blair; Committee on Invalid Pensions discharged, and referred to the Committee on Pensions.

A bill (H. R. 16315) granting an increase of pension to Michael F. Conway; Committee on Invalid Pensions discharged, and referred to the Committee on Pensions.

A bill (H. R. 16564) granting an increase of pension to Maria A. Endsley; Committee on Invalid Pensions discharged, and referred to the Committee on Pensions.

A bill (H. R. 17569) granting a pension to John J. Harrington; Committee on Invalid Pensions discharged, and referred to the Committee on Pensions.

PUBLIC BILLS, RESOLUTIONS, AND MEMORIALS.

Under clause 3 of Rule XXII, bills, resolutions, and memorials were introduced and severally referred as follows:

By Mr. CULLOP: A bill (H. R. 17924) authorizing the Secretary of War to donate condemned cannon and cannon balls; to the Committee on Military Affairs.

By Mr. THOMSON of Illinois: A bill (H. R. 17925) to authorize the Secretary of War, in his discretion, to deliver to the Indian Hill Club, of the town of Winnetka, in the State of Illinois, one condemned bronze or brass cannon with its carriage and outfit of cannon balls; to the Committee on Military Affairs.

By Mr. HAMILTON of Michigan: A bill (H. R. 17926) to purchase a site for the erection of a post-office building in the city of St. Joseph, Mich.; to the Committee on Public Buildings and Grounds.

By Mr. COADY: A bill (H. R. 17927) to enlarge, extend, remodel, and improve the United States post-office and courthouse building located at Baltimore, Md.; to the Committee on Public Buildings and Grounds.

By Mr. BRYAN: A bill (H. R. 17928) to amend an act entitled "An act to regulate the construction of dams across navigable waters," approved June 21, 1906, as amended by the act approved June 23, 1910; to the Committee on Interstate and Foreign Commerce.

By Mr. TEN EYCK: A bill (H. R. 17929) making appropriation for the continuing improvement and for maintenance of the Hudson River, N. Y.; to the Committee on Rivers and Harbors.

By Mr. JOHNSON of South Carolina: Joint resolution (H. J. Res. 303) appropriating $60,000 for the relief of the sufferers from the hail and wind storm in Spartanburg and Laurens Counties, S. C., in July, 1914; to the Committee on Appropriations.

PRIVATE BILLS AND RESOLUTIONS.

Under clause 1 of Rule XXII, private bills and resolutions were introduced and severally referred as follows:

By Mr. CARLIN: A bill (H. R. 17930) granting a pension to Alfred M. Graham; to the Committee on Pensions.

By Mr. COX: A bill (H. R. 17931) granting an increase of pension to Benjamin A. Miller; to the Committee on Invalid Pensions.

By Mr. DEITRICK: A bill (H. R. 17932) for the relief of Patrick Conley; to the Committee on Military Affairs.

By Mr. DOOLITTLE: A bill (H. R. 17933) granting a pension to Nelson Pennington; to the Committee on Invalid Pensions.

By Mr. FIELDS: A bill (H. R. 17934) granting an increase of pension to William C. McCracken; to the Committee on Invalid Pensions.

By Mr. FOWLER: A bill (H. R. 17935) granting a pension to Mary Barfield; to the Committee on Invalid Pensions.

By Mr. FRENCH: A bill (H. R. 17936) granting an increase of pension to Milton Mitchell; to the Committee on Invalid Pensions.

By Mr. GITTINS: A bill (H. R. 17937) to remove the charge of desertion against George Wolf; to the Committee on Military Affairs.

By Mr. GLASS: A bill (H. R. 17938) granting a pension to Richard L. Miller; to the Committee on Pensions.

By Mr. GUDGER: A bill (H. R. 17939) granting a pension to Levi Buckner; to the Committee on Invalid Pensions.

By Mr. KENNEDY of Connecticut: A bill (H. R. 17940) granting an increase of pension to Helen J. Goodyear; to the Committee on Invalid Pensions.

By Mr. MADDEN: A bill (H. R. 17941) to correct the military record of Cuthbert W. Laing; to the Committee on Military Affairs.

By Mr. MURDOCK: A bill (H. R. 17942) granting an increase of pension to William F. Pike; to the Committee on Invalid Pensions.

Also, a bill (H. R. 17943) granting an increase of pension to Daniel Sheesly; to the Committee on Invalid Pensions.

By Mr. PETERS of Massachusetts: A bill (H. R. 17944) granting an increase of pension to George H. Homer; to the Committee on Invalid Pensions.

By Mr. TALCOTT of New York: A bill (H. R. 17945) granting an increase of pension to Amelia Heidel; to the Committee on Invalid Pensions.

By Mr. TAVENNER: A bill (H. R. 17946) granting an increase of pension to Richard J. Bauguess; to the Committee on Invalid Pensions.

By Mr. TEN EYCK: A bill (H. R. 17947) granting a pension to Louis N. Hickey; to the Committee on Invalid Pensions.

By Mr. VOLLMER: A bill (H. R. 17948) for the relief of John C. Davis; to the Committee on Military Affairs.

PETITIONS, ETC.

Under clause 1 of Rule XXII, petitions and papers were laid on the Clerk's desk and referred as follows:

By Mr. BAILEY (by request): Petition of Branch No. 101, National Association of Letter Carriers, and Blair County Branch, National Association Supervisory Post Office Employees, of Altoona, Pa., against section 3 of House bill 17042, to amend the postal laws; to the Committee on the Post Office and Post Roads.

By Mr. BATHRICK: Petition of sundry citizens of the nineteenth Ohio district, favoring national prohibition; to the Committee on Rules.

Also, petition of Oscar Nichols, of Akron, Ohio, against national prohibition; to the Committee on Rules.

Also, petition of the Grand Army Post of Ravenna, Ohio, favoring appropriation for Vicksburg celebration, October, 1915; to the Committee on Appropriations.

By Mr. CARR: Petition of sundry citizens of South Brownsville and Connellsville, Pa., favoring national prohibition; to the Committee on Rules.

By Mr. FERGUSSON: Petitions of the Methodist Episcopal Churches of Roy and Solano, by their pastor, Rev. Edwin Gaskill, and of a union mass meeting of the churches of Lakewood, by J. A. Bell, chairman, and S. J. Stevens, secretary, all in the State of New Mexico, favoring national prohibition; to the Committee on Rules.

Also, memorials from 6 citizens of Rosa, N. Mex., protesting against national prohibition; to the Committee on Rules.

By Mr. HARRIS: Petition of various business men of Alabama, favoring House bill 5308, to tax mail-order houses; to the Committee on Ways and Means.

By Mr. HOXWORTH: Petitions of various business men of La Fayette, Galesburg, Knoxville, and Williamsfield, all in the State of Illinois, favoring House bill 5308, to tax mail-order houses; to the Committee on Ways and Means.

By Mr. JOHNSON of Washington: Petition of sundry citizens of Vancouver, Wash., favoring national prohibition; to the Committee on Rules.

Also, petitions of sundry citizens of Twisp, Wash., opposing national prohibition; to the Committee on Rules.

Also, petition of sundry citizens of Everett, Wash., favoring national prohibition; to the Committee on Rules.

Also, petition of sundry citizens of Hoquiam, Cosmopolis, Satsop, Woodland, Raymond, and Aberdeen, all in the State of Washington, favoring national prohibition; to the Committee on Rules.

By Mr. LEWIS of Maryland: Petition of sundry citizens of Carroll County, Md., indorsing House joint resolution 168, to prohibit the sale of intoxicating liquors; to the Committee on Rules.

Also, a resolution of the Christian Endeavor Society of the Presbyterian Church of Emmitsburg, Md., favoring the passage of the Hobson prohibition resolution; to the Committee on Rules.

By Mr. LONERGAN: Protest of Mr. E. Rueber, of Collinsville, Conn., against the adoption of prohibition measures; to the Committee on Rules.

By Mr. MADDEN: Papers to accompany a bill to clear record of Lieut. C. W. Laing; to the Committee on Military Affairs.

By Mr. MURDOCK: Petition of sundry citizens of Whitman Community, Sumner County, Kans., favoring national prohibition; to the Committee on Rules.

Also, petition of sundry citizens of Wichita and Newton, Kans., for the passage of the Hobson-Sheppard joint resolution for a national constitutional prohibition amendment; to the Committee on Rules.

Also, petition of sundry citizens of Mulvane, Kans., forwarded by the Woman's Christian Temperance Union, urging the passage by Congress of the Hobson-Sheppard joint resolution for a constitutional prohibition amendment; to the Committee on Rules.

Also, resolutions adopted at a mass meeting in the Methodist Episcopal Church of Garden City, Kans., for a national constitutional prohibition amendment; to the Committee on Rules.

Also, petition of the Epworth League of Belle Plaine, Kans., for the passage of the Hobson-Sheppard joint resolution for a national constitutional prohibition amendment; to the Committee on Rules.

Also, petition of sundry citizens of Conway Springs, Kans., for the passage of the Hobson-Sheppard joint resolution for a national constitutional prohibition amendment; to the Committee on Rules.

Also, petition of various members of the Women's Home Mission Society of St. Paul's Church, of Wichita, Kans., for the passage of the Hobson-Sheppard joint resolution for a national prohibition amendment; to the Committee on Rules.

Also, petition of a mass meeting in the Methodist Church of Wellington, Kans., for the passage of the Hobson-Sheppard joint resolution for a national constitutional prohibition amendment; to the Committee on Rules.

Also, petition of sundry citizens of Derby, Kans., for a national constitutional prohibition amendment; to the Committee on Rules.

Also, petition of various members of the Grace Methodist Episcopal Church, of Wichita, Kans., for a national constitutional prohibition amendment; to the Committee on Rules.

Also, petition of sundry citizens of Walton, Kans., for a national constitutional prohibition amendment; to the Committee on Rules.

Also, petition of various members of the Men's Sunday School Class of the St. Paul's Church, Wichita, Kans., for a national constitutional prohibition amendment; to the Committee on Rules.

Also, petition of sundry citizens of Louisburg, Kans., for a national constitutional prohibition amendment; to the Committee on Rules.

Also, petition of sundry citizens of Wellington, Kans., for a national constitutional amendment prohibiting the liquor traffic; to the Committee on Rules.

Also, petition of meeting in the Methodist Episcopal Church of Canton, Kans., for the national constitutional prohibition amendment; to the Committee on Rules.

Also, petitions of various members of the German Methodist Church of Wichita, Kans., for the passage of the Hobson-Sheppard joint resolution for a constitutional amendment prohibiting the liquor traffic; to the Committee on Rules.

Also, petition adopted at a mass meeting of citizens of Colwich, Kans., in favor of the early passage by Congress of the joint resolution for a constitutional amendment prohibiting the liquor traffic; to the Committee on Rules.

Also, petition adopted at a mass meeting of citizens of Hunnewell, Kans., favoring the passage of the joint resolution for a constitutional amendment prohibiting the liquor traffic; to the Committee on Rules.

Also, petition adopted at a mass meeting of citizens of Elbing, Kans., in favor of the early passage by Congress of the joint resolution for a constitutional amendment prohibiting the liquor traffic; to the Committee on Rules.

Also, resolutions adopted by the Kansas-Oklahoma jurisdiction of the United Commercial Travelers, in favor of the passage by Congress of the Hobson-Sheppard joint resolution for a constitutional amendment prohibiting the liquor traffic; to the Committee on Rules.

Also, petition of sundry citizens of Newton, Walton, Halstead, Burton, Conway Springs, and Belle Plaine, all in the State of Kansas, favoring national prohibition; to the Committee on Rules.

Also, petition of sundry citizens of La Crosse, Kans., favoring national prohibition; to the Committee on Rules.

Also, petition of sundry citizens of West Mineral, Kans., favoring national prohibition; to the Committee on Rules.

By Mr. NELSON: Petition from W. T. Sherman Post, No. 66, Grand Army of the Republic, of Platteville, Wis., for adequate appropriations for the veterans' reunion to be held at Vicksburg, Miss., in October, 1915; to the Committee on Appropriations.

Also, petition from 2 citizens of Madison, Wis., against national prohibition; to the Committee on Rules.

By Mr. O'SHAUNESSY: Petition of the Trinity Baptist Church of Providence, favoring national prohibition; to the Committee on Rules.

By Mr. PAIGE of Massachusetts: Petition of 57 citizens of Fitchburg, Mass., favoring national prohibition; to the Committee on Rules.

By Mr. PAYNE: Petition of sundry citizens of the thirty-sixth congressional district of New York, favoring national prohibition; to the Committee on Rules.

By Mr. PHELAN: Petitions of sundry citizens of Massachusetts, against national prohibition; to the Committee on Rules.

Also, petition of sundry citizens of Massachusetts, favoring national prohibition; to the Committee on Rules.

By Mr. PLATT: Petition of sundry citizens of Poughkeepsie, N. Y., favoring national prohibition; to the Committee on Rules.

By Mr. ROBERTS of Nevada: Petition from B. Merialdo, Charles Depaoli, John Romano, and 20 other citizens of Eureka, Eureka County, Nev., protesting against the passage of House joint resolution 168 and Senate joint resolutions 88 and 50, for national prohibition; to the Committee on Rules.

Also, petitions of Rev. Harry Sheldon, representing 200 citizens, and Rev. Brewster Adams, representing 300 citizens of Reno, Nev., and J. M. Johnson, representing 20 citizens of Schurz, Nev., favoring national prohibition; to the Committee on Rules.

Also, petition from C. E. Burdick, S. W. Waring, T. W. Harrison, and William Kirwin, of Searchlight, Clark County, Nev., protesting against the passage of House joint resolution 168 and Senate joint resolutions 88 and 50, for national prohibition; to the Committee on Rules.

By Mr. ROGERS: Petition of 500 citizens of Methuen, Mass., favoring national prohibition; to the Committee on Rules.

By Mr. TEN EYCK (by request): Petitions of 100 constituents of the twenty-eighth congressional district of New York, favoring the Hobson resolution for national prohibition; to the Committee on Rules.

Also (by request), resolution signed by 25 people of church organizations in the twenty-eighth district of New York, favoring the passage of the national prohibition bill; to the Committee on Rules.

By Mr. WALTERS: Petition of the Emanuel Presbyterian Church of Philadelphia, favoring national prohibition; to the Committee on Rules.

By Mr. WINSLOW: Petition of sundry citizens of Milford, Mass., against national prohibition; to the Committee on Rules.

Also, petition of sundry citizens of West Brookfield, Worcester, Leominster, and Blackstone, all in the State of Massachusetts, favoring national prohibition; to the Committee on Rules.

SENATE.

FRIDAY, *July 17, 1914.*

The Senate met at 12 o'clock m.

Rev. J. L. Kibler, D. D., of the city of Washington, offered the following prayer:

We thank Thee, our heavenly Father, for Thy many mercies and for Thy love, which is boundless. We thank Thee for our lives and for places where we may labor for the good of others, and so fulfill the law of Christ. We thank Thee for the providence that has given us our opportunities of service for our country. May we be inspired by those high ideals which Thou hast implanted in the consciences of men. May the gentleness of Thy grace lead us on and move us to those things that are pleasing in Thy sight, that we may meet our tasks this day in Thy strength. We ask it for Christ's sake. Amen.

The Journal of yesterday's proceedings was read and approved.

THE PUBLIC BUILDING SERVICE.

The VICE PRESIDENT laid before the Senate a communication from the Secretary of the Treasury, submitting estimates of appropriations relative to the public building service and recommending their incorporation in the general deficiency appropriation bill, which was referred to the Committee on Appropriations.

LIST OF CLAIMS.

The VICE PRESIDENT laid before the Senate a communication from the Secretary of the Treasury, transmitting, pursuant to law, schedules of claims amounting to $58,931.24 allowed by the several accounting officers of the Treasury Department under appropriations, the balances of which have been exhausted or carried to the surplus fund under the provisions of section 5 of the act of June 20, 1874 (S. Doc. No. 548), which, with the accompanying paper, was referred to the Committee on Appropriations and ordered to be printed.

LIST OF JUDGMENTS.

The VICE PRESIDENT laid before the Senate a communication from the Secretary of the Treasury, transmitting a list of judgments rendered by the Court of Claims amounting to $2,669.16, which have been presented to the Treasury Department and require an appropriation for their payment (S. Doc. No. 547), which, with the accompanying paper, was referred to the Committee on Appropriations and ordered to be printed.

He also laid before the Senate a communication from the Secretary of the Treasury, transmitting, pursuant to law, a record of a judgment rendered against the United States by the United States District Court for the Western District of New York under the provisions of the act of March 31, 1887, as submitted by the Attorney General (S. Doc. No. 546), which, with the accompanying paper, was referred to the Committee on Appropriations and ordered to be printed.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by J. C. South, its Chief Clerk, announced that the House had passed a joint resolution (H. J. Res. 304) authorizing the Secretary of War to loan certain saddles and bridles for the use of the national encampment, Knights of Pythias, to be held at Terre Haute, Ind., in July, 1914, in which it requested the concurrence of the Senate.

PETITIONS AND MEMORIALS.

Mr. JONES. I have here a telegram from quite a number of labor organizations urging the passage of the Clayton bill. I put in the RECORD some time ago a telegram similar to this one. So I shall not ask that this telegram go into the RECORD, but I will ask that the names of the organizations in each of these telegrams which I have underscored may be inserted in the RECORD.

The names of the organizations are as follows: International Union of Steam and Operating Engineers, of Spokane; Local Union No. 2610, of Ravensdale; the Trades Council of Everett; Bakers' Union No. 126, of Tacoma; Local Union No. 32, Plumbers and Gas Fitters, of Seattle; the Central Labor Council of Tacoma; International Brotherhood of Teamsters and Chauffeurs, of Tacoma; the Longshoremen's Union of Bellingham; Brewery Workers' Local, No. 346, of Spokane; Tailors' Union No. 68, of Tacoma; the Sailors' Union of Seattle; Marine Cooks and Stewards' Association of Seattle; the Typographical Union of Seattle; Brewery Workers' Union, No. 328, of Tacoma; Local Union No. 2257, United Mine Workers of America, of Black Diamond; the Journeymen Barbers' Union of Tacoma; Aberdeen and Hoquiam Typographical Union, No. 573, and Printing Pressmen's Union, No. 262, of Hoquiam; Local Union of Carpenters, No. 883, of Aberdeen; Trades and Labor Council of Hoquiam; and of Local Union No. 1800, United Mine Workers of America, of Seattle.

Mr. JONES. I have also a telegram in the nature of a memorial from several business men of Tacoma, Wash., protesting against the passage of the Clayton bill. I ask that the names be noted, but not that the telegram be printed.

The VICE PRESIDENT. Without objection, it is so ordered.

The names attached to the telegram are as follows: E. G. Griggs, Charles Richardson, E. E. Ripley, John L. Roberts, O. B. Olson, J. E. Bonnell, T. J. Bell, G. D. Littooy, A. G. Prichard, H. A. Rhodes, A. B. Howe, M. A. Howe, and William P. Reynolds.

Mr. THORNTON presented a petition of the congregation of the Amite Baptist Church, of Amite City, La., praying for national prohibition, which was referred to the Committee on the Judiciary.

Mr. KERN. I present numerous resolutions from sundry labor organizations in various parts of the country—Illinois, Indiana, Missouri, Pennsylvania, Montana, and Colorado—in favor of the so-called Kern-Foster bill for the establishment of mine rescue stations. I ask that the resolutions may be referred to the Committee on Mines and Mining.

The VICE PRESIDENT. The resolutions will be referred to the Committee on Mines and Mining.

Mr. KERN presented petitions of sundry citizens of Columbus, Ind., praying for national prohibition, which were referred to the Committee on the Judiciary.

He also presented memorials of sundry citizens of Indianapolis, Fort Wayne, and Lawrenceburg, all in the State of Indiana, remonstrating against national prohibition, which were referred to the Committee on the Judiciary.

He also presented resolutions adopted by members of the First Presbyterian Church of Michigan City, Ind., favoring the enactment of legislation to provide for the retirement of superannuated civil-service employees, which were referred to the Committee on Civil Service and Retrenchment.

He also presented resolutions adopted by the Chamber of Commerce of Kokomo, Ind., favoring the adoption of a 1-cent letter postage, which were referred to the Committee on Post Offices and Post Roads.

He also presented a petition of the Patternmakers' Association of Indianapolis, Ind., praying for the enactment of the so-called antitrust legislation, which was referred to the Committee on the Judiciary.

Mr. KENYON presented petitions of sundry citizens of Wellman, Spencer, and Marshalltown, all in the State of Iowa, praying for national prohibition, which were referred to the Committee on the Judiciary.

Mr. POMERENE presented petitions from the National Good Citizenship Movement, 301 Security Building, Chicago, Ill., signed by sundry citizens of the State of Ohio, praying for national prohibition, which were referred to the Committee on the Judiciary.

He also presented petitions from the Christian Endeavor Society of the First Church of Christ of Findlay, representing 50 members; the Christian Endeavor Society of Cross Creek, representing 30 members; the Young People's Society of Christian Endeavor of the First Presbyterian Church, representing 56 members; the Christian Endeavor Society of the First Presbyterian Church of Mansfield, representing 70 members; the Christian Endeavor Society of Celina, representing 25 members; of 36 citizens of Niles; of the congregation of the Amherst Methodist Episcopal Church; the First Woman's Christian Temperance Union of Canton; the Christian Endeavor Society of the First United Presbyterian Church of Cleveland; the Christian Endeavor Society of the Methodist Protestant Church of Cambridge, representing 80 members; the Defiance College Sunday School; the First Presbyterian Church of McConnellsville; of 4 citizens of Columbus; of the Christian Endeavor Society of Wilkesville, representing 109 members; and of the Young People's Society of Christian Endeavor of the Central Presbyterian Church, of Zanesville, representing 94 members, all in the State of Ohio, praying for an amendment to the Federal Constitution providing for nation-wide prohibition, which were referred to the Committee on the Judiciary.

He also presented memorials of 200 citizens of Bellaire, of 128 citizens of Hamilton County, of 13 citizens of Lucas County, of 6 citizens of Columbus, and of 1 citizen of Henry County, all in the State of Ohio, remonstrating against national prohibition, which were referred to the Committee on the Judiciary.

Mr. BRANDEGEE presented a petition of Local Union No. 39, Cigar Makers' International Union, of New Haven, Conn., and a petition of Local Union No. 608, Brotherhood of Locomotive Firemen and Enginemen, of New London, Conn., praying for the enactment of the so-called antitrust legislation, which were referred to the Committee on the Judiciary.

Mr. WEEKS presented resolutions adopted by Local Lodge No. 1014, Benevolent and Protective Order of Elks, of Attleboro, Mass., and resolutions adopted by Annawan Colony No. 91, United Order of Pilgrim Fathers, of Attleboro, Mass., favoring the enactment of legislation to provide for the retirement of superannuated civil-service employees, which were referred to the Committee on Civil Service and Retrenchment.

Mr. MARTINE of New Jersey. I present resolutions adopted by the Chamber of Commerce of Polson, Mont., which I ask may be printed in the RECORD.

There being no objection, the resolutions were ordered to be printed in the RECORD, as follows:

Whereas there are something like 1,000 settlers upon lands in the former Flathead Indian Reservation which were not appraised at the time of the opening of the said reservation, who have been sorely distressed on account of the unjust rulings and delays in the matter of getting titles to their lands; and

Whereas a commission which was appointed to appraise the aforesaid remaining unappraised lands has made a very unjust appraisement thereof, entailing an unjust discrimination against these settlers; and

Whereas bills for the relief of these oppressed settlers have been introduced in the United States Senate by Senators MYERS, of Montana, and BORAH, of Idaho: Therefore be it

Resolved by the Chamber of Commerce of the City of Polson, Mont., in assembled session, That we heartily commend the action of the Senators named for the presentation of these bills, and we fully indorse all of the provisions of the same; and be it further

Resolved, That we urgently request the entire Montana delegation in Congress to do their utmost to have this measure enacted into law at this session of Congress; and further

Resolved, That we earnestly invite the cooperation of all Members of the Senate Committee on Public Lands and all Members of the Senate to aid in securing this legislation.

Dated at Polson, Mont., July 10, 1914.

DEAR SENATOR: The Polson Chamber of Commerce unanimously adopted the foregoing resolutions, and now submits the same for your careful perusal and earnest support.

Respectfully, yours,

POLSON CHAMBER OF COMMERCE,
By D. J. GILLAM, *President*.
By C. J. O'CONNELL, *Secretary*.

Pertaining to Senate bill 5761.

REPORTS OF COMMITTEES.

Mr. THOMAS, from the Committee on Military Affairs, to which was referred the bill (S. 2353) to authorize the President to appoint Col. James W. Pope, Assistant Quartermaster General, to the grade of brigadier general in the United States Army and place him on the retired list, reported it without amendment.

Mr. JOHNSON, from the Committee on Pensions, reported favorably an amendment proposing to appropriate $800 to pay Byford E. Long, jr., for indexing and extra services as clerk to the Committee on Pensions, Sixty-third Congress, first and second sessions, and $1,200 to pay Dennis M. Kerr for extra and expert services rendered to the Committee on Pensions, etc., intended to be proposed in the general deficiency appropriation bill, and asked that it be referred to the Committee on Appropriations, which was agreed to.

Mr. BRYAN, from the Committee on Claims, to which was referred the bill (S. 5464) to amend the act entitled "An act granting to certain employees of the United States the right to receive from it compensation for injuries sustained in the course of their employment," approved May 30, 1908, asked to be discharged from its further consideration and that it be referred to the Committee on the Judiciary, which was agreed to.

Mr. SHAFROTH, from the Committee on Pacific Islands and Porto Rico, to which was referred the bill (H. R. 8660) to amend section 4 of an act entitled "An act granting a franchise for the construction, maintenance, and operation of a street railway system in the district of South Hilo, county of Hawaii, Territory of Hawaii," approved August 1, 1912, reported it without amendment and submitted a report (No. 684) thereon.

Mr. WARREN, from the Committee on Military Affairs, to which were referred the following bills, reported them each without amendment and submitted reports thereon:

A bill (H. R. 816) for the relief of Abraham Hoover (Rept. No. 686); and

A bill (H. R. 11166) for the relief of Wilhelmina Rohe (Rept. No. 685).

Mr. O'GORMAN, from the Committee on Interoceanic Canals, to which was referred the amendment submitted by himself on the 15th instant, proposing to pay $1,000 to Frank Oliver for extra services as clerk to the Senate Committee on Interoceanic Canals, intended to be proposed to the general deficiency appropriation bill, reported favorably thereon and moved that it be referred to the Committee on Appropriations, which was agreed to.

Mr. SMITH of Maryland (for Mr. LEA of Tennessee), from the Committee on the Library, to which was referred the bill (S. 5711) providing for the appropriation of a sum of money for the erection at Fort McHenry, Baltimore, Md., of a monument to Francis Scott Key and the soldiers and sailors who participated in the Battle of North Point and the defense of Fort McHenry in the War of 1812, reported it without amendment and submitted a report (No. 687) thereon.

THE TELEPOST.

Mr. BANKHEAD. From the Committee on Post Offices and Post Roads I report back favorably, without amendment, Senate resolution 405, authorizing the appointment of a committee of five Senators to investigate and report upon the merits of the telepost as to its use in connection with the Post Office Department, and so forth. I call the attention of the Senator from Oregon [Mr. CHAMBERLAIN] to the resolution.

Mr. CHAMBERLAIN. I ask unanimous consent for the immediate consideration of the resolution.

There being no objection, the Senate proceeded to consider the resolution, which was read, as follows:

Resolved, That a committee of five Senators, including the chairman of the Committee on Post Offices and Post Roads, be appointed by the President of the Senate to investigate and report upon the merits of the telepost, now in operation between St. Louis and Chicago, as to word-carrying capacity, accuracy, economy, secrecy, and general efficiency; as to its use in connection with the Post Office Department; and as to any obstacles in the way of its extension either in connection with the Government or otherwise.

Mr. CHAMBERLAIN. I desire to offer the following amendment to make the resolution more general.

The VICE PRESIDENT. The amendment will be read.

The SECRETARY. Add at the end of the resolution:

And that the said committee is authorized to investigate and report upon the merits of the system of any other person or company that may offer or propose to perform the said service in connection with the Post Office Department.

The amendment was agreed to.

The resolution as amended was agreed to.

EMPLOYMENT OF ADDITIONAL CLERK.

Mr. WILLIAMS, from the Committee to Audit and Control the Contingent Expenses of the Senate, to which was referred Senate resolution 421, submitted by Mr. BANKHEAD on the 16th instant, reported it without amendment, and it was considered by unanimous consent and agreed to, as follows:

Resolved, That the Committee on Post Offices and Post Roads be, and it hereby is, authorized to employ a temporary clerk at a salary of $120 per month, the same to be paid out of the miscellaneous items of the contingent fund of the Senate until otherwise provided by law.

BILLS INTRODUCED.

Bills were introduced, read the first time, and, by unanimous consent, the second time, and referred as follows:

By Mr. ROOT:

A bill (S. 6121) to authorize the construction of a bridge across the Niagara River in the town of Lewiston, in the county of Niagara and State of New York; to the Committee on Commerce.

A bill (S. 6122) granting a pension to Caroline G. Sickles; and

A bill (S. 6123) granting an increase of pension to Emily S. Keller (with accompanying papers); to the Committee on Pensions.

By Mr. BRADY:

A bill (S. 6124) granting an increase of pension to Georgia Ann Taylor; and

A bill (S. 6125) granting a pension to Daniel A. Williams; to the Committee on Pensions.

AMENDMENTS TO DEFICIENCY APPROPRIATION BILL.

Mr. JONES submitted an amendment proposing to appropriate $142,716 to enable the Supervising Architect's Office to take up delayed work in connection with public buildings heretofore appropriated for, etc., intended to be proposed by him to the general deficiency appropriation bill, which was referred to the Committee on Appropriations and ordered to be printed.

Mr. SMOOT submitted an amendment proposing to appropriate $3,000 to reimburse the official reporters of the proceedings and debates of the Senate for moneys actually and necessarily expended by them to June 30, 1914, intended to be proposed by him to the general deficiency appropriation bill, which was referred to the Committee on Appropriations and ordered to be printed.

Mr. WEEKS submitted an amendment proposing to appropriate $75,000 for furniture equipment of the customhouse at Boston, Mass., intended to be proposed by him to the general deficiency appropriation bill, which was referred to the Committee on Appropriations and ordered to be printed.

Mr. O'GORMAN submitted an amendment proposing to amend the act of June 25, 1910, relating to the reissue of Treasury drafts, etc., intended to be proposed by him to the general deficiency appropriation bill, which was referred to the Committee on Appropriations and ordered to be printed.

OMNIBUS CLAIMS BILL.

Mr. WILLIAMS submitted an amendment intended to be proposed by him to the omnibus claims bill, which was ordered to be printed, and, with the accompanying paper, referred to the Committee on Claims.

FRENCH SPOLIATION CLAIMS.

Mr. WEEKS submitted an amendment intended to be proposed by him to the bill (S. 4136) for the allowance of certain claims for indemnity for spoliations by the French prior to July 31, 1801, so reported by the Court of Claims, which was referred to the Committee on Claims and ordered to be printed.

AMENDMENT TO ANTITRUST LAW.

Mr. NELSON submitted an amendment intended to be proposed by him to the bill (H. R. 15657) to supplement existing laws against unlawful restraints and monopolies, and for other purposes, which was referred to the Committee on the Judiciary.

FEDERAL TRADE COMMISSION.

Mr. CHILTON submitted an amendment intended to be proposed by him to the bill (H. R. 15613) to create an interstate trade commission, to define its powers and duties, and for other purposes, which was referred to the Committee on Interstate Commerce and ordered to be printed in the RECORD, as follows:

Amendment intended to be proposed by Mr. CHILTON to the bill (H. R. 15613) to create an interstate trade commission, etc. On page 20, strike out lines 20 and 21 and insert:

"The following acts and practices are hereby declared to be unlawful:

"1. All contracts, understandings, agreements, and combinations made with the intent and purpose of preventing or restraining any person, firm, or corporation, against his will from engaging in legitimate trade or commerce;

"2. All rebates, bonuses, gratuities, discounts, or pecuniary benefits given, retained, allowed, or made for the purpose of giving one person, firm, or corporation an unfair, appreciable advantage over a competitor;

"3. All combinations, agreements, understandings, and conspiracies having in view the purpose and intent to restrain trade or commerce among the several States or with foreign nations, or in any Territory of the United States or of the District of Columbia, or between the latter and any State or States or foreign nation, or to monopolize or to attempt to monopolize, directly or indirectly, such trade or commerce, and all monopolies or attempts to monopolize such trade;

"4. All arbitrary cutting of prices, slander, or libel of business or articles of commerce, espionage of business, or unfair securing of business secrets, or willful misrepresentation of business facts, or the willful misrepresentation of corporate or business identity or stock ownership, made or done for the purpose of restraining or monopolizing or attempting to restrain or monopolize such trade or commerce;

"5. All other practices and acts which make or tend to make unfair competition."

AMERICAN EPHEMERIS AND NAUTICAL ALMANAC.

Mr. JONES submitted the following resolution (S. Res. 424), which was read, considered by unanimous consent, and agreed to:

Resolved, That the Secretary of the Navy be, and he is hereby, directed to submit to the Senate the following information:

1. Copies of all reports, letters, and memoranda prepared for or submitted to the Superintendent of the Naval Observatory since July 1, 1909, concerning or relating to the cost of preparing the American Ephemeris and Nautical Almanac and a statement of the action taken thereon.

2. An itemized statement of the cost of each of the Ephemerides for the years 1913, 1914, 1915, and 1916.

3. A statement of the cost of preparing each of the Ephemerides for the years 1895, 1896, 1897, 1898, and 1899.

4. A statement showing in detail the expenditure of the amount appropriated for piecework in connection with the American Ephemeris and Nautical Almanac during the years 1910, 1911, 1912, and 1913, showing who was employed in this work, for how long employed, and the amount paid each.

5. The names of any assistants in the Nautical Almanac Office who have been transferred to the piecework force during the last 15 years and their salaries before such transfer and the annual amount they have been paid since transfer.

EMPLOYMENT OF STENOGRAPHER.

Mr. BRISTOW (for Mr. LA FOLLETTE) submitted the following resolution (S. Res. 425), which was read and referred to the Committee to Audit and Control the Contingent Expenses of the Senate:

Resolved, That the Committee on Corporations Organized in the District of Columbia be, and it hereby is, authorized and directed to employ an additional stenographer at the rate of $100 per month, the term of service of such stenographer to conclude two weeks after the final adjournment of the second session, Sixty-third Congress.

THE FARMER AND DIRECT LEGISLATION.

Mr. NORRIS. I have here a short address entitled "The farmer and direct legislation," by George P. Hampton, secretary of the Progressive State Granges and of the Farmers' National Committee on Popular Government. I ask that it be printed in the RECORD.

The VICE PRESIDENT. Is there objection? The Chair hears none.

The address referred to is as follows:

THE FARMER AND DIRECT LEGISLATION.

(By George P. Hampton, secretary Progressive State Granges and secretary Farmers' National Committee on Popular Government.)

AN ADDRESS DELIVERED AT THE FIRST NATIONAL CONFERENCE ON POPULAR GOVERNMENT, WASHINGTON, D. C., DECEMBER 6, 1913.

The farmer is often referred to as the backbone of the Nation, and the organized progressive farmers whom I have the honor to represent here are, I believe, justly entitled to the credit of being the backbone of the direct-legislation movement. The organized labor forces of the American Federation of Labor may, perhaps with propriety, contest this claim, and reviewing their splendid work for direct legislation, and with keen remembrance of their timely cooperation in the campaigns to secure legislative results, I gladly concede that the progressive organized labor forces, jointly with the progressive farmers, have been the chief source of the power that has made the direct-legislation successes of the past possible. And I confidently assert that the chief thing that gives this new National Popular Government League so sure a guaranty of success in the accomplishment of its great work is that it will have affiliated with it and have the earnest cooperation of the combined forces of the organized progressive farmers and the federated labor organizations of the Nation. If the popular-government advocates outside these organized forces show equal earnestness in cooperation with the league, its success is assured.

It is not my intention to take your time with any argument for direct legislation or to weary you with an extended review of the part taken by the progressive farmers in the direct-legislation movement. That would be carrying coals to Newcastle and would be a waste of time of the conference, already overloaded with a mass of work which it is important should be acted upon before adjournment. My purpose in coming before you is simply to impress upon you the fact that the progressive granges are deeply in earnest in this matter. They are intense, determined, and consistent in their opposition to machine rule, and are fundamental in their demands for direct legislation. They are for the people's rule in everything that the term implies.

The Farmers' Alliance was the pioneer in the direct-legislation movement, and the grand old leader of the Farmers' Alliance and "father of direct legislation" in South Dakota, H. L. Loucks, of that State, is an honored member of the Farmers' National Committee on Popular Government and its chief lecturer in the national field. The significance of this statement lies in the fact that South Dakota in 1898 was the first State in the Union to establish the initiative and referendum. Since then in every progressive grange State from Maine to Washington the farmers have been continuously in the forefront of the direct-legislation movement, and I can perhaps best express the spirit of the progressive farmers' attitude toward direct legislation by the following, from a Fourth of July public address, 1908, by State Master C. B. Kegley, of Washington, on "The mission of the grange." I quote:

"The grange stands for equality in citizenship and appeals to all men and women to consider earnestly the underlying causes that rob citizens of their sovereign rights and give the sovereign power into the hands of bosses and special-privilege corruptionists. The grange stands for the people's rule, and as the leader of the grange in this State I appeal to everyone—patrons, men citizens who can vote, women citizens who are now denied that right, and to the youth—citizens to be—to work for direct legislation, the initiative, referendum, and recall."

Here you have the appeal for united action—the union of all forces to accomplish the great common purpose. In this spirit, under the leadership of this master, the progressive farmers of Washington have moved steadily forward until to-day that State offers to the country the most splendid example of the union of nonpartisan progressive forces for the common good. It centers in a "joint legislative committee of the Direct Legislation League of Washington, State Federation of Labor, Farmers' Union, and State Grange on laws and amendments of importance to all voters." To this, since women have had the suffrage in Washington, has been added the League of Women's Nonpartisan Political Clubs.

The fight for direct legislation fundamentally sound and free from "jokers" is on to a finish in every State where the progressive farmers are able to make an effective fight; and, keenly realizing the need of carrying this fight into the national field, thereby securing the great increase in strength from united effort and the establishment of a central bureau, the progressive granges, at their annual conference in Atlantic City in November, 1910, issued an appeal to progressives, which, as it is short, I will quote in full:

"APPEAL TO PROGRESSIVES.

"The Conference of Progressive State Granges, believing that the organized progressive farmers form a solid nucleus around which the progressive forces of the Nation can gather for nonpartisan educational campaigns, appeal to all progressives to join with them and become active participants in these educational campaigns, first, by organizing progressive leagues to cooperate with the farmers, and, second, by becoming honorary patrons of those farmers' national committees whose objects appeal to them as most important or paramount."

This was promptly followed by the organization of the Farmers' National Committee on Popular Government, "organized to"—I quote from its prospectus—"assist in extending to all States the Oregon system of popular government, including the initiative and referendum, an efficient direct primary, corrupt practices act, the recall, and the presidential preference law."

In these days, when the presidential primary is so much in evidence, it may be well to note that the progressive granges had it on their program and were working for it three years ago.

Members of this First National Conference on Popular Government, I think I have said enough to show you that the progressive farmers of the Nation are with you, and that, if you carry out the main purpose of this conference and see to it that the National Popular Government League is made a center of strength and a clearing house for the popular government workers throughout the Union, the progressive farmers will be with you to the end.

These national leagues, federations, or associations—call them what you will—uniting all the people having a common purpose, is the goal of progressive grange endeavor, not alone in the field of popular government, but in every field where the people must battle with intrenched special privilege. In their fight for the parcel post the progressive granges organized, first, the Farmers' National Committee on Postal Improvement; then, in cooperation with the progressive leaders of the Farmers' Union, lined up over 2,000,000 organized farmers, and then assisted in organizing the Postal Express Federation in the same way they are now working with you to launch the National Popular Government League. The parcel-post fight was so speedily successful because, ignoring their differences, farmers, organized workers, merchants, and manufacturers worked together through a central association to a common end, and it may not be out of place to add that their chief expert adviser in this movement was Congressman DAVID J. LEWIS, of Maryland, a union-card labor man. In the more fundamental work of assisting in establishing popular government throughout the Union I can assure you that the progressive farmers will be no less earnest. If there is any damper at all placed on this movement, I feel that it is more likely to come from city workers, who may fail to realize the vital importance of this central association.

In conclusion permit me to say it is gratifying to the progressive granges that a member of the grange should be selected as the executive secretary of the National Popular Government League, and, for myself, I think I may be permitted to say the fact that Senator OWEN and Judson King will be at the helm adds greatly to my confidence in the permanent success of the league.

PRESIDENT WILSON AND THE PROPOSED TRADE COMMISSION.

Mr. BRANDEGEE. I have here extracts from the President's book entitled "The New Freedom," giving his views as to a Federal trade commission, which I ask unanimous consent may be inserted in the RECORD. The italics are mine.

The VICE PRESIDENT. Is there objection? The Chair hears none, and it is so ordered.

The matter referred to is as follows:

"PRESIDENT WILSON AND THE PROPOSED TRADE COMMISSION.

[Extracts from President Wilson's "The New Freedom," published 1913.]

"CHAPTER IX.—BENEVOLENCE, OR JUSTICE?

* * * * * * *

"Mr. Roosevelt attached to his platform some very splendid suggestions as to noble enterprises which we ought to undertake for the uplift of the human race; but when I hear an ambitious platform put forth I am very much more interested in the dynamics of it than in the rhetoric of it. I have a very practical mind, and I want to know who are going to do those things and how they are going to be done. If you have read the trust plank in that platform as often as I have read it you have found it very long but very tolerant. It did not anywhere condemn monopoly, except in words; its essential meaning was that the trusts have been bad and must be made to be good. You know that Mr. Roosevelt long ago classified trusts for us as good and bad, and he said that he was afraid only of the bad ones. *Now, he does not desire that there should be any more bad ones, but proposes that they should all be made good by discipline, directly applied by a commission of Executive appointment.* All he explicitly complains of is lack of publicity and lack of fairness; not the exercise of power, for throughout that plank the power of the great corporations is accepted as the inevitable consequence of the modern organization of industry. *All that it is* proposed to do is to *take them under control and regulation. The national administration having for 16 years been virtually under the regulation of the trusts, it would be merely a family matter were the parts reversed and were the other members of the family to exercise the regulation. And the trusts apparently, which might, in such circumstances, comfortably continue to administer our affairs under the mollifying influences of the Federal Government, would then, if you please, be the instrumentalities by which all the humanistic, benevolent program of the rest of that interesting platform would be carried out!*

"I have read and reread that plank, so as to be sure that I get it right. *All that it complains of is*—and the complaint is a just one, surely—*that these gentlemen exercise their power in a way that is secret. Therefore we must have publicity. Sometimes they are arbitrary; therefore they need regulation. Sometimes they do not consult the general interests of the community; therefore they need to be reminded of those general interests by an industrial commission.* But at every turn it is the trusts who are to do us good and not we ourselves.

"*Again, I absolutely protest against being put into the hands of trustees.* Mr. Roosevelt's conception of government is Mr. Taft's conception, that the Presidency of the United States is the presidency of a board of directors. I am willing to admit that if the people of the United States can not get justice for themselves, then it is high time that they should join the third party and get it from somebody else. The justice proposed is very beautiful; it is very attractive; there were planks in that platform which stir all the sympathies of the heart; they proposed things that we all want to do. But the question is, Who is going to do them? Through whose instrumentality? Are Americans ready to ask the trusts to give us in pity what we ought in justice to take?

"The third party says that the present system of our industry and trade has come to stay. Mind you, these artificially built up things, these things that can't maintain themselves in the market without monopoly, have come to stay, and the only thing that the Government can do, *the only thing that the third party proposes should be done, is to set up a commission to regulate them. It accepts them. It says: 'We will not undertake—it were futile to undertake—to prevent monopoly, but we will go into an arrangement by which we will make these monopolies kind to you.* We will guarantee that they shall be pitiful. We will guarantee that they shall pay the right wages. We will guarantee that they shall do everything kind and public-spirited, which they have never heretofore shown the least inclination to do.'

"*Don't you realize that that is a blind alley? You can't find your way to liberty that way. You can't find your way to social reform through the forces that have made social reform necessary.*

"*The fundamental part of such a program is that the trusts shall be recognized as a permanent part of our economic order, and that the Government shall try to make trusts the ministers, the instruments, through which the life of this country shall be justly and happily developed on its industrial side.* Now, everything that touches our lives sooner or later goes back to the industries which sustain our lives. I have often reflected that there is a very human order in the petitions in our Lord's prayer. For we pray, first of all, 'Give us this day our daily bread,' knowing that it is useless to pray for spiritual graces on an empty stomach, and that the amount of wages we get, the kind of clothes we wear, the kind of food we can afford to buy, is fundamental to everything else.

"Those who administer our physical life therefore administer our spiritual life, and if we are going to carry out the fine purpose of that great chorus which supporters of the third party sang almost with religious fervor then we have got to find out through whom these purposes of humanity are going to be realized. *It is a mere enterprise, so far as that part of it is concerned, of making the monopolies philanthropic.*

"*I do not want to live under a philanthropy. I do not want to be taken care of by the Government, either directly or by any instruments through which the Government is acting.* I want only to have right and justice prevail, so far as I am concerned. Give me right and justice and I will undertake to take care of myself. *If you enthrone the trusts as the means of the development of this country under the supervision of the Government, then I shall pray the old Spanish proverb, 'God save me from my friends, and I'll take care of my enemies.'* Because I want to be saved from these friends. Observe that I say these friends, for I am ready to admit that a great many men who believe that the development of industry in this country through monopolies is inevitable intend to be the friends of the people. *Though they profess to be my friends, they are undertaking a way of friendship which renders it impossible that they should do me the fundamental service that I demand, namely, that I should be free and should have the same opportunities that everybody else has.*

"For I understand it to be the fundamental proposition of American liberty that we do not desire special privilege, because we know special privilege will never comprehend the general welfare. This is the fundamental, spiritual difference between adherents of the party now about to take charge of the Government and those who have been in charge of it in recent years. They are so indoctrinated with the idea that only the big business interests of this country understand the United States and can make it prosperous that they can not divorce their thoughts from that obsession. *They have put the Government into the hands of trustees,* and Mr. Taft and Mr. Roosevelt were the rival candidates to preside over the board of trustees. They were candidates to serve the people, no doubt, to the best of their ability, but it was not their idea to serve them directly; they proposed to serve them indirectly through the enormous forces already set up, which are so great that there is almost an open question whether the Government of the United States, with the people back of it, is strong enough to overcome and rule them.

"Shall we try to get the grip of monopoly away from our lives or shall we not? *Shall we withhold our hand and say monopoly is inevitable; that all that we can do is to regulate it?* Shall we say that all that we can do is to put government in competition with monopoly and try its strength against it? Shall we admit that the creature of our own hands is stronger than we are? We have been dreading all along the time when the combined power of high finance would be greater than the power of the Government. Have we come to a time when the President of the United States or any man who wishes to be the President must doff his cap in the presence of this high finance and say, 'You are our inevitable master, but we will see how we can make the best of it'?

"We are at the parting of the ways. We have not one or two or three, but many established and formidable monopolies in the United States. We have not one or two, but many fields of endeavor into which it is difficult, if not impossible, for the independent man to enter. We have restricted credit, we have restricted opportunity, we have controlled development, and we have come to be one of the worst ruled, one of the most completely controlled and dominated Governments in the civilized world—no longer a Government by free opinion, no longer a Government by conviction and the vote of the majority, but a Government by the opinion and the duress of small groups of dominant men.

"*If the Government is to tell big business men how to run their business, then don't you see that big business men have to get closer to the Government even than they are now? Don't you see that they must capture the Government in order not to be restrained too much by it?* Must capture the Government? They have already captured it. Are you going to invite those inside to stay inside? They don't have to get there. They are there. Are you going to own your own premises or are you not? That is your choice. Are you going to say, 'You didn't get into the house the right way, but you are in there,

God bless you. We will stand out here in the cold, and you can hand us out something once in a while'?

"*At the least, under the plan I am opposing, there will be an avowed partnership between the Government and the trusts.* I take it that the firm will be ostensibly controlled by the senior member. For I take it that the Government of the United States is at least the senior member, though the younger member has all along been running the business. *But when all the momentum, when all the energy, when a great deal of the genius, as so often happens in partnerships the world over, is with the junior partner, I do not think that the superintendence of the senior partner is going to amount to very much. And I do not believe that benevolence can be read into the hearts of the trusts by the superintendence and suggestions of the Federal Government,* because the Government has never within my recollection had its suggestions accepted by the trusts. On the contrary, the suggestions of the trusts have been accepted by the Government.

"There is no hope to be seen for the people of the United States until the partnership is dissolved. And the business of the party now intrusted with power is going to be to dissolve it.

"Those who supported the third party supported, I believe, a program perfectly agreeable to the monopolies. *How those who have been fighting monopoly through all their career can reconcile the continuation of the battle under the banner of the very men they have been fighting I can not imagine.* I challenge the program in its fundamentals as not a progressive program at all. *Why did Mr. Gary suggest this very method when he was at the head of the Steel Trust? Why is this very method commended here, there, and everywhere by the men who are interested in the maintenance of the present economic system of the United States?* Why do the men who do not wish to be disturbed urge the adoption of this program? The rest of the program is very handsome; there is beating in it a great pulse of sympathy for the human race. But I do not want the sympathy of the trusts for the human race. I do not want their condescending assistance.

"And I warn every progressive Republican that by lending his assistance to this program he is playing false to the very cause in which he had enlisted. That cause was a battle against monopoly, against control, against the concentration of power in our economic development, against all those things that interfere with absolutely free enterprise. I believe that some day these gentlemen will wake up and realize that they have misplaced their trust, not in an individual, it may be, but in a program which is fatal to the things we hold dearest.

"If there is any meaning in the things I have been urging it is this: That the incubus that lies upon this country is the present monopolistic organization of our industrial life. That is the thing which certain Republicans became 'insurgents' in order to throw off. And yet some of them allowed themselves to be so misled as to go into the camp of the third party in order to remove what the third party proposed to legalize. *My point is that this is a method conceived from the point of view of the very men who are to be controlled, and that this is just the wrong point of view from which to conceive it.*

"I said not long ago that Mr. Roosevelt was promoting a plan for the control of monopoly which was supported by the United States Steel Corporation. Mr. Roosevelt denied that he was being supported by more than one member of that corporation. He was thinking of money. I was thinking of ideas. I did not say that he was getting money from these gentlemen; it was a matter of indifference to me where he got his money; but it was a matter of a great deal of difference to me where he got his ideas. *He got his idea with regard to the regulation of monopoly from the gentlemen who form the United States Steel Corporation.* I am perfectly ready to admit that the gentlemen who control the United States Steel Corporation have a perfect right to entertain their own ideas about this and to urge them upon the people of the United States, but I want to say that their ideas are not my ideas; and I am perfectly certain that they would not promote any idea which interfered with their monopoly. *Inasmuch, therefore, as I hope and intend to interfere with monopoly just as much as possible, I can not subscribe to arrangements by which they know that it will not be disturbed.*

"*The Roosevelt plan is that there shall be an industrial commission charged with the supervision of the great monopolistic combinations which have been formed under the protection of the tariff, and that the Government of the United States shall see to it that these gentlemen who have conquered labor shall be kind to labor. I find, then, the proposition to be this, that there shall be two masters, the great corporation, and over it the Government of the United States; and I ask who is going to be master of the Government of the United States? It has a master now—those who in combination control these monopolies. And if the Government, controlled by the monopolies, in its turn controls the monopolies, the partnership is finally consummated.*

"*I do not care how benevolent the master is going to be; I will not live under a master. That is not what America was created for. America was created in order that every man should have the same chance as every other man to exercise mastery over his own fortunes.* (The New Freedom, pp. 193–207.)

"*Moreover, under the system proposed most employers—at any rate, practically all of the most powerful of them—would be, to all intents and purposes, wards and protégés of the Government which is the master of us all,* for not part of this program can be discussed intelligently without remembering that monopoly as handled by it is not to be prevented, but accepted. It is to be accepted and regulated. All attempt to resist it is to be given up. It is to be accepted as inevitable. *The Government is to set up a commission whose duty it will be not to check or defeat it, but merely to regulate it under rules which it is itself to frame and develop. So that the chief employers will have this tremendous authority behind them: What they do they will have the license of the Federal Government to do.* (The New Freedom, pp. 210–211.)

"When you have thought the whole thing out, therefore, you will find that the program of the new party legalizes monopolies and systematically subordinates workingmen to them and to plans made by the Government, both with regard to employment and with regard to wages. *Take the thing as a whole, and it looks strangely like economic mastery over the very lives and fortunes of those who do the daily work of the Nation; and all this under the overwhelming power and sovereignty of the National Government. What most of us are fighting for is to break up this very partnership between big business and the Government. We call upon all intelligent men to bear witness that if this plan were consummated the great employers and capitalists of the country would be under a more overpowering temptation than ever to take control of the Government and keep it subservient to their purpose.*

"*What a prize it would be to capture! How unassailable would be the majesty and the tyranny of monopoly if it could thus get sanction of law and the authority of government! By what means, except open revolt, could we ever break the crust of our life again and become free men, breathing an air of our own, living lives that we wrought out for ourselves?* The New Freedom, pp. 212–213.)

"There has been a history of the human race, you know, and a history of government; it is recorded; and *the kind of thing proposed has been tried again and again and has always led to the same result.* History is strewn all along its course with the wrecks of Governments that tried to be humane, tried to carry out humane programs through the instrumentality of those who controlled the material fortunes of the rest of their fellow citizens. (The New Freedom, p. 214.)

"*After you have made the partnership between monopoly and your Government permanent, then I invite all the philanthropists in the United States to come and sit on the stage and go through the motions of finding out how they are going to get philanthropy out of their masters.*

"I do not want to see the special interests of the United States take care of the working men, women, and children. I want to see justice, righteousness, fairness, and humanity displayed in all the laws of the United States, and *I do not want any power to intervene between the people and their Government.* Justice is what we want, not patronage and condescension and pitiful helpfulness. The trusts are our masters now, but I, for one, do not care to live in a country called free even under kind masters. I prefer to live under no masters at all." (The New Freedom, p. 216.)

HOUSE JOINT RESOLUTION REFERRED.

H. J. Res. 304. Joint resolution authorizing the Secretary of War to loan certain saddles and bridles for the use of the national encampment, Knights of Pythias, to be held at Terre Haute, Ind., in July, 1914, was read twice by its title and referred to the Committee on Military Affairs.

PRESIDENTIAL APPROVALS.

A message from the President of the United States, by Mr. Latta, executive clerk, announced that the President had approved and signed the following acts and joint resolutions:

On July 13, 1914:

S. J. Res. 105. Joint resolution authorizing the President to accept an invitation to participate in the Sixth International Dental Congress.

On July 14, 1914.

S. 3488. An act for the relief of Ernest C. Stahl.

On July 17, 1914:

S. J. Res. 157. Joint resolution requesting the President of the United States to invite foreign Governments to participate in the International Congress on Education;

S. 60. An act to provide for agricultural entry of lands withdrawn, classified, or reported as containing phosphate, nitrate, potash, oil, gas, or asphaltic minerals;

S. 388. An act for the relief of Ella O. Richardson;

S. 2903. An act for the relief of Judd McKelvey;

S. 3817. An act authorizing the issuance of a patent to James Gunning for lot 2, section 32, township 29 north, range 39 east, Montana; and

S. 4441. An act to extend the provisions of the act of June 23, 1910 (36 Stat. L., 592), authorizing assignment of reclamation homestead entries, and of the act of August 9, 1912 (37 Stat. L., 265), authorizing the issuance of patents on reclamation homestead entries, to lands in the Flathead irrigation project, Montana.

GOLD HILL CONSOLIDATED CO.

Mr. THOMPSON. Pursuant to Senate resolution No. 394, adopted by the Senate on June 19, 1914, directing the Committee on Privileges and Elections to investigate the use of the Senate committee stationery in connection with the Gold Hill Consolidated Co., I submit a report.

Mr. KERN. I ask that the report be read.

The VICE PRESIDENT. The report of the Committee on Privileges and Elections will be read.

The Secretary read the report (No. 688), as follows:

[Senate Report No. 688, Sixty-third Congress, second session.]

STATIONERY IN PROMOTING GOLD HILL CONSOLIDATED CO.

Mr. THOMPSON, from the Committee on Privileges and Elections, submitted the following report, to accompany Senate resolution 394:

The undersigned members of the Committee on Privileges and Elections agree and direct that the accompanying report of the subcommittee appointed to investigate matters connected with the promotion of the Gold Hill Consolidated Co. be adopted and ratified as the report of the full committee, and that this action, with the report of the subcommittee, be reported to the Senate.

JOHN W. KERN, *Chairman.*
CHARLES F. JOHNSON.
JAS. K. VARDAMAN.
WM. S. KENYON.
LUKE LEA.
WM. HUGHES.
JAS. A. REED.
T. J. WALSH.
WM. H. THOMPSON.

REPORT OF SUBCOMMITTEE.

To Hon. JOHN W. KERN,
Chairman of Committee on Privileges and Elections:

Pursuant to Senate resolution No. 394, hereto attached, and appointment thereunder by Hon. JOHN W. KERN, chairman of the Committee on Privileges and Elections, we, the undersigned subcommittee, consisting of Senators WILLIAM H. THOMPSON (chairman), WILLIAM HUGHES, LUKE LEA, WILLIAM S. KENYON, and MOSES E. CLAPP, proceeded to take testimony of all the witnesses within our knowledge possessing any material information on the subject involved, and after thoroughly considering all the evidence adduced on said hearing make the following report on the two questions of inquiry covered by said resolution, and submit herewith all of the evidence taken and considered upon said hearing:

First. Mr. Walter George Newman, the organizer and promoter of the Gold Hill Consolidated Co., of Gold Hill, N. C., on or about the 29th day of May, 1914, had about 40 copies of the following letter made for his own use upon the official letterhead of the Committee on Rules, of which Senator OVERMAN is chairman; and upon the official letterhead of the Committee on Census, of which Senator CHILTON is chairman; and Mr. Newman distributed said copies among his friends and persons interested in said mining proposition:

[Copy of letter.]

GOLD HILL CONSOLIDATED CO.,
Gold Hill, N. C., May 29, 1914.

Hon. W. E. CHILTON,
United States Senate, Washington, D. C.

DEAR SIR: After spending some 30 days on the Gold Hill property, and feeling you may be interested in what I may know and believe about the property, I write you this condensed information.

I have gone over the property of the Gold Hill Consolidated Co. very carefully, both on the surface and through the mine down to the 800-foot level. After examining seven veins from 2 feet 6 inches to 12 feet in width, sampling and assaying them, I must say I see greater possibilities in the Gold Hill property every day.

My first opinion is fully confirmed that the veins will go to much greater depth than the 800-foot level and carry high values in gold, silver, and copper. The copper veins alone will pay all expenses and show a handsome dividend, leaving the gold and silver clear.

After comparing the Gold Hill property with other mines and mining properties which I have examined both in the United States and Canada on which valuations have been fixed I would say I believe that $60,000,000 valuation on the Gold Hill property a conservative estimate.

Yours, very truly,

(Signed) J. C. WILLIAMS,
Economic and Mining Geologist.

Senators OVERMAN and CHILTON were absent from their respective offices at the time Newman called and had the copies of the letters made, and they never at any time consented to the use of the letterheads by Newman, and never had any knowledge of their use in this manner until some time afterwards, and about the time this inquiry was authorized.

So far as it appears from the evidence, Senator OVERMAN, Senator CHILTON, Senator POMERENE, Senator SWANSON, and Representative FLOOD are the only Congressmen interested in the mining company, and each of these Congressmen bought and paid the prevailing price upon the market for their stock, and none of them received any special favors or inducements from Mr. Newman to purchase said stock, and none of them were in any way responsible for the use of the United States stationery, and we therefore exonerate them from any blame in connection with this matter.

Second. With a view of having reopened the assay office at Charlotte, N. C., which had been discontinued a short time before, Mr. Newman took up the matter with Hon. John Skelton Williams, Assistant Secretary of the Treasury. As is usual and customary in such matters, Mr. Williams referred the request to Hon. George E. Roberts, Director of the Mint, who sent Mr. Frederick P. Dewey, assayer of the Bureau of the Mint, to look over the property and make report to the Treasury Department. Mr. Dewey investigated the property and made a report, which report was not such as, in the opinion of the officials of the Treasury Department, to warrant any further action toward the reopening of the assay office at Charlotte.

Hon. John Skelton Williams was not and never has been a stockholder in the Gold Hill Consolidated Mining Co., was not in any way pecuniarily interested therein, and we exonerate him from any blame in connection with this matter.

Respectfully submitted.

WM. H. THOMPSON,
Chairman,
WM. HUGHES,
LUKE LEA,
WM. S. KENYON,
MOSES E. CLAPP,
Subcommittee.

JULY 16, 1914.

Mr. THOMPSON. I ask for the adoption of the report by the Senate.

The report was agreed to.

KNIGHTS OF PYTHIAS NATIONAL ENCAMPMENT.

Mr. CHAMBERLAIN. From the Committee on Military Affairs, I report back favorably, without amendment, the joint resolution (H. J. Res. 304) authorizing the Secretary of War to loan certain saddles and bridles for the use of the national encampment, Knights of Pythias, to be held at Terre Haute, Ind., in July, 1914, and I ask unanimous consent for its immediate consideration.

Mr. BRANDEGEE. I am not rising to object to the consideration of the joint resolution, or to its passage, but I should like to ask the Senator from Oregon whether any provision is made in the joint resolution that a bond shall be given so that if any damage is done to the property loaned the Government will be indemnified?

Mr. CHAMBERLAIN. I will say to the Senator that that is provided for. The joint resolution is in the usual form.

There being no objection, the joint resolution was considered as in Committee of the Whole.

The joint resolution was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

AFFAIRS IN MEXICO.

The VICE PRESIDENT. The Chair lays before the Senate the following resolution coming over from a preceding day.

The SECRETARY. Senate resolution 415, by Mr. SMITH of Michigan.

Mr. SMITH of Michigan. Mr. President, the resolution has been read to the Senate twice, and it has gone over from day to day at the request of the chairman of the Committee on Foreign Relations and at my request. I am a member of the Committee on Foreign Relations and as such share with my associates the desire to proceed to the consideration of any matter coming before that committee properly and in order. There is, however, very much involved in this resolution which I should like to discuss. It does not, however, appertain to the situation now unfortunately existing in Mexico. My complaint relates to the origin and source of most of the difficulties which have existed in Mexico for the past three years and which finally culminated in the humiliation of Diaz, the murder of Madero, and the banishment of Huerta, and while I should be quite willing to discuss the origin of this deplorable affair and the intimate connection between professional revolutionists having their headquarters in this Capital and grasping exploiters, whose greed and selfishness knows no bounds, either of decency or patriotism, but I forbear and will take some other occasion to illuminate this aspect of a situation which was born in wickedness and cradled in corruption. However, I think the better plan this morning would be to refer the resolution to the Committee on Foreign Relations. I ask that that may be done.

The VICE PRESIDENT. Is there objection? The Chair hears none, and the resolution will be referred to the Committee on Foreign Relations.

RIVER AND HARBOR APPROPRIATIONS.

The VICE PRESIDENT. The morning business is closed.

Mr. SIMMONS. I ask unanimous consent that the Senate proceed to the consideration of House bill 13811, the river and harbor bill.

Mr. KENYON. I object, Mr. President.

Mr. SIMMONS. I move that the Senate proceed to the consideration of the bill.

Mr. SMITH of Michigan. Mr. President, from day to day we find ourselves endeavoring to secure the passage of a bill which forms a part of the annual budget of the Government and are met by a parliamentary situation difficult to understand.

Mr. BRANDEGEE. Mr. President, I suggest the absence of a quorum.

The VICE PRESIDENT. The Secretary will call the roll.

The Secretary called the roll, and the following Senators answered to their names:

Ashurst	Cummins	Martine, N. J.	Sterling
Bankhead	Gallinger	Norris	Stone
Brady	Goff	O'Gorman	Thomas
Brandegee	Gronna	Overman	Thornton
Bristow	Hollis	Page	Tillman
Bryan	Hughes	Perkins	Townsend
Burton	Johnson	Poindexter	Vardaman
Camden	Jones	Ransdell	Walsh
Catron	Kenyon	Reed	Warren
Chamberlain	Kern	Saulsbury	Weeks
Chilton	Lane	Shafroth	West
Clapp	Lea, Tenn.	Sheppard	White
Clark, Wyo.	Lewis	Simmons	Williams
Crawford	McCumber	Smith, Mich.	Works
Culberson	McLean	Smoot	

Mr. VARDAMAN. I desire to announce the unavoidable absence of the junior Senator from Tennessee [Mr. SHIELDS].

Mr. CHILTON. I desire to announce the necessary absence of the Senator from New Mexico [Mr. FALL].

Mr. CAMDEN. I wish to announce the unavoidable absence of my colleague [Mr. JAMES], who is paired with the Senator from Massachusetts [Mr. WEEKS]. I ask that this announcement stand for the day.

Mr. SMOOT. I desire to announce the unavoidable absence of my colleague [Mr. SUTHERLAND]. He has a general pair with the senior Senator from Arkansas [Mr. CLARKE]. I also desire to announce the absence of the junior Senator from Wisconsin [Mr. STEPHENSON]. I ask that this announcement may stand for the day.

Mr. KERN. I wish to announce the unavoidable absence of my colleague [Mr. SHIVELY]. This announcement may stand for the day.

The VICE PRESIDENT. Fifty-nine Senators have answered to the roll call. There is a quorum present.

Mr. SMITH of Michigan. Mr. President, I understand the motion of the Senator from North Carolina [Mr. SIMMONS] is pending?

The VICE PRESIDENT. Yes; but it is not debatable.

Mr. SMITH of Michigan. I understand that. I had just about finished my remarks when a quorum was demanded. Under the rule I am unable to proceed, and I do not think what I have to say is of sufficient importance to ask unanimous consent to enable me to say it. Therefore I will await another opportunity.

The VICE PRESIDENT. The question is on the motion of the Senator from North Carolina [Mr. SIMMONS] that the Senate proceed to the consideration of the bill commonly known as the river and harbor bill.

Mr. NORRIS. On that I ask for the yeas and nays.

The yeas and nays were ordered, and the Secretary proceeded to call the roll.

Mr. CHILTON (when his name was called). I have a general pair with the Senator from New Mexico [Mr. FALL], and in his absence I withhold my vote.

Mr. BRYAN (when Mr. FLETCHER'S name was called). My colleague [Mr. FLETCHER] is absent from the city on important public business. I should like to have this announcement stand for the day, without repeating it. My colleague is paired with the Senator from Wyoming [Mr. WARREN]. If present and at liberty to vote on this motion, my colleague would vote "yea."

Mr. HOLLIS (when his name was called). I transfer my pair with the junior Senator from Maine [Mr. BURLEIGH] to the junior Senator from Tennessee [Mr. SHIELDS] and vote "yea."

Mr. SAULSBURY (when his name was called). My general pair with the junior Senator from Rhode Island [Mr. COLT] is so modified as not to apply to questions of this character. I therefore vote. I vote "yea."

Mr. SMITH of Georgia (when his name was called). I transfer my general pair with the senior Senator from Massachusetts [Mr. LODGE] to the senior Senator from New Jersey [Mr. MARTINE]. I make this transfer for the day. I vote "yea."

Mr. WARREN (when his name was called). I announce my pair with the Senator from Florida [Mr. FLETCHER], and withhold my vote.

Mr. WEEKS (when his name was called). I have a general pair with the senior Senator from Kentucky [Mr. JAMES]. He being absent, I withhold my vote.

Mr. WILLIAMS (when his name was called). I transfer my pair with the senior Senator from Pennsylvania [Mr. PENROSE] to the junior Senator from South Carolina [Mr. SMITH]. I ask that the statement as to my pair and its transfer stand for the day. I vote "yea."

The roll call was concluded.

Mr. THOMAS. I have a general pair with the senior Senator from New York [Mr. ROOT]. In his absence I withhold my vote.

Mr. CATRON (after having voted in the negative). I have a pair with the senior Senator from Oklahoma [Mr. OWEN]. I transfer that pair to the Senator from Illinois [Mr. SHERMAN], who is absent on account of sickness, and will allow my vote to stand.

Mr. McLEAN (after having voted in the negative). I inquire if the senior Senator from Montana [Mr. MYERS] has voted?

The VICE PRESIDENT. He has not.

Mr. McLEAN. I have a pair with that Senator, and therefore withdraw my vote.

Mr. CHAMBERLAIN. The pair which I have with the junior Senator from Pennsylvania [Mr. OLIVER] I transfer to the Senator from Indiana [Mr. SHIVELY] and vote "yea."

Mr. GRONNA (after having voted in the negative). I inquire if the senior Senator from Maine [Mr. JOHNSON] has voted?

The VICE PRESIDENT. He has not.

Mr. GRONNA. I have a pair with that Senator, and therefore withdraw my vote.

Mr. TOWNSEND. I have a pair with the junior Senator from Arkansas [Mr. ROBINSON], and therefore refrain from voting.

Mr. PAGE. I wish to announce the necessary absence of my colleague [Mr. DILLINGHAM]. He is paired with the senior Senator from Maryland [Mr. SMITH]. I ask that this announcement may stand for the day.

The result was announced—yeas 34, nays 17, as follows:

YEAS—34.

Bankhead	O'Gorman	Shafroth	Thornton
Bryan	Overman	Sheppard	Tillman
Camden	Perkins	Simmons	Walsh
Chamberlain	Pittman	Smith, Ga.	West
Hollis	Poindexter	Smith, Mich.	White
Hughes	Pomerene	Sterling	Williams
Kern	Ransdell	Stone	Works
Lea, Tenn.	Reed	Swanson	
Martin, Va.	Saulsbury	Thompson	

NAYS—17.

Ashurst	Catron	Jones	Page
Borah	Clapp	Kenyon	Smoot
Brady	Cummins	Lippitt	
Brandegee	Gallinger	McCumber	
Bristow	Goff	Norris	

NOT VOTING—45.

Burleigh	Gore	Myers	Smith, Md.
Burton	Gronna	Nelson	Smith, S. C.
Chilton	Hitchcock	Newlands	Stephenson
Clark, Wyo.	James	Oliver	Sutherland
Clarke, Ark.	Johnson	Owen	Thomas
Colt	La Follette	Penrose	Townsend
Crawford	Lane	Robinson	Vardaman
Culberson	Lee, Md.	Root	Warren
Dillingham	Lewis	Sherman	Weeks
du Pont	Lodge	Shields	
Fall	McLean	Shively	
Fletcher	Martine, N. J.	Smith, Ariz.	

So the motion was agreed to; and the Senate, as in Committee of the Whole, resumed the consideration of the bill (H. R. 13811) making appropriations for the construction, repair, and preservation of certain public works on rivers and harbors, and for other purposes.

Mr. GALLINGER. Mr. President, I submit a proposed amendment to the bill, which I ask to have read.

The VICE PRESIDENT. The Secretary will read the proposed amendment.

The SECRETARY. After line 23, on page 94, it is proposed to insert the following as a new section:

SEC. 14. That the Postmaster General is hereby authorized to pay for ocean mail service under the act of March 3, 1891, in vessels of the second class on routes to South America south of the Equator, to the Philippines, to Japan, to China, and to Australasia at a rate not exceeding $4 per mile on the outward voyage by the shortest practicable routes, and in vessels of the third class on said routes at a rate not exceeding $2 per mile on the outward voyage by the shortest practicable routes: *Provided*, That, subject to the foregoing provisions, every contract hereunder shall be awarded to that responsible bidder who will contract, under penalties prescribed by the Postmaster General, for the highest running speed between the points named in the contract.

Mr. GALLINGER. Mr. President, I ask that the proposed amendment be printed and lie on the table.

The VICE PRESIDENT. In the absence of objection that action will be taken.

Mr. JONES. Mr. President, I voted against the motion to take up the river and harbor bill, and have done so several times. I voted that way not because I am opposed to the bill—I am in favor of the bill—but I did so because in my judgment we are simply wasting the time of the Senate by taking up the river and harbor bill for half an hour or an hour each day. The Senator from North Carolina knows as well as I do that there is determined opposition to the river and harbor bill on the part of some Senators and that that opposition will go to a considerable length, if not to extreme lengths, to defeat his bill, and the only way he can pass it is to bring the bill up and keep it before the Senate until it is considered and voted upon and either passed or defeated. To take it up as we have been taking it up is wasting the time of the Senate and preventing the consideration and passage of meritorious measures on the calendar that could be taken up, considered, and passed before 2 o'clock, when the unfinished business comes up. That is the reason why I voted against taking it up, because, as I understand, the unfinished business will come up in a little over an hour—at 2 o'clock—and then this bill will be laid aside. In my opinion the Senator from North Carolina is simply playing into the hands of the opponents of the bill by bringing it up for an hour or a half an hour each day, and we are shutting out other measures that could be considered until 2 o'clock.

At any time when the Senator is ready to take his bill up and hold it before the Senate, I shall be with him and shall support him in that until the measure can be disposed of one way or the other. I simply desired to explain the reason why I voted to-day as well as on other occasions against taking up the bill, because I do not want my position misunderstood.

Mr. SIMMONS. Mr. President, the Senate is entirely aware of the fact that when the motion was made by the Senator from Nevada [Mr. NEWLANDS] to take up the trade commission bill I antagonized that motion with a motion to take up the river and harbor bill. There was such an expression of sentiment against interfering with speedy action upon the trade commission bill that I withdrew that motion and, as I remember, stated at the time my reason for withdrawing the motion. I have heretofore stated to the Senate that I had an understanding after this time with the Senator from Nevada [Mr. NEWLANDS], in charge of the trade commission bill, that I would not interfere with the consideration of his bill after the expiration of the morning hour, or after the time when the unfinished business automatically would be laid before the Senate.

I do not feel that the trade commission bill has been pressed as it should have been, but up to this time I have felt myself bound by the understanding which I then had with the Senator from Nevada. I have sought on several occasions to persuade the Senator from Nevada that neither his bill nor the river and harbor bill was making progress under that arrangement, and have endeavored to secure a modification of it. I have not succeeded up to this time. I wish to say now, however, that I think the time has come when the trade commission bill should be placed before the Senate and kept before the Senate continuously until action is had upon it; and if, after to-day, that policy is not pursued with reference to the trade commission bill, I shall feel at liberty to ask the Senate to take up the river and harbor bill and proceed with its consideration to the exclusion of other business.

Mr. SMITH of Michigan. Mr. President——

The VICE PRESIDENT. Does the Senator from North Carolina yield to the Senator from Michigan?

Mr. SIMMONS. Certainly.

Mr. SMITH of Michigan. Do I correctly understand the Senator from North Carolina that the present unfortunate situation, complicated as it is, is the result of any understanding upon his part with the Senator from Nevada?

Mr. SIMMONS. I have stated that to-day, and I stated it several days ago—that feeling that there was an expression of sentiment——

Mr. SMITH of Michigan. That is the only possible way in which such a situation could be accounted for, because it is well known that the passage of the bill presented by the Senator from North Carolina is absolutely essential——

Mr. SIMMONS. I was going into that matter to some extent, if the Senator will pardon me.

Mr. SMITH of Michigan. While the bill urged by the Senator from Nevada should not be seriously considered in its present form.

Mr. SIMMONS. Mr. President, that may be the view of the Senator from Michigan with reference to the trade commission bill, but I undertake to say that that is not the view of a majority of the Members of the Senate. It is not my view. While I do not mean to say that I approve of the trade commission bill as it now stands, it is my opinion that the passage of that measure essentially in the form in which it is now is of paramount importance to the welfare of this country. I have not felt, and I do not feel now, and I think that has been the feeling on this side of the Chamber—it certainly was the sentiment expressed to me which led me to enter into this understanding with the Senator from Nevada—that it would be right to antagonize the consideration of that bill with the river and harbor bill, and it was for that reason that I entered into the understanding.

But, Mr. President, in my judgment, that bill has not been pressed as it ought to have been pressed. There were conditions that made it impracticable to do that. The Senator from Nevada has stated those conditions, and the Senate has seen those conditions. I have just stated that if the Senator from Nevada shall not find himself in a position after to-day to lay that bill before the Senate and, if he can get the consent of the Senate, keep it before the body until it is finally disposed of, then I shall make a motion to displace that bill permanently in favor of the river and harbor bill.

The Senator from Michigan is entirely right in his statement that there are reasons which should powerfully appeal to the Senate and to the country why the river and harbor bill should have speedy action. It is very well understood that since we have entered upon the new system of annual river and harbor bills all the estimates made by the engineers are based upon the assumption that there will be an annual river and harbor bill. It is well understood that if there should be any failure in the passage of the river and harbor bill at this session of Congress necessarily many of the most important works of river and harbor improvement would have to be suspended. In fact, Mr. President, I think by reason of the failure of the Congress to act upon this bill before the first day of this month quite a number of very important works that are now in progress have been already suspended.

If we are to continue river and harbor work in this country, we have got to appropriate the money with which to do it; and in the conditions which now exist, if we should not pass the river and harbor bill at this session, there would be a suspension, I am advised, of at least one-half of all the river and harbor works that are now in prosecution.

Mr. GALLINGER. Mr. President——

The VICE PRESIDENT. Does the Senator from North Carolina yield to the Senator from New Hampshire?

Mr. SIMMONS. Yes.

Mr. GALLINGER. I will ask the Senator from North Carolina, in view of his solicitude to pass this bill, why he would not agree to striking out all these little matters that are of no earthly consequence to the country, although they are of some consequence to communities, and let us pass a river and harbor bill appropriating for the large rivers and the harbors of the country?

Mr. SIMMONS. Mr. President, it is a very easy matter to say that the smaller items in the river and harbor bill are of no consequence to the people of this country. From the time we began work under this system of improving our rivers and harbors in this country it has been the policy of Congress—and it has been, in my judgment, a wise policy—to improve a great many very small streams throughout the country, distributed here and there from one end of the country to the other, in order to facilitate local and community transportation.

Without going into a discussion of that subject, however, if when the bill is taken up item by item Senators who are opposed to the bill are able to point out to the Senate any item that in the judgment of the Senate is not worthy of being prosecuted by the Government, they can do so. I can not be the arbiter, the Senator from New Hampshire can not be the arbiter, to determine whether or not a given appropriation is justified; but when the items are reached that he now asks me to strike out—knowing full well that I have no authority to determine whether an item is worthy or not—the Senator can then make his motion and appeal to the judgment of the Senate, and if he is able to get a majority of Senators to agree with him, they will be stricken out.

Mr. GALLINGER. The Senator can not instruct me as to my right under the rules of the Senate to make a motion; but——

Mr. SIMMONS. When the Senator asks me why I did not strike them out I can give him my reasons for not doing so.

Mr. GALLINGER. The Senator is entirely safe in suggesting that he is willing to submit it to the Senate, as the friends of

the bill are willing to submit it to another body. The Senator knows the theory upon which this bill is constructed, and he knows that in all human probability a majority of the Senate will not strike out any item in the bill; but the Senator and his friends on the other side could agree in advance that the bill should be purged of a great many items that ought not to be in it, to which attention will be called and which will be resisted.

Mr. SIMMONS. I shall have no hesitation in agreeing that any item that a majority of the Senate says ought to be stricken out shall be stricken out.

Mr. SMITH of Michigan. Mr. President, if the Senator from North Carolina will permit me, I should like to suggest to the Senator from New Hampshire that there is not a single item in the bill that ought to be stricken out. Ninety-nine per cent has been recommended by the Board of Engineers.

Mr. GALLINGER. Mr. President, in view of the fact that Michigan has 40 or 50 items in the bill, of course the Senator thinks nothing should be stricken from the bill.

Mr. SMITH of Michigan. Mr. President, Michigan has 15 items in this bill, and all were approved by the distinguished Senator from Ohio [Mr. BURTON].

Mr. GALLINGER. Mr. President, that will appear as the bill is debated.

Mr. SMITH of Michigan. That will appear, and to the entire satisfaction of the Senator from New Hampshire.

Mr. GALLINGER. The Chief of Engineers has been called in to bolster up this kind of legislation, and he admits that one-half of 1 per cent of this bill is fraudulent. That would be about four or five hundred thousand dollars.

Mr. SMITH of Michigan. Oh, Mr. President, that can not be true. The Senator has been misinformed.

Mr. GALLINGER. The Senator can read the letter of the Chief of Engineers.

Mr. THOMAS. Mr. President, a parliamentary inquiry.

The VICE PRESIDENT. The Senator from Colorado will state it.

Mr. THOMAS. What question is before the Senate?

The VICE PRESIDENT. The question is the river and harbor bill, which is being discussed now, as the Chair understands, in all its general features.

Mr. THOMAS. Then I call for the regular order.

Mr. GALLINGER. Mr. President——

Mr. SIMMONS. Mr. President, I must beg the pardon of the Senator from Colorado, but I was addressing myself to the bill.

Mr. GALLINGER. Certainly; so was I.

Mr. SIMMONS. It is the regular order. I was addressing myself to the bill. I was interrupted by the Senator from New Hampshire, and I have been trying to reply to some suggestions and inquiries that he made.

The Senator from New Hampshire says I well know that the items of which he does not approve, and which he criticizes, will not be stricken out of the bill. I do not know that the Senate, by a majority vote, will refuse to strike out any item in the bill of which it disapproves; but if it be a fact that a majority of the Senators will not strike out some items that the Senator from New Hampshire thinks are not worthy of Government improvement, then I think the Senator from New Hampshire ought to be willing, as I am willing, to bow to the judgment of a majority of the Senators here, acting upon their responsibility to their constituents and to the country.

Mr. President, I have not seen the letter to which the Senator from New Hampshire refers as emanating from the Chief of Engineers. I do not believe the Senator has correctly reported the Chief of Engineers in the statement that he thought one-half of 1 per cent of the items in this bill were fraudulent. I can not conceive of a Government official making any such declaration as that; but if he has made any such declaration as that, I undertake to say there is no foundation for it. There is not a fraudulent item in the bill. There is not a single item in the bill that has not received the approval of the Board of Engineers and the Chief of Engineers, and that does not come before this body represented as being worthy by the people we have by law intrusted with investigating and determining these matters.

Mr. BANKHEAD. Mr. President, will the Senator yield to me for a moment?

The VICE PRESIDENT. Does the Senator from North Carolina yield to the Senator from Alabama?

Mr. SIMMONS. Yes.

Mr. BANKHEAD. I think it is well to keep the record straight in matters of this sort. The Chief of Engineers, in discussing some newspaper article criticizing this bill on the ground that is was a "pork barrel," is reported to have said, and I expect did say, that he was satisfied that not more than one-half of 1 per cent of the bill was "pork." That is what he stated; not that the items were fraudulent, or anything of the sort.

Mr. GALLINGER. What he did say was:

> My judgment is that there is less than one-half of 1 per cent pork in the river and harbor bill now pending.

Mr. BANKHEAD. Not "fraudulent."

Mr. GALLINGER It was a most astonishing communication, emanating from the Chief of Engineers. I think he entirely transcended his authority in making it.

Mr. SIMMONS. Mr. President, does the Senator from New Hampshire say, if there is any "pork" in this bill, that there is any more "pork" in it than there was in the river and harbor bills that we passed heretofore?

Mr. GALLINGER. Oh, I think not. I think North Carolina has had a lot of "pork" in every river and harbor bill.

Mr. SIMMONS. Not any more so in this bill than in the river and harbor bills that the Senator from New Hampshire, as a member of the Committee on Rivers and Harbors, has heretofore approved.

Mr. GALLINGER. I will explain that when I come to discuss the bill. I approved them largely to please the Senator from North Carolina, who always appealed to me to stand by his items in the bill.

Mr. CLARK of Wyoming. Mr. President, I should like to ask the two Senators engaged in the colloquy what is meant by the term "pork" in connection with this bill? [Laughter.]

Mr. GALLINGER. Mr. President, the Senator from Louisiana had inserted in the RECORD a long communication from a Member of the other House in which he explained very lucidly the meaning of "pork," and I shall call attention to that communication later on.

Mr. SIMMONS. Mr. President, I am not going to stop to discuss the question of "pork" in this bill. We all understand what is meant by that term; and the Senator from New Hampshire only claims that there is one-half of 1 per cent in the bill, according to the statement of the engineer.

Mr. GALLINGER. Oh, no.

Mr. SIMMONS. He has just said, further, that he does not think there is any more "pork" in this bill than in the bills he has been in the habit of passing heretofore.

Mr. GALLINGER. No, Mr. President; I——

Mr. SIMMONS. Just a moment. It would be a very extraordinary thing if we could pass a river and harbor bill, or any other bill dealing with as many single units as a river and harbor bill does, without there creeping into it some one or two things that were not proper to be put in the bill. If the Senator has in mind any particular items in this bill that he regards as "pork" in the sense in which he has used the term, I should be very glad if he would now or at some future time point out those particular items, and furnish us a list of them, so that we may investigate them.

Mr. GALLINGER. At the proper time I shall call attention to an item in the State of North Carolina where it is asserted by the Engineer Corps that at the head of navigation there is one-tenth of 1 inch of water on that improvement.

Mr. SIMMONS. I do not know to what item the Senator refers.

Mr. GALLINGER. I shall call attention to it.

Mr. SIMMONS. I shall be very glad, when we reach that item, if the Senator will call our attention to it, and we will discuss it.

Mr. GALLINGER. Yet there is a further appropriation in this bill for that stream when at the head of navigation there is only one-tenth of 1 inch of water at the present time—not enough to wash a new-born babe.

Mr. SIMMONS. Will the Senator tell me what stream he is talking about?

Mr. GALLINGER. I will tell the Senator in my own time at the proper time.

Mr. SIMMONS. I shall be very glad to hear the Senator's statement, and I have no doubt I shall be able to meet the Senator's argument upon that question.

Mr. President, I do not care to take up time unnecessarily. I wish to ask to have inserted in the RECORD a memorandum which the chairman of the Committee on Rivers and Harbors of the House caused to be prepared, setting forth the urgency of action, so that these different projects may be provided with funds, some of them being now out of funds, and showing the effect of a failure of the passage of this bill at the present session of Congress.

There being no objection, the matter referred to was ordered to be printed in the RECORD, as follows:

MEMORANDUM CONCERNING THE PRESENT STATUS OF CERTAIN RIVER AND HARBOR WORKS AND PROBABLE EFFECT ON OTHERS IN THE EVENT OF THE FAILURE OF THE PENDING RIVER AND HARBOR BILL.

JULY 11, 1914.

The estimates submitted by the Engineer Department in recent years have been submitted on the assumption that there would be a river and harbor act each year, the act to be passed during the long session becoming a law not later than June 30 and that passed during the short session to become a law not later than March 1. Every effort has been made to keep the estimates down to the amounts actually needed to permit of economical prosecution of the works adopted by Congress up to the dates mentioned, and by reason of the regular passage in the past four years of river and harbor acts confidence that this policy would be continued has been gradually acquired; and not only the Engineer Department, but contractors engaged in furnishing materials or doing work under the department have acquired the same confidence and have made their plans accordingly.

On account of lack of funds, work is now suspended, or will shortly be suspended, on about one-third of the works provided for in the pending river and harbor bill. Should no act be passed at this session, the number of works suspended will be very considerably increased before an act could be passed at the next session of Congress. The suspension of work results not only in positive loss of time and possible interference with navigation, but seriously handicaps and greatly adds to the cost of future work by the disorganization of working forces and the effect which it has upon the confidence of contractors supplying materials or doing work for the department.

A list is herewith, showing the present status of the work on a considerable number of river and harbor works. Of the works in urgent need of additional funds attention is particularly invited to the following:

Boston Harbor, Mass., 35-foot channel: While money is on hand to pay all contract requirements for the completion of this channel, there are no funds available for the work of maintaining the completed portions. An estimate of $200,000 was submitted for this work and is carried in the pending bill, and it is very desirable that this amount should be made available at an early day.

Hudson River, N. Y.: This project was adopted in 1910 with a view to completion within a period of four years. Considerable delay was experienced in getting this project started, but the work is now well under way and should be prosecuted without interruption. Unless additional appropriations become available, all work carried on with Government plant and hired labor must be suspended by July 15 or such a reorganization of the working force be made necessary as will tend to further delay the completion of the project and increase the ultimate cost. This project is in extension of the New York State Erie Barge Canal, and the lock and channel involved should be available by the time that canal is completed.

Delaware River between Philadelphia and the sea: The existing (35-foot) project is being prosecuted at the rate of over $1,000,000 a year. When the estimate for the current year was submitted, it was prepared with the expectation that the appropriation would be made on or before June 30, 1914. Unless additional funds become available at an early day, work with Government plant must cease and the present working force be discharged. Work under contract must also be reduced to a minimum in order to cover office expenses and care of plant until work shall be resumed under future appropriations.

Absecon Inlet, N. J., and Wilmington Harbor, Del.: The river and harbor act of 1912 authorized the construction of dredges for these two localities. These dredges will be completed within the next few months, but no funds will be available for their maintenance or operation until provided by Congress.

St. Johns River, Fla.: Unless further funds are provided, work with Government plant, as at present organized, must be suspended about October 1, and the plant laid up or transferred to other localities.

Channel from Apalachicola River to St. Andrews Bay, Fla.: This project was adopted in 1910 and is now near completition; but work with Government plant has already been shut down for lack of funds and further operations must await additional appropriations. An item of $65,000 for completion of this project is carried in the pending bill.

Black Warrior River, Ala., locks and dams: The pending bill contains an item of $750,000 for the completion of this project. Unless these funds become available at an early day work on Dam No. 17 must be suspended.

Southwest Pass, Mississippi River: No funds are available for purchase of stone for raising the jetties, and this important work must be held in abeyance until additional appropriation is made.

Mississippi River between the Missouri River and Minneapolis, Minn.: This project is being prosecuted with a view to completion within a period of 12 years from 1910, and the estimates are prepared with the understanding that additional funds will be made available on or before June 30 of each year. Part of the work with Government plant has already been stopped and more will be suspended on July 15. In addition to the loss to the United States incident to the breaking up of the present working force, storage of plant, etc., failure to proceed with the work at this time will entail great hardship on the contractors on account of large quantities of materials gotten together by them on their own responsibility with a view to future contracts, relying on the declared policy of Congress in favor of an annual river and harbor bill.

Monongahela River, Pa.: Work of reconstruction of Lock and Dam No. 6 will be suspended by August 1, unless additional appropriation be made available prior to that date.

Ohio River, locks and dams: Suspension of work by hired labor on this project will be necessary at an early day, as well as postponement of beginning construction of additional locks and dams, unless further appropriations are made available for the prosecution of this project which is to be completed within a period of 12 years.

Columbia River at The Dalles-Celilo Canal, Oreg.: Work on this project is practically closed and, as the overhead charges there are high, it would be desirable to shut down immediately and entirely if it were not probable that the appropriation for completion of the work which is carried in the pending bill would become available at an early day.

Coos Bay, Oreg.: Unless funds become earlier available, work of dredging with Government plant will close down before August 1, thus losing a part of the most favorable season for work at this locality.

Columbia River at the mouth, Oregon and Washington: Without additional funds work on this project must cease about August 15. Suspension of operations in connection with this improvement must be regarded as most unfortunate. The life of the trestle used in dumping rock into the jetty is short at best, and in addition to being expensive in first cost requires heavy expenditures for its upkeep. Deterioration is as rapid when not in use as when work is in progress. Experience has shown that periods of idleness involve very large sums for restoration of plant and equipment and also increased quantities of rock on account of scour at the exposed end of the jetty. Uninterrupted operations are therefore essential to economy and the accomplishment of the best results. Any considerable delay at this time would greatly add to the cost of an already expensive project.

Columbia and lower Willamette River, below Portland, Oreg.: An expensive plant has been provided by Congress for use in cooperation with the Port of Portland Commission in securing and maintaining a 30-foot channel up to Portland. Unless funds are forthcoming, this plant must be laid up about September 1.

Grays Harbor and Bar, Wash.: This project is similar to that at the mouth of the Columbia River. The work of repair and maintenance of the jetty trestle will be suspended August 1 unless additional funds are provided.

Mississippi River Commission: While work has not yet been suspended on the Mississippi River between Head of Passes and the mouth of Ohio River a longer delay in providing additional appropriations will necessitate limiting the work of the commission to dredging and tend to exhaust all reserves for high-water protection works.

The remainder of the list is made up of works smaller in magnitude, but perhaps relatively as urgent.

Mr. SIMMONS. I also wish to have inserted a memorandum showing the present status of certain river and harbor work and the condition at other localities in the event of the failure of the pending river and harbor bill.

There being no objection, the matter referred to was ordered to be printed in the RECORD, as follows:

Memorandum showing present status of certain river and harbor works and condition at other localities in the event of the failure of the pending river and harbor bill.

Locality.	Status.
Boston Harbor, Mass., maintenance of 35-foot channel.	Work suspended for lack of funds.
Thames River, Conn	Desirable maintenance dredging deferred from lack of funds.
New Haven Harbor, Conn	Dredging will be suspended about Aug. 1.
Port Chester Harbor, N. Y	No work in progress, due to lack of funds.
East Chester Creek, N. Y	Do.
Westchester Creek, N. Y	Do.
Tarrytown Harbor, N. Y	Do.
Hudson River, N. Y. (day labor)	Part of the work must be suspended and the rest prosecuted under a less advantageous system.
Harlem River, N. Y	Work will stop sooner or later this season.
Bronx River, N. Y	Do.
Mamaroneck Harbor, N. Y	Do.
Et al. in district	Do.
Delaware River below Philadelphia, Pa.	Hired labor work will be suspended at an early day, and contract work be prosecuted at a minimum rate.
Cooper River, N. J	Work now suspended for lack of funds.
Appoquinimink River, Del	Do.
Raccoon Creek, N. J	Work will be suspended in September.
Murderkill River, Del	Work will be suspended in July.
Mispillion River, Del. (maintenance)	Work will be suspended in August.
Wilmington Harbor, Del	No funds available for operation of new dredge upon completion about Jan. 1.
Absecon Inlet, N. J	Do.
James River, Va	Work will be suspended about September.
Trent River, N. C	Work suspended for lack of funds.
Swift Creek, N. C	Do.
Waterway, Pamlico Sound to Beaufort Inlet, N. C.	Do.
Cape Fear River, N. C.:	
Above Wilmington (maintenance)	Do.
Below Wilmington	Work will be suspended Sept. 1.
Charleston Harbor, S. C	Work now suspended.
Congaree River, S. C	Work can be continued three months.
Altamaha, Oconee, and Ocmulgee Rivers, Ga.	Hired labor work will stop July 15.
St. Johns River, Fla.:	
Below Jacksonville	Hired labor work with present plant will stop about Oct. 1.
Above Jacksonville	Work now suspended for lack of funds.
Clearwater Harbor-Tampa Bay Channel	Do.
Apalachicola River, Fla	Do.
Flint River, Ga	Work now suspended for lack of funds.
Chattahoochee River, Ga. and Ala	Do.
Channel, Apalachicola River to St. Andrews Bay, Fla.	Do.
St. Andrews Bay, Fla	Do.
Choctawhatchee River, Fla. and Ala	Do.
Escambia and Connecuh Rivers, Fla. and Ala.	Do.
Alabama River, Ala	Hired labor work will stop July 31.
Apalachicola Bay, Fla	Do.
Gulfport Harbor, Miss	Work suspended for lack of funds.
Mobile Bar, Ala	Do.
Channel from Mobile Bay to Mississippi Sound, Ala.	Do.
Tombigbee River, Ala. and Miss	Do.
Mobile Harbor, Ala	Work will suspend in about a month.
Black Warrior River, Ala	If available funds are used for Locks 2, 3, and 16, work on Lock 17 must suspend about Sept. 1. If funds are used to keep work going on Lock 17, work on Locks 2 and 3 must be suspended, interrupting navigation completely and dams not properly protected. Suspension of work may lead to great loss or damage.
Bayou Terrebonne, La	Work now suspended for lack of funds.
Bayou Grossetete, La	Do.

Memorandum showing present status of certain river and harbor works, etc.—Continued.

Locality.	Status.
Bayou Teche, La.	Work will suspend Nov. 1.
Bayou Plaquemine Brule, La.	Work will suspend Aug. 15.
Trinity River, Tex.	Open-channel work suspended.
Cypress Bayou, Tex. and La.	Maintenance work suspended.
Red River above Fulton, Ark.	Work will be suspended about November.
Red River below Fulton, Ark.	Maintenance work suspended about Aug. 15.
Trinity River, Tex. (locks and dams).	Work will be suspended about October.
Sabine Pass, Tex. (maintenance).	Do.
Texas Coast aterway:	
Guadaloupe River.	Work now suspended.
Aransas Pass to Pass Cavallo.	Funds exhausted; redredging needed before next year's bill.
Brazos River to Matagorda Bay.	Do.
West Galveston Bay to Brazos River.	Do.
Aransas Pass to Corpus Christi.	Do.
Brazos River:	
Lock No. 1.	Work will be suspended Aug. 31.
Lock No. 8.	Work will be suspended Sept. 30.
Ouachita River, La. and Ark.	Open-channel work now suspended.
Yazoo River, Miss.	Do.
Big Sunflower River, Miss:	
Open-channel work.	Work now suspended.
Lock and dam.	Work will be suspended about Sept. 15.
Ouachita River, Lock 3.	Work now suspended; very important, low-water period being wasted.
White River, Ark.	Work now suspended for lack of funds.
Cache River, Ark.	Do.
Current River, Ark. and Mo.	Do.
Black River, Ark. and Mo.	Do.
St. Francis River, Ark.	Do.
Arkansas River, Ark. and Okla.:	
Snagging.	Only half force working; suspend Sept. 1.
Dredging.	Without further funds will suspend Dec. 1.
Mississippi River:	
Ohio to Missouri River.	Work already cut down one-half; will suspend all work except dredging Aug. 1.
Missouri River to Minneapolis.	Day labor on dams and shore protection already suspended; all day-labor work, including dredging, must shut down July 15. No funds for care of plant and office expenses after Aug. 15. Failure to proceed will entail great hardship to contractors on account of materials gotten out for future work on their own reponsibility.
St. Paul to Minneapolis.	Must suspend about November.
Brainerd to Grand Rapids.	Already suspended.
Missouri River:	
Kansas City to Sioux City.	Work will be suspended by November.
Sioux City to Fort Benton.	Work will be suspended by September.
Gasconade River, Mo.	Work now stopped by lack of funds.
French Broad River, Tenn.	Day-labor work already suspended.
Tennessee River, below Riverton, Ala.	Day-labor work will be suspended in two weeks.
Ohio River, Dam 39.	Hired-labor work must suspend July 31.
Ohio River	Hired dredges must be released Sept. 1.
Pittsburgh Harbor.	Maintenance work suspended.
Monongahela River, Dam 6.	Day-labor work will be suspended Aug. 1.
Ohio River, locks and dams:	
Dams 12, 14, 19, 20.	Contracts for movable parts must be deferred.
Dam 15.	Work suspended in incomplete state Jan. 1.
Dam 26.	Work suspended Sept. 1.
Dam 28.	Work suspended Aug. 1.
Dams 21 and 22.	Work can not be started.
Dam 43.	Work will be suspended Sept. 30.
Ontonagon Harbor, Mich.	Work suspended.
Agate Bay, Minn.	Work will be suspended July 15.
Keweenaw Harbor of Refuge, Mich.	Work can not be resumed.
Two Rivers Harbor, Wis.	Work will be suspended Aug. 1.
Racine Harbor, Wis.	Do.
Fox River, Wis.	Work will be suspended Aug. 10.
Michigan City Harbor, Ind.	Funds needed immediately for repairs and dredging.
South Haven Harbor, Mich.	Work suspended awaiting funds for maintenance.
Ludington Harbor, Mich.	Do.
Muskegon Harbor, Mich.	Work will be suspended about Aug. 1.
Harbor Beach Harbor of Refuge, Mich.	Repair work important; no funds available.
Toledo Harbor, Ohio.	No funds available for maintenance; funds for contract dredging will be exhausted in September.
Huron Harbor, Ohio.	Maintenance dredging prevented by lack of funds.
Charlotte Harbor, N. Y.	Work suspended for lack of funds.
Los Angeles Harbor, Cal.	Dredge will be laid up Jan. 1; funds needed to remove silting in East Basin.
Humboldt Bay, Cal.	Work will be suspended Aug. 1.
Sacramento and Feather Rivers, Cal.	Work will be suspended Jan. 1.
Coos Bay, Oreg.	Work will close down before Aug. 1; bar dredge losing most favorable season for work.
The Dalles-Celilo Canal, Oreg.	Work practically closed; overhead charges high.
Willamette River:	
Portland to Oregon City.	Operations are suspended.
Above Oregon City.	Operations will be suspended about Sept. 15.
Clatskanie River, Oreg.	Operations are suspended.
Cowlitz River, Wash.	Operations are suspended.
Lewis River, Wash.	Work will be suspended about Aug. 15.
Columbia and Lower Willamette Rivers, Oreg. and Wash.	Work will be suspended about Sept. 1.
Columbia River, jetties at mouth.	Work will be suspended about Aug. 15.
Columbia River, Bridgeport to Kettle Falls, Wash.	Work now suspended for lack of funds.
Grays Harbor and Bar, Wash.	Work will be suspended Aug. 1.
Grays Harbor and Chehalis River, Wash.	Work delayed on account of lack of funds.
Mississippi River Commission.	Failure of bill will necessitate limiting work to dredging and would exhaust all reserves for high-water protection works.

Mr. JONES. Mr. President, in the suggestion I made I did not intend to convey the impression that I thought the trade commission bill should be displaced and that the river and harbor bill should be taken up in place of it. I simply meant that the river and harbor bill should not be called up until the situation is such that it can be pressed to a conclusion. I believe it would be wise if the trade commission bill could be postponed for a few days until we get all the trust measures out, so that we may consider them all together or when we know what the whole program is to be. But that probably will not be done, and I do not especially object to having the trade commission bill considered and disposed of. What I did want to suggest was that it is simply a waste of time for the Senate and is a failure to consider other meritorious measures that might be taken up until 2 o'clock, to bring up the river and harbor bill from day to day for consideration for an hour or two and then put it aside.

Mr. KENYON. Mr. President, I do not want to delay the remarks of the Senator from Ohio [Mr. BURTON], but inasmuch as the Senator from North Carolina [Mr. SIMMONS] has suggested that the people of the country are demanding the passage of this bill and anxiously awaiting its passage, I think it is a very opportune time to place in the RECORD an editorial from a great magazine having a circulation of some 6,000,000 in this country. Newspapers certainly reflect the general sentiment of the people, and I ask that this editorial may be read. It is from the Saturday Evening Post, and is very short.

The VICE PRESIDENT. Is there objection? The Chair hears none, and the Secretary will read as requested.

The Secretary read as follows:

THE PEOPLE WANT TO KNOW.

Congress appropriates thirty-five or forty million dollars a year for improvement of rivers and harbors. The bills are passed on the time-honored pork-barrel plan. That the expenditures involve huge waste of public funds, and that a considerable part of them is nothing better than graft in an especially obnoxious form, is commonly believed.

If it were generally accepted that such misuse of money derived from the general public obtained in any other field—say, in the railroad field—Congress would immediately order an investigation. Congressman FREAR proposes in a concurrent resolution that the House shall order a thorough investigation by the Interstate Commerce Commission of river and harbor expenditures. An investigation by a body independent of Congress would be better, but the Interstate Commerce Commission is acceptable.

We feel warranted in assuring Congress that the public would like to know approximately how much of the hundred and fifty millions or upward that has been spent on river and harbor improvement in the last five years has resulted in any tangible public benefit, approximately how much has been wasted, and about how much represents a form of political graft.

We say this without prejudice. A great part of the expenditure may have been quite justified by tangible public benefits resulting from it. The waste may be inconsiderable. But people generally believe that an important portion of the hundred and fifty millions or upward is just a tapping of the public till for the political benefit of individual Congressmen.

Surely that circumstance requires an authoritative investigation. Congress commands extensive resources for investigating. Let it employ them in this case at home.

Mr. SIMMONS. Mr. President, the Senator from Iowa sent to the desk and had read an article from the Saturday Evening Post denouncing the present river and harbor bill as being a pork-barrel proposition and full of graft. The Senator from Iowa seems to think that he has invented the theory that the river and harbor bill is a pork-barrel proposition and a graft proposition. There has been no time since I have been in the Senate, and there has not been a time in my recollection since the Government began to appropriate money for rivers and harbors, when a certain class of "uplift" papers in this country and "uplift" magazines, some of them receiving from one to two million dollars a year of graft in connection with the transportation through the mails of their own journals, has not been charging and characterizing this bill as graft. It is no new

thing. The same propaganda that is going on in connection with this measure has been carried on in connection with every river and harbor project that has been introduced. The Senator from Iowa is not a discoverer of these new terms, neither is the Saturday Evening Post. This is not the first bill to which they have been applied.

Mr. KENYON. I do not claim to be any discoverer. The people of the country have discovered it.

Mr. SMITH of Michigan. Mr. President, of course I do not like the phrase which has been applied to this bill, and I shall not dignify it by repeating it. It is not becoming to the man who utters it, neither is it proper phraseology in a Chamber of this character. I think it is very bad form, indeed, to allow an impression to prevail that this bill lacks the sanction of the engineers of the Army.

Now, I want to tell you the only interest that I have in the bill. The items for my State have come automatically from the Engineer Department of the Army. Neither by word or writing have I contributed in any way to the desire for the approval of the War Department.

I did put an appropriation in of $25,000 to finish up a harbor which serves a country community and is absolutely essential to their welfare. That community having built the harbor at their own expense at a cost of $75,000, the Engineer Corps estimated that it would take $150,000 to put the harbor in such shape as it ought to be put in. Two years ago we appropriated $10,000 to that harbor on my suggestion. The engineer officers expended the money, and said it was wisely expended. Last year we put $15,000 in the bill for the same project, which the engineers expended, and said it was wisely expended. This year the project which was to cost $150,000 as estimated for by the engineers is to be finished by an appropriation of $25,000.

Is not that economy? I think it is.

Mr. SIMMONS. I wish to ask the Senator from Michigan a question.

The PRESIDING OFFICER (Mr. POMERENE in the chair). Does the Senator from Michigan yield to the Senator from North Carolina?

Mr. SMITH of Michigan. Certainly.

Mr. SIMMONS. The Senator from Michigan is a member, as I am, of the Committee on Commerce, and he has been a member for quite a number of years. I think the Senator from Michigan has been a member of the subcommittee that has considered the river and harbor bill item by item for a number of years. I wish to ask the Senator from Michigan if since he has been a member of that committee there has ever been any more thorough investigation and consideration to the various items of any river and harbor bill within his knowledge than there was given to this bill by the subcommittee having it in charge?

Mr. SMITH of Michigan. No, Mr. President. I have no hesitation whatever in saying that the subcommittee, with great thoroughness and conscientiousness, approached their task and performed their work well. The mystifying part of it all to me is that such a subcommittee, consisting of the Senator from North Carolina [Mr. SIMMONS], the Senator from Oregon [Mr. CHAMBERLAIN], the Senator from Louisiana [Mr. RANSDELL], the Senator from Minnesota [Mr. NELSON], the Senator from Ohio [Mr. BURTON], and myself, were in practical accord from the time we started that work until it was finished. I say without any hesitation, because it is just to him to say and to his credit to say that the distinguished Senator from Ohio, while a number of the projects did not come in the form in which he would have desired, put the stamp of his approval upon nine-tenths of this bill without any hesitation whatever. The Engineer Corps, who have been given paramount authority in appropriations of this character, have estimated and have recommended, uninfluenced by local clamor or self-concern, 99 per cent of this bill.

I understand that there was not a single item put in in the House of Representatives that was not estimated for except one item, which was put in on the floor after the bill reached the House. It was within the province of the House to do it. They have the right and the power and the authority to recast the bill entirely if they desire, but they put just one item in, as I am informed.

Mr. RANSDELL. Mr. President——

The PRESIDING OFFICER. Does the Senator from Michigan yield to the Senator from Louisiana?

Mr. SMITH of Michigan. Certainly.

Mr. RANSDELL. I should like to ask the Senator if he alludes to the item for Vicksburg Harbor?

Mr. SMITH of Michigan. I do.

Mr. RANSDELL. I understand that was recommended by the Chief of Engineers. I am informed by Mr. HUMPHREY, a member of the House committee, and it is my recollection that it was recommended by the Chief of Engineers.

Mr. SMITH of Michigan. I have no doubt of it. However, the recommendation did not reach the committee when the bill was being considered in committee, I believe, and the item was placed upon the bill on the floor.

Mr. RANSDELL. It was reported favorably by the Engineer Corps.

Mr. SMITH of Michigan. Yes; but the item was placed upon the bill on the floor after the bill reached the House.

Mr. President, my honored friend from Ohio [Mr. BURTON] laid the foundation for much of the work which is now being perfected under the river and harbor acts. He did it with care and conscientiousness and thoroughness. No man in the entire country understands that situation better than he. If these projects were wrong they were wrong in their inception. To leave them now unfinished would be a poor policy. The department does not believe it can safely do it. To set this whole bill aside or place it in the category of abandoned and undesirable legislation is not to our credit.

When the work of deepening harbors, dredging rivers, and caring for our inland shipping was determined upon, the Government was committed to a great work, and it has been performed with wonderful thoroughness. If I should ever be called upon, as probably I never will be, to credit the distinguished Senator from Ohio with his most important work as a legislator—and all his work has been important; all reflects credit upon his country and upon his State; it has been intelligent and well directed and carefully considered, and I lament that the country is not to have the benefit of his services longer—if I were to ascribe to him the most important work that he has accomplished during his years of usefulness as a public servant, I should say it was his familiarity, careful scrutiny, and unhesitating purpose to put into law the great improvements that mark the history of the last quarter of a century in river and harbor work.

This bill, which may be his final work in that direction, is not discreditable to him at all. It is creditable to him, and he will take his due share of responsibility for it. If here and there some improvement seems unjustified or if time has shown that in its incipiency it was not wise, it is too late to stop it. It would be more extravagant to stop it now than to go ahead and complete the work, and leave to future generations of our countrymen the question whether it is meritorious and desirable.

Mr. KENYON. Mr. President, I wish to ask the Senator from Michigan a question about one proposition in his State. We have appropriated over $500,000 for Grand River. I should like to ask the Senator if he is very familiar with the Grand River?

Mr. SMITH of Michigan. I am. I bathed in it when I was a boy and nearly drowned in it in my youth.

Mr. KENYON. If there is enough water to drown anybody in it, it is different from many of these streams.

Mr. SMITH of Michigan. The boy who was with me did drown, much to my regret.

Mr. KENYON. And it was our good fortune that the Senator did not. Does the Senator believe that the money expended there resulted in such an improvement of navigation for the general public as to justify that large expenditure?

Mr. SMITH of Michigan. I want the Senator to listen to what I say. Grand River is the largest river in Michigan. It has its origin in the home city of my colleague, Senator TOWNSEND. It flows down through a rich agricultural country, through numerous villages and cities in my State, and it passes through Grand Rapids, my home. It assumes large proportions. At times it has been 16 feet deep. One of my predecessors in the House many years before I entered, Mr. Houseman, a very distinguished citizen of Grand Rapids, secured an early appropriation——

Mr. SIMMONS. Will the Senator from Michigan let me interrupt him? I wish to ask the Senator if there is any appropriation in this bill for that river?

Mr. SMITH of Michigan. No; not a cent; but that does not matter. My friend from Iowa put his finger on Grand River and I am going to keep his finger there until I get it wet, at least; and when he draws it out he will find that there has been no waste of money there.

One of my predecessors, a very distinguished Democrat, in the House of Representatives as early at 1870 secured an appropriation of $50,000, I believe, for that river. There were steamboats upon it and a goodly traffic. Time went on and I came into the House of Representatives. I found the chamber of commerce

and the business people of my community demanding that that natural highway, but 39 miles from Lake Michigan, should be improved. At that time we had a city of about 75,000 people. It was supposed that a waterway of 10 feet of water would be all that we would ever need. Col. Ludlow, who has distinguished himself as a Government engineer, who has done some of the most important work in the history of this Government, and who died with his laurels thick upon him, recommended that project to the Government. I had nothing to do with it at all. After he recommended it I secured, through the cooperation of my friend from Ohio, who sits by my side [Mr. BURTON], all the appropriations I ever got for it.

I said that river was sometimes 16 feet in depth. It passes down through my home city oftentimes like a torrent. There is not an exposed part of the Mississippi River more hazardous than a certain portion of Grand River at certain times of the year. My own city raised and has expended over a million dollars to protect its people from inundation from that river. Many engineers, including Mr. Noble and Mr. Cooley, have said that the way to protect our city from annual inundation is to have that river dredged to a lower bottom, through which this vast volume of water might pour.

Mr. SIMMONS. May I ask the Senator a question?

Mr. SMITH of Michigan. My community has paid a million dollars in money for that work in recent years, and that expenditure began since we had the last appropriation.

Mr. RANSDELL. Mr. President, will the Senator from Michigan yield to me?

The PRESIDING OFFICER. To whom does the Senator from Michigan yield?

Mr. SMITH of Michigan. Let me first yield to the Senator from North Carolina.

Mr. SIMMONS. I understood the Senator from Michigan to say that the river of which he is speaking, to which the Senator from Iowa [Mr. KENYON] called attention, is not appropriated for in the pending bill?

Mr. SMITH of Michigan. No.

Mr. SIMMONS. There has been some money spent upon that river for its improvement?

Mr. SMITH of Michigan. Yes; and it has been very wisely spent.

Mr. SIMMONS. Four hundred or five hundred thousand dollars, I believe?

Mr. SMITH of Michigan. About $500,000, I believe.

Mr. KENYON. It was $502,000, according to the report of the Secretary of War.

Mr. SMITH of Michigan. Yes; it was $502,000.

Mr. SIMMONS. Yes. What I want to ask the Senator is this: That improvement is completed, and is not carried in this bill?

Mr. SMITH of Michigan. No, Mr. President; let me correct the Senator from North Carolina.

Mr. SIMMONS. It is completed for that project?

Mr. SMITH of Michigan. No; let me conclude. Acting upon Col. Ludlow's report and on Col. Lockwood's report, appropriations amounting perhaps to $100,000 every two years were made. While I was a Member of the House of Representatives that money was expended upon a 10-foot project from Grand Rapids to Lake Michigan, 39 miles, I believe. The distinguished Senator from Ohio came to our city and suggested that the community should expend some money; that they should, if they were interested, get some vessels on the river. Promptly money was raised from private subscription. Boats were put on the river; but under the narrow policy of the Government at that time this project was pruned down from a 10-foot project, recommended by Col. Ludlow, and upon which our appropriations were made, to a 6-foot project, which was entirely inadequate for our purposes.

Our city when those appropriations were made had a population of about 80,000; it now has 135,000 people, and is the second largest city in our State. The only reason the project has not been completed is because under the report for a 6-foot channel I did not believe the money could be wisely expended, and I refused to ask for it. Under the 10-foot project the improvement would have been completed long ago and the river would have borne upon its bosom an ample commerce which would have been distinctly creditable to the Government.

Is the Senator from Iowa satisfied with my statement? I have never asked for a cent since the project was reduced to a 6-foot project; and, of course, no traffic resulted on that kind of a project.

Mr. KENYON. Is there any commerce carried on that river?

Mr. SMITH of Michigan. Only small boats.

Mr. KENYON. Under this 6-foot project?

Mr. SMITH of Michigan. Yes.

Mr. KENYON. I have not heard the Senator say anything about the character of the commerce, and that is an element that would be involved in the matter.

Mr. SMITH of Michigan. The commerce would be the natural commerce of a city of 135,000 people, most of which is manufactures; but we can not take our commerce down that river, unload it, place it on lake steamers, and transfer it again to cars. It is impracticable.

Mr. KENYON. There must be a 10-foot project, the Senator thinks, in order to accomplish that purpose?

Mr. SMITH of Michigan. Nothing less than 10 feet would be of any use to our community; and when the engineer's report cut it down to 6 feet, I reduced my activities proportionately; I have never asked for assistance from the Government since, and I never shall for such a project.

Mr. KENYON. But there was cooperation there between the city and the Government?

Mr. SMITH of Michigan. There was, and we spent over a million dollars in our work of erecting walls. The moment we can have 10 feet of water from Grand Rapids up to Lake Michigan, I assure the Senator from Iowa that that project will be revived, and all the energy at my command will be expended on it. The commerce which will result from our great center of activity, and also from that part of western Michigan naturally tributary to the river, will amply justify any expenditure made by the Government.

Has the Senator from Iowa any further inquiry?

Mr. KENYON. I am very thankful to the Senator from Michigan, and very much delighted to learn that the money, in his judgment, has been properly expended.

Mr. SIMMONS. I have not finished my inquiry. The Senator from Iowa [Mr. KENYON] clearly intimates that this $500,000 expended upon this 10-foot project was not justified and calls for an explanation. I want to ask the Senator just this question, for I should like to have the answer to it go into the RECORD: The Senator has stated that all of this money was spent upon a 10-foot project——

Mr. SMITH of Michigan. Yes; I think so.

Mr. SIMMONS. And he justified its expenditure. Now, can the Senator tell us when this 10-foot project was adopted and when this $500,000 under it was expended?

Mr. SMITH of Michigan. Yes. It was adopted in 1896, I think, while my honored friend from Ohio [Mr. BURTON] was a member of the Committee on Rivers and Harbors of the House of Representatives, and I appreciated his interest in the matter. I think he was wise, and I do not think he regrets it to-day. That community has more than met his expectations. It is a great, thriving manufacturing center. With the largest river in our State running from that city to Lake Michigan, only 39 miles away, with a project for a 10-foot channel which can be completed under an expenditure of $600,000 or $700,000, it now looks like folly to say that the project would not be desirable.

Mr. RANSDELL. Mr. President——

The PRESIDING OFFICER. Does the Senator from Michigan yield to the Senator from Louisiana?

Mr. SMITH of Michigan. Yes.

Mr. RANSDELL. I wish to ask the Senator from Michigan if the last appropriation for the Grand River was not the sum of $88,000 carried in the perfect river and harbor bill of 1907, and if it is not a fact that the Senator has not asked for an appropriation since because the commerce fell off and he did not feel that he was warranted in asking for it?

Mr. SMITH of Michigan. Not because the commerce fell off. I want to put the Senator straight about that, because he and I are on the committee. I do not want him to get any impression that we have gone backward. Our community has gone forward by leaps and bounds. Instead of having a city, as we did then, of 80,000 people we have one now of 135,000 people, and our commerce has not only never fallen off, but has doubled and trebled.

Mr. RANSDELL. But the last appropriation was made in that act, was it not?

Mr. SMITH of Michigan. The only reason why we failed to continue the improvement of the river to completion was because the Engineer Corps reduced the maximum depth from 10 feet to 6 feet, which our community did not think was sufficient. Therefore I as their representative refused to ask for any more money on such a project.

Mr. RANSDELL. They did receive $88,000 in the river and harbor act of 1907, did they not?

Mr. SMITH of Michigan. Yes; I think that was regularly estimated for.

Mr. RANSDELL. And $100,000 in the river and harbor act of 1905?

Mr. SMITH of Michigan. Yes; although I want to say to the Senator that that money has never been expended. We built a dredge with a portion of the previous appropriation. We had been paying 15 and 20 cents a yard for dredging. Under the wise policy of the Government we built a dredge and did the work for 5 cents a yard. The whole project could have been completed, as Col. Ludlow desired to have it done, with a 10-foot channel, because for half the distance to Lake Michigan we have a 10-foot channel now, and in some places a 12-foot channel. In the other half we have only 5 or 6 feet. We want to complete the project, and I give the Senate notice that as soon as I can have influence enough with the Engineers' Department to revive the Ludlow plan with reference to Grand River I shall give you no peace until that natural highway has been opened up from the chief city on the western side of our State to Lake Michigan.

Mr. BRYAN. Mr. President, a few moments ago the junior Senator from Iowa [Mr. KENYON] sent to the desk and had read an editorial from the Saturday Evening Post, in which it was stated that the river and harbor bill was made up of unjustifiable appropriations in large part, and, as I understood the article, the terms "graft" and "pork barrel" were used. I desire to know if the Senator, in his reading of the Saturday Evening Post, has ever come across any agitation for an increase in the rates of second-class mail matter?

Mr. KENYON. I did not catch the Senator's question.

Mr. BRYAN. Has the Senator ever observed in the Saturday Evening Post any agitation in favor of increasing the postage rates on second-class mail matter?

Mr. KENYON. I have not observed it in the Saturday Evening Post, though I have observed it in other places.

Mr. BRYAN. Has the Senator observed it in any of the magazines which refer to items of the river and harbor bill as being made up of "graft" and "pork"?

Mr. KENYON. I do not know how many magazine articles have referred to the pending bill in the way which the Senator suggests. I do not think the article which I had read said it was "graft" or "pork," but said there was an impression in the country that "pork" might enter into it.

Mr. BRYAN. Well, has the Senator seen in any of the magazines an agitation in favor of increasing the rates on second-class mail matter?

Mr. KENYON. I have not.

Mr. BRYAN. Now, Mr. President, I want to read from the report of the Postmaster General for the year ending June 30, 1913:

> Although second-class matter constituted approximately 62 per cent of the aggregate weight of the domestic revenue-producing mail, it produced only 4.98 per cent of the postage derived from such mail. The difference between the receipts from second-class matter and the expenditures chargeable thereto is not as disproportionate, yet it is so great as to deserve the most careful consideration with a view to fixing more equitable postage rates on the several classes of mail so that the revenue from each may be more nearly commensurate with its cost for handling and transportation. The commission created in 1911 under a joint resolution of Congress to investigate the subject found the cost of handling and transporting second-class matter, exclusive of certain expenditures regarding which exact information was not at hand, to be approximately 6 cents a pound, and recommended that the postage rate thereon be increased from 1 cent a pound to 2 cents a pound, such charge being regarded as reasonable and a step in the direction of the equalization of the postage charges on the several classes of mail.

Then the Postmaster General proceeds to recommend an increase in the rates on newspapers and magazines.

I understood the Senator to say—and of course it is a fact—that the Saturday Evening Post has a large circulation and necessarily avails itself of the second-class mail rates, and therefore pays 1 cent a pound for the carriage in the mails of its paper, which costs the people of this country 6 cents a pound; so that the people of this country lose, according to that estimate, 5 cents a pound for every pound of the Saturday Evening Post or of any other magazine carried through the mails; and it is a strange spectacle to me that they undertake to say that items in the river and harbor bill, which save in freight rates millions upon millions of dollars to the consumers of this country, constitute graft, but that a contribution by the Government of 5 cents a pound on second-class mail matter is entirely appropriate.

Mr. KENYON. Mr. President, may I ask the Senator a question before he sits down?

The PRESIDING OFFICER (Mr. WHITE in the chair). Does the Senator from Florida yield to the Senator from Iowa?

Mr. BRYAN. I yield to the Senator.

Mr. KENYON. I was not engaged in any defense of the Saturday Evening Post. If the situation the Senator presents is true—and I assume, of course, that it is—and the Senator is a member of the committee which would have the power to report a bill to remedy that situation, and that condition, as the Senator presents it, is absolutely wrong, why has not something been done?

Mr. BRYAN. Mr. President, I do not undertake to say that the carriage of second-class mail matter for less than it costs the Government is waste.

Mr. KENYON. Well, I do not believe I would agree with the Senator on that proposition.

Mr. BRYAN. The rate is sought to be justified, of course, because of the educational value of second-class matter.

Mr. KENYON. There may be justification in that regard; that is true.

Mr. BRYAN. There have been many hearings in the Committee on Post Offices and Post Roads in an effort to adjust the various rates. It is claimed that first-class mail matter pays twice as much as it costs to carry it and that second-class mail matter is carried at a loss of 5 cents a pound. Those figures are arrived at from the reports of commissions appointed by Congress to investigate, and the Postmaster General states it here as a fact, but it certainly is a contribution by the Government for the benefit of those who avail themselves of the second-class mail privilege. If the people get it back because of the educational advantage derived, then there is no waste, no graft; but certainly it comes nearer being a subsidy than the items found in the pending bill.

Mr. KENYON. Mr. President, if this postal matter is wrong, it ought to be righted, and I would join with the Senator in an effort to remedy it; but if it is right, as the Senator seems now to say, on the ground of educational advantage, then there is nothing in the Senator's argument.

Mr. BRYAN. No, Mr. President; I think the rates ought to be raised. I think, perhaps, it might be well to let the news matter solely go perhaps at a loss, but where they double the size of a magazine for advertising and reap great benefit and great profit, it seems to me that they are in poor position to criticize the appropriations by Congress for rivers and harbors for the benefit of the people of the entire country. I do not desire the Senator to understand that I concede that the rates ought not to be raised; but I asked the Senator the question so that perhaps he and the editorial writers on the papers and magazines might consider that there is less justification for the rates they enjoy and there is more subsidy from the Government to them than in perhaps any other appropriations that come out of the Federal Treasury.

Mr. RANSDELL. Mr. President, it is a source of very painful surprise and regret to me to see such a disposition on the part of serious-minded Senators to cast such terrible reflections upon Members of their own body. The intimation—in fact, the direct charge—that the rivers and harbors bill contains "pork" or "graft" is certainly a very serious reflection upon every member of the Commerce Committee of the Senate who prepared the bill, and upon every Member of the House of Representatives, which passed those items of it that were sent to the Senate by the House.

What is "pork"? I have never heard any definition of it; but under the common acceptation it surely means that Congress is attempting to divide, to scatter around in different States and congressional districts, improper, unwarranted appropriations of public money in order to benefit some Representative or Senator.

What is "graft"? It is the receipt of a sum which you have no right to receive—an unlawful, an unjust sum. One public man recently gave utterance to the sentiment that many of the items in the river and harbor bill are "a humbug and a steal." Do the Senators who criticize this bill consider that any items in it are "a humbug and a steal"; and if so, what are these items? I should like to have them rise in their places and say what items in this bill are a humbug and a steal. What items are "graft"? What items in this bill are for the personal benefit of some Member of the House of Representatives or of some Senator?

Yet, in cold blood, that is what they mean by charging "graft" and "pork." They mean that some Senator has secured an appropriation that was unwarranted, unjust, that he had no right to secure, or that some Member of the other branch of Congress has secured an appropriation for his district that he had no right to secure, that is not warranted by the benefits to commerce to be derived from that public appropriation.

Sir, it is certainly a source of the greatest surprise and regret to me that Members of this the most dignified legislative tribunal on earth should make such accusations against their fellow Members. That is what it means, however, and you can not make anything else of it. They make those accusations without pointing out the items, without giving a bill of particulars, without treating us, sir, as any ordinary thief is treated;

for when a man is indicted for stealing he is served with a copy of the indictment, and that indictment charges specifically just what is alleged to have been stolen. The time, the place, the circumstances, the article, and everything connected with it are notified to the alleged thief, so that he can answer intelligently. Yet here, in this great, solemn body, we are charged practically with thieving, with robbing the Government, with taking what we have no right to take, with using the funds of the Republic in order that we may be returned to our places in the Senate or our places in the House, and yet we are not told when and where and how we did it. It is all general, and it comes, in the main, from people who do not criticize a certain class of river and harbor appropriations.

You have heard no criticisms on this floor of appropriations for harbors. What are harbors? They are railroad terminals. How many criticisms have you heard of appropriations for these railroad terminals? I have heard none, and I have been listening very carefully; but I have heard plenty of criticisms, Mr. President and Senators, of improvements of streams which are competitors of railways. There may be no significance in that, but it is the fact all the same.

How do we originate an appropriation in the House or in the Senate? What is the initial step before we can start a so-called "pork barrel" measure? It is to order a survey.

That survey is made by the Engineer Corps of the Army. The district engineer, if he regards the project favorably, reports on it to the division engineer. He in turn reports favorably to the Board of Engineers for Rivers and Harbors if he thinks it is worthy. Then the Board of Engineers for Rivers and Harbors makes its examination, in many instances an independent examination, and reports favorably or unfavorably. After that is done, the matter has to run the gauntlet of the Chief of Engineers; and not until it has received the approval either of the Board of Engineers for Rivers and Harbors or the Chief of Engineers is it considered to have legislative status.

A project that can receive the approval of all these eminent engineers must have a great deal of merit in it. There is no finer band of men in the Union. Who are these engineers? They are selected from the very flower of the young men of America, appointed to West Point by Representatives, Senators, and the President himself, subjected to a most critical examination before they enter, required to undergo a very hard course of study, and the 10 honor men are the ones who constitute the Engineer Corps. They have honorable positions for life. They retire at a comfortable salary at the age of 64 years. They are as disinterested a body of men as it is possible to find. In the whole history of this Government we have had only one scandal connected with river and harbor work in the Board of Engineers, and even in that case many people believed the man was not guilty. And before Congress makes an appropriation for a river or harbor, before it has legislative status, it must run the gantlet of this board.

Several years ago Congress created the National Waterways Commission, of which the distinguished Senator from Ohio [Mr. BURTON] was chairman. It was a commission composed of a number of the very best men in Congress: Senators Theodore E. Burton, of Ohio; Jacob H. Gallinger, of New Hampshire; Samuel H. Piles, of Washington; William Alden Smith, of Michigan; F. M. Simmons, of North Carolina; James P. Clarke, of Arkansas; William Lorimer, of Illinois; and from the House of Representatives D. S. Alexander, of New York; Frederick C. Stevens, of Minnesota; Irving P. Wanger, of Pennsylvania; Stephen M. Sparkman, of Florida; and John A. Moon, of Tennessee. It would be very difficult to find an abler body of men. Now, what do that great commission say about the Engineer Corps and about our method of making river and harbor improvements? At page 78 of the final report of the commission submitted in 1912, quoting from their preliminary report of 1910, they say:

> The commission would advise that without a careful and unbiased examination of proposed improvements of the nature now required by statute no project should be adopted by Congress. Numerous propositions have been made for the creation of a board of public works, or other body, which shall decide upon the feasibility and desirability of propositions for expenditures on rivers and harbors. The commission is unwilling to recommend a change of this kind, and points to the fact that the past recommendations of the Engineer Corps have been carefully prepared, and with a degree of expert knowledge and comprehension of the commercial needs of the country which could not well be supplied by any other body or organization. The advantages which attach to the Engineer Corps are obvious. The members are in the permanent service of the Government, and are free from those influences which would inevitably be brought to bear upon men in civil life. Those engineers now engaged in the work are carefully trained in the planning and execution of these improvements, and have special qualifications for judging the feasibility and the cost of proposed river and harbor projects. They also have a good general knowledge of the probable commercial results which would accrue, though on this point their opinions have not been regarded as conclusive. In this connection the commission would call attention to the necessity for an increase in the membership of the Engineer Corps.

Mr. President, this report—which, let me repeat, indorses in the most unqualified language the Engineer Corps of the Army—was made by that great National Waterways Commission, of which the Senator from Ohio [Mr. BURTON], who is now criticizing this bill so severely, was chairman. Let me say to you, sir, and Senators, that practically every project in this bill received the approval of the very Engineer Corps which Senator BURTON'S commission says is the ideal agency for Congress to have assist it in this work.

There are only two items in this bill, and these small ones, which did not receive the entire and cordial approval of the Engineer Corps—one the Arcadia project, in Michigan, costing $25,000, a project which has been under way for many years, but the continuance of which they did not recommend; the other, a project at Lake Contrary, on the Missouri River, where $75,000 was appropriated several years ago contingent upon a like sum being appropriated by the local people. These people were so poor that they could not contribute the $75,000, and this bill removes the requirement of the local contribution. In all other respects, so far as I know—and I studied every item of the bill—everything in it meets the approval of the Engineer Corps.

Mr. President, as one member of the Commerce Committee, I studied this bill for days and weeks and months as carefully as I ever studied any measure in my life. I was a member of the subcommittee charged with framing the bill. We gave hearings to everyone who desired to be heard. We criticized every measure as carefully as we could, and if there be any "graft" in the bill, if there be any "pork" in the bill, I do not know it. I say here and now that if there be any—and any one of the Senators inclined to be so critical will point it out, will show it, will convince me of it—and I believe I am a fair-minded man—I will rise in my place and move to strike it from the bill.

We do not claim infallibility for the Commerce Committee of the Senate. We are just as liable to err as other human beings. Mistakes may have crept into this bill. We do not deny that. Perhaps there are mistakes here, but I believe the committee is about as fair as other committees, and if you will point out any mistakes we will gladly strike them out.

No one has attempted to criticize more than 3 per cent of the 350 items in the bill. There has been criticism of 9 or 10 items out of 350, aggregating about $5,164,000 out of a total of $53,000,000—3 per cent of the items, aggregating in cost less than 10 per cent of the bill; and I wish to say to you that when it comes to defending those 10 items you will find that there is no mistake and no "graft" in a single one of them.

Mr. GALLINGER. Mr. President——

The PRESIDING OFFICER. Does the Senator from Louisiana yield to the Senator from New Hampshire?

Mr. RANSDELL. I do.

Mr. GALLINGER. If the Senator will permit me, before the hour for the unfinished business arrives, I desire to make a correction in a statement I inadvertently made a little while ago. I said that there was an item in the bill which showed that at the head of navigation there was one-tenth of an inch of water in the stream. I meant to say one-tenth of a foot, and I want that correction to be made.

Mr. RANSDELL. Mr. President, I do not know that I care to say anything else, except to repeat that, to my mind, it is outrageous for reputable journals to criticize and abuse a great piece of legislation like this without going into details, without showing us the alleged mistakes and giving us a chance, as fair-minded, honorable men, to correct those mistakes. I appeal to these newspapers and journals to point out, to give a bill of particulars, to give us a chance to correct the errors, if any there be, and if they can show any considerable percentage of error or mistake in this bill, then they will do far more than I believe it is possible to do, because, in my judgment, it is a better bill than even the "ideal river and harbor bill" of 1907.

FEDERAL TRADE COMMISSION.

The PRESIDING OFFICER. The hour of 2 o'clock having arrived, the Chair lays before the Senate the unfinished business, which is House bill 15613.

The Senate, as in Committee of the Whole, resumed the consideration of the bill (H. R. 15613) to create an interstate trade commission, to define its powers and duties, and for other purposes.

Mr. WORKS rose.

Mr. BRADY. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The absence of a quorum is suggested. The Secretary will call the roll.

The Secretary called the roll, and the following Senators answered to their names:

Ashurst	Cummins	Norris	Smith, Mich.
Bankhead	Gallinger	Page	Smoot
Borah	Hollis	Perkins	Sterling
Brady	Jones	Poindexter	Stone
Brandegee	Kenyon	Pomerene	Thomas
Bryan	Kern	Ransdell	Thompson
Burton	Lane	Reed	Thornton
Camden	Lea, Tenn.	Saulsbury	Tillman
Chamberlain	Lewis	Shafroth	Walsh
Chilton	Lippitt	Sheppard	Warren
Clapp	McCumber	Simmons	White
Clarke, Ark.	McLean	Smith, Ga.	Williams
Crawford	Newlands	Smith, Md.	Works

The PRESIDING OFFICER. Fifty-two Senators have answered to their names. There is a quorum present. The Senator from California [Mr. WORKS] has the floor.

Mr. NEWLANDS. Will the Senator from California yield to me?

Mr. WORKS. I yield to the Senator from Nevada.

Mr. NEWLANDS. Mr. President, I understand that during the morning hour the Senator from North Carolina [Mr. SIMMONS] declared that unless the trade commission bill were pressed immediately to a vote he would move that the river and harbor bill be made the unfinished business.

Mr. SIMMONS. After to-day.

Mr. NEWLANDS. After to-day. I have no exception to take to the statement of the Senator from North Carolina. I think he is justified in feeling some impatience regarding the progress of both these bills.

I wish to say, so far as the trade commission bill is concerned, that conditions have thus far impeded me in pressing the measure vigorously to a vote, though I have made an effort from time to time to obtain unanimous consent for a vote. It is obvious to me now that the Democratic Party, which is responsible for this legislation, will have to see to it that a quorum is maintained here, and that a vote is obtained at an early day.

With reference to the past I have to say that the delay has been due to the fact that there have been some differences of opinion upon this side regarding section 5 of the bill as to whether the granting of the power to determine unfair competition is a delegation of legislative power, as to whether the phrase has sufficient legal significance to enable the commission to enforce it, and other questions of that kind. These doubts could only be removed by a thoroughgoing debate, which we have had, and I am inclined to believe that, so far as this side of the Chamber is concerned, those doubts have almost entirely disappeared.

There has been a disposition, however, on both sides to delay a vote upon this bill until the entire so-called trust program could be laid before the Senate by the committees having jurisdiction. It is well known that there are three measures which are being considered—the trade commission bill, the so-called Clayton bill, containing legislation supplementary to the Sherman Act, and the so-called Rayburn bill, or the railroad-securities bill. The latter has nothing to do with the question of trusts and may be eliminated from consideration, although, of course, it is desirable that we should have an early report upon that subject; but the other two bills are in a measure interlocking.

Last week we adjourned upon Thursday until Monday in the expectation that the Interstate Commerce Committee would be able to report the securities bill by the following Monday and that the Judiciary Committee would be able to report the so-called Clayton bill at that time. So far as the Interstate Commerce Committee is concerned, we found it exceedingly difficult, because of the absence of members, some of them from the city and others from the meeting, to secure such a continuous session of the committee as would result in a report of the bill, though we made substantial progress, and I think at the next meeting we will be enabled to report upon that measure.

So far as the report from the Judiciary Committee is concerned, that committee has been upon the point, as I have understood, of reporting it every day, the expectation being that upon the following day the bill would be reported, and yet five or six days have elapsed. We are told, however, that the committee is now about ready to report and that the bill will be reported either to-day or to-morrow.

I wish to say that whatever may be the action of the Judiciary Committee with reference to that bill, it is my intention to press this bill to a vote and to bring as far as I can all the powers of insistence to bear upon that subject. I would ask first, however, as an easy way of disposing of the matter, that unanimous consent be given for a vote upon this question on Monday.

Mr. BRANDEGEE. I object.

The PRESIDING OFFICER. Objection is made.

Mr. NEWLANDS. I will ask for a vote on Tuesday.

Mr. BRANDEGEE. Mr. President, I will say to the Senator, to spare him a needless waste of time in going through such requests for unanimous consent to vote on this or any other bill involving a grave change of governmental policy in the question of the regulation of corporations, there will be no unanimous consent given to this or any bill on any day until every bill has been thoroughly and exhaustively debated, so that there may be at least an approach to some preliminary understanding of the meaning of the terms employed in the bills; and that date, that happy date, I consider to be remote by the period of weeks, if not months.

Mr. LIPPITT. Mr. President——

The PRESIDING OFFICER. Does the Senator from California yield to the Senator from Rhode Island?

Mr. WORKS. Certainly.

Mr. LIPPITT. In addition to what the Senator from Connecticut has said, I must confess that I am greatly surprised that the Senator in charge of this bill is himself willing to ask to-day that a definite time be fixed for the final vote to be taken. The Senator is aware that only this morning some members, a few members, of the Interstate Commerce Committee have been considering some important changes in section 5 of the bill. Only yesterday, I think it was, I received a communication from the chairman himself suggesting a very radical change in section 5.

Mr. WORKS. Mr. President, I yielded to the Senator from Nevada to make a short statement, which turned out to be a rather long one. I do not want to yield for a general discussion of this subject.

Mr. LIPPITT. Will the Senator allow me just to finish the few words I was going to say?

Mr. WORKS. If the Senator confines his statement to a few words, I will yield.

Mr. LIPPITT. It will not be very long, Mr. President.

The PRESIDING OFFICER. Does the Senator from California yield further?

Mr. WORKS. I yield further to the Senator from Rhode Island upon the statement that he will say but a few words.

Mr. LIPPITT. What I was trying to say is that these very important amendments are now being considered by the Interstate Commerce Committee largely at the suggestion of the Senator from Nevada himself, and it seems to me radically illogical that at the time such changes are being proposed, and being proposed, as I understand it, with the approval and at the desire of the Senator from Nevada himself, who is in charge of the bill, he should expect that a definite and nearby date should be fixed for the final vote on the bill. Certainly, if the committee and the Senator himself think that the bill should be radically changed, he ought not to begin trying to fix a date for its final consideration until we at least know what those changes are to be. I understand that even this afternoon the committee is to have a meeting to consider the proposed changes, and I merely suggest to the Senator that under those conditions the suggestion of a final vote is inopportune.

Mr. NEWLANDS. Mr. President——

The PRESIDING OFFICER. Does the Senator from California yield to the Senator from Nevada?

Mr. NEWLANDS. Will the Senator permit me a moment?

Mr. WORKS. I yield.

Mr. NEWLANDS. The amendment to which the Senator from Rhode Island refers simply relates to a court review of the action of the commission with reference to unfair competition, concerning which there are amendments pending now before the body. They are printed and are before the Senate for its consideration. Those amendments are to be disposed of by the Senate. It is customary for committees while bills are being considered to meet from time to time and counsel together with reference to pending amendments, but such meetings are not intended in any way to delay the consideration and determination of the bill.

I give notice that from to-morrow on I will press the consideration of this bill.

Mr. WORKS addressed the Senate. After having spoken for some time,

Mr. TOWNSEND. Mr. President——

The PRESIDING OFFICER (Mr. LEA of Tennessee in the chair). Does the Senator from California yield to the Senator from Michigan?

Mr. WORKS. I yield.

Mr. TOWNSEND. One of the most thoughtful and capable Members of this body is addressing the Senate on a subject of great importance. There are present at this time 11 Members of the Senate, and during most of the time the Senator from

California has been speaking there have been, including the Presiding Officer, but three of the majority present. I therefore suggest the absence of a quorum.

The PRESIDING OFFICER. The absence of a quorum being suggested, the Secretary will call the roll.

The Secretary called the roll, and the following Senators answered to their names:

Borah	Gallinger	Newlands	Smoot
Brady	Gronna	Norris	Stone
Brandegee	Hughes	Overman	Thomas
Bryan	Johnson	Page	Thornton
Burton	Jones	Perkins	Townsend
Camden	Kenyon	Ransdell	Walsh
Catron	Kern	Shafroth	West
Chamberlain	Lane	Sheppard	White
Chilton	Lea, Tenn.	Simmons	Williams
Clarke, Ark.	McCumber	Smith, Ariz.	Works
Crawford	Martin, Va.	Smith, Md.	
Cummins	Nelson	Smith, Mich.	

The PRESIDING OFFICER. Forty-six Senators have answered to their names. A quorum is not present. The Secretary will call the names of absent Senators.

The Secretary called the names of absent Senators, and Mr. BANKHEAD, Mr. SWANSON, Mr. THOMPSON, and Mr. TILLMAN answered to their names when called.

Mr. CLAPP and Mr. ASHURST entered the Chamber and answered to their names.

The PRESIDING OFFICER. Fifty-two Senators having answered to their names, a quorum of the Senate is present. The Senator from California will proceed.

Mr. WORKS resumed and concluded his speech, which, entire, is as follows:

Mr. President, we have now definitely entered upon what has come to be called trust legislation. The term is misleading as applied to the three bills now before the Senate. They extend far beyond the effort to regulate or even control the trusts. I have examined these bills as they came over from the House and they have filled me with amazement. If the business of the country is dishonest enough and oppressive enough to justify such legislation as is proposed by the three bills, our condition would seem to be hopeless, and to remedy conditions by law impossible. To attempt it would work no practical good and add to the burdens of the people who deal with the business concerns sought to be regulated. We have one commission, known as the Interstate Commerce Commission, with almost plenary and unlimited power in regulating in some respects the business of common carriers. We propose by one of these bills to extend this power enormously and in respects most vital to the corporations in the way of controlling, absolutely and without limitation by this commission, their right to issue shares of capital stock, bonds, or other securities, thus giving the commission the power to say what investments shall be made by such corporations and for what purposes. It involves, necessarily, the power of the commission to prevent any railroad corporation from extending or improving its railroad line or from new construction of any kind. In other words, it gives the commission the arbitrary and unlimited power to say what a railway company may do in the way of construction, whether new or by way of extension or improvement of its existing line. Under the provisions of the bill no common carrier can build a new line or improve an old one on borrowed money without the consent of the commission. And in order to secure this consent the carrier must lay bare its entire business and financial affairs and submit to an examination and inspection of its books and papers and that of its officers, agents, and attorneys in a way most humiliating and unjust to business men of integrity and business probity. In addition to this, we propose to create another commission of five persons and vest in that commission equally arbitrary and unlimited power over corporations and associations, and incidentally private individuals, not common carriers, but engaged in interstate trade and commerce, and authority to determine whether any such corporation or association is engaged in unfair competition, and with inquisitorial power that is extended to its subordinate employees, as broad and as offensive to all ideas of freedom and independence in business as in case of the other commission. I have tried to analyze the three bills and resolve them into tabulated and brief form for my own convenience in trying to arrive at the object and scope of their provisions and their probable effect if they are enacted. I submit this analysis with the hope that it may help other Senators to grasp the meaning and effect of the bills more readily and conveniently. It is as follows:

MEMORANDA OF PROVISIONS.

1. Interstate trade commission bill.
   a. Federal trade commission of five members created.
   b. Appointed by the President, by and with the advice of the Senate.
   c. Term of office seven years.
   d. Salaries, $10,000 a year each; secretary, $5,000; assistant secretary, $4,000; total, $59,000 a year.
   e. Commission authorized to appoint attorneys, special agents, accountants, experts, examiners, and other employees, as many as Congress will appropriate money to pay.
   f. Commission given power:
      1. To investigate any corporation or association doing an interstate-trade business whenever and as often as it pleases.
      2. To require any corporation to furnish any information it calls for at any time, without limitation.
      3. To prescribe forms of annual reports from such corporations, and to compel the making of annual reports and special reports without limit and at any time.
      4. To make public the information it obtains.
      5. To prepare decrees in suits brought by the Attorney General.
      6. To investigate and determine whether decrees procured by the Attorney General are being carried out, or are being violated, and what, if any, other or additional decree is advisable.
      7. If it finds that anyone has violated the antitrust law, to report its findings and the evidence to the Attorney General with its recommendations.
      8. Have access to all books and papers of such business.
      9. To investigate trade conditions in other countries.
      10. To prevent unfair methods of competition.
      11. To hold hearings affecting any concern whenever it pleases, to determine whether its methods are unfair or not.
      12. If it finds they are unfair, to issue an order restraining and prohibiting the use of the same.
      13. If the order is not complied with, to bring an action to enforce compliance.
      14. To issue subpœnas, compel the attendance and testimony of witnesses, and production of evidence, and to administer oaths.

   The bill imposes severe penalties for failure or neglect to comply with any of the orders of the commission.

2. Bill to supplement existing laws against unlawful restraints and monopolies, known as the Clayton bill.
   a. Forbids any person engaged in commerce to discriminate between different purchasers of commodities with the purpose or intent to thereby destroy or wrongfully injure the business of a competitor of either such purchaser or seller.
   b. Makes it unlawful for any owner or operator of a mine to refuse, arbitrarily, to sell its products to a responsible person.
   c. Forbids any person to lease or sell a commodity on condition or understanding that the lessee or purchaser shall not deal in the commodities of a competitor.
   d. Exempts fraternal, labor, consumers', agricultural, or horticultural organizations instituted for the purposes of mutual help, not only from the provisions of the bill but from the antitrust laws.
   e. Also exempting associations of traffic, operating, accounting, or other officers of common carriers, under certain conditions.
   f. Forbids any corporation engaged in commerce to hold stock of another corporation so engaged, the effect of which is to eliminate or substantially lessen competition.
   g. Forbids a corporation to hold the stock of two or more corporations where such effect will result.
      This not to apply:
      (1) To corporations purchasing stock solely for investment, or
      (2) To railroad corporations aiding in the construction of branch railroads, feeders to its main line.
   h. Forbids interlocking directors in case of corporations or other concerns doing business with each other.
   i. Forbids interlocking directors of banks where either bank has a capital of $2,500,000, or more.
   j. Forbids any bank, banking association, or trust company, in any town of more than 100,000 inhabitants, to have as a director, or other officer or employee, any private banker or director, or other officer of any other bank in the same place, with certain enumerated exceptions.

k. Forbidding any person to be a director in any two or more corporations engaged in commerce, either of which has capital, surplus, and undivided profits aggregating more than $1,000,000.

l. Imposes penalties for violations of the act and makes directors, officers, and agents individually and directly liable.

The bill further provides for the issuance of injunctions in certain cases and for other proceedings.

3. Bill to prevent overissues of securities.

a. Authorizes the Interstate Commerce Commission to compel annual reports, under oath, by common carriers showing all the facts about its stock and securities, cost and value of its properties, franchises and equipments, number of employees, their salaries, amounts expended for improvements each year, and how earnings and receipts, operating and other expenses, balance of profit and loss, and a complete exhibit of the carrier's financial operations each year, including an annual balance sheet, information in relation to rates or regulations concerning fares or freights, or agreements, arrangements, or contracts affecting the same, and the keeping of uniform system of accounts and making of monthly and special reports on any subject the commission may require, including a balanced statement of its receipts on capital account and of the surplus of the income account accruing during the period covered, and all other financial transactions that may be called for.

b. The commission is given the power to investigate all financial transactions of the carriers and examine into the actual cost and value of property acquired by or services rendered to them.

c. The carrier may be required to disclose every interest, direct or indirect, of the directors, stockholders, officers, agents or attorneys, employees, receivers, or operating trustees of such carrier in any transaction under investigation.

d. In addition the commission may require the carrier to furnish any further statements of fact or evidence it pleases.

e. The commission may prescribe the forms of accounts and books to be kept by the carrier, and to keep any other is made unlawful.

f. The commission is given the right of access to all books and papers in the hands of the carrier, its officers, stockholders, agents, attorneys, employees, receivers, or operating trustee, or anybody else that has had business transactions with the carrier.

g. Authorizes the appointment of special agents or inspectors, who are given the right to inspect, examine, and take copies of everything they can find.

h. Makes it a penal offense to refuse access of these special agents or inspectors to anything, punished by heavy forfeitures.

i. Makes it a penal offense to make any false entries or accounts, or any accounts other than those prescribed by the commission, or to fail to make any entry, or to make them full, true or correct, or to destroy any account or entry, and so forth, under penalty of fine and imprisonment.

j. Courts authorized to issue writs of mandamus to compel compliance with requirements of the commission.

k. Special agents and examiners are authorized to administer oaths, examine witnesses, and receive evidence.

l. Requires issuance of receipt or bill of lading for goods shipped, but the same shall not relieve the carrier from any liability under the act.

m. Makes it unlawful for any carrier to issue any certificates of stocks, bonds, or other evidence of indebtedness, or to assume any obligation or liability unless:

First. (a) It be for some purpose within its corporate powers necessary for its performance in the public interest and not tending to impair its financial ability to discharge its duty to the public.

(b) And then only when such issue is approved by the commission.

(c) The application for leave to issue shall be in the form prescribed by the commission, and includes:

1. The total amount of the issue and how authorized on behalf of the carrier.
2. The number and amount of all its securities outstanding.
3. The amount to be issued and whether to be sold, pledged, or held in the treasury and the terms upon which they are to be disposed of and the consideration, etc.
4. The number and amount of its securities so authorized and not then to be issued.
5. If the issue is of shares of stock the number, face value, whether common or preferred, and number already outstanding.

Second. The preferences or privileges granted to holders of any such securities, date of maturity, whether cumulative or not, etc.

Third. The purpose to which the proceeds are to be applied.

Fourth. If it is proposed to assume the obligation of any other person, natural or artificial, the financial condition of such other person and the object of such assumption.

n. The application must be made under oath.

o. When securities pledged or held as free assets shall subsequently be sold or otherwise disposed of, must file a certificate to that effect and give again all the information called for by subdivision c, above, and anything else the commission requires.

p. On application for leave to issue securities the commission is required to give notice to the railroad commission, or other proper authority of the State in which the carrier operates, and such State representative is authorized to be heard.

q. The action of approval shall not be construed as a guaranty or any obligation on the part of the Government.

r. Notes maturing not more than two years after their date excepted from the provisions of the bill, but notice of their issuance must be given the commission.

s. Commissioners must require periodical or special reports from all carriers issuing securities, including such notes.

t. The issue of securities not authorized as above may be enjoined.

u. And the issuance of them is made a penal offense on the part of the officers, agents, and attorneys of the carrier.

v. Being a director of two or more carriers without the consent of the commission prohibited under penalty.

w. Officer or director of the carrier prohibited from receiving any money or thing of value for or on account of the issuance of securities by the carrier.

I have given the provisions of the last two bills as they came from the House and the other as reported to the Senate, partly to show how far this administration is willing to go in tying up the business of the country and destroying its freedom and independence. The President has not only recommended legislation of this kind, as the Constitution authorizes him to do, but has, as I am informed, agreed with Democratic Members of both Houses of Congress as to the specific forms of the bills before they were introduced. So in that form they represent the views, objects, and purposes of the administration. Some changes and modifications of them have been made in committee of the Senate. These changes will be noted further along.

Mr. President, I was amazed, and not a little disturbed, when I came to realize the scope and extent of these bills and contemplated their probable effect upon the business and business men of the country. Their reading may well make one wonder whether we are living in a free country in a civilized age or have gone back to the dark ages, when force and despotism ruled and controlled the rights and destinies of men. This attempt to bring the business of the country under such a system of espionage, inquisition, and subservience of individual citizens to the unbridled power of government by commission in the transaction of their private business, I believe, surpasses anything in the history of this or any other civilized nation. Have we fallen so low that the standard of business honor and integrity must be fixed and enforced by law and arbitrary power? If we have, it would be far more manly and just to meet this evil condition by taking business of this kind over into the hands of the Government, if we can be assured that political appointees to office will be more honest or trustworthy than the officers of the corporations we assume to control.

Mr. President, such legislation as this is more than likely to be as futile as it is unjust. Men are not made honest or unselfish by law. Good character or probity are not the products of compulsory legislation or the enforcement of arbitrary power. Some business men are dishonest and resort to practices that should be condemned and punished; but other men are honest and conduct their business fairly and with due consideration for the rights of their competitors. Men engaged in the lines of business sought to be affected by this proposed legislation are no more unworthy nor dishonest, I believe, than others of their countrymen engaged in other pursuits. To reach and control

the men who engage in unfair practices we propose to humiliate and degrade the whole body of business men of the country, destroy their initiative and energy, and make them subservient slaves to the power of a commission placed over them, their property, and their business by the Government. The great fault of present laws intended to control trusts and dishonest business is that they do not attempt to reach and punish specific wrongful acts or make them unlawful and punish the offenders who commit them. This is not only a great fault, but it has constituted the greatest weakness of such laws. The antitrust law has been in force for nearly a quarter of a century. As a moral educator and a stimulus to higher ideals in business it has probably done some good, but as a practical remedy for existing or expected evils or a benefit to the people of the country it has been a lamentable failure. Hundreds, probably millions, of dollars have been expended by the Government in its enforcement, and other millions have been spent by business institutions in the attempt to comply with its terms and in defending against actions brought to enforce it. Departments of Justice in different administrations of the Government have vied with each other in efforts, more or less successful, to enforce the law. They have done so somewhat boastfully, because prosecutions against big business in any form are popular and politically helpful to the party in power. So is every attempt to legislate against it. Hence the bills we have before us.

But, Mr. President, what good has come to the people of the country or harm to the corporations involved in these prosecutions? None whatever, so far as can be seen. They have not decreased the cost of living or benefited directly a single man or woman in the country. They have not decreased the value of the stock of any offending corporation or materially interfered with or injured its business. So far as I know it has not even benefited any competitors of such organizations or restored free or fair competition. If they had, the legislation now proposed would be wholly unnecessary. As we are proposing to extend this kind of legislation along the same general lines, involving inspections, examinations, inquisitions, and provisions against discrimination and combinations, and the like, our footsteps should be guided by experience. We should look conditions squarely in the face after nearly 25 years of effort along these lines and try, if we are going to legislate at all, to get down to something specific and practical. Let us define offenses specifically and send the man who violates the law to the penitentiary, where he belongs, and not burden all business with such supervision and throttling inquisitions as are now proposed. When the antitrust law was enacted there was not one offensive monopoly or trust where there are a hundred now, and they are not only greater in number, but they are stronger and more oppressive, arrogant, and overpowering in their influence. They have been born, nurtured, and waxed strong and powerful under this ineffectual and futile kind of legislation that we are now asked to perpetuate and extend. In the prosecutions that have taken place under the antitrust law thousands of cases of specific crimes and wrongdoing have been proved for which men should have been sent to jail or the penitentiary, but the courts were, in the main, helpless to punish for these offenses, because the act was against combinations and conspiracies, and the remedy was to dissolve the combination and punish only the conspiracy. And what a solemn travesty on justice, what a farce it has all been!

I had occasion, in a speech made by me in the Senate May 5, 1913, to examine and criticize the antitrust law and point out its weaknesses and inefficiency. In the course of my remarks I said:

> The first section of the act forbids only contracts, combinations in the form of trusts or otherwise, or conspiracies in restraint of trade or commerce. It does not make criminal any act of one individual or corporation against another, however oppressive or injurious, although the specific wrongful act in itself may be in restraint of trade or commerce. Such wrongful acts, that should be themselves made criminal, may be proved only to establish the ultimate fact of an unlawful contract, combination, or conspiracy. If this ultimate fact is not established, the wrongful acts committed in restraint of trade must go unpunished.
>
> The second section is subject to the same criticism. It is directed wholly against monopolies and not against acts of wrong or oppression, however much or how directly such acts tend to restrain trade or commerce. The wrongful acts are not an offense against the statute and proof of them can be made only to establish the ultimate fact of a monopoly or attempt or conspiracy to establish a monopoly. The acts themselves, some of which may be directed at one person or corporation and some at another, are not punishable under this section. There can be no doubt that the sole object and purpose of the act was to prevent contracts, combinations, and conspiracies in restraint of trade, and nothing else. It was not intended to, and does not, forbid or render criminal specific acts in restraint of trade or commerce. This is just as true of the section against monopolies as it is of the other.

Provisions of the law and decisions of the court were cited to verify the statement made.

Now, sir, what are we proposing to do by the so-called Clayton bill? Is it any better in this respect than the original antitrust bill? In some particulars and in a very slight degree it is. It does provide specifically against discrimination between customers, refusal to sell the products of mines, oil or gas wells, and so forth, and the sale of goods under an agreement that the purchaser shall not deal in the goods of anyone else. Very properly all of these are made criminal offenses and made punishable. This gives some room for hope that Congress may some time deal with this great evil in a practical way by specific and direct legislation that can be made effective. Some other provisions of the Clayton bill will be considered further along.

Mr. President, I have thus given a sort of general survey of trust legislation and its effects. Let me now, with the permission of the Senate, take up and consider the bills now before us, intended, it is claimed, to improve the existing law on the subject, and make it more practical and effective. This, as I have attempted to show, is greatly needed. Therefore the question is whether the bills before us are so framed as to have this effect or will they, if enacted, make the law worse instead of better? Will they make a law that is now only ineffectual active for evil? In some particulars I am afraid they will. There is some good in some, if not all, of the bills, but some of their provisions are not only unjust and oppressive but positively evil and vicious.

TRADE COMMISSION BILL.

First, of the bill to create a trade commission. This bill has been thoroughly and ably discussed by other Senators. The legal and constitutional phases of it have been fully covered. So I am not going to discuss it at length. I am strongly and earnestly opposed to the inquisitorial features of the bill. They seem to me to be obnoxious to every principle of free government and an unnecessary burden upon the business of the country. They apply only to business concerns engaged in interstate trade, but if Congress can enact laws of this kind, affecting such corporations, the several States have power to extend them to all other business concerns corporate or of private citizens, and then we will have the business of the whole country in a straitjacket that will be infinitely worse than the unfair competition we now have.

We assume that by such legislation we are putting big business in the hands and under the control of a commission. It is much to be feared, on the other hand, that the commission, and with it the Government, may fall into the hands of the powerful combinations of wealth. The men who can control the business and finances of a great nation may find a way to reach and control the five men who are expected to control them. It has been done. It is not at all unlikely that it will occur again. These powerful influences have, in a very great measure, guided and controlled the destinies of this Republic. They will continue to do so. Can we expect such a commission to withstand their influence? They work in mysterious ways. They know what they want. They know how to get it. They lead and influence honest men as successfully as they corrupt and bribe dishonest ones. It is a perilous thing to give over to a mere commission such enormous power for good or evil.

But, sir, I am not confining my objections to the creation of this commission in this single case. I am opposed on principle to a Government composed of commissions and bureaus vested with powers that should be preserved in the constitutional departments of the Government. We have vastly too many of them now. We are adding to the number every session of Congress. Both the legislative and judicial departments of the Government are being gradually stripped of their power that is being transferred to commissions. But, Mr. President, this is one of the worst cases of them all. This bill is an attempt to confer on this commission both legislative and judicial power. It declares unfair competition to be unlawful. It gives the commission the power to declare what is unfair competition, because it is not defined in the bill, which is legislation, pure and simple. Then it is empowered to try the question whether a corporation or association has been guilty of what it has determined to be unfair competition, and render a decree, or an order in the nature of a decree of injunction, forbidding the corporation to continue the practice.

Mr. BRANDEGEE. Mr. President——

The PRESIDING OFFICER. Does the Senator from California yield to the Senator from Connecticut?

Mr. WORKS. I yield to the Senator from Connecticut.

Mr. BRANDEGEE. Mr. President, I simply want to call the attention of the Senator to the fact that the bill declares "unfair competition" to be unlawful, and then it confers upon the commission authority to prohibit "unfair methods of competi-

tion," which is not exactly what the Senator said. Inasmuch as "unfair methods of competition" are not in terms prohibited by the bill, but "unfair competition" is, I wondered what was the cause of prohibiting one offense and then authorizing the commission to prohibit the commission of another, if it is another. If it is the same, if "unfair competition," declared to be unlawful, is the same as "unfair methods of competition," why should not the language be the same in both cases?

Mr. WORKS. Mr. President, I think that is an inquiry that should be addressed to the chairman of the committee. I had not noticed the difference pointed out by the Senator from Connecticut, and I am not able to say now what the effect of that difference in the use of the words would be.

This action is essentially judicial in its character. So we have in this one small commission an inquisitorial body with power to force information of every phase of a company's business, a legislative body to determine and declare what is unfair competition, and a court to try and convict the company of a violation of the law it has created and enjoin it from carrying on its business in the way it has been doing. Mr. President, we should hesitate long before going this length. Besides being an injustice and highly oppressive to the business concerns immediately affected, it goes far toward changing our form of government. I can not but look upon such a step with serious apprehension.

RAILROAD SECURITIES BILL.

The bill to prevent overissues of securities is worse, if possible, than the one I have just been discussing in so far as it vests the commission with inquisitorial powers. Besides, in this case the additional and specific authority to call for reports, make inspections and investigations, and take copies of papers is wholly unnecessary. The Interstate Commerce Commission has as full and ample power in this respect as should, in conscience, be given to any commission. Of course, common-carrier corporations differ from mere trading companies. They are very justly regarded as public servants and properly amenable to governmental regulation. This being so, there is greater reason and propriety in subjecting their property and accounts to public inspection. It was this that justified the creation of the Interstate Commerce Commission. Its work has proved the wisdom of creating it and vesting it with the powers it now possesses. The question of rates was of vital importance to shippers and to the public generally. Abuses had grown up in the transportation business that made action on the part of the Government imperatively necessary in the public interest. The misuse of their powers by the railway and other transportation companies brought this supervision of their business upon them. It was a just retribution. But even this kind of regulation may be carried to an extreme and work harm rather than good. The success of the Interstate Commerce Commission and the beneficial effects of its work have been one of the incentives to load the commission down with a multitude of duties that should never have been imposed upon it and which will, if it has not already, seriously impair its efficiency, and the appointment of numerous other commissions and bureaus that never should have been heard of. The Government has become top-heavy with commissions, and the expense of maintaining them, many of them idle and useless, is running up into the millions every year, and we keep on making more of them.

But, Mr. President, the most serious portion of this bill is not the additional inquisitorial powers of the commission and the immense burden it imposes on business, for which, at last, the people must pay. That is bad enough, as I have attempted to show in discussing the other bill. We propose that after the commission finds out everything that can be known about the property and business of a corporation no securities of any kind shall be issued or debt incurred by the company until the commission has given its consent and then only the amount allowed by the commission and to be used only for the purposes it prescribes. This looks like taking pretty strong measures. It looks like an unjustifiable imposition upon the corporation; but, to my mind, even that is not the worst of it. Practically we put the business of the carrier in the hands of the commission. It has the power either to build it up and make it prosperous and beneficial to the public or destroy it. The future of any corporation that must borrow money to carry out its purposes has its destiny placed in the hands of the commission. It follows necessarily that the Government becomes, morally at least, responsible for the success or failure of the company. But this bill expressly provides that the Government shall not be responsible. This seems an unworthy and cowardly thing to do. The Government controls the situation entirely. It may wreck the concern entirely or destroy its usefulness and efficiency. The company is helpless to do what its officers conceive to be necessary to its success, if the commission objects, yet the Government slips out of all responsibility for the failure and the corporation must suffer the consequences of the wrongful or mistaken judgment of the commission, whose word is absolute and controlling. If the Government is going to control the utility corporations it should do so openly and be responsible for their service to the public. This attempt to control the business of such corporations and shirk the responsibility is unfair and unjust and savors of downright dishonesty. I can not bring myself to believe that it is either just or good policy to venture upon this mode of dealing with common-carrier corporations.

THE CLAYTON BILL.

Mr. President, the Clayton bill, so called, has some merit. It has some provisions that one entertaining the views I do may consistently support. I am earnestly in favor of any practical legislation that will make competition free and untrammeled and curb the power of the great and powerful corporations in the public interest, but I want to be sure that it is in the interest of the public, for whom we are called upon to make laws. Any legitimate effort to prevent unfair and oppressive monopolies meets my hearty approval. Therefore the provision of the bill making it a criminal offense to discriminate in prices is to be commended; but the provision is weakened and its practical effect almost completely destroyed by making the specific "intent thereby to destroy or wrongfully injure the business of a competitor" necessary to constitute the offense. It would seem from this that the purpose of the bill is not to protect the public but competitors in business. Unless free competition will reduce rates and prices to shippers and consumers, competition is not worth having. What we need to do is to protect the people of the country from unjust or exorbitant charges. Under this bill, in order to establish the specific intent, to injure a competitor and not the public is made the test. And besides the fact that the theory upon which the bill proceeds is wrong, the intent would generally be impossible to prove.

Mr. President, the size of a corporation or the amount or scope of its business does not determine whether it is a trust or whether it is detrimental to the public interests or not. A corporation with millions of dollars of capital may deal as fairly and as honestly with its competitors and its customers as the corporation or individual of small capital doing a small business. The larger capital of the big concern and its greater facilities for doing business may, and often does, enable it to sell its goods or perform its services for less money than its smaller competitor. If so, the public should have the benefit of this advantage of big business over little business. But if big business reduces its rates or charges below a reasonable return in profits with the intent and purpose of destroying competition and then, with the competitor out of the way, *advances the rate or charge beyond a reasonable amount* this constitutes an injury and an offense against the public. We have no call to make laws to protect one competitor against another unless the unfair treatment is ultimately an injury to the public. But this section of the bill goes no further than to protect the competitor. It may be said generally that free competition is a good thing, but it is not if the big concern which could sell at a reasonable profit at a lower rate while the little concern could not, and the big one must, under this bill, charge a higher price to the public in order to protect the little one. In such a case—and such cases undoubtedly do exist—it would be much better for the little fellow to be driven out of business, provided the big fellow does not, after driving out the little fellow, advance rates or prices beyond a reasonable amount because he no longer has to meet competition. So, on the whole, this section of the bill, intended, I have no doubt, to meet a real existing evil, will be impotent to accomplish the desired result. We are bound to understand that big business is here and that it is here to stay. This is a great Nation; its business, public and private, is enormous. This is an age of big things. Without big business and combinations of wealth the big things and the great problems that are confronting us as a nation and individually could not be developed and solved.

In making laws we may as well look this fixed and unalterable fact squarely in the face and act accordingly. We cannot destroy big business. We should not if we could. We may not be able to regulate it satisfactorily. We have not done so yet. But we can and we should define the offenses that big business or little business shall not do and punish either the one or the other for doing them. If it should be regarded as a crime to sell or serve for less or more than a reasonable price or rate, make it a crime to do either and punish for it accordingly and do not refer it to a commission. Such provisions as

this should be a part of the penal code and not treated as amendments to or belonging under the antitrust law. The antitrust law was intended to prevent combinations and conspiracies in restraint of trade. It goes no further than that. It is entirely illogical and incongruous to add to it a penal provision belonging to and which should be classed with the definitions of and provisions for the punishment of penal offenses. By adding sections 2, 3, and 4 of the Clayton bill to the antitrust law we are going to weaken that law instead of strengthening it. The provisions against discrimination, refusing to sell products, or contracting that a lessee or purchaser shall not deal in the goods of another are essentially criminal statutes defining specific crimes and prescribing punishments for their commission. They do not belong with antitrust legislation and should never be made a part of it. If these provisions are eliminated from the bill, denominated a supplement to existing laws against unlawful restraints of trade, and placed where they belong, as they should be, there would not be enough of beneficial or useful legislation left in the bill to make it worth consideration.

But, sir, there is so much of positive evil in the bill as it came from the House that it should never under any circumstances be allowed to become a law.

It provides for exemption from the provisions of the antitrust law as it now exists, as follows:

> That nothing contained in the antitrust laws shall be construed to forbid the existence and operation of fraternal, labor, consumers, agricultural, or horticultural organizations, orders, or associations instituted for the purposes of mutual help, and not having capital stock or conducted for profit, or to forbid or restrain individual members of such organizations, orders, or associations from carrying out the legitimate objects thereof; nor shall such organizations, orders, or associations, or the members thereof, be held or construed to be illegal combinations or conspiracies in restraint of trade, under the antitrust laws.

This is a direct and very serious attack on the Sherman antitrust law, by exempting certain organizations from its effects. These provisions are either vicious or unnecessary. If the organizations exempted are within the prohibitions of the antitrust law and therefore unlawful, they should not be exempted. If they are not, then the exemption is unnecessary. But there is a much graver reason than this why this exemption should not be made. It is class legislation in its worst form. Why should a labor organization be allowed to do an unlawful thing any more than a business organization? There is no reason whatever. Under our system of government all men must be equal before the law. To exempt one class from the effects of a prohibitory law and enforce it against another class is in violation of the fundamental principles of our Government. It is unjust. It is intolerable. And if there is any class of people in this country that should resist the making of class distinctions in our laws it is the laboring class. No class can suffer greater injustice than the laboring class from class legislation.

But, sir, there is no reason for any such distinction in this case. Labor organizations have been fully protected by the courts up to this time where they deserved protection from the effects of the law. Certain well-defined rules which protect labor organizations and laboring men have become thoroughly established by the decided cases, State and Federal. They are rules the justice of which no reasonable or just complaint can be made. I give them as I understand them to be fully established by the decided cases, with the citation of cases supporting them:

1. A conspiracy is a combination to effect an illegal object as an end or means, and a "civil conspiracy" is a combination of two or more persons to accomplish by concerted action an unlawful or oppressive object or a lawful object by unlawful or oppressive means.

National Fireproofing Co. *v.* Mason Builders' Association, 169 Fed. Rep., 259; American Federation of Labor *v.* Bucks Stove & Range Co., Wash. L. Rep., 154; Barnes *v.* Typographical Union, 232 Ill., 424; Karges Furniture Co. *v.* Amalgamated Woodworkers' Labor Union, 165 Ind., 421; Reynolds *v.* Everett, 144 N. Y., 189; Allis-Chalmers Co. *v.* Iron Molders' Union, 150 Fed. Rep., 155; Gray *v.* Building Trades Council, 91 Minn., 171; Martens *v.* Reilly, 109 Wis., 464; Vegelahn *v.* Gunter, 167 Mass., 92; Arthur *v.* Oaks, 63 Fed. Rep., 310; Hawarden *v.* Youghiogheny & L. Coal Co., 111 Wis., 545; Plant *v.* Wood, 176 Mass., 492; State *v.* Gliddon, 55 Conn., 46; State *v.* Stockford, 77 Conn., 227; Longshore Printing Co. *v.* Howell, 26 Oreg., 527.

2. Labor organizations formed for their own protection, either in the amount of their wages or conditions under which they work, are not illegal or in violation of the antitrust law.

Wabash Railroad Co. *v.* Hannahan, 121 Fed. Rep., 563; Vegelahn *v.* Gunter, 167 Mass., 92; Hawarden *v.* Youghiogheny & L. Coal Co., 111 Wis., 545; State *v.* Stockford, 77 Conn., 227; Longshore Printing Co. *v.* Howell, 26 Oreg., 527; Curran *v.* Galan, 152 N. Y., 33.

3. Employees under no contractual restraint may lawfully combine and by prearrangement quit their employment in a body for the purpose of securing from their employers an advance in wages, shorter hours, or any other legitimate benefit, even though they know at the time that such action will be attended with injury and damage to the business of their employer, provided the strike is carried on in a lawful manner—that is, a manner free from force, intimidation, and false representation.

Karges Furniture Co. *v.* Amalgamated Woodworkers' Local Union, 165 Ind., 421; Rogers *v.* Evarts, 17 N. Y. Supp., 264; Allis-Chalmers Co. *v.* Reliable Lodge, 111 Fed. Rep., 264; Arthur *v.* Oakes, 63 Fed. Rep., 310; Hawarden *v.* Youghiogheny & L. Coal Co., 111 Wis., 545; Beck *v.* Railway Teamsters' Protective Union, 118 Mich., 497; Curran *v.* Galen, 152 N. Y., 33; Bohn Manufacturing Co. *v.* Hollis, 54 Minn., 223; National Protective Association *v.* Cunning, 170 N. Y., 315.

4. But if the organization or conspiracy is for the purpose of injuring some one else in his property or business it is unlawful.

Hawarden *v.* Youghiogheny & L. Coal Co., 111 Wis., 545; State *v.* Stockford, 77 Conn., 227; Purington *v.* Hinchliff, 219 Ill., 159; Erdman *v.* Mitchell, 207 Pa. St., 79; Delz *v.* Winfree, 80 Tex., 400; Curran *v.* Galen, 152 N. Y., 33; Crump *v.* Commonwealth, 84 Va., 927.

5. It is unlawful to use force or intimidation to induce a colaborer or anyone else to quit his employment or to interfere with or obstruct the business of another by such means.

Foster *v.* Retail Clerks' Int. Pro. Association, 78 N. Y. Supl., 860; Allis-Chalmers Co. *v.* Iron Molders' Union, 150 Fed. Rep., 155; W. A. Fletcher Co. *v.* International Association of Machinists, 55 Atl. Rep., 1077; Johnston Harvester Co. *v.* Meinhart, 60 How. Prac. (N. Y.), 168; Gray *v.* Building Trades Council, 91 Minn., 171; Farmers' Loan & T. Co. *v.* Northern Pacific Railway Co., 60 Fed. Rep., 803; Vegelahn *v.* Gunter, 167 Mass., 92; Atchison, Topeka & Santa Fe Railway Co. *v.* Gee, 139 Fed. Rep., 582; Allis-Chalmers Co. *v.* Reliable Lodge, 111 Fed. Rep., 264; Thomas *v.* Cincinnati, N. O. & T. P. Ry. Co., 62 Fed. Rep., 803; Cumberland Glass Manufacturing Co. *v.* Glass Bottle Blowers' Association, 46 Atl. Rep., 208; State *v.* Stockford, 77 Conn., 227; Lucke *v.* Clothing Cutters Assembly, 77 Md., 396; Longshore Printing Co. *v.* Howell, 26 Or., 527; O'Neil *v.* Behanna, 182 Pa. St., 236.

6. But not where peaceable persuasion only is used to accomplish the same result.

Rogers *v.* Evarts, 17 N. Y. Supl., 264; Reynolds *v.* Everett, 144 N. Y., 189; Tube & Forkside Co. *v.* International Union, 9 O. Dec., 692; Foster *v.* Retail Clerks Int. Pro. Assn., 78 N. Y. Supl., 860; Sinsheimer *v.* United Garment Workers, 28 N. Y. Supl., 321.

7. Declaring or enforcing a boycott with the object of injuring or destroying the business of another is unlawful, although the ultimate object of the combination is to benefit the property or business of the perpetrators of it.

Loew *v.* California S. Fed. of L., 139 Fed. Rep., 71; State *v.* Gliddon, 55 Conn., 46; Carey *v.* Cincinnati Typo. Union, 45 Fed. Rep., 135.

8. Picketing accompanied by force, threats, or intimidation is unlawful.

Union Pac. R. Co. *v.* Ruef, 120 Fed. Rep., 102.

9. These wrongful injuries to the property or business of another are grounds for injunctive relief.

Farmers Loan & T. Co., 60 Fed. Rep., 803; Vegelahn *v.* Gunter, 167 Mass., 92; Atchison, T. & S. F. Ry. Co. *v.* Gee, 139 Fed. Rep., 582; Allis-Chalmers Co. *v.* Reliable Lodge, 111 Fed. Rep., 264; Union Pac. R. Co. *v.* Ruef, 120 Fed. Rep., 102; Carey *v.* Cincinnati Typo. Union, 45 Fed. Rep., 135; Hawarden *v.* Youghiogheny & L. Coal Co., 111 Wis., 545; United States *v.* Debs, 64 Fed. Rep., 724; Cumberland Glass Mfg. Co. *v.* Glass Bottle Blowers' Assn., 46 Atl., 208; Vegelahn *v.* Gunter, 167 Mass., 92, 1077; Coons *v.* Christie, 53 N. Y. Supl., 668; Consolidated Steel & Wire Co. *v.* Murray, 80 Fed. Rep., 811; 85 Fed. Rep., 252.

10. And a violation of the injunction may be punished as a contempt of court.

In re Doolittle, 23 Fed. Rep., 544; United States *v.* Debs, 64 Fed. Rep., 724.

11. But a court of equity will not compel the actual affirmative performance by an employee of merely personal services any more than it will compel an employer to retain in his personal service one who, no matter for what cause, is not acceptable to him for services of that character.

Arthur *v.* Oakes, 63 Fed. Rep., 310.

Mr. President, I submit that these well-established rules of law and equity, now being uniformly upheld and enforced by

the courts, afford every protection to labor organizations and all others sought to be favored by this bill that any class of our people have any right to ask. It must be borne in mind that many of the actions and prosecutions which resulted in the establishment of these just and salutary rules did not arise under the antitrust law at all, but under State statutes and the common law. Conspiracies and combinations intended to injure other people or malicious and forcible injury to business or property were not made unlawful by the antitrust law. They were unlawful at common law, and have been defined as crimes in probably every State in the Union. Therefore, to exempt labor or other organizations from prosecutions under the antitrust laws would not reach these questions. They would have been liable to action for damages and criminal prosecutions if no antitrust law had been enacted, and will continue to be if this bill is passed. Indeed, it will be found by an examination of the decided cases that very few of them were founded on a violation of the antitrust law. The antitrust law did not create the crime or offense of conspiracy. It was only intended to apply it to the specific conspiracies or combinations "in restraint of trade" and to punish such conspiracies and dissolve such combinations. Again, an examination of the cases will show that the conspiracies or organizations of labor unions were generally not to restrain trade. The parties concerned in them cared nothing about their effect on trade. The overt acts of intimidation and oppression resorted to in such cases were not, as a rule, directed against trade. Their objects were to secure employment for their members and better wages and conditions. Incidentally and as a result of the acts committed they did in some cases injuriously affect trade, and therefore brought them within the inhibitions of the antitrust law; but that was not the ultimate object of the combinations or conspiracies or the acts done under them. They would, as I have said, have been liable under the general law of conspiracy if the antitrust law had never been passed, and to exempt them from the effects of that law would be of no benefit to them. So, whatever may be the intention of this proposed exemption, it is misleading and delusive.

Mr. President, I have set out in as brief form as possible the rules of law and equity that, as I regard them, fully protect every right of labor organizations and laboring men. I desire now to quote from a few of the decided cases showing upon what principles of right and justice these rules are founded.

In the case of the National Fireproofing Co. *v.* Mason Builders' Association (169 Fed. Rep., 259, 265), which was an action for relief against an agreement creating a monopoly in restraint of trade, and against public policy. Noyes, judge, in the course of the opinion rendered by the circuit court of appeals, said:

> The direct object or purpose of a combination furnishes the primary test of its legality. It is not every injury inflicted upon third persons in its operation that renders a combination unlawful. It is not enough to establish illegality in an agreement between certain persons to show that it works harm to others. An agreement entered into for the primary purpose of promoting the interests of the parties is not rendered illegal by the fact that it may incidentally injure third persons. Conversely, an agreement entered into for the primary purpose of injuring another is not rendered legal by the fact that it may incidentally benefit the parties. As a general rule it may be stated that, when the chief object of a combination is to injure or oppress third persons, it is a conspiracy; but that when such injury or oppression is merely incidental to the carrying out of a lawful purpose, it is not a conspiracy. Stated in another way: A combination entered into for the real malicious purpose of injuring a third person in his business or property may amount to a conspiracy and furnish a ground of action for the damages sustained, or call for an injunction, even though formed for the ostensible purpose of benefiting its members and actually operating to some extent to their advantage; but a combination without such ulterior oppressive object, entered into merely for the purpose of promoting by lawful means the common interests of its members, is not a conspiracy. A laborer, as well as a builder, trader, or manufacturer, has the right to conduct his affairs in any lawful manner, even though he may thereby injure others. So several laborers and builders may combine for mutual advantage, and, so long as the motive is not malicious, the object not unlawful nor oppressive, and the means neither deceitful nor fraudulent, the result is not a conspiracy, although it may necessarily work injury to other persons.

Mr. President, this brief extract from the opinion discloses clearly the distinction between combinations of laborers for their own benefit and such as are intended to work injury to the business or property of some one else. Shall the Congress of the United States, by an exemption of this kind, change the whole law of conspiracy and relieve any body of men, whether laboring men or any other, from liability for the consequences of their own wrongful acts intended to injure another? But it may be said that it is only intended to exempt them from liability for conspiracies and combinations that are not unlawful. But that would only make the law absurd as well as misleading. Does anyone suppose that the labor leaders who are urging Congress to make this exemption in their behalf understand that it is confined to innocent acts on their part only? I have no doubt laboring men all over the country who are appealing to Senators every day to support this exemption are being grossly deceived as to its effects. If this is the construction to be placed on the bill, it will afford no protection to anybody. No man nor body of men need to be protected from the effects of doing a lawful and innocent thing. The courts, as I have shown, hold that the organization of a labor union for the purpose of benefiting its members is not unlawful. Surely, then, they need no exemption from liability for forming such an organization. Then, sir, what are we proposing to exempt them from? Is it from liability for acts of willful injury to others, force, malicious interference with other people's business, fraud, or the like? Would any Member of this body attempt to justify any such exemption?

Not only the right to organize for their own protection and benefit is accorded to laboring men by the courts, but the right to quit work in a body, to strike, is preserved to them so long as it is not accompanied by violence or other acts that would constitute a violation of law if the antitrust law had never been enacted. Thus in Allis-Chalmers *v.* Iron Moulders' Union (150 Fed. Rep., 155, 171) it is said:

> The right to strike for any cause or no cause is clear and fully sustained by all authority. Even a conspiracy to strike, followed by legal damage, is not unlawful if formed to better labor conditions. The right of workmen to combine in trades-unions, in order to secure the economic advancement of their members, is also unquestioned; and such unions are generally regarded as beneficial institutions for bettering the conditions of labor and the relations between employer and employed. (Wabash R. R. Co. *v.* Hannahan (C. C.), 121 Fed., 563.) Whether a threat to strike, or bring about a strike, when made by a number of persons acting in concert, is lawful is an entirely different question. The right to strike being clear, the first question which comes up is, How far may the union and its members go to make the strike effective by preventing the employer from engaging other workmen so that he will eventually be compelled to yield to the demands of the strikers? This is usually the pinch of the situation. Here is the point where two equally clear and valuable constitutional rights come into opposition—the right of the workman to get as much as possible for himself on the best terms and the right of the employer to use his capital and ability as he pleases to secure whatever profit his investment and skill may bring. The legal right involved is single, but asserted by two independent and conflicting interests, and the question is, Which one must yield his right to that of the other, so far as they conflict?
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> The general answer to this question is that neither must be permitted to maliciously injure the other without just cause or excuse. A more special answer is that so long as each, in the conflict between them, pursues only his own fair interest or advantage, and not the injury of the other, he is not liable for any injury which is merely incidental. As said by the Supreme Court of Wisconsin in the newspaper advertising case (State *v.* Huegin, 110 Wis., 189; 85 N. W., 1046; 62 L. R. A., 700), stating their conclusion negatively, a combination of persons to do acts to promote their own legitimate interests is not liable for injury which is only the incidental result of such acts, and such a combination is not a conspiracy to inflict malicious injury within section 4466a, Revised Statutes, 1898. In other words, indirect interference by a labor union with the employer's business, not amounting to coercion, by preventing him from getting workmen to carry on his shop, is not unlawful so long as the combination is merely taking measures to secure its own legitimate advantage or economic advancement, although harm may incidentally result to the employers. So long as the betterment of labor conditions is the main object sought, even though the strikers may succeed in persuading all the available laborers to join their union and support the strike, and having thus secured a monopoly of the labor market compel the employer, after long struggle and great loss of profit, to yield to the demands or go out of business, yet such injuries can not be regarded as malicious or such acts as criminal or unlawful.

Will anyone be found to say that this rule or test of liability is not liberal enough in favor of labor organizations? Why, sir, it goes to the very extreme of liberality in their favor. Does any Senator want to go further than that in the way of exempting such organizations from the consequences of their own acts? I sincerely hope not.

In the case of Farmers Loan & Trust Co. against Northern Pacific Railroad Co. (60 Fed Rep., 803, 809), Jenkins, judge, thus stated the duties and responsibilities assumed by the courts in dealing with questions growing out of the relations between capital and labor:

> In the discussion of the important and interesting questions presented by this motion it is not within the province of the court to assume part in the contest between capital and labor, which it is asserted is here involved. It may be that the aggregated power of combined capital is fraught with danger to the Republic. It may be that the aggregated power of combined labor is perilous to the peace of society and to the rights of property. It doubtless is true that in the contest the rights of both have been invaded, and that each has wrongs to be redressed. If danger to the State exists from the combination of either capital or labor, requiring additional restraint or modification of existing laws, it is within the peculiar province of the legislature to determine the necessary remedy, and to declare the general policy of the State touching the relations between capital and labor. With that the judicial power of the Government is not concerned. But it is the duty of the courts to restrain those warring factions, so far as their action may infringe the declared law of the land, that society may not be disrupted or its peace invaded, and that individual and corporate rights may not be infringed. It therefore becomes the duty of the court to inquire whether, in respect of the things complained of, there has been threatened violation of the law of the land, and to determine the appropriate remedy, taking care, however, to apply the remedy without usurpation of jurisdiction, or, as remarked by Lord Chancellor Bacon, "to contain jurisdiction within the ancient merestones without removing the mark"; and having also constantly in mind the maxim

that the province of the court is "dicere et non dare legem." In this spirit, as I trust, I proceed to the consideration of the questions involved, taking occasion to express my obligation to counsel, whose able presentation of the law has much relieved the labor of the court, if it could not lighten its responsibility.

If the combination and conspiracy alleged and the acts threatened to be done in pursuance thereof are unlawful, it can not, I think, be successfully denied that restraint by injunction is the appropriate remedy. It may be true that a right of action at law would arise upon consummation of the threatened injury, but manifestly such remedy would be inadequate.

This is a wise and conservative statement of the sentiments that have characterized the conduct of the courts in dealing with this question that presents one of the gravest and most difficult problems with which the legislative and judicial departments of the Government are called upon to deal. In my estimation there has been nothing in the course taken by the courts as a whole of which labor organizations can justly complain. It is to the courts that they must go for the protection of their rights. In the past they have not gone in vain. The courts have shown the greatest desire to preserve and protect the rights and liberties of the laboring classes. As I have shown, this desire has resulted in the establishment of rules that stand between them and wrong and oppression, if only they rely on a just and fair enforcement of the law and do not, as has too often been the case, take the law in their own hands and resort to force and intimidation as a means of redressing their wrongs. This great question will never be settled by force, intimidation, or fraud. Such methods only make the case of the laboring man worse instead of better. Neither can the problem be settled by like methods on the part of capital. Intimidation, tyranny, and oppression on the part of employers of labor are much worse and less to be excused than like methods on the part of employees, and any law that seeks or endeavors to excuse such conduct on the part of either or to exempt them from the consequences of their own unlawful acts will only aggravate the unfortunate conditions that now prevail. There must be mutual forbearance, concessions, and justice or this question will never be rightly settled.

The following language of McPherson, judge, in Atchison, Topeka & Santa Fe Railway Co. *v.* Gee (139 Fed. Rep., 582, 584), as to what constitutes unlawful picketing, is worthy of careful consideration:

> But as to one phase of the case there is no denial, but practically a confession, with the alleged and boasted right to practice it. A system of "pickets," for more than a year, around and near by places to the shops of the company, has been kept up by all the accused and others. The pretense of this picketing is the right to converse with the new employees and persuade them to quit, and the further pretense that they desire to see who are at work. This picketing is done by details of pickets assigned by others, they taking turns. At all hours, when men are going to and from work, morning, noon, and evening, the workmen must go through and by pickets, sometimes two, four, six, and more at a place. At times the paths and walks are obstructed. At times the pickets are near by, making grimaces, and at times acting as if violence were intended, and at times uttering profanity and vulgarity. There is and can be no such thing as peaceful picketing, any more than there can be chaste vulgarity or peaceful mobbing or lawful lynching. When men want to converse or persuade they do not organize a picket line. When they only want to see who are at work they go and see, and then leave, and disturb no one, physically or mentally. But such picketing as is displayed in the case at bar by the evidence does, and is intended to, annoy and intimidate. The argument seems to be that anything short of physical violence is lawful. One man can be intimidated only when knocked down. But the peaceful, law-abiding man can be and is intimidated by gesticulations, by menaces, by being called harsh names, and by being followed or compelled to pass by men known to be unfriendly. Perhaps such a man may not be a bully, but is frail in size and strength, or he may be a timid man; but such a man is just as much entitled to go and come in quiet, without even mental disturbance, as is the man afraid of no one and able with or without weapons to cope with all comers. The frail man, or the man who shuns disturbances, or the timid man, must be protected, and the company has the right to employ such.

Picketing of this kind is only one kind of intimidation that can by no possibility be justified.

The views entertained by the courts as to what constitutes an unlawful conspiracy are further illustrated by the language of the opinion in Arthur *v.* Oakes (63 Fed. Rep., 310, 321):

> The combinations or conspiracies which the law does not tolerate are of a different character. According to the principles of the common law, a conspiracy on the part of two or more persons, with the intent, by their combined power, to wrong others or to prejudice the rights of the public, is in itself illegal, although nothing be actually done in execution of such conspiracy. This is fundamental in our jurisprudence. So a combination or conspiracy to procure an employee or body of employees to quit service in violation of the contract of service would be unlawful, and in a proper case might be enjoined, if the injury threatened would be irremediable at law. It is one thing for a single individual, or for several individuals each acting upon his own responsibility and not in cooperation with others, to form the purpose of inflicting actual injury upon the property or rights of others. It is quite a different thing in the eye of the law for many persons to combine or conspire together with the intent not simply of asserting their rights or of accomplishing lawful ends by peaceable methods, but of employing their united energies to injure others or the public. An intent upon the part of a single person to injure the rights of others or of the public is not in itself a wrong of which the law will take cognizance, unless some injurious act be done in execution of the unlawful intent. But a combination of two or more persons with such an intent, and under the circumstances that give them when so combined a power to do an injury they would not possess as individuals acting singly, has always been recognized as in itself wrongful and illegal.

Surely no Senator would want to exempt any organization from liability for such a conspiracy as the one alleged in this case to have been entered into.

Mr. President, I cite just one more case bearing on the question. In Martell *v.* White (185 Mass., 255, 257) this was said:

> It is elemental that the unlawfulness of a conspiracy may be found either in the end sought or the means to be used. If either is unlawful within the meaning of the term as applied to the subject, then the conspiracy it unlawful. It becomes necessary, therefore, to examine into the nature of the conspiracy in this case, both as to the object sought and the means used.
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> The case presents one phase of a general subject which gravely concerns the interests of the business world and, indeed, those of all organized society, and which in recent years has demanded and received great consideration in the courts and elsewhere. Much remains to be done to clear the atmosphere, but some things at least appear to have been settled, and certainly at this stage of the judicial inquiry it can not be necessary to enter upon a course of reasoning or to cite authorities in support of the proposition that while a person must submit to competition he has the right to be protected from malicious interference with his business. The rule is well stated in Walker *v.* Cronin (107 Mass., 555, 564) in the following language: "Everyone has a right to enjoy the fruits and advantages of his own enterprise, industry, skill, and credit. He has no right to be protected against competition; but he has a right to be free from malicious and wanton interference, disturbance, or annoyance. If disturbance or loss come as a result of competition, or the exercise of like rights by others, it is damnum absque injuria, unless some superior right by contract or otherwise is interfered with. But if it come from the merely wanton or malicious acts of others, without the justification of competition or the service of any interest or lawful purpose, it then stands upon a different footing."
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> In a case like this, where the injury is intentionally inflicted, the crucial question is whether there is justifiable cause for the act. If the injury be inflicted without just cause or excuse, then it is actionable. Bowen, L. J., in Mogul Steamship Co. *v.* McGregor (23 Q. B. D., 598, 613); Plant *v.* Woods (176 Mass., 492). The justification must be as broad as the act and must cover not only the motive and the purpose or, in other words, the object sought, but also the means used.

Mr. President, no reasonable and just man, uninfluenced by personal interest or prejudice, can rise from the study of the cases that I have cited, and many others that support the views they express, without a sense of security and satisfaction and a feeling of just pride that our courts, State and National, have dealt with this great question of human rights so fairly and justly and with such patriotic firmness. The weaknesses and frailties of the struggling masses of laboring men and women, whose rights are assailed by the strong and often merciless arm of the greedy and selfish powers of wealth, have been considered and treated with a degree of forbearance, sympathy, and justice that must appeal to every man who loves freedom and liberty and sympathizes with labor in its unequal struggle with capital. Labor organizations need no exemptions from liability under such circumstances. That there have been subservient judges and unjust decisions against labor organizations and laboring men I have no doubt. This is a matter much to be regretted; but such cases, I am persuaded, have been very rare. The decisions of the higher courts of last resort give evidence to my mind of the greatest desire to do ample and exact justice to the laboring classes and a scrupulous observance of their rights. How much better it will be to leave them to the protection now afforded them than to attempt to help them by discriminating between them and other citizens, and thus accentuating the class distinctions that are so evident and increasing the friction that exists between the two. There should be no class divisions or distinctions in this Republic. Any law that recognizes such a distinction or proceeds upon the theory that one class can be protected more than another in the administration or enforcement of the laws of the country is an unpatriotic mistake and little less than a crime.

What the laboring man wants is not exemption from liability for acts that if committed by some one else would be a crime. He wants and should have better wages, shorter hours, better conditions under which to work. He wants justice, not privilege or favor. He wants to be able to live with his wife and children as other men live; and the employers who deny him these rights, that belong to every American citizen, are sowing the wind and will reap the whirlwind. They are sowing the seeds of discord, malice, hatred, and revenge that will endanger their own property and their lives and imperil the free institutions of our country. I warn the Senate against passing any such law as this. It will benefit the workingman not at all. It will widen the breach between capital and labor. It will add to the flames of hatred and malice that have already sacrificed hundreds of lives and millions of dollars' worth of property. It will encourage workingmen to take the law into their own hands and add to the violence and bloodshed that have disgraced the whole Nation and made the workingman's condition worse instead of better. It will be taken as a license

to do further violence, whether we intend it as such or not. It will not raise the wages or shorten the hours or better the conditions of a single workingman. It will still further array employers against him and make his lot harder than before. Laboring men are being deceived and deluded into the belief that such a law will benefit them. It is a cruel deception that can bring nothing but disappointment. Employers of labor, in their blind folly, starve the toiling millions of working men, women, and children, to secure to themselves excessive profits and useless wealth. They know not what they do. Their greed and selfishness are endangering the future of their country. It is criminal and unpatriotic. What comfort they would bring to themselves and happiness to others by withholding for themselves a reasonable profit and dividing the balance with their employees. How soon would such a course on the part of men of wealth and capacity to conduct business successfully appease the wrath of the working masses, overcome the malice and hatred that their cruel selfishness has engendered in the breasts of thousands whose toil has made them rich and prosperous but not happy, and restore peace, comfort, and happiness. When, oh, when will the people of this country learn to be just? When will business be conducted honestly and for the common good of mankind? When will business men cease to be predatory robbers under the guise of competition and become humanitarians? As employers become more exacting and oppressive in their treatment of labor, laboring men and labor organizations will become more vicious and more violent in their demands and the enforcement of them. In a late book on Mexico the author has this to say on the subject of capital and labor:

> The demands which have been and are to be made upon capital by the organized labor of the great industrial nations of earth will be more far-reaching in their effect than the simple demands which are being made by the homeless millions in Mexico. The full importance and the enormous significance of the new movement of the world's toilers is underestimated in the great nations which have been able to resist the demands of these toilers, but the day of reckoning is nearer than is generally believed.
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> We are coming to the end of the time in which we can longer temporize with the lives of men.
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> With the progress of education there has entered into this problem a new phase, which has for its basis the further demand for a division of the product of labor, based partly upon its necessities and having regard to a further factor, namely, the value in result of its product.
>
> The dissatisfaction of labor has only begun. No longer are the producers of wealth contented with a return which meets their necessities. They have already inaugurated a demand for a larger share in the wealth which they create; such share is to be for the future as unconnected with their necessities as the return which capital itself takes, namely, a portion of what may be called the "divisible surplus" of human production.

And why should they not have their full share of the profits derived from their own toil? If the employers of labor will see that they have, the problem of capital and labor will be solved. If they do not, they will be responsible for the suffering and loss of life and property that must follow.

Mr. President, what Congress should do is to see that the laboring man has his just rights. Nothing else is needed. Can Congress do it? I think it can. But why should the men of capital make it necessary for Congress to do by law what they can and should do as good patriotic American citizens freely and without coercion for their own and the common good?

INJUNCTIONS.

Mr. President, the law and equitable rules relating to restraining orders and injunctions and the practice of the courts in granting injunctive relief have been the growth of centuries. They have served to protect the interests of litigants of every class during all these years. They have been changed and modified by courts of equity when changes have been called for in the just administration of the law and in the public interests. They have been made general and uniform in their application without discrimination in favor of or against any class. It is now proposed by this bill to change the rules of equity in the granting of the important writ of injunction in favor of and in the interest of one class of citizens. The bill is not as serious as it might seem on first reading, but in some respects it is bad in principle, and for that reason should not be passed. It provides that no restraining order shall be granted without notice unless it is clearly shown that the delay caused by giving notice would work irreparable injury. This is not objectionable, but it is unnecessary, as, so far as I know, that is the rule and practice in the courts now. It also requires the giving of security upon the granting of either a restraining order or an interlocutory or temporary injunction. This also is without objection, but, so far as I know, it is the practice of the courts now except in rare and exceptional cases. But there are cases where some discretion in the matter of requiring security should be left to the judge. Sometimes the requirement of security would work a hardship on the complainant and even a denial of justice to the poor litigant. But the great vice of the bill is that it provides a special procedure in cases between employer and employee, and seeks, in dealing with a matter of practice, to settle the grave question of the right of employees to resort to picketing. It provides:

> That no restraining order or injunction shall be granted by any court of the United States, or a judge or the judges thereof, in any case between an employer and employees, or between employers and employees, or between employees, or between persons employed and persons seeking employment, involving or growing out of a dispute concerning terms or conditions of employment, unless necessary to prevent irreparable injury to property or to a property right of the party making the application, for which injury there is no adequate remedy at law; and such property or property right must be described with particularity in the application, which must be in writing and sworn to by the applicant or by his agent or attorney.
>
> And no such restraining order or injunction shall prohibit any person or persons from terminating any relation of employment or from ceasing to perform any work or labor, or from recommending, advising, or persuading others by peaceful means so to do; or from attending at or near a house or place where any person resides or works or carries on business or happens to be, for the purpose of peacefully obtaining or communicating information or of peacefully persuading any person to work or to abstain from working; or from ceasing to patronize or to employ any party to such dispute, or from recommending, advising, or persuading others by peaceful means so to do, or from paying or giving to or withholding from any person engaged in such dispute any strike benefits or other moneys or things of value; or from peaceably assembling at any place in a lawful manner and for lawful purposes; or from doing any act or thing which might lawfully be done in the absence of such dispute by any party thereto; nor shall any of the acts specified in this paragraph be considered or held unlawful.

Mr. President, the very last clause of the section, "nor shall any of the acts specified in this paragraph be considered or held unlawful," is an attempt to determine what kinds of picketing shall not be held by the courts to be unlawful. I think I have shown that the courts have upheld the right of an employee, or any number of employees in a body, to quit work at any time. The right of employees to strike is upheld by the courts as a lawful right on their part. The right to picket, if done peaceably and as a means of persuasion and not of force and intimidation, is no longer questioned. Then why this kind of legislation? It gives laboring men no new rights unless it is intended to legalize force and intimidation, offenses that are actionable both civilly and criminally independently of the antitrust law. If this act covers nothing more than is now secured to organized labor by the decided cases, it is both useless and misleading. If it is intended to extend their privileges beyond that, then it is indefensibly wrong. If it only confirms the law as it is by writing it into a statute, it is deceiving the workingmen, for they are led to believe that they are given new rights and privileges by the bill.

CONTEMPT.

Mr. President, the bill also seeks to change the procedure in cases of contempt. Such legislation has no proper place in a bill of this kind. If such a change is to be made it should be done in the judiciary act. But I can not bring myself to believe that this provision is a wise one, so far as it provides for the trial of contempt cases by jury. Such contempts as are intended to be covered by this provision will arise in courts of equity, where the original action must be tried by the court. In the trial of the contempt charged the original suit must practically be retried. The judge having tried the case and made the order will be better able than anyone else to construe it and determine whether it has been violated or not. There is no conceivable reason, in fairness and justice, why such a charge should be submitted to a jury. By confining it to "cases within the purview of this act" it is made perfectly evident that the purpose is to allow a jury in the case of labor disputes where they are denied in other cases. It is in keeping with other objectionable provisions of the bill designed to discriminate in favor of one class of citizens in the administration of justice. The vice permeates the whole bill. But for this purpose and intent these provisions would have found no place in it. It should be defeated for that reason if there were no other objection to it.

FARMERS NOT ASKING RELIEF.

Mr. President, organizations of consumers, agriculturists, and horticulturists are included in the exemption clause of the bill. They are not asking any privileges or exemptions that are not extended to other citizens. They do not need any such exemptions. If a farmers' organization is violating the just rights of others it has no right to such exemption. If it is not it does not need it. It is an insult to the farmers of the country to suppose that they want any license from Congress to commit any wrong upon their fellow men. If any farmer or farm organization has ever sought or asked for any such law as this it has not been brought to my attention. I am afraid the farmers and horticulturists were included in the provision to give it greater force and strength and to cover up the barefaced attempt to discriminate in favor of one class of citi-

zens only. I am not going to take up time in discussing that feature of the bill.

ADDITIONAL BURDEN ON BUSINESS.

Mr. President, there is another phase of this question that should not be overlooked. The carrying out of the purposes of this proposed legislation will add largely to the expenses of the Government and impose another heavy burden upon the business of the country. The salaries of the trade commission and its secretaries alone amount to $59,000 a year. With the clerks, experts, lawyers, and other subordinates it is authorized to and must employ and the other expenses it must incur will, beyond a doubt, swell the cost of maintaining this commission, which the people must pay, to not less than a quarter of a million dollars a year. But this will not be the worst of it. The examinations, reports, and information that business concerns will have to furnish, if the bill becomes a law, will cost the business of the country millions of dollars a year.

Mr. President, who pays these extra expenses? Who bears the burden of this enormous additional tax on business? Why, the people, the consumers, of course. We complain of the high cost of living and wonder what causes it, while we ourselves are adding millions to it every year by creating expensive commissions and imposing new and additional burdens on the business men who furnish the people's needs. There is but one way for them to recoup their losses, forced upon them by unnecessary laws enacted by Congress. They must charge higher prices for what they sell. The cost of maintaining and carrying on the Government has become enormous. Millions of dollars of this cost is the result of the unfortunate tendency of Congress to create commissions, many of them useless, not a few idle and drawing salaries without rendering services in return, and others doing work that Congress itself should do, without additional expense to the people in the way of salaries and multitudes of extra employees. But my experience and observation here have convinced me that the expense that may be caused by such legislation as this is little thought of. But, sir, if we go on as we are now going, piling up the expenses of government, a day of reckoning will come, and it may not be far away.

Mr. President, I have tried to make a careful and unbiased study of the trust bills constituting the President's program of trust legislation and to express in the same way my own views respecting them. It is most unfortunate that the President, the head of the executive department of the Government, should have a legislative program. It is much more unfortunate that he should force that program upon Congress against its will and should insist, yea, command, not only that these bills be passed, but that they shall be passed now. Members of Congress are protesting against it. I have no kind of doubt that a majority of both branches are opposed to it. Congress is wearied with the continuous labors that have been imposed upon it by the arbitrary and unreasonable will of the President. The country is suffering from business stagnation and depression. Business, honest business, wants to be let alone to work its way out of this condition. Additional legislation will not help it. Business men know that. Every reasonable man knows it. Too much legislation, useless and harmful legislation, has done much to bring about this unfortunate condition. Business men in their despair say, "Pass the trade commission bill and leave the others alone." But this is advanced as a compromise and with the hope of escaping worse things. Business is growing desperate.

The country has been informed that these bills, all of them, will be passed this session. The President has said it, and the majority in Congress has not the moral courage to say no. To what depths of subserviency to a power outside of this Chamber has the Senate of the United States fallen! What a humiliating, what a pitiable spectacle it is! Now, sir, what is it all for? What reason or excuse is there for thus debasing the legislative department of the Government at the will of the Executive? Is there any demand outside of the White House for any such legislation as these bills call for? If there is it is not apparent. Who is likely to be benefited by it? Nobody that this Congress is called upon to aid or protect. Some say it is in aid of free competition, and that untrammeled and fair competition is for the people's good. But what is there in these bills to promote free and fair competition? I maintain, sir, that instead of preserving free and fair competition, its greatest tendency is to destroy all competition and all effort to advance trade. It is bound to put honest men in such fear of the law as to take away all incentive, all energy and effort to advance their own trade at the expense of competitors. It has been very well said that competition is the life of trade; if so, it should be encouraged; but, sir, what is likely to happen if the trade commission is created to sit in judgment upon business with power to look into the inmost secrets of a man's business and to say what he shall do and what he shall not do in the way of competition; with power to say whether the competition he may resort to is fair or unfair, and if unfair to stop it without appeal or redress, and, if he persists, cause the order against him to be enforced by proceeding against him in court? Not only so, but if he competes in a way that this commission concludes to be unfair he becomes a criminal under the law. Does anybody suppose that such a condition of things will unfetter competition? The dishonest tradesman will take his chances and compete as he pleases, leaving the commission to do its worst. The honest, law-abiding man will not compete at all, but take what trade comes to him. This kind of legislation proceeds upon the theory that the business men of the country are a den of thieves. The conditions, burdens, and restraints placed upon business and the humiliating censorship and espionage under which it is placed is shocking to every sense of freedom and liberty. It is almost inconceivable that Congress should consider seriously any such restrictive legislation that must inevitably cripple business and restrain if not wholly destroy competition. Are we losing all sense of the right to individual freedom that we should conceive of such laws as these bills propose?

The dishonest business man should be punished for any wrongs he may commit. Offenses in restraint of trade should be specifically defined so that the law-abiding business man may know what to avoid. But to impose these heavy burdens on innocent business, and place it under the supervision, espionage, and control of a Government commission is the height of injustice.

EXECUTIVE SESSION.

Mr. STONE. I move that the Senate proceed to the consideration of executive business.

The motion was agreed to, and the Senate proceeded to the consideration of executive business. After 1 hour and 48 minutes spent in executive session the doors were reopened.

HOUR OF MEETING TO-MORROW.

Mr. KERN. I move that when the Senate adjourns to-day it adjourn to meet to-morrow at 11 o'clock a. m.

The motion was agreed to.

DEFICIENCY APPROPRIATIONS.

Mr. MARTIN of Virginia. From the Committee on Appropriations I report back favorably with amendments the bill (H. R. 17824) making appropriations to supply deficiencies in appropriations for the fiscal year 1914, and for prior years, and for other purposes, and I submit a report (No. 689) thereon. I desire to give notice that I shall ask the Senate to take up the bill for consideration and passage to-morrow at the first opportunity.

The VICE PRESIDENT. The bill will be placed on the calendar.

Mr. BORAH. I move that the Senate adjourn.

The motion was agreed to; and (at 5 o'clock and 47 minutes p. m.) the Senate adjourned until to-morrow, Saturday, July 18, 1914, at 11 o'clock a. m.

NOMINATIONS.

Executive nominations received by the Senate July 17, 1914.

SURVEYOR OF CUSTOMS.

Robert L. Knox, of Lake Charles, La., to be surveyor of customs in the district of New Orleans, in place of Edward J. Rodrigue, resigned.

NAVAL OFFICER OF CUSTOMS.

Jared Y. Sanders, of New Orleans, La., to be naval officer of customs in the district of New Orleans, in place of Charles F. Borah, resigned.

APPRAISER OF MERCHANDISE.

Bat P. Sullivan, of New Orleans, La., to be appraiser of merchandise in the district of New Orleans, in place of Rene F. Clerc, resigned.

RECEIVER OF PUBLIC MONEYS.

Oscar B. Gordon, of Prescott, Ark., to be receiver of public moneys at Camden, Ark., vice Lucius E. Rowe, term expired.

REGISTER OF THE LAND OFFICE.

Robert D. Newton, of Camden, Ark., to be register of the land office at Camden, Ark., vice Harry G. Friedheim, term expired.

POSTMASTER.

NEW YORK.

Thomas P. Hammond to be postmaster at Middleport, N. Y., in place of Burt Graves. Incumbent's commission expired April 19, 1914.

CONFIRMATIONS.

Executive nominations confirmed by the Senate July 17, 1914.

CONSULS.

John S. Armstrong, jr., to be consul at Bristol, England.
Theodore Jaeckel to be consul at Stavanger, Norway.
John H. Grout to be consul at Milan, Italy.
Charles L. Hoover to be consul at Prague, Austria.
John A. Ray to be consul at Odessa, Russia.

CONSUL GENERAL.

Nathaniel B. Stewart to be consul general at large.

ASSISTANT APPRAISER OF MERCHANDISE.

Joseph T. Lyons to be assistant appraiser of merchandise in the district of Massachusetts.

MEMBER OF THE CALIFORNIA DÉBRIS COMMISSION.

Maj. Lewis H. Rand to be a member of the California Débris Commission.

PROMOTIONS AND APPOINTMENT IN THE NAVY.

Lieut. Commander William H. Standley to be a commander.
Lieut. Kenneth G. Castleman to be a lieutenant commander.
Lieut. John F. Green to be a lieutenant commander.
Lieut. (Junior Grade) Felix X. Gygax to be a lieutenant.
The following-named ensigns to be lieutenants (junior grade):
David I. Hedrick,
Robert R. Paunack,
Williams C. Wickham, and
Percy W. Northcroft.
Asst. Civil Engineer Carroll Paul to be a civil engineer.
Asst. Civil Engineer Greer A. Duncan to be an assistant civil engineer.
Cecil S. O'Brien to be an assistant surgeon in the Medical Reserve Corps.
Gunner John J. Clausey to be a chief gunner.

POSTMASTERS.

ALABAMA.

Bettie T. Forster, Thomasville.
Robert Stephens, jr., Fairfield.

CALIFORNIA.

Charles H. Coffey, Gonzales.
Martin Eriksen, Ferndale.
Nellie Hawkins, Yreka.
Hattie B. McClure, Westgate.

COLORADO.

Ralph E. Belding, Eagle.

CONNECTICUT.

Walter H. Bishop, North Haven.

FLORIDA.

John M. Kelly, Bocagrande.
J. Lee Stokes, Micanopy.

IOWA.

L. A. Dugan, Kingsley.

KENTUCKY.

Len Besbear, Dawsonsprings.
Robert Dixon, Louisa.
Orie S. Ware, Covington.
Lewis C. Wilson, Irvine.

LOUISIANA.

Samuel L. Barksdale, Ruston.
Henry Allen Buie, Rayville.

MISSISSIPPI.

Benjamin R. Trotter, Lucedale.

MONTANA.

George B. Crater, Gildford.

NEW JERSEY.

James W. Rea, South Amboy.
Cleveland M. Rhen, Alpha.
J. C. H. Sherwood, Hobokus.

NEW YORK.

Robert J. Healey, New York Mills.
Byron E. Ogden, Dolgeville.

NORTH DAKOTA.

John K. Diehm, Schafer.

OHIO.

H. J. Blackmore, Pomeroy.
D. D. Granger, New London.
Wilber Winfield, Beach City.

OREGON.

Diana Snyder, Aurora.

TEXAS.

J. R. Folkes, Giddings.
Betty Matthews, Mathis.

WASHINGTON.

John D. Medill, North Yakima.
G. W. Reed, Pullman.

HOUSE OF REPRESENTATIVES.

FRIDAY, *July 17, 1914.*

The House met at 12 o'clock noon.

The Chaplain, Rev. Henry N. Couden, D. D., offered the following prayer:

Blessed be the name of the Lord, our God, in whose keeping we are and by whom we are permitted to enjoy our homes, our country, our religion, and all that makes life dear; make us worthy recipients, O Lord, of all these favors by the perfect rectitude of our behavior, by our devotion and loyalty to Thee, in Jesus Christ, our Lord. Amen.

The Journal of the proceedings of yesterday was read and approved.

ORDER OF BUSINESS.

Mr. GREGG. Mr. Speaker, I move that the House resolve itself into the Committee of the Whole House for the consideration of bills on the Private Calendar.

Mr. ADAMSON. Mr. Speaker, I understood that I was to be recognized to-day to resume consideration of the general dam act. I understand the order of the House is to that effect.

The SPEAKER. The order that was made is this:

On motion of Mr. UNDERWOOD, by unanimous consent,
Ordered, That H. R. 16053 be given a privileged status, to be a continuing order, not to interfere with appropriation bills or Mondays or Wednesdays or pensions.

Mr. ADAMSON. I think that lets me in, Mr. Speaker.

The SPEAKER. It looks very much the same way to the Chair.

Mr. MANN. Mr. Speaker, if the Chair will permit me to make a few remarks upon the subject——

The SPEAKER. The Chair will hear the gentleman.

Mr. MANN. I think the Adamson dam bill was clearly made a continuing order and given the status of a bill reported by a committee with privilege to report at any time.

The SPEAKER. That is exactly it.

Mr. MANN. It would be in order undoubtedly to entertain a motion to go into the Committee of the Whole upon that bill.

The SPEAKER. Yes.

Mr. MANN. But it is also in order to entertain a motion to go into the Committee of the Whole for the consideration of bills on the Private Calendar, this being Friday. Either motion is in order.

Mr. ADAMSON. The point I make is that under the language of that order of the House I should be recognized to make the motion in lieu of the gentleman from Texas to make his motion.

The SPEAKER. The gentleman from Texas has a privileged motion also. Here is what took place at the time the order was made, after considerable colloquy, as disclosed by the RECORD of May 1, 1914:

The SPEAKER. The Chair would like to inquire for his own information, to help business along, so we may get away from here some time or other, about how long will it take to discuss this bill?

Mr. UNDERWOOD. I believe if we get a whole day the chairman of the committee could probably dispose of general discussion in a day's time in the Committee of the Whole if he can get it at one time. The purpose of this order, Mr. Speaker, is not to interfere with the general business of the House, but to enable them to take up this bill when the House is not crowded on something else, and for that reason I thought it wiser not to put in pensions—

The reason the gentleman from Alabama said that was because the Chair himself had suggested that pensions ought not to be excluded. Then Mr. UNDERWOOD continued:

although I can assure the gentleman pensions will not be interfered with, because some days there may be an hour or two after pensions are disposed of when this bill could be considered.

Mr. ADAMSON. Mr. Speaker, that order clearly makes this a continuing order, with certain exceptions, and war claims is not one of those exceptions.

Mr. POU. Mr. Speaker, I would like to suggest to the gentleman that if pensions is an exception, war claims must necessarily be, because they stand on exactly the same footing.

Mr. ADAMSON. Therefore there was an express exception made of pensions and not of war claims.

Mr. TAGGART. Mr. Speaker, a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. TAGGART. In the case of a rule reported by the Committee on Rules making it in order to take up a House joint resolution, I wish to ask if that would not take precedence of any other business?

The SPEAKER. The Chair does not think it would under that order. The House has the right to do as it pleases. It can do anything by unanimous consent, and the House after considerable discussion—the Chair has read only a part of it—made this peculiar order:

On motion of Mr. UNDERWOOD, by unanimous consent,
Ordered, That H. R. 16053 be given a privileged status, to be a continuing order, not to interfere with appropriation bills or Mondays or Wednesdays or pensions.

Mr. ADAMSON. Special mention of those enumerated exceptions exclude all other exceptions, and this is a continuing order.

Mr. UNDERWOOD. Mr. Speaker, if the Chair will allow me, of course the House made this order, and it is within the power of the House to unmake it. That is not the question involved, however. The question involved here is a question of recognition. The gentleman from Kansas refers to a rule. It is a question whether the Speaker would give recognition to a bill that was ordered up for consideration by the House and had been acted upon, or to a chairman of a committee who proposed to make a new order. It seems to me clear that under ordinary circumstances the only thing that the Speaker can do is to recognize the authority of the House, which is the supreme authority so far as we are concerned, in the matter of recognition. Of course, there might be extraordinary circumstances where the House had made an order and the Speaker would feel justified in recognizing some one else in preference to that order, but under ordinary circumstances it seems to me clear that when the House has entered an order itself, that order should predominate.

Mr. MANN. Mr. Speaker, of course the House can determine the matter, anyway, by vote.

The SPEAKER. Of course.

Mr. MANN. But when these continuing orders are made I think the practice has always been that they come in only ahead of the call of committees, the purpose being that when the House is out of the ordinary privileged business, and the situation arises where the regular order is a call of the committees, then it is in order to go into consideration of the bill that is made a continuing order. Of course, if no one else were demanding recognition ahead of it, it would be in order at any time.

That order as such was not passed by the House. The Journal shows that it was passed by the House, but, as a matter of fact, no such order was presented to the House. The clerks properly reduced the unanimous consent to an order, and so showed it on the Journal. The reason pensions are mentioned was because the next day, when private bills were in order, was pension day, and some gentlemen imagined that this continuing order might be called up very speedily. That was some months ago, I think.

Mr. ADAMSON. The Speaker suggested that we except pensions.

Mr. MANN. That was because the next private-bill day was pension day.

Mr. POU. Mr. Speaker, it was stated by the gentleman from Alabama [Mr. UNDERWOOD] in explanation of this order that it was not intended to interfere with the regular business of the House. Now, the regular business under the rule to-day is that it is in order for the gentleman from Texas [Mr. GREGG] to make a motion to go into the Committee of the Whole House to consider war claims reported by his committee. It was not the purpose of the House to exclude a particular day in order under the rules and that was made clear by the gentleman from Alabama, and it seems to me perfectly clear the gentleman from Texas is entitled to recognition.

Mr. UNDERWOOD. Mr. Speaker, I do not like the gentleman to take my name in vain. I am not very much concerned about this; I can not remember everything said in this House, but if the gentleman quotes me I would like him to produce the RECORD to show that he quotes me correctly.

Mr. POU. Unless my hearing is very bad, the Speaker quoted the gentleman, not I, by saying it was not intended to interfere with the regular business of the House.

Mr. UNDERWOOD. I stated that the business of the House we did not propose to interfere with was appropriation bills and conference reports, and, as the gentleman from Georgia states, the question of pensions was put in there on the suggestion of the Speaker himself.

The SPEAKER. The Chair will read it again. This is from the CONGRESSIONAL RECORD of May 1. This is at the conclusion of the five-minute interlocutory performance:

Mr. UNDERWOOD. I believe if we get a whole day the chairman of the committee could probably dispose of general discussion in a day's time in the Committee of the Whole if he can get it at one time. The purpose of this order, Mr. Speaker, is not to interfere with the general business of the House, but to enable them to take up this bill when the House is not crowded on something else, and for that reason I thought it wiser not to put in pensions, although I can assure the gentleman pensions will not be interfered with, because some days there may be an hour or two after pensions are disposed of when this bill could be considered.

The SPEAKER. The gentleman from Alabama asks unanimous consent that H. R. 16053 be given a privileged status, to be the continuing order, not to interfere with appropriation bills on Mondays or Wednesdays, or pensions. The Chair will put that in himself. The Chair does not want to get into a hobble about it. Is there objection? [After a pause.] The Chair hears none.

But it does seem we got into a hobble, after all. [Laughter.]

Mr. POU. Mr. Speaker, I want to submit an observation, and that is, even if the Speaker had not put in pensions of his own accord, that under the statement of the gentleman from Alabama it is not in order that this order should interfere with pensions; and if it is not in order, that it should interfere with pensions, the gentleman from Texas is in order to make his motion.

The SPEAKER. Now, the House can settle this for itself in short order. Both of these motions are privileged, and the gentleman from Texas rose first and made his motion first——

Mr. ADAMSON. I do not think that is the issue. The Speaker is aware both of us were calling for recognition.

The SPEAKER. The Chair knows. If either of the gentlemen had a preferential motion, the Chair would not care who got up first.

Mr. ADAMSON. We were both up asking recognition.

The SPEAKER. These two motions are exactly on the same footing, and the Chair will put the motion of the gentleman from Texas. Those in favor of the House resolving itself into the Committee of the Whole House to consider bills on the Private Calendar will say "aye"; those opposed will say "no."

The question was taken, and the Speaker announced the ayes seemed to have it.

Mr. ADAMSON. Division, Mr. Speaker.

The House proceeded to divide.

Mr. ADAMSON. Mr. Speaker, I withdraw the demand for a division.

The SPEAKER. The ayes have it, and the House accordingly resolves itself into the Committee of the Whole House for the consideration of bills on the Private Calendar, and the gentleman from Tennessee [Mr. SIMS] will take the chair, unless he has one of these bills.

Mr. SIMS. I have an amendment I want to offer to one of them.

The SPEAKER. The gentleman from Alabama [Mr. BURNETT], if he has not one of these bills.

Mr. BURNETT. Mr. Speaker, I am particeps criminis. I have an amendment I wish to offer.

The SPEAKER. The gentleman from Kentucky [Mr. SHERLEY] will take the chair.

Accordingly the House resolved itself into the Committee of the Whole House for the consideration of bills in order on the Private Calendar, with Mr. SHERLEY in the chair.

The CHAIRMAN. The House is in Committee of the Whole House for the consideration of bills in order on the Private Calendar. The Clerk will report the first bill.

SNARE & TRIEST CO.

The Clerk read as follows:

S. 1369. An act for the relief of the Snare & Triest Co.

Mr. MANN. Mr. Chairman, under the rules this is war-claims day.

The CHAIRMAN. The Clerk should report bills from the Committee on War Claims.

Mr. ALLEN. Are not the bills called up in their order on the Private Calendar?

The CHAIRMAN. No; the understanding of the Chair is that to-day is given to the consideration of bills on the Private Calendar reported from the Committee on War Claims.

Mr. ALLEN. And those bills have preference?

The CHAIRMAN. They have.

FLORINE A. ALBRIGHT.

The first business in order on the Private Calendar was the bill (H. R. 6880) to carry out the findings of the Court of Claims in the case of Florine A. Albright.

The bill was read.

Mr. GREGG Mr. Chairman, I ask unanimous consent that the bill be passed without prejudice.

The CHAIRMAN. The gentleman from Texas asks unanimous consent that the bill be passed without prejudice. Is there objection? [After a pause.] The Chair hears none, and it is so ordered. The Clerk will report the next bill.

REFERENCE OF BILLS TO COURT OF CLAIMS.

The next business in order on the Private Calendar was House resolution 451, a resolution referring certain claims to the Court of Claims for findings of fact and conclusions of law under section 151 of the act of March 3, 1911, entitled "An act to codify, revise, and amend the laws relating to the judiciary."

Mr. GREGG. Mr. Chairman, I ask unanimous consent that the first reading of the resolution be dispensed with.

The CHAIRMAN. The gentleman from Texas asks unanimous consent that the first reading of the resolution be dispensed with. Is there objection?

Mr. MANN. I object.

The CHAIRMAN. The gentleman from Illinois objects, and the Clerk will report the resolution.

The Clerk commenced the reading of the resolution.

During the reading,

Mr. GREGG. Mr. Chairman, I renew my request for unanimous consent to dispense with the first reading of the resolution.

The CHAIRMAN. The gentleman from Texas renews his request to dispense with the first reading of the resolution. Is there objection?

Mr. MADDEN. I object.

The Clerk resumed the reading of the resolution.

Mr. MADDEN. Mr. Chairman, I withdraw my objection to dispensing with the first reading of the resolution.

The CHAIRMAN. The gentleman from Illinois withdraws his objection to dispensing with the first reading of the resolution. Is there further objection? [After a pause.] The Chair hears none. Does the gentleman from Texas [Mr. GREGG] desire recognition?

Mr. GREGG. Mr. Chairman, let us call for the second reading of the bill.

The CHAIRMAN. The Clerk will report the bill for amendment.

Mr. MANN. Mr. Chairman, this is a resolution to refer to the Court of Claims something over 400 bills, I believe, which have been introduced, for the payment of various sums of money, most of them relating to property or stores which were taken by the Union Army and used, many of them for the purpose of building. Some of the bills, however, say "for the destruction of property" where the destruction was clearly an act of war. Some of the bills are for damage to property where the damage was incidental to the use and occupation.

Mr. GREGG. Mr. Chairman, will the gentleman yield a minute?

Mr. MANN. Yes.

Mr. GREGG. I wish to say to the committee if there is any bill that is shown to be for the destruction of property as an act of war, I shall not insist on referring it to the Court of Claims. I recognize that that is not a proper claim.

Mr. MANN. Mr. Chairman, some of the bills are for use and occupation of real estate and damage thereto. Now, where that damage is, incidentally, damage connected with the use and occupation, I think it is perfectly proper that such a bill should be referred to the Court of Claims. But where there is use and occupation, and in addition damage to the property in connection with the use and occupation, I can see no reason why that should be referred to the Court of Claims. And I would like to get the attention of the gentleman from Texas in regard to it. Here, for instance, is the bill H. R. 5560, No. 6 in the resolution. It proposes to appropriate a certain sum of money in full compensation for stores and supplies and property appropriated by the United States authorities during or after the close of the Civil War and for use and occupation of real estate and damage thereto. As I say, some of the bills specify use and occupation and incidental damage. But this bill, for instance, proposes to refer to the Court of Claims, among other things, for finding a claim for damages to real estate. That may have been an act of war——

Mr. GREGG. Do you not think that the natural inference of that kind of a bill is for incidental damage where it says for use and occupation and damage? That would be incidental to the use and occupation.

Mr. MANN. Really I did not think so, or I would not have asked the question.

Mr. GREGG. But I think that is the proper construction to put upon it.

Mr. MANN. I do not say the gentleman is in error. I do not know what construction the court may place upon such bills. I think most of the bills heretofore have not been bills of this character.

Mr. BURNETT. Will the gentleman yield further?

Mr. MANN. Certainly.

Mr. BURNETT. Would it not, then, be the province of the court? It seems under the statement of the gentleman that there are some matters in that that would be legitimate. And would it not be a matter for the court in its findings to separate them, instead of having the whole thing going out?

Mr. MANN. Well, the Court of Claims takes the bill referred to it. We make the reference. It does not make any difference what the bill calls for; it is the duty of the Court of Claims to make a finding in regard to it. Of course we say we will not pay the amount that may be found, and yet my experience in the House leads me to say that when you get a finding of the Court of Claims for anything, gentlemen who are interested insist that it has almost the binding effect of a judgment against the Government and ought to be paid. We have gone so far in that direction that I think on this very calendar to-day is a bill to pay a certain claim which was referred to the Court of Claims and which the Court of Claims found was neither a legal nor an equitable claim against the Government. Thereupon we propose—or the committee proposes, at least—to pass the bill to carry into effect the finding of the Court of Claims, because, forsooth, they found the amount that was in controversy.

Now, if we refer to the Court of Claims and give directions to find the amount of the damage which the Army inflicted in the then enemy's country, they will make the finding, and then some gentleman says we ought to carry out the findings of the Court of Claims. Now, I will ask my friend from Alabama [Mr. BURNETT] whether he thinks we ought to enter upon a plan to pay for property which was destroyed or damaged as an incident of the war and not as an incident of the use of the property by the Army?

Mr. BURNETT. Well, Mr. Chairman, I am inclined to think we ought, but that has not been the rule, and I would not ask for a violation or enlargement of the rule. But if that is wrong, it seems that there are certain items in that very bill that would be proper, and there are others, perhaps, that might not be. There is nothing in the bill possibly that indicates what those items are. Then would it not be fair to the claimants to allow those matters to go to the Court of Claims, and they can make their findings in separate items, saying that so much was used by soldiers and there was so much to be allowed for damages, and so forth, and then let the House take care of that. I want to say that I have no interest in these special bills; but instead of rejecting the entire bill because they can not segregate the items, I think it would be better to refer the bill to the Court of Claims. I understand from some members of that court that they are pretty well up with war-claim matters. They have disposed of most of the business on the docket.

Mr. MANN. They have enough to keep them busy for some time. But would it not be fairer and equally fair to the claimant to introduce a bill which only relates to the matter where the Government might have liability, instead of introducing a bill that covers those things which the Government ought not to be liable for, and ask the Court of Claims to pass upon all the matters at once?

Mr. BURNETT. Well, the gentleman will recognize the fact that under the previous findings of the court the line of demarcation is sometimes very shadowy between those claims which, under the rule that has been followed, ought to be allowed and those that ought not to be allowed. Why would it not be fairer to get the testimony first?

Mr. MANN. Well, I see no reason why we should send to the Court of Claims a lot of claims for damages where there ought not to be any intention to pay, and one reason for thinking that is that the gentleman from Alabama himself thinks that they ought not to be paid. Now, if you get a finding in the Court of Claims you have a much stronger position for getting a claim paid. There was hundreds of millions of dollars' worth of property destroyed by the Union forces in the Southern States. I do not know how much it might amount to. At present the sums would be very large, and I am not willing, so far as my power goes, to enter upon the payment of those claims; certainly not to enter upon their payment indirectly.

Mr. GREGG. Mr. Chairman, will the gentleman yield?

Mr. MANN. Certainly.

Mr. GREGG. Suppose we read this resolution, and then when we come to one of those bills that the gentleman thinks is objectionable he can move to strike it out, and we can discuss it and

see. I do not want anything included here that it has not been the custom of the committee to authorize and pay.

Mr. MANN. Well, I think that a little discussion at this time might shorten up the operation very much.

Mr. GREGG. I do not know what bills there are mentioned in the resolution that the gentleman thinks are objectionable. I have no idea.

Mr. MANN. Well, I called the gentleman's attention to a particular bill, and there are quite a number of similar bills.

Mr. GREGG. When we reach them, then let us raise the question.

Mr. MANN. Of course the gentleman has his notion about what ought to be done, and I have mine. We do not happen to agree. I would like to find out if I can, however, what the gentleman thinks of the proposition I did submit to the House.

Mr. GREGG. I answered as to the one the gentleman submitted. I think a bill worded that way means incidental damage done through use and occupation. I think that is the *proper* construction. I think it ought to be sent to the Court of Claims.

Mr. MANN. Here is one, numbered 7145, for the occupation of and subsequent injury to land. Does the gentleman think that ought to go to the Court of Claims?

Mr. GREGG. I think so.

Mr. MANN. Upon what theory, may I ask?

Mr. GREGG. I think that would be connected with the occupation and subsequent injury. It is awkwardly set out, but I think it means injury connected with the occupation.

Mr. MANN. But it clearly covers a case where the Union forces may have occupied the land and then, as an act of war, torn down the fences or the buildings.

Mr. GREGG. I do not think it is subject to that construction.

Mr. MANN. Oh, it is plainly subject to that construction. That is what it says.

Here is another bill, H. R. 12275, for stores and supplies and other property taken by the military forces of the United States and appropriated to the use of the Government or destroyed by said forces during the late Civil War. There is plainly a bill that refers to the Court of Claims a claim for the destruction of property by the Union forces. What does my friend say as to that?

Mr. GREGG. I was trying to find the bill. If we proceed in an orderly way, I think I shall have the bill when it comes up.

Mr. MANN. Well, I am proceeding in an orderly way, and I have the bill.

Mr. GREGG. The gentleman says, "destroyed by said forces during the late Civil War"?

Mr. MANN. Yes.

Mr. GREGG. Understand that is divided into two subdivisions. That applies to property taken and used by the Government; then to property destroyed by the forces of the Government. When the court passes on that they will find what property was taken and used by the Government and its value; and then, if any was destroyed as an act of war, they will find that separately, and its value; and the custom of the committee has been not to allow anything that was destroyed as an act of war. But if a finding of the court embraces something that ought to be paid, then the committee reports that much, and does not report the portion that ought not to be paid.

Mr. MANN. Well, I am sorry to say that has not always been the practice of the committee.

Mr. GREGG. That is the practice I have tried to observe.

Mr. MANN. The gentleman has not always succeeded in carrying his theory into effect in actual practice. The practice is, when these claims go to the Court of Claims and they make a finding, as to most of the findings they report the items in an omnibus bill.

Mr. GREGG. I will ask the gentleman this question: In the omnibus bill that I reported this time, is it not a fact that there were only four separate items that entered into that omnibus bill for property destroyed? And is it not a further fact that when my attention was called to those I agreed that they should be eliminated from the bill?

Mr. MANN. If the gentleman makes the statement, I do not deny it. I have not criticized the omnibus bill that passed the House, although after it passed the House I discovered a number of claims in it that ought never to have been put in, and claims which, I think, if the gentleman had had his attention called to them would not have gone in.

Mr. GREGG. Did I not myself move to eliminate those that were objectionable?

Mr. MANN. That is true. But while we have among us now such a distinguished gentleman as the gentleman from Texas—and we enjoy his company here—yet neither he nor we may be here when these claims are paid. I have discovered a very different attitude at different times on the part of the Committee on War Claims.

Now, under this form of bill any person who has a claim for property destroyed as an act of war would need only to have a bill introduced to pay him for property appropriated by the United States or destroyed, and then the Court of Claims would make a finding. That is the easiest way in the world to get around the position which Congress has endeavored to take in the main heretofore, that it would not pay for property which was destroyed as an act of war. But under this form of bill there is no way to avoid that going to the Court of Claims, and the gentleman from Texas, as well as I, knows perfectly well that it is the common practice in Congress and elsewhere to denounce the United States Government because it does not pay findings made against it by the Court of Claims.

Well, the Court of Claims does not make findings against the Government, but that is what they say when they talk about it. They denounce the Government because it does not pay the findings. All that the Court of Claims does is to find certain facts. This form of bill, to refer claims to the Court of Claims, will become the common practice hereafter in introducing bills for property destroyed as acts of war. I am not willing to enter upon that course, if I can avoid it. But I do not get very much satisfaction from the gentleman from Texas, whom I understood a while ago to say he was perfectly willing to strike out claims for the destruction of property, but who, when we reach a particular claim, is not so willing.

Mr. GREGG. If the gentleman will show me a bill that is strictly for destruction of property, I will agree that it shall go out.

Mr. MANN. Here is one.

Mr. GREGG. But where it is a combination, covering some that ought not to go to the court and some that ought, we think the fact that some of it ought not to go to the court should not be allowed to defeat the bill.

Mr. MANN. No one knows whether any part of it ought to go to the court or not. Anybody can draw a bill in the alternative. A man might have a claim that was good and a claim that was bad, and you put it in the alternative. Then it is not necessary to have a good claim at all. Anybody can draw a bill of that kind and have it referred to the Court of Claims. That is the simplest proposition in the world. You say you do not wish it referred to the Court of Claims.

Mr. ELDER. I will ask the gentleman, by way of suggestion, would it not solve the difficulty to say:

Provided, That no property destroyed as an act of war shall be included in this bill.

Mr. MANN. I do not think so, because we have not that authority. This is a simple House resolution. We have the authority, under the law, to refer certain bills to the Court of Claims, but when we refer them we can not restrict the court. The Court makes the finding under the law. This is not the law.

Mr. ELDER. It would, at least, call their attention to it, so that they would make a difference.

Mr. MANN. It would not make any difference about our calling their attention to it. They would proceed under the law. Under the law the House can refer a bill to the Court of Claims, and the law says what the court shall find. They have to find the facts in relation to the claims in the bill.

Mr. ELDER. If the gentleman's position is correct, then it may be that $100,000 worth of property was taken and used by the Government, and in addition to that a small amount may have been destroyed as an act of war; and because there was a likelihood that the court would find also for the portion that was destroyed as an act of war, that would keep out the much larger amount that was taken and used by the Government. It seems to me we could certainly find some method by which the Court of Claims could pass on what we deem to be entirely legitimate claims.

Mr. MANN. There is a very simple method. It does not require a learned man to know what the method is. All that the gentleman who introduced the bill has to do is to introduce a proper bill. That would not take two seconds' time.

Mr. ELDER. I will suggest to the gentleman that inasmuch as it is too late to do anything else at this present Congress, why can we not amend this?

Mr. MANN. The gentleman can not amend it. That is the reason why.

Mr. ELDER. That would evidently be a sufficient reason.

Mr. MANN. The gentleman who introduced the bill could introduce a proper bill; and if the committee declined to recommend reference to the Court of Claims of bills carrying payment for destruction or damage to property, gentlemen know that it

is very easy to draw a proper bill. The fact is, most of these bills are drawn by claim attorneys, who are trying their utmost, in every way possible, to make new precedents, so that they may have other claims paid which heretofore have been refused payment. The gentleman knows that.

Mr. ELDER. I will admit that what the gentleman says about that is true, and I have no desire to help attorneys who are representing claims of this sort, and trying to make precedents of that sort, but that is no reason why we should not pay claims which are justly owed by the Government.

Mr. MANN. Certainly not. I am not claiming that at all, but that is a reason why we should not refer to the Court of Claims a bill that carries claims which we do not believe we ought to pay. Let them introduce proper bills. There is no trouble about that.

Mr. TAGGART. Will the gentleman yield for a question?

Mr. MANN. Certainly.

Mr. TAGGART. I am asking this for information. In making these findings, does the Court of Claims make a finding that certain property was destroyed as an act of war, or will they separate the part that was destroyed incidentally to war from the part that was utilized by the Government?

Mr. MANN. I can not answer what the Court of Claims will do. We have not been in the habit of referring these claims to the Court of Claims.

Mr. TAGGART. Will the Court of Claims make a finding on a bill for the destruction of property—not for the taking and using of property, but for the mere destruction? Have they been doing that?

Mr. MANN. It would not make any difference how the Court of Claims made a finding. The first bill on the calendar, that we have just passed over, was a claim that was referred to the Court of Claims long ago. They found the amount, and found that there was nothing due. The claim that we just passed over a moment ago went to the Supreme Court of the United States, and they sustained the finding of the Court of Claims. What did the distinguished committee do? They reported a bill to pay the claim, and inserted as a part of their report the dissenting views of two of the judges of the Court of Claims, which made a finding against the bill; and because the amount was found by the Court of Claims, we are asked to pass a bill paying the finding of the Court of Claims. That is the way these things come in all the time. Whenever you refer any of these to the Court of Claims, if they make a finding of any kind fixing an amount we are apt to pay the amount because it is a finding of the Court of Claims.

Now, here is another bill, H. R. 11721, introduced by my friend from California [Mr. KAHN]. They had a great earthquake and fire out in San Francisco, and the Government went in with its forces to help stop the progress of the fire. They destroyed some property in order to prevent its being burned and in order to save other property. Here is one bill for $6,600, not a very large amount, to pay for the property which the Government destroyed, which, if the Government had not destroyed would have been burned, and which the Government destroyed in order to stop the progress of the fire. Of course the Court of Claims will make a finding on that if it is referred to the Court of Claims, and then all those who had any property at San Francisco so destroyed at that time will want their claims referred to the Court of Claims.

Mr. GORDON. Certainly; and how are you going to get away from it?

Mr. MANN. And in the end we will be asked to pay the bill. I remember at the time of the Chicago fire the Government went in and blew up buildings and blocks in order to stop the progress of the fire. So far as I know we never got to the point where we had the nerve to ask the Government to pay for the property which was destroyed. Somebody may have come to Congress on that point, but I never heard of it if they did. But the committee report in favor of having this bill go to the Court of Claims and have a finding. Of course the finding will be that the property was worth so much and that it was destroyed by the Government of the United States, and then we will be asked to pay the claim and thousands of other claims like it, probably.

Mr. CANDLER of Mississippi. Will the gentleman yield?

Mr. MANN. Yes.

Mr. CANDLER of Mississippi. Would it not be a good idea to let these matters go to the Court of Claims, they having been here so long, and have the facts found and reported back to the House, in order that we may know what they are, and then we can eliminate those that ought not to be paid and pay those that ought to be paid?

Mr. MANN. The gentleman's question is not fair and hardly worth answering. I have said a number of times that I had no objection to referring to the Court of Claims any claim which had any chance to be appropriated for by the Government. But I would like to know the object of referring to the Court of Claims claims which the gentleman, I, and all the Members of the House think ought not to be paid.

Mr. CANDLER of Mississippi. That character of claims, of course, ought not to go to the Court of Claims.

Mr. MANN. It is that character of claims that I am talking about. Now, here is a claim for property taken for the use of and used by the Federal troops during the War of the Rebellion, and thereafter intentionally and wantonly destroyed by said troops. Upon what basis do we pay for property wantonly destroyed by the troops in the time of war? Yet the committee has practically recommended that such claims be paid, because unless they are to be paid there is no object in referring them to the Court of Claims. There are a large number of bills here for the destruction of property. Here is the bill H. R. 5186, to appropriate a sum of money, $1,000, for property destroyed by the Union soldiers during the Civil War. There is no explanation as to how it was destroyed or why. I would like to ask the gentleman from Texas upon what theory that bill is sent to the Court of Claims?

Mr. GREGG. Does it say simply for the destruction of property?

Mr. MANN. I will read the bill:

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay to William Dorgan, out of any money in the Treasury not otherwise appropriated, the sum of $1,000, for property destroyed by the Union soldiers during the Civil War at Cold Spring, Campbell County, Ky.

Mr. GREGG. I will say to the gentleman that when we reach that item, if he will move to strike it out, I will agree with him.

Mr. MANN. Here is another one, H. R. 5547, to pay for corn taken and fences burned by the military forces of the United States during the late Civil War.

Mr. GREGG. Will the gentleman state that again?

Mr. MANN. I will read the bill:

A bill (H. R. 5547) for the relief of the heirs of John Asher, deceased.

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, the sum of $1,100 to the heirs of John Asher, deceased, late of Clay County, Ky., in payment for corn taken and fencing burned by the military forces of the United States during the late Civil War.

Mr. GREGG. There are two theories on which that claim should be paid. That corn was evidently taken for use.

Mr. MANN. It does not say so.

Mr. GREGG. That is what it means. Of course, you must give a reasonable construction to these matters. The fences, I suppose, were used for fuel. These things ought to be inquired into by the court and ascertained. That bill is all right.

Mr. MANN. I think the gentleman from Texas thinks that all these bills are all right.

Mr. GREGG. Well, I did not think that the other one was.

Mr. MANN. Oh, on that I drove the gentleman into a corner.

Mr. ELDER. Will the gentleman yield?

Mr. MANN. Yes.

Mr. ELDER. Under what circumstances and in what way would an army burn a fence except for fuel?

Mr. MANN. I can imagine many ways. An army crossing a field might want to burn the fence in order to clear it away, and they might want to destroy the property in the country through which they were going.

Mr. ELDER. If it was a wanton destruction of property, does not the gentleman think it should be paid for?

Mr. MANN. Certainly not. That is the very idea and the trouble with the committee. They believe that it ought to be paid for.

Mr. ELDER. I think it ought to be paid for, too.

Mr. MANN. The committee believes that it ought to pay for all damage done.

Mr. ELDER. Will the gentleman permit another question?

Mr. MANN. Yes.

Mr. ELDER. Where an officer is in charge, the representative of the Government, and he permits his soldiers to go out and wantonly destroy property of the inhabitants, where it is not an act of war, the Government is entirely responsible for the destruction of that property.

Mr. MANN. That is just it; it is an act of war all the time.

Mr. ELDER. If the gentleman is going to say that it is an act of war, then when they take the corn and use it for the Army that is an act of war, because it is necessary in certain respects. What I call an act of war is where they go through and lay waste the country in order to make the inhabitants less able to fight.

Mr. GORDON. Will the gentleman from Illinois yield for me to ask a question of the gentleman from Louisiana?

Mr. MANN. Yes.

Mr. GORDON. On the gentleman's theory, what would be the objection to paying for the slaves that were emancipated? That was done as an act of war.

Mr. ELDER. That was personal property, and as they were the property of the people, I think they should have been paid for. I am not here asking you to do it, but, as a matter of law, as a matter of justice, as a matter of right and good conscience, they should have been paid for.

Mr. GORDON. Is there any property that was taken or destroyed that ought not to be paid for?

Mr. ELDER. Yes. I think when Sherman marched to the sea, when he went through and broke the backbone of the Confederacy, that was an act of war and should not be paid for.

Mr. GORDON. When Sherman marched to the sea and burned fences and buildings and destroyed property, that was an act of war?

Mr. ELDER. Yes.

Mr. GORDON. And the gentleman thinks that ought to be paid for?

Mr. ELDER. No.

Mr. GORDON. Then I would like to get the gentleman's definition of an act of war.

Mr. MANN. The gentleman from Ohio ought not to be too critical as to gentlemen from the Southern States, because they dare not say to their constituents that they are not in favor of paying all these claims.

Mr. ELDER. I would say so if I believed it, but I do not believe it.

Mr. MANN. Of course the gentleman does not believe it. If he believed it and said it, he probably would not stay here long.

Mr. TAGGART. Mr. Chairman, will the gentleman yield?

Mr. MANN. Yes.

Mr. TAGGART. Is it not manifest that the gentleman does not expect his side of the House will be sufficiently reinforced to protect the United States against these claims by the time they come back?

Mr. MANN. Oh, that is about as big as the gentleman from Kansas ever grows. I am discussing claims, and the gentleman is seeking to introduce politics. I am perfectly willing to discuss the political question as to what the next House will be, if desired, and the gentleman from Kansas may rest assured that he will be cooling his heels outside or inside of a law office in the State of Kansas when the next House comes here. He has no special interest in these claims, and he will not be here to consider them.

Mr. TAGGART. I am not discussing just exactly what the future will be.

Mr. MANN. Then do not. I do not yield any more on that. I do not want to go into politics on the subject. I never have introduced politics on the subject of claims.

Mr. TAGGART. I just want to ask this question——

Mr. MANN. If it has anything to do with the claim, I will answer it.

Mr. TAGGART. It has.

Mr. MANN. If it is a political question, I do not propose to answer it.

Mr. TAGGART. Is it not a fact that the Court of Claims is simply made use of as a commission to take testimony; that its judgment has no force or validity whatsoever; that its findings are used simply as the basis for appropriations, and nothing more; and the gentleman's idea is to protect it against vexatious business that ultimately would not be appropriated for?

Mr. MANN. Mr. Chairman, I have stated my position many times on the floor of this House, and I will not permit my friend from Kansas to state it for me. When he has had as much experience with these war claims as many other Members of the House have had, he will know more about them, and I think he would be on my side.

Mr. TAGGART. Oh, I will never be on the gentleman's side of the House.

Mr. MANN. Oh, the gentleman will not be in the next House at all.

Mr. TAGGART. I will have plenty of company.

Mr. BYRNES of South Carolina. Mr. Chairman, will the gentleman from Illinois please inform me whether he has marked those bills which provide for repayment for destruction?

Mr. MANN. I have.

Mr. BYRNES of South Carolina. I ask the question for this reason: Regardless of the personal opinion of Members over here, it is not the intention of the committee to send to the court bills providing for any inquiry where destruction is alleged and if the gentleman has those cases marked, I think we can agree to have them stricken from the resolution.

Mr. MANN. I have not been able to get the gentleman from Texas to agree yet. The gentleman from Texas said that he was in favor of striking one bill from the resolution, but he seeks to defend all of the others that are equally bad. Here is another one, 5564, which proposes to appropriate a certain amount in full compensation for the destruction of the church building of the Mount Zion Methodist Church, burned by the Federal forces during the late War of the Rebellion. Upon what theory is that to be sent to the Court of Claims?

Mr. GREGG. Oh, I think that ought to go out.

Mr. MANN. It ought never to have come in, and that is the reason I am examining the bills. Here is another one which I suppose the gentleman defends:

In full satisfaction of the claim of the deceased against the Government of the United States for supplies and property taken for the use of the Army in the late war, or which may have been seized or destroyed by the Army during the late Civil War.

That is another case where all you have to do to have a claim for destruction inserted in a resolution sending claims to the Court of Claims is to put in a little language about use and occupation, although there may have been no use and occupation. There are a number of other bills to which I shall call attention under the five-minute rule, and I shall ask for a vote on a motion to strike them out.

If gentlemen from the Southern States, who in the main have these claims, want to get payment for property used by the Union forces in the South during the war, I am perfectly willing at all times to help expedite the payment of those claims if they confine themselves to those claims, but if in seeking to get the payment of those claims they endeavor to get payment of claims for property destroyed or damaged by the Army during the Civil War, I shall do all I can to prevent the payment of any of those claims. That is a fair proposition. I have discovered, as many other gentlemen have, that claim agents are constantly endeavoring to make new precedents for the payment of claims, and that when they find a new method of getting claims they seek to have one claim paid, and when that claim is paid they say that there are a lot of others on all fours with that claim that has been paid; that Congress has determined what it will do in that case, and they go through without question.

Mr. GREGG. Mr. Chairman, I ask for the reading of the bill.

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

H. R. 5560. Jackson, John Y., estate of.

Mr. MANN. Mr. Chairman, I move to strike out the paragraph.

Mr. BURNETT. Mr. Chairman, what does the gentleman mean by the paragraph—all of them that were embraced in the Alabama claims?

Mr. MANN. No; simply H. R. 5560, estate of John Y. Jackson.

The CHAIRMAN. The Clerk will report the amendment.

The Clerk read as follows:

Page 1, strike out, in line 6, the language:
"H. R. 5560. Jackson, John Y., estate of."

The CHAIRMAN. The question is on agreeing to the amendment offered by the gentleman from Illinois.

The question was taken; and the Chair being in doubt, the committee divided, and there were—ayes 12, noes 33.

So the amendment was rejected.

The Clerk read as follows:

H. R. 8746. McMahen, John C., heirs of.

Mr. MANN. Mr. Chairman, I move to strike out the paragraph. This claim includes, among other things, pay for damages to real estate. I do not think that we ought to send to the Court of Claims a claim for damages by the Union Army for real estate. There is nothing to show the damage has any connection with the use and occupation of property. There are a good many bills referred to in this resolution which provide for the payment of incidental damage or for use and occupation and damage, but this separates the damage entirely from the use and occupation, and any damage which may have been under this provision would be required to be considered by the Court of Claims. If gentlemen desire to have bills referred to the Court of Claims, they can introduce bills which do not cover damages by the Army as a military necessity; and I am not willing that bills of this kind shall be sent to the Court of Claims, as is practically the case ordinarily with these bills.

Mr. GREGG. Mr. Chairman, I want to say to the committee that the Committee on War Claims has not been in favor of allowing claims for destruction of property as an act of war. It has been in favor and is providing for the payment for the use and occupation of property and incidental damage thereto while being used; that is, the damage incident to the use and occupation. Now, this bill provides $2,500 in full compensation

for stores and supplies and property appropriated by United States authorities during and after the close of the Civil War. This is admitted to be a proper matter to go to the Court of Claims. It further says for use and occupation of real estate. That is admitted to be a proper matter to go to the court. The only reasonable construction to be put upon that proportion relating to damages is that it is for damages incident to the use and occupation of the property and not its wanton destruction as an act of war. We had in the last omnibus bill—and I want to call the attention of the gentleman to it—we had several findings where the Court of Claims found the value of the use and occupation of the property and the amount of the incidental damage thereto, and then also found that the property was destroyed, and found its value. In every case of that kind the committee allowed only for the value of the use and occupation and for the damages incidental to the use and occupation, and did not allow for the damages done by destruction of the property as an independent matter. That came up in several bills, and if the courts should find in this case that damage was not done as incident to the occupation and use, then the committee will not allow it. It will be found separate by the court, so that Congress can separate the items and only allow such as we have been in the habit of allowing and such as ought to be allowed. Because the bill is a little inartistically worded should not prohibit it going to the Court of Claims.

The CHAIRMAN. The question is on the motion of the gentleman from Illinois to strike out the paragraph.

The question was taken, and the Chairman announced the noes seemed to have it.

Mr. MANN. Mr. Chairman, I ask for a division.

The committee divided; and there were—ayes 16, noes 26.

So the motion was rejected.

The Clerk read as follows:

H. R. 4575. Parsons, Lewis E., heirs of.

Mr. MANN. Mr. Chairman, I move to strike out the paragraph. This bill provides that the Secretary of the Treasury be, and he is hereby, directed to pay to the heirs of Lewis E. Parsons, deceased, the sum of $5,000 for the occupation and subsequent injury to his land near Talladega, Ala., by the United States Army, after the close of hostilities of 1865. I do not know that we are under any liability to pay for damage to the property, and therefore I move to strike it out.

Mr. PAYNE. Will the gentleman yield for a question?

Mr. MANN. Certainly.

Mr. PAYNE. Is the gentleman familiar enough with the findings of the Court of Claims, so as to be able to say whether they would be liable or likely to report this claim in the language of the bill, that this man suffered such damages in the language of the bill, quoting the whole of the bill, and saying that the damage was so much?

Mr. MANN. I do not think the Court of Claims as a rule makes a report in the language of the bill, I will say to the gentleman from New York. They would have to make the findings cover everything that was referred to in the bill.

Mr. PAYNE. I would like to ask the chairman whether——

Mr. BURNETT. If the gentleman will permit, I have seen a number of findings, and my recollection is that they itemize their findings, and in a case of that kind they would say "for use and occupation"—I believe that is the language of the bill—and that there is so much damage, and either ignore the other or else find that as a separate item.

Mr. MANN. This bill does not provide for use and occupation; it only provides for a claim for occupation; but I do not know that it makes any difference. I will say to the gentleman from Alabama every finding of the Court of Claims is laid on my table and I look over every one of them. I think if I can get the gentleman from Alabama to do that, that he will favor the motion that I have made to strike them out.

Mr. BURNETT. I did not catch the gentleman's statement——

Mr. MANN. Well, it is not important.

Mr. BURNETT. As to the character of the Court of Claims findings. Was not my statement correct that they usually itemize the findings? I know that is the case with those I have seen.

Mr. MANN. They do to a large extent, undoubtedly; they have to do so.

Mr. PAYNE. I want to ask the gentleman from Alabama, who has the floor, I believe, whether the committee left out any bills to be sent to the Court of Claims for destruction of property during the war, whether it was an act of war or otherwise; whether they left out any of these bills in this omnibus bill reported?

Mr. BURNETT. I am not a member of the committee, and I do not know.

Mr. PAYNE. I will ask the gentleman from Louisiana whether they left out any of the bills pending before the committee at the date of this resolution?

Mr. ELDER. Providing that they should go to the Court of Claims? Where we knew it was a destruction of property as an act of war we left all that sort of claims out; unintentionally one or two might have gotten through, but it was not our intention to report that sort of claims. Now, there were some claims, I will say to the gentleman from New York, which were mixed. They come in with a claim for a certain amount for property taken, and then add a claim for a certain amount for property destroyed—we might not know whether by an act of war or not; but being in one bill, we sent that bill to the Court of Claims by putting them in this bill.

Mr. PAYNE. It is peculiar to that kind of bills in this selection? That was the uniform practice, was it not?

Mr. ELDER. That was the intentional practice. There may have been one or two that got through unintentionally, where it was property wholly destroyed. The chairman stated a few moments ago he was perfectly willing to cut out all of that class of cases where it was property that was destroyed as an act of war.

Mr. PAYNE. So that if any attorney for a claimant drew a bill that was for destruction of property and nothing else, and still put in the bill, in addition to destruction of property, the use and occupation thereof, the committee very kindly put that in this resolution sending it to the Court of Claims?

Mr. ELDER. No; I do not think that.

Mr. PAYNE. The gentleman just said if the bill was for the destruction of property, or use and occupation of it, you put it in this resolution.

Mr. ELDER. If it was for both. If it was a mixed claim, we put it in.

Mr. PAYNE. And if the attorney drew it in that way, you put it in here?

Mr. ELDER. That is merely incidental. If there is no certainty as to how the property was destroyed, we did. In my opinion there are some cases where the Government should be responsible for it and should pay for it. Suppose the Government took 10,000 bushels of corn. They took it, and used a part of it, but suppose the Confederates got on their heels and they could not use the corn, and then destroyed it. The property was destroyed and was not used, and yet it was taken at the time with the intention that the Government should use it. It became an act of war later. At the time they took it they took it for the purpose of use, but the man from whom they took it is in no wise responsible for the subsequent acts of the Confederacy that forced the Government into the position where they were compelled to destroy the corn.

Mr. PAYNE. The man was not responsible for it when it was destroyed as an act of war, and still he could not recover for it.

Mr. ELDER. Do you think where they took it from a man, for the purpose of using it, later on under the necessity of war it became their own?

Mr. PAYNE. If it was a necessity of war they should not pay for it.

Mr. ELDER. Suppose that there was no proof that the Government took it, do you mean that I would have to follow that up self, if I had been the one who lost the corn, and prove that the Government used it?

Mr. PAYNE. A man ought to prove his case, of course. You say that all questions of doubt should be resolved in favor of the Government and against the claimant.

Mr. ELDER. It is a rule of law, I will say to my friend, which he knows better than I do, possibly, that the man who has the proof also has the burden on him to produce it. They took the property away, and he was not able to follow it. That man has yet to prove the facts of the case.

Mr. PAYNE. I would like to find out the theory on which these claims are being pressed.

Mr. BUTLER. Will the gentleman answer a question?

Mr. ELDER. If I can.

Mr. BUTLER. I am sure the gentleman can.

The CHAIRMAN. The time of the gentleman from Illinois [Mr. MANN] has expired.

Mr. BUTLER. I ask unanimous consent that the gentleman from Louisiana [Mr. ELDER] has sufficient time in which to answer my question.

The CHAIRMAN. Is there objection?

There was no objection.

Mr. BUTLER. Would the taking of the corn originally be an act of war?

Mr. ELDER. No; it would not.

Mr. BUTLER. For the use of the Army?

Mr. ELDER. It would depend on what you would call an act of war. I will say to the gentleman as a matter of law the exact status of the thing is judged at the time the Army took it. Now, if they were going through the country and merely destroyed property to get it out of the way so that those people were less able to fight, as was said a moment ago in reference to Sherman's march to the sea, that was an act of war. Suppose they were down here in Virginia and the Army needed the corn that was in a certain bin, and they took it with the intention of using it——

Mr. BUTLER. For the use of the Army?

Mr. ELDER. But they carried it away, and weeks later, before they had time to use it, the Confederates were so close on their heels that in order to keep the Confederates from getting the corn, they would destroy it——

Mr. BUTLER. That would be an act of war?

Mr. ELDER. The time they took it and put it to their own use was the time to judge of the legal status of the corn. The gentleman would put up the hypothesis that if that corn was destroyed then there was no property used if we could prove it was not used. My contention is that the Government is legally responsible for the property if it was used. But if they destroyed it on the ground as an act of war, then it has a different status.

Mr. BUTLER. I see.

The CHAIRMAN. The question is on the motion of the gentleman from Illinois [Mr. MANN].

The question was taken, and the Chairman announced that the ayes seemed to have it.

Mr. GARNER. Division, Mr. Chairman.

The committee divided; and there were—ayes 17, noes 29.

So the motion was rejected.

Mr. MANN. Mr. Chairman, I move to strike out the last word.

The CHAIRMAN. The gentleman from Illinois moves to strike out the last word.

Mr. MANN. Now, here is a bill in the proper form to be referred to the Court of Claims. I do not see that it makes any difference now with the present committee whether a man draws a bill in proper form or not, because under the theory of the present committee, if a man introduces a bill covering 100 claims and 99 of them are for the destruction of property and one is for supplies taken and used, the committee thinks all of the claims in the whole bill ought to go to the Court of Claims and a finding had in each case.

This bill is for the payment of a certain amount of money in full compensation for stores and supplies and property taken for the use of and used by the Federal forces. There is a bill that clearly defines its limitations and authorizes the Court of Claims to make a finding on the claim that the property was taken by the Federal forces for the use of the Federal forces and used by the Federal forces. But as long as the committee proposes to send to the Court of Claims any old thing, however bad it may be, if it be connected with language which would indicate a good claim, they have to take the consequences.

The CHAIRMAN. Without objection, the pro forma amendment will be withdrawn, and the Clerk will read.

The Clerk read as follows:

H. R. 4487. Plowman, George P.

Mr. MANN. Mr. Chairman, I move to strike out the last word.

The CHAIRMAN (Mr. PAGE of North Carolina). The gentleman from Illinois moves to strike out the last word.

Mr. MANN. The gentleman from Texas [Mr. GREGG] is again defending the position that if a bad claim be incorporated in the same bill with a good claim, then we ought to take into consideration the payment of both claims and send them to the Court of Claims. If there were no way of dividing the claims, we might send both to the Court of Claims with direction by an act of Congress; but there is a simple method, which any Member of Congress possesses, by which he can divide the bad claim from the good claim or the proper claim and have the proper claim referred to the Court of Claims.

Mr. BURNETT. Mr. Chairman, may I ask the gentleman a parliamentary question——

Mr. MANN. Certainly——

Mr. BURNETT. Would it be possible to strike out from the bill that part of the bill to which the gentleman refers?

Mr. MANN. It is not possible in this proceeding.

Mr. BURNETT. It would have to be stricken entirely from the resolution?

Mr. MANN. Yes; and then the gentleman could introduce a new bill in proper form and ask to have that referred to the Court of Claims.

The CHAIRMAN. The gentleman from Illinois moves to strike out line 11.

Mr. MANN. That was line 9.

The CHAIRMAN. The Chair will say to the gentleman from Illinois that we have passed line 9 and gone to line 11.

Mr. MANN. I move to strike out the last word.

The CHAIRMAN. Does the gentleman withdraw his pro forma amendment?

Mr. MANN. I do.

The CHAIRMAN. The gentleman from Illinois withdraws his pro forma amendment. The Clerk will read.

The Clerk read as follows:

H. R. 4771. Pruitt, Robert, estate of.

Mr. BURNETT rose.

Mr. MANN. Mr. Chairman, I move to strike out the paragraph.

Mr. BURNETT. Mr. Chairman, I desire, before we get to the Arkansas items, to move an amendment to one of the Alabama items.

The CHAIRMAN. The gentleman from Alabama [Mr. BURNETT] offers an amendment, which he sends to the Clerk's desk.

Mr. MANN. Well, Mr. Chairman, I move to strike out the paragraph on line 2, page 2.

Mr. BURNETT. Then I will withhold my amendment for the present.

The CHAIRMAN. The gentleman from Illinois moves to strike out line 2, page 2. The question is on agreeing to that motion.

The question was taken, and the motion was rejected.

The CHAIRMAN. The gentleman from Alabama sends up an amendment, which the Clerk will report.

The Clerk read as follows:

Mr. BURNETT offers the following: Amend, after line 2, page 2, by adding the following:

"(a) H. R. 16791, Caswell Battles, heirs of; (b) H. R. 16963, Calvin Blevins, heirs of; (c) H. R. 17566, John Wheatinger, heirs of."

Mr. BURNETT. Mr. Chairman, I desire to say that I think every one of my bills meets the objection that the gentleman from Illinois has referred to, unless it be the Calvin Blevins bill, and that is for supplies and property appropriated by the United States military forces during the Civil War, and for the use and occupation of house and damage thereto.

It is clearly inferable from that language that it is damage incident to the use and occupation of the house. That is why I asked the gentleman a moment ago the question as to whether it would be permissible at this stage of the resolution to amend the original bills.

I recognize the objection that the gentleman has made, and if these matters are sent to the Court of Claims, matters heretofore barred would not be involved. I think that the language "use and occupation of the house and damage thereto," would be construed to be damage incident to the use and occupation. I would be willing to insert in the bill the language, "as the result of the use and occupation."

Mr. MANN. That could not be done.

Mr. BURNETT. Does not that, in the gentleman's opinion, meet the objection—"use and occupation and damage thereto"?

Mr. MANN. Well, suppose there had been no use or occupation, but there had been damage to the house. Would not the Court of Claims still be required to make a finding?

Mr. BURNETT. I do not think so. I think that would mean damage resulting from the use and occupation.

Mr. MANN. We have a good many bills that we refer to the Court of Claims, where we provide the ascertainment of findings as to the use and occupation and incidental damage, but here is a case where there may be no use and occupation. Of course, if there has been use and occupation, as a matter of fact, probably the damage is only in connection with the use and occupation, but the gentleman from Alabama knows as well as I do that there are some very skillful claim agents in the city of Washington, and——

Mr. BURNETT. If the gentleman will allow me to inject a remark right there, I want to say that not one of my bills has been drawn by a claim agent.

Mr. MANN. I did not say that, but they are always willing to draw bills, and they draw many bills. They usually do not send them to Members of Congress, but they send them to the people who have claims, and those people send the bills to their Members of Congress and the bills get introduced. That is a very common method of doing it.

Now, suppose a man wants to get a finding of the Court of Claims for a house that is destroyed. Well, he thinks that probably he can not get that directly, so he puts in a bill "for use and occupation and damage to the house." The Court of Claims must make a finding, and they must find the damage; and our

genial friends, the claim agents, found a very smooth way of getting around what has been heretofore the practice of Congress. In course of time, whether they get the claims paid or not, they will become a frightful bore to Congress; and whether they are paid or not, the very fact that these claims are pending on findings in the Court of Claims has a tendency to prevent the passage of proper bills to pay proper findings.

Mr. BURNETT. If the gentleman will permit, I think that if the disjunctive "or" had been used damage might be found without any proof of use and occupation; but I am of the opinion that this bill making it in the conjunctive, for use and occupation of the house, and damage thereto, would mean the damage incident to the use and occupation; and I hope that the amendment will be adopted. I realize that the gentleman's proposition is correct in regard to many of these matters. I think the court will segregate it, and I hope the amendment will be adopted.

Mr. JOHNSON of Washington. Have these bills been presented to the Committee on War Claims?

Mr. BURNETT. Yes; but too late to get them into this omnibus resolution. I desire to state to the gentleman that I would not hesitate to withdraw this bill in order to take no chances with the Court of Claims, and in order to give them no unnecessary work, because, as has been suggested by the gentleman from Illinois [Mr. MANN], that is a matter we ought to consider. If I thought there would be any other possibility of having this claim considered at this session of Congress, I would not hesitate to withdraw it.

Mr. JOHNSON of Washington. What is the date of the latest one of the gentleman's bills?

Mr. BURNETT. June 1 is the latest.

Mr. JOHNSON of Washington. All after this resolution was introduced?

Mr. BURNETT. Yes.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Alabama [Mr. BURNETT].

The amendment was agreed to.

The Clerk read as follows:

H. R. 12275. Stewart, John E., heirs of.

Mr. MANN. Mr. Chairman, I move to strike out the paragraph. A moment ago the gentleman from Alabama [Mr. BURNETT], in offering an amendment, stated that his bills had been before the Committee on Claims, which of course was correct.

Mr. BURNETT. I meant that the bills were referred.

Mr. MANN. The bills were introduced and referred to the Committee on Claims.

Mr. GREGG. What is it that the gentleman moves to strike out?

Mr. MANN. H. R. 12275.

Mr. GREGG. For one, I am willing to have it go out.

The CHAIRMAN. The question is on the motion of the gentleman from Illinois to strike out line 8, page 2.

The amendment was agreed to.

The Clerk read as follows:

H. R. 11721. Boragni, Peter.

Mr. MANN. Mr. Chairman, I move to strike out the paragraph. That is the California bill for the destruction of property. I suppose by the military forces, at the time of the fire and earthquake in San Francisco. While it might be very interesting to have an opinion of the Court of Claims on that subject——

Mr. GREGG. Does the gentleman move to strike it out?

Mr. MANN. I have moved to strike it out.

Mr. GREGG. I agree to the motion.

The CHAIRMAN. The question is on striking out line 14, page 2.

The amendment was agreed to.

The Clerk read as follows:

H. R. 10344. Winter, John G., beneficiaries under the will of.

Mr. MANN. I move to strike out the paragraph. This bill provides—

That the Secretary of the Treasury be, and is hereby, authorized to pay to the beneficiaries under the will of John G. Winter, deceased, the sum of $250,000 for the property known as the Rock Island Paper Mill and other property connected therewith, near Columbus, Ga., which was taken for the use of and used by Federal troops during the War of the Rebellion, and thereafter unnecessarily and wantonly destroyed by said troops.

I do not think we ought to enter upon——

Mr. GREGG. I am willing to let it go out.

The CHAIRMAN. The question is on the motion of the gentleman from Illinois to strike out lines 17 and 18, page 2.

The amendment was agreed to.

The Clerk read as follows:

H. R. 13783. Hall, William B., heirs of.

Mr. MANN. Mr. Chairman, I move to strike out the paragraph.

The CHAIRMAN. The gentleman from Illinois moves to strike out the paragraph.

Mr. MANN. This is a bill to pay to the heirs of William B. Hall——

Mr. GREGG. I am willing to have it go out.

The CHAIRMAN. The question is on the motion of the gentleman from Illinois to strike out line 7, on page 3.

The amendment was agreed to.

The Clerk read as follows:

H. R. 11864. Pea Vine Academy, Walker County, trustees of.

Mr. MANN. Mr. Chairman, I move to strike out the paragraph.

The CHAIRMAN. The gentleman from Illinois moves to strike out lines 3 and 4, on page 4.

Mr. MANN. House bill 11864 is—

For the occupation, use and destruction of the property of said academy by the United States military forces during the Civil War.

Mr. GREGG. I am willing to let that go out.

The CHAIRMAN. The gentleman moves to strike out lines 3 and 4 on page 4.

The amendment was agreed to.

The Clerk read as follows:

H. R. 11865. Pea Vine Church, Walker County, trustees of.

Mr. MANN. Mr. Chairman, I move to strike out the paragraph. It is the same thing.

The CHAIRMAN. The gentleman moves to strike out lines 5 and 6 on page 4.

Mr. GREGG. Let it go.

The amendment was agreed to.

The Clerk read as follows:

H. R. 2646. De Atley, E., & Co.

Mr. MANN. I move to strike out the paragraph. That is for property taken and destroyed.

Mr. GREGG. Let that go out.

The CHAIRMAN. The gentleman from Illinois moves to strike out line 9 on page 4.

The amendment was agreed to.

The Clerk read as follows:

H. R. 5186. Dorgan, William.

Mr. MANN. Mr. Chairman, I move to strike out the paragraph.

Mr. FOSTER. I hope my colleague will wait just a moment. This is a resolution which I introduced, and I may have been unfortunate in the wording of the resolution——

Mr. MANN. I think my colleague was.

Mr. FOSTER. If my colleague will permit this to go over until I have looked at the papers in the case—he may be right about it.

Mr. MANN. My colleague can introduce another bill.

Mr. FOSTER. It will do no harm to pass this over for a few minutes.

Mr. MANN. I have no objection to passing it over.

The CHAIRMAN. What is the request of the gentleman?

Mr. FOSTER. I have the papers here, but I ask to pass this over for a few minutes until I can examine them.

The CHAIRMAN. If there be no objection, line 11, page 4, will be passed over without prejudice. Is there objection?

There was no objection.

The Clerk read as follows:

H. R. 5547. Asher, John, heirs of.

Mr. MANN. Mr. Chairman, I move to strike out the paragraph. This is, in part, to pay for fences burned by the military forces.

Mr. GREGG. Let that go.

The CHAIRMAN. The question is on the motion of the gentleman from Illinois.

The motion was agreed to.

The Clerk read as follows:

H. R. 13792. Ballenger, David, heirs of.

Mr. MANN. Mr. Chairman, I move to strike out the paragraph. This is for full payment for the destruction of property.

The CHAIRMAN. The question is on the motion of the gentleman from Illinois to strike out the paragraph.

The motion was agreed to.

The Clerk read as follows:

H. R. 2980. Morgan, James E., estate of.

Mr. MANN. Mr. Chairman, I move to strike out the paragraph. This is for property appropriated and destroyed.

Mr. GREGG. Let it go out.

The CHAIRMAN. The question is on the motion of the gentleman from Illinois.

The motion was agreed to.

The Clerk read as follows:

H. R. 2369. Shelby County.

Mr. GREGG. Mr. Chairman, referring back to line 11, page 4, "H. R. 5186, Dorgan, William," the papers show that to be for the destruction of property. The gentleman from Illinois [Mr. MANN] moved to strike it out, and I am willing to agree that it shall go out.

The CHAIRMAN. The question is on the motion of the gentleman from Illinois to strike out the item in line 11, page 4.

The question was taken, and the motion was agreed to.

The Clerk read as follows:

H. R. 12090. Emonet, Michel, heirs or estate of.

Mr. BROUSSARD. Mr. Chairman, I offer the following amendment.

The Clerk read as follows:

On page 8, after line 19, insert:
"H. R. 16683. Hernandez, Joseph."

Mr. BROUSSARD. Mr. Chairman, this bill is for the reference to the Court of Claims to find the amount of property used by Gen. Banks's army during the war, consisting of cattle slaughtered on his premises and used by the Army; also sheep, hogs, corn, and potatoes, and some horses that were taken for use by Cavalry.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Louisiana.

The question was taken, and the amendment was agreed to.

The Clerk read as follows:

H. R. 8307. Gardner, George W., heirs of.

Mr. MANN. Mr. Chairman, I move to strike out the paragraph. This is for property taken and destroyed.

Mr. GREGG. I consent that it shall go out.

The CHAIRMAN. The question is on the motion of the gentleman from Illinois to strike out the paragraph.

The motion was agreed to.

The Clerk read as follows:

H. R. 8303. Gladney, Gardner & Co., heirs of.

Mr. MANN. Mr. Chairman, I move to strike out the paragraph. This is for the same thing—property taken and destroyed.

Mr. GREGG. Let it go out.

The CHAIRMAN. The question is on the motion offered by the gentleman from Illinois.

The motion was agreed to.

The Clerk read as follows:

H. R. 8310. Henderson, Jennie Gaston, sole and only heir of L. B. Gaston.

Mr. MANN. Mr. Chairman, I move to strike out the paragraph. This is for rent of a college building and for the destruction of said building by the Federal troops.

Mr. GREGG. Let it go out, Mr. Chairman.

The CHAIRMAN. The question is on the motion of the gentleman from Illinois.

The motion was agreed to.

The Clerk read as follows:

H. R. 8296. Linton, John, estate of.

Mr. MANN. Mr. Chairman, I move to strike out the paragraph. This is for property taken, used, and destroyed.

Mr. GREGG. Let that go out.

The CHAIRMAN. The question is on the motion of the gentleman from Illinois to strike out the paragraph.

The motion was agreed to.

The Clerk read as follows:

H. R. 8284. Moore, Mary H., estate of.

Mr. HARRISON. Mr. Chairman, I offer the following amendment.

The Clerk read as follows:

Page 10, after line 25, insert:
"H. R. 16525. Moore, Robert, estate of."

Mr. HARRISON. Mr. Chairman, I will say that this bill was introduced May 13, 1914. It is for supplies taken and not for supplies destroyed during the war.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Mississippi.

The question was taken, and the amendment was agreed to.

The Clerk read as follows:

H. R. 14182. Sudduth, Flora E. Campbell, administratrix of the estate of Walter L. Campbell.

Mr. MANN. Mr. Chairman, I move to strike out the paragraph. This is a claim for $20,000 worth of property destroyed.

Mr. GREGG. Let it go out.

The CHAIRMAN. The question is on the motion of the gentleman from Illinois to strike out the paragraph.

The motion was agreed to.

The Clerk read as follows:

H. R. 3320. Evergreen Lodge, No. 77, Free and Accepted Masons, of Decatur, trustees of.

Mr. MANN. Mr. Chairman, I move to strike out the paragraph. This is a bill for the destruction of property.

Mr. GREGG. That is for destruction.

The CHAIRMAN. The question is on the motion of the gentleman from Illinois to strike out the paragraph.

The motion was agreed to.

The Clerk read as follows:

H. R. 3318. Methodist Episcopal Church South, of Decatur.

Mr. MANN. Mr. Chairman, I move to strike out the paragraph. This is also a bill for the destruction of property.

Mr. GREGG. Let it go.

The CHAIRMAN. The question is on agreeing to the motion of the gentleman from Illinois.

The motion was agreed to.

The Clerk read as follows:

H. R. 3319. Sageville Methodist Episcopal Church South, of Sageville, Lauderdale County.

Mr. MANN. Mr. Chairman, I move to strike out the paragraph.

Mr. GREGG. Let it go.

The CHAIRMAN. The question is on the motion of the gentleman from Illinois.

The motion was agreed to.

The Clerk read as follows:

H. R. 6400. County of Barton.

Mr. MANN. Mr. Chairman, I move to strike out the paragraph.

Mr. GREGG. Let it go.

The CHAIRMAN. The question is on agreeing to the motion of the gentleman from Illinois.

The motion was agreed to.

The Clerk read as follows:

H. R. 5546. Mount Zion Methodist Church, of Boone County.

Mr. MANN. Mr. Chairman, I move to strike out the paragraph. This is for property burned.

Mr. GREGG. That is for destruction. Let it go.

The CHAIRMAN. The question is on agreeing to the motion of the gentleman from Illinois.

The motion was agreed to.

The Clerk read as follows:

H. R. 12499. White, Samuel J.

Mr. POU. Mr. Chairman, I offer the following amendment, which I send to the desk and ask to have read.

The Clerk read as follows:

Page 13, after line 2 insert:
"H. R. 16946. Whitaker, William W."

Mr. POU. Mr. Chairman, the bill provides that the heirs of Whitaker be paid a certain amount—$36,000—in full compensation for property appropriated; and it also provides for damages for use and occupation, but I do not care anything about that.

Mr. GREGG. It has the language "incidental damages" in the bill.

The CHAIRMAN. The question is on agreeing to the amendment offered by the gentleman from North Carolina.

The amendment was agreed to.

The Clerk read as follows:

H. R. 8016. Turner, Reuben R., legal representatives of.

The committee amendment was read, as follows:

Page 13, strike out the lines just read, lines 13 and 14.

The CHAIRMAN. The question is on agreeing to the committee amendment.

The committee amendment was agreed to.

The Clerk read as follows:

H. R. 8017. Bethesda Baptist Church, of Bamberg County.

Mr. MANN. Mr. Chairman, I move to strike out the paragraph. This is a bill for the destruction of a church.

Mr. BYRNES of South Carolina. Mr. Chairman, this bill provides for use and occupation, and the question of destruction would not be considered by the court, because the facts as presented to me were that the church was used, occupied, and destroyed by being knocked down and the lumber used for building a bridge. I will admit that the language used is not the happiest language, but inasmuch as the objection of the gentleman from Illinois [Mr. MANN] is to having the court consider a case where destruction is by burning, or where destruction as an act of war is alleged, and as those facts do not exist in this case I hope that he will not insist upon his amendment.

Mr. MANN. Mr. Chairman, in view of the modesty of the gentleman from South Carolina, who is a member of this committee, I believe, and the fact that South Carolina has very few

of these nefarious claims in the resolution—the committee has already stricken out two—and especially in view of his statement, I will ask unanimous consent to withdraw my motion.

The CHAIRMAN. Without objection, the motion is withdrawn; and the Clerk will read.

There was no objection.

The Clerk read as follows:

H. R. 8018. Beech Branch Baptist Church, of Hampton County.

The committee amendment was read, as follows:

Strike out lines 17 and 18, just read.

The CHAIRMAN. The question is on agreeing to the committee amendment.

The committee amendment was agreed to.

The Clerk read as follows:

H. R. 14529. Ursuline Convent, of Columbia.

Mr. MANN. Mr. Chairman, I move to strike out the paragraph.

Mr. GREGG. Let it go.

The CHAIRMAN. The question is on agreeing to the motion of the gentleman from Illinois.

The motion was agreed to.

The Clerk read as follows:

H. R. 9706. Allen, William, heirs of.

Mr. BYRNS of Tennessee. Mr. Chairman, I offer the following amendment, which I send to the desk and ask to have read.

The Clerk read as follows:

Page 13, after line 21, insert:
"H. R. 17911. Alley, Henry, estate of."

Mr. BYRNS of Tennessee. Mr. Chairman, this is for a reference of a claim for $21,519, in full compensation for stores and supplies and property furnished to and taken by the United States military authorities during the Civil War.

The CHAIRMAN. The question is on agreeing to the amendment offered by the gentleman from Tennessee.

The amendment was agreed to.

The Clerk read as follows:

H. R. 9732. Brown, Jesse A., legal representatives of.

Mr. BYRNS of Tennessee. Mr. Chairman, I desire to offer the following amendment.

The CHAIRMAN. The Clerk will report the amendment.

The Clerk read as follows:

On page 14, after line 1, insert:
"H. R. 14955. Brown, Robert F., et al.".

Mr. BYRNS of Tennessee. Mr. Chairman, this provides for the reference of a claim for $10,000 in full compensation for stores and supplies and property appropriated by the United States authorities and use and occupation of real estate and damages thereto. I ask for its adoption.

The question was taken, and the amendment was agreed to.

The Clerk read as follows:

H. R. 13744. Jackson & Adams, heirs of.

Mr. MANN. Mr. Chairman, I move to strike out the paragraph. This is H. R. 13744, for property damaged and destroyed by military forces.

Mr. BYRNS of Tennessee. Mr. Chairman, I am the author of that bill.

Mr. MANN. Yes, sir.

Mr. BYRNS of Tennessee. As I remember, this was a firm which owned a sawmill, and the property was used by the Federal troops for a considerable length of time when they occupied Nashville. The mill was actually closed up and it and the surrounding yards were taken possession of and occupied by the Federal troops, and the owners were deprived of its use. Soldiers occupied it for a considerable length of time.

Mr. MANN. The gentleman can introduce a bill and probably will not delay this payment any for the use and occupation without providing for the destruction. I do not think the gentleman has entirely forgotten in connection with this reference——

Mr. BYRNS of Tennessee. My recollection is this claim is more for use and occupation than destruction.

Mr. MANN. Well, the gentleman probably does not know about that; I am sure I do not——

Mr. BYRNS of Tennessee. I only know what was stated to me. I know I filed several affidavits in support of the claim with the committee.

Mr. MANN. The gentleman had so many claims in connection with this resolution I am sure no one person could remember all of them.

Mr. BYRNS of Tennessee. I want to state to the gentleman that it has always been my uniform practice to require three or four affidavits of loyalty and merit before I introduce a bill of this character, and I am quite sure these affidavits will show that this is more for use and occupation of property than for destruction.

Mr. MANN. Well, it is plainly for destruction of property; that is what it says.

Mr. BRYNS of Tennessee. Well, it is for both; and I will submit to the gentleman that if this goes out of the bill, it will probably be a year before a reference can be secured, and certainly the gentleman does not want to prevent these gentlemen recovering any lawful sum to which they are entitled for use and occupation.

Mr. MANN. No; I do not want to prevent anybody——

Mr. BYRNS of Tennessee. I am quite sure——

Mr. MANN. From getting any lawful sum, and if it is lawful they will recover anyhow.

Mr. GREGG. Under the rule we have been operating under, I think that ought to go out.

The CHAIRMAN. The question is on the motion of the gentleman from Illinois.

The question was taken, and the motion was agreed to.

The Clerk read as follows:

H. R. 9726. McHenry, E. B., receiver of the Bank of West Tennessee.

The committee amendment was read, as follows:

Strike out the lines just read, 23 and 24, page 15.

The question was taken, and the amendment was agreed to.

The Clerk read as follows:

H. R. 9730. Mosby, Samuel, estate of.

The committee amendment was read, as follows:

Strike out the line just read, page 16, line 10.

The question was taken, and the amendment was agreed to.

The Clerk read as follows:

H. R. 8507. Palmore, Frederick W.

Mr. SIMS. Mr. Chairman, after line 15, I offer the following amendment.

The CHAIRMAN. The Clerk will report the amendment.

The Clerk read as follows:

On page 16, after line 15, insert:
"H. R. 17557. Parker, James C., deceased, estate of."

Mr. MANN. What is the character of the bill?

Mr. SIMS. It is for the heirs of James C. Parker, deceased, late of Carroll County, Tenn., the sum of $800, in full compensation for stores and supplies and property appropriated by United States authorities during or after the close of the Civil War, and for use and occupation of real estate and damage thereto.

The CHAIRMAN. The Chair understands the amendment offered by the gentleman from Tennessee should read, "Parker, James C., deceased, estate of."

Mr. SIMS. Yes.

The CHAIRMAN. It was not so written.

The question was taken, and the amendment was agreed to.

The Clerk read as follows:

H. R. 292. Roth, Frank J.

Mr. MANN. Mr. Chairman, I move to strike out the paragraph. This is for property destroyed.

Mr. GREGG. Let it go.

The question was taken, and the amendment was agreed to.

The Clerk read as follows:

H. R. 291. Roth, Joseph.

Mr. MANN. Mr. Chairman, I move to strike out the paragraph. It is identically the same——

Mr. GREGG. Let it go.

The question was taken, and the amendment was agreed to.

The Clerk read as follows:

H. R. 13731. Tynes, A. J., estate of.

Mr. MANN. Mr. Chairman, I move to strike out the paragraph. The paragraph covers property which may have been seized or destroyed by the Army during the late Civil War.

Mr. BYRNS of Tennessee. Mr. Chairman, I want to say to the gentleman that this claim was referred to the Court of Claims, as I remember, two or three years ago, but for some reason, not entirely familiar to me, it was not properly referred. The attorney who is representing this claim thought that the bill was not properly drawn and sent me this bill which I have introduced. The attorney lives in Chicago, the city of the gentleman from Illinois. I know the claim is for some considerable amount. I remember——

Mr. MANN. Nearly $23,000.

Mr. BYRNS of Tennessee. My recollection is that Mr. Tynes owned a storehouse in the city of Nashville, and probably several of them.

This property was occupied by the troops for a considerable length of time. I hope the gentleman will let this go in.

Mr. MANN. I think not. We have been striking these all out. Nobody knows what it is. And if we refer this form of

bill to the Court of Claims we would soon be lost; and the gentleman would be worse off than I would be, because he would be asked to introduce them. I am sometimes asked to introduce these claims, but I do not remember when I have introduced any. Still, I would if I thought it was a proper claim, probably.

Mr. BYRNS of Tennessee. This property was not destroyed in the sense that it was burned, or anything of that sort. I think probably the attorney who drew this bill put that in there simply by way of extra precaution.

Mr. MANN. Very likely he wanted to cover everything and he overstepped the limit. That is not the fault of my friend from Tennessee and not my fault. I do not say that it is anybody's fault. And yet even attorneys in Chicago have to be taught by experience.

The CHAIRMAN. The question is on the motion of the gentleman from Illinois.

The motion was agreed to.

The Clerk read as follows:

H. R. 8508. Wilson, James E., heirs at law.

Mr. PADGETT. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The gentleman from Tennessee offers an amendment which the Clerk will report.

The Clerk read as follows:

Page 17, after line 20, insert:
"H. R. 13961. Winstead, H. W."

The CHAIRMAN. The question is on the amendment offered by the gentleman from Tennessee [Mr. PADGETT].

The question was taken, and the amendment was agreed to.

The Clerk read as follows:

H. R. 13746. Woods, Yeatman & Co., legal representatives of.

Mr. MANN. Mr. Chairman, I move to strike out the paragraph. This is a claim for $1,000,000 for stores and supplies seized and used and incidentally destroyed by the military forces of the United States.

Mr. BYRNS of Tennessee. I do not suppose, Mr. Chairman——

Mr. MANN. I think we want this large claim examined. It ought to be confined within proper limitations.

Mr. BYRNS of Tennessee. In view of my want of past success in appealing to the gentleman from Illinois, I do not know that it would do any good to ask him to withdraw his motion.

Mr. MANN. No.

Mr. BYRNS of Tennessee. I will say, in justice to this claim, that this company was an exceedingly wealthy one, owning a large amount of iron-ore lands and many furnaces, supply stores, and so forth, in Tennessee.

Mr. MANN. There is a chance for the company to have a day in court, and when we refer such a claim to the Court of Claims it ought to be within proper limitations.

Mr. GREGG. Let it go.

The CHAIRMAN. The question is on the motion of the gentleman from Illinois [Mr. MANN].

The motion was agreed to.

The Clerk read as follows:

H. R. 6696. Boiling Fork Baptist Church, of Cowan, trustees of.

Mr. MANN. Mr. Chairman, I move to strike out the paragraph. I think this paragraph is in the bill inadvertently. I call the attention of the gentleman to the fact that this is a case where apparently there has been a finding of the Court of Claims. A bill was introduced to carry that finding into effect. Now, the committee has referred this bill to the Court of Claims for a finding. It is a bill to carry into effect the findings of the Court of Claims, and I take it it is one of those bills where the committee would decline to include an amount in the omnibus bill, because it is for the destruction of property.

Mr. GREGG. Let it go out.

The CHAIRMAN. The question is on the motion of the gentleman from Illinois.

The motion was agreed to.

The Clerk read as follows:

H. R. 2030. Missionary Baptist Church of Toone, deacons of.

Mr. MANN. Mr. Chairman, I move to strike out the paragraph.

Mr. MOON. Which is that?

Mr. MANN. It is H. R. 2030, which is for occupation, injury, and destruction.

Mr. GREGG. The one that I have here does not say destruction. What did the gentleman say was the number?

Mr. MANN. It is H. R. 2030.

Mr. GREGG. Let it go out.

The CHAIRMAN. The question is on the motion of the gentleman from Illinois.

The motion was agreed to.

The Clerk read as follows:

H. R. 6040. Caughlen, James, heirs of.

Mr. MANN. Mr. Chairman, I move to strike out the paragraph. This is for compensation for property destroyed.

Mr. GREGG. Let it go out.

The CHAIRMAN. The question is on the motion of the gentleman from Illinois [Mr. MANN].

The motion was agreed to.

The Clerk read as follows:

H. R. 14520. Curtis, Samuel G, and Elizabeth G., heirs at law of.

Mr. MANN. Mr. Chairman, I move to strike out the paragraph. This is for property used and destroyed by the Federal Army.

Mr. GREGG. Let it go out.

The CHAIRMAN. The question is on agreeing to the motion of the gentleman from Illinois [Mr. MANN].

The motion was agreed to.

The Clerk read as follows:

H. R. 4746. Shelby Lodge, No. 162, Ancient Free and Accepted Masons, of Bristol.

Mr. MANN. Mr. Chairman, I move to strike out the paragraph. This is for property burned and destroyed.

Mr. GREGG. Let it go out.

The CHAIRMAN. Without objection, the motion is agreed to.

There was no objection.

The Clerk read as follows:

H. R. 9261. Coleman, Mary A.

Mr. MANN. Mr. Chairman, I move to strike out the paragraph. This is such a unique bill that I hope the committee will pardon me if I call attention to what it is.

Mr. GREGG. What bill is that?

Mr. MANN. The gentleman will take my statement as to what it says. After I make my statement he will not want it to remain in the resolution. This is for the payment to Mary A. Coleman—

in full of all claims for damages sustained by the said Mary A. Coleman and John W. Coleman by reason of the said John W. Coleman being captured by the rebels while in the employment of the United States Government at Bridgeport, W. Va., and placed in prison, thereby losing 11 months' pay, all his working tools of trade and clothing, and while so imprisoned contracting diseases which left him a physical wreck and ended in death.

Mr. BUTLER. From what is the gentleman reading?

Mr. MANN. From the bill.

Mr. GREGG. I do not know how it got in there.

Mr. MANN. I know how it got in there, in a way, I suppose. The committee may be fairly careful about these resolutions, but, of course, it does not examine very carefully all these bills it proposes to refer to the Court of Claims. But if we start in to pay to every man who was captured by the Confederate forces or to his widow $10,000 it would take quite a bunch of money.

The CHAIRMAN. Without objection, the motion of the gentleman from Illinois [Mr. MANN] is agreed to. [After a pause.] The Chair hears none. The Clerk will read.

The Clerk read as follows:

H. R. 2211. Collett, A. J., administrator of the estate of Thomas Collett.

Mr. MANN. Mr. Chairman, I move to strike out the paragraph. This is for the payment to A. J. Collett, administrator of the estate of Thomas Collett, deceased, the sum of $6,000 for damages by the military forces of the United States during the late Civil War.

Mr. GREGG. Let it go.

The CHAIRMAN. The question is on the motion of the gentleman from Illinois, to strike out the paragraph.

The motion was agreed to.

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

H. R. 2212. Corrick, L. D., administrator of the estate of William Corrick.

Mr. MANN. Mr. Chairman, I move to strike out the paragraph.

Mr. GREGG. Let it go.

The CHAIRMAN. The question is on the amendment of the gentleman from Illinois, to strike out the paragraph.

The amendment was agreed to.

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

H. R. 5742. Hart, Elijah M., heirs of.

Mr. FERRIS. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The gentleman from Oklahoma [Mr. FERRIS] offers an amendment which the Clerk will report.

The Clerk read as follows:

On page 21 after line 23, insert:
"H. R. 13520. Hefner, Harvey, heirs of."

Mr. FERRIS. Mr. Chairman, I offer this amendment at the instance of the gentleman from West Virginia [Mr. NEELY], who is necessarily absent from the House to-day. In reading this bill I am not quite sure whether it falls within or without the rule that is apparently unanimously consented to here to-day. The bill is only a few lines long. Let me read it, to see if it comes within the rule. I read:

A bill (H. R. 13520) for the relief of the heirs of Harvey Hefner.

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay to the estate of Harvey Hefner, deceased, of Braxton County, W. Va., the sum of $4,000, out of any money in the Treasury not otherwise appropriated, in payment for a store building, dwelling, and stores and supplies taken from him by and for the use of the Union Army during the years 1861 to 1865, inclusive.

I think it is for the use of buildings, and I think it falls within your rule; and if no one objects, I would like very much to have it go in.

The CHAIRMAN. The question is on agreeing to the amendment offered by the gentleman from Oklahoma [Mr. FERRIS].

The amendment was agreed to.

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

H. R. 12231. James, F. J.

With a committee amendment, as follows:

Page 22, line 1, strike out "12231" and insert "2331."

The CHAIRMAN. The question is on agreeing to the committee amendment.

The amendment was agreed to.

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

H. R. 14007. Reece, J. A., heirs of.

Mr. MANN. Mr. Chairman, I move to strike out the paragraph. It provides for compensation for the destruction of property by the military forces.

Mr. GREGG. I have no objection.

The CHAIRMAN. The question is on agreeing to the amendment offered by the gentleman from Illinois to strike out the paragraph.

The amendment was agreed to.

The CHAIRMAN. The Clerk will read.

The Clerk resumed and concluded the reading of the resolution.

Mr. GREGG. Mr. Chairman, I move that the resolution be laid aside with a favorable recommendation.

The CHAIRMAN. The gentleman from Texas [Mr. GREGG] moves that the resolution be laid aside with a favorable recommendation. The question is on agreeing to that motion.

The motion was agreed to.

The CHAIRMAN. The Clerk will report the next bill.

The Clerk read as follows:

A bill (H. R. 8696)——

FLORINE A. ALBRIGHT.

Mr. ELDER. Mr. Chairman, there was a bill passed over this morning that was at the head of the list. Without objection, I would like to take up the bill H. R. 6880, which was passed over without prejudice this morning.

The CHAIRMAN. The gentleman from Louisiana [Mr. ELDER] asks unanimous consent to return to the bill named, that was passed over without prejudice. Is there objection?

There was no objection.

The CHAIRMAN. The Clerk will report it.

The Clerk read the title, as follows:

A bill (H. R. 6880) to carry out the findings of the Court of Claims in the case of Florine A. Albright.

Mr. GREGG. Mr. Chairman, I yield to the gentleman from Louisiana [Mr. ELDER] such time as he may desire.

The CHAIRMAN. The bill has not yet been read.

Mr. GREGG. All right.

The CHAIRMAN. The Clerk will report the bill.

The Clerk read the bill, as follows:

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, directed to pay, out of any money in the Treasury not otherwise appropriated, to Florine A. Albright the sum of $14,640, in full compensation for stores and supplies taken by the United States Army during the Civil War, and reported by the Court of Claims in Senate Document No. 466, Fifty-ninth Congress, first session.

Mr. GREGG. Mr. Chairman, I now yield to the gentleman from Lousiana [Mr. ELDER] such of my time as he may need.

The CHAIRMAN. The gentleman from Louisiana [Mr. ELDER] is recognized.

Mr. ELDER. Mr. Chairman, this claim has been pending in one or the other branch of Congress since 1873, I think. During the Civil War a man by the name of Sterling T. Austin was a large property owner in the South, both in Alabama and in Louisiana and Texas. He took no actual part in the war himself, and in truth was, as is shown by the record, in my opinion and in the opinion of the Congress which sat in 1898, a Union sympathizer. There was taken some $200,000 or $300,000 worth of property from this man in the shape of cotton, mules, corn, and supplies. However, there could be traced to the Government only $59,000 worth of cotton and $14,640 worth of mules, corn, and supplies, which the Government used.

The cotton and the other supplies were for a great many years included in one bill, and that bill would pass the Senate in one Congress, and then it would pass the House in another, but it never passed both House and Senate so as to become a law; and in order to simplify matters the two bills were finally separated, and the claim for $59,000 of cotton was segregated from the rest and in 1898 it became a law, and this amount was paid to the heirs of Sterling T. Austin.

There still remains, under the finding of the Court of Claims, $14,640 worth of mules and other supplies which the Government took from East Carroll Parish, La., and for which it is justly indebted to these people at this time.

There has been only one objection to this bill, and that has been that in its finding the Court of Claims found that Sterling T. Austin was constructively disloyal, for the reason that he lived within the Confederate lines. There never was any finding of fact that he aided the Confederacy in any way. The only charge in that line was that some of his slaves did work on the Confederate breastworks, and that later he himself advised them to run away, which they did.

The record of the case before the Court of Claims treats of the fact that he at heart was a Union sympathizer, and the testimony coming from people of the South who were loyal is to the effect that the record is right. I can not have much sympathy for the claim, but the Government does owe these people this money and should pay it.

Now, this claim was fully discussed and debated in Congress in 1898, in a Republican Congress, and the debate was participated in by Republican leaders such as Mr. Mahon and Mr. Updegraff and Mr. Dalzell and others. The matter was debated thoroughly, and that Republican Congress found that while the Court of Claims had said that this man was constructively disloyal because he lived in the South, yet, as a matter of fact, he was a Union sympathizer. It is a fact that is further shown by this one incident, and a tragic one: And two years after the war, during what was known as the carpetbag reign, this man was appointed postmaster in a little town where practically everyone was loyal to the South. His son was appointed a district judge, and the feeling against these two was evidently very high, because they were both of them killed by the people of this town in one day. The father was killed first, and the son ran out on the street and was shot down a few seconds later. Ever since then his daughters have been pushing their claim before Congress. Unquestionably, while they have received only $59,000, there was some $200,000 or $300,000 worth of property taken and used by the Government. The only trouble is they could only trace the amount that the Court of Claims found.

I would like to take just a moment of the time of the committee to read some of the statements made in the Congress of 1898, which was, of course, a Republican Congress. Speaking of Sterling T. Austin, Mr. Otjen, of Wisconsin, said:

The Court of Claims found that Sterling T. Austin, sr., was constructively disloyal, but that the present claimants were loyal to the Government. They found that Mr. Austin was constructively disloyal, simply because he resided in the territory of the Confederacy. They held that persons residing within the Confederacy were to be presumed to have been disloyal and persons residing within the Union lines were to be presumed to have been loyal.

There were no acts of disloyalty found against him. The only finding of the court was that he might, at the first opportunity, have taken his property and his family and his slaves and gone to the Federal lines. At one time there were six of his slaves impressed into the Confederate service. They worked upon the repair of gunboats at Shreveport, but the evidence shows that after they had worked there a while he advised these slaves to run away and hide in the woods, which they did, and later on went with him to Texas; so there is really no act of disloyalty found against him, excepting that under the provisions of this act he would have to show by positive acts that he had been loyal to the Government.

Now, I will read a statement in that same debate in reference to the killing of these two men by the people in that little town on account of the feeling there was against them. Mr. Updegraff said:

I want to say right here that in 1879 Sterling T. Austin and a son who had reached maturity after the war were killed at Lake Providence, La. The remainder of the family, a mother and two daughters, fled to Massachusetts, where some benevolent gentlemen, whose names I can not now recall, took charge of them and secured them places.

Since that time the mother has died and the eldest daughter has died. There remains now but one member of the family living. Now, I do not intend to go into the circumstances of this massacre. They came to me with the story, and I believed it, and after investigating it to the very bottom I know that, besides Judge Ranney, other men in Massachusetts believed the story and have absolute confidence in it. In fact, there is no earthly doubt about this under the circumstances.

Now, gentlemen, merely because the cotton claim was the only one pushed—they were both introduced in 1873—there was sufficient reason for leaving out this one. At that time there was a doubt as to whether the Government would pay for property that it had taken and used, the proceeds of which were in the Treasury, as is the case with the cotton claims. These people come here with a finding of facts that the Government actually took $14,640 worth of property and used it, and has never paid for it. I think these people should receive their money.

Mr. BUTLER. Will the gentleman yield?

Mr. ELDER. Yes.

Mr. BUTLER. The court found some disloyalty in the parent of the claimants.

Mr. ELDER. Constructive disloyalty.

Mr. BUTLER. What is constructive disloyalty?

Mr. ELDER. What they call constructive disloyalty——

Mr. BUTLER. About the same relation to loyalty. I suppose, as the old preacher in Maine had to the prohibition law; while he was for prohibition he was against its enforcement. [Laughter.]

Mr. ELDER. Here is the proposition: Of course the people of the South were intensely partisan to the South's cause, and if a man valued his hide it was not the part of wisdom for him to take an open and active stand in favor of the North. The record of the trial of this case before the Court of Claims shows, by the testimony of the Union officers, that this man, Sterling T. Austin, helped the Union soldiers wherever and whenever he could; but the Court of Claims found that because he lived in the South, and because he refused to take part for the Union Army when it would have cost him his life had he done so, that he was constructively disloyal; and it was in the face of that record, and in the face of that finding of constructive disloyalty that the Republican Congress of 1898 found that these people were entitled to that money.

Mr. BUTLER. This case is not new to me. I heard it when I was very young in this House, and got my baptism here, as you might say. I heard it discussed by Mr. Dalzell and Mr. Mahon. I do not remember whether the gentleman from Illinois [Mr. MANN] took part in the discussion or not, but this House concluded at that time that there was no such thing as constructive disloyalty; that a man was either loyal or disloyal, and that it was not necessary to be noisy in order to be loyal.

Mr. ELDER. That is what that Congress decided—that as a matter of fact he was loyal. The Court of Claims admit that on a technicality they find he was disloyal. The House found, as a matter of fact, that he was loyal, and that they would not be bound by the constructive finding of the Court of Claims. If the Court of Claims had come out and said, "As a matter of fact, we find this man was disloyal," that bill would not have passed that Congress.

Mr. BUTLER. I think that was the same session of Congress in which they passed the Methodist Church South bill, in 1898.

Mr. ELDER. I do not recall that. The finding of constructive disloyalty was merely a technical finding, and that particular finding has already been overridden——

Mr. BUTLER. I am satisfied.

Mr. ELDER. I reserve the balance of my time.

Mr. MANN. Mr. Chairman, this is a bill directing the Secretary of the Treasury—

to pay, out of any money in the Treasury not otherwise appropriated, to Florine A. Albright the sum of $14,640, in full compensation for stores and supplies taken by the United States Army during the Civil War, and reported by the Court of Claims in Senate Document No. 466, Fifty-ninth Congress, first session.

The finding of the Court of Claims was:

1. The claimant herein, Florine A. Albright, is shown to be the only surviving child and heir of Sterling T. Austin, deceased.

2. The court has heretofore found on the evidence in this case that the claimant's decedent, said Sterling T. Austin, deceased, was not loyal to the Government of the United States throughout the war for the suppression of the rebellion.

3. There was taken from claimant's decedent during the year 1863, from his plantation in Lake Providence, Carroll Parish, La., during his absence therefrom, by the military forces of the United States, by proper authority, for the use of the Army, stores and supplies as above described which, at the time and place of taking, were reasonably worth the sum of $14,640, no part of which appears to have been paid.

4. The claim in this case appears to have been presented to Congress along with a cotton claim filed by said Sterling T. Austin, deceased, in the year 1872, but the further prosecution thereof was at that time abandoned in order to facilitate the speedy determination of said cotton claim. This claim was never presented to any other department of the Government, and nothing further was done toward its prosecution until its subsequent presentation to Congress and reference to this court under the act of March 3, 1887, as set forth in the statement of the case.

Now, here is a claim which somebody claimed to have against the Government in 1872. They claimed to have this claim and another claim that they called a cotton claim. Both being of doubtful validity, even if you grant them that much of a standing, the people who had the claims abandoned one claim if they could get Congress to pay the other. But it is not the first time that a compromise has been made where a man claimed for a lot of different things and then made a compromise by which he got part of the claims paid and abandoned the others.

Mr. ELDER. Mr. Chairman, will the gentleman yield?

Mr. MANN. In just a moment. This is not the first time that under such conditions people have lost sight of the moral side of a question, and having gotten one claim paid in this way, their attorneys work them up to the point where they think they ought to get the other one paid—it is so easy.

Now I yield to the gentleman.

Mr. ELDER. Is there anything in the discussion of either case, or in this report, to show there was a compromise, or to show that they finally and definitely abandoned the claim for the corn and mules? Is it not stated in the report that it was only temporarily abandoned? And further, is not there a difference between a claim for cotton where the proceeds are in the Treasury of the United States and for property taken and used by the Government which for a long period of years Congress has refused to pay for?

Mr. MANN. Has the gentleman finished his speech?

Mr. ELDER. Temporarily, and I want the gentleman to understand it is not a compromise.

Mr. MANN. I take no exception to it. I did not want to interrupt the gentleman. The cotton claim had this standing: The Government had taken the cotton and sold it and had the money for it.

Mr. BUTLER. That is what we paid for.

Mr. MANN. It had a little better standing than the other, where we just seized the property and had not sold it. In the course of time they managed to work the committee. Now, my friend from Louisiana says that it was not a compromise. I will not say that he said that, for I think he said there was nothing in the report which said that it was a compromise, but here is the finding of the Court of Claims that is in the report:

The claim in this case appears to have been presented to Congress along with a cotton claim filed by said Sterling T. Austin, deceased, in 1872, but the further prosecution thereof was at that time abandoned in order to facilitate the speedy determination of said cotton claim.

Mr. ELDER. Does the gentleman think that indicates a compromise?

Mr. MANN. It almost says that it is a compromise. Here are two claims, and one was abandoned in order to facilitate the other, and it must be by reason of a compromise. They were not related to each other.

Mr. ELDER. If one was clear cut and the other doubtful, would it not hurt the clear-cut one to include the doubtful claim, and would not it be a matter of wisdom to leave out the doubtful claim in order to facilitate the clear-cut claim?

Mr. MANN. These claims were probably not presented in the same bill to Congress, but I do not know about that. They could easily have been, and probably were, if the gentleman who introduced them had good judgment put in two bills, both pending before the committee at the same time, both being urged before the committee, and both being met with the proposition that there was no liability on the part of the Government. And in that spirit which actuates most of the claims committees, where there is a good deal of personal work with the members of the committee, there was a compromise and they abandoned one claim and got the other paid.

Mr. ELDER. I would like to ask the gentleman a further question.

Mr. MANN. Certainly.

Mr. ELDER. If there is justice in a claim, does the gentleman think that Congress should believe in any compromise unless it is absolutely and clearly made, and not where it is a matter of inference, as it is in this case?

Mr. MANN. I do not believe a claim agent ever recognizes any compromise or any reason for abandoning a claim. I think when a person has several claims against the Government or against an individual, all of them contested and disputed, that it is quite legitimate for the parties interested to come to an agreement by which they pay one of the claims and reject the other. That is a common practice throughout the world, very common in this country between all people.

Mr. ELDER. As I understand it, considering the legal feature, we sit here as a sort of a court both of law and of equity. Suppose you go into court and set up a compromise, should it not be construed strictly, and unless specifically set forth, the court would not hold that it was a compromise?

Now, should we, as a court of equity, go further than a court of law does, and say because they did not push the claim in order to get through the other claim that thereby they had abandoned it?

Mr. MANN. The gentleman makes an unfortunate reference to a court of law in this connection. These people had no legal claim against the Government. They were only seeking what they call their equities. Then when they got this claim referred to the Court of Claims the court threw them out. Now here, in the first place, was a compromise by which this claim was to be cut out; then, after that, they got the claim referred to the Court of Claims—and the Court of Claims could not recognize the compromise because that was in Congress—and the Court of Claims rejects their claim; they still come back and want it paid. I suppose they want it paid according to the findings of the Court of Claims, although the court shuts out their claim. The bill says "pay the claim as reported by the Court of Claims." The Court of Claims reported against paying it at all.

Mr. ELDER. Did not the Court of Claims shut out the cotton claim, finding that they were not loyal because they lived in the South? As nobody has a right to sue the Government, are not all claims against the Government matters of equity?

Mr. MANN. Certainly not, and the gentleman is not correct. Anybody who has a legal claim against the Government can sue the Government in the Court of Claims or in any district court of the United States. That has been the law for many, many years. We get the notion here in the House—I do not wonder that the gentleman has it—that people who have legal claims against the Government have a hard time to collect them because we have two committees busy reporting to the House claims which never would have been brought against individuals, and which are only made against a poor old Government; and then because they are sometimes not paid instanter they say that the Government is slow about paying its claims.

Anyone who has a legal claim against the Government of the United States can bring a suit in the Court of Claims or in the district court; and if he gets judgment, judgment is paid as a matter of course. We have just passed the deficiency appropriation bill this week, carrying a large number of judgments against the United States, which were paid in that bill, and not a word was said concerning those claims in the RECORD, because they are paid as a matter of course.

Mr. ELDER. Mr. Chairman, will the gentleman yield?

Mr. MANN. Certainly.

Mr. ELDER. I presume the gentleman is simply making a distinction between a court of equity and a court of law. I understand fully that if there is any particular law under which a man can sue he goes into a court of law, but, as a matter of fact, many of the equitable cases which Congress must handle and pass on have greater right in them than those that have the technical right to go to a court of law.

Mr. MANN. Mr. Chairman, the gentleman is not familiar with the law upon the subject. That is the trouble. You can not sue the Government for a tort, because the Government does not authorize its agents to commit injuries; but you can sue the Government on any other kind of a claim, practically, on all claims about which you could bring suit against an individual. You could not sue on any of these claims.

This claim having been compromised, first, having been rejected by the Court of Claims, second, our enthusiastic friends still want it paid. There are claims pending in bills now reported to the House more than a hundred years old. I do not refer to the French spoliation claims. Some of those claims will still be dragging their weary way around the halls of this House when some of the children of the grandchildren of the children of the gentleman from Louisiana are occupying seats on the floor of this House. And they will then be describing the great injustice of the Government because it does not pay some of these hoary-headed old claims that, as a rule, nobody had the gall to present during the lifetime of the generation that lived at the time the claims arose. That is the case with this claim. The generation that was alive when this claim occurred is dead and gone.

Mr. ELDER. Mr. Chairman, I would like to ask the gentleman a question. The presumption against an old claim is not that it is an old claim, but that it is late in being presented. Would that apply in this case where the claim was put in to show that it was a bona fide claim of property if it were put in in 1873, less than 10 years after the property was taken?

Mr. MANN. The presumption against an old claim is that a man who does not present a claim has got no claim. The presumption is that the ordinary individual, who is not a minor or an insane person, or an idiot, if he has a claim will present it and endeavor to have it paid. This claim was presented in 1872. The gentleman says that that is a presumption in favor of it. No; it was presented before then and abandoned in 1872, because the gentlemen who had it admitted that they had no period standing. They were willing to trade for it any claim they had in order to get another claim paid. The gentleman says that the report does not show any compromise. I read from the finding of the court of claims. Here is the language of my friend from Louisiana himself:

> This claim, as stated in Section IV of the findings of fact above was originally presented to Congress along with a cotton claim filed by the claimant's decedent, Sterling T. Austin, but the prosecution of this claim was abandoned in order to facilitate the speedy determination of the cotton claim.

Now, those claims were not related, except the same people had them against the same Government. Just how the abandoning of one claim would facilitate determination of the other is something I can not understand, unless pending before the same committee some gentleman on the committee said, as we say every day about such things, "If you will abandon one of these claims, we will favor the other." To continue:

> In the cotton claim the Court of Claims found the deceased "constructively" disloyal, in that he lived in the Confederacy and for other reasons hereinafter stated. It is this finding to which the court refers in section 2 above.
>
> In spite of this finding of the court, Congress paid the cotton claim in the Fifty-fifth Congress (30 Stat. L., 1408). In paying this claim Congress practically reversed the decision of the court on the question of loyalty

Congress has in its broad power the right to appropriate money to pay a judgment of the Court of Claims, or a finding of the Court of Claims, or to pay a judgment or a finding in the face of a judgment or a finding in the Court of Claims, or to pay any amount it pleases for any purpose it pleases. It may not have the constitutional authority, but it has the practical power. I have known a great many claims to be "logged" through Congress, to use a slang expression.

The Committee on Claims generally and at present is composed of men of very high standing, and the same can be said of the Committee on War Claims; but Members of Congress who are constantly appealing to their constituents for favorable consideration, who are constantly asking other people for their support, who are constantly seeking what they consider favors from those who vote for them, are very prone to yield to the persistent influence of some one who has a claim against the Government with its great big Treasury. As a rule, there are very few claimants who do not know somebody somewhere, who does not know somebody in the district of the gentleman on the Committee on War Claims, who has this particular matter under consideration.

> To pay Florine A. Albright the sum of $14,640, in full compensation for stores and supplies taken by the United States Army during the Civil War, and reported by the Court of Claims in Senate Document numbered so and so.

Now, any innocent gentleman reading that would naturally suppose that the Court of Claims had made a finding in favor of the payment of this money. Well, it is directly the reverse. I do not know what the former bill was in the Fifty-fifth Congress. I was new and very green then. I am not very new now, and I may be just as green, but I did not know as much about Government claims matters then as I do now. This kind of a bill does not have any effect on me now until I look up the facts. Now, here is a case where "Mr. Austin in the spring of 1863, procuring a pass through the Federal lines at Natchez, Miss., he went to Georgia for his family."

"During his absence all the movable property on his plantation was, by order of Gen. McPherson, military commander of that district, seized and carried away by the military forces. The levee at Ashton was cut by the Army and his whole plantation submerged. He came back after the water had receded to a scene of desolation and enforced desertion. In consequence of his well-known Union sentiments and the absence of anything like legal protection, a residence among his old neighbors was both unpleasant and unsafe." I am reading from the report, which endeavors to be very favorable to him. "In the autumn of 1863, with his family and his negroes, of which he had a large number, he removed into Texas, remaining in San Antonio until after the close of the war, when he removed to Galveston." This does not say with his family and his slaves, but that is what it means. He may have been a very strong Union man, but the indications are not very favorable from the facts. I have no doubt at this day it would be easy to secure many affi-

davits; it was many years ago; most anybody who had a claim against the Government who went to the right people could show they were favorable to the Union forces; but here was a case when in the march of the Union Army they found it necessary to flood a plantation, to cut the levees. That was not done for the purpose of destroying this man's property; that was a part of the military operations of the Army, and his property was destroyed as a natural consequence.

Mr. ELDER. Will the gentleman yield?

Mr. MANN. Some may have been taken—yes.

Mr. ELDER. None of this $14,640 was caused by the cutting of this levee; this was property that was actually taken by the Government, not destroyed.

Mr. MANN. Well, I believe that is a matter in controversy, although I do not raise any question about it one way or the other.

Mr. ELDER. I will just refer the gentleman to the third section of the findings of the Court of Claims. It says:

> There was taken by proper authority, for the use of the Army, stores and supplies as above described, which, at the time and place of taking, were reasonably worth the sum of $14,640.

Mr. MANN. I understand. I suppose I am bound by the findings of the Court of Claims, while my friend from Louisiana is not. I will say I do not always take some of the findings very seriously.

Mr. ELDER. If they do not suit the gentleman, I am sure——

Mr. MANN. I take them more seriously than my friend from Louisiana. I said I was willing to admit that while that was a matter of controversy, in my opinion I did not make any point of it. The claim originally was for a good deal more than $14,000. The whole claim was abandoned in order to get the cotton claim allowed. Now, we passed an act in 1883 that the claims of the successors in interest and legal representatives of Sterling P. Austin, deceased, and so forth, for cotton taken by the military and civil authorities of the United States, or by either of them, during the years 1863, 1864, and 1865, and so forth, be referred to the Court of Claims, with full jurisdiction and power in said court to adjust and settle such claims and to render a judgment in said cause for the net amount realized by the United States from the sale of such cotton, and so forth: *Provided, however*, That it be shown to the satisfaction of the court that neither Sterling P. Austin, sr., nor any of his surviving representatives, gave any aid or comfort to the late rebellion, but were throughout the war loyal to the Government of the United States.

Now, the Court of Claims did not find that they were loyal to the United States. They found that his representatives were loyal to the United States, but they were not interested. They did not find Mr. Austin was loyal to the United States, but Congress—that was an act of Congress making this reference, not a mere resolution of the House—Congress having referred the claim to the Court of Claims and the Court of Claims having reported against the case, whoever had charge of the claim managed to "log" it through the Fifty-fifth Congress.

Mr. BUTLER. Does the gentleman know how that was done?

Mr. MANN. Yes; I know how it was done; done the same way as this. They found it very easy to get one claim improperly paid by Congress after the Court of Claims had rejected it; that the same people who had originally compromised and cut this claim had come there and wanted this claim paid in spite of the findings of the Court of Claims.

Mr. BUTLER. Will the gentleman yield?

Mr. MANN. I will.

Mr. BUTLER. Does the gentleman remember that that same session of the same term of Congress we paid the claim of the Methodist Church South and the John Roach claim? Can not the gentleman see now, clearly, how this one went through?

Mr. MANN. Well, the Methodist Church South had a claim out of which one man——

Mr. BUTLER. Got $100,000.

Mr. MANN. Got $100,000 in attorney's fees, when it was stated here to us that there was not an attorney's fee involved. It was not only stated to us, but the man who got the money said he had no contract for it and no claim for it. I believe I voted against it.

Mr. BUTLER. I understood there was no attorney's claim connected with it, and after the passage it developed that some attorney had collected $100,000. It was a long time ago, but I can not quite forget it. My friend, I think, will recall that this was one of a set of claims that went through in the Fifty-fifth Congress. I know that John Roach's claim went through for three or four hundred thousand dollars. He was my life friend and constituent, and I was very anxious to have his claim go through, and I voted for the Methodist Church South, and I presume I voted for this one.

Mr. MANN. I do not want to throw bouquets at myself, but my friend knows that there would have been a lot of claims gone through in the last Congress and in this Congress if I had not been on the floor.

Mr. BUTLER. I do not know how the gentleman voted in the Fifty-fifth Congress.

Mr. MANN. My recollection is that I voted against all these steals, but I did not know enough to fight them. But I know enough to fight them now. I will not say that this is a steal, but I think when a man has had his day in court three times he ought to be satisfied.

Now, on the subject of the compromise. The gentleman from Louisiana states in his report on this bill:

> As stated above, this claim was held back in order that it should not complicate the claim for cotton.

Just how could it complicate the claim for cotton? Both claims were pending, both claims were known, and both claims were before Congress and before the same committee.

Mr. ELDER. If the gentleman will permit me, I think I might suggest a way in which it would complicate matters. It could complicate them just like we had bills here this morning, to which the gentleman was objecting, and, it may be, properly so—and I shall not pass on that at this time—in which some property was actually taken and used by the Government and some destroyed by the Government. Now, there is a decided question about one, and the other question there does not seem to be any doubt about; and yet it was endangering the bill to take on that portion of the property which was destroyed by the Government. That does not mean that some subsequent Congress would not pay the other claim, but it means, as we look at it now, under the precedents we have, that we only pay those claims where the Government received that property. And it looks to me as foolish, if a man has charge of the drawing of a bill, if he should present the claim in that shape; and perhaps these people, after trying for 20 years with both claims together, found out that one was endangering the other and they merely left it out of the bill.

Mr. MANN. If my friend from Louisiana [Mr. ELDER] was keeping a store and had an account against one of his customers and should sue his customer for the amount, he could not leave out some of the items and then come in and have another suit on those items that were left out. He has got to present his claim and have it adjudicated, and if he leaves out part of it it is left out for all time. He has no claim left.

Mr. ELDER. It might be said, so far as the laws in my State are concerned, I might have a contract with him for one set of business, and I might have him under a contract for another set of business, and I would not have to include the two if I sued him.

Mr. MANN. Undoubtedly. He would not need to include the two, but here was a case where both cases were pending. The gentleman from Louisiana writes:

> One claim was held back in order that it should not complicate the other claims.

Now, they were not related. They were both doubtful claims. The committee did not believe either one of them ought to be paid, but they worked on the committee until the committee said, "We will recommend the payment of one of these claims if you will abandon the other," and they abandoned the other. They paid the one. There is no holding; there is no tying down. A man has got a claim against the Government. I have known cases to pass here where it is specifically provided in the bill that the amount paid should be in full for all claims against the Government, and then have known Congress afterwards to pay part of the full claim that was pending at the time. We have done that recently. I believe we passed such a bill not long ago in the House.

Mr. ELDER. Will the gentleman permit?

Mr. MANN. Certainly.

Mr. ELDER. If it were done in this case, it certainly ought to be binding on Congress; it ought to settle the matter entirely. But we did not do it in this case. I understand the gentleman, in addition, said the committee passed on them because that was left out. I do not find anything in the RECORD——

Mr. MANN. There is nothing in the RECORD——

Mr. ELDER. Or in the debates in 1898——

Mr. MANN. But I have knowledge enough of committees to make that statement advisedly without stating it as a positive fact.

Mr. ELDER. Certainly. This thing was debated for several hours in the Fifty-fifth Congress, and there was no suggestion

that the promise was to pay the full amount. It only refers to the cotton claim, and yet that other claim has been pending here at least 26 years. And there was no statement that if the Government paid this they were going to give up the other claim. It shows evidence that these people believed the amount was due them from the Government, because they presented it in the beginning and pushed it here for 20 years.

Mr. MANN. The Committee on War Claims discussed it when it was up before. The gentleman has given the House a part of the discussion. I recognize the distinguished gentlemen whose names were mentioned in that discussion. I do not recall, with due deference to them, any claim of any kind that any of them did not support while they were in Congress.

Mr. BUTLER. Will the gentleman permit me?

Mr. MANN. Certainly.

Mr. BUTLER. This evidently was abandoned at that time, because for the mere asking it could have been tacked on and gone through with the rest of them.

Mr. MANN. The cotton claim was not a good claim. That had been rejected. They slipped that through. Of course, I realize the fact which the gentleman from Louisiana may not fully realize that, as a rule—it is not absolutely true, but as a rule—that when the House is in the Committee of the Whole House to consider claims bills there are very few Members in the Hall except those who have claims pending. And they are wise enough to follow the old maxim that "If we do not hang together, we will hang separately." So, as a rule, they all vote for any claim that is reported, because if they do not they fear they will offend the chairman of the committee, and the chairman of the committee may not press very vigorously a particular claim that a particular Member is interested in when it is reached. I have seen that often. It never bothers me, because I never introduce a claim that I care anything about. If I wanted to have a claim paid that I was very anxious about, I would get some other Member of Congress to introduce it for me, being wise enough in my day and generation to know that one can not be fighting these claims and not receive like payment back. That is the way this other claim went through the House. That is the only way this claim can go through the House. It has no merit. But there are now 32 Members, including the Chairman, in the House. How many members are there on the Committee on War Claims?

Mr. GREGG. There are 15; and the gentleman did not count those in the cloakroom. There are several in the cloakroom.

Mr. LANGLEY. They know that the gentleman from Illinois is speaking.

Mr. MANN. I do not have to count the chasms and sewers of all the streets. [Laughter.] There may be some Members who have claims who are hiding out and who may be brought in in due time. But, even with the 32 that are here, there are 15 members of the Committee on War Claims.

Mr. LINTHICUM. Did the gentleman count myself?

Mr. MANN. Yes; as one member. I ought to have counted the gentleman from Maryland as two. [Laughter.] And there are 15 members of the Committee on Claims.

Mr. LANGLEY. They are not all here.

Mr. MANN. Oh, I see the gentleman from Kentucky [Mr. LANGLEY] here, who is a member of the Committee on Pensions and would vote for any bill which has for its purpose the taking of money out of the Treasury. [Laughter.]

Mr. LANGLEY. Permit me to say——

Mr. MANN. And the gentleman from Indiana [Mr. Cox], who would nearly vote against any claim or bill that has for its purpose the taking of money out of the Treasury. [Laughter.]

Mr. LANGLEY. Of course the gentleman is utterly free from any criticism that might be made of him for voting for matters that would be of benefit to his district.

Mr. MANN. I am; and that can not be said of the gentleman from Kentucky. The gentleman can not find any instance while I have been here where I have voted in reference to any specific matter in my district.

Mr. LANGLEY. I always try to vote so as to serve the best interests of my district.

Mr. MANN. The gentleman from Kentucky is simply talking hot air. [Laughter.]

Mr. LANGLEY. I do not know whether the gentleman from Illinois is talking hot air or cold air, or both, but I think what he says is decidedly unfair to some Members of the House.

Mr. MANN. I do not think this claim ought to be paid. I had not intended to detain the House in discussing it so long, but, as I suggested awhile ago to the gentleman from Texas [Mr. GREGG], as we had given up this day for the consideration of war claims mainly for the purpose of sending bills to the Court of Claims, it might be wise to take up the other resolution which the gentleman has pending, and send further bills to the Court of Claims.

We send these bills to the Court of Claims very freely. Then we include great numbers of the amounts in an omnibus bill, and that goes along. I am perfectly willing, so far as I am concerned, to proceed further with this discussion; but when we start in to pay claims that have been rejected several times, I think they ought to receive, and I am quite sure they will receive, some considerable discussion before they are passed.

Mr. LINTHICUM. I would like to ask the gentleman what is the amount involved in this bill? I have heard him say a great deal about this cotton claim, but I have not heard him mention any amount in connection with it.

Mr. BUTLER. Fifty-nine thousand dollars.

Mr. MANN. The cotton claim was paid. It was the larger claim.

Mr. ELDER. Mr. Chairman, I shall not take up much of the time of the committee, but I would like to state the facts clearly and get them before the House.

The gentleman from Illinois [Mr. MANN] takes the position that there is absolutely no merit in this claim. I realize his value to this House in making fights on claims that he does not consider correct, and I think that for that reason, if for no other, he makes a good Member here.

Mr. BARTON. Mr. Chairman, will the gentleman yield?

Mr. ELDER. Certainly.

Mr. BARTON. In order to get this matter into the RECORD, I would like to ask the gentleman just exactly what the Court of Claims is supposed to decide, and what the Committee on War Claims is to decide? What is the dividing line as to bills that we shall or shall not refer to the Court of Claims for decisions in law?

Mr. ELDER. Well, the Court of Claims, as I understand it, is to make a finding of fact in these matters referred to them; to find out questions of amount and the question of loyalty. Then, being a creature of this body, designed to do work for this body, the Court of Claims report is not binding, but it is merely persuasive; and the House, as it has done on previous occasions, has the right, both legal and moral, to go over the head of the Court of Claims. But the Court of Claims is constituted to take out the bulk of this work from Congress, and then if that court makes a glaring error, and if any Member or any committee can show that, Congress has the perfect right to go over its head and decide the case absolutely on its merits.

Now, I disagree with the gentleman from Illinois [Mr. MANN] concerning this bill. I think he is liable to make a mistake on this claim as in anything else. He makes the statement that there is nothing in this claim. Of course, this claim comes from my district, and my natural instincts are against these people. I will say frankly, because I was born and rocked in the cradle of the South, and as to people who were not loyal to us in our hour of trouble with the rest of the Union naturally there was a great deal of feeling in that country against these people, and I have no sympathy with them to-day.

Yet, now, what would be the gentleman's position? Here was a man of large wealth, who had all his property tied up in that country. The Court of Claims, without a scintilla of evidence showing that he had done a thing favorable to the South, but with the testimony of several Union officers who were with Grant's army at Vicksburg—and Grant stayed not far from this plantation for many months—to various acts of loyalty that this man did, which he could do without being caught by his neighbors, said that because the man lived in the South he was not loyal. They said that in effect. They said that in order to be loyal he should have openly taken the part of the Union Army.

Now, to have done so would have cost him his life and his entire property, because the chances are that if he had taken the part of the Union Army he would have been compelled to go north of the Mason and Dixon line, and in the meantime his entire property would have vanished. Now, you find a man who, according to the testimony of officers in Grant's army, located within a few miles of this place—and several of them were camped near there—was loyal to the Union, and the only one act of disloyalty was that the Confederacy took six of his slaves and made them work at Shreveport, and he advised those slaves to run away, and they did so.

Mr. BUTLER. Mr. Chairman, will the gentleman yield?

Mr. ELDER. Yes.

Mr. BUTLER. Is there any evidence of the claimant's disloyalty, except that growing out of the fact that he lived in hostile territory?

Mr. ELDER. None in the world; absolutely not one scintilla of evidence.

Mr. GORDON. Is it not a fact that at the common law a man who lives in hostile territory in time of war is presumed to be hostile?

Mr. ELDER. That raises a presumption, but it is not such a presumption as can not be refuted by evidence.

Mr. GORDON. Well, I do not know about that.

Mr. ELDER. It is generally true, because 99 per cent of the people are loyal to the country in which they live.

Mr. GORDON. Is it not a rule of international law that everybody in a hostile country in times of war is presumed to be hostile?

Mr. ELDER. Naturally they are presumed to be, but it is not such a presumption that it can not be rebutted, and these people have rebutted it.

Mr. QUIN. I want to say, for the information of the gentleman from Ohio [Mr. GORDON], that in my district, where practically every man went out and fought for the South, there were some few who were in sympathy with the Union, who stayed there and did not go out and fight.

Mr. GORDON. They say so now, because they want money out of the Treasury.

Mr. QUIN. No; and there is a stigma attached to any man who did stay there and did not go and fight.

Mr. GORDON. They say that because they want money.

Mr. ELDER. The gentleman can not say that. There were people in the North who did not believe in the position of the North, and who refused to fight in the Union Army, and in the same way there were some in the South; but the chances are that if a man lived in the South he was loyal to the South. If he was wise, he was, and his natural instincts would be that way.

Mr. MANN. Will the gentleman yield for a question?

Mr. ELDER. Yes.

Mr. MANN. Mr. Austin was living on his place and received a pass to go through the Federal lines, did he not?

Mr. ELDER. Yes; over into Georgia. There was a strip of land north and south along the river there that was in possession of the Federal Army. He got a pass to go to Georgia.

Mr. MANN. He went to Mississippi.

Mr. ELDER. Was it Mississippi? I do not remember.

Mr. MANN. And then after that he went to Georgia.

Mr. BUTLER. He went to Texas and then to Georgia.

Mr. MANN. He went through the Federal lines.

Mr. ELDER. Yes.

Mr. MANN. And then after that he took his slaves and went to Texas. Does the gentleman think that showed a great amount of affection for the Union cause?

Mr. ELDER. What would the gentleman have had him do? Would the gentleman have had him take his slaves up north? He had perhaps thousands and thousands of dollars tied up in slaves that he had bought in good faith. Would the gentleman have had him as a business proposition bring those slaves north, say into Ohio, where all his property, so far as those slaves were concerned, would be dissipated, and leave his other property in Louisiana to be dissipated? Whatever his thoughts and feelings were about the Union, would the gentleman from Illinois have had him do that?

Mr. MANN. I think those gentlemen who stayed down there and took all the advantages of being within the Confederate lines, and none of the disadvantages, and then afterwards claimed all the advantages of being Union sympathizers, and who are not willing to take any of the disadvantages, are asking a great deal.

Mr. ELDER. I might suggest to the gentleman that there were not very many advantages, I presume, in living in the South at that time; that they were practically all disadvantages, on whichever side of the fence a man might have been.

Mr. MANN. But the gentleman has just stated that there were advantages in living there at that time.

Mr. ELDER. No.

Mr. MANN. Why did not this man go away, then? He went through the Federal lines. Why did he not stay inside the Union lines?

Mr. ELDER. Anything is an advantage or a disadvantage as compared with something else. It is always relative. It would have been more disadvantageous to have come north and lost his slaves than to go to Texas. He may have gone there thinking perhaps he could save his slaves, save his property, but that did not make him disloyal to the Union.

Mr. BUTLER. The ownership of slaves would not test his loyalty?

Mr. ELDER. Absolutely not, either as a matter of law or a matter of fact.

Mr. BUTLER. Was he not the kind of a man who was catching it going and coming and getting good out of whichever side he could?

Mr. ELDER. No; he was catching the worst of it. He had the ill will of his neighbors who lived there, and he got no protection from the Northern Army, because they were not there to give it. That is about the situation the man was in.

Mr. BUTLER. I will ask the gentleman if it is not a fact that President Lincoln made known to the South and everybody else that slavery was not the contention of the war?

Mr. ELDER. He certainly did, and only as a later matter did he free the slaves. They were legal property at that time in the eyes of the United States Government. Yet it was a well-known fact that the bringing of slaves into the North was prohibited in certain States, and he could not have brought them there and retained them. Yet you would force him into the position of going away and taking the fortune that he had accumulated in his lifetime into the Northern States to be dissipated. Of course it was dissipated anyhow, but at that time no man could foretell the result of the war; and the Government received the value of this property, and no doubt they would have been glad to pay for the property which they took at that time a much larger price, if they had been compelled to purchase it, because they were at Vicksburg, a long way from the source of their supplies, and they were glad to get anything they could. Now, your own officers, captains and colonels of Grant's army, who were located within 4 or 5 miles of this plantation, testified that this man was loyal to the Union, and there is not one scintilla of evidence in the record before the Court of Claims to show that he was disloyal, except the one fact that he happened to live in the South.

Of course, as the gentleman from Illinois says, this claim may have no merit, but when the Government takes property and uses it it has in the main some basis of credit in equity, and it has a legal status in the fact that the record before the Court of Claims reeks with evidence to show that he was loyal to the Union.

You can not charge it up, as the gentleman has intimated, that there are only a few of us here in this Chamber and that a Democratic House is trying to pass the bill. A much larger claim was passed by a Republican Congress in 1898 for these same people, in the face of the very same findings of fact by the Court of Claims that these people were not loyal.

Another thing; the gentleman refers to this question of compromise. Our people are not supposed to compromise their rights unless specifically so stated. Certainly this great Government of ours, when a man presents an equitable case, should not say on any flimsy pretense that he has compromised his rights. They have done everything else but compromised their rights. They presented the claims in 1872, which they presented in good faith when the evidence could be easily obtained, but owing to the state of feeling throughout the country it was practically impossible to get any such claims through Congress. One year it would be passed by the Senate and the next year by the House, and they whipsawed the claim through Congress after Congress, and it never became a law. In order to facilitate the claim for the cotton the claim for the mules and corn, amounting to $14,640, was dropped from the bill, but through the long pages of debate when the bill finally passed the House and Senate there is no intimation that these people were giving up the claim for the mules and the corn that the Government had taken from them during the war.

Now, I do not think we are going a long way in saying that these people were loyal, when another body of men from the North, every one of them on this committee passing on that claim reported to the House, and the House passed it after several hours' debate. I do not think we are going a long way to override the Court of Claims on the same evidence, the same findings of fact, and neither do I think the Government is going a long way when it pays for property it took and used, and I certainly hope the bill will pass.

The CHAIRMAN. The Clerk will read the bill for amendment.

The Clerk read the bill.

Mr. MANN. Mr. Chairman, I move to strike out the enacting clause.

The question was taken; and on a division there were—18 ayes and 20 noes.

Mr. MANN. Mr. Chairman, I make the point of order that there is no quorum present.

The CHAIRMAN. There is evidently no quorum present, and the Clerk will call the roll.

The Clerk called the roll, and the following Members failed to answer to their names:

Adair	Edwards	Lafferty	Rauch
Ainey	Estopinal	Langham	Rayburn
Anthony	Fairchild	Lazaro	Reilly, Conn.
Aswell	Farr	L'Engle	Riordan
Austin	Fess	Lesher	Roberts, Mass.
Baker	Fields	Lever	Rothermel
Barchfeld	Finley	Levy	Rucker
Barnhart	Fitzgerald	Lewis, Pa.	Rupley
Bartholdt	FitzHenry	Lindquist	Sabath
Bartlett	Fordney	Lobeck	Saunders
Beall, Tex.	Frear	Loft	Scully
Bell, Ga.	French	Logue	Seldomridge
Booher	Gallagher	Lonergan	Sells
Borchers	Gallivan	McAndrews	Shreve
Borland	Gardner	McClellan	Sims
Brodbeck	Garner	McDermott	Slayden
Brown, N. Y.	George	McGillicuddy	Smith, Md.
Brown, W. Va.	Gerry	McGuire, Okla.	Smith, J. M. C.
Browne, Wis.	Gillett	McKellar	Smith, Tex.
Browning	Goldfogle	McKenzie	Stafford
Bruckner	Gorman	McLaughlin	Stanley
Buchanan, Ill.	Goulden	Mahan	Stephens, Nebr.
Bulkley	Graham, Pa.	Maher	Stephens, Tex.
Burke, Pa.	Griest	Manahan	Stout
Burke, S. Dak.	Griffin	Martin	Stringer
Calder	Gudger	Merritt	Sumners
Callaway	Guernsey	Metz	Sutherland
Campbell	Hamill	Miller	Switzer
Candler, Miss.	Hamilton, N. Y.	Mitchell	Talbott, Md.
Cantor	Hardwick	Mondell	Talcott, N. Y.
Cantrill	Hart	Moore	Taylor, Colo.
Carew	Hay	Morgan, La.	Taylor, N. Y.
Carr	Helvering	Morin	Temple
Carter	Henry	Moss, Ind.	Ten Eyck
Cary	Hill	Mott	Thacher
Casey	Hinds	Mulkey	Thomas
Chandler, N. Y.	Hinebaugh	Murray, Mass.	Thompson, Okla.
Church	Hobson	Murray, Okla.	Townsend
Clancy	Houston	Neeley, Kans.	Treadway
Clark, Fla.	Howard	Neely, W. Va.	Tuttle
Collier	Hoxworth	Nolan, J. I.	Underhill
Cooper	Hughes, Ga.	Norton	Underwood
Copley	Hughes, W. Va.	O'Brien	Vare
Covington	Hulings	Oglesby	Vaughan
Crisp	Hull	Oldfield	Walker
Dale	Humphrey, Wash.	O'Leary	Wallin
Danforth	Humphreys, Miss.	O'Shaunessy	Walsh
Davenport	Jacoway	Paige, Mass.	Walters
Decker	Johnson, S. C.	Parker	Weaver
Dershem	Jones	Patten, N. Y.	Webb
Dies	Kahn	Patton, Pa.	Whitacre
Difenderfer	Keister	Payne	White
Dixon	Kelley, Mich.	Phelan	Willis
Donohoe	Kelly, Pa.	Platt	Wilson, Fla.
Dooling	Kennedy, R. I.	Plumley	Wilson, N. Y.
Doughton	Kless, Pa.	Porter	Winslow
Driscoll	Kinkead, N. J.	Post	Woods
Drukker	Kirkpatrick	Pou	Young, Tex.
Dunn	Knowland, J. R.	Powers	
Eagan	Korbly	Prouty	
Eagle	Kreider	Rainey	

The committee rose; and the Speaker having resumed the chair, Mr. SHERLEY, Chairman of the Committee of the Whole House, reported that that committee had had under consideration the bill H. R. 6880, and finding itself without a quorum, he had directed the roll to be called; whereupon 198 Members answered to their names, a quorum; and he presented herewith a list of the absentees.

The committee resumed its sitting.

The CHAIRMAN. The Committee of the Whole House having had under consideration the bill H. R. 6880, the gentleman from Illinois made a motion to strike out the enacting clause, whereupon the point of order of no quorum was made. A quorum has developed, and the question is on the motion of the gentleman from Illinois to strike out the enacting clause.

The question was taken; and on a division (demanded by Mr. MANN) there were—ayes 42, noes 68.

So the motion was rejected.

Mr. ELDER. Mr. Speaker, I move that the bill be laid aside with a favorable recommendation.

The motion was agreed to, and the bill was ordered to be laid aside with a favorable recommendation.

FLORA E. CAMPBELL SUDDUTH.

Mr. QUIN. Mr. Chairman, I ask unanimous consent to return for one minute to House resolution 451, to make an inquiry respecting the bill H. R. 14182.

The CHAIRMAN. The request of the gentleman is not in order at this time, and the Clerk will report the next bill.

Mr. QUIN. Then, Mr. Chairman, I ask unanimous consent that I may proceed for one minute. I desire to ask a question of the gentleman from Illinois who objected to the bill H. R. 14182. I ask unanimous consent to proceed for two minutes.

The CHAIRMAN. The gentleman from Mississippi asks unanimous consent to proceed for two minutes. Is there objection?

There was no objection.

Mr. QUIN. Mr. Chairman, the bill H. R. 14182, for the relief of Flora E. Campbell Sudduth, administratrix of the estate of Walter L. Campbell, was objected to because of the fact that it had in it a claim for destruction of property by the Union Army. It was for the use and occupation of machine shops and warehouses in the city of New Orleans belonging to Mr. Campbell, who was a loyal man to the Union. I want to know whether, if the bill has in it for use and occupation and wear and tear and damage incident to such use, it would be right and proper, according to the idea of the gentleman from Illinois.

Mr. MANN. Mr. Chairman, I will say to the gentleman from Mississippi that I have made no objection whatever to bills which provided for reference to the Court of Claims of claims for use and occupation, wear and tear, or incidental damages.

Mr. QUIN. That would be all right, then, according to the gentleman's construction?

Mr. MANN. I am speaking for myself only. I have made no objection to anything of that kind.

Mr. QUIN. But the gentleman does object to sending a claim to the Court of Claims for destruction of property by the Army.

Mr. MANN. That is the thing I objected to. It did not appear in that case, but it might have been destroyed as a matter of military necessity, and I do not desire to have bills of that kind referred to the Court of Claims if I can avoid it.

Mr. QUIN. I could not say myself whether it was destroyed in that way or not. I shall have to investigate it.

Mr. MANN. But use and occupation and incidental damages go without question, I think.

Mr. QUIN. I thank the gentleman from Illinois. I shall redraft the bill and leave out the claim for that portion of the claim which resulted from destruction of the property.

NATHANIEL F. CHEAIRS.

The CHAIRMAN. The Clerk will report the next bill.

The Clerk read as follows:

A bill for the relief of Nathaniel F. Cheairs.

Mr. MANN. Mr. Chairman, before that bill is reported, I move that the committee take up for consideration House resolution 532.

Mr. PADGETT. Mr. Chairman, I hope the committee will proceed with the regular order of the calendar and let us take up the next case, as I have to leave for Tennessee to-morrow, and it is a case in which I am interested.

Mr. MANN. Mr. Chairman, the motion I make is not open to debate, and I will say to the gentleman from Tennessee it will not do any good to get up the bill unless there is a quorum to pass it, and there is not a quorum here. This is a House resolution, in which I am not interested, to refer a lot of bills to the Court of Claims. If the committee prefers to waste time fooling over something that can not be passed in preference to sending a lot of bills to the Court of Claims, why, I will enjoy the prospect.

The CHAIRMAN. The question is on the motion of the gentleman from Illinois to call up House resolution 532.

The question was taken, and the Chairman announced the ayes seemed to have it.

Mr. PADGETT. Division, Mr. Chairman.

The committee divided; and there were—ayes 47, noes 25.

So the motion was agreed to.

MESSAGE FROM THE SENATE.

The committee informally rose; and Mr. BURNETT having taken the chair as Speaker pro tempore, a message from the Senate, by Mr. Carr, one of its clerks, announced that the Senate had passed without amendment joint resolution of the following title:

H. J. Res. 304. Joint resolution authorizing the Secretary of War to loan certain saddles and bridles for the use of the national encampment Knights of Pythias to be held at Terre Haute, Ind., in July, 1914.

HOUSE RESOLUTION 532, REFERRING CERTAIN CLAIMS TO THE COURT OF CLAIMS.

The committee resumed its session.

The CHAIRMAN. The Clerk will report the resolution.

The Clerk read as follows:

House resolution 532, referring certain claims to the Court of Claims for findings of facts and conclusions of law under section 151 of the act of March 3, 1911, entitled "An act to codify, revise, and amend the laws relating to the judiciary."

The Clerk began the reading of the resolution.

Mr. GREGG. Mr. Chairman, I ask unanimous consent to dispense with the first reading of the resolution.

The CHAIRMAN. The gentleman asks unanimous consent that the first reading of the resolution be dispensed with. Is there objection?

Mr. MANN. Well, it is not so very long, and I object.

The CHAIRMAN. The gentleman from Illinois objects, and the Clerk will proceed with the reading of the resolution.

The Clerk proceeded with and concluded the reading of the resolution.

Mr. MANN. Mr. Chairman——

The CHAIRMAN. Does the gentleman from Texas desire recognition?

Mr. GREGG. No, sir.

The CHAIRMAN. The Chair recognizes the gentleman from Illinois.

Mr. MANN. Mr. Chairman, I would like to be heard for a few moments on this proposition. I would like to call attention to one or two propositions involved in this resolution. The committee has recommended an amendment to be inserted in the bill H. R. 1554, to pay to the legal representatives of Paul Noyes some money. The bill was introduced by one of the best Members of the House—I suppose this will be used in his campaign—the gentleman from Connecticut [Mr. REILLY]. I think I will not detain the committee very long, but this bill presents really a unique feature to Congress. We have been discussing two bills in regard to claims for furnishing supplies to the Union Army during the Civil War, and I believe we have had a bill for the payment of property which was destroyed at the time of the Mexican War. I think the Claims Committee has reported in a bill in reference to some kind of claims following our acquisition of Louisiana or Florida or a treaty in connection with it, but this is the first instance that I recall where it has been seriously proposed that we go back to the days of Valley Forge and pay for supplies taken by the Revolutionary Army or furnished to the Revolutionary Army, but I apprehend that in the course of time we will have some one introduce a bill for supplies furnished to the Pilgrim Fathers when they landed on the rock in Massachusetts. I am not sure whether, as suggested by one gentleman here awhile ago, these supplies have been all consumed yet or whether they are still holding some in Connecticut until they really grow ripe enough for using, but the bill provides for an appropriation of $30,000 to pay the legal representatives or heirs of a claimant originating for military equipment and supplies purchased of and furnished by him for the use of the Continental Army during the War of the Revolution. [Laughter.] Now, of course, the Continental Army, if it took supplies, paid for them in script of some kind. At the end of that war they took a basketful of script to buy a basketful of potatoes, and potatoes were not at high prices.

But this modest and unassuming claimant over in Connecticut wants us to go back and make a precedent for paying for supplies sold to the Continental Army. He is able to get such an able, efficient, and distinguished Member of Congress as the gentleman from Connecticut [Mr. REILLY] to father his proposition. Some of the gentlemen here at times have felt quite impatient with me, I know, for calling attention to some of the claims, but I wonder if the most of them will not forgive me for calling attention to this claim which has slipped through the careful and close scrutiny which the Committee on War Claims gives to all of these propositions which have come before the House for action? [Applause.]

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

H. R. 14371. Tabb, George Washington, legal representatives of.

The following committee amendment was read:

Insert, after line 7, the following:
"H. R. 1554. Noyes, Paul, legal representative of."

Mr. TRIBBLE. Mr. Chairman, I ask unanimous consent to extend my remarks in the RECORD.

The CHAIRMAN. The gentleman from Georgia [Mr. TRIBBLE] asks unanimous consent to extend his remarks in the RECORD. Is there objection?

There was no objection.

Mr. MANN. Mr. Chairman, this is an amendment of the committee to insert the bill and refer it to the Court of Claims that I have just been talking about. I would like to ask the gentleman from Texas [Mr. GREGG] whether he thinks it would be proper for some one to introduce a bill and have it referred to the Court of Claims for furnishing supplies to our Spanish forefathers when they kept the Turks from overrunning Europe?

Mr. GREGG. When a bill of that kind is before me I will pass on it.

Mr. MANN. I appreciate the fact that the gentleman is asked a rather difficult question, and I do not blame him for not committing himself.

Mr. GREGG. I never cross a bridge until I get to it.

Mr. MANN. I would like to ask the gentleman if he thinks he has not——

Mr. GREGG. I will say this, that I do not think from the fact of that being an old claim it should be barred. It may be difficult to prove, and I doubt if they can prove it, but if they can do it they ought to be permitted to go into the court and prove it. That is the way I look at it.

Mr. MANN. Then why not let them approve the claims of the ones who kept the Turks out of Europe? We would not have been here if the Turks had gotten Europe.

Mr. GREGG. If that comes up, and there is any probability of proving it, I will believe in giving them the opportunity to go to the court and see if they can prove it. I do not believe in denying anybody a chance in court if he has a prima facie case.

Mr. MANN. Mr. Chairman, I can not agree with the gentleman from Texas. I think he is stating his position correctly—that is does not make any difference how old a claim is his committee will favor it. Even if it is a thousand years old the committee will be in favor of it.

Mr. GREGG. Will the gentleman excuse me a minute if I interrupt him?

Mr. MANN. Certainly.

Mr. GREGG. I did not say the committee would be in favor of the bill, but I said as a member of the committee, if they made a prima facie case, I did not care how old it was, simply because the Government has been postponing and putting it off for year after year, I would not care anything about that, but if they can make a prima facie case I think anybody and everybody ought to have the right to go into court and have a hearing.

Mr. MANN. The gentleman made the same statement before. The effect of it is that he does not care how old a claim is; he is in favor of paying it if they make the claim.

Mr. GREGG. The gentleman says I am in favor of paying it. I did not say any such thing. I said I was in favor of permitting a man to go into court and establish his claim if he could establish it.

Mr. MANN. There is no object in going into court and establishing a claim unless you expect to pay it after it is established, and the gentleman can not claim that he is in favor of sending these people to the Court of Claims and then, if they establish a case, he is not in favor of paying the claim.

Mr. GREGG. If he establishes his case, I am in favor of paying it.

Mr. MANN. Then what is the gentleman complaining about? That is my statement of what his position is, and I stated it correctly before. It makes no difference how old the claim is, the gentleman from Texas is in favor of paying it. Of course he does not pay a claim until it is established. I think there is a limit to such things. And of all the preposterous things, it seems to me, it is equal to the most preposterous for us now to talk about paying claims which never were made before for supplies furnished to the Continental Army. I hope the amendment will not be agreed to.

The CHAIRMAN. The question is on agreeing to the committee amendment.

The question was taken, and the amendment was rejected.

The Clerk read as follows:

H. R. 5590. Simes, Squire.

Mr. MANN. Mr. Chairman, I move to strike out the line. I will say to the gentleman from Texas that this is for property taken and destroyed under the bill H. R. 5590.

Mr. GREGG. Under the rule we have been operating on, that ought to go out of the bill.

The CHAIRMAN. Without objection, the motion of the gentleman from Illinois [Mr. MANN] will be agreed to. [After a pause.] The Chair hears none. The Clerk will read.

The Clerk read as follows:

H. R. 15255. Cassville Female College, Cassville, trustees of.

Mr. MANN. Mr. Chairman, I move to strike out the paragraph. This is H. R. 15255, for the destruction of——

Mr. GREGG. Let that go out, then.

The CHAIRMAN. The question is on agreeing to the motion of the gentleman from Illinois.

The motion was agreed to.

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

H. R. 15263. New Hope Baptist Church, of Bartow County.

Mr. MANN. Mr. Chairman, I move to strike out the paragraph. This is "for use and destruction."

Mr. GREGG. Let it go out.

The CHAIRMAN. The question is on agreeing to the amendment of the gentleman from Illinois.

The amendment was agreed to.

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

MISSOURI.

H. R. 13941. Morrison, William, estate of.

With a committee amendment as follows:

Page 4, after line 7, insert the following:

"NEBRASKA.

"H. R. 5037. Rouse, Charles G."

The CHAIRMAN. The question is on agreeing to the committee amendment.

The committee amendment was agreed to.

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

H. R. 15810. Dominy, Ezra.

Mr. BYRNS of Tennessee. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The gentleman from Tennessee [Mr. BYRNS] offers an amendment, which the Clerk will report.

The Clerk read as follows:

On page 4, after line 21, insert:
"H. R. 15811. Cuffman, D. W., administrator of the estate of Josephus Cuffman, deceased."

Mr. BYRNS of Tennessee. Mr. Chairman, this is for reference of a bill in the sum of $1,000. The bill reads as follows:

In full compensation for stores, supplies, and property appropriated by the United States authorities during the Civil War.

The CHAIRMAN. The question is on agreeing to the amendment of the gentleman from Tennessee.

The amendment was agreed to.

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

H. R. 15644. Poe, Samuel P.

Mr. BYRNS of Tennessee. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The Clerk will report the amendment offered by the gentleman from Tennessee.

The Clerk read as follows:

On page 5, after line 2, insert:
"H. R. 16767. Powers, Arthur A. and R. P."

Mr. BYRNS of Tennessee. Mr. Chairman, this is for the reference of a bill in the sum of $1,000. The bill reads as follows:

In full compensation for horses and supplies taken and used by the Federal troops during the Civil War.

The CHAIRMAN. The question is on agreeing to the amendment offered by the gentleman from Tennessee.

The amended was agreed to.

Mr. BYRNS of Tennessee. Mr. Chairman, I offer another amendment.

The CHAIRMAN. The Clerk will report the amendment.

The Clerk read as follows:

On page 5, after the line just inserted, insert:
"H. R. 14904. Stothard, Jerry, estate of."

Mr. BYRNS of Tennessee. This is a reference of a bill in the sum of $1,000. The bill reads as follows:

In full compensation for horses and hogs taken and used by Federal troops during the Civil War.

The CHAIRMAN. The question is on agreeing to the amendment offered by the gentleman from Tennessee.

The amendment was agreed to.

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

H. R. 12701. Foster, Seth, et al.

Mr. MANN. Mr. Chairman, I move to strike out the paragraph. I am sure this bill was inadvertently included. This is to pay the value of a ship captured by the naval forces of the United States. I am very sure no one wants to start in to do that.

Mr. GREGG. I did not hear the gentleman.

Mr. MANN. This is to pay the value of a ship captured by the naval forces of the United States during the war.

Mr. GREGG. I have no objection to that going out. I did not notice it.

Mr. MANN. I think that went in inadvertently.

The CHAIRMAN. The question is on agreeing to the amendment to strike out the paragraph.

The amendment was agreed to.

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

H. R. 12487. Mix, Charles N., legal representatives of.

Mr. MANN. Mr. Chairman, I move to strike out that paragraph. This is for the destruction of property.

Mr. GREGG. Very well; let it go out.

The CHAIRMAN. The question is on the motion of the gentleman from Illinois to strike out the paragraph.

The motion was agreed to.

Mr. MANN. Mr. Chairman, if there is nothing to go in under the heading of "Virginia," I ask to have the word "Virginia" stricken out.

The CHAIRMAN. Without objection, the word "Virginia" will be stricken out.

There was no objection.

The Clerk completed the reading of the resolution.

Mr. GREGG. Mr. Chairman, I move that the resolution be laid aside with a favorable recommendation.

The motion was agreed to.

Mr. GREGG. Mr. Chairman, I move that the committee do now rise and report the several resolutions and bill favorably.

The motion was agreed to.

Accordingly the committee rose; and the Speaker having resumed the chair, Mr. SHERLEY, Chairman of the Committee of the Whole House, reported that that committee had had under consideration House resolution 451, House bill 6880, and House resolution 532, and had directed him to report the same back with sundry amendments, with the recommendation that the amendments be agreed to and, as amended, that the resolutions and bill do pass.

The SPEAKER. The Clerk will report the first resolution.

The Clerk read as follows:

House resolution 451, referring certain claims to the Court of Claims for finding of facts and conclusions of law under section 151 of the act of March 3, 1911, entitled "An act to codify, revise, and amend the laws relating to the judiciary."

The SPEAKER. Is a separate vote demanded on any amendment?

There was no demand for a separate vote.

The amendments were agreed to.

The resolution as amended was agreed to.

Mr. GREGG. Mr. Speaker, I ask unanimous consent that House resolution 532 be taken up next.

The SPEAKER. The gentleman from Texas asks unanimous consent to take up House resolution 532, reported from the Committee of the Whole. Is there objection?

There was no objection.

The Clerk reported the resolution, as follows:

House resolution 532, referring certain claims to the Court of Claims for finding of facts and conclusions of law under section 151 of the act of March 3, 1911, entitled "An act to codify, revise, and amend the laws relating to the judiciary."

The SPEAKER. Is a separate vote demanded on any amendment?

There was no demand for a separate vote.

The amendments were agreed to.

The resolution as amended was agreed to.

Mr. MANN. Has the resolution been disposed of, Mr. Speaker?

The SPEAKER. It has.

Mr. MANN. I make the point of order that there is no quorum present.

The SPEAKER. Will the gentleman withhold that for a moment?

Mr. MANN. I will.

CHANGE OF REFERENCE.

By unanimous consent, the Committee on Military Affairs was discharged from the further consideration of the bill S. 655, an act authorizing the Secretary of the Interior to survey the lands of the abandoned Assiniboine Military Reservation and open the same to settlement, and the same was referred to the Committee on the Public Lands.

LEAVE OF ABSENCE.

Mr. MCKELLAR, by unanimous consent, was given leave of absence until Monday, on account of death in the family.

RESIGNATION FROM COMMITTEE ON THE DISTRICT OF COLUMBIA.

The SPEAKER laid before the House the following communication:

HOUSE OF REPRESENTATIVES,
Washington, D. C., July 17, 1914.

TO THE HONORABLE SPEAKER OF THE HOUSE OF REPRESENTATIVES.

SIR: I herewith tender my resignation as a member of the Committee on the District of Columbia.

Respectfully,

WM. L. IGOE.

ENROLLED BILL AND JOINT RESOLUTION SIGNED.

Mr. ASHBROOK, from the Committee on Enrolled Bills, reported that they had examined and found truly enrolled bill and joint resolution of the following titles, when the Speaker signed the same.

H. R. 1694. An act to amend an act approved October 1, 1890, entitled "An act to set apart certain tracts of land in the State of California as forest reservations"; and

H. J. Res. 304. Joint resolution authorizing the Secretary of War to loan certain saddles and bridles for the use of the na-

tional encampment, Knights of Pythias, to be held at Terre Haute, Ind., in July, 1914.

ELIZABETH B. BUCKINGHAM.

Mr. BRYAN. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD by printing a letter addressed to Mr. Charles S. Hamlin, Assistant Secretary of the Treasury.

The SPEAKER. Who wrote the letter?

Mr. BRYAN. The letter is signed by Elizabeth B. Buckingham.

The SPEAKER. About what?

Mr. BRYAN. The matter involved is the demotion of a clerk down here in the Treasury Department.

The SPEAKER. The gentleman from Washington [Mr. BRYAN] asks unanimous consent to print a letter from Miss Buckingham to Assistant Secretary of the Treasury Hamlin. Is there objection?

Mr. DONOVAN. Reserving the right to object, is not that a pretty small matter?

Mr. BRYAN. No; I am sure that if the gentleman will read the letter, he will see that it is a very important matter.

The SPEAKER. Is there objection?

Mr. DONOVAN. Reserving the right to object——

Mr. COX. Regular order!

Mr. DONOVAN. Is it not a small matter?

The SPEAKER. The regular order is, Is there objection? [After a pause.] The Chair hears none, and it is so ordered.

The letter referred to is as follows:

JULY 17, 1914.

Mr. CHARLES S. HAMLIN,
Assistant Secretary of the Treasury.

MY DEAR MR. HAMLIN: Until yesterday the 16th I was an employee of the Government in the Treasury Department under the Auditor for the Post Office Department. I entered the service in the Bureau of Engraving and Printing in 1888. Since that time my record for efficiency and accuracy may be found on file in the Government archives. For 14 years I have been under the Auditor for the Post Office Department, and my record in that department may be found in your office and is subject to your inspection.

I have never had any trouble of any kind with any superior concerning my work for the Government. I have never had trouble with any associates in the department. I have never been on the carpet or been subjected to reproof, so far as I know or can recall to mind. My record for efficiency, so far as I know, has been perfect. I have always believed I was fully discharging my duties at any post to which I have been assigned.

I have never been to any Member of Congress or to anyone else with complaints against the management of my superiors, nor have I ever attempted to make trouble for the auditor of the organization.

While in the regular discharge of my duties as examiner assigned temporarily to a tabulating machine I learned on yesterday morning that I was likely to be reassigned, and that a document was likely to be submitted to me to be signed. I went to Mr. Buckley and asked him if I should sign any documents, and he told me if I did not sign that I would become involved for insubordination. A little later there was submitted to me a document to sign. I do not know what it was that I signed, and I did not intend by such signature to waive any of my rights in the premises, but signed because I thought I had no right to refuse to do so. I was then handed a document, which reads as follows:

JULY 3, 1914.

Miss ELIZA B. BUCKINGHAM,
Clerk, $1,200 per annum,
Office of the Auditor for the Post Office Department.

MADAM: By direction of the Secretary, you are hereby reduced, transferred, and appointed a clerk, Class D, in the office of the Commissioner of Internal Revenue, with compensation at the rate of $900 per annum, the appointment to take effect on date of oath.

Respectfully,

B. P. NEWTON, *Assistant Secretary.*

Oath: July 16, 1914.

And the following letter of introduction:

JULY 16, 1914.

The CHIEF CLERK INTERNAL-REVENUE BUREAU,
Treasury Department.

SIR: This will introduce to you Miss Eliza B. Buckingham, who is transferred to your office, effective to-day. She has taken the required oath and now reports for assignment to duty.

Respectfully,

CHARLES S. KRAM,
Auditor for the Post Office Department.

By this I was notified that I had been demoted from a clerkship at a salary of $1,200 per annum to a clerkship class D at $900 per annum. Against this action I most vigorously protest. After this long and faithful service, while I am still absolutely efficient, without any charge or claim of inefficiency, yet a young woman, there can not be any possible excuse or justice in my being thus demoted and deprived of my rating earned after faithful service.

No notice whatever has been served upon me except as herein stated, and I respectfully demand that I be reinstated immediately at my former rating and salary and that an investigation be had as to any charges against me or any ground for my demotion or for a reduction of my salary, and that due notice be given me of any such proceedings.

Respectfully, ELIZABETH B. BUCKINGHAM.

NEBRASKA STATE PRESS ASSOCIATION REPORT ON TAXATION.

Mr. BAILEY. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD by printing the report of a special committee of the Nebraska State Press Association on taxation.

The SPEAKER. The gentleman from Pennsylvania asks unanimous consent to extend his remarks in the RECORD by printing the report of a special committee of the Nebraska State Press Association on taxation. Is there objection?

Mr. MANN. Reserving the right to object, I will suggest that gentlemen get into the habit of walking down in front and whispering to the Speaker, and those in the House who are behind them can not hear them.

Mr. BAILEY. I have come down here because my voice is weak.

Mr. MANN. Oh, the gentleman's voice is strong enough——

Mr. BAILEY. Modesty, perhaps.

Mr. MANN. Do I understand that the gentleman wants to print something from a press association?

Mr. BAILEY. The report of a special committee of the Nebraska State Press Association.

Mr. MANN. They have more opportunities to print than anybody else in the world.

Mr. BAILEY. But the Nebraska newspapers do not circulate all over the world.

The SPEAKER. Is there objection?

Mr. MANN. I object.

ADJOURNMENT.

Mr. GREGG. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 5 o'clock and 18 minutes p. m.) the House adjourned until Saturday, July 18, 1914, at 12 o'clock noon.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII, bills and resolutions were severally reported from committees, delivered to the Clerk, and referred to the several calendars therein named, as follows:

Mr. DENT, from the Committee on Military Affairs, to which was referred the bill (S. 1930) granting to the Atchison, Topeka & Santa Fe Railway Co. a right of way through the Fort Wingate Military Reservation, N. Mex., and for other purposes, reported the same without amendment, accompanied by a report (No. 979), which said bill and report were referred to the Committee of the Whole House on the state of the Union.

Mr. HART, from the Committee on the District of Columbia, to which was referred the bill (H. R. 7771) to regulate plastering in the District of Columbia, reported the same with amendment, accompanied by a report (No. 980), which said bill and report were referred to the House Calendar.

Mr. CLAYPOOL, from the Committee on the District of Columbia, to which was referred the bill (H. R. 13222) to regulate the use of public school buildings and grounds in the District of Columbia, reported the same with amendment, accompanied by a report (No. 981), which said bill and report were referred to the House Calendar.

Mr. STEPHENS of Nebraska, from the Committee on Interstate and Foreign Commerce, to which was referred the bill (H. R. 17907) granting the consent of Congress to the Interstate Bridge & Terminal Co., of Muscatine, Iowa, to build a bridge across the Mississippi River, reported the same without amendment, accompanied by a report (No. 982), which said bill and report were referred to the House Calendar.

PUBLIC BILLS, RESOLUTIONS, AND MEMORIALS.

Under clause 3 of Rule XXII, bills, resolutions, and memorials were introduced and severally referred as follows:

By Mr. TAGGART: A bill (H. R. 17949) to provide for the erection of a public building at Garnett, Kans.; to the Committee on Public Buildings and Grounds.

By Mr. GARD: A bill (H. R. 17950) to provide the manner in which pensions and arrears of pensions shall be paid to pensioners who are, or may hereafter become, members of the National Home for Disabled Volunteer Soldiers; to the Committee on Invalid Pensions.

By Mr. BRITTEN: A bill (H. R. 17951) to increase the efficiency of the personnel of the Navy of the United States; to the Committee on Naval Affairs.

By Mr. GILL: A bill (H. R. 17952) to repeal section 3480 of the Revised Statutes of the United States; to the Committee on Naval Affairs.

By Mr. LOGUE: A bill (H. R. 17953) authorizing the leasing of Government land to the city of Philadelphia; to the Committee on Naval Affairs.

PRIVATE BILLS AND RESOLUTIONS.

Under clause 1 of Rule XXII, private bills and resolutions were introduced and severally referred as follows:

By Mr. BRITTEN: A bill (H. R. 17954) for the relief of Frank Kinsey Hill, captain on the retired list of the United States Navy; to the Committee on Naval Affairs.

By Mr. DICKINSON: A bill (H. R. 17955) granting a pension to Judith McCoy; to the Committee on Invalid Pensions.

By Mr. HOLLAND: A bill (H. R. 17956) for the relief of The Ferries Co.; to the Committee on Claims.

By Mr. KEY of Ohio: A bill (H. R. 17957) granting an increase of pension to Anthony Gilderoy; to the Committee on Invalid Pensions.

By Mr. LEE of Georgia: A bill (H. R. 17958) for the relief of the estate of John Lynch, deceased; to the Committee on War Claims.

Also, a bill (H. R. 17959) for the relief of the trustees of Pea Vine Church, Walker County, Ga.; to the Committee on War Claims.

Also, a bill (H. R. 17960) for the relief of the trustees of Pea Vine Acadamy, Walker County, Ga.; to the Committee on War Claims.

By Mr. McCLELLAN: A bill (H. R. 17961) granting an increase of pension to Homer Bidwell; to the Committee on Invalid Pensions.

By Mr. MAPES: A bill (H. R. 17962) granting an increase of pension to Rudolph Davis; to the Committee on Invalid Pensions.

By Mr. SELDOMRIDGE: A bill (H. R. 17963) granting a pension to Julia D. Stephens; to the Committee on Invalid Pensions.

By Mr. STEPHENS of California: A bill (H. R. 17964) for the relief of Austin G. Tainter; to the Committee on Claims.

By Mr. STEVENS of New Hampshire: A bill (H. R. 17965) granting an increase of pension to John Plankey; to the Committee on Invalid Pensions.

Also, a bill (H. R. 17966) to correct the military record of James E. Brady; to the Committee on Military Affairs.

By Mr. THACHER: A bill (H. R. 17967) granting a pension to Bernard M. Cahoon; to the Committee on Pensions.

Also, a bill (H. R. 17968) granting a pension to Sarah C. Curtis; to the Committee on Invalid Pensions.

PETITIONS, ETC.

Under clause 1 of Rule XXII, petitions and papers were laid on the Clerk's desk and referred as follows:

By the SPEAKER (by request): Petitions signed by certain citizens of Tolland, Conn., urging the adoption of the Hobson prohibition amendment; to the Committe on Rules.

By Mr. ALLEN: Petitions of L. C. Fillmore and sundry citizens of Miami; Florence and Edith Roever, of Cleves; the Christian Endeavor Society of the First Lutheran Church; the Christian Endeavor Society of the United Brethren Church, both of Cincinnati, and the Christian Endeavor Society of St. Bernard, all in the State of Ohio, favoring national prohibition; to the Committee on Rules.

Also, memorial of Hecker Post, No. 638, Grand Army of the Republic, of Cincinnati, Ohio, approving appropriation for the peace jubilee at Vicksburg, Miss.; to the Committee on Appropriations.

By Mr. ANSBERRY: Petition of the Ohio State Pharmaceutical Association, against Pomerene amendment to House bill 6282, the Harrison antinarcotic bill; to the Committee on Ways and Means.

By Mr. BAILEY: Memorial of the clerical force of the Altoona post office; Tyrone Branch, No. 888, and 591 United National Association Post Office Clerks; various letter carriers at Hollidaysburg, all in the State of Pennsylvania, protesting against House bill 17042, to amend the postal laws; to the Committee on the Post Office and Post Roads.

By Mr. CARY: Petition of H. Krause, of Milwaukee, Wis., protesting against the passage of House joint resolution 168 or any other prohibition measure; to the Committee on Rules.

Also, petition of Andrew Barehek, of Milwaukee, Wis., protesting against the passage of House joint resolution 168 or any other prohibition measure; to the Committee on Rules.

By Mr. DUNN: Petitions of sundry citizens of Monroe County, N. Y., protesting against the adoption of the Sheppard-Hobson resolution; to the Committee on Rules.

Also, petitions of sundry citizens of Monroe County, N. Y., favoring constitutional prohibition amendment; to the Committee on Rules.

By Mr. GILL: Petition of the St. Louis Theatrical Brotherhood, American Federation of Labor, against national prohibition; to the Committee on Rules.

By Mr. HAYES: Protests from 125 citizens of the State of California, against nation-wide prohibition; to the Committee on Rules.

Also, protests from 54 citizens of Santa Cruz, Cal., against nation-wide prohibition; to the Committee on Rules.

Also, protests from 27 citizens of Ventura, Cal., against nation-wide prohibition; to the Committee on Rules.

Also, protests from 25 citizens of Colma, Cal., against nation-wide prohibition; to the Committee on Rules.

Also, protests from 30 citizens of Wrights, Cal., against nation-wide prohibition; to the Committee on Rules.

Also, protests from 30 citizens of South San Francisco, Cal., against nation-wide prohibition; to the Committee on Rules.

Also, protests from 130 citizens of Santa Barbara, Cal., against nation-wide prohibition; to the Committee on Rules.

Also, protests from 107 citizens of San Mateo, Cal., against nation-wide prohibition; to the Committee on Rules.

Also, protests from 57 citizens of Santa Clara, Cal., against nation-wide prohibition; to the Committee on Rules.

Also, protests from 45 citizens of Salinas, Cal., against nation-wide prohibition; to the Committee on Rules.

Also, protests from 50 citizens of Redwood City, Cal., against nation-wide prohibition; to the Committee on Rules.

Also, protests from 136 citizens of San Luis Obispo, Cal., against nation-wide prohibition; to the Committee on Rules.

Also, petition of C. E. Towne & Co., of Santa Cruz; L. Callisch, of San Jose; and Levi Strauss & Co., of San Francisco, all in the State of California, favoring House bill 13305, the Stevens price bill; to the Committee on Interstate and Foreign Commerce.

Also, petition of the Metal Trades Council of San Francisco, Cal., against increasing number of apprentices in Government navy yards; to the Committee on Naval Affairs.

Also, petition of various churches of Mountain View, Morgan Hill, and Watsonville, all in the State of California, favoring Federal censorship of motion pictures; to the Committee on Education.

Also, petition of sundry citizens of Santa Cruz, Cal., against House bill 7826, the Sabbath observance bill; to the Committee on the District of Columbia.

Also, petition of sundry citizens of Santa Cruz, Cal., favoring House bill 12928, to amend the postal laws; to the Committee on the Post Office and Post Roads.

Also, petition of J. S. Bidwell, of Bryson; R. S. Bossert, of Montara; and E. B. Davison, of Ballard, all in the State of California, favoring a law placing fourth-class postmasters upon a salary basis; to the Committee on the Post Office and Post Roads.

Also, petition of sundry citizens of Boulder Creek, Templeton, Arroyo Grande, Fillmore, Morgan Hill, and other citizens of California, favoring national prohibition; to the Committee on Rules.

Also, petitions of H. T. Scott, of San Francisco, and other citizens of California, against national prohibition; to the Committee on Rules.

Also, petition from sundry citizens of the eighth congressional district of the State of California, for pension law for superannuated civil-service employees; to the Committee on Reform in the Civil Service.

By Mr. LEWIS of Pennsylvania: Petition of the congregation of the Emanuel Presbyterian Church, of Philadelphia, Pa., favoring national prohibition; to the Committee on Rules.

By Mr. LONERGAN: Protest of Charles Brandagee, of Farmington, Conn., in re proposed legislation on medical education and practice; to the Committee on Education.

By Mr. McCLELLAN: Petitions of L. A. Gunard, Fred Bennett, J. M. Snyder, F. M. Stroebel, D. J. Heaney, and J. A. Beckard, of New York State, against national prohibition; to the Committee on Rules.

Also, petition of J. B. Carpenter, the Mountain School, of Allaben; the First Reformed Church of Hudson; Dr. Charles Park, of Hudson, secretary of the Ministers' Club; and Benjamin F. White, of Germantown, all in the State of New York, urging support of Hobson measure; to the Committee on Rules.

Also, petitions of Elbert Ellsworth, of Ellenville; Alvin Wright, of Stottville; Frank A. Ter Bush, of Greenfield; and F. P. Murphy, of Canaan, all in the State of New York, favoring passage of amendment to House bill 17042 in favor of railway postal clerks; to the Committee on the Post Office and Post Roads.

Also, petitions of the Trinity Methodist Episcopal Church, of Kingston, N. Y., and the consistory of the First Reformed Church of Hudson, N. Y., favoring national prohibition; to the Committee on Rules.

By Mr. PALMER: Petition of sundry citizens of Luzerne County, Pa., favoring national prohibition; to the Committee on Rules.

By Mr. SINNOTT: Petition of sundry citizens of Olea, Oreg., favoring national prohibition; to the Committee on Rules.

Also, petition of Branch No. 61, United National Association of Post Office Clerks, protesting against dismissal of employees of Washington (D. C.) post office on ground of old age; to the Committee on the Post Office and Post Roads.

By Mr. SAMUEL W. SMITH: Petition of sundry voters of Genesee County, Mich., favoring national prohibition; to the Committee on Rules.

By Mr. STAFFORD: Petition of the Hanover Street Congregational Church, favoring national prohibition; to the Committee on Rules.

By Mr. THACHER: Memorial of the Quarterly Conference of the Methodist Episcopal Church of Scituate, Mass., favoring national prohibition; to the Committee on Rules.

SENATE.

SATURDAY, *July 18, 1914.*

The Senate met at 11 o'clock a. m.

Rev. J. L. Kibler, D. D., of the city of Washington, offered the following prayer:

Our heavenly Father, we look to Thee as the Lord of heaven and earth and as the God of nations. Thou hast dealt bountifully with us as a Nation. Thou hast filled our storehouses, enlarged our commerce, multiplied our facilities, and blessed our homes. In wealth, and influence, and liberty, and power, and rapid progress Thou hast permitted us to become a mighty people. Grant that we may recognize Thy hand and follow Thy leadings. May we be faithful subjects of Thy kingdom. Lead Thou our leaders. Bless us in our national and international relations, and help us to master our problems for the honor of Thy name and for the accomplishment of Thy purposes. We ask it for Christ's sake. Amen.

The Vice President being absent the President pro tempore took the chair.

The Journal of yesterday's proceedings was read and approved.

Mr. VARDAMAN. Mr. President, I suggest the absence of a quorum.

The PRESIDENT pro tempore. The Senator from Mississippi suggests the absence of a quorum. Let the Secretary call the roll.

The Secretary proceeded to call the roll, and was interrupted by

Mr. VARDAMAN. I wish to ask unanimous consent to withdraw the suggestion of the absence of a quorum.

The PRESIDENT pro tempore. The present impression of the Chair is that under the precedents of the Senate such a request is not in order. A Senator can not interrupt a roll call when once begun, and therefore the request can not be entertained.

The Secretary resumed and concluded the calling of the roll, the following Senators having answered to their names:

Ashurst	Culberson	Nelson	Sterling
Brady	Gronna	Norris	Stone
Brandegee	Hollis	Overman	Thompson
Bristow	Hughes	Page	Thornton
Bryan	Kenyon	Perkins	Tillman
Burton	Kern	Ransdell	Vardaman
Camden	Lane	Reed	Walsh
Catron	McLean	Sheppard	Warren
Chilton	Martin, Va.	Simmons	White
Clarke, Ark.	Martine, N. J.	Smith, Ga.	Works
Crawford	Myers	Smoot	

The PRESIDENT pro tempore. The roll call discloses that less than a quorum have answered to their names. The Secretary will call the names of the absentees.

The Secretary called the names of the absent Senators, and Mr. THOMAS and Mr. WEEKS answered to their names when called.

Mr. KERN. I desire to announce the unavoidable absence of my colleague [Mr. SHIVELY]. This announcement may stand for the day.

Mr. SMOOT. I desire to announce the unavoidable absence of the junior Senator from Wisconsin [Mr. STEPHENSON] and also the unavoidable absence of my colleague [Mr. SUTHERLAND].

Mr. CAMDEN. I wish to announce that my colleague, the Senator from Kentucky [Mr. JAMES], is unavoidably absent. He is paired with the Senator from Massachusetts [Mr. WEEKS].

Mr. PAGE. I wish to announce the unavoidable absence of my colleague [Mr. DILLINGHAM]. He has a general pair with the senior Senator from Maryland [Mr. SMITH]. I will let this announcement stand for the day.

The PRESIDENT pro tempore. Forty-five Senators have answered to their names. There is not a quorum of the Senate present.

Mr. MARTIN of Virginia. I move that the Sergeant at Arms be instructed to notify absent Senators to attend the session.

The motion was agreed to.

The PRESIDENT pro tempore. The Sergeant at Arms will carry out the order of the Senate.

Mr. CLARK of Wyoming, Mr. ROOT, Mr. SWANSON, and Mr. LEA of Tennessee entered the Chamber and answered to their names.

The PRESIDENT pro tempore. Forty-nine Senators having answered to their names, a quorum of the Senate is present.

Mr. MARTIN of Virginia. I move that the order directing the Sergeant at Arms to notify absent Senators that their presence is requested be vacated.

The motion was agreed to.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by D. K. Hempstead, its enrolling clerk, announced that the Speaker of the House had signed the enrolled joint resolution (H. J. Res. 304) authorizing the Secretary of War to loan certain saddles and bridles for the use of the national encampment, Knights of Pythias, to be held at Terre Haute, Ind., in July, 1914, and it was thereupon signed by the President pro tempore.

PETITIONS AND MEMORIALS.

Mr. SHEPPARD presented memorials of sundry citizens of Texas, remonstrating against national prohibition, which were referred to the Committee on the Judiciary.

Mr. BRISTOW presented a petition of the Woman's Home Missionary Society of the University Methodist Episcopal Church, of Salina, Kans., and a petition of sundry citizens of Norton, Kans., praying for national prohibition, which were referred to the Committee on the Judiciary.

Mr. WORKS presented petitions of sundry citizens of Chino and Los Angeles, in the State of California, praying for national prohibition, which were referred to the Committee on the Judiciary.

Mr. ROOT presented memorials of sundry citizens of New York, remonstrating against national prohibition, which were referred to the Committee on the Judiciary.

He also presented petitions of sundry citizens of New York, praying for the enactment of legislation to provide for Federal censorship of motion pictures, which were referred to the Committee on Education and Labor.

He also presented petitions of sundry citizens of New York, praying for national prohibition, which were referred to the Committee on the Judiciary.

PUBLIC BUILDING AT NEWCASTLE, IND.

Mr. KERN. From the Committee on Public Buildings and Grounds I report back favorably without amendment the bill (H. R. 11317) to increase the limit of cost of the United States post-office building at Newcastle, Ind. The bill proposes to increase the limit of cost of the post-office building by $15,000. It is found that the building can not be constructed under the present limit. I ask unanimous consent for the present consideration of the bill.

The PRESIDENT pro tempore. Is there objection to the present consideration of the bill?

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

REPORTS OF COMMITTEES.

Mr. CATRON, from the Committee on Military Affairs, to which was referred the bill (S. 1151) to remedy in the line of the Army the inequalities in rank due to the past system of regimental promotion, reported it without amendment and submitted a report (No. 690) thereon.

He also, from the same committee, to which was referred the bill (S. 1985) to remove the charge of desertion from the military record of Capt. Daniel H. Powers, reported it with an amendment and submitted a report (No. 693) thereon.

Mr. CHAMBERLAIN, from the Committee on Military Affairs, to which was referred the joint resolution (S. J. Res. 136) to authorize the appointment of Charles August Meyer as a cadet at the United States Military Academy, reported it without amendment and submitted a report (No. 691) thereon.

He also, from the same committee, to which was referred the joint resolution (S. J. Res. 137) to authorize the appointment of Clifford Hildebrandt Tate as a cadet at the United States Military Academy, reported it with amendments and submitted a report (No. 692) thereon.

BILLS INTRODUCED.

Bills were introduced, read the first time, and, by unanimous consent, the second time, and referred as follows:

By Mr. BRISTOW:

A bill (S. 6126) to increase the compensation of the janitor of the Federal building at Topeka, Kans.; to the Committee on Appropriations.

A bill (S. 6127) granting a pension to Maria C. Haney (with accompanying papers), and

A bill (S. 6128) granting a pension to Samuel H. Fisher (with accompanying papers); to the Committee on Pensions.

By Mr. CHAMBERLAIN:

A bill (S. 6129) granting a pension to Benjamin F. Klippert; to the Committee on Pensions.

By Mr. CRAWFORD:

A bill (S. 6130) granting a pension to Frank D. Brown (with accompanying papers); to the Committee on Pensions.

UNEXPENDED BALANCES OF RIVER AND HARBOR APPROPRIATIONS.

Mr. BURTON. I submit a resolution and ask for its immediate consideration.

The resolution (S. Res. 426) was read as follows:

Resolved, That the Secretary of War be requested and directed to transmit to the Senate a statement of the balances remaining unexpended on June 30, 1914, to the credit of the respective river and harbor projects of the country now under improvement.

Mr. SIMMONS. My attention was diverted. I wish to ask the Senator from Ohio what is the purpose of the resolution?

Mr. BURTON. It is a request for a statement of the balances remaining unexpended to the credit of the respective river and harbor projects at the close of the fiscal year ended June 30, 1914.

The PRESIDENT pro tempore. Is there objection to the present consideration of the resolution?

The resolution was agreed to.

Mr. BURTON subsequently said: I ask unanimous consent that the Senate reconsider a resolution which I introduced this morning, and which was passed, calling upon the Secretary of War for certain information. I move that the resolution be reconsidered; that when reconsidered it be amended by adding the words "and available" after the word "unexpended," and that when so amended it be readopted.

I ask unanimous consent to that effect.

Mr. OVERMAN. What is the request? I should like to know what it is.

Mr. BURTON. I submitted a resolution this morning calling on the Secretary of War——

Mr. OVERMAN. Oh, it is a resolution that has been passed?

Mr. BURTON. A resolution that was passed this morning. It calls on the Secretary of War for information as to the amount of money on hand to the credit of the respective river and harbor projects. I used the word "unexpended." In the form in which they keep their accounts they have two sets of figures, one of them unexpended, which may include provision for bills audited and which should be paid, and the other that which is unexpended and available.

Mr. OVERMAN. I have no objection.

Mr. BURTON. The words "and available" ought to go in after "unexpended."

The PRESIDENT pro tempore. The Senator from Ohio asks unanimous consent that the vote whereby Senate resolution 426 was agreed to may be reconsidered.

The motion to reconsider was agreed to.

Mr. BURTON. I understand that the resolution has already been forwarded to the Secretary of War. I ask unanimous consent that it may be recalled.

The PRESIDENT pro tempore. Without objection, the resolution will be recalled from the Secretary of War. The vote by which the resolution was agreed to will be reconsidered. The Senator from Ohio moves an amendment, which will be stated.

The SECRETARY. After the word "unexpended" it is proposed to insert the words "and available."

The PRESIDENT pro tempore. The question is on agreeing to the amendment.

The amendment was agreed to.

The resolution as amended was agreed to.

GEN. ANSON MILLS.

Mr. ROOT. Mr. President, I ask unanimous consent to have printed in the RECORD of to-day's proceedings a letter written to me by Gen. Anson Mills, United States Army, together with a copy of the War Department's record of Gen. Mills. This is in the nature of a statement of his case consequent upon a speech which the Senator from Colorado [Mr. THOMAS] made some weeks ago. I have shown this letter to the Senator from Colorado, and he is of the opinion with me that it is an act of justice to permit this officer's own statement to appear in the RECORD, which contains the speech of the Senator from Colorado.

The PRESIDENT pro tempore. The Senator from New York submits a request that the letter referred to by him be printed in the CONGRESSIONAL RECORD. Is there objection? The Chair hears none, and it is so ordered.

Mr. ROOT. That order includes the copy of the record which is annexed?

The PRESIDENT pro tempore. It includes the entire request made by the Senator from New York.

The matter referred to is as follows:

INTERNATIONAL BOUNDARY COMMISSION,
UNITED STATES AND MEXICO,
AMERICAN SECTION,
2 Dupont Circle, Washington, D. C., June 25, 1914.

The Hon. ELIHU ROOT,
United States Senate.

SIR: My attention has been called to a speech of Senator THOMAS, of Colorado, delivered in the United States Senate, Monday and Tuesday, March 23 and 24 last.

Senator THOMAS attacks the entire course of the United States Government for the last quarter of a century with respect to an important question of public policy—the equitable distribution of the waters of the Rio Grande—but because of the manner and terms in which he questions the motives and impeaches the integrity of those officers of the Government who participated in the policy which the Senator deems to have been mistaken, which means practically all officers of the Government who have had anything to do with the matter in question. A Secretary of State and an Attorney General by name, other Cabinet officers, Senators, Congressmen, and Presidents by necessary implication, Republicans and Democrats, the living and the dead, alike are condemned. The exceptions prove the rule. The late Secreary of War, Mr. Lamont, escapes with his character at the expense of his "intelligence" (RECORD, p. 5343) or his attention to business; and the Reclamation Bureau, while conceded "integrity of purpose," should, in the opinion of the Senator, "be dismantled and its officials put into a lunatic asylum." (RECORD, p. 5352.)

Such being the Senator's opinion of the officers of the Government, their works naturally fare no better at his hands. The treaty of 1906 between the United States and Mexico for the equitable distribution of the waters of the Rio Grande, negotiated while you, Senator, were Secretary of State of the United States, and signed by you as the plenipotentiary of our Government and duly ratified by the President by and with the advice and consent of the United States Senate, is termed a "disgraceful treaty" (RECORD, p. 5351) "whose history is a scandal and a shame" (RECORD, p. 5352); "conceived in sin and brought forth in iniquity" (RECORD, p. 5347), "a huge speculative enterprise conceived by greed and fostered by governmental agencies" (RECORD, p. 6001); and, finally, "the consummation * * * of a sordid, shameful, and successful intrigue, conducted in the interests of private parties impelled by greed and gain." (RECORD, p. 5280.)

For this treaty so characterized, as well as for practically everything else which has happened in connection with the distribution of the waters of the Rio Grande for the past quarter of a century, I am held primarily responsible by Senator THOMAS. I am singled out for attack before all others, and held up for public obliquity by repeated and direct accusation and indirect suggestion, as one who, as an Army officer and American commissioner upon the International Boundary Commission, has prostituted his public trust for purposes of private gain. The Senator has used my name in his speech on the floor of the Senate no less than 52 times (including references to "this man Mills," etc.). He has charged that the motive behind a draft treaty which he say I drew "can not be reconciled with any honest or honorable purpose" (RECORD, p. 5284); and finally, he threatens me with an investigation in which I must "either vindicate the integrity of his [my] conduct, or receive the indignant but merited condemnation of honest men everywhere." (RECORD, p. 5352.)

Senator THOMAS'S speech was delivered on the responsibility of his oath as a United States Senator, representing the great State of Colorado. By wise and necessary constitutional provision he may not be questioned for anything he has said therein "in any other place." And yet this speech does great wrong to many honorable men, some of whom are no longer living. In particular it does me wrong. And as I, too, may not be among the living (I am in my 80th year) when the investigation of which Senator THOMAS speaks comes to pass in its "proper season" (RECORD, p. 5352)—if it ever does—I respectfully request you, Senator, to present this communication to the Senate, and to ask the Senate of the United States, in fairness to me, to afford me the only redress which appears to be possible, pending the proposed investigation, by publishing this communication in the CONGRESSIONAL RECORD, in order that those who have read Senator THOMAS'S attack upon me may have opportunity to read my reply. I address myself in this to you, Senator ROOT, first, because I am proud to have served under you when you were Secretary of State, and to have come to know something of your desire to do justice to all men; and secondly, because as Secretary of State you had personal and official knowledge of many of the matters dealt with in Senator THOMAS'S speech.

A comparison of Senator THOMAS'S speech, with the statement of one, Dr. Nathan Boyd, inclosed in a letter of said Boyd to the Secretary of State, dated May 26, 1902, and printed in Senate Document 154, Fifty-seventh Congress, second session, at pages 46 to 100, and with others of Dr. Boyd's communications to the department, such as his letter of June 30, 1902, July 11, 1902, etc., clearly shows that nearly every allegation and suggestion that the Senator has made in his long speech which reflects on me was derived from Dr. Boyd, whose interest

in this matter will appear hereafter. I understand, although I did not know it at the time, that these charges of Dr. Boyd have already been several times investigated by competent officers of the Department of State, and once by Chief Wilkie of the Secret Service; and in each case they were found wholly groundless and unworthy of serious consideration, and that Dr. Boyd, after he had gone so far as to threaten to horsewhip Secretary Hay, was denied the privilege of having personal conferences with the officers of the Department of State.

Under these circumstances I will confine myself in this letter to giving a summary as brief as may be, supported by references to some of the more important official documents, of my official connection with the matters referred to by Dr. Boyd and Senator THOMAS.

In 1888, being then a major in the Tenth United States Cavalry, while on leave of absence at El Paso, where I had resided before the war, I was requested by some of my friends "to project a remedy for the then decreasing water in the river, and the perishing of a great many farms, trees, orchards, and vineyards by the drought." ("Testimony submitted to the Committee on Foreign Affairs on bill (H. R. 9710) to provide for the equitable distribution of the waters of the Rio Grande between the United States of America and the United States of Mexico," etc., "Washington Government Printing Office, 1901," p. 221.) On December 10, 1888, I wrote a letter to the Secretary of State, formally submitting to him an outline of a project which I had conceived for an international dam and water storage on the Rio Grande near El Paso, Tex. (Testimony, p. 209.) On April 12, 1889, I received an order from the War Department to proceed to El Paso, Tex., and assist the officers of the Geological Survey in an effort to redeem the areas of irrigable land in that valley within a radius of 60 miles above and below El Paso. On April 19 I received further instructions from Maj. Powell, Director of the Geological Survey, in which he took occasion to emphasize the international character of the questions involved, and directed me to consult with the Mexican officials and assure them of the desire of his office to proceed with due regard to the rights of Mexico. (See my report, testimony, pp. 180, 181.) I carried out my instructions, and on October 10, 1889, made my report giving the results of my investigations pursued in cooperation with the Mexican officials, and recommended the building of an international dam at one of two possible sites in the gorge above El Paso. (Testimony, pp. 180–208.)

On April 29, 1890, Congress passed a concurrent resolution entitled "Concerning the irrigation of arid lands in the valley of the Rio Grande River, the construction of a dam across said river at or near El Paso, Tex., for the storage of its waste waters, and for other purposes." (S. Doc. 154, 57th Cong., 2d sess., p. 9.) This resolution recites the exhaustion of the water of the Rio Grande available for irrigation, caused "by means of irrigating ditches and canals taking the water from said river and other causes," and the damage and confusion wrought by the annual floods on the river; and authorizing negotiations with the Government of Mexico for the purpose of remedying these difficulties. (S. Doc. 154, 57th Cong., 2d sess., pp. 9, 10.)

On October 30, 1893, I was appointed the first American commissioner upon the International Boundary Commission, United States and Mexico, under the convention of 1889, and thereafter on May 6, 1896, Secretary of State Olney and Señor Romero, the Mexican minister, signed a protocol reciting that it was essential for the conduct of the negotiations contemplated by the foregoing resolution that certain facts should be ascertained, and directing Señor Osorno, the Mexican commissioner, and myself to investigate and report upon the following questions:

"1. The amount of water of the Rio Grande taken by the irrigation canals constructed in the United States of America.

"2. The average amount of water in said river, year by year, before the construction of said irrigation canals and since said construction—the present year included.

"3. The best and most feasible mode, whether through a dam to be constructed across the Rio Grande near El Paso, Tex., or otherwise, of so regulating the use of the waters of said river as to secure to each country concerned and to its inhabitants their legal and equitable rights and interests in said waters." (S. Doc. 229, 55th Cong., 2d sess., p. 34.)

We proceeded in this investigation at a cost of several thousand dollars, found a suitable site for a dam in the El Paso Canyon, and reported to the two Governments plans and specifications for the dam and reservoir, and an estimate of its cost—about $2,300,000. (S. Doc. 229, 55th Cong., 2d sess., p. 31 et sec, especially p. 40.) A tentative draft of a treaty providing for the construction of the proposed dam was drawn up as the result of informal conferences between the Mexican minister, Assistant Secretary of State Adee, and myself, and was formally submitted by the Mexican minister to the Secretary of State (S. Doc. 229, 55th Cong., 2d sess., pp. 180–182); and later on several bills to the same end were introduced in Congress.

Meanwhile, however, the project for an international dam at El Paso had attracted the attention of a group of men in El Paso and elsewhere, who conceived the idea of anticipating the erection of the proposed international dam by appropriating all the water which would be available therefor, by obtaining the right to construct a dam at some point higher up the river, thus putting themselves in an advantageous strategic position, enabling them to compel the United States Government to subsidize their project in order to discharge its treaty obligations to Mexico. (Testimony, pp. 7, 66, 70–71, 123, 124.) These gentlemen in 1893 organized the Rio Grande Dam & Irrigation Co., under the laws of New Mexico. On February 1, 1895, this company obtained the approval of the Secretary of the Interior, under the act of March 3, 1891, for its filings for a right of way and reservoir site in connection with a dam to be constructed at Elephant Butte, N. Mex. (S. Doc. 229, 55th Cong., 2d sess., p. 4) a point on the Rio Grande some 115 miles above El Paso.

Dr. Boyd, to whom reference has already been made, became interested in the new company early in its history, and soon became its leading spirit. (See his letter to the Secretary of State, July 11, 1902.) Not being able to finance the company in the United States he went abroad for capital, and succeeded, about 1896, in organizing an English holding company known as the Rio Grande Irrigation & Land Co. (Ltd.), to acquire by lease and assignment the franchises and rights of the Rio Grande Dam & Irrigation Co. On August 4, 1896, the Mexican minister, Mr. Romero, addressed a protest to the American Secretary of State against the activities of this company, on the ground that it would be useless to build an international dam at El Paso in order to secure to the Mexican landowners in the El Paso Valley their prior water rights, if the English company at Elephant Butte was to be permitted to appropriate all the water in the river. (S. Doc. 229, 55th Cong., 2d sess., pp. 2, 3.) The Secretary of State referred this protest to me, August 8, 1896, requesting my suggestions (S. Doc. 229, 55th Cong., 2d sess., p. 11); and on November 17, 1896, as soon as the investigations of the joint commission, regarding the amount of water taken from the Rio Grande in the United States, and the former flow of the river, had been sufficiently completed, I made a report to the effect that there was not sufficient water to supply the projected dam of the English company, and the proposed international dam at El Paso, and therefore recommended that "if practicable the approval of the reservoir of the Rio Grande Land & Irrigation Co. (Ltd.), at Elephant Butte, be canceled or withdrawn, and, if not practicable to cancel or withdraw the same, that such executive or legislative restriction be placed upon it as to prohibit it from using any part of the flow of the river to which the inhabitants of either bank of the river below may have a prior right by appropriation." (S. Doc. 229, 55th Cong., 2d sess., p. 13.)

Further correspondence between the Departments of State, Interior, the War Department, and the Attorney General resulted in suit being instituted in the Federal courts by Attorney General McKenna to restrain the building of the dam by the English company. These proceedings were instituted upon the theory that the construction of the proposed dam at Elephant Butte, N. Mex., would impair the navigability of the Rio Grande in violation of the statutes of the United States and our treaties with Mexico. In the course of these proceedings I gave my testimony under oath, like any other witness, on behalf of the Government. The case went to the Supreme Court of the United States three times. The first time it was argued for the Government by Attorney General Griggs in person; the second time, under Mr. Knox as Attorney General, it was argued by Mr. M. C. Burch; and the third time by the late Solicitor General, Mr. Bowers (Mr. Wickersham being Attorney General). The litigation was finally terminated by a decree in favor of the Government, the unanimous opinion of the court being read by Mr. Justice Harlan (Mr. Justice McKenna not participating in the consideration or determination of the case). (215 U. S., 266.)

And yet Senator THOMAS regards the institution and prosecution of this suit as the result of a "conspiracy" (RECORD, p. 5343), in which of course, I am chief conspirator; qualifies Secretary Olney's conduct in this connection in "ignoring" an opinion of Attorney General Harmon as "the most sinister feature of all the sinister features of this affair from its beginning to its end" (RECORD, p. 5343); complains that "between the time of the bringing of this suit and its first termination by the court below the President of the United States and his Cabinet were fully advised of its purposes, the absence of its equities, and the effect of the suit, if successful, upon agricultural conditions in that section of the country" (RECORD, p. 5345); and finally says, in speaking of the decision of the Supreme Court of the United States enjoining the defendant company because it had failed to complete its work within the five-year period provided by the statute, that "the decree was as unjust as the suit. It was founded upon a falsehood, and the decree was consistent with its foundation." (RECORD, p. 5345.)

Furthermore, Senator THOMAS asserts that "the United States Government finally and reluctantly conceded that its proceeding against the Rio Grande Dam & Navigation Co. was a persecution and not a prosecution; that its cause of action was a pretense, and its final judgment a great wrong, and so it has agreed to reimburse those who financed the enterprise to the extent of the money invested." (RECORD, p. 5350; see also RECORD, p. 5280.) But the Senator appears to be in error. The United States has declined to recognize that there is any merit in the company's claim, and the claim of the English company is one of those which have been referred to arbitration under the convention between the United States and Great Britain of August 18, 1910, for the arbitration of pecuniary claims, and is therefore now pending before the arbitral court for settlement. The impropriety, under these circumstances, of Senator THOMAS'S remarks, in so far as they relate to this case, would seem too obvious for comment.

So far as the treaty of 1906 for the equitable distribution of the waters of the Rio Grande is concerned, Senator THOMAS is absolutely mistaken in thinking that I had anything to do with it. During President Roosevelt's administration the matter of the equitable distribution of the waters of the Rio Grande was placed in the hands of the Reclamation Service, under Dr. Newell. To the best of my recollection, I never was consulted by anyone, officially, regarding that treaty, and had no knowledge of its terms until after it was ratified and promulgated and I saw it in the press. In fact, the treaty was a great disappointment to me in that it abandoned the international dam at El Paso, which I had always advocated, in favor of a site which I did not believe was adapted to furnishing to the Mexican landowners in the El Paso Valley the water to which I have always thought they were entitled by virtue of their prior rights. If I could bring myself to regard an attack by any responsible man upon my personal and official honor as other than serious, I could not but regard it as a humorous circumstance to be charged with being the "Mephisto" of a treaty which I first saw in the newspapers.

Toward the close of the Senator's speech (RECORD, p. 5280) he states that if he is "correctly informed," I "disbursed and controlled" the $50,000 appropriation for the Chamizal arbitration; and he thereupon proceeds to criticize (most unjustly, as I am advised) an item of expenditure out of this appropriation. The Senator has not been correctly informed. I neither disbursed nor controlled this appropriation nor a single penny thereof. I may add that all of my disbursements, something like $500,000 of Government money, have passed the scrutiny of the proper accounting officers of the Government, and that no act of mine during my incumbency of over 20 years as boundary commissioner has been disappproved by my superiors.

I have served in the Regular Army over 55 years, the past 20 years' service with the Boundary Commission being as an officer of the Army, with pay and allowance as such, under a joint resolution of December 12, 1893. I was appointed by Secretary Gresham as the first international boundary commissioner under the treaty of 1889 with Mexico, and have served in that capacity continuously ever since to the satisfaction of the department under Secretaries Gresham, Olney, Sherman, Day, Hay, Root, Bacon, and Knox. I am now assailed by a United States Senator, acting under the high responsibility and privilege of his office, in a two days' speech on the floor of the Senate and accused repeatedly, both directly and indirectly, albeit always in terms as vague as they are reckless, of dishonesty in the discharge of my official duties. I am challenged either to "vindicate the integrity of his [my] conduct or receive the indignant but merited condemnation of honest men everywhere."

I assert the absolute honesty and integrity of each and every one of my official and personal acts and stand ready at all times to vindicate my integrity before any competent tribunal.

Very respectfully,

ANSON MILLS,
Mexican Boundary Commissioner and Disbursing Officer.

WAR DEPARTMENT,
ADJUTANT GENERAL'S OFFICE,
Washington, February 24, 1897.

Statement of the military service of Anson Mills, of the United States Army, compiled from the records of this office.

He was a cadet at the United States Military Academy, July 1, 1855, to February 18, 1857.

He was appointed—

First lieutenant, Eighteenth Infantry, May 14, 1861.
Captain, April 27, 1863.
Transferred to Third Cavalry, January 1, 1871.
Major, Tenth Cavalry, April 4, 1878.
Lieutenant colonel, Fourth Cavalry, March 25, 1890.
Colonel, Third Cavalry, August 16, 1892.

He was brevetted captain, December 31, 1862, for gallant and meritorious services in the Battle of Murfreesboro, Tenn.; major, September 1, 1864, for gallant and meritorious services in the Battle of Chickamauga, Ga., and during the Atlanta campaign; lieutenant colonel, December 16, 1864, for gallant and meritorious services in the Battle of Nashville, Tenn.; and colonel, February 27, 1890, for gallant services in action against Indians, at Slim Buttes, Dak., September 9, 1876.

SERVICE.

He was on recruiting service July 19, 1861, to February 17, 1862, with regiment in Army of the Ohio, and Department of the Cumberland, to October 22, 1864, and acting insp or general, district of Etowah, to February 25, 1865. He participated in the siege of Corinth, April 29 to June 5, 1862; Battles of Perryville, Ky., October 8, 1862, Murfreesboro, Tenn., December 29, 1862, to January 5, 1863; Hoovers Gap, Tenn., June 25 and 26, 1863; Chickamauga, Ga., September 19 and 20, 1863; siege of Chattanooga, Tenn., September 21 to November 4, 1863; Missionary Ridge, Tenn., November 24 and 25, 1863; Tunnel Hill, Ga., February 23 and 24, 1864; Buzzards Roost, Ga., February 25 and 26, 1864; Atlanta campaign, May 3 to September 8, 1864; Resaca, Ga., May 13 to 15, 1864; Dallas, Ga., May 24 to June 5, 1864; New Hope Church, Ga., May 29 to 31, 1864; Kenesaw Mountain, June 22 to July 3, 1864; Neal Dow Station, July 4, 1864; Peach Tree Creek, Ga., July 20, 1864, where he was slightly wounded; Utoy Creek, Ga., August 7, 1864; Jonesboro, Ga., September 1, 1864; and Nashville, Tenn., December 15 and 16, 1864.

He was on recruiting service from February 25, 1865, to November 15, 1865, when he rejoined his regiment and served with it in Kansas to March, 1866; on leave to October, 1866; (member of Board of Visitors at United States Military Academy in June, 1866;) with regiment at Fort Bridger, Wyo., to October, 1867, and at Fort Fetterman, Wyo. to May 10, 1868; on leave to July 10, 1868, with regiment at Fort Sedgwick, Colo., to April, 1869; and in Georgia and South Carolina to January 15, 1871.

He joined the Third Cavalry, April 15, 1871, and served with it in Arizona to December 1, 1871.

He commanded his troop at Fort McPherson, Nebr., January 17 to May 1, 1872; at North Platte, Nebr. (on leave December 2, 1872, to March 9, 1873), to August 13, 1874; in the field commanding the Big Horn expedition to October 13, 1874; on leave to January 18, 1875; commanding troop and post of North Platte, Nebr., to April 14, 1875; at Camp Sheridan, Nebr., to November 20, 1875; at Fort D. A. Russell, Wyo. (in field February 21 to April 26, 1876, being engaged in action against Indians at Little Powder River, Mont., March 17, 1876), to May 18, 1876; commanding battalion of regiment in the field on expedition against hostile Indians to October 24, 1876; being engaged against them at Tongue River, Mont., June 9, at Rosebud River, Mont., June 17, and at Slim Buttes, Dak., September 9, 1876 (where he comamnded); commanding his troop at Camp Sheridan, Nebr., November, 1876, to May 21, 1877, and on leave of absence to February 27, 1878; on duty in Paris, France, with the United States commissioner, Paris Exposition, to November, 1878; and on delay to March, 1879.

He joined the Tenth Cavalry April 11, 1879, and served with regiment in Texas (on leave March 23 to June 30, 1880, and August 26, 1880, to March 21, 1881) to May 21, 1881; commanding battalion of regiment at Fort Sill, Ind. T., to November, 1881; on duty at Fort Concho, Tex., to July, 1882; at Fort Davis, Tex. (on leave October 26, 1883, to January 2, 1884), to April 1, 1885; commanding post of Fort Thomas, Ariz., to August 26, 1886; on leave to March 27, 1887; on duty at Fort Grant, Ariz., being frequently in field to September 24, 1888; on sick leave to May, 1889, on duty at Fort Bliss, Tex., assisting officers of the Interior Department in surveys (before congressional committee in this city January to March, 1890) to April 2, 1890; and on leave and under orders to July, 1890.

He joined the Fourth Cavalry July 13, 1890, and served at the Presidio, of San Francisco, Cal., to October 31, 1891; commanding regiment and post of Fort Walla Walla, Wash., to February 11, 1893.

He joined the Third Cavalry February 28, 1893, and commanded it and the post of Fort McIntosh, Tex., to June 21, 1893, and the post of Fort Reno, Okla., to August 12, 1893; on leave to October 26, 1893, and since then on duty as commissioner of the United States International Boundary Commission of the United States and Mexico.

(Signed) GEO. D. RUGGLES, *Adjutant General.*

ADDITION TO THE RECORD OF COL. ANSON MILLS, UNITED STATES ARMY, NOT INCLUDED IN THE ADJUTANT GENERAL'S CERTIFICATE OF MILITARY SERVICE.

He left West Point in 1857, went to the frontier of Texas, and engaged in engineering and land surveying; laid out the first plan of the city of El Paso; in 1859 was surveyor to the boundary commission establishing the boundary between New Mexico, Indian Territory, and Texas; in February, 1861, on submission to the popular vote of the State of Texas the question of "separation" or "no separation," he cast one of the lonely two votes in the county of El Paso against separation to 955 for separation; in March, 1861, he abandoned the State, going to Washington, and there joined the military organization known as the "Cassius M. Clay Guards," quartered, armed, and equipped by the United States Government, and served there protecting Federal officers and property, until relieved by volunteer forces called out by the President. On May 14, 1861, was appointed first lieutenant Eighteenth Infantry on the following recommendation from the then first class at the Military Academy:

UNITED STATES MILITARY ACADEMY,
West Point, N. Y., April 30, 1861.

LORENZO THOMAS,
Adjutant General, Washington, D. C.

DEAR SIR: We, the undersigned, members of the first class at the United States Military Academy, respectfully recommend to your favorable consideration the claims of Mr. Anson Mills, an applicant for a commission as second lieutenant in the United States Army.

Mr. Mills was formerly a member for nearly two years of the class preceding ours, when he resigned.

During that time his habits and character conformed to the strictest military propriety and discipline, and we feel assured that he would be an honor to the service, and that its interests would be promoted by his appointment.

Respectfully submitted.

James F. McQuesten, Chas. E. Hazlett, Henry B. Noble, Francis A. Davies, John I. Rogers, J. W. Barlow, W. A. Elderkin, A. R. Chambliss, Emory Upton, Eugene B. Beaumont, J. Ford Kent, J. S. Poland, Addelbert Ames, A. R Buffington, C. E. Patterson, Leonard Martin, Sheldon Sturgeon, Wright Rives, Chas. C. Campbell, M. F. Watson, Ohio F. Rice, Erskene Gittings, Franklin Howard, Chas. Henry Gibson, J. H. Simper, H. A. Dupont, J. Benson Williams, Chas. M. K. Leoser, R. L. Eastman, Leroy L. Janes, Guy V. Henry, N. W. Henry, John Adair, jr., Judson Kilpatrick, S. O. Sokalski, Samuel N. Benjamin, J. B Rawles, L. G. Hoxton.

During the four years of the war he was never absent, either on leave or from sickness, and was present in all of the engagements of his regiment.

Fox's "Regimental Losses" states, on page 3, that his regiment—Eighteenth Infantry—lost more in killed and mortally wounded than any other regiment in the Regular Army, and that his company—H, First Battalion (p. 420)—lost more in killed and mortally wounded than any company in his regiment.

He invented the woven cartridge belt (and loom for manufacture), now adopted and exclusively used by the Army and Navy of the United States.

He stands No. 24 on the lineal list of 71 colonels in the Army.

Private resolution No. 1.

Joint resolution permitting Anson Mills, colonel of Third Regiment United States Cavalry, to accept and exercise the functions of boundary commissioner on the part of the United States.

Resolved, etc., That Anson Mills, colonel Third Regiment United States Cavalry, having been nominated by the President and confirmed by the Senate as a commissioner of the United States under the convention between the United States of America and the United States of Mexico concluded and signed by the contracting parties at the city of Washington March 1, 1889, is hereby permitted to accept and exercise the functions of said office of commissioner: *Provided*, Said officer shall continue to receive his emoluments in pay and allowances as colonel in the Army while holding said office of commissioner the same as he would receive were he performing such duty under military orders, and no other or additional pay or emoluments for his services as such commissioner.

Approved, December 12, 1893.

STATUE OF GEORGE WASHINGTON GLICK.

The PRESIDENT pro tempore. There being no resolutions coming over from a former day, morning business is closed.

Mr. MARTIN of Virginia. I move that the Senate proceed to the consideration of House bill 17824, being the general deficiency appropriation bill.

The PRESIDENT pro tempore. The Chair will call the attention of the Senator from Virginia to the fact that, by a resolution heretofore adopted, exercises appropriate to the acceptance of a statue of George Washington Glick were to take place immediately after the completion of the routine morning business to-day.

Mr. MARTIN of Virginia. I will say to the Chair that I make the motion with the consent of the junior Senator from Kansas [Mr. THOMPSON] that the bill to which I refer shall be now considered.

The PRESIDENT pro tempore. Does the junior Senator from Kansas make the request that the order be temporarily laid aside?

Mr. BRISTOW. How long will the bill moved by the Senator from Virginia take? I do not want delay.

Mr. MARTIN of Virginia. The bill perhaps will not take 30 minutes. There is no controverted matter in the bill.

Mr. BRISTOW. Why not wait until the regular order is disposed of?

Mr. MARTIN of Virginia. Very well. I spoke to the junior Senator from Kansas, and my request was agreeable to him; but if the Senators from Kansas can not agree about the matter, I will withhold it.

The PRESIDENT pro tempore. The Senator from Kansas [Mr. BRISTOW] having objected to the request of the Senator from Virginia, the regular order will be the exercises appropriate to the reception and acceptance of the statue of George Washington Glick from the State of Kansas.

Mr. THOMPSON. Mr. President, I present a letter from the governor of Kansas and ask that it may be read.

The PRESIDENT pro tempore. In the absence of objection, the Secretary will read as requested.

The Secretary read as follows:

STATE OF KANSAS, GEORGE H. HODGES, GOVERNOR,
Topeka, June 29, 1914.

To the Senate and House of Representatives, Washington, D. C.

GENTLEMEN: Among the many distinguished Kansans who have patriotically devoted their lives to the service of the State, helped make its splendid history, promoted its material growth and prosperity, and marched in the forefront of the van of spiritual and social progress,

there is no man who ranks higher than its one-time governor, the late George W. Glick.

Grateful for his eminent services and proud of his history and attainments in behalf of the State, the legislature, at its regular session of 1913, adopted a concurrent resolution and made an appropriation for the purchase of a suitable statue, as a tribute to his memory, to be placed in Statuary Hall, where the Nation has granted to his people the privilege of placing it. This rare privilege is gratefully accepted by the State of Kansas, and the statue, done in imperishable marble, is now ready for acceptance by the Government; and, in behalf of the Legislature of Kansas and of the people I represent, I here avail myself of the honor and pleasure of presenting it to the people of the United States and their Representatives in Congress assembled.

Respectfully, yours,

GEORGE H. HODGES, *Governor.*

Mr. THOMPSON. Mr. President, I submit a concurrent resolution, and ask that it may be read and considered at this time.

The PRESIDENT pro tempore. The Senator from Kansas introduces a concurrent resolution, which the Secretary will read.

The Secretary read the concurrent resolution (S. Con. Res. 28), as follows:

Resolved by the Senate (the House of Representatives concurring). That the statue of George Washington Glick, presented by the State of Kansas to be placed in Statuary Hall, is accepted in the name of the United States, and that the thanks of Congress be tendered the State for the contribution of the statue of one of its most eminent citizens, illustrious for his distinguished civic services.

Second. That a copy of these resolutions, suitably engrossed and duly authenticated, be transmitted to the governor of the State of Kansas.

The Senate, by unanimous consent, proceeded to consider the concurrent resolution.

Mr. THOMPSON. I present a communication from Hon. ROBERT L. OWEN, senior Senator from the State of Oklahoma, and ask that it may be read by the Secretary.

The PRESIDENT pro tempore. The Senator from Kansas presents a communication, which he asks may be read by the Secretary. Unless there is objection, that will be the order.

The Secretary read as follows:

[Cablegram.]

JULY 18, 1914.

Hon. WILLIAM H. THOMPSON,
United States Senate, Washington, D. C.:

I greatly regret my inability to be with you to-day. I especially desire to pay my great respect for Gov. Glick in person. He was an honor to the great State of Kansas. His upright, useful life, his great integrity, and his patriotic devotion to the public interest will always remain a model and an inspiration to the youth of Kansas and our whole country. May his splendid example be forever perpetuated by the noble monument which you to-day erect in the National Capitol.

My sympathy and good wishes are with you. Extremely sorry I am prevented being present.

ROBERT L. OWEN.

Mr. THOMPSON. I also present a telegram from Representative GEORGE A. NEELEY, of the seventh district of Kansas, which I ask may be read.

The PRESIDENT pro tempore. The communication will be read, unless there is objection. The Chair hears none, and the Secretary will read.

The Secretary read as follows:

[Telegram.]

HUTCHINSON, KANS., *July 18, 1914.*

Senator W. H. THOMPSON, *Washington, D. C.:*

Matters over which I have no control deprive me of the pleasure of being present at the proceedings in Congress upon the acceptance of the statue to the memory of the late Gov. George W. Glick. Time has only tended to magnify the splendid qualities that made him the foremost Kansan of his day, and it is indeed a happy day for the people of our State, irrespective of party, that this remembrance of his life, service, and activities is to be thus recognized.

GEORGE A. NEELEY.

Mr. THOMPSON. I also present and ask to have read a telegram just received from Hon. B. P. Waggener, of Atchison, Kans.

The PRESIDENT pro tempore. In the absence of objection, the Secretary will read as requested.

The Secretary read as follows:

[Telegram.]

ATCHISON, KANS., *July 18, 1914.*

Hon. W. H. THOMPSON,
United States Senate, Washington, D. C.:

As member of legislature for many years and as chief executive of Kansas, George W. Glick accomplished more for State than any of her public men. While he was not a brilliant orator he was a constructive statesman, and Kansas honors herself by perpetuating his memory.

B. P. WAGGENER.

Mr. THOMPSON. Mr. President, the statutes of the United States provide:

The President is authorized to invite all the States to provide and furnish statues in marble or bronze not exceeding two in number for each State of deceased persons who have been citizens thereof and illustrious for their historic renown or for distinguished civic or military services, such as each State may deem to be worthy of this national commemoration, and when so furnished the same shall be placed in the old Hall of the House of Representatives in the Capitol of the United States, which is set apart, or so much thereof as may be necessary, as a national statuary hall for the purpose herein indicated.

This proceeding, therefore, involves two propositions: First, the presentation by the State of Kansas to the United States of a marble statue of the late George Washington Glick; and, second, the formal acceptance of that statue by the Congress of the United States.

Sir William Jones, the noted English linguist and jurist, furnished to the literature of the world the following beautiful sentiment in verse:

What constitutes a State?
Not high-raised battlement or labored mound,
Thick wall or moated gate;
Not cities proud with spires and turrets crowned;
Not bays and broad-armed ports
Where, laughing at the storm, rich navies ride;
Not starred and spangled courts
Where low-browed baseness wafts perfume to pride.
No! Men, high-minded men,
With powers as far above dull brutes endued
In forest brake, or den,
As beasts excel cold rocks and brambles rude,
Men who their duties know,
But know their rights, and, knowing, dare maintain,
Prevent the long-aimed blow,
And crush the tyrant while they rend the chain.
These constitute a State,
And sovereign law, that State's collected will,
O'er thrones and globes elate,
Sits empress, crowning good, repressing ill.

Sumner said: "The true grandeur of nations is in those qualities which constitute the greatness of the individual."

The causes which shape the fortunes of individuals and the destinies of nations are substantially the same. That nation is the greatest which produces the most noble men and faithful women. It has frequently been demonstrated in battle that success does not depend so much upon the number of men and guns as it does upon the character of the men behind the guns. The principal elements of success in life consist in innate capacity and pronounced determination to excel. Where either is wanting, failure is almost certain. It is therefore proper on occasions like the present to make a study of successful lives, to serve both as a source of information and as a stimulus and encouragement to those who have the capacity to emulate their example. Longfellow furnishes an important lesson in this connection in his expression, "We judge ourselves by what we feel capable of doing, while we judge others by what they have already done."

George Washington Glick, the ninth governor of Kansas, was born at Greencastle, Fairfield County, Ohio, July 4, 1827. His great-grandfather, Philip Glick, a Revolutionary soldier, was one of five brothers who came to Pennsylvania from Germany. His grandfather, George Glick, served in the War of 1812, as did also his mother's father, Capt. George Sanders. Gov. Glick's father, Isaac Glick, was a man of influence in the community where he lived, who took an active interest in State and local politics, and held many positions of public trust. His mother, Mary Sanders, was of Scotch parentage, and a woman of marked and lovable character. Both parents lived to a good old age.

Gov. Glick was reared on his father's farm near Fremont, Ohio, and there acquired the habits of industry, economy, and self-reliance that have made his later life so successful. At the age of 21 he entered the office of Buckland & Hayes as a law student, and was admitted to the bar two years later at Cincinnati by the supreme court. Rutherford B. Hayes, one of the members of this firm, afterwards became President of the United States. Gov. Glick began the practice at Fremont and soon won an enviable reputation as a hard-working and faithful lawyer. He fully sustained this reputation after coming to Kansas. Whatever else may be said of the legal fraternity, it can not be successfully denied that members of the bar have been more prominent in public affairs than any other class of citizens. Gov. Glick was a natural leader of men and consequently began early in life to take a hand in politics. When but 31 years of age he was nominated for Congress by the Democracy of his district in Ohio, but declined to accept the nomination. The same year he was nominated for State senator and made the race against Gen. R. P. Buckland, his former law preceptor. He was defeated, but ran 1,750 votes ahead of his ticket.

Locating at Atchison in the spring of 1859, about the same time that Senator Ingalls also located there, he formed a partnership with Hon. Alfred G. Otis, who afterwards became a prominent judge of the State, which partnership lasted until 1874, when an affection of the throat compelled him to relinquish the active practice of the law. This firm soon became one of the best law firms in the State. Hon. Ballie P. Waggener,

of Atchison, the present general attorney for the Missouri Pacific Railway Co., and one of the most prominent Democrats of Kansas, and whose sixty-seventh birthday is being celebrated to-day, read law in this office when he was a young man and was admitted to the bar from this firm. Mr. Waggener is also the author of the resolution for the presentation of the Glick statue to the Nation, which as State senator he introduced in the last legislature. Gov. Glick soon took a leading place at the Kansas bar. His practice extended throughout all the courts, and he was a salaried attorney for two railroads and a number of large business concerns. His fees were often very large, but at the same time he did much legal work for the poorer settlers without compensation, and he never willingly saw a man sent out of court without a hearing because he was unable to pay a lawyer. At the bar he won marked prestige by reason of his thorough understanding of the law and his constant devotion to his clients' interests. He prepared his cases with precision and exactness, studied the question at issue from every conceivable standpoint, and was thus ready to meet not only the expected but also the unexpected, which happens so frequently in the courts.

Notwithstanding he was an active Democrat and lived on the Missouri River in close proximity to the State of Missouri, he was an uncompromising free-State man, and was perhaps as much responsible for the State enlisting in the free-State cause as any other person. He helped to prepare and adopt the constitution upon which the State of Kansas was admitted to the Union. He served in the first legislature and again and again in following legislatures until the policy of the State was firmly established. He was elected by the Democrats to the Kansas Legislature in 1862, without opposition, something unprecedented in that Republican State in those days. He was reelected by the Democrats against strong Republican opposition in an overwhelmingly Republican district in 1863, 1864, 1865, 1866, 1868, 1876, and 1882, serving almost constantly for 18 years, giving him the longest service in the Kansas Legislature of any man in either political party.

During his long and active service as a legislator he introduced and secured the passage of many needed and important laws that have fixed and settled the policy of the State on many matters of vast interest, and that have stood the test of time and experience. Mr. Glick in 1863 prepared and secured the passage of the first law in Kansas regulating the rate of interest on money, changing the then prevailing rates of from 5 and 3 per cent per month to 10 per cent per annum, with penalties for exacting usury. Also the first law relating to marriage, and providing for a record of the same, making it easy to prove the marriage and to establish the legitimacy of children and the title to property belonging to heirs. This law, passed in 1863, has been amended, but the original requirements of a license and a record of the marriage have not been changed. The occupying-claimant law, the law relating to wills, and the mechanics' lien law, with many others passed in the early sixties, that have stood the test of time and extended by amendments to conform to changed conditions, but not changing their theory or purpose, are now part of the settled policy of the State. Gov. Glick, as chairman of the judiciary committee, in 1868, in revising the laws, prepared and secured the adoption of sections 5046 and 5047 of the civil code, which have had a most important bearing on the proceedings of the supreme court.

Section 5046 provides that in all cases decided by the supreme court it shall be the duty of the judges of the supreme court to prepare and file with the papers of the case the opinion of the court upon the questions of law arising in the case before any mandate shall issue to the court below.

Section 5047 provides that the judge writing the opinion of the court shall prepare a syllabus of the points of law decided in the case, and file the same with the papers in the case, and in all cases a copy of the syllabus must accompany the mandate to the court below. Previous to the adoption of those two sections of the code, in more than half of the cases tried and decided by the supreme court no opinions were filed, and litigants never knew on what grounds the cases were decided; and the lower courts, when cases were reversed, were left in ignorance of the reasons for reversal. These amendments to the code met with the universal indorsement of the bar of the State, and Gov. Glick received many thanks from district judges and members of the bar commending his acts in securing the passage of these statutes.

In 1876 Gov. Glick was made speaker pro tempore of the house of representatives, although that body was strongly Republican. As a presiding officer he proved eminently fair and an expert parliamentarian. During his years in the legislature he was recognized as one of its strongest members. He was a ready debater and on the alert to detect all schemes aimed at the public treasury or at the rights and liberties of the people, and knew the full meaning and import of every bill passed. He was at the head of the judiciary and other important committees, and to him is largely due the credit for the complete and successful revision of the laws of Kansas made by the judiciary committee in 1868.

He was a delegate to the Democratic national conventions in 1856, 1868, 1884, and 1892. He was the choice of the Kansas Democracy in 1884 for Vice President, and the Kansas delegation in the Democratic national convention at Chicago that year presented his name to the convention as its candidate for Vice President after the nomination of Grover Cleveland for President.

He was nominated for governor in 1868 and made the race in obedience to his party's call, although his defeat was inevitable. In 1882 he was again the unanimous choice of his party for governor and made a memorable campaign, and, though fighting against great odds, among them being a Republican majority of over 52,000, he defeated that distinguished Republican and Prohibitionist, John P. St. John, by 8,079 votes. The campaign of 1882 was an extremely lively contest. It was the first political campaign that I ever became interested in. My father, John F. Thompson, made his first political race in Kansas on the Democratic ticket for probate judge of Nemaha County, and I was naturally interested in the outcome, although only a mere boy. I remember especially the activity of Gov. Glick in that campaign. I learned from him at that time my first lesson in politics. He made a personal campaign, speaking in practically every county in the State, and when the votes were counted he had overcome the fifty-odd thousand Republican majority. Gov. Glick was the only Democrat elected on the State ticket in 1882. Gov. Glick was our first and only Democratic governor until the present administration, and our present governor was also the only Democrat elected on the State ticket in 1912.

While in the election of 1882 the resubmission question cut some figure in the contest, as prohibition had only recently been adopted in the State, and most people who were opposed to the amendment at that time, regardless of political affiliations, naturally voted the Democratic ticket, yet, after all, the fight against the third term for St. John was really the controlling factor that brought success to the Democrats. No one in any party has ever been elected for a third term for governor in Kansas, and very few men have been elected for a third term to any office. Resubmission, when submitted alone, has always been defeated, and always will be. Resubmission was like a millstone around the neck of the Democratic Party so long as it gave encouragement to this issue. General success never came to the party on principle until it freed itself of this burden. None of the old recognized leaders of the party now stands for resubmission. In fact, none of the leaders of any of the political parties now advocates it. It is a dead issue in Kansas, except to only a few politicians who refuse to recognize the settled policy of the State in this regard, and who occasionally attempt to resurrect it simply to cause trouble. Although the resubmissionists claimed to have elected Gov. Glick, their cause never received any consideration or encouragement during his administration, and before he died, like David Overmyer and other former great leaders, he repudiated the doctrine.

Gov. Glick was inaugurated January 8, 1883, and his administration was marked by dignity, intelligence, and a careful and discreet management of the material and financial interests of the State. His long experience as a legislator gave him an intimate knowledge of the State's needs, and many valuable reform measures recommended in his message to the legislature were accomplished. He entered an earnest protest against the burdens imposed upon the agricultural classes by the railroads, and asked that legislation be enacted to prevent these exactions. A law creating a railroad commission and embodying substantially a the improvements asked by him was passed and proved of great benefit to the people of the State.

Among other measures suggested by him and adopted by the legislature may be cited the first good-roads law enacted by the State; more just and equitable assessment laws for taxation; the establishment of a live-stock sanitary commission, with a State veterinary surgeon; and laws providing for the better care of public money, since the adoption of which not one dollar has been lost to the State.

A wise economy without stinginess marked his management of the State's finances, and the various educational and charitable institutions of the State were admirably cared for. He was renominated for governor in 1884, but was defeated by Col. John A. Martin, also of Atchison, although running 15,000 votes ahead of his ticket.

In 1885 he was appointed by President Cleveland pension agent at Topeka, and so satisfactorily discharged these duties that he was reappointed without solicitation on his part when Mr. Cleveland again came into office. During Gov. Glick's two terms as pension agent at the Topeka agency he received over $87,000,000, which he disbursed to ex-soldiers, and holds the Government's acknowledgment for the faithful disbursement of that large sum without the loss of one cent to the Government or to the old soldiers. Among those who served as employees under Gov. Glick while pension agent there are still employed in the Pension Bureau in this city 15 men, who have contributed the following statement for these proceedings, which I am pleased to present:

We found in that closer relationship of employer and employee all he demanded, as the one in charge of this important Government position, was faithful, earnest, and honest endeavor to do and perform all duties assigned us the same as would be expected of us in any other field of human activity. He demanded the same requirements in public service as in private life. He exacted no more and was satisfied with no less. He insisted upon faithfulness in the performance of duty. He was decidedly averse to subterfuge, unmoved by flattery, and observant of the absolute rights of others. An unrelenting foe to unfaithfulness he ever admired fidelity of purpose, honesty of endeavor, and uprightness of conduct. Whether in private, public, or official life, he believed the same rules should be conscientiously applied. Officially or privately he was easily approachable, listened with interest, advised with candor, and judged with mercy.

With the exception of his immediate associates during the Civil War and perhaps a very few close friends in his social, public, or political life, it was not generally known that he served in an humble station during the Civil War. Still fewer of his immediate friends knew that he was wounded during his service. Inquiry of one of his closest friends, an important appointee during his term as governor of the State, brought an emphatic denial of his service, because, as he said, "Had the governor been a soldier he would certainly have told me."

Men who campaigned with him when such a statement would have largely benefited his chances made no claim along that line, because they did not know it. He was decidedly averse to making use of this fact, even for political gain. That he took this course is characteristic of the man. Experience and observation have shown that length of service is of far less importance than the fact of service. His country called; he obeyed the call, served the term required by the Government, was in a battle, received wounds, and when discharged retired to civil life, as did thousands of others, to resume the obligations, duties, and labors of citizenship.

Guy O. Taylor, disbursing clerk for the payment of pensions; Cass Carr, John Hovenden, Lawrence A. McDonald, Mark P. Miller, Emmett Turner, Leonard S. Fortune, Isaac D. Huntsberger, O. B. Martin, C. D. Nichols, J. P. Wilson, Samuel C. Garrard, Rufus G. Kessler, E. E. Miller, William H. Ruff.

For 30 years Gov. Glick was engaged in farming. He was the owner of a valuable tract of land of about 640 acres 4 miles west of the city of Atchison, and there he successfully carried on stock raising, making a specialty of breeding shorthorn cattle. A number of times he paid as high as $1,000 for a single head, and among stock dealers he obtained a wide reputation, shipping cattle all over the United States. He was a close personal and political friend of Senator William A. Harris, who distinguished himself in this body. They had many things in common, and were especially mutually interested in high-grade stock and intensive farming.

He was one of the organizers of the State board of agriculture, and served several terms as its president, and at the time of his death was still a member. He was a member of the Kansas Historical Society and its first vice president. He was a ready and vigorous writer, and contributed many valuable essays on agriculture, stock raising, and kindred subjects to various periodicals and public meetings. He was one of the Kansas commissioners at the Centennial in 1876 and a member of the board of managers at the Columbian Exposition in 1893. He was president of the Kansas board of managers at the Trans-Mississippi and International Exposition in 1898 at Omaha.

Gov. Glick served in the Second Kansas Regiment under Col. M. Quigg, and was in a number of engagements on the border. He was wounded at the Battle of the Big Blue. He enlisted as a soldier in the Mexican War, but peace was declared before he saw active service. He was a Mason, and was one of the charter members of the Knights Templar Commandery at Atchison.

Always an uncompromising Democrat, Gov. Glick had the respect and esteem of Kansas people of all parties. His sagacity and courage in treating public questions, his detestation of trickery, and his fair treatment of all won and kept him many loyal friends.

His inflexible determination to make Kansas respected and entitled to the respect of the Nation forced him into a position of prominence and responsibility. His unswerving attitude through all the changes and vicissitudes of the State made his name a household word. Until the day of his death he represented in his own individuality the best history and attainments of the State of Kansas. More than to any other man is due him the credit for the construction of the important railroads of the State of Kansas. He was a charter member of the Atchison, Topeka & Santa Fe organization, which line started from the city of Atchison, as its eastern terminus. He helped to build up the farming industries of the State, and was always consulted in all matters of farming and stock raising. His natural instincts were in harmony with an agricultural region. He was the best representative of an agricultural State.

Gov. Glick was married in 1857 to Elizabeth Ryder, of Massillon, Ohio, whose grace and dignity adorned his home and added honor to his official life. Mrs. Glick still lives at Atchison in comfort and happiness, enjoying the rewards of a well-spent life. A son, Frederick H., and a daughter, Jennie, are the fruits of this union. Gov. Glick died at his home April 13, 1911, and was buried at Mount Vernon Cemetery, Atchison, Kans. Thus ended the earthly career of one of the ablest, most active, and useful citizens who ever lived in Kansas, and whose achievements are indelibly written upon the pages of history of the State for more than a half century. It is therefore clear that for his historic renown and distinguished civic services he is in every way worthy of national commemoration by the State, and it is entirely fitting and proper that his statue in marble should be presented by the State of Kansas and accepted by the Congress and placed in the National Statuary Hall.

Mr. BRISTOW. Mr. President, George W. Glick was a resident of Kansas for more than 50 years. He devoted much of his life to the promotion of the agricultural interests of the State. He was a genial, affable gentleman, who had attractive social qualities and made many personal friends. His professional and political career was not conspicuous. He was a member of the legislature of the State for many years, served on the State board of agriculture, I believe, from its organization to the time of his death, and was governor for two years.

He was the only real Democrat ever elected governor of Kansas, except the present incumbent of that office. L. D. Lewelling and J. W. Leedy were elected governors over their Republican competitors, but they were both Populists, and were elected on a fusion ticket supported by the Populists and Democrats. Mr. Glick was elected governor in 1882, defeating Gov. John P. St. John, who was running for the third consecutive term. During St. John's incumbency of the office the prohibitory amendment to the constitution was adopted, and he began a vigorous crusade to enforce it. As a result the anti-prohibition Republicans bolted and voted for Glick, who had been nominated by the Democrats on a strong antiprohibition platform.

It is an interesting coincidence in Kansas history that Gov. Glick, the only avowed antiprohibitionist who has ever been elected governor of Kansas since the prohibitory amendment was adopted, is to be honored by the people of his State with a statue in Statuary Hall, though the issue upon which he was elected governor, that of opposition to the prohibitory amendment, has passed away. I have been told by friends of Gov. Glick that before his death he admitted that prohibition had been beneficial to Kansas. And the party which nominated him and denounced prohibition in the most violent terms has now repudiated its antiprohibition declarations and at this time is standing for the prohibitory law and its enforcement. So that, in fact, Gov. Glick and the party which he represented now admit that the issue upon which he was elected governor was a false one. The temporary victory which the Democratic Party won in the State by the election of Mr. Glick resulted in no legislation adverse to the prohibition law of the State. In fact, the law has grown stronger year by year, and to-day is more strongly intrenched in the minds of the people of Kansas than at any time since it was adopted, 34 years ago.

If I had had a voice in the selecting of the second Kansan to be commemorated by a statue in the National Capitol, there are many others that I would have chosen in preference to Gov. Glick. But the legislature, upon whom the responsibility is imposed, has made this choice, and I am glad to commend his good qualities and personal virtues.

Mr. STONE. Mr. President, for more than 25 years my home was at Nevada, Vernon County, Mo., located in the southwestern section of the State. Vernon County adjoins Bourbon County, Kans., of which Fort Scott is the county seat. These cities are about 20 miles apart. Fort Scott is the most important city in southeastern Kansas, and Nevada is one of the most beautiful, progressive, and important cities in southwestern Missouri. Because of the proximity of these counties and cities the people residing in them, respectively, were constantly brought into intimate intercourse with each other. Years ago I had a somewhat extensive acquaintance with the people of that part of Kansas tributary to Fort Scott. Back in the seventies and

eighties I participated, more or less, in political campaigns in the Sunflower State, particularly in the southeastern section. In the campaign of 1882 George W. Glick was the Democratic candidate for governor. I was complimented with an invitation to deliver several addresses in support of the ticket of which he was the head, and it was during that contest that I first became acquainted with Mr. Glick. Mr. Glick was elected governor in that somewhat memorable struggle. His victory was the occasion of great rejoicing among his political followers throughout Kansas, heartily shared in by thousands of Missourians of his political faith, especially along the western border of that State. I met him frequently afterwards, and although I can not say that I ever knew him intimately, I did know him well. He was a strong, virile, intellectual man, whose heart was full of kindness and sympathetic regard for his fellow men. He was broad minded and large hearted. He was a typical man of the then new and rapidly expanding West. He was one of the big men of Kansas—patriotic, clean in his life, devoted to the higher duties of citizenship, and withal brave and fearless.

He rendered numerous valuable services to his State and country, and justly held a high place in public esteem. His long and distinguished life was closed among the people to whom he had become greatly endeared, and when he died his countrymen felt that a great man had fallen.

Among the States that make up our Union, Kansas, because of her exceptional history and marvelous development, stands forth as somewhat unique and remarkable. She is one of the great States of our federation, and for her the spirit of promise stands like a shining figure beckoning her onward. Gov. Glick bore a conspicuous part as a builder in making Kansas beautiful and great. It is well, therefore, that the people of Kansas should honor the memory of this man who was so useful to them and the country by giving him a place in Statuary Hall among the mute marble images of so many of the great sons of America.

Mr. REED. Mr. President, the home of Gov. Glick for many years was within a few miles of Kansas City, where I reside. It therefore happened that I had occasion to follow with some degree of accuracy his career.

George W. Glick was a warrior on the battle fields of progress. He was one of those men, all too rare, who place principle above popularity and subordinate private interests to the public weal.

For a half century he waged a desperate struggle on behalf of the principles of a party hopelessly in the minority in his home State. During at least 40 years of that time not a single star of hope illumined the dark horizon. His contention therefore was without expectation of emolument or reward. No man in Kansas could anticipate political preferment who marched under the banner of Democracy. His fidelity through the long years to that cause is certain proof that he found his inspiration in duty.

In this long and desperate contest his spirits never flagged, his zeal never abated. After each disaster his was the first hand to raise the stricken banner from the dust. His voice rang loud and clear as he rallied the scattered hosts. His valor always inspired the hearts of others with courage. So he continued from early manhood until the day of his death to contend for great principles the adoption of which he believed essential to the welfare of the Republic. He saw those principles grow in popularity and strength. He lived to witness the crystallization into law of many reforms for which in the beginning his voice resounded almost alone.

It is eminently proper that the Federal Government unite with Kansas in paying honor to the lofty citizenship of such a man. It is to men of his fiber and character the country owes its onward march. Sincerity in public life, self-sacrifice, and high courage are the qualities which in the end make up the sum of human progress. It has been such architects as George W. Glick who have laid the foundation and erected the walls of the temple of civilization.

Mr. THOMAS. Mr. President, George W. Glick was a type of the early westerner, the man who cast his fortunes and utilized his talents upon the frontier in the stirring days when there was a frontier. In those days the venturesome and the ambitious were attracted by the El Dorado of the West, and, obeying that instinct which has impelled the human race westward from the dawn of civilization, he entered upon a career having its beginning in a rude western and uninhabited land and its full fruition in its redemption from barbarism and its occupation by the white man.

Gov. Glick was elected to the chief magistracy of the State which he helped to found at a time when questions of internal interest and importance had weakened the loyalty of the great majority party to its ticket. He became conspicuous by reason of the fact that he was the first Democratic governor of the State of Kansas; but with the eyes of the country upon him in consequence of that unique circumstance, he bore the burdens of his position with dignity and discharged its duties with eminent success.

It is altogether fit and proper, Mr. President, that the marble effigy of such a man should be the companion piece from the State of Kansas of that of the great Senator, John J. Ingalls, who was conspicuous for so many years in the Senate Chamber.

The PRESIDING OFFICER (Mr. CLARK of Wyoming in the chair). The question is on agreeing to the concurrent resolution submitted by the Senator from Kansas [Mr. THOMPSON].

The concurrent resolution was unanimously agreed to.

DEFICIENCY APPROPRIATIONS.

Mr. MARTIN of Virginia. I move that the Senate proceed to the consideration of House bill 17824, being the general deficiency appropriation bill.

The motion was agreed to; and the Senate, as in Committee of the Whole, proceeded to consider the bill (H. R. 17824) making appropriations to supply deficiencies in appropriations for the fiscal year 1914 and for prior years, and for other purposes, which had been reported from the Committee on Appropriations with amendments.

Mr. MARTIN. I ask unanimous consent that the formal reading of the bill be dispensed with and that the bill be read for amendment, the committee amendments to be first considered.

The PRESIDING OFFICER. Without objection——

Mr. BURTON. I take it that the House provisions of the bill will not be read at all.

Mr. MARTIN of Virginia. The House provisions of the bill can be read. I did not ask to dispense with the reading of the House provisions.

Mr. BURTON. How long would it take to read the provisions of the bill as it comes from the other House? I should like, as the bill has just come before us, to have those provisions read.

Mr. MARTIN of Virginia. I do not know how long it would take; but if the Senator from Ohio wants to hear every word of the bill read, of course, he can insist on that being done.

Mr. SMOOT. The Senator from Virginia has simply asked that the formal reading of the bill be dispensed with.

Mr. MARTIN of Virginia. I simply asked that the formal reading be dispensed with.

Mr. BURTON. Will every item, including the House provisions, be read?

Mr. MARTIN of Virginia. They will not, with my approval; but if the Senator from Ohio so desires, that will be done. I might just as well be frank about it; nobody pays any attention to the reading of every word of the bill; but if the Senator from Ohio desires to have every word of the bill read, it can be done.

Mr. BURTON. Certainly; I can hardly understand the restiveness of the Senator from Virginia in regard to this. Here is an appropriation bill reported last night and placed on our desks this morning. It seems to me we should have an opportunity to understand what is in it.

Mr. BRYAN. Mr. President, a parliamentary inquiry.

The PRESIDING OFFICER. The Senator from Florida will state it.

Mr. BRYAN. Does the request of the Senator from Virginia [Mr. MARTIN] preclude the reading of the bill? My understanding is that the bill will be read at his request.

Mr. MARTIN of Virginia. I have not asked that the reading of the bill be dispensed with.

Mr. BRYAN. The House text of the bill will have to be read under the request of the Senator from Virginia.

The PRESIDING OFFICER. If the Chair may be permitted, the understanding of the Chair is that it is the formal reading of the bill which the Senator from Virginia asked might be dispensed with.

Mr. BURTON. Well, then, the whole bill will be read?

The PRESIDING OFFICER. The Chair so understands. Is there objection to the request of the Senator from Virginia? The Chair hears none.

The Secretary proceeded to read the bill.

The first amendment reported by the Committee on Appropriations was, under the head of "Department of State," on page 2, after line 11, to insert

To pay the Trans-Atlantic Fire Insurance Co., $9,500; Prussian National Fire Insurance Co., $2,850; North German Fire Insurance Co., $8,000; Hamburg-Bremen Fire Insurance Co., $10,450; Royal Insurance Co., $25,100; Liverpool & London & Globe Insurance Co., $6,900; New Zealand Insurance Co., $6,025; Fireman's Fund Insurance Co., $9,250; National Fire Insurance Co., of Hartford, Conn., $4,150; Caledonia Insurance Co., of Edinburgh, Scotland, $750; in all, $82,975,

the aforesaid sums being the amounts paid by each of the said companies on account of insurance against fire on property in the Territory of Hawaii, which property was destroyed by the Government in the suppression of the bubonic plague in said Territory in the years 1899 and 1900.

Mr. BURTON. I am not going to oppose that item; I know it has been before Congress for a very long time; and in the discussion upon it which once occurred its merits were clearly set forth. I believe in several instances it has been adopted by the Senate but stricken out by the other House. I do wish, however, to say something in regard to the proper scope of a deficiency appropriation bill.

As the very name imports, a deficiency bill is a measure which includes provisions for branches of the public service appropriated for in regular appropriation bills, but for which provision has proved incomplete or insufficient. Under any ideal system a bill of this nature should be restricted to that class of items. There has been a marked tendency, however, in recent years to bring into this measure very old items, which have been heretofore considered and rejected. There are certain manifest disadvantages about that—the dangers of mistake.

This bill is considered by the Committee on Appropriations; some of the items inserted here have been theretofore considered by other committees of the House or Senate—by the Post Office Committee, by the Agricultural Committee, or some other committee. There is danger that, after careful consideration has been given to a proposed appropriation by a committee other than the Committee on Appropriations, the item will be disposed of without sufficient information or consideration of the subjects. I do wish to express my objection—I may say my protest—against making this deficiency bill a sort of omnium gatherum in which all sorts of items are included. I ask the Senator from Virginia why this item has not been placed upon some bill other than the deficiency bill?

Mr. MARTIN of Virginia. Mr. President, the Senator from Ohio can answer that question as easily as can I. I have no idea whether it was ever incorporated in a bill or, if rejected, why that was done. The item that is inserted here has passed the Senate, it has had the approval of this body as well as of the committee of this body. It seemed to the committee to be an exceedingly urgent matter. When the Government burns up the property of its citizens in order to prevent a plague from spreading through the community, it seems to me restitution ought to be made as soon as possible. The committee so thought. It is for the Senate to say, and, if the Senator from Ohio objects to the item, the Senate will have to determine the question.

Mr. BURTON. I am not going to object, but I think it is an erroneous policy in making up our appropriation bills. I do not see how it can be very urgent, for the claim seems to be at least 14 years old.

Mr. SMOOT. I will say to the Senator that it is a deficiency in the sense that Congress appropriated over a million dollars—I think a million and a half dollars—for the purpose of paying for property destroyed in the Hawaiian Islands to suppress the bubonic plague. At the time the appropriation was made, it was estimated that that amount would cover all of the just claims; but I think that over $2,000,000, as I remember, of claims at that time were filed, and so far as the amount of money appropriated would permit they were paid. These were claims that fell in the class of claims approved of later, but the appropriation was not sufficient to cover them. When these are paid, then all of these particular claims against the Government will have been paid. It is virtually a deficiency in the sense that there was not enough appropriated in the original bill to cover all of the claims against the Government.

Mr. BURTON. If the Senator will yield to me, this is for reimbursement for claims paid by these respective insurance companies for property destroyed by the Government?

Mr. SMOOT. That is correct. I want to say to the Senator that there were claims, in addition to these provided for in this bill, amounting to $1,500,000, which have been paid, and these would have been paid immediately if the original appropriation had been sufficient to cover them. The only reason why these claims have not been paid is, as I have stated, that the amount of the appropriation was paid out before these claims were reached.

Mr. BURTON. When was the appropriation of $1,500,000 made?

Mr. SMOOT. In 1901 or 1902, I think—I have forgotten the exact date.

Mr. BURTON. Was the provision made in an appropriation bill?

Mr. SMOOT. Provision was made in an appropriation bill to cover the other claims.

Mr. BURTON. Does the Senator from Utah recall in which appropriation bill the provision was made?

Mr. SMOOT. No; I do not, because I have not had occasion to look it up. The matter has been before the Claims Committee many times, and the Claims Committee has reported bills on the subject at least half a dozen times. I myself five or six years ago favorably reported a bill on this subject to the Senate, and it was passed; but up to this time the matter has always been held up.

The PRESIDING OFFICER. The question is on agreeing to the amendment reported by the committee.

The amendment was agreed to.

The reading of the bill was resumed.

The next amendment of the Committee on Appropriations was, under the head of "Treasury Department," subhead "Public buildings, sites, and construction," on page 3, after line 18, to insert:

Albia, Iowa, post office: For site, $5,000.

The amendment was agreed to.

The next amendment was, at the top of page 4, to insert:

Apalachicola, Fla., post office and customhouse: For site and commencement, $7,500.

The amendment was agreed to.

The next amendment was, on page 4, after line 2, to insert:

Athens, Tenn., post office: For site and commencement, $5,000.

The amendment was agreed to.

The next amendment was, on page 4, after line 4, to insert:

Bad Axe, Mich., post office: For site and commencement, $4,800.

The amendment was agreed to.

The next amendment was, on page 4, after line 6, to insert:

Barbourville, Ky., post office: For site, $4,300.

The amendment was agreed to.

The next amendment was, on page 4, after line 7, to insert:

Batavia, Ill., post office: For site and commencement, $23,950.

The amendment was agreed to.

The next amendment was, on page 4, after line 11, to insert:

Bellefourche, S. Dak., post office: For site and commencement, $4,500.

The amendment was agreed to.

The next amendment was, on page 4, after line 19, to insert:

Branford, Conn., post office: For site and commencement, $11,000.

The amendment was agreed to.

The next amendment was, on page 5, after line 3, to insert:

Calumet, Mich., post office: For site, $12,000.

The amendment was agreed to.

The next amendment was, on page 5, after line 6, to insert:

Canon City, Colo., post office: For site, $13,500.

The amendment was agreed to.

The next amendment was, on page 5, after line 8, to insert:

Cape Charles, Va., post office: For site, $3,700.

The amendment was agreed to.

The next amendment was, on page 5, after line 10, to insert:

Carroll, Iowa, post office: For site and commencement, $8,000.

The amendment was agreed to.

The next amendment was, on page 5, after line 12, to insert:

Carrollton, Ill., post office: For site, $5,000.

The amendment was agreed to.

The next amendment was, on page 5, after line 13, to insert:

Caruthersville, Mo., post-office: For site, $3,250.

The amendment was agreed to.

The next amendment was, on page 5, after line 19, to insert:

Chamberlain, S. Dak., post office and land office: For site and commencement, $3,500.

The amendment was agreed to.

The next amendment was, on page 5, after line 21, to insert:

Chandler, Okla., post office: For site and commencement, $4,700.

The amendment was agreed to.

The next amendment was, at the top of page 6, to insert:

Charleston, Ill., post office: For site and commencement, $9,000.

The amendment was agreed to.

The next amendment was, on page 6, after line 4, to insert:

Cheboygan, Mich., post office: For site and commencement, $8,500.

The amendment was agreed to.

The next amendment was, on page 6, after line 6, to insert:

Cherokee, Iowa, post office: For site and commencement, $10,600.

The amendment was agreed to.

The next amendment was, on page 6, after line 12, to insert:

Clinton, Ind., post office: For site and commencement, $14,000.

The amendment was agreed to.

The next amendment was, on page 6, after line 14, to insert:

Clinton, S. C., post office: For site and commencement, $5,500.

The amendment was agreed to.

The next amendment was, on page 6, after line 18, to insert:
Colfax, Wash., post office: For site, $7,000.
The amendment was agreed to.
The next amendment was, on page 6, after line 19, to insert:
Comanche, Tex., post office: For site and commencement, $5,000.
The amendment was agreed to.
The next amendment was, on page 6, after line 21, to insert:
Conway, Ark., post office: For site, $2,000.
The amendment was agreed to.
The next amendment was, on page 7, after line 2, to insert:
Decatur, Ind., post office: For site, $9,900.
The amendment was agreed to.
The next amendment was, on page 7, after line 9, to insert:
Donora, Pa., post office: For site and commencement, $13,300.
The amendment was agreed to.
The next amendment was, on page 7, after line 15, to insert:
East Las Vegas, N. Mex., post office and courthouse: For site and commencement, $18,000.
The amendment was agreed to.
The next amendment was, on page 7, after line 17, to insert:
Eatonton, Ga., post office: For site, $3,750.
The amendment was agreed to.
The next amendment was, on page 7, after line 20, to insert:
Eldorado, Kans., post office: For site and commencement, $5,250.
The amendment was agreed to.
The next amendment was, on page 7, after line 22, to insert:
Elizabethton, Tenn., post office: For site, $2,500.
The amendment was agreed to.
The next amendment was, on page 7, after line 23, to insert:
Elizabethtown, Ky., post office: For site, $5,000.
The amendment was agreed to.
The next amendment was, on page 8, after line 3, to insert:
Fairmont, Minn., post office: For site and commencement, $5,000.
The amendment was agreed to.
The next amendment was, on page 8, after line 5, to insert:
Fallon, Nev., post office: For site and commencement, $5,000.
The amendment was agreed to.
The next amendment was, on page 8, after line 7, to insert:
Forrest City, Ark., post office: For site, $4,500.
The amendment was agreed to.
The next amendment was, on page 8, after line 9, to insert:
Fort Plain, N. Y., post office: For site and commencement, $8,000.
The amendment was agreed to.
The next amendment was, on page 8, after line 11, to insert:
Franklin, N. H., post office: For site and commencement, $24,500.
The amendment was agreed to.
The next amendment was, on page 8, after line 15, to insert:
Franklin, Tenn., post office: For site and commencement, $7,450.
The amendment was agreed to.
The next amendment was, on page 8, after line 20, to insert:
Gallipolis, Ohio, post office: For site and commencement, $12,500.
The amendment was agreed to.
The next amendment was, on page 8, after line 22, to insert:
Geneseo, Ill., post office: For site and commencement, $10,000.
The amendment was agreed to.
The next amendment was, at the top of page 9, to insert:
Gilmer, Tex. post office: For site and commencement, $5,000.
The amendment was agreed to.
The next amendment was, on page 9, after line 4, to insert:
Glasgow, Ky., post office: For site and commencement, $7,500.
The amendment was agreed to.
The next amendment was, on page 9, after line 9, to insert:
Harrisonville, Mo., post office: For site and commencement, $3,000.
The amendment was agreed to.
The next amendment was, on page 9, after line 12, to insert:
Hastings, Mich., post office: For site and commencement, $6,750.
The amendment was agreed to.
The next amendment was, on page 9, after line 16, to insert:
Hodgenville, Ky., post office: For site, $4,850.
The amendment was agreed to.
The next amendment was, on page 9, after line 17, to insert:
Hollidaysburg, Pa., post office: For site and continuation, $12,000.
The amendment was agreed to.
The next amendment was, on page 9, after line 19, to insert:
Hoopeston, Ill., post office: For site and commencement, $10,000.
The amendment was agreed to.
The next amendment was, on page 9, after line 21, to insert:
Houghton, Mich., post office: For site and commencement, $25,000.
The amendment was agreed to.
The next amendment was, on page 9, after line 23, to insert:
Huntingdon, Tenn., post office: For site, $2,500.
The amendment was agreed to.
The next amendment was, on page 10, after line 11, to insert:
Lakeland, Fla., post office: For site and commencement, $10,000.
The amendment was agreed to.
The next amendment was, on page 10, after line 15, to insert:
Lebanon, Ind., post office: For site, $9,800.
The amendment was agreed to.
The next amendment was, on page 10, after line 17, to insert:
Leesburg, Va., post office: For site and commencement, $8,750.
The amendment was agreed to.
The next amendment was, on page 10, after line 19, to insert:
Lewistown, Pa., post office: For site and commencement, $16,000.
The amendment was agreed to.
The next amendment was, on page 10, after line 23, to insert:
Linton, Ind., post office: For site, $4,500.
The amendment was agreed to.
The next amendment was, at the top of page 11, to insert:
Lock Haven Pa., post office: For site and commencement, $22,500.
The amendment was agreed to.
The next amendment was, on page 11, after line 2, to insert:
Long Island City, N. Y., post office: For site and commencement, $100,000.
The amendment was agreed to.
The next amendment was, on page 11, after line 4, to insert:
McKees Rocks, Pa., post office: For site and commencement, $15,000.
The amendment was agreed to.
The next amendment was, on page 11, after line 7, to insert:
Manassas, Va., post office: For site, $3,750.
The amendment was agreed to.
The next amendment was, on page 11, after line 9, to insert:
Marianna, Ark., post office: For site and commencement, $6,500.
The amendment was agreed to.
The next amendment was, on page 11, after line 11, to insert:
Marianna, Fla., post office and court house: For site and commencement, $4,000.
The amendment was agreed to.
The next amendment was, on page 11, after line 15, to insert:
Martins Ferry, Ohio, post office: For site and commencement, $15,000.
The amendment was agreed to.
The next amendment was, on page 11, after line 19, to insert:
Mendota, Ill., post office: For site, $10,000.
The amendment was agreed to.
The next amendment was, on page 11, after line 20, to insert:
Midland, Mich., post office: For site and commencement, $4,300.
The amendment was agreed to.
The next amendment was, on page 11, after line 22, to insert:
Metropolis, Ill., post office: For site and commencement, $10,000.
The amendment was agreed to.
The next amendment was, on page 11, after line 24, to insert:
Milbank, S. Dak., post office: For site, $4,000.
The amendment was agreed to.
The next amendment was, at the top of page 12, to insert:
Millersburg, Ohio, post office: For site, $7,000.
The amendment was agreed to.
The next amendment was, on page 12, after line 1, to insert:
Mineral Point, Wis., post office and customhouse: For site and commencement, $4,500.
The amendment was agreed to.
The next amendment was, on page 12, after line 6, to insert:
Monroe, Ga., post office: For site, $5,000.
The amendment was agreed to.
The next amendment was, on page 12, after line 7, to insert:
Monte Vista, Colo., post office: For site, $5,000.
The amendment was agreed to.
The next amendment was, on page 12, after line 10, to insert:
Morgan City, La., post office: For site, $4,300.

Mr. MARTIN of Virginia. Mr. President, on page 12, line 11, I move that the figures "$4,300," at the end of the line, be changed to "$4,200." It is a typographical error.

The PRESIDING OFFICER. The amendment to the amendment will be stated.

The SECRETARY. On page 12, line 11, in the committee amendment, it is proposed to strike out "$4,300" and to insert in lieu thereof "$4,200."

The amendment to the amendment was agreed to.

The amendment as amended was agreed to.

The reading of the bill was resumed.

The next amendment of the Committee on Appropriations was, on page 12, after line 12, to insert:

Mount Airy, N. C., post office: For site, $5,000.

The amendment was agreed to.

The next amendment was, on page 12, after line 14, to insert:

Mount Olive, N. C., post office: For site, $2,000.

The amendment was agreed to.

The next amendment was, on page 12, after line 20, to insert:

Mystic, Conn., post office: For site and commencement, $4,000.

The amendment was agreed to.

The next amendment was, on page 12, after line 23, to insert:

Napoleon, Ohio, post office: For site, $7,500.

The amendment was agreed to.

The next amendment was, on page 12, after line 24, to insert:

Nephi, Utah, post office: For site, $5,000.

The amendment was agreed to.

The next amendment was, on page 13, after line 1, to insert:

Newcastle, Wyo., post office: For site, $3,000.

The amendment was agreed to.

The next amendment was, on page 13, after line 2, to insert:

New Martinsville, W. Va., post office: For site, $12,500.

The amendment was agreed to.

The next amendment was, on page 13, after line 4, to insert:

New Philadelphia, Ohio, post office: For site, $12,500.

The amendment was agreed to.

The next amendment was, on page 13, after line 5, to insert:

Newton, Iowa, post office: For site, $10,000.

The amendment was agreed to.

The next amendment was, on page 13, after line 6, to insert:

Noblesville, Ind., post office: For site, $10,000.

The amendment was agreed to.

The next amendment was, on page 13, after line 11, to insert:

North Vernon, Ind., post office: For site and commencement, $13,500.

The amendment was agreed to.

The next amendment was, on page 13, after line 15, to insert:

Oelwein, Iowa, post office: For site, $8,000.

The amendment was agreed to.

The next amendment was, on page 13, after line 16, to insert:

Olney, Ill., post office: For site and commencement, $6,500.

The amendment was agreed to.

The next amendment was, on page 13, after line 18, to insert:

Olyphant, Pa., post office: For site and commencement, $13,500.

The amendment was agreed to.

The next amendment was, on page 13, after line 20, to insert:

Orange, Tex., post office: For site and commencement, $5,000.

The amendment was agreed to.

The next amendment was, on page 13, after line 22, to insert:

Owego, N. Y., post office: For site and commencement, $15,000.

The amendment was agreed to.

The next amendment was, on page 13, after line 24, to insert:

Pasco, Wash., post office: For site, $10,000.

The amendment was agreed to.

The next amendment was, at the top of page 14, to insert.

Paxton, Ill., post office: For site and commencement, $12,000.

The amendment was agreed to.

The next amendment was, on page 14, after line 7, to insert:

Pratt, Kans., post office: For site and commencement, $7,400.

The amendment was agreed to.

The next amendment was, on page 14, after line 10, to insert:

Provincetown, Mass.: Post office and customhouse, for site, $8,000.

The amendment was agreed to.

The next amendment was, on page 14, after line 14, to insert:

Red Bluff, Cal., post office: For site and commencement, $12,000.

The amendment was agreed to.

The next amendment was, on page 14, after line 16, to insert:

Ripon, Wis., post office: For site and commencement, $10,400.

The amendment was agreed to.

The next amendment was, on page 14, after line 18, to insert:

Rhinelander, Wis., post office: For site and commencement, $5,500.

The amendment was agreed to.

The next amendment was, on page 14, after line 20, to insert:

Rochester, Ind., post office: For site and commencement, $8,200.

The amendment was agreed to.

The next amendment was, on page 14, after line 22, to insert:

Rogers, Ark., post office: For site and commencement, $4,000.

The amendment was agreed to.

The next amendment was, at the top of page 15 to insert:

Russellville, Ark., post office: For site and commencement, $6,000.

The amendment was agreed to.

The next amendment was, on page 15, after line 2, to insert:

St. Peter, Minn., post office: For site and commencement, $2,000.

The amendment was agreed to.

The next amendment was, on page 15, after line 11, to insert:

San Pedro, Cal., post office and customhouse: For site and commencement, $6,000.

The amendment was agreed to.

The next amendment was, on page 15, after line 13, to insert:

Sayre, Pa., post office: For site and commencement, $8,000.

The amendment was agreed to.

The next amendment was, on page 15, after line 20, to insert:

State College, Pa., post office: For site and commencement, $15,685.

The amendment was agreed to.

The next amendment was, at the top of page 16, to insert:

Sykeston, Mo., post office: For site, $7,500.

Mr. MARTIN of Virginia. There is an error in spelling the first word on the first line of page 16. The letter "y" should be stricken out and the letter "i" inserted, so that the word may be "S-i-k-e-s-t-o-n."

The PRESIDING OFFICER. The amendment to the amendment will be stated.

The SECRETARY. On page 16, line 1, it is proposed to spell the first word "S-i-k-e-s-t-o-n."

The amendment to the amendment was agreed to.

The amendment as amended was agreed to.

The next amendment was, on page 16, after line 1, to insert:

Thibodaux, La., post office: For site and commencement, $5,000.

The amendment was agreed to.

The next amendment was, on page 16, after line 5, to insert:

Thomson, Ga., post office: For site, $5,000.

The amendment was agreed to.

The next amendment was, on page 16, after line 8, to insert:

Tullahoma, Tenn., post office: For site and commencement, $7,000.

The amendment was agreed to.

The next amendment was, on page 16, after line 10, to insert:

Tyrone, Pa., post office: For site, $24,000.

The amendment was agreed to.

The next amendment was, on page 16, after line 12, to insert:

Valparaiso, Ind., post office: For site and commencement, $8,200.

The amendment was agreed to.

The next amendment was, on page 16, after line 15, to insert:

Vernal, Utah, post office: For site and commencement, $4,750.

The amendment was agreed to.

The next amendment was, on page 16, after line 17, to insert:

Vineland, N. J., post office: For site and commencement, $12,000.

The amendment was agreed to.

The next amendment was, on page 16, after line 23, to insert:

Washington, Mo., post office: For site and commencement, $6,500.

The amendment was agreed to.

The next amendment was, on page 17, after line 5, to insert:

Waynesburg, Pa., post office: For site and commencement, $15,500.

The amendment was agreed to.

The next amendment was, on page 17, after line 9, to insert:

Wilmington, Ohio, post office: For site and commencement, $12,500.

The amendment was agreed to.

The next amendment was, on page 17, after line 15, to insert:

Woodstock, Va., post office: For site, $4,250.

The amendment was agreed to.

The next amendment was, on page 17, after line 18, to insert:

Wyandotte, Mich., post office: For site and commencement, $15,950.

The amendment was agreed to.

The next amendment was under the subhead "Public buildings, general expenses," on page 18, after line 4, to insert:

The Secretary of the Treasury, in acquiring sites for public buildings in cities and towns with a population of less than 10,000, may, in his discretion, waive the provision contained in existing law which provides that sites so acquired shall face on two streets.

The amendment was agreed to.

The next amendment was, on page 18, after line 9, to insert:

Boston, Mass., customhouse: For furniture equipment, $75,000: *Provided*, That all furniture belonging to the Government in either rented or owned quarters, used by officials who will occupy space in the new building, shall be transferred so far as practicable.

The amendment was agreed to.

The next amendment was, on page 19, after line 2, to insert:

REVENUE-CUTTER SERVICE.

For repairs to revenue cutters, $6,444.50.

The amendment was agreed to.

The next amendment was, under the head of "District of Columbia," at the top of page 23, to insert:

Library for the Blind: For aid of the Library for the Blind, located at 1729 H Street NW., $5,000, said sum to be expended under the direction and supervision of the Commissioners of the District of Columbia.

The amendment was agreed to.

The next amendment was, under the head of "War Department," on page 24, after line 22, to insert:

To pay to the American Surety Co., of New York, the sum of $100,358.05, the amount of a judgment which the United States recovered against the American Surety Co., and which judgment, on May 15, 1911, the American Surety Co. paid under protest and to avoid the levy and execution under said judgment, and which was covered into the Treasury, which judgment was on June 8, 1914, reversed by the Supreme Court of the United States and a new trial awarded, and upon such new trial a judgment was rendered, June 19, 1914, in favor of the American Surety Co. and the petition of the United States was dismissed.

The amendment was agreed to.

The next amendment was, on page 25, after line 10, to insert:

To pay the claim of H. H. Downing and A. G. Weaver, attorneys, for professional services rendered in connection with the acquirement, by purchase and condemnation, of 5,200 acres of land in Warren County, Va., for a remount station at Front Royal, Va., including traveling and all other expenses incurred in attendance upon the United States District Court for the Western District of Virginia at Lynchburg and Charlottesville, and the condemnation commission at Front Royal, said services embracing the period from June 6, 1911, to August 6, 1913, $5,000: *Provided*, That the sum hereby appropriated shall be in full satisfaction of all services hereafter to be rendered by said Downing and Weaver in connection with the purchase or condemnation of said land.

Mr. THOMAS. Mr. President, I wish to inquire of the Senator having charge of the bill why the Government should be required to pay attorneys not connected with the Department of Justice for services such as are described in this amendment.

Mr. MARTIN of Virginia. I will say to the Senator that Congress appropriated $200,000 to acquire land for a remount station. It required legal services far beyond the possibility of the district attorney. There were 45 tracts of land to be acquired, about 18 of them, I believe, in condemnation proceedings, which required going to half a dozen counties in Virginia. I will not go into the details, but it became absolutely necessary to employ special counsel.

Mr. THOMAS. These were employed by the Department of Justice?

Mr. MARTIN of Virginia. I do not know that they were employed by the Department of Justice. The Department of Justice approves the payment of the amount. They were employed by the War Department. The War Department had charge of the acquisition of this land.

Mr. THOMAS. This sum has been approved by the Department of Justice?

Mr. MARTIN of Virginia. Substantially it has. The testimoney taken before the——

Mr. THOMAS. By the proper authorities, at any rate?

Mr. MARTIN of Virginia. It has. It was agreed on by the quartermaster officer, Capt. Conrad, who was in charge of the work.

The PRESIDING OFFICER. The question is on agreeing to the amendment of the committee.

The amendment was agreed to.

The reading of the bill was resumed.

The next amendment of the Committee on Appropriations was, on page 26, after line 10, to insert:

Lincoln Memorial Commission: Authority is hereby given to pay H. A. Vale for services as secretary of the Lincoln Memorial Commission from March 16, 1913, to February 7, 1914, the sum of $1,000 from appropriations now available for the erection of the Lincoln Memorial.

The amendment was agreed to.

The next amendment was, on page 26, after line 16, to insert:

To erect at Fort McHenry, Baltimore, Md., under the direction of the Secretary of War, a monument in memory of Francis Scott Key, author of The Star-Spangled Banner, and the soldiers and sailors who participated in the Battle of North Point and the attack on Fort McHenry in the War of 1812, $75,000, or so much thereof as may be necessary. In the preparation of the plans and selection of a site for said monument, and the execution of all work in connection therewith, the Secretary of War shall form a committee, composed of the mayor of Baltimore, the chairman of the National Star-Spangled-Banner Centennial, the president of the board of park commissioners of Baltimore, and two other persons, to be designated by the Secretary of War, whose suggestion he shall invite and with whom he may confer and consult: *Provided, however*, That the decision of the Secretary of War shall be final in all matters: *Provided*, That the money herein appropriated may be drawn from time to time, as required in the progress of the work, upon requisition of the Secretary of War.

Mr. THOMAS. I make the point of order against this amendment that it is general legislation proposed to an appropriation bill, and that it is not germane or relevant to the subject matter contained in the bill.

Mr. SMITH of Maryland. Mr. President, I wish to say that I introduced a bill in the Senate appropriating this sum of money some little while back, and that bill has been reported to the Senate, and is on the calendar to-day.

I hope there will be no opposition to this item. Ordinarily I would not ask for its insertion in a deficiency bill, as I am satisfied it will pass the Senate. It has been considered and favorably reported by the Senate Committee on the Library. My reason for asking that it be put in this deficiency bill is because between September 6 and September 16 there is to be a celebration commemorating the Battle of North Point, Fort McHenry, and the author of the anthem "The Star-Spangled Banner." Except for that I would not ask it.

I think this is a most appropriate time and occasion for starting this monument; and if the Senate will indulge me for a few moments I should like to give my reasons. I have informed myself recently as to the historical facts, especially in regard to the most decided and influential part that was taken by the State of Maryland in the War of 1812.

Whatever controversy there may be as to the propriety and justness of the declaration of war by the United States on Great Britain on June 18, 1812, there is no controversy as to the importance of Maryland's part in that war. The war was popular in Maryland. Her people were driven by a deep and sincere faith in the justice of the cause to respond to President Madison's call and the requisition of the Twelfth Congress by an appropriation made at an extra session of the legislature of $20,000, a large sum for those days, to aid the war. Maryland at the same time raised 6,000 men. A newspaper and its editor who opposed the war were mobbed in Baltimore. Later, after the ignominious surrender by Gen. Hull at Detroit, Maryland raised a regiment, commanded by Col. William Winder, and $15,000 by popular subscription to fit it out, in addition to manning all the forts and coast defenses within the State with little or no Federal aid, and when the United States Government asked a war loan of $16,000,000 Maryland, though a small and then sparsely populated State, subscribed $3,000,000 of the loan. After all, probably no conflict has ever been undertaken with so little thought as to the means of carrying it to a successful termination.

The War of 1812 might have ended with an almost unbroken succession of defeats sustained by our soldiers on land except for the Battle of New Orleans, when Andrew Jackson so decisively defeated the British, and the Battle of North Point, a few miles east of Baltimore, on September 12, 1814.

In 1813 Admiral Cockburn, with his British fleet, had blockaded the Chesapeake and pillaged and terrorized the people along its shores. Towns were burned and private property wantonly destroyed.

In August, 1814, the British forces were further strengthened by the arrival of Admiral Cochrane and his fleet. With him came Gen. Ross and 3,000 veterans of the Napoleonic wars.

Except for a repulse by Maryland militia, at Caulk's field, when the British commanding officer, Sir Peter Parker, was killed, Admiral Cochrane and Gen. Ross met no effective opposition.

Admiral Barney had to destroy his own ships, fitted out at such pains and expense to the United States, to avoid capture by the British in the tributaries of the Potomac. Gen. Ross landed soldiers and sailors and marched to Bladensburg without difficulty, where he defeated and actually routed our troops, though far superior in numbers to his. President Madison, instead of serving a repast prepared for the American officers to enjoy after the anticipated victory, fled with his Cabinet across the Potomac, destroying the bridge behind him. Washington was pillaged and partially burned by an invading foe for the first and the last time.

Baltimore was selected as the next object of British attack. On Sunday, September 11, 50 British ships were within sight of the mouth of the Patapsco River, 14 miles below Baltimore. Gen. Samuel Smith, in charge of the American forces about Baltimore, perceived that the British would land troops and attack the city by land and water.

Everybody in Baltimore, in anticipation of the British attack, had drilled or thrown up fortifications about the city. Volunteers far exceeded the available arms. Fort McHenry, named for Washington's Secretary of War, guarded the city's inner harbor. Temporary defenses elsewhere were hastily thrown up and batteries installed. The city was in an uproar.

Seventeen hundred men under Gen. Stricker were sent out on Sunday down the Philadelphia road to what is now the North Point road. They encamped about an old meeting house some 4 miles from the present modern fortifications, known as Fort Howard, or North Point, at the junction of the Patapsco River and Chesapeake Bay. Maryland did not contribute all the men destined that Sunday night to take part in the battle of the

following day, for in Gen. Stricker's command were companies from Marietta, Hanover, and York, Pa.

Early Monday, September 12, the British forces landed at North Point, where Fort Howard now stands. Gen. Robert Ross was in command; with him was Admiral Cockburn. Admiral Cockrane remained aboard ship. Four miles' march up Patapsco Neck brought the British face to face with the Americans. Gen. Ross, veteran of the wars in Egypt, on the Peninsula, and in Holland, was killed in a skirmish before the actual battle began, presumably by two Maryland boys, Wells and McComas, who were in turn killed later in the day. Buried together, their grave is marked by a handsome and fitting monument which is a familiar landmark in Baltimore, and marks the place their bodies have rested nearly a century, now in one of the busiest sections of the city.

Early in the afternoon of Monday the 12th the battle between the British veterans and the nondescript collection of Americans began. After an hour and a half's fight Gen. Stricker retired in good order toward the city, to Worthingtons Mill. Next day the British followed, but never attacked the American forces again on land, and withdrew Tuesday, the 13th of September. The day following the Battle of North Point the British fleet attacked and bombarded Fort McHenry. During most of the day all the ships lay beyond the reach of the American guns. Finally three British ships ventured within range, but within half an hour were driven back to the old anchorage. One, the *Erebus*, was saved from destruction with great difficulty.

During the night of the 13th 1,250 men were sent from the British ships in barges with scaling ladders to storm and take the American defenses. Two barges were sunk and a number of the attacking party killed before the British withdrew. The bombardment continued all through the night of the 13th and did not cease until 7 o'clock on the 14th. Nearly 2,000 shells were discharged from the British ships, and but 4 Americans were killed and 24 wounded. In the land engagement at North Point on Monday the 12th 150 Americans and 600 British were killed.

Peace was declared on December 24, 1814—a Christmas present to the country. Thus one of the few successful land engagements of the war came at the end, and, like the Battle of New Orleans, did much to reestablish the reputation of American arms; for the brilliant exploits and successes of Decatur, a Marylander, at sea and of Perry on the Lakes exceeded anything done on shore.

The Battle of North Point and the futile bombardment of Fort McHenry next day were not big battles, it is true. They resulted immediately in preventing the sack and pillage of Baltimore and redeemed in a measure the earlier mortifying experiences of the war, besides making possible better and quicker terms of peace. Such material results are not to be despised, but, on the other hand, are to be desired and appreciated. Even now, however, it can not be doubted that the greatest good to our Nation growing out of the two days' fight and the one thing which has done most to foster and stimulate our patriotism as a Nation is entirely due to an accident, or, perhaps it is wiser to say, a Providence.

Francis Scott Key, a very young man of extraordinary patriotism and talent, had gone on board one of the British ships several days before under a flag of truce to render some service to a family friend taken on board a British ship down the bay as a prisoner on some capricious charge.

Fearing Key might divulge their plans if released before the battle, the British detained him on board the *Minden*, which was anchored during the bombardment out of harm's way. It was from the deck of the *Minden* that Key watched throughout the day of the 13th the bombardment of Fort McHenry. Through the darkness of the night of the 13th, pacing the deck of the ship of an unfriendly power at war with his native Government, he thought those immortal thoughts which found expression and permanent being in the lines of the "Star-Spangled Banner." On the 14th of September he and his friend were released by the British, and he completed his poem, begun during the actual noise and suspense of the conflict. On the 15th it was first printed. This is the plain story of the way our national anthem was born. It will never die.

The State of Maryland and the city of Baltimore invite the people of the whole United States to share with them and to celebrate with them the centennial anniversary of the birth of this same stirring anthem.

It is fitting that the Government of all the people should have a part, and the largest part, in this celebration of the one hundredth anniversary of the triumph of American military valor, and literary inspiration unsurpassed. While the love of country, while memories of great and brave men who have made our land, and while the sentiment which has stirred every true American for nearly 100 years who has heard the inspired words and quickening strains of the Star-Spangled Banner can not be reduced to terms of dollars and cents, some more precious medium of exchange must be used; still it is not amiss to remind the Senate that participation in this celebration befitting the occasion and this Government can not be had cheap.

The municipal government of Baltimore, headed by Mayor Preston, have dealt energetically with the scheme for this celebration; committees of citizens and patriotic organizations have banded together and laid out a tasteful, interesting, and dignified program for this centennial celebration to begin on September 6 and to end on September 13 next. The time is short; the necessity urgent for any action to be effective to be promptly taken. Maryland and the city of Baltimore have raised $150,000 toward the expenses of this celebration. We think it proper and we ask and urge the active cooperation of Congress in paying appropriate tribute and respect to a national benefaction, priceless to a patriotic people.

Mr. President, I think there is no more fitting time than this to help to celebrate this occasion by an appropriation from Congress of the amount provided in the amendment. I would say that I have had the bill before the Senate, and it has been reported favorably by the committee and is now on the calendar.

Mr. THOMAS. When was it reported?

Mr. SMITH of Maryland. It was reported yesterday. I hope the Senator from Colorado will not only not object to the amendment but will vote for it. I think it is entirely appropriate and it should be adopted.

During the delivery of the speech of Mr. SMITH of Maryland,

The PRESIDING OFFICER. The Senator from Maryland will suspend for a moment. The hour of 1 o'clock having arrived, the Chair lays before the Senate the unfinished business, which will be stated.

The SECRETARY. A bill (H. R. 15613) to create an interstate trade commission, to define its powers and duties, and for other purposes.

Mr. MARTIN of Virginia. I ask that the unfinished business be temporarily laid aside.

The PRESIDING OFFICER. Without objection, it is so ordered. The Senator from Maryland will proceed.

After the conclusion of the speech of Mr. SMITH of Maryland,

Mr. THOMAS. If a bill for this purpose has been favorably reported we can consider it on its merits. I object to such items being tacked on a general appropriation bill, because it is no part of a deficiency and can not be.

It is not the purpose of this bill, Mr. President, to act as a medium for the enactment of legislation which ought to stand upon its own merits. It is too much the custom of Congress to permit such things, in consequence of which large amounts of money are appropriated which upon their own merits might be rejected.

If the rule of the Senate is intended for anything it is intended for just such an emergency. It provides that—

> No amendment which proposes general legislation shall be received to any general appropriation bill, nor shall any amendment not germane or relevant to the subject matter contained in the bill be received; nor shall any amendment to any item or clause of such bill be received which does not directly relate thereto.

Of course this must be submitted without debate under the rule. I did not see fit to raise the question of order, preferring the Senator from Maryland should have the courtesy of making his statement in regard to the item. That statement has consisted of a historical account of the battles around Fort McHenry and the circumstances under which the Star-Spangled Banner was written.

Mr. President, I of course do not in any way wish to detract from the historical value of that discussion or from the great service Mr. Francis Scott Key rendered to the Nation in writing the Star-Spangled Banner, but this country needs the money which it has in its Treasury for the living. There are many things that are insistent which are called to our attention but which can not receive proper consideration on account of the possible deficiency and on account of demands of this sort, which are increasing very naturally from time to time after the precedent has been started. I insist upon the point of order.

Mr. SMITH of Maryland. I will say to the Senator from Colorado there was a similar bill before the Senate the other day, and he withdrew his point of order against it.

Mr. THOMAS. Yes; and my conscience has been haunting me ever since.

Mr. SMITH of Maryland. The reason why I have asked for the adoption of the amendment on this bill is, as I stated before, because of the appropriateness of the occasion and the

time when we are going to give this celebration. Probably there will be 100,000 people from all over the country at the celebration in Baltimore, and a sum in excess of $150,000 has been appropriated by the State of Maryland and the city of Baltimore and subscribed by citizens to properly celebrate this event. My object in having the amendment go on this bill is because this is the most fitting time and occasion in which to start a monument for the sailors and soldiers of the Battles of North Point and Fort McHenry and the author of the anthem of the Star-Spangled Banner. I do hope the Senator from Colorado will take these facts into consideration and withdraw his point of order.

Mr. THOMAS. I will state that on the occasion to which the Senator refers I was satisfied it was largely due to the precedent established the year before with reference to the Battle of Lake Erie, and that in its turn would be followed by similar appropriations. If this thing continues we are going to be bedeviled by applications for appropriations for statues from all the States, for all occurrences which have historic value, and they will in all probability be presented in the shape of amendments to the deficiency and other general appropriation bills.

The PRESIDING OFFICER. Upon the amendment the Chair is inclined to submit the question of order to the Senate. The question is, Is the amendment proposed by the committee in order on this bill? [Putting the question]. The ayes seem to have it. The ayes have it.

Mr. THOMAS. Mr. President, one moment. I did not understand the question as it was put to the Senate and I do not think that some other Senators did. I certainly did not.

The PRESIDING OFFICER. The Chair will restate the question submitted to the Senate. Is the amendment proposed by the committee in order?

Mr. LEE of Maryland. I submit respectfully that the question has been put and the amendment has been sustained.

The PRESIDING OFFICER. But the Chair does not care to have any misunderstanding of his position.

Mr. GALLINGER. Let the question be put again.

The PRESIDING OFFICER. The question will be put again. Is the amendment of the committee in order? [Putting the question.] The ayes appear to have it.

Mr. THOMAS. I call for the yeas and nays.

The yeas and nays were not ordered.

Mr. THOMAS. I ask for a division.

The PRESIDING OFFICER. The Senator from Colorado demands a division. Senators who believe that the amendment is in order will rise and stand until counted. [A pause.] Those who believe it is not in order will rise and stand until counted. [A pause.] The ayes have it, and the Senate decides that the amendment is in order. The question is on agreeing to the amendment of the committee.

Mr. SHAFROTH. Mr. President, I wish to be heard for just a minute, because in the committee I voted against putting this amendment as a rider upon the appropriation bill. My objection is not that it is not a very commendable event that ought to be celebrated, for it is, in fact, one of the great events, but my objection is due to the fact that it is not proper, in my judgment, to place it on this appropriation bill. I told the Senator from Maryland I would not make a point of order against the amendment, but that I would probably oppose it in the Senate.

Mr. President, there ought to be some general arrangement, some general plan of allowing monuments to be erected, if we are going to erect them outside of the District of Columbia. I understand that very few monuments have been erected by the United States Government outside of the District of Columbia, and it seems to me that we ought to adhere to the rule that they shall be erected here. If we do not adhere to it, as we have deviated from it in the case of the Battle of Lake Erie and the Battle of Lake Champlain, it ought to be under some general rule. It ought to be under a rule that the State or the city that desires the monument shall pay a certain proportion thereof.

It is true that the city of Baltimore and the citizens thereof have subscribed a large sum of money, probably $100,000.

Mr. SMITH of Maryland. One hundred and fifty thousand dollars, and it will probably reach $200,000.

Mr. SHAFROTH. The city of Baltimore and the citizens have given that amount for this celebration, but the difficulty with that argument is that it is done for the purpose of getting people there. They expect to get the money back. The city of Denver gave $100,000 to get the Democratic national convention there, but it expected to get it back. Such contributions are made by cities not for the monument, but it is to draw great crowds. As the Senator from Maryland has said, 100,000 people will go to Baltimore at the centennial of this event.

There has been sent to me by some one, I do not know by whom, a pamphlet, and in that pamphlet there is an illustration showing a statue already of Key, the author of the Star-Spangled Banner, and it is a very beautiful monument. I understand that Fort McHenry is only a few miles away, that it is practically a part of the city of Baltimore, with street railway connections. Is it possible that we ought to have a monument erected in Baltimore at Fort McHenry when there is already a monument, beautiful in its design, which will probably cost $75,000, within a stone's throw, practically, of the monument that is proposed to be erected?

It does seem to me that that is one of the reasons why we ought not to attach such items on appropriation bills. They ought to be investigated and the question ought to be determined and there ought to be some kind of a pro rata arrangement between the city or State and the National Government, if the Government is going outside of the District of Columbia and erect monuments.

For that reason, Mr. President, it seems to me that this monument ought not to be paid for by the National Government as an entirety, even if we adopt such a theory; and I am opposed to going out of the District of Columbia except in the rarest case, such as we have done in one or two cases. I think it was not proper to do it in the case of Lake Champlain, which we passed the other day.

The PRESIDING OFFICER (Mr. LEA of Tennessee in the chair). Without objection, the amendment will be agreed to.

Mr. SHAFROTH. I ask for a vote on it.

The PRESIDING OFFICER. The question is on agreeing to the amendment of the committee.

The amendment was agreed to.

The next amendment was, under the head of "Fortifications in insular possessions," on page 28, after line 7, to strike out:

The action of the Secretary of War in heretofore transferring submarine mines and appliances to operate them to the value of $17,075.78 from stock on hand for use in continental United States for the protection of harbors in the Philippine Islands is ratified and legalized.

And insert:

For the purchase of submarine mines and necessary appliances to operate them for closing the channels leading to our principal seaports, and continuing torpedo experiments, being in reimbursement of the cost of submarine mines and appliances to operate them transferred for the protection of harbors in the Philippine Islands, $17,075.78.

The amendment was agreed to.

The next amendment was, under the head of "Department of the Interior," subhead "General Land Office," on page 34, after line 16, to insert:

The accounting officers of the Treasury are authorized and directed to credit in the accounts of George W. Evans, chief disbursing clerk, Department of the Interior, the payments made to James F. Gill for services rendered as superintendent of reconstruction and general repairs to the toilet rooms, Pension Office Building, from November 11, 1912, to May 31, 1913, at a compensation of $150 per month, $1,000.

The amendment was agreed to.

The next amendment was, under the head of "United States courts," on page 37, after line 13, to insert:

For clothing and transportation, including the same objects specified under this head for this institution in the sundry civil appropriation act for the fiscal year 1914, $51.07.

The amendment was agreed to.

The next amendment was, under the head of "Department of Commerce," at the top of page 40, to insert:

COAST AND GEODETIC SURVEY.

For payment to the Alaska Steamship Co. for damage inflicted by the Coast and Geodetic Survey steamer *McArthur* to the steamer *Dora* of the Alaska Steamship Co., $25.10.

The amendment was agreed to.

The next amendment was, on page 40, after line 5, to insert:

For payment to the Hartford & New York Transportation Co. for damage to the barge *C. T. Marston* by the Coast and Geodetic Survey steamer *Hydrographer* on August 30, 1913, $121.42.

The amendment was agreed to.

The next amendment was, under the head of "Legislative," on page 41, after line 7, to insert:

To pay to Mrs. Margaret D. Bradley, widow of Hon. William O. Bradley, late a Senator from the State of Kentucky, the sum of $7,500.

The amendment was agreed to.

The next amendment was, on page 41, after line 10, to insert:

For compensation of the officers, clerks, messengers, and others in the service of the Senate, as follows:

For salaries of clerk, $2,220 per annum; assistant clerk, $1,440 per annum, and messenger at $1,200 per annum, to the Committee on Expenditures in the Department of Labor from July 1, 1914, to June 30, 1915, and a sufficient sum is hereby appropriated out of any moneys in the Treasury not otherwise appropriated.

The amendment was agreed to.

The next amendment was, on page 41, after line 19, to insert:

To pay to James M. Porter, at the rate of $2,000 per annum, from March 26 to April 6, 1913, and Nettie K. De Freitas, at the rate of

$1,200 per annum, from March 26 to April 14, 1913, as clerk and stenographer to Senator SHERMAN.

The amendment was agreed to.

The next amendment was, at the top of page 42, to insert:

To pay to E. W. Lillard, at the rate of $2,220 per annum, Rella M. Lane, at the rate of $1,440 per annum, and Ephraim S. Lillard, at the rate of $1,200 per annum, the same being for services as clerk, assistant clerk, and messenger, respectively, to the Committee on Revolutionary Claims, for 60 days' services, from May 7, 1914.

The amendment was agreed to.

The next amendment was, on page 42, after line 6, to insert:

To pay to L. W. Jones for services as assistant clerk to the Committee on Naval Affairs from June 1 to 4, and from July 1 to 15, 1914, at the rate of $1,440 per annum.

The amendment was agreed to.

The next amendment was, on page 42, after line 10, to insert:

To pay to R. B. Nixon for compensation and expenses in disbursing for the Joint Committees on Federal Aid in the Construction of Post Roads; to Investigate Second-Class Mail Matter; to Investigate General Parcel Post; and to Investigate the Purchase of American-Grown Tobacco by Foreign Governments, from January, 1913, $500.

The amendment was agreed to.

The next amendment was, on page 42, after line 17, to insert:

To pay Hon. Blair Lee for expenses incurred by him in the proceedings involving the validity of his credentials and his right to a seat in the United States Senate, $1,500.

The amendment was agreed to.

The next amendment was, on page 42, after line 20, to insert:

To pay Hon. Frank P. Glass for expenses incurred by him in the proceedings involving the validity of his credentials and his right to a seat in the United States Senate, $1,500.

The amendment was agreed to.

The next amendment was, at the top of page 43, to insert:

To pay to Frank Oliver for extra services as clerk to the Committee on Interoceanic Canals, $750.

The amendment was agreed to.

Mr. SIMMONS. I understand that we are considering committee amendments.

Mr. MARTIN of Virginia. We are, by unanimous consent. If the Senator wishes to offer an amendment, he will have to wait until we get through with the committee amendments.

Mr. SIMMONS. My only reason for not waiting is that I am very anxious to leave the Chamber.

Mr. MARTIN of Virginia. It would be a violation of the unanimous-consent agreement. I would have no objection, but I do not think it would be proper to have the unanimous-consent agreement violated by anyone.

Mr. SIMMONS. After that statement by the Senator, I shall not insist upon offering the amendment now.

The next amendment was, on page 43, after line 2, to insert:

To pay Atwell J. Clopton, as additional compensation for extra services rendered the subcommittee of the Committee on the Judiciary engaged in the investigation of the maintenance of a lobby, pursuant to Senate Resolution No. 92, during the first and second sessions of the Sixty-third Congress, $500.

The amendment was agreed to.

The next amendment was, on page 43, after line 8, to insert:

To pay Dennis M. Kerr for extra and expert services rendered to the Committee on Pensions during the first and second sessions of the Sixty-third Congress, as assistant clerk to said committee, by detail from the Bureau of Pensions, $1,200.

The amendment was agreed to.

The next amendment was, on page 43, after line 13, to insert:

To reimburse the official reporters of debates for moneys actually and necessarily expended by them to June 30, 1914, $3,000, and to pay Eugene C. Moxley, clerk on Journal work for CONGRESSIONAL RECORD, for extra services, $400; in all, $3,400.

The amendment was agreed to.

The next amendment was, on page 45, after line 16, to insert:

JUDGMENTS, UNITED STATES COURTS.

For payment of the final judgments and decrees, including costs of suits, which have been rendered under the provisions of the act of March 3, 1887, entitled "An act to provide for the bringing of suits against the Government of the United States," certified to Congress at its present session by the Attorney General in Senate Document No. 546, and which have not been appealed, namely:

Under Department of the Interior, $1,228.60.

In all, $1,228.60; together with such additional sum as may be necessary to pay interest on the respective judgments at the rate of 4 per cent per annum from the date thereof until the time this appropriation is made.

The amendment was agreed to.

The next amendment was, under the head of "Judgments, Court of Claims," on page 46, line 9, after the words "One thousand and forty-nine," to insert "and Senate Document No. 647," so as to read:

For the payment of the judgments rendered by the Court of Claims, reported to Congress at its present session in House Document No. 1049 and Senate Document No. 547, namely:

The amendment was agreed to.

The next amendment was, on page 46, line 12, after the words "War Department," to strike out "$29,208.52" and insert "$30,438.65," so as to make the clause read:

Under War Department, $30,438.65.

The amendment was agreed to.

The next amendment was, on page 46, line 13, after the words "Navy Department," to strike out "$20,302.20" and insert "$20,601.10," so as to make the clause read:

Under Navy Department, $20,601.10.

The amendment was agreed to.

The next amendment was, on page 46, line 17, after the words "Treasury Department," to strike out "$48,596.54" and insert "$49,736.76," so as to make the clause read:

Under Treasury Department, $49,736.76.

The amendment was agreed to.

The next amendment was, on page 46, line 19, after the words "In all," to strike out "$102,270.97" and insert "$104,940.13," so as to make the clause read:

In all, $104,940.13.

The amendment was agreed to.

The next amendment was, on page 54, after line 1, to insert as a new section the following:

SEC. 3. That for the payment of the following claims, certified to be due by the several accounting officers of the Treasury Department under appropriations the balances of which have been exhausted or carried to the surplus fund under the provisions of section 5 of the act of June 20, 1874, and under appropriations heretofore treated as permanent, being for the service of the fiscal year 1912 and other years, unless otherwise stated, and which have been certified to Congress under section 2 of the act of July 7, 1884, as fully set forth in Senate Document No. 548, reported to Congress at its present session, there is appropriated as follows:

CLAIMS ALLOWED BY THE AUDITOR FOR THE TREASURY DEPARTMENT.

For collecting revenue from customs, $1.06.
For Public Health and Marine-Hospital Service, $11.11.
For quarantine service, $50.73.
For refunding taxes illegally collected, $1,526.21.
For payment of judgments against internal-revenue officers, $16,096.18.
For expenses of Revenue-Cutter Service, $3.71.
For Life-Saving Service, $63.12.
For repairs and preservation of public buildings, $179.
For general expenses of public buildings, $3.78.

CLAIMS ALLOWED BY THE AUDITOR FOR THE WAR DEPARTMENT.

For pay, etc., of the Army, $18,456.19.
For extra-duty pay to enlisted men as clerks, etc., at Army division and department headquarters, $439.50.
For regular supplies, Quartermaster's Department, $343.70.
For transportation of the Army, and its supplies, $9,120.76.
For ordnance stores and supplies, $11.75.
For headstones for graves of soldiers, $13.45.

CLAIMS ALLOWED BY THE AUDITOR FOR THE NAVY DEPARTMENT.

For pay of the Navy, $1,232.24.
For pay, Marine Corps, $658.33.
For transportation and recruiting, Marine Corps, $121.56.
For transportation, Bureau of Navigation, $19.08.
For maintenance of naval auxiliaries, Bureau of Navigation, $28.56.
For maintenance, Bureau of Yards and Docks, $1,094.92.
For freight, Bureau of Supplies and Accounts, $1,919.45.
For contingent, Bureau of Supplies and Accounts, $43.20.
For destruction of clothing and bedding for sanitary reasons, $91.68.
For enlistment bounties to seamen, $91.94.

CLAIMS ALLOWED BY THE AUDITOR FOR THE INTERIOR DEPARTMENT.

For law library, Patent Office, 1912, $3.75.
For education of natives of Alaska, $10.
For contingent expenses, office of surveyor general of Idaho, 1914, $1.24.
For contingent expenses, office of surveyor general of Utah, 1914, $9.10.
For expenses of hearings in land entries, 1913, $2.22.
For surveying the public lands in Utah, $530.88.
For Geological Survey, $32.23.
For purchase and transportation of Indian supplies, 1913, $42.16.
For telegraphing and telephoning, Indian Service, 1913, $7.82.
For support of Coeur d'Alenes, Idaho, 1913, $3.08.
For indemnity to certain Chickasaw Indians for losses, treaty June 22, 1855, $5,743.

CLAIMS ALLOWED BY THE AUDITOR FOR THE STATE AND OTHER DEPARTMENTS.

For transportation of diplomatic and consular officers, $291.40.
For preservation of collections, National Museum, $47.86.
For general expenses, Bureau of Animal Industry, $8.87.
For general expenses, Bureau of Plant Industry, $2.51.
For general expenses, Forest Service, $2.43.
For improvement of the national forests, $6.92.
For general expenses, Bureau of Soils, $2.67.
For general expenses, Weather Bureau, $8.36.
For contingent expenses, Department of Commerce and Labor, $5.42.
For supplies of lighthouses, 92 cents.
For expenses of light vessels, $126.54.
For expenses of buoyage, $13.40.
For miscellaneous expenses, Bureau of Fisheries, 80 cents.
For expenses of regulating immigration, $119.25.
For salaries, fees, and expenses of marshals, United States courts, $4.80.
For fees of commissioners, United States courts, 1913, $82.80.
For fees of commissioners, United States courts, $199.60.

The amendment was agreed to.

Mr. OVERMAN. Mr. President, I wish to offer an amendment. I wish to say that being at work on the Judiciary Committee, while I did receive a notice of the meeting of the Committee on Appropriations, I was negligent in not bringing it to the attention of the committee. I believe the committee will accept the amendment.

Mr. MARTIN of Virginia. I will state the senior Senator from North Carolina [Mr. SIMMONS] wishes to leave the Chamber on an urgent matter, and I ask the junior Senator from North Carolina to withhold his amendment for a few moments.

Mr. OVERMAN. Certainly; I yield to my colleague.

Mr. SIMMONS. Between lines 2 and 3, on page 43, I move to insert the amendment I send to the desk.

The PRESIDING OFFICER. The amendment will be stated.

The SECRETARY. On page 43, after line 2, it is proposed to insert:

To pay Frank G. Jones for 15 days' extra services rendered to the Committee on Interoceanic Canals during the tolls hearing the sum of $75.

The amendment was agreed to.

Mr. NELSON. I offer the following amendment——

Mr. OVERMAN. I have sent an amendment to the desk.

The PRESIDING OFFICER. The Senator from Minnesota will indulge the Chair. There is an amendment pending. It will be stated.

The SECRETARY. The Senator from North Carolina [Mr. OVERMAN] moves to amend, on page 55, after line 15, by inserting the following:

The accounting officers of the Treasury are hereby directed to adjust, settle, and pay, out of any money in the Treasury not otherwise appropriated, not to exceed in all the sum of $175,000, to officers of the Army, their heirs or legal representatives, pay as commutation for longevity rations, or other pay or allowances that may be due said officers, their heirs or legal representatives, under the decisions of the Supreme Court of the United States, any statute of limitations to the contrary notwithstanding, which claims have been heretofore barred from adjustment and settlement by section 3480, United States Revised Statutes, repealed by act of Congress approved July 6, 1914.

Mr. OVERMAN. Congress at the present session repealed section 3480. The Senate had repealed the section several times, but it had always failed in the House of Representatives. It went to the House of Representatives at this session, and by an almost unanimous voice the House repealed the section. To carry out the repeal of the section and allow the Confederate soldiers who fought in the war, such as Gen. Lee, Stonewall Jackson, and others, to receive the amount of money that is actually due them on the books of the Treasury Department I have introduced the amendment.

Mr. MARTIN of Virginia. I ask that the amendment may be inserted at the end of the bill, after line 9, on page 58.

Mr. OVERMAN. Very well, let it be inserted at the end of the bill.

The PRESIDING OFFICER. The question is on agreeing to the amendment proposed by the Senator from North Carolina.

The amendment was agreed to.

Mr. HUGHES. I offer the following amendment.

The PRESIDING OFFICER. The amendment will be read.

The SECRETARY. On page 43, after line 8, insert the following:

To pay Byford E. Long, jr., for indexing and extra services as clerk to the Committee on Pensions, Sixty-third Congress, first and second sessions, $800.

Mr. HUGHES. Mr. President, I offer this amendment in behalf of the Senator from Indiana [Mr. SHIVELY], who is detained from the Senate on account of illness. The object of it is to pay the clerk of the Committee on Pensions a sum somewhat smaller than has been heretofore paid to that official for extra services rendered during a session of Congress. For the past 15 years such an appropriation has been made, and in nearly every case a larger sum has been appropriated. The Committee on Pensions have been extraordinarily busy during the present session. They have acted upon something like 3,300 bills. This is an extremely faithful official, who has rendered a great amount of laborious service, and has done everything in his power to facilitate the work of the Senate. I trust the amendment will be adopted.

Mr. MARTIN of Virginia. Mr. President, the Senate may dispose of this matter as it sees fit; I am not going to say anything in opposition to it. But I am going to say, in order that Senators may understand the course I will pursue in the future, that this has been, it seems, an abuse for 15 years, and there could not be a more flagrant abuse than the practice of increasing a salary by a donation at the end of a session. It has been running through a period of 15 years, and I am not opposing it at this time; but I give notice that hereafter I will raise the point of order and I will resist to the utmost such gratuities asked for at the closing hours of the consideration of an appropriation bill. If the salaries paid are not sufficient, and if Senators will come before the committee with amendments to the law increasing the compensation of the employees of their committees, such amendments will have careful consideration, but this is the last time that I will sit quiet and not oppose what I consider an intolerable abuse.

We know nothing about these things. There is not a committee clerk in the employ of the Senate in behalf of whom Senators might not get up here and make the same statement. I want some system about this matter, but I will say not one word against this amendment. It has been done, it seems, from time immemorial; but this is the last time that I shall acquiesce, if I can prevent it, in an appropriation of this sort.

The PRESIDING OFFICER. The question is on the amendment.

Mr. GALLINGER. Let the amendment be stated.

The PRESIDING OFFICER. The Secretary will state the amendment.

The SECRETARY. On page 43, after line 8, it is proposed to insert the following:

To pay Byford E. Long, jr., for indexing and extra services as clerk to the Committee on Pensions, Sixty-third Congress, first and second sessions, $800.

The PRESIDING OFFICER. The question is on the amendment.

The amendment was agreed to.

Mr. NELSON. I offer the amendment which I send to the desk.

The PRESIDING OFFICER. The amendment proposed by the Senator from Minnesota will be stated.

The SECRETARY. On page 43, after line 18, it is proposed to insert the following:

To enable the Secretary of the Senate and the Clerk of the House of Representatives to pay to the officers and employees of the Senate and House borne on the annual and session rolls on the 1st day of July, 1914, including the Capitol police, the Official Reporters of the Senate and House, and W. A. Smith, CONGRESSIONAL RECORD clerk, for extra services during the first and second sessions of the Sixty-third Congress, a sum equal to one month's pay at the compensation then paid them by law, the same to be immediately available.

The PRESIDING OFFICER. The question is on the amendment.

Mr. BRYAN. Mr. President, I raise a point of order against the amendment.

The PRESIDING OFFICER. The Senator will state his point of order.

Mr. BRYAN. My point of order is that this proposed appropriation is not estimated for or reported by a standing or select committee of the Senate.

The PRESIDING OFFICER. The Chair will submit the question of order to the Senate.

Mr. BRYAN. Mr. President, the rule is perfectly plain. Why does the Chair wish to submit the question to the Senate? It has been raised before, and has always been sustained. I do not know that anybody will contend that the amendment is not subject to a point of order.

Mr. THOMAS. Mr. President, I made a similar point of order a few moments ago, but my recollection is that the Senator from Florida voted against it.

Mr. BRYAN. That has nothing to do with this case. The Senator's point of order was not good.

Mr. THOMAS. It was a good point of order.

Mr. BRYAN. It was not. I repeat, this amendment has not been estimated for.

Mr. THOMAS. That is true, and I stand corrected.

The PRESIDING OFFICER. The Chair has been advised that a point of order like the one now made by the Senator from Florida [Mr. BRYAN] has been heretofore made and has been overruled. The Chair has the privilege of submitting the point of order to the Senate, and he therefore so submits it.

Mr. BRYAN. The point of order has never heretofore been overruled to my knowledge.

The PRESIDING OFFICER. The Chair has the privilege of submitting the point of order to the Senate, and does submit it to the Senate. All who believe the amendment is in order will make it known by saying "aye." [A pause.] Those who believe the amendment is not in order will make it known by saying "no." The noes have it, and the point of order is sustained.

Mr. BRYAN. Mr. President, it is not a pleasant task to raise this point of order. There are many employees who do real work around the Senate and the other House whom I would be perfectly willing to see paid more money on account of the long sessions of Congress, although I believe the salaries ought to be fixed in accordance with the work done. I will vote as freely and as willingly as will any other Senator to pay just salaries; but, sir, the amendment offered by the Senator from Minnesota goes much further than that, for it means an additional appro-

priation of between $150,000 and $200,000. I can not get my consent to sit silently by, without raising the point of order, to pay that sum to people already receiving as much money, if not more money, than they could in any other activity of life, either in private or public employment.

I have raised this point of order on every appropriation bill upon which it has been offered, and I shall continue to do so, because I do not believe we have, in good conscience, the right to take a sum of money ranging, perhaps, up to $200,000 to pay to employees some of whom are getting good salaries for but little work.

Mr. KERN. Mr. President——

Mr. GALLINGER. Regular order, Mr. President.

Mr. KERN. I offer the amendment which I send to the desk.

The PRESIDING OFFICER. The amendment proposed by the Senator from Indiana will be stated.

The SECRETARY. On page 3, after line 14, it is proposed to insert the following:

That the Secretary of the Treasury be, and he is hereby, authorized and directed to refund, out of any moneys in the Treasury not otherwise appropriated, to any trust company or other claimant, taxes erroneously assessed or illegally collected under section 2 of the war-revenue act of June 13, 1898 (30 Stat. L., p. 448), from such trust company or other claimant on its capital, surplus, or undivided profits, in accordance with the decisions of the circuit court of appeals in the case of Treat, collector v. The Farmers' Loan & Trust Co. and the Central Trust Co., of New York (185 Fed. Repts., pp. 760 to 765).

Mr. KERN. Mr. President, this amendment simply provides that the United States shall pay this money, which it owes according to the decision of the court. It is conceded by the Secretary of the Treasury that such is the case. I hope there will be no objection to the amendment.

The PRESIDING OFFICER. The question is on agreeing to the amendment proposed by the Senator from Indiana.

Mr. THOMAS. I do not know that I comprehend the force of the amendment. I should like to have it again read.

Mr. KERN. It provides for the refund of taxes unlawfully collected.

Mr. BRYAN. Mr. President, I raise the point of order on the amendment that it is general legislation on an appropriation bill. There is a proper place for these claims before the proper committee.

The PRESIDING OFFICER. The Chair will submit to the Senate the point of order raised by the Senator from Florida.

Mr. KERN. Mr. President, if there is any question about the United States owing these people the amount that is conceded by the Secretary of the Treasury, justification is found for this appropriation in the decision of the court. The matter has been heretofore before the committee, and I think the justice of it is conceded by everybody; no one disputes the justice of the claim.

Mr. BRYAN. Mr. President, if so, the Senate can take the matter up in the regular and proper manner and consider and pass it. We do not know how much money is involved in this amendment. Such claims ought to be properly presented. I am not usually very jealous about other committees; but we have a Committee on Claims established for the purpose of considering claims against the Government, where the evidence is looked into, where the amount of the claim is examined, and where reports from the departments as to the amount of such claims are asked for and sent to the committee. I think it is bad legislation to put a wholesale amendment on a deficiency or other appropriation bill without knowing what is the amount involved or what are the circumstances of the case.

Mr. GALLINGER. Mr. President——

Mr. SHAFROTH. Has the Senator from Florida any idea of the amount which will be involved?

Mr. BRYAN. I have none whatever.

Mr. SHAFROTH. Has the Senator from Indiana any idea of it?

The PRESIDING OFFICER. Does the Senator from Florida yield to the Senator from New Hampshire?

Mr. KERN. Mr. President——

Mr. GALLINGER. I addressed the Chair to take the floor in my own right. I thought the Senator from Florida was through. I rose to ask the Senator from Indiana a question. Evidently this matter is to be submitted to the Senate, and we want to vote correctly on it if we can. I ask the Senator from Indiana to make a brief statement covering this case. What are the facts?

Mr. KERN. Mr. President, the matter has been presented to the Committee on Appropriations very frequently at different times, and I presume the Senator from Virginia [Mr. MARTIN] knows more about it than do I. I have no interest in the claim at all. I offer the amendment because two trust companies in my State have made this claim to the Secretary of the Treasury, and I understand that a number of other trust companies have done likewise.

The claim is for taxes erroneously assessed and illegally collected under the war-revenue act of 1898. The Secretary of the Treasury, I know—for I have seen his written statement to that effect—admits the justice of these claims; but he contends that under the existing statute he is without power to pay them and has relegated these people to Congress for their remedy.

Mr. GALLINGER. Has the circuit court of appeals given a favorable opinion on the claims?

Mr. KERN. The circuit court of appeals in the case referred to here of Treat, collector, *v.* The Farmers' Loan & Trust Co. and the Central Trust Co. of New York have so decided. That decision is accepted as the law by the Treasury Department.

Mr. GALLINGER. Mr. President——

Mr. SHAFROTH. I should like to ask the Senator——

The PRESIDING OFFICER. The Senator from New Hampshire has the floor.

Mr. GALLINGER. Mr. President, I have a great many times during my service here stated that if the United States were a private party or a corporation, and there was a law that would incarcerate persons or corporations for not paying their honest debts, the United States would be in jail all the time.

Mr. KERN. Yes, sir.

Mr. GALLINGER. And I have put myself on record as being in favor of paying every just claim that a citizen of this country has against the United States. I do not know but it would bankrupt the Government, for the Government is treating its citizens in this regard shamelessly, as I look at it. As the court has decided that this is a just claim, and as it is not controverted by the department, as I understand, I certainly shall vote in favor of putting it on any bill that it can properly be put on until it is paid.

Mr. BRYAN. I want to say, in reply to the Senator from Indiana [Mr. KERN], that I should like to have the letter of the Secretary of the Treasury read.

Mr. KERN. I have not the letter at hand.

Mr. BRYAN. Who has this information?

Mr. KERN. The Senator will have to take my word for some things. The chairman of the Committee on Appropriations, I think, is acquainted with the circumstances.

Mr. BRYAN. Mr. President, my recollection is that some of the tax collected under the war-revenue act of 1898 has been refunded, and bills have been pending before the Committee on Claims a good many times providing for additional refunds. Some of those who paid, as they had a right to do, at the time the tax was collected paid the money under protest or filed claims within a certain period of time. Sixteen years have elapsed since that tax was levied, and now on this fragmentary showing and upon the recollection of some one as to what the Secretary of the Treasury says ought to be paid, we are asked to appropriate an unknown sum.

These claimants have had their remedy in the courts; and the committees of the Senate have been open to them for 16 years to make any showing they could that they had either legal or equitable claims which could have received the attention of the Senate. I think there can be no question that the point of order is well taken, because no Senator will undertake to say that this is not general legislation on an appropriation bill.

The PRESIDING OFFICER. The question is, Is the amendment in order? Senators in favor of declaring the amendment in order will vote "aye"——

Mr. SMOOT. Mr. President, I desire to know how the question is going to be put to the Senate?

The PRESIDING OFFICER. Senators who believe the amendment is in order will vote "aye"; those who do not believe the amendment is in order will vote "no."

Mr. BRYAN. The question does not come upon the merits of the amendment, but it comes upon the question of whether the amendment is in order.

The PRESIDING OFFICER. The Chair has so stated. The question is, Is the amendment in order?

Mr. SMOOT. I understood the Chair would put the question in that way, for that is the way in which it should be put.

Mr. President, I feel that there is no doubt that the point of order lies against this amendment. I should dislike to be put in the position by voting to incorporate the amendment in the bill of voting at the same time against what I believe to be an absolute compliance with the rule.

Mr. GALLINGER. Does the Senator from Utah think it is general legislation? Does he think that point is well taken?

Mr. SMOOT. I think it is.

Mr. GALLINGER. On a matter that relates to two corporations?

Mr. SMOOT. We can not tell how many it refers to; it is general legislation covering everybody who would come under the provisions of the amendment.

Mr. GALLINGER. I do not so understand.

Mr. SMOOT. It may be one, or it may be a thousand; we can not say how many there will be.

Mr. GALLINGER. There are but two named in the amendment.

Mr. BRYAN. The amendment could not be framed in much more general language than it is. It applies to everybody who comes within its terms.

Mr. SMOOT. Therefore, if the question is put in that way, I shall have to vote that the point of order is well taken, because I think that it is, and I believe that under our rules the ruling of the Chair could not be otherwise than to sustain the point.

The PRESIDING OFFICER. The question before the Senate is, Is the amendment in order? [Putting the question.] The noes seem to have it; the noes have it, and the amendment is declared to be out of order.

Mr. WARREN. Mr. President, at the request of the department, I offer the amendment which I send to the desk, and ask that it be inserted in the proper place in the bill. If the point for its insertion indicated on the amendment is an improper place, I ask that the Secretary may change it.

The PRESIDING OFFICER. The amendment will be stated.

The SECRETARY. On page 39, after line 24, it is proposed to insert:

BUREAU OF FISHERIES.

Fish hatchery, Saratoga, Wyo.: For addition to the Saratoga, Wyo., fisheries station, including construction of buildings and ponds, improvement to water supply, and for equipment, to remain available until expended, $25,000.

The PRESIDING OFFICER. The question is on agreeing to the amendment.

Mr. THOMAS. Mr. President, I should like to inquire if an estimate has been made for that amendment?

Mr. WARREN. I desire to say that I have just received a letter from the department regarding this matter. If the Senator would like to hear it, I will ask that the letter be read.

Mr. THOMAS. I ask that the letter be read.

Mr. WARREN. Mr. President, I send the letter to the Secretary's desk and ask to have it read.

The PRESIDING OFFICER. In the absence of objection, the Secretary will read as requested.

The Secretary read as follows:

DEPARTMENT OF COMMERCE,
OFFICE OF THE SECRETARY,
Washington, July 18, 1914.

Hon. FRANCIS E. WARREN,
United States Senate.

MY DEAR SENATOR: Knowing your interest in the establishment and construction of the Saratoga, Wyo., fish-cultural station, I beg to call your attention to the condition which now exists in connection with the funds available for this purpose. Of the $25,000 appropriated, $2,000 has been expended for land and water rights and $250 for incidental items, including travel, surveys, etc. The balance of $22,500 it is proposed to use in the construction of a hatchery building, superintendent's residence, tool house, and other small buildings, water supply, a stock pond and two rearing ponds, and general equipment.

With the above work completed the station will be established and may be operated in a limited way. The experience of the Bureau of Fisheries has, however, amply proved that an appropriation of $25,000 is not enough to procure a site, construct, fully equip, and complete a modern and efficient fish-cultural station, and the investigations in connection with the Wyoming site have confirmed this.

In order to complete this station so as to get the best results it will require at least $25,000 more than is now available. This additional sum would be expended in the development of the water supply, construction of more stock ponds, rearing ponds, and buildings, and the purchase of more equipment, and would enable the Bureau to more than double its output of the valuable fishes of Wyoming.

It is therefore suggested that the following item be incorporated in the deficiency bill now before the Senate Committee on Appropriations.

"Fish hatchery, Saratoga, Wyo.: For addition to the Saratoga, Wyo., fisheries station, including construction of buildings and ponds, improvement to water supply, and for equipment, to remain available until expended, $25,000."

Very truly, yours,

WILLIAM C. REDFIELD, *Secretary.*

The PRESIDING OFFICER. The question is on agreeing to the amendment offered by the Senator from Wyoming.

Mr. SHEPPARD. Mr. President, I should like to inquire when was the original $25,000 authorized?

Mr. WARREN. It was appropriated some three years ago.

Mr. SHEPPARD. Why has it taken so long to complete the work?

Mr. WARREN. Because they were not able to secure title to the land until within the last three months.

The PRESIDING OFFICER. The question is on agreeing to the amendment offered by the Senator from Wyoming.

The amendment was agreed to.

Mr. SMOOT. On page 15, after line 19, I move to amend the bill by inserting the following:

Spanish Fork, Utah, post office: For site and commencement, $7,500.

I will state to the chairman——

Mr. MARTIN of Virginia. Mr. President, the amendment offered by the Senator from Utah is merely to cover an omission inadvertently made by the department. It is similar to other items in the bill, and ought to be adopted.

Mr. THOMAS. I will ask that the amendment be stated at the desk. I did not catch it.

The PRESIDING OFFICER. The Secretary will state the amendment.

The SECRETARY. On page 15, after line 19, it is proposed to insert:

Spanish Fork, Utah post office: For site and commencement, $7,500.

Mr. SMOOT. I will say to the Senator that a couple of years ago a bill passed authorizing the construction of a post office at Spanish Fork, Utah, and $50,000 was appropriated for that purpose. The department have just called my attention to the fact that they have now assurance that the site can be purchased within the limit fixed by the law, and the amendment simply follows the lines of similar items which are already included in the bill.

Mr. THOMAS. Very well.

The PRESIDING OFFICER. The question is on agreeing to the amendment offered by the Senator from Utah.

The amendment was agreed to.

Mr. SMOOT. On behalf of the senior Senator from North Dakota [Mr. MCCUMBER] I offer the amendment which I send to the desk, to come in on page 19, after line 9.

The PRESIDING OFFICER. The amendment will be stated.

The SECRETARY. On page 19, after line 9, it is proposed to insert:

Refund of sums paid for documentary stamps: The time within which claims may be presented for refunding the sums paid for documentary stamps used on foreign bills of exchange drawn between July 1, 1898, and June 30, 1901, against the value of products or merchandise actually exported to foreign countries, specified in the act entitled "An act to provide for refunding stamp taxes paid under the act of June 30, 1898, upon foreign bills of exchange drawn between July 1, 1898, and June 30, 1901, against the value of products or merchandise actually exported to foreign countries and authorizing rebate of duties on anthracite coal imported into the United States from October 6, 1902, to January 15, 1903, and for other purposes," approved February 1, 1909, be, and is hereby, extended to December 31, 1914.

Mr. SMOOT. Mr. President, the object of the amendment is to relieve certain grain exporters who filed claims in due time in accordance with the law, but at the time were not able definitely to state the exact amounts to which they were entitled. Afterwards, on learning the amount of the documentary stamps which they had purchased and put upon bills of exchange, they discovered that the claims they had filed did not amount to half the actual sums expended by them. In the meantime the limit of time prescribed by the law within which claims might be filed had been reached. This is simply to extend the law so that they can file their claims and be paid for those stamps under a provision of the law which, after the matter had gone to the courts, was found to be unconstitutional.

Mr. BRYAN. I raise the point of order that the amendment proposed is general legislation on an appropriation bill.

Mr. SMOOT. I ask if the point of order was sustained on the amendment offered by the Senator from Indiana [Mr. KERN]?

Mr. BRYAN. It was.

Mr. KERN. Yes; it was.

Mr. SMOOT. Then, of course, if the point of order lies against that amendment it also lies against this.

The PRESIDING OFFICER. A similar point of order having been submitted to the Senate this morning and sustained by the Senate, the Chair sustains the point of order made by the Senator from Florida.

Mr. POINDEXTER. Mr. President, I submit the amendment which I send to the desk.

The PRESIDING OFFICER. The amendment will be stated.

The SECRETARY. It is proposed to insert as a new paragraph on page 39, after the amendment agreed to on motion of Mr. WARREN, the following:

Fish hatchery, Baker Lake, Wash.: For the reconstruction of the hatchery building and barn recently destroyed by fire, $4,500.

Mr. POINDEXTER. Mr. President, I have a letter, which I received only a few moments ago, from the Secretary of Com-

merce urging the adoption of this amendment. It is very brief, and I will read it:

DEPARTMENT OF COMMERCE,
OFFICE OF THE SECRETARY,
Washington, July 18, 1914.

Hon. MILES POINDEXTER,
United States Senate.

MY DEAR SENATOR: Knowing your interest in the operations of the Bureau of Fisheries in salmon propagation on the Pacific coast, your attention is respectfully called to the total destruction of the hatchery building and barn at the Baker Lake (Wash.) station of the bureau.

Unless this hatchery building can be reconstructed before the fall run of salmon occurs, it will be impossible to conduct fish-cultural operations at Baker Lake during the current fiscal year. There are no funds now available for this, and it is suggested that the following item be incorporated in the deficiency bill now before the Senate Committee on Appropriations:

"Fish hatchery, Baker Lake, Wash.: For the reconstruction of the hatchery building and barn recently destroyed by fire, $4,500."

Very truly, yours,

WILLIAM C. REDFIELD,
Secretary.

In order that the information may be available for consideration in connection with this matter later on, I should like to state very briefly the extent and nature of the work done at this hatchery. It is the principal fish hatchery in the State of Washington, or was so regarded before it was destroyed by fire.

Mr. THOMAS. Mr. President——

The PRESIDING OFFICER. Does the Senator from Washington yield to the Senator from Colorado?

Mr. POINDEXTER. I yield to the Senator.

Mr. THOMAS. I merely wish to inquire whether the structures were insured?

Mr. POINDEXTER. I am not advised whether or not they were insured. My impression is that the Government does not insure its buildings.

Mr. GALLINGER. Mr. President, I will say to the Senator that public buildings are not insured in the District of Columbia. I do not know how it may be outside of the District, but there is no insurance carried on Government buildings in the District.

Mr. POINDEXTER. Mr. President, this fish hatchery is in a forest reserve at the head of Baker River and on Baker Lake, and is devoted to the propagation of blueback salmon, silver salmon, humpback salmon, and steelhead trout. Its output for the last five years has been 47,905,000. For the last three years the annual output has been as follows: In 1912, 6,371,000; in 1913, 7,666,000; and in 1914, 3,643,000. In 1914 the output fell off on account of the conditions being poor, and that year might be called an off year. Its chief output is blueback salmon, and it is the only hatchery in the State putting out that variety of salmon. This salmon is found in large quantities only in the Columbia and Skagit Rivers, and this hatchery is located near the Skagit River. The blueback salmon is a very valuable commercial variety, and it is most important that it should be maintained. To delay work and prevent any output next year would affect the salmon run for years hence.

As I have indicated, the Baker Lake Station is the Government's main station in the State of Washington. The Government has four or five other hatcheries, but Baker Lake is the main one, and the only one propagating the blueback variety of salmon.

Mr. STONE. Mr. President——

The PRESIDING OFFICER. Does the Senator from Washington yield to the Senator from Missouri?

Mr. POINDEXTER. I yield to the Senator.

Mr. STONE. I understood the Senator to say that the blueback salmon was found only in the Columbia River and what other river?

Mr. POINDEXTER. And the Skagit.

Mr. STONE. Are these fish very numerous in those streams?

Mr. POINDEXTER. They are exceedingly numerous. It is one of the principal commercial varieties of the salmon in Puget Sound, and the run of salmon there is of very great commercial value.

Mr. STONE. I am asking to get light on a matter which I do not understand. What is the function of this fishery? Do they produce fish and distribute them?

Mr. POINDEXTER. They do.

Mr. STONE. Where are they sent?

Mr. POINDEXTER. They are placed in the waters of these streams, where they develop and follow the usual life history of salmon. When they grow to a certain size they leave the streams and go to sea, and at a certain period they return to the streams; and as they return, under certain regulations, they are trapped and canned for the market.

Mr. STONE. Yes; I understand that; but I was curious to know why the natural production in streams would not be abundant to maintain the supply, without the semiartificial way of adding to or taking care of the supply to prevent its exhaustion.

Mr. POINDEXTER. I am very glad the Senator asked that question. Of course it involves the entire policy of the artificial propagation of fish which the Government has been engaged in for many years and has developed to a very high point of efficiency, not only in regard to salmon, but in regard to cod, shad, and various inland fish.

As to why the natural reproduction of these fish is not sufficient to maintain the supply, my judgment is that it is because of the tremendous extent to which the fish are caught. It has been found from experience that unless some artificial aid is given they will be exterminated.

Mr. CLAPP. Mr. President, if the Senator will pardon an interruption, it is not only because of the increased destruction through the use of fish, but there is no period in the life of the fish when they are so susceptible to destruction by those forms of fish that take the eggs from the bed of the stream as at the egg period. It is a fact that carrying them through that period in these artificial fish hatcheries to the point where they can in a measure protect themselves by flight very largely increases the percentage of the development and preservation of the small fish. That is why the artificial production is so much preferable to the natural production at that particular point in their existence.

The PRESIDING OFFICER. The question is on agreeing to the amendment.

The amendment was agreed to.

Mr. BORAH. Mr. President, on page 42, in line 20, after the figures "1,500," I offer the amendment which I send to the desk.

The PRESIDING OFFICER. The amendment will be stated.

The SECRETARY. At the end of the committee amendment on page 42, line 20, it is proposed to insert the following paragraph:

To pay to the Hon. K. I. Perky the sum of $267.12, being the compensation of a Senator of the United States for 13 days, January 25 to February 6, 1913, during which time he served as a Senator from the State of Idaho.

Mr. MARTIN of Virginia. Mr. President, there is no doubt about the justice of that amount. I hope the amendment will be adopted.

The PRESIDING OFFICER. The question is on agreeing to the amendment.

The amendment was agreed to.

Mr. CHILTON. I offer the amendment which I send to the desk.

The PRESIDING OFFICER. The amendment will be stated.

The SECRETARY. On page 11, after line 17, it is proposed to insert:

Martinsburg, W. Va., post office and courthouse: For extension, remodeling, rebuilding, reconstruction, or improvement, including installation of an elevator, $20,000.

Mr. MARTIN of Virginia. As I understand, that is within the limit of cost, and the amendment ought to be adopted.

The PRESIDING OFFICER. The question is on agreeing to the amendment.

The amendment was agreed to.

Mr. KERN. Mr. President, in order to make it as unobjectionable as possible, I will state that the amendment I send to the desk is offered by me for another Senator, Mr. REED. I have a memorandum in regard to it that I will read in a moment.

The PRESIDING OFFICER. The amendment will be stated.

The SECRETARY. It is proposed to insert the following, after line 18, on page 43:

To pay the following named for overtime and expert services rendered to the Committee on Banking and Currency, assisting in compiling and indexing the hearings on the federal-reserve act from October 20 to November 5, 1913, by detail from the Government Printing Office, the sum set opposite each name respectively: Helen C. McGown, $46.26; Elizabeth M. Eggert, $39.76; Elizabeth A. Spilman, $35.91; and Minnie B. Hegeman, $20.90; in all, $142.83.

Mr. KERN. Mr. President, the Senator from Missouri [Mr. REED], who was obliged to leave the Chamber, left with me this memorandum about the amendment. He says:

The hearings on the Federal reserve act before the Banking and Currency Committee began September 2, 1913, and were concluded October 28. The hearings cover 3,200 printed pages.

It was necessary that the index of these hearings should be prepared immediately in order to have the volumes printed and before the Senate when the bill was taken up for consideration. The committee had no additional clerical assistance, the force consisting of a clerk and two stenographers. The Printing Office was called upon to detail expert assistants in connection with the indexing, and four young ladies were detailed in compliance with this request. They assisted the clerk, night and day, including Sundays, from the 20th of October to the 5th of November. They were paid for the regular hours of employment by

the Government Printing Office, but have received no compensation for the extra time they put in at night and on Sundays. The provision proposed to be incorporated in the deficiency bill makes appropriation for payment to them for this extra service, only, at the rate they would have received had they been employed overtime by the Government Printing Office.

The PRESIDING OFFICER. The question is on agreeing to the amendment.

The amendment was agreed to.

Mr. GALLINGER. Mr. President, during the consideration of the District of Columbia appropriation bill we had a most interesting hearing by certain blind people, and two appropriations were placed in the bill in aid of the blind. They were both lost in conference.

I observe that in this bill an appropriation for the library for the blind is inserted, which was one of the provisions which was in the District of Columbia appropriation bill. I will say that our legislation in the District of Columbia for the care of the blind is very imperfect and inadequate; but some very worthy people have established a home in Georgetown, and have constructed a new building, and they are taking care of blind people and teaching them trades as far as possible, and doing most excellent work.

I am very strongly in favor of the amendment which has been inserted in this bill for the library for the blind; but I am equally in favor of giving a little aid to this institution in Georgetown, which is in debt, having a mortgage upon its property.

The provision which appeared in the District of Columbia bill appropriated $10,000 for that purpose. I am going to offer an amendment, which I am sure the chairman of the committee will be willing should go to conference, giving them $5,000, which is the same amount that was included in the bill for the library for the blind.

I offer that amendment.

The PRESIDING OFFICER. The amendment will be stated.

The SECRETARY. On page 23, after line 5, after the amendment agreed to at that point, it is proposed to insert:

AID TO THE BLIND.

Aid Association for the Blind: For aid, maintenance, improvement of grounds, and purchase of mechanical equipment for the workshop of the Aid Association for the Blind, located at 3050 R Street NW., $5,000, said sum to be expended under the direction and supervision of the Commissioners of the District of Columbia.

Mr. THOMAS. Mr. President, I should like to inquire why items of that kind are not included in the District of Columbia appropriation bill? What part have they in a bill of this sort?

Mr. GALLINGER. I had just explained to the Senate in a few words that this item, carrying an appropriation of $10,000, was inserted in the District bill and passed the Senate; but it was lost in conference, as was the item relating to the library for the blind, which has been put in this bill. I wanted this item to go to conference in conjunction with the other item, and if it is lost again, of course we can not help it; but it is a very worthy purpose.

Mr. THOMAS. I think if we can lavish $75,000 upon a celebration in Maryland, we can afford to spend $5,000 for the blind.

The PRESIDING OFFICER. The question is on agreeing to the amendment.

The amendment was agreed to.

Mr. SHEPPARD. I offer the amendment which I send to the desk.

The VICE PRESIDENT. The amendment will be stated.

The SECRETARY. On page 41, after line 2, it is proposed to insert:

To enable the Secretary of Labor to carry out the provisions of Senate resolution 68, agreed to June 30, 1914, directing him to "investigate and report, as far as it is practicable, upon the mortality and the disability by accident or by disease incident to or resulting from the various occupations in which the wage earners of the United States are engaged," the Secretary of Labor be, and he is hereby, authorized to employ, through the Commissioner of Labor Statistics, such temporary assistance as may be necessary to tabulate the material secured in compliance with Senate resolution 68, to be paid from the appropriation for miscellaneous expenses, Bureau of Labor Statistics, 1915.

Mr. SMOOT. Mr. President, I want to say that this is simply another duplication of work. We have the Census Department now under the Department of Commerce. Yesterday afternoon I telephoned to the Census Office and asked the Census Office if they had the information asked for in this amendment. They told me that they had the information covering a little over one-half the United States. I asked them why they did not have it to cover the whole of the United States, and they stated that the reason was that the other States had laws that were not applicable to the collection of the proper information, or at least information in which they had absolute confidence.

This work never ought to be placed in the hands of another department of the Government. To-day, under the Department of Commerce, the Census Office has a complete corps of workers for the collection of this information. If we undertake this duplication of work, if we make this appropriation at this time for the Department of Labor to undertake it, it will be only the beginning of a system that will end in a bureau in that department with an appropriation of $100,000 or $200,000 every year.

I know the Senator may say that this is simply to collect the information at this time; but experience has shown that wherever it has been undertaken in any department it has never ceased, and this is simply asking another department of the Government to do work that is being done by one of the departments at the present time.

I make the point of order against the amendment that it is general legislation upon an appropriation bill, and not estimated for.

Mr. SHEPPARD. Mr. President, this amendment to the pending bill is to carry out a resolution previously passed by the Senate during this session. It is therefore in order. On page 17 of the Standing Rules of the Senate the Chair will see the language which I am about to read.

Mr. SMOOT. In that connection let me call the attention of the Chair to the fact that the resolution of which the Senator speaks was not a joint resolution. It was only a Senate resolution and has no binding effect whatever. If it had been a joint resolution, and had become a law by the action of both Houses, then the Senator's contention would be sound.

Mr. SHEPPARD. The rules do not say "joint resolution."

Mr. SMOOT. That is what has always been held by the various presiding officers of the Senate.

Mr. SHEPPARD. The rules do not specify that it shall be a joint resolution. I call the Chair's attention to the plain language of the rule:

Or to add a new item of appropriation, unless it be made to carry out the provisions of some existing law, or treaty stipulation, or act, or resolution previously passed by the Senate during that session.

Mr. SMOOT. Of course that means a law, and nothing can be a law unless passed by both Houses. Of course it does not say "joint resolution"; but it means and has always been held to mean a resolution passed by both Houses, which is a joint resolution or a concurrent resolution.

Mr. SHEPPARD. That is merely the *ipse dixit* of the Senator from Utah. The plain language of this rule is that the amendment is in order if it is to carry out a resolution heretofore passed during this session.

I submit to the Chair that the plain language of the rule makes the amendment in order.

The PRESIDING OFFICER. The Chair has read the rule. The Chair holds that under four conditions such an amendment is in order: Where it is to carry out the provisions of—

(1) Some existing law—

(2) Or treaty stipulation—

(3) Or act—

(4) Or resolution previously passed by the Senate during that session.

The resolution having previously passed the Senate during this session, the amendment is in order.

The question is on agreeing to the amendment.

Mr. GALLINGER. Mr. President, I want to appeal to the Senator from Texas to agree to striking out three words. This amendment provides that the Secretary of Labor shall "investigate and report, as far as it is practicable, upon the mortality and the disability by accident or by disease incident to or resulting from the various occupations," and so forth.

If we go into an investigation of the question of diseases that may occur from vocational enterprises or labor, it is an endless journey, and I do not think it is practicable. I do not see how it can be determined, except to guess. A man has a chronic disease, we will say, and he has been employed in some class of labor, some manufacturing concern. I do not know how on earth any man is wise enough to determine whether that disease was produced by the labor in which he was engaged, or whether it may not have been hereditary, or whether it may not have been produced by some other cause.

I am quite in favor of the compensation act, so far as death and disability are concerned; but I am very fearful that if we go into this question of compensation for diseases incurred we will rue the day we adopted that course.

Therefore I move to strike from the amendment the words "or by disease," and I hope the Senator will agree to have those words eliminated.

The PRESIDING OFFICER. The amendment to the amendment will be stated.

The SECRETARY. On line 5 of the amendment it is proposed to strike out the words "or by disease."

Mr. SHEPPARD. Mr. President, these statistics are merely to serve as a basis for investigating the very question the Senator suggests. It is not to say arbitrarily that certain occupations produce certain disease, but by getting these figures the department will endeavor to ascertain whether they do or not.

Mr. GALLINGER. I am still of opinion that it is a dangerous field to enter upon, and I will ask to have the motion submitted to the Senate.

The PRESIDING OFFICER. The question is on agreeing to the amendemnt to the amendment.

The amendment to the amendment was agreed to.

The PRESIDING OFFICER. The question now is on agreeing to the amendment as amended.

Mr. SMOOT. Mr. President, I make the point of order against the amendment as amended, because if it has been amended it is not carrying out the provisions of a resolution and is general legislation on an appropriation bill and no estimate has been made for it.

The PRESIDING OFFICER. The Chair is of opinion that the point of order is not well taken, and overrules it.

The question is on agreeing to the amendment offered by the Senator from Texas as amended.

The amendment as amended was agreed to.

Mr. BURTON. Mr. President, I should like to ask a question of the chairman of the committee, or some member of the committee, in regard to an item on page 46. It is for the payment of judgments against the United States. In lines 2 to 5 these words are used:

> Together with such additional sum as may be necessary to pay interest on the respective judgments at the rate of 4 per cent per annum from the date thereof until the time this appropriation is made.

Mr. MARTIN of Virginia. That is in the direct language of the statute. There is a statute that provides that interest shall be paid on judgments at the rate of 4 per cent per annum. The Senator from Utah [Mr. SMOOT] raised the same question and wanted the committee not to put in that language, but it is in accordance with law. It is necessary to be put in. It is so provided by law.

Mr. SMOOT. I will say to the Senator that in looking it up I found that section 10 of the Tucker Act specifically provides that 4 per cent interest shall be paid upon these judgments.

Mr. BURTON. What class of judgments?

Mr. SMOOT. Judgments of the United States courts.

Mr. BURTON. Does that include the Court of Claims?

Mr. MARTIN of Virginia. All judgments of circuit courts.

Mr. SMOOT. Yes; all judgments of circuit courts. I was not aware of it until to-day.

Mr. BURTON. That is not true of the Court of Claims, is it?

Mr. SMOOT. No; I think not of the Court of Claims, because we never allow interest on judgments of the Court of Claims; but, as I say, section 10 of the Tucker Act specifically states that 4 per cent interest shall be paid on judgments of United States courts.

The PRESIDING OFFICER. If there be no further amendments to be offered as in Committee of the Whole, the bill will be reported to the Senate.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The amendments were ordered to be engrossed, and the bill to be read a third time.

The bill was read the third time and passed.

ENLARGED HOMESTEAD.

Mr. BORAH. I ask unanimous consent for the present consideration of a bill on the calendar which has been passed by the House and unanimously reported by the Committee on Public Lands. It is House bill 1698.

The PRESIDING OFFICER. The Senator from Idaho asks unanimous consent for the present consideration of House bill 1698. Is there objection to the request?

Mr. SHAFROTH. I should like to have the title of the bill stated.

The PRESIDING OFFICER. The Secretary will state the title of the bill.

The SECRETARY. An act to amend an act entitled "An act to provide for an enlarged homestead," and acts amendatory thereof and supplemental thereto.

The PRESIDING OFFICER. Is there objection to the present consideration of the bill?

Mr. PAGE. Mr. President, I think I must object to the present consideration of the bill.

Mr. BORAH. Why does the Senator object?

Mr. PAGE. Because I think it is a bill that ought not to be passed. I have not examined all of it with sufficient care to say so positively at this time, but I think I shall have to object to its present consideration.

Mr. BORAH. Of course the Senator has that privilege.

The PRESIDING OFFICER. Objection is made.

Mr. KERN. I move that the Senate adjourn.

The motion was agreed to; and (at 2 o'clock and 25 minutes p. m.) the Senate adjourned until Monday, July 20, 1914, at 12 o'clock meridian.

HOUSE OF REPRESENTATIVES.

SATURDAY, *July 18, 1914.*

The House met at 12 o'clock noon.

The Chaplain, Rev. Henry N. Couden, D. D., offered the following prayer:

We would approach Thee, Almighty God, in the spirit of Him who taught us when we pray to say:

Our Father which art in heaven, Hallowed be Thy name. Thy kingdom come. Thy will be done in earth, as it is in heaven. Give us this day our daily bread. And forgive us our debts, as we forgive our debtors. And lead us not into temptation, but deliver us from evil: For Thine is the kingdom, and the power, and the glory, for ever. Amen.

The Journal of the proceedings of yesterday was read and approved.

ENGROSSMENT OF CLAIMS RESOLUTIONS.

Mr. MANN. Mr. Speaker, I ask unanimous consent for the present consideration of the orders which I send to the Clerk's desk and ask to have read.

The Clerk read as follows:

Order No. 15.

Ordered, That in the engrossment of H. Res. 532 the Clerk be directed to strike out "[Connecticut]," on page 1, line 7; and also to insert in their proper alphabetical order the amendments offered under "Tennessee."

Order No. 16.

Ordered, That in the engrossment of H. Res. 451 the Clerk be directed to insert the amendment offered on page 2, under "Alabama," in their proper alphabetical order; and also, on page 4, line 10, to strike out "[Illinois]."

The SPEAKER. The gentleman from Illinois asks unanimous consent for the present consideration of the orders which the Clerk has just reported. Is there objection?

There was no objection.

The SPEAKER. The question is on agreeing to the orders.

The question was taken, and the orders were agreed to.

CORRECTION.

Mr. CRAMTON. Mr. Speaker, I ask unanimous consent to make a statement in the nature of a correction of the RECORD. During a discussion in the House on July 15 I understood the gentleman from Colorado [Mr. SELDOMRIDGE] to make the following statement, which I find is so transcribed by the reporter of debates:

> This administration has been able, through its policy of wise and peaceful methods, to bring peace and good order to that disordered country.

Referring in that statement to Mexico, which statement led me to make the following observation:

> Mr. Chairman, listening to the picture of order and peace having been restored in Mexico by this administration, as painted by the gentleman from Colorado [Mr. SELDOMRIDGE], it occurred to me that that picture of order and peace and quietude could only have been painted and could only have been imagined by a gentleman from Colorado.

I find that in the RECORD the statement of the gentleman from Colorado now reads differently, and I have no criticism to make of the improvement which I admit has been made in that statement, for it seems nearer to the demands of the truth. It is as follows:

> This administration has been able, through its wise and peaceful policy, to bring about conditions that will result in peace and good order in that distracted country.

I make this statement, Mr. Speaker, merely to have it appear in the RECORD.

RESIGNATION FROM A COMMITTEE.

The SPEAKER laid before the House the following resignation:

WASHINGTON, D. C., *July 16, 1914.*

Hon. CHAMP CLARK,
Speaker House of Representatives.

DEAR MR. CLARK: I beg to hereby tender my resignation as a member of the Committee on Agriculture.

Yours, very truly. CHARLES H. SLOAN.

The SPEAKER. Without objection, the resignation will be accepted.

There was no objection.

COMMITTEE ELECTIONS.

Mr. UNDERWOOD. Mr. Speaker, at the request of the gentleman from Illinois, I move that CHARLES H. SLOAN, of Nebraska, be elected a member of the Committee on Ways and Means, and that Mr. SYDNEY ANDERSON, of Minnesota, be elected a member of the Committee on Agriculture.

The SPEAKER. The Clerk will report these nominations.

The Clerk read as follows:

JULY 16, 1914.

Hon. OSCAR W. UNDERWOOD,
Chairman Committee on Ways and Means,
House of Representatives.

DEAR MR. UNDERWOOD: I beg to recommend the election of Hon. CHARLES H. SLOAN, of Nebraska, as a member of the Committee on Ways and Means, and Hon. SYDNEY ANDERSON, of Minnesota, as a member of the Committee on Agriculture.

Yours, very sincerely,

JAMES R. MANN,
Chairman Conference Minority.

The SPEAKER. Without objection, these gentlemen will be elected to these places.

There was no objection.

Mr. UNDERWOOD. Mr. Speaker, by direction of the Democratic caucus, I also move the election of the following gentlemen to the several committees named in the paper which I send to the Clerk's desk.

The SPEAKER. The Clerk will read.

The Clerk read as follows:

Nominations of Democratic caucus:

MICHAEL J. GILL, twelfth Missouri, to be a member of the following committees: Invalid Pensions, Labor, and Industrial Arts and Expositions.

W. O. MULKEY, third Alabama, to be a member of the Committee on the District of Columbia.

WILLIAM L. IGOE, eleventh Missouri, to be a member of the Committee on the Judiciary

E. Y. WEBB, ninth North Carolina, to be the chairman of the Committee on the Judiciary.

The SPEAKER. Without objection, these gentlemen will be elected to the places named.

There was no objection.

USE OF REVENUE CUTTERS.

Mr. FITZGERALD. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD by printing a letter from the Secretary of the Treasury with relation to certain statements that were made in the House on the 11th day of July relative to his alleged violation of the law in the use of revenue cutters.

The SPEAKER. The gentleman from New York asks unanimous consent to print in the CONGRESSIONAL RECORD a letter from the Secretary of the Treasury on the subject of remarks that were made about his abuse of the use of revenue cutters. Is there objection?

Mr. MADDEN. Mr. Speaker, reserving the right to object, I would like to hear the letter read now.

Mr. FITZGERALD. Mr. Speaker, I ask unanimous consent that the letter may be read at this time.

The SPEAKER. That will get it into the RECORD surely.

Mr. HUMPHREY of Washington. Mr. Speaker, reserving the right to object, I will ask the gentleman from New York if the Secretary says anything in that letter in regard to the rumor that his son, at the time he was married, was using a revenue cutter on his honeymoon trip?

Mr. FITZGERALD. I do not know.

Mr. MURDOCK. Who was married?

Mr. HUMPHREY of Washington. The son of the Secretary of the Treasury, as I have heard, used a revenue cutter for the purpose of making a honeymoon trip when he was married.

Mr. FITZGERALD. Mr. Speaker, no such statement as that has ever been made.

Mr. MURDOCK. Let us hear the letter read.

Mr. FITZGERALD. I do not think anybody would make such a preposterous statement.

The SPEAKER. The gentleman from New York asks unanimous consent that the letter be read at this time. Is there objection?

There was no objection.

The Clerk read as follows:

TREASURY DEPARTMENT,
Washington, July 17, 1914.

MY DEAR MR. FITZGERALD: My attention has been called to page 11971 of the CONGRESSIONAL RECORD, dated July 11, 1914, where Mr. GOOD of Iowa made the following statement:

"It is a notorious fact that every Friday or thereabouts at this time of the year the revenue cutter *Prairie* leaves Boston, comes to Washington, and is loaded down with Democratic officials, and they are taken for a cruise down the Potomac at Government expense; but that would not be so bad if the violation of the law stopped there."

He then quotes a newspaper item in which it is stated that the Secretary of the Treasury and Mrs. McAdoo arrived at Mattapoisett, Mass., July 5, on the revenue cutter *Onondaga*. Mr. GOOD recites a provision of the law contained in the sundry civil bill approved July 7, 1884, which provides that "hereafter revenue cutters shall be used exclusively for the public service and in no way for private purposes." He then alleges that the Secretary of the Treasury has violated this law because he rode upon a revenue cutter, and exclaims: "If the public to-day had the power, in no uncertain terms it would demand the removal from office of the Secretary of the Treasury, who not only refuses to enforce this law but himself violates it."

Please allow me to thank you for having so effectively replied to these statements of Mr. GOOD, which I can ascribe only to utter ignorance on his part of the law and the long-standing practice of this department or to wanton misrepresentation.

[Applause on the Democratic side.]

If the present Secretary of the Treasury has violated the law in going aboard a revenue cutter, then every Secretary of the Treasury since the passage of this law in 1884 has been a violator of the law. Every one of my Republican predecessors, namely, William Windom, Charles Foster, Lyman J. Gage, Leslie M. Shaw, George B. Cortelyou, and Franklin MacVeagh, as well as my Democratic predecessors, Hugh McCullough, Daniel Manning, Charles S. Fairchild, and John G. Carlisle, have been violators of the law. The fact is that neither I nor any of my predecessors, Republican or Democratic, have violated the law in going aboard revenue cutters. The Secretary of the Treasury is the head of the Revenue-Cutter Service, and has been since its foundation in 1792. The purpose of the service is, among other things, to patrol our coasts and the adjacent waters for prevention of smuggling, the destruction of derelicts at sea, and the rescue of life and property imperiled at sea. In the winter cruising season no revenue cutter is allowed to remain in port longer than 24 hours without a written explanation to the department. I consider it highly advantageous to the service for the Secretary of the Treasury himself to go aboard the revenue cutters and to cruise with them as frequently as possible, because it enables him to familiarize himself with the service generally, with the character and operation of the ships, and the manner in which the officers and crew are performing their duties. On two occasions within the last 17 months, when I have been on board revenue cutters, rescues were made at sea, and I secured knowledge which I have applied with great advantage in the administration of the Revenue-Cutter Service. During the fiscal year ended June 30, 1913 (report for the fiscal year ended June 30, 1914, is not yet ready), the Revenue-Cutter Service saved 327 lives and assisted vessels and cargoes imperiled at sea to the value of $10,626,610. This service, in cooperation with the Life-Saving Service, for the same year saved 4,423 lives and assisted in saving property valued at $16,659,545.

Permit me to say that my Republican and Democratic predecessors in this office have permitted Congressmen and Senators and other officers of the Government to go aboard the revenue cutters from time to time and upon such occasions as they thought it might be beneficial to the service. In all such instances officers of the Government have been permitted to use the revenue cutters only when it did not interfere with the proper cruising arrangements of the vessels, and always, as I understand it, upon the payment by such officials of their personal expenses on the ships.

Permit me also to say that the Presidents of the United States have frequently made use of the revenue cutters. I do not believe that such use was a violation of the law. President Taft and President Roosevelt have been on the revenue cutters at various times.

Mr. GOOD says: "It is a notorious fact that every Friday or thereabouts at this time of the year the revenue cutter *Prairie* leaves Boston, comes to Washington, and is loaded down with Democratic officials, and they are taken for a cruise down the Potomac at Government expense." This statement is utterly without foundation.

[Applause on the Democratic side.]

There is no revenue cutter by the name of *Prairie;* there is a naval supply vessel by the name of *Prairie*—a sort of transport, which has been employed for some time in carrying men and supplies to and from the naval fleet in southern waters. I have no control whatever over the *Prairie.* No revenue cutter of any kind or character "leaves Boston every Friday or thereabouts and comes to Washington" for any purpose whatever, nor has any revenue cutter come from Boston to Washington or gone from Washington to Boston since I became Secretary of the Treasury. It is inconceivable how Mr. GOOD could have made such an untrue statement, especially when he could have ascertained the facts by merely inquiring at the department.

On the occasion to which Mr. GOOD refers, namely, July 5, 1914, I did arrive at Mattapoisett, Mass., on the revenue cutter *Onondaga.* The *Onondaga* was under cruising orders, and I accompanied her on that cruise. Every item of expense occasioned by my presence and that of my wife on the cutter was paid by me.

[Applause on the Democratic side.]

I have never at any time been on a revenue cutter when I have not paid every item of expense connected with my presence there. This is the only occasion upon which I have ever gone from Washington to Mattapoisett on a revenue cutter.

In the course of the debate, Mr. GOOD asked the following question: "Will the gentleman name some of the duties that might devolve upon the Secretary of the Treasury which would cause him to use a revenue cutter leaving New York Harbor with the American flag flying, and immediately after it was outside of the harbor the Secretary ordered the flag pulled down and its remaining down until they reached the port in Massachusetts where his summer home is?" If by this Mr. GOOD means to charge that any such incident as this occurred while I was on the *Onondaga,* the charge is unqualifiedly false. I have never given orders at any time concerning the flag, and the only time I have ever seen the flag lowered on a revenue cutter was at sunset, when on all revenue cutters, as well as on all naval vessels of the United States, the flag is lowered at sunset, and the salute to the flag is given.

As the administrative head of the service, I have done my utmost to learn as much as I can about the revenue cutters, because I am deeply interested in the brave men who run these ships and in the splendid humanitarian and other work they do. Not only is this lawful, but it is in the line of my duty. Such criticism as that of Mr. GOOD displays an utter lack of understanding of the law and the purposes for which the Revenue-Cutter Service is maintained.

With kind regards, I am,

Very sincerely, yours,

W. G. MCADOO.

Hon. JOHN J. FITZGERALD,
House of Representatives.

[Applause on the Democratic side.]

ENROLLED BILL SIGNED.

Mr. ASHBROOK, from the Committee on Enrolled Bills, reported that they had examined and found truly enrolled bill of the following title; when the Speaker signed the same:

H. R. 11317. An act to increase the limit of cost of the United States post-office building at Newcastle, Ind.

ENROLLED JOINT RESOLUTION PRESENTED TO THE PRESIDENT FOR HIS APPROVAL.

Mr. ASHBROOK, from the Committee on Enrolled Bills, reported that this day they had presented to the President of the United States, for his approval, the following joint resolution:

H. J. Res. 304. Joint resolution authorizing the Secretary of War to loan certain saddles and bridles for the use of the national encampment, Knights of Pythias, to be held at Terre Haute, Ind., in July, 1914.

LEAVE OF ABSENCE.

By unanimous consent, leave of absence was granted as follows:

To Mr. PADGETT, indefinitely, on account of important business.

To Mr. KITCHIN, indefinitely, on account of sickness in his family.

WITHDRAWAL OF PAPERS.

By unanimous consent, Mr. DILLON was granted leave to withdraw from the files the papers pertaining to H. R. 13560, no adverse report having been made thereon.

AMENDMENT OF GENERAL DAM ACT.

The SPEAKER. The gentleman from Georgia [Mr. ADAMSON].

Mr. ADAMSON. Mr. Speaker, I move that the House resolve itself into the Committee on the Whole House on the state of the Union for the further consideration of the bill H. R. 16053.

The SPEAKER. Before that question is put the Chair will announce for the benefit of the Kansas delegation that at 3 o'clock a special order begins to present and accept the statue of George W. Glick, placed in Statuary Hall. The gentleman from Georgia moves that the House resolve itself into the Committee of the Whole House on the state of the Union for the further consideration of the bill H. R. 16053.

The motion was agreed to.

Accordingly the House resolved itself into the Committee of the Whole House on the state of the Union for the further consideration of the bill H. R. 16053, with Mr. GARNER in the chair.

The CHAIRMAN. The House is in the Committee of the Whole House on the state of the Union for the further consideration of the bill H. R. 16053, the title of which the Clerk will report.

The Clerk read as follows:

A bill (H. R. 16053) to amend an act entitled "An act to regulate the construction of dams across navigable waters," approved June 21, 1906, as amended by the act approved June 23, 1910.

EXTENSION OF REMARKS.

Mr. ADAMSON. Mr. Chairman, I desire to yield to the gentleman from Missouri [Mr. LLOYD].

Mr. LLOYD. Mr. Chairman, I wish to extend my remarks in the RECORD in regard to the subject of railway mail pay. There will be a bill considered next week, probably, in which this matter will be discussed to some extent. I understand at that time there will not be opportunity for general debate of any consequence, and I wish now to have an opportunity to extend my remarks.

The CHAIRMAN. The gentleman from Missouri asks unanimous consent to extend his remarks in the RECORD in the manner indicated. Is there objection? [After a pause.] The Chair hears none.

Mr. MANN. Mr. Chairman, I make the same request.

The CHAIRMAN. The gentleman from Illinois makes the same request. Is there objection? [After a pause.] The Chair hears none.

Mr. ADAMSON. Mr. Chairman, I yield to the gentleman from New Mexico [Mr. FERGUSSON].

Mr. FERGUSSON. Mr. Chairman, I ask leave to extend my remarks in the RECORD for the purpose of inserting a letter from one of my constituents correcting a statement in a speech which I made not long ago relating wholly to a matter within New Mexico.

The CHAIRMAN. Is there objection to the request of the gentleman from New Mexico? [After a pause.] The Chair hears none.

Mr. ADAMSON. Mr. Chairman, I yield to the gentleman from Kansas [Mr. MURDOCK].

Mr. MURDOCK. Mr. Chairman, I ask unanimous consent to extend my remarks in the RECORD by printing a short article from the National Field, which is the official organ of the National Farmers' Union. It seems recently John Skelton Williams, Comptroller of the Currency, said there were $500,000,000 now available under the new law for farm loans. The representative of this organization asked farm loans from national banks and failed to obtain them, and this is a recital of the attempt.

The CHAIRMAN. The gentleman from Kansas asks unanimous consent to extend his remarks in the RECORD in the manner indicated. Is there objection? [After a pause.] The Chair hears none.

Mr. ADAMSON. I yield to the gentleman from Ohio [Mr. ALLEN].

Mr. ALLEN. Mr. Chairman, I ask unanimous consent to extend my remarks in the RECORD by inserting an editorial from the Cincinnati Enquirer on "The advancing tide of business."

The CHAIRMAN. Is there objection to the request of the gentleman from Ohio? [After a pause.] The Chair hears none.

Mr. ADAMSON. Mr. Chairman, I yield to the gentleman from Washington [Mr. FALCONER].

Mr. FALCONER. Mr. Chairman, I ask unanimous consent to extend my remarks in the RECORD on unsurveyed and untaxed lands in the State of Washington.

The CHAIRMAN. The gentleman from Washington asks unanimous consent to extend his remarks in the RECORD in the manner indicated. Is there objection? [After a pause.] The Chair hears none.

Mr. ADAMSON. Mr. Chairman, I yield to the gentleman from Illinois [Mr. O'HAIR].

Mr. O'HAIR. Mr. Chairman, I ask unanimous consent to extend my remarks in the RECORD touching upon conditions both financial and commercial as they exist in Illinois.

The CHAIRMAN. Is there objection to the request of the gentleman from Illinois? [After a pause.] The Chair hears none.

AMENDMENT OF GENERAL DAM ACT.

Mr. ADAMSON. Mr. Chairman, I hope the gentleman from Minnesota [Mr. STEVENS] will consume some time.

Mr. STEVENS of Minnesota. Mr. Chairman, I yield 45 minutes to the gentleman from Wisconsin [Mr. LENROOT]. [Applause.]

Mr. LENROOT. Mr. Chairman, I am somewhat at a loss to know how I ought to proceed to discuss this bill. Had I spoken upon it a week ago, as I expected to, I should have condemned it as vigorously as my command of the English language would permit, for this bill, as reported from the committee, proposed the most complete surrender of public rights to special privilege that has ever been attempted within the memory of any man upon this floor. But as Members became acquainted with its provisions, such a storm of protest was aroused that a number of conferences were held between some of the proponents and some of the opponents of the bill in its present form, and as a result of such conferences the Committee on Interstate and Foreign Commerce will itself offer amendments to the bill removing most, if not all, of its vicious features. Therefore the quandary that I am in is whether to discuss the bill as it is reported from the committee and now stands before the House or to discuss it in the light of the amendments that will be offered by the committee. After reflecting upon the matter I have concluded that I ought to discuss the bill both in its present form and also as it will stand if the amendments which I understand will be offered by the committee are adopted.

I believe it proper to discuss it in its present form, because in voting upon amendments it will be helpful to Members to know and understand that as originally reported by the committee the bill represented a public policy diametrically opposed to the public interest, a policy based upon the theory that private capital should be practically unrestricted and uncontrolled by Congress in the development of water powers upon our navigable rivers. The opponents of the bill in its original form protest against this surrender to special privilege, and the amendments which will be offered will in large measure retain in the United States proper control of these water powers and safeguard the public rights.

The bill before us, both in its present form and with the amendments proposed, is a water-power bill in fact, although navigation is the basis of our jurisdiction. In opening the debate upon this bill the chairman of the committee asserted

that the paramount purpose of this bill is to develop navigation. To quote his language:

Navigability, the purpose of the bill, bears the same relation to the development of water power, so far as this bill is concerned, that the bird we are trying to catch bears to the bait with which we bait the trap. We realize that water power—hydroelectric power—is useful for a great many purposes, and can be made profitable; and, being useful and promising profit, it may be sufficient to tempt capital to construct for the benefit of the people of the United States those creations which are so expensive that the Treasury of the United States is unable or unwilling to undertake them, to make navigable three or four thousand miles of large streams in the country which ought to be navigated for the benefit of the people.

It is true that we have not caught many birds with the bait, because capital is a wary old bird.

Now, the fact is that instead of water power being the bait, it is the other way around, for in this bill navigation is the bait and the House is the bird which the water-power interests endeavored to trap. It is to my great regret that the gentleman from Georgia, wary old bird that he is, and respected by every Member of the House, rushed to the bait and was easily caught, but I congratulate him that in offering the amendments that I understand he will offer, he will extricate himself from the trap, as well as enable the membership of the House not members of his committee to avoid it.

Now, no one questions the good faith of the gentleman from Georgia, but there is not a scintilla of evidence in the hearings or in the provisions of the bill itself to substantiate the statement that the paramount purpose of the bill is to develop navigation, although improvement of navigation may result. We have a number of waterway associations in this country bending every energy to secure the development of navigation, but not one of their representatives appeared before the committee in advocacy of this bill. We have countless commercial bodies always ready to petition Congress and its committees to legislate for the development of navigation, but not one of them appears in the hearings upon this bill. The first witness appearing before the committee was J. W. Worthington, of Sheffield, Ala., interested in the Alabama Power Co., concerning which I will have something to say later, and his entire argument was devoted to the development of water power. The only other witness was Hugh L. Cooper, of Stamford, Conn., interested in the Keokuk Dam, on the Mississippi River, concerning whom I shall also have something so say later. His entire argument was devoted to the development of water power, not in aid of navigation but for commercial purposes. These are the only witnesses appearing before the committee. There are two letters from water-power engineers, and a number of letters from bankers and brokers who deal in water-power securities, and lastly there is a letter from the Secretary of War to Judge ADAMSON, which I suggest every Member of the House read, for in this letter there is not the remotest suggestion that navigation is the paramount object of legislation of this character. At the end of his letter is found a proposed bill which he asks Judge ADAMSON to introduce. I will ask the Members of the House to compare this bill with the one now before us for consideration, and you will at once see how far the committee has departed from the suggestions of the Secretary of War, the departure in every case being in the interest of the water-power companies.

Mr. Chairman, while it is clear that the paramount purpose of the bill before us is to aid water-power companies and not navigation, I would not condemn it for that reason. On the contrary, the development of water powers upon many of our streams is far more important than the development of navigation; and while our jurisdiction rests upon the right to control navigation, sometimes navigation itself should be considered as a minor and incidental matter as compared with the great public benefit flowing from the proper development of our water powers.

So, Mr. Chairman, this bill ought to be discussed as a water-power bill, for that is what it is, and I propose to discuss it as such.

The gentleman from Georgia, in his speech, made much of the fact that out of 95 authorizations for dams only 13 had been constructed. Accepting that statement as true, what does it prove? Only that a great many get-rich-quick promoters, with no money of their own and without a sufficient market for their power in the vicinity of their proposed dam, could not borrow the money to do the work. Financing of water power belongs in a class by itself. The usual procedure is for a promoter to first get an option on a dam site, then a franchise from the Government, then to issue anywhere from one to twenty million dollars of stock to himself to pay for the option and the franchise, and then endeavor to borrow money enough to buy the dam site and construct the works. Fail? Of course they fail. Why should they not? Go to a real estate broker in Washington, get an option upon a piece of real estate, and then endeavor to borrow enough money to pay for the real estate and erect a 10-story building on it, and you will count a much larger number of failures in that class of transactions than the promoters of water power count in theirs. But, aside from this, because money can not be had now to invest in water-power bonds is no reason why we should give water-power companies all the rights we hold in trust for the people.

If that is a good reason for repealing our laws containing restrictions and conditions as to development of water powers, then by the same reasoning we should at once abolish the Interstate Commerce Commission, for the railroads for some time have been unable to borrow money, and if we would abolish the commission and permit them to charge any rates they choose they then would be able to borrow money, buy needed equipment, and make necessary extensions. There is as much reason for doing it in the case of railroads as there is in passing this bill, and there is no good reason for doing either.

Carrying this a little further, if it is good policy to surrender all of our rights to secure development of water powers, why not repeal the Sherman law in toto? Big business is afraid of it, they say. Repeal it, and big business would expand, money would be available, combinations could be made to increase prices to consumers, insuring such large profits that capital would be attracted to invest. This bill now before us is legislation of that character, and when the membership of this House fully understand it there will be no more chance of its passage than there is of the abolishment of the Interstate Commerce Commission or the repeal of the Sherman law.

But water-power development is not in such a bad way as the gentleman from Georgia seems to think.

The total stationary power now used in the United States is about 30,000,000 horsepower, of which about 6,000,000 is water power.

The great developed water powers of the country are largely controlled by 10 groups of interests, all of them more or less interlocking and connected. In 1911 these 10 groups had developed and under construction 1,821,000 horsepower; in 1913 they had 2,711,000 horsepower, an increase of 900,000 horsepower in two years. So we are doing pretty well with the legislation which we have, without making the grants to water-power interests contained in this bill. These 10 groups in 1911 held 1,450,000 horsepower undeveloped, and in 1913 they held 3,500,000 horsepower undeveloped, and their control over the water powers of the country is steadily increasing.

I have said these 10 groups of water-power interests are more or less closely connected. There is, in fact, no competition between them in any way. The General Electric Co. heads the list; next comes the Stone & Webster Co., and so on down the line, each having its own territory without competition with any of the other of the groups.

In the hearings upon this bill Mr. Cooper in his testimony stated that he raised the money to build the great Keokuk Dam, at Keokuk, Iowa, belonging to the Mississippi River Power Co. Upon page 18 Mr. Cooper was asked by Mr. TALCOTT, a member of the committee, this question:

How about the Stone & Webster group? What are the actual facts concerning the Stone & Webster group of water-power holdings?

Answer:

I know the Stone & Webster people very well. I would like to say that they are very strong competitors of mine, and they come nearer being idealists in selling things cheaper to the public than they can get anywhere else than anybody I have ever heard of anywhere. They are strong competitors of mine, and I have lost a lot of money and a lot of sleep over the fact that I can not get business that they get away from me; but I have yet to find a single place where the Stone & Webster people were not putting the price of their products down all the time.

Now, remember these two statements of Mr. Cooper, that he personally raised the money to build the Keokuk Dam and that the Stone & Webster people were very strong competitors of his. In an endeavor to verify this information I secured a copy of Moody's Manual of Railroads and Corporation Securities for 1913, and I turned to the report upon the Mississippi River Power Co., which owns this Keokuk Dam, and, notwithstanding the statement of Mr. Cooper that the Stone & Webster people were strong competitors of his, and that they were keeping him lying awake nights, I find that the president of this same Mississippi River Power Co. is Edwin S. Webster; the vice president is the same Hugh L. Cooper who testified. The directorship includes E. S. Webster and C. A. Stone. The managing agents are given as Stone & Webster. If this is Mr. Cooper's idea of competition, I wonder what his definition of monopoly would be. [Applause.]

At this point I may as well say something of Mr. Worthington, the other witness before the committee. I inferred from his testimony that he must be interested in the Alabama Power Co., but upon referring to Moody's Manual again I found that

the entire stock and bond issue of the Alabama Power Co. was owned by the Alabama Traction, Light & Power Co., and I found that the Alabama Traction, Light & Power Co., controlling a large percentage of the water powers of Alabama, was not a corporation organized in Alabama, not even a corporation of the United States, but is a corporation organized in Canada for the purpose of generating hydroelectric current, and so forth, in the State of Alabama, and it has, according to Moody's Manual, its principal office in Canada and not the United States.

Now, what is it that this bill does that is so dangerous to the public interest? I shall not endeavor in this general debate to discuss all of the defects in the bill, but only the vitally important provisions which are against the public interest and which unless eliminated from the bill should cause its defeat.

First. The bill gives perpetual franchises to water-power companies and deprives any future Congress for all time to come to change their terms. If this bill should pass as reported, unless the United States purchases the property of the grantee at its full value, a thousand years from now the rights of the grantee will remain fixed by this act of the Sixty-third Congress in the year 1914.

I understand that the committee will offer an amendment to the bill providing that at the end of a 50-year period Congress may impose such new terms and conditions upon the further use of the property as it may then deem wise. I have no objection to a 50-year term, for I realize that a generous term is necessary to procure the necessary capital to develop water powers, but no one can now foresee what conditions will be 50 years hence. Congress should be free at that time to deal with those conditions as they exist, and the amendment that will be proposed by the committee, I understand, will accomplish this.

Second. It grants to water-power companies all of the public lands of the United States necessary for dams, accessory works, and transmission lines upon the annual payment of 5 per cent of the value of the lands taken. It not only does that, but gives the water-power companies a preferential right to public lands as against the United States itself.

The United States may purchase lands for any public purpose, but if a water-power company needs it they are granted in this bill the right to go and take them and use them, paying only 5 per cent a year on the value.

It does not seem possible that such a provision could be incorporated in any bill having the favorable report of any committee, but here it is in language so plain that it can not be questioned by anybody.

I am glad to say that it is my understanding that the committee will offer an amendment largely eliminating this provision and providing only for the use of certain lands of the United States upon first procuring the consent of the Secretary of War and upon the payment of such charges as he may determine as just, and thus remove the objection I have stated.

Third. Section 14 of the bill permits the Secretary of War to lease the surplus water power created by any Government dam. No restrictions are placed upon the Secretary; the lease may be for 99 years or 999 years; and not only that, but when Government dams are being constructed the Secretary of War, without consulting Congress, may take in as a partner with the United States in the undertaking a water-power company, and agree with it as to what its share of the partnership contribution shall be. He is required to report to Congress his action after he has acted, but not before.

Members of the Sixty-second Congress will remember that in that Congress there was involved the use of surplus water powers to be created by Government Dams and Locks 16 and 17 on the Black Warrior River. A bill passed the Senate authorizing the Secretary of War to enter into a contract with the Birmingham Water, Light & Power Co., which contract should provide that said company, its successors and assigns, should have the right to construct, maintain, own, and operate at its own cost in connection with Dams and Locks 16 and 17 on the Black Warrior River, for a period of 50 years, electrical power stations and other structures for the development of water power and selling the same not needed for lockage, and so forth. It was provided that the company should furnish free to the Government at Locks 16 and 17 all power necessary for the operation of the locks; that the contract should provide for the payment to the Government of an annual rental for its use of the water power developed at Dams 16 and 17. For the first 20 years the rental should be $1 per annum per horsepower developed, and at the end of the 20-year period the Secretary of War could readjust the same and have the right thereafter to readjust the rental at every 10-year period. It required a minimum payment, beginning with the year 1920, of $15,000 annually. (See page 4024, CONGRESSIONAL RECORD, Sixty-second Congress, first session.)

This seemed to be quite a liberal bill for the protection of the Government, but the House believed that important rights were endangered by the bill as reported by the committee, for the bill was amended in the House in the following particulars: First, requiring the Secretary of War to advertise for bids and prescribing that the lease should be made to the highest bidder; second, prescribing that at the expiration of the lease all the right, interest, and property of the company acquired by virtue of the act should pass to the Government unless Congress otherwise provides; third, cutting down the term of the lease from 50 to 25 years. Thus amended, the bill was passed by the House.

The Senate refused to accept these amendments, and it is my recollection that a compromise was reached by striking out from the bill all reference to the leasing of the surplus water power and authorizing only the construction of the dams by the Government, so that this surplus water power upon these dams in question on the Black Warrior River will be subject to the provisions of section 14, if enacted. I believe this House ought to be at least as careful of the rights of the public in the year 1914 as they were in the year 1911.

Now, in the Ferris water-power bill, reported from the Public Lands Committee, where the Government has not expended a single dollar upon the dam, but merely owns the dam site, the Secretary of the Interior is restricted in making of leases to the grant of a term not exceeding 50 years, and other regulations are provided. No one can successfully contend that we should be more liberal in the leasing of our water powers created by the expenditure of Government funds than we are in the leasing of water power to be developed wholly by private capital and where the Government owns only the dam site.

In the bill that I have referred to, proposed by Secretary of War Garrison, we find a section which covers the subject matter of this section 14, and it reads as follows:

SEC. 15. That the Secretary of War be, and he is hereby, authorized to enter into revocable leases for the use of surplus water and water power generated at dams and works constructed wholly or in part by the United States in the interests of navigation at such rates, on such terms and conditions, and for such periods of time, not to exceed 50 years, and with such provision for the periodical readjustment of rentals as may seem to him just, equitable, and expedient, subject, however, to the provisions of this act governing the authorization, maintenance, and operation of power plants, and to all regulations governing the use and disposition of the power, so far as the same may be applicable; and all such leases, the parties thereto, and the terms and conditions thereof shall be reported annually to Congress.

This is an excellent provision, fully safeguarding the rights of the public. But one objection can be made to it, and that is in the use of the word "revocable." I do not believe these leases should be revocable within the term for which they are granted; but in all other respects the suggestion of the Secretary of War should be adopted, and at the proper time I shall offer as a substitute to section 14 the section proposed by the Secretary of War, which I have just read, omitting only the word "revocable" therein contained.

Another provision in the bill is very important. The present general dam law, the general bridge law, and every special dam and bridge act that I know anything about has in it a provision reserving to Congress the right to alter, amend, or repeal the act. Every State that I know anything about reserves this power in the franchise which it grants; but not so with this bill. Here we find that the right to alter, amend, or repeal the act is reserved only when Congress determines that the conditions of the act have been violated by a grantee owning the dam. A perpetual franchise with no power to alter, amend, or repeal would be a fine thing for the water-power companies, but generations yet to come would look back upon this Sixty-third Congress and conclude that nothing short of corruption could have induced it to do this great wrong. There is, of course, nothing corrupt about it, but its results, if enacted, are just as bad as if there was.

The last section of the bill, section 17, is one of the worst. The plea is made that the concessions found in the previous sections of the bill are necessary to induce capital to develop water powers, but this section 17 provides that this act shall apply to all existing dams as well as those hereafter authorized, so that as to any existing developed water power now in operation, under the reserved power of regulation or power to change the terms of their charters, this section 17 makes them, too, these princely gifts of perpetual franchise and the other privileges I have discussed. This section repeals all previous legislation granting consent to construction of dams. This means the repeal of the Hetch Hetchy act, passed last year; the Los Angeles act, passed some years ago; and every other act and also every permit issued by the Secretary of the Interior and Secretary of War, and places all such dams under the provisions of this bill.

I understand that the committee will offer an amendment to this section removing the objections that I have referred to.

Now, many of the statements I have made as to the effect of this bill have been vigorously denied by its supporters, and in order that there can be no misunderstanding about this, I now wish to take up certain sections of the bill in detail and demonstrate that the statements I have made are absolutely correct in every particular, and I shall also indicate somewhat more in detail the amendments that I understand will be offered by the committee, removing many of the objections to the bill.

I want to go through some of the provisions now a little more in detail. I first want to call attention to section 2 of the bill. The present law provides that the Secretary of War may, in his discretion, insert in the approval of any project for a dam the stipulation that the grantee shall, at his own cost and expense, construct a lock in connection with the dam at any time that the Secretary of War and Chief of Engineers may find it necessary. This bill, which is an amendment of the act of 1910, in fact, inserts one little word, the word "then," so that as this bill stands the Secretary of War must determine in advance as to whether a lock will be required in connection with the dam for the next 50 years to come, and if he makes either a mistake in engineering, or if Congress chooses to make a stream navigable throughout its length that is not now navigable, requiring a lock where none is now required, the Government itself will have to pay for the construction of the lock, and instead of such a dam aiding navigation it will, in fact, obstruct it. And there ought to be the right on the part of the United States, when a dam is constructed across a navigable stream—and that is all this bill has to do with—to reserve the power to compel the construction of a lock at any time that it may be deemed necessary in aid of navigation. Now, the engineers can not tell at the time of the approval of a project what may be necessary. To illustrate, the gentleman from Minnesota [Mr. STEVENS] and I and other Members appeared the other day before the Board of River and Harbor Engineers in reference to a canal between Lake Superior and the Mississippi River. The gentleman from Minnesota spoke in advocacy of that canal, asking for a survey, and the members of that board then raised the objection that they could not determine at this time what kind of a canal was necessary; they could not determine what kind of locks were necessary, because it had not yet been determined what type of boats would be successful upon such a canal; and yet you are compelling the Secretary of War to determine that question, which can not in the very nature of things always be determined, or else say that the Government itself must stand the expense of restoring navigation around a dam instead of at the expense of the company itself.

All throughout section 2 carries out that proposition.

Section 4 refers to the use of the public domain by water-power companies. I want to read it to you to show how it originally read:

(c) That in the construction, maintenance, and operation of such dam and accessory works there may be occupied and used such lands of the United States as may be necessary therefor, and in consideration thereof the owner of such dam shall pay to the United States such charges, not to exceed an annual payment of 5 per cent of the fair value of such lands, as may be fixed by the Secretary of War and Chief of Engineers, and in fixing such charges consideration shall be taken of the benefits accruing thereby to the interests of navigation as well as to the business of such grantee.

Why, gentlemen, language could not be framed that would constitute more of a gift to the water powers of this country or a more complete surrender of the public domain that still belongs to us. You will find the proposed amendment, immediately following those words, in brackets, and that, as I said a short time ago, fully safeguards it, in my judgment.

Mr. BURKE of Wisconsin. Will the gentleman yield?

Mr. LENROOT. Yes.

Mr. BURKE of Wisconsin. In section 2, on page 2, in reference to the word "then," to which you called attention, I desire to ask if the amendments to be proposed contain any provisions curing or changing this?

Mr. LENROOT. Those proposed by the committee do not. The next provision I want to call attention to is section 9. The act originally read:

That the rights herein granted shall continue for a period of 50 years from and after the date of the completion of the structure—

Which is changed to "dam"—

described in the original approval, and after the expiration of said 50 years such rights shall continue until compensation has been made to said grantee for the fair value of its property, as hereinafter provided.

Now, that meant nothing more nor less than a perpetual franchise. The right to recapture this property, with one exception, is a right that can not be changed by any provision in this or any other bill. The United States Government always has the right of eminent domain, and unless this property is of such a character that it could secure it and operate it under the exercise of the right of eminent domain, it could not be given the right to purchase it and operate it by the terms of this bill. And so under the exercise of the right of eminent domain we could always take over this property, but in exercising that right there is one element of value, namely, we might have to pay the value of the franchise, and this bill does eliminate that from consideration.

But these gentlemen keep saying, or did say, that it was only a franchise for 50 years, and, if that were true, then it meant absolutely nothing more than the right of eminent domain, because if the franchise did expire at the end of 50 years there would be no franchise value to pay for. But as it stood it went on and on forever, and the only right retained was to purchase.

Now, to illustrate how little that amounts to, you take this Keokuk Dam that I have referred to, belonging to the Mississippi River Power Co., and it is capitalized now for $37,500,000. They have developed only about half their power. I have not any question that 20 years from now it will be worth that sum with the transmission lines that will be built. Now suppose a proposition comes to Congress to appropriate $37,000,000 to take over the Mississippi Power Co., do you suppose Congress is going to do it unless the abuses are so gross as to compel it? Are they going to do it merely as a business proposition? Not at all. And so this right of recapture, while valuable, will not, in my judgment, be exercised, because it is going to involve tremendous amounts of money; and we must have a further right than that—the right at the end of the 50-year period to make such terms and conditions with reference to a new consent as we choose to make.

Mr. SHERLEY. Mr. Chairman, will the gentleman yield right there?

The CHAIRMAN. Does the gentleman from Wisconsin yield to the gentleman from Kentucky?

Mr. LENROOT. Yes.

Mr. SHERLEY. Do I understand the gentleman's position to be that at the expiration of the 50-year lease the right of the grantee shall cease unless he shall get a new right?

Mr. LENROOT. No.

Mr. SHERLEY. Now, I want to suggest to the gentleman that proposition. I believe that it is important that you put the inertia of Government in favor of the Government instead of having the inertia of Government always in favor of the grantee. Theoretically Congress has absolute control over the street railways of the District of Columbia. Practically it has not any at all, because you can never get a bill through.

Now, if the right of that street railway company to operate its cars terminated at the end of a certain period unless it got affirmative action from the Government, you would find then that the inertia of the Government would be used for the benefit of the Government, the railway company would be anxious to do business, and at the end of the given period it would have to make terms with the Government in order to continue, and they would come to speedy terms. It is not to be assumed that the Government will be unreasonable. If you do not so provide, that inertia will practically continue the franchise indefinitely.

Mr. LENROOT. Suppose the inertia of the Government is still such that at the end of the 50 years no renewal is granted. What becomes of the property?

Mr. SHERLEY. I do not think that situation would arise; but you might, if necessary, provide for an additional period of a year or two pending negotiations; but I would certainly make it incumbent upon the grantee to get a new right. Now, he gets a right of 50 years. Why should he not at the end of that time be required to get a new one? Otherwise, I repeat, the inertia of the Government will constantly work to the advantage of the grantee.

Mr. LENROOT. There is this to be said on the other side of that proposition, and that is that at the end of that 50-year period, with this amendment adopted which will be proposed by the committee, they will be nothing but tenants by sufferance or tenants at will. They can not raise money with that kind of a title after the 50-year period.

Mr. SHERLEY. I know of a street railway company in a city—not here—that were tenants by sufferance, in my judgment, for 20 years. They did not advertise the fact, and it was usually hushed up and denied that their right was for a limited time, and they went on and borrowed money, trusting—and successfully trusting—to the inertia of that city government to prevent anything being done. The fact that they are there and that you have to move to get rid of them gives them a tremendous advantage. I would make them move in order to stay there.

Mr. JOHNSON of Kentucky. Mr. Chairman, will the gentleman yield?

The CHAIRMAN. Does the gentleman from Wisconsin yield to the gentleman from Kentucky?

Mr. LENROOT. Yes.

Mr. JOHNSON of Kentucky. In reference to what my colleague [Mr. SHERLEY] has just said, it may not be amiss just now to invite attention to a contention which has arisen in the District of Columbia relative to the street car companies which are located here. Recently there was a bill before the District of Columbia Committee, which has been reported from the committee and is now on the calendar, for municipal ownership of the street railways of the District of Columbia. It has been argued before that committee—and by good lawyers—that, notwithstanding the fact that as a part of each one of these charters there is a provision that Congress reserves the right to alter, amend, or repeal those charters, it is contended by these attorneys that Congress has no right to repeal; that Congress can not repeal their franchises nor take them away from them; and that, in acquiring the physical property itself, it would be necessary also to acquire their franchises by purchase.

I say that question has been plausibly argued before that committee, and the argument is in print, and those who would like to read it can get it from the District Committee.

Mr. LENROOT. With reference to the suggestion made by the gentleman from Kentucky, there is not so much difference between his position and mine. I have been contending throughout this entire controversy——

The CHAIRMAN. The time of the gentleman from Wisconsin has expired.

Mr. LENROOT. I would like to have a little more time.

Mr. STEVENS of Minnesota. How much time would the gentleman like?

Mr. LENROOT. I would like to have 15 minutes.

Mr. STEVENS of Minnesota. I yield 15 minutes to the gentleman.

The CHAIRMAN. The gentleman from Wisconsin is recognized for 15 minutes more.

Mr. LENROOT. I have been contending through this entire controversy that at the end of the 50-year period Congress should be absolutely free to deal with this utility as it saw fit, and the only difference between us is whether Congress itself shall initiate it or the utility.

Mr. SHERLEY. The difference is that you have a theoretical freedom instead of an actual one, because every delay works for the benefit of the grantee. I want to have it put the other way, and force the grantee to come up and get a new life.

Mr. LENROOT. The bill as drawn absolutely deprives Congress of any freedom in either event. This amendment restores it.

Now, as to the recapture provision, the committee has one amendment here, in line 4 upon page 10, that I wish to say just a word about, and which I shall discuss more at length when we get to the bill under the five-minute rule. It reads now:

SEC. 10. That at any time after the expiration of said 50 years [as Congress may prescribe] the Secretary of War may terminate the rights hereby granted upon giving to the owners thereof one year's notice in writing of such termination, and upon the taking over by the United States—

And so forth. Now, I do not know what the committee has in mind in the use of the words "as Congress may prescribe." I know of no other interpretation than that Congress may prescribe how the Secretary of War may terminate the rights on one year's notice. But it certainly does not change the provision that "the Secretary of War, after the 50 years, shall have the right to terminate the license hereby granted," which is not in harmony and is inconsistent with the amendment that will be proposed to section 9, that after the 50-year period their rights may be terminated at any time by Congress itself without a year's notice or any other act; and that, I trust, will be changed when we reach the consideration of the bill for amendment.

Now, section 13 is the section relating to the right to alter, amend, or repeal. I have discussed that already, and now want to discuss the amendment that the committee proposes to make to this section. I read:

SEC. 13. That the right to alter, amend, or repeal this act is hereby expressly reserved as to any and all dams which may be authorized in accordance with the provisions of this act.

That is the present law, so far. Now, they propose to amend by adding the language "whenever Congress determines that the conditions of consent have been violated." That is the way it stood as reported from the committee. Now they offer another amendment, "or after the expiration of the original contract period, as may be deemed necessary for the interests of navigation."

Now, Heaven knows, this section was bad enough as originally reported from the committee; but they have made it a great deal worse by this amendment.

As originally reported from the committee, with the amendment, after 50 years it gave the right to alter, amend, or repeal, because there would have been no franchise existing that we did not have the right to interfere with. There could be no contractual relation, and therefore after that time there could be no violation of the conditions of the contract. But now this amendment comes in:

Or after the expiration of the original contract period, as may be deemed necessary for the interests of navigation.

So by this amendment this committee says that after the 50 years have expired you may amend, alter, or repeal a franchise of a power company, or change the terms of this act, so far as it affects such power company, only as may be deemed necessary for the interests of navigation. I hope before this debate is over some member of this committee will tell this House why, after the 50 years have expired, Congress should not have the right to deal with this question absolutely as it sees fit, whether in the interest of navigation or otherwise. They ought to have the right to change this recapture clause. They ought to have the right to require compensation at that time if they choose to do it. There are a great many rights that Congress might wish to exercise at the end of the period, rights which the Congress ought to have the opportunity of exercising.

Mr. AVIS. Mr. Chairman, I should like to ask the gentleman for information about section 10, providing for the taking over by the United States Government, one of the conditions being—

And assuming all contracts entered into prior to the receipt by it of said notice of termination which have the approval of the duly constituted public authority having jurisdiction thereof.

Will the gentleman please explain what is meant by that language, and particularly what is meant by the—

Approval of the duly constituted public authority having jurisdiction thereof?

Mr. LENROOT. I take it this is what is meant: Many of the States in enacting water-power laws now provide that contracts exceeding a certain length of time, usually 15 or 20 years, shall not be valid unless approved by the utility commission of the State. I take it that is what this means.

Mr. AVIS. Do you understand from that provision that the Government can go into the good faith of that contract, from the language that follows?

Mr. LENROOT. That is evidently the intention of the committee, I think. I am not a member of the committee, but I think so.

Mr. HUMPHREYS of Mississippi. Will the gentleman yield?

The CHAIRMAN. Does the gentleman from Wisconsin yield to the gentleman from Mississippi?

Mr. LENROOT. I will yield for a question, if I can get a little more time. I will yield to the gentleman from Mississippi anyway.

Mr. HUMPHREYS of Mississippi. The gentleman stated—and I fully agree with him—that at the end of 50 years Congress ought to be left free to impose any conditions that in the wisdom of Congress are deemed desirable. Would not that be taken care of absolutely in this bill if the suggestion of the gentleman from Kentucky [Mr. SHERLEY] were to be followed, that an absolute period be put to the rights granted to the company, so that the burden would then be upon the company to move?

Mr. LENROOT. I think that would be very likely to result.

Mr. BURKE of Wisconsin. If the amendment proposed in the first paragraph of section 13, page 14, becomes a part of the law, will it not then impliedly say that these grants of water power are perpetual? Would not that be the meaning that the statute would necessarily carry if that becomes a part of the law?

Mr. LENROOT. In reply to this question, I will say that there is a square conflict between that language in section 13 and the language in section 9 as amended, and I would not undertake to interpret or construe the conflicting provisions. I sincerely hope that when we reach the proper stage we will eliminate the provision from section 13, making it entirely clear.

Mr. FERRIS. Will the gentleman yield right there?

Mr. LENROOT. Yes.

Mr. FERRIS. I think it is fair to the chairman of the committee and the committee itself, and to all of us who have been more or less concerned about this bill, to inquire at this point why the language in parentheses in section 13, beginning with line 15 and ending with line 18, was placed in the bill? That language undoubtedly does upset every thought that all of us have had, and it does upset the views of the committee. In our conferences on these matters we have all agreed that they should

have a 50-year contract, and we have all agreed that at the end of 50 years that should be the end of it, and we have all agreed that no such limitation as that which has been inserted should be incorporated in the bill. I want to say that I think this bill is going to accomplish great good, and I think it is full of good things, and I think it is going to be a good bill; but it seems to me that we ought now, without waiting a minute, to agree that that language go out of the bill. It has no place there. It is not in keeping with one word that any of us have ever said or thought on the subject, and I think some one on behalf of the committee ought to rise and eliminate that language.

Mr. LENROOT. I shall not undertake to discuss the bill in detail any further as my time is about expiring. When we reach the bill under the five-minute rule I shall take the opportunity to discuss it further and perhaps to offer certain amendments.

Mr. FOWLER. Mr. Chairman——

Mr. LENROOT. I am afraid I can not yield further until I have finished what I have to say.

Mr. FOWLER. I thought the gentleman had concluded.

Mr. LENROOT. I want to make a few general statements in conclusion.

Mr. Chairman, I think I ought to say a word about the laws of certain foreign countries relating to water powers. The gentleman from Georgia in his speech made some reference to a certain water-power company being driven to Ontario, Canada, because of the onerous conditions of our laws, and reference is made in both the hearings before the Committee on Interstate Commerce and Committee on the Public Lands to the inducements held out to water-power companies by Ontario, Canada, and by Norway. I thought it worth while to ascertain just what those inducements were, and I was greatly surprised by what I found.

I find that in Ontario, Canada, where these people were driven to, as alleged, leases are not made perpetual as provided in this bill, nor for even 50 years, as our present law provides, but for 20 years only, with a privilege of two renewals of 10 years each, making a total term of 40 years. The lease shall contain such terms and conditions as the minister may prescribe, and the grantee shall pay such annual rent as the minister shall fix. At the expiration of the lease all the property reverts to the Crown without any payment, except the machinery employed may be removed within a term fixed by the minister. A proviso is added that when the works are permanent and useful there may be paid to the lessee such sum as the legislative assembly of Ontario may appropriate; but this is a matter of donation entirely and not a right of the lessee.

The laws of Norway provide a great many conditions and restrictions as to operation of the water power, care of employees, and so forth, and provide for an annual payment of 25 cents per horsepower per year. The term of the franchise shall be not less than 60 nor more than 80 years, and at the expiration of the term the waterfalls, improvements, works, power station, and machinery revert to the Government without any payment to the water-power company. These foreign laws can be found in the hearings of the Committee on the Public Lands, pages 531 and 535.

Now, I want to say a word with reference to the reversion of the property to the Government. I am not contending for that in this bill. But the fact is that every water power that is developed to-day provides for the amortization of their plant. In other words, these plants are built, in nine cases out of ten, from the proceeds of the issue of bonds, and in every case a sinking fund is required to pay the entire bonded indebtedness at the end of the term. So, as a matter of fact, at the end of the 50 years' franchise every dollar of that investment will presumably be paid out of the earnings of the plant. So it is not going to be at all unreasonable at the end of the 50-year period, if we renew the consent, to make a provision that in a shorter period of time the entire plant shall revert to the Government.

Mr. SHERLEY. In other words, they make the rate to the consumer of power sufficient to pay for the entire plant?

Mr. LENROOT. Yes.

In conclusion, I wish to repeat what I stated at the outset, that this bill in its present form is an indefensible surrender of the public interest to special privilege, and I congratulate the committee upon the fact that it will itself offer amendments removing most of the serious objections to the bill.

Some of us who have been active in opposing the bill in its present form have been severely criticized and have been charged with desiring to lock up all the resources of the United States and not utilize them at all. This charge is not true. Some men smile at the words "conservation" and "conservationist," but they are good words, and that man or that party that does not make conservation of our natural resources a part of his or its policy has but a short time to live politically.

Conservationists believe in development of all of our natural resources for the greatest benefit of all our people with the smallest amount of waste that is practicable. We do not believe they should be used to make a few men rich without resulting benefits to the great mass of our people. We do not take the position that the men who with brains and capital develop these resources should not be amply rewarded, but, on the contrary, insist that they receive encouragement and protection to the fullest extent not inconsistent with the public interest. There are those who honestly and frankly take the position that the natural resources of our country still owned or controlled by the Government for all the people should be surrendered to any private interest that will develop them. That seemed to be the theory of the gentleman from Georgia, the chairman of the committee, in proof of which I wish to read a paragraph from the hearings upon this bill. Mr. Cooper made a suggestion that the water power company be expressly permitted to make a minimum return upon the capital invested, and 9 per cent was suggested by him, and that any earnings above that sum should be divided equally between the company and the State, to which suggestion Judge ADAMSON, the chairman of the committee, replied:

> What you want is something that will keep the State from making a fight on you people. I do not think you would ever get the Government to adopt a partnership of that kind. You are riding two horses. You are going, with the conservationists part of the way and with us part of the way. (Hearings, p. 26.)

Here we have a very frank expression from the chairman of the committee that he is utterly opposed to the ideas and policies of the conservationists.

Mr. Chairman, the anticonservation policy was until a few years ago the policy of this Government. Under that policy we have had a most reckless, if not criminal, waste of our resources. To that policy more than any other cause can be attributed the existence of the great trusts and monopolies of to-day. Our oil lands have been so far placed in private ownership that our Navy can not find enough public lands remaining containing oil to supply our Navy with oil for fuel; and we have the Standard Oil Co., the greatest monopoly of all time. Our anthracite-coal lands are all in private ownership as a result of that policy, and our people now have to pay annual tribute to the Anthracite Coal Trust as a result of the anticonservation policy. Our iron-ore lands are all in private ownership, making possible a Steel Trust. But for the conservation policy, creating national forests, our forests would all be under private ownership now, strengthening the grip of the Lumber Trust. Of all of our natural resources our water power is the most important. It is the one resource that is not entirely or partially destroyed by use. Water will continue to flow downward to the sea so long as the world shall last; and on its way, without diminution, for every horsepower created by it and used 10 tons of coal are saved each year. The development of our water powers, therefore, is conservation in the highest degree; and the only question is whether this development shall be for the public good or primarily for private gain. Some time in the future our fuel resources will be gone, and unless we retain control of this, the only resource that can not be destroyed, the time will come when the owners of the water powers will absolutely dominate all of the industries of the Nation.

It is said by some that posterity can take care of itself. It can, but the legislation of this generation will determine whether future generations will care for themselves by revolution or orderly procedure under the form of government which we now have. This bill in its present form attempts to fix rights of water-power corporations a thousand years hence, and conservationists are justified in being concerned with the welfare of at least the generation which shall follow us. That the ideas of conservationists are as I have stated can be demonstrated by the bills now upon our calendar reported from the Committee on the Public Lands, dealing with practically all of our national resources still a part of the public domain. Every one of those bills makes provision for present use of those resources, but retaining control over them by the Government in the interest of all the people.

Mr. Chairman, this bill can be amended so as to secure development and at the same time protect the public interest. Each Member of the House has a duty to perform in the consideration of this bill. Partisanship has no place in the consideration of a bill of this character. While in a sense the Democratic majority is responsible for all legislation which passes this House, it is the duty of every Republican to do what he can to perfect this bill and make it a bill safeguarding the

public interest. With this in mind, I and other Republicans have cooperated with Democrats in an endeavor to remove the vicious features of this bill; and while I fully realize that as a result of such efforts the Democratic majority will be relieved of much criticism and will take the entire credit for this bill, if it shall be properly amended, I am willing that they should take all credit to which they may be entitled, for the public interest should always be considered before any partisan advantage that might have been gained by the minority party had a different course been pursued.

That the bill will be amended in the public interest before it passes this House I am confident, but if by any possibility we shall fail in amending it, then better a thousand times defeat the bill entirely and say to the people of the country that we can better afford to let our waters flow untrammeled to the sea a few years longer than pass a bill denying to them and future generations any control over the most valuable resource which we possess. [Applause.]

Mr. ADAMSON. Mr. Chairman, I refrained from interrupting the distinguished gentleman from Wisconsin [Mr. LENROOT] because I knew that he has had that speech in his system a long time, and that it would prove disastrous to him, if not to others, if not delivered; but I desire to say that the clause in the paragraph to which he devoted so much time was not in the original bill, but was prepared as an amendment, and it was fully understood should not be incorporated as one of the amendments to the bill. The fact is that it is as much the fault of the other gentlemen as ourselves. The gentleman and his associates had a copy of all the amendments we intended to offer, and looked them over, and they were satisfactory to gentlemen on both sides. I do not think the gentleman ought to blame us any more than we should blame him for the oversight in allowing the clause printed. I desire to say that I am gratified that the gentleman is now able to find himself so nearly in accord with the bill, and feel so much gratified that I will not stop to discuss whether the defect was originally in the bill or in the understanding of the gentleman. I will remind the Committee of the Whole that there is not a single amendment in the 14 that the committee is going to offer that is inconsistent with the bill as originally drawn and introduced in this House. We discussed them over and over again, and we suggested these amendments and they were agreed to by the other side.

I further desire to state that I made this statement in opening the argument, that the fears of the gentleman were entirely imaginary; that the English language did not justify any such conclusion as they tried to deduce from the language of the bill. Mr. Chairman, I am so happy that the amendments we are going to propose, and of which I gave notice, are satisfactory to the gentleman that I have nothing further to say. I hope we will proceed with the debate and adopt as soon as possible this great and valuable constructive measure on the most important subject to the country that has been before Congress for a long time. I now yield to the gentleman from Alabama [Mr. UNDERWOOD] such time as he desires.

Mr. UNDERWOOD. Mr. Chairman, I have listened with much interest to the remarks of the distinguished and able gentleman from Wisconsin [Mr. LENROOT]. I am sure that he is sincere in what he has said, and I am also equally sure that through some misinterpretation he has misled the House and carried it very far afield from what is really in this bill.

Of course the most important feature of the bill, so far as the public is concerned, is that provision in the bill that authorizes a recapture of the dam and its accessory works in the interest of the public. I can say to the House that although I have no objection whatever to the amendments that the gentleman from Wisconsin has sought to put in the bill, so far as the amendments they have put in the bill in reference to the recapture, they are far more in the interest of the corporation that will acquire the title to the dam than was the provision in the original bill. The original bill provides for the right of recapture, provides for Government supervision and regulation if the plant is not regulated and supervised by the State itself; but I will not take up the time of the House at this time to go into a discussion of the features of the bill, because they can be better and more wisely discussed when the bill is under consideration under the five-minute rule.

Mr. Chairman, for the last decade the building of dams across the navigable rivers of the country to promote navigation and at the same time create hydroelectric development has been a question much discussed, fruitful of some legislation, and productive in the end of only meager results.

The Fifty-ninth Congress passed a general dam act, which was amended in the Sixty-first Congress. This legislation was ample and complete in so far as it authorized private capital to build dams and improve navigation under the supervision and direction of the Engineer Corps of the United States Army. But the law requires those desiring to avail themselves of the law to first obtain the consent of the Congress, and it has now become practically impossible to obtain the consent of the Congress under the present law.

The objection to all bills proposed in recent years can be stated as:

First. That the general law did not provide for rate regulation in the interest of the public.

Second. That there was no provision incorporated in the law to allow the public in future years to acquire the ownership of the dam and water power except by the expensive and doubtful process of condemnation; in other words, to recapture the property for the public benefit on reasonable terms.

Third. That the persons to whom the right to build a dam was granted should be required to pay indeterminate charges or taxes to the Government or to some beneficiary named by it for the privileges granted.

Fourth. That the granting of the right to use the water of a navigable stream created a monopoly, and should not be permitted by Congress, and Congress has refused to grant permission except on conditions declared to be by those asking permits to build dams in violation of both economic and business principles, and drove capital away from such developments.

I shall discuss the last objection first, in order to determine how far the monopoly exists and to what extent we can guard against the abuse of the power.

We must not forget that there are two kinds of monopoly. The first is the industrial monopoly, in which the price of a useful commodity is privately fixed, in which competition is driven out, and in which the largest possible revenue is derived by those maintaining the monopoly. The second is a public monopoly, or a publicly controlled monopoly, such as a water-power development, the services from which are performed under public regulation. In the first class are to be found consolidations of corporations and artificial organizations and creations in restraint of trade and subject only to indirect public control and regulation, while in the second class, such as hydroelectric developments and public-service companies, are found natural monopolies performing a public-utility service under public regulation. A hydroelectric development does not produce and sell a commodity in the same sense in which steel, oil, or tobacco are commodities. Hydroelectric power is not subject to periods of overproduction and underproduction, to storage, and to other methods of market manipulation, subject to rising and falling prices, but supplies its consumers to the extent of their demands and to the extent of the capacity of the hydroelectric development, and all the time at the same price as regulated and fixed by utility commissions or other legally authorized regulatory authorities.

Supporting the contention that hydroelectric developments are natural monopolies, the following quotations from various authorities are offered:

From the testimony of Hon. Walter L. Fisher, then Secretary of the Interior, before the National Waterways Commission, November 23, 1911:

> I do not think there should be any provisions in these grants against so-called combinations or monopolies, but do believe there should be no assignment of the grant without the permission of the Government. I think hydroelectric development is essentially monopolistic and should be essentially monopolistic in its character. That is why I think it should be effectively regulated. I think they should have the advantage of the control of the market and the freedom from harassing and vexatious competition if we are going to put them under the disadvantages of effective public regulation.

It is of interest to note that ex-Secretary Fisher admits "the disadvantages of effective public regulation," by which it is inferred that he means that such regulation is not advantageous in financing hydroelectric developments, and such regulations restrict and limit profits.

From the testimony of Mr. Gifford Pinchot, before the National Waterways Commission November 23, 1911:

> I am very strongly in favor of the consolidation of water-power plants, coupling them up over large areas * * *. Better service to the community would be forthcoming if water-power companies operated over large areas. But there must be public control of their operations to prevent the benefits which come by reason of such consolidation from being translated into a general overcharge to the consumer.

From the report of the National Waterways Commission (S. Doc. No. 469, 62d Cong., 2d sess.):

> The important fact to be gathered from the entire discussion of this phase of the subject would seem to be not so much that financiers and promoters might find it to their advantage to promote a monopoly as that the economic considerations and the natural character of the business make monopoly almost inevitable, and perhaps desirable, when subject to strict public regulation.

The President of the United States, in an address before the students of the University of California in 1911, said:

Public-service corporations are, in a very interesting sense, natural monopolies. * * * It is perfectly obvious that if other companies are allowed to compete with them there is a wasteful duplication in outlay and equipment, so that competition generally results in the eventual combination of the competing companies and the necessity to charge a price on what they supply that will pay the interest on twice as great an investment as was really necessary for the service.

By Hon. B. H. Meyer, member of the Interstate Commerce Commission (the American Political Science Review for August, 1911, p. 374):

There are few things which the industrial history of advanced nations proves more conclusively than that competition in the field of public utilities has failed to insure reasonably adequate service at reasonable rates. The public has had occasion to learn this lesson many times on a large scale. * * * Certainly we have had enough repetition of disasters to the public as well as to investors to lift this subject out of the field of controversy; but somehow these lessons have not been on a sufficiently large and overwhelming scale, for the fetish of competition is still being worshiped, and the cry of competition is still raised by many as the touchstone capable of dissolving every obscure entanglement which the strained relations between the utilities and the public sometimes create.

The Wisconsin public-utilities law is a repudiation of the fallacy of competition as a guarantor of good service at reasonable rates and is planted squarely upon the idea of monopoly in the utility business except in the case of telephones. Give a utility plant a definite field and compel it to do its proper work reasonably well within that field; this is one of the basal ideas in the law.

Electric Light & Power Co. (1 N. Y. P. S. C., 1st D., 226) (1908).

Here the commission refused to authorize a large issue of securities on the ground that they were to be used to construct a competing plant, which was unnecessary. The commission says, at pages 249, 250, and 251, in part as follows:

The whole electric history of New York City points the futility of competition.

Col. Roosevelt is to be complimented upon his progress and his assimilation of the common-sense doctrine of monopoly and its control, that in his late speech at Pittsburgh he says:

Unlimited competition has proved one of the greatest curses of modern civilization. It was unlimited competition which created the great trusts, exactly as it created the sweatshop, and is chiefly responsible for child labor. The new freedom is merely the old, old freedom which permits each man to cut his neighbor's throat.

Combination is as natural in business as it is in human society. Only among primitive peoples is every man a law unto himself and an enemy to his neighbor. Combination was the first step toward civilization and is a force which will persist while civilization continues. In so far as it may invade individual rights, the remedy is not to seek its destruction, which would be impossible, but to compel its regulation for the public good. It is the expression of greater experience, better knowledge, and higher intelligence, the result of education, the effect of gradual appreciation of certain fundamental principles, and the transmission of those principles into practical operation.

Only by regulated monopoly, and not by competition and duplication, can the best services and the lowest rates be secured. As many as 20 States, recognizing the important economic fact and principle of regulated monopoly as a method of control for public-service corporations, have passed laws prohibiting competing service in public utilities until after it is shown that the necessity for competing service is required, and then a "certificate of necessity" is granted by public authorities.

A reading of the Adamson bill will disclose that sections 7 to 13, as also section 15, provide for complete and effective control of hydroelectric-power development in the public interest.

Assuming, for the purpose of this argument, that the granting of the right to dam a stream to create hydroelectric power will create a local monopoly in the distribution of the power produced, though, as a matter of fact, it may in some cases produce active competition, and is more than likely to do so when the power is used for manufacturing purposes, and assuming further that the eminent authorities I have just quoted are correct in their advocacy of the control and regulation of a public monopoly rather than its destruction, the question is squarely presented to us as to whether the bill H. R. 16053, known as the Adamson general dam bill, under consideration, fairly and effectively meets the public demand for regulation and control for the public good.

Section 7 provides that any grantee who shall fail or refuse to comply with the lawful order of the Secretary of War, made in accordance with the provisions of the act, shall be guilty of a misdemeanor.

Power is given the Federal courts to issue injunction, mandamus, or other process to prevent the violation of the act; and if the unlawful maintenance and operation are shown to be such as shall require a revocation of all rights and privileges held under authority of the act, the court may decree such revocation.

This section gives ample power to enforce the law. The power to regulate the rates is given in section 11:

SEC. 11. That in all cases where the electric current generated from or by any of the projects provided for in this act shall enter into interstate or foreign commerce the rates, charges, and service for the same to the consumers thereof shall be just and reasonable, and every unjust and unreasonable and unduly discriminatory charge, rate, or service therefor is hereby prohibited and declared to be illegal; and whenever the Secretary of War shall be of the opinion that the rates or charges demanded or collected on the service rendered for such electric current are unjust, unreasonable, or unduly discriminatory, upon complaint made therefor and full hearing thereon the Secretary of War is hereby authorized and empowered to determine and prescribe what shall be the just and reasonable rates and charges therefor to be observed as the maximum to be charged and the service to be rendered; and in case of the violation of any such order of the Secretary of War the provisions of this act relative to forfeiture and failure to comply shall apply. That in the valuation for rate-making purposes of the property existing under said approval of the project there may be considered any lock or locks or locks or other aids to navigation and all other capital expenditures required by the United States.

The Secretary of War is further authorized and directed to include among the conditions for his approval of any plans or any project herein provided, as an express condition thereof, a clause reserving to the Secretary of War the same rights, powers, and duties set forth in this section, together with the same penalty for violation thereof: *Provided*, That whenever the State in which such current shall be used shall have provided by law adequate regulation for rates, charges, and service to the consumers for such electric current and such regulation shall not be unduly discriminatory or unjust against the service or charges in any other State arising from the use of the power from the same project, and such facts shall be established to the satisfaction of the Secretary of War, then in such case the provisions of this section shall not apply to the rates, charges, and service in and for such State.

You can not obey two masters at the same time. Priority is given to the State to regulate the charges in the interest of its citizens if it desires to do so; if not, ample authority is vested in the Federal Government to protect the consumers of the power.

The bill, therefore, protects the public against monopolistic abuse by providing just governmental regulation.

The right to recapture the property by the Government is provided for in sections 9 and 10 of the bill.

The direct grant is limited to 50 years, and the Secretary of War is given the power to terminate at any time thereafter upon giving one year's notice to the grantee of his intention to do so, the Government being required to pay the fair value of the property to the grantee, but it is provided that—

In determining the value of said property upon the termination of said grant as above provided, no value shall be claimed by or allowed for the consent hereby granted (the franchise), nor for good will, profit in pending contracts, nor other conditions of current or prospective business.

Should the Government determine to recapture the property, it will not be compelled to pay anything for the franchise rights, business developed, or good will, but merely for the fair value of the property belonging to the grantee. As the dam, the power house, the machinery, and the transmission lines are subject to depreciation and decay it is in the interest of the Government that the price of recapture should be the fair value and not the original cost. To provide that the grantee should receive less would prohibit men with both money and brains from entering upon the development of the power, for, with Government regulation, the profits will of necessity be limited, and the grantee takes all the chances of developing a paying business.

In the hearings before the Interstate and Foreign Commerce Committee on the subject of general dam legislation it was stated that—

All hydroelectric engineers, as well as all investors, in fact, nearly all political students of hydroelectric developments, agree that experience has established the following business facts:

First. Hydroelectric, more than any other class of industrial investments, must bear a trying interest burden over longer nonrevenue initial periods of construction.

Second. The hazards of hydroelectric investment are greater than in any other class of investments.

Third. In proportion as any lease period is shortened or unprovided for at its termination, as is the case in the present general dam law, in like proportion bond issues on such developments are with greater difficulty and more expensively negotiated.

Fourth. Electrochemical and electrometallurgical operations, upon which water powers must largely depend for development and must rely for consumption, require and must secure power at extremely low rates, covered by long contracts.

Only four important dams have been constructed in the navigable streams of the country in the last decade: Keokuk, on the Mississippi River, under a perpetual tenure, the cost of the development to date being $8,000,000 above the estimated cost; the Hales Bar Dam, on the Tennessee River, with a tenure of 99 years, at a cost of $6,000,000 above the estimated cost. Of these, only two dams have been constructed under the general dam law of 1906–1910—the Coon Rapids Dam, on the upper Mississippi River, and the Lock 12 Dam, on the Coosa River, the latter costing $500,000 above the estimated cost.

At the Keokuk power development, of the 120,000 horsepower now ready for sale there is an available market for only 90,000 horsepower, and a market must be created for as much as 90,000

horsepower to be developed at Keokuk before the total possible power development can be sold.

Of the 40,000 horsepower developed at Hales Bar, less than one-half of this power has been marketed, and a market will have to be created for as much as 25,000 horsepower of the total development.

Of the 40,000 horsepower developed at Lock 12, on the Coosa River, the Alabama Power Co. will be competing two years with the cheap coal in the Birmingham district before all of the power at Lock 12 is sold.

Not a single joint improvement of navigation and development of water power by private enterprise in a single navigable stream in this country is under construction at this time. The so-called new principles exploited by those who have made a political football of their so-called conservation policies have succeeded in putting a stop to all such joint improvements by legislative obstacles.

This bill undoubtedly protects the rights of the public, and my only fear is that it does not hold out sufficient inducements to capital to encourage investment in such enterprises.

The remaining objection that has been made to the present law is that no tax or charge is made for the use of the power.

I will not enter upon the discussion of the constitutional right of the Government to charge for the use of water in a navigable river for power purposes. I believe the beneficial use of the water belongs to the riparian owners, subject to the laws of the State in which it is located, and that the Federal Government has no right to make a special charge or tax as a condition of its enjoyment. [Applause.] No harm can be done by not incorporating a provision to tax in the bill, for the Government at all times possesses the power to levy an excise tax on each horsepower of electricity created by water power in the United States, so long as the tax is uniform and applies to all alike. No just man would propose to tax a dam built to-day and let go untaxed a dam built yesterday. [Applause.]

The best reason why no charge should be made and no tax be levied is that the people are entitled to as cheap electrical power as it is possible to give them, whether it is used in their homes for light and heat or in the factories for manufacturing. If you put the charge or tax on the owner of the dam, he, of necessity, will hand it down to the consumer of the power.

Public regulation and the right to recapture in the interest of the public are in the line of true progress; to go further would not only be injurious to the public but in all human possibility would prevent development.

The great issue involved in this bill is the development of navigation, the cutting down of freight rates, and the development of our commerce, but it is so apparent that it is in the public interest to make a stream navigable when it is done without cost to the Government or the people that I will not delay you with a discussion of the benefits to be derived from that feature of the bill, but I do desire to call your attention to some apparent competitive economic facts, and more particularly do I wish to call your attention to some of the benefits that our country will derive from the development of the hydroelectric power in our navigable rivers, that at this time is unfortunately, and with great loss to the country, going to waste.

In the joint improvement of navigation and development of water power in the navigable streams of this country, and in the enactment of laws that will encourage these developments, we are confronted with certain competitive economic facts which neither Federal nor State legislation can regulate or control. As an example of one of these there may be cited the instance in my own State of Alabama, where the Alabama Power Co., even in large units of hydroelectric power that can be supplied from its development at Lock 12 on the Coosa River, would refuse to name a price for power lower than one-half cent, or 5 mills, per kilowatt hour. At this rate—1½ horsepower-hours being equal to 1 kilowatt-hour—the yearly cost per horsepower would be about $33, and yet electric power can be generated, using the by-product gases from by-product coke ovens in Alabama, at a cost of 2½ mills per kilowatt-hour, or at a cost of about $16.50 per horsepower-year.

The production of coke in Alabama is now running at the rate of about 3,000,000 tons per annum. This coke, when all produced in by-product coke ovens, will yield waste gases that will produce under boilers 100,000 steam horsepower. It may be expected that in 10 years, as is the case now in Germany and Austria, there will be no coke manufactured in Alabama in beehive ovens, but that all of the coke manufactured in that State will be manufactured in by-product ovens, and the waste gases from these ovens will produce steam power at about one-half the cost of hydroelectric power.

Thus we find a competition between cheaper steam power produced by waste gases from by-product coke ovens and hydroelectric power, which competition exists as an economic fact and can not be regulated by law.

Another economic fact, not to be controlled nor regulated by legislation, is that the hydroelectric power developed by building dams in the navigable streams of this country can only find its largest consumers through electrochemical and electrometallurgical processes, and by far the largest consumer will be the electric furnace. It is not necessary to review all of these processes to arrive at practical and correct conclusions for constructive legislation on this subject.

First, let us follow briefly the history of the manufacture of aluminum, the most useful of the light metals and more abundant in nature than iron, yet which costs, by chemical methods, at least $1 per pound to produce, though by electrochemical methods it is manufactured and sold with a profit at 25 cents per pound.

Aluminum was first manufactured in this country at Pittsburgh, but the lower cost of hydroelectric power at Niagara Falls drew the industry away from Pittsburgh in 1893, and now aluminum is manufactured on an immense scale at several places where water power is cheap and abundant. It is of interest and strikingly pertinent to find that when the manufacturers of aluminum, desiring to locate nearer raw materials needed in its manufacture, established their factories not on navigable streams but selected locations on nonnavigable streams. The American manufacturers have constructed their new plant on the Little Tennessee River, where they can enjoy a perpetual tenure in the supply of power, and it is significant that when it was suggested that larger supplies of power could be furnished for their operations from developments made in the navigable streams of the country, they replied that they would not make investments in factories for the manufacture of aluminum with a tenure of only 50 years, as proposed by the Federal Government for developments in navigable streams. Likewise, when the French Aluminum Co. decided to establish its factories in the United States, it did not apply to the Federal Government for a permit to build dams in navigable streams for the development of its required power, but selected a very expensive power development on the Yadkin River, a nonnavigable stream in North Carolina, where an investment of ten or twelve million dollars is now being made by the French Aluminum Co. This company preferred to select a location on the Yadkin River, where hydroelectric power will be produced at a higher rate than can be produced at a number of points upon the navigable streams of the country, but they said, we prefer to locate where hydroelectric power is higher in cost but where, on a nonnavigable stream, we are free from the restrictive and prohibitive laws proposed by the Federal Government in navigable streams.

In both developments, the one on the Little Tennessee River by the American company and the one on the Yadkin River by the French Aluminum Co., the United States lost two large navigation improvements in the navigable streams of the country which, with more favorable and reasonable laws, the improvement of the navigable streams of the country would have secured free of cost to the United States.

Congress, in passing a general dam act, can not ignore the competition between developments on nonnavigable and navigable streams.

Second, investigation of the electric steel-furnace industry develops important economic facts as related to the development of hydroelectric power. The latest records show that at the present time there are 159 electric steel-furnace plants in operation and under construction in the various countries of the world, as follows:

France	24
Switzerland	2
Belgium	4
Germany	44
Austria	13
Hungary	2
United States	21
England	18
Italy	12
Russia	6
Sweden	6
Norway	3
Brazil	1
Spain	1
Japan	1
Mexico	1

And the productive capacity of all of these plants when in operation is estimated at over 1,500,000 tons per annum of electrical steel.

In order to operate electric steel furnaces cheap power is the first essential. Though the United States is the greatest steel and iron producer in the world, we stand third in the electrical steel industry—Germany first. The great steel corporations of the country, with waste gases from their by-product coke ovens

for the manufacture of cheap electric power, have a practical monopoly in the manufacture of electrical steel.

As a measure of the importance of electrical steel as affecting the safety of passenger transportation, it is reported that there are now 10,000 tons of electrical steel rail under test in the tracks of half a dozen railroads of this country, and not in a single instance to date has there been reported a blemish or fracture.

One of the most important items of cost in the manufacture of automobiles is the high-grade special steel required. This class of steel is now being manufactured in electric steel furnaces, using cheap electric power, and very fast electrical steel is supplanting crucible steel hitherto manufactured at a much higher cost in crucible furnaces.

Not only so, in considering this question, it is of unusual interest to know that of the 159 electric steel furnaces now in operation and under construction in the various countries of the world, 18 of these furnaces are making war materials.

That the electric steel furnace in its future enlarged operations, when cheap hydroelectric power is abundantly available in the navigable streams of the United States, will contribute to the safety of passenger transportation and to the decreased cost of living there can be no doubt.

Third, more economically important and of larger commercial interest is the manufacture of air fertilizers by the use of very cheap power, and only by very cheap power through the electric furnace using the cyanamid process. We find, and it is a shock to our commercial pride, that only in foreign countries are cyanamid plants, or lime nitrogen plants, located and in operation for the manufacture of air fertilizers in electric furnaces. While there are no such factories in the United States, these factories are in operation in foreign countries, as follows:

Germany	3
Norway	2
Sweden	2
France	1
Switzerland	1
Italy	2
Austria	1
Japan	1
Canada	1

Total number of plants 14, having a total productive capacity of 200,000 tons per annum, and a total investment of over $30,000,000. The total capacity represents an output of $15,000,000 per annum.

One English company alone is proposing the development of 1,000,000 continuous horsepower for the production of cyanamid and its derivatives, 600,000 of which has been secured in Norway and 400 000 in Iceland.

In addition to the operations using the cyanamid process in Norway there are also factories producing nitric acid and air fertilizers utilizing hydroelectric power with the arc process to the extent of over 200,000 horsepower, with a capital investment of $27,000,000, making a total investment in these industries in foreign countries at the present time of nearly $60,000,000.

Of infinitely more commercial importance, however, than the mere fact that these factories are located only in foreign countries, when we realize that not only are these factories engaged in the fixation of the atmosphere as a fertilizer, is the wonderful economic fact that the product from these factories competes directly with nitrate of soda, or Chilean saltpeter, found only in the country of Chile.

As a measure of the economic importance of this question, we find that the estimated investment in Chile employed in the nitrate of soda industry, or Chilean saltpeter, is approximately $140,000,000. The export duty imposed by the Chilean Government is $11.16 per ton, and 60 per cent of all Chile's revenues are derived from this one source alone. During 31 years, beginning with the year 1879, the world's industries and its agriculture have paid Chile a bill of nearly $500,000,000. The official figures showing imports of nitrate of soda into the United States, by years, for 31 years, from 1883 to 1913, inclusive, amount to 6,516,031 tons, with a value of $209,971,246. In the year 1883, 56,937 tons, with a value of $2,262,701, were imported, and the importations increased so fast that in 1913, 589,135 tons, with a value of $20,718,968, were imported; and yet 500,000 horsepower of our estimated 30,000,000 undeveloped horsepower in the streams of this country now going to waste, if employed constantly during a year would produce cyanamid, or lime nitrogen, equal to the amount of Chilean nitrate imported in the year 1913, at a price of $21,000,000 to the people of this country. And yet we find gentlemen on the floor of this House who by captious criticism would destroy legislation that would effect results of this kind to the people of the United States, and say that they do it in the public interest. [Applause.]

The fixation of the nitrogen of the atmosphere as a fertilizer through the use of the electric furnace, supplied with very cheap power, ranks among the very first industrial and economic achievements of science in modern times, and while the commercial importance and growth of this new industry has been by leaps and bounds in other countries and is established commercially in other countries by every encouragement foreign countries could give to the industry, the United States, in contrast, holds the unenviable and humiliating distinction of driving away the factory proposed to be established at Montgomery, Ala., to be supplied with power from Lock 18 on the Coosa River under a grant passed by Congress in 1912 under the general dam law of 1906–1910, which grant the President of the United States promptly vetoed.

While the electric furnace is to be an economic factor in our future steel industry, the electric furnace, supplied by cheap water power, is to find its most useful service to the people of the United States in the electric furnace's relations and contributions to agriculture.

The manufacture of air fertilizers, now established in other countries, when established in this country promises alone to create a new epoch in our fertilizer industry—and the fertilizer industry is the most important of all industries in its relation and possibilities for the reduction of the high cost of living.

These present-day accomplishments and practical lessons of industrial achievements are but object lessons of the immense importance which the electric furnace, supplied by cheap water power, is assuming in our daily lives and in our industrial operations.

The very latest achievement through the electric furnace using cheap hydroelectric power, and in a sense still a secret, but of wonderful economic and commercial importance to the fertilizer industry, is the production of phosphoric acid from phosphate rock, so abundant in the States of Tennessee and Florida and also in Western States, and so indispensably necessary to the fertilizer industry.

The increasing business in this country of selling phosphate rock at the mines and of manufacturing commercial fertilizer made largely from phosphate rock is a matter of common knowledge.

The process of obtaining phosphoric acid from phosphate rock for use in agricultural fertilizers has been hitherto both tedious and very expensive. The process now and for many years employed for procuring phosphoric acid has been the system known as the sulphuric-acid process or treatment, in which process the ground phosphate rock is subjected to saturation with sulphuric acid. This process is unsatisfactory and expensive, both in failing to extract completely the free phosphoric acid from phosphate rock and also as requiring the use of large quantities of sulphuric acid, not beneficial to plant life. Very recently it has been established as a commercial success that with the electric furnace charged with phosphate rock and operating with very cheap water power phosphoric acid without the use of sulphuric acid can be successfully manufactured. The effect of this achievement and its importance to agriculture and its final contribution to the reduction of the high cost of living can hardly be realized.

Congress in passing general dam legislation can, with great interest and profit to the country, ask "Where do the manufacturers of phosphoric acid under this new process with the electric furnace, supplied with cheap power, propose to locate their factories?" The answer to that question is that the first manufacturers propose to locate in Canada, on the Saguenay River, where they have secured 200,000 to 300,000 cheap horsepower with a perpetual tenure.

Thus a second electric-furnace operation, for the manufacture of phosphoric acid, so indispensable to the manufacture of cheap fertilizers for the farmers of the United States, follows the lime-nitrogen factory, which was driven to Canada, and which had proposed to locate in Alabama and use Coosa River power. And where do the manufacturers of phosphoric acid at their proposed phosphoric-acid plant to be located on the Saguenay River in Canada expect to secure their supply of phosphate rock? Surprising as it may appear, they propose to ship Florida phosphate rock by water up the Atlantic coast to their electric phosphoric-acid plants and manufacture phosphoric acid with cheap power on the Saguenay River in Canada, and ship phosphoric acid back to the Atlantic ports for distribution to the farmers of this country. How significant it is that those who propose to carry Florida phosphate rock to Canada by water and ship phosphoric acid back by water to the United States, to be distributed largely by rail to the various States, have asked no permission of Congress, nor have they requested this Government for the right to develop water power in the navigable streams of this country, when millions of horsepower are going to waste by non-

use in our navigable streams. [Applause.] Are those who propose this $10,000,000 new fertilizer development by this new phosphoric-acid process Canadians, and do they locate on the Saguenay River inspired by pride of country? Not at all; for the financial organizers of this new development are citizens of the United States. They go to Canada because of the cheap water power to be found there and because the water-power laws of the United States do not invite them to the cheap water powers in the navigable streams of this country. And I wish to say in passing that gentlemen who expect to make political capital for themselves by throwing obstructions in the way of honest legislation to develop the great water power of this country, when these facts become known to the agricultural classes of this country, will have a day of reckoning at their own homes. [Applause.]

For seven years Congress has continued its debate upon this question, and while we talk about the conservation of our water-power resources other countries build dams and conserve their water powers, while ours go on to waste.

In the arid regions of the West it is water, not land, which measures agricultural production. In the cotton fields of the South it is fertilizer, not land, that measures production.

An examination of the summary of appropriations made by Congress for western land irrigation and reclamation discloses the following:

Early irrigation surveys	$350,000.00
Reclamation fund	79,450,438.53
Authorized bond issue	20,000,000.00
Expended by Geological Survey	4,500,000.00
Expended by Department of Agriculture	956,000.00
Expended by or through office of Indian Affairs	10,797,316.29
Total	116,003,754.82

These contributions of the Federal Government by these appropriations in aid of the reclamation of the arid lands of the West are most wisely made, for Congress can make no appropriations and pass no laws so useful to the country as those appropriations and laws which contribute to the increase of our food crops.

What appropriations has Congress made, what encouragement has the Government given to the increased production and cheaper production of fertilizers, so indispensably necessary to the food crops of the farmers of this country from Massachusetts to California and from Maine to Texas? The agricultural fertilizer bill in the United States during the single year 1909 amount to $114,882,541, and the fertilizer bill for 1909 of the 11 Southern States—North Carolina, South Carolina, Georgia, Florida, Kentucky, Tennessee, Alabama, Mississippi, Arkansas, Louisiana, and Texas—was alone $63,992,626.

Is it sound, is it sane, that out of the Federal Treasury the enormous expenditures of public funds for the reclamation of the arid lands of the West be continued—and they should be—and Congress refuse to pass constructive dam legislation that will invite and protect private capital, to be invested at its sole expense in the construction of dams for the joint improvement of navigation and development of power in the navigable streams of the country, which power will be largely employed in the manufacture of fertilizers which are just as necessary to increase the food crops and cotton crop, especially of the Southern States, as water is necessary to the production of food crops on the arid lands of the West?

As an illustration of what atmospheric nitrogen means as a fertilizer, Mr. Frank S. Washburn, president of the American Cyanamid Co., which company has its factories at Niagara Falls in Canada, says:

> Experiments at the Rothamstead Agricultural Experimental Station in England, conducted now over a period of 60 successive years, prove that an amount of nitrogen equivalent to that produced in the cyanamid process by one continuous horsepower will increase wheat production by 150 bushels per year. This means that the application of a horsepower in the United States to the cyanamid industry will some day increase the food supply the equivalent in value of $150. The factory sales price of the quantity of nitrogen thus required would be practically one-half this amount, or about $75.

The President of the United States vetoes a bill passed by Congress authorizing the construction of a dam in the Coosa River, the water power from which was to be used in the fixation of the nitrogen of the atmosphere in that commercial form that competes directly with Chile saltpeter, and the very first year succeeding the date upon which the President vetoed the bill this country paid to Chile $20,000,000 for nitrate of soda used in the arts, sciences, and agriculture.

We man our forts and ships with big guns and pay big bills to Chile for nitrogen material to manufacture powder to shoot our guns with.

In view of the very startling testimony of Gen. William Crozier, Chief of Ordnance Bureau, before the Committee on Military Affairs of the Sixty-third Congress, second session, the Ordnance Bureau of the War Department has been, under congressional authority, endeavoring to accumulate a reserve supply of 65,000,000 pounds of sodium nitrate. Gen. Crozier's statement was made confidentially to the committees of the Senate and House of Representatives and was never printed, for the reason that this Government at that time did not care to disclose to the world the absence of a reserve supply of Chilean nitrate, indispensable to the manufacture of powder.

Pursuant to the recommendations of Gen. Crozier, appropriations were made for the erection of storehouses and for the accumulation of a supply of sodium nitrate, and we now have on hand between 40,000,000 and 50,000,000 pounds. At the present rate of supply it will require something over five years to complete the reserve.

We use approximately 3,000,000 pounds annually of sodium nitrate from Chile, in addition to that which goes into the reserve, in the manufacture of powder, and I think the Navy uses a somewhat greater amount.

Contemplate, if you please, the unprotected position of this country for an adequate supply of sodium nitrate in time of war.

Shall the United States be the only important country in the world wholly dependent upon other countries and pay an export tax to other countries for the essential and principal material necessary for the manufacture of powder? Shall the farmers of the United States pay for fertilizers manufactured with the cheap water powers in Canada and in Europe while our own water powers go to waste and the navigation of our rivers goes unimproved? Shall we continue to preach conservation of our water-power resources and conserve them not at all? Shall we put to service the power along the waterfalls in the streams of this country now going to waste by nonuse and manufacture fertilizers to restore the fertility now fast failing in our farm lands? Every sentiment of national pride for our industrial future demands that we do so.

It has been lately and very truly said:

> The United States in our time is undergoing profound and far-reaching changes. The first great chapter of the Nation's history is closing with the passing of the public lands. From the earliest years of our national existence almost until the present the main work of our people was to acquire and to occupy the public domain, continental in extent. The continent, however, is now practically occupied; there are no longer great stretches of free land rich with all manner of unowned, undeveloped resources. We have come, consequently, to new national bases of life, and are forming new national habits. Our country, in truth, has entered a period of fundamental readjustment—economic, social, and political.

In this "fundamental readjustment" there will be proposed many new "economic" theories of government, many "social" panaceas, many "political" poultices; but none of these should cause us to forget that the earth supports us; that whatever embarrasses and is a burden to agriculture—the very foundation of all wealth—harms society; and whatever contributes to agriculture contributes to the happiness of the human family. [Applause.]

Mr. BURNETT. Mr. Chairman, before the gentleman takes his seat, will he yield?

Mr. UNDERWOOD. Certainly.

Mr. BURNETT. The gentleman referred to the monopoly of these electric powers. I want to call the gentleman's attention to the fact that electricity now generated at Lock and Dam No. 12, which Congress provided for a few years ago, is being distributed at the present time at Gadsden, my home town. Up to a few weeks ago the people of that place were paying 16 cents per kilowatt-hour for the use of the electricity. When this distribution or transmission plant was located at Lock 12 the people made complaint that the charge was too much. They demanded a reduction, which was refused. The laws of Alabama require that these electric plants shall supply all parties at the same rate. The people at that place then said to those who were supplying them with electricity for lighting purposes, "We will contract with the Alabama Power Co.," and they went to that company and found they could get a much lower rate, and now those with whom they had contracted, or from whom they were taking these supplies for their electricity at 10 cents, have reduced it to 12 cents, or a reduction of 25 per cent. That is the kind of monopoly that that brings about.

Take the town of Leeds, which is a little town in the gentleman's home county. That town would not be able to erect a lighting plant, but it is to-day securing electricity from that company to light the town. Lincoln, in Mr. BLACKMON'S district, is the same, and numbers of other little towns all through that section of the country are going to be supplied with electricity, and numbers of manufacturing plants are to be supplied with electricity that actually could not obtain it if they had to have their own plants to do it.

Mr. UNDERWOOD. I agree with my colleague. Some gentlemen who are obstructing legislation of this kind upon the ground that they are conservationists, I regret to say in my judgment are obstructionists against the best interests of the people of the United States. [Applause.]

Mr. STEVENS of Minnesota. Mr. Chairman, I yield to the gentleman from Massachusetts [Mr. GILLETT] such time as he may desire.

Mr. GILLETT. Mr. Chairman, while I have very decided opinions about the fundamental principles on which this bill is based, I think it prudent for me not to discuss them now, because I have a distinct local interest in the bill and am anxious that it should become a law whether it adopts the changes and compromises which are being negotiated or not. My interest springs from the fact that men in my district are awaiting the passage of this bill in order that they may dam the Connecticut River between Springfield and Hartford, and create an enormous water power which is certain to stimulate and develop industrial activity all through that enterprising and teeming valley. But this new development and diffusion of power, although highly advantageous, is not what most attracts me in the new project. My chief interest is that I see in it the consummation of the design for which I have labored many years of bringing salt-water navigation to Springfield and Holyoke. You gentlemen who have been here longest know that discouraging story which I have told so often that I will not repeat it now. It is sufficient to remind you that though one of the most popular and influential members of the River and Harbor Committee was deeply interested in the plan and by his position could exert great influence on Congress, yet the project was repeatedly and conclusively balked by the opposition of the War Department. As you know, all Congress could do against their veto was to keep ordering surveys, and that was done so repeatedly that it seems to me there ought not to be a pebble which has not been located or a pollywog or bullhead whose favorite pool has not been charted.

When, however, this plan for a power dam was proposed the War Department at last became favorable and reported in favor of a Government appropriation in conjunction with it which would insure the long-sought end. Then we should have at once not only navigation but a stimulating diffusion of cheap power. But just when everything seemed favorable and our long-delayed navigation seemed certain of immediate fulfillment, there arose over our bill in the Senate that memorable constitutional debate which for the first time developed the two fundamental lines of opinion on the subject of water-power development. It seemed like fatality that our measure which for years had encountered such unforeseen and unavoidable obstacles should be the one over which this constitutional question should be fought out. We did not care particularly which side won. We were willing to accept the charter on the terms which either side offered—and each side was most friendly to us and was desirous we should be incorporated—but was only unwilling that in our charter the principles of its opponents should triumph; and so we were the unfortunate victim of the conflict of two opposing forces neither of which wished us any harm, but both of which together united to annihilate us.

Now, at length it seems that the antagonistic principles are in the way to be harmonized and compromised and that a general law will be enacted under which we can develop our desired water power and the Government will give us our longed-for navigation. And therefore I refrain from discussing or criticizing the bill or its amendments. I carefully abstain from interposing any element of discord, and I only urge that this bill in some form be speedily passed and made law.

Mr. STEVENS of Minnesota. Mr. Chairman, I yield to the gentleman from Massachusetts [Mr. GREENE] such time as he may desire.

Mr. GREENE of Massachusetts. Mr. Chairman, before beginning my remarks I ask unanimous consent to extend my remarks in the RECORD.

The CHAIRMAN. Is there objection?

There was no objection.

Mr. GREENE of Massachusetts. Mr. Chairman, I receive quite a number of circulars and letters every day through the mail, but this morning I received a circular addressed to me which I opened and read, and I was interested in the same because of the statements therein made, and I desire to read it for the information of the House. It is from Local Union No. 691, affiliated with the United Textile Workers of America and the American Federation of Labor. I will state that the headquarters of the United Textile Workers of America are located in the city of Fall River, Mass., where I reside, and that John Golden is the president and that Albert Hibbert is the secretary and treasurer. This circular is dated "Newark, N. J., July 6, 1914," and is as follows:

[Local Union No. 691, affiliated with United Textile Workers of America and American Federation of Labor.]

NEWARK, N. J., *July 6, 1914.*

DEAR SIR: The flax dressers of Newark, N. J., and vicinity wish to have your attention drawn to the harm which has been done their trade by the passage of the tariff act of 1913, and to ask you to use your best influence to have Congress restore the protection which is necessary to enable them to meet foreign competitors on an equal basis. We have always had a 3-cent per pound duty on dressed flax until the passage of the recent tariff act, which placed dressed flax on the free list and left us without any protection whatever. The result is that the Barbour Flax Spinning Co. and other firms have already disposed of fully 80 per cent of the men employed in their hackling departments. They have opened hackling departments in Europe, where they now have their flax dressed at a much cheaper rate than it could be produced in this country. In a very short time hackling of flax will become a thing of the past unless prompt action is taken to have the duty restored on all dressed flax coming into this country.

We workingmen who have been and are being deprived of the opportunity to earn our living at our trade appeal to you to save our trade from being entirely lost to us. We again wish to remind you that prompt action is needed. For once the firms which have given us employment in the past ship their machinery to Europe, it will be impossible to recover the trade to this country.

I am, yours, respectfully,

CHAS. LAUGHLIN, *Secretary,*
46 Pomeroy Avenue, Kearny, N. J.

Mr. TOWNSEND. Mr. Chairman, will the gentleman yield?

Mr. GREENE of Massachusetts. Certainly, for a question.

Mr. TOWNSEND. I did not catch the name of the manufacturing firm that employed this writer.

Mr. GREENE of Massachusetts. The Barbour Flax Spinning Co.

Mr. TOWNSEND. What proportion of the labor employed by that concern is employed in hackling?

Mr. GREENE of Massachusetts. I do not know.

Mr. TOWNSEND. It is rather important to know.

Mr. GREENE of Massachusetts—

I know not what the truth may be,
I tell the tale as 'tis told to me.

The circular explains itself, and if the gentleman had paid attention he would have found out something about what was stated in the circular which I read. I wish to say, Mr. Chairman, that I listened with a great deal of interest to the remarks of the gentleman from Alabama [Mr. UNDERWOOD]. He is very much interested in advancing the interest of his section of the country, and I am very glad he is, and I believe this country will grow and prosper and that every man ought to take care of his own part of it, but I believe we should all be broad enough to not forget the interests of all sections of this broad land. The South has great advantages and has enjoyed great prosperity for many years under Republican administrations. I was interested also when he talked about the obstruction to legislation that has occurred in past administrations. I think there is some obstruction here even with the Democratic Party in control in this House, and there is some legislation that has been put on record since the Underwoor Tariff Act was passed which I fear may prove to be not altogether for the best interests of the people. The persons who issued the circular which attracted my attention just referred to it as the tariff act of 1913. For fear anyone should be misled as to what tariff act that circular refers to I desire to say it refers to the Underwood tariff bill of 1913, which was voted for by nearly all the Members on the other side of the House and by a few misguided Members on this side of the House. I thank God I was one of the Members who did not vote for it. I do not believe in it.

The country is beginning to reap some of the fruits of the passage of that legislation. This is simply a cry of distress that comes from a section of the country that feels the effect of this law that was put on the statute books that destroys the efficiency of these men of New Jersey as workmen, and deprives them of the continuous employment which they enjoyed under the policy of protection to American industry, which has always been maintained heretofore under Republican administrations.

Mr. TOWNSEND. Will the gentleman yield for just a question?

Mr. GREENE of Massachusetts. For just a question; yes.

Mr. TOWNSEND. In the section of the country to which the gentleman refers, the number of depositors in the savings banks has increased and the amount of the deposit of each individual depositor has increased.

Mr. GREENE of Massachusetts. I did not yield to the gentleman for a speech. I decline to yield for a speech. I have not the time to yield, because I have only a few minutes. I want

to say I know something about the industrial conditions of this country. I know something about the people who are working for a living; I know something about what they suffer from the legislation that has been inflicted by the Underwood bill, and I hope the time will soon come, and I believe it will soon come, when we shall wipe this legislation from the statute books of the country, and the Republican Party will replace it with such legislation as will be for the benefit and advantage of the men who work for a living, and also that the men and women and executors of estates who have capital invested may reap some benefit from their investments.

This country will enjoy prosperity to a greater extent when the interests of both labor and capital are best conserved and property safeguarded.

But the cry has not alone come from the men employed in the flax-hackling plants of the State of New Jersey. I call the attention of the Democratic majority to the fact that there are other flax-hackling plants in the United States; but the men employed in that industry in Massachusetts are in the same situation as their brother workmen in New Jersey, but they tried to impress their unfortunate situation upon the Democratic Party before the Underwood tariff law was enacted, but their cries of distress fell upon deaf ears then. What is the answer of the Democratic majority now?

One of the very few flax-hackling plants in the United States is in Massachusetts, in the fifth district, which is ably represented on this floor by my colleague Mr. ROGERS. I refer to the Smith & Dove Manufacturing Co., of Andover. A year ago last spring, when the Underwood tariff bill was being prepared, the employees of that concern, of their own volition, sent for my colleague Mr. ROGERS. He met them during the noon hour, and they told him that if the rates then forecasted for flax hackling—which rates were later enacted into law—should prevail, it would mean the end of flax hackling in this country. While the debate on the Underwood tariff bill was in progress, on May 2, 1913, Mr. ROGERS offered an amendment designed to prevent the disaster predicted by the 100 or more workmen who had interviewed him, and told more fully the story I have sketched here. Nevertheless, like every other meritorious amendment offered by the Republican side of the House to that measure, it was contemptuously rejected. Apparently the letter from the workmen of New Jersey which I have read establishes the fact that the fears of those wage earners were not idle forebodings.

During the discussion which arose while the Underwood tariff law was being considered in the House of Representatives last year the gentleman from Alabama [Mr. UNDERWOOD] frequently stated that the measure which he presented was a revenue measure, and, if enacted into law, it would remove the burdens which had been inflicted upon the country, and especially upon labor, by the laws which had been enacted while the Republican Party was in power.

He stated that the measure which bears his name would be a competitive measure, because it would provide competition from abroad, and thereby reduce the cost of living to the consumer. He has yet to learn that in order to be a consumer to any considerable extent the laborer must have employment, and that employment is dependent upon the prosperity of the United States rather than the prosperity of any foreign nation.

While considering this phase of the situation I am reminded that the President, when he addressed the Congress, stated that it would be necessary to sharpen the wits of the American manufacturer by bringing him in competition with the manufacturer from abroad.

This is Democratic theory, and will become Democratic doctrine if the people indorse this theory when they cast their votes in the elections that are to take place in the months that will soon confront the American people.

The rumblings of the thinking voters of the State of New Jersey are beginning to find expression in notes of dissatisfaction, which the circular I have read so clearly sets forth.

I want to emphasize what they state in their circular addressed to me, and I assume that they have mailed a similar circular letter to every Member of the House of Representatives, and I quote as follows again from the circular:

> We workingmen, who have been and are being deprived of the opportunity to earn our living at our trades, appeal to you to save our trades from being entirely lost to us.

Gentlemen of the Democratic majority, it is possible for you to grant the petition of the wage earners of the State of New Jersey. Will you do it? These wage earners know that their misfortunes which have blighted their hopes are the result of erroneous tariff legislation. They do not hesitate to so state. Loss of employment at any stated occupation is a serious misfortune; but when the full result of that misfortune is to transfer an industry to another country, and you have the power to prevent that misfortune and to correct the errors and mistakes of your own party in visiting the trouble and distress upon the innocent victims of your erroneous legislation, I repeat, gentlemen of the Democratic majority, will you listen to the Macedonian cry for help which appeals from the laboring men of New Jersey?

There is another feature of the Underwood tariff law which demonstrates the utter futility of the Democratic Party's attempt to work out a theory, which should have been clear to them in advance, as it now shows by experience to be a colossal blunder in its results upon the industry which produces the finer grades of manufacturing tools and machines in this country. In the tariff law which the Underwood law repealed raw materials which are a necessity to advance this important industry which gives employment to high-grade, well-paid mechanics were admitted free of duty; but under the Underwood law these raw materials are subject to a duty, but the finished product, which employs foreign labor to produce, is admitted free. This theory finds exemplification in many phases of the Underwood tariff law. The results in practice is that the interests of the foreign workmen is better provided for than the interests of American workmen, while the policy of a tariff for revenue only may possibly loom large in the item of receipts at the customhouse.

The Payne-Aldrich Tariff Act was a good revenue producer, but the tariff against the products of foreign labor provided in that act gave full protection to the skilled American laborer of the United States.

Our Democratic majority in the Congress seem to forget that they do not represent the majority of the American people.

They unthinkingly assume that they have been commissioned by some mysterious authority to carry out the will of the people.

They forget that they are still the minority party in the country, and that only through the divisions in the ranks of their opponents they are permitted to exercise a little brief authority. Episodes like the circular letter addressed to Members of the House of Representatives should cause them to hesitate in their policy of enacting destructive legislation and to examine themselves and consider whether or not they will be likely to destroy themselves in their anxiety to overthrow the policies in governmental affairs which have given protection to American labor and prosperity and happiness to the American people.

Mr. ADAMSON. Mr. Chairman, I move that the committee do now rise.

Mr. LENROOT. Will the gentleman permit me to make a request?

Mr. ADAMSON. Certainly.

Mr. LENROOT. I ask unanimous consent to revise and extend my remarks.

The CHAIRMAN. The gentleman from Wisconsin asks unanimous consent to revise and extend his remarks. Is there objection? [After a pause.] The Chair hears none.

Mr. FOSTER. Mr. Chairman, I ask unanimous consent to extend my remarks in the RECORD by printing an article from the Chicago Tribune of July 17.

The CHAIRMAN. Is there objection to the request of the gentleman from Illinois to extend his remarks as indicated?

Mr. JOHNSON of Washington. On what subject?

Mr. FOSTER. On the subject of prosperity in the West.

The CHAIRMAN. Is there objection? [After a pause.] The Chair hears none.

Mr. ADAMSON. Mr. Chairman, I would like to withhold my motion for a moment, in order to advise my friend from Massachusetts to answer his correspondent that he should date the cause of the disaster further back, to the tariff of 1909. I move that the committee do now rise.

The motion was agreed to.

Accordingly the committee rose; and the Speaker having resumed the chair, Mr. GARNER, Chairman of the Committee of the Whole House on the state of the Union, reported that that committee had had under consideration the bill H. R. 16053 and had come to no resolution thereon.

ACCEPTANCE OF STATUE OF GEORGE WASHINGTON GLICK.

The SPEAKER. The Chair lays before the House the resolution for the special order, which is as follows:

House resolution 558.

Resolved, That exercises appropriate to the reception and acceptance from the State of Kansas of the statue of George Washington Glick, erected in Statuary Hall in the Capitol, be made the special order for Saturday, July 18, 1914, at 3 o'clock p. m.

The Chair designates the gentleman from Kansas [Mr. TAGGART] to act as Speaker. [Applause].

Mr. TAGGART assumed the chair as Speaker pro tempore.

The SPEAKER pro tempore. The Clerk will report the resolution.

The Clerk read as follows:

Resolved, That exercises appropriate to the reception and acceptance from the State of Kansas of the statue of George Washington Glick, erected in Statuary Hall in the Capitol, be made the special order for Saturday, July 18, 1914, at 3 o'clock p. m.

Mr. CAMPBELL. Mr. Speaker, the law provides that the several States of the Union may send to Statuary Hall statues of two citizens of the State eligible for such an honor, and for the acceptance of such statue by the Congress of the United States. This House is now for the second time engaged in the acceptance of a statue from the State of Kansas. John James Ingalls, in statue, has for many years occupied a place in Statuary Hall. George Washington Glick, formerly governor of the State, was a pioneer. He went to Kansas before it became a State. He went before there were railroads west of the Mississippi River.

When he arrived upon the prairies of Kansas in Atchison County he was at the end of the road trail in that direction. Travel had not gone beyond, and when he stopped he began the work of a pioneer in making Kansas a habitable place in which to live. At that time nothing greeted him and those with him except the broad expanse of prairie that receded from the Missouri River westward to the Rocky Mountains. There were no common carriers of interstate commerce, no bridges, no public buildings and but few of a private character. There were no gas or electric light plants, no telephones, or rural delivery of mails. A young man full of energy and ability even then saw opportunities in that part of our domain that was then designated upon the map as the American Desert. He knew, as those with him knew, what it would require to make that desert a habitable home for a splendid citizenship. He knew of the sacrifices, of the energy, of the determination that it would take. He devoted himself to the work of making Kansas a great State from the day that he arrived upon her prairies until the day of his death. He found it a raw prairie; he left it a fertile field, inhabited by a prosperous and happy people. When he came he found nothing; when he left the people had everything. Gov. Glick saw the prairie broken, houses, barns, schoolhouses, churches, bridges, courthouses, colleges, statehouse, and charitable institutions all built and paid for.

Gov. Glick was one of the many thousands of heroes who went to the front and removed the frontier. The frontier is gone, and those who moved it are going. No honor is too great for them, and George W. Glick was one of their leaders.

He was early engaged in politics. He was a Democrat. He worked for and voted with his party, and yet almost from the beginning of his political career he was elected to office by the vote of his political opponents. He was a member of the Kansas Legislature from the early days of the State's admission to the Union, at odd intervals, whenever he could be prevailed upon to go, up to the time that he served as governor, in 1882.

He was a peculiarly popular man with those who knew him. He had a way of getting close to his associates. It is not strange, therefore, that the people of Atchison County sent him to the Kansas Legislature whenever he expressed a willingness to go.

In 1882 a peculiar political situation arose in the State of Kansas, which finds its sequel here this 18th day of July, 1914, in the acceptance of a statue for the Hall of Fame of the man who saw opportunity and seized it.

In 1880, after a long struggle, Kansas began as a prohibition State. The Democratic Party in its platforms had been declaring against sumptuary legislation of any character whatever. It had declared for resubmission of the prohibitory amendment to the constitution. But the people of Kansas did not adopt constitutional prohibition in a spasmodic frame of mind. It was a deliberate judgment upon their part. It was a determined forward movement from which they did not propose to recede. One of the great men of Kansas and the Nation, John Peter St. John, was the leader of the prohibition cause. He had just served four years as governor and had much to do with the adoption of prohibition in the State. He was running for governor for the third time.

The Democratic Party nominated George Washington Glick as their candidate for governor upon a resubmission platform and in opposition to a third term, and the campaign was made on two lines—opposition to a third term for Gov. St. John and resubmission of the constitutional amendment for prohibition. Many men who were opposed to the Democratic Party and were ardent Republicans had not yet brought themselves into hearty sympathy with prohibition, and they found it easy to vote for a candidate for governor who was making the issue that Gov. St. John had already had two terms. It was a violation of the precedents for the people of Kansas to give to any man a State office more than two terms.

Glick was elected. His term of office as governor was not conspicuous for any great achievement. The legislature was Republican. Gov. Glick was the only man elected that year on the Democratic State ticket. At the end of two years he retired to his home in Atchison, after one term as governor, with the respect of his political foes and with the devotion of his political friends. He was many times rewarded by his party and given place both of honor and emolument. He attended many Democratic national conventions as a delegate. He was the choice of the Kansas Democrats in the national convention of 1884 for Vice President. He was twice appointed by Grover Cleveland as pension agent for the Topeka district, at Topeka, Kans., pensions being distributed from there to the veterans in a number of adjoining States.

In 1911 Gov. Glick, ripe with years and experience and full of honor, reached the end of his earthly career. Gov. Glick was chosen by the Kansas Legislature for this honor from among a long line of Kansans eligible for the Hall of Fame. Offhand, I think of John Brown, Jim Lane, Charles Robinson, Preston B. Plumb, David J. Brewer, Charles W. Blair, and George T. Anthony. I think of others whom death will enroll in the list. Among the many, John Peter St. John, now full of years and crowned with honor. He is rising above political prejudice, and is esteemed and honored throughout the Republic for his devotion to a great cause. But I must not speak more of the living nor much more of the dead. A statue of Gov. Glick, that does credit to the artist who prepared it and to Gov. Glick himself, stands in Statuary Hall at the left of the door as you pass from the House to the Senate. The statue of Ingalls stands at the right of the door. They were neighbors in Atchison. They are together in the Hall of Fame. The statue of Gov. Glick has just been unveiled. I favor the resolution providing for its acceptance by Congress. [Applause.]

Mr. HELVERING assumed the chair as Speaker pro tempore.

The SPEAKER pro tempore. The gentleman from Kansas [Mr. TAGGART] is recognized.

Mr. TAGGART. Mr. Speaker, George Washington Glick was the ninth governor of Kansas. His name comes of that virile and sturdy German stock, of which people no less than 6,000,000 have come to the shores of the United States since the year 1820, at which time we began the practice of making accurate statistics of immigration.

His grandfather, George Glick, who was the son of the original German immigrant, served faithfully as a soldier in the War of 1812. The father of the mother of Gov. Glick, who was George Sanders, a Scotchman, also fought in the War of 1812 under the flag of the United States. The ancestors of Gov. Glick were residents of Pennsylvania and were identified with the interests and industries of that State. His father was a public-spirited man and took an active part in the affairs of his community. He removed to Fairfield County, Ohio, where the future governor of Kansas was born on the anniversary of American Independence in 1827. George W. Glick became a law student at an early age, and at 21 was admitted to the bar and began the practice of law at Fremont, Ohio.

A young attorney could acquire a reputation 70 years ago more rapidly and more effectively than at this time. The profession was held in high respect. It had not suffered the unfortunate taint of commercialism that has come to it, especially in our great cities. It was then distinctly a profession. It has now become scarcely anything more than a business. Young George W. Glick attained local prominence and high respect as a practitioner of law at Fremont.

Sixty years ago the Territories of Kansas and Nebraska offered to young and ambitious men the most promising field of any part of the Union. There were no railroads in those Territories at that time, and transportation was conducted by means of steamboats on the Missouri River. At that time there were two cities of importance in the Territory of Kansas, only about 30 miles apart and located on the Missouri River, namely, Leavenworth and Atchison. These were perhaps the most alluring places for ambitious young professional men who sought to identify themselves with the new and growing Territory. The name of Kansas had gone abroad throughout the world. There, upon that soil, men met each other face to face and debated with each other, sometimes with terrible meaning in their voices, the grim question as to whether or not the State of Kansas should be slave or free. So intense had become that issue that there was bloodshed in Kansas. "There were drops on the bunch grass, but not of dew." The reputation of the exciting struggle that was in progress added to the enthusiasm of the young and vigorous class of men who emigrated there.

George W. Glick heard the call of Kansas, and in 1859 he went and cast his fortune in the town of Atchison. He immediately identified himself with the movement for a free State. He was an uncompromising foe of slavery.

I presume we have all noticed how certain towns produce a great many noted men. We can go up into the little town of Concord, Mass., and find that in that little city of a few thousand inhabitants there are perhaps a dozen names of men and women that have gone forth throughout the world—names destined for immortality. And we find it so in many another place. Perhaps in every State of the Union there is some one city which, for some reason or another, was the dwelling place of an unusual number of celebrated persons.

About the same time there came to the same town of Atchison another man whose statue adorns Statuary Hall alongside of that of Gov. Glick—John James Ingalls.

Strange, incongruous Kansas. Within that "grassy quadrangle" the unexpected seemed to be the law of life. There, in the midst of the pioneers who were passing through Atchison, was the polished and cultured Ingalls, an orator whose genius approached that of Burke, a satirist outrivaling Juvenal, an intellectual gladiator whose arena for 18 years was the Senate of the United States.

In that very same year came a young man to Atchison, Kans., from Brownsville, Pa., the town in which James G. Blaine grew up, and this young man afterwards became a governor of Kansas, the next following Gov. Glick. He was John Alexander Martin, secretary of the convention that drafted the constitution of Kansas in 1859, and colonel of the Eighth Kansas Volunteer Infantry, a gallant regiment, whose record for sacrifice, heroism, and suffering stands high in the list of the military organizations that have served under the flag of the United States. Albert H. Horton, afterwards a distinguished chief justice of the Supreme Court of Kansas, came and took up his residence in the little town of Atchison at about the same time that George W. Glick came there.

John Seaton, a mechanic and ironmaster—a man who had learned his trade in the old-fashioned way—came and established a foundry in Atchison and became one of the wealthiest men in that city. He left after him not only wealth but an inheritance of honor and a name and reputation for justice toward labor, for personal interest in everyone who took part in his life work with him, and for an exalted type of citizenship that will remain as one of the brightest traditions of the city of Atchison.

I shall not name the living now, nor can I call to mind all the distinguished dead who lived and worked out their careers in that one city. Suffice it to say, without mentioning States or State lines, which seem to mean less as time goes by, that they who came to Atchison represented all that was enterprising, generous, high-minded, and progressive in the American people.

George W. Glick formed a partnership with an able lawyer of Atchison—Hon. Albert G. Otis—and in this partnership continued in the active practice of law until 1894. Mr. Glick was recognized as one of the foremost attorneys at the Kansas bar. Railroad building was active in his time, and his services were sought by railway companies in the multitude of difficulties that beset their path in the beginning of their operations in Kansas. He often received large fees, but it was said of Gov. Glick that if a poor person had a case and seemed to have a right to be heard in court, regardless of whether he was to receive any fee or not, he never refused or failed to see to it that poverty did not prevent a fair hearing in court.

No successful atttorney has ever escaped at least being requested to take part in politics. Very few have been able to resist that temptation. George W. Glick was a Democrat, and it is well known that for the first 30 or 40 years of the history of Kansas the State was overwhelmingly Republican in politics, and there was little, if any, opportunity for one having other views politically to attain to any high place in that State. Mr. Glick, however, accepted a nomination for the legislature, and he was elected in 1863, 1864, 1865, 1866, and then again in 1868 and 1876 and 1882 as a member of that body.

He took a very active part in preparing legislation in Kansas. He was especially interested in civil procedure, and his work was of immense value to the bench and bar. Prior to his service in the legislature the Supreme Court of Kansas was not required to render its opinions in writing. Through the influence of Mr. Glick as a member of the legislature laws requiring opinions to be fully written and a syllabus to be prepared by the judge who speaks for the court were enacted. In 1863 he drafted and secured the passage of the first law in Kansas regulating the rate of interest on money. In the early days of Kansas, as in all other frontier places, exorbitant rates of interest were allowed by statute. He had a law passed through the legislature changing the then prevailing rates of interest from 5 and 3 per cent a month to 10 and 12 per cent per annum, with penalties attached for usury.

He also took an active part in framing the marriage laws of Kansas. It was extremely difficult under the early statutes of many of the States to prove marriage. This was simplified so as to establish, without all of those difficulties, the legitimacy of children and the title to property. He took part in establishing and perfecting the occupying claimant law, the law relating to wills, the mechanics' lien law, with many others passed in the early sixties that have stood the test of time and still remain as a part of the settled policy of the State of Kansas.

In 1876, although the legislature was overwhelmingly Republican, Mr. Glick was chosen speaker pro tempore of the House of Representatives of Kansas. This honor, more significant than it perhaps may sound, usually means in the house of representatives of that State that the speaker pro tempore presides over a large part of the deliberations. But one speaker pro tempore for an entire session is elected, and he has much to do in conducting the proceedings. George W. Glick was a ready and able debater. He had the faculty of immediately grasping the meaning of everything that is done in the legislature. He was a practical lawyer. He did not have to read a statute over and over or examine a bill at great length to grasp the full import and meaning of it. His services were therefore of great value in a legislative body.

He was three times elected a delegate to Democratic national conventions, serving in that capacity in 1868, in 1884, and in 1892. A fact in his history that is not well known is that the Kansas delegation in the Democratic national convention at Chicago in 1892 presented his name as a candidate for Vice President, and he received a large number of votes.

He was nominated for governor of Kansas in 1868 at a time when he and everyone else knew that there was no opportunity to elect a Democrat to that office. He accepted the nomination, performed his duty to the party, and made an active campaign throughout the State. The people of Kansas remembered the canvass that was made by George W. Glick, and in 1882 he was again put in nomination as the unanimous choice of his party for the office of governor.

Something was said by Mr. CAMPBELL of the situation which obtained in Kansas at that time. One of the ablest platform speakers that has ever appeared in Kansas, or, perhaps, elsewhere, was then closing his second term as governor of Kansas. John Peter St. John, who still survives, and though past the age of 80 years, retains apparently the fire and vigor that characterized his movements 40 years ago, was elected governor of Kansas in 1880 for the second time, and, in 1882, offered himself as a candidate for governor for the third term.

It is a strange fact that unwritten laws are very often enforced with greater rigor and with more certainty than the most solemnly enacted statutes. The Republican Party of Kansas in 1880 for the second time, and in 1882 offered him- had its rules and regulations. It had its unwritten laws, and whenever any member of that organization in public life, having enjoyed two terms in office, presented himself as a candidate for a third term, he was almost invariably disciplined by the Republican Party of Kansas. Two great facts made George W. Glick governor—the unwritten law of the prevailing party, and the uncontested and acknowledged excellence of his character and attainments. He was elected by a majority of more than 8,000 votes, although the prevailing party had an ordinary majority of more than 50,000 votes in that State.

He entered upon the discharge of his duties as governor on the 8th day of January, 1883. Sometimes I think that those who are elected by a minority party, aided by some of the majority, make a special effort to serve the people. Their administration is always interesting. They are always respected by the majority party. They are almost idolized by the minority party, to which they gave, perhaps, an unexpected victory. George W. Glick was very popular as governor of Kansas. His administration was marked by intelligence and dignity. His long experience in the legislature and his knowledge of the affairs of the State fitted him in the highest degree to discharge the duties of governor.

He was an economist in public affairs. Perhaps ultimately it was hopeless, as it seems hopeless always, to protest against prodigal expenditures. It has always been an issue in every new and growing State. Gov. Glick protested with the utmost vigor against extravagance in public office. Perhaps he injured his popularity to some extent by his protests; but he foreshadowed in his administration and in his canvass for governor the fact that some time the people are going to take their minds off the issues that are not so vital, and give their consideration

to the more pertinent and practical issue of public expenditures. He knew that the American people pay the heaviest of all taxes. The national, State, county, school district, and city or township taxes of the American citizen added together make the greatest per capita expenditure for public purposes in the world. He entered his vigorous protest against this great abuse, so incidental to a wealthy and growing community.

Gov. Glick was a pioneer. He had that advantage that only pioneers have. He saw a country as nature had fashioned it, and witnessed the work of man by which it was converted into homes. This can happen but once. Great artists have undertaken to paint scenes that could have occurred but once in the history of the world. Poets have sought after themes describing incidents in the history of the man as classics because they never happened before and could never happen again. The untouched prairie could be broken but once, and in his time he saw that prairie converted into a landscape that would delight the eye of one who can paint on canvas the glory of rural life.

He was always interested in everything incidental to the growing community. While he was governor he caused to be established the Live Stock Sanitary Commission for the protection of live stock in the State. He insisted on and had enacted into law statutes prescribing better care of the public funds. And let it be said that since his day not a single dollar of the public money of Kansas has been lost.

In 1885 he was appointed pension agent by President Cleveland, and afterwards reappointed. In that capacity he disbursed $85,000,000, and among his papers is the receipt of the Government, showing the faithful disbursement of that vast sum of money.

He gave the last years of his life to agriculture, especially to the improvement of the live stock of Kansas. He had one of the finest stock farms in the State and took a pride in breeding fine cattle. He was one of the commissioners appointed by the State to the Centennial Exposition in 1876. He was again sent to the International Exposition in Omaha in 1898. Throughout his long life he was an interesting figure in the history of Kansas, and was identified with every important or exciting event in the history of the State.

He went out as a volunteer in the Second Kansas Regiment and took part in the protection of Kansas when it was attacked in what is known as the Price raid.

In 1857 he married Elizabeth Ryder, of Massillon, Ohio, a lady descended from a distinguished colonial ancestry. Her ancestors were among the first settlers of Concord, Mass., and she derived her name from forbears who were well known among the early colonists of New York City. For 50 years and more this noble matron having with her the best traditions of American life presided over the hospitable home of George W. Glick, with the grace and dignity inherited from a fine ancestry. She added to the success of his public life the greater blessing of domestic happiness. Two children were born of this union—Frederick H. Glick and Mrs. James W. Orr, of Atchison, Kans.

George W. Glick died April 13, 1911, at the age of 84 years, having devoted to the world two-thirds of a century of active and valuable service, all of which added to the welfare of his fellow men and the progress of the great and growing community that was the scene of his noblest efforts.

In conclusion, let it be said of George W. Glick that he had one of those fortunate frames of minds which was not easily changed nor readily prejudiced nor carried away by any sudden impulse. He never moped nor mourned over defeat. He was calm, good-natured, and sensible in victory. He never visited revenge of any kind or character upon an enemy, if indeed there was anyone who ever had such resentment against him as to be described as an enemy. He was a kind and gentle citizen, full of enterprise and hope. He was approachable and sympathetic. George W. Glick was one of the best of that great multitude of enterprising citizens who were the pioneers of Kansas. There was no bitterness that gnawed out his life. There was no hatred that troubled his spirit. In his heart was good will toward all men. He saw the beginning of a great State and witnessed its progress for more than 50 years. He left it better than he found it. He added to the sum of its enterprise and he helped to develop its resources. He left his name and his work as a part of its history. [Applause.]

Mr. MURDOCK. Mr. Speaker, there are several considerations which lead me to add to the expressions already made here this afternoon, and not the least of the moving causes has been the nature of the addresses made by the gentlemen who immediately preceded me, Mr. CAMPBELL and Mr. TAGGART. In the nature of things that portion of the Capitol once the Hall of Representatives, and now known as Statuary Hall, in which each State may place two statues, will soon be closed to additional memorials. It may not be amiss to remark in passing that as the custom of placing statues there grows old, and, because of the physical limitations of the area itself, as well as the provisions of the law, draws to a close, the legislative business of presenting a statue to the Nation has become more or less perfunctory, a function performed in a wilderness of empty seats, before a drowsy reporter or two in the press gallery and a scant baker's dozen of other auditors. And yet the function, I submit, desperately formal as it has grown to be, carries with it a kindly office; for there must be virtue in the mellowing reminiscences which on these occasions well up out of the era that is gone, when, through the mists of the past, the hard lines soften and the soft lines glow as they have to-day to me, as I listened to the addresses of the two gentlemen who have preceded me.

George W. Glick belonged to an exceptional generation in time and place. The first settlement of Kansas came about not so much through the lure of land as from challenge of political contest, grown white-hot with the contention of 50 years. Men moved from the South and from the North into Kansas to battle. Largely because of river travel, then the sole means of public conveyance, the first part of Kansas settled was the northeastern corner, which is touched by the Missouri River. In this section of Kansas the chief cities were and are Atchison and Leavenworth. George W. Glick was from Atchison. Across the river is St. Joseph. That part of Kansas and Missouri is one of the richest agricultural sections in the world. It was here that the spark of conflict that had irritated a Nation for decades burst into devastating flame. The nomenclature of Kansas shows in many instances how early the southern element dominated politically, for you will find on the map of Kansas names of men who were politically prominent in the South 60 and 70 years ago. The contest here was high-tensioned and all-absorbing. There was no neutral ground. And no man was neutral. Each new arrival was to one side a loss, to the other an acquisition. And no man escaped.

As a boy I heard my father tell the story, legendary but illuminating, to the effect that when the proslavery men possessed the northeastern corner of Kansas it was their custom to post themselves at an important landing on the Missouri River and interrogate the new arrival to determine whether he was proslavery or antislavery. The crowd had tied to a convenient post a cow, and they asked the newcomer what the animal was. If he said it was a cow, they permitted him to remain as likely to be proslavery, but if he said it was a "keow," pronounced with what was believed to be the New England twang, they sent him back posthaste across the Missouri River as surely antislavery.

To the struggle for political possession the untold agricultural possibilities of the domain remained for the moment secondary and subordinate, for knowledge of its resources was necessarily limited. The map makers had libeled it by including a part of it in the "Great American Desert." Even its Indian population was not large. Some of it was unknown, for indeed only a few years before—that is, until the Mexican War—a part of Kansas was Mexico. The territory was a long amphitheater, sweeping gently upward from the Missouri River to the foothills of the Rocky Mountains—prairie—with all the mystery and fascination and loveliness that Bryant limned when he wrote—

> These are the gardens of the desert, these
> The unshorn fields, boundless and beautiful,
> For which the speech of England has no name—
> The prairies. I behold them for the first.
> And my heart swells, while the dilated sight
> Takes in the encircling vastness. Lo, they stretch
> In airy undulations, far away,
> As if the ocean, in his gentlest swell,
> Stood still, with all his rounded billows fixed
> And motionless forever. Motionless?
> No; they are all unchained again. The clouds
> Sweep over with their shadows, and beneath
> The surface rolls and fluctuates to the eye;
> Dark hollows seem to glide along and chase
> The sunny ridges. Breezes of the south,
> Who toss the golden and the flame-like flowers
> And pass the prairie hawk that, poised on high,
> Flaps his broad wings yet moves not—ye have played
> Among the palms of Mexico and vines
> Of Texas, and have crisped the limpid brooks
> That from the fountains of Sonora glide
> Into the calm Pacific. Have ye fanned
> A nobler or a lovelier scene than this?
> Man has no part in all this glorious work:
> The hand that built the firmament hath heaved
> And smoothed these verdant swells, and sown their slopes
> With herbage, planted them with island groves,
> And hedged them round with forests. Fitting floor
> For this magnificent temple of the sky—
> With flowers whose glory and whose multitude
> Rival the constellations. The great heavens
> Seem to stoop down upon the scene in love—
> A nearer vault, and of a tenderer blue,
> Than that which bends above our eastern hills.

This prairie, this fair domain, had its civil birth in the red passion of fratricidal strife, and a State, fitted incomparably by nature as a theater for peace and contentment, came to the Nation as "Bleeding Kansas."

But the vastness of its natural resources were not long unrecognized. After the Civil War the immigration which came into Kansas was largely that of the soldiers of the Union Army, men who had been tempered by the mighty rigors and discipline of war. They launched, individually and collectively, not only into the development of the State, but into politics, and there followed in that period of the history of Kansas a day of the most spirited political contest, conducted with a partisan discipline which was, in its severity, almost military. The Republican Party dominated. Its conventions were huge affairs of tremendous contentions and intense factional passion. But the discipline was perfect. The defeated aspirant for a nomination pledged fealty. To "scratch" a ticket was an unpardonable sin; to be "read out of the party" a disgrace. A nomination was an election. Kansas in this period was probably the most partisan Republican of all the States in the Union.

The Democrats of Kansas at that period were mostly men who had been Democrats before the war, many of whom had served in the Union Army during the war. Immigration to the State added to their number, and in all localities they formed small groups of individuals who held fast to their opinions and who as a determined but always cheerful minority struggled at each election in precinct, city, county, and State; never, however, with notable success until George W. Glick was elected governor.

Gov. John P. St. John has been referred to here by Mr. TAGGART as one of the strongest, if not the strongest, man on the platform this Nation has seen in a generation. He is, in fact, one of the strongest men this Nation ever produced, the pioneer in a principle which spreads around the world. He had been a highly popular governor for two terms. His adherents attempted a third term for him. He was attacked by the Democrats under the leadership of George W. Glick, and Mr. Glick as a Democrat was elected governor of Kansas in this most partisan of Republican States, a little less than 20 years after the close of the Civil War. This event was manna to the Kansas Democrats. They had traveled long in the wilderness. And in their hour of triumph and jubilation as partisans they exalted George W. Glick. That initial triumph remains in the minds of Kansas Democrats epochal, and it led to the legislative preference which sent his statue here.

In the election of George W. Glick party discipline in Kansas had broken down and it was known of all men that despite its strong partisan qualities at bottom Kansas was politically individual in its mental processes. The conditions which led to the early settlement of Kansas invited no weaklings there, and the conditions in Kansas were such that if a weakling came he could not stay. The early Kansans were sons of strength. That is not mere laudation voiced by one partial to his State. As a boy I knew most of the Kansans who have been mentioned here to-day—Robinsons, Hudsons, Martins, Ewings, Anthonys, Brewers, Thatchers, Lelands, Wares, Ryans, Crawfords, Plumbs, the Elders, the Pecks, the matchless Ingalls, the Speers, and hundreds of others I could name were each distinct individual types, all of exceptional talent and strong fiber, men capable of every responsibility and worthy of statues here.

Kansas was the first of the Union States after the war to send an ex-Confederate, W. A. Harris, to the United States Senate. This was in 1897. But as early as 1883 Kansas was forgetting the lines of political division that grew out of the Civil War and was turning to the issues of the future. It was in Kansas among these same strong people later, in 1890, that the new foreseeing element of Populism arose, thriving prodigiously overnight in the fertile soil of political independence in the individual, which is and will continue to be one of the chief characteristics of this liberty-loving State.

The self-reliance of the early citizenship was general. It touched every walk of life. My grandfather, Thomas Murdock, was a minister of the gospel and had part in these rigorous times. Margaret L. Wood, widow of Sam N. Wood, an early Kansan, who was cruelly shot down in one of the county-seat wars, wrote me the other day from Boise, Idaho. In her letter she instanced the dauntless spirit of that people by saying: "Your grandfather Murdock used to walk from Emporia to Cottonwood Falls to preach to us. One of the coldest Sunday mornings I ever saw, my husband came in and said, 'Now get ready to go to church.' I said, 'The weather is too cold.' He replied, 'That old man has walked 20 miles this biting morning to preach to us. The wagon will be at the door in 15 minutes and all of us must go.' The girl whispered to me, 'We will have to go though we freeze to death.' We went, and heard a good sermon. Your grandfather was like the old-fashioned Methodist ministers of Ohio and Kentucky—conscientious, devout, brave, and self-denying."

I knew Gov. Glick in his later years. He had all of the qualities which have been ascribed to him by the two gentlemen who have just spoken. He was old-fashioned in his devotion to frugality. He believed in and he practiced economy. Like all strong men, he was strong in his opinions, firm in his convictions. Like all strong men, he was mistaken in some of them. In common with its entire citizenship, he rejoiced in the high estate Kansas reached in social progress, for he grew to see the State of which he was an early governor rise to the highest development that in many respects, I think, it is possible for a people to attain. He lived to see the day when this vast expanse which he knew as a youth as an endless, treeless, virgin prairie had grown to a rich Commonwealth, populated by a contented folk in the midst of rich fields, churches, schools, with bursting bins of plenty, with bank deposits reaching $600 per family, with $750 per family in live stock. He lived to see his State, consisting of 104 counties, number among them 87 counties without any insane, 54 counties without any feeble-minded, 96 counties without any inebriates, 38 counties without any poorhouses, 53 counties without any persons in jail, and 65 counties without a representative in the State penitentiary.

He lived to see the State which he entered under the lure and invitation of political contest bring to the vision of his old age the splendid spectacle of an era of finished development, of rounded citizenship, of peace and permanent prosperity.

As I said in the beginning, and as I shall say in closing, nearly all the States having given their quota of statutes in yonder Hall; this custom will soon pass. Available space for this statue was found with difficulty in the chamber. We are among the last who will so officiate. Let us account ourselves fortunate that for a few minutes we may put aside the fever and hurly-burly of political strife and, harking back to the contests of other days, which time has softened, pay tribute, in this presentation to the Nation, to the memory of a virile man who lived among virile men in a virile generation. [Applause.]

Mr. TAGGART. Mr. Speaker, I am informed that a concurrent resolution has been adopted by the Senate accepting the statue of Gov. Glick, but that it has not yet come over from the Senate to the House.

The SPEAKER. It can as well be adopted on Monday as to-day. The Chair is informed by the Clerk that it has not yet come from the Senate.

ADJOURNMENT.

Mr. TAGGART. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 4 o'clock and 18 minutes p. m.) the House adjourned until Monday, July 20, 1914, at 12 o'clock noon.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII, bills and resolutions were severally reported from committees, delivered to the Clerk, and referred to the several calendars therein named, as follows:

Mr. MAHER, from the Committee on Labor, to which was referred the bill (H. R. 17361) to regulate the wages of mechanics and laborers employed in or under any and all departments of the Government, reported the same without amendment, accompanied by a report (No. 983), which said bill and report were referred to the Committee of the Whole House on the state of the Union.

Mr. GARD, from the Committee on Military Affairs, to which was referred the bill (S. 1281) providing for the retirement of certain officers of the Philippine Scouts, reported the same without amendment, accompanied by a report (No. 984), which said bill and report were referred to the Committee of the Whole House on the state of the Union.

REPORTS OF COMMITTEES ON PRIVATE BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII, private bills and resolutions were severally reported from committees, delivered to the Clerk, and referred to the Committee of the Whole House, as follows:

Mr. GARD, from the Committee on Military Affairs, to which was referred the bill (S. 5293) for the promotion and retirement of Col. David L. Brainard, Quartermaster Corps, United States Army, reported the same without amendment, accompanied by a report (No. 985), which said bill and report were referred to the Private Calendar.

He also, from the same committee, to which was referred the bill (S. 1149) for the relief of Seth Watson, reported the same without amendment, accompanied by a report (No. 986), which said bill and report were referred to the Private Calendar.

PUBLIC BILLS, RESOLUTIONS, AND MEMORIALS.

Under clause 3 of Rule XXII, bills, resolutions, and memorials were introduced and severally referred as follows:

By Mr. CRAMTON: A bill (H. R. 17969) authorizing the Secretary of War, in his discretion, to deliver to the city of Port Huron, in the State of Michigan, four condemned bronze or brass cannon, with their carriages and outfit of cannon balls, etc.; to the Committee on Military Affairs.

By Mr. FALCONER: A bill (H. R. 17970) to provide for the survey of certain lands in the State of Washington; to the Committee on Appropriations.

By Mr. MOSS of Indiana: A bill (H. R. 17971) for securing the uniform grading of grain, preventing deception in transactions in grain, and regulating traffic therein, and for other purposes; to the Committee on Agriculture.

By Mr. RAKER: Memorial of the Legislature of the State of Virginia, memorializing Congress to acquire Monticello, the home of Thomas Jefferson; to the Committee on the Library.

PRIVATE BILLS AND RESOLUTIONS.

Under clause 1 of Rule XXII, private bills and resolutions were introduced and severally referred as follows:

By Mr. BELL of California: A bill (H. R. 17972) granting a pension to Julius Meincke; to the Committee on Pensions.

By Mr. HILL: A bill (H. R. 17973) granting an increase of pension to Thomas W. Chamness; to the Committee on Invalid Pensions.

Also, a bill (H. R. 17974) granting an increase of pension to John Ramsey; to the Committee on Invalid Pensions.

By Mr. HOBSON: A bill (H. R. 17975) granting a pension to T. W. Ethridge; to the Committee on Pensions.

Also, a bill (H. R. 17976) granting a pension to John McElroy; to the Committee on Pensions.

By Mr. POST: A bill (H. R. 17977) granting an increase of pension to Samuel Warrell; to the Committeee on Invalid Pensions.

By Mr. QUIN: A bill (H. R. 17978) for the relief of Flora E. Campbell Sudduth, administratrix of the estate of Walter L. Campbell, deceased; to the Committee on War Claims.

By Mr. SMITH of Minnesota: A bill (H. R. 17979) granting a pension to Francis M. Goodman; to the Committee on Invalid Pensions.

By Mr. VOLLMER: A bill (H. R. 17980) granting an increase of pension to John M. Duncan; to the Committee on Invalid Pensions.

By Mr. VOLSTEAD: A bill (H. R. 17981) granting a pension to Rose Barnes; to the Committee on Invalid Pensions.

PETITIONS, ETC.

Under clause 1 of Rule XXII, petitions and papers were laid on the Clerk's desk and referred as follows:

By Mr. ALLEN: Petition of 98 citizens of Hamilton County, Ohio, protesting against national prohibition; to the Committee on Rules.

By Mr. BELL of California: Petition of Burton R. Jones and 1,100 people of South Pasadena, Cal., favoring national prohibition; to the Committee on Rules.

By Mr. BOOHER: Petition of J. O. Maxwell and 30 other citizens of the fourth district of Missouri, favoring national prohibition; to the Committee on Rules.

By Mr. COOPER: Petitions of G. F. Hayes and other residents of Beloit, Wis., protesting against nation-wide prohibition; to the Committee on Rules.

Also, petitions of Joseph H. Zirbes, secretary, and other members of the Racine Musicians' Union, of Racine, Wis., protesting against nation-wide prohibition; to the Committee on Rules.

By Mr. CRAMTON: Resolutions of the First Presbyterian Church, Lapeer, Mich., representing 300 people, and petition of Elmer Johnson and 49 other voters of Bad Axe, Mich., in support of the Hobson resolution for national prohibition; to the Committee on Rules.

Also, petition of A. L. Raymont and 41 others of Mount Clemens, Mich., protesting against national prohibition; to the Committee on Rules.

By Mr. DALE: Petition of the Central Federated Union, favoring passage of the seamen's bill; to the Committee on Rules.

By Mr. ESCH: Petition of the City Council of Hamilton, Ill., relative to building bridge across the Mississippi River at Hamilton; to the Committee on Interstate and Foreign Commerce.

By Mr. FESS: Petition of sundry citizens of the seventh Ohio congressional district, favoring House bill 5308, to tax mail-order houses; to the Committee on Ways and Means.

By Mr. HOWELL: Petition of 910 citizens of Salt Lake City, Utah, favoring national prohibition; to the Committee on Rules.

Also, petitions of 16 citizens of Ogden, Utah, protesting against national prohibition; to the Committee on Rules.

By Mr. HULINGS: Petitions of Le Roy B. Campbell, E. O. Holmgreen, and Alfred J. Mooney, of Warren, Warren County, Pa., favoring national prohibition; to the Committee on Rules.

By Mr. KENNEDY of Iowa: Petitions of 192 citizens of Wellman, Iowa, favoring national prohibition; to the Committee on Rules.

By Mr. LLOYD: Petition of 70 citizens of Shelby County, Mo., favoring national prohibition; to the Committee on Rules.

Also, petition of 54 business concerns of Hannibal, Mo., favoring the passage of House bill 5308, relative to taxing mail-order houses; to the Committee on Ways and Means.

By Mr. MERRITT: Petitions of Mrs. John Thwaits, Willie B. Witt, Delbert D. Flagg, Herbert Chatterton, Mrs. Richard Elliott, H. M. Thwaits, Horace Carpenter, F. J. Beattie, R. H. Smith, George Booth, Erick Erickson, Joseph Currier, all of Clintonville; Milford Babcock and D. W. Adgate, of Ausable Chasm; Simeon L. McIntyre, of Crown Point; B. C. Lawrence and Mary T. Lawrence, of West Bangor; A. J. Bigelow, of Keeseville; F. L. Allen, of Peru; Myron Baker, jr., Lemuel Baker, and Mrs. Daisy Baker, of Harkness, all in the State of New York, all favoring Federal censorship of motion pictures; to the Committee on Education.

Also, petitions of Mrs. John Thwaits, Willie B. Witt, Delbert D. Flagg, Herbert Chatterton, Mrs. Richard Elliott, H. M. Thwaits, Horace Carpenter, F. J. Beattie, R. H. Smith, George Booth, Erick Erickson, Joseph Currier, all of Clintonville; Milford Babcock and D. W. Adgate, of Ausable Chasm; Simeon L. McIntyre, of Crown Point; B. C. Lawrence and Mary T. Lawrence, of West Bangor; A. J. Bigelow, of Keeseville; F. L. Allen, of Peru; Myron Baker, jr., Lemuel Baker, and Mrs. Daisy Baker, of Harkness, all in the State of New York, all favoring the passage of the Sheppard-Hobson resolution; to the Committee on Rules.

By Mr. RAKER: Petition of F. C. Mickel, Junction City, Cal., favoring salary for fourth-class postmasters; to the Committee on the Post Office and Post Roads.

Also, petition of the presidents of 23 railroads, protesting against House bill 17042 before report of the joint committee; to the Committee on the Post Office and Post Roads.

Also, petition of the Merchants and Manufacturers' Association of Philadelphia, Pa., and the Southern Iron & Equipment Co., of Atlanta, Ga., relative to withholding until next session legislation affecting business; to the Committee on the Judiciary.

Also, petition of J. H. Newhauer & Co., of San Francisco, Cal., favoring passage of House bill 15986, relative to mailing false financial statements; to the Committee on the Post Office and Post Roads.

By Mr. SLAYDEN: Protest of sundry citizens of the fourteenth congressional district of Texas, against national prohibition; to the Committee on Rules.

Also, protest of sundry citizens of the fourteenth congressional district of Texas, against national prohibition; to the Committee on Rules.

By Mr. STEPHENS of California: Resolutions and petitions from the Southern California Conference Free Methodist Church, representing 1,100 members; the Euclid Heights Methodist Episcopal Church, of Los Angeles, mass meeting; the Merrill Lodge, Independent Order of Good Templars, Los Angeles; a mass meeting at Alamorio; Mary Stark and 25 others of Los Angeles; Joshua Carney and 13 others of Watts; and individual cards from Mary M. Moore and 554 other citizens of Los Angeles City and County, all in the State of California, favoring national prohibition amendment; to the Committee on Rules.

Also, resolution of the Sheet Metal Contractors' Association of San Francisco, Cal., favoring subcontracts in Government work; to the Committee on Public Buildings and Grounds.

Also, resolution of the Traffic Association of Fresno, Cal., favoring 1-cent letter postage; to the Committee on the Post Office and Post Roads.

Also, resolution of the State Federation of Labor, of San Francisco, Cal., concerning bill of complaint of the Vallejo machinists; to the Committee on Naval Affairs.

Also, petition of Charlotte A. Lane and 16 other citizens of Los Angeles, Cal., favoring Smith-Hughes motion-picture censorship bill; to the Committee on Education.

Also, resolution of the Chamber of Mines and Oil, of Los Angeles, Cal., favoring governmental mining experiment and mine safety stations; to the Committee on Mines and Mining.

Also, letter from Stetson-Barret Co., of Los Angeles, Cal., against mailing false financial statements; to the Committee on the Post Office and Post Roads.

Also, individual protests against national prohibition amendment from H. T. Scott and 67 other citizens of Los Angeles, Cal.; to the Committee on Rules.

By Mr. STONE: Petition of sundry citizens of Peoria, Ill., favoring investigation of the North Pole controversy; to the Committee on Naval Affairs.

By Mr. WICKERSHAM: Memorial of the Woman's Christian Temperance Unions of Petersburg and Seward, Alaska, favoring national prohibition; to the Committee on Rules.

SENATE.

MONDAY, *July 20, 1914.*

The Senate met at 12 o'clock m.

Rev. J. L. Kibler, D. D., of the city of Washington, offered the following prayer:

O Lord, our God, we turn again to Thee because without Thee we can do nothing. We have no strength of our own for the battles of life. All power belongeth unto Thee. Thou art the creator of all things. Life and death are in Thy hands. But we thank Thee for Thy love, which has provided for all our needs. We come, therefore, with great confidence into Thy presence and look steadfastly into Thy face. We linger at Thy feet. "Our soul waiteth for Thee more than they who watch for the morning." Guide us this day in the way that Thou shalt choose, and may we work out all our problems in harmony with Thy righteous laws. We ask it for Christ's sake. Amen.

The VICE PRESIDENT resumed the chair.

The Journal of the proceedings of Saturday last was read and approved.

TRANSPORTATION OF COAL AND OIL (H. DOC. NO. 1124).

The VICE PRESIDENT. The Chair lays before the Senate a communication from the Interstate Commerce Commission, transmitting a report of the investigation in the matter of the relation of common carriers subject to the act to regulate commerce to coal and oil and the transportation thereof. The communication has already been printed, and it will be referred to the Committee on Interstate Commerce.

ESTIMATE OF APPROPRIATION (S. DOC. NO. 550).

The VICE PRESIDENT laid before the Senate a communication from the Secretary of the Treasury, transmitting a letter from the Postmaster General submitting an estimate of deficiency appropriation in the sum of $10,000 to cover the period from March 9, 1914, to June 30, 1914, for payment of amounts accruing under the provisions of the disability clause contained in the postal act approved March 9, 1914, etc., which, with the accompanying paper, was referred to the Committee on Appropriations and ordered to be printed.

AFFAIRS IN MEXICO (S. DOC. NO. 549).

The VICE PRESIDENT laid before the Senate a communication from the Secretary of the Navy, transmitting, in response to a resolution of the 16th instant, certain information relative to the truth or falsity of the press report sent out from Vera Cruz, Mexico, and published in the United States, that an ensign in the United States Navy caused to be shot unarmed Mexican prisoners under the so-called Mexican "ley de fuga," which, on motion of Mr. POINDEXTER, was referred to the Committee on Naval Affairs and ordered to be printed.

CALLING OF THE ROLL.

Mr. KENYON. Mr. President, I suggest the absence of a quorum.

The VICE PRESIDENT. The Secretary will call the roll.

The Secretary called the roll, and the following Senators answered to their names:

Ashurst	Culberson	Overman	Smith, Ga.
Bankhead	Cummins	Page	Smith, Mich.
Borah	Gallinger	Perkins	Smoot
Brady	Goff	Pittman	Sterling
Brandegee	Gronna	Poindexter	Swanson
Bristow	Jones	Pomerene	Thomas
Bryan	Kenyon	Ransdell	Thompson
Burton	Kern	Reed	Thornton
Camden	Lane	Saulsbury	Tillman
Catron	McCumber	Shafroth	Townsend
Chamberlain	Martin, Va.	Sheppard	Vardaman
Chilton	Martine, N. J.	Shields	White
Clapp	Newlands	Simmons	Works
Clarke, Ark.	Norris	Smith, Ariz.	

Mr. CAMDEN. I wish to announce the unavoidable absence of my colleague [Mr. JAMES]. He is paired with the Senator from Massachusetts [Mr. WEEKS]. I will let this announcement stand for the day.

Mr. CHILTON. I wish to announce the necessary absence of the Senator from New Mexico [Mr. FALL]. I will let this announcement stand for the day.

Mr. SMOOT. I desire to announce the unavoidable absence of my colleague [Mr. SUTHERLAND], who has a general pair with the Senator from Arkansas [Mr. CLARKE], and also the unavoidable absence of the junior Senator from Wisconsin [Mr. STEPHENSON], who has a general pair with the Senator from Oklahoma [Mr. GORE].

The VICE PRESIDENT. Fifty-five Senators have answered to the roll call. There is a quorum present.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by J. C. South, its Chief Clerk, announced that the House disagrees to the amendments of the Senate to the bill (H. R. 17824) making appropriations to supply deficiencies in appropriations for the fiscal year 1914 and for prior years, and for other purposes, asks a conference with the Senate on the disagreeing votes of the two Houses thereon, and had appointed Mr. FITZGERALD, Mr. SISSON, and Mr. GILLETT managers at the conference on the part of the House.

ENROLLED BILLS SIGNED.

The message also announced that the Speaker of the House had signed the following enrolled bills and they were thereupon signed by the Vice President:

H. R. 1694. An act to amend an act approved October 1, 1890, entitled "An act to set apart certain tracts of land in the State of California as forest reservations; and

H. R. 11317. An act to increase the limit of cost of the United States post-office building at Newcastle, Ind.

PETITIONS AND MEMORIALS.

Mr. BRISTOW presented petitions of sundry citizens of Winona, Cairo, and Formoso, in the State of Kansas, praying for national prohibition, which were referred to the Committee on the Judiciary.

Mr. NELSON presented petitions of sundry citizens of Minnesota, praying for national prohibition, which were referred to the Committee on the Judiciary.

He also presented memorials of sundry citizens of Minnesota, remonstrating against national prohibition, which were referred to the Committee on the Judiciary.

He also presented a petition of the Typographical Local Union, No. 136, of Duluth, Minn., praying for the enactment of the so-called Clayton antitrust bill, which was referred to the Committee on the Judiciary.

Mr. THOMAS presented a petition of sundry citizens of Westminster, Colo., praying for national prohibition, which was referred to the Committee on the Judiciary.

Mr. BRANDEGEE presented a petition of the Pattern Makers' Association, of Bridgeport, Conn., praying for the enactment of the so-called Clayton antitrust bill, which was referred to the Committee on the Judiciary.

Mr. MYERS presented a petition of the Chamber of Commerce of Polson, Mont., and a petition of sundry settlers on the Flathead Indian Reservation, Mont., praying for the enactment of legislation for the relief of settlers on the Flathead Indian Reservation, which were referred to the Committee on Public Lands.

Mr. KERN presented memorials of sundry citizens of Indianapolis, Ind., remonstrating against national prohibition, which were referred to the Committee on the Judiciary.

He also presented a petition of the City Council of Hammond, Ind., praying for the enactment of legislation granting pensions to civil-service employees, which was referred to the Committee on Civil Service and Retrenchment.

He also presented petitions of the Typographical Union of Kokomo, of the Pattern Makers' Association of Fort Wayne, and of the Molders' Union of New Albany, all in the State of Indiana, praying for the enactment of the so-called Clayton antitrust bill, which were referred to the Committee on the Judiciary.

Mr. LIPPITT presented a petition of the congregation of the Trinity Baptist Church, of Providence, R. I., praying for national prohibition, which was referred to the Committee on the Judiciary.

He also presented a petition of the City Council of Woonsocket, R. I., praying for the enactment of legislation to provide for the retirement of superannuated civil-service employees,

which was referred to the Committee on Civil Service and Retrenchment.

Mr. CLARK of Wyoming presented petitions of sundry citizens of Wyoming, praying for national prohibition, which were referred to the Committee on the Judiciary.

REPORTS OF COMMITTEES.

Mr. THOMAS, from the Committee on Military Affairs, to which was referred the bill (S. 3201) for the relief of John J. Duncan, reported adversely thereon, and the bill was postponed indefinitely.

Mr. SWANSON, from the Committee on Public Buildings and Grounds, to which was referred the bill (S. 4012) to increase the limit of cost of the United States public building at Grand Junction, Colo., reported it with an amendment and submitted a report (No. 694) thereon.

BILLS INTRODUCED.

Bills were introduced, read the first time, and, by unanimous consent, the second time, and referred as follows:

By Mr. PITTMAN:

A bill (S. 6131) granting a pension to Alpheus W. Clark (with accompanying papers); to the Committee on Pensions.

By Mr. BRISTOW:

A bill (S. 6132) granting a pension to Marie Love (with accompanying papers); to the Committee on Pensions.

By Mr. SMITH of Michigan:

A bill (S. 6133) granting an increase of pension to David Delahanty; to the Committee on Pensions.

PENSION BUREAU EMPLOYEES.

Mr. GOFF. I submit a resolution, which I send to the desk, and ask unanimous consent for its immediate consideration.

The VICE PRESIDENT. The Senator from West Virginia asks unanimous consent for the present consideration of a resolution. Is there objection?

Mr. SIMMONS. I dislike very much to object, and I am not going to do so; but I give notice that I shall object to any other requests for unanimous consent.

The VICE PRESIDENT. The resolution will be read.

The resolution (S. Res. 427) was read, as follows:

Resolved, That the Secretary of the Interior be directed to transmit to the Senate the following information:

First. The names, age, and length of service of all employees of the Bureau of Pensions on March 4, 1913.

Second. Total number of those so employed who served in any war of the United States.

Third. Total number of those so employed who served in any war of the United States who have been promoted since said date.

Fourth. Total number of those so employed who served in any war of the United States who have been demoted $100 per annum since said date.

Fifth. Total number of those so employed who served in any war of the United States who have been demoted $200 per annum since said date.

Sixth. Total number of those so employed who served in any war of the United States who have been demoted $300 per annum since said date.

Seventh. Total number of those so employed who served in any war of the United States who have been demoted $400 per annum since said date.

Eighth. Total number of those so employed who served in any war of the United States who have been demoted $500 per annum since said date.

Ninth. Total number of those so employed who served in any war of the United States who are now receiving pensions.

Tenth. Total number of those so employed who served in any war of the United States who have been dismissed or whose resignations have been asked for since said date.

Eleventh. Total number of Confederate veterans employed in said bureau on the date named.

Twelfth. Total number of Confederate veterans so employed who have been promoted since said date.

Thirteenth. Total number of Confederate veterans so employed who have been demoted since said date.

The VICE PRESIDENT. Is there objection to the present consideration of the resolution?

Mr. POMERENE. I ask that the resolution lie over until to-morrow.

The VICE PRESIDENT. There being objection, the resolution, under the rules, will lie over until to-morrow and be printed.

PUBLIC BUILDING SITE AT OWEGO, N. Y.

Mr. SWANSON. From the Committee on Public Buildings and Grounds I report back favorably, without amendment, the bill (H. R. 15320) authorizing the Secretary of the Treasury to disregard section 33 of the public-buildings act of March 4, 1913, as to site at Owego, N. Y. As this is a very important matter, I ask unanimous consent for the immediate consideration of the bill.

Mr. SIMMONS. What is the nature of the bill for which the Senator from Virginia asks unanimous consent for present consideration?

Mr. SWANSON. If the Senator from North Carolina proposes to object, I trust he will withhold it until I can make a statement. A site has been purchased on which to construct a Federal building at Owego, N. Y. This bill proposes to waive that portion of the law requiring that a site selected for a public building shall be bounded on at least two sides by streets. The option for the purchase of the site will expire in a week. It is therefore very urgent that the bill should be passed. It has already passed the House of Representatives, and I think there will be no objection to it.

Mr. SIMMONS. I just made a statement a moment ago that I should object to any further requests for unanimous consent, but if the Senator from Virginia thinks this is a very urgent measure I shall not object, although I hope I shall have the strength to object to any further requests of a similar nature.

Mr. SWANSON. There will be no objection to the passage of the bill if it is read.

The VICE PRESIDENT. Is there objection to the present consideration of the bill?

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill, which was read, as follows:

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, authorized, in his discretion, to disregard that portion of section 33 of the public-buildings act approved March 4, 1913, which requires that the Federal building site selected at Owego, N. Y., shall be bounded on at least two sides by streets.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

HEALTH CONDITIONS IN THE PHILIPPINE ISLANDS.

Mr. GALLINGER. I have a brief article from The Outlook of the 27th of June, 1914, relating to health conditions in the Philippines. It is a very important article, as I regard it; and, without taking the time of the Senate to have it read, I ask unanimous consent that it may be printed in the RECORD.

The VICE PRESIDENT. Without objection, that will be done.

The article referred to is as follows:

[From The Outlook, June 27, 1914.]

"LETTING IN THE JUNGLE."

All travelers in the Tropics know how quickly cultivated land reverts to jungle, and how continuous the struggle against fever and the plague must be in Cuba, Panama, and the Philippines. As quickly as the panic at the coming of the elephant, panther, wild pig, and python enabled them to overrun the Indian village in the Kipling story, so smallpox, cholera, and enteritis excite a terror in men of our breed, and unless they are controlled they effectually bar all colonizing enterprises. The jungle does the rest.

The new administration has had a free hand in the Philippines. The general approval given to the tariff law and the currency bill has served as a certificate of good character. At the same time the remoteness of the islands and the widespread indifference to the results of the American occupation have protected important details of Philippine administration from proper publicity and criticism. For example, improper appointments by the governor of New York or a careless speech by the Speaker of the House at Washington are challenged at once by the daily papers, but similar happenings on the other side of the world lose their umbrage before they are known, if, indeed, they are known at all. We give all credit for good intentions to the President, but he ought to know the hara-kiri which is being committed under his authority in the islands. Of course, as Napoleon said after Trafalgar, "I can not be everywhere," nor can the President be expected to know the full significance of the acts of his subordinates in Manila or in the mountain Province of Luzon. So long as department clerks remain prone to gloss over the errors of their chiefs, first-hand information for the President is exceedingly difficult, if not altogether impossible, to obtain.

The prompt passage of the penal clauses against peonage and slavery raised the greatest expectations as to the efficiency of the new island government. In spite of the dismissal of hundreds of experienced men from the different insular departments, the indiscreet credit given by the new Governor General for the Filipino indorsement which had secured his appointment, and the withdrawal of military control from the southern islands, men experienced in the ways of the East hoped even when their judgment disapproved. But now, as the first hot season is on in Manila, when the American colony is utterly disheartened, and when every berth on every ship is crowded by those whose one wish is to get away from the Philippines, plain words become a matter of public duty.

Not since 1902 has there been such cause for anxiety. A smallpox scare is now terrifying Manila, and the wholesale increase of flies and mosquitoes attests the "letting in of the jungle." Only the great health and sanitary measures followed indefatigably for the last 12 years keep back such a cholera epidemic as ran its course in 1902. The decrease in the number of American health inspectors and the appointment of Filipino inspectors in their places is the explanation. These native inspectors agree with their neighbors about the uselessness of garbage cans, and through race or family sympathy fail to report glaring violations of sanitary order. Thus in six months is undone the work of years.

The English change their viceroys in India, but no one of them would think of dismissing one of that great army of military and civilian subordinates who have become specialists in doing the "day's work" in coercing the native population into some scant respect for decency, law, and order. The health office of Rangoon, hemmed in as it is by cholera, black smallpox, and bubonic plague, is kept in the hands of medical men impervious to any appeal or command save that conducive to sanitary order. They are under no pressure from native public opinion as to what the natives wish done, but with staccato of

voice and bearing enumerate to both tourist and native what they must do to survive. The changes in the Philippine civil service, under the present Governor General, coincident with the installation of a new administration in the United States, threaten to brand the whole country as a failure in colonial as well as municipal government. Judged by the warnings of the first hot season, neither the natives nor the Americans now in power are fit to govern in the Philippines, and we should at once determine to "stay" efficiently in the islands, or there will be little but a few figureheads to withdraw.

EDWIN A. SCHELL.

MOUNT PLEASANT, IOWA.

MEMORIAL ADDRESSES ON THE LATE SENATOR BACON.

Mr. SMITH of Georgia. Mr. President, I desire to give notice that on Tuesday, December 8, immediately after the routine morning business I shall ask the Senate to consider resolutions in commemoration of the life, character, and public services of my late colleague, Senator A. O. Bacon. I have placed the time so far ahead at the request of Senators who desire to pay tribute to the life and distinguished services of our late colleague, and who wish this time to do so.

Mr. BRANDEGEE. Mr. President, there was so much confusion in the Chamber I could not hear the date suggested by the Senator from Georgia.

Mr. SMITH of Georgia. Tuesday, December 8. As I stated, there are Senators who can not be here this summer who especially desire to take part in the exercises, and whom I know Senator Bacon would have been pleased to have had take part.

SUNDRY CIVIL APPROPRIATIONS.

Mr. MARTIN of Virginia. Mr. President, the junior Senator from Wyoming [Mr. WARREN] has been called from the city, and has asked to be relieved from acting further as one of the conferees on the sundry civil appropriation bill. I ask the Chair to appoint a conferee in his place.

The VICE PRESIDENT. The Senator from Wyoming [Mr. WARREN] will be excused, and the Chair appoints the senior Senator from California [Mr. PERKINS] in the place of the Senator from Wyoming.

WATERS OF THE RIO GRANDE—GEN. ANSON MILLS.

Mr. THOMAS. Mr. President, on Saturday last the Senator from New York [Mr. ROOT] presented a request to publish in the RECORD a letter addressed to him by Gen. Anson Mills, referring to some comments in the course of my remarks upon Senate joint resolution No. 117 on the 23d and 24th of last March. The Senator from New York very kindly called my attention to this communication before offering it, and asked if I had any objection to its presentation. Of course I had none.

Since the adjournment of the Senate on Saturday I have read this letter. I intend to take up but a very short time this morning in referring to it. I would not do this were it not that I think if any criticism is to be offered to a document of this sort or to the remarks of a brother Senator it should be done at the earliest possible moment.

Gen. Mills takes me quite seriously to task for what he seems to think, and perhaps correctly so, unjust aspersions upon officials, both living and dead, which I made in the course of my discussion of the treaty, so called, between the United States and Mexico.

Mr. President, before I spoke to the Senate in support of that resolution I availed myself of almost every known avenue of information. I was convinced that the subject was one of considerable magnitude and involved a somewhat devious history. I was therefore extremely careful to obtain information as closely at first hand as was possible, and only after securing it did I present the resolution to the consideration of the Senate.

Mr. President, Gen. Mills does not contradict many of my facts. He confines himself to denying the justice of my conclusions, and particularly as they concern his own conduct.

It may be that I have unjustly characterized the acts which constitute the history of this transaction, but I do not think so. There is no question in my mind—and I do not think there would be in the mind of anyone who will give the same consideration to this treaty—but that it had its origin and its consummation in the presentation and subsequent recognition of claims of the Mexican water users against the Government of the United States which had no foundation in justice, in morals, in law, or under any treaty negotiated between the two Republics. Nor can there be any question but that the opinion of Attorney General Harmon delivered in December, 1905, and deliberately ignored from that hour to this, conclusively and finally disposed of all equities based upon such considerations. This opinion Gen. Mills refers to very gingerly, for he can not challenge its existence nor the cavalier treatment it received from the hour of its delivery.

Mr. President, the effect of that treaty upon the people of my State and those of the State of New Mexico has been to deprive them of the use of the waters of the Rio Grande and its tributaries, which are absolutely essential to the development and population of that great section of the country. This great property right has been by alleged processes of law confiscated to the end that the Government of the United States may supply the people of Mexico with 60,000 acre-feet of water every year and at the expense, too, of the Reclamation Service, from which fund $10,000,000 have been and will be taken to construct the reservoir system, which is the fountain source of this perpetual drain. I felt that the people of my State and the people of the United States should be placed in possession of all the facts leading up to the consummation of that treaty and of those as well which have resulted in their deprivation of the water to which they are entitled by virtue of their constitution and under the decisions of the Supreme Court of the United States.

So I have nothing whatever, Mr. President, to retract as the situation now stands, and if I had to repeat the speech which I made last March upon the subject I should, if possible, give greater emphasis to some of the facts than I gave to them at that time.

Gen. Mills accuses me of following very closely a communication from Dr. Nathan Boyd, who was at the head of the Rio Grande Dam & Irrigation Co., an enterprise which was completely destroyed by the pernicious activities of those representing the Mexican claimants and the advocates of an international dam. It was a legitimate enterprise, which had commanded a large investment of capital from Great Britain. It had the sanction of the Government, the support of the people of New Mexico, and the decisions of the courts all behind it; yet it was swept aside by a Government suit based upon the wholly gratuitous assertion that its construction interfered with the navigation of the stream, an assertion made worse than absurd by the fact that the Government is building its dam at the same place and on a more extensive scale. If the Government does not reimburse the unfortunate investors in this enterprise, it can not escape just and merited criticism.

I very cheerfully acknowledge, Mr. President, my obligation to Dr. Boyd for the sources of much information which I spread upon the pages of the CONGRESSIONAL RECORD, but that circumstance does not deprive it of its elements of undoubted truth. His company has been obliterated by a process to which the Government was a party, having for its ultimate object, indirectly at least, the confiscation of the waters of the Rio Grande and of its tributaries for the benefit of the people of the Republic of Mexico which belong to the people of my State, and of which they have been unjustly despoiled. The pity of it is that this confiscation was both unnecessary and unbeneficial, since the waters which are the subject of our controversy disappear, either by absorption in the earth or in the atmosphere, long before they complete their journey through the desert country lying between the sources of these tributaries and the location of the Engle Dam. The statements of Gen. Mills himself, which I quoted last March, fully substantiate this.

Gen. Mills also declares that he had nothing to do with the expenditure of the appropriation of $50,000 for the Chamizal arbitration, which I criticized. That may be so. My information comes, however, from the State Department, and until I am satisfied of its incorrectness I shall insist that my statements are in accord with the facts.

Mr. President, as I said at the outset, I do not now intend to occupy the time of the Senate with a discussion of what may be, after all, a personal matter; I shall at another time again discuss my resolution, and I shall then take up the Mills letter in extenso. But there is one other statement in this letter to which I must refer before taking my seat. I may say before doing that, however, that I am by no means through with the controversy between the State of Colorado, in which the State of New Mexico is interested, and the Government of the United States as the outgrowth of these treaty conditions, and shall not be so long as I occupy a seat in the Senate, until the waters belonging to the people of my State are restored to them, to the end that they may be utilized for the upbuilding and the development of the great San Luis Valley, with its hundreds of thousands of acres needing only the fertilizing touch of these waters to yield its harvests in ever-increasing abundance to those who are waiting to utilize them and who must continue to wait until their own Government shall grant them tardy justice.

Gen. Mills, among other things, in his letter says:

> Senator THOMAS'S speech was delivered on the responsibility of his oath as a United States Senator, representing the great State of Colorado. By wise and necessary constitutional provision he may not be questioned for anything he has said therein "in any other place."

Mr. President, it is true that every Member of the Senate is privileged as to anything that he may see fit to utter upon this floor; but a Senator who will shield himself behind such a

privilege and by reason of it make a statement here that he would not make elsewhere is unworthy to occupy a seat in this body. Especially is that true if the statement is one of a personal character. I therefore take this occasion to say that I have never, as a Member of this body, uttered, and I hope I never shall give utterance to, either a principle or an assertion, and shield myself behind my privileges as a Senator as against its consequences. I shall endeavor to say nothing here that I would not say anywhere in the country. If I have given or shall give utterance to anything that is offensive, I shall, if it proves to be incorrect or unwarranted, at all times be ready to make due reparation; if, on the other hand, my statements are justified by the facts as I understand them, then I am prepared, Mr. President, to assume responsibility for them in all respects as though I had made them in my capacity as a private citizen. I can reconcile my sense of civic responsibility with no other course of conduct.

RIVER AND HARBOR APPROPRIATIONS.

The VICE PRESIDENT. The morning business is closed.

Mr. SIMMONS. I ask unanimous consent that the Senate proceed to the consideration of the river and harbor bill, so called.

The VICE PRESIDENT. Is there any objection to the request of the Senator from North Carolina?

Mr. GALLINGER. I object.

Mr. NORRIS. I object.

Mr. SIMMONS. Then, Mr. President, I move that the Senate proceed to the consideration of the river and harbor bill.

Mr. NEWLANDS. Mr. President, in this connection I wish to say that at a meeting of the Interstate Commerce Committee this morning it was determined best not to press the trade commission bill to-day, but to occupy the time of the committee in perfecting the securities bill, which is now nearing completion. We therefore will not urge the trade commission bill to-day.

Mr. BURTON. Mr. President, will the Senator from Nevada yield to me for a question?

Mr. NEWLANDS. Certainly.

Mr. BURTON. When does the Senator anticipate that the securities bill will be reported to the Senate?

Mr. NEWLANDS. I expect to be able to report it to-morrow.

Mr. BURTON. At the beginning of the session?

Mr. NEWLANDS. Yes.

Mr. BURTON. Is the Senator able to state to the Senate when the so-called Clayton antitrust bill will be reported to the Senate?

Mr. NEWLANDS. I am told that that bill is ready to be reported; but some question has arisen as to one or two sections of it. The matter will be considered this afternoon, and the bill will probably be ready to report to-morrow.

The VICE PRESIDENT. The question is on the motion of the Senator from North Carolina that the Senate proceed to the consideration of what is commonly known as the river and harbor bill.

Mr. NORRIS. On that I ask for the yeas and nays.

The yeas and nays were ordered, and the Secretary proceeded to call the roll.

Mr. CATRON (when his name was called). I transfer my pair with the senior Senator from Oklahoma [Mr. OWEN] to the Senator from Illinois [Mr. SHERMAN], who is absent on account of sickness in his family, and vote "nay."

Mr. CHAMBERLAIN (when his name was called). I have a general pair with the junior Senator from Pennsylvania [Mr. OLIVER]. I transfer that pair to the Senator from Illinois [Mr. LEWIS] and vote "yea."

Mr. GALLINGER (when his name was called). I have a general pair with the junior Senator from New York [Mr. O'GORMAN], who is absent from the city, but I am privileged to vote on all matters relating to this bill. I vote "nay."

Mr. SMITH of Georgia (when his name was called). I transfer my general pair with the senior Senator from Massachusetts [Mr. LODGE] to the junior Senator from Georgia [Mr. WEST] and vote "yea."

Mr. THOMAS (when his name was called). I have a general pair with the senior Senator from New York [Mr. ROOT]. In his absence I withhold my vote.

Mr. TOWNSEND (when his name was called). I have a general pair with the junior Senator from Arkansas [Mr. ROBINSON] and therefore withhold my vote.

Mr. WALSH. I inquire if the senior Senator from Rhode Island [Mr. LIPPITT] has voted?

The VICE PRESIDENT. The Chair is informed he has not voted.

Mr. WALSH. I have a pair with that Senator and therefore withhold my vote.

The roll call was concluded.

Mr. STONE. I inquire if the Senator from Wyoming [Mr. CLARK] has voted?

The VICE PRESIDENT. The Chair is informed he has not voted.

Mr. STONE. I transfer my pair with him to the Senator from South Carolina [Mr. SMITH] and vote "yea."

Mr. CLARKE of Arkansas (after having voted in the affirmative). I observe that the junior Senator from Utah [Mr. SUTHERLAND] is not present. I transfer the pair I have with him to the senior Senator from Indiana [Mr. SHIVELY] and let my vote stand.

Mr. SIMMONS (after having voted in the affirmative). I observe that my pair, the Senator from Minnesota [Mr. CLAPP], is not present. I transfer that pair to the Senator from Maryland [Mr. LEE] and let my vote stand.

Mr. CHILTON. I transfer my pair with the Senator from New Mexico [Mr. FALL] to the junior Senator from Indiana [Mr. KERN] and vote "yea."

Mr. PAGE. I wish to announce the absence of my colleague [Mr. DILLINGHAM]. He is paired with the senior Senator from Maryland [Mr. SMITH]. I ask that this announcement stand for the day.

Mr. GALLINGER. I desire to announce the pair between the Senator from Maine [Mr. BURLEIGH] and the Senator from New Hampshire [Mr. HOLLIS], between the Senator from Wisconsin [Mr. STEPHENSON] and the Senator from Oklahoma [Mr. GORE], and between the Senator from Wyoming [Mr. WARREN] and the Senator from Florida [Mr. FLETCHER].

Mr. KENYON. I desire to announce the absence of the senior Senator from Wisconsin [Mr. LA FOLLETTE] on account of illness.

The result was announced—yeas 38, nays 12, as follows:

YEAS—38.

Bankhead	Lane	Pomerene	Sterling
Bryan	Martin, Va.	Ransdell	Stone
Camden	Martine, N. J.	Saulsbury	Swanson
Chamberlain	Nelson	Shafroth	Thompson
Chilton	Newlands	Sheppard	Thornton
Clarke, Ark.	Overman	Shields	Tillman
Goff	Page	Simmons	Vardaman
Hughes	Perkins	Smith, Ariz.	White
Johnson	Pittman	Smith, Ga.	
Jones	Poindexter	Smith, Mich.	

NAYS—12.

Borah	Catron	Gronna	Norris
Brandegee	Cummins	Kenyon	Smoot
Bristow	Gallinger	Myers	Weeks

NOT VOTING—46.

Ashurst	Fletcher	McCumber	Smith, S. C.
Brady	Gore	McLean	Stephenson
Burleigh	Hitchcock	O'Gorman	Sutherland
Burton	Hollis	Oliver	Thomas
Clapp	James	Owen	Townsend
Clark, Wyo.	Kern	Penrose	Walsh
Colt	La Follette	Reed	Warren
Crawford	Lea, Tenn.	Robinson	West
Culberson	Lee, Md.	Root	Williams
Dillingham	Lewis	Sherman	Works
du Pont	Lippitt	Shively	
Fall	Lodge	Smith, Md.	

So the motion was agreed to; and the Senate, as in Committee of the Whole, resumed the consideration of the bill (H. R. 13811) making appropriations for the construction, repair, and preservation of certain public works on rivers and harbors, and for other purposes.

Mr. BURTON. Mr. President, on Thursday last I was speaking of the deficiency of facts and statistics relating to river and harbor improvement, and sought to show that this deficiency was one main reason for errors in our legislation on this subject.

Mr. GALLINGER. Mr. President——

The VICE PRESIDENT. Does the Senator from Ohio yield to the Senator from New Hampshire?

Mr. BURTON. I do.

Mr. GALLINGER. Mr. President, I noticed in the RECORD—indeed, I think I was present when the statement was made—that the senior Senator from Michigan [Mr. SMITH] declared the other day that there was not a single item in this bill that was not meritorious. I think that is the substance of his observation.

I wish to call the attention of the Senator from Ohio, if he will permit me, to two items I find discussed in the Washington Herald of this morning, and I will read them:

Between Knoxville and Chattanooga the Tennessee River maintains a depth of from 3 to 4 feet. In the pending bill is an authorization for the construction of a dam at a cost of $1,600,000. The construction of this would raise the water to a 6-foot depth for 22 miles in the center

of a stretch of 188 miles, an obviously useless expenditure in so far as benefiting commerce is concerned.

The tonnage on the Red River below Fulton, Ark., last year was 44,967, of which 42,640 tons consisted of saw logs. This total tonnage was valued at $354,715. The total amount appropriated for this stream to date is $2,768,377. The cost of this commerce per ton to the Government, averaging over a period of years, tonnage and expenditures, amounts to $4.68 if the logs are included and $90.56 if the logs are excluded. The cost per ton-mile amounts to $1.53. The average charge per ton-mile on freight carried on railroads in 1911 was $0.00757. And yet this project is given an additional $100,000 in the Senate bill.

I will ask the Senator from Ohio if he is familiar with those two projects that are in the present bill; and if so, whether they come under the head of "meritorious," as it has been asserted all of these items are?

Mr. BURTON. I do not think they do.

Mr. SHEPPARD and Mr. KENYON addressed the Chair.

Mr. BURTON. I am anxious to pursue a consecutive line of argument. On Friday last there was a very interesting discussion between Members of the Senate, in which I did not participate, as to the quality of the items in this bill.

Mr. SHEPPARD. Mr. President——

The VICE PRESIDENT. Does the Senator from Ohio yield to the Senator from Texas?

Mr. BURTON. In a moment. I do not like to anticipate remarks which I am intending to make by taking up those items now, except that I do say it can be shown with the utmost ease that there are scores of items in this bill that are absolutely without merit, and by the time we are through with the debate here I do not think anyone on the floor of the Senate will maintain that they do possess any merit.

Take the items referred to by the Senator from New Hampshire. What is the project? The Tennessee River above Chattanooga is 188 miles in length. For many years an effort has been made to obtain 3 feet of low-water depth by open-channel work. In a recent report it is recommended that that stretch of river be improved at an expense, I think, of somewhat over $3,000,000, with a depth of 3 feet at extreme low water and 4 feet at ordinary low water; but as a part of the project it is recommended that a lock and dam be constructed midway between Chattanooga and Knoxville, about the center of the 188 miles, to furnish a depth of 6 feet. That lock and dam will cost $1,600,000.

Now, what kind of a transportation problem is that—working for an ultimate depth of 3 to 4 feet for the 188 miles, but at an expenditure of $1,600,000, providing 6 feet for 22 miles in the middle of it?

There is another phase of this matter to which I shall call attention later in the argument. You may examine the provisions of the river and harbor bill of 1912–13 and you will find no mention made of any lock. There is reference only to an executive document. When you look at the executive document you find that the local engineer in charge of that improvement submitted an estimate for the improvement of the whole river to cost $34,000,000! Even he was staggered by that, and so he recommended an improvement costing $10,000,000 between Chattanooga and the mouth of the river, and, as I recall, something over $3,000,000 between Chattanooga and Knoxville. The division engineer took up the matter, and utterly disapproved so expensive a plan. Then it went to the board of review, and they recommended still another plan, cutting down the recommendation of the local engineer, and saying that these two locks and dams above Chattanooga were not desirable and that the project be limited to open-channel work in the upper section with one lock and dam in a portion of the middle section. The Chief of Engineers then comes in with still another plan, more expensive, recommending a lock and dam in the section between Knoxville and Chattanooga and another in the middle section.

But under a provision in the river and harbor act of 1912, which does not mention which of the plans in the report is approved—under a provision which says nothing whatever about locks and dams—there has been expended already $23,000 for borings in the upper section for a proposed lock and dam there; and now, unless there is legislation here, the Engineer Corps will go ahead to build that lock and dam, to canalize those 22 miles midway between Knoxville and Chattanooga, to make that part of the river 6 feet deep, while the main body of the stretch is only 3 or 4 feet deep!

I must repeat, Mr. President, that I do not like to attack the recommendations of the Engineer Corps, but before we are through with this matter it is necessary that we should discuss and analyze this constant argument that is offered here, "Oh, the engineers recommend it," and see whether the engineers are altogether right in all their recommendations. I can say no word of them except in kindness, because of my long association with them; and again and again I repeat what I have said, that they have been hampered, embarrassed, and demoralized by the action of Congress in overruling their findings when they were consulted.

As to the other project in the Red River, I called attention to that four years ago. Why, Mr. President, for the amount that we are spending for so-called maintenance on that river, with the amount that this bill proposes to spend, $100,000, barring logs and timber, which could be floated, you could send every ton of freight handled on that river by rail and by steamship to the remotest port in the world and bring it back, for there is only about 2,000 tons on it.

One thing more I ought to say while I am on the upper stretch of the Tennessee River. Exaggerated as were the reports of the engineers on amounts, and liberal as they were with their ideas of Government money—one of them stating in one place that the Government could easily borrow at 2 per cent, and apparently thinking it was worth while to borrow to improve the Tennessee River—everyone who reported on these locks and dams recommended that in view of the great benefit of the immediate localities in which they were to be constructed the land overflowed by the construction of the dams should be furnished by those in the vicinity; that those especially interested in this improvement should see to it that the Government was put to no expense for flowage rights. The aggregate cost of flowage rights on several of these dams—though the report is not altogether clear to me—was $462,000. There is not a word in the bill that makes any reservation, and it looks as if the Government of the United States was not only to be committed to the construction of these dams, but also that this recommendation of every one of the engineers should be disregarded, and even violated, and that in the ultimate completion of the project $462,000 should be expended for flowage rights—that amount being a mere estimate, with the probability that the aggregate will be much more.

Mr. KENYON. Mr. President——

The VICE PRESIDENT. Does the Senator from Ohio yield to the Senator from Iowa?

Mr. BURTON. I do.

Mr. KENYON. The Senator from New Hampshire [Mr. GALLINGER] called attention to some newspaper items this morning. I think the morning hour for newspaper clippings is past, so I want to supplement what he presented by an interview in the Washington Post this morning with a citizen of Texas, which I ask to have read, with reference to another proposition in the State of Texas.

The VICE PRESIDENT. Is there any objection?

Mr. GALLINGER. I believe that clipping relates to the Trinity River?

Mr. KENYON. The Trinity River.

Mr. GALLINGER. I will say, before it is read, that I propose to discuss that famous project at some considerable length when I have an opportunity; but I think it would be illuminating to have put in the RECORD this statement from a distinguished citizen of Texas.

Mr. KENYON. Inasmuch as the Senator from Michigan [Mr. SMITH] boldly proclaimed that there was not a single item in this bill but that was meritorious, I thought possibly it would be well to have the evidence of a citizen of Texas on the subject.

Mr. GALLINGER. I think it very proper that it should go in the RECORD.

Mr. BURTON. I yield for the reading of this paragraph. I am a little afraid that when my remarks are read they will seem to lack consecutiveness and logical order, but I have no objection.

Mr. KENYON. I do not want to interrupt the Senator's remarks.

Mr. BURTON. I shall be glad to have it read. I really think it is an interesting item, and a valuable commentary as well.

The VICE PRESIDENT. In the absence of objection, the Secretary will read as requested.

The Secretary read as follows:

POKES FUN AT TRINITY RIVER.

"I sat in the Senate gallery Friday while the rivers and harbors bill was being discussed, and after listening to the passage at arms between Senators KENYON and SMITH of Michigan, I wondered if they really were in earnest when they said there was no 'pork barrel' legislation in connection with this bill, which annually carries an appropriation so large that it is useless to put it down in figures."

This was the observation of M. J. Wirth, of Fort Worth, Tex., who has lived there for 25 years and is conversant with river navigation in Texas, at the Raleigh.

"I was led to my remarks," continued Mr. Wirth, "by the thought that there are numerous appropriations made by Congress for the Trinity River at and near Dallas, in my State. I believe more than $1,000,000 has been appropriated for this river, which, according to the Army maps, is considered navigable. If any Senator in Washington can find this particular river at this time he can do more than we can. The Trinity neither runs, creeps, nor crawls through Dallas; in fact, it does

not even hesitate. Two years ago a new Oklahoma Representative who was asking for an appropriation for the Arkansas, one of the real streams of the Southwest, remarked that the Arkansas was wider in the dry season than the Trinity was long. Recently an electric railroad company endeavored to lease the bed of the river for an interurban line. The Trinity River is the joke of Texas, and to-day it is as dry as a bone. But we never fail to get an appropriation," concluded Mr. Wirth.

Mr. POMERENE and Mr. SHEPPARD addressed the Chair.

The VICE PRESIDENT. Does the Senator from Ohio yield and to whom?

Mr. BURTON. I yield to my colleague first.

Mr. POMERENE. Would it not be well to send the discoverer of the River of Doubt down there to find the Trinity River? [Laughter.]

Mr. BURTON. I yield to the Senator from Texas.

Mr. SHEPPARD. Mr. President, I wish to say that I enjoy the empty jokes in the Senate about the Trinity as much as anybody. They are without any foundation in fact whatever, and are unworthy of any attention unless we admit that they are in a jocular vein.

It is my impression that this Texan did not intend his statement to be taken seriously. I hope at the proper time to show both the Senator from Ohio and the Senator from Iowa that they are making absolutely unjustifiable attacks not only on the Trinity, but on the Red and the Brazos and the other Texas rivers they have selected as targets for their attacks.

Mr. KENYON. Mr. President, from the well-known propensity of the Senator from Texas for water I am sure if there is any water there he will point it out. [Laughter.]

Mr. SHEPPARD. I will be able to do that, I think.

Mr. BURTON. I anticipate with much pleasure listening to the Senator from Texas, as we always enjoy hearing him, but I have this query in my mind: What will be the distinctive feature of his remarks when he comes to defend the Trinity? Will they not be jocular? Will they not be humorous? I take it in the final discussion of this bill we should dwell upon facts. It is said that in attacking this particular project and some others the discussion has partaken of a humorous nature. I shall wait with interest to know whether the remarks of the Senator from Texas when he comes to defend them will not also have a very decided coloring of humor.

Mr. SHEPPARD. Mr. President——

Mr. BURTON. I do not altogether sympathize with what is said in this article about Trinity River. It is of course exaggerated; but I hope those who are defending the river will abstain from like exaggeration. I yield to the Senator from Texas.

Mr. SHEPPARD. Mr. President, I will say to the Senator that I shall be entirely willing to leave it to him to say whether my remarks should be characterized as humorous. I believe the word "humorous" is derived from a certain word that suggests water, the Latin word humor, meaning anything liquid, such as water, blood, and so forth.

Mr. BURTON. Perhaps so. I hope there will not be the same degree of exaggeration in the defense of the river which appears in this attack upon it.

I think I may say that, whatever the facts may be in regard to that interview, it represents a very large body of public opinion in the State of Texas in regard to the Trinity River and several other streams or projects in Texas that are included in this bill.

When I was talking on Thursday I dwelt upon the absence of statistics, and called attention to the superiority of the French in this regard. With their wonderful gift for classification and detail, they have prepared statistics in regard to inland waterway traffic which are the best in the world. It is true that in some respects they are no better than our own. They have not essayed to give the value of the traffic as we have. Their opinion in regard to this has been that statistics giving an estimate of freight carried on a river would necessarily be more or less incomplete and inaccurate. So they confine their attention to very minute and thoroughly subdivided figures in regard to tonnage and the distance it is carried. They also give a class of figures in addition to those which I stated the other day which are useful, the freight carried up a river from mouth to source, and that carried down from source to mouth, or in that direction. We have a few of these statistics of up-and-down-stream traffic in our reports. In the tables given on the wall, to which I shall make elaborate reference in future, the figures are given for the Mississippi River from St. Louis to New Orleans, and an effort is made there to give the up-and-down traffic separately and to give also the place at which freight is received and that at which it is discharged. This table, published in the report on the 14-foot waterway in 1908 or 1909, gives these figures for 1907, and is among the most valuable of the statistics now available.

The up-and-down traffic in the Ohio is also given in the engineer's reports. It shows a very remarkable fact, that the overwhelming preponderance is down freight. That is due to several reasons, the chief of which is that the town of Pittsburgh and adjacent rivers and areas at the head of the Ohio River are great contributors of coal and heavy material. It is also due in part to the very steep descent of the river in certain places, which makes the carrying of upright freight very difficult. This will be largely done away with if the system for the construction of locks and dams is completed.

In my remarks I called attention to the two classes of figures which are most important—the tonnage or traffic on rivers from year to year and the average distance of the haul. The French statistics give the whole amount on all rivers and on all canals in the aggregate each year. That aggregate had reached about 32,000,000 in 1904 and in the year 1912, 40,000,000 tons. An increase of traffic from year to year tends to show that the improvements are valuable; that the projects have conferred a substantial benefit upon the public.

There is, however, another class of statistics in connection with the total of traffic which is almost equally essential, and that is the average haul. When the average haul increases or holds its own it is a wholesome symptom. When it diminishes, as it has on most of our rivers, it is a very unfavorable indication.

I read a few of the figures from the French reports for several years taken at random.

The average haul in 1904 on French rivers and canals was 152 kilos. In 1905 this fell off to 149 kilos.

Passing by four years to 1910 the average was 150 kilos. In the year 1911 it was 151 kilos. In the year 1912 it was 143 kilos.

This decline, especially in the year 1912, is not altogether favorable, and gives basis for a conjecture that the traffic on the rivers and canals has well-nigh reached its maximum. No one can foretell with absolute certainty what conditions will be in the future.

Another class of figures that is decidedly essential are the receipts and shipments at the respective cities or points of receipt and distribution upon a river. These are for the most part lacking. The tables given in the charts on the wall are the best that are furnished in any report, and those are only for one year and for one river.

For instance, in the upper stretch of the Tennessee River from Knoxville to Chattanooga it would be of the utmost value if we could ascertain what is the traffic at Knoxville, what it is at Chattanooga, what it is at Kingston, what portion of this traffic is marble hauled 10 or 15 miles and from where, and what proportion is iron ore hauled perhaps 10 to 15 miles, and between what points.

This gives us not only an idea of the relative importance of each point on the river but of the degree in which our improvements contribute to the general good. Are they merely local, or are they interstate or national in their scope? In taking up that river at a later time I shall be able to show that a very large share of this traffic in the upper stretch is purely local and can not assume interstate prominence. For instance, in the year 1912 the total traffic on this river was 474,953 tons, a somewhat larger amount, I believe, than in the preceding year. Now, let us analyze this. Of the 474,953 tons the aggregate of 119,000 tons was sand and gravel hauled an average of 4 miles; 151,490 tons iron ore, not brought from Lake Superior, not brought from out of the State, but carried 16 miles, about where this proposed lock is to be, from the mine to the furnace. Thirty-nine thousand tons were logs rafted, 7,000 tons logs towed in barges, another 7,000 tons lumber towed in barges, and 20,000 tons of railroad ties.

Mr. BRADY. Mr. President——

The VICE PRESIDENT. Does the Senator from Ohio yield to the Senator from Idaho?

Mr. BURTON. I yield to the Senator.

Mr. BRADY. As this is a very important matter that the Senator from Ohio is discussing, and I observe that there are only six Members on the Democratic side and I think we should all hear his statement, I suggest the absence of a quorum.

The VICE PRESIDENT. The Secretary will call the roll.

The Secretary called the roll, and the following Senators answered to their names:

Bankhead	Goff	Page	Swanson
Brady	Gronna	Perkins	Thomas
Brandegee	Hughes	Poindexter	Thompson
Bryan	Johnson	Ransdell	Thornton
Burton	Jones	Reed	Tillman
Camden	Lane	Shafroth	Vardaman
Catron	Lee, Md.	Sheppard	Walsh
Chamberlain	McCumber	Shields	White
Chilton	Martin, Va.	Smith, Ariz.	
Clark, Wyo.	Martine, N. J.	Smoot	
Gallinger	Overman	Sterling	

Mr. CLARK of Wyoming. My colleague [Mr. WARREN] is unavoidably detained from the city. I ask that this announcement may stand for subsequent roll calls to-day.

The VICE PRESIDENT. Forty-one Senators have answered to the roll call. There is not a quorum present. The Secretary will call the names of the absentees.

The Secretary called the names of the absent Senators, and Mr. SMITH of Georgia and Mr. SMITH of Maryland answered to their names when called.

Mr. ASHURST, Mr. CLARKE of Arkansas, Mr. CUMMINS, Mr. NEWLANDS, Mr. POMERENE, Mr. MYERS, and Mr. SAULSBURY entered the Chamber and answered to their names.

The VICE PRESIDENT. Fifty Senators have answered to the roll call. There is a quorum present. The Senator from Ohio will proceed.

Mr. BURTON. Mr. President, another item appearing in this traffic is marble to the amount of 79,000 tons, hauled an average of 12 miles. None of the items which I have mentioned, which make up practically all of the total traffic of 474,000 tons, except about 40,000 tons of general merchandise, miscellaneous freight, and farm products, are hauled more than 36 miles; yet there is an estimate for building in that stretch 11 dams, at a cost of over $11,000,000, not recommended as worthy to be accepted now, but looking to the ultimate improvement of the river. It is time now to call attention to that fact, because if the Senate does not halt this program that is what is coming—an expense of $34,000,000 in the whole of the Tennessee River to accommodate a traffic which has been diminishing. To this must be added a large cost for annual maintenance. What is its present condition? What are we going to gain by this improvement?

The following is a quotation from a report on the river:

> It may, therefore, be assumed that navigation is suspended on account of low water in the section between Chattanooga and Knoxville about 90 days per year, and for about 100 days per year in the middle section.

I admit that navigation is uncertain. As it is said in this report, if they could have assured navigation for two-thirds of the year, or 240 days, it would be better than the present conditions. I concede a certain disadvantage, but take it year by year, that stream is now navigable for 260 days of the year. As against that, the locks in the St. Marys River, connecting Lake Superior and Lake Huron, in a recent year were available for traffic only 7 months and 23 days. So, on the upper stretch of this Tennessee River, for which there is a proposition for an improvement to cost over $3,000,000, and an ultimate improvement of I do not know how much, but at least there will be 11 locks and dams, at a cost of more than $11,000,000, they have to-day, according to this report, a larger number of days for low-water navigation than they have on the Great Lakes with their enormous traffic.

Mr. President, we are asked to approve plans of this kind, and whenever anyone raises his voice against them it is immediately said the engineers have recommended them. Well, if such is the case, is it not well to inquire whether or not some of the deductions and facts of the engineers are wrong. We do not need anyone to rise from the dead to tell us obvious facts; it does not require anyone of special wisdom or training to teach us that on a river which shares with practically all the other rivers of the country a decadent traffic, such an enormous expenditure is not desirable merely for the purpose of securing navigation throughout the entire year. Indeed, if we had had these figures through a series of years; if we knew what were the shipments to the various points, and could recognize, as these statistics show us in part, that the greatest item of the traffic on this river, comprising nearly a third of it, is 151,000 tons of iron ore, carried from the mines of a corporation there to its furnace, a distance of 16 miles only; that next to that the largest item is sand and gravel, carried only 4 miles; does anyone believe that in the years that have passed we would have permitted that improvement at the cost at which it has been prosecuted?

I am merely calling attention to this as one instance, Mr. President. I shall take up the rest of the Tennessee at a later time. The facts in regard to the middle section, from Chattanooga to Riverton, 238 miles in length, are considerably worse than this 188 miles from Knoxville to Chattanooga. It has cost more, the traffic is smaller, and the results have been less promising. There is a section of this river about 206 miles in length, from Riverton to the mouth, at its junction with the Ohio, which, while I belonged to the other House and had a part in this class of legislation, I always believed in, because it could be improved at comparatively small cost. To improve this lower portion was in the line of logical construction, which dictates that, first, you must develop a river from its mouth into the interior; but here are these three sections, practically without a single ton passing from one to the other, independent of each other, which the Government is taking up and improving independently of each other, so that when the middle section is improved to its lower end you will not be sure that the lower section is improved; and when the upper section is improved to its lower end, you will have no assurance that the middle section is improved.

Thus, the whole plan has been illogical, extravagant, and wasteful. "Oh, but," they come in and say, "if this waterway were raised to a high state of efficiency, we would have traffic." I have been listening to that argument, Mr. President, for, lo, these 20 years, and I want to put against it the facts shown by history of water transportation. When there is a stream that will jusify improvement and a certain depth is secured on it—I do not care if it is only 2 feet—you will find traffic. Take the Oder River, in Germany. The low-water depth of a very important section of that river is only 2 feet, and yet they haul on it between 1,000,000 and 2,000,000 tons. Take the Elbe, with its magnificent traffic. A portion of that river is only 3 feet deep, and yet on that section much more than a million tons is hauled. There is always the assured promise of development before a high stage of efficiency is reached. The Great Lakes had a splendid traffic before they were improved on a large scale, and yet we so often hear it said if you improve our rivers, they will be just like the Great Lakes. What an absurdity! It is not necessary to present any argument in reply, because everyone knows that the channels of the Great Lakes have a depth of 20 feet and a clear fairway for boats to move in. And, again, there is an even greater difference, because the Great Lakes are in the center of one of the most productive regions in the world, and great quantities of freight must pass and repass upon them. And while I am speaking of the Great Lakes it is well to call the attention of the Senate to a fact which is not generally understood, namely, that the great bulk of the traffic there does not consist of high-grade merchandise or of material of large value; it is composed, for the most part, of coarse material. Beneficial as the improvements have been in the connecting waterways and harbors of the Great Lakes, the great expenditures which the United States Government has incurred there would never have been profitable for the conveying merely of high-grade freight.

Let me read from the figures, gathered at intervals of more than 20 years, to show the average value of that traffic. In 1890 the number of tons carried through the Soo Canal between Lake Superior and Lake Huron, was 9,041,213, with a value, in round numbers, of $102,000,000. I will ask that the detailed figures be printed in the RECORD, as I do not wish to take the time of the Senate to read them all.

The VICE PRESIDENT. In the absence of objection, permission is granted.

The figures referred to are as follows:

Average value of freight through Soo Canal.

	Tons.	Value.	Average value per ton.
1890	9,041,213	$102,214,948	$11.30
1900	25,643,073	267,041,959	10.41
1910	62,363,218	654,010,844	10.48
1912	72,472,676	791,357,837	10.91

Mr. BURTON. In 1900, in a lapse of 10 years, the tonnage had increased from 9,000,000 to 25,000,000, and the value had increased from $102,000,000 to $267,000,000. In 10 years, from 1900 to 1910, the tonnage had increased from 25,000,000 tons to 62,000,000. In 1912, two years later, the increase was from 62,000,000 tons to 72,000,000 tons. The value in the 10 years, from 1900 to 1910, had increased from $267,000,000 to $654,000,000, and from 1910 to 1912 from $654,000,000 to $791,000,000.

Now, let us see what was the average value of that freight going through there. Was it made up of luxuries? The average value per ton in 1890 was $11.30. On certain grades of freight that would not pay the railway rate from Duluth to Buffalo or from Duluth to Cleveland. In 1900 the average value was $10.41, a drop of 89 cents; in 1910 it was $10.48; in 1912 it had risen to $10.91 cents. By far the largest share of this traffic is iron ore. Next to that comes coal, and now grain, which is of considerable value, and then lumber; but if it were not for the grain and the copper shipped through this connecting waterway, the average value of freight carried through there would be very much less than it is.

What does that prove? It demonstrates that the day of the inland waterway for transporting expensive freight is passed,

because even on the Great Lakes waterway, which has the most favorable conditions in the world, not only in the channels and in the variety of industries tributary to them, but also in the equipment for loading and unloading and warehousing, the great bulk of the freight is of coarse material, and the average value of all of it has ranged between $10.41 and $11.30 per ton.

I remember some years ago, when enthusiastic about traffic on the Lakes, I asked the manager of a wire mill located about 2 miles from the wharves at Cleveland, "Why do you not send your wire nails up the Lakes to Duluth by boat? The great majority of the tonnage of lake boats is down; they are seeking uplake freight and are carrying coal at 40 cents a ton; and it will certainly be profitable for you to carry your wire nails by boat." He answered. "The expense of hauling our nails 2 miles to the wharf and then delivering them from the wharf at the other end at Duluth, together with the inconvenience of handling, would be such as to absolutely destroy any differential between railroad rates and boat rates." Here was a city with paved streets between the mill and the wharf at one end, and another city with paved streets between the wharf and the warehouses at the other. As against that, what do you have on the rivers? Roads of an inferior nature leading to them. Most of the population on the Mississippi River is back of the levees at some considerable distance away from the river's brink. There is not sufficient traffic to warrant modern landing facilities; the methods of hauling and handling are as primitive as they were in the days of Noah; and, added to all that, a variation in the height of the river of from 30 to 70 feet on different portions of the river. These are the problems which confront transportation. Those are the facts that have been entirely ignored in this connection.

I confess, when I first took up this subject I had a large degree of enthusiasm on behalf of this class of transportation, and I do not give it up entirely now. There are certain classes of rivers where the improvements are profitable; but I am weary of rainbow chasing; I am weary of a policy which is based on an utter failure to recognize the most fundamental facts and tendencies.

Resuming my argument, Mr. President——

Mr. KENYON. Mr. President, before the Senator leaves that branch of the subject, I will ask him if he has discussed the question of traffic and commerce on the Tennessee River?

Mr. BURTON. Only on the upper stretch of the river.

Mr. KENYON. Has the Senator placed in the RECORD the amounts that have been expended on the Tennessee River?

Mr. BURTON. I have not done so at this time.

Mr. KENYON. I suppose the Senator intends these remarks to be merely preliminary, and that when he reaches the discussion of these matters at length he will discuss that question?

Mr. BURTON. I will say to the Senator that in order that I may not omit any subject of which I say, as I have said frequently, that I will return to at a later time, I am having my secretary make a note of these statements, so that I will not forget any of them.

It goes without saying that charges per ton per mile for different classes of freight are extremely important. Our reports are just beginning to give these figures.

Mr. President, it will be almost startling to observe the high rates charged on traffic on some of these rivers. I want to take up this very river that I have mentioned—the upper Tennessee. I do that simply because the figures are before me.

The average rate per ton-mile on merchandise on the Tennessee River is 11.9 cents. That, it is true, is a high grade of freight. But how does it compare with the average rate per ton-mile for the carriage of freight on the railroads of the country? That rate has varied somewhat in the last few years. I do not recall precisely what it was in the latest year, but it is approximately 7.5 mills, or three-fourths of a cent. The rate for carrying merchandise on the upper Tennessee River is approximately sixteen times as great as the average rate for carrying freight on our railroads, though, of course, it must be remembered that the average for the railroads is much below the rate for high-grade freight.

Mr. KENYON. Is the upper Tennessee River the part above Riverton?

Mr. BURTON. No; the upper Tennessee extends from Knoxville to Chattanooga. The part from Chattanooga to Riverton—238 miles—is the middle section. That is the mountain section. There are maps right here. Let me point it out to the Senator.

Mr. KENYON. It will be helpful to the large number here if the Senator will do so.

Mr. BURTON. The river begins by the junction of the French Broad and the Holston, about 4½ miles above Knoxville. That [indicating on the map] is the French Broad and this is called the Holston. They form the Tennessee River there [indicating on the map] 4½ miles above Knoxville. The river flows down here in a southwesterly direction through the State of Tennessee to Chattanooga, a distance of 188 miles.

Mr. KENYON. That is the upper Tennessee?

Mr. BURTON. That is the upper Tennessee. I may say that during the time I was a member of the Rivers and Harbors Committee of the House no one contemplated improving that upper section in any way except by open-channel work. To repeat what I have already said, we have now an estimate—although, in justice, it should be remarked that it has not been approved—for 11 locks and dams in those 188 miles, and already expense has been incurred to begin the building of a lock and dam which would cost $1,600,000 just about midway in the 188 miles below Chattanooga.

Mr. KENYON. What will the 11 locks and dams cost?

Mr. BURTON. A little over $11,000,000, as I recall the figures. They average a little more than $1,000,000 apiece.

Next, there is the middle section, 238 miles in length, flowing down here, just missing Georgia, into Alabama. The most of that section is in Alabama. It flows down here and touches one county, Tishomingo, of Mississippi—that is, on the southwest of it—and then goes on to Riverton, Ala. That is the termination of the middle section. That is 238 miles long, most of it in Alabama. That is called the mountain section. Within that space there are two portions or sections improved by locks and dams—one the Muscle Shoals, which for construction and maintenance has cost approximately $4,550,000, and the other, just above Riverton, in what is called the Colbert and Bee Tree Shoals. That has cost $2,313,000.

Mr. KENYON. Mr. President, if it does not disturb the Senator, what has the Government spent on the entire Tennessee River?

Mr. BURTON. A little less than $10,000,000 on the whole river.

Mr. KENYON. With projects of some $10,000,000 more unapproved?

Mr. BURTON. Well, the reports are different. I think the outgoing Chief of Engineers does not recommend quite so much as that. The singular feature of it is that he is apparently more liberal in the upper section than in the lower section. While I am on the subject I want to say another word, as the attention of Senators is called to that river, and I should like to have especial attention given to that, as I shall have to repeat it if it is not noticed.

What is the prospect to be secured from a new lock and dam in the upper portion of the Tennessee to cost $1,600,000, when on two series of locks and dams down here, one costing four and a half million dollars and the other two million three hundred thousand dollars, we have such a showing of traffic? Here is the one that naturally would increase traffic more than any other, because from Riverton down to Paducah at the mouth, 206 miles, it is an open river; but the other, the Muscle Shoals Canal, has been in operation for some years. I think it really opened in 1890. The traffic through those locks and dams for the last year for which we have statistics was 5,520 tons.

Mr. KENYON. What is the cost of maintenance?

Mr. BURTON. I have forgotten. It is a good deal a ton. I will give those figures in a minute. Through the Colbert and Bee Tree Shoals Canal, however, the traffic was, I believe, 33,000 tons, of which all but a thousand tons was made up of timber. With such an object lesson as that—5,520 tons in a series of locks and dams costing four and a half million dollars, and only 1,000 besides timber in another costing $2,313,000—this Congress is asked to appropriate $1,600,000 to build a dam up there in the midst of a stretch where the river will be from 2 to 3 feet lower on both sides than it is in the 22-mile pool created by the dam.

Mr. KENYON. Mr. President, if it does not disturb the Senator, the Senate increases the House appropriation by some $400,000, I believe; does it not?

Mr. BURTON. Yes; I think so.

Mr. KENYON. So that in this bill it runs up to about $1,000,000?

Mr. BURTON. I think so. It is so scattered over different projects that it will require a great deal of analysis to make clear just what is intended.

I will give the figures of the Muscle Shoals Canal. I think I can turn to those in a minute. The cost of operating the Muscle Shoals Canal for the year ending June 30, 1913, was $48,292.09. There were 5,520 tons of traffic. A computation is made here from which, if you figure interest at 4 per cent on the investment, the cost of the freight carried through the canal was $41.76 per ton. That is not the worst one either. There are one or two others worse than that.

Mr. NORRIS. Mr. President——

The VICE PRESIDENT. Does the Senator from Ohio yield to the Senator from Nebraska?

Mr. BURTON. Certainly.

Mr. NORRIS. Can the Senator tell us what was the character of that traffic? What was its nature?

Mr. BURTON. I think I can give that exactly. That going through the Muscle Shoals Canal was of rather a high grade.

Mr. NORRIS. I want to exclude timber, of course. That can come through without locks.

Mr. BURTON. Yes; I can give it in a moment. It is given on page 2510 of the Engineers' Reports for 1913. As I said, I think this statement carries out the assertion that this is a fairly good class of tonnage:

	Tons.
Coal	36
Cotton	821
Cotton seed	833
Fertilizer	2,196
Flour	124
General merchandise	797
Grain and hay	51
Logs	45
Lumber	242
Machinery and implements	173
Miscellaneous	188
Other farm products	12
Other timber products	2

That poverty-stricken showing is made for that enormous expenditure.

Mr. NORRIS. I suppose that means the quantity that passed through these locks?

Mr. BURTON. Through the locks. The Senator from Nebraska must realize that at certain seasons of the year the water is high enough in the river so that they can go by without passing through this lateral canal. The obstacle, however, at the Muscle Shoals is the worst in the river, and naturally the freight which they desire to handle carefully goes through this canal and these locks.

Mr. NORRIS. The information I want to get from the Senator, as leading up to a proposition I am interested in, is what proportion of the products that went through the locks would have traversed the river if the locks had not been there?

Mr. BURTON. There are no statistics available to aid in answering that question.

Mr. NORRIS. The locks certainly would not assist in the logging operations.

Mr. BURTON. No.

Mr. NORRIS. In fact, they would be an obstacle, would they not?

Mr. BURTON. They would. It seems that a few logs did go through, however—45 tons of logs and 242 tons of lumber.

Mr. NORRIS. The people that have the logs could not help but take them through. They could not help it if they wanted to get them down.

Mr. BURTON. If the locks were not there, naturally they could take them through the open river, and that would be the proper place for them.

Mr. NORRIS. I wanted to find out whether it would not be cheaper for the Government in some of these instances, instead of paying the necessary operating expenses, to buy out and out the material that is taken through them and donate it to the people who are using it.

Mr. BURTON. On that subject the figures here show that the total value of all the traffic that was carried through in that year was $449,857. The interest on the cost and the cost of operating would be $230,000 and a little more; so that it appears that the actual cost there to the Government is about half the total value of all the traffic that went through the canal.

Mr. NORRIS. But the Senator includes in his figures a great deal of material that would have gone through without the locks.

Mr. BURTON. That would have gone down the river, of course, but under rather unfavorable circumstances.

Mr. NORRIS. That is not the case as to some of them, I should think. For instance, the Senator includes in that statement 45 tons of logs and 242 tons of lumber.

Mr. BURTON. Yes. That, however, is only a comparatively small traffic.

Mr. NORRIS. Yes; but those logs were only obstructed by having a lock there, rather than the traffic being facilitated. In other words, would we not be under some obligation, in case we built locks all along this stream, to pay damages to the men who are engaged in the log business, because it interferes with their traffic?

Mr. BURTON. I hardly think so, although some claims quite as irrational as that have been made in connection with river improvements. In places where enormous expenditures were made in the neighborhood and the greatest benefits conferred the most unreasonable demands have been made for the payment of alleged damages.

While I have the page before me and we are on this canal I want to show the decrease in this traffic through Muscle Shoals Canal.

Mr. KENYON. Which canal are we on now?

Mr. BURTON. The Muscle Shoals Canal. I think I called attention to this matter in a report in 1910. The years for which statistics were available then made a much better showing than now. In the last 10 years the traffic here reached its maximum in tonnage in the year 1906, when 26,878 tons, of a value of $1,074,000, were carried through these locks. In 1907 it fell to 21,100 tons; in 1908 it was 12,537 tons; in 1909 it increased a little to 17,353 tons; in 1910 it fell off to 8,782 tons; in 1911 it increased to 8,962 tons; in 1912 it fell to 5,520 tons. Now, there is an illustration of the progress of river traffic and the probable benefit of building these locks and dams. The series of locks and dams that carried the 26,000 tons in 1906 has shown an almost steady decline, and carried only 5,520 tons in 1912.

Mr. NORRIS. Has the Senator any statistics as to the tonnage prior to the construction of these locks?

Mr. BURTON. I do not think the figures are available. I do not think there are any before 1890. Of course there was a certain amount of open-river navigation. This canal was commenced by the State of Alabama years and years ago, and is at the most trying spot in the river.

Now, coming to the Colbert and Bee Tree Shoals Canal, which is down there at the end of this middle section, that cost $2,313,000, as I recall the figures. I am not sure but that there is some further expense to be incurred upon that. In order that I may be entirely accurate I will turn to it so that I may have it before me.

Mr. NORRIS. Is that the Colbert Shoals Canal?

Mr. BURTON. Yes; the Colbert and Bee Tree Shoals Canal in the Tennessee River. I think it is indexed here under the head of the Tennessee.

Mr. NORRIS. The Senator will find something about that on the very next page to the one from which he has been reading.

Mr. BURTON. That is a very interesting lesson, which I think should be brought home to those who are affected by this craze for building locks and dams. It practically extends the open-river section, the best navigable section of the Tennessee River, upstream at least 8 miles and gives better access to two rather prominent manufacturing towns, Florence and Sheffield. Now, what went through that canal? Thirty-one thousand nine hundred and forty-three tons. Let us see what it consists of: Cotton, 81 tons; cotton seed, 29 tons; grain, 160 tons; live stock, large, 1 ton. The probability is that that was some beast of burden, probably a mule, carried up and down. It was put down here as if there were no humor about it. On this canal that cost $2,313,000 one animal, presumably a mule, passed both ways in the course of a year.

Mr. NORRIS. I think the Senator ought not to jump at that conclusion, because it was probably some animal which was crippled and could not walk, and they had to haul it.

Mr. THOMAS. May I inquire if that animal was going both ways at the same time?

Mr. BURTON. I think that is the most natural conjecture.

The PRESIDENT pro tempore. The morning hour having expired, the Chair lays before the Senate the unfinished business, which will be stated.

The SECRETARY. A bill (H. R. 15613) to create an interstate trade commission, to define its powers and duties, and for other purposes.

FRANCES OWEN LURTON.

Mr. SHIELDS. Out of order, I offer a concurrent resolution and ask that it be considered.

The PRESIDENT pro tempore. That can only be done by unanimous consent. Is there objection? The Chair hears none, and the Secretary will read the concurrent resolution.

The Secretary read the concurrent resolution (S. Con. Res. 29), as follows:

Resolved by the Senate (the House of Representatives concurring), That the committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 17824) making appropriations to supply deficiencies in appropriations for the fiscal year 1914 and for prior years, and for other purposes, be, and the same is hereby, authorized to insert under the head "Department of Justice, miscellaneous objects," the following item: "To pay to Frances Owen Lurton, widow of Horace Harmon Lurton, late a justice of the Supreme Court of the United States, $14,500."

The PRESIDENT pro tempore. The Senator from Tennessee asks unanimous consent for the present consideration of the concurrent resolution. Is there objection?

Mr. SMOOT. The resolution was just offered?

The PRESIDENT pro tempore. It was just offered by the Senator from Tennessee [Mr. SHIELDS].

Mr. SMOOT. Is it a Senate resolution or a joint resolution?

The PRESIDENT pro tempore. It is a concurrent resolution. The Chair hears no objection, and the resolution is before the Senate by unanimous consent. The question is on the adoption of the concurrent resolution.

The concurrent resolution was agreed to.

DEFICIENCY APPROPRIATIONS.

The PRESIDENT pro tempore laid before the Senate the action of the House of Representatives disagreeing to the amendments of the Senate to the bill (H. R. 17824) making appropriations to supply deficiencies in appropriations for the fiscal year 1914 and for prior years, and for other purposes, and requesting a conference with the Senate on the disagreeing votes of the two Houses thereon.

Mr. MARTIN of Virginia. I move that the Senate insist upon its amendments and agree to the conference asked for by the House, the conferees to be appointed by the Chair.

The motion was agreed to; and the President pro tempore appointed Mr. MARTIN of Virginia, Mr. BRYAN, and Mr. GALLINGER conferees on the part of the Senate.

FEDERAL TRADE COMMISSION.

Mr. SIMMONS. Has the unfinished business been laid before the Senate?

The PRESIDENT pro tempore. The unfinished business has been laid before the Senate.

Mr. SIMMONS. I ask unanimous consent that the unfinished business be temporarily laid aside.

The PRESIDENT pro tempore. The Senator from North Carolina asks unanimous consent that the unfinished business be temporarily laid aside. Is there objection?

Mr. KENYON. I object.

Mr. LEWIS. Mr. President, a parliamentary inquiry. Is not the unfinished business the bill for the establishment of a trade commission?

Mr. SIMMONS. Yes.

Mr. LEWIS. I ask the Senator from North Carolina what particular purpose there is in asking to lay it aside?

Mr. SIMMONS. The Senator from Nevada [Mr. NEWLANDS] stated this morning that he would not proceed with it to-day.

Mr. BORAH. I wish to ask the Senator from North Carolina, and I do it in perfect good faith, why it is necessary to lay this bill aside? I did not understand what the Senator said.

Mr. SIMMONS. I desire to lay it aside in order that we may go on with the river and harbor bill.

Mr. BORAH. Are we not ready to go ahead with the trade commission bill?

Mr. SIMMONS. The Senator from Nevada [Mr. NEWLANDS] made a statement to the Senate this morning in which he said that he would not be ready to proceed with the consideration of the trade commission bill to-day.

Mr. BORAH. Mr. President, I am not in favor of the trade commission bill in its present form, and I do not propose to vote for it, and I am not going to object to-day if the Senator from Nevada made that statement; but for one I shall have to insist after to-day that the trade commission bill be kept before the Senate until it is disposed of. The mere fact that I am opposed to the bill is no reason why I should not be in favor of having it disposed of. I think it is of supreme importance that it should be disposed of. In the absence of the Senator from Nevada this is all I shall say, but to-morrow I shall object to the bill being laid aside.

Mr. LEWIS. Mr. President, may I be permitted, if I may be indulged by the Senator from North Carolina, to say that I am on the subcommittee having much to do with the physical and mechanical arrangement of the bill. I myself feel the same solicitude and anxiety to have the bill proceeded with and concluded, but as I was not in the Chamber this morning, owing to illness the last few days, since the Senator from Nevada, the chairman, has asserted the desire not to go on with the bill and must have some reason for that, I do not believe I have a right to put my views in contrast with his own nor in conflict with his knowledge. For that reason, therefore, I do not urge that the bill be proceeded with to-day.

Mr. SIMMONS. The Senator from Nevada, as I remember, stated that the Interstate Commerce Committee at a meeting this morning desired that he should not press the bill to-day.

Mr. SMITH of Michigan. If the Senator from North Carolina will yield to me for a moment, I should like to ask unanimous consent that the so-called trade commission bill be indefinitely postponed.

Mr. SIMMONS. Oh, Mr. President, I insist upon the request I made.

The PRESIDENT pro tempore. The Senator from North Carolina asks unanimous consent that the unfinished business be temporarily laid aside. The Senator from Iowa objects. What does the Senator from North Carolina propose?

RIVER AND HARBOR APPROPRIATIONS.

Mr. SIMMONS. I move that the Senate proceed to the consideration of House bill 13811, the river and harbor appropriation bill.

Mr. KENYON. On that I ask for the yeas and nays.

The yeas and nays were ordered, and the Secretary proceeded to call the roll.

Mr. CHAMBERLAIN (when his name was called). I have a general pair with the junior Senator from Pennsylvania [Mr. OLIVER], which I transfer to the junior Senator from Indiana [Mr. KERN] and vote "yea."

Mr. SIMMONS (when his name was called). I have a general pair with the junior Senator from Minnesota [Mr. CLAPP]. I transfer that pair to the junior Senator from South Carolina [Mr. SMITH] and vote "yea."

Mr. SMITH of Georgia (when his name was called). This morning I made a transfer of my pair with the senior Senator from Massachusetts [Mr. LODGE] to the junior Senator from Georgia [Mr. WEST]. I wish that transfer to remain for the day, unless the junior Senator from Georgia should come in. I vote "yea."

Mr. SMITH of Maryland (when his name was called). I have a pair with the senior Senator from Vermont [Mr. DILLINGHAM], which I transfer to the senior Senator from Indiana [Mr. SHIVELY] and vote "yea."

Mr. THOMAS (when his name was called). I again announce my pair with the senior Senator from New York [Mr. ROOT] and withhold my vote.

The roll call was concluded.

Mr. CATRON. I transfer my pair with the Senator from Oklahoma [Mr. OWEN] to the Senator from Illinois [Mr. SHERMAN] and vote "yea."

Mr. TOWNSEND. I transfer my general pair with the junior Senator from Arkansas [Mr. ROBINSON] to the junior Senator from Washington [Mr. POINDEXTER] and vote "yea."

Mr. CHILTON. I have a general pair with the Senator from New Mexico [Mr. FALL], which I transfer to the Senator from Ohio [Mr. POMERENE] and vote "yea" reluctantly.

Mr. NEWLANDS. I wish to announce that the senior Senator from Iowa [Mr. CUMMINS] and the junior Senator from Delaware [Mr. SAULSBURY] are paired on this question.

Mr. POINDEXTER entered the Chamber and voted "yea."

Mr. TOWNSEND (after having voted in the affirmative). I transferred my pair to the junior Senator from Washington [Mr. POINDEXTER]. I will now transfer it to the junior Senator from South Dakota [Mr. STERLING] and allow my vote to stand.

The result was announced—yeas 42, nays 10, not voting 44, as follows:

YEAS—42.

Bankhead	Jones	Pittman	Swanson
Brandegee	Lane	Poindexter	Thompson
Bryan	Lewis	Ransdell	Thornton
Camden	Lippitt	Shafroth	Tillman
Catron	Martin, Va.	Sheppard	Townsend
Chamberlain	Martine, N. J.	Shields	Vardaman
Chilton	Nelson	Simmons	Weeks
Clarke, Ark.	Newlands	Smith, Ariz.	White
Goff	Overman	Smith, Ga.	Works
Hughes	Page	Smith, Md.	
Johnson	Perkins	Smith, Mich.	

NAYS—10.

Borah	Gallinger	McCumber	Smoot
Brady	Gronna	Myers	
Bristow	Kenyon	Norris	

NOT VOTING—44.

Ashurst	Fall	McLean	Shively
Burleigh	Fletcher	O'Gorman	Smith, S. C.
Burton	Gore	Oliver	Stephenson
Clapp	Hitchcock	Owen	Sterling
Clark, Wyo.	Hollis	Penrose	Stone
Colt	James	Pomerene	Sutherland
Crawford	Kern	Reed	Thomas
Culberson	La Follette	Robinson	Walsh
Cummins	Lea, Tenn.	Root	Warren
Dillingham	Lee, Md.	Saulsbury	West
du Pont	Lodge	Sherman	Williams

So the motion was agreed to; and the Senate, as in Committee of the Whole, resumed the consideration of the bill (H. R. 13811) making appropriations for the construction, repair, and preservation of certain public works on rivers and harbors, and for other purposes.

The PRESIDING OFFICER (Mr. THORNTON in the chair). The Senator from Ohio will proceed.

Mr. BURTON. Mr. President, before the morning hour had closed I was seeking, in response to some inquiries from the Senator from Nebraska [Mr. NORRIS], to analyze the traffic of the Colbert Shoals Canal, Alabama, first opened about November, 1911, constructed at a cost of $2,313,000 and conducted for the first fiscal year of its operation at a cost of $34,500. I had reached the item of live stock, large, 1 ton. It is open to conjecture what that live stock was. Other farm products, 115 tons; fertilizer, 209 tons; flour, 142 tons; logs, 250 tons; lumber, 40 tons; ties, 30,518 tons; other timber products, 4 tons; general merchandise, 329 tons; machinery, 10 tons; miscellaneous, 55 tons.

If you take out those ties, which certainly might be floated in the main river, and which do not need any elaborate canal and locks, about 1,000 tons of freight are carried through this $2,000,000 canal with its lock and dam.

Mr. NORRIS. Mr. President——

The PRESIDING OFFICER. Does the Senator from Ohio yield to the Senator from Nebraska?

Mr. BURTON. I yield.

Mr. NORRIS. I have made a computation here, and I will give it to the Senator if he wants it.

Mr. BURTON. Certainly.

Mr. NORRIS. It is the exact amount, taking out the ties and logs. There is no reason why ties and logs should need a $2,000,000 lock to go down the river. That will leave $93,592, the value of the traffic, taking out those two items.

Mr. BURTON. No; about a thousand tons.

Mr. NORRIS. Yes; 1,175 tons. Without counting any interest on the investment, but simply the maintenance, it makes the cost to the Government between $29 and $30 a ton.

Mr. BURTON. Yes.

Mr. NORRIS. Now, I want to ask the Senator what was the cost of the plant?

Mr. BURTON. Two million three hundred and thirteen thousand dollars.

Mr. NORRIS. Of course, to be accurate, there ought to be interest computed on the investment.

Mr. BURTON. Four per cent is the natural rate, which would be $92,000.

Mr. NORRIS. Of course that would very greatly increase the amount.

Mr. BURTON. In computations made by statisticians and publicists in France in the consideration of this and similar questions 4 per cent is the rate adopted. By general consent among those who have discussed the subject it does not seem fair to make the rate per cent quite as low as the rate of interest paid on Government bonds.

Notwithstanding the showing made, preliminary steps have been taken to build two more locks and dams in that river, one above Chattanooga, at a cost of $1,600,000, and the other between Chattanooga and this improvement, at an expense of a little more than $1,000,000.

Mr. KENYON. Mr. President——

Mr. BURTON. I can not understand how this Congress has allowed these projects to pass unnoticed. I yield to the Senator from Iowa.

Mr. KENYON. I was going to say to the Senator from Nebraska, who has estimated the cost of freight carried on that part of the river, that according to the minority report the cost of freight carried through the Muscle Shoals Canal was $41.76 per ton.

Mr. BURTON. That is, all kinds of freight.

Mr. KENYON. That is a very high price to pay.

Mr. BURTON. As I said a few minutes ago, it could be shipped by rail to the seacoast and to the remotest part of the globe and brought back again for that. I do not want to go searching for every coast, but the general statement is not at all exaggerated—that you can ship it to the remotest commercial port in the world and back for that cost.

Mr. NORRIS. I have made here a hurried calculation since the Senator has given me the figures. I did not take the entire cost. I lumped it off into millions, and I find that, excluding railroad ties and logs, it has cost the Government between $98 and $100 for every ton of freight taken through those locks.

Mr. BURTON. I have no doubt of it.

Mr. NORRIS. That is, counting 4 per cent interest on the investment.

Mr. BURTON. That is, interest and cost of maintenance, about $126,000, and about 1,175 tons, exclusive of ties and logs, were carried.

Mr. NORRIS. In round numbers, it makes it $100 a ton that the Government has paid during the last year to carry that freight.

Mr. BURTON. Still, there is more to follow.

Mr. GALLINGER. To carry a ton of logs?

Mr. NORRIS. No; leaving out logs and ties. It costs $100 a ton to carry one animal named here.

Mr. KENYON. Was that animal worth $100? Is there anything to show the value of the ton? In other words, the point made by the Senator from Nebraska is that it costs more than the property is worth?

Mr. NORRIS. Yes; it does. If the Senator from Ohio will permit me, I will give the value.

Mr. KENYON. Of this one animal?

Mr. NORRIS. The value of that one ton of animal was $135, and the value of the entire traffic, excluding logs and railroad ties, is $93,592.

Mr. BURTON. And the cost, with interest and operation, is about $30,000 more.

Mr. NORRIS. Something over $114,000. So the Government could have purchased all this material that was carried through there and donated it to the people and still would have been $10,000 or $15,000 to the good.

Mr. GALLINGER. And that does not include the original cost of the investment.

Mr. NORRIS. That includes interest on the original cost.

Mr. GALLINGER. But not the cost of the improvement.

Mr. NORRIS. No; it does not include the cost of the improvement.

Mr. GALLINGER. That would amount to a million or more dollars.

Mr. BURTON. Such a showing as that is simply startling. Take out the material carried through the canal which could have been carried through with the utmost ease and perhaps with a greater degree of convenience without the construction of this canal and lock, and the interest on the cost and the expense of maintenance are more than the total value of all that was carried through by some tens of thousands of dollars.

There are some minutes from which I thought to quote on the cost per ton.

Mr. NORRIS. Will the Senator permit one question before he leaves that subject? I think it ought to appear in connection with the figures that I have, with the Senator's permission, placed in the RECORD about the Government paying more for the operation of this lock than the traffic and the freight that goes through it is worth. How long has that lock been in operation?

Mr. BURTON. Only a year.

Mr. NORRIS. Is this the first year of its operation?

Mr. BURTON. Since about the beginning of 1912. I have sought, by correspondence and otherwise, to see if I could not get the statistics for the year 1913, but I have been unable to obtain them. Those given are for the first year of its operation. But you would suppose, if there was really an active and vigorous disposition to prosecute that traffic, that freight would be waiting until it was first opened. It may be that figures will be presented here showing a very material increase over those I have presented. I have given the Senate the latest figures available, and the only figures available.

Mr. NORRIS. The figures, however, on the other lock of this same river show that there has been a continual decrease from the opening down to the present time.

Mr. BURTON. Certainly.

Mr. NORRIS. In other words, where it has been in operation for several years, the decrease has continued right along from the opening of the lock to the present time.

Mr. BURTON. At least for the last 10 years. Also there has been a decrease in the traffic.

SUNDRY CIVIL APPROPRIATIONS.

Mr. MARTIN of Virginia submitted the following report:

The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 17041) making appropriations for sundry civil expenses of the Government for the fiscal year ending June 30, 1915, and for other purposes, having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

That the Senate recede from its amendments numbered 5, 9, 10, 12, 22, 27, 28, 29, 34, 37, 38, 39, 52, 54, 64, 69, 71, 72, 73, 74, 75, 76, 77, 79, 81, 83, 87, 88, 90, 93, 95, 101, 102, 115, 116, 117, 118, 120, 122, 123, 124, 125, 126, 128, 130, 133, 134, 136, 143, 144, 147, 156, 158, 160, 161, and 162.

That the House recede from its disagreement to the amendments of the Senate numbered 1, 3, 21, 23, 24, 25, 26, 31, 41, 42, 43, 48, 50, 51, 53, 56, 60, 61, 62, 63, 65, 66, 68, 70, 78, 82, 84, 85, 86, 94, 96, 97, 98, 99, 100, 105, 106, 108, 111, 112, 113, 114, 119,

121, 127, 131, 132, 135, 139, 140, 148, 150, 151, 153, 154, 155, and 159, and agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 2, and agree to the same with an amendment as follows: In lieu of the matter inserted by said amendment insert the following:

"Jellico, Tenn., post office: For commencement, $40,000."

And the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 4, and agree to the same with an amendment as follows: In lieu of the matter inserted by said amendment insert the following:

"Norton, Va., post office: For site and commencement, $50,000."

And the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 6, and agree to the same with an amendment as follows: In lieu of the matter inserted by said amendment insert the following:

"Prescott, Ariz., post office: For site, $7,500."

And the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 7, and agree to the same with an amendment as follows: In lieu of the matter inserted by said amendment insert the following:

"Sylacauga, Ala., post office: For site, $5,000."

And the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 8, and agree to the same with an amendment as follows: Strike out, in lines 6 and 7 of said amendment, the following words: "without regard to civil-service laws, rules, or regulations"; and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 11, and agree to the same with an amendment as follows: In lieu of the matter inserted by said amendment insert, on page 7 of the bill, after line 20, the following:

"Fairbanks, Alaska: For the purchase, at a price not in excess of $15,000, of that portion of the block whereon the United States courthouse and jail now stand, in the city of Fairbanks, Alaska, not now owned by the United States, $15,000."

And the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 13, and agree to the same with an amendment as follows: In lieu of the matter inserted by said amendment insert, on page 1 of the bill, after line 15, the following:

"Albertville, Ala., post office: For site, $5,000."

And the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 14, and agree to the same with an amendment as follows: In lieu of the matter inserted by said amendment insert, on page 2 of the bill, after line 11, the following:

"Attalla, Ala., post office: For site, $5,000."

And the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 15, and agree to the same with an amendment as follows: In lieu of the matter inserted by said amendment insert, on page 2 of the bill, after line 24, the following:

"Beaufort, S. C., post office and customhouse: For site, $5,000."

And the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 16, and agree to the same with an amendment as follows: In lieu of the matter inserted by said amendment insert, on page 6 of the bill, after line 18, the following:

"Decatur, Ala., post office: For site, $6,500."

And the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 17, and agree to the same with an amendment as follows: In lieu of the matter inserted by said amendment insert, on page 9 of the bill, after line 4, the following:

"Glenwood, Iowa, post office: For site, $5,000."

And the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 18, and agree to the same with an amendment as follows: In lieu of the matter inserted by said amendment insert, on page 11 of the bill, after line 3, the following:

"Lancaster, Pa., post office: For site, $138,278.78."

And the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 19, and agree to the same with an amendment as follows: In lieu of the matter inserted by said amendment insert, on page 11 of the bill, after line 5, the following:

"Lenoir, N. C., post office: For site, $7,000."

And the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 20, and agree to the same with an amendment as follows: In lieu of the matter inserted by said amendment insert, on page 16 of the bill, after line 8, the following:

"Rossville, Ga., post office: For site, $5,000."

And the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 30, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$445,000"; and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 32, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$2,650,000"; and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 33, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$850,000"; and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 35, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$2,100,000"; and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 36, and agree to the same with an amendment as follows: At the end of the matter inserted by said amendment insert the following: "; and authority is hereby given to contract for the construction of said revenue cutters within the limit of cost heretofore fixed for each of them"; and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 40, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$175,000"; and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 46, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$679,858"; and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 47, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$502,606"; and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 49, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$1,942,964"; and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 55, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$88,000"; and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 57, and agree to the same with an amendment as follows: In lieu of the sum named in said amendment insert "$1,000"; and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 58, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$4,900"; and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 59, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$3,266.67"; and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 67, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$85,000"; and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 80, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$340,000"; and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 89, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$1,305,520"; and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 103, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$17,000"; and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 104, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$485,000"; and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 107, and agree to the same with an amendment as follows: In lieu of the matter inserted by said amendment insert the following: "Except the justices of the Supreme Court of the United States, the salaries of judges retired under section 714 of the Revised Statutes, and the judges, officials, and employees of all courts whose sessions are held in the District of Columbia, whose salaries shall be paid through the disbursing officer of the Department of Justice as hitherto provided"; and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 109, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$350,000"; and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 110, and agree to the same with an amendment as follows: In lieu of the matter inserted by said amendment insert the following:

"All acts and parts of acts authorizing the clerks of the United States district courts in and for the States of Oregon, Montana, and Washington, respectively, to charge and collect double the fees provided in section 828 of the Revised Statutes of the United States, and all acts authorizing United States marshals in and for said States, respectively, to receive and collect double the fees provided by section 829 of the Revised Statutes of the United States, are hereby repealed, to take effect from and after January 1, 1915: *Provided*, That no clerk of the United States district courts in and for said States shall be allowed by the Attorney General to retain of the fees and emoluments of his office, for his personal compensation, over and above his necessary office expenses, including the necessary clerk hire, to be audited and allowed by the proper accounting officers of the Treasury, a sum exceeding $3,500 per year, to take effect from and after January 1, 1915: *Provided further*, That nothing herein shall operate to reduce the fees that the clerks of the United States district courts and United States marshals in any State other than those mentioned herein have heretofore been authorized to charge and collect."

And the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 129, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$204,420"; and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 137, and agree to the same with an amendment as follows: In lieu of the matter inserted by said amendment insert the following:

"Alaska fishery service, vessels and boats: For construction or purchase of vessels and boats in connection with the enforcement of the laws and regulations for the protection of the fisheries and fur-bearing animals of Alaska, $50,000."

And the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 141, and agree to the same with an amendment as follows: In line 3 of the matter inserted by said amendment omit the following: "to be available until expended"; and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 142, and agree to the same with an amendment as follows: In line 2 of the matter inserted by said amendment omit the following: "to be available until expended"; and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 149, and agree to the same with an amendment as follows: In lieu of the matter inserted by said amendment insert the following:

"MACDONOUGH MEMORIAL.

"For the erection of memorials at or near Plattsburg, N. Y., in commemoration of the victory of Commodore Thomas Macdonough on Lake Champlain in September, 1814, in accordance with plans to be approved by the Secretary of War and commissions to be appointed by the States of Vermont and New York, respectively, to be expended by the Secretary of War, $15,000 toward the memorial of the State of Vermont and $125,000 toward the memorial of the State of New York; in all $140,000: *Provided*, That no part of the said appropriation shall be paid out of the Treasury until after the State of New York shall have appropriated a sum not less than $125,000 for its said memorial and celebration."

And the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 152, and agree to the same with an amendment as follows: In lines 9, 10, and 11 of the matter inserted by said amendment strike out the following: " : *Provided*, That the work herein authorized shall be completed on or before January 1, 1915"; and the Senate agree to the same.

That the Senate recede from its disagreement to the amendment of the House to the amendment of the Senate numbered 163; and agree to the same.

The committee of conference have been unable to agree on the amendments of the Senate numbered 44, 45, 91, 92, 138, 145, and 146.

THOMAS S. MARTIN,
LEE S. OVERMAN,
GEO. C. PERKINS,
Managers on the part of the Senate.

JOHN J. FITZGERALD,
SWAGAR SHERLEY,
FREDK. H. GILLETT,
Managers on the part of the House.

Mr. MARTIN of Virginia. I move that the report be adopted.

Mr. SMOOT. Will the Senator from Virginia yield to me for a suggestion?

The PRESIDING OFFICER. Does the Senator from Virginia yield to the Senator from Utah?

Mr. MARTIN of Virginia. Yes.

Mr. SMOOT. Will the Senator from Virginia kindly give the Senate an intimation as to the numbers of the amendments which have not been agreed to, and to what they relate?

Mr. MARTIN of Virginia. The items in disagreement, I think, are only six. One is in respect to establishing two new customs districts, one in Florida and one at Kansas City, Mo.; another is the item relative to the drainage system for the Hot Springs Reservation; another is the appropriation for the Glacier National Park; another is the provision relative to the Utah fish station; another is the item for the Panama-Pacific Exposition, and providing for a building to house the Government exhibit; another is in reference to permitting the Red Cross to exhibit articles in connection with the Government departments and bureaus at the Panama-Pacific Exposition. Those are the only items which remain in disagreement between the two Houses.

Mr. SMOOT. I presume the Red Cross item to which the Senator refers is the one appropriating $8,000?

Mr. MARTIN of Virginia. Not at all. I do not think it carried any appropriation. I may say that, in my opinion, there is no serious difficulty about that amendment, and I think the matter will be worked out all right.

Mr. SMOOT. The appropriation is not direct; but, in offering the amendment, I understood that the Auditor of the Treasury Department held that no money which had been appropriated could be expended for the exhibit to be made by the Red Cross.

Mr. MARTIN of Virginia. A ruling was handed down that the Red Cross was not a department of the Government and could not participate in the exposition as one of the Government departments. The amendment referred to simply admits the Red Cross on the same plane as the Government departments.

Mr. SMOOT. Yes; that was the idea I had in offering the amendment. I trust the amendment will be retained in the bill.

The PRESIDING OFFICER. The question is on agreeing to the conference report.

Mr. JONES. Mr. President, I should like very much to have the report go over until to-morrow and be printed. I have no idea what has been done by the conferees.

Mr. MARTIN of Virginia. I presume the Senator may insist on that course, though I hope he will not do so. It is very important to get the appropriation bills behind us. If there is any item about which the Senator desires information, I think I am able to furnish it to him.

Mr. JONES. Can the Senator from Virginia tell me what has been done with reference to the item for ocean surveys along the Pacific coast under the Coast and Geodetic Survey? It is amendment No. 122, increasing from $165,000 to $225,000 the appropriation for the ocean surveys and resurveys under the Coast and Geodetic Survey.

Mr. MARTIN of Virginia. I will say to the Senator that we found it impossible to have that amendment retained in the bill. The House conferees were very positive about the matter, and, finding it impossible to have it retained, the Senate conferees receded.

Mr. JONES. I think I shall have to ask to have the report go over until to-morrow. The amendment to which I refer is a

very important matter. There are also other amendments in which I am interested and concerning which I desire to secure information.

Mr. MARTIN of Virginia. What good will be accomplished by having the report go over? The Senator from Washington can deal with the matter now as easily as he can do so to-morrow.

Mr. JONES. I hope to convince the Senate that we ought not to yield on so important a matter, and there are other important amendments that should be retained.

Mr. MARTIN of Virginia. The Senator from Washington can hardly think that we ought to delay the disposition of an appropriation bill that carries $112,000,000 for a matter of that sort when we have exhausted every effort that we could possibly put forth to have the amendment retained in the bill, but without success. We can not legislate through one branch of Congress alone; it takes both united to do that.

Mr. JONES. That is true; I recognize that; yet this is a matter of very great importance, touching both life and property. There are other matters also in the bill which I wish to examine. I think I shall have to ask that the report go over until to-morrow. The report has not yet been printed.

Mr. MARTIN of Virginia. Let us call for a quorum and dispose of this report. Why take it over until to-morrow? These appropriations are needed, and the session is far in advance of the time when these matters should have been disposed of.

Mr. JONES. I know that; but we have passed a joint resolution extending the appropriations until the 1st of August, so that we have until that time to take care of this matter, as I understand. There are several other amendments in which I am interested, and I have not had a chance to see whether they have been agreed to or rejected.

Mr. MARTIN of Virginia. I can advise the Senator as to the status of any amendment in which he is interested. I can assure him that we have made as earnest an effort as possible to have the amendment retained, but we could not compel the other House to do that which it was unwilling to do.

Mr. JONES. I do not question that the Senator and his colleagues on the committee have done their duty in this matter; neither do I question that if the Senate should be dissatisfied with the conference report and should insist on a further conference that the Senator from Virginia would do his best in the matter. I do not think the Senator ought to insist upon the disposition of the conference report merely upon its reading and presentation to the Senate, without any Senator having an opportunity to see what is in the report. A great many of the amendments have been agreed to with an amendment about which the Senate knows nothing.

Mr. MARTIN of Virginia. The House appropriated $165,000 for this purpose. The Senate amendment, which, I think, was offered by the Senator from Washington, only increased that sum to $225,000. So $165,000 is still left available for this purpose.

Mr. JONES. That is true as to this particular matter; yet this is a proposition which was strenuously urged by the Secretary of Commerce.

Mr. MARTIN of Virginia. It was urged just as strenuously by the conferees on the part of the Senate. The Senator from Washington can not possibly gain anything by delaying action on the conference report. Of course, if the Senator objects, the report will have to go over until to-morrow, but I can assure him he will not gain anything by it. It is impossible for him, I think, ever to convince the Senate that when the House has given $165,000 for this purpose the simple refusal of the other House to increase that sum to $225,000 should tie up this bill.

Mr. JONES. That may be true, Mr. President, but I feel——

Mr. MARTIN of Virginia. Of course, the Senator from Washington has the power to delay the adoption of the report if he chooses to exercise it, and the matter may go over until to-morrow.

Mr. JONES. I feel I ought to ask that the report go over until to-morrow.

Mr. MARTIN of Virginia. The Senator from Washington will not gain any benefit by the course he has taken.

The PRESIDING OFFICER. The Chair understands the Senator from Virginia to withdraw his motion to have the Senate agree to the conference report?

Mr. MARTIN of Virginia. Yes; I will withdraw the motion, and let the report go over until to-morrow.

The PRESIDING OFFICER. The conference report will go over.

Mr. MARTIN of Virginia subsequently said: Mr. President, I feel very unwilling to antagonize the wishes of the Senator from Washington, but upon full consideration of the matter I think it is my duty to move that the conference report on the sundry civil appropriation bill be adopted. We can dispose of it at this time as easily as we can do so to-morrow.

Mr. JONES. I am not familiar enough with the rules to know whether or not an objection would take the conference report over; but I was just thinking when the Senator from Virginia arose that when I have had an opportunity to look over these items I might consent, later in the afternoon, to the report being taken up. I wish the Senator from Virginia, at any rate, would withhold his motion until a little later in the afternoon, until I have an opportunity to look over some of the amendments in which I am interested. I am not going to antagonize the conference report unless I feel that I should do so.

Mr. MARTIN of Virginia. The Senator, then, merely wishes a little time to look over the report?

Mr. JONES. Yes.

Mr. MARTIN of Virginia. Then I will not press the motion for its consideration now, but after a brief interval I will renew the motion for its consideration.

RIVER AND HARBOR APPROPRIATIONS.

The Senate, as in Committee of the Whole, resumed the consideration of the bill (H. R. 13811) making appropriations for the construction, repair, and preservation of certain public works on rivers and harbors, and for other purposes.

Mr. BURTON. Mr. President, there are excellent reasons for a very careful consideration of the relative cost of transportation by rail and by inland rivers. Such a comparison has been made in Germany and in France, and some progress has been made upon it, but it is exceedingly difficult to put the one against the other, because the factors which enter into the complex subject of transportation are so different in the two cases. In the case of the railway, as compared with transportation by water, there is presumably a more perfect collection from the producer and a better delivery to the consumer, because the railway can run its switches and branches to the warehouses of its customers. Then, again there is a very considerable amount of difference in the degree of insurance given. The railway is an insurer; the waterway is not. For this reason I am especially anxious that the figures given here year by year should show the rate per ton per mile.

While I have been discussing this subject my eyes have chanced on the figures for the upper stretch of the Tennessee River. The average rate per ton-mile there is 3½ cents for a great variety of freight, some of it quite coarse. That is found on page 2493 of the Engineers' Report. That is more than four times as great as the average rate on railway freight, that rate being about three-fourths of a cent. Of course the distances in this instance are comparatively short—only 19 miles; so that no conclusive inference can be derived from these figures; but so far as they do have significance they tend to show that transportation by river in many cases, without counting in the cost of its improvement or maintenance, is quite as expensive as it is by rail.

Another point in the furnishing of statistics which is altogether desirable is that they should be given in a distinctive place, either in a separate book or in an appendix to the reports. As it now is, one searching for information must find first the project, and then he must turn over some pages to that portion of the report which pertains to traffic statistics. There is no opportunity to place them side by side and compare them, and, save in a few instances, there are no figures given for consecutive years. The general tonnage or general aggregate for each project is given in the first volume, and in the second volume statistics are given for particular commodities. All this restricts the study of the subject by those who are willing to take a great deal of time to learn the system; indeed, it makes it almost useless to try to utilize the statistics that are afforded here, on account of the amount of labor required to analyze them. In giving consideration to this subject, as I have in the last six weeks, I have found that the greatest difficulty was to get together the figures and frame any generalizations from them.

The French system, as I showed by the book which I produced here the other day, is better. Under that system the figures are all included in one book. They attach such importance to them that a separate publication is devoted to them. I should say, in justice to our system and to our engineers, that in some respects the figures contained in our reports are better than those embodied in the reports of foreign countries. There is an advantage, in the first instance, in the financial statements in our reports. There is no Government which so clearly sets forth the original cost of each project and the cost of maintenance year by year as does our own. The total amount expended for every river and harbor annually is given not only

in the aggregate in the first volume but usually by years in the later volume, although in recent years it has been the custom to adopt a statement published by the War Department in 1902 and 1903 for appropriations down to and including the year 1902. In that year, by direction of Congress, an official document was printed which gives for every river and harbor the total amount included in river and harbor and other bills for each project from the very beginning. It is now the custom in the reports to include in one aggregate sum the amount appropriated down to and including 1902, and then to give the appropriation by years since that time.

There is also in our reports—and this is an element of excellence—a detailed statement of successive plans for the improvement of each project, and this is given annually; that is, if the first depth intended in a river or harbor was 10 feet, that date when that dimension was determined upon is given, and if at a later time an increased depth, say, 12 or 15 feet was decided upon by Congress that is also given, and the successive projects are set forth one after another. At times this is confusing. It is made especially confusing when the only statement of expense given is not for the whole improvement, but for the respective projects, and it is necessary to add together two, three, or even more in order to reach the sum total. Nevertheless, to give the separate projects in detail is a decided advantage which our reports have over those of other countries.

In the United States the characteristic feature of all the reports, and the river and harbor acts as well, is the separate attention given to each improvement. One reason for this is the care with which separate appropriations are made for different projects, amounting to three or four hundred, or even more, in each bill, including nearly 200 appropriations for maintenance alone. Mr. President, I think there is room for reform in this regard. I will read briefly from the pending river and harbor bill to illustrate this. On page 2, as the bill came from the House, lines 11 and 12 read:

Improving harbor at Burlington, Vt.: For maintenance and repair of breakwater, $2,000.

In lines 13 and 14 the following item is found:

Improving Narrows of Lake Champlain, N. Y. and Vt.: For maintenance, $5,000.

From the top of page 3, I read this item:

Improving harbor at Salem, Mass.: For maintenance, $7,500.

Also:

Improving harbor at Boston, Mass.: For maintenance, $200,000.

And on the following page, page 4, lines 21 and 22, I find the following:

Improving harbor at Fall River, Mass.: For maintenance, $12,000.

I read from page 5, lines 16 and 17, the following:

Improving harbor at Stonington, Conn.: For maintenance, $6,000.

Several classes of improvements are included in our river and harbor bills. These are represented by different phraseology in the language making the appropriations. If it is a finished improvement the mere words "for maintenance" are inserted; if it is an unfinished improvement, and Congress decides to prosecute that improvement further as well as to maintain it, the words "continuing improvement and for maintenance" are used. If it is a new project entirely, the words "improving harbor," or whatever it may be, "in accordance with the report submitted in House document numbered" so-and-so are used.

In cases in which there is no appropriation except for maintenance, in almost every instance the appropriation is the exact amount recommended by the Engineer Corps. What is the use of encumbering this bill by about 400 items for maintenance in sums ranging from a thousand dollars up to $400,000 or more when, in all except perhaps two or three cases, Congress follows absolutely the recommendation of the Engineer Corps? In the bill passed in 1909 there was an illustration of what might be done in this regard.

Mr. GALLINGER. Mr. President, will the Senator yield to me a moment?

The PRESIDENT pro tempore. Does the Senator from Ohio yield to the Senator from New Hampshire?

Mr. BURTON. Yes.

Mr. GALLINGER. Mr. President, it requires 49 Senators to make a quorum. I believe there are about 5 or 6 Senators in the Chamber. I suggest the absence of a quorum.

The PRESIDENT pro tempore. The Senator from New Hampshire suggests the absence of a quorum. Let the Secretary call the roll.

The Secretary called the roll, and the following Senators answered to their names.

Bankhead	Jones	Pittman	Swanson
Bryan	Lane	Poindexter	Thomas
Burton	Lee, Md.	Shafroth	Tillman
Camden	Lewis	Sheppard	Townsend
Chamberlain	McCumber	Simmons	Vardaman
Clarke, Ark.	Martin, Va.	Smith, Ariz.	Weeks
Gallinger	Martine, N. J.	Smith, Md.	White
Hughes	Nelson	Smoot	
Johnson	Page	Sterling	

The PRESIDENT pro tempore. Less than a quorum having answered to their names, the Secretary will call the names of absent Senators.

Mr. GALLINGER. May I inquire what number have responded to their names?

The PRESIDENT pro tempore. Thirty-four Senators have answered to their names.

The Secretary called the names of the absent Senators, and Mr. RANSDELL and Mr. THORNTON answered to their names.

Mr. ASHURST entered the Chamber and answered to his name.

The PRESIDENT pro tempore. Thirty-seven Senators having answered to their names, there is not a quorum present.

Mr. GALLINGER. I move that the Senate adjourn.

Mr. MARTIN of Virginia. Mr. President, I hope the Senator will not press that motion. I am anxious to have the appropriation bills advanced. If the Sergeant at Arms will notify absent Senators, there are enough in committee rooms to make a quorum, and we can at least make progress with the appropriation bills.

Mr. GALLINGER. Mr. President, if there is any hope of getting a quorum in a reasonable time, I shall not insist upon the motion; but it is a reproach that at this hour we should on the first roll call develop the presence of only 34 Senators. I withdraw the motion for the present.

Mr. OVERMAN, Mr. REED, Mr. SHIELDS, Mr. SMITH of Georgia, Mr. CULBERSON, Mr. CHILTON, and Mr. WALSH entered the Chamber and answered to their names.

Mr. REED. Mr. President, if it is in order—I am not certain that it is—I should like to make a statement.

The PRESIDENT pro tempore. The statement is in order, but no vote can be taken at this time.

Mr. REED. The reason the last four or five Senators who answered to their names were not here before was that they were busy on the Judiciary Committee.

Mr. MARTIN of Virginia. I move that the Sergeant at Arms be instructed to request the attendance of absent Senators.

The motion was agreed to.

The PRESIDENT pro tempore. The Sergeant at Arms will take notice of the order and execute it accordingly.

Mr. BRADY, Mr. MYERS, Mr. THOMPSON, Mr. POMERENE, and Mr. SAULSBURY entered the Chamber and answered to their names.

The VICE PRESIDENT. Forty-nine Senators have answered to the roll call. There is a quorum present.

Mr. MARTIN of Virginia. I move that the order directing the Sergeant at Arms to request the attendance of absent Senators be rescinded.

The motion was agreed to.

SUNDRY CIVIL APPROPRIATIONS.

Mr. MARTIN of Virginia. I move that the Senate proceed to the consideration of the conference report on the sundry civil appropriation bill.

The motion was agreed to; and the Senate proceeded to consider the report of the committee of conference on the disagreeing votes of the two Houses on the bill (H. R. 17041) making appropriations for sundry civil expenses of the Government for the fiscal year ending June 30, 1915, and for other purposes.

Mr. MARTIN of Virginia. I move the adoption of the report of the committee of conference.

Mr. JONES. Mr. President, before the report of the conferees is adopted I desire to say a word or two.

I have no doubt but that the Senator from Virginia and the other conferees did the very best they possibly could on these amendments. I regret, however, that they found it necessary to recede from quite a number of the amendments; for instance, one of $50,000 with reference to medical relief for Alaska, which the Senate put on. The Commissioner of Education sent a letter, I think, to different Senators—I know one came to me—showing the very great importance and necessity of an appropriation of that kind. I know we have had that matter up before the Senate several times, and the Senate has placed an appropriation on the bill for medical relief.

I think the treatment we are according to the natives of Alaska is really a shame and a disgrace to our people. As I understand from the report of the Commissioner of Education he has had to use some thirty or forty thousand dollars out of the regular appropriation made for educational purposes for medical relief and hospital service for the natives, and he was very anxious to have that appropriation increased, because the work that is imperatively needed there can not be done within the appropriation of $200,000 that was made in the House.

As I say, I have not any doubt but that the Senator from Virginia and the other conferees on the part of the Senate did all they could with reference to that matter; and I simply want to express my regret that the Congress apparently will not appropriate the amount of money we ought to appropriate to take care of those poor people in Alaska. I recognize the importance of economy. I think I am as strongly in favor of economy as any Senator; but I do not believe it is economy to mistreat and neglect the people in that country who are dependent upon us. We could really use much stronger language with reference to the matter than merely saying that we are neglecting them. We are neglecting them; we are treating them shamefully. We are allowing them to die of disease that we ought to assist them in getting rid of. They are practically helpless. They are dependent upon the Government, and yet we are absolutely neglecting them in the interest of economy. It is worse than neglect; it is almost a crime.

Mr. MARTIN of Virginia. Mr. President, if the Senator will let me interrupt him just for a word or two, I hope he will note that the bill carries $200,000 for the relief of the natives in Alaska.

Mr. JONES. For educational purposes; yes.

Mr. MARTIN of Virginia. Including the employment of physicians. It is really broad enough to include medical supplies. They can do almost anything for the relief of the native people in Alaska with that $200,000. While I thought this additional $50,000 should be appropriated for medical purposes, and made as earnest an effort as I possibly could make to retain it in the bill, I think the Senator himself, and all Senators, should take notice of the fact that we have not neglected the 35,000 natives, approximately, in Alaska when we give $200,000 for this purpose. It is true the caption says it is for educational purposes, but it is broader than education. It specifically mentions the employment of physicians.

Mr. JONES. I know that; but when we take the money for that purpose we take it away from education. They have had to close some of the schools up there in the past year because they did not have the money with which to operate them, and had to take some of the money for medical purposes; so that we are neglecting one or the other. We are neglecting their health or we are neglecting their education when we appropriate only this amount of money.

Mr. MARTIN of Virginia. I agree with the Senator that I should like to have seen it larger, but others did not take the same view.

Mr. JONES. To be sure. I am not criticizing the Senator. I have tried to make that plain.

Mr. MARTIN of Virginia. I simply want to say that their condition is not so bad as it might appear to be when we remember that $200,000 has been given for purposes including medical relief.

Mr. JONES. I had the $200,000 in mind when I made the suggestion that I did. The $200,000 is absolutely necessary, but it is not enough. It is not enough for educational purposes, let alone for medical purposes, the erection of small hospitals, and so forth. As a matter of fact, the schools there have to perform the functions of medical relief and of hospitals. The Senator is not to blame, but Congress is to blame if it does not make adequate appropriations for the people up there and to care for conditions there. Of course the Senator, as a conferee, had to do the best he could, and I have not any doubt but that he did it, and I am not reflecting on him at all, and I hope he will understand that I know he has been faithful to his trust, as he always is. I am simply urging this because of its importance and because of the duty of Congress. Congress ought to see that we do appropriate a sufficient amount of money for those purposes.

Then I note that the conferees of the Senate had to recede from the provision for a survey for a road in the Rainier National Park. Of course that can not be urged upon the ground of necessity or for the same reasons as this other amendment, and I have no doubt but that the Senator did the very best he could. I regret very much, however, that that item could not have been retained. It is of great importance to the development of the Mount Rainier Park. Our people are most anxious for it, and I regret exceedingly that we can not have it now.

Referring to amendment numbered 122, which I referred to a while ago, increasing the appropriation of $165,000 to $225,000 for ocean surveys on the Pacific coast, I regret very much that that was not allowed. The same thing is true with reference to amendment numbered 125, for two new vessels for the Pacific coast, and some of these other items. As to amendment numbered 136, the clerk of the committee tells me that $50,000 of that amount was included in the urgent deficiency bill, and that left only $10,000; so I think the committee did not do anything especially wrong in receding on that under those circumstances.

Then the $50,000 for fishing vessels in Alaska—that, of course, is much better than nothing.

I want to say, with reference to those matters, that this $60,000 additional for the ocean surveys, and $175,000 for new vessels, and $100,000 for ships for the fishing service, were very urgently and very pressingly presented by the Secretary of Commerce. The Secretary went out to the coast personally and investigated these matters, and I placed in the RECORD a long letter that he sent to me urging the importance and the necessity of these appropriations. In fact, instead of the two vessels that the Senate provided for, he wanted six vessels, at a cost of $525,000, and the showing that he presents is very strong. It shows that they are absolutely necessary, and that when we cut out these things for the purpose of economy, for the purpose of holding down appropriations, we are really neglecting the necessities of the service and the necessities of the Government; and instead of economizing, in the end it is going to result in wastefulness. A record for economy may be sought, but if secured at the expense of efficiency and by neglecting the needs of the Government the people will not approve our action. The people want economy, but they want efficient service first. We are refusing the urgent requests of those at the head of the various governmental services for money which they say is absolutely necessary for good service. They know, if anyone does, and our refusal to grant what they say is necessary will result in waste and inefficiency. The record will not be one of which we will be proud, even if appropriations are held down.

Mr. CHAMBERLAIN. Mr. President, may I interrupt the Senator for just a moment?

Mr. JONES. Certainly.

Mr. CHAMBERLAIN. Speaking of the $100,000 for the Alaska fishery service, I do not suppose the Senator has overlooked the fact that in addition to the $50,000 contained in this bill there is $50,000 in the deficiency bill, which makes the $100,000 which the bill originally contained.

Mr. JONES. No; the $50,000 that was in the urgent deficiency bill was with reference to the Pribiloff Island necessities, the fur-seal necessities. It was not the ordinary fishing necessities for which they wanted $100,000 for vessels, motor ships, and so on. That is what the $50,000 in the urgent deficiency bill was for. It was for the Pribiloff Islands in Alaska, and the $100,000 for ships was in addition to that.

Now, with reference to this increase for ocean surveys, I suppose the $165,000 could be used by the Coast and Geodetic Survey to do what we wanted done out of a good part of the increase of $60,000; but the $165,000, as I understand from the department, is already apportioned for absolutely necessary work of the department, and unless they abandon some work that they have planned to do and that they consider absolutely necessary they can use nothing of the $165,000 for the purpose which my colleague and I had in mind in getting this appropriation.

I will state what that purpose was. Through some of the channels in Alaska there are what they call pinnacle rocks; in other words, rocks like pyramids sticking up from the bottom. Ordinary soundings are not likely to strike those rocks, because they come up to very sharp points, and the sounding lead might fall and probably would fall between them and show a great depth. About the only way in which these pinnacle rocks can be discovered is to use what is called a drag. I suppose it is something like we use in dragging cornstalks. They drag it along the bottom of the channel, or at a certain depth, and in that way they can, of course, discover these pinnacles.

Just two or three years ago the steamship *California* struck one of these pinnacle rocks and sank, and 32 lives were lost. This would have been prevented if this channel had been dragged as it is now proposed to do. It was intended to use at least $30,000 of this increase for an additional drag party in those waters of Alaska, on which the number of ships is rapidly increasing. So the department urged this in the interest of saving life as well as for the protection of commerce, and it does seem to me that Congress ought to make ample provision with reference to matters of that kind. That was what at least $30,000 of this increase was desired for, and it does seem that Congress ought to economize on some other things, at any rate,

before they neglect matters of this sort. Thirty thousand dollars spent for this purpose now may save many lives and prevent the loss of much property. Failure to appropriate may result in the loss of scores of lives and hundreds of thousands of dollars of property before we pass another bill.

The committee placed an amendment of $50,000 on the bill for an exhibit on the part of Alaska at the exposition. Of course, that is not a matter that is absolutely necessary like these others, so I can not complain so much of that being receded from, and yet it does seem to me that we could appropriate money no more advantageously and no more beneficially than for a matter of that kind. The resources of Alaska are great, but comparatively unknown. We are going to have a great exposition at San Francisco, but we will have but little money for Alaska, and her resources will be illy shown. The Government is going to build a railroad there. If it were a private agency, every opportunity to exploit its resources would be resorted to, and it is parsimonious and most unbusinesslike for Congress to neglect this opportunity to take a step so necesary for the success of this enterprise.

I want to ask the chairman of the committee what was done with Senate amendment 149, with reference to the Macdonough memorial?

Mr. MARTIN of Virginia. That was reduced to $140,000.

Mr. JONES. So we gave $140,000 for that purpose?

Mr. MARTIN of Virginia. We did.

Mr. JONES. Mr. President, it seems to me that simply illustrates how this Congress is saving at the expense of efficiency and at the expense of protection to life and property and appropriates for matters that could be put off for a while. I was in favor of that appropriation, so far as that is concerned, and yet no lives would be endangered or lost, no commerce would be injured, no Government function would be destroyed or affected in any way, shape, or form by the omission of that appropriation. Nevertheless, we have appropriated $140,000 to put up a monument celebrating this victory, which, to be sure, is meritorious in itself. We allow the poor natives of Alaska to go without medical relief; we allow the channels of Alaska to remain dangerous to navigation and dangerous to life; we make no provision for advertising and showing the resources of Alaska, where we are going to build a railroad, on the plea of economy; and yet we provide $140,000 for this memorial! Such action can not be defended.

When I say these things I do not reflect at all upon the conference committee; but I simply call this matter to the attention of Congress, because whatever we do in this regard is going to be the action of Congress. I do think Congress could show itself much more economical and act much more wisely if it would cut out some propositions of this character, or at least put them off for a while, and take up these things that really will be beneficial and a protection to our commerce and to our people. I especially think the needs of the Territory of Alaska and its natives should not be neglected in this way.

Mr. BRADY. Mr. President, I should like to ask the chairman of the committee what was done with amendment No. 83, covering experimental demonstrations for the purpose of utilizing the by-products of the forests of the West?

Mr. MARTIN of Virginia. Mr. President, I will say to the Senator that with much regret we receded on that amendment. We urged it as earnestly as we could possibly urge it, and among other things we especially urged the small sum that was asked for by the Senator's State. The House conferees, however, insisted that it was the beginning of a service that would grow into large proportions. While I did not see that such need be the case at all, we found it impossible to move them from their determination to exclude that item, and it was surrendered by the Senate conferees.

Mr. BRADY. I regret that exceedingly. It seems to me that the conferees on the part of the House should give more consideration to a matter of as much importance as this when there was such a small amount asked. While I in no way blame the conference committee on the part of the Senate, and I know that they did the best they could, yet, as the Senator from Washington [Mr. JONES] says, it is going to be the act of Congress and not of the conference committee; and the time is coming when the men of the East will necessarily have to give more attention to the wants and real needs of the people of the West.

Mr. MARTIN of Virginia. Mr. President, I am sure the Senator is mistaken if he thinks there is any indisposition to do full justice to the western section of our country. I think if he will look through the legislation in all of its phases he will find that the Congress has dealt very liberally with the western part of our country, and it is certainly in accordance with my own ideas. The western part of our country is growing in importance. It is great now, and it is getting greater every year, and I certainly feel every desire to strengthen it and uphold it; and I believe the Congress feels the same way. We are doing to-day a great deal in the arid regions in the Reclamation Service and in the Forestry Service. Indeed, every service that can promote the welfare and happiness of the western people, I think, is receiving a generous response from the Congress of the United States.

Mr. BRADY. I am not, as I said before, finding any fault at all with the distinguished Senator from Virginia; but I can not agree with him that the records of Congress will show that they have at all times dealt fairly with the people and the resources of the West. This appropriation was a small appropriation of $15,000; and the State of Idaho itself—a young and growing State, with one-third of its territory tied up in forest reserves, and $383,000 turned into the Treasury for revenues from the forests in 1913—was refused the paltry sum of $15,000 for the purpose of demonstrating what can be done with the by-products of its timber, while at the same time Congress appropriated not only hundreds of thousands but millions of dollars, as the Senator from Ohio [Mr. BURTON] so ably demonstrated to us to-day, for expenditure on rivers where the Nation at large can not possibly be materially benefited by the appropriations.

Therefore I must insist that what I believe we need more than anything else is for the men of the East to come in closer contact with the people of the West, their wants, their hopes, their ambitions, and the resources of the West. I feel and know that while the chairman of the committee at all times has demonstrated that he feels, as he has stated here, that he wants to help the West, on the other hand, not one-fourth of the Members of the Senate and House, in my judgment, have been west of the Rocky Mountains. Under those conditions they can not understand what we really need in that country. My desire in making these remarks is to impress upon the Senators that it is their duty to study the resources of the West. I hope during the next few days to present some statistics showing what the eight mountain States have produced for this Nation, the amount of appropriations they have received, and then compare them with eight of your eastern States that I shall name; and I shall then let you judge for yourselves whether or not you think the distribution of the appropriations has been entirely equitable.

The University of Idaho has done much to demonstrate that the by-products of the stumps and logs of the forests can be made to pay a large part if not all the cost of clearing the land. Dean Shattuck and his able assistants are struggling against great odds in the work they are doing along these lines, and they deserve better treatment at the hands of our Government than they have received; and I serve notice on the Senate now that I am not going to stop until their efforts are recognized and a decent appropriation made to enable them to demonstrate what can be done in a commercial way with the by-products of the forests of the United States.

Mr. BURTON. Mr. President, there was a provision in the House bill which would cut out the surveys made by the Geological Survey in which the respective States contributed half of the amount, and the provision was so worded as to restrict the operations of that bureau to the public lands. The Senate amended that provision. I should like to know whether that amendment was retained?

Mr. MARTIN of Virginia. The House receded upon that amendment, and the Senate amendment was agreed to.

Mr. BURTON. One other amendment: There was an addition of $50,000 for another branch of work by the Geological Survey. That was added by the Senate, and the aggregate amount restored to what it was, I believe, in 1907. Was that additional amount of $50,000 retained?

Mr. MARTIN of Virginia. The Senator will have to give me some reference to it, so that I may locate it.

Mr. BURTON. I am not sure that I can turn to it immediately. I had supposed it would be recognized by the description I gave. It was an addition of $50,000 for the Geological Survey in one of its branches of activity. What is the page on which the Geological Survey appears?

Mr. MARTIN of Virginia. I think it is page 107.

Mr. BURTON. If I may ask another question, was any addition made by the Senate for the Bureau of Mines retained?

Mr. MARTIN of Virginia. I remember no addition for the Bureau of Mines.

Mr. BURTON. I will find it in a moment.

Mr. NORRIS. I think the Senator will find the amendment on page 108 of the bill. I think it is amendment numbered 88.

Mr. BURTON. Yes. What was done with that?

Mr. MARTIN of Virginia. The Senate amendments were lost. The bill was left as it came from the House.

Mr. BURTON. The Senate conferees receded entirely?

Mr. MARTIN of Virginia. Yes.

Mr. NORRIS. I was interrupted and I did not hear the response the Senator from Virginia made in reply to the question of the Senator from Ohio about the amendments on page 108; for instance, amendment numbered 88, where the House provision was $150,000 and the Senate amended it by making it $300,000.

Mr. MARTIN of Virginia. The Senate conferees receded and the appropriation is $150,000.

Mr. NORRIS. And the proviso regarding artesian wells for irrigation was stricken out?

Mr. MARTIN of Virginia. That was stricken out.

Mr. NORRIS. Now let me ask the Senator about amendment 87. Was that stricken out?

Mr. MARTIN of Virginia. That was stricken out. The language of the House bill, it seemed to us, was sufficient if they had the necessary money to embrace the purpose specified in the amendment.

Mr. NORRIS. That is, it was the opinion of the Senate conferees that without the words "boring artesian wells for investigation" they still have the power to do that.

Mr. MARTIN of Virginia. I do not see how they could investigate underground currents except by artesian wells. I think a direction to investigate the interior of the earth authorizes the boring into the interior of the earth to discover currents of water found there.

Mr. NORRIS. As a matter of fact, with the $150,000 as the bill passed the House it is conceded, I think, that the amount would not be sufficient to do the other work named in that paragraph, such as gauging streams, and leave anything of any considerable amount, at least for the purpose of boring artesian wells.

Mr. MARTIN of Virginia. The amount seemed to us to be too small. The conference committee fixed the amount as it came from the House, at $150,000. The committee put it at $200,000, and on the floor of the Senate it was increased to $300,000, but we were unable to convince the House conferees that more than $150,000 should be appropriated at this time.

Mr. NORRIS. That is the sum as it passed the House originally?

Mr. MARTIN of Virginia. Exactly.

Mr. NORRIS. While I agree with the Senator that they could use this money, or such portion as they saw fit, for the purpose named, and that includes artesian wells, I think it is conceded from the reports from the Geological Survey that they will need that much for gauging streams alone. So, as a matter of fact, while there might be authority there for the work on artesian wells, there is really no money provided for it.

Mr. MARTIN of Virginia. I agree with the Senator; but the amount was fixed in the appropriation act last year at $150,000, and the argument was made, and very naturally made, by the House conferees that the department had gotten along with $150,000 and did very good service, and the House conferees were unwilling to increase it. The Senator knows that in all this kind of legislation there is no way to fix mathematically the exact sum that ought to be appropriated, nor is there any power to arbitrarily fix it. There must be concessions in such matters in order to get legislative results.

Mr. NORRIS. I agree with the Senator.

Mr. MARTIN of Virginia. I will say that I was as anxious as the Senator from Nebraska could be——

Mr. NORRIS. I feel very much disappointed that the amendment was lost, particularly the proviso providing for $100,000, because it was in the Agriculture appropriation bill and was passed by the Senate, and I was informed then that the conferees of the House most strenuously objected because they thought the money ought to be expended under the supervision of the Geological Survey. Therefore I offered the amendment to this bill which provided that it should be expended by the Geological Survey.

Mr. JONES. Mr. President——

Mr. NORRIS. I yield to the Senator from Washington.

Mr. JONES. In connection with this matter, if the Senator will excuse me, I understood the chairman of the committee to say that the conferees agreed that under the language of the House bill the $150,000, or so much of it as the department might deem advisable, could be used in sinking artesian wells. Is that correct?

Mr. MARTIN of Virginia. That was the expression of opinion in the committee of conference, and an opinion in which I very positively concurred.

Mr. JONES. Did the House conferees concur in that view?

Mr. MARTIN of Virginia. That was the general talk around the board. I would not like to say that they did, for, as the Senator knows, there is nothing in conversations of that sort that is binding on the subject.

Mr. JONES. I know that.

Mr. MARTIN of Virginia. It was contended by some that that was the proper construction of the present law, and, for my part, I take it that was correct. The only trouble was a lack of money. If a sufficient amount of money had been given, I do not think there would have been any difficulty in using it for the boring of artesian wells.

Mr. JONES. The trouble is, I understand, the department construes that language as not permitting them to sink artesian wells.

Mr. MARTIN of Virginia. I am not advised as to that.

Mr. JONES. They have always made that construction. They have always refused to sink artesian wells. The investigations of artesian water, as they understand this language to cover, means such geologic investigations as they can make without actually sinking artesian wells.

That is the reason why I was very anxious to see that language in the bill. While I think a broad construction of it would give them the power and authority to sink artesian wells, I understand the department construes it as not giving them that authority.

Mr. NORRIS. I am inclined to agree with the Senator from Virginia, that the language would give them that authority. It has always been my understanding that the reason they never used it for that purpose was because the guaging of streams, of course, was a very large undertaking and a very necessary and important one, and they have not had money enough really to go into that business as extensively as they would like to do. I presume they considered that to be the most important work, and they always used the money for that purpose.

Mr. JONES. I think that is true, although I went to the department a while ago to urge upon them the importance of sinking artesian wells in certain localities under this appropriation, and they said they did not understand the language of the act as giving them that authority, and they could not sink artesian wells. I agree with the Senator and with the chairman of the committee. I think the language is broad enough to do that, but, nevertheless, they have the last say about the construction of it.

Mr. MARTIN of Virginia. I call the attention of the Senator from Washington to the language. It is for "the investigation of underground currents and artesian wells." That is the language of the bill. So this $150,000 is appropriated for the investigation of underground currents and artesian wells.

Mr. JONES. Yes; but they do not think that authorizes them to sink artesian wells.

Mr. MARTIN of Virginia. I do not see how they can investigate them until they sink them.

Mr. JONES. They have a way of making a geological investigation that does not require the sinking of wells. At any rate, that is as I understand it, and I think I got it straight from the department. They construed it that way, and that is the reason why I wanted language in the bill so that they could not take it as an excuse that they did not have authority to do it.

Mr. NORRIS. What the Senator from Washington says is very interesting to me. I should like to ask him whether it was formally put up to them for construction and they did make such a construction?

Mr. JONES. I did not put it up formally, in the way of a written communication, to get a written answer. I did not put it that way.

Mr. NORRIS. It has occurred to me that, while they did not use it for that purpose, the real reason was that they did not have money enough to do all that they desired to do in gauging streams.

Mr. JONES. I think that would have been the real, substantial reason for them to give; but they put it on both grounds.

Mr. NORRIS. They will undoubtedly do the same with this appropriation.

Mr. JONES. Certainly. They will not sink artesian wells under it.

Mr. NORRIS. I understand that they wanted $200,000 for the purpose of gauging streams, and I presume they would have been able to use that amount without any question. So the idea of the two amendments was, first, one specifically stating that it was to bore artesian wells for investigation, amendment numbered 87; and amendment numbered 88, to increase the appropriation to $300,000 and make a specific provision that $100,000 should be used for that purpose.

Mr. JONES. I am very glad to get an apparently unanimous opinion, upon the part of the Senate at least, that under this

language they have the right to sink artesian wells; but this idea was expressed by the Senate in the Agriculture appropriation bill, and now we shall try and see if we can not get it in some other way.

The VICE PRESIDENT. The question is on agreeing to the conference report.

Mr. GALLINGER. Mr. President, I wish to ask the Senator from Virginia about two or three small items. I will ask the Senator as to amendment numbered 50, on page 48 of the bill, referring to small parks in the District of Columbia.

Mr. MARTIN of Virginia. That was agreed to, I will state to the Senator from New Hampshire.

Mr. GALLINGER. Now I will ask the Senator about amendment numbered 68, "toward the construction of necessary retaining walls in Meridian Hill Park, $25,000."

Mr. MARTIN of Virginia. That was agreed to.

Mr. GALLINGER. Now there is just one other. I will ask the Senator about amendment numbered 149, the Macdonough memorial.

Mr. MARTIN of Virginia. That was reduced to $140,000, and agreed to at that sum.

Mr. GALLINGER. Mr. President, I want in just a word to say that I think every Senator who has had service with the Senator from Virginia upon the Committee on Appropriations knows that he does not yield anything that the Senate after consideration puts in these bills if he can possibly retain the items, but it is a give-and-take operation in a conference committee. I feel sure that the Senator from Virginia has exerted himself to the utmost to retain all the items that the Senate put in; but, Mr. President, of course that is an impossibility.

I say this because of the fact that I know the Senator so well and know how diligent he is in serving this body in that responsible and arduous position and how extremely kindly disposed he is toward every Senator who is interested in an item in the bill.

Mr. MARTIN of Virginia. Mr. President, I want to say just one word. First, I thank the Senator from New Hampshire; but I want to say to the Senate that I always in matters of this sort feel myself to be the agent of the Senate and I contend as earnestly for one amendment put on by the Senate as for another. They are all right with me when the Senate puts them on a bill, and it is my duty to retain them just as long as I can do so reasonably and fairly and justly. I have done that in all instances, and I will continue to do it as long as I am at the head of the committee.

The VICE PRESIDENT. The question is on agreeing to the conference report.

The report was agreed to.

Mr. MARTIN of Virginia. I move that the Senate further insist upon its amendments still in disagreement and ask for a further conference with the House, and that the Chair appoint the conferees on the part of the Senate.

The motion was agreed to; and the Vice President appointed Mr. MARTIN of Virginia, Mr. OVERMAN, and Mr. PERKINS conferees on the part of the Senate.

RIVER AND HARBOR APPROPRIATIONS.

Mr. SIMMONS. I ask that the river and harbor bill be proceeded with.

The Senate, as in Committee of the Whole, resumed the consideration of the bill (H. R. 13811) making appropriations for the construction, repair, and preservation of certain public works on rivers and harbors, and for other purposes.

Mr. BURTON. Mr. President, the situation this afternoon shows the futility of attempting to give careful attention to important legislation here in the Senate at this time. In response to a call about half an hour was spent in obtaining a quorum, and then a conference report was presented upon a bill which is perhaps the most important of all our appropriation bills. It includes provision for a larger number of activities of the Government than any other measure coming before us. It covers a very wide field, and is of interest to every State in the Union. Yet, in spite of that call for a quorum, only 16 Members of the Senate were present to consider that report, though after a little time the number had increased to perhaps 20.

All this goes to show that when we are here for a month later than the time when the courts have adjourned and other work of a similar nature is abandoned for the summer season we are compelled to labor under very great disadvantages, and it is to be feared that whatever is done will not be well done, and, indeed, that it can not be well done. This is especially true when we take into account the fact that the Senate was in session practically all of last year and has been in session all this year until this 20th day of July, during much very oppressive weather. I fear very much that however earnest we may be or however much we may desire to enact legislation which will be of a wise and salutary character we shall not succeed. There is difficulty in maintaining a quorum. The measure of inattention is not the fault of the Members; it is due to the extreme weariness incident to the season and the long service of the past year and a half.

We had an illustration here a few days ago, when an appropriation bill was brought before the Senate at the end of a conference which had been progressing for months. In the very provision in regard to which there had been the most earnest controversy and which had caused the longest delay there was a serious mistake. Something was included that nobody wanted and that nobody intended. We have been led to understand that there are three bills of the utmost importance yet to be passed. Query, Shall we enact wise measures?

In view of the pressure for these measures, it is hard to understand why the reports upon these two other bills are not brought before us. The Senate adjourned over two days week before last and we were led to understand that these measures would be here a week ago, but they have not yet been presented to the Senate. We have a promise that one of them will be presented to-morrow and the other very promptly thereafter, or perhaps at the same time. We shall watch with interest to know whether they come here or not.

For my own part I am not discouraged in view of the nature of the bill which I am discussing by the fact that figures are not attractive to the general hearer. I have every occasion to be grateful to the Senate for the attention the Members have given me. We are considering a bill now in regard to which I should be falling short of my duty if I did not seek to expose what I regard as vital defects. The fact that at times there is a scanty attendance in the Senate may necessitate some repetition. Some of the points are of such extreme importance that I feel Members should be familiar with them, and if Senators are not present when I set them forth the first time I may be compelled to bring them again to the attention of the Senate.

Mr. President, at the time I was interrupted I was speaking of the custom of including in our river and harbor bills a very large number of items, reaching close to 200, that are merely for maintenance. It is a pleasing compliment to Members of the House and the Senate to have towns in their districts or States enumerated in this river and harbor bill, but I think these acts could be very materially improved by grouping the sums in one aggregate, and that because in almost every instance, in probably ninety-nine out of every hundred, the amounts included in the bill are the same as those recommended by the Chief of Engineers. It is thus useless to encumber the bill with many pages of items merely setting forth those recommendations.

We have a precedent for thus grouping them in one sum in two preceding bills. In the year 1900 for the first time a provision was made for an appropriation for what is called emergency purposes. The sum of $250,000 was appropriated for so-called emergencies and for the expense of making certain surveys described in the bill. Of this amount of $250,000 about $25,000 was expended upon the surveys and $225,000 allotted for emergencies. This provision for emergencies has been carried in practically every river and harbor bill since that year, and its distinctive feature is that there is no appropriation for different projects, but one aggregate sum. Indeed, there could be no appropriation for different projects because the sum is expended as the occasion arises. It is contained in the first section of that act, found on page 912 of House Documents, volume 103. Beginning at the bottom of page 911 it reads:

> That the sum of $250,000 be, and the same is hereby, appropriated, to be paid out of any money in the Treasury not otherwise appropriated, to be immediately available, and to be expended under the direction of the Secretary of War and the supervision of the Chief of Engineers, for the following purposes, to wit:
>
> (1) To provide for the restoration of channels, or river and harbor improvements, heretofore established or made by the Government where, by reason of emergency occurring since the passage of the river and harbor act of March 3, 1899, the usual depth of such channels, or customary use of such improvement, can not be maintained, and there is no sufficient fund available for such restoration. The amount herein provided, or so much thereof as is not required for the surveys hereinafter mentioned, shall be allotted by the Secretary of War: *Provided*, That in no case shall such allotment be made unless recommended by the local engineer having such channel or improvement in charge and the Chief of Engineers, respectively: *Provided further*, That for no single channel or improvement shall a sum greater than $10,000 be allotted, and in expending any such allotment advertisement for bids may be dispensed with on the recommendation of the local engineer.
>
> (2) For the necessary cost of the surveys herein directed to be made: *Provided*, That the necessary expenses for such examinations and surveys on rivers, or at harbors where work is being carried on by the United States, may be paid from available funds where the unexpended balances of former appropriations for such works are sufficient for such purpose.

This appropriation rested, first, on the discretion of the local engineer, the Chief of Engineers, and the Secretary of War in making the allotment; second, the amounts were to be expended only in the case of channels, rivers, or harbors the improvement of which had been undertaken by Congress in some previous bill; third, the emergency must have arisen since the passage of the next prior river and harbor bill—that of March 3, 1899. That rule rested upon the idea that if the emergency existed before March 3, 1899, Congress had deliberately omitted to provide for it and that it was only in case some condition had arisen since the passage of that act that the money could be expended.

The next provision contains a limitation:

That for no single channel or improvement shall a sum greater than $10,000 be allotted.

If that maximum sum had been provided in every case provision would have been made for 25 projects or, rather, for 22, because $25,000 was expended for surveys. A list is given on pages 925 and 926 in which the allotments are set forth. They range from $576.27 to $10,000. Indeed one or two are smaller than the figure I have given. There is one allotment for Duck Island Harbor, Conn., of only $202 and another of only $500, and another still, the important harbor of Newport, R. I., of only $341.67.

This provision was found to be so helpful and the discretion of the engineers was so carefully exercised that we have since then adopted the principle of leaving full discretion to the War Department in providing for emergencies. Action is taken on the initiative first of the local engineer. His action must be confirmed by the Chief of Engineers, and then the allotment is made by the Secretary of War.

Mr. KENYON. Will the Senator from Ohio permit me?

Mr. BURTON. Certainly.

Mr. KENYON. I observe that in the discussion of this important measure, appropriating some $53,000,000, there are only three Senators on the other side present. In order that the Senator from Ohio may not have to repeat what he is saying when there are more present I suggest the absence of a quorum.

The VICE PRESIDENT. The Secretary will call the roll.

The Secretary called the roll, and the following Senators answered to their names:

Bankhead	Lee, Md.	Poindexter	Thomas
Burton	Lewis	Ransdell	Thornton
Chamberlain	Martin, Va.	Sheppard	Tillman
Gallinger	Martine, N. J.	Simmons	West
Kenyon	Myers	Smith, Ariz.	White
Lane	Perkins	Smoot	

The VICE PRESIDENT. Twenty-three Senators have answered to the roll call. There is not a quorum present. The Secretary will call the names of absent Senators.

The Secretary called the names of absent Senators, and Mr. OVERMAN, Mr. PAGE, Mr. SMITH of Maryland, Mr. STERLING, Mr. SWANSON, Mr. TOWNSEND, Mr. VARDAMAN, Mr. WALSH, and Mr. WORKS responded to their names.

Mr. REED, Mr. BRYAN, Mr. SHIELDS, Mr. SMITH of Georgia, Mr. CATRON, Mr. CHILTON, Mr. CULBERSON, Mr. ASHURST, Mr. SHAFROTH, and Mr. CAMDEN having entered the Chamber, responded to their names.

The VICE PRESIDENT. Forty-two Senators have answered to the roll call. There is not a quorum present.

Mr. JOHNSON entered the Chamber and answered to his name.

Mr. SIMMONS. Mr. President, I move that the Sergeant at Arms be directed to request absent Senators to attend the sessions of the Senate.

The motion was agreed to.

The VICE PRESIDENT. The Sergeant at Arms will carry out the instructions of the Senate to request absent Senators to attend its session.

Mr. KENYON. I move that the Senate adjourn.

The VICE PRESIDENT. The question is on the motion of the Senator from Iowa that the Senate adjourn.

The Senate refused to adjourn.

Mr. POMERENE, Mr. SAULSBURY, Mr. NEWLANDS, Mr. GRONNA, Mr. STONE, and Mr. SMITH of Michigan having entered the Chamber, responded to their names.

The VICE PRESIDENT. Forty-nine Senators have answered to the roll call. There is a quorum present.

Mr. SIMMONS. I ask that the order, which was adopted on my motion a few minutes ago, instructing the Sergeant at Arms to request the attendance of absent Senators, be vacated.

The VICE PRESIDENT. Without objection, it will be so ordered.

Mr. BURTON. Mr. President, the plan of an aggregate appropriation was tried and found successful on a much larger scale in the act of 1909. In 1907 a river and harbor bill carrying the largest amount in combined cash and authorization was passed. For many projects provision was made for four years. It was found in 1909 that some of the river and harbor improvements needed attention, and a request was addressed to the Chief of Engineers to furnish a list of the requirements for the maintenance and for continuing certain operations for a year following. In pursuance of that report this provision was adopted:

That for the preservation and maintenance of existing river and harbor works, heretofore appropriated for by Congress, and for continuing in operation such dredging and other plants or equipment of any kind owned by the United States Government, and constructed or acquired for use on river and harbor improvements, there be, and is hereby, appropriated, out of any money in the Treasury not otherwise appropriated, to be immediately available and to be expended under the direction of the Secretary of War and the supervision of the Chief of Engineers, the sum of $8,185,750; *Provided*, That allotments from the amount herein named shall be made by the Secretary of War, and the same shall be recommended by the local engineer having such channel, improvement, or other public work in charge and the Chief of Engineers, respectively.

It will be noticed that the method of allotment was based upon this emergency provision of the act of 1900. The act further provides:

Provided further, That the amount allotted to any specific channel or improvement shall not be greater than the estimated amount required for preservation and maintenance as transmitted by the Chief of Engineers in a communication dated February 17, 1909, which said letter was filed with the House of Representatives on the 18th day of February, 1909, and designated as House Document No. 1462, Sixtieth Congress, second session.

It will be observed that the amount of money to be expended was carefully restricted to the necessities of maintenance and preservation, and also for another purpose, namely:

For continuing in operation such dredging and other plants or equipment of any kind owned by the United States Government and constructed or acquired for use on river and harbor improvements.

At that time a considerable number of dredges had been acquired by the Government for the prosecution of work independent of contractors. Other equipment in divers forms was also in operation, and it was thought undesirable that this equipment, made up of dredges and similar equipment for construction, should remain idle. I do not think any criticism has ever been passed upon that method. Maintenance and operation were carefully provided for; and if we take that as our guide, we may feel certain that for all the various works where maintenance only is required it is not necessary in the bill to specify the respective amounts. The Chief of Engineers might, either in his annual report or in a special document, such as that mentioned in the law from which I have quoted, set forth his estimates for the purpose of maintenance for the following year. Then those amounts might be disbursed under the control of the Chief of Engineers, on the application of the local engineer, with the provision that allotments be made by the Secretary of War.

It seems to me that it would relieve this measure of much of its bulk and that it would prevent any unseemly scramble for obtaining amounts for maintenance and operation beyond what is required. It might be that the provision could go a little further than the act of 1909, namely, provision might be made for expending an amount somewhat in excess of the estimate under careful restriction. For example, it might be provided that more than the estimate might be expended in case the added sum be approved by the local engineer, by the Chief of Engineers, and by the Secretary of War.

This matter of consolidation is by no means new. Beginning in about the year 1905 certain projects located near to each other were combined, and one aggregate sum appropriated for them all. This custom has been continued in river and harbor bills until this day. I quote from the bottom of page 19 of the pending bill:

Improving harbors at Rockhall, Queenstown, Claiborne, and Cambridge, and Chester, Choptank, Warwick, Wicomico, Pocomoke, La Trappe, and Manokin Rivers, and Tyaskin Creek, Md.: For maintenance, $30,500.

Prior to the custom of combining these 12 improvements a separate appropriation was made for each one. They are located not far from each other on the Chesapeake Bay, in the State of Maryland. The amounts allotted to each by the respective river and harbor bills were very small, and it was thought desirable to combine them all in one item. Advantages in the way of economy might be obtained; a contract might be entered into by the War Department for dredging in more than one harbor. For instance, under the old plan of appropriating for each small project not more than an average of from three to five thousand dollars it was generally regarded as necessary to make a separate contract for each one. Under this combination system a contract might more readily be made which would include a half dozen, or even more, harbors; and if this plan for combination of maintenance appropriations, all in one aggregate sum, could be adopted, the same advantage in

economy could be secured. So, it is not the mere matter of simplicity, not the mere avoidance of logrolling, which furnish argument for the combination of all maintenance items in one. At a later time it is my intention to introduce an amendment to this effect.

It is extremely difficult to so divide the items in this bill as to ascertain the exact amount required for maintenance, because in the case of many projects the phraseology is "continuing improvement and for maintenance." In these cases it is expected that the sum appropriated will not only provide for maintenance but for some addition to the present project. It would not, however, be difficult under instructions to the Chief of Engineers to segregate the amounts required for maintenance and aggregate them all in one sum. Such a plan would very much diminish the length of this bill, and it would enable the engineers more readily to combine different harbors and rivers in one contract if economy could be secured in that way.

I have spoken of the form of the reports transmitted to us by the Chief of Engineers and stated that in many particulars they are the best provided in any country. The objection to be made to them is that they are voluminous and that very few persons have the time to examine the different reports in detail. I wish to make a suggestion for the purpose of simplicity, with a view of making it easier for every Senator or Representative who desires to obtain the salient facts to secure them without reading a large mass of matter. This suggestion is based in some degree on the custom of newspapers in giving at the commencement of a long article a brief summary of what is contained in it. I would suggest that in the first volume with each project there be given the important facts, possibly in larger type; at least in a separate statement. For example, I will turn at random to one of these projects reported on by the Chief of Engineers. I seem to have opened the report at the item concerning Cheesequake Creek, on page 295. It says:

(g) Cheesequake Creek: This is a small stream in the eastern part of New Jersey, running in a northeasterly direction and emptying into Raritan Bay, about 2 miles east of South Amboy. Before improvement by the United States the available navigable depth in the creek was 1½ feet at mean low water over the shoals, the distance from the entrance to the upper limit of navigation being 3½ miles. Mean range of tides, 5 feet.

The original and existing project was adopted June 14, 1880, and provided for a new outlet, 5 feet deep, from the creek into Raritan Bay, at right angles to the shore line, through a beach which put across the mouth of the creek from the right bank and which had forced the outlet nearly one-half mile to the westward. This was to be obtained by dredging and constructing parallel jetties of stone, 200 feet apart, on each side of the dredged channel; the old outlet was to be closed by a pile dike, and a channel, 4 feet deep at mean low water and from 50 to 100 feet wide, was to be dredged from the mouth to the head of navigation, 3½ miles up the creek. In this distance two dikes were to be built, and a new channel to be made through the marsh was to cut off a bend in the creek. Stump Creek, a tributary stream emptying into the creek near its mouth, was to be improved by dredging a channel 50 feet wide and 3 feet deep.

The cost was estimated at $75,279, which was revised in 1885 to $90,000.

The amount expended on the present project up to the close of the fiscal year ending June 30, 1913, was $53,812.45, of which $40,000 was used in carrying out the project and $13,812.45 in maintenance. The sum of $1.25 was derived from the sale of maps. About four-ninths of the work contemplated under this project has been completed, and the work accomplished consists of the construction of the two parallel stone jetties at the mouth, the dredging of a 5-foot channel between them about one-third mile in length, connecting the creek with the 5-foot curve in Raritan Bay, and the construction of the pile dike closing the old outlet.

No work was done during the fiscal year ending June 30, 1913. Examinations of the dredged channel during the year showed that no maintenance work was necessary. The expenditures were for traveling expenses in connection with sounding the channel.

The improvement has not advanced sufficiently to affect freight rates. It is proposed to expend the available balances from the allotments from consolidated appropriations in maintenance of the improvement. No allotment for maintenance will be required next year.

The maximum draft at mean low water that could be carried through the mouth of the creek on June 30, 1913, was about 5 feet.

The commerce of the creek is principally in fertilizer, sand, brick, clay, and farm produce, and amounted in 1886 to about 50,000 tons; in 1905 to 45,500 tons, valued at $146,050; in 1906 to 83,648 tons, valued at $625,000; in 1907 to 89,500 tons, valued at $263,100; in 1908 to 79,520 tons, valued at $209,550; in 1909 to 61,880 tons, valued at $178,900; in 1911 to 36,500 tons, valued at $277,500; and in 1912 to 44,130 tons, valued at $292,500. Tonnage reported since 1907 in net tons; previous reports in gross tons.

Mr. GALLINGER. Mr. President——

The VICE PRESIDENT. Does the Senator from Ohio yield to the Senator from New Hampshire?

Mr. BURTON. If the Senator will excuse me, I will yield in a few moments.

Mr. GALLINGER. Certainly.

Mr. BURTON. Anyone reading this report will see that no fault can be found with the adequacy of the information that is contained there. The only thing that is left out is the reference to Stump Creek. We are left somewhat in mystery about that. It was said that it was a tributary stream, and it was to be improved by dredging a channel 50 feet wide and 3 feet deep. It seems to have gone off the map, and no further attention has been paid to it; but much of the information contained in this little more than a page of descriptive matter could be summarized so that a person examining these reports might find out what he desired almost at a glance.

I shall now be pleased to yield to the Senator.

Mr. GALLINGER. I will ask the Senator what amount has been expended on the great waterway he has been discussing, including Stump Creek?

Mr. BURTON. The cost of completion was estimated at $75,279, which was revised in 1885 to $90,000. The amount expended on the present project up to the close of the fiscal year ending June 30, 1913, was $53,812, of which $40,000 was used in carrying out the project, and $13,812 in maintenance. The sum of $1.25 was derived from the sale of maps. About four-ninths of the work contemplated under this project has been completed.

I want to say that that is another illustration of dribbling. That project was adopted in 1880. My recollection was that it was adopted in 1882, but it seems, according to this, to have been adopted in 1880; and now, after 34 years, only four-ninths of the project has been completed.

Mr. GALLINGER. Mr. President, I will venture to ask the Senator from Ohio if he does not think that in a great many of these cases it would be cheaper for the Government to put on a line of automobile trucks between those points and carry the small amount of freight that is conveyed?

Mr. BURTON. You could not very well do that here, because the project extends out some little distance into Raritan Bay.

Mr. GALLINGER. Oh, yes. In that event we might, I think, put on an addition to the truck. They are going to put one on the flying machine that is designed to cross the Atlantic, so that when it strikes the water it will float; and I think we might equip these trucks in the same way. [Laughter.]

Mr. BURTON. While it is a fact that in the campaign of 1882 the word "Cheesequake" was something of a byword against the river and harbor bill, it is not by any means the worst project in the list. There are others a great deal worse than this. I can call attention to some of them, and probably shall in the course of the debate.

Mr. KENYON. Mr. President, may I ask the Senator a question?

Mr. BURTON. Certainly.

Mr. KENYON. I did not understand where Stump Creek was. Did the Senator say it was in New Jersey?

Mr. BURTON. Yes; it must be.

Mr. KENYON. And near Cheese Creek?

Mr. BURTON. This is Cheesequake Creek, which empties into Raritan Bay about 2 miles east of South Amboy. It is near to Raritan Bay.

Mr. KENYON. But all projects on this creek are now abandoned, as I understand.

Mr. BURTON. This report says that no maintenance is required.

Mr. KENYON. I am sure the Senator from New Jersey [Mr. MARTINE] knows where Stump Creek is.

Mr. MARTINE of New Jersey. The mention of South Amboy interested me somewhat.

Mr. BURTON. Here is something to be noticed about that. I had not seen the latter part of it. There is an available balance there of $8,035. It is in the power of the Senator from New Jersey, or was on July 1, 1913, to bring the attention of his constituents to the fact that this beneficent Government has made appropriations for Cheesequake Creek, and that there is, or was, $8,035.90 available in the Treasury for its improvement.

Mr. MARTINE of New Jersey. That is very gratifying. I wish it were $18,035.

Mr. BURTON. I think $8,035, though, is sufficient to do all the work contemplated there. Indeed, I think possibly they will find it somewhat difficult to dispose of that.

Mr. MARTINE of New Jersey. Can the Senator inform me what the present bill carries?

Mr. BURTON. I believe the present bill has nothing for Cheesequake Creek.

Mr. GALLINGER. Mr. President, I understand the bill carries no appropriation for either Cheesequake Creek or Stump Creek. The Senator from Ohio has been endeavoring to elucidate some matters connected with Stump Creek, but he has gotten lost, I think, in the investigation.

Mr. MARTINE of New Jersey. Very likely.

Mr. BURTON. Can the Senator tell me about Stump Creek? Is it navigable?

Mr. MARTINE of New Jersey. I can not inform the Senator as to that. My knowledge of navigation is not up, particularly at that point, but I can say that the effort to belittle Cheesequake Creek and the Kill Van Kull and Woodbridge Creek and some of those other things is utterly at naught. An immense commerce passes through that creek. As to

Stump Creek, to which my friend from Ohio refers, I can not say.

Mr. BURTON. I would not put the Kill Van Kull in the same class with Cheesequake Creek. I may say to the Senator from New Jersey that the Kill Van Kull has always been a favorite of mine.

Mr. MARTINE of New Jersey. That shows the Senator's wisdom and intelligence.

Mr. BURTON. Years ago I went over the stream and recommended a very considerable appropriation for it and the Arthur Kill.

Mr. GRONNA. Mr. President——

The VICE PRESIDENT. Does the Senator from Ohio yield to the Senator from North Dakota?

Mr. BURTON. I do.

Mr. GRONNA. I believe the Senate will be interested in this most illuminating discussion. I see about three Senators present on the other side of the Chamber, and I therefore suggest the absence of a quorum.

The VICE PRESIDENT. The Secretary will call the roll.

The Secretary called the roll, and the following Senators answered to their names:

Bankhead	Gronna	Perkins	Sterling
Burton	Jones	Ransdell	Swanson
Camden	Lane	Sheppard	Thomas
Catron	Lewis	Simmons	Thornton
Chamberlain	Martin, Va.	Smith, Ariz.	West
Clapp	Nelson	Smith, Mich.	Works
Gallinger	Page	Smoot	

The VICE PRESIDENT. Twenty-seven Senators have answered to the roll call. There is not a quorum present. The Secretary will call the names of absent Senators.

Mr. SMITH of Michigan. I move that the Senate adjourn.

Mr. THOMAS. On that I ask for the yeas and nays.

The yeas and nays were ordered.

The Secretary proceeded to call the roll, and the roll call was concluded.

Mr. CHAMBERLAIN. I have a general pair with the junior Senator from Pennsylvania [Mr. OLIVER]. In his absence I withhold my vote.

Mr. STONE (after having voted in the negative). I have a general pair with the senior Senator from Wyoming [Mr. CLARK]. I voted inadvertently. I transfer that pair to the junior Senator from South Carolina [Mr. SMITH] and will allow my vote to stand.

Mr. SMITH of Maryland. I have a general pair with the senior Senator from Vermont [Mr. DILLINGHAM], which I transfer to the senior Senator from Indiana [Mr. SHIVELY], and will vote. I vote "nay."

Mr. CATRON. I transfer my pair with the senior Senator from Oklahoma [Mr. OWEN] to the senior Senator from Illinois [Mr. SHERMAN] and will vote. I vote "yea."

Mr. TOWNSEND (after having voted in the affirmative). I voted without announcing the fact that I was paired with the junior Senator from Arkansas [Mr. ROBINSON]. I transfer that pair to the senior Senator from North Dakota [Mr. MCCUMBER] and will allow my vote to stand.

Mr. GRONNA (after having voted in the affirmative). I have a pair with the senior Senator from Maine [Mr. JOHNSON]. I transfer that pair to the junior Senator from South Dakota [Mr. STERLING] and will allow my vote to stand.

Mr. SMITH of Georgia (after having voted in the negative). This morning I transferred my pair with the senior Senator from Massachusetts [Mr. LODGE] to the junior Senator from Georgia [Mr. WEST]. The junior Senator from Georgia is in the Chamber now, so I transfer the pair to the junior Senator from Indiana [Mr. KERN] and will allow my vote to stand.

Mr. CHAMBERLAIN. I transfer my pair with the junior Senator from Pennsylvania [Mr. OLIVER] to the junior Senator from New Jersey [Mr. HUGHES] and will vote. I vote "nay."

The result was announced—yeas 9, nays 27, as follows:

YEAS—9.

Catron	Gronna	Page	Smoot
Clapp	Jones	Smith, Mich.	Townsend
Gallinger			

NAYS—27.

Ashurst	Martin, Va.	Simmons	Thornton
Bankhead	Nelson	Smith, Ariz.	Tillman
Bryan	Perkins	Smith, Ga.	Vardaman
Chamberlain	Ransdell	Smith, Md.	West
Lane	Poindexter	Stone	White
Lee, Md.	Shafroth	Swanson	Williams
Lewis	Sheppard	Thomas	Works

NOT VOTING—60.

Borah	Chilton	Dillingham	Hollis
Brady	Clark, Wyo.	du Pont	Hughes
Brandegee	Clarke, Ark.	Fall	James
Bristow	Colt	Fletcher	Johnson
Burleigh	Crawford	Goff	Kenyon
Burton	Culberson	Gore	Kern
Camden	Cummins	Hitchcock	La Follette
Lea, Tenn.	Norris	Reed	Stephenson
Lippitt	O'Gorman	Robinson	Sterling
Lodge	Oliver	Root	Sutherland
McCumber	Overman	Saulsbury	Thompson
McLean	Owen	Sherman	Walsh
Martine, N. J.	Penrose	Shields	Warren
Myers	Pittman	Shively	Weeks
Newlands	Pomerene	Smith, S. C.	Williams

So the Senate refused to adjourn.

The VICE PRESIDENT. The Secretary will call the names of absent Senators.

The Secretary called the names of absent Senators, and Mr. ASHURST, Mr. BRYAN, Mr. MARTINE of New Jersey, Mr. POINDEXTER, Mr. POMERENE, Mr. SHAFROTH, Mr. SMITH of Georgia, Mr. STONE, Mr. TILLMAN, and Mr. WHITE answered to their names when called.

The VICE PRESIDENT. Thirty-seven Senators have answered to the roll call. There is not a quorum present.

Mr. SHEPPARD. Mr. President, is this a new call of the Senate?

The VICE PRESIDENT. It is not a new call.

Mr. SIMMONS. I move that the Sergeant at Arms be instructed to request the attendance of absent Senators.

Mr. GALLINGER. Mr. President, in reference to that motion, I desire to make a single observation. It is a repetition of what I have said before. The country must be looking upon us with a good deal of surprise, if the country is paying any attention at all to what is going on in Washington.

Mr. BRYAN. Mr. President, a point of order.

The VICE PRESIDENT. The Senator will state it.

Mr. BRYAN. Is debate in order in the absence of a quorum?

The VICE PRESIDENT. The Chair is afraid he must sustain the point of order. In the absence of a quorum nothing can be done except to adjourn.

Mr. GALLINGER. I have said about all I wanted to say.

The VICE PRESIDENT. The question is on the motion of the Senator from North Carolina that the Sergeant at Arms be instructed to request the attendance of absent Senators.

The motion was agreed to.

The VICE PRESIDENT. The Sergeant at Arms will request the attendance of absent Senators.

Mr. TILLMAN and Mr. LEE of Maryland entered the Chamber and answered to their names.

Mr. SMITH of Michigan. I move that the Senate adjourn.

Mr. THOMAS. On that I ask for the yeas and nays.

The VICE PRESIDENT. The Chair is going to rule that no business has intervened since the last——

Mr. SMITH of Michigan. Then I withdraw the motion.

Mr. GALLINGER. Mr. President, I rise to a question of order.

The VICE PRESIDENT. The Senator from New Hampshire will state it.

Mr. GALLINGER. Suppose we did not get a quorum, and no business had intervened—must we always remain here? I submit that the roll has been called since the motion was made.

The VICE PRESIDENT. The Chair was not aware that the roll had been called. The Senator from Michigan moves that the Senate adjourn, and upon that motion the yeas and nays have been demanded. Is the request seconded?

The yeas and nays were ordered, and the Secretary proceeded to call the roll.

Mr. CATRON (when his name was called). I transfer my pair with the senior Senator from Oklahoma [Mr. OWEN] to the senior Senator from Illinois [Mr. SHERMAN] and will vote. I vote "yea."

Mr. CHAMBERLAIN (when his name was called). I transfer my pair with the junior Senator from Pennsylvania [Mr. OLIVER] to the junior Senator from New Jersey [Mr. HUGHES] and will vote. I vote "nay."

Mr. GRONNA (when his name was called). I have a general pair with the senior Senator from Maine [Mr. JOHNSON]. I transfer that pair to the junior Senator from South Dakota [Mr. STERLING] and vote "yea."

Mr. STONE (when his name was called). I transfer my pair as on the previous vote and vote "nay."

The roll call having been concluded, the result was announced—yeas 8, nays 33, as follows:

YEAS—8.

Brandegee	Clapp	Gallinger	Myers
Catron	Cummins	Gronna	Smith, Mich.

NAYS—33.

Ashurst	Martin, Va.	Saulsbury	Thomas
Bankhead	Martine, N. J.	Shafroth	Thornton
Bryan	Newlands	Sheppard	Vardaman
Camden	Overman	Shields	Walsh
Chamberlain	Perkins	Simmons	West
Chilton	Poindexter	Smith, Ariz.	White
Jones	Pomerene	Smith, Md.	
Lane	Ransdell	Stone	
Lee, Md.	Reed	Swanson	

NOT VOTING—55.

Borah	Goff	McCumber	Smith, Ga.
Brady	Gore	McLean	Smith, S. C.
Bristow	Hitchcock	Nelson	Smoot
Burleigh	Hollis	Norris	Stephenson
Burton	Hughes	O'Gorman	Sterling
Clark, Wyo.	James	Oliver	Sutherland
Clarke, Ark.	Johnson	Owen	Thompson
Colt	Kenyon	Page	Tillman
Crawford	Kern	Penrose	Townsend
Culberson	La Follette	Pittman	Warren
Dillingham	Lea, Tenn.	Robinson	Weeks
du Pont	Lewis	Root	Williams
Fall	Lippitt	Sherman	Works
Fletcher	Lodge	Shively	

So the Senate refused to adjourn.

The VICE PRESIDENT. The Sergeant at Arms will carry out the instructions of the Senate.

Mr. SIMMONS. I move that the Senate adjourn.

The VICE PRESIDENT. The Senator from North Carolina moves that the Senate do now adjourn. [Putting the question.] The noes seem to have it. The noes have it.

Mr. SHAFROTH. I call for a division.

The VICE PRESIDENT. The Chair has decided the question.

Mr. SMITH of Michigan. I move that the Senate adjourn.

The motion was agreed to; and (at 5 o'clock and 10 minutes p. m.) the Senate adjourned until to-morrow, Tuesday, July 21, 1914, at 12 o'clock meridian.

HOUSE OF REPRESENTATIVES.

MONDAY, *July 20, 1914.*

The House met at 12 o'clock noon.

The Chaplain, Rev. Henry N. Couden, D. D., offered the following prayer:

O Thou who hast made us after Thine own image and hast given us dominion over the works of Thy hands and thus crowned us with glory and honor, if we will, help us to subdue our passions, and put under our feet all selfish and ignoble desires, that we may rise day by day to the dignity thus conferred upon us and prove ourselves worthy of such preferment, in the name of Him who taught us how to be men. And Thine be the glory. Amen.

The Journal of the proceedings of Saturday, July 18, 1914, was read and approved.

ORDER OF BUSINESS.

Mr. FLOYD of Arkansas. Mr. Speaker, I desire to make an announcement to the House. I desire to announce that on Thursday next I will call up a privileged report from the Committee on the Judiciary touching the conduct of Representative MCDERMOTT, provided the general dam bill shall have been disposed of by that time. In case the dam bill has not been finally disposed of at that time, I give notice that immediately after the conclusion of the consideration of that bill I will call up this priviliged report.

Mr. FOSTER. Will the gentleman permit?

Mr. FLOYD of Arkansas. Certainly.

Mr. FOSTER. There is a rule which I have been instructed by the Committee on Rules to report to the House, and the understanding was with the Speaker and some other Members of the House that it should be done as soon as the dam bill was completed——

Mr. FLOYD of Arkansas. I do not object to that.

Mr. FOSTER. I want to say to the gentleman that will not consume a great length of time, in my judgment.

Mr. FLOYD of Arkansas. I do not object to that.

Mr. MURDOCK. The gentleman did not state which rule this was.

Mr. FOSTER. The rule is in reference to the appointment of managers of the soldiers' home.

Mr. MURDOCK. Not in regard to the Moon bill.

Mr. FOSTER. They have no quorum, and the matter ought to be disposed of. I understand the Comptroller of the Treasury has decided it is questionable whether they can draw any money without a quorum.

Mr. MURDOCK. Has the rule been reported out in reference to the Moon bill?

Mr. FOSTER. It has been reported, but it has not been adopted by the House.

Mr. MURDOCK. But it has been reported?

Mr. MANN. It has been authorized.

Mr. FOSTER. It has been authorized by the committee; not reported.

EVENING SESSION TUESDAY.

Mr. POU. Mr. Speaker, I ask unanimous consent that the House have a session on Tuesday evening to complete the call of the calendar by unanimous consent. I have the order here.

The SPEAKER. Send it up to be reported by the Clerk and then the Chair will propound the question.

The Clerk read as follows:

Ordered, That on Tuesday night, July 21, the House stand in recess from 5 p. m. until 8 p. m.; that a session be held from 8 p. m. to 11 p. m. for the consideration in the House as in Committee of the Whole of bills on the Private Calendar which are not objected to, commencing with No. 318 on said calendar.

The SPEAKER. Is there objection?

Mr. MANN. Mr. Speaker, reserving the right to object, I understood it was the desire to finish at least general debate on the dam bill to-morrow, and as this might interfere with that I object.

Mr. POU. Will the gentleman be willing to put it Wednesday evening?

Mr. MANN. Well, Wednesday is Calendar Wednesday.

The SPEAKER. A recess can not be taken on Calendar Wednesday.

Mr. POU. Then, I will ask Thursday evening.

Mr. MANN. I do not know now what is going to come up Thursday under the present situation. We may have up the dam bill on Thursday under the five-minute rule, and I am sure the gentleman will not wish to interfere with that.

Mr. UNDERWOOD. I would like to state to the gentleman from North Carolina that my sympathies are entirely with him in his efforts to have these private claims disposed of, but if the gentleman would put his request off for a day or two we may get closer to a point where we can possibly reach an agreement which will be more satisfactory.

Mr. POU. I would like to say to the House, by unanimous consent, that the Committee on Claims during this entire Congress has had about two hours to pass bills which are contested. Of course I have no personal interest in this matter. I am trying to get this request for the accommodation of Members here who are interested in these claims. There has not been a single bill of the Committee on Claims that has been put through this session in any other way than by unanimous consent. Now, the session goes on, and we are told every time there will be opportunity later on. I merely want to warn the House that the chances are, if we continue to put off the consideration of the Private Calendar, that the session will end and nothing will be done.

The SPEAKER. Is there objection?

Mr. MANN. Mr. Speaker, I object.

The SPEAKER. The gentleman from Illinois objects.

EXTENSION OF REMARKS.

Mr. CRAMTON. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD by inserting a letter which I have received presenting certain information with reference to the effect of the imposition of penalities under the income-tax law, and which I desire to have the House consider——

The SPEAKER. The gentleman from Michigan asks unanimous consent to extend his remarks by inserting a letter about penalties in reference to the income-tax law. Is there objection?

Mr. CRAMTON. And I desire to ask its consideration in connection with the Smith resolution for a waiver of such penalties.

The SPEAKER. Is there objection?

Mr. UNDERWOOD. Mr. Speaker, reserving the right to object, my attention was distracted for a moment, and I did not hear the gentleman.

Mr. CRAMTON. Mr. Speaker, it is simply a letter presenting some information as to the effect of the imposition of penalties under the income-tax law, this letter reciting facts as to the situation in Oklahoma somewhat as I have already presented them to the House in reference to Michigan.

Mr. UNDERWOOD. Mr. Speaker, reserving the right to object, I wish to say I have no objection to the gentleman printing this letter, but I think the gentleman should know, and everyone else should know, that the collection of these penalties from any corporation not making a return under the income tax is entirely discretionary with the executive branch of the Government.

The law provides that the penalty shall not exceed $10.000, which means that a penalty can be affixed from $1 up to $10.000, and it is not a question about which the House can further legislate or should further legislate. It is purely a question of executive discretion.

Mr. CRAMTON. I will say, Mr. Speaker, if I may, that I have no controversy with the gentleman from Alabama [Mr. UNDERWOOD] on that point. I agree with him as to the discretion of the Treasury Department. The view of the Treasury Department seems to be to the contrary, or, at least, they refuse to exercise the discretion which they have, and hence the only course to secure relief would be through action by the Congress.

Mr. UNDERWOOD. Well, I do not see where action by Congress could relieve the situation, because it ultimately would go to the discretion of the department. They could not pass a bill relieving the penalties, because some of these people are undoubtedly in default and should be penalized. I agree with the gentleman that a great many of them are not at fault.

Mr. CRAMTON. And in a great many cases the department could reasonably exercise its discretion.

Mr. UNDERWOOD. Well, I am not in a position to pass judgment for the department. So far as I am personally concerned, I am free to say that in these cases of small corporations that have been brought in because the limit of $5,000 has been knocked out, which covers most of the cases, I would be exceedingly liberal with them this year. That would be my position.

Mr. HUMPHREY of Washington. Will the gentleman yield?

Mr. UNDERWOOD. Yes.

The SPEAKER. Is there objection?

Mr. CARTER. I reserve the right to object, Mr. Speaker.

Mr. HUMPHREY of Washington. I understood the gentleman to say a moment ago that the fine could be anything from $1 up. But I received a letter from the department the other day saying that they would not consider anything less than $50.

Mr. UNDERWOOD. That was a department ruling. That is not the law.

Mr. HUMPHREY of Washington. That is what I thought. I received a letter of that kind.

Mr. CARTER. May I ask the gentleman from Michigan what it was he desired to do? Did he desire to print something?

Mr. CRAMTON. Yes. I may state that some time ago I presented the facts as to a number of cases in Michigan. This letter is a letter from a gentleman in Hugo, Okla., presenting the situation as affecting a great many corporations in Oklahoma.

Mr. CARTER. What situation is it presenting, may I ask?

Mr. CRAMTON. That a great many corporations which are not organized for profit and a great many which may be organized for profit, but, as a matter of fact, have no profit and perhaps no income, owing to a failure on their part to understand that they were liable or required to make returns under the law, failed to make their returns on the date of the limit, and because of that failure, even though they did present their returns at once on its being called to their attention, they are being fined at least $50.

Mr. CARTER. The gentleman is speaking of the income tax?

Mr. CRAMTON. Yes, sir.

Mr. CARTER. From whom does the letter come, may I ask the gentleman?

Mr. CRAMTON. Mr. Claude Spriggs is my recollection of the name, of Hugo, Okla.

Mr. ROGERS. Mr. Speaker, is the gentleman from Michigan aware that within the last week or two the Treasury Department has established a new minimum, that it has reduced the previous minimum of $50 to $20, so as to cover in part at least some of these deserving cases?

Mr. CRAMTON. I will say, Mr. Speaker, to the gentleman from Massachusetts that my information is to the contrary. In a number of cases of which I have knowledge they first accepted a penalty of $25, but recently they have increased it in other cases to $50.

Mr. ROGERS. Well, if the gentleman will pardon me, I have a case in my own district where a very small corporation, on which the original penalty levied was $50; and in view of the representations which were made in that case and other very deserving cases, the Treasury Department has within a week stated to me in a letter that it will establish a new minimum in certain deserving cases of $20.

Mr. CRAMTON. I am glad of that.

The SPEAKER. Is there objection to the request of the gentleman from Michigan [Mr. CRAMTON]?

There was no objection.

Mr. FOWLER. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD by printing a résumé of the proceedings which led to the acquisition of the Panama Republic by the United States, compiled by Hannis Taylor.

The SPEAKER. The gentleman from Illinois [Mr. FOWLER] asks unanimous consent to extend his remarks in the RECORD by printing documents concerning the Colombian treaty. Is there objection? [After a pause.] The Chair hears none.

"WHY THE PENDING TREATY WITH COLOMBIA SHOULD BE RATIFIED—A SUMMARY OF THE INCONTESTABLE HISTORICAL FACTS.

[By Hannis Taylor.]

"In its issue of June 29, 1914, the Washington Post, despite its many hostile expressions to the contrary, said: 'The people would like to know why the United States must pay $25,000,000 to Colombia and $3,000,000 to Nicaragua. They may approve of both treaties if they know all the details, but they will never approve of either if this information is withheld.' As it is eminently just and proper that the people of the United States should 'know all the details,' the purpose of this paper is so to restate them that he who runs may read, so far as the controversy with Colombia is concerned.

"The dominating fact, which throws more light than all others upon the real nature of the transaction, was thus stated by Col. Roosevelt himself in a notable speech made at the University of California on March 23, 1911: 'I am interested in the Panama Canal because I started it. If I had followed traditional conservative methods, I should have submitted a dignified state paper of probably 200 pages to the Congress, and the debate would have been going on yet. But I took the Canal Zone, and let Congress debate, and while the debate goes on the canal does also.'

"The Taft administration, knowing that President Roosevelt 'took the Canal Zone,' made an earnest effort to settle the damages thus occasioned upon a just and honorable basis. On March 1, 1913, President Taft, as one of his very last official acts, sent to Congress a message indorsing a communication from the then Secretary of State, Mr. Knox, which concludes as follows:

"'The very latest telegram from Mr. Du Bois shows that in a subsequent interview he took it upon himself informally to ask whether if the United States should, without requesting options or privileges of any kind, offer Colombia $25,000,000, its good offices with Panama, the arbitration of the question of reversionary rights in the Panama Railway, and preferential rights of the canal, the Government would accept; to which he was answered in the negative.

"'Included in this most recent telegraphic correspondence is a statement of the impression of the legation at Bogota that the Colombian Government cherishes the expectation that the incoming administration will arbitrate the entire Panama question, or will directly compensate Colombia for the value of the territory of Panama, the Panama Railway, the railroad annuities, and the contract with the French Canal Co.'

"SENATOR BACON'S SPEECH UPHOLDING COLOMBIA'S RIGHT TO ARBITRATION.

"After the present administration had accepted the legacy thus bequeathed, coupled with the declaration that 'the Colombian Government cherishes the expectation that the incoming administration will arbitrate the entire Panama question,' the Colombian Government did, in solemn form, present its case to the Government of the United States, coupled with an earnest appeal for arbitration. At that moment the chairman of the Senate Committee on Foreign Relations was the late and lamented Senator Augustus O. Bacon, of Georgia, who on January 29, 1904, had made a famous speech in the Senate in which he advocated the making 'of a treaty with the Republic of Colombia submitting to the Permanent Court of Arbitration at The Hague, or to some other tribunal to be agreed upon, for impartial arbitrament and peaceful determination all questions between the United States and the Republic of Colombia growing out of the matters herein recited.' After an exhaustive review of every question of fact and law involved in the taking of Panama, Senator Bacon made this declaration:

"'I am content with anything which shall commit the Government of the United States in the face of the world to the proposition that, whatever there may be of difference between the United States and Colombia, the United States, as a great overshadowing power which can not be compelled by this feeble power to do anything, will voluntarily endeavor to agree with it in the settlement of existing differences; and that if it can not come to an agreement by peaceful negotiations it will not assert its great and resistless power, but that it will endeavor to have a determination of such differences and the claims growing out thereof by some impartial tribunal.'

"In the light of these antecedents the present administration determined to strive to 'come to an agreement by peaceful negotiations,' rather than yield to Colombia's demand for arbitration. The outcome is embodied in the pending treaty, whose merits depend largely upon the following facts:

"THE 'TREATY OF PEACE, AMITY, NAVIGATION, AND COMMERCE,' NEGOTIATED IN 1846.

"When the time arrived to develop our priceless yet remote territory on the Pacific coast it became necessary for us to appeal to Colombia, then called New Granada, for a free passage through her limits to California, which otherwise could only be reached by a nine months' voyage around the Horn, or by the even more dangerous wagon trail across the Rocky Mountains and the Western Desert. The all-important advantage of a

shorter route we secured through 'a treaty of peace, amity, navigation, and commerce,' negotiated in 1846, in which it was stipulated as follows:

"'The Government of New Granada guarantees to the Government of the United States that the right of way or transit across the Isthmus of Panama upon any modes of transportation which now exist, or that may be hereafter constructed, shall be open and free to the Government and citizens of the United States, and for the transportation of any articles of lawful commerce belonging to the citizens of the United States.

"'As compensation for that privilege (priceless at that time) the United States promised "as an especial compensation for the said advantages and for the favors they have acquired by the fourth, fifth, and sixth articles of this treaty (articles which secure to the United States reciprocal privileges of importation and tonnage dues and equal customs duties) the United States guarantee, positively and efficaciously, to New Granada, by the present stipulation, the perfect neutrality of the before-mentioned Isthmus, with the view that the free transit from the one to the other sea may not be interrupted or embarrassed in any future time while this treaty exists; and, in consequence, the United States also guarantee in the same manner the rights of *sovereignty* and property which New Granada has and possesses over the said territory."'

"In the message in which President Polk submitted the treaty in question to the Senate he said, in regard to the right of transit thus won: 'The importance of this concession to the commercial and political interest of the United States can not be overrated;' and in a special message of February 10, 1847, only two months after the initiation of the treaty, he said:

"'There does not appear any other effectual means of securing to all nations the advantages of this important passage, but the guaranty of great commercial powers that the Isthmus shall be neutral territory. * * *

"'The guaranty of the sovereignty of New Granada over the Isthmus is a natural consequence of this neutrality. * * * New Granada would not yield this Province that it might become a neutral State; and if she should, it is not sufficiently populous or wealthy to establish or maintain an independent sovereignty.'

"Thus by the most solemn guaranty known to the family of nations the United States pledged itself, *by express contract*, to respect and uphold the sovereignty of New Granada over the Isthmus of Panama, a plain duty already due to New Granada under the general principles of international law.

"In emergencies other than the disturbance of interoceanic transit or peril to the persons and possessions of American citizens, there might be no intervention in the affairs of New Granada, reestablished as the United States of Colombia in 1863. By the terms of the treaty, and by the principles of international law Colombia, as the successor of New Granada, was the sovereign peer of the United States, which, save for the purpose of protecting free transit, might no more land forces on Colombian soil or even threaten such landing than she might land such forces on the shores of France or England. After a careful examination of the subject a competent expert has said that during the 40 years that intervened between the establishment of Colombia in 1863 and the Panama imbroglio of 1903 United States forces were employed in only seven instances, and for a period of 164 days, and in each instance with Colombia's approval. In no case was there fighting, the mere precautionary measures being sufficient.

"THE SPOONER ACT OF 1902 AND HAY-HERRAN CONVENTION OF 1903.

"In 1902 was passed the Spooner Act, providing for the construction of an Isthmian canal and arming the President with power to obtain from Colombia perpetual control (not cession) for canal purposes of a strip of land from ocean to ocean. Then followed the Hay-Herran convention of 1903, in which it was expressly stipulated that 'the convention, when agreed to by the contracting parties, shall be ratified in conformity with the laws of the respective countries,' and further, 'the Government of Colombia authorizes the New Panama Canal Co. to sell and transfer to the United States its rights, privileges, properties, and concessions, as well as the Panama Railroad and all the shares or parts of the shares of that company.' The first grave indignity offered to Colombia was embodied in a series of threats, which warned her that her Senate would not, as an independent legislature, be permitted to discuss all necessary amendments to the treaty in question. Col. Roosevelt did not hesitate to declare, 'when in August, 1903, I became convinced that Colombia intended to repudiate the treaty made the preceding January, under cover of securing its rejection by the Colombian Legislature, I began carefully to consider what should be done. By my direction Secretary Hay, personally and through the minister at Bogota, repeatedly warned Colombia that grave consequences might follow her rejection of the treaty.' A cable was sent to Bogota saying, 'The treaty must not be modified or amended;' and then followed a mandate saying, 'ratify the treaty or you will regret it.' Imagine Great Britain addressing such threats to the Senate of the United States when it was about to consider a treaty signed, subject to the approval of that body, between the British ambassador at Washington and our Secretary of State. Is it strange that under the sting of such threats the Colombian Senate should have refused to ratify the treaty in question on August 12, 1903?

"On August 31, Mr. Beaupre sent to Mr. Hay the following telegram, recently published in Diplomatic History of the Panama Canal (S. Doc. No. 474, 63d Cong., 2d sess., p. 438):

"MR. BEAUPRE TO MR. HAY.

[Telegram.]

"UNITED STATES LEGATION,
"BOGOTA, *August 31, 1903.*
(Received September 5.)

"August 31, 1903, 2 p. m. I had an interview with Senator Obaldia to-day. He informed me that he is willing to remain so long as there is hope for the treaty, but he is convinced that there is none, and will leave, therefore, on the 6th proximo. Confirms Gen. Reyes's statement concerning presidential candidate, and says that the next Senate was made certain for the treaty; that he bears instructions to Govs. Insignares and Barrios concerning the elections which will be held next December; that in accepting governorship of Panama he told the President that in case that the department found it necessary to revolt to secure canal he would stand by Panama; *but he added if the Government of the United States will wait for the next session of Congress canal can be secured without a revolution.* Senator Campo, from the Cauca, is about to leave, thinking the treaty gone.

"Confidential. My opinion is that nothing satisfactory can be expected from this Congress. Caro's party has been joined by Velez and Soto and their followers, constituting a decisive majority against the treaty. Gen. Reyes seems to still entertain hopes.

"BEAUPRE.

"And here the fact should be emphasized that the constitution of Colombia expressly forbade the alienation of any part of the national domain until the Congress had first expressly authorized the same.

"In the light of the evidence now available it can not be doubted that only President Roosevelt's unreasonable haste prevented the ratification of the treaty by the Colombian Senate. He has himself quoted a high official of Colombia who, on November 6, 1903, said in a note to the American minister at Bogota that on certain conditions—

"'The Colombian Government will declare martial law and, by virtue of vested constitutional authority when public order is disturbed, will approve by decree the ratification of the canal treaty as signed; or, if the Government of the United States prefers, will call an extra session of Congress, with new and friendly members next May, to approve the treaty.'

"THE OPÉRA BOUFFE REVOLUTION OF NOVEMBER, 1903.

"The delay occasioned by the exercise of Colombia's constitutional right to deliberate upon a treaty before its ratification precipitated the opéra bouffe revolution of November, 1903. Colombia had been at that time an independent State for 93 years, and for 77 years had been so recognized by us. On November 3, 1903, the Republic of Colombia was at peace with the United States, and 'the treaty of peace, amity, navigation, and commerce' of 1846, expressly guaranteeing, in a very solemn manner, her sovereignty over the Isthmus of Panama, was in full force. But despite all those things, the time had now arrived when the pen was to be superseded by the sword. An opéra bouffe revolution was being manufactured at Panama, and a dummy republic was on the way. From his published admission it is hard to doubt that as early as August, 1903, President Roosevelt was aware that the secession of the Province of Panama was being secretly fomented; and he has openly declared that toward the end of October the attempt appeared to be an imminent probability. In order to make that result possible it was absolutely necessary so to arrange the naval forces of the United States that they could be on the spot to prevent the suppression of the so-called revolution by the military forces of Colombia. To that end was issued the famous '50-mile order' of November 2, 1903. In his message to Congress of January 4, 1904, President Roosevelt said:

"'In view of these facts I directed the Navy Department to issue instructions such as would insure our having ships within easy reach of the Isthmus, in the event of need arising. * * * On November 2 the following instructions were

sent to the commanders of the *Boston*, *Nashville*, and *Dixie:* "Maintain free and uninterrupted transit. * * * Prevent landing of any armed force, either Government or insurgent, within 50 miles of Panama.'"

"On November 3, 1903, the following order was sent to the commander of the *Nashville* at Colon: 'In the interests of peace make every effort to prevent Government troops at Colon from proceeding to Panama. The transit of the Isthmus must be kept open and order maintained.' Thus, while the solemn treaty was in full force and profound peace existing, President Roosevelt issued a military order, preventing Colombia from moving her own troops over her own railway from her own Colon to her own Panama, in order to put down an opéra bouffe revolution, representing less than one-tenth of the population of the Province of Panama, which the 400 troops of Colombia landed at Colon could have instantly suppressed. Under such circumstances the final act of the comedy was concluded. On November 3, at 6 o'clock, the émeute, chiefly promoted by 'the fire department,' took place, the total death roll being one Chinaman killed by one of the three shots fired from the *Bogota* on the night of the 'secession.' The report of the success of the revolution was received at Washington at 9.50 p. m. of November 3, and at 11:18 word was returned directing the commander of the *Nashville* to 'make every effort to prevent Government troops at Colon from proceeding to Panama.' On November 4 a telegram was received from the Panama consul, saying a proclamation of independence had been issued by the insurgents and three deputized to draw up a constitution. On November 6 this Government sent the following message to our Panama consul:

"'The people of Panama have by an apparently unanimous movement dissolved their connection with the Republic of Colombia and resumed their independence. When you are satisfied that a de facto government, republican in form and without substantial opposition from its own people, has been established in the State of Panama, you will enter into relations with it as the responsible government of the territory.'

"Thus a mere consul was endowed with the august function of recognizing the new Republic when satisfied that a de facto government, republican in form and without substantial opposition from its own people, had been established in the State of Panama. A little later in the day the President of the United States recognized the new nation, the Republic of Panama. And on the same fateful day was appointed Minister Plenipotentiary and Envoy Extraordinary from the Republic of Panama Buneau Varilla, a nonresident alien, whose only interest was the valorization of the shares of a speculative company. On November 13 he was officially received by the President, the earliest date at which his letters could arrive by steamer from the Isthmus, and five days later the canal treaty was signed. It is hard for one at all familiar with the rules of international law to record the details of this strange transaction with a straight face. It is hard not to gasp at this unprecedented process of nation making, a process whereby 'the President of the guaranteeing nation, itself unavoidably included in the treaty's provisions, forcibly disabled Colombia from taking the slightest precautionary measures against secession; continued and expanded his hostility, and, then, in 1 day, 17 hours, and 41 minutes from the issuance in the one city of Panama of an insurgent proclamation of independence, recognized a new sovereignty.'

"A VITAL PRINCIPLE OF INTERNATIONAL LAW.

"During the Civil War the United States became the special champion of that rule of international law which declares that a premature or unjustifiable recognition either of belligerency or independence of a community in rebellion against the parent state is really an act of intervention which the parent state may meet by a declaration of war. In a note on that subject, written to Mr. Adams in 1861, Mr. Seward said:

"'On the other hand, we insist that a nation that recognizes a revolutionary state, with a view to aid its effecting its sovereignty and independence, commits a great wrong against the nation whose integrity is thus invaded and makes itself responsible for a just and ample redress.'

"In the history of the law of nations no near approximation can be found to the process through which the military and naval power of the United States prevented the military forces of Colombia from suppressing a revolution upon her own soil. And the political power of the United States then, within less than two days, recognized the outcome of such a revolution as an independent member of the family of nations. Such conduct upon the part of the United States rendered it 'responsible for a just and ample redress,' first, because it was a conspicuous violation of the rule of international law, recognized by all States; second, because it was a conspicuous violation of the treaty of 1846, in which that rule was embodied as one of the leading stipulations in an express contract. The double liability resting upon the United States for 'just and ample redress' is beyond all controversy, so far as international law is concerned. There never has been but one open question in the case. After President Roosevelt's admission 'I took the Canal Zone' nothing remained for his successors but the ascertainment of the extent of 'a just and ample redress.' Under such circumstances could any high-thoughted or chivalrous American desire that an expression of regret should be withheld? The noble sensibilities of Senator Bacon responded to the situation when he spoke of 'the United States, as a great overshadowing power which can not be compelled by this feeble power to do anything.' Ex-Minister Du Bois, in a recent statement, has beautifully expressed the idea in the following form:

"'While negotiating for a treaty I made the Colombian authorities understand that under no circumstances would the United States apologize to any nation for a political act—that was our unwritten law that never had been and never would be broken. In purely informal conversations, and in my unofficial memorandum, *I suggested that a chivalrous expression of regret that our friendship had in any way been marred, such as any real gentleman would freely grant to another*, might later be embodied in the treaty as a balm for the wounded feelings of a once friendly nation, which had been humiliated before the world, whose credit had been destroyed in foreign countries, whose borrowing ability had been annihilated, and whose persistent appeals for arbitration had been ignored. The United States in negotiating the treaty and Colombia in ratifying it distinctly understood that no apology was embodied in article 1 and nowhere else in the agreement. The opposition to this feature, on the ground that it is an apology, is not just, and is not in the true interest of the United States.'

"OPINIONS OF SENATORS HOAR AND CULLOM.

"It may be said, but not justly, that my position as counsel for Colombia has so biased my mind in her favor as to render me incapable of forming an unprejudiced judgment even upon the questions of international law involved. For that reason I shall appeal to the judgment of two jurists and statesmen who were at the time the most able and venerable supporters in the Senate of the United States of President Roosevelt's administration, and his cordial personal and political friends. I refer to Senator Hoar, of Massachusetts, and Senator Cullom, of Illinois, leaders of the Republican Party, whose experience in matters of international law and diplomacy had extended over an unusually long period. A short time before his death Senator Cullom published a solemn and deliberate statement of Senator Hoar's views upon the subject in such a way as to leave no reasonable doubt that they were also his own. In his 'Fifty Years of Public Service,' pages 212–213, Senator Cullom says:

"'Senator Hoar was disposed to be against the recognition of the Republic of Panama, and it has been intimated that he was of the opinion that the Roosevelt administration had something to do with the bloodless revolution that resulted in the uniting with the United States of that part of Colombia which now forms the Canal Zone. * * * The President wanted the Senator to read a message which he had already prepared, in reference to Colombia's action in rejecting the treaty and the canal in general, which message showed very clearly that the President had never contemplated the secession of Panama, and was considering different methods in order to obtain the right of way across the Isthmus from Colombia, fully expecting to deal only with the Colombian Government on the subject. The President was sitting on the table, first at one side of Senator Hoar and then on the other, talking in his usual vigorous fashion, trying to get the Senator's attention to the message. Senator Hoar seemed adverse to reading it, but finally sat down, and without seeming to pay any particular attention to what he was perusing, he remained for a minute or two, then arose and said: "I hope I may never live to see the day when the interests of my country are placed above its honor." He at once retired from the room without uttering another word, proceeding to the Capitol. Later in the morning he came to me with a typewritten paper containing the conversation between the President and himself, and asked me to certify to its correctness. I took the paper and read it over, and, as it seemed to be correct, as I remembered the conversation, I wrote my name on the bottom of it. I have never seen nor heard of the paper since.'

"And here, by the side of Senator Hoar's outcry, should be reproduced the statement recently made by ex-Minister Du Bois:

"'If any person believes it is pleasant for me to oppose a great leader, whose fortunes I devotedly followed for 10 years, and

for whom I have profound esteem, he is radically mistaken. I am a Republican and have been all my life, and I have been urged not to make this statement public, because a successful issue of the treaty will help the Wilson administration.

"'*I do not care to live to greet that day where my love of party smothers my love of justice and halts my courage in doing what I believe is right for the true interests of my country.*'

"Who can wonder that when such devoted friends of President Roosevelt as President Taft and Secretary of State Knox succeeded to power they should have felt under a deep moral obligation to repair the wrong which Colombia had suffered. That thought was never absent from them. President Taft's last important word to Congress was upon this subject.

"COLOMBIA'S FRUITLESS APPEAL FOR ARBITRATION.

"In his communication to President Taft, heretofore quoted, Mr. Knox said: 'Included in this most recent telegraphic correspondence is a statement of the impression of the legation at Bogota that the Colombian Government cherishes the expectation that the incoming administration will arbitrate the entire Panama question.' That is all that Colombia has ever asked of the United States—a fair hearing before an impartial international tribunal, either The Hague court or a tribunal specially constituted. No more conclusive argument was ever made than that in which Senator Bacon—at the time of his death the able chairman of the Senate Committee on Foreign Relations—demonstrated Colombia's right to arbitration under the law of nations. Colombia's claim for the value of the territory of Panama, the Panama Railway, the railroad annuities, the contract with the French Canal Co., and other advantages exceeded twofold the pecuniary sum agreed upon in the pending treaty. Not until after her right to have the amount of the damages due her ascertained by an arbitral court had been denied her was the settlement embodied in the pending treaty entered into.

"An attempt has been made to create prejudice against the treaty by the false statement that Colombia has agreed to pay me a contingent fee of $1,000,000 upon its ratification. I am her only counsel and our contract is in writing and subject to inspection by the Senate Committee on Foreign Relations whenever that body may see fit to call for it. It simply provides that I am to receive just and reasonable compensation for my services when they are concluded; and, in the event of a difference between us as to the amount, such difference shall be adjusted by arbitration. And here, in conclusion, I feel it my duty to say that my zeal in this matter as counsel for Colombia has been increased by the fact that after an exhaustive study of all the antecedents I have been as profoundly impressed as I could ever be of anything of the justice of her cause, not only in morals but under the principles of international law. Therefore, as an American citizen, I feel that a great good has been accomplished for my country in this grave matter by the making of a settlement which will reestablish the ancient and cordial friendship with a neighboring State, in which the commerce and industry of the United States will find a region most favorable for its development."

Mr. KINDEL. Mr. Speaker, I would like to ask unanimous consent for one hour's time in which to review the charges made by President Ripley, of the Santa Fe Railroad.

The SPEAKER. When does the gentleman want the hour?

Mr. KINDEL. At any time it will suit the Chair or the House.

The SPEAKER. The gentleman will have to make a more definite request.

Mr. FERRIS. Ask for to-morrow.

Mr. KINDEL. I ask, then, for to-morrow, Mr. Speaker.

The SPEAKER. The gentleman from Colorado [Mr. KINDEL] asks unanimous consent to address the House for an hour to-morrow, after the reading of the Journal. On what subject does the gentleman wish to address the House?

Mr. KINDEL. On the question of the parcel-post and freight rates, on which the Democratic Party is charged with doing wrong.

The SPEAKER. On the subject of the parcel post, in answer to Mr. Ripley.

Mr. UNDERWOOD. Mr. Speaker, I do not desire to prevent the gentleman from Colorado from having an opportunity to address the House, but there is a very important matter that will come up to-morrow, the amendment to the general dam act, and we are anxious to get general debate closed. Therefore I could not consent at this time to yield the hour to-morrow. I would be perfectly willing to yield it at a later date.

The SPEAKER. The gentleman from Alabama objects.

Mr. KINDEL. I then ask unanimous consent for leave to print. I have been trying for a year and a half to get this before the House.

The SPEAKER. The gentleman from Colorado asks unanimous consent to print his remarks in reply to President Ripley. Is there objection?

Mr. KEATING. Mr. Speaker, I object.

The SPEAKER. The gentleman from Colorado [Mr. KEATING] objects.

Mr. MONDELL. Mr. Speaker, I wish to ask unanimous consent to extend my remarks in the RECORD as to the effect of the tariff on the business of the country.

The SPEAKER. The gentleman from Wyoming asks unanimous consent to extend his remarks in the RECORD on the tariff. Is there objection. [After a pause.] The Chair hears none.

The Clerk will report the first bill on the Unanimous Consent Calendar.

RELIEF OF LANDOWNERS IN MISSISSIPPI AND LOUISIANA.

The first business on the Calendar for Unanimous Consent was the bill (H. R. 13581) for the relief of the landowners on the east bank of the Mississippi River in the counties of Warren, Claiborne, Jefferson, Adams, and Wilkinson, in the State of Mississippi, and in the parish of West Feliciana, State of Louisiana.

The bill was read.

The SPEAKER. Is there objection?

Mr. MANN. I object.

The SPEAKER. The gentleman from Illinois [Mr. MANN] objects, and the bill will be stricken from the Calendar. The Clerk will report the next one.

PUBLIC-BUILDING SITE AT THOMASVILLE, GA.

The next business on the Calendar for Unanimous Consent was the bill (H. R. 15110) to acquire, by purchase, condemnation, or otherwise, additional land for the post office in the city of Thomasville, Ga.

The Clerk read the bill, as follows:

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, authorized and directed, in his discretion, to acquire, by purchase, condemnation, or otherwise, the portion of land between the post-office site and Madison Street, same width as post-office site and running back 56 feet, to enlarge the site for the post-office building at Thomasville, Ga., at a cost not to exceed $5,000.

The SPEAKER. Is there objection?

Mr. MANN. Reserving the right to object, Mr. Speaker——

Mr. PARK. Mr. Speaker, before the discussion I ask unanimous consent that the amendment which I send to the Clerk's desk may be read for information.

The SPEAKER. Without objection, the Clerk will read.

The Clerk read as follows:

Amendment No. 1 to H. R. 15110: "That the said enlarged post-office site, except where buildings, further additions, and purchases are or may hereafter be located, may, in the discretion of the Secretary of the Treasury, be used as a public park, to be known as Roddenbery Park, to be maintained by the city of Thomasville under regulations to be prescribed from time to time by the Secretary of the Treasury."

The SPEAKER. Is there objection to the present consideration of the bill?

Mr. MANN. I reserve the right to object.

The SPEAKER. The gentleman from Illinois reserves the right to object.

Mr. PARK. Mr. Speaker, on a former occasion, when the bill was under consideration——

The SPEAKER. This bill is not under consideration now. The question is, Is there objection?

Mr. MANN. Reserving the right to object, I am willing that the gentleman shall make a statement.

Mr. PARK. Mr. Speaker, I want to make a statement.

The SPEAKER. The Chair knows; but as the gentleman from Illinois reserves the right to object, it is his time to talk.

Mr. MADDEN. Mr. Speaker, I would like the gentleman to tell me how large a place Thomasville is?

Mr. PARK. It has between 4,000 and 5,000 people.

Mr. MADDEN. How much of a public building have they there now?

Mr. PARK. There is none yet.

Mr. MADDEN. This is to purchase a site?

Mr. PARK. Yes; $70,000 to purchase a site and put up the building.

Mr. MADDEN. What are the post-office receipts of the town?

Mr. PARK. About $20,000.

Mr. MADDEN. How much would be invested in the public building and grounds when allowed?

Mr. PARK. Seventy-five thousand dollars.

Mr. MADDEN. The interest on that at 4 per cent would be $3,000 a year; at 3 per cent it would be $2,250 a year.

Mr. PARK. Congress has authorized it.

Mr. MADDEN. I know; but I call attention to the fact that they could probably rent a suitable place for a thousand dollars that would be as good as this building if erected. What has been done in connection with the purchase of the site and the erection of the building?

Mr. PARK. They have paid $9,000, I think, on the site—the present site. Now they want an addition of 56 feet by 140 feet.

Mr. MADDEN. Why do they want more ground?

Mr. PARK. To make a park there.

Mr. MADDEN. Why should they make a park around the public building? Why should they do that?

Mr. PARK. There is a good reason for it—to commemorate the services of my predecessor.

Mr. MADDEN. All right; I shall not object.

The SPEAKER. Is there objection?

Mr. MANN. Reserving the right to object, I understand the gentleman wanted to make an explanation of it. As I understand it, the amendment that the gentleman has had read for information is to be attached to this bill that is now pending?

Mr. PARK. Yes.

Mr. MANN. I would not be willing to consent to the consideration of the bill.

Mr. PARK. Will the gentleman reserve his objection until I can make a little discussion of it?

Mr. MANN. Yes.

Mr. PARK. Mr. Speaker, on a former occasion when the bill was under consideration the great Illinoisan, Mr. MANN, objected on the ground, as I understood it, that we could not afford to appropriate money to dedicate a monument or a park to each Member of the House as he passes on his way.

The idea uppermost in his mind, I deem, was apprehension lest a precedent be set that might in years to come unwarrantably drain the Treasury.

If passage of this bill with an appropriation to acquire further space to create a little memorial park will set a precedent then I agree with him.

I have much admiration and respect for the well-considered opinions and judgment of this great statesman.

As a slight tribute of my esteem I say that I have sat under the wand of the magician, entranced by the witchery of his wit and the charm of his logic—and I may add that his superb eloquence has more than once lifted himself and his party, and members of other parties, to a state of feeling exalted beyond partisan standards, reaching true statesmanship—and, knowing his keen perception and broad patriotism, I can not but feel that through my inefficiency on the last occasion when this bill was presented an understanding was not reached of the exact purpose and reasons therefor in my mind. I am constrained to further explain the causes and conditions upon which I base this request, and by reason of which I contend no precedent can be established by the passage of this bill.

Precedents are made from causes and conditions, and unless succeeding causes and conditions are similar there is no precedent for them.

No person born and reared or who has lived outside of influences which exist below the old Mason and Dixon's line since the Civil War can know or appreciate the feelings and emotions that throb in the breasts of southern men.

Mr. Speaker, go with me a half century and more in the past, to the period preceding and during my predecessor's life, and consider the atmosphere into which he was born and breathed and fed upon until his advent to this Hall.

He was familiar with the history of conditions that preceded his birth, when slavery and secession were creating discord and threatening to disrupt the Union.

Men of great intellect and of stern convictions on both sides of the question were drawing apart and preparing for what appeared a coming great conflict. A United States Senator, afterwards President of the Confederacy, withdrew from the Senate with a speech memorable and immortal on his lips. Such men as Robert Toombs, of Georgia, William L. Yancey, of Alabama, and others took the same view, their views being combated by men of equal intellect and convictions on the opposite side. In civil and military life a division was rapidly drawn. Robert E. Lee, then in the service of the Union, withdrew his blade from that service and tendered it to Virginia, his mother State, as did many other West Pointers; and as the Union ranks were depleted by these withdrawals they were augmented by others of the same faith and equal determination, who closed their ranks and gathered around the Stars and Stripes to battle for the Union. And when the first gun was fired at Fort Sumter there was unfurled the banner of the Stars and Bars that floated and rippled from the Atlantic all the way to the Rio Grande and far up to the Missouri; beneath its folds there rallied a devoted throng of planters and plainsmen, men from field, city, shop, and profession, all with a common impulse and prayer on their lips, swearing, as they came, that where that flag led they would dare to follow and to die.

Alongside the South Carolinians and their "rattlesnake flag," with defiant motto, "Don't tread on me," ranged Texans and their azure banner with single central star, and war memories of Goliad and San Jacinto tenderly but firmly tuning their heartstrings to battle.

And so the conflict came. The army of Northern Virginia clashed with the army of the Potomac, and the flash and roar and roll of battle scourged the land during four eventful years. At its close was the usual wreckage—the armless sleeve, the wooden leg, the shattered constitution—and his vivid imagination beheld "the warrior's banner take its flight to greet the warrior's soul." The South fought and lost all save honor and a few defeated but unconquered heroes. Nothing was left but the land and a mourning people, amidst whom ranged at will, loosed with a pen stroke, 4,000,000 of half-savage people, made unruly by men unworthy of the great East and North whence they came, and who whispered words of delusive hope into their willing ears.

For more than a decade in wretchedness the people of the South suffered, struggled, and prayed for deliverance, and none but the Anglo-Saxon of pure blood could have stood the strain.

Born during the decade succeeding the war, consider my predecessor as he opened his eyes upon the light and grew from boyhood into manhood's estate, and heard the eloquent story of those he honored, the story of the terrible conflict, believing they were right. And as Memorial Day succeeded Memorial Day he learned to feel keenly in his sensitive nature the sufferings of the people he most loved. He saw daily around him women who had been delicately nurtured, clad in faded, patched, and worn calico, turning their hands to the most menial tasks. He saw gray-bearded men in faded, patched gray bending to the plow, fighting a sterner battle alone and unfriended than they or their companions fought from Manassas all the way through Spotsylvania and the Wilderness to sad but hallowed Appomattox. As he grew older his convictions grew stronger, and when pension legislation was enacted and there was added to the overburdened Southland in her wreck and ruin greater burdens than they could bear, he felt that the vanquished were driven by the law of the sword to contribute of their poverty to pension the victors, and there was "no pity, no relenting ruth"; and his honest, earnest spirit indignant rose at the real or fancied wrong, and when he came here he came with full belief that there was great injustice done his people, and with great determination to right the wrong, with his slight body and great spirit, he felt he would overcome in part and rally others to him, and would finally overcome what he considered cruel injustice. So believing, he entered the lists and struck the shield of the doughtiest of his opponents with lance point, and attacked boldly pension legislation wherever he found a vulnerable point in the armor. He thought about it, pondered over it, argued for it, and came to the floor and fought, and sometimes won in single instances, and sometimes won in more than single instances, and by his determined stand believed he would accomplish a mission. At length his frail body, in which the spirit was bigger than the frame that held it, rose and expanded in his mighty efforts to the bursting point, and the finger of Almighty God lightly touched the tricuspid valve of his heart and there was a purpling of the lips, a bluing of the finger nails, a paling of the face—those infallible tokens of regurgitation of the blood into the chambers whence nature had forced it into the life-giving circuit.

Circulation became slow, the brain and body grew weaker and weaker. His spirit was still strong to fight, but he knew on the instant that the dusky wing of the death angel was hovering him under. Although he struggled on, shortly he retired to his home at Thomasville, with full knowledge that his task was ended though unfinished, and there he met the fate which awaited him, and awaits all, with the cool, naked courage with which he met obstacles here and elsewhere.

Believing as I do and feeling as I do, that he received the injury which caused his death while battling here; for that reason, I say, and for these causes and circumstances I have related, I declare there can be no precedent established when you dedicate this park to his memory.

Contemplating his last moments, Byron's immortal imagery of Kirk White shapes before me:

> Unhappy White, when life was in its spring,
> And thy young muse just waived her joyous wing,
> The Spoiler came, and all thy promise fair
> Has sought the grave to sleep forever there.

Yes; she, too, much indulged thy fond pursuit;
She sowed the seed, but Death has reaped the fruit.
So the struck eagle stretch'd upon the plain,
No more through rolling clouds to soar again,
View'd his own feather on the fatal dart
And wing'd the shaft that quiver'd in his heart.

There will not be in a century, if ever, circumstances, facts, and causes that will make another instance which can point to this act as a precedent. Feeling that here where he received the mortal blow is where the sign of remembrance should be set up, I ask again, in this brief and faulty explanation to this House, that they vote the passage of this bill with the amendment incorporated therein. [Applause.]

The SPEAKER. Is there objection?

Mr. MANN. Reserving the right to object, Mr. Speaker, I would like to say to my friend from Georgia [Mr. PARK] that I would not be willing to have the Government purchase land as a post-office site for the purpose of using it as a park. If the people of Thomasville desire to present this land to the Government in connection with the post-office site, I would have no objection whatever to letting the Secretary of the Treasury permit the city of Thomasville to maintain it as a park at their expense.

Mr. PARK. Then, Mr. Speaker, considering the gentleman's objection, I offer this amendment to meet his objection.

The SPEAKER. The time has not yet arrived for that.

Mr. MANN. Let it be read for information.

Mr. PARK. I present the amendment for information, Mr. Speaker.

The SPEAKER. The Clerk will read it for information.

The Clerk read as follows:

Strike out all after the enacting clause and insert in lieu thereof the following:

"That the said post-office site, except where buildings, further addition, and approaches are now or may hereafter be located, may, in the discretion of the Secretary of the Treasury, be used as a public park, to be known as Roddenbery Park, to be maintained by the city of Thomasville under regulations prescribed from time to time by the Secretary of the Treasury.

"That the Secretary of the Treasury be, and he is hereby, authorized, in his discretion, to accept conveyance of title to the land between the post-office site and Madison Street in the city of Thomasville, Ga., and the said land so acquired shall thereupon become a part of said post-office site: *Provided*, That the said enlarged post-office site, except where buildings, further additions, and approaches are now or may hereafter be located, may, in the discretion of the Secretary of the Treasury, be used as a public park, to be known as Roddenbery Park, to be maintained by the city of Thomasville under regulations to be prescribed from time to time by the Secretary of the Treasury."

Mr. MANN. Mr. Speaker, I understand from the gentleman that if the bill is now considered, he proposes to offer that amendment?

Mr. PARK. Yes; and withdraw the other.

The SPEAKER. Is there objection? [After a pause.] The Chair hears none. This bill is on the Union Calendar.

Mr. PARK. Mr. Speaker, I ask unanimous consent that the bill be considered in the House as in Committee of the Whole.

The SPEAKER. The gentleman from Georgia asks unanimous consent that this bill be considered as in Committee of the Whole. Is there objection?

There was no objection.

Mr. MANN. Mr. Speaker, I notice that the amendment starts out, "That the said post-office site." It ought to read:

That the post-office site in the city of Thomasville, Ga.

Mr. PARK. I accept the amendment, Mr. Speaker.

The SPEAKER. The question is on the amendment offered by the gentleman from Illinois [Mr. MANN] to the amendment of the gentleman from Georgia [Mr. PARK].

The Clerk read the amendment, as follows:

In line 1 of the amendment strike out the words "said post-office site" and insert in lieu thereof the words "post-office site in the city of Thomasville, Ga."

The amendment to the amendment was agreed to.

The SPEAKER. The question is on the amendment offered by the gentleman from Georgia [Mr. PARK] as amended by the Mann amendment.

The amendment as amended was agreed to.

The bill as amended was ordered to be engrossed and read a third time, and was accordingly read the third time and passed.

Mr. MANN. Mr. Speaker, I suggest that the title be amended in accordance with the amendment to conform to the text of the bill.

The SPEAKER. If there be no objection, the title will be amended to conform to the text of the bill.

There was no objection.

On motion of Mr. PARK, a motion to reconsider the last vote was laid on the table.

The announcement of the result was received with applause.

LANDS IN OREGON.

The next business on the Calendar for Unanimous Consent was the bill (S. 49) to provide for the exchange with the State of Oregon of certain school lands and indemnity rights within the national forests of that State for an equal area of national forest land.

The Clerk read the title of the bill.

Mr. SINNOTT. Mr. Speaker, I ask unanimous consent that this bill be passed without prejudice.

The SPEAKER. The gentleman from Oregon [Mr. SINNOTT] asks unanimous consent that this bill be passed without prejudice. Is there objection?

There was no objection.

INTERSTATE TRANSPORTATION OF IMMATURE CALVES.

The next business on the Calendar for Unanimous Consent was the bill (H. R. 1818) to regulate the interstate transportation of immature calves.

The bill was read, as follows:

Be it enacted, etc., That no person, firm, or corporation shall ship or deliver for shipment, nor shall any common carrier nor the receiver, trustee, or lessee thereof, receive for transportation or transport from one State or Territory or the District of Columbia into or through another State or Territory or the District of Columbia any live calf not accompanied by its mother unless the same is 6 weeks old or over: *Provided*, That the Secretary of Agriculture may make rules and regulations permitting, in cases of emergency only, the shipment in interstate commerce of live calves less than 6 weeks old; and the Secretary of Agriculture may also permit, under such restrictions as he may deem proper, one shipment in interstate commerce of live calves less than 6 weeks old and over 3 weeks old when the entire time consumed in such interstate shipment to final destination, including time of loading and unloading, does not exceed 12 hours.

SEC. 2. That any person, firm, or corporation, or any common carrier or the receiver, trustee, or lessee thereof, who shall violate any of the provisions of this act shall, upon conviction, be deemed guilty of a misdemeanor and shall be punished by a fine of not less than $20 nor more than $50 for each calf offered for shipment, shipped, or received for transportation or transported in violation of any of the provisions of this act.

Mr. GARNER. Mr. Speaker, I desire to make a suggestion to the gentleman from Michigan [Mr. HAMILTON], the author of the bill.

Mr. HAMILTON of Michigan. What is the gentleman's suggestion?

Mr. GARNER. In order to save time, I ask unanimous consent that this bill go over without prejudice.

The SPEAKER. The gentleman from Texas [Mr. GARNER] asks unanimous consent that the bill go over without prejudice. Is there objection?

Mr. HAMILTON of Michigan. Mr. Speaker, of course, if the gentleman from Texas insists upon it, I am in no position to resist; but I want to ask the gentleman if it is not possible for him to suggest an amendment to the bill which will meet such objection as he may have to it?

Mr. GARNER. Mr. Speaker, in response to the suggestion of the gentleman from Michigan I will say that I feel quite confident from the correspondence I have had with gentlemen in Texas interested in the cattle industry that we will be able to come to some definite conclusion, and that there will be no objection per se to the bill the next time it comes up. But, Mr. Speaker, I want to say in this connection that this bill is not intended to affect, and does not particularly affect, the cattle industry. No gentleman can rise on the floor of this House and point to a single instance, so far as I know, where men engaged in the cattle industry for the purpose of producing beef have ever abused the privilege of selling and transporting calves or have caused the thing which is sought to be remedied by this bill.

Mr. HAMILTON of Michigan. The gentleman is quite right about that.

Mr. GARNER. This bill is intended entirely to reach the dairy interests of this country. I may say in this connection that the indentical remedy is within the hands of each State in the Union.

Mr. HAMILTON of Michigan. Oh, no.

Mr. GARNER. The States simply refuse to exercise the right. The gentleman from Michigan shakes his head. I do not believe there is any State in the Union that can not, under the public-health provisions of its constitution, adequately take care of the situation. But I am not going to argue that point with the gentleman. I know there ought to be some legislation along this line in order to prevent the dairy people abusing the right which now exists, of killing young calves. Therefore I feel confident that the cattlemen of the country who desire to have the public health protected, and who also desire legislation from a humanitarian standpoint, will be willing to agree to an amendment which I am sure will be satisfactory to the gentleman from Michigan [Mr. HAMILTON]; but to-day I would like to have the bill go over.

Mr. HAMILTON of Michigan. Mr. Speaker, so that the matter may be fully understood by my friend from Texas and by those whom he represents, I should like to make a very brief statement. I ask unanimous consent to address the House for two minutes.

The SPEAKER. The gentleman from Michigan asks unanimous consent to address the House for two minutes. Is there objection?

There was no objection.

Mr. HAMILTON of Michigan. When the bill was under consideration before the Interstate and Foreign Commerce Committee, Judge Cowan, a distinguished citizen of Texas, came before the committee representing certain western cattle raisers' associations. He made a statement to the effect that there might be times of drought, when pasturage was short, when it might be necessary to move cattle across State boundary lines, and when it might be necessary to slaughter the mothers of the calves, because of the lack of pasturage, and when it might possibly be necessary to slaughter calves under 6 weeks old. The age limit is fixed in the bill at 6 weeks.

Now, as a matter of fact, Mr. Speaker, if I am correctly informed, the cattlemen of the Southwest do not kill any calves under 6 weeks old. On the contrary, they keep their calves until they are nearer 6 months old. The situation sought to be corrected, the abuse sought to be prevented by this bill, does not apply to the Southwest. After hearings before the committee, after consultation with the Secretary of Agriculture, and after consultation by Judge Cowan with Dr. Melvin, head of the Bureau of Animal Industry, an amendment was incorporated in this bill to meet the very difficulty which my friend suggests, and I supposed that we had it all arranged to meet that situation. Of course, if my friend feels that the bill ought to go over, so that his people may have further opportunity for consideration, reluctant as I am to have the consideration of the bill postponed, I shall accede to the request, because I must.

Mr. GARNER. I hope the gentleman from Michigan will understand that I am in sympathy with the objects which he desires to attain. But it was a very short time to go to Texas and get the views of the cattlemen in that State, and then get back here in time to consider the bill to-day. That is the reason I ask to let it go over until the next unanimous-consent day.

Mr. HAMILTON of Michigan. The gentleman knows that there are great abuses of the kind sought to be prevented by this bill.

Mr. COX. Will the gentleman state who are the men that are abusing the privilege.

Mr. HAMILTON of Michigan. I will, but I do not want to trespass on the time of the House.

Mr. COX. The gentleman can have some more time.

Mr. HAMILTON of Michigan. In the dairy countries where they have a large number of cows, say 75 or 100——

Mr. COX. Michigan is a large dairy State, is it not?

Mr. HAMILTON of Michigan. Yes; there are a good many dairy farms there. In the spring there are a large number of calves born. If the gentleman was brought up on a farm, he knows that it is not easy to teach a calf to drink, and the dairymen do not like to take the time to teach the calves to drink. Besides that, the dairymen want to sell the milk instead of feeding it to the calves. The calf is in the way, and if they keep him it is necessary to teach him to drink, and so there are men hanging around these dairy farms, who make it a business to buy these young calves.

The SPEAKER. The time of the gentleman from Michigan has expired.

Mr. HAMILTON of Michigan. Mr. Speaker, I ask unanimous consent for four minutes more.

Mr. FOSTER. The gentleman can make his speech when the bill comes up again.

Mr. COX. The gentleman has four additional minutes.

The SPEAKER. Is there objection to the gentleman from Michigan proceeding four minutes? [After a pause.] The Chair hears none.

Mr. HAMILTON of Michigan. A great many of these calves are shipped to Boston, and the testimony shows that in two days 790 calves arrived in Brighton, a suburb of Boston, and of these 790 calves 183 were dead. In six days 1,700 were brought in from New York, and in one week over 6,000 came in from New England points. These young calves, when they arrive alive, are slaughtered and the carcasses are used for food for poor people. Now, the experts say that the meat is unfit for human food. They say that the calves being too young their meat is water soaked and dropsical and becomes a fertile place of deposit of the germs of disease.

There is another thing that they do. They can this meat and label it "potted chicken," and when you think you are eating potted chicken you are really eating the carcasses of immature calves. It is an abuse that ought to be stopped not only because it is cruel, but because it is dangerous to human life.

Mr. COX. It is the dairymen that are guilty of this kind of misconduct.

Mr. HAMILTON of Michigan. It is—that is, they sell the calves to shippers, and these shippers sell the calves to unscrupulous dealers. The dairymen are anxious and willing to get rid of the calves. I will consent to let the matter go over until my friend from Texas can hear from his constituents.

The SPEAKER. The gentleman from Texas asks that this bill be passed without prejudice. Is there objection?

There was no objection.

MEDAL-OF-HONOR HONOR ROLL—ARMY AND NAVY.

The next business on the Calendar for Unanimous Consent was the bill (H. R. 12179) to establish in the War Department and in the Navy Department, respectively, a roll, designated as "the Army and Navy medal-of-honor honor roll," and for other purposes.

The Clerk read the title to the bill.

Mr. MANN. I object.

The SPEAKER. The gentleman from Illinois objects, and the bill will be stricken from the calendar.

Mr. LANGLEY. Mr. Speaker, I did not understand what that was. Was there objection to the consideration of the "medal-of-honor honor roll bill"?

The SPEAKER. Yes; the gentleman from Illinois objected.

Mr. LANGLEY. I am sorry that he did so.

[Mr. LANGLEY addressed the House. See Appendix.]

FIRE-ALARM SYSTEM—GOVERNMENT HOSPITAL FOR INSANE.

The next business on the Calendar for Unanimous Consent was House joint resolution 205, to enable the Secretary of the Interior to legally fix and determine the ownership and title to the fire-alarm system and appliances, apparatus, and connections heretofore placed and installed in the Government buildings of the Government Hospital for the Insane and to determine such other questions as are provided for in the following resolution.

The Clerk read the title to the resolution.

Mr. MANN. Mr. Speaker, I object.

The SPEAKER. The gentleman from Illinois objects, and the bill will be stricken from the calendar. The Clerk will read the next bill.

ADDITIONAL DISTRICT JUDGE FOR CALIFORNIA.

The next business on the Calendar for Unanimous Consent was the bill (S. 485) to amend section 1 of an act entitled "An act to codify, revise, and amend the laws relating to the judiciary," approved March 3, 1911.

The Clerk read the bill, as follows:

Be is enacted, etc., That section 1 of the act entitled "An act to codify, revise, and amend the laws relating to the judiciary," approved March 3, 1911, be, and is hereby, amended to read as follows:

"SECTION 1. In each of the districts described in chapter 5 there shall be a court called a district court, for which there shall be appointed one judge, to be called a district judge, except that in the northern district of California, the southern district of California, the northern district of Illinois, the district of Maryland, the district of Minnesota, the district of Nebraska, the district of New Jersey, the eastern district of New York, the northern and southern districts of Ohio, the district of Oregon, the eastern and western districts of Pennsylvania, and the western district of Washington, there shall be an additional district judge in each, and in the southern district of New York three additional district judges: *Provided*, That whenever a vacancy shall occur in the office of the district judge for the district of Maryland senior in commission such vacancy shall not be filled, and thereafter there shall be but one district judge in said district: *Provided further*, That there shall be one judge for the eastern and western districts of South Carolina, one judge for the eastern and middle districts of Tennessee, and one judge for the northern and southern districts of Mississippi: *Provided further*, That the district judge for the middle district of Alabama shall continue as heretofore to be a district judge for the northern district thereof. Every district judge shall reside in the district or one of the districts for which he is appointed, and for offending against this provision shall be deemed guilty of a high misdemeanor."

The SPEAKER. Is there objection to the present consideration of the bill?

Mr. MANN. I reserve the right to object.

Mr. WEBB. Mr. Speaker, I desire to offer an amendment.

Mr. MANN. I would like to ask the gentleman a question. Was this bill submitted to the Attorney General for an opinion?

Mr. KETTNER. It was.

Mr. MANN. What was the opinion he rendered?

Mr. KETTNER. His opinion was in the first report.

The SPEAKER. The Clerk will read the amendment of the gentleman from North Carolina for information.

Mr. MANN. Mr. Speaker, I would like, first, to know what was the opinion of the Attorney General. If there was an opinion it ought to have been in the report.

Mr. WEBB. I will say to the gentleman from Illinois that I do not recall that the Attorney General ever specifically indorsed the bill creating a new judgeship in the southern district of California. The gentleman from Arkansas [Mr. FLOYD] was chairman of the subcommittee that held the hearings on the bill. There is no objection to the bill, so far as we have heard, from the Department of Justice. There is a universal demand among the judges, district attorney, lawyers, litigants, and citizens of the southern district of California for this new district judgeship.

Mr. RAKER. Mr. Speaker, will the gentleman yield?

Mr. WEBB. Certainly.

Mr. RAKER. The Attorney General has rendered an opinion upon this.

Mr. MANN. Mr. Speaker, as I understand, it is customary, or it ought to be customary, for the committee to refer bills of this character to the Department of Justice for information and for the judgment of the department.

Mr. RAKER. Mr. Speaker, will the gentleman yield?

Mr. MANN. I am discussing the matter with the gentleman from North Carolina, the chairman of the committee.

Mr. RAKER. I wanted to call attention to the fact that the Attorney General has reported on this bill.

The SPEAKER. The gentleman from Illinois said that he desired to converse with the gentleman from North Carolina.

Mr. MANN. The chairman of the Committee on the Judiciary.

Mr. WEBB. My attention is directed to the fact that the Department of Justice wrote to Senator CULBERSON when this bill was being considered in the Senate, setting forth the needs for a new judge. That letter is signed by a Mr. Jesse C. Atkins, Assistant Attorney General, for the Attorney General.

Mr. MANN. It would vastly expedite the passage of bills of this character if gentlemen would include in their reports a statement from the Department of Justice.

Mr. WEBB. This is in the Senate report, and we did not think it was necessary to put it in the House report, I suppose, though I did not draft the report on this bill.

Mr. MANN. But we are supposed to get our information from the House reports. We are not supposed to read the Senate reports.

Mr. WEBB. I agree with the gentleman.

Mr. MANN. What does the Attorney General report upon it?

Mr. KETTNER. He reports favorably.

Mr. MANN. Mr. Speaker, I notice that this bill, which is intended to reenact only sections of the judicial title code, includes two judges for the district of Maryland and does not include the judgeship that was recently created at Philadelphia. I was informed the other day that that situation was relieved by the death of the senior judge in that district in Philadelphia, and I have been informed that the judge who was the senior judge when this law was enacted in Maryland has since died.

Mr. WEBB. Yes; and the amendment which I desire to offer cures that defect.

Mr. MANN. That situation existed at the time the bill was reported to the House, it existed at the time it was reported to the Senate, and at the time it passed the Senate. Why was it that the two great Judiciary Committees were unable to ascertain a fact relating to Maryland, where you simply step over the line to find out if necessary, and then recommend the passage of a bill to create an additional district judge in Maryland, whom nobody wants? The committee could see to California, but not to Maryland.

The SPEAKER. Is there objection?

Mr. MANN. Mr. Speaker, let us hear the amendment read first.

The SPEAKER. The Clerk will report the amendment for information.

The Clerk read as follows:

Strike out, on page 2, line 1, the words "the district of Maryland," and strike out all after the word "provided," in line 8, page 2, down to the word "that," in line 12, on page 2.

The SPEAKER. Is there objection to the present consideration of the bill?

Mr. MURDOCK. Mr. Speaker, reserving the right to object, I would like to know from the chairman of the Judiciary Committee just what the bill as amended would do?

Mr. WEBB. It creates simply an additional district judge for the southern district of California. That is all there is to the bill.

Mr. MURDOCK. What is this amendment that the gentleman has offered?

Mr. WEBB. Four years ago Congress created an additional district judge for the district of Maryland, with the provision that when the senior judge died his successor should not be appointed. That law was carried forward in the judicial code, and in reenacting the judicial code that same section of the code was copied in this bill; but since that time the senior judge in Maryland has died, and unless the bill be amended in the particular which I state it would provide for an additional judge in Maryland, which is not wanted. My amendment cures that difficulty.

Mr. MURDOCK. So that this really does not eliminate a district judgeship at all?

Mr. WEBB. Oh, not at all. That judge is dead, but no successor is to be appointed under the law.

Mr. MURDOCK. The original bill which provided for an additional judge in California does not provide for an extra district?

Mr. WEBB. No. That is cared for in the judicial code, which provides for one judge in the southern district of California. This bill provides for an extra judge.

Mr. MURDOCK. That makes how many judges for California?

Mr. WEBB. Four.

Mr. MANN. An additional one in the northern district.

Mr. WEBB. Yes; the southern district has increased in population in the last few years some three or four hundred per cent.

Mr. MANN. This makes two judges in the northern district and two in the southern district.

Mr. MURDOCK. That is four.

Mr. WEBB. That is right.

Mr. MURDOCK. Will the gentleman tell me if the report of the Attorney General shows, on the face of it, in figures, that there is business there which makes these four judges necessary?

Mr. WEBB. The Attorney General's report consists mainly of a letter from the clerks in the southern district, which makes out a very very strong case in favor of an additional judge. I have a telegram, received from there a day or two ago, which I will read, if the gentleman desires, which clearly shows the great necessity for this additional judge.

Mr. MURDOCK. What I am trying to arrive at is this: States of similar population to California—Arkansas, for instance, has two judges and two districts, Louisiana has two judges, Nebraska has two judges, and Kansas only has one. Why should California have four?

Mr. WEBB. There is more business there.

Mr. STEPHENS of California. Mr. Speaker, during the year 1895, the first year under the present incumbent, Judge Olin Wellborn, there were 117 cases filed in the Federal court at Los Angeles, Cal. In the year 1913 there were some 745 cases filed, and in the first six months of the year 1914, 403 cases were filed. The present judge works every moment of his time. He takes no vacation.

Mr. MURDOCK. Does the gentleman know whether these judges are all needed or not?

Mr. WEBB. Oh, yes; they are absolutely essential.

Mr. FOSTER. Mr. Speaker, let me state to the gentleman from Kansas that last unanimous-consent day I had this go over in order that I might look up this bill, and suggested to the gentleman from North Carolina in reference to the Maryland matter, which we agreed ought to go out. Since then I have had a good deal of literature and a letter from the clerk of the court out there, which convinces me beyond any question that it was necessary that they should have this additional judge to transact the business out there.

Mr. MURDOCK. The gentleman believes that the four judges are necessary in California?

Mr. FOSTER. I have not the least doubt after having examined the matter and talking with the gentleman from the Los Angeles district.

Mr. WEBB. The population there has increased in the last 15 years from about 400,000 to 1,000,000.

Mr. KETTNER. That is in this judicial district.

Mr. FOSTER. These 17 counties have increased in population since 1900 from 424,000 to 970,000, and they are now having many cases go over on account of being unable to attend to the business.

Mr. STEPHENS of California. Mr. Speaker, if the gentleman from North Carolina will permit me to answer the gentleman from Kansas and other Members who desire information about this matter, I will say the purpose of this bill, S. 485, is to create a new Federal judgeship for the southern district of California. Perhaps never before have the facts and conditions so clearly warranted the making of a new Federal office and the naming of a new Federal officer.

There are 17 California counties, comprising an area equal to that of the States of Kentucky and Tennessee combined, in this one judicial district, and the growth in population and in court business since the present district judge was appointed has been very great indeed.

Judge Olin Wellborn, our district judge, was once a Member of this House from the State of Texas. He moved to California, and in 1895 was appointed to the bench by President Cleveland. His predecessor, Judge Erskine M. Ross, had been appointed district judge by Mr. Cleveland in his first term as President, and was promoted to the circuit court of appeals in his second term. Both of these gentlemen have well served the people and the Government. They have been fair and honest and industrious, and have filled their respective offices to the eminent satisfaction of the lawyers, litigants, and people generally.

When Judge Wellborn was appointed there were about 350,000 people in the district; to-day there are more than 1,200,000. Los Angeles is the largest city in the district. In 1895 it had a population of about 75,000; in 1910, 319,000; and to-day has more than 500,000 people.

San Diego is next in size. In 1895 its population was about 17,000; in 1910, 40,000; and to-day it claims eighty or ninety thousand.

Fresno follows next. In 1895 it had 11,000 people; in 1910, 25,000; to-day it is estimated to have about 35,000.

Pasadena, Long Beach, Pomona, Santa Monica, Venice, Alhambra, South Pasadena, Whittier, Monrovia, Covina, San Bernardino, Redlands, Riverside, Ventura, Santa Barbara, San Luis Obispo, Bakersfield, Hanford, Coalinga, Colton, Corona, Merced, and Modesto are also cities within the district, and have populations of from 5,000 to 40,000 each.

The county of Los Angeles is the most populous, having grown from 135,000 in 1895 to 504,000 in 1910, and to over 750,000 now.

In 1895 Los Angeles County had six superior or common pleas judges; to-day it has 18—three times as many as when Judge Wellborn was appointed. Many additional judgeships have been created in the other counties of the district since 1895, but there has been no increase of judges in our United States district court.

During 1895 the total new cases brought in Judge Wellborn's court numbered 117, or an average of near 10 per month. For the year 1913, 745 new cases were brought, an average of 62 per month. For the first six months of 1914 there has been a monthly average of over 73 new cases.

The following table shows the cases, civil, criminal, and in bankruptcy, that have been instituted during each calendar year beginning with the year 1895, the year of the appointment of the present district judge, and including the first six months of the year 1914:

Year.	Civil cases.	Criminal cases.	Total civil and criminal.	Bankruptcy cases.	Total of all cases.
1895	36	81	117	.....	117
1896	59	75	134	.....	134
1897	57	64	121	.....	121
1898	103	46	149	57	206
1899	76	45	121	138	259
1900	64	27	91	122	213
1901	46	36	82	111	193
1902	62	47	109	114	223
1903	73	42	115	116	231
1904	69	56	125	144	269
1905	131	55	186	181	367
1906	100	98	198	173	371
1907	111	53	164	151	315
1908	126	117	243	203	446
1909	112	73	185	233	418
1910	115	86	201	249	450
1911	145	131	276	268	544
1912	127	156	283	318	601
1913	203	178	381	364	745
1914 (first six months)	74	93	167	236	403

The condition of business in the court can best be understood by quoting the following from a letter written April 16, 1914, by William M. Van Dyke, the clerk of the court:

The actual state of the calendar and of the condition confronting the court at the present moment can best be understood and appreciated, it seems to me, if I first make a brief statement of the work that has been done by the court during the last two not unusual but very typical weeks:

On the 2d of April, with the jury out in one criminal case, Judge Wellborn impaneled a jury and proceeded at once with the trial of another criminal case, the United States v. William B. Edwards and five other defendants, indicted on a charge of conspiring to injure, oppress, etc., citizens in the exercise of civil rights, in violation of section 19, Federal Penal Code of 1910. Many witnesses for the Government and for the defendants have been sworn and examined, and as the case involves some new and important questions, the trial has been a prolonged one, and will not be concluded until to-morrow. Judge Wellborn has interrupted this trial to hear his law and motion calendars on Mondays, each calendar comprising from 30 to 40 matters, demurrers, pleas, and motions. He has also during recesses concluded the hearing of one case tried before him without a jury, and begun another. He has also received at different times during that period three reports of the United States grand jury for this district, which returned with the three reports 18 indictments. He has also imposed sentences in four cases in which defendants were convicted prior to April 2. He has received pleas of "guilty" from and sentenced four other defendants and received pleas of "not guilty" in five other cases. He has also heard and granted applications for discharge in bankruptcy in 13 bankruptcy matters, and has made orders of adjudication in bankruptcy in 18 other matters, besides hearing many other ex parte motions in court and many matters in chambers.

The calendar of cases for trial, which has accumulated during the trial of the Edwards case, and which was called this morning, in addition to the case on trial, consists of 19 criminal cases ready to be proceeded with immediately, 1 civil case, besides 1 case for the imposition of a sentence, and 4 cases for arraignments of defendants and for the entry of their pleas.

There are now set for other days during the next 10 weeks at Los Angeles 19 criminal and 31 civil cases. While a few of the 20 cases on to-day's calendar and of the 50 other cases set during the term, according to the announcement of counsel, can, perhaps, be disposed of in a day, most of the cases will take several days to try, and many will certainly require a week or more.

As I have above stated, it is also necessary that Judge Wellborn should interrupt the term at Los Angeles to hold a term of court as provided by law at Fresno, beginning on the first Monday in May. The calendar for that session is not yet made up, but I am advised that there will be tried one criminal and two civil cases, in which the Government is interested, and that there will be ready for trial six civil cases in which the Government is not interested, which the parties are anxious to have tried at said term of court. It will also be necessary to impanel a grand jury for that division of the district and receive and act upon its report. Everything considered, it appears to me that the business at Fresno for the coming session can not be disposed of in less than two weeks.

Mr. MURDOCK. Does the gentleman know whether or not the holding judge is diligent?

Mr. STEPHENS of California. Judge Wellborn has been doing and is now doing all that mortal man can do. He works continuously. He holds court every day, generally at Los Angeles, though twice each year he is obliged, under the law, to hold court at San Diego and Fresno. Mr. Speaker and Members of the House, the people of southern California are in urgent need of another Federal judge. Civil cases are more than two years behind, and many criminal cases are delayed for months beyond the time for exact justice or even fair treatment.

The following letter received a short time ago, correctly demonstrates the unwarranted inconvenience and expense to which our people are being subjected because there are not enough judges to try the cases brought:

LOS ANGELES, CAL., *May 2, 1914.*

The Hon. WILLIAM D. STEPHENS,
Washington, D. C.

DEAR SIR: We have a very important case relative to conflicting patents which is to be tried in the United States circuit court of this city under Judge Wellborn. The case is of such moment that the reporter's fees alone for taking and transcribing the testimony was over $2,500.

We completed taking the testimony in February one year ago. Ever since that time we have been anxiously endeavoring to have this case heard before Judge Wellborn. His calendar has been so full of criminal cases during that entire interval that he has been utterly unable to try our case. Worse still, about one week ago Judge Wellborn announced from the bench that, due to pressure of criminal cases, probably not a single civil case will be heard in his court this term.

We understand that there is a bill now pending for the purpose of providing this district with another Federal judge. We can assure you that it is extremely important that that bill be passed, as at present this district is virtually without a civil Federal court, and is being very greatly hampered thereby.

Realizing the extreme tardiness of court action in this district, unscrupulous companies are taking advantage of the situation and are ignoring the rights of others, depending on the profits of business so obtained to defray their legal expenses when the belated decision may be rendered against them.

We strongly urge on you the importance of passing the bill referred to.

With kindest personal regards from the writer, we are,

Yours, very truly,

WILSON & WILLARD MFG. CO.
Per E. C. WILSON, *President.*

The following extract from a letter written by the clerk of the court November 1, 1913, illustrates the same thing, and also shows the tremendous expense to the Government of an always overcrowded calendar:

I have had a search made, however, as to four cases which were so continued during the year 1912—

Continued because the court could not give consideration to them at that time, owing to the business before it at the moment—

and I find the fees paid to the witnesses at the time the cases were continued for trial on account of the impossibility of trying them amounted to $4,450.10. This is merely the fees of witnesses in these four cases paid under the circumstances just indicated. It does not include other expenses to which the Government was put. There were, however, other cases continued for the same reason during that year, and there have been some continued for the same reason during the year 1913.

Mr. Speaker, I desire to call the attention of the House to the following facts:

Since the appointment of the present district judge the population of the district has increased nearly 400 per cent, and the number of cases of all kinds brought in our Federal court has grown to more than six times as many per annum, to wit, 117 in 1895 and 745 in 1913.

Our Federal district adjoins the Republic of Mexico, and in it necessarily arises a tremendous number of cases involving the neutrality and extradition laws of the United States and Mexico, besides a large and wonderfully increasing number of international commerce, customs, and immigration cases.

This district has in it the first thousand miles of the United States seacoast on the Pacific. It has a number of harbors of commerce which, after the Panama Canal is opened, will quadruple the usual number of admiralty and customs cases.

This district has 28 Indian reservations, 7 national forest reservations, and part of 2 national parks.

The Government still owns thousands of acres of public land that have caused, and will continue to cause, innumerable suits, because of homestead, desert, reclamation, irrigation, water-power, mineral, and oil claims.

Perhaps more than others this district is populated by eastern families who still have large property—corporate and other—interests at their old homes in other States. Federal litigation naturally follows.

The rapid growth and tremendous increase of population in this district has caused many get-rich-quick schemes to use the United States mails. Constant litigation has ensued in consequence.

Mr. Speaker, I know of no objection to this bill. It is urged by all our people, and as an evidence of that fact, I will now read in turn the resolutions passed by the California State Bar Association, the Los Angeles (Cal.) Bar Association, and the Wholesalers Board of Trade of Los Angeles.

Resolutions of the California State Bar Association:

Whereas a necessity exists for the creation of an additional United States district judge for the southern district of California on account of the magnitude of the business transacted in that court and the large increase in the population within that district, and this condition has been called to the attention of the Congress of the United States and a bill creating an additional judge for that district has been transferred to the House and referred to the Committee on the Judiciary and is now there pending:

Now, therefore, this association does urge upon that committee that the bill be reported favorably to the House at the earliest opportunity and requests the House to pass the bill as soon as possible thereafter in order that relief may be given to this district to which it is justly entitled.

I, the undersigned, secretary of the California Bar Association, hereby certify that the foregoing is a true copy of a resolution passed by that association at a meeting of said association held on the 22d day of November, 1913.

T. W. ROBINSON, *Secretary.*

Resolutions of the Los Angeles (Cal.) Bar Association:

Resolved, That whereas it became evident to this association in the year 1908 that a necessity existed for the creation of an additional United States district judge for the southern district of California on account of the magnitude of the business transacted by the United States court in this district at that time and the congestion which then was becoming burdensome, and this association did at that time cause a committee to be appointed to investigate the subject and make a report thereon, and the committee of this association did, on the 30th day of September, 1908, report that the public interest, and particularly the interest of the litigant in the Federal courts for this district, demanded immediate relief in the way of an additional judge for the southern district, and the committee of this association did secure letters from the Hon. E. M. Ross, judge of the United States Circuit Court of Appeals and from the Hon. Olin Wellborn, judge of the United States District Court for the Southern District of California, and others, showing the necessity for such additional judge, and caused the said information to be laid before Congress, and this association has earnestly endeavored ever since said time to secure an additional United States district judge to relieve the congestion which has been increasing since that time; and

Whereas the business of the Federal courts in this district has practically doubled since the year 1908 and the population embraced within the boundaries of that district has doubled, having increased from approximately 750,000 to 1,500,000 since the year 1908; and

Whereas the litigation has more than proportionately increased in the Federal courts since that time, owing to the international questions arising on account of the civil war in the Republic of Mexico, the boundaries of which extend along the southern boundaries of this district, and on account of the litigation arising over mineral claims, and particularly oil locations, and the position taken by the United States Government in relation thereto, and on account of the numerous enterprises which have sprung up in Los Angeles, owing to the great local growth, seeking to sell real estate and stock through incorporated companies, which companies had made use of the United States mails, and the increase of Federal business in connection with the ocean shipping and transportation which has sprung up in this district during the last five years, in addition to the increase which has arisen in all lines of business, which business is of the character had by other courts; and

Whereas this association did cause another committee to be appointed on the 21st day of March, 1913, to urge upon Congress the necessity of granting an additional United States judge for the southern district of California, and that committee has caused to be presented to Congress information showing the condition of the court and the necessity for the appointment, and all the Federal Representatives from the State of California having urged upon Congress the appointment of such additional judge; and

Whereas a bill creating an additional judge for the southern district of California was introduced in the United States Senate by the Hon. JOHN D. WORKS, Senator from the State of California, and has been passed by the United States Senate, and said bill has been transferred to the House and referred to the Committee on Judiciary and is now there pending: Now, therefore, be it

Resolved, That this association does most respectfully urge upon Congress that it do pass the bill at the earliest opportunity, in order that the relief may be given to this district to which it is justly entitled.

I, the undersigned, secretary of the Los Angeles Bar Association, hereby certify that the foregoing is a true copy of a resolution passed by that association at a meeting of the trustees thereof, held on the 6th day of November, 1913.

A. J. COPP, Jr., *Secretary.*

Resolutions of the Los Angeles (Cal.) Wholesalers' Board of Trade:

Whereas there is now pending before the Congress of the United States a bill for the creation of another judgeship for the southern district of California; and

Whereas the growth of population and of business in the southern district of California has been such that it is impossible for the business to be transacted by one judge; and

Whereas the business interests of this district are suffering from delays caused by the congestion of the calendar in that court, notwithstanding the constant work of Judge Wellborn in his endeavors to dispatch business.

Resolved, That the Los Angeles Wholesalers' Board of Trade, composed of the wholesale merchants and banks of this city, urge upon Congress the immediate passage of the bill creating said judgeship.

Resolved, That a copy of this resolution be sent to Hon. WILLIAM D. STEPHENS, Congressman from this district, and that he be requested to urge the passage of this measure.

Adopted at a regular meeting of the board of directors of the Los Angeles Wholesalers' Board of Trade, held September 18, 1913.

H. B. LANE, *Secretary.*

Mr. Speaker, I desire now to read a telegram received July 3 from several of the leading law firms of Los Angeles, to wit:

LOS ANGELES, CAL., *July 3, 1914.*

Hon. WILLIAM D. STEPHENS, M. C.,
Washington, D. C.:

Congestion in Federal court is denying to citizens here their right to be even heard on matters requiring immediate relief. An additional judge is absolutely necessary.

O'MELVENY, STEVENS & MILLIKEN.
GIBSON, DUNN & CRUTCHER.
MOTT & DILLON.
HAAS & DUNNIGAN.
H. H. TROBRIDGE.
ALBERT LEE STEPHENS.
DENIS & LOWENTHAL.

Mr. Speaker, I have no personal motive in advocating this additional judgeship. I am not a lawyer, I have no case before this or any other court, I have no candidate for the place. The appointee will come from another party than my own. I am working solely for the public good. I express the hope of all southern California, regardless of politics or party, that this bill may pass the House at this time.

The SPEAKER. Is there objection? [After a pause.] The Chair hears none. This bill is on the Union Calendar.

Mr. KETTNER. Mr. Speaker, I ask unanimous consent that the bill may be considered in the House as in Committee of the Whole House on the state of the Union.

The SPEAKER. Is there objection to the request of the gentleman from California? [After a pause.] The Chair hears none. The Clerk will report the committee amendments.

The Clerk read as follows:

Strike out, on page 2, line 1, "the district of Maryland," and strike out all after the word "*Provided,*" in line 8, page 2, down to the word "that," in line 12.

The question was taken, and the amendment was agreed to.

The bill as amended was ordered to be read a third time, was read the third time, and passed.

On motion of Mr. KETTNER, a motion to reconsider the vote by which the bill was passed was laid on the table.

Mr. STEPHENS of California. Mr. Speaker, I ask unanimous consent to revise and extend my remarks.

Mr. KETTNER. Mr. Speaker, I make the same request.

The SPEAKER. Is there objection? [After a pause.] The Chair hears none.

COAL AND OIL RESOLUTIONS (H. DOC. NO. 1124).

The SPEAKER. The Chair lays before the House a communication from the Hon. James S. Harlan, chairman of the Interstate Commerce Commission, making a report in reference to

certain resolutions, and also a short letter, which the Clerk will report.

The Clerk read as follows:

INTERSTATE COMMERCE COMMISSION,
Washington, D. C., June 9, 1914.

TO THE PRESIDENT OF THE SENATE AND THE SPEAKER OF THE HOUSE OF REPRESENTATIVES OF THE UNITED STATES.

SIRS: I have the honor to submit the following report of the Interstate Commerce Commission, responsive to the joint resolution of the Senate and House of Representatives, a copy of which precedes the report. The commission has heretofore submitted reports under this resolution in connection with its investigations in various fields throughout the country. The report submitted herewith has particular reference to the coal and coal roads in the State of Illinois and incidentally to roads extending into adjacent Indiana coal fields.

Respectfully submitted.

JAMES S. HARLAN, *Chairman.*

The SPEAKER. Ordered printed and referred to the Committee on Interstate and Foreign Commerce.

GENERAL DEFICIENCY BILL.

Mr. FITZGERALD. Mr. Speaker, I ask unanimous consent to take the general deficiency bill from the Speaker's table, disagree to Senate amendments, and ask for a conference.

The SPEAKER. The gentleman from New York asks unanimous consent to take from the Speaker's table the general deficiency bill, disagree to the Senate amendments, and ask for a conference. Is there objection?

Mr. MANN. Mr. Speaker, reserving the right to object, I would like to ask the gentleman from New York what is the status of the sundry civil bill in conference?

Mr. FITZGERALD. We are prepared to make a report to-day with five or six items in disagreement.

Mr. MANN. Will that probably come up to-morrow?

Mr. FITZGERALD. To-morrow, I think. The Senate must act on the report first.

The SPEAKER. Is there objection? [After a pause.] The Chair hears none. The Clerk will report the title of the bill.

The Clerk read as follows:

H. R. 17824. An act making appropriations to supply deficiencies in appropriations for the fiscal year 1914, and for prior years, and for other purposes.

The SPEAKER. The Clerk will announce the following conferees.

The Clerk read as follows:

Mr. FITZGERALD, Mr. SISSON, and Mr. GILLETT.

SALES OF LANDS, KLAMATH INDIAN RESERVATION.

The next business on the Calendar for Unanimous Consent was the bill (H. R. 10848) to amend an act entitled "An act to provide for the disposition and sale of lands known as the Klamath River Indian Reservation," approved June 17, 1892 (27 Stat. L., pp. 52, 53).

The SPEAKER pro tempore (Mr. HAY). Is there objection to the present consideration of the bill?

Mr. MANN. Mr. Speaker, I reserve the right to object.

Mr. STEPHENS of Texas. Does the gentleman desire to have further information relative to this bill? I will state that I have received a map from the department and a letter from the Commissioner of Indian Affairs and from a special inspector who has recently been on the reservation recommending this bill, and they all state positively it is necessary for this money to be used for the purpose of building a trail over this country. It is 30 miles, according to the statement, from where the Indians are living, on a creek known as Mill Creek, to the nearest point where they get their supplies.

Mr. MANN. If the gentleman has a letter of that sort, I shall be very glad to read it. I can not do it right now.

Mr. STEPHENS of Texas. Then, Mr. Speaker, I ask unanimous consent that the bill be passed without prejudice.

The SPEAKER pro tempore. The gentleman from Texas asks unanimous consent that the bill be passed without prejudice. Is there objection?

There was no objection.

BRIDGE ACROSS WHITE RIVER, BARRY COUNTY, MO.

The next business on the Calendar for Unanimous Consent was the bill (H. R. 16197) to authorize the county of Barry, State of Missouri, to construct a bridge across the White River, in Barry County, Mo., at or near a point known as Goldens Ferry.

The SPEAKER pro tempore. Is there objection to the present consideration of this bill? [After a pause.] The Chair hears none.

Mr. DECKER. Mr. Speaker, a Senate bill of like character has passed the Senate and I would like to ask unanimous consent that it be considered in lieu of this bill.

The SPEAKER pro tempore. The gentleman from Missouri [Mr. DECKER] asks unanimous consent to consider a similar bill passed by the Senate in lieu of the House bill. Is there objection?

Mr. MANN. Reserving the right to object, I would like to ask if the Senate bill is in the House.

Mr. DECKER. Yes. It is No. 260 on the calendar.

The SPEAKER pro tempore. The gentleman from Illinois [Mr. MANN] wants to know whether the Senate bill as it passed is in the House.

Mr. DECKER. Yes.

Mr. MANN. I have no objection.

The SPEAKER pro tempore. The Clerk will report the Senate bill.

The Clerk read as follows:

An act (S. 5462) to authorize the county of Barry, State of Missouri, to construct a bridge across the White River in Barry County, Mo., at or near a point known as Goldens Ferry.

Be it enacted, etc., That the county of Barry, State of Missouri, and its assigns be, and is hereby, authorized to construct, maintain, and operate a bridge and approaches thereto across the White River at a point suitable to the interests of navigation, at or near Goldens Ferry, more fully described as the crossing on Golden and Cassville public road, in section 6, township 21, range 25 west, fifth principal meridian, in the county of Barry, in the State of Missouri, in accordance with the provisions of the act entitled "An act to regulate the construction of bridges over navigable waters," approved March 23, 1906.

SEC. 2. That the right to alter, amend, or repeal this act is hereby expressly reserved.

The SPEAKER pro tempore. The question is on the third reading of the Senate bill.

The bill was ordered to a third reading, was read the third time, and passed.

On motion of Mr. DECKER, a motion to reconsider the vote by which the bill was passed was laid on the table.

Mr. MANN. Mr. Speaker, I ask unanimous consent that House bill No. 16197 be laid on the table.

The SPEAKER pro tempore. Without objection, it is so ordered.

There was no objection.

PATENT FOR LANDS, SUSANVILLE, CAL.

The next business on the Calendar for Unanimous Consent was the bill (H. R. 16476) authorizing the Secretary of the Interior to issue patents to the city of Susanville, in Lassen County, Cal., for certain lands, and for other purposes.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he hereby is, authorized and directed to confer by proper patent to the city of Susanville (a municipal corporation of the sixth class, duly organized and existing under the laws of the State of California, with full power to hold and own real estate), of Lassen County, Cal., the following tract of public land, to wit: The northeast quarter of the southwest quarter of section 28, township 30 north, range 12 east, Mount Diablo base and meridian, Susanville land district, upon payment therefor to the Secretary of the Interior for the Government of the United States the full sum of $1.25 per acre, which patent shall be issued upon the express condition that the city of Susanville shall use said tract of land for city uses and purposes only: *Provided*, That whenever said lands cease to be used by said city for municipal purposes or are attempted to be sold or conveyed, then, and in that event, title to such lands and the whole thereof shall revert to the United States.

The following committee amendments were read:

Page 1, line 4, strike out the word "confer" and insert the word "convey."

On page 2, after the word "States," in line 10, insert the following:

"*Provided further*, That such patent shall contain a reservation to the United States of all gas, oil, coal, and other mineral deposits that may be found in such land, and the right to the use of the land for extracting the same."

The SPEAKER pro tempore. Is there objection to the consideration of the bill?

Mr. MANN. Reserving the right to object, I would like to ask the gentleman from California [Mr. RAKER] how large Susanville is?

Mr. RAKER. There are 3,500 people there. It is increasing every day. A railroad was built in last year.

Mr. MANN. Do they really need a 40-acre tract for dumping purposes?

Mr. RAKER. Well, they want to put a plant there. They believe they do, and I believe so. It lies about 2 miles from town.

Mr. MANN. How far is this from the volcano?

Mr. RAKER. About 45 miles.

Mr. MANN. I think it would be cheaper to send the waste up there and dump it.

Mr. RAKER. But you would have to climb 10,487 feet to get to the mouth of the volcano.

Mr. MANN. If the people out there are like the distinguished gentleman from California [Mr. RAKER], climbing would not hurt them.

The SPEAKER pro tempore. Is there objection to the consideration of the bill? [After a pause.] The Chair hears none.

The question is on agreeing to the committee amendments.

The committee amendments were agreed to.

The bill as amended was ordered to be engrossed and read a third time, was read the third time, and passed.

On motion of Mr. RAKER, a motion to reconsider the vote by which the bill as amended was passed was laid on the table.

MAIL CHUTES IN PUBLIC BUILDING, CLEVELAND, OHIO.

The next business on the Calendar for Unanimous Consent was the bill (S. 4182) to authorize the installation of mail chutes in the public building at Cleveland, Ohio, and to appropriate money therefor.

The SPEAKER pro tempore. Is there objection to the consideration of the bill?

Mr. ASHBROOK. Mr. Speaker, this is a Senate bill, and as it passed the Senate it appropriates the sum of $800 for the purpose of installing mail chutes in the Federal building at Cleveland, Ohio. When this bill was considered by the House committee, that committee, being of the opinion that it had no right to appropriate the money, being but an authorization committee, amended the bill so that it would simply provide for the authorization, expecting it would be reached on the calendar in time, if it was passed, to be added to the general deficiency or the urgent deficiency appropriation bill. Those bills are both out of the way now. It would be impossible to have the amount appropriated at this session, and on the part of the committee I wish, therefore, to withdraw the amendment offered to the bill by the House committee.

The SPEAKER pro tempore. The House has not yet given its consent for the consideration of the bill.

Mr. ASHBROOK. Then, Mr. Speaker, I ask unanimous consent for its present consideration.

The SPEAKER pro tempore. Is there objection to the present consideration of the bill?

Mr. MURDOCK. Mr. Speaker, I reserve the right to object.

Mr. DONOVAN. Mr. Speaker, reserving the right to object, I think we have here one of the finest examples of "pork" appropriations that exists.

Mr. ASHBROOK. It is a small pig, then.

Mr. DONOVAN. A bill was passed originally in 1899 limiting the cost of this building to $2,500,000. But through the cleverness and adroitness of the people back of this bill, three or four years afterwards they got another half a million dollars, making $3,000,000. But they were not satisfied with that, and they came in here six years afterwards for $775,000 more, making in all $3,775,000 for the post office, starting out with the idea originally of only $2,500,000, and leading Congress to believe at that time that it was all they wanted. There does not seem to be any limit to the greed of the Ohio chap when the Treasury is in sight. I am going to object, Mr. Speaker.

Mr. ASHBROOK. Mr. Speaker——

Mr. DONOVAN. No; I object. They have had their share. They have had their fingers in the pie wagon enough. [Laughter.]

Mr. ASHBROOK. I would be glad if the gentleman would withhold for a moment.

Mr. DONOVAN. No; I object.

Mr. ASHBROOK. Thank you.

The SPEAKER pro tempore. The gentleman from Connecticut [Mr. DONOVAN] objects, and the bill will be stricken from the calendar. The Clerk will report the next one.

REGULATION OF THE CATCHING OF SPONGES.

The next business on the Calendar for Unanimous Consent was the bill (H. R. 16269) to regulate the taking or catching of sponges in the waters of the Gulf of Mexico and the Straits of Florida outside of State jurisdiction; the landing, delivering, curing, selling, or possession of the same; providing means of enforcement of the same, and for other purposes.

The Clerk read the bill, as follows:

Be it enacted, etc., That on and after the approval of this act it shall be unlawful for any citizen of the United States or person owing duty of obedience to the laws of the United States, or any boat or vessel of the United States, or person belonging to or on any such boat or vessel, to take or catch, by any means or method, in the waters of the Gulf of Mexico or the Straits of Florida outside of State territorial limits, any commercial sponges measuring when wet less than 5 inches in their maximum diameter, or to land, deliver, cure, offer for sale, or have in possession at any port or place in the United States, or on any boat or vessel of the United States, any such commercial sponges.

SEC. 2. That the presence of sponges of a diameter of less than 5 inches on any vessel or boat of the United States engaged in sponging in the waters of the Gulf of Mexico or the Straits of Florida outside of State territorial limits, or the possession of any sponges of less than the said diameter sold or delivered by such vessels, shall be prima facie evidence of a violation of this act.

SEC. 3. That every person, vessel, or boat guilty of a violation of this act shall be liable to a fine of 50 cents for each sponge of a less diameter than 5 inches found in the possession of such person, vessel, or boat, and such fine shall be a lien against the vessel or boat on which the offense is committed, and said vessel or boat shall be seized and proceeded against by process of libel in any court having jurisdiction of the offense.

SEC. 4. That any violation of this act shall be prosecuted in the district court of the United States of the district wherein the offender is found or into which he is first brought.

SEC. 5. That it shall be the duty of the Secretary of Commerce to enforce the provisions of this act, and he is authorized to empower such officers and employees of the Department of Commerce as he may designate, or such officers and employees of other departments as may be detailed for the purpose, to make arrests and seize vessels and sponges, and, upon his request to the Secretary of the Treasury, may employ the vessels of the Revenue-Cutter Service or the employees of the Customs Service to that end.

SEC. 6. That the act approved June 20, 1906, entitled "An act to regulate the landing, delivery, cure, and sale of sponges," and all other laws in conflict herewith, be, and the same hereby are, repealed.

The SPEAKER pro tempore. Is there objection to the present consideration of the bill?

Mr. MANN. Reserving the right to object, Mr. Speaker, I do not see anyone here in connection with it. There is a Senate bill pending before the Committee on the Merchant Marine and Fisheries, is there not? There is no object in passing the House bill, is there?

Mr. ALEXANDER. The Senate bill is S. 5313, on the same subject.

Mr. MANN. The Senate bill is S. 6385.

Mr. ALEXANDER. It is 5313.

Mr. MANN. I have a copy of the bill in my hand. I do not know how many bills there may be pending, but the bill S. 6385 is "to regulate the taking or catching of sponges in the waters of the Gulf of Mexico and the Straits of Florida outside of State jurisdiction; the landing, delivering, curing, selling, or possession of the same; providing means of enforcement of the same, and for other purposes." It was referred. I guess that was in the last Congress?

Mr. ALEXANDER. Yes. It was referred to the Committee on the Merchant Marine and Fisheries, and I had it returned to the House. I wanted to ask unanimous consent to discharge the Committee on the Merchant Marine and Fisheries from the further consideration of that bill and consider in lieu of it the House bill.

Mr. MANN. It is the same bill?

Mr. ALEXANDER. It is the same, excepting the House bill modifies the punishment; and the gentleman from Florida [Mr. SPARKMAN] was going to offer some amendment conforming the Senate bill to the bill as reported from the Committee on the Merchant Marine and Fisheries.

Mr. MANN. The bill reported from the committee in the last Congress had in it a number of things which this bill does not have. Is it proposed to add those when this bill is considered?

Mr. ALEXANDER. No. It simply relates to punishment. The Senate bill provides that the punishment shall be regulated by the number of sponges found in the possession of the person, while this bill provides a specific fine.

Mr. MANN. Am I right in supposing that in this bill there is a punishment against citizens of the United States who bring prohibited sponges into the United States, but that foreigners have the right to do it without prohibition?

Mr. ALEXANDER. No.

Mr. MANN. I think I am right.

Mr. ALEXANDER. Judge SAUNDERS is the chairman of the subcommittee which considered this bill. I am referring to the bill H. R. 16269, the one pending on the calendar, which provides "that every person, partnership, or association guilty of a violation of this act shall be liable to a fine of not less than $5 nor more than $500."

Mr. MANN. That applies only to the people guilty of violating the act?

Mr. ALEXANDER. Yes.

Mr. MANN. And the provision of the act is that—

It shall be unlawful for any citizen of the United States, or person owing duty of obedience to the laws of the United States, or any boat or vessel of the United States, or person belonging to or on any such boat or vessel, to take or catch, by any means or method, in the waters of the Gulf of Mexico or the Straits of Florida, outside of State territorial limits, any commercial sponges—

And so forth. That does not apply to any foreigner. That specifically permits the foreigner to come there and rob the sponge bank of the sponges, and bring them into the United States without any prohibition; but if American citizens or American vessels happen to take them they are to be punished. Now, what is the object or theory of that?

Mr. ALEXANDER. The gentleman from Florida [Mr. SPARKMAN] will answer.

Mr. SPARKMAN. I will say, Mr. Speaker, that a copy of this bill was sent by the Secretary of Commerce to Senator FLETCHER and a copy to me, it having been prepared at the

Bureau of Fisheries, as I am informed, and I suppose the reasons for leaving foreigners out of the bill was the fact that it was, and is, a delicate matter to deal with foreigners in such matters as long as they are outside of the jurisdiction of the United States. It might be entirely legal. If they should bring the sponges into the United States in violation of law, we could punish them, but I doubt if you could pass a law that would permit the arrest of foreigners on the high seas for gathering sponges outside of our territorial limits—that is, the 3-mile limit.

Mr. MANN. This does not affect the foreigner.

Mr. SPARKMAN. That is my understanding. That is where the difficulty in reaching foreigners comes in.

Mr. MANN. There is no difficulty in reaching foreigners who bring, or attempt to bring, sponges into the United States. We can prohibit that. I do not know whether there is any existing law that does prohibit it or not, but I do not see what object there may be—and I do not say there may be no object—in prohibiting a citizen of the United States from going to the sponge banks and getting the sponges and bringing them into the United States if a foreigner or foreign vessel can do that without any prohibition.

Mr. SPARKMAN. I have had nothing to do with the enforcement of the old law, but the gentleman will remember that in 1906 we passed a law——

Mr. MANN. I remember that——

Mr. SPARKMAN. And the department has found that it is very difficult of enforcement. That law did not deal with the catching or gathering of sponges at all. It dealt only with the bringing of sponges into the United States, or rather the selling or curing of sponges within the United States. It did not undertake to deal with the taking of them.

Now they find it is very difficult to enforce the law, and the Secretary of Commerce writes a letter——

Mr. MANN. I have it. It says:

> The measure will make it possible to correct the greatest and most destructive abuse connected with the sponge fisheries, and will supersede an act whose impossibility of enforcement tends to foster contempt for law among a considerable alien population.

I am not willing to concede that the United States can not prevent a foreigner or foreign vessel bringing sponges into the United States.

Mr. ALEXANDER. No foreign vessel can engage in our coastwise trade; that is, in fishing——

Mr. MANN. But this is outside the territorial limit. Of course they can go there.

Mr. ALEXANDER. It would be engaging in the coastwise trade.

Mr. MANN. Why, no; it would not.

Mr. ALEXANDER. I do not think any foreign vessel could come in there with sponges caught in the waters on the coast of Florida; but personally I agree with the gentleman that——

Mr. MANN. I think the gentleman would better pass this over, and ascertain in regard to that.

Mr. ALEXANDER. I have no objection.

Mr. MANN. I have no doubt whatever that something ought to be done in the way of legislation.

Mr. SPARKMAN. It is very important that some legislation be had, because the industry down there has suffered very considerably.

Mr. MANN. Yes; I remember that is what the gentleman said when we passed the bill 8 or 10 years ago, and it was true then, and it is equally true now; but it is also true that if we enact the legislation we ought to make it effective, which we did not do before.

Mr. SPARKMAN. Perhaps the gentleman can suggest some amendment that will meet the situation.

Mr. MANN. I could easily suggest an amendment, but I am not sure whether it would be desirable. Instead of saying "no citizen of the United States," I would say "no person" or "no vessel." Without examination, I would not undertake to overrule the views of the department on that subject.

Mr. SPARKMAN. As far as I am concerned——

Mr. MANN. I think it had better go over, in order to ascertain about that.

The SPEAKER pro tempore. Is there objection?

Mr. MANN. Unless the gentleman asks to have it passed over I shall object.

Mr. ALEXANDER. I ask unanimous consent that the bill be passed over without prejudice.

The SPEAKER pro tempore. The gentleman from Missouri asks unanimous consent that the bill be passed without prejudice. Is there objection?

There was no objection.

IMMIGRATION.

Mr. BRYAN. Mr. Speaker, I ask unanimous consent to extend my remarks on the subject of the immigration bill now pending.

The SPEAKER pro tempore. The gentleman from Washington [Mr. BRYAN] asks unanimous consent to extend his remarks on the subject of the immigration bill. Is there objection?

Mr. MANN. Reserving the right to object, is that for the purpose of making a speech or for the purpose of inserting a lot of material?

Mr. BRYAN. I am not intending to insert any document. I desire to insert a speech. I have some clippings that I have collected.

Mr. MANN. If anyone desired to insert all the clippings on the subject of the Immigration Service, he could make up a dozen volumes. I have no objection to the gentleman's printing a speech with incidental insertions.

Mr. BRYAN. That is what it is.

The SPEAKER pro tempore. Is there objection?

There was no objection.

Mr. BRYAN. Mr. Speaker, a few days ago the gentleman from Alabama [Mr. BURNETT] was addressing the House on the subject of the immigration bill, and I took occasion to interrogate him as to the holding up of that bill, and particularly with reference to administration opposition.

The colloquy was as follows:

> Mr. BRYAN. Mr. Chairman, will the gentleman yield there?
> Mr. BURNETT. Yes.
> Mr. BRYAN. The gentleman stated a moment ago something about his view of the Progressive position with reference to the distribution of immigrants. One fact is that here a short time ago every Progressive on the floor, with the possible exception of one or two, voted for the literacy test in the gentleman's bill. Now, does the gentleman assert that that bill is being held up—that is the rumor, at any rate—by President Wilson, and that the President is against it? Does the gentleman know whether that is true or not?
> Mr. BURNETT. I do not; and I do not believe the President has ever said to anyone that he was opposed to that bill. I do not know why it is being sidetracked in the Senate, if it is being sidetracked; but I do not believe that President Wilson, after the declarations he made a few years ago in a book which he wrote in criticizing the very class of people that would be kept out by the literacy test, will veto that bill or has said to anybody that he would do so.
> Mr. BRYAN. The gentleman must admit that the Progressives helped him in the enactment of that bill.
> Mr. BURNETT. Yes; every one except one of them, I think.

I take no delight in criticizing the President. I think the administration is so much better than the Republican Party could have given had President Taft been reelected that I am somewhat loath to criticize. I have voted generally for the administration measures, and am quite sure I served the best interests of the people of my State and the country in so doing.

In this matter we have an issue of the greatest importance. It is not a new or unconsidered issue.

WOODROW WILSON, THE AUTHOR.

In his History of the American People (vol. 5, p. 212), Woodrow Wilson, the author and university president, has this to say on this most important subject of immigration:

> The census of 1890 showed the population of the country increased to 62,622,250 an addition of 12,466,467 within the decade. Immigrants poured steadily in as before, but with an alteration of stock which students of affairs marked with uneasiness. Throughout the century men of the sturdy stocks of the north of Europe had made up the main strain of foreign blood which was every year added to the vital working force of the country, or else men of the Latin-Gallic stocks of France and northern Italy; but now there came multitudes of men of the lowest class from the south of Italy and men of the meaner sort out of Hungary and Poland—men out of the ranks where there was neither skill nor energy nor any initiative of quick intelligence—and they came in numbers which increased from year to year, as if the countries of the south of Europe were disburdening themselves of the more sordid and hapless elements of their population, the men whose standards of life and of work were such as American workmen had never dreamed of hitherto. The people of the Pacific coast had clamored these many years against the admission of immigrants out of China, and in May, 1892, got at last what they wanted—a Federal statute which practically excluded from the United States all Chinese who had not already acquired the right of residence; and yet the Chinese were more to be desired, as workmen, if not as citizens, than most of the coarse crew that came crowding in every year at the eastern ports.

PRESIDENT ROOSEVELT HAD SPOKEN PLAINLY.

In his message to Congress, on December 3, 1901, President Roosevelt had said:

> Not only must our labor be protected by the tariff, but it should also be protected so far as possible from the presence in the country of any laborers brought over by contract, or those who, coming freely, yet represent a standard of living so depressed that they can undersell our men in the labor market and drag them to a lower level. Our present immigration laws are unsatisfactory. There should be a comprehensive law enacted with the object of working threefold improvement over our present system.

First, we should aim to exclude absolutely not only all persons who are known to be believers in anarchistic principles or members of anarchistic societies, but also all persons who are of a low tendency or of unsavory reputation. This means that we should require a more thorough system of inspection abroad and a more rigid system of examination at our immigration ports, the former being especially necessary.

The second object of a proper immigration law ought to be to secure by a careful and not merely perfunctory educational test some intelligent capacity to appreciate American institutions and act sanely as American citizens.

This would not keep out all anarchists, for many of them belong to the intelligent criminal classes. But it will do what is also in point; that is, tend to decrease the sum of ignorance, so potent in producing the envy, suspicion, malignant passion, and hatred of order, out of which anarchistic sentiment naturally springs.

Finally, all persons should be excluded who are below a certain standard of economic fitness to enter our industrial fields as competitors with American labor.

There should be proper proof of personal capacity to earn an American living and enough money to insure a decent start under American conditions. This would stop the influx of cheap labor and the resulting competition which gives rise to so much of bitterness in American industrial life, and it would dry up the spring of the pestilential social conditions in our great cities, where anarchistic organizations have their greatest possibility of growth.

Both the educational and economic test in a wise immigration law should be designed to protect and elevate the great body politic and social. A very close supervision should be exercised over the steamship companies which mainly bring over the immigrant, and they should be held to a strict accountability for any infraction of the law.

Immigration into the United States for the year ending June 30, 1902, was 648,743. During the fiscal year ending June 30, 1912, there entered this country 1,285,349 aliens, and one and a half million aliens are expected this year.

President Roosevelt in his message of December 2, 1902, said:

I again call your attention to the need of a proper immigration law covering the points outlined in my message to you at the first of the session of the present Congress; substantially such a bill has already passed the House.

House insurgency, which resulted in the overthrow of Speaker Cannon and the "old guard," was given impetus by legislative trickery over this very subject. Republican violation of party obligation in this connection was clearly and succinctly set forth by one well able to speak on that subject and who has always been a true friend of legislation involving the literacy or educational test. Here is what the gentleman from Massachusetts [Mr. GARDNER] said on January 7, 1909, here on this floor:

Mr. GARDNER. I conceive, Mr. Chairman, that if the Republican national platform declares in favor of a particular proposition, and if the President of the United States, supposing that he is a Republican, includes the matter in a message, and if, in response, the Senate passes the legislation desired, then when the bill comes over to the House I should hold it to be a party question. That is sound, is it not? I hear no remarks to the contrary. That very situation arose in the spring of 1906. Yet I saw one of the Republican members of the Committee on Rules act as teller in opposition, and I saw the Speaker of the House pass at the head of the column between the tellers in opposition to the measure of which I speak With the recollection of that scene still fresh in my memory, I refuse to be alarmed at the cry of party disloyalty, and I await with eagerness a better definition than that which I have just given you as to what a party question may be. [Loud applause.]

The Republican platform he referred to read as follows:

For the protection of the quality of American citizenship and of wages of our workingmen against the fatal competition of low-priced labor, we demand that the immigration laws be thoroughly enforced and so extended as to exclude from entrance to the United States those who can neither read nor write.

The Democratic platform of 1908 contained a similar plank.

The annual presidential message to which Mr. GARDNER referred was from President Roosevelt, in part as follows:

The second object of a proper immigration law ought to be to secure by a careful and not merely perfunctory educational test some intelligent capacity to appreciate American institutions and act sanely as American citizens. Both the educational and economic in a wise immigration law should be designed to protect and elevate the great body politic and social.

Here is what the Philadelphia Record (June 26, 1906) had to say about the Cannon stand-pat betrayal:

HOUSE LEADERS THROTTLE VOTE ON IMMIGRATION—CANNON CRACKS WHIP SHARPLY—SPEAKER SCURRIES ABOUT AISLES, THREATENING, CAJOLING, AND IMPORTUNING MEMBERS TO SUPPORT OF MACHINE PROGRAM—BILL RIPPED AND SLASHED—EDUCATIONAL TEST KILLED OUTRIGHT AND INCREASE IN HEAD TAX KNOCKED OUT.

WASHINGTON, D. C., *June 25.*

By means of the most cowardly and discreditable tactics witnessed in the House in this generation, the immigration-restriction bill was brought up, considered, amended in ways that its friends say make it a mockery, and passed without a roll call or a chance for a roll call this afternoon.

The rule under which the bill was considered prohibited roll calls on amendments or on the bill.

* * * * * * *

CANNON CRACKS WHIP VIGOROUSLY.

The most bitterly opposed feature of the bill was that fixing an educational test for immigrants.

Feeling ran high during the debate, and when the vote came Speaker Cannon, who was most emphatically opposed to the educational test, moved about on the floor urging Members to aid in knocking it out.

On the rising vote, however, despite the personal appeals of the Speaker and his lieutenants, the substitute proposition for the appointment of a commission to investigate the immigration question was defeated, and the educational-test clause stood 136 to 123. Then there was demand for tellers, and the Speaker began to "ride herd" on the Republican Members in a way that has not been witnessed on the floor within the memory of the oldest observers.

He went around to Members who were holding back and urged them in vigorous language to go up and vote to knock out the educational clause and put in the commission provision, which he had drawn himself. When all the Members had passed between the tellers it was found these extraordinary tactics of the Speaker had won by the small margin of 11.

During the discussion the galleries were generally filled with representatives of labor and their friends.

* * * * * * *

GARDNER SEES A NEW LIGHT.

Mr. GARDNER, of Massachusetts, asked if a yea-and-nay vote would be permitted on the "educational test." He was informed by the Speaker that if the rule was adopted there could be no yea-and-nay vote, as the questions in issue would be settled in Committee of the Whole. Mr. GARDNER said it was a very bad rule, which excited considerable laughter, for until Mr. De Armond showed the sweeping character of the rule he had declared he was satisfied with the restrictions. He said that he had now a very different appreciation of statements made about the Capitol and the same statements embodied in a rule.

* * * * * * *

The New York World reported (June 26, 1906) the legislative procedure as follows:

LIFE SLASHED OUT OF BILL BY SPEAKER—MR. CANNON EXCITEDLY BUTTONHOLES MEMBERS AND TURNS VICTORY FOR EDUCATIONAL TEST INTO DEFEAT—HOW MR. CANNON DID IT.

He went to the Republican cloak rooms, "shooed" the Members there out and told them to pass between the tellers and vote in favor of the Grosvenor amendment. Then he went among the Members on the floor and excitedly urged them to vote for the amendment. In almost every case he was successful, and those he could not induce to vote for the amendment he persuaded to stay away and not vote at all.

MR. GARDNER SLIGHTED.

The Speaker appointed as conferees Messrs. Bennet of New York, Howell of New Jersey, and Ruppert of New York, leaving Mr. GARDNER, who had charge of the bill, off the committee entirely. The conferees named by the Speaker are all opposed to the educational test.

* * * * * * *

The Speaker's action in leaving Mr. GARDNER off the committee of conference was commented on by Members. GARDNER is credited with having forced the Speaker to permit the immigration bill to be considered by the House by threatening him with a Republican caucus.

IMMIGRATION COMMISSION MERELY DELAYED ISSUE.

The congressional Immigration Commission which was substituted, June 25, 1906, for the illiteracy test in the Senate immigration bill, by the Cannon organization to pretend to redeem party pledges, but in truth to get rid of the issue, merely caused delay. The commission was directed to investigate and report on the whole subject and particularly the feasibility of the illiteracy test. After an extended searching investigation at home and abroad the commission made a 42-volume report, of about 500 pages per volume, finding that "many undeniably undesirable persons enter this country every year"; that existing immigration laws are "weak and ineffectual"; that "there is a dangerous and apparently growing criminal element in the country due to immigration" (House Doc. No. 1489, pp. 29–31); and reported on pages 47–48 of volume 1:

The investigations of the commission show an oversupply of unskilled labor in the basic industries to an extent which indicates an oversupply of unskilled labor in the industries of the country as a whole, and therefore demands legislation which will at the present time restrict the further admission of such unskilled labor.

* * * * * * *

The following methods of restricting immigration have been suggested:

(a) The exclusion of those unable to read or write in some language.

Other recommendations are made, but by a majority (8 out of 9) vote of the commission the reading and writing test is considered "the most feasible single method of restricting undesirable immigration."

WOODROW WILSON, PRESIDENTIAL CANDIDATE, STATES HIS POSITION.

On September 4, 1912, according to press reports, Woodrow Wilson, Democratic nominee for the Presidency, said to the editors of the Association of Foreign Language Newspapers in New York City:

If we can hit upon a standard which admits every voluntary immigrant and excludes those who have not come of their own motion, with their own purpose of making a home and a career here for themselves, but have been induced by steamship companies or others in order to pay the passage money, then we will have what we will all agree upon as Americans. I am speaking to you as also Americans with myself, and just as much American as myself, and if we all take the American point of view, namely, that we want American life kept to its standards, and that only the standards of American life shall be standards of restriction, then we are all upon a common ground, not of those who criticize immigration, but those who declare themselves Americans. I am not saying that I am wise enough out of hand to frame the legislation that will meet this idea. I am only saying that it is the ideal, and that is what we ought to hold ourselves to. * * * Of course, if the immigrants are allowed to come in uninstructed hosts and to stop at the ports where they enter and there to compete in an oversupplied labor market, there is going to be unhappiness; there is going to be deterioration; there is going to be everything that will be detrimental to the immigrant.

It is true enough there is no detailed expression as to his position on the illiteracy test in this speech, but that was the

subject all were considering, and the President signified that if elected he would stand for restriction that would maintain American standards. Surely the ability to read and write is one of the standards which we call American. A college president would not name less, or at least the people had a right to draw that conclusion.

The American Federation of Labor has taken great interest in this proposition, as the following report of President Gompers on national legislation for 1906 will show:

Labor has for years endeavored to secure the passage by Congress of a law restricting immigration. One of the effectual means to secure this was an educational test, and this was incorporated in the bill before the Fifty-ninth Congress, the United States Senate having adopted it in a bill which passed that body. It was clear that a majority of the Members of the House of Representatives were in favor of this bill, including the educational test, but Speaker Cannon not only used the vast power and influence of his office to defeat it, but he left the exalted position of Speaker, went upon the floor of the House, and made enough Members either go to the cloakrooms or go between the official tellers of the House and vote against the proposition. As a result of his high-handed action the educational test was defeated.

And the need for the working people taking an interest is well shown by the following letter:

[Edward Horvath Labor Agency, M. Engel, manager. Licensed and bonded. Telephone, Orchard 1039.]

124 EAST THIRD STREET,
New York City, October 4, 1913.

S. E. & H. L. SHEPERD CO.,
Rockport, Me.

GENTLEMEN: Foreign laborers are now available in this city for less wages than you can secure men for in your State.

Are you in need of any? If so, we can offer for immediate shipment any number of them of any desired nationality.

Trusting to hear from you, we are,

Very truly, yours,

M. ENGEL, *Manager.*

President Wilson was commended because labor believed he was right on this question and would use his power if elected to "maintain American standards" in the matter of the admission of immigrants. President Taft was condemned because it was believed that he would take the opposite view on this, as he had already done.

WHAT IS THE RESULT; WHAT IS PRESIDENT WILSON'S POSITION NOW.

The gentleman from Alabama [Mr. BURNETT], in his answer to my query, said:

I do not believe that President Wilson, after the declarations he made a few years ago in a book which he wrote, in criticizing the very class of people that would be kept out by the literacy test, will veto that bill, or has said to anybody that he would do so.

I have sincere regard for the gentleman, and I know he believed what he said. I do not know whether he would still say that he did not believe President Wilson is responsible for the holding up of this proposition; I could certainly not agree with him, to say the least of it. We passed the bill here in the House by a decisive majority months and months ago, but it is still slumbering on the Senate calendar and has been since the Senate committee reported it, March 19, to that body for consideration and a vote.

"Where ignorance is bliss 'tis folly to be wise" may be a good rule to apply here, for if the gentleman is ignorant as to the facts, I have serious doubts that he would be profited any by wisdom on the subject. He has passed the bill here and has done his work well—to this we will all agree—but the public generally knows that President Wilson is sitting on the lid that covers the immigration bill that contains the illiteracy test.

Let us call some witnesses. First—

SENATOR SMITH, CHAIRMAN IMMIGRATION COMMITTEE.

Press reports of the South Carolina senatorial debate at Gaffney, S. C., July 3, state that Gov. Blease, who is opposing Senator E. D. SMITH for the United States Senate, again criticized Senator SMITH, chairman of the Senate Immigration Committee, for not having pushed the 60-page Burnett immigration bill, that passed the House February 4 and was reported to the Senate March 19, through the Senate, and that Senator E. D. SMITH reiterated his position toward immigration by declaring that despite the opposition of the President and party leaders to the bill he was determined, so far as was in his power as chairman of the Senate Immigration Committee, to do all he could to nail up the bars.

Gov. Blease is said to be some campaigner, and Senator SMITH is said to have urged that something be done toward the passage of this bill.

The New York Tribune of June 8, 1914, has a press dispatch concerning the immigration bill containing the following:

TRUST BILL USED TO BURY LITERACY TEST—WILSON AND DEMOCRATIC LEADERS EAGER TO DODGE ISSUE—ALIEN-BORN CITIZENS AND LABOR CONFLICT—TRADE-COMMISSION MEASURE MAY ENABLE PARTY TO DEFER DAY OF RECKONING.

WASHINGTON, *June 7.*

The fact that a religious controversy has been injected into the question makes it all the more dangerous politically. Members of Congress have been flooded with petitions and memorials urging them not to vote for the bill and to do their utmost to defeat it. * * *

The immigration question is one which the administration would much rather evade than solve. If the tolls controversy has cooled the ardor of Irish-American voters who have hitherto stood their ground in defending the administration, the literacy test will certainly have a similar chilling effect upon one or another important political element in the United States.

The Mercury Banner of March 27, 1914, published in Huntsville, Ala., Mr. BURNETT'S State, contains the following:

WILSON OPPOSED TO LITERACY TEST.

WASHINGTON, *March 27.*

It is understood that President Wilson is opposed to the literacy test in the Burnett immigration bill to such an extent that he has hinted at veto if this test was not removed before the bill reached the White House.

W. B. Wilson, Secretary of Labor, had a conference with Senator E. D. SMITH, of the Senate Immigration Committee, and it is declared the Senator was informed of the President's objections, and that if the Executive approval was expected that the literacy test ought to be cut out of the bill.

Senator SMITH declared to-day that the literacy test would remain in the bill, and that he considered the measure as reported to the Senate the best immigration bill prepared in years, and believed that it would pass the Senate overwhelmingly. Senator SMITH declined to express an opinion as to whether the President would veto the bill.

Representative BURNETT is in Alabama engaged in his campaign.

Was the following, published in the Washington Post on February 17, 1914, merely so much guesswork? If so, how does it happen that so many are guessing alike?

WILSON TO VETO IT—HE DOOMS THE LITERACY TEST IN AN IMMIGRATION LAW—BUT CONGRESS GOES AHEAD—CHAIRMAN SMITH PREDICTS THAT BURNETT MEASURE WILL PASS—MEANTIME AMBASSADORS CUSANI, OF ITALY, AND CHINDA, OF JAPAN, MAKE PROTESTS—LATTER CONFERS WITH CONSULS, WHILE FORMER LAYS VIEWS BEFORE BRYAN—EUROPE AGAINST UNITED STATES DOCTORS AT PORTS OF EMBARKATION—EXCLUSION DROPPED.

President Wilson will veto the Burnett immigration bill if it comes to him for signature with the so-called literacy test contained in it. This became known from an authoritative quarter last night after Chairman SMITH, of the Senate Immigration Committee, had announced that the bill, virtually as it passed the House, including the literacy test, would be favorably reported to the Senate soon. Prospects are that the bill will pass the Senate as reported from the committee, but the measure never will become law, according to close friends of the President.

PRESIDENT WILSON'S BELIEF.

The President does not consider literacy a test of character, and believes some other means should be devised to prevent undesirable aliens from entering the United States. He told callers yesterday that he had given his view to the Senate committee, and had left it to them to make it public or not as they chose.

Another "guess" is found in the Boston Transcript of February 17, 1914:

WILL VETO LITERACY TEST—PRESIDENT REGARDS IT AS NO TEST OF CHARACTER—BELIEVES SOME OTHER WAY SHOULD BE DEVISED—THE BILL, HOWEVER, PROBABLY WILL BE PASSED.

WASHINGTON, *February 17.*

President Wilson will veto the Burnett immigration bill if it comes to him for signature with the so-called literacy test contained in it. Prospects are that the bill will pass the Senate as reported from the committee, but the measure never will become law, according to close friends of the President. The President does not consider literacy a test of character, and believes some other means should be devised to prevent undesirable aliens from entering the United States.

Several members of the committee said that the literacy test would remain in the bill, with a possibility of a slight modification of that part of it which would exempt from its application aliens who showed to the satisfaction of the proper authorities that they emigrated from a foreign country "solely for the purpose of escaping religious persecution."

The Italian ambassador objects to the feature of the bill which provides for medical inspection of immigrants aboard ship.

It is said that Representative PALMER, of Pennsylvania, in campaigning for the second place in the senatorial race with Senator PENROSE, is having tremendous trouble with this very issue, it being claimed that Mr. PALMER is such a powerful friend of the President that if he would try he could get him to forego his opposition. Gifford Pinchot, Progressive, for first place, is having no trouble whatever with the issue.

"The proof of the pudding" is said to be "the eating thereof," so we have only to observe that somebody is holding this bill up. If it is not the Senate committee, then who is it? If the President is for the bill, does anyone suppose he would continue silent so long while the bill is being done to death? If he did, would any friend of the bill justify his silence?

PROGRESSIVES FOR THE BILL.

The Progressives on this floor are still for the bill, as Chairman BURNETT stated that they were for it when the bill passed. I know of no better way to maintain American standards in the matter of immigration than to adopt the rule that adults who can not read or write in their own language can not be admitted to lower the standards of labor and citizenship.

FUR-SEAL SPECIMENS.

The next business on the Calendar for Unanimous Consent was House joint resolution 270, authorizing the Secretary of Commerce to have taken specimens of the Pribilof Islands fur seal as specimens for the collections of the National Museum.

The Clerk read the title of the joint resolution.

The SPEAKER pro tempore. Is there objection?

Mr. MANN. I should like to have the joint resolution read.

The SPEAKER pro tempore. The Clerk will report the joint resolution.

The Clerk read as follows:

Resolved, etc., That the Secretary of Commerce be, and he is hereby, authorized to have taken for the collections of the United States National Museum a series of specimens of the Pribilof Islands fur seal, to properly illustrate the range of variation in both sexes at all ages, said collection not to exceed 30 specimens in number.

The SPEAKER pro tempore. Is there objection?

Mr. MANN. Reserving the right to object, at whose expense is this to be done, and why can it not now be done as the law stands?

Mr. ALEXANDER. It will be done at the expense of the Government. The Secretary of Commerce does not think he has the power to permit this to be done under existing law. Of course, there is a closed season in the Pribilof Islands—I believe for five years—during which only a certain number of seals may be killed, and for certain purposes named in the act. A bill has already passed the Senate—S. 150—in the same terms as the House joint resolution. The House joint resolution came to me from the Department of Commerce. I introduced it and had it referred to the Committee on the Merchant Marine and Fisheries and reported it back with a letter of the Secretary recommending its passage. He does not think he has the power under existing law to permit these seals to be caught.

Mr. MANN. How many fur-seal specimens are there now in the National Museum?

Mr. ALEXANDER. I do not know. All the information I have is contained in the letter from Dr. Charles D. Walcott, Secretary of the Smithsonian Institution, who says:

I find that the Pribilof Islands fur seal is very poorly represented in the collections of the United States National Museum. The specimens are practically all defective, and it is highly desirable that this important mammal should be properly represented in the national collections.

In view of this, I am writing to ask if you think there will be an opportunity the coming summer to secure a series of skins and skulls prepared with the special needs of the museum in view. About 30 complete specimens selected to illustrate the range of variation in both sexes at all ages would form a series adequate for the scientific study of the species.

The National Museum now has one of the largest mammal collections in the world, and it is strange that there is not a good representation of one that is so valuable and of such importance to the American people as the fur seal.

The SPEAKER pro tempore. Is there objection?

Mr. MURDOCK. Reserving the right to object, I am curious to know how these specimens will be obtained after the authority to obtain them is given. Does this mean an expedition of some kind?

Mr. ALEXANDER. Oh, no; they have the employees in the islands. These seals are being killed from time to time for food and under the provisions of the existing law; but no one is authorized to kill them and furnish skins to the Smithsonian Institution for this purpose. The Secretary of Commerce wants to have the authority from Congress to do it.

Mr. MURDOCK. The gentleman does not think there will be any expense attached to this?

Mr. ALEXANDER. Oh, no; I do not think so.

The SPEAKER pro tempore. Is there objection?

Mr. JOHNSON of Washington. I object.

The SPEAKER pro tempore. The gentleman from Washington objects. The joint resolution will be stricken from the Calendar for Unanimous Consent.

PUBLIC LANDS CLAIMED BY DESERTED WIVES.

The next business on the Calendar for Unanimous Consent was the bill (H. R. 16296) to provide for issuing of patents for public lands claimed under the homestead laws by deserted wives.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Is there objection?

Mr. MANN. Let the bill be reported, Mr. Speaker.

The SPEAKER pro tempore. The Clerk will report the bill.

The Clerk read as follows:

Be it enacted, etc., That in any case in which persons have regularly initiated claims to public lands as settlers thereon under the provisions of the homestead laws and the wife of such homestead settler or entryman, while residing upon the homestead claim and prior to submission of final proof of residence, cultivation, and improvement as prescribed by law, has been abandoned and deserted by her husband for a period of more than one year, the deserted wife shall, upon establishing the fact of such abandonment or desertion to the satisfaction of the Secretary of the Interior, be entitled to submit proof upon such claim and obtain patent therefor in her name in the form, manner, and subject to the conditions prescribed in section 2291 of the Revised Statutes of the United States and acts supplemental thereto and amendatory thereof: *Provided*, That in such cases the wife shall be required to show residence upon, cultivation, and improvement of the homestead by herself for such time as when, added to the time during which her husband prior to desertion had complied with the law, would aggregate the full amount of residence, improvement, and cultivation required by law: *And provided further*, That the published and posted notices of intention to submit final proof in such cases shall recite the fact that the proof is to be offered and patent sought by applicant as a deserted wife, and a copy of the said notice shall be mailed to the last-known address of the husband of applicant.

With the following committee amendment:

Page 2, lines 17, 18, and 19, strike out the words "and a copy of the said notice shall be mailed to the last-known address of the husband of applicant," and insert in lieu thereof the following: "and, prior to its submission, notice thereof shall be served upon the husband of the applicant in such a manner and under such rules and regulations as the Secretary of the Interior shall prescribe."

Mr. MADDEN. Reserving the right to object, I should like to have the gentleman from California [Mr. RAKER] tell us how many of these cases he proposes to cover by this bill, and what is the particular need of it.

Mr. RAKER. The need for the bill has been suggested by the registrar and receiver of the Sacramento land office, and also from the Susanville land office, which is in northern California, and in the correspondence which came following the suggestion from the registrar and receiver of the land office at Sacramento, on the ground that when a homesteader's wife is abandoned she practically has no rights in the land. If she proves up under the rule, the patent goes to the husband, who may live in a nearby community, and who can take the land and sell it and deprive the wife of the whole of it.

Mr. MADDEN. He could not sell it without her consent, could he?

Mr. RAKER. Absolutely; that has been done in a number of cases.

Mr. MADDEN. How could he do it? Does not she have to join in the deed?

Mr. RAKER. No.

Mr. MADDEN. Mr. Speaker, I object to the bill.

FUR-SEAL SPECIMENS.

Mr. JOHNSON of Washington. Mr. Speaker, I ask unanimous consent to return to Calendar No. 194, relating to the specimens of Pribilof Island fur seals, in order that I may change my objection and ask unanimous consent that it go over without prejudice.

The SPEAKER pro tempore. The gentleman from Washington asks unanimous consent to return to Calendar No. 194. Is there objection?

Mr. MANN. Reserving the right to object, is not there a Senate resolution on this same subject?

Mr. ALEXANDER. There is.

Mr. MANN. Is it on the calendar?

Mr. ALEXANDER. It is on the calendar, but not on the Unanimous Consent Calendar.

Mr. MANN. It can be placed there.

Mr. ALEXANDER. The gentleman from Washington is going to ask unanimous consent that it be passed over without prejudice.

Mr. MANN. Mr. Speaker, I object.

SALE OF CERTAIN LANDS IN COCONINO COUNTY, ARIZ.

The next business on the Calendar for Unanimous Consent was the bill (H. R. 15907) authorizing the survey and sale of certain lands in Coconino County, Ariz., to the occupants thereof.

Mr. HAYDEN. Mr. Speaker, I ask unanimous consent that the bill S. 5316, identical with this, on the Speaker's table, be substituted for this bill.

The SPEAKER pro tempore. The gentleman from Arizona asks unanimous consent to substitute for this bill the bill S. 5316. Is there objection?

Mr. MANN. Reserving the right to object, let the Senate bill be read.

The Clerk read the bill S. 5316, as follows:

An act (S. 5316) authorizing the survey and sale of certain lands in Coconino County, Ariz., to the occupants thereof.

Be it enacted, etc., That the Secretary of the Interior is hereby authorized and directed to cause each occupied and improved legal subdivision in sections 17, 19, 20, 21, 28, 29, and 30 in township No. 41 north, of range 2 west, Gila and Salt River meridian, Arizona, to be surveyed and platted into town lots and necessary public reserves, and into agricultural tracts of not exceeding 20 acres, and into dam and reservoir sites where used for such purposes, following the lines of occupation in each case where occupied as near as may be, and delineating on the plat all irrigating ditches and canals.

SEC. 2. That the town lots shall be appraised without considering the value of any improvements thereon, and any person, or his successors in interest, who prior to January 1, 1914, were in the actual occupation of one or more of such lots in good faith for town-site purposes, with substantial and permanent improvements upon each lot and have maintained such occupation and improvements to date of application, upon the filing of an application therefor within six months from the date of the approval of the appraisement herein provided for, shall be entitled to a patent for the same upon paying the appraised price therefor. All

such lots not covered by valid applications at the expiration of said six months shall thereafter be offered at public sale to the highest bidder, and the lots not so disposed of shall thereupon be subject to private entry; but no lot shall be sold at public sale or private entry at less than the appraised price.

SEC. 3. That any person, or his successors in interest, who prior to January 1, 1914, were in the actual occupancy of and improving one or more of said tracts for agricultural purposes, not exceeding in all 20 acres, and have maintained the same in good faith for said purposes, upon the filing of an application to enter the same within six months from the filing of the plat of said survey in the local land office, shall be entitled to a patent for such tract or tracts upon paying the sum of $1.25 per acre therefor. All such tracts not covered by valid applications at the expiration of said six months shall thereafter be subject to cash entry upon payment of $1.25 per acre.

SEC. 4. That the dam and reservoir tracts are hereby reserved for the use of said community for the purpose of irrigation and water supply, and patent therefor shall issue to the municipality when organized upon payment of $1.25 per acre therefor. Patents to the public reserves in the town site may be issued to the municipality when organized. Any easements maintained by authority and for use of the United States are hereby reserved, and said survey shall show all such easements, and the patents to all lands affected thereby shall contain a reservation of the easement to the United States.

SEC. 5. That the Secretary of the Interior is further authorized to survey, plat, and patent such lots, agricultural tracts, and townsite reservations, which may be situated upon the west half of the southwest quarter of section 16, in township No. 41 north, of range 2 west, Gila and Salt River meridian, Arizona, upon the same terms and conditions as prescribed in sections 1, 2, 3, and 4 hereof should the title to said west half of the southwest quarter be found vested in the United States or revert thereto.

SEC. 6. That the expenses incident to the survey, appraisement, and sale, herein required to be made, shall be paid out of any fund appropriated for the survey of the public lands at the time available. The Secretary of the Interior is hereby authorized to issue proper regulations for the administration of this act.

The SPEAKER. Is there objection?

Mr. MONDELL. Reserving the right to object, this bill seems to be intended to cure a curious and unusual situation. I notice the report does not enlighten us very much in regard to it. I should like to have the gentleman from Arizona inform us as to the conditions which make this legislation necessary. In the first place, have the lands been surveyed? They are described as sections and parts of sections.

Mr. HAYDEN. The township has been surveyed, but not each of the tracts of land.

Mr. MONDELL. The ordinary rectangular surveys have been extended over the area?

Mr. HAYDEN. Yes; in July and August, 1911.

Mr. MONDELL. And the lands are occupied, and have been for a considerable length of time, by various people and under what sort of a claim of right?

Mr. HAYDEN. It was unsurveyed public domain when the settlement was made 30 years ago. The land is on the north side of the Grand Canyon in a very inaccessible part of my State.

Mr. MONDELL. The lands, part of the time at least, have been subject to entry, except for the fact that they were not surveyed?

Mr. HAYDEN. Yes.

Mr. MONDELL. Therefore the right of a homestead settler attached. Does the gentleman understand that there are no settlers on the tract who will insist on their full right as homestead settlers?

Mr. HAYDEN. It is the desire of each one to acquire title to the small tract of land he has heretofore occupied—something like 15 or 20 acres. If permitted to enter under the homestead law, one settler could locate a whole quarter section. If he did so, his entry would cover areas now occupied by his neighbors. No one wishes to do that.

Mr. MONDELL. The gentleman understands that if any people living on the land should elect to assert their rights as homestead settlers, having a homestead right, that they can claim their full rights, notwithstanding the passage of this act. Are there any persons who are likely to do that?

Mr. HAYDEN. I anticipate no trouble about this matter whatever.

Mr. MONDELL. How did it happen in this particular locality that people went on the land as homestead settlers and only occupied such small areas?

Mr. HAYDEN. A small colony settled there, and when the colonists located on these lands each one took but a small area. It is in an isolated place, way out of the world, on the north side of the Grand Canyon.

Mr. MONDELL. The people came there practically altogether as a colony and divided the land up among themselves, built their own reservoir and their ditches, and made their land allotments?

Mr. HAYDEN. Yes.

Mr. MONDELL. So the gentleman understands that there will be no one who will claim or demand full rights under the law of homestead settlement.

Mr. HAYDEN. I anticipate no such difficulty.

Mr. MURDOCK. Reserving the right to object, I would like to ask the gentleman what about the surplus land provided for in this bill? As I read it, the bill discloses that a certain part of the tract is to be surveyed and sold. As I understand, that is not now occupied?

Mr. HAYDEN. This land is on a small creek. A part of it is irrigable and a part of it is not. The agricultural lands now occupied lie along the creek bottom. If somebody wanted to buy a piece of the rough land near his entry after it was surveyed, he should have an opportunity to pay the Government for it.

Mr. MURDOCK. How extensive will this survey be?

Mr. HAYDEN. The whole area mentioned in the bill covers portions of eight sections of land.

Mr. MURDOCK. How much of that is now occupied?

Mr. HAYDEN. I doubt if much more than a thousand acres out of the whole area are under cultivation.

Mr. MURDOCK. Will the gentleman explain to the House why this settlement took place as early as it did?

Mr. HAYDEN. This little valley was discovered in northern Arizona, and people settled there, as they did in other parts of the State, long before any public-land survey was ever made. To get from my home in Arizona to this place one has to go through California, Nevada, and Utah. This part of Arizona has been very much neglected by the Government in the past.

Mr. MURDOCK. The average holding the gentleman says is something like 15 or 20 acres?

Mr. HAYDEN. Yes; and the maximum holding under this bill is 20 acres.

The SPEAKER pro tempore. Is there objection?

Mr. MONDELL. Mr. Speaker, reserving again the right to object for a moment, I intended to ask the gentleman from Arizona [Mr. HAYDEN] in regard to the small tract, the west half of the southwest quarter of section 16, referred to in section 5 of the bill. Is that a tract to which there is at this time asserted some sort of a private claim?

Mr. HAYDEN. I understand there is some dispute as to whether it is in an Indian reservation or not. I am not positive about this, however.

Mr. MONDELL. I have no objection.

Mr. McKENZIE. Mr. Speaker, reserving the right to object, what is the objection to some one of these people taking title to this land and reconveying it to the other people in the same community under the law we have now in force?

Mr. HAYDEN. The land has been occupied for the past 30 years, and a man naturally would prefer to get title from the United States Government to the tract on which he is residing.

Mr. MONDELL. Mr. Speaker, will the gentleman yield to me for a moment?

Mr. HAYDEN. Certainly.

Mr. MONDELL. I wish to make this suggestion to the gentleman from Illinois [Mr. McKENZIE]. I think the plan he suggests might be accomplished, providing everybody was agreeable. There are two difficulties in the way, however. One is that if these people have divided up their lands and each has occupied a small area and anyone protests against one individual securing title to the entire tract he could be made serious trouble because of a provision of law under which land notoriously occupied at the time claim is asserted can not be taken as a homestead. If these are colonists who came in there with the intent of taking small areas, they probably would do just what the gentleman suggests on their own motion if no other provision were made, but this occurs to me to be the very best plan of procedure. The Government itself makes the division among these people that have already settled there and gives them the title, and that obviates the necessity for a division among themselves, and then there is no question but that each settler will get the land which he claims and has occupied and has helped to improve.

Mr. MURDOCK. Have the settlers previously made any attempt along this line?

Mr. HAYDEN. They have been continuously asking for a survey, and for an opportunity to get title. Not long ago an inspector was sent out by the Department of the Interior who went on the ground and examined the situation. This bill was prepared in the department and sent to us with a favorable recommendation by the Secretary of the Interior.

Mr. MURDOCK. Has there been a similar bill in previous Congresses?

Mr. HAYDEN. No; this is the first attempt to pass legislation for the benefit of these settlers.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Arizona that the Senate bill be substituted for the House bill?

There was no objection.

The SPEAKER pro tempore. Is there objection to the consideration of the Senate bill?

There was no objection.

The SPEAKER pro tempore. This bill is on the Union Calendar.

Mr. HAYDEN. Mr. Speaker, I ask unanimous consent that the bill be considered in the House as in the Committee of the Whole House on the state of the Union.

The SPEAKER pro tempore. Is there objection?

There was no objection.

The SPEAKER pro tempore. The question is on the third reading of the Senate bill.

The bill was ordered to be read a third time, was read the third time, and passed.

On motion of Mr. HAYDEN, a motion to reconsider the vote by which the bill was passed was laid on the table.

Mr. MANN. Mr. Speaker, I ask unanimous consent that the House bill (H. R. 15907) authorizing the survey and sale of certain lands in Coconino County, Ariz., to the occupants thereof be laid on the table.

The SPEAKER pro tempore. Without objection it will be so ordered.

There was no objection.

PUBLIC LANDS CLAIMED BY DESERTED WIVES.

Mr. RAKER. Mr. Speaker, I ask unanimous consent to return to the bill (H. R. 16296) to provide for issuing of patents for public lands claimed under the homestead laws by deserted wives. The gentleman who objected a moment ago has gone into the report and, I understand, has no objection to the bill being considered now.

Mr. FERRIS. Mr. Speaker, I hope that there will be no objection to that request. The bill is full of merit and helps out a whole lot.

The SPEAKER pro tempore. The gentleman from California asks unanimous consent to return to the bill on the Unanimous Consent Calendar, H. R. 16296, Calendar No. 195. Is there objection?

Mr. MANN. Mr. Speaker, reserving the right to object, I shall not object to the request that the bill be reinstated on the calendar and that it keep its place; but after a bill has been objected to in the House I do not think that later in the day we ought to return to it and pass the bill, because some gentlemen who are interested in it may have gone out.

The SPEAKER pro tempore. The gentleman from Illinois objects.

Mr. RAKER. Mr. Speaker, he does not object.

Mr. MANN. I will object, without wasting any time, unless the gentleman consents to that modification.

Mr. RAKER. Mr. Speaker, will the gentleman——

Mr. MANN. Oh, the gentleman from California always hopes for something that ought not to be done.

Mr. MONDELL. Will the gentleman modify his request?

Mr. RAKER. I will modify my request to that extent.

Mr. DONOVAN. Mr. Speaker, I demand the regular order.

The SPEAKER. The gentleman from California asks unanimous consent that the bill H. R. 16296 be restored to the calendar and be passed over without prejudice. Is there objection?

There was no objection.

BRIDGE ACROSS ST. JOHN RIVER AT FORT KENT, ME.

The business on the Calendar for Unanimous Consent was the bill (H. R. 16579) to authorize the construction of a bridge across St. John River at Fort Kent, Me.

The Clerk read as follows:

Be it enacted, etc., That the consent of Congress is hereby given to the construction, maintenance, and operation by the State of Maine and the Dominion of Canada jointly of a highway bridge across the St. John River between Fort Kent village, corporation in Fort Kent, Me., in the county of Aroostook and State of Maine, and the parish of St. Francis, in the county of Madawaska and Province of New Brunswick. Said bridge shall be constructed in accordance with the provisions of an act entitled "An act to regulate the construction of bridges over navigable waters," approved March 23, 1906: *Provided*, That the construction of said bridge shall not be commenced until the consent of the proper authorities of the Dominion of Canada for the erection and construction of the structure shall have been obtained.

SEC. 2. That the right to alter, amend, or repeal this act is hereby expressly reserved.

The committee amendments were read, as follows:

Page 1, line 5, strike out the word "highway"; page 1, line 6, after the word "river," insert the words "at a point sutiable to the interests of navigation"; page 1, line 9, strike out the words "St. Francis, in the" and insert the word "Clair, also commonly known as the parish of St. Francis, in the."

The question was taken, and the amendments were agreed to.

The bill as amended was ordered to be engrossed and read a third time, was read the third time, and passed.

On motion of Mr. ADAMSON, a motion to reconsider the vote by which the bill was passed was laid on the table.

BRIDGE ACROSS SABINE RIVER, IN THE STATES OF LOUISIANA AND TEXAS.

The next business on the Calendar for Unanimous Consent was the bill (H. R. 16350) to authorize the construction of a bridge across the Sabine River, in the States of Louisiana and Texas, about 2 miles west of Hunter, La.

The Clerk read as follows:

Be it enacted, etc., That the Frost-Johnson Lumber Co., a corporation, with domicile at Shreveport, La., be, and it is hereby, authorized to construct and maintain a bridge of a temporary nature across the Sabine River, between Louisiana and Texas, at a point about 2 miles west of Hunter, La., suitable to the interests of navigation, in accordance with the provisions of the act entitled "An act to regulate the construction of bridges over navigable waters," approved March 23, 1906.

SEC. 2. That the right to alter, amend, or repeal this act is hereby expressly reserved.

The committee amendments were read, as follows:

Page 1, lines 3 and 4, strike out the words "a corporation, with domicile at Shreveport, La.," and insert "when authorized by the State of Louisiana."

Mr. ADAMSON. Mr. Speaker, there is a Senate bill identical in terms, and I ask that it be considered in lieu of the House bill if there is no objection to such consideration.

The SPEAKER. What is the number?

Mr. ADAMSON. It is Calendar 261, Unanimous Consent Calendar, and I ask that the House bill lie on the table.

The SPEAKER. The gentleman from Georgia asks unanimous consent that Senate bill 5957 be considered in lieu of the bill just read by the Clerk. Is there objection?

Mr. MANN. Mr. Speaker, reserving the right to object, I notice an innovation in the report of the House bill which, frankly speaking, does not appeal to me.

Mr. ADAMSON. I do not think that is in the Senate bill.

Mr. MANN. No; it is not in the Senate bill; but as it is in several other House bills, I desire to get some information now. I suppose that some time or other it happened in the absence of a portion of the Members, and somebody was not feeling good that they inserted the language "when authorized by the State of Louisiana."

Mr. ADAMSON. I will state, Mr. Speaker, that the matter has been the subject of conversation between the distinguished gentleman from Illinois and myself, and that the committee has had this idea in view, that we ought not to fritter away the time of the Congress and of the country in granting consent without some assured basis of a business certainty; we ought to leave it to the States to do so; but on further reflection we have concluded that that is really a matter of supererogation.

Mr. MANN. The States now have that authority?

Mr. ADAMSON. Yes; they have; of course we could not give it to them, but we do not care to be granting consent to any unauthorized person; but on reflection we have concluded if they are unauthorized they will not build the bridge, and that the worst that could happen would be the lapse of the consent, and they would have to start over again, so we are not insisting on that language in any of the bills.

Mr. MANN. I notice this bill is for a temporary bridge. While it probably is not important, it leaves out the language "and operate."

Mr. ADAMSON. Well, it is only for the convenience temporarily of a lumber interest there to get rid of the output of the sawmill, which they can not do without crossing the river.

Mr. MANN. I do not know that it is necessary for us to say we give permission to that company to operate a bridge, but that is the usual language.

Mr. ADAMSON. If that word is not in the Senate bill, I ask unanimous consent to insert it.

The SPEAKER. Is there objection to the request of the gentleman from Georgia to consider Senate bill 5957 in lieu of the bill just reported by the Clerk? [After a pause.] The Chair hears none. The Clerk will report the Senate bill.

The Clerk read as follows:

An act (S. 5957) to authorize the construction of a bridge across the Sabine River, in the States of Louisiana and Texas, about 2 miles west of Hunter, La.

Be it enacted, etc., That the Frost-Johnson Lumber Co., a corporation, with domicile at Shreveport, La., be, and it is hereby, authorized to construct and maintain a bridge of a temporary nature across the Sabine River, between Louisiana and Texas, at a point about 2 miles west of Hunter, La., suitable to the interests of navigation, in accordance with the provisions of the act entitled "An act to regulate the construction of bridges over navigable waters," approved March 23, 1906.

SEC. 2. That the right to alter, amend, or repeal this act is hereby expressly reserved.

Mr. MANN. Now, I suggest to the gentleman that in line 5 we strike out the word "and" before the word "maintain,"

and insert, after the word "maintain," the words "and operate."

Mr. ADAMSON. That is necessary, after inserting the word "operate," to make good grammar, and we would not be guilty of anything else.

The SPEAKER. The Clerk will report the amendment.

The Clerk read as follows:

Page 1, line 5, after the word "construct," strike out the word "and," and after the word "maintain" insert the words "and operate."

The question was taken, and the amendment was agreed to.

The bill as amended was ordered to be read a third time was read the third time, and passed.

On motion of Mr. ADAMSON, a motion to reconsider the vote by which the bill was passed was laid on the table.

Mr. MANN. Mr. Speaker, I think the title ought to be amended.

Mr. ADAMSON. Of course.

Mr. MANN. The title is the same, "To authorize the construction of a bridge across the Sabine River, in the States of Louisiana and Texas, about 2 miles west of Hunter, La." When one starts looking up the index for this he will look under the name of Frost-Johnson Lumber Co., and they will not find it. The bill ought to read, "A bill to authorize the Frost-Johnson Lumber Co. to construct a bridge, etc."

Mr. ADAMSON. I have no copy of the Senate bill before me, and I thank the gentleman from Illinois for calling my attention to it.

The SPEAKER. The Clerk will report the amendment to the title.

The Clerk read as follows:

Amend the title so as to read: "An act to authorize the Frost-Johnson Lumber Co. to construct a bridge across the Sabine River, in the States of Louisiana and Texas, about 2 miles west of Hunter, La."

The question was taken, and the amendment was agreed to.

On motion of Mr. ADAMSON, a similar House bill was ordered to lie on the table.

BRIDGE ACROSS MISSISSIPPI RIVER, NEW ORLEANS, LA.

The next business on the Calendar for Unanimous Consent was the bill (H. R. 16172) to give the consent of the Congress to the construction of a bridge across the Mississippi River at or near New Orleans, La.

The bill was read, as follows:

Be it enacted, etc., That the consent of the Congress is hereby granted to Elmer E. Corthell and Arthur McGuirk, and their successors and assigns, to construct, maintain, and operate a bridge and approaches thereto across the Mississippi River, at a point suitable to the interests of navigation, at or near the city of New Orleans, La., in accordance with the provisions of an act entitled "An act to regulate the construction of bridges over navigable waters," approved March 23, 1906.

SEC. 2. That the right to alter, amend, or repeal this act is hereby expressly reserved.

The following committee amendments were read:

Page 1, strike out the initial "E" and insert the word "Lawrence."

Page 1, line 4, after the word "McGuirk," insert the words "when authorized by the State of Louisiana."

Page 1, line 8, strike out the words "at or near" and insert the words "near and above."

Page 2, insert a new section, after line 20, as follows:

"SEC. 2. That the time of the commencement of the construction of said bridge shall be within two years, and said bridge shall be completed within five years from the date of the passage of this act."

Change section number in line 7 from "section 2" to "section 3."

The SPEAKER. Is there objection to the consideration of the bill?

Mr. MANN. Reserving the right to object, I would like to ask what information the committee had in reference to this bill, or if it had any, for the construction of a bridge across the Mississippi River? While most bridge bills go through as a matter of course, when the department has reported that they will not obstruct navigation, that has not been the practice concerning bridges across the Mississippi River. Here there is no location fixed.

Mr. ADAMSON. The only limitation the department wanted to place on the location was above instead of below the city, because the magnitude of the ocean-going commerce was below the city, and the time was extended expressly on account of the magnitude of the proposition. As to the particular local reasons, I yield to the gentleman from Louisiana [Mr. DUPRÉ].

Mr. DUPRÉ. I would be glad to supply such information as the gentleman from Illinois may want.

Mr. MANN. The gentleman will have to supply it in order to get unanimous consent. Here is a bill to grant to two individuals, unknown, the right to build a bridge across the Mississippi River which everybody knows can not be built by individuals, but must be built by a corporation, if at all.

Mr. DUPRÉ. Does not the gentleman know Col. Corthell, one of the gentlemen mentioned in this bill?

Mr. MANN. I have not the pleasure of knowing him.

Mr. DUPRÉ. He was associated with Eads in the construction of the jetties, and subsequently went to the Argentine Republic, where he was engaged in large engineering projects. I think he lived for some time in the city of Chicago.

Mr. MANN. That does not make him immaculate.

Mr. DUPRÉ. I will say that the proposed location of the bridge is at what is known as Nine Mile Point, above the city of New Orleans.

Mr. MANN. What is this bridge for, and who is going to finance it, and who is going to own it?

Mr. DUPRÉ. I am not prepared to inform the gentleman as to how this project is to be financed. I assume that would depend on these gentlemen. I do not think they have the money in their pocket. They probably will form a corporation and issue bonds, and proceed in the usual way to raise funds.

Mr. MANN. Then, it is a pure promoters' speculation?

Mr. DUPRÉ. I do not think so. It certainly is not so on my part.

Mr. MANN. I am not speaking of the gentleman's part.

Mr. DUPRÉ. I know both of these gentlemen. Mr. McGuirk lives in the city of New Orleans, and is a man of repute there. There have been a number of indorsements of a bridge bill of this character.

Mr. MANN. Well, my observation and experience here tell me that very often the passage of a bill like this prevents a real bridge being constructed.

Mr. ADAMSON. If the gentleman will permit, I called attention to the fact that we had had several schemes before us for about 20 years, and we did not care to pass a speculative one; but we were assured that these gentlemen meant business; that a bridge was badly needed in that neighborhood across the Mississippi River, and they could not finance the matter until they knew they could get the consent of Congress; but if that were granted, they could finance the scheme and start a bridge, if we would allow them two years in which to start it.

I have every reason to believe the gentlemen were talking in good faith, and under the same reasoning that the gentleman and I pursued in eliminating those words "authorized by the State," we decided we could not lose much by giving them a trial on the face of their statement.

Mr. MANN. Of course no one would question the good faith of our friend from Louisiana [Mr. DUPRÉ]. That goes without saying in this House; but here is a proposition to give a speculative grant to a couple of gentlemen, extending the time beyond what is usually permitted for the commencement of the construction of a bridge across the Mississippi River. We have a lot of these propositions floating up and down the Mississippi River, from one end to the other. I do not know whether they want to build a bridge or whether they merely want to prevent somebody else from building a bridge. But until we have more information I shall not give consent.

Mr. ADAMSON. Do you want the bill to remain on the calendar?

Mr. DUPRÉ. I make the request that the bill be passed without prejudice, Mr. Speaker.

Mr. ADAMSON. Perhaps the gentleman from Louisiana can get the evidence to satisfy the gentleman of the bona fide nature of the proposition.

Mr. DUPRÉ. Mr. Speaker, I ask that this bill be passed without prejudice, in view of the statement made by the gentleman from Illinois [Mr. MANN].

The SPEAKER. Is there objection? [After a pause.] The Chair hears none.

FORT BRIDGER MILITARY RESERVATION.

The next business on the Calendar for Unanimous Consent was the bill (H. R. 92) to extend the general land laws to the former Fort Bridger Military Reservation in Wyoming.

The bill was read, as follows:

Be it enacted, etc., That the lands on the former Fort Bridger Military Reservation in Wyoming are hereby made subject to appropriate entry under the land laws of the United States.

The following committee amendment was read:

At the end of the bill add the following proviso: "*Provided*, That nothing in this act shall be held to provide any refundment of moneys heretofore paid for lands in the said reservation or to relieve entrymen from payments due or to become due on entries heretofore made."

The SPEAKER. Is there objection to the consideration of the bill?

Mr. MANN. Reserving the right to object, I would be very glad to have the gentleman from California [Mr. CHURCH], who made the report, explain this bill.

Mr. CHURCH. I yield to the gentleman from Wyoming [Mr. MONDELL], who is the author of the bill, to answer questions concerning it.

Mr. MONDELL. Does the gentleman from Illinois [Mr. MANN] desire to have the report read?

Mr. MANN. I have read the report, I will say to the gentleman, several times.

Mr. MONDELL. It is complete, and covers the case very fully.

Mr. MANN. I thought the report was fairly complete and showed reasons why the bill ought not to pass. I did not know but the gentleman might have some other information which would lead me to change my mind.

Mr. MONDELL. I do not want to take up the time of the committee unnecessarily, but what particular point did the gentleman refer to? If the gentleman would give me an idea of the objections he has to the bill, I would discuss those instead of discussing the general field of legislation.

I will say to the gentleman that old Fort Bridger is one of the oldest forts in the Rocky Mountain country. As the gentleman knows, it was established away back yonder in the old overland trail times, and the reservation included a large area of the ordinary greasewood and sagebrush land. There was a small tract around the post in a little valley that was of some little agricultural value, and after the post had been abandoned for quite a number of years provision was made under which the larger area was opened to homestead settlement without payment under the ordinary terms, and a smaller area was opened to homestead entry at the appraised price, which was $2.50 an acre, except this land upon which the post buildings were located.

It is 24 years since the larger tract was opened to homestead settlement, and 19 years since the smaller tract was opened. Since that time all but 2,000 acres of the 10,000-acre tract have been entered. I think of the larger tract about 10,000 acres have been entered in all, leaving about 3,000 acres. The lands are differently situated from the great extent of public land that lies around it, and all we propose to do is to put it in the same position relative to the public-land laws as the other lands are in.

Mr. MANN. As I understand it, this land is now open to homestead entry—the small tract of 2,000 acres or so which comes within the provisions of the railroad-grant act, where we are required to receive $2.50. It is not worth very much.

Mr. MONDELL. Of that 2,000 acres remaining, I saw the tract a couple of years ago. What is left is pretty rough, broken land, and rather rocky and gravelly.

Mr. MANN. There would be no hardship, then, if the Government retained title for a little while in itself, because there is a lot of other land in Wyoming of equal value that has not been taken up?

Mr. MONDELL. Except that there is no real good reason why the Government should retain it. As a matter of fact, it is in the interest of development to have those lands added gradually to the surrounding farms. That is the usual procedure. In other words, the fact that 65 years ago there was at Fort Bridger a military post on the old overland trail is no reason why the lands that happened to be left in that locality should be in any different status than the lands of the same kind in the country all around.

Mr. MANN. Well, I do not see any necessity or reason for the passage of this bill. Here is a very large amount of area which can now be taken. This is a small tract of a couple of thousand acres where, in order to get the land, they have to pay $2.50 an acre. If one prefers to take the land outside they can do it, and if they prefer to pay $2.50 an acre they can get this land.

Mr. MONDELL. I merely call the gentleman's attention to the fact that the land outside can be taken only under the homestead law. The desert-land law does not apply. The isolated-tract law does not apply. The mineral laws do not apply.

Mr. MANN. I suppose the mineral laws apply anywhere.

Mr. MONDELL. In this case the mineral laws do not apply to this tract. If you were to find a mine on this tract, you could not enter it under the mineral law.

Let me make this suggestion to the gentleman: This legislation is following the procedure we followed in practically every one of these cases of disposing of a large area around an old military reservation which was a large reservation in the first instance. We ordinarily open those to homestead settlement only—the unimportant parts and parts of no value—in order to give the homesteader the first chance. He has had the first chance for 24 years. But generally within 6 or 8 years after the first opening we apply the general land laws. In this case we delayed in applying the usual land laws.

Mr. MANN. Generally there is a large tract involved.

Mr. MONDELL. There are 209,000 acres here.

Mr. MANN. This bill applies to only about 2,000 acres.

Mr. MONDELL. The bill applies to the entire reservation of 209,000 acres.

Mr. MANN. They may get that now by homestead entry.

Mr. MONDELL. They can not make a desert entry or a timber entry or a mineral entry, and they can not get it under the isolated-tract law. If there is any reason on earth why these lands should remain in a restricted condition, then all the public domain ought to remain in the same way. There is no more reason why these lands should remain in a restricted condition than that all the other lands around them should remain in that condition. It is simply following the ordinary rule of allowing the general land laws eventually to control.

The SPEAKER. Is there objection?

Mr. MANN. I shall object, unless the gentleman wants to ask to have it passed over.

Mr. MONDELL. Well, rather than have it objected to, I will ask to have it passed over, Mr. Speaker.

The SPEAKER. The gentleman from Wyoming [Mr. MONDELL] asks unanimous consent to have the bill passed over without prejudice. Is there objection?

There was no objection.

The SPEAKER. The Clerk will report the next bill.

RESTORATION OF HOMESTEAD RIGHTS IN CERTAIN CASES.

The next business on the Calendar for Unanimous Consent was the bill (H. R. 15983) to restore homestead rights in certain cases.

The Clerk read the bill, as follows:

Be it enacted, etc., That any person who has heretofore made homestead entry of lands embraced in a ceded Indian reservation, and who, in completion of the entry, has paid or shall have paid the purchase price fixed thereon as compensation for the benefit of the Indians, shall be entitled to the benefits of the homestead laws just as though such prior entry had not been made, if otherwise qualified: *Provided*, That the right of commutation of entries under this act shall not be permitted.

With a committee amendment, as follows:

On page 1, lines 6 and 7, strike out the words "fixed thereon as compensation for the benefit of the Indians" and insert "provided in the law opening the land to settlement."

The SPEAKER. Is there objection?

Mr. MANN. Reserving the right to object——

Mr. FERRIS. What particular phase of it does the gentleman object to?

Mr. MANN. All of it. There is nothing in it that I like.

Mr. FERRIS. Well, will the gentleman hear me a moment? Perhaps, then, the gentleman will feel different about it.

Mr. MANN. The gentleman has a vast fund of information on these subjects.

Mr. FERRIS. I thank the gentleman for that compliment. I feel that I do have a little information on this particular subject. These are the lands ceded in one territory or another by the Indians for opening to settlement by the white people, and the opening is usually carried on by the General Government. The practice has in my State become universal and in North and South Dakota and other States where they value by appraisement they sell the lands for a fixed price and the homestead settlers pay all that the land is worth, and oftentimes more than it is worth.

Congress has usually loaded into the act that opened up such land to settlement a provision exacting of the purchaser not only that he pay for the land, but that he homestead the land as well. I am afraid I will not be able to convert the gentleman if he does not hear me.

Mr. MANN. I have heard every word the gentleman has said.

Mr. FERRIS. My bill merely gives to those homesteaders who have paid the price fixed in the law or the price fixed by competitive bid the right to take again.

Mr. MANN. As I understand it the gentleman goes on the theory that a man who has had the advantage given to him of getting a choice piece of property on one of these Indian reservations opened up by the Government may thereafter claim a homestead right in addition.

Mr. FERRIS. No; the gentleman does not get it quite right.

Mr. MANN. I may not include all of it, but to the extent to which I go do I not state it correctly?

Mr. FERRIS. The gentleman states some truth and some misconception. Let me state the facts. In three or four counties of my district the Kiowas and Comanches ceded under the treaty of 1900 their entire reservation to the Government. Through Judge Witton the Land Office auctioned off the land.

Mr. MANN. A lottery, not an auction at all.

Mr. FERRIS. It was to the highest bidder. The land sold at an average price of $10.54 an acre for the entire 505,000 acres of land, some high, dry, arid, mesquite land. That is between $1,600 and $2,000 a quarter section. Now, a man gets a quarter section of bald, naked, prairie land, without a stick of stove wood on it, without a fence post, a brickbat, or anything on it. The homesteader goes upon that land, and he has to get some lumber and fence posts, he has to dig a well and build a cyclone cellar and a shanty, and live on the land and plant a little sod crop, and exist along for two or three years. In many cases he can not make his payments, and he loses his land altogether. In most other cases the moment he proves up he puts a mortgage on the land for every cent he can get on it.

Mr. MANN. Those who lost out do not get anything out of this bill.

Mr. FERRIS. Oh, yes; they do. Those who mortgaged their land, take the money and make the required payments, and they hang along a year or two longer with the little frail equity that they have, and then they have to sell out, leaving all behind them.

My point is that where a man pays the full value of the land and the Indians get the money or the Government gets the money, as the case may be, and in addition that man has imposed upon him the provisions of the homestead law, and he has complied with it and made his payments, I think that should not exhaust his homestead rights.

Mr. MANN. Let me ask the gentleman a question: How many people were at this opening to which the gentleman referred who made bids but did not receive any allotments of the land?

Mr. FERRIS. Thousands of them.

Mr. MANN. Many times the number of those who did receive allotments?

Mr. FERRIS. I think that is true.

Mr. MANN. And they thought the ones who received the allotments were receiving a grace from the Government.

Mr. FERRIS. They thought so.

Mr. MANN. Let me ask the gentleman another question: At these Indian reservation openings, where they draw lots for first choice, and the man who gets first choice secures 160 acres, worth $20 or $30 an acre, when he pays for that land he may make another homestead entry, may he not?

Mr. FERRIS. If he has made his payments and complied with the homestead requirements. There are very few of them.

Mr. MANN. Many are called, but few are chosen.

Mr. FERRIS. Very true.

Mr. MANN. The ones who got the benefit of the Government gratuity to a large extent are the ones who want something more. Now, thousands of people from our cities tried to get in on these allotments, but failed. They are still working to help support the Government, while those who got the land want another chance.

Mr. FERRIS. Let me call the attention of the gentleman to the fact that on June 5, 1900, Congress passed an act restoring homestead rights to the people who paid nothing for the land. On May 22, 1902, Congress passed another act restoring rights to those who had paid nothing for their land. On May 17, 1906, Congress passed another act restoring homestead rights to those who had paid nothing for the land. Now, in Dakota they paid a fixed price of about $6 an acre for one class of land, $4 for another class, and $2.50 for another class. In Oklahoma we had only one class, and in some instances the amounts paid ran up as high as $25 or $30 an acre. They bought it during boom days, and many of them could not get their money back to-day if they tried. The gentleman will recall that I have had to come in almost on my hands and knees to get extensions at one time and another.

Mr. MANN. The gentleman has never come on his hands and knees. He has always come in like a roaring lion and has carried away what he wanted.

Mr. FERRIS. The gentleman does me too much honor. I have come in in sackcloth and ashes, and the gentleman has allowed me to have the necessary extensions, and there are a few of them in store for us yet.

Mr. MANN. The gentleman has always gotten what he wanted.

Mr. FERRIS. The House has always been most generous to these people; but I think the men in my State and in Nebraska and in North and South Dakota, who have struggled along and paid the price for this land, ought to have the right to take again; and I believe it is only common equity and justice that they be allowed to do so.

Mr. MANN. I should like to ask the gentleman whether these people have any greater moral right to take homestead entries than the people who did not get the chance to get something, as these people did?

Mr. FERRIS. The answer to that is simply this: When every opening of land comes there is a great boom, and many come and go in. Nearly all the first settlers are forced out or go away. The lands are switched back and forth. Some are disappointed and do not get any land at all, and some who do not get the land are the more fortunate.

Mr. MANN. I know that some of the land they get is a liability instead of an asset, but people sometimes get excited.

Mr. KENT. Will the gentleman yield?

Mr. HAYDEN. Yes.

Mr. KENT. I would like to state that it seems to me that these people are in the position of having bought private land.

Mr. MANN. Oh, that is not so; it is public land.

Mr. KENT. They bought and paid for the land.

Mr. MANN. The homesteader may commute his homestead entry and buy the land, but that does not make any difference.

Mr. KENT. I do not approve of this land game, anyway. These people are in the same position as though they bought the land.

Mr. MANN. Mr. Speaker, I object to the bill.

Mr. FERRIS. Mr. Speaker, I will ask the gentleman if he will not consent to have the bill passed over without prejudice? I ask unanimous consent that the bill be passed without prejudice.

The SPEAKER. The gentleman from Oklahoma asks unanimous consent that the bill be passed without prejudice. Is there objection?

There was no objection.

EXPATRIATION OF CITIZENS AND THEIR PROTECTION ABROAD.

The next business on the Unanimous Consent Calendar was the bill (H. R. 1091) to amend section 3 of an act entitled "An act in reference to the expatriation of citizens and their protection abroad," approved March 2, 1907.

The Clerk read the bill, as follows:

Be it enacted, etc., That section 3 of an act entitled "An act in reference to the expatriation of citizens and their protection abroad," approved March 2, 1907, be amended so as to read as follows:

"SEC. 3. Any American woman who marries a foreigner and removes from the jurisdiction of the United States, with intent to permanently reside abroad, shall take the nationality of her husband. At the termination of the marital relation she may resume her American citizenship, if abroad, by registering as an American citizen within one year with a consul of the United States, or by returning to reside in the United States, or, if residing in the United States at the termination of the marital relation, by continuing to reside therein."

The Clerk read the following committee amendment:

Strike out the following language, on page 2, after the words "United States": "or, if residing in the United States at the termination of the marital relation, by continuing to reside therein."

The SPEAKER. Is there objection to the consideration of the bill?

Mr. RAKER. Reserving the right to object, I will ask the gentleman from Mississippi if he has any objection to this going over to the next meeting?

Mr. HARRISON. I would not like to lose the place on the calendar.

Mr. RAKER. I have no objection to its retaining its place on the calendar. I just received yesterday morning the record and transcript of some matters in relation to this legislation, and I feel that it is my duty to go into it. I do not like to object at this time.

Mr. HARRISON. This matter has been up for three years, and the gentleman comes from one of the States most vitally interested in it.

Mr. RAKER. Oh, not at all; the State of California does not stand for the repeal or change of the law that has been on the statute books since 1907. I would rather not go into the matter this morning. It covers a case where an Englishman came to the country and married an American citizen. He has evidenced no intention to become a citizen or to come under the laws of the United States while he remains here; and that being the case, until I get some other information on the matter I believe it ought to be passed over.

Mr. HARRISON. I want to say that the Foreign Affairs Committee thought that this bill ought to be passed because it would be in the interest of those States that were in such a condition as California with respect to women who vote and hold property.

Mr. RAKER. Oh, no.

Mr. HARRISON. I am giving the gentleman what the ideas of the committee are and the reason that they reported the bill.

Mr. RAKER. Let me ask the gentleman, Upon your investigation how many did you find that were involved in this condition?

Mr. HARRISON. We did not get any definite figures, but I think a Member from California came before the committee and said that there were thousands, and there were other people who appeared and said that there were a great number. The committee thought that there were probably quite a number, but whether there were any or many we thought that the condition ought to be remedied.

Mr. CLINE. Will the gentleman yield?

Mr. HARRISON. Yes.

Mr. CLINE. I will say that we got our information from a gentleman from California, who seemed to be very familiar with the matter.

Mr. RAKER. Let me call attention to the fact that it could not be thousands or hardly ten, because where an American woman marries an alien who does not think enough of this country to obtain his first papers, or second papers, or make any effort at all to become a citizen, certainly we ought not to overturn the rule that has been adopted by this country and by foreign countries on this subject and complicate the question of international relations. The department reports adversely to the bill. This matter was gone into by Congress when the act of 1907 was passed. A report was made of some 560 pages showing the condition that obtained then, and after the report was made Congress passed the act of 1907 so as to clarify the matter and put this country on the same basis as foreign countries relative to the expatriation of the wife. I hope the gentleman will let it go over and retain its place on the calendar.

Mr. HARRISON. May I ask the gentleman from California is he opposed to this legislation?

Mr. RAKER. I want to fully look into the matter first. I do not want to take the time to go into that matter now. I do not think we have the time to consider it. If I gave unanimous consent I would not be in a position to go into the merits of the matter. I want to say here and now that no man stands stronger, or has for years been a stronger advocate of the right for women to vote than myself, giving them the right to vote, having a committee appointed by this House for investigation, and for the Congress of the United States to pass a constitutional amendment on that question. But this is entirely foreign, entirely distinct, entirely separate from that matter, putting a wife under the United States Government who marries one who is subject to a foreign country. There is no provision made in regard to the children born from such a marriage, one native and the other foreign, but after the marriage they are put under two distinct Governments.

Mr. MADDEN. Will the gentleman yield?

Mr. RAKER. Yes.

Mr. MADDEN. Does the gentleman wish the House to understand that he is in favor of taking the citizenship away from a woman who marries a foreigner who lives in this country?

Mr. RAKER. Mr. Speaker, I am distinctly in favor of the law as it stands to-day, recognized by England and Germany and the United States, and by the wisdom of the people in this country, that there should not be two countries to which a party may owe allegiance.

Mr. MADDEN. Then the gentleman favors taking the right of citizenship from any American girl——

Mr. RAKER. I do not.

Mr. MADDEN. Who happens to marry a man of foreign birth?

Mr. RAKER. I do not. I believe in this, that when an American girl citizen, with the facts before her, marries an alien who will not take the trouble to take out his first papers, who will not take the trouble to become familiar with our laws and institutions, who does not love them, who does not have enough regard for this country to become a citizen of it—that then she must stand in the same relation as her husband does under the law.

Mr. KENT. Mr. Speaker, will the gentleman yield?

Mr. RAKER. Yes.

Mr. KENT. I wonder if the gentleman knows that under existing law the woman who marries a foreigner who has expressed his intention to become an American citizen and reside in this country with his wife forfeits her citizenship. If the gentleman wants to fight that proposition, let him go to it.

Mr. RAKER. The gentleman from California is somewhat prepared upon this subject, holding in his hand the entire record in the case of McKenzie against Hair, decided by the Supreme Court of the State of California on August 5, 1913, but would like to have it go over for further consideration. The court has gone into the subject fully, showing the law, the facts, and the reasons for the law. The gentleman from California has read the report upon this subject where the Department of State says that the enactment of such a law would be detrimental to this country. I am not fighting any proposition, but want further time for consideration, and all gentlemen should have no objection to that.

Mr. HARRISON. Mr. Speaker, will the gentleman yield?

Mr. KENT. Will the gentleman yield?

The SPEAKER. To whom does the gentleman yield?

Mr. RAKER. Mr. Speaker, I will not yield to any at present. I will yield in a second. I appreciate fully the distinction in respect to the right of a woman to vote, and no one has stood longer or better than I for that in season and out of season, but I do recognize a distinction in respect to a woman who is willing to forsake her country under the law, which she knows, and to marry one who is subject to a foreign country, who owes allegiance to a foreign country, about which there can be no question on earth——

Mr. LENROOT. Mr. Speaker, will the gentleman yield?

Mr. RAKER. I yield to the gentleman.

Mr. LENROOT. I would like to ask the gentleman if he believes where an alien has declared his intention to become a citizen, a woman forsakes her country in marrying that alien who has declared such intention?

Mr. RAKER. I believe that when a man has declared his intention to become a citizen, he has certain rights, and if carried out they will become operative.

Mr. LENROOT. Then the gentleman would deprive the woman of her citizenship until that time?

Mr. RAKER. I am not in favor of denying a woman her full rights under the law. There has been much said in this country and much is being said to-day about our American girls marrying titled foreigners and sending their money abroad, and their children, and so far as I am concerned, I am willing to-day——

Mr. MANN. Mr. Speaker, I demand the regular order.

The SPEAKER. The regular order is, Is there objection to the present consideration of the bill?

Mr. RAKER. Does the gentleman want to let it go over until next unanimous-consent day?

The SPEAKER. Is there objection?

Mr. RAKER. Mr. Speaker, reserving the right to object——

Mr. MANN. Mr. Speaker, I demand the regular order.

The SPEAKER. The gentleman from Illinois demands the regular order. Is there objection?

Mr. RAKER. I object.

PUBLIC BUILDING AT HANOVER, PA.

The next business on the Calendar for Unanimous Consent was the bill (H. R. 12464) providing for the expenditure of part of the unexpended balance of the appropriation of $10,000, made by the urgent deficiency bill of October 22, 1913, for the completion of the post-office building at Hanover, Pa.

The Clerk read the bill, as follows:

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, authorized to expend so much of the unexpended balance of the appropriation of $10,000 made by the urgent deficiency act of October 22, 1913, for the completion of the post-office building at Hanover, Pa., as he may deem proper for enlarging the site of said building, for incidental grading in connection with such enlarged site, and for miscellaneous items necessary in connection with the completion of said building.

The SPEAKER. Is there objection?

Mr. MANN. Mr. Speaker, reserving the right to object, I understand we made a deficiency appropriation of $10,000 for this building?

Mr. LOGUE. Yes.

Mr. MANN. And finding there was a little left over, they want to grab it?

Mr. LOGUE. Oh, no.

Mr. MANN. What do they want? Is not that the fact?

Mr. LOGUE. No.

Mr. MANN. We made a deficiency appropriation for a certain purpose in connection with this building. The amount that was paid out of that deficiency appropriation was a little over $7,000, leaving something over $2,000 unexpended, and seeing it there you want to spend it.

Mr. LOGUE. Oh, no. The facts are the other way.

Mr. MANN. If they do not want to spend it, we will keep it.

Mr. LOGUE. True, it is to be expended, but to be expended in the extension of the site which the Treasury Department considered——

Mr. MANN. But that was not contemplated in the deficiency appropriation.

Mr. LOGUE. No; but inasmuch as the economy is incident to the construction of the building and enables the Government not only to have a completed building, but an enlarged site, without the expenditure of any further money——

Mr. MANN. Oh, the gentleman must not say that, because we have to spend it if we buy the land.

Mr. LOGUE (continuing). Than that which has heretofore been appropriated—the gentleman did not permit me to complete the sentence—and in the view of the department it is considered wise and proper that the acquisition of the adjacent piece of land should be had at this time. Several bills have been introduced covering this, one during the last session of Congress.

Mr. MANN. Here was the situation. We made provision for a post-office building at this place—Hanover, Pa.—within a certain limit of cost, and in the course of time we appropriated the balance of that limit of cost, I suppose, a deficiency appropriation of $10,000. And the people either there or elsewhere assume that it would be criminal to save any money. The moment they have done that which we intended to have been done and they have a little money left there, they see that there and they think they ought to have a right to have it. Now, if it is a meritorious proposition, let the gentleman bring in a bill to appropriate the money and it will be considered on its merits. The gentleman from Pennsylvania, who now has the floor, seems to think, why, this is just taking money already appropriated; it does not cost anything.

Mr. LOGUE. Oh, no; not at all.

Mr. MANN. When the fact is this is just exactly a new appropriation.

Mr. LOGUE. The Treasury Department has called the attention of the Committee on Public Buildings and Grounds to the fact that the piece of ground adjacent to the present building will more than likely be needed, that this is a new and unimproved piece of ground, and that the present owner contemplates making improvements upon it.

Mr. MANN. If all that information is correct, and I do not deny or doubt it, it ought to have been included in the report with a statement from the proper authorities giving the correct information.

Mr. LOGUE. I admit, sir, that was an oversight; that this letter should have been embodied; that it would have been self-speaking and self-convincing as to the need of the acquisition of this piece of land; but the department fears, sir, that with the improvements that it is said the owner contemplates to make that will put the value much higher than the present value.

Mr. MANN. Now, this morning we had a case up of Thomasville, Ga., where our distinguished friend from Georgia desired the Government to buy a piece of land to make a park; but, finding that he could not get it through the House by unanimous consent, he changed it so as to permit the people there to buy the land and donate it to the Government. Well, here is a similar case, except we have not an offer from the people to buy the land.

Mr. LOGUE. We rather got in the habit of doing that in Philadelphia. We have donated 900 acres of land at the League Island Navy Yard, and we have——

Mr. MANN. Is that part of the land Philadelphia is trying to get back?

Mr. LOGUE. No, sir; not get back——

Mr. MANN. There is land we own there which Philadelphia is trying to get back?

Mr. LOGUE. No; there is nothing to be got back. We ask for a leave for use that will greatly improve League Island Yard.

Mr. MANN. Philadelphia is trying to get the Government to give some land to the city for the purpose——

Mr. LOGUE. So that we can do certain dredging that the United States would have to do, and improve the navy yard in the use we make of the land to be leased.

Mr. MANN. Then the gentleman is trying to get some land?

Mr. LOGUE. So that we can make improvements in the use of the land, thereby saving the Government the expense of improving the land, and everything we undertake generally turns out to be an improvement.

Mr. MANN. They have been trying to get land. I simply was confining myself to the circumstances of the one case, and the gentleman replied to me instancing another, where they have a right to do neither.

Mr. MOORE. Will the gentleman yield?

Mr. LOGUE. Certainly.

Mr. MOORE. The League Island proposition is a meritorious one, is it not?

Mr. LOGUE. Oh, yes; there is no question about it.

Mr. MOORE. If the Government had authorized the use of certain land it would increase the revenues of the Government, would it not, through the increase of customs receipts?

Mr. LOGUE. No doubt of it, and save the expenditure of immense sums of money.

Mr. MOORE. And a good business proposition to the Government?

Mr. LOGUE. Certainly.

Mr. MOORE. I want to ask about Hanover. How far is that building toward completion?

Mr. LOGUE. The building is now completed.

Mr. MOORE. My recollection is it was not finished last year.

Mr. LOGUE. It is finished now.

Mr. MOORE. Was there any trouble over the contract?

Mr. LOGUE. There was some trouble.

Mr. MOORE. Some delay as a result of it?

Mr. LOGUE. It is practically closed now.

Mr. MOORE. Was the delay in the completion on account of the difference over the contract?

Mr. LOGUE. Yes, sir.

Mr. MOORE. What is the population of Hanover?

Mr. BRODBECK. The town has an immediate population of 7,081, but the town and suburbs have a population of about 11,000. This building was considered ample in size for the needs of Hanover—that is, considered large enough for the present purposes, for which it was designed—but is without any special provision for the parcel post. The business has been increasing so much that it was deemed advisable at this point, while it was primarily understood by the citizens of our town before the bill was introduced for the last $10,000 to finish and complete the building, that part of that amount was to be used to acquire the additional land now in question.

Mr. MOORE. The present building occupies 88 by 104; that is a pretty fair site, is it not?

Mr. BRODBECK. I want to say to the gentleman from Pennsylvania that the additional site to be acquired is 88 by 104. The present building occupies the corner of Abbottstown and Locust Streets, and this proposition takes in property along Locust Street.

Mr. MOORE. I would like to say to the gentleman——

Mr. MANN. Regular order!

The SPEAKER. The gentleman from Illinois demands the regular order.

Mr. MOORE. Do I understand the building is not yet completed?

Mr. BRODBECK. The building has been completed and in use since last December.

The SPEAKER. Is there objection?

Mr. MANN. I object.

Mr. LOGUE. Mr. Speaker, I would like to ask the gentleman from Illinois if there is any deficiency in the way of information at the present time which, if furnished, would cause him to withdraw his objection?

Mr. MANN. I think if you want to pass a bill of this kind you should bring an appropriation for it instead of trying to creep in on the theory that because there is an unexpended balance it will not cost anything.

The SPEAKER. Is there objection?

Mr. MANN. I have objected, Mr. Speaker.

The SPEAKER. The gentleman from Illinois [Mr. MANN] objects, and the bill will be stricken from the calendar.

SECOND HOMESTEAD AND DESERT-LAND ENTRIES.

The next business on the Calendar for Unanimous Consent was the bill (S. 2068) to authorize the allowance of second homestead and desert-land entries.

The bill, with the committee amendment, was read in full.

The SPEAKER. Is there objection?

Mr. MANN. Mr. Speaker, reserving the right to object——

Mr. FERRIS. Mr. Speaker, I think perhaps the gentleman from Utah [Mr. JOHNSON] is better equipped to answer on this, as he reported it.

Mr. MANN. This is the same matter as was passed in the House bill, which is now pending in the Senate on the Senate Calendar, favorably reported, and it seems to me it would be shorter to let the Senate act on the House bill than it would to have the House insert an amendment to the Senate bill, and probably send it to conference. As the matter is now before the Senate in a House bill which passed the House and was reported favorably to the Senate on April 22 last, it undoubtedly will soon be up in the Senate and the Senate will probably adopt the House bill, which is satisfactory. If the Senate fails to amend the House bill, that gives the amendment we want to go in a little better chance. Therefore, I shall object to this.

The SPEAKER. The gentleman from Illinois objects, and the bill will be stricken from the calendar.

PUBLIC-LAND RESERVATIONS.

The next business on the Calendar for Unanimous Consent was the bill (S. 1214) to amend sections 2380 and 2381, Revised Statutes of the United States.

The bill was read, as follows:

Be it enacted, etc., That sections 2380 and 2381 of the Revised Statutes of the United States be, and the same are hereby, amended to read as follows:

"SEC. 2380. The President is authorized to reserve from the public lands, whether surveyed or unsurveyed, town sites on the shores of harbors, at the junction of rivers, important portages, or any natural or prospective centers of population; also lands having a particular value for villa sites, summer homes, hotels, sanitarium, health, recreation, or pleasure resorts.

"SEC. 2381. When, in the opinion of the President, the public interests require it, it shall be the duty of the Secretary of the Interior to cause any of such reservations or part thereof to be surveyed into urban, suburban, or villa lots or tracts of suitable size for the purposes mentioned, and to fix by appraisement of disinterested persons their cash value, and to offer the same for sale at public outcry to the highest bidder, and thence afterwards the unsold lots to be held subject to sale at private entry according to such regulations as the Secretary of the Interior may prescribe: but no lots shall be disposed of at public sale or private entry for less than the appraised value thereof, and all such sales shall be conducted by the register and receiver of the land office in the district in which the reservations may be situated, in accordance with the instructions of the Commissioner of the General Land Office."

The SPEAKER. Is there objection to the consideration of the bill?

Mr. MONDELL. Mr. Speaker, reserving the right to object, I do not know to what extent this bill changes existing law. I should like to ask the gentleman from Utah [Mr. JOHNSON] just what change from the present law the first provision of the revised section contains.

Mr. JOHNSON of Utah. I will say that there is very little change, except that it is made applicable to certain parcels of lands, such as islands situated in the lakes and along the river banks, and also abandoned lighthouses, as reported by the Secretary of the Interior, to which the act sought to be amended does not apply except in so far as such land may be entered by scrip. The purpose of this is to enable the President to reserve it for reasons enumerated. The Secretary of the Interior states numerous islands, both surveyed and unsurveyed, in the Great Lakes and in rivers and lands along the shore line of the United States which have in time past served for lighthouses and other public purposes, and from time to time such reservations are released by the department having temporary jurisdiction over them and turned over to the department for disposition. Many of the tracts embraced therein are of little or no value for agriculture, and there are no existing public laws especially suited to their disposition.

Mr. MONDELL. Let me make this suggestion.

Mr. JOHNSON of Utah. The purpose is to enable the President to put these lands in such a way that they may be acquired by private ownership.

Mr. MONDELL. I notice on page 2 of the report the Acting Secretary suggested the necessity for the legislation is shown by a matter which is pending in his department relative to Island No. 6, in Scammon Harbor, Lake Huron, which was reserved for lighthouse purposes by Executive order. I am under the impression there is a law under which the department could appraise and sell that property. Abandoned lighthouse property could, I think, be appraised and sold. Does the gentleman know whether that comes under the same law that provides for military reservations?

Mr. JOHNSON of Utah. I think not. I am not aware of any law by which these irregular parcels of land, these abandoned lighthouses, or islands, or parts of the shores, could be disposed of.

Mr. MONDELL. If that is true, there would seem to be no objection. It would probably be wise to provide legislation for their disposal, but this act does a good deal more than that. It authorizes and therefore suggests and encourages the reservation of lands for villa sites, summer homes, hotels, sanitariums, health, recreation, and other resorts. The gentleman has had a good deal of experience with withdrawals in his country. Does he feel justified in adding all these purposes to those for which lands can now be withdrawn?

Mr. JOHNSON of Utah. I will say this, so far as it applies to the character of land described in this bill: Generally I am not in favor of it, but as it applies to the character of land described in this bill, and which can not be acquired by any other method except that of scrip purchase, I would say it would be in the interest of economy.

Mr. MONDELL. I admit that in the main it does not apply much to the gentleman's State, and therefore it may be one reason why he does not seriously object to it, because he has no harbors. There are no large rivers or river junctions in his State. Whether there are any natural or prospective centers of population on lands having value for villa sites, summer hotels, and so forth, I do not know, but I am inclined to think, Mr. Speaker, that the legislation is important enough that we ought to have a little time for its discussion. Therefore I shall feel obliged to object.

The SPEAKER. Is there objection?

Mr. FOSTER. The gentleman from Wyoming [Mr. MONDELL] objected.

BOARD OF MANAGERS FOR SOLDIERS HOMES.

Mr. TAGGART. Mr. Speaker——

The SPEAKER. For what purpose does the gentleman from Kansas rise?

Mr. TAGGART. I rise at this time to ask unanimous consent that the House take up and consider out of its order House joint resolution No. 241, providing for the election of four members of the Board of Managers of the National Military Homes. I would not ask this indulgence of the House if it were not for the fact that an emergency has arisen in the affairs of the homes. But two members of the active members of the board of managers are now legally qualified to act, and there could not in any sense of the word be a quorum of the board of managers assembled at this time.

The SPEAKER. The gentleman from Kansas [Mr. TAGGART] asks unanimous consent to take up House joint resolution 241, for the appointment of four members of the Board of Managers of the National Home for Disabled Volunteer Soldiers, House Calendar No. 105, out of its regular order on the calendar, and have it considered at the present time.

Mr. MANN. Mr. Speaker, I would not be willing to inaugurate the practice unless there was some very urgent reason for it, and in view of the fact that my colleague from Illinois [Mr. FOSTER] has already given notice that he would endeavor to have a rule reported to take up this resolution, I am not willing to inaugurate the practice now.

The SPEAKER. The gentleman from Illinois [Mr. MANN] objects.

Mr. TAGGART. Well, Mr. Speaker, I ask that it retain its place on the calendar.

The SPEAKER. Of course it retains its place without any ceremonies about it.

Mr. TAGGART. I understand the objection goes to taking it up out of its order rather than to its consideration when it is reached?

The SPEAKER. Of course. The Clerk will report the next one.

EXCHANGE OF LANDS IN FISHLAKE NATIONAL FOREST, UTAH.

The next business on the Calendar for Unanimous Consent was the bill (S. 1087) authorizing the exchange of certain lands within the Fishlake National Forest, Utah.

The Clerk read the bill, as follows:

Be it enacted, etc., That the Secretary of the Interior is hereby authorized to issue patent to the Salina Land & Grazing Co., a corporation organized and existing under the laws of Utah, for the following-described lands:

East half southwest quarter, southwest quarter southwest quarter, south half northwest quarter, northeast quarter northwest quarter, north half northeast quarter, southeast quarter northeast quarter, north half southeast quarter, southeast quarter southeast quarter, section 24; east half northeast quarter, north half southwest quarter, section 25; southeast quarter northeast quarter, east half southeast quarter, section 35; and a strip 8 chains in width extending from the northwest corner of section 2, township 24 south, range 1 east, to the junction with the southeast quarter of section 35, township 23 south, range 1 east, of the Salt Lake meridian.

Lots 1, 2, 3, and 4, section 19; southwest quarter northwest quarter section 20; northwest quarter southeast quarter, northwest quarter northeast quarter, east half northwest quarter, section 30, township 23 south, range 2 east, of the Salt Lake meridian.

Northwest quarter southwest quarter section 1; east half northwest quarter, northeast quarter section 11; west half northwest quarter, north half northeast quarter, southeast quarter northeast quarter, northeast quarter southeast quarter, northeast half northwest quarter, southeast quarter, section 12; said northeast half being an area of 20 acres made by drawing a line from the northwest corner of 40 to the southeast corner of 40, township 24 south, range 1 east, of the Salt Lake meridian.

Southeast quarter, south half southwest quarter, section 5; northwest quarter northeast quarter, lot 2, southwest quarter, southwest quarter southeast quarter, section 7; southwest quarter, east half northwest quarter, northwest quarter northwest quarter, northeast quarter, north half southeast quarter, southwest quarter southeast quarter, section 8, township 24 south, range 2 east, of the Salt Lake meridian, upon the transfer by the said Salina Land & Grazing Co. to the United States of the northeast quarter northwest quarter section 28; southeast quarter northeast quarter section 35, township 22 south, range 1 east.

Southeast quarter northeast quarter, east half southeast quarter, southwest quarter southeast quarter, section 31, township 22 south, range 2 east.

Southeast quarter, southeast quarter northeast quarter, section 11; west half southwest quarter, southeast quarter southwest quarter, section 12; northwest quarter northeast quarter, southeast quarter northeast quarter, southwest quarter southeast quarter, northeast quarter southwest quarter, section 13; north half northeast quarter, southwest quarter northeast quarter, northeast quarter northwest quarter, east half southwest quarter, section 14; southeast quarter southeast quarter section 22; east half west half, southwest quarter southwest quarter, section 23, township 23 south, range 1 east.

Northeast quarter northeast quarter section 6, township 23 south, range 2 east.

Northwest quarter southwest quarter section 3; northwest quarter southwest quarter, southeast quarter southwest quarter, southeast quarter southeast quarter, section 11; east half southwest quarter, south-

west half southeast quarter southeast east quarter, section 12, the last 40 being divided by a line drawn from northwest corner to the southeast corner, northwest quarter northeast quarter, southeast quarter northeast quarter, northwest quarter southwest quarter, southwest quarter southeast quarter, section 13; northwest quarter northeast quarter, southeast quarter northeast quarter, northeast quarter northwest quarter, northeast quarter southwest quarter, section 14; southwest quarter northeast quarter, and lot 2, section 15; northeast quarter southeast quarter section 21; northwest quarter northwest quarter, southwest quarter northeast quarter, section 23; northwest quarter southwest quarter; southwest quarter northeast quarter, section 24; northwest quarter northwest quarter section 25; north half northeast quarter section 26; township 24 south, range 1 east.

Lot 3, south half northwest quarter section 4; northeast quarter northwest quarter, northeast quarter southwest quarter, section 9; northwest quarter northwest quarter, southwest quarter northeast quarter, northeast quarter southeast quarter, southeast quarter southwest quarter, section 16; northwest quarter southeast quarter, northeast quarter northwest quarter, southwest quarter northwest quarter, section 17; northeast quarter northeast quarter, northeast quarter northwest quarter, section 18, township 24 south, range 2 east, of the Salt Lake meridian, within the Fishlake National Forest: *Provided*, That the Attorney General of the United States shall certify that a good and sufficient title to the reconveyed lands will vest in the Government: *And provided*, That the lands reconveyed to the United States shall forthwith become a part of the Fishlake National Forest.

The SPEAKER. Is there objection?

There was no objection.

Mr. MANN. I will ask the gentleman if these descriptions have been properly verified?

Mr. FERRIS. They were furnished by the department. I assume they are verified. They correspond to the letters.

Mr. MANN. The letters do not say anything about it.

Mr. FERRIS. We sent down and a memorandum was sent up. Am I correct about that?

We did not report one bill where they got a little the best of us in value.

Mr. MANN. I am not speaking of that. I am speaking of the verification of the descriptions. Usually the department, in making a report, gives the description in a letter, so that we can verify it.

Mr. FERRIS. As I recall, this was done by a map, properly checked, showing the lands we received and the lands we gave.

The SPEAKER. Is there objection?

There was no objection.

The SPEAKER. This bill is on the Union Calendar.

Mr. FERRIS. Mr. Speaker, I ask unanimous consent to consider the bill in the House as in Committee of the Whole.

The SPEAKER. The gentleman from Oklahoma [Mr. FERRIS] asks unanimous consent to consider this bill in the House as in Committee of the Whole. Is there objection?

There was no objection.

The SPEAKER. The question is on the third reading of the Senate bill.

The Senate bill was ordered to be read a third time, was read the third time, and passed.

On motion of Mr. FERRIS, a motion to reconsider the vote whereby the bill was passed was laid on the table.

PROTECTING LOCATORS OF OIL AND GAS LANDS.

The next business on the Calendar for Unanimous Consent was the bill (S. 5673) to amend an act entitled "An act to protect the locators in good faith of oil and gas lands who shall have effected an actual discovery of oil or gas on the public lands of the United States, or their successors in interest," approved March 2, 1911.

The title of the bill was read.

The SPEAKER. Is there objeection?

Mr. TALBOTT of Maryland. I reserve the right to object.

Mr. FERRIS. Mr. Speaker, I was going to ask unanimous consent that the amendment be read in lieu of the original bill, as a substitute.

The SPEAKER. Without objection, the amendment will be read for information.

Mr. FERRIS. No, Mr. Speaker; the original bill was stricken out. I ask unanimous consent that the amendment be read in lieu of the bill.

Mr. MANN. I object.

The SPEAKER. The gentleman from Illinois [Mr. MANN] objects. The Clerk will read.

The Clerk read the bill, as follows:

Be it enacted, etc., That an act entitled "An act to protect the locators in good faith of oil and gas lands who shall have effected an actual discovery of oil or gas on the public lands of the United States, or their successors in interest," approved March 2, 1911, be amended by adding thereto the following section:

"SEC. 2. That where applications for patents have been or may hereafter be offered for any oil or gas land included in an order of withdrawal upon which oil or gas has been discovered, prior to such application for patent, and where there has been no final determination by the Secertary of the Interior upon such applications for patent, said Secretary, in his discretion, may enter into agreements, under such conditions as he may prescribe, with such applicants for patents in possession of such land or any portions thereof relative to the disposition of the oil or gas produced therefrom or the proceeds thereof, pending final determination of the title therein by the Secretary of the Interior, or such other disposition of the same as may be authorized by law."

With a committee amendment, as follows:

That an act entitled "An act to protect the locators in good faith of oil and gas lands who shall have effected an actual discovery of oil or gas on the public lands of the United States, or their successors in interest," approved March 2, 1911, be amended by adding thereto the following section:

"SEC. 2. That where applications for patents have been or may hereafter be offered for any oil or gas land included in an order of withdrawal upon which oil or gas has heretofore been discovered, or is being produced, or upon which drilling operations are in actual progress at the date of the passage of this act, and oil or gas is thereafter discovered thereon, and where there has been no final determination by the Secretary of the Interior upon such applications for patent, said Secretary, in his discretion, may enter into agreements, under such conditions as he may prescribe with such applicants for patents in possession of such land or any portions thereof, relative to the disposition of the oil or gas produced therefrom or the proceeds thereof, pending final determination of the title thereto by the Secretary of the Interior, or such other disposition of the same as may be authorized by law."

The SPEAKER. Is there objection?

Mr. TALBOTT of Maryland. I reserve the right to object, Mr. Speaker.

The SPEAKER. The gentleman from Maryland [Mr. TALBOTT] reserves the right to object.

Mr. FERRIS. Mr. Speaker, this is a bill that affords temporary relief for some oil producers in California, pending the time when some suits now pending can finally be tried and settled. There has in the past been some objection to this bill on the part of the Navy Department and some objection on the part of the Department of Justice, so much so that the Department of Justice brought in their representative. As the result of numerous conferences had between the Interior Department and the Navy Department and the Department of Justice they have agreed upon an amendment among them, and it was this morning submitted to our committee and gone over, as we thought, with care, and each member of our committee agrees to it. All three departments were represented—the Navy Department, the Interior Department, and the Department of Justice.

The substance is that the royalties that come from the oil that occurs on certain so-called naval reserve lands are to be set aside for the supervision of the Navy Department, the same to go to the Navy Department for their administration and adjudication. I have in my hand the amendment referred to, which I would like to have read for information, so that the House may know what the amendment is.

The SPEAKER. Without objection, the Clerk will read it for information.

The Clerk read as follows:

Provided, That when oil or gas is produced on lands within the areas set aside as naval petroleum reserves the amount of oil or gas, or the proceeds thereof, impounded, or the damage adjudged, accruing to the United States, in case the final determination of the title should be adverse to the claimant or applicant, shall be set aside for the fuel needs of the Navy, and if paid in money this money shall be deposited in the Treasury to the credit of a fund known as naval petroleum fund, which fund shall be at the disposal of the Secretary of the Navy for use in the development of oil lands for the Navy, and for such other purposes connected with the supply of oil for the Navy as the Congress may from time to time direct: *Provided further*, That the Secretary of the Navy shall submit annually to Congress a statement of the receipts under this act and also of the expenditures and the purposes for which incurred.

Mr. TALBOTT of Maryland. Mr. Chairman, I have a letter addressed to the chairman of the committee from the Secretary of the Navy approving this amendment, and for that reason I withdraw any objection I might have.

Mr. MANN. I reserve the right to object, Mr. Speaker. This is worse than it was before. The Navy has just waked up on this. I was the one who objected when the matter was up in the House before, before the Navy Department discovered that such a bill was pending. Now, they want to get possession of the money, to spend it as they please, without an appropriation. Is that what this amendment is?

Mr. FERRIS. Partially so.

Mr. MANN. That is a very laudable purpose on their part. I suppose they would like to have us appropriate $150,000,000 a year for the next few years without any further action, and let them do what they please with it.

Mr. FERRIS. Does the gentleman understand that this applies only to those lands which are on a naval reserve?

Mr. MANN. I understand it applies to certain moneys. It is immaterial to me what the amount is.

Mr. FERRIS. Let me explain to the gentleman the status of the land. There were 67,000 acres in two reserves, declared to be naval reserves by Executive order under the Pickett bill. Approximately half of that land—to be exact, 30,800 acres—is patented to the Southern Pacific. There are 7,500 acres of the other half claimed by certain claimants. There are unentered

and unclaimed lands to the amount of 29,650 acres, but there are some locations on that area which have not been applied for, so that there are yet remaining approximately 21,000 acres on these naval reserves that are not in litigation. Of course, this amendment does not affect that land, but the amendment does provide that the royalty or revenue, or whatever we get under these amicable temporary agreements, from those on the disputed lands, on these particular reserves, shall go to the Navy Department.

I will present herewith a report on a companion House bill which quite well, I think, presents the situation in its true light. It is as follows:

[House Report No. 519, Sixty-third Congress, second session.]

LOCATORS OF OIL AND GAS ON THE PUBLIC DOMAIN.

Mr. FERRIS, from the Committee on the Public Lands, submitted the following report, to accompany House bill 15469:

The Committee on the Public Lands, to whom was referred House bill 15469, by Mr. CHURCH, amending an act entitled "An act to protect the locators in good faith of oil and gas lands who shall have effected an actual discovery of oil or gas on the public lands of the United States, or their successors in interest," approved March 2, 1911, beg leave to report the same back to the House with the recommendation that the bill do pass.

The bill was referred to the department and the department has reported on the same, and it is thought that the entire letter will be of value in the consideration of the bill by the House.

The report thereon is as follows:

DEPARTMENT OF THE INTERIOR,
Washington, April 10, 1914.

Hon. SCOTT FERRIS,
Chairman Committee on Public Lands,
House of Representatives.

MY DEAR MR. FERRIS: I am in receipt of your request for report and recommendation upon H. R. 15469, a bill to amend the act of Congress approved March 2, 1911 (36 Stat., 1015). The amendment proposed is the addition of a section which will authorize the Secretary of the Interior to enter into agreements, under such conditions as he may prescribe, with parties who have presented or may present applications for patent for oil or gas land included in an order of withdrawal and upon which oil or gas has been discovered, is being produced, or upon which drilling operations shall be in actual progress at the date of the passage of the act, said agreements to relate to the disposition of the oil or gas produced from the lands, or the proceeds thereof, pending the final determination by the Secretary of the Interior of the validity of the offered applications for patents.

The proposed legislation is peculiarly applicable to the California oil fields, where a large number of locations and applications are under investigation or involved in proceedings which challenge the validity of the locations or the regularity of the applications presented. Many oil and gas wells are in actual operation upon these and adjacent lands, and by reason of the investigations of the department and certain suits instituted by the United States to enjoin parties from removing oil from the lands, the operators are unable to dispose of the oil or gas under existing laws pending adjudication of their claims. This is disadvantageous not only to the operators, but to the United States, because the failure to continuously operate the wells may result in the diminution or destruction of the oil or gas values through introduction of water into the wells or by reason of the draining of the oil and gas deposits from under the lands involved through wells sunk and in operation upon adjacent patented lands. The situation is one which demands immediate attention if the operators and the United States are to be saved from large and irreparable loss, and I earnestly recommend the enactment of the bill. At the same time I desire to point out that this bill gives temporary relief only, in that it permits of adjustments which will permit of the operation of oil and gas wells and take care of the proceeds pending the final adjudication of the claims by the department. It does not provide a method for disposing of the lands or the deposits after final adjudication of the cases if the claims of the applicants be finally denied. Relief for the latter situation may, however, be provided later.

I understand the present bill to authorize the Secretary of the Interior to enter into agreement with the record claimant to all or any part of a location, provided such record claimant has presented or shall present an application for patent for all or any portion of the location involved.

I further direct attention to the general bill providing for the leasing of lands containing deposits of oil, gas, and certain other minerals now pending before your committee, and to the similar measure, S. 4898, now pending before the United States Senate. The latter measures, if enacted, will prevent the future occurrence of such conditions as now confront us, and the necessity for the temporary remedial legislation now under consideration emphasizes the importance of the early enactment of the general leasing measure.

Very truly, yours,

FRANKLIN K. LANE.

A careful reading of Secretary Lane's report discloses that some temporary relief for these oil men engaged in oil production on the public domain is an emergency. The legislation authorizes the Secretary of the Interior to make working arrangements whereby the oil claimants may go on with the production of oil, and thereby preserve the rights of themselves and the United States until a suitable leasing law can be passed covering the case.

Certain irregularities with reference to some of the oil operators have brought about a confusion of title. The institution of suits has caused the pipe lines to refuse to accept the oil and buy the oil, there being no market for the oil other than the pipe-line companies, and has brought stagnation in oil development.

As will be observed by the Secretary's letter and from facts brought to the attention of the committee in a printed hearing had, show that lands held in private ownership, most of which came from original land grants, of alternate sections make it possible for the lands held in private ownership to go on with the production, pumping, and draining of the Government lands to an extent that is greatly to the disadvantage of the General Government as well as to the oil prospectors themselves.

Twenty-five or thirty independent oil producers of California appeared before the committee and presented hardships, disaster, and trouble which deserves the attention of Congress, and at the earliest possible moment.

Your committee was unanimously of the opinion that pending a time when these titles could be definitely settled and pending a time when those who deserve patents could get patents and those who should be denied patent could be formally denied patent, such temporary working arrangements as proposed in H. R. 15469 was about the only method of solving the problem.

The Secretary of the Interior is a man of broad views, keen intellect, and with peculiar and actual knowledge of the actual conditions as they exist, and it is the thought of every member of the committee, after prolonged hearings and painstaking attention, that this bill should be passed at once for the purpose of preserving what the Government has and what the developers of oil deserve, and to prevent damage and disaster from any source.

The actual method of working is thought to be that the Secretary will retain a sufficient portion of the proceeds of the oil to indemnify the Government in the event the title will finally be held to be adverse to the claimants, so that untold hardships may not follow. Some of the men developing oil in the California region have almost been driven to bankruptcy. Telegraphic appeals and personal appeals have come from California sources urging some action on the part of Congress.

The bill, as will be observed, does not part with title to a foot of land or to any oil or gas of the United States, but merely authorizes a continuation of operations to prevent waste, decay, destruction by water breaking in, and other disaster coming from the nonuse of oil machinery and oil development. The committee can not urge too strongly the advisability of this temporary relief, and it at the earliest possible moment.

The complaints have come chiefly from California and from a strip of country about 125 miles long and from 2 to 5 miles wide on the west side of the San Joaquin Valley in California.

As was suggested by Secretary Lane in his letter, there is pending in both branches of Congress, and in truth the bill before the House committee is well under way, legislation providing for a leasing system of the oil and gas lands of the United States, so that hereafter tangled titles relative to the procedure and acquirement may not be one of the troublesome tasks for the American Congress to deal with. The affording of this temporary relief by the passage of H. R. 15469 will in no manner interfere with the broad-gauged conservation policy outlined in the leasing law soon to be reported and now pending before both the House and Senate committees.

Respectfully submitted.

Mr. MANN. This amendment provides, in substance, as I understand it, that as to certain of these lands any money received, instead of being paid into the Treasury as miscellaneous receipts, as nearly all money is which comes from the sale of the public domain, shall be turned over to the Secretary of the Navy, to spend in such amounts as he pleases, at such times as he pleases, for such purposes as he pleases——

Mr. FERRIS. No.

Mr. MANN. Let me finish my sentence—in the matter of investigating in regard to oil lands. Now the gentleman can correct me.

Mr. FERRIS. The gentleman states it too broadly. It goes into a fund called the "Naval reserve fund."

Mr. MANN. Oh, no; that is not what it is called.

Mr. TALBOTT of Maryland. Into an oil fund in the Navy Department.

Mr. MANN. A naval petroleum oil fund.

Mr. FERRIS. Why, is not that the same thing?

Mr. MANN. Not at all. The naval reserve fund is one thing. This goes into a special fund, which the Secretary of the Navy will control—without any appropriation, without any requirement that he come before Congress, without any control on our part over him at all, for such purposes as he pleases, at such times as he pleases, practically. The Secretary of the Navy may desire that, but I do not think Congress will ever give it to him.

Mr. FERRIS. May I read what the amendment has to say on that particular point?

Mr. MANN. Certainly.

Mr. FERRIS. It says—

And for such other purposes connected with the supply of oil for the Navy as the Congress may from time to time direct.

Mr. MANN. And for such other purposes as Congress may from time to time direct; yes.

Mr. SELDOMRIDGE. There is no limitation at all on it?

Mr. MANN. There is no limitation on it at all. Now, regardless of this naval amendment, I should like to ask the gentleman a question in reference to the bill. The bill provides that proceeds coming from oil shall be practically divided between the Government and the claimants under certain terms?

Mr. FERRIS. That is all.

Mr. MANN. It says:

Pending final determination of the title thereto by the Secretary of the Interior, or such other disposition of the same as may be authorized by law.

What other disposition of the same can there be, except the determination of the title to the land?

Mr. FERRIS. Congress has now on the calendar a bill which provides for the leasing on a royalty basis of all the oil and gas lands, which finally revert to the Government. The lands so reverted would be operated under the laws then existing on the subject.

Mr. MANN. This language would not affect that.

Mr. FERRIS. Why not?

Mr. MANN. Because this says:

Pending final determination of the title.

If you determine the title and determine that the title is in the Government, then that very bill, if it is enacted, seizes the situation at once.

Mr. FERRIS. Certainly; and that is what is intended.

Mr. MANN. This is not needed in there for that purpose.

Mr. LENROOT. There is still another bill on the calendar, known as the permament relief bill, that does not involve the determination of titles.

Mr. FERRIS. That is true.

Mr. LENROOT. And that was the real purpose of this language, so as to protect this impounded money, to be released when that time arrives.

Mr. FERRIS. The gentleman is entirely right about that.

Mr. FOSTER. What is the objection to putting that money into the Treasury, to be appropriated as Congress may see fit?

Mr. FERRIS. Personally I have no objection, except that I want to keep entire faith with the Secretary of the Navy. We give the proceeds of these oil lands to the development of the West for irrigation and the proceeds of these royalties under other legislation, and the Navy Department feel that they ought to have out of this naval reserve any royalty or renewal that comes in.

Mr. FOSTER. From listening to this amendment, I understand that the amount of land involved is 21,000 acres. Is that correct?

Mr. MANN. More than that.

Mr. FERRIS. There are 67,000 acres of it in all. Of course, more than half of it is patented and a good deal of the other has claimants for patent.

Mr. MADDEN. There are 21,000 acres that are not affected by this legislation.

Mr. FOSTER. I do not see the necessity of creating a petroleum fund in the Navy Department.

Mr. MANN. It is safe to say that that will not be done.

Mr. FOSTER. I am glad to hear the gentleman say so.

Mr. MANN. If it was submitted to a vote of the House today, I do not think 25 Members of the House would vote for it. Still, it may be that I am mistaken, after seeing the active and effective lobbying which the Navy Department did in reference to the sale of the battleships. I have never seen anything that equaled it, and I do not know what the House might do on both sides with any old proposition.

Mr. TALBOTT of Maryland. Yes; the Navy is very popular in the country.

Mr. MANN. It was not done in that way, and probably will not be again. I should like to ask the gentleman from Oklahoma a question in reference to this provision:

Said Secretary, in his discretion, may enter into agreements, under such conditions as he may prescribe with such applicants for patents in possession of such land or any portions thereof, relative to the disposition of the oil or gas produced therefrom or the proceeds thereof.

Does that contemplate a division or the impounding of the proceeds?

Mr. FERRIS. We left that discretionary with the department.

Mr. MANN. Does not the gentleman think that we ought to know whether it is to be a division or an impounding?

Mr. FERRIS. My answer is that they are drilling for oil, and the Secretary of the Interior can make such an agreement as is contemplated until the courts can pass upon it, and thus save something to the Government. To let it go on as it is we lose all. By this course we can save something and still maintain orderly procedure.

Mr. MANN. This matter has been pending for a long time?

Mr. FERRIS. Yes; that is true.

Mr. MANN. If the Secretary of the Interior has given attention to the matter he must have some idea by this time as to what he would be willing to do. It seems to me if he has any idea on the subject he ought to be in communication with the distinguished chairman of the Public Lands Committee.

Mr. FERRIS. He has, and has been before us numerous times. We have tried and the Secretary of the Interior has tried and the Department of Justice has tried its hand at it, but it is a difficult thing to do justice with a lot of different cases where each one hinges on a different state of facts. We thought the best we could do was to let the Secretary of the Interior make a temporary working agreement which would play out and be at an end when the cases were decided.

Mr. MANN. If the Secretary of the Interior has to pass on each particular case and to reach a different conclusion, it would be shorter to determine the title.

Mr. FERRIS. The gentleman thinks so, and I confess it sounds like there was some merit in it, but the Commissioner of the General Land Office came before us at the hearing and said they had not been able to do it, and they are favorable to this relief.

Mr. MANN. What position does the Department of Justice take on the bill?

Mr. FERRIS. They appeared before us Saturday morning and this morning, and they are not opposed to it. The Interior Department is for it, and has been all along. They know the facts pretty well, and most people are for it when they know our efforts to assist.

Mr. MANN. Why is the Department of Justice opposed to the bill?

Mr. FERRIS. Because they seemed to be reading this bill in connection with the permanent relief bill and had the two confused. He said Saturday morning that he had no objection to this bill and that his letters had in some instances related to both bills, but he was for this bill.

Mr. MANN. Is he opposed to the permanent bill?

Mr. FERRIS. As it stands, he is.

Mr. MANN. Does the gentleman think he can convert him on the other bill as he has on this?

Mr. FERRIS. We have a hearing to-morrow, in which the Department of the Interior and the Department of Justice and the Department of the Navy will appear in an effort to get together and accomplish something.

Mr. SELDOMRIDGE. Will the gentleman yield?

Mr. FERRIS. Yes.

Mr. SELDOMRIDGE. Is the other bill the gentleman speaks of—the bill S. 5434—is that the permanent bill?

Mr. FERRIS. I have not it before me.

Mr. SELDOMRIDGE. That is the bill which has passed the Senate and relates to the operation of the oil lands taken up prior to the withdrawal order of 1910, the issues of which are somewhat involved and pending before the Supreme Court.

Mr. FERRIS. I think not before the Supreme Court, but pending in the California courts.

Mr. SELDOMRIDGE. This would affect not only the lands in California but lands in the Western States?

Mr. FERRIS. Yes; it is a general bill, but the main and important interests are in southern California.

Mr. SELDOMRIDGE. The remedy that you are seeking to apply is to the lands in southern California?

Mr. FERRIS. Yes.

Mr. SELDOMRIDGE. The other bill has a broader scope.

Mr. MONDELL. Mr. Speaker, this bill applies to the oil lands everywhere.

Mr. FERRIS. Yes; but the acute situation is in California.

Mr. MANN. Do I understand that if this bill comes up for consideration, Mr. Speaker, that the gentleman from Oklahoma intends to offer the amendment he had read for information?

Mr. FERRIS. I have agreed with the gentleman from Maryland and the Secretary of the Navy that I will offer it, and I will. I should not feel right about it unless it was offered.

Mr. MANN. The gentleman from Oklahoma occupies a delicate position. If he does not offer the amendment the gentleman from Maryland will object to the bill, and if he does offer it, I will object. I will object now.

Mr. FERRIS. The gentleman has not removed me from the delicate situation. The oil men are between two millstones. I will try to get the Navy Department and the gentlemen together.

Mr. MANN. The gentleman from Oklahoma knows that this naval amendment ought not to be put in the bill.

Mr. FERRIS. I feel sure the gentleman from Illinois recognizes that some legislation is needed in this direction.

Mr. MANN. I do; and I would be willing to allow the bill to pass, although I objected to it once, and yet have some doubt about it.

Mr. FERRIS. Mr. Speaker, I ask unanimous consent that the bill may retain its place on the calendar and be passed over without prejudice. I think it can yet be passed, for it is important and ought to be passed.

The SPEAKER. The gentleman from Oklahoma asks unanimous consent that the bill be passed without prejudice. Is there objection?

There was no objection.

Mr. CHURCH. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD on this bill.

The SPEAKER. The gentleman from California asks unanimous consent to extend his remarks on this bill. Is there objection?

There was no objection.

Mr. MONDELL. Mr. Speaker, I ask unanimous consent to insert in the RECORD a draft of what I understand to be the meaning of this bill.

The SPEAKER. The gentleman from Wyoming asks unanimous consent to extend his remarks in the RECORD on the bill. Is there objection?

There was no objection.

Mr. MONDELL. Mr. Speaker, I am very much in favor of the passage of this legislation, and yet I wish it were possible to have it amended so as to make it a little clearer. As the matter now stands, it is not entirely clear just what cases are provided for; and further, it is not clear, but should be made clear, whether it is intended that all proceeds shall be impounded and retained in case of an adverse decision, or whether it is proposed to retain a reasonable sum as royalty in case of an adverse decision. I would suggest the following as a substitute for the bill:

SEC. 2. That where applications for patents under the mining laws applicable thereto have been, or may hereafter be, offered for lands containing oil or gas, which lands had, prior to the submission of such application, been included in an order of withdrawal, and where no final determination or decision has been made by the Secretary of the Interior upon such applications for patent, said Secretary, in his discretion, may enter into agreements, under such conditions as he may prescribe, with such applicants for patents in possession of such land or any portions thereof, relative to the disposition of the oil or gas produced therefrom, or the proceeds thereof, and the impounding of a reasonable portion of the proceeds, pending final determination of the title thereto by the Secretary of the Interior. The amounts impounded shall be retained as royalties in cases in which the final decision shall be adverse to the applicant for patent: *Provided*, That the provisions of this act shall apply to those cases only where oil has been discovered, is being produced, or upon which drilling operations are in progress at the date of the passage of this act.

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. Tulley, one of its clerks, announced that the Senate had passed without amendment bill of the following title, in which the concurrence of the House of Representatives was requested:

H. R. 15320. An act authorizing the Secretary of the Treasury to disregard section 33 of the public-buildings act of March 4, 1913, as to site at Owego, N. Y.

The message also announced that the Senate had insisted upon its amendments to the bill (H. R. 17824) making appropriations to supply deficiencies in appropriations for the fiscal year 1914 and for prior years, and for other purposes, disagreed to by the House of Representatives, had agreed to the conference asked by the House on the disagreeing votes of the two Houses thereon, and had appointed Mr. MARTIN of Virginia, Mr. BRYAN, and Mr. GALLINGER as the conferees on the part of the Senate.

The message also announced that the Senate had further insisted upon its amendments to the bill (H. R. 17041) making appropriations for sundry civil expenses of the Government for the fiscal year ending June 30, 1915, and for other purposes, Nos. 44, 45, 91, 92, 138, 145, and 146, disagreed to by the House of Representatives, had asked a further conference with the House on the disagreeing votes of the two Houses thereon, and had appointed Mr. MARTIN of Virginia, Mr. OVERMAN, and Mr. PERKINS as the conferees on the part of the Senate.

The message also announced that the Senate had passed the following resolution, in which the concurrence of the House of Representatives was requested:

Senate concurrent resolution 29.

Resolved by the Senate (the House of Representatives concurring), That the committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 17824) making appropriations to supply deficiencies in appropriations for the fiscal year 1914 and for prior years, and for other purposes, be, and the same is hereby, authorized to insert under the head "Department of Justice, miscellaneous objects" the following items: "To pay to Frances Owen Lurton, widow of Horace Harmon Lurton, late a justice of the Supreme Court of the United States, $14,500."

BRIDGE ACROSS TUG FORK OF BIG SANDY RIVER.

The next business on the Calendar for Unanimous Consent was the bill (H. R. 17005) authorizing the fiscal court of Pike County, Ky., to construct a bridge across Tug Fork of the Big Sandy River, at or near Williamson, W. Va.

The Clerk read the bill, as follows:

Be it enacted, etc., That the consent of Congress is hereby granted for the fiscal court of Pike County, Ky., to construct, maintain, and operate a bridge across the Tug Fork of the Big Sandy River, at a point suitable to the interests of navigation, at or near the town of Williamson, in the county of Mingo, in the State of West Virginia, in accordance with the provisions of an act entitled "An act to regulate the construction of bridges over navigable waters," approved March 23, 1906.

SEC. 2. That the right to alter, amend, or repeal this act is hereby expressly reserved.

The SPEAKER. Is there objection?

Mr. MOORE. Mr. Speaker, reserving the right to object, I would like to inquire of the gentleman who is sponsor for this bill as to the nature of it.

Mr. LANGLEY rose.

Mr. ADAMSON. Mr. Speaker, I will yield to the gentleman from Kentucky [Mr. LANGLEY], the author of the bill.

Mr. LANGLEY. Mr. Speaker, the bill was introduced by me at the request of Judge H. H. Stallard, who is county judge of the county in which I live. He informs me that our fiscal court has some understanding with the West Virginia authorities regarding the matter. Judge Stallard and his associates are progressive, high-grade officials, and I accepted their word, without inquiry or question, that this legislation was needed.

Mr. MOORE. It is a matter that comes up from the county?

Mr. LANGLEY. Oh, yes; it originates, as I just stated, from the fiscal court of my county, which is acting in cooperation with the West Virginia authorities.

Mr. MOORE. Does the gentleman know anything about the size of the Tug Fork of the Big Sandy River?

Mr. LANGLEY. Yes; I know all about it. It is quite a good-sized stream. The Government has already expended a good deal of money toward the canalization of it.

Mr. MOORE. Does the gentleman know anything about the structure and dimensions of the proposed bridge?

Mr. LANGLEY. No; not in detail; but the gentleman may be assured that it will be up to date, both in structure and materials. That is the way we are doing things down there.

Mr. MOORE. I would like to know something more about the Tug Fork.

Mr. ADAMSON. Mr. Speaker, the conversation which the gentleman from Kentucky [Mr. LANGLEY] and the gentleman from Pennsylvania [Mr. MOORE] are carrying on is not audible to all of us.

Mr. LANGLEY. That is not my fault, Mr. Speaker. I am talking loud enough, I think.

Mr. MOORE. Then I will ask the gentleman from Georgia the question that I put to the gentleman from Kentucky. I want to know something more about the Tug Fork of the Big Sandy River at or near Williamson, W. Va.

Mr. ADAMSON. Oh, I yield to the gentleman from Kentucky to answer that question. [Laughter.]

Mr. LANGLEY. Mr. Speaker, I do not know just what else it is that the gentleman from Pennsylvania wants to know about the Tug Fork of the Big Sandy. There is a great deal I could tell him about it. There are so many good things I could tell him that it would take me all summer and it would interfere with the legislative program.

Mr. MANN. He wants to know if there is any space left on that river that has not a bridge over it.

Mr. LANGLEY. Mr. Speaker, I will say in answer to that that we have already built some bridges across that fork. Millions of dollars are being expended in the Big Sandy Valley, of which the territory drained by the Tug Fork is a part. It is one of the richest valleys in the world, and the finest coal field in the world. New railroads are being built, and there are extensive coal operations going on, and cities are springing up like mushrooms in the night. We will probably have need for more bridges across that stream at different points. The Tug Fork is the boundary line between West Virginia and Kentucky at this point.

Mr. MOORE. The gentleman feels that the passage of this bill will not impede navigation on the Tug Fork?

Mr. LANGLEY. I do not think there is any question about that, and in any event there is a provision in the bill itself that the bridge is to be constructed so as not to interfere with the needs of navigation.

Mr. ADAMSON. Mr. Speaker, I will say that my information is that the stream is too deep to ford at that point.

Mr. LANGLEY. Yes; and too wide for the gentleman from Georgia to swim. [Laughter.]

Mr. MOORE. The committee is satisfied that navigation will not be affected by the construction of this bridge?

Mr. ADAMSON. Oh, we have the authority of both the gentleman from Kentucky [Mr. LANGLEY] and the War Department to that effect.

Mr. LANGLEY. There is no question about that, I can assure the gentleman.

The SPEAKER. Is there objection? [After a pause.] The Chair hears none. The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed.

On motion of Mr. ADAMSON, a motion to reconsider the vote by which the bill was passed was laid on the table.

RESTORING TO THE PUBLIC DOMAIN CERTAIN LANDS AT THE HEADWATERS OF THE MISSISSIPPI.

The next business on the Calendar for Unanimous Consent was the bill (S. 1784) restoring to the public domain certain lands heretofore reserved for reservoir purposes at the headwaters of the Mississippi River and tributaries.

The Clerk read the bill, as follows:

Be it enacted, etc., That there is hereby restored to the public domain, subject to the easement provided for in section two hereof, any and all lands hitherto reserved by Executive order in connection with the construction, maintenance, and operation of reservoirs at the headwaters of the Mississippi River and its tributaries the restoration of which the Secretary of War has recommended or may hereafter recommend to the Secretary of the Interior.

SEC. 2. That the lands hereby restored shall forever be and remain subject to the right of the United States to overflow the same or any part thereof by such reservoirs as now exist or may hereafter be constructed upon the headwaters of the Mississippi River, and all patents issued for the lands hereby restored shall expressly reserve to the United States such right of overflow.

SEC. 3. That the time when such restoration shall take effect as to any of such lands shall be prescribed by the Secretary of the Interior, and in all cases where actual settlement has been made on any of said lands prior to January 1, 1912, and improvements made the said settlers shall have a preferred and prior right to enter and file on said lands under the homestead law for the period of 90 days following the time fixed hereunder for the restoration of the lands.

SEC. 4. That no rights of any kind, except as specified in the foregoing section, shall attach by reason of settlement or squatting upon any of the lands hereby restored to entry before the hour on which such lands shall be subject to homestead entry at the several land offices, and until said lands are opened for settlement no person shall enter upon and occupy the same except in the cases mentioned in the foregoing section, and any person violating this provision shall never be permitted to enter any of said lands or acquire any title thereto.

With the following committee amendments:

1. In line 3, page 1, after the word "domain," insert the following words: "For entry under the homestead laws, pursuant to the proclamation of the President."

2. On page 2, line 5, after the word "lands," insert the following words: "In the counties of Aitkin, St. Louis, Crow Wing, Cass, Hubbard, Itasca, Beltrami, and Koochiching, approximately 6,000 acres, and outside of the boundaries of the Minnesota National Forest Reserve."

3. On page 1, at the end of line 10, change the period to a semicolon and insert the following paragraph:

"*Provided, however,* That this act shall not apply to lot 2, in section 4, township 54 north, range 26 west, and the southeast quarter of the northwest quarter of section 23, in township 55 north, range 26 west, said tracts described in this proviso being hereby reserved and excluded from the lands subject to homestead entry."

4. On page 2, lines 9, 10, and 11, strike out the following words: "January 1, 1912, and improvements made" and insert in lieu thereof "the withdrawal thereof and where improvements have been made thereon."

The SPEAKER. Is there objection?

Mr. MANN. Mr. Speaker, reserving the right to object, how much land is covered in this?

Mr. LINDBERGH. About 6,000 acres; but perhaps not more than two-thirds of it would be entered, because the other third would not afford ground enough for present cultivation.

Mr. MANN. What is that land worth now? If it were not subject to flowage rights, what would it be worth?

Mr. LINDBERGH. All the way from $5 to $10 an acre. It is mostly brush land, and would cost some labor and money to clear.

Mr. MANN. This is now reserved for flowage on account of the reservoir, as I understand it?

Mr. LINDBERGH. Yes; it was withdrawn from the right of homestead entry on that account.

Mr. MANN. The purpose of this bill is to permit people to make homes upon the land subject to flowage rights if the Government hereafter should desire to overflow any of the lands in connection with the reservoir?

Mr. LINDBERGH. That is the purpose.

Mr. MANN. As I understand from the letter from the department to the chairman of the committee, the War Department states that much of this land will never be overflowed and that it is doubtful whether any of it will be.

Mr. LINDBERGH. The letter the gentleman [Mr. MANN] refers to was one written to the chairman of the committee in answer to a letter I had written. The letter states that much of it will never be overflowed, but I do not think that the letter states that it is doubtful if any will be, because a part of it is overflowed, as a matter of fact.

Mr. MOORE. The report states that.

Mr. MANN. The gentleman states that part of these lands are now overflowed. What does he mean by that?

Mr. LINDBERGH. This land was originally withdrawn without knowing which of the lands would be overflowed, and there are some lands that are not overflowed at all. Later the Government engineers determined by measurement which would and which would not be overflowed.

Mr. MANN. Yes.

Mr. LINDBERGH. Some of the lands are partly overflowed and some of them are wholly overflowed.

Mr. MANN. Does this bill endeavor to permit homestead entries on lands that are wholly overflowed?

Mr. LINDBERGH. It would not be practical at all to do that.

Mr. MANN. I do not know about that.

Mr. LINDBERGH. There is no prohibition in the bill against such entry, but the homestead laws probably could not be complied with on a homestead entry on land all of which was overflowed.

Mr. MANN. Well, suppose, as a matter of fact, the Government should hereafter determine to raise its dam, so as to extend the area of the reservoir, and would overflow much of these lands a portion of which had been taken for homes. Does my friend from Minnesota think we could escape claims on the part of these people to pay them for the loss of their homes or damage to their lands?

Mr. LINDBERGH. I think so, because the bill expressly reserves that right to the Government.

Mr. MANN. That does not make any difference. Why, we have a lot of claims here in the House, bills reported to the House, where people without any authority of law had gone on the land and made some improvements, and when they were removed they wanted the Government to pay them for the land.

Mr. MILLER. Will my friend from Minnesota permit me to answer the gentleman?

Mr. LINDBERGH. Certainly.

Mr. MILLER. As a matter of fact, in the operation of reservoirs at the present time quite extensive areas are overflowed. There has never been suggested a claim against the Government——

Mr. MANN. They are public lands, are they not?

Mr. MILLER. Some are and some are not.

Mr. MANN. If there are any private lands—if the gentleman can produce me any case in Minnesota or elsewhere where the Government has overflowed private lands and there is no claim against the Government, why, I am going to reverse my whole theory of government as to claims.

Mr. MILLER. I can cite the gentleman to a great number of such cases.

Mr. MANN. Cite me one, first.

Mr. MILLER. I have not the description——

Mr. MANN. Oh, there is no place where the Government takes or injures property that there is not a claim against the Government.

Mr. MILLER. The language of this bill precludes any legal claim ever being made against the Government.

Mr. MANN. Any legal claim; oh, yes.

Mr. MOORE. Will the gentleman yield?

Mr. LINDBERGH. Certainly.

Mr. MOORE. Suppose under this bill an entryman in good faith makes improvements as provided for in the bill on these lands and then the Government exercises its right to overflow the land and carries away or damages the improvements, how are we going to escape being met by at least a sympathetic claim on account of the loss incurred?

Mr. LINDBERGH. There might be a sympathy on the part of Congress to allow such a claim, but the people who are up there have made some entries after the withdrawals. All of them claim they are perfectly satisfied and glad to obtain homestead rights upon this permission without any obligation whatever upon the Government; but if these people should be damaged by the future acts of the Government, I should favor the Government paying reasonable damage notwithstanding.

Mr. MOORE. If the gentleman will allow me, this very question was up in another form in the matter of irrigated lands. These men in good faith say they can not comply with their contracts in 10 years; they say they are unable to do it, and it takes them more time. Here we would send a man into this land, who was going in good faith, and he makes improvements. Why should the Government in this case reserve to itself the right to overflow these lands and later on assert its right to overflow these lands and carry away his improvements, carry away his crops, carry away his barn, carry away his home? Now, that is rather an anomalous condition. I know and the gentleman knows that we are called upon here frequently, those of us who do not thoroughly understand these land-claim matters, to relieve cases of distress arising from just such a condition.

Mr. LINDBERGH. I will say to the gentleman from Pennsylvania at the present time these reservoirs or these dams exist and they overflow the land as much as it is possible to be overflowed. As a matter of fact, the water is higher now there than it has been since 1865, according to statements of reliable old settlers. The dams are already constructed. There never will be any addition to these particular dams now constructed, at least I do not believe there will be, because they are now overflowing all the land that they can overflow, according to the report of settlers up there.

Mr. MOORE. In section 2 of the bill you provide that "the lands hereby restored shall forever be and remain subject to the rights of the United States to overflow the same or any part thereof," and so forth.

Mr. LINDBERGH. That is true.

Mr. MOORE. Now the tenant is permitted to have access to those lands. I am trying to get at the aftermath of it—the tenant goes in, the land is arable, it is good land. He proceeds to cultivate the land. The Government exercises the right to overflow and overflows the land. The same question arises along the lower Mississippi.

Mr. LINDBERGH. The gentleman speaks of the people complaining, really they have no legal right to complain at all. The patent under section 2 will so provide, still I think as a matter of equity that if the Government should overflow to a greater extent than was reasonably contemplated it would be no more than just to the settlers to adjust the excess damage. These lands if allowed to remain continually in the present condition would be an injury to that locality, and as these reservoirs are for the general public the particular locality that stands the burden of the floods should be given all the advantage in return that is possible with consistency.

Mr. MILLER. If a homesteader who takes a part of the Government domain wherein the Government reserves a mineral right sells that to John Jones, and subsequently a gold mine should be found upon it, I do not think anybody would seriously contend that John Jones would have any standing here or any other place as to a share in that gold mine.

Mr. MANN. If the gentleman from Pennsylvania will permit, I think the gentleman from Minnesota is mistaken in what this bill does. It only refers to those lands which the War Department or the Secretary of War may recommend shall be restored to the public domain, and the Secretary of War or the Assistant Secretary of War, speaking for the Chief of Engineers, I suppose, states:

> The experience of many years and the results of more accurate surveys showed that a considerable number of tracts so withdrawn would only be partially flooded, while others would probably not be overflowed at all in the construction and operation of the reservoirs already built or projected, and that as to these tracts the right of flowage was all that the Government needed. Accordingly, a list of the lands, which the department considered were no longer required for reservoir purposes, was prepared, and under date of March 23, 1911, this list was transmitted to the Department of the Interior with the information that tracts embraced therein might be restored to entry and disposed of, provided flowage rights were retained by the United States.
>
> To effect the restoration of these lands to the public domain and enable the Secretary of the Interior to dispose of them under the existing homestead laws with the easement of flowage reserved, legislation by Congress is necessary, and that is the purpose of the accompanying bill, S. 1784.

Referring to this bill. So, while under this, the Government reserved the flowage right, still it is not anticipated that that reservation amounts to anything at all except upon certain lands which are partially overflowed; that is, 160 acres, part of which might be low and overflowed.

Mr. MOORE. That letter does not appear in the report.

Mr. MANN. That is a letter under date of July 3, 1914.

Mr. MOORE. The report on page 6 states:

> It has been made to appear that a considerable part of these lands are not now and probably never will be overflowed.

I do not want to object to the bill, but I think it is important to draw attention to this matter, so that the people who may go upon the lands may have notice and be warned, because it would be embarrassing if a man had planted crops and had them growing——

Mr. MANN. The gentleman from Pennsylvania can be certain that if the people go on there and occupy this land, and the Government hereafter raises the dam so as to overflow more land, we will pay it, and I think we ought to pay it.

Mr. MOORE. We have paid it in other cases. I would like to ask the gentleman from Minnesota before he takes his seat why lot 2, in section 4, in township 54 north, range 26 west, and so forth, page 2, lines 5, 6, and 7, is excepted?

Mr. LINDBERGH. The reason for that exception is it is generally supposed that those lands contain iron ore, and they were excepted because it was thought wise to except them on that account.

Mr. MANN. That is an erroneous description, is it not?

Mr. LINDBERGH. Yes; and I will ask to have it amended.

Mr. MOORE. Is that under Government control?

Mr. LINDBERGH. Under the same arrangement that these other lands are under at this time.

Mr. MOORE. And not subject to homestead entry?

Mr. LINDBERGH. Not now subject to homestead entry, and this excepts them from this act.

The SPEAKER. Is there objection? [After a pause.] The Chair hears none. This bill is on the Union Calendar.

Mr. FERRIS. Mr. Speaker, I ask unanimous consent to consider it in the House as in the Committee of the Whole.

The SPEAKER. The gentleman from Oklahoma asks unanimous consent to consider it in the House as in the Committee of the Whole. Is there objection?

There was no objection.

Mr. LINDBERGH. I have three short amendments, Mr. Speaker, that I would like to offer verbally, and then I will send the others up to the desk.

The SPEAKER. The question is on agreeing to the committee amendments. Without objection, the committee amendments will be agreed to.

Mr. MILLER. There is objection to the first committee amendment.

The SPEAKER. The Clerk will report the first committee amendment.

The Clerk read as follows:

> Page 1, line 3, after the word "domain," insert the following:
> "For entry under the homestead laws, pursuant to proclamation of the President."

Mr. MILLER. Mr. Speaker, I would like to call the attention of my colleague from Minnesota [Mr. LINDBERGH] to the language. This reads: "Pursuant to proclamation of the President." Unquestionably it contemplates opening the lands to settlement, and therefore the President by proclamation shall open them to entry, so that parties desiring can make application and make homestead entry thereon. That is one of the amendments. The original language in the bill, as contained in section 3, is as follows:

> That the time when such restoration shall take effect as to any of such land shall be prescribed by the Secretary of the Interior.

It was contemplated by that language that an order from the Secretary of the Interior would restore these lands to the public domain—by that act would make them subject to homestead entry by application. Now apparently there is a conflict in these two sections.

Mr. RAKER. In regard to that matter, the committee were very clear and unanimous as to putting this amendment in the bill, that this land should not be open for rush, but it should be open under the proclamation of the President under the bill passed some time since by the Congress.

Mr. MILLER. I do not think there is any question but that may be a very satisfactory way in which to proceed.

Mr. RAKER. The amendment has not been disposed of.

Mr. MILLER. I think it ought to be considered in the line of the subsequent language, so that the committee could say which it wanted to retain.

Mr. RAKER. Unless it is voted down I think this amendment ought to be changed.

Mr. MILLER. What difference does it make whether it is the order of the Secretary of the Interior or the order of the President of the United States. In any event there would be no opportunity for the grand rush mentioned.

Mr. MANN. There is plainly a conflict here.

Mr. RAKER. The gentleman does not mean to offer amendments and change the clear intent of the bill?

Mr. MILLER. Oh, no.

Mr. RAKER. There is not any idea of taking away the thought to issue a preliminary proclamation?

Mr. MILLER. Oh, no.

Mr. MANN. The gentleman from Minnesota called attention to the fact that in section 1 you provide that restoration shall be the proclamation by the President, and in section 3 you provide it shall be by order of the Secretary of the Interior.

Mr. FERRIS. That undoubtedly ought to be changed.

Mr. MANN. Which do you want?

Mr. FERRIS. What is the precise amendment the gentleman offers?

Mr. MANN. He did not offer an amendment. It is a committee amendment.

Mr. FERRIS. The rule is uniform that the President issues the proclamation.

Mr. MILLER. I move to amend by striking out the words "pursuant to the proclamation of the President"; and I will say frankly that I do not care whether he makes the proclamation or the Secretary of the Interior makes it. It seems to me it should be the Secretary of the Interior, and I will say that that is the language heretofore used in a bill of this kind. As a matter of fact, I drew this myself originally, and that was the language adopted and was satisfactory to the department.

Mr. FERRIS. Does the gentleman think the language in section 3 is quite broad enough to inaugurate the usual rules and regulations to carry on an orderly opening?

Mr. MILLER. I certainly do. The Secretary of the Interior has got to move before anybody can do a thing.

Mr. RAKER. I want to call the gentleman's attention to this fact, namely, that there is no conflict between these two sections.

Mr. MILLER. There is a plain conflict.

Mr. RAKER. The first is a proclamation by the President that the land shall be thrown open for settlement.

Mr. MILLER. When?

Mr. RAKER. When he proclaims it and this bill passes. The provision in section 3——

Mr. MANN. He can not make a proclamation throwing this land open to the public domain without saying when it shall be thrown open.

Mr. RAKER. Surely not.

Mr. MANN. And section 3 says that the Secretary of the Interior shall fix the time for the restoration of the land.

Mr. RAKER. No; that the time when such restoration shall take place as to any such land shall be prescribed by the Secretary of the Interior.

Mr. MANN. Yes.

Mr. RAKER. That is clearly in consonance with the bill passed, that after it has been thrown open by the President the Secretary of the Interior shall have rules and regulations prescribed in his department, which is always done, and that fixes the disposition of the land.

Mr. MANN. The President can not make a proclamation restoring this land to the public domain without saying when. That fixes the time. Then you say that the Secretary of the Interior shall fix the time. I presume they will both fix the same time, and to that extent there might be no conflict.

Mr. FERRIS. Mr. Speaker, if there is a conflict—and it rather seems to me that there is—it ought to be changed. I doubt if the amendment of the gentleman from Minnesota [Mr. MILLER] should be adopted, because when section 3 is referred to, and it is asserted that section 3 is in conflict with section 1, it only fixes the time for the opening. I have had some experience in these openings, and it is necessary to go further than merely fixing the time. It is necessary to go so far as to prescribe when and how and under what conditions the lands are to be filed upon. Otherwise you would have horse races and gun fights and other irregularities that this Congress would not stand for.

Mr. MILLER. I do not care whether the proclamation is made by the Secretary of the Interior or the President. I will ask unanimous consent to withdraw my amendment.

Mr. FERRIS. I am not contending that that should be done, except that I say that section 3, standing alone, is not quite sufficient. You observe that it says this, "That the time when such restoration shall take effect as to any of such land shall be prescribed by the Secretary of the Interior." Now, under that the Secretary of the Interior would say, on the 1st of September, for instance, or the 1st of October, these lands shall be opened. Then what follows? Then the provisions of the general homestead law apply, and the rush would begin.

Mr. MILLER. And he will also say what terms and conditions shall prevail.

Mr. FERRIS. Where is that?

Mr. MILLER. That is to be supplied.

Mr. FERRIS. I am perfectly willing that that should be done.

Mr. MILLER. If the chairman of the Committee on Public Lands thinks that the words "pursuant to the proclamation of the President" are sufficient, we can strike out section 3.

Mr. FERRIS. Of course the gentleman and I know that putting it in the hands of the President of the United States means that the Secretary of the Interior shall fix up the program and the President shall merely issue the proclamation. Of course that is the usual procedure. If your amendment is adopted, then we ought to add in section 3 that the time and such further conditions and stipulations shall be fixed as the Secretary of the Interior may prescribe.

Mr. MANN. Is that done where there is a little, minor opening?

Mr. FERRIS. I think not, but it is best to proceed orderly.

Mr. MANN. Here is a small amount of property. Probably two-thirds of it has squatters on it already. Why not leave it to the Secretary of the Interior? In either case he does the work. The President can not be expected to do it.

Mr. FERRIS. I have agreed to that, but does not the gentleman think that in section 3 he ought to have authority to make the conditions?

Mr. MANN. Yes.

Mr. FERRIS. I think the amendment can be fixed up.

Mr. RAKER. Mr. Speaker, let me say it is futile if you are going to spend the time of the committee going over matters and considering these questions, and they are not brought up until after the unanimous consent is given. It is the determination of the Public Lands Committee that these lands shall not be thrown open except under the proclamation of the President, which means that under the act passed by this House there will be no more rush for these lands that are reserved. They should be opened in an orderly manner. All that the first provision does is to provide that these lands shall be opened in an orderly manner, and the third provision fixes the time upon which the parties can go on the homesteads and have their rights.

Mr. MANN. Mr. Chairman, will the gentleman yield?

Mr. RAKER. I do.

Mr. MANN. It being a small matter at most, why would it not save any question by providing that the proclamation in the first place be made by the Secretary of the Interior and not by the President? We think there is a conflict as it stands now. We do not care how it is disposed of. Why would not that cover it?

Mr. RAKER. I have no objection.

Mr. MILLER. I move, Mr. Speaker, to amend the amendment voted by the committee by striking out the word "President," in line 5, and inserting in lieu thereof the words "Secretary of the Interior."

The SPEAKER. The Clerk will report the amendment.

The Clerk read as follows:

Page 1, line 5, strike out the word "President" and insert "the Secretary of the Interior."

Mr. GARRETT of Tennessee. Mr. Speaker, will the gentleman yield to me for a question on that?

Mr. MANN. Certainly.

Mr. GARRETT of Tennessee. I do not know anything about these public-land matters, but has it not always been the custom for the President to issue those proclamations. Has that ever been delegated to a Cabinet officer before?

Mr. MANN. It has been the custom in large openings to have the proclamation made by the President, but we frequently permit the Secretary of the Interior to dispose of certain smaller bodies of the public domain.

Mr. GARRETT of Tennessee. This does provide for a proclamation?

Mr. LINDBERGH. This was proposed to be opened to homestead entry and then was withdrawn.

Mr. GARRETT of Tennessee. It just occurred to me that possibly it ought to be done by the President as a legal proposition.

Mr. MANN. It is not necessary. Ordinarily the proprieties would require that the proclamation be made by the President; but, after all, it is a small matter. I doubt whether it is desirable to have the President annoyed with it.

Mr. TAYLOR of Colorado. Are not all these proclamations issued by the President? If we are going to have a little bit of a monument, the President issues a proclamation.

Mr. MANN. What kind of a monument?

Mr. TAYLOR of Colorado. A national monument for setting aside a piece of land, 640 acres. For such a thing the President issues a proclamation.

Mr. MANN. What kind of a monument?

Mr. TAYLOR of Colorado. A national monument, for the setting aside of a piece of Government land or anything——

Mr. MANN. Oh, yes.

Mr. TAYLOR of Colorado. Even if it is only 640 acres, the President issues a proclamation.

Mr. MANN. If there is any withdrawal, it has to be done by the President under the general law. Nobody objects to this being done by the President.

Mr. TAYLOR of Colorado. Why not let it go then?

Mr. MANN. The only difficulty is that in one case it is provided that the President shall do it, and in the other case the Secretary of the Interior.

Mr. TAYLOR of Colorado. Let us make it the President in both cases.

Mr. MANN. I do not care.

Mr. FERRIS. I think we can come at this easily. The first proposition comes from the gentleman from Minnesota [Mr. MILLER] that there is a conflict. The next thing is that the gentleman's amendment would have the Secretary of the Interior issue the proclamation. I do not think you want to do that. I think if, on page 1, in lines 4 and 5, you strike out the words "pursuant to proclamation of the President" and insert in lieu thereof "under such rules and regulations as the Secretary of the Interior may prescribe," that will let him work it out.

Mr. MILLER. That is satisfactory.

Mr. RAKER. That does not comport with the usual method of handling the public lands. In the case of all reserves the

President of the United States must make a proclamation opening the land.

Mr. FERRIS. There is no general law on the subject.

Mr. MILLER. There is nothing in the law that provides that.

Mr. MANN. Congress is the authority that provides that.

Mr. MILLER. Every week or two we pass some sort of an act telling the Secretary of the Interior how he shall dispose of certain lands.

Mr. MANN. There was a bill here this afternoon providing for disposing of certain lands, and the President had nothing to do with it.

Mr. RAKER. I want to call the attention of the committee to this, on page 1, lines 3, 4, and 5:

For entry under the homestead laws, pursuant to proclamation of the President.

Now, when the President withdraws any land that has been reserved or when any land is reserved, except by act of Congress, the President makes the proclamation. This bill provides that the President shall by proclamation declare the land open. It then dovetails into the bill that the House passed some time since. The only question as to the date of opening is referred to in section 3, which says that the time when such restoration shall take effect as to any of such land shall be prescribed by the Secretary of the Interior. Now, after it is thrown open and declared to be public land under the rules and regulations provided by that bill, the time when the parties can enter is fixed by the Secretary of the Interior.

Mr. MILLER. Will the gentleman from California yield at that point?

Mr. RAKER. In one minute I will yield. Then if there should be any question as to that, by striking out the words "by the Secretary of the Interior" and inserting the words "in the President's proclamation" it covers both phases of the case, and would then read as follows:

That the time when such restoration shall take effect as to any such lands shall be prescribed in the President's proclamation.

Now, you are covering the subject both ways from the beginning of the bill. I yield now to the gentleman from Minnesota.

Mr. MILLER. Section 2 as now drawn and section 3 as to the part we have been discussing are copied exactly from a law now in force governing other lands that were withdrawn at the same time for the same purpose. In other words, this language is the language of a law. That law operated, and evidently this law would operate. Now, it seems to me inadvisable in a small matter of this kind that the President of the United States should go to the necessity of issuing a proclamation. It seems to me vastly more advisable that the Secretary of the Interior shall simply restore the lands under such rules and regulations as he may prescribe relative to their being opened to homestead entry. And would it not be reaching the whole situation satisfactorily if in that first amendment, as suggested by the gentleman from Oklahoma, after the word "pursuant," in line 4, we add "to rules and regulations to be prescribed by the Secretary of the Interior"?

Then you will have the land opened under the homestead law under rules and regulations to be specified by the Secretary of the Interior. That is the same provision as is contained in section 3, which will fix the time. Have not you then got all the machinery necessary?

Mr. RAKER. I do not want to be captious, and I would have no objection to that.

Mr. MILLER. Then, Mr. Speaker, I ask unanimous consent to withdraw my amendment and offer as a substitute the following.

The SPEAKER. The gentleman from Minnesota asks unanimous consent to withdraw his amendment. Is there objection?

There was no objection.

Mr. MILLER. I offer as an amendment, after the word "to," in line 4, strike out the words "proclamation of the President," as contained in the committee amendment, and in lieu thereof substitute "such rules and regulations as the Secretary of the Interior may prescribe."

The SPEAKER. The question is on the amendment to the amendment.

The amendment to the amendment was agreed to.

The amendment as amended was agreed to.

The SPEAKER. The Clerk will report the next committee amendment.

The Clerk read as follows:

In line 6, page 1, after the word "lands," insert the following: "in the counties of Aitkin, St. Louis, Crow Wing, Cass, Hubbard, Itasca, Beltrami, and Koochiching, approximately 6,000 acres, and outside of the boundaries of the Minnesota National Forest Reserve."

Mr. LINDBERGH. Mr. Speaker, as to that amendment, I wish to modify it by striking out the counties of St. Louis, Hubbard, and Koochiching, because there are no lands in those counties.

Mr. MANN. And you want to strike out the word "and" before Koochiching and insert the word "and" after "Itasca."

The SPEAKER. The Clerk will report the amendment to the amendment.

The Clerk read as follows:

Strike out, in lines 6, 7, and 8, the words "St. Louis, Hubbard, and Koochiching" and insert the word "and" after the word "Itasca."

The SPEAKER. The question is on the amendment to the amendment.

The amendment to the amendment was agreed to.

The amendment as amended was agreed to.

The SPEAKER. The Clerk will report the next amendment.

The Clerk read as follows:

Page 2, line 5, after the word "Interior," insert the following: "*Provided, however*, That this act shall not apply to lot 2, in section 4 in township 54 north, range 26 west, and the southeast quarter of the northwest quarter of section 33 in township 55 north, range 26 west, said tracts described in this proviso being hereby reserved and excluded from the lands subject to homestead entry."

Mr. LINDBERGH. Mr. Speaker, as to that amendment, there is an error in line 8, where the word "northwest" should be "southwest." Therefore I offer an amendment to strike out "northwest" and insert in lieu thereof the word "southwest."

The SPEAKER. The Clerk will report the amendment.

The Clerk read as follows:

Amend the amendment in line 8 by striking out the word "northwest" and inserting the word "southwest."

The SPEAKER. The question is on the amendment to the amendment.

The amendment to the amendment was agreed to.

The amendment as amended was agreed to.

The SPEAKER. The Clerk will report the next amendment.

The Clerk read as follows:

In line 22, page 2, strike out the words "January 1, 1912, and improvements made," and insert the following: "the withdrawal thereof and where improvements have been made thereon."

Mr. LINDBERGH. Mr. Speaker, as to that amendment, it has been discovered that it was made under an error. I offer as an amendment the following:

In line 23, strike out the word "twelve" and insert the word "fourteen."

Mr. FERRIS. That is stricken out by the committee.

Mr. MANN. It has not been stricken out by the House. The gentleman wants to amend the text of the bill so as to make it read "January 1, 1914," and then vote down the committee amendment.

Mr. RAKER. Mr. Speaker, there can be no misunderstanding about the matter. This language is stricken out by the committee so as to leave the lands standing as they were when the withdrawal was made. There are 21 parties who have made application in good faith, and they ought to have consideration. That being the fact, I do not feel as though the mere fact that they settled there after reverses ought to deprive them of their rights, and, therefore, I am going to support the amendment.

The SPEAKER. The Clerk will report the amendment offered by the gentleman from Minnesota.

The Clerk read as follows:

Amend, line 23, page 2, by striking out the word "twelve" in the original text of the bill and inserting the word "fourteen."

The SPEAKER. Without objection, the amendment will be agreed to.

There was no objection.

Mr. MANN. The question now arises, Mr. Speaker, on the committee amendment, to strike it all out, and that they want to vote down.

The SPEAKER. The question is on agreeing to the committee amendment.

The committee amendment was rejected.

Mr. MOORE. Mr. Speaker, has the bill been read?

The SPEAKER. It has.

Mr. MOORE. I want to offer an amendment to paragraph 2.

Mr. MANN. Now is the proper time to offer that amendment.

Mr. MOORE. I offer the following amendment, which I send to the desk and ask to have read.

The Clerk read as follows:

Page 2, line 18, after the word "overflow," strike out the period, substitute a comma, and insert the following: "and shall further provide that all improvements made upon the land by entrymen shall be subject to any damages that may result from such overflow."

The SPEAKER. The question is on agreeing to the amendment.

Mr. MILLER. Mr. Speaker, does the gentleman desire to be heard in support of the amendment? If not, I should like to be heard in opposition to it.

Mr. MOORE. Mr. Speaker, the entryman goes upon the land desiring to improve it. He may come from your State, or he may come from mine. He holds a patent from the Government. It is very much like an insurance policy or a deed to him. He may not be thoroughly familiar with all of the details, nor may he be thoroughly familiar with all of his rights when he goes on the land. His disposition would naturally be to improve it if he wants to make a living upon it. I want to protect him as against the action of the Government exercising its rights to overflow the land after he has taken it. I presume the lowland would be first overflowed, if any would be overflowed, and that would be the land that he would want to use first. Or, if he did not want to use that and used land higher up, he would gradually work down, in any event, to the lower land. No provision is made in this bill to protect him against any damage that may be done to him by the Government, and there is no provision in the bill which would protect the Government against his claim for damages should the right of overflow be exercised by the Government. I do not think he has sufficient notice. He ought to be fully advised before he goes in, and the purpose of this amendment is to give notice to the honest entryman, the man who means to toil on that land after he thinks he has acquired it, that if he takes chances on certain of the land, if he plants in certain parts or builds on certain parts of it, the Government may in the course of time overflow those particular parts, and he may have his crops and buildings wiped out. I think he ought to be fully advised before he goes on the land about the risk he takes. That is the purpose of the amendment.

Mr. MILLER. Mr. Speaker, of course I am sure the gentleman from Pennsylvania [Mr. MOORE] would not advocate the insertion in a deed of anything that was not necessary or essential to the rights of the parties. The gentleman will appreciate, I am sure, that if we should require that there be inserted in these deeds, beginning with the patent from the Government and thereafter every mortgage, every deed of conveyance that may be made, the fact that the possessor of the land should not have a right of action against the Government by reason of any overflow of the land which might occur by the use of the Government of its reservoir system, we would be in a position where we might as well say that the Government would not be under any obligation to build the man's barn if it were struck by lightning and burned down, or that the Government would not be subject to damages if a cyclone destroyed the man's crops. The purpose the gentleman has in view is a splendid one, that these men shall have adequate notice of what they are getting and shall not be deceived. I think the gentleman will be convinced in a moment that they have this notice. These are scattered tracts. They are isolated fragments, as it were. They are the leavings after the Government has performed its big work of constructing these reservoirs. Heretofore when a man desired to take up one of these places and make a home he made application to the local land office and openly waived in writing, when he made his application, any right or claim by reason of overflow of the land on the part of the Government through the use of the dams or reservoirs. He did an affirmative act at that time, and therefore, of course, he had it all clearly before him. A large number of tracts of these lands are already in possession of settlers who went on in the regular way, hitherto prescribed, when they made that application, and they made the waiver, as indicated, and then went on the land and made their home and improvements.

It just happened two or three years ago that the Secretary of the Interior held he had no authority and the President had no authority to restore these lands when once they had been withdrawn. Thereupon the Secretary of the Interior and the Secretary of War both recommended this legislation restoring these lands. Everybody in that vicinity is fully advised that these lands are in this basin system.

Mr. MOORE. Will the gentleman yield?

Mr. MILLER. And, of course, two or three generations from now the deed plainly will show on its face if Tom Jones buys the land that the land is subject to overflow by the United States.

Mr. MOORE. After settlers have already made improvements for which provision is made in one of the amendments here, we are giving nothing in this bill except preference in the matter of filing claims under the new law. Therefore if flowage is authorized and these lands should be affected, as undoubtedly they would be if the water reached them, what would prevent the present entrymen or any new settler from coming to Congress and saying, "We have been damaged, our crops have been destroyed, our buildings have been inundated or carried away by the water that the Government poured in upon us, and we ask relief from the Government"? What is to prevent them from doing that, and is not that very likely to occur?

Mr. MILLER. I think the gentleman will at once see if written in the deed that which he now advocates it could not change the rights of the parties. They now would have no right of action against the Government, and they will not have any if this passes.

Mr. MOORE. Suppose a new settler should go on and acquire land where possibly inundation might take place; that man then becomes an object of concern on the part of all of his neighbors and an object of concern to his Representative, ultimately, by coming back to Congress and saying, "I entered this land in good faith; I put up my buildings; I sowed my seed; I raised my crops." Would not he have a fair right to say that——

The SPEAKER. The time of the gentleman from Minnesota has expired. The question is on the amendment offered by the gentleman from Pennsylvania.

The question was taken, and the amendment was rejected.

The bill was ordered to be read a third time, was read the third time, and passed.

On motion of Mr. LINDBERGH, a motion to reconsider the vote by which the bill was passed was laid on the table.

Mr. MANN. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD on this bill by inserting a letter from the gentleman from Minnesota and one from the Secretary of War.

The SPEAKER. The gentleman from Illinois asks unanimous consent to extend his remarks in the RECORD. Is there objection? [After a pause.] The Chair hears none.

The letters are as follows:

HOUSE OF REPRESENTATIVES,
Washington, July 9, 1914.

Hon. JAMES R. MANN,
House of Representatives, Washington, D. C.

MY DEAR MR. MANN: I am sending you a letter from the War Department, as you wish to know what the conclusions of that department are in regard to S. 1784, being No. 209 on the Unanimous Consent Calendar. This is a copy of a letter the original of which was sent to the chairman of the Committee on Public Lands. I also inclose a letter directed to me referring to the matter. According to this letter there should be an amendment to the bill. In line 8, page 2, the word "northwest" should read "southwest."

The lands involved are largely within the district which I represent. I know their general condition and know many of the pieces specifically. A large part of the land is high and can not ever be submerged by any dam or dams now constructed or that may hereafter be built. In a few cases settlers moved onto these lands before they knew about the withdrawals and when they supposed they could homestead them. Some made improvements and still live on the land. There are very few, if any, of the tracts that are or ever can be wholly submerged. The effect of the water going back upon these lands has been to wash out the soil at the junction of the water with the shore line where there are hills and create caving banks. In time they will limit themselves, but in some cases they would be limited by the settlers if they owned the property. They would plant willows and take other steps to retard such washing. Most of the lands are brush lands and have small scrubby timber. In clearing the brush and timber the settlers, in some cases, would use the stuff cut off to pile up on the banks to prevent further caving. Many pieces of this land would make good farms. The people there are fully aware that any homestead entry would be subject to flowage rights. They understand that they would have to take the land subject to that right on the part of the Government. The people there who now own the lands would be benefited by the settlement of these lands, because the new owners would help in building roads and in keeping up schools, etc.

Sincerely,
C. A. LINDBERGH.

WAR DEPARTMENT,
Washington, July 3, 1914.

Hon. C. A. LINDBERGH,
United States House of Representatives.

SIR: Referring to your letter of the 19th ultimo, inclosing a copy of Senate bill No. 1784, present session of Congress, and asking whether this department has any objection to the passage of the bill, I beg to advise you that I have this day addressed a report on the measure to the chairman of the Committee on Public Lands, a copy of which I inclose for your information.

Very respectfully,
HENRY BRECKINRIDGE,
Assistant Secretary of War.

JULY 3, 1914.

Hon. SCOTT FERRIS,
Chairman Committee on Public Lands,
United States House of Representatives.

SIR: I am in receipt of a communication from Hon. C. A. LINDBERGH, Member of Congress, inclosing a copy of Senate bill No. 1784, current session of Congress, and asking whether this department has any objection to the enactment of the measure, which it appears has been passed by the Senate and is now pending on the calendar of the House of Representatives.

By Executive proclamations and otherwise numerous tracts of public land have from time to time been withdrawn from entry for the use of the War Department in connection with the "reservoir system" at the headwaters of the Mississippi River.

The experience of many years and the results of more accurate surveys showed that a considerable number of the tracts so withdrawn would only be partially flooded while others would probably not be overflowed at all in the construction and operation of the reservoirs already built or projected, and that as to these tracts the right of flowage was all that the Government needed. Accordingly a list of the lands which this department considered were no longer required for reservoir purposes was prepared, and under date of March 23, 1911, this list was transmitted to the Department of the Interior with the information that tracts embraced therein might be restored to entry and disposed of, provided flowage rights were retained by the United States.

To effect the restoration of these lands to the public domain and enable the Secretary of the Interior to dispose of them under the existing homestead laws, with the easement of flowage reserved, legislation by Congress is necessary, and that is the purpose of the accompanying bill S. 1784.

The interests committed to the charge of the War Department are believed to be fully protected by the provisions of the bill, and I am aware of no objections to its passage by Congress.

Attention is, however, invited to an apparent error in the description in line 8, page 2, of the bill—the word "northwest" it is thought should be changed to "southwest."

Very respectfully,

HENRY BRECKINRIDGE,
Assistant Secretary of War.

Mr. RAKER. Mr. Speaker, I ask unanimous consent that I may extend my remarks in the RECORD upon the question of woman's suffrage, and to include in that a statement from the Hon. William J. Bryan, Secretary of State.

The SPEAKER. The gentleman from California asks unanimous consent to extend his remarks in the RECORD on the subject of woman's suffrage and to print a statement by William J. Bryan. Is there objection?

Mr. MOORE. Mr. Speaker——

Mr. DONOVAN. Mr. Speaker, reserving the right to object, I am going to ask the gentleman to put off his request until the gentleman from Alabama [Mr. HEFLIN] is present. In the absence of the gentleman from Alabama——

Mr. RAKER. I hope my Democratic colleague will not object to a statement by Mr. Bryan.

Mr. DONOVAN. Mr. Speaker, I shall object unless the gentleman is willing to wait until Congressman HEFLIN is present. [Laughter.]

The SPEAKER. The gentleman from Connecticut objects. The gentleman from Alabama is not here.

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. Carr, one of its clerks, announced that the Senate had passed the following resolution, in which the concurrence of the House of Representatives was requested:

Senate concurrent resolution 28.

Resolved by the Senate (the House of Representatives concurring), That the statue of George Washington Glick, presented by the State of Kansas to be placed in Statuary Hall, is accepted in the name of the United States, and that the thanks of Congress be tendered the State for the contribution of the statue of one of its most eminent citizens, illustrious for his distinguished civic services.

Second. That a copy of these resolutions, suitably engrossed and duly authenticated, be transmitted to the governor of the State of Kansas.

The message also announced that the Senate had passed with amendments a bill of the following title, in which the concurrence of the House of Representatives was requested:

H. R. 17824. An act making appropriations to supply deficiencies in appropriations for the fiscal year 1914 and for prior years, and for other purposes.

The message also announced that the President of the United States had approved and signed bills and joint resolutions of the following titles:

On July 13, 1914:

S. J. Res. 105. Joint resolution authorizing the President to accept an invitation to participate in the Sixth International Dental Congress.

On July 14, 1914:

S. 3488. An act for the relief of Ernest C. Stahl.

On July 17, 1914:

S. 60. An act to provide for agricultural entry of lands withdrawn, classified, or reported as containing phosphate, nitrate, potash, oil, gas, or asphaltic minerals;

S. 388. An act for the relief of Ella O. Richardson;

S. 2903. An act for the relief of Judd McKelvey;

S. 3817. An act authorizing the issuance of a patent to James Gunning for lot 2, section 32, township 29 north, range 39 east, Montana;

S. 4441. An act to extend the provisions of the act of June 23, 1910 (36 Stats. L., p. 592), authorizing assignment of reclamation homestead entries, and of the act of August 9, 1912 (37 Stats. L., p. 265), authorizing the issuance of patents on reclamation homestead entries, to lands in the Flathead irrigation project, Montana;

S. 751. An act to repeal section 3480 of the Revised Statutes of the United States; and

S. J. Res. 157. Joint resolution requesting the President of the United States to invite foreign Governments to participate in the International Congress on Education.

CEDING A CERTAIN PARCEL OF LAND TO FULTON COUNTY, GA.

The next business on the Calendar for Unanimous Consent was the bill (H. R. 13311) to cede a certain parcel of land to the county of Fulton, State of Georgia.

The Clerk read as follows:

Be it enacted, etc., That the United States do cede unto the county of Fulton, State of Georgia, a certain parcel of land on the northeast corner of the property of the United States at Atlanta, Ga., Fulton County, upon which is located the United States Penitentiary, said strip of land containing 1,754.94 square feet, projecting into and along what is known as Forrest Road 151.55 feet.

The committee amendment was read, as follows:

Page 2, after the word "feet," insert the following:

"*Provided*, That title to the said parcel of land shall revert to the United States when it shall have ceased to be used for road purposes."

The SPEAKER. Is there objection?

Mr. MANN. Mr. Speaker, reserving the right to object, who has charge of this bill?

Mr. PARK. I have, sir.

Mr. MANN. Does the gentleman know whether this description of the land in the bill is correct?

Mr. PARK. No, sir; I have only Mr. HOWARD'S word for it. He was before the committee.

Mr. MANN. The Attorney General did not seem to be willing to take any chances on it.

Mr. PARK. The Attorney General is willing to do it if it goes back to the United States when it ceases to be used for the purpose for which the bill provides. I understand it is a rather sharp angle there, and there is a cutting down of the land to a level with the road and automobiles passing have some difficulty passing on a 26-foot roadway and they wish to extend it 18 feet 5 inches.

Mr. MANN. I have no objection to the bill and the purpose of it, but it seems to me we ought to have some one at some time to verify the description in the bill where you have a legal description of the property. The Attorney General says, in respect to this bill ceding a certain strip of land in Fulton County, Ga.:

Permit me to say that the files of the department show that the county of Fulton made application to the department as early as June, 1912, to have ceded to it a small strip of ground belonging to the penitentiary reservation—

And so forth. I do not know whether this is right or not, and he does not know either.

Mr. PARK. He has described it as 18 feet and 5 inches wide at the broad end and narrowing down to a point, being a triangle.

Mr. MANN. Well, I guess I will have to take chances on it. But the committee ought never to report a bill without verifying whether the description of it is correct or not.

The SPEAKER. Is there objection? [After a pause.] The Chair hears none. This bill is on the Union Calendar.

Mr. PARK. Mr. Speaker, I ask unanimous consent that it be considered in the House as in the Committee of the Whole.

The SPEAKER. Is there objection? [After a pause.] The Chair hears none. The Clerk will report the amendment.

The Clerk read as follows:

Page 2, after the word "feet," in line 11, insert the following:

"*Provided*, That title to the said parcel of land shall revert to the United States when it shall have ceased to be used for road purposes."

The SPEAKER. The question is on agreeing to the amendment.

The amendment was agreed to.

The bill as amended was ordered to be engrossed and read a third time, was read a third time, and passed.

On motion of Mr. PARK, a motion to reconsider the vote by which the bill was passed was laid on the table.

TITLE TO CERTAIN LANDS, STATE OF MISSISSIPPI.

The next business in order on the Calendar for Unanimous Consent was the bill (S. 785) to relinquish, release, and quitclaim all right, title, and interest of the United States of America in and to certain lands in the State of Mississippi.

The bill was read, as follows:

Be it enacted, etc., That the United States of America hereby forever relinquishes, releases, and quitclaims all right, title, and interest in and to the northwest quarter of section 36, township 14 north, range 5 east, Choctaw meridian, situated in the State of Mississippi, now held under claim or color of title by individual or private ownership or municipal ownership, which was reserved, retained, or set apart for James Gipson under and by virtue of the treaty entered into between the United States of America and the Choctaw Nation of Indians on the 27th day of September, A. D. 1830: *Provided, however*, That nothing herein contained shall be construed to affect or dispose of any right, claim, or title, if any, which said James Gipson or his heir or heirs and assigns may have in or to any of said land.

SEC. 2. That the true intent of this act is hereby declared to be to concede and abandon all right, title, and interest of the United States to those persons, estates, firms, or corporations who would be the true and lawful owners of said lands under the laws of the State of Mississippi, including the laws of prescription, in the absence of said interest, title, and estate of the said United States.

The SPEAKER. Is there objection to the consideration of the bill? [After a pause.] The Chair hears none. This bill is on the Union Calendar.

Mr. SISSON. Mr. Speaker, I ask unanimous consent that this bill be considered in the House as in the Committee of the Whole.

The SPEAKER. Is there objection? [After a pause.] The Chair hears none.

The question is on the third reading of the Senate bill.

The bill was ordered to a third reading, was read a third time, and passed.

On motion of Mr. SISSON, a motion to reconsider the vote by which the bill was passed was laid on the table.

REORGANIZATION IN THE PATENT OFFICE.

The next business in order on the Calendar for Unanimous Consent was the bill (H. R. 16480) amending sections 476, 477, and 440 of the Revised Statutes of the United States.

The bill was read, as follows:

Be it enacted, etc., That section 476 of the Revised Statutes be, and the same is hereby, amended by inserting in line 2 thereof, before the words "one assistant commissioner," the words "one first assistant commissioner," and before the words "examiners in chief" change the word "three" to "five," so that the section as amended shall read as follows:

"SEC. 476. There shall be in the Patent Office a Commissioner of Patents, one first assistant commissioner, one assistant commissioner, and five examiners in chief, who shall be appointed by the President, by and with the advice and consent of the Senate. The first assistant commissioner and the assistant commissioner shall hereafter perform such duties pertaining to the office of commissioner as may be assigned to them, respectively, from time to time by the Commissioner of Patents. All other officers, clerks, and employees authorized by law for the office shall be appointed by the Secretary of the Interior upon the nomination of the Commissioner of Patents."

SEC. 2. That section 477 of the Revised Statutes be amended by changing the words "four thousand five hundred," after the words "Commissioner of Patents," to "five thousand" by inserting the following paragraph:

"The First Assistant Commissioner of Patents, $4,500 a year."

By inserting, after the words "three thousand" in the paragraph beginning "the Assistant Commissioner of Patents," the words "five hundred"; by changing the word "three" before "examiners in chief" to the word "five"; and, after the words "three thousand," adding the words "five hundred," so that the section as amended shall read as follows:

"SEC. 477. The salaries of the officers mentioned in the preceding section shall be as follows:

"The Commissioner of Patents, $5,000 a year.

"The First Assistant Commissioner of Patents, $4,500 a year.

"The Assistant Commissioner of Patents, $3,500 a year.

"Five examiners in chief, $3,500 a year each."

SEC. 3. That so much of section 440 of the Revised Statutes as follows the words "in the Patent Office," and refers to said office only, be amended as follows:

In the reference to the chief clerk, after the words "chief clerk," insert "who shall be qualified to act as a principal examiner," and change the salary of the chief clerk from "two thousand five hundred" to "three thousand."

Insert the following paragraphs:

"Five law examiners, at a salary of $2,750 a year each.

"One examiner of classification, at a salary of $3,600 a year."

In the salary of the examiner in charge of interferences change the word "five" to "seven."

In the salary of the examiner of trade-marks change the word "five" to "seven."

Before the words "principal examiners" change the words "twenty-four" to "forty-three," and in the salary change "five" to "seven."

Before the words "first assistant examiners" change "twenty-four" to "eighty-six," and in the salary change "one thousand eight hundred" to "two thousand four hundred."

Before the words "second assistant examiners" change "twenty-four" to "eighty-six"; omit the parenthetical clause "two of whom may be women"; and in the salary change "one thousand six hundred" to "two thousand one hundred."

Before the words "third assistant examiners" change "twenty-four" to "eighty-six," and in the salary change "four" to "eight."

Insert the following:

"Eighty-six fourth assistant examiners, at a salary of $1,500 a year each."

Cancel the words:

"One machinist, at a salary of $1,600 a year.

"Thirty-five copyists of drawings, at a salary of $1,000 a year each."

Insert the following:

"Four draftsmen, at a salary of $1,000 a year each."

In the clause, one messenger and purchasing clerk," change "purchasing" to "property."

Cancel the words:

"One skilled laborer, at a salary of $1,200 a year.

"Eight attendants in the model room, at a salary of $1,000 a year each.

"Eight attendants in the model room, at a salary of $900 a year each."

So that the part of the section following the words "in the Patent Office," and which refers to said office only, shall read as follows:

"One chief clerk, who shall be qualified to act as a principal examiner, at a salary of $3,000 a year.

"Five law examiners, at a salary of $2,750 a year each.

"One examiner of classification, at a salary of $3,600 a year.

"One examiner in charge of interferences, at a salary of $2,700 a year.

"One examiner in charge of trade-marks, at a salary of $2,700 a year.

"Forty-three principal examiners, at a salary of $2,700 a year each.

"Eighty-six first assistant examiners, at a salary of $2,400 a year each.

"Eighty-six second assistant examiners, at a salary of $2,100 a year each.

"Eighty-six third assistant examiners, at a salary of $1,800 a year each.

"Eighty-six fourth assistant examiners, at a salary of $1,500 a year each.

"One librarian, at a salary of $2,000 a year.

"Three skilled draftsmen, at a salary of $1,200 a year each.

"Four draftsmen, at a salary of $1,000 a year each.

"One messenger and property clerk, at a salary of 1,000 a year."

The SPEAKER. There is a typographical error in the last line of the bill. There ought to be a dollar mark before "1,000," or the word "dollars" should follow.

Mr. MANN. We have not reached that stage yet, Mr. Speaker.

The SPEAKER. I know we have not, but I thought I would suggest it while I was thinking of it. Is there objection to the consideration of the bill?

Mr. MANN. Reserving the right to object, Mr. Speaker, when I first went over this bill it struck me rather favorably, but, as I gather from it now, it will not make any change of any extent if it is passed.

Mr. OLDFIELD. It does not make much change, except that it equalizes the force in the examining department in the Patent Office.

Mr. MANN. How does it equalize it?

Mr. OLDFIELD. Well, it makes the same number in the various grades, Nos. 1, 2, 3, and 4, and as a result it really increases the number of employees in the Patent Office from 334 to 344 in that department.

Mr. MANN. That is only an increase of ten. It adds three law examiners; it adds two examiners in chief; but what it really does is to put into law the salaries and places now carried in the legislative appropriation bill.

Mr. OLDFIELD. And have been carried for a great many years.

Mr. MANN. Some of them have, and some of them have been newly inserted.

Mr. OLDFIELD. Some of them have been newly inserted, and some carried 8 or 10 years.

Mr. MANN. It would have been a very apt bill before the last legislative bill; but we carried the Fitzgerald amendment to the last legislative bill, which is now a part of the law, providing that the salaries fixed in the bill should be the legal salaries hereafter, and that authorizes both the salaries and the places, and that is all this bill does, with two or three exceptions. I do not know, unless the gentleman can inform me, just what differences there are between this bill and the provisions in the legislative bill.

Mr. OLDFIELD. The difference is in position, rather than the salary propositions. They change some of the positions.

Mr. MANN. Now, I think I know how a bill like this came to be drawn.

Mr. OLDFIELD. It was drawn by the Commissioner of Patents.

Mr. MANN. Well, I expect not.

Mr. OLDFIELD. By whom?

Mr. MANN. The chief clerk under the Commissioner of Patents is the gentleman who is now qualified to act as principal examiner. That language was inserted in the law a number of years ago, I think, for the purpose of taking care of a very able gentleman, so I am informed and believe, hailing from the State of Illinois—and that is no discredit to him; I did not do it, and——

Mr. OLDFIELD. He is a very able man.

Mr. MANN. When the legislative bill was up in the House that part was stricken out, but it was restored in the Senate, and it is still in the law. It remained in the bill in conference. I should think that that very bright man, fearing that that provision might be left out of the law, and if left out of the law some one might succeed him——

Mr. OLDFIELD. I do not think so——

Mr. MANN. Concluded he would get up this bill. It is no discredit to him at all, but all these things are taken care of in the existing legislation, all except two or three places. I have named five of them. Let the gentleman from Arkansas name the others.

Mr. OLDFIELD. It is to equalize the examining force in the different divisions. There are to-day 110 fourth assistant examiners, and there are only 83 third assistant examiners, 73 second assistant examiners, and 63 first assistant examiners. They should be made equal in number, so that the promotions will come along regularly. It equalizes the work in the Patent Office. I think it is a very important bill and very necessary.

Mr. MANN. How many are there now?

Mr. OLDFIELD. There are 110 fourth assistant examiners.

Mr. MANN. There are now 63 first assistant examiners at $2,400 each, and 73 second assistants at $2,100 each, and 88 third assistants at $1,800 each, and 110 fourth assistants at $1,500 each. I doubt whether there is any occasion to pass this legislation. But I think these men are overworked and underpaid, so far as that is concerned.

Mr. OLDFIELD. Then why not equalize the number? I think the Commissioner of Patents is right about it, and the previous Commissioner of Patents also was in favor of this legislation, but it was never presented. We did not report it.

The inventors of the country are demanding more thorough searches, and they are entitled to it. The inventors of the country pay the expense of running the Patent Office, and the Patent Office this year will have a surplus of something like $200,000. This bill eventually will only increase the salaries by $61,000 or $62,000 a year, and anything that we can do that will make the searches more thorough and make the patents issued to inventors more valuable and more certain ought to be done, in my opinion; that is, if it is within reason.

Mr. MANN. I fully agree with the gentleman in all that general language, but the question here is whether we ought to increase a large number of salaries by unanimous consent without any showing whatever on the subject.

Mr. OLDFIELD. Well, the report shows very clearly, it seems to me, what the necessity is.

Mr. MANN. It can be done at any time by unanimous consent on an appropriation bill.

Mr. OLDFIELD. I do not want to do it that way.

Mr. MOORE. Mr. Speaker, will the gentleman yield?

The SPEAKER pro tempore (Mr. FLOYD of Arkansas). Does the gentleman yield?

Mr. OLDFIELD. Yes.

Mr. MOORE. A paragraph in the report says:

> The total number of increases in the force by the foregoing bill are 15, and the total annual increase of salaries due to this increase in the members of the force and reorganization of the assistant examiners is slightly more than $61,000.

Mr. OLDFIELD. That is right.

Mr. MANN. You see, the commissioner was not very frank. The gentleman from Pennsylvania got the idea from that that this affected only 15 places, and the language is susceptible of that interpretation. But notice that is not what it says. If it did say that, it would not be true.

Mr. MOORE. It says:

> The total number of increases in the force by the foregoing bill are 15.

That is to say, 15 new appointees. That is the inference to be drawn from this language.

Mr. MANN. There are more than that.

Mr. MOORE. And, including the creation of 15 new places, the total increase of salaries would be $61,000.

Mr. OLDFIELD. They really are not new places. The places are there, but it is desired to equalize the examining force in the office.

Mr. MOORE. Has the need for this increase existed for a long time?

Mr. OLDFIELD. Yes; ever since I have been on the committee.

Mr. MANN. I think there ought to be a considerable increase in the number and salaries of these men in the Patent Office, but I do not think a bill of this kind ought to be passed by unanimous consent. I therefore object.

The SPEAKER pro tempore. The gentleman from Illinois objects. The Clerk will report the next bill.

ENLARGED HOMESTEADS.

The next business on the Calendar for Unanimous Consent was the bill (H. R. 12919) to amend an act entitled "An act to provide for an enlarged homestead."

The bill was read, as follows:

Be it enacted, etc., That sections 3 and 4 of the act entitled "An act to provide for an enlarged homestead," approved February 19, 1909, and of an act entitled "An act to provide for an enlarged homestead," approved June 17, 1910, as amended by an act approved February 11, 1913, be, and the same are hereby, amended to read as follows:

"SEC. 3. That any person who has made, or shall make, homestead entry of lands of the character herein described, and who has not submitted final proof thereon, or who having submitted final proof still owns and occupies the land thus entered, shall have the right to enter public lands, subject to the provisions of this act, contiguous to his first entry, which shall not, together with the original entry, exceed 320 acres: *Provided*, That the land originally entered and that covered by the additional entry shall have first been designated as subject to this act, as provided by section 1 thereof.

"SEC. 4. That at the time of making final proof, as provided in section 2291 of the Revised Statutes, the entryman under this act shall, in addition to the proofs and affidavits required under said section, prove by himself and two credible witnesses that at least one-sixteenth of the area embraced in such entry was continuously cultivated for agricultural crops other than native grasses, beginning with the second year of the entry, and that at least one-eighth of the area embraced in the entry was so continuously cultivated beginning with the third year of the entry: *Provided*, That any qualified person who has heretofore made, or who hereafter makes, additional entry under the provisions of section 3 of this act to an entry upon which final proof has not been made, may be allowed to perfect title to his original entry by showing compliance with the provisions of section 2291 of the Revised Statutes, respecting such original entry, and thereafter in making proof upon his additional entry shall be credited with residence maintained upon his original entry from date of such original entry, but the cultivation required upon entries made under this act must be shown respecting such additional entry, which cultivation, while it may be made upon either the original or additional entry or upon both entries, must be cultivation in addition to that relied upon and used in making proof upon the original entry; or, if he elects, his original and additional entries may be considered as one, with full credit for residence upon and improvement made upon his original entry, in which event the amount of cultivation herein required shall apply to the total area of the combined entry, and proof may be made upon such combined entry whenever it can be shown that the cultivation required by this section has been performed; and to this end the time within which proof must be made upon such a combined entry is hereby extended to seven years from the date of the original entry: *Provided further*, That where an entry is made as additional to an entry upon which final proofs has heretofore been submitted by an entryman who still owns and occupies the land thus entered, the entryman in making proof upon his additional entry shall be credited with residence maintained upon his original entry from date thereof, but the cultivation required upon entries made under this act must be shown respecting such additional entry and must be performed upon the land included therein to the extent and for the period required in connection with original entries under this act, proof of which must be submitted within five years from and after the date of the additional entry: *Provided further*, That nothing herein contained shall be so construed as to require residence upon the combined entry in excess of the period of residence as required by section 2291 of the Revised Statutes."

With the following committee amendments:

Page 3, line 23, after the word "has," strike out the word "heretofore" and insert the word "theretofore."

The SPEAKER pro tempore. Is there objection?

Mr. MOORE. Mr. Speaker, reserving the right to object, I should like to have an explanation of this bill.

Mr. SINNOTT. Mr. Speaker, the present enlarged homestead act permits an entry on 320 acres of arid land, land which is nonirrigable and does not contain timber.

Mr. MOORE. That is the law now?

Mr. SINNOTT. That is the law now. In addition to that it permits the entryman, before final proof, if his original entry was 160 acres of this arid land, to take an additional 160 acres.

Mr. MANN. That is where he has already taken 160 acres?

Mr. SINNOTT. Yes; where he has already taken 160 acres it permits him to take an additional 160 acres of this arid land before final proof. Now, this bill aims to give the right to take an additional 160 acres of contiguous land to one who has already made final proof.

Mr. MOORE. That is to say, a man who has already acquired 160 acres——

Mr. SINNOTT. A man who has already acquired 160 acres——

Mr. MOORE. Can by virtue of this law acquire an additional 160 acres?

Mr. SINNOTT. The gentleman is correct.

Mr. MOORE. To bring him up to an equality with the man who takes 320 acres under the new law.

Mr. SINNOTT. Provided his original entry is of arid land.

Mr. MOORE. Provided it is of the same quality of land.

Mr. SINNOTT. And contiguous.

Mr. MOORE. In looking over the bill hurriedly I find one provision which says:

> That nothing herein contained shall be so construed as to require residence upon the combined entry in excess of the period of residence as required by section 2291 of the Revised Statutes.

Mr. SINNOTT. That is merely the present law, and the entire bill is really a reenactment of the present law with the necessary changes to give to the entryman after final proof this privilege of taking an additional 160 acres.

Mr. MOORE. Will the gentleman state the merits of this proposition? If a man already has 160 acres, why does he want an additional 160 acres? Is he unable to make a living on 160 acres?

Mr. SINNOTT. Of course, the theory is that the land will not be designated as arid land if the entry is of such a character that the entryman can make a living upon the 160 acres. In addition to that, there is another reason: Frequently an entryman applies for the additional 160 acres before making final proof. After his application is filed, on account of delays in the survey, and sometimes by a contest, he is compelled to go to final proof on his original entry, and therefore his subsequent application dies.

Mr. MOORE. What is the position of the man who has 160 acres adjoining whose entry there is no contiguous land by which he can benefit under this act?

Mr. SINNOTT. He is not benefited at all.

Mr. MOORE. Then, the man who is surrounded by neighbors, where there is available no contiguous land, is simply shut out from the advantages that the other man can obtain under this bill.

Mr. SINNOTT. He gets nothing under this bill.

Mr. MANN. They have got another bill to let him in.

Mr. MOORE. Before I consent to the passage of this bill I should like to have the gentleman, who is well informed, or some member of the committee, state whether or not it is true, as is sometimes asserted from the Department of the Interior, that a man can not exist and raise a family on 160 acres of land.

Mr. SINNOTT. There are many quarter sections of 160 acres of which that is true.

Mr. TAYLOR of Colorado. If the gentleman will permit, I will tell him where he can find 10,000 acres of land on which a man can not raise a family, on which he can not raise a spear of grass.

Mr. MOORE. Of course there is desert land or wholly arid land. I can not understand and I do not assume that a man would be foolish enough to take 160 acres of wholly arid land.

Mr. TAYLOR of Colorado. Oh, yes.

Mr. MANN. There are some very foolish people in the West.

Mr. MOORE. There are some who go there from the East.

Mr. DONOVAN. Regular order, Mr. Speaker.

Mr. MOORE. Reserving the right to object, Mr. Chairman——

Mr. DONOVAN. Regular order.

The SPEAKER pro tempore. The gentleman from Connecticut demands the regular order. The regular order is, Is there objection to the consideration of this bill?

Mr. MOORE. I reserve the right to object.

Mr. MONDELL. Answering the last inquiry of the gentleman from Pennsylvania——

Mr. DONOVAN. Mr. Speaker——

The SPEAKER pro tempore. Is there objection?

Mr. MOORE. A parliamentary inquiry, Mr. Speaker.

The SPEAKER pro tempore. The gentleman will state it.

Mr. MOORE. Have not I the right to reserve an objection in order that an explanation may be made of the bill?

The SPEAKER pro tempore. But the regular order is demanded.

Mr. MOORE. A parliamentary inquiry, Mr. Speaker. If a gentleman seeks information on a bill, is it wholly within the power of a Member, the gentleman from Connecticut, for instance, to force the Member to object or not to object, thus forcing its passage or defeat without any discussion?

The SPEAKER pro tempore. Is there objection?

Mr. MOORE. I have made a parliamentary inquiry, Mr. Speaker.

The SPEAKER pro tempore. The Chair has held that the regular order is to put the question; is there objection?

Mr. MOORE. Reserving the right to object——

The SPEAKER pro tempore. The Chair hears no objection.

Mr. SINNOTT. Mr. Speaker, I ask that the bill be considered in the House as in Committee of the Whole.

The SPEAKER pro tempore. The gentleman from Oregon asks unanimous consent that this bill be considered in the House as in Committee of the Whole. Is there objection?

There was no objection.

The SPEAKER. The question is on agreeing to the committee amendment.

Mr. RAKER. Mr. Speaker, I rise to say something on this amendment, and I ask unanimous consent to extend my remarks in the RECORD on the question of woman suffrage and to include therein an article written by Hon. William J. Bryan, as published in The Commoner.

The SPEAKER. The gentleman from California asks unanimous consent to extend his remarks in the RECORD on the subject of woman suffrage and to include therein a statement by the Hon. William J. Bryan. Is there objection?

Mr. MONDELL. Reserving the right to object, Mr. Speaker, I want to ask the gentleman from California if he has any objection to placing in the RECORD together with the speech that he refers to the resolution adopted by the late Democratic caucus on the question of woman suffrage, and if he further has any objection to placing in the RECORD along with the speech the statement made by the President recently to a delegation of ladies interested in woman suffrage?

Mr. RAKER. Mr. Speaker, I am preparing, I will say to the gentleman——

Mr. MANN. The regular order, Mr. Speaker.

The SPEAKER. The gentleman from Illinois demands the regular order, and the regular order is, Is there objection to the request of the gentleman from California?

Mr. MONDELL. I object, unless the gentleman from California will include the other matters I have referred to.

The SPEAKER. The gentleman from Wyoming objects. The question is on the committee amendment.

Mr. RAKER. Mr. Speaker, my five minutes has not expired on this amendment. There is no use in trying to rush the matter through. I want to say that many men get up and take much time here, and I believe that ordinarily a Member ought to have a right to express his general views on some subjects.

Mr. BYRNS of Tennessee. Does not the gentleman think, in view of the fact that there are other bills on the calendar and that the hour is getting late, that he ought to let this bill take its course so that other Members can have their bills considered?

Mr. MANN. The gentleman from California has got his bill through.

Mr. RAKER. Mr. Speaker, may I answer the gentleman?

Mr. BURNETT. A parliamentary inquiry, Mr. Speaker.

The SPEAKER. The gentleman will state it.

Mr. BURNETT. Is there any five-minute rule in operation?

The SPEAKER. There is not. The gentleman said he had five minutes on an amendment, but the Chair heard no amendment offered by the gentleman from California. The gentleman from California asked unanimous consent to extend his remarks in the RECORD, and the gentleman from Wyoming practically objected.

Mr. RAKER. Mr. Speaker, I want to make another request for unanimous consent. I ask unanimous consent to extend and revise my remarks on the bill H. R. 1991, which was disposed of to-day.

The SPEAKER. The gentleman from California asks unanimous consent to extend and revise his remarks on the bill H. R. 1991.

Mr. MANN. What was that bill?

Mr. RAKER. It was the bill H. R. 1991, referring to the expatriation of citizens and their protection abroad.

The SPEAKER. Is there objection?

Mr. MONDELL. Reserving the right to object, does the gentleman intend to include the suffrage statement to which he has referred as a part of his remarks?

Mr. RAKER. If I get permission to extend my remarks, I shall put in what I think is legitimate.

Mr. MANN. Mr. Speaker, I object.

The SPEAKER. The question is on agreeing to the committee amendment to this bill.

The amendment was agreed to.

The bill as amended was ordered to be engrossed and read a third time, was read the third time, and passed.

On motion of Mr. SINNOTT, a motion to reconsider the vote whereby the bill was passed was laid on the table.

JUDICIAL PROCEEDINGS IN THE UNITED STATES COURTS.

The next business on the Calendar for Unanimous Consent was the bill (H. R. 4545) to amend an act entitled "An act to codify, revise, and amend the laws relating to the judiciary," approved March 3, 1911.

The Clerk read the bill, as follows:

Be it enacted, etc., That the act entitled "An act to codify, revise, and amend the laws relating to the judiciary," approved March 3, 1911, be, and the same is hereby, amended by inserting after section 274 thereof three new sections, to be numbered, respectively, 274a, 274b, and 274c, reading as follows:

"SEC. 274a. That in case any of said courts shall find that a suit at law should have been brought in equity or a suit in equity should have been brought at law, the court shall order any amendments to the pleadings which may be necessary to conform them to the proper practice. Any party to the suit shall have the right, at any stage of the cause, to amend his pleadings so as to obviate the objection that his suit was not brought on the right side of the court. The cause shall proceed and be determined upon such amended pleadings. All testimony taken before such amendment shall stand as testimony in the cause with like effect as if the pleadings had been originally in the amended form.

"SEC. 274b. That in all actions at law equitable defenses may be interposed by answer, plea, or replication without the necessity of filing a bill on the equity side of the court. The defendant shall have the same rights in such case as if he had filed a bill embodying the defense of seeking the relief prayed for in such answer or plea. Equitable relief respecting the subject matter of the suit may thus be obtained by answer or plea. In case affirmative relief is prayed in such answer or plea, the plaintiff shall file a replication. Review of the judgment or decree entered in such case shall be regulated by rule of court. Whether such review be sought by writ of error or by appeal the appellate court shall have full power to render such judgment upon the records as law and justice shall require.

"SEC. 274c. That where, in any suit brought in or removed from any State court to any district of the United States, the jurisdiction of the district court is based upon the diverse citizenship of the parties, and such diverse citizenship in fact existed at the time the suit was brought or removed, though defectively alleged, either party may amend at any stage of the proceedings and in the appellate court upon such terms as the court may impose, so as to show on the record such

diverse citizenship and jurisdiction, and thereupon such suit shall be proceeded with the same as though the diverse citizenship had been fully and correctly pleaded at the inception of the suit, or, if it be a removed case, in the petition for removal."

The SPEAKER. Is there objection?

Mr. MOORE. Mr. Speaker, I object.

HOUR OF MEETING TO-MORROW.

Mr. UNDERWOOD. Mr. Speaker, I ask unanimous consent that when the House adjourns to-day it adjourn to meet at 11 o'clock to-morrow. I am anxious to expedite the general dam bill and get it out of the way, and I understand the sundry civil conference report will probably be brought up. I would like that additional hour, if possible.

The SPEAKER. The gentleman from Alabama asks unanimous consent that when the House adjourns to-day it adjourn to meet at 11 o'clock a. m. to-morrow. Is there objection?

Mr. MANN. Mr. Speaker, reserving the right to object, my understanding was to-day that the general debate on the dam bill would last certainly through to-morrow.

Mr. UNDERWOOD. That is my understanding.

Mr. MANN. So that we may be assured if we meet at 11 o'clock in the morning the House will not proceed to read the general dam bill for amendment?

Mr. UNDERWOOD. I understand from the gentleman in charge of the bill, Mr. ADAMSON, that he does not expect to take the bill up under the five-minute rule to-morrow.

Mr. ADAMSON. Mr. Speaker, it will not be possible, in my judgment.

The SPEAKER. Is there objection?

There was no objection, and it was so ordered.

THE GENERAL DAM ACT.

Mr. ADAMSON. Mr. Speaker, the amendments which have been tentatively agreed upon by a number of gentlemen interested in the general dam bill have already been printed, and I would like to print in the RECORD for the convenience of Members the new form of the bill, as remodeled by the amendments. I have also an additional statement or resolution passed by the Chamber of Commerce of Los Angeles, Cal., which I will also ask to print in the RECORD.

The SPEAKER. Is there objection?

Mr. MANN. Mr. Speaker, I do not care anything about the printing of the resolutions. I will ask the gentleman if the bill now proposed to be printed is different from the bill form already printed?

Mr. ADAMSON. The proposed amendments are printed in it.

Mr. MANN. What does the gentleman want to do—simply insert in the RECORD what has already been printed in bill form?

Mr. ADAMSON. Yes; in bill form.

Mr. MANN. It is not something new?

Mr. ADAMSON. No.

The SPEAKER. Is there objection?

There was no objection, and it was so ordered.

The bill and the resolution referred to are as follows:

A bill (H. R. 16053) to amend an act entitled "An act to regulate the construction of dams across navigable waters," approved June 21, 1906, as amended by the act approved June 23, 1910.

Be it enacted, etc., That the act entitled "An act to regulate the construction of dams across navigable waters," approved June 23, 1910, be, and the same is hereby, amended to read as follows:

"SECTION 1. That when consent has been or may hereafter be granted by Congress, either directly or indirectly through any duly authorized official or officials of the United States, to any persons to construct and maintain a dam for water power or other purpose across or in any of the navigable waters of the United States, such dam shall not be built or commenced until the plans and specifications for such dam and all accessory works, together with such drawings of the proposed construction and such map of the proposed location as may be required for a full understanding of the subject, have been submitted to the Secretary of War and the Chief of Engineers for their approval, nor until they shall have approved such plans and specifications and the location of such dam and accessory works; and after such approval it shall not be lawful to deviate from such plans or specifications either before or after completion of the structure unless the modification of such plans or specifications has previously been submitted to and received the approval of (the Chief of Engineers and of) the Secretary of War [and the Chief of Engineers].

"SEC. 2. That as a part of such approval such conditions and stipulations may be imposed as the Secretary of War and the Chief of Engineers may deem necessary to protect the present and future interests of the United States, which may include the condition that the persons constructing or maintaining such dam shall construct, maintain, and operate in connection therewith, without expense to the United States, a lock or locks, booms, sluices, or any other structure or structures which the Secretary of War and the Chief of Engineers or Congress *then* may deem necessary in the interests of navigation, in accordance with plans *made a part of such approval;* and also that *in case such facilities of navigation shall not be made a part of such original approval and construction,* whenever Congress shall deem such facilities necessary, the persons owning such dam shall convey to the United States, free of cost, title to such land as may be required for such constructions and approaches, and shall grant to the United States free water power or power generated from water power for building and operating such constructions, *and in such original approval, at the discretion of the Secretary of War and Chief of Engineers, may be required to maintain and operate such lock without expense to the United States* [: *Provided*, That whenever Congress has heretofore provided, either directly or indirectly, through any official or department of the United States Government, for the construction, maintenance, and operation of a lock, free of cost to the United States, as may be deemed necessary for navigation by the Secretary of War and Chief of Engineers in any dam in navigable waters authorized by law at the date of passage of this act, in all such cases such obligation shall continue to be of full force and effect].

"SEC. 3. That as a part of said approval the Secretary of War and the Chief of Engineers *shall require* that the plans, specifications, and location for any dam shall be such as shall be best adapted to a comprehensive plan for the improvement of the waterway in question for the uses of navigation and for the full development of its water power *and for other beneficial public purposes, and best adapted to conserve and utilize, in the interests of navigation and water-power development, the water resources of the region.*

"SEC. 4. That as a part of the conditions and stipulations such approval shall provide—

"(a) For reimbursement to the United States of all expenses incurred by the United States with reference to the project, including the cost of any investigation necessary for the approval of the plans as heretofore provided, and for such supervision of construction as may be necessary in the interest of the United States.

"(b) (For the payment to the United States of reasonable charges for the benefits which may accrue to such project through the construction, operation, and maintenance by the United States of headwater improvements, including storage reservoirs, on any such stream, such charges to be fixed from time to time by the Secretary of War and Chief) [For the payments to the United States of reasonable charges for the benefits which may accrue to such project through the construction, operation, and maintenance, in and about such streams, by the United States of headwater improvements of every kind, nature, and description, including storage reservoirs or forested watersheds or land owned, located, or reserved by the United States at the headwaters of any navigable stream for the development, improvement, or preservation of navigation in such stream in which such dam may be located. Such charges shall be fixed from time to time by the Secretary of War and Chief] of Engineers and *to be based upon a reasonable compensation equitably apportioned among the grantee and others similarly situated upon the same stream receiving benefits by reason of increase of flow past their water-power structures artificially caused by such headwater improvements, the total charges to all such beneficiaries from any such headwater improvement not to exceed in any one year an amount equal to five per centum of the total investment cost, in addition to the necessary annual expense of the operation of such headwater improvement.*

"(c) (*That in the construction, maintenance, and operation of such dam and accessory works there may be occupied and used such lands of the United States as may be necessary therefor, and in consideration thereof the owner of such dam shall pay to the United States such charges, not to exceed an annual payment of 5 per cent of the fair value of such lands, as may be fixed by the Secretary of War and Chief of Engineers, and in fixing such charges consideration shall be taken of the benefits accruing thereby to the interests of navigation as well as to the business of such grantee*) [That in the construction, maintenance, and operation of any project under this act for the promotion of navigation, the grantee may, with the consent of the Secretary of War, use and occupy, when necessary for carrying out the project, lands acquired by the United States through purchase or condemnation and any part of the public lands withdrawn by the President from entry or disposition for the sole purpose of promoting navigation, which the President may do as provided in the act entitled 'An act to authorize the President of the United States to make withdrawal of public lands in certain cases,' approved June 25, 1910. For any of such lands so used the grantee shall pay to the United States such charges as may be fixed by the Secretary of War].

"(d) For the payment *or securing the payment to* the United States of such sums and in such manner as the Secretary of War and the Chief of Engineers may deem reasonable and just substantially to restore conditions upon such stream as to navigability as existing at the time of such approval, *whenever the Secretary of War and the Chief of Engineers shall determine that navigation would be injured by reason of the construction, maintenance, and operation of such dam and its accessory works.*

"SEC. 5. That the operation of navigation facilities which shall be constructed as a part of or in connection with any such dam, whether at the expense of such grantee or of the United States, shall at all times be subject to such reasonable rules and regulations in the interest of navigation, including the control of the level of the pool caused by any such dam, as shall be made by the Secretary of War and Chief of Engineers, *and in the use and operation of such navigation facilities the interests of navigation shall be paramount to the uses of such dam by such grantee for power purposes.* Such rules and regulations may include the maintenance and operation by such grantee, at its own expense, of such lights and other signals as may be directed by the Secretary of War and Chief of Engineers and such fishways as shall be prescribed by the Secretary of Commerce, and for failure to comply with any such rule or regulation such grantee shall be deemed guilty of a misdemeanor, and upon conviction thereof shall be subject to a fine of not less than $500 for each month's default, in addition to other penalties herein prescribed or provided by law.

"SEC. 6. That the persons constructing, maintaining, or operating any dam or appurtenant or accessory works, in accordance with the provisions of this act, shall be liable for any damage that may be inflicted thereby upon private property, either by overflow or otherwise.

"SEC. 7. That any grantee who shall fail or refuse to comply with the lawful order of the Secretary of War, made in accordance with the provisions of this act, shall be deemed guilty of a misdemeanor, and on conviction thereof shall be punished by a fine not exceeding *$1,000*, and every month such grantee shall remain in default shall be deemed a new offense and subject such grantee to additional penalties therefor; and in addition to said penalties the Attorney General may, on request of the Secretary of War, institute proper proceedings in the district court of the United States in the district in which such structure or any of its accessory works may, in whole or in part, exist, for the purpose of having such violation stopped by injunction, mandamus, or other process; and any such district court shall have jurisdiction over all such proceedings and shall have the power to make and enforce all writs, orders, and decrees necessary to compel the compliance with the requirements of this act and the lawful orders of the Secretary of War and the performance of any condition or stipulation imposed under the provisions of this act; *and if the unlawful maintenance and operation are shown to be such as shall require a revocation of all rights*

and privileges held under authority of this act, the court may decree such revocation. In case of such a decree, the court may wind up the business of such grantee conducted under the rights in question, and may decree the sale of the dam and all appurtenant property constructed or acquired under authority of this act, and may declare such dam and accessory works to be an unreasonable obstruction to navigation and cause their removal at the expense of the grantee owning or controlling the same, except when the United States has been previously reimbursed for such removal, or may provide for the sale of the dam and all accessory and appurtenant works constructed under authority of this act for the further development of water power, and may make and enforce such other and further orders and decrees as equity demands; *and in case of such a sale for the further development of water power the vendee shall take the rights and privileges and shall perform the duties which belonged to the previous grantee, and shall assume such outstanding obligations and liabilities arising out of the maintenance and operation of said dam and accessory works for power purposes as the court may deem equitable in the premises.*

"Sec. 8. That no property or project installed and operated under the provisions or benefits of this act shall be assigned or transferred except upon the written consent of the Secretary of War, except by trust deed or mortgage issued for the purpose of financing the business of such owner, and any successor or assign of such property or project, whether by voluntary transfer, judicial sale, or foreclosure sale or otherwise, shall be subject to all the conditions of the approval under which such rights are held, and also subject to all the provisions and conditions of this act to the same extent as though such successor or assign were the original owner hereunder.

"SEC. 9. That the rights herein granted shall continue for a period of 50 years *from and after the date of the completion of the (structure)* [dam] *described in the original approval, and after the expiration of said 50 years such rights shall continue until compensation has been made to said grantee for the fair value of its property, as hereinafter provided* [, or until said rights and privileges are revoked as provided in this act, or until action by Congress shall have provided for the disposition of the project or for extending the consent of Congress and fixing the period of extension, as well as providing such additional terms and conditions of consent as Congress may deem wise].

"Sec. 10. That at any time after the expiration of said 50 years the Secretary of War may terminate the rights hereby granted upon giving to the owners thereof one year's notice in writing of such termination, and upon the taking over by the United States, or by any person authorized by Congress, of all of the property dependent in whole or in part for its usefulness upon the rights hereby granted, which shall include all necessary and appurtenant property created or acquired and valuable or serviceable in the distribution of water or in the generation, transmission, and distribution of power, and all other property the value and usefulness of which would be destroyed or seriously impaired by such termination, and upon paying the fair value of said property, together with the cost, to the grantee of the lock or locks or other aids to navigation and all other capital expenditures required by the United States, and assuming all contracts entered into prior to the receipt by it of said notice of termination which have the approval of the duly constituted public authority having jurisdiction thereof, or which were entered into in good faith and at a reasonable rate, in view of all the circumstances existing at the time such contracts were made. The fair value of said property and the reasonableness and good faith of such contracts shall be determined by agreement between the Secretary of War and the owners of such property, and in the event of their failure to agree, then by proceedings instituted by the United States, or by any person authorized by Congress, in the district court of the United States within which any portion of such dam may be located. In the determination of the value of said property upon the termination of said grant as above provided no (value) [compensation] *shall be claimed by or allowed for the consent hereby granted, nor for good will, profit in pending contracts, nor other conditions of current or prospective business* [; nor shall compensation for any land acquired from the United States or any State or subdivision thereof exceed the cost originally paid by the grantee].

"Sec. 11. That in all cases where the electric current generated from or by any of the projects provided for in this act [including leases under section 14 hereof] *shall enter into interstate or foreign commerce, the rates, charges, and service for the same to the consumers thereof shall be just and reasonable, and every unjust and unreasonable and unduly discriminatory charge, rate, or service therefor is hereby prohibited and declared to be illegal; and whenever the Secretary of War shall be of the opinion that the rates or charges demanded or collected on the service rendered for such electric current are unjust, unreasonable, or unduly discriminatory, upon complaint made therefor and full hearing thereon the Secretary of War is hereby authorized and empowered to determine and prescribe what shall be the just and reasonable rates and charges therefor to be observed as the maximum to be charged and the service to be rendered; and in case of the violation of any such order of the Secretary of War the provisions of this act relative to forfeiture and failure to comply shall apply. That in the valuation for rate-making purposes of the property existing under said approval of the project there may be considered any lock or locks, or other aids to navigation, and all other capital expenditures required by the United States.*

"The Secretary of War is further authorized and directed to include among the conditions for his approval of any plans or any project herein provided, [including leases under section 14 hereof,] *as an express condition thereof, a clause reserving to the Secretary of War the same rights, powers, and duties set forth in this section, together with the same penalty for violation thereof: Provided, That whenever the State in which such current shall be used shall have provided by law adequate regulation for rates, charges, and service to the consumers for such electric current, and such regulation shall not be unduly discriminatory or unjust against the service or charges in any other State arising from the use of the power from the same project, and such facts shall be established to the satisfaction of the Secretary of War, then in such case the provisions of this section shall not apply to the rates, charges, and service in and for such State.*

"SEC. 12. That the grantee shall commence the construction of the dam and accessory works within one year from the date of the approval herein provided, and shall thereafter, *in good faith and with due diligence, prosecute such construction, and shall, within the further term of three years, complete* [the dam] *and* [afterwards shall] *put in commercial operation such part of the ultimate development as the Secretary of War and the Chief of Engineers shall deem necessary to supply the reasonable needs of the then available market, and shall, from time to time thereafter, construct such portion of the balance of such ultimate development as said Secretary of War and Chief of Engineers may direct and within the time specified by said Secretary of War and Chief of Engineers, so as to supply adequately the reasonable market demands until such ultimate development shall be completed; and extensions of the periods herein specified, not to exceed two years, may be granted by the Secretary of War, on recommendation of the Chief of Engineers, when, in his judgment, the public interest will be promoted thereby. In case the grantee shall not commence actual construction within the time herein prescribed, or as extended by the Secretary of War, then the authority as to such grantee shall terminate, and in case any dam and accessory works be not completed within the time herein specified or extended as herein provided, then the Attorney General, upon the request of the Secretary of War, shall institute proper proceedings in the proper district court of the United States for the revocation of said authority, the sale of the works constructed, and such other equitable relief as the case may demand, as provided for in section 8 of this act.*

"SEC. 13. That the right to alter, amend, or repeal this act is hereby expressly reserved as to any and all dams which may be authorized in accordance with the provisions of this act *whenever Congress determines that the conditions of consent have been violated.* In such case the United States shall incur no liability for the alteration, amendment, or repeal thereof to the owner or owners or any other persons interested in such dam.

"Sec. 14. That the Secretary of War, upon the advice and with the approval of the Chief of Engineers, may lease to any applicant having complied with the laws of the State in which the dam is constructed or to be constructed by the United States, the right to develop power from the surplus water over and above that required for navigation at any navigation dam now or hereafter constructed, either with or without contribution by the applicant, and owned by the United States, and on such terms as may be deemed by the Secretary of War and Chief of Engineers for the best interests of the United States, and in awarding such lease preference shall be given to the applicant whose plans are deemed by any action of Congress or by the Secretary of War and Chief of Engineers to be best adapted to conserve and utilize in the public interest the navigation and water-power resources of the region [: *Provided*, That no lease shall be made to any private corporation or applicant operating for private profit for a longer term than 50 years, and that the provisions of this act, so far as applicable, shall be made a part of the terms and conditions of any such lease], *and all such leases and the parties thereto and the terms and conditions thereof shall be reported annually to Congress.*

"Sec. 15. That no works constructed, maintained, and operated under the provisions of this act shall be owned, trusteed, or controlled by any device or in any manner so that they may form a part of, or in any manner effect, a combination in the form of an unlawful trust or form the subject of an unlawful contract or conspiracy to limit the output of electric energy or in restraint of the generation, sale, or distribution of electric energy, or the exercises of any other business contemplated: Provided, however, That it shall be lawful, under the approval of the Secretary of War, for different grantees to exchange and interchange currents, to assist one another whenever necessary, by supplementing the currents or power, and enable any grantee to secure assistance to carry on the business and supply his customers, accounting therefor and paying therefor under regulations to be prescribed by the Secretary of War.

"In no case shall such an arrangement be permitted to raise the price, render unjust or unfair any practice, work, or discrimination, or operate in restraint of trade.

"SEC. 16. That the word 'persons' as used in this act shall be construed to import both the singular and the plural, as the case demands, and shall include corporations, companies, and associations. The word 'dam' as used in this act shall be construed to import both the singular and plural, as the case demands.

"Sec. 17. (That all provisions in this act contained fixing conditions upon which the consent of Congress is granted for the construction of dams shall apply alike to all existing enterprises in operation or authorized, as well as to new projects to which the consent of Congress may hereafter be granted. All conflicting provisions contained in any act of Congress granting consent to the construction of any dam are hereby repealed, and all such previous authorizations are so altered, amended, and modified hereby as to conform to all of the conditions and provisions incorporated in this act.") [That all of the provisions in sections 2, 3, 4, 5, 11, and 15 of this act fixing conditions of the consent of Congress and regulating practices and charges between the grantees and their customers for the construction, maintenance, and operation of dams in the navigable waters of the United States shall apply alike to all existing enterprises in operation or previously authorized in the navigable waters of the United States in which the approval and supervision of the Secretary of War and Chief of Engineers are required, as well as to new projects in the navigable waters of the United States for which the consent of Congress may hereafter be granted, in the construction, maintenance, and operation of which the approval and supervision of the Secretary of War and Chief of Engineers shall be required. All conflicting provisions contained in any previous act of Congress granting consent for the construction, maintenance, and operation of any dam in the navigable waters of the United States in the construction, maintenance, and operation of which the approval and supervision of the Secretary of War and the Chief of Engineers were required are hereby repealed, and all such previous authorizations are so altered, amended, and modified hereby as to conform to all the conditions and provisions in said sections 2, 3, 4, 5, 11, and 15 of this act.]

[SEC. 18. That the provisions of this act shall not apply to irrigation or power dams or other projects under the jurisdiction of the Secretary of the Interior or the Secretary of Agriculture upon the public lands of the United States, nor grants to municipal corporations for the use of water power or water power for municipal purposes, heretofore directly authorized by Congress or indirectly authorized through some department or official of the Government of the United States.]

IN RE WATER-POWER LEGISLATION.

JULY 9, 1914.

"Be it resolved, That the Los Angeles Chamber of Commerce respectfully urges upon Congress the necessity of passing water-power legislation at this session of Congress, of such nature, while protecting the public interest, as shall make it possible to secure capital for development purposes and establish a definite and comprehensive policy for the utilization of water power under Government control.

"Be it resolved, That copies of this resolution be sent to the President of the United States, to the Speaker of the House, to the Secretaries of War and of the Interior, to the Senate Committee on Irrigation and Reclamation of Arid Lands, to the House Committee on Interstate and Foreign Commerce, and to Members of the United States Senate and

House of Representatives from the Rocky Mountain and Pacific Coast States."

I hereby certify that the above is a true and correct copy of the resolution adopted by the board of directors of the Los Angeles Chamber of Commerce at the regular meeting held Wednesday, July 8, 1914.

LOUIS M. COLE, *President.*

Attest:

FRANK WIGGINS, *Secretary.*

SENATE CONCURRENT RESOLUTION REFERRED.

Under clause 2 of Rule XXIV, Senate concurrent resolution of the following title was taken from the Speaker's table and referred to its appropriate committee, as indicated below:

S. Con. Res. 28. Concurrent resolution accepting the statue of George Washington Glick, presented by the State of Kansas, and tendering thanks of Congress therefor; to the Committee on the Library.

JUDICIAL PROCEEDINGS IN THE UNITED STATES COURTS.

Mr. DUPRÉ. Mr. Speaker, I ask unanimous consent that the bill (H. R. 4545) just objected to be restored to its place on the calendar.

The SPEAKER. The gentleman from Louisiana asks unanimous consent that the bill H. R. 4545 shall be passed over without objection. Is there objection?

Mr. MANN. Reserving the right to object, is that a bridge bill?

Mr. DUPRÉ. No.

Mr. MOORE. I understood the request to be that it should be restored to its place on the calendar?

The SPEAKER. That is true; it is the same thing.

Mr. MANN. Mr. Speaker, I understand the gentleman from Pennsylvania to withdraw his objection. Why not consider the bill now?

Mr. WEBB. Mr. Speaker, the gentleman from Pennsylvania has withdrawn his objection to the bill H. R. 4545. May we not consider it now by unanimous consent?

Mr. MANN. We have not yet passed it by.

The SPEAKER. The gentleman from Pennsylvania withdraws his objection to the present consideration of the bill. The Chair will put the question over again. Is there objection to the present consideration of the bill?

There was no objection.

The SPEAKER. The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed.

On motion of Mr. DUPRÉ, a motion to reconsider the vote by which the bill was passed was laid on the table.

Mr. DUPRÉ. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD on the subject of this bill by incorporating in the RECORD a report which I made from the Committee on the Judiciary, which report was prepared by Mr. Everett P. Wheeler, of New York.

The SPEAKER. The gentleman from Louisiana asks unanimous consent to extend his remarks on the bill H. R. 4545. Is there objection? [After a pause.] The Chair hears none.

ADDITIONAL LAND FOR PUBLIC BUILDING SITE AT RICHMOND, VA.

The next business on the Calendar for Unanimous Consent was the bill (H. R. 11822) to acquire, by purchase, condemnation, or otherwise, additional land for the post office, courthouse, and custombouse in the city of Richmond, Va.

The bill was read in full.

The SPEAKER. Is there objection?

Mr. MANN. Mr. Speaker, reserving the right to object, will the gentleman explain the necessity of this, or the emergency, if there be one, why this bill should be passed by unanimous consent?

Mr. BARTON. Mr. Speaker, I do not think it will be necessary to take up the time, as I propose to object to the bill. I have no objection to its keeping its place on the calendar, but I do not think this is the time or place to pass it.

Mr. MONTAGUE. Mr. Speaker, I am very much obliged to the gentleman for his candor, because I did not want to trespass upon the time of the House if there was to be objection. Mr. Speaker, I ask unanimous consent that this bill may be passed without prejudice.

The SPEAKER. The gentleman from Virginia asks unanimous consent that the bill be passed without prejudice. Is there objection? [After a pause.] The Chair hears none.

Mr. RAKER. Mr. Speaker, I desire to have unanimous consent to extend my remarks on the bill S. 485, a bill creating an additional judgeship in southern California.

The SPEAKER. The gentleman from California asks unanimous consent to extend his remarks on the bill creating a new judgeship for southern California. Is there objection?

Mr. MONDELL. Mr. Speaker, reserving the right to object, do I understand the gentleman is to confine his remarks to the bill to which he has referred?

Mr. RAKER. That is what I stated, and when I state upon that bill it means that. I will get, if I can, irrespective of these unanimous-consent objections on the other side, the right to extend my remarks upon the question——

Mr. MANN. Mr. Speaker, then I object. The gentleman will never get anything by threats.

The SPEAKER. The gentleman from Illinois objects.

Mr. MANN. I am always here.

Mr. UNDERWOOD. Mr. Speaker——

Mr. MANN. The gentleman can not get things by threats.

Mr. RAKER. I have been here right along——

The SPEAKER. Both gentlemen are out of order.

ADJOURNMENT.

Mr. UNDERWOOD. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 5 o'clock and 40 minutes p. m.) the House adjourned to meet to-morrow, Tuesday, July 21, 1914, at 11 o'clock a. m.

EXECUTIVE COMMUNICATION.

Under clause 2 of Rule XXIV, a letter from the Acting Secretary of War, transmitting, with a letter from the Chief of Engineers, reports on preliminary examination and survey of Thoroughfare Bay, N. C., from Core Sound to Cedar Bay, near the mouth of Neuse River, Pamlico Sound (H. Doc. No. 1125), was taken from the Speaker's table and referred to the Committee on Rivers and Harbors and ordered to be printed with illustrations.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII, bills and resolutions were severally reported from committees, delivered to the Clerk, and referred to the several calendars therein named, as follows:

Mr. HAYDEN, from the Committee on the Public Lands, to which was referred the bill (S. 5316) authorizing the survey and sale of certain lands in Coconino County, Ariz., to occupants thereof, reported the same without amendment, accompanied by a report (No. 987), which said bill and report were referred to the Committee of the Whole House on the state of the Union.

Mr. TAYLOR of Colorado, from the Committee on the Public Lands, to which was referred the bill (S. 5198) to reserve certain lands and to incorporate the same and make them a part of the Pike National Forest, reported the same without amendment, accompanied by a report (No. 988), which said bill and report were referred to the Committee of the Whole House on the state of the Union.

He also, from the same committee, to which was referred the bill (S. 5197) granting public lands to the city and county of Denver, in the State of Colorado, for public-park purposes, reported the same without amendment, accompanied by a report (No. 989), which said bill and report were referred to the Committee of the Whole House on the state of the Union.

Mr. CLINE, from the Committee on Foreign Affairs, to which was referred the bill (H. R. 16542) for the control and regulation of the waters of Niagara River, and for other purposes, reported the same with amendment, accompanied by a report (No. 990), which said bill and report were referred to the House Calendar.

REPORTS OF COMMITTEES ON PRIVATE BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII, private bills and resolutions were severally reported from committees, delivered to the Clerk, and referred to the Committee of the Whole House, as follows:

Mr. EVANS, from the Committee on Claims, to which was referred the bill (S. 663) for the relief of Thomas G. Running, reported the same with amendment, accompanied by a report (No. 991), which said bill and report were referred to the Private Calendar.

Mr. SCOTT, from the Committee on Claims, to which was referred the bill (H. R. 12198) for the relief of Benjamin A. Sanders, reported the same with amendment, accompanied by a report (No. 992), which said bill and report were referred to the Private Calendar.

Mr. STEPHENS of Mississippi, from the Committee on Claims, to which was referred the bill (S. 4930) for the relief of V. E. Schermerhorn, E. C. Caley, G. W. Campbell, and Philip

Hudspeth, reported the same with amendment, accompanied by a report (No. 993), which said bill and report were referred to the Private Calendar.

PUBLIC BILLS, RESOLUTIONS, AND MEMORIALS.

Under clause 3 of Rule XXII, bills, resolutions, and memorials were introduced and severally referred as follows:

By Mr. MERRITT: A bill (H. R. 17982) to make Nyando, N. Y., a port through which merchandise may be imported for transportation without appraisement; to the Committee on Ways and Means.

By Mr. MANN: Resolution (H. Res. 572) requesting certain information of the President of the United States; to the Committee on the Judiciary.

By Mr. HUMPHREY of Washington: Resolution (H. Res. 573) requesting and directing the Secretary of Agriculture to give to the House full detailed information in regard to certain matters under the administration of the Department of Agriculture; to the Committee on Agriculture.

By Mr. AIKEN: Joint resolution (H. J. Res. 305) appropriating $25,000 for the relief of the sufferers from the hail and wind storm in Anderson County, S. C., in July, 1914; to the Committee on Appropriations.

PRIVATE BILLS AND RESOLUTIONS.

Under clause 1 of Rule XXII, private bills and resolutions were introduced and severally referred as follows:

By Mr. AIKEN: A bill (H. R. 17983) for the relief of Lenora C. Hubbard; to the Committee on War Claims.

By Mr. BYRNS of Tennessee: A bill (H. R. 17984) for the relief of the legal representatives of Woods, Yeatman & Co.; to the Committee on War Claims.

Also, a bill (H. R. 17985) for the relief of the heirs of Jackson & Adams; to the Committee on War Claims.

Also, a bill (H. R. 17986) for the relief of the estate of A. J. Tynes, deceased; to the Committee on War Claims.

Also, a bill (H. R. 17987) for the relief of the estate of John D. Horton, deceased; to the Committee on War Claims.

By Mr. COX: A bill (H. R. 17988) granting an increase of pension to Julia Bethel; to the Committee on Invalid Pensions.

By Mr. DECKER: A bill (H. R. 17989) for the relief of the county of Barton, State of Missouri; to the Committee on War Claims.

By Mr. GODWIN of North Carolina: A bill (H. R. 17990) for the relief of St. Paul's Lutheran Church, of Wilmington, N. C.; to the Committee on War Claims.

By Mr. KENNEDY of Connecticut: A bill (H. R. 17991) granting an increase of pension to Mary A. Davis; to the Committee on Invalid Pensions.

Also, a bill (H. R. 17992) granting an increase of pension to Ellen Thayer; to the Committee on Invalid Pensions.

By Mr. KEY of Ohio: A bill (H. R. 17993) granting a pension to Cynthia Moffitt; to the Committee on Invalid Pensions.

By Mr. SMITH of Idaho: A bill (H. R. 17994) granting an increase of pension to Henry F. Black; to the Committee on Invalid Pensions.

By Mr. SMITH of Minnesota: A bill (H. R. 17995) granting an increase of pension to Conrad H. Rowe; to the Committee on Invalid Pensions.

By Mr. WITHERSPOON: A bill (H. R. 17996) for the relief of the Methodist Episcopal Church South of Decatur, Miss.; to the Committee on War Claims.

Also, a bill (H. R. 17997) for the relief of the Sageville Methodist Episcopal Church South, of Sageville, Lauderdale County, Miss.; to the Committee on War Claims.

Also, a bill (H. R. 17998) for the relief of the trustees of Evergreen Lodge, No. 77, Free and Accepted Masons, of Decatur, Miss.; to the Committee on War Claims.

PETITIONS, ETC.

Under clause 1 of Rule XXII, petitions and papers were laid on the Clerk's desk and referred as follows:

By the SPEAKER (by request): Resolution of the Los Angeles Chamber of Commerce, urging the necessity of passing water-power legislation at this session of Congress; to the Committee on Interstate and Foreign Commerce.

Also (by request), petition of the Young People's Alliance of Pittsburgh, Pa., urging the adoption of the Hobson prohibition amendment; to the Committee on Rules.

By Mr. AIKEN: Papers to accompany House bill 17983, for the relief of Lenora C. Hubbard; to the Committee on War Claims.

By Mr. BARTON: Petition of Captain J. H. Freas Post, No. 163, Department of Nebraska, Grand Army of the Republic, favoring national peace jubilee celebration at Vicksburg, Miss.; to the Committee on Military Affairs.

By Mr. DALE: Petition of the United Spanish War Veterans, of Manila, P. I., in reference to employment of United States citizens in the Philippines; to the Committee on Reform in the Civil Service.

By Mr. ESCH: Memorial of the Los Angeles (Cal.) Chamber of Commerce, relative to necessity of passing water-power legislation at this session of Congress; to the Committee on Interstate and Foreign Commerce.

Also, petition of the United Spanish War Veterans, of Manila, P. I., in reference to employment of United States citizens in the Philippines; to the Committee on Reform in the Civil Service.

By Mr. GREENE of Vermont: Petition of Miss Agnes O. Clement and various other residents of the first congressional district of Vermont, urging Federal legislation for woman suffrage; to the Committee on the Judiciary.

Also, petition of J. I. Nichols and other residents of the first congressional district of Vermont, favoring the adoption to the Constitution of a national prohibition amendment; to the Committee on Rules.

Also, petition of Mrs. C. H. Dunton and various other residents of the first congressional district of Vermont, favoring the adoption of a national constitutional prohibition amendment; to the Committee on Rules.

By Mr. HAMILTON of New York: Petitions of sundry citizens of Jamestown, New Albion, and Olean, all in the State of New York, favoring national prohibition; to the Committee on Rules.

By Mr. HOWELL: Petitions of sundry citizens of Salt Lake City, Utah, protesting against national prohibition; to the Committee on Rules.

Also, petitions of sundry citizens of Ogden, Utah, protesting against national prohibition; to the Committee on Rules.

Also, petition of sundry citizens of Tremonton, Utah, favoring national prohibition; to the Committee on Rules.

By Mr. KORBLY: Petition of A. H. Henfler, of Indianapolis, Ind., protesting against national prohibition; to the Committee on Rules.

By Mr. LONERGAN: Petitions of John A. Hart, of Berlin, Conn., and R. E. Lambert, Unionville, Conn., protesting against national prohibition; to the Committee on Rules.

Also, petition of the United Spanish War Veterans, Manila, Department Veteran Army of the Philippines, in re employment of United States citizens in the Philippines; to the Committee on Reform in the Civil Service.

By Mr. MAGUIRE of Nebraska: Petitions of sundry citizens of College View, Nebr., favoring national prohibition; to the Committee on Rules.

By Mr. MANN: Petition of J. B. Wyman Post, No. 521, Department of Illinois, Grand Army of the Republic, favoring national peace jubilee celebration at Vicksburg, Miss.; to the Committee on Military Affairs.

By Mr. MERRITT: Petitions of W. H. Harwood, of Malone; Rev. S. W. Feasender, of Malone; C. M. Houck, of Constable; E. B. Spicer, of Whippleville; Truman Safford, of Malone; S. H. Bennett, of Malone; W. M. Nichols, O. M. Gibson, L. Donaldson, H. L. Plumb, M. W. Plumb, H. L. Donaldson, and H. I. David, all of Malone; memorial of Jerome Bartholomew, of Madrid; James S. La Lone, Raymond C. La Lone, William G. La Lone, and Maurice C. La Lone, of Chase Mills; C. N. Hawley, V. A. Gage, C. H. Towne, Frank Burns, and Willie Burns, of Crown Point, all in the State of New York, urging the passsage of the Sheppard-Hobson resolution; to the Committee on Rules.

Also, petition of the Franklin County Sunday School Association, held at Tupper Lake, N. Y., by Rev. Albert E. Budd, pastor of the Methodist Episcopal Church, and Rev. Caleb H. Hodges, in favor of a national prohibition amendment; to the Committee on Rules.

By Mr. NEELY of West Virginia: Protests of J. M. Wait and 9 others, of Wheeling, W. Va., against passage of House joint resolution 168, for national prohibition; to the Committee on Rules.

By Mr. J. I. NOLAN: Protest of the Post Office Clerks Association of California against section 4 of the Moon bill, removing assistant postmasters from the civil-service regulations; to the Committee on the Post Office and Post Roads.

By Mr. PAYNE: Petitions of the Geneva Federation of Labor; Edward Solomon, of Seneca Falls; and the Proessler & Hasslacher Chemical Co., of New York City, all in the State of

New York, protesting against national prohibition; to the Committee on Rules.

Also, petitions of F. M. Burden, of Seneca Falls; F. P. Gildersleeve, of Union Springs; H. E. Woodward, of Ensenore; and sundry voters of Middlesex, all in the State of New York, favoring national prohibition; to the Committee on Rules.

By Mr. SLOAN: Petitions of 38 members of the Christian Endeavor Society of Aurora; 63 citizens of Hebron; 22 citizens of Fairbury; 11 boys and girls of Blue Springs; 60 citizens of Shelby; sundry citizens of David City; the Nebraska State Sunday School Association; sundry citizens of Clear Creek; the Camp of Gideons at Lincoln; the Methodist Episcopal Church at Fairmont; the Methodist Episcopal Church at Surprise; the Methodist Episcopal Church at Tobias; various churches of Liberty; J. S. Dick, of Crete; the Evangelical Church Convention at York; a mass meeting of citizens to Giltner; the Christian Endeavor Societies of Fairbury; various members of the Christian Church at Fairbury; a mass meeting of citizens of Geneva; and the Epworth League Convention at Fairmont, all in the State of Nebraska, in favor of national prohibition amendment; to the Committee on Rules.

Also protests from 17 citizens of Morse Bluff, 11 citizens of Fairbury, 31 citizens of Grafton, 21 citizens of Tobias, resolution adopted by the Grand Lodge Order of Hermanns of Nebraska, a letter from Aug. Aleck, of Western, and a letter from A. B. Korn, of Shickley, all in the State of Nebraska, against national prohibition amendment; to the Committee on Rules.

By Mr. SMITH of Idaho: Papers to accompany House bill 17226, granting a pension to Sarah Friedline; to the Committee on Pensions.

Also, petition of Leon Friedman, of Hailey, Idaho, against national prohibition; to the Committee on Rules.

By Mr. STEPHENS of California: Memorial of Stephen Jackson Post, No. 191, Department of California and Nevada of the Grand Army of the Republic, relative to appropriation for reunion of veterans at Vicksburg, Miss.; to the Committee on Appropriations.

Also, memorial of the Los Angeles Chamber of Commerce, favoring passage of water-power legislation at this session of Congress; to the Committee on Interstate and Foreign Commerce.

SENATE.

TUESDAY, *July 21, 1914.*

The Senate met at 12 o'clock m.

Rev. J. L. Kibler, D. D., of the city of Washington, offered the following prayer:

O God, our Father in heaven, we thank Thee that a way has been opened for our approach into Thy presence; that we can talk with Thee as a friend talketh face to face with a friend; and that we can come boldly to the throne of grace and make our requests known unto Thee. Surely our hope is in Thee. Our strength cometh from Thee. Amid the difficulties of the way we seek Thy hand. If we meet perplexing problems, may the light of Thy truth give us understanding. If doubts becloud our sky, may we see new visions of Thy law. And may our steps this day be ordered by the Lord. We ask it in Jesus' name. Amen.

The Journal of yesterday's proceedings was read and approved.

PROPOSED ANTITRUST LEGISLATION.

Mr. BRANDEGEE. I send to the desk three short articles on three of the bills that are now pending before the Senate, and I ask that they be printed in the RECORD.

The VICE PRESIDENT. Without objection it is so ordered.

The matter referred to is as follows:

[From the New York American, July 20.]

ONE SERIOUS PERIL IN THE RAYBURN BILL.

The Rayburn bill, as rewritten by Mr. Brandeis, and now being considered by the Senate Committee on Interstate Commerce, affords an immediate illustration of the irresistible tendency of seemingly conservative railroad legislation toward Government ownership.

This bill has for its purpose the supervision by the Interstate Commerce Commission of all future issues of securities—stocks, bonds, debentures, etc.—by railroads. The commission will be vested with the power to prohibit the issuance of any block of such securities unless, upon examination, it concludes that real need existed for borrowing the money, and that the volume of securities issued was not unduly great.

So far, so good. Wildcat methods of railroad finance, overcapitalization, buying a feeder at a price and bonding it for double the price paid, consolidations like the one planned between the New York Central and the Lake Shore, with the resultant increase of capital by some hundred millions or more, all join to make the need of some such legislation evident.

But with the new issues once authorized, the railroads will at once claim that the Government is morally bound to see that no regulative legislation shall prevent the earning of money sufficient to make interest payments.

To-day the roads base their demand for an increase in freight rates largely upon the plea that the demands made upon them by Government regulation necessitate increased earnings.

If they shall be permitted, under national authorities, to turn their great volume of ill-digested securities, hundreds of millions of which stand for mere water, into new bonds, they will instantly demand that the Government stand responsible for these bonds.

If under private ownership the roads are unable to meet these fixed charges their manager will turn them over to the Government. At what price? Obviously at the value for which the Government has authorized them to issue bonds and stock. It is therefore the business of Congress, which still has the Rayburn bill in hand, to see to it that the Government supervision over the volume of securities shall not end by making the Government take over the railroads at an exaggerated and extortionate figure.

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[From the New York Tribune, Monday, July 20, 1914.]

THE SENATE LOSING INTEREST IN THE DENATURED ANTITRUST BILLS.

It is just about a month since Mr. Wilson told the Virginia Editorial Association that the administration's program of antitrust legislation was "complete" and predicted its speedy enactment. But enactment still lingers. Although the House bills, which constituted the finished Wilson program, have been torn to pieces and patched together again, the Senate is still reluctant to pass them. They have been greatly improved by the elimination of crudities all along the line. But even so, the Democratic leaders in the Senate can get up very little enthusiasm over them.

These leaders realize that a vast amount of useless labor has gone into an effort to do something which really doesn't need to be done. The administration started out with the idea that it was necessary to supplement and invigorate the Sherman antitrust law. Mr. Clayton and the other House antitrust dentists tried to put a lot of fine new teeth into the Sherman Act. But at practically every point at which the present provisions against monopoly or conspiracy to restrain trade were sought to be supplemental the experiment broke down. The proposed new law did not clarify or strengthen the existing statute. It simply overloaded and confused it. The Senate committees have been busy for the last four or five weeks ripping out the Clayton-Rayburn-Covington dentistry. What they have seen of the work of those bunglers has virtually convinced them that the Sherman law doesn't need new teeth at all.

What is the advantage, for instance, of giving an interstate trade commission power to punish interstate corporations engaging in "unfair competition" when nobody knows what such a term means? If unfair methods lead to restraint of trade, they can be dealt with already under the Sherman law. If they don't lead to restraint of trade, the commission doesn't need to worry about them. Why strain and cogitate to meet a situation which it isn't necessary to meet?

It is exactly the same with the Clayton-Gompers trick amendments giving, or merely pretending to give, union labor and farmers' organizations exemption from prosecution for violations of the antitrust law. If the amendments grant union laborers and farmers no privileges which they do not already have—as the President insists is the case—what is gained by merely saying that what is the law is the law? But if it is intended to offer special class privileges to two special classes, why incur the displeasure and enmity of all other classes? The National Association of Retail Dealers, for example, is about to descend on Congress to ask why its organization shouldn't be allowed to have the same exemption as is being offered to the farmers and the Federation of Labor people. Why, indeed, shouldn't it? If they are not to be prosecuted for carrying out the legitimate objects of their association—whatever those objects may be—the organized retailers ought not to be prosecuted for clashing to a similar extent with the Sherman law.

The antitrust bills in the original form in which Mr. Wilson approved them were destructive and vicious. In the form which the Senate committees are giving them they are far less dangerous. But, on the other hand, they are degenerating more and more into mere surplusage. No public advantage will result from passing them. It is the realization of this fact that makes them drag so woefully in the Senate. Nobody there is able to get excited over measures whose only thunder is in the title page.

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[From the New York Times, Monday, July 20, 1914.]

THE TRUST DEBATES.

While Congress is working overtime upon the trinity of antitrust bills there is proceeding in the country a second debate of another sort, of which an excellent example is afforded by the address of Lincoln Cromwell to the knit-goods jobbers, reported in Saturday's Times. He speaks for substantial middle-class business, neither the biggest nor the smallest. It does not occur to the business men whom he represents to oppose the legislation which is being thrust upon them. Their aim now is "to keep it along lines which are helpful to honest merchants rather than to theorists and politicians, with their fads and demagogy." Especially apropos is Mr. Cromwell's reference to the completeness with which the Federal courts are doing under the old law what Congress is bustling about as though there were no law to accomplish what it wants. In the decree against the Thread Trust as a combination in unreasonable restraint of trade no less than 15 practices are specifically forbidden. Blacklists, rebates, buying out competitors, fixing of resale prices, giving of bonuses, pooling of orders to get special discounts, "fighting brands," flying squadrons of salesmen to undersell competition in restricted areas, the limitation of traders from trading with others than the trust, misrepresentation of competitors' goods, threats of prosecution without intention to prosecute, selling below cost, differences of freight being considered, "free goods"—these are among unreasonable restraints of trade forbidden without the help of the new laws. It is not suggested that these are all the unreasonable restraints there are. They are merely the restraints forbidden in a single case. The power to forbid these extends to the power to forbid any other restraints contrary to commercial morality. The interesting thing about the list is that it includes so many obnoxious practices which it is designed to forbid as "unfair competition." It makes no difference whether they are forbidden as unreasonable restraints or as unfair competition, so long as they are forbidden; but it is not desirable unnecessarily to introduce a new phrase which can not be completely defined for as long a time as it has required to learn what the earlier phrase means.

Another interesting symposium to contrast with the debates in Congress is the referendum upon the Clayton bill by the United States Chamber of Commerce. The votes were taken of 559 organizations in

36 States. Nine of the ten proposals which were voted upon were rejected by majorities ranging from 6 to 1 to 20 to 1. The adverse vote is stronger than this, for many organizations declined to vote at all, on the ground that there is no demand for legislation of this sort at this time. The following votes may be given as examples:

1. The committee recommends that there should be no attempt by statute to forbid discrimination in prices of commodities; 531 in favor, 22 opposed.

2. The committee recommends that a proposal to compel persons controlling the products of mines to sell to all applicants "who may be responsible" is wrong in principle and unworkable in practice; 527 in favor, 32 opposed.

3. The committee recommends that there should not be a statutory prohibition of conditions accompanying sales and leases to the effect that buyers or lessees can not handle or use the products of competitors; 514 in favor, 35 opposed.

4. The committee recommends that the final decree in an equity suit brought by the Government which establishes the existence or the nonexistence of a restraint of trade or of a monopoly should be conclusive evidence as to the same general fact in private actions brought against the same defendants under the antitrust laws; 484 in favor, 62 opposed.

Space fails to give the rest of the proposals of the Clayton bill so overwhelmingly favored by Congress and so overwhelmingly opposed in the debates among those to whom the law is to apply. May it not be that the popularity of the trinity of antitrust laws is so great among the classes of lawmakers which Mr. Cromwell describes because they will not have to obey the law, business being out of their line? If business men were legislating, would they enact the laws which they condemn when proposed by nonbusiness lawmakers? Finally, what remains of the antitrust legislation which is pending if there is deducted from it what the courts are now preventing and punishing without the assistance of the new laws, and what the representative business men of the country vote against with almost unanimity, and yet accept with the excellent temper shown by Mr. Cromwell on behalf of those for whom he speaks?

The President continues to consult business men with commendable openmindedness. He is not finding them rebellious, and can count upon their cooperation in just that degree to which he defers to their sentiments. Yet in all the reports of the consultations at the White House there is no such cordiality as in the echoes of the President's remarks to the effect that big business is as patriotic and moral as any other sort of business. The Chicago business men who went to advise the President regarding his antitrust proposals said of these remarks, "No more hopeful, helpful, finer words have ever come from the White House, and we believe that they will meet with the Nation's hearty approval." If either Congress or the President has elicited any such cordial expressions regarding the antitrust bills they have not been published. It is idle to contend that business wants the new trust bills. On the other hand, business will accommodate itself to them with resignation, and, as Mr. Cromwell says, will guide them into the right direction after they leave Congress.

CALLING OF THE ROLL.

Mr. GALLINGER. Mr. President, I would suggest the absence of a quorum.

The VICE PRESIDENT. The Secretary will call the roll.

The Secretary called the roll and the following Senators answered to their names:

Ashurst	Culberson	Norris	Sterling
Borah	Cummins	Overman	Stone
Brady	Gallinger	Page	Swanson
Brandegee	Hughes	Perkins	Thomas
Bristow	James	Pittman	Thompson
Bryan	Jones	Poindexter	Thornton
Burton	Kenyon	Pomerene	Tillman
Camden	Kern	Ransdell	Walsh
Catron	Lane	Shafroth	West
Chamberlain	Martin, Va.	Sheppard	White
Chilton	Martine, N. J.	Simmons	Works
Clapp	Myers	Smith, Ga.	
Clarke, Ark.	Nelson	Smoot	

Mr. JONES. I desire to announce that the junior Senator from Michigan [Mr. TOWNSEND] is absent and is paired with the Senator from Arkansas [Mr. ROBINSON]. I will let this announcement stand for the day.

Mr. BRISTOW. I desire to announce the absence of the senior Senator from Wisconsin [Mr. LA FOLLETTE] on account of illness.

Mr. SMOOT. I desire to announce the unavoidable absence of my colleague [Mr. SUTHERLAND]. He has a general pair with the senior Senator from Arkansas [Mr. CLARKE]. I wish also to announce the unavoidable absence of the senior Senator from Wisconsin [Mr. STEPHENSON], who has a general pair with the Senator from Oklahoma [Mr. GORE].

Mr. GALLINGER. I desire to announce the unavoidable absence of the senior Senator from Vermont [Mr. DILLINGHAM]. He is paired with the senior Senator from Maryland [Mr. SMITH]. I wish also to announce the unavoidable absence of the Senator from Maine [Mr. BURLEIGH]. He is paired with the Senator from New Hampshire [Mr. HOLLIS].

The VICE PRESIDENT. Fifty Senators have answered to the roll call. There is a quorum present. The presentation of petitions and memorials is in order.

IMPROVEMENT OF TRINITY RIVER, TEX.

Mr. SHEPPARD. Mr. President, yesterday the Senator from Iowa [Mr. KENYON] published in the RECORD a purported interview with one M. J. Wirth, an interview in the Washington Post, in which that gentleman ridiculed the Trinity River. I wired to Texas to find out something about M. J. Wirth, and I send the reply to the desk and ask that it be read.

The VICE PRESIDENT. Is there objection? The Chair hears none, and the Secretary will read the telegram.

The Secretary read as follows:

[Telegram.]

DALLAS, TEX., *July 20.*

HON. MORRIS SHEPPARD,
Senate, Washington, D. C.:

Yours date. No such person as M. J. Wirth known in Fort Worth by chamber of commerce or other organizations, nor is his name listed telephone or city directory. Statement that Trinity River is sought by interurban absurd on face. Distance by river between Dallas and Fort Worth approximately 50 miles, as against 30 miles air line over prairie country. Fort Worth Chamber of Commerce adopted resolution listed below March 19, 1914, approving improvement of Trinity. Steamboat has been purchased for navigation of the Trinity, and is now en route to Dallas under own steam to enter the trade. Water in Trinity at normal stage, and there is no truth whatever in statement of Wirth. Have been unable to locate him here or in Fort Worth or to find one who knows such a person. Dallas citizens have spent $2,000,000 of their own money in sites for locks and dams and bond issues for raising bridges and diverting sewage, and are considering spending twice as much more to supplement Government work. The canalization of the Trinity will mean a saving of $9,000 a day in Dallas freight bills. Dallas is not a seaport, but it is a port of entry with a present volume of business through its port many times greater than that of cities three times her size. This is in no sense a political project. The Trinity movement is a commercial proposition, and Dallas is supporting it for the reduction it will bring in freight rates, which will benefit the whole State. There is no pork barrel or politics in it, and this is well known to every bona fide citizen of Texas who is at all informed.

Fort Worth Chamber of Commerce resolution is as follows:

Whereas the Federal Government has designated the Trinity River for improvement; and

Whereas the improvement of this river for navigation will bring water rates into Fort Worth trade territory; and

Whereas Fort Worth is vitally interested in the prosperity and development of all of the counties in Texas through which the Trinity River runs; and

Whereas we have, as business men of Fort Worth, in years past commended the action of the Rivers and Harbors Committee and that of the Federal Government in this work in making the Trinity River navigable: Therefore be it

Resolved, That we call attention of the Texas Senators and Congressmen to the fact that the interests of Fort Worth can be vastly developed by the completion of the work on the Trinity River; that we favor an increase in the present appropriation in sufficient amount so that this work can go forward promptly. We believe that no other development can so effectually tend to solve the transportation problems in Texas, and we urge immediate action on the part of all Representatives in Congress to secure prompt and favorable appropriation for this purpose.

JOHN W. PHILP,
Chairman Trinity River Committee,
Dallas Chamber of Commerce.

Mr. BRISTOW. Mr. President, may I inquire of the Senator from Texas if the object of this appropriation for the improvement of the river is to reduce freight rates, which reduction the people of Fort Worth and Dallas will enjoy after the improvement is made?

Mr. SHEPPARD. That is partly the object.

Mr. BRISTOW. It is an appropriation, then, to secure a reduction of the freight rates which the people of that immediate vicinity now have to pay.

Mr. SHEPPARD. That is partly the object.

Mr. BRISTOW. Does the Senator think that an appropriation of public money for the purpose of reducing freight rates in some particular locality is a proper expenditure of public money?

Mr. SHEPPARD. Oh, I said that was partly the object. It will not only reduce freight rates for that locality but for an entire section. It may even have a favorable effect on Kansas.

Mr. GALLINGER. It is a Texas subsidy; that is all.

Mr. BRISTOW. Is it the purpose of the Senator to have toll gates established on this river and charge tolls for the use of it?

Mr. SHEPPARD. The question of subsidy does not enter into the question of improvement at all.

Mr. BRISTOW. The Senator is not in favor of establishing toll gates on this river?

Mr. SHEPPARD. I am not, because the improvement will be a general benefit to which the entire country is entitled.

Mr. BRISTOW. Why should the people of the United States be taxed in order that freight rates for Fort Worth and Dallas may be reduced?

Mr. SHEPPARD. I will state to the Senator it is not only the people at Fort Worth and Dallas who will be benefited but a tremendous section of country, thus making the project national in its character. I would not favor a project if it were to reduce freight rates merely in one small locality.

Mr. BRISTOW. It will probably benefit the States of Kentucky and Virginia and New Hampshire somewhat?

Mr. SHEPPARD. The Senator is so absurd now that his statement does not deserve any attempt at reply.

Mr. BRISTOW. The Senator said it was a national improvement.

Mr. SHEPPARD. I intended to say it would affect such a large scope of territory that it was almost national in character.

Mr. BRISTOW. How much does the Senator expect this improvement to cost the Federal Government?

Mr. SHEPPARD. The estimate of the engineers is $3,000,000.

Mr. BRISTOW. Does the Senator think that the benefits will be more national than those of the Panama Canal?

Mr. SHEPPARD. I have not compared the two. I have not entered into any study as to which will be of more benefit to the country.

Mr. BRISTOW. Does the Senator think that possibly Trinity River will be as important a waterway for national expenditure as the Panama Canal?

Mr. SHEPPARD. Trinity River will be used by other people besides monopolists.

Mr. BRISTOW. What other people will use it? How many steamboats have navigated the Trinity River in the last year?

Mr. SMITH of Georgia. Mr. President, I call for the regular order.

Mr. SHEPPARD. I hope the Senator from Georgia will not call for the regular order.

The VICE PRESIDENT. The regular order having been called for, the presentation of petitions and memorials is in order.

Mr. BURTON. I should like to ask one question which arises, if the Senator from Georgia will permit me.

The statement was made in the telegram read at the desk that $2,000,000 had been expended by the citizens of Dallas for securing sites for locks and dams and for the construction of sewers. I think we should have an itemized statement of those expenses. Was this amount of $2,000,000 expended for the most part in providing for a sewerage system and municipal improvements?

Mr. SMITH of Georgia. Mr. President, I insist on the regular order. We will get up the river and harbor bill in a few minutes.

Mr. BURTON. I think in connection with the canalization of the river——

The VICE PRESIDENT. The regular order is demanded.

Mr. SHEPPARD. Permit me to say——

Mr. GALLINGER. Mr. President, the regular order.

Mr. SMITH of Georgia. The regular order.

The VICE PRESIDENT. The regular order is the presentation of petitions and memorials.

Mr. SHEPPARD. I shall furnish the itemized statement.

The VICE PRESIDENT. The Chair is without remedy. The Senator from Georgia has called for the regular order, and the presentation of petitions and memorials is in order.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by J. C. South, its Chief Clerk, announced that the House had passed the following bills:

S. 785. An act to relinquish, release, and quitclaim all right, title, and interest of the United States of America in and to certain lands in the State of Mississippi;

S. 1087. An act authorizing the exchange of certain lands within the Fishlake National Forest, Utah;

S. 5316. An act authorizing the survey and sale of certain lands in Coconino County, Ariz., to the occupants thereof; and

S. 5462. An act to authorize the county of Barry, State of Missouri, to construct a bridge across the White River in Barry County, Mo., at or near a point known as Goldens Ferry.

The message also announced that the House had passed the bill (S. 485) to amend section 1 of an act entitled "An act to codify, revise, and amend the laws relating to the judiciary," approved March 3, 1911, with amendments, in which it requested the concurrence of the Senate.

The message further announced that the House had passed the bill (S. 1784) restoring to the public domain certain lands heretofore reserved for reservoir purposes at the headwaters of the Mississippi River and tributaries with amendments, in which it requested the concurrence of the Senate.

The message also announced that the House had passed the bill (S. 5957) to authorize the Frost-Johnson Lumber Co. to construct a bridge across the Sabine River in the States of Louisiana and Texas, about 2 miles west of Hunter, La., with amendments, in which it requested the concurrence of the Senate.

The message further announced that the House had passed the following bills, in which it requested the concurrence of the Senate:

H. R. 4545. An act to amend an act entitled "An act to codify, revise, and amend the laws relating to the judiciary," approved March 3, 1911;

H. R. 13311. An act to cede a certain parcel of land to the county of Fulton, State of Georgia;

H. R. 15110. An act authorizing the Secretary of the Treasury to accept conveyance of title to certain land between the post-office site and Madison Street in the city of Thomasville, Ga.;

H. R. 16476. An act authorizing the Secretary of the Interior to issue patent to the city of Susanville, in Lassen County, Cal., for certain lands, and for other purposes;

H. R. 16579. An act to authorize the construction of a bridge across St. John River at Fort Kent, Me.; and

H. R. 17005. An act authorizing the fiscal court of Pike County, Ky., to construct a bridge across Tug Fork of the Big Sandy River, at or near Williamson, W. Va.

PETITIONS AND MEMORIALS.

Mr. KENYON presented petitions of sundry citizens of Iowa, praying for national prohibition, which were referred to the Committee on the Judiciary.

He also presented a petition of the Webster City Chautauqua, of Iowa, praying for the adoption of an amendment to the Constitution to prohibit polygamy, which was referred to the Committee on the Judiciary.

Mr. BURTON presented petitions of sundry citizens of Ohio, praying for national prohibition, which were referred to the Committee on the Judiciary.

He also presented memorials of sundry citizens of Ohio, remonstrating against national prohibition, which were referred to the Committee on the Judiciary.

He also presented petitions of sundry citizens of Ohio, praying for the enactment of the so-called antitrust legislation, which were referred to the Committee on the Judiciary.

He also presented petitions of sundry citizens of Ohio, praying for the enactment of legislation to further restrict immigration, which were ordered to lie on the table.

He also presented a resolution adopted by the National Association of Vicksburg Veterans, at Urbana, Ohio, favoring an appropriation of $200,000 to aid in the national celebration and so-called peace jubilee to be held at Vicksburg in 1915, which was referred to the Committee on Appropriations.

Mr. STERLING presented petitions of sundry citizens of Lebanon and White, in the State of South Dakota, praying for national prohibition, which were referred to the Committee on the Judiciary.

Mr. PERKINS presented a petition of sundry citizens of Williams, Cal., praying for the enactment of the so-called anti-narcotic bill, which was referred to the Committee on the Judiciary.

He also presented petitions of sundry citizens of California, praying for the enactment of legislation to create a Federal board of censorship of motion pictures, which were referred to the Committee on Education and Labor.

He also presented a petition of McKinnon Camp, United Spanish War Veterans, of San Francisco, Cal., praying for the enactment of legislation granting pensions to widows and minor children of certain soldiers and sailors of the Spanish War, which was referred to the Committee on Pensions.

Mr. HUGHES presented petitions of sundry citizens of New Jersey, praying for national prohibition, which were referred to the Committee on the Judiciary.

He also presented memorials of sundry citizens of New Jersey, remonstrating against national prohibition, which were referred to the Committee on the Judiciary.

He also presented a petition of sundry citizens of Center County, Pa., praying for the enactment of legislation to prohibit interstate commerce in prison-made goods, which was referred to the Committee on Education and Labor.

He also presented a petition of sundry citizens of Flemington, N. J., praying for the enactment of legislation granting pension to all widows of veterans of the Civil War, which was referred to the Committee on Pensions.

Mr. WEEKS presented a petition of sundry citizens of Haverhill, Mass., praying for the enactment of legislation to provide for Federal censorship of motion pictures, which was referred to the Committee on Education and Labor.

He also presented a petition of sundry citizens of Massachusetts, praying for an appropriation for the celebration of the so-called "One hundred years of peace among English-speaking peoples," which was referred to the Committee on Foreign Relations.

Mr. SMITH of Maryland presented a petition of sundry citizens of Baltimore, Md., praying for national prohibition, which was referred to the Committee on the Judiciary.

He also presented petitions of sundry citizens of Maryland, praying for the enactment of the so-called Clayton antitrust bill, which were referred to the Committee on the Judiciary.

REPORTS OF COMMITTEES.

Mr. SMITH of Georgia, from the Committee on Post Offices and Post Roads, to which was referred the bill (S. 926) for the relief of the Georgia Railroad & Banking Co., reported it without amendment and submitted a report (No. 695) thereon.

Mr. SMITH of Maryland, from the Committee on the District of Columbia, to which were referred the following bills, reported them each without amendment and submitted reports thereon:

S. 4492. A bill to authorize James F. Barbour and his successors in title to permanently maintain and use siding from the tracks of the Philadelphia, Baltimore & Washington Railroad in the city of Washington (Rept. No. 696); and

H. R. 12844. An act for the relief of Spencer Roberts, a member of the Metropolitan police force of the District of Columbia (Rept. No. 697).

BILLS INTRODUCED.

Bills were introduced, read the first time, and, by unanimous consent, the second time, and referred as follows:

By Mr. KENYON:

A bill (S. 6134) granting the consent of Congress to the Interstate Bridge & Terminal Co., of Muscatine, Iowa, to build a bridge across the Mississippi River; to the Committee on Commerce.

By Mr. HUGHES:

A bill (S. 6135) granting an increase of pension to Jean H. G. Kitchel, to the Committee on Pensions.

By Mr. WEST:

A bill (S. 6136) to increase the salaries of the United States district attorney and United States marshal and deputy marshals for the southern district of Georgia, and for other purposes; to the Committee on the Judiciary.

By Mr. WEEKS:

A bill (S. 6137) refunding certain taxes illegally collected under the war-revenue act of June 13, 1898; to the Committee on Finance.

By Mr. POMERENE:

A bill (S. 6138) for the relief of Frank Kinsey Hill, captain on the retired list of the United States Navy; to the Committee on Naval Affairs.

By Mr. JAMES:

A bill (S. 6139) granting an increase of pension to Samuel B. Littrell (with accompanying papers);

A bill (S. 6140) granting a pension to Mary McJenkins (with accompanying papers); and

A bill (S. 6141) granting a pension to Charles R. Conger (with accompanying papers); to the Committee on Pensions.

By Mr. CLARK of Wyoming:

A bill (S. 6142) granting a pension to Nancy J. Northup; to the Committee on Pensions.

OMNIBUS CLAIMS BILL.

Mr. WEEKS submitted an amendment intended to be proposed by him to the omnibus claims bill, which was ordered to lie on the table and be printed.

WATERS OF THE RIO GRANDE.

Mr. CATRON submitted an amendment intended to be proposed by him to the joint resolution (S. J. Res. 117) to determine the rights of the State of Colorado and of its citizens in the beneficial uses of waters of the Rio Grande and its tributaries within the boundaries of Colorado, which was ordered to lie on the table and be printed.

ELIZABETH P. DURFEE.

Mr. SMOOT submitted the following resolution (S. Res. 428), which was read and referred to the Committee to Audit and Control the Contingent Expenses of the Senate:

Resolved, That the Secretary of the Senate be, and he hereby is, authorized and directed to pay to Elizabeth P. Durfee, widow of Benjamin Durfee, late messenger, United States Senate, a sum equal to six months' salary at the rate he was receiving by law at the time of his death, said sum to be considered as including funeral and all other expenses.

INTERNATIONAL INSTITUTE OF AGRICULTURE.

Mr. WORKS. I have an article on the subject of the International Institute of Agriculture by David Lubin, delegate of the United States to the International Institute of Agriculture, Rome, 1914. I desire to have the article printed as a Senate document, and for that purpose I ask that it be referred to the Committee on Printing.

The VICE PRESIDENT. The article will be referred to the Committee on Printing.

PUBLIC BUILDING SERVICE (S. DOC. NO. 551).

Mr. MARTIN of Virginia. I desire to ask that the communication I send to the desk may be printed as a Senate document. It is an estimate submitted by the Secretary of the Treasury for appropriations for the acquisition of sites and the erection of post-office buildings all within the limit of cost. The communication was referred to the Committee on Appropriations, but was not printed. Senators interested in it are anxious to have it printed, so that they may see what is being done.

The VICE PRESIDENT. Without objection, that action will be taken.

PROPOSED ANTITRUST LEGISLATION.

Mr. REED. Mr. President, I desire to give notice that on Thursday next, July 23, at the conclusion of the morning business, I shall address the Senate on the subject of trusts, trust regulation, and trust legislation.

PRESIDENTIAL APPROVALS.

A message from the President of the United States, by Mr. Latta, executive clerk, announced that the President had approved and signed the following act and joint resolution:

On July 17, 1914:

S. 4714. An act to authorize Louis Eder to enter lands under the homestead laws; and

S. J. Res. 29. Joint resolution authorizing the President to appoint a member of the New Jersey and New York Joint Harbor Line Commission.

LANDS IN MINNESOTA.

The VICE PRESIDENT laid before the Senate the amendments of the House of Representatives to the bill (S. 1784) restoring to the public domain certain lands heretofore reserved for reservoir purposes at the headwaters of the Mississippi River and tributaries.

Mr. NELSON. I move that the Senate disagree to the amendments of the House and request a conference with the House on the disagreeing votes, the conferees on the part of the Senate to be appointed by the Chair.

The motion was agreed to; and the Vice President appointed Mr. MYERS, Mr. SMITH of Arizona, and Mr. SMOOT conferees on the part of the Senate.

SABINE RIVER BRIDGE, LOUISIANA.

The VICE PRESIDENT laid before the Senate the amendments of the House of Representatives to the bill (S. 5957) to authorize the construction of a bridge across the Sabine River in the States of Louisiana and Texas, about 2 miles west of Hunter, La., which were, on page 1, line 5, to strike out "and" and insert a comma; on page 1, line 5, after "maintain," to insert ", and operate"; and to amend the title so as to read: "An act to authorize the Frost-Johnson Lumber Co. to construct a bridge across the Sabine River in the States of Louisiana and Texas, about 2 miles west of Hunter, La."

Mr. RANSDELL. I move that the Senate concur in the amendments of the House.

The motion was agreed to.

HOUSE BILLS REFERRED.

The following bills were severally read twice by their titles and referred to the Committee on Commerce:

H. R. 16579. An act to authorize the construction of a bridge across St. John River at Fort Kent, Me.; and

H. R. 17005. An act authorizing the fiscal court of Pike County, Ky., to construct a bridge across Tug Fork of the Big Sandy River at or near Williamson, W. Va.

The following bills were severally read twice by their titles and referred to the Committee on Public Lands:

H. R. 13311. An act to cede a certain parcel of land to the county of Fulton, State of Georgia; and

H. R. 16476. An act authorizing the Secretary of the Interior to issue patent to the city of Susanville, in Lassen County, Cal., for certain lands, and for other purposes.

H. R. 4545. An act to amend an act entitled "An act to codify, revise, and amend the laws relating to the judiciary," approved March 3, 1911, was read twice by its title and referred to the Committee on the Judiciary.

H. R. 15110. An act authorizing the Secretary of the Treasury to accept conveyance of title to certain land between the post-office site and Madison Street, in the city of Thomasville, Ga., was read twice by its title and referred to the Committee on Public Buildings and Grounds.

HILO, HAWAII, STREET RAILWAY.

Mr. SHAFROTH. Mr. President, as chairman of the Committee on Pacific Islands and Porto Rico, I wish to state that

there is a House bill upon the calendar, reported by that committee, which relates to the franchise of a street railway in the island of Hilo. The franchise will expire on the 1st day of August unless the bill, which grants its extension for two years, is promptly passed. Those interested have expended $15,000 in the enterprise. It is very urgent, as I have stated, that the bill should be passed before the 1st of August. The street railway involved runs alongside of Government property, and the railroad will be of more benefit to the Government lands than to any others. I ask unanimous consent for the present consideration of the bill, which is House bill 8660.

The VICE PRESIDENT. Is there objection to the request of the Senator from Colorado?

Mr. SMOOT. Mr. President, at this time I object to the consideration of the bill.

The VICE PRESIDENT. There is objection.

PENSION BUREAU EMPLOYEES.

The VICE PRESIDENT. The Chair lays before the Senate a resolution coming over from a preceding day, which will be read.

The Secretary read the resolution (S. Res. 427) submitted by Mr. GOFF on yesterday, as follows:

Resolved, That the Secretary of the Interior be directed to transmit to the Senate the following information:

First. The names, age, and length of service of all employees of the Bureau of Pensions on March 4, 1913.

Second. Total number of those so employed who served in any war of the United States.

Third. Total number of those so employed who served in any war of the United States who have been promoted since said date.

Fourth. Total number of those so employed who served in any war of the United States who have been demoted $100 per annum since said date.

Fifth. Total number of those so employed who served in any war of the United States who have been demoted $200 per annum since said date.

Sixth. Total number of those so employed who served in any war of the United States who have been demoted $300 per annum since said date.

Seventh. Total number of those so employed who served in any war of the United States who have been demoted $400 per annum since said date.

Eighth. Total number of those so employed who served in any war of the United States who have been demoted $500 per annum since said date.

Ninth. Total number of those so employed who served in any war of the United States who are now receiving pensions.

Tenth. Total number of those so employed who served in any war of the United States who have been dismissed or whose resignations have been asked for since said date.

Eleventh. Total number of Confederate veterans employed in said bureau on the date named.

Twelfth. Total number of Confederate veterans so employed who have been promoted since said date.

Thirteenth. Total number of Confederate veterans so employed who have been demoted since said date.

Mr. GALLINGER obtained the floor.

Mr. POMERENE. Mr. President——

Mr. GALLINGER. Does the Senator from Ohio desire to make a statement in reference to the resolution?

Mr. POMERENE. I was going to suggest this: The junior Senator from West Virginia [Mr. GOFF], who offered the resolution, is not in the Chamber, and perhaps action on it ought to be deferred on that account. I have an amendment which I intend to offer. I will send it to the desk, and ask that both the original resolution and the amendment lie over until the Senator from West Virginia is present.

Mr. GALLINGER. I was about to state that the Senator from West Virginia has been called to his home on account of illness in his family, and I have been requested to ask that the resolution might lie on the table, subject to his call, until his return.

Mr. POMERENE. If the Senator from New Hampshire will permit me, I wish also to offer this suggestion: I think that later on both the resolution and the amendment should be referred to a committee for their consideration and report, but I do not ask that to be done at this time.

Mr. GALLINGER. Let the resolution and the proposed amendment lie on the table for the present.

Mr. CHILTON. Mr. President, I desire to offer an amendment to the resolution, which I ask may take the course suggested by the Senator from Ohio [Mr. POMERENE].

The VICE PRESIDENT. The resolution, together with the amendments intended to be proposed by the Senator from Ohio and the Senator from West Virginia, will lie on the table and be printed.

RIVER AND HARBOR APPROPRIATIONS.

The VICE PRESIDENT. The morning business is closed.

Mr. SIMMONS. I ask unanimous consent for the present consideration of the river and harbor bill.

The VICE PRESIDENT. Is there objection?

Mr. KENYON. I object.

Mr. SIMMONS. Then I move that the Senate proceed to the consideration of the river and harbor bill.

The VICE PRESIDENT. The question is on the motion of the Senator from North Carolina, that the Senate proceed to the consideration of House bill 13811, commonly known as the river and harbor bill.

Mr. KENYON. On that I ask for the yeas and nays.

The yeas and nays were ordered, and the Secretary proceeded to call the roll.

Mr. CATRON (when his name was called). I transfer my pair with the senior Senator from Oklahoma [Mr. OWEN] to the Senator from Illinois [Mr. SHERMAN] and vote "nay."

Mr. CHAMBERLAIN (when his name was called). I transfer my pair with the junior Senator from Pennsylvania [Mr. OLIVER] to the Senator from Illinois [Mr. LEWIS] and vote "yea."

Mr. CHILTON (when his name was called). I have a general pair with the Senator from New Mexico [Mr. FALL], who is necessarily absent. I believe, under the terms of the pair, I am entitled to vote, but I shall wait and see if I can obtain a transfer. If not, I shall withhold my vote.

Mr. CLARKE of Arkansas (when his name was called). I have a pair with the junior Senator from Utah [Mr. SUTHERLAND]. I transfer that pair to the senior Senator from Indiana [Mr. SHIVELY] and vote "yea."

Mr. SAULSBURY (when his name was called). I have a pair with the junior Senator from Rhode Island [Mr. COLT], but it has been agreed by us that the pairs shall be so modified as to apply only to the trust and trades measures now before the open Senate, and to some other matters. I am therefore at liberty to vote. I vote "yea."

Mr. SMITH of Georgia (when his name was called). I have a general pair with the senior Senator from Massachusetts [Mr. LODGE]. I transfer that pair to the junior Senator from Tennessee [Mr. SHIELDS] and vote. I vote "yea."

Mr. THOMAS (when his name was called). I have a general pair with the senior Senator from New York [Mr. ROOT]. In his absence I withhold my vote.

Mr. TILLMAN (when his name was called). I transfer my pair with the Senator from West Virginia [Mr. GOFF] to my colleague [Mr. SMITH] and vote. I vote "yea."

Mr. CLARK of Wyoming (when Mr. WARREN's name was called). I desire to announce the unavoidable absence of my colleague [Mr. WARREN], and to state that he is paired with the Senator from Florida [Mr. FLETCHER]. I wish this announcement to stand on subsequent roll calls for the day.

The roll call was concluded.

Mr. GRONNA. May I inquire if the senior Senator from Maine [Mr. JOHNSON] has voted?

The VICE PRESIDENT. He has not.

Mr. GRONNA. I have a pair with the Senator from Maine [Mr. JOHNSON]. I transfer that pair to my colleague [Mr. MCCUMBER] and vote. I vote "nay."

Mr. KERN. I desire to announce that my colleague [Mr. SHIVELY] is necessarily absent. He is paired as has been stated. This announcement may stand for the day.

Mr. PAGE. I wish to announce the necessary absence of my colleague [Mr. DILLINGHAM]. He is paired with the senior Senator from Maryland [Mr. SMITH]. I should like to have this announcement stand for the day.

Mr. GALLINGER. Mr. President, I have been requested to announce the following pairs.

The Senator from Maine [Mr. BURLEIGH] with the Senator from New Hampshire [Mr. HOLLIS];

The Senator from Delaware [Mr. DU PONT] with the Senator from Texas [Mr. CULBERSON];

The Senator from West Virginia [Mr. GOFF] with the Senator from South Carolina [Mr. TILLMAN];

The Senator from Rhode Island [Mr. LIPPITT] with the Senator from Montana [Mr. WALSH];

The Senator from Pennsylvania [Mr. PENROSE] with the Senator from Mississippi [Mr. WILLIAMS];

The Senator from Wisconsin [Mr. STEPHENSON] with the Senator from Oklahoma [Mr. GORE]; and

The Senator from Michigan [Mr. TOWNSEND] with the Senator from Arkansas [Mr. ROBINSON].

I will not repeat this announcement, but will ask that it may stand for the day.

The result was announced—yeas 37, nays 15, as follows:

YEAS—37.

Bankhead	James	Martine, N. J.	Poindexter
Bryan	Jones	Nelson	Pomerene
Camden	Kern	Overman	Ransdell
Chamberlain	Lane	Page	Saulsbury
Clarke, Ark.	Lee, Md.	Perkins	Shafroth
Hughes	Martin, Va.	Pittman	Sheppard

Simmons	Stone	Tillman	Works
Smith, Ga.	Swanson	Vardaman	
Smith, Mich.	Thompson	West	
Sterling	Thornton	White	

NAYS—15.

Ashurst	Catron	Gallinger	Norris
Borah	Clapp	Gronna	Smoot
Brandegee	Clark, Wyo.	Kenyon	Weeks
Bristow	Cummins	Myers	

NOT VOTING—44.

Brady	Goff	McLean	Shively
Burleigh	Gore	Newlands	Smith, Ariz.
Burton	Hitchcock	O'Gorman	Smith, Md.
Chilton	Hollis	Oliver	Smith, S. C.
Colt	Johnson	Owen	Stephenson
Crawford	La Follette	Penrose	Sutherland
Culberson	Lea, Tenn.	Reed	Thomas
Dillingham	Lewis	Robinson	Townsend
du Pont	Lippitt	Root	Walsh
Fall	Lodge	Sherman	Warren
Fletcher	McCumber	Shields	Williams

So the motion was agreed to; and the Senate, as in Committee of the Whole, resumed the consideration of the bill (H. R. 13811) making appropriations for the construction, repair, and preservation of certain public works on rivers and harbors, and for other purposes.

Mr. BURTON. Mr. President, in the telegram from Dallas, Tex., which has been read from the desk, the statement was made that some two million dollars had been raised by the citizens of that city, with the inference that it was for the promotion of the improvement of the Trinity River. I do not wish to say anything in disparagement of that growing community. Its citizens have shown great public spirit and have contributed somewhat liberally to the promotion of navigation in the Trinity River; but I think the telegram conveys an inference altogether incorrect. No such sum as $2,000,000 has been contributed toward this improvement. Information as to the amount contributed in connection with the improvement is published in a public document, and I think we should ask for an itemization of that $2,000,000. My impression is that the larger portion of it, in fact, nearly all of it, has been expended for a sewerage system and for municipal improvements which are entirely independent of any plan for the navigation of the Trinity River.

Mr. SHEPPARD. Mr. President, if the Senator will permit me, a new sewerage system was constructed in order that the disposition of the sewage might not interfere in any way with the navigation of the river, and but for the fact that they thought that it was desirable to improve the river there would have been no necessity of expending the money to provide other means for the disposition of sewage.

Mr. BURTON. I think everyone knows that it would be utterly insanitary for a growing city of that kind to discharge its sewage through a navigable stream which for a portion of the year is practically dry; and any growing community considering the future will provide some other means for disposing of its sewage rather than to discharge it through a river that sometimes has practically no flow whatever, and that, too, in the hot seasons of the year, when prompt disposition of the sewage is indispensable.

Mr. SHEPPARD. Mr. President, the river has been used for that purpose ever since the city was founded, and I dispute the statement that the river is ever practically dry. It may be dry sometimes in some branches above Dallas, but from Dallas down I dispute that it is ever practically dry, and I ask the Senator for his proof.

Mr. BURTON. I think the official reports will show that it is difficult, if not impossible, to carry away a great quantity of sewage, such as must be disposed of from a city of that size with the ordinary flow of that river at all seasons of the year. Of course, I have not made any specialty of the sewerage of the city of Dallas, but that is an inference which I very decidedly draw from the reports upon the subject.

Mr. BRISTOW. Mr. President, do I understand that this large expenditure for sewage disposal was for the purpose of carrying the refuse away from the river, so that it would not fill it up and prevent navigation?

Mr. BURTON. I so understand the Senator from Texas.

Mr. BRISTOW. And the river is dry a part of the year?

Mr. BURTON. It may not be dry, but there is practically no water or current. The suggestion was made that the flow might be stimulated by digging artesian wells, but I believe that has never been done.

Mr. BRISTOW. Is it proposed to dig artesian wells in order that we may create navigable streams, and then dig trenches for the streams to run in, in order that our steamboats may float?

Mr. BURTON. I will not say it is exactly that. Artesian wells were recommended or favorably commented on in the first report made on this river, the one upon which the improvement is based.

Mr. GALLINGER. Mr. President, the original engineers' report made the suggestion that artesian wells might be utilized to furnish water for the stream. There is no doubt about that. They have gotten along without it. Possibly the sewage helped out a little toward furnishing water for the stream.

Mr. BRISTOW. I undertook to find out during the morning hour what navigation there was on this stream, how many steamboats had been constructed, and how many steamboats were in operation carrying commerce up and down the Trinity River. Has the Senator from Ohio any information as to that?

Mr. BURTON. No; I have not.

Mr. SHEPPARD. Why, Mr. President, at present the locks and dams have not reached a sufficient stage of completion to justify the navigation of the river; but several locks and dams have been in course of construction during the last six or eight years and are now reaching completion, and we have a boat ready to pass up the stream as soon as the locks and dams now being built are completed.

Mr. BRISTOW. They have one boat?

Mr. SHEPPARD. The city of Dallas has purchased a boat to put on the river.

Mr. BRISTOW. Where is that boat now, please?

Mr. SHEPPARD. As I understand from this telegram, it is now near Galveston.

Mr. BRISTOW. How do they expect to get it there—by train or by water?

Mr. SHEPPARD. They expect to get it there by the river, I will say; and they may send for the Senator from Kansas and let his eloquence pull it up.

Mr. BRISTOW. No; my eloquence is not to be contributed to any such purpose as that.

Mr. SHEPPARD. I think it would cause such a disturbance in the atmosphere that if you put sails on the boat it would carry it right up the river.

Mr. BRISTOW. Oh, if the Senator thinks they will put on sails and navigate the air in Texas, that would be a different proposition; but the boat that I understand the city of Dallas has is not an aeroplane, I think.

Mr. SHEPPARD. A sufficient disturbance of the air produces rainfall. If we can not get the water in any other way, we might get it in that way.

Mr. BRISTOW. I suppose that is about the way the Senator expects to get the boat floated up the dry ditches that he is having the Government dig there to lower the freight rates.

Mr. SHEPPARD. No; I was simply giving an answer worthy of the charge made by the Senator.

Mr. BRISTOW. I have made no charge. I have been trying to secure information from the Senator.

Mr. SHEPPARD. I am perfectly willing to give the Senator information.

Mr. KENYON. Mr. President, this telegram, which it has been suggested is longer than the river, states that this boat is en route to Dallas under its own steam, so the Senator must realize that there is at least one boat there that is proceeding under its own steam.

Mr. BRISTOW. I wonder where that boat is. I will inquire of the Senator from Texas if he can not send a tracer for it and locate it, so that we may have some knowledge as to where that boat is now, and how much it will cost to get it up to Dallas.

Mr. SHEPPARD. I will do so, for the benefit of the Senator from Kansas.

Mr. BRISTOW. No; I think the country ought to know something about it. These vast expenditures are being made on dry ditches in Texas for the purpose of improving the navigation of the streams and thereby lowering freight rates. We have heard a good deal in the discussion about appropriations to lower freight rates. We have heard some very eloquent speeches on that subject.

Mr. CHILTON. Mr. President——

The VICE PRESIDENT. Does the Senator from Kansas yield to the Senator from West Virginia?

Mr. BRISTOW. I have not the floor, except by the courtesy of the Senator from Ohio.

Mr. CHILTON. I just wanted to suggest to the Senator that probably the boat is in the river.

Mr. POINDEXTER. Mr. President——

The VICE PRESIDENT. Does the Senator from Ohio yield to the Senator from Washington?

Mr. BURTON. I yield to the Senator.

Mr. POINDEXTER. What river is the Senator speaking of?

Mr. BRISTOW. The Trinity River, as I understand, is the name of the ravine there that is being improved for purposes

of navigation. The Senator from West Virginia suggests that the boat is in the river, but we have not any information to that effect.

Mr. GALLINGER. But the further information has been vouchsafed that it can not navigate the stream until the locks and the dams are built.

Mr. BRISTOW. Why do they have it in the river? I think they ought to have it in a box car.

Mr. SHEPPARD. Of course, all this humor is very pleasant, but I want to say that the statement that the river is dry, or practically dry, is an unspeakable slander; that it is a worthy project; and I shall endeavor to show that it is a worthy project when the time comes to discuss it. So far as the artesian-well proposition is concerned, the first engineer who made an examination did say something about artesian wells in the upper reaches of the river, the reaches at and above Dallas; but since that time a special board of engineers reexamined that section of the river and found that no artificial water supply would be necessary; that the rainfall was sufficient for navigation in the upper stretches of the river.

Mr. CLARK of Wyoming. I will ask the Senator what is the length of the river?

Mr. SHEPPARD. About 500 miles.

Mr. POINDEXTER. I should like to ask the Senator from Texas whether it has been charged that there is no water in this river?

Mr. SHEPPARD. Certainly it has been charged that there is no water in it. It was charged this morning; but I can demonstrate to the satisfaction of any reasonable man that all these charges are mere harmless badinage; that they are just as empty as some gentlemen claim the river is [laughter]; that the attacks they make on the river to-day are of a kind with the faked interview in the Washington Post yesterday. I think it must have been faked, because it wore all the earmarks of a fake. I refer to the interview that was published here in the RECORD yesterday purporting to come from one M. J. Wirth, of Fort Worth, Tex. Nobody in Texas seems to know anything about him.

Mr. BURTON. I should like to ask, in my own time, and while the Senator from Texas is on his feet, when he expects to make his remarks defending the Trinity. That subject seems to be assuming such importance and awakening such wide interest that I certainly would be willing to give way for his defense of the Trinity River and the various Texas projects. May I ask when the Senator from Texas intends to take this up?

Mr. SHEPPARD. I propose to discuss it when we reach the item in the bill.

Mr. BURTON. Oh, we may never reach the item. [Laughter.]

Mr. SHEPPARD. From the way the Senator is speaking now, I do not suppose we will.

Mr. BURTON. That may be.

Mr. KENYON. Mr. President, I suggest that the attack on the Trinity ought not to involve an attack on the whole plan of salvation—the salvation of Congress.

Mr. SHEPPARD. I will state, for the benefit of the Senator from Iowa, that there are no red lights on the river.

Mr. KENYON. I suppose the water could not put them out if there were.

Mr. BURTON. Mr. President, again resuming my argument, yesterday I referred to the statistics for traffic through the Muscle Shoals Canal, with its locks, and through the Colbert and Bee Tree Shoals Canal on the Tennessee River. I should like the attention of the Senator from Nebraska [Mr. NORRIS], who participated in that discussion and made some valuable suggestions. I stated that I had only the figures for the year 1912, and that possibly the figures for the later year would show a material increase. This morning I have obtained the 1913 statistics, and I ask unanimous consent that they be printed in the RECORD.

The VICE PRESIDENT. Without objection, that may be done.

The matter referred to is as follows:

COMMERCIAL STATISTICS OF MUSCLE SHOALS AND COLBERT SHOALS CANALS.

DISTRICT ENGINEER OFFICER, CHATTANOOGA DISTRICT,
July 16, 1914.

The CHIEF OF ENGINEERS, UNITED STATES ARMY,
Washington, D. C.:

In reply to telegram of the 15th instant relative to commercial statistics for the Muscle Shoals Canal and the Colbert Shoals Canal, Tennessee River, below is the statement for the calendar year 1913, these being the latest figures available:

Muscle Shoals Canal.

	Tons.
Cotton	1,226
Cotton seed	784
Grain	16
Hay	37
Other farm products	9
Logs	45
Lumber	147
Ties	10
Other timber products	3
Coal	45
Fertilizer	2,150
Flour	131
General merchandise	905
Machinery and implements	233
Miscellaneous	136
Total	5,887

Estimated value, $580,000.

Colbert Shoals Canal.

	Tons.
Grain	158
Live stock	1
Other farm products	89
Lumber	16
Ties	30,012
Other timber products	4
Fertilizer	209
Flour	34
General merchandise	160
Machinery and implements	5
Miscellaneous	22
Total	30,710

Estimated value, $215,000.

H. BURGESS,
Major, Corps of Engineers.

Mr. BURTON. I wish to make some comments upon these figures.

The traffic through the Muscle Shoals Canal in the year 1912 amounted to 5,520 tons. For 1913 it was slightly larger—5,887 tons. The value has also somewhat increased, from $449,857 to $585,000—an increase, however, which is not very material.

On the other hand, in the Colbert Shoals Canal, which was first opened in the month of November, 1911, there has been a decrease from 31,943 tons in 1912 to 30,710 tons in 1913, and a decrease in the value of the freight from $232,672 to $215,000. The predominant item is still railroad ties—30,518 tons in 1912 and 30,012 tons in 1913. In 1912 the traffic in merchandise and all other articles besides railroad ties amounted to but 1,175 tons. This has fallen in the last year to 698 tons, a decrease of nearly one-half.

The idea I had yesterday that possibly a later year would show some increase, which would afford some vestige of justification of these improvements, has certainly been entirely disappointed. The traffic on the Muscle Shoals Canal, though slightly increasing, is still very small. The traffic on the very expensive Colbert Shoals Canal, costing $2,313,000, and $30,000 or $40,000 a year for maintenance, has diminished in its second year.

Mr. NORRIS. Mr. President——

The VICE PRESIDENT. Does the Senator from Ohio yield to the Senator from Nebraska?

Mr. BURTON. Yes.

Mr. NORRIS. Does the Senator say, taking out logs and ties, that in 1913 there were only 698 tons?

Mr. BURTON. Six hundred and ninety-eight tons.

Mr. NORRIS. That would mean that the cost per ton to the Government would be higher this year than the one we were talking about yesterday?

Mr. BURTON. Yes.

Mr. NORRIS. Has the Senator there the expense of maintenance?

Mr. BURTON. I have not. I should conjecture that it would be somewhat less than for the first year, which was $34,500. The interest on the investment at 4 per cent would be $92,000. It would be a safe conjecture that, coupled with the cost of operation, the sum of the two would be $100,000, and probably it would be in excess of that amount; perhaps $110,000 or $115,000.

Mr. NORRIS. We found out yesterday that taking the maintenance cost for 1912 and adding 4 per cent interest on the investment, and then taking out of the calculation the logs and the railroad ties, it cost the Government about $100 a ton to put this traffic through the lock.

Mr. BURTON. Yes; or the canal. The canal includes the lock.

Mr. NORRIS. Yes. In that connection I wish to ask the Senator a question. This is only one lock on the river?

Mr. BURTON. Yes.

Mr. NORRIS. There are quite a number of other locks, are there not?

Mr. BURTON. There are in the Muscle Shoals system. Part are on one side of the river, and part on the other side.

Mr. NORRIS. Now, if it costs the Government $100 to put a ton of freight through one lock, and there are five or six locks to go through, if there was any freight there that traveled

any distance, the cost would amount to several hundred dollars per ton, would it not?

Mr. BURTON. The cost is not so great per ton of valuable freight in the Muscle Shoals Canal.

Mr. NORRIS. Probably not quite so great.

Mr. BURTON. This seems to be the maximum cost of freight passing through any lock or improvement in the Tennessee River, and perhaps it is the maximum in the United States. The total cost per ton, excluding railroad ties, for the last year—1913—would be approximately $150 per ton; and using the very striking comparison that the Senator from Nebraska employed yesterday, the value of all traffic passing through the Colbert Shoals Canal in 1913 was $215,000. The value by items is not given, but the quantity of railroad ties is almost exactly the same as last year, and they were valued at $137,000. Deducting that amount from the total value of 1913 would show the traffic other than ties had a value of $78,000. So the expense, when you count in interest on the investment and the cost of maintenance, is clearly $20,000 more than the total value of all the freight passing through the canal, excluding the railroad ties, which could readily be floated.

Mr. NORRIS. Those are the figures for this one lock only?

Mr. BURTON. Yes.

Mr. NORRIS. But suppose the freight had to be passed through two locks?

Mr. BURTON. I would not anticipate that the cost would increase proportionately.

Mr. NORRIS. I want to ask the Senator another question on a subject that I asked him about yesterday. I have found from the report of the Chief of Engineers something bearing on the point, and it is directly in connection with the subject about which the Senator is talking now.

I asked the Senator yesterday whether or not the United States Government was not liable for damages to the men who were engaged in logging and getting out and shipping railroad ties. They seem to be the principal articles that are shipped down these rivers. The Senator did not think there was any possibility of damages coming on that account.

Mr. BURTON. I understood the question of the Senator from Nebraska related to the liability of the Government for damages.

Mr. NORRIS. Well, probably not a technical or legal liability, but a moral liability. I believe the records show that the Government has destroyed an occupation in which a good many men were employed, and a great deal of money invested, by putting in these locks. If the Senator will permit me, I should like to read from the report of the Chief of Engineers for 1913. The report is speaking not of this particular lock, but of the same thing in connection with another river.

Mr. BURTON. The Kentucky River?

Mr. NORRIS. Yes. They say as follows:

> The principal commerce of the river is timber, which can be most advantageously handled as loose logs; but as the slack-water improvement has progressed it has been necessary to impose and enforce regulations preventing the running of loose logs in the portions improved, which imposes hardship on the interests involved, since it requires rafting and towing the logs. If allowed to run loose the logs and the dams would cause reciprocal damage. For the towns of Valley View and Ford, at railroad crossings of the river, and formerly sawmill and transshipping points, the results have been disastrous, since such of their industry as survived has been transferred to other points.

So it seems the building of dams has driven men out of business.

Mr. BURTON. I certainly do not see any ground of liability when the Federal Government improves a waterway and makes it more suitable for general commerce.

Mr. NORRIS. About the only commerce is railroad ties and logs.

Mr. BURTON. And that is by persons who use original methods.

Mr. NORRIS. I want to say that I am not claiming that there is any legal liability, but ought we not to take into consideration before we build dams and locks in rivers where there is no navigation except for logs that we are injuring men who are engaged in the logging business?

Mr. BURTON. I have no doubt whatever that locks and dams have been constructed at very large expense in instances where the communities tributary to the river have been injured rather than helped.

The statistics for the Muscle Shoals Canal show a striking similarity for the years 1912 and 1913. Those for the Colbert Shoals Canal are not so identical.

The most unfavorable indication in the statistics for the two years for that improvement is the decline in the development of general merchandise. In the year 1912, 329 tons of general merchandise passed through that canal. That quantity diminished to 160 tons in 1913.

Think of it, Mr. President and Senators; this is an improvement which extends the navigation of a stretch of great river 206 miles long, near to two promising industrial centers—Florence and Sheffield. At one of those towns there are iron furnaces. One of them has a population of over 6,000 inhabitants. They are only a few miles from this improvement, but yet you have this unfavorable showing for the second year after this great canal is opened.

Mr. CLARK of Wyoming. What was the cost of it?

Mr. BURTON. Two million three hundred and thirteen thousand dollars. The amount of general freight, other than railroad ties, carried through it was only 698 tons for the year 1913.

The conjecture I offered yesterday that possibly in the first year the shipping interests has not as yet begun to use it and that a larger traffic would develop is disproved by the traffic of the second year.

I do not begrudge the time consumed in presenting to the Senate the arguments and the indisputable facts on such a project when similar features appear in the pending river and harbor bill.

I know something of the history of this canal. It was authorized in the year 1890. Year after year Congress hesitated about about making any appropriation. In the month of May, 1899, I saw that lock and dam, a magnificent piece of masonry, standing there alone. Egypt had no monopoly on great works of masonry the purpose of which remained a mystery. The pyramids are no finer than this lock. Of those who look upon it some praise the work and some the architects, but I think the laudation will be largely reserved to the Congressmen who obtained the original appropriation for that improvement.

It has been finished at last, and here are the results: Two million three hundred thousand dollars have been expended upon it, and if it were not for the pride in finishing what we began it had better been left unfinished, so far as any commercial results from it have been shown.

Mr. SHIELDS. Mr. President——

The VICE PRESIDENT. Does the Senator from Ohio yield to the Senator from Tennessee?

Mr. BURTON. Certainly.

Mr. SHIELDS. I wish to ask the Senator from Ohio at what time did the worthlessness of this improvement at Colbert Shoals appear?

Mr. BURTON. You never could be sure of it until it was opened in November, 1911, and was subjected to the test.

Mr. SHIELDS. Is it not a familiar fact that $1,500,000 of the appropriation complained of was appropriated while the Senator from Ohio was chairman of the House Committee on Rivers and Harbors?

Mr. BURTON. I do not think so, though I want to look that up. While I have delinquencies to answer for, I trust that is not one of them. It is true it was a work under way when I became a member of the Rivers and Harbors Committee, and it is probable that appropriations were made for it during my service as chairman of that committee.

Mr. SHIELDS. I should like to call the Senator's attention to page 2499 of the report of the Chief of Engineers and let him see that between the period beginning March 3, 1899, and ending March 4, 1909, there was $1,518,000 appropriated for this improvement, while the Senator was chairman of the Committee on Rivers and Harbors of the House, and of course I suppose it was done with his approval.

Mr. BURTON. Well, I suppose it was, but I do not think it will amount to that figure. I see that an appropriation was made in the sundry civil act of 1903 and in the river and harbor act of 1905. But am I to blame for that? Here was a project to which the Government had committed itself in the year 1890, on which it had expended the sum of $695,000. A magnificent masonry structure had been erected; and it would be a very far cry, it would be an unusual exertion of the prerogative of a member of a committee or even of its chairman to say "I will stop that improvement right there."

A great many of these projects did not commend themselves to us. We had the Illinois & Mississippi Canal, which had already cost some six or seven million dollars, and required a million more for completion, and we actually hesitated about appropriating that additional million. But, of course, it is not very creditable to a great Government like our own to commence a public work and when it is half or two-thirds or six-sevenths completed to drop it. It is true the Rivers and Harbors Committee at the time when I was its chairman did absolutely abandon some projects for which appropriations had been made for many years. Most of them have made their way back into the bill now, and they are very prominent in this bill and the appropriations for them are very large; but we did not feel that

we could altogether abandon work which had been recommended and appropriated for during the time of our predecessors. The way to handle such a project as this is to stop it before it is commenced. There are two other locks and dams in this river less favorably situated for the increase of traffic than this Colbert and Bee Tree Shoals Canal, one to cost $1,600,000 and the other $1,000,000, which will be continued toward completion unless Congress at this session and in this bill declares that it does not want any more such waste as this Colbert and Bee Tree Shoals Canal has proved in the years 1912 and 1913.

I say with confidence that the proposed canals are less promising than this one, because, if you were to look at the cities of Florence and Sheffield and others in the neighborhood, situated less than 20 miles from the end of the stretch of the river, which is navigable all the year round, you would conclude that great benefit would be conferred by bringing them into touch with that stretch and giving them continuous all-year navigation.

I certainly regret if during the time I was chairman or a member of the Rivers and Harbors Committee such large appropriations as this were made for a public work that has turned out so badly; but, in the first place, I repeat I do not see that I am to blame, as it had been commenced and prosecuted at an expense of $700,000 before I ever knew of it. In the next place, suppose in those years 1902 and 1903 and 1905 we did think that such a plan might be successful; suppose we looked at the cities that would be made tributary to it and heard the arguments of chambers of commerce, listened to telegrams such as were sent in this morning, if we did make a mistake, then is that any reason why in this year 1914, with further information on the subject, we should make a still further mistake, one even worse than that, by passing river and harbor bills which sanction the construction of other public works and of two other locks and dams which do not promise as well as this one did?

I presume before I am through other things that I may have said, other things with which I may have had some connection will be quoted here to show that my course on this bill is inconsistent. But I shall not be troubled at all by that. The usual fault found with any action of mine during all the years when I was a member of the Rivers and Harbors Committee was that I was too conservative; that I was not liberal enough. A cry went up from divers parts of the country that I was holding back improvements, and it was with the utmost difficulty that I succeeded in keeping down these bills to the amounts which they did carry. Unquestionably, items appeared which I did not altogether approve. Others were accepted by me and my colleagues because they were in continuance of projects already begun.

More than that, the country has learned something on this question of river traffic since 1902. The facts here speak most eloquently of the tendencies of river and harbor traffic. We know more on the subject than we knew then. I should very much regret if I felt that I myself did not have now in this year 1914 a more adequate understanding of many of the problems considered from 1896 to 1909 than I then had.

Mr. President, I desire to resume where I left off last night the argument in regard to greater simplicity in the reports of the engineers. It is exceedingly difficult for anyone who does not make a speciality of these subjects to gather from the great mass of data presented in these reports facts and circumstances relating to river and harbor works. I would suggest at the beginning of each description of a river project in volume 1 be given the following general facts:

A. The general location of the river or harbor.

B. The length under improvement.

C. The natural depths and present depths available. That will compare the river in its natural and its present state.

D. The present project. For instance, if the river in its natural state was 4 feet deep and it is now 6 feet, and it is expected to make it 8 feet, those facts should appear.

E. The amount expended to date.

F. The traffic in tons and the average haul.

That would take only about 8 or 10 lines. If those facts are given at the beginning, knowledge about river and harbor improvements would no longer be the possession of the few, but any Senator or Representative who desires to post himself upon the subject could learn at a brief glance the essential facts in regard to any project in the country. Some might say that is too much like the headline system of the newspapers, but however that may be, it would be decidedly useful and it would simplify the study of a subject which I am sure has not evoked the attention which it deserves. If it had received that attention, I do not believe we should have included in this bill and in some prior bills items costing millions and tens of millions of dollars for which the United States Government is now expending money.

Supplementing what I have said, I wish to read extracts from several letters received from Gen. Kingman, who is an able and scientific officer and the Chief of our Engineer Corps, on the question of statistics. I read first from the letter of July 7. In corresponding with him I suggested that special agents be appointed as one way to obtain more accurate information. I raised the question whether these facts had best be gathered by the Engineer Corps or by some other branch of the public service. He says:

Relative to your suggestion that special agents be appointed for the express purpose of gathering statistics, I beg to say that I believe that much better results in proportion to the amount of money expended can be obtained without the appointment of such special agents than could be obtained by them. The statistics now are gathered by employees of the engineer department, who do other useful work when not engaged in commercial statistics work. The question is largely one of the relative cost and value of the statistics. Under existing laws it will be possible to collect, without the appointment of special agents, very accurate statistics, if sufficient money is spent; but it is believed that the statistics now reported, as a rule, are reasonably accurate, and that the extra refinement, which would add comparatively little to the value of the statistics, would enormously increase the cost of collection, and, as stated in my letter of July 2 to you, in many cases the cost would be no small proportion of the total cost of the improvement.

Mr. President, I do not quite agree with that last statement. The gathering of statistics is no expensive matter. It may be that the cost of collecting the statistics in some cases would bear a large proportion to the amount of traffic as in the Colbert and Bee Tree Shoals Canal, but the masters of vessels, those who navigate our rivers, are compelled by law to make a full and definite report. That has been the law for nearly 50 years, and the work of those who gather these figures is largely one of addition, subtraction, and classification.

In another letter of July 9 Gen. Kingman says:

Replying to your letter of July 8, 1914, upon the subject of commercial statistics, I would say that it might be a good thing to have a certain sum at the disposal of the Chief of Engineers, which might be allotted by him, in much the same way that survey money is allotted to the different engineering districts, for the purpose of obtaining more accurate commercial statistics than those which we now get. In the case of harbors the Government really has the machinery for collecting accurate commercial statistics with very little increased expenses, if it could be made use of. I refer to the employees at the custom-houses. They do have boarding officers and they do collect a great deal of information, and without much additional expense could collect it all.

When I was stationed in Oswego N. Y., a number of years ago I made a friendly arrangement with the collector of customs at that place whereby he caused his boarding officer to visit every vessel that came into the harbor, and being provided with printed blanks he got from the master the cargo, the place from whence it came, the part that was left at the harbor, and all that was taken away and where it was to go. This information when tabulated gave very correct and comprehensive results. I explained the method to the officer who was stationed at Duluth, and the method was put in force in that district, and the last that I heard of it they were still using it. That will do for the harbors. An extension of the system would cover the internal waterways.

I have not a very high opinion of the statistics that were collected years ago. The officers charged with this work did the best that they could, but the matter years ago was not regarded as of very great importance, and it was not thought that the expenditure of money in connection with it was justified. The statistics were generally obtained by correspondence with boards of trade, chambers of commerce, managers of steamboat lines, etc. Some of the information was doubtless duplicated, and some things were doubtless missed.

The collection of correct statistics is an art and requires both training and experience. When I first went to the Tennessee River I was satisfied that we were not getting full and complete statements of the amount of business done. I therefore prepared quite an elaborate plan. I ascertained from my own employees the name and home port of every steamboat plying on the system. I learned the name of every person engaged in rafting lumber, and I addressed letters to the masters of the boats and the owners of the rafts. I explained to them very carefully what the law was and what we were trying to do and how desirable it was in the interest of the improvement to have full, complete, and accurate statistics. I was gratified to find that I got a great deal better showing of commerce than we had ever had before. But I did not discover until it was too late for me to make use of the information that year that many of the statistics were inflated—absolutely exaggerated—and made two or three times as big as they ought to have been. So that afterwards I found it necessary to study very carefully all the reports received and afterwards to send an experienced man out to visit the parties from whom reports had been received and to carefully check up their statements and to get, if possible, the exact truth.

The most troublesome class of business to get on the small rivers is the business that is carried on by independent steamboats that are owned and operated by the master, a man who keeps no books, and is probably too illiterate to keep any, and who does his business on a cash basis or with a broomstick tally or something of that kind. If you go to him at the end of the year, he can not possibly tell you how much business he has done.

Finally I would say that in order to make statistics comparable and to make it possible to deduce correct conclusions by a comparison of results taken at considerable intervals of time, it is absolutely necessary that the same method of collecting the statistics should be used in all cases, or at least that methods should be adopted that are absolutely accurate within appreciable limits. I should be glad to do anything in my power to facilitate the collection of correct statistics, and I think one of the first things that should be done would be to find out who are collecting statistics and in this way to arrange a coordi-

nation of effort that should secure the greatest accuracy and avoid the duplication of results.

In a third letter, under date of July 13, he says:

I have your letter of July 11, 1914, in which you speak of my communication dated July 9. If there is anything in that letter that you could use for the good of the public service, I certainly have no objection to your doing so. If special provision were to be made for the collection, in a more thorough and accurate manner, of the commercial statistics of rivers and harbors under consideration, I should think that some increase in the contingent fund, with the authorization for its use for that purpose, would be all that would be necessary.

Mr. President, I regard this as a comparatively simple matter. It may cost $50,000 or $100,000, but that is a very small sum to spend when we have been groping in the dark for so long.

I am inclined to think the collection of the statistics had best be left to the Engineer Corps. I will resume reading the letter of Gen. Kingman:

I somewhat doubt the propriety of reporting ferry traffic as a part of the commercial statistics on a river. A ferryboat simply takes the place of a bridge, and, in fact, in the course of time is generally replaced by one. But where landing places are not opposite each other on a river, but many miles apart, there would be no objection to considering it, and there would be no objection to considering it in any case if it were a question of ton mileage, and was so reported. People naturally, without thinking very seriously of the subject when considering the commerce on a river, imagine that the commodities are transported over the entire length of the stream, although this is hardly ever the case; so that ton mileage is really the only valuable basis of general comparison, and this is expensive to collect accurately, and, in a way, such that the commerce of one stream can be properly compared with that of another.

That is the point to which I have repeatedly called attention—the importance of ton mileage in determining the importance of a stream as an artery of commerce.

Mr. President, I have discussed this matter of the inadequacy of data and statistics on several different days, and my remarks therefore have been somewhat interrupted. With the indulgence of the Senate I desire to read a brief summary of my views on the subject of lack of statistics.

I.—Lack of Statistics.

SUMMARY.

Deficiencies.

1. Lack of uniformity.

(a) Some figures are for the fiscal year ending June 30 and some are for calendar years.

(b) Classification of commodities is not uniform. The terms "miscellaneous," "general merchandise," "package freight," and so forth, are used indiscriminately. (See Report of National Waterways Commission, p. 74.)

(c) There should be a uniform rule for statistics relating to freight ferried across a river. In some cases this traffic is included in the general aggregate of traffic upon a river and in others it is not. On the Mississippi River, at and below St. Louis, ferry traffic is not included. On the other hand, for at least one year in the last decade, ferry traffic was included on the upper Mississippi. It is included on the Ohio River apparently at all points at which there are ferries. Traffic in the harbor of Philadelphia, more than 4,000,000 tons, ferried from Philadelphia to Camden, was included in the total for the last year for which statistics are available.

(d) In some cases, as on the Oconee and Ocmulgee, floating logs are excluded, though usually they are not. Indeed, they are included in almost every case.

Uniformity should be secured in the particulars above referred to by general order.

(e) There is no uniformity as regards stretches of a river or the different pools created by locks and dams. In some cases the traffic is given for the whole river as an entirety, naturally involving considerable duplication in the making up of the total.

As an example, the Mississippi from St. Louis to New Orleans is divided into four sections—St. Louis to Cairo, Cairo to Memphis, Memphis to Vicksburg, Vicksburg to New Orleans.

It is impossible to derive from the figures the amount of through traffic. (See H. Doc. No. 50, 61st Cong., 1st sess., 1909, pp. 344, 345.)

On the other hand, on most rivers the traffic is given as an entirety on the whole river.

It is valuable to have statistics by stretches or portions of a river as well as for the whole river, especially when divided by locks and dams, but, at any rate, there should be a uniform rule.

II.—Inadequacy of Statistics.

(a) Ton mileage should be furnished. This is absolutely essential. The average haul and ton mileage is given on some streams but not on others.

Indeed, I think those figures are given for a comparatively small fraction of the streams; they may be given for one-fourth or perhaps one-third. The ton mileage is given for the traffic through the Soo Canal, and that is exceedingly valuable and important.

The figures given are barely sufficient to give an adequate idea of tendencies.

(b) In order that the increase or decrease in traffic may be recognized, comparisons should be given for successive years. In the Report for 1912, volume 1, a considerable number of these comparisons are given. They are also given in numerous reports from the Corps of Engineers.

(c) The French publication "Statistique de la Navigation Intérieure," affords a good example to follow. Statistics relating to rivers and canals divide the traffic into two classes:

1. That originating on the river or portion of a river, which is again subdivided into traffic between points on the river or portions of the river in question, and that which originates within and is shipped outside.

2. The second class of traffic is made up of freight originating outside and then again subdivided into two classes:

(1) That which is shipped to points on the section in question from outside.

(2) Freight passing through without unloading.

(d) The total traffic on all rivers and canals should be given; also the kinds of freight carried.

(e) Receipts and shipments at the respective points of receipt and distribution should be given.

(f) It goes without saying that charges by boat per ton per mile for different classes of freight are extremely important.

(g) It is desirable that statistics should be published separately, either as an appendix to the Engineers Report or in a separate volume, and not scattered through the volumes. There are French and German publications devoted exclusively to statistics upon rivers and canals.

(h) It is desirable that traffic partly by sea and partly by river should be distinguished from that which is exclusively by river.

Mr. WEST. Mr. President——

The VICE PRESIDENT. Does the Senator from Ohio yield to the Senator from Georgia?

Mr. BURTON. Certainly.

Mr. WEST. Before the Senator drifts too far from the matter, I should like to ask him if he knows why logs are not included in the ton mileage on the Ocmulgee?

Mr. BURTON. The Oconee and the Ocmulgee are the only two I recall now where floating logs are excluded.

Mr. WEST. Does the Senator know why logs are not included in the estimates of ton mileage on those rivers?

Mr. BURTON. My recollection is that the quantity of floated logs is given in the reports, but not in the general aggregate. The probable reason for that is that at some time difficulty was experienced in obtaining the statistics as to logs. I note that the quantity of floating logs is given on page 557 on the report pertaining to the Oconee.

Mr. WEST. Will the Senator permit me to interrupt him further?

Mr. BURTON. Certainly.

Mr. WEST. I merely wanted the information as to the Oconee and the Ocmulgee Rivers, because I know that at times timber has been a great part of the tonnage on those rivers.

Mr. BURTON. Indeed, I think the greater part at all times.

Mr. WEST. Yes, sir.

Mr. BURTON. On page 557, of the report, it is stated:

During the calendar year 1912 the amount of freight carried on the river between The Forks and Milledgeville amounted to 7,451 tons, valued at $309,190. There was also rafted on this portion of the river during the same period 17,110,000 feet board measure of lumber, valued at $287,150.

The 17,110,000 feet of lumber would weigh probably four times as much as the other traffic, if it were counted in the tonnage.

Mr. WEST. Four and a half times as much.

Mr. BURTON. Four and a half times as much. I have no doubt that the estimate of the Senator from Georgia is more accurate upon that than is my own estimate.

Mr. GALLINGER. Mr. President——

The VICE PRESIDENT. Does the Senator from Ohio yield to the Senator from New Hampshire?

Mr. BURTON. Certainly.

Mr. GALLINGER. I will ask the Senator from Ohio, who has made a careful study of almost every waterway in the United States, whether as a rule before the Government expended money on these streams logs could not have been floated?

Mr. BURTON. Oh, yes; and they could be floated to-day.

Mr. GALLINGER. In that connection I will say that an enormous commerce in logs has been floated down the Connecticut River, the Pemigewasset and the Winnipesaukee Rivers to the Merrimac and from there to market over shoal places

and other obstructions, but we never thought in our country of asking the Government to deepen those rivers to enable us to float logs to the market. It was more expensive no doubt than it would have been if we had an open channel, but our own people have done it at the expense of private parties, and I wondered, in remembering how shoal some of those streams are in places and how those logs have been manipulated by skilled men, whether there was an actual necessity for these improvements for the purpose of getting logs to market.

Mr. BURTON. Mr. President, I think one can make the broad generalization that the mere floating of logs ought to be eliminated from consideration in the improvement of streams. I do not say that a certain amount of improvement in the way of the removal of snags and possibly in some places dredging sand bars might not be justified, where the sole purpose was to float logs or timber, but that was a method of transportation long before the rivers were improved at the expense of the Government, and it never was in itself an excuse for improving any of them. It is not until recent years that we have come to realize how large a share of the traffic of such rivers as the Red and the Arkansas, and even the Tennessee, and a number of other streams is made up of floating logs. Indeed, when you deduct the floating logs there is hardly anything left, and yet we are paying enormous sums for improving the streams on the idea that it is necessary in the interest of navigation.

Mr. GALLINGER. Mr. President, I will ask the Senator if the suggestion does not appeal to him that where streams are somewhat obstructed by snags or trees falling over them that private parties who are engaged in this great traffic ought not to remove those at their own expense?

Mr. BURTON. That is what has usually been done until the modern era of river and harbor legislation.

Mr. GALLINGER. Mr. President, the Senator from Ohio is trying to instruct the Senate, and I notice there are very few Senators present. I suggest the absence of a quorum.

The VICE PRESIDENT. The Secretary will call the roll.

The Secretary called the roll, and the following Senators answered to their names:

Bankhead	Gallinger	Myers	Smith, Md.
Brady	Gronna	Overman	Sterling
Brandegee	Hughes	Page	Stone
Bryan	James	Perkins	Swanson
Burton	Jones	Pittman	Thomas
Camden	Kenyon	Pomerene	Thompson
Catron	Kern	Ransdell	Thornton
Chamberlain	Lane	Shafroth	Tillman
Chilton	Lee, Md.	Sheppard	West
Clapp	Lewis	Shields	White
Clark, Wyo.	Lippitt	Simmons	
Clarke, Ark.	Martin, Va.	Smith, Ariz.	
Cummins	Martine, N. J.	Smith, Ga.	

The VICE PRESIDENT. Forty-nine Senators have answered to the roll call. There is a quorum present.

Mr. SMOOT entered the Chamber and answered to his name.

Mr. BURTON. Mr. President, a parliamentary inquiry. I had understood the Chair to announce that a quorum was present.

The VICE PRESIDENT. Yes.

Mr. BURTON. Forty-nine Senators?

The VICE PRESIDENT. Yes.

Mr. BURTON. Answering further the Senator from Georgia, I give also the figures for the Ocmulgee River, which are found on page 560 of the engineers' reports. In 1912 the freight carried on this river amounted to 9,528 short tons, valued at $505,130. Besides this, 21,940,000 feet, board measure, of timber was rafted down the river, valued at $317,000. It will appear that in this river, as well as the Oconee, the quantity of timber floated was, in tonnage, far in excess of the general freight. I conceive that the reason why it has been omitted in some years is that possibly in some seasons of the year the statistics were not readily available. I make this statement and include this generalization because in other publications the Oconee and Ocmulgee are given distinctive positions. The asterisk accompanies the statement of tonnage, and reference is made to the fact that this does not include floated logs. That is true of the Statistical Abstract and other publications.

It is exceedingly difficult to find these figures, though by the use of a number of publications and by correspondence with the commercial bodies some very valuable figures are obtainable. If I were to express an opinion, I would say that those of the Merchants' Exchange of St. Louis are the most valuable of those furnished by any commercial organization relating to the rivers of the country. Other valuable statistics are furnished from Cincinnati, from New Orleans, and some from Chicago.

While I am on this subject I may say that if anyone desires to study river traffic, the best publication for its comprehensiveness in statistics is the report of the Inland Waterways Commission, published in the year 1908. At that time a strenuous effort was made to compile a list of abandoned canals to show the tendencies as to water-borne traffic on rivers and canals, and to give the available figures relating to tonnage up to that date. The Bureau of Corporations took up the subject, and President Roosevelt cooperated in the work. The statistics published in that report give very complete figures down to and including the years 1906 and 1907. It is to be regretted that this publication could not be continued down to date. Then the report of the National Waterways Commission published in 1910 and 1912—the preliminary report in 1910 and the final report in 1912—gives a class of statistics equally valuable; but the aim of that publication is not so much to furnish statistics as generalizations, and hence the figures given are much less comprehensive than those contained in the report of the Inland Waterways Commission. There are other publications, such as the Statistical Abstract, the Report on Transportation by Water, and divers census reports, which have very considerable value; but none of them can compare with the publications which are available in France and Germany, particularly those in France.

Briefly commenting on the inadequacy of our statistics, I have said a great deal in regard to ton mileage, and I think it will be recognized by everyone that it is not merely the number of tons that are handled on a river that is important, but the distance that freight is carried. If tonnage alone is considered, the ferriage traffic between two cities, merely crossing a river at some point where there is no bridge, might seem to give to a stream an importance for commerce which did not belong to one of far greater magnitude and commercial importance. It is only for a few years that these figures have been gathered in this country at all. Anyone who examines them, and who has labored under the impression referred to in Gen. Kingman's letter, that when a certain amount of tonnage is ascribed to a river it was carried for the whole length of the river, must have experienced a rude shock, for it appears that the great bulk of our river traffic on most of these rivers, even those of large size and very considerable importance, is hauled for only short distances.

In order that the increase or decrease in traffic may be recognized, comparisons should be given for successive years. In France these comparisons are available from 1847 to 1912 and statistics on a large and general scale from 1895 to 1912. On some rivers in the United States they are available from 1890 to 1912 or 1913, but with the qualification that the method of taking the statistics is by no means uniform; so the comparison is not so reliable as it otherwise might be. I have referred at some length in the summary given above to the French publication as an example.

The total traffic on all rivers and canals should be given, also the kinds of freight carried. It is exceedingly desirable that we should have the whole amount of freight carried on rivers in the United States aggregated in one total. If we did, and if we had a comparison by years, we could readily judge of the tendencies relating to water-borne transportation. With great labor I have tried to figure out this problem, and find that it is hardly possible to give any satisfactory figure of the aggregate traffic; but it is possible to find enough to determine what the tendencies are. Later in my argument I shall refer more fully to the inferences which may be derived from the figures available.

It is also very desirable that the different classes of commodities conveyed on all the rivers of the country should be grouped; that is, which are the principal articles of water-borne commerce? Is it package freight? Is it grain? Is it building material? Is it coal? Is it raw material for manufacture? What are the tendencies? Is the quantity of coarse material increasing out of proportion to the others? What is the tendency as to general merchandise—merchandise of considerable value per ton?

The figures relating to the French traffic show that the leading article carried on all the rivers and canals of France is building material, and that comprises about a third of the total; next in order comes coal and different mineral combustibles for fuel; next to that agricultural products and provisions. The importance of these different figures, the increase or decrease from year to year, can not be overstated. Indeed, where they are accurately obtained they show tendencies so plainly that it is impossible to deny or avoid the inference which can be derived from them.

Receipts and shipments at the respective points of receipt and distribution should be given. These figures are now given with reference to our harbors very carefully and very adequately; but on the rivers, strangely, nothing of the kind appears, save in an occasional document like that upon the wall; and that does not take up fully, as the French statistics do, the

different ports on the river as separate places of receipt and shipment.

Another item of statistics which I have included under the head "F" is charges by boat per ton per mile for different classes of freight. The engineers' reports are just beginning to furnish these, and they give very important information. We have had these figures for 20 years or more—yes; I think for 30 years—on freight passing through the Soo Canal. I may say in passing that the statistics gathered there—and they are gathered by the engineers with very little difficulty—are a model to follow. They are among the most valuable statistics furnished anywhere in the world. They show the classes of commodities passing through, the exact quantity of each, the value of all, and the rate per ton per mile.

Strangely, those commodities have varied very little in value for more than 20 years. The average value is between $10 and $12 per ton, showing that the great bulk of the freight is made up of coarse material, such as iron ore and coal. The figures also show that there has been a very substantial reduction year by year in the rate paid on freights going through.

Mr. WEST. Mr. President——

The PRESIDING OFFICER (Mr. SHAFROTH in the chair). Does the Senator from Ohio yield to the Senator from Georgia?

Mr. BURTON. Certainly.

Mr. WEST. Does not greater tonnage pass through the Soo Canal than through any other canal in the world?

Mr. BURTON. Much greater. Something over 70,000,000 tons pass through there. In making that statement, however, it is necessary to add the qualifying statement that the statistics at the Soo, as it is called—the St. Marys River Canal—are taken on a different principle or rule from those at the Suez. In fact, they are much more complete. At the Soo statistics are gathered of the net tonnage of all boats passing through, and also of the actual freight carried. At the Suez Canal they only gather statistics of the net tonnage. They do not attempt to obtain figures as to the aggregate quantity of freight, the weight of the cargoes of the vessels. For everything under the sun there is a reason, and there is a reason for this. They charge tolls on the basis of the tonnage. It would be regarded as impracticable to ascertain the quantity of all the respective cargoes. Again, the imposition of tolls upon the quantity of freight would throw the door wide open for fraud, or at least require such minute measurement as to be impracticable. It is in every way more convenient in fixing charges to determine the rates according to the tonnage; that is, by the capacity of the vessel, and not by the cargo that is hauled.

Mr. BORAH. Mr. President——

The PRESIDING OFFICER. Does the Senator from Ohio yield to the Senator from Idaho?

Mr. BURTON. Certainly.

FEDERAL TRADE COMMISSION.

Mr. BORAH. Mr. President, as I see the chairman of the Committee on Interstate Commerce here I should like to ask him what is to be the program with reference to the trust legislation. Are we going to postpone that now until the river and harbor bill is disposed of?

Mr. SIMMONS. Did the Senator ask me a question? If so, I did not hear it.

Mr. BORAH. I was asking the Senator from Nevada, but I am willing that the Senator from North Carolina shall speak.

Mr. SIMMONS. The Senator from Nevada is present.

Mr. NEWLANDS. It has been the sense of the Interstate Commerce Committee that it should not press the trade commission bill until it has disposed of the securities bill now pending before it, the view being that there is quite a general demand upon both sides of the Chamber that all the so-called trust legislation should be reported to the Senate before we acted finally upon any of the bills. The Interstate Commerce Committee prepared its final draft yesterday, and it is printed to-day and is now under the inspection of the various members of the committee with a view to final action to-morrow morning, when we hope to report that bill.

As to the Clayton bill pending before the Judiciary Committee, I am told that the bill is finally shaped and the report is being written and that it will be filed to-morrow.

So whilst I did expect that these reports would be filed to-day and that we would be able to proceed with the trade commission bill to-day, I find that the condition is such that we will not be able to proceed with it until to-morrow. Then I shall expect to press the bill vigorously.

Mr. BORAH. I understand, then, the program will be not to delay longer than to-morrow.

Mr. NEWLANDS. No.

Mr. BORAH. Whether other bills are reported or not? If the other two bills are not reported, I understand we will go ahead with the trade commission bill to-morrow, anyway.

Mr. NEWLANDS. Yes; that is my intention.

Mr. BORAH. I have no intention to find fault or to criticize. While there is some difference of opinion on this side of the Chamber, speaking for myself I am not in favor of the commission bill as it stands, but I am ready to help it to its final passage, or any other trust legislation that has to go through.

Mr. KENYON. I understood the Senator from Nevada to say last week that he would vigorously press the trade commission bill. He now states that he will vigorously press it some time in the future; but evidently the bill is not to be pressed this afternoon. As we have now spent some hour and a half on the river and harbor bill, it seems to me there is a measure of much more importance that should be considered by the Senate. I gave notice on the 9th day of March that I would ask for the consideration of Senate bill 392 at the earliest opportunity.

Mr. SIMMONS. Mr. President——

The PRESIDING OFFICER. Does the Senator from Iowa yield to the Senator from North Carolina?

Mr. KENYON. I yield to the Senator from North Carolina.

Mr. SIMMONS. The river and harbor bill is the unfinished business, I understand?

The PRESIDING OFFICER. It is the unfinished business before the Senate.

Mr. BORAH. Mr. President——

Mr. KENYON. I yield to the Senator from Idaho.

VOLUNTEER OFFICERS' RETIRED LIST.

Mr. BORAH. I wish to ask the Senator from Iowa what is the bill that he speaks of?

Mr. KENYON. It is a bill to place on the retired list the volunteer officers of the Civil War. Their average age is now 76 years. There has been an earnest effort made on the part of their friends throughout the country to induce Congress to take up this measure. It has been before Congress for a great many years. The Committee on Military Affairs finally reported it out, and it is on the calendar. We have tried time and time again to get it up. There is going to be plenty of opportunity, apparently, to consider the river and harbor bill, and this bill would not bring out very much discussion. I think we could dispose of it this afternoon. It is a mere act of justice to these old veterans of the Civil War. Mr. President, I move that the Senate proceed to the consideration of Senate bill 392.

Mr. SMITH of Arizona. What is the bill?

Mr. KENYON. It is what is termed the volunteer officers' retired bill.

Mr. BORAH. On that I ask for the yeas and nays.

Mr. SIMMONS. I will ask the Senator from Iowa if that is not the same bill the Senator or some other Senator upon the other side moved to take up and displace the river and harbor bill a few days ago?

Mr. KENYON. I made no motion to take it up. I think some one did move to take it up. I earnestly hope it may displace the river and harbor bill.

The PRESIDING OFFICER. The Senator from Michigan [Mr. TOWNSEND] moved to take up the bill the other day.

Mr. KERN. Mr. President, I was about to state that the Senator from Michigan [Mr. TOWNSEND] the other day made this same motion. I am very much in favor of the bill referred to by the Senator from Iowa. I took an active interest in its promotion before the committee, and I am willing to do everything I can to further its passage, but the Senators on the other side certainly can not be acting in the interest, in the real interest, of these old soldiers when they undertake to give this bill a partisan cast and undertake time after time and time after time to displace an appropriation bill that must be passed, using it as a sort of a weapon for that purpose.

Mr. GALLINGER. Mr. President, I rise to a point of order.

Mr. KERN. My judgment is——

The PRESIDING OFFICER. The Senator from New Hampshire rises to a point of order, which he will state.

Mr. GALLINGER. This is not a debatable question; and if it is to be debated, I want to have it left open, because I want to say something in reply to what the Senator from Indiana states.

The PRESIDING OFFICER. The Chair holds that it is not debatable, and there is a call for the regular order. The question is on agreeing to the motion of the Senator from Iowa to proceed to the consideration of the bill, on which the yeas and nays have been demanded.

The yeas and nays were ordered.

Mr. OVERMAN. I suggest the absence of a quorum.

The PRESIDING OFFICER. The absence of a quorum is suggested. The Secretary will call the roll.

The Secretary called the roll, and the following Senators answered to their names:

Bankhead	Cummins	Overman	Smoot
Borah	Gallinger	Page	Stone
Brady	Gronna	Perkins	Thomas
Brandegee	Hollis	Pittman	Thompson
Bryan	Kenyon	Ransdell	Thornton
Burton	Kern	Saulsbury	Weeks
Catron	Lane	Shafroth	West
Chamberlain	Lee, Md.	Sheppard	White
Chilton	Lippitt	Shields	Works
Clapp	Martine, N. J.	Simmons	
Clarke, Ark.	Myers	Smith, Ariz.	

Mr. MYERS. I wish to announce that my colleague [Mr. WALSH] is necessarily absent on official business.

The PRESIDING OFFICER. Forty-two Senators have responded to their names. There is not a quorum present. The Secretary will call the names of the absentees.

The Secretary called the names of the absent Senators, and Mr. JAMES, Mr. SMITH of Georgia, Mr. SMITH of Maryland, Mr. STERLING, and Mr. SWANSON answered to their names when called.

Mr. MARTIN of Virginia, Mr. TILLMAN, Mr. CAMDEN, Mr. LEWIS, Mr. BRISTOW, and Mr. HUGHES entered the Chamber and answered to their names.

The PRESIDING OFFICER. Fifty-three Senators have answered to their names. There is a quorum present. The question is on the motion of the Senator from Iowa, to take up the bill (S. 392) to create in the War Department and Navy Department, respectively, a roll designated as "the Civil War volunteer officers' retired list," to authorize placing thereon with retired pay certain surviving officers who served in the Army, Navy, or Marine Corps of the United States in the Civil War, and for other purposes, on which the yeas and nays have been ordered. The Secretary will call the roll.

The Secretary proceeded to call the roll.

Mr. CATRON (when his name was called). I transfer my pair with the Senator from Oklahoma [Mr. OWEN] to the Senator from Illinois [Mr. SHERMAN] and vote "yea."

Mr. CHAMBERLAIN (when his name was called). I have a general pair with the junior Senator from Pennsylvania [Mr. OLIVER]. In his absence I withhold my vote.

Mr. CLARKE of Arkansas (when his name was called). I have a pair with the junior Senator from Utah [Mr. SUTHERLAND], who is absent. I transfer that pair to the senior Senator from Indiana [Mr. SHIVELY]. I vote "nay." I will let this announcement stand for the day.

Mr. GALLINGER (when his name was called). I have a general pair with the junior Senator from New York [Mr. O'GORMAN]. He is absent, and I withhold my vote.

Mr. GRONNA (when his name was called). I have a general pair with the senior Senator from Maine [Mr. JOHNSON]. I transfer that pair to my colleague [Mr. MCCUMBER] and vote "yea."

Mr. HOLLIS (when his name was called). I announce my pair with the junior Senator from Maine [Mr. BURLEIGH] and withhold my vote.

Mr. SMITH of Georgia (when his name was called). I transfer my pair with the senior Senator from Massachusetts [Mr. LODGE] to the junior Senator from Mississippi [Mr. VARDAMAN] and vote. I vote "nay."

Mr. SMITH of Michigan (when Mr. TOWNSEND's name was called). My colleague [Mr. TOWNSEND] is absent from the Chamber. He is paired with the junior Senator from Arkansas [Mr. ROBINSON]. If my colleague were present, he would vote "yea."

The roll call was concluded.

Mr. THOMAS. I have a general pair with the senior Senator from New York [Mr. ROOT]. In his absence I withhold my vote.

Mr. CHILTON (after having voted in the negative). I have a pair with the Senator from New Mexico [Mr. FALL], but under the terms of it I have a right to vote as I please on this kind of a question, and I will let my vote stand.

Mr. STONE (after having voted in the negative). I voted, but I have a general pair with the Senator from Wyoming [Mr. CLARK]. I transfer my pair to the Senator from Ohio [Mr. POMERENE] and let my vote stand.

Mr. LIPPITT. I should like to ask if the Senator from Montana [Mr. WALSH] has voted?

The PRESIDING OFFICER. He has not voted.

Mr. LIPPITT. As I have a pair with that Senator I withhold my vote.

Mr. GALLINGER. I have announced my pair with the junior Senator from New York [Mr. O'GORMAN]. I now desire to transfer that pair to the junior Senator from Washington [Mr. POINDEXTER] and vote "yea."

Mr. SMITH of Maryland. I transfer my pair with the Senator from Vermont [Mr. DILLINGHAM] to the Senator from Nevada [Mr. NEWLANDS] and vote "nay."

Mr. HOLLIS. I transfer my pair with the junior Senator from Maine [Mr. BURLEIGH] to the junior Senator from Nevada [Mr. PITTMAN] and vote "nay."

The result was announced—yeas 19, nays 32—as follows:

YEAS—19.

Borah	Catron	Jones	Sterling
Brady	Clapp	Kenyon	Thompson
Brandegee	Cummins	Page	Weeks
Bristow	Gallinger	Smith, Mich.	Works
Burton	Gronna	Smoot	

NAYS—32.

Bankhead	Kern	Ransdell	Smith, Ga.
Bryan	Lane	Reed	Smith, Md.
Camden	Lewis	Saulsbury	Stone
Chilton	Martin, Va.	Shafroth	Swanson
Clarke, Ark.	Myers	Sheppard	Thornton
Hollis	Nelson	Shields	Tillman
Hughes	Overman	Simmons	West
James	Perkins	Smith, Ariz.	White

NOT VOTING—45.

Ashurst	Gore	Norris	Smith, S. C.
Burleigh	Hitchcock	O'Gorman	Stephenson
Chamberlain	Johnson	Oliver	Sutherland
Clark, Wyo.	La Follette	Owen	Thomas
Colt	Lea, Tenn.	Penrose	Townsend
Crawford	Lee, Md.	Pittman	Vardaman
Culberson	Lippitt	Poindexter	Walsh
Dillingham	Lodge	Pomerene	Warren
du Pont	McCumber	Robinson	Williams
Fall	McLean	Root	
Fletcher	Martine, N. J.	Sherman	
Goff	Newlands	Shively	

So Mr. KENYON's motion was rejected.

RIVER AND HARBOR APPROPRIATIONS.

The Senate, as in Committee of the Whole, resumed the consideration of the bill (H. R. 13811) making appropriations for the construction, repair, and preservation of certain public works on rivers and harbors, and for other purposes.

Mr. BURTON. Mr. President, in dwelling upon the deficiency of our statistics, I would add that it is extremely desirable that the figures relating to traffic should be separately published. At present they are scattered through several volumes and are given but incidental attention. It was not until about 12 years ago that any importance seems to have been attached to the traffic on the rivers and harbors which were being improved. At that time when delegations came to Washington to ask for appropriations they were invariably confronted with the question, "What is the present and prospective traffic of the river or harbor whose improvement you advocate?" Immediately commercial bodies began to realize the importance of those figures. They cooperated with the engineers, and, as a result, our statistics were made much more comprehensive and perfect.

There is, I think, a general tendency to exaggerate the amount of traffic. For instance, in an improvement upon which a report was made to Congress, the local engineer expressed his doubt upon the accuracy of the figures given, stating that he could not see how the traffic could be so large. The board of review, in going more deeply into the question, found that the amount of existing traffic had been multiplied by 10. There have been other instances in which on careful analysis the figures have been found altogether untrustworthy; but with a careful review, with that scrutiny which the respective engineers would naturally give to the reports made by chambers of commerce and other bodies—more frequently, I may say, these erroneous reports are made by individuals who advocate an improvement—I do not think there is much question that accurate results can be obtained if sufficient effort is put forth.

These figures should be published either as an appendix to the Engineers report or, better still, in a separate volume, such as is the custom in France and also Germany, though in a somewhat less degree. It is especially desirable that the traffic, partly by sea and partly by river, should be distinguished from that which is exclusively by river. A great deal of confusion has arisen from a lack of this discrimination. For instance, there is no similarity between the traffic on the Delaware River below Philadelphia and the traffic on the Mississippi River above New Orleans; nor is there any natural basis for comparison between the traffic on the Mississippi River below New Orleans and that above that city. The traffic below New Orleans is almost exclusively in connection with the sea; it is made up of the freight brought in and carried out by boats which sail thereon to the Gulf and carry their cargoes to foreign lands or to the seaports of this country, while the traffic above New Orleans on the Mississippi River is almost exclusively, in strict

terms, river traffic. I say that with the exception, in order that I may be entirely understood, that occasional boats go up to Baton Rouge from the Gulf. There is a sufficient draft for that purpose, there being perhaps 30 feet all the way to Baton Rouge; but taking the traffic to which I refer on the Delaware River below Philadelphia, that between different points on the river is trivial. There is, however, a traffic of more than 20,000 000 tons brought in from or carried out to the sea. That same distinction is observable everywhere.

In foreign countries the importance of the Thames below London as a local stream is not of importance, but the river is of supreme importance as affording access to the North Sea for the great traffic of the port of London. We may take also the case of minor rivers, such as the Kennebec, leading to Augusta; the Penobscot, leading to Bangor; and the Connecticut, leading to Hartford. That traffic is partly by river and partly by sea. The cities of Bangor and Augusta have a through line from Boston and the city of Hartford has a through line from New York. The boats sail from New York through the East River and Long Island Sound to the mouth of the Connecticut, and then go up the river to Hartford. This is in no sense river traffic in the manner in which that term is ordinarily used.

Mr. President, I now pass from this first branch of the inquiry. It is perhaps fit that I should apologize to the Senate for having given so much attention to the question of facts and statistics, but, view this question as we will, there is the source of the whole difficulty. We have been improving rivers and we have been improving harbors without adequate understanding of the results. Figures are now available, though not in the abundance which I should like, to show certain tendencies. When those tendencies are understood we shall cease making many of the appropriations that we have been making; we will realize that streams which have been developed at great expense may have been useful arteries of commerce in the past but they are not so now, and the future holds out no prospects that they ever will be.

Possibly a change may occur. Almost every year we read in the newspapers or we hear from delegations of a new type of steamboat or barge which it is maintained will revolutionize conditions and restore the waning traffic on rivers. Again, almost every year we read or hear of some new boat line on some of the rivers which will rejuvenate traffic and give to the streams upon which it is located a restoration of the former conditions when boats were numerous; but usually, after the lapse of a year or two, the old conditions recur—the new style of boat is found not to be much better than the old style, and the new boat line is found to be unprofitable. Oftentimes there have been instances in which at the end of the week—it may be on Saturday night—an association of business men has made a declaration that they would give their traffic to a new boat line on the river, but on Monday morning they are making arrangements with the railroads for carrying the freight in the old way. I think nothing less than a sworn oath would make it sure that those shippers who for a time are so enthusiastic for river traffic will patronize the rivers to any very considerable extent. It thus becomes necessary for us to review this whole subject, to ascertain where we are, and to analyze these different propositions before us, so that we may act wisely in the making of appropriations. We shall find, when we recognize present conditions, that they are very different from those of the past; that rivers and streams which were utilized profitably 20 or 30 years ago are without promise of profit for the future.

Improvements of harbors have in general produced much better results than those upon rivers. This is especially true of ports of major importance, like Boston, New York, Philadelphia, Baltimore, Norfolk, New Orleans, Galveston, and many harbors on the Great Lakes.

The table hereafter given sets forth a statement of harbors on which more than $5,000,000 has been expended by the Federal Government in the relative order of their commerce either for the calendar year 1912 or for the fiscal year 1913, according as statistics are available. The expenditures to June 30, 1913, are also given.

It will be noted that there is included in this list the sums expended on rivers, some of which are of considerable length, in that portion which connects a port with the sea. I have already mentioned the fact that the rivers leading to certain ports are not, in the ordinary sense, devoted to river transportation, but that they are utilized merely for connection with the sea. The most notable examples of these are the Delaware to Philadelphia, the Patapsco to Baltimore, the Columbia and Willamette to Portland, the Mississippi to New Orleans, the Savannah to Savannah, the St. Johns River to Jacksonville, and the Cape Fear River to Wilmington, N. C. It is quite as essential that the expenditure for the improvement of these rivers which afford access to the sea should be included under the head of harbors as that a bay, such as Massachusetts Bay, which affords access to Boston, or Mobile Bay, which furnishes means of communication to Mobile, should be included under the head of expenditures upon harbors. I concede that it is exceedingly difficult to make a satisfactory classification, but the one adopted is the most accurate. The following is a list of harbors on which more than $5,000,000 has been spent, in the order of their commerce:

Harbors on which more than $5,000,000 has been spent, in the relative order of their commerce for last year.

Harbor.	Commerce.	Expenditures to June 30, 1913.
	Tons.	
New York Harbor	[1] 90,000,000	$7,339,284.38
Ambrose Channel	[2] 14,186,489	5,103,510.00
Bay Ridge and Red Hook Channels	5,384,285	4,146,100.00
Hudson River Channel	72,000,000	225,000.00
East River and Hell Gate	45,331,216	6,233,341.00
Duluth-Superior	41,474,776	[3] 7,092,213.60
Philadelphia:		
Channel to the sea	[4] 26,267,335	[5] 19,189,000.00
Harbor	----------	6,809,200.00
Buffalo	17,923,766	5,782,821.53
Cleveland	14,296,078	7,102,654.03
Baltimore, Patapsco River	10,029,875	8,616,280.00
Columbia River mouth and to Portland	[6] 9,538,646	15,525,789.00
New Orleans	4,279,947	[7] 10,357,288.00
Galveston Harbor	4,117,524	9,932,834.34
Savannah to Savannah	3,120,676	10,456,747.00
Boston [8]	3,091,362	11,176,774.74
Mobile Bay and Harbor	2,210,486	6,888,080.17
St. Johns to Jacksonville	2,204,794	6,060,089.00
Cape Fear to Wilmington	1,072,205	5,881,168.00
Charleston	986,206	5,162,049.24

[1] Estimated tonnage for port of New York, no accurate statistics being available, vessels trading with domestic ports not being required to take out clearance papers. See page 243, volume 1, and page 1680, volume 2, Engineers Reports for 1913.

[2] Foreign commerce only. Prepared from statistics of the New York State Chamber of Commerce. See page 1680, volume 2, Engineers Reports for 1913.

[3] The Duluth and Superior projects were combined by the act of June 3, 1896. This figure includes $574,246.82 expended prior to that date for Duluth, and $695,883.80 expended prior to that date on Superior Bay.

[4] This figure includes 4,685,234 tons carried on car floats between Philadelphia and Camden.

[5] Of this amount $3,950,000 was expended on the Philadelphia Harbor. See page 1749, volume 2, Engineers Reports, 1913.

[6] This includes local traffic not passing to and from Portland through the mouth of the Columbia.

[7] This includes the South Pass and the Southwest Pass.

[8] This does not include all of the traffic of Boston, but the figures are the best available.

First comes New York Harbor. This stands far and away at the head, with an estimated commerce of 90,000,000 tons. It is true that this figure includes freight carried by ferries, and that the traffic of that harbor, with its different channels, when you take into account ferriage, domestic commerce, and foreign commerce, presents such complications that it is almost impossible to arrive at any satisfactory figure. It is nevertheless true that it is the leading harbor in the United States, and, judging by volume of traffic, it is no doubt the greatest harbor in the world.

Those who are proud of this country, of its production, of its commerce, and of its transportation facilities can hardly realize the importance of the features which give supremacy to New York Harbor. It has three characteristics which, taken together, make it stand out in a class by itself. First is the ease of access from the sea. The best approach from the south for an ocean steamship seeking the wharves at New York is through the so-called Ambrose Channel, 2,000 feet in width and 40 feet in depth—a depth, without counting the tide of some 6 feet, sufficient to admit at all stages the largest boat in the world, and with a width which gives abundant seaway. This approach is protected at the entrance by Long Island on the north and by the New Jersey coast on the west, giving it an advantage over any harbor in the world in its protection from the troublesome winds, those from the north and from the west.

There is a similar advantage, though less marked, in the access through Long Island Sound and the East River. While storms of considerable violence sometimes prevail on Long Island Sound, there is here also a large body of water in which there is the best of protection from the wind and from the difficulties which many boats experience in approaching a safe haven. The second feature of importance is the very great area——

Mr. BORAH. Mr. President——

The PRESIDING OFFICER. Does the Senator from Ohio yield to the Senator from Idaho?

Mr. BURTON. I do.

Mr. BORAH. I suggest the absence of a quorum.

The PRESIDING OFFICER. The Secretary will call the roll.

The Secretary called the roll, and the following Senators answered to their names:

Bankhead	Gallinger	Pittman	Sterling
Borah	Hollis	Ransdell	Stone
Brady	Hughes	Reed	Swanson
Bryan	James	Saulsbury	Thomas
Burton	Jones	Shafroth	Thornton
Camden	Kern	Sheppard	Tillman
Catron	Martin, Va.	Simmons	West
Chamberlain	Overman	Smith, Ariz.	White
Chilton	Page	Smith, Ga.	
Cummins	Perkins	Smoot	

Mr. JONES. I wish to announce that the junior Senator from Oregon [Mr. LANE] and the senior Senator from Minnesota [Mr. CLAPP] are detained on the business of the Senate.

Mr. GALLINGER. Has the call been concluded, Mr. President?

The PRESIDING OFFICER. It has not. The Secretary will call the names of absent Senators.

Mr. GALLINGER. That is what I had reference to. Has the announcement been made as to the number of Senators present?

The PRESIDING OFFICER. Thirty-eight Senators have answered to their names. There is not a quorum present. The Secretary will call the names of absent Senators.

The Secretary called the names of the absent Senators, and Mr. LANE responded to his name when called.

Mr. CLAPP, Mr. LEWIS, Mr. SMITH of Maryland, Mr. NELSON, and Mr. POMERENE entered the Chamber and answered to their names.

The PRESIDING OFFICER. Forty-four Senators have answered to their names. There is not a quorum present.

Mr. SIMMONS. I move that the Sergeant at Arms be instructed to request absent Senators to attend the sessions of the Senate.

The motion was agreed to.

The PRESIDING OFFICER. The Sergeant at Arms will request Senators who are absent to attend the sessions of the Senate.

Mr. WEEKS and Mr. NEWLANDS entered the Chamber and answered to their names.

Mr. GALLINGER. Mr. President, it is very warm in the Chamber, and I move that the Senate adjourn.

Mr. KERN. On that I demand the yeas and nays.

The yeas and nays were ordered, and the Secretary proceeded to call the roll.

Mr. CHAMBERLAIN (when his name was called). I have a general pair with the junior Senator from Pennsylvania [Mr. OLIVER]. In his absence I withhold my vote.

Mr. GALLINGER (when his name was called). I have a general pair with the junior Senator from New York [Mr. O'GORMAN] and therefore withhold my vote.

Mr. TILLMAN (when his name was called). Announcing the same transfer as on a previous vote, I vote "nay."

The roll call was concluded.

Mr. SIMMONS (after having voted in the negative). I transfer my general pair with the junior Senator from Minnesota [Mr. CLAPP] to the senior Senator from Nebraska [Mr. HITCHCOCK] and will allow my vote to stand.

Mr. HOLLIS. I am paired with the junior Senator from Maine [Mr. BURLEIGH]. I transfer that pair to the junior Senator from Tennessee [Mr. SHIELDS] and will vote. I vote "nay."

Mr. CHAMBERLAIN. I transfer my general pair with the junior Senator from Pennsylvania [Mr. OLIVER] to the junior Senator from Mississippi [Mr. VARDAMAN] and will vote. I vote "nay."

Mr. CHILTON. Under the terms of my pair with the senior Senator from New Mexico [Mr. FALL] I can vote upon this question. I vote "nay."

Mr. SMITH of Maryland. I transfer my pair with the senior Senator from Vermont [Mr. DILLINGHAM] to the junior Senator from Kansas [Mr. THOMPSON] and will vote. I vote "nay."

The result was announced—yeas 8, nays 36, as follows:

YEAS—8.

Brady	Cummins	Page	Smoot
Burton	Lippitt	Smith, Mich.	Weeks

NAYS—36.

Bankhead	Clarke, Ark.	Lane	Nelson
Bryan	Hollis	Lee, Md.	Overman
Camden	Hughes	Lewis	Perkins
Chamberlain	James	Martin, Va.	Pittman
Chilton	Kern	Martine, N. J.	Pomerene
Ransdell	Sheppard	Smith, Md.	Thornton
Reed	Simmons	Stone	Tillman
Saulsbury	Smith, Ariz.	Swanson	West
Shafroth	Smith, Ga.	Thomas	White

NOT VOTING—52.

Ashurst	Fall	McCumber	Shields
Borah	Fletcher	McLean	Shively
Brandegee	Gallinger	Myers	Smith, S. C.
Bristow	Goff	Newlands	Stephenson
Burleigh	Gore	Norris	Sterling
Catron	Gronna	O'Gorman	Sutherland
Clapp	Hitchcock	Oliver	Thompson
Clark, Wyo.	Johnson	Owen	Townsend
Colt	Jones	Penrose	Vardaman
Crawford	Kenyon	Poindexter	Walsh
Culberson	La Follette	Robinson	Warren
Dillingham	Lea, Tenn.	Root	Williams
du Pont	Lodge	Sherman	Works

So the Senate refused to adjourn.

Mr. GALLINGER. Mr. President, a parliamentary inquiry. The principle is well established that it does not require a quorum to carry a motion to adjourn; but does it not require a quorum to determine that a body shall not adjourn?

The PRESIDING OFFICER. The Chair holds that it does not. This was upon a call of the Senate for the purpose of determining whether a quorum was in attendance.

Mr. GALLINGER. No; this was a motion to adjourn.

The PRESIDING OFFICER. And a motion pending that does not require a majority of the Senate to respond.

Mr. GALLINGER. Personally I should be glad to have the Chair at his convenience point out to me the rule that justifies that ruling. I shall not appeal from it, of course. It is well understood that if the majority votes to adjourn it does not require a quorum; but when a motion is made to adjourn and a quorum is not developed and the decision is adverse to the motion to adjourn, I do not think there is any rule that justifies the position that a quorum is not to be considered necessary.

The Secretary called the name of Mr. CLARKE of Arkansas.

Mr. CLARKE of Arkansas. Why does the Chair call for me?

The PRESIDING OFFICER. Because there was not a quorum on the roll call, and the Senator from Arkansas is not recorded as present at that time.

Mr. CLARKE of Arkansas answered to his name.

Mr. GALLINGER. As I understand, the call now is to develop a quorum, which was interrupted by my motion, to adjourn; am I correct?

The PRESIDING OFFICER. The original call of a quorum is still open, and the Sergeant at Arms is endeavoring to get Senators here.

Mr. KENYON, Mr. CLARK of Wyoming, and Mr. BRISTOW entered the Chamber and answered to their names.

The PRESIDING OFFICER. Fifty Senators have answered to their names. A quorum is present.

Mr. BURTON. Mr. President, at the time my remarks were interrupted I was describing the second characteristic feature of excellence in New York Harbor. That is the very ample space for anchorage and the movement of vessels afforded by the wide expanse in the lower and the upper bay and the narrower channels in the Hudson River and in the East River, together with a number of subsidiary channels near at hand, such as the Kill Van Kull and the Arthur Kill. In this regard there is an exceptional amount of space for fleets to anchor and move about in waters of ample depth and width.

The third characteristic in which New York Harbor is absolutely supreme among all harbors is the facility with which freight can be transferred from the sea to the land and from the land to the sea. If a skilled draftsman had undertaken the task of preparing a plan for a harbor in which there would be the utmost convenience in reaching wharves and in providing space for the transfer of freight, he could not have surpassed what nature has furnished at New York Harbor. He might possibly have made Manhattan Island narrower, so that there would be only sufficient space for wharfage, for warehouses, and for railroad tracks to bring and take away the traffic; but if he had done that there would have been no space for population on the island. The abundance of land abutting on deep channels is phenomenal. The truth of this statement will be readily recognized by anyone who considers the water front extending from Bay Ridge and Red Hook along the westerly side of Brooklyn and that on the Hudson River, both on the New York and Jersey sides; on the East River, Newtown Creek in Brooklyn; farther away on the Kill Van Kull, the Arthur Kill, and other channels almost too numerous to mention. Nevertheless, with all this abundance of space, the harbor is congested, which is a proof of the enormous traffic in this great commercial course.

The expenditures on this harbor and adjacent channels, not including the Kill Van Kull and the Arthur Kill, and the Hud-

son River above New York, have been for the harbor proper $7,339,284, and for the Ambrose Channel, $5,103,510. Of this amount $4,000,000 was appropriated and authorized in the act of 1899. There was considerable delay in the completion of the work, due to the fact that there was no dredging equipment in the world adequate for undertaking the task of digging so wide and so deep a channel. The Government was compelled to build dredges of its own. The amount of $4,000,000 proved inadequate, and the further sum of $1,103,510 was appropriated and authorized in the act of 1907. It was something over 10 years after the first appropriation for this channel on the 3d of March, 1899, and its final completion. The Bay Ridge and Red Hook channel received an appropriation of $4,146,100. The Hudson River channel opposite the wharves, between New York on the one side and Jersey City and Hoboken on the other, received $225,000. Nature made here a channel of extraordinary depth and there has been very little necessity for dredging except in the portion near land, and that only in a small amount.

The amount appropriated for East River and Hell Gate, between New York City and Brooklyn, has been $6,233,341, making a total of nearly $23,000,000 for this harbor proper and for the channels immediately adjacent to it.

Of course an enormous additional sum has been expended for wharves and docks by private parties and by the city.

Mr. President, we may contemplate with pride the results that have been obtained by Government expenditures in this locality. Compared with this $23,000,000, a dock company, the Mersey Channel & Dock Co., in the city of Liverpool, has expended $130,000,000 to improve Liverpool Harbor. Of course the comparison is not an exact one, because the latter amount includes expenditures for basins, into which boats may go and load or unload their cargoes free from the influence of the tide. The tide is so considerable at Liverpool as to be a very disturbing factor. But we have, nevertheless, the fact that the Government of the United States has spent upon this magnificent harbor, so colossal in all the features that make up a port, but $23,000,000, as against an expenditure of $130,000,000 on the harbor of Liverpool.

Mr. KENYON. I should like to ask the Senator a question.

The PRESIDENT pro tempore. Does the Senator from Ohio yield to the Senator from Iowa?

Mr. BURTON. Certainly.

Mr. KENYON. What does the Senator say about the ownership of the terminals at New York Harbor? Do not the railroads own a large part of the terminals there?

Mr. BURTON. Not on the water front. Those belong almost exclusively to the city. They are, however, leased to different steamship companies and to railroads.

Mr. KENYON. In a large number of our harbors are not the terminals owned entirely by the railroads?

Mr. BURTON. Yes.

Mr. KENYON. The Senator contemplates discussing that proposition?

Mr. BURTON. I may perhaps touch upon it, but I think that is hardly relevant to the present discussion. The question of public ownership or private ownership has been very much discussed in connection with conditions in New York Harbor on the Hudson River front. It has been maintained by some who are earnestly interested in the welfare of the city that private ownership would have been better than public ownership. I am not ready myself to accept that opinion. Leases are made, and made at very high figures, to steamship companies and to railroads.

Mr. KENYON. How is it where the water fronts are owned almost entirely by the railroads?

Mr. BURTON. That would be a great disadvantage. I shall touch on that subject.

Mr. KENYON. Congress is called upon to appropriate the money, and ought there not to be some provision by which there should be public wharves and public terminals?

Mr. BURTON. That is a question which I shall discuss.

Mr. KENYON. Otherwise they would be merely for the benefit of the railroads.

Mr. GALLINGER. I should like to ask the Senator from Iowa where these terminals are owned by railroads to any great extent?

Mr. KENYON. The Commissioner of Corporations has made a very extended report upon the subject of transportation by water in the United States and part 3 deals almost entirely with that question. If the Senator will refer to that it will answer the question better than I can. I remember very distinctly in the discussion some years ago of the Panama toll proposition the Senator from New York referred to certain harbors in Connecticut where the water front was owned entirely by the New York, New Haven & Hartford, and, I think, there was one in New London.

Mr. GALLINGER. Bridgeport, more particularly.

Mr. BURTON. In this connection I will say in some harbors that is a decided feature and a disadvantage. So in the river and harbor bill for the year 1905 a provision was inserted providing for an improvement, where railroad control seemed probable, to the effect that charges on the wharves should be under regulation of the Secretary of War, and in other bills since then similar provisions have been enacted requiring that the community most interested should secure proper wharfage facilities which were not under a monopoly. That is the substance of the requirement.

Mr. GALLINGER. I was about to suggest, if the Senator will permit me, if these privileges are leased at reasonable amounts there would be no great objection to ownership by railroads which run directly to those wharves. But, of course, if there is a monopoly and an excessive charge there ought to be some method of remedying it.

Mr. KENYON. Where the railroad owns its own terminal, the entire front of the harbor, and by that very fact excludes others from the business.

Mr. GALLINGER. If there was any remedy we could apply I think it ought to be done in cases of that kind.

Mr. BURTON. I shall take up that subject a little later.

Mr. PAGE. Mr. President, may I interrupt the Senator from Ohio?

Mr. BURTON. Certainly.

Mr. PAGE. I should like to ask for information as to where the increase of wharfage and terminal facilities will be found later on, if the commerce of New York City grows, as we expect it will grow, with the opening of the enlarged Erie Barge Canal to Buffalo.

Mr. BURTON. One place would be secured by deepening shallow water on the west side in New Jersey, in very plain sight of the Statue of Liberty. I am not certain but this has already been made available, at least a part of it. Another, by extending the wharves up the Hudson River. Still another, on the water front of Long Island in and around Brooklyn. So there is almost unlimited opportunity. Of course, the proposition has been made to have ocean steamships stop at Montauk, at the east end of Long Island. That proposition received very considerable support 10 or 15 years ago. The situation is this: That with increased depth and greater loads and increased traffic it is almost impossible to keep pace with the demands of commerce.

I do not think it is an exaggeration to say that the number of tons handled in New York Harbor has doubled in the time I have been connected with river and harbor legislation, within probably 10 years.

Mr. PAGE. I should like to ask the Senator by what amount he thinks the traffic will be increased, either in tons or in percentage, owing to the large expenditure of $101,000,000 by the State of New York to widen and deepen the Erie Canal?

Mr. BURTON. By the way, let me give another place, the Harlem River. That is another place that may be utilized—the Harlem River—leaving the Hudson above New York, and coming down to East River. There some of the barge traffic could be accommodated. Does the Senator ask what percentage of increased traffic there will be?

Mr. PAGE. Yes. That is, traffic due to the opening of the canal from Buffalo to the Hudson River, with a depth of 12 feet.

Mr. BURTON. I would think it would increase the traffic, but I should not anticipate that this alone would add a very great percentage to the traffic which already exists. The increase in the future will be due quite as much to the normal increase of domestic and foreign traffic as it will be to the construction of that barge canal.

Mr. PAGE. Does the Senator anticipate that the traffic between the St. Lawrence River and New York City will be very materially increased when the Narrows of Lake Champlain are made 12 feet in depth?

Mr. BURTON. When the Canadian Government finishes its part of it north of Lake Champlain?

Mr. PAGE. Yes. On the Richelieu River.

Mr. BURTON. Yes. I would anticipate the development of very considerable traffic. In the present Narrows of Lake Champlain the amount of traffic going through is, I believe, a little over 500,000 tons.

Mr. PAGE. That is correct.

Mr. BURTON. Some years ago it was more than that; it was about 700,000 tons. The traffic of New York Harbor is now about 90,000,000 tons. You can see that any probable in-

crease from that source is not going to add a very great percentage to the space already in demand.

Mr. PAGE. The question in my mind was as to the extent of the traffic through the lake, which is now practically shut off to a large extent, because the large boats now run south only to Ticonderoga. In the channel south of Ticonderoga there is only 5 or 6 feet depth of water a good part of the time, but with the channel deepened to 12 feet, as is now proposed, so that large barges may load grain at Quebec, Montreal, Three Rivers, and other points on the St. Lawrence, it seems to me the great grain product of eastern Canada will eventually find its way down the Richelieu River, Lake Champlain, the Champlain Canal, and the Hudson River to New York.

Mr. BURTON. I should think that problematical. It might be, but that grain is already near the great river of St. Lawrence, and the distance to Europe is shorter by the river and Gulf of St. Lawrence than through the Richelieu River, Lake Champlain, Champlain Canal, and the Hudson River to New York and then by ship from there.

Then, another thing, you have all the governmental regulations, and every effort will be made in Canada to provide for shipping that grain by a water route directly connecting Canada with European ports.

Mr. PAGE. But the Senator must remember that during a good part of the year the St. Lawrence River is closed by ice. Of course, navigation would be closed through Lake Champlain as well; but for all that there is a large lumber, pulp, and grain traffic there that it seems to me may be developed both from Quebec and from Montreal which will eventually increase the Lake Champlain and Hudson River traffic to a very great extent.

Mr. BURTON. I think so; but as to that grain traffic I doubt very much.

There is one point in this connection to be taken into account. There are facilities for shallow draft boats in and near New York. It is very much easier to provide wharfage facilities and warehouses for traffic that comes through a barge canal 12 feet deep than it is to provide for the ocean traffic. The ocean traffic comes in on boats from nearly 40 feet draft down to 20 and 15 feet, and in order that they may obtain wharves at which they may unload their cargoes it is necessary that there be deep water. There is a large amount of channel room around New York which would provide for boats or barges from a barge canal 12 feet deep, but which would not provide for one of these ocean steamers. So that probably will be a comparatively simple problem. The great strain is to obtain deep and not shallow water frontage such as would be required for boats from the canal. I should fancy that the Harlem River would provide for some of it, and that it might be barged into some of the shallow harbors and river channels in and around New York and Brooklyn, possibly clear around Coney Island to Jamaica Bay. It should be remembered that much of the freight brought from the canal will be consumed in Greater New York and near-by points. Another class of freight may be intended for transshipment, and for this deep channels are desirable, so that a transfer may be made to ocean steamers.

Mr. PAGE. I should like to ask the Senator if he anticipates that in the next half century there will be a type of boat built drawing only 12 feet of water that will take freight at Buffalo or Montreal and bring it through these canals to New York and then proceed coastwise without transshipping?

Mr. BURTON. That opens up a very broad question. Of course it is possible to use boats which ply in shallow channels on deep channels as well, but I do not think it is probable. Boats might be used on the Mississippi River of greater draft than the three that Columbus had when he discovered America. I have some figures somewhere showing the cost per ton of building a boat for deep-water navigation and for shallow-water navigation. A much cheaper boat will carry the traffic on the rivers. The model of the boats will be different. More attention will be paid to the steering gear on a river boat than on an ocean boat, and as a result transportation is so much cheaper on one of these less expensive boats that it becomes a question which is the most profitable to build, a boat that will take your freight through these canals, as the Senator says, and then out into the ocean, or to build boats that will carry the freight to the ocean side to deep water and then reload.

Mr. PERKINS. That would be much cheaper.

Mr. BURTON. The Senator from California knows more about this subject than any of us. I think the great bulk of the traffic in such cases as that will be transshipped at the place where the shallower channel meets the sea.

Mr. PAGE. Is it expected that in the Mississippi River development as was just suggested by the Senator from Louisiana [Mr. RANSDELL], there will be a type of boats built that will take the freight from St. Louis down through the Mississippi River to New Orleans and then on down to Panama?

Mr. BURTON. A great many have said that. I have not taken what they said very seriously.

Mr. PAGE. The Senator thinks that is not practicable?

Mr. BURTON. In the first place, the model of your boat is altogether different. The method in which you maneuver the boat is very different on the river than it would be out in the Gulf. Then, again, I do not turn immediately to those figures, but my impression is that the cost of a steamer is about as 26 to 100. A boat that would stand the voyage out in the open sea must be much more solidly built than the one required in the river channel, and it is hardly profitable to build a boat which, in the first place, is much more expensive and, in the next place, can hardly be built so as to be suited for both shallow and deep water; at least, when you have the opportunity to transfer to deeper draft boats.

Mr. PAGE. The transfer costs about half a dollar a ton.

Mr. BURTON. Sometimes it costs more than that. It depends on your commodity. Everything is against the transfer, I can tell the Senator that. That is a strong statement to make, but, generally speaking, the expense of transfer has grown out of proportion to the expense of hauling. This is at least true of inland commerce, and it is one great fact that should be especially noticed in river transportation as related to railroad transportation.

Mr. PAGE. But is it not true that year by year they are managing to transfer freight from boats at a less and less sum? Fifty and sixty cents now cover the transfer of grain, coal, iron ore, and heavy material of that kind.

Mr. BURTON. I do not think we can fix that average. For instance, iron ore is loaded on Lake Superior from tipples into the boats where it would cost less than 10 cents. It is brought to a port on railroad cars and they are tipped over or put into a receptacle. It then goes down by the force of gravity into the boat. I do not suppose it costs 5 cents a ton. It all depends on your mechanism and on the materials you are handling. It would be much larger, I will say, on package freight that has to be handled carefully to protect it from breakage than it would be for handling ore and coal by transfer. Ore is about the least expensive probably to transfer.

Mr. RANSDELL. Mr. President——

Mr. PAGE. I wish to thank the Senator for his information. It is very interesting.

Mr. BURTON. It is given extemporaneously, and it is a subject which requires very careful thought. I do not believe in the idea that boats are going to be used on rivers and then go out into the open sea. You can build a boat that will do it, and you can even find men who are venturesome enough to go out upon one that is not well constructed into the ocean with its waves and storms; but it is not a natural method for going to sea.

Mr. RANSDELL. Will the Senator permit me to interrupt him?

Mr. BURTON. Certainly.

Mr. RANSDELL. In answer to the question of the Senator from Vermont I wish to say that a Hollander, Mr. John H. Bernhard, has recently perfected a type of boat which he thinks is going to revolutionize that trade and extend transportation on our interior rivers. I have a letter in my hand from him, dated the 18th of this month, in which he says he incloses an article from the New Orleans Item. If it does not take up too much of the Senator's time, I should like to read it.

Mr. BURTON. Certainly; I yield for that purpose.

Mr. RANSDELL. Mr. Bernhard says:

> When the discussion of the rivers and harbors bill comes up in the Senate and you refer to this, kindly remember that this is not all, but I am getting ready to send within the next 10 or 15 days a 1,000-ton barge to Denison, Tex.—

That is away up the Red River, as the Senator probably knows, where there is very little depth to it.

> And on the 1st of September a barge will leave here fully loaded with sugar for Corpus Christi, Tex., going, where possible, along the Intercoastal Canal—

I will state that the Intercoastal Canal, where it exists, is 5 feet in depth—

> but considering the fact that it is not entirely complete we will have to go part of the way coastwise, suffering a great loss of time. On the 15th of September I am going to send a barge from here to Jacksonville, Fla., also coastwise. If there was only the proper system of inland waterways, why, inland navigation would be revived so much the quicker.

I merely bring this in at this time in answer to the question of the Senator from Vermont, to show that in the opinion of this gentleman, Mr. Bernhard, who is one of the brightest men

I have met, it is probably entirely feasible to load a barge on the extreme upper Mississippi, send it down the river, and then on to Panama. If he can, with the small barges which he is now building, send one out in the Gulf from New Orleans to Jacksonville, and from New Orleans to Corpus Christi, a part of the way over a 5-foot waterway in the interior, and then out into the Gulf, it surely seems to me that with a perfected channel of not less than 6 feet up to Minneapolis, and not less than 9 feet that we now have from Cairo down, he can load those barges and let them go all the way to Panama.

Of course I am no expert on this subject, and I would not pretend to express an opinion, but I thought when we had the matter before our committee——

Mr. WEST. Are those barges towed or do they travel by steam?

Mr. RANSDELL. They are steel barges. He uses a propeller, I may say, rather than a stern wheel, and he uses a kind of gasoline engine.

Mr. BURTON. A Diesel engine.

Mr. RANSDELL. He is very hopeful. He testified before the Committee on Commerce that he is now delivering coal in the city of New Orleans from the coal fields of Alabama, through the Warrior and Tombigbee River system in their unfinished condition, at a very much lower rate than they have ever been able to get it, so that he can sell for 75 cents per ton cheaper than it has been sold there.

Mr. PAGE. If the project of deepening the Mississippi River is carried out, what depth does the Senator anticipate when the work is completed?

Mr. RANSDELL. Nine feet from Cairo to New Orleans; 8 feet between Cairo and St. Louis. The present project from St. Louis to Minneapolis and St. Paul is 6 feet.

Mr. PAGE. And from St. Louis to the Gulf how much?

Mr. RANSDELL. Eight feet for 200 miles, from St. Louis to Cairo, and 9 feet for the balance of the way. There are already 9 feet, I may say, from Cairo to the Gulf. I thank the Senator from Ohio.

Mr. BURTON. Mr. President, I listened to Mr. Bernhard with a great deal of interest as an enthusiastic and very intelligent young man, but my hopes in such cases are very much dampened by experience. About every other year for the last 20 years I have listened to men possessed of equal enthusiasm, who felt sure they had some invention which would revolutionize river traffic, and in almost every case their expectations have not been realized. I really was pleased, and almost startled, I may say, by what Mr. Bernhard said in regard to the ability to carry coal from the Black Warrior River region down through the locks to Mobile Bay, and then out to the Mississippi Sound, and then by the Mississippi to New Orleans. That route, however involves no very serious difficulty, because most of the way, even in the open Gulf, it is protected by islands near at hand.

Mr. WEST. Mr. President, before the Senator gets off on that line I wish to make a suggestion to the Senator from Louisiana [Mr. RANSDELL]. It strikes me that the shallow-draft boats in the Gulf of Mexico, especially along about September, would encounter great difficulty with the equinoctial gales. Does the expert say that these shallow-draft boats can weather the storms that we have on the Gulf?

Mr. RANSDELL. I have not gone into details. I will state to the Senator, but from my understanding of Mr. Bernhard's testimony these boats are so constructed that they will stand storms. They are entirely different from the old style of construction, and I gathered from him that in his opinion they would stand a reasonable storm; in fact, I think he said so. That is my recollection of his testimony.

Mr. WHITE. Mr. President——

The PRESIDING OFFICER (Mr. SMOOT in the chair). Does the Senator from Ohio yield to the Senator from Alabama?

Mr. BURTON. I shall be glad to yield.

Mr. WHITE. I should like to know if these boats ever go out into the Gulf of Mexico?

Mr. RANSDELL. I understand so.

Mr. WHITE. They never get out into the ocean?

Mr. RANSDELL. Mr. Bernhard states here that he is going to take one of the boats over to Corpus Christi, and he would have to go out into the Gulf a part of the distance, and that he was also going to take one to Jacksonville, in which event he will have to go out into the Gulf.

Mr. WHITE. I have myself seen boats ply between Tuscaloosa, Ala., and the inland.

Mr. RANSDELL. Those boats do not go into the Gulf. He told us that a certain type of boat could go in the Gulf. Of course I am no expert and know nothing about it.

Mr. WHITE. In reference to these equinoctial storms, the boat would not leave port when storms are threatening.

Mr. PAGE. I should like to interrupt the Senator again if he will allow me.

Mr. BURTON. Certainly.

Mr. PAGE. Have there been constructed any inland waterways with a 12-foot channel, the depth now proposed in the new Erie Canal?

Mr. BURTON. On the Mississippi, for 320 miles to the Gulf, there is 30 feet now.

Mr. PAGE. The point I want to emphasize is this: Yankee ingenuity is equal to almost anything when it is compelled to accomplish a task. It seems to me that if we should develop a 12-foot waterway for commerce, passing down the lower Mississippi into the Gulf of Mexico, which is not a very calm sea, as I understand it, is it not probable that the mind of the Yankee will eventually develop a boat that can navigate this 12-foot waterway and also navigate the ocean?

Mr. BURTON. I do not expect it. There is a wide difference between an inland waterway 12 feet deep and the open sea, a difference in the storms and winds which confront a ship. As a result of that, river ships and ocean ships are constructed on entirely different models. I am very skeptical about the success on inland waters of any single boat which carries its power within itself. In France the self-propelled boat carries, I think, less than a sixtieth part of the traffic on the rivers. I may be in error about that, but that is my recollection. It carries, however, a very small proportion, and that proportion is diminishing. River traffic is most economically conducted by barges with tugs. On the Rhine, for instance, with its splendid possibilities, the traffic is exclusively, or almost exclusively, by barges hauled by tugs. The advantage of the boat which Mr. Bernhard has devised is the very small amount of space and the limited amount of weight required for the propelling machinery, and for the fuel which is used. Just what he can accomplish by that I do not know. He seems to have accomplished some results already.

Mr. PAGE. Mr. President, the Senator from Ohio well remembers that 40 years ago there was a very large traffic on Lake Champlain. The vessels there were floating palaces. I do not know what depth they drew, but probably not over 12 feet, because they went down through the narrows at the south.

Mr. BURTON. I do not think they drew as much as that.

Mr. PAGE. But they were large vessels.

Mr. BURTON. I will ask the Senator from Louisiana, What did the Mississippi River steamboats draw? Not more than 6 or 7 feet, did they?

Mr. RANSDELL. About 7 feet, as I recall.

Mr. BURTON. And they were floating palaces.

Mr. RANSDELL. When heavily loaded, they sometimes drew from 8 feet to 8½ feet, as I recall.

Mr. BURTON. They probably were not loaded heavily except under certain conditions.

Mr. PAGE. I remember very well that the freight and passenger vessels on Lake Champlain 40 years ago were quite sizable vessels, and they went down through the narrows; but after a while the railroads got control of these Champlain Transportation Co. vessels and they cut off the travel by these boats south of Ticonderoga to Whitehall, and from that day to this the narrows have been filling up. It is true, as the Senator says, that the traffic through the narrows is now only about 500,000 tons, whereas 5 or 10 years ago the traffic was over 800,000 tons.

Mr. BURTON. How is that traffic carried—by barges or by self-propelled steamers?

Mr. PAGE. It is now carried largely on the ordinary canal boat. I do not think those canal boats generally carry over 300 tons, many of them less than that, and they are hauled by tugs.

Mr. BURTON. That is the equivalent of a barge. Do they put two or three together in one tow?

Mr. PAGE. Oh, yes; half a dozen or more. It is only a few years since the large steamers on Lake Champlain went through the narrows. Their passenger business was large and the freight traffic was quite large. But for a good many years—I should say for 20 or more—large vessels have not run south of Ticonderoga. The railroads have diverted this traffic at Ticonderoga to the West Shore Railroad line south to New York. The hope now is that we shall soon have that channel again open, so that sizable boats can be put on the whole length of the lake, and, indeed, go down into the St. Lawrence River and on to Montreal and Quebec.

Mr. BURTON. There are probably two or three reasons for the railroads taking over that traffic; their discrimination and their superior organization, which are artificial advantages, and, in addition to that, there are other advantages which you may call natural—their wider area of distribution, the great increase

in cargo capacity per trainload of the railways; the traction power of the locomotive has enormously increased; the capacity of the cars has been made greater, and hence the capacity of the trainload. I should think, however, there would be a deal of traffic into the Lake Champlain region, which, if there were a 12-foot waterway up there, would be carried by water.

Mr. PAGE. The 12-foot waterway is not only assured, but it is already built from the Hudson River up to the lower end of Lake Champlain.

Mr. BURTON. Is it finished?

Mr. PAGE. It is finished now, I think, or will be finished next year.

Speaking of economic conditions, I will say that I well remember when the town of Swanton, on Lake Champlain, had a very good dock and our coal and salt came to that dock in large quantities. The railroad owned the dock, so that they were under no expense, except a very slight one to keep it in repair, and yet the dock has been abandoned, and the larger part of our coal now either comes by way of lake and rail to Burlington or comes all rail from the mines.

Mr. BURTON. It comes by rail from the mines?

Mr. PAGE. Yes; the coal from the Buffalo, Rochester, and the Pittsburgh region comes through all rail, as I understand it.

Mr. BURTON. As to that coming by way of Burlington, does it come part way by water?

Mr. PAGE. A great deal of it comes by rail, but there is some that comes by water and rail.

Mr. RANSDELL. May I be permitted to read, from the testimony of Mr. John H. Bernhard before the Senate Committee on Commerce on the 26th day of March last, on the very point which the Senator from Vermont has been discussing?

Mr. GALLINGER. May I interrupt the Senator from Louisiana, to ask if he will first state who Mr. Bernhard is? I am not familiar with that name.

Mr. RANSDELL. He is a Hollander, though his home, I think, now is in New Orleans. I am not sure as to that, but he gives that as his voting place, and he is there temporarily.

Mr. GALLINGER. Is he a naval constructor?

Mr. RANSDELL. Yes, sir. He claims that that is his business, and that his father and his grandfather before him were in that business. Mr. Bernhard has been in this country a few years.

Mr. GALLINGER. I thank the Senator from Louisiana.

Mr. RANSDELL. Here is what he says regarding his boat:

It is 240 feet long, 32 feet wide, 8 feet deep, and drawing 6 feet of water. They are equipped with two 75-horsepower gas engines, and have a speed of 8⅞ miles empty and an average of 7½ when loaded. The cargo is carried on deck so that coal can be spouted quickly on the barge, unhampered by hatches, and can be unloaded quickly—the hold of the barge solely used for strengthening purposes and becoming identical to a hollow beam. We have a water-tight bulkhead on either side of the hold, closing this off from the crew's quarters and engine room; there are five lattice trusses in the hold acting the same as a bridge girder, supported on two ends. That has the great advantage that you can now place steel in the hold where you need it the most.

As to the passage in the Gulf, the Senator from Minnesota [Mr. NELSON] asked Mr. Bernhard this question:

Allow me to interrupt you there. You said the boats were flat bottom and had no keel. Could such boats be navigated with safety on the ocean to Panama—across the Gulf?

The very question the Senator from Vermont has asked.

Mr. BERNHARD. Allow me to answer you in a rather lengthy way as to that. The first barge was ready on the 1st of July and the insurance companies had insisted upon an insurance of 5 per cent. In some places 7½ per cent is paid. I had asked them to reduce it because these barges were seaworthy, although they were designed only for inland waters, and we proved this as follows: On the 2d of July a party 20 miles above Pensacola got me on the long-distance phone. He said: "I am in a fearful fix. If by Saturday week, which is the 12th of July, 1913, I can bring my 3,000 barrels of rosin into New York, I will have delivered them before the expiration of my contract and will make a good profit on my rosin, while if they are delivered after Saturday, I will lose a considerable amount of money. I have them now on flat cars—32 flat cars." That was on the 2d of July, Tuesday. He said: "The railroad will not promise delivery Monday in New Orleans. I can not ship from Pensacola because no ship leaves. If I have them Monday morning in New Orleans I can make my money. What can you suggest?" I said: "A trial trip is going to be made very soon; either to-day or to-morrow with the first barge. I am very anxious to give her the severest test I can, because I can not go with every barge. I am willing to go through the Gulf of Mexico to Pensacola and take those 3,000 barrels of rosin." We went to that town, which was Bagdad, Fla., and arrived at 8 o'clock in the morning of July the 5th, a Saturday, and found the 32 flat cars loaded with 3,000 barrels of rosin waiting for us. It took only six hours to load the 3,000 barrels of rosin. Those 3,000 barrels of rosin were loaded on her in six hours, because we can take the sides down anywhere; we rolled the barrels from skids so fast that we needed two men to count them, and we were through at 5 o'clock in the evening. We went through the Gulf of Mexico and arrived at New Orleans the next Monday morning. If this man had taken his rosin to an express company he would not have had it delivered in time. We cut the freight rate 10 cents a barrel and made $750 in 39 hours, making a handsome profit.

That proves beyond any doubt the safety of the barge—not being constructed for outside waters, not being constructed for Gulf service, yet she went through the Gulf with a load for which she was not constructed.

These barges, on the 22d of October, were in the Gulf, three of them. At that time there was a 60-mile gale; two vessels in Gulfport Harbor got damaged. The Government revenue cutter had to go into Mobile for protection. Those three barges were out in the Mississippi Sound; one went for anchor and the other two fought the storm, and none got damaged. I remember the date so well because that was the date of the first trip up the Warrior River. We had been delayed, because at every step we had great difficulties to overcome. October 22 was the lowest stage of the water. All navigation had stopped because the river had on some of the bars less than 2 feet of water. We went up on this barge drawing 4 feet, but we had 2 feet of ballast, as with a draft of 4 feet the propellers were amply submerged.

We went up the river and had our troubles; but we made the trip on a river which was impossible for the smaller boats to navigate at that stage of the water level.

Mr. PAGE. Mr. President, may I interrupt the Senator from Ohio again?

Mr. BURTON. Certainly.

Mr. PAGE. Is it not infinitely more practicable to build a vessel able to navigate on the ocean where you can build it for a 12-foot waterway than where you are limited to a 5 or 6 or 8 foot waterway?

Mr. BURTON. Oh, I am not so sure about that. It is not merely a question of draft and size, but there is a question of handling and steering. In a river there are currents, and you have to be constantly taking pains to see that your boat is not driven against the banks. Possibly you may get into a cross current and turn right around. Thus it is necessary to have steering gear of greater relative importance on a river boat than on an ocean steamer. The ocean steamer, of course, has its steering gear, but it would be helpless in a river with a strong current; it would be constantly running into shallow water or running on the banks. Again, as I have said, the model is altogether different. Those vital differences between ocean navigation and river navigation are not removed by a difference in draft of 5 or 6 feet as compared with 12 feet. Of course, with 12 feet you could construct a larger boat, and, being larger, it would probably be more stanch.

Mr. PAGE. Would not the shallow-draft boat be a different type of boat? It would be almost a flatboat, would it not?

Mr. BURTON. The larger boat would have to have the same mechanism for steering gear and for operating in the channels and currents that would be required on the smaller boat.

Mr. PAGE. A boat does not have to be especially provided for channels and currents when it goes through the Erie Canal. There you have very calm water and the boats go through it with very little steering, as I understand.

Mr. BURTON. Yes; but even so you have to be careful to see that the boat does not go against the side of the canal.

Mr. PAGE. I should like to ask the Senator if he does not believe that in time they will provide some steering gear, perhaps from the sides of the canal, in that great waterway from Buffalo to New York that will make it practicable to run a boat through there without injury to the boat even if she had only ordinary steering gear?

Mr. BURTON. I think it is possible to construct such a boat, although the qualities of such boats would be as different as mechanism which provides for going ahead on the one hand and which provides for going sideways on the other.

Mr. PAGE. But the boat which has been described by the Senator from Louisiana [Mr. RANSDELL] is almost of the flatboat type, while the boat that draws 12 feet of water can be made after the type of an ocean-going steamer.

Mr. BURTON. I do not wish to say anything in disparagement of Mr. Bernhard's efforts or his extreme hopefulness in this matter, but my judgment is influenced very much by the fact that periodically for years some one has come forward with a new style boat that was sure to accomplish wonders. I read briefly here in 1910 from a prospectus of a new line of boats on the Mississippi River, which was one of the most glowing prospectuses I had ever read, and I was interested in it because among its projectors were men who had been insistent, violent almost, and offensive against the Rivers and Harbors Committee of the House because that committee did not immediately recognize the necessity of a 14-foot waterway in the Mississippi. They said they could make money and pay great dividends, and their promises were largely quoted in the RECORD in some remarks made by me in April, 1910. They set forth what a splendid scheme they had for carrying freight down the Mississippi River even with shallow-draft boats. Well, where is that company now?

Mr. RANSDELL. I should like to ask the Senator if they actually carried any freight? Mr. Bernhard has been carrying it.

Mr. BURTON. I do not know that they ever did.

Mr. RANSDELL. Mr. Bernhard has a boat going up the river now.

Mr. BURTON. My experience with them was that they were a type of men with whom hope was equally as gratifying as realization, and I am not sure that they ever did put any boats on the river. They were telling what they could do.

Mr. RANSDELL. I recall the company very well.

Mr. BURTON. I have before me now the figures for which I was searching, and they bring out an important point in regard to using boats both on the inland rivers and on the sea, namely, the average value of vessels per ton of carrying capacity. The figures are somewhat confusing because they are given not only for steam and sail vessels, but for unrigged vessels. The real test is the aggregate value of all, and so I will only give one set of figures, those for all vessels. These figures show what it costs per ton of freight-carrying capacity to build a boat. Atlantic coast and Gulf of Mexico, $56 per ton; Pacific coast, including Alaska, $78 per ton. I really do not know why there is the great difference between $56 and $78 in that instance, but I suppose because wages and materials are somewhat higher on the Pacific coast.

Great Lakes and St. Lawrence River, $55 per ton. That is just a dollar less than on the Atlantic coast and the Gulf of Mexico.

On the Mississippi River and tributaries, $5 a ton.

So that for all vessels, which no doubt takes in the different kinds of craft used for carrying freight, such as barges, the cost is eleven times as much per ton on the Great Lakes and St. Lawrence River and eleven and one-fifth times as much per ton on the Atlantic coast and Gulf of Mexico as it is on the Mississippi River.

All other inland waters, $18 per ton.

Anyone who is about to establish a transportation line would be confronted with those figures. They are taken from the United States census report on transportation for 1906. At the very outset it will be seen that the average cost of a floating craft required to carry a ton is eleven times as great and a little more on the Gulf of Mexico than it is on the Mississippi River; so that if one were to build a boat on the Mississippi River with a view to taking it into the Gulf, he would have to take that cost into account. That is a very prominent factor in this matter which has been so much discussed, and you will see a great deal more in the everyday newspaper than you will in the scientific journals about utilizing a boat both in inland waterways and canals and also out on the ocean. It is possible, but I do not think it is probable, that a boat will run, for instance, from St. Louis down to New Orleans and then out into the Gulf and down to Panama. The conditions in regard to the model of the boat and the water through which the boat must pass are so different in the two bodies of water that the probabilities are strongly against it.

Mr. PAGE. Does the Senator expect within the next 20 years to see an inland waterway along the border of the Atlantic that will accommodate all the coastwise traffic?

Mr. BURTON. Oh, I do not know about that; I would not wish to express an opinion at this time. There are many persons who take opposite sides on the question. I may discuss it at some time. There are certain inland waterways that I quite believe in, shallow waterways near to the coast, but far enough back so that they are central to a producing area or areas and suitable for frail craft, but, as regards attempting an inland waterway all the way from Boston around to Corpus Christi or Matamoras, I am not quite sure that I expect to see that in 20 years. I do not really believe it would be profitable.

Mr. WEST. Mr. President, I want to ask the Senator from Ohio——

Mr. BURTON. If the Senator will excuse me for a moment, I should like to make one further statement. An inland waterway such as the Senator speaks about is very largely dependent on the figures which I have just given. If the boats using such a waterway were to go out into the Gulf, they would cost $56 per ton, while if they built boats exclusively for use on inland waterways, where the water is shallow, they would not cost more than $5 a ton of freight-carrying capacity perhaps.

Mr. NORRIS. Mr. President, will the Senator yield to me?

Mr. BURTON. If the Senator will excuse me, I should like to finish my statement.

Mr. PAGE. Just one word. Does the Senator expect that such an intercoastal waterway, if that is the proper name for that kind of a waterway——

Mr. BURTON. I think intercoastal waterway is an appropriate term.

Mr. PAGE. Does the Senator think that the traffic on such a waterway would be in barges drawn by tugs, or would it be in vessels operated by their own power?

Mr. BURTON. Probably the former, in barges drawn by tugs; but such a waterway would be so different in its different parts that you can not answer that question by a general statement applicable to all its sections. For instance, there is a proposition in this bill for what is called the Delaware & Chesapeake Canal, that would make available a waterway for traffic from Baltimore to Philadelphia. There is such a waterway now. It is probable that a considerable share of that traffic will be by boats propelled by their own power. It would depend largely on the depth. If it is only 8 feet or 12 feet, or even 14 feet, naturally the larger share of the traffic will be by barges drawn by tugs, but if it gets beyond that depth a larger share would be by self-propelled vessels, that can go out into the Chesapeake Bay and the Delaware Bay and even into the ocean.

Mr. NORRIS. Mr. President——

Mr. BURTON. If the Senator from Nebraska will excuse me, I promised to yield to the Senator from Georgia [Mr. WEST].

Mr. WEST. Mr. President, I desire to ask the Senator from Ohio if he knows of the method of carrying lumber from Jacksonville to New York that is now employed by Mr. Cummer, who has great lumber interests in Florida? He employs what, I think, he calls scows, drawn by very heavy towboats, two or three of the scows being attached together with cables.

Mr. BURTON. That is, barges or scows.

Mr. WEST. Barges or scows; yes, sir.

Mr. BURTON. And a very heavy towboat is used to draw them?

Mr. WEST. A heavy towboat is employed to draw two or more of them. In that way he carries immense quantities of lumber from Jacksonville to New York, although the vessels have to go around Cape Hatteras, where the weather is almost always very rough; but I understand he has never lost a cargo of lumber. These scows carry about 500,000 feet of lumber to the scow.

Mr. BURTON. Which would weigh, dependent on the kind of lumber and the degree to which it was seasoned, say 1,250 tons.

Mr. WEST. The lumber carried is green lumber, and I think 500,000 feet would weigh 2,500,000 pounds.

Mr. BURTON. That makes 1,250 tons, just as I estimated. I was not aware that was being done. I take it that is a species of navigation very similar to rafting. Are not the scows low and near to the water, not having much freeboard?

Mr. WEST. Yes, sir; they are built for capacity, for holding lumber. They have a way of fastening the lumber on so that it is not lost. I think on some trips the cables have broken a few times, but they have never lost a cargo.

Mr. BURTON. They do not bring back a return cargo, I am quite sure.

Mr. RANSDELL. What do they draw?

Mr. WEST. I do not know, but they are shallow-draft craft.

Mr. BURTON. The Senator does not know their draft.

Mr. WEST. No, sir; but they are shallow.

Mr. BURTON. I may say to the Senator from Georgia that what he describes is closely related to the rafting of logs. The main thing to be accomplished is to securely tie the lumber so that it will not get loose. If they can do that, they might carry a quantity of lumber in a manner even more convenient than the rafting of logs. I do not look upon that as creating any exception to the general rules in regard to traffic itself. It is itself an exception of course.

Mr. WEST. I will say to the Senator that I know of nobody else who is engaged in this business except Mr. Cummer, who operates a very large mill. This was an experiment when they went into it, but it has proven very successful.

Mr. BURTON. What I should fear, of course, in any such attempt as that would be that they would meet some frightful storm that would either break the scows loose from the tug or wreck them.

Mr. WEST. Yes. I will say that they have been in terrific storms, and they have broken loose, but they have never lost a scow.

Mr. BURTON. With that kind of a load, even if the scow did get loose, if the lumber was properly fastened together, it would probably float without destruction. They could recover it. Of course, there are some varieties of lumber of such a weight that they might sink if cut loose in the water.

Mr. LANE. They lash it down. I have been on such craft where they loaded them to the sinking point and lashed the lumber down in order to get a better grip on the tide.

Mr. BURTON. Do they carry lumber in any way like that out on the Pacific coast?

Mr. LANE. Only in the bays.

Mr. BURTON. They do not carry it out to sea, do they?

Mr. LANE. No. They transport it in those large rafts of logs.

Mr. NORRIS. Mr. President, will the Senator from Ohio yield to me?

Mr. BURTON. Certainly.

Mr. NORRIS. I suggest the absence of a quorum.

The VICE PRESIDENT. The Secretary will call the roll.

The Secretary called the roll, and the following Senators answered to their names:

Bankhead	James	Perkins	Stone
Brady	Jones	Poindexter	Swanson
Bryan	Kern	Pomerene	Thomas
Burton	Lane	Shafroth	Thompson
Camden	Lee, Md.	Sheppard	Thornton
Chamberlain	Martin, Va.	Simmons	Vardaman
Chilton	Myers	Smith, Ariz.	West
Clapp	Nelson	Smith, Ga.	White
Clarke, Ark.	Norris	Smith, Md.	Works
Gronna	Overman	Smith, Mich.	
Hollis	Page	Smoot	

The VICE PRESIDENT. Forty-two Senators have answered to the roll call. There is not a quorum present.

Mr. GALLINGER and Mr. RANSDELL entered the Chamber and answered to their names.

The VICE PRESIDENT. The Secretary will call the names of absent Senators.

The Secretary called the names of absent Senators, and Mr. STERLING and Mr. TILLMAN answered to their names when called.

The VICE PRESIDENT. Forty-six Senators have answered to the roll call. There is not a quorum present.

Mr. KERN. I move that the Sergeant at Arms be directed to request the attendance of absent Senators.

The VICE PRESIDENT. There is a standing order to that effect. It has never been vacated.

Mr. GALLINGER. Mr. President, pending that I move that the Senate adjourn.

Mr. KERN. On that I call for the yeas and nays.

The yeas and nays were not ordered.

The VICE PRESIDENT. The question is on the motion of the Senator from New Hampshire that the Senate adjourn.

The Senate refused to adjourn.

The VICE PRESIDENT. The Sergeant at Arms will carry out the order of the Senate.

Mr. PITTMAN, Mr. SAULSBURY, and Mr. REED entered the Chamber and answered to their names.

The VICE PRESIDENT. Forty-nine Senators have answered to the roll call. There as a quorum present.

Mr. BURTON. Mr. President, I had practically finished my remarks upon New York Harbor.

The next harbor in order of importance, judged by the tonnage, is that of Duluth-Superior, which has a tonnage of 41,474,776 tons and has been improved at a cost of $7,692,213.60. This includes $574,000 expended upon Duluth Harbor prior to the consolidation of the two projects on June 3, 1896, and $695,000 expended prior to that date on Superior Harbor. It will be seen that this, the second harbor in the United States in the magnitude of its traffic, has been improved at comparatively small cost—a little less than $8,000,000.

The next harbor in point of traffic is that of Philadelphia, including the channel to the sea, which is about 101 miles long, according to the official figures. In 1912 this harbor had a traffic of 26,267,335 tons, including 4,685,234 tons carried on car floats between Philadelphia and Camden. I think it hardly fair to include this latter amount, so deducting it the aggregate traffic of the harbor, including the channel to the sea, would be about 21,600,000 tons. It is fair to include the channel to the sea, at least so far as regards boats which ply to and from Philadelphia. The main object of the improvement of that river is to afford access to the port of Philadelphia; and of the expense incurred all but $3,950,000 was for the improvement of the river below Philadelphia. That makes the cost of the river below Philadelphia about $15,000,000.

This very important harbor, the third in the United States, with the means of access to it, has been improved at very great expense, because of the troublesome channels and currents in the Delaware River. One feature of those currents is that the tide does not always flow back to the sea upon the same lines upon which it moves forward on the ebb toward Philadelphia, and a great deal of silt is deposited in the channel on the upward flow of the tide which is not removed by the ebb.

The depth of the channel leading to New York Harbor and in Hudson River around in the neighborhood of the city is 40 feet at low tide. In the Philadelphia channel it is at present 30 feet, but there is a project well under way for increasing that depth to 35 feet. The additional cost of this is estimated at $6,809,200. In many respects a harbor so located must labor under disadvantages as compared with one nearer to the sea and approached by a bay. The harbor of Philadelphia is in many respects very similar to that of the city of London and to that of the city of Hamburg.

Mr. STONE. Mr. President, if the Senator from Ohio is willing to suspend for a short time his very interesting and instructive address, I should like to make a motion that the Senate proceed to the consideration of executive business.

Mr. BURTON. I am willing to suspend for that purpose.

Mr. SIMMONS. Mr. President, will it be agreeable to the Senator to go back into legislative session, in order that the Senator may finish his speech?

Mr. BURTON. Either way is entirely satisfactory to me. I shall be glad to yield.

EXECUTIVE SESSION.

Mr. STONE. I move that the Senate proceed to the consideration of executive business.

The motion was agreed to, and the Senate proceeded to the consideration of executive business. After 20 minutes spent in executive session the doors were reopened.

RIVER AND HARBOR APPROPRIATIONS.

The Senate, as in Committee of the Whole, resumed the consideration of the bill (H. R. 13811) making appropriations for the construction, repair, and preservation of certain public works on rivers and harbors, and for other purposes.

Mr. NORRIS. Mr. President, I suggest the absence of a quorum.

The VICE PRESIDENT. The Secretary will call the roll.

The Secretary called the roll and the following Senators answered to their names:

Bryan	Lane	Pomerene	Smith, Mich.
Burton	Lee, Md.	Ransdell	Sterling
Camden	Martin, Va.	Reed	Stone
Chilton	Martine, N. J.	Shafroth	Swanson
Clapp	Nelson	Sheppard	Thomas
Hollis	Norris	Simmons	Thornton
James	Overman	Smith, Ariz.	West
Kern	Page	Smith, Ga.	White

The VICE PRESIDENT. Thirty-two Senators have answered to the roll call. There is not a quorum present. The Secretary will call the roll of absentees.

Mr. KERN. I move that the Senate adjourn.

The motion was agreed to; and (at 5 o'clock and 10 minutes p. m.) the Senate adjourned until to-morrow, Wednesday, July 22, 1914, at 12 o'clock meridian.

NOMINATIONS.

Executive nominations received by the Senate July 21, 1914.

RECEIVER OF PUBLIC MONEYS.

James P. Bole, of Bozeman, Mont., to be receiver of public moneys at Bozeman, Mont., vice Walter H. Sales, term expired.

APPOINTMENTS IN THE ARMY.

MEDICAL RESERVE CORPS.

To be first lieutenants with rank from July 16, 1914.

Lester Julian Efird, of Florida.
Maurice Eby Heck, of Florida.
Charles Henry Hecker, of Missouri.
Adolphus Knopf, of New York.
Robert John McAdory, of California.
Richard Weil, of New York.
Justus Marchal Wheate, of Idaho.

PROMOTIONS AND APPOINTMENT IN THE NAVY.

Lieut. Commander Harris Laning to be a commander in the Navy from the 1st day of July, 1914.

Lieut. Wallace Bertholf to be a lieutenant commander in the Navy from the 5th day of March, 1914.

Lieut. (Junior Grade) Chester H. J. Keppler to be a lieutenant in the Navy from the 28th day of April, 1914.

The following-named ensigns to be lieutenants (junior grade) in the Navy from the 5th day of June, 1914:

Robert S. Roberston, jr., and
Raleigh C. Williams.

Ensign Harry A. Badt to be a lieutenant (junior grade) in the Navy from the 6th day of June, 1913.

Medical Inspector Edward R. Stitt to be a medical director in the Navy from the 20th day of November, 1913.

Surg. Charles M. DeValin to be a medical inspector in the Navy from the 25th day of June, 1914.

Passed Asst. Surg. Allen D. McLean to be a surgeon in the Navy from the 18th day of June, 1914.

Midshipman Stuart D. Truesdell to be an ensign in the Navy from the 6th day of June, 1914.

William B. Brinsmade, a citizen of New York, to be an assistant surgeon in the Medical Reserve Corps of the Navy from the 13th day of July, 1914.

CONFIRMATIONS.

Executive nominations confirmed by the Senate July 21, 1914.

UNITED STATES DISTRICT JUDGES.

John H. Clarke to be United States district judge, northern district of Ohio.

W. H. Seward Thomson to be United States district judge for the western district of Pennsylvania.

NAVAL OFFICER OF CUSTOMS.

Jared Y. Sanders to be naval officer of customs in the district of New Orleans.

SURVEYOR OF CUSTOMS.

Robert L. Knox to be surveyor of customs in the district of New Orleans.

APPRAISER OF MERCHANDISE.

Bat P. Sullivan to be appraiser of merchandise in the district of New Orleans.

POSTMASTERS.

MASSACHUSETTS.

William F. Murray, Boston.

NEW YORK.

Daniel E. Harrington, Saratoga Springs.
John H. Mara, Beacon (late Fishkill on the Hudson).

OHIO.

Samuel D. Hensel, Continental.

SOUTH DAKOTA.

A. J. Littig, Flandreau.
Lenora Pardy, Colman.

WISCONSIN.

C. A. Hoen, Edgerton.
Andrew P. Kealy, Hudson.

REJECTION.

Executive nomination rejected by the Senate July 21, 1914.

C. Rettenmaier to be postmaster at Albany, Minn.

HOUSE OF REPRESENTATIVES.

TUESDAY, *July 21, 1914.*

The House met at 11 o'clock a. m.

The Chaplain, Rev. Henry N. Couden, D. D., offered the following prayer:

We come to Thee, Almighty and ever-blessed God, our heavenly Father, at the beginning of a new congressional day, to commend our souls to Thy care and keeping, that we enter not into temptation, that we may fulfill the obligations resting upon us conscientiously, in accordance with our highest conceptions of right and duty; in the spirit of the Master. Amen.

The Journal of the proceedings of yesterday was read and approved.

ENLARGED HOMESTEADS.

Mr. MANN. Mr. Speaker, yesterday the House passed the bill (H. R. 12919) to amend an act entitled "An act to provide for enlarged homesteads," with a slight typographical error in it, and I ask unanimous consent to vacate the proceedings by which the bill was engrossed and passed, so as to return to the amending stage for the purpose of offering a slight amendment.

The SPEAKER. The gentleman from Illinois [Mr. MANN] asks unanimous consent that the House vacate the proceedings as to the bill H. R. 12919 back to the amendment stage, in order to correct a typographical error. Is there objection?

There was no objection.

Mr. MANN. Mr. Speaker, I offer the amendment which I send to the Clerk's desk.

The SPEAKER. The Clerk will report the amendment.

The Clerk read as follows:

H. R. 12919. Page 3, line 23, strike out the word "proofs" and insert in lieu thereof the word "proof."

The amendment was agreed to.

The bill as amended was ordered to be engrossed and read a third time, was read the third time, and passed.

On motion of Mr. MANN, a motion to reconsider the vote by which the bill was passed was laid on the table.

RESIGNATION OF A MEMBER.

Mr. McDERMOTT. Mr. Speaker——

The SPEAKER. The gentleman from Illinois [Mr. McDERMOTT] is recognized.

Mr. McDERMOTT. Mr. Speaker, I arise to a question of the highest personal privilege. On the 29th of June, 1913, there appeared simultaneously in the New York World and the Chicago Tribune an article signed by Martin M. Mulhall, a former employee of the National Association of Manufacturers, containing certain charges against me. On July 9, 1913, I arose in my place on this floor, and calling attention to the article in question, I denounced it as outrageous and untrue, and asserted that I had never received a cent from anybody belonging to the National Association of Manufacturers. I also stated that I was ready to go before any committee at any time that might be selected to investigate the charges contained in the Mulhall articles. Afterwards a resolution of investigation was passed. A select committee was appointed and an exhaustive and long drawn-out investigation was made, the result being that the committee found all the substantial charges against myself to be false and without foundation. The investigation disclosed the fact that on all occasions I voted in this House in compliance with promises and pledges I made my constituents; at all times, whenever occasion presented itself, voting for the measures coming before Congress advocated by organized labor. Unfortunately, I came to this House a poor man; fortunately, however, for myself, taking into consideration the character of the charges made against me, I leave this House a poor man. I have been compelled during my service as a Member of this House to borrow money. I have not been in a position to go to banks and to tender to them the security they require. I have been compelled to borrow from my friends. It so happened that afterwards persons from whom I borrowed money became the opponents of certain legislation which passed this House affecting their business as pawnbrokers and as liquor dealers. In the matter of the pawnbrokers bill I voted also according to the suggestion of a great labor organization here—the Central Labor Union of the District of Columbia. On account of these loans I have been censured by this committee. The committee in their findings, after reviewing carefully all the evidence presented against me, said, with reference to these money lenders and liquor dealers:

> There is no evidence that such lobbies as were maintained by these effected or prevented legislation, improperly or otherwise.

However, with reference to these transactions, the committee hold that I have been guilty of acts of impropriety. In their report the committee state:

> The Members of the House know Mr. McDERMOTT; know his ideals and his characteristics as the public generally does not know, and in the nature of things can not know them. His training and associations have not given him the ethical perceptions and standards relative to public office that usually characterize public men. We can not say that he has been corrupted in his votes.

It is true that I have not had the educational training and, perhaps, the social training and advantages that other Members of this House may boast or may have had. I have been invited to many places in Chicago and elsewhere that, perhaps, some Members may think above my social station; but I have preferred to associate with the people who have sent me to Congress, and when I am at home in Chicago I am to be found at my accustomed haunts and among my old companions, associating with the men and boys in the great Union Stockyards, the people I love and want to associate with. My training has been with them for over 20 years. I admire them and love them. They are open and above board. If they fight you, they fight you on the square; if they are against you, they come to you, face to face, and manfully tell you that they are against you, but they do not use the brigand methods of shooting at you from ambush. I never cast a vote that these honest, home-loving people criticized me for. I go back to them, and am willing and glad to do so. They will believe me, because they know I never lied to them; that I have always been their loyal friend and servant.

The committee action I have been discussing is the action of the select committee appointed to investigate the charges against me. Their report and the evidence presented before them was afterwards submitted to the Committee on the Judiciary of this House, with directions to report a proper course of procedure, and that committee has presented to this House their report, finding that I have been guilty of acts of impropriety and recommending that I be censured.

I have many warm friends in this House. Their elections are approaching. I do not desire to embarrass them in any way. I am conscious of no wrongdoing as a Member of this body. My only offense is that I have borrowed money. A

censure by this House would carry with it a strong criticism of my friends and associates in my district—the findings of the select committee being that my associations have not given me the ethical perceptions and standards which ought to characterize men in public life.

I have the highest respect for my constituency. I do not intend that in this House the character and standing of my friends and the people I represent shall be either discussed or questioned in any manner. After all, the court of last resort in a matter of this kind is the constituency of the Member affected by such charges as these.

Inasmuch as the findings of fact made by the select committee are all in my favor, I consider myself fully vindicated. I feel that under the facts in this case the question of my censure ought not to be submitted to this House; but I am quite willing that it be now submitted to my constituents, and from the decision of the Committee on the Judiciary of this House I desire to appeal to my constituents. I have forwarded my resignation as a Member of this Congress from the fourth district of Illinois to the governor of my State, and I now here tender my resignation to the Speaker of this House and send to the Speaker's desk a copy of my communication to the governor. I go now from this Hall to my constituents for the purpose of appealing to them for the vindication to which I feel I am of right entitled. I have submitted my name to the voters of my district as a candidate for reelection to the Congress of the United States. I am willing to abide by their decision.

I ask that the letter containing my resignation, addressed to the Speaker of the House, be read, together with the copy of the telegram sent by me to the governor of the State of Illinois.

The SPEAKER. The Clerk will read the communication.

The Clerk read as follows:

WASHINGTON, D. C., *July 21, 1914.*

Hon. CHAMP CLARK,
Speaker of the House of Representatives, Washington, D. C.

MY DEAR MR. SPEAKER: I have this day tendered my resignation as a Representative in Congress from the fourth congressional district of Illinois to Hon. Edward F. Dunne, governor of the State of Illinois, to take effect immediately. I attach hereto a copy of my resignation so forwarded to the governor.

I have the honor to be, very respectfully,
Your obedient servant,

JAMES T. MCDERMOTT,
Member of Congress, Fourth District, Illinois.

JULY 21, 1914.

Hon. E. F. DUNNE,
Governor of Illinois, Springfield, Ill.:

I hereby tender my resignation as Representative in Congress from the fourth congressional district of Illinois, to take effect immediately.

JAMES T. MCDERMOTT.

Mr. MANN. Mr. Speaker, this communication, I take it, which is a formal notice, should be placed on file?

The SPEAKER. It should be placed on file. The House does not have to pass on it. It can not accept the resignation of a Member.

ENROLLED BILL SIGNED.

Mr. ASHBROOK, from the Committee on Enrolled bills, reported that they had examined and found truly enrolled bill of the following title, when the Speaker signed the same:

H. R. 15320. An act authorizing the Secretary of the Treasury to disregard section 33 of the public-buildings act of March 4, 1913, as to site at Owego, N. Y.

ENROLLED BILLS PRESENTED TO THE PRESIDENT FOR HIS APPROVAL.

Mr. ASHBROOK, from the Committee on Enrolled Bills, reported that this day they had presented to the President of the United States for his approval the following bills:

H. R. 11317. An act to increase the limit of cost of the United States post-office building at Newcastle, Ind.; and

H. R. 1694. An act to amend an act approved October 1, 1890, entitled "An act to set apart certain tracts of land in the State of California as forest reservations."

MESSAGE FROM THE PRESIDENT OF THE UNITED STATES.

A message from the President of the United States, by Mr. Latta, one of his secretaries, announced that the President had approved and signed bills and joint resolutions of the following titles:

On July 7, 1914:

H. R. 13153. An act for the relief of Pete Jelovac.

On July 9, 1914:

H. R. 4938. An act providing for the issuance of patents to transferees of town lots purchased from the United States at public sale in certain cases; and

H. R. 16192. An act to authorize the issuance of patent to Rachel E. Dangerfield Boast for the southeast quarter of section 21 and the northeast quarter of section 28, township 1 south, range 57 west of the sixth principal meridian.

On July 11, 1914:

H. J. Res. 279. Joint resolution to amend an act entitled "An act granting pensions and increase of pensions to certain soldiers and sailors of the Civil War and certain widows and dependent children of soldiers and sailors of said war," approved May 2, 1914.

On July 16, 1914:

H. R. 15279. An act making appropriations for the legislative, executive, and judicial expenses of the Government for the fiscal year ending June 30, 1915, and for other purposes; and

H. J. Res. 300. Joint resolution to continue the provisions of a joint resolution approved June 30, 1914, entitled "Joint resolution extending appropriations for the necessary operations of the Government and of the District of Columbia under certain contingencies."

On July 17, 1914:

H. J. Res. 255. Joint resolution authorizing the President to extend invitations to other nations to send representatives to the International Dry Farming Congress, to be held at Wichita, Kans., October 7 to 17, inclusive, 1914;

H. R. 963. An act for the relief of Mrs. Andrew Riganopolous;

H. R. 1138. An act for the relief of Helen Wakefield;

H. R. 1291. An act for the relief of George Gardells;

H. R. 2407. An act for the relief of the Pennsylvania Engineering Co., of the city of Philadelphia;

H. R. 2536. An act for the relief of John Streckfus;

H. R. 2540. An act for the relief of the estate of Philip Felix Herwig, deceased;

H. R. 3041. An act to carry into effect findings of the Court of Claims in the cases of Charles A. Davidson and Charles M. Campbell;

H. R. 3988. An act for the purchase of a building and a lot as a mine-rescue station at McAlester, Okla.;

H. R. 4744. An act to authorize the appointment of John W. Hyatt to the grade of second lieutenant in the Army;

H. R. 5079. An act for the relief of Mary Abel;

H. R. 5746. An act for the relief of Marcus L. Pelham;

H. R. 5884. An act granting to the people of the State of California the right of way upon and across the United States fish reservation at Baird, Shasta County, Cal.;

H. R. 6220. An act for the relief of Hosea Stone;

H. R. 7208. An act to increase the limit of cost of the public building at Smyrna, Del.;

H. R. 7327. An act for the relief of Charles L. Hill;

H. R. 7484. An act for the relief of Stanley J. Morrow;

H. R. 8803. An act for the relief of Mary E. Goodley;

H. R. 9042. An act to permit sales by supply departments of the Army to certain military schools and colleges;

H. R. 9147. An act to restore First Lieut. James P. Barney, retired, to the active list of the Army;

H. R. 9421. An act for the relief of John T. Glynn;

H. R. 10345. An act for the relief of C. M. Hammond;

H. R. 11254. An act to increase the limit of cost for the erection and completion of the United States post-office building at Mandan, N. Dak.;

H. R. 11625. An act to increase the appropriation for the erection of an immigration station at Baltimore, Md.;

H. R. 11747. An act to increase the limit of cost for the purchase of a site and the construction of a public building in Memphis, Tenn.;

H. R. 12191. An act for the relief of Elizabeth Muhleman, widow of Samuel A. Muhleman, deceased;

H. R. 12778. An act for the relief of W. D. Stoyer, administrator of the estate of Henry S. Stoyer;

H. R. 13819. An act to increase the limit of cost of Federal building at Pendleton, Oreg.;

H. R. 14229. An act for the relief of Henry La Roque;

H. R. 14684. An act for the relief of the Commissioner of Internal Revenue;

H. R. 14925. An act for the retirement of H. R. Drake;

H. R. 16055. An act to amend section 4474 of the Revised Statutes of the United States;

H. R. 1580. An act for the relief of John R. Norris;

H. R. 6052. An act for the relief of William P. Havenor;

H. R. 6260. An act for the relief of Hyacinthe Villeneauve;

H. R. 6464. An act for the relief of Charles R. Grant;

H. R. 6831. An act to quiet title to lot 5, section 33, township 14, range 18 east, Noxubee County, Miss.;

H. R. 10767. An act for the relief of John D. Baldwin; and

H. R. 13985. An act to authorize the construction of a bridge across the Mississippi River at or near the city of Baton Rouge, La.

S. J. Res. 29. Joint resolution authorizing the President to appoint a member of the New Jersey and New York Joint Harbor Line Commission; and

S. 4714. An act to authorize Louis Eder to enter lands under the homestead laws.

On July 18, 1914:

H. R. 5304. An act to increase the efficiency of the aviation service of the Army, and for other purposes;

H. R. 9770. An act to levy and collect an income tax on railroads in Alaska, and for other purposes;

H. R. 11381. An act for the relief of the estate of T. J. Semmes, deceased;

H. R. 1517. An act for the relief of George W. Cary; and

H. R. 6014. An act for the relief of Serapio Romero, late postmaster at Las Vegas, N. Mex.

On July 21, 1914:

H. J. Res. 304. Joint resolution authorizing the Secretary of War to loan certain saddles and bridles for the use of the national encampment, Knights of Pythias, to be held at Terre Haute, Ind., in July, 1914;

H. R. 10523. An act making appropriations to provide for the expenses of the government of the District of Columbia for the fiscal year ending June 30, 1915, and for other purposes;

H. R. 12914. An act granting pensions and increase of pensions to certain soldiers and sailors of the Civil War and certain widows and dependent children of soldiers and sailors of said war;

H. R. 13542. An act granting pensions and increase of pensions to certain soldiers and sailors of the Civil War and certain widows and dependent children of soldiers and sailors of said war;

H. R. 14234. An act granting pensions and increase of pensions to certain soldiers and sailors of the Civil War and certain widows and dependent children of soldiers and sailors of said war;

H. R. 14738. An act granting pensions and increase of pensions to certain soldiers and sailors of the Civil War and certain widows and dependent children of soldiers and sailors of said war;

H. R. 15692. An act granting pensions and increase of pensions to certain soldiers and sailors of the Civil War and certain widows and dependent children of soldiers and sailors of said war;

H. R. 13297. An act granting pensions and increase of pensions to certain soldiers and sailors of the Regular Army and Navy, and certain soldiers and sailors of wars other than the Civil War, and to widows of such soldiers and sailors;

H. R. 13920. An act granting pensions and increase of pensions to certain soldiers and sailors of the Regular Army and Navy, and certain soldiers and sailors of wars other than the Civil War, and to widows of such soldiers and sailors;

H. R. 14546. An act granting pensions and increase of pensions to certain soldiers and sailors of the Regular Army and Navy, and certain soldiers and sailors of wars other than the Civil War, and to widows of such soldiers and sailors;

H. R. 15071. An act granting pensions and increase of pensions to certain soldiers and sailors of the Regular Army and Navy, and certain soldiers and sailors of wars other than the Civil War, and to widows of such soldiers and sailors; and

H. R. 15504. An act granting pensions and increase of pensions to certain soldiers and sailors of the Regular Army and Navy, and certain soldiers and sailors of wars other than the Civil War, and to widows of such soldiers and sailors.

SUNDRY CIVIL APPROPRIATION BILL.

Mr. FITZGERALD. Mr. Speaker, I call up the conference report on the bill H. R. 17041, the sundry civil appropriation bill, and ask unanimous consent that the statement be read in lieu of the report.

The SPEAKER. The gentleman from New York calls up the conference report on the sundry civil appropriation bill, and asks unanimous consent that the statement be read in lieu of the report. Is there objection?

There was no objection.

The conference report is as follows:

CONFERENCE REPORT (NO. 994).

The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 17041) making appropriations for sundry civil expenses of the Government for the fiscal year ending June 30, 1915, and for other purposes, having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

That the Senate recede from its amendments numbered 5, 9, 10, 12, 22, 27, 28, 29, 34, 37, 38, 39, 52, 54, 64, 69, 71, 72, 73, 74, 75, 76, 77, 79, 81, 83, 87, 88, 90, 93, 95, 101, 102, 115, 116, 117, 118, 120, 122, 123, 124, 125, 126, 128, 130, 133, 134, 136, 143, 144, 147, 156, 158, 160, 161, and 162.

That the House recede from its disagreement to the amendments of the Senate numbered 1, 3, 21, 23, 24, 25, 26, 31, 41, 42, 43, 48, 50, 51, 53, 56, 60, 61, 62, 63, 65, 66, 68, 70, 78, 82, 84, 85, 86, 94, 96, 97, 98, 99, 100, 105, 106, 108, 111, 112, 113, 114, 119, 121, 127, 131, 132, 135, 139, 140, 148, 150, 151, 153, 154, 155, and 159, and agree to the same.

Amendment numbered 2: That the House recede from its disagreement to the amendment of the Senate numbered 2, and agree to the same with an amendment as follows: In lieu of the matter inserted by said amendment insert the following:

"Jellico, Tenn., post office: For commencement, $40,000."

And the Senate agree to the same.

Amendment numbered 4: That the House recede from its disagreement to the amendment of the Senate numbered 4, and agree to the same with an amendment as follows: In lieu of the matter inserted by said amendment insert the following:

"Norton, Va., post office: For site and commencement, $50,000."

And the Senate agree to the same.

Amendment numbered 6: That the House recede from its disagreement to the amendment of the Senate numbered 6, and agree to the same with an amendment as follows: In lieu of the matter inserted by said amendment insert the following:

"Prescott, Ariz., post office: For site, $7,500."

And the Senate agree to the same.

Amendment numbered 7: That the House recede from its disagreement to the amendment of the Senate numbered 7, and agree to the same with an amendment as follows: In lieu of the matter inserted by said amendment insert the following:

"Sylacauga, Ala., post office: For site, $5,000."

And the Senate agree to the same.

Amendment numbered 8: That the House recede from its disagreement to the amendment of the Senate numbered 8, and agree to the same with an amendment as follows: Strike out, in lines 6 and 7 of said amendment, the following words: "without regard to civil-service laws, rules, or regulations"; and the Senate agree to the same.

Amendment numbered 11: That the House recede from its disagreement to the amendment of the Senate numbered 11, and agree to the same with an amendment as follows: In lieu of the matter inserted by said amendment insert, on page 7 of the bill, after line 20, the following:

"Fairbanks, Alaska: For the purchase, at a price not in excess of $15,000, of that portion of the block whereon the United States courthouse and jail now stand, in the city of Fairbanks, Alaska, not now owned by the United States, $15,000."

And the Senate agree to the same.

Amendment numbered 13: That the House recede from its disagreement to the amendment of the Senate numbered 13, and agree to the same with an amendment as follows: In lieu of the matter inserted by said amendment insert, on page 1 of the bill, after line 15, the following:

"Albertville, Ala., post office: For site, $5,000."

And the Senate agree to the same.

Amendment numbered 14: That the House recede from its disagreement to the amendment of the Senate numbered 14, and agree to the same with an amendment as follows: In lieu of the matter inserted by said amendment insert, on page 2 of the bill, after line 11, the following:

"Attalla, Ala., post office: For site, $5,000."

And the Senate agree to the same.

Amendment numbered 15: That the House recede from its disagreement to the amendment of the Senate numbered 15, and agree to the same with an amendment as follows: In lieu of the matter inserted by said amendment insert, on page 2 of the bill, after line 24, the following:

"Beaufort, S. C., post office and customhouse: For site, $5,000."

And the Senate agree to the same.

Amendment numbered 16: That the House recede from its disagreement to the amendment of the Senate numbered 16, and agree to the same with an amendment as follows: In lieu of the matter inserted by said amendment insert, on page 6 of the bill, after line 18, the following:

"Decatur, Ala., post office: For site, $6,500."

And the Senate agree to the same.

Amendment numbered 17: That the House recede from its disagreement to the amendment of the Senate numbered 17, and agree to the same with an amendment as follows: In lieu of the

matter inserted by said amendment insert, on page 9 of the bill, after line 4, the following:

"Glenwood, Iowa, post office: For site, $5,000."

And the Senate agree to the same.

Amendment numbered 18: That the House recede from its disagreement to the amendment of the Senate numbered 18, and agree to the same with an amendment as follows: In lieu of the matter inserted by said amendment insert, on page 11 of the bill, after line 3, the following:

"Lancaster, Pa., post office: For site, $138,278.78."

And the Senate agree to the same.

Amendment numbered 19: That the House recede from its disagreement to the amendment of the Senate numbered 19, and agree to the same with an amendment as follows: In lieu of the matter inserted by said amendment insert, on page 11 of the bill, after line 5, the following:

"Lenoir, N. C., post office: For site, $7,000."

And the Senate agree to the same.

Amendment numbered 20: That the House recede from its disagreement to the amendment of the Senate numbered 20, and agree to the same with an amendment as follows: In lieu of the matter inserted by said amendment insert, on page 16 of the bill, after line 8, the following:

"Rossville, Ga., post office: For site, $5,000."

And the Senate agree to the same.

Amendment numbered 30: That the House recede from its disagreement to the amendment of the Senate numbered 30, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$445,000"; and the Senate agree to the same.

Amendment numbered 32: That the House recede from its disagreement to the amendment of the Senate numbered 32, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$2,650,000"; and the Senate agree to the same.

Amendment numbered 33: That the House recede from its disagreement to the amendment of the Senate numbered 33, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$850,000"; and the Senate agree to the same.

Amendment numbered 35: That the House recede from its disagreement to the amendment of the Senate numbered 35, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$2,100,000"; and the Senate agree to the same.

Amendment numbered 36: That the House recede from its disagreement to the amendment of the Senate numbered 36, and agree to the same with an amendment as follows: At the end of the matter inserted by said amendment insert the following: "; and authority is hereby given to contract for the construction of said revenue cutters within the limit of cost heretofore fixed for each of them"; and the Senate agree to the same.

Amendment numbered 40: That the House recede from its disagreement to the amendment of the Senate numbered 40, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$175,000"; and the Senate agree to the same.

Amendment numbered 46: That the House recede from its disagreement to the amendment of the Senate numbered 46, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$679,858"; and the Senate agree to the same.

Amendment numbered 47: That the House recede from its disagreement to the amendment of the Senate numbered 47, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$502,606"; and the Senate agree to the same.

Amendment numbered 49: That the House recede from its disagreement to the amendment of the Senate numbered 49, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$1,942,964"; and the Senate agree to the same.

Amendment numbered 55: That the House recede from its disagreement to the amendment of the Senate numbered 55, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$88,000"; and the Senate agree to the same.

Amendment numbered 57: That the House recede from its disagreement to the amendment of the Senate numbered 57, and agree to the same with an amendment as follows: In lieu of the sum named in said amendment insert "$1,000"; and the Senate agree to the same.

Amendment numbered 58: That the House recede from its disagreement to the amendment of the Senate numbered 58, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$4,900"; and the Senate agree to the same.

Amendment numbered 59: That the House recede from its disagreement to the amendment of the Senate numbered 59, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$3,266.67"; and the Senate agree to the same.

Amendment numbered 67: That the House recede from its disagreement to the amendment of the Senate numbered 67, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$85,000"; and the Senate agree to the same.

Amendment numbered 80: That the House recede from its disagreement to the amendment of the Senate numbered 80, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$340,000"; and the Senate agree to the same.

Amendment numbered 89: That the House recede from its disagreement to the amendment of the Senate numbered 89, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$1,305,520"; and the Senate agree to the same.

Amendment numbered 103: That the House recede from its disagreement to the amendment of the Senate numbered 103, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$17,000"; and the Senate agree to the same.

Amendment numbered 104: That the House recede from its disagreement to the amendment of the Senate numbered 104, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$485,000"; and the Senate agree to the same.

Amendment numbered 107: That the House recede from its disagreement to the amendment of the Senate numbered 107, and agree to the same with an amendment as follows: In lieu of the matter inserted by said amendment insert the following: "except the justices of the Supreme Court of the United States, the salaries of judges retired under section 714 of the Revised Statutes, and the judges, officials, and employees of all courts whose sessions are held in the District of Columbia, whose salaries shall be paid through the disbursing officer of the Department of Justice as hitherto provided"; and the Senate agree to the same.

Amendment numbered 109: That the House recede from its disagreement to the amendment of the Senate numbered 109, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$350,000"; and the Senate agree to the same.

Amendment numbered 110: That the House recede from its disagreement to the amendment of the Senate numbered 110, and agree to the same with an amendment as follows: In lieu of the matter inserted by said amendment insert the following:

"All acts and parts of acts authorizing the clerks of the United States district courts in and for the States of Oregon, Montana, and Washington, respectively, to charge and collect double the fees provided in section 828 of the Revised Statutes of the United States, and all acts authorizing United States marshals in and for said States, respectively, to receive and collect double the fees provided by section 829 of the Revised Statutes of the United States, are hereby repealed, to take effect from and after January 1, 1915: *Provided*, That no clerk of the United States district courts in and for said States shall be allowed by the Attorney General to retain of the fees and emoluments of his office, for his personal compensation, over and above his necessary office expenses, including the necessary clerk hire, to be audited and allowed by the proper accounting officers of the Treasury, a sum exceeding $3,500 per year, to take effect from and after January 1, 1915: *Provided further*, That nothing herein shall operate to reduce the fees that the clerks of the United States district courts and United States marshals in any States other than those mentioned herein have heretofore been authorized to charge and collect."

And the Senate agree to the same.

Amendment numbered 129: That the House recede from its disagreement to the amendment of the Senate numbered 129, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$204,420"; and the Senate agree to the same.

Amendment numbered 137: That the House recede from its disagreement to the amendment of the Senate numbered 137, and agree to the same with an amendment as follows: In lieu of the matter inserted by said amendment insert the following:

"Alaska Fishery Service, vessels and boats: For construction or purchase of vessels and boats in connection with the enforce-

ment of the laws and regulations for the protection of the fisheries and fur-bearing animals of Alaska, $50,000."

And the Senate agree to the same.

Amendment numbered 141: That the House recede from its disagreement to the amendment of the Senate numbered 141, and agree to the same with an amendment as follows: In line 3 of the matter inserted by said amendment omit the following: "to be available until expended"; and the Senate agree to the same.

Amendment numbered 142: That the House recede from its disagreement to the amendment of the Senate numbered 142, and agree to the same with an amendment as follows: In line 2 of the matter inserted by said amendment omit the following: "to be available until expended"; and the Senate agree to the same.

Amendment numbered 149: That the House recede from its disagreement to the amendment of the Senate numbered 149, and agree to the same with an amendment as follows: In lieu of the matter inserted by said amendment insert the following:

"MACDONOUGH MEMORIAL.

"For the erection of memorials at or near Plattsburg, N. Y., in commemoration of the victory of Commodore Thomas Macdonough on Lake Champlain, in September, 1814, in accordance with plans to be approved by the Secretary of War and commissions to be appointed by the States of Vermont and New York, respectively, to be expended by the Secretary of War, $15,000 toward the memorial of the State of Vermont and $125,000 toward the memorial of the State of New York; in all, $140,000 *Provided*, That no part of the said appropriation shall be paid out of the Treasury until after the State of New York shall have appropriated a sum not less than $125,000 for its said memorial and celebration."

And the Senate agree to the same.

Amendment numbered 152: That the House recede from its disagreement to the amendment of the Senate numbered 152, and agree to the same with an amendment as follows: In lines 9, 10, and 11 of the matter inserted by said amendment strike out the following: " : *Provided*, That the work herein authorized shall be completed on or before January 1, 1915"; and the Senate agree to the same.

Amendment numbered 163: That the Senate recede from its disagreement to the amendment of the House to the amendment of the Senate numbered 163, and agree to the same.

The committee of conference have been unable to agree on the amendments of the Senate numbered 44, 45, 91, 92, 138, 145, and 146.

JOHN J. FITZGERALD,
SWAGAR SHERLEY,
FREDK. H. GILLETT,
Managers on the part of the House.

THOMAS S. MARTIN,
LEE S. OVERMAN,
GEO. C. PERKINS,
Managers on the part of the Senate.

The statement was read, as follows:

STATEMENT.

The managers on the part of the House at the conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 17041) making appropriations for sundry civil expenses of the Government for the fiscal year ending June 30, 1915, and for other purposes, submit the following written statement in explanation of the effect of the action agreed upon by the conference committee and submitted in the accompanying conference report as to each of the said amendments, namely:

On amendments Nos. 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16, 17, 18, 19, 20, 21, 22, 23, 24, and 25, relating to public buildings, marine hospitals, and quarantine stations: Appropriates, as proposed by the Senate, as follows:

Fort Stanton, N. Mex., sanatorium, $800.

Jellico, Tenn., post office, $40,000.

New Haven, Conn., post office, makes appropriations heretofore or hereafter made available for mail-handling devices.

Norton, Va., post office, $50,000.

Prescott, Ariz., post office, $7,500.

Sylacauga, Ala., post office, $5,000.

Washington, D. C., national archives building, $5,000, and strikes out authority to employ technical and engineering services without reference to civil-service rules and regulations.

Albertville, Ala., post office, $5,000.

Attalla, Ala., post office, $5,000.

Beaufort, S. C., post office, $5,000.

Decatur, Ala., post office, $6,500.

Glenwood, Iowa, post office, $5,000.

Lancaster, Pa., post office, $138,278.78.

Lenoir, N. C., post office, $7,000.

Rossville, Ga., post office, $5,000.

San Francisco, Cal., marine hospital, $5,000.

San Juan, P. R., quarantine station, enlarges the authority for the erection of buildings within the limit of cost.

New Orleans, La., quarantine station, $12,000.

Cape Fear, N. C., quarantine station, $25,000.

Strikes out items proposed by the Senate as follows:

Philadelphia, Pa., Mint, $10,000.

Washington, D. C., Treasury Building, $8,000.

Washington, D. C., Winder Building, $3,500.

Honolulu, Hawaii, quarantine station, $22,000.

On amendments Nos. 26, 27, 28, 29, 30, 31, 32, 33, and 34, relating to current expenses of public buildings: Inserts authority for the disposal of the wharf and warehouse at Sitka, Alaska, as proposed by the Senate; strikes out authority increasing the amount to be used for repair of the Treasury, Butler, and Winder Buildings from $14,000 to $18,000; appropriates $725,000, as proposed by the House, instead of $749,000, as proposed by the Senate, for repairs and preservation of public buildings; strikes out authority increasing the amount to be used for mechanical equipment for the Treasury, Butler, and Winder Buildings from $10,000 to $14,500; appropriates $445,000 instead of $453,500, as proposed by the Senate, and $440,000, as proposed by the House, for mechanical equipment; reappropriates the unexpended balance of a former appropriation for compensation and expenses of site agents; appropriates $2,650,000 instead of $2,600,000, as proposed by the House, and $2,700,000, as proposed by the Senate, for operating force; appropriates $850,000 instead of $825,000, as proposed by the House, and $900,000, as proposed by the Senate, for furniture and repairs of furniture; and strikes out the increase, proposed by the Senate, of $25,000 in the amount for operating supplies.

On amendment No. 35: Appropriates $2,100,000 instead of $2,025,000, as proposed by the House, and $2,226,050, as proposed by the Senate, for pay of crews of surfmen and miscellaneous expenses of the Life-Saving Service.

On amendment No. 36: Appropriates $165,000, as proposed by the Senate, toward the construction of two new revenue cutters authorized by the act of June 24, 1914, and authorizes contracts to be entered into for the construction of such revenue cutters within their authorized limit of cost.

On amendments Nos. 37, 38, and 39: Appropriates for expenses of the Bureau of Engraving and Printing in the sums proposed by the House instead of the increased amounts proposed by the Senate.

On amendment No. 40: Appropriates $175,000 instead of $150,000, as proposed by the House, and $200,000, as proposed by the Senate, for punishing violations of internal-revenue laws.

On amendments Nos. 41, 42, and 43: Increases the compensation of two employees in custody of dies, rolls, and plates in the Bureau of Engraving and Printing from $1,800 to $2,000 and from $1,200 to $1,400, respectively.

On amendments Nos. 46, 47, 48, and 49, relating to the Public Health Service: Appropriates $679,858 instead of $629,858, as proposed by the House, and $729,858, as proposed by the Senate, for commissioned medical officers and pharmacists; appropriates $502,606 instead of $477,606, as proposed by the House, and $527,606, as proposed by the Senate, for pay of attendants and other employees; and appropriates $256,000, as proposed by the Senate, instead of $245,000, as proposed by the House, for maintenance of marine hospitals.

On amendment No. 50: Inserts the provision, proposed by the Senate, relating to the condemnation of small park areas at intersections of streets in the District of Columbia.

On amendment No. 51: Inserts the provision proposed by the Senate instead of the one in the bill as passed by the House relating to the duty of common carriers in transporting engineers and other employees engaged in making the physical valuation of the property of common carriers.

On amendment No. 52: Strikes out the appropriation proposed by the Senate for collecting the military records of the Revolutionary War.

On amendments Nos. 53, 54, and 55: Makes the appropriation for the extension of the artillery-ammunition storehouse at the Frankford Arsenal available for additional facilities for storing artillery ammunition and strikes out the appropriation of $135,000, proposed by the Senate, for additional ground at that arsenal.

On amendment No. 56: Inserts the provision, proposed by the Senate, requiring the assignment of proper rooms for post-office purposes at military posts.

On amendments Nos. 57, 58, and 59: Fixes the compensation of two engineers at Fort Monroe, Va., at $1,000 each, instead of $900 each, as proposed by the House, and $1,200, as proposed by the Senate.

On amendment No. 60: Continues the availability of the $350 heretofore appropriated for purchase of land at Fort Washington, Md., during the fiscal year 1915.

On amendment No. 61: Appropriates $1,500, as proposed by the Senate, for the purchase of the Dunkard Church property on the Antietam battle field.

On amendment No. 62: Appropriates $250, as proposed by the Senate, for the care, protection, and maintenance of the Confederate Stockade Cemetery, Johnstons Island, in Sandusky Bay.

On amendment No. 63: Appropriates $11,000, as proposed by the Senate, for the road from the Highway Bridge to Arlington National Cemetery.

On amendments Nos. 64 and 65: Appropriates $125,000, as proposed by the House, instead of $150,000, as proposed by the Senate, for maintenance and improvements in Yellowstone National Park, and $100,000, as proposed by the Senate, instead of $75,000, as proposed by the House, for widening certain roads in the park.

On amendment No. 66: Appropriates $30,000, as proposed by the Senate, instead of $20,000, as proposed by the House, for widening roads and for bridges and culverts in the forest reserves leading into Yellowstone Park.

On amandment No. 67: Appropriates $85,000 instead of $75,000, as proposed by the House, and $100,000, as proposed by the Senate, for Crater Lake National Park.

On amendment No. 68: Appropriates $25,000, as proposed by the Senate, for retaining walls in Meridian Hill Park.

On amendment No. 69: Appropriates $5,000, as proposed by the House, instead of $7,500, as proposed by the Senate, for the Commission of Fine Arts.

On amendment No. 70: Extends the survey of northern and northwestern lakes to the Lake of the Woods and other boundary and connecting waters between said lake and Lake Superior.

On amendments Nos. 71, 72, 73, 74, and 75, relating to the National Home for Disabled Volunteer Soldiers: Strikes out the appropriations, proposed by the Senate, of $22,000 for sea wall at Johns Creek at the Southern Branch and $17,000 for repair of barracks at the Pacific Branch.

On amendment No. 76: Strikes out the appropriation of $5,229.50, proposed by the Senate, for pay of certain employees of the Senate.

On amendment No. 77: Strikes out the appropriation of $7,000 for collecting the naval records of the Revolutionary War.

On amendment No. 78: Provides for a vehicle for the office of the Superintendent of the Capitol.

On amendment No 79: Strikes out the appropriation of $5,000, proposed by the Senate, for the protection of national monuments.

On amendment No. 80: Appropriates $340,000, instead of $330,000, as proposed by the House, and $350,000, as proposed by the Senate, for contingent expenses of land offices.

On amendment No. 81: Appropriates $475,000, as proposed by the House, instead of $500,000, as proposed by the Senate, for protecting public lands.

On amendment No. 82: Appropriates $25,000, as proposed by the Senate, for protecting lands involved in the Oregon & California Railroad forfeiture suit.

On amendment No. 83: Strikes out the appropriation of $15,000, proposed by the Senate, to enable the Agricultural Department to make experimental demonstrations for utilizing by-products of trees.

On amendment No. 84: Authorizes the use of $25,000 of the appropriation for protecting public lands to bring up arrears of work in the surveyors general's offices.

On amendments Nos. 85, 86, 87, 88, and 89, relating to the Geological Survey: Authorizes the purchase of motor-propelled and horse-drawn vehicles; strikes out the provision confining the geologic surveys to the public lands; appropriates $150,000, as proposed by the House, instead of $300,000, as proposed by the Senate, for gauging streams; strikes out the provision to enable the Secretary of the Interior to investigate the existence of artesian water and other underground water for irrigation of arid and semiarid regions by boring wells.

On amendment No. 90: Strikes out the appropriation of $50,000, proposed by the Senate, for medical relief in Alaska.

On amendment No. 93: Strikes out the appropriation of $12,500, proposed by the Senate, for survey of a road in Mount Rainier National Park.

On amendment No. 94: Appropriates $8,040, as proposed by the Senate, instead of $7,540, as proposed by the House, for Crater Lake National Park.

On amendment No. 95: Strikes out the appropriation of $1,500 for Sullys Hill National Park.

On amendment No. 96: Strikes out the authority, proposed by the House, to expend $20,000 for remodeling Government free bathhouses at the Hot Springs Reservation.

On amendments Nos. 97 and 98: Appropriates $10,000, as proposed by the Senate, instead of $8,000, as proposed by the House, for improving grounds and repairing buildings of Howard University.

On amendment No. 99: Authorizes the purchase of an ambulance out of the maintenance appropriation of Freedmen's Hospital.

On amendment No. 100: Directs the transfer of $37,996.70, as proposed by the Senate, instead of $41,209.73, as proposed by the House, out of the revenues of the District of Columbia to the Treasury of the United States on account of Freedmen's Hospital.

On amendments Nos. 101 and 102: Appropriates $35,000, as proposed by the House, instead of $40,000, as proposed by the Senate, for special attorneys and counselors at law in customs cases.

On amendment No. 103: Appropriates $17,000 instead of $15,000, as proposed by the House, and $20,000, as proposed by the Senate, for defending suits in claims against the United States.

On amendment No. 104: Appropriates $485,000 instead of $480,000, as proposed by the House, and $500,000, as proposed by the Senate, for detection and prosecution of crimes.

On amendment No. 105: Authorizes the expenditure of $15,000, as proposed by the Senate, instead of $10,000, as proposed by the House, out of the appropriation for the enforcement of anti-trust laws for necessary employees at Washington, D. C.

On amendments Nos. 106 and 107: Makes a verbal correction in the text of the bill and provides for the payment of justices of the Supreme Court and judges of other courts in Washington and retired judges through the disbursing officer of the Department of Justice.

On amendment No. 108: Appropriates $615,000, as proposed by the Senate, instead of $600,000, as proposed by the House, for United States district attorneys.

On amendment No. 109: Appropriates $350,000 instead of $325,000, as proposed by the House, and $375,000, as proposed by the Senate, for regular assistants to United States district attorneys.

On amendment No. 110: Inserts a provision preventing the payment of double fees to the clerks of courts and United States marshals in Oregon, Washington, and Montana, and provides for them the same compensation as is paid to similar officers in other States.

On amendment No. 111: Appropriates $558,000, as proposed by the Senate, instead of $500,000, as proposed by the House, for miscellaneous expenses of United States courts.

On amendments Nos. 112, 113, and 114: Increases the pay of the farmer at the Atlanta Penitentiary from $900 to $1,200.

On amendments Nos. 115, 116, and 117: Strikes out the proposed increase in the compensation of the tailor at the National Training School for Boys.

On amendment No. 118: Strikes out the appropriation of $80,000, proposed by the Senate, for the Pointe Vincent Light Station, Cal.

On amendment No. 119: Appropriates $50,000, as proposed by the Senate, for changing lighting and providing additional lighting at the eastern and western entrances at Cape Cod Canal.

On amendments Nos. 120 and 121: Appropriates $997,600, as proposed by the House, instead of $1,038,000, as proposed by the Senate, for officers and crews of lighthouse vessels and tenders and inserts a provision granting 15 days' leave of absence with pay each year to employees of the Lighthouse Service.

On amendments Nos. 122, 123, 124, 125, 126, 127, 128, 129, 130, 131, and 132, relating to the Coast and Geodetic Survey: Appropriates $165,000, as proposed by the House, instead of $225,000, as proposed by the Senate, for surveys and resurveys of coasts on the Pacific Ocean; strikes out authority to reimburse officers for expenses of extending relief in certain cases; strikes out the appropriation, proposed by the Senate, of $175,000 for two new vessels; provides for an additional clerk at $1,800 in the office force; strikes out provision for an additional clerk at $1,000; strikes out the appropriation of $18,600, proposed by the Senate, for a lithographic press; appropriates $7,500, as proposed by the Senate, instead of $2,400, as proposed by the House, for the lithographic building; and appropriates $5,000, as proposed by the Senate, instead of $4,000, as proposed by the House, for a one-story building between the present buildings of the survey.

On amendments Nos. 133, 134, 135, 136, 137, 139, 140, 141, and 142, relating to the Bureau of Fisheries: Strikes out the provi-

sion, proposed by the Senate, for a fish pathologist at $2,500; inserts the provision, proposed by the Senate, with reference to the operations of the Bureau of Fisheries in States where there are not adequate laws for the protection of fish; appropriates $60,000, as proposed by the House, instead of $110,000, as proposed by the Senate, for the Alaska general service; appropriates $50,000 instead of $100,000, as proposed by the Senate, for vessels and boats for the Alaskan fishery service; authorizes any corporation, firm, or individual in Florida to donate land and water rights for the marine biological station in Florida; appropriates $15,000, as proposed by the Senate, for the Clackamas, Oreg., fish station; appropriates $5,000 and $3,500, respectively, as proposed by the Senate, for the biological station at Beaufort, N. C.

On amendments Nos. 143 and 144: Appropriates $2,649,500, as proposed by the House, instead of $2,700,000, as proposed by the Senate, for expenses of regulating immigration, and restores to the bill the provision, stricken out by the Senate, fixing the salary of the commissioner of immigration at New Orleans at $2,900.

On amendment No. 147: Strikes out the appropriation of $50,000, proposed by the Senate, for an Alaskan exhibit at the Panama-Pacific International Exposition.

On amendment No. 148: Appropriates $55,000, as proposed by the Senate, for the exposition to celebrate the anniversary of the emancipation of the negro.

On amendment No. 149: Appropriates $250,000, as proposed by the Senate, for the Macdonough Memorial.

On amendment No. 150: Appropriates $5,956, as proposed by the Senate, for the International Council for Exploration of the Sea.

On amendment No. 151: Authorizes the purchase of a power lawn mower for the Botanic Garden.

On amendment No. 152: Reappropriates for the fiscal year 1915 the appropriation of $2,500 heretofore made for the removal of the fence around Botanic Garden.

On amendments Nos. 153, 154, 155, and 156: Appropriates, as proposed by the Senate, $55,000 for the expenses of the Senate Office Building, $5,000 for furniture for that building, $17,500 for repairs and improvements to the Senate kitchen and restaurant; and strikes out the provision, proposed by the Senate, concerning the unexpended balance of the appropriation heretofore made for transportation facilities in the subways of the Capitol to the Senate and House Office Buildings.

On amendment No. 158: Strikes out the provision, proposed by the Senate, excepting the reports of the Attorney General from the general provision relating to the time of submitting annual reports.

On amendment No. 159: Inserts the provision, proposed by the Senate, requiring that the lowest prices paid for typewriters during the fiscal years 1913 and 1914 shall not be exceeded during the fiscal year 1915 shall apply to "substantially" the same model of machine.

On amendments Nos. 160 and 161: Limits the amount that may be prescribed for per diem rates of allowance to persons traveling on official business to $4, as proposed by the House, instead of $6, as proposed by the Senate; and strikes out the provision, proposed by the Senate, granting allowances of $8 per day to the Board of Mediation and Conciliation and General Appraisers.

On amendment No. 162: Strikes out the provision, inserted by the Senate, regulating the compensation and per diem allowances of internal-revenue agents.

On amendment No. 163: On the amendment of the House to the amendment of the Senate: Accepts the verbal modification proposed in the appropriation of $200,000 for the relief of sufferers by fire at Salem, Mass.

The committee of conference have been unable to agree on amendments of the Senate as follows:

Amendments Nos. 44 and 45: Establishing customs collection districts at Kansas City, Mo., and Tampa, Fla.

Amendment No. 91: Appropriating $237,840 for the Hot Springs Reservation at Hot Springs, Ark.

Amendment No. 92: Increasing the appropriation for Glacier National Park from $75,000 to $100,000.

Amendment No. 138: Appropriating $25,000 for the fish-cultural station in Utah.

Amendment No. 145: Appropriating $500,000 for the Government building at the Panama-Pacific International Exposition.

Amendment No. 146: Amending the law prescribing the Government exhibit to be made at the Panama-Pacific International Exposition.

JOHN J. FITZGERALD,
SWAGAR SHERLEY,
FREDK. H. GILLETT,
Managers on the part of the House.

Mr. FITZGERALD. Mr. Speaker, I wish to call attention to the fact that in the statement there is an error as to what had been done with amendment No. 149. The statement recites that the amendment appropriates $250,000, as proposed by the Senate, for the Macdonough memorial. That is an error in the printing. The agreement was for $140,000 instead of $250,000.

Mr. MANN. Will the gentleman yield to a question?

Mr. FITZGERALD. Certainly.

Mr. MANN. On amendment No. 36, which made a preliminary appropriation for the construction of two revenue cutters recently authorized by law I see that the conferees have inserted as an addition to the appropriation:

> And authority is hereby given to contract for the construction of said revenue cutters within the limit of cost heretofore fixed for each of them.

At whose instance was this added?

Mr. FITZGERALD. The conferees did it.

Mr. MANN. Possibly the conferees were not familiar with the law that was passed, because that itself is an authorization for the Secretary of the Treasury——

Mr. FITZGERALD. The statement was made that there was some question whether authority existed to contract for their construction under the wording of that act.

Mr. MANN. In consideration of the fact that since the gentleman from New York and I have been Members of the House there have probably been passed 40 or 50 such acts under which contracts have been let, I wondered why they discovered the necessity for inserting this.

Mr. FITZGERALD. It was easier to do this than to listen to arguments.

Mr. MANN. It does not do any harm, but it is entirely useless.

Mr. FITZGERALD. It was a hot night, and very late, and sooner than suffer any longer we inserted the matter, because it did no harm.

Mr. MANN. I do not want the gentleman to think it necessary when we pass one of these acts in reference to the Lighthouse Service or the Revenue-Cutter Service, or any other service, authorizing the Secretary to acquire such and such property, that we authorize the contract to be let subject to the appropriations to be made.

Mr. ADAMSON. If the gentleman from New York [Mr. FITZGERALD] will permit, then I suggest if the insertion of this language be necessary, hereafter when we make authorizations we must add that the proper department is thereby authorized to contract within this limit.

Mr. MANN. That would be necessary if this were necessary, but we have always treated it the other way, and they have let the contracts without difficulty.

Mr. FITZGERALD. Mr. Speaker, I ask for a vote.

The SPEAKER. The question is on agreeing to the conference report.

Mr. FALCONER. Mr. Speaker, I would like to ask the chairman of the committee as to the striking out of the $50,000 provision for the Alaskan exhibit at the San Francisco exposition. Is there any provision made anywhere for an appropriation for showing the Alaskan exhibit at the exposition in San Francisco?

Mr. FITZGERALD. There is none made by the United States Government. What Alaska has done I am unable to state.

The SPEAKER. The question is on agreeing to the conference report.

The conference report was agreed to.

The SPEAKER. Is that a complete report?

Mr. FITZGERALD. Mr. Speaker, I move that the House further insist on its disagreement to the amendments of the Senate Nos. 44, 45, 91, 92, 138, 145, and 146.

The SPEAKER. The gentleman from New York moves that the House further insist on its disagreement to certain amendments, the numbers of which the Clerk will report.

The Clerk read as follows:

> Amendments Nos. 44, 45, 91, 92, 138——

Mr. MANN. Please stop the reading there. Let it go down to there, and there will be another motion.

Mr. FITZGERALD. Then I move to further insist on amendments 41, 42, 44, 71, 92, and 98.

Mr. TAYLOR of Arkansas. Mr. Speaker, I desire to offer a preferential motion.

The SPEAKER. On any one of those amendments?

Mr. TAYLOR of Arkansas. Yes, sir; No. 91.

Mr. FITZGERALD. Mr. Speaker, I modify the motion so that the House further insist on its disagreement to the amendments of the Senate Nos. 44, 45, 92, and 138.

The SPEAKER. The gentleman from New York [Mr. FITZGERALD] moves that the House further insist upon its disagree-

ment to Senate amendments 44, 45, 92, and 138. The question is on agreeing to that motion.

The motion was agreed to.

Mr. FITZGERALD. I move that the House further insist upon its disagreement to the amendment of the Senate No. 91.

The SPEAKER. The gentleman from New York moves that the House further insist upon its disagreement to the amendment of the Senate No. 91.

Mr. TAYLOR of Arkansas. Mr. Speaker, I move that the House recede from its disagreement and concur in Senate amendment No. 91.

The SPEAKER. The gentleman from Arkansas [Mr. TAYLOR] moves to recede and concur in Senate amendment No. 91. The Clerk will report the amendment.

The Clerk read as follows:

Amendment No. 91: On page 115 of the printed bill insert the following:

"Hot Springs Reservation, Hot Springs, Ark.: For labor and material required in the installation of a drainage system in the city of Hot Springs to care for storm waters from the mountains of the Hot Springs Reservation, $237,840, to be expended under the direction of the Secretary of the Interior and in accordance with plans described in House Document No. 1298, Sixty-second Congress, third session."

Mr. FITZGERALD. Mr. Speaker, I yield 10 minutes to the gentleman from Arkansas [Mr. TAYLOR].

Mr. TAYLOR of Arkansas. I would like to have 15 minutes.

Mr. FITZGERALD. I yield 10 minutes now.

The SPEAKER. The gentleman from Arkansas is recognized for 10 minutes.

Mr. TAYLOR of Arkansas. Mr. Speaker, the Senate amendment upon which I shall insist is No. 91, page 115, House bill 7041, and which reads as follows:

"Hot Springs Reservation, Hot Springs, Ark.: For labor and material required in the installation of a drainage system in the city of Hot Springs to care for storm waters from the mountains of the Hot Springs Reservation, $237,840, to be expended under the direction of the Secretary of the Interior and in accordance with plans described in House Document No. 1298, Sixty-second Congress, third session."

The hot springs referred to in the amendment are located on a Government reservation embracing between 900 and 1,000 acres of land.

The hot springs were probably visited in 1541 by De Soto, who died the following spring on the Mississippi, about 100 miles away. According to traditions the curative properties of the springs were known to the Indians long before the advent of the Spaniards. There is a tale that the various tribes battled from time to time for control of the hot waters, in which they believed the "Great Spirit" to be ever present, but that finally a truce was declared under which their benefits were extended to the sick of all tribes.

It is believed that the earliest white settlement was made about the year 1800. Dunbar and Hunter, who visited the place in December, 1804, found an open log cabin and a few huts built of split boards which had been erected by persons resorting to the springs in the hope of regaining their health. Manuel Prudhomme built a cabin there in 1807 and was joined the same year by John Perciful and Isaac Cates, who camped in the neighborhood and engaged in hunting and trapping. From this time on history is complete.

In 1832 the hot springs and the four sections of land surrounding them were, by act of Congress, set aside for the future disposal of the United States, not to be entered, located, or appropriated for any other purpose whatever, thus making the first national park reservation of the country and preserving in perpetuity, free from monopoly and commercial exploitation, the waters of the springs for the benefit of the sick.

At Hot Springs there are two great mountains, one called the East and the other the West Mountain, located on this reservation. On the East Mountain are the hot springs, and, as I remember, about 47 in number, furnishing 827,000 gallons per day. On the West Mountain, which is only across a small deep valley some two or three hundred feet wide, only cold water is found. No part of the city of Hot Springs is located on the Government reservation, except it be hotels and bathhouses built under lease from the Government. The city of Hot Springs normally contains from eighteen to twenty thousand inhabitants. The uses of the waters on this reservation, and especially the hot waters, are controlled absolutely by the Government of the United States. There are some 20 or 30 bathhouses in Hot Springs, and also a public bathhouse maintained by the Government free to the indigent poor and which is absolutely inadequate. Some of the finest bathhouses in the world, I am told, are located on the reservation, and, in addition to these, an Army and Navy hospital is maintained where our soldiers and sailors are cared for in times of sickness. This reservation and these hot waters belong to the people of the United States, and because Hot Springs is in the district which I have the honor to represent on this floor I am expected to and am proud to look after the needs and wants of these springs to the end that suffering people may have the greatest benefit from these wonderful healing waters. Because, Mr. Speaker, it is known throughout our broad land that these springs are owned by the Government of the United States, the poor, helpless, and afflicted people from all over the country visit them in the hope of receiving a cure, and when they have reached there thousands and tens of thousands have been restored to health again. I may be also permitted to state that not only do they come there from all over our Nation, but from across the waters and from almost every country in the world.

The amendment to which I have reference was recommended by the Secretary of the Interior in 1913, and his report, together with the survey looking to the improvement embraced in the amendment, is found in House Document No. 1928, Sixty-second Congress, third session.

Mr. MURDOCK. Mr. Speaker, will the gentleman yield?

Mr. TAYLOR of Arkansas. Yes.

Mr. MURDOCK. What is the improvement, in a word?

Mr. TAYLOR of Arkansas. For the information of the gentleman I had better read from the report. The recommendation to which I refer as having been made by the Secretary of the Interior is as follows:

"DEPARTMENT OF THE INTERIOR,
"*Washington, January 20, 1913.*

"SIR: In the sundry civil act approved August 24, 1912, provision was made for preliminary survey of the sewer system of the city of Hot Springs, Ark., in the following terms:

"The Secretary of the Interior is authorized and directed, at the earliest practicable date, to make a survey of the sewer system of the city of Hot Springs, abutting the Hot Springs Reservation, Ark., and to prepare plans and estimate of the cost of increasing the present storm drainage system as well as the present sanitary sewer system of the city of Hot Springs, the report of survey, including estimate of cost of the work, to be submitted to Congress as soon as practicable after the 1st day of December, 1912. The expenses incurred hereunder shall not exceed $10,000; one-half of such expenses shall be paid out of the revenues derived from privileges and otherwise on the Hot Springs Reservation, and the other half shall be paid by the city of Hot Springs, Ark.

"By arrangement between the department and the United States Geological Survey this work was undertaken by Mr. Sledge Tatum, geographer in charge of the Rocky Mountain division of that bureau, and he has submitted his report, which, with accompanying report of J. W. Barnett, consulting engineer, and exhibits, is herewith transmitted for your consideration.

"It will be seen therefrom that an estimate is submitted in the sum of $26,595 for labor and material in perfecting a sanitary sewer system in Hot Springs and for conducting an experimental sewer purification plant, together with alternative propositions for providing purification plants in the sum of $70,000 and $20,000, respectively, dependent upon the system adopted as a result of the experience obtained in experimental plant. Estimate is also submitted in the sum of $327,540 for drainage system to care for storm waters from the mountains on the Hot Springs Reservation, which amount includes $89,700 for extending the Hot Springs Creek Arch from its present terminus on Church Street, in the city of Hot Springs, to South Water Street, approximately the city limits. The installation of the sanitary sewer system, however, it is stated, will obviate the necessity for continuing the Hot Springs Creek Arch, with its present terminus at Church Street, because the impurities which are now flowing into the creek under the arch will be cared for by the sanitary sewer system.

"To carry into effect the recommendations embodied in the report will require appropriations by Congress as follows:

"For labor and material for perfecting a sanitary sewer system in the city of Hot Springs, the installation and operation of an experimental purification plant, and providing purification tanks in connection with such system, $96,595.

"For labor and material required in the installation of a drainage system in the city of Hot Springs, to care for storm waters from the mountains on the Hot Springs Reservation, $237,840.

"The sewerage system in the city of Hot Springs appears to be such as to require early measures looking to the betterment thereof, and I therefore commend your favorable consideration to the report herewith transmitted, to the end that the appropriations necessary for the completion of the work be provided by Congress."

Mr. PAYNE. Mr. Speaker, will the gentleman allow me to ask him a question?

Mr. TAYLOR of Arkansas. Certainly.

Mr. PAYNE. How far is Church Street from the Army and Navy Hospital?

Mr. TAYLOR of Arkansas. I should think about three or four blocks.

Mr. PAYNE. Three or four blocks from the Army and Navy Hospital. Has this drainage canal been extended down to Church Street?

Mr. TAYLOR of Arkansas. Yes.

Mr. PAYNE. Who did that?

Mr. TAYLOR of Arkansas. The city of Hot Springs, largely, did it.

Mr. PAYNE. Not the Government?

Mr. TAYLOR of Arkansas. Not the Government.

In order that you may understand, gentlemen, just why these improvements should be made and this appropriation granted I will explain to you that while the avenue between the two mountains to which I have referred is six or seven hundred feet above the sea level, yet storm waters coming down these mountains into the valley floods the main avenue in the city immediately in front of the hot springs waist deep to a man, flowing into these hotels and bathhouses on the reservation and flooding them, as also many portions of the city; and these floods come from the mountains on the reservation, causing bad waters to belch out of the now inadequate sewer system. I have photographs in my hand showing these flood conditions. People come there to be cured by these waters, and not to be made sick because of sewer conditions. If you ask me why it is that the city of Hot Springs does not take care of this situation, I reply that these people, while willing, benevolent, and patriotic, are the most burden-borne people in any city in the United States.

The SPEAKER. The time of the gentleman from Arkansas has expired.

Mr. TAYLOR of Arkansas. May I have five minutes more?

Mr. FITZGERALD. I yield to the gentleman five minutes.

The SPEAKER. The gentleman from Arkansas is recognized for five minutes more.

Mr. TAYLOR of Arkansas. Under the constitution of the State of Arkansas a municipal corporation can not lend its credit and issue bonds, but the only way by which it may be done is by the forming of an improvement district by petition of the people to tax themselves for necessary improvements. This they have done, but the tax is insufficient, and they are unable to meet this great and needed improvement; and in taxing themselves they can not tax any portion of the reservation, because it belongs to the United States Government. I say that Hot Springs every year bears a great burden, and why? The indigent, poor, and afflicted come there from all sections of the Nation, and they land in Hot Springs without food and without money, and the grand, charitable people of that city will not let them starve while they are struggling for health and for life. [Applause.]

As I now recall, without the exact data before me, about 165,000 baths were given to the poor in 1913 in these hot waters. The cures that are wrought are wonderful to think about, if you knew and had seen what I have seen. I remember last Christmas of meeting an old man, a soldier in the Civil War, who had visited Hot Springs, to be treated for rheumatism, and as he was returning home he told me of how horribly he had been afflicted and how much he had been suffering, but that he was then a well man, and, further, he said that he had been almost totally blind for many years, but that when he reached home by the blessing of these waters he would be permitted to look into the faces of grandchildren that he had never seen; that bathing in these waters had restored his eyesight. [Applause.] This is only one instance of wonderful cures derived. There are gentlemen on the floor of this House who can testify as to the great curative properties of these waters.

Should you grant this amendment and allow the improvements to be made, the water which floods the streets and the bathhouses will be conducted out of the city into the Ouachita River and will make Hot Springs what was intended when reserved—a blessing to suffering humanity. I sincerely hope that the Members of this House will cheerfully agree to this appropriation. The money will be well, wisely, and humanely expended. You must remember that charity is the paramount virtue, that all else is but "sounding brass or a tinkling cymbal."

The city of Hot Springs, which is located largely to the south and southwest from the Hot Springs Mountain, has caused to be constructed extensive sewers and has expended thousands of dollars, but which has proven to be insufficient to take care of the storm and flood waters from the mountains on the reservation, and since the Government of the United States owns this reservation I am sure our great people would not hesitate or complain about the expenditures necessary to make these needed improvements.

Senator KENYON, of Iowa, in speaking in favor of this amendment the other day, said, "I have been there when the town was simply flooded and the sewers could not take care of the flood waters," and further said that "this water pours down from the mountains on the Government reservation, flowing onto the streets." Senator KENYON has often visited Hot Springs and knows whereof he speaks.

I do hope, Mr. Speaker, that this amendment will be agreed to. God put these waters in the mountain for sufferers, and their great uses should not be retarded.

When Christ was walking through the valleys and over the hills of Judea, visiting the homes where disease and distress prevailed, in order that He might bring relief and comfort to the sick and the sorrowing, He found in one small space a pool of water called the Pool of Bethesda. Around it gathered day by day a crowd of the afflicted, who were placed beside the pool by their friends, awaiting for the good angel to trouble the waters; and then it was that these poor invalids were dipped in to receive a blessing and a cure. As time moved on our heavenly Father saw that the increasing ages and populations would bring more afflictions to humanity and that greater opportunity for the blessings of health must be provided. The Allseeing Eye evidently scanned the great swelling brows of the mountains in Spain, France, and Italy, and the various beautiful valleys in these countries. He then looked over the immense reach of the Alps, with their snow peaks "pinnacled dim in the intense inane," but He saw no advantageous grounds for a Bethesda in that great scope of country. He then cast his eye over the Appalachian system, that stretches from the turbid waters of the St. Lawrence River to the deep blue waves of the Gulf of Mexico. Nothing along that majestic reach of mountains engaged His attention. He then looked over the mighty and eternal grandeurs and sublime solitudes of the gigantic Rockies, from where they take their beginning in the far-off ice fields of Alaska to where they lose their mighty range in the burning sands and storm-raging waters of the Straits of Magellan, but He saw no encouraging spot along that 10,000 miles of broken grandeur. He then looked over the line of the Ozarks, waving their modest green plumes from Missouri to Texas, and He discovered an unpretending little valley in Arkansas where the city of Hot Springs was afterwards located. He touched the spirit of the earthquake and the giant arose and heaved up the mountains on His shoulders and shook them apart and out came these hot waters, sparkling with radium and other medicinal qualities, inspired at every moment and in every drop by the healing presence of untiring angels, and here the lame and halt and afflicted from all over this land and from other parts of the earth come to get the healing blessing. Here the iron sinews of rheumatism are untied; here the steel fingers of paralysis are unloosed; here the agonies of the pain king are soothed and the crutches and chairs of invalids are thrown on the junk pile, while the whole valley and the mountain side are made vocal with the grand acclaims of those who have been restored to health, and from every lip comes that grandest of all doxologies:

Praise God from whom all blessings flow,
Praise Him all creatures here below;
Praise Him above, ye heavenly hosts,
Praise Father, Son, and Holy Ghost.

[Applause.]

Mr. PAYNE rose.

Mr. FITZGERALD. Mr. Speaker, I yield 10 minutes to the gentleman from New York [Mr. PAYNE].

The SPEAKER. The gentleman from New York [Mr. PAYNE] is recognized for 10 minutes.

Mr. PAYNE. Mr. Speaker, I became acquainted with the classic region of Hot Springs 30 years ago, when I went down there with Casey Young, of Tennessee, and John K. Storm, of Pennsylvania, the two majority Members and myself, as an investigating committee. We were there for a whole week, and when the witnesses began to appear and tell what the obligations of the United States were to the benighted inhabitants, I was curious to know about the matter and began to ask questions. The questions were ruled out by the majority members of the committee in charge, but they afterwards relented sufficiently to allow me to cross-examine the witnesses, which I did at the three sessions each day for six days. We finally examined the last witness, and on the day when we came to make our report, although I was the minority member of the committee, I was afterwards permitted to write the report myself, which will be found somewhere in the annals of Congress, I suppose, and that report was used as the text of Mr. Holman, chairman of the Committee on Appropriations, to ward

off the annual raid made upon the Treasury for the improvement of Hot Springs.

Now, Hot Springs proved to be a Government reservation, not by the act of God, but growing out of a wicked lawsuit between two rival claimants who claimed to own the property; and when the case got to the Supreme Court of the United States, the Supreme Court, unfortunately for the United States, found that the United States was the owner of those reservations which my friend from Arkansas thinks were set aside by the providence of man nearly a hundred years ago for the benefit of future generations. It was a blunder if they were set aside at all, and the blunder was only found out at the end of this litigation, some 35 or 40 years ago.

When we went down there we found this condition: On one side was the Government reservation, where the springs were. On the east side of a gorge we found various bathhouses and one large hotel. On the other side were various business houses, on the west mountain, at the foot of the mountain, fronting on the Little Hot Springs River that flowed through the gorge. These were business houses, mostly occupied by gamblers at that time, who proceeded to relieve the people of the money they brought down there. There was a tradition that the Jesse James gang used to operate between Hot Springs and the Iron Mountain road, some 30 miles away, and that the James gang never attacked a party coming out of Hot Springs, because the pickings were too poor. [Laughter.] They always struck a party going into Hot Springs before the nurses and the doctors and the bathhouse people and the hotels had had any chance at them. [Laughter.]

Well, we went there to investigate the building of a new tunnel through this gorge, to take down the flood waters that came from the mountain, both from the reservation and the mountain above, where there were three large streams that joined at the Government reservation and made a heavy flow in time of great storms, when the rain rushed down the mountain. We were there primarily to investigate the complaint that the contractor was not putting the proper material into this tunnel that was there, and they tried to confine the investigation to that; but the people wanted to be heard on something else, and I wanted to hear them, and we went into everything connected with the whole business. When the Government found that it owned the reservations on each side, especially where the springs were, and the reservations where these gambling houses were on the other side of the gorge, they appointed a commission. That commission went down there and assessed the value of the improvements that had been put on by the various people who had built there supposing they were owners, and the commission made awards of the full value of the improvements. Then the Government turned around and rented these places to the former owners, with the improvements, at a nominal rental, and when we were down there the Government was doing a flourishing business in the way of building sewers and building this tunnel, which acted as a sewer for these ground-rent proprietors, including the hotel, which was also leased at a nominal rent, and the company making a mint of money all the time. That was the condition then. They wanted to extend this tunnel down to the Ouachita River. That was the dream of those people who, I suppose, wrote the beautiful poem that my friend recited as a peroration to his speech. By the way, they had a tradition down there that in the early days some immigrant in one of those prairie-schooner wagons stopped with his family at Hot Springs one evening, and after he had put out the teams, and while the family was preparing supper, he went to get a drink of water from a near-by spring. He dipped up a dipperful of it in his tin dipper and put it to his mouth, and the hot water burned his lips. He threw down the dipper and came rushing back and said, "Here, hitch up and get out of here quick. Hell ain't a mile off." [Laughter.] I do not know whether that had anything to do with the improvement that the Government has been building there at the solicitation of the inhabitants ever since or with the rule of the Jesse James gang in after years or not.

Now, they wanted to build this immense culvert on from the lower end of it down to the Ouachita River, about 6 or 7 miles away, as I remember it. They were also building an Army and Navy Hospital at the lower end of this tunnel. In the course of a few years complaint was made that the sewage went into the tunnel. The Government had no sewage. The sewage came from the tenant houses of the Government and from the residents way up the stream. Undoubtedly that polluted this Hot Springs Creek, and they said that the fumes of the sewage were coming from the lower end of the tunnel, and that it was detrimental to the Army and Navy people who were there for the curing of various disorders for which the waters seem to be a specific. They said they must have that tunnel extended right off, to carry away the fumes. I suggested to the House then, why not let the people at Hot Springs do a little bit of the sewer and culvert construction. Of course, they had the burden of now and then a tramp who came and went into the mudhole, or the rial hole, as it was called, where this free bath has been maintained ever since. They had to take care of some few poor people who came there; but they were able to take care of them, because the rich people came there and spent their money very freely, and every man in Hot Springs, including the attendants at the bathhouses, was getting a large income out of it when I was down there, and I have not heard that any of them went into bankruptcy since then. It looked reasonable to me that they should build sewers if they did not want this sewage to go into this large town. I suggested that they build a sewer on each side of the culvert and pay for it. But they would not do that. The noisomeness of the smell was not so offensive as to induce them to put their hands into their pockets, because it did not hit the pocketbook nerve. They have kept on until they have gotten the Government to build an extension of this culvert down four blocks to Church Street, and now they want it built down to the Ouachita River, 4 or 5 miles away, to carry the sewage into that stream and not offend the fastidious noses of the people who live in Hot Springs.

Mr. TAYLOR of Arkansas. Will the gentleman yield?

Mr. PAYNE. Certainly.

Mr. TAYLOR of Arkansas. I just want to correct the gentleman. He is mistaken about the residential portion of the city being above the reservation. The residential portion is not there. It is away to the south and the southwest.

Mr. PAYNE. Part of it is there and part of it is below. It was when I was there. I do not know but they have built down more below, because I have not been there in 30 years. When I was there it was above and below.

Mr. TAYLOR of Arkansas. Everything has changed since then.

Mr. PAYNE. Every once in a while we get an excuse for an appropriation for Hot Springs. When they build a courthouse we have to give them the land to build it on. In order that there may be room enough for the courthouse, we have to give them a big slice of land. Whether they are building on it or not I do not know. Application was made. The gentleman from Arkansas [Mr. TAYLOR] shakes his head. I do not know, but we succeeded in beating the donation of land for the courthouse and allowed the citizens of Hot Springs to pay for it themselves. The greatest financial misfortune for the Government was the discovery at the end of this lawsuit that the Government owned these reservations down there in Hot Springs. It has been a source of expense ever since, and not a source of very large income. I have not examined the matter for a long time, but when I did examine it the Government was a loser because of its ownership of these reservations. Now, it is time Congress stopped and called a halt at Hot Springs, and let the people there do these things, just as they do in every other town in the United States, build the sewerage system and pay for it themselves. We have gone to work and made a survey at the expense of the Geological Survey and made a plan for them. Let them take hold and do it, and do not give them this $200,000 appropriation out of the Treasury of the United States, to be paid for by the rest of the people of the United States.

Mr. TAYLOR of Arkansas. Does the gentleman know that the Government is now receiving a revenue of about $50,000 a year from this?

Mr. PAYNE. I should be very glad to know that was so. The Government ought to get a good deal more of it.

The SPEAKER. The time of the gentleman has expired.

Mr. PAYNE. May I have five minutes more?

Mr. FITZGERALD. Yes.

The SPEAKER. The gentleman from New York is recognized for five minutes.

Mr. PAYNE. They ought to get a good deal more out of it. If they get $50,000 a year for the next 30 years, they may get back into the Treasury what has gone out of it in the years past, when it was a burden upon the people of the United States. Let Hot Springs citizens do something for themselves. Give them a chance. It helps people so much to be required to help themselves. Nothing is so bad for a community as to be supported partly at the Government expense. It hurts citizens who are well to do the same as it hurts poor people to be helped without using their own initiative and their own energy. I hope the conferees will stick to the disagreement until the last gun is fired, and if they want a sewer system for Hot Springs let them come in with a bill by itself so that Repre-

sentatives can vote their honest convictions and not seem to be holding up an appropriation bill that ought to have been passed two months ago in order to help citizens at Hot Springs, Ark.

They have made a lot of money there out of the Government, and the town has grown up out of the Government reservation. We have sealed up the springs, built a sort of a cone over them of cement in order that no drop of hot water shall be wasted, and we have piped and conducted it to one reservoir in order to keep every drop of hot water and protect it so that it may be used by these bathhouses that are run by the people who rent them. They are not run by the Government of the United States. Fifty thousand dollars a year! If a private individual owned it, he would get a million dollars out of it, and with the same price to the ultimate consumer and without any effort. It is only another illustration of the Government trying to do business. It can not do it at a profit; it can not do it and get its expenses out of it. There is no excuse for the Government doing it in this instance, because they could surround the legislation by such safeguards that private individuals could not gouge the public as they do now. I hope that this provision will not get into the bill.

Mr. FITZGERALD. I yield five minutes to the gentleman from Wyoming [Mr. MONDELL].

Mr. MONDELL. Mr. Speaker, the peculiar attitude of the people directly interested in Hot Springs, Ark., is illustrated by amendment No. 96 of the Senate. An estimate was made by the Secretary of the Treasury of $20,000 to repair the free bathhouse at Hot Springs. At the hearing it developed that the free bathhouse was in bad condition; that the tubs needed repairing; that the plumbing was out of order, and that these repairs were essential and necessary if the free bathhouse was to be put in decent condition for use.

The House committee brought in the item of $20,000 for that purpose. The Senate struck it out, I suppose, at the instance or suggestion of those particularly interested in these appropriations. And having stricken out that necessary item of $20,000, they then ask us to spend $235,000 for the building of a sewer for the people of Hot Springs.

Now, it occurs to me that these gentlemen interested in Hot Springs and the Hot Springs Reservation would be in a better position before Congress if they showed less interest in the construction of these structures which should be constructed wholly or partly by the people of Hot Springs and more interest in those things that are necessary from a congressional standpoint for the utilization of the springs by people of limited means. If there is any excuse at all for the Government maintaining the hot springs and spending a large amount of money there, it is by reason of the fact that we furnish free baths to those unable to pay for them.

This free bathhouse is utilized by many thousands of poor and afflicted people every year. It is in a shameful condition of disrepair, as all those familiar with the situation understand. And yet the friends of Hot Springs struck out this item, necessary from a governmental standpoint, and insist on our providing a sewer system for the city.

I regret that the conferees on the part of the House agreed to strike out the item of $20,000. I understand their position, that when the people locally interested say that they do not want it they could not well insist on keeping it in. What they do want is to wait a year or so and have us appropriate a large sum of money for a new bathhouse, which is not necessary. The old bathhouse, with a reasonable appropriation, can be put in good condition.

It occurs to me that people locally interested in Hot Springs are not evidencing very good faith in the matter when they use their influence to strike out a necessary appropriation for a public purpose in order to strengthen their demand or request for a large appropriation for the purpose of an expenditure that should be borne wholly or largely by the people locally.

Mr. FITZGERALD. Mr. Speaker, I yield five minutes to the gentleman from Alabama [Mr. UNDERWOOD.]

Mr. UNDERWOOD. Mr. Speaker, I do not think this proposition is a matter that concerns the local community, but I look upon the proposition like I look upon all questions coming before the House where the Government is involved, whether in Washington or somewhere else. I think that where the Government of the United States owns a piece of property it ought to stand in the same attitude toward that property that an individual does. I do not think that because the Government of the United States owns a piece of property in a State or a community it ought to be made a burden on that community. On the other hand, I do not believe that because it owns a piece of property it ought to be expected to do for that property any more than anybody else in the community ought to do.

As I understand the situation, it is that here are two mountains which the Government owns as a reservation. The drainage of these mountains comes down a narrow gorge that happens to be a street. The Government owns one side of the street and private individuals own the other side of the street. The sewerage is on the Government side of the street and on Government property. The sewer system is not large enough to carry off the water. When there is a heavy rainfall it comes down the side of the mountain and follows the gorge, and the sewer system is not big enough to carry the water off. That is the whole proposition—whether the Government is going to make the same contribution to carry off this water from its own land that would be made if the Government sold the land to a private individual.

If the Government does not want to own the land, it can give it away, sell it, or dispose of it in some way. If these two mountain sides were owned by a private individual, running that spring, as the Government does, to raise revenue from it, undoubtedly the State of Arkansas or the city of Hot Springs would assess that drainage area in building this sewer. To-day the sewer is on the Government side of the street and I think on Government property. The Government rents out that property and receives rentals, and the only question involved in this case, I think, is whether or not the Government should contribute as a private individual would to take care of this storm water. As to the amount of the contribution the Government should make, I know nothing about it.

Mr. PAYNE. Mr. Speaker, will the gentleman yield?

Mr. UNDERWOOD. Yes.

Mr. PAYNE. The Government already has built most of it some 30 years ago—this improvement in front of its own reservations where the hot springs are and where the property is on the other side of the street—and paid for it, and this is to be a continuation of that improvement, and not because that improvement is not adequate to carry off the water from the Government property.

Mr. UNDERWOOD. I do not so understand it, because the pictures the gentleman from Arkansas [Mr. TAYLOR] showed me shows where the water dams up, and it is in the gorge between the Government property.

Mr. TAYLOR of Arkansas. And these pictures were taken by the Government of the United States.

Mr. PAYNE. But the gentleman says that this improvement is to be continued from the lower end of it at Church Street, southward.

Mr. UNDERWOOD. I do not know anything about where it is. I say this is a practical business proposition put to this House. It is the same thing as is involved in the District of Columbia. I say where the Government owns a large amount of property in this District it ought to contribute to the District government, and I have always stood for that proposition; and if the Government continues to hold this reservation, it is nothing but equitable and just that the Government should make a contribution toward taking care of the drainage waters. If the Government does not want the property, sell it and dispose of it.

Mr. MADDEN. Does anyone know what the total cost of the improvement would be?

Mr. UNDERWOOD. I have not the slightest idea.

Mr. PAGE of North Carolina. The gentleman speaks of the equity of the Government making a contribution to the building of this sewage system. This is a proposition to have the Government build it, not to make any contribution. The city of Hot Springs is not participating in it at all.

Mr. UNDERWOOD. I think that is a question for the conferees to consider. I am not arguing the question of what they ought to do.

Mr. SHERLEY. But the motion is to recede and concur, which would put the Government to the expense of building the whole thing.

Mr. TAYLOR of Arkansas. I want to say that the city of Hot Springs, lying far to the southwest, has its own sewage system, and it takes all of its taxes to maintain that, and the Government is throwing this water down on the city.

Mr. UNDERWOOD. Mr. Speaker, I do not wish it understood that I am saying what part the Government should contribute in dollars and cents, because I do not know.

Mr. FITZGERALD. Is the gentleman in favor of this motion to recede and concur?

Mr. UNDERWOOD. I think the Government ought to contribute toward it.

Mr. FITZGERALD. I want to know if the gentleman is in favor of the motion?

Mr. BUTLER. That is what I want to know.

Mr. UNDERWOOD. I would really prefer the gentlemen to take the matter to the conferees and decide what is a fair proportion for the Government to pay.

Mr. FITZGERALD. But the question before the House is to recede and concur in this amendment.

Mr. UNDERWOOD. I suppose the gentleman from New York is not in favor of doing anything.

Mr. FITZGERALD. I am not in favor of doing anything unless you desire to build sewers for every municipality that can work the Government upon some specious plea for doing it.

The SPEAKER. The time of the gentleman from Alabama has expired.

Mr. FITZGERALD. Mr. Speaker, I think this is a very remarkable situation in which the House finds itself. The Senate has incorporated in this bill an amendment to appropriate $237,000 to build a sewage system for the city of Hot Springs, and the gentleman from Alabama [Mr. UNDERWOOD], interested as we all are in keeping the appropriations within reason upon this side of the House, is supporting this motion, although he states he is not familiar with the facts. The plea upon which the request is made is that the Government owns the mountain, and that the surface waters from storms flowing down the mountain flow through the city of Hot Springs. Will anybody suggest that a private owner of any property should be compelled to build a sewer for a city because the surface water flows down the natural grade to where a sewer should be built? Twenty-eight thousand dollars will build the necessary sanitary sewer for the city of Hot Springs. Forty-six thousand dollars will build a more improved type, rather than an experimental type. But the city of Hot Springs, built upon a Government reservation, upon lots sold at a great bargain by the Government to those who located there, upon lots leased to residents of Hot Springs, and every dollar the Government gets outside of the Arlington Hotel lease is only $7,500 a year, and until two years ago it had received for the ground rental for property upon which is a $500,000 hotel only $5,000, and for a few years and during the greater period of the 20-year lease only $2,500 a year, because Congress has been so easy, because it has been so simple a matter to get money out of the Federal Treasury. To keep this rich gold mine for the benefit of the people of Hot Springs, Ark., it is now proposed, when this bill is being pressed for final enactment into law, to try and crowd into it an item of $237,000, not for the benefit of the Government, not to perform an obligation of the Government, but to relieve the people of Hot Springs, Ark., from the obligation to provide the sewer facilities necessary for that city. Has anybody ever proposed during the three or four years that this matter has been under consideration any system, any plan, any scheme for the construction of a sewer and the apportionment of a proper charge to the Government for which it might be under obligation to pay?

A few years ago, when an item was inserted in this bill to appropriate $10,000 for a survey to find out what was necessary, the House conferees insisted that one half of the necessary amount be paid out of the revenues of Hot Springs Reservation and the other half by the city of Hot Springs, Ark. The survey cost a little under $7,000, and there was nearly a riot in the city of Hot Springs because it was proposed that a single dollar should be imposed upon the people of that community in order to ascertain what was required in the way of sewer facilities. This item has no business in this bill. The conferees on the part of the House—the House itself—has no information that would justify them in acting favorably upon this item. The committees of the House that have jurisdiction should take it, and if a sewer system is necessary it should be provided by the city of Hot Springs, with a Government contribution that could be worked out and reported to the House with the information necessary to justify the House in acting. We have been contending, Mr. Speaker, during this session and other sessions of the House against the imposition of such items as this. It is difficult enough to prevent these appropriation bills from being loaded down with other indefensible propositions, possibly forced through here under stress of circumstances. This item can not be justified. It is simply a naked attempt to let the Federal Government spend $237,000 to build a sewer system for the city of Hot Springs, Ark., and relieve the people of that community of all obligations——

Mr. TAYLOR of Arkansas. Will the gentleman yield?

Mr. FITZGERALD (continuing). To provide sewer facilities and make the Federal Government bear a burden that does not belong to it and far beyond what any reasonable man would suggest it should bear. I now yield to the gentleman.

Mr. TAYLOR of Arkansas. Does the gentleman realize that this is not a recommendation by the citizens of Hot Springs but by the Secretary of the Interior, and that he requests an expenditure identically the same as that carried in the amendment to this appropriation bill?

Mr. FITZGERALD. I know something about the history of this item. I know that there was an active and efficient young man, who was a clerk in the District Department, who visited Hot Springs Reservation a few years ago and had conversations with some of the leading citizens of Hot Springs. They presented to him a number of suggestions as to what should be done by the Federal Government. He undertook, as representing the United States Government, to pass upon what the Federal Government should do, and he recommended that $237,000 should be appropriated, as here suggested. I have never known of a Secretary of the Interior who had any personal information about it or to make any recommendation about it. It has never been submitted in an estimate to Congress, but has been put in this bill twice by the Senate. The House rejected it on a former occasion, and I hope it will be rejected on this occasion. I desire to say to my friends on this side of the House that in the adjustment of the differences between the two Houses on this bill those representing the House endeavored to agree upon those things that could be justified before the House and the country. The bill as passed by the House carried $110,000,000. The Senate added $4,300,000 to it. The House receded from $1,600,000 of items; the Senate receded from $1,800,000 of items. There are in dispute about $737,000. Of the items on which the House receded to the extent of $1,600,000 I believe that at least half were for the acquisition of sites for public buildings. It is unfair of the gentleman from Alabama [Mr. UNDERWOOD], with the little information he has on this subject, to urge the House to agree——

Mr. UNDERWOOD. I think the gentleman's statement is unfair——

The SPEAKER. Does the gentleman from New York yield to the gentleman from Alabama?

Mr. FITZGERALD. I yield.

Mr. UNDERWOOD. The position I take on the matter, and I think it is eminently fair, is that when the committees of this House have a problem before them where Government property is involved they should look at it exactly as if it were individual property, because that is fair to the Government and it is fair to the citizens. If there is a drainage area that extends over a very wide area of country in my community, and if water shall be on that area, it is assessed, and if the Government owns a large portion of that area it should not put all the burden on that people.

Mr. FITZGERALD. The gentleman has said that already. I have not taken the position that we should deal differently with this matter than if it were a private individual. I take the position that the people of Hot Springs, Ark., should not be permitted to use the Federal Treasury to do their work. This is not before a committee of the House; it was not before a committee of the House; no committee of the House has examined into it. The gentleman from Alabama insists that the conferees shall not agree to items in this bill over which his committee has jurisdiction. Why should he urge the conferees to agree to an item over which some other committee than the Committee on Appropriations has jurisdiction? I am opposed to agreeing to this item. I can not tell—I do not know where anybody can obtain the information as to how much, if anything, the Federal Government should contribute to this sewer. I do know it should not contribute $237,000; I do know that the people of Hot Springs, Ark., should not have this sewer system built at the expense of the Federal Government and without cost to them, and therefore I am opposing the item.

Mr. UNDERWOOD. Will the gentleman answer this question for me?

Mr. FITZGERALD. Certainly.

Mr. UNDERWOOD. I would not interfere with the jurisdiction of the gentleman's committee, but this is an appropriation bill——

Mr. FITZGERALD. Well, the item is not authorized.

Mr. UNDERWOOD. It is not necessary to have an authorization for the committee to act.

Mr. FITZGERALD. Yes; it is.

Mr. UNDERWOOD. If the gentleman's committee has not jurisdiction over this question, what committee of the House has?

Mr. FITZGERALD. The Committee on Public Lands, I suppose, as this is a Government reservation, but certainly the Committee on Appropriations has no jurisdiction.

Mr. UNDERWOOD. It is an appropriation. The gentleman from New York himself would very quickly antagonize a proposition for the Committee on Public Buildings and Grounds to

make a direct appropriation and not an authorization. And this is an appropriation.

Mr. FITZGERALD. In apportioning the cost between the Federal Government and the people of Hot Springs it ought to be fixed by legislation. We have no information upon which to act intelligently. We did have an estimate from the Secretary of the Treasury of $20,000 to put in suitable condition the baths and plumbing in the public bathhouses used by the poor unfortunates who go there as charity patients to take the baths. But they do not vote in Hot Springs, Ark. The people who want this sewer do. So it was insisted that the money that should be used in putting the bathtubs and bathing places in shape, so that these poor, unfortunate derelicts who might have the benefit of the baths might take them without danger of contamination should be eliminated from the bill, and that this item, not recommended by the department, for the benefit of the people who ought to pay the cost of it, should be incorporated.

Mr. TRIBBLE. I would like to have a clear understanding of this. Does the Government take care of the water on the Government property? Is the sewer already on the Government property, and is this to construct a sewer on the Government property? Who owns the property on each side of the street?

Mr. FITZGERALD. The Government.

Mr. TAYLOR of Arkansas. The Government owns on both sides of the street?

Mr. FITZGERALD. But some of it has been sold, or some of it has been leased under ground leases.

Mr. TRIBBLE. Then private individuals live on one side of this sewer?

Mr. FITZGERALD. Some of the baths are operated by the Government and some, I understand, by the lessees from the Government. On the other side is property owned by other persons. Now, a septic sewer, that would relieve the situation of all the offensiveness, can be built, one kind for $28,000 and the other for $46,000.

Mr. BUTLER. Will the gentleman yield?

Mr. FITZGERALD. I will.

Mr. BUTLER. Is not this legislation; and if the Committee on Appropriations had reported it to the House, would it not have been subject to a point of order?

Mr. FITZGERALD. It is legislation, of course, and has no business here.

Mr. MADDEN. What is the total cost of the proposed improvement?

Mr. FITZGERALD. Two hundred and thirty-seven thousand dollars.

Mr. MADDEN. And what is the proportion of the property owned by the Government as it relates to the whole property to be benefited by the improvement?

Mr. FITZGERALD. I do not know.

Mr. MADDEN. Does anybody know?

Mr. TAYLOR of Arkansas. I can tell you.

Mr. FITZGERALD. I decline to yield for that purpose.

Mr. MADDEN. Then nobody knows what the proper proportion of the Government contribution toward this improvement would be?

Mr. FITZGERALD. I think the total proceeds of the sale of lots amounted to $82,000, and that was permanently appropriated for the operation and maintenance of the bathhouses.

Mr. MADDEN. So, as a matter of fact, there is not anybody connected with this case who can tell what the proportion of the city of Hot Springs should be and whether there should be any proportion levied against the Federal Government at all?

Mr. FITZGERALD. I have not been able to obtain that information in the examination I have made of the question.

Mr. MADDEN. Well, until we do obtain that information, the House surely ought not to approve this project.

Mr. FITZGERALD. How much time have I remaining, Mr. Speaker?

The SPEAKER. The gentleman from New York has four minutes.

Mr. MOORE. Mr. Speaker——

Mr. WINGO. Will the gentleman from New York yield to me a few minutes?

Mr. FITZGERALD. I will yield two minutes to the gentleman from Arkansas.

Mr. WINGO. Now, Mr. Speaker, in answer to the question of the gentleman from Illinois [Mr. MADDEN] I want to state that the reservation of the Government now comprises 1,100 acres. The greater part of the city of Hot Springs is not now, nor was it ever, on what is known now as the Government reservation. The gentleman from New York speaks about the conditions that existed 30 years ago. Those conditions may have existed then, but do not exist now. At that time it was a straggling village of a few thousand people, while to-day it is a city of 20,000 or 30,000 people, and each year 165,000 poor people visit there to take advantage of these wonderful curative waters. This is not a proposition to build a sewer system for the city of Hot Springs, and any man who knows the facts or who will take the public document that the gentleman from Arkansas [Mr. TAYLOR] had in his hand a moment ago and study it, and study the map there, will see that this is a proposition to provide a storm sewer for the Government reservation and not for the city of Hot Springs.

Mr. TAYLOR of Arkansas. Will the gentleman yield to me for a second?

Mr. WINGO. For just a second.

Mr. TAYLOR of Arkansas. I desire to state to the House that there used to be a creek down this valley. Will the gentleman refer to that?

Mr. WINGO. The culvert that the gentleman from New York [Mr. PAYNE] referred to was the one the Government built along the stream, the narrow gorge that lies between the two Government properties, to take care of a creek that ran through there, and not to take care of the sewage. The greater part of Hot Springs has been built up since the gentleman from New York was there. The greater part of the residences of the city lie down to the south and west of the reservation, and that part has its own sewerage system. This proposition is that the Government shall build this sewer to take care of the waters that come from the Hot Springs Reservation, on Government property. The gentleman says there is no sewage that comes from the Government property. The Government has an Army and Navy Hospital, and the boys from the Army and Navy are treated there. Every year thousands go to the Army and Navy Hospital and are taken care of at the Government buildings on the side of the East Mountain. Drives have been laid out, and the curb and surface drains have caused the water to shoot down with great force into the street in the narrow gorge, on one side of which is entirely Government property and on the other side mostly Government property; and the water rushes out there in time of rain from the Government reservation of 1,100 acres, so that the water floods what? The residences? No. The business houses? Yes, to some extent; but the greater part of the property that is damaged is the property of the United States Government bathhouses on which we have spent thousands of dollars in years past.

Ah, but the gentleman says there has been no proper estimate. There has been a proper estimate by the Interior Department. This is a business proposition for the Government to take care of its own property.

Oh, they say, it is not proper for the Government to make this appropriation. The Government is almost the only party to be protected. Instead of the Government bearing this expense, if the private property only were assessed, it would amount to confiscation. True, these waters that run down there do flow out into some part of the city. That is true. The water does flow until it reaches a higher grade, reaching into some parts of the business district. It is simply a proposition as to whether or not the Government will take care of its own property and protect that property, and incidentally the business section of the city, from the storm waters that flow from the reservation. Hot Springs does not ask for this as a matter of favor or charity, but as a matter of justice. [Applause.]

Mr. FITZGERALD. Mr. Speaker, I yield the balance of my time to the gentleman from Kentucky [Mr. SHERLEY].

The SPEAKER. The gentleman from Kentucky [Mr. SHERLEY] is recognized for three minutes.

Mr. SHERLEY. Mr. Speaker, the House is confronted with the proposition to recede on an item for nearly a quarter of a million dollars for a sewer system which the gentleman from Arkansas says is not for the benefit of the city of Hot Springs, but which we, the members of the Committee on Appropriations, who have investigated the matter from year to year, say is for the benefit of the city of Hot Springs.

Now, the very fact of that dispute shows the lack of wisdom in passing such an appropriation upon a supply bill with no more investigation than can be had here. Here is a Government reservation. Men build a town alongside of it, and then they say that because they are alongside of it and there is surface drainage from the Government land, that imposes an obligation on the Government to build a sewer to take care of such drainage waters.

Mr. WINGO. Mr. Speaker, will the gentleman yield?

The SPEAKER. Does the gentleman from Kentucky yield to the gentleman from Arkansas?

Mr. SHERLEY. No; I have but a few minutes. That is a proposition I will not agree to. The gentleman from Alabama

[Mr. UNDERWOOD] undertakes to make a comparison between the District of Columbia and the Hot Springs Reservation. There is no real, just basis for such a comparison. But if there was, it would hardly be a good one, because the Government of the United States has rarely got its equal rights when it came to dealing with the citizens of the District of Columbia. I fear that the gentleman from Alabama is qualifying himself for service in that other body, whose chief work is not in the interest of economy; and I ask this body, which is charged with the duty of holding down expenditures—I ask those on this side, who have made some claim to economical tendencies—to hesitate before we agree to lay on the Government the entire cost of an elaborate sewerage system, a system more elaborate than is necessary, even if one is built. I move the previous question, Mr. Speaker.

Mr. FITZGERALD. Mr. Speaker, I move the previous question.

The SPEAKER. The gentleman from New York [Mr. FITZGERALD] moves the previous question.

The previous question was ordered.

The SPEAKER. The vote is on the motion of the gentleman from Arkansas [Mr. TAYLOR] to recede and concur.

The question was taken, and the Speaker announced that the noes seemed to have it.

Mr. WINGO. A division, Mr. Speaker.

The SPEAKER. The gentleman from Arkansas [Mr. WINGO] demands a division. Those in favor of receding and concurring will rise and stand until they are counted. [After counting.] Forty-three gentlemen have arisen in the affirmative. Those opposed will stand until they are counted. [After counting.] Eighty-nine gentlemen have arisen in the negative. On this vote the ayes are 43 and the noes are 89.

Mr. WINGO. Mr. Speaker, I make the point of no quorum.

The SPEAKER. The gentleman from Arkansas [Mr. WINGO] makes the point that there is no quorum present. Evidently there is not. The Doorkeeper will close the doors, the Sergeant at Arms will notify the absentees, and——

Mr. WINGO. Mr. Speaker, I will withdraw the point of no quorum and demand the yeas and nays.

Mr. MANN. The Speaker has declared that there is no quorum present.

The SPEAKER. That is correct.

Mr. MANN. The gentleman is too slow.

The SPEAKER. The Doorkeeper will close the doors, the Sergeant at Arms will notify the absentees, and the Clerk will call the roll. Those in favor of the motion of the gentleman from Arkansas [Mr. TAYLOR] to recede from the House disagreement to Senate amendment numbered 91 and concur therein will, when their names are called, vote yea; those opposed will vote nay.

The question was taken; and there were—yeas 67, nays 170, answered "present" 4, not voting, 192, as follows:

YEAS—67.

Abercrombie	Collier	Hawley	Oldfield
Allen	Curry	Hayden	Park
Ansberry	Deitrick	Heflin	Rainey
Ashbrook	Dent	Johnson, Ky.	Raker
Baker	Difenderfer	Johnson, Wash.	Reed
Bathrick	Driscoll	Kahn	Roberts, Nev.
Bell, Cal.	Evans	Keating	Stephens, Cal.
Blackmon	Fergusson	Kettner	Stout
Broussard	Ferris	Kindel	Taggart
Burgess	Floyd, Ark.	Kinkaid, Nebr.	Taylor, Ark.
Burke, Wis.	Garrett, Tenn.	McKellar	Taylor, Colo.
Burnett	Gittins	MacDonald	Ten Eyck
Campbell	Goeke	Morgan, Okla.	Underwood
Caraway	Goodwin, Ark.	Mulkey	Watkins
Carter	Hardy	Murdock	Williams
Church	Harris	Nolan, J. I.	Wingo
Clark, Fla.	Harrison	O'Hair	

NAYS—170.

Adamson	Claypool	Flood, Va.	Hill
Aiken	Cline	Fordney	Holland
Alexander	Connelly, Kans.	Foster	Howell
Anderson	Conry	Fowler	Hull
Avis	Covington	Francis	Johnson, Utah
Bailey	Cox	French	Kelley, Mich.
Baltz	Cramton	Gard	Kelly, Pa.
Barkley	Cullop	Garner	Kennedy, Iowa
Barnhart	Danforth	Garrett, Tex.	Kent
Bartholdt	Decker	Gillett	Key, Ohio
Barton	Dickinson	Gilmore	Kirkpatrick
Beakes	Dillon	Godwin, N. C.	Konop
Booher	Dixon	Good	Korbly
Borchers	Donovan	Graham, Ill.	La Follette
Britten	Doolittle	Gray	Langley
Brodbeck	Doremus	Green, Iowa	Lee, Ga.
Brumbaugh	Doughton	Greene, Mass.	Lee, Pa.
Bryan	Dupré	Greene, Vt.	Lenroot
Buchanan, Tex.	Edmonds	Hamlin	Lewis, Md.
Burke, S. Dak.	Esch	Haugen	Lieb
Butler	Faison	Hay	Lindbergh
Byrnes, S. C.	Falconer	Helgesen	Lloyd
Byrns, Tenn.	Fitzgerald	Helm	Logue
Carr	FitzHenry	Hensley	Lonergan
McAndrews	Patton, Pa.	Sharp	Talcott, N. Y.
McCoy	Payne	Sherley	Tavenner
McKenzie	Peters, Mass.	Sherwood	Thacher
Madden	Peters, Me.	Sinnott	Towner
Maguire, Nebr.	Peterson	Sisson	Townsend
Mann	Phelan	Sloan	Treadway
Mapes	Platt	Small	Tribble
Mondell	Quin	Smith, Idaho	Tuttle
Montague	Ragsdale	Smith, Minn.	Underhill
Moore	Reilly, Wis.	Smith, N. Y.	Volstead
Morrison	Rogers	Smith, Saml. W.	Walsh
Moss, Ind.	Rouse	Stedman	Watson
Moss, W. Va.	Rubey	Steenerson	Webb
Neely, W. Va.	Rucker	Stephens, Miss.	Whaley
Norton	Russell	Stephens, Tex.	Witherspoon
Oglesby	Scott	Stevens, Minn.	Woodruff
Padgett	Seldomridge	Stevens, N. H.	Young, N. Dak.
Page, N. C.	Sells	Stone	
Palmer	Shackleford	Talbott, Md.	

ANSWERED "PRESENT"—4.

Clancy	Moon	Sims	Slemp

NOT VOTING—192.

Adair	Elder	Jones	Post
Ainey	Estopinal	Keister	Pou
Anthony	Fairchild	Kennedy, Conn.	Powers
Aswell	Farr	Kennedy, R. I.	Prouty
Austin	Fess	Kiess, Pa.	Rauch
Barchfeld	Fields	Kinkead, N. J.	Rayburn
Bartlett	Finley	Kitchin	Reilly, Conn.
Beall, Tex.	Frear	Knowland, J. R.	Riordan
Bell, Ga.	Gallagher	Kreider	Roberts, Mass.
Borland	Gallivan	Lafferty	Rothermel
Bowdle	Gardner	Langham	Rupley
Brockson	George	Lazaro	Sabath
Brown, N. Y.	Gerry	L'Engle	Saunders
Brown, W. Va.	Gill	Lesher	Scully
Browne, Wis.	Glass	Lever	Shreve
Browning	Goldfogle	Levy	Slayden
Bruckner	Gordon	Lewis, Pa.	Smith, J. M. C.
Buchanan, Ill.	Gorman	Lindquist	Smith, Md.
Bulkley	Goulden	Linthicum	Smith, Tex.
Burke, Pa.	Graham, Pa.	Lobeck	Sparkman
Calder	Gregg	Loft	Stafford
Callaway	Griest	McClellan	Stanley
Candler, Miss.	Griffin	McGillicuddy	Stephens, Nebr.
Cantor	Gudger	McGuire, Okla.	Stringer
Cantrill	Guernsey	McLaughlin	Sumners
Carew	Hamill	Mahan	Sutherland
Carlin	Hamilton, Mich.	Maher	Switzer
Cary	Hamilton, N. Y.	Manahan	Taylor, Ala.
Casey	Hammond	Martin	Taylor, N. Y.
Chandler, N. Y.	Hardwick	Merritt	Temple
Coady	Hart	Metz	Thomas
Connolly, Iowa	Hayes	Miller	Thompson, Okla.
Cooper	Helvering	Mitchell	Thomson, Ill.
Copley	Henry	Morgan, La.	Vare
Crisp	Hinds	Morin	Vaughan
Crosser	Hinebaugh	Mott	Vollmer
Dale	Hobson	Murray, Mass.	Walker
Davenport	Houston	Murray, Okla.	Wallin
Davis	Howard	Neeley, Kans.	Walters
Dershem	Hoxworth	Nelson	Weaver
Dies	Hughes, Ga.	O'Brien	Whitacre
Donohoe	Hughes, W. Va.	O'Leary	White
Dooling	Hulings	O'Shaunessy	Willis
Drukker	Humphrey, Wash	Paige, Mass.	Wilson, Fla.
Dunn	Humphreys, Miss.	Parker	Wilson, N. Y.
Eagan	Igoe	Patten, N. Y.	Winslow
Eagle	Jacoway	Plumley	Woods
Edwards	Johnson, S. C.	Porter	Young, Tex.

So the motion of Mr. TAYLOR of Arkansas that the House recede from its disagreement to Senate amendment No. 91 and concur in the same was rejected.

The Clerk announced the following pairs:

For the remainder of this session:

Mr. GLASS with Mr. SLEMP.

Mr. SCULLY with Mr. BROWNING.

Mr. METZ with Mr. WALLIN.

Until further notice:

Mr. ADAIR with Mr. ANTHONY.

Mr. BARTLETT with Mr. AUSTIN.

Mr. BELL of Georgia with Mr. PLUMLEY.

Mr. BOWDLE with Mr. BROWNE of Wisconsin.

Mr. BULKLEY with Mr. CALDER.

Mr. CANDLER of Mississippi with Mr. BARCHFELD.

Mr. CARLIN with Mr. COPLEY.

Mr. CASEY with Mr. DRUKKER.

Mr. CANTRILL with Mr. DUNN.

Mr. DERSHEM with Mr. FARR.

Mr. DONOHOE with Mr. FESS.

Mr. ELDER with Mr. MILLER.

Mr. ESTOPINAL with Mr. FREAR.

Mr. FIELDS with Mr. GRIEST.

Mr. FINLEY with Mr. GRAHAM of Pennsylvania.

Mr. GREGG with Mr. HAMILTON of Michigan.

Mr. HOUSTON with Mr. HUMPHREY of Washington.

Mr. HUMPHREYS of Mississippi with Mr. KIESS of Pennsylvania.

Mr. IGOE with Mr. HINEBAUGH.

Mr. JACOWAY with Mr. HULINGS.

Mr. JOHNSON of South Carolina with Mr. LINDQUIST.

Mr. KITCHIN with Mr. ROBERTS of Massachusetts.
Mr. LESHER with Mr. MCGUIRE of Oklahoma.
Mr. LEVER with Mr. MANAHAN.
Mr. LEVY with Mr. LAFFERTY.
Mr. MITCHELL with Mr. MOTT.
Mr. MURRAY of Massachusetts with Mr. PORTER.
Mr. SPARKMAN with Mr. WOODS.
Mr. WEAVER with Mr. RUPLEY.
Mr. WILSON of Florida with Mr. TEMPLE.
Mr. RIORDAN with Mr. THOMSON of Illinois.
Mr. REILLY of Connecticut with Mr. WALTERS.
Mr. RAUCH with Mr. VARE.
Mr. MCGILLICUDDY with Mr. GUERNSEY.
Mr. BORLAND with Mr. ANTHONY.
Mr. CALLAWAY with Mr. WILLIS.
Mr. WALKER with Mr. SUTHERLAND.
Mr. STRINGER with Mr. PROUTY.
Mr. SMITH of Texas with Mr. NELSON.
Mr. SIMS with Mr. MORIN.
Mr. PATTEN of New York with Mr. KREIDER.
Mr. GALLIVAN with Mr. KEISTER.
Mr. BROWN of New York with Mr. CHANDLER of New York.
Mr. ASWELL with Mr. CARY.
Mr. BUCHANAN of Illinois with Mr. COOPER.
Mr. GORMAN with Mr. MCLAUGHLIN.
Mr. LOBECK with Mr. POWERS.
Mr. SAUNDERS with Mr. WINSLOW.
Mr. SABATH with Mr. SWITZER.
Mr. LAZARO with Mr. PARKER.
Mr. YOUNG of Texas with Mr. AINEY.
Mr. HARDWICK with Mr. J. R. KNOWLAND.
Mr. HUGHES of Georgia with Mr. MERRITT.
Mr. GOLDFOGLE with Mr. LANGHAM.
Mr. EDWARDS with Mr. KENNEDY of Rhode Island.
Mr. ROTHERMEL with Mr. HAYES.
Mr. SLAYDEN with Mr. BURKE of Pennsylvania.
Mr. CLANCY with Mr. HAMILTON of New York.
Mr. THOMAS with Mr. FAIRCHILD.
Mr. VAUGHAN with Mr. SHREVE.
Mr. STEPHENS of Nebraska with Mr. LEWIS of Pennsylvania.
Mr. TAYLOR of Alabama with Mr. HUGHES of West Virginia.
Mr. DALE with Mr. MARTIN.
Mr. HENRY with Mr. HINDS.
Mr. DAVENPORT with Mr. J. M. C. SMITH.
Mr. NEELEY of Kansas with Mr. PAIGE of Massachusetts.

The result of the vote was announced as above recorded.

The SPEAKER. A quorum is present, and the Doorkeeper will unlock the doors. The question is on the motion of the gentleman from New York [Mr. FITZGERALD] that the House further insist on its disagreement to the amendment of the Senate No. 91.

The motion was agreed to.

Mr. FITZGERALD. Mr. Speaker, I move that the House further insist on its disagreement to the amendment of the Senate No. 145.

The SPEAKER. The gentleman from New York [Mr. FITZGERALD] moves that the House further insist on its disagreement to Senate amendment No. 145.

Mr. KAHN. Mr. Speaker, I move that the House recede from its disagreement and concur in the amendment.

The SPEAKER. The gentleman from California [Mr. KAHN] makes a preferential motion, that the House recede from its disagreement to Senate amendment No. 145 and concur in the same.

Mr. FITZGERALD. I ask that that amendment be reported.

The SPEAKER. The Clerk will report it.

The Clerk read as follows:

Amendment 145: On page 167 of the printed bill insert the following:

"PANAMA-PACIFIC INTERNATIONAL EXPOSITION.

"Building to install the Government exhibit at the Panama-Pacific International Exposition: For the construction of a suitable building in that part of the reservation of the United States known as the Presidio of San Francisco, State of California, in which the Government Exhibit Board, created by the sundry civil appropriation act approved June 23, 1913, shall install, display, and safeguard the exhibit of the Government of the United States at the Panama-Pacific International Exposition, $500,000: *Provided*, That the said building shall be so located and planned and shall be of such a permanent character as will make it available and useful for military purposes of the United States after the close of the said exposition, and shall be on such general plan and design and in such location as shall be approved by the Secretary of War: *Provided further*, That the said building shall be erected under the authority of the Secretary of War, by contract or otherwise, as he may direct: *Provided further*, That not exceeding $50,000, or so much thereof as may be necessary, may be expended from the appropriation made herein, on the approval and authority of the Secretary of War, for entertaining the officers and representatives of foreign governments who may attend and participate in the Panama-Pacific International Exposition in consequence of the invitation of the President of the United States, extended in pursuance of the authority of Congress.

"The provisions contained in the act entitled 'An act making appropriations for the sundry civil expenses of the Government for the fiscal year ending June 30, 1914,' which provides for the participation of the United States in the Panama-Pacific International Exposition, be amended as follows: Under the head of 'To provide for the participation of the United States in the Panama-Pacific International Exposition,' the paragraph on page 81, which reads as follows: 'The President of the United States is authorized to detail three civilian officers or employees from the executive departments as members of a commission which is hereby constituted as the National Exposition Commission, one of said commissioners, who shall be the chairman of said commission, shall be detailed from the Department of State. Vacancies in said commission shall be filled in the same manner as original appointments. Each commissioner shall receive in addition to his original compensation his actual necessary traveling expenses and an allowance of $10 per day in lieu of subsistence. Said commissioners may appoint a secretary at $2,500 per annum, and the sum of $15,000, or so much thereof as may be necessary, may be expended for clerical, office, and other necessary and actual expenses of said commission,' and insert in lieu thereof the following: 'The President of the United States is authorized to detail two civilian officers or employees from the executive departments, also one to be appointed from civil life, as members of the commission which is hereby constituted as the National Exposition Commission; one of said commissioners, who shall be the chairman of said commission, shall be detailed from the Department of State, the commissioner appointed from civil life to receive a salary at the rate of $5,000 per annum until the exposition closes. Vacancies in said commission shall be filled in the same manner as original appointments. Each commissioner detailed as aforesaid shall receive, in addition to his original compensation, necessary traveling expenses and an allowance of $10 per day in lieu of subsistence while on duty in San Francisco. Said commissioners may appoint a secretary at $2,500 per annum, and the sum of $15,000, or so much thereof as may be necessary, may be expended for clerk hire and actual expenses of said commission.'"

The SPEAKER. The question is on agreeing to the motion of the gentleman from California [Mr. KAHN].

Mr. FITZGERALD. How much time does the gentleman want, five minutes?

Mr. KAHN. There are quite a number of gentlemen who would like to be heard upon the motion. I would like about 40 minutes.

Mr. FITZGERALD. Make it 30 minutes on a side. There are some very important matters yet to come up.

Mr. KAHN. I suggest 40 minutes. I have had numerous requests for time.

Mr. FITZGERALD. Make it 35 minutes.

Mr. KAHN. Thirty-five minutes on a side, then.

Mr. FITZGERALD. I ask unanimous consent that there be 35 minutes on a side on the pending motion, one-half to be controlled by the gentleman from California [Mr. KAHN] and one-half by myself, and that at the end of that time the previous question be considered as ordered.

The SPEAKER. The gentleman from New York [Mr. FITZGERALD] asks unanimous consent that debate on these two motions be confined to 35 minutes on a side, one-half to be controlled by himself and the other half by the gentleman from California [Mr. KAHN], and that at the end of the 70 minutes the question be considered as ordered. Is there objection?

There was no objection.

The SPEAKER. The gentleman from New York [Mr. FITZGERALD] is recognized for 35 minutes. If no one wishes to speak, the Chair will put the question.

Mr. KAHN. I yield five minutes to the gentleman from New York [Mr. UNDERHILL].

Mr. UNDERHILL. Mr. Speaker, it is about three years and a half since Congress, by giving the stamp of its approval, located the Panama-Pacific Exposition at San Francisco, and in accordance with this action the President of the United States extended an invitation to the nations of the world to participate in this exposition.

In the sundry civil bill a year ago an appropriation of $500,000 was made for the preparation of a Government exhibit at this exposition, and ever since that time the work of preparing the exhibit has been going on under the auspices of officials designated by the President. The importance of making a suitable exhibit by the United States is self-evident. It is this country that has extended the invitation to foreign powers. The United States is, in a sense, the host of all foreign countries and of all foreigners who bring to this land their wares, their curios, and their objects of art for the education and enlightenment of all who may attend the exposition.

March 31 last the President of the United States, Woodrow Wilson, transmitted to Congress a letter from the Secretary of State calling attention to the inadequate arrangements for housing the Government exhibit. Secretary Bryan stated that in order to be imposing the exhibit should be collected under one roof, and the statements of Secretary Bryan were indorsed by the President, and the entire matter referred to the Committee on Industrial Arts and Expositions, of which I have the honor to be chairman.

In accordance with these suggestions I was directed by the committee to confer with Secretary Bryan and Secretary Garrison, and two hearings were held upon the proposed bill, which was duly introduced into the House and is now upon the calendar.

A large part of the Panama-Pacific Exposition is to be located upon the Presidio, a Government reservation where the military department of the Pacific is at present located. Ever since the war in the Philippines it has been found necessary by the War Department to make this military department at San Francisco the largest and possibly the most important in the United States. The buildings for that purpose are inadequate, and it was through the cooperation of the Secretaries of State and War that the idea was suggested that a suitable building could be provided by the United States in which to house its exhibit at the Panama-Pacific Exposition, and yet the building be so constructed as to make it available for the purposes of the Department of War after the close of the exposition.

Secretary Garrison, when he appeared before the Committee on Industrial Arts and Expositions, emphasized the necessity of more accommodations for the military arm of the Government at the Presidio. He stated that at present the buildings occupied by part of the soldiers were little better than shacks, and except for the favorable climate Congress would have been called upon to provide appropriations for permanent buildings on the Presidio long ago.

The attention of the committee was called to the number of foreign Governments that had accepted invitations to make an exhibit on this occasion. A majority of the States will have buildings commensurate with their importance, and altogether an estimate of $50,000,000 is made as the amount that will be invested in the great exposition of 1915. This country should not be guilty of parsimony in a great enterprise of this kind. The richest country in the world should be properly represented at what is expected to be the greatest exposition of modern times. [Applause.]

In view of the fact that the bill reported by the Committee on Industrial Arts and Expositions has not been reached upon the calendar, I append the bill reported from the Committee on Industrial Arts and Expositions and the report on same:

A bill (H. R. 16327) to provide an appropriation for the erection of a building within which to install a Government exhibit at the Panama-Pacific International Exposition.

Be it enacted, etc., That in order to enable the said Government Exhibit Board created by the sundry civil appropriation act approved June 23, 1913, properly to install, display, and safeguard the exhibit of the Government of the United States at the Panama-Pacific Exposition the sum of $500,000, or so much thereof as may be necessary, is hereby appropriated, out of any money in the Treasury not otherwise appropriated, for the erection in that part of the reservation of the United States known as the Presidio, which may be used in connection with the said Panama-Pacific International Exposition, of a suitable building in which to install, display, and safeguard the said exhibits of the Government of the United States: *Provided, however*, That the said building shall be so planned and of such permanent character as will make it available and useful for military purposes of the United States after the close of the said exposition, and shall be on such general plan and design as shall be approved by the Secretary of State and the Secretary of War: *And provided further*, That the said building shall be erected under authority of the Secretary of War, by contract or otherwise, as he may direct.

[House Report No. 686, Sixty-third Congress, second session.]

GOVERNMENT BUILDING, PANAMA-PACIFIC INTERNATIONAL EXPOSITION.

Mr. UNDERHILL, from the Committee on Industrial Arts and Expositions, submitted the following report, to accompany H. R. 16327:

The Committee on Industrial Arts and Expositions, having had under consideration a bill to provide an appropriation for the erection of a building within which to install a Government exhibit at the Panama-Pacific International Exposition, report the same with the recommendation that it do pass with the following amendments:

On page 1, line 7, after the word "Pacific," insert the word "International."

On page 1, line 8, after the letters "tion," strike out all the rest of the line and lines 9, 10, 11, 12, and 13 to and including the word "of" and insert in lieu thereof the words, "the Secretary of War is hereby authorized to erect by contract or otherwise."

On page 2, line 1, after the letters "ing," insert the following: "in that part of the reservation of the United States known as the Presidio, at a cost not to exceed $500,000."

On page 2, line 8, after the word "War," strike out the rest of the line and all of lines 9 and 10.

Amend the title so that it will read, "A bill to authorize the Secretary of War to erect a building within which to install a Government exhibit at the Panama-Pacific International Exposition, and for other purposes."

On April 2, 1914, the President of the United States sent a message to the Congress, transmitting the statement of the Secretary of State, recommending an appropriation for the erection of a building within which to install a Government exhibit at the Panama-Pacific International Exposition. The message of the President and the statement of the Secretary of State are as follows:

To the Senate and House of Representatives:

I transmit herewith a report by the Secretary of State recommending an appropriation of $500,000 for the erection of a building within which to install, display, and safeguard at the Panama-Pacific International Exposition at San Francisco the Government exhibit authorized by the sundry civil appropriation act of June 23, 1913.

As pointed out by the Secretary of State, many of the Governments officially invited guests by the United States to participate in the exposition are erecting buildings within which to house their exhibits at the exposition. The Government of the United States should not be behind these in appropriately providing for its national exhibit.

I commend the recommendation to the favorable consideration of Congress.

WOODROW WILSON.

THE WHITE HOUSE,
Washington, March 31, 1914.

The PRESIDENT:

The sundry civil appropriation act approved June 23, 1913, appropriates $500,000 for the purpose of inaugurating, installing, maintaining, and returning a Government exhibit at the Panama-Pacific International Exposition to open at San Francisco next year, of such articles and materials as illustrate the functions and administrative faculty of the Government of the United States tending to demonstrate the nature and growth of our institutions, their adaptation to the wants of the people, and the progress of the Nation in the arts of peace and war; and authorized the President to provide for the collection and exhibition of such articles and materials under the direction of a board which is created by the act, to which is imposed the duty of determining the nature and character and extent of the exhibits to be made and which is charged with the collection, purchase, preparation, safe-keeping, and exhibition and return of such articles and materials as the board may decide shall be exhibited. But no provision is made by that act or by any previous or subsequent act for the erection of a suitable building within which these exhibits may be installed, displayed, and safeguarded.

The policy of the Federal Government to support the exposition was fixed by the joint resolution of February 15, 1911, which requested the President of the United States to invite all the nations of the earth to participate therein, and the invitation extended in pursuance thereof by the President to all the nations of the earth to take part in the exposition gives to the exposition in the minds of the foreign Governments an official character.

Twenty-seven of these Governments have responded favorably to the invitation, most of which have buildings in course of construction in which to house their exhibits, while many of our States have signified their intention to take a worthy part in the exposition and have made provision for the erection of State buildings. Of the Governments which have not yet accepted the invitation, few have actually declined, while others are awaiting the assembling of their legislative bodies for appropriate action.

I deem it important that the Government of the United States should make at the exposition such a display as will be commensurate with the international scope and importance of the exposition and as will comport with the dignity and standing of the United States. This can not be done, and the exhibit would be of little value if scattered through the exposition buildings, space in which I understand is already insufficient for individual exhibitors. To be imposing it should be collected together under one roof. The site set apart for the building is on the Government reservation in the Presidio. A building there erected by the Government could no doubt be utilized after the exposition for Army uses and it should be constructed with that end in view.

The sum of $500,000 is not too large for this purpose, and I recommend that Congress be requested to appropriate that amount for the erection of the building.

Respectfully submitted.

W. J. BRYAN.

DEPARTMENT OF STATE,
Washington, March 30, 1914.

Your committee is satisfied that a building of the character contemplated by this legislation ought to be erected at the Panama-Pacific International Exposition. Twenty-six or twenty-seven foreign Governments have accepted the invitation of the President of the United States to participate at said exposition. Each of these Governments will construct a building for the housing of its exhibits. As the Government of the United States is the host at this exposition, it is but fitting and proper that our Government should also have a building wherein its exhibits can be displayed to the best possible advantage. Unless a building such as is contemplated by this bill is constructed, the exhibits of the United States Government will be scattered through a number of buildings and the very purpose of assembling the Government exhibit so that it may be an object lesson to the citizens of the United States as well as visitors from abroad will be destroyed. In expositions that have been held heretofore, the Government display has invariably been one of the main attractions. Your committee has been informed that the exhibit contemplated by the commission authorized by the sundry civil appropriation act of June 23, 1913, will be the most comprehensive and instructive that has ever been assembled. It would be a pity to scatter it through half a dozen or more buildings. The citizens of the Republic ought to know the many activities in which the Government is engaged and those activities ought to be exhibited in the most comprehensive and instructive manner. We feel that they can be shown to much better advantage under one roof in a building such as is contemplated by this bill, as otherwise many of them will be lost sight of by a large part of the visitors and the very purposes of a Government exhibit will be destroyed.

In addition to these foreign Governments nearly all of the States of the Union have accepted the invitation to be represented and will put up their own buildings to house their exhibits and provide places of assembly for the citizens of the various Commonwealths.

The building contemplated by this legislation will be of a permanent character and will be so constructed that it can be used by the War Department when the exposition is over. The Secretary of War appeared before your committee and pointed out that he believed a proper building for exhibition purposes could be so constructed that after the close of the exposition it could be converted into a barracks. He pointed out that it is absolutely necessary to erect barracks at San Francisco for one regiment, because the troops there are now living in most curious buildings that look like soup kitchens temporarily turned into living apartments. He called attention to the fact that they are long, low-framed buildings, built of cheap lumber, and that if it were not for the splendid climate of California they would probably not have been able to stand as long as they have. He said frankly that in the climate of the eastern section of this country they would not have stood so long. The Secretary of War further stated that it will be impossible to go on for many more years without erecting a barracks for Infantry at the Presidio; that it has been the policy of the department in recent years to put up one substantial building, mostly of some kind of concrete, and housing just as many men as can be housed under the one roof, because that saves in utility and upkeep.

In view of the fact that the buildings that are used at present for barracks by the enlisted men of the Army in the Presidio are entirely inadequate for the purposes for which they are being used, and believing that the construction of the building authorized by this bill will serve a useful and permanent purpose, and in further view of the fact that the legislation is recommended by the President of the United States, the Secretary of State, and the War Department, your committee feels that the building should be authorized by the House of Representatives.

Mr. FITZGERALD. Mr. Speaker, I ask to be notified when I have used five minutes.

The SPEAKER pro tempore (Mr. HAY). The Chair will notify the gentleman.

Mr. FITZGERALD. Mr. Speaker, when it was proposed to hold an exposition to commemorate the opening of the Panama Canal, two cities in the United States competed for the opportunity to hold the exposition, San Francisco and New Orleans. New Orleans asked that $1,000,000 be appropriated for an exhibit and for buildings for a Government exhibit. San Francisco pledged itself that it would not ask a dollar from the Federal Government for a building or for an exhibit. On January 31, 1911, when the question was before the House as to whether San Francisco or New Orleans should be selected, Mr. KAHN said:

California did not propose at any time to come to the Congress for a single dollar of appropriation for this exposition. The legislature of our State on the 23d of January last unanimously passed a joint resolution pledging the honor of the people of California never to ask for a single dollar in aid of this international exposition, and the people of California keep their faith.

I was one of the Members of this House who voted for San Francisco upon the strength of those pledges. Subsequently the House had a bill before it to appropriate $2,000,000 urged by the people of California for a governmental exhibit for buildings and for an elaborate commission. That bill was defeated in this House. Later the Senate incorporated in the sundry civil bill an item appropriating $1,500,000 for a Government exhibit for buildings and a commission. The House voted on three separate propositions—to give $1,000,000, to give $750,000, and to give $500,000. It voted down the first two propositions, but voted to appropriate $500,000 for a Government exhibit, providing a board to consist of officials of the Government to be detailed for that purpose, eliminating all paid commissioners, and providing in the law that the exposition company should furnish the necessary building or buildings to house the Government exhibit. The board created under that act has been appointed. It has been at work, has planned and designed the Government exhibits, the space has been allotted for them in various buildings, and these exhibits are being prepared to be sent when the time comes for the exhibition in San Francisco.

The Senate has incorporated in this bill an amendment providing $500,000 for a building, which can not be constructed in time to house the exhibits for the opening of the fair, on the pretense that a building suitable for military purposes on the Presidio will be suitable for exhibition purposes. It also provides for the appointment of a commissioner from civil life, at a compensation of $5,000 a year, and that $50,000 of the $500,000 shall be available for the entertainment of distinguished persons who are to visit the fair. Although California promised never to ask for a dollar, pledged its sacred honor by resolution of the legislature, by promises of Representatives on the floor of this House, they have obtained $500,000 for Government exhibits, $104,000 for the entertainment of officers of visiting fleets at Hampton Roads, Panama, and San Francisco, $200,000 for United States customs and other officials at the fair, and having thus already obtained $800,000 in appropriations, it now has the effrontery to try and induce Congress to appropriate $500,000 more.

I voted for San Francisco as a place to hold the exposition in good faith, and replied upon the statements made. I believe that we should compel the people interested to live up to their pledges. There is no excuse for appropriating this $500,000. A building that will be suitable for exhibition purposes will be ridiculous and useless as barracks and quarters for troops. This building, if erected, unless it is to be a permanent exhibition building, will have to be destroyed. It will not be suitable for the exposition and also for the Army. It seems to me, in view of the records that have been made, in view of the promises that have been made, in view of the assurances, in view of the action Congress has taken, this Democratic House should not be induced by any specious plea to do anything to relieve the exposition company of its obligations, and appropriate this money. I hope the House will refuse to appropriate the $500,000. [Applause.]

Mr. KAHN. Mr. Speaker, I yield five minutes to the gentleman from California [Mr. J. I. NOLAN].

Mr. J. I. NOLAN. Mr. Speaker, the chairman of the Committee on Appropriations has called the attention of the House to the fact that certain pledges were made at the time Congress adopted the resolution that carried with it the official indorsement of the Government of the United States to the city of San Francisco to hold the Panama-Pacific Exposition to commemorate the completion of the Panama Canal. The city of San Francisco and the State of California made the pledges in good faith. Many things have happened in that State, as they have all over the country, since that time over which the people in California and San Francisco have had no control. Our people intended as far as they were able to carry out their pledges, and have done so.

In the case of permanent buildings the exposition had to forego a number of the permanent buildings contemplated at the time this exposition was first put under way that were intended for the permanent use of the citizens of San Francisco after the exposition closed. Every way in which the company could economize has been taken advantage of, so that every obligation would be fulfilled. We are asking the Congress of the United States at this time to provide $500,000 for a permanent building, $450,000 to be used for a permanent building and $50,000 for the entertainment of distinguished visitors. The chairman of the Committee on Appropriations states that it is hardly possible to construct a building to house the Government's exhibit that will be suitable for the purposes of the War Department after the exposition closes. I call your attention to the Senate amendment, which provides—

That the said building shall be so located and planned and shall be of such a permanent character as will make it available and useful for military purposes of the United States after the close of the said exposition, and shall be on such general plan and design and in such location as shall be approved by the Secretary of War.

It is not within the province of the exposition company to say where it shall be located, what its design shall be, but it is for the Secretary of War to select a location and approve the design for War Department purposes, for barracks and quarters to be used by one of the greatest military reservations the United States has after the exposition closes. This is not the ordinary appropriation for exposition purposes. The building is to be of a permanent character, owned by the United States and placed on the Government reservation.

The Secretary of War will have entire jurisdiction over the location and the plans and designs of that structure. It is not likely that the Secretary of War, after appearing before the Committee on Industrial Arts and Expositions, favoring this appropriation, is going to permit the War Department to be used for an ulterior purpose. It not only has the indorsement of the Secretary of War, but has the indorsement of the Secretary of State, and a special message was sent to this House by the President of the United States favoring this appropriation, and the Committee on Industrial Arts and Expositions has reported that bill favorably, and it is now pending on the calendar. The chairman of the Committee on Appropriations says that space has been allotted for the Government exhibit in different parts of the exposition grounds. Is national pride not to be taken into consideration in this matter? When the people of this country and the people of the world go to visit San Francisco in 1915, is not the Nation in duty bound to provide a suitable place for its exhibit, as well as to provide a suitable exhibit? The exposition company is doing all it possibly can. Conditions have not been of the very best since 1907. When we were about recovering from the disaster of 1906 the panic of 1907 came along, and when we got the official sanction of the Government to hold the exposition we were hopeful that financial and industrial conditions would be so good that the people of the city and State would respond as Californians always do. Unfortunately the opposite has been the case, and the company and the people generally have contributed as generously as present conditions will permit.

Mr. BUTLER. Mr. Speaker, was not public pride just as great when we made the original appropriation as it is now?

Mr. J. I. NOLAN. Yes; but conditions have changed, as I have stated. Otherwise this and other appropriations would not have been asked. In this instance the Government of the United States is asking Congress to act.

Mr. BUTLER. I will ask the gentleman to tell me what those conditions are. I voted for this original proposition with the idea that no money was to be appropriated, and I will probably vote for this, but I would like to know what the change is.

Mr. J. I. NOLAN. The Secretary of War has stated that this building can be used for Government purposes, and it is intended it shall be used for Government purposes, and the plans and designs for that building will be such that the War

Department, at a small cost, will have suitable accommodations for the Army at the Presidio Military Reservation.

Nearly all of the foreign Governments, with the exception of England and Germany, have accepted our invitation to participate at the Panama-Pacific International Exposition, for the purpose of celebrating the completion of the Panama Canal, and in every instance have made an appropriation, not alone for an exhibit but for an appropriate building characteristic of the country itself and its arts and industries, and also to house the exhibits of its citizens.

Over 30 States of this Union have accepted the invitation to participate; have selected their sites; made appropriations for suitable buildings, which are now in course of construction.

Why should we, as a nation, when we invite the world to participate, hesitate about making an appropriation for a suitable building in which to house our exhibit so that Americans generally when they visit the exposition might take pride in their own participation?

The President of the United States and the Secretary of State, realizing that this Nation should be suitably represented, have asked Congress in this instance to act. Notwithstanding the statements of some of the gentlemen on the floor that promises were made that no appropriations should be asked for, the Chief Executive, understanding the situation, has given his approval to the proposition now before the House.

The military reservation of San Francisco will derive benefits in the way of permanent improvements that will save this Government hundreds of thousands of dollars, not alone in the filling in of lands, the estimated cost of which was $300,000, but in the permanent beautification of the grounds in the matter of parks, flower beds, beautiful trees, and well-built roads. All these improvements will be permanent and remain the property of the Government after the exposition closes.

It should be borne in mind that this is not the usual exposition appropriation for a temporary building which will be torn down, but has for its purpose a building of a permanent character, under the control and direction of the Secretary of War, that will be used for military purposes.

The Government of the United States should lead the way for the other nations of the earth, and it would have been a great stimulus to this exposition if this course had been followed. Our action up to date has proven more harmful than helpful to the success of the exposition. It has resulted in other nations being slow to take part, and in at least one instance has resulted in one of the nations refusing to participate at all.

These discussions on the floor of the House are not helpful, and instead of boosting this great exposition will do a great deal of harm. I trust that at this late day the House of Representatives will make up for whatever negligence we might have shown in the past by adopting the motion of my colleague [Mr. KAHN] to concur in the Senate amendment and provide for this permanent building, which shall be used during the exposition period to house the Government exhibit.

The SPEAKER pro tempore. The time of the gentleman from California has expired.

Mr. J. I. NOLAN. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD.

The SPEAKER pro tempore. Is there objection?

There was no objection.

Mr. FITZGERALD. Mr. Speaker, I yield five minutes to the gentleman from Louisiana [Mr. DUPRÉ].

Mr. DUPRÉ. Mr. Speaker, I shall vote for this appropriation, but I take occasion now to call the attention of the House to the fact that in addition to a glorious climate and a few native sons, California produces the best bunch of liars that I ever knew. I say this, of course, in an impersonal sense. I happened to be a Member of the House in 1911, when the contest waged between my city of New Orleans and San Francisco took place, and I recall with distinctness the iteration and reiteration of the fact that California and San Francisco were quite self-sufficient, that they needed no Government aid and they wanted no Government aid, and that neither at that time nor at any future time would they ask for Government aid. Yet, Mr. Speaker, the fact remains that up to the present time $800,000 have been appropriated by the Federal Government to assist in this fair, and now $500,000 more are asked, making, in all, $1,300,000. When we from Louisiana came here with a naked, plain, straight-out proposition, saying that we wanted $1,000,000, we were told by gentlemen who voted for San Francisco that they were voting for San Francisco because no Government appropriation would be asked for or accepted, and yet these gentlemen from California are here exceeding our request made three years ago by $300,000.

I can well believe, Mr. Speaker, that the two great universities on the Pacific slope—Berkeley and Palo Alto—have created a chair for the special purpose of promoting the gentle art of mendacity.

I yield back the remainder of my time.

The SPEAKER pro tempore. The gentleman from Louisiana yields back two minutes.

Mr. KAHN. Mr. Speaker, I yield five minutes to the gentleman from Minnesota [Mr. STEENERSON].

Mr. STEENERSON. Mr. Speaker, I was a member of the Committee on Industrial Arts and Expositions at the time San Francisco was selected as the place to hold the exposition to commemorate the opening of the Panama Canal. It is true that the representatives of San Francisco made a proposal to Congress and to that committee which did not contemplate that there should be a Government exhibit or a building. That was not a part of their proposition. Their proposition was simply that when the President should be satisfied that a corporation under the laws of the State of California had been organized and had $15,000,000 at its disposal for the purpose of inaugurating and carrying on an exposition for this purpose, then an invitation to all of the nations and peoples of the world should be extended to come and participate in the exposition.

The proposition of New Orleans was that the United States Government should inaugurate the exposition and should contribute $1,000,000 as provided in that bill. I should have voted for San Francisco even if their bill had carried a provision for a Government exhibit. I want to correct the gentleman from Louisiana [Mr. DUPRÉ]. I do not think it is fair to say that the representatives from San Francisco and California have been guilty of mendacity in this matter. If you examine the hearings before the committee at the time these representations were made, you will observe that they said they did not ask and would not ask that the Government of the United States should either have a Government exhibit there or a Government building for that exhibit. They did not say, and it was brought out in the discussion that they would oppose the Government having an exhibit or a building, and, in fact, some one, I think, made the remark during those hearings that the Government of the United States could not very well honorably abstain from having an exhibit at an exposition to participate in which they invited all of the other nations of the world. That was in 1911. We passed the resolution that San Francisco proposed, and afterwards, two years later, the Committee on Industrial Arts and Expositions brought in a bill to provide for an expensive commission, as the gentleman from New York has said, and for a $2,000,000 appropriation, to aid in carrying on the exposition. I opposed that most strenuously, because I thought it was a violation of the spirit of the proposal made by San Francisco, and it was not necessary. However, there was nothing in what San Francisco did or said or promised which prevented the United States Government from having an exhibit there if they wanted to. This is an industrial exposition.

Mr. SHERLEY. Mr. Speaker, will the gentleman yield?

Mr. STEENERSON. Yes.

Mr. SHERLEY. Does the gentleman not recall that in his previous speech he quoted Mr. Scott, the head of the exposition company, as saying that he would not take the exhibit?

Mr. STEENERSON. I know what I said.

Mr. SHERLEY. He would not take it if they gave it to him.

Mr. STEENERSON. Mr. Speaker, they could not prevent the Government of the United States from exhibiting at an exposition. We must remember that the United States Government, in addition to its regular Government work, is one of the greatest industrial institutions in the world, carrying on forestry and irrigation; we are making cannon and ammunition and carrying on factories in almost every line of industry, and this being an exposition of an industrial character, it is appropriate that the United States should take part in it and have an exhibit. Two years after the proposal of San Francisco was made, the United States Congress, whether with or without the request of San Francisco, or California, appropriated for a Government exhibit. Congress had the right to provide for a Government exhibit, and did so in the sundry civil bill a year ago. I do not think much weight should be given to the argument that San Francisco promised not to ask for a Government exhibit. That fact should not and did not prevent us from having one, if we saw fit to do so. Manifestly, Congress thought that it would not be proper to be unrepresented at an exposition to which it invited other nations and which was to commemorate one of the greatest events in history, a triumph of peace and industry and not of war. Over a year ago provision for a suitable Government exhibit was made.

Mr. SHERLEY. Mr. Speaker, will the gentleman yield again?

Mr. STEENERSON. No; I decline to yield now.

The question now comes up on the conference report on the sundry civil appropriation bill, which contains an item appropriating $500,000 for the construction of buildings at the Presidio in San Francisco which can be used temporarily for the housing of the Government exhibit and afterwards permanently as barracks and buildings suitable for that military post.

I am advised that the Secretary of War strongly favors the proposition, that the present buildings used for the troops are in poor condition and would have to be discarded within a year or two, anyway, and that by a comparatively very slight expense the buildings proposed to be built could be made to suit the purposes of the War Department after the exposition is ended.

Although, as I have stated, I opposed the $2,000,000 appropriation, I shall vote in favor of the present item. As the event we are to celebrate—the completion of the Panama Canal—draws near, it is natural that we should all feel a just pride in the great achievement. It is an event that swells the heart of every patriotic citizen. It is an event that fills with enthusiasm every friend of civilization throughout the whole world. The interest of the people of the world is constantly growing. I am advised that applications for space at the Panama-Pacific Exposition at San Francisco are so numerous that it will be impossible to fill them, only in part. When we made the appropriation a year ago for the Government exhibit we provided that suitable buildings for the housing of all said exhibits shall be provided by the Panama-Pacific International Exposition Co. without expense of any kind to the Government of the United States, and that company, I am informed, is ready and willing to provide the buildings, but that if the Government would provide these buildings in the manner indicated it would give them much more space for other exhibits and would aid greatly in making the exposition even a greater success than it otherwise would be. I think, therefore, that as reasonable men we ought to take into consideration and account the changed situation, the changed circumstances. In view of these circumstances it seems to me we ought to favor this item and appropriate this additional $500,000 for the erection of these buildings, which may be used by the exposition for the Government exhibit and afterwards as permanent structures for the War Department. I believe thoroughly in holding people to their word, especially in the matter of expositions, for our experiences in the past have not always been satisfactory; but I do not think it fair to accuse the people of San Francisco of bad faith. The Chief Executive recommended Government participation. This proposition for a building comes favorably recommended by the State Department. The committee, through a sense of fitness of things, brings forward this measure of their own accord, and it seems to me under all the circumstances that we can well afford to support the modest appropriation for these buildings which will in the course of time be of permanent use to the Government. [Applause.]

Mr. FITZGERALD. Mr. Speaker, I yield two minutes to the gentleman from Indiana [Mr. BARNHART].

Mr. BARNHART. Mr. Speaker, the people of the United States are beginning to regard the Congress somewhat in the light of gypsy horse traders, and twice in my experience here I have myself been cheated. A number of years ago we increased the salary of the President of the United States to $75,000 a year on the positive assurance of the gentlemen who were back of the proposition that that would cover mileage, salary, and all, as was then being expended as salary and mileage. In the next Congress the same gentlemen who insisted the presidential salary bill meant a total of $75 000 brought in another bill providing for $25,000 for mileage for the President. I voted for the $75,000 proposition and got flimmed. Some years later the gentlemen from California proposed that the Panama exposition be sent to San Francisco, and with much eloquence and with forceful assurance, to me at least, they captured the exposition for San Francisco largely on the theory that San Francisco was going to pay all the expense. I voted for San Francisco under those conditions, and now in another Congress we are told that we are not responsible for what promises were made in other Congresses, but I assure you, Mr. Speaker, that the people of the United States most certainly remember those promises, and we certainly ought to keep faith with the same. I believe the proposition ought to be voted down.

Mr. KAHN. Mr. Speaker, I yield three minutes to the gentleman from Kansas [Mr. MURDOCK].

Mr. MURDOCK. Mr. Speaker, I have never been overenthusiastic in the matter of international expositions, and I will suffer no particular sorrow when the custom of holding these expositions passes. But I remember that I was moved once before sentimentally in this body on account of San Francisco, and I am willing to be moved in that splendid city's behalf in the same way to-day. It is a little less than 10 years ago that San Francisco was stricken by an earthquake——

Mr. KAHN. Less than eight years ago.

Mr. MURDOCK. Less than eight years ago—a disaster which appealed to the sympathy of the Nation and met immediate response in Congress. San Francisco has done a wonderful thing since, a thing which is not paralleled in the history of the world, in building itself up, a greater, finer, better city than before. The exposition is to be a crowning achievement. The men who came here at the time of the contest between the two cities which sought the exposition and made promises that they would not ask for governmental aid did a foolish thing. So far as I am concerned they did not deceive me. Despite their promises I knew the request for aid would come, and I am willing to vote to-day for the Government to build a structure there worthy of the Government, and for this further reason—I have read in the last six or eight months repeatedly in the cable dispatches instances where foreign Governments asked to make exhibits are hanging back. The Panama Exposition at San Francisco consequently has had, within the knowledge of everyone here, a hard row to hoe. Now, we can not expect other Governments to appropriate money to take part in that exposition if we as a Government hang back ourselves. Certainly the event of opening the canal is one worthy of a fitting celebration, and this Government ought not to stint the exposition so far as it is concerned. This appropriation, in my opinion, ought to be made regardless of promises which have been made by the officials of that exposition in the past.

Mr. FALCONER. Will the gentleman yield?

Mr. MURDOCK. I will.

Mr. FALCONER. Does the gentleman figure that a provision for a permanent building that the Government needs there is in any way in conflict with the promises made by the delegation from California several years ago?

Mr. MURDOCK. Well, I should say yes, but regardless of the promises, this Government ought to erect a suitable building at San Francisco. Now, I have quite a record in Congress on expositions. I voted under protest for the $4,600,000 as a loan to St. Louis, and my protest was based on the fear that St. Louis would never pay the money back. St. Louis did pay the money back and if I had to vote on the proposition over again I should again cast my vote for St. Louis, and that without hesitation. We ought not to be too hard in our terms in a matter in which the whole Nation is concerned before the world. I believe this appropriation should be passed.

Mr. FITZGERALD. Mr. Speaker, this progressiveness is shocking. I yield five minutes to the gentleman from Massachusetts [Mr. GILLETT].

Mr. GILLETT. Mr. Speaker, my vote in favor of San Francisco as against New Orleans was secured by the promise of the representatives from California that they never would ask or accept a dollar from the United States, a promise not made vaguely, but made definitely, precisely, and it has been quoted here by the chairman of the Committee on Appropriations [Mr. FITZGERALD]. Now, to have such a proposition as this come before the House makes me feel as if I had been defrauded and my vote had been secured by false pretenses and I certainly can not participate in that fraud. I am not disposed to criticize or feel harshly toward the Representatives from California here. I appreciate their delicate position. I appreciate that they must consider public sentiment at home and, therefore, as I say, I feel leniently toward them. I feel they are in a different position from the rest of us, that they have to represent their people, and are advocates and not judges, but I think all the rest of this House, everybody who sits in a judicial capacity and who votes as he thinks is right, stultifies himself if he votes for a proposition like this.

They said they would not ask for a dollar. They have already had $800,000, and now they are asking for $500,000 more. And the argument of my friend from Minnesota [Mr. STEENERSON], it seems to me, was so specious that I do not see how he could even deceive himself. The United States, of course, can offer this appropriation, but we all know the initiative and pressure brought upon the House for every one of these appropriations was from California, and it was not any voluntary offer of the United States to do it. And therefore, after the promises so specifically made, it seems to me that it is shameful and shameless for California now to ask this contribution.

The proposition that the building is for a barracks is obviously a mere subterfuge and evasion. A building costing

$500,000 for exposition purposes will either be not good enough for the exposition or it will be too good for a barracks. If the United States wants permanent barracks, let us build them; but let us not deceive ourselves or be deceived by the pretense that this is not a plain proposition to do what we were told we never would be asked to do, and a repudiation of the pledge which caused many of us originally to vote in favor of San Francisco.

The SPEAKER pro tempore. The gentleman has used four minutes.

Mr. KAHN. Mr. Speaker, I yield three minutes to the gentleman from Florida [Mr. CLARK].

Mr. CLARK of Florida. Mr. Speaker, when this matter was originally before the House I voted for New Orleans. There is no question here, it seems to me, involving the gentlemen from California. This is not a request upon their part, nor does it come from the city of San Francisco or the State of California. In 1911, Mr. Speaker, we passed a resolution authorizing the President of the United States to invite foreign nations to participate in that exposition. We thereby committed ourselves to this project, say what we please about it. These foreign nations are to take part; they are constructing their buildings, and it would be a reflection on the honor of this Government if we did not make some sort of exposition of our Government affairs and resources at that place.

The gentleman from Massachusetts [Mr. GILLETT] says it is a mere subterfuge. I can not believe that the Secretary of War would make himself a party to a subterfuge. He has gone before the committee and has stated that in the course of a very short time, at best, we will be forced to erect barracks on the Presidio; that the present buildings are nothing more than soup houses; that a building can be erected for this purpose; and that the only loss to the Government would be the use of the building during this exposition.

Now, Mr. Speaker, the Secretary of State and the President of the United States have asked Congress to make a fit appropriation commensurate with the dignity of this Government and the great event to be celebrated at that exposition. It is not any sharp practice, it is not a question of deceit, and I am amazed that gentlemen stand upon this floor and attack Representatives from the State of California who do not ask it for themselves or for their people, but it comes as a request of the President, the Secretary of State, and the Secretary of War, and we ought to grant it in order to preserve our honor among the nations of the earth. [Applause.]

Mr. FITZGERALD. Mr. Speaker, I yield three minutes to the gentleman from Indiana [Mr. COX].

Mr. COX. Mr. Speaker, I am opposed to this appropriation. If I am able to determine the nature of a contract, the State of California, two or three years ago, when they were seeking to get this exposition, made a solemn contract with the Government of the United States, and that contract was that if you would give the exposition to the city of San Francisco the time would never come when they would ask the Government of the United States for one dollar. You can not twist the English language to mean anything else. That was the bold, bald, emphatic statement made by what I supposed then and suppose now to be the accredited spokesmen for the State of California, and the entire West, where they wanted this exposition held. On the strength of that statement, in my mind and my judgment there is not a shadow of doubt but that the resolution was carried. You can call this thing what you will, but it is an adjunct of the exposition. That is all it is and that is all it is intended for. And after having come upon the floor of the House, in a strenuous fight led by the gentleman from California [Mr. KAHN], to hold this exposition at San Francisco, with Mr. Rodenberg, of Illinois, leading the fight for New Orleans, finally sufficient votes were secured upon these promises to hold that exposition at San Francisco. Now, does this later request come with very good grace? I do not criticize anybody, but I put it squarely to the gentleman from California if it comes with very good grace to appear before the Congress of the United States, after having made the statement that you never would take a dollar, and after receiving $800,000, that you first said you would never ask for, and request this appropriation of $500,000 more? I do not believe it does; and I do not think this amendment ought to carry. It ought to be overwhelmingly defeated in order to teach people to stand up to their contracts.

The SPEAKER pro tempore. The time of the gentleman from Indiana has expired.

Mr. RAKER. Mr. Speaker and gentlemen, it seems to me the question of what was said in the debate when the original resolution was passed ought not to be considered now. I think everybody recognizes and realizes that at present that resolution, so far as the vote was concerned, stands where it was thought it was going to be before all the pulling of eagle feathers occurred on the floor of the House. There is not the slightest doubt in the world that any statement made by any Member of the delegation from California did not have relation or refer to the Government itself participating in this exposition. Here is the question of a building to be erected for the War Department on Government land to be used only for a few months by the exposition for the purpose, not of the exposition, not for California, not for San Francisco, but for the United States Government, that it may exemplify the kind and character of this Government. Our history——

Mr. BARNHART. Will the gentleman yield?

Mr. RAKER. In just a moment. It is to be erected so that it may exemplify the principles on which this Government was founded, the Declaration of Independence, and all those things that relate to it; that they might be placed there in this exposition, and, in addition to that, exhibits showing our material advancement, so that civilized peoples of the world may come to the Government building and see what has been done by the United States.

The Committee on Industrial Arts and Expositions had under consideration a similar bill to the provisions now under consideration in this bill.

The bill was prepared in conference with Secretary Bryan, of the State Department, and Secretary Garrison, of the War Department, and meets with their approval, and the same was sent to the committee by the two Secretaries. The Committee on Industrial Arts and Expositions reported favorably on the bill H. R. 16327, which is as follows:

A bill (H. R. 16327) to provide an appropriation for the erection of a building within which to install a Government exhibit at the Panama-Pacific International Exposition.

Be it enacted, etc., That in order to enable the said Government Exhibit Board created by the sundry civil appropriation act approved June 23, 1913, properly to install, display, and safeguard the exhibit of the Government of the United States at the Panama-Pacific International Exposition the Secretary of War is hereby authorized to erect, by contract or otherwise, a suitable building in that part of the reservation of the United States known as the Presidio, at a cost not to exceed $500,000, in which to install, display, and safeguard the said exhibits of the Government of the United States: *Provided, however*, That the said building shall be so planned and of such permanent character as will make it available and useful for military purposes of the United States after the close of the said exposition, and shall be on such general plan and design as shall be approved by the Secretary of State and the Secretary of War.

The provisions of the present bill are as follows:

PANAMA-PACIFIC INTERNATIONAL EXPOSITION.

Building to install the Government exhibit at the Panama-Pacific International Exposition: For the construction of a suitable building in that part of the reservation of the United States known as the Presidio of San Francisco, State of California, in which the Government Exhibit Board, created by the sundry civil appropriation act approved June 23, 1913, shall install, display, and safeguard the exhibit of the Government of the United States at the Panama-Pacific International Exposition, $500,000: *Provided*, That the said building shall be so located and planned and shall be of such a permanent character as will make it available and useful for military purposes of the United States after the close of the said exposition, and shall be on such general plan and design and in such location as shall be approved by the Secretary of War: *Provided further*, That the said building shall be erected under the authority of the Secretary of War, by contract or otherwise, as he may direct: *Provided further*, That not exceeding $50,000, or so much thereof as may be necessary, may be expended from the appropriation made herein, on the approval and authority of the Secretary of War, for entertaining the officers and representatives of foreign Governments who may attend and participate in the Panama-Pacific International Exposition in consequence of the invitation of the President of the United States, extended in pursuance of the authority of Congress.

The provisions contained in the act entitled "An act making appropriations for the sundry civil expenses of the Government for the fiscal year ending June 30, 1914," which provides for the participation of the United States in the Panama-Pacific International Exposition, be amended as follows: Under the head of "To provide for the participation of the United States in the Panama-Pacific International Exposition," the paragraph on page 81, which reads as follows: "The President of the United States is authorized to detail three civilian officers or employees from the executive departments as members of a commission which is hereby constituted as the National Exposition Commission, one of said commissioners, who shall be the chairman of said commission, shall be detailed from the Department of State. Vacancies in said commission shall be filled in the same manner as original appointments. Each commissioner shall receive in addition to his original compensation his actual necessary traveling expenses and an allowance of $10 per day in lieu of subsistence. Said commissioners may appoint a secretary at $2,500 per annum, and the sum of $15,000, or so much thereof as may be necessary, may be expended for clerical, office, and other necessary and actual expenses of said commission." and insert in lieu thereof the following: "The President of the United States is authorized to detail two civilian officers or employees from the executive departments, also one to be appointed from civil life, as members of the commission which is hereby constituted as the national exposition commission; one of said commissioners, who shall be the chairman of said commission, shall be detailed from the Department of State, the commissioner appointed from civil life to receive a salary at the rate of $5,000 per annum until the exposition closes. Vacancies in said commission shall be filled in the same manner as original appointments. Each commissioner detailed as aforesaid shall receive, in addition to his original compensation, necessary traveling expenses and an allowance of $10 per day in lieu

of subsistence while on duty in San Francisco. Said commissioners may appoint a secretary at $2,500 per annum, and the sum of $15,000, or so much thereof as may be necessary, may be expended for clerk hire and actual expenses of said commission."

The objects and purposes of the bill reported by the House Committee on Industrial Arts and Expositions has for its object the same purpose as this amendment. This amendment is more extensive and in detail, and gives some additional legislation. A year ago an appropriation of $500,000 for the preparation of a Government exhibit at this exposition was made, and ever since that time the work of preparing such an exhibit has been going on under the auspices of the officials designated by the President. That the United States should make a suitable exhibit is self-evident. This country has extended an invitation to foreign powers to participate in this world exposition, and being the host of all foreign countries and all foreigners who bring to this land their wares, arts, and methods of education, and of all who may attend the exposition, therefore it is certainly incumbent upon the United States to do its part.

On April 2, 1914, President Wilson sent a message to the Congress, transmitting the statement of the Secretary of State recommending an appropriation for the erection of a building on the Presidio grounds in which to install the Government exhibit at the Panama-Pacific International Exposition. The message of the President and the statement of Mr. Bryan, the Secretary of State, are as follows:

To the Senate and House of Representatives:

I transmit herewith a report by the Secretary of State recommending an appropriation of $500,000 for the erection of a building within which to install, display, and safeguard at the Panama-Pacific International Exposition at San Francisco the Government exhibit authorized by the sundry civil appropriation act of June 23, 1913.

As pointed out by the Secretary of State, many of the Governments, officially invited guests by the United States to participate in the exposition, are erecting buildings within which to house their exhibits at the expostion. The Government of the United States should not be behind these in appropriately providing for its national exhibit.

I commend the recommendation to the favorable consideration of Congress.

WOODROW WILSON.

THE WHITE HOUSE,
Washington, March 31, 1914.

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The PRESIDENT:

The sundry civil appropriation act approved June 23, 1913, appropriates $500,000 for the purpose of inaugurating, installing, maintaining, and returning a Government exhibit at the Panama-Pacific International Exposition to open at San Francisco next year, of such articles and materials as illustrate the functions and administrative faculty of the Government of the United States tending to demonstrate the nature and growth of our institutions, their adaptation to the wants of the people, and the progress of the Nation in the arts of peace and war; and authorized the President to provide for the collection and exhibition of such articles and materials under the direction of a board which is created by the act, to which is imposed the duty of determining the nature and character and extent of the exhibits to be made and which is charged with the collection, purchase, preparation, safe-keeping, and exhibition and return of such articles and materials as the board may decide shall be exhibited. But no provision is made by that act or by any previous or subsequent act for the erection of a suitable building within which these exhibits may be installed, displayed, and safeguarded.

The policy of the Federal Government to support the exposition was fixed by the joint resolution of February 15, 1911, which requested the President of the United States to invite all the nations of the earth to participate therein, and the invitation extended in pursuance thereof by the President to all the nations of the earth to take part in the exposition gives to the exposition in the minds of the foreign Governments an official character.

Twenty-seven of these Governments have responded favorably to the invitation, most of which have buildings in course of construction in which to house their exhibits, while many of our States have signified their intention to take a worthy part in the exposition, and have made provision for the erection of State buildings. Of the Governments which have not yet accepted the invitation, few have actually declined, while others are awaiting the assembling of their legislative bodies for appropriate action.

I deem it important that the Government of the United States should make at the exposition such a display as will be commensurate with the international scope and importance of the exposition and as will comport with the dignity and standing of the United States. This can not be done, and the exhibit would be of little value if scattered through the exposition buildings, space in which I understand is already insufficient for individual exhibitors. To be imposing it should be collected together under one roof. The site set apart for the building is on the Government reservation in the Presidio. A building there erected by the Government could no doubt be utilized after the exposition for Army uses and it should be constructed with that end in view.

The sum of $500,000 is not too large for this purpose, and I recommend that Congress be requested to appropriate that amount for the erection of the building.

Respectfully submitted.

W. J. BRYAN.

DEPARTMENT OF STATE,
Washington, March 30, 1914.

A building of the character contemplated by this amendment ought to be erected at the Panama-Pacific International Exposition. Twenty-seven foreign Governments have accepted the invitation of the President to participate in this exposition. Each of these Governments will construct a building for the housing of its exhibits. The Government of the United States being the host at this exposition, it is eminently proper that the United States should also have a building wherein its exhibits can be displayed to the best possible advantage. Unless a building such as is contemplated by this amendment is constructed the exhibits of the United States Government will be scattered through many buildings, and the very object and purpose of assembling the Government exhibit so that it may be an object lesson to our visitors from abroad, as well as to the citizens from all over the United States, will not be attained.

At the exhibitions that have been held heretofore the Government display has invariably been one of the chief attractions. The exhibit contemplated by the commission authorized by the sundry civil appropriation act of June 23, 1913, will be the most comprehensive and instructive that has ever been displayed by the United States at any exposition. The Government exhibit should not be scattered through a half dozen buildings. It would be very unfortunate if they had to be thus scattered. The people of the United States should be able to see and view the many attractions in which the Government is engaged, and those attractions and works should be exhibited at one place and under one building and in the most comprehensive and instructive manner. They can be arrayed to a much better advantage when grouped together in one building. Otherwise many of them will be lost sight of by a large number of the visitors, and one of the chief objects and purposes of the Government exhibit will be destroyed.

Nearly all of the States of the Union have accepted an invitation to participate, and will construct their own buildings to house their exhibits and provide places of assembly for the people of the various States. This will be in addition to the exhibits of foreign Governments.

The building contemplated by this amendment will be of a permanent character and will be so constructed that it can be used by the War Department when the exposition is over. It will be placed on the Government property on what is known as the Presidio. The Secretary of War, in speaking of the construction of this building when he appeared before the Committee on Industrial Arts and Expositions of the House pointed out that he believed a proper building for exposition purposes could be so constructed that after the close of the exposition it would be easily and inexpensively converted into a barracks. His statement before the committee of the House, in part, is as follows:

Mr. Chairman and gentlemen of the committee, when I was out at San Francisco on an inspection tour this summer, I found that while some of our buildings at the Presidio were in good condition and were suitable for the purpose for which they were being used, there was a great number of buildings there, which we had to use under the circumstances, which were entirely unfit. Many of them had been temporarily erected at the time of the Philippine troubles, when we were having great numbers of troops, and since that time they have been patched up and kept in use, but they are really not such buildings as should be used for housing troops or for other governmental purposes.

They endeavored to enlist me—and very properly—in an attempt to have the Presidio present an appearance to the visitors who would come to the exposition which would be a credit to the military branch of the Government, and, of course, to the Government itself. I told them that I did not feel justified in asking for a direct appropriation in the Army bill, except for enough money to put into such shape as we could the existing buildings and to fix up the offices and other things that would necessarily have to be used. I therefore asked for no extra appropriation for this purpose in the Army bill and none was granted. Out of what was granted, such an allotment was made, under due administrative procedure, as was thought proper by the Quartermaster General, and that will be placed at the disposal of the commander of that department and will be utilized to paint these old buildings and repair them where they have gone into disrepair, and generally make the Presidio as presentable as possible.

The question was then taken up about the necessity, from the standpoint of those who had the interests of the Government at heart, of a building specifically to house the Government exhibits. I told them I had no concern with that, except as an intellectual concern—none as an official—and if they could get the department of the Government that was concerned to recommend it, I would take such interest in it as was proper. They said if they could get the Department of State and the President interested and show them the desirability of the United States Government doing that which, I think, 26 or 27 other Governments were doing, namely, have a building of their own, they would arrange to put this building on the Presidio and erect it under our supervision and make it so that we could convert it into some useful Army purpose. If they can be so built as to be changed into barracks, it would be of immense advantage to the Government, and really would be no loss whatever. Its use during the period of the exposition would be the only loss to the War Department.

It is absolutely necessary sometime to erect barracks there for one regiment, because they are now living in most curious buildings. They look like soup kitchens temporarily turned into living apartments. They are long, low frame buildings, built of cheap lumber, and I think it is only the splendid climate that enable them to stand as long as they have. I do not think in our climate here they would have stood so long. They are technically called cantonments, because they are all in long rows.

Mr. HAMLIN. You spoke of "them" making certain recommendations. To whom do you refer?

Secretary GARRISON. I refer to the officials of the Panama-Pacific International Exposition—the president, Mr. Moore, and I do not recall the name of the other gentleman—who particularly enlisted my attention.

Mr. HAMLIN. The reason I ask that question is that the statement was made that San Francisco was not asking this.

Secretary GARRISON. At the time I was there, as I now recall it, the mayor of San Francisco was absent.

Mr. HAMLIN. The parties in charge of the exposition spoke to you?

Secretary GARRISON. Yes; they came to me.

Mr. KAHN. I have not spoken to you about this matter.

Secretary GARRISON. No, sir; not in any way. Now, to continue what I was going to say: If this building can be so constructed that by the expenditure of a very inconsiderable amount of money—and perhaps it could be saved out of the initial appropriation—it could be turned into a barracks, then there is no question but that it is an economical and wise and proper thing for the Government to do, providing it wishes to initially have that sort of a building there for exhibition purposes. Of course, if you give me $500,000 to build a barracks, I will do it immediately, because it is needed. If you do it in this indirect way, it would be just as beneficial to the Army.

I would send for the Quartermaster and the Chief of Engineers, and I would say, "Gentlemen, you have $500,000. Can you construct a building for exhibition purposes to be used during the exposition, and, with no structural change—only interior changes—convert it into a barracks afterwards?" And I would take their judgment in the matter.

Mr. FRANCIS. If it is not completed in the way contemplated, is it your opinion that an appropriation would have to be asked for it soon from the War Department?

Secretary GARRISON. Oh, yes. You can not go on with the Presidio for many more years without erecting a barracks for Infantry. You must have them there for the Pacific coast. I just ordered a brigade there that was on the border. Their present cantonments are very inadequate for the purpose.

The present plan is to erect, as nearly as possible, one building for our barracks, following out the idea of the continental countries, where they get a whole regiment where we have our officers' quarters. It is perfectly amazing, for we have 8 and 10 miles covering some of our military posts. They have to be kept up. Sewer pipes have to be put down and gas pipes and all that sort of thing, and the present conception of that is to keep these things—if we can build a barracks and house a regiment—on a half acre of ground, instead of spreading it over an acre and a half of ground. It is not a matter of ground that makes the difference, but it is these accessories, and of course those are expensive things. The upkeep is an expensive thing. It is not the initial investment but the constant upkeep.

I am rather inclined to think, with this modern conception, the Quartermaster General and the Chief of Engineers could suggest a building with that money which could afterwards be converted into a barracks for practically a whole regiment—probably for eight companies, and then spend a small amount of money for the other four companies. My own opinion is, if this was spent under our direction, the Army would get a very practical benefit from it, because when they got the exhibits out it would be a mere matter of removing the partitions. In all these modern barracks the rooms are low and there are places in the center for the gun racks. The partitions could be removed or additional partitions could be put up if the room was too large.

We are trying to concentrate everything, and instead of having a lot of these little contonments we are trying to put up one substantial building, mostly of some kind of concrete, and housing just as many men as we can under the one roof, because that saves in utility and upkeep.

It is conceded on all hands that it is absolutely necessary to erect a barracks on the Presidio at San Francisco for one regiment. The present buildings are old, inadequate, wooden structures, built of cheap lumber, and if it were not for the splendid climate of California they would probably not have been able to stand as long as they have. It is further conceded that it will be impossible to go on many years more as they have without erecting a barracks for the Infantry at the Presidio.

The construction of the building contemplated by this amendment will be in line with the policy of building by the War Department in recent years, to put up one substantial structure and house just as many men as can be housed under the one roof, because that saves in utility and upkeep.

The fact that the buildings that are used at present for the barracks by the enlisted men at the Presidio are entirely inadequate for the purposes for which they are being used—and the construction of the building authorized by this amendment will meet a useful and permanent purpose—there should be no question or doubt on the part of any Member of the House in voting for this amendment.

This legislation is recommended by the President of the United States, by the Secretary of State, and by the War Department, and surely after such investigation by the administration and those in charge of this kind of work and the needs and necessities of such a building the House should unanimously recede from its disagreement and concur in the Senate amendment.

This is to be a Government work, necessary and permanent. It will enable the proper display of the Government's exhibit and attractions, and then after a few months' use can and will be readily converted into quarters for the Army stationed at the Presidio.

From every consideration and from every viewpoint it is a question of economy in the long run; and that being the case, every Member should feel that he is doing the right thing when he casts his vote for the amendment.

I sincerely trust that the Senate amendment will be agreed to, to the end that ample provision may be made for construction of this building at this time.

Mr. KAHN. Mr. Speaker, how much time have I remaining?

The SPEAKER pro tempore. Fourteen minutes.

Mr. KAHN. Mr. Speaker, it is true that the people of California believed they would not require a Government exhibit. It is true they believed they would not require a dollar from the Federal Treasury. But some months after Congress decided that San Francisco should be the place where the exposition to commemorate the completion of the Panama Canal should be held 17 of the powers of Europe sent commissioners who met in the city of Berlin and agreed upon an exposition treaty. The terms of that treaty were such that unless a Government exhibit were made by us practically all of Europe would be absent from this exposition at San Francisco. Those facts came to the knowledge of the exposition company and created consternation. And because those facts stared the Government of the United States in the face the President sent a message asking for a Government exhibit.

That is how the matter came before this House. Then Congress voted for a Government exhibit. It was to be spread through all the buildings of the exposition.

Personally I had no objection to that; but the Secretary of War believes, and the men who are on the exposition board believe, that it would be better to have all of the exhibits of the Government under one roof. I spoke with one of them this morning, and he told me that it would be much better to have the exhibits under one roof in a Government building.

Practically every civilized country in the world will have a building at the exposition at San Francisco. England and Germany are the two notable exceptions. On the floor of the House of Commons, when Sir Edward Grey was asked why England was not going to participate, he said that this Government had done nothing for the exposition at San Francisco, and for that reason he did not see any reason why England should be called upon to be represented there. That is what we have had to face.

Mr. DUPRÉ. Mr. Speaker, will the gentleman yield?

Mr. KAHN. I can not yield just now.

The SPEAKER pro tempore. The gentleman declines to yield.

Mr. KAHN. I would like to yield to my friend, but I have only 14 minutes. If I can get more time, I will gladly yield.

Japan is putting up a building with an exhibit at a cost of $600,000. France is putting up a building with exhibits to cost $400,000. China will put in a building and an exhibit at a cost of half a million dollars. The commissioners of the Argentine Republic are in this city to-day, and they announce that the Argentine Republic is spending $1,150,000 for a building and an exhibit. Italy, Spain, Portugal, Holland, Sweden, and even little Switzerland will have beautiful Government pavilions. All of Central and South America will have buildings; and nearly every State in the Union will have its own State building.

Now, this proposed Government building is to be a permanent building for the Army, and the Secretary of War authorized me to say upon this floor and upon his responsibility that the building is needed, and that such a building can be constructed.

Mr. BARNHART. Mr. Speaker, will the gentleman yield?

Mr. KAHN. I regret that I can not yield. Their purpose, as I understand it, is to put up the frame at this time and later on complete the interior of the building. The Presidio of San Francisco is a three-regiment infantry post. At the present time there are decent barracks there for one and one-half regiments. The other barracks are mere whitewashed shacks, put up during the Spanish-American War; they were not even constructed by skilled mechanics. They were put up by the soldiers themselves. They are whitewashed temporary quarters, a disgrace to the Government of the United States. The Secretary of War stated before the Committee on Industrial Arts and Expositions that in any other climate they would have had to be abandoned long ago. These buildings that it is proposed to pull down are in the exposition grounds. I have pictures—photographs—of them. They are, as I said a moment ago, a disgrace to the Government of the United States.

Now, let me tell you some of the things that the exposition company has done for the Government in the Presidio. For years estimates have been sent to Congress by the War Department asking that a certain marsh on the northern end of the Presidio be filled in. The estimates, as I now recall, were for $300,000. That work has been done by the exposition company. They have given to this Government $300,000 worth of work that the Government needed in that one spot alone. They have laid out a magnificent parade ground for the Government of the United States. The exposition company paid for it. It does not cost the Government a dollar. They have laid out magnificent parks and roads and parterres, where shrubbery has been planted; they have set out beautiful trees on the Presidio

grounds. They have beautified the Presidio of San Francisco in a way that this Government never would have done, probably, or would not have done for years. The work that the exposition company has done is probably worth $400,000 to the Government of the United States.

Now, if this proposed building were simply to be torn down when the exposition is over, if it were not to be a permanent building, perhaps there would be good reason why it should not be constructed. But it is to be a permanent building. It is to house the soldiers of the United States; and any gentleman who has ever been in the Presidio of San Francisco and has looked upon the whitewashed shacks in which the soldiers now live will realize how important it is to put up decent barracks and quarters for the soldiers who wear the blue.

Mr. DUPRÉ. Mr. Speaker, will the gentleman yield?

The SPEAKER pro tempore. Does the gentleman yield?

Mr. KAHN. I yield to the gentleman.

Mr. DUPRÉ. I wanted to ask the gentleman this question: If conditions such as he describes have existed, why has not the Secretary of War or the War Department appealed to Congress for relief?

Mr. KAHN. The Secretary of War has done that repeatedly, and the Committee on Appropriations has always turned down the items in the estimates. I can show the gentleman the estimates. They have not been sent down in the last few years, because they got tired of sending them down.

Mr. DUPRÉ. When was the last time?

Mr. KAHN. I do not recall; but I know that the grounds at that time were needed for field artillery maneuvers; but the Congress never provided the funds for filling in the swamp, and it has all been filled in since by the exposition company.

Mr. BARNHART. Mr. Speaker, will the gentleman yield?

Mr. KAHN. I yield to the gentleman for a question.

Mr. BARNHART. Is it not a matter of fact that the project of constructing this building on the Presidio has been before the Committee on Public Buildings and Grounds for a long time?

Mr. KAHN. It has never been before that committee to my knowledge.

Mr. BARNHART. It has been to my knowledge.

Mr. KAHN. I repeat, it has never been before that committee, and I can not yield any further. It has never been before that committee at any time. It has been before the Committee on Industrial Arts and Expositions, because the communications from the President of the United States and the Secretary of State recommending this appropriation were referred to that committee; but the Committee on Public Buildings and Grounds has never had any jurisdiction whatever of this matter. The gentleman probably has in mind the marine hospital, which is several miles away from the exposition grounds and which has nothing whatever to do with the exposition.

Now, reference has been made to the $100,000 in the naval appropriation bill and to the $200,000 for the customhouse. The $200,000 will come back into the Treasury of the United States, every dollar of it, through the customs revenues that will be collected at the exposition at San Francisco. The $100,000 for the Navy will not be expended at San Francisco. The great bulk of it will be expended right here and at Hampton Roads. That is where the fleets will come together. That is where the great entertainment is to be. The naval officers of the world's fleet are to call here upon the President of the United States. They are to be entertained here in Washington long before they reach San Francisco, and at Hampton Roads, and the bulk of the money will be expended here and at Hampton Roads; so that those expenses should not be charged up against the exposition. The fleets will go to San Francisco as a finality, but the ships of war are first going to assemble in Hampton Roads, and the money was intended to do the entertaining there. I believe that but a small part of it is to be expended at San Francisco. All that the Congress has appropriated for the exposition is $500,000 for a Government exhibit.

I have told you under what circumstances that money came to be appropriated. I am now explaining to you why the other $500,000 is asked for. That has not been asked by the exposition company, so far as I know. It has been asked by the executive officers of this Government. The President of the United States and the Secretary of State recommended it. The Secretary of War himself appeared before one of the committees of this House and pointed out the necessity for it. The Secretary of Commerce on a recent visit to San Francisco realized the necessity for it, and upon his own motion wrote me a strong letter in which he said it was absolutely essential, or words to that effect, that this building be put up for the honor of the people of the United States.

As far as the directors of the exposition company are concerned, they, as the hosts of the Nation, are going to put up the most magnificent exposition that the world has ever seen. Every American citizen will take pride in it. Every Member of Congress will be proud of what the people of California have done for this Government in planning and executing this superb exposition. The gentleman from Kansas [Mr. MURDOCK] stated how the people of San Francisco were stricken eight years ago. Their undaunted courage in rehabilitating their city has gained for them the admiration of mankind. But, sir, only two years ago a killing frost in one night destroyed practically the entire citrus fruit crop of the State of California, valued at approximately $30,000,000. It was a terrific blow to our citizens. Yet the people of that State have gone into their pockets and have put up over $30,000,000, or will have put it up by the time the exposition doors open, for this undertaking to which the nations of the world have been invited by the President of the United States. No other exposition ever came to Congress for so little as this. St. Louis, in the region in which the gentleman from Kentucky [Mr. SHERLEY] lives, got $11,600,000. Of this sum $4,600,000 was paid back, but the balance was practically an outright gift in aid of the exposition. The city of Chicago got nearly $6,000,000 as an outright gift in aid of the exposition. Yet we have not asked for a dollar and do not intend to ask for a dollar in aid of the exposition itself. What has been asked for has been asked simply because conditions compelled it. If we could have looked into the future, if we could have foreseen the attitude of European nations, we probably never would have made the statements we did. But we made them. We made a mistake, because we could not foresee the future. We did it honestly, we did it sincerely; we are but human, and it is only human to err. But as American citizens you are interested in the success and the excellence of this exposition just as much as we are. I certainly hope that Congress in its wisdom will vote for this building, which is so earnestly needed. [Applause.]

Mr. SHERLEY. Mr. Speaker, the gentleman from California [Mr. KAHN] concludes his eloquent remarks with the statement that San Francisco will never ask anything for aid of the exposition itself. A few years ago that statement would have convinced me that the future would warrant the statement, but unfortunately I recall that the gentleman from California [Mr. KAHN] was even more emphatic and equally eloquent in his promise that they would never ask a cent even for a Government exhibit or any building for that Government exhibit. Why, the gentleman's enthusiasm carried him so far that he said a Government exhibit did not amount to much, anyway.

Mr. KAHN. I thought so.

Mr. SHERLEY. I will put into the RECORD the language of the gentleman.

Mr. KAHN. I said that.

Mr. SHERLEY. The gentleman said that we had gone so far with Government exhibits that there was nothing new in them, that they would go into every State in the Union and get State exhibits; that they were raising their own money and did not want any of Uncle Sam's money. The trouble then was that they were faced with a contest that they thought they were going to lose, and which they would have lost if they had not gotten a new hold and have come here with that promise. It was not definite enough originally to suit them, and they had a subsequent hearing, and then they made it ironclad. Now, I believe in men keeping their word. I believe in communities keeping their word. I believe in States keeping their word; and if we are ever to stop the abuse of obtaining money from the Government under false pretenses we have got to do it now. [Applause.]

If I let my personal feelings for individual members of the California delegation control me here, then I might vote in the affirmative and have the pleasing reflection that I had done something that was pleasing to them.

I say to you now that the very recital of the instances of St. Louis and Chicago shows that we have got to stop now if we are ever to get done with this proposition of helping along every community that wants to have an exposition. The gentleman from California [Mr. KAHN] undertakes to say that because St. Louis got it—in his kindness he adds "St. Louis, near the gentleman's district"—therefore California ought to receive Government aid, and the statement is made here that if this building is not given the Government is going to be disgraced. Why, in point of fact, the exhibit at the San Francisco exposition by the Federal Government will be the best that has ever been made by the Federal Government. I make that statement on the authority of the men who are preparing this ex-

hibit and because this time they were chosen from departments that knew something about the business, and were not chosen simply in order that they might draw a salary and enjoy themselves at the exposition. You are going to have the Atlantic Fleet in San Francisco Harbor. Can there be any naval exhibit that will equal that? You are going to have the Army at the Presidio. Can there be any exposition of the Government's Army activities equal to the actual soldiers and the actual guns; the actual Army itself there?

Now, what has happened? I am not going to take the time to read the statements made by Mr. Scott on behalf of the exposition company or the statements made by the gentleman from California [Mr. KAHN] on behalf of that company, but they would have you believe that this is a spontaneous uprising on the part of the people of America to have this additional sum appropriated. What nonsense. Are we children? Do we not know the men who have been here in Washington for months? Do we not know something of the banquet that was given? Do we not know of the pressure that has been put upon men to vote this thing through? If other men do not know, I know, because they knew I was opposed to it, and I have had many men interested urge me not to make this fight. It is not a personal fight. I am doing what I believe to be my duty because of the promises then made to this House.

Oh, but they say you ought to have all the Government exhibits gathered together. What is the fact about that? The exposition company itself determined that it would be better to have the exhibits according to objects rather than from localities. For instance, they were going to have educational matters put together, so that you would have the effect of comparison. The Government exhibit was arranged to be put around according as the activities of the Government dovetailed into other exhibits. All of a sudden they discovered these exhibits must be grouped in order for the United States to have a creditable exhibit. Then they get the assistance of the Army in order to find some other excuse. Oh, how plausible they have been. First, when the fight was on, nothing was wanted. Then when the fight was won they made the excuse that they had not been able to get foreign Governments to exhibit. Now that the foreign Governments have agreed to exhibit, it is a new excuse. Now they say you must do it because the Army needs a building. If the Army needs a building at the Presidio for Army purposes, let us examine into it as an Army estimate and see to it that the plan is adapted to that purpose, and then appropriate the money, but do not let us be fooled and be made cat's-paws to pull the chestnuts out of the fire.

The Secretary of War comes before the Committee on Expositions and favors this proposition. I never knew a Secretary of War yet who was not anxious to get buildings and appropriations for the Army. And if he can get a $500,000 building, even if it is not suitable he is that much to the good. As to his knowledge whether the building could or could not be built for the two purposes, I read this statement:

Mr. KONOP. You say if a building like that could be constructed, the exhibits could be housed in it and then it could be ultimately used by you. The question is, can it?

Secretary GARRISON. I do not dare to commit myself on that, because I know nothing about it. That would have to be decided by the Quartermaster General. I would have to take the judgment of some one else.

Further along, the Secretary says:

I would suggest to you, gentlemen, that if you are interested in the question of whether this money could be expended on that reservation in such a way as to be useful, useful to the Army afterwards, that you permit me to send up right now, if you have the time, for the Quartermaster General, and, if necessary, the Chief of Engineers, so that you can find out from them by asking for yourselves. I would find out by asking them, because in such matters I take the advice of men who are experts.

Evidently the committee did not have time, because the experts were not called. Now, we are told that because he appeared before them we should be in favor of it. He did not volunteer; he was asked to come and give his testimony. I have a proper respect for these distinguished gentlemen, but with that respect I think this House knows more about the history of these expositions, about the broken promises, about the faith that has not been kept, about how Congress has been buncoed in the past than all the Cabinet officers put together. [Applause.] Therefore, with all proper and due respect for the distinguished gentlemen, I prefer to follow my own judgment and the record in the case than to follow their recommendation in this matter. Five hundred thousand dollars! Why, we had a fight two years ago, after we had beaten the bill that provided for a commission of seven men and which the gentleman from Wisconsin [Mr. LENROOT] declared was the most indefensible proposition ever brought on the floor. They tacked onto the sundry civil appropriation bill an appropriation of a million and a half dollars. We had roll call after roll call, and, in my judgment, it would have been possible to have defeated the proposal to appropriate anything. But we did not do it, we gave them $500,000, and it was my understanding then that that was the end of the thing. Now, there seems to be no end—always there is a new excuse, always a new reaching out, always a plausible explanation.

How can the Congress rely on statements, what shall it take, what assurance has it now that we will not have to pay the debts of the exposition company on the ground that conditions were not what they expected, and therefore they are in a different position? Certainly not the statements made by the gentlemen on the floor to-day, because statements made by the same gentlemen on the same floor other days have not estopped them or the exposition company from coming here and asking for the money. I repeat that if Congress is going to have any respect for itself, if it is going to have any respect for the promises made to it, it must stand up now.

Mr. BARTHOLDT. Will the gentleman yield?

Mr. SHERLEY. I will yield to the gentleman.

Mr. BARTHOLDT. Is the gentleman from Kentucky in favor of the Government exhibit at San Francisco?

Mr. SHERLEY. That is beside the question, because the exhibition has been prepared and provided for. I was in favor of it, but I thought then and think now that San Francisco owes it to her own self-respect, to put it mildly, to pay all the expense of that exhibit.

Mr. BARTHOLDT. Does the gentleman take the position that the citizens of San Francisco should pay for the National Government exhibit?

Mr. SHERLEY. I take the position that if I obtain something of value on my promises, if I am an honorable man I will keep my promises. [Applause.]

Mr. BARTHOLDT. Is not the exposition in commemoration of the completion of the Panama Canal?

Mr. SHERLEY. Yes; but we have had expositions and commemorations of everything under the sun. What is the trouble about foreign Governments exhibiting? Is it because Uncle Sam is hesitating about furnishing money because of the promises that have been made? No; it is because the world is sick and tired of being buncoed in the matter of these expositions.

Mr. BARTHOLDT. Foreign governments have agreed to exhibit, and it may be that they find it profitable.

Mr. SHERLEY. They perhaps have the same sort of pressure brought to bear on them over there that we have here. I know something about legislative bodies, and they are pretty much the same the world over. The proposition here is, Are you going to let them bunco you the second time? They broke their promise when they secured the exposition at San Francisco; they broke it when they came back and got $500,000. Read the act that Congress passed. It provided that the exposition company should furnish the building or buildings to house the exhibit. If they wanted all the Government exhibit in one building, they had the opportunity right there. It was their right to have it determined and they determined it. The exhibits have been made up on that theory. Now, all of a sudden somebody discovers that that will not do, that we must have it all in one building at the expense of half a million dollars. The gentleman from Kansas says that he has been moved by sentiment for the great city of San Francisco. We all have admiration of that city's history in connection with its great disaster. But I do not like this sentiment at this time; it is too expensive, about half a million per sentiment. I am in favor of getting to the time where we may have faith kept. [Applause.]

The SPEAKER pro tempore. The time of the gentleman from Kentucky has expired, all time has expired, and the question is on the motion of the gentleman from California [Mr. KAHN] to recede and concur in the Senate amendment.

The question was taken, and the Speaker pro tempore announced that the noes seemed to have it.

Mr. KAHN. Mr. Speaker, I make the point of order that there is no quorum present.

The SPEAKER pro tempore. The Chair will count. Evidently there is no quorum present. The Doorkeeper will close the doors, the Sergeant at Arms will notify absent Members, and the Clerk will call the roll.

The question was taken; and there were—yeas 112, nays 109, answered "present" 6, not voting 206, as follows:

YEAS—112.

Allen	Broussard	Curry	Falconer
Ansberry	Bryan	Dettrick	Ferris
Avis	Butler	Dent	FitzHenry
Baker	Campbell	Dershem	Floyd, Ark.
Bartholdt	Church	Dillon	Fordney
Barton	Clark, Fla.	Drukker	Francis
Beakes	Cline	Dupré	French
Bell, Cal.	Conry	Edmonds	Gilmore
Britten	Cramton	Esch	Godwin, N. C.

Good	Kettner	Nolan, J. I.	Steenerson
Goodwin, Ark.	Kindel	Norton	Stephens, Cal.
Graham, Ill.	Kinkaid, Nebr.	Oldfield	Stevens, Minn.
Greene, Mass.	Kirkpatrick	Patton, Pa.	Stone
Greene, Vt.	Konop	Peters, Me.	Stout
Haugen	Korbly	Plumley	Taggart
Hawley	Kreider	Rainey	Talbott, Md.
Heflin	La Follette	Raker	Talcott, N. Y.
Helgesen	Lee, Pa.	Reilly, Wis.	Taylor, Ark.
Howell	Lewis, Md.	Roberts, Nev.	Ten Eyck
Humphrey, Wash.	Lindbergh	Rogers	Towner
Johnson, Utah	McAndrews	Scott	Treadway
Johnson, Wash.	MacDonald	Sharp	Underhill
Kahn	Mapes	Sinnott	Vare
Keating	Mondell	Sloan	Volstead
Kelley, Mich.	Moore	Smith, Idaho	Watkins
Kelly, Pa.	Morgan, Okla.	Smith, Minn.	Wingo
Kennedy, Iowa	Mulkey	Smith, N. Y.	Woodruff
Kent	Murdock	Smith, Saml. W.	Young, N. Dak.

NAYS—109.

Abercrombie	Dickinson	Hill	Russell
Adamson	Difenderfer	Holland	Seldomridge
Aiken	Dixon	Hull	Shackleford
Alexander	Donovan	Johnson, Ky.	Sherley
Anderson	Doolittle	Lee, Ga.	Sherwood
Ashbrook	Doremus	Lenroot	Sims
Bailey	Doughton	Lieb	Sisson
Baltz	Driscoll	Lloyd	Small
Barkley	Faison	Lonergan	Sparkman
Barnhart	Fergusson	Maguire, Nebr.	Stedman
Bathrick	Fitzgerald	Mann	Stephens, Miss.
Blackmon	Flood, Va.	Montague	Stevens, N. H.
Booher	Foster	Moon	Tavenner
Borchers	Fowler	Morrison	Taylor, Colo.
Brumbaugh	Garrett, Tenn.	Moss, Ind.	Thacher
Buchanan, Tex.	Garrett, Tex.	Neely, W. Va.	Townsend
Burgess	Gillett	Oglesby	Tribble
Burnett	Goeke	Page, N. C.	Tuttle
Byrnes, S. C.	Gray	Palmer	Underwood
Byrns, Tenn.	Green, Iowa	Park	Watson
Carr	Gregg	Payne	Webb
Claypool	Hamlin	Peterson	Whaley
Collier	Hardy	Quin	Williams
Connelly, Kans.	Harris	Ragsdale	Wilson, Fla.
Cox	Harrison	Reed	Witherspoon
Cullop	Helm	Rouse	
Danforth	Helvering	Rubey	
Decker	Hensley	Rucker	

ANSWERED "PRESENT"—6.

Gard	Hay	Madden	Slemp
Garner	McCoy		

NOT VOTING—206.

Adair	Edwards	Kennedy, R. I.	Platt
Ainey	Elder	Key, Ohio	Porter
Anthony	Estopinal	Kless, Pa.	Post
Aswell	Evans	Kinkead, N. J.	Pou
Austin	Fairchild	Kitchin	Powers
Barchfeld	Farr	Knowland, J. R.	Prouty
Bartlett	Fess	Lafferty	Rauch
Beall, Tex.	Fields	Langham	Rayburn
Bell, Ga	Finley	Langley	Reilly, Conn.
Borland	Frear	Lazaro	Riordan
Bowdle	Gallagher	L'Engle	Roberts, Mass.
Brockson	Gallivan	Lesher	Rothermel
Brodbeck	Gardner	Lever	Rupley
Brown, N. Y.	George	Levy	Sabath
Brown, W. Va.	Gerry	Lewis, Pa.	Saunders
Browne, Wis.	Gill	Lindquist	Scully
Browning	Gittins	Linthicum	Sells
Bruckner	Glass	Lobeck	Shreve
Buchanan, Ill.	Goldfogle	Loft	Slayden
Bulkley	Gordon	Logue	Smith, J. M. C.
Burke, Pa.	Gorman	McClellan	Smith, Md.
Burke, S. Dak.	Goulden	McGillicuddy	Smith, Tex.
Burke, Wis.	Graham, Pa.	McGuire, Okla.	Stafford
Calder	Griest	McKellar	Stanley
Callaway	Griffin	McKenzie	Stephens, Nebr.
Candler, Miss.	Gudger	McLaughlin	Stephens, Tex.
Cantor	Guernsey	Mahan	Stringer
Cantrill	Hamill	Maher	Sumners
Caraway	Hamilton, Mich.	Manahan	Sutherland
Carew	Hamilton, N. Y.	Martin	Switzer
Carlin	Hammond	Merritt	Taylor, Ala.
Carter	Hardwick	Metz	Taylor, N. Y.
Cary	Hart	Miller	Temple
Casey	Hayden	Mitchell	Thomas
Chandler, N. Y.	Hayes	Morgan, La.	Thompson, Okla.
Clancy	Henry	Morin	Thomson, Ill.
Coady	Hinds	Moss, W. Va.	Vaughan
Connolly, Iowa	Hinebaugh	Mott	Vollmer
Cooper	Hobson	Murray, Mass.	Walker
Copley	Houston	Murray, Okla.	Wallin
Covington	Howard	Neeley, Kans.	Walsh
Crisp	Hoxworth	Nelson	Walters
Crosser	Hughes, Ga.	O'Brien	Weaver
Dale	Hughes, W. Va.	O'Hair	Whitacre
Davenport	Hulings	O'Leary	White
Davis	Humphreys, Miss.	O'Shaunessy	Willis
Dies	Igoe	Padgett	Wilson, N. Y.
Donohoe	Jacoway	Paige, Mass.	Winslow
Dooling	Johnson, S. C.	Parker	Woods
Dunn	Jones	Patten, N. Y.	Young, Tex.
Eagan	Keister	Peters, Mass.	
Eagle	Kennedy, Conn.	Phelan	

So the motion to recede and concur was agreed to.

The Clerk announced the following additional pairs:

On the vote:

Mr. CARTER (for) with Mr. McCOY (against).

Until further notice:

Mr. STEPHENS of Texas with Mr. BURKE of South Dakota.

Mr. GARNER with Mr. TEMPLE.

Mr. HAY with Mr. MADDEN.

Mr. COADY with Mr. LANGLEY.

Mr. HOUSTON with Mr. Moss of West Virginia.

Mr. BELL of Georgia with Mr. HAYES.

Mr. BROWN of West Virginia with Mr. PLATT.

Mr. CASEY with Mr. SELLS.

Mr. WILSON of New York with Mr. WOODS.

Mr. BRODBECK with Mr. FARR.

Mr. BURKE of Wisconsin with Mr. GRIEST.

Mr. FITZGERALD. Mr. Speaker, I ask the Speaker to order a recapitulation of the vote.

The SPEAKER. The gentleman from New York asks a recapitulation of the vote. On as close a vote as this it ought to be had. The Clerk will recapitulate the vote.

The Clerk recapitulated the vote.

Mr. LOGUE. Mr. Speaker, am I entitled to be noted as present? I was not here during the call.

The SPEAKER. The Chair can count the gentleman as present to make a quorum.

The result of the vote was announced as above recorded.

Mr. KAHN. Mr. Speaker, I move to reconsider the vote and lay that motion on the table.

The SPEAKER. Without objection, it will be so ordered.

Mr. FITZGERALD. Mr. Speaker, I object to laying the motion on the table.

Mr. KAHN. Mr. Speaker, I withdraw the motion.

Mr. SHERLEY. Mr. Speaker, I object to the gentleman's withdrawing the motion.

The SPEAKER. The gentleman from California moves to reconsider and lay that motion on the table.

Mr. GILLETT. Mr. Speaker, I ask for a division of the question.

Mr. FITZGERALD. Mr. Speaker, I ask for a division of the question.

The SPEAKER. The gentleman from Massachusetts and the gentleman from New York demand a division of the question. The question is, first, on the motion of the gentleman from California to reconsider the vote by which the motion to recede and concur in Senate amendment 145 was agreed to.

The question was taken; and on a division (demanded by Mr. FITZGERALD and Mr. SHERLEY) there were—ayes 66, noes 83.

Mr. FITZGERALD. Mr. Speaker, I demand the yeas and nays.

The yeas and nays were ordered.

The question was taken; and there were—yeas 95, nays 110, answered "present" 6, not voting 222, as follows:

YEAS—95.

Abercrombie	Decker	Helm	Russell
Adamson	Dickinson	Helvering	Seldomridge
Aiken	Difenderfer	Hensley	Shackleford
Alexander	Dixon	Hull	Sherley
Ansberry	Donovan	Johnson, Ky.	Sherwood
Ashbrook	Doolittle	Key, Ohio	Sims
Bailey	Doughton	Lieb	Sisson
Baltz	Driscoll	Lloyd	Sparkman
Barkley	Faison	Lonergan	Stedman
Barnhart	Fergusson	Maguire, Nebr.	Stephens, Miss.
Blackmon	Fitzgerald	Moon	Stevens, N. H.
Booher	Flood, Va.	Morrison	Tavenner
Borchers	Foster	Moss, Ind.	Taylor, Colo.
Brumbaugh	Fowler	Oglesby	Thacher
Buchanan, Tex.	Garrett, Tenn.	Palmer	Townsend
Burnett	Gillett	Park	Tribble
Byrnes, S. C.	Goeke	Peters, Mass.	Tuttle
Byrns, Tenn.	Graham, Ill.	Peterson	Walsh
Claypool	Gray	Quin	Watson
Collier	Green, Iowa	Ragsdale	Webb
Connelly, Kans.	Gregg	Reed	Whaley
Conry	Hamlin	Reilly, Wis.	Williams
Cox	Hardy	Rubey	Witherspoon
Cullop	Harris	Rucker	

NAYS—110.

Allen	Dershem	Heflin	Lindbergh
Anderson	Dillon	Helgesen	Logue
Avis	Drukker	Howell	MacDonald
Baker	Edmonds	Humphrey, Wash.	Mapes
Barchfeld	Esch	Johnson, Utah	Mondell
Bartholdt	Falconer	Kahn	Moore
Barton	Ferris	Keating	Morgan, Okla.
Beakes	FitzHenry	Kelley, Mich.	Mulkey
Bell, Cal.	Floyd, Ark.	Kelly, Pa.	Murdock
Britten	Fordney	Kennedy, Iowa	Nolan, J. I.
Broussard	Francis	Kent	Oldfield
Bryan	French	Kettner	Peters, Me.
Burke, Wis.	Gard	Kindel	Phelan
Butler	Gilmore	Kinkaid, Nebr.	Platt
Campbell	Gittins	Kirkpatrick	Plumley
Caraway	Godwin, N. C.	Korbly	Rainey
Church	Good	Kreider	Raker
Clark, Fla.	Goodwin, Ark.	La Follette	Roberts, Nev.
Cramton	Greene, Mass.	Lee, Pa.	Rogers
Davis	Greene, Vt.	Lenroot	Rothermel
Dent	Hawley	Lewis, Md.	Scott

Sharp	Smith, Saml. W.	Talcott, N. Y.	Volstead
Sinnott	Steenerson	Taylor, Ark.	Watkins
Sloan	Stephens, Cal.	Ten Eyck	Wingo
Small	Stevens, Minn.	Towner	Woodruff
Smith, Idaho	Stone	Treadway	Young, N. Dak.
Smith, Minn.	Taggart	Underhill	
Smith, N. Y.	Talbott, Md.	Vare	

ANSWERED "PRESENT"—6.

Garner	Madden	Slemp	Underwood
McCoy	Nelson		

NOT VOTING—222.

Adair	Eagle	Jones	Parker
Ainey	Edwards	Keister	Patten, N. Y.
Anthony	Elder	Kennedy, Conn.	Patton, Pa.
Aswell	Estopinal	Kennedy, R. I.	Payne
Austin	Evans	Kiess, Pa.	Porter
Bartlett	Fairchild	Kinkead, N. J.	Post
Bathrick	Farr	Kitchin	Pou
Beall, Tex.	Fess	Knowland, J. R.	Powers
Bell, Ga.	Fields	Konop	Prouty
Borland	Finley	Lafferty	Rauch
Bowdle	Frear	Langham	Rayburn
Brockson	Gallagher	Langley	Reilly, Conn.
Brodbeck	Gallivan	Lazaro	Riordan
Brown, N. Y.	Gardner	Lee, Ga.	Roberts, Mass.
Brown, W. Va.	Garrett, Tex.	L'Engle	Rouse
Browne, Wis.	George	Lesher	Rupley
Browning	Gerry	Lever	Sabath
Bruckner	Gill	Levy	Saunders
Buchanan, Ill.	Glass	Lewis, Pa.	Scully
Bulkley	Goldfogle	Lindquist	Sells
Burgess	Gordon	Linthicum	Shreve
Burke, Pa.	Gorman	Lobeck	Slayden
Burke, S. Dak.	Goulden	Loft	Smith, J. M. C.
Calder	Graham, Pa.	McAndrews	Smith, Md.
Callaway	Griest	McClellan	Smith, Tex.
Candler, Miss.	Griffin	McGillicuddy	Stafford
Cantor	Gudger	McGuire, Okla.	Stanley
Cantrill	Guernsey	McKellar	Stephens, Nebr.
Carew	Hamill	McKenzie	Stephens, Tex.
Carlin	Hamilton, Mich.	McLaughlin	Stout
Carr	Hamilton, N. Y.	Mahan	Stringer
Carter	Hammond	Maher	Sumners
Cary	Hardwick	Manahan	Sutherland
Casey	Harrison	Mann	Switzer
Chandler, N. Y.	Hart	Martin	Taylor, Ala.
Clancy	Haugen	Merritt	Taylor, N. Y.
Cline	Hay	Metz	Temple
Coady	Hayden	Miller	Thomas
Connolly, Iowa	Hayes	Mitchell	Thompson, Okla.
Cooper	Henry	Montague	Thomson, Ill.
Copley	Hill	Morgan, La.	Vaughan
Covington	Hinds	Morin	Vollmer
Crisp	Hinebaugh	Moss, W. Va.	Walker
Crosser	Hobson	Mott	Wallin
Curry	Holland	Murray, Mass.	Walters
Dale	Houston	Murray, Okla.	Weaver
Danforth	Howard	Neeley, Kans.	Whitacre
Davenport	Hoxworth	Neely, W. Va.	White
Deitrick	Hughes, Ga.	Norton	Willis
Dies	Hughes, W. Va.	O'Brien	Wilson, Fla.
Donohoe	Hulings	O'Hair	Wilson, N. Y.
Dooling	Humphreys, Miss.	O'Leary	Winslow
Doremus	Igoe	O'Shaunessy	Woods
Dunn	Jacoway	Padgett	Young, Tex.
Dupré	Johnson, S. C.	Page, N. C.	
Eagan	Johnson, Wash.	Paige, Mass.	

The Clerk announced the following additional pairs:

On this vote:

Mr. McCOY (for) with Mr. CARTER (against).

Until further notice:

Mr. CANDLER of Mississippi with Mr. GRIEST.

Mr. LEE of Georgia with Mr. DANFORTH.

Mr. PAGE of North Carolina with Mr. PAYNE.

Mr. GOULDEN with Mr. JOHNSON of Washington.

Mr. GORDON with Mr. MCKENZIE.

Mr. GALLAGHER with Mr. NORTON.

Mr. REILLY of Connecticut with Mr. PATTON of Pennsylvania.

Mr. MCCLELLAN with Mr. MORIN.

For the session:

Mr. UNDERWOOD with Mr. MANN.

Mr. UNDERWOOD. Mr. Speaker, I desire to know if the gentleman from Illionis, Mr. MANN, voted?

The SPEAKER. He did not.

Mr. UNDERWOOD. Mr. Speaker, I have a standing pair with the gentleman from Illinois and I desire to withdraw my vote and answer "present."

The name of Mr. UNDERWOOD was called, and he answered "Present."

Mr. McCOY. Mr. Speaker, I am paired with the gentleman from Oklahoma, Mr. CARTER. I voted "aye" and I desire to withdraw that vote and answer "present."

The name of Mr. McCOY was called, and he answered "Present."

Mr. HUMPHREY of Washington. Mr. Speaker, a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. HUMPHREY of Washington. I thought there was a rule about Members standing around the desk.

The SPEAKER. That is in reference to the Clerk's desk, not the Speaker's desk. [Laughter on the Democratic side.]

Mr. NELSON. Mr. Speaker, I have not voted, but I presume I can be counted for a quorum.

Mr. KAHN. I suggest, Mr. Speaker, that Mr. NELSON, of Wisconsin, can be counted.

The SPEAKER. The Chair noted him as present; that is, the Chair will announce his name to the Clerk in a minute or so. Are there any other Members present who did not answer at all on this roll call? If so, the Chair would like to know who they are so that they may be counted. The Clerk will note Mr. NELSON, of Wisconsin, as present, and the Chair is rather inclined to the opinion, not dead sure about it, because the language is rather obscure, notwithstanding what the Chair said here a few days ago, that when a Member is counted as present that he has a right to vote. It is not very clear and the gentleman from Pennsylvania [Mr. BUTLER] gave in his adherence to it, but it is a hazy kind of a performance.

Mr. BUTLER. The Chair ruled against me the other day; the Chair would not let me vote the other day.

The SPEAKER. If you read one section of the rule alone, the gentleman had no right to vote; but if you take two entirely different sections of the rule and put them together it looks like the intention was, when you come to the justice of the matter of counting a Member present, that he has the right to vote.

Mr. GARNER. In the very nature of things, if he can be counted present he ought to have the right to vote.

The SPEAKER. The Chair will make that ruling, and the Clerk will call the name of the gentleman from Wisconsin [Mr. NELSON]——

Mr. FITZGERALD. Mr. Speaker, I make the point of order that the gentleman is not entitled to vote.

The SPEAKER. Why?

Mr. FITZGERALD. Because the rule provides that no one shall vote unless he was present in the House giving attention when his name is called or should have been called. The question of whether a quorum is present has not been developed, and it is only upon a call of the House where the doors are closed and the Sergeant at Arms is directed to bring in the absentees that a gentleman can vote before the roll is closed whether or not he was here at the time his name was called. Under the proposed other ruling it makes it possible for a Member to come in and vote at any time.

The SPEAKER. Well, inasmuch as it makes no difference, the Chair will let the question stand open. However, the Chair with his present information would allow him to vote.

Mr. FITZGERALD. The rule authorizes the Speaker to have noted as present gentlemen who have not voted, but it does not give him any authority to permit a Member to vote who did not vote.

The SPEAKER. The Chair will call the attention of the gentleman from New York, for whose parliamentary opinion he has great respect, to two different sections of Rule XV, section 1 of which is as follows:

> Upon every roll call the names of the Members shall be called alphabetically by surname, except when two or more have the same surname, in which case the name of the State shall be added; and if there be two such Members from the same State, the whole name shall be called, and after the roll has been once called, the Clerk shall call in their alphabetical order the names of those not voting; and thereafter the Speaker shall not entertain a request to record a vote or announce a pair unless the Member's name has been noted under clause 3 of this rule.

Now, that is proposition number one. Here is clause 3.

> On the demand of any Member, or at the suggestion of the Speaker, the names of Members sufficient to make a quorum in the Hall of the House who do not vote shall be noted by the Clerk and recorded in the Journal, and reported to the Speaker with the names of the Members voting, and be counted and announced in determining the presence of a quorum to do business.

Now, taking those two sections together, it does not mean that the Speaker counts a gentleman present who did not vote——

Mr. SHACKLEFORD. But, Mr. Speaker, has the point of no quorum been raised?

The SPEAKER. There is a time when the Speaker has to raise it himself. Whenever the roll call develops the fact that there is no quorum the Speaker must take notice of it, if that is the proper term. What does the gentleman from New York say to those two sections?

Mr. FITZGERALD. Mr. Speaker, in all the history of the House since the adoption of the rules referred to I have never known of an instance, either in the precedents or in the practice of the House, where a Member under these circumstances has been permitted to have his vote recorded.

The SPEAKER. Well, how the Chair came to dig into this matter was, after the interlocutory performance which he had with the gentleman from Pennsylvania [Mr. BUTLER] here a

few days ago, one of the old and experienced Members of the House, who devotes a great deal of attention to parliamentary law, came to the Speaker privately and called his attention to these two sections taken in conjunction:

On the demand of any Member, or at the suggestion of the Speaker, the names of Members sufficient to make a quorum in the Hall of the House who do not vote shall be noted by the Clerk and recorded in the Journal, and reported to the Speaker with the names of the Members voting, and be counted and announced in determining the presence of a quorum to do business.

Now, turn back to section 1, and it says:

And thereafter the Speaker shall not entertain a request to record a vote or announce a pair unless the Member's name has been noted under clause 3 of this rule.

The Chair stated that the matter was not very clear, that it was somewhat hazy; but it seems if you take those two sections together—and especially section 1 points out section 3—that a Member that is noted by the Speaker or the Clerk, or somebody for him, as being present has a right to vote.

Mr. MONDELL. Will the Speaker hear me for just a moment?

The SPEAKER. The Chair will hear any gentleman.

Mr. MONDELL. I would like to be heard just as to the suggestion as to the effect of a rule that a Member coming in after the close of a roll call and being noted as present by the Speaker may vote. Outside of the question of the rule—and the rule does not seem to be entirely clear, although the practice has been entirely uniform—but outside of the rule the effect of a decision of that kind would be that it would not be necessary for Members to come in during the roll call. They could saunter in at their leisure and get in at any time before the announcement of the vote.

The SPEAKER. It is only in a case where a quorum has not developed.

Mr. MONDELL. I am assuming the somewhat chronic condition that sometimes exists, and exists now, where we are right on the margin of a quorum all the time. There is scarcely ever a quorum in the House at the beginning of a roll call or in the House at any one time. The quorum comes in and goes out; but if under those circumstances Members were not required to be here when their names were called they could come in at any time before the vote was announced and could be recognized by the Speaker and vote. It seems to me it would lead to interminable delay.

Mr. FITZGERALD. Mr. Speaker, I rise to make a privileged motion.

The SPEAKER. In a minute. Inasmuch as counting the gentleman from Wisconsin [Mr. NELSON] would not make a quorum, anyway, the Chair feels like leaving the matter open until we can have a general consultation as to what the rule means, because it is extremely hazy and extremely important, too, as the gentleman from Wyoming [Mr. MONDELL] suggests.

Mr. FITZGERALD. I move that the House do now adjourn.

The SPEAKER. The gentleman from New York moves that the House do now adjourn.

The question was taken, and the Speaker announced that the ayes seemed to have it.

Mr. KAHN. Division, Mr. Speaker.

The SPEAKER. The gentleman from California [Mr. KAHN] demands a division. Those in favor of the House adjourning will rise and stand until they are counted. [After counting.] Seventy-six gentlemen have risen in the affirmative.

The Chair thinks, after consulting the Manual, that the motion to adjourn as made by the gentleman from New York [Mr. FITZGERALD] at the particular time at which it was made was out of order——

Mr. FITZGERALD. Why, Mr. Speaker?

The SPEAKER (continuing). Until after the announcement of the result of that vote. And there is not a quorum present. The yeas were 95, the nays 110, present 5, and 1 noted—not a quorum.

Mr. KAHN. Mr. Speaker, I make the point that there is no quorum present.

The SPEAKER. It does not take——

Mr. KAHN. I move a call of the House.

Mr. FITZGERALD. Mr. Speaker, I had moved that the House adjourn.

The SPEAKER. The gentleman from New York [Mr. FITZGERALD] had moved to adjourn. The question is on the motion of the gentleman from New York [Mr. FITZGERALD] that the House do now adjourn.

Mr. MAPES. A parliamentary inquiry, Mr. Speaker.

The SPEAKER. The gentleman will state it.

Mr. MAPES. The roll call having revealed that there is not a quorum present, does it take a majority of those present to second the motion to adjourn before the Speaker can entertain it?

The SPEAKER. Oh, no.

Mr. FITZGERALD. That is only after the call of the House.

The SPEAKER. Only on the call of the House. Of course the motion to adjourn takes precedence. The only trouble about it was that when it was first made by the gentleman from New York [Mr. FITZGERALD] it was out of order. The question is now on the motion of the gentleman from New York [Mr. FITZGERALD] that the House do now adjourn.

The question was taken, and the Speaker announced that the noes seemed to have it.

On a division (demanded by Mr. SHERLEY and Mr. FITZGERALD) there were—ayes 87, noes 79.

Mr. KAHN. Mr. Speaker, I demand the yeas and nays.

The yeas and nays were ordered.

The question was taken; and there were—yeas 104, nays 100, answered "present" 5, not voting 224, as follows:

YEAS—104.

Abercrombie	Cullop	Hardy	Rucker
Adamson	Decker	Harris	Russell
Aiken	Dent	Helm	Seldomridge
Alexander	Dickinson	Helvering	Shackleford
Allen	Difenderfer	Hensley	Sherley
Ansberry	Dixon	Hull	Sherwood
Ashbrook	Donovan	Johnson, Ky.	Sims
Bailey	Doolittle	Key, Ohio	Sisson
Baltz	Doremus	Korbly	Small
Barkley	Doughton	Lieb	Sparkman
Barnhart	Dupré	Lloyd	Stedman
Blackmon	Falson	Lonergan	Stephens, Miss.
Booher	Fergusson	Maguire, Nebr.	Stevens, N. H.
Borchers	Ferris	Moon	Tavenner
Brumbaugh	Fitzgerald	Morrison	Taylor, Colo.
Buchanan, Tex.	Flood, Va.	Moss, Ind.	Thacher
Burgess	Foster	Mulkey	Townsend
Burnett	Fowler	Oglesby	Tribble
Byrnes, S. C.	Garner	Palmer	Tuttle
Byrns, Tenn.	Garrett, Tenn.	Park	Underhill
Claypool	Gilmore	Peterson	Walsh
Cline	Goeke	Quin	Watkins
Collier	Graham, Ill.	Ragsdale	Watson
Connelly, Kans.	Gray	Reed	Whaley
Coury	Gregg	Reilly, Wis.	Williams
Cox	Hamlin	Rubey	Witherspoon

NAYS—100

Anderson	Fordney	Kettner	Raker
Avis	Francis	Kindel	Roberts, Nev.
Baker	French	Kinkaid, Nebr.	Rogers
Barchfeld	Gard	Kirkpatrick	Rothermel
Barton	Gillett	Kreider	Rouse
Beakes	Gittins	La Follette	Scott
Bell, Cal.	Godwin, N. C.	Lee, Pa.	Sharp
Britten	Good	Lenroot	Sinnott
Broussard	Goodwin, Ark.	Lindbergh	Sloan
Bryan	Green, Iowa	Logue	Smith, Idaho
Burke, Wis.	Greene, Mass.	McKellar	Smith, Minn.
Butler	Greene, Vt.	MacDonald	Steenerson
Campbell	Hawley	Mapes	Stephens, Cal.
Caraway	Hayden	Mondell	Stevens, Minn.
Church	Heflin	Moore	Stone
Clark, Fla.	Helgesen	Morgan, Okla.	Taggart
Cramton	Howell	Murdock	Talcott, N. Y.
Davis	Humphrey, Wash.	Nelson	Taylor, Ark.
Dershem	Johnson, Utah.	Nolan, J. I.	Towner
Dillon	Kahn	O'Hair	Treadway
Drukker	Keating	Oldfield	Vare
Edmonds	Kelley, Mich.	Peters, Me.	Volstead
Esch	Kelly, Pa.	Phelan	Wingo
Falconer	Kennedy, Iowa	Plumley	Woodruff
FitzHenry	Kent	Rainey	Young, N. Dak.

ANSWERED "PRESENT"—5.

Burke, S. Dak.	Madden	McCoy	Underwood
Carter			

NOT VOTING—224.

Adair	Carlin	Evans	Hammond
Ainey	Carr	Fairchild	Hardwick
Anthony	Cary	Farr	Harrison
Aswell	Casey	Fess	Hart
Austin	Chandler, N. Y.	Fields	Haugen
Barthoidt	Clancy	Finley	Hay
Bartlett	Coady	Floyd, Ark.	Hayes
Bathrick	Connolly, Iowa	Frear	Henry
Beall, Tex.	Cooper	Gallagher	Hill
Bell, Ga.	Copley	Gallivan	Hinds
Borland	Covington	Gardner	Hinebaugh
Bowdle	Crisp	Garrett, Tex.	Hobson
Brockson	Crosser	George	Holland
Brodbeck	Curry	Gerry	Houston
Brown, N. Y.	Dale	Gill	Howard
Brown, W. Va.	Danforth	Glass	Hoxworth
Browne, Wis.	Davenport	Goldfogle	Hughes, Ga.
Browning	Deitrick	Gordon	Hughes, W. Va.
Bruckner	Dies	Gorman	Hulings
Buchanan, Ill.	Donohoe	Goulden	Humphreys, Miss.
Bulkley	Dooling	Graham, Pa.	Igoe
Burke, Pa.	Driscoll	Griest	Jacoway
Calder	Dunn	Griffin	Johnson, S. C.
Callaway	Eagan	Gudger	Johnson, Wash.
Candler, Miss.	Eagle	Guernsey	Jones
Cantor	Edwards	Hamill	Keister
Cantrill	Elder	Hamilton, Mich.	Kennedy, Conn.
Carew	Estopinal	Hamilton, N. Y.	Kennedy, R. I.

Kless, Pa.	Manahan	Platt	Stout
Kinkead, N. J.	Mann	Porter	Stringer
Kitchin	Martin	Post	Sumners
Knowland, J. R.	Merritt	Pou	Sutherland
Konop	Metz	Powers	Switzer
Lafferty	Miller	Prouty	Talbott, Md.
Langham	Mitchell	Rauch	Taylor, Ala.
Langley	Montague	Rayburn	Taylor, N. Y.
Lazaro	Morgan, La.	Reilly, Conn.	Temple
Lee, Ga.	Morin	Riordan	Ten Eyck
L'Engle	Moss, W. Va.	Roberts, Mass.	Thomas
Lesher	Mott	Rupley	Thompson, Okla.
Lever	Murray, Mass.	Sabath	Thomson, Ill.
Levy	Murray, Okla.	Saunders	Vaughan
Lewis, Md.	Neeley, Kans.	Scully	Vollmer
Lewis, Pa.	Neely, W. Va.	Sells	Walker
Lindquist	Norton	Shreve	Wallin
Linthicum	O'Brien	Slayden	Walters
Lobeck	O'Leary	Slemp	Weaver
Loft	O'Shaunessy	Smith, J. M. C.	Webb
McAndrews	Padgett	Smith, Md.	Whitacre
McClellan	Page, N. C.	Smith, N. Y.	White
McGillicuddy	Paige, Mass.	Smith, Saml. W.	Willis
McGuire, Okla.	Parker	Smith, Tex.	Wilson, Fla.
McKenzie	Patten, N. Y.	Stafford	Wilson, N. Y.
McLaughlin	Patton, Pa.	Stanley	Winslow
Maban	Payne	Stephens, Nebr.	Woods
Maher	Peters, Mass.	Stephens, Tex.	Young, Tex.

So the motion to adjourn was agreed to.

The Clerk announced the following additional pairs:

On this vote:

Mr. McCOY (for) with Mr. CARTER (against).

Until further notice:

Mr. O'SHAUNESSY with Mr. TREADWAY.

Mr. TALBOTT of Maryland with Mr. SAMUEL W. SMITH.

Mr. GUDGER with Mr. CURRY.

Mr. DRISCOLL with Mr. BARTHOLDT.

Mr. McCOY. Mr. Speaker, I voted "present." I desire to change my vote.

The SPEAKER. The Clerk will call the gentleman's name.

Mr. McCOY. I withdraw my vote of "present" and vote "yea."

Mr. KAHN. Mr. Speaker, a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. KAHN. If the House now moves to adjourn, will this come up as unfinished business to-morrow morning, or would it come up Thursday morning, to-morrow being Calendar Wednesday?

The SPEAKER. The Chair is inclined to think that it would go over until Thursday. The previous question was ordered on this, was it?

Mr. KAHN. Yes.

Mr. McCOY. Mr. Speaker, I find that Mr. CARTER, of Oklahoma, with whom I was paired, voted "present" on the supposition that I was not here, so that I will have to change my vote again and vote "present."

The SPEAKER. The Clerk will call the gentleman's name.

The Clerk called the name of Mr. McCOY, and he answered "Present."

Mr. KAHN. Mr. Speaker, a further parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. KAHN. This matter coming up on a conference report, would not the conference report have priority on Calendar Wednesday?

Mr. GARRETT of Tennessee. Mr. Speaker, I think the language of the Calendar Wednesday rule is that "immediately upon the approval of the Journal" the Speaker shall cause the roll of the committees to be called, and so forth. I am not sure; I may be mistaken in my memory of the exact wording of that language, but I think it is "immediately upon the approval of the Journal." If I am correct as to that language, of course this could not come up to-morrow.

The SPEAKER. Here is what the rule on Calendar Wednesday says:

> On Wednesday of each week no business shall be in order except as provided by paragraph 4 of this rule, unless the House, by a two-thirds vote on motion to dispense therewith, shall otherwise determine.

Mr. FITZGERALD. Mr. Speaker, on the motion to reconsider no previous question was demanded or ordered, so that it does not come within the category, although a motion of very high privilege. Of course, if this motion to reconsider is to be disposed of to-morrow it brings the entire matter before the House, and there is another amendment still to be disposed of.

The SPEAKER. The Chair has ruled on two or three different occasions, and the action of the gentleman from New York has borne out the ruling of the Chair, that even a conference report could not be considered on Calendar Wednesday except by unanimous consent. The gentleman from New York has asked unanimous consent on several occasions on Calendar Wednesday to set aside that day. Now, this is a part of a conference report. The present Speaker ruled that no bill could be taken up for consideration on Calendar Wednesday without a motion to dispense with that day. The Chair thinks, under all the circumstances and rulings on the subject of Calendar Wednesday, the previous question not having been ordered on the motion to reconsider, that it goes over until Thursday. The Chair is desirous, as are the Members of the House, of observing the integrity of Calendar Wednesday so far as it is consistent with common sense.

The result of the vote was then announced as above recorded.

ADJOURNMENT.

Accordingly (at 4 o'clock and 55 minutes p. m.) the House adjourned until to-morrow, Wednesday, July 22, 1914, at 12 o'clock noon.

EXECUTIVE COMMUNICATIONS.

Under clause 2 of Rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

1. A letter from the Acting Secretary of War, transmitting, with a letter from the Chief of Engineers, reports on preliminary examination and survey of Stamford Harbor, Conn., with a view to securing increased depth and removal of obstructions to navigation (H. Doc. No. 1130); to the Committee on Rivers and Harbors, and ordered to be printed with illustrations.

2. A letter from the assistant clerk of the Court of Claims, transmitting findings of fact and conclusion in case of James Crabtree, heir at law of Eli Crabtree, deceased, and executor of Sarah Crabtree, deceased, *v.* The United States (H. Doc. No. 1131); to the Committee on War Claims, and ordered to be printed.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII, bills and resolutions were severally reported from committees, delivered to the Clerk, and referred to the several calendars therein named, as follows:

Mr. GOEKE, from the Committee on Interstate and Foreign Commerce, to which was referred the bill (H. R. 17894) to amend an act entitled "An act to promote the safety of employees and travelers upon railroads by compelling common carriers engaged in interstate commerce to equip their locomotives with safe and suitable boilers and appurtenances thereto," approved February 17, 1911, reported the same without amendment, accompanied by a report (No. 995), which said bill and report were referred to the House Calendar.

Mr. HAY, from the Committee on Military Affairs, to which was referred the joint resolution (H. J. Res. 289) granting permission to the Army and Navy athletic associations to use the polo field in Potomac Park, reported the same with amendment, accompanied by a report (No. 996), which said joint resolution and report were referred to the House Calendar.

REPORTS OF COMMITTEES ON PRIVATE BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII, private bills and resolutions were severally reported from committees, delivered to the Clerk, and referred to the Committee of the Whole House, as follows:

Mr. McKELLAR, from the Committee on Military Affairs, to which was referred the bill (S. 754) for the relief of Jacob M. Cooper, reported the same without amendment, accompanied by a report (No. 998), which said bill and report were referred to the Private Calendar.

He also, from the same committee, to which was referred the bill (S. 5065) for the relief of Mirick Burgess, reported the same without amendment, accompanied by a report (No. 999), which said bill and report were referred to the Private Calendar.

He also, from the same committee, to which was referred the bill (S. 1063) for the relief of Philip Cook, reported the same without amendment, accompanied by a report (No. 1000), which said bill and report were referred to the Private Calendar.

Mr. CLAYPOOL, from the Committee on the District of Columbia, to which was referred the bill (S. 5168) for the relief of the King Theological Hall, and authorizing the conveyance of real estate to the Howard University and other grantees, reported the same without amendment, accompanied by a report (No. 1001), which said bill and report were referred to the Committee of the Whole House on the state of the Union.

CHANGE OF REFERENCE.

Under clause 2 of Rule XXII, the Committee an Military Affairs was discharged from the consideration of the bill (H. R. 17919) for the relief of W. A. M. Streeter, and the same was referred to the Committee on Naval Affairs.

PUBLIC BILLS, RESOLUTIONS, AND MEMORIALS.

Under clause 3 of Rule XXII, bills, resolutions, and memorials were introduced and severally referred as follows:

By Mr. BRITTEN: A bill (H. R. 17999) to provide for the establishment of an additional life-saving station at Chicago, Ill.; to the Committee on Interstate and Foreign Commerce.

By Mr. WILLIAMS: A bill (H. R. 18000) for the purchase of a site and the erection thereon of a public building at Pittsfield, Ill.; to the Committee on Public Buildings and Grounds.

Also, a bill (H. R. 18001) providing for the extension of the post office at Galesburg, Ill.; to the Committee on Public Buildings and Grounds.

By Mr. SMITH of Idaho: A bill (H. R. 18002) to provide for the making of farm loans from the postal savings funds; to the Committee on the Post Office and Post Roads.

By Mr. BARTHOLDT: Joint resolution (H. J. Res. 306) proposing an amendment to the Constitution of the United States; to the Committee on the Judiciary.

By Mr. MILLER: A resolution (H. Res. 574) requesting the President to transmit to the House a copy of Prof. Ford's report; to the Committee on Insular Affairs.

PRIVATE BILLS AND RESOLUTIONS.

Under clause 1 of Rule XXII, private bills and resolutions were introduced and severally referred as follows:

By Mr. ASHBROOK: A bill (H. R. 18003) granting an increase of pension to Sidney Smith; to the Committee on Invalid Pensions.

By Mr. BAILEY: A bill (H. R. 18004) granting a pension to Susan J. McDermitt; to the Committee on Pensions.

By Mr. GORDON: A bill (H. R. 18005) granting a pension to Louis Naegele; to the Committee on Invalid Pensions.

By Mr. KENNEDY of Connecticut: A bill (H. R. 18006) for the relief of Frank Woodruff Kellogg; to the Committee on Naval Affairs.

By Mr. LANGHAM: A bill (H. R. 18007) granting a pension to Walter C. Lettie; to the Committee on Pensions.

By Mr. McKELLAR: A bill (H. R. 18008) for the relief of the Missionary Baptist Church of Toone, Tenn.; to the Committee on War Claims.

By Mr. ROTHERMEL: A bill (H. R. 18009) granting an increase of pension to Cecilia McCullough; to the Committee on Invalid Pensions.

By Mr. GODWIN of North Carolina: A resolution (H. Res. 575) referring to the Court of Claims certain claims under section 151 of the act entitled "An act to codify, revise, and amend the laws relating to the judiciary; to the Committee on War Claims.

PETITIONS, ETC.

Under clause 1 of Rule XXII, petitions and papers were laid on the Clerk's desk and referred as follows:

By Mr. BRUCKNER: Petition of E. P. Wheeler, New York, against woman suffrage; to the Committee on the Judiciary.

Also, petition of National Civil Service Reform League, relative to H. R. 17042, to amend the postal laws; to the Committee on the Post Office and Post Roads.

Also, petition of the National Association of Assistant Postmasters relative to House bill 17042, to amend the postal laws; to the Committee on the Post Office and Post Roads.

Also, petition of the Department Veterans, Army of the Philippines, relative to civil-service conditions in Philippine Islands; to the Committee on the Territories.

By Mr. CARR: Petition of 23 citizens of Rouse, Pa., favoring the passage of Sheppard-Hobson bill; to the Committee on Rules.

By Mr. CURRY: Petition of Lockeford (Cal.) Woman's Christian Temperance Union and the Woman's Council, Stockton, Cal., favoring censorship of motion pictures; to the Committee on Education.

Also, petitions of 7 citizens and residents of the third California district protesting against national prohibition; to the Committee on Rules.

Also, petition by mass meeting of citizens of Lodi, Cal., signed by C. E. Durston, chairman, and John H. Williams, secretary, in favor of national prohibition; to the Committee on Rules.

Also, petitions of 7 citizens and residents of the third California district, in favor of national prohibition; to the Committee on Rules.

Also, petition by the First Baptist Church of Woodland, Cal., in favor of national prohibition; to the Committee on Rules.

Also, petitions by 177 citizens of the State of California, in favor of national prohibition; to the Committee on Rules.

Also, petition by the Woman's Christian Temperance Union of Napa, Cal., in favor of national prohibition; to the Committee on Rules.

Also, petition by R. W. Munson, acting chaplain, St. Helena Sanitarium, Sanitarium, Cal., in favor of national prohibition; to the Committee on Rules.

Also, petition by the Musician's Protective Union, of Sacramento, Cal., protesting against national prohibition; to the Committee on Rules.

Also, petition by Lockeford (Cal.) Woman's Christian Temperance Union, in favor of national prohibition; to the Committee on Rules.

By Mr. ESCH: Petition of Wisconsin Retail Jewelers' Association, of Neenah, Wis., favoring passage of the Owen-Goeke bill, relative to fraud in gold-filled watchcases; to the Committee on Interstate and Foreign Commerce.

By Mr. FERGUSSON: Petitions of the L. N. T. Club, by Mrs. C. B. Cannell, presiding officer, and Mrs. George Resley, secretary; the Pinon Baptist Church, by Rev. Y. F. Barnett, pastor, and Mrs. Mattie Rogers, secretary; the Pinon Baptist Sunday School, by T. F. Fleming, presiding officer, and Miss Linnie Resley, secretary; and 53 citizens, all of Pinon, N. Mex., favoring national prohibition; to the Committee on Rules.

By Mr. GERRY: Petitions of James F. Donovan, Edward Flynn, Thomas Padley, F. Nichols, Andrew Link, James Rooney, Vincent Castronovo, Augustus Angelo, Jeremiah D. Dailey, J. H. Carroll, Herman Duher, Lawrence A. McGrane, R. Williams, George W. Stage, J. Hansom, William Dexter, Henry Sweet, Michael H. McElroy, Walter A. Neuthon, Thomas L. Dowling, Philip Montelli, J. N. Whelden, W. J. Murphy, R. J. Walsh, John Burns, J. H. Domling, John McDonnell, of Providence, R. I., protesting against the passage of legislation providing for national prohibition; to the Committee on Rules.

Also, petitions of Everett E. Gardiner, Ralph J. Regniere, M. Hathaway, of Cranston, R. I.; John J. Quirk, of Warwick, R. I., protesting against the passage of legislation providing for national prohibition; to the Committee on Rules.

By Mr. GRAHAM of Pennsylvania: Petition of the executive committee of the Retail Merchants' Bureau of the New Orleans Association of Commerce, protesting against the passage of the Stevens standard price bill; to the Committee on Interstate and Foreign Commerce.

By Mr. GREENE of Vermont: Petition of D. E. Weld and other residents of the first congressional district of Vermont, urging a national constitutional prohibition amendment; to the Committee on Rules.

By Mr. HAY: Petition of sundry citizens of Rockingham County, Va., protesting against national prohibition; to the Committee on Rules.

By Mr. KENNEDY of Iowa: Petition of Council of Hamilton, Ill., favoring increased bridge facilities across the Mississippi River between Keokuk, Iowa, and Hamilton, Ill.; to the Committee on Interstate and Foreign Commerce.

Also, petition of Woman's Christian Temperance Union and V. D. Michener, of Salem, Iowa, and 7 citizens of Lee County, Iowa, favoring national prohibition; to the Committee on Rules.

By Mr. LEWIS of Maryland: Petition by the members of the Germania Quartette Club, of Baltimore, Md., protesting against the passage of the Hobson resolution; to the Committee on Rules.

By Mr. MERRITT: Petition of Fred N. Rounds, J. G. Goodison, M. C. Mason, W. E. Whitford, M. W. Rounds, Fred D. Ricket, Roy Badger, H. Thomlin, R. Dow, J. J. Walker, Charles Witherell, Allen M. Gasion, Gus Stratton, B. J. Mason, F. L. Rounds, J. S. Orr, B. W. Thornton, Arthur W. Young, Rev. Joseph Lobb, all of DePeyster, St. Lawrence County, N. Y., urging the passage of the Sheppard-Hobson resolution; to the Committee on Rules.

Also, petition of Herman A. James, E. S. Horton, W. A. Poyes, Duncan Paul, C. A. McAfee, S. C. Blauveltz, Seymour Williams, T. E. Lattull, W. MacDowell, J. H. Hallock, W. J. Oakey, R. Johnston, R. Amons, W. L. Richardson, T. H. Peycock, H. I. Baldwin, George Ray Schrader, E. L. Pearse, E. F. Schrader, W. S. Ames, O. W. Parker, W. J. Richardson, James B. Cameron, C. W. Park, A. E. Fraleigh, George B. Greenough, William G. Distin, William L. Distin, E. C. Horton, William M. Tilbee, Hugh M. King, N. A. Jennings, Elza H. Greene, G. W. Abbott, and James Rainney, all of Saranac Lake, N. Y., urging the passage of the Sheppard-Hobson resolution; to the Committee on Rules.

Also, letter from Rev. A. G. Sunderland, pastor Methodist Episcopal Church of Chazy, N. Y., urging the passage of the Sheppard-Hobson resolution; to the Committee on Rules.

Also, petition of Rev. Willis R. Ryder, pastor of Methodist Episcopal Church of Ellenburg, N. Y., in behalf of the societies of said church, urging the passage of the Sheppard-Hobson resolution; to the Committee on Rules.

By Mr. MORIN (by request): Petitions of Merchants and Manufacturers' Association of Philadelphia; Central Tube Co., James H. Matthews Co., George H. Alexander & Co., Monongahela Tube Co., Chamber of Commerce, Westinghouse Electric & Manufacturing Co., Pittsburgh Meter Co., Union Electric Co., B. B. & B. Trunk Co., Germania Savings Bank, George A. Kelly Co., the Pittsburgh Dry Goods Co., Pittsburgh Hardwood Door Co., Alexander Laughlin & Co., John Daub & Sons, Thomas C. Jenkins, F. J. Kress, all of Pittsburgh, Pa., protesting against sections 7 and 18 of the Clayton antitrust bill; to the Committee on the Judiciary.

Also (by request), petition of sundry citizens of Philadelphia, Pa., favoring national prohibition; to the Committee on Rules.

Also (by request), petition of sundry citizens of Allegheny County, Pa., protesting against national prohibition; to the Committee on Rules.

Also (by request), petition of citizens of Pittsburgh, Pa., favoring electric protection of vaults and safes in Government offices and buildings; to the Committee on Appropriations.

Also (by request), petition of sundry citizens of Chicago, Ill., protesting against House bill 13457, relative to United States surveys; to the Committee on Expenditures in the Interior Department.

Also (by request), petition of sundry citizens of the National Civil Service Reform League, protesting against section 3 of House bill 17042; to the Committee on the Post Office and Post Roads.

Also (by request), petition of citizens of Pittsburgh, Pa., favoring the Newlands amendment to the river and harbor bill; to the Committee on Rivers and Harbors.

Also (by request), petition of citizens of Pittsburgh, Pa., favoring the passage of the Harrison bill, to regulate sale of poisons, etc.; to the Committee on Ways and Means.

Also (by request), petition of citizens of Philadelphia, Pa., protesting against extension of parcel post; to the Committee on the Post Office and Post Roads.

Also (by request), petition of citizens' of Pittsburgh, Pa., protesting against House bill 17139 and Senate bill 5664, relative to use of mails by insurance companies to procure fire-insurance policies; to the Committee on the Post Office and Post Roads.

Also (by request), petition of citizens of Pittsburgh, Pa., favoring passage of House bill 11178; to the Committee on Interstate and Foreign Commerce.

By Mr. J. I. NOLAN: Protest of the California State Rural Letter Carriers' Association against section 4 of the Moon bill; to the Committee on the Post Office and Post Roads.

By Mr. O'HAIR: Petition of Post No. 257, Greenup, Ill., Grand Army of the Republic, favoring abolition of office of pension examiners; to the Committee on Pensions.

By Mr. RAKER: Petitions of Post Office Clerks' Association of California; Branch No. 290 of the National Association of Letter Carriers of the Santa Barbara Post Office; Branch No. 726, United National Association of Post Office Clerks, of Santa Barbara; and California State Rural Letter Carriers' Association, protesting against section 4 of the Moon bill; to the Committee on the Post Office and Post Roads.

By Mr. ROTHERMEL: Papers to accompany a bill granting pension to Cecilia McCullough; to the Committee on Pensions.

By Mr. SELDOMRIDGE: Petition of sundry citizens of the State of Colorado, favoring national prohibition; to the Committee on Rules.

By Mr. SPARKMAN: Petitions of sundry citizens of Tampa, Fla., protesting against national prohibition; to the Committee on Rules.

Also, petition of 26 citizens of Bradentown, Fla., favoring national prohibition; to the Committee on Rules.

By Mr. STEPHENS of California: Petitions of Harbor City Post, Grand Army of the Republic, and Harbor City Woman's Relief Corps, at San Pedro, Cal., protesting against any change in the flag; to the Committee on the Judiciary.

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